

UNITED STATES
STATUTES AT LARGE

CONTAINING THE

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

2015

AND

PROCLAMATIONS

VOLUME 129

IN THREE PARTS

PART 1

PUBLIC LAWS 114-1 THROUGH 114-92



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PUBLIC LAWS

ENACTED DURING

FIRST SESSION OF THE ONE HUNDRED FOURTEENTH CONGRESS

OF THE

UNITED STATES OF AMERICA

Begun and held at the City of Washington on Tuesday, January 6, 2015, adjourned sine die on Friday, December 18, 2015. BARACK H. OBAMA, President; JOSEPH R. BIDEN, JR., Vice President; PAUL D. RYAN, Speaker of the House of Representatives.

Public Law 114–1
114th Congress

An Act

To extend the termination date of the Terrorism Insurance Program established under the Terrorism Risk Insurance Act of 2002, and for other purposes.

Jan. 12, 2015
[H.R. 26]

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

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Terrorism Risk Insurance Program Reauthorization Act of 2015”.

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

Terrorism Risk
Insurance
Program
Reauthorization
Act of 2015.
15 USC 6701
note.

Sec. 1. Short title and table of contents.

TITLE I—EXTENSION OF TERRORISM INSURANCE PROGRAM

- Sec. 101. Extension of Terrorism Insurance Program.
- Sec. 102. Federal share.
- Sec. 103. Program trigger.
- Sec. 104. Recoupment of Federal share of compensation under the program.
- Sec. 105. Certification of acts of terrorism; consultation with Secretary of Homeland Security.
- Sec. 106. Technical amendments.
- Sec. 107. Improving the certification process.
- Sec. 108. GAO study.
- Sec. 109. Membership of Board of Governors of the Federal Reserve System.
- Sec. 110. Advisory Committee on Risk-Sharing Mechanisms.
- Sec. 111. Reporting of terrorism insurance data.
- Sec. 112. Annual study of small insurer market competitiveness.

TITLE II—NATIONAL ASSOCIATION OF REGISTERED AGENTS AND BROKERS REFORM

- Sec. 201. Short title.
- Sec. 202. Reestablishment of the National Association of Registered Agents and Brokers.

TITLE III—BUSINESS RISK MITIGATION AND PRICE STABILIZATION

- Sec. 301. Short title.
- Sec. 302. Margin requirements.
- Sec. 303. Implementation.

TITLE I—EXTENSION OF TERRORISM INSURANCE PROGRAM

SEC. 101. EXTENSION OF TERRORISM INSURANCE PROGRAM.

Section 108(a) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) is amended by striking “December 31, 2014” and inserting “December 31, 2020”.

SEC. 102. FEDERAL SHARE.

Section 103(e)(1)(A) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) is amended by inserting “and beginning on January 1, 2016, shall decrease by 1 percentage point per calendar year until equal to 80 percent” after “85 percent”.

SEC. 103. PROGRAM TRIGGER.

Subparagraph (B) of section 103(e)(1) (15 U.S.C. 6701 note) is amended in the matter preceding clause (i)—

(1) by striking “a certified act” and inserting “certified acts”;

(2) by striking “such certified act” and inserting “such certified acts”; and

(3) by striking “exceed” and all that follows through clause (ii) and inserting the following: “exceed—

“(i) \$100,000,000, with respect to such insured losses occurring in calendar year 2015;

“(ii) \$120,000,000, with respect to such insured losses occurring in calendar year 2016;

“(iii) \$140,000,000, with respect to such insured losses occurring in calendar year 2017;

“(iv) \$160,000,000, with respect to such insured losses occurring in calendar year 2018;

“(v) \$180,000,000, with respect to such insured losses occurring in calendar year 2019; and

“(vi) \$200,000,000, with respect to such insured losses occurring in calendar year 2020 and any calendar year thereafter.”.

SEC. 104. RECOUPMENT OF FEDERAL SHARE OF COMPENSATION UNDER THE PROGRAM.

Section 103(e) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) is amended—

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

“(6) INSURANCE MARKETPLACE AGGREGATE RETENTION AMOUNT.—

“(A) IN GENERAL.—For purposes of paragraph (7), the insurance marketplace aggregate retention amount shall be the lesser of—

“(i) \$27,500,000,000, as such amount is revised pursuant to this paragraph; and

“(ii) the aggregate amount, for all insurers, of insured losses during such calendar year.

“(B) REVISION OF INSURANCE MARKETPLACE AGGREGATE RETENTION AMOUNT.—

“(i) PHASE-IN.—Beginning in the calendar year of enactment of the Terrorism Risk Insurance Program Reauthorization Act of 2015, the amount set forth under subparagraph (A)(i) shall increase by \$2,000,000,000 per calendar year until equal to \$37,500,000,000.

“(ii) FURTHER REVISION.—Beginning in the calendar year that follows the calendar year in which the amount set forth under subparagraph (A)(i) is equal to \$37,500,000,000, the amount under subparagraph (A)(i) shall be revised to be the amount equal to the annual average of the sum of insurer deductibles for

Effective dates.

all insurers participating in the Program for the prior 3 calendar years, as such sum is determined by the Secretary under subparagraph (C).

“(C) RULEMAKING.—Not later than 3 years after the date of enactment of the Terrorism Risk Insurance Program Reauthorization Act of 2015, the Secretary shall—

Deadline.

“(i) issue final rules for determining the amount of the sum described under subparagraph (B)(ii); and

Determination.

“(ii) provide a timeline for public notification of such determination.”; and

Timeline.

(2) in paragraph (7)—

Public information.

(A) in subparagraph (A)—

(i) in the matter preceding clause (i), by striking “for each of the periods referred to in subparagraphs (A) through (E) of paragraph (6)”; and

(ii) in clause (i), by striking “for such period”;

(B) by striking subparagraph (B) and inserting the following:

“(B) [Reserved.]”;

(C) in subparagraph (C)—

(i) by striking “occurring during any of the periods referred to in any of subparagraphs (A) through (E) of paragraph (6), terrorism loss risk-spreading premiums in an amount equal to 133 percent” and inserting “, terrorism loss risk-spreading premiums in an amount equal to 140 percent”; and

(ii) by inserting “as calculated under subparagraph (A)” after “mandatory recoupment amount”; and

(D) in subparagraph (E)(i)—

(i) in subclause (I)—

(I) by striking “2010” and inserting “2017”; and

(II) by striking “2012” and inserting “2019”;

(ii) in subclause (II)—

(I) by striking “2011” and inserting “2018”;

(II) by striking “2012” and inserting “2019”;

and

(III) by striking “2017” and inserting “2024”;

and

(iii) in subclause (III)—

(I) by striking “2012” and inserting “2019”;

and

(II) by striking “2017” and inserting “2024”.

SEC. 105. CERTIFICATION OF ACTS OF TERRORISM; CONSULTATION WITH SECRETARY OF HOMELAND SECURITY.

Paragraph (1)(A) of section 102 (15 U.S.C. 6701 note) is amended in the matter preceding clause (i), by striking “concurrence with the Secretary of State” and inserting “consultation with the Secretary of Homeland Security”.

SEC. 106. TECHNICAL AMENDMENTS.

The Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) is amended—

(1) in section 102—

(A) in paragraph (3)—

(i) by redesignating subparagraphs (A), (B), and

(C) as clauses (i), (ii), and (iii), respectively;

15 USC 6701
note.

(ii) in the matter preceding clause (i) (as so redesignated), by striking “An entity has” and inserting the following:

“(A) IN GENERAL.—An entity has”; and

(iii) by adding at the end the following new subparagraph:

“(B) RULE OF CONSTRUCTION.—An entity, including any affiliate thereof, does not have ‘control’ over another entity, if, as of the date of enactment of the Terrorism Risk Insurance Program Reauthorization Act of 2015, the entity is acting as an attorney-in-fact, as defined by the Secretary, for the other entity and such other entity is a reciprocal insurer, provided that the entity is not, for reasons other than the attorney-in-fact relationship, defined as having ‘control’ under subparagraph (A).”;

(B) in paragraph (7)—

(i) by striking subparagraphs (A) through (F) and inserting the following:

“(A) the value of an insurer’s direct earned premiums during the immediately preceding calendar year, multiplied by 20 percent; and”;

(ii) by redesignating subparagraph (G) as subparagraph (B); and

(iii) in subparagraph (B), as so redesignated by clause (ii)—

(I) by striking “notwithstanding subparagraphs (A) through (F), for the Transition Period or any Program Year” and inserting “notwithstanding subparagraph (A), for any calendar year”; and

(II) by striking “Period or Program Year” and inserting “calendar year”;

(C) by striking paragraph (11); and

(D) by redesignating paragraphs (12) through (16) as paragraphs (11) through (15), respectively; and

(2) in section 103—

(A) in subsection (b)(2)—

(i) in subparagraph (B), by striking “, purchase,”; and

(ii) in subparagraph (C), by striking “, purchase,”;

(B) in subsection (c), by striking “Program Year” and inserting “calendar year”;

(C) in subsection (e)—

(i) in paragraph (1)(A), as previously amended by section 102—

(I) by striking “the Transition Period and each Program Year through Program Year 4 shall be equal to 90 percent, and during Program Year 5 and each Program Year thereafter” and inserting “each calendar year”;

(II) by striking the comma after “80 percent”; and

(III) by striking “such Transition Period or such Program Year” and inserting “such calendar year”;

(ii) in paragraph (2)(A), by striking “the period beginning on the first day of the Transition Period

and ending on the last day of Program Year 1, or during any Program Year thereafter” and inserting “a calendar year”; and

(iii) in paragraph (3), by striking “the period beginning on the first day of the Transition Period and ending on the last day of Program Year 1, or during any other Program Year” and inserting “any calendar year”; and

(D) in subsection (g)(2)—

(i) by striking “the Transition Period or a Program Year” each place that term appears and inserting “the calendar year”;

(ii) by striking “such period” and inserting “the calendar year”; and

(iii) by striking “that period” and inserting “the calendar year”.

SEC. 107. IMPROVING THE CERTIFICATION PROCESS.

(a) DEFINITIONS.—As used in this section—

(1) the term “act of terrorism” has the same meaning as in section 102(1) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note);

(2) the term “certification process” means the process by which the Secretary determines whether to certify an act as an act of terrorism under section 102(1) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note); and

(3) the term “Secretary” means the Secretary of the Treasury.

(b) STUDY.—Not later than 9 months after the date of enactment of this Act, the Secretary shall conduct and complete a study on the certification process.

(c) REQUIRED CONTENT.—The study required under subsection (a) shall include an examination and analysis of—

(1) the establishment of a reasonable timeline by which the Secretary must make an accurate determination on whether to certify an act as an act of terrorism;

(2) the impact that the length of any timeline proposed to be established under paragraph (1) may have on the insurance industry, policyholders, consumers, and taxpayers as a whole;

(3) the factors the Secretary would evaluate and monitor during the certification process, including the ability of the Secretary to obtain the required information regarding the amount of projected and incurred losses resulting from an act which the Secretary would need in determining whether to certify the act as an act of terrorism;

(4) the appropriateness, efficiency, and effectiveness of the consultation process required under section 102(1)(A) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) and any recommendations on changes to the consultation process; and

(5) the ability of the Secretary to provide guidance and updates to the public regarding any act that may reasonably be certified as an act of terrorism.

(d) REPORT.—Upon completion of the study required under subsection (a), the Secretary shall submit a report on the results of such study to the Committee on Banking, Housing, and Urban

Affairs of the Senate and the Committee on Financial Services of the House of Representatives.

(e) RULEMAKING.—Section 102(1) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) is amended—

(1) by redesignating subparagraph (D) as subparagraph (E); and

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

Deadline.

“(D) TIMING OF CERTIFICATION.—Not later than 9 months after the report required under section 107 of the Terrorism Risk Insurance Program Reauthorization Act of 2015 is submitted to the appropriate committees of Congress, the Secretary shall issue final rules governing the certification process, including establishing a timeline for which an act is eligible for certification by the Secretary on whether an act is an act of terrorism under this paragraph.”.

SEC. 108. GAO STUDY.

(a) STUDY.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall complete a study on the viability and effects of the Federal Government—

Assessment.

(1) assessing and collecting upfront premiums on insurers that participate in the Terrorism Insurance Program established under the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) (hereafter in this section referred to as the “Program”), which shall include a comparison of practices in international markets to assess and collect premiums either before or after terrorism losses are incurred; and

(2) creating a capital reserve fund under the Program and requiring insurers participating in the Program to dedicate capital specifically for terrorism losses before such losses are incurred, which shall include a comparison of practices in international markets to establish reserve funds.

(b) REQUIRED CONTENT.—The study required under subsection (a) shall examine, but shall not be limited to, the following issues:

(1) UPFRONT PREMIUMS.—With respect to upfront premiums described in subsection (a)(1)—

(A) how the Federal Government could determine the price of such upfront premiums on insurers that participate in the Program;

(B) how the Federal Government could collect and manage such upfront premiums;

(C) how the Federal Government could ensure that such upfront premiums are not spent for purposes other than claims through the Program;

(D) how the assessment and collection of such upfront premiums could affect take-up rates for terrorism risk coverage in different regions and industries and how it could impact small businesses and consumers in both metropolitan and non-metropolitan areas;

(E) the effect of collecting such upfront premiums on insurers both large and small;

(F) the effect of collecting such upfront premiums on the private market for terrorism risk reinsurance; and

(G) the size of any Federal Government subsidy insurers may receive through their participation in the

Program, taking into account the Program’s current post-event recoupment structure.

(2) CAPITAL RESERVE FUND.—With respect to the capital reserve fund described in subsection (a)(2)—

(A) how the creation of a capital reserve fund would affect the Federal Government’s fiscal exposure under the Terrorism Risk Insurance Program and the ability of the Program to meet its statutory purposes;

(B) how a capital reserve fund would impact insurers and reinsurers, including liquidity, insurance pricing, and capacity to provide terrorism risk coverage;

(C) the feasibility of segregating funds attributable to terrorism risk from funds attributable to other insurance lines;

(D) how a capital reserve fund would be viewed and treated under current Financial Accounting Standards Board accounting rules and the tax laws; and

(E) how a capital reserve fund would affect the States’ ability to regulate insurers participating in the Program.

(3) INTERNATIONAL PRACTICES.—With respect to international markets referred to in paragraphs (1) and (2) of subsection (a), how other countries, if any—

(A) have established terrorism insurance structures;

(B) charge premiums or otherwise collect funds to pay for the costs of terrorism insurance structures, including risk and administrative costs; and

(C) have established capital reserve funds to pay for the costs of terrorism insurance structures.

(c) REPORT.—Upon completion of the study required under subsection (a), the Comptroller General shall submit a report on the results of such study to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.

(d) PUBLIC AVAILABILITY.—The study and report required under this section shall be made available to the public in electronic form and shall be published on the website of the Government Accountability Office.

Web posting.

SEC. 109. MEMBERSHIP OF BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

(a) IN GENERAL.—The first undesignated paragraph of section 10 of the Federal Reserve Act (12 U.S.C. 241) is amended by inserting after the second sentence the following: “In selecting members of the Board, the President shall appoint at least 1 member with demonstrated primary experience working in or supervising community banks having less than \$10,000,000,000 in total assets.”.

President.
Appointment.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of enactment of this Act and apply to appointments made on and after that effective date, excluding any nomination pending in the Senate on that date.

Applicability.
12 USC 241 note.

SEC. 110. ADVISORY COMMITTEE ON RISK-SHARING MECHANISMS.

15 USC 6701
note.

(a) FINDING; RULE OF CONSTRUCTION.—

(1) FINDING.—Congress finds that it is desirable to encourage the growth of nongovernmental, private market reinsurance capacity for protection against losses arising from acts of terrorism.

(2) **RULE OF CONSTRUCTION.**—Nothing in this Act, any amendment made by this Act, or the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) shall prohibit insurers from developing risk-sharing mechanisms to voluntarily reinsure terrorism losses between and among themselves.

(b) **ADVISORY COMMITTEE ON RISK-SHARING MECHANISMS.**—

(1) **ESTABLISHMENT.**—The Secretary of the Treasury shall establish and appoint an advisory committee to be known as the “Advisory Committee on Risk-Sharing Mechanisms” (referred to in this subsection as the “Advisory Committee”).

(2) **DUTIES.**—The Advisory Committee shall provide advice, recommendations, and encouragement with respect to the creation and development of the nongovernmental risk-sharing mechanisms described under subsection (a).

(3) **MEMBERSHIP.**—The Advisory Committee shall be composed of 9 members who are directors, officers, or other employees of insurers, reinsurers, or capital market participants that are participating or that desire to participate in the nongovernmental risk-sharing mechanisms described under subsection (a), and who are representative of the affected sectors of the insurance industry, including commercial property insurance, commercial casualty insurance, reinsurance, and alternative risk transfer industries.

SEC. 111. REPORTING OF TERRORISM INSURANCE DATA.

Section 104 (15 U.S.C. 6701 note) is amended by adding at the end the following new subsection:

“(h) **REPORTING OF TERRORISM INSURANCE DATA.**—

“(1) **AUTHORITY.**—During the calendar year beginning on January 1, 2016, and in each calendar year thereafter, the Secretary shall require insurers participating in the Program to submit to the Secretary such information regarding insurance coverage for terrorism losses of such insurers as the Secretary considers appropriate to analyze the effectiveness of the Program, which shall include information regarding—

“(A) lines of insurance with exposure to such losses;

“(B) premiums earned on such coverage;

“(C) geographical location of exposures;

“(D) pricing of such coverage;

“(E) the take-up rate for such coverage;

“(F) the amount of private reinsurance for acts of terrorism purchased; and

“(G) such other matters as the Secretary considers appropriate.

“(2) **REPORTS.**—Not later than June 30, 2016, and every other June 30 thereafter, the Secretary shall submit a report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate that includes—

“(A) an analysis of the overall effectiveness of the Program;

“(B) an evaluation of any changes or trends in the data collected under paragraph (1);

“(C) an evaluation of whether any aspects of the Program have the effect of discouraging or impeding insurers from providing commercial property casualty insurance coverage or coverage for acts of terrorism;

Time period.
Effective date.

“(D) an evaluation of the impact of the Program on workers’ compensation insurers; and

“(E) in the case of the data reported in paragraph (1)(B), an updated estimate of the total amount earned since January 1, 2003.

“(3) PROTECTION OF DATA.—To the extent possible, the Secretary shall contract with an insurance statistical aggregator to collect the information described in paragraph (1), which shall keep any nonpublic information confidential and provide it to the Secretary in an aggregate form or in such other form or manner that does not permit identification of the insurer submitting such information.

Contracts.
Confidentiality.

“(4) ADVANCE COORDINATION.—Before collecting any data or information under paragraph (1) from an insurer, or affiliate of an insurer, the Secretary shall coordinate with the appropriate State insurance regulatory authorities and any relevant government agency or publicly available sources to determine if the information to be collected is available from, and may be obtained in a timely manner by, individually or collectively, such entities. If the Secretary determines that such data or information is available, and may be obtained in a timely matter, from such entities, the Secretary shall obtain the data or information from such entities. If the Secretary determines that such data or information is not so available, the Secretary may collect such data or information from an insurer and affiliates.

Determinations.

“(5) CONFIDENTIALITY.—

“(A) RETENTION OF PRIVILEGE.—The submission of any non-publicly available data and information to the Secretary and the sharing of any non-publicly available data with or by the Secretary among other Federal agencies, the State insurance regulatory authorities, or any other entities under this subsection shall not constitute a waiver of, or otherwise affect, any privilege arising under Federal or State law (including the rules of any Federal or State court) to which the data or information is otherwise subject.

“(B) CONTINUED APPLICATION OF PRIOR CONFIDENTIALITY AGREEMENTS.—Any requirement under Federal or State law to the extent otherwise applicable, or any requirement pursuant to a written agreement in effect between the original source of any non-publicly available data or information and the source of such data or information to the Secretary, regarding the privacy or confidentiality of any data or information in the possession of the source to the Secretary, shall continue to apply to such data or information after the data or information has been provided pursuant to this subsection.

“(C) INFORMATION-SHARING AGREEMENT.—Any data or information obtained by the Secretary under this subsection may be made available to State insurance regulatory authorities, individually or collectively through an information-sharing agreement that—

- “(i) shall comply with applicable Federal law; and
- “(ii) shall not constitute a waiver of, or otherwise affect, any privilege under Federal or State law (including any privilege referred to in subparagraph

Compliance.

Applicability.

(A) and the rules of any Federal or State court) to which the data or information is otherwise subject.

“(D) AGENCY DISCLOSURE REQUIREMENTS.—Section 552 of title 5, United States Code, including any exceptions thereunder, shall apply to any data or information submitted under this subsection to the Secretary by an insurer or affiliate of an insurer.”.

SEC. 112. ANNUAL STUDY OF SMALL INSURER MARKET COMPETITIVENESS.

Section 108 (15 U.S.C. 6701 note) is amended by adding at the end the following new subsection:

“(h) STUDY OF SMALL INSURER MARKET COMPETITIVENESS.—

“(1) IN GENERAL.—Not later than June 30, 2017, and every other June 30 thereafter, the Secretary shall conduct a study of small insurers (as such term is defined by regulation by the Secretary) participating in the Program, and identify any competitive challenges small insurers face in the terrorism risk insurance marketplace, including—

“(A) changes to the market share, premium volume, and policyholder surplus of small insurers relative to large insurers;

“(B) how the property and casualty insurance market for terrorism risk differs between small and large insurers, and whether such a difference exists within other perils;

“(C) the impact of the Program’s mandatory availability requirement under section 103(c) on small insurers;

“(D) the effect of increasing the trigger amount for the Program under section 103(e)(1)(B) on small insurers;

“(E) the availability and cost of private reinsurance for small insurers; and

“(F) the impact that State workers compensation laws have on small insurers and workers compensation carriers in the terrorism risk insurance marketplace.

“(2) REPORT.—The Secretary shall submit a report to the Congress setting forth the findings and conclusions of each study required under paragraph (1).”.

National
Association of
Registered
Agents and
Brokers Reform
Act of 2015.

15 USC 6701
note.

TITLE II—NATIONAL ASSOCIATION OF REGISTERED AGENTS AND BROKERS REFORM

SEC. 201. SHORT TITLE.

This title may be cited as the “National Association of Registered Agents and Brokers Reform Act of 2015”.

SEC. 202. REESTABLISHMENT OF THE NATIONAL ASSOCIATION OF REGISTERED AGENTS AND BROKERS.

(a) IN GENERAL.—Subtitle C of title III of the Gramm-Leach-Bliley Act (15 U.S.C. 6751 et seq.) is amended to read as follows:

“Subtitle C—National Association of Registered Agents and Brokers

“SEC. 321. NATIONAL ASSOCIATION OF REGISTERED AGENTS AND BROKERS. 15 USC 6751.

“(a) **ESTABLISHMENT.**—There is established the National Association of Registered Agents and Brokers (referred to in this subtitle as the ‘Association’).

“(b) **STATUS.**—The Association shall—

“(1) be a nonprofit corporation;

“(2) not be an agent or instrumentality of the Federal Government;

“(3) be an independent organization that may not be merged with or into any other private or public entity; and

“(4) except as otherwise provided in this subtitle, be subject to, and have all the powers conferred upon, a nonprofit corporation by the District of Columbia Nonprofit Corporation Act (D.C. Code, sec. 29–301.01 et seq.) or any successor thereto.

“SEC. 322. PURPOSE.

15 USC 6752.

“The purpose of the Association shall be to provide a mechanism through which licensing, continuing education, and other non-resident insurance producer qualification requirements and conditions may be adopted and applied on a multi-state basis without affecting the laws, rules, and regulations, and preserving the rights of a State, pertaining to—

“(1) licensing, continuing education, and other qualification requirements of insurance producers that are not members of the Association;

“(2) resident or nonresident insurance producer appointment requirements;

“(3) supervising and disciplining resident and nonresident insurance producers;

“(4) establishing licensing fees for resident and nonresident insurance producers so that there is no loss of insurance producer licensing revenue to the State; and

“(5) prescribing and enforcing laws and regulations regulating the conduct of resident and nonresident insurance producers.

“SEC. 323. MEMBERSHIP.

15 USC 6753.

“(a) **ELIGIBILITY.**—

“(1) **IN GENERAL.**—Any insurance producer licensed in its home State shall, subject to paragraphs (2) and (4), be eligible to become a member of the Association.

“(2) **INELIGIBILITY FOR SUSPENSION OR REVOCATION OF LICENSE.**—Subject to paragraph (3), an insurance producer is not eligible to become a member of the Association if a State insurance regulator has suspended or revoked the insurance license of the insurance producer in that State.

“(3) **RESUMPTION OF ELIGIBILITY.**—Paragraph (2) shall cease to apply to any insurance producer if—

“(A) the State insurance regulator reissues or renews the license of the insurance producer in the State in which the license was suspended or revoked, or otherwise terminates or vacates the suspension or revocation; or

“(B) the suspension or revocation expires or is subsequently overturned by a court of competent jurisdiction.

“(4) CRIMINAL HISTORY RECORD CHECK REQUIRED.—

“(A) IN GENERAL.—An insurance producer who is an individual shall not be eligible to become a member of the Association unless the insurance producer has undergone a criminal history record check that complies with regulations prescribed by the Attorney General of the United States under subparagraph (K).

Time period.

“(B) CRIMINAL HISTORY RECORD CHECK REQUESTED BY HOME STATE.—An insurance producer who is licensed in a State and who has undergone a criminal history record check during the 2-year period preceding the date of submission of an application to become a member of the Association, in compliance with a requirement to undergo such criminal history record check as a condition for such licensure in the State, shall be deemed to have undergone a criminal history record check for purposes of subparagraph (A).

“(C) CRIMINAL HISTORY RECORD CHECK REQUESTED BY ASSOCIATION.—

“(i) IN GENERAL.—The Association shall, upon request by an insurance producer licensed in a State, submit fingerprints or other identification information obtained from the insurance producer, and a request for a criminal history record check of the insurance producer, to the Federal Bureau of Investigation.

“(ii) PROCEDURES.—The board of directors of the Association (referred to in this subtitle as the ‘Board’) shall prescribe procedures for obtaining and utilizing fingerprints or other identification information and criminal history record information, including the establishment of reasonable fees to defray the expenses of the Association in connection with the performance of a criminal history record check and appropriate safeguards for maintaining confidentiality and security of the information. Any fees charged pursuant to this clause shall be separate and distinct from those charged by the Attorney General pursuant to subparagraph (I).

“(D) FORM OF REQUEST.—A submission under subparagraph (C)(i) shall include such fingerprints or other identification information as is required by the Attorney General concerning the person about whom the criminal history record check is requested, and a statement signed by the person authorizing the Attorney General to provide the information to the Association and for the Association to receive the information.

“(E) PROVISION OF INFORMATION BY ATTORNEY GENERAL.—Upon receiving a submission under subparagraph (C)(i) from the Association, the Attorney General shall search all criminal history records of the Federal Bureau of Investigation, including records of the Criminal Justice Information Services Division of the Federal Bureau of Investigation, that the Attorney General determines appropriate for criminal history records corresponding to the fingerprints or other identification information provided

under subparagraph (D) and provide all criminal history record information included in the request to the Association.

“(F) LIMITATION ON PERMISSIBLE USES OF INFORMATION.—Any information provided to the Association under subparagraph (E) may only—

“(i) be used for purposes of determining compliance with membership criteria established by the Association;

“(ii) be disclosed to State insurance regulators, or Federal or State law enforcement agencies, in conformance with applicable law; or

“(iii) be disclosed, upon request, to the insurance producer to whom the criminal history record information relates.

“(G) PENALTY FOR IMPROPER USE OR DISCLOSURE.—Whoever knowingly uses any information provided under subparagraph (E) for a purpose not authorized in subparagraph (F), or discloses any such information to anyone not authorized to receive it, shall be fined not more than \$50,000 per violation as determined by a court of competent jurisdiction.

“(H) RELIANCE ON INFORMATION.—Neither the Association nor any of its Board members, officers, or employees shall be liable in any action for using information provided under subparagraph (E) as permitted under subparagraph (F) in good faith and in reasonable reliance on its accuracy.

“(I) FEES.—The Attorney General may charge a reasonable fee for conducting the search and providing the information under subparagraph (E), and any such fee shall be collected and remitted by the Association to the Attorney General.

“(J) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed as—

“(i) requiring a State insurance regulator to perform criminal history record checks under this section; or

“(ii) limiting any other authority that allows access to criminal history records.

“(K) REGULATIONS.—The Attorney General shall prescribe regulations to carry out this paragraph, which shall include—

“(i) appropriate protections for ensuring the confidentiality of information provided under subparagraph (E); and

“(ii) procedures providing a reasonable opportunity for an insurance producer to contest the accuracy of information regarding the insurance producer provided under subparagraph (E).

Procedures.

“(L) INELIGIBILITY FOR MEMBERSHIP.—

“(i) IN GENERAL.—The Association may, under reasonably consistently applied standards, deny membership to an insurance producer on the basis of criminal history record information provided under subparagraph (E), or where the insurance producer has been subject to disciplinary action, as described in paragraph (2).

Notification.

“(ii) RIGHTS OF APPLICANTS DENIED MEMBERSHIP.—The Association shall notify any insurance producer who is denied membership on the basis of criminal history record information provided under subparagraph (E) of the right of the insurance producer to—

“(I) obtain a copy of all criminal history record information provided to the Association under subparagraph (E) with respect to the insurance producer; and

“(II) challenge the denial of membership based on the accuracy and completeness of the information.

“(M) DEFINITION.—For purposes of this paragraph, the term ‘criminal history record check’ means a national background check of criminal history records of the Federal Bureau of Investigation.

“(b) AUTHORITY TO ESTABLISH MEMBERSHIP CRITERIA.—The Association may establish membership criteria that bear a reasonable relationship to the purposes for which the Association was established.

“(c) ESTABLISHMENT OF CLASSES AND CATEGORIES OF MEMBERSHIP.—

“(1) CLASSES OF MEMBERSHIP.—The Association may establish separate classes of membership, with separate criteria, if the Association reasonably determines that performance of different duties requires different levels of education, training, experience, or other qualifications.

“(2) BUSINESS ENTITIES.—The Association shall establish a class of membership and membership criteria for business entities. A business entity that applies for membership shall be required to designate an individual Association member responsible for the compliance of the business entity with Association standards and the insurance laws, standards, and regulations of any State in which the business entity seeks to do business on the basis of Association membership.

“(3) CATEGORIES.—

“(A) SEPARATE CATEGORIES FOR INSURANCE PRODUCERS PERMITTED.—The Association may establish separate categories of membership for insurance producers and for other persons or entities within each class, based on the types of licensing categories that exist under State laws.

“(B) SEPARATE TREATMENT FOR DEPOSITORY INSTITUTIONS PROHIBITED.—No special categories of membership, and no distinct membership criteria, shall be established for members that are depository institutions or for employees, agents, or affiliates of depository institutions.

“(d) MEMBERSHIP CRITERIA.—

“(1) IN GENERAL.—The Association may establish criteria for membership which shall include standards for personal qualifications, education, training, and experience. The Association shall not establish criteria that unfairly limit the ability of a small insurance producer to become a member of the Association, including imposing discriminatory membership fees.

“(2) QUALIFICATIONS.—In establishing criteria under paragraph (1), the Association shall not adopt any qualification less protective to the public than that contained in the National

Association of Insurance Commissioners (referred to in this subtitle as the ‘NAIC’) Producer Licensing Model Act in effect as of the date of enactment of the National Association of Registered Agents and Brokers Reform Act of 2015, and shall consider the highest levels of insurance producer qualifications established under the licensing laws of the States.

“(3) ASSISTANCE FROM STATES.—

“(A) IN GENERAL.—The Association may request a State to provide assistance in investigating and evaluating the eligibility of a prospective member for membership in the Association.

“(B) AUTHORIZATION OF INFORMATION SHARING.—A submission under subsection (a)(4)(C)(i) made by an insurance producer licensed in a State shall include a statement signed by the person about whom the assistance is requested authorizing—

“(i) the State to share information with the Association; and

“(ii) the Association to receive the information.

“(C) RULE OF CONSTRUCTION.—Subparagraph (A) shall not be construed as requiring or authorizing any State to adopt new or additional requirements concerning the licensing or evaluation of insurance producers.

“(4) DENIAL OF MEMBERSHIP.—The Association may, based on reasonably consistently applied standards, deny membership to any State-licensed insurance producer for failure to meet the membership criteria established by the Association.

“(e) EFFECT OF MEMBERSHIP.—

“(1) AUTHORITY OF ASSOCIATION MEMBERS.—Membership in the Association shall—

“(A) authorize an insurance producer to sell, solicit, or negotiate insurance in any State for which the member pays the licensing fee set by the State for any line or lines of insurance specified in the home State license of the insurance producer, and exercise all such incidental powers as shall be necessary to carry out such activities, including claims adjustments and settlement to the extent permissible under the laws of the State, risk management, employee benefits advice, retirement planning, and any other insurance-related consulting activities;

“(B) be the equivalent of a nonresident insurance producer license for purposes of authorizing the insurance producer to engage in the activities described in subparagraph (A) in any State where the member pays the licensing fee; and

“(C) be the equivalent of a nonresident insurance producer license for the purpose of subjecting an insurance producer to all laws, regulations, provisions or other action of any State concerning revocation, suspension, or other enforcement action related to the ability of a member to engage in any activity within the scope of authority granted under this subsection and to all State laws, regulations, provisions, and actions preserved under paragraph (5).

“(2) VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994.—Nothing in this subtitle shall be construed to alter, modify, or supercede any requirement established by section 1033 of title 18, United States Code.

“(3) AGENT FOR REMITTING FEES.—The Association shall act as an agent for any member for purposes of remitting licensing fees to any State pursuant to paragraph (1).

State and local governments.

“(4) NOTIFICATION OF ACTION.—

Deadline.

“(A) IN GENERAL.—The Association shall notify the States (including State insurance regulators) and the NAIC when an insurance producer has satisfied the membership criteria of this section. The States (including State insurance regulators) shall have 10 business days after the date of the notification in order to provide the Association with evidence that the insurance producer does not satisfy the criteria for membership in the Association.

“(B) ONGOING DISCLOSURES REQUIRED.—On an ongoing basis, the Association shall disclose to the States (including State insurance regulators) and the NAIC a list of the States in which each member is authorized to operate. The Association shall immediately notify the States (including State insurance regulators) and the NAIC when a member is newly authorized to operate in one or more States, or is no longer authorized to operate in one or more States on the basis of Association membership.

“(5) PRESERVATION OF CONSUMER PROTECTION AND MARKET CONDUCT REGULATION.—

“(A) IN GENERAL.—No provision of this section shall be construed as altering or affecting the applicability or continuing effectiveness of any law, regulation, provision, or other action of any State, including those described in subparagraph (B), to the extent that the State law, regulation, provision, or other action is not inconsistent with the provisions of this subtitle related to market entry for nonresident insurance producers, and then only to the extent of the inconsistency.

“(B) PRESERVED REGULATIONS.—The laws, regulations, provisions, or other actions of any State referred to in subparagraph (A) include laws, regulations, provisions, or other actions that—

“(i) regulate market conduct, insurance producer conduct, or unfair trade practices;

“(ii) establish consumer protections; or

“(iii) require insurance producers to be appointed by a licensed or authorized insurer.

“(f) BIENNIAL RENEWAL.—Membership in the Association shall be renewed on a biennial basis.

“(g) CONTINUING EDUCATION.—

“(1) IN GENERAL.—The Association shall establish, as a condition of membership, continuing education requirements which shall be comparable to the continuing education requirements under the licensing laws of a majority of the States.

“(2) STATE CONTINUING EDUCATION REQUIREMENTS.—A member may not be required to satisfy continuing education requirements imposed under the laws, regulations, provisions, or actions of any State other than the home State of the member.

“(3) RECIPROCITY.—The Association shall not require a member to satisfy continuing education requirements that are equivalent to any continuing education requirements of the

home State of the member that have been satisfied by the member during the applicable licensing period.

“(4) LIMITATION ON THE ASSOCIATION.—The Association shall not directly or indirectly offer any continuing education courses for insurance producers.

“(h) PROBATION, SUSPENSION AND REVOCATION.—

“(1) DISCIPLINARY ACTION.—The Association may place an insurance producer that is a member of the Association on probation or suspend or revoke the membership of the insurance producer in the Association, or assess monetary fines or penalties, as the Association determines to be appropriate, if—

“(A) the insurance producer fails to meet the applicable membership criteria or other standards established by the Association;

“(B) the insurance producer has been subject to disciplinary action pursuant to a final adjudicatory proceeding under the jurisdiction of a State insurance regulator;

“(C) an insurance license held by the insurance producer has been suspended or revoked by a State insurance regulator; or

“(D) the insurance producer has been convicted of a crime that would have resulted in the denial of membership pursuant to subsection (a)(4)(L)(i) at the time of application, and the Association has received a copy of the final disposition from a court of competent jurisdiction.

“(2) VIOLATIONS OF ASSOCIATION STANDARDS.—The Association shall have the power to investigate alleged violations of Association standards.

“(3) REPORTING.—The Association shall immediately notify the States (including State insurance regulators) and the NAIC when the membership of an insurance producer has been placed on probation or has been suspended, revoked, or otherwise terminated, or when the Association has assessed monetary fines or penalties.

Notification.

“(i) CONSUMER COMPLAINTS.—

“(1) IN GENERAL.—The Association shall—

“(A) refer any complaint against a member of the Association from a consumer relating to alleged misconduct or violations of State insurance laws to the State insurance regulator where the consumer resides and, when appropriate, to any additional State insurance regulator, as determined by standards adopted by the Association; and

“(B) make any related records and information available to each State insurance regulator to whom the complaint is forwarded.

“(2) TELEPHONE AND OTHER ACCESS.—The Association shall maintain a toll-free number for purposes of this subsection and, as practicable, other alternative means of communication with consumers, such as an Internet webpage.

“(3) FINAL DISPOSITION OF INVESTIGATION.—State insurance regulators shall provide the Association with information regarding the final disposition of a complaint referred pursuant to paragraph (1)(A), but nothing shall be construed to compel a State to release confidential investigation reports or other information protected by State law to the Association.

“(j) INFORMATION SHARING.—The Association may—

“(1) share documents, materials, or other information, including confidential and privileged documents, with a State, Federal, or international governmental entity or with the NAIC or other appropriate entity referred to paragraphs (3) and (4), provided that the recipient has the authority and agrees to maintain the confidentiality or privileged status of the document, material, or other information;

“(2) limit the sharing of information as required under this subtitle with the NAIC or any other non-governmental entity, in circumstances under which the Association determines that the sharing of such information is unnecessary to further the purposes of this subtitle;

“(3) establish a central clearinghouse, or utilize the NAIC or another appropriate entity, as determined by the Association, as a central clearinghouse, for use by the Association and the States (including State insurance regulators), through which members of the Association may disclose their intent to operate in 1 or more States and pay the licensing fees to the appropriate States; and

“(4) establish a database, or utilize the NAIC or another appropriate entity, as determined by the Association, as a database, for use by the Association and the States (including State insurance regulators) for the collection of regulatory information concerning the activities of insurance producers.

“(k) EFFECTIVE DATE.—The provisions of this section shall take effect on the later of—

Time period.

“(1) the expiration of the 2-year period beginning on the date of enactment of the National Association of Registered Agents and Brokers Reform Act of 2015; and

“(2) the date of incorporation of the Association.

15 USC 6754.

“SEC. 324. BOARD OF DIRECTORS.

“(a) ESTABLISHMENT.—There is established a board of directors of the Association, which shall have authority to govern and supervise all activities of the Association.

“(b) POWERS.—The Board shall have such of the powers and authority of the Association as may be specified in the bylaws of the Association.

“(c) COMPOSITION.—

President.
Appointments.

“(1) IN GENERAL.—The Board shall consist of 13 members who shall be appointed by the President, by and with the advice and consent of the Senate, in accordance with the procedures established under Senate Resolution 116 of the 112th Congress, of whom—

“(A) 8 shall be State insurance commissioners appointed in the manner provided in paragraph (2), 1 of whom shall be designated by the President to serve as the chairperson of the Board until the Board elects one such State insurance commissioner Board member to serve as the chairperson of the Board;

“(B) 3 shall have demonstrated expertise and experience with property and casualty insurance producer licensing; and

“(C) 2 shall have demonstrated expertise and experience with life or health insurance producer licensing.

“(2) STATE INSURANCE REGULATOR REPRESENTATIVES.—

“(A) RECOMMENDATIONS.—Before making any appointments pursuant to paragraph (1)(A), the President shall request a list of recommended candidates from the States through the NAIC, which shall not be binding on the President. If the NAIC fails to submit a list of recommendations not later than 15 business days after the date of the request, the President may make the requisite appointments without considering the views of the NAIC. President.

“(B) POLITICAL AFFILIATION.—Not more than 4 Board members appointed under paragraph (1)(A) shall belong to the same political party. Deadline.

“(C) FORMER STATE INSURANCE COMMISSIONERS.—

“(i) IN GENERAL.—If, after offering each currently serving State insurance commissioner an appointment to the Board, fewer than 8 State insurance commissioners have accepted appointment to the Board, the President may appoint the remaining State insurance commissioner Board members, as required under paragraph (1)(A), of the appropriate political party as required under subparagraph (B), from among individuals who are former State insurance commissioners.

“(ii) LIMITATION.—A former State insurance commissioner appointed as described in clause (i) may not be employed by or have any present direct or indirect financial interest in any insurer, insurance producer, or other entity in the insurance industry, other than direct or indirect ownership of, or beneficial interest in, an insurance policy or annuity contract written or sold by an insurer.

“(D) SERVICE THROUGH TERM.—If a Board member appointed under paragraph (1)(A) ceases to be a State insurance commissioner during the term of the Board member, the Board member shall cease to be a Board member.

“(3) PRIVATE SECTOR REPRESENTATIVES.—In making any appointment pursuant to subparagraph (B) or (C) of paragraph (1), the President may seek recommendations for candidates from groups representing the category of individuals described, which shall not be binding on the President.

“(4) STATE INSURANCE COMMISSIONER DEFINED.—For purposes of this subsection, the term ‘State insurance commissioner’ means a person who serves in the position in State government, or on the board, commission, or other body that is the primary insurance regulatory authority for the State.

“(d) TERMS.—

“(1) IN GENERAL.—Except as provided under paragraph (2), the term of service for each Board member shall be 2 years.

“(2) EXCEPTIONS.—

“(A) 1-YEAR TERMS.—The term of service shall be 1 year, as designated by the President at the time of the nomination of the subject Board members for— President.

“(i) 4 of the State insurance commissioner Board members initially appointed under paragraph (1)(A), of whom not more than 2 shall belong to the same political party;

“(ii) 1 of the Board members initially appointed under paragraph (1)(B); and

“(iii) 1 of the Board members initially appointed under paragraph (1)(C).

“(B) EXPIRATION OF TERM.—A Board member may continue to serve after the expiration of the term to which the Board member was appointed for the earlier of 2 years or until a successor is appointed.

“(C) MID-TERM APPOINTMENTS.—A Board member appointed to fill a vacancy occurring before the expiration of the term for which the predecessor of the Board member was appointed shall be appointed only for the remainder of that term.

“(3) SUCCESSIVE TERMS.—Board members may be reappointed to successive terms.

Deadline. “(e) INITIAL APPOINTMENTS.—The appointment of initial Board members shall be made no later than 90 days after the date of enactment of the National Association of Registered Agents and Brokers Reform Act of 2015.

“(f) MEETINGS.—

“(1) IN GENERAL.—The Board shall meet—

Notification.

“(A) at the call of the chairperson;

“(B) as requested in writing to the chairperson by not fewer than 5 Board members; or

“(C) as otherwise provided by the bylaws of the Association.

“(2) QUORUM REQUIRED.—A majority of all Board members shall constitute a quorum.

“(3) VOTING.—Decisions of the Board shall require the approval of a majority of all Board members present at a meeting, a quorum being present.

Deadline.

“(4) INITIAL MEETING.—The Board shall hold its first meeting not later than 45 days after the date on which all initial Board members have been appointed.

“(g) RESTRICTION ON CONFIDENTIAL INFORMATION.—Board members appointed pursuant to subparagraphs (B) and (C) of subsection (c)(1) shall not have access to confidential information received by the Association in connection with complaints, investigations, or disciplinary proceedings involving insurance producers.

“(h) ETHICS AND CONFLICTS OF INTEREST.—The Board shall issue and enforce an ethical conduct code to address permissible and prohibited activities of Board members and Association officers, employees, agents, or consultants. The code shall, at a minimum, include provisions that prohibit any Board member or Association officer, employee, agent or consultant from—

“(1) engaging in unethical conduct in the course of performing Association duties;

“(2) participating in the making or influencing the making of any Association decision, the outcome of which the Board member, officer, employee, agent, or consultant knows or had reason to know would have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the person or a member of the immediate family of the person;

“(3) accepting any gift from any person or entity other than the Association that is given because of the position held by the person in the Association;

“(4) making political contributions to any person or entity on behalf of the Association; and

“(5) lobbying or paying a person to lobby on behalf of the Association.

“(i) COMPENSATION.—

“(1) IN GENERAL.—Except as provided in paragraph (2), no Board member may receive any compensation from the Association or any other person or entity on account of Board membership.

“(2) TRAVEL EXPENSES AND PER DIEM.—Board members may be reimbursed only by the Association for travel expenses, including per diem in lieu of subsistence, at rates consistent with rates authorized for employees of Federal agencies under subchapter I of chapter 57 of title 5, United States Code, while away from home or regular places of business in performance of services for the Association.

“SEC. 325. BYLAWS, STANDARDS, AND DISCIPLINARY ACTIONS.

15 USC 6755.

“(a) ADOPTION AND AMENDMENT OF BYLAWS AND STANDARDS.—

“(1) PROCEDURES.—The Association shall adopt procedures for the adoption of bylaws and standards that are similar to procedures under subchapter II of chapter 5 of title 5, United States Code (commonly known as the ‘Administrative Procedure Act’).

“(2) COPY REQUIRED TO BE FILED.—The Board shall submit to the President, through the Department of the Treasury, and the States (including State insurance regulators), and shall publish on the website of the Association, all proposed bylaws and standards of the Association, or any proposed amendment to the bylaws or standards of the Association, accompanied by a concise general statement of the basis and purpose of such proposal.

Web posting.

“(3) EFFECTIVE DATE.—Any proposed bylaw or standard of the Association, and any proposed amendment to the bylaws or standards of the Association, shall take effect, after notice under paragraph (2) and opportunity for public comment, on such date as the Association may designate, unless suspended under section 329(c).

“(4) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to subject the Board or the Association to the requirements of subchapter II of chapter 5 of title 5, United States Code (commonly known as the ‘Administrative Procedure Act’).

“(b) DISCIPLINARY ACTION BY THE ASSOCIATION.—

“(1) SPECIFICATION OF CHARGES.—In any proceeding to determine whether membership shall be denied, suspended, revoked, or not renewed, or to determine whether a member of the Association should be placed on probation (referred to in this section as a ‘disciplinary action’) or whether to assess fines or monetary penalties, the Association shall bring specific charges, notify the member of the charges, give the member an opportunity to defend against the charges, and keep a record.

Notification.
Records.

“(2) SUPPORTING STATEMENT.—A determination to take disciplinary action shall be supported by a statement setting forth—

Determination.

“(A) any act or practice in which the member has been found to have been engaged;

“(B) the specific provision of this subtitle or standard of the Association that any such act or practice is deemed to violate; and

“(C) the sanction imposed and the reason for the sanction.

“(3) INELIGIBILITY OF PRIVATE SECTOR REPRESENTATIVES.—Board members appointed pursuant to section 324(c)(3) may not—

“(A) participate in any disciplinary action or be counted toward establishing a quorum during a disciplinary action; and

“(B) have access to confidential information concerning any disciplinary action.

15 USC 6756.

“SEC. 326. POWERS.

“In addition to all the powers conferred upon a nonprofit corporation by the District of Columbia Nonprofit Corporation Act, the Association shall have the power to—

“(1) establish and collect such membership fees as the Association finds necessary to impose to cover the costs of its operations;

“(2) adopt, amend, and repeal bylaws, procedures, or standards governing the conduct of Association business and performance of its duties;

“(3) establish procedures for providing notice and opportunity for comment pursuant to section 325(a);

“(4) enter into and perform such agreements as necessary to carry out the duties of the Association;

“(5) hire employees, professionals, or specialists, and elect or appoint officers, and to fix their compensation, define their duties and give them appropriate authority to carry out the purposes of this subtitle, and determine their qualification;

“(6) establish personnel policies of the Association and programs relating to, among other things, conflicts of interest, rates of compensation, where applicable, and qualifications of personnel;

“(7) borrow money; and

“(8) secure funding for such amounts as the Association determines to be necessary and appropriate to organize and begin operations of the Association, which shall be treated as loans to be repaid by the Association with interest at market rate.

15 USC 6757.

“SEC. 327. REPORT BY THE ASSOCIATION.

Web posting.

“(a) IN GENERAL.—As soon as practicable after the close of each fiscal year, the Association shall submit to the President, through the Department of the Treasury, and the States (including State insurance regulators), and shall publish on the website of the Association, a written report regarding the conduct of its business, and the exercise of the other rights and powers granted by this subtitle, during such fiscal year.

“(b) FINANCIAL STATEMENTS.—Each report submitted under subsection (a) with respect to any fiscal year shall include audited financial statements setting forth the financial position of the Association at the end of such fiscal year and the results of its operations (including the source and application of its funds) for such fiscal year.

“SEC. 328. LIABILITY OF THE ASSOCIATION AND THE BOARD MEMBERS, OFFICERS, AND EMPLOYEES OF THE ASSOCIATION. 15 USC 6758.

“(a) **IN GENERAL.**—The Association shall not be deemed to be an insurer or insurance producer within the meaning of any State law, rule, regulation, or order regulating or taxing insurers, insurance producers, or other entities engaged in the business of insurance, including provisions imposing premium taxes, regulating insurer solvency or financial condition, establishing guaranty funds and levying assessments, or requiring claims settlement practices.

“(b) **LIABILITY OF BOARD MEMBERS, OFFICERS, AND EMPLOYEES.**—No Board member, officer, or employee of the Association shall be personally liable to any person for any action taken or omitted in good faith in any matter within the scope of their responsibilities in connection with the Association.

“SEC. 329. PRESIDENTIAL OVERSIGHT.

15 USC 6759.

“(a) **REMOVAL OF BOARD.**—If the President determines that the Association is acting in a manner contrary to the interests of the public or the purposes of this subtitle or has failed to perform its duties under this subtitle, the President may remove the entire existing Board for the remainder of the term to which the Board members were appointed and appoint, in accordance with section 324 and with the advice and consent of the Senate, in accordance with the procedures established under Senate Resolution 116 of the 112th Congress, new Board members to fill the vacancies on the Board for the remainder of the terms.

Determination.

“(b) **REMOVAL OF BOARD MEMBER.**—The President may remove a Board member only for neglect of duty or malfeasance in office.

“(c) **SUSPENSION OF BYLAWS AND STANDARDS AND PROHIBITION OF ACTIONS.**—Following notice to the Board, the President, or a person designated by the President for such purpose, may suspend the effectiveness of any bylaw or standard, or prohibit any action, of the Association that the President or the designee determines is contrary to the purposes of this subtitle.

Notification.

“SEC. 330. RELATIONSHIP TO STATE LAW.

15 USC 6760.

“(a) **PREEMPTION OF STATE LAWS.**—State laws, regulations, provisions, or other actions purporting to regulate insurance producers shall be preempted to the extent provided in subsection (b).

“(b) **PROHIBITED ACTIONS.**—

“(1) **IN GENERAL.**—No State shall—

“(A) impede the activities of, take any action against, or apply any provision of law or regulation arbitrarily or discriminatorily to, any insurance producer because that insurance producer or any affiliate plans to become, has applied to become, or is a member of the Association;

“(B) impose any requirement upon a member of the Association that it pay fees different from those required to be paid to that State were it not a member of the Association; or

“(C) impose any continuing education requirements on any nonresident insurance producer that is a member of the Association.

“(2) **STATES OTHER THAN A HOME STATE.**—No State, other than the home State of a member of the Association, shall—

“(A) impose any licensing, personal or corporate qualifications, education, training, experience, residency, continuing education, or bonding requirement upon a member of the Association that is different from the criteria for membership in the Association or renewal of such membership;

“(B) impose any requirement upon a member of the Association that it be licensed, registered, or otherwise qualified to do business or remain in good standing in the State, including any requirement that the insurance producer register as a foreign company with the secretary of state or equivalent State official;

“(C) require that a member of the Association submit to a criminal history record check as a condition of doing business in the State; or

“(D) impose any licensing, registration, or appointment requirements upon a member of the Association, or require a member of the Association to be authorized to operate as an insurance producer, in order to sell, solicit, or negotiate insurance for commercial property and casualty risks to an insured with risks located in more than one State, if the member is licensed or otherwise authorized to operate in the State where the insured maintains its principal place of business and the contract of insurance insures risks located in that State.

“(3) PRESERVATION OF STATE DISCIPLINARY AUTHORITY.—Nothing in this section may be construed to prohibit a State from investigating and taking appropriate disciplinary action, including suspension or revocation of authority of an insurance producer to do business in a State, in accordance with State law and that is not inconsistent with the provisions of this section, against a member of the Association as a result of a complaint or for any alleged activity, regardless of whether the activity occurred before or after the insurance producer commenced doing business in the State pursuant to Association membership.

15 USC 6761. **“SEC. 331. COORDINATION WITH FINANCIAL INDUSTRY REGULATORY AUTHORITY.**

“The Association shall coordinate with the Financial Industry Regulatory Authority in order to ease any administrative burdens that fall on members of the Association that are subject to regulation by the Financial Industry Regulatory Authority, consistent with the requirements of this subtitle and the Federal securities laws.

15 USC 6762. **“SEC. 332. RIGHT OF ACTION.**

“(a) RIGHT OF ACTION.—Any person aggrieved by a decision or action of the Association may, after reasonably exhausting available avenues for resolution within the Association, commence a civil action in an appropriate United States district court, and obtain all appropriate relief.

Courts. “(b) ASSOCIATION INTERPRETATIONS.—In any action under subsection (a), the court shall give appropriate weight to the interpretation of the Association of its bylaws and standards and this subtitle.

“SEC. 333. FEDERAL FUNDING PROHIBITED.

15 USC 6763.

“The Association may not receive, accept, or borrow any amounts from the Federal Government to pay for, or reimburse, the Association for, the costs of establishing or operating the Association.

“SEC. 334. DEFINITIONS.

15 USC 6764.

“For purposes of this subtitle, the following definitions shall apply:

“(1) **BUSINESS ENTITY.**—The term ‘business entity’ means a corporation, association, partnership, limited liability company, limited liability partnership, or other legal entity.

“(2) **DEPOSITORY INSTITUTION.**—The term ‘depository institution’ has the meaning as in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813).

“(3) **HOME STATE.**—The term ‘home State’ means the State in which the insurance producer maintains its principal place of residence or business and is licensed to act as an insurance producer.

“(4) **INSURANCE.**—The term ‘insurance’ means any product, other than title insurance or bail bonds, defined or regulated as insurance by the appropriate State insurance regulatory authority.

“(5) **INSURANCE PRODUCER.**—The term ‘insurance producer’ means any insurance agent or broker, excess or surplus lines broker or agent, insurance consultant, limited insurance representative, and any other individual or entity that sells, solicits, or negotiates policies of insurance or offers advice, counsel, opinions or services related to insurance.

“(6) **INSURER.**—The term ‘insurer’ has the meaning as in section 313(e)(2)(B) of title 31, United States Code.

“(7) **PRINCIPAL PLACE OF BUSINESS.**—The term ‘principal place of business’ means the State in which an insurance producer maintains the headquarters of the insurance producer and, in the case of a business entity, where high-level officers of the entity direct, control, and coordinate the business activities of the business entity.

“(8) **PRINCIPAL PLACE OF RESIDENCE.**—The term ‘principal place of residence’ means the State in which an insurance producer resides for the greatest number of days during a calendar year.

“(9) **STATE.**—The term ‘State’ includes any State, the District of Columbia, any territory of the United States, and Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Virgin Islands, and the Northern Mariana Islands.

“(10) **STATE LAW.**—

“(A) **IN GENERAL.**—The term ‘State law’ includes all laws, decisions, rules, regulations, or other State action having the effect of law, of any State.

“(B) **LAWS APPLICABLE IN THE DISTRICT OF COLUMBIA.**—A law of the United States applicable only to or within the District of Columbia shall be treated as a State law rather than a law of the United States.”

(b) **TECHNICAL AMENDMENT.**—The table of contents for the Gramm-Leach-Bliley Act is amended by striking the items relating to subtitle C of title III and inserting the following new items:

“Subtitle C—National Association of Registered Agents and Brokers

- “Sec. 321. National Association of Registered Agents and Brokers.
 “Sec. 322. Purpose.
 “Sec. 323. Membership.
 “Sec. 324. Board of directors.
 “Sec. 325. Bylaws, standards, and disciplinary actions.
 “Sec. 326. Powers.
 “Sec. 327. Report by the Association.
 “Sec. 328. Liability of the Association and the Board members, officers, and employees of the Association.
 “Sec. 329. Presidential oversight.
 “Sec. 330. Relationship to State law.
 “Sec. 331. Coordination with financial industry regulatory authority.
 “Sec. 332. Right of action.
 “Sec. 333. Federal funding prohibited.
 “Sec. 334. Definitions.”.

Business Risk
 Mitigation
 and Price
 Stabilization
 Act of 2015.
 7 USC 1 note.

TITLE III—BUSINESS RISK MITIGATION AND PRICE STABILIZATION

SEC. 301. SHORT TITLE.

This title may be cited as the “Business Risk Mitigation and Price Stabilization Act of 2015”.

SEC. 302. MARGIN REQUIREMENTS.

(a) COMMODITY EXCHANGE ACT AMENDMENT.—Section 4s(e) of the Commodity Exchange Act (7 U.S.C. 6s(e)), as added by section 731 of the Dodd-Frank Wall Street Reform and Consumer Protection Act, is amended by adding at the end the following new paragraph:

“(4) APPLICABILITY WITH RESPECT TO COUNTERPARTIES.—The requirements of paragraphs (2)(A)(ii) and (2)(B)(ii), including the initial and variation margin requirements imposed by rules adopted pursuant to paragraphs (2)(A)(ii) and (2)(B)(ii), shall not apply to a swap in which a counterparty qualifies for an exception under section 2(h)(7)(A), or an exemption issued under section 4(c)(1) from the requirements of section 2(h)(1)(A) for cooperative entities as defined in such exemption, or satisfies the criteria in section 2(h)(7)(D).”.

(b) SECURITIES EXCHANGE ACT AMENDMENT.—Section 15F(e) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–10(e)), as added by section 764(a) of the Dodd-Frank Wall Street Reform and Consumer Protection Act, is amended by adding at the end the following new paragraph:

“(4) APPLICABILITY WITH RESPECT TO COUNTERPARTIES.—The requirements of paragraphs (2)(A)(ii) and (2)(B)(ii) shall not apply to a security-based swap in which a counterparty qualifies for an exception under section 3C(g)(1) or satisfies the criteria in section 3C(g)(4).”.

7 USC 65 note.

SEC. 303. IMPLEMENTATION.

The amendments made by this title to the Commodity Exchange Act shall be implemented—

(1) without regard to—

(A) chapter 35 of title 44, United States Code; and

(B) the notice and comment provisions of section 553 of title 5, United States Code;

(2) through the promulgation of an interim final rule, pursuant to which public comment will be sought before a final rule is issued; and

Regulations.
 Public comments.

(3) such that paragraph (1) shall apply solely to changes to rules and regulations, or proposed rules and regulations, that are limited to and directly a consequence of such amendments. Applicability.

Approved January 12, 2015.

LEGISLATIVE HISTORY—H.R. 26:

CONGRESSIONAL RECORD, Vol. 161 (2015):

Jan. 7, considered and passed House.

Jan. 8, considered and passed Senate.

Public Law 114–2
114th Congress

An Act

Feb. 12, 2015
[H.R. 203]

To direct the Secretary of Veterans Affairs to provide for the conduct of annual evaluations of mental health care and suicide prevention programs of the Department of Veterans Affairs, to require a pilot program on loan repayment for psychiatrists who agree to serve in the Veterans Health Administration of the Department of Veterans Affairs, and for other purposes.

Clay Hunt
Suicide
Prevention for
American
Veterans Act.
38 USC 101 note.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Clay Hunt Suicide Prevention for American Veterans Act” or the “Clay Hunt SAV Act”.

SEC. 2. EVALUATIONS OF MENTAL HEALTH CARE AND SUICIDE PREVENTION PROGRAMS OF DEPARTMENT OF VETERANS AFFAIRS.

(a) EVALUATIONS.—

(1) IN GENERAL.—Subchapter I of chapter 17 of title 38, United States Code, is amended by adding at the end the following new section:

38 USC 1709B.

“§ 1709B. Evaluations of mental health care and suicide prevention programs

Deadline.

“(a) EVALUATIONS.—(1) Not less frequently than once during each period specified in paragraph (3), the Secretary shall provide for the conduct of an evaluation of the mental health care and suicide prevention programs carried out under the laws administered by the Secretary.

“(2) Each evaluation conducted under paragraph (1) shall—

“(A) use metrics that are common among and useful for practitioners in the field of mental health care and suicide prevention;

“(B) identify the most effective mental health care and suicide prevention programs conducted by the Secretary, including such programs conducted at a Center of Excellence;

“(C) identify the cost-effectiveness of each program identified under subparagraph (B);

“(D) measure the satisfaction of patients with respect to the care provided under each such program; and

“(E) propose best practices for caring for individuals who suffer from mental health disorders or are at risk of suicide, including such practices conducted or suggested by other departments or agencies of the Federal Government, including the Substance Abuse and Mental Health Services Administration of the Department of Health and Human Services.

- “(3) The periods specified in this paragraph are the following: Time periods.
 “(A) The period beginning on the date on which the Secretary awards the contract under paragraph (4) and ending on September 30, 2018.
 “(B) Each fiscal year beginning on or after October 1, 2018. Effective date.
 “(4) Not later than 180 days after the date of the enactment of this section, the Secretary shall seek to enter into a contract with an independent third party unaffiliated with the Department of Veterans Affairs to conduct evaluations under paragraph (1). Deadline. Contracts.
 “(5) The independent third party that is awarded the contract under paragraph (4) shall submit to the Secretary each evaluation conducted under paragraph (1).
 “(b) ANNUAL SUBMISSION.—Not later than December 1, 2018, and each year thereafter, the Secretary shall submit to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives a report that contains the following: Deadline. Reports.
 “(1) The most recent evaluations submitted to the Secretary under subsection (a)(5) that the Secretary has not previously submitted to such Committees.
 “(2) Any recommendations the Secretary considers appropriate.”.
 (2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1709A the following new item: 38 USC prec. 1701.
 “1709B. Evaluations of mental health care and suicide prevention programs.”.
 (b) INTERIM REPORTS.—Not later than September 30 of each of 2016 and 2017, the Secretary of Veterans Affairs, in coordination with the independent third party awarded a contract by the Secretary pursuant to section 1709B(a)(4) of title 38, United States Code, as added by subsection (a)(1), shall submit to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives a report on the mental health care and suicide prevention programs carried out under the laws administered by the Secretary that includes, with respect to each such program, the following: Coordination.
 (1) A description of the program.
 (2) The number of veterans served by the program.
 (3) The budget of the program.
 (4) The number of full-time equivalent employees assigned to the program.
 (5) Whether veterans may repeat participation in the program or participate in the program in addition to other similar programs.
 (6) Any study results or research published regarding the efficacy of the program.
 (7) Any other information the Secretary determines appropriate.
SEC. 3. PUBLICATION OF INTERNET WEBSITE TO PROVIDE INFORMATION REGARDING MENTAL HEALTH CARE SERVICES. 38 USC 1712A note.
 (a) IN GENERAL.—Using funds made available to the Secretary of Veterans Affairs to publish the Internet websites of the Department of Veterans Affairs, the Secretary shall survey the existing Internet websites and information resources of the Department Survey.

to publish an Internet website that serves as a centralized source to provide veterans with information regarding all of the mental health care services provided by the Secretary.

(b) ELEMENTS.—The Internet website published under subsection (a) shall provide to veterans information regarding all of the mental health care services available in the Veteran Integrated Service Network that the veteran is seeking such services, including, with respect to each medical center, Vet Center (as defined in section 1712A of title 38, United States Code), and community-based outpatient center in the Veterans Integrated Service Network—

(1) the name and contact information of each social work office;

(2) the name and contact information of each mental health clinic;

(3) a list of appropriate staff; and

(4) any other information the Secretary determines appropriate.

Deadline.

(c) UPDATED INFORMATION.—The Secretary shall ensure that the information described in subsection (b) that is published on the Internet website under subsection (a) is updated not less than once every 90 days.

(d) OUTREACH.—In carrying out this section, the Secretary shall ensure that the outreach conducted under section 1720F(i) of title 38, United States Code, includes information regarding the Internet website published under subsection (a).

38 USC 7681
note.

SEC. 4. PILOT PROGRAM FOR REPAYMENT OF EDUCATIONAL LOANS FOR CERTAIN PSYCHIATRISTS OF VETERANS HEALTH ADMINISTRATION.

(a) ESTABLISHMENT.—The Secretary of Veterans Affairs shall carry out a pilot program to repay loans of individuals described in subsection (b) that—

(1) were used by such individuals to finance education relating to psychiatric medicine, including education leading to—

(A) a degree of doctor of medicine; or

(B) a degree of doctor of osteopathy; and

(2) were obtained from any of the following:

(A) A governmental entity.

(B) A private financial institution.

(C) A school.

(D) Any other authorized entity as determined by the Secretary.

(b) ELIGIBLE INDIVIDUALS.—

(1) IN GENERAL.—Subject to paragraph (2), an individual eligible for participation in the pilot program is an individual who—

(A) either—

(i) is licensed or eligible for licensure to practice psychiatric medicine in the Veterans Health Administration of the Department of Veterans Affairs; or

(ii) is enrolled in the final year of a residency program leading to a specialty qualification in psychiatric medicine that is approved by the Accreditation Council for Graduate Medical Education; and

(B) demonstrates a commitment to a long-term career as a psychiatrist in the Veterans Health Administration, as determined by the Secretary.

(2) PROHIBITION ON SIMULTANEOUS ELIGIBILITY.—An individual who is participating in any other program of the Federal Government that repays the educational loans of the individual is not eligible to participate in the pilot program.

(c) SELECTION.—The Secretary shall select not less than 10 individuals described in subsection (b) to participate in the pilot program for each year in which the Secretary carries out the pilot program.

(d) PERIOD OF OBLIGATED SERVICE.—The Secretary shall enter into an agreement with each individual selected under subsection (c) in which such individual agrees to serve a period of 2 or more years of obligated service for the Veterans Health Administration in the field of psychiatric medicine, as determined by the Secretary.

Contracts.

(e) LOAN REPAYMENTS.—

(1) AMOUNTS.—Subject to paragraph (2), a loan repayment under this section may consist of payment of the principal, interest, and related expenses of a loan obtained by an individual who is participating in the pilot program for all educational expenses (including tuition, fees, books, and laboratory expenses) of such individual relating to education described in subsection (a)(1).

(2) LIMIT.—For each year of obligated service that an individual who is participating in the pilot program agrees to serve under subsection (d), the Secretary may pay not more than \$30,000 in loan repayment on behalf of such individual.

(f) BREACH.—

(1) LIABILITY.—An individual who participates in the pilot program and fails to satisfy the period of obligated service under subsection (d) shall be liable to the United States, in lieu of such obligated service, for the amount that has been paid or is payable to or on behalf of the individual under the pilot program, reduced by the proportion that the number of days served for completion of the period of obligated service bears to the total number of days in the period of obligated service of such individual.

(2) REPAYMENT PERIOD.—Any amount of damages that the United States is entitled to recover under this subsection shall be paid to the United States not later than 1 year after the date of the breach of the agreement.

(g) REPORT.—

(1) INITIAL REPORT.—Not later than 2 years after the date on which the pilot program under subsection (a) commences, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the pilot program.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) The number of individuals who participated in the pilot program, including the number of new hires.

(B) The locations in which such individuals were employed by the Department, including how many such locations were rural or urban locations.

Assessment.

(C) An assessment of the quality of the work performed by such individuals in the course of such employment, including the performance reviews of such individuals.

Determination.

(D) The number of psychiatrists the Secretary determines is needed by the Department in the future.

(3) FINAL REPORT.—Not later than 90 days before the date on which the pilot program terminates under subsection (i), the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives an update to the report submitted under paragraph (1) and any recommendations that the Secretary considers appropriate.

(h) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section, including standards for qualified loans and authorized payees and other terms and conditions for the making of loan repayments.

(i) TERMINATION.—The authority to carry out the pilot program shall expire on the date that is 3 years after the date on which the Secretary commences the pilot program.

38 USC 1712A
note.

SEC. 5. PILOT PROGRAM ON COMMUNITY OUTREACH.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall establish a pilot program to assist veterans transitioning from serving on active duty and to improve the access of veterans to mental health services.

(b) LOCATIONS.—The Secretary shall carry out the pilot program under subsection (a) at not less than five Veterans Integrated Service Networks that have a large population of veterans who—

(1) served in the reserve components of the Armed Forces;

or

(2) are transitioning into communities with an established population of veterans after having recently separated from the Armed Forces.

(c) FUNCTIONS.—The pilot program at each Veterans Integrated Service Network described in subsection (b) shall include the following:

(1) A community oriented veteran peer support network, carried out in partnership with an appropriate entity with experience in peer support programs, that—

(A) establishes peer support training guidelines;

(B) develops a network of veteran peer support counselors to meet the demands of the communities in the Veterans Integrated Service Network;

(C) conducts training of veteran peer support counselors;

(D) with respect to one medical center selected by the Secretary in each such Veterans Integrated Service Network, has—

(i) a designated peer support specialist who acts as a liaison to the community oriented veteran peer network; and

(ii) a certified mental health professional designated as the community oriented veteran peer network mentor; and

(E) is readily available to veterans, including pursuant to the Veterans Integrated Service Network cooperating

and working with State and local governments and appropriate entities.

(2) A community outreach team for each medical center selected by the Secretary pursuant to paragraph (1)(D) that—

(A) assists veterans transitioning into communities;

(B) establishes a veteran transition advisory group to facilitate outreach activities;

(C) includes the participation of appropriate community organizations, State and local governments, colleges and universities, chambers of commerce and other local business organizations, and organizations that provide legal aid or advice; and

(D) coordinates with the Veterans Integrated Service Network regarding the Veterans Integrated Service Network carrying out an annual mental health summit to assess the status of veteran mental health care in the community and to develop new or innovative means to provide mental health services to veterans.

(d) REPORTS.—

(1) INITIAL REPORT.—Not later than 18 months after the date on which the pilot program under subsection (a) commences, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the pilot program. With respect to each Veterans Integrated Service Network described in subsection (b), the report shall include—

(A) a full description of the peer support model implemented under the pilot program, participation data, and data pertaining to past and current mental health related hospitalizations and fatalities;

(B) recommendations on implementing peer support networks throughout the Department;

(C) whether the mental health resources made available under the pilot program for members of the reserve components of the Armed Forces is effective; and

(D) a full description of the activities and effectiveness of community outreach coordinating teams under the pilot program, including partnerships that have been established with appropriate entities.

(2) FINAL REPORT.—Not later than 90 days before the date on which the pilot program terminates under subsection (e), the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives an update to the report submitted under paragraph (1).

(e) CONSTRUCTION.—This section may not be construed to authorize the Secretary to hire additional employees of the Department to carry out the pilot program under subsection (a).

(f) TERMINATION.—The authority of the Secretary to carry out the pilot program under subsection (a) shall terminate on the date that is 3 years after the date on which the pilot program commences.

Recommendations.

38 USC 1720F
note.

SEC. 6. COLLABORATION ON SUICIDE PREVENTION EFFORTS BETWEEN DEPARTMENT OF VETERANS AFFAIRS AND NON-PROFIT MENTAL HEALTH ORGANIZATIONS.

(a) **COLLABORATION.**—The Secretary of Veterans Affairs may collaborate with non-profit mental health organizations to prevent suicide among veterans as follows:

(1) To improve the efficiency and effectiveness of suicide prevention efforts carried out by the Secretary and non-profit mental health organizations.

(2) To assist non-profit mental health organizations with the suicide prevention efforts of such organizations through the use of the expertise of employees of the Department of Veterans Affairs.

(3) To jointly carry out suicide prevention efforts.

(b) **EXCHANGE OF RESOURCES.**—In carrying out any collaboration under subsection (a), the Secretary and any non-profit mental health organization with which the Secretary is collaborating under such subsection shall exchange training sessions and best practices to help with the suicide prevention efforts of the Department and such organization.

(c) **DIRECTOR OF SUICIDE PREVENTION COORDINATION.**—The Secretary shall select within the Department a Director of Suicide Prevention Coordination to undertake any collaboration with non-profit mental health organizations under this section or any other provision of law.

SEC. 7. ADDITIONAL PERIOD OF ELIGIBILITY FOR HEALTH CARE FOR CERTAIN VETERANS OF COMBAT SERVICE DURING CERTAIN PERIODS OF HOSTILITIES AND WAR.

Paragraph (3) of section 1710(e) of title 38, United States Code, is amended to read as follows:

“(3) In the case of care for a veteran described in paragraph (1)(D), hospital care, medical services, and nursing home care may be provided under or by virtue of subsection (a)(2)(F) only during the following periods:

“(A) Except as provided by subparagraph (B), with respect to a veteran described in paragraph (1)(D) who is discharged or released from the active military, naval, or air service after January 27, 2003, the five-year period beginning on the date of such discharge or release.

“(B) With respect to a veteran described in paragraph (1)(D) who is discharged or released from the active military, naval, or air service after January 1, 2009, and before January 1, 2011, but did not enroll to receive such hospital care, medical services, or nursing home care pursuant to such paragraph during the five-year period described in subparagraph (A), the one-year period beginning on the date of the enactment of the Clay Hunt Suicide Prevention for American Veterans Act.

“(C) With respect to a veteran described in paragraph (1)(D) who is discharged or released from the active military, naval, or air service on or before January 27, 2003, and did not enroll in the patient enrollment system under section 1705 of this title on or before such date, the three-year period beginning on January 27, 2008.”.

Effective date.

SEC. 8. PROHIBITION ON NEW APPROPRIATIONS.

No additional funds are authorized to be appropriated to carry out this Act and the amendments made by this Act, and this Act and such amendments shall be carried out using amounts otherwise made available for such purposes.

Approved February 12, 2015.

LEGISLATIVE HISTORY—H.R. 203:

SENATE REPORTS: No. 114–34 (Comm. on Veterans' Affairs).

CONGRESSIONAL RECORD, Vol. 161 (2015):

Jan. 12, considered and passed House.

Feb. 3, considered and passed Senate.

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2015):

Feb. 12, Presidential remarks.

Public Law 114–3
114th Congress

An Act

Feb. 27, 2015
[H.R. 33]

To amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act.

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

SECTION 1. FURTHER CONTINUING APPROPRIATIONS.

128 Stat. 1868.

The Continuing Appropriations Resolution, 2015 (Public Law 113–164; 128 Stat. 1867) is amended by striking the date specified in section 106(3) and inserting “March 6, 2015”.

Approved February 27, 2015.

LEGISLATIVE HISTORY—H.R. 33:

CONGRESSIONAL RECORD, Vol. 161 (2015):

Jan. 12, considered and passed House.

Feb. 27, considered and passed Senate, amended. House concurred in Senate amendment.

Public Law 114–4
114th Congress

An Act

Making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2015, and for other purposes.

Mar. 4, 2015
[H.R. 240]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Homeland Security for the fiscal year ending September 30, 2015, and for other purposes, namely:

Department of
Homeland
Security
Appropriations
Act, 2015.

TITLE I

DEPARTMENTAL MANAGEMENT AND OPERATIONS

OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

For necessary expenses of the Office of the Secretary of Homeland Security, as authorized by section 102 of the Homeland Security Act of 2002 (6 U.S.C. 112), and executive management of the Department of Homeland Security, as authorized by law, \$132,573,000: *Provided*, That not to exceed \$45,000 shall be for official reception and representation expenses: *Provided further*, That all official costs associated with the use of government aircraft by Department of Homeland Security personnel to support official travel of the Secretary and the Deputy Secretary shall be paid from amounts made available for the Immediate Office of the Secretary and the Immediate Office of the Deputy Secretary: *Provided further*, That not later than 30 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives, the Committees on the Judiciary of the House of Representatives and the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate, a comprehensive plan for implementation of the biometric entry and exit data system required under section 7208 of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1365b), including the estimated costs for implementation.

Deadline.
Implementation
plan.
Cost estimate.

OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

For necessary expenses of the Office of the Under Secretary for Management, as authorized by sections 701 through 705 of the Homeland Security Act of 2002 (6 U.S.C. 341 through 345), \$187,503,000, of which not to exceed \$2,250 shall be for official

Reports.
Deadlines.

reception and representation expenses: *Provided*, That of the total amount made available under this heading, \$4,493,000 shall remain available until September 30, 2016, solely for the alteration and improvement of facilities, tenant improvements, and relocation costs to consolidate Department headquarters operations at the Nebraska Avenue Complex; and \$6,000,000 shall remain available until September 30, 2016, for the Human Resources Information Technology program: *Provided further*, That the Under Secretary for Management shall include in the President's budget proposal for fiscal year 2016, submitted pursuant to section 1105(a) of title 31, United States Code, a Comprehensive Acquisition Status Report, which shall include the information required under the heading "Office of the Under Secretary for Management" under title I of division D of the Consolidated Appropriations Act, 2012 (Public Law 112-74), and shall submit quarterly updates to such report not later than 45 days after the completion of each quarter.

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), \$52,020,000: *Provided*, That the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives, at the time the President's budget proposal for fiscal year 2016 is submitted pursuant to section 1105(a) of title 31, United States Code, the Future Years Homeland Security Program, as authorized by section 874 of Public Law 107-296 (6 U.S.C. 454).

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), and Department-wide technology investments, \$288,122,000; of which \$99,028,000 shall be available for salaries and expenses; and of which \$189,094,000, to remain available until September 30, 2016, shall be available for development and acquisition of information technology equipment, software, services, and related activities for the Department of Homeland Security.

ANALYSIS AND OPERATIONS

For necessary expenses for intelligence analysis and operations coordination activities, as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), \$255,804,000; of which not to exceed \$3,825 shall be for official reception and representation expenses; and of which \$102,479,000 shall remain available until September 30, 2016.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), \$118,617,000; of which not to exceed \$300,000 may be used for certain confidential operational expenses, including the payment of informants, to be expended at the direction of the Inspector General.

TITLE II

SECURITY, ENFORCEMENT, AND INVESTIGATIONS

UNITED STATES CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For necessary expenses for enforcement of laws relating to border security, immigration, customs, agricultural inspections and regulatory activities related to plant and animal imports, and transportation of unaccompanied minor aliens; purchase and lease of up to 7,500 (6,500 for replacement only) police-type vehicles; and contracting with individuals for personal services abroad; \$8,459,657,000; of which \$3,274,000 shall be derived from the Harbor Maintenance Trust Fund for administrative expenses related to the collection of the Harbor Maintenance Fee pursuant to section 9505(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 9505(c)(3)) and notwithstanding section 1511(e)(1) of the Homeland Security Act of 2002 (6 U.S.C. 551(e)(1)); of which \$30,000,000 shall be available until September 30, 2016, solely for the purpose of hiring, training, and equipping United States Customs and Border Protection officers at ports of entry; of which not to exceed \$34,425 shall be for official reception and representation expenses; of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)), shall be derived from that account; of which not to exceed \$150,000 shall be available for payment for rental space in connection with preclearance operations; and of which not to exceed \$1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security: *Provided*, That for fiscal year 2015, the overtime limitation prescribed in section 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 267(c)(1)) shall be \$35,000; and notwithstanding any other provision of law, none of the funds appropriated by this Act shall be available to compensate any employee of United States Customs and Border Protection for overtime, from whatever source, in an amount that exceeds such limitation, except in individual cases determined by the Secretary of Homeland Security, or the designee of the Secretary, to be necessary for national security purposes, to prevent excessive costs, or in cases of immigration emergencies: *Provided further*, That the Border Patrol shall maintain an active duty presence of not less than 21,370 full-time equivalent agents protecting the borders of the United States in the fiscal year.

AUTOMATION MODERNIZATION

For necessary expenses for United States Customs and Border Protection for operation and improvement of automated systems, including salaries and expenses, \$808,169,000; of which \$446,075,000 shall remain available until September 30, 2017; and of which not less than \$140,970,000 shall be for the development of the Automated Commercial Environment.

BORDER SECURITY FENCING, INFRASTRUCTURE, AND TECHNOLOGY

For expenses for border security fencing, infrastructure, and technology, \$382,466,000, to remain available until September 30, 2017.

AIR AND MARINE OPERATIONS

Notification.

Puerto Rico.

Reports.
Deadline.
Strategic plan.

For necessary expenses for the operations, maintenance, and procurement of marine vessels, aircraft, unmanned aircraft systems, the Air and Marine Operations Center, and other related equipment of the air and marine program, including salaries and expenses, operational training, and mission-related travel, the operations of which include the following: the interdiction of narcotics and other goods; the provision of support to Federal, State, and local agencies in the enforcement or administration of laws enforced by the Department of Homeland Security; and, at the discretion of the Secretary of Homeland Security, the provision of assistance to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts; \$750,469,000; of which \$299,800,000 shall be available for salaries and expenses; and of which \$450,669,000 shall remain available until September 30, 2017: *Provided*, That no aircraft or other related equipment, with the exception of aircraft that are one of a kind and have been identified as excess to United States Customs and Border Protection requirements and aircraft that have been damaged beyond repair, shall be transferred to any other Federal agency, department, or office outside of the Department of Homeland Security during fiscal year 2015 without prior notice to the Committees on Appropriations of the Senate and the House of Representatives: *Provided further*, That funding made available under this heading shall be available for customs expenses when necessary to maintain or to temporarily increase operations in Puerto Rico: *Provided further*, That the Secretary of Homeland Security shall report to the Committees on Appropriations of the Senate and the House of Representatives, not later than 90 days after the date of enactment of this Act, on any changes to the 5-year strategic plan for the air and marine program required under the heading “Air and Marine Interdiction, Operations, and Maintenance” in Public Law 112–74.

CONSTRUCTION AND FACILITIES MANAGEMENT

For necessary expenses to plan, acquire, construct, renovate, equip, furnish, operate, manage, and maintain buildings, facilities, and related infrastructure necessary for the administration and enforcement of the laws relating to customs, immigration, and border security, \$288,821,000, to remain available until September 30, 2019.

UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

For necessary expenses for enforcement of immigration and customs laws, detention and removals, and investigations, including intellectual property rights and overseas vetted units operations; and purchase and lease of up to 3,790 (2,350 for replacement only) police-type vehicles; \$5,932,756,000; of which not to exceed

\$10,000,000 shall be available until expended for conducting special operations under section 3131 of the Customs Enforcement Act of 1986 (19 U.S.C. 2081); of which not to exceed \$11,475 shall be for official reception and representation expenses; of which not to exceed \$2,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security; of which not less than \$305,000 shall be for promotion of public awareness of the child pornography tipline and activities to counter child exploitation; of which not less than \$5,400,000 shall be used to facilitate agreements consistent with section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)); of which not to exceed \$40,000,000, to remain available until September 30, 2017, is for maintenance, construction, and lease hold improvements at owned and leased facilities; and of which not to exceed \$11,216,000 shall be available to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled aliens unlawfully present in the United States: *Provided*, That none of the funds made available under this heading shall be available to compensate any employee for overtime in an annual amount in excess of \$35,000, except that the Secretary of Homeland Security, or the designee of the Secretary, may waive that amount as necessary for national security purposes and in cases of immigration emergencies: *Provided further*, That of the total amount provided, \$15,770,000 shall be for activities to enforce laws against forced child labor, of which not to exceed \$6,000,000 shall remain available until expended: *Provided further*, That of the total amount available, not less than \$1,600,000,000 shall be available to identify aliens convicted of a crime who may be deportable, and to remove them from the United States once they are judged deportable: *Provided further*, That the Secretary of Homeland Security shall prioritize the identification and removal of aliens convicted of a crime by the severity of that crime: *Provided further*, That funding made available under this heading shall maintain a level of not less than 34,000 detention beds through September 30, 2015: *Provided further*, That of the total amount provided, not less than \$3,431,444,000 is for detention, enforcement, and removal operations, including transportation of unaccompanied minor aliens: *Provided further*, That of the amount provided for Custody Operations in the previous proviso, \$45,000,000 shall remain available until September 30, 2019: *Provided further*, That of the total amount provided for the Visa Security Program and international investigations, \$43,000,000 shall remain available until September 30, 2016: *Provided further*, That not less than \$15,000,000 shall be available for investigation of intellectual property rights violations, including operation of the National Intellectual Property Rights Coordination Center: *Provided further*, That none of the funds provided under this heading may be used to continue a delegation of law enforcement authority authorized under section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) if the Department of Homeland Security Inspector General determines that the terms of the agreement governing the delegation of authority have been materially violated: *Provided further*, That none of the funds provided under this heading may be used to continue any contract for the provision of detention services if the two most recent overall performance evaluations received by the contracted facility are less than “adequate” or the equivalent median score in any subsequent

Waiver authority.

Determination.

performance evaluation system: *Provided further*, That nothing under this heading shall prevent United States Immigration and Customs Enforcement from exercising those authorities provided under immigration laws (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17))) during priority operations pertaining to aliens convicted of a crime: *Provided further*, That without regard to the limitation as to time and condition of section 503(d) of this Act, the Secretary may propose to reprogram and transfer funds within and into this appropriation necessary to ensure the detention of aliens prioritized for removal.

AUTOMATION MODERNIZATION

For expenses of immigration and customs enforcement automated systems, \$26,000,000, to remain available until September 30, 2017.

TRANSPORTATION SECURITY ADMINISTRATION

AVIATION SECURITY

For necessary expenses of the Transportation Security Administration related to providing civil aviation security services pursuant to the Aviation and Transportation Security Act (Public Law 107-71; 115 Stat. 597; 49 U.S.C. 40101 note), \$5,639,095,000, to remain available until September 30, 2016; of which not to exceed \$7,650 shall be for official reception and representation expenses: *Provided*, That any award to deploy explosives detection systems shall be based on risk, the airport's current reliance on other screening solutions, lobby congestion resulting in increased security concerns, high injury rates, airport readiness, and increased cost effectiveness: *Provided further*, That security service fees authorized under section 44940 of title 49, United States Code, shall be credited to this appropriation as offsetting collections and shall be available only for aviation security: *Provided further*, That the sum appropriated under this heading from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2015 so as to result in a final fiscal year appropriation from the general fund estimated at not more than \$3,574,095,000: *Provided further*, That the fees deposited under this heading in fiscal year 2013 and sequestered pursuant to section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a), that are currently unavailable for obligation, are hereby permanently cancelled: *Provided further*, That notwithstanding section 44923 of title 49, United States Code, for fiscal year 2015, any funds in the Aviation Security Capital Fund established by section 44923(h) of title 49, United States Code, may be used for the procurement and installation of explosives detection systems or for the issuance of other transaction agreements for the purpose of funding projects described in section 44923(a) of such title: *Provided further*, That notwithstanding any other provision of law, mobile explosives detection equipment purchased and deployed using funds made available under this heading may be moved and redeployed to meet evolving passenger and baggage screening security priorities at airports: *Provided further*, That none of the funds made available in this Act may be used for any recruiting or hiring of personnel into the Transportation

Security Administration that would cause the agency to exceed a staffing level of 45,000 full-time equivalent screeners: *Provided further*, That the preceding proviso shall not apply to personnel hired as part-time employees: *Provided further*, That not later than 90 days after the date of enactment of this Act, the Administrator of the Transportation Security Administration shall submit to the Committees on Appropriations of the Senate and the House of Representatives a detailed report on—

Deadline.
Reports.

(1) the Department of Homeland Security efforts and resources being devoted to develop more advanced integrated passenger screening technologies for the most effective security of passengers and baggage at the lowest possible operating and acquisition costs, including projected funding levels for each fiscal year for the next 5 years or until project completion, whichever is earlier;

(2) how the Transportation Security Administration is deploying its existing passenger and baggage screener workforce in the most cost effective manner; and

(3) labor savings from the deployment of improved technologies for passenger and baggage screening and how those savings are being used to offset security costs or reinvested to address security vulnerabilities:

Provided further, That not later than April 15, 2015, the Administrator of the Transportation Security Administration shall submit to the Committees on Appropriations of the Senate and the House of Representatives, a semiannual report updating information on a strategy to increase the number of air passengers eligible for expedited screening, including:

Deadlines.
Reports.

(1) specific benchmarks and performance measures to increase participation in Pre-Check by air carriers, airports, and passengers;

(2) options to facilitate direct application for enrollment in Pre-Check through the Transportation Security Administration's Web site, airports, and other enrollment locations;

(3) use of third parties to pre-screen passengers for expedited screening;

(4) inclusion of populations already vetted by the Transportation Security Administration and other trusted populations as eligible for expedited screening;

(5) resource implications of expedited passenger screening resulting from the use of risk-based security methods; and

(6) the total number and percentage of passengers using Pre-Check lanes who:

(A) have enrolled in Pre-Check since Transportation Security Administration enrollment centers were established;

(B) enrolled using the Transportation Security Administration's Pre-Check application Web site;

(C) were enrolled as frequent flyers of a participating airline;

(D) utilized Pre-Check as a result of their enrollment in a Trusted Traveler program of United States Customs and Border Protection;

(E) were selectively identified to participate in expedited screening through the use of Managed Inclusion in fiscal year 2014; and

(F) are enrolled in all other Pre-Check categories:

Provided further, That Members of the United States House of Representatives and United States Senate, including the leadership; the heads of Federal agencies and commissions, including the Secretary, Deputy Secretary, Under Secretaries, and Assistant Secretaries of the Department of Homeland Security; the United States Attorney General, Deputy Attorney General, Assistant Attorneys General, and the United States Attorneys; and senior members of the Executive Office of the President, including the Director of the Office of Management and Budget, shall not be exempt from Federal passenger and baggage screening.

SURFACE TRANSPORTATION SECURITY

For necessary expenses of the Transportation Security Administration related to surface transportation security activities, \$123,749,000, to remain available until September 30, 2016.

INTELLIGENCE AND VETTING

For necessary expenses for the development and implementation of intelligence and vetting activities, \$219,166,000, to remain available until September 30, 2016.

TRANSPORTATION SECURITY SUPPORT

For necessary expenses of the Transportation Security Administration related to transportation security support pursuant to the Aviation and Transportation Security Act (Public Law 107-71; 115 Stat. 597; 49 U.S.C. 40101 note), \$917,226,000, to remain available until September 30, 2016: *Provided*, That not later than 90 days after the date of enactment of this Act, the Administrator of the Transportation Security Administration shall submit to the Committees on Appropriations of the Senate and the House of Representatives—

Deadline.
Reports.

(1) a report providing evidence demonstrating that behavioral indicators can be used to identify passengers who may pose a threat to aviation security and the plans that will be put into place to collect additional performance data; and

(2) a report addressing each of the recommendations outlined in the report entitled “TSA Needs Additional Information Before Procuring Next-Generation Systems”, published by the Government Accountability Office on March 31, 2014, and describing the steps the Transportation Security Administration is taking to implement acquisition best practices, increase industry engagement, and improve transparency with regard to technology acquisition programs:

Provided further, That of the funds provided under this heading, \$25,000,000 shall be withheld from obligation for Headquarters Administration until the submission of the reports required by paragraphs (1) and (2) of the preceding proviso.

COAST GUARD

OPERATING EXPENSES

For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for; purchase or lease of not to exceed 25 passenger motor vehicles, which shall be for

replacement only; purchase or lease of small boats for contingent and emergent requirements (at a unit cost of no more than \$700,000) and repairs and service-life replacements, not to exceed a total of \$31,000,000; purchase or lease of boats necessary for overseas deployments and activities; minor shore construction projects not exceeding \$1,000,000 in total cost on any location; payments pursuant to section 156 of Public Law 97-377 (42 U.S.C. 402 note; 96 Stat. 1920); and recreation and welfare; \$7,043,318,000, of which \$553,000,000 shall be for defense-related activities, of which \$213,000,000 is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 and shall be available only if the President subsequently so designates all such amounts and transmits such designations to the Congress; of which \$24,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); and of which not to exceed \$15,300 shall be for official reception and representation expenses: *Provided*, That none of the funds made available by this Act shall be for expenses incurred for recreational vessels under section 12114 of title 46, United States Code, except to the extent fees are collected from owners of yachts and credited to this appropriation: *Provided further*, That to the extent fees are insufficient to pay expenses of recreational vessel documentation under such section 12114, and there is a backlog of recreational vessel applications, then personnel performing non-recreational vessel documentation functions under subchapter II of chapter 121 of title 46, United States Code, may perform documentation under section 12114: *Provided further*, That of the funds provided under this heading, \$85,000,000 shall be withheld from obligation for Coast Guard Headquarters Directorates until a future-years capital investment plan for fiscal years 2016 through 2020, as specified under the heading “Coast Guard, Acquisition, Construction, and Improvements” of this Act, is submitted to the Committees on Appropriations of the Senate and the House of Representatives: *Provided further*, That funds made available under this heading for Overseas Contingency Operations/Global War on Terrorism may be allocated by program, project, and activity, notwithstanding section 503 of this Act: *Provided further*, That, without regard to the limitation as to time and condition of section 503(d) of this Act, after June 30, up to \$10,000,000 may be reprogrammed to or from Military Pay and Allowances in accordance with subsections (a), (b), and (c) of section 503.

President.
Designation.

Investment plan.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses to carry out the environmental compliance and restoration functions of the Coast Guard under chapter 19 of title 14, United States Code, \$13,197,000, to remain available until September 30, 2019.

RESERVE TRAINING

For necessary expenses of the Coast Guard Reserve, as authorized by law; operations and maintenance of the Coast Guard reserve program; personnel and training costs; and equipment and services; \$114,572,000.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto; and maintenance, rehabilitation, lease, and operation of facilities and equipment; as authorized by law; \$1,225,223,000; of which \$20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); and of which the following amounts shall be available until September 30, 2019 (except as subsequently specified): \$6,000,000 for military family housing; \$824,347,000 to acquire, effect major repairs to, renovate, or improve vessels, small boats, and related equipment; \$180,000,000 to acquire, effect major repairs to, renovate, or improve aircraft or increase aviation capability; \$59,300,000 for other acquisition programs; \$40,580,000 for shore facilities and aids to navigation, including facilities at Department of Defense installations used by the Coast Guard; and \$114,996,000, to remain available until September 30, 2015, for personnel compensation and benefits and related costs: *Provided*, That the funds provided by this Act shall be immediately available and allotted to contract for the production of the eighth National Security Cutter notwithstanding the availability of funds for post-production costs: *Provided further*, That the Commandant of the Coast Guard shall submit to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives, at the time the President's budget proposal for fiscal year 2016 is submitted pursuant to section 1105(a) of title 31, United States Code, a future-years capital investment plan for the Coast Guard that identifies for each requested capital asset—

Investment plan.
14 USC 663 note.

- (1) the proposed appropriations included in that budget;
 - (2) the total estimated cost of completion, including and clearly delineating the costs of associated major acquisition systems infrastructure and transition to operations;
 - (3) projected funding levels for each fiscal year for the next 5 fiscal years or until acquisition program baseline or project completion, whichever is earlier;
 - (4) an estimated completion date at the projected funding levels;
- and
- (5) a current acquisition program baseline for each capital asset, as applicable, that—
 - (A) includes the total acquisition cost of each asset, subdivided by fiscal year and including a detailed description of the purpose of the proposed funding levels for each fiscal year, including for each fiscal year funds requested for design, pre-acquisition activities, production, structural modifications, missionization, post-delivery, and transition to operations costs;
 - (B) includes a detailed project schedule through completion, subdivided by fiscal year, that details—
 - (i) quantities planned for each fiscal year; and
 - (ii) major acquisition and project events, including development of operational requirements, contracting actions, design reviews, production, delivery, test and

evaluation, and transition to operations, including necessary training, shore infrastructure, and logistics;

(C) notes and explains any deviations in cost, performance parameters, schedule, or estimated date of completion from the original acquisition program baseline and the most recent baseline approved by the Department of Homeland Security's Acquisition Review Board, if applicable;

(D) aligns the acquisition of each asset to mission requirements by defining existing capabilities of comparable legacy assets, identifying known capability gaps between such existing capabilities and stated mission requirements, and explaining how the acquisition of each asset will address such known capability gaps;

(E) defines life-cycle costs for each asset and the date of the estimate on which such costs are based, including all associated costs of major acquisitions systems infrastructure and transition to operations, delineated by purpose and fiscal year for the projected service life of the asset;

(F) includes the earned value management system summary schedule performance index and cost performance index for each asset, if applicable; and

(G) includes a phase-out and decommissioning schedule delineated by fiscal year for each existing legacy asset that each asset is intended to replace or recapitalize:

Provided further, That the Commandant of the Coast Guard shall ensure that amounts specified in the future-years capital investment plan are consistent, to the maximum extent practicable, with proposed appropriations necessary to support the programs, projects, and activities of the Coast Guard in the President's budget proposal for fiscal year 2016, submitted pursuant to section 1105(a) of title 31, United States Code: *Provided further*, That any inconsistencies between the capital investment plan and proposed appropriations shall be identified and justified: *Provided further*, That the Director of the Office of Management and Budget shall not delay the submission of the capital investment plan referred to by the preceding provisos: *Provided further*, That the Director of the Office of Management and Budget shall have no more than a single period of 10 consecutive business days to review the capital investment plan prior to submission: *Provided further*, That the Secretary of Homeland Security shall notify the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives one day after the capital investment plan is submitted to the Office of Management and Budget for review and the Director of the Office of Management and Budget shall notify the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives when such review is completed: *Provided further*, That subsections (a) and (b) of section 6402 of Public Law 110-28 shall hereafter apply with respect to the amounts made available under this heading.

Time period.
Review.

Notifications.
Review.

Applicability.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses for applied scientific research, development, test, and evaluation; and for maintenance, rehabilitation, lease, and operation of facilities and equipment; as authorized by law; \$17,892,000, to remain available until September 30, 2017, of which \$500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)): *Provided*, That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries for expenses incurred for research, development, testing, and evaluation.

RETIRED PAY

For retired pay, including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose, payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, payment for career status bonuses, concurrent receipts, and combat-related special compensation under the National Defense Authorization Act, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, \$1,450,626,000, to remain available until expended.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including purchase of not to exceed 652 vehicles for police-type use for replacement only; hire of passenger motor vehicles; purchase of motorcycles made in the United States; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director of the United States Secret Service; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; payment of per diem or subsistence allowances to employees in cases in which a protective assignment on the actual day or days of the visit of a protectee requires an employee to work 16 hours per day or to remain overnight at a post of duty; conduct of and participation in firearms matches; presentation of awards; travel of United States Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if approval is obtained in advance from the Committees on Appropriations of the Senate and the House of Representatives; research and development; grants to conduct behavioral research in support of protective research and operations; and payment in advance for commercial accommodations as may be necessary to perform protective functions; \$1,615,860,000; of which not to exceed \$19,125 shall be for official reception and representation expenses; of which not to exceed \$100,000 shall be to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; of which \$2,366,000 shall be for forensic and related support of investigations of missing and exploited children; of which \$6,000,000 shall be

for a grant for activities related to investigations of missing and exploited children and shall remain available until September 30, 2016; and of which not less than \$12,000,000 shall be for activities related to training in electronic crimes investigations and forensics: *Provided*, That \$18,000,000 for protective travel shall remain available until September 30, 2016: *Provided further*, That \$4,500,000 for National Special Security Events shall remain available until September 30, 2016: *Provided further*, That the United States Secret Service is authorized to obligate funds in anticipation of reimbursements from Federal agencies and entities, as defined in section 105 of title 5, United States Code, for personnel receiving training sponsored by the James J. Rowley Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available under this heading at the end of the fiscal year: *Provided further*, That none of the funds made available under this heading shall be available to compensate any employee for overtime in an annual amount in excess of \$35,000, except that the Secretary of Homeland Security, or the designee of the Secretary, may waive that amount as necessary for national security purposes: *Provided further*, That none of the funds made available to the United States Secret Service by this Act or by previous appropriations Acts may be made available for the protection of the head of a Federal agency other than the Secretary of Homeland Security: *Provided further*, That the Director of the United States Secret Service may enter into an agreement to provide such protection on a fully reimbursable basis: *Provided further*, That none of the funds made available to the United States Secret Service by this Act or by previous appropriations Acts may be obligated for the purpose of opening a new permanent domestic or overseas office or location unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such obligation: *Provided further*, That not later than 90 days after the date of enactment of this Act, the Director of the United States Secret Service shall submit to the Committees on Appropriations of the Senate and the House of Representatives, a report providing evidence that the United States Secret Service has sufficiently reviewed its professional standards of conduct; and has issued new guidance and procedures for the conduct of employees when engaged in overseas operations and protective missions, consistent with the critical missions of, and the unique position of public trust occupied by, the United States Secret Service: *Provided further*, That of the funds provided under this heading, \$10,000,000 shall be withheld from obligation for Headquarters, Management and Administration until such report is submitted: *Provided further*, That for purposes of section 503(b) of this Act, \$15,000,000 or 10 percent, whichever is less, may be transferred between Protection of Persons and Facilities and Domestic Field Operations.

Waiver authority.

Contracts.

Notification.
Deadline.Deadline.
Reports.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED
EXPENSES

For necessary expenses for acquisition, construction, repair, alteration, and improvement of physical and technological infrastructure, \$49,935,000; of which \$5,380,000, to remain available until September 30, 2019, shall be for acquisition, construction, improvement, and maintenance of the James J. Rowley Training

Center; and of which \$44,555,000, to remain available until September 30, 2017, shall be for Information Integration and Technology Transformation program execution.

TITLE III

PROTECTION, PREPAREDNESS, RESPONSE, AND RECOVERY

NATIONAL PROTECTION AND PROGRAMS DIRECTORATE

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Office of the Under Secretary for the National Protection and Programs Directorate, support for operations, and information technology, \$61,651,000: *Provided*, That not to exceed \$3,825 shall be for official reception and representation expenses: *Provided further*, That the President's budget proposal for fiscal year 2016, submitted pursuant to section 1105(a) of title 31, United States Code, shall be detailed by office, and by program, project, and activity level, for the National Protection and Programs Directorate.

INFRASTRUCTURE PROTECTION AND INFORMATION SECURITY

For necessary expenses for infrastructure protection and information security programs and activities, as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), \$1,188,679,000, of which \$225,000,000 shall remain available until September 30, 2016: *Provided*, That if, due to delays in contract actions, the National Protection and Programs Directorate will not fully obligate funds for Federal Network Security or for Network Security Deployment program, project, and activities as provided in the accompanying statement and section 548 of this Act, such funds may be applied to Next Generation Networks program, project, and activities, notwithstanding section 503 of this Act.

FEDERAL PROTECTIVE SERVICE

Strategic plan.

The revenues and collections of security fees credited to this account shall be available until expended for necessary expenses related to the protection of federally owned and leased buildings and for the operations of the Federal Protective Service: *Provided*, That the Director of the Federal Protective Service shall submit at the time the President's budget proposal for fiscal year 2016 is submitted pursuant to section 1105(a) of title 31, United States Code, a strategic human capital plan that aligns fee collections to personnel requirements based on a current threat assessment.

OFFICE OF BIOMETRIC IDENTITY MANAGEMENT

For necessary expenses for the Office of Biometric Identity Management, as authorized by section 7208 of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1365b), \$252,056,000: *Provided*, That of the total amount made available under this heading, \$122,150,000 shall remain available until September 30, 2017.

OFFICE OF HEALTH AFFAIRS

For necessary expenses of the Office of Health Affairs, \$129,358,000; of which \$26,148,000 is for salaries and expenses and \$86,891,000 is for BioWatch operations: *Provided*, That of the amount made available under this heading, \$16,319,000 shall remain available until September 30, 2016, for biosurveillance, chemical defense, medical and health planning and coordination, and workforce health protection: *Provided further*, That not to exceed \$2,250 shall be for official reception and representation expenses.

FEDERAL EMERGENCY MANAGEMENT AGENCY

SALARIES AND EXPENSES

For necessary expenses of the Federal Emergency Management Agency, \$934,396,000, including activities authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Cerro Grande Fire Assistance Act of 2000 (division C, title I, 114 Stat. 583), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947 (50 U.S.C. 404, 405), Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), the National Dam Safety Program Act (33 U.S.C. 467 et seq.), the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.), the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110-53), the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), the Post-Katrina Emergency Management Reform Act of 2006 (Public Law 109-295; 120 Stat. 1394), the Biggert-Waters Flood Insurance Reform Act of 2012 (Public Law 112-141, 126 Stat. 916), and the Homeowner Flood Insurance Affordability Act of 2014 (Public Law 113-89): *Provided*, That not to exceed \$2,250 shall be for official reception and representation expenses: *Provided further*, That of the total amount made available under this heading, \$35,180,000 shall be for the Urban Search and Rescue Response System, of which none is available for Federal Emergency Management Agency administrative costs: *Provided further*, That of the total amount made available under this heading, \$30,000,000 shall remain available until September 30, 2016, for capital improvements and other expenses related to continuity of operations at the Mount Weather Emergency Operations Center: *Provided further*, That of the total amount made available, \$3,400,000 shall be for the Office of National Capital Region Coordination: *Provided further*, That of the total amount made available under this heading, not less than \$4,000,000 shall remain available until September 30, 2016, for expenses related to modernization of automated systems.

STATE AND LOCAL PROGRAMS

For grants, contracts, cooperative agreements, and other activities, \$1,500,000,000, which shall be allocated as follows:

- (1) \$467,000,000 shall be for the State Homeland Security Grant Program under section 2004 of the Homeland Security Act of 2002 (6 U.S.C. 605), of which not less than \$55,000,000

Puerto Rico.

shall be for Operation Stonegarden: *Provided*, That notwithstanding subsection (c)(4) of such section 2004, for fiscal year 2015, the Commonwealth of Puerto Rico shall make available to local and tribal governments amounts provided to the Commonwealth of Puerto Rico under this paragraph in accordance with subsection (c)(1) of such section 2004.

(2) \$600,000,000 shall be for the Urban Area Security Initiative under section 2003 of the Homeland Security Act of 2002 (6 U.S.C. 604), of which not less than \$13,000,000 shall be for organizations (as described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such code) determined by the Secretary of Homeland Security to be at high risk of a terrorist attack.

(3) \$100,000,000 shall be for Public Transportation Security Assistance, Railroad Security Assistance, and Over-the-Road Bus Security Assistance under sections 1406, 1513, and 1532 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110-53; 6 U.S.C. 1135, 1163, and 1182), of which not less than \$10,000,000 shall be for Amtrak security and \$3,000,000 shall be for Over-the-Road Bus Security: *Provided*, That such public transportation security assistance shall be provided directly to public transportation agencies.

(4) \$100,000,000 shall be for Port Security Grants in accordance with 46 U.S.C. 70107.

(5) \$233,000,000 shall be to sustain current operations for training, exercises, technical assistance, and other programs, of which \$162,991,000 shall be for training of State, local, and tribal emergency response providers:

Grants.
Deadlines.

Provided, That for grants under paragraphs (1) through (4), applications for grants shall be made available to eligible applicants not later than 60 days after the date of enactment of this Act, that eligible applicants shall submit applications not later than 80 days after the grant announcement, and the Administrator of the Federal Emergency Management Agency shall act within 65 days after the receipt of an application: *Provided further*, That notwithstanding section 2008(a)(11) of the Homeland Security Act of 2002 (6 U.S.C. 609(a)(11)) or any other provision of law, a grantee may not use more than 5 percent of the amount of a grant made available under this heading for expenses directly related to administration of the grant: *Provided further*, That for grants under paragraphs (1) and (2), the installation of communications towers is not considered construction of a building or other physical facility: *Provided further*, That grantees shall provide reports on their use of funds, as determined necessary by the Secretary of Homeland Security: *Provided further*, That notwithstanding section 509 of this Act, the Administrator of the Federal Emergency Management Agency may use the funds provided in paragraph (5) to acquire real property for the purpose of establishing or appropriately extending the security buffer zones around Federal Emergency Management Agency training facilities.

Reports.

FIREFIGHTER ASSISTANCE GRANTS

For grants for programs authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), \$680,000,000, to remain available until September 30, 2016, of which \$340,000,000 shall be available to carry out section 33 of that Act (15 U.S.C.

2229) and \$340,000,000 shall be available to carry out section 34 of that Act (15 U.S.C. 2229a).

EMERGENCY MANAGEMENT PERFORMANCE GRANTS

For emergency management performance grants, as authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), and Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), \$350,000,000.

RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

The aggregate charges assessed during fiscal year 2015, as authorized in title III of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (42 U.S.C. 5196e), shall not be less than 100 percent of the amounts anticipated by the Department of Homeland Security necessary for its radiological emergency preparedness program for the next fiscal year: *Provided*, That the methodology for assessment and collection of fees shall be fair and equitable and shall reflect costs of providing such services, including administrative costs of collecting such fees: *Provided further*, That fees received under this heading shall be deposited in this account as offsetting collections and will become available for authorized purposes on October 1, 2015, and remain available until expended.

Fees.

UNITED STATES FIRE ADMINISTRATION

For necessary expenses of the United States Fire Administration and for other purposes, as authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) and the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.), \$44,000,000.

DISASTER RELIEF FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), \$7,033,464,494, to remain available until expended, of which \$24,000,000 shall be transferred to the Department of Homeland Security Office of Inspector General for audits and investigations related to disasters: *Provided*, That the Administrator of the Federal Emergency Management Agency shall submit to the Committees on Appropriations of the Senate and the House of Representatives the following reports, including a specific description of the methodology and the source data used in developing such reports:

Reports.

(1) an estimate of the following amounts shall be submitted for the budget year at the time that the President's budget proposal for fiscal year 2016 is submitted pursuant to section 1105(a) of title 31, United States Code:

Estimates.

(A) the unobligated balance of funds to be carried over from the prior fiscal year to the budget year;

(B) the unobligated balance of funds to be carried over from the budget year to the budget year plus 1;

(C) the amount of obligations for non-catastrophic events for the budget year;

(D) the amount of obligations for the budget year for catastrophic events delineated by event and by State;

(E) the total amount that has been previously obligated or will be required for catastrophic events delineated by event and by State for all prior years, the current year, the budget year, the budget year plus 1, the budget year plus 2, and the budget year plus 3 and beyond;

(F) the amount of previously obligated funds that will be recovered for the budget year;

(G) the amount that will be required for obligations for emergencies, as described in section 102(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(1)), major disasters, as described in section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)), fire management assistance grants, as described in section 420 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5187), surge activities, and disaster readiness and support activities; and

(H) the amount required for activities not covered under section 251(b)(2)(D)(iii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(D)(iii); Public Law 99-177);

Estimates.
Deadlines.
Web posting.

(2) an estimate or actual amounts, if available, of the following for the current fiscal year shall be submitted not later than the fifth day of each month, and shall be published by the Administrator on the Agency's Web site not later than the fifth day of each month:

(A) a summary of the amount of appropriations made available by source, the transfers executed, the previously allocated funds recovered, and the commitments, allocations, and obligations made;

(B) a table of disaster relief activity delineated by month, including—

(i) the beginning and ending balances;

(ii) the total obligations to include amounts obligated for fire assistance, emergencies, surge, and disaster support activities;

(iii) the obligations for catastrophic events delineated by event and by State; and

(iv) the amount of previously obligated funds that are recovered;

(C) a summary of allocations, obligations, and expenditures for catastrophic events delineated by event;

Hurricane Sandy.

(D) in addition, for a disaster declaration related to Hurricane Sandy, the cost of the following categories of spending: public assistance, individual assistance, mitigation, administrative, operations, and any other relevant category (including emergency measures and disaster resources); and

(E) the date on which funds appropriated will be exhausted:

Web posting.
Deadline.
Grants.

Provided further, That the Administrator shall publish on the Agency's Web site not later than 5 days after an award of a public assistance grant under section 406 of the Robert T. Stafford

Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) the specifics of the grant award: *Provided further*, That for any mission assignment or mission assignment task order to another Federal department or agency regarding a major disaster, not later than 5 days after the issuance of the mission assignment or task order, the Administrator shall publish on the Agency's website the following: the name of the impacted State and the disaster declaration for such State, the assigned agency, the assistance requested, a description of the disaster, the total cost estimate, and the amount obligated: *Provided further*, That not later than 10 days after the last day of each month until the mission assignment or task order is completed and closed out, the Administrator shall update any changes to the total cost estimate and the amount obligated: *Provided further*, That of the amount provided under this heading, \$6,437,792,622 shall be for major disasters declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): *Provided further*, That the amount in the preceding proviso is designated by the Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Deadline.
Web posting.

FLOOD HAZARD MAPPING AND RISK ANALYSIS PROGRAM

For necessary expenses, including administrative costs, under section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101), and under sections 100215, 100216, 100226, 100230, and 100246 of the Biggert-Waters Flood Insurance Reform Act of 2012, (Public Law 112-141, 126 Stat. 916), \$100,000,000, and such additional sums as may be provided by State and local governments or other political subdivisions for cost-shared mapping activities under section 1360(f)(2) of such Act (42 U.S.C. 4101(f)(2)), to remain available until expended.

NATIONAL FLOOD INSURANCE FUND

For activities under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), the Biggert-Waters Flood Insurance Reform Act of 2012 (subtitle A of title II of division F of Public Law 112-141; 126 Stat. 916), and the Homeowner Flood Insurance Affordability Act of 2014 (Public Law 113-89; 128 Stat. 1020), \$179,294,000, which shall remain available until September 30, 2016, and shall be derived from offsetting amounts collected under section 1308(d) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(d)); which is available for salaries and expenses associated with flood mitigation and flood insurance operations; and floodplain management and additional amounts for flood mapping: *Provided*, That of such amount, \$23,759,000 shall be available for salaries and expenses associated with flood mitigation and flood insurance operations and \$155,535,000 shall be available for flood plain management and flood mapping: *Provided further*, That any additional fees collected pursuant to section 1308(d) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(d)) shall be credited as an offsetting collection to this account, to be available for flood plain management and flood mapping: *Provided further*, That in fiscal year 2015, no funds shall be available from the National Flood Insurance Fund under section 1310 of the National Flood Insurance Act of 1968 (42 U.S.C. 4017) in excess of:

- (1) \$136,000,000 for operating expenses;
- (2) \$1,139,000,000 for commissions and taxes of agents;
- (3) such sums as are necessary for interest on Treasury borrowings; and
- (4) \$150,000,000, which shall remain available until expended, for flood mitigation actions and for flood mitigation assistance under section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c), notwithstanding sections 1366(e) and 1310(a)(7) of such Act (42 U.S.C. 4104c(e), 4017):

Provided further, That the amounts collected under section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a) and section 1366(e) of the National Flood Insurance Act of 1968 shall be deposited in the National Flood Insurance Fund to supplement other amounts specified as available for section 1366 of the National Flood Insurance Act of 1968, notwithstanding section 102(f)(8), section 1366(e), and paragraphs (1) through (3) of section 1367(b) of such Act (42 U.S.C. 4012a(f)(8), 4104c(e), 4104d(b)(1)–(3)): *Provided further*, That total administrative costs shall not exceed 4 percent of the total appropriation: *Provided further*, That \$5,000,000 is available to carry out section 24 of the Homeowner Flood Insurance Affordability Act of 2014 (42 U.S.C. 4033).

NATIONAL PREDISASTER MITIGATION FUND

For the predisaster mitigation grant program under section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133), \$25,000,000, to remain available until expended.

EMERGENCY FOOD AND SHELTER

To carry out the emergency food and shelter program pursuant to title III of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11331 et seq.), \$120,000,000, to remain available until expended: *Provided*, That total administrative costs shall not exceed 3.5 percent of the total amount made available under this heading.

TITLE IV

RESEARCH, DEVELOPMENT, TRAINING, AND SERVICES

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

For necessary expenses for citizenship and immigration services, \$124,435,000 for the E-Verify Program, as described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note), to assist United States employers with maintaining a legal workforce: *Provided*, That, notwithstanding any other provision of law, funds otherwise made available to United States Citizenship and Immigration Services may be used to acquire, operate, equip, and dispose of up to 5 vehicles, for replacement only, for areas where the Administrator of General Services does not provide vehicles for lease: *Provided further*, That the Director of United States Citizenship and Immigration Services may authorize employees who are assigned to those areas to use such vehicles to travel between the employees' residences and places of employment.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, including materials and support costs of Federal law enforcement basic training; the purchase of not to exceed 117 vehicles for police-type use and hire of passenger motor vehicles; expenses for student athletic and related activities; the conduct of and participation in firearms matches and presentation of awards; public awareness and enhancement of community support of law enforcement training; room and board for student interns; a flat monthly reimbursement to employees authorized to use personal mobile phones for official duties; and services as authorized by section 3109 of title 5, United States Code; \$230,497,000; of which up to \$54,154,000 shall remain available until September 30, 2016, for materials and support costs of Federal law enforcement basic training; of which \$300,000 shall remain available until expended to be distributed to Federal law enforcement agencies for expenses incurred participating in training accreditation; and of which not to exceed \$7,180 shall be for official reception and representation expenses: *Provided*, That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training sponsored by the Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: *Provided further*, That section 1202(a) of Public Law 107-206 (42 U.S.C. 3771 note), as amended under this heading in division F of Public Law 113-76, is further amended by striking “December 31, 2016” and inserting “December 31, 2017”: *Provided further*, That the Director of the Federal Law Enforcement Training Center shall schedule basic or advanced law enforcement training, or both, at all four training facilities under the control of the Federal Law Enforcement Training Center to ensure that such training facilities are operated at the highest capacity throughout the fiscal year: *Provided further*, That the Federal Law Enforcement Training Accreditation Board, including representatives from the Federal law enforcement community and non-Federal accreditation experts involved in law enforcement training, shall lead the Federal law enforcement training accreditation process to continue the implementation of measuring and assessing the quality and effectiveness of Federal law enforcement training programs, facilities, and instructors.

ACQUISITIONS, CONSTRUCTION, IMPROVEMENTS, AND RELATED
EXPENSES

For acquisition of necessary additional real property and facilities, construction, and ongoing maintenance, facility improvements, and related expenses of the Federal Law Enforcement Training Center, \$27,841,000, to remain available until September 30, 2019: *Provided*, That the Center is authorized to accept reimbursement to this appropriation from government agencies requesting the construction of special use facilities.

SCIENCE AND TECHNOLOGY

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Office of the Under Secretary for Science and Technology and for management and administration of programs and activities, as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), \$129,993,000: *Provided*, That not to exceed \$7,650 shall be for official reception and representation expenses.

RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS

For necessary expenses for science and technology research, including advanced research projects, development, test and evaluation, acquisition, and operations as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), and the purchase or lease of not to exceed 5 vehicles, \$973,915,000; of which \$538,926,000 shall remain available until September 30, 2017; and of which \$434,989,000 shall remain available until September 30, 2019, solely for operation and construction of laboratory facilities: *Provided*, That of the funds provided for the operation and construction of laboratory facilities under this heading, \$300,000,000 shall be for construction of the National Bio- and Agro-defense Facility.

DOMESTIC NUCLEAR DETECTION OFFICE

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Domestic Nuclear Detection Office, as authorized by title XIX of the Homeland Security Act of 2002 (6 U.S.C. 591 et seq.), for management and administration of programs and activities, \$37,339,000: *Provided*, That not to exceed \$2,250 shall be for official reception and representation expenses.

RESEARCH, DEVELOPMENT, AND OPERATIONS

For necessary expenses for radiological and nuclear research, development, testing, evaluation, and operations, \$197,900,000, to remain available until September 30, 2017.

SYSTEMS ACQUISITION

For necessary expenses for the Domestic Nuclear Detection Office acquisition and deployment of radiological detection systems in accordance with the global nuclear detection architecture, \$72,603,000, to remain available until September 30, 2017.

TITLE V

GENERAL PROVISIONS

(INCLUDING RESCISSIONS OF FUNDS)

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. Subject to the requirements of section 503 of this Act, the unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this Act, may be merged with funds in the applicable established accounts, and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 503. (a) None of the funds provided by this Act, provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2015, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that:

- (1) creates a new program, project, or activity;
- (2) eliminates a program, project, office, or activity;
- (3) increases funds for any program, project, or activity for which funds have been denied or restricted by the Congress;
- (4) proposes to use funds directed for a specific activity by either of the Committees on Appropriations of the Senate or the House of Representatives for a different purpose; or
- (5) contracts out any function or activity for which funding levels were requested for Federal full-time equivalents in the object classification tables contained in the fiscal year 2015 Budget Appendix for the Department of Homeland Security, as modified by the report accompanying this Act, unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

Contracts.
Notification.
Deadline.

(b) None of the funds provided by this Act, provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2015, or provided from any accounts in the Treasury of the United States derived by the collection of fees or proceeds available to the agencies funded by this Act, shall be available for obligation or expenditure for programs, projects, or activities through a reprogramming of funds in excess of \$5,000,000 or 10 percent, whichever is less, that:

- (1) augments existing programs, projects, or activities;
- (2) reduces by 10 percent funding for any existing program, project, or activity;
- (3) reduces by 10 percent the numbers of personnel approved by the Congress; or
- (4) results from any general savings from a reduction in personnel that would result in a change in existing programs, projects, or activities as approved by the Congress, unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

Notification.
Deadline.

(c) Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Homeland Security by this Act or provided by previous appropriations Acts may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by such transfers: *Provided*, That any transfer under this section shall be treated as a reprogramming of funds

Notification.
Deadline.

under subsection (b) and shall not be available for obligation unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such transfer.

(d) Notwithstanding subsections (a), (b), and (c) of this section, no funds shall be reprogrammed within or transferred between appropriations based upon an initial notification provided after June 30, except in extraordinary circumstances that imminently threaten the safety of human life or the protection of property.

Applicability.

(e) The notification thresholds and procedures set forth in this section shall apply to any use of deobligated balances of funds provided in previous Department of Homeland Security Appropriations Acts.

31 USC 501 note.

SEC. 504. The Department of Homeland Security Working Capital Fund, established pursuant to section 403 of Public Law 103-356 (31 U.S.C. 501 note), shall continue operations as a permanent working capital fund for fiscal year 2015: *Provided*, That none of the funds appropriated or otherwise made available to the Department of Homeland Security may be used to make payments to the Working Capital Fund, except for the activities and amounts allowed in the President's fiscal year 2015 budget: *Provided further*, That funds provided to the Working Capital Fund shall be available for obligation until expended to carry out the purposes of the Working Capital Fund: *Provided further*, That all departmental components shall be charged only for direct usage of each Working Capital Fund service: *Provided further*, That funds provided to the Working Capital Fund shall be used only for purposes consistent with the contributing component: *Provided further*, That the Working Capital Fund shall be paid in advance or reimbursed at rates which will return the full cost of each service: *Provided further*, That the Committees on Appropriations of the Senate and House of Representatives shall be notified of any activity added to or removed from the fund: *Provided further*, That the Chief Financial Officer of the Department of Homeland Security shall submit a quarterly execution report with activity level detail, not later than 30 days after the end of each quarter.

Notification.

Execution report.
Deadlines.

SEC. 505. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2015, as recorded in the financial records at the time of a reprogramming request, but not later than June 30, 2016, from appropriations for salaries and expenses for fiscal year 2015 in this Act shall remain available through September 30, 2016, in the account and for the purposes for which the appropriations were provided: *Provided*, That prior to the obligation of such funds, a request shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives for approval in accordance with section 503 of this Act.

Approval request.

SEC. 506. Funds made available by this Act for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2015 until the enactment of an Act authorizing intelligence activities for fiscal year 2015.

SEC. 507. (a) Except as provided in subsections (b) and (c), none of the funds made available by this Act may be used to—

(1) make or award a grant allocation, grant, contract, other transaction agreement, or task or delivery order on a Department of Homeland Security multiple award contract, or to issue a letter of intent totaling in excess of \$1,000,000;

(2) award a task or delivery order requiring an obligation of funds in an amount greater than \$10,000,000 from multi-year Department of Homeland Security funds;

(3) make a sole-source grant award; or

(4) announce publicly the intention to make or award items under paragraph (1), (2), or (3) including a contract covered by the Federal Acquisition Regulation.

(b) The Secretary of Homeland Security may waive the prohibition under subsection (a) if the Secretary notifies the Committees on Appropriations of the Senate and the House of Representatives at least 3 full business days in advance of making an award or issuing a letter as described in that subsection.

Waiver authority.
Notification.
Deadline.

(c) If the Secretary of Homeland Security determines that compliance with this section would pose a substantial risk to human life, health, or safety, an award may be made without notification, and the Secretary shall notify the Committees on Appropriations of the Senate and the House of Representatives not later than 5 full business days after such an award is made or letter issued.

Determination.
Notification.
Deadline.

(d) A notification under this section—

(1) may not involve funds that are not available for obligation; and

(2) shall include the amount of the award; the fiscal year for which the funds for the award were appropriated; the type of contract; and the account from which the funds are being drawn.

(e) The Administrator of the Federal Emergency Management Agency shall brief the Committees on Appropriations of the Senate and the House of Representatives 5 full business days in advance of announcing publicly the intention of making an award under “State and Local Programs”.

Briefing.
Deadline.

SEC. 508. Notwithstanding any other provision of law, no agency shall purchase, construct, or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations of the Senate and the House of Representatives, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training that cannot be accommodated in existing Center facilities.

Contracts.

SEC. 509. None of the funds appropriated or otherwise made available by this Act may be used for expenses for any construction, repair, alteration, or acquisition project for which a prospectus otherwise required under chapter 33 of title 40, United States Code, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus.

SEC. 510. (a) Sections 520, 522, and 530 of the Department of Homeland Security Appropriations Act, 2008 (division E of Public Law 110-161; 121 Stat. 2073 and 2074) shall apply with respect to funds made available in this Act in the same manner as such sections applied to funds made available in that Act.

Applicability.

(b) The third proviso of section 537 of the Department of Homeland Security Appropriations Act, 2006 (6 U.S.C. 114), shall not apply with respect to funds made available in this Act.

SEC. 511. None of the funds made available in this Act may be used in contravention of the applicable provisions of the Buy American Act. For purposes of the preceding sentence, the term

“Buy American Act” means chapter 83 of title 41, United States Code.

SEC. 512. None of the funds made available in this Act may be used to amend the oath of allegiance required by section 337 of the Immigration and Nationality Act (8 U.S.C. 1448).

Deadline.
Budget.
Staffing report.

SEC. 513. Not later than 30 days after the last day of each month, the Chief Financial Officer of the Department of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a monthly budget and staffing report for that month that includes total obligations of the Department for that month for the fiscal year at the appropriation and program, project, and activity levels, by the source year of the appropriation. Total obligations for staffing shall also be provided by subcategory of on-board and funded full-time equivalent staffing levels, respectively, and the report shall specify the number of, and total obligations for, contract employees for each office of the Department.

SEC. 514. Except as provided in section 44945 of title 49, United States Code, funds appropriated or transferred to Transportation Security Administration “Aviation Security”, “Administration”, and “Transportation Security Support” for fiscal years 2004 and 2005 that are recovered or deobligated shall be available only for the procurement or installation of explosives detection systems, air cargo, baggage, and checkpoint screening systems, subject to notification: *Provided*, That semiannual reports shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives on any funds that are recovered or deobligated.

Deadline.
Reports.

SEC. 515. None of the funds appropriated by this Act may be used to process or approve a competition under Office of Management and Budget Circular A-76 for services provided by employees (including employees serving on a temporary or term basis) of United States Citizenship and Immigration Services of the Department of Homeland Security who are known as Immigration Information Officers, Contact Representatives, Investigative Assistants, or Immigration Services Officers.

SEC. 516. Any funds appropriated to “Coast Guard, Acquisition, Construction, and Improvements” for fiscal years 2002, 2003, 2004, 2005, and 2006 for the 110–123 foot patrol boat conversion that are recovered, collected, or otherwise received as the result of negotiation, mediation, or litigation, shall be available until expended for the Fast Response Cutter program.

SEC. 517. The functions of the Federal Law Enforcement Training Center instructor staff shall be classified as inherently governmental for the purpose of the Federal Activities Inventory Reform Act of 1998 (31 U.S.C. 501 note).

Reports.
Deadline.
Grants.
Contracts.

SEC. 518. (a) The Secretary of Homeland Security shall submit a report not later than October 15, 2015, to the Office of Inspector General of the Department of Homeland Security listing all grants and contracts awarded by any means other than full and open competition during fiscal year 2015.

(b) The Inspector General shall review the report required by subsection (a) to assess Departmental compliance with applicable laws and regulations and report the results of that review to the Committees on Appropriations of the Senate and the House of Representatives not later than February 15, 2016.

Deadlines.

SEC. 519. None of the funds provided by this or previous appropriations Acts shall be used to fund any position designated as

a Principal Federal Official (or the successor thereto) for any Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) declared disasters or emergencies unless—

(1) the responsibilities of the Principal Federal Official do not include operational functions related to incident management, including coordination of operations, and are consistent with the requirements of section 509(c) and sections 503(c)(3) and 503(c)(4)(A) of the Homeland Security Act of 2002 (6 U.S.C. 319(c) and 313(c)(3) and 313(c)(4)(A)) and section 302 of the Robert T. Stafford Disaster Relief and Assistance Act (42 U.S.C. 5143);

(2) not later than 10 business days after the latter of the date on which the Secretary of Homeland Security appoints the Principal Federal Official and the date on which the President issues a declaration under section 401 or section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 and 5191, respectively), the Secretary of Homeland Security shall submit a notification of the appointment of the Principal Federal Official and a description of the responsibilities of such Official and how such responsibilities are consistent with paragraph (1) to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(3) not later than 60 days after the date of enactment of this Act, the Secretary shall provide a report specifying timeframes and milestones regarding the update of operations, planning and policy documents, and training and exercise protocols, to ensure consistency with paragraph (1) of this section.

SEC. 520. None of the funds provided or otherwise made available in this Act shall be available to carry out section 872 of the Homeland Security Act of 2002 (6 U.S.C. 452).

SEC. 521. Funds made available in this Act may be used to alter operations within the Civil Engineering Program of the Coast Guard nationwide, including civil engineering units, facilities design and construction centers, maintenance and logistics commands, and the Coast Guard Academy, except that none of the funds provided in this Act may be used to reduce operations within any Civil Engineering Unit unless specifically authorized by a statute enacted after the date of enactment of this Act.

SEC. 522. None of the funds made available in this Act may be used by United States Citizenship and Immigration Services to grant an immigration benefit unless the results of background checks required by law to be completed prior to the granting of the benefit have been received by United States Citizenship and Immigration Services, and the results do not preclude the granting of the benefit.

SEC. 523. Section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391) is amended—

(1) in subsection (a), by striking “Until September 30, 2014,” and inserting “Until September 30, 2015,”; and

(2) in subsection (c)(1), by striking “September 30, 2014,” and inserting “September 30, 2015.”

SEC. 524. The Secretary of Homeland Security shall require that all contracts of the Department of Homeland Security that provide award fees link such fees to successful acquisition outcomes

Notification.
Appointment.

Reports.

Immigration.

Contracts.

	(which outcomes shall be specified in terms of cost, schedule, and performance).
Waiver authority. Vessels. Consultation.	SEC. 525. Notwithstanding any other provision of law, none of the funds provided in this or any other Act shall be used to approve a waiver of the navigation and vessel-inspection laws pursuant to 46 U.S.C. 501(b) for the transportation of crude oil distributed from the Strategic Petroleum Reserve until the Secretary of Homeland Security, after consultation with the Secretaries of the Departments of Energy and Transportation and representatives from the United States flag maritime industry, takes adequate measures to ensure the use of United States flag vessels: <i>Provided</i> , That the Secretary shall notify the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives within 2 business days of any request for waivers of navigation and vessel-inspection laws pursuant to 46 U.S.C. 501(b).
Notification. Deadline.	SEC. 526. None of the funds made available in this Act for United States Customs and Border Protection may be used to prevent an individual not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act) from importing a prescription drug from Canada that complies with the Federal Food, Drug, and Cosmetic Act: <i>Provided</i> , That this section shall apply only to individuals transporting on their person a personal-use quantity of the prescription drug, not to exceed a 90-day supply: <i>Provided further</i> , That the prescription drug may not be— (1) a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802); or (2) a biological product, as defined in section 351 of the Public Health Service Act (42 U.S.C. 262).
Exports and imports. Drugs and drug abuse.	SEC. 527. None of the funds in this Act shall be used to reduce the United States Coast Guard's Operations Systems Center mission or its government-employed or contract staff levels.
Applicability. Time period.	SEC. 528. The Secretary of Homeland Security, in consultation with the Secretary of the Treasury, shall notify the Committees on Appropriations of the Senate and the House of Representatives of any proposed transfers of funds available under section 9703.1(g)(4)(B) of title 31, United States Code (as added by Public Law 102-393) from the Department of the Treasury Forfeiture Fund to any agency within the Department of Homeland Security: <i>Provided</i> , That none of the funds identified for such a transfer may be obligated until the Committees on Appropriations of the Senate and the House of Representatives approve the proposed transfers.
Consultation. Notification.	SEC. 529. None of the funds made available in this Act may be used for planning, testing, piloting, or developing a national identification card.
National identification card.	SEC. 530. None of the funds appropriated by this Act may be used to conduct, or to implement the results of, a competition under Office of Management and Budget Circular A-76 for activities performed with respect to the Coast Guard National Vessel Documentation Center.
Deadline. President. Determination. Disaster assistance. Web posting. Reports.	SEC. 531. (a) Notwithstanding any other provision of this Act, except as provided in subsection (b), and 30 days after the date on which the President determines whether to declare a major

disaster because of an event and any appeal is completed, the Administrator shall publish on the Web site of the Federal Emergency Management Agency a report regarding that decision that shall summarize damage assessment information used to determine whether to declare a major disaster.

(b) The Administrator may redact from a report under subsection (a) any data that the Administrator determines would compromise national security.

(c) In this section—

(1) the term “Administrator” means the Administrator of the Federal Emergency Management Agency; and

(2) the term “major disaster” has the meaning given that term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

SEC. 532. Any official that is required by this Act to report or to certify to the Committees on Appropriations of the Senate and the House of Representatives may not delegate such authority to perform that act unless specifically authorized herein.

SEC. 533. None of the funds appropriated or otherwise made available in this or any other Act may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after June 24, 2009, at the United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

SEC. 534. None of the funds made available in this Act may be used for first-class travel by the employees of agencies funded by this Act in contravention of sections 301–10.122 through 301–10.124 of title 41, Code of Federal Regulations.

SEC. 535. None of the funds made available in this Act may be used to employ workers described in section 274A(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3)).

SEC. 536. (a) Any company that collects or retains personal information directly from any individual who participates in the Registered Traveler or successor program of the Transportation Security Administration shall hereafter safeguard and dispose of such information in accordance with the requirements in—

(1) the National Institute for Standards and Technology Special Publication 800–30, entitled “Risk Management Guide for Information Technology Systems”;

(2) the National Institute for Standards and Technology Special Publication 800–53, Revision 3, entitled “Recommended Security Controls for Federal Information Systems and Organizations”; and

(3) any supplemental standards established by the Administrator of the Transportation Security Administration (referred to in this section as the “Administrator”).

(b) The airport authority or air carrier operator that sponsors the company under the Registered Traveler program shall hereafter be known as the “Sponsoring Entity”.

(c) The Administrator shall hereafter require any company covered by subsection (a) to provide, not later than 30 days after the date of enactment of this Act, to the Sponsoring Entity written certification that the procedures used by the company to safeguard

Definitions.

Khalid Sheikh
Mohammed.
Cuba.

Privacy.
49 USC 114 note.

Deadline.
Certification.

and dispose of information are in compliance with the requirements under subsection (a). Such certification shall include a description of the procedures used by the company to comply with such requirements.

Contracts.

SEC. 537. Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be used to pay award or incentive fees for contractor performance that has been judged to be below satisfactory performance or performance that does not meet the basic requirements of a contract.

SEC. 538. In developing any process to screen aviation passengers and crews for transportation or national security purposes, the Secretary of Homeland Security shall ensure that all such processes take into consideration such passengers' and crews' privacy and civil liberties consistent with applicable laws, regulations, and guidance.

SEC. 539. (a) Notwithstanding section 1356(n) of title 8, United States Code, of the funds deposited into the Immigration Examinations Fee Account, \$10,000,000 may be allocated by United States Citizenship and Immigration Services in fiscal year 2015 for the purpose of providing an immigrant integration grants program.

(b) None of the funds made available to United States Citizenship and Immigration Services for grants for immigrant integration may be used to provide services to aliens who have not been lawfully admitted for permanent residence.

SEC. 540. For an additional amount for the "Office of the Under Secretary for Management", \$48,600,000, to remain available until expended, for necessary expenses to plan, acquire, design, construct, renovate, remediate, equip, furnish, improve infrastructure, and occupy buildings and facilities for the department headquarters consolidation project and associated mission support consolidation: *Provided*, That the Committees on Appropriations of the Senate and the House of Representatives shall receive an expenditure plan not later than 90 days after the date of enactment of the Act detailing the allocation of these funds.

Expenditure
plan.
Deadline.

Contracts.

SEC. 541. None of the funds appropriated or otherwise made available by this Act may be used by the Department of Homeland Security to enter into any Federal contract unless such contract is entered into in accordance with the requirements of subtitle I of title 41, United States Code, or chapter 137 of title 10, United States Code, and the Federal Acquisition Regulation, unless such contract is otherwise authorized by statute to be entered into without regard to the above referenced statutes.

SEC. 542. (a) For an additional amount for financial systems modernization, \$34,072,000 to remain available until September 30, 2016.

(b) Funds made available in subsection (a) for financial systems modernization may be transferred by the Secretary of Homeland Security between appropriations for the same purpose, notwithstanding section 503 of this Act.

Deadline.
Notification.

(c) No transfer described in subsection (b) shall occur until 15 days after the Committees on Appropriations of the Senate and the House of Representatives are notified of such transfer.

SEC. 543. Notwithstanding the 10 percent limitation contained in section 503(c) of this Act, the Secretary of Homeland Security may transfer to the fund established by 8 U.S.C. 1101 note, up to \$20,000,000 from appropriations available to the Department

of Homeland Security: *Provided*, That the Secretary shall notify the Committees on Appropriations of the Senate and the House of Representatives 5 days in advance of such transfer.

Notification.
Deadline.

SEC. 544. Notwithstanding any other provision of law, if the Secretary of Homeland Security determines that specific United States Immigration and Customs Enforcement Service Processing Centers or other United States Immigration and Customs Enforcement owned detention facilities no longer meet the mission need, the Secretary is authorized to dispose of individual Service Processing Centers or other United States Immigration and Customs Enforcement owned detention facilities by directing the Administrator of General Services to sell all real and related personal property which support Service Processing Centers or other United States Immigration and Customs Enforcement owned detention facilities, subject to such terms and conditions as necessary to protect Government interests and meet program requirements: *Provided*, That the proceeds, net of the costs of sale incurred by the General Services Administration and United States Immigration and Customs Enforcement, shall be deposited as offsetting collections into a separate account that shall be available, subject to appropriation, until expended for other real property capital asset needs of existing United States Immigration and Customs Enforcement assets, excluding daily operations and maintenance costs, as the Secretary deems appropriate: *Provided further*, That any sale or collocation of federally owned detention facilities shall not result in the maintenance of fewer than 34,000 detention beds: *Provided further*, That the Committees on Appropriations of the Senate and the House of Representatives shall be notified 15 days prior to the announcement of any proposed sale or collocation.

Determination.
Detention
facilities.

Notification.
Deadline.

SEC. 545. The Commissioner of United States Customs and Border Protection and the Assistant Secretary of Homeland Security for United States Immigration and Customs Enforcement shall, with respect to fiscal years 2015, 2016, 2017, and 2018, submit to the Committees on Appropriations of the Senate and the House of Representatives, at the time that the President's budget proposal for fiscal year 2016 is submitted pursuant to the requirements of section 1105(a) of title 31, United States Code, the information required in the multi-year investment and management plans required, respectively, under the headings "U.S. Customs and Border Protection, Salaries and Expenses" under title II of division D of the Consolidated Appropriations Act, 2012 (Public Law 112-74); "U.S. Customs and Border Protection, Border Security Fencing, Infrastructure, and Technology" under such title; and section 568 of such Act.

Deadlines.
Plans.

SEC. 546. The Secretary of Homeland Security shall ensure enforcement of all immigration laws (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17))).

SEC. 547. (a) Of the amounts made available by this Act for "National Protection and Programs Directorate, Infrastructure Protection and Information Security", \$140,525,000 for the Federal Network Security program, project, and activity shall be used to deploy on Federal systems technology to improve the information security of agency information systems covered by section 3543(a) of title 44, United States Code: *Provided*, That funds made available under this section shall be used to assist and support Government-wide and agency-specific efforts to provide adequate, risk-based, and cost-effective cybersecurity to address escalating and rapidly

44 USC 3551
note.

Privacy.	<p>evolving threats to information security, including the acquisition and operation of a continuous monitoring and diagnostics program, in collaboration with departments and agencies, that includes equipment, software, and Department of Homeland Security supplied services: <i>Provided further</i>, That continuous monitoring and diagnostics software procured by the funds made available by this section shall not transmit to the Department of Homeland Security any personally identifiable information or content of network communications of other agencies' users: <i>Provided further</i>, That such software shall be installed, maintained, and operated in accordance with all applicable privacy laws and agency-specific policies regarding network content.</p> <p>(b) Funds made available under this section may not be used to supplant funds provided for any such system within an agency budget.</p>
Deadline. Expenditure plans.	<p>(c) Not later than July 1, 2015, the heads of all Federal agencies shall submit to the Committees on Appropriations of the Senate and the House of Representatives expenditure plans for necessary cybersecurity improvements to address known vulnerabilities to information systems described in subsection (a).</p>
Deadlines. Reports.	<p>(d) Not later than October 1, 2015, and semiannually thereafter, the head of each Federal agency shall submit to the Director of the Office of Management and Budget a report on the execution of the expenditure plan for that agency required by subsection (c): <i>Provided</i>, That the Director of the Office of Management and Budget shall summarize such execution reports and annually submit such summaries to Congress in conjunction with the annual progress report on implementation of the E-Government Act of 2002 (Public Law 107-347), as required by section 3606 of title 44, United States Code.</p>
Summaries.	<p>(e) This section shall not apply to the legislative and judicial branches of the Federal Government and shall apply to all Federal agencies within the executive branch except for the Department of Defense, the Central Intelligence Agency, and the Office of the Director of National Intelligence.</p>
Applicability.	<p>SEC. 548. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.</p> <p>(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.</p>
Pornography.	<p>SEC. 549. None of the funds made available in this Act may be used by a Federal law enforcement officer to facilitate the transfer of an operable firearm to an individual if the Federal law enforcement officer knows or suspects that the individual is an agent of a drug cartel unless law enforcement personnel of the United States continuously monitor or control the firearm at all times.</p> <p>SEC. 550. None of the funds provided in this or any other Act may be obligated to implement the National Preparedness Grant Program or any other successor grant programs unless explicitly authorized by Congress.</p> <p>SEC. 551. None of the funds made available in this Act may be used to provide funding for the position of Public Advocate,</p>
Firearms.	

or a successor position, within United States Immigration and Customs Enforcement.

SEC. 552. (a) Section 559 of division F of Public Law 113-76 is amended as follows:

6 USC 211 note.

(1) Subsection (f)(2)(B) is amended by adding at the end: “Such transfer shall not be required for personal property, including furniture, fixtures, and equipment.”; and

(2) Subsection (e)(3)(b) is amended by inserting after “payment of overtime” the following: “and the salaries, training and benefits of individuals employed by U.S. Customs and Border Protection to support U.S. Customs and Border Protection officers in performing law enforcement functions at ports of entry, including primary and secondary processing of passengers”.

(b) Section 560(g) of division D of Public Law 113-6 is amended by inserting after “payment of overtime” the following: “and the salaries, training and benefits of individuals employed by U.S. Customs and Border Protection to support U.S. Customs and Border Protection officers in performing law enforcement functions at ports of entry, including primary and secondary processing of passengers”.

127 Stat. 380.

(c) The Commissioner of United States Customs and Border Protection may modify a reimbursable fee agreement in effect as of the date of enactment of this Act to include costs specified in this section.

SEC. 553. None of the funds made available in this Act may be used to pay for the travel to or attendance of more than 50 employees of a single component of the Department of Homeland Security, who are stationed in the United States, at a single international conference unless the Secretary of Homeland Security, or a designee, determines that such attendance is in the national interest and notifies the Committees on Appropriations of the Senate and the House of Representatives within at least 10 days of that determination and the basis for that determination: *Provided*, That for purposes of this section the term “international conference” shall mean a conference occurring outside of the United States attended by representatives of the United States Government and of foreign governments, international organizations, or non-governmental organizations.

Determination.
Notification.
Deadline.

Definition.

SEC. 554. None of the funds made available in this Act may be used to reimburse any Federal department or agency for its participation in a National Special Security Event.

SEC. 555. With the exception of countries with preclearance facilities in service prior to 2013, none of the funds made available in this Act may be used for new United States Customs and Border Protection air preclearance agreements entering into force after February 1, 2014, unless—

Aircraft and air
carriers.
Contracts.

(1) the Secretary of Homeland Security, in consultation with the Secretary of State, has certified to Congress that air preclearance operations at the airport provide a homeland or national security benefit to the United States;

Consultation.
Certification.

(2) United States passenger air carriers are not precluded from operating at existing preclearance locations; and

(3) a United States passenger air carrier is operating at all airports contemplated for establishment of new air preclearance operations.

SEC. 556. None of the funds made available by this or any other Act may be used by the Administrator of the Transportation

	Security Administration to implement, administer, or enforce, in abrogation of the responsibility described in section 44903(n)(1) of title 49, United States Code, any requirement that airport operators provide airport-financed staffing to monitor exit points from the sterile area of any airport at which the Transportation Security Administration provided such monitoring as of December 1, 2013.
Grants. Waiver authority.	SEC. 557. In making grants under the heading “Firefighter Assistance Grants”, the Secretary may grant waivers from the requirements in subsections (a)(1)(A), (a)(1)(B), (a)(1)(E), (c)(1), (c)(2), and (c)(4) of section 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a).
Effective date.	SEC. 558. (a) IN GENERAL.—Beginning on the date of the enactment of this Act, the Secretary shall not— (1) establish, collect, or otherwise impose any new border crossing fee on individuals crossing the Southern border or the Northern border at a land port of entry; or (2) conduct any study relating to the imposition of a border crossing fee. (b) BORDER CROSSING FEE DEFINED.—In this section, the term “border crossing fee” means a fee that every pedestrian, cyclist, and driver and passenger of a private motor vehicle is required to pay for the privilege of crossing the Southern border or the Northern border at a land port of entry.
Arbitration.	SEC. 559. The administrative law judge annuitants participating in the Senior Administrative Law Judge Program managed by the Director of the Office of Personnel Management under section 3323 of title 5, United States Code, shall be available on a temporary reemployment basis to conduct arbitrations of disputes arising from delivery of assistance under the Federal Emergency Management Agency Public Assistance Program.
Canada. Mexico.	SEC. 560. As authorized by section 601(b) of the United States-Colombia Trade Promotion Agreement Implementation Act (Public Law 112-42) fees collected from passengers arriving from Canada, Mexico, or an adjacent island pursuant to section 13031(a)(5) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)(5)) shall be available until expended.
	SEC. 561. None of the funds appropriated by this or any other Act shall be used to pay the salaries and expenses of personnel who prepare or submit appropriations language as part of the President’s budget submission to the Congress of the United States for programs under the jurisdiction of the Appropriations Subcommittees on the Department of Homeland Security that assumes revenues or reflects a reduction from the previous year due to user fees proposals that have not been enacted into law prior to the submission of the budget unless such budget submission identifies which additional spending reductions should occur in the event the user fees proposals are not enacted prior to the date of the convening of a committee of conference for the fiscal year 2016 appropriations Act.
Deadline. Reports. 6 USC 472.	SEC. 562. (a) The Secretary of Homeland Security shall submit to the Congress, not later than 180 days after the date of enactment of this Act and annually thereafter, beginning at the time the President’s budget proposal for fiscal year 2017 is submitted pursuant to section 1105(a) of title 31, United States Code, a comprehensive report on the purchase and usage of weapons, subdivided by weapon type. The report shall include—

(1) the quantity of weapons in inventory at the end of the preceding calendar year, and the amount of weapons, subdivided by weapon type, included in the budget request for each relevant component or agency in the Department of Homeland Security;

(2) a description of how such quantity and purchase aligns to each component or agency's mission requirements for certification, qualification, training, and operations; and

(3) details on all contracting practices applied by the Department of Homeland Security, including comparative details regarding other contracting options with respect to cost and availability.

(b) The reports required by subsection (a) shall be submitted in an appropriate format in order to ensure the safety of law enforcement personnel.

SEC. 563. None of the funds made available by this Act shall be used for the environmental remediation of the Coast Guard's LORAN support in Wildwood/Lower Township, New Jersey.

SEC. 564. None of the funds made available to the Department of Homeland Security by this or any other Act may be obligated for any structural pay reform that affects more than 100 full-time equivalent employee positions or costs more than \$5,000,000 in a single year before the end of the 30-day period beginning on the date on which the Secretary of Homeland Security submits to Congress a notification that includes—

(1) the number of full-time equivalent employee positions affected by such change;

(2) funding required for such change for the current year and through the Future Years Homeland Security Program;

(3) justification for such change; and

(4) an analysis of compensation alternatives to such change that were considered by the Department.

SEC. 565. (a) Any agency receiving funds made available in this Act, shall, subject to subsections (b) and (c), post on the public Web site of that agency any report required to be submitted by the Committees on Appropriations of the Senate and the House of Representatives in this Act, upon the determination by the head of the agency that it shall serve the national interest.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises homeland or national security; or

(2) the report contains proprietary information.

(c) The head of the agency posting such report shall do so only after such report has been made available to the requesting Committee or Committees of Congress for no less than 45 days except as otherwise specified in law.

SEC. 566. Section 605 of division E of Public Law 110-161 (6 U.S.C. 1404) is hereby repealed.

SEC. 567. The Administrator of the Federal Emergency Management Agency may transfer up to \$95,000,000 in unobligated balances made available for the appropriations account for "Federal Emergency Management Agency, Disaster Assistance Direct Loan Program" under section 2(a) of the Community Disaster Loan Act of 2005 (Public Law 109-88; 119 Stat. 2061) or under chapter 5 of title I of division B of the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Public Law 110-329; 122 Stat. 3592) to the appropriations account for "Federal

New Jersey.

Pay reform.
Time period.
Effective date.
Notification.

Public
information.
Web posting.
Reports.

Time period.

Repeal.

Emergency Management Agency, Disaster Relief Fund”. Amounts transferred to such account under this section shall be available for any authorized purpose of such account.

Gerardo Ismael
Hernandez.
Law enforcement
and crime.
California.

SEC. 568. Notwithstanding any other provision of law, Gerardo Ismael Hernandez, a Transportation Security Officer employed by the Transportation Security Administration who died as the direct result of an injury sustained in the line of duty on November 1, 2013, at the Los Angeles International Airport, shall be deemed to have been a public safety officer for the purposes of the Omnibus Crime Control and Safe Street Act of 1968 (42 U.S.C. 3711 et seq.).

Estimates.
Alien children.

SEC. 569. The Office of Management and Budget and the Department of Homeland Security shall ensure the congressional budget justifications accompanying the President’s budget proposal for the Department of Homeland Security, submitted pursuant to section 1105(a) of title 31, United States Code, include estimates of the number of unaccompanied alien children anticipated to be apprehended in the budget year and the number of agent or officer hours required to process, manage, and care for such children: *Provided*, That such materials shall also include estimates of all other associated costs for each relevant Departmental component, including but not limited to personnel; equipment; supplies; facilities; managerial, technical, and advisory services; medical treatment; and all costs associated with transporting such children from one Departmental component to another or from a Departmental component to another Federal agency.

Extension date.

SEC. 570. Notwithstanding section 404 or 420 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c and 5187), until September 30, 2015, the President may provide hazard mitigation assistance in accordance with such section 404 in any area in which assistance was provided under such section 420.

SEC. 571. That without regard to the limitation as to time and condition of section 503(d) of this Act, the Secretary may propose to reprogram within and transfer funds into “U.S. Customs and Border Protection, Salaries and Expenses” and “U.S. Immigration and Customs Enforcement, Salaries and Expenses” as necessary to ensure the care and transportation of unaccompanied alien children.

SEC. 572. Notwithstanding any other provision of law, grants awarded to States along the Southwest Border of the United States under sections 2003 or 2004 of the Homeland Security Act of 2002 (6 U.S.C. 604 and 605) using funds provided under the heading “Federal Emergency Management Agency, State and Local Programs” in division F of Public Law 113-76 or division D of Public Law 113-6 may be used by recipients or sub-recipients for costs, or reimbursement of costs, related to providing humanitarian relief to unaccompanied alien children and alien adults accompanied by an alien minor where they are encountered after entering the United States, provided that such costs were incurred during the award period of performance.

(RESCISSIONS)

SEC. 573. Of the funds appropriated to the Department of Homeland Security, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

Provided, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177):

(1) \$5,000,000 from unobligated prior year balances from “U.S. Customs and Border Protection, Border Security, Fencing, Infrastructure, and Technology”;

(2) \$8,000,000 from Public Law 113-76 under the heading “U.S. Customs and Border Protection, Air and Marine Operations” in division F of such Act;

(3) \$10,000,000 from unobligated prior year balances from “U.S. Customs and Border Protection, Construction and Facilities Management”;

(4) \$15,300,000 from “Transportation Security Administration, Aviation Security” account 70x0550;

(5) \$187,000,000 from Public Law 113-76 under the heading “Transportation Security Administration, Aviation Security”;

(6) \$2,550,000 from Public Law 112-10 under the heading “Coast Guard, Acquisition, Construction, and Improvements”;

(7) \$12,095,000 from Public Law 112-74 under the heading “Coast Guard, Acquisition, Construction, and Improvements”;

(8) \$16,349,000 from Public Law 113-6 under the heading “Coast Guard, Acquisition, Construction, and Improvements”;

(9) \$30,643,000 from Public Law 113-76 under the heading “Coast Guard, Acquisition, Construction, and Improvements”;

(10) \$24,000,000 from “Federal Emergency Management Agency, National Predisaster Mitigation Fund” account 70x0716; and

(11) \$16,627,000 from “Science and Technology, Research, Development, Acquisition, and Operations” account 70x0800.

(RESCISSION)

SEC. 574. From the unobligated balances made available in the Department of the Treasury Forfeiture Fund established by section 9703 of title 31, United States Code, (added by section 638 of Public Law 102-393), \$175,000,000 shall be rescinded.

(RESCISSIONS)

SEC. 575. Of the funds transferred to the Department of Homeland Security when it was created in 2003, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

(1) \$1,317,018 from “U.S. Customs and Border Protection, Salaries and Expenses”;

(2) \$57,998 from “Coast Guard, Acquisition, Construction, and Improvements”;

(3) \$17,597 from “Federal Emergency Management Agency, Office of Domestic Preparedness”; and

(4) \$82,926 from “Federal Emergency Management Agency, National Predisaster Mitigation Fund”.

SEC. 576. The following unobligated balances made available to the Department of Homeland Security pursuant to section 505 of the Department of Homeland Security Appropriations Act, 2014 (Public Law 113-76) are rescinded:

- (1) \$463,404 from “Office of the Secretary and Executive Management”;
- (2) \$47,023 from “Office of the Under Secretary for Management”;
- (3) \$29,852 from “Office of the Chief Financial Officer”;
- (4) \$16,346 from “Office of the Chief Information Officer”;
- (5) \$816,384 from “Analysis and Operations”;
- (6) \$158,931 from “Office of Inspector General”;
- (7) \$635,153 from “U.S. Customs and Border Protection, Salaries and Expenses”;
- (8) \$65,195 from “U.S. Customs and Border Protection, Automation Modernization”;
- (9) \$96,177 from “U.S. Customs and Border Protection, Air and Marine Operations”;
- (10) \$2,368,902 from “U.S. Immigration and Customs Enforcement, Salaries and Expenses”;
- (11) \$600,000 from “Transportation Security Administration, Federal Air Marshals”;
- (12) \$3,096,521 from “Coast Guard, Operating Expenses”;
- (13) \$208,654 from “Coast Guard, Reserve Training”;
- (14) \$1,722,319 from “Coast Guard, Acquisition, Construction, and Improvements”;
- (15) \$1,256,900 from “United States Secret Service, Salaries and Expenses”;
- (16) \$107,432 from “National Protection and Programs Directorate, Management and Administration”;
- (17) \$679,212 from “National Protection and Programs Directorate, Infrastructure Protection and Information Security”;
- (18) \$26,169 from “Office of Biometric Identity Management”;
- (19) \$37,201 from “Office of Health Affairs”;
- (20) \$818,184 from “Federal Emergency Management Agency, Salaries and Expenses”;
- (21) \$447,280 from “Federal Emergency Management Agency, State and Local Programs”;
- (22) \$98,841 from “Federal Emergency Management Agency, United States Fire Administration”;
- (23) \$448,073 from “United States Citizenship and Immigration Services”;
- (24) \$519,503 from “Federal Law Enforcement Training Center, Salaries and Expenses”;
- (25) \$500,005 from “Science and Technology, Management and Administration”; and
- (26) \$68,910 from “Domestic Nuclear Detection Office, Management and Administration”.

(RESCISSION)

SEC. 577. Of the unobligated balances made available to “Federal Emergency Management Agency, Disaster Relief Fund”, \$375,000,000 shall be rescinded: *Provided*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That no amounts may be rescinded from the amounts that were designated by the

Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 578. The explanatory statement regarding this Act, printed in the House of Representatives section of the Congressional Record, on or about January 13, 2015, by the Chairman of the Committee on Appropriations of the House, shall have the same effect with respect to the allocation of funds and implementation of this Act as if it were a joint explanatory statement of a committee of conference.

This Act may be cited as the “Department of Homeland Security Appropriations Act, 2015”.

Approved March 4, 2015.

LEGISLATIVE HISTORY—H.R. 240:

CONGRESSIONAL RECORD, Vol. 161 (2015):

Jan. 13, 14, considered and passed House.

Feb. 26, considered in Senate.

Feb. 27, considered and passed Senate, amended. House disagreed to Senate amendment.

Mar. 3, House receded and concurred in Senate amendment.

Public Law 114–5
114th Congress

An Act

Mar. 7, 2015
[H.R. 431]

To award a Congressional Gold Medal to the Foot Soldiers who participated in Bloody Sunday, Turnaround Tuesday, or the final Selma to Montgomery Voting Rights March in March of 1965, which served as a catalyst for the Voting Rights Act of 1965.

31 USC 5111
note.

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

SECTION 1. FINDINGS.

The Congress finds the following:

(1) March 7, 2015, will mark 50 years since the brave Foot Soldiers of the Voting Rights Movement first attempted to march from Selma to Montgomery on “Bloody Sunday” in protest against the denial of their right to vote, and were brutally assaulted by Alabama state troopers.

(2) Beginning in 1964, members of the Student Nonviolent Coordinating Committee attempted to register African-Americans to vote throughout the state of Alabama.

(3) These efforts were designed to ensure that every American citizen would be able to exercise their constitutional right to vote and have their voices heard.

Martin Luther
King, Jr.

(4) By December of 1964, many of these efforts remained unsuccessful. Dr. Martin Luther King, Jr., working with leaders from the Student Nonviolent Coordinating Committee and the Southern Christian Leadership Conference, began to organize protests throughout Alabama.

(5) On March 7, 1965, over 500 voting rights marchers known as “Foot Soldiers” gathered on the Edmund Pettus Bridge in Selma, Alabama in peaceful protest of the denial of their most sacred and constitutionally protected right—the right to vote.

John Lewis.
Hosea Williams.

(6) Led by John Lewis of the Student Nonviolent Coordinating Committee and Rev. Hosea Williams of the Southern Christian Leadership Conference, these Foot Soldiers began the march towards the Alabama State Capitol in Montgomery, Alabama.

(7) As the Foot Soldiers crossed the Edmund Pettus Bridge, they were confronted by a wall of Alabama state troopers who brutally attacked and beat them.

(8) Americans across the country witnessed this tragic turn of events as news stations broadcasted the brutality on a day that would be later known as “Bloody Sunday”.

(9) Two days later on Tuesday, March 9, 1965, nearly 2,500 Foot Soldiers led by Dr. Martin Luther King risked their lives once more and attempted a second peaceful march

starting at the Edmund Pettus Bridge. This second attempted march was later known as “Turnaround Tuesday”.

(10) Fearing for the safety of these Foot Soldiers who received no protection from federal or state authorities during this second march, Dr. King led the marchers to the base of the Edmund Pettus Bridge and stopped. Dr. King kneeled and offered a prayer of solidarity and walked back to the church.

(11) President Lyndon B. Johnson, inspired by the bravery and determination of these Foot Soldiers and the atrocities they endured, announced his plan for a voting rights bill aimed at securing the precious right to vote for all citizens during an address to Congress on March 15, 1965.

Lyndon B.
Johnson.

(12) On March 17, 1965, one week after “Turnaround Tuesday”, U.S. District Judge Frank M. Johnson ruled the Foot Soldiers had a First Amendment right to petition the government through peaceful protest, and ordered federal agents to provide full protection to the Foot Soldiers during the Selma to Montgomery Voting Rights March.

Frank M.
Johnson.

(13) Judge Johnson’s decision overturned Alabama Governor George Wallace’s prohibition on the protest due to public safety concerns.

(14) On March 21, 1965, under the court order, the U.S. Army, the federalized Alabama National Guard, and countless federal agents and marshals escorted nearly 8,000 Foot Soldiers from the start of their heroic journey in Selma, Alabama to their safe arrival on the steps of the Alabama State Capitol Building on March 25, 1965.

(15) The extraordinary bravery and sacrifice these Foot Soldiers displayed in pursuit of a peaceful march from Selma to Montgomery brought national attention to the struggle for equal voting rights, and served as the catalyst for Congress to pass the Voting Rights Act of 1965, which President Johnson signed into law on August 6, 1965.

(16) To commemorate the 50th anniversary of the Voting Rights Movement and the passage of the Voting Rights Act of 1965, it is befitting that Congress bestow the highest civilian honor, the Congressional Gold Medal, in 2015, to the Foot Soldiers who participated in Bloody Sunday, Turnaround Tuesday or the final Selma to Montgomery Voting Rights March during March of 1965, which served as a catalyst for the Voting Rights Act of 1965.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The Speaker of the House of Representatives and the President Pro Tempore of the Senate shall make appropriate arrangements for the presentation, on behalf of Congress, of a gold medal of appropriate design to the Foot Soldiers who participated in Bloody Sunday, Turnaround Tuesday, or the final Selma to Montgomery Voting Rights March during March of 1965, which served as a catalyst for the Voting Rights Act of 1965.

(b) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury (referred to in this Act as the “Secretary”) shall strike a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary.

(c) AWARD OF MEDAL.—Following the award of the gold medal described in subsection (a), the medal shall be given to the Selma Interpretative Center in Selma, Alabama, where it shall be available for display or temporary loan to be displayed elsewhere, as appropriate.

SEC. 3. DUPLICATE MEDALS.

The Secretary may strike and sell duplicates in bronze of the gold medal struck pursuant to section 2 under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

SEC. 4. STATUS OF MEDALS.

(a) NATIONAL MEDALS.—The medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

(b) NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136 of title 31, United States Code, all medals struck under this Act shall be considered to be numismatic items.

Approved March 7, 2015.

LEGISLATIVE HISTORY—H.R. 431 (S. 527):
CONGRESSIONAL RECORD, Vol. 161 (2015):
Feb. 11, considered and passed House.
Mar. 2, considered and passed Senate.

Public Law 114–6
114th Congress

An Act

To make administrative and technical corrections to the Congressional Accountability Act of 1995.

Mar. 20, 2015
[H.R. 1213]

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Office of Compliance Administrative and Technical Corrections Act of 2015”.

SEC. 2. PROCEDURES FOR MEDIATION AND HEARINGS UNDER CONGRESSIONAL ACCOUNTABILITY ACT OF 1995.

(a) **REQUIRING MEDIATORS TO BE APPOINTED FROM MASTER LIST.**—Section 403 of the Congressional Accountability Act of 1995 (2 U.S.C. 1403) is amended—

(1) in subsection (b)(1), by striking “after considering recommendations by organizations composed primarily of individuals experienced in adjudicating or arbitrating personnel matters” and inserting “from the master list developed and maintained under subsection (e)”; and

(2) by adding at the end the following new subsection:
“(e) **MASTER LIST OF MEDIATORS.**—

“(1) **DEVELOPMENT AND MAINTENANCE OF MASTER LIST.**—The Executive Director shall develop and maintain a master list of individuals who are experienced in adjudicating, arbitrating, or mediating the kinds of personnel and other matters for which mediation may be held under this section. Such list may include, but not be limited to, members of the bar of a State or the District of Columbia and retired judges of the United States courts.

“(2) **CONSIDERATION OF CANDIDATES.**—In developing the master list under this subsection, the Executive Director shall consider candidates recommended by the Federal Mediation and Conciliation Service or the Administrative Conference of the United States.”.

(b) **CLARIFICATION OF DEADLINE TO ELECT PROCEEDINGS AFTER END OF PERIOD OF MEDIATION.**—Section 404 of such Act (2 U.S.C. 1404) is amended by striking “Not later than 90 days after a covered employee receives notice of the end of the period of mediation, but no sooner than 30 days after receipt of such notification, such covered employee” and inserting “Not later than 90 days, but not sooner than 30 days, after the end of the period of mediation, a covered employee”.

(c) **NOTIFICATION OF CONFIDENTIALITY REQUIREMENTS.**—

Office of
Compliance
Administrative
and Technical
Corrections Act
of 2015.
2 USC 1301 note.

(1) **MEDIATIONS.**—Section 416(b) of such Act (2 U.S.C. 1416(b)) is amended by striking the period at the end and inserting the following: “, and the Executive Director shall notify each person participating in the mediation of the confidentiality requirement and of the sanctions applicable to any person who violates the confidentiality requirement.”

Applicability.

(2) **HEARINGS AND DELIBERATIONS.**—Section 416(c) of such Act (2 U.S.C. 1416(c)) is amended by adding at the end the following: “The Executive Director shall notify each person participating in a proceeding or deliberation to which this subsection applies of the requirements of this subsection and of the sanctions applicable to any person who violates the requirements of this subsection.”

2 USC 1403 note.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply with respect to mediations and other proceedings which are first initiated after the date of the enactment of this Act.

2 USC 1381 note.

SEC. 3. ADDITIONAL TERM FOR MEMBERS OF BOARD OF DIRECTORS OF OFFICE OF COMPLIANCE.

Notwithstanding section 301(e)(1) of the Congressional Accountability Act of 1995 (2 U.S.C. 1381(e)(1)), any individual serving as a member of the Board of Directors of the Office of Compliance as of February 28, 2015, may be appointed to serve for one additional term of 2 years.

Approved March 20, 2015.

LEGISLATIVE HISTORY—H.R. 1213:

CONGRESSIONAL RECORD, Vol. 161 (2015):

Mar. 4, considered and passed House.

Mar. 9, considered and passed Senate.

Public Law 114–7
114th Congress

An Act

To accelerate the income tax benefits for charitable cash contributions for the relief of the families of New York Police Department Detectives Wenjian Liu and Rafael Ramos, and for other purposes.

Apr. 1, 2015
[H.R. 1527]

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

Slain Officer
Family Support
Act of 2015.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Slain Officer Family Support Act of 2015”.

SEC. 2. ACCELERATION OF INCOME TAX BENEFITS FOR CHARITABLE CASH CONTRIBUTIONS FOR RELIEF OF THE FAMILIES OF NEW YORK POLICE DEPARTMENT DETECTIVES WENJIAN LIU AND RAFAEL RAMOS.

(a) **IN GENERAL.**—For purposes of section 170 of the Internal Revenue Code of 1986 a taxpayer may treat any contribution described in subsection (b) made between January 1, 2015, and April 15, 2015, as if such contribution was made on December 31, 2014, and not in 2015.

Time period.

(b) **CONTRIBUTION DESCRIBED.**—A contribution is described in this subsection if such contribution is a cash contribution made for the relief of the families of slain New York Police Department Detectives Wenjian Liu and Rafael Ramos, for which a charitable contribution deduction is allowable under section 170 of the Internal Revenue Code of 1986.

(c) **RECORDKEEPING.**—In the case of a contribution described in subsection (b), a telephone bill showing the name of the donee organization, the date of the contribution, and the amount of the contribution shall be treated as meeting the recordkeeping requirements of section 170(f)(17) of the Internal Revenue Code of 1986.

(d) **CLARIFICATION THAT CONTRIBUTION WILL NOT FAIL TO QUALIFY AS A CHARITABLE CONTRIBUTION.**—A cash contribution made for the relief of the families of slain New York Police Department Detectives Wenjian Liu and Rafael Ramos shall not fail to be treated as a charitable contribution for purposes of section 170 of the Internal Revenue Code of 1986 and subsection (b) of this section merely because such contribution is for the exclusive benefit of such families. The preceding sentence shall apply to contributions made on or after December 20, 2014.

Applicability.

(e) **CLARIFICATION THAT PAYMENTS BY CHARITABLE ORGANIZATIONS TO FAMILIES TREATED AS EXEMPT PAYMENTS.**—For purposes of the Internal Revenue Code of 1986, payments made on or after December 20, 2014, and on or before October 15, 2015, to the spouse or any dependent (as defined in section 152 of such Code)

Time period.

of slain New York Police Department Detectives Wenjian Liu or Rafael Ramos by an organization which (determined without regard to any such payments) would be an organization exempt from tax under section 501(a) of such Code shall—

(1) be treated as related to the purpose or function constituting the basis for such organization's exemption under such section; and

(2) shall not be treated as inuring to the benefit of any private individual, if such payments are made in good faith using a reasonable and objective formula which is consistently applied with respect to such Detectives.

Approved April 1, 2015.

LEGISLATIVE HISTORY—H.R. 1527:

CONGRESSIONAL RECORD, Vol. 161 (2015):

Mar. 25, considered and passed House.

Mar. 26, considered and passed Senate.

Public Law 114–8
114th Congress

An Act

To designate the Federal building located at 2030 Southwest 145th Avenue in Miramar, Florida, as the “Benjamin P. Grogan and Jerry L. Dove Federal Building”.

Apr. 7, 2015
[H.R. 1092]

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

SECTION 1. DESIGNATION.

The Federal building located at 2030 Southwest 145th Avenue in Miramar, Florida, shall be known and designated as the “Benjamin P. Grogan and Jerry L. Dove Federal Building”.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the “Benjamin P. Grogan and Jerry L. Dove Federal Building”.

Approved April 7, 2015.

LEGISLATIVE HISTORY—H.R. 1092:

CONGRESSIONAL RECORD, Vol. 161 (2015):

Mar. 24, considered and passed House.

Mar. 26, considered and passed Senate.

Public Law 114–9
114th Congress

Joint Resolution

Apr. 7, 2015
[H.J. Res. 10]

Providing for the reappointment of David M. Rubenstein as a citizen regent of the Board of Regents of the Smithsonian Institution.

Effective date.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the expiration of the term of David M. Rubenstein of Maryland on May 7, 2015, is filled by the reappointment of the incumbent. The reappointment is for a term of 6 years, beginning on May 8, 2015, or the date of the enactment of this joint resolution, whichever occurs later.

Approved April 7, 2015.

LEGISLATIVE HISTORY—H.J. Res. 10:

CONGRESSIONAL RECORD, Vol. 161 (2015):

Mar. 26, considered and passed House and Senate.

Public Law 114–10
114th Congress

An Act

To amend title XVIII of the Social Security Act to repeal the Medicare sustainable growth rate and strengthen Medicare access by improving physician payments and making other improvements, to reauthorize the Children’s Health Insurance Program, and for other purposes.

Apr. 16, 2015
[H.R. 2]

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Medicare Access and CHIP Reauthorization Act of 2015”.

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

Medicare Access
and CHIP
Reauthorization
Act of 2015.
42 USC 1305
note.

Sec. 1. Short title; table of contents.

**TITLE I—SGR REPEAL AND MEDICARE PROVIDER PAYMENT
MODERNIZATION**

- Sec. 101. Repealing the sustainable growth rate (SGR) and improving Medicare payment for physicians’ services.
Sec. 102. Priorities and funding for measure development.
Sec. 103. Encouraging care management for individuals with chronic care needs.
Sec. 104. Empowering beneficiary choices through continued access to information on physicians’ services.
Sec. 105. Expanding availability of Medicare data.
Sec. 106. Reducing administrative burden and other provisions.

TITLE II—MEDICARE AND OTHER HEALTH EXTENDERS

Subtitle A—Medicare Extenders

- Sec. 201. Extension of work GPCI floor.
Sec. 202. Extension of therapy cap exceptions process.
Sec. 203. Extension of ambulance add-ons.
Sec. 204. Extension of increased inpatient hospital payment adjustment for certain low-volume hospitals.
Sec. 205. Extension of the Medicare-dependent hospital (MDH) program.
Sec. 206. Extension for specialized Medicare Advantage plans for special needs individuals.
Sec. 207. Extension of funding for quality measure endorsement, input, and selection.
Sec. 208. Extension of funding outreach and assistance for low-income programs.
Sec. 209. Extension and transition of reasonable cost reimbursement contracts.
Sec. 210. Extension of home health rural add-on.

Subtitle B—Other Health Extenders

- Sec. 211. Permanent extension of the qualifying individual (QI) program.
Sec. 212. Permanent extension of transitional medical assistance (TMA).
Sec. 213. Extension of special diabetes program for type I diabetes and for Indians.
Sec. 214. Extension of abstinence education.
Sec. 215. Extension of personal responsibility education program (PREP).
Sec. 216. Extension of funding for family-to-family health information centers.
Sec. 217. Extension of health workforce demonstration project for low-income individuals.

- Sec. 218. Extension of maternal, infant, and early childhood home visiting programs.
- Sec. 219. Tennessee DSH allotment for fiscal years 2015 through 2025.
- Sec. 220. Delay in effective date for Medicaid amendments relating to beneficiary liability settlements.
- Sec. 221. Extension of funding for community health centers, the National Health Service Corps, and teaching health centers.

TITLE III—CHIP

- Sec. 301. 2-year extension of the Children’s Health Insurance Program.
- Sec. 302. Extension of express lane eligibility.
- Sec. 303. Extension of outreach and enrollment program.
- Sec. 304. Extension of certain programs and demonstration projects.
- Sec. 305. Report of Inspector General of HHS on use of express lane option under Medicaid and CHIP.

TITLE IV—OFFSETS

Subtitle A—Medicare Beneficiary Reforms

- Sec. 401. Limitation on certain medigap policies for newly eligible Medicare beneficiaries.
- Sec. 402. Income-related premium adjustment for parts B and D.

Subtitle B—Other Offsets

- Sec. 411. Medicare payment updates for post-acute providers.
- Sec. 412. Delay of reduction to Medicaid DSH allotments.
- Sec. 413. Levy on delinquent providers.
- Sec. 414. Adjustments to inpatient hospital payment rates.

TITLE V—MISCELLANEOUS

Subtitle A—Protecting the Integrity of Medicare

- Sec. 501. Prohibition of inclusion of Social Security account numbers on Medicare cards.
- Sec. 502. Preventing wrongful Medicare payments for items and services furnished to incarcerated individuals, individuals not lawfully present, and deceased individuals.
- Sec. 503. Consideration of measures regarding Medicare beneficiary smart cards.
- Sec. 504. Modifying Medicare durable medical equipment face-to-face encounter documentation requirement.
- Sec. 505. Reducing improper Medicare payments.
- Sec. 506. Improving senior Medicare patrol and fraud reporting rewards.
- Sec. 507. Requiring valid prescriber National Provider Identifiers on pharmacy claims.
- Sec. 508. Option to receive Medicare Summary Notice electronically.
- Sec. 509. Renewal of MAC contracts.
- Sec. 510. Study on pathway for incentives to States for State participation in medicaid data match program.
- Sec. 511. Guidance on application of Common Rule to clinical data registries.
- Sec. 512. Eliminating certain civil money penalties; gainsharing study and report.
- Sec. 513. Modification of Medicare home health surety bond condition of participation requirement.
- Sec. 514. Oversight of Medicare coverage of manual manipulation of the spine to correct subluxation.
- Sec. 515. National expansion of prior authorization model for repetitive scheduled non-emergent ambulance transport.
- Sec. 516. Repealing duplicative Medicare secondary payor provision.
- Sec. 517. Plan for expanding data in annual CERT report.
- Sec. 518. Removing funds for Medicare Improvement Fund added by IMPACT Act of 2014.
- Sec. 519. Rule of construction.

Subtitle B—Other Provisions

- Sec. 521. Extension of two-midnight PAMA rules on certain medical review activities.
- Sec. 522. Requiring bid surety bonds and State licensure for entities submitting bids under the Medicare DMEPOS competitive acquisition program.
- Sec. 523. Payment for global surgical packages.
- Sec. 524. Extension of Secure Rural Schools and Community Self-Determination Act of 2000.
- Sec. 525. Exclusion from PAYGO scorecards.

TITLE I—SGR REPEAL AND MEDICARE PROVIDER PAYMENT MODERNIZATION

SEC. 101. REPEALING THE SUSTAINABLE GROWTH RATE (SGR) AND IMPROVING MEDICARE PAYMENT FOR PHYSICIANS' SERVICES.

(a) STABILIZING FEE UPDATES.—

(1) REPEAL OF SGR PAYMENT METHODOLOGY.—Section 1848 of the Social Security Act (42 U.S.C. 1395w–4) is amended—

(A) in subsection (d)—

(i) in paragraph (1)(A)—

(I) by inserting “and ending with 2025” after “beginning with 2001”; and

(II) by inserting “or a subsequent paragraph” after “paragraph (4)”; and

(ii) in paragraph (4)—

(I) in the heading, by inserting “AND ENDING WITH 2014” after “YEARS BEGINNING WITH 2001”; and

(II) in subparagraph (A), by inserting “and ending with 2014” after “a year beginning with 2001”; and

(B) in subsection (f)—

(i) in paragraph (1)(B), by inserting “through 2014” after “of each succeeding year”; and

(ii) in paragraph (2), in the matter preceding subparagraph (A), by inserting “and ending with 2014” after “beginning with 2000”.

(2) UPDATE OF RATES FOR 2015 AND SUBSEQUENT YEARS.—Subsection (d) of section 1848 of the Social Security Act (42 U.S.C. 1395w–4) is amended—

(A) in paragraph (1)(A), by adding at the end the following: “There shall be two separate conversion factors for each year beginning with 2026, one for items and services furnished by a qualifying APM participant (as defined in section 1833(z)(2)) (referred to in this subsection as the ‘qualifying APM conversion factor’) and the other for other items and services (referred to in this subsection as the ‘nonqualifying APM conversion factor’), equal to the respective conversion factor for the previous year (or, in the case of 2026, equal to the single conversion factor for 2025) multiplied by the update established under paragraph (20) for such respective conversion factor for such year.”;

(B) in paragraph (1)(D), by inserting “(or, beginning with 2026, applicable conversion factor)” after “single conversion factor”; and

(C) by striking paragraph (16) and inserting the following new paragraphs:

“(16) UPDATE FOR JANUARY THROUGH JUNE OF 2015.—Subject to paragraphs (7)(B), (8)(B), (9)(B), (10)(B), (11)(B), (12)(B), (13)(B), (14)(B), and (15)(B), in lieu of the update to the single conversion factor established in paragraph (1)(C) that would otherwise apply for 2015 for the period beginning on January 1, 2015, and ending on June 30, 2015, the update to the single conversion factor shall be 0.0 percent.

Effective date.

“(17) UPDATE FOR JULY THROUGH DECEMBER OF 2015.—The update to the single conversion factor established in paragraph (1)(C) for the period beginning on July 1, 2015, and ending on December 31, 2015, shall be 0.5 percent.

“(18) UPDATE FOR 2016 THROUGH 2019.—The update to the single conversion factor established in paragraph (1)(C) for 2016 and each subsequent year through 2019 shall be 0.5 percent.

“(19) UPDATE FOR 2020 THROUGH 2025.—The update to the single conversion factor established in paragraph (1)(C) for 2020 and each subsequent year through 2025 shall be 0.0 percent.

“(20) UPDATE FOR 2026 AND SUBSEQUENT YEARS.—For 2026 and each subsequent year, the update to the qualifying APM conversion factor established under paragraph (1)(A) is 0.75 percent, and the update to the nonqualifying APM conversion factor established under such paragraph is 0.25 percent.”.

(3) MEDPAC REPORTS.—

(A) INITIAL REPORT.—Not later than July 1, 2017, the Medicare Payment Advisory Commission shall submit to Congress a report on the relationship between—

(i) physician and other health professional utilization and expenditures (and the rate of increase of such utilization and expenditures) of items and services for which payment is made under section 1848 of the Social Security Act (42 U.S.C. 1395w–4); and

(ii) total utilization and expenditures (and the rate of increase of such utilization and expenditures) under parts A, B, and D of title XVIII of such Act.

Such report shall include a methodology to describe such relationship and the impact of changes in such physician and other health professional practice and service ordering patterns on total utilization and expenditures under parts A, B, and D of such title.

(B) FINAL REPORT.—Not later than July 1, 2021, the Medicare Payment Advisory Commission shall submit to Congress a report on the relationship described in subparagraph (A), including the results determined from applying the methodology included in the report submitted under such subparagraph.

(C) REPORT ON UPDATE TO PHYSICIANS’ SERVICES UNDER MEDICARE.—Not later than July 1, 2019, the Medicare Payment Advisory Commission shall submit to Congress a report on—

(i) the payment update for professional services applied under the Medicare program under title XVIII of the Social Security Act for the period of years 2015 through 2019;

(ii) the effect of such update on the efficiency, economy, and quality of care provided under such program;

(iii) the effect of such update on ensuring a sufficient number of providers to maintain access to care by Medicare beneficiaries; and

(iv) recommendations for any future payment updates for professional services under such program

to ensure adequate access to care is maintained for Medicare beneficiaries.

(b) CONSOLIDATION OF CERTAIN CURRENT LAW PERFORMANCE PROGRAMS WITH NEW MERIT-BASED INCENTIVE PAYMENT SYSTEM.—

(1) EHR MEANINGFUL USE INCENTIVE PROGRAM.—

(A) SUNSETTING SEPARATE MEANINGFUL USE PAYMENT ADJUSTMENTS.—Section 1848(a)(7)(A) of the Social Security Act (42 U.S.C. 1395w–4(a)(7)(A)) is amended—

(i) in clause (i), by striking “2015 or any subsequent payment year” and inserting “each of 2015 through 2018”;

(ii) in clause (ii)(III), by striking “each subsequent year” and inserting “2018”; and

(iii) in clause (iii)—

(I) in the heading, by striking “AND SUBSEQUENT YEARS”;

(II) by striking “and each subsequent year”; and

(III) by striking “, but in no case shall the applicable percent be less than 95 percent”.

(B) CONTINUATION OF MEANINGFUL USE DETERMINATIONS FOR MIPS.—Section 1848(o)(2) of the Social Security Act (42 U.S.C. 1395w–4(o)(2)) is amended—

(i) in subparagraph (A), in the matter preceding clause (i)—

(I) by striking “For purposes of paragraph (1), an” and inserting “An”; and

(II) by inserting “, or pursuant to subparagraph (D) for purposes of subsection (q), for a performance period under such subsection for a year” after “under such subsection for a year”; and

(ii) by adding at the end the following new subparagraph:

“(D) CONTINUED APPLICATION FOR PURPOSES OF MIPS.—

With respect to 2019 and each subsequent payment year, the Secretary shall, for purposes of subsection (q) and in accordance with paragraph (1)(F) of such subsection, determine whether an eligible professional who is a MIPS eligible professional (as defined in subsection (q)(1)(C)) for such year is a meaningful EHR user under this paragraph for the performance period under subsection (q) for such year.”.

(2) QUALITY REPORTING.—

(A) SUNSETTING SEPARATE QUALITY REPORTING INCENTIVES.—Section 1848(a)(8)(A) of the Social Security Act (42 U.S.C. 1395w–4(a)(8)(A)) is amended—

(i) in clause (i), by striking “2015 or any subsequent year” and inserting “each of 2015 through 2018”; and

(ii) in clause (ii)(II), by striking “and each subsequent year” and inserting “, 2017, and 2018”.

(B) CONTINUATION OF QUALITY MEASURES AND PROCESSES FOR MIPS.—Section 1848 of the Social Security Act (42 U.S.C. 1395w–4) is amended—

(i) in subsection (k), by adding at the end the following new paragraph:

“(9) CONTINUED APPLICATION FOR PURPOSES OF MIPS AND FOR CERTAIN PROFESSIONALS VOLUNTEERING TO REPORT.—The Secretary shall, in accordance with subsection (q)(1)(F), carry out the provisions of this subsection—

“(A) for purposes of subsection (q); and

“(B) for eligible professionals who are not MIPS eligible professionals (as defined in subsection (q)(1)(C)) for the year involved.”; and

(ii) in subsection (m)—

(I) by redesignating paragraph (7) added by section 10327(a) of Public Law 111–148 as paragraph (8); and

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

“(9) CONTINUED APPLICATION FOR PURPOSES OF MIPS AND FOR CERTAIN PROFESSIONALS VOLUNTEERING TO REPORT.—The Secretary shall, in accordance with subsection (q)(1)(F), carry out the processes under this subsection—

“(A) for purposes of subsection (q); and

“(B) for eligible professionals who are not MIPS eligible professionals (as defined in subsection (q)(1)(C)) for the year involved.”.

(3) VALUE-BASED PAYMENTS.—

(A) SUNSETTING SEPARATE VALUE-BASED PAYMENTS.— Clause (iii) of section 1848(p)(4)(B) of the Social Security Act (42 U.S.C. 1395w–4(p)(4)(B)) is amended to read as follows:

“(iii) APPLICATION.—The Secretary shall apply the payment modifier established under this subsection for items and services furnished on or after January 1, 2015, with respect to specific physicians and groups of physicians the Secretary determines appropriate, and for services furnished on or after January 1, 2017, with respect to all physicians and groups of physicians. Such payment modifier shall not be applied for items and services furnished on or after January 1, 2019.”.

(B) CONTINUATION OF VALUE-BASED PAYMENT MODIFIER MEASURES FOR MIPS.—Section 1848(p) of the Social Security Act (42 U.S.C. 1395w–4(p)) is amended—

(i) in paragraph (2), by adding at the end the following new subparagraph:

“(C) CONTINUED APPLICATION FOR PURPOSES OF MIPS.—The Secretary shall, in accordance with subsection (q)(1)(F), carry out subparagraph (B) for purposes of subsection (q).”; and

(ii) in paragraph (3), by adding at the end the following: “With respect to 2019 and each subsequent year, the Secretary shall, in accordance with subsection (q)(1)(F), carry out this paragraph for purposes of subsection (q).”.

(c) MERIT-BASED INCENTIVE PAYMENT SYSTEM.—

(1) IN GENERAL.—Section 1848 of the Social Security Act (42 U.S.C. 1395w–4) is amended by adding at the end the following new subsection:

“(q) MERIT-BASED INCENTIVE PAYMENT SYSTEM.—

“(1) ESTABLISHMENT.—

“(A) IN GENERAL.—Subject to the succeeding provisions of this subsection, the Secretary shall establish an eligible professional Merit-based Incentive Payment System (in this subsection referred to as the ‘MIPS’) under which the Secretary shall—

“(i) develop a methodology for assessing the total performance of each MIPS eligible professional according to performance standards under paragraph (3) for a performance period (as established under paragraph (4)) for a year;

“(ii) using such methodology, provide for a composite performance score in accordance with paragraph (5) for each such professional for each performance period; and

“(iii) use such composite performance score of the MIPS eligible professional for a performance period for a year to determine and apply a MIPS adjustment factor (and, as applicable, an additional MIPS adjustment factor) under paragraph (6) to the professional for the year.

Notwithstanding subparagraph (C)(ii), under the MIPS, the Secretary shall permit any eligible professional (as defined in subsection (k)(3)(B)) to report on applicable measures and activities described in paragraph (2)(B).

“(B) PROGRAM IMPLEMENTATION.—The MIPS shall apply to payments for items and services furnished on or after January 1, 2019.

Applicability.
Effective date.

“(C) MIPS ELIGIBLE PROFESSIONAL DEFINED.—

“(i) IN GENERAL.—For purposes of this subsection, subject to clauses (ii) and (iv), the term ‘MIPS eligible professional’ means—

“(I) for the first and second years for which the MIPS applies to payments (and for the performance period for such first and second year), a physician (as defined in section 1861(r)), a physician assistant, nurse practitioner, and clinical nurse specialist (as such terms are defined in section 1861(aa)(5)), a certified registered nurse anesthetist (as defined in section 1861(bb)(2)), and a group that includes such professionals; and

“(II) for the third year for which the MIPS applies to payments (and for the performance period for such third year) and for each succeeding year (and for the performance period for each such year), the professionals described in subclause (I), such other eligible professionals (as defined in subsection (k)(3)(B)) as specified by the Secretary, and a group that includes such professionals.

“(ii) EXCLUSIONS.—For purposes of clause (i), the term ‘MIPS eligible professional’ does not include, with respect to a year, an eligible professional (as defined in subsection (k)(3)(B)) who—

“(I) is a qualifying APM participant (as defined in section 1833(z)(2));

“(II) subject to clause (vii), is a partial qualifying APM participant (as defined in clause (iii))

for the most recent period for which data are available and who, for the performance period with respect to such year, does not report on applicable measures and activities described in paragraph (2)(B) that are required to be reported by such a professional under the MIPS; or

“(III) for the performance period with respect to such year, does not exceed the low-volume threshold measurement selected under clause (iv).

Definition.

“(iii) PARTIAL QUALIFYING APM PARTICIPANT.—For purposes of this subparagraph, the term ‘partial qualifying APM participant’ means, with respect to a year, an eligible professional for whom the Secretary determines the minimum payment percentage (or percentages), as applicable, described in paragraph (2) of section 1833(z) for such year have not been satisfied, but who would be considered a qualifying APM participant (as defined in such paragraph) for such year if—

“(I) with respect to 2019 and 2020, the reference in subparagraph (A) of such paragraph to 25 percent was instead a reference to 20 percent;

“(II) with respect to 2021 and 2022—

“(aa) the reference in subparagraph (B)(i) of such paragraph to 50 percent was instead a reference to 40 percent; and

“(bb) the references in subparagraph (B)(ii) of such paragraph to 50 percent and 25 percent of such paragraph were instead references to 40 percent and 20 percent, respectively; and

“(III) with respect to 2023 and subsequent years—

“(aa) the reference in subparagraph (C)(i) of such paragraph to 75 percent was instead a reference to 50 percent; and

“(bb) the references in subparagraph (C)(ii) of such paragraph to 75 percent and 25 percent of such paragraph were instead references to 50 percent and 20 percent, respectively.

“(iv) SELECTION OF LOW-VOLUME THRESHOLD MEASUREMENT.—The Secretary shall select a low-volume threshold to apply for purposes of clause (ii)(III), which may include one or more or a combination of the following:

“(I) The minimum number (as determined by the Secretary) of individuals enrolled under this part who are treated by the eligible professional for the performance period involved.

“(II) The minimum number (as determined by the Secretary) of items and services furnished to individuals enrolled under this part by such professional for such performance period.

“(III) The minimum amount (as determined by the Secretary) of allowed charges billed by such

professional under this part for such performance period.

“(v) TREATMENT OF NEW MEDICARE ENROLLED ELIGIBLE PROFESSIONALS.—In the case of a professional who first becomes a Medicare enrolled eligible professional during the performance period for a year (and had not previously submitted claims under this title such as a person, an entity, or a part of a physician group or under a different billing number or tax identifier), such professional shall not be treated under this subsection as a MIPS eligible professional until the subsequent year and performance period for such subsequent year.

“(vi) CLARIFICATION.—In the case of items and services furnished during a year by an individual who is not a MIPS eligible professional (including pursuant to clauses (ii) and (v)) with respect to a year, in no case shall a MIPS adjustment factor (or additional MIPS adjustment factor) under paragraph (6) apply to such individual for such year.

“(vii) PARTIAL QUALIFYING APM PARTICIPANT CLARIFICATIONS.—

“(I) TREATMENT AS MIPS ELIGIBLE PROFESSIONAL.—In the case of an eligible professional who is a partial qualifying APM participant, with respect to a year, and who, for the performance period for such year, reports on applicable measures and activities described in paragraph (2)(B) that are required to be reported by such a professional under the MIPS, such eligible professional is considered to be a MIPS eligible professional with respect to such year.

“(II) NOT ELIGIBLE FOR QUALIFYING APM PARTICIPANT PAYMENTS.—In no case shall an eligible professional who is a partial qualifying APM participant, with respect to a year, be considered a qualifying APM participant (as defined in paragraph (2) of section 1833(z)) for such year or be eligible for the additional payment under paragraph (1) of such section for such year.

“(D) APPLICATION TO GROUP PRACTICES.—

“(i) IN GENERAL.—Under the MIPS:

“(I) QUALITY PERFORMANCE CATEGORY.—The Secretary shall establish and apply a process that includes features of the provisions of subsection (m)(3)(C) for MIPS eligible professionals in a group practice with respect to assessing performance of such group with respect to the performance category described in clause (i) of paragraph (2)(A).

“(II) OTHER PERFORMANCE CATEGORIES.—The Secretary may establish and apply a process that includes features of the provisions of subsection (m)(3)(C) for MIPS eligible professionals in a group practice with respect to assessing the performance of such group with respect to the performance categories described in clauses (ii) through (iv) of such paragraph.

“(ii) ENSURING COMPREHENSIVENESS OF GROUP PRACTICE ASSESSMENT.—The process established under clause (i) shall to the extent practicable reflect the range of items and services furnished by the MIPS eligible professionals in the group practice involved.

“(E) USE OF REGISTRIES.—Under the MIPS, the Secretary shall encourage the use of qualified clinical data registries pursuant to subsection (m)(3)(E) in carrying out this subsection.

“(F) APPLICATION OF CERTAIN PROVISIONS.—In applying a provision of subsection (k), (m), (o), or (p) for purposes of this subsection, the Secretary shall—

“(i) adjust the application of such provision to ensure the provision is consistent with the provisions of this subsection; and

“(ii) not apply such provision to the extent that the provision is duplicative with a provision of this subsection.

“(G) ACCOUNTING FOR RISK FACTORS.—

“(i) RISK FACTORS.—Taking into account the relevant studies conducted and recommendations made in reports under section 2(d) of the Improving Medicare Post-Acute Care Transformation Act of 2014, and, as appropriate, other information, including information collected before completion of such studies and recommendations, the Secretary, on an ongoing basis, shall, as the Secretary determines appropriate and based on an individual’s health status and other risk factors—

“(I) assess appropriate adjustments to quality measures, resource use measures, and other measures used under the MIPS; and

“(II) assess and implement appropriate adjustments to payment adjustments, composite performance scores, scores for performance categories, or scores for measures or activities under the MIPS.

“(2) MEASURES AND ACTIVITIES UNDER PERFORMANCE CATEGORIES.—

“(A) PERFORMANCE CATEGORIES.—Under the MIPS, the Secretary shall use the following performance categories (each of which is referred to in this subsection as a performance category) in determining the composite performance score under paragraph (5):

“(i) Quality.

“(ii) Resource use.

“(iii) Clinical practice improvement activities.

“(iv) Meaningful use of certified EHR technology.

“(B) MEASURES AND ACTIVITIES SPECIFIED FOR EACH CATEGORY.—For purposes of paragraph (3)(A) and subject to subparagraph (C), measures and activities specified for a performance period (as established under paragraph (4)) for a year are as follows:

“(i) QUALITY.—For the performance category described in subparagraph (A)(i), the quality measures included in the final measures list published under subparagraph (D)(i) for such year and the list of quality measures described in subparagraph (D)(vi) used by

qualified clinical data registries under subsection (m)(3)(E).

“(ii) RESOURCE USE.—For the performance category described in subparagraph (A)(ii), the measurement of resource use for such period under subsection (p)(3), using the methodology under subsection (r) as appropriate, and, as feasible and applicable, accounting for the cost of drugs under part D.

“(iii) CLINICAL PRACTICE IMPROVEMENT ACTIVITIES.—For the performance category described in subparagraph (A)(iii), clinical practice improvement activities (as defined in subparagraph (C)(v)(III)) under subcategories specified by the Secretary for such period, which shall include at least the following:

“(I) The subcategory of expanded practice access, such as same day appointments for urgent needs and after hours access to clinician advice.

“(II) The subcategory of population management, such as monitoring health conditions of individuals to provide timely health care interventions or participation in a qualified clinical data registry.

“(III) The subcategory of care coordination, such as timely communication of test results, timely exchange of clinical information to patients and other providers, and use of remote monitoring or telehealth.

“(IV) The subcategory of beneficiary engagement, such as the establishment of care plans for individuals with complex care needs, beneficiary self-management assessment and training, and using shared decision-making mechanisms.

“(V) The subcategory of patient safety and practice assessment, such as through use of clinical or surgical checklists and practice assessments related to maintaining certification.

“(VI) The subcategory of participation in an alternative payment model (as defined in section 1833(z)(3)(C)).

In establishing activities under this clause, the Secretary shall give consideration to the circumstances of small practices (consisting of 15 or fewer professionals) and practices located in rural areas and in health professional shortage areas (as designated under section 332(a)(1)(A) of the Public Health Service Act).

“(iv) MEANINGFUL EHR USE.—For the performance category described in subparagraph (A)(iv), the requirements established for such period under subsection (o)(2) for determining whether an eligible professional is a meaningful EHR user.

“(C) ADDITIONAL PROVISIONS.—

“(i) EMPHASIZING OUTCOME MEASURES UNDER THE QUALITY PERFORMANCE CATEGORY.—In applying subparagraph (B)(i), the Secretary shall, as feasible, emphasize the application of outcome measures.

Applicability.

“(ii) APPLICATION OF ADDITIONAL SYSTEM MEASURES.—The Secretary may use measures used for a payment system other than for physicians, such as measures for inpatient hospitals, for purposes of the performance categories described in clauses (i) and (ii) of subparagraph (A). For purposes of the previous sentence, the Secretary may not use measures for hospital outpatient departments, except in the case of items and services furnished by emergency physicians, radiologists, and anesthesiologists.

“(iii) GLOBAL AND POPULATION-BASED MEASURES.—The Secretary may use global measures, such as global outcome measures, and population-based measures for purposes of the performance category described in subparagraph (A)(i).

“(iv) APPLICATION OF MEASURES AND ACTIVITIES TO NON-PATIENT-FACING PROFESSIONALS.—In carrying out this paragraph, with respect to measures and activities specified in subparagraph (B) for performance categories described in subparagraph (A), the Secretary—

“(I) shall give consideration to the circumstances of professional types (or subcategories of those types determined by practice characteristics) who typically furnish services that do not involve face-to-face interaction with a patient; and

“(II) may, to the extent feasible and appropriate, take into account such circumstances and apply under this subsection with respect to MIPS eligible professionals of such professional types or subcategories, alternative measures or activities that fulfill the goals of the applicable performance category.

Consultation.

In carrying out the previous sentence, the Secretary shall consult with professionals of such professional types or subcategories.

“(v) CLINICAL PRACTICE IMPROVEMENT ACTIVITIES.—

“(I) REQUEST FOR INFORMATION.—In initially applying subparagraph (B)(iii), the Secretary shall use a request for information to solicit recommendations from stakeholders to identify activities described in such subparagraph and specifying criteria for such activities.

“(II) CONTRACT AUTHORITY FOR CLINICAL PRACTICE IMPROVEMENT ACTIVITIES PERFORMANCE CATEGORY.—In applying subparagraph (B)(iii), the Secretary may contract with entities to assist the Secretary in—

Applicability.

“(aa) identifying activities described in subparagraph (B)(iii);

“(bb) specifying criteria for such activities; and

“(cc) determining whether a MIPS eligible professional meets such criteria.

“(III) CLINICAL PRACTICE IMPROVEMENT ACTIVITIES DEFINED.—For purposes of this subsection, the term ‘clinical practice improvement activity’

means an activity that relevant eligible professional organizations and other relevant stakeholders identify as improving clinical practice or care delivery and that the Secretary determines, when effectively executed, is likely to result in improved outcomes.

“(D) ANNUAL LIST OF QUALITY MEASURES AVAILABLE FOR MIPS ASSESSMENT.—

“(i) IN GENERAL.—Under the MIPS, the Secretary, through notice and comment rulemaking and subject to the succeeding clauses of this subparagraph, shall, with respect to the performance period for a year, establish an annual final list of quality measures from which MIPS eligible professionals may choose for purposes of assessment under this subsection for such performance period. Pursuant to the previous sentence, the Secretary shall—

Notice.
Regulations.
Deadlines.

“(I) not later than November 1 of the year prior to the first day of the first performance period under the MIPS, establish and publish in the Federal Register a final list of quality measures; and

“(II) not later than November 1 of the year prior to the first day of each subsequent performance period, update the final list of quality measures from the previous year (and publish such updated final list in the Federal Register), by—

“(aa) removing from such list, as appropriate, quality measures, which may include the removal of measures that are no longer meaningful (such as measures that are topped out);

“(bb) adding to such list, as appropriate, new quality measures; and

“(cc) determining whether or not quality measures on such list that have undergone substantive changes should be included in the updated list.

“(ii) CALL FOR QUALITY MEASURES.—

“(I) IN GENERAL.—Eligible professional organizations and other relevant stakeholders shall be requested to identify and submit quality measures to be considered for selection under this subparagraph in the annual list of quality measures published under clause (i) and to identify and submit updates to the measures on such list. For purposes of the previous sentence, measures may be submitted regardless of whether such measures were previously published in a proposed rule or endorsed by an entity with a contract under section 1890(a).

“(II) ELIGIBLE PROFESSIONAL ORGANIZATION DEFINED.—In this subparagraph, the term ‘eligible professional organization’ means a professional organization as defined by nationally recognized specialty boards of certification or equivalent certification boards.

“(iii) REQUIREMENTS.—In selecting quality measures for inclusion in the annual final list under clause (i), the Secretary shall—

“(I) provide that, to the extent practicable, all quality domains (as defined in subsection (s)(1)(B)) are addressed by such measures; and

“(II) ensure that such selection is consistent with the process for selection of measures under subsections (k), (m), and (p)(2).

Publication.

“(iv) PEER REVIEW.—Before including a new measure in the final list of measures published under clause (i) for a year, the Secretary shall submit for publication in applicable specialty-appropriate, peer-reviewed journals such measure and the method for developing and selecting such measure, including clinical and other data supporting such measure.

“(v) MEASURES FOR INCLUSION.—The final list of quality measures published under clause (i) shall include, as applicable, measures under subsections (k), (m), and (p)(2), including quality measures from among—

“(I) measures endorsed by a consensus-based entity;

“(II) measures developed under subsection (s); and

“(III) measures submitted under clause (ii)(I).

Any measure selected for inclusion in such list that is not endorsed by a consensus-based entity shall have a focus that is evidence-based.

“(vi) EXCEPTION FOR QUALIFIED CLINICAL DATA REGISTRY MEASURES.—Measures used by a qualified clinical data registry under subsection (m)(3)(E) shall not be subject to the requirements under clauses (i), (iv), and (v). The Secretary shall publish the list of measures used by such qualified clinical data registries on the Internet website of the Centers for Medicare & Medicaid Services.

Web posting.

“(vii) EXCEPTION FOR EXISTING QUALITY MEASURES.—Any quality measure specified by the Secretary under subsection (k) or (m), including under subsection (m)(3)(E), and any measure of quality of care established under subsection (p)(2) for the reporting period or performance period under the respective subsection beginning before the first performance period under the MIPS—

“(I) shall not be subject to the requirements under clause (i) (except under items (aa) and (cc) of subclause (II) of such clause) or to the requirement under clause (iv); and

“(II) shall be included in the final list of quality measures published under clause (i) unless removed under clause (i)(II)(aa).

“(viii) CONSULTATION WITH RELEVANT ELIGIBLE PROFESSIONAL ORGANIZATIONS AND OTHER RELEVANT STAKEHOLDERS.—Relevant eligible professional organizations and other relevant stakeholders,

including State and national medical societies, shall be consulted in carrying out this subparagraph.

“(ix) OPTIONAL APPLICATION.—The process under section 1890A is not required to apply to the selection of measures under this subparagraph.

“(3) PERFORMANCE STANDARDS.—

“(A) ESTABLISHMENT.—Under the MIPS, the Secretary shall establish performance standards with respect to measures and activities specified under paragraph (2)(B) for a performance period (as established under paragraph (4)) for a year.

“(B) CONSIDERATIONS IN ESTABLISHING STANDARDS.—In establishing such performance standards with respect to measures and activities specified under paragraph (2)(B), the Secretary shall consider the following:

“(i) Historical performance standards.

“(ii) Improvement.

“(iii) The opportunity for continued improvement.

“(4) PERFORMANCE PERIOD.—The Secretary shall establish a performance period (or periods) for a year (beginning with 2019). Such performance period (or periods) shall begin and end prior to the beginning of such year and be as close as possible to such year. In this subsection, such performance period (or periods) for a year shall be referred to as the performance period for the year.

“(5) COMPOSITE PERFORMANCE SCORE.—

“(A) IN GENERAL.—Subject to the succeeding provisions of this paragraph and taking into account, as available and applicable, paragraph (1)(G), the Secretary shall develop a methodology for assessing the total performance of each MIPS eligible professional according to performance standards under paragraph (3) with respect to applicable measures and activities specified in paragraph (2)(B) with respect to each performance category applicable to such professional for a performance period (as established under paragraph (4)) for a year. Using such methodology, the Secretary shall provide for a composite assessment (using a scoring scale of 0 to 100) for each such professional for the performance period for such year. In this subsection such a composite assessment for such a professional with respect to a performance period shall be referred to as the ‘composite performance score’ for such professional for such performance period.

“(B) INCENTIVE TO REPORT; ENCOURAGING USE OF CERTIFIED EHR TECHNOLOGY FOR REPORTING QUALITY MEASURES.—

“(i) INCENTIVE TO REPORT.—Under the methodology established under subparagraph (A), the Secretary shall provide that in the case of a MIPS eligible professional who fails to report on an applicable measure or activity that is required to be reported by the professional, the professional shall be treated as achieving the lowest potential score applicable to such measure or activity.

“(ii) ENCOURAGING USE OF CERTIFIED EHR TECHNOLOGY AND QUALIFIED CLINICAL DATA REGISTRIES FOR

REPORTING QUALITY MEASURES.—Under the methodology established under subparagraph (A), the Secretary shall—

“(I) encourage MIPS eligible professionals to report on applicable measures with respect to the performance category described in paragraph (2)(A)(i) through the use of certified EHR technology and qualified clinical data registries; and

“(II) with respect to a performance period, with respect to a year, for which a MIPS eligible professional reports such measures through the use of such EHR technology, treat such professional as satisfying the clinical quality measures reporting requirement described in subsection (o)(2)(A)(iii) for such year.

“(C) CLINICAL PRACTICE IMPROVEMENT ACTIVITIES PERFORMANCE SCORE.—

“(i) RULE FOR CERTIFICATION.—A MIPS eligible professional who is in a practice that is certified as a patient-centered medical home or comparable specialty practice, as determined by the Secretary, with respect to a performance period shall be given the highest potential score for the performance category described in paragraph (2)(A)(iii) for such period.

“(ii) APM PARTICIPATION.—Participation by a MIPS eligible professional in an alternative payment model (as defined in section 1833(z)(3)(C)) with respect to a performance period shall earn such eligible professional a minimum score of one-half of the highest potential score for the performance category described in paragraph (2)(A)(iii) for such performance period.

“(iii) SUBCATEGORIES.—A MIPS eligible professional shall not be required to perform activities in each subcategory under paragraph (2)(B)(iii) or participate in an alternative payment model in order to achieve the highest potential score for the performance category described in paragraph (2)(A)(iii).

“(D) ACHIEVEMENT AND IMPROVEMENT.—

“(i) TAKING INTO ACCOUNT IMPROVEMENT.—Beginning with the second year to which the MIPS applies, in addition to the achievement of a MIPS eligible professional, if data sufficient to measure improvement is available, the methodology developed under subparagraph (A)—

“(I) in the case of the performance score for the performance category described in clauses (i) and (ii) of paragraph (2)(A), shall take into account the improvement of the professional; and

“(II) in the case of performance scores for other performance categories, may take into account the improvement of the professional.

“(ii) ASSIGNING HIGHER WEIGHT FOR ACHIEVEMENT.—Subject to clause (i), under the methodology developed under subparagraph (A), the Secretary may assign a higher scoring weight under subparagraph (F) with respect to the achievement of a MIPS eligible professional than with respect to any improvement

of such professional applied under clause (i) with respect to a measure, activity, or category described in paragraph (2).

“(E) WEIGHTS FOR THE PERFORMANCE CATEGORIES.—
“(i) IN GENERAL.—Under the methodology developed under subparagraph (A), subject to subparagraph (F)(i) and clause (ii), the composite performance score shall be determined as follows:

“(I) QUALITY.—

“(aa) IN GENERAL.—Subject to item (bb), thirty percent of such score shall be based on performance with respect to the category described in clause (i) of paragraph (2)(A). In applying the previous sentence, the Secretary shall, as feasible, encourage the application of outcome measures within such category.

“(bb) FIRST 2 YEARS.—For the first and second years for which the MIPS applies to payments, the percentage applicable under item (aa) shall be increased in a manner such that the total percentage points of the increase under this item for the respective year equals the total number of percentage points by which the percentage applied under subclause (II)(bb) for the respective year is less than 30 percent.

“(II) RESOURCE USE.—

“(aa) IN GENERAL.—Subject to item (bb), thirty percent of such score shall be based on performance with respect to the category described in clause (ii) of paragraph (2)(A).

“(bb) FIRST 2 YEARS.—For the first year for which the MIPS applies to payments, not more than 10 percent of such score shall be based on performance with respect to the category described in clause (ii) of paragraph (2)(A). For the second year for which the MIPS applies to payments, not more than 15 percent of such score shall be based on performance with respect to the category described in clause (ii) of paragraph (2)(A).

“(III) CLINICAL PRACTICE IMPROVEMENT ACTIVITIES.—Fifteen percent of such score shall be based on performance with respect to the category described in clause (iii) of paragraph (2)(A).

“(IV) MEANINGFUL USE OF CERTIFIED EHR TECHNOLOGY.—Twenty-five percent of such score shall be based on performance with respect to the category described in clause (iv) of paragraph (2)(A).

“(ii) AUTHORITY TO ADJUST PERCENTAGES IN CASE OF HIGH EHR MEANINGFUL USE ADOPTION.—In any year in which the Secretary estimates that the proportion of eligible professionals (as defined in subsection (o)(5)) who are meaningful EHR users (as determined under subsection (o)(2)) is 75 percent or greater, the Secretary may reduce the percent applicable under clause (i)(IV),

but not below 15 percent. If the Secretary makes such reduction for a year, subject to subclauses (I)(bb) and (II)(bb) of clause (i), the percentages applicable under one or more of subclauses (I), (II), and (III) of clause (i) for such year shall be increased in a manner such that the total percentage points of the increase under this clause for such year equals the total number of percentage points reduced under the preceding sentence for such year.

“(F) CERTAIN FLEXIBILITY FOR WEIGHTING PERFORMANCE CATEGORIES, MEASURES, AND ACTIVITIES.—Under the methodology under subparagraph (A), if there are not sufficient measures and activities (described in paragraph (2)(B)) applicable and available to each type of eligible professional involved, the Secretary shall assign different scoring weights (including a weight of 0)—

“(i) which may vary from the scoring weights specified in subparagraph (E), for each performance category based on the extent to which the category is applicable to the type of eligible professional involved; and

“(ii) for each measure and activity specified under paragraph (2)(B) with respect to each such category based on the extent to which the measure or activity is applicable and available to the type of eligible professional involved.

“(G) RESOURCE USE.—Analysis of the performance category described in paragraph (2)(A)(ii) shall include results from the methodology described in subsection (r)(5), as appropriate.

“(H) INCLUSION OF QUALITY MEASURE DATA FROM OTHER PAYERS.—In applying subsections (k), (m), and (p) with respect to measures described in paragraph (2)(B)(i), analysis of the performance category described in paragraph (2)(A)(i) may include data submitted by MIPS eligible professionals with respect to items and services furnished to individuals who are not individuals entitled to benefits under part A or enrolled under part B.

“(I) USE OF VOLUNTARY VIRTUAL GROUPS FOR CERTAIN ASSESSMENT PURPOSES.—

“(i) IN GENERAL.—In the case of MIPS eligible professionals electing to be a virtual group under clause (ii) with respect to a performance period for a year, for purposes of applying the methodology under subparagraph (A) with respect to the performance categories described in clauses (i) and (ii) of paragraph (2)(A)—

“(I) the assessment of performance provided under such methodology with respect to such performance categories that is to be applied to each such professional in such group for such performance period shall be with respect to the combined performance of all such professionals in such group for such period; and

“(II) with respect to the composite performance score provided under this paragraph for such performance period for each such MIPS eligible professional in such virtual group, the components

of the composite performance score that assess performance with respect to such performance categories shall be based on the assessment of the combined performance under subclause (I) for such performance categories and performance period.

“(ii) ELECTION OF PRACTICES TO BE A VIRTUAL GROUP.—The Secretary shall, in accordance with the requirements under clause (iii), establish and have in place a process to allow an individual MIPS eligible professional or a group practice consisting of not more than 10 MIPS eligible professionals to elect, with respect to a performance period for a year to be a virtual group under this subparagraph with at least one other such individual MIPS eligible professional or group practice. Such a virtual group may be based on appropriate classifications of providers, such as by geographic areas or by provider specialties defined by nationally recognized specialty boards of certification or equivalent certification boards.

“(iii) REQUIREMENTS.—The requirements for the process under clause (ii) shall—

“(I) provide that an election under such clause, with respect to a performance period, shall be made before the beginning of such performance period and may not be changed during such performance period;

“(II) provide that an individual MIPS eligible professional and a group practice described in clause (ii) may elect to be in no more than one virtual group for a performance period and that, in the case of such a group practice that elects to be in such virtual group for such performance period, such election applies to all MIPS eligible professionals in such group practice;

“(III) provide that a virtual group be a combination of tax identification numbers;

“(IV) provide for formal written agreements among MIPS eligible professionals electing to be a virtual group under this subparagraph; and

“(V) include such other requirements as the Secretary determines appropriate.

“(6) MIPS PAYMENTS.—

“(A) MIPS ADJUSTMENT FACTOR.—Taking into account paragraph (1)(G), the Secretary shall specify a MIPS adjustment factor for each MIPS eligible professional for a year. Such MIPS adjustment factor for a MIPS eligible professional for a year shall be in the form of a percent and shall be determined—

“(i) by comparing the composite performance score of the eligible professional for such year to the performance threshold established under subparagraph (D)(i) for such year;

“(ii) in a manner such that the adjustment factors specified under this subparagraph for a year result in differential payments under this paragraph reflecting that—

“(I) MIPS eligible professionals with composite performance scores for such year at or above such performance threshold for such year receive zero or positive payment adjustment factors for such year in accordance with clause (iii), with such professionals having higher composite performance scores receiving higher adjustment factors; and

“(II) MIPS eligible professionals with composite performance scores for such year below such performance threshold for such year receive negative payment adjustment factors for such year in accordance with clause (iv), with such professionals having lower composite performance scores receiving lower adjustment factors;

“(iii) in a manner such that MIPS eligible professionals with composite scores described in clause (ii)(I) for such year, subject to clauses (i) and (ii) of subparagraph (F), receive a zero or positive adjustment factor on a linear sliding scale such that an adjustment factor of 0 percent is assigned for a score at the performance threshold and an adjustment factor of the applicable percent specified in subparagraph (B) is assigned for a score of 100; and

“(iv) in a manner such that—

“(I) subject to subclause (II), MIPS eligible professionals with composite performance scores described in clause (ii)(II) for such year receive a negative payment adjustment factor on a linear sliding scale such that an adjustment factor of 0 percent is assigned for a score at the performance threshold and an adjustment factor of the negative of the applicable percent specified in subparagraph (B) is assigned for a score of 0; and

“(II) MIPS eligible professionals with composite performance scores that are equal to or greater than 0, but not greater than $\frac{1}{4}$ of the performance threshold specified under subparagraph (D)(i) for such year, receive a negative payment adjustment factor that is equal to the negative of the applicable percent specified in subparagraph (B) for such year.

“(B) APPLICABLE PERCENT DEFINED.—For purposes of this paragraph, the term ‘applicable percent’ means—

“(i) for 2019, 4 percent;

“(ii) for 2020, 5 percent;

“(iii) for 2021, 7 percent; and

“(iv) for 2022 and subsequent years, 9 percent.

“(C) ADDITIONAL MIPS ADJUSTMENT FACTORS FOR EXCEPTIONAL PERFORMANCE.—For 2019 and each subsequent year through 2024, in the case of a MIPS eligible professional with a composite performance score for a year at or above the additional performance threshold under subparagraph (D)(ii) for such year, in addition to the MIPS adjustment factor under subparagraph (A) for the eligible professional for such year, subject to subparagraph (F)(iv), the Secretary shall specify an additional positive MIPS adjustment factor for such professional and year. Such additional MIPS

adjustment factors shall be in the form of a percent and determined by the Secretary in a manner such that professionals having higher composite performance scores above the additional performance threshold receive higher additional MIPS adjustment factors.

“(D) ESTABLISHMENT OF PERFORMANCE THRESHOLDS.—

“(i) PERFORMANCE THRESHOLD.—For each year of the MIPS, the Secretary shall compute a performance threshold with respect to which the composite performance score of MIPS eligible professionals shall be compared for purposes of determining adjustment factors under subparagraph (A) that are positive, negative, and zero. Such performance threshold for a year shall be the mean or median (as selected by the Secretary) of the composite performance scores for all MIPS eligible professionals with respect to a prior period specified by the Secretary. The Secretary may reassess the selection of the mean or median under the previous sentence every 3 years.

“(ii) ADDITIONAL PERFORMANCE THRESHOLD FOR EXCEPTIONAL PERFORMANCE.—In addition to the performance threshold under clause (i), for each year of the MIPS, the Secretary shall compute an additional performance threshold for purposes of determining the additional MIPS adjustment factors under subparagraph (C). For each such year, the Secretary shall apply either of the following methods for computing such additional performance threshold for such a year:

“(I) The threshold shall be the score that is equal to the 25th percentile of the range of possible composite performance scores above the performance threshold determined under clause (i).

“(II) The threshold shall be the score that is equal to the 25th percentile of the actual composite performance scores for MIPS eligible professionals with composite performance scores at or above the performance threshold with respect to the prior period described in clause (i).

“(iii) SPECIAL RULE FOR INITIAL 2 YEARS.—With respect to each of the first two years to which the MIPS applies, the Secretary shall, prior to the performance period for such years, establish a performance threshold for purposes of determining MIPS adjustment factors under subparagraph (A) and a threshold for purposes of determining additional MIPS adjustment factors under subparagraph (C). Each such performance threshold shall—

“(I) be based on a period prior to such performance periods; and

“(II) take into account—

“(aa) data available with respect to performance on measures and activities that may be used under the performance categories under subparagraph (2)(B); and

“(bb) other factors determined appropriate by the Secretary.

“(E) APPLICATION OF MIPS ADJUSTMENT FACTORS.—In the case of items and services furnished by a MIPS eligible professional during a year (beginning with 2019), the amount otherwise paid under this part with respect to such items and services and MIPS eligible professional for such year, shall be multiplied by—

“(i) 1, plus

“(ii) the sum of—

“(I) the MIPS adjustment factor determined under subparagraph (A) divided by 100, and

“(II) as applicable, the additional MIPS adjustment factor determined under subparagraph (C) divided by 100.

“(F) AGGREGATE APPLICATION OF MIPS ADJUSTMENT FACTORS.—

“(i) APPLICATION OF SCALING FACTOR.—

“(I) IN GENERAL.—With respect to positive MIPS adjustment factors under subparagraph (A)(ii)(I) for eligible professionals whose composite performance score is above the performance threshold under subparagraph (D)(i) for such year, subject to subclause (II), the Secretary shall increase or decrease such adjustment factors by a scaling factor in order to ensure that the budget neutrality requirement of clause (ii) is met.

“(II) SCALING FACTOR LIMIT.—In no case may the scaling factor applied under this clause exceed 3.0.

“(ii) BUDGET NEUTRALITY REQUIREMENT.—

“(I) IN GENERAL.—Subject to clause (iii), the Secretary shall ensure that the estimated amount described in subclause (II) for a year is equal to the estimated amount described in subclause (III) for such year.

“(II) AGGREGATE INCREASES.—The amount described in this subclause is the estimated increase in the aggregate allowed charges resulting from the application of positive MIPS adjustment factors under subparagraph (A) (after application of the scaling factor described in clause (i)) to MIPS eligible professionals whose composite performance score for a year is above the performance threshold under subparagraph (D)(i) for such year.

“(III) AGGREGATE DECREASES.—The amount described in this subclause is the estimated decrease in the aggregate allowed charges resulting from the application of negative MIPS adjustment factors under subparagraph (A) to MIPS eligible professionals whose composite performance score for a year is below the performance threshold under subparagraph (D)(i) for such year.

“(iii) EXCEPTIONS.—

“(I) In the case that all MIPS eligible professionals receive composite performance scores for a year that are below the performance threshold

Applicability.

under subparagraph (D)(i) for such year, the negative MIPS adjustment factors under subparagraph (A) shall apply with respect to such MIPS eligible professionals and the budget neutrality requirement of clause (ii) and the additional adjustment factors under clause (iv) shall not apply for such year.

“(II) In the case that, with respect to a year, the application of clause (i) results in a scaling factor equal to the maximum scaling factor specified in clause (i)(II), such scaling factor shall apply and the budget neutrality requirement of clause (ii) shall not apply for such year.

“(iv) ADDITIONAL INCENTIVE PAYMENT ADJUSTMENTS.—

“(I) IN GENERAL.—Subject to subclause (II), in specifying the MIPS additional adjustment factors under subparagraph (C) for each applicable MIPS eligible professional for a year, the Secretary shall ensure that the estimated aggregate increase in payments under this part resulting from the application of such additional adjustment factors for MIPS eligible professionals in a year shall be equal (as estimated by the Secretary) to \$500,000,000 for each year beginning with 2019 and ending with 2024.

Time period.

“(II) LIMITATION ON ADDITIONAL INCENTIVE PAYMENT ADJUSTMENTS.—The MIPS additional adjustment factor under subparagraph (C) for a year for an applicable MIPS eligible professional whose composite performance score is above the additional performance threshold under subparagraph (D)(ii) for such year shall not exceed 10 percent. The application of the previous sentence may result in an aggregate amount of additional incentive payments that are less than the amount specified in subclause (I).

“(7) ANNOUNCEMENT OF RESULT OF ADJUSTMENTS.—Under the MIPS, the Secretary shall, not later than 30 days prior to January 1 of the year involved, make available to MIPS eligible professionals the MIPS adjustment factor (and, as applicable, the additional MIPS adjustment factor) under paragraph (6) applicable to the eligible professional for items and services furnished by the professional for such year. The Secretary may include such information in the confidential feedback under paragraph (12).

Deadline.

“(8) NO EFFECT IN SUBSEQUENT YEARS.—The MIPS adjustment factors and additional MIPS adjustment factors under paragraph (6) shall apply only with respect to the year involved, and the Secretary shall not take into account such adjustment factors in making payments to a MIPS eligible professional under this part in a subsequent year.

“(9) PUBLIC REPORTING.—

“(A) IN GENERAL.—The Secretary shall, in an easily understandable format, make available on the Physician Compare Internet website of the Centers for Medicare & Medicaid Services the following:

Web posting.

“(i) Information regarding the performance of MIPS eligible professionals under the MIPS, which—

“(I) shall include the composite score for each such MIPS eligible professional and the performance of each such MIPS eligible professional with respect to each performance category; and

“(II) may include the performance of each such MIPS eligible professional with respect to each measure or activity specified in paragraph (2)(B).

“(ii) The names of eligible professionals in eligible alternative payment models (as defined in section 1833(z)(3)(D)) and, to the extent feasible, the names of such eligible alternative payment models and performance of such models.

“(B) DISCLOSURE.—The information made available under this paragraph shall indicate, where appropriate, that publicized information may not be representative of the eligible professional’s entire patient population, the variety of services furnished by the eligible professional, or the health conditions of individuals treated.

“(C) OPPORTUNITY TO REVIEW AND SUBMIT CORRECTIONS.—The Secretary shall provide for an opportunity for a professional described in subparagraph (A) to review, and submit corrections for, the information to be made public with respect to the professional under such subparagraph prior to such information being made public.

Web posting.

“(D) AGGREGATE INFORMATION.—The Secretary shall periodically post on the Physician Compare Internet website aggregate information on the MIPS, including the range of composite scores for all MIPS eligible professionals and the range of the performance of all MIPS eligible professionals with respect to each performance category.

“(10) CONSULTATION.—The Secretary shall consult with stakeholders in carrying out the MIPS, including for the identification of measures and activities under paragraph (2)(B) and the methodologies developed under paragraphs (5)(A) and (6) and regarding the use of qualified clinical data registries. Such consultation shall include the use of a request for information or other mechanisms determined appropriate.

“(11) TECHNICAL ASSISTANCE TO SMALL PRACTICES AND PRACTICES IN HEALTH PROFESSIONAL SHORTAGE AREAS.—

Contracts.

“(A) IN GENERAL.—The Secretary shall enter into contracts or agreements with appropriate entities (such as quality improvement organizations, regional extension centers (as described in section 3012(c) of the Public Health Service Act), or regional health collaboratives) to offer guidance and assistance to MIPS eligible professionals in practices of 15 or fewer professionals (with priority given to such practices located in rural areas, health professional shortage areas (as designated under in section 332(a)(1)(A) of such Act), and medically underserved areas, and practices with low composite scores) with respect to—

“(i) the performance categories described in clauses (i) through (iv) of paragraph (2)(A); or

“(ii) how to transition to the implementation of and participation in an alternative payment model as described in section 1833(z)(3)(C).

“(B) FUNDING FOR TECHNICAL ASSISTANCE.—For purposes of implementing subparagraph (A), the Secretary shall provide for the transfer from the Federal Supplementary Medical Insurance Trust Fund established under section 1841 to the Centers for Medicare & Medicaid Services Program Management Account of \$20,000,000 for each of fiscal years 2016 through 2020. Amounts transferred under this subparagraph for a fiscal year shall be available until expended.

“(12) FEEDBACK AND INFORMATION TO IMPROVE PERFORMANCE.—

“(A) PERFORMANCE FEEDBACK.—

“(i) IN GENERAL.—Beginning July 1, 2017, the Secretary—

Effective date.

“(I) shall make available timely (such as quarterly) confidential feedback to MIPS eligible professionals on the performance of such professionals with respect to the performance categories under clauses (i) and (ii) of paragraph (2)(A); and

“(II) may make available confidential feedback to such professionals on the performance of such professionals with respect to the performance categories under clauses (iii) and (iv) of such paragraph.

“(ii) MECHANISMS.—The Secretary may use one or more mechanisms to make feedback available under clause (i), which may include use of a web-based portal or other mechanisms determined appropriate by the Secretary. With respect to the performance category described in paragraph (2)(A)(i), feedback under this subparagraph shall, to the extent an eligible professional chooses to participate in a data registry for purposes of this subsection (including registries under subsections (k) and (m)), be provided based on performance on quality measures reported through the use of such registries. With respect to any other performance category described in paragraph (2)(A), the Secretary shall encourage provision of feedback through qualified clinical data registries as described in subsection (m)(3)(E)).

“(iii) USE OF DATA.—For purposes of clause (i), the Secretary may use data, with respect to a MIPS eligible professional, from periods prior to the current performance period and may use rolling periods in order to make illustrative calculations about the performance of such professional.

“(iv) DISCLOSURE EXEMPTION.—Feedback made available under this subparagraph shall be exempt from disclosure under section 552 of title 5, United States Code.

“(v) RECEIPT OF INFORMATION.—The Secretary may use the mechanisms established under clause (ii) to receive information from professionals, such as information with respect to this subsection.

“(B) ADDITIONAL INFORMATION.—

Effective date.

“(i) IN GENERAL.—Beginning July 1, 2018, the Secretary shall make available to MIPS eligible professionals information, with respect to individuals who are patients of such MIPS eligible professionals, about items and services for which payment is made under this title that are furnished to such individuals by other suppliers and providers of services, which may include information described in clause (ii). Such information may be made available under the previous sentence to such MIPS eligible professionals by mechanisms determined appropriate by the Secretary, which may include use of a web-based portal. Such information may be made available in accordance with the same or similar terms as data are made available to accountable care organizations participating in the shared savings program under section 1899.

“(ii) TYPE OF INFORMATION.—For purposes of clause (i), the information described in this clause, is the following:

“(I) With respect to selected items and services (as determined appropriate by the Secretary) for which payment is made under this title and that are furnished to individuals, who are patients of a MIPS eligible professional, by another supplier or provider of services during the most recent period for which data are available (such as the most recent three-month period), such as the name of such providers furnishing such items and services to such patients during such period, the types of such items and services so furnished, and the dates such items and services were so furnished.

“(II) Historical data, such as averages and other measures of the distribution if appropriate, of the total, and components of, allowed charges (and other figures as determined appropriate by the Secretary).

“(13) REVIEW.—

“(A) TARGETED REVIEW.—The Secretary shall establish a process under which a MIPS eligible professional may seek an informal review of the calculation of the MIPS adjustment factor (or factors) applicable to such eligible professional under this subsection for a year. The results of a review conducted pursuant to the previous sentence shall not be taken into account for purposes of paragraph (6) with respect to a year (other than with respect to the calculation of such eligible professional’s MIPS adjustment factor for such year or additional MIPS adjustment factor for such year) after the factors determined in subparagraph (A) and subparagraph (C) of such paragraph have been determined for such year.

“(B) LIMITATION.—Except as provided for in subparagraph (A), there shall be no administrative or judicial review under section 1869, section 1878, or otherwise of the following:

“(i) The methodology used to determine the amount of the MIPS adjustment factor under paragraph (6)(A) and the amount of the additional MIPS adjustment

factor under paragraph (6)(C) and the determination of such amounts.

“(ii) The establishment of the performance standards under paragraph (3) and the performance period under paragraph (4).

“(iii) The identification of measures and activities specified under paragraph (2)(B) and information made public or posted on the Physician Compare Internet website of the Centers for Medicare & Medicaid Services under paragraph (9).

“(iv) The methodology developed under paragraph (5) that is used to calculate performance scores and the calculation of such scores, including the weighting of measures and activities under such methodology.”.

(2) GAO REPORTS.—

(A) EVALUATION OF ELIGIBLE PROFESSIONAL MIPS.—Not later than October 1, 2021, the Comptroller General of the United States shall submit to Congress a report evaluating the eligible professional Merit-based Incentive Payment System under subsection (q) of section 1848 of the Social Security Act (42 U.S.C. 1395w–4), as added by paragraph (1). Such report shall—

(i) examine the distribution of the composite performance scores and MIPS adjustment factors (and additional MIPS adjustment factors) for MIPS eligible professionals (as defined in subsection (q)(1)(c) of such section) under such program, and patterns relating to such scores and adjustment factors, including based on type of provider, practice size, geographic location, and patient mix;

(ii) provide recommendations for improving such program;

(iii) evaluate the impact of technical assistance funding under section 1848(q)(11) of the Social Security Act, as added by paragraph (1), on the ability of professionals to improve within such program or successfully transition to an alternative payment model (as defined in section 1833(z)(3) of the Social Security Act, as added by subsection (e)), with priority for such evaluation given to practices located in rural areas, health professional shortage areas (as designated in section 332(a)(1)(A) of the Public Health Service Act), and medically underserved areas; and

(iv) provide recommendations for optimizing the use of such technical assistance funds.

(B) STUDY TO EXAMINE ALIGNMENT OF QUALITY MEASURES USED IN PUBLIC AND PRIVATE PROGRAMS.—

(i) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that—

(I) compares the similarities and differences in the use of quality measures under the original Medicare fee-for-service program under parts A and B of title XVIII of the Social Security Act, the Medicare Advantage program under part C of such title, selected State Medicaid programs

under title XIX of such Act, and private payer arrangements; and

(II) makes recommendations on how to reduce the administrative burden involved in applying such quality measures.

(ii) REQUIREMENTS.—The report under clause (i) shall—

(I) consider those measures applicable to individuals entitled to, or enrolled for, benefits under such part A, or enrolled under such part B and individuals under the age of 65; and

(II) focus on those measures that comprise the most significant component of the quality performance category of the eligible professional MIPS incentive program under subsection (q) of section 1848 of the Social Security Act (42 U.S.C. 1395w–4), as added by paragraph (1).

(C) STUDY ON ROLE OF INDEPENDENT RISK MANAGERS.—Not later than January 1, 2017, the Comptroller General of the United States shall submit to Congress a report examining whether entities that pool financial risk for physician practices, such as independent risk managers, can play a role in supporting physician practices, particularly small physician practices, in assuming financial risk for the treatment of patients. Such report shall examine barriers that small physician practices currently face in assuming financial risk for treating patients, the types of risk management entities that could assist physician practices in participating in two-sided risk payment models, and how such entities could assist with risk management and with quality improvement activities. Such report shall also include an analysis of any existing legal barriers to such arrangements.

(D) STUDY TO EXAMINE RURAL AND HEALTH PROFESSIONAL SHORTAGE AREA ALTERNATIVE PAYMENT MODELS.—Not later than October 1, 2021, the Comptroller General of the United States shall submit to Congress a report that examines the transition of professionals in rural areas, health professional shortage areas (as designated in section 332(a)(1)(A) of the Public Health Service Act), or medically underserved areas to an alternative payment model (as defined in section 1833(z)(3) of the Social Security Act, as added by subsection (e)). Such report shall make recommendations for removing administrative barriers to practices, including small practices consisting of 15 or fewer professionals, in rural areas, health professional shortage areas, and medically underserved areas to participation in such models.

(3) FUNDING FOR IMPLEMENTATION.—For purposes of implementing the provisions of and the amendments made by this section, the Secretary of Health and Human Services shall provide for the transfer of \$80,000,000 from the Supplementary Medical Insurance Trust Fund established under section 1841 of the Social Security Act (42 U.S.C. 1395t) to the Centers for Medicare & Medicaid Program Management Account for each of the fiscal years 2015 through 2019. Amounts transferred under this paragraph shall be available until expended.

(d) IMPROVING QUALITY REPORTING FOR COMPOSITE SCORES.—

(1) CHANGES FOR GROUP REPORTING OPTION.—

(A) IN GENERAL.—Section 1848(m)(3)(C)(ii) of the Social Security Act (42 U.S.C. 1395w–4(m)(3)(C)(ii)) is amended by inserting “and, for 2016 and subsequent years, may provide” after “shall provide”.

(B) CLARIFICATION OF QUALIFIED CLINICAL DATA REGISTRY REPORTING TO GROUP PRACTICES.—Section 1848(m)(3)(D) of the Social Security Act (42 U.S.C. 1395w–4(m)(3)(D)) is amended by inserting “and, for 2016 and subsequent years, subparagraph (A) or (C)” after “subparagraph (A)”.

(2) CHANGES FOR MULTIPLE REPORTING PERIODS AND ALTERNATIVE CRITERIA FOR SATISFACTORY REPORTING.—Section 1848(m)(5)(F) of the Social Security Act (42 U.S.C. 1395w–4(m)(5)(F)) is amended—

(A) by striking “and subsequent years” and inserting “through reporting periods occurring in 2015”; and

(B) by inserting “and, for reporting periods occurring in 2016 and subsequent years, the Secretary may establish” after “shall establish”.

(3) PHYSICIAN FEEDBACK PROGRAM REPORTS SUCCEEDED BY REPORTS UNDER MIPS.—Section 1848(n) of the Social Security Act (42 U.S.C. 1395w–4(n)) is amended by adding at the end the following new paragraph:

“(11) REPORTS ENDING WITH 2017.—Reports under the Program shall not be provided after December 31, 2017. See subsection (q)(12) for reports under the eligible professionals Merit-based Incentive Payment System.”

(4) COORDINATION WITH SATISFYING MEANINGFUL EHR USE CLINICAL QUALITY MEASURE REPORTING REQUIREMENT.—Section 1848(o)(2)(A)(iii) of the Social Security Act (42 U.S.C. 1395w–4(o)(2)(A)(iii)) is amended by inserting “and subsection (q)(5)(B)(ii)(II)” after “Subject to subparagraph (B)(ii)”.

(e) PROMOTING ALTERNATIVE PAYMENT MODELS.—

(1) INCREASING TRANSPARENCY OF PHYSICIAN-FOCUSED PAYMENT MODELS.—Section 1868 of the Social Security Act (42 U.S.C. 1395ee) is amended by adding at the end the following new subsection:

“(c) PHYSICIAN-FOCUSED PAYMENT MODELS.—

“(1) TECHNICAL ADVISORY COMMITTEE.—

“(A) ESTABLISHMENT.—There is established an ad hoc committee to be known as the ‘Physician-Focused Payment Model Technical Advisory Committee’ (referred to in this subsection as the ‘Committee’).

“(B) MEMBERSHIP.—

“(i) NUMBER AND APPOINTMENT.—The Committee shall be composed of 11 members appointed by the Comptroller General of the United States.

“(ii) QUALIFICATIONS.—The membership of the Committee shall include individuals with national recognition for their expertise in physician-focused payment models and related delivery of care. No more than 5 members of the Committee shall be providers of services or suppliers, or representatives of providers of services or suppliers.

“(iii) PROHIBITION ON FEDERAL EMPLOYMENT.—A member of the Committee shall not be an employee of the Federal Government.

“(iv) ETHICS DISCLOSURE.—The Comptroller General shall establish a system for public disclosure by members of the Committee of financial and other potential conflicts of interest relating to such members. Members of the Committee shall be treated as employees of Congress for purposes of applying title I of the Ethics in Government Act of 1978 (Public Law 95–521).

Deadline.

“(v) DATE OF INITIAL APPOINTMENTS.—The initial appointments of members of the Committee shall be made by not later than 180 days after the date of enactment of this subsection.

“(C) TERM; VACANCIES.—

“(i) TERM.—The terms of members of the Committee shall be for 3 years except that the Comptroller General shall designate staggered terms for the members first appointed.

“(ii) VACANCIES.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member’s predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member’s term until a successor has taken office. A vacancy in the Committee shall be filled in the manner in which the original appointment was made.

“(D) DUTIES.—The Committee shall meet, as needed, to provide comments and recommendations to the Secretary, as described in paragraph (2)(C), on physician-focused payment models.

“(E) COMPENSATION OF MEMBERS.—

“(i) IN GENERAL.—Except as provided in clause (ii), a member of the Committee shall serve without compensation.

“(ii) TRAVEL EXPENSES.—A member of the Committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Committee.

“(F) OPERATIONAL AND TECHNICAL SUPPORT.—

“(i) IN GENERAL.—The Assistant Secretary for Planning and Evaluation shall provide technical and operational support for the Committee, which may be by use of a contractor. The Office of the Actuary of the Centers for Medicare & Medicaid Services shall provide to the Committee actuarial assistance as needed.

“(ii) FUNDING.—The Secretary shall provide for the transfer, from the Federal Supplementary Medical Insurance Trust Fund under section 1841, such amounts as are necessary to carry out this paragraph (not to exceed \$5,000,000) for fiscal year 2015 and each subsequent fiscal year. Any amounts transferred

under the preceding sentence for a fiscal year shall remain available until expended.

“(G) APPLICATION.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Committee.

“(2) CRITERIA AND PROCESS FOR SUBMISSION AND REVIEW OF PHYSICIAN-FOCUSED PAYMENT MODELS.—

“(A) CRITERIA FOR ASSESSING PHYSICIAN-FOCUSED PAYMENT MODELS.—

“(i) RULEMAKING.—Not later than November 1, 2016, the Secretary shall, through notice and comment rulemaking, following a request for information, establish criteria for physician-focused payment models, including models for specialist physicians, that could be used by the Committee for making comments and recommendations pursuant to paragraph (1)(D).

Deadline.

“(ii) MEDPAC SUBMISSION OF COMMENTS.—During the comment period for the proposed rule described in clause (i), the Medicare Payment Advisory Commission may submit comments to the Secretary on the proposed criteria under such clause.

“(iii) UPDATING.—The Secretary may update the criteria established under this subparagraph through rulemaking.

“(B) STAKEHOLDER SUBMISSION OF PHYSICIAN-FOCUSED PAYMENT MODELS.—On an ongoing basis, individuals and stakeholder entities may submit to the Committee proposals for physician-focused payment models that such individuals and entities believe meet the criteria described in subparagraph (A).

“(C) COMMITTEE REVIEW OF MODELS SUBMITTED.—The Committee shall, on a periodic basis, review models submitted under subparagraph (B), prepare comments and recommendations regarding whether such models meet the criteria described in subparagraph (A), and submit such comments and recommendations to the Secretary.

“(D) SECRETARY REVIEW AND RESPONSE.—The Secretary shall review the comments and recommendations submitted by the Committee under subparagraph (C) and post a detailed response to such comments and recommendations on the Internet website of the Centers for Medicare & Medicaid Services.

“(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to impact the development or testing of models under this title or titles XI, XIX, or XXI.”

(2) INCENTIVE PAYMENTS FOR PARTICIPATION IN ELIGIBLE ALTERNATIVE PAYMENT MODELS.—Section 1833 of the Social Security Act (42 U.S.C. 1395l) is amended by adding at the end the following new subsection:

“(z) INCENTIVE PAYMENTS FOR PARTICIPATION IN ELIGIBLE ALTERNATIVE PAYMENT MODELS.—

“(1) PAYMENT INCENTIVE.—

“(A) IN GENERAL.—In the case of covered professional services furnished by an eligible professional during a year that is in the period beginning with 2019 and ending with 2024 and for which the professional is a qualifying APM participant with respect to such year, in addition to the

Time period.

Policies.

amount of payment that would otherwise be made for such covered professional services under this part for such year, there also shall be paid to such professional an amount equal to 5 percent of the estimated aggregate payment amounts for such covered professional services under this part for the preceding year. For purposes of the previous sentence, the payment amount for the preceding year may be an estimation for the full preceding year based on a period of such preceding year that is less than the full year. The Secretary shall establish policies to implement this subparagraph in cases in which payment for covered professional services furnished by a qualifying APM participant in an alternative payment model—

“(i) is made to an eligible alternative payment entity rather than directly to the qualifying APM participant; or

“(ii) is made on a basis other than a fee-for-service basis (such as payment on a capitated basis).

“(B) FORM OF PAYMENT.—Payments under this subsection shall be made in a lump sum, on an annual basis, as soon as practicable.

“(C) TREATMENT OF PAYMENT INCENTIVE.—Payments under this subsection shall not be taken into account for purposes of determining actual expenditures under an alternative payment model and for purposes of determining or rebasing any benchmarks used under the alternative payment model.

“(D) COORDINATION.—The amount of the additional payment under this subsection or subsection (m) shall be determined without regard to any additional payment under subsection (m) and this subsection, respectively. The amount of the additional payment under this subsection or subsection (x) shall be determined without regard to any additional payment under subsection (x) and this subsection, respectively. The amount of the additional payment under this subsection or subsection (y) shall be determined without regard to any additional payment under subsection (y) and this subsection, respectively.

Definition.

“(2) QUALIFYING APM PARTICIPANT.—For purposes of this subsection, the term ‘qualifying APM participant’ means the following:

“(A) 2019 AND 2020.—With respect to 2019 and 2020, an eligible professional for whom the Secretary determines that at least 25 percent of payments under this part for covered professional services furnished by such professional during the most recent period for which data are available (which may be less than a year) were attributable to such services furnished under this part through an eligible alternative payment entity.

“(B) 2021 AND 2022.—With respect to 2021 and 2022, an eligible professional described in either of the following clauses:

“(i) MEDICARE PAYMENT THRESHOLD OPTION.—An eligible professional for whom the Secretary determines that at least 50 percent of payments under this part for covered professional services furnished by such professional during the most recent period for which

data are available (which may be less than a year) were attributable to such services furnished under this part through an eligible alternative payment entity.

“(ii) COMBINATION ALL-PAYER AND MEDICARE PAYMENT THRESHOLD OPTION.—An eligible professional—

“(I) for whom the Secretary determines, with respect to items and services furnished by such professional during the most recent period for which data are available (which may be less than a year), that at least 50 percent of the sum of—

“(aa) payments described in clause (i); and

“(bb) all other payments, regardless of payer (other than payments made by the Secretary of Defense or the Secretary of Veterans Affairs and other than payments made under title XIX in a State in which no medical home or alternative payment model is available under the State program under that title), meet the requirement described in clause (iii)(I) with respect to payments described in item (aa) and meet the requirement described in clause (iii)(II) with respect to payments described in item (bb);

“(II) for whom the Secretary determines at least 25 percent of payments under this part for covered professional services furnished by such professional during the most recent period for which data are available (which may be less than a year) were attributable to such services furnished under this part through an eligible alternative payment entity; and

“(III) who provides to the Secretary such information as is necessary for the Secretary to make a determination under subclause (I), with respect to such professional.

“(iii) REQUIREMENT.—For purposes of clause (ii)(I)—

“(I) the requirement described in this subclause, with respect to payments described in item (aa) of such clause, is that such payments are made to an eligible alternative payment entity; and

“(II) the requirement described in this subclause, with respect to payments described in item (bb) of such clause, is that such payments are made under arrangements in which—

“(aa) quality measures comparable to measures under the performance category described in section 1848(q)(2)(B)(i) apply;

“(bb) certified EHR technology is used; and

“(cc) the eligible professional participates in an entity that—

“(AA) bears more than nominal financial risk if actual aggregate expenditures exceeds expected aggregate expenditures; or

Effective date.

“(BB) with respect to beneficiaries under title XIX, is a medical home that meets criteria comparable to medical homes expanded under section 1115A(c).

“(C) BEGINNING IN 2023.—With respect to 2023 and each subsequent year, an eligible professional described in either of the following clauses:

“(i) MEDICARE PAYMENT THRESHOLD OPTION.—An eligible professional for whom the Secretary determines that at least 75 percent of payments under this part for covered professional services furnished by such professional during the most recent period for which data are available (which may be less than a year) were attributable to such services furnished under this part through an eligible alternative payment entity.

“(ii) COMBINATION ALL-PAYER AND MEDICARE PAYMENT THRESHOLD OPTION.—An eligible professional—

“(I) for whom the Secretary determines, with respect to items and services furnished by such professional during the most recent period for which data are available (which may be less than a year), that at least 75 percent of the sum of—

“(aa) payments described in clause (i); and

“(bb) all other payments, regardless of payer (other than payments made by the Secretary of Defense or the Secretary of Veterans Affairs and other than payments made under title XIX in a State in which no medical home or alternative payment model is available under the State program under that title), meet the requirement described in clause (iii)(I) with respect to payments described in item (aa) and meet the requirement described in clause (iii)(II) with respect to payments described in item (bb);

“(II) for whom the Secretary determines at least 25 percent of payments under this part for covered professional services furnished by such professional during the most recent period for which data are available (which may be less than a year) were attributable to such services furnished under this part through an eligible alternative payment entity; and

“(III) who provides to the Secretary such information as is necessary for the Secretary to make a determination under subclause (I), with respect to such professional.

“(iii) REQUIREMENT.—For purposes of clause (ii)(I)—

“(I) the requirement described in this subclause, with respect to payments described in item (aa) of such clause, is that such payments are made to an eligible alternative payment entity; and

“(II) the requirement described in this subclause, with respect to payments described in item

(bb) of such clause, is that such payments are made under arrangements in which—

“(aa) quality measures comparable to measures under the performance category described in section 1848(q)(2)(B)(i) apply; Applicability.

“(bb) certified EHR technology is used; and

“(cc) the eligible professional participates in an entity that—

“(AA) bears more than nominal financial risk if actual aggregate expenditures exceeds expected aggregate expenditures; or

“(BB) with respect to beneficiaries under title XIX, is a medical home that meets criteria comparable to medical homes expanded under section 1115A(c).

“(D) USE OF PATIENT APPROACH.—The Secretary may base the determination of whether an eligible professional is a qualifying APM participant under this subsection and the determination of whether an eligible professional is a partial qualifying APM participant under section 1848(q)(1)(C)(iii) by using counts of patients in lieu of using payments and using the same or similar percentage criteria (as specified in this subsection and such section, respectively), as the Secretary determines appropriate.

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

“(A) COVERED PROFESSIONAL SERVICES.—The term ‘covered professional services’ has the meaning given that term in section 1848(k)(3)(A).

“(B) ELIGIBLE PROFESSIONAL.—The term ‘eligible professional’ has the meaning given that term in section 1848(k)(3)(B) and includes a group that includes such professionals.

“(C) ALTERNATIVE PAYMENT MODEL (APM).—The term ‘alternative payment model’ means, other than for purposes of subparagraphs (B)(ii)(I)(bb) and (C)(ii)(I)(bb) of paragraph (2), any of the following:

“(i) A model under section 1115A (other than a health care innovation award).

“(ii) The shared savings program under section 1899.

“(iii) A demonstration under section 1866C.

“(iv) A demonstration required by Federal law.

“(D) ELIGIBLE ALTERNATIVE PAYMENT ENTITY.—The term ‘eligible alternative payment entity’ means, with respect to a year, an entity that—

“(i) participates in an alternative payment model that—

“(I) requires participants in such model to use certified EHR technology (as defined in subsection (o)(4)); and

“(II) provides for payment for covered professional services based on quality measures comparable to measures under the performance category described in section 1848(q)(2)(B)(i); and

“(ii)(I) bears financial risk for monetary losses under such alternative payment model that are in excess of a nominal amount; or

“(II) is a medical home expanded under section 1115A(c).

“(4) LIMITATION.—There shall be no administrative or judicial review under section 1869, 1878, or otherwise, of the following:

“(A) The determination that an eligible professional is a qualifying APM participant under paragraph (2) and the determination that an entity is an eligible alternative payment entity under paragraph (3)(D).

“(B) The determination of the amount of the 5 percent payment incentive under paragraph (1)(A), including any estimation as part of such determination.”

(3) COORDINATION CONFORMING AMENDMENTS.—Section 1833 of the Social Security Act (42 U.S.C. 1395l) is further amended—

(A) in subsection (x)(3), by adding at the end the following new sentence: “The amount of the additional payment for a service under this subsection and subsection (z) shall be determined without regard to any additional payment for the service under subsection (z) and this subsection, respectively.”; and

(B) in subsection (y)(3), by adding at the end the following new sentence: “The amount of the additional payment for a service under this subsection and subsection (z) shall be determined without regard to any additional payment for the service under subsection (z) and this subsection, respectively.”

(4) ENCOURAGING DEVELOPMENT AND TESTING OF CERTAIN MODELS.—Section 1115A(b)(2) of the Social Security Act (42 U.S.C. 1315a(b)(2)) is amended—

(A) in subparagraph (B), by adding at the end the following new clauses:

“(xxi) Focusing primarily on physicians’ services (as defined in section 1848(j)(3)) furnished by physicians who are not primary care practitioners.

“(xxii) Focusing on practices of 15 or fewer professionals.

“(xxiii) Focusing on risk-based models for small physician practices which may involve two-sided risk and prospective patient assignment, and which examine risk-adjusted decreases in mortality rates, hospital readmissions rates, and other relevant and appropriate clinical measures.

“(xxiv) Focusing primarily on title XIX, working in conjunction with the Center for Medicaid and CHIP Services.”; and

(B) in subparagraph (C)(viii), by striking “other public sector or private sector payers” and inserting “other public sector payers, private sector payers, or statewide payment models”.

(5) CONSTRUCTION REGARDING TELEHEALTH SERVICES.—Nothing in the provisions of, or amendments made by, this title shall be construed as precluding an alternative payment model or a qualifying APM participant (as those terms are

defined in section 1833(z) of the Social Security Act, as added by paragraph (1)) from furnishing a telehealth service for which payment is not made under section 1834(m) of the Social Security Act (42 U.S.C. 1395m(m)).

(6) INTEGRATING MEDICARE ADVANTAGE ALTERNATIVE PAYMENT MODELS.—Not later than July 1, 2016, the Secretary of Health and Human Services shall submit to Congress a study that examines the feasibility of integrating alternative payment models in the Medicare Advantage payment system. The study shall include the feasibility of including a value-based modifier and whether such modifier should be budget neutral.

Deadline.
Study.

(7) STUDY AND REPORT ON FRAUD RELATED TO ALTERNATIVE PAYMENT MODELS UNDER THE MEDICARE PROGRAM.—

(A) STUDY.—The Secretary of Health and Human Services, in consultation with the Inspector General of the Department of Health and Human Services, shall conduct a study that—

Consultation.

(i) examines the applicability of the Federal fraud prevention laws to items and services furnished under title XVIII of the Social Security Act for which payment is made under an alternative payment model (as defined in section 1833(z)(3)(C) of such Act (42 U.S.C. 1395l(z)(3)(C)));

(ii) identifies aspects of such alternative payment models that are vulnerable to fraudulent activity; and

(iii) examines the implications of waivers to such laws granted in support of such alternative payment models, including under any potential expansion of such models.

(B) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall submit to Congress a report containing the results of the study conducted under subparagraph (A). Such report shall include recommendations for actions to be taken to reduce the vulnerability of such alternative payment models to fraudulent activity. Such report also shall include, as appropriate, recommendations of the Inspector General for changes in Federal fraud prevention laws to reduce such vulnerability.

Recommendations.

(f) COLLABORATING WITH THE PHYSICIAN, PRACTITIONER, AND OTHER STAKEHOLDER COMMUNITIES TO IMPROVE RESOURCE USE MEASUREMENT.—Section 1848 of the Social Security Act (42 U.S.C. 1395w–4), as amended by subsection (c), is further amended by adding at the end the following new subsection:

“(r) COLLABORATING WITH THE PHYSICIAN, PRACTITIONER, AND OTHER STAKEHOLDER COMMUNITIES TO IMPROVE RESOURCE USE MEASUREMENT.—

“(1) IN GENERAL.—In order to involve the physician, practitioner, and other stakeholder communities in enhancing the infrastructure for resource use measurement, including for purposes of the Merit-based Incentive Payment System under subsection (q) and alternative payment models under section 1833(z), the Secretary shall undertake the steps described in the succeeding provisions of this subsection.

“(2) DEVELOPMENT OF CARE EPISODE AND PATIENT CONDITION GROUPS AND CLASSIFICATION CODES.—

“(A) IN GENERAL.—In order to classify similar patients into care episode groups and patient condition groups, the Secretary shall undertake the steps described in the succeeding provisions of this paragraph.

Deadline.
Web posting.
List.

“(B) PUBLIC AVAILABILITY OF EXISTING EFFORTS TO DESIGN AN EPISODE GROUPER.—Not later than 180 days after the date of the enactment of this subsection, the Secretary shall post on the Internet website of the Centers for Medicare & Medicaid Services a list of the episode groups developed pursuant to subsection (n)(9)(A) and related descriptive information.

Comment period.

“(C) STAKEHOLDER INPUT.—The Secretary shall accept, through the date that is 120 days after the day the Secretary posts the list pursuant to subparagraph (B), suggestions from physician specialty societies, applicable practitioner organizations, and other stakeholders for episode groups in addition to those posted pursuant to such subparagraph, and specific clinical criteria and patient characteristics to classify patients into—

“(i) care episode groups; and

“(ii) patient condition groups.

“(D) DEVELOPMENT OF PROPOSED CLASSIFICATION CODES.—

“(i) IN GENERAL.—Taking into account the information described in subparagraph (B) and the information received under subparagraph (C), the Secretary shall—

“(I) establish care episode groups and patient condition groups, which account for a target of an estimated $\frac{1}{2}$ of expenditures under parts A and B (with such target increasing over time as appropriate); and

“(II) assign codes to such groups.

“(ii) CARE EPISODE GROUPS.—In establishing the care episode groups under clause (i), the Secretary shall take into account—

“(I) the patient’s clinical problems at the time items and services are furnished during an episode of care, such as the clinical conditions or diagnoses, whether or not inpatient hospitalization occurs, and the principal procedures or services furnished; and

“(II) other factors determined appropriate by the Secretary.

“(iii) PATIENT CONDITION GROUPS.—In establishing the patient condition groups under clause (i), the Secretary shall take into account—

“(I) the patient’s clinical history at the time of a medical visit, such as the patient’s combination of chronic conditions, current health status, and recent significant history (such as hospitalization and major surgery during a previous period, such as 3 months); and

“(II) other factors determined appropriate by the Secretary, such as eligibility status under this title (including eligibility under section 226(a), 226(b), or 226A, and dual eligibility under this title and title XIX).

“(E) DRAFT CARE EPISODE AND PATIENT CONDITION GROUPS AND CLASSIFICATION CODES.—Not later than 270 days after the end of the comment period described in subparagraph (C), the Secretary shall post on the Internet website of the Centers for Medicare & Medicaid Services a draft list of the care episode and patient condition codes established under subparagraph (D) (and the criteria and characteristics assigned to such code).

Deadline.
Web posting.
List.

“(F) SOLICITATION OF INPUT.—The Secretary shall seek, through the date that is 120 days after the Secretary posts the list pursuant to subparagraph (E), comments from physician specialty societies, applicable practitioner organizations, and other stakeholders, including representatives of individuals entitled to benefits under part A or enrolled under this part, regarding the care episode and patient condition groups (and codes) posted under subparagraph (E). In seeking such comments, the Secretary shall use one or more mechanisms (other than notice and comment rulemaking) that may include use of open door forums, town hall meetings, or other appropriate mechanisms.

Comment period.

“(G) OPERATIONAL LIST OF CARE EPISODE AND PATIENT CONDITION GROUPS AND CODES.—Not later than 270 days after the end of the comment period described in subparagraph (F), taking into account the comments received under such subparagraph, the Secretary shall post on the Internet website of the Centers for Medicare & Medicaid Services an operational list of care episode and patient condition codes (and the criteria and characteristics assigned to such code).

Deadline.
Web posting.

“(H) SUBSEQUENT REVISIONS.—Not later than November 1 of each year (beginning with 2018), the Secretary shall, through rulemaking, make revisions to the operational lists of care episode and patient condition codes as the Secretary determines may be appropriate. Such revisions may be based on experience, new information developed pursuant to subsection (n)(9)(A), and input from the physician specialty societies, applicable practitioner organizations, and other stakeholders, including representatives of individuals entitled to benefits under part A or enrolled under this part.

Deadline.
Effective date.
Regulations.

“(3) ATTRIBUTION OF PATIENTS TO PHYSICIANS OR PRACTITIONERS.—

“(A) IN GENERAL.—In order to facilitate the attribution of patients and episodes (in whole or in part) to one or more physicians or applicable practitioners furnishing items and services, the Secretary shall undertake the steps described in the succeeding provisions of this paragraph.

“(B) DEVELOPMENT OF PATIENT RELATIONSHIP CATEGORIES AND CODES.—The Secretary shall develop patient relationship categories and codes that define and distinguish the relationship and responsibility of a physician or applicable practitioner with a patient at the time of furnishing an item or service. Such patient relationship categories shall include different relationships of the physician or applicable practitioner to the patient (and the codes

may reflect combinations of such categories), such as a physician or applicable practitioner who—

“(i) considers himself to have the primary responsibility for the general and ongoing care for the patient over extended periods of time;

“(ii) considers himself to be the lead physician or practitioner and who furnishes items and services and coordinates care furnished by other physicians or practitioners for the patient during an acute episode;

“(iii) furnishes items and services to the patient on a continuing basis during an acute episode of care, but in a supportive rather than a lead role;

“(iv) furnishes items and services to the patient on an occasional basis, usually at the request of another physician or practitioner; or

“(v) furnishes items and services only as ordered by another physician or practitioner.

Deadline.
Web posting.

“(C) DRAFT LIST OF PATIENT RELATIONSHIP CATEGORIES AND CODES.—Not later than one year after the date of the enactment of this subsection, the Secretary shall post on the Internet website of the Centers for Medicare & Medicaid Services a draft list of the patient relationship categories and codes developed under subparagraph (B).

Comment period.

“(D) STAKEHOLDER INPUT.—The Secretary shall seek, through the date that is 120 days after the Secretary posts the list pursuant to subparagraph (C), comments from physician specialty societies, applicable practitioner organizations, and other stakeholders, including representatives of individuals entitled to benefits under part A or enrolled under this part, regarding the patient relationship categories and codes posted under subparagraph (C). In seeking such comments, the Secretary shall use one or more mechanisms (other than notice and comment rulemaking) that may include open door forums, town hall meetings, web-based forums, or other appropriate mechanisms.

Deadline.
Web posting.

“(E) OPERATIONAL LIST OF PATIENT RELATIONSHIP CATEGORIES AND CODES.—Not later than 240 days after the end of the comment period described in subparagraph (D), taking into account the comments received under such subparagraph, the Secretary shall post on the Internet website of the Centers for Medicare & Medicaid Services an operational list of patient relationship categories and codes.

Deadline.
Effective date.
Regulations.

“(F) SUBSEQUENT REVISIONS.—Not later than November 1 of each year (beginning with 2018), the Secretary shall, through rulemaking, make revisions to the operational list of patient relationship categories and codes as the Secretary determines appropriate. Such revisions may be based on experience, new information developed pursuant to subsection (n)(9)(A), and input from the physician specialty societies, applicable practitioner organizations, and other stakeholders, including representatives of individuals entitled to benefits under part A or enrolled under this part.

“(4) REPORTING OF INFORMATION FOR RESOURCE USE MEASUREMENT.—Claims submitted for items and services furnished by a physician or applicable practitioner on or after January 1, 2018, shall, as determined appropriate by the Secretary, include—

Claims.
Effective date.

“(A) applicable codes established under paragraphs (2) and (3); and

“(B) the national provider identifier of the ordering physician or applicable practitioner (if different from the billing physician or applicable practitioner).

“(5) METHODOLOGY FOR RESOURCE USE ANALYSIS.—

“(A) IN GENERAL.—In order to evaluate the resources used to treat patients (with respect to care episode and patient condition groups), the Secretary shall, as the Secretary determines appropriate—

“(i) use the patient relationship codes reported on claims pursuant to paragraph (4) to attribute patients (in whole or in part) to one or more physicians and applicable practitioners;

“(ii) use the care episode and patient condition codes reported on claims pursuant to paragraph (4) as a basis to compare similar patients and care episodes and patient condition groups; and

“(iii) conduct an analysis of resource use (with respect to care episodes and patient condition groups of such patients).

“(B) ANALYSIS OF PATIENTS OF PHYSICIANS AND PRACTITIONERS.—In conducting the analysis described in subparagraph (A)(iii) with respect to patients attributed to physicians and applicable practitioners, the Secretary shall, as feasible—

“(i) use the claims data experience of such patients by patient condition codes during a common period, such as 12 months; and

“(ii) use the claims data experience of such patients by care episode codes—

Time period.

“(I) in the case of episodes without a hospitalization, during periods of time (such as the number of days) determined appropriate by the Secretary; and

“(II) in the case of episodes with a hospitalization, during periods of time (such as the number of days) before, during, and after the hospitalization.

“(C) MEASUREMENT OF RESOURCE USE.—In measuring such resource use, the Secretary—

“(i) shall use per patient total allowed charges for all services under part A and this part (and, if the Secretary determines appropriate, part D) for the analysis of patient resource use, by care episode codes and by patient condition codes; and

“(ii) may, as determined appropriate, use other measures of allowed charges (such as subtotals for categories of items and services) and measures of utilization of items and services (such as frequency of specific items and services and the ratio of specific items and services among attributed patients or episodes).

“(D) STAKEHOLDER INPUT.—The Secretary shall seek comments from the physician specialty societies, applicable practitioner organizations, and other stakeholders, including representatives of individuals entitled to benefits under part A or enrolled under this part, regarding the resource use methodology established pursuant to this paragraph. In seeking comments the Secretary shall use one or more mechanisms (other than notice and comment rulemaking) that may include open door forums, town hall meetings, web-based forums, or other appropriate mechanisms.

Contracts.

“(6) IMPLEMENTATION.—To the extent that the Secretary contracts with an entity to carry out any part of the provisions of this subsection, the Secretary may not contract with an entity or an entity with a subcontract if the entity or subcontracting entity currently makes recommendations to the Secretary on relative values for services under the fee schedule for physicians’ services under this section.

“(7) LIMITATION.—There shall be no administrative or judicial review under section 1869, section 1878, or otherwise of—

“(A) care episode and patient condition groups and codes established under paragraph (2);

“(B) patient relationship categories and codes established under paragraph (3); and

“(C) measurement of, and analyses of resource use with respect to, care episode and patient condition codes and patient relationship codes pursuant to paragraph (5).

“(8) ADMINISTRATION.—Chapter 35 of title 44, United States Code, shall not apply to this section.

“(9) DEFINITIONS.—In this subsection:

“(A) PHYSICIAN.—The term ‘physician’ has the meaning given such term in section 1861(r)(1).

“(B) APPLICABLE PRACTITIONER.—The term ‘applicable practitioner’ means—

“(i) a physician assistant, nurse practitioner, and clinical nurse specialist (as such terms are defined in section 1861(aa)(5)), and a certified registered nurse anesthetist (as defined in section 1861(bb)(2)); and

“(ii) beginning January 1, 2019, such other eligible professionals (as defined in subsection (k)(3)(B)) as specified by the Secretary.

Effective date.

“(10) CLARIFICATION.—The provisions of sections 1890(b)(7) and 1890A shall not apply to this subsection.”.

SEC. 102. PRIORITIES AND FUNDING FOR MEASURE DEVELOPMENT.

Section 1848 of the Social Security Act (42 U.S.C. 1395w–4), as amended by subsections (c) and (f) of section 101, is further amended by inserting at the end the following new subsection:

“(s) PRIORITIES AND FUNDING FOR MEASURE DEVELOPMENT.—

“(1) PLAN IDENTIFYING MEASURE DEVELOPMENT PRIORITIES AND TIMELINES.—

Deadline.

“(A) DRAFT MEASURE DEVELOPMENT PLAN.—Not later than January 1, 2016, the Secretary shall develop, and post on the Internet website of the Centers for Medicare & Medicaid Services, a draft plan for the development of quality measures for application under the applicable

provisions (as defined in paragraph (5)). Under such plan the Secretary shall—

“(i) address how measures used by private payers and integrated delivery systems could be incorporated under title XVIII;

“(ii) describe how coordination, to the extent possible, will occur across organizations developing such measures; and

“(iii) take into account how clinical best practices and clinical practice guidelines should be used in the development of quality measures.

“(B) QUALITY DOMAINS.—For purposes of this subsection, the term ‘quality domains’ means at least the following domains:

Definitions.

“(i) Clinical care.

“(ii) Safety.

“(iii) Care coordination.

“(iv) Patient and caregiver experience.

“(v) Population health and prevention.

“(C) CONSIDERATION.—In developing the draft plan under this paragraph, the Secretary shall consider—

“(i) gap analyses conducted by the entity with a contract under section 1890(a) or other contractors or entities;

“(ii) whether measures are applicable across health care settings;

“(iii) clinical practice improvement activities submitted under subsection (q)(2)(C)(iv) for identifying possible areas for future measure development and identifying existing gaps with respect to such measures; and

“(iv) the quality domains applied under this subsection.

“(D) PRIORITIES.—In developing the draft plan under this paragraph, the Secretary shall give priority to the following types of measures:

“(i) Outcome measures, including patient reported outcome and functional status measures.

“(ii) Patient experience measures.

“(iii) Care coordination measures.

“(iv) Measures of appropriate use of services, including measures of over use.

“(E) STAKEHOLDER INPUT.—The Secretary shall accept through March 1, 2016, comments on the draft plan posted under paragraph (1)(A) from the public, including health care providers, payers, consumers, and other stakeholders.

Deadline.
Comment period.

“(F) FINAL MEASURE DEVELOPMENT PLAN.—Not later than May 1, 2016, taking into account the comments received under this subparagraph, the Secretary shall finalize the plan and post on the Internet website of the Centers for Medicare & Medicaid Services an operational plan for the development of quality measures for use under the applicable provisions. Such plan shall be updated as appropriate.

Deadline.
Web posting.

“(2) CONTRACTS AND OTHER ARRANGEMENTS FOR QUALITY MEASURE DEVELOPMENT.—

“(A) IN GENERAL.—The Secretary shall enter into contracts or other arrangements with entities for the purpose of developing, improving, updating, or expanding in accordance with the plan under paragraph (1) quality measures for application under the applicable provisions. Such entities shall include organizations with quality measure development expertise.

“(B) PRIORITIZATION.—

“(i) IN GENERAL.—In entering into contracts or other arrangements under subparagraph (A), the Secretary shall give priority to the development of the types of measures described in paragraph (1)(D).

“(ii) CONSIDERATION.—In selecting measures for development under this subsection, the Secretary shall consider—

“(I) whether such measures would be electronically specified; and

“(II) clinical practice guidelines to the extent that such guidelines exist.

“(3) ANNUAL REPORT BY THE SECRETARY.—

“(A) IN GENERAL.—Not later than May 1, 2017, and annually thereafter, the Secretary shall post on the Internet website of the Centers for Medicare & Medicaid Services a report on the progress made in developing quality measures for application under the applicable provisions.

“(B) REQUIREMENTS.—Each report submitted pursuant to subparagraph (A) shall include the following:

“(i) A description of the Secretary’s efforts to implement this paragraph.

“(ii) With respect to the measures developed during the previous year—

“(I) a description of the total number of quality measures developed and the types of such measures, such as an outcome or patient experience measure;

“(II) the name of each measure developed;

“(III) the name of the developer and steward of each measure;

“(IV) with respect to each type of measure, an estimate of the total amount expended under this title to develop all measures of such type; and

“(V) whether the measure would be electronically specified.

“(iii) With respect to measures in development at the time of the report—

“(I) the information described in clause (ii), if available; and

“(II) a timeline for completion of the development of such measures.

“(iv) A description of any updates to the plan under paragraph (1) (including newly identified gaps and the status of previously identified gaps) and the inventory of measures applicable under the applicable provisions.

“(v) Other information the Secretary determines to be appropriate.

Web posting.

“(4) **STAKEHOLDER INPUT.**—With respect to paragraph (1), the Secretary shall seek stakeholder input with respect to—

“(A) the identification of gaps where no quality measures exist, particularly with respect to the types of measures described in paragraph (1)(D);

“(B) prioritizing quality measure development to address such gaps; and

“(C) other areas related to quality measure development determined appropriate by the Secretary.

“(5) **DEFINITION OF APPLICABLE PROVISIONS.**—In this subsection, the term ‘applicable provisions’ means the following provisions:

“(A) Subsection (q)(2)(B)(i).

“(B) Section 1833(z)(2)(C).

“(6) **FUNDING.**—For purposes of carrying out this subsection, the Secretary shall provide for the transfer, from the Federal Supplementary Medical Insurance Trust Fund under section 1841, of \$15,000,000 to the Centers for Medicare & Medicaid Services Program Management Account for each of fiscal years 2015 through 2019. Amounts transferred under this paragraph shall remain available through the end of fiscal year 2022.

“(7) **ADMINISTRATION.**—Chapter 35 of title 44, United States Code, shall not apply to the collection of information for the development of quality measures.”.

SEC. 103. ENCOURAGING CARE MANAGEMENT FOR INDIVIDUALS WITH CHRONIC CARE NEEDS.

(a) **IN GENERAL.**—Section 1848(b) of the Social Security Act (42 U.S.C. 1395w–4(b)) is amended by adding at the end the following new paragraph:

“(8) **ENCOURAGING CARE MANAGEMENT FOR INDIVIDUALS WITH CHRONIC CARE NEEDS.**—

“(A) **IN GENERAL.**—In order to encourage the management of care for individuals with chronic care needs the Secretary shall, subject to subparagraph (B), make payment (as the Secretary determines to be appropriate) under this section for chronic care management services furnished on or after January 1, 2015, by a physician (as defined in section 1861(r)(1)), physician assistant or nurse practitioner (as defined in section 1861(aa)(5)(A)), clinical nurse specialist (as defined in section 1861(aa)(5)(B)), or certified nurse midwife (as defined in section 1861(gg)(2)).

“(B) **POLICIES RELATING TO PAYMENT.**—In carrying out this paragraph, with respect to chronic care management services, the Secretary shall—

“(i) make payment to only one applicable provider for such services furnished to an individual during a period;

“(ii) not make payment under subparagraph (A) if such payment would be duplicative of payment that is otherwise made under this title for such services; and

“(iii) not require that an annual wellness visit (as defined in section 1861(hhh)) or an initial preventive physical examination (as defined in section

Effective date.

1861(ww)) be furnished as a condition of payment for such management services.”.

(b) EDUCATION AND OUTREACH.—

(1) CAMPAIGN.—

(A) IN GENERAL.—The Secretary of Health and Human Services (in this subsection referred to as the “Secretary”) shall conduct an education and outreach campaign to inform professionals who furnish items and services under part B of title XVIII of the Social Security Act and individuals enrolled under such part of the benefits of chronic care management services described in section 1848(b)(8) of the Social Security Act, as added by subsection (a), and encourage such individuals with chronic care needs to receive such services.

(B) REQUIREMENTS.—Such campaign shall—

(i) be directed by the Office of Rural Health Policy of the Department of Health and Human Services and the Office of Minority Health of the Centers for Medicare & Medicaid Services; and

(ii) focus on encouraging participation by underserved rural populations and racial and ethnic minority populations.

(2) REPORT.—Not later than December 31, 2017, the Secretary shall submit to Congress a report on the use of chronic care management services described in such section 1848(b)(8) by individuals living in rural areas and by racial and ethnic minority populations. Such report shall—

(A) identify barriers to receiving chronic care management services; and

(B) make recommendations for increasing the appropriate use of chronic care management services.

42 USC 1395w–4 note.

Recommendations.

42 USC 1395w–6.

SEC. 104. EMPOWERING BENEFICIARY CHOICES THROUGH CONTINUED ACCESS TO INFORMATION ON PHYSICIANS’ SERVICES.

(a) IN GENERAL.—On an annual basis (beginning with 2015), the Secretary shall make publicly available, in an easily understandable format, information with respect to physicians and, as appropriate, other eligible professionals on items and services furnished to Medicare beneficiaries under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(b) TYPE AND MANNER OF INFORMATION.—The information made available under this section shall be similar to the type of information in the Medicare Provider Utilization and Payment Data: Physician and Other Supplier Public Use File released by the Secretary with respect to 2012 and shall be made available in a manner similar to the manner in which the information in such file is made available.

(c) REQUIREMENTS.—The information made available under this section shall include, at a minimum, the following:

(1) Information on the number of services furnished by the physician or other eligible professional under part B of title XVIII of the Social Security Act (42 U.S.C. 1395j et seq.), which may include information on the most frequent services furnished or groupings of services.

(2) Information on submitted charges and payments for services under such part.

Deadlines. Effective date. Public information.

(3) A unique identifier for the physician or other eligible professional that is available to the public, such as a national provider identifier.

(d) SEARCHABILITY.—The information made available under this section shall be searchable by at least the following:

(1) The specialty or type of the physician or other eligible professional.

(2) Characteristics of the services furnished, such as volume or groupings of services.

(3) The location of the physician or other eligible professional.

(e) INTEGRATION ON PHYSICIAN COMPARE.—Beginning with 2016, the Secretary shall integrate the information made available under this section on Physician Compare.

Effective date.

(f) DEFINITIONS.—In this section:

(1) ELIGIBLE PROFESSIONAL; PHYSICIAN; SECRETARY.—The terms “eligible professional”, “physician”, and “Secretary” have the meaning given such terms in section 10331(i) of Public Law 111–148.

(2) PHYSICIAN COMPARE.—The term “Physician Compare” means the Physician Compare Internet website of the Centers for Medicare & Medicaid Services (or a successor website).

SEC. 105. EXPANDING AVAILABILITY OF MEDICARE DATA.

42 USC
1395kk–2.

(a) EXPANDING USES OF MEDICARE DATA BY QUALIFIED ENTITIES.—

(1) ADDITIONAL ANALYSES.—

(A) IN GENERAL.—Subject to subparagraph (B), to the extent consistent with applicable information, privacy, security, and disclosure laws (including paragraph (3)), notwithstanding paragraph (4)(B) of section 1874(e) of the Social Security Act (42 U.S.C. 1395kk(e)) and the second sentence of paragraph (4)(D) of such section, beginning July 1, 2016, a qualified entity may use the combined data described in paragraph (4)(B)(iii) of such section received by such entity under such section, and information derived from the evaluation described in such paragraph (4)(D), to conduct additional non-public analyses (as determined appropriate by the Secretary) and provide or sell such analyses to authorized users for non-public use (including for the purposes of assisting providers of services and suppliers to develop and participate in quality and patient care improvement activities, including developing new models of care).

Effective date.

(B) LIMITATIONS WITH RESPECT TO ANALYSES.—

(i) EMPLOYERS.—Any analyses provided or sold under subparagraph (A) to an employer described in paragraph (9)(A)(iii) may only be used by such employer for purposes of providing health insurance to employees and retirees of the employer.

(ii) HEALTH INSURANCE ISSUERS.—A qualified entity may not provide or sell an analysis to a health insurance issuer described in paragraph (9)(A)(iv) unless the issuer is providing the qualified entity with data under section 1874(e)(4)(B)(iii) of the Social Security Act (42 U.S.C. 1395kk(e)(4)(B)(iii)).

(2) ACCESS TO CERTAIN DATA.—

Effective date.

(A) ACCESS.—To the extent consistent with applicable information, privacy, security, and disclosure laws (including paragraph (3)), notwithstanding paragraph (4)(B) of section 1874(e) of the Social Security Act (42 U.S.C. 1395kk(e)) and the second sentence of paragraph (4)(D) of such section, beginning July 1, 2016, a qualified entity may—

(i) provide or sell the combined data described in paragraph (4)(B)(iii) of such section to authorized users described in clauses (i), (ii), and (v) of paragraph (9)(A) for non-public use, including for the purposes described in subparagraph (B); or

(ii) subject to subparagraph (C), provide Medicare claims data to authorized users described in clauses (i), (ii), and (v), of paragraph (9)(A) for non-public use, including for the purposes described in subparagraph (B).

(B) PURPOSES DESCRIBED.—The purposes described in this subparagraph are assisting providers of services and suppliers in developing and participating in quality and patient care improvement activities, including developing new models of care.

(C) MEDICARE CLAIMS DATA MUST BE PROVIDED AT NO COST.—A qualified entity may not charge a fee for providing the data under subparagraph (A)(ii).

(3) PROTECTION OF INFORMATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), an analysis or data that is provided or sold under paragraph (1) or (2) shall not contain information that individually identifies a patient.

(B) INFORMATION ON PATIENTS OF THE PROVIDER OF SERVICES OR SUPPLIER.—To the extent consistent with applicable information, privacy, security, and disclosure laws, an analysis or data that is provided or sold to a provider of services or supplier under paragraph (1) or (2) may contain information that individually identifies a patient of such provider or supplier, including with respect to items and services furnished to the patient by other providers of services or suppliers.

(C) PROHIBITION ON USING ANALYSES OR DATA FOR MARKETING PURPOSES.—An authorized user shall not use an analysis or data provided or sold under paragraph (1) or (2) for marketing purposes.

(4) DATA USE AGREEMENT.—A qualified entity and an authorized user described in clauses (i), (ii), and (v) of paragraph (9)(A) shall enter into an agreement regarding the use of any data that the qualified entity is providing or selling to the authorized user under paragraph (2). Such agreement shall describe the requirements for privacy and security of the data and, as determined appropriate by the Secretary, any prohibitions on using such data to link to other individually identifiable sources of information. If the authorized user is not a covered entity under the rules promulgated pursuant to the Health Insurance Portability and Accountability Act of 1996, the agreement shall identify the relevant regulations, as determined by the Secretary, that the user shall comply

with as if it were acting in the capacity of such a covered entity.

(5) NO REDISCLOSURE OF ANALYSES OR DATA.—

(A) IN GENERAL.—Except as provided in subparagraph (B), an authorized user that is provided or sold an analysis or data under paragraph (1) or (2) shall not redisclose or make public such analysis or data or any analysis using such data.

(B) PERMITTED REDISCLOSURE.—A provider of services or supplier that is provided or sold an analysis or data under paragraph (1) or (2) may, as determined by the Secretary, redisclose such analysis or data for the purposes of performance improvement and care coordination activities but shall not make public such analysis or data or any analysis using such data.

(6) OPPORTUNITY FOR PROVIDERS OF SERVICES AND SUPPLIERS TO REVIEW.—Prior to a qualified entity providing or selling an analysis to an authorized user under paragraph (1), to the extent that such analysis would individually identify a provider of services or supplier who is not being provided or sold such analysis, such qualified entity shall provide such provider or supplier with the opportunity to appeal and correct errors in the manner described in section 1874(e)(4)(C)(ii) of the Social Security Act (42 U.S.C. 1395kk(e)(4)(C)(ii)).

(7) ASSESSMENT FOR A BREACH.—

(A) IN GENERAL.—In the case of a breach of a data use agreement under this section or section 1874(e) of the Social Security Act (42 U.S.C. 1395kk(e)), the Secretary shall impose an assessment on the qualified entity both in the case of—

(i) an agreement between the Secretary and a qualified entity; and

(ii) an agreement between a qualified entity and an authorized user.

(B) ASSESSMENT.—The assessment under subparagraph (A) shall be an amount up to \$100 for each individual entitled to, or enrolled for, benefits under part A of title XVIII of the Social Security Act or enrolled for benefits under part B of such title—

(i) in the case of an agreement described in subparagraph (A)(i), for whom the Secretary provided data on to the qualified entity under paragraph (2); and

(ii) in the case of an agreement described in subparagraph (A)(ii), for whom the qualified entity provided data on to the authorized user under paragraph (2).

(C) DEPOSIT OF AMOUNTS COLLECTED.—Any amounts collected pursuant to this paragraph shall be deposited in Federal Supplementary Medical Insurance Trust Fund under section 1841 of the Social Security Act (42 U.S.C. 1395t).

(8) ANNUAL REPORTS.—Any qualified entity that provides or sells an analysis or data under paragraph (1) or (2) shall annually submit to the Secretary a report that includes—

(A) a summary of the analyses provided or sold, including the number of such analyses, the number of

purchasers of such analyses, and the total amount of fees received for such analyses;

(B) a description of the topics and purposes of such analyses;

(C) information on the entities who received the data under paragraph (2), the uses of the data, and the total amount of fees received for providing, selling, or sharing the data; and

(D) other information determined appropriate by the Secretary.

(9) DEFINITIONS.—In this subsection and subsection (b):

(A) AUTHORIZED USER.—The term “authorized user” means the following:

(i) A provider of services.

(ii) A supplier.

(iii) An employer (as defined in section 3(5) of the Employee Retirement Insurance Security Act of 1974).

(iv) A health insurance issuer (as defined in section 2791 of the Public Health Service Act).

(v) A medical society or hospital association.

(vi) Any entity not described in clauses (i) through (v) that is approved by the Secretary (other than an employer or health insurance issuer not described in clauses (iii) and (iv), respectively, as determined by the Secretary).

(B) PROVIDER OF SERVICES.—The term “provider of services” has the meaning given such term in section 1861(u) of the Social Security Act (42 U.S.C. 1395x(u)).

(C) QUALIFIED ENTITY.—The term “qualified entity” has the meaning given such term in section 1874(e)(2) of the Social Security Act (42 U.S.C. 1395kk(e)).

(D) SECRETARY.—The term “Secretary” means the Secretary of Health and Human Services.

(E) SUPPLIER.—The term “supplier” has the meaning given such term in section 1861(d) of the Social Security Act (42 U.S.C. 1395x(d)).

(b) ACCESS TO MEDICARE DATA BY QUALIFIED CLINICAL DATA REGISTRIES TO FACILITATE QUALITY IMPROVEMENT.—

(1) ACCESS.—

Effective date.

(A) IN GENERAL.—To the extent consistent with applicable information, privacy, security, and disclosure laws, beginning July 1, 2016, the Secretary shall, at the request of a qualified clinical data registry under section 1848(m)(3)(E) of the Social Security Act (42 U.S.C. 1395w–4(m)(3)(E)), provide the data described in subparagraph (B) (in a form and manner determined to be appropriate) to such qualified clinical data registry for purposes of linking such data with clinical outcomes data and performing risk-adjusted, scientifically valid analyses and research to support quality improvement or patient safety, provided that any public reporting of such analyses or research that identifies a provider of services or supplier shall only be conducted with the opportunity of such provider or supplier to appeal and correct errors in the manner described in subsection (a)(6).

(B) DATA DESCRIBED.—The data described in this subparagraph is—

- (i) claims data under the Medicare program under title XVIII of the Social Security Act; and
- (ii) if the Secretary determines appropriate, claims data under the Medicaid program under title XIX of such Act and the State Children’s Health Insurance Program under title XXI of such Act.

(2) FEE.—Data described in paragraph (1)(B) shall be provided to a qualified clinical data registry under paragraph (1) at a fee equal to the cost of providing such data. Any fee collected pursuant to the preceding sentence shall be deposited in the Centers for Medicare & Medicaid Services Program Management Account.

(c) EXPANSION OF DATA AVAILABLE TO QUALIFIED ENTITIES.—Section 1874(e) of the Social Security Act (42 U.S.C. 1395kk(e)) is amended—

- (1) in the subsection heading, by striking “MEDICARE”; and
- (2) in paragraph (3)—

(A) by inserting after the first sentence the following new sentence: “Beginning July 1, 2016, if the Secretary determines appropriate, the data described in this paragraph may also include standardized extracts (as determined by the Secretary) of claims data under titles XIX and XXI for assistance provided under such titles for one or more specified geographic areas and time periods requested by a qualified entity.”; and

Effective date.

(B) in the last sentence, by inserting “or under titles XIX or XXI” before the period at the end.

(d) REVISION OF PLACEMENT OF FEES.—Section 1874(e)(4)(A) of the Social Security Act (42 U.S.C. 1395kk(e)(4)(A)) is amended, in the second sentence—

- (1) by inserting “, for periods prior to July 1, 2016,” after “deposited”; and

(2) by inserting the following before the period at the end: “, and, beginning July 1, 2016, into the Centers for Medicare & Medicaid Services Program Management Account”.

SEC. 106. REDUCING ADMINISTRATIVE BURDEN AND OTHER PROVISIONS.

(a) MEDICARE PHYSICIAN AND PRACTITIONER OPT-OUT TO PRIVATE CONTRACT.—

(1) INDEFINITE, CONTINUING AUTOMATIC EXTENSION OF OPT OUT ELECTION.—

(A) IN GENERAL.—Section 1802(b)(3) of the Social Security Act (42 U.S.C. 1395a(b)(3)) is amended—

Time periods.

(i) in subparagraph (B)(ii), by striking “during the 2-year period beginning on the date the affidavit is signed” and inserting “during the applicable 2-year period (as defined in subparagraph (D))”;

(ii) in subparagraph (C), by striking “during the 2-year period described in subparagraph (B)(ii)” and inserting “during the applicable 2-year period”; and

(iii) by adding at the end the following new subparagraph:

“(D) APPLICABLE 2-YEAR PERIODS FOR EFFECTIVENESS OF AFFIDAVITS.—In this subsection, the term ‘applicable

Definition.
Deadline.

2-year period’ means, with respect to an affidavit of a physician or practitioner under subparagraph (B), the 2-year period beginning on the date the affidavit is signed and includes each subsequent 2-year period unless the physician or practitioner involved provides notice to the Secretary (in a form and manner specified by the Secretary), not later than 30 days before the end of the previous 2-year period, that the physician or practitioner does not want to extend the application of the affidavit for such subsequent 2-year period.”

Applicability.
42 USC 1395a
note.

(B) EFFECTIVE DATE.—The amendments made by subparagraph (A) shall apply to affidavits entered into on or after the date that is 60 days after the date of the enactment of this Act.

(2) PUBLIC AVAILABILITY OF INFORMATION ON OPT-OUT PHYSICIANS AND PRACTITIONERS.—Section 1802(b) of the Social Security Act (42 U.S.C. 1395a(b)) is amended—

Definition.

(A) in paragraph (5), by adding at the end the following new subparagraph:

“(D) OPT-OUT PHYSICIAN OR PRACTITIONER.—The term ‘opt-out physician or practitioner’ means a physician or practitioner who has in effect an affidavit under paragraph (3)(B).”;

(B) by redesignating paragraph (5) as paragraph (6); and

(C) by inserting after paragraph (4) the following new paragraph:

“(5) POSTING OF INFORMATION ON OPT-OUT PHYSICIANS AND PRACTITIONERS.—

Effective date.
Public
information.

“(A) IN GENERAL.—Beginning not later than February 1, 2016, the Secretary shall make publicly available through an appropriate publicly accessible website of the Department of Health and Human Services information on the number and characteristics of opt-out physicians and practitioners and shall update such information on such website not less often than annually.

“(B) INFORMATION TO BE INCLUDED.—The information to be made available under subparagraph (A) shall include at least the following with respect to opt-out physicians and practitioners:

“(i) Their number.

“(ii) Their physician or professional specialty or other designation.

“(iii) Their geographic distribution.

Time period.

“(iv) The timing of their becoming opt-out physicians and practitioners, relative, to the extent feasible, to when they first enrolled in the program under this title and with respect to applicable 2-year periods.

“(v) The proportion of such physicians and practitioners who billed for emergency or urgent care services.”

(b) PROMOTING INTEROPERABILITY OF ELECTRONIC HEALTH RECORD SYSTEMS.—

(1) RECOMMENDATIONS FOR ACHIEVING WIDESPREAD EHR INTEROPERABILITY.—

Deadline.

(A) OBJECTIVE.—As a consequence of a significant Federal investment in the implementation of health information technology through the Medicare and Medicaid EHR

incentive programs, Congress declares it a national objective to achieve widespread exchange of health information through interoperable certified EHR technology nationwide by December 31, 2018.

(B) DEFINITIONS.—In this paragraph:

(i) WIDESPREAD INTEROPERABILITY.—The term “widespread interoperability” means interoperability between certified EHR technology systems employed by meaningful EHR users under the Medicare and Medicaid EHR incentive programs and other clinicians and health care providers on a nationwide basis.

(ii) INTEROPERABILITY.—The term “interoperability” means the ability of two or more health information systems or components to exchange clinical and other information and to use the information that has been exchanged using common standards as to provide access to longitudinal information for health care providers in order to facilitate coordinated care and improved patient outcomes.

(C) ESTABLISHMENT OF METRICS.—Not later than July 1, 2016, and in consultation with stakeholders, the Secretary shall establish metrics to be used to determine if and to the extent that the objective described in subparagraph (A) has been achieved.

Deadline.
Consultation.

(D) RECOMMENDATIONS IF OBJECTIVE NOT ACHIEVED.—If the Secretary of Health and Human Services determines that the objective described in subparagraph (A) has not been achieved by December 31, 2018, then the Secretary shall submit to Congress a report, by not later than December 31, 2019, that identifies barriers to such objective and recommends actions that the Federal Government can take to achieve such objective. Such recommended actions may include recommendations—

Determination.
Deadlines.
Reports.

(i) to adjust payments for not being meaningful EHR users under the Medicare EHR incentive programs; and

(ii) for criteria for decertifying certified EHR technology products.

(2) PREVENTING BLOCKING THE SHARING OF INFORMATION.—

(A) FOR MEANINGFUL USE EHR PROFESSIONALS.—Section 1848(o)(2)(A)(ii) of the Social Security Act (42 U.S.C. 1395w–4(o)(2)(A)(ii)) is amended by inserting before the period at the end the following: “, and the professional demonstrates (through a process specified by the Secretary, such as the use of an attestation) that the professional has not knowingly and willfully taken action (such as to disable functionality) to limit or restrict the compatibility or interoperability of the certified EHR technology”.

(B) FOR MEANINGFUL USE EHR HOSPITALS.—Section 1886(n)(3)(A)(ii) of the Social Security Act (42 U.S.C. 1395ww(n)(3)(A)(ii)) is amended by inserting before the period at the end the following: “, and the hospital demonstrates (through a process specified by the Secretary, such as the use of an attestation) that the hospital has not knowingly and willfully taken action (such as to disable functionality) to limit or restrict the compatibility or interoperability of the certified EHR technology”.

Applicability.
42 USC 1395w–4
note.

(C) **EFFECTIVE DATE.**—The amendments made by this subsection shall apply to meaningful EHR users as of the date that is one year after the date of the enactment of this Act.

(3) **STUDY AND REPORT ON THE FEASIBILITY OF ESTABLISHING A MECHANISM TO COMPARE CERTIFIED EHR TECHNOLOGY PRODUCTS.**—

(A) **STUDY.**—The Secretary shall conduct a study to examine the feasibility of establishing one or more mechanisms to assist providers in comparing and selecting certified EHR technology products. Such mechanisms may include—

(i) a website with aggregated results of surveys of meaningful EHR users on the functionality of certified EHR technology products to enable such users to directly compare the functionality and other features of such products; and

(ii) information from vendors of certified products that is made publicly available in a standardized format.

The aggregated results of the surveys described in clause (i) may be made available through contracts with physicians, hospitals, or other organizations that maintain such comparative information described in such clause.

(B) **REPORT.**—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit to Congress a report on mechanisms that would assist providers in comparing and selecting certified EHR technology products. The report shall include information on the benefits of, and resources needed to develop and maintain, such mechanisms.

(4) **DEFINITIONS.**—In this subsection:

(A) The term “certified EHR technology” has the meaning given such term in section 1848(o)(4) of the Social Security Act (42 U.S.C. 1395w–4(o)(4)).

(B) The term “meaningful EHR user” has the meaning given such term under the Medicare EHR incentive programs.

(C) The term “Medicare and Medicaid EHR incentive programs” means—

(i) in the case of the Medicare program under title XVIII of the Social Security Act, the incentive programs under section 1814(l)(3), section 1848(o), subsections (l) and (m) of section 1853, and section 1886(n) of the Social Security Act (42 U.S.C. 1395f(1)(3), 1395w–4(o), 1395w–23, 1395ww(n)); and

(ii) in the case of the Medicaid program under title XIX of such Act, the incentive program under subsections (a)(3)(F) and (t) of section 1903 of such Act (42 U.S.C. 1396b).

(D) The term “Secretary” means the Secretary of Health and Human Services.

(c) **GAO STUDIES AND REPORTS ON THE USE OF TELEHEALTH UNDER FEDERAL PROGRAMS AND ON REMOTE PATIENT MONITORING SERVICES.**—

(1) **STUDY ON TELEHEALTH SERVICES.**—The Comptroller General of the United States shall conduct a study on the following:

(A) How the definition of telehealth across various Federal programs and Federal efforts can inform the use of telehealth in the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(B) Issues that can facilitate or inhibit the use of telehealth under the Medicare program under such title, including oversight and professional licensure, changing technology, privacy and security, infrastructure requirements, and varying needs across urban and rural areas.

(C) Potential implications of greater use of telehealth with respect to payment and delivery system transformations under the Medicare program under such title XVIII and the Medicaid program under title XIX of such Act (42 U.S.C. 1396 et seq.).

(D) How the Centers for Medicare & Medicaid Services monitors payments made under the Medicare program under such title XVIII to providers for telehealth services.

(2) **STUDY ON REMOTE PATIENT MONITORING SERVICES.**—

(A) **IN GENERAL.**—The Comptroller General of the United States shall conduct a study—

(i) of the dissemination of remote patient monitoring technology in the private health insurance market;

(ii) of the financial incentives in the private health insurance market relating to adoption of such technology;

(iii) of the barriers to adoption of such services under the Medicare program under title XVIII of the Social Security Act;

(iv) that evaluates the patients, conditions, and clinical circumstances that could most benefit from remote patient monitoring services; and

(v) that evaluates the challenges related to establishing appropriate valuation for remote patient monitoring services under the Medicare physician fee schedule under section 1848 of the Social Security Act (42 U.S.C. 1395w–4) in order to accurately reflect the resources involved in furnishing such services.

(B) **DEFINITIONS.**—For purposes of this paragraph:

(i) **REMOTE PATIENT MONITORING SERVICES.**—The term “remote patient monitoring services” means services furnished through remote patient monitoring technology.

(ii) **REMOTE PATIENT MONITORING TECHNOLOGY.**—The term “remote patient monitoring technology” means a coordinated system that uses one or more home-based or mobile monitoring devices that automatically transmit vital sign data or information on activities of daily living and may include responses to assessment questions collected on the devices wirelessly or through a telecommunications connection to a server that complies with the Federal regulations (concerning the privacy of individually identifiable health information) promulgated under section 264(c)

of the Health Insurance Portability and Accountability Act of 1996, as part of an established plan of care for that patient that includes the review and interpretation of that data by a health care professional.

(3) REPORTS.—Not later than 24 months after the date of the enactment of this Act, the Comptroller General shall submit to Congress—

(A) a report containing the results of the study conducted under paragraph (1); and

(B) a report containing the results of the study conducted under paragraph (2).

Recommendations.

A report required under this paragraph shall be submitted together with recommendations for such legislation and administrative action as the Comptroller General determines appropriate. The Comptroller General may submit one report containing the results described in subparagraphs (A) and (B) and the recommendations described in the previous sentence.

42 USC 18122 note.

(d) RULE OF CONSTRUCTION REGARDING HEALTH CARE PROVIDERS.—

(1) IN GENERAL.—Subject to paragraph (3), the development, recognition, or implementation of any guideline or other standard under any Federal health care provision shall not be construed to establish the standard of care or duty of care owed by a health care provider to a patient in any medical malpractice or medical product liability action or claim.

(2) DEFINITIONS.—For purposes of this subsection:

(A) FEDERAL HEALTH CARE PROVISION.—The term “Federal health care provision” means any provision of the Patient Protection and Affordable Care Act (Public Law 111–148), title I or subtitle B of title II of the Health Care and Education Reconciliation Act of 2010 (Public Law 111–152), or title XVIII or XIX of the Social Security Act (42 U.S.C. 1395 et seq., 42 U.S.C. 1396 et seq.).

(B) HEALTH CARE PROVIDER.—The term “health care provider” means any individual, group practice, corporation of health care professionals, or hospital—

(i) licensed, registered, or certified under Federal or State laws or regulations to provide health care services; or

(ii) required to be so licensed, registered, or certified but that is exempted by other statute or regulation.

(C) MEDICAL MALPRACTICE OR MEDICAL PRODUCT LIABILITY ACTION OR CLAIM.—The term “medical malpractice or medical product liability action or claim” means a medical malpractice action or claim (as defined in section 431(7) of the Health Care Quality Improvement Act of 1986 (42 U.S.C. 11151(7))) and includes a liability action or claim relating to a health care provider’s prescription or provision of a drug, device, or biological product (as such terms are defined in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321) or section 351 of the Public Health Service Act (42 U.S.C. 262)).

(D) STATE.—The term “State” includes the District of Columbia, Puerto Rico, and any other commonwealth, possession, or territory of the United States.

(3) **NO PREEMPTION.**—Nothing in paragraph (1) or any provision of the Patient Protection and Affordable Care Act (Public Law 111–148), title I or subtitle B of title II of the Health Care and Education Reconciliation Act of 2010 (Public Law 111–152), or title XVIII or XIX of the Social Security Act (42 U.S.C. 1395 et seq., 42 U.S.C. 1396 et seq.) shall be construed to preempt any State or common law governing medical professional or medical product liability actions or claims. 42 USC 18122
note.

TITLE II—MEDICARE AND OTHER HEALTH EXTENDERS

Subtitle A—Medicare Extenders

SEC. 201. EXTENSION OF WORK GPCI FLOOR.

Section 1848(e)(1)(E) of the Social Security Act (42 U.S.C. 1395w–4(e)(1)(E)) is amended by striking “April 1, 2015” and inserting “January 1, 2018”.

SEC. 202. EXTENSION OF THERAPY CAP EXCEPTIONS PROCESS.

(a) **IN GENERAL.**—Section 1833(g) of the Social Security Act (42 U.S.C. 1395l(g)) is amended—

(1) in paragraph (5)(A), in the first sentence, by striking “March 31, 2015” and inserting “December 31, 2017”; and

(2) in paragraph (6)(A)—

(A) by striking “March 31, 2015” and inserting “December 31, 2017”; and

(B) by striking “2012, 2013, 2014, or the first three months of 2015” and inserting “2012 through 2017”.

(b) **TARGETED REVIEWS UNDER MANUAL MEDICAL REVIEW PROCESS FOR OUTPATIENT THERAPY SERVICES.**—

(1) **IN GENERAL.**—Section 1833(g)(5) of the Social Security Act (42 U.S.C. 1395l(g)(5)) is amended—

(A) in subparagraph (C)(i), by inserting “, subject to subparagraph (E),” after “manual medical review process that”; and

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

“(E)(i) In place of the manual medical review process under subparagraph (C)(i), the Secretary shall implement a process for medical review under this subparagraph under which the Secretary shall identify and conduct medical review for services described in subparagraph (C)(i) furnished by a provider of services or supplier (in this subparagraph referred to as a ‘therapy provider’) using such factors as the Secretary determines to be appropriate.

“(ii) Such factors may include the following:

“(I) The therapy provider has had a high claims denial percentage for therapy services under this part or is less compliant with applicable requirements under this title.

“(II) The therapy provider has a pattern of billing for therapy services under this part that is aberrant compared to peers or otherwise has questionable billing practices for such services, such as billing medically unlikely units of services in a day.

“(III) The therapy provider is newly enrolled under this title or has not previously furnished therapy services under this part.

“(IV) The services are furnished to treat a type of medical condition.

“(V) The therapy provider is part of group that includes another therapy provider identified using the factors determined under this subparagraph.

“(iii) For purposes of carrying out this subparagraph, the Secretary shall provide for the transfer, from the Federal Supplementary Medical Insurance Trust Fund under section 1841, of \$5,000,000 to the Centers for Medicare & Medicaid Services Program Management Account for fiscal years 2015 and 2016, to remain available until expended. Such funds may not be used by a contractor under section 1893(h) for medical reviews under this subparagraph.

“(iv) The targeted review process under this subparagraph shall not apply to services for which expenses are incurred beyond the period for which the exceptions process under subparagraph (A) is implemented.”

Applicability.
Deadline.
42 USC 1395f
note.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to requests described in section 1833(g)(5)(C)(i) of the Social Security Act (42 U.S.C. 1395l(g)(5)(C)(i)) with respect to which the Secretary of Health and Human Services has not conducted medical review under such section by a date (not later than 90 days after the date of the enactment of this Act) specified by the Secretary.

SEC. 203. EXTENSION OF AMBULANCE ADD-ONS.

(a) GROUND AMBULANCE.—Section 1834(l)(13)(A) of the Social Security Act (42 U.S.C. 1395m(l)(13)(A)) is amended by striking “April 1, 2015” and inserting “January 1, 2018” each place it appears.

(b) SUPER RURAL GROUND AMBULANCE.—Section 1834(l)(12)(A) of the Social Security Act (42 U.S.C. 1395m(l)(12)(A)) is amended, in the first sentence, by striking “April 1, 2015” and inserting “January 1, 2018”.

SEC. 204. EXTENSION OF INCREASED INPATIENT HOSPITAL PAYMENT ADJUSTMENT FOR CERTAIN LOW-VOLUME HOSPITALS.

Section 1886(d)(12) of the Social Security Act (42 U.S.C. 1395ww(d)(12)) is amended—

(1) in subparagraph (B), in the matter preceding clause (i), by striking “in fiscal year 2015 (beginning on April 1, 2015), fiscal year 2016, and subsequent fiscal years” and inserting “in fiscal year 2018 and subsequent fiscal years”;

(2) in subparagraph (C)(i), by striking “fiscal years 2011 through 2014 and fiscal year 2015 (before April 1, 2015),” and inserting “fiscal years 2011 through 2017,” each place it appears; and

(3) in subparagraph (D), by striking “fiscal years 2011 through 2014 and fiscal year 2015 (before April 1, 2015),” and inserting “fiscal years 2011 through 2017,”.

SEC. 205. EXTENSION OF THE MEDICARE-DEPENDENT HOSPITAL (MDH) PROGRAM.

(a) IN GENERAL.—Section 1886(d)(5)(G) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(G)) is amended—

(1) in clause (i), by striking “April 1, 2015” and inserting “October 1, 2017”; and

(2) in clause (ii)(II), by striking “April 1, 2015” and inserting “October 1, 2017”.

(b) CONFORMING AMENDMENTS.—

(1) EXTENSION OF TARGET AMOUNT.—Section 1886(b)(3)(D) of the Social Security Act (42 U.S.C. 1395ww(b)(3)(D)) is amended—

(A) in the matter preceding clause (i), by striking “April 1, 2015” and inserting “October 1, 2017”; and

(B) in clause (iv), by striking “through fiscal year 2014 and the portion of fiscal year 2015 before April 1, 2015” and inserting “through fiscal year 2017”.

(2) PERMITTING HOSPITALS TO DECLINE RECLASSIFICATION.—Section 13501(e)(2) of the Omnibus Budget Reconciliation Act of 1993 (42 U.S.C. 1395ww note) is amended by striking “through the first 2 quarters of fiscal year 2015” and inserting “through fiscal year 2017”.

SEC. 206. EXTENSION FOR SPECIALIZED MEDICARE ADVANTAGE PLANS FOR SPECIAL NEEDS INDIVIDUALS.

Section 1859(f)(1) of the Social Security Act (42 U.S.C. 1395w-28(f)(1)) is amended by striking “2017” and inserting “2019”.

SEC. 207. EXTENSION OF FUNDING FOR QUALITY MEASURE ENDORSEMENT, INPUT, AND SELECTION.

Section 1890(d)(2) of the Social Security Act (42 U.S.C. 1395aaa(d)(2)) is amended by striking “and \$15,000,000 for the first 6 months of fiscal year 2015” and inserting “and \$30,000,000 for each of fiscal years 2015 through 2017”.

SEC. 208. EXTENSION OF FUNDING OUTREACH AND ASSISTANCE FOR LOW-INCOME PROGRAMS.

(a) ADDITIONAL FUNDING FOR STATE HEALTH INSURANCE PROGRAMS.—Subsection (a)(1)(B) of section 119 of the Medicare Improvements for Patients and Providers Act of 2008 (42 U.S.C. 1395b-3 note), as amended by section 3306 of the Patient Protection and Affordable Care Act (Public Law 111-148), section 610 of the American Taxpayer Relief Act of 2012 (Public Law 112-240), section 1110 of the Pathway for SGR Reform Act of 2013 (Public Law 113-67), and section 110 of the Protecting Access to Medicare Act of 2014 (Public Law 113-93), is amended—

(1) in clause (iv), by striking “and” at the end;

(2) by striking clause (v); and

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

“(v) for fiscal year 2015, of \$7,500,000;

“(vi) for fiscal year 2016, of \$13,000,000; and

“(vii) for fiscal year 2017, of \$13,000,000.”.

(b) ADDITIONAL FUNDING FOR AREA AGENCIES ON AGING.—Subsection (b)(1)(B) of such section 119, as so amended, is amended—

(1) in clause (iv), by striking “and” at the end;

(2) by striking clause (v); and

(3) by inserting after clause (iv) the following new clauses:

“(v) for fiscal year 2015, of \$7,500,000;

“(vi) for fiscal year 2016, of \$7,500,000; and

“(vii) for fiscal year 2017, of \$7,500,000.”.

(c) **ADDITIONAL FUNDING FOR AGING AND DISABILITY RESOURCE CENTERS.**—Subsection (c)(1)(B) of such section 119, as so amended, is amended—

- (1) in clause (iv), by striking “and” at the end;
- (2) by striking clause (v); and
- (3) by inserting after clause (iv) the following new clauses:
 - “(v) for fiscal year 2015, of \$5,000,000;
 - “(vi) for fiscal year 2016, of \$5,000,000; and
 - “(vii) for fiscal year 2017, of \$5,000,000.”

(d) **ADDITIONAL FUNDING FOR CONTRACT WITH THE NATIONAL CENTER FOR BENEFITS AND OUTREACH ENROLLMENT.**—Subsection (d)(2) of such section 119, as so amended, is amended—

- (1) in clause (iv), by striking “and” at the end;
- (2) by striking clause (v); and
- (3) by inserting after clause (iv) the following new clauses:
 - “(v) for fiscal year 2015, of \$5,000,000;
 - “(vi) for fiscal year 2016, of \$12,000,000; and
 - “(vii) for fiscal year 2017, of \$12,000,000.”

SEC. 209. EXTENSION AND TRANSITION OF REASONABLE COST REIMBURSEMENT CONTRACTS.

(a) **ONE-YEAR TRANSITION AND NOTICE REGARDING TRANSITION.**—Section 1876(h)(5)(C) of the Social Security Act (42 U.S.C. 1395mm(h)(5)(C)) is amended—

- (1) in clause (ii), in the matter preceding subclause (I), by striking “For any” and inserting “Subject to clause (iv), for any”;
- (2) in clause (iii)(I), by inserting “cost plan service” after “With respect to any portion of the”;
- (3) in clause (iii)(II), by inserting “cost plan service” after “With respect to any other portion of such”; and
- (4) by adding at the end the following new clauses:

“(iv) In the case of an eligible organization that is offering a reasonable cost reimbursement contract that may no longer be extended or renewed because of the application of clause (ii), or where such contract has been extended or renewed but the eligible organization has informed the Secretary in writing not later than a date determined appropriate by the Secretary that such organization voluntarily plans not to seek renewal of the reasonable cost reimbursement contract, the following shall apply:

“(I) Notwithstanding such clause, such contract may be extended or renewed for the two years subsequent to 2016. The final year in which such contract is extended or renewed is referred to in this subsection as the ‘last reasonable cost reimbursement contract year for the contract’.

“(II) The organization may not enroll a new enrollee under such contract during the last reasonable cost reimbursement contract year for the contract (but may continue to enroll new enrollees through the end of the year immediately preceding such year) unless such enrollee is any of the following:

“(aa) An individual who chooses enrollment in the reasonable cost contract during the annual election period with respect to such last year.

“(bb) An individual whose spouse, at the time of the individual’s enrollment is an enrollee under the reasonable cost reimbursement contract.

Deadline.
Applicability.

“(cc) An individual who is covered under an employer group health plan that offers coverage through the reasonable cost reimbursement contract.

“(dd) An individual who becomes entitled to benefits under part A, or enrolled under part B, and was enrolled in a plan offered by the eligible organization immediately prior to the individual’s enrollment under the reasonable cost reimbursement contract.

“(III) Not later than a date determined appropriate by the Secretary prior to the beginning of the last reasonable cost reimbursement contract year for the contract, the organization shall provide notice to the Secretary as to whether the organization will apply to have the contract converted over, in whole or in part, and offered as a Medicare Advantage plan under part C for the year following the last reasonable cost reimbursement contract year for the contract.

Deadline.
Notification.

“(IV) If the organization provides the notice described in subclause (III) that the contract will be converted, in whole or in part, the organization shall, not later than a date determined appropriate by the Secretary, provide the Secretary with such information as the Secretary determines appropriate in order to carry out section 1851(c)(4) and to carry out section 1854(a)(5), including subparagraph (C)(ii) of such section.

Deadline.

“(V) In the case that the organization enrolls a new enrollee under such contract during the last reasonable cost reimbursement contract year for the contract, the organization shall provide the individual with a notification that such year is the last year for such contract.

Notification.

“(v) If an eligible organization that is offering a reasonable cost reimbursement contract that is extended or renewed pursuant to clause (iv) provides the notice described in clause (iv)(III) that the contract will be converted, in whole or in part, the following shall apply:

Applicability.

“(I) The deemed enrollment under section 1851(c)(4).

“(II) The special rule for quality increase under section 1853(o)(4)(C).

“(III) During the last reasonable cost reimbursement contract year for the contract and the year immediately preceding such year, the eligible organization, or the corporate parent organization of the eligible organization, shall be permitted to offer an MA plan in the area that such contract is being offered and enroll Medicare Advantage eligible individuals in such MA plan and such cost plan.”

(b) DEEMED ENROLLMENT FROM REASONABLE COST REIMBURSEMENT CONTRACTS CONVERTED TO MEDICARE ADVANTAGE PLANS.—

(1) IN GENERAL.—Section 1851(c) of the Social Security Act (42 U.S.C. 1395w–21(c)) is amended—

(A) in paragraph (1), by striking “Such elections” and inserting “Subject to paragraph (4), such elections”; and

(B) by adding at the end the following:

“(4) DEEMED ENROLLMENT RELATING TO CONVERTED REASONABLE COST REIMBURSEMENT CONTRACTS.—

“(A) IN GENERAL.—On the first day of the annual, coordinated election period under subsection (e)(3) for plan years beginning on or after January 1, 2017, an MA eligible individual described in clause (i) or (ii) of subparagraph (B) is deemed, unless the individual elects otherwise, to

Effective date.

have elected to receive benefits under this title through an applicable MA plan (and shall be enrolled in such plan) beginning with such plan year, if—

“(i) the individual is enrolled in a reasonable cost reimbursement contract under section 1876(h) in the previous plan year;

“(ii) such reasonable cost reimbursement contract was extended or renewed for the last reasonable cost reimbursement contract year of the contract (as described in subclause (I) of section 1876(h)(5)(C)(iv)) pursuant to such section;

“(iii) the eligible organization that is offering such reasonable cost reimbursement contract provided the notice described in subclause (III) of such section that the contract was to be converted;

“(iv) the applicable MA plan—

“(I) is the plan that was converted from the reasonable cost reimbursement contract described in clause (iii);

“(II) is offered by the same entity (or an organization affiliated with such entity that has a common ownership interest of control) that entered into such contract; and

“(III) is offered in the service area where the individual resides;

“(v) in the case of reasonable cost reimbursement contracts that provide coverage under parts A and B (and, to the extent the Secretary determines it to be feasible, contracts that provide only part B coverage), the difference between the estimated individual costs (as determined applicable by the Secretary) for the applicable MA plan and such costs for the predecessor cost plan does not exceed a threshold established by the Secretary; and

“(vi) the applicable MA plan—

“(I) provides coverage for enrollees transitioning from the converted reasonable cost reimbursement contract to such plan to maintain current providers of services and suppliers and course of treatment at the time of enrollment for a period of at least 90 days after enrollment; and

“(II) during such period, pays such providers of services and suppliers for items and services furnished to the enrollee an amount that is not less than the amount of payment applicable for such items and services under the original Medicare fee-for-service program under parts A and B.

“(B) MA ELIGIBLE INDIVIDUALS DESCRIBED.—

“(i) WITHOUT PRESCRIPTION DRUG COVERAGE.—An MA eligible individual described in this clause, with respect to a plan year, is an MA eligible individual who is enrolled in a reasonable cost reimbursement contract under section 1876(h) in the previous plan year and who is not, for such previous plan year, enrolled in a prescription drug plan under part D, including coverage under section 1860D–22.

Time period.

“(ii) WITH PRESCRIPTION DRUG COVERAGE.—An MA eligible individual described in this clause, with respect to a plan year, is an MA eligible individual who is enrolled in a reasonable cost reimbursement contract under section 1876(h) in the previous plan year and who, for such previous plan year, is enrolled in a prescription drug plan under part D—

“(I) through such contract; or

“(II) through a prescription drug plan, if the sponsor of such plan is the same entity (or an organization affiliated with such entity) that entered into such contract.

“(C) APPLICABLE MA PLAN DEFINED.—In this paragraph, the term ‘applicable MA plan’ means, in the case of an individual described in—

“(i) subparagraph (B)(i), an MA plan that is not an MA–PD plan; and

“(ii) subparagraph (B)(ii), an MA–PD plan.

“(D) IDENTIFICATION AND NOTIFICATION OF DEEMED INDIVIDUALS.—Not later than 45 days before the first day of the annual, coordinated election period under subsection (e)(3) for plan years beginning on or after January 1, 2017, the Secretary shall identify and notify the individuals who will be subject to deemed elections under subparagraph (A) on the first day of such period.”

(2) BENEFICIARY OPTION TO DISCONTINUE OR CHANGE MA PLAN OR MA–PD PLAN AFTER DEEMED ENROLLMENT.—

(A) IN GENERAL.—Section 1851(e)(2) of the Social Security Act (42 U.S.C. 1395w–21(e)(4)) is amended by adding at the end the following:

“(F) SPECIAL PERIOD FOR CERTAIN DEEMED ELECTIONS.—

“(i) IN GENERAL.—At any time during the period beginning after the last day of the annual, coordinated election period under paragraph (3) in which an individual is deemed to have elected to enroll in an MA plan or MA–PD plan under subsection (c)(4) and ending on the last day of February of the first plan year for which the individual is enrolled in such plan, such individual may change the election under subsection (a)(1) (including changing the MA plan or MA–PD plan in which the individual is enrolled).

“(ii) LIMITATION OF ONE CHANGE.—An individual may exercise the right under clause (i) only once during the applicable period described in such clause. The limitation under this clause shall not apply to changes in elections effected during an annual, coordinated election period under paragraph (3) or during a special enrollment period under paragraph (4).”

(B) CONFORMING AMENDMENTS.—

(i) PLAN REQUIREMENT FOR OPEN ENROLLMENT.—Section 1851(e)(6)(A) of the Social Security Act (42 U.S.C. 1395w–21(e)(6)(A)) is amended by striking “paragraph (1),” and inserting “paragraph (1), during the period described in paragraph (2)(F),”

(ii) PART D.—Section 1860D–1(b)(1)(B) of such Act (42 U.S.C. 1395w–101(b)(1)(B)) is amended—

Deadline.
Effective date.

(I) in clause (ii), by adding “and paragraph (4)” after “paragraph (3)(A)”; and

(II) in clause (iii) by striking “and (E)” and inserting “(E), and (F)”.

Applicability.

(3) TREATMENT OF ESRD FOR DEEMED ENROLLMENT.—Section 1851(a)(3)(B) of the Social Security Act (42 U.S.C. 1395w–21(a)(3)(B)) is amended by adding at the end the following flush sentence: “An individual who develops end-stage renal disease while enrolled in a reasonable cost reimbursement contract under section 1876(h) shall be treated as an MA eligible individual for purposes of applying the deemed enrollment under subsection (c)(4).”.

(c) INFORMATION REQUIREMENTS.—Section 1851(d)(2)(B) of the Social Security Act (42 U.S.C. 1395w–21(d)(2)(B)) is amended—

(1) in the heading, by striking “NOTIFICATION TO NEWLY ELIGIBLE MEDICARE ADVANTAGE ELIGIBLE INDIVIDUALS” and inserting the following: “NOTIFICATIONS REQUIRED.—

“(i) NOTIFICATION TO NEWLY ELIGIBLE MEDICARE ADVANTAGE ELIGIBLE INDIVIDUALS.—”; and

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

Deadline.

“(ii) NOTIFICATION RELATED TO CERTAIN DEEMED ELECTIONS.—The Secretary shall require a Medicare Advantage organization that is offering a Medicare Advantage plan that has been converted from a reasonable cost reimbursement contract pursuant to section 1876(h)(5)(C)(iv) to mail, not later than 30 days prior to the first day of the annual, coordinated election period under subsection (e)(3) of a year, to any individual enrolled under such contract and identified by the Secretary under subsection (c)(4)(D) for such year—

“(I) a notification that such individual will, on such day, be deemed to have made an election with respect to such plan to receive benefits under this title through an MA plan or MA–PD plan (and shall be enrolled in such plan) for the next plan year under subsection (c)(4)(A), but that the individual may make a different election during the annual, coordinated election period for such year;

“(II) the information described in subparagraph (A);

“(III) a description of the differences between such MA plan or MA–PD plan and the reasonable cost reimbursement contract in which the individual was most recently enrolled with respect to benefits covered under such plans, including cost-sharing, premiums, drug coverage, and provider networks;

“(IV) information about the special period for elections under subsection (e)(2)(F); and

“(V) other information the Secretary may specify.”.

(d) TREATMENT OF TRANSITION PLAN FOR QUALITY RATING FOR PAYMENT PURPOSES.—Section 1853(o)(4) of the Social Security Act (42 U.S.C. 1395w–23(o)(4)) is amended by adding at the end the following new subparagraph:

“(C) SPECIAL RULE FOR FIRST 3 PLAN YEARS FOR PLANS THAT WERE CONVERTED FROM A REASONABLE COST REIMBURSEMENT CONTRACT.—For purposes of applying paragraph (1) and section 1854(b)(1)(C) for the first 3 plan years under this part in the case of an MA plan to which deemed enrollment applies under section 1851(c)(4)—

Applicability.

“(i) such plan shall not be treated as a new MA plan (as defined in paragraph (3)(A)(iii)(II)); and

“(ii) in determining the star rating of the plan under subparagraph (A), to the extent that Medicare Advantage data for such plan is not available for a measure used to determine such star rating, the Secretary shall use data from the period in which such plan was a reasonable cost reimbursement contract.”.

SEC. 210. EXTENSION OF HOME HEALTH RURAL ADD-ON.

Section 421(a) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2283; 42 U.S.C. 1395fff note), as amended by section 5201(b) of the Deficit Reduction Act of 2005 (Public Law 109–171; 120 Stat. 46) and by section 3131(c) of the Patient Protection and Affordable Care Act (Public Law 111–148; 124 Stat. 428), is amended by striking “January 1, 2016” and inserting “January 1, 2018” each place it appears.

Subtitle B—Other Health Extenders

SEC. 211. PERMANENT EXTENSION OF THE QUALIFYING INDIVIDUAL (QI) PROGRAM.

(a) PERMANENT EXTENSION.—Section 1902(a)(10)(E)(iv) of the Social Security Act (42 U.S.C. 1396a(a)(10)(E)(iv)) is amended by striking “(but only for premiums payable with respect to months during the period beginning with January 1998, and ending with March 2015)”.

(b) ALLOCATIONS.—Section 1933(g) of the Social Security Act (42 U.S.C. 1396u–3(g)) is amended—

(1) in paragraph (2)—

(A) by striking subparagraphs (A) through (H);

(B) in subparagraph (V), by striking “and” at the end;

(C) in subparagraph (W), by striking the period at the end and inserting a semicolon;

(D) by redesignating subparagraphs (I) through (W) as subparagraphs (A) through (O), respectively; and

(E) by adding at the end the following new subparagraphs:

“(P) for the period that begins on April 1, 2015, and ends on December 31, 2015, the total allocation amount is \$535,000,000; and

“(Q) for 2016 and, subject to paragraph (4), for each subsequent year, the total allocation amount is \$980,000,000.”;

(2) in paragraph (3), by striking “(P), (R), (T), or (V)” and inserting “or (P)”;

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

“(4) ADJUSTMENT TO ALLOCATIONS.—The Secretary may increase the allocation amount under paragraph (2)(Q) for a

Time period.

year (beginning with 2017) up to an amount that does not exceed the product of the following:

“(A) MAXIMUM ALLOCATION AMOUNT FOR PREVIOUS YEAR.—In the case of 2017, the allocation amount for 2016, or in the case of a subsequent year, the maximum allocation amount allowed under this paragraph for the previous year.

“(B) INCREASE IN PART B PREMIUM.—The monthly premium rate determined under section 1839 for the year divided by the monthly premium rate determined under such section for the previous year.

“(C) INCREASE IN PART B ENROLLMENT.—The average number of individuals (as estimated by the Chief Actuary of the Centers for Medicare & Medicaid Services in September of the previous year) to be enrolled under part B of title XVIII for months in the year divided by the average number of such individuals (as so estimated) under this subparagraph with respect to enrollments in months in the previous year.”.

SEC. 212. PERMANENT EXTENSION OF TRANSITIONAL MEDICAL ASSISTANCE (TMA).

(a) IN GENERAL.—Section 1925 of the Social Security Act (42 U.S.C. 1396r–6) is amended—

- (1) by striking subsection (f); and
- (2) by redesignating subsection (g) as subsection (f).

(b) CONFORMING AMENDMENT.—Section 1902(e)(1) of the Social Security Act (42 U.S.C. 1396a(e)(1)) is amended to read as follows:

Effective date.

“(1) Beginning April 1, 1990, for provisions relating to the extension of eligibility for medical assistance for certain families who have received aid pursuant to a State plan approved under part A of title IV and have earned income, see section 1925.”.

SEC. 213. EXTENSION OF SPECIAL DIABETES PROGRAM FOR TYPE I DIABETES AND FOR INDIANS.

(a) SPECIAL DIABETES PROGRAMS FOR TYPE I DIABETES.—Section 330B(b)(2)(C) of the Public Health Service Act (42 U.S.C. 254c–2(b)(2)(C)) is amended by striking “2015” and inserting “2017”.

(b) SPECIAL DIABETES PROGRAMS FOR INDIANS.—Section 330C(c)(2)(C) of the Public Health Service Act (42 U.S.C. 254c–3(c)(2)(C)) is amended by striking “2015” and inserting “2017”.

SEC. 214. EXTENSION OF ABSTINENCE EDUCATION.

(a) IN GENERAL.—Section 510 of the Social Security Act (42 U.S.C. 710) is amended—

- (1) in subsection (a), striking “2015” and inserting “2017”; and

- (2) in subsection (d), by inserting “and an additional \$75,000,000 for each of fiscal years 2016 and 2017” after “2015”.

(b) BUDGET SCORING.—Notwithstanding section 257(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985, the baseline shall be calculated assuming that no grant shall be made under section 510 of the Social Security Act (42 U.S.C. 710) after fiscal year 2017.

(c) REALLOCATION OF UNUSED FUNDING.—The remaining unobligated balances of the amount appropriated for fiscal years 2016 and 2017 by section 510(d) of the Social Security Act (42 U.S.C. 710(d)) for which no application has been received by the

Funding Opportunity Announcement deadline, shall be made available to States that require the implementation of each element described in subparagraphs (A) through (H) of the definition of abstinence education in section 510(b)(2). The remaining unobligated balances shall be reallocated to such States that submit a valid application consistent with the original formula for this funding.

SEC. 215. EXTENSION OF PERSONAL RESPONSIBILITY EDUCATION PROGRAM (PREP).

Section 513 of the Social Security Act (42 U.S.C. 713) is amended—

- (1) in paragraphs (1)(A) and (4)(A) of subsection (a), by striking “2015” and inserting “2017” each place it appears;
- (2) in subsection (a)(4)(B)(i), by striking “, 2013, 2014, and 2015” and inserting “through 2017”; and
- (3) in subsection (f), by striking “2015” and inserting “2017”.

SEC. 216. EXTENSION OF FUNDING FOR FAMILY-TO-FAMILY HEALTH INFORMATION CENTERS.

Section 501(c)(1)(A) of the Social Security Act (42 U.S.C. 701(c)(1)(A)) is amended—

- (1) by striking clause (vi); and
- (2) by adding after clause (v) the following new clause:
“(vi) \$5,000,000 for each of fiscal years 2015 through 2017.”.

SEC. 217. EXTENSION OF HEALTH WORKFORCE DEMONSTRATION PROJECT FOR LOW-INCOME INDIVIDUALS.

Section 2008(c)(1) of the Social Security Act (42 U.S.C. 1397g(c)(1)) is amended by striking “2015” and inserting “2017”.

SEC. 218. EXTENSION OF MATERNAL, INFANT, AND EARLY CHILDHOOD HOME VISITING PROGRAMS.

Section 511(j)(1) of the Social Security Act (42 U.S.C. 711(j)) is amended—

- (1) by striking “and” at the end of subparagraph (E);
- (2) in subparagraph (F)—
 - (A) by striking “for the period beginning on October 1, 2014, and ending on March 31, 2015” and inserting “for fiscal year 2015”;
 - (B) by striking “an amount equal to the amount provided in subparagraph (E)” and inserting “\$400,000,000”; and
 - (C) by striking the period at the end and inserting a semicolon; and
- (3) by adding at the end the following new subparagraphs:
“(G) for fiscal year 2016, \$400,000,000; and
“(H) for fiscal year 2017, \$400,000,000.”.

SEC. 219. TENNESSEE DSH ALLOTMENT FOR FISCAL YEARS 2015 THROUGH 2025.

Section 1923(f)(6)(A) of the Social Security Act (42 U.S.C. 1396r–4(f)(6)(A)) is amended by adding at the end the following:

- “(vi) ALLOTMENT FOR FISCAL YEARS 2015 THROUGH 2025.—Notwithstanding any other provision of this subsection, any other provision of law, or the terms of the TennCare Demonstration Project in effect for the State, the DSH allotment for Tennessee for fiscal year

2015, and for each fiscal year thereafter through fiscal year 2025, shall be \$53,100,000 for each such fiscal year.”.

SEC. 220. DELAY IN EFFECTIVE DATE FOR MEDICAID AMENDMENTS RELATING TO BENEFICIARY LIABILITY SETTLEMENTS.

Section 202(c) of the Bipartisan Budget Act of 2013 (division A of Public Law 113–67; 42 U.S.C. 1396a note), as amended by section 211 of the Protecting Access to Medicare Act of 2014 (Public Law 113–93; 128 Stat. 1047) is amended by striking “October 1, 2016” and inserting “October 1, 2017”.

SEC. 221. EXTENSION OF FUNDING FOR COMMUNITY HEALTH CENTERS, THE NATIONAL HEALTH SERVICE CORPS, AND TEACHING HEALTH CENTERS.

(a) **FUNDING FOR COMMUNITY HEALTH CENTERS AND THE NATIONAL HEALTH SERVICE CORPS.—**

(1) **COMMUNITY HEALTH CENTERS.—**Section 10503(b)(1)(E) of the Patient Protection and Affordable Care Act (42 U.S.C. 254b–2(b)(1)(E)) is amended by striking “for fiscal year 2015” and inserting “for each of fiscal years 2015 through 2017”.

(2) **NATIONAL HEALTH SERVICE CORPS.—**Section 10503(b)(2)(E) of the Patient Protection and Affordable Care Act (42 U.S.C. 254b–2(b)(2)(E)) is amended by striking “for fiscal year 2015” and inserting “for each of fiscal years 2015 through 2017”.

(b) **EXTENSION OF TEACHING HEALTH CENTERS PROGRAM.—**Section 340H(g) of the Public Health Service Act (42 U.S.C. 256h(g)) is amended by inserting “and \$60,000,000 for each of fiscal years 2016 and 2017” before the period at the end.

(c) **APPLICATION.—**Amounts appropriated pursuant to this section for fiscal year 2016 and fiscal year 2017 are subject to the requirements contained in Public Law 113–235 for funds for programs authorized under sections 330 through 340 of the Public Health Service Act (42 U.S.C. 254b–256).

TITLE III—CHIP

SEC. 301. 2-YEAR EXTENSION OF THE CHILDREN’S HEALTH INSURANCE PROGRAM.

(a) **FUNDING.—**Section 2104(a) of the Social Security Act (42 U.S.C. 1397dd(a)) is amended—

(1) in paragraph (17), by striking “and” at the end;

(2) in paragraph (18)(B), by striking the period at the end and inserting a semicolon; and

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

“(19) for fiscal year 2016, \$19,300,000,000; and

“(20) for fiscal year 2017, for purposes of making 2 semi-annual allotments—

“(A) \$2,850,000,000 for the period beginning on October 1, 2016, and ending on March 31, 2017; and

“(B) \$2,850,000,000 for the period beginning on April 1, 2017, and ending on September 30, 2017.”.

(b) **ALLOTMENTS.—**

(1) **IN GENERAL.—**Section 2104(m) of the Social Security Act (42 U.S.C. 1397dd(m)) is amended—

Time periods.

(A) in the subsection heading, by striking “THROUGH 2015” and inserting “AND THEREAFTER”;

(B) in paragraph (2)—

(i) in the paragraph heading, by striking “2014” and inserting “2016”; and

(ii) by striking subparagraph (B) and inserting the following new subparagraph:

“(B) FISCAL YEAR 2013 AND EACH SUCCEEDING FISCAL YEAR.—Subject to paragraphs (5) and (7), from the amount made available under paragraphs (16) through (19) of subsection (a) for fiscal year 2013 and each succeeding fiscal year, respectively, the Secretary shall compute a State allotment for each State (including the District of Columbia and each commonwealth and territory) for each such fiscal year as follows:

“(i) REBASING IN FISCAL YEAR 2013 AND EACH SUCCEEDING ODD-NUMBERED FISCAL YEAR.—For fiscal year 2013 and each succeeding odd-numbered fiscal year (other than fiscal years 2015 and 2017), the allotment of the State is equal to the Federal payments to the State that are attributable to (and countable toward) the total amount of allotments available under this section to the State in the preceding fiscal year (including payments made to the State under subsection (n) for such preceding fiscal year as well as amounts redistributed to the State in such preceding fiscal year), multiplied by the allotment increase factor under paragraph (6) for such odd-numbered fiscal year.

“(ii) GROWTH FACTOR UPDATE FOR FISCAL YEAR 2014 AND EACH SUCCEEDING EVEN-NUMBERED FISCAL YEAR.—Except as provided in clauses (iii) and (iv), for fiscal year 2014 and each succeeding even-numbered fiscal year, the allotment of the State is equal to the sum of—

“(I) the amount of the State allotment under clause (i) for the preceding fiscal year; and

“(II) the amount of any payments made to the State under subsection (n) for such preceding fiscal year,

multiplied by the allotment increase factor under paragraph (6) for such even-numbered fiscal year.

“(iii) SPECIAL RULE FOR 2016.—For fiscal year 2016, the allotment of the State is equal to the Federal payments to the State that are attributable to (and countable toward) the total amount of allotments available under this section to the State in the preceding fiscal year (including payments made to the State under subsection (n) for such preceding fiscal year as well as amounts redistributed to the State in such preceding fiscal year), but determined as if the last two sentences of section 2105(b) were in effect in such preceding fiscal year and then multiplying the result by the allotment increase factor under paragraph (6) for fiscal year 2016.

“(iv) REDUCTION IN 2018.—For fiscal year 2018, with respect to the allotment of the State for fiscal year 2017, any amounts of such allotment that remain

available for expenditure by the State in fiscal year 2018 shall be reduced by one-third.”;

(C) in paragraph (4), by inserting “or 2017” after “2015”;

(D) in paragraph (6)—

(i) in subparagraph (A), by striking “2015” and inserting “2017”; and

(ii) in the second sentence, by striking “or fiscal year 2014” and inserting “fiscal year 2014, or fiscal year 2016”;

(E) in paragraph (8)—

(i) in the paragraph heading, by striking “FISCAL YEAR 2015” and inserting “FISCAL YEARS 2015 AND 2017”; and

(ii) by inserting “or fiscal year 2017” after “2015”;

(F) by redesignating paragraphs (4) through (8) as paragraphs (5) through (9), respectively; and

(G) by inserting after paragraph (3) the following new paragraph:

“(4) FOR FISCAL YEAR 2017.—

“(A) FIRST HALF.—Subject to paragraphs (5) and (7), from the amount made available under subparagraph (A) of paragraph (20) of subsection (a) for the semi-annual period described in such paragraph, increased by the amount of the appropriation for such period under section 301(b)(3) of the Medicare Access and CHIP Reauthorization Act of 2015, the Secretary shall compute a State allotment for each State (including the District of Columbia and each commonwealth and territory) for such semi-annual period in an amount equal to the first half ratio (described in subparagraph (D)) of the amount described in subparagraph (C).

“(B) SECOND HALF.—Subject to paragraphs (5) and (7), from the amount made available under subparagraph (B) of paragraph (20) of subsection (a) for the semi-annual period described in such paragraph, the Secretary shall compute a State allotment for each State (including the District of Columbia and each commonwealth and territory) for such semi-annual period in an amount equal to the amount made available under such subparagraph, multiplied by the ratio of—

“(i) the amount of the allotment to such State under subparagraph (A); to

“(ii) the total of the amount of all of the allotments made available under such subparagraph.

“(C) FULL YEAR AMOUNT BASED ON REBASED AMOUNT.—The amount described in this subparagraph for a State is equal to the Federal payments to the State that are attributable to (and countable towards) the total amount of allotments available under this section to the State in fiscal year 2016 (including payments made to the State under subsection (n) for fiscal year 2016 as well as amounts redistributed to the State in fiscal year 2016), multiplied by the allotment increase factor under paragraph (6) for fiscal year 2017.

“(D) FIRST HALF RATIO.—The first half ratio described in this subparagraph is the ratio of—

“(i) the sum of—

“(I) the amount made available under subsection (a)(20)(A); and

“(II) the amount of the appropriation for such period under section 301(b)(3) of the Medicare Access and CHIP Reauthorization Act of 2015; to

“(ii) the sum of the—

“(I) amount described in clause (i); and

“(II) the amount made available under subsection (a)(20)(B).”.

(2) CONFORMING AMENDMENTS.—

(A) Section 2104(c)(1) of the Social Security Act (42 U.S.C. 1397dd(c)(1)) is amended by striking “(m)(4)” and inserting “(m)(5)”.

(B) Section 2104(m) of such Act (42 U.S.C. 1397dd(m)), as amended by paragraph (1), is further amended—

(i) in paragraph (1)—

(I) by striking “paragraph (4)” each place it appears in subparagraphs (A) and (B) and inserting “paragraph (5)”; and

(II) by striking “the allotment increase factor determined under paragraph (5)” each place it appears and inserting “the allotment increase factor determined under paragraph (6)”; and

(ii) in paragraph (2)(A), by striking “the allotment increase factor under paragraph (5)” and inserting “the allotment increase factor under paragraph (6)”; and

(iii) in paragraph (3)—

(I) by striking “paragraphs (4) and (6)” and inserting “paragraphs (5) and (7)” each place it appears; and

(II) by striking “the allotment increase factor under paragraph (5)” and inserting “the allotment increase factor under paragraph (6)”; and

(iv) in paragraph (5) (as redesignated by paragraph (1)(F)), by striking “paragraph (1), (2), or (3)” and inserting “paragraph (1), (2), (3), or (4)”; and

(v) in paragraph (7) (as redesignated by paragraph (1)(F)), by striking “subject to paragraph (4)” and inserting “subject to paragraph (5)”; and

(vi) in paragraph (9), (as redesignated by paragraph (1)(F)), by striking “paragraph (3)” and inserting “paragraph (3) or (4)”.

(C) Section 2104(n)(3)(B)(ii) of such Act (42 U.S.C. 1397dd(n)(3)(B)(ii)) is amended by striking “subsection (m)(5)(B)” and inserting “subsection (m)(6)(B)”.

(D) Section 2111(b)(2)(B)(i) of such Act (42 U.S.C. 1397kk(b)(2)(B)(i)) is amended by striking “section 2104(m)(4)” and inserting “section 2104(m)(5)”.

(3) ONE-TIME APPROPRIATION FOR FISCAL YEAR 2017.—There is appropriated to the Secretary of Health and Human Services, out of any money in the Treasury not otherwise appropriated, \$14,700,000,000 to accompany the allotment made for the period beginning on October 1, 2016, and ending on March 31, 2017, under paragraph (20)(A) of section 2104(a) of the Social Security Act (42 U.S.C. 1397dd(a)) (as added by subsection (a)(1)), to remain available until expended. Such amount

shall be used to provide allotments to States under paragraph (4) of section 2104(m) of such Act (42 U.S.C. 1397dd(m)) (as amended by paragraph(1)(G)) for the first 6 months of fiscal year 2017 in the same manner as allotments are provided under subsection (a)(20)(A) of such section 2104 and subject to the same terms and conditions as apply to the allotments provided from such subsection (a)(20)(A).

(c) **EXTENSION OF QUALIFYING STATES OPTION.**—Section 2105(g)(4) of the Social Security Act (42 U.S.C. 1397ee(g)(4)) is amended—

(1) in the paragraph heading, by striking “2015” and inserting “2017”; and

(2) in subparagraph (A), by striking “2015” and inserting “2017”.

(d) **EXTENSION OF THE CHILD ENROLLMENT CONTINGENCY FUND.**—

(1) **IN GENERAL.**—Section 2104(n) of the Social Security Act (42 U.S.C. 1397dd(n)) is amended—

(A) in paragraph (2)—

(i) in subparagraph (A)(ii)—

(I) by striking “2010 through 2014” and inserting “2010, 2011, 2012, 2013, 2014, and 2016”; and

(II) by inserting “and fiscal year 2017” after “2015”; and

(ii) in subparagraph (B)—

(I) by striking “2010 through 2014” and inserting “2010, 2011, 2012, 2013, 2014, and 2016”; and

(II) by inserting “and fiscal year 2017” after “2015”; and

(B) in paragraph (3)(A), in the matter preceding clause (i), by striking “fiscal year 2009, fiscal year 2010, fiscal year 2011, fiscal year 2012, fiscal year 2013, fiscal year 2014, or a semi-annual allotment period for fiscal year 2015” and inserting “any of fiscal years 2009 through 2014, fiscal year 2016, or a semi-annual allotment period for fiscal year 2015 or 2017”.

SEC. 302. EXTENSION OF EXPRESS LANE ELIGIBILITY.

Section 1902(e)(13)(I) of the Social Security Act (42 U.S.C. 1396a(e)(13)(I)) is amended by striking “2015” and inserting “2017”.

SEC. 303. EXTENSION OF OUTREACH AND ENROLLMENT PROGRAM.

Section 2113 of the Social Security Act (42 U.S.C. 1397mm) is amended—

(1) in subsection (a)(1), by striking “2015” and inserting “2017”; and

(2) in subsection (g), by inserting “and \$40,000,000 for the period of fiscal years 2016 and 2017” after “2015”.

SEC. 304. EXTENSION OF CERTAIN PROGRAMS AND DEMONSTRATION PROJECTS.

(a) **CHILDHOOD OBESITY DEMONSTRATION PROJECT.**—Section 1139A(e)(8) of the Social Security Act (42 U.S.C. 1320b–9a(e)(8)) is amended by inserting “, and \$10,000,000 for the period of fiscal years 2016 and 2017” after “2014”.

(b) PEDIATRIC QUALITY MEASURES PROGRAM.—Section 1139A(i) of the Social Security Act (42 U.S.C. 1320b–9a(i)) is amended in the first sentence by inserting before the period at the end the following: “, and there is appropriated for the period of fiscal years 2016 and 2017, \$20,000,000 for the purpose of carrying out this section (other than subsections (e), (f), and (g))”.

SEC. 305. REPORT OF INSPECTOR GENERAL OF HHS ON USE OF EXPRESS LANE OPTION UNDER MEDICAID AND CHIP.

Not later than 18 months after the date of the enactment of this Act, the Inspector General of the Department of Health and Human Services shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate a report that—

(1) provides data on the number of individuals enrolled in the Medicaid program under title XIX of the Social Security Act (referred to in this section as “Medicaid”) and the Children’s Health Insurance Program under title XXI of such Act (referred to in this section as “CHIP”) through the use of the Express Lane option under section 1902(e)(13) of the Social Security Act (42 U.S.C. 1396a(e)(13));

(2) assesses the extent to which individuals so enrolled meet the eligibility requirements under Medicaid or CHIP (as applicable); and

(3) provides data on Federal and State expenditures under Medicaid and CHIP for individuals so enrolled and disaggregates such data between expenditures made for individuals who meet the eligibility requirements under Medicaid or CHIP (as applicable) and expenditures made for individuals who do not meet such requirements.

TITLE IV—OFFSETS

Subtitle A—Medicare Beneficiary Reforms

SEC. 401. LIMITATION ON CERTAIN MEDIGAP POLICIES FOR NEWLY ELIGIBLE MEDICARE BENEFICIARIES.

Section 1882 of the Social Security Act (42 U.S.C. 1395ss) is amended by adding at the end the following new subsection:

“(z) LIMITATION ON CERTAIN MEDIGAP POLICIES FOR NEWLY ELIGIBLE MEDICARE BENEFICIARIES.—

“(1) IN GENERAL.—Notwithstanding any other provision of this section, on or after January 1, 2020, a medicare supplemental policy that provides coverage of the part B deductible, including any such policy (or rider to such a policy) issued under a waiver granted under subsection (p)(6), may not be sold or issued to a newly eligible Medicare beneficiary.

Effective date.

“(2) NEWLY ELIGIBLE MEDICARE BENEFICIARY DEFINED.—In this subsection, the term ‘newly eligible Medicare beneficiary’ means an individual who is neither of the following:

“(A) An individual who has attained age 65 before January 1, 2020.

“(B) An individual who was entitled to benefits under part A pursuant to section 226(b) or 226A, or deemed to be eligible for benefits under section 226(a), before January 1, 2020.

“(3) TREATMENT OF WAIVERED STATES.—In the case of a State described in subsection (p)(6), nothing in this section shall be construed as preventing the State from modifying its alternative simplification program under such subsection so as to eliminate the coverage of the part B deductible for any medical supplemental policy sold or issued under such program to a newly eligible Medicare beneficiary on or after January 1, 2020.

“(4) TREATMENT OF REFERENCES TO CERTAIN POLICIES.—In the case of a newly eligible Medicare beneficiary, except as the Secretary may otherwise provide, any reference in this section to a medicare supplemental policy which has a benefit package classified as ‘C’ or ‘F’ shall be deemed, as of January 1, 2020, to be a reference to a medicare supplemental policy which has a benefit package classified as ‘D’ or ‘G’, respectively.

Applicability.

“(5) ENFORCEMENT.—The penalties described in clause (ii) of subsection (d)(3)(A) shall apply with respect to a violation of paragraph (1) in the same manner as it applies to a violation of clause (i) of such subsection.”.

SEC. 402. INCOME-RELATED PREMIUM ADJUSTMENT FOR PARTS B AND D.

(a) IN GENERAL.—Section 1839(i)(3)(C)(i) of the Social Security Act (42 U.S.C. 1395r(i)(3)(C)(i)) is amended—

(1) by inserting after “IN GENERAL.—” the following:

“(I) Subject to paragraphs (5) and (6), for years before 2018.”; and

(2) by adding at the end the following:

“(II) Subject to paragraph (5), for years beginning with 2018:

“If the modified adjusted gross income is:	The applicable percentage is:
More than \$85,000 but not more than \$107,000	35 percent
More than \$107,000 but not more than \$133,500	50 percent
More than \$133,500 but not more than \$160,000	65 percent
More than \$160,000	80 percent.”.

(b) CONFORMING AMENDMENTS.—Section 1839(i) of the Social Security Act (42 U.S.C. 1395r(i)) is amended—

(1) in paragraph (2)(A), by inserting “(or, beginning with 2018, \$85,000)” after “\$80,000”;

(2) in paragraph (3)(A)(i), by inserting “applicable” before “table”;

(3) in paragraph (5)(A)—

(A) in the matter before clause (i), by inserting “(other than 2018 and 2019)” after “2007”; and

(B) in clause (ii), by inserting “(or, in the case of a calendar year beginning with 2020, August 2018)” after “August 2006”; and

(4) in paragraph (6), in the matter before subparagraph (A), by striking “2019” and inserting “2017”.

Subtitle B—Other Offsets

SEC. 411. MEDICARE PAYMENT UPDATES FOR POST-ACUTE PROVIDERS.

(a) SNFs.—Section 1888(e) of the Social Security Act (42 U.S.C. 1395yy(e))—

(1) in paragraph (5)(B)—

(A) in clause (i), by striking “clause (ii)” and inserting “clauses (ii) and (iii)”;

(B) in clause (ii), by inserting “subject to clause (iii),” after “each subsequent fiscal year.”; and

(C) by adding at the end the following new clause:
“(iii) SPECIAL RULE FOR FISCAL YEAR 2018.—For fiscal year 2018 (or other similar annual period specified in clause (i)), the skilled nursing facility market basket percentage, after application of clause (ii), is equal to 1 percent.”; and

(2) in paragraph (6)(A), by striking “paragraph (5)(B)(ii)” and inserting “clauses (ii) and (iii) of paragraph (5)(B)” each place it appears.

(b) IRFs.—Section 1886(j) of the Social Security Act (42 U.S.C. 1395ww(j)) is amended—

(1) in paragraph (3)(C)—

(A) in clause (i), by striking “clause (ii)” and inserting “clauses (ii) and (iii)”;

(B) in clause (ii), by striking “After” and inserting “Subject to clause (iii), after”;

(C) by adding at the end the following new clause:
“(iii) SPECIAL RULE FOR FISCAL YEAR 2018.—The increase factor to be applied under this subparagraph for fiscal year 2018, after the application of clause (ii), shall be 1 percent.”; and

(2) in paragraph (7)(A)(i), by striking “paragraph (3)(D)” and inserting “subparagraphs (C)(iii) and (D) of paragraph (3)”.

(c) HHAs.—Section 1895(b)(3)(B) of the Social Security Act (42 U.S.C. 1395fff(b)(3)(B)) is amended—

(1) in clause (iii), by adding at the end the following: “Notwithstanding the previous sentence, the home health market basket percentage increase for 2018 shall be 1 percent.”; and

(2) in clause (vi)(I), by inserting “(except 2018)” after “each subsequent year”.

(d) HOSPICE.—Section 1814(i) of the Social Security Act (42 U.S.C. 1395f(i)) is amended—

(1) in paragraph (1)(C)—

(A) in clause (ii)(VII), by striking “clause (iv),” and inserting “clauses (iv) and (vi),”;

(B) in clause (iii), by striking “clause (iv),” and inserting “clauses (iv) and (vi),”;

(C) in clause (iv), by striking “After determining” and inserting “Subject to clause (vi), after determining”;

(D) by adding at the end the following new clause:

“(vi) For fiscal year 2018, the market basket percentage increase under clause (ii)(VII) or (iii), as applicable, after application of clause (iv), shall be 1 percent.”; and

Applicability.

(2) in paragraph (5)(A)(i), by striking “paragraph (1)(C)(iv)” and inserting “clauses (iv) and (vi) of paragraph (1)(C)”.

(e) LTCHs.—Section 1886(m)(3) of the Social Security Act (42 U.S.C. 1395ww(m)(3)) is amended—

(1) in subparagraph (A), in the matter preceding clause (i), by striking “In implementing” and inserting “Subject to subparagraph (C), in implementing”; and

(2) by adding at the end the following new subparagraph:
“(C) ADDITIONAL SPECIAL RULE.—For fiscal year 2018, the annual update under subparagraph (A) for the fiscal year, after application of clauses (i) and (ii) of subparagraph (A), shall be 1 percent.”.

SEC. 412. DELAY OF REDUCTION TO MEDICAID DSH ALLOTMENTS.

Section 1923(f) of the Social Security Act (42 U.S.C. 1396r–4(f)) is amended—

(1) in paragraph (7)(A)—

(A) in clause (i), by striking “2017 through 2024” and inserting “2018 through 2025”;

(B) by striking clause (ii) and inserting the following new clause:

“(ii) AGGREGATE REDUCTIONS.—The aggregate reductions in DSH allotments for all States under clause (i)(I) shall be equal to—

“(I) \$2,000,000,000 for fiscal year 2018;

“(II) \$3,000,000,000 for fiscal year 2019;

“(III) \$4,000,000,000 for fiscal year 2020;

“(IV) \$5,000,000,000 for fiscal year 2021;

“(V) \$6,000,000,000 for fiscal year 2022;

“(VI) \$7,000,000,000 for fiscal year 2023;

“(VII) \$8,000,000,000 for fiscal year 2024; and

“(VIII) \$8,000,000,000 for fiscal year 2025.”;

and

(C) by adding at the end the following new clause:

“(v) DISTRIBUTION OF AGGREGATE REDUCTIONS.—The Secretary shall distribute the aggregate reductions under clause (ii) among States in accordance with subparagraph (B).”; and

(2) in paragraph (8), by striking “2024” and inserting “2025”.

SEC. 413. LEVY ON DELINQUENT PROVIDERS.

(a) IN GENERAL.—Paragraph (3) of section 6331(h) of the Internal Revenue Code of 1986 is amended by striking “30 percent” and inserting “100 percent”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments made after 180 days after the date of the enactment of this Act.

SEC. 414. ADJUSTMENTS TO INPATIENT HOSPITAL PAYMENT RATES.

Section 7(b) of the TMA, Abstinence Education, and QI Programs Extension Act of 2007 (Public Law 110–90), as amended by section 631(b) of the American Taxpayer Relief Act of 2012 (Public Law 112–240), is amended—

121 Stat. 986.

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking “, 2009, or 2010” and inserting “or 2009”; and

(B) in subparagraph (B)—

26 USC 6331.

Applicability.
26 USC 6331
note.

(i) in clause (i), by striking “and” at the end;
 (ii) in clause (ii), by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following new clause:

“(iii) make an additional adjustment to the standardized amounts under such section 1886(d) of an increase of 0.5 percentage points for discharges occurring during each of fiscal years 2018 through 2023 and not make the adjustment (estimated to be an increase of 3.2 percent) that would otherwise apply for discharges occurring during fiscal year 2018 by reason of the completion of the adjustments required under clause (ii).”;

(2) in paragraph (3)—

(A) by striking “shall be construed” and all that follows through “providing authority” and inserting “shall be construed as providing authority”; and

(B) by inserting “and each succeeding fiscal year through fiscal year 2023” after “2017”;

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

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

“(3) PROHIBITION.—The Secretary shall not make an additional prospective adjustment (estimated to be a decrease of 0.55 percent) to the standardized amounts under such section 1886(d) to offset the amount of the increase in aggregate payments related to documentation and coding changes for discharges occurring during fiscal year 2010.”.

TITLE V—MISCELLANEOUS

Subtitle A—Protecting the Integrity of Medicare

SEC. 501. PROHIBITION OF INCLUSION OF SOCIAL SECURITY ACCOUNT NUMBERS ON MEDICARE CARDS.

(a) IN GENERAL.—Section 205(c)(2)(C) of the Social Security Act (42 U.S.C. 405(c)(2)(C)) is amended—

(1) by moving clause (x), as added by section 1414(a)(2) of the Patient Protection and Affordable Care Act, 6 ems to the left;

(2) by redesignating clause (x), as added by section 2(a)(1) of the Social Security Number Protection Act of 2010, and clause (xi) as clauses (xi) and (xii), respectively; and

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

“(xiii) The Secretary of Health and Human Services, in consultation with the Commissioner of Social Security, shall establish cost-effective procedures to ensure that a Social Security account number (or derivative thereof) is not displayed, coded, or embedded on the Medicare card issued to an individual who is entitled to benefits under part A of title XVIII or enrolled under part B of title XVIII and that any other identifier displayed on such card is not identifiable as a Social Security account number (or derivative thereof).”.

(b) IMPLEMENTATION.—In implementing clause (xiii) of section 205(c)(2)(C) of the Social Security Act (42 U.S.C. 405(c)(2)(C)), as

Consultation.
Procedures.

42 USC 405 note.

added by subsection (a)(3), the Secretary of Health and Human Services shall do the following:

(1) IN GENERAL.—Establish a cost-effective process that involves the least amount of disruption to, as well as necessary assistance for, Medicare beneficiaries and health care providers, such as a process that provides such beneficiaries with access to assistance through a toll-free telephone number and provides outreach to providers.

(2) CONSIDERATION OF MEDICARE BENEFICIARY IDENTIFIED.—Consider implementing a process, similar to the process involving Railroad Retirement Board beneficiaries, under which a Medicare beneficiary identifier which is not a Social Security account number (or derivative thereof) is used external to the Department of Health and Human Services and is convertible over to a Social Security account number (or derivative thereof) for use internal to such Department and the Social Security Administration.

(c) FUNDING FOR IMPLEMENTATION.—For purposes of implementing the provisions of and the amendments made by this section, the Secretary of Health and Human Services shall provide for the following transfers from the Federal Hospital Insurance Trust Fund under section 1817 of the Social Security Act (42 U.S.C. 1395i) and from the Federal Supplementary Medical Insurance Trust Fund established under section 1841 of such Act (42 U.S.C. 1395t), in such proportions as the Secretary determines appropriate:

(1) To the Centers for Medicare & Medicaid Program Management Account, transfers of the following amounts:

(A) For fiscal year 2015, \$65,000,000, to be made available through fiscal year 2018.

(B) For each of fiscal years 2016 and 2017, \$53,000,000, to be made available through fiscal year 2018.

(C) For fiscal year 2018, \$48,000,000, to be made available until expended.

(2) To the Social Security Administration Limitation on Administration Account, transfers of the following amounts:

(A) For fiscal year 2015, \$27,000,000, to be made available through fiscal year 2018.

(B) For each of fiscal years 2016 and 2017, \$22,000,000, to be made available through fiscal year 2018.

(C) For fiscal year 2018, \$27,000,000, to be made available until expended.

(3) To the Railroad Retirement Board Limitation on Administration Account, the following amount:

(A) For fiscal year 2015, \$3,000,000, to be made available until expended.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Clause (xiii) of section 205(c)(2)(C) of the Social Security Act (42 U.S.C. 405(c)(2)(C)), as added by subsection (a)(3), shall apply with respect to Medicare cards issued on and after an effective date specified by the Secretary of Health and Human Services, but in no case shall such effective date be later than the date that is four years after the date of the enactment of this Act.

(2) REISSUANCE.—The Secretary shall provide for the reissuance of Medicare cards that comply with the requirements of such clause not later than four years after the effective date specified by the Secretary under paragraph (1).

Deadlines.

SEC. 502. PREVENTING WRONGFUL MEDICARE PAYMENTS FOR ITEMS AND SERVICES FURNISHED TO INCARCERATED INDIVIDUALS, INDIVIDUALS NOT LAWFULLY PRESENT, AND DECEASED INDIVIDUALS.

(a) REQUIREMENT FOR THE SECRETARY TO ESTABLISH POLICIES AND CLAIMS EDITS RELATING TO INCARCERATED INDIVIDUALS, INDIVIDUALS NOT LAWFULLY PRESENT, AND DECEASED INDIVIDUALS.—Section 1874 of the Social Security Act (42 U.S.C. 1395kk) is amended by adding at the end the following new subsection:

“(f) REQUIREMENT FOR THE SECRETARY TO ESTABLISH POLICIES AND CLAIMS EDITS RELATING TO INCARCERATED INDIVIDUALS, INDIVIDUALS NOT LAWFULLY PRESENT, AND DECEASED INDIVIDUALS.—The Secretary shall establish and maintain procedures, including procedures for using claims processing edits, updating eligibility information to improve provider accessibility, and conducting recoupment activities such as through recovery audit contractors, in order to ensure that payment is not made under this title for items and services furnished to an individual who is one of the following:

“(1) An individual who is incarcerated.

“(2) An individual who is not lawfully present in the United States and who is not eligible for coverage under this title.

“(3) A deceased individual.”.

(b) REPORT.—Not later than 18 months after the date of the enactment of this section, and periodically thereafter as determined necessary by the Office of Inspector General of the Department of Health and Human Services, such Office shall submit to Congress a report on the activities described in subsection (f) of section 1874 of the Social Security Act (42 U.S.C. 1395kk), as added by subsection (a), that have been conducted since such date of enactment.

Procedures.
Audits.

42 USC 1395kk
note.

SEC. 503. CONSIDERATION OF MEASURES REGARDING MEDICARE BENEFICIARY SMART CARDS.

To the extent the Secretary of Health and Human Services determines that it is cost effective and technologically viable to use electronic Medicare beneficiary and provider cards (such as cards that use smart card technology, including an embedded and secure integrated circuit chip), as presented in the Government Accountability Office report required by the conference report accompanying the Consolidated Appropriations Act, 2014 (Public Law 113–76), the Secretary shall consider such measures as determined appropriate by the Secretary to implement such use of such cards for beneficiary and provider use under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.). In the case that the Secretary considers measures under the preceding sentence, the Secretary shall submit to the Committees on Ways and Means and Energy and Commerce of the House of Representatives, and to the Committee on Finance of the Senate, a report outlining the considerations undertaken by the Secretary under such sentence.

Reports.

SEC. 504. MODIFYING MEDICARE DURABLE MEDICAL EQUIPMENT FACE-TO-FACE ENCOUNTER DOCUMENTATION REQUIREMENT.

(a) IN GENERAL.—Section 1834(a)(11)(B)(ii) of the Social Security Act (42 U.S.C. 1395m(a)(11)(B)(ii)) is amended—

(1) by striking “the physician documenting that”; and

(2) by striking “has had a face-to-face encounter” and inserting “documenting such physician, physician assistant, practitioner, or specialist has had a face-to-face encounter”.

(b) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary of Health and Human Services may implement the amendments made by subsection (a) by program instruction or otherwise.

SEC. 505. REDUCING IMPROPER MEDICARE PAYMENTS.

(a) MEDICARE ADMINISTRATIVE CONTRACTOR IMPROPER PAYMENT OUTREACH AND EDUCATION PROGRAM.—Section 1874A of the Social Security Act (42 U.S.C. 1395kk–1) is amended—

(1) in subsection (a)(4)—

(A) by redesignating subparagraph (G) as subparagraph (H); and

(B) by inserting after subparagraph (F) the following new subparagraph:

“(G) IMPROPER PAYMENT OUTREACH AND EDUCATION PROGRAM.—Having in place an improper payment outreach and education program described in subsection (h).”; and

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

“(h) IMPROPER PAYMENT OUTREACH AND EDUCATION PROGRAM.—

“(1) IN GENERAL.—In order to reduce improper payments under this title, each medicare administrative contractor shall establish and have in place an improper payment outreach and education program under which the contractor, through outreach, education, training, and technical assistance or other activities, shall provide providers of services and suppliers located in the region covered by the contract under this section with the information described in paragraph (2). The activities described in the preceding sentence shall be conducted on a regular basis.

“(2) INFORMATION TO BE PROVIDED THROUGH ACTIVITIES.—The information to be provided under such payment outreach and education program shall include information the Secretary determines to be appropriate, which may include the following information:

“(A) A list of the providers’ or suppliers’ most frequent and expensive payment errors over the last quarter.

“(B) Specific instructions regarding how to correct or avoid such errors in the future.

“(C) A notice of new topics that have been approved by the Secretary for audits conducted by recovery audit contractors under section 1893(h).

“(D) Specific instructions to prevent future issues related to such new audits.

“(E) Other information determined appropriate by the Secretary.

“(3) PRIORITY.—A medicare administrative contractor shall give priority to activities under such program that will reduce improper payments that are one or more of the following:

“(A) Are for items and services that have the highest rate of improper payment.

“(B) Are for items and service that have the greatest total dollar amount of improper payments.

“(C) Are due to clear misapplication or misinterpretation of Medicare policies.

“(D) Are clearly due to common and inadvertent clerical or administrative errors.

“(E) Are due to other types of errors that the Secretary determines could be prevented through activities under the program.

“(4) INFORMATION ON IMPROPER PAYMENTS FROM RECOVERY AUDIT CONTRACTORS.—

“(A) IN GENERAL.—In order to assist medicare administrative contractors in carrying out improper payment outreach and education programs, the Secretary shall provide each contractor with a complete list of the types of improper payments identified by recovery audit contractors under section 1893(h) with respect to providers of services and suppliers located in the region covered by the contract under this section. Such information shall be provided on a time frame the Secretary determines appropriate which may be on a quarterly basis.

“(B) INFORMATION.—The information described in subparagraph (A) shall include information such as the following:

“(i) Providers of services and suppliers that have the highest rate of improper payments.

“(ii) Providers of services and suppliers that have the greatest total dollar amounts of improper payments.

“(iii) Items and services furnished in the region that have the highest rates of improper payments.

“(iv) Items and services furnished in the region that are responsible for the greatest total dollar amount of improper payments.

“(v) Other information the Secretary determines would assist the contractor in carrying out the program.

“(5) COMMUNICATIONS.—Communications with providers of services and suppliers under an improper payment outreach and education program are subject to the standards and requirements of subsection (g).”.

(b) USE OF CERTAIN FUNDS RECOVERED BY RACS.—Section 1893(h) of the Social Security Act (42 U.S.C. 1395ddd(h)) is amended—

(1) in paragraph (2), by inserting “or paragraph (10)” after “paragraph (1)(C)”; and

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

“(10) USE OF CERTAIN RECOVERED FUNDS.—

“(A) IN GENERAL.—After application of paragraph (1)(C), the Secretary shall retain a portion of the amounts recovered by recovery audit contractors for each year under this section which shall be available to the program management account of the Centers for Medicare & Medicaid Services for purposes of, subject to subparagraph (B), carrying out sections 1833(z), 1834(l)(16), and 1874A(a)(4)(G), carrying out section 514(b) of the Medicare Access and CHIP Reauthorization Act of 2015, and implementing strategies (such as claims processing edits) to help reduce the error rate of payments under this title.

The amounts retained under the preceding sentence shall not exceed an amount equal to 15 percent of the amounts recovered under this subsection, and shall remain available until expended.

“(B) LIMITATION.—Except for uses that support claims processing (including edits) or system functionality for detecting fraud, amounts retained under subparagraph (A) may not be used for technological-related infrastructure, capital investments, or information systems.

“(C) NO REDUCTION IN PAYMENTS TO RECOVERY AUDIT CONTRACTORS.—Nothing in subparagraph (A) shall reduce amounts available for payments to recovery audit contractors under this subsection.”.

SEC. 506. IMPROVING SENIOR MEDICARE PATROL AND FRAUD REPORTING REWARDS.

Plans.
Recommendations.

(a) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the “Secretary”) shall develop a plan to revise the incentive program under section 203(b) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1395b–5(b)) to encourage greater participation by individuals to report fraud and abuse in the Medicare program. Such plan shall include recommendations for—

(1) ways to enhance rewards for individuals reporting under the incentive program, including rewards based on information that leads to an administrative action; and

(2) extending the incentive program to the Medicaid program.

(b) PUBLIC AWARENESS AND EDUCATION CAMPAIGN.—The plan developed under subsection (a) shall also include recommendations for the use of the Senior Medicare Patrols authorized under section 411 of the Older Americans Act of 1965 (42 U.S.C. 3032) to conduct a public awareness and education campaign to encourage participation in the revised incentive program under subsection (a).

Deadline.

(c) SUBMISSION OF PLAN.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to Congress the plan developed under subsection (a).

SEC. 507. REQUIRING VALID PRESCRIBER NATIONAL PROVIDER IDENTIFIERS ON PHARMACY CLAIMS.

Section 1860D–4(c) of the Social Security Act (42 U.S.C. 1395w–104(c)) is amended by adding at the end the following new paragraph:

“(4) REQUIRING VALID PRESCRIBER NATIONAL PROVIDER IDENTIFIERS ON PHARMACY CLAIMS.—

“(A) IN GENERAL.—For plan year 2016 and subsequent plan years, the Secretary shall require a claim for a covered part D drug for a part D eligible individual enrolled in a prescription drug plan under this part or an MA–PD plan under part C to include a prescriber National Provider Identifier that is determined to be valid under the procedures established under subparagraph (B)(i).

“(B) PROCEDURES.—

Consultation.

“(i) VALIDITY OF PRESCRIBER NATIONAL PROVIDER IDENTIFIERS.—The Secretary, in consultation with appropriate stakeholders, shall establish procedures for determining the validity of prescriber National Provider Identifiers under subparagraph (A).

“(ii) INFORMING BENEFICIARIES OF REASON FOR DENIAL.—The Secretary shall establish procedures to ensure that, in the case that a claim for a covered part D drug of an individual described in subparagraph (A) is denied because the claim does not meet the requirements of this paragraph, the individual is properly informed at the point of service of the reason for the denial.

“(C) REPORT.—Not later than January 1, 2018, the Inspector General of the Department of Health and Human Services shall submit to Congress a report on the effectiveness of the procedures established under subparagraph (B)(i).”.

SEC. 508. OPTION TO RECEIVE MEDICARE SUMMARY NOTICE ELECTRONICALLY.

(a) IN GENERAL.—Section 1806 of the Social Security Act (42 U.S.C. 1395b–7) is amended by adding at the end the following new subsection:

“(c) FORMAT OF STATEMENTS FROM SECRETARY.—

“(1) ELECTRONIC OPTION BEGINNING IN 2016.—Subject to paragraph (2), for statements described in subsection (a) that are furnished for a period in 2016 or a subsequent year, in the case that an individual described in subsection (a) elects, in accordance with such form, manner, and time specified by the Secretary, to receive such statement in an electronic format, such statement shall be furnished to such individual for each period subsequent to such election in such a format and shall not be mailed to the individual.

“(2) LIMITATION ON REVOCATION OPTION.—

“(A) IN GENERAL.—Subject to subparagraph (B), the Secretary may determine a maximum number of elections described in paragraph (1) by an individual that may be revoked by the individual.

“(B) MINIMUM OF ONE REVOCATION OPTION.—In no case may the Secretary determine a maximum number under subparagraph (A) that is less than one.

“(3) NOTIFICATION.—The Secretary shall ensure that, in the most cost effective manner and beginning January 1, 2017, a clear notification of the option to elect to receive statements described in subsection (a) in an electronic format is made available, such as through the notices distributed under section 1804, to individuals described in subsection (a).”.

Effective date.

(b) ENCOURAGED EXPANSION OF ELECTRONIC STATEMENTS.—To the extent to which the Secretary of Health and Human Services determines appropriate, the Secretary shall—

7 USC 1395b–7 note.

(1) apply an option similar to the option described in subsection (c)(1) of section 1806 of the Social Security Act (42 U.S.C. 1395b–7) (relating to the provision of the Medicare Summary Notice in an electronic format), as added by subsection (a), to other statements and notifications under title XVIII of such Act (42 U.S.C. 1395 et seq.); and

Applicability.

(2) provide such Medicare Summary Notice and any such other statements and notifications on a more frequent basis than is otherwise required under such title.

SEC. 509. RENEWAL OF MAC CONTRACTS.

(a) **IN GENERAL.**—Section 1874A(b)(1)(B) of the Social Security Act (42 U.S.C. 1395kk–1(b)(1)(B)) is amended by striking “5 years” and inserting “10 years”.

42 USC
1395kk–1 note.

(b) **APPLICATION.**—The amendments made by subsection (a) shall apply to contracts entered into on or after, and to contracts in effect as of, the date of the enactment of this Act.

(c) **CONTRACTOR PERFORMANCE TRANSPARENCY.**—Section 1874A(b)(3)(A) of the Social Security Act (42 U.S.C. 1395kk–1(b)(3)(A)) is amended by adding at the end the following new clause:

Public
information.

“(iv) **CONTRACTOR PERFORMANCE TRANSPARENCY.**—To the extent possible without compromising the process for entering into and renewing contracts with medicare administrative contractors under this section, the Secretary shall make available to the public the performance of each medicare administrative contractor with respect to such performance requirements and measurement standards.”.

SEC. 510. STUDY ON PATHWAY FOR INCENTIVES TO STATES FOR STATE PARTICIPATION IN MEDICAID DATA MATCH PROGRAM.

Section 1893(g) of the Social Security Act (42 U.S.C. 1395ddd(g)) is amended by adding at the end the following new paragraph:

“(3) **INCENTIVES FOR STATES.**—The Secretary shall study and, as appropriate, may specify incentives for States to work with the Secretary for the purposes described in paragraph (1)(A)(ii). The application of the previous sentence may include use of the waiver authority described in paragraph (2).”.

SEC. 511. GUIDANCE ON APPLICATION OF COMMON RULE TO CLINICAL DATA REGISTRIES.

Deadline.

Not later than one year after the date of the enactment of this section, the Secretary of Health and Human Services shall issue a clarification or modification with respect to the application of subpart A of part 46 of title 45, Code of Federal Regulations, governing the protection of human subjects in research (and commonly known as the “Common Rule”), to activities, including quality improvement activities, involving clinical data registries, including entities that are qualified clinical data registries pursuant to section 1848(m)(3)(E) of the Social Security Act (42 U.S.C. 1395w–4(m)(3)(E)).

SEC. 512. ELIMINATING CERTAIN CIVIL MONEY PENALTIES; GAINSHARING STUDY AND REPORT.

(a) **ELIMINATING CIVIL MONEY PENALTIES FOR INDUCEMENTS TO PHYSICIANS TO LIMIT SERVICES THAT ARE NOT MEDICALLY NECESSARY.**—

(1) **IN GENERAL.**—Section 1128A(b)(1) of the Social Security Act (42 U.S.C. 1320a–7a(b)(1)) is amended by inserting “medically necessary” after “reduce or limit”.

Applicability.
42 USC
1320a–7a note.

(2) **EFFECTIVE DATE.**—The amendment made by paragraph (1) shall apply to payments made on or after the date of the enactment of this Act.

Consultation.

(b) **GAINSHARING STUDY AND REPORT.**—Not later than 12 months after the date of the enactment of this Act, the Secretary of Health and Human Services, in consultation with the Inspector General of the Department of Health and Human Services, shall

submit to Congress a report with options for amending existing fraud and abuse laws in, and regulations related to, titles XI and XVIII of the Social Security Act (42 U.S.C. 301 et seq.), through exceptions, safe harbors, or other narrowly targeted provisions, to permit gainsharing arrangements that otherwise would be subject to the civil money penalties described in paragraphs (1) and (2) of section 1128A(b) of such Act (42 U.S.C. 1320a–7a(b)), or similar arrangements between physicians and hospitals, and that improve care while reducing waste and increasing efficiency. The report shall—

(1) consider whether such provisions should apply to ownership interests, compensation arrangements, or other relationships;

(2) describe how the recommendations address accountability, transparency, and quality, including how best to limit inducements to stint on care, discharge patients prematurely, or otherwise reduce or limit medically necessary care; and

(3) consider whether a portion of any savings generated by such arrangements (as compared to an historical benchmark or other metric specified by the Secretary to determine the impact of delivery and payment system changes under such title XVIII on expenditures made under such title) should accrue to the Medicare program under title XVIII of the Social Security Act.

SEC. 513. MODIFICATION OF MEDICARE HOME HEALTH SURETY BOND CONDITION OF PARTICIPATION REQUIREMENT.

Section 1861(o)(7) of the Social Security Act (42 U.S.C. 1395x(o)(7)) is amended to read as follows:

“(7) provides the Secretary with a surety bond—

“(A) in a form specified by the Secretary and in an amount that is not less than the minimum of \$50,000; and

“(B) that the Secretary determines is commensurate with the volume of payments to the home health agency; and”.

SEC. 514. OVERSIGHT OF MEDICARE COVERAGE OF MANUAL MANIPULATION OF THE SPINE TO CORRECT SUBLUXATION.

(a) IN GENERAL.—Section 1833 of the Social Security Act (42 U.S.C. 1395l) is amended by adding at the end the following new subsection:

“(z) MEDICAL REVIEW OF SPINAL SUBLUXATION SERVICES.—

“(1) IN GENERAL.—The Secretary shall implement a process for the medical review (as described in paragraph (2)) of treatment by a chiropractor described in section 1861(r)(5) by means of manual manipulation of the spine to correct a subluxation (as described in such section) of an individual who is enrolled under this part and apply such process to such services furnished on or after January 1, 2017, focusing on services such as—

“(A) services furnished by a such a chiropractor whose pattern of billing is aberrant compared to peers; and

“(B) services furnished by such a chiropractor who, in a prior period, has a services denial percentage in the 85th percentile or greater, taking into consideration the extent that service denials are overturned on appeal.

“(2) MEDICAL REVIEW.—

Applicability.
Effective date.

“(A) PRIOR AUTHORIZATION MEDICAL REVIEW.—

“(i) IN GENERAL.—Subject to clause (ii), the Secretary shall use prior authorization medical review for services described in paragraph (1) that are furnished to an individual by a chiropractor described in section 1861(r)(5) that are part of an episode of treatment that includes more than 12 services. For purposes of the preceding sentence, an episode of treatment shall be determined by the underlying cause that justifies the need for services, such as a diagnosis code.

Determination.

“(ii) ENDING APPLICATION OF PRIOR AUTHORIZATION MEDICAL REVIEW.—The Secretary shall end the application of prior authorization medical review under clause (i) to services described in paragraph (1) by such a chiropractor if the Secretary determines that the chiropractor has a low denial rate under such prior authorization medical review. The Secretary may subsequently reapply prior authorization medical review to such chiropractor if the Secretary determines it to be appropriate and the chiropractor has, in the time period subsequent to the determination by the Secretary of a low denial rate with respect to the chiropractor, furnished such services described in paragraph (1).

“(iii) EARLY REQUEST FOR PRIOR AUTHORIZATION REVIEW PERMITTED.—Nothing in this subsection shall be construed to prevent such a chiropractor from requesting prior authorization for services described in paragraph (1) that are to be furnished to an individual before the chiropractor furnishes the twelfth such service to such individual for an episode of treatment.

“(B) TYPE OF REVIEW.—The Secretary may use prepayment review or post-payment review of services described in section 1861(r)(5) that are not subject to prior authorization medical review under subparagraph (A).

“(C) RELATIONSHIP TO LAW ENFORCEMENT ACTIVITIES.—The Secretary may determine that medical review under this subsection does not apply in the case where potential fraud may be involved.

Applicability.

“(3) NO PAYMENT WITHOUT PRIOR AUTHORIZATION.—With respect to a service described in paragraph (1) for which prior authorization medical review under this subsection applies, the following shall apply:

“(A) PRIOR AUTHORIZATION DETERMINATION.—The Secretary shall make a determination, prior to the service being furnished, of whether the service would or would not meet the applicable requirements of section 1862(a)(1)(A).

“(B) DENIAL OF PAYMENT.—Subject to paragraph (5), no payment may be made under this part for the service unless the Secretary determines pursuant to subparagraph (A) that the service would meet the applicable requirements of such section 1862(a)(1)(A).

“(4) SUBMISSION OF INFORMATION.—A chiropractor described in section 1861(r)(5) may submit the information

necessary for medical review by fax, by mail, or by electronic means. The Secretary shall make available the electronic means described in the preceding sentence as soon as practicable.

“(5) TIMELINESS.—If the Secretary does not make a prior authorization determination under paragraph (3)(A) within 14 business days of the date of the receipt of medical documentation needed to make such determination, paragraph (3)(B) shall not apply.

Deadline.

“(6) APPLICATION OF LIMITATION ON BENEFICIARY LIABILITY.—Where payment may not be made as a result of the application of paragraph (2)(B), section 1879 shall apply in the same manner as such section applies to a denial that is made by reason of section 1862(a)(1).

“(7) REVIEW BY CONTRACTORS.—The medical review described in paragraph (2) may be conducted by medicare administrative contractors pursuant to section 1874A(a)(4)(G) or by any other contractor determined appropriate by the Secretary that is not a recovery audit contractor.

“(8) MULTIPLE SERVICES.—The Secretary shall, where practicable, apply the medical review under this subsection in a manner so as to allow an individual described in paragraph (1) to obtain, at a single time rather than on a service-by-service basis, an authorization in accordance with paragraph (3)(A) for multiple services.

Applicability.

“(9) CONSTRUCTION.—With respect to a service described in paragraph (1) that has been affirmed by medical review under this subsection, nothing in this subsection shall be construed to preclude the subsequent denial of a claim for such service that does not meet other applicable requirements under this Act.

“(10) IMPLEMENTATION.—

“(A) AUTHORITY.—The Secretary may implement the provisions of this subsection by interim final rule with comment period.

Regulations.
Comment period.

“(B) ADMINISTRATION.—Chapter 35 of title 44, United States Code, shall not apply to medical review under this subsection.”

(b) IMPROVING DOCUMENTATION OF SERVICES.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall, in consultation with stakeholders (including the American Chiropractic Association) and representatives of medicare administrative contractors (as defined in section 1874A(a)(3)(A) of the Social Security Act (42 U.S.C. 1395kk–1(a)(3)(A))), develop educational and training programs to improve the ability of chiropractors to provide documentation to the Secretary of services described in section 1861(r)(5) in a manner that demonstrates that such services are, in accordance with section 1862(a)(1) of such Act (42 U.S.C. 1395y(a)(1)), reasonable and necessary for the diagnosis or treatment of illness or injury or to improve the functioning of a malformed body member.

42 USC 1395f
note.
Consultation.

(2) TIMING.—The Secretary shall make the educational and training programs described in paragraph (1) publicly available not later than January 1, 2016.

Public
information.
Deadline.

(3) FUNDING.—The Secretary shall use funds made available under paragraph (10) of section 1893(h) of the Social

Security Act (42 U.S.C. 1395ddd(h)), as added by section 505, to carry out this subsection.

(c) GAO STUDY AND REPORT.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study on the effectiveness of the process for medical review of services furnished as part of a treatment by means of manual manipulation of the spine to correct a subluxation implemented under subsection (z) of section 1833 of the Social Security Act (42 U.S.C. 1395l), as added by subsection (a). Such study shall include an analysis of—

(A) aggregate data on—

(i) the number of individuals, chiropractors, and claims for services subject to such review; and

(ii) the number of reviews conducted under such section; and

(B) the outcomes of such reviews.

Recommendations.

(2) REPORT.—Not later than four years after the date of enactment of this Act, the Comptroller General shall submit to Congress a report containing the results of the study conducted under paragraph (1), including recommendations for such legislation and administrative action with respect to the process for medical review implemented under subsection (z) of section 1833 of the Social Security Act (42 U.S.C. 1395l) as the Comptroller General determines appropriate.

SEC. 515. NATIONAL EXPANSION OF PRIOR AUTHORIZATION MODEL FOR REPETITIVE SCHEDULED NON-EMERGENT AMBULANCE TRANSPORT.

State listing.
Effective date.

(a) INITIAL EXPANSION.—

(1) IN GENERAL.—In implementing the model described in paragraph (2) proposed to be tested under subsection (b) of section 1115A of the Social Security Act (42 U.S.C. 1315a), the Secretary of Health and Human Services shall revise the testing under subsection (b) of such section to cover, effective not later than January 1, 2016, States located in medicare administrative contractor (MAC) regions L and 11 (consisting of Delaware, the District of Columbia, Maryland, New Jersey, Pennsylvania, North Carolina, South Carolina, West Virginia, and Virginia).

(2) MODEL DESCRIBED.—The model described in this paragraph is the testing of a model of prior authorization for repetitive scheduled non-emergent ambulance transport proposed to be carried out in New Jersey, Pennsylvania, and South Carolina.

(3) FUNDING.—The Secretary shall allocate funds made available under section 1115A(f)(1)(B) of the Social Security Act (42 U.S.C. 1315a(f)(1)(B)) to carry out this subsection.

(b) NATIONAL EXPANSION.—Section 1834(l) of the Social Security Act (42 U.S.C. 1395m(l)) is amended by adding at the end the following new paragraph:

“(16) PRIOR AUTHORIZATION FOR REPETITIVE SCHEDULED NON-EMERGENT AMBULANCE TRANSPORTS.—

Effective date.

“(A) IN GENERAL.—Beginning January 1, 2017, if the expansion to all States of the model of prior authorization described in paragraph (2) of section 515(a) of the Medicare Access and CHIP Reauthorization Act of 2015 meets the requirements described in paragraphs (1) through (3) of

section 1115A(c), then the Secretary shall expand such model to all States.

“(B) FUNDING.—The Secretary shall use funds made available under section 1893(h)(10) to carry out this paragraph.

“(C) CLARIFICATION REGARDING BUDGET NEUTRALITY.—Nothing in this paragraph may be construed to limit or modify the application of section 1115A(b)(3)(B) to models described in such section, including with respect to the model described in subparagraph (A) and expanded beginning on January 1, 2017, under such subparagraph.”.

SEC. 516. REPEALING DUPLICATIVE MEDICARE SECONDARY PAYOR PROVISION.

(a) IN GENERAL.—Section 1862(b)(5) of the Social Security Act (42 U.S.C. 1395y(b)(5)) is amended by inserting at the end the following new subparagraph:

“(E) END DATE.—The provisions of this paragraph shall not apply to information required to be provided on or after July 1, 2016.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to information required to be provided on or after January 1, 2016.

Applicability.
42 USC 1395y
note.

SEC. 517. PLAN FOR EXPANDING DATA IN ANNUAL CERT REPORT.

Not later than June 30, 2015, the Secretary of Health and Human Services shall submit to the Committee on Finance of the Senate, and to the Committees on Energy and Commerce and Ways and Means of the House of Representatives—

(1) a plan for including, in the annual report of the Comprehensive Error Rate Testing (CERT) program, data on services (or groupings of services) (other than medical visits) paid under the physician fee schedule under section 1848 of the Social Security Act (42 U.S.C. 1395w–4) where the fee schedule amount is in excess of \$250 and where the error rate is in excess of 20 percent; and

(2) to the extent practicable by such date, specific examples of services described in paragraph (1).

SEC. 518. REMOVING FUNDS FOR MEDICARE IMPROVEMENT FUND ADDED BY IMPACT ACT OF 2014.

Section 1898(b)(1) of the Social Security Act (42 U.S.C. 1395iii(b)(1)), as amended by section 3(e)(3) of the IMPACT Act of 2014 (Public Law 113–185), is amended by striking “\$195,000,000” and inserting “\$0”.

SEC. 519. RULE OF CONSTRUCTION.

Except as explicitly provided in this subtitle, nothing in this subtitle, including the amendments made by this subtitle, shall be construed as preventing the use of notice and comment rule-making in the implementation of the provisions of, and the amendments made by, this subtitle.

42 USC 405 note.

Subtitle B—Other Provisions

SEC. 521. EXTENSION OF TWO-MIDNIGHT PAMA RULES ON CERTAIN MEDICAL REVIEW ACTIVITIES.

Section 111 of the Protecting Access to Medicare Act of 2014 (Public Law 113–93; 42 U.S.C. 1395ddd note) is amended—

(1) in subsection (a), by striking “the first 6 months of fiscal year 2015” and inserting “through the end of fiscal year 2015”;

(2) in subsection (b), by striking “March 31, 2015” and inserting “September 30, 2015”; and

(3) by adding at the end the following new subsection:
“(c) CONSTRUCTION.—Except as provided in subsections (a) and (b), nothing in this section shall be construed as limiting the Secretary’s authority to pursue fraud and abuse activities under such section 1893(h) or otherwise.”

SEC. 522. REQUIRING BID SURETY BONDS AND STATE LICENSURE FOR ENTITIES SUBMITTING BIDS UNDER THE MEDICARE DMEPOS COMPETITIVE ACQUISITION PROGRAM.

(a) BID SURETY BONDS.—Section 1847(a)(1) of the Social Security Act (42 U.S.C. 1395w–3(a)(1)) is amended by adding at the end the following new subparagraphs:

Time period.

“(G) REQUIRING BID BONDS FOR BIDDING ENTITIES.—With respect to rounds of competitions beginning under this subsection for contracts beginning not earlier than January 1, 2017, and not later than January 1, 2019, an entity may not submit a bid for a competitive acquisition area unless, as of the deadline for bid submission, the entity has obtained (and provided the Secretary with proof of having obtained) a bid surety bond (in this paragraph referred to as a ‘bid bond’) in a form specified by the Secretary consistent with subparagraph (H) and in an amount that is not less than \$50,000 and not more than \$100,000 for each competitive acquisition area in which the entity submits the bid.

“(H) TREATMENT OF BID BONDS SUBMITTED.—

“(i) FOR BIDDERS THAT SUBMIT BIDS AT OR BELOW THE MEDIAN AND ARE OFFERED BUT DO NOT ACCEPT THE CONTRACT.—In the case of a bidding entity that is offered a contract for any product category for a competitive acquisition area, if—

“(I) the entity’s composite bid for such product category and area was at or below the median composite bid rate for all bidding entities included in the calculation of the single payment amounts for such product category and area; and

“(II) the entity does not accept the contract offered for such product category and area, the bid bond submitted by such entity for such area shall be forfeited by the entity and the Secretary shall collect on it.

Deadline.
Public
information.

“(ii) TREATMENT OF OTHER BIDDERS.—In the case of a bidding entity for any product category for a competitive acquisition area, if the entity does not meet the bid forfeiture conditions in subclauses (I)

and (II) of clause (i) for any product category for such area, the bid bond submitted by such entity for such area shall be returned within 90 days of the public announcement of the contract suppliers for such area.”.

(b) STATE LICENSURE.—

(1) IN GENERAL.—Section 1847(b)(2)(A) of the Social Security Act (42 U.S.C. 1395w–3(b)(2)(A)) is amended by adding at the end the following new clause:

“(v) The entity meets applicable State licensure requirements.”.

(2) CONSTRUCTION.—Nothing in the amendment made by paragraph (1) shall be construed as affecting the authority of the Secretary of Health and Human Services to require State licensure of an entity under the Medicare competitive acquisition program under section 1847 of the Social Security Act (42 U.S.C. 1395w–3) before the date of the enactment of this Act.

42 USC 1395w–3
note.

(c) GAO REPORT ON BID BOND IMPACT ON SMALL SUPPLIERS.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study that evaluates the effect of the bid surety bond requirement under the amendment made by subsection (a) on the participation of small suppliers in the Medicare DMEPOS competitive acquisition program under section 1847 of the Social Security Act (42 U.S.C. 1395w–3).

(2) REPORT.—Not later than 6 months after the date contracts are first awarded subject to such bid surety bond requirement, the Comptroller General shall submit to Congress a report on the study conducted under paragraph (1). Such report shall include recommendations for changes in such requirement in order to ensure robust participation by legitimate small suppliers in the Medicare DMEPOS competition acquisition program.

Recommendations.

SEC. 523. PAYMENT FOR GLOBAL SURGICAL PACKAGES.

(a) IN GENERAL.—Section 1848(c) of the Social Security Act (42 U.S.C. 1395w–4(c)) is amended by adding at the end the following new paragraph:

“(8) GLOBAL SURGICAL PACKAGES.—

“(A) PROHIBITION OF IMPLEMENTATION OF RULE REGARDING GLOBAL SURGICAL PACKAGES.—

“(i) IN GENERAL.—The Secretary shall not implement the policy established in the final rule published on November 13, 2014 (79 Fed. Reg. 67548 et seq.), that requires the transition of all 10-day and 90-day global surgery packages to 0-day global periods.

“(ii) CONSTRUCTION.—Nothing in clause (i) shall be construed to prevent the Secretary from revaluing misvalued codes for specific surgical services or assigning values to new or revised codes for surgical services.

“(B) COLLECTION OF DATA ON SERVICES INCLUDED IN GLOBAL SURGICAL PACKAGES.—

“(i) IN GENERAL.—Subject to clause (ii), the Secretary shall through rulemaking develop and implement a process to gather, from a representative sample of physicians, beginning not later than January 1, 2017, information needed to value surgical services.

Regulations.
Deadline.

Such information shall include the number and level of medical visits furnished during the global period and other items and services related to the surgery and furnished during the global period, as appropriate. Such information shall be reported on claims at the end of the global period or in another manner specified by the Secretary. For purposes of carrying out this paragraph (other than clause (iii)), the Secretary shall transfer from the Federal Supplemental Medical Insurance Trust Fund under section 1841 \$2,000,000 to the Center for Medicare & Medicaid Services Program Management Account for fiscal year 2015. Amounts transferred under the previous sentence shall remain available until expended.

Deadline.
Regulations.
Determination.

“(ii) REASSESSMENT AND POTENTIAL SUNSET.—Every 4 years, the Secretary shall reassess the value of the information collected pursuant to clause (i). Based on such a reassessment and by regulation, the Secretary may discontinue the requirement for collection of information under such clause if the Secretary determines that the Secretary has adequate information from other sources, such as qualified clinical data registries, surgical logs, billing systems or other practice or facility records, and electronic health records, in order to accurately value global surgical services under this section.

“(iii) INSPECTOR GENERAL AUDIT.—The Inspector General of the Department of Health and Human Services shall audit a sample of the information reported under clause (i) to verify the accuracy of the information so reported.

Effective date.

“(C) IMPROVING ACCURACY OF PRICING FOR SURGICAL SERVICES.—For years beginning with 2019, the Secretary shall use the information reported under subparagraph (B)(i) as appropriate and other available data for the purpose of improving the accuracy of valuation of surgical services under the physician fee schedule under this section.”.

(b) INCENTIVE FOR REPORTING INFORMATION ON GLOBAL SURGICAL SERVICES.—Section 1848(a) of the Social Security Act (42 U.S.C. 1395w–4(a)) is amended by adding at the end the following new paragraph:

Regulations.

“(9) INFORMATION REPORTING ON SERVICES INCLUDED IN GLOBAL SURGICAL PACKAGES.—With respect to services for which a physician is required to report information in accordance with subsection (c)(8)(B)(i), the Secretary may through rulemaking delay payment of 5 percent of the amount that would otherwise be payable under the physician fee schedule under this section for such services until the information so required is reported.”.

SEC. 524. EXTENSION OF SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 2000.

(a) PAYMENTS FOR FISCAL YEARS 2014 AND 2015.—

(1) PAYMENTS REQUIRED.—Section 101 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16

U.S.C. 7111) is amended by striking “2013” both places it appears and inserting “2015”.

(2) PROMPT PAYMENT.—Payments for fiscal year 2014 under title I of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7111 et seq.), as amended by this section, shall be made not later than 45 days after the date of the enactment of this Act. Deadline.

(3) REDUCTION IN FISCAL YEAR 2014 PAYMENTS ON ACCOUNT OF PREVIOUS 25- AND 50-PERCENT PAYMENTS.—Section 101 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7111) is amended by adding at the end the following new subsection:

“(c) SPECIAL RULE FOR FISCAL YEAR 2014 PAYMENTS.—

“(1) STATE PAYMENT.—If an eligible county in a State that will receive a share of the State payment for fiscal year 2014 has already received, or will receive, a share of the 25-percent payment for fiscal year 2014 distributed to the State before the date of the enactment of this subsection, the amount of the State payment shall be reduced by the amount of that eligible county’s share of the 25-percent payment.

“(2) COUNTY PAYMENT.—If an eligible county that will receive a county payment for fiscal year 2014 has already received a 50-percent payment for that fiscal year, the amount of the county payment shall be reduced by the amount of the 50-percent payment.”

(4) SHARES OF CALIFORNIA STATE PAYMENT.—Section 103(d)(2) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7113(d)(2)) is amended by striking “2013” and inserting “2015”.

(b) USE OF FISCAL YEAR 2013 ELECTIONS AND RESERVATIONS FOR FISCAL YEARS 2014 AND 2015.—Section 102 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7112) is amended—

(1) in subsection (b)(1), by adding at the end the following new subparagraph:

“(C) EFFECT OF LATE PAYMENT FOR FISCAL YEARS 2014 AND 2015.—The election otherwise required by subparagraph (A) shall not apply for fiscal year 2014 or 2015.”;

(2) in subsection (b)(2)—

(A) in subparagraph (A), by adding at the end the following new sentence: “If such two-fiscal year period included fiscal year 2013, the county election to receive a share of the 25-percent payment or 50-percent payment, as applicable, also shall be effective for fiscal years 2014 and 2015.”; and Effective date.

(B) in subparagraph (B), by striking “2013” the second place it appears and inserting “2015”; and

(3) in subsection (d)—

(A) by adding at the end of paragraph (1) the following new subparagraph:

“(E) EFFECT OF LATE PAYMENT FOR FISCAL YEAR 2014.—The election made by an eligible county under subparagraph (B), (C), or (D) for fiscal year 2013, or deemed to be made by the county under paragraph (3)(B) for that fiscal year, shall be effective for fiscal years 2014 and 2015.”; and Effective date.

(B) by adding at the end of paragraph (3) the following new subparagraph:

“(C) EFFECT OF LATE PAYMENT FOR FISCAL YEAR 2014.—This paragraph does not apply for fiscal years 2014 and 2015.”.

(c) SPECIAL PROJECTS ON FEDERAL LAND.—Title II of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7121 et seq.) is amended—

(1) in section 203(a)(1) (16 U.S.C. 7123(a)(1)), by striking “September 30 for fiscal year 2008 (or as soon thereafter as the Secretary concerned determines is practicable), and each September 30 thereafter for each succeeding fiscal year through fiscal year 2013” and inserting “September 30 of each fiscal year (or a later date specified by the Secretary concerned for the fiscal year)”;

(2) in section 204(e)(3)(B)(iii) (16 U.S.C. 7124(e)(3)(B)(iii)), by striking “each of fiscal years 2010 through 2013” and inserting “fiscal year 2010 and fiscal years thereafter”;

(3) in section 207(a) (16 U.S.C. 7127(a)), by striking “September 30, 2008 (or as soon thereafter as the Secretary concerned determines is practicable), and each September 30 thereafter for each succeeding fiscal year through fiscal year 2013” and inserting “September 30 of each fiscal year (or a later date specified by the Secretary concerned for the fiscal year)”; and

(4) in section 208 (16 U.S.C. 7128)—

(A) in subsection (a), by striking “2013” and inserting “2017”; and

(B) in subsection (b), by striking “2014” and inserting “2018”.

(d) COUNTY FUNDS.—Section 304 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7144) is amended—

(1) in subsection (a), by striking “2013” and inserting “2017”; and

(2) in subsection (b), by striking “2014” and inserting “2018”.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 402 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7152) is amended by striking “for each of fiscal years 2008 through 2013”.

SEC. 525. EXCLUSION FROM PAYGO SCORECARDS.

(a) STATUTORY PAY-AS-YOU-GO SCORECARDS.—The budgetary effects of this Act shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

(b) SENATE PAYGO SCORECARDS.—The budgetary effects of this Act shall not be entered on any PAYGO scorecard maintained for purposes of section 201 of S. Con. Res. 21 (110th Congress).

Approved April 16, 2015.

LEGISLATIVE HISTORY—H.R. 2:

CONGRESSIONAL RECORD, Vol. 161 (2015):

Mar. 26, considered and passed House.

Apr. 14, considered and passed Senate.

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2015):

Apr. 16, Presidential remarks.

Public Law 114–11
114th Congress

An Act

To promote energy efficiency.

Apr. 30, 2015
[S. 535]

Energy Efficiency
Improvement Act
of 2015.

42 USC 17001
note.

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Energy Efficiency Improvement Act of 2015”.

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

Sec. 1. Short title; table of contents.

TITLE I—BETTER BUILDINGS

Sec. 101. Short title.

Sec. 102. Energy efficiency in Federal and other buildings.

Sec. 103. Separate spaces with high-performance energy efficiency measures.

Sec. 104. Tenant Star program.

TITLE II—GRID-ENABLED WATER HEATERS

Sec. 201. Grid-enabled water heaters.

TITLE III—ENERGY INFORMATION FOR COMMERCIAL BUILDINGS

Sec. 301. Energy information for commercial buildings.

Better Buildings
Act of 2015.

42 USC 17001
note.

42 USC 17062.

TITLE I—BETTER BUILDINGS

SEC. 101. SHORT TITLE.

This title may be cited as the “Better Buildings Act of 2015”.

SEC. 102. ENERGY EFFICIENCY IN FEDERAL AND OTHER BUILDINGS.

(a) **DEFINITIONS.**—In this section:

(1) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of General Services.

(2) **COST-EFFECTIVE ENERGY EFFICIENCY MEASURE.**—The term “cost-effective energy efficiency measure” means any building product, material, equipment, or service, and the installing, implementing, or operating thereof, that provides energy savings in an amount that is not less than the cost of such installing, implementing, or operating.

(3) **COST-EFFECTIVE WATER EFFICIENCY MEASURE.**—The term “cost-effective water efficiency measure” means any building product, material, equipment, or service, and the installing, implementing, or operating thereof, that provides water savings in an amount that is not less than the cost of such installing, implementing, or operating.

(b) **MODEL PROVISIONS, POLICIES, AND BEST PRACTICES.**—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator, in consultation with the Secretary of Energy and after providing the public with an opportunity for notice and comment, shall develop model commercial leasing provisions and best practices in accordance with this subsection.

Deadline.
Consultation.
Public
information.
Contracts.

(2) COMMERCIAL LEASING.—

(A) IN GENERAL.—The model commercial leasing provisions developed under this subsection shall, at a minimum, align the interests of building owners and tenants with regard to investments in cost-effective energy efficiency measures and cost-effective water efficiency measures to encourage building owners and tenants to collaborate to invest in such measures.

(B) USE OF MODEL PROVISIONS.—The Administrator may use the model commercial leasing provisions developed under this subsection in any standard leasing document that designates a Federal agency (or other client of the Administrator) as a landlord or tenant.

(C) PUBLICATION.—The Administrator shall periodically publish the model commercial leasing provisions developed under this subsection, along with explanatory materials, to encourage building owners and tenants in the private sector to use such provisions and materials.

(3) REALTY SERVICES.—The Administrator shall develop policies and practices to implement cost-effective energy efficiency measures and cost-effective water efficiency measures for the realty services provided by the Administrator to Federal agencies (or other clients of the Administrator), including periodic training of appropriate Federal employees and contractors on how to identify and evaluate those measures.

(4) STATE AND LOCAL ASSISTANCE.—The Administrator, in consultation with the Secretary of Energy, shall make available model commercial leasing provisions and best practices developed under this subsection to State, county, and municipal governments for use in managing owned and leased building space in accordance with the goal of encouraging investment in all cost-effective energy efficiency measures and cost-effective water efficiency measures.

Consultation.

SEC. 103. SEPARATE SPACES WITH HIGH-PERFORMANCE ENERGY EFFICIENCY MEASURES.

(a) IN GENERAL.—Subtitle B of title IV of the Energy Independence and Security Act of 2007 (42 U.S.C. 17081 et seq.) is amended by adding at the end the following:

“SEC. 424. SEPARATE SPACES WITH HIGH-PERFORMANCE ENERGY EFFICIENCY MEASURES.

42 USC 17084.

“(a) DEFINITIONS.—In this section:

“(1) HIGH-PERFORMANCE ENERGY EFFICIENCY MEASURE.—The term ‘high-performance energy efficiency measure’ means a technology, product, or practice that will result in substantial operational cost savings by reducing energy consumption and utility costs.

“(2) SEPARATE SPACES.—The term ‘separate spaces’ means areas within a commercial building that are leased or otherwise occupied by a tenant or other occupant for a period of time pursuant to the terms of a written agreement.

- Deadline.
- “(b) STUDY.—
- “(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Secretary, acting through the Assistant Secretary of Energy Efficiency and Renewable Energy, shall complete a study on the feasibility of—
- “(A) significantly improving energy efficiency in commercial buildings through the design and construction, by owners and tenants, of separate spaces with high-performance energy efficiency measures; and
- “(B) encouraging owners and tenants to implement high-performance energy efficiency measures in separate spaces.
- “(2) SCOPE.—The study shall, at a minimum, include—
- “(A) descriptions of—
- “(i) high-performance energy efficiency measures that should be considered as part of the initial design and construction of separate spaces;
- “(ii) processes that owners, tenants, architects, and engineers may replicate when designing and constructing separate spaces with high-performance energy efficiency measures;
- “(iii) policies and best practices to achieve reductions in energy intensities for lighting, plug loads, heating, cooling, cooking, laundry, and other systems to satisfy the needs of the commercial building tenant;
- “(iv) return on investment and payback analyses of the incremental cost and projected energy savings of the proposed set of high-performance energy efficiency measures, including consideration of available incentives;
- “(v) models and simulation methods that predict the quantity of energy used by separate spaces with high-performance energy efficiency measures and that compare that predicted quantity to the quantity of energy used by separate spaces without high-performance energy efficiency measures but that otherwise comply with applicable building code requirements;
- “(vi) measurement and verification platforms demonstrating actual energy use of high-performance energy efficiency measures installed in separate spaces, and whether such measures generate the savings intended in the initial design and construction of the separate spaces;
- “(vii) best practices that encourage an integrated approach to designing and constructing separate spaces to perform at optimum energy efficiency in conjunction with the central systems of a commercial building; and
- “(viii) any impact on employment resulting from the design and construction of separate spaces with high-performance energy efficiency measures; and
- “(B) case studies reporting economic and energy savings returns in the design and construction of separate spaces with high-performance energy efficiency measures.
- “(3) PUBLIC PARTICIPATION.—Not later than 90 days after the date of the enactment of this section, the Secretary shall
- Deadline.
Notice.
Federal Register,
publication.

publish a notice in the Federal Register requesting public comments regarding effective methods, measures, and practices for the design and construction of separate spaces with high-performance energy efficiency measures.

“(4) PUBLICATION.—The Secretary shall publish the study on the website of the Department of Energy.” Web posting.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Energy Independence and Security Act of 2007 is amended by inserting after the item relating to section 423 the following new item:

“Sec. 424. Separate spaces with high-performance energy efficiency measures.”.

SEC. 104. TENANT STAR PROGRAM.

(a) IN GENERAL.—Subtitle B of title IV of the Energy Independence and Security Act of 2007 (42 U.S.C. 17081 et seq.) (as amended by section 103) is amended by adding at the end the following:

“SEC. 425. TENANT STAR PROGRAM.

42 USC 17085.

“(a) DEFINITIONS.—In this section:

“(1) HIGH-PERFORMANCE ENERGY EFFICIENCY MEASURE.—The term ‘high-performance energy efficiency measure’ has the meaning given the term in section 424.

“(2) SEPARATE SPACES.—The term ‘separate spaces’ has the meaning given the term in section 424.

“(b) TENANT STAR.—The Administrator of the Environmental Protection Agency, in consultation with the Secretary of Energy, shall develop a voluntary program within the Energy Star program established by section 324A of the Energy Policy and Conservation Act (42 U.S.C. 6294a), which may be known as ‘Tenant Star’, to promote energy efficiency in separate spaces leased by tenants or otherwise occupied within commercial buildings.

“(c) EXPANDING SURVEY DATA.—The Secretary of Energy, acting through the Administrator of the Energy Information Administration, shall—

“(1) collect, through each Commercial Buildings Energy Consumption Survey of the Energy Information Administration that is conducted after the date of enactment of this section, data on—

“(A) categories of building occupancy that are known to consume significant quantities of energy, such as occupancy by data centers, trading floors, and restaurants; and

“(B) other aspects of the property, building operation, or building occupancy determined by the Administrator of the Energy Information Administration, in consultation with the Administrator of the Environmental Protection Agency, to be relevant in lowering energy consumption;

“(2) with respect to the first Commercial Buildings Energy Consumption Survey conducted after the date of enactment of this section, to the extent full compliance with the requirements of paragraph (1) is not feasible, conduct activities to develop the capability to collect such data and begin to collect such data; and

“(3) make data collected under paragraphs (1) and (2) available to the public in aggregated form and provide such data, Public information.

and any associated results, to the Administrator of the Environmental Protection Agency for use in accordance with subsection (d).

Public
information.
Deadline.

“(d) RECOGNITION OF OWNERS AND TENANTS.—

“(1) OCCUPANCY-BASED RECOGNITION.—Not later than 1 year after the date on which sufficient data is received pursuant to subsection (c), the Administrator of the Environmental Protection Agency shall, following an opportunity for public notice and comment—

“(A) in a manner similar to the Energy Star rating system for commercial buildings, develop policies and procedures to recognize tenants in commercial buildings that voluntarily achieve high levels of energy efficiency in separate spaces;

“(B) establish building occupancy categories eligible for Tenant Star recognition based on the data collected under subsection (c) and any other appropriate data sources; and

“(C) consider other forms of recognition for commercial building tenants or other occupants that lower energy consumption in separate spaces.

Consultation.

“(2) DESIGN- AND CONSTRUCTION-BASED RECOGNITION.—After the study required by section 424(b) is completed, the Administrator of the Environmental Protection Agency, in consultation with the Secretary and following an opportunity for public notice and comment, may develop a voluntary program to recognize commercial building owners and tenants that use high-performance energy efficiency measures in the design and construction of separate spaces.”

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Energy Independence and Security Act of 2007 is amended by inserting after the item relating to section 424 (as added by section 103(b)) the following new item:

“Sec. 425. Tenant Star program.”

TITLE II—GRID-ENABLED WATER HEATERS

SEC. 201. GRID-ENABLED WATER HEATERS.

Part B of title III of the Energy Policy and Conservation Act is amended—

(1) in section 325(e) (42 U.S.C. 6295(e)), by adding at the end the following:

“(6) ADDITIONAL STANDARDS FOR GRID-ENABLED WATER HEATERS.—

“(A) DEFINITIONS.—In this paragraph:

“(i) ACTIVATION LOCK.—The term ‘activation lock’ means a control mechanism (either a physical device directly on the water heater or a control system integrated into the water heater) that is locked by default and contains a physical, software, or digital communication that must be activated with an activation key to enable the product to operate at its designed specifications and capabilities and without which activation the product will provide not greater than

50 percent of the rated first hour delivery of hot water certified by the manufacturer.

“(ii) GRID-ENABLED WATER HEATER.—The term ‘grid-enabled water heater’ means an electric resistance water heater that—

“(I) has a rated storage tank volume of more than 75 gallons;

“(II) is manufactured on or after April 16, 2015;

“(III) has—

“(aa) an energy factor of not less than 1.061 minus the product obtained by multiplying—

“(AA) the rated storage volume of the tank, expressed in gallons; and

“(BB) 0.00168; or

“(bb) an equivalent alternative standard prescribed by the Secretary and developed pursuant to paragraph (5)(E);

“(IV) is equipped at the point of manufacture with an activation lock; and

“(V) bears a permanent label applied by the manufacturer that—

“(aa) is made of material not adversely affected by water;

“(bb) is attached by means of non-water-soluble adhesive; and

“(cc) advises purchasers and end-users of the intended and appropriate use of the product with the following notice printed in 16.5 point Arial Narrow Bold font:

“IMPORTANT INFORMATION: This water heater is intended only for use as part of an electric thermal storage or demand response program. It will not provide adequate hot water unless enrolled in such a program and activated by your utility company or another program operator. Confirm the availability of a program in your local area before purchasing or installing this product.’”

“(B) REQUIREMENT.—The manufacturer or private labeler shall provide the activation key for a grid-enabled water heater only to a utility or other company that operates an electric thermal storage or demand response program that uses such a grid-enabled water heater.

“(C) REPORTS.—

“(i) MANUFACTURERS.—The Secretary shall require each manufacturer of grid-enabled water heaters to report to the Secretary annually the quantity of grid-enabled water heaters that the manufacturer ships each year.

“(ii) OPERATORS.—The Secretary shall require utilities and other demand response and thermal storage program operators to report annually the quantity of grid-enabled water heaters activated for their programs using forms of the Energy Information Agency or using such other mechanism that the Secretary determines appropriate after an opportunity for notice and comment.

Public
information.

Determination.
Public
information.
Procedures.

“(iii) CONFIDENTIALITY REQUIREMENTS.—The Secretary shall treat shipment data reported by manufacturers as confidential business information.

“(D) PUBLICATION OF INFORMATION.—

“(i) IN GENERAL.—In 2017 and 2019, the Secretary shall publish an analysis of the data collected under subparagraph (C) to assess the extent to which shipped products are put into use in demand response and thermal storage programs.

“(ii) PREVENTION OF PRODUCT DIVERSION.—If the Secretary determines that sales of grid-enabled water heaters exceed by 15 percent or greater the quantity of such products activated for use in demand response and thermal storage programs annually, the Secretary shall, after opportunity for notice and comment, establish procedures to prevent product diversion for non-program purposes.

“(E) COMPLIANCE.—

“(i) IN GENERAL.—Subparagraphs (A) through (D) shall remain in effect until the Secretary determines under this section that—

“(I) grid-enabled water heaters do not require a separate efficiency requirement; or

“(II) sales of grid-enabled water heaters exceed by 15 percent or greater the quantity of such products activated for use in demand response and thermal storage programs annually and procedures to prevent product diversion for non-program purposes would not be adequate to prevent such product diversion.

“(ii) EFFECTIVE DATE.—If the Secretary exercises the authority described in clause (i) or amends the efficiency requirement for grid-enabled water heaters, that action will take effect on the date described in subsection (m)(4)(A)(ii).

“(iii) CONSIDERATION.—In carrying out this section with respect to electric water heaters, the Secretary shall consider the impact on thermal storage and demand response programs, including any impact on energy savings, electric bills, peak load reduction, electric reliability, integration of renewable resources, and the environment.

“(iv) REQUIREMENTS.—In carrying out this paragraph, the Secretary shall require that grid-enabled water heaters be equipped with communication capability to enable the grid-enabled water heaters to participate in ancillary services programs if the Secretary determines that the technology is available, practical, and cost-effective.”;

(2) in section 332(a) (42 U.S.C. 6302(a))—

(A) in paragraph (5), by striking “or” at the end;

(B) in the first paragraph (6), by striking the period at the end and inserting a semicolon;

(C) by redesignating the second paragraph (6) as paragraph (7);

(D) in subparagraph (B) of paragraph (7) (as so redesignated), by striking the period at the end and inserting “; or”; and

(E) by adding at the end the following:

“(8) for any person—

“(A) to activate an activation lock for a grid-enabled water heater with knowledge that such water heater is not used as part of an electric thermal storage or demand response program;

“(B) to distribute an activation key for a grid-enabled water heater with knowledge that such activation key will be used to activate a grid-enabled water heater that is not used as part of an electric thermal storage or demand response program;

“(C) to otherwise enable a grid-enabled water heater to operate at its designed specification and capabilities with knowledge that such water heater is not used as part of an electric thermal storage or demand response program; or

“(D) to knowingly remove or render illegible the label of a grid-enabled water heater described in section 325(e)(6)(A)(ii)(V).”;

(3) in section 333(a) (42 U.S.C. 6303(a))—

(A) by striking “section 332(a)(5)” and inserting “paragraph (5), (6), (7), or (8) of section 332(a)”;

(B) by striking “paragraph (1), (2), or (5) of section 332(a)” and inserting “paragraph (1), (2), (5), (6), (7), or (8) of section 332(a)”;

(4) in section 334 (42 U.S.C. 6304)—

(A) by striking “section 332(a)(5)” and inserting “paragraph (5), (6), (7), or (8) of section 332(a)”;

(B) by striking “section 332(a)(6)” and inserting “section 332(a)(7)”.

TITLE III—ENERGY INFORMATION FOR COMMERCIAL BUILDINGS

SEC. 301. ENERGY INFORMATION FOR COMMERCIAL BUILDINGS.

42 USC 17063.

(a) REQUIREMENT OF BENCHMARKING AND DISCLOSURE FOR LEASING BUILDINGS WITHOUT ENERGY STAR LABELS.—Section 435(b)(2) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17091(b)(2)) is amended—

(1) by striking “paragraph (2)” and inserting “paragraph (1)”;

(2) by striking “signing the contract,” and all that follows through the period at the end and inserting the following: “signing the contract, the following requirements are met:

“(A) The space is renovated for all energy efficiency and conservation improvements that would be cost effective over the life of the lease, including improvements in lighting, windows, and heating, ventilation, and air conditioning systems.

“(B)(i) Subject to clause (ii), the space is benchmarked under a nationally recognized, online, free benchmarking program, with public disclosure, unless the space is a space

for which owners cannot access whole building utility consumption data, including spaces—

“(I) that are located in States with privacy laws that provide that utilities shall not provide such aggregated information to multitenant building owners; and

“(II) for which tenants do not provide energy consumption information to the commercial building owner in response to a request from the building owner.

“(ii) A Federal agency that is a tenant of the space shall provide to the building owner, or authorize the owner to obtain from the utility, the energy consumption information of the space for the benchmarking and disclosure required by this subparagraph.”.

(b) STUDY.—

Deadline.
Collaboration.

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary of Energy, in collaboration with the Administrator of the Environmental Protection Agency, shall complete a study—

(A) on the impact of—

(i) State and local performance benchmarking and disclosure policies, and any associated building efficiency policies, for commercial and multifamily buildings; and

(ii) programs and systems in which utilities provide aggregated information regarding whole building energy consumption and usage information to owners of multitenant commercial, residential, and mixed-use buildings;

(B) that identifies best practice policy approaches studied under subparagraph (A) that have resulted in the greatest improvements in building energy efficiency; and

(C) that considers—

(i) compliance rates and the benefits and costs of the policies and programs on building owners, utilities, tenants, and other parties;

(ii) utility practices, programs, and systems that provide aggregated energy consumption information to multitenant building owners, and the impact of public utility commissions and State privacy laws on those practices, programs, and systems;

(iii) exceptions to compliance in existing laws where building owners are not able to gather or access whole building energy information from tenants or utilities;

(iv) the treatment of buildings with—

(I) multiple uses;

(II) uses for which baseline information is not available; and

(III) uses that require high levels of energy intensities, such as data centers, trading floors, and television studios;

(v) implementation practices, including disclosure methods and phase-in of compliance;

(vi) the safety and security of benchmarking tools offered by government agencies, and the resiliency of those tools against cyber attacks; and

(vii) international experiences with regard to building benchmarking and disclosure laws and data aggregation for multitenant buildings.

(2) SUBMISSION TO CONGRESS.—At the conclusion of the study, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives and Committee on Energy and Natural Resources of the Senate a report on the results of the study. Reports.

(c) CREATION AND MAINTENANCE OF DATABASE.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act and following opportunity for public notice and comment, the Secretary of Energy, in coordination with other relevant agencies, shall maintain, and if necessary create, a database for the purpose of storing and making available public energy-related information on commercial and multifamily buildings, including— Deadline. Public information. Coordination.

(A) data provided under Federal, State, local, and other laws or programs regarding building benchmarking and energy information disclosure;

(B) information on buildings that have disclosed energy ratings and certifications; and

(C) energy-related information on buildings provided voluntarily by the owners of the buildings, only in an anonymous form unless the owner provides otherwise.

(2) COMPLEMENTARY PROGRAMS.—The database maintained pursuant to paragraph (1) shall complement and not duplicate the functions of the Environmental Protection Agency’s Energy Star Portfolio Manager tool.

(d) INPUT FROM STAKEHOLDERS.—The Secretary of Energy shall seek input from stakeholders to maximize the effectiveness of the actions taken under this section.

(e) REPORT.—Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter, the Secretary of Energy shall submit to the Committee on Energy and Commerce of the House of Representatives and Committee on Energy and Natural Resources of the Senate a report on the progress made in complying with this section.

Approved April 30, 2015.

LEGISLATIVE HISTORY—S. 535:

CONGRESSIONAL RECORD, Vol. 161 (2015):

Mar. 26, considered and passed Senate.

Apr. 21, considered and passed House.

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2015):

Apr. 30, Presidential remarks.

Public Law 114–12
114th Congress

An Act

To encourage, enhance, and integrate Blue Alert plans throughout the United States in order to disseminate information when a law enforcement officer is seriously injured or killed in the line of duty, is missing in connection with the officer’s official duties, or an imminent and credible threat that an individual intends to cause the serious injury or death of a law enforcement officer is received, and for other purposes.

May 19, 2015
[S. 665]

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

Rafael Ramos
and Wenjian Liu
National Blue
Alert Act of 2015.
42 USC 13701
note.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Rafael Ramos and Wenjian Liu National Blue Alert Act of 2015”.

42 USC 14165.

SEC. 2. DEFINITIONS.

In this Act:

(1) **COORDINATOR.**—The term “Coordinator” means the Blue Alert Coordinator of the Department of Justice designated under section 4(a).

(2) **BLUE ALERT.**—The term “Blue Alert” means information sent through the network relating to—

(A) the serious injury or death of a law enforcement officer in the line of duty;

(B) an officer who is missing in connection with the officer’s official duties; or

(C) an imminent and credible threat that an individual intends to cause the serious injury or death of a law enforcement officer.

(3) **BLUE ALERT PLAN.**—The term “Blue Alert plan” means the plan of a State, unit of local government, or Federal agency participating in the network for the dissemination of information received as a Blue Alert.

(4) **LAW ENFORCEMENT OFFICER.**—The term “law enforcement officer” shall have the same meaning as in section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b).

(5) **NETWORK.**—The term “network” means the Blue Alert communications network established by the Attorney General under section 3.

(6) **STATE.**—The term “State” means each of the 50 States, the District of Columbia, Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

SEC. 3. BLUE ALERT COMMUNICATIONS NETWORK.Establishment.
42 USC 14165a.

The Attorney General shall establish a national Blue Alert communications network within the Department of Justice to issue Blue Alerts through the initiation, facilitation, and promotion of Blue Alert plans, in coordination with States, units of local government, law enforcement agencies, and other appropriate entities.

SEC. 4. BLUE ALERT COORDINATOR; GUIDELINES.

42 USC 14165b.

(a) **COORDINATION WITHIN DEPARTMENT OF JUSTICE.**—The Attorney General shall assign an existing officer of the Department of Justice to act as the national coordinator of the Blue Alert communications network.

Assignment.

(b) **DUTIES OF THE COORDINATOR.**—The Coordinator shall—
(1) provide assistance to States and units of local government that are using Blue Alert plans;

(2) establish voluntary guidelines for States and units of local government to use in developing Blue Alert plans that will promote compatible and integrated Blue Alert plans throughout the United States, including—

(A) a list of the resources necessary to establish a Blue Alert plan;

(B) criteria for evaluating whether a situation warrants issuing a Blue Alert;

(C) guidelines to protect the privacy, dignity, independence, and autonomy of any law enforcement officer who may be the subject of a Blue Alert and the family of the law enforcement officer;

(D) guidelines that a Blue Alert should only be issued with respect to a law enforcement officer if—

(i) the law enforcement agency involved—

(I) confirms—

(aa) the death or serious injury of the law enforcement officer; or

(bb) the attack on the law enforcement officer and that there is an indication of the death or serious injury of the officer; or

(II) concludes that the law enforcement officer is missing in connection with the officer's official duties;

(ii) there is an indication of serious injury to or death of the law enforcement officer;

(iii) the suspect involved has not been apprehended; and

(iv) there is sufficient descriptive information of the suspect involved and any relevant vehicle and tag numbers;

(E) guidelines that a Blue Alert should only be issued with respect to a threat to cause death or serious injury to a law enforcement officer if—

(i) a law enforcement agency involved confirms that the threat is imminent and credible;

(ii) at the time of receipt of the threat, the suspect is wanted by a law enforcement agency;

(iii) the suspect involved has not been apprehended; and

- (iv) there is sufficient descriptive information of the suspect involved and any relevant vehicle and tag numbers;
- (F) guidelines—
- (i) that information should be provided to the National Crime Information Center database operated by the Federal Bureau of Investigation under section 534 of title 28, United States Code, and any relevant crime information repository of the State involved, relating to—
- (I) a law enforcement officer who is seriously injured or killed in the line of duty; or
- (II) an imminent and credible threat to cause the serious injury or death of a law enforcement officer;
- (ii) that a Blue Alert should, to the maximum extent practicable (as determined by the Coordinator in consultation with law enforcement agencies of States and units of local governments), be limited to the geographic areas most likely to facilitate the apprehension of the suspect involved or which the suspect could reasonably reach, which should not be limited to State lines;
- (iii) for law enforcement agencies of States or units of local government to develop plans to communicate information to neighboring States to provide for seamless communication of a Blue Alert; and
- (iv) providing that a Blue Alert should be suspended when the suspect involved is apprehended or when the law enforcement agency involved determines that the Blue Alert is no longer effective; and
- (G) guidelines for—
- (i) the issuance of Blue Alerts through the network; and
- (ii) the extent of the dissemination of alerts issued through the network;
- (3) develop protocols for efforts to apprehend suspects that address activities during the period beginning at the time of the initial notification of a law enforcement agency that a suspect has not been apprehended and ending at the time of apprehension of a suspect or when the law enforcement agency involved determines that the Blue Alert is no longer effective, including protocols regulating—
- (A) the use of public safety communications;
- (B) command center operations; and
- (C) incident review, evaluation, debriefing, and public information procedures;
- (4) work with States to ensure appropriate regional coordination of various elements of the network;
- (5) establish an advisory group to assist States, units of local government, law enforcement agencies, and other entities involved in the network with initiating, facilitating, and promoting Blue Alert plans, which shall include—
- (A) to the maximum extent practicable, representation from the various geographic regions of the United States; and
- (B) members who are—
- Determination.
Consultation.
- Protocols.
Time period.
- Establishment.

- (i) representatives of a law enforcement organization representing rank-and-file officers;
- (ii) representatives of other law enforcement agencies and public safety communications;
- (iii) broadcasters, first responders, dispatchers, and radio station personnel; and
- (iv) representatives of any other individuals or organizations that the Coordinator determines are necessary to the success of the network;
- (6) act as the nationwide point of contact for—
 - (A) the development of the network; and
 - (B) regional coordination of Blue Alerts through the network; and
- (7) determine—
 - (A) what procedures and practices are in use for notifying law enforcement and the public when—
 - (i) a law enforcement officer is killed or seriously injured in the line of duty;
 - (ii) a law enforcement officer is missing in connection with the officer’s official duties; and
 - (iii) an imminent and credible threat to kill or seriously injure a law enforcement officer is received; and
 - (B) which of the procedures and practices are effective and that do not require the expenditure of additional resources to implement.
- (c) LIMITATIONS.—
 - (1) VOLUNTARY PARTICIPATION.—The guidelines established under subsection (b)(2), protocols developed under subsection (b)(3), and other programs established under subsection (b), shall not be mandatory.
 - (2) DISSEMINATION OF INFORMATION.—The guidelines established under subsection (b)(2) shall, to the maximum extent practicable (as determined by the Coordinator in consultation with law enforcement agencies of States and units of local government), provide that appropriate information relating to a Blue Alert is disseminated to the appropriate officials of law enforcement agencies, public health agencies, and other agencies.
 - (3) PRIVACY AND CIVIL LIBERTIES PROTECTIONS.—The guidelines established under subsection (b) shall—
 - (A) provide mechanisms that ensure that Blue Alerts comply with all applicable Federal, State, and local privacy laws and regulations; and
 - (B) include standards that specifically provide for the protection of the civil liberties, including the privacy, of law enforcement officers who are seriously injured or killed in the line of duty, is missing in connection with the officer’s official duties, or who are threatened with death or serious injury, and the families of the officers.
 - (d) COOPERATION WITH OTHER AGENCIES.—The Coordinator shall cooperate with the Secretary of Homeland Security, the Secretary of Transportation, the Chairman of the Federal Communications Commission, and appropriate offices of the Department of Justice in carrying out activities under this Act.
 - (e) RESTRICTIONS ON COORDINATOR.—The Coordinator may not—

Determination.
Consultation.

(1) perform any official travel for the sole purpose of carrying out the duties of the Coordinator;

(2) lobby any officer of a State regarding the funding or implementation of a Blue Alert plan; or

(3) host a conference focused solely on the Blue Alert program that requires the expenditure of Federal funds.

(f) REPORTS.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Coordinator shall submit to Congress a report on the activities of the Coordinator and the effectiveness and status of the Blue Alert plans that are in effect or being developed.

Approved May 19, 2015.

LEGISLATIVE HISTORY—S. 665:

CONGRESSIONAL RECORD, Vol. 161 (2015):

Apr. 30, considered and passed Senate.

May 12, considered and passed House.

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2015):

May 19, Presidential remarks.

Public Law 114–13
114th Congress

An Act

To clarify the effective date of certain provisions of the Border Patrol Agent Pay Reform Act of 2014, and for other purposes.

May 19, 2015
[H.R. 2252]

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

SECTION 1. CLARIFICATION OF EFFECTIVE DATE OF CERTAIN PROVISIONS OF THE BORDER PATROL AGENT PAY REFORM ACT OF 2014.

(a) IN GENERAL.—Section 2 of the Border Patrol Agent Pay Reform Act of 2014 (Public Law 113–277) is amended by adding at the end the following: 5 USC 5542 note.

“(i) EFFECTIVE DATE.—Subsections (b), (c), (d), and (g), and the amendments made by such subsections, shall take effect on the first day of the first pay period beginning on or after January 1, 2016, except that—

“(1) any provision in section 5550(b) of title 5, United States Code, as added by subsection (b), relating to administering elections and making advance assignments to a regular tour of duty shall be applicable before such effective date to the extent determined necessary by the Director of the Office of Personnel Management; and

“(2) the Director may issue regulations as necessary prior to such effective date.”.

(b) APPLICATION.—The amendment made by subsection (a) shall be deemed to have been enacted on the date of enactment of the Border Patrol Agent Pay Reform Act of 2014 (Public Law 113–277). 5 USC 5542 note.

Approved May 19, 2015.

LEGISLATIVE HISTORY—H.R. 2252:

CONGRESSIONAL RECORD, Vol. 161 (2015):

May 14, considered and passed House.

May 19, considered and passed Senate.

Public Law 114–14
114th Congress

An Act

May 22, 2015
[H.R. 606]

To amend the Internal Revenue Code of 1986 to exclude certain compensation received by public safety officers and their dependents from gross income.

Don't Tax Our
Fallen Public
Safety Heroes
Act.
26 USC 1 note.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Don't Tax Our Fallen Public Safety Heroes Act”.

SEC. 2. EXCLUSION OF CERTAIN COMPENSATION RECEIVED BY PUBLIC SAFETY OFFICERS AND THEIR DEPENDENTS.

26 USC 104.

Subsection (a) of section 104 of the Internal Revenue Code of 1986 is amended by striking “and” at the end of paragraph (4), by striking the period at the end of paragraph (5) and inserting “; and”, and by inserting after paragraph (5) the following new paragraph:

“(6) amounts received pursuant to—

“(A) section 1201 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796); or

“(B) a program established under the laws of any State which provides monetary compensation for surviving dependents of a public safety officer who has died as the direct and proximate result of a personal injury sustained in the line of duty,

except that subparagraph (B) shall not apply to any amounts that would have been payable if death of the public safety officer had occurred other than as the direct and proximate result of a personal injury sustained in the line of duty.”.

Approved May 22, 2015.

LEGISLATIVE HISTORY—H.R. 606 (S. 916):

SENATE REPORTS: No. 114–26 (Comm. on Finance) accompanying S. 916.

CONGRESSIONAL RECORD, Vol. 161 (2015):

May 12, considered and passed House.

May 14, considered and passed Senate.

Public Law 114–15
114th Congress

An Act

To designate the facility of the United States Postal Service located at 820 Elmwood Avenue in Providence, Rhode Island, as the “Sister Ann Keefe Post Office”.

May 22, 2015
[H.R. 651]

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

SECTION 1. SISTER ANN KEEFE POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 820 Elmwood Avenue in Providence, Rhode Island, shall be known and designated as the “Sister Ann Keefe Post Office”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “Sister Ann Keefe Post Office”.

Approved May 22, 2015.

LEGISLATIVE HISTORY—H.R. 651:

CONGRESSIONAL RECORD, Vol. 161 (2015):
Apr. 28, 29, considered and passed House.
May 11, considered and passed Senate.

Public Law 114–16
114th Congress

An Act

May 22, 2015
[H.R. 1075]

To designate the United States Customs and Border Protection Port of Entry located at First Street and Pan American Avenue in Douglas, Arizona, as the “Raul Hector Castro Port of Entry”.

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

SECTION 1. RAUL HECTOR CASTRO PORT OF ENTRY.

(a) DESIGNATION.—The United States Customs and Border Protection Port of Entry located at First Street and Pan American Avenue in Douglas, Arizona, shall be known and designated as the “Raul Hector Castro Port of Entry”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the port of entry referred to in subsection (a) shall be deemed to be a reference to the “Raul Hector Castro Port of Entry”.

Approved May 22, 2015.

LEGISLATIVE HISTORY—H.R. 1075:

CONGRESSIONAL RECORD, Vol. 161 (2015):

Apr. 28, considered and passed House.

May 12, considered and passed Senate.

Public Law 114–17
114th Congress

An Act

To provide for congressional review and oversight of agreements relating to Iran’s nuclear program, and for other purposes.

May 22, 2015

[H.R. 1191]

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Iran Nuclear Agreement Review Act of 2015”.

Iran Nuclear Agreement Review Act of 2015.
42 USC 2011 note.

SEC. 2. CONGRESSIONAL REVIEW AND OVERSIGHT OF AGREEMENTS WITH IRAN RELATING TO THE NUCLEAR PROGRAM OF IRAN.

The Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) is amended by inserting after section 134 the following new section:

“SEC. 135. CONGRESSIONAL REVIEW AND OVERSIGHT OF AGREEMENTS WITH IRAN.

42 USC 2160e.

“(a) TRANSMISSION TO CONGRESS OF NUCLEAR AGREEMENTS WITH IRAN AND VERIFICATION ASSESSMENT WITH RESPECT TO SUCH AGREEMENTS.—

“(1) TRANSMISSION OF AGREEMENTS.—Not later than 5 calendar days after reaching an agreement with Iran relating to the nuclear program of Iran, the President shall transmit to the appropriate congressional committees and leadership—

Deadline.
President.

“(A) the agreement, as defined in subsection (h)(1), including all related materials and annexes;

“(B) a verification assessment report of the Secretary of State prepared under paragraph (2) with respect to the agreement; and

“(C) a certification that—

Certification.

“(i) the agreement includes the appropriate terms, conditions, and duration of the agreement’s requirements with respect to Iran’s nuclear activities and provisions describing any sanctions to be waived, suspended, or otherwise reduced by the United States, and any other nation or entity, including the United Nations; and

“(ii) the President determines the agreement meets United States non-proliferation objectives, does not jeopardize the common defense and security, provides an adequate framework to ensure that Iran’s nuclear activities permitted thereunder will not be inimical to or constitute an unreasonable risk to the common defense and security, and ensures that Iran’s nuclear activities permitted thereunder will not be used to

Determination.

further any nuclear-related military or nuclear explosive purpose, including for any research on or development of any nuclear explosive device or any other nuclear-related military purpose.

“(2) VERIFICATION ASSESSMENT REPORT.—

“(A) IN GENERAL.—The Secretary of State shall prepare, with respect to an agreement described in paragraph (1), a report assessing—

“(i) the extent to which the Secretary will be able to verify that Iran is complying with its obligations and commitments under the agreement;

“(ii) the adequacy of the safeguards and other control mechanisms and other assurances contained in the agreement with respect to Iran’s nuclear program to ensure Iran’s activities permitted thereunder will not be used to further any nuclear-related military or nuclear explosive purpose, including for any research on or development of any nuclear explosive device or any other nuclear-related military purpose; and

“(iii) the capacity and capability of the International Atomic Energy Agency to effectively implement the verification regime required by or related to the agreement, including whether the International Atomic Energy Agency will have sufficient access to investigate suspicious sites or allegations of covert nuclear-related activities and whether it has the required funding, manpower, and authority to undertake the verification regime required by or related to the agreement.

“(B) ASSUMPTIONS.—In preparing a report under subparagraph (A) with respect to an agreement described in paragraph (1), the Secretary shall assume that Iran could—

“(i) use all measures not expressly prohibited by the agreement to conceal activities that violate its obligations and commitments under the agreement; and

“(ii) alter or deviate from standard practices in order to impede efforts to verify that Iran is complying with those obligations and commitments.

“(C) CLASSIFIED ANNEX.—A report under subparagraph (A) shall be transmitted in unclassified form, but shall include a classified annex prepared in consultation with the Director of National Intelligence, summarizing relevant classified information.

“(3) EXCEPTION.—

“(A) IN GENERAL.—Neither the requirements of subparagraphs (B) and (C) of paragraph (1), nor subsections (b) through (g) of this section, shall apply to an agreement described in subsection (h)(5) or to the EU-Iran Joint Statement made on April 2, 2015.

“(B) ADDITIONAL REQUIREMENT.—Notwithstanding subparagraph (A), any agreement as defined in subsection (h)(1) and any related materials, whether concluded before or after the date of the enactment of this section, shall not be subject to the exception in subparagraph (A).

Consultation.

“(b) PERIOD FOR REVIEW BY CONGRESS OF NUCLEAR AGREEMENTS WITH IRAN.—

“(1) IN GENERAL.—During the 30-calendar day period following transmittal by the President of an agreement pursuant to subsection (a), the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives shall, as appropriate, hold hearings and briefings and otherwise obtain information in order to fully review such agreement.

Hearings.
Briefings.

“(2) EXCEPTION.—The period for congressional review under paragraph (1) shall be 60 calendar days if an agreement, including all materials required to be transmitted to Congress pursuant to subsection (a)(1), is transmitted pursuant to subsection (a) between July 10, 2015, and September 7, 2015.

“(3) LIMITATION ON ACTIONS DURING INITIAL CONGRESSIONAL REVIEW PERIOD.—Notwithstanding any other provision of law, except as provided in paragraph (6), prior to and during the period for transmission of an agreement in subsection (a)(1) and during the period for congressional review provided in paragraph (1), including any additional period as applicable under the exception provided in paragraph (2), the President may not waive, suspend, reduce, provide relief from, or otherwise limit the application of statutory sanctions with respect to Iran under any provision of law or refrain from applying any such sanctions pursuant to an agreement described in subsection (a).

“(4) LIMITATION ON ACTIONS DURING PRESIDENTIAL CONSIDERATION OF A JOINT RESOLUTION OF DISAPPROVAL.—Notwithstanding any other provision of law, except as provided in paragraph (6), if a joint resolution of disapproval described in subsection (c)(2)(B) passes both Houses of Congress, the President may not waive, suspend, reduce, provide relief from, or otherwise limit the application of statutory sanctions with respect to Iran under any provision of law or refrain from applying any such sanctions pursuant to an agreement described in subsection (a) for a period of 12 calendar days following the date of such passage.

“(5) LIMITATION ON ACTIONS DURING CONGRESSIONAL RECONSIDERATION OF A JOINT RESOLUTION OF DISAPPROVAL.—Notwithstanding any other provision of law, except as provided in paragraph (6), if a joint resolution of disapproval described in subsection (c)(2)(B) passes both Houses of Congress, and the President vetoes such joint resolution, the President may not waive, suspend, reduce, provide relief from, or otherwise limit the application of statutory sanctions with respect to Iran under any provision of law or refrain from applying any such sanctions pursuant to an agreement described in subsection (a) for a period of 10 calendar days following the date of the President’s veto.

“(6) EXCEPTION.—The prohibitions under paragraphs (3) through (5) do not apply to any new deferral, waiver, or other suspension of statutory sanctions pursuant to the Joint Plan of Action if that deferral, waiver, or other suspension is made—

“(A) consistent with the law in effect on the date of the enactment of the Iran Nuclear Agreement Review Act of 2015; and

Deadline.

“(B) not later than 45 calendar days before the transmission by the President of an agreement, assessment report, and certification under subsection (a).

“(7) DEFINITION.—In the House of Representatives, for purposes of this subsection, the terms ‘transmittal,’ ‘transmitted,’ and ‘transmission’ mean transmittal, transmitted, and transmission, respectively, to the Speaker of the House of Representatives.

“(c) EFFECT OF CONGRESSIONAL ACTION WITH RESPECT TO NUCLEAR AGREEMENTS WITH IRAN.—

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

“(A) the sanctions regime imposed on Iran by Congress is primarily responsible for bringing Iran to the table to negotiate on its nuclear program;

“(B) these negotiations are a critically important matter of national security and foreign policy for the United States and its closest allies;

“(C) this section does not require a vote by Congress for the agreement to commence;

“(D) this section provides for congressional review, including, as appropriate, for approval, disapproval, or no action on statutory sanctions relief under an agreement; and

“(E) even though the agreement may commence, because the sanctions regime was imposed by Congress and only Congress can permanently modify or eliminate that regime, it is critically important that Congress have the opportunity, in an orderly and deliberative manner, to consider and, as appropriate, take action affecting the statutory sanctions regime imposed by Congress.

“(2) IN GENERAL.—Notwithstanding any other provision of law, action involving any measure of statutory sanctions relief by the United States pursuant to an agreement subject to subsection (a) or the Joint Plan of Action—

“(A) may be taken, consistent with existing statutory requirements for such action, if, during the period for review provided in subsection (b), there is enacted a joint resolution stating in substance that the Congress does favor the agreement;

“(B) may not be taken if, during the period for review provided in subsection (b), there is enacted a joint resolution stating in substance that the Congress does not favor the agreement; or

“(C) may be taken, consistent with existing statutory requirements for such action, if, following the period for review provided in subsection (b), there is not enacted any such joint resolution.

“(3) DEFINITION.—For the purposes of this subsection, the phrase ‘action involving any measure of statutory sanctions relief by the United States’ shall include waiver, suspension, reduction, or other effort to provide relief from, or otherwise limit the application of statutory sanctions with respect to, Iran under any provision of law or any other effort to refrain from applying any such sanctions.

President.

“(d) CONGRESSIONAL OVERSIGHT OF IRANIAN COMPLIANCE WITH NUCLEAR AGREEMENTS.—

“(1) IN GENERAL.—The President shall keep the appropriate congressional committees and leadership fully and currently informed of all aspects of Iranian compliance with respect to an agreement subject to subsection (a).

“(2) POTENTIALLY SIGNIFICANT BREACHES AND COMPLIANCE INCIDENTS.—The President shall, within 10 calendar days of receiving credible and accurate information relating to a potentially significant breach or compliance incident by Iran with respect to an agreement subject to subsection (a), submit such information to the appropriate congressional committees and leadership.

“(3) MATERIAL BREACH REPORT.—Not later than 30 calendar days after submitting information about a potentially significant breach or compliance incident pursuant to paragraph (2), the President shall make a determination whether such potentially significant breach or compliance issue constitutes a material breach and, if there is such a material breach, whether Iran has cured such material breach, and shall submit to the appropriate congressional committees and leadership such determination, accompanied by, as appropriate, a report on the action or failure to act by Iran that led to the material breach, actions necessary for Iran to cure the breach, and the status of Iran’s efforts to cure the breach.

“(4) SEMI-ANNUAL REPORT.—Not later than 180 calendar days after entering into an agreement described in subsection (a), and not less frequently than once every 180 calendar days thereafter, the President shall submit to the appropriate congressional committees and leadership a report on Iran’s nuclear program and the compliance of Iran with the agreement during the period covered by the report, including the following elements:

“(A) Any action or failure to act by Iran that breached the agreement or is in noncompliance with the terms of the agreement.

“(B) Any delay by Iran of more than one week in providing inspectors access to facilities, people, and documents in Iran as required by the agreement.

“(C) Any progress made by Iran to resolve concerns by the International Atomic Energy Agency about possible military dimensions of Iran’s nuclear program.

“(D) Any procurement by Iran of materials in violation of the agreement or which could otherwise significantly advance Iran’s ability to obtain a nuclear weapon.

“(E) Any centrifuge research and development conducted by Iran that—

“(i) is not in compliance with the agreement; or

“(ii) may substantially reduce the breakout time of acquisition of a nuclear weapon by Iran, if deployed.

“(F) Any diversion by Iran of uranium, carbon-fiber, or other materials for use in Iran’s nuclear program in violation of the agreement.

“(G) Any covert nuclear activities undertaken by Iran, including any covert nuclear weapons-related or covert fissile material activities or research and development.

“(H) An assessment of whether any Iranian financial institutions are engaged in money laundering or terrorist

Assessment.

finance activities, including names of specific financial institutions if applicable.

“(I) Iran’s advances in its ballistic missile program, including developments related to its long-range and intercontinental ballistic missile programs.

Assessment.

“(J) An assessment of—

“(i) whether Iran directly supported, financed, planned, or carried out an act of terrorism against the United States or a United States person anywhere in the world;

“(ii) whether, and the extent to which, Iran supported acts of terrorism, including acts of terrorism against the United States or a United States person anywhere in the world;

“(iii) all actions, including in international fora, being taken by the United States to stop, counter, and condemn acts by Iran to directly or indirectly carry out acts of terrorism against the United States and United States persons;

“(iv) the impact on the national security of the United States and the safety of United States citizens as a result of any Iranian actions reported under this paragraph; and

“(v) all of the sanctions relief provided to Iran, pursuant to the agreement, and a description of the relationship between each sanction waived, suspended, or deferred and Iran’s nuclear weapon’s program.

Assessment.

“(K) An assessment of whether violations of internationally recognized human rights in Iran have changed, increased, or decreased, as compared to the prior 180-day period.

“(5) ADDITIONAL REPORTS AND INFORMATION.—

“(A) AGENCY REPORTS.—Following submission of an agreement pursuant to subsection (a) to the appropriate congressional committees and leadership, the Department of State, the Department of Energy, and the Department of Defense shall, upon the request of any of those committees or leadership, promptly furnish to those committees or leadership their views as to whether the safeguards and other controls contained in the agreement with respect to Iran’s nuclear program provide an adequate framework to ensure that Iran’s activities permitted thereunder will not be inimical to or constitute an unreasonable risk to the common defense and security.

President.

“(B) PROVISION OF INFORMATION ON NUCLEAR INITIATIVES WITH IRAN.—The President shall keep the appropriate congressional committees and leadership fully and currently informed of any initiative or negotiations with Iran relating to Iran’s nuclear program, including any new or amended agreement.

President.

“(6) COMPLIANCE CERTIFICATION.—After the review period provided in subsection (b), the President shall, not less than every 90 calendar days—

Determination.

“(A) determine whether the President is able to certify that—

“(i) Iran is transparently, verifiably, and fully implementing the agreement, including all related technical or additional agreements;

“(ii) Iran has not committed a material breach with respect to the agreement or, if Iran has committed a material breach, Iran has cured the material breach;

“(iii) Iran has not taken any action, including covert activities, that could significantly advance its nuclear weapons program; and

“(iv) suspension of sanctions related to Iran pursuant to the agreement is—

“(I) appropriate and proportionate to the specific and verifiable measures taken by Iran with respect to terminating its illicit nuclear program; and

“(II) vital to the national security interests of the United States; and

“(B) if the President determines he is able to make the certification described in subparagraph (A), make such certification to the appropriate congressional committees and leadership.

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

“(A) United States sanctions on Iran for terrorism, human rights abuses, and ballistic missiles will remain in place under an agreement, as defined in subsection (h)(1);

“(B) issues not addressed by an agreement on the nuclear program of Iran, including fair and appropriate compensation for Americans who were terrorized and subjected to torture while held in captivity for 444 days after the seizure of the United States Embassy in Tehran, Iran, in 1979 and their families, the freedom of Americans held in Iran, the human rights abuses of the Government of Iran against its own people, and the continued support of terrorism worldwide by the Government of Iran, are matters critical to ensure justice and the national security of the United States, and should be expeditiously addressed;

“(C) the President should determine the agreement in no way compromises the commitment of the United States to Israel’s security, nor its support for Israel’s right to exist; and

“(D) in order to responsibly implement any long-term agreement reached between the P5+1 countries and Iran, it is critically important that Congress have the opportunity to review any agreement and, as necessary, take action to modify the statutory sanctions regime imposed by Congress.

“(e) EXPEDITED CONSIDERATION OF LEGISLATION.—

“(1) INITIATION.—

“(A) IN GENERAL.—In the event the President does not submit a certification pursuant to subsection (d)(6) during each 90-day period following the review period provided in subsection (b), or submits a determination pursuant to subsection (d)(3) that Iran has materially breached an agreement subject to subsection (a) and the material breach has not been cured, qualifying legislation introduced

Time period.

within 60 calendar days of such event shall be entitled to expedited consideration pursuant to this subsection.

“(B) DEFINITION.—In the House of Representatives, for purposes of this paragraph, the terms ‘submit’ and ‘submits’ mean submit and submits, respectively, to the Speaker of the House of Representatives.

“(2) QUALIFYING LEGISLATION DEFINED.—For purposes of this subsection, the term ‘qualifying legislation’ means only a bill of either House of Congress—

“(A) the title of which is as follows: ‘A bill reinstating statutory sanctions imposed with respect to Iran.’; and

“(B) the matter after the enacting clause of which is: ‘Any statutory sanctions imposed with respect to Iran pursuant to _____ that were waived, suspended, reduced, or otherwise relieved pursuant to an agreement submitted pursuant to section 135(a) of the Atomic Energy Act of 1954 are hereby reinstated and any action by the United States Government to facilitate the release of funds or assets to Iran pursuant to such agreement, or provide any further waiver, suspension, reduction, or other relief pursuant to such agreement is hereby prohibited.’, with the blank space being filled in with the law or laws under which sanctions are to be reinstated.

“(3) INTRODUCTION.—During the 60-calendar day period provided for in paragraph (1), qualifying legislation may be introduced—

“(A) in the House of Representatives, by the majority leader or the minority leader; and

“(B) in the Senate, by the majority leader (or the majority leader’s designee) or the minority leader (or the minority leader’s designee).

“(4) FLOOR CONSIDERATION IN HOUSE OF REPRESENTATIVES.—

Deadline.

“(A) REPORTING AND DISCHARGE.—If a committee of the House to which qualifying legislation has been referred has not reported such qualifying legislation within 10 legislative days after the date of referral, that committee shall be discharged from further consideration thereof.

Effective date.

“(B) PROCEEDING TO CONSIDERATION.—Beginning on the third legislative day after each committee to which qualifying legislation has been referred reports it to the House or has been discharged from further consideration thereof, it shall be in order to move to proceed to consider the qualifying legislation in the House. All points of order against the motion are waived. Such a motion shall not be in order after the House has disposed of a motion to proceed on the qualifying legislation with regard to the same agreement. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. The motion shall not be debatable. A motion to reconsider the vote by which the motion is disposed of shall not be in order.

“(C) CONSIDERATION.—The qualifying legislation shall be considered as read. All points of order against the qualifying legislation and against its consideration are waived. The previous question shall be considered as ordered on

the qualifying legislation to final passage without intervening motion except two hours of debate equally divided and controlled by the sponsor of the qualifying legislation (or a designee) and an opponent. A motion to reconsider the vote on passage of the qualifying legislation shall not be in order.

“(5) CONSIDERATION IN THE SENATE.—

“(A) COMMITTEE REFERRAL.—Qualifying legislation introduced in the Senate shall be referred to the Committee on Foreign Relations.

“(B) REPORTING AND DISCHARGE.—If the Committee on Foreign Relations has not reported such qualifying legislation within 10 session days after the date of referral of such legislation, that committee shall be discharged from further consideration of such legislation and the qualifying legislation shall be placed on the appropriate calendar.

Deadline.

“(C) PROCEEDING TO CONSIDERATION.—Notwithstanding Rule XXII of the Standing Rules of the Senate, it is in order at any time after the committee authorized to consider qualifying legislation reports it to the Senate or has been discharged from its consideration (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of qualifying legislation, and all points of order against qualifying legislation (and against consideration of the qualifying legislation) are waived. The motion to proceed is not debatable. The motion is not subject to a motion to postpone. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the qualifying legislation is agreed to, the qualifying legislation shall remain the unfinished business until disposed of.

“(D) DEBATE.—Debate on qualifying legislation, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between the majority and minority leaders or their designees. A motion to further limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the qualifying legislation is not in order.

“(E) VOTE ON PASSAGE.—The vote on passage shall occur immediately following the conclusion of the debate on the qualifying legislation and a single quorum call at the conclusion of the debate, if requested in accordance with the rules of the Senate.

“(F) RULINGS OF THE CHAIR ON PROCEDURE.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate, as the case may be, to the procedure relating to qualifying legislation shall be decided without debate.

“(G) CONSIDERATION OF VETO MESSAGES.—Debate in the Senate of any veto message with respect to qualifying legislation, including all debatable motions and appeals

in connection with such qualifying legislation, shall be limited to 10 hours, to be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

“(6) RULES RELATING TO SENATE AND HOUSE OF REPRESENTATIVES.—

Applicability.

“(A) COORDINATION WITH ACTION BY OTHER HOUSE.—

If, before the passage by one House of qualifying legislation of that House, that House receives qualifying legislation from the other House, then the following procedures shall apply:

“(i) The qualifying legislation of the other House shall not be referred to a committee.

“(ii) With respect to qualifying legislation of the House receiving the legislation—

“(I) the procedure in that House shall be the same as if no qualifying legislation had been received from the other House; but

“(II) the vote on passage shall be on the qualifying legislation of the other House.

“(B) TREATMENT OF A BILL OF OTHER HOUSE.—If one House fails to introduce qualifying legislation under this section, the qualifying legislation of the other House shall be entitled to expedited floor procedures under this section.

“(C) TREATMENT OF COMPANION MEASURES.—If, following passage of the qualifying legislation in the Senate, the Senate then receives a companion measure from the House of Representatives, the companion measure shall not be debatable.

“(D) APPLICATION TO REVENUE MEASURES.—The provisions of this paragraph shall not apply in the House of Representatives to qualifying legislation which is a revenue measure.

“(f) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—Subsection (e) is enacted by Congress—

“(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of legislation described in those sections, and supersede other rules only to the extent that they are inconsistent with such rules; and

“(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

“(g) RULES OF CONSTRUCTION.—Nothing in the section shall be construed as—

“(1) modifying, or having any other impact on, the President’s authority to negotiate, enter into, or implement appropriate executive agreements, other than the restrictions on implementation of the agreements specifically covered by this section;

“(2) allowing any new waiver, suspension, reduction, or other relief from statutory sanctions with respect to Iran under any provision of law, or allowing the President to refrain from applying any such sanctions pursuant to an agreement

described in subsection (a) during the period for review provided in subsection (b);

“(3) revoking or terminating any statutory sanctions imposed on Iran; or

“(4) authorizing the use of military force against Iran.

“(h) DEFINITIONS.—In this section:

“(1) AGREEMENT.—The term ‘agreement’ means an agreement related to the nuclear program of Iran that includes the United States, commits the United States to take action, or pursuant to which the United States commits or otherwise agrees to take action, regardless of the form it takes, whether a political commitment or otherwise, and regardless of whether it is legally binding or not, including any joint comprehensive plan of action entered into or made between Iran and any other parties, and any additional materials related thereto, including annexes, appendices, codicils, side agreements, implementing materials, documents, and guidance, technical or other understandings, and any related agreements, whether entered into or implemented prior to the agreement or to be entered into or implemented in the future.

“(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional committees’ means the Committee on Finance, the Committee on Banking, Housing, and Urban Affairs, the Select Committee on Intelligence, and the Committee on Foreign Relations of the Senate and the Committee on Ways and Means, the Committee on Financial Services, the Permanent Select Committee on Intelligence, and the Committee on Foreign Affairs of the House of Representatives.

“(3) APPROPRIATE CONGRESSIONAL COMMITTEES AND LEADERSHIP.—The term ‘appropriate congressional committees and leadership’ means the Committee on Finance, the Committee on Banking, Housing, and Urban Affairs, the Select Committee on Intelligence, and the Committee on Foreign Relations, and the Majority and Minority Leaders of the Senate and the Committee on Ways and Means, the Committee on Financial Services, the Permanent Select Committee on Intelligence, and the Committee on Foreign Affairs, and the Speaker, Majority Leader, and Minority Leader of the House of Representatives.

“(4) IRANIAN FINANCIAL INSTITUTION.—The term ‘Iranian financial institution’ has the meaning given the term in section 104A(d) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513b(d)).

“(5) JOINT PLAN OF ACTION.—The term ‘Joint Plan of Action’ means the Joint Plan of Action, signed at Geneva November 24, 2013, by Iran and by France, Germany, the Russian Federation, the People’s Republic of China, the United Kingdom, and the United States, and all implementing materials and agreements related to the Joint Plan of Action, including the technical understandings reached on January 12, 2014, the extension thereto agreed to on July 18, 2014, the extension agreed to on November 24, 2014, and any materially identical extension that is agreed to on or after the date of the enactment of the Iran Nuclear Agreement Review Act of 2015.

“(6) EU-IRAN JOINT STATEMENT.—The term ‘EU-Iran Joint Statement’ means only the Joint Statement by EU High Representative Federica Mogherini and Iranian Foreign Minister Javad Zarif made on April 2, 2015, at Lausanne, Switzerland.

“(7) MATERIAL BREACH.—The term ‘material breach’ means, with respect to an agreement described in subsection (a), any breach of the agreement, or in the case of non-binding commitments, any failure to perform those commitments, that substantially—

“(A) benefits Iran’s nuclear program;

“(B) decreases the amount of time required by Iran to achieve a nuclear weapon; or

“(C) deviates from or undermines the purposes of such agreement.

“(8) NONCOMPLIANCE DEFINED.—The term ‘noncompliance’ means any departure from the terms of an agreement described in subsection (a) that is not a material breach.

“(9) P5+1 COUNTRIES.—The term ‘P5+1 countries’ means the United States, France, the Russian Federation, the People’s Republic of China, the United Kingdom, and Germany.

“(10) UNITED STATES PERSON.—The term ‘United States person’ has the meaning given that term in section 101 of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8511).”.

Approved May 22, 2015.

LEGISLATIVE HISTORY—H.R. 1191:

CONGRESSIONAL RECORD, Vol. 161 (2015):

Mar. 16, 17, considered and passed House.

Apr. 23, 27–30, May 5–7, considered and passed Senate, amended.

May 14, House concurred in Senate amendments.

Public Law 114–18
114th Congress

An Act

To amend the Workforce Innovation and Opportunity Act to improve the Act.

May 22, 2015

[S. 1124]

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

WIOA Technical
Amendments
Act.
29 USC 3101
note.

SECTION 1. SHORT TITLE.

This Act may be cited as the “WIOA Technical Amendments Act”.

SEC. 2. AMENDMENTS TO WORKFORCE INNOVATION AND OPPORTUNITY ACT.

(a) DESIGNATION OF AREAS SERVED BY RURAL CONCENTRATED EMPLOYMENT PROGRAMS AS LOCAL AREAS.—

(1) IN GENERAL.—Section 106(b) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3121(b)) is amended—

(A) by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively; and

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

“(5) AREAS SERVED BY RURAL CONCENTRATED EMPLOYMENT PROGRAMS.—The Governor may approve, under paragraph (2) or (3), a request for designation as a local area from an area described in section 107(c)(1)(C).”.

(b) LOCAL WORKFORCE DEVELOPMENT BOARDS.—Section 107(i)(1)(B) of such Act (29 U.S.C. 3122(i)(1)(B)) is amended by striking “the day before the date of enactment of this Act” and inserting “the day before the date of enactment of the Workforce Investment Act of 1998”.

(c) PERFORMANCE ACCOUNTABILITY SYSTEM.—Section 116 of such Act (29 U.S.C. 3141) is amended—

(1) in subsection (b)(2)(A)(iv), by striking “clause (i)(IV)” and inserting “clause (i)(VI)”; and

(2) in subsection (g), by striking “for a program described in subsection (d)(2)(A)”.

(d) STATE ALLOTMENTS.—Section 132(b) of such Act (29 U.S.C. 3172(b)) is amended, in paragraphs (1)(B)(iv)(I) and (2)(B)(iii)(I), by inserting “less than” after “fiscal year that is”.

(e) CONFORMING AMENDMENTS.—

(1) Section 102(b)(2)(D)(i)(III) of such Act (29 U.S.C. 3112(b)(2)(D)(i)(III)) is amended by striking “section 106(b)(5)” and inserting “section 106(b)(6)”.

(2) Section 129(b)(1)(C) of such Act (29 U.S.C. 3164(b)(1)(C)) is amended by striking “subsections (b)(6) and (c)(2) of section 106” and inserting “subsections (b)(7) and (c)(2) of section 106”.

(3) Section 134(a)(2)(B)(ii) of such Act (29 U.S.C. 3174(a)(2)(B)(ii)) is amended by striking “section 106(b)(6)” and inserting “section 106(b)(7)”.

29 USC 3112
note.

(f) **EFFECTIVE DATE.**—The amendments made by this section shall take effect as if included in the Workforce Innovation and Opportunity Act.

SEC. 3. ESTABLISHMENT OF NATIONAL COUNCIL ON DISABILITY.

(a) **IN GENERAL.**—Section 400(b) of the Rehabilitation Act of 1973 (29 U.S.C. 780(b)) is amended to read as follows:

“(b)(1) Each member of the National Council shall serve for a term of 3 years.

“(2)(A) No member of the National Council may serve more than two consecutive full terms beginning on the date of commencement of the first full term on the Council. Members may serve after the expiration of their terms until their successors have taken office.

Definition.

“(B) As used in this paragraph, the term ‘full term’ means a term of 3 years.

“(3) Any member appointed to fill a vacancy occurring before the expiration of the term for which such member’s predecessor was appointed shall be appointed only for the remainder of such term.”

29 USC 780 note.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall take effect as if enacted 1 day after the date of enactment of the Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.).

Approved May 22, 2015.

LEGISLATIVE HISTORY—S. 1124:

CONGRESSIONAL RECORD, Vol. 161 (2015):

May 6, considered and passed Senate.

May 12, considered and passed House.

Public Law 114–19
114th Congress

An Act

To extend the authorization for the replacement of the existing Department of Veterans Affairs Medical Center in Denver, Colorado, to make certain improvements in the Veterans Access, Choice, and Accountability Act of 2014, and for other purposes.

May 22, 2015
[H.R. 2496]

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Construction Authorization and Choice Improvement Act”.

Construction
Authorization
and Choice
Improvement
Act.
38 USC 101 note.

SEC. 2. EXTENSION OF AUTHORIZATION FOR MAJOR MEDICAL FACILITY CONSTRUCTION PROJECT PREVIOUSLY AUTHORIZED.

(a) **IN GENERAL.**—The Secretary of Veterans Affairs may carry out the replacement of the existing Department of Veterans Affairs Medical Center in Denver, Colorado, in fiscal year 2015, in an amount not to exceed \$900,000,000.

(b) **LIMITATION ON OBLIGATION OF FUNDS.**—Notwithstanding section 8104(c) of title 38, United States Code, or any other provision of law, funds may not be obligated or expended for the project described in subsection (a) in an amount that would cause the total amount obligated for that project to exceed the amount specified in the law for that project (or would add to total obligations exceeding such specified amount).

SEC. 3. CLARIFICATION OF DISTANCE REQUIREMENT FOR EXPANDED AVAILABILITY OF HOSPITAL CARE AND MEDICAL SERVICES FOR VETERANS THROUGH THE USE OF AGREEMENTS WITH NON-DEPARTMENT OF VETERANS AFFAIRS ENTITIES.

(a) **IN GENERAL.**—Section 101(b)(2) of the Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113–146; 38 U.S.C. 1701 note) is amended—

(1) in subparagraph (B), by inserting “(as calculated based on distance traveled)” after “40 miles”; and

(2) in subparagraph (D)(ii), by striking subclause (II), and inserting the following new subclause (II):

“(II) faces an unusual or excessive burden in traveling to such a medical facility of the Department based on—

“(aa) geographical challenges;

“(bb) environmental factors, such as roads that are not accessible to the general public, traffic, or hazardous weather;

“(cc) a medical condition that impacts the ability to travel; or

“(dd) other factors, as determined by the Secretary.”.

38 USC 1701
note.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act and apply with respect to care or services provided on or after such date.

Approved May 22, 2015.

LEGISLATIVE HISTORY—H.R. 2496:

CONGRESSIONAL RECORD, Vol. 161 (2015):

May 21, considered and passed House.

May 22, considered and passed Senate.

Public Law 114–20
114th Congress

An Act

To designate the United States courthouse located at 700 Grant Street in Pittsburgh, Pennsylvania, as the “Joseph F. Weis Jr. United States Courthouse”.

May 29, 2015
[H.R. 1690]

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

SECTION 1. DESIGNATION.

The United States courthouse located at 700 Grant Street in Pittsburgh, Pennsylvania, shall be known and designated as the “Joseph F. Weis Jr. United States Courthouse”.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the “Joseph F. Weis Jr. United States Courthouse”.

Approved May 29, 2015.

LEGISLATIVE HISTORY—H.R. 1690:

HOUSE REPORTS: No. 114–90 (Comm. on Transportation and Infrastructure).
CONGRESSIONAL RECORD, Vol. 161 (2015):

Apr. 28, considered and passed House.
May 21, considered and passed Senate.

Public Law 114–21
114th Congress

An Act

May 29, 2015
[H.R. 2353]

To provide an extension of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund, and for other purposes.

Highway and
Transportation
Funding Act
of 2015.
Time periods.
23 USC 101 note.

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

SECTION 1. SHORT TITLE; RECONCILIATION OF FUNDS; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Highway and Transportation Funding Act of 2015”.

(b) **RECONCILIATION OF FUNDS.**—The Secretary of Transportation shall reduce the amount apportioned or allocated for a program, project, or activity under this Act in fiscal year 2015 by amounts apportioned or allocated pursuant to the Highway and Transportation Funding Act of 2014, including the amendments made by that Act, for the period beginning on October 1, 2014, and ending on May 31, 2015.

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

Sec. 1. Short title; reconciliation of funds; table of contents.

TITLE I—SURFACE TRANSPORTATION PROGRAM EXTENSION

Subtitle A—Federal-Aid Highways

Sec. 1001. Extension of Federal-aid highway programs.

Sec. 1002. Administrative expenses.

Subtitle B—Extension of Highway Safety Programs

Sec. 1101. Extension of national highway traffic safety administration highway safety programs.

Sec. 1102. Extension of Federal Motor Carrier Safety Administration programs.

Sec. 1103. Dingell-Johnson Sport Fish Restoration Act.

Subtitle C—Public Transportation Programs

Sec. 1201. Formula grants for rural areas.

Sec. 1202. Apportionment of appropriations for formula grants.

Sec. 1203. Authorizations for public transportation.

Sec. 1204. Bus and bus facilities formula grants.

Subtitle D—Hazardous Materials

Sec. 1301. Authorization of appropriations.

TITLE II—REVENUE PROVISIONS

Sec. 2001. Extension of Highway Trust Fund expenditure authority.

TITLE I—SURFACE TRANSPORTATION PROGRAM EXTENSION

Subtitle A—Federal-Aid Highways

SEC. 1001. EXTENSION OF FEDERAL-AID HIGHWAY PROGRAMS.

(a) IN GENERAL.—Section 1001(a) of the Highway and Transportation Funding Act of 2014 (128 Stat. 1840) is amended by striking “May 31, 2015” and inserting “July 31, 2015”.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) HIGHWAY TRUST FUND.—Section 1001(b)(1) of the Highway and Transportation Funding Act of 2014 (128 Stat. 1840) is amended by striking “for the period beginning on October 1, 2014, and ending on May 31, 2015, a sum equal to $\frac{243}{365}$ of the total amount” and inserting “for the period beginning on October 1, 2014, and ending on July 31, 2015, a sum equal to $\frac{304}{365}$ of the total amount”.

(2) GENERAL FUND.—Section 1123(h)(1) of MAP–21 (23 U.S.C. 202 note) is amended by striking “and \$19,972,603 out of the general fund of the Treasury to carry out the program for the period beginning on October 1, 2014, and ending on May 31, 2015” and inserting “and \$24,986,301 out of the general fund of the Treasury to carry out the program for the period beginning on October 1, 2014, and ending on July 31, 2015”.

(c) USE OF FUNDS.—

(1) IN GENERAL.—Section 1001(c)(1) of the Highway and Transportation Funding Act of 2014 (128 Stat. 1840) is amended—

(A) by striking “May 31, 2015,” and inserting “July 31, 2015,”; and

(B) by striking “ $\frac{243}{365}$ ” and inserting “ $\frac{304}{365}$ ”.

(2) OBLIGATION CEILING.—Section 1102 of MAP–21 (23 U.S.C. 104 note) is amended—

(A) in subsection (a) by striking paragraph (3) and inserting the following:

“(3) \$33,528,284,932 for the period beginning on October 1, 2014, and ending on July 31, 2015.”;

(B) in subsection (b)(12) by striking “, and for the period beginning on October 1, 2014, and ending on May 31, 2015, only in an amount equal to \$639,000,000, less any reductions that would have otherwise been required for that year by section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a), then multiplied by $\frac{243}{365}$ for that period” and inserting “, and for the period beginning on October 1, 2014, and ending on July 31, 2015, only in an amount equal to \$639,000,000, less any reductions that would have otherwise been required for that year by section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a), then multiplied by $\frac{304}{365}$ for that period”;

(C) in subsection (c)—

(i) in the matter preceding paragraph (1) by striking “May 31, 2015,” and inserting “July 31, 2015,”; and

(ii) in paragraph (2) in the matter preceding subparagraph (A) by striking “for the period beginning on October 1, 2014, and ending May 31, 2015, that is equal to $\frac{243}{365}$ of such unobligated balance” and inserting “for the period beginning on October 1, 2014, and ending on July 31, 2015, that is equal to $\frac{304}{365}$ of such unobligated balance”; and

(D) in subsection (f)(1) in the matter preceding subparagraph (A) by striking “May 31, 2015,” and inserting “July 31, 2015.”.

SEC. 1002. ADMINISTRATIVE EXPENSES.

Section 1002 of the Highway and Transportation Funding Act of 2014 (128 Stat. 1842) is amended—

(1) in subsection (a) by striking “for administrative expenses of the Federal-aid highway program \$292,931,507 for the period beginning on October 1, 2014, and ending on May 31, 2015.” and inserting “for administrative expenses of the Federal-aid highway program \$366,465,753 for the period beginning on October 1, 2014, and ending on July 31, 2015.”; and

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

“(2) for the period beginning on October 1, 2014, and ending on July 31, 2015, subject to the limitations on administrative expenses under the heading ‘Federal Highway Administration’ in appropriations Acts that apply to that period.”.

Applicability.

Subtitle B—Extension of Highway Safety Programs

SEC. 1101. EXTENSION OF NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION HIGHWAY SAFETY PROGRAMS.

(a) EXTENSION OF PROGRAMS.—

(1) HIGHWAY SAFETY PROGRAMS.—Section 31101(a)(1)(C) of MAP–21 (126 Stat. 733) is amended to read as follows:

“(C) \$195,726,027 for the period beginning on October 1, 2014, and ending on July 31, 2015.”.

(2) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—Section 31101(a)(2)(C) of MAP–21 (126 Stat. 733) is amended to read as follows:

“(C) \$94,531,507 for the period beginning on October 1, 2014, and ending on July 31, 2015.”.

(3) NATIONAL PRIORITY SAFETY PROGRAMS.—Section 31101(a)(3)(C) of MAP–21 (126 Stat. 733) is amended to read as follows:

“(C) \$226,542,466 for the period beginning on October 1, 2014, and ending on July 31, 2015.”.

(4) NATIONAL DRIVER REGISTER.—Section 31101(a)(4)(C) of MAP–21 (126 Stat. 733) is amended to read as follows:

“(C) \$4,164,384 for the period beginning on October 1, 2014, and ending on July 31, 2015.”.

(5) HIGH VISIBILITY ENFORCEMENT PROGRAM.—

(A) AUTHORIZATION OF APPROPRIATIONS.—Section 31101(a)(5)(C) of MAP–21 (126 Stat. 733) is amended to read as follows:

“(C) \$24,153,425 for the period beginning on October 1, 2014, and ending on July 31, 2015.”.

(B) LAW ENFORCEMENT CAMPAIGNS.—Section 2009(a) of SAFETEA–LU (23 U.S.C. 402 note) is amended—

(i) in the first sentence by striking “May 31, 2015” and inserting “July 31, 2015”; and

(ii) in the second sentence by striking “May 31, 2015,” and inserting “July 31, 2015.”.

(6) ADMINISTRATIVE EXPENSES.—Section 31101(a)(6)(C) of MAP–21 (126 Stat. 733) is amended to read as follows:

“(C) \$21,238,356 for the period beginning on October 1, 2014, and ending on July 31, 2015.”.

(b) COOPERATIVE RESEARCH AND EVALUATION.—Section 403(f)(1) of title 23, United States Code, is amended by striking “and \$1,664,384 of the total amount available for apportionment to the States for highway safety programs under section 402(c) in the period beginning on October 1, 2014, and ending on May 31, 2015,” and inserting “and \$2,082,192 of the total amount available for apportionment to the States for highway safety programs under section 402(c) in the period beginning on October 1, 2014, and ending on July 31, 2015.”.

(c) APPLICABILITY OF TITLE 23.—Section 31101(c) of MAP–21 (126 Stat. 733) is amended by striking “May 31, 2015,” and inserting “July 31, 2015.”.

SEC. 1102. EXTENSION OF FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION PROGRAMS.

(a) MOTOR CARRIER SAFETY GRANTS.—Section 31104(a)(10) of title 49, United States Code, is amended to read as follows:

“(10) \$181,567,123 for the period beginning on October 1, 2014, and ending on July 31, 2015.”.

(b) ADMINISTRATIVE EXPENSES.—Section 31104(i)(1)(J) of title 49, United States Code, is amended to read as follows:

“(J) \$215,715,068 for the period beginning on October 1, 2014, and ending on July 31, 2015.”.

(c) GRANT PROGRAMS.—

(1) COMMERCIAL DRIVER’S LICENSE PROGRAM IMPROVEMENT GRANTS.—Section 4101(c)(1) of SAFETEA–LU (119 Stat. 1715) is amended by striking “and \$19,972,603 for the period beginning on October 1, 2014, and ending on May 31, 2015” and inserting “and \$24,986,301 for the period beginning on October 1, 2014, and ending on July 31, 2015”.

(2) BORDER ENFORCEMENT GRANTS.—Section 4101(c)(2) of SAFETEA–LU (119 Stat. 1715) is amended by striking “and \$21,304,110 for the period beginning on October 1, 2014, and ending on May 31, 2015” and inserting “and \$26,652,055 for the period beginning on October 1, 2014, and ending on July 31, 2015”.

(3) PERFORMANCE AND REGISTRATION INFORMATION SYSTEM MANAGEMENT GRANT PROGRAM.—Section 4101(c)(3) of SAFETEA–LU (119 Stat. 1715) is amended by striking “and \$3,328,767 for the period beginning on October 1, 2014, and ending on May 31, 2015” and inserting “and \$4,164,384 for the period beginning on October 1, 2014, and ending on July 31, 2015”.

(4) COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS DEPLOYMENT PROGRAM.—Section 4101(c)(4) of SAFETEA–LU (119 Stat. 1715) is amended by striking “and \$16,643,836 for the period beginning on October 1, 2014, and

ending on May 31, 2015” and inserting “and \$20,821,918 for the period beginning on October 1, 2014, and ending on July 31, 2015”.

(5) SAFETY DATA IMPROVEMENT GRANTS.—Section 4101(c)(5) of SAFETEA–LU (119 Stat. 1715) is amended by striking “and \$1,997,260 for the period beginning on October 1, 2014, and ending on May 31, 2015” and inserting “and \$2,498,630 for the period beginning on October 1, 2014, and ending on July 31, 2015”.

(d) HIGH-PRIORITY ACTIVITIES.—Section 31104(k)(2) of title 49, United States Code, is amended by striking “and up to \$9,986,301 for the period beginning on October 1, 2014, and ending on May 31, 2015,” and inserting “and up to \$12,493,151 for the period beginning on October 1, 2014, and ending on July 31, 2015,”.

(e) NEW ENTRANT AUDITS.—Section 31144(g)(5)(B) of title 49, United States Code, is amended by striking “and up to \$21,304,110 for the period beginning on October 1, 2014, and ending on May 31, 2015,” and inserting “and up to \$26,652,055 for the period beginning on October 1, 2014, and ending on July 31, 2015,”.

(f) OUTREACH AND EDUCATION.—Section 4127(e) of SAFETEA–LU (119 Stat. 1741) is amended by striking “and \$2,663,014 to the Federal Motor Carrier Safety Administration for the period beginning on October 1, 2014, and ending on May 31, 2015,” and inserting “and \$3,331,507 to the Federal Motor Carrier Safety Administration for the period beginning on October 1, 2014, and ending on July 31, 2015,”.

(g) GRANT PROGRAM FOR COMMERCIAL MOTOR VEHICLE OPERATORS.—Section 4134(c) of SAFETEA–LU (49 U.S.C. 31301 note) is amended by striking “and \$665,753 for the period beginning on October 1, 2014, and ending on May 31, 2015,” and inserting “and \$832,877 for the period beginning on October 1, 2014, and ending on July 31, 2015,”.

SEC. 1103. DINGELL-JOHNSON SPORT FISH RESTORATION ACT.

Section 4 of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c) is amended—

(1) in subsection (a) in the matter preceding paragraph (1) by striking “May 31, 2015” and inserting “July 31, 2015”; and

(2) in subsection (b)(1)(A) by striking “May 31, 2015,” and inserting “July 31, 2015,”.

Subtitle C—Public Transportation Programs

SEC. 1201. FORMULA GRANTS FOR RURAL AREAS.

Section 5311(c)(1) of title 49, United States Code, is amended—

(1) in subparagraph (A) by striking “and \$3,328,767 for the period beginning on October 1, 2014, and ending on May 31, 2015,” and inserting “and \$4,164,384 for the period beginning on October 1, 2014, and ending on July 31, 2015,”; and

(2) in subparagraph (B) by striking “and \$16,643,836 for the period beginning on October 1, 2014, and ending on May 31, 2015,” and inserting “and \$20,821,918 for the period beginning on October 1, 2014, and ending on July 31, 2015,”.

SEC. 1202. APPORTIONMENT OF APPROPRIATIONS FOR FORMULA GRANTS.

Section 5336(h)(1) of title 49, United States Code, is amended by striking “and \$19,972,603 for the period beginning on October 1, 2014, and ending on May 31, 2015,” and inserting “and \$24,986,301 for the period beginning on October 1, 2014, and ending on July 31, 2015,”.

SEC. 1203. AUTHORIZATIONS FOR PUBLIC TRANSPORTATION.

(a) **FORMULA GRANTS.**—Section 5338(a) of title 49, United States Code, is amended—

(1) in paragraph (1) by striking “and \$5,722,150,685 for the period beginning on October 1, 2014, and ending on May 31, 2015” and inserting “and \$7,158,575,342 for the period beginning on October 1, 2014, and ending on July 31, 2015”;

(2) in paragraph (2)—

(A) in subparagraph (A) by striking “and \$85,749,041 for the period beginning on October 1, 2014, and ending on May 31, 2015,” and inserting “and \$107,274,521 for the period beginning on October 1, 2014, and ending on July 31, 2015,”;

(B) in subparagraph (B) by striking “and \$6,657,534 for the period beginning on October 1, 2014, and ending on May 31, 2015,” and inserting “and \$8,328,767 for the period beginning on October 1, 2014, and ending on July 31, 2015,”;

(C) in subparagraph (C) by striking “and \$2,968,361,507 for the period beginning on October 1, 2014, and ending on May 31, 2015,” and inserting “and \$3,713,505,753 for the period beginning on October 1, 2014, and ending on July 31, 2015,”;

(D) in subparagraph (D) by striking “and \$171,964,110 for the period beginning on October 1, 2014, and ending on May 31, 2015,” and inserting “and \$215,132,055 for the period beginning on October 1, 2014, and ending on July 31, 2015,”;

(E) in subparagraph (E)—

(i) by striking “and \$404,644,932 for the period beginning on October 1, 2014, and ending on May 31, 2015,” and inserting “and \$506,222,466 for the period beginning on October 1, 2014, and ending on July 31, 2015,”;

(ii) by striking “and \$19,972,603 for the period beginning on October 1, 2014, and ending on May 31, 2015,” and inserting “and \$24,986,301 for the period beginning on October 1, 2014, and ending on July 31, 2015,”; and

(iii) by striking “and \$13,315,068 for the period beginning on October 1, 2014, and ending on May 31, 2015,” and inserting “and \$16,657,534 for the period beginning on October 1, 2014, and ending on July 31, 2015,”;

(F) in subparagraph (F) by striking “and \$1,997,260 for the period beginning on October 1, 2014, and ending on May 31, 2015,” and inserting “and \$2,498,630 for the period beginning on October 1, 2014, and ending on July 31, 2015,”;

(G) in subparagraph (G) by striking “and \$3,328,767 for the period beginning on October 1, 2014, and ending on May 31, 2015,” and inserting “and \$4,164,384 for the period beginning on October 1, 2014, and ending on July 31, 2015.”;

(H) in subparagraph (H) by striking “and \$2,563,151 for the period beginning on October 1, 2014, and ending on May 31, 2015,” and inserting “and \$3,206,575 for the period beginning on October 1, 2014, and ending on July 31, 2015.”;

(I) in subparagraph (I) by striking “and \$1,441,955,342 for the period beginning on October 1, 2014, and ending on May 31, 2015,” and inserting “and \$1,803,927,671 for the period beginning on October 1, 2014, and ending on July 31, 2015.”;

(J) in subparagraph (J) by striking “and \$284,809,315 for the period beginning on October 1, 2014, and ending on May 31, 2015,” and inserting “and \$356,304,658 for the period beginning on October 1, 2014, and ending on July 31, 2015.”; and

(K) in subparagraph (K) by striking “and \$350,119,726 for the period beginning on October 1, 2014, and ending on May 31, 2015,” and inserting “and \$438,009,863 for the period beginning on October 1, 2014, and ending on July 31, 2015.”.

(b) RESEARCH, DEVELOPMENT DEMONSTRATION AND DEPLOYMENT PROJECTS.—Section 5338(b) of title 49, United States Code, is amended by striking “and \$46,602,740 for the period beginning on October 1, 2014, and ending on May 31, 2015” and inserting “and \$58,301,370 for the period beginning on October 1, 2014, and ending on July 31, 2015”.

(c) TRANSIT COOPERATIVE RESEARCH PROGRAM.—Section 5338(c) of title 49, United States Code, is amended by striking “and \$4,660,274 for the period beginning on October 1, 2014, and ending on May 31, 2015” and inserting “and \$5,830,137 for the period beginning on October 1, 2014, and ending on July 31, 2015”.

(d) TECHNICAL ASSISTANCE AND STANDARDS DEVELOPMENT.—Section 5338(d) of title 49, United States Code, is amended by striking “and \$4,660,274 for the period beginning on October 1, 2014, and ending on May 31, 2015” and inserting “and \$5,830,137 for the period beginning on October 1, 2014, and ending on July 31, 2015”.

(e) HUMAN RESOURCES AND TRAINING.—Section 5338(e) of title 49, United States Code, is amended by striking “and \$3,328,767 for the period beginning on October 1, 2014, and ending on May 31, 2015” and inserting “and \$4,164,384 for the period beginning on October 1, 2014, and ending on July 31, 2015”.

(f) CAPITAL INVESTMENT GRANTS.—Section 5338(g) of title 49, United States Code, is amended by striking “and \$1,269,591,781 for the period beginning on October 1, 2014, and ending on May 31, 2015” and inserting “and \$1,558,295,890 for the period beginning on October 1, 2014, and ending on July 31, 2015”.

(g) ADMINISTRATION.—Section 5338(h) of title 49, United States Code, is amended—

(1) in paragraph (1) by striking “and \$69,238,356 for the period beginning on October 1, 2014, and ending on May 31,

2015” and inserting “and \$86,619,178 for the period beginning on October 1, 2014, and ending on July 31, 2015”;

(2) in paragraph (2) by striking “and not less than \$3,328,767 for the period beginning on October 1, 2014, and ending on May 31, 2015,” and inserting “and not less than \$4,164,384 for the period beginning on October 1, 2014, and ending on July 31, 2015,”; and

(3) in paragraph (3) by striking “and not less than \$665,753 for the period beginning on October 1, 2014, and ending on May 31, 2015,” and inserting “and not less than \$832,877 for the period beginning on October 1, 2014, and ending on July 31, 2015.”.

SEC. 1204. BUS AND BUS FACILITIES FORMULA GRANTS.

Section 5339(d)(1) of title 49, United States Code, is amended—

(1) by striking “and \$43,606,849 for the period beginning on October 1, 2014, and ending on May 31, 2015,” and inserting “and \$54,553,425 for the period beginning on October 1, 2014, and ending on July 31, 2015,”;

(2) by striking “\$832,192 for such period” and inserting “\$1,041,096 for such period”; and

(3) by striking “\$332,877 for such period” and inserting “\$416,438 for such period”.

Subtitle D—Hazardous Materials

SEC. 1301. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 5128(a)(3) of title 49, United States Code, is amended to read as follows:

“(3) \$35,615,474 for the period beginning on October 1, 2014, and ending on July 31, 2015.”.

(b) HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS FUND.—Section 5128(b)(2) of title 49, United States Code, is amended to read as follows:

“(2) FISCAL YEAR 2015.—From the Hazardous Materials Emergency Preparedness Fund established under section 5116(i), the Secretary may expend for the period beginning on October 1, 2014, and ending on July 31, 2015—

“(A) \$156,581 to carry out section 5115;

“(B) \$18,156,712 to carry out subsections (a) and (b) of section 5116, of which not less than \$11,368,767 shall be available to carry out section 5116(b);

“(C) \$124,932 to carry out section 5116(f);

“(D) \$520,548 to publish and distribute the Emergency Response Guidebook under section 5116(i)(3); and

“(E) \$832,877 to carry out section 5116(j).”.

(c) HAZARDOUS MATERIALS TRAINING GRANTS.—Section 5128(c) of title 49, United States Code, is amended by striking “and \$2,663,014 for the period beginning on October 1, 2014, and ending on May 31, 2015,” and inserting “and \$3,331,507 for the period beginning on October 1, 2014, and ending on July 31, 2015.”.

TITLE II—REVENUE PROVISIONS**SEC. 2001. EXTENSION OF HIGHWAY TRUST FUND EXPENDITURE AUTHORITY.**

- 26 USC 9503. (a) **HIGHWAY TRUST FUND.**—Section 9503 of the Internal Revenue Code of 1986 is amended—
- (1) by striking “June 1, 2015” in subsections (b)(6)(B), (c)(1), and (e)(3) and inserting “August 1, 2015”, and
- (2) by striking “Highway and Transportation Funding Act of 2014” in subsections (c)(1) and (e)(3) and inserting “Highway and Transportation Funding Act of 2015”.
- 26 USC 9504. (b) **SPORT FISH RESTORATION AND BOATING TRUST FUND.**—Section 9504 of the Internal Revenue Code of 1986 is amended—
- (1) by striking “Highway and Transportation Funding Act of 2014” each place it appears in subsection (b)(2) and inserting “Highway and Transportation Funding Act of 2015”, and
- (2) by striking “June 1, 2015” in subsection (d)(2) and inserting “August 1, 2015”.
- 26 USC 9508. (c) **LEAKING UNDERGROUND STORAGE TANK TRUST FUND.**—Section 9508(e)(2) of the Internal Revenue Code of 1986 is amended by striking “June 1, 2015” and inserting “August 1, 2015”.

Approved May 29, 2015.

LEGISLATIVE HISTORY—H.R. 2353:

CONGRESSIONAL RECORD, Vol. 161 (2015):

May 19, considered and passed House.

May 23, considered and passed Senate.

Public Law 114–22
114th Congress

An Act

To provide justice for the victims of trafficking.

May 29, 2015

[S. 178]

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Justice for Victims of Trafficking Act of 2015”.

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

Justice for
Victims of
Trafficking Act
of 2015.
18 USC 1 note.

Sec. 1. Short title; table of contents.

TITLE I—JUSTICE FOR VICTIMS OF TRAFFICKING

Sec. 101. Domestic Trafficking Victims’ Fund.

Sec. 102. Clarifying the benefits and protections offered to domestic victims of human trafficking.

Sec. 103. Victim-centered child human trafficking deterrence block grant program.

Sec. 104. Direct services for victims of child pornography.

Sec. 105. Increasing compensation and restitution for trafficking victims.

Sec. 106. Streamlining human trafficking investigations.

Sec. 107. Enhancing human trafficking reporting.

Sec. 108. Reducing demand for sex trafficking.

Sec. 109. Sense of Congress.

Sec. 110. Using existing task forces and components to target offenders who exploit children.

Sec. 111. Targeting child predators.

Sec. 112. Monitoring all human traffickers as violent criminals.

Sec. 113. Crime victims’ rights.

Sec. 114. Combat Human Trafficking Act.

Sec. 115. Survivors of Human Trafficking Empowerment Act.

Sec. 116. Bringing Missing Children Home Act.

Sec. 117. Grant accountability.

Sec. 118. SAVE Act.

Sec. 119. Education and outreach to trafficking survivors.

Sec. 120. Expanded statute of limitations for civil actions by child trafficking survivors.

Sec. 121. GAO study and report.

TITLE II—COMBATING HUMAN TRAFFICKING

Subtitle A—Enhancing Services for Runaway and Homeless Victims of Youth Trafficking

Sec. 201. Amendments to the Runaway and Homeless Youth Act.

Subtitle B—Improving the Response to Victims of Child Sex Trafficking

Sec. 211. Response to victims of child sex trafficking.

Subtitle C—Interagency Task Force to Monitor and Combat Trafficking

Sec. 221. Victim of trafficking defined.

Sec. 222. Interagency task force report on child trafficking primary prevention.

Sec. 223. GAO Report on intervention.

Sec. 224. Provision of housing permitted to protect and assist in the recovery of victims of trafficking.

Subtitle D—Expanded Training

Sec. 231. Expanded training relating to trafficking in persons.

TITLE III—HERO ACT

Sec. 301. Short title.

Sec. 302. HERO Act.

Sec. 303. Transportation for illegal sexual activity and related crimes.

TITLE IV—RAPE SURVIVOR CHILD CUSTODY

Sec. 401. Short title.

Sec. 402. Definitions.

Sec. 403. Findings.

Sec. 404. Increased funding for formula grants authorized.

Sec. 405. Application.

Sec. 406. Grant increase.

Sec. 407. Period of increase.

Sec. 408. Allocation of increased formula grant funds.

Sec. 409. Authorization of appropriations.

TITLE V—MILITARY SEX OFFENDER REPORTING

Sec. 501. Short title.

Sec. 502. Registration of sex offenders released from military corrections facilities or upon conviction.

TITLE VI—STOPPING EXPLOITATION THROUGH TRAFFICKING

Sec. 601. Safe Harbor Incentives.

Sec. 602. Report on restitution paid in connection with certain trafficking offenses.

Sec. 603. National human trafficking hotline.

Sec. 604. Job corps eligibility.

Sec. 605. Clarification of authority of the United States Marshals Service.

Sec. 606. Establishing a national strategy to combat human trafficking.

TITLE VII—TRAFFICKING AWARENESS TRAINING FOR HEALTH CARE

Sec. 701. Short title.

Sec. 702. Development of best practices.

Sec. 703. Definitions.

Sec. 704. No additional authorization of appropriations.

TITLE VIII—BETTER RESPONSE FOR VICTIMS OF CHILD SEX TRAFFICKING

Sec. 801. Short title.

Sec. 802. CAPTA amendments.

TITLE IX—ANTI-TRAFFICKING TRAINING FOR DEPARTMENT OF
HOMELAND SECURITY PERSONNEL

Sec. 901. Definitions.

Sec. 902. Training for Department personnel to identify human trafficking.

Sec. 903. Certification and report to Congress.

Sec. 904. Assistance to non-Federal entities.

Sec. 905. Expanded use of Domestic Trafficking Victims' Fund.

TITLE X—HUMAN TRAFFICKING SURVIVORS RELIEF AND EMPOWERMENT
ACT

Sec. 1001. Short title.

Sec. 1002. Protections for human trafficking survivors.

TITLE I—JUSTICE FOR VICTIMS OF TRAFFICKING

SEC. 101. DOMESTIC TRAFFICKING VICTIMS' FUND.

(a) IN GENERAL.—Chapter 201 of title 18, United States Code, is amended by adding at the end the following:

18 USC 3014.

“§ 3014. Additional special assessment

Time period.

“(a) IN GENERAL.—Beginning on the date of enactment of the Justice for Victims of Trafficking Act of 2015 and ending on September 30, 2019, in addition to the assessment imposed under-

section 3013, the court shall assess an amount of \$5,000 on any non-indigent person or entity convicted of an offense under—

“(1) chapter 77 (relating to peonage, slavery, and trafficking in persons);

“(2) chapter 109A (relating to sexual abuse);

“(3) chapter 110 (relating to sexual exploitation and other abuse of children);

“(4) chapter 117 (relating to transportation for illegal sexual activity and related crimes); or

“(5) section 274 of the Immigration and Nationality Act (8 U.S.C. 1324) (relating to human smuggling), unless the person induced, assisted, abetted, or aided only an individual who at the time of such action was the alien’s spouse, parent, son, or daughter (and no other individual) to enter the United States in violation of law.

“(b) SATISFACTION OF OTHER COURT-ORDERED OBLIGATIONS.—

An assessment under subsection (a) shall not be payable until the person subject to the assessment has satisfied all outstanding court-ordered fines, orders of restitution, and any other obligation related to victim-compensation arising from the criminal convictions on which the special assessment is based.

“(c) ESTABLISHMENT OF DOMESTIC TRAFFICKING VICTIMS’ FUND.—There is established in the Treasury of the United States a fund, to be known as the ‘Domestic Trafficking Victims’ Fund’ (referred to in this section as the ‘Fund’), to be administered by the Attorney General, in consultation with the Secretary of Homeland Security and the Secretary of Health and Human Services.

“(d) TRANSFERS.—In a manner consistent with section 3302(b) of title 31, there shall be transferred to the Fund from the General Fund of the Treasury an amount equal to the amount of the assessments collected under this section, which shall remain available until expended.

“(e) USE OF FUNDS.—

“(1) IN GENERAL.—From amounts in the Fund, in addition to any other amounts available, and without further appropriation, the Attorney General, in coordination with the Secretary of Health and Human Services shall, for each of fiscal years 2016 through 2019, use amounts available in the Fund to award grants or enhance victims’ programming under—

“(A) section 204 of the Trafficking Victims Protection Reauthorization Act of 2005 (42 U.S.C. 14044c);

“(B) subsections (b)(2) and (f) of section 107 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105); and

“(C) section 214(b) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13002(b)).

“(2) LIMITATION.—Except as provided in subsection (h)(2), none of the amounts in the Fund may be used to provide health care or medical items or services.

“(f) COLLECTION METHOD.—The amount assessed under subsection (a) shall, subject to subsection (b), be collected in the manner that fines are collected in criminal cases.

“(g) DURATION OF OBLIGATION.—Subject to section 3613(b), the obligation to pay an assessment imposed on or after the date of enactment of the Justice for Victims of Trafficking Act of 2015 shall not cease until the assessment is paid in full.

“(h) HEALTH OR MEDICAL SERVICES.—

Coordination.
Grants.

“(1) TRANSFER OF FUNDS.—From amounts appropriated under section 10503(b)(1)(E) of the Patient Protection and Affordable Care Act (42 U.S.C. 254b–2(b)(1)(E)), as amended by section 221 of the Medicare Access and CHIP Reauthorization Act of 2015, there shall be transferred to the Fund an amount equal to the amount transferred under subsection (d) for each fiscal year, except that the amount transferred under this paragraph shall not be less than \$5,000,000 or more than \$30,000,000 in each such fiscal year, and such amounts shall remain available until expended.

Coordination.
Grants.

“(2) USE OF FUNDS.—The Attorney General, in coordination with the Secretary of Health and Human Services, shall use amounts transferred to the Fund under paragraph (1) to award grants that may be used for the provision of health care or medical items or services to victims of trafficking under—

“(A) sections 202, 203, and 204 of the Trafficking Victims Protection Reauthorization Act of 2005 (42 U.S.C. 14044a, 14044b, and 14044c);

“(B) subsections (b)(2) and (f) of section 107 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105); and

“(C) section 214(b) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13002(b)).

Children and
youth.
Pornography.

“(3) GRANTS.—Of the amounts in the Fund used under paragraph (1), not less than \$2,000,000, if such amounts are available in the Fund during the relevant fiscal year, shall be used for grants to provide services for child pornography victims under section 214(b) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13002(b)).

“(4) APPLICATION OF PROVISION.—The application of the provisions of section 221(c) of the Medicare Access and CHIP Reauthorization Act of 2015 shall continue to apply to the amounts transferred pursuant to paragraph (1).”

18 USC
prec. 3001.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 201 of title 18, United States Code, is amended by inserting after the item relating to section 3013 the following:

“3014. Additional special assessment.”

SEC. 102. CLARIFYING THE BENEFITS AND PROTECTIONS OFFERED TO DOMESTIC VICTIMS OF HUMAN TRAFFICKING.

Section 107(b)(1) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(b)(1)) is amended—

(1) by redesignating subparagraphs (F) and (G) as subparagraphs (G) and (H), respectively;

(2) by inserting after subparagraph (E) the following:

“(F) NO REQUIREMENT OF OFFICIAL CERTIFICATION FOR UNITED STATES CITIZENS AND LAWFUL PERMANENT RESIDENTS.—Nothing in this section may be construed to require United States citizens or lawful permanent residents who are victims of severe forms of trafficking to obtain an official certification from the Secretary of Health and Human Services in order to access any of the specialized services described in this subsection or any other Federal benefits and protections to which they are otherwise entitled.”; and

(3) in subparagraph (H), as redesignated, by striking “subparagraph (F)” and inserting “subparagraph (G)”.

SEC. 103. VICTIM-CENTERED CHILD HUMAN TRAFFICKING DETERRENCE BLOCK GRANT PROGRAM.

(a) IN GENERAL.—Section 203 of the Trafficking Victims Protection Reauthorization Act of 2005 (42 U.S.C. 14044b) is amended to read as follows:

“SEC. 203. VICTIM-CENTERED CHILD HUMAN TRAFFICKING DETERRENCE BLOCK GRANT PROGRAM.

“(a) GRANTS AUTHORIZED.—The Attorney General may award block grants to an eligible entity to develop, improve, or expand domestic child human trafficking deterrence programs that assist law enforcement officers, prosecutors, judicial officials, and qualified victims’ services organizations in collaborating to rescue and restore the lives of victims, while investigating and prosecuting offenses involving child human trafficking.

“(b) AUTHORIZED ACTIVITIES.—Grants awarded under subsection (a) may be used for—

“(1) the establishment or enhancement of specialized training programs for law enforcement officers, first responders, health care officials, child welfare officials, juvenile justice personnel, prosecutors, and judicial personnel to—

“(A) identify victims and acts of child human trafficking;

“(B) address the unique needs of child victims of human trafficking;

“(C) facilitate the rescue of child victims of human trafficking;

“(D) investigate and prosecute acts of human trafficking, including the soliciting, patronizing, or purchasing of commercial sex acts from children, as well as training to build cases against complex criminal networks involved in child human trafficking; and

“(E) utilize, implement, and provide education on safe harbor laws enacted by States, aimed at preventing the criminalization and prosecution of child sex trafficking victims for prostitution offenses, and other laws aimed at the investigation and prosecution of child human trafficking;

“(2) the establishment or enhancement of dedicated anti-trafficking law enforcement units and task forces to investigate child human trafficking offenses and to rescue victims, including—

“(A) funding salaries, in whole or in part, for law enforcement officers, including patrol officers, detectives, and investigators, except that the percentage of the salary of the law enforcement officer paid for by funds from a grant awarded under this section shall not be more than the percentage of the officer’s time on duty that is dedicated to working on cases involving child human trafficking;

“(B) investigation expenses for cases involving child human trafficking, including—

“(i) wire taps;

“(ii) consultants with expertise specific to cases involving child human trafficking;

“(iii) travel; and

“(iv) other technical assistance expenditures;

“(C) dedicated anti-trafficking prosecution units, including the funding of salaries for State and local prosecutors, including assisting in paying trial expenses for prosecution of child human trafficking offenders, except that the percentage of the total salary of a State or local prosecutor that is paid using an award under this section shall be not more than the percentage of the total number of hours worked by the prosecutor that is spent working on cases involving child human trafficking;

“(D) the establishment of child human trafficking victim witness safety, assistance, and relocation programs that encourage cooperation with law enforcement investigations of crimes of child human trafficking by leveraging existing resources and delivering child human trafficking victims’ services through coordination with—

“(i) child advocacy centers;

“(ii) social service agencies;

“(iii) State governmental health service agencies;

“(iv) housing agencies;

“(v) legal services agencies; and

“(vi) nongovernmental organizations and shelter service providers with substantial experience in delivering wrap-around services to victims of child human trafficking; and

“(E) the establishment or enhancement of other necessary victim assistance programs or personnel, such as victim or child advocates, child-protective services, child forensic interviews, or other necessary service providers;

“(3) activities of law enforcement agencies to find homeless and runaway youth, including salaries and associated expenses for retired Federal law enforcement officers assisting the law enforcement agencies in finding homeless and runaway youth; and

“(4) the establishment or enhancement of problem solving court programs for trafficking victims that include—

“(A) mandatory and regular training requirements for judicial officials involved in the administration or operation of the court program described under this paragraph;

“(B) continuing judicial supervision of victims of child human trafficking, including case worker or child welfare supervision in collaboration with judicial officers, who have been identified by a law enforcement or judicial officer as a potential victim of child human trafficking, regardless of whether the victim has been charged with a crime related to human trafficking;

“(C) the development of a specialized and individualized, court-ordered treatment program for identified victims of child human trafficking, including—

“(i) State-administered outpatient treatment;

“(ii) life skills training;

“(iii) housing placement;

“(iv) vocational training;

“(v) education;

“(vi) family support services; and

“(vii) job placement;

“(D) centralized case management involving the consolidation of all of each child human trafficking victim’s

cases and offenses, and the coordination of all trafficking victim treatment programs and social services;

“(E) regular and mandatory court appearances by the victim during the duration of the treatment program for purposes of ensuring compliance and effectiveness;

“(F) the ultimate dismissal of relevant non-violent criminal charges against the victim, where such victim successfully complies with the terms of the court-ordered treatment program; and

“(G) collaborative efforts with child advocacy centers, child welfare agencies, shelters, and nongovernmental organizations with substantial experience in delivering wrap-around services to victims of child human trafficking to provide services to victims and encourage cooperation with law enforcement.

“(c) APPLICATION.—

“(1) IN GENERAL.—An eligible entity shall submit an application to the Attorney General for a grant under this section in such form and manner as the Attorney General may require.

“(2) REQUIRED INFORMATION.—An application submitted under this subsection shall—

“(A) describe the activities for which assistance under this section is sought;

“(B) include a detailed plan for the use of funds awarded under the grant; Plans.

“(C) provide such additional information and assurances as the Attorney General determines to be necessary to ensure compliance with the requirements of this section; and

“(D) disclose—

“(i) any other grant funding from the Department of Justice or from any other Federal department or agency for purposes similar to those described in subsection (b) for which the eligible entity has applied, and which application is pending on the date of the submission of an application under this section; and

“(ii) any other such grant funding that the eligible entity has received during the 5-year period ending on the date of the submission of an application under this section. Time period.

“(3) PREFERENCE.—In reviewing applications submitted in accordance with paragraphs (1) and (2), the Attorney General shall give preference to grant applications if—

“(A) the application includes a plan to use awarded funds to engage in all activities described under paragraphs (1) through (3) of subsection (b); or

“(B) the application includes a plan by the State or unit of local government to continue funding of all activities funded by the award after the expiration of the award.

“(4) ELIGIBLE ENTITIES SOLICITING DATA ON CHILD HUMAN TRAFFICKING.—No eligible entity shall be disadvantaged in being awarded a grant under subsection (a) on the grounds that the eligible entity has only recently begun soliciting data on child human trafficking.

“(d) DURATION AND RENEWAL OF AWARD.—

- Expiration date. “(1) IN GENERAL.—A grant under this section shall expire 3 years after the date of award of the grant.
- Time period. “(2) RENEWAL.—A grant under this section shall be renewable not more than 2 times and for a period of not greater than 2 years.
- Contracts. “(e) EVALUATION.—The Attorney General shall—
 “(1) enter into a contract with a nongovernmental organization, including an academic or nonprofit organization, that has experience with issues related to child human trafficking and evaluation of grant programs to conduct periodic evaluations of grants made under this section to determine the impact and effectiveness of programs funded with grants awarded under this section;
 “(2) instruct the Inspector General of the Department of Justice to review evaluations issued under paragraph (1) to determine the methodological and statistical validity of the evaluations; and
 “(3) submit the results of any evaluation conducted pursuant to paragraph (1) to—
 “(A) the Committee on the Judiciary of the Senate;
 and
 “(B) the Committee on the Judiciary of the House of Representatives.
- Time period. “(f) MANDATORY EXCLUSION.—An eligible entity awarded funds under this section that is found to have used grant funds for any unauthorized expenditure or otherwise unallowable cost shall not be eligible for any grant funds awarded under the block grant for 2 fiscal years following the year in which the unauthorized expenditure or unallowable cost is reported.
- Time period. “(g) COMPLIANCE REQUIREMENT.—An eligible entity shall not be eligible to receive a grant under this section if within the 5 fiscal years before submitting an application for a grant under this section, the grantee has been found to have violated the terms or conditions of a Government grant program by utilizing grant funds for unauthorized expenditures or otherwise unallowable costs.
- “(h) ADMINISTRATIVE CAP.—The cost of administering the grants authorized by this section shall not exceed 5 percent of the total amount expended to carry out this section.
- “(i) FEDERAL SHARE.—The Federal share of the cost of a program funded by a grant awarded under this section shall be—
 “(1) 70 percent in the first year;
 “(2) 60 percent in the second year; and
 “(3) 50 percent in the third year, and in all subsequent years.
- Consultation. “(j) AUTHORIZATION OF FUNDING; FULLY OFFSET.—For purposes of carrying out this section, the Attorney General, in consultation with the Secretary of Health and Human Services, is authorized to award not more than \$7,000,000 of the funds available in the Domestic Trafficking Victims’ Fund, established under section 3014 of title 18, United States Code, for each of fiscal years 2016 through 2020.
- “(k) DEFINITIONS.—In this section—
 “(1) the term ‘child’ means a person under the age of 18;
 “(2) the term ‘child advocacy center’ means a center created under subtitle A of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13001 et seq.);

“(3) the term ‘child human trafficking’ means 1 or more severe forms of trafficking in persons (as defined in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102)) involving a victim who is a child; and

“(4) the term ‘eligible entity’ means a State or unit of local government that—

“(A) has significant criminal activity involving child human trafficking;

“(B) has demonstrated cooperation between Federal, State, local, and, where applicable, tribal law enforcement agencies, prosecutors, and social service providers in addressing child human trafficking;

“(C) has developed a workable, multi-disciplinary plan to combat child human trafficking, including—

“(i) the establishment of a shelter for victims of child human trafficking, through existing or new facilities;

“(ii) the provision of trauma-informed, gender-responsive rehabilitative care to victims of child human trafficking;

“(iii) the provision of specialized training for law enforcement officers and social service providers for all forms of human trafficking, with a focus on domestic child human trafficking;

“(iv) prevention, deterrence, and prosecution of offenses involving child human trafficking, including soliciting, patronizing, or purchasing human acts with children;

“(v) cooperation or referral agreements with organizations providing outreach or other related services to runaway and homeless youth;

“(vi) law enforcement protocols or procedures to screen all individuals arrested for prostitution, whether adult or child, for victimization by sex trafficking and by other crimes, such as sexual assault and domestic violence; and

“(vii) cooperation or referral agreements with State child welfare agencies and child advocacy centers; and

“(D) provides an assurance that, under the plan under subparagraph (C), a victim of child human trafficking shall not be required to collaborate with law enforcement officers to have access to any shelter or services provided with a grant under this section.

“(1) GRANT ACCOUNTABILITY; SPECIALIZED VICTIMS’ SERVICE REQUIREMENT.—No grant funds under this section may be awarded or transferred to any entity unless such entity has demonstrated substantial experience providing services to victims of human trafficking or related populations (such as runaway and homeless youth), or employs staff specialized in the treatment of human trafficking victims.”.

(b) TABLE OF CONTENTS.—The table of contents in section 1(b) of the Trafficking Victims Protection Reauthorization Act of 2005

(22 U.S.C. 7101 note) is amended by striking the item relating to section 203 and inserting the following:

“Sec. 203. Victim-centered child human trafficking deterrence block grant program.”.

SEC. 104. DIRECT SERVICES FOR VICTIMS OF CHILD PORNOGRAPHY.

The Victims of Child Abuse Act of 1990 (42 U.S.C. 13001 et seq.) is amended—

(1) in section 212(5) (42 U.S.C. 13001a(5)), by inserting “, including human trafficking and the production of child pornography” before the semicolon at the end; and

(2) in section 214 (42 U.S.C. 13002)—

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

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

“(b) **DIRECT SERVICES FOR VICTIMS OF CHILD PORNOGRAPHY.**—

Coordination.

The Administrator, in coordination with the Director and with the Director of the Office of Victims of Crime, may make grants to develop and implement specialized programs to identify and provide direct services to victims of child pornography.”.

SEC. 105. INCREASING COMPENSATION AND RESTITUTION FOR TRAFFICKING VICTIMS.

(a) **AMENDMENTS TO TITLE 18.**—Section 1594 of title 18, United States Code, is amended—

(1) in subsection (d)—

(A) in paragraph (1)—

(i) by striking “that was used or” and inserting “that was involved in, used, or”; and

(ii) by inserting “, and any property traceable to such property” after “such violation”; and

(B) in paragraph (2), by inserting “, or any property traceable to such property” after “such violation”;

(2) in subsection (e)(1)(A)—

(A) by striking “used or” and inserting “involved in, used, or”; and

(B) by inserting “, and any property traceable to such property” after “any violation of this chapter”;

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

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

“(f) **TRANSFER OF FORFEITED ASSETS.**—

“(1) **IN GENERAL.**—Notwithstanding any other provision of law, the Attorney General shall transfer assets forfeited pursuant to this section, or the proceeds derived from the sale thereof, to satisfy victim restitution orders arising from violations of this chapter.

“(2) **PRIORITY.**—Transfers pursuant to paragraph (1) shall have priority over any other claims to the assets or their proceeds.

“(3) **USE OF NONFORFEITED ASSETS.**—Transfers pursuant to paragraph (1) shall not reduce or otherwise mitigate the obligation of a person convicted of a violation of this chapter to satisfy the full amount of a restitution order through the use of non-forfeited assets or to reimburse the Attorney General for the value of assets or proceeds transferred under this subsection through the use of nonforfeited assets.”.

(b) AMENDMENT TO TITLE 28.—Section 524(c)(1)(B) of title 28, United States Code, is amended by inserting “chapter 77 of title 18,” after “criminal drug laws of the United States or of”.

(c) AMENDMENTS TO TITLE 31.—

(1) IN GENERAL.—Chapter 97 of title 31, United States Code, is amended—

(A) by redesignating section 9703 (as added by section 638(b)(1) of the Treasury, Postal Service, and General Government Appropriations Act, 1993 (Public Law 102–393; 106 Stat. 1779)) as section 9705; and

(B) in section 9705(a), as redesignated—

(i) in paragraph (1)—

(I) in subparagraph (I)—

(aa) by striking “payment” and inserting “Payment”; and

(bb) by striking the semicolon at the end and inserting a period; and

(II) in subparagraph (J), by striking “payment” and inserting “Payment”; and

(ii) in paragraph (2)—

(I) in subparagraph (B)—

(aa) in clause (iii)—

(AA) in subclause (I), by striking “or” and inserting “of”; and

(BB) in subclause (III), by striking “and” at the end;

(bb) in clause (iv), by striking the period at the end and inserting “; and”; and

(cc) by inserting after clause (iv) the following:

“(v) United States Immigration and Customs Enforcement with respect to a violation of chapter 77 of title 18 (relating to human trafficking);”;

(II) in subparagraph (G), by adding “and” at the end; and

(III) in subparagraph (H), by striking “; and” and inserting a period.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) CROSS REFERENCES.—

(i) TITLE 28.—Section 524(c) of title 28, United States Code, is amended—

(I) in paragraph (4)(C), by striking “section 9703(g)(4)(A)(ii)” and inserting “section 9705(g)(4)(A)”;

(II) in paragraph (10), by striking “section 9703(p)” and inserting “section 9705(o)”;

(III) in paragraph (11), by striking “section 9703” and inserting “section 9705”.

(ii) TITLE 31.—Title 31, United States Code, is amended—

(I) in section 312(d), by striking “section 9703” and inserting “section 9705”; and

(II) in section 5340(1), by striking “section 9703(p)(1)” and inserting “section 9705(o)”.

(iii) TITLE 39.—Section 2003(e)(1) of title 39, United States Code, is amended by striking “section 9703(p)” and inserting “section 9705(o)”.

31 USC
prec. 9701.

(B) TABLE OF SECTIONS.—The table of sections for chapter 97 of title 31, United States Code, is amended to read as follows:

- “9701. Fees and charges for Government services and things of value.
- “9702. Investment of trust funds.
- “9703. Managerial accountability and flexibility.
- “9704. Pilot projects for managerial accountability and flexibility.
- “9705. Department of the Treasury Forfeiture Fund.”

SEC. 106. STREAMLINING HUMAN TRAFFICKING INVESTIGATIONS.

Section 2516 of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (a), by inserting a comma after “weapons”;

(B) in subparagraph (c)—

(i) by inserting “section 1581 (peonage), section 1584 (involuntary servitude), section 1589 (forced labor), section 1590 (trafficking with respect to peonage, slavery, involuntary servitude, or forced labor),” before “section 1591”;

(ii) by inserting “section 1592 (unlawful conduct with respect to documents in furtherance of trafficking, peonage, slavery, involuntary servitude, or forced labor),” before “section 1751”;

(iii) by inserting a comma after “virus”;

(iv) by striking “, section” and inserting a comma;

(v) by striking “or” after “misuse of passports”;

and

(vi) by inserting “or” before “section 555”;

(C) in subparagraph (j), by striking “pipeline,” and inserting “pipeline,”; and

(D) in subparagraph (p), by striking “documents, section 1028A (relating to aggravated identity theft)” and inserting “documents), section 1028A (relating to aggravated identity theft);” and

(2) in paragraph (2), by inserting “human trafficking, child sexual exploitation, child pornography production,” after “kidnapping”.

SEC. 107. ENHANCING HUMAN TRAFFICKING REPORTING.

Section 505 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3755) is amended by adding at the end the following:

“(i) PART 1 VIOLENT CRIMES TO INCLUDE HUMAN TRAFFICKING.—For purposes of this section, the term ‘part 1 violent crimes’ shall include severe forms of trafficking in persons (as defined in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102)).”

SEC. 108. REDUCING DEMAND FOR SEX TRAFFICKING.

(a) IN GENERAL.—Section 1591 of title 18, United States Code, is amended—

(1) in subsection (a)(1), by striking “or maintains” and inserting “maintains, patronizes, or solicits”;

(2) in subsection (b)—

(A) in paragraph (1), by striking “or obtained” and inserting “obtained, patronized, or solicited”; and

(B) in paragraph (2), by striking “or obtained” and inserting “obtained, patronized, or solicited”; and
 (3) in subsection (c)—

(A) by striking “or maintained” and inserting “, maintained, patronized, or solicited”; and

(B) by striking “knew that the person” and inserting “knew, or recklessly disregarded the fact, that the person”.

(b) DEFINITION AMENDED.—Section 103(10) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(10)) is amended by striking “or obtaining” and inserting “obtaining, patronizing, or soliciting”.

(c) PURPOSE.—The purpose of the amendments made by this section is to clarify the range of conduct punished as sex trafficking.

18 USC 1591
note.

SEC. 109. SENSE OF CONGRESS.

18 USC 1591
note.

It is the sense of Congress that—

(1) section 1591 of title 18, United States Code, defines a sex trafficker as a person who “knowingly. . .recruits, entices, harbors, transports, provides, obtains, or maintains by any means a person. . .knowing, or in reckless disregard of the fact, that means of force, threats of force, fraud, coercion. . .or any combination of such means will be used to cause the person to engage in a commercial sex act, or that the person has not attained the age of 18 years and will be caused to engage in a commercial sex act”;

(2) while use of the word “obtains” in section 1591, United States Code, has been interpreted, prior to the date of enactment of this Act, to encompass those who purchase illicit sexual acts from trafficking victims, some confusion persists;

(3) in *United States vs. Jungers*, 702 F.3d 1066 (8th Cir. 2013), the United States Court of Appeals for the Eighth Circuit ruled that section 1591 of title 18, United States Code, applied to persons who purchase illicit sexual acts with trafficking victims after the United States District Court for the District of South Dakota erroneously granted motions to acquit these buyers in two separate cases; and

(4) section 108 of this title amends section 1591 of title 18, United States Code, to add the words “solicits or patronizes” to the sex trafficking statute making absolutely clear for judges, juries, prosecutors, and law enforcement officials that criminals who purchase sexual acts from human trafficking victims may be arrested, prosecuted, and convicted as sex trafficking offenders when this is merited by the facts of a particular case.

SEC. 110. USING EXISTING TASK FORCES AND COMPONENTS TO TARGET OFFENDERS WHO EXPLOIT CHILDREN.

42 USC 14044g
note.

Not later than 180 days after the date of enactment of this Act, the Attorney General shall ensure that—

Deadline.

(1) all task forces and working groups within the Innocence Lost National Initiative engage in activities, programs, or operations to increase the investigative capabilities of State and local law enforcement officers in the detection, investigation, and prosecution of persons who patronize, or solicit children for sex; and

(2) all components and task forces with jurisdiction to detect, investigate, and prosecute cases of child labor trafficking engage in activities, programs, or operations to increase the

capacity of such components to deter and punish child labor trafficking.

SEC. 111. TARGETING CHILD PREDATORS.

(a) CLARIFYING THAT CHILD PORNOGRAPHY PRODUCERS ARE HUMAN TRAFFICKERS.—Section 2423(f) of title 18, United States Code, is amended—

(1) by striking “means (1) a” and inserting the following: “means—

“(1) a”;

(2) by striking “United States; or (2) any” and inserting the following: “United States;

“(2) any”; and

(3) by striking the period at the end and inserting the following: “; or

“(3) production of child pornography (as defined in section 2256(8)).”.

(b) HOLDING SEX TRAFFICKERS ACCOUNTABLE.—Section 2423(g) of title 18, United States Code, is amended by striking “a preponderance of the evidence” and inserting “clear and convincing evidence”.

SEC. 112. MONITORING ALL HUMAN TRAFFICKERS AS VIOLENT CRIMINALS.

Section 3156(a)(4)(C) of title 18, United States Code, is amended by inserting “77,” after “chapter”.

SEC. 113. CRIME VICTIMS’ RIGHTS.

(a) IN GENERAL.—Section 3771 of title 18, United States Code, is amended—

(1) in subsection (a), by adding at the end the following:

“(9) The right to be informed in a timely manner of any plea bargain or deferred prosecution agreement.

“(10) The right to be informed of the rights under this section and the services described in section 503(c) of the Victims’ Rights and Restitution Act of 1990 (42 U.S.C. 10607(c)) and provided contact information for the Office of the Victims’ Rights Ombudsman of the Department of Justice.”;

(2) in subsection (d)(3), in the fifth sentence, by inserting “, unless the litigants, with the approval of the court, have stipulated to a different time period for consideration” before the period; and

(3) in subsection (e)—

(A) by striking “this chapter, the term” and inserting the following: “this chapter:

“(1) COURT OF APPEALS.—The term ‘court of appeals’ means—

“(A) the United States court of appeals for the judicial district in which a defendant is being prosecuted; or

“(B) for a prosecution in the Superior Court of the District of Columbia, the District of Columbia Court of Appeals.

“(2) CRIME VICTIM.—

“(A) IN GENERAL.—The term”;

(B) by striking “In the case” and inserting the following:

“(B) MINORS AND CERTAIN OTHER VICTIMS.—In the case”; and

(C) by adding at the end the following:

Definition.

“(3) DISTRICT COURT; COURT.—The terms ‘district court’ and ‘court’ include the Superior Court of the District of Columbia.”

(b) CRIME VICTIMS FUND.—Section 1402(d)(3)(A)(i) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(3)(A)(i)) is amended by inserting “section” before “3771”.

(c) APPELLATE REVIEW OF PETITIONS RELATING TO CRIME VICTIMS’ RIGHTS.—

(1) IN GENERAL.—Section 3771(d)(3) of title 18, United States Code, as amended by subsection (a)(2) of this section, is amended by inserting after the fifth sentence the following: “In deciding such application, the court of appeals shall apply ordinary standards of appellate review.”

Applicability.

(2) APPLICATION.—The amendment made by paragraph (1) shall apply with respect to any petition for a writ of mandamus filed under section 3771(d)(3) of title 18, United States Code, that is pending on the date of enactment of this Act.

18 USC 3771
note.

SEC. 114. COMBAT HUMAN TRAFFICKING ACT.

(a) SHORT TITLE.—This section may be cited as the “Combat Human Trafficking Act of 2015”.

Combat Human
Trafficking Act
of 2015.
42 USC 14044g.

(b) DEFINITIONS.—In this section:

(1) COMMERCIAL SEX ACT; SEVERE FORMS OF TRAFFICKING IN PERSONS; STATE; TASK FORCE.—The terms “commercial sex act”, “severe forms of trafficking in persons”, “State”, and “Task Force” have the meanings given those terms in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102).

(2) COVERED OFFENDER.—The term “covered offender” means an individual who obtains, patronizes, or solicits a commercial sex act involving a person subject to severe forms of trafficking in persons.

(3) COVERED OFFENSE.—The term “covered offense” means the provision, obtaining, patronizing, or soliciting of a commercial sex act involving a person subject to severe forms of trafficking in persons.

(4) FEDERAL LAW ENFORCEMENT OFFICER.—The term “Federal law enforcement officer” has the meaning given the term in section 115 of title 18, United States Code.

(5) LOCAL LAW ENFORCEMENT OFFICER.—The term “local law enforcement officer” means any officer, agent, or employee of a unit of local government authorized by law or by a local government agency to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of criminal law.

(6) STATE LAW ENFORCEMENT OFFICER.—The term “State law enforcement officer” means any officer, agent, or employee of a State authorized by law or by a State government agency to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of criminal law.

(c) DEPARTMENT OF JUSTICE TRAINING AND POLICY FOR LAW ENFORCEMENT OFFICERS, PROSECUTORS, AND JUDGES.—

(1) TRAINING.—

(A) LAW ENFORCEMENT OFFICERS.—The Attorney General shall ensure that each anti-human trafficking program operated by the Department of Justice, including each anti-human trafficking training program for Federal, State, or

local law enforcement officers, includes technical training on—

- (i) effective methods for investigating and prosecuting covered offenders; and
- (ii) facilitating the provision of physical and mental health services by health care providers to persons subject to severe forms of trafficking in persons.

(B) FEDERAL PROSECUTORS.—The Attorney General shall ensure that each anti-human trafficking program operated by the Department of Justice for United States attorneys or other Federal prosecutors includes training on seeking restitution for offenses under chapter 77 of title 18, United States Code, to ensure that each United States attorney or other Federal prosecutor, upon obtaining a conviction for such an offense, requests a specific amount of restitution for each victim of the offense without regard to whether the victim requests restitution.

(C) JUDGES.—The Federal Judicial Center shall provide training to judges relating to the application of section 1593 of title 18, United States Code, with respect to ordering restitution for victims of offenses under chapter 77 of such title.

(2) POLICY FOR FEDERAL LAW ENFORCEMENT OFFICERS.—The Attorney General shall ensure that Federal law enforcement officers are engaged in activities, programs, or operations involving the detection, investigation, and prosecution of covered offenders.

(d) MINIMUM PERIOD OF SUPERVISED RELEASE FOR CONSPIRACY TO COMMIT COMMERCIAL CHILD SEX TRAFFICKING.—Section 3583(k) of title 18, United States Code, is amended by inserting “1594(c),” after “1591,”.

(e) BUREAU OF JUSTICE STATISTICS REPORT ON STATE ENFORCEMENT OF HUMAN TRAFFICKING PROHIBITIONS.—The Director of the Bureau of Justice Statistics shall—

(1) prepare an annual report on—

(A) the rates of—

- (i) arrest of individuals by State law enforcement officers for a covered offense;
- (ii) prosecution (including specific charges) of individuals in State court systems for a covered offense; and
- (iii) conviction of individuals in State court systems for a covered offense; and

(B) sentences imposed on individuals convicted in State court systems for a covered offense; and

(2) submit the annual report prepared under paragraph

(1) to—

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

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

(C) the Task Force;

(D) the Senior Policy Operating Group established under section 105(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7103(g)); and

(E) the Attorney General.

SEC. 115. SURVIVORS OF HUMAN TRAFFICKING EMPOWERMENT ACT.Survivors of
Human
Trafficking
Empowerment
Act.

(a) **SHORT TITLE.**—This section may be cited as the “Survivors of Human Trafficking Empowerment Act”.

(b) **ESTABLISHMENT.**—There is established the United States Advisory Council on Human Trafficking (referred to in this section as the “Council”), which shall provide advice and recommendations to the Senior Policy Operating Group established under section 105(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7103(g)) (referred to in this section as the “Group”) and the President’s Interagency Task Force to Monitor and Combat Trafficking established under section 105(a) of such Act (referred to in this section as the “Task Force”).

(c) **MEMBERSHIP.**—

(1) **COMPOSITION.**—The Council shall be composed of not less than 8 and not more than 14 individuals who are survivors of human trafficking.

(2) **REPRESENTATION OF SURVIVORS.**—To the extent practicable, members of the Council shall be survivors of trafficking, who shall accurately reflect the diverse backgrounds of survivors of trafficking, including—

(A) survivors of sex trafficking and survivors of labor trafficking; and

(B) survivors who are United States citizens and survivors who are aliens lawfully present in the United States.

(3) **APPOINTMENT.**—Not later than 180 days after the date of enactment of this Act, the President shall appoint the members of the Council.

Deadline.
President.

(4) **TERM; REAPPOINTMENT.**—Each member of the Council shall serve for a term of 2 years and may be reappointed by the President to serve 1 additional 2-year term.

(d) **FUNCTIONS.**—The Council shall—

(1) be a nongovernmental advisory body to the Group;

(2) meet, at its own discretion or at the request of the Group, not less frequently than annually to review Federal Government policy and programs intended to combat human trafficking, including programs relating to the provision of services for victims and serve as a point of contact for Federal agencies reaching out to human trafficking survivors for input on programming and policies relating to human trafficking in the United States;

(3) formulate assessments and recommendations to ensure that policy and programming efforts of the Federal Government conform, to the extent practicable, to the best practices in the field of human trafficking prevention; and

(4) meet with the Group not less frequently than annually, and not later than 45 days before a meeting with the Task Force, to formally present the findings and recommendations of the Council.

(e) **REPORTS.**—Not later than 1 year after the date of enactment of this Act and each year thereafter until the date described in subsection (h), the Council shall submit a report that contains the findings derived from the reviews conducted pursuant to subsection (d)(2) to—

(1) the chair of the Task Force;

(2) the members of the Group;

(3) the Committees on Foreign Affairs, Homeland Security, Appropriations, and the Judiciary of the House of Representatives; and

(4) the Committees on Foreign Relations, Appropriations, Homeland Security and Governmental Affairs, and the Judiciary of the Senate.

(f) EMPLOYEE STATUS.—Members of the Council—

(1) shall not be considered employees of the Federal Government for any purpose; and

(2) shall not receive compensation other than reimbursement of travel expenses and per diem allowance in accordance with section 5703 of title 5, United States Code.

(g) NONAPPLICABILITY OF FACA.—The Council shall not be subject to the requirements under the Federal Advisory Committee Act (5 U.S.C. App.).

(h) SUNSET.—The Council shall terminate on September 30, 2020.

Bringing Missing
Children Home
Act.
42 USC 5601
note.

SEC. 116. BRINGING MISSING CHILDREN HOME ACT.

(a) SHORT TITLE.—This section may be cited as the “Bringing Missing Children Home Act”.

(b) CRIME CONTROL ACT AMENDMENTS.—Section 3702 of the Crime Control Act of 1990 (42 U.S.C. 5780) is amended—

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

(2) in paragraph (3)—

(A) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively; and

(B) by inserting after subparagraph (A) the following:
“(B) a recent photograph of the child, if available;”;

and

(3) in paragraph (4)—

(A) in the matter preceding subparagraph (A), by striking “paragraph (2)” and inserting “paragraph (3)”;

(B) in subparagraph (A)—

(i) by striking “60 days” and inserting “30 days”;

and

(ii) by inserting “and a photograph taken during the previous 180 days” after “dental records”;

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

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

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

“(C) notify the National Center for Missing and Exploited Children of each report received relating to a child reported missing from a foster care family home or childcare institution;”;

(F) in subparagraph (D), as redesignated—

(i) by inserting “State and local child welfare systems and” before “the National Center for Missing and Exploited Children”; and

(ii) by striking the period at the end and inserting “; and”; and

(G) by adding at the end the following:

“(E) grant permission to the National Crime Information Center Terminal Contractor for the State to update the missing person record in the National Crime Information Center computer networks with additional information

Notification.

learned during the investigation relating to the missing person.”.

SEC. 117. GRANT ACCOUNTABILITY.

42 USC
14044b–1.

(a) **DEFINITION.**—In this section, the term “covered grant” means a grant awarded by the Attorney General under section 203 of the Trafficking Victims Protection Reauthorization Act of 2005 (42 U.S.C. 14044b), as amended by section 103.

(b) **ACCOUNTABILITY.**—All covered grants shall be subject to the following accountability provisions:

(1) **AUDIT REQUIREMENT.**—

Time periods.
Effective date.

(A) **IN GENERAL.**—Beginning in the first fiscal year beginning after the date of enactment of this Act, and in each fiscal year thereafter, the Inspector General of the Department of Justice shall conduct audits of recipients of a covered grant to prevent waste, fraud, and abuse of funds by grantees. The Inspector General shall determine the appropriate number of grantees to be audited each year.

Determination.

(B) **DEFINITION.**—In this paragraph, the term “unresolved audit finding” means a finding in the final audit report of the Inspector General that the audited grantee has utilized grant funds for an unauthorized expenditure or otherwise unallowable cost that is not closed or resolved within 12 months from the date when the final audit report is issued.

(C) **MANDATORY EXCLUSION.**—A recipient of a covered grant that is found to have an unresolved audit finding shall not be eligible to receive a covered grant during the following 2 fiscal years.

(D) **PRIORITY.**—In awarding covered grants the Attorney General shall give priority to eligible entities that did not have an unresolved audit finding during the 3 fiscal years prior to submitting an application for a covered grant.

(E) **REIMBURSEMENT.**—If an entity is awarded a covered grant during the 2-fiscal-year period in which the entity is barred from receiving grants under subparagraph (C), the Attorney General shall—

(i) deposit an amount equal to the grant funds that were improperly awarded to the grantee into the General Fund of the Treasury; and

(ii) seek to recoup the costs of the repayment to the fund from the grant recipient that was erroneously awarded grant funds.

(2) **NONPROFIT ORGANIZATION REQUIREMENTS.**—

(A) **DEFINITION.**—For purposes of this paragraph and covered grants, the term “nonprofit organization” means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of such Code.

(B) **PROHIBITION.**—The Attorney General may not award a covered grant to a nonprofit organization that holds money in offshore accounts for the purpose of avoiding paying the tax described in section 511(a) of the Internal Revenue Code of 1986.

- (C) DISCLOSURE.—Each nonprofit organization that is awarded a covered grant and uses the procedures prescribed in regulations to create a rebuttable presumption of reasonableness for the compensation of its officers, directors, trustees and key employees, shall disclose to the Attorney General, in the application for the grant, the process for determining such compensation, including the independent persons involved in reviewing and approving such compensation, the comparability data used, and contemporaneous substantiation of the deliberation and decision. Upon request, the Attorney General shall make the information disclosed under this subsection available for public inspection.
- Public information.
- (3) CONFERENCE EXPENDITURES.—
- (A) LIMITATION.—No amounts transferred to the Department of Justice under this title, or the amendments made by this title, may be used by the Attorney General, or by any individual or organization awarded discretionary funds through a cooperative agreement under this title, or the amendments made by this title, to host or support any expenditure for conferences that uses more than \$20,000 in Department funds, unless the Deputy Attorney General or such Assistant Attorney Generals, Directors, or principal deputies as the Deputy Attorney General may designate, provides prior written authorization that the funds may be expended to host a conference.
- Cost estimate.
- (B) WRITTEN APPROVAL.—Written approval under subparagraph (A) shall include a written estimate of all costs associated with the conference, including the cost of all food and beverages, audiovisual equipment, honoraria for speakers, and any entertainment.
- (C) REPORT.—The Deputy Attorney General shall submit an annual report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on all approved conference expenditures referenced in this paragraph.
- Effective date.
- (D) ANNUAL CERTIFICATION.—Beginning in the first fiscal year beginning after the date of enactment of this title, the Attorney General shall submit, to the Committee on the Judiciary and the Committee on Appropriations of the Senate and the Committee on the Judiciary and the Committee on Appropriations of the House of Representatives, an annual certification that—
- (i) all audits issued by the Office of the Inspector General under paragraph (1) have been completed and reviewed by the appropriate Assistant Attorney General or Director;
 - (ii) all mandatory exclusions required under paragraph (1)(C) have been issued;
 - (iii) all reimbursements required under paragraph (1)(E) have been made; and
 - (iv) includes a list of any grant recipients excluded under paragraph (1) from the previous year.
- (4) PROHIBITION ON LOBBYING ACTIVITY.—
- (A) IN GENERAL.—Amounts awarded under this title, or any amendments made by this title, may not be utilized by any grant recipient to—

(i) lobby any representative of the Department of Justice regarding the award of grant funding; or

(ii) lobby any representative of a Federal, State, local, or tribal government regarding the award of grant funding.

(B) PENALTY.—If the Attorney General determines that any recipient of a covered grant has violated subparagraph (A), the Attorney General shall—

(i) require the grant recipient to repay the grant in full; and

(ii) prohibit the grant recipient from receiving another covered grant for not less than 5 years.

SEC. 118. SAVE ACT.

(a) SHORT TITLE.—This section may be cited as the “Stop Advertising Victims of Exploitation Act of 2015” or the “SAVE Act of 2015”.

(b) ADVERTISING THAT OFFERS CERTAIN COMMERCIAL ACTS.—

(1) IN GENERAL.—Section 1591(a)(1) of title 18, United States Code, as amended by this Act, is further amended by inserting “advertises,” after “obtains.”

(2) MENS REA REQUIREMENT.—Section 1591(a) of title 18, United States Code, is amended in the undesignated matter following paragraph (2), by inserting “, except where the act constituting the violation of paragraph (1) is advertising,” after “knowing, or”.

(3) CONFORMING AMENDMENTS.—Section 1591(b) of title 18, United States Code, as amended by this Act, is further amended—

(A) in paragraph (1), by inserting “advertised,” after “obtained,”; and

(B) in paragraph (2), by inserting “advertised,” after “obtained.”.

SEC. 119. EDUCATION AND OUTREACH TO TRAFFICKING SURVIVORS.

The Attorney General shall make available, on the website of the Office of Juvenile Justice and Delinquency Prevention, a database for trafficking victim advocates, crisis hotline personnel, foster parents, law enforcement personnel, and crime survivors that contains information on—

- (1) counseling and hotline resources;
- (2) housing resources;
- (3) legal assistance; and
- (4) other services for trafficking survivors.

SEC. 120. EXPANDED STATUTE OF LIMITATIONS FOR CIVIL ACTIONS BY CHILD TRAFFICKING SURVIVORS.

Section 1595(c) of title 18, United States Code, is amended by striking “not later than 10 years after the cause of action arose.” and inserting “not later than the later of—

“(1) 10 years after the cause of action arose; or

“(2) 10 years after the victim reaches 18 years of age, if the victim was a minor at the time of the alleged offense.”.

SEC. 121. GAO STUDY AND REPORT.

(a) STUDY.—The Comptroller General of the United States shall conduct a study on each program or initiative authorized under

Stop Advertising
Victims of
Exploitation Act
of 2015.
18 USC 1 note.

Web posting.
Data.
42 USC 5611
note.

this Act and the following statutes and evaluate whether any program or initiative is duplicative:

(1) Trafficking Victims Protection Reauthorization Act of 2005 (Public Law 109–164; 119 Stat. 3558).

(2) Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 et seq.).

(3) Victims of Child Abuse Act of 1990 (42 U.S.C. 13001 et seq.).

(4) Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.).

(5) Missing Children’s Assistance Act (42 U.S.C. 5771 et seq.).

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the study conducted under subsection (a), which shall include—

(1) a description of the cost of any duplicative program or initiative studied under subsection (a); and

(2) recommendations on how to achieve cost savings with respect to each duplicative program or initiative studied under subsection (a).

Recommendations.

TITLE II—COMBATING HUMAN TRAFFICKING

Subtitle A—Enhancing Services for Runaway and Homeless Victims of Youth Trafficking

SEC. 201. AMENDMENTS TO THE RUNAWAY AND HOMELESS YOUTH ACT.

The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended—

(1) in section 343(b)(5) (42 U.S.C. 5714–23(b)(5))—

(A) in subparagraph (A) by inserting “, severe forms of trafficking in persons (as defined in section 103(9) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(9))), and sex trafficking (as defined in section 103(10) of such Act (22 U.S.C. 7102(10)))” before the semicolon at the end;

(B) in subparagraph (B) by inserting “, severe forms of trafficking in persons (as defined in section 103(9) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(9))), or sex trafficking (as defined in section 103(10) of such Act (22 U.S.C. 7102(10)))” after “assault”; and

(C) in subparagraph (C) by inserting “, including such youth who are victims of trafficking (as defined in section 103(15) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(15)))” before the semicolon at the end; and

(2) in section 351(a) (42 U.S.C. 5714–41(a)) by striking “or sexual exploitation” and inserting “sexual exploitation,

severe forms of trafficking in persons (as defined in section 103(9) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(9))), or sex trafficking (as defined in section 103(10) of such Act (22 U.S.C. 7102(10)))”.

Subtitle B—Improving the Response to Victims of Child Sex Trafficking

SEC. 211. RESPONSE TO VICTIMS OF CHILD SEX TRAFFICKING.

Section 404(b)(1)(P)(iii) of the Missing Children’s Assistance Act (42 U.S.C. 5773(b)(1)(P)(iii)) is amended by striking “child prostitution” and inserting “child sex trafficking, including child prostitution”.

Subtitle C—Interagency Task Force to Monitor and Combat Trafficking

SEC. 221. VICTIM OF TRAFFICKING DEFINED.

In this subtitle, the term “victim of trafficking” has the meaning given such term in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102).

SEC. 222. INTERAGENCY TASK FORCE REPORT ON CHILD TRAFFICKING PRIMARY PREVENTION.

(a) REVIEW.—The Interagency Task Force to Monitor and Combat Trafficking, established under section 105 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7103), shall conduct a review that, with regard to trafficking in persons in the United States—

(1) in consultation with nongovernmental organizations that the Task Force determines appropriate, surveys and catalogs the activities of the Federal Government and State governments—

Consultation.

(A) to deter individuals from committing trafficking offenses; and

(B) to prevent children from becoming victims of trafficking;

(2) surveys academic literature on—

(A) deterring individuals from committing trafficking offenses;

(B) preventing children from becoming victims of trafficking;

(C) the commercial sexual exploitation of children; and

(D) other similar topics that the Task Force determines to be appropriate;

(3) identifies best practices and effective strategies—

(A) to deter individuals from committing trafficking offenses; and

(B) to prevent children from becoming victims of trafficking; and

(4) identifies current gaps in research and data that would be helpful in formulating effective strategies—

(A) to deter individuals from committing trafficking offenses; and

Public
information.

(B) to prevent children from becoming victims of trafficking.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Interagency Task Force to Monitor and Combat Trafficking shall provide to Congress, and make publicly available in electronic format, a report on the review conducted pursuant to subparagraph (a).

SEC. 223. GAO REPORT ON INTERVENTION.

On the date that is 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to Congress that includes information on—

(1) the efforts of Federal and select State law enforcement agencies to combat human trafficking in the United States; and

(2) each Federal grant program, a purpose of which is to combat human trafficking or assist victims of trafficking, as specified in an authorizing statute or in a guidance document issued by the agency carrying out the grant program.

SEC. 224. PROVISION OF HOUSING PERMITTED TO PROTECT AND ASSIST IN THE RECOVERY OF VICTIMS OF TRAFFICKING.

Section 107(b)(2)(A) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(b)(2)(A)) is amended by inserting “, including programs that provide housing to victims of trafficking” before the period at the end.

Subtitle D—Expanded Training

SEC. 231. EXPANDED TRAINING RELATING TO TRAFFICKING IN PERSONS.

Section 105(c)(4) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(c)(4)) is amended—

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

“(A) IN GENERAL.—Appropriate personnel”;

(2) in subparagraph (A), as redesignated, by inserting “, including members of the Service (as such term is defined in section 103 of the Foreign Service Act of 1980 (22 U.S.C. 3903))” after “Department of State”; and

(3) by adding at the end the following:

“(B) TRAINING COMPONENTS.—Training under this paragraph shall include—

“(i) a distance learning course on trafficking-in-persons issues and the Department of State’s obligations under this Act, which shall be designed for embassy reporting officers, regional bureaus’ trafficking-in-persons coordinators, and their superiors;

“(ii) specific trafficking-in-persons briefings for all ambassadors and deputy chiefs of mission before such individuals depart for their posts; and

“(iii) at least annual reminders to all personnel referred to in clauses (i) and (ii), including appropriate personnel from other Federal departments and agencies, at each diplomatic or consular post of the Department of State located outside the United States of—

“(I) key problems, threats, methods, and warning signs of trafficking in persons specific to the country or jurisdiction in which each such post is located; and

“(II) appropriate procedures to report information that any such personnel may acquire about possible cases of trafficking in persons.”.

TITLE III—HERO ACT

SEC. 301. SHORT TITLE.

This title may be cited as the “Human Exploitation Rescue Operations Act of 2015” or the “HERO Act of 2015”.

Human
Exploitation
Rescue
Operations Act
of 2015.
6 USC 101 note.

SEC. 302. HERO ACT.

6 USC 473 note.

(a) FINDINGS.—Congress finds the following:

(1) The illegal market for the production and distribution of child abuse imagery is a growing threat to children in the United States. International demand for this material creates a powerful incentive for the rape, abuse, and torture of children within the United States.

(2) The targeting of United States children by international criminal networks is a threat to the homeland security of the United States. This threat must be fought with trained personnel and highly specialized counter-child-exploitation strategies and technologies.

(3) The United States Immigration and Customs Enforcement of the Department of Homeland Security serves a critical national security role in protecting the United States from the growing international threat of child exploitation and human trafficking.

(4) The Cyber Crimes Center of the United States Immigration and Customs Enforcement is a vital national resource in the effort to combat international child exploitation, providing advanced expertise and assistance in investigations, computer forensics, and victim identification.

(5) The returning military heroes of the United States possess unique and valuable skills that can assist law enforcement in combating global sexual and child exploitation, and the Department of Homeland Security should use this national resource to the maximum extent possible.

(6) Through the Human Exploitation Rescue Operative (HERO) Child Rescue Corps program, the returning military heroes of the United States are trained and hired to investigate crimes of child exploitation in order to target predators and rescue children from sexual abuse and slavery.

(b) CYBER CRIMES CENTER, CHILD EXPLOITATION INVESTIGATIONS UNIT, AND COMPUTER FORENSICS UNIT.—

(1) IN GENERAL.—Subtitle H of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 451 et seq.) is amended by adding at the end the following:

“SEC. 890A. CYBER CRIMES CENTER, CHILD EXPLOITATION INVESTIGATIONS UNIT, COMPUTER FORENSICS UNIT, AND CYBER CRIMES UNIT.

6 USC 473.

“(a) CYBER CRIMES CENTER.—

“(1) IN GENERAL.—The Secretary shall operate, within United States Immigration and Customs Enforcement, a Cyber Crimes Center (referred to in this section as the ‘Center’).

“(2) PURPOSE.—The purpose of the Center shall be to provide investigative assistance, training, and equipment to support United States Immigration and Customs Enforcement’s domestic and international investigations of cyber-related crimes.

“(b) CHILD EXPLOITATION INVESTIGATIONS UNIT.—

“(1) IN GENERAL.—The Secretary shall operate, within the Center, a Child Exploitation Investigations Unit (referred to in this subsection as the ‘CEIU’).

“(2) FUNCTIONS.—The CEIU—

“(A) shall coordinate all United States Immigration and Customs Enforcement child exploitation initiatives, including investigations into—

“(i) child exploitation;

“(ii) child pornography;

“(iii) child victim identification;

“(iv) traveling child sex offenders; and

“(v) forced child labor, including the sexual exploitation of minors;

“(B) shall, among other things, focus on—

“(i) child exploitation prevention;

“(ii) investigative capacity building;

“(iii) enforcement operations; and

“(iv) training for Federal, State, local, tribal, and foreign law enforcement agency personnel, upon request;

“(C) shall provide training, technical expertise, support, or coordination of child exploitation investigations, as needed, to cooperating law enforcement agencies and personnel;

“(D) shall provide psychological support and counseling services for United States Immigration and Customs Enforcement personnel engaged in child exploitation prevention initiatives, including making available other existing services to assist employees who are exposed to child exploitation material during investigations;

“(E) is authorized to collaborate with the Department of Defense and the National Association to Protect Children for the purpose of the recruiting, training, equipping and hiring of wounded, ill, and injured veterans and transitioning service members, through the Human Exploitation Rescue Operative (HERO) Child Rescue Corps program; and

“(F) shall collaborate with other governmental, non-governmental, and nonprofit entities approved by the Secretary for the sponsorship of, and participation in, outreach and training activities.

“(3) DATA COLLECTION.—The CEIU shall collect and maintain data concerning—

“(A) the total number of suspects identified by United States Immigration and Customs Enforcement;

“(B) the number of arrests by United States Immigration and Customs Enforcement, disaggregated by type, including—

“(i) the number of victims identified through investigations carried out by United States Immigration and Customs Enforcement; and

“(ii) the number of suspects arrested who were in positions of trust or authority over children;

“(C) the number of cases opened for investigation by United States Immigration and Customs Enforcement; and

“(D) the number of cases resulting in a Federal, State, foreign, or military prosecution.

“(4) AVAILABILITY OF DATA TO CONGRESS.—In addition to submitting the reports required under paragraph (7), the CEIU shall make the data collected and maintained under paragraph (3) available to the committees of Congress described in paragraph (7).

“(5) COOPERATIVE AGREEMENTS.—The CEIU is authorized to enter into cooperative agreements to accomplish the functions set forth in paragraphs (2) and (3).

“(6) ACCEPTANCE OF GIFTS.—

“(A) IN GENERAL.—The Secretary is authorized to accept monies and in-kind donations from the Virtual Global Taskforce, national laboratories, Federal agencies, not-for-profit organizations, and educational institutions to create and expand public awareness campaigns in support of the functions of the CEIU.

“(B) EXEMPTION FROM FEDERAL ACQUISITION REGULATION.—Gifts authorized under subparagraph (A) shall not be subject to the Federal Acquisition Regulation for competition when the services provided by the entities referred to in such subparagraph are donated or of minimal cost to the Department.

“(7) REPORTS.—Not later than 1 year after the date of the enactment of the HERO Act of 2015, and annually for the following 4 years, the CEIU shall—

“(A) submit a report containing a summary of the data collected pursuant to paragraph (3) during the previous year to—

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

“(ii) the Committee on the Judiciary of the Senate;

“(iii) the Committee on Appropriations of the Senate;

“(iv) the Committee on Homeland Security of the House of Representatives;

“(v) the Committee on the Judiciary of the House of Representatives; and

“(vi) the Committee on Appropriations of the House of Representatives; and

“(B) make a copy of each report submitted under subparagraph (A) publicly available on the website of the Department.

Records.

“(c) COMPUTER FORENSICS UNIT.—

“(1) IN GENERAL.—The Secretary shall operate, within the Center, a Computer Forensics Unit (referred to in this subsection as the ‘CFU’).

“(2) FUNCTIONS.—The CFU—

“(A) shall provide training and technical support in digital forensics to—

“(i) United States Immigration and Customs Enforcement personnel; and

“(ii) Federal, State, local, tribal, military, and foreign law enforcement agency personnel engaged in the investigation of crimes within their respective jurisdictions, upon request and subject to the availability of funds;

“(B) shall provide computer hardware, software, and forensic licenses for all computer forensics personnel within United States Immigration and Customs Enforcement;

“(C) shall participate in research and development in the area of digital forensics, in coordination with appropriate components of the Department; and

“(D) is authorized to collaborate with the Department of Defense and the National Association to Protect Children for the purpose of recruiting, training, equipping, and hiring wounded, ill, and injured veterans and transitioning service members, through the Human Exploitation Rescue Operative (HERO) Child Rescue Corps program.

“(3) COOPERATIVE AGREEMENTS.—The CFU is authorized to enter into cooperative agreements to accomplish the functions set forth in paragraph (2).

“(4) ACCEPTANCE OF GIFTS.—

“(A) IN GENERAL.—The Secretary is authorized to accept monies and in-kind donations from the Virtual Global Task Force, national laboratories, Federal agencies, not-for-profit organizations, and educational institutions to create and expand public awareness campaigns in support of the functions of the CFU.

“(B) EXEMPTION FROM FEDERAL ACQUISITION REGULATION.—Gifts authorized under subparagraph (A) shall not be subject to the Federal Acquisition Regulation for competition when the services provided by the entities referred to in such subparagraph are donated or of minimal cost to the Department.

“(d) CYBER CRIMES UNIT.—

“(1) IN GENERAL.—The Secretary shall operate, within the Center, a Cyber Crimes Unit (referred to in this subsection as the ‘CCU’).

“(2) FUNCTIONS.—The CCU—

“(A) shall oversee the cyber security strategy and cyber-related operations and programs for United States Immigration and Customs Enforcement;

“(B) shall enhance United States Immigration and Customs Enforcement’s ability to combat criminal enterprises operating on or through the Internet, with specific focus in the areas of—

“(i) cyber economic crime;

“(ii) digital theft of intellectual property;

“(iii) illicit e-commerce (including hidden marketplaces);

“(iv) Internet-facilitated proliferation of arms and strategic technology; and

“(v) cyber-enabled smuggling and money laundering;

“(C) shall provide training and technical support in cyber investigations to—

“(i) United States Immigration and Customs Enforcement personnel; and

“(ii) Federal, State, local, tribal, military, and foreign law enforcement agency personnel engaged in the investigation of crimes within their respective jurisdictions, upon request and subject to the availability of funds;

“(D) shall participate in research and development in the area of cyber investigations, in coordination with appropriate components of the Department; and

“(E) is authorized to recruit participants of the Human Exploitation Rescue Operative (HERO) Child Rescue Corps program for investigative and forensic positions in support of the functions of the CCU.

“(3) COOPERATIVE AGREEMENTS.—The CCU is authorized to enter into cooperative agreements to accomplish the functions set forth in paragraph (2).

“(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this section.”.

(2) TABLE OF CONTENTS AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 note) is amended by adding after the item relating to section 890 the following:

“Sec. 890A. Cyber crimes center, child exploitation investigations unit, computer forensics unit, and cyber crimes unit.”.

(c) HERO CORPS HIRING.—It is the sense of Congress that Homeland Security Investigations of the United States Immigration and Customs Enforcement should hire, recruit, train, and equip wounded, ill, or injured military veterans (as defined in section 101, title 38, United States Code) who are affiliated with the HERO Child Rescue Corps program for investigative, intelligence, analyst, and forensic positions.

(d) INVESTIGATING CHILD EXPLOITATION.—Section 307(b)(3) of the Homeland Security Act of 2002 (6 U.S.C. 187(b)(3)) is amended—

(1) in subparagraph (B), by striking “and” at the end;

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

(3) by adding at the end the following:

“(D) conduct research and development for the purpose of advancing technology for the investigation of child exploitation crimes, including child victim identification, trafficking in persons, and child pornography, and for advanced forensics.”.

SEC. 303. TRANSPORTATION FOR ILLEGAL SEXUAL ACTIVITY AND RELATED CRIMES.

Chapter 117 of title 18, United States Code, is amended by striking section 2421 and inserting the following:

“§ 2421. Transportation generally

18 USC 2421.

“(a) IN GENERAL.—Whoever knowingly transports any individual in interstate or foreign commerce, or in any Territory or Possession of the United States, with intent that such individual engage in prostitution, or in any sexual activity for which any person can be charged with a criminal offense, or attempts to

do so, shall be fined under this title or imprisoned not more than 10 years, or both.

“(b) REQUESTS TO PROSECUTE VIOLATIONS BY STATE ATTORNEYS GENERAL.—

“(1) IN GENERAL.—The Attorney General shall grant a request by a State attorney general that a State or local attorney be cross designated to prosecute a violation of this section unless the Attorney General determines that granting the request would undermine the administration of justice.

Deadline.

“(2) REASON FOR DENIAL.—If the Attorney General denies a request under paragraph (1), the Attorney General shall submit to the State attorney general a detailed reason for the denial not later than 60 days after the date on which a request is received.”.

Rape Survivor
Child Custody
Act.

TITLE IV—RAPE SURVIVOR CHILD CUSTODY

42 USC 13701
note.

SEC. 401. SHORT TITLE.

This title may be cited as the “Rape Survivor Child Custody Act”.

42 USC 14043h.

SEC. 402. DEFINITIONS.

In this title:

(1) COVERED FORMULA GRANT.—The term “covered formula grant” means a grant under—

(A) part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) (commonly referred to as the “STOP Violence Against Women Formula Grant Program”); or

(B) section 41601 of the Violence Against Women Act of 1994 (42 U.S.C. 14043g) (commonly referred to as the “Sexual Assault Services Program”).

(2) TERMINATION.—

(A) IN GENERAL.—The term “termination” means, when used with respect to parental rights, a complete and final termination of the parent’s right to custody of, guardianship of, visitation with, access to, and inheritance from a child.

(B) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to require a State, in order to receive an increase in the amount provided to the State under the covered formula grants under this title, to have in place a law that terminates any obligation of a person who fathered a child through rape to support the child.

42 USC
14043h–1.

SEC. 403. FINDINGS.

Congress finds the following:

(1) Men who father children through rape should be prohibited from visiting or having custody of those children.

(2) Thousands of rape-related pregnancies occur annually in the United States.

(3) A substantial number of women choose to raise their child conceived through rape and, as a result, may face custody battles with their rapists.

(4) Rape is one of the most under-prosecuted serious crimes, with estimates of criminal conviction occurring in less than 5 percent of rapes.

(5) The clear and convincing evidence standard is the most common standard for termination of parental rights among the 50 States, territories, and the District of Columbia.

(6) The Supreme Court established that the clear and convincing evidence standard satisfies due process for allegations to terminate or restrict parental rights in *Santosky v. Kramer* (455 U.S. 745 (1982)).

(7) Currently only 10 States have statutes allowing rape survivors to petition for the termination of parental rights of the rapist based on clear and convincing evidence that the child was conceived through rape.

(8) A rapist pursuing parental or custody rights causes the survivor to have continued interaction with the rapist, which can have traumatic psychological effects on the survivor, and can make it more difficult for her to recover.

(9) These traumatic effects on the mother can severely negatively impact her ability to raise a healthy child.

(10) Rapists may use the threat of pursuing custody or parental rights to coerce survivors into not prosecuting rape, or otherwise harass, intimidate, or manipulate them.

SEC. 404. INCREASED FUNDING FOR FORMULA GRANTS AUTHORIZED.

42 USC
14043h–2.

The Attorney General shall increase the amount provided to a State under the covered formula grants in accordance with this title if the State has in place a law that allows the mother of any child that was conceived through rape to seek court-ordered termination of the parental rights of her rapist with regard to that child, which the court is authorized to grant upon clear and convincing evidence of rape.

SEC. 405. APPLICATION.

42 USC
14043h–3.

A State seeking an increase in the amount provided to the State under the covered formula grants shall include in the application of the State for each covered formula grant such information as the Attorney General may reasonably require, including information about the law described in section 404.

SEC. 406. GRANT INCREASE.

42 USC
14043h–4.

The amount of the increase provided to a State under the covered formula grants under this title shall be equal to not more than 10 percent of the average of the total amount of funding provided to the State under the covered formula grants under the 3 most recent awards to the State.

SEC. 407. PERIOD OF INCREASE.

42 USC
14043h–5.

(a) **IN GENERAL.**—The Attorney General shall provide an increase in the amount provided to a State under the covered formula grants under this title for a 2-year period.

(b) **LIMIT.**—The Attorney General may not provide an increase in the amount provided to a State under the covered formula grants under this title more than 4 times.

42 USC
14043h–6.**SEC. 408. ALLOCATION OF INCREASED FORMULA GRANT FUNDS.**

The Attorney General shall allocate an increase in the amount provided to a State under the covered formula grants under this title such that—

- (1) 25 percent the amount of the increase is provided under the program described in section 402(1)(A); and
- (2) 75 percent the amount of the increase is provided under the program described in section 402(1)(B).

42 USC
14043h–7.**SEC. 409. AUTHORIZATION OF APPROPRIATIONS.**

There is authorized to be appropriated to carry out this title \$5,000,000 for each of fiscal years 2015 through 2019.

Military Sex
Offender
Reporting Act
of 2015.

TITLE V—MILITARY SEX OFFENDER REPORTING

42 USC 16901
note.**SEC. 501. SHORT TITLE.**

This title may be cited as the “Military Sex Offender Reporting Act of 2015”.

SEC. 502. REGISTRATION OF SEX OFFENDERS RELEASED FROM MILITARY CORRECTIONS FACILITIES OR UPON CONVICTION.

(a) **IN GENERAL.**—The Sex Offender Registration and Notification Act is amended by inserting after section 128 (42 U.S.C. 16928) the following:

42 USC 16928a.

“SEC. 128A. REGISTRATION OF SEX OFFENDERS RELEASED FROM MILITARY CORRECTIONS FACILITIES OR UPON CONVICTION.

“The Secretary of Defense shall provide to the Attorney General the information described in section 114 to be included in the National Sex Offender Registry and the Dru Sjodin National Sex Offender Public Website regarding persons—

“(1)(A) released from military corrections facilities; or

“(B) convicted if the sentences adjudged by courts-martial under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), do not include confinement; and

“(2) required to register under this title.”

(b) **TECHNICAL AND CONFORMING AMENDMENT.**—The table of contents of the Adam Walsh Child Protection and Safety Act is amended by inserting after the item relating to section 128 the following:

“Sec. 128A. Registration of sex offenders released from military corrections facilities or upon conviction.”

TITLE VI—STOPPING EXPLOITATION THROUGH TRAFFICKING

SEC. 601. SAFE HARBOR INCENTIVES.

Part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd et seq.) is amended—

42 USC 3796dd.

- (1) in section 1701(c), by striking “where feasible” and all that follows, and inserting the following: “where feasible, to an application—

“(1) for hiring and rehiring additional career law enforcement officers that involves a non-Federal contribution exceeding the 25 percent minimum under subsection (g); or

“(2) from an applicant in a State that has in effect a law that—

“(A) treats a minor who has engaged in, or has attempted to engage in, a commercial sex act as a victim of a severe form of trafficking in persons;

“(B) discourages or prohibits the charging or prosecution of an individual described in subparagraph (A) for a prostitution or sex trafficking offense, based on the conduct described in subparagraph (A); and

“(C) encourages the diversion of an individual described in subparagraph (A) to appropriate service providers, including child welfare services, victim treatment programs, child advocacy centers, rape crisis centers, or other social services.”; and

(2) in section 1709, by inserting at the end the following:

“(5) ‘commercial sex act’ has the meaning given the term in section 103 of the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7102).

“(6) ‘minor’ means an individual who has not attained the age of 18 years.

“(7) ‘severe form of trafficking in persons’ has the meaning given the term in section 103 of the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7102).”

42 USC
3796dd–8.
Definitions.

SEC. 602. REPORT ON RESTITUTION PAID IN CONNECTION WITH CERTAIN TRAFFICKING OFFENSES.

Section 105(d)(7)(Q) of the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7103(d)(7)(Q)) is amended—

(1) by inserting after “1590,” the following: “1591,”;

(2) by striking “and 1594” and inserting “1594, 2251, 2251A, 2421, 2422, and 2423”;

(3) in clause (iv), by striking “and” at the end;

(4) in clause (v), by striking “and” at the end; and

(5) by inserting after clause (v) the following:

“(vi) the number of individuals required by a court order to pay restitution in connection with a violation of each offense under title 18, United States Code, the amount of restitution required to be paid under each such order, and the amount of restitution actually paid pursuant to each such order; and

“(vii) the age, gender, race, country of origin, country of citizenship, and description of the role in the offense of individuals convicted under each offense; and”.

SEC. 603. NATIONAL HUMAN TRAFFICKING HOTLINE.

Section 107(b)(1)(B) of the Victims of Crime Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7105(b)(1)(B)) is amended—

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

“(i) IN GENERAL.—Subject”; and

(2) by adding at the end the following:

“(ii) NATIONAL HUMAN TRAFFICKING HOTLINE.—Beginning in fiscal year 2017, and in each fiscal year thereafter, of amounts made available for grants under

Effective date.
Grants.

paragraph (2), the Secretary of Health and Human Services shall make grants for a national communication system to assist victims of severe forms of trafficking in persons in communicating with service providers. The Secretary shall give priority to grant applicants that have experience in providing telephone services to victims of severe forms of trafficking in persons.”.

SEC. 604. JOB CORPS ELIGIBILITY.

Section 144(a)(3) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3194(a)(3)) is amended by adding at the end the following:

“(F) A victim of a severe form of trafficking in persons (as defined in section 103 of the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7102)). Notwithstanding paragraph (2), an individual described in this subparagraph shall not be required to demonstrate eligibility under such paragraph.”.

SEC. 605. CLARIFICATION OF AUTHORITY OF THE UNITED STATES MARSHALS SERVICE.

Section 566(e)(1) of title 28, United States Code, is amended—
 (1) in subparagraph (B), by striking “and” at the end;
 (2) in subparagraph (C), by striking the period at the end and inserting “; and”; and

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

“(D) assist State, local, and other Federal law enforcement agencies, upon the request of such an agency, in locating and recovering missing children.”.

42 USC 14044h.

SEC. 606. ESTABLISHING A NATIONAL STRATEGY TO COMBAT HUMAN TRAFFICKING.

(a) **IN GENERAL.**—The Attorney General shall implement and maintain a National Strategy for Combating Human Trafficking (referred to in this section as the “National Strategy”) in accordance with this section.

(b) **REQUIRED CONTENTS OF NATIONAL STRATEGY.**—The National Strategy shall include the following:

(1) Integrated Federal, State, local, and tribal efforts to investigate and prosecute human trafficking cases, including—

(A) the development by each United States attorney, in consultation with State, local, and tribal government agencies, of a district-specific strategic plan to coordinate the identification of victims and the investigation and prosecution of human trafficking crimes;

(B) the appointment of not fewer than 1 assistant United States attorney in each district dedicated to the prosecution of human trafficking cases or responsible for implementing the National Strategy;

(C) the participation in any Federal, State, local, or tribal human trafficking task force operating in the district of the United States attorney; and

(D) any other efforts intended to enhance the level of coordination and cooperation, as determined by the Attorney General.

(2) Case coordination within the Department of Justice, including specific integration, coordination, and collaboration,

as appropriate, on human trafficking investigations between and among the United States attorneys, the Human Trafficking Prosecution Unit, the Child Exploitation and Obscenity Section, and the Federal Bureau of Investigation.

(3) Annual budget priorities and Federal efforts dedicated to preventing and combating human trafficking, including resources dedicated to the Human Trafficking Prosecution Unit, the Child Exploitation and Obscenity Section, the Federal Bureau of Investigation, and all other entities that receive Federal support that have a goal or mission to combat the exploitation of adults and children.

(4) An ongoing assessment of the future trends, challenges, and opportunities, including new investigative strategies, techniques, and technologies, that will enhance Federal, State, local, and tribal efforts to combat human trafficking.

(5) Encouragement of cooperation, coordination, and mutual support between private sector and other entities and organizations and Federal agencies to combat human trafficking, including the involvement of State, local, and tribal government agencies to the extent Federal programs are involved.

TITLE VII—TRAFFICKING AWARENESS TRAINING FOR HEALTH CARE

Trafficking
Awareness
Training for
Health Care Act
of 2015.

SEC. 701. SHORT TITLE.

This title may be cited as the “Trafficking Awareness Training for Health Care Act of 2015”.

SEC. 702. DEVELOPMENT OF BEST PRACTICES.

(a) GRANT OR CONTRACT FOR DEVELOPMENT OF BEST PRACTICES.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services acting through the Administrator of the Health Resources and Services Administration, and in consultation with the Administration on Children and Families and other agencies with experience in serving victims of human trafficking, shall award, on a competitive basis, a grant or contract to an eligible entity to train health care professionals to recognize and respond to victims of a severe form of trafficking.

Deadline.
Consultation.

(2) DEVELOPMENT OF EVIDENCE-BASED BEST PRACTICES.—An entity receiving a grant under paragraph (1) shall develop evidence-based best practices for health care professionals to recognize and respond to victims of a severe form of trafficking, including—

(A) consultation with law enforcement officials, social service providers, health professionals, experts in the field of human trafficking, and other experts, as appropriate, to inform the development of such best practices;

(B) the identification of any existing best practices or tools for health professionals to recognize potential victims of a severe form of trafficking; and

(C) the development of educational materials to train health care professionals on the best practices developed under this subsection.

(3) REQUIREMENTS.—Best practices developed under this subsection shall address—

- (A) risk factors and indicators to recognize victims of a severe form of trafficking;
- (B) patient safety and security;
- (C) the management of medical records of patients who are victims of a severe form of trafficking;
- (D) public and private social services available for rescue, food, clothing, and shelter referrals;
- (E) the hotlines for reporting human trafficking maintained by the National Human Trafficking Resource Center and the Department of Homeland Security;
- (F) validated assessment tools for the identification of victims of a severe form of trafficking; and
- (G) referral options and procedures for sharing information on human trafficking with a patient and making referrals for legal and social services as appropriate.

(4) PILOT PROGRAM.—An entity receiving a grant under paragraph (1) shall design and implement a pilot program to test the best practices and educational materials identified or developed with respect to the recognition of victims of human trafficking by health professionals at health care sites located near an established anti-human trafficking task force initiative in each of the 10 administrative regions of the Department of Health and Human Services.

(5) ANALYSIS AND REPORT.—Not later than 24 months after the date on which an entity implements a pilot program under paragraph (4), the entity shall—

- (A) analyze the results of the pilot programs, including through an assessment of—
 - (i) changes in the skills, knowledge, and attitude of health care professionals resulting from the implementation of the program;
 - (ii) the number of victims of a severe form of trafficking who were identified under the program;
 - (iii) of those victims identified, the number who received information or referrals for services offered; and
 - (iv) of those victims who received such information or referrals—

- (I) the number who participated in follow up services; and

- (II) the type of follow up services received;

Determination.

- (B) determine, using the results of the analysis conducted under subparagraph (A), the extent to which the best practices developed under this subsection are evidence-based; and

Reports.

- (C) submit to the Secretary of Health and Human Services a report concerning the pilot program and the analysis of the pilot program under subparagraph (A), including an identification of the best practices that were identified as effective and those that require further review.

Deadline.

(b) DISSEMINATION.—Not later than 30 months after date on which a grant is awarded to an eligible entity under subsection (a), the Secretary of Health and Human Services shall—

- (1) collaborate with appropriate professional associations and health care professional schools to disseminate best practices identified or developed under subsection (a) for purposes of recognizing potential victims of a severe form of trafficking; and
- (2) post on the public website of the Department of Health and Human Services the best practices that are identified by the pilot program as effective under subsection (a)(5).

Collaboration.

Web posting.

SEC. 703. DEFINITIONS.

In this title:

(1) The term “eligible entity” means an accredited school of medicine or nursing with experience in the study or treatment of victims of a severe form of trafficking.

(2) The term “eligible site” means a health center that is receiving assistance under section 330, 399Z–1, or 1001 of the Public Health Service Act (42 U.S.C. 254b, 280h–5, and 300).

(3) The term “health care professional” means a person employed by a health care provider who provides to patients information (including information not related to medical treatment), scheduling, services, or referrals.

(4) The term “HIPAA privacy and security law” has the meaning given to such term in section 3009 of the Public Health Service Act (42 U.S.C. 300jj–19).

(5) The term “victim of a severe form of trafficking” has the meaning given to such term in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102).

SEC. 704. NO ADDITIONAL AUTHORIZATION OF APPROPRIATIONS.

No additional funds are authorized to be appropriated to carry out this title, and this title shall be carried out using amounts otherwise available for such purpose.

TITLE VIII—BETTER RESPONSE FOR VICTIMS OF CHILD SEX TRAFFICKING

SEC. 801. SHORT TITLE.

This title may be cited as the “Ensuring a Better Response for Victims of Child Sex Trafficking”.

Ensuring a Better Response for Victims of Child Sex Trafficking.
42 USC 5101 note.

SEC. 802. CAPTA AMENDMENTS.

(a) **IN GENERAL.**—The amendments to the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.) made by this section shall take effect 2 years after the date of the enactment of this Act.

(b) **STATE PLANS.**—Section 106 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a) is amended—

(1) in subsection (b)(2)(B)—

- (A) in clause (xxii), by striking “and” at the end; and
(B) by adding at the end the following:

“(xxiv) provisions and procedures requiring identification and assessment of all reports involving children known or suspected to be victims of sex trafficking (as defined in section 103(10) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102 (10))); and

42 USC 5106a note.
Effective date.

“(xxv) provisions and procedures for training child protective services workers about identifying, assessing, and providing comprehensive services for children who are sex trafficking victims, including efforts to coordinate with State law enforcement, juvenile justice, and social service agencies such as runaway and homeless youth shelters to serve this population;” and

(2) in subsection (d), by adding at the end the following: “(17) The number of children determined to be victims described in subsection (b)(2)(B)(xxiv).”.

(c) SPECIAL RULE.—

(1) IN GENERAL.—Section 111 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106g) is amended—

(A) by striking “For purposes” and inserting the following:

“(a) DEFINITIONS.—For purposes”; and

(B) by adding at the end the following:

“(b) SPECIAL RULE.—

“(1) IN GENERAL.—For purposes of section 3(2) and subsection (a)(4), a child shall be considered a victim of ‘child abuse and neglect’ and of ‘sexual abuse’ if the child is identified, by a State or local agency employee of the State or locality involved, as being a victim of sex trafficking (as defined in paragraph (10) of section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102)) or a victim of severe forms of trafficking in persons described in paragraph (9)(A) of that section.

“(2) STATE OPTION.—Notwithstanding the definition of ‘child’ in section 3(1), a State may elect to define that term for purposes of the application of paragraph (1) to section 3(2) and subsection (a)(4) as a person who has not attained the age of 24.”.

(2) CONFORMING AMENDMENT.—Section 3(2) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 note) is amended by inserting “(including sexual abuse as determined under section 111)” after “sexual abuse or exploitation”.

(3) TECHNICAL CORRECTION.—Paragraph (5)(C) of subsection (a), as so designated, of section 111 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106g) is amended by striking “inhumane;” and inserting “inhumane.”.

TITLE IX—ANTI-TRAFFICKING TRAINING FOR DEPARTMENT OF HOMELAND SECURITY PERSONNEL

6 USC 641.

SEC. 901. DEFINITIONS.

In this title:

(1) DEPARTMENT.—The term “Department” means the Department of Homeland Security.

(2) HUMAN TRAFFICKING.—The term “human trafficking” means an act or practice described in paragraph (9) or (10) of section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102).

(3) SECRETARY.—The term “Secretary” means the Secretary of Homeland Security.

SEC. 902. TRAINING FOR DEPARTMENT PERSONNEL TO IDENTIFY HUMAN TRAFFICKING. 6 USC 642.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall implement a program to— Deadline.

(1) train and periodically retrain relevant Transportation Security Administration, U.S. Customs and Border Protection, and other Department personnel that the Secretary considers appropriate, with respect to how to effectively deter, detect, and disrupt human trafficking, and, where appropriate, interdict a suspected perpetrator of human trafficking, during the course of their primary roles and responsibilities; and

(2) ensure that the personnel referred to in paragraph (1) regularly receive current information on matters related to the detection of human trafficking, including information that becomes available outside of the Department’s initial or periodic retraining schedule, to the extent relevant to their official duties and consistent with applicable information and privacy laws.

(b) TRAINING DESCRIBED.—The training referred to in subsection (a) may be conducted through in-class or virtual learning capabilities, and shall include—

(1) methods for identifying suspected victims of human trafficking and, where appropriate, perpetrators of human trafficking;

(2) for appropriate personnel, methods to approach a suspected victim of human trafficking, where appropriate, in a manner that is sensitive to the suspected victim and is not likely to alert a suspected perpetrator of human trafficking;

(3) training that is most appropriate for a particular location or environment in which the personnel receiving such training perform their official duties;

(4) other topics determined by the Secretary to be appropriate; and

(5) a post-training evaluation for personnel receiving the training.

(c) TRAINING CURRICULUM REVIEW.—The Secretary shall annually reassess the training program established under subsection (a) to ensure it is consistent with current techniques, patterns, and trends associated with human trafficking.

SEC. 903. CERTIFICATION AND REPORT TO CONGRESS.

6 USC 643.

(a) CERTIFICATION.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall certify to Congress that all personnel referred to in section 402(a) have successfully completed the training required under that section.

(b) REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act and annually thereafter, the Secretary shall report to Congress with respect to the overall effectiveness of the program required by this title, the number of cases reported by Department personnel in which human trafficking was suspected, and, of those cases, the number of cases that were confirmed cases of human trafficking.

6 USC 644.

SEC. 904. ASSISTANCE TO NON-FEDERAL ENTITIES.

The Secretary may provide training curricula to any State, local, or tribal government or private organization to assist the government or organization in establishing a program of training to identify human trafficking, upon request from the government or organization.

SEC. 905. EXPANDED USE OF DOMESTIC TRAFFICKING VICTIMS' FUND.

Section 3014(e)(1) of title 18, United States Code, as added by section 101 of this Act, is amended—

- (1) in subparagraph (B), by striking “and” at the end;
- (2) in subparagraph (C), by striking the period at the end and inserting “; and”; and
- (3) by adding at the end the following:

“(D) section 106 of the PROTECT Our Children Act of 2008 (42 U.S.C. 17616).”.

Human
Trafficking
Survivors Relief
and
Empowerment
Act of 2015.

TITLE X—HUMAN TRAFFICKING SURVIVORS RELIEF AND EMPOWERMENT ACT

42 USC 3711
note.

SEC. 1001. SHORT TITLE.

This title may be cited as the “Human Trafficking Survivors Relief and Empowerment Act of 2015”.

SEC. 1002. PROTECTIONS FOR HUMAN TRAFFICKING SURVIVORS.

Section 1701(c) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(c)), as amended by section 601 of this Act, is amended—

- (1) in paragraph (1), by striking “or” at the end;
- (2) in paragraph (2)(C), by striking the period at the end and inserting “; or”; and
- (3) by inserting after paragraph (2) the following:

“(3) from an applicant in a State that has in effect a law—

“(A) that—

“(i) provides a process by which an individual who is a human trafficking survivor can move to vacate any arrest or conviction records for a non-violent offense committed as a direct result of human trafficking, including prostitution or lewdness;

“(ii) establishes a rebuttable presumption that any arrest or conviction of an individual for an offense associated with human trafficking is a result of being trafficked, if the individual—

“(I) is a person granted nonimmigrant status pursuant to section 101(a)(15)(T)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(T)(i));

“(II) is the subject of a certification by the Secretary of Health and Human Services under section 107(b)(1)(E) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(b)(1)(E)); or

“(III) has other similar documentation of trafficking, which has been issued by a Federal, State, or local agency; and

“(iii) protects the identity of individuals who are human trafficking survivors in public and court records; and

“(B) that does not require an individual who is a human trafficking survivor to provide official documentation as described in subclause (I), (II), or (III) of subparagraph (A)(ii) in order to receive protection under the law.”.

Approved May 29, 2015.

LEGISLATIVE HISTORY—S. 178:

CONGRESSIONAL RECORD, Vol. 161 (2015):

Mar. 10–12, 16–19, Apr. 14, 16, 20–22, considered and passed Senate.

May 18, 19, considered and passed House.

Public Law 114–23
114th Congress

An Act

June 2, 2015
[H.R. 2048]

Uniting and
Strengthening
America by
Fulfilling Rights
and Ensuring
Effective
Discipline Over
Monitoring Act
of 2015.
50 USC 1801
note.

To reform the authorities of the Federal Government to require the production of certain business records, conduct electronic surveillance, use pen registers and trap and trace devices, and use other forms of information gathering for foreign intelligence, counterterrorism, and criminal purposes, and for other purposes.

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Uniting and Strengthening America by Fulfilling Rights and Ensuring Effective Discipline Over Monitoring Act of 2015” or the “USA FREEDOM Act of 2015”.

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

- Sec. 1. Short title; table of contents.
Sec. 2. Amendments to the Foreign Intelligence Surveillance Act of 1978.

TITLE I—FISA BUSINESS RECORDS REFORMS

- Sec. 101. Additional requirements for call detail records.
Sec. 102. Emergency authority.
Sec. 103. Prohibition on bulk collection of tangible things.
Sec. 104. Judicial review.
Sec. 105. Liability protection.
Sec. 106. Compensation for assistance.
Sec. 107. Definitions.
Sec. 108. Inspector General reports on business records orders.
Sec. 109. Effective date.
Sec. 110. Rule of construction.

TITLE II—FISA PEN REGISTER AND TRAP AND TRACE DEVICE REFORM

- Sec. 201. Prohibition on bulk collection.
Sec. 202. Privacy procedures.

TITLE III—FISA ACQUISITIONS TARGETING PERSONS OUTSIDE THE UNITED STATES REFORMS

- Sec. 301. Limits on use of unlawfully obtained information.

TITLE IV—FOREIGN INTELLIGENCE SURVEILLANCE COURT REFORMS

- Sec. 401. Appointment of amicus curiae.
Sec. 402. Declassification of decisions, orders, and opinions.

TITLE V—NATIONAL SECURITY LETTER REFORM

- Sec. 501. Prohibition on bulk collection.
Sec. 502. Limitations on disclosure of national security letters.
Sec. 503. Judicial review.

TITLE VI—FISA TRANSPARENCY AND REPORTING REQUIREMENTS

- Sec. 601. Additional reporting on orders requiring production of business records; business records compliance reports to Congress.

- Sec. 602. Annual reports by the Government.
 Sec. 603. Public reporting by persons subject to FISA orders.
 Sec. 604. Reporting requirements for decisions, orders, and opinions of the Foreign Intelligence Surveillance Court and the Foreign Intelligence Surveillance Court of Review.
 Sec. 605. Submission of reports under FISA.

TITLE VII—ENHANCED NATIONAL SECURITY PROVISIONS

- Sec. 701. Emergencies involving non-United States persons.
 Sec. 702. Preservation of treatment of non-United States persons traveling outside the United States as agents of foreign powers.
 Sec. 703. Improvement to investigations of international proliferation of weapons of mass destruction.
 Sec. 704. Increase in penalties for material support of foreign terrorist organizations.
 Sec. 705. Sunsets.

TITLE VIII—SAFETY OF MARITIME NAVIGATION AND NUCLEAR TERRORISM CONVENTIONS IMPLEMENTATION

Subtitle A—Safety of Maritime Navigation

- Sec. 801. Amendment to section 2280 of title 18, United States Code.
 Sec. 802. New section 2280a of title 18, United States Code.
 Sec. 803. Amendments to section 2281 of title 18, United States Code.
 Sec. 804. New section 2281a of title 18, United States Code.
 Sec. 805. Ancillary measure.

Subtitle B—Prevention of Nuclear Terrorism

- Sec. 811. New section 2332i of title 18, United States Code.
 Sec. 812. Amendment to section 831 of title 18, United States Code.

SEC. 2. AMENDMENTS TO THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.).

TITLE I—FISA BUSINESS RECORDS REFORMS

SEC. 101. ADDITIONAL REQUIREMENTS FOR CALL DETAIL RECORDS.

(a) APPLICATION.—Section 501(b)(2) (50 U.S.C. 1861(b)(2)) is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking “a statement” and inserting “in the case of an application other than an application described in subparagraph (C) (including an application for the production of call detail records other than in the manner described in subparagraph (C)), a statement”; and

(B) in clause (iii), by striking “; and” and inserting a semicolon;

(2) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (D), respectively; and

(3) by inserting after subparagraph (B) (as so redesignated) the following new subparagraph:

“(C) in the case of an application for the production on an ongoing basis of call detail records created before,

on, or after the date of the application relating to an authorized investigation (other than a threat assessment) conducted in accordance with subsection (a)(2) to protect against international terrorism, a statement of facts showing that—

“(i) there are reasonable grounds to believe that the call detail records sought to be produced based on the specific selection term required under subparagraph (A) are relevant to such investigation; and

“(ii) there is a reasonable, articulable suspicion that such specific selection term is associated with a foreign power engaged in international terrorism or activities in preparation therefor, or an agent of a foreign power engaged in international terrorism or activities in preparation therefor; and”.

(b) ORDER.—Section 501(c)(2) (50 U.S.C. 1861(c)(2)) is amended—

(1) in subparagraph (D), by striking “; and” and inserting a semicolon;

(2) in subparagraph (E), by striking the period and inserting “; and”; and

(3) by adding at the end the following new subparagraph:
“(F) in the case of an application described in subsection (b)(2)(C), shall—

Time period.

“(i) authorize the production on a daily basis of call detail records for a period not to exceed 180 days;

“(ii) provide that an order for such production may be extended upon application under subsection (b) and the judicial finding under paragraph (1) of this subsection;

“(iii) provide that the Government may require the prompt production of a first set of call detail records using the specific selection term that satisfies the standard required under subsection (b)(2)(C)(ii);

“(iv) provide that the Government may require the prompt production of a second set of call detail records using session-identifying information or a telephone calling card number identified by the specific selection term used to produce call detail records under clause (iii);

“(v) provide that, when produced, such records be in a form that will be useful to the Government;

“(vi) direct each person the Government directs to produce call detail records under the order to furnish the Government forthwith all information, facilities, or technical assistance necessary to accomplish the production in such a manner as will protect the secrecy of the production and produce a minimum of interference with the services that such person is providing to each subject of the production; and

“(vii) direct the Government to—

Procedures.

“(I) adopt minimization procedures that require the prompt destruction of all call detail records produced under the order that the Government determines are not foreign intelligence information; and

“(II) destroy all call detail records produced under the order as prescribed by such procedures.”.

SEC. 102. EMERGENCY AUTHORITY.

(a) **AUTHORITY.**—Section 501 (50 U.S.C. 1861) is amended by adding at the end the following new subsection:

“(i) **EMERGENCY AUTHORITY FOR PRODUCTION OF TANGIBLE THINGS.**—

“(1) Notwithstanding any other provision of this section, the Attorney General may require the emergency production of tangible things if the Attorney General—

“(A) reasonably determines that an emergency situation requires the production of tangible things before an order authorizing such production can with due diligence be obtained;

“(B) reasonably determines that the factual basis for the issuance of an order under this section to approve such production of tangible things exists;

“(C) informs, either personally or through a designee, a judge having jurisdiction under this section at the time the Attorney General requires the emergency production of tangible things that the decision has been made to employ the authority under this subsection; and

“(D) makes an application in accordance with this section to a judge having jurisdiction under this section as soon as practicable, but not later than 7 days after the Attorney General requires the emergency production of tangible things under this subsection.

Deadline.

“(2) If the Attorney General requires the emergency production of tangible things under paragraph (1), the Attorney General shall require that the minimization procedures required by this section for the issuance of a judicial order be followed.

“(3) In the absence of a judicial order approving the production of tangible things under this subsection, the production shall terminate when the information sought is obtained, when the application for the order is denied, or after the expiration of 7 days from the time the Attorney General begins requiring the emergency production of such tangible things, whichever is earliest.

Termination date.

“(4) A denial of the application made under this subsection may be reviewed as provided in section 103.

“(5) If such application for approval is denied, or in any other case where the production of tangible things is terminated and no order is issued approving the production, no information obtained or evidence derived from such production shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or a political subdivision thereof, and no information concerning any United States person acquired from such production shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

Assessment.

“(6) The Attorney General shall assess compliance with the requirements of paragraph (5).”

(b) CONFORMING AMENDMENT.—Section 501(d) (50 U.S.C. 1861(d)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking “pursuant to an order” and inserting “pursuant to an order issued or an emergency production required”;

(B) in subparagraph (A), by striking “such order” and inserting “such order or such emergency production”; and

(C) in subparagraph (B), by striking “the order” and inserting “the order or the emergency production”; and

(2) in paragraph (2)—

(A) in subparagraph (A), by striking “an order” and inserting “an order or emergency production”; and

(B) in subparagraph (B), by striking “an order” and inserting “an order or emergency production”.

SEC. 103. PROHIBITION ON BULK COLLECTION OF TANGIBLE THINGS.

(a) APPLICATION.—Section 501(b)(2) (50 U.S.C. 1861(b)(2)), as amended by section 101(a) of this Act, is further amended by inserting before subparagraph (B), as redesignated by such section 101(a) of this Act, the following new subparagraph:

“(A) a specific selection term to be used as the basis for the production of the tangible things sought;”

(b) ORDER.—Section 501(c) (50 U.S.C. 1861(c)) is amended—

(1) in paragraph (2)(A), by striking the semicolon and inserting “, including each specific selection term to be used as the basis for the production;”; and

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

“(3) No order issued under this subsection may authorize the collection of tangible things without the use of a specific selection term that meets the requirements of subsection (b)(2).”

SEC. 104. JUDICIAL REVIEW.

(a) MINIMIZATION PROCEDURES.—

(1) JUDICIAL REVIEW.—Section 501(c)(1) (50 U.S.C. 1861(c)(1)) is amended by inserting after “subsections (a) and (b)” the following: “and that the minimization procedures submitted in accordance with subsection (b)(2)(D) meet the definition of minimization procedures under subsection (g)”.

(2) RULE OF CONSTRUCTION.—Section 501(g) (50 U.S.C. 1861(g)) is amended by adding at the end the following new paragraph:

“(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall limit the authority of the court established under section 103(a) to impose additional, particularized minimization procedures with regard to the production, retention, or dissemination of nonpublicly available information concerning unconsenting United States persons, including additional, particularized procedures related to the destruction of information within a reasonable time period.”

(3) TECHNICAL AND CONFORMING AMENDMENT.—Section 501(g)(1) (50 U.S.C. 1861(g)(1)) is amended—

(A) by striking “Not later than 180 days after the date of the enactment of the USA PATRIOT Improvement

and Reauthorization Act of 2005, the” and inserting “The”; and

(B) by inserting after “adopt” the following: “, and update as appropriate,”.

(b) ORDERS.—Section 501(f)(2) (50 U.S.C. 1861(f)(2)) is amended—

(1) in subparagraph (A)(i)—

(A) by striking “that order” and inserting “the production order or any nondisclosure order imposed in connection with the production order”; and

(B) by striking the second sentence; and

(2) in subparagraph (C)—

(A) by striking clause (ii); and

(B) by redesignating clause (iii) as clause (ii).

SEC. 105. LIABILITY PROTECTION.

Section 501(e) (50 U.S.C. 1861(e)) is amended to read as follows:

“(e)(1) No cause of action shall lie in any court against a person who—

“(A) produces tangible things or provides information, facilities, or technical assistance in accordance with an order issued or an emergency production required under this section; or

“(B) otherwise provides technical assistance to the Government under this section or to implement the amendments made to this section by the USA FREEDOM Act of 2015.

“(2) A production or provision of information, facilities, or technical assistance described in paragraph (1) shall not be deemed to constitute a waiver of any privilege in any other proceeding or context.”.

SEC. 106. COMPENSATION FOR ASSISTANCE.

Section 501 (50 U.S.C. 1861), as amended by section 102 of this Act, is further amended by adding at the end the following new subsection:

“(j) COMPENSATION.—The Government shall compensate a person for reasonable expenses incurred for—

“(1) producing tangible things or providing information, facilities, or assistance in accordance with an order issued with respect to an application described in subsection (b)(2)(C) or an emergency production under subsection (i) that, to comply with subsection (i)(1)(D), requires an application described in subsection (b)(2)(C); or

“(2) otherwise providing technical assistance to the Government under this section or to implement the amendments made to this section by the USA FREEDOM Act of 2015.”.

SEC. 107. DEFINITIONS.

Section 501 (50 U.S.C. 1861), as amended by section 106 of this Act, is further amended by adding at the end the following new subsection:

“(k) DEFINITIONS.—In this section:

“(1) IN GENERAL.—The terms ‘foreign power’, ‘agent of a foreign power’, ‘international terrorism’, ‘foreign intelligence information’, ‘Attorney General’, ‘United States person’, ‘United States’, ‘person’, and ‘State’ have the meanings provided those terms in section 101.

“(2) ADDRESS.—The term ‘address’ means a physical address or electronic address, such as an electronic mail address

or temporarily assigned network address (including an Internet protocol address).

“(3) CALL DETAIL RECORD.—The term ‘call detail record’—

“(A) means session-identifying information (including an originating or terminating telephone number, an International Mobile Subscriber Identity number, or an International Mobile Station Equipment Identity number), a telephone calling card number, or the time or duration of a call; and

“(B) does not include—

“(i) the contents (as defined in section 2510(8) of title 18, United States Code) of any communication;

“(ii) the name, address, or financial information of a subscriber or customer; or

“(iii) cell site location or global positioning system information.

“(4) SPECIFIC SELECTION TERM.—

“(A) TANGIBLE THINGS.—

“(i) IN GENERAL.—Except as provided in subparagraph (B), a ‘specific selection term’—

“(I) is a term that specifically identifies a person, account, address, or personal device, or any other specific identifier; and

“(II) is used to limit, to the greatest extent reasonably practicable, the scope of tangible things sought consistent with the purpose for seeking the tangible things.

“(ii) LIMITATION.—A specific selection term under clause (i) does not include an identifier that does not limit, to the greatest extent reasonably practicable, the scope of tangible things sought consistent with the purpose for seeking the tangible things, such as an identifier that—

“(I) identifies an electronic communication service provider (as that term is defined in section 701) or a provider of remote computing service (as that term is defined in section 2711 of title 18, United States Code), when not used as part of a specific identifier as described in clause (i), unless the provider is itself a subject of an authorized investigation for which the specific selection term is used as the basis for the production; or

“(II) identifies a broad geographic region, including the United States, a city, a county, a State, a zip code, or an area code, when not used as part of a specific identifier as described in clause (i).

“(iii) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to preclude the use of multiple terms or identifiers to meet the requirements of clause (i).

“(B) CALL DETAIL RECORD APPLICATIONS.—For purposes of an application submitted under subsection (b)(2)(C), the term ‘specific selection term’ means a term that specifically identifies an individual, account, or personal device.”.

SEC. 108. INSPECTOR GENERAL REPORTS ON BUSINESS RECORDS ORDERS.

Section 106A of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109–177; 120 Stat. 200) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by inserting “and calendar years 2012 through 2014” after “2006”;

(B) by striking paragraphs (2) and (3);

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

(D) in paragraph (3) (as so redesignated)—

(i) by striking subparagraph (C) and inserting the following new subparagraph:

“(C) with respect to calendar years 2012 through 2014, an examination of the minimization procedures used in relation to orders under section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) and whether the minimization procedures adequately protect the constitutional rights of United States persons;”;

(ii) in subparagraph (D), by striking “(as such term is defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)))”;

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

“(3) CALENDAR YEARS 2012 THROUGH 2014.—Not later than 1 year after the date of enactment of the USA FREEDOM Act of 2015, the Inspector General of the Department of Justice shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report containing the results of the audit conducted under subsection (a) for calendar years 2012 through 2014.”;

(3) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively;

(4) by inserting after subsection (c) the following new subsection:

“(d) INTELLIGENCE ASSESSMENT.—

“(1) IN GENERAL.—For the period beginning on January 1, 2012, and ending on December 31, 2014, the Inspector General of the Intelligence Community shall assess—

“(A) the importance of the information acquired under title V of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861 et seq.) to the activities of the intelligence community;

“(B) the manner in which that information was collected, retained, analyzed, and disseminated by the intelligence community;

“(C) the minimization procedures used by elements of the intelligence community under such title and whether the minimization procedures adequately protect the constitutional rights of United States persons; and

“(D) any minimization procedures proposed by an element of the intelligence community under such title that were modified or denied by the court established under section 103(a) of such Act (50 U.S.C. 1803(a)).

Time period.

Time period.

“(2) SUBMISSION DATE FOR ASSESSMENT.—Not later than 180 days after the date on which the Inspector General of the Department of Justice submits the report required under subsection (c)(3), the Inspector General of the Intelligence Community shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report containing the results of the assessment for calendar years 2012 through 2014.”;

(5) in subsection (e), as redesignated by paragraph (3)—

(A) in paragraph (1)—

(i) by striking “a report under subsection (c)(1) or (c)(2)” and inserting “any report under subsection (c) or (d)”; and

(ii) by striking “Inspector General of the Department of Justice” and inserting “Inspector General of the Department of Justice, the Inspector General of the Intelligence Community, and any Inspector General of an element of the intelligence community that prepares a report to assist the Inspector General of the Department of Justice or the Inspector General of the Intelligence Community in complying with the requirements of this section”; and

(B) in paragraph (2), by striking “the reports submitted under subsections (c)(1) and (c)(2)” and inserting “any report submitted under subsection (c) or (d)”; and

(6) in subsection (f), as redesignated by paragraph (3)—

(A) by striking “The reports submitted under subsections (c)(1) and (c)(2)” and inserting “Each report submitted under subsection (c)”; and

(B) by striking “subsection (d)(2)” and inserting “subsection (e)(2)”; and

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

“(g) DEFINITIONS.—In this section:

“(1) INTELLIGENCE COMMUNITY.—The term ‘intelligence community’ has the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

“(2) UNITED STATES PERSON.—The term ‘United States person’ has the meaning given that term in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).”.

SEC. 109. EFFECTIVE DATE.

50 USC 1861
note.

(a) IN GENERAL.—The amendments made by sections 101 through 103 shall take effect on the date that is 180 days after the date of the enactment of this Act.

50 USC 1861
note.

(b) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to alter or eliminate the authority of the Government to obtain an order under title V of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861 et seq.) as in effect prior to the effective date described in subsection (a) during the period ending on such effective date.

50 USC 1861
note.

SEC. 110. RULE OF CONSTRUCTION.

Nothing in this Act shall be construed to authorize the production of the contents (as such term is defined in section 2510(8) of title 18, United States Code) of any electronic communication from an electronic communication service provider (as such term

is defined in section 701(b)(4) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881(b)(4)) under title V of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861 et seq.).

TITLE II—FISA PEN REGISTER AND TRAP AND TRACE DEVICE REFORM

SEC. 201. PROHIBITION ON BULK COLLECTION.

(a) PROHIBITION.—Section 402(c) (50 U.S.C. 1842(c)) is amended—

(1) in paragraph (1), by striking “; and” and inserting a semicolon;

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

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

“(3) a specific selection term to be used as the basis for the use of the pen register or trap and trace device.”.

(b) DEFINITION.—Section 401 (50 U.S.C. 1841) is amended by adding at the end the following new paragraph:

“(4)(A) The term ‘specific selection term’—

“(i) is a term that specifically identifies a person, account, address, or personal device, or any other specific identifier; and

“(ii) is used to limit, to the greatest extent reasonably practicable, the scope of information sought, consistent with the purpose for seeking the use of the pen register or trap and trace device.

“(B) A specific selection term under subparagraph (A) does not include an identifier that does not limit, to the greatest extent reasonably practicable, the scope of information sought, consistent with the purpose for seeking the use of the pen register or trap and trace device, such as an identifier that—

“(i) identifies an electronic communication service provider (as that term is defined in section 701) or a provider of remote computing service (as that term is defined in section 2711 of title 18, United States Code), when not used as part of a specific identifier as described in subparagraph (A), unless the provider is itself a subject of an authorized investigation for which the specific selection term is used as the basis for the use; or

“(ii) identifies a broad geographic region, including the United States, a city, a county, a State, a zip code, or an area code, when not used as part of a specific identifier as described in subparagraph (A).

“(C) For purposes of subparagraph (A), the term ‘address’ means a physical address or electronic address, such as an electronic mail address or temporarily assigned network address (including an Internet protocol address).

“(D) Nothing in this paragraph shall be construed to preclude the use of multiple terms or identifiers to meet the requirements of subparagraph (A).”.

SEC. 202. PRIVACY PROCEDURES.

(a) IN GENERAL.—Section 402 (50 U.S.C. 1842) is amended by adding at the end the following new subsection:

“(h) PRIVACY PROCEDURES.—

Applicability.

“(1) IN GENERAL.—The Attorney General shall ensure that appropriate policies and procedures are in place to safeguard nonpublicly available information concerning United States persons that is collected through the use of a pen register or trap and trace device installed under this section. Such policies and procedures shall, to the maximum extent practicable and consistent with the need to protect national security, include privacy protections that apply to the collection, retention, and use of information concerning United States persons.

“(2) RULE OF CONSTRUCTION.—Nothing in this subsection limits the authority of the court established under section 103(a) or of the Attorney General to impose additional privacy or minimization procedures with regard to the installation or use of a pen register or trap and trace device.”.

(b) EMERGENCY AUTHORITY.—Section 403 (50 U.S.C. 1843) is amended by adding at the end the following new subsection:

“(d) PRIVACY PROCEDURES.—Information collected through the use of a pen register or trap and trace device installed under this section shall be subject to the policies and procedures required under section 402(h).”.

TITLE III—FISA ACQUISITIONS TARGETING PERSONS OUTSIDE THE UNITED STATES REFORMS

SEC. 301. LIMITS ON USE OF UNLAWFULLY OBTAINED INFORMATION.

Section 702(i)(3) (50 U.S.C. 1881a(i)(3)) is amended by adding at the end the following new subparagraph:

“(D) LIMITATION ON USE OF INFORMATION.—

“(i) IN GENERAL.—Except as provided in clause (ii), if the Court orders a correction of a deficiency in a certification or procedures under subparagraph (B), no information obtained or evidence derived pursuant to the part of the certification or procedures that has been identified by the Court as deficient concerning any United States person shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired pursuant to such part of such certification or procedures shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of the United States person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

“(ii) EXCEPTION.—If the Government corrects any deficiency identified by the order of the Court under subparagraph (B), the Court may permit the use or disclosure of information obtained before the date of the correction under such minimization procedures as the Court may approve for purposes of this clause.”.

TITLE IV—FOREIGN INTELLIGENCE SURVEILLANCE COURT REFORMS

SEC. 401. APPOINTMENT OF AMICUS CURIAE.

Section 103 (50 U.S.C. 1803) is amended by adding at the end the following new subsections:

“(i) AMICUS CURIAE.—

“(1) DESIGNATION.—The presiding judges of the courts established under subsections (a) and (b) shall, not later than 180 days after the enactment of this subsection, jointly designate not fewer than 5 individuals to be eligible to serve as amicus curiae, who shall serve pursuant to rules the presiding judges may establish. In designating such individuals, the presiding judges may consider individuals recommended by any source, including members of the Privacy and Civil Liberties Oversight Board, the judges determine appropriate.

Deadline.

“(2) AUTHORIZATION.—A court established under subsection (a) or (b), consistent with the requirement of subsection (c) and any other statutory requirement that the court act expeditiously or within a stated time—

“(A) shall appoint an individual who has been designated under paragraph (1) to serve as amicus curiae to assist such court in the consideration of any application for an order or review that, in the opinion of the court, presents a novel or significant interpretation of the law, unless the court issues a finding that such appointment is not appropriate; and

“(B) may appoint an individual or organization to serve as amicus curiae, including to provide technical expertise, in any instance as such court deems appropriate or, upon motion, permit an individual or organization leave to file an amicus curiae brief.

“(3) QUALIFICATIONS OF AMICUS CURIAE.—

“(A) EXPERTISE.—Individuals designated under paragraph (1) shall be persons who possess expertise in privacy and civil liberties, intelligence collection, communications technology, or any other area that may lend legal or technical expertise to a court established under subsection (a) or (b).

“(B) SECURITY CLEARANCE.—Individuals designated pursuant to paragraph (1) shall be persons who are determined to be eligible for access to classified information necessary to participate in matters before the courts. Amicus curiae appointed by the court pursuant to paragraph (2) shall be persons who are determined to be eligible for access to classified information, if such access is necessary to participate in the matters in which they may be appointed.

“(4) DUTIES.—If a court established under subsection (a) or (b) appoints an amicus curiae under paragraph (2)(A), the amicus curiae shall provide to the court, as appropriate—

“(A) legal arguments that advance the protection of individual privacy and civil liberties;

“(B) information related to intelligence collection or communications technology; or

“(C) legal arguments or information regarding any other area relevant to the issue presented to the court.

“(5) ASSISTANCE.—An amicus curiae appointed under paragraph (2)(A) may request that the court designate or appoint additional amici curiae pursuant to paragraph (1) or paragraph (2), to be available to assist the amicus curiae.

“(6) ACCESS TO INFORMATION.—

“(A) IN GENERAL.—If a court established under subsection (a) or (b) appoints an amicus curiae under paragraph (2), the amicus curiae—

“(i) shall have access to any legal precedent, application, certification, petition, motion, or such other materials that the court determines are relevant to the duties of the amicus curiae; and

“(ii) may, if the court determines that it is relevant to the duties of the amicus curiae, consult with any other individuals designated pursuant to paragraph (1) regarding information relevant to any assigned proceeding.

“(B) BRIEFINGS.—The Attorney General may periodically brief or provide relevant materials to individuals designated pursuant to paragraph (1) regarding constructions and interpretations of this Act and legal, technological, and other issues related to actions authorized by this Act.

“(C) CLASSIFIED INFORMATION.—An amicus curiae designated or appointed by the court may have access to classified documents, information, and other materials or proceedings only if that individual is eligible for access to classified information and to the extent consistent with the national security of the United States.

“(D) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require the Government to provide information to an amicus curiae appointed by the court that is privileged from disclosure.

“(7) NOTIFICATION.—A presiding judge of a court established under subsection (a) or (b) shall notify the Attorney General of each exercise of the authority to appoint an individual to serve as amicus curiae under paragraph (2).

“(8) ASSISTANCE.—A court established under subsection (a) or (b) may request and receive (including on a nonreimbursable basis) the assistance of the executive branch in the implementation of this subsection.

“(9) ADMINISTRATION.—A court established under subsection (a) or (b) may provide for the designation, appointment, removal, training, or other support for an individual designated to serve as amicus curiae under paragraph (1) or appointed to serve as amicus curiae under paragraph (2) in a manner that is not inconsistent with this subsection.

“(10) RECEIPT OF INFORMATION.—Nothing in this subsection shall limit the ability of a court established under subsection (a) or (b) to request or receive information or materials from, or otherwise communicate with, the Government or amicus curiae appointed under paragraph (2) on an ex parte basis, nor limit any special or heightened obligation in any ex parte communication or proceeding.

“(j) REVIEW OF FISA COURT DECISIONS.—Following issuance of an order under this Act, a court established under subsection

Certification.

(a) shall certify for review to the court established under subsection (b) any question of law that may affect resolution of the matter in controversy that the court determines warrants such review because of a need for uniformity or because consideration by the court established under subsection (b) would serve the interests of justice. Upon certification of a question of law under this subsection, the court established under subsection (b) may give binding instructions or require the entire record to be sent up for decision of the entire matter in controversy.

“(k) REVIEW OF FISA COURT OF REVIEW DECISIONS.—

“(1) CERTIFICATION.—For purposes of section 1254(2) of title 28, United States Code, the court of review established under subsection (b) shall be considered to be a court of appeals.

“(2) AMICUS CURIAE BRIEFING.—Upon certification of an application under paragraph (1), the Supreme Court of the United States may appoint an amicus curiae designated under subsection (i)(1), or any other person, to provide briefing or other assistance.”.

SEC. 402. DECLASSIFICATION OF DECISIONS, ORDERS, AND OPINIONS.

(a) DECLASSIFICATION.—Title VI (50 U.S.C. 1871 et seq.) is amended—

(1) in the heading, by striking “**REPORTING REQUIREMENT**” and inserting “**OVERSIGHT**”; and

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

“SEC. 602. DECLASSIFICATION OF SIGNIFICANT DECISIONS, ORDERS, AND OPINIONS.

“(a) DECLASSIFICATION REQUIRED.—Subject to subsection (b), the Director of National Intelligence, in consultation with the Attorney General, shall conduct a declassification review of each decision, order, or opinion issued by the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review (as defined in section 601(e)) that includes a significant construction or interpretation of any provision of law, including any novel or significant construction or interpretation of the term ‘specific selection term’, and, consistent with that review, make publicly available to the greatest extent practicable each such decision, order, or opinion.

“(b) REDACTED FORM.—The Director of National Intelligence, in consultation with the Attorney General, may satisfy the requirement under subsection (a) to make a decision, order, or opinion described in such subsection publicly available to the greatest extent practicable by making such decision, order, or opinion publicly available in redacted form.

“(c) NATIONAL SECURITY WAIVER.—The Director of National Intelligence, in consultation with the Attorney General, may waive the requirement to declassify and make publicly available a particular decision, order, or opinion under subsection (a), if—

“(1) the Director of National Intelligence, in consultation with the Attorney General, determines that a waiver of such requirement is necessary to protect the national security of the United States or properly classified intelligence sources or methods; and

“(2) the Director of National Intelligence makes publicly available an unclassified statement prepared by the Attorney General, in consultation with the Director of National Intelligence—

50 USC
prec. 1871.

Consultation.
Public
information.
50 USC 1872.
Review.

“(A) summarizing the significant construction or interpretation of any provision of law, which shall include, to the extent consistent with national security, a description of the context in which the matter arises and any significant construction or interpretation of any statute, constitutional provision, or other legal authority relied on by the decision; and

“(B) that specifies that the statement has been prepared by the Attorney General and constitutes no part of the opinion of the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review.”.

(b) TABLE OF CONTENTS AMENDMENTS.—The table of contents in the first section is amended—

(1) by striking the item relating to title VI and inserting the following new item:

“TITLE VI—OVERSIGHT”;

and

(2) by inserting after the item relating to section 601 the following new item:

“Sec. 602. Declassification of significant decisions, orders, and opinions.”.

TITLE V—NATIONAL SECURITY LETTER REFORM

SEC. 501. PROHIBITION ON BULK COLLECTION.

(a) COUNTERINTELLIGENCE ACCESS TO TELEPHONE TOLL AND TRANSACTIONAL RECORDS.—Section 2709(b) of title 18, United States Code, is amended in the matter preceding paragraph (1) by striking “may” and inserting “may, using a term that specifically identifies a person, entity, telephone number, or account as the basis for a request”.

(b) ACCESS TO FINANCIAL RECORDS FOR CERTAIN INTELLIGENCE AND PROTECTIVE PURPOSES.—Section 1114(a)(2) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(a)(2)) is amended by striking the period and inserting “and a term that specifically identifies a customer, entity, or account to be used as the basis for the production and disclosure of financial records.”.

(c) DISCLOSURES TO FBI OF CERTAIN CONSUMER RECORDS FOR COUNTERINTELLIGENCE PURPOSES.—Section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u) is amended—

(1) in subsection (a), by striking “that information,” and inserting “that information that includes a term that specifically identifies a consumer or account to be used as the basis for the production of that information,”;

(2) in subsection (b), by striking “written request,” and inserting “written request that includes a term that specifically identifies a consumer or account to be used as the basis for the production of that information,”; and

(3) in subsection (c), by inserting “, which shall include a term that specifically identifies a consumer or account to be used as the basis for the production of the information,” after “issue an order ex parte”.

(d) DISCLOSURES TO GOVERNMENTAL AGENCIES FOR COUNTER-TERRORISM PURPOSES OF CONSUMER REPORTS.—Section 627(a) of

the Fair Credit Reporting Act (15 U.S.C. 1681v(a)) is amended by striking “analysis.” and inserting “analysis and that includes a term that specifically identifies a consumer or account to be used as the basis for the production of such information.”.

SEC. 502. LIMITATIONS ON DISCLOSURE OF NATIONAL SECURITY LETTERS.

(a) COUNTERINTELLIGENCE ACCESS TO TELEPHONE TOLL AND TRANSACTIONAL RECORDS.—Section 2709 of title 18, United States Code, is amended by striking subsection (c) and inserting the following new subsection:

“(c) PROHIBITION OF CERTAIN DISCLOSURE.—

“(1) PROHIBITION.—

“(A) IN GENERAL.—If a certification is issued under subparagraph (B) and notice of the right to judicial review under subsection (d) is provided, no wire or electronic communication service provider that receives a request under subsection (b), or officer, employee, or agent thereof, shall disclose to any person that the Federal Bureau of Investigation has sought or obtained access to information or records under this section.

“(B) CERTIFICATION.—The requirements of subparagraph (A) shall apply if the Director of the Federal Bureau of Investigation, or a designee of the Director whose rank shall be no lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge of a Bureau field office, certifies that the absence of a prohibition of disclosure under this subsection may result in—

Applicability.

“(i) a danger to the national security of the United States;

“(ii) interference with a criminal, counterterrorism, or counterintelligence investigation;

“(iii) interference with diplomatic relations; or

“(iv) danger to the life or physical safety of any person.

“(2) EXCEPTION.—

“(A) IN GENERAL.—A wire or electronic communication service provider that receives a request under subsection (b), or officer, employee, or agent thereof, may disclose information otherwise subject to any applicable nondisclosure requirement to—

“(i) those persons to whom disclosure is necessary in order to comply with the request;

“(ii) an attorney in order to obtain legal advice or assistance regarding the request; or

“(iii) other persons as permitted by the Director of the Federal Bureau of Investigation or the designee of the Director.

“(B) APPLICATION.—A person to whom disclosure is made under subparagraph (A) shall be subject to the nondisclosure requirements applicable to a person to whom a request is issued under subsection (b) in the same manner as the person to whom the request is issued.

“(C) NOTICE.—Any recipient that discloses to a person described in subparagraph (A) information otherwise subject to a nondisclosure requirement shall notify the person of the applicable nondisclosure requirement.

“(D) IDENTIFICATION OF DISCLOSURE RECIPIENTS.—At the request of the Director of the Federal Bureau of Investigation or the designee of the Director, any person making or intending to make a disclosure under clause (i) or (iii) of subparagraph (A) shall identify to the Director or such designee the person to whom such disclosure will be made or to whom such disclosure was made prior to the request.”.

(b) ACCESS TO FINANCIAL RECORDS FOR CERTAIN INTELLIGENCE AND PROTECTIVE PURPOSES.—Section 1114 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414) is amended—

(1) in subsection (a)(5), by striking subparagraph (D); and
(2) by inserting after subsection (b) the following new subsection:

“(c) PROHIBITION OF CERTAIN DISCLOSURE.—

“(1) PROHIBITION.—

“(A) IN GENERAL.—If a certification is issued under subparagraph (B) and notice of the right to judicial review under subsection (d) is provided, no financial institution that receives a request under subsection (a), or officer, employee, or agent thereof, shall disclose to any person that the Federal Bureau of Investigation has sought or obtained access to information or records under subsection (a).

“(B) CERTIFICATION.—The requirements of subparagraph (A) shall apply if the Director of the Federal Bureau of Investigation, or a designee of the Director whose rank shall be no lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge of a Bureau field office, certifies that the absence of a prohibition of disclosure under this subsection may result in—

“(i) a danger to the national security of the United States;

“(ii) interference with a criminal, counterterrorism, or counterintelligence investigation;

“(iii) interference with diplomatic relations; or

“(iv) danger to the life or physical safety of any person.

“(2) EXCEPTION.—

“(A) IN GENERAL.—A financial institution that receives a request under subsection (a), or officer, employee, or agent thereof, may disclose information otherwise subject to any applicable nondisclosure requirement to—

“(i) those persons to whom disclosure is necessary in order to comply with the request;

“(ii) an attorney in order to obtain legal advice or assistance regarding the request; or

“(iii) other persons as permitted by the Director of the Federal Bureau of Investigation or the designee of the Director.

“(B) APPLICATION.—A person to whom disclosure is made under subparagraph (A) shall be subject to the nondisclosure requirements applicable to a person to whom a request is issued under subsection (a) in the same manner as the person to whom the request is issued.

Applicability.

“(C) NOTICE.—Any recipient that discloses to a person described in subparagraph (A) information otherwise subject to a nondisclosure requirement shall inform the person of the applicable nondisclosure requirement.

“(D) IDENTIFICATION OF DISCLOSURE RECIPIENTS.—At the request of the Director of the Federal Bureau of Investigation or the designee of the Director, any person making or intending to make a disclosure under clause (i) or (iii) of subparagraph (A) shall identify to the Director or such designee the person to whom such disclosure will be made or to whom such disclosure was made prior to the request.”.

(c) IDENTITY OF FINANCIAL INSTITUTIONS AND CREDIT REPORTS.—Section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u) is amended by striking subsection (d) and inserting the following new subsection:

“(d) PROHIBITION OF CERTAIN DISCLOSURE.—

“(1) PROHIBITION.—

“(A) IN GENERAL.—If a certification is issued under subparagraph (B) and notice of the right to judicial review under subsection (e) is provided, no consumer reporting agency that receives a request under subsection (a) or (b) or an order under subsection (c), or officer, employee, or agent thereof, shall disclose or specify in any consumer report, that the Federal Bureau of Investigation has sought or obtained access to information or records under subsection (a), (b), or (c).

“(B) CERTIFICATION.—The requirements of subparagraph (A) shall apply if the Director of the Federal Bureau of Investigation, or a designee of the Director whose rank shall be no lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge of a Bureau field office, certifies that the absence of a prohibition of disclosure under this subsection may result in—

Applicability.

“(i) a danger to the national security of the United States;

“(ii) interference with a criminal, counterterrorism, or counterintelligence investigation;

“(iii) interference with diplomatic relations; or

“(iv) danger to the life or physical safety of any person.

“(2) EXCEPTION.—

“(A) IN GENERAL.—A consumer reporting agency that receives a request under subsection (a) or (b) or an order under subsection (c), or officer, employee, or agent thereof, may disclose information otherwise subject to any applicable nondisclosure requirement to—

“(i) those persons to whom disclosure is necessary in order to comply with the request;

“(ii) an attorney in order to obtain legal advice or assistance regarding the request; or

“(iii) other persons as permitted by the Director of the Federal Bureau of Investigation or the designee of the Director.

“(B) APPLICATION.—A person to whom disclosure is made under subparagraph (A) shall be subject to the nondisclosure requirements applicable to a person to whom a request under subsection (a) or (b) or an order under

subsection (c) is issued in the same manner as the person to whom the request is issued.

“(C) NOTICE.—Any recipient that discloses to a person described in subparagraph (A) information otherwise subject to a nondisclosure requirement shall inform the person of the applicable nondisclosure requirement.

“(D) IDENTIFICATION OF DISCLOSURE RECIPIENTS.—At the request of the Director of the Federal Bureau of Investigation or the designee of the Director, any person making or intending to make a disclosure under clause (i) or (iii) of subparagraph (A) shall identify to the Director or such designee the person to whom such disclosure will be made or to whom such disclosure was made prior to the request.”.

(d) CONSUMER REPORTS.—Section 627 of the Fair Credit Reporting Act (15 U.S.C. 1681v) is amended by striking subsection (c) and inserting the following new subsection:

“(c) PROHIBITION OF CERTAIN DISCLOSURE.—

“(1) PROHIBITION.—

“(A) IN GENERAL.—If a certification is issued under subparagraph (B) and notice of the right to judicial review under subsection (d) is provided, no consumer reporting agency that receives a request under subsection (a), or officer, employee, or agent thereof, shall disclose or specify in any consumer report, that a government agency described in subsection (a) has sought or obtained access to information or records under subsection (a).

“(B) CERTIFICATION.—The requirements of subparagraph (A) shall apply if the head of the government agency described in subsection (a), or a designee, certifies that the absence of a prohibition of disclosure under this subsection may result in—

“(i) a danger to the national security of the United States;

“(ii) interference with a criminal, counterterrorism, or counterintelligence investigation;

“(iii) interference with diplomatic relations; or

“(iv) danger to the life or physical safety of any person.

“(2) EXCEPTION.—

“(A) IN GENERAL.—A consumer reporting agency that receives a request under subsection (a), or officer, employee, or agent thereof, may disclose information otherwise subject to any applicable nondisclosure requirement to—

“(i) those persons to whom disclosure is necessary in order to comply with the request;

“(ii) an attorney in order to obtain legal advice or assistance regarding the request; or

“(iii) other persons as permitted by the head of the government agency described in subsection (a) or a designee.

“(B) APPLICATION.—A person to whom disclosure is made under subparagraph (A) shall be subject to the nondisclosure requirements applicable to a person to whom a request under subsection (a) is issued in the same manner as the person to whom the request is issued.

Applicability.

“(C) NOTICE.—Any recipient that discloses to a person described in subparagraph (A) information otherwise subject to a nondisclosure requirement shall inform the person of the applicable nondisclosure requirement.

“(D) IDENTIFICATION OF DISCLOSURE RECIPIENTS.—At the request of the head of the government agency described in subsection (a) or a designee, any person making or intending to make a disclosure under clause (i) or (iii) of subparagraph (A) shall identify to the head or such designee the person to whom such disclosure will be made or to whom such disclosure was made prior to the request.”.

(e) INVESTIGATIONS OF PERSONS WITH ACCESS TO CLASSIFIED INFORMATION.—Section 802 of the National Security Act of 1947 (50 U.S.C. 3162) is amended by striking subsection (b) and inserting the following new subsection:

“(b) PROHIBITION OF CERTAIN DISCLOSURE.—

“(1) PROHIBITION.—

“(A) IN GENERAL.—If a certification is issued under subparagraph (B) and notice of the right to judicial review under subsection (c) is provided, no governmental or private entity that receives a request under subsection (a), or officer, employee, or agent thereof, shall disclose to any person that an authorized investigative agency described in subsection (a) has sought or obtained access to information under subsection (a).

“(B) CERTIFICATION.—The requirements of subparagraph (A) shall apply if the head of an authorized investigative agency described in subsection (a), or a designee, certifies that the absence of a prohibition of disclosure under this subsection may result in—

Applicability.

“(i) a danger to the national security of the United States;

“(ii) interference with a criminal, counterterrorism, or counterintelligence investigation;

“(iii) interference with diplomatic relations; or

“(iv) danger to the life or physical safety of any person.

“(2) EXCEPTION.—

“(A) IN GENERAL.—A governmental or private entity that receives a request under subsection (a), or officer, employee, or agent thereof, may disclose information otherwise subject to any applicable nondisclosure requirement to—

“(i) those persons to whom disclosure is necessary in order to comply with the request;

“(ii) an attorney in order to obtain legal advice or assistance regarding the request; or

“(iii) other persons as permitted by the head of the authorized investigative agency described in subsection (a) or a designee.

“(B) APPLICATION.—A person to whom disclosure is made under subparagraph (A) shall be subject to the nondisclosure requirements applicable to a person to whom a request is issued under subsection (a) in the same manner as the person to whom the request is issued.

“(C) NOTICE.—Any recipient that discloses to a person described in subparagraph (A) information otherwise subject to a nondisclosure requirement shall inform the person of the applicable nondisclosure requirement.

“(D) IDENTIFICATION OF DISCLOSURE RECIPIENTS.—At the request of the head of an authorized investigative agency described in subsection (a), or a designee, any person making or intending to make a disclosure under clause (i) or (iii) of subparagraph (A) shall identify to the head of the authorized investigative agency or such designee the person to whom such disclosure will be made or to whom such disclosure was made prior to the request.”.

12 USC 3414
note.
Deadline.

(f) TERMINATION PROCEDURES.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Attorney General shall adopt procedures with respect to nondisclosure requirements issued pursuant to section 2709 of title 18, United States Code, section 626 or 627 of the Fair Credit Reporting Act (15 U.S.C. 1681u and 1681v), section 1114 of the Right to Financial Privacy Act (12 U.S.C. 3414), or section 802 of the National Security Act of 1947 (50 U.S.C. 3162), as amended by this Act, to require—

(A) the review at appropriate intervals of such a nondisclosure requirement to assess whether the facts supporting nondisclosure continue to exist;

(B) the termination of such a nondisclosure requirement if the facts no longer support nondisclosure; and

(C) appropriate notice to the recipient of the national security letter, or officer, employee, or agent thereof, subject to the nondisclosure requirement, and the applicable court as appropriate, that the nondisclosure requirement has been terminated.

(2) REPORTING.—Upon adopting the procedures required under paragraph (1), the Attorney General shall submit the procedures to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

(g) JUDICIAL REVIEW.—Section 3511 of title 18, United States Code, is amended by striking subsection (b) and inserting the following new subsection:

“(b) NONDISCLOSURE.—

“(1) IN GENERAL.—

“(A) NOTICE.—If a recipient of a request or order for a report, records, or other information under section 2709 of this title, section 626 or 627 of the Fair Credit Reporting Act (15 U.S.C. 1681u and 1681v), section 1114 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414), or section 802 of the National Security Act of 1947 (50 U.S.C. 3162), wishes to have a court review a nondisclosure requirement imposed in connection with the request or order, the recipient may notify the Government or file a petition for judicial review in any court described in subsection (a).

Deadline.

“(B) APPLICATION.—Not later than 30 days after the date of receipt of a notification under subparagraph (A), the Government shall apply for an order prohibiting the disclosure of the existence or contents of the relevant

request or order. An application under this subparagraph may be filed in the district court of the United States for the judicial district in which the recipient of the order is doing business or in the district court of the United States for any judicial district within which the authorized investigation that is the basis for the request is being conducted. The applicable nondisclosure requirement shall remain in effect during the pendency of proceedings relating to the requirement.

“(C) CONSIDERATION.—A district court of the United States that receives a petition under subparagraph (A) or an application under subparagraph (B) should rule expeditiously, and shall, subject to paragraph (3), issue a nondisclosure order that includes conditions appropriate to the circumstances.

“(2) APPLICATION CONTENTS.—An application for a nondisclosure order or extension thereof or a response to a petition filed under paragraph (1) shall include a certification from the Attorney General, Deputy Attorney General, an Assistant Attorney General, or the Director of the Federal Bureau of Investigation, or a designee in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge in a Bureau field office designated by the Director, or in the case of a request by a department, agency, or instrumentality of the Federal Government other than the Department of Justice, the head or deputy head of the department, agency, or instrumentality, containing a statement of specific facts indicating that the absence of a prohibition of disclosure under this subsection may result in—

Certification.

“(A) a danger to the national security of the United States;

“(B) interference with a criminal, counterterrorism, or counterintelligence investigation;

“(C) interference with diplomatic relations; or

“(D) danger to the life or physical safety of any person.

“(3) STANDARD.—A district court of the United States shall issue a nondisclosure order or extension thereof under this subsection if the court determines that there is reason to believe that disclosure of the information subject to the nondisclosure requirement during the applicable time period may result in—

“(A) a danger to the national security of the United States;

“(B) interference with a criminal, counterterrorism, or counterintelligence investigation;

“(C) interference with diplomatic relations; or

“(D) danger to the life or physical safety of any person.”.

SEC. 503. JUDICIAL REVIEW.

(a) COUNTERINTELLIGENCE ACCESS TO TELEPHONE TOLL AND TRANSACTIONAL RECORDS.—Section 2709 of title 18, United States Code, is amended—

(1) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively; and

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

“(d) JUDICIAL REVIEW.—

“(1) IN GENERAL.—A request under subsection (b) or a nondisclosure requirement imposed in connection with such request under subsection (c) shall be subject to judicial review under section 3511.

“(2) NOTICE.—A request under subsection (b) shall include notice of the availability of judicial review described in paragraph (1).”.

(b) ACCESS TO FINANCIAL RECORDS FOR CERTAIN INTELLIGENCE AND PROTECTIVE PURPOSES.—Section 1114 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414) is amended—

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

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

“(d) JUDICIAL REVIEW.—

“(1) IN GENERAL.—A request under subsection (a) or a nondisclosure requirement imposed in connection with such request under subsection (c) shall be subject to judicial review under section 3511 of title 18, United States Code.

“(2) NOTICE.—A request under subsection (a) shall include notice of the availability of judicial review described in paragraph (1).”.

(c) IDENTITY OF FINANCIAL INSTITUTIONS AND CREDIT REPORTS.—Section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u) is amended—

(1) by redesignating subsections (e) through (m) as subsections (f) through (n), respectively; and

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

“(e) JUDICIAL REVIEW.—

“(1) IN GENERAL.—A request under subsection (a) or (b) or an order under subsection (c) or a non-disclosure requirement imposed in connection with such request under subsection (d) shall be subject to judicial review under section 3511 of title 18, United States Code.

“(2) NOTICE.—A request under subsection (a) or (b) or an order under subsection (c) shall include notice of the availability of judicial review described in paragraph (1).”.

(d) IDENTITY OF FINANCIAL INSTITUTIONS AND CREDIT REPORTS.—Section 627 of the Fair Credit Reporting Act (15 U.S.C. 1681v) is amended—

(1) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively; and

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

“(d) JUDICIAL REVIEW.—

“(1) IN GENERAL.—A request under subsection (a) or a non-disclosure requirement imposed in connection with such request under subsection (c) shall be subject to judicial review under section 3511 of title 18, United States Code.

“(2) NOTICE.—A request under subsection (a) shall include notice of the availability of judicial review described in paragraph (1).”.

(e) INVESTIGATIONS OF PERSONS WITH ACCESS TO CLASSIFIED INFORMATION.—Section 802 of the National Security Act of 1947 (50 U.S.C. 3162) is amended—

(1) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and

(2) by inserting after subsection (b) the following new subsection:

“(c) JUDICIAL REVIEW.—

“(1) IN GENERAL.—A request under subsection (a) or a nondisclosure requirement imposed in connection with such request under subsection (b) shall be subject to judicial review under section 3511 of title 18, United States Code.

“(2) NOTICE.—A request under subsection (a) shall include notice of the availability of judicial review described in paragraph (1).”.

TITLE VI—FISA TRANSPARENCY AND REPORTING REQUIREMENTS

SEC. 601. ADDITIONAL REPORTING ON ORDERS REQUIRING PRODUCTION OF BUSINESS RECORDS; BUSINESS RECORDS COMPLIANCE REPORTS TO CONGRESS.

(a) REPORTS SUBMITTED TO COMMITTEES.—Section 502(b) (50 U.S.C. 1862(b)) is amended—

(1) by redesignating paragraphs (1), (2), and (3) as paragraphs (6), (7), and (8), respectively; and

(2) by inserting before paragraph (6) (as so redesignated) the following new paragraphs:

“(1) a summary of all compliance reviews conducted by the Government for the production of tangible things under section 501;

“(2) the total number of applications described in section 501(b)(2)(B) made for orders approving requests for the production of tangible things;

“(3) the total number of such orders either granted, modified, or denied;

“(4) the total number of applications described in section 501(b)(2)(C) made for orders approving requests for the production of call detail records;

“(5) the total number of such orders either granted, modified, or denied;”.

(b) REPORTING ON CERTAIN TYPES OF PRODUCTION.—Section 502(c)(1) (50 U.S.C. 1862(c)(1)) is amended—

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

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

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

“(C) the total number of applications made for orders approving requests for the production of tangible things under section 501 in which the specific selection term does not specifically identify an individual, account, or personal device;

“(D) the total number of orders described in subparagraph (C) either granted, modified, or denied; and

“(E) with respect to orders described in subparagraph (D) that have been granted or modified, whether the court established under section 103 has directed additional, particularized minimization procedures beyond those adopted pursuant to section 501(g).”.

SEC. 602. ANNUAL REPORTS BY THE GOVERNMENT.

(a) IN GENERAL.—Title VI (50 U.S.C. 1871 et seq.), as amended by section 402 of this Act, is further amended by adding at the end the following new section:

50 USC 1873.

“SEC. 603. ANNUAL REPORTS.

“(a) REPORT BY DIRECTOR OF THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS.—

“(1) REPORT REQUIRED.—The Director of the Administrative Office of the United States Courts shall annually submit to the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives and the Select Committee on Intelligence and the Committee on the Judiciary of the Senate, subject to a declassification review by the Attorney General and the Director of National Intelligence, a report that includes—

“(A) the number of applications or certifications for orders submitted under each of sections 105, 304, 402, 501, 702, 703, and 704;

“(B) the number of such orders granted under each of those sections;

“(C) the number of orders modified under each of those sections;

“(D) the number of applications or certifications denied under each of those sections;

“(E) the number of appointments of an individual to serve as amicus curiae under section 103, including the name of each individual appointed to serve as amicus curiae; and

“(F) the number of findings issued under section 103(i) that such appointment is not appropriate and the text of any such findings.

Public
information.
Web posting.

“(2) PUBLICATION.—The Director shall make the report required under paragraph (1) publicly available on an Internet Web site, except that the Director shall not make publicly available on an Internet Web site the findings described in subparagraph (F) of paragraph (1).

Public
information.
Web posting.
Time period.

“(b) MANDATORY REPORTING BY DIRECTOR OF NATIONAL INTELLIGENCE.—Except as provided in subsection (d), the Director of National Intelligence shall annually make publicly available on an Internet Web site a report that identifies, for the preceding 12-month period—

“(1) the total number of orders issued pursuant to titles I and III and sections 703 and 704 and a good faith estimate of the number of targets of such orders;

“(2) the total number of orders issued pursuant to section 702 and a good faith estimate of—

“(A) the number of search terms concerning a known United States person used to retrieve the unminimized contents of electronic communications or wire communications obtained through acquisitions authorized under such section, excluding the number of search terms used to prevent the return of information concerning a United States person; and

“(B) the number of queries concerning a known United States person of unminimized noncontents information

relating to electronic communications or wire communications obtained through acquisitions authorized under such section, excluding the number of queries containing information used to prevent the return of information concerning a United States person;

“(3) the total number of orders issued pursuant to title IV and a good faith estimate of—

“(A) the number of targets of such orders; and

“(B) the number of unique identifiers used to communicate information collected pursuant to such orders;

“(4) the total number of orders issued pursuant to applications made under section 501(b)(2)(B) and a good faith estimate of—

“(A) the number of targets of such orders; and

“(B) the number of unique identifiers used to communicate information collected pursuant to such orders;

“(5) the total number of orders issued pursuant to applications made under section 501(b)(2)(C) and a good faith estimate of—

“(A) the number of targets of such orders;

“(B) the number of unique identifiers used to communicate information collected pursuant to such orders; and

“(C) the number of search terms that included information concerning a United States person that were used to query any database of call detail records obtained through the use of such orders; and

“(6) the total number of national security letters issued and the number of requests for information contained within such national security letters.

“(c) **TIMING.**—The annual reports required by subsections (a) and (b) shall be made publicly available during April of each year and include information relating to the previous calendar year.

“(d) **EXCEPTIONS.**—

“(1) **STATEMENT OF NUMERICAL RANGE.**—If a good faith estimate required to be reported under subparagraph (B) of any of paragraphs (3), (4), or (5) of subsection (b) is fewer than 500, it shall be expressed as a numerical range of ‘fewer than 500’ and shall not be expressed as an individual number.

“(2) **NONAPPLICABILITY TO CERTAIN INFORMATION.**—

“(A) **FEDERAL BUREAU OF INVESTIGATION.**—Paragraphs (2)(A), (2)(B), and (5)(C) of subsection (b) shall not apply to information or records held by, or queries conducted by, the Federal Bureau of Investigation.

“(B) **ELECTRONIC MAIL ADDRESS AND TELEPHONE NUMBERS.**—Paragraph (3)(B) of subsection (b) shall not apply to orders resulting in the acquisition of information by the Federal Bureau of Investigation that does not include electronic mail addresses or telephone numbers.

“(3) **CERTIFICATION.**—

“(A) **IN GENERAL.**—If the Director of National Intelligence concludes that a good faith estimate required to be reported under subsection (b)(2)(B) cannot be determined accurately because some but not all of the relevant elements of the intelligence community are able to provide such good faith estimate, the Director shall—

“(i) certify that conclusion in writing to the Select Committee on Intelligence and the Committee on the

Public
information.

Judiciary of the Senate and the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives;

“(ii) report the good faith estimate for those relevant elements able to provide such good faith estimate;

“(iii) explain when it is reasonably anticipated that such an estimate will be able to be determined fully and accurately; and

“(iv) make such certification publicly available on an Internet Web site.

“(B) FORM.—A certification described in subparagraph (A) shall be prepared in unclassified form, but may contain a classified annex.

“(C) TIMING.—If the Director of National Intelligence continues to conclude that the good faith estimates described in this paragraph cannot be determined accurately, the Director shall annually submit a certification in accordance with this paragraph.

“(e) DEFINITIONS.—In this section:

“(1) CONTENTS.—The term ‘contents’ has the meaning given that term under section 2510 of title 18, United States Code.

“(2) ELECTRONIC COMMUNICATION.—The term ‘electronic communication’ has the meaning given that term under section 2510 of title 18, United States Code.

“(3) NATIONAL SECURITY LETTER.—The term ‘national security letter’ means a request for a report, records, or other information under—

“(A) section 2709 of title 18, United States Code;

“(B) section 1114(a)(5)(A) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(a)(5)(A));

“(C) subsection (a) or (b) of section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u(a), 1681u(b)); or

“(D) section 627(a) of the Fair Credit Reporting Act (15 U.S.C. 1681v(a)).

“(4) UNITED STATES PERSON.—The term ‘United States person’ means a citizen of the United States or an alien lawfully admitted for permanent residence (as defined in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a))).

“(5) WIRE COMMUNICATION.—The term ‘wire communication’ has the meaning given that term under section 2510 of title 18, United States Code.”.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents, as amended by section 402 of this Act, is further amended by inserting after the item relating to section 602, as added by section 402 of this Act, the following new item:

“Sec. 603. Annual reports.”.

(c) PUBLIC REPORTING ON NATIONAL SECURITY LETTERS.—Section 118(c) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (18 U.S.C. 3511 note) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking “United States”; and

(B) in subparagraph (A), by striking “, excluding the number of requests for subscriber information”;

(2) by redesignating paragraph (2) as paragraph (3); and

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

“(2) CONTENT.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), each report required under this subsection shall include a good faith estimate of the total number of requests described in paragraph (1) requiring disclosure of information concerning—

“(i) United States persons; and

“(ii) persons who are not United States persons.

“(B) EXCEPTION.—With respect to the number of requests for subscriber information under section 2709 of title 18, United States Code, a report required under this subsection need not separate the number of requests into each of the categories described in subparagraph (A).”.

(d) STORED COMMUNICATIONS.—Section 2702(d) of title 18, United States Code, is amended—

(1) in paragraph (1), by striking “; and” and inserting a semicolon;

(2) in paragraph (2)(B), by striking the period and inserting “; and”; and

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

“(3) the number of accounts from which the Department of Justice has received voluntary disclosures under subsection (c)(4).”.

SEC. 603. PUBLIC REPORTING BY PERSONS SUBJECT TO FISA ORDERS.

(a) IN GENERAL.—Title VI (50 U.S.C. 1871 et seq.), as amended by sections 402 and 602 of this Act, is further amended by adding at the end the following new section:

“SEC. 604. PUBLIC REPORTING BY PERSONS SUBJECT TO ORDERS. 50 USC 1874.

“(a) REPORTING.—A person subject to a nondisclosure requirement accompanying an order or directive under this Act or a national security letter may, with respect to such order, directive, or national security letter, publicly report the following information using one of the following structures:

“(1) A semiannual report that aggregates the number of orders, directives, or national security letters with which the person was required to comply into separate categories of—

“(A) the number of national security letters received, reported in bands of 1000 starting with 0–999;

“(B) the number of customer selectors targeted by national security letters, reported in bands of 1000 starting with 0–999;

“(C) the number of orders or directives received, combined, under this Act for contents, reported in bands of 1000 starting with 0–999;

“(D) the number of customer selectors targeted under orders or directives received, combined, under this Act for contents reported in bands of 1000 starting with 0–999;

“(E) the number of orders received under this Act for noncontents, reported in bands of 1000 starting with 0–999; and

“(F) the number of customer selectors targeted under orders under this Act for noncontents, reported in bands of 1000 starting with 0–999, pursuant to—

“(i) title IV;

“(ii) title V with respect to applications described in section 501(b)(2)(B); and

“(iii) title V with respect to applications described in section 501(b)(2)(C).

“(2) A semiannual report that aggregates the number of orders, directives, or national security letters with which the person was required to comply into separate categories of—

“(A) the number of national security letters received, reported in bands of 500 starting with 0–499;

“(B) the number of customer selectors targeted by national security letters, reported in bands of 500 starting with 0–499;

“(C) the number of orders or directives received, combined, under this Act for contents, reported in bands of 500 starting with 0–499;

“(D) the number of customer selectors targeted under orders or directives received, combined, under this Act for contents, reported in bands of 500 starting with 0–499;

“(E) the number of orders received under this Act for noncontents, reported in bands of 500 starting with 0–499; and

“(F) the number of customer selectors targeted under orders received under this Act for noncontents, reported in bands of 500 starting with 0–499.

“(3) A semiannual report that aggregates the number of orders, directives, or national security letters with which the person was required to comply in the into separate categories of—

“(A) the total number of all national security process received, including all national security letters, and orders or directives under this Act, combined, reported in bands of 250 starting with 0–249; and

“(B) the total number of customer selectors targeted under all national security process received, including all national security letters, and orders or directives under this Act, combined, reported in bands of 250 starting with 0–249.

“(4) An annual report that aggregates the number of orders, directives, and national security letters the person was required to comply with into separate categories of—

“(A) the total number of all national security process received, including all national security letters, and orders or directives under this Act, combined, reported in bands of 100 starting with 0–99; and

“(B) the total number of customer selectors targeted under all national security process received, including all national security letters, and orders or directives under this Act, combined, reported in bands of 100 starting with 0–99.

“(b) PERIOD OF TIME COVERED BY REPORTS.—

“(1) A report described in paragraph (1) or (2) of subsection (a) shall include only information—

“(A) relating to national security letters for the previous 180 days; and

“(B) relating to authorities under this Act for the 180-day period of time ending on the date that is not less than 180 days prior to the date of the publication of such

report, except that with respect to a platform, product, or service for which a person did not previously receive an order or directive (not including an enhancement to or iteration of an existing publicly available platform, product, or service) such report shall not include any information relating to such new order or directive until 540 days after the date on which such new order or directive is received.

“(2) A report described in paragraph (3) of subsection (a) shall include only information relating to the previous 180 days.

“(3) A report described in paragraph (4) of subsection (a) shall include only information for the 1-year period of time ending on the date that is not less than 1 year prior to the date of the publication of such report.

“(c) OTHER FORMS OF AGREED TO PUBLICATION.—Nothing in this section prohibits the Government and any person from jointly agreeing to the publication of information referred to in this subsection in a time, form, or manner other than as described in this section.

“(d) DEFINITIONS.—In this section:

“(1) CONTENTS.—The term ‘contents’ has the meaning given that term under section 2510 of title 18, United States Code.

“(2) NATIONAL SECURITY LETTER.—The term ‘national security letter’ has the meaning given that term under section 603.”

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents, as amended by sections 402 and 602 of this Act, is further amended by inserting after the item relating to section 603, as added by section 602 of this Act, the following new item:

“Sec. 604. Public reporting by persons subject to orders.”

SEC. 604. REPORTING REQUIREMENTS FOR DECISIONS, ORDERS, AND OPINIONS OF THE FOREIGN INTELLIGENCE SURVEILLANCE COURT AND THE FOREIGN INTELLIGENCE SURVEILLANCE COURT OF REVIEW.

Section 601(c)(1) (50 U.S.C. 1871(c)(1)) is amended to read as follows:

“(1) not later than 45 days after the date on which the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review issues a decision, order, or opinion, including any denial or modification of an application under this Act, that includes significant construction or interpretation of any provision of law or results in a change of application of any provision of this Act or a novel application of any provision of this Act, a copy of such decision, order, or opinion and any pleadings, applications, or memoranda of law associated with such decision, order, or opinion; and”

Records.

SEC. 605. SUBMISSION OF REPORTS UNDER FISA.

(a) ELECTRONIC SURVEILLANCE.—Section 108(a)(1) (50 U.S.C. 1808(a)(1)) is amended by striking “the House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence, and the Committee on the Judiciary of the Senate,” and inserting “the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives

and the Select Committee on Intelligence and the Committee on the Judiciary of the Senate”.

(b) **PHYSICAL SEARCHES.**—The matter preceding paragraph (1) of section 306 (50 U.S.C. 1826) is amended—

(1) in the first sentence, by striking “Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate, and the Committee on the Judiciary of the Senate,” and inserting “Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives and the Select Committee on Intelligence and the Committee on the Judiciary of the Senate”; and

(2) in the second sentence, by striking “and the Committee on the Judiciary of the House of Representatives”.

(c) **PEN REGISTERS AND TRAP AND TRACE DEVICES.**—Section 406(b) (50 U.S.C. 1846(b)) is amended—

(1) in paragraph (2), by striking “; and” and inserting a semicolon;

(2) in paragraph (3), by striking the period and inserting a semicolon; and

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

“(4) each department or agency on behalf of which the Attorney General or a designated attorney for the Government has made an application for an order authorizing or approving the installation and use of a pen register or trap and trace device under this title; and

“(5) for each department or agency described in paragraph (4), each number described in paragraphs (1), (2), and (3).”.

(d) **ACCESS TO CERTAIN BUSINESS RECORDS AND OTHER TANGIBLE THINGS.**—Section 502(a) (50 U.S.C. 1862(a)) is amended by striking “Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence and the Committee on the Judiciary of the Senate” and inserting “Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives and the Select Committee on Intelligence and the Committee on the Judiciary of the Senate”.

TITLE VII—ENHANCED NATIONAL SECURITY PROVISIONS

SEC. 701. EMERGENCIES INVOLVING NON-UNITED STATES PERSONS.

(a) **IN GENERAL.**—Section 105 (50 U.S.C. 1805) is amended—

(1) by redesignating subsections (f), (g), (h), and (i) as subsections (g), (h), (i), and (j), respectively; and

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

Time period.

“(f)(1) Notwithstanding any other provision of this Act, the lawfully authorized targeting of a non-United States person previously believed to be located outside the United States for the acquisition of foreign intelligence information may continue for a period not to exceed 72 hours from the time that the non-United States person is reasonably believed to be located inside the United States and the acquisition is subject to this title or to title III of this Act, provided that the head of an element of the intelligence community—

- “(A) reasonably determines that a lapse in the targeting of such non-United States person poses a threat of death or serious bodily harm to any person; Determination.
- “(B) promptly notifies the Attorney General of a determination under subparagraph (A); and Notification.
- “(C) requests, as soon as practicable, the employment of emergency electronic surveillance under subsection (e) or the employment of an emergency physical search pursuant to section 304(e), as warranted.
- “(2) The authority under this subsection to continue the acquisition of foreign intelligence information is limited to a period not to exceed 72 hours and shall cease upon the earlier of the following: Time period.
Termination.
- “(A) The employment of emergency electronic surveillance under subsection (e) or the employment of an emergency physical search pursuant to section 304(e).
- “(B) An issuance of a court order under this title or title III of this Act.
- “(C) The Attorney General provides direction that the acquisition be terminated.
- “(D) The head of the element of the intelligence community conducting the acquisition determines that a request under paragraph (1)(C) is not warranted.
- “(E) When the threat of death or serious bodily harm to any person is no longer reasonably believed to exist.
- “(3) Nonpublicly available information concerning unconsenting United States persons acquired under this subsection shall not be disseminated during the 72 hour time period under paragraph (1) unless necessary to investigate, reduce, or eliminate the threat of death or serious bodily harm to any person.
- “(4) If the Attorney General declines to authorize the employment of emergency electronic surveillance under subsection (e) or the employment of an emergency physical search pursuant to section 304(e), or a court order is not obtained under this title or title III of this Act, information obtained during the 72 hour acquisition time period under paragraph (1) shall not be retained, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.
- “(5) Paragraphs (5) and (6) of subsection (e) shall apply to this subsection.” Applicability.
- (b) NOTIFICATION OF EMERGENCY EMPLOYMENT OF ELECTRONIC SURVEILLANCE.—Section 106(j) (50 U.S.C. 1806(j)) is amended by striking “section 105(e)” and inserting “subsection (e) or (f) of section 105”.
- (c) REPORT TO CONGRESS.—Section 108(a)(2) (50 U.S.C. 1808(a)(2)) is amended—
- (1) in subparagraph (B), by striking “and” at the end;
- (2) in subparagraph (C), by striking the period at the end and inserting “; and”; and
- (3) by adding at the end the following:
- “(D) the total number of authorizations under section 105(f) and the total number of subsequent emergency employments of electronic surveillance under section 105(e) or emergency physical searches pursuant to section 301(e).”.

SEC. 702. PRESERVATION OF TREATMENT OF NON-UNITED STATES PERSONS TRAVELING OUTSIDE THE UNITED STATES AS AGENTS OF FOREIGN POWERS.

50 USC 1801.

Section 101(b)(1) is amended—

(1) in subparagraph (A), by inserting before the semicolon at the end the following: “, irrespective of whether the person is inside the United States”; and

(2) in subparagraph (B)—

(A) by striking “of such person’s presence in the United States”; and

(B) by striking “such activities in the United States” and inserting “such activities”.

SEC. 703. IMPROVEMENT TO INVESTIGATIONS OF INTERNATIONAL PROLIFERATION OF WEAPONS OF MASS DESTRUCTION.

Section 101(b)(1) is further amended by striking subparagraph (E) and inserting the following new subparagraph (E):

“(E) engages in the international proliferation of weapons of mass destruction, or activities in preparation therefor, for or on behalf of a foreign power, or knowingly aids or abets any person in the conduct of such proliferation or activities in preparation therefor, or knowingly conspires with any person to engage in such proliferation or activities in preparation therefor; or”.

SEC. 704. INCREASE IN PENALTIES FOR MATERIAL SUPPORT OF FOREIGN TERRORIST ORGANIZATIONS.

Section 2339B(a)(1) of title 18, United States Code, is amended by striking “15 years” and inserting “20 years”.

SEC. 705. SUNSETS.

50 USC 1805 and note, 1861–1863.

(a) USA PATRIOT IMPROVEMENT AND REAUTHORIZATION ACT OF 2005.—Section 102(b)(1) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (50 U.S.C. 1805 note) is amended by striking “June 1, 2015” and inserting “December 15, 2019”.

(b) INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.—Section 6001(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 1801 note) is amended by striking “June 1, 2015” and inserting “December 15, 2019”.

50 USC 1805 and note, 1861–1863.

(c) CONFIRMING AMENDMENT.—Section 102(b)(1) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (50 U.S.C. 1805 note), as amended by subsection (a), is further amended by striking “sections 501, 502, and” and inserting “title V and section”.

TITLE VIII—SAFETY OF MARITIME NAVIGATION AND NUCLEAR TERRORISM CONVENTIONS IMPLEMENTATION

Subtitle A—Safety of Maritime Navigation

SEC. 801. AMENDMENT TO SECTION 2280 OF TITLE 18, UNITED STATES CODE.

Section 2280 of title 18, United States Code, is amended—
(1) in subsection (b)—

(A) in paragraph (1)(A)(i), by striking “a ship flying the flag of the United States” and inserting “a vessel of the United States or a vessel subject to the jurisdiction of the United States (as defined in section 70502 of title 46)”;

(B) in paragraph (1)(A)(ii), by inserting “, including the territorial seas” after “in the United States”; and

(C) in paragraph (1)(A)(iii), by inserting “, by a United States corporation or legal entity,” after “by a national of the United States”;

(2) in subsection (c), by striking “section 2(c)” and inserting “section 13(c)”;

(3) by striking subsection (d);

(4) by striking subsection (e) and inserting after subsection (c) the following:

“(d) DEFINITIONS.—As used in this section, section 2280a, section 2281, and section 2281a, the term—

“(1) ‘applicable treaty’ means—

“(A) the Convention for the Suppression of Unlawful Seizure of Aircraft, done at The Hague on 16 December 1970;

“(B) the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on 23 September 1971;

“(C) the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on 14 December 1973;

“(D) International Convention against the Taking of Hostages, adopted by the General Assembly of the United Nations on 17 December 1979;

“(E) the Convention on the Physical Protection of Nuclear Material, done at Vienna on 26 October 1979;

“(F) the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on 24 February 1988;

“(G) the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, done at Rome on 10 March 1988;

“(H) International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly of the United Nations on 15 December 1997; and

“(I) International Convention for the Suppression of the Financing of Terrorism, adopted by the General Assembly of the United Nations on 9 December 1999;

“(2) ‘armed conflict’ does not include internal disturbances and tensions, such as riots, isolated and sporadic acts of violence, and other acts of a similar nature;

“(3) ‘biological weapon’ means—

“(A) microbial or other biological agents, or toxins whatever their origin or method of production, of types and in quantities that have no justification for prophylactic, protective, or other peaceful purposes; or

“(B) weapons, equipment, or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict;

“(4) ‘chemical weapon’ means, together or separately—

“(A) toxic chemicals and their precursors, except where intended for—

“(i) industrial, agricultural, research, medical, pharmaceutical, or other peaceful purposes;

“(ii) protective purposes, namely those purposes directly related to protection against toxic chemicals and to protection against chemical weapons;

“(iii) military purposes not connected with the use of chemical weapons and not dependent on the use of the toxic properties of chemicals as a method of warfare; or

“(iv) law enforcement including domestic riot control purposes, as long as the types and quantities are consistent with such purposes;

“(B) munitions and devices, specifically designed to cause death or other harm through the toxic properties of those toxic chemicals specified in subparagraph (A), which would be released as a result of the employment of such munitions and devices; and

“(C) any equipment specifically designed for use directly in connection with the employment of munitions and devices specified in subparagraph (B);

“(5) ‘covered ship’ means a ship that is navigating or is scheduled to navigate into, through or from waters beyond the outer limit of the territorial sea of a single country or a lateral limit of that country’s territorial sea with an adjacent country;

“(6) ‘explosive material’ has the meaning given the term in section 841(c) and includes explosive as defined in section 844(j) of this title;

“(7) ‘infrastructure facility’ has the meaning given the term in section 2332f(e)(5) of this title;

“(8) ‘international organization’ has the meaning given the term in section 831(f)(3) of this title;

“(9) ‘military forces of a state’ means the armed forces of a state which are organized, trained, and equipped under its internal law for the primary purpose of national defense or security, and persons acting in support of those armed forces who are under their formal command, control, and responsibility;

“(10) ‘national of the United States’ has the meaning stated in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22));

“(11) ‘Non-Proliferation Treaty’ means the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow on 1 July 1968;

“(12) ‘Non-Proliferation Treaty State Party’ means any State Party to the Non-Proliferation Treaty, to include Taiwan, which shall be considered to have the obligations under the Non-Proliferation Treaty of a party to that treaty other than a Nuclear Weapon State Party to the Non-Proliferation Treaty;

“(13) ‘Nuclear Weapon State Party to the Non-Proliferation Treaty’ means a State Party to the Non-Proliferation Treaty that is a nuclear-weapon State, as that term is defined in Article IX(3) of the Non-Proliferation Treaty;

“(14) ‘place of public use’ has the meaning given the term in section 2332f(e)(6) of this title;

“(15) ‘precursor’ has the meaning given the term in section 229F(6)(A) of this title;

“(16) ‘public transport system’ has the meaning given the term in section 2332f(e)(7) of this title;

“(17) ‘serious injury or damage’ means—

“(A) serious bodily injury,

“(B) extensive destruction of a place of public use, State or government facility, infrastructure facility, or public transportation system, resulting in major economic loss, or

“(C) substantial damage to the environment, including air, soil, water, fauna, or flora;

“(18) ‘ship’ means a vessel of any type whatsoever not permanently attached to the sea-bed, including dynamically supported craft, submersibles, or any other floating craft, but does not include a warship, a ship owned or operated by a government when being used as a naval auxiliary or for customs or police purposes, or a ship which has been withdrawn from navigation or laid up;

“(19) ‘source material’ has the meaning given that term in the International Atomic Energy Agency Statute, done at New York on 26 October 1956;

“(20) ‘special fissionable material’ has the meaning given that term in the International Atomic Energy Agency Statute, done at New York on 26 October 1956;

“(21) ‘territorial sea of the United States’ means all waters extending seaward to 12 nautical miles from the baselines of the United States determined in accordance with international law;

“(22) ‘toxic chemical’ has the meaning given the term in section 229F(8)(A) of this title;

“(23) ‘transport’ means to initiate, arrange or exercise effective control, including decisionmaking authority, over the movement of a person or item; and

“(24) ‘United States’, when used in a geographical sense, includes the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and all territories and possessions of the United States.”; and

(5) by inserting after subsection (d) (as added by paragraph (4) of this section) the following:

“(e) EXCEPTIONS.—This section shall not apply to—

“(1) the activities of armed forces during an armed conflict, as those terms are understood under the law of war, which are governed by that law; or

“(2) activities undertaken by military forces of a state in the exercise of their official duties.

“(f) DELIVERY OF SUSPECTED OFFENDER.—The master of a covered ship flying the flag of the United States who has reasonable grounds to believe that there is on board that ship any person who has committed an offense under section 2280 or section 2280a may deliver such person to the authorities of a country that is

Notification. a party to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation. Before delivering such person to the authorities of another country, the master shall notify in an appropriate manner the Attorney General of the United States of the alleged offense and await instructions from the Attorney General as to what action to take. When delivering the person to a country which is a state party to the Convention, the master shall, whenever practicable, and if possible before entering the territorial sea of such country, notify the authorities of such country of the master's intention to deliver such person and the reasons therefor. If the master delivers such person, the master shall furnish to the authorities of such country the evidence in the master's possession that pertains to the alleged offense.

Notification.

“(g)(1) CIVIL FORFEITURE.—Any real or personal property used or intended to be used to commit or to facilitate the commission of a violation of this section, the gross proceeds of such violation, and any real or personal property traceable to such property or proceeds, shall be subject to forfeiture.

“(2) APPLICABLE PROCEDURES.—Seizures and forfeitures under this section shall be governed by the provisions of chapter 46 of title 18, United States Code, relating to civil forfeitures, except that such duties as are imposed upon the Secretary of the Treasury under the customs laws described in section 981(d) shall be performed by such officers, agents, and other persons as may be designated for that purpose by the Secretary of Homeland Security, the Attorney General, or the Secretary of Defense.”

SEC. 802. NEW SECTION 2280A OF TITLE 18, UNITED STATES CODE.

(a) IN GENERAL.—Chapter 111 of title 18, United States Code, is amended by adding after section 2280 the following new section:

18 USC 2280a.

“§ 2280a. Violence against maritime navigation and maritime transport involving weapons of mass destruction

Penalties.

“(a) OFFENSES.—

“(1) IN GENERAL.—Subject to the exceptions in subsection (c), a person who unlawfully and intentionally—

“(A) when the purpose of the act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act—

“(i) uses against or on a ship or discharges from a ship any explosive or radioactive material, biological, chemical, or nuclear weapon or other nuclear explosive device in a manner that causes or is likely to cause death to any person or serious injury or damage;

“(ii) discharges from a ship oil, liquefied natural gas, or another hazardous or noxious substance that is not covered by clause (i), in such quantity or concentration that causes or is likely to cause death to any person or serious injury or damage; or

“(iii) uses a ship in a manner that causes death to any person or serious injury or damage;

“(B) transports on board a ship—

“(i) any explosive or radioactive material, knowing that it is intended to be used to cause, or in a threat to cause, death to any person or serious injury or damage for the purpose of intimidating a population,

or compelling a government or an international organization to do or to abstain from doing any act;

“(ii) any biological, chemical, or nuclear weapon or other nuclear explosive device, knowing it to be a biological, chemical, or nuclear weapon or other nuclear explosive device;

“(iii) any source material, special fissionable material, or equipment or material especially designed or prepared for the processing, use, or production of special fissionable material, knowing that it is intended to be used in a nuclear explosive activity or in any other nuclear activity not under safeguards pursuant to an International Atomic Energy Agency comprehensive safeguards agreement, except where—

“(I) such item is transported to or from the territory of, or otherwise under the control of, a Non-Proliferation Treaty State Party; and

“(II) the resulting transfer or receipt (including internal to a country) is not contrary to the obligations under the Non-Proliferation Treaty of the Non-Proliferation Treaty State Party from which, to the territory of which, or otherwise under the control of which such item is transferred;

“(iv) any equipment, materials, or software or related technology that significantly contributes to the design or manufacture of a nuclear weapon or other nuclear explosive device, with the intention that it will be used for such purpose, except where—

“(I) the country to the territory of which or under the control of which such item is transferred is a Nuclear Weapon State Party to the Non-Proliferation Treaty; and

“(II) the resulting transfer or receipt (including internal to a country) is not contrary to the obligations under the Non-Proliferation Treaty of a Non-Proliferation Treaty State Party from which, to the territory of which, or otherwise under the control of which such item is transferred;

“(v) any equipment, materials, or software or related technology that significantly contributes to the delivery of a nuclear weapon or other nuclear explosive device, with the intention that it will be used for such purpose, except where—

“(I) such item is transported to or from the territory of, or otherwise under the control of, a Non-Proliferation Treaty State Party; and

“(II) such item is intended for the delivery system of a nuclear weapon or other nuclear explosive device of a Nuclear Weapon State Party to the Non-Proliferation Treaty; or

“(vi) any equipment, materials, or software or related technology that significantly contributes to the design, manufacture, or delivery of a biological or chemical weapon, with the intention that it will be used for such purpose;

“(C) transports another person on board a ship knowing that the person has committed an act that constitutes

an offense under section 2280 or subparagraph (A), (B), (D), or (E) of this section or an offense set forth in an applicable treaty, as specified in section 2280(d)(1), and intending to assist that person to evade criminal prosecution;

“(D) injures or kills any person in connection with the commission or the attempted commission of any of the offenses set forth in subparagraphs (A) through (C), or subsection (a)(2), to the extent that the subsection (a)(2) offense pertains to subparagraph (A); or

“(E) attempts to do any act prohibited under subparagraph (A), (B) or (D), or conspires to do any act prohibited by subparagraphs (A) through (E) or subsection (a)(2), shall be fined under this title, imprisoned not more than 20 years, or both; and if the death of any person results from conduct prohibited by this paragraph, shall be imprisoned for any term of years or for life.

Penalties.

“(2) THREATS.—A person who threatens, with apparent determination and will to carry the threat into execution, to do any act prohibited under paragraph (1)(A) shall be fined under this title, imprisoned not more than 5 years, or both.

“(b) JURISDICTION.—There is jurisdiction over the activity prohibited in subsection (a)—

“(1) in the case of a covered ship, if—

“(A) such activity is committed—

“(i) against or on board a vessel of the United States or a vessel subject to the jurisdiction of the United States (as defined in section 70502 of title 46) at the time the prohibited activity is committed;

“(ii) in the United States, including the territorial seas; or

“(iii) by a national of the United States, by a United States corporation or legal entity, or by a stateless person whose habitual residence is in the United States;

“(B) during the commission of such activity, a national of the United States is seized, threatened, injured, or killed;

or

“(C) the offender is later found in the United States after such activity is committed;

“(2) in the case of a ship navigating or scheduled to navigate solely within the territorial sea or internal waters of a country other than the United States, if the offender is later found in the United States after such activity is committed; or

“(3) in the case of any vessel, if such activity is committed in an attempt to compel the United States to do or abstain from doing any act.

“(c) EXCEPTIONS.—This section shall not apply to—

“(1) the activities of armed forces during an armed conflict, as those terms are understood under the law of war, which are governed by that law; or

“(2) activities undertaken by military forces of a state in the exercise of their official duties.

“(d)(1) CIVIL FORFEITURE.—Any real or personal property used or intended to be used to commit or to facilitate the commission of a violation of this section, the gross proceeds of such violation,

and any real or personal property traceable to such property or proceeds, shall be subject to forfeiture.

“(2) APPLICABLE PROCEDURES.—Seizures and forfeitures under this section shall be governed by the provisions of chapter 46 of title 18, United States Code, relating to civil forfeitures, except that such duties as are imposed upon the Secretary of the Treasury under the customs laws described in section 981(d) shall be performed by such officers, agents, and other persons as may be designated for that purpose by the Secretary of Homeland Security, the Attorney General, or the Secretary of Defense.”.

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 111 of title 18, United States Code, is amended by adding after the item relating to section 2280 the following new item:

18 USC
prec. 2271.

“2280a. Violence against maritime navigation and maritime transport involving weapons of mass destruction.”.

SEC. 803. AMENDMENTS TO SECTION 2281 OF TITLE 18, UNITED STATES CODE.

Section 2281 of title 18, United States Code, is amended—

(1) in subsection (c), by striking “section 2(c)” and inserting “section 13(c)”;

(2) in subsection (d), by striking the definitions of “national of the United States,” “territorial sea of the United States,” and “United States”; and

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

“(e) EXCEPTIONS.—This section does not apply to—

“(1) the activities of armed forces during an armed conflict, as those terms are understood under the law of war, which are governed by that law; or

“(2) activities undertaken by military forces of a state in the exercise of their official duties.”.

SEC. 804. NEW SECTION 2281A OF TITLE 18, UNITED STATES CODE.

(a) IN GENERAL.—Chapter 111 of title 18, United States Code, is amended by adding after section 2281 the following new section:

“§ 2281a. Additional offenses against maritime fixed platforms

18 USC 2281a.

“(a) OFFENSES.—

“(1) IN GENERAL.—A person who unlawfully and intentionally—

Penalties.

“(A) when the purpose of the act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act—

“(i) uses against or on a fixed platform or discharges from a fixed platform any explosive or radioactive material, biological, chemical, or nuclear weapon in a manner that causes or is likely to cause death or serious injury or damage; or

“(ii) discharges from a fixed platform oil, liquefied natural gas, or another hazardous or noxious substance that is not covered by clause (i), in such quantity or concentration that causes or is likely to cause death or serious injury or damage;

“(B) injures or kills any person in connection with the commission or the attempted commission of any of the offenses set forth in subparagraph (A); or

“(C) attempts or conspires to do anything prohibited under subparagraph (A) or (B), shall be fined under this title, imprisoned not more than 20 years, or both; and if death results to any person from conduct prohibited by this paragraph, shall be imprisoned for any term of years or for life.

Penalties.

“(2) THREAT TO SAFETY.—A person who threatens, with apparent determination and will to carry the threat into execution, to do any act prohibited under paragraph (1)(A), shall be fined under this title, imprisoned not more than 5 years, or both.

“(b) JURISDICTION.—There is jurisdiction over the activity prohibited in subsection (a) if—

“(1) such activity is committed against or on board a fixed platform—

“(A) that is located on the continental shelf of the United States;

“(B) that is located on the continental shelf of another country, by a national of the United States or by a stateless person whose habitual residence is in the United States; or

“(C) in an attempt to compel the United States to do or abstain from doing any act;

“(2) during the commission of such activity against or on board a fixed platform located on a continental shelf, a national of the United States is seized, threatened, injured, or killed; or

“(3) such activity is committed against or on board a fixed platform located outside the United States and beyond the continental shelf of the United States and the offender is later found in the United States.

“(c) EXCEPTIONS.—This section does not apply to—

“(1) the activities of armed forces during an armed conflict, as those terms are understood under the law of war, which are governed by that law; or

“(2) activities undertaken by military forces of a state in the exercise of their official duties.

“(d) DEFINITIONS.—In this section—

“(1) ‘continental shelf’ means the sea-bed and subsoil of the submarine areas that extend beyond a country’s territorial sea to the limits provided by customary international law as reflected in Article 76 of the 1982 Convention on the Law of the Sea; and

“(2) ‘fixed platform’ means an artificial island, installation, or structure permanently attached to the sea-bed for the purpose of exploration or exploitation of resources or for other economic purposes.”.

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 111 of title 18, United States Code, is amended by adding after the item relating to section 2281 the following new item:

18 USC
prec. 2271.

“2281a. Additional offenses against maritime fixed platforms.”.

SEC. 805. ANCILLARY MEASURE.

Section 2332b(g)(5)(B) of title 18, United States Code, is amended by inserting “2280a (relating to maritime safety),” before “2281”, and by striking “2281” and inserting “2281 through 2281a”.

Subtitle B—Prevention of Nuclear Terrorism

SEC. 811. NEW SECTION 2332I OF TITLE 18, UNITED STATES CODE.

(a) IN GENERAL.—Chapter 113B of title 18, United States Code, is amended by adding after section 2332h the following:

“§ 2332i. Acts of nuclear terrorism

18 USC 2332i.

“(a) OFFENSES.—

“(1) IN GENERAL.—Whoever knowingly and unlawfully—

“(A) possesses radioactive material or makes or possesses a device—

“(i) with the intent to cause death or serious bodily injury; or

“(ii) with the intent to cause substantial damage to property or the environment; or

“(B) uses in any way radioactive material or a device, or uses or damages or interferes with the operation of a nuclear facility in a manner that causes the release of or increases the risk of the release of radioactive material, or causes radioactive contamination or exposure to radiation—

“(i) with the intent to cause death or serious bodily injury or with the knowledge that such act is likely to cause death or serious bodily injury;

“(ii) with the intent to cause substantial damage to property or the environment or with the knowledge that such act is likely to cause substantial damage to property or the environment; or

“(iii) with the intent to compel a person, an international organization or a country to do or refrain from doing an act,

shall be punished as prescribed in subsection (c).

“(2) THREATS.—Whoever, under circumstances in which the threat may reasonably be believed, threatens to commit an offense under paragraph (1) shall be punished as prescribed in subsection (c). Whoever demands possession of or access to radioactive material, a device or a nuclear facility by threat or by use of force shall be punished as prescribed in subsection (c).

“(3) ATTEMPTS AND CONSPIRACIES.—Whoever attempts to commit an offense under paragraph (1) or conspires to commit an offense under paragraph (1) or (2) shall be punished as prescribed in subsection (c).

“(b) JURISDICTION.—Conduct prohibited by subsection (a) is within the jurisdiction of the United States if—

“(1) the prohibited conduct takes place in the United States or the special aircraft jurisdiction of the United States;

“(2) the prohibited conduct takes place outside of the United States and—

“(A) is committed by a national of the United States, a United States corporation or legal entity or a stateless person whose habitual residence is in the United States;

“(B) is committed on board a vessel of the United States or a vessel subject to the jurisdiction of the United States (as defined in section 70502 of title 46) or on board an aircraft that is registered under United States law, at the time the offense is committed; or

“(C) is committed in an attempt to compel the United States to do or abstain from doing any act, or constitutes a threat directed at the United States;

“(3) the prohibited conduct takes place outside of the United States and a victim or an intended victim is a national of the United States or a United States corporation or legal entity, or the offense is committed against any state or government facility of the United States; or

“(4) a perpetrator of the prohibited conduct is found in the United States.

“(c) PENALTIES.—Whoever violates this section shall be fined not more than \$2,000,000 and shall be imprisoned for any term of years or for life.

“(d) NONAPPLICABILITY.—This section does not apply to—

“(1) the activities of armed forces during an armed conflict, as those terms are understood under the law of war, which are governed by that law; or

“(2) activities undertaken by military forces of a state in the exercise of their official duties.

“(e) DEFINITIONS.—As used in this section, the term—

“(1) ‘armed conflict’ has the meaning given that term in section 2332f(e)(11) of this title;

“(2) ‘device’ means:

“(A) any nuclear explosive device; or

“(B) any radioactive material dispersal or radiation-emitting device that may, owing to its radiological properties, cause death, serious bodily injury or substantial damage to property or the environment;

“(3) ‘international organization’ has the meaning given that term in section 831(f)(3) of this title;

“(4) ‘military forces of a state’ means the armed forces of a country that are organized, trained and equipped under its internal law for the primary purpose of national defense or security and persons acting in support of those armed forces who are under their formal command, control and responsibility;

“(5) ‘national of the United States’ has the meaning given that term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22));

“(6) ‘nuclear facility’ means:

“(A) any nuclear reactor, including reactors on vessels, vehicles, aircraft or space objects for use as an energy source in order to propel such vessels, vehicles, aircraft or space objects or for any other purpose;

“(B) any plant or conveyance being used for the production, storage, processing or transport of radioactive material; or

“(C) a facility (including associated buildings and equipment) in which nuclear material is produced, processed, used, handled, stored or disposed of, if damage to or interference with such facility could lead to the release of significant amounts of radiation or radioactive material;

“(7) ‘nuclear material’ has the meaning given that term in section 831(f)(1) of this title;

“(8) ‘radioactive material’ means nuclear material and other radioactive substances that contain nuclides that undergo spontaneous disintegration (a process accompanied by emission of one or more types of ionizing radiation, such as alpha-, beta-, neutron particles and gamma rays) and that may, owing to their radiological or fissile properties, cause death, serious bodily injury or substantial damage to property or to the environment;

“(9) ‘serious bodily injury’ has the meaning given that term in section 831(f)(4) of this title;

“(10) ‘state’ has the same meaning as that term has under international law, and includes all political subdivisions thereof;

“(11) ‘state or government facility’ has the meaning given that term in section 2332f(e)(3) of this title;

“(12) ‘United States corporation or legal entity’ means any corporation or other entity organized under the laws of the United States or any State, Commonwealth, territory, possession or district of the United States;

“(13) ‘vessel’ has the meaning given that term in section 1502(19) of title 33; and

“(14) ‘vessel of the United States’ has the meaning given that term in section 70502 of title 46.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 113B of title 18, United States Code, is amended by inserting after the item relating to section 2332h the following:

18 USC
prec. 2331.

“2332i. Acts of nuclear terrorism.”.

(c) DISCLAIMER.—Nothing contained in this section is intended to affect the applicability of any other Federal or State law that might pertain to the underlying conduct.

18 USC 2332b
note.

(d) INCLUSION IN DEFINITION OF FEDERAL CRIMES OF TERRORISM.—Section 2332b(g)(5)(B) of title 18, United States Code, is amended by inserting “2332i (relating to acts of nuclear terrorism),” before “2339 (relating to harboring terrorists)”.

SEC. 812. AMENDMENT TO SECTION 831 OF TITLE 18, UNITED STATES CODE.

Section 831 of title 18, United States Code, is amended—

(a) in subsection (a)—

(1) by redesignating paragraphs (3) through (8) as paragraphs (4) through (9);

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

“(3) without lawful authority, intentionally carries, sends or moves nuclear material into or out of a country;”;

(3) in paragraph (8), as redesignated, by striking “an offense under paragraph (1), (2), (3), or (4)” and inserting “any act prohibited under paragraphs (1) through (5)”;

(4) in paragraph (9), as redesignated, by striking “an offense under paragraph (1), (2), (3), or (4)” and inserting “any act prohibited under paragraphs (1) through (7)”;

(b) in subsection (b)—

(1) in paragraph (1), by striking “(7)” and inserting “(8)”; and

(2) in paragraph (2), by striking “(8)” and inserting “(9)”; (c) in subsection (c)—

(1) in subparagraph (2)(A), by adding after “United States” the following: “or a stateless person whose habitual residence is in the United States”;

(2) by striking paragraph (5);

(3) in paragraph (4), by striking “or” at the end; and

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

“(5) the offense is committed on board a vessel of the United States or a vessel subject to the jurisdiction of the United States (as defined in section 70502 of title 46) or on board an aircraft that is registered under United States law, at the time the offense is committed;

“(6) the offense is committed outside the United States and against any state or government facility of the United States; or

“(7) the offense is committed in an attempt to compel the United States to do or abstain from doing any act, or constitutes a threat directed at the United States.”;

(d) by redesignating subsections (d) through (f) as (e) through (g), respectively;

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

“(d) NONAPPLICABILITY.—This section does not apply to—

“(1) the activities of armed forces during an armed conflict, as those terms are understood under the law of war, which are governed by that law; or

“(2) activities undertaken by military forces of a state in the exercise of their official duties.”; and

(f) in subsection (g), as redesignated—

(1) in paragraph (6), by striking “and” at the end;

(2) in paragraph (7), by striking the period at the end and inserting a semicolon; and

(3) by inserting after paragraph (7), the following:

“(8) the term ‘armed conflict’ has the meaning given that term in section 2332f(e)(11) of this title;

“(9) the term ‘military forces of a state’ means the armed forces of a country that are organized, trained and equipped under its internal law for the primary purpose of national defense or security and persons acting in support of those armed forces who are under their formal command, control and responsibility;

“(10) the term ‘state’ has the same meaning as that term has under international law, and includes all political subdivisions thereof;

“(11) the term ‘state or government facility’ has the meaning given that term in section 2332f(e)(3) of this title; and

Definitions.

“(12) the term ‘vessel of the United States’ has the meaning given that term in section 70502 of title 46.”.

Approved June 2, 2015.

LEGISLATIVE HISTORY—H.R. 2048:

HOUSE REPORTS: No. 114–109, Pt. 1 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 161 (2015):

May 13, considered and passed House.

May 31, June 1, 2, considered and passed Senate.

Public Law 114–24
114th Congress

An Act

June 12, 2015
[S. 802]

To authorize the Secretary of State and the Administrator of the United States Agency for International Development to provide assistance to support the rights of women and girls in developing countries, and for other purposes.

Girls Count Act
of 2015.
22 USC 2151
note.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Girls Count Act of 2015”.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) According to the United States Census Bureau’s 2013 international figures, 1 person in 12, or close to 900,000,000 people, is a girl or young woman age 10 through 24.

(2) The Census Bureau’s data also illustrates that young people are the fastest growing segment of the population in developing countries.

(3) Even though most countries do have birth registration laws, four out of ten babies born in 2012 were not registered worldwide. Moreover, an estimated 36 percent of children under the age of five worldwide (about 230,000,000 children) do not possess a birth certificate.

(4) A nationally recognized proof of birth system is important to determining a child’s citizenship, nationality, place of birth, parentage, and age. Without such a system, a passport, driver’s license, or other identification card is difficult to obtain. The lack of such documentation can prevent girls and women from officially participating in and benefitting from the formal economic, legal, and political sectors in their countries.

(5) The lack of birth registration among girls worldwide is particularly concerning as it can exacerbate the disproportionate vulnerability of women to trafficking, child marriage, and lack of access to health and education services.

(6) A lack of birth registration among women and girls can also aggravate what, in many places, amounts to an already reduced ability to seek employment, participate in civil society, or purchase or inherit land and other assets.

(7) Girls undertake much of the domestic labor needed for poor families to survive: carrying water, harvesting crops, tending livestock, caring for younger children, and doing chores.

(8) Accurate assessments of access to education, poverty levels, and overall census activities are hampered by the lack

of official information on women and girls. Without this rudimentary information, assessments of foreign assistance and domestic social welfare programs are difficult to gauge.

(9) To help ensure that women and girls are considered in United States foreign assistance policies and programs, that their needs are addressed in the design, implementation, and evaluation of foreign assistance programs, and that women and girls have the opportunity to succeed, it is important that girls be counted and have access to birth certificates and other official documentation.

SEC. 3. STATEMENT OF POLICY.

It is the policy of the United States to—

(1) encourage countries to support the rule of law and ensure girls and boys of all ages are able to fully participate in society, including by providing birth certifications and other official documentation;

(2) enhance training and capacity-building in key developing countries, local nongovernmental organizations, and other civil society organizations, including faith-based organizations and organizations representing children and families in the design, implementation, and monitoring of programs under this Act, to effectively address the needs of birth registries in countries where girls are systematically undercounted; and

(3) incorporate into the design, implementation, and evaluation of policies and programs measures to evaluate the impact that such policies and programs have on girls.

SEC. 4. UNITED STATES ASSISTANCE TO SUPPORT COUNTING OF GIRLS IN THE DEVELOPING WORLD.

(a) **AUTHORIZATION.**—The Secretary and the Administrator are authorized to prioritize and advance ongoing efforts to—

(1) support programs that will contribute to improved and sustainable Civil Registration and Vital Statistics Systems (CRVS) with a focus on birth registration;

(2) support programs that build the capacity of developing countries' national and local legal and policy frameworks to prevent discrimination against girls in gaining access to birth certificates, particularly where this may help prevent exploitation, violence, and other abuse; and

(3) support programs and key ministries, including, interior, youth, and education ministries, to help increase property rights, social security, home ownership, land tenure security, inheritance rights, access to education, and economic and entrepreneurial opportunities, particularly for women and girls.

(b) **COORDINATION WITH MULTILATERAL ORGANIZATIONS.**—The Secretary and the Administrator are authorized to coordinate with the World Bank, relevant United Nations agencies and programs, and other relevant organizations to encourage and work with countries to enact, implement, and enforce laws that specifically collect data on girls and establish registration programs to ensure girls are appropriately counted and have the opportunity to be active participants in the social, legal, and political sectors of society in their countries.

(c) **COORDINATION WITH PRIVATE SECTOR AND CIVIL SOCIETY ORGANIZATIONS.**—The Secretary and the Administrator are authorized to work with the United States, international, and local private sector and civil society organizations to advocate for the registration

and documentation of all girls and boys in developing countries, in order to help prevent exploitation, violence, and other abuses and to help provide economic and social opportunities.

SEC. 5. REPORT.

Evaluations.

The Secretary and the Administrator shall include in relevant evaluations and reports to Congress the following information:

(1) To the extent practicable, a breakdown of United States foreign assistance beneficiaries by age, gender, marital status, location, and school enrollment status.

(2) A description, as appropriate, of how United States foreign assistance benefits girls.

(3) Specific information, as appropriate, on programs that address the particular needs of girls.

SEC. 6. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the United States Agency for International Development.

(2) FOREIGN ASSISTANCE.—The term “foreign assistance” has the meaning given the term in section 634(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2394(b)).

(3) SECRETARY.—The term “Secretary” means the Secretary of State.

SEC. 7. SUNSET.

This Act shall expire on the date that is five years after the date of the enactment of this Act.

Approved June 12, 2015.

LEGISLATIVE HISTORY—S. 802:

CONGRESSIONAL RECORD, Vol. 161 (2015):

May 23, considered and passed Senate.

June 1, considered and passed House.

Public Law 114–25
114th Congress

An Act

To extend the authorization to carry out the replacement of the existing medical center of the Department of Veterans Affairs in Denver, Colorado, to authorize transfers of amounts to carry out the replacement of such medical center, and for other purposes.

June 15, 2015
[S. 1568]

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

SECTION 1. EXTENSION OF AUTHORIZATION FOR DEPARTMENT OF VETERANS AFFAIRS MAJOR MEDICAL FACILITY PROJECT PREVIOUSLY AUTHORIZED.

Section 2(a) of the Construction Authorization and Choice Improvement Act (Public Law 114–19) is amended—

Ante, p. 215.

- (1) by striking “in fiscal year 2015,”; and
- (2) by striking “\$900,000,000” and inserting “\$1,050,000,000”.

SEC. 2. LIMITED, ONE-TIME AUTHORITY TO TRANSFER SPECIFIC AMOUNTS TO CARRY OUT MAJOR MEDICAL FACILITY PROJECT IN DENVER, COLORADO.

(a) **IN GENERAL.**—Of the unobligated balances of amounts available to the Department of Veterans Affairs for fiscal year 2015, the Secretary of Veterans Affairs may transfer amounts from the appropriations accounts under the following headings, in the amounts and from the activities specified, to the appropriations account under the heading “Construction, Major Projects”:

- (1) “Medical Services”, \$6,494,000 to be derived from amounts available for the Human Capital Investment Plan.
- (2) “Medical Support and Compliance”, \$1,611,000 to be derived from amounts available for the Human Capital Investment Plan.
- (3) “Medical Facilities”, \$80,735,000 to be derived from amounts available for green energy projects of the Department and human capital investment plans.
- (4) “National Cemetery Administration”, \$60,000 to be derived from amounts available for the Human Capital Investment Plan.
- (5) “General Administration”, \$1,130,000 to be derived from amounts available for the Office of the Secretary.
- (6) “General Operating Expenses, Veterans Benefits Administration”, \$670,000 to be derived from amounts available for the Human Capital Investment Plan.
- (7) “Information Technology Systems”, \$240,000 to be derived from amounts available for the Human Capital Investment Plan.

(8) “Construction, Minor Projects”, \$3,000,000 to be derived from amounts available for minor construction projects at the staff offices of the Department.

(b) TRANSFER OF AMOUNTS AVAILABLE IN FUNDS.—

(1) REVOLVING SUPPLY FUND.—Of the unobligated balances of amounts available in the revolving supply fund of the Department under section 8121 of title 38, United States Code, the Secretary may transfer \$20,030,000 to the appropriations account under the heading “Construction, Major Projects”.

(2) FRANCHISE FUND.—Of the unobligated balances of amounts available in the Department of Veterans Affairs Franchise Fund established in title I of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (Public Law 104–204; 31 U.S.C. 501 note), the Secretary may transfer \$36,030,000 to the appropriations account under the heading “Construction, Major Projects”.

(c) USE OF AMOUNTS AND AVAILABILITY.—The amounts transferred under subsections (a) and (b) shall—

(1) be used only to carry out the major medical facility construction project in Denver, Colorado, specified in section 2 of the Construction Authorization and Choice Improvement Act (Public Law 114–19); and

(2) remain available until September 30, 2016.

Approved June 15, 2015.

LEGISLATIVE HISTORY—S. 1568:

CONGRESSIONAL RECORD, Vol. 161 (2015):

June 11, considered and passed Senate.

June 12, considered and passed House.

Public Law 114–26
114th Congress

An Act

To amend the Internal Revenue Code of 1986 to allow Federal law enforcement officers, firefighters, and air traffic controllers to make penalty-free withdrawals from governmental plans after age 50, and for other purposes.

June 29, 2015

[H.R. 2146]

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Defending Public Safety Employees’ Retirement Act”.

Defending Public
Safety
Employees’
Retirement Act.
26 USC 1 note.

SEC. 2. EARLY RETIREMENT DISTRIBUTIONS TO FEDERAL LAW ENFORCEMENT OFFICERS, FIREFIGHTERS, AND AIR TRAFFIC CONTROLLERS IN GOVERNMENTAL PLANS.

(a) **IN GENERAL.**—Section 72(t)(10)(B) of the Internal Revenue Code of 1986 is amended—

26 USC 72.

(1) by striking the period at the end and inserting “, or”;

(2) by striking “means any employee” and inserting the following: “means—

“(i) any employee”; and

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

“(ii) any Federal law enforcement officer described in section 8331(20) or 8401(17) of title 5, United States Code, any Federal customs and border protection officer described in section 8331(31) or 8401(36) of such title, any Federal firefighter described in section 8331(21) or 8401(14) of such title, or any air traffic controller described in 8331(30) or 8401(35) of such title.”.

(b) **APPLICATION TO DEFINED CONTRIBUTION PLANS.**—Section 72(t)(10)(A) of such Code is amended by striking “which is a defined benefit plan”.

(c) **DISTRIBUTIONS NOT TREATED AS MODIFICATION OF SUBSTANTIALLY EQUAL PAYMENTS.**—Section 72(t)(4)(A)(ii) of such Code is amended by inserting “or a distribution to which paragraph (10) applies” after “other than by reason of death or disability”.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply to distributions after December 31, 2015.

Applicability.
26 USC 72 note.

SEC. 3. BUDGETARY EFFECTS.

The budgetary effects of this Act shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

Bipartisan
Congressional
Trade Priorities
and
Accountability
Act of 2015.
19 USC 4201
note.

TITLE I—TRADE PROMOTION AUTHORITY

SEC. 101. SHORT TITLE.

This title may be cited as the “Bipartisan Congressional Trade Priorities and Accountability Act of 2015”.

19 USC 4201.

SEC. 102. TRADE NEGOTIATING OBJECTIVES.

(a) OVERALL TRADE NEGOTIATING OBJECTIVES.—The overall trade negotiating objectives of the United States for agreements subject to the provisions of section 103 are—

(1) to obtain more open, equitable, and reciprocal market access;

(2) to obtain the reduction or elimination of barriers and distortions that are directly related to trade and investment and that decrease market opportunities for United States exports or otherwise distort United States trade;

(3) to further strengthen the system of international trade and investment disciplines and procedures, including dispute settlement;

(4) to foster economic growth, raise living standards, enhance the competitiveness of the United States, promote full employment in the United States, and enhance the global economy;

(5) to ensure that trade and environmental policies are mutually supportive and to seek to protect and preserve the environment and enhance the international means of doing so, while optimizing the use of the world’s resources;

(6) to promote respect for worker rights and the rights of children consistent with core labor standards of the ILO (as set out in section 111(7)) and an understanding of the relationship between trade and worker rights;

(7) to seek provisions in trade agreements under which parties to those agreements ensure that they do not weaken or reduce the protections afforded in domestic environmental and labor laws as an encouragement for trade;

(8) to ensure that trade agreements afford small businesses equal access to international markets, equitable trade benefits, and expanded export market opportunities, and provide for the reduction or elimination of trade and investment barriers that disproportionately impact small businesses;

(9) to promote universal ratification and full compliance with ILO Convention No. 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor;

(10) to ensure that trade agreements reflect and facilitate the increasingly interrelated, multi-sectoral nature of trade and investment activity;

(11) to recognize the growing significance of the Internet as a trading platform in international commerce;

(12) to take into account other legitimate United States domestic objectives, including, but not limited to, the protection of legitimate health or safety, essential security, and consumer interests and the law and regulations related thereto; and

(13) to take into account conditions relating to religious freedom of any party to negotiations for a trade agreement with the United States.

(b) PRINCIPAL TRADE NEGOTIATING OBJECTIVES.—

(1) TRADE IN GOODS.—The principal negotiating objectives of the United States regarding trade in goods are—

(A) to expand competitive market opportunities for exports of goods from the United States and to obtain fairer and more open conditions of trade, including through the utilization of global value chains, by reducing or eliminating tariff and nontariff barriers and policies and practices of foreign governments directly related to trade that decrease market opportunities for United States exports or otherwise distort United States trade; and

(B) to obtain reciprocal tariff and nontariff barrier elimination agreements, including with respect to those tariff categories covered in section 111(b) of the Uruguay Round Agreements Act (19 U.S.C. 3521(b)).

(2) TRADE IN SERVICES.—(A) The principal negotiating objective of the United States regarding trade in services is to expand competitive market opportunities for United States services and to obtain fairer and more open conditions of trade, including through utilization of global value chains, by reducing or eliminating barriers to international trade in services, such as regulatory and other barriers that deny national treatment and market access or unreasonably restrict the establishment or operations of service suppliers.

(B) Recognizing that expansion of trade in services generates benefits for all sectors of the economy and facilitates trade, the objective described in subparagraph (A) should be pursued through all means, including through a plurilateral agreement with those countries willing and able to undertake high standard services commitments for both existing and new services.

(3) TRADE IN AGRICULTURE.—The principal negotiating objective of the United States with respect to agriculture is to obtain competitive opportunities for United States exports of agricultural commodities in foreign markets substantially equivalent to the competitive opportunities afforded foreign exports in United States markets and to achieve fairer and more open conditions of trade in bulk, specialty crop, and value added commodities by—

(A) securing more open and equitable market access through robust rules on sanitary and phytosanitary measures that—

(i) encourage the adoption of international standards and require a science-based justification be provided for a sanitary or phytosanitary measure if the measure is more restrictive than the applicable international standard;

(ii) improve regulatory coherence, promote the use of systems-based approaches, and appropriately recognize the equivalence of health and safety protection systems of exporting countries;

(iii) require that measures are transparently developed and implemented, are based on risk assessments that take into account relevant international guidelines

and scientific data, and are not more restrictive on trade than necessary to meet the intended purpose; and

(iv) improve import check processes, including testing methodologies and procedures, and certification requirements,

while recognizing that countries may put in place measures to protect human, animal, or plant life or health in a manner consistent with their international obligations, including the WTO Agreement on the Application of Sanitary and Phytosanitary Measures (referred to in section 101(d)(3) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(3)));

(B) reducing or eliminating, by a date certain, tariffs or other charges that decrease market opportunities for United States exports—

(i) giving priority to those products that are subject to significantly higher tariffs or subsidy regimes of major producing countries; and

(ii) providing reasonable adjustment periods for United States import sensitive products, in close consultation with Congress on such products before initiating tariff reduction negotiations;

(C) reducing tariffs to levels that are the same as or lower than those in the United States;

(D) reducing or eliminating subsidies that decrease market opportunities for United States exports or unfairly distort agriculture markets to the detriment of the United States;

(E) allowing the preservation of programs that support family farms and rural communities but do not distort trade;

(F) developing disciplines for domestic support programs, so that production that is in excess of domestic food security needs is sold at world prices;

(G) eliminating government policies that create price depressing surpluses;

(H) eliminating state trading enterprises whenever possible;

(I) developing, strengthening, and clarifying rules to eliminate practices that unfairly decrease United States market access opportunities or distort agricultural markets to the detriment of the United States, and ensuring that such rules are subject to efficient, timely, and effective dispute settlement, including—

(i) unfair or trade distorting activities of state trading enterprises and other administrative mechanisms, with emphasis on requiring price transparency in the operation of state trading enterprises and such other mechanisms in order to end cross subsidization, price discrimination, and price undercutting;

(ii) unjustified trade restrictions or commercial requirements, such as labeling, that affect new technologies, including biotechnology;

(iii) unjustified sanitary or phytosanitary restrictions, including restrictions not based on scientific principles in contravention of obligations in the Uruguay

Round Agreements or bilateral or regional trade agreements;

(iv) other unjustified technical barriers to trade; and

(v) restrictive rules in the administration of tariff rate quotas;

(J) eliminating practices that adversely affect trade in perishable or cyclical products, while improving import relief mechanisms to recognize the unique characteristics of perishable and cyclical agriculture;

(K) ensuring that import relief mechanisms for perishable and cyclical agriculture are as accessible and timely to growers in the United States as those mechanisms that are used by other countries;

(L) taking into account whether a party to the negotiations has failed to adhere to the provisions of already existing trade agreements with the United States or has circumvented obligations under those agreements;

(M) taking into account whether a product is subject to market distortions by reason of a failure of a major producing country to adhere to the provisions of already existing trade agreements with the United States or by the circumvention by that country of its obligations under those agreements;

(N) otherwise ensuring that countries that accede to the World Trade Organization have made meaningful market liberalization commitments in agriculture;

(O) taking into account the impact that agreements covering agriculture to which the United States is a party have on the United States agricultural industry;

(P) maintaining bona fide food assistance programs, market development programs, and export credit programs;

(Q) seeking to secure the broadest market access possible in multilateral, regional, and bilateral negotiations, recognizing the effect that simultaneous sets of negotiations may have on United States import sensitive commodities (including those subject to tariff rate quotas);

(R) seeking to develop an international consensus on the treatment of seasonal or perishable agricultural products in investigations relating to dumping and safeguards and in any other relevant area;

(S) seeking to establish the common base year for calculating the Aggregated Measurement of Support (as defined in the Agreement on Agriculture) as the end of each country's Uruguay Round implementation period, as reported in each country's Uruguay Round market access schedule;

(T) ensuring transparency in the administration of tariff rate quotas through multilateral, plurilateral, and bilateral negotiations; and

(U) eliminating and preventing the undermining of market access for United States products through improper use of a country's system for protecting or recognizing geographical indications, including failing to ensure transparency and procedural fairness and protecting generic terms.

(4) FOREIGN INVESTMENT.—Recognizing that United States law on the whole provides a high level of protection for investment, consistent with or greater than the level required by international law, the principal negotiating objectives of the United States regarding foreign investment are to reduce or eliminate artificial or trade distorting barriers to foreign investment, while ensuring that foreign investors in the United States are not accorded greater substantive rights with respect to investment protections than United States investors in the United States, and to secure for investors important rights comparable to those that would be available under United States legal principles and practice, by—

(A) reducing or eliminating exceptions to the principle of national treatment;

(B) freeing the transfer of funds relating to investments;

(C) reducing or eliminating performance requirements, forced technology transfers, and other unreasonable barriers to the establishment and operation of investments;

(D) seeking to establish standards for expropriation and compensation for expropriation, consistent with United States legal principles and practice;

(E) seeking to establish standards for fair and equitable treatment, consistent with United States legal principles and practice, including the principle of due process;

(F) providing meaningful procedures for resolving investment disputes;

(G) seeking to improve mechanisms used to resolve disputes between an investor and a government through—

(i) mechanisms to eliminate frivolous claims and to deter the filing of frivolous claims;

(ii) procedures to ensure the efficient selection of arbitrators and the expeditious disposition of claims;

(iii) procedures to enhance opportunities for public input into the formulation of government positions; and

(iv) providing for an appellate body or similar mechanism to provide coherence to the interpretations of investment provisions in trade agreements; and

(H) ensuring the fullest measure of transparency in the dispute settlement mechanism, to the extent consistent with the need to protect information that is classified or business confidential, by—

(i) ensuring that all requests for dispute settlement are promptly made public;

(ii) ensuring that—

(I) all proceedings, submissions, findings, and decisions are promptly made public; and

(II) all hearings are open to the public; and

(iii) establishing a mechanism for acceptance of amicus curiae submissions from businesses, unions, and nongovernmental organizations.

(5) INTELLECTUAL PROPERTY.—The principal negotiating objectives of the United States regarding trade-related intellectual property are—

(A) to further promote adequate and effective protection of intellectual property rights, including through—

(i)(I) ensuring accelerated and full implementation of the Agreement on Trade-Related Aspects of Intellectual Property Rights referred to in section 101(d)(15) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(15)), particularly with respect to meeting enforcement obligations under that agreement; and

(II) ensuring that the provisions of any trade agreement governing intellectual property rights that is entered into by the United States reflect a standard of protection similar to that found in United States law;

(ii) providing strong protection for new and emerging technologies and new methods of transmitting and distributing products embodying intellectual property, including in a manner that facilitates legitimate digital trade;

(iii) preventing or eliminating discrimination with respect to matters affecting the availability, acquisition, scope, maintenance, use, and enforcement of intellectual property rights;

(iv) ensuring that standards of protection and enforcement keep pace with technological developments, and in particular ensuring that rightholders have the legal and technological means to control the use of their works through the Internet and other global communication media, and to prevent the unauthorized use of their works;

(v) providing strong enforcement of intellectual property rights, including through accessible, expeditious, and effective civil, administrative, and criminal enforcement mechanisms; and

(vi) preventing or eliminating government involvement in the violation of intellectual property rights, including cyber theft and piracy;

(B) to secure fair, equitable, and nondiscriminatory market access opportunities for United States persons that rely upon intellectual property protection; and

(C) to respect the Declaration on the TRIPS Agreement and Public Health, adopted by the World Trade Organization at the Fourth Ministerial Conference at Doha, Qatar on November 14, 2001, and to ensure that trade agreements foster innovation and promote access to medicines.

(6) DIGITAL TRADE IN GOODS AND SERVICES AND CROSS-BORDER DATA FLOWS.—The principal negotiating objectives of the United States with respect to digital trade in goods and services, as well as cross-border data flows, are—

(A) to ensure that current obligations, rules, disciplines, and commitments under the World Trade Organization and bilateral and regional trade agreements apply to digital trade in goods and services and to cross-border data flows;

(B) to ensure that—

(i) electronically delivered goods and services receive no less favorable treatment under trade rules and commitments than like products delivered in physical form; and

(ii) the classification of such goods and services ensures the most liberal trade treatment possible, fully encompassing both existing and new trade;

(C) to ensure that governments refrain from implementing trade-related measures that impede digital trade in goods and services, restrict cross-border data flows, or require local storage or processing of data;

(D) with respect to subparagraphs (A) through (C), where legitimate policy objectives require domestic regulations that affect digital trade in goods and services or cross-border data flows, to obtain commitments that any such regulations are the least restrictive on trade, non-discriminatory, and transparent, and promote an open market environment; and

(E) to extend the moratorium of the World Trade Organization on duties on electronic transmissions.

(7) REGULATORY PRACTICES.—The principal negotiating objectives of the United States regarding the use of government regulation or other practices to reduce market access for United States goods, services, and investments are—

(A) to achieve increased transparency and opportunity for the participation of affected parties in the development of regulations;

(B) to require that proposed regulations be based on sound science, cost benefit analysis, risk assessment, or other objective evidence;

(C) to establish consultative mechanisms and seek other commitments, as appropriate, to improve regulatory practices and promote increased regulatory coherence, including through—

(i) transparency in developing guidelines, rules, regulations, and laws for government procurement and other regulatory regimes;

(ii) the elimination of redundancies in testing and certification;

(iii) early consultations on significant regulations;

(iv) the use of impact assessments;

(v) the periodic review of existing regulatory measures; and

(vi) the application of good regulatory practices;

(D) to seek greater openness, transparency, and convergence of standards development processes, and enhance cooperation on standards issues globally;

(E) to promote regulatory compatibility through harmonization, equivalence, or mutual recognition of different regulations and standards and to encourage the use of international and interoperable standards, as appropriate;

(F) to achieve the elimination of government measures such as price controls and reference pricing which deny full market access for United States products;

(G) to ensure that government regulatory reimbursement regimes are transparent, provide procedural fairness, are nondiscriminatory, and provide full market access for United States products; and

(H) to ensure that foreign governments—

(i) demonstrate that the collection of undisclosed proprietary information is limited to that necessary to satisfy a legitimate and justifiable regulatory interest; and

(ii) protect such information against disclosure, except in exceptional circumstances to protect the public, or where such information is effectively protected against unfair competition.

(8) STATE-OWNED AND STATE-CONTROLLED ENTERPRISES.—The principal negotiating objective of the United States regarding competition by state-owned and state-controlled enterprises is to seek commitments that—

(A) eliminate or prevent trade distortions and unfair competition favoring state-owned and state-controlled enterprises to the extent of their engagement in commercial activity, and

(B) ensure that such engagement is based solely on commercial considerations, in particular through disciplines that eliminate or prevent discrimination and market-distorting subsidies and that promote transparency.

(9) LOCALIZATION BARRIERS TO TRADE.—The principal negotiating objective of the United States with respect to localization barriers is to eliminate and prevent measures that require United States producers and service providers to locate facilities, intellectual property, or other assets in a country as a market access or investment condition, including indigenous innovation measures.

(10) LABOR AND THE ENVIRONMENT.—The principal negotiating objectives of the United States with respect to labor and the environment are—

(A) to ensure that a party to a trade agreement with the United States—

(i) adopts and maintains measures implementing internationally recognized core labor standards (as defined in section 111(17)) and its obligations under common multilateral environmental agreements (as defined in section 111(6)),

(ii) does not waive or otherwise derogate from, or offer to waive or otherwise derogate from—

(I) its statutes or regulations implementing internationally recognized core labor standards (as defined in section 111(17)), in a manner affecting trade or investment between the United States and that party, where the waiver or derogation would be inconsistent with one or more such standards, or

(II) its environmental laws in a manner that weakens or reduces the protections afforded in those laws and in a manner affecting trade or investment between the United States and that party, except as provided in its law and provided not inconsistent with its obligations under common multilateral environmental agreements (as defined in section 111(6)) or other provisions of the trade agreement specifically agreed upon, and

(iii) does not fail to effectively enforce its environmental or labor laws, through a sustained or recurring course of action or inaction, in a manner affecting trade or investment between the United States and that party after entry into force of a trade agreement between those countries;

(B) to recognize that—

(i) with respect to environment, parties to a trade agreement retain the right to exercise prosecutorial discretion and to make decisions regarding the allocation of enforcement resources with respect to other environmental laws determined to have higher priorities, and a party is effectively enforcing its laws if a course of action or inaction reflects a reasonable, bona fide exercise of such discretion, or results from a reasonable, bona fide decision regarding the allocation of resources; and

(ii) with respect to labor, decisions regarding the distribution of enforcement resources are not a reason for not complying with a party's labor obligations; a party to a trade agreement retains the right to reasonable exercise of discretion and to make bona fide decisions regarding the allocation of resources between labor enforcement activities among core labor standards, provided the exercise of such discretion and such decisions are not inconsistent with its obligations;

(C) to strengthen the capacity of United States trading partners to promote respect for core labor standards (as defined in section 111(7));

(D) to strengthen the capacity of United States trading partners to protect the environment through the promotion of sustainable development;

(E) to reduce or eliminate government practices or policies that unduly threaten sustainable development;

(F) to seek market access, through the elimination of tariffs and nontariff barriers, for United States environmental technologies, goods, and services;

(G) to ensure that labor, environmental, health, or safety policies and practices of the parties to trade agreements with the United States do not arbitrarily or unjustifiably discriminate against United States exports or serve as disguised barriers to trade;

(H) to ensure that enforceable labor and environment obligations are subject to the same dispute settlement and remedies as other enforceable obligations under the agreement; and

(I) to ensure that a trade agreement is not construed to empower a party's authorities to undertake labor or environmental law enforcement activities in the territory of the United States.

(11) CURRENCY.—The principal negotiating objective of the United States with respect to currency practices is that parties to a trade agreement with the United States avoid manipulating exchange rates in order to prevent effective balance of payments adjustment or to gain an unfair competitive advantage over other parties to the agreement, such as through cooperative

mechanisms, enforceable rules, reporting, monitoring, transparency, or other means, as appropriate.

(12) FOREIGN CURRENCY MANIPULATION.—The principal negotiating objective of the United States with respect to unfair currency practices is to seek to establish accountability through enforceable rules, transparency, reporting, monitoring, cooperative mechanisms, or other means to address exchange rate manipulation involving protracted large scale intervention in one direction in the exchange markets and a persistently undervalued foreign exchange rate to gain an unfair competitive advantage in trade over other parties to a trade agreement, consistent with existing obligations of the United States as a member of the International Monetary Fund and the World Trade Organization.

(13) WTO AND MULTILATERAL TRADE AGREEMENTS.—Recognizing that the World Trade Organization is the foundation of the global trading system, the principal negotiating objectives of the United States regarding the World Trade Organization, the Uruguay Round Agreements, and other multilateral and plurilateral trade agreements are—

(A) to achieve full implementation and extend the coverage of the World Trade Organization and multilateral and plurilateral agreements to products, sectors, and conditions of trade not adequately covered;

(B) to expand country participation in and enhancement of the Information Technology Agreement, the Government Procurement Agreement, and other plurilateral trade agreements of the World Trade Organization;

(C) to expand competitive market opportunities for United States exports and to obtain fairer and more open conditions of trade, including through utilization of global value chains, through the negotiation of new WTO multilateral and plurilateral trade agreements, such as an agreement on trade facilitation;

(D) to ensure that regional trade agreements to which the United States is not a party fully achieve the high standards of, and comply with, WTO disciplines, including Article XXIV of GATT 1994, Article V and V bis of the General Agreement on Trade in Services, and the Enabling Clause, including through meaningful WTO review of such regional trade agreements;

(E) to enhance compliance by WTO members with their obligations as WTO members through active participation in the bodies of the World Trade Organization by the United States and all other WTO members, including in the trade policy review mechanism and the committee system of the World Trade Organization, and by working to increase the effectiveness of such bodies; and

(F) to encourage greater cooperation between the World Trade Organization and other international organizations.

(14) TRADE INSTITUTION TRANSPARENCY.—The principal negotiating objective of the United States with respect to transparency is to obtain wider and broader application of the principle of transparency in the World Trade Organization, entities established under bilateral and regional trade agreements, and other international trade fora through seeking—

(A) timely public access to information regarding trade issues and the activities of such institutions;

(B) openness by ensuring public access to appropriate meetings, proceedings, and submissions, including with regard to trade and investment dispute settlement; and

(C) public access to all notifications and supporting documentation submitted by WTO members.

(15) ANTI-CORRUPTION.—The principal negotiating objectives of the United States with respect to the use of money or other things of value to influence acts, decisions, or omissions of foreign governments or officials or to secure any improper advantage in a manner affecting trade are—

(A) to obtain high standards and effective domestic enforcement mechanisms applicable to persons from all countries participating in the applicable trade agreement that prohibit such attempts to influence acts, decisions, or omissions of foreign governments or officials or to secure any such improper advantage;

(B) to ensure that such standards level the playing field for United States persons in international trade and investment; and

(C) to seek commitments to work jointly to encourage and support anti-corruption and anti-bribery initiatives in international trade fora, including through the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions of the Organization for Economic Cooperation and Development, done at Paris December 17, 1997 (commonly known as the “OECD Anti-Bribery Convention”).

(16) DISPUTE SETTLEMENT AND ENFORCEMENT.—The principal negotiating objectives of the United States with respect to dispute settlement and enforcement of trade agreements are—

(A) to seek provisions in trade agreements providing for resolution of disputes between governments under those trade agreements in an effective, timely, transparent, equitable, and reasoned manner, requiring determinations based on facts and the principles of the agreements, with the goal of increasing compliance with the agreements;

(B) to seek to strengthen the capacity of the Trade Policy Review Mechanism of the World Trade Organization to review compliance with commitments;

(C) to seek adherence by panels convened under the Dispute Settlement Understanding and by the Appellate Body to—

(i) the mandate of those panels and the Appellate Body to apply the WTO Agreement as written, without adding to or diminishing rights and obligations under the Agreement; and

(ii) the standard of review applicable under the Uruguay Round Agreement involved in the dispute, including greater deference, where appropriate, to the fact finding and technical expertise of national investigating authorities;

(D) to seek provisions encouraging the early identification and settlement of disputes through consultation;

(E) to seek provisions to encourage the provision of trade-expanding compensation if a party to a dispute under the agreement does not come into compliance with its obligations under the agreement;

(F) to seek provisions to impose a penalty upon a party to a dispute under the agreement that—

(i) encourages compliance with the obligations of the agreement;

(ii) is appropriate to the parties, nature, subject matter, and scope of the violation; and

(iii) has the aim of not adversely affecting parties or interests not party to the dispute while maintaining the effectiveness of the enforcement mechanism; and

(G) to seek provisions that treat United States principal negotiating objectives equally with respect to—

(i) the ability to resort to dispute settlement under the applicable agreement;

(ii) the availability of equivalent dispute settlement procedures; and

(iii) the availability of equivalent remedies.

(17) TRADE REMEDY LAWS.—The principal negotiating objectives of the United States with respect to trade remedy laws are—

(A) to preserve the ability of the United States to enforce rigorously its trade laws, including the anti-dumping, countervailing duty, and safeguard laws, and avoid agreements that lessen the effectiveness of domestic and international disciplines on unfair trade, especially dumping and subsidies, or that lessen the effectiveness of domestic and international safeguard provisions, in order to ensure that United States workers, agricultural producers, and firms can compete fully on fair terms and enjoy the benefits of reciprocal trade concessions; and

(B) to address and remedy market distortions that lead to dumping and subsidization, including overcapacity, cartelization, and market access barriers.

(18) BORDER TAXES.—The principal negotiating objective of the United States regarding border taxes is to obtain a revision of the rules of the World Trade Organization with respect to the treatment of border adjustments for internal taxes to redress the disadvantage to countries relying primarily on direct taxes for revenue rather than indirect taxes.

(19) TEXTILE NEGOTIATIONS.—The principal negotiating objectives of the United States with respect to trade in textiles and apparel articles are to obtain competitive opportunities for United States exports of textiles and apparel in foreign markets substantially equivalent to the competitive opportunities afforded foreign exports in United States markets and to achieve fairer and more open conditions of trade in textiles and apparel.

(20) COMMERCIAL PARTNERSHIPS.—

(A) IN GENERAL.—With respect to an agreement that is proposed to be entered into with the Transatlantic Trade and Investment Partnership countries and to which section 103(b) will apply, the principal negotiating objectives of the United States regarding commercial partnerships are the following:

(i) To discourage actions by potential trading partners that directly or indirectly prejudice or otherwise discourage commercial activity solely between the United States and Israel.

(ii) To discourage politically motivated actions to boycott, divest from, or sanction Israel and to seek the elimination of politically motivated nontariff barriers on Israeli goods, services, or other commerce imposed on the State of Israel.

(iii) To seek the elimination of state-sponsored unsanctioned foreign boycotts against Israel or compliance with the Arab League Boycott of Israel by prospective trading partners.

(B) DEFINITION.—In this paragraph, the term “actions to boycott, divest from, or sanction Israel” means actions by states, non-member states of the United Nations, international organizations, or affiliated agencies of international organizations that are politically motivated and are intended to penalize or otherwise limit commercial relations specifically with Israel or persons doing business in Israel or in Israeli-controlled territories.

(21) GOOD GOVERNANCE, TRANSPARENCY, THE EFFECTIVE OPERATION OF LEGAL REGIMES, AND THE RULE OF LAW OF TRADING PARTNERS.—The principal negotiating objectives of the United States with respect to ensuring implementation of trade commitments and obligations by strengthening good governance, transparency, the effective operation of legal regimes and the rule of law of trading partners of the United States is through capacity building and other appropriate means, which are important parts of the broader effort to create more open democratic societies and to promote respect for internationally recognized human rights.

President.

(c) CAPACITY BUILDING AND OTHER PRIORITIES.—In order to address and maintain United States competitiveness in the global economy, the President shall—

(1) direct the heads of relevant Federal agencies—

(A) to work to strengthen the capacity of United States trading partners to carry out obligations under trade agreements by consulting with any country seeking a trade agreement with the United States concerning that country’s laws relating to customs and trade facilitation, sanitary and phytosanitary measures, technical barriers to trade, intellectual property rights, labor, and the environment; and

(B) to provide technical assistance to that country if needed;

(2) seek to establish consultative mechanisms among parties to trade agreements to strengthen the capacity of United States trading partners to develop and implement standards for the protection of the environment and human health based on sound science;

(3) promote consideration of multilateral environmental agreements and consult with parties to such agreements regarding the consistency of any such agreement that includes trade measures with existing environmental exceptions under Article XX of GATT 1994; and

(4) submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate an annual report on capacity-building activities undertaken in connection with trade agreements negotiated or being negotiated pursuant to this title. Reports.

SEC. 103. TRADE AGREEMENTS AUTHORITY. 19 USC 4202.

(a) AGREEMENTS REGARDING TARIFF BARRIERS.—

(1) IN GENERAL.—Whenever the President determines that one or more existing duties or other import restrictions of any foreign country or the United States are unduly burdening and restricting the foreign trade of the United States and that the purposes, policies, priorities, and objectives of this title will be promoted thereby, the President— President. Determination.

(A) may enter into trade agreements with foreign countries before— Deadlines.

(i) July 1, 2018; or

(ii) July 1, 2021, if trade authorities procedures are extended under subsection (c); and

(B) may, subject to paragraphs (2) and (3), proclaim—

(i) such modification or continuance of any existing duty,

(ii) such continuance of existing duty free or excise treatment, or

(iii) such additional duties,

as the President determines to be required or appropriate to carry out any such trade agreement.

Substantial modifications to, or substantial additional provisions of, a trade agreement entered into after July 1, 2018, or July 1, 2021, if trade authorities procedures are extended under subsection (c), shall not be eligible for approval under this title.

(2) NOTIFICATION.—The President shall notify Congress of the President's intention to enter into an agreement under this subsection. President.

(3) LIMITATIONS.—No proclamation may be made under paragraph (1) that—

(A) reduces any rate of duty (other than a rate of duty that does not exceed 5 percent ad valorem on the date of the enactment of this Act) to a rate of duty which is less than 50 percent of the rate of such duty that applies on such date of enactment;

(B) reduces the rate of duty below that applicable under the Uruguay Round Agreements or a successor agreement, on any import sensitive agricultural product; or

(C) increases any rate of duty above the rate that applied on the date of the enactment of this Act.

(4) AGGREGATE REDUCTION; EXEMPTION FROM STAGING.—

(A) AGGREGATE REDUCTION.—Except as provided in subparagraph (B), the aggregate reduction in the rate of duty on any article which is in effect on any day pursuant to a trade agreement entered into under paragraph (1) shall not exceed the aggregate reduction which would have been in effect on such day if—

(i) a reduction of 3 percent ad valorem or a reduction of $\frac{1}{10}$ of the total reduction, whichever is greater,

had taken effect on the effective date of the first reduction proclaimed under paragraph (1) to carry out such agreement with respect to such article; and

(ii) a reduction equal to the amount applicable under clause (i) had taken effect at 1-year intervals after the effective date of such first reduction.

(B) EXEMPTION FROM STAGING.—No staging is required under subparagraph (A) with respect to a duty reduction that is proclaimed under paragraph (1) for an article of a kind that is not produced in the United States. The United States International Trade Commission shall advise the President of the identity of articles that may be exempted from staging under this subparagraph.

President.
Determination.

(5) ROUNDING.—If the President determines that such action will simplify the computation of reductions under paragraph (4), the President may round an annual reduction by an amount equal to the lesser of—

(A) the difference between the reduction without regard to this paragraph and the next lower whole number; or

(B) $\frac{1}{2}$ of 1 percent ad valorem.

(6) OTHER LIMITATIONS.—A rate of duty reduction that may not be proclaimed by reason of paragraph (3) may take effect only if a provision authorizing such reduction is included within an implementing bill provided for under section 106 and that bill is enacted into law.

(7) OTHER TARIFF MODIFICATIONS.—Notwithstanding paragraphs (1)(B), (3)(A), (3)(C), and (4) through (6), and subject to the consultation and layover requirements of section 115 of the Uruguay Round Agreements Act (19 U.S.C. 3524), the President may proclaim the modification of any duty or staged rate reduction of any duty set forth in Schedule XX, as defined in section 2(5) of that Act (19 U.S.C. 3501(5)), if the United States agrees to such modification or staged rate reduction in a negotiation for the reciprocal elimination or harmonization of duties under the auspices of the World Trade Organization.

(8) AUTHORITY UNDER URUGUAY ROUND AGREEMENTS ACT NOT AFFECTED.—Nothing in this subsection shall limit the authority provided to the President under section 111(b) of the Uruguay Round Agreements Act (19 U.S.C. 3521(b)).

(b) AGREEMENTS REGARDING TARIFF AND NONTARIFF BARRIERS.—

President.
Determination.

(1) IN GENERAL.—(A) Whenever the President determines that—

(i) 1 or more existing duties or any other import restriction of any foreign country or the United States or any other barrier to, or other distortion of, international trade unduly burdens or restricts the foreign trade of the United States or adversely affects the United States economy, or

(ii) the imposition of any such barrier or distortion is likely to result in such a burden, restriction, or effect, and that the purposes, policies, priorities, and objectives of this title will be promoted thereby, the President may enter into a trade agreement described in subparagraph (B) during the period described in subparagraph (C).

(B) The President may enter into a trade agreement under subparagraph (A) with foreign countries providing for—

(i) the reduction or elimination of a duty, restriction, barrier, or other distortion described in subparagraph (A); or

(ii) the prohibition of, or limitation on the imposition of, such barrier or other distortion.

(C) The President may enter into a trade agreement under this paragraph before—

(i) July 1, 2018; or

(ii) July 1, 2021, if trade authorities procedures are extended under subsection (c).

Substantial modifications to, or substantial additional provisions of, a trade agreement entered into after July 1, 2018, or July 1, 2021, if trade authorities procedures are extended under subsection (c), shall not be eligible for approval under this title.

(2) CONDITIONS.—A trade agreement may be entered into under this subsection only if such agreement makes progress in meeting the applicable objectives described in subsections (a) and (b) of section 102 and the President satisfies the conditions set forth in sections 104 and 105.

(3) BILLS QUALIFYING FOR TRADE AUTHORITIES PROCEDURES.—(A) The provisions of section 151 of the Trade Act of 1974 (in this title referred to as “trade authorities procedures”) apply to a bill of either House of Congress which contains provisions described in subparagraph (B) to the same extent as such section 151 applies to implementing bills under that section. A bill to which this paragraph applies shall hereafter in this title be referred to as an “implementing bill”.

(B) The provisions referred to in subparagraph (A) are—

(i) a provision approving a trade agreement entered into under this subsection and approving the statement of administrative action, if any, proposed to implement such trade agreement; and

(ii) if changes in existing laws or new statutory authority are required to implement such trade agreement or agreements, only such provisions as are strictly necessary or appropriate to implement such trade agreement or agreements, either repealing or amending existing laws or providing new statutory authority.

(c) EXTENSION DISAPPROVAL PROCESS FOR CONGRESSIONAL TRADE AUTHORITIES PROCEDURES.—

(1) IN GENERAL.—Except as provided in section 106(b)—

(A) the trade authorities procedures apply to implementing bills submitted with respect to trade agreements entered into under subsection (b) before July 1, 2018; and

(B) the trade authorities procedures shall be extended to implementing bills submitted with respect to trade agreements entered into under subsection (b) after June 30, 2018, and before July 1, 2021, if (and only if)—

(i) the President requests such extension under paragraph (2); and

(ii) neither House of Congress adopts an extension disapproval resolution under paragraph (5) before July 1, 2018.

(2) REPORT TO CONGRESS BY THE PRESIDENT.—If the President is of the opinion that the trade authorities procedures

Deadlines.

Applicability.

Applicability.

President.

should be extended to implementing bills described in paragraph (1)(B), the President shall submit to Congress, not later than April 1, 2018, a written report that contains a request for such extension, together with—

(A) a description of all trade agreements that have been negotiated under subsection (b) and the anticipated schedule for submitting such agreements to Congress for approval;

(B) a description of the progress that has been made in negotiations to achieve the purposes, policies, priorities, and objectives of this title, and a statement that such progress justifies the continuation of negotiations; and

(C) a statement of the reasons why the extension is needed to complete the negotiations.

(3) OTHER REPORTS TO CONGRESS.—

President.

(A) REPORT BY THE ADVISORY COMMITTEE.—The President shall promptly inform the Advisory Committee for Trade Policy and Negotiations established under section 135 of the Trade Act of 1974 (19 U.S.C. 2155) of the decision of the President to submit a report to Congress under paragraph (2). The Advisory Committee shall submit to Congress as soon as practicable, but not later than June 1, 2018, a written report that contains—

(i) its views regarding the progress that has been made in negotiations to achieve the purposes, policies, priorities, and objectives of this title; and

(ii) a statement of its views, and the reasons therefor, regarding whether the extension requested under paragraph (2) should be approved or disapproved.

President.

(B) REPORT BY INTERNATIONAL TRADE COMMISSION.—The President shall promptly inform the United States International Trade Commission of the decision of the President to submit a report to Congress under paragraph (2). The International Trade Commission shall submit to Congress as soon as practicable, but not later than June 1, 2018, a written report that contains a review and analysis of the economic impact on the United States of all trade agreements implemented between the date of the enactment of this Act and the date on which the President decides to seek an extension requested under paragraph (2).

(4) STATUS OF REPORTS.—The reports submitted to Congress under paragraphs (2) and (3), or any portion of such reports, may be classified to the extent the President determines appropriate.

Definition.

(5) EXTENSION DISAPPROVAL RESOLUTIONS.—(A) For purposes of paragraph (1), the term “extension disapproval resolution” means a resolution of either House of Congress, the sole matter after the resolving clause of which is as follows: “That the _____ disapproves the request of the President for the extension, under section 103(c)(1)(B)(i) of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015, of the trade authorities procedures under that Act to any implementing bill submitted with respect to any trade agreement entered into under section 103(b) of that Act after June 30,

2018.”, with the blank space being filled with the name of the resolving House of Congress.

(B) Extension disapproval resolutions—

(i) may be introduced in either House of Congress by any member of such House; and

(ii) shall be referred, in the House of Representatives, to the Committee on Ways and Means and, in addition, to the Committee on Rules.

(C) The provisions of subsections (d) and (e) of section 152 of the Trade Act of 1974 (19 U.S.C. 2192) (relating to the floor consideration of certain resolutions in the House and Senate) apply to extension disapproval resolutions. Applicability.

(D) It is not in order for—

(i) the House of Representatives to consider any extension disapproval resolution not reported by the Committee on Ways and Means and, in addition, by the Committee on Rules;

(ii) the Senate to consider any extension disapproval resolution not reported by the Committee on Finance; or

(iii) either House of Congress to consider an extension disapproval resolution after June 30, 2018.

(d) COMMENCEMENT OF NEGOTIATIONS.—In order to contribute to the continued economic expansion of the United States, the President shall commence negotiations covering tariff and nontariff barriers affecting any industry, product, or service sector, and expand existing sectoral agreements to countries that are not parties to those agreements, in cases where the President determines that such negotiations are feasible and timely and would benefit the United States. Such sectors include agriculture, commercial services, intellectual property rights, industrial and capital goods, government procurement, information technology products, environmental technology and services, medical equipment and services, civil aircraft, and infrastructure products. In so doing, the President shall take into account all of the negotiating objectives set forth in section 102. President.

SEC. 104. CONGRESSIONAL OVERSIGHT, CONSULTATIONS, AND ACCESS TO INFORMATION. 19 USC 4203.

(a) CONSULTATIONS WITH MEMBERS OF CONGRESS.—

(1) CONSULTATIONS DURING NEGOTIATIONS.—In the course of negotiations conducted under this title, the United States Trade Representative shall—

(A) meet upon request with any Member of Congress regarding negotiating objectives, the status of negotiations in progress, and the nature of any changes in the laws of the United States or the administration of those laws that may be recommended to Congress to carry out any trade agreement or any requirement of, amendment to, or recommendation under, that agreement;

(B) upon request of any Member of Congress, provide access to pertinent documents relating to the negotiations, including classified materials;

(C) consult closely and on a timely basis with, and keep fully apprised of the negotiations, the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate;

(D) consult closely and on a timely basis with, and keep fully apprised of the negotiations, the House Advisory Group on Negotiations and the Senate Advisory Group on Negotiations convened under subsection (c) and all committees of the House of Representatives and the Senate with jurisdiction over laws that could be affected by a trade agreement resulting from the negotiations; and

(E) with regard to any negotiations and agreement relating to agricultural trade, also consult closely and on a timely basis (including immediately before initialing an agreement) with, and keep fully apprised of the negotiations, the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(2) CONSULTATIONS PRIOR TO ENTRY INTO FORCE.—Prior to exchanging notes providing for the entry into force of a trade agreement, the United States Trade Representative shall consult closely and on a timely basis with Members of Congress and committees as specified in paragraph (1), and keep them fully apprised of the measures a trading partner has taken to comply with those provisions of the agreement that are to take effect on the date that the agreement enters into force.

(3) ENHANCED COORDINATION WITH CONGRESS.—

(A) WRITTEN GUIDELINES.—The United States Trade Representative, in consultation with the chairmen and the ranking members of the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, respectively—

(i) shall, not later than 120 days after the date of the enactment of this Act, develop written guidelines on enhanced coordination with Congress, including coordination with designated congressional advisers under subsection (b), regarding negotiations conducted under this title; and

(ii) may make such revisions to the guidelines as may be necessary from time to time.

(B) CONTENT OF GUIDELINES.—The guidelines developed under subparagraph (A) shall enhance coordination with Congress through procedures to ensure—

(i) timely briefings upon request of any Member of Congress regarding negotiating objectives, the status of negotiations in progress conducted under this title, and the nature of any changes in the laws of the United States or the administration of those laws that may be recommended to Congress to carry out any trade agreement or any requirement of, amendment to, or recommendation under, that agreement; and

(ii) the sharing of detailed and timely information with Members of Congress, and their staff with proper security clearances as appropriate, regarding those negotiations and pertinent documents related to those negotiations (including classified information), and with committee staff with proper security clearances as would be appropriate in the light of the responsibilities of that committee over the trade agreements programs affected by those negotiations.

Deadline.

(C) DISSEMINATION.—The United States Trade Representative shall disseminate the guidelines developed under subparagraph (A) to all Federal agencies that could have jurisdiction over laws affected by trade negotiations.

(b) DESIGNATED CONGRESSIONAL ADVISERS.—

(1) DESIGNATION.—

(A) HOUSE OF REPRESENTATIVES.—In each Congress, any Member of the House of Representatives may be designated as a congressional adviser on trade policy and negotiations by the Speaker of the House of Representatives, after consulting with the chairman and ranking member of the Committee on Ways and Means and the chairman and ranking member of the committee from which the Member will be selected.

(B) SENATE.—In each Congress, any Member of the Senate may be designated as a congressional adviser on trade policy and negotiations by the President pro tempore of the Senate, after consultation with the chairman and ranking member of the Committee on Finance and the chairman and ranking member of the committee from which the Member will be selected.

(2) CONSULTATIONS WITH DESIGNATED CONGRESSIONAL ADVISERS.—In the course of negotiations conducted under this title, the United States Trade Representative shall consult closely and on a timely basis (including immediately before initialing an agreement) with, and keep fully apprised of the negotiations, the congressional advisers for trade policy and negotiations designated under paragraph (1).

(3) ACCREDITATION.—Each Member of Congress designated as a congressional adviser under paragraph (1) shall be accredited by the United States Trade Representative on behalf of the President as an official adviser to the United States delegations to international conferences, meetings, and negotiating sessions relating to trade agreements.

(c) CONGRESSIONAL ADVISORY GROUPS ON NEGOTIATIONS.—

(1) IN GENERAL.—By not later than 60 days after the date of the enactment of this Act, and not later than 30 days after the convening of each Congress, the chairman of the Committee on Ways and Means of the House of Representatives shall convene the House Advisory Group on Negotiations and the chairman of the Committee on Finance of the Senate shall convene the Senate Advisory Group on Negotiations (in this subsection referred to collectively as the “congressional advisory groups”).

Deadlines.

(2) MEMBERS AND FUNCTIONS.—

(A) MEMBERSHIP OF THE HOUSE ADVISORY GROUP ON NEGOTIATIONS.—In each Congress, the House Advisory Group on Negotiations shall be comprised of the following Members of the House of Representatives:

(i) The chairman and ranking member of the Committee on Ways and Means, and 3 additional members of such Committee (not more than 2 of whom are members of the same political party).

(ii) The chairman and ranking member, or their designees, of the committees of the House of Representatives that would have, under the Rules of the House of Representatives, jurisdiction over provisions of law

affected by a trade agreement negotiation conducted at any time during that Congress and to which this title would apply.

(B) MEMBERSHIP OF THE SENATE ADVISORY GROUP ON NEGOTIATIONS.—In each Congress, the Senate Advisory Group on Negotiations shall be comprised of the following Members of the Senate:

(i) The chairman and ranking member of the Committee on Finance and 3 additional members of such Committee (not more than 2 of whom are members of the same political party).

(ii) The chairman and ranking member, or their designees, of the committees of the Senate that would have, under the Rules of the Senate, jurisdiction over provisions of law affected by a trade agreement negotiation conducted at any time during that Congress and to which this title would apply.

(C) ACCREDITATION.—Each member of the congressional advisory groups described in subparagraphs (A)(i) and (B)(i) shall be accredited by the United States Trade Representative on behalf of the President as an official adviser to the United States delegation in negotiations for any trade agreement to which this title applies. Each member of the congressional advisory groups described in subparagraphs (A)(ii) and (B)(ii) shall be accredited by the United States Trade Representative on behalf of the President as an official adviser to the United States delegation in the negotiations by reason of which the member is in one of the congressional advisory groups.

(D) CONSULTATION AND ADVICE.—The congressional advisory groups shall consult with and provide advice to the Trade Representative regarding the formulation of specific objectives, negotiating strategies and positions, the development of the applicable trade agreement, and compliance and enforcement of the negotiated commitments under the trade agreement.

(E) CHAIR.—The House Advisory Group on Negotiations shall be chaired by the Chairman of the Committee on Ways and Means of the House of Representatives and the Senate Advisory Group on Negotiations shall be chaired by the Chairman of the Committee on Finance of the Senate.

(F) COORDINATION WITH OTHER COMMITTEES.—Members of any committee represented on one of the congressional advisory groups may submit comments to the member of the appropriate congressional advisory group from that committee regarding any matter related to a negotiation for any trade agreement to which this title applies.

(3) GUIDELINES.—

(A) PURPOSE AND REVISION.—The United States Trade Representative, in consultation with the chairmen and the ranking members of the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, respectively—

(i) shall, not later than 120 days after the date of the enactment of this Act, develop written guidelines

Deadline.

to facilitate the useful and timely exchange of information between the Trade Representative and the congressional advisory groups; and

(ii) may make such revisions to the guidelines as may be necessary from time to time.

(B) CONTENT.—The guidelines developed under subparagraph (A) shall provide for, among other things—

(i) detailed briefings on a fixed timetable to be specified in the guidelines of the congressional advisory groups regarding negotiating objectives and positions and the status of the applicable negotiations, beginning as soon as practicable after the congressional advisory groups are convened, with more frequent briefings as trade negotiations enter the final stage;

(ii) access by members of the congressional advisory groups, and staff with proper security clearances, to pertinent documents relating to the negotiations, including classified materials;

(iii) the closest practicable coordination between the Trade Representative and the congressional advisory groups at all critical periods during the negotiations, including at negotiation sites;

(iv) after the applicable trade agreement is concluded, consultation regarding ongoing compliance and enforcement of negotiated commitments under the trade agreement; and

(v) the timeframe for submitting the report required under section 105(d)(3).

(4) REQUEST FOR MEETING.—Upon the request of a majority of either of the congressional advisory groups, the President shall meet with that congressional advisory group before initiating negotiations with respect to a trade agreement, or at any other time concerning the negotiations. President.

(d) CONSULTATIONS WITH THE PUBLIC.—

(1) GUIDELINES FOR PUBLIC ENGAGEMENT.—The United States Trade Representative, in consultation with the chairmen and the ranking members of the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, respectively—

(A) shall, not later than 120 days after the date of the enactment of this Act, develop written guidelines on public access to information regarding negotiations conducted under this title; and Deadline.

(B) may make such revisions to the guidelines as may be necessary from time to time.

(2) PURPOSES.—The guidelines developed under paragraph (1) shall—

(A) facilitate transparency;

(B) encourage public participation; and

(C) promote collaboration in the negotiation process.

(3) CONTENT.—The guidelines developed under paragraph (1) shall include procedures that—

(A) provide for rapid disclosure of information in forms that the public can readily find and use; and

(B) provide frequent opportunities for public input through Federal Register requests for comment and other means.

(4) DISSEMINATION.—The United States Trade Representative shall disseminate the guidelines developed under paragraph (1) to all Federal agencies that could have jurisdiction over laws affected by trade negotiations.

(e) CONSULTATIONS WITH ADVISORY COMMITTEES.—

(1) GUIDELINES FOR ENGAGEMENT WITH ADVISORY COMMITTEES.—The United States Trade Representative, in consultation with the chairmen and the ranking members of the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, respectively—

Deadline.

(A) shall, not later than 120 days after the date of the enactment of this Act, develop written guidelines on enhanced coordination with advisory committees established pursuant to section 135 of the Trade Act of 1974 (19 U.S.C. 2155) regarding negotiations conducted under this title; and

(B) may make such revisions to the guidelines as may be necessary from time to time.

(2) CONTENT.—The guidelines developed under paragraph (1) shall enhance coordination with advisory committees described in that paragraph through procedures to ensure—

(A) timely briefings of advisory committees and regular opportunities for advisory committees to provide input throughout the negotiation process on matters relevant to the sectors or functional areas represented by those committees; and

(B) the sharing of detailed and timely information with each member of an advisory committee regarding negotiations and pertinent documents related to the negotiation (including classified information) on matters relevant to the sectors or functional areas the member represents, and with a designee with proper security clearances of each such member as appropriate.

(3) DISSEMINATION.—The United States Trade Representative shall disseminate the guidelines developed under paragraph (1) to all Federal agencies that could have jurisdiction over laws affected by trade negotiations.

(f) ESTABLISHMENT OF POSITION OF CHIEF TRANSPARENCY OFFICER IN THE OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE.—Section 141(b) of the Trade Act of 1974 (19 U.S.C. 2171(b)) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

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

“(3) There shall be in the Office one Chief Transparency Officer. The Chief Transparency Officer shall consult with Congress on transparency policy, coordinate transparency in trade negotiations, engage and assist the public, and advise the United States Trade Representative on transparency policy.”.

President.
19 USC 4204.

SEC. 105. NOTICE, CONSULTATIONS, AND REPORTS.

(a) NOTICE, CONSULTATIONS, AND REPORTS BEFORE NEGOTIATION.—

(1) NOTICE.—The President, with respect to any agreement that is subject to the provisions of section 103(b), shall—

Time period.

(A) provide, at least 90 calendar days before initiating negotiations with a country, written notice to Congress of the President’s intention to enter into the negotiations

with that country and set forth in the notice the date on which the President intends to initiate those negotiations, the specific United States objectives for the negotiations with that country, and whether the President intends to seek an agreement, or changes to an existing agreement;

(B) before and after submission of the notice, consult regarding the negotiations with the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, such other committees of the House and Senate as the President deems appropriate, and the House Advisory Group on Negotiations and the Senate Advisory Group on Negotiations convened under section 104(c);

(C) upon the request of a majority of the members of either the House Advisory Group on Negotiations or the Senate Advisory Group on Negotiations convened under section 104(c), meet with the requesting congressional advisory group before initiating the negotiations or at any other time concerning the negotiations; and

(D) after consulting with the Committee on Ways and Means and the Committee on Finance, and at least 30 calendar days before initiating negotiations with a country, publish on a publicly available Internet website of the Office of the United States Trade Representative, and regularly update thereafter, a detailed and comprehensive summary of the specific objectives with respect to the negotiations, and a description of how the agreement, if successfully concluded, will further those objectives and benefit the United States.

Time period.
Web posting.

(2) NEGOTIATIONS REGARDING AGRICULTURE.—

(A) ASSESSMENT AND CONSULTATIONS FOLLOWING ASSESSMENT.—Before initiating or continuing negotiations the subject matter of which is directly related to the subject matter under section 102(b)(3)(B) with any country, the President shall—

(i) assess whether United States tariffs on agricultural products that were bound under the Uruguay Round Agreements are lower than the tariffs bound by that country;

(ii) consider whether the tariff levels bound and applied throughout the world with respect to imports from the United States are higher than United States tariffs and whether the negotiation provides an opportunity to address any such disparity; and

(iii) consult with the Committee on Ways and Means and the Committee on Agriculture of the House of Representatives and the Committee on Finance and the Committee on Agriculture, Nutrition, and Forestry of the Senate concerning the results of the assessment, whether it is appropriate for the United States to agree to further tariff reductions based on the conclusions reached in the assessment, and how all applicable negotiating objectives will be met.

(B) SPECIAL CONSULTATIONS ON IMPORT SENSITIVE PRODUCTS.—(i) Before initiating negotiations with regard to agriculture and, with respect to agreements described in paragraphs (2) and (3) of section 107(a), as soon as

practicable after the date of the enactment of this Act, the United States Trade Representative shall—

(I) identify those agricultural products subject to tariff rate quotas on the date of enactment of this Act, and agricultural products subject to tariff reductions by the United States as a result of the Uruguay Round Agreements, for which the rate of duty was reduced on January 1, 1995, to a rate which was not less than 97.5 percent of the rate of duty that applied to such article on December 31, 1994;

(II) consult with the Committee on Ways and Means and the Committee on Agriculture of the House of Representatives and the Committee on Finance and the Committee on Agriculture, Nutrition, and Forestry of the Senate concerning—

(aa) whether any further tariff reductions on the products identified under subclause (I) should be appropriate, taking into account the impact of any such tariff reduction on the United States industry producing the product concerned;

(bb) whether the products so identified face unjustified sanitary or phytosanitary restrictions, including those not based on scientific principles in contravention of the Uruguay Round Agreements; and

(cc) whether the countries participating in the negotiations maintain export subsidies or other programs, policies, or practices that distort world trade in such products and the impact of such programs, policies, and practices on United States producers of the products;

Assessment.

(III) request that the International Trade Commission prepare an assessment of the probable economic effects of any such tariff reduction on the United States industry producing the product concerned and on the United States economy as a whole; and

(IV) upon complying with subclauses (I), (II), and (III), notify the Committee on Ways and Means and the Committee on Agriculture of the House of Representatives and the Committee on Finance and the Committee on Agriculture, Nutrition, and Forestry of the Senate of those products identified under subclause (I) for which the Trade Representative intends to seek tariff liberalization in the negotiations and the reasons for seeking such tariff liberalization.

(ii) If, after negotiations described in clause (i) are commenced—

(I) the United States Trade Representative identifies any additional agricultural product described in clause (i)(I) for tariff reductions which were not the subject of a notification under clause (i)(IV), or

(II) any additional agricultural product described in clause (i)(I) is the subject of a request for tariff reductions by a party to the negotiations, the Trade Representative shall, as soon as practicable, notify the committees referred to in clause (i)(IV) of those products and the reasons for seeking such tariff reductions.

(3) NEGOTIATIONS REGARDING THE FISHING INDUSTRY.—Before initiating, or continuing, negotiations that directly relate to fish or shellfish trade with any country, the President shall consult with the Committee on Ways and Means and the Committee on Natural Resources of the House of Representatives, and the Committee on Finance and the Committee on Commerce, Science, and Transportation of the Senate, and shall keep the Committees apprised of the negotiations on an ongoing and timely basis.

(4) NEGOTIATIONS REGARDING TEXTILES.—Before initiating or continuing negotiations the subject matter of which is directly related to textiles and apparel products with any country, the President shall—

(A) assess whether United States tariffs on textile and apparel products that were bound under the Uruguay Round Agreements are lower than the tariffs bound by that country and whether the negotiation provides an opportunity to address any such disparity; and

(B) consult with the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate concerning the results of the assessment, whether it is appropriate for the United States to agree to further tariff reductions based on the conclusions reached in the assessment, and how all applicable negotiating objectives will be met.

(5) ADHERENCE TO EXISTING INTERNATIONAL TRADE AND INVESTMENT AGREEMENT OBLIGATIONS.—In determining whether to enter into negotiations with a particular country, the President shall take into account the extent to which that country has implemented, or has accelerated the implementation of, its international trade and investment commitments to the United States, including pursuant to the WTO Agreement.

(b) CONSULTATION WITH CONGRESS BEFORE ENTRY INTO AGREEMENT.—

(1) CONSULTATION.—Before entering into any trade agreement under section 103(b), the President shall consult with—

(A) the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate;

(B) each other committee of the House and the Senate, and each joint committee of Congress, which has jurisdiction over legislation involving subject matters which would be affected by the trade agreement; and

(C) the House Advisory Group on Negotiations and the Senate Advisory Group on Negotiations convened under section 104(c).

(2) SCOPE.—The consultation described in paragraph (1) shall include consultation with respect to—

(A) the nature of the agreement;

(B) how and to what extent the agreement will achieve the applicable purposes, policies, priorities, and objectives of this title; and

(C) the implementation of the agreement under section 106, including the general effect of the agreement on existing laws.

- (3) REPORT REGARDING UNITED STATES TRADE REMEDY LAWS.—
- Time period. (A) CHANGES IN CERTAIN TRADE LAWS.—The President, not less than 180 calendar days before the day on which the President enters into a trade agreement under section 103(b), shall report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate—
- (i) the range of proposals advanced in the negotiations with respect to that agreement, that may be in the final agreement, and that could require amendments to title VII of the Tariff Act of 1930 (19 U.S.C. 1671 et seq.) or to chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.); and
- (ii) how these proposals relate to the objectives described in section 102(b)(16).
- Applicability. (B) RESOLUTIONS.—(i) At any time after the transmission of the report under subparagraph (A), if a resolution is introduced with respect to that report in either House of Congress, the procedures set forth in clauses (iii) through (vii) shall apply to that resolution if—
- (I) no other resolution with respect to that report has previously been reported in that House of Congress by the Committee on Ways and Means or the Committee on Finance, as the case may be, pursuant to those procedures; and
- (II) no procedural disapproval resolution under section 106(b) introduced with respect to a trade agreement entered into pursuant to the negotiations to which the report under subparagraph (A) relates has previously been reported in that House of Congress by the Committee on Ways and Means or the Committee on Finance, as the case may be.
- Definition. (ii) For purposes of this subparagraph, the term “resolution” means only a resolution of either House of Congress, the matter after the resolving clause of which is as follows: “That the _____ finds that the proposed changes to United States trade remedy laws contained in the report of the President transmitted to Congress on _____ under section 105(b)(3) of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015 with respect to _____, are inconsistent with the negotiating objectives described in section 102(b)(16) of that Act.”, with the first blank space being filled with the name of the resolving House of Congress, the second blank space being filled with the appropriate date of the report, and the third blank space being filled with the name of the country or countries involved.
- (iii) Resolutions in the House of Representatives—
- (I) may be introduced by any Member of the House;
- (II) shall be referred to the Committee on Ways and Means and, in addition, to the Committee on Rules; and
- (III) may not be amended by either Committee.
- (iv) Resolutions in the Senate—
- (I) may be introduced by any Member of the Senate;

(II) shall be referred to the Committee on Finance;
and

(III) may not be amended.

(v) It is not in order for the House of Representatives to consider any resolution that is not reported by the Committee on Ways and Means and, in addition, by the Committee on Rules.

(vi) It is not in order for the Senate to consider any resolution that is not reported by the Committee on Finance.

(vii) The provisions of subsections (d) and (e) of section 152 of the Trade Act of 1974 (19 U.S.C. 2192) (relating to floor consideration of certain resolutions in the House and Senate) shall apply to resolutions.

Applicability.

(4) ADVISORY COMMITTEE REPORTS.—The report required under section 135(e)(1) of the Trade Act of 1974 (19 U.S.C. 2155(e)(1)) regarding any trade agreement entered into under subsection (a) or (b) of section 103 shall be provided to the President, Congress, and the United States Trade Representative not later than 30 days after the date on which the President notifies Congress under section 103(a)(2) or 106(a)(1)(A) of the intention of the President to enter into the agreement.

(c) INTERNATIONAL TRADE COMMISSION ASSESSMENT.—

(1) SUBMISSION OF INFORMATION TO COMMISSION.—The President, not later than 90 calendar days before the day on which the President enters into a trade agreement under section 103(b), shall provide the International Trade Commission (referred to in this subsection as the “Commission”) with the details of the agreement as it exists at that time and request the Commission to prepare and submit an assessment of the agreement as described in paragraph (2). Between the time the President makes the request under this paragraph and the time the Commission submits the assessment, the President shall keep the Commission current with respect to the details of the agreement.

Deadline.

(2) ASSESSMENT.—Not later than 105 calendar days after the President enters into a trade agreement under section 103(b), the Commission shall submit to the President and Congress a report assessing the likely impact of the agreement on the United States economy as a whole and on specific industry sectors, including the impact the agreement will have on the gross domestic product, exports and imports, aggregate employment and employment opportunities, the production, employment, and competitive position of industries likely to be significantly affected by the agreement, and the interests of United States consumers.

Deadline.

(3) REVIEW OF EMPIRICAL LITERATURE.—In preparing the assessment under paragraph (2), the Commission shall review available economic assessments regarding the agreement, including literature regarding any substantially equivalent proposed agreement, and shall provide in its assessment a description of the analyses used and conclusions drawn in such literature, and a discussion of areas of consensus and divergence between the various analyses and conclusions, including those of the Commission regarding the agreement.

(4) PUBLIC AVAILABILITY.—The President shall make each assessment under paragraph (2) available to the public.

(d) REPORTS SUBMITTED TO COMMITTEES WITH AGREEMENT.—
 (1) ENVIRONMENTAL REVIEWS AND REPORTS.—The President shall—

(A) conduct environmental reviews of future trade and investment agreements, consistent with Executive Order No. 13141 (64 Fed. Reg. 63169), dated November 16, 1999, and its relevant guidelines; and

Records.

(B) submit a report on those reviews and on the content and operation of consultative mechanisms established pursuant to section 102(c) to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate at the time the President submits to Congress a copy of the final legal text of an agreement pursuant to section 106(a)(1)(E).

(2) EMPLOYMENT IMPACT REVIEWS AND REPORTS.—The President shall—

(A) review the impact of future trade agreements on United States employment, including labor markets, modeled after Executive Order No. 13141 (64 Fed. Reg. 63169) to the extent appropriate in establishing procedures and criteria; and

(B) submit a report on such reviews to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate at the time the President submits to Congress a copy of the final legal text of an agreement pursuant to section 106(a)(1)(E).

(3) REPORT ON LABOR RIGHTS.—The President shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, on a timeframe determined in accordance with section 104(c)(3)(B)(v)—

(A) a meaningful labor rights report of the country, or countries, with respect to which the President is negotiating; and

(B) a description of any provisions that would require changes to the labor laws and labor practices of the United States.

(4) PUBLIC AVAILABILITY.—The President shall make all reports required under this subsection available to the public.

(e) IMPLEMENTATION AND ENFORCEMENT PLAN.—

(1) IN GENERAL.—At the time the President submits to Congress a copy of the final legal text of an agreement pursuant to section 106(a)(1)(E), the President shall also submit to Congress a plan for implementing and enforcing the agreement.

(2) ELEMENTS.—The implementation and enforcement plan required by paragraph (1) shall include the following:

(A) BORDER PERSONNEL REQUIREMENTS.—A description of additional personnel required at border entry points, including a list of additional customs and agricultural inspectors.

(B) AGENCY STAFFING REQUIREMENTS.—A description of additional personnel required by Federal agencies responsible for monitoring and implementing the trade agreement, including personnel required by the Office of the United States Trade Representative, the Department of Commerce, the Department of Agriculture (including additional personnel required to implement sanitary and

phytosanitary measures in order to obtain market access for United States exports), the Department of Homeland Security, the Department of the Treasury, and such other agencies as may be necessary.

(C) CUSTOMS INFRASTRUCTURE REQUIREMENTS.—A description of the additional equipment and facilities needed by U.S. Customs and Border Protection.

(D) IMPACT ON STATE AND LOCAL GOVERNMENTS.—A description of the impact the trade agreement will have on State and local governments as a result of increases in trade.

(E) COST ANALYSIS.—An analysis of the costs associated with each of the items listed in subparagraphs (A) through (D).

(3) BUDGET SUBMISSION.—The President shall include a request for the resources necessary to support the plan required by paragraph (1) in the first budget of the President submitted to Congress under section 1105(a) of title 31, United States Code, after the date of the submission of the plan.

(4) PUBLIC AVAILABILITY.—The President shall make the plan required under this subsection available to the public.

(f) OTHER REPORTS.—

(1) REPORT ON PENALTIES.—Not later than one year after the imposition by the United States of a penalty or remedy permitted by a trade agreement to which this title applies, the President shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on the effectiveness of the penalty or remedy applied under United States law in enforcing United States rights under the trade agreement, which shall address whether the penalty or remedy was effective in changing the behavior of the targeted party and whether the penalty or remedy had any adverse impact on parties or interests not party to the dispute.

Applicability.

(2) REPORT ON IMPACT OF TRADE PROMOTION AUTHORITY.—Not later than one year after the date of the enactment of this Act, and not later than 5 years thereafter, the United States International Trade Commission shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on the economic impact on the United States of all trade agreements with respect to which Congress has enacted an implementing bill under trade authorities procedures since January 1, 1984.

(3) ENFORCEMENT CONSULTATIONS AND REPORTS.—(A) The United States Trade Representative shall consult with the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate after acceptance of a petition for review or taking an enforcement action in regard to an obligation under a trade agreement, including a labor or environmental obligation. During such consultations, the United States Trade Representative shall describe the matter, including the basis for such action and the application of any relevant legal obligations.

(B) As part of the report required pursuant to section 163 of the Trade Act of 1974 (19 U.S.C. 2213), the President shall report annually to Congress on enforcement actions taken pursuant to a trade agreement to which the United States

is a party, as well as on any public reports issued by Federal agencies on enforcement matters relating to a trade agreement.

(g) **ADDITIONAL COORDINATION WITH MEMBERS.**—Any Member of the House of Representatives may submit to the Committee on Ways and Means of the House of Representatives and any Member of the Senate may submit to the Committee on Finance of the Senate the views of that Member on any matter relevant to a proposed trade agreement, and the relevant Committee shall receive those views for consideration.

19 USC 4205.

SEC. 106. IMPLEMENTATION OF TRADE AGREEMENTS.(a) **IN GENERAL.**—President.
Deadlines.

(1) **NOTIFICATION AND SUBMISSION.**—Any agreement entered into under section 103(b) shall enter into force with respect to the United States if (and only if)—

Federal Register,
publication.

(A) the President, at least 90 calendar days before the day on which the President enters into the trade agreement, notifies the House of Representatives and the Senate of the President’s intention to enter into the agreement, and promptly thereafter publishes notice of such intention in the Federal Register;

(B) the President, at least 60 days before the day on which the President enters into the agreement, publishes the text of the agreement on a publicly available Internet website of the Office of the United States Trade Representative;

(C) within 60 days after entering into the agreement, the President submits to Congress a description of those changes to existing laws that the President considers would be required in order to bring the United States into compliance with the agreement;

(D) the President, at least 30 days before submitting to Congress the materials under subparagraph (E), submits to Congress—

Draft.

(i) a draft statement of any administrative action proposed to implement the agreement; and

Records.
Records.

(ii) a copy of the final legal text of the agreement;

(E) after entering into the agreement, the President submits to Congress, on a day on which both Houses of Congress are in session, a copy of the final legal text of the agreement, together with—

Draft.

(i) a draft of an implementing bill described in section 103(b)(3);

(ii) a statement of any administrative action proposed to implement the trade agreement; and

(iii) the supporting information described in paragraph (2)(A);

Notification.

(F) the implementing bill is enacted into law; and

(G) the President, not later than 30 days before the date on which the agreement enters into force with respect to a party to the agreement, submits written notice to Congress that the President has determined that the party has taken measures necessary to comply with those provisions of the agreement that are to take effect on the date on which the agreement enters into force.

(2) **SUPPORTING INFORMATION.**—

(A) IN GENERAL.—The supporting information required under paragraph (1)(E)(iii) consists of—

(i) an explanation as to how the implementing bill and proposed administrative action will change or affect existing law; and

(ii) a statement—

(I) asserting that the agreement makes progress in achieving the applicable purposes, policies, priorities, and objectives of this title; and

(II) setting forth the reasons of the President regarding—

(aa) how and to what extent the agreement makes progress in achieving the applicable purposes, policies, and objectives referred to in subclause (I);

(bb) whether and how the agreement changes provisions of an agreement previously negotiated;

(cc) how the agreement serves the interests of United States commerce; and

(dd) how the implementing bill meets the standards set forth in section 103(b)(3).

(B) PUBLIC AVAILABILITY.—The President shall make the supporting information described in subparagraph (A) available to the public.

President.

(3) RECIPROCAL BENEFITS.—In order to ensure that a foreign country that is not a party to a trade agreement entered into under section 103(b) does not receive benefits under the agreement unless the country is also subject to the obligations under the agreement, the implementing bill submitted with respect to the agreement shall provide that the benefits and obligations under the agreement apply only to the parties to the agreement, if such application is consistent with the terms of the agreement. The implementing bill may also provide that the benefits and obligations under the agreement do not apply uniformly to all parties to the agreement, if such application is consistent with the terms of the agreement.

(4) DISCLOSURE OF COMMITMENTS.—Any agreement or other understanding with a foreign government or governments (whether oral or in writing) that—

(A) relates to a trade agreement with respect to which Congress enacts an implementing bill under trade authorities procedures; and

(B) is not disclosed to Congress before an implementing bill with respect to that agreement is introduced in either House of Congress,

shall not be considered to be part of the agreement approved by Congress and shall have no force and effect under United States law or in any dispute settlement body.

(b) LIMITATIONS ON TRADE AUTHORITIES PROCEDURES.—

(1) FOR LACK OF NOTICE OR CONSULTATIONS.—

(A) IN GENERAL.—The trade authorities procedures shall not apply to any implementing bill submitted with respect to a trade agreement or trade agreements entered into under section 103(b) if during the 60-day period beginning on the date that one House of Congress agrees to a procedural disapproval resolution for lack of notice or

Time period.

consultations with respect to such trade agreement or agreements, the other House separately agrees to a procedural disapproval resolution with respect to such trade agreement or agreements.

Definition.

(B) PROCEDURAL DISAPPROVAL RESOLUTION.—(i) For purposes of this paragraph, the term “procedural disapproval resolution” means a resolution of either House of Congress, the sole matter after the resolving clause of which is as follows: “That the President has failed or refused to notify or consult in accordance with the Bipartisan Congressional Trade Priorities and Accountability Act of 2015 on negotiations with respect to _____ and, therefore, the trade authorities procedures under that Act shall not apply to any implementing bill submitted with respect to such trade agreement or agreements.”, with the blank space being filled with a description of the trade agreement or agreements with respect to which the President is considered to have failed or refused to notify or consult.

(ii) For purposes of clause (i) and paragraphs (3)(C) and (4)(C), the President has “failed or refused to notify or consult in accordance with the Bipartisan Congressional Trade Priorities and Accountability Act of 2015” on negotiations with respect to a trade agreement or trade agreements if—

(I) the President has failed or refused to consult (as the case may be) in accordance with sections 104 and 105 and this section with respect to the negotiations, agreement, or agreements;

(II) guidelines under section 104 have not been developed or met with respect to the negotiations, agreement, or agreements;

(III) the President has not met with the House Advisory Group on Negotiations or the Senate Advisory Group on Negotiations pursuant to a request made under section 104(c)(4) with respect to the negotiations, agreement, or agreements; or

(IV) the agreement or agreements fail to make progress in achieving the purposes, policies, priorities, and objectives of this title.

(2) PROCEDURES FOR CONSIDERING RESOLUTIONS.—(A) Procedural disapproval resolutions—

(i) in the House of Representatives—

(I) may be introduced by any Member of the House;

(II) shall be referred to the Committee on Ways and Means and, in addition, to the Committee on Rules; and

(III) may not be amended by either Committee; and

(ii) in the Senate—

(I) may be introduced by any Member of the Senate;

(II) shall be referred to the Committee on Finance; and

(III) may not be amended.

(B) The provisions of subsections (d) and (e) of section 152 of the Trade Act of 1974 (19 U.S.C. 2192) (relating to

the floor consideration of certain resolutions in the House and Senate) apply to a procedural disapproval resolution introduced with respect to a trade agreement if no other procedural disapproval resolution with respect to that trade agreement has previously been reported in that House of Congress by the Committee on Ways and Means or the Committee on Finance, as the case may be, and if no resolution described in clause (ii) of section 105(b)(3)(B) with respect to that trade agreement has been reported in that House of Congress by the Committee on Ways and Means or the Committee on Finance, as the case may be, pursuant to the procedures set forth in clauses (iii) through (vii) of such section.

(C) It is not in order for the House of Representatives to consider any procedural disapproval resolution not reported by the Committee on Ways and Means and, in addition, by the Committee on Rules.

(D) It is not in order for the Senate to consider any procedural disapproval resolution not reported by the Committee on Finance.

(3) CONSIDERATION IN SENATE OF CONSULTATION AND COMPLIANCE RESOLUTION TO REMOVE TRADE AUTHORITIES PROCEDURES.—

(A) REPORTING OF RESOLUTION.—If, when the Committee on Finance of the Senate meets on whether to report an implementing bill with respect to a trade agreement or agreements entered into under section 103(b), the committee fails to favorably report the bill, the committee shall report a resolution described in subparagraph (C).

(B) APPLICABILITY OF TRADE AUTHORITIES PROCEDURES.—The trade authorities procedures shall not apply in the Senate to any implementing bill submitted with respect to a trade agreement or agreements described in subparagraph (A) if the Committee on Finance reports a resolution described in subparagraph (C) and such resolution is agreed to by the Senate.

(C) RESOLUTION DESCRIBED.—A resolution described in this subparagraph is a resolution of the Senate originating from the Committee on Finance the sole matter after the resolving clause of which is as follows: “That the President has failed or refused to notify or consult in accordance with the Bipartisan Congressional Trade Priorities and Accountability Act of 2015 on negotiations with respect to _____ and, therefore, the trade authorities procedures under that Act shall not apply in the Senate to any implementing bill submitted with respect to such trade agreement or agreements.”, with the blank space being filled with a description of the trade agreement or agreements described in subparagraph (A).

(D) PROCEDURES.—If the Senate does not agree to a motion to invoke cloture on the motion to proceed to a resolution described in subparagraph (C), the resolution shall be committed to the Committee on Finance.

(4) CONSIDERATION IN THE HOUSE OF REPRESENTATIVES OF A CONSULTATION AND COMPLIANCE RESOLUTION.—

(A) QUALIFICATIONS FOR REPORTING RESOLUTION.—If—

(i) the Committee on Ways and Means of the House of Representatives reports an implementing bill with respect to a trade agreement or agreements entered into under section 103(b) with other than a favorable recommendation; and

(ii) a Member of the House of Representatives has introduced a consultation and compliance resolution on the legislative day following the filing of a report to accompany the implementing bill with other than a favorable recommendation,

then the Committee on Ways and Means shall consider a consultation and compliance resolution pursuant to subparagraph (B).

Deadline.

(B) COMMITTEE CONSIDERATION OF A QUALIFYING RESOLUTION.—(i) Not later than the fourth legislative day after the date of introduction of the resolution, the Committee on Ways and Means shall meet to consider a resolution meeting the qualifications set forth in subparagraph (A).

(ii) After consideration of one such resolution by the Committee on Ways and Means, this subparagraph shall not apply to any other such resolution.

(iii) If the Committee on Ways and Means has not reported the resolution by the sixth legislative day after the date of its introduction, that committee shall be discharged from further consideration of the resolution.

(C) CONSULTATION AND COMPLIANCE RESOLUTION DESCRIBED.—A consultation and compliance resolution—

(i) is a resolution of the House of Representatives, the sole matter after the resolving clause of which is as follows: “That the President has failed or refused to notify or consult in accordance with the Bipartisan Congressional Trade Priorities and Accountability Act of 2015 on negotiations with respect to _____ and, therefore, the trade authorities procedures under that Act shall not apply in the House of Representatives to any implementing bill submitted with respect to such trade agreement or agreements.”, with the blank space being filled with a description of the trade agreement or agreements described in subparagraph (A); and

(ii) shall be referred to the Committee on Ways and Means.

(D) APPLICABILITY OF TRADE AUTHORITIES PROCEDURES.—The trade authorities procedures shall not apply in the House of Representatives to any implementing bill submitted with respect to a trade agreement or agreements which are the object of a consultation and compliance resolution if such resolution is adopted by the House.

Deadline.
Consultation.
Reports.

(5) FOR FAILURE TO MEET OTHER REQUIREMENTS.—Not later than December 15, 2015, the Secretary of Commerce, in consultation with the Secretary of State, the Secretary of the Treasury, the Attorney General, and the United States Trade Representative, shall transmit to Congress a report setting forth the strategy of the executive branch to address concerns of Congress regarding whether dispute settlement panels and the Appellate Body of the World Trade Organization have added to obligations, or diminished rights, of the United States, as

described in section 102(b)(15)(C). Trade authorities procedures shall not apply to any implementing bill with respect to an agreement negotiated under the auspices of the World Trade Organization unless the Secretary of Commerce has issued such report by the deadline specified in this paragraph.

(6) LIMITATIONS ON PROCEDURES WITH RESPECT TO AGREEMENTS WITH COUNTRIES NOT IN COMPLIANCE WITH TRAFFICKING VICTIMS PROTECTION ACT OF 2000.—

(A) IN GENERAL.—The trade authorities procedures shall not apply to any implementing bill submitted with respect to a trade agreement or trade agreements entered into under section 103(b) with a country to which the minimum standards for the elimination of trafficking are applicable and the government of which does not fully comply with such standards and is not making significant efforts to bring the country into compliance (commonly referred to as a “tier 3” country), as determined in the most recent annual report on trafficking in persons submitted under section 110(b)(1) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b)(1)).

(B) MINIMUM STANDARDS FOR THE ELIMINATION OF TRAFFICKING DEFINED.—In this paragraph, the term “minimum standards for the elimination of trafficking” means the standards set forth in section 108 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7106).

(c) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—Subsection (b) of this section, section 103(c), and section 105(b)(3) are enacted by Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such are deemed a part of the rules of each House, respectively, and such procedures supersede other rules only to the extent that they are inconsistent with such other rules; and

(2) with the full recognition of the constitutional right of either House to change the rules (so far as relating to the procedures of that House) at any time, in the same manner, and to the same extent as any other rule of that House.

SEC. 107. TREATMENT OF CERTAIN TRADE AGREEMENTS FOR WHICH NEGOTIATIONS HAVE ALREADY BEGUN. 19 USC 4206.

(a) CERTAIN AGREEMENTS.—Notwithstanding the prenegotiation notification and consultation requirement described in section 105(a), if an agreement to which section 103(b) applies— Applicability.

(1) is entered into under the auspices of the World Trade Organization,

(2) is entered into with the Trans-Pacific Partnership countries with respect to which notifications have been made in a manner consistent with section 105(a)(1)(A) as of the date of the enactment of this Act,

(3) is entered into with the European Union,

(4) is an agreement with respect to international trade in services entered into with WTO members with respect to which a notification has been made in a manner consistent with section 105(a)(1)(A) as of the date of the enactment of this Act, or

(5) is an agreement with respect to environmental goods entered into with WTO members with respect to which a

notification has been made in a manner consistent with section 105(a)(1)(A) as of the date of the enactment of this Act, and results from negotiations that were commenced before the date of the enactment of this Act, subsection (b) shall apply.

President.

(b) TREATMENT OF AGREEMENTS.—In the case of any agreement to which subsection (a) applies, the applicability of the trade authorities procedures to implementing bills shall be determined without regard to the requirements of section 105(a) (relating only to notice prior to initiating negotiations), and any resolution under paragraph (1)(B), (3)(C), or (4)(C) of section 106(b) shall not be in order on the basis of a failure or refusal to comply with the provisions of section 105(a), if (and only if) the President, as soon as feasible after the date of the enactment of this Act—

Notification.

(1) notifies Congress of the negotiations described in subsection (a), the specific United States objectives in the negotiations, and whether the President is seeking a new agreement or changes to an existing agreement; and

Consultation.

(2) before and after submission of the notice, consults regarding the negotiations with the committees referred to in section 105(a)(1)(B) and the House and Senate Advisory Groups on Negotiations convened under section 104(c).

19 USC 4207.

SEC. 108. SOVEREIGNTY.

(a) UNITED STATES LAW TO PREVAIL IN EVENT OF CONFLICT.—No provision of any trade agreement entered into under section 103(b), nor the application of any such provision to any person or circumstance, that is inconsistent with any law of the United States, any State of the United States, or any locality of the United States shall have effect.

(b) AMENDMENTS OR MODIFICATIONS OF UNITED STATES LAW.—No provision of any trade agreement entered into under section 103(b) shall prevent the United States, any State of the United States, or any locality of the United States from amending or modifying any law of the United States, that State, or that locality (as the case may be).

(c) DISPUTE SETTLEMENT REPORTS.—Reports, including findings and recommendations, issued by dispute settlement panels convened pursuant to any trade agreement entered into under section 103(b) shall have no binding effect on the law of the United States, the Government of the United States, or the law or government of any State or locality of the United States.

19 USC 4208.

SEC. 109. INTERESTS OF SMALL BUSINESSES.

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

(1) the United States Trade Representative should facilitate participation by small businesses in the trade negotiation process; and

(2) the functions of the Office of the United States Trade Representative relating to small businesses should continue to be reflected in the title of the Assistant United States Trade Representative assigned the responsibility for small businesses.

(b) CONSIDERATION OF SMALL BUSINESS INTERESTS.—The Assistant United States Trade Representative for Small Business, Market Access, and Industrial Competitiveness shall be responsible for ensuring that the interests of small businesses are considered in all trade negotiations in accordance with the objective described in section 102(a)(8).

SEC. 110. CONFORMING AMENDMENTS; APPLICATION OF CERTAIN PROVISIONS.**(a) CONFORMING AMENDMENTS.—**

(1) **ADVICE FROM UNITED STATES INTERNATIONAL TRADE COMMISSION.**—Section 131 of the Trade Act of 1974 (19 U.S.C. 2151) is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking “section 2103(a) or (b) of the Bipartisan Trade Promotion Authority Act of 2002” and inserting “subsection (a) or (b) of section 103 of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015”; and

(ii) in paragraph (2), by striking “section 2103(b) of the Bipartisan Trade Promotion Authority Act of 2002” and inserting “section 103(b) of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015”;

(B) in subsection (b), by striking “section 2103(a)(3)(A) of the Bipartisan Trade Promotion Authority Act of 2002” and inserting “section 103(a)(4)(A) of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015”; and

(C) in subsection (c), by striking “section 2103 of the Bipartisan Trade Promotion Authority Act of 2002” and inserting “section 103(a) of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015”.

(2) **HEARINGS.**—Section 132 of the Trade Act of 1974 (19 U.S.C. 2152) is amended by striking “section 2103 of the Bipartisan Trade Promotion Authority Act of 2002” and inserting “section 103 of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015”.

(3) **PUBLIC HEARINGS.**—Section 133(a) of the Trade Act of 1974 (19 U.S.C. 2153(a)) is amended by striking “section 2103 of the Bipartisan Trade Promotion Authority Act of 2002” and inserting “section 103 of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015”.

(4) **PREREQUISITES FOR OFFERS.**—Section 134 of the Trade Act of 1974 (19 U.S.C. 2154) is amended by striking “section 2103 of the Bipartisan Trade Promotion Authority Act of 2002” each place it appears and inserting “section 103 of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015”.

(5) **INFORMATION AND ADVICE FROM PRIVATE AND PUBLIC SECTORS.**—Section 135 of the Trade Act of 1974 (19 U.S.C. 2155) is amended—

(A) in subsection (a)(1)(A), by striking “section 2103 of the Bipartisan Trade Promotion Authority Act of 2002” and inserting “section 103 of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015”; and

(B) in subsection (e)—

(i) in paragraph (1)—

(I) by striking “section 2103 of the Bipartisan Trade Promotion Authority Act of 2002” each place it appears and inserting “section 103 of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015”; and

Deadline.
Notification.

(II) by striking “not later than the date on which the President notifies the Congress under section 2105(a)(1)(A) of the Bipartisan Trade Promotion Authority Act of 2002” and inserting “not later than the date that is 30 days after the date on which the President notifies Congress under section 106(a)(1)(A) of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015”; and

(ii) in paragraph (2), by striking “section 2102 of the Bipartisan Trade Promotion Authority Act of 2002” and inserting “section 102 of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015”.

(6) PROCEDURES RELATING TO IMPLEMENTING BILLS.—Section 151 of the Trade Act of 1974 (19 U.S.C. 2191) is amended—

(A) in subsection (b)(1), in the matter preceding subparagraph (A), by striking “section 2105(a)(1) of the Bipartisan Trade Promotion Authority Act of 2002” and inserting “section 106(a)(1) of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015”; and

(B) in subsection (c)(1), by striking “section 2105(a)(1) of the Bipartisan Trade Promotion Authority Act of 2002” and inserting “section 106(a)(1) of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015”.

(7) TRANSMISSION OF AGREEMENTS TO CONGRESS.—Section 162(a) of the Trade Act of 1974 (19 U.S.C. 2212(a)) is amended by striking “section 2103 of the Bipartisan Trade Promotion Authority Act of 2002” and inserting “section 103 of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015”.

19 USC 4209.

(b) APPLICATION OF CERTAIN PROVISIONS.—For purposes of applying sections 125, 126, and 127 of the Trade Act of 1974 (19 U.S.C. 2135, 2136, and 2137)—

(1) any trade agreement entered into under section 103 shall be treated as an agreement entered into under section 101 or 102 of the Trade Act of 1974 (19 U.S.C. 2111 or 2112), as appropriate; and

(2) any proclamation or Executive order issued pursuant to a trade agreement entered into under section 103 shall be treated as a proclamation or Executive order issued pursuant to a trade agreement entered into under section 102 of the Trade Act of 1974 (19 U.S.C. 2112).

19 USC 4210.

SEC. 111. DEFINITIONS.

In this title:

(1) AGREEMENT ON AGRICULTURE.—The term “Agreement on Agriculture” means the agreement referred to in section 101(d)(2) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(2)).

(2) AGREEMENT ON SAFEGUARDS.—The term “Agreement on Safeguards” means the agreement referred to in section 101(d)(13) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(13)).

(3) AGREEMENT ON SUBSIDIES AND COUNTERVAILING MEASURES.—The term “Agreement on Subsidies and Countervailing Measures” means the agreement referred to in section

101(d)(12) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(12)).

(4) ANTIDUMPING AGREEMENT.—The term “Antidumping Agreement” means the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 referred to in section 101(d)(7) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(7)).

(5) APPELLATE BODY.—The term “Appellate Body” means the Appellate Body established under Article 17.1 of the Dispute Settlement Understanding.

(6) COMMON MULTILATERAL ENVIRONMENTAL AGREEMENT.—

(A) IN GENERAL.—The term “common multilateral environmental agreement” means any agreement specified in subparagraph (B) or included under subparagraph (C) to which both the United States and one or more other parties to the negotiations are full parties, including any current or future mutually agreed upon protocols, amendments, annexes, or adjustments to such an agreement.

(B) AGREEMENTS SPECIFIED.—The agreements specified in this subparagraph are the following:

(i) The Convention on International Trade in Endangered Species of Wild Fauna and Flora, done at Washington March 3, 1973 (27 UST 1087; TIAS 8249).

(ii) The Montreal Protocol on Substances that Deplete the Ozone Layer, done at Montreal September 16, 1987.

(iii) The Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, 1973, done at London February 17, 1978.

(iv) The Convention on Wetlands of International Importance Especially as Waterfowl Habitat, done at Ramsar February 2, 1971 (TIAS 11084).

(v) The Convention on the Conservation of Antarctic Marine Living Resources, done at Canberra May 20, 1980 (33 UST 3476).

(vi) The International Convention for the Regulation of Whaling, done at Washington December 2, 1946 (62 Stat. 1716).

(vii) The Convention for the Establishment of an Inter-American Tropical Tuna Commission, done at Washington May 31, 1949 (1 UST 230).

(C) ADDITIONAL AGREEMENTS.—Both the United States and one or more other parties to the negotiations may agree to include any other multilateral environmental or conservation agreement to which they are full parties as a common multilateral environmental agreement under this paragraph.

(7) CORE LABOR STANDARDS.—The term “core labor standards” means—

(A) freedom of association;

(B) the effective recognition of the right to collective bargaining;

(C) the elimination of all forms of forced or compulsory labor;

(D) the effective abolition of child labor and a prohibition on the worst forms of child labor; and

(E) the elimination of discrimination in respect of employment and occupation.

(8) DISPUTE SETTLEMENT UNDERSTANDING.—The term “Dispute Settlement Understanding” means the Understanding on Rules and Procedures Governing the Settlement of Disputes referred to in section 101(d)(16) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(16)).

(9) ENABLING CLAUSE.—The term “Enabling Clause” means the Decision on Differential and More Favourable Treatment, Reciprocity and Fuller Participation of Developing Countries (L/4903), adopted November 28, 1979, under GATT 1947 (as defined in section 2 of the Uruguay Round Agreements Act (19 U.S.C. 3501)).

(10) ENVIRONMENTAL LAWS.—The term “environmental laws”, with respect to the laws of the United States, means environmental statutes and regulations enforceable by action of the Federal Government.

(11) GATT 1994.—The term “GATT 1994” has the meaning given that term in section 2 of the Uruguay Round Agreements Act (19 U.S.C. 3501).

(12) GENERAL AGREEMENT ON TRADE IN SERVICES.—The term “General Agreement on Trade in Services” means the General Agreement on Trade in Services (referred to in section 101(d)(14) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(14))).

(13) GOVERNMENT PROCUREMENT AGREEMENT.—The term “Government Procurement Agreement” means the Agreement on Government Procurement referred to in section 101(d)(17) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(17)).

(14) ILO.—The term “ILO” means the International Labor Organization.

(15) IMPORT SENSITIVE AGRICULTURAL PRODUCT.—The term “import sensitive agricultural product” means an agricultural product—

(A) with respect to which, as a result of the Uruguay Round Agreements, the rate of duty was the subject of tariff reductions by the United States and, pursuant to such Agreements, was reduced on January 1, 1995, to a rate that was not less than 97.5 percent of the rate of duty that applied to such article on December 31, 1994; or

(B) which was subject to a tariff rate quota on the date of the enactment of this Act.

(16) INFORMATION TECHNOLOGY AGREEMENT.—The term “Information Technology Agreement” means the Ministerial Declaration on Trade in Information Technology Products of the World Trade Organization, agreed to at Singapore December 13, 1996.

(17) INTERNATIONALLY RECOGNIZED CORE LABOR STANDARDS.—The term “internationally recognized core labor standards” means the core labor standards only as stated in the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-Up (1998).

(18) LABOR LAWS.—The term “labor laws” means the statutes and regulations, or provisions thereof, of a party to the negotiations that are directly related to core labor standards as well as other labor protections for children and minors

and acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health, and for the United States, includes Federal statutes and regulations addressing those standards, protections, or conditions, but does not include State or local labor laws.

(19) UNITED STATES PERSON.—The term “United States person” means—

(A) a United States citizen;

(B) a partnership, corporation, or other legal entity that is organized under the laws of the United States; and

(C) a partnership, corporation, or other legal entity that is organized under the laws of a foreign country and is controlled by entities described in subparagraph (B) or United States citizens, or both.

(20) URUGUAY ROUND AGREEMENTS.—The term “Uruguay Round Agreements” has the meaning given that term in section 2(7) of the Uruguay Round Agreements Act (19 U.S.C. 3501(7)).

(21) WORLD TRADE ORGANIZATION; WTO.—The terms “World Trade Organization” and “WTO” mean the organization established pursuant to the WTO Agreement.

(22) WTO AGREEMENT.—The term “WTO Agreement” means the Agreement Establishing the World Trade Organization entered into on April 15, 1994.

(23) WTO MEMBER.—The term “WTO member” has the meaning given that term in section 2(10) of the Uruguay Round Agreements Act (19 U.S.C. 3501(10)).

Approved June 29, 2015.

LEGISLATIVE HISTORY—H.R. 2146:

CONGRESSIONAL RECORD, Vol. 161 (2015):

May 12, considered and passed House.

June 4, considered and passed Senate, amended.

June 18, House concurred in Senate amendment with an amendment. Senate considered concurring in House amendment.

June 23, 24, Senate considered and concurred in House amendment.

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2015):

June 29, Presidential remarks.

Public Law 114–27
114th Congress

An Act

June 29, 2015
[H.R. 1295]

To extend the African Growth and Opportunity Act, the Generalized System of Preferences, the preferential duty treatment program for Haiti, and for other purposes.

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

Trade
Preferences
Extension Act of
2015.
19 USC 2101
note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Trade Preferences Extension Act of 2015”.

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

Sec. 1. Short title; table of contents.

TITLE I—EXTENSION OF AFRICAN GROWTH AND OPPORTUNITY ACT

- Sec. 101. Short title.
- Sec. 102. Findings.
- Sec. 103. Extension of African Growth and Opportunity Act.
- Sec. 104. Modifications of rules of origin for duty-free treatment for articles of beneficiary sub-Saharan African countries under Generalized System of Preferences.
- Sec. 105. Monitoring and review of eligibility under Generalized System of Preferences.
- Sec. 106. Promotion of the role of women in social and economic development in sub-Saharan Africa.
- Sec. 107. Biennial AGOA utilization strategies.
- Sec. 108. Deepening and expanding trade and investment ties between sub-Saharan Africa and the United States.
- Sec. 109. Agricultural technical assistance for sub-Saharan Africa.
- Sec. 110. Reports.
- Sec. 111. Technical amendments.
- Sec. 112. Definitions.

TITLE II—EXTENSION OF GENERALIZED SYSTEM OF PREFERENCES

- Sec. 201. Extension of Generalized System of Preferences.
- Sec. 202. Authority to designate certain cotton articles as eligible articles only for least-developed beneficiary developing countries under Generalized System of Preferences.
- Sec. 203. Application of competitive need limitation and waiver under Generalized System of Preferences with respect to articles of beneficiary developing countries exported to the United States during calendar year 2014.
- Sec. 204. Eligibility of certain luggage and travel articles for duty-free treatment under the Generalized System of Preferences.

TITLE III—EXTENSION OF PREFERENTIAL DUTY TREATMENT PROGRAM FOR HAITI

- Sec. 301. Extension of preferential duty treatment program for Haiti.

TITLE IV—EXTENSION OF TRADE ADJUSTMENT ASSISTANCE

- Sec. 401. Short title.
- Sec. 402. Application of provisions relating to trade adjustment assistance.

- Sec. 403. Extension of trade adjustment assistance program.
- Sec. 404. Performance measurement and reporting.
- Sec. 405. Applicability of trade adjustment assistance provisions.
- Sec. 406. Sunset provisions.
- Sec. 407. Extension and modification of Health Coverage Tax Credit.

TITLE V—IMPROVEMENTS TO ANTIDUMPING AND COUNTERVAILING
DUTY LAWS

- Sec. 501. Short title.
- Sec. 502. Consequences of failure to cooperate with a request for information in a proceeding.
- Sec. 503. Definition of material injury.
- Sec. 504. Particular market situation.
- Sec. 505. Distortion of prices or costs.
- Sec. 506. Reduction in burden on Department of Commerce by reducing the number of voluntary respondents.
- Sec. 507. Application to Canada and Mexico.

TITLE VI—TARIFF CLASSIFICATION OF CERTAIN ARTICLES

- Sec. 601. Tariff classification of recreational performance outerwear.
- Sec. 602. Duty treatment of protective active footwear.

TITLE VII—MISCELLANEOUS PROVISIONS

- Sec. 701. Report on contribution of trade preference programs to reducing poverty and eliminating hunger.

TITLE VIII—OFFSETS

- Sec. 801. Customs user fees extension.
- Sec. 802. Additional customs user fees extension.
- Sec. 803. Time for payment of corporate estimated taxes.
- Sec. 804. Payee statement required to claim certain education tax benefits.
- Sec. 805. Special rule for educational institutions unable to collect TINs of individuals with respect to higher education tuition and related expenses.
- Sec. 806. Penalty for failure to file correct information returns and provide payee statements.
- Sec. 807. Child tax credit not refundable for taxpayers electing to exclude foreign earned income from tax.
- Sec. 808. Coverage and payment for renal dialysis services for individuals with acute kidney injury.

TITLE I—EXTENSION OF AFRICAN GROWTH AND OPPORTUNITY ACT

AGOA Extension
and
Enhancement
Act of 2015.

SEC. 101. SHORT TITLE.

This title may be cited as the “AGOA Extension and Enhancement Act of 2015”.

19 USC 3701
note.

SEC. 102. FINDINGS.

Congress finds the following:

(1) Since its enactment, the African Growth and Opportunity Act has been the centerpiece of trade relations between the United States and sub-Saharan Africa and has enhanced trade, investment, job creation, and democratic institutions throughout Africa.

(2) Trade and investment, as facilitated by the African Growth and Opportunity Act, promote economic growth, development, poverty reduction, democracy, the rule of law, and stability in sub-Saharan Africa.

(3) Trade between the United States and sub-Saharan Africa has more than tripled since the enactment of the African Growth and Opportunity Act in 2000, and United States direct investment in sub-Saharan Africa has grown almost sixfold.

19 USC 3701
note.

(4) It is in the interest of the United States to engage and compete in emerging markets in sub-Saharan African countries, to boost trade and investment between the United States and sub-Saharan African countries, and to renew and strengthen the African Growth and Opportunity Act.

(5) The long-term economic security of the United States is enhanced by strong economic and political ties with the fastest-growing economies in the world, many of which are in sub-Saharan Africa.

(6) It is a goal of the United States to further integrate sub-Saharan African countries into the global economy, stimulate economic development in Africa, and diversify sources of growth in sub-Saharan Africa.

(7) To that end, implementation of the Agreement on Trade Facilitation of the World Trade Organization would strengthen regional integration efforts in sub-Saharan Africa and contribute to economic growth in the region.

(8) The elimination of barriers to trade and investment in sub-Saharan Africa, including high tariffs, forced localization requirements, restrictions on investment, and customs barriers, will create opportunities for workers, businesses, farmers, and ranchers in the United States and sub-Saharan African countries.

(9) The elimination of such barriers will improve utilization of the African Growth and Opportunity Act and strengthen regional and global integration, accelerate economic growth in sub-Saharan Africa, and enhance the trade relationship between the United States and sub-Saharan Africa.

SEC. 103. EXTENSION OF AFRICAN GROWTH AND OPPORTUNITY ACT.

(a) **IN GENERAL.**—Section 506B of the Trade Act of 1974 (19 U.S.C. 2466b) is amended by striking “September 30, 2015” and inserting “September 30, 2025”.

(b) **AFRICAN GROWTH AND OPPORTUNITY ACT.**—

(1) **IN GENERAL.**—Section 112(g) of the African Growth and Opportunity Act (19 U.S.C. 3721(g)) is amended by striking “September 30, 2015” and inserting “September 30, 2025”.

(2) **EXTENSION OF REGIONAL APPAREL ARTICLE PROGRAM.**—Section 112(b)(3)(A) of the African Growth and Opportunity Act (19 U.S.C. 3721(b)(3)(A)) is amended—

(A) in clause (i), by striking “11 succeeding” and inserting “21 succeeding”; and

(B) in clause (ii)(II), by striking “September 30, 2015” and inserting “September 30, 2025”.

(3) **EXTENSION OF THIRD-COUNTRY FABRIC PROGRAM.**—Section 112(c)(1) of the African Growth and Opportunity Act (19 U.S.C. 3721(c)(1)) is amended—

(A) in the paragraph heading, by striking “SEPTEMBER 30, 2015” and inserting “SEPTEMBER 30, 2025”;

(B) in subparagraph (A), by striking “September 30, 2015” and inserting “September 30, 2025”; and

(C) in subparagraph (B)(ii), by striking “September 30, 2015” and inserting “September 30, 2025”.

SEC. 104. MODIFICATIONS OF RULES OF ORIGIN FOR DUTY-FREE TREATMENT FOR ARTICLES OF BENEFICIARY SUB-SAHARAN AFRICAN COUNTRIES UNDER GENERALIZED SYSTEM OF PREFERENCES.

(a) **IN GENERAL.**—Section 506A(b)(2) of the Trade Act of 1974 (19 U.S.C. 2466a(b)(2)) is amended—

- (1) in subparagraph (A), by striking “and” at the end;
- (2) in subparagraph (B), by striking the period at the end and inserting “; and”; and
- (3) by adding at the end the following:

“(C) the direct costs of processing operations performed in one or more such beneficiary sub-Saharan African countries or former beneficiary sub-Saharan African countries shall be applied in determining such percentage.”

Applicability.

(b) **APPLICABILITY TO ARTICLES RECEIVING DUTY-FREE TREATMENT UNDER TITLE V OF TRADE ACT OF 1974.**—Section 506A(b) of the Trade Act of 1974 (19 U.S.C. 2466a(b)) is amended by adding at the end the following:

“(3) **RULES OF ORIGIN UNDER THIS TITLE.**—The exceptions set forth in subparagraphs (A), (B), and (C) of paragraph (2) shall also apply to any article described in section 503(a)(1) that is the growth, product, or manufacture of a beneficiary sub-Saharan African country for purposes of any determination to provide duty-free treatment with respect to such article.”

(c) **MODIFICATIONS TO THE HARMONIZED TARIFF SCHEDULE.**—The President may proclaim such modifications as may be necessary to the Harmonized Tariff Schedule of the United States (HTS) to add the special tariff treatment symbol “D” in the “Special” subcolumn of the HTS for each article classified under a heading or subheading with the special tariff treatment symbol “A” or “A*” in the “Special” subcolumn of the HTS.

19 USC 2466a note.

(d) **EFFECTIVE DATE.**—The amendments made by subsections (a) and (b) take effect on the date of the enactment of this Act and apply with respect to any article described in section 503(b)(1)(B) through (G) of the Trade Act of 1974 that is the growth, product, or manufacture of a beneficiary sub-Saharan African country and that is imported into the customs territory of the United States on or after the date that is 30 days after such date of enactment.

Applicability.
19 USC 2466a note.

SEC. 105. MONITORING AND REVIEW OF ELIGIBILITY UNDER GENERALIZED SYSTEM OF PREFERENCES.

President.

(a) **CONTINUING COMPLIANCE.**—Section 506A(a)(3) of the Trade Act of 1974 (19 U.S.C. 2466a(a)(3)) is amended—

- (1) by striking “If the President” and inserting the following:

“(A) **IN GENERAL.**—If the President”; and

- (2) by adding at the end the following:

“(B) **NOTIFICATION.**—The President may not terminate the designation of a country as a beneficiary sub-Saharan African country under subparagraph (A) unless, at least 60 days before the termination of such designation, the President notifies Congress and notifies the country of the President’s intention to terminate such designation, together with the considerations entering into the decision to terminate such designation.”

Time period.

(b) WITHDRAWAL, SUSPENSION, OR LIMITATION OF PREFERENTIAL TARIFF TREATMENT.—Section 506A of the Trade Act of 1974 (19 U.S.C. 2466a) is amended—

- (1) by redesignating subsection (c) as subsection (d); and
- (2) by inserting after subsection (b) the following:

“(c) WITHDRAWAL, SUSPENSION, OR LIMITATION OF PREFERENTIAL TARIFF TREATMENT.—

Determination.

“(1) IN GENERAL.—The President may withdraw, suspend, or limit the application of duty-free treatment provided for any article described in subsection (b)(1) of this section or section 112 of the African Growth and Opportunity Act with respect to a beneficiary sub-Saharan African country if the President determines that withdrawing, suspending, or limiting such duty-free treatment would be more effective in promoting compliance by the country with the requirements described in subsection (a)(1) than terminating the designation of the country as a beneficiary sub-Saharan African country for purposes of this section.

Time period.

“(2) NOTIFICATION.—The President may not withdraw, suspend, or limit the application of duty-free treatment under paragraph (1) unless, at least 60 days before such withdrawal, suspension, or limitation, the President notifies Congress and notifies the country of the President’s intention to withdraw, suspend, or limit such duty-free treatment, together with the considerations entering into the decision to terminate such designation.”

(c) REVIEW AND PUBLIC COMMENTS ON ELIGIBILITY REQUIREMENTS.—Section 506A of the Trade Act of 1974 (19 U.S.C. 2466a), as so amended, is further amended—

- (1) by redesignating subsection (d) as subsection (e); and
- (2) by inserting after subsection (c) the following:

Deadline.
Federal Register,
publication.
Notice.

“(d) REVIEW AND PUBLIC COMMENTS ON ELIGIBILITY REQUIREMENTS.—

“(1) IN GENERAL.—In carrying out subsection (a)(2), the President shall publish annually in the Federal Register a notice of review and request for public comments on whether beneficiary sub-Saharan African countries are meeting the eligibility requirements set forth in section 104 of the African Growth and Opportunity Act and the eligibility criteria set forth in section 502 of this Act.

“(2) PUBLIC HEARING.—The United States Trade Representative shall, not later than 30 days after the date on which the President publishes the notice of review and request for public comments under paragraph (1)—

“(A) hold a public hearing on such review and request for public comments; and

“(B) publish in the Federal Register, before such hearing is held, notice of—

“(i) the time and place of such hearing; and

“(ii) the time and place at which such public comments will be accepted.

“(3) PETITION PROCESS.—

“(A) IN GENERAL.—Not later than 60 days after the date of the enactment of this subsection, the President shall establish a process to allow any interested person, at any time, to file a petition with the Office of the United States Trade Representative with respect to the compliance

of any country listed in section 107 of the African Growth and Opportunity Act with the eligibility requirements set forth in section 104 of such Act and the eligibility criteria set forth in section 502 of this Act.

“(B) USE OF PETITIONS.—The President shall take into account all petitions filed pursuant to subparagraph (A) in making determinations of compliance under subsections (a)(3)(A) and (c) and in preparing any reports required by this title as such reports apply with respect to beneficiary sub-Saharan African countries.

Applicability.

“(4) OUT-OF-CYCLE REVIEWS.—

“(A) IN GENERAL.—The President may, at any time, initiate an out-of-cycle review of whether a beneficiary sub-Saharan African country is making continual progress in meeting the requirements described in paragraph (1). The President shall give due consideration to petitions received under paragraph (3) in determining whether to initiate an out-of-cycle review under this subparagraph.

Determination.

“(B) CONGRESSIONAL NOTIFICATION.—Before initiating an out-of-cycle review under subparagraph (A), the President shall notify and consult with Congress.

Consultation.

“(C) CONSEQUENCES OF REVIEW.—If, pursuant to an out-of-cycle review conducted under subparagraph (A), the President determines that a beneficiary sub-Saharan African country does not meet the requirements set forth in section 104(a) of the African Growth and Opportunity Act (19 U.S.C. 3703(a)), the President shall, subject to the requirements of subsections (a)(3)(B) and (c)(2), terminate the designation of the country as a beneficiary sub-Saharan African country or withdraw, suspend, or limit the application of duty-free treatment with respect to articles from the country.

Determination.

“(D) REPORTS.—After each out-of-cycle review conducted under subparagraph (A) with respect to a country, the President shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report on the review and any determination of the President to terminate the designation of the country as a beneficiary sub-Saharan African country or withdraw, suspend, or limit the application of duty-free treatment with respect to articles from the country under subparagraph (C).

“(E) INITIATION OF OUT-OF-CYCLE REVIEWS FOR CERTAIN COUNTRIES.—Recognizing that concerns have been raised about the compliance with section 104(a) of the African Growth and Opportunity Act (19 U.S.C. 3703(a)) of some beneficiary sub-Saharan African countries, the President shall initiate an out-of-cycle review under subparagraph (A) with respect to South Africa, the most developed of the beneficiary sub-Saharan African countries, and other beneficiary countries as appropriate, not later than 30 days after the date of the enactment of the Trade Preferences Extension Act of 2015.”.

Deadline.

SEC. 106. PROMOTION OF THE ROLE OF WOMEN IN SOCIAL AND ECONOMIC DEVELOPMENT IN SUB-SAHARAN AFRICA.

(a) STATEMENT OF POLICY.—Section 103 of the African Growth and Opportunity Act (19 U.S.C. 3702) is amended—

(1) in paragraph (8), by striking “; and” and inserting a semicolon;

(2) in paragraph (9), by striking the period and inserting “; and”; and

(3) by adding at the end the following:

“(10) promoting the role of women in social, political, and economic development in sub-Saharan Africa.”.

(b) ELIGIBILITY REQUIREMENTS.—Section 104(a)(1)(A) of the African Growth and Opportunity Act (19 U.S.C. 3703(a)(1)(A)) is amended by inserting “for men and women” after “rights”.

SEC. 107. BIENNIAL AGOA UTILIZATION STRATEGIES.

(a) IN GENERAL.—It is the sense of Congress that—

(1) beneficiary sub-Saharan African countries should develop utilization strategies on a biennial basis in order to more effectively and strategically utilize benefits available under the African Growth and Opportunity Act (in this section referred to as “AGOA utilization strategies”);

(2) United States trade capacity building agencies should work with, and provide appropriate resources to, such sub-Saharan African countries to assist in developing and implementing biennial AGOA utilization strategies; and

(3) as appropriate, and to encourage greater regional integration, the United States Trade Representative should consider requesting the Regional Economic Communities to prepare biennial AGOA utilization strategies.

(b) CONTENTS.—It is further the sense of Congress that biennial AGOA utilization strategies should identify strategic needs and priorities to bolster utilization of benefits available under the African Growth and Opportunity Act. To that end, biennial AGOA utilization strategies should—

(1) review potential exports under the African Growth and Opportunity Act and identify opportunities and obstacles to increased trade and investment and enhanced poverty reduction efforts;

(2) identify obstacles to regional integration that inhibit utilization of benefits under the African Growth and Opportunity Act;

(3) set out a plan to take advantage of opportunities and address obstacles identified in paragraphs (1) and (2), improve awareness of the African Growth and Opportunity Act as a program that enhances exports to the United States, and utilize United States Agency for International Development regional trade hubs;

(4) set out a strategy to promote small business and entrepreneurship; and

(5) eliminate obstacles to regional trade and promote greater utilization of benefits under the African Growth and Opportunity Act and establish a plan to promote full regional implementation of the Agreement on Trade Facilitation of the World Trade Organization.

(c) PUBLICATION.—It is further the sense of Congress that—

(1) each beneficiary sub-Saharan African country should publish on an appropriate Internet website of such country public versions of its AGOA utilization strategy; and

(2) the United States Trade Representative should publish on the Internet website of the Office of the United States Trade Representative public versions of all AGOA utilization strategies described in paragraph (1).

SEC. 108. DEEPENING AND EXPANDING TRADE AND INVESTMENT TIES BETWEEN SUB-SAHARAN AFRICA AND THE UNITED STATES. 19 USC 3701 note.

It is the policy of the United States to continue to—

(1) seek to deepen and expand trade and investment ties between sub-Saharan Africa and the United States, including through the negotiation of accession by sub-Saharan African countries to the World Trade Organization and the negotiation of trade and investment framework agreements, bilateral investment treaties, and free trade agreements, as such agreements have the potential to catalyze greater trade and investment, facilitate additional investment in sub-Saharan Africa, further poverty reduction efforts, and promote economic growth;

(2) seek to negotiate agreements with individual sub-Saharan African countries as well as with the Regional Economic Communities, as appropriate;

(3) promote full implementation of commitments made under the WTO Agreement (as such term is defined in section 2(9) of the Uruguay Round Agreements Act (19 U.S.C. 3501(9))) because such actions are likely to improve utilization of the African Growth and Opportunity Act and promote trade and investment and because regular review to ensure continued compliance helps to maximize the benefits of the African Growth and Opportunity Act; and

(4) promote the negotiation of trade agreements that cover substantially all trade between parties to such agreements and, if other countries seek to negotiate trade agreements that do not cover substantially all trade, continue to object in all appropriate forums.

SEC. 109. AGRICULTURAL TECHNICAL ASSISTANCE FOR SUB-SAHARAN AFRICA.

Section 13 of the AGOA Acceleration Act of 2004 (19 U.S.C. 3701 note) is amended—

(1) in subsection (a)—

(A) by striking “shall identify not fewer than 10 eligible sub-Saharan African countries as having the greatest” and inserting “, through the Secretary of Agriculture, shall identify eligible sub-Saharan African countries that have”; and

(B) by striking “and complying with sanitary and phytosanitary rules of the United States” and inserting “, complying with sanitary and phytosanitary rules of the United States, and developing food safety standards”;

(2) in subsection (b)—

(A) by striking “20” and inserting “30”; and

(B) by inserting after “from those countries” the following: “, particularly from businesses and sectors that engage women farmers and entrepreneurs,”; and

(3) by adding at the end the following:

President. “(c) COORDINATION.—The President shall take such measures as are necessary to ensure adequate coordination of similar activities of agencies of the United States Government relating to agricultural technical assistance for sub-Saharan Africa.”.

19 USC 3705
note.

SEC. 110. REPORTS.

President.

(a) IMPLEMENTATION REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, and biennially thereafter, the President shall submit to Congress a report on the trade and investment relationship between the United States and sub-Saharan African countries and on the implementation of this title and the amendments made by this title.

(2) MATTERS TO BE INCLUDED.—The report required by paragraph (1) shall include the following:

(A) A description of the status of trade and investment between the United States and sub-Saharan Africa, including information on leading exports to the United States from sub-Saharan African countries.

(B) Any changes in eligibility of sub-Saharan African countries during the period covered by the report.

(C) A detailed analysis of whether each such beneficiary sub-Saharan African country is continuing to meet the eligibility requirements set forth in section 104 of the African Growth and Opportunity Act and the eligibility criteria set forth in section 502 of the Trade Act of 1974.

(D) A description of the status of regional integration efforts in sub-Saharan Africa.

(E) A summary of United States trade capacity building efforts.

(F) Any other initiatives related to enhancing the trade and investment relationship between the United States and sub-Saharan African countries.

(b) POTENTIAL TRADE AGREEMENTS REPORT.—Not later than 1 year after the date of the enactment of this Act, and every 5 years thereafter, the United States Trade Representative shall submit to Congress a report that—

(1) identifies sub-Saharan African countries that have expressed an interest in entering into a free trade agreement with the United States;

(2) evaluates the viability and progress of such sub-Saharan African countries and other sub-Saharan African countries toward entering into a free trade agreement with the United States; and

(3) describes a plan for negotiating and concluding such agreements, which includes the elements described in subparagraphs (A) through (E) of section 116(b)(2) of the African Growth and Opportunity Act.

(c) TERMINATION.—The reporting requirements of this section shall cease to have any force or effect after September 30, 2025.

SEC. 111. TECHNICAL AMENDMENTS.

Section 104 of the African Growth and Opportunity Act (19 U.S.C. 3703), as amended by section 106, is further amended—

- (1) in subsection (a), by striking “(a) IN GENERAL.—”; and
- (2) by striking subsection (b).

SEC. 112. DEFINITIONS.19 USC 3701
note.

In this title:

(1) **BENEFICIARY SUB-SAHARAN AFRICAN COUNTRY.**—The term “beneficiary sub-Saharan African country” means a beneficiary sub-Saharan African country described in subsection (e) of section 506A of the Trade Act of 1974 (as redesignated by this Act).

(2) **SUB-SAHARAN AFRICAN COUNTRY.**—The term “sub-Saharan African country” has the meaning given the term in section 107 of the African Growth and Opportunity Act.

TITLE II—EXTENSION OF GENERALIZED SYSTEM OF PREFERENCES

SEC. 201. EXTENSION OF GENERALIZED SYSTEM OF PREFERENCES.

(a) **IN GENERAL.**—Section 505 of the Trade Act of 1974 (19 U.S.C. 2465) is amended by striking “July 31, 2013” and inserting “December 31, 2017”.

(b) **EFFECTIVE DATE.**—

19 USC 2465
note.
Applicability.

(1) **IN GENERAL.**—The amendment made by subsection (a) shall apply to articles entered on or after the 30th day after the date of the enactment of this Act.

(2) **RETROACTIVE APPLICATION FOR CERTAIN LIQUIDATIONS AND RELIQUIDATIONS.**—

(A) **IN GENERAL.**—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to subparagraph (B), any entry of a covered article to which duty-free treatment or other preferential treatment under title V of the Trade Act of 1974 (19 U.S.C. 2461 et seq.) would have applied if the entry had been made on July 31, 2013, that was made—

(i) after July 31, 2013; and

(ii) before the effective date specified in paragraph

(1),

shall be liquidated or reliquidated as though such entry occurred on the effective date specified in paragraph (1).

(B) **REQUESTS.**—A liquidation or reliquidation may be made under subparagraph (A) with respect to an entry only if a request therefor is filed with U.S. Customs and Border Protection not later than 180 days after the date of the enactment of this Act that contains sufficient information to enable U.S. Customs and Border Protection—

Deadline.

(i) to locate the entry; or

(ii) to reconstruct the entry if it cannot be located.

(C) **PAYMENT OF AMOUNTS OWED.**—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry of a covered article under subparagraph (A) shall be paid, without interest, not later than 90 days after the date of the liquidation or reliquidation (as the case may be).

Deadline.

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

(A) **COVERED ARTICLE.**—The term “covered article” means an article from a country that is a beneficiary developing country under title V of the Trade Act of 1974 (19

U.S.C. 2461 et seq.) as of the effective date specified in paragraph (1).

(B) ENTER; ENTRY.—The terms “enter” and “entry” include a withdrawal from warehouse for consumption.

SEC. 202. AUTHORITY TO DESIGNATE CERTAIN COTTON ARTICLES AS ELIGIBLE ARTICLES ONLY FOR LEAST-DEVELOPED BENEFICIARY DEVELOPING COUNTRIES UNDER GENERALIZED SYSTEM OF PREFERENCES.

Section 503(b) of the Trade Act of 1974 (19 U.S.C. 2463(b)) is amended by adding at the end the following:

“(5) CERTAIN COTTON ARTICLES.—Notwithstanding paragraph (3), the President may designate as an eligible article or articles under subsection (a)(1)(B) only for countries designated as least-developed beneficiary developing countries under section 502(a)(2) cotton articles classifiable under subheading 5201.00.18, 5201.00.28, 5201.00.38, 5202.99.30, or 5203.00.30 of the Harmonized Tariff Schedule of the United States.”.

19 USC 2463
note.

SEC. 203. APPLICATION OF COMPETITIVE NEED LIMITATION AND WAIVER UNDER GENERALIZED SYSTEM OF PREFERENCES WITH RESPECT TO ARTICLES OF BENEFICIARY DEVELOPING COUNTRIES EXPORTED TO THE UNITED STATES DURING CALENDAR YEAR 2014.

(a) IN GENERAL.—For purposes of applying and administering subsections (c)(2) and (d) of section 503 of the Trade Act of 1974 (19 U.S.C. 2463) with respect to an article described in subsection (b) of this section, subsections (c)(2) and (d) of section 503 of such Act shall be applied and administered by substituting “October 1” for “July 1” each place such date appears.

(b) ARTICLE DESCRIBED.—An article described in this subsection is an article of a beneficiary developing country that is designated by the President as an eligible article under subsection (a) of section 503 of the Trade Act of 1974 (19 U.S.C. 2463) and with respect to which a determination described in subsection (c)(2)(A) of such section was made with respect to exports (directly or indirectly) to the United States of such eligible article during calendar year 2014 by the beneficiary developing country.

SEC. 204. ELIGIBILITY OF CERTAIN LUGGAGE AND TRAVEL ARTICLES FOR DUTY-FREE TREATMENT UNDER THE GENERALIZED SYSTEM OF PREFERENCES.

Section 503(b)(1) of the Trade Act of 1974 (19 U.S.C. 2463(b)(1)) is amended—

(1) in subparagraph (A), by striking “paragraph (4)” and inserting “paragraphs (4) and (5)”;

(2) in subparagraph (E), by striking “Footwear” and inserting “Except as provided in paragraph (5), footwear”;

(3) by adding at the end the following:

“(5) CERTAIN LUGGAGE AND TRAVEL ARTICLES.—Notwithstanding subparagraph (A) or (E) of paragraph (1), the President may designate the following as eligible articles under subsection (a):

“(A) Articles classifiable under subheading 4202.11.00, 4202.12.40, 4202.21.60, 4202.21.90, 4202.22.15, 4202.22.45, 4202.31.60, 4202.32.40, 4202.32.80, 4202.92.15, 4202.92.20,

4202.92.45, or 4202.99.90 of the Harmonized Tariff Schedule of the United States.

“(B) Articles classifiable under statistical reporting number 4202.12.2020, 4202.12.2050, 4202.12.8030, 4202.12.8070, 4202.22.8050, 4202.32.9550, 4202.32.9560, 4202.91.0030, 4202.91.0090, 4202.92.3020, 4202.92.3031, 4202.92.3091, 4202.92.9026, or 4202.92.9060 of the Harmonized Tariff Schedule of the United States, as such statistical reporting numbers are in effect on the date of the enactment of the Trade Preferences Extension Act of 2015.”.

TITLE III—EXTENSION OF PREFERENTIAL DUTY TREATMENT PROGRAM FOR HAITI

SEC. 301. EXTENSION OF PREFERENTIAL DUTY TREATMENT PROGRAM FOR HAITI.

Section 213A of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703a) is amended as follows:

(1) Subsection (b) is amended as follows:

(A) Paragraph (1) is amended—

(i) in subparagraph (B)(v)(I), by amending item Time periods.

(cc) to read as follows:

“(cc) 60 percent or more during the 1-year period beginning on December 20, 2017, and each of the 7 succeeding 1-year periods.”;

and

(ii) in subparagraph (C)—

(I) in the table, by striking “succeeding 11 1-year periods” and inserting “16 succeeding 1-year periods”; and

(II) by striking “December 19, 2018” and inserting “December 19, 2025”.

(B) Paragraph (2) is amended—

(i) in subparagraph (A)(ii), by striking “11 succeeding 1-year periods” and inserting “16 succeeding 1-year periods”; and

(ii) in subparagraph (B)(iii), by striking “11 succeeding 1-year periods” and inserting “16 succeeding 1-year periods”.

(2) Subsection (h) is amended by striking “September 30, 2020” and inserting “September 30, 2025”.

TITLE IV—EXTENSION OF TRADE ADJUSTMENT ASSISTANCE

SEC. 401. SHORT TITLE.

This title may be cited as the “Trade Adjustment Assistance Reauthorization Act of 2015”.

Trade
Adjustment
Assistance
Reauthorization
Act of 2015.
19 USC 2101
note.

SEC. 402. APPLICATION OF PROVISIONS RELATING TO TRADE ADJUSTMENT ASSISTANCE.

(a) **REPEAL OF SNAPBACK.**—Section 233 of the Trade Adjustment Assistance Extension Act of 2011 (Public Law 112–40; 125 Stat. 416) is repealed.

(b) **APPLICABILITY OF CERTAIN PROVISIONS.**—Except as otherwise provided in this title, the provisions of chapters 2 through 6 of title II of the Trade Act of 1974, as in effect on December 31, 2013, and as amended by this title, shall—

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

(2) apply to petitions for certification filed under chapter 2, 3, or 6 of title II of the Trade Act of 1974 on or after such date of enactment.

(c) **REFERENCES.**—Except as otherwise provided in this title, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a provision of chapters 2 through 6 of title II of the Trade Act of 1974, the reference shall be considered to be made to a provision of any such chapter, as in effect on December 31, 2013.

SEC. 403. EXTENSION OF TRADE ADJUSTMENT ASSISTANCE PROGRAM.

(a) **EXTENSION OF TERMINATION PROVISIONS.**—Section 285 of the Trade Act of 1974 (19 U.S.C. 2271 note) is amended by striking “December 31, 2013” each place it appears and inserting “June 30, 2021”.

(b) **TRAINING FUNDS.**—Section 236(a)(2)(A) of the Trade Act of 1974 (19 U.S.C. 2296(a)(2)(A)) is amended by striking “shall not exceed” and all that follows and inserting “shall not exceed \$450,000,000 for each of fiscal years 2015 through 2021.”.

(c) **REEMPLOYMENT TRADE ADJUSTMENT ASSISTANCE.**—Section 246(b)(1) of the Trade Act of 1974 (19 U.S.C. 2318(b)(1)) is amended by striking “December 31, 2013” and inserting “June 30, 2021”.

(d) **AUTHORIZATIONS OF APPROPRIATIONS.**—

(1) **TRADE ADJUSTMENT ASSISTANCE FOR WORKERS.**—Section 245(a) of the Trade Act of 1974 (19 U.S.C. 2317(a)) is amended by striking “December 31, 2013” and inserting “June 30, 2021”.

(2) **TRADE ADJUSTMENT ASSISTANCE FOR FIRMS.**—Section 255(a) of the Trade Act of 1974 (19 U.S.C. 2345(a)) is amended by striking “fiscal years 2012 and 2013” and all that follows through “December 31, 2013” and inserting “fiscal years 2015 through 2021”.

(3) **TRADE ADJUSTMENT ASSISTANCE FOR FARMERS.**—Section 298(a) of the Trade Act of 1974 (19 U.S.C. 2401g(a)) is amended by striking “fiscal years 2012 and 2013” and all that follows through “December 31, 2013” and inserting “fiscal years 2015 through 2021”.

SEC. 404. PERFORMANCE MEASUREMENT AND REPORTING.

(a) **PERFORMANCE MEASURES.**—Section 239(j) of the Trade Act of 1974 (19 U.S.C. 2311(j)) is amended—

(1) in the subsection heading, by striking “DATA REPORTING” and inserting “PERFORMANCE MEASURES”;

(2) in paragraph (1)—

(A) in the matter preceding subparagraph (A)—

(i) by striking “a quarterly” and inserting “an annual”; and

19 USC 2271
note prec.
19 USC 2271 and
note prec., 2272–
2275, 2291–2298,
2311, 2315–2323,
2341, 2343–2352,
2354–2356,
2371–2374, 2393,
2395, 2397a,
2401–2401b,
2401e–2401g.
Effective date.
19 USC 2271 and
note prec., 2272–
2275, 2291–2298,
2311, 2315–2323,
2341, 2343–2352,
2354–2356,
2371–2374, 2393,
2395, 2397a,
2401–2401b,
2401e–2401g.
19 USC 2271
note prec.

(ii) by striking “data” and inserting “measures”;
 (B) in subparagraph (A), by striking “core” and inserting “primary”; and

(C) in subparagraph (C), by inserting “that promote efficiency and effectiveness” after “assistance program”;
 (3) in paragraph (2)—

(A) in the paragraph heading, by striking “CORE INDICATORS DESCRIBED” and inserting “INDICATORS OF PERFORMANCE”; and

(B) by striking subparagraph (A) and inserting the following:

“(A) PRIMARY INDICATORS OF PERFORMANCE DESCRIBED.—

“(i) IN GENERAL.—The primary indicators of performance referred to in paragraph (1)(A) shall consist of—

“(I) the percentage and number of workers who received benefits under the trade adjustment assistance program who are in unsubsidized employment during the second calendar quarter after exit from the program;

“(II) the percentage and number of workers who received benefits under the trade adjustment assistance program and who are in unsubsidized employment during the fourth calendar quarter after exit from the program;

“(III) the median earnings of workers described in subclause (I);

“(IV) the percentage and number of workers who received benefits under the trade adjustment assistance program who, subject to clause (ii), obtain a recognized postsecondary credential or a secondary school diploma or its recognized equivalent, during participation in the program or within 1 year after exit from the program; and

“(V) the percentage and number of workers who received benefits under the trade adjustment assistance program who, during a year while receiving such benefits, are in an education or training program that leads to a recognized postsecondary credential or employment and who are achieving measurable gains in skills toward such a credential or employment.

“(ii) INDICATOR RELATING TO CREDENTIAL.—For purposes of clause (i)(IV), a worker who received benefits under the trade adjustment assistance program who obtained a secondary school diploma or its recognized equivalent shall be included in the percentage counted for purposes of that clause only if the worker, in addition to obtaining such a diploma or its recognized equivalent, has obtained or retained employment or is in an education or training program leading to a recognized postsecondary credential within 1 year after exit from the program.”;

(4) in paragraph (3)—

(A) in the paragraph heading, by striking “DATA” and inserting “MEASURES”;

(B) by striking “quarterly” and inserting “annual”; and
 (C) by striking “data” and inserting “measures”; and

(5) by adding at the end the following:

“(4) ACCESSIBILITY OF STATE PERFORMANCE REPORTS.—The Secretary shall, on an annual basis, make available (including by electronic means), in an easily understandable format, the reports of cooperating States or cooperating State agencies required by paragraph (1) and the information contained in those reports.”.

(b) COLLECTION AND PUBLICATION OF DATA.—Section 249B of the Trade Act of 1974 (19 U.S.C. 2323) is amended—

(1) in subsection (b)—

(A) in paragraph (3)—

(i) in subparagraph (A), by striking “enrolled in” and inserting “who received”; and

(ii) in subparagraph (B)—

(I) by striking “complete” and inserting “exited”; and

(II) by striking “who were enrolled in” and inserting “, including who received”; and

(iii) in subparagraph (E), by striking “complete” and inserting “exited”; and

(iv) in subparagraph (F), by striking “complete” and inserting “exit”; and

(v) by adding at the end the following:

“(G) The average cost per worker of receiving training approved under section 236.

“(H) The percentage of workers who received training approved under section 236 and obtained unsubsidized employment in a field related to that training.”; and

(B) in paragraph (4)—

(i) in subparagraphs (A) and (B), by striking “quarterly” each place it appears and inserting “annual”; and

(ii) by striking subparagraph (C) and inserting the following:

“(C) The median earnings of workers described in section 239(j)(2)(A)(i)(III) during the second calendar quarter after exit from the program, expressed as a percentage of the median earnings of such workers before the calendar quarter in which such workers began receiving benefits under this chapter.”; and

(2) in subsection (e)—

(A) in paragraph (1)—

(i) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively; and

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

“(B) the reports required under section 239(j);”;

(B) in paragraph (2), by striking “a quarterly” and inserting “an annual”.

(c) RECOGNIZED POSTSECONDARY CREDENTIAL DEFINED.—Section 247 of the Trade Act of 1974 (19 U.S.C. 2319) is amended by adding at the end the following:

“(19) The term ‘recognized postsecondary credential’ means a credential consisting of an industry-recognized certificate or certification, a certificate of completion of an apprenticeship,

a license recognized by a State or the Federal Government, or an associate or baccalaureate degree.”.

SEC. 405. APPLICABILITY OF TRADE ADJUSTMENT ASSISTANCE PROVISIONS. 19 USC 2319.

(a) TRADE ADJUSTMENT ASSISTANCE FOR WORKERS.—

(1) PETITIONS FILED ON OR AFTER JANUARY 1, 2014, AND BEFORE DATE OF ENACTMENT.—

(A) CERTIFICATIONS OF WORKERS NOT CERTIFIED BEFORE DATE OF ENACTMENT.—

(i) CRITERIA IF A DETERMINATION HAS NOT BEEN MADE.—If, as of the date of the enactment of this Act, the Secretary of Labor has not made a determination with respect to whether to certify a group of workers as eligible to apply for adjustment assistance under section 222 of the Trade Act of 1974 pursuant to a petition described in clause (iii), the Secretary shall make that determination based on the requirements of section 222 of the Trade Act of 1974, as in effect on such date of enactment.

(ii) RECONSIDERATION OF DENIALS OF CERTIFICATIONS.—If, before the date of the enactment of this Act, the Secretary made a determination not to certify a group of workers as eligible to apply for adjustment assistance under section 222 of the Trade Act of 1974 pursuant to a petition described in clause (iii), the Secretary shall—

(I) reconsider that determination; and

(II) if the group of workers meets the requirements of section 222 of the Trade Act of 1974, as in effect on such date of enactment, certify the group of workers as eligible to apply for adjustment assistance.

(iii) PETITION DESCRIBED.—A petition described in this clause is a petition for a certification of eligibility for a group of workers filed under section 221 of the Trade Act of 1974 on or after January 1, 2014, and before the date of the enactment of this Act.

(B) ELIGIBILITY FOR BENEFITS.—

(i) IN GENERAL.—Except as provided in clause (ii), a worker certified as eligible to apply for adjustment assistance under section 222 of the Trade Act of 1974 pursuant to a petition described in subparagraph (A)(iii) shall be eligible, on and after the date that is 90 days after the date of the enactment of this Act, to receive benefits only under the provisions of chapter 2 of title II of the Trade Act of 1974, as in effect on such date of enactment.

(ii) COMPUTATION OF MAXIMUM BENEFITS.—Benefits received by a worker described in clause (i) under chapter 2 of title II of the Trade Act of 1974 before the date of the enactment of this Act shall be included in any determination of the maximum benefits for which the worker is eligible under the provisions of chapter 2 of title II of the Trade Act of 1974, as in effect on the date of the enactment of this Act.

(2) PETITIONS FILED BEFORE JANUARY 1, 2014.—A worker certified as eligible to apply for adjustment assistance pursuant to a petition filed under section 221 of the Trade Act of 1974 on or before December 31, 2013, shall continue to be eligible to apply for and receive benefits under the provisions of chapter 2 of title II of such Act, as in effect on December 31, 2013.

(3) QUALIFYING SEPARATIONS WITH RESPECT TO PETITIONS FILED WITHIN 90 DAYS OF DATE OF ENACTMENT.—Section 223(b) of the Trade Act of 1974, as in effect on the date of the enactment of this Act, shall be applied and administered by substituting “before January 1, 2014” for “more than one year before the date of the petition on which such certification was granted” for purposes of determining whether a worker is eligible to apply for adjustment assistance pursuant to a petition filed under section 221 of the Trade Act of 1974 on or after the date of the enactment of this Act and on or before the date that is 90 days after such date of enactment.

(b) TRADE ADJUSTMENT ASSISTANCE FOR FIRMS.—

(1) CERTIFICATION OF FIRMS NOT CERTIFIED BEFORE DATE OF ENACTMENT.—

(A) CRITERIA IF A DETERMINATION HAS NOT BEEN MADE.—If, as of the date of the enactment of this Act, the Secretary of Commerce has not made a determination with respect to whether to certify a firm as eligible to apply for adjustment assistance under section 251 of the Trade Act of 1974 pursuant to a petition described in subparagraph (C), the Secretary shall make that determination based on the requirements of section 251 of the Trade Act of 1974, as in effect on such date of enactment.

(B) RECONSIDERATION OF DENIAL OF CERTAIN PETITIONS.—If, before the date of the enactment of this Act, the Secretary made a determination not to certify a firm as eligible to apply for adjustment assistance under section 251 of the Trade Act of 1974 pursuant to a petition described in subparagraph (C), the Secretary shall—

(i) reconsider that determination; and

(ii) if the firm meets the requirements of section 251 of the Trade Act of 1974, as in effect on such date of enactment, certify the firm as eligible to apply for adjustment assistance.

(C) PETITION DESCRIBED.—A petition described in this subparagraph is a petition for a certification of eligibility filed by a firm or its representative under section 251 of the Trade Act of 1974 on or after January 1, 2014, and before the date of the enactment of this Act.

(2) CERTIFICATION OF FIRMS THAT DID NOT SUBMIT PETITIONS BETWEEN JANUARY 1, 2014, AND DATE OF ENACTMENT.—

(A) IN GENERAL.—The Secretary of Commerce shall certify a firm described in subparagraph (B) as eligible to apply for adjustment assistance under section 251 of the Trade Act of 1974, as in effect on the date of the enactment of this Act, if the firm or its representative files a petition for a certification of eligibility under section 251 of the Trade Act of 1974 not later than 90 days after such date of enactment.

(B) FIRM DESCRIBED.—A firm described in this subparagraph is a firm that the Secretary determines would have

Deadline.

been certified as eligible to apply for adjustment assistance if—

(i) the firm or its representative had filed a petition for a certification of eligibility under section 251 of the Trade Act of 1974 on a date during the period beginning on January 1, 2014, and ending on the day before the date of the enactment of this Act; and

(ii) the provisions of chapter 3 of title II of the Trade Act of 1974, as in effect on such date of enactment, had been in effect on that date during the period described in clause (i).

SEC. 406. SUNSET PROVISIONS.

(a) APPLICATION OF PRIOR LAW.—Subject to subsection (b), beginning on July 1, 2021, the provisions of chapters 2, 3, 5, and 6 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.), as in effect on January 1, 2014, shall be in effect and apply, except that in applying and administering such chapters—

(1) paragraph (1) of section 231(c) of that Act shall be applied and administered as if subparagraphs (A), (B), and (C) of that paragraph were not in effect;

(2) section 233 of that Act shall be applied and administered—

(A) in subsection (a)—

(i) in paragraph (2), by substituting “104-week period” for “104-week period” and all that follows through “130-week period”; and

(ii) in paragraph (3)—

(I) in the matter preceding subparagraph (A), by substituting “65” for “52”; and

(II) by substituting “78-week period” for “52-week period” each place it appears; and

(B) by applying and administering subsection (g) as if it read as follows:

“(g) PAYMENT OF TRADE READJUSTMENT ALLOWANCES TO COMPLETE TRAINING.—Notwithstanding any other provision of this section, in order to assist an adversely affected worker to complete training approved for the worker under section 236 that leads to the completion of a degree or industry-recognized credential, payments may be made as trade readjustment allowances for not more than 13 weeks within such period of eligibility as the Secretary may prescribe to account for a break in training or for justifiable cause that follows the last week for which the worker is otherwise entitled to a trade readjustment allowance under this chapter if—

“(1) payment of the trade readjustment allowance for not more than 13 weeks is necessary for the worker to complete the training;

“(2) the worker participates in training in each such week; and

“(3) the worker—

“(A) has substantially met the performance benchmarks established as part of the training approved for the worker;

“(B) is expected to continue to make progress toward the completion of the training; and

“(C) will complete the training during that period of eligibility.”;

19 USC
prec. 2271
note.

Time periods.

(3) section 245(a) of that Act shall be applied and administered by substituting “June 30, 2022” for “December 31, 2007”;

(4) section 246(b)(1) of that Act shall be applied and administered by substituting “June 30, 2022” for “the date that is 5 years” and all that follows through “State”;

(5) section 256(b) of that Act shall be applied and administered by substituting “the 1-year period beginning on July 1, 2021” for “each of fiscal years 2003 through 2007, and \$4,000,000 for the 3-month period beginning on October 1, 2007”;

(6) section 298(a) of that Act shall be applied and administered by substituting “the 1-year period beginning on July 1, 2021” for “each of the fiscal years” and all that follows through “October 1, 2007”; and

(7) section 285 of that Act shall be applied and administered—

(A) in subsection (a), by substituting “June 30, 2022” for “December 31, 2007” each place it appears; and

(B) by applying and administering subsection (b) as if it read as follows:

“(b) OTHER ASSISTANCE.—

“(1) ASSISTANCE FOR FIRMS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), assistance may not be provided under chapter 3 after June 30, 2022.

“(B) EXCEPTION.—Notwithstanding subparagraph (A), any assistance approved under chapter 3 pursuant to a petition filed under section 251 on or before June 30, 2022, may be provided—

“(i) to the extent funds are available pursuant to such chapter for such purpose; and

“(ii) to the extent the recipient of the assistance is otherwise eligible to receive such assistance.

“(2) FARMERS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), assistance may not be provided under chapter 6 after June 30, 2022.

“(B) EXCEPTION.—Notwithstanding subparagraph (A), any assistance approved under chapter 6 on or before June 30, 2022, may be provided—

“(i) to the extent funds are available pursuant to such chapter for such purpose; and

“(ii) to the extent the recipient of the assistance is otherwise eligible to receive such assistance.”.

Applicability.

(b) EXCEPTIONS.—The provisions of chapters 2, 3, 5, and 6 of title II of the Trade Act of 1974, as in effect on the date of the enactment of this Act, shall continue to apply on and after July 1, 2021, with respect to—

(1) workers certified as eligible for trade adjustment assistance benefits under chapter 2 of title II of that Act pursuant to petitions filed under section 221 of that Act before July 1, 2021;

(2) firms certified as eligible for technical assistance or grants under chapter 3 of title II of that Act pursuant to petitions filed under section 251 of that Act before July 1, 2021; and

(3) agricultural commodity producers certified as eligible for technical or financial assistance under chapter 6 of title II of that Act pursuant to petitions filed under section 292 of that Act before July 1, 2021.

SEC. 407. EXTENSION AND MODIFICATION OF HEALTH COVERAGE TAX CREDIT.

(a) **EXTENSION.**—Subparagraph (B) of section 35(b)(1) of the Internal Revenue Code of 1986 is amended by striking “before January 1, 2014” and inserting “before January 1, 2020”. 26 USC 35.

(b) **COORDINATION WITH CREDIT FOR COVERAGE UNDER A QUALIFIED HEALTH PLAN.**—Subsection (g) of section 35 of the Internal Revenue Code of 1986 is amended—

(1) by redesignating paragraph (11) as paragraph (13); and

(2) by inserting after paragraph (10) the following new paragraphs:

“(11) **ELECTION.**—

“(A) **IN GENERAL.**—This section shall not apply to any taxpayer for any eligible coverage month unless such taxpayer elects the application of this section for such month.

“(B) **TIMING AND APPLICABILITY OF ELECTION.**—Except as the Secretary may provide—

“(i) an election to have this section apply for any eligible coverage month in a taxable year shall be made not later than the due date (including extensions) for the return of tax for the taxable year; and Deadline.

“(ii) any election for this section to apply for an eligible coverage month shall apply for all subsequent eligible coverage months in the taxable year and, once made, shall be irrevocable with respect to such months.

“(12) **COORDINATION WITH PREMIUM TAX CREDIT.**—

“(A) **IN GENERAL.**—An eligible coverage month to which the election under paragraph (11) applies shall not be treated as a coverage month (as defined in section 36B(c)(2)) for purposes of section 36B with respect to the taxpayer.

“(B) **COORDINATION WITH ADVANCE PAYMENTS OF PREMIUM TAX CREDIT.**—In the case of a taxpayer who makes the election under paragraph (11) with respect to any eligible coverage month in a taxable year or on behalf of whom any advance payment is made under section 7527 with respect to any month in such taxable year—

“(i) the tax imposed by this chapter for the taxable year shall be increased by the excess, if any, of—

“(I) the sum of any advance payments made on behalf of the taxpayer under section 1412 of the Patient Protection and Affordable Care Act and section 7527 for months during such taxable year, over

“(II) the sum of the credits allowed under this section (determined without regard to paragraph (1)) and section 36B (determined without regard to subsection (f)(1) thereof) for such taxable year; and

“(ii) section 36B(f)(2) shall not apply with respect to such taxpayer for such taxable year, except that Applicability.

if such taxpayer received any advance payments under section 7527 for any month in such taxable year and is later allowed a credit under section 36B for such taxable year, then section 36B(f)(2)(B) shall be applied by substituting the amount determined under clause (i) for the amount determined under section 36B(f)(2)(A).”.

(c) EXTENSION OF ADVANCE PAYMENT PROGRAM.—

26 USC 7527.

(1) IN GENERAL.—Subsection (a) of section 7527 of the Internal Revenue Code of 1986 is amended by striking “August 1, 2003” and inserting “the date that is 1 year after the date of the enactment of the Trade Adjustment Assistance Reauthorization Act of 2015”.

(2) CONFORMING AMENDMENT.—Paragraph (1) of section 7527(e) of such Code is amended by striking “occurring” and all that follows and inserting “occurring—

“(A) after the date that is 1 year after the date of the enactment of the Trade Adjustment Assistance Reauthorization Act of 2015; and

“(B) prior to the first month for which an advance payment is made on behalf of such individual under subsection (a).”.

(d) INDIVIDUAL INSURANCE TREATED AS QUALIFIED HEALTH INSURANCE WITHOUT REGARD TO ENROLLMENT DATE.—

(1) IN GENERAL.—Subparagraph (J) of section 35(e)(1) of the Internal Revenue Code of 1986 is amended by striking “insurance if the eligible individual” and all that follows through “For purposes of” and inserting “insurance. For purposes of”.

(2) SPECIAL RULE.—Subparagraph (J) of section 35(e)(1) of such Code, as amended by paragraph (1), is amended by striking “insurance.” and inserting “insurance (other than coverage enrolled in through an Exchange established under the Patient Protection and Affordable Care Act).”.

(e) CONFORMING AMENDMENT.—Subsection (m) of section 6501 of the Internal Revenue Code of 1986 is amended by inserting “, 35(g)(11)” after “30D(e)(4)”.

Applicability.
26 USC 35 note.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to coverage months in taxable years beginning after December 31, 2013.

(2) PLANS AVAILABLE ON INDIVIDUAL MARKET FOR USE OF TAX CREDIT.—The amendment made by subsection (d)(2) shall apply to coverage months in taxable years beginning after December 31, 2015.

Time periods.

(3) TRANSITION RULE.—Notwithstanding section 35(g)(11)(B)(i) of the Internal Revenue Code of 1986 (as added by this title), an election to apply section 35 of such Code to an eligible coverage month (as defined in section 35(b) of such Code) (and not to claim the credit under section 36B of such Code with respect to such month) in a taxable year beginning after December 31, 2013, and before the date of the enactment of this Act—

(A) may be made at any time on or after such date of enactment and before the expiration of the 3-year period of limitation prescribed in section 6511(a) with respect to such taxable year; and

(B) may be made on an amended return.

(g) AGENCY OUTREACH.—As soon as possible after the date of the enactment of this Act, the Secretaries of the Treasury, Health and Human Services, and Labor (or such Secretaries’ delegates) and the Director of the Pension Benefit Guaranty Corporation (or the Director’s delegate) shall carry out programs of public outreach, including on the Internet, to inform potential eligible individuals (as defined in section 35(c)(1) of the Internal Revenue Code of 1986) of the extension of the credit under section 35 of the Internal Revenue Code of 1986 and the availability of the election to claim such credit retroactively for coverage months beginning after December 31, 2013. 26 USC 35 note.

TITLE V—IMPROVEMENTS TO ANTI-DUMPING AND COUNTERVAILING DUTY LAWS

American Trade Enforcement Effectiveness Act.

SEC. 501. SHORT TITLE.

19 USC 1654 note.

This title may be cited as the “American Trade Enforcement Effectiveness Act”.

SEC. 502. CONSEQUENCES OF FAILURE TO COOPERATE WITH A REQUEST FOR INFORMATION IN A PROCEEDING.

Section 776 of the Tariff Act of 1930 (19 U.S.C. 1677e) is amended—

(1) in subsection (b)—

(A) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively, and by moving such subparagraphs, as so redesignated, 2 ems to the right;

(B) by striking “ADVERSE INFERENCES.—If” and inserting the following: “ADVERSE INFERENCES.—

“(1) IN GENERAL.—If”;

(C) by striking “under this title, may use” and inserting the following: “under this title—

“(A) may use”; and

(D) by striking “facts otherwise available. Such adverse inference may include” and inserting the following: “facts otherwise available; and

“(B) is not required to determine, or make any adjustments to, a countervailable subsidy rate or weighted average dumping margin based on any assumptions about information the interested party would have provided if the interested party had complied with the request for information.

“(2) POTENTIAL SOURCES OF INFORMATION FOR ADVERSE INFERENCES.—An adverse inference under paragraph (1)(A) may include”;

(2) in subsection (c)—

(A) by striking “CORROBORATION OF SECONDARY INFORMATION.—When the” and inserting the following: “CORROBORATION OF SECONDARY INFORMATION.—

“(1) IN GENERAL.—Except as provided in paragraph (2), when the”; and

(B) by adding at the end the following:

“(2) EXCEPTION.—The administrative authority and the Commission shall not be required to corroborate any dumping margin or countervailing duty applied in a separate segment of the same proceeding.”; and

(3) by adding at the end the following:

“(d) **SUBSIDY RATES AND DUMPING MARGINS IN ADVERSE INFERENCE DETERMINATIONS.**—

“(1) **IN GENERAL.**—If the administering authority uses an inference that is adverse to the interests of a party under subsection (b)(1)(A) in selecting among the facts otherwise available, the administering authority may—

“(A) in the case of a countervailing duty proceeding—

“(i) use a countervailable subsidy rate applied for the same or similar program in a countervailing duty proceeding involving the same country; or

“(ii) if there is no same or similar program, use a countervailable subsidy rate for a subsidy program from a proceeding that the administering authority considers reasonable to use; and

“(B) in the case of an antidumping duty proceeding, use any dumping margin from any segment of the proceeding under the applicable antidumping order.

“(2) **DISCRETION TO APPLY HIGHEST RATE.**—In carrying out paragraph (1), the administering authority may apply any of the countervailable subsidy rates or dumping margins specified under that paragraph, including the highest such rate or margin, based on the evaluation by the administering authority of the situation that resulted in the administering authority using an adverse inference in selecting among the facts otherwise available.

“(3) **NO OBLIGATION TO MAKE CERTAIN ESTIMATES OR ADDRESS CERTAIN CLAIMS.**—If the administering authority uses an adverse inference under subsection (b)(1)(A) in selecting among the facts otherwise available, the administering authority is not required, for purposes of subsection (c) or for any other purpose—

“(A) to estimate what the countervailable subsidy rate or dumping margin would have been if the interested party found to have failed to cooperate under subsection (b)(1) had cooperated; or

“(B) to demonstrate that the countervailable subsidy rate or dumping margin used by the administering authority reflects an alleged commercial reality of the interested party.”.

SEC. 503. DEFINITION OF MATERIAL INJURY.

(a) **EFFECT OF PROFITABILITY OF DOMESTIC INDUSTRIES.**—Section 771(7) of the Tariff Act of 1930 (19 U.S.C. 1677(7)) is amended by adding at the end the following:

“(J) **EFFECT OF PROFITABILITY.**—The Commission may not determine that there is no material injury or threat of material injury to an industry in the United States merely because that industry is profitable or because the performance of that industry has recently improved.”.

(b) **EVALUATION OF IMPACT ON DOMESTIC INDUSTRY IN DETERMINATION OF MATERIAL INJURY.**—Subclause (I) of section

771(7)(C)(iii) of the Tariff Act of 1930 (19 U.S.C. 1677(7)(C)(iii)) is amended to read as follows:

“(I) actual and potential decline in output, sales, market share, gross profits, operating profits, net profits, ability to service debt, productivity, return on investments, return on assets, and utilization of capacity.”.

(c) CAPTIVE PRODUCTION.—Section 771(7)(C)(iv) of the Tariff Act of 1930 (19 U.S.C. 1677(7)(C)(iv)) is amended—

(1) in subclause (I), by striking the comma and inserting “, and”;

(2) in subclause (II), by striking “, and” and inserting a comma; and

(3) by striking subclause (III).

SEC. 504. PARTICULAR MARKET SITUATION.

(a) DEFINITION OF ORDINARY COURSE OF TRADE.—Section 771(15) of the Tariff Act of 1930 (19 U.S.C. 1677(15)) is amended by adding at the end the following:

“(C) Situations in which the administering authority determines that the particular market situation prevents a proper comparison with the export price or constructed export price.”.

(b) DEFINITION OF NORMAL VALUE.—Section 773(a)(1)(B)(ii)(III) of the Tariff Act of 1930 (19 U.S.C. 1677b(a)(1)(B)(ii)(III)) is amended by striking “in such other country.”.

(c) DEFINITION OF CONSTRUCTED VALUE.—Section 773(e) of the Tariff Act of 1930 (19 U.S.C. 1677b(e)) is amended—

(1) in paragraph (1), by striking “business” and inserting “trade”; and

(2) by striking the flush text at the end and inserting the following:

“For purposes of paragraph (1), if a particular market situation exists such that the cost of materials and fabrication or other processing of any kind does not accurately reflect the cost of production in the ordinary course of trade, the administering authority may use another calculation methodology under this subtitle or any other calculation methodology. For purposes of paragraph (1), the cost of materials shall be determined without regard to any internal tax in the exporting country imposed on such materials or their disposition that is remitted or refunded upon exportation of the subject merchandise produced from such materials.”.

SEC. 505. DISTORTION OF PRICES OR COSTS.

(a) INVESTIGATION OF BELOW-COST SALES.—Section 773(b)(2) of the Tariff Act of 1930 (19 U.S.C. 1677b(b)(2)) is amended by striking subparagraph (A) and inserting the following:

“(A) REASONABLE GROUNDS TO BELIEVE OR SUSPECT.—

“(i) REVIEW.—In a review conducted under section 751 involving a specific exporter, there are reasonable grounds to believe or suspect that sales of the foreign like product have been made at prices that are less than the cost of production of the product if the administering authority disregarded some or all of the exporter’s sales pursuant to paragraph (1) in the investigation or, if a review has been completed, in the most recently completed review.

“(ii) REQUESTS FOR INFORMATION.—In an investigation initiated under section 732 or a review conducted under section 751, the administering authority shall request information necessary to calculate the constructed value and cost of production under subsections (e) and (f) to determine whether there are reasonable grounds to believe or suspect that sales of the foreign like product have been made at prices that represent less than the cost of production of the product.”

(b) PRICES AND COSTS IN NONMARKET ECONOMIES.—Section 773(c) of the Tariff Act of 1930 (19 U.S.C. 1677b(c)) is amended by adding at the end the following:

“(5) DISCRETION TO DISREGARD CERTAIN PRICE OR COST VALUES.—In valuing the factors of production under paragraph (1) for the subject merchandise, the administering authority may disregard price or cost values without further investigation if the administering authority has determined that broadly available export subsidies existed or particular instances of subsidization occurred with respect to those price or cost values or if those price or cost values were subject to an antidumping order.”

SEC. 506. REDUCTION IN BURDEN ON DEPARTMENT OF COMMERCE BY REDUCING THE NUMBER OF VOLUNTARY RESPONDENTS.

Section 782(a) of the Tariff Act of 1930 (19 U.S.C. 1677m(a)) is amended—

(1) in paragraph (1), by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and by moving such clauses, as so redesignated, 2 ems to the right;

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and by moving such subparagraphs, as so redesignated, 2 ems to the right;

(3) by striking “INVESTIGATIONS AND REVIEWS.—In” and inserting the following: “INVESTIGATIONS AND REVIEWS.—

“(1) IN GENERAL.—In”;

(4) in paragraph (1), as designated by paragraph (3), by amending subparagraph (B), as redesignated by paragraph (2), to read as follows:

“(B) the number of exporters or producers subject to the investigation or review is not so large that any additional individual examination of such exporters or producers would be unduly burdensome to the administering authority and inhibit the timely completion of the investigation or review.”; and

(5) by adding at the end the following:

“(2) DETERMINATION OF UNDULY BURDENSOME.—In determining if an individual examination under paragraph (1)(B) would be unduly burdensome, the administering authority may consider the following:

“(A) The complexity of the issues or information presented in the proceeding, including questionnaires and any responses thereto.

“(B) Any prior experience of the administering authority in the same or similar proceeding.

“(C) The total number of investigations under subtitle A or B and reviews under section 751 being conducted

by the administering authority as of the date of the determination.

“(D) Such other factors relating to the timely completion of each such investigation and review as the administering authority considers appropriate.”.

SEC. 507. APPLICATION TO CANADA AND MEXICO.

19 USC 3438
note.

Pursuant to article 1902 of the North American Free Trade Agreement and section 408 of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3438), the amendments made by this title shall apply with respect to goods from Canada and Mexico.

TITLE VI—TARIFF CLASSIFICATION OF CERTAIN ARTICLES

SEC. 601. TARIFF CLASSIFICATION OF RECREATIONAL PERFORMANCE OUTERWEAR.

(a) AMENDMENTS TO ADDITIONAL U.S. NOTES.—The Additional U.S. Notes to chapter 62 of the Harmonized Tariff Schedule of the United States are amended—

(1) in Additional U.S. Note 2—

(A) by striking “For the purposes of subheadings” and all that follows through “6211.20.15” and inserting “For purposes of this chapter”;

(B) by striking “garments classifiable in those subheadings” and inserting “a garment”; and

(C) by striking “D 3600-81” and inserting “D 3779-81”; and

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

“(c) For purposes of this chapter, the term ‘recreational performance outerwear’ means trousers (including, but not limited to, paddling pants, ski or snowboard pants, and ski or snowboard pants intended for sale as parts of ski-suits), coveralls and bib overalls, and jackets (including, but not limited to, full zip jackets, paddling jackets, ski jackets, and ski jackets intended for sale as parts of ski-suits), windbreakers, and similar articles (including padded, sleeveless jackets) composed of fabrics of cotton, wool, hemp, bamboo, silk, or manmade fiber, or a combination of such fibers, that are either water resistant or treated with plastics, or both, with critically sealed seams, and with five or more of the following features:

Definition.

“(1) Insulation for cold weather protection.

“(2) Pockets, at least one of which has a zippered, hook and loop, or other type of closure.

“(3) Elastic, drawcord, or other means of tightening around the waist or leg hems, including hidden leg sleeves with a means of tightening at the ankle for trousers and tightening around the waist or bottom hem for jackets.

“(4) Venting, not including grommet(s).

“(5) Articulated elbows or knees.

“(6) Reinforcement in one of the following areas: the elbows, shoulders, seat, knees, ankles, or cuffs.

“(7) Weatherproof closure at the waist or front.

“(8) Multi-adjustable hood or adjustable collar.

“(9) Adjustable powder skirt, inner protective skirt, or adjustable inner protective cuff at sleeve hem.

“(10) Construction at the arm gusset that utilizes fabric, design, or patterning to allow radial arm movement.

“(11) Odor control technology.

The term ‘recreational performance outerwear’ does not include occupational outerwear.

Definitions.

“(d) For purposes of this Note, the following terms have the following meanings:

“(1) The term ‘treated with plastics’ refers to textile fabrics impregnated, coated, covered, or laminated with plastics, as described in Note 2 to chapter 59.

“(2) The term ‘sealed seams’ means seams that have been covered by means of taping, gluing, bonding, cementing, fusing, welding, or a similar process so that water cannot pass through the seams when tested in accordance with the current version of AATCC Test Method 35.

“(3) The term ‘critically sealed seams’ means—

“(A) for jackets, windbreakers, and similar articles (including padded, sleeveless jackets), sealed seams that are sealed at the front and back yokes, or at the shoulders, arm holes, or both, where applicable; and

“(B) for trousers, overalls and bib overalls and similar articles, sealed seams that are sealed at the front (up to the zipper or other means of closure) and back rise.

“(4) The term ‘insulation for cold weather protection’ means insulation with either synthetic fill, down, a laminated thermal backing, or other lining for thermal protection from cold weather.

“(5) The term ‘venting’ refers to closeable or permanent constructed openings in a garment (excluding front, primary zipper closures and grommet(s)) to allow increased expulsion of built-up heat during outdoor activities. In a jacket, such openings are often positioned on the underarm seam of a garment but may also be placed along other seams in the front or back of a garment. In trousers, such openings are often positioned on the inner or outer leg seams of a garment but may also be placed along other seams in the front or back of a garment.

“(6) The term ‘articulated elbows or knees’ refers to the construction of a sleeve (or pant leg) to allow improved mobility at the elbow (or knee) through the use of extra seams, darts, gussets, or other means.

“(7) The term ‘reinforcement’ refers to the use of a double layer of fabric or section(s) of fabric that is abrasion-resistant or otherwise more durable than the face fabric of the garment.

“(8) The term ‘weatherproof closure’ means a closure (including, but not limited to, laminated or coated zippers, storm flaps, or other weatherproof construction) that has been reinforced or engineered in a manner to reduce the penetration or absorption of moisture or air through an opening in the garment.

“(9) The term ‘multi-adjustable hood or adjustable collar’ means, in the case of a hood, a hood into which is incorporated two or more draw cords, adjustment tabs, or elastics, or, in the case of a collar, a collar into which is incorporated at

least one draw cord, adjustment tab, elastic, or similar component, to allow volume adjustments around a helmet, or the crown of the head, neck, or face.

“(10) The terms ‘adjustable powder skirt’ and ‘inner protective skirt’ refer to a partial lower inner lining with means of tightening around the waist for additional protection from the elements.

“(11) The term ‘arm gusset’ means construction at the arm of a gusset that utilizes an extra fabric piece in the underarm, usually diamond- or triangular-shaped, designed, or patterned to allow radial arm movement.

“(12) The term ‘radial arm movement’ refers to unrestricted, 180-degree range of motion for the arm while wearing performance outerwear.

“(13) The term ‘odor control technology’ means the incorporation into a fabric or garment of materials, including, but not limited to, activated carbon, silver, copper, or any combination thereof, capable of adsorbing, absorbing, or reacting with human odors, or effective in reducing the growth of odor-causing bacteria.

“(14) The term ‘occupational outerwear’ means outerwear garments, including uniforms, designed or marketed for use in the workplace or at a worksite to provide durable protection from cold or inclement weather and/or workplace hazards, such as fire, electrical, abrasion, or chemical hazards, or impacts, cuts, punctures, or similar hazards.

“(e) Notwithstanding subdivision (b)(i) of this Note, for purposes of this chapter, Notes 1 and 2(a)(1) to chapter 59 and Note 1(c) to chapter 60 shall be disregarded in classifying goods as ‘recreational performance outerwear’.

“(f) For purposes of this chapter, the importer of record shall maintain internal import records that specify upon entry whether garments claimed as recreational performance outerwear have an outer surface that is water resistant, treated with plastics, or a combination thereof, and shall further enumerate the specific features that make the garments eligible to be classified as recreational performance outerwear.”

Records.

(b) TARIFF CLASSIFICATIONS.—Chapter 62 of the Harmonized Tariff Schedule of the United States is amended as follows:

(1) By striking subheading 6201.11.00 and inserting the following, with the article description for subheading 6201.11 having the same degree of indentation as the article description for subheading 6201.11.00 (as in effect on the day before the date of the enactment of this Act):

“	6201.11	Of wool or fine animal hair:			
	6201.11.05	Recreational performance outerwear	41¢/kg + 16.3%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, P, PA, PE, SG) 8% (AU) 16.4¢/kg + 6.5% (OM)	52.9¢/kg + 58.5%

6201.11.10	Other	41¢/kg + 16.3%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, P, PA, PE, SG) 8% (AU) 16.4¢/kg + 6.5% (OM)	52.9¢/kg + 58.5%	”.
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(2) By striking subheadings 6201.12.10 and 6201.12.20 and inserting the following, with the article description for subheading 6201.12.05 having the same degree of indentation as the article description for subheading 6201.12.10 (as in effect on the day before the date of the enactment of this Act):

“	6201.12.05	Recreational performance outerwear	9.4%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 8% (AU)	60%	
	6201.12.10	Other: Containing 15 percent or more by weight of down and waterfowl plumage and of which down comprises 35 percent or more by weight; containing 10 percent or more by weight of down	4.4%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 3.9% (AU)	60%	
	6201.12.20	Other	9.4%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 8% (AU)	90%	”.

(3) By striking subheadings 6201.13.10 through 6201.13.40 and inserting the following, with the article description for subheading 6201.13.05 having the same degree of indentation as the article description for subheading 6201.13.10 (as in effect on the day before the date of the enactment of this Act):

“	6201.13.05	Recreational performance outerwear	27.7%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 8% (AU)	90%
	6201.13.10	Other: Containing 15 percent or more by weight of down and waterfowl plumage and of which down comprises 35 percent or more by weight; containing 10 percent or more by weight of down	4.4%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 3.9% (AU)	60%
	6201.13.30	Other: Containing 36 percent or more by weight of wool or fine animal hair	49.7¢/kg + 19.7%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 8% (AU)	52.9¢/kg + 58.5%
	6201.13.40	Other	27.7%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 8% (AU)	90%
					”.

(4) By striking subheadings 6201.19.10 and 6201.19.90 and inserting the following, with the article description for subheading 6201.19.05 having the same degree of indentation as the article description for subheading 6201.19.10 (as in effect on the day before the date of the enactment of this Act):

“	6201.19.05	Recreational performance outerwear	2.8%	Free (AU, BH, CA, CL, CO, E*, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	35%	
		Other:				
	6201.19.10	Containing 70 percent or more by weight of silk or silk waste	Free		35%	
	6201.19.90	Other	2.8%	Free (AU, BH, CA, CL, CO, E*, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	35%	”.

(5) By striking subheadings 6201.91.10 and 6201.91.20 and inserting the following, with the article description for subheading 6201.91.05 having the same degree of indentation as the article description for subheading 6201.91.10 (as in effect on the day before the date of the enactment of this Act):

“	6201.91.05	Recreational performance outerwear	49.7¢/kg + 19.7%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, P, PA, PE, SG) 8% (AU) 19.8¢/kg + 7.8% (OM)	58.5%	
		Other:				
	6201.91.10	Padded, sleeveless jackets	8.5%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, P, PA, PE, SG) 7.6% (AU) 3.4% (OM)	58.5%	
	6201.91.20	Other	49.7¢/kg + 19.7%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, P, PA, PE, SG) 8% (AU) 19.8¢/kg + 7.8% (OM)	52.9¢/kg + 58.5%	”.

(6) By striking subheadings 6201.92.10 through 6201.92.20 and inserting the following, with the article description for subheading 6201.92.05 having the same degree of indentation as the article description for subheading 6201.92.10 (as in effect on the day before the date of the enactment of this Act):

“	6201.92.05	Recreational performance outerwear	9.4%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 8% (AU)	90%	
	6201.92.10	Other: Containing 15 percent or more by weight of down and waterfowl plumage and of which down comprises 35 percent or more by weight; containing 10 percent or more by weight of down	4.4%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 3.9% (AU)	60%	
	6201.92.15	Other: Water resistant	6.2%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 5.5% (AU)	37.5%	
	6201.92.20	Other	9.4%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 8% (AU)	90%	”.

(7) By striking subheadings 6201.93.10 through 6201.93.35 and inserting the following, with the article description for subheading 6201.93.05 having the same degree of indentation as the article description for subheading 6201.93.10 (as in effect on the day before the date of the enactment of this Act):

“	6201.93.05	Recreational performance outerwear	27.7%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 8% (AU)	90%	
		Other:				

6201.93.10	Containing 15 percent or more by weight of down and waterfowl plumage and of which down comprises 35 percent or more by weight; containing 10 percent or more by weight of down	4.4%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 3.9% (AU)	60%
6201.93.20	Other: Padded, sleeveless jackets	14.9%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 8% (AU)	76%
6201.93.25	Other: Containing 36 percent or more by weight of wool or fine animal hair	49.5¢/kg + 19.6%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 8% (AU)	52.9¢/kg + 58.5%
6201.93.30	Other: Water resistant	7.1%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 6.3% (AU)	65%
6201.93.35	Other	27.7%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 8% (AU)	90%

(8) By striking subheadings 6201.99.10 and 6201.99.90 and inserting the following, with the article description for subheading 6201.99.05 having the same degree of indentation as

the article description for subheading 6201.99.10 (as in effect on the day before the date of the enactment of this Act):

“	6201.99.05	Recreational performance outerwear	4.2%	Free (BH, CA, CL, CO, E*, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 3.7% (AU)	35%	”.
	6201.99.10	Other: Containing 70 percent or more by weight of silk or silk waste	Free		35%	
	6201.99.90	Other	4.2%	Free (BH, CA, CL, CO, E*, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 3.7% (AU)	35%	

(9) By striking subheading 6202.11.00 and inserting the following, with the article description for subheading 6202.11 having the same degree of indentation as the article description for subheading 6202.11.00 (as in effect on the day before the date of the enactment of this Act):

“	6202.11	Of wool or fine animal hair:				”.
	6202.11.05	Recreational performance outerwear	41¢/kg + 16.3%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, P, PA, PE, SG) 8% (AU) 16.4¢/kg + 6.5% (OM)	46.3¢/kg + 58.5%	
	6202.11.10	Other	41¢/kg + 16.3%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, P, PA, PE, SG) 8% (AU) 16.4¢/kg + 6.5% (OM)	46.3¢/kg + 58.5%	

(10) By striking subheadings 6202.12.10 and 6202.12.20 and inserting the following, with the article description for subheading 6202.12.05 having the same degree of indentation as the article description for subheading 6202.12.10 (as in effect on the day before the date of the enactment of this Act):

“	6202.12.05	Recreational performance outerwear	8.9%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 8% (AU)	90%	
	6202.12.10	Other: Containing 15 percent or more by weight of down and waterfowl plumage and of which down comprises 35 percent or more by weight; containing 10 percent or more by weight of down	4.4%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 3.9% (AU)	60%	
	6202.12.20	Other	8.9%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 8% (AU)	90%	”.

(11) By striking subheadings 6202.13.10 through 6202.13.40 and inserting the following, with the article description for subheading 6202.13.05 having the same degree of indentation as the article description for subheading 6202.13.10 (as in effect on the day before the date of the enactment of this Act):

“	6202.13.05	Recreational performance outerwear	27.7%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 8% (AU)	90%	
		Other:				

6202.13.10	Containing 15 percent or more by weight of down and waterfowl plumage and of which down comprises 35 percent or more by weight; containing 10 percent or more by weight of down	4.4%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 3.9% (AU)	60%
6202.13.30	Other: Containing 36 percent or more by weight of wool or fine animal hair	43.5¢/kg + 19.7%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 8% (AU)	46.3¢/kg + 58.5%
6202.13.40	Other	27.7%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 8% (AU)	90%

(12) By striking subheadings 6202.19.10 and 6202.19.90 and inserting the following, with the article description for subheading 6202.19.05 having the same degree of indentation as the article description for subheading 6202.19.10 (as in effect on the day before the date of the enactment of this Act):

“	6202.19.05	Recreational performance outerwear	2.8%	Free (AU, BH, CA, CL, CO, E*, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	35%
	6202.19.10	Other: Containing 70 percent or more by weight or silk or silk waste	Free		35%

6202.19.90	Other	2.8%	Free (AU, BH, CA, CL, CO, E*, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	35%	”.
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(13) By striking subheadings 6202.91.10 and 6202.91.20 and inserting the following, with the article description for subheading 6202.91.05 having the same degree of indentation as the article description for subheading 6202.91.10 (as in effect on the day before the date of the enactment of this Act):

“	6202.91.05	Recreational performance outerwear	36¢/kg + 16.3%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, P, PA, PE, SG) 8% (AU) 14.4¢/kg + 6.5% (OM)	58.5%	
	6202.91.10	Other: Padded, sleeveless jackets	14%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, P, PA, PE, SG) 8% (AU) 5.6% (OM)	58.5%	
	6202.91.20	Other	36¢/kg + 16.3%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, P, PA, PE, SG) 8% (AU) 14.4¢/kg + 6.5% (OM)	46.3¢/kg + 58.5%	”.

(14) By striking subheadings 6202.92.10 through 6202.92.20 and inserting the following, with the article description for subheading 6202.92.05 having the same degree of indentation as the article description for subheading 6202.92.10 (as in effect on the day before the date of the enactment of this Act):

“	6202.92.05	Recreational performance outerwear	8.9%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 8% (AU)	90%	
		Other:				

6202.92.10	Containing 15 percent or more by weight of down and waterfowl plumage and of which down comprises 35 percent or more by weight; containing 10 percent or more by weight of down	4.4%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 3.9% (AU)	60%
6202.92.15	Other: Water resistant	6.2%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 5.5% (AU)	37.5%
6202.92.20	Other	8.9%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 8% (AU)	90%

(15) By striking subheadings 6202.93.10 through 6202.93.50 and inserting the following, with the article description for subheading 6202.93.05 having the same degree of indentation as the article description for subheading 6202.93.10 (as in effect on the day before the date of the enactment of this Act):

“	6202.93.05	Recreational performance outerwear	27.7%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 8% (AU)	90%
		Other:			

6202.93.10	Containing 15 percent or more by weight of down and waterfowl plumage and of which down comprises 35 percent or more by weight; containing 10 percent or more by weight of down	4.4%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 3.9% (AU)	60%
6202.93.20	Other: Padded, sleeveless jackets	14.9%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 8% (AU)	76%
6202.93.40	Other: Containing 36 percent or more by weight of wool or fine animal hair	43.4¢/kg + 19.7%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 8% (AU)	46.3¢/kg + 58.5%
6202.93.45	Other: Water resistant	7.1%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 6.3% (AU)	65%
6202.93.50	Other	27.7%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 8% (AU)	90%

(16) By striking subheadings 6202.99.10 and 6202.99.90 and inserting the following, with the article description for subheading 6202.99.05 having the same degree of indentation

as the article description for subheading 6202.99.10 (as in effect on the day before the date of the enactment of this Act):

“	6202.99.05	Recreational performance outerwear	2.8%	Free (AU, BH, CA, CL, CO, E*, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	35%	
	6202.99.10	Other: Containing 70 percent or more by weight of silk or silk waste	Free		35%	
	6202.99.90	Other	2.8%	Free (AU, BH, CA, CL, CO, E*, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	35%	”.

(17) By striking subheadings 6203.41 and 6203.41.05, and the superior text to subheading 6203.41.05, and inserting the following, with the article description for subheading 6203.41 having the same degree of indentation as the article description for subheading 6203.41 (as in effect on the day before the date of the enactment of this Act):

“	6203.41	Of wool or fine animal hair:				
	6203.41.05	Recreational performance outerwear	41.9¢/kg + 16.3%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, P, PA, PE, SG) 8% (AU) 16.7¢/kg + 6.5% (OM)	52.9¢/kg + 58.5%	
	6203.41.10	Trousers, breeches and shorts: Trousers and breeches, containing elastomeric fiber, water resistant, without belt loops, weighing more than 9 kg per dozen	7.6%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, P, PA, PE, SG) 6.8% (AU) 3% (OM)	52.9¢/kg + 58.5%	”.

(18) By striking subheadings 6203.42.10 through 6203.42.40 and inserting the following, with the article description for subheading 6203.42.05 having the same degree of indentation as the article description for subheading 6203.42.10 (as in effect on the day before the date of the enactment of this Act):

“	6203.42.05	Recreational performance outerwear	16.6%	Free (BH, CA, CL, CO, IL, JO, MA, MX, OM, P, PA, PE, SG) 8% (AU) 11.6% (KR)	90%	
	6203.42.10	Other: Containing 15 percent or more by weight of down and waterfowl plumage and of which down comprises 35 percent or more by weight; containing 10 percent or more by weight of down	Free		60%	
	6203.42.20	Other: Bib and brace overalls	10.3%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 8% (AU)	90%	
	6203.42.40	Other	16.6%	Free (BH, CA, CL, CO, IL, JO, MA, MX, OM, P, PA, PE, SG) 8% (AU) 11.6% (KR)	90%	”.

(19) By striking subheadings 6203.43.10 through 6203.43.40 and inserting the following, with the article description for subheading 6203.43.05 having the same degree of indentation as the article description for subheading 6203.43.10 (as in effect on the day before the date of the enactment of this Act):

“	6203.43.05	Recreational performance outerwear	27.9%	Free (BH, CA, CL, CO, IL, JO, MA, MX, OM, P, PA, PE, SG) 8% (AU) 11.1% (KR)	90%	
		Other:				

6203.43.10	Containing 15 percent or more by weight of down and waterfowl plumage and of which down comprises 35 percent or more by weight; containing 10 percent or more by weight of down	Free		60%
	Other:			
	Bib and brace overalls:			
6203.43.15	Water resistant	7.1%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	65%
			6.3% (AU)	
6203.43.20	Other	14.9%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	76%
			8% (AU)	
	Other:			
6203.43.25	Certified hand-loomed and folklore products	12.2%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	76%
			8% (AU)	
	Other:			
6203.43.30	Containing 36 percent or more by weight of wool or fine animal hair	49.6¢/kg + 19.7%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	52.9¢/kg + 58.5%
			8% (AU)	
	Other:			
6203.43.35	Water resistant trousers or breeches	7.1%	Free (BH, CA, CL, CO, IL, JO, MA, MX, OM, P, PA, PE, SG)	65%
			6.3% (AU)	
			2.8% (KR)	
6203.43.40	Other	27.9%	Free (BH, CA, CL, CO, IL, JO, MA, MX, OM, P, PA, PE, SG)	
			8% (AU)	
			11.1% (KR)	90%

(20) By striking subheadings 6203.49 through 6203.49.80 and inserting the following, with the article description for

subheading 6203.49 having the same degree of indentation as the article description for subheading 6203.49 (as in effect on the day before the date of the enactment of this Act):

“	6203.49	Of other textile materials:			
	6203.49.05	Recreational performance outerwear	2.8%	Free (AU, BH, CA, CL, CO, E*, IL, JO, MA, MX, OM, P, PA, PE, SG) 1.1% (KR)	35%
		Other:			
		Of artificial fibers:			
	6203.49.10	Bib and brace overalls	8.5%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 7.6% (AU)	76%
		Trousers, breeches and shorts:			
	6203.49.15	Certified handloomed and folklore products	12.2%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 8% (AU)	76%
	6203.49.20	Other	27.9%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 8% (AU)	90%
	6203.49.40	Containing 70 percent or more by weight of silk or silk waste	Free		35%
	6203.49.80	Other	2.8%	Free (AU, BH, CA, CL, CO, E*, IL, JO, MA, MX, OM, P, PA, PE, SG) 1.1% (KR)	35%
					”.

(21) By striking subheadings 6204.61.10 and 6204.61.90 and inserting the following, with the article description for subheading 6204.61.05 having the same degree of indentation as the article description for subheading 6204.61.10 (as in effect on the day before the date of the enactment of this Act):

“	6204.61.05	Recreational performance outerwear	13.6%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, P, PA, PE, SG) 5.4% (OM) 8% (AU)	58.5%	
	6204.61.10	Other: Trousers and breeches, containing elastomeric fiber, water resistant, without belt loops, weighing more than 6 kg per dozen	7.6%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, P, PA, PE, SG) 3% (OM) 6.8% (AU)	58.5%	
	6204.61.90	Other	13.6%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, P, PA, PE, SG) 5.4% (OM) 8% (AU)	58.5%	”.

(22) By striking subheadings 6204.62.10 through 6204.62.40 and inserting the following, with the article description for subheading 6204.62.05 having the same degree of indentation as the article description for subheading 6204.62.10 (as in effect on the day before the date of the enactment of this Act):

“	6204.62.05	Recreational performance outerwear	16.6%	Free (BH, CA, CL, CO, IL, JO, MA, MX, OM, P, PA, PE, SG) 8% (AU) 11.6% (KR)	90%	
	6204.62.10	Other: Containing 15 percent or more by weight of down and waterfowl plumage and of which down comprises 35 percent or more by weight; containing 10 percent or more by weight of down	Free		60%	
		Other:				

6204.62.20	Bib and brace overalls	8.9%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 8% (AU)	90%
6204.62.30	Other: Certified handloomed and folklore products	7.1%	Free (BH, CA, CL, CO, E, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 6.3% (AU)	37.5%
6204.62.40	Other	16.6%	Free (BH, CA, CL, CO, IL, JO, MA, MX, OM, P, PA, PE, SG) 8% (AU) 11.6% (KR)	90%

(23) By striking subheadings 6204.63.10 through 6204.63.35 and inserting the following, with the article description for subheading 6204.63.05 having the same degree of indentation as the article description for subheading 6204.63.10 (as in effect on the day before the date of the enactment of this Act):

“ 6204.63.05	Recreational performance outerwear	28.6%	Free (BH, CA, CL, CO, IL, JO, MA, MX, OM, P, PA, PE, SG) 8% (AU) 11.4% (KR)	90%
6204.63.10	Other: Containing 15 percent or more by weight of down and waterfowl plumage and of which down comprises 35 percent or more by weight; containing 10 percent or more by weight of down	Free		60%
	Other: Bib and brace overalls:			

6204.63.12	Water resistant	7.1%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 6.3% (AU)	65%
6204.63.15	Other	14.9%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 8% (AU)	76%
6204.63.20	Certified hand-loomed and folklore products	11.3%	Free (BH, CA, CL, CO, E, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 8% (AU)	76%
6204.63.25	Other: Containing 36 percent or more by weight of wool or fine animal hair	13.6%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 8% (AU)	58.5%
6204.63.30	Other: Water resistant trousers or breeches	7.1%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 6.3% (AU)	65%
6204.63.35	Other	28.6%	Free (BH, CA, CL, CO, IL, JO, MA, MX, OM, P, PA, PE, SG) 8% (AU) 11.4% (KR)	90%

(24) By striking subheadings 6204.69 through 6204.69.90 and inserting the following, with the article description for subheading 6204.69 having the same degree of indentation as the article description for subheading 6204.69 (as in effect on the day before the date of the enactment of this Act):

“	6204.69	Of other textile materials:					”.
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6204.69.05	Recreational performance outerwear	2.8%	Free (AU, BH, CA, CL, CO, E*, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	35%
	Other:			
	Of artificial fibers:			
6204.69.10	Bib and brace overalls	13.6%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 8% (AU)	76%
	Trousers, breeches and shorts:			
	Containing 36 percent or more by weight of wool or fine animal hair	13.6%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 8% (AU)	58.5%
6204.69.25	Other	28.6%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 8% (AU)	90%
	Of silk or silk waste:			
6204.69.40	Containing 70 percent or more by weight of silk or silk waste	1.1%	Free (AU, BH, CA, CL, CO, E, IL, J, JO, KR, MA, MX, OM, P, PA, PE, SG)	65%
6204.69.60	Other	7.1%	Free (BH, CA, CL, CO, E*, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 6.3% (AU)	65%
6204.69.90	Other	2.8%	Free (AU, BH, CA, CL, CO, E*, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	35%

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(25) By striking subheadings 6210.40.30 and 6210.40.50 and inserting the following, with the article description for subheading 6210.40.05 having the same degree of indentation as the article description for subheading 6210.40.30 (as in effect on the day before the date of the enactment of this Act):

“	6210.40.05	Recreational performance outerwear	7.1%	Free (AU, BH, CA, CL, IL, JO, KR, MA, MX, OM, P, PE, SG)	65%	
	6210.40.30	Other: Having an outer surface impregnated, coated, covered or laminated with rubber or plastics material which completely obscures the underlying fabric	3.8%	Free (AU, BH, CA, CL, IL, JO, KR, MA, MX, OM, P, PE, SG)	65%	
	6210.40.50	Other	7.1%	Free (AU, BH, CA, CL, IL, JO, KR, MA, MX, OM, P, PE, SG)	65%	”.

(26) By striking subheadings 6210.50.30 and 6210.50.50 and inserting the following, with the article description for subheading 6210.50.05 having the same degree of indentation as the article description for subheading 6210.50.30 (as in effect on the day before the date of the enactment of this Act):

“	6210.50.05	Recreational performance outerwear	7.1%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PE, SG)	65%	
	6210.50.30	Other: Having an outer surface impregnated, coated, covered or laminated with rubber or plastics material which completely obscures the underlying fabric	3.8%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PE, SG)	65%	

6210.50.50	Other	7.1%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PE, SG)	65%	”.
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(27) By striking subheading 6211.32.00 and inserting the following, with the article description for subheading 6211.32 having the same degree of indentation as the article description for subheading 6211.32.00 (as in effect on the day before the date of the enactment of this Act):

“ 6211.32	Of cotton:				
6211.32.05	Recreational performance outerwear	8.1%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	90%	
6211.32.10	Other	8.1%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	90%	”.

(28) By striking subheading 6211.33.00 and inserting the following, with the article description for subheading 6211.33 having the same degree of indentation as the article description for subheading 6211.33.00 (as in effect on the day before the date of the enactment of this Act):

“ 6211.33	Of man-made fibers:				
6211.33.05	Recreational performance outerwear	16%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, P, PA, PE, SG)	76%	
6211.33.10	Other	16%	6.4% (OM) Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, P, PA, PE, SG)	76%	”.

(29) By striking subheadings 6211.39.05 through 6211.39.90 and inserting the following, with the article description for subheading 6211.39.05 having the same degree of indentation as the article description for subheading 6211.39.05 (as in effect on the day before the date of the enactment of this Act):

“	6211.39.05	Recreational performance outerwear	2.8%	Free (AU, BH, CA, CL, CO, E*, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	35%	”.
	6211.39.10	Other: Of wool or fine animal hair	12%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, P, PA, PE, SG) 4.8% (OM)	58.5%	
	6211.39.20	Containing 70 percent or more by weight of silk or silk waste	0.5%	Free (AU, BH, CA, CL, CO, E, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	35%	
	6211.39.90	Other	2.8%	Free (AU, BH, CA, CL, CO, E*, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	35%	

(30) By striking subheading 6211.42.00 and inserting the following, with the article description for subheading 6211.42 having the same degree of indentation as the article description for subheading 6211.42.00 (as in effect on the day before the date of the enactment of this Act):

“	6211.42	Of cotton:				”.
	6211.42.05	Recreational performance outerwear	8.1%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 7.2% (AU)	90%	
	6211.42.10	Other	8.1%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 7.2% (AU)	90%	

(31) By striking subheading 6211.43.00 and inserting the following, with the article description for subheading 6211.43 having the same degree of indentation as the article description for subheading 6211.43.00 (as in effect on the day before the date of the enactment of this Act):

“	6211.43	Of man-made fibers:			
	6211.43.05	Recreational performance outerwear	16%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, P, PA, PE, SG) 8% (AU) 6.4% (OM)	90%
	6211.43.10	Other	16%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, P, PA, PE, SG) 8% (AU) 6.4% (OM)	90%
					”.

(32) By striking subheadings 6211.49.10 through 6211.49.90 and inserting the following, with the article description for subheading 6211.49.05 having the same degree of indentation as the article description for subheading 6211.49.10 (as in effect on the day before the date of the enactment of this Act):

“	6211.49.05	Recreational performance outerwear	7.3%	Free (BH, CA, CL, CO, E, IL, JO, MA, MX, OM, P, PA, PE, SG) 6.5% (AU) 2.9% (KR)	35%
	6211.49.10	Other: Containing 70 percent or more by weight of silk or silk waste	1.2%	Free (AU, BH, CA, CL, CO, E, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	35%
	6211.49.41	Of wool or fine animal hair	12%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, P, PA, PE, SG) 4.8% (OM) 8% (AU)	58.5%
	6211.49.90	Other	7.3%	Free (BH, CA, CL, CO, E, IL, JO, MA, MX, OM, P, PA, PE, SG) 6.5% (AU) 2.9% (KR)	35%
					”.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall—

(1) take effect on the 180th day after the date of the enactment of this Act; and

(2) apply to articles entered, or withdrawn from warehouse for consumption, on or after such 180th day. Applicability.

SEC. 602. DUTY TREATMENT OF PROTECTIVE ACTIVE FOOTWEAR.

(a) **DEFINITION OF PROTECTIVE ACTIVE FOOTWEAR.**—The Additional U.S. Notes to chapter 64 of the Harmonized Tariff Schedule of the United States are amended by adding at the end the following:

“(f) For the purposes of subheadings 6402.91.42 and 6402.99.32, the term ‘protective active footwear’ means footwear (other than footwear described in Subheading Note 1) that is designed for outdoor activities, such as hiking shoes, trekking shoes, running shoes, and trail running shoes, the foregoing valued over \$24/pair and which provides protection against water that is imparted by the use of a coated or laminated textile fabric.”. Definition.

(b) **DUTY TREATMENT FOR PROTECTIVE ACTIVE FOOTWEAR.**—Chapter 64 of the Harmonized Tariff Schedule of the United States is amended as follows:

(1) By inserting after subheading 6402.91.40 the following new subheading, with the article description for subheading 6402.91.42 having the same degree of indentation as the article description for subheading 6402.91.40:

“	6402.91.42	Protective active footwear (except footwear with waterproof molded bottoms, including bottoms comprising an outer sole and all or part of the upper and except footwear with insulation that provides protection against cold weather), whose height from the bottom of the outer sole to the top of the upper does not exceed 15.34 cm	20%	Free (AU, BH, CA, CL, D, E, IL, JO, KR, MA, MX, OM, P, PA, PE, R, SG) ...	35%	”.
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(2) By inserting immediately preceding subheading 6402.99.33 the following new subheading, with the article description for subheading 6402.99.32 having the same degree of indentation as the article description for subheading 6402.99.33:

“	6402.99.32	Protective active footwear	20%	Free (AU, BH, CA, CL, D, IL, JO, MA, MX, P) 1% (PA) 6% (OM) 6% (PE) 12% (CO) 20% (KR)	35%	”.
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Applicability.
Effective date.

(c) **STAGED RATE REDUCTIONS.**—The staged reductions in special rates of duty proclaimed for subheading 6402.99.90 of the Harmonized Tariff Schedule of the United States before the date of the enactment of this Act shall be applied to subheading 6402.99.32 of such Schedule, as added by subsection (b)(2), beginning in calendar year 2016.

(d) **EFFECTIVE DATE.**—This section and the amendments made by this section shall—

Applicability.

- (1) take effect on the 15th day after the date of the enactment of this Act; and
- (2) apply to articles entered, or withdrawn from warehouse for consumption, on or after such 15th day.

TITLE VII—MISCELLANEOUS PROVISIONS

President.

SEC. 701. REPORT ON CONTRIBUTION OF TRADE PREFERENCE PROGRAMS TO REDUCING POVERTY AND ELIMINATING HUNGER.

Not later than 1 year after the date of the enactment of this Act, the President shall submit to Congress a report assessing the contribution of the trade preference programs of the United States, including the Generalized System of Preferences under title V of the Trade Act of 1974 (19 U.S.C. 2461 et seq.), the African Growth and Opportunity Act (19 U.S.C. 3701 et seq.), and the Caribbean Basin Economic Recovery Act (19 U.S.C. 2701 et seq.), to the reduction of poverty and the elimination of hunger.

TITLE VIII—OFFSETS

SEC. 801. CUSTOMS USER FEES EXTENSION.

(a) **IN GENERAL.**—Section 13031(j)(3)(A) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)(A)) is amended by striking “September 30, 2024” and inserting “July 7, 2025”.

(b) **RATE FOR MERCHANDISE PROCESSING FEES.**—Section 503 of the United States–Korea Free Trade Agreement Implementation Act (Public Law 112–41; 125 Stat. 460) is amended by striking “June 30, 2021” and inserting “June 30, 2025”.

19 USC 3805 note.

SEC. 802. ADDITIONAL CUSTOMS USER FEES EXTENSION.

(a) **IN GENERAL.**—Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended—

(1) in subparagraph (B)(i), by striking “September 30, 2024” and inserting “September 30, 2025”; and

(2) by adding at the end the following:

“(D) Fees may be charged under paragraphs (9) and (10) of subsection (a) during the period beginning on July 29, 2025, and ending on September 30, 2025.”

Time period.

(b) RATE FOR MERCHANDISE PROCESSING FEES.—Section 503 of the United States–Korea Free Trade Agreement Implementation Act (Public Law 112–41; 125 Stat. 460) is amended by adding at the end the following:

19 USC 805 note.

“(c) FURTHER ADDITIONAL PERIOD.—For the period beginning on July 15, 2025, and ending on September 30, 2025, section 13031(a)(9) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)(9)) shall be applied and administered—

Applicability.

“(1) in subparagraph (A), by substituting ‘0.3464’ for ‘0.21’; and

“(2) in subparagraph (B)(i), by substituting ‘0.3464’ for ‘0.21’.”

SEC. 803. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

26 USC 6655 note.

Notwithstanding section 6655 of the Internal Revenue Code of 1986, in the case of a corporation with assets of not less than \$1,000,000,000 (determined as of the end of the preceding taxable year)—

(1) the amount of any required installment of corporate estimated tax which is otherwise due in July, August, or September of 2020 shall be increased by 8 percent of such amount (determined without regard to any increase in such amount not contained in such Code); and

(2) the amount of the next required installment after an installment referred to in paragraph (1) shall be appropriately reduced to reflect the amount of the increase by reason of such paragraph.

SEC. 804. PAYEE STATEMENT REQUIRED TO CLAIM CERTAIN EDUCATION TAX BENEFITS.

(a) AMERICAN OPPORTUNITY CREDIT, HOPE SCHOLARSHIP CREDIT, AND LIFETIME LEARNING CREDIT.—

(1) IN GENERAL.—Section 25A(g) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

26 USC 25A.

“(8) PAYEE STATEMENT REQUIREMENT.—Except as otherwise provided by the Secretary, no credit shall be allowed under this section unless the taxpayer receives a statement furnished under section 6050S(d) which contains all of the information required by paragraph (2) thereof.”

(2) STATEMENT RECEIVED BY DEPENDENT.—Section 25A(g)(3) of such Code is amended by striking “and” at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting “, and”, and by adding at the end the following:

“(C) a statement described in paragraph (8) and received by such individual shall be treated as received by the taxpayer.”

(b) DEDUCTION FOR QUALIFIED TUITION AND RELATED EXPENSES.—Section 222(d) of such Code is amended by redesignating paragraph (6) as paragraph (7), and by inserting after paragraph (5) the following new paragraph:

“(6) PAYEE STATEMENT REQUIREMENT.—

“(A) IN GENERAL.—Except as otherwise provided by the Secretary, no deduction shall be allowed under subsection (a) unless the taxpayer receives a statement furnished under section 6050S(d) which contains all of the information required by paragraph (2) thereof.

“(B) STATEMENT RECEIVED BY DEPENDENT.—The receipt of the statement referred to in subparagraph (A) by an individual described in subsection (c)(3) shall be treated for purposes of subparagraph (A) as received by the taxpayer.”.

26 USC 6050S. (c) INFORMATION REQUIRED TO BE PROVIDED ON PAYEE STATEMENT.—Section 6050S(d)(2) of such Code is amended to read as follows:

“(2) the information required by subsection (b)(2).”.

26 USC 25A note. (d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 805. SPECIAL RULE FOR EDUCATIONAL INSTITUTIONS UNABLE TO COLLECT TINs OF INDIVIDUALS WITH RESPECT TO HIGHER EDUCATION TUITION AND RELATED EXPENSES.

(a) IN GENERAL.—Section 6724 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

“(f) SPECIAL RULE FOR RETURNS OF EDUCATIONAL INSTITUTIONS RELATED TO HIGHER EDUCATION TUITION AND RELATED EXPENSES.—No penalty shall be imposed under section 6721 or 6722 solely by reason of failing to provide the TIN of an individual on a return or statement required by section 6050S(a)(1) if the eligible educational institution required to make such return contemporaneously makes a true and accurate certification under penalty of perjury (and in such form and manner as may be prescribed by the Secretary) that it has complied with standards promulgated by the Secretary for obtaining such individual’s TIN.”.

26 USC 6724 note. (b) EFFECTIVE DATE.—The amendments made by this section shall apply to returns required to be made, and statements required to be furnished, after December 31, 2015.

SEC. 806. PENALTY FOR FAILURE TO FILE CORRECT INFORMATION RETURNS AND PROVIDE PAYEE STATEMENTS.

(a) IN GENERAL.—Section 6721(a)(1) of the Internal Revenue Code of 1986 is amended—

(1) by striking “\$100” and inserting “\$250”; and

(2) by striking “\$1,500,000” and inserting “\$3,000,000”.

(b) REDUCTION WHERE CORRECTION IN SPECIFIED PERIOD.—

(1) CORRECTION WITHIN 30 DAYS.—Section 6721(b)(1) of such Code is amended—

(A) by striking “\$30” and inserting “\$50”;

(B) by striking “\$100” and inserting “\$250”; and

(C) by striking “\$250,000” and inserting “\$500,000”.

(2) FAILURES CORRECTED ON OR BEFORE AUGUST 1.—Section 6721(b)(2) of such Code is amended—

(A) by striking “\$60” and inserting “\$100”;

(B) by striking “\$100” (prior to amendment by subparagraph (A)) and inserting “\$250”; and

(C) by striking “\$500,000” and inserting “\$1,500,000”.

(c) LOWER LIMITATION FOR PERSONS WITH GROSS RECEIPTS OF NOT MORE THAN \$5,000,000.—Section 6721(d)(1) of such Code is amended—

(1) in subparagraph (A)—

(A) by striking “\$500,000” and inserting “\$1,000,000”;

and

(B) by striking “\$1,500,000” and inserting “\$3,000,000”;

(2) in subparagraph (B)—

(A) by striking “\$75,000” and inserting “\$175,000”; and

(B) by striking “\$250,000” and inserting “\$500,000”;

and

(3) in subparagraph (C)—

(A) by striking “\$200,000” and inserting “\$500,000”;

and

(B) by striking “\$500,000” (prior to amendment by subparagraph (A)) and inserting “\$1,500,000”.

(d) PENALTY IN CASE OF INTENTIONAL DISREGARD.—Section 6721(e) of such Code is amended—

(1) by striking “\$250” in paragraph (2) and inserting “\$500”;

and

(2) by striking “\$1,500,000” in paragraph (3)(A) and inserting “\$3,000,000”.

(e) FAILURE TO FURNISH CORRECT PAYEE STATEMENTS.—

(1) IN GENERAL.—Section 6722(a)(1) of such Code is amended—

(A) by striking “\$100” and inserting “\$250”; and

(B) by striking “\$1,500,000” and inserting “\$3,000,000”.

(2) REDUCTION WHERE CORRECTION IN SPECIFIED PERIOD.—

(A) CORRECTION WITHIN 30 DAYS.—Section 6722(b)(1) of such Code is amended—

(i) by striking “\$30” and inserting “\$50”;

(ii) by striking “\$100” and inserting “\$250”; and

(iii) by striking “\$250,000” and inserting “\$500,000”.

(B) FAILURES CORRECTED ON OR BEFORE AUGUST 1.—

Section 6722(b)(2) of such Code is amended—

(i) by striking “\$60” and inserting “\$100”;

(ii) by striking “\$100” (prior to amendment by clause (i)) and inserting “\$250”; and

(iii) by striking “\$500,000” and inserting “\$1,500,000”.

(3) LOWER LIMITATION FOR PERSONS WITH GROSS RECEIPTS OF NOT MORE THAN \$5,000,000.—Section 6722(d)(1) of such Code is amended—

(A) in subparagraph (A)—

(i) by striking “\$500,000” and inserting “\$1,000,000”; and

(ii) by striking “\$1,500,000” and inserting “\$3,000,000”;

(B) in subparagraph (B)—

(i) by striking “\$75,000” and inserting “\$175,000”;

and

(ii) by striking “\$250,000” and inserting “\$500,000”; and

(C) in subparagraph (C)—

(i) by striking “\$200,000” and inserting “\$500,000”;

and

- (ii) by striking “\$500,000” (prior to amendment by subparagraph (A)) and inserting “\$1,500,000”.
- (4) PENALTY IN CASE OF INTENTIONAL DISREGARD.—Section 6722(e) of such Code is amended—
- 26 USC 6722. (A) by striking “\$250” in paragraph (2) and inserting “\$500”; and
- (B) by striking “\$1,500,000” in paragraph (3)(A) and inserting “\$3,000,000”.
- 26 USC 6722 note. (f) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to returns and statements required to be filed after December 31, 2015.

SEC. 807. CHILD TAX CREDIT NOT REFUNDABLE FOR TAXPAYERS ELECTING TO EXCLUDE FOREIGN EARNED INCOME FROM TAX.

- (a) IN GENERAL.—Section 24(d) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:
- “(5) EXCEPTION FOR TAXPAYERS EXCLUDING FOREIGN EARNED INCOME.—Paragraph (1) shall not apply to any taxpayer for any taxable year if such taxpayer elects to exclude any amount from gross income under section 911 for such taxable year.”.
- 26 USC 24 note. (b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2014.

SEC. 808. COVERAGE AND PAYMENT FOR RENAL DIALYSIS SERVICES FOR INDIVIDUALS WITH ACUTE KIDNEY INJURY.

- (a) COVERAGE.—Section 1861(s)(2)(F) of the Social Security Act (42 U.S.C. 1395x(s)(2)(F)) is amended by inserting before the semicolon the following: “, including such renal dialysis services furnished on or after January 1, 2017, by a renal dialysis facility or provider of services paid under section 1881(b)(14) to an individual with acute kidney injury (as defined in section 1834(r)(2))”.
- (b) PAYMENT.—Section 1834 of the Social Security Act (42 U.S.C. 1395m) is amended by adding at the end the following new subsection:

“(r) PAYMENT FOR RENAL DIALYSIS SERVICES FOR INDIVIDUALS WITH ACUTE KIDNEY INJURY.—

“(1) PAYMENT RATE.—In the case of renal dialysis services (as defined in subparagraph (B) of section 1881(b)(14)) furnished under this part by a renal dialysis facility or provider of services paid under such section during a year (beginning with 2017) to an individual with acute kidney injury (as defined in paragraph (2)), the amount of payment under this part for such services shall be the base rate for renal dialysis services determined for such year under such section, as adjusted by any applicable geographic adjustment factor applied under subparagraph (D)(iv)(II) of such section and may be adjusted by the Secretary (on a budget neutral basis for payments under this paragraph) by any other adjustment factor under subparagraph (D) of such section.

“(2) INDIVIDUAL WITH ACUTE KIDNEY INJURY DEFINED.—
In this subsection, the term ‘individual with acute kidney injury’
means an individual who has acute loss of renal function and
does not receive renal dialysis services for which payment is
made under section 1881(b)(14).”.

Approved June 29, 2015.

LEGISLATIVE HISTORY—H.R. 1295:

HOUSE REPORTS: No. 114–71 (Comm. on Ways and Means).

CONGRESSIONAL RECORD, Vol. 161 (2015):

Apr. 15, considered and passed House.

May 14, considered and passed Senate, amended.

June 11, House concurred in Senate amendments with an amendment.

June 24, Senate concurred in House amendment with an amendment.

June 25, House concurred in Senate amendment.

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2015):

June 29, Presidential remarks.

Public Law 114–28
114th Congress

An Act

July 6, 2015
[H.R. 533]

To revoke the charter of incorporation of the Miami Tribe of Oklahoma at the request of that tribe, and for other purposes.

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

SECTION 1. REVOCATION OF CHARTER OF INCORPORATION.

The request of the Miami Tribe of Oklahoma to surrender the charter of incorporation issued to that tribe and ratified by its members on June 1, 1940, pursuant to the Act of June 26, 1936 (25 U.S.C. 501 et seq.; commonly known as the “Oklahoma Welfare Act”), is hereby accepted and that charter of incorporation is hereby revoked.

Approved July 6, 2015.

LEGISLATIVE HISTORY—H.R. 533 (S. 321):

HOUSE REPORTS: No. 114–77 (Comm. on Natural Resources).

SENATE REPORTS: No. 114–40 (Comm. on Indian Affairs) accompanying S. 321.

CONGRESSIONAL RECORD, Vol. 161 (2015):

June 1, considered and passed House.

June 24, considered and passed Senate.

Public Law 114–29
114th Congress

An Act

To amend the Homeland Security Act of 2002 to require the Under Secretary for Management of the Department of Homeland Security to take administrative action to achieve and maintain interoperable communications capabilities among the components of the Department of Homeland Security, and for other purposes.

July 6, 2015

[H.R. 615]

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Department of Homeland Security Interoperable Communications Act” or the “DHS Interoperable Communications Act”.

Department of
Homeland
Security
Interoperable
Communications
Act.
6 USC 194 note.

SEC. 2. DEFINITIONS.

In this Act—

(1) the term “Department” means the Department of Homeland Security;

(2) the term “interoperable communications” has the meaning given that term in section 701(d) of the Homeland Security Act of 2002, as added by section 3; and

(3) the term “Under Secretary for Management” means the Under Secretary for Management of the Department of Homeland Security.

SEC. 3. INCLUSION OF INTEROPERABLE COMMUNICATIONS CAPABILITIES IN RESPONSIBILITIES OF UNDER SECRETARY FOR MANAGEMENT.

Section 701 of the Homeland Security Act of 2002 (6 U.S.C. 341) is amended—

(1) in subsection (a)(4), by inserting before the period at the end the following: “, including policies and directives to achieve and maintain interoperable communications among the components of the Department”; and

(2) by adding at the end the following:

“(d) INTEROPERABLE COMMUNICATIONS DEFINED.—In this section, the term ‘interoperable communications’ has the meaning given that term in section 7303(g) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(g)).”.

SEC. 4. STRATEGY.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Under Secretary for Management shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a strategy, which shall be updated as necessary, for achieving and maintaining interoperable

Deadline.

communications among the components of the Department, including for daily operations, planned events, and emergencies, with corresponding milestones, that includes the following:

(1) An assessment of interoperability gaps in radio communications among the components of the Department, as of the date of enactment of this Act.

(2) Information on efforts and activities, including current and planned policies, directives, and training, of the Department since November 1, 2012, to achieve and maintain interoperable communications among the components of the Department, and planned efforts and activities of the Department to achieve and maintain such interoperable communications.

(3) An assessment of obstacles and challenges to achieving and maintaining interoperable communications among the components of the Department.

(4) Information on, and an assessment of, the adequacy of mechanisms available to the Under Secretary for Management to enforce and compel compliance with interoperable communications policies and directives of the Department.

(5) Guidance provided to the components of the Department to implement interoperable communications policies and directives of the Department.

(6) The total amount of funds expended by the Department since November 1, 2012, and projected future expenditures, to achieve interoperable communications, including on equipment, infrastructure, and maintenance.

(7) Dates upon which Department-wide interoperability is projected to be achieved for voice, data, and video communications, respectively, and interim milestones that correspond to the achievement of each such mode of communication.

(b) SUPPLEMENTARY MATERIAL.—Together with the strategy required under subsection (a), the Under Secretary for Management shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate information on—

(1) any intra-agency effort or task force that has been delegated certain responsibilities by the Under Secretary for Management relating to achieving and maintaining interoperable communications among the components of the Department by the dates referred to in subsection (a)(7); and

(2) who, within each such component, is responsible for implementing policies and directives issued by the Under Secretary for Management to so achieve and maintain such interoperable communications.

SEC. 5. REPORT.

Not later than 100 days after the date on which the strategy required under section 4(a) is submitted, and every 2 years thereafter for 6 years, the Under Secretary for Management shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the status of efforts to implement the strategy required under section 4(a), including the following:

(1) Progress on each interim milestone referred to in section 4(a)(7) toward achieving and maintaining interoperable communications among the components of the Department.

(2) Information on any policies, directives, guidance, and training established by the Under Secretary for Management.

(3) An assessment of the level of compliance, adoption, and participation among the components of the Department with the policies, directives, guidance, and training established by the Under Secretary for Management to achieve and maintain interoperable communications among the components.

(4) Information on any additional resources or authorities needed by the Under Secretary for Management.

SEC. 6. APPLICABILITY.

Sections 4 and 5 shall only apply with respect to the interoperable communications capabilities within the Department and components of the Department to communicate within the Department.

Approved July 6, 2015.

LEGISLATIVE HISTORY—H.R. 615:

SENATE REPORTS: No. 114–53 (Comm. on Homeland Security and Governmental Affairs).

CONGRESSIONAL RECORD, Vol. 161 (2015):

Feb. 2, considered and passed House.

June 11, considered and passed Senate, amended.

June 23, House concurred in Senate amendment.

Public Law 114–30
114th Congress

An Act

July 6, 2015
[H.R. 893]

To require the Secretary of the Treasury to mint coins in commemoration of the centennial of Boys Town, and for other purposes.

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

Boys Town
Centennial
Commemorative
Coin Act.
31 USC 5112
note.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Boys Town Centennial Commemorative Coin Act”.

SEC. 2. FINDINGS.

Congress finds that—

(1) Boys Town is a nonprofit organization dedicated to saving children and healing families, nationally headquartered in the village of Boys Town, Nebraska;

(2) Father Flanagan’s Boys Home, known as “Boys Town”, was founded on December 12, 1917, by Servant of God Father Edward Flanagan;

(3) Boys Town was created to serve children of all races and religions;

(4) news of the work of Father Flanagan spread worldwide with the success of the 1938 movie, “Boys Town”;

(5) after World War II, President Truman asked Father Flanagan to take his message to the world, and Father Flanagan traveled the globe visiting war orphans and advising government leaders on how to care for displaced children;

(6) Boys Town has grown exponentially, and now provides care to children and families across the country in 11 regions, including California, Nevada, Texas, Nebraska, Iowa, Louisiana, North Florida, Central Florida, South Florida, Washington, DC, New York, and New England;

(7) the Boys Town National Hotline provides counseling to more than 150,000 callers each year;

(8) the Boys Town National Research Hospital is a national leader in the field of hearing care and research of Usher Syndrome;

(9) Boys Town programs impact the lives of more than 2 million children and families across America each year; and

(10) December 12th, 2017, will mark the 100th anniversary of Boys Town, Nebraska.

SEC. 3. COIN SPECIFICATIONS.

(a) \$5 GOLD COINS.—The Secretary of the Treasury (referred to in this Act as the “Secretary”) shall mint and issue not more

than 50,000 \$5 coins in commemoration of the centennial of the founding of Father Flanagan’s Boys Town, each of which shall—

- (1) weigh 8.359 grams;
- (2) have a diameter of 0.850 inches; and
- (3) contain 90 percent gold and 10 percent alloy.

(b) \$1 SILVER COINS.—The Secretary shall mint and issue not more than 350,000 \$1 coins in commemoration of the centennial of the founding of Father Flanagan’s Boys Town, each of which shall—

- (1) weigh 26.73 grams;
- (2) have a diameter of 1.500 inches; and
- (3) contain 90 percent silver and 10 percent copper.

(c) HALF DOLLAR CLAD COINS.—The Secretary shall mint and issue not more than 300,000 half dollar clad coins in commemoration of the centennial of the founding of Father Flanagan’s Boys Town, each of which shall—

- (1) weigh 11.34 grams;
- (2) have a diameter of 1.205 inches; and
- (3) be minted to the specifications for half dollar coins contained in section 5112(b) of title 31, United States Code.

(d) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(e) NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

SEC. 4. DESIGN OF COINS.

(a) IN GENERAL.—The design of the coins minted under this Act shall be emblematic of the 100 years of Boys Town, one of the largest nonprofit child care agencies in the United States.

(b) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act, there shall be—

- (1) a designation of the value of the coin;
- (2) an inscription of the year “2017”; and
- (3) inscriptions of the words “Liberty”, “In God We Trust”, “United States of America”, and “E Pluribus Unum”.

(c) SELECTION.—The design for the coins minted under this Act shall be—

- (1) selected by the Secretary, after consultation with the National Executive Director of Boys Town and the Commission of Fine Arts; and
- (2) reviewed by the Citizens of Coinage Advisory Committee.

SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) MINT FACILITY.—Only one facility of the United States Mint may be used to strike any particular quality of the coins minted under this Act.

(c) PERIOD FOR ISSUANCE.—The Secretary may issue coins under this Act only during the period beginning on January 1, 2017, and ending on December 31, 2017.

SEC. 6. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins; and

(2) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

SEC. 7. SURCHARGES.

(a) IN GENERAL.—All sales of coins issued under this Act shall include a surcharge as follows:

(1) A surcharge of \$35 per coin for the \$5 coin.

(2) A surcharge of \$10 per coin for the \$1 coin.

(3) A surcharge of \$5 per coin for the half dollar coin.

(b) DISTRIBUTION.—Subject to section 5134(f) of title 31, United States Code, all surcharges received by the Secretary from the sale of coins issued under this Act shall be paid to Boys Town to carry out Boys Town’s cause of caring for and assisting children and families in underserved communities across America.

(c) AUDITS.—Boys Town shall be subject to the audit requirements of section 5134(f)(2) of title 31, United States Code, with regard to the amounts received under subsection (b).

(d) LIMITATION.—Notwithstanding subsection (a), no surcharge may be included with respect to the issuance under this Act of any coin during a calendar year if, as of the time of such issuance, the issuance of such coin would result in the number of commemorative coin programs issued during such year to exceed the annual two commemorative coin program issuance limitation under section 5112(m)(1) of title 31, United States Code (as in effect on the date of the enactment of this Act). The Secretary of the Treasury may issue guidance to carry out this subsection.

SEC. 8. FINANCIAL ASSURANCES.

The Secretary shall take such actions as may be necessary to ensure that—

(1) minting and issuing coins under this Act will not result in any net cost to the Federal Government; and

(2) no funds, including applicable surcharges, shall be disbursed to any recipient designated in section 7 until the total cost of designing and issuing all of the coins authorized by this Act (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping) is recovered by

the United States Treasury, consistent with sections 5112(m)
and 5134(f) of title 31, United States Code.

Approved July 6, 2015.

LEGISLATIVE HISTORY—H.R. 893 (S. 301):
CONGRESSIONAL RECORD, Vol. 161 (2015):
June 23, considered and passed House.
June 25, considered and passed Senate.

Public Law 114–31
114th Congress

An Act

July 20, 2015
[H.R. 91]

To amend title 38, United States Code, to direct the Secretary of Veterans Affairs to issue, upon request, veteran identification cards to certain veterans.

Veterans
Identification
Card Act of 2015.
38 USC 101 note.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Veterans Identification Card Act 2015”.

38 USC 5706
note.

SEC. 2. VETERANS IDENTIFICATION CARD.

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

(1) Effective on the day before the date of the enactment of this Act, veteran identification cards were issued to veterans who have either completed the statutory time-in-service requirement for retirement from the Armed Forces or who have received a medical-related discharge from the Armed Forces.

(2) Effective on the day before the date of the enactment of this Act, a veteran who served a minimum obligated time in service, but who did not meet the criteria described in paragraph (1), did not receive a means of identifying the veteran’s status as a veteran other than using the Department of Defense form DD–214 discharge papers of the veteran.

(3) Goods, services, and promotional activities are often offered by public and private institutions to veterans who demonstrate proof of service in the military, but it is impractical for a veteran to always carry Department of Defense form DD–214 discharge papers to demonstrate such proof.

(4) A general purpose veteran identification card made available to veterans would be useful to demonstrate the status of the veterans without having to carry and use official Department of Defense form DD–214 discharge papers.

(5) On the day before the date of the enactment of this Act, the Department of Veterans Affairs had the infrastructure in place across the United States to produce photographic identification cards and accept a small payment to cover the cost of these cards.

(b) PROVISION OF VETERAN IDENTIFICATION CARDS.—Chapter 57 of title 38, United States Code, is amended by adding after section 5705 the following new section:

“§ 5706. Veterans identification card

38 USC 5706.

“(a) IN GENERAL.—The Secretary of Veterans Affairs shall issue an identification card described in subsection (b) to each veteran who—

“(1) requests such card;

“(2) presents a copy of Department of Defense form DD–214 or other official document from the official military personnel file of the veteran that describes the service of the veteran; and

“(3) pays the fee under subsection (c)(1).

“(b) IDENTIFICATION CARD.—An identification card described in this subsection is a card issued to a veteran that—

“(1) displays a photograph of the veteran;

“(2) displays the name of the veteran;

“(3) explains that such card is not proof of any benefits to which the veteran is entitled to;

“(4) contains an identification number that is not a social security number; and

“(5) serves as proof that such veteran—

“(A) served in the Armed Forces; and

“(B) has a Department of Defense form DD–214 or other official document in the official military personnel file of the veteran that describes the service of the veteran.

“(c) COSTS OF CARD.—(1) The Secretary shall charge a fee to each veteran who receives an identification card issued under this section, including a replacement identification card.

Fees.

“(2)(A) The fee charged under paragraph (1) shall equal such amount as the Secretary determines is necessary to issue an identification card under this section.

Determination.

“(B) In determining the amount of the fee under subparagraph (A), the Secretary shall ensure that the total amount of fees collected under paragraph (1) equals an amount necessary to carry out this section, including costs related to any additional equipment or personnel required to carry out this section.

“(C) The Secretary shall review and reassess the determination under subparagraph (A) during each five-year period in which the Secretary issues an identification card under this section.

Review.
Assessment.

“(3) Amounts collected under this subsection shall be deposited in an account of the Department available to carry out this section. Amounts so deposited shall be—

“(A) merged with amounts in such account;

“(B) available in such amounts as may be provided in appropriation Acts; and

“(C) subject to the same conditions and limitations as amounts otherwise in such account.

“(d) EFFECT OF CARD ON BENEFITS.—(1) An identification card issued under this section shall not serve as proof of any benefits that the veteran may be entitled to under this title.

“(2) A veteran who is issued an identification card under this section shall not be entitled to any benefits under this title by reason of possessing such card.

“(e) ADMINISTRATIVE MEASURES.—(1) The Secretary shall ensure that any information collected or used with respect to an identification card issued under this section is appropriately secured.

“(2) The Secretary may determine any appropriate procedures with respect to issuing a replacement identification card.

Coordination.

“(3) In carrying out this section, the Secretary shall coordinate with the National Personnel Records Center.

“(4) The Secretary may conduct such outreach to advertise the identification card under this section as the Secretary considers appropriate.

“(f) CONSTRUCTION.—This section shall not be construed to affect identification cards otherwise provided by the Secretary to veterans enrolled in the health care system established under section 1705(a) of this title.”

38 USC
prec. 5701.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 5705 the following new item:

“5706. Veterans identification card.”

38 USC 5706
note.

(d) EFFECTIVE DATE.—The amendments made by this Act shall take effect on the date that is 60 days after the date of the enactment of this Act.

Approved July 20, 2015.

LEGISLATIVE HISTORY—H.R. 91:

CONGRESSIONAL RECORD, Vol. 161 (2015):

May 18, considered and passed House.

June 22, considered and passed Senate, amended.

July 7, House concurred in Senate amendment.

Public Law 114–32
114th Congress

An Act

To designate the facility of the United States Postal Service located at 7050 Highway BB in Cedar Hill, Missouri, as the “Sergeant First Class William B. Woods, Jr. Post Office”.

July 20, 2015
[H.R. 728]

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

SECTION 1. SERGEANT FIRST CLASS WILLIAM B. WOODS, JR. POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 7050 Highway BB in Cedar Hill, Missouri, shall be known and designated as the “Sergeant First Class William B. Woods, Jr. Post Office”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “Sergeant First Class William B. Woods, Jr. Post Office”.

Approved July 20, 2015.

LEGISLATIVE HISTORY—H.R. 728:

CONGRESSIONAL RECORD, Vol. 161 (2015):
June 15, considered and passed House.
July 8, considered and passed Senate.

Public Law 114–33
114th Congress

An Act

July 20, 2015
[H.R. 891]

To designate the facility of the United States Postal Service located at 141 Paloma Drive in Floresville, Texas, as the “Floresville Veterans Post Office Building”.

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

SECTION 1. FLORESVILLE VETERANS POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 141 Paloma Drive in Floresville, Texas, shall be known and designated as the “Floresville Veterans Post Office Building”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “Floresville Veterans Post Office Building”.

Approved July 20, 2015.

LEGISLATIVE HISTORY—H.R. 891:
CONGRESSIONAL RECORD, Vol. 161 (2015):
June 15, considered and passed House.
July 8, considered and passed Senate.

Public Law 114–34
114th Congress

An Act

To designate the facility of the United States Postal Service located at 2000 Mulford Road in Mulberry, Florida, as the “Sergeant First Class Daniel M. Ferguson Post Office”.

July 20, 2015
[H.R. 1326]

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

SECTION 1. SERGEANT FIRST CLASS DANIEL M. FERGUSON POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 2000 Mulford Road in Mulberry, Florida, shall be known and designated as the “Sergeant First Class Daniel M. Ferguson Post Office”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “Sergeant First Class Daniel M. Ferguson Post Office”.

Approved July 20, 2015.

LEGISLATIVE HISTORY—H.R. 1326:

CONGRESSIONAL RECORD, Vol. 161 (2015):
June 15, considered and passed House.
July 8, considered and passed Senate.

Public Law 114–35
114th Congress

An Act

July 20, 2015
[H.R. 1350]

To designate the facility of the United States Postal Service located at 442 East 167th Street in Bronx, New York, as the “Herman Badillo Post Office Building”.

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

SECTION 1. HERMAN BADILLO POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 442 East 167th Street in Bronx, New York, shall be known and designated as the “Herman Badillo Post Office Building”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “Herman Badillo Post Office Building”.

Approved July 20, 2015.

LEGISLATIVE HISTORY—H.R. 1350:

CONGRESSIONAL RECORD, Vol. 161 (2015):

June 15, considered and passed House.

July 8, considered and passed Senate.

Public Law 114–36
114th Congress

An Act

To amend the United States Cotton Futures Act to exclude certain cotton futures contracts from coverage under such Act.

July 20, 2015

[H.R. 2620]

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

SECTION 1. EXCLUDING CERTAIN COTTON FUTURES CONTRACTS FROM COVERAGE UNDER UNITED STATES COTTON FUTURES ACT.

(a) IN GENERAL.—Subsection (c)(1) of the United States Cotton Futures Act (7 U.S.C. 15B(c)(1)) is amended—

(1) by striking “except that any cotton futures contract” and inserting the following: “except that—

“(A) any cotton futures contract”;

(2) in subparagraph (A) (as designated by paragraph (1)), by striking the period at the end and inserting “; and”; and

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

“(B) any cotton futures contract that permits tender of cotton grown outside of the United States is excluded from the coverage of this paragraph and section to the extent that the cotton grown outside of the United States is tendered for delivery under the cotton futures contract.”.

(b) APPLICATION.—The amendments made by subsection (a) shall apply with respect to cotton futures contracts entered into on or after the date of the enactment of this Act.

7 USC 15b note.

Approved July 20, 2015.

LEGISLATIVE HISTORY—H.R. 2620:

HOUSE REPORTS: No. 114–174 (Comm. on Agriculture).

CONGRESSIONAL RECORD, Vol. 161 (2015):

June 23, considered and passed House.

July 9, considered and passed Senate.

Public Law 114–37
114th Congress

An Act

July 20, 2015
[S. 179]

To designate the facility of the United States Postal Service located at 14 3rd Avenue, NW, in Chisholm, Minnesota, as the “James L. Oberstar Memorial Post Office Building”.

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

SECTION 1. JAMES L. OBERSTAR MEMORIAL POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 14 3rd Avenue, NW, in Chisholm, Minnesota, shall be known and designated as the “James L. Oberstar Memorial Post Office Building”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “James L. Oberstar Memorial Post Office Building”.

Approved July 20, 2015.

LEGISLATIVE HISTORY—S. 179:

CONGRESSIONAL RECORD, Vol. 161 (2015):
May 11, considered and passed Senate.
July 13, considered and passed House.

Public Law 114–38
114th Congress

An Act

To amend the Small Business Act to increase access to capital for veteran entrepreneurs, to help create jobs, and for other purposes.

July 28, 2015

[H.R. 2499]

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Veterans Entrepreneurship Act of 2015”.

Veterans
Entrepreneurship Act of 2015.
15 USC 631 note.

SEC. 2. PERMANENT SBA EXPRESS LOAN GUARANTEE FEE WAIVER FOR VETERANS.

Section 7(a)(31) of the Small Business Act (15 U.S.C. 636(a)(31)) is amended by adding at the end the following:

“(G) GUARANTEE FEE WAIVER FOR VETERANS.—

“(i) GUARANTEE FEE WAIVER.—The Administrator may not collect a guarantee fee described in paragraph (18) in connection with a loan made under this paragraph to a veteran or spouse of a veteran on or after October 1, 2015.

“(ii) EXCEPTION.—If the President’s budget for the upcoming fiscal year, submitted to Congress pursuant to section 1105(a) of title 31, United States Code, includes a cost for the program established under this subsection that is above zero, the requirements of clause (i) shall not apply to loans made during such upcoming fiscal year.

“(iii) DEFINITION.—In this subparagraph, the term ‘veteran or spouse of a veteran’ means—

“(I) a veteran, as defined in section 3(q)(4);

“(II) an individual who is eligible to participate in the Transition Assistance Program established under section 1144 of title 10, United States Code;

“(III) a member of a reserve component of the Armed Forces named in section 10101 of title 10, United States Code;

“(IV) the spouse of an individual described in subclause (I), (II), or (III); or

“(V) the surviving spouse (as defined in section 101 of title 38, United States Code) of an individual described in subclause (I), (II), or (III) who died while serving on active duty or as a result of a disability that is service-connected (as defined in such section).”.

SEC. 3. REPORT ON ACCESSIBILITY AND OUTREACH TO FEMALE VETERANS BY THE SMALL BUSINESS ADMINISTRATION.

Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to Congress a report assessing the level of outreach to and consultation with female veterans regarding access to capital by women’s business centers (as described in section 29 of the Small Business Act (15 U.S.C. 656)) and Veterans Business Outreach Centers (as referred to in section 32 of such Act (15 U.S.C. 657b)).

SEC. 4. BUSINESS LOANS PROGRAM.

(a) SECTION 7(a) FUNDING LEVELS.—The third proviso under the heading “BUSINESS LOANS PROGRAM ACCOUNT” under the heading “SMALL BUSINESS ADMINISTRATION” under title V of division E of the Consolidated and Further Continuing Appropriations Act, 2015 (Public Law 113–235; 128 Stat. 2371) is amended by striking “\$18,750,000,000” and inserting “\$23,500,000,000”.

(b) LOAN LIMITATIONS.—Section 7(a)(1) of the Small Business Act (15 U.S.C. 636(a)(1)) is amended—

(1) in subparagraph (A)—

(A) by striking “No financial assistance” and inserting the following:

“(i) IN GENERAL.—No financial assistance”; and

(B) by adding at the end the following:

“(ii) LIQUIDITY.—On and after October 1, 2015, the Administrator may not guarantee a loan under this subsection if the lender determines that the borrower is unable to obtain credit elsewhere solely because the liquidity of the lender depends upon the guaranteed portion of the loan being sold on the secondary market.”; and

(2) by adding at the end the following:

“(C) LENDING LIMITS OF LENDERS.—On and after October 1, 2015, the Administrator may not guarantee a loan under this subsection if the sole purpose for requesting the guarantee is to allow the lender to exceed the legal lending limit of the lender.”.

(c) REPORTING.—

(1) DEFINITIONS.—In this subsection—

(A) the term “Administrator” means the Administrator of the Small Business Administration;

(B) the term “business loan” means a loan made or guaranteed under section 7(a) of the Small Business Act (15 U.S.C. 636(a));

(C) the term “cancellation” means that the Administrator approves a proposed business loan, but the prospective borrower determines not to take the business loan; and

(D) the term “net dollar amount of business loans” means the difference between the total dollar amount of business loans and the total dollar amount of cancellations.

(2) REQUIREMENT.—During the 3-year period beginning on the date of enactment of this Act, the Administrator shall submit to Committee on Small Business and Entrepreneurship and the Committee on Appropriations of the Senate and the Committee on Small Business and the Committee on Appropriations of the House of Representatives a quarterly report

Time period.
Effective date.

regarding the loan programs carried out under section 7(a) of the Small Business Act (15 U.S.C. 636(a)), which shall include—

(A) for the fiscal year during which the report is submitted and the 3 fiscal years before such fiscal year—

(i) the weekly total dollar amount of business loans;

(ii) the weekly total dollar amount of cancellations;

(iii) the weekly net dollar amount of business loans—

(I) for all business loans; and

(II) for each category of loan amount described in clause (i), (ii), or (iii) of section 7(a)(18) of the Small Business Act (15 U.S.C. 636(a)(18));

(B) for the fiscal year during which the report is submitted—

(i) the amount of remaining authority for business loans, in dollar amount and as a percentage; and

(ii) estimates of the date on which the net dollar amount of business loans will reach the maximum for such business loans based on daily net lending volume and extrapolations based on year to date net lending volume, quarterly net lending volume, and quarterly growth trends;

(C) the number of early defaults (as determined by the Administrator) during the quarter covered by the report;

(D) the total amount paid by borrowers in early default during the quarter covered by the report, as of the time of purchase of the guarantee;

(E) the number of borrowers in early default that are franchisees;

(F) the total amount of guarantees purchased by the Administrator during the quarter covered by the report; and

(G) a description of the actions the Administrator is taking to combat early defaults administratively and any legislative action the Administrator recommends to address early defaults.

Approved July 28, 2015.

LEGISLATIVE HISTORY—H.R. 2499:

HOUSE REPORTS: No. 114–187 (Comm. on Small Business).

CONGRESSIONAL RECORD, Vol. 161 (2015):

July 13, considered and passed House.

July 23, considered and passed Senate, amended.

July 27, House concurred in Senate amendment.

Public Law 114–39
114th Congress

An Act

July 30, 2015
[S. 971]

To amend title XVIII of the Social Security Act to provide for an increase in the limit on the length of an agreement under the Medicare independence at home medical practice demonstration program.

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

Medicare
Independence at
Home Medical
Practice
Demonstration
Improvement Act
of 2015.
42 USC 1305
note.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Medicare Independence at Home Medical Practice Demonstration Improvement Act of 2015”.

SEC. 2. INCREASE IN THE LIMIT ON THE LENGTH OF AN AGREEMENT UNDER THE MEDICARE INDEPENDENCE AT HOME MEDICAL PRACTICE DEMONSTRATION PROGRAM.

Section 1866E(e)(1) of the Social Security Act (42 U.S.C. 1395cc–5(e)(1)) is amended by striking “3-year” and inserting “5-year”.

Approved July 30, 2015.

LEGISLATIVE HISTORY—S. 971:

HOUSE REPORTS: No. 114–172, Pt. 1 (Comm. on Ways and Means).
CONGRESSIONAL RECORD, Vol. 161 (2015):
Apr. 22, considered and passed Senate.
July 15, considered and passed House.

Public Law 114–40
114th Congress

An Act

To amend title XVIII of the Social Security Act to provide Medicare beneficiary access to eye tracking accessories for speech generating devices and to remove the rental cap for durable medical equipment under the Medicare Program with respect to speech generating devices.

July 30, 2015
[S. 984]

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Steve Gleason Act of 2015”.

Steve Gleason
Act of 2015.
42 USC 1305
note.

SEC. 2. PROVIDING MEDICARE BENEFICIARY ACCESS TO EYE TRACKING ACCESSORIES FOR SPEECH GENERATING DEVICES.

(a) **IN GENERAL.**—Section 1861(n) of the Social Security Act (42 U.S.C. 1395x(n)) is amended by inserting “and eye tracking and gaze interaction accessories for speech generating devices furnished to individuals with a demonstrated medical need for such accessories” after “appropriate organizations”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply with respect to devices furnished on or after January 1, 2016.

42 USC 1395x
note.

SEC. 3. REMOVING THE RENTAL CAP FOR DURABLE MEDICAL EQUIPMENT UNDER MEDICARE WITH RESPECT TO SPEECH GENERATING DEVICES.

Section 1834(a)(2)(A) of the Social Security Act (42 U.S.C. 1395m(a)(2)(A)) is amended—

- (1) in clause (ii), by striking “or” at the end;
- (2) in clause (iii), by adding “or” at the end; and
- (3) by inserting after clause (iii) the following new clause:
 - “(iv) in the case of devices furnished on or after October 1, 2015, and before October 1, 2018, which serves as a speech generating device or which is an

Time period.

129 STAT. 442

PUBLIC LAW 114-40—JULY 30, 2015

accessory that is needed for the individual to effectively utilize such a device,”.

Approved July 30, 2015.

LEGISLATIVE HISTORY—S. 984:

HOUSE REPORTS: No. 114-178, Pt. 1 (Comm. on Ways and Means).
CONGRESSIONAL RECORD, Vol. 161 (2015):

Apr. 22, considered and passed Senate.
July 15, considered and passed House.

Public Law 114–41
114th Congress

An Act

To provide an extension of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund, to provide resource flexibility to the Department of Veterans Affairs for health care services, and for other purposes.

July 31, 2015
[H.R. 3236]

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

SECTION 1. SHORT TITLE; RECONCILIATION OF FUNDS; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Surface Transportation and Veterans Health Care Choice Improvement Act of 2015”.

(b) **RECONCILIATION OF FUNDS.**—The Secretary of Transportation shall reduce the amount apportioned or allocated for a program, project, or activity under this Act in fiscal year 2015 by amounts apportioned or allocated pursuant to the Highway and Transportation Funding Act of 2014 and the Highway and Transportation Funding Act of 2015, including the amendments made by such Acts, for the period beginning on October 1, 2014, and ending on July 31, 2015.

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

Sec. 1. Short title; reconciliation of funds; table of contents.

TITLE I—SURFACE TRANSPORTATION PROGRAM EXTENSION

Subtitle A—Federal-Aid Highways

Sec. 1001. Extension of Federal-aid highway programs.
Sec. 1002. Administrative expenses.

Subtitle B—Extension of Highway Safety Programs

Sec. 1101. Extension of National Highway Traffic Safety Administration highway safety programs.
Sec. 1102. Extension of Federal Motor Carrier Safety Administration programs.
Sec. 1103. Dingell-Johnson Sport Fish Restoration Act.

Subtitle C—Public Transportation Programs

Sec. 1201. Formula grants for rural areas.
Sec. 1202. Apportionment of appropriations for formula grants.
Sec. 1203. Authorizations for public transportation.
Sec. 1204. Bus and bus facilities formula grants.

Subtitle D—Hazardous Materials

Sec. 1301. Authorization of appropriations.

TITLE II—REVENUE PROVISIONS

Sec. 2001. Extension of Highway Trust Fund expenditure authority.
Sec. 2002. Funding of Highway Trust Fund.

Surface
Transportation
and Veterans
Health Care
Choice
Improvement Act
of 2015.
23 USC 101 note.
Time periods.

- Sec. 2003. Modification of mortgage reporting requirements.
- Sec. 2004. Consistent basis reporting between estate and person acquiring property from decedent.
- Sec. 2005. Clarification of 6-year statute of limitations in case of overstatement of basis.
- Sec. 2006. Tax return due dates.
- Sec. 2007. Transfers of excess pension assets to retiree health accounts.
- Sec. 2008. Equalization of Highway Trust Fund excise taxes on liquefied natural gas, liquefied petroleum gas, and compressed natural gas.

TITLE III—ADDITIONAL PROVISIONS

- Sec. 3001. Service fees.

TITLE IV—VETERANS PROVISIONS

- Sec. 4001. Short title.
- Sec. 4002. Plan to consolidate programs of Department of Veterans Affairs to improve access to care.
- Sec. 4003. Funding account for non-Department care.
- Sec. 4004. Temporary authorization of use of Veterans Choice Funds for certain programs.
- Sec. 4005. Modifications of Veterans Choice Program.
- Sec. 4006. Limitation on dialysis pilot program.
- Sec. 4007. Amendments to Internal Revenue Code with respect to health coverage of veterans.
- Sec. 4008. Emergency designations.

TITLE I—SURFACE TRANSPORTATION PROGRAM EXTENSION

Subtitle A—Federal-Aid Highways

SEC. 1001. EXTENSION OF FEDERAL-AID HIGHWAY PROGRAMS.

(a) **IN GENERAL.**—Section 1001(a) of the Highway and Transportation Funding Act of 2014 (128 Stat. 1840) is amended by striking “July 31, 2015” and inserting “October 29, 2015”.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **HIGHWAY TRUST FUND.**—Section 1001(b)(1) of the Highway and Transportation Funding Act of 2014 (128 Stat. 1840) is amended to read as follows:

“(1) **HIGHWAY TRUST FUND.**—Except as provided in section 1002, there is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account)—

“(A) for fiscal year 2015, a sum equal to the total amount authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) for programs, projects, and activities for fiscal year 2014 under divisions A and E of MAP–21 (Public Law 112–141) and title 23, United States Code (excluding chapter 4 of that title); and

“(B) for the period beginning on October 1, 2015, and ending on October 29, 2015, ^{29/366} of the total amount authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) for programs, projects, and activities for fiscal year 2015 under divisions A and E of MAP–21 (Public Law 112–141) and title 23, United States Code (excluding chapter 4 of that title).”.

(2) **GENERAL FUND.**—Section 1123(h)(1) of MAP–21 (23 U.S.C. 202 note) is amended by striking “each of fiscal years 2013 and 2014 and \$24,986,301 out of the general fund of the Treasury to carry out the program for the period beginning

on October 1, 2014, and ending on July 31, 2015” and inserting “each of fiscal years 2013 through 2015 and \$2,377,049 out of the general fund of the Treasury to carry out the program for the period beginning on October 1, 2015, and ending on October 29, 2015”.

(c) USE OF FUNDS.—

(1) IN GENERAL.—Section 1001(c)(1) of the Highway and Transportation Funding Act of 2014 (128 Stat. 1840) is amended by striking “(1) IN GENERAL.—” and all that follows through “to carry out programs” and inserting the following:

“(1) IN GENERAL.—Except as otherwise expressly provided in this subtitle, funds authorized to be appropriated under subsection (b)(1)—

“(A) for fiscal year 2015 shall be distributed, administered, limited, and made available for obligation in the same manner and at the same levels as the amounts of funds authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) for fiscal year 2014; and

“(B) for the period beginning on October 1, 2015, and ending on October 29, 2015, shall be distributed, administered, limited, and made available for obligation in the same manner and at the same levels as ²⁹/₃₆₆ of the amounts of funds authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) for fiscal year 2015,

to carry out programs”.

(2) OBLIGATION CEILING.—Section 1102 of MAP-21 (23 U.S.C. 104 note) is amended—

(A) in subsection (a)—

(i) by striking “and” at the end of paragraph (2); and

(ii) by striking paragraph (3) and inserting the following:

“(3) \$40,256,000,000 for fiscal year 2015; and

“(4) \$3,189,683,060 for the period beginning on October 1, 2015, and ending on October 29, 2015.”;

(B) in subsection (b)(12)—

(i) by striking “each of fiscal years 2013 through 2014” and inserting “each of fiscal years 2013 through 2015”; and

(ii) by striking “, and for the period beginning on October 1, 2014, and ending on July 31, 2015, only in an amount equal to \$639,000,000, less any reductions that would have otherwise been required for that year by section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a), then multiplied by ³⁰⁴/₃₆₅ for that period” and inserting “, and for the period beginning on October 1, 2015, and ending on October 29, 2015, only in an amount equal to \$639,000,000, less any reductions that would have otherwise been required for that year by section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a), then multiplied by ²⁹/₃₆₆ for that period”;

(C) in subsection (c)—

(i) in the matter preceding paragraph (1) by striking “each of fiscal years 2013 through 2014 and for the period beginning on October 1, 2014, and ending on July 31, 2015” and inserting “each of fiscal years 2013 through 2015 and for the period beginning on October 1, 2015, and ending on October 29, 2015”; and

(ii) in paragraph (2) in the matter preceding subparagraph (A) by striking “for the period beginning on October 1, 2014, and ending on July 31, 2015, that is equal to ^{304/365} of such unobligated balance” and inserting “for the period beginning on October 1, 2015, and ending on October 29, 2015, that is equal to ^{29/366} of such unobligated balance”;

(D) in subsection (d) in the matter preceding paragraph (1) by striking “2015” and inserting “2016”; and

(E) in subsection (f)(1) in the matter preceding subparagraph (A) by striking “each of fiscal years 2013 through 2014 and for the period beginning on October 1, 2014, and ending on July 31, 2015” and inserting “each of fiscal years 2013 through 2015 and for the period beginning on October 1, 2015, and ending on October 29, 2015”.

SEC. 1002. ADMINISTRATIVE EXPENSES.

Section 1002 of the Highway and Transportation Funding Act of 2014 (128 Stat. 1842) is amended—

(1) in subsection (a) by striking “for administrative expenses of the Federal-aid highway program \$366,465,753 for the period beginning on October 1, 2014, and ending on July 31, 2015.” and inserting “for administrative expenses of the Federal-aid highway program—

“(1) \$440,000,000 for fiscal year 2015; and

“(2) \$34,863,388 for the period beginning on October 1, 2015, and ending on October 29, 2015.”; and

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

“(2) for fiscal year 2015 and for the period beginning on October 1, 2015, and ending on October 29, 2015, subject to the limitations on administrative expenses under the heading ‘Federal Highway Administration’ in appropriations Acts that apply, respectively, to that fiscal year and period.”.

Applicability.

Subtitle B—Extension of Highway Safety Programs

SEC. 1101. EXTENSION OF NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION HIGHWAY SAFETY PROGRAMS.

(a) EXTENSION OF PROGRAMS.—

(1) HIGHWAY SAFETY PROGRAMS.—Section 31101(a)(1) of MAP-21 (126 Stat. 733) is amended—

(A) by striking “and” at the end of subparagraph (B); and

(B) by striking subparagraph (C) and inserting the following:

“(C) \$235,000,000 for fiscal year 2015; and

“(D) \$18,620,219 for the period beginning on October 1, 2015, and ending on October 29, 2015.”.

(2) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—Section 31101(a)(2) of MAP-21 (126 Stat. 733) is amended—

(A) by striking “and” at the end of subparagraph (B); and

(B) by striking subparagraph (C) and inserting the following:

“(C) \$113,500,000 for fiscal year 2015; and

“(D) \$8,993,169 for the period beginning on October 1, 2015, and ending on October 29, 2015.”.

(3) NATIONAL PRIORITY SAFETY PROGRAMS.—Section 31101(a)(3) of MAP-21 (126 Stat. 733) is amended—

(A) by striking “and” at the end of subparagraph (B); and

(B) by striking subparagraph (C) and inserting the following:

“(C) \$272,000,000 for fiscal year 2015; and

“(D) \$21,551,913 for the period beginning on October 1, 2015, and ending on October 29, 2015.”.

(4) NATIONAL DRIVER REGISTER.—Section 31101(a)(4) of MAP-21 (126 Stat. 733) is amended—

(A) by striking “and” at the end of subparagraph (B); and

(B) by striking subparagraph (C) and inserting the following:

“(C) \$5,000,000 for fiscal year 2015; and

“(D) \$396,175 for the period beginning on October 1, 2015, and ending on October 29, 2015.”.

(5) HIGH VISIBILITY ENFORCEMENT PROGRAM.—

(A) AUTHORIZATION OF APPROPRIATIONS.—Section 31101(a)(5) of MAP-21 (126 Stat. 733) is amended—

(i) by striking “and” at the end of subparagraph (B); and

(ii) by striking subparagraph (C) and inserting the following:

“(C) \$29,000,000 for fiscal year 2015; and

“(D) \$2,297,814 for the period beginning on October 1, 2015, and ending on October 29, 2015.”.

(B) LAW ENFORCEMENT CAMPAIGNS.—Section 2009(a) of SAFETEA-LU (23 U.S.C. 402 note) is amended—

(i) in the first sentence by striking “each of fiscal years 2013 and 2014 and in the period beginning on October 1, 2014, and ending on July 31, 2015” and inserting “each of fiscal years 2013 through 2015 and in the period beginning on October 1, 2015, and ending on October 29, 2015”; and

(ii) in the second sentence by striking “each of fiscal years 2013 and 2014 and in the period beginning on October 1, 2014, and ending on July 31, 2015,” and inserting “each of fiscal years 2013 through 2015 and in the period beginning on October 1, 2015, and ending on October 29, 2015.”.

(6) ADMINISTRATIVE EXPENSES.—Section 31101(a)(6) of MAP-21 (126 Stat. 733) is amended—

(A) by striking “and” at the end of subparagraph (B); and

(B) by striking subparagraph (C) and inserting the following:

“(C) \$25,500,000 for fiscal year 2015; and

“(D) \$2,020,492 for the period beginning on October 1, 2015, and ending on October 29, 2015.”.

(b) COOPERATIVE RESEARCH AND EVALUATION.—Section 403(f)(1) of title 23, United States Code, is amended by striking “each fiscal year ending before October 1, 2014, and \$2,082,192 of the total amount available for apportionment to the States for highway safety programs under section 402(c) in the period beginning on October 1, 2014, and ending on July 31, 2015,” and inserting “each fiscal year ending before October 1, 2015, and \$198,087 of the total amount available for apportionment to the States for highway safety programs under section 402(c) in the period beginning on October 1, 2015, and ending on October 29, 2015.”.

(c) APPLICABILITY OF TITLE 23.—Section 31101(c) of MAP-21 (126 Stat. 733) is amended by striking “fiscal years 2013 and 2014 and for the period beginning on October 1, 2014, and ending on July 31, 2015,” and inserting “each of fiscal years 2013 through 2015 and for the period beginning on October 1, 2015, and ending on October 29, 2015.”.

SEC. 1102. EXTENSION OF FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION PROGRAMS.

(a) MOTOR CARRIER SAFETY GRANTS.—Section 31104(a) of title 49, United States Code, is amended—

(1) by striking “and” at the end of paragraph (9); and

(2) by striking paragraph (10) and inserting the following:

“(10) \$218,000,000 for fiscal year 2015; and

“(11) \$17,273,224 for the period beginning on October 1, 2015, and ending on October 29, 2015.”.

(b) ADMINISTRATIVE EXPENSES.—Section 31104(i)(1) of title 49, United States Code, is amended—

(1) by striking “and” at the end of subparagraph (I); and

(2) by striking subparagraph (J) and inserting the following:

“(J) \$259,000,000 for fiscal year 2015; and

“(K) \$20,521,858 for the period beginning on October 1, 2015, and ending on October 29, 2015.”.

(c) GRANT PROGRAMS.—

(1) COMMERCIAL DRIVER’S LICENSE PROGRAM IMPROVEMENT GRANTS.—Section 4101(c)(1) of SAFETEA-LU (119 Stat. 1715) is amended by striking “each of fiscal years 2013 and 2014 and \$24,986,301 for the period beginning on October 1, 2014, and ending on July 31, 2015” and inserting “each of fiscal years 2013 through 2015 and \$2,377,049 for the period beginning on October 1, 2015, and ending on October 29, 2015”.

(2) BORDER ENFORCEMENT GRANTS.—Section 4101(c)(2) of SAFETEA-LU (119 Stat. 1715) is amended by striking “each of fiscal years 2013 and 2014 and \$26,652,055 for the period beginning on October 1, 2014, and ending on July 31, 2015” and inserting “each of fiscal years 2013 through 2015 and \$2,535,519 for the period beginning on October 1, 2015, and ending on October 29, 2015”.

(3) PERFORMANCE AND REGISTRATION INFORMATION SYSTEM MANAGEMENT GRANT PROGRAM.—Section 4101(c)(3) of SAFETEA-LU (119 Stat. 1715) is amended by striking “each of fiscal years 2013 and 2014 and \$4,164,384 for the period beginning on October 1, 2014, and ending on July 31, 2015” and inserting “each of fiscal years 2013 through 2015 and

\$396,175 for the period beginning on October 1, 2015, and ending on October 29, 2015”.

(4) COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS DEPLOYMENT PROGRAM.—Section 4101(c)(4) of SAFETEA–LU (119 Stat. 1715) is amended by striking “each of fiscal years 2013 and 2014 and \$20,821,918 for the period beginning on October 1, 2014, and ending on July 31, 2015” and inserting “each of fiscal years 2013 through 2015 and \$1,980,874 for the period beginning on October 1, 2015, and ending on October 29, 2015”.

(5) SAFETY DATA IMPROVEMENT GRANTS.—Section 4101(c)(5) of SAFETEA–LU (119 Stat. 1715) is amended by striking “each of fiscal years 2013 and 2014 and \$2,498,630 for the period beginning on October 1, 2014, and ending on July 31, 2015” and inserting “each of fiscal years 2013 through 2015 and \$237,705 for the period beginning on October 1, 2015, and ending on October 29, 2015”.

(d) HIGH-PRIORITY ACTIVITIES.—Section 31104(k)(2) of title 49, United States Code, is amended by striking “each of fiscal years 2006 through 2014 and up to \$12,493,151 for the period beginning on October 1, 2014, and ending on July 31, 2015,” and inserting “each of fiscal years 2006 through 2015 and up to \$1,188,525 for the period beginning on October 1, 2015, and ending on October 29, 2015”.

(e) NEW ENTRANT AUDITS.—Section 31144(g)(5)(B) of title 49, United States Code, is amended by striking “per fiscal year and up to \$26,652,055 for the period beginning on October 1, 2014, and ending on July 31, 2015,” and inserting “per fiscal year and up to \$2,535,519 for the period beginning on October 1, 2015, and ending on October 29, 2015”.

(f) OUTREACH AND EDUCATION.—Section 4127(e) of SAFETEA–LU (119 Stat. 1741) is amended by striking “each of fiscal years 2013 and 2014 and \$3,331,507 to the Federal Motor Carrier Safety Administration for the period beginning on October 1, 2014, and ending on July 31, 2015,” and inserting “each of fiscal years 2013 through 2015 and \$316,940 to the Federal Motor Carrier Safety Administration for the period beginning on October 1, 2015, and ending on October 29, 2015”.

49 USC 31100
note.

(g) GRANT PROGRAM FOR COMMERCIAL MOTOR VEHICLE OPERATORS.—Section 4134(c) of SAFETEA–LU (49 U.S.C. 31301 note) is amended by striking “each of fiscal years 2005 through 2014 and \$832,877 for the period beginning on October 1, 2014, and ending on July 31, 2015,” and inserting “each of fiscal years 2005 through 2015 and \$79,235 for the period beginning on October 1, 2015, and ending on October 29, 2015”.

SEC. 1103. DINGELL-JOHNSON SPORT FISH RESTORATION ACT.

Section 4 of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c) is amended—

(1) in subsection (a) in the matter preceding paragraph (1) by striking “each fiscal year through 2014 and for the period beginning on October 1, 2014, and ending on July 31, 2015” and inserting “each fiscal year through 2015 and for the period beginning on October 1, 2015, and ending on October 29, 2015”; and

(2) in subsection (b)(1)(A) by striking “for each fiscal year ending before October 1, 2014, and for the period beginning

on October 1, 2014, and ending on July 31, 2015,” and inserting “for each fiscal year ending before October 1, 2015, and for the period beginning on October 1, 2015, and ending on October 29, 2015,”.

Subtitle C—Public Transportation Programs

SEC. 1201. FORMULA GRANTS FOR RURAL AREAS.

Section 5311(c)(1) of title 49, United States Code, is amended—

(1) in subparagraph (A) by striking “for each fiscal year ending before October 1, 2014, and \$4,164,384 for the period beginning on October 1, 2014, and ending on July 31, 2015,” and inserting “for each fiscal year ending before October 1, 2015, and \$396,175 for the period beginning on October 1, 2015, and ending on October 29, 2015.”; and

(2) in subparagraph (B) by striking “for each fiscal year ending before October 1, 2014, and \$20,821,918 for the period beginning on October 1, 2014, and ending on July 31, 2015,” and inserting “for each fiscal year ending before October 1, 2015, and \$1,980,874 for the period beginning on October 1, 2015, and ending on October 29, 2015.”.

SEC. 1202. APPORTIONMENT OF APPROPRIATIONS FOR FORMULA GRANTS.

Section 5336(h)(1) of title 49, United States Code, is amended by striking “for each fiscal year ending before October 1, 2014, and \$24,986,301 for the period beginning on October 1, 2014, and ending on July 31, 2015,” and inserting “for each fiscal year ending before October 1, 2015, and \$2,377,049 for the period beginning on October 1, 2015, and ending on October 29, 2015.”.

SEC. 1203. AUTHORIZATIONS FOR PUBLIC TRANSPORTATION.

(a) FORMULA GRANTS.—Section 5338(a) of title 49, United States Code, is amended—

(1) in paragraph (1) by striking “and \$7,158,575,342 for the period beginning on October 1, 2014, and ending on July 31, 2015” and inserting “\$8,595,000,000 for fiscal year 2015, and \$681,024,590 for the period beginning on October 1, 2015, and ending on October 29, 2015”;

(2) in paragraph (2)—

(A) in subparagraph (A) by striking “and \$107,274,521 for the period beginning on October 1, 2014, and ending on July 31, 2015,” and inserting “\$128,800,000 for fiscal 2015, and \$10,205,464 for the period beginning on October 1, 2015, and ending on October 29, 2015.”;

(B) in subparagraph (B) by striking “for each of fiscal years 2013 and 2014 and \$8,328,767 for the period beginning on October 1, 2014, and ending on July 31, 2015,” and inserting “for each of fiscal years 2013 through 2015 and \$792,350 for the period beginning on October 1, 2015, and ending on October 29, 2015.”;

(C) in subparagraph (C) by striking “and \$3,713,505,753 for the period beginning on October 1, 2014, and ending on July 31, 2015,” and inserting “\$4,458,650,000

for fiscal year 2015, and \$353,281,011 for the period beginning on October 1, 2015, and ending on October 29, 2015.”;

(D) in subparagraph (D) by striking “and \$215,132,055 for the period beginning on October 1, 2014, and ending on July 31, 2015,” and inserting “\$258,300,000 for fiscal year 2015, and \$20,466,393 for the period beginning on October 1, 2015, and ending on October 29, 2015.”;

(E) in subparagraph (E)—

(i) by striking “and \$506,222,466 for the period beginning on October 1, 2014, and ending on July 31, 2015,” and inserting “\$607,800,000 for fiscal year 2015, and \$48,159,016 for the period beginning on October 1, 2015, and ending on October 29, 2015.”;

(ii) by striking “and \$24,986,301 for the period beginning on October 1, 2014, and ending on July 31, 2015,” and inserting “\$30,000,000 for fiscal year 2015, and \$2,377,049 for the period beginning on October 1, 2015, and ending on October 29, 2015.”; and

(iii) by striking “and \$16,657,534 for the period beginning on October 1, 2014, and ending on July 31, 2015,” and inserting “\$20,000,000 for fiscal year 2015, and \$1,584,699 for the period beginning on October 1, 2015, and ending on October 29, 2015.”;

(F) in subparagraph (F) by striking “each of fiscal years 2013 and 2014 and \$2,498,630 for the period beginning on October 1, 2014, and ending on July 31, 2015,” and inserting “each of fiscal years 2013 through 2015 and \$237,705 for the period beginning on October 1, 2015, and ending on October 29, 2015.”;

(G) in subparagraph (G) by striking “each of fiscal years 2013 and 2014 and \$4,164,384 for the period beginning on October 1, 2014, and ending on July 31, 2015,” and inserting “each of fiscal years 2013 through 2015 and \$396,175 for the period beginning on October 1, 2015, and ending on October 29, 2015.”;

(H) in subparagraph (H) by striking “each of fiscal years 2013 and 2014 and \$3,206,575 for the period beginning on October 1, 2014, and ending on July 31, 2015,” and inserting “each of fiscal years 2013 through 2015 and \$305,055 for the period beginning on October 1, 2015, and ending on October 29, 2015.”;

(I) in subparagraph (I) by striking “and \$1,803,927,671 for the period beginning on October 1, 2014, and ending on July 31, 2015,” and inserting “\$2,165,900,000 for fiscal year 2015, and \$171,615,027 for the period beginning on October 1, 2015, and ending on October 29, 2015.”;

(J) in subparagraph (J) by striking “and \$356,304,658 for the period beginning on October 1, 2014, and ending on July 31, 2015,” and inserting “\$427,800,000 for fiscal year 2015, and \$33,896,721 for the period beginning on October 1, 2015, and ending on October 29, 2015.”; and

(K) in subparagraph (K) by striking “and \$438,009,863 for the period beginning on October 1, 2014, and ending on July 31, 2015,” and inserting “\$525,900,000 for fiscal year 2015, and \$41,669,672 for the period beginning on October 1, 2015, and ending on October 29, 2015.”.

(b) RESEARCH, DEVELOPMENT DEMONSTRATION AND DEPLOYMENT PROJECTS.—Section 5338(b) of title 49, United States Code, is amended by striking “and \$58,301,370 for the period beginning on October 1, 2014, and ending on July 31, 2015” and inserting “\$70,000,000 for fiscal year 2015, and \$5,546,448 for the period beginning on October 1, 2015, and ending on October 29, 2015”.

(c) TRANSIT COOPERATIVE RESEARCH PROGRAM.—Section 5338(c) of title 49, United States Code, is amended by striking “and \$5,830,137 for the period beginning on October 1, 2014, and ending on July 31, 2015” and inserting “\$7,000,000 for fiscal year 2015, and \$554,645 for the period beginning on October 1, 2015, and ending on October 29, 2015”.

(d) TECHNICAL ASSISTANCE AND STANDARDS DEVELOPMENT.—Section 5338(d) of title 49, United States Code, is amended by striking “and \$5,830,137 for the period beginning on October 1, 2014, and ending on July 31, 2015” and inserting “\$7,000,000 for fiscal year 2015, and \$554,645 for the period beginning on October 1, 2015, and ending on October 29, 2015”.

(e) HUMAN RESOURCES AND TRAINING.—Section 5338(e) of title 49, United States Code, is amended by striking “and \$4,164,384 for the period beginning on October 1, 2014, and ending on July 31, 2015” and inserting “\$5,000,000 for fiscal year 2015, and \$396,175 for the period beginning on October 1, 2015, and ending on October 29, 2015”.

(f) CAPITAL INVESTMENT GRANTS.—Section 5338(g) of title 49, United States Code, is amended by striking “and \$1,558,295,890 for the period beginning on October 1, 2014, and ending on July 31, 2015” and inserting “\$1,907,000,000 for fiscal year 2015, and \$151,101,093 for the period beginning on October 1, 2015, and ending on October 29, 2015”.

(g) ADMINISTRATION.—Section 5338(h) of title 49, United States Code, is amended—

(1) in paragraph (1) by striking “and \$86,619,178 for the period beginning on October 1, 2014, and ending on July 31, 2015” and inserting “\$104,000,000 for fiscal year 2015, and \$8,240,437 for the period beginning on October 1, 2015, and ending on October 29, 2015”;

(2) in paragraph (2) by striking “each of fiscal years 2013 and 2014 and not less than \$4,164,384 for the period beginning on October 1, 2014, and ending on July 31, 2015,” and inserting “each of fiscal years 2013 through 2015 and not less than \$396,175 for the period beginning on October 1, 2015, and ending on October 29, 2015.”; and

(3) in paragraph (3) by striking “each of fiscal years 2013 and 2014 and not less than \$832,877 for the period beginning on October 1, 2014, and ending on July 31, 2015,” and inserting “each of fiscal years 2013 through 2015 and not less than \$79,235 for the period beginning on October 1, 2015, and ending on October 29, 2015.”.

SEC. 1204. BUS AND BUS FACILITIES FORMULA GRANTS.

Section 5339(d)(1) of title 49, United States Code, is amended—

(1) by striking “each of fiscal years 2013 and 2014 and \$54,553,425 for the period beginning on October 1, 2014, and ending on July 31, 2015,” and inserting “each of fiscal years 2013 through 2015 and \$5,189,891 for the period beginning on October 1, 2015, and ending on October 29, 2015.”;

- (2) by striking “\$1,041,096 for such period” and inserting “\$99,044 for such period”; and
- (3) by striking “\$416,438 for such period” and inserting “\$39,617 for such period”.

Subtitle D—Hazardous Materials

SEC. 1301. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 5128(a) of title 49, United States Code, is amended—

- (1) by striking “and” at the end of paragraph (2); and
- (2) by striking paragraph (3) and inserting the following:
- “(3) \$42,762,000 for fiscal year 2015; and
- “(4) \$3,388,246 for the period beginning on October 1, 2015, and ending on October 29, 2015.”.

(b) HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS FUND.—Section 5128(b) of title 49, United States Code, is amended—

(1) in paragraph (1)—

(A) in the paragraph heading by striking “FISCAL YEARS 2013 AND 2014” and inserting “FISCAL YEARS 2013 THROUGH 2015”; and

(B) in the matter preceding subparagraph (A) by striking “fiscal years 2013 and 2014” and inserting “fiscal years 2013 through 2015”; and

(2) by striking paragraph (2) and inserting the following:

“(2) FISCAL YEAR 2016.—From the Hazardous Materials Emergency Preparedness Fund established under section 5116(i), the Secretary may expend for the period beginning on October 1, 2015, and ending on October 29, 2015—

“(A) \$14,896 to carry out section 5115;

“(B) \$1,727,322 to carry out subsections (a) and (b) of section 5116, of which not less than \$1,081,557 shall be available to carry out section 5116(b);

“(C) \$11,885 to carry out section 5116(f);

“(D) \$49,522 to publish and distribute the Emergency Response Guidebook under section 5116(i)(3); and

“(E) \$79,235 to carry out section 5116(j).”.

(c) HAZARDOUS MATERIALS TRAINING GRANTS.—Section 5128(c) of title 49, United States Code, is amended by striking “each of the fiscal years 2013 and 2014 and \$3,331,507 for the period beginning on October 1, 2014, and ending on July 31, 2015,” and inserting “each of fiscal years 2013 through 2015 and \$316,940 for the period beginning on October 1, 2015, and ending on October 29, 2015.”.

TITLE II—REVENUE PROVISIONS

SEC. 2001. EXTENSION OF HIGHWAY TRUST FUND EXPENDITURE AUTHORITY.

(a) HIGHWAY TRUST FUND.—Section 9503 of the Internal Revenue Code of 1986 is amended—

(1) by striking “August 1, 2015” in subsections (b)(6)(B), (c)(1), and (e)(3) and inserting “October 30, 2015”, and

(2) by striking “Highway and Transportation Funding Act of 2015” in subsections (c)(1) and (e)(3) and inserting “Surface

26 USC 9503.

Transportation and Veterans Health Care Choice Improvement Act of 2015”.

26 USC 9504. (b) SPORT FISH RESTORATION AND BOATING TRUST FUND.—Section 9504 of such Code is amended—

(1) by striking “Highway and Transportation Funding Act of 2015” each place it appears in subsection (b)(2) and inserting “Surface Transportation and Veterans Health Care Choice Improvement Act of 2015”, and

(2) by striking “August 1, 2015” in subsection (d)(2) and inserting “October 30, 2015”.

(c) LEAKING UNDERGROUND STORAGE TANK TRUST FUND.—Section 9508(e)(2) of such Code is amended by striking “August 1, 2015” and inserting “October 30, 2015”.

SEC. 2002. FUNDING OF HIGHWAY TRUST FUND.

Section 9503(f) of the Internal Revenue Code of 1986 is amended by redesignating paragraph (7) as paragraph (8) and by inserting after paragraph (6) the following new paragraph:

Appropriation authorization.

“(7) ADDITIONAL SUMS.—Out of money in the Treasury not otherwise appropriated, there is hereby appropriated—

“(A) \$6,068,000,000 to the Highway Account (as defined in subsection (e)(5)(B)) in the Highway Trust Fund; and

“(B) \$2,000,000,000 to the Mass Transit Account in the Highway Trust Fund.”

SEC. 2003. MODIFICATION OF MORTGAGE REPORTING REQUIREMENTS.

(a) INFORMATION RETURN REQUIREMENTS.—Section 6050H(b)(2) of the Internal Revenue Code of 1986 is amended by striking “and” at the end of subparagraph (C), by redesignating subparagraph (D) as subparagraph (G) and by inserting after subparagraph (C) the following new subparagraphs:

“(D) the amount of outstanding principal on the mortgage as of the beginning of such calendar year,

“(E) the date of the origination of the mortgage,

“(F) the address (or other description in the case of property without an address) of the property which secures the mortgage, and”.

(b) STATEMENTS TO INDIVIDUALS.—Section 6050H(d)(2) of such Code is amended by striking “subsection (b)(2)(C)” and inserting “subparagraphs (C), (D), (E), and (F) of subsection (b)(2)”.

Applicability.
26 USC 6050H
note.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to returns required to be made, and statements required to be furnished, after December 31, 2016.

SEC. 2004. CONSISTENT BASIS REPORTING BETWEEN ESTATE AND PERSON ACQUIRING PROPERTY FROM DECEDENT.

(a) PROPERTY ACQUIRED FROM A DECEDENT.—Section 1014 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

“(f) BASIS MUST BE CONSISTENT WITH ESTATE TAX RETURN.—For purposes of this section—

Applicability.

“(1) IN GENERAL.—The basis of any property to which subsection (a) applies shall not exceed—

“(A) in the case of property the final value of which has been determined for purposes of the tax imposed by chapter 11 on the estate of such decedent, such value, and

“(B) in the case of property not described in subparagraph (A) and with respect to which a statement has been furnished under section 6035(a) identifying the value of such property, such value.

“(2) EXCEPTION.—Paragraph (1) shall only apply to any property whose inclusion in the decedent’s estate increased the liability for the tax imposed by chapter 11 (reduced by credits allowable against such tax) on such estate. Applicability.

“(3) DETERMINATION.—For purposes of paragraph (1), the basis of property has been determined for purposes of the tax imposed by chapter 11 if—

“(A) the value of such property is shown on a return under section 6018 and such value is not contested by the Secretary before the expiration of the time for assessing a tax under chapter 11,

“(B) in a case not described in subparagraph (A), the value is specified by the Secretary and such value is not timely contested by the executor of the estate, or

“(C) the value is determined by a court or pursuant to a settlement agreement with the Secretary.

“(4) REGULATIONS.—The Secretary may by regulations provide exceptions to the application of this subsection.”.

(b) INFORMATION REPORTING.—

(1) IN GENERAL.—Subpart A of part III of subchapter A of chapter 61 of such Code is amended by inserting after section 6034A the following new section:

“SEC. 6035. BASIS INFORMATION TO PERSONS ACQUIRING PROPERTY FROM DECEDENT. 26 USC 6035.

“(a) INFORMATION WITH RESPECT TO PROPERTY ACQUIRED FROM DECEDENTS.—

“(1) IN GENERAL.—The executor of any estate required to file a return under section 6018(a) shall furnish to the Secretary and to each person acquiring any interest in property included in the decedent’s gross estate for Federal estate tax purposes a statement identifying the value of each interest in such property as reported on such return and such other information with respect to such interest as the Secretary may prescribe.

“(2) STATEMENTS BY BENEFICIARIES.—Each person required to file a return under section 6018(b) shall furnish to the Secretary and to each other person who holds a legal or beneficial interest in the property to which such return relates a statement identifying the information described in paragraph (1).

“(3) TIME FOR FURNISHING STATEMENT.—

“(A) IN GENERAL.—Each statement required to be furnished under paragraph (1) or (2) shall be furnished at such time as the Secretary may prescribe, but in no case at a time later than the earlier of—

“(i) the date which is 30 days after the date on which the return under section 6018 was required to be filed (including extensions, if any), or

“(ii) the date which is 30 days after the date such return is filed.

“(B) ADJUSTMENTS.—In any case in which there is an adjustment to the information required to be included on a statement filed under paragraph (1) or (2) after such Deadline.

statement has been filed, a supplemental statement under such paragraph shall be filed not later than the date which is 30 days after such adjustment is made.

“(b) REGULATIONS.—The Secretary shall prescribe such regulations as necessary to carry out this section, including regulations relating to—

“(1) the application of this section to property with regard to which no estate tax return is required to be filed, and

“(2) situations in which the surviving joint tenant or other recipient may have better information than the executor regarding the basis or fair market value of the property.”.

26 USC 6724.

(2) PENALTY FOR FAILURE TO FILE.—

(A) RETURN.—Section 6724(d)(1) of such Code is amended by striking “and” at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting “, and”, and by adding at the end the following new subparagraph:

“(D) any statement required to be filed with the Secretary under section 6035.”.

(B) STATEMENT.—Section 6724(d)(2) of such Code is amended by striking “or” at the end of subparagraph (GG), by striking the period at the end of subparagraph (HH) and inserting “, or”, and by adding at the end the following new subparagraph:

“(II) section 6035 (other than a statement described in paragraph (1)(D)).”.

26 USC
prec. 6031.

(3) CLERICAL AMENDMENT.—The table of sections for subpart A of part III of subchapter A of chapter 61 of such Code is amended by inserting after the item relating to section 6034A the following new item:

“Sec. 6035. Basis information to persons acquiring property from decedent.”.

(c) PENALTY FOR INCONSISTENT REPORTING.—

(1) IN GENERAL.—Section 6662(b) of such Code is amended by inserting after paragraph (7) the following new paragraph:

“(8) Any inconsistent estate basis.”.

(2) INCONSISTENT BASIS REPORTING.—Section 6662 of such Code is amended by adding at the end the following new subsection:

“(k) INCONSISTENT ESTATE BASIS REPORTING.—For purposes of this section, there is an ‘inconsistent estate basis’ if the basis of property claimed on a return exceeds the basis as determined under section 1014(f).”.

Applicability.
26 USC 1014
note.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property with respect to which an estate tax return is filed after the date of the enactment of this Act.

SEC. 2005. CLARIFICATION OF 6-YEAR STATUTE OF LIMITATIONS IN CASE OF OVERSTATEMENT OF BASIS.

26 USC 6501.

(a) IN GENERAL.—Section 6501(e)(1)(B) of the Internal Revenue Code of 1986 is amended—

(1) by striking “and” at the end of clause (i), by redesignating clause (ii) as clause (iii), and by inserting after clause (i) the following new clause:

“(ii) An understatement of gross income by reason of an overstatement of unrecovered cost or other basis is an omission from gross income; and”, and

(2) by inserting “(other than in the case of an overstatement of unrecovered cost or other basis)” in clause (iii) (as so redesignated) after “In determining the amount omitted from gross income”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to—

(1) returns filed after the date of the enactment of this Act, and

(2) returns filed on or before such date if the period specified in section 6501 of the Internal Revenue Code of 1986 (determined without regard to such amendments) for assessment of the taxes with respect to which such return relates has not expired as of such date.

Applicability.
26 USC 6501
note.

SEC. 2006. TAX RETURN DUE DATES.

(a) DUE DATES FOR RETURNS OF PARTNERSHIPS, S CORPORATIONS, AND C CORPORATIONS.—

(1) PARTNERSHIPS AND S CORPORATIONS.—

(A) IN GENERAL.—So much of subsection (b) of 6072 of the Internal Revenue Code of 1986 as precedes the second sentence thereof is amended to read as follows:

26 USC 6072.

“(b) RETURNS OF PARTNERSHIPS AND S CORPORATIONS.—Returns of partnerships under section 6031 and returns of S corporations under sections 6012 and 6037 made on the basis of the calendar year shall be filed on or before the 15th day of March following the close of the calendar year, and such returns made on the basis of a fiscal year shall be filed on or before the 15th day of the third month following the close of the fiscal year.”

(B) CONFORMING AMENDMENT.—Section 6072(a) of such Code is amended by striking “6017, or 6031” and inserting “or 6017”.

(2) CONFORMING AMENDMENTS RELATING TO C CORPORATION DUE DATE OF 15TH DAY OF FOURTH MONTH FOLLOWING TAXABLE YEAR.—

(A) Section 170(a)(2)(B) of such Code is amended by striking “third month” and inserting “fourth month”.

(B) Section 563 of such Code is amended by striking “third month” each place it appears and inserting “fourth month”.

(C) Section 1354(d)(1)(B)(i) of such Code is amended by striking “3d month” and inserting “4th month”.

(D) Subsections (a) and (c) of section 6167 of such Code are each amended by striking “third month” and inserting “fourth month”.

(E) Section 6425(a)(1) of such Code is amended by striking “third month” and inserting “fourth month”.

(F) Subsections (b)(2)(A), (g)(3), and (h)(1) of section 6655 of such Code are each amended by striking “3rd month” and inserting “4th month”.

(G) Section 6655(g)(4) of such Code is amended by redesignating subparagraph (E) as subparagraph (F) and by inserting after subparagraph (D) the following new subparagraph:

“(E) Subsection (b)(2)(A) shall be applied by substituting ‘3rd month’ for ‘4th month’.”

Applicability.

(3) EFFECTIVE DATES.—

Applicability.
26 USC 170 note.

(A) IN GENERAL.—Except as provided in subparagraph (B), the amendments made by this subsection shall apply to returns for taxable years beginning after December 31, 2015.

(B) SPECIAL RULE FOR C CORPORATIONS WITH FISCAL YEARS ENDING ON JUNE 30.—In the case of any C corporation with a taxable year ending on June 30, the amendments made by this subsection shall apply to returns for taxable years beginning after December 31, 2025.

Extensions.
26 USC 608 note.

(b) MODIFICATION OF DUE DATES BY REGULATION.—In the case of returns for taxable years beginning after December 31, 2015, the Secretary of the Treasury, or the Secretary's designee, shall modify appropriate regulations to provide as follows:

(1) The maximum extension for the returns of partnerships filing Form 1065 shall be a 6-month period ending on September 15 for calendar year taxpayers.

(2) The maximum extension for the returns of trusts filing Form 1041 shall be a 5½-month period ending on September 30 for calendar year taxpayers.

(3) The maximum extension for the returns of employee benefit plans filing Form 5500 shall be an automatic 3½-month period ending on November 15 for calendar year plans.

(4) The maximum extension for the returns of organizations exempt from income tax filing Form 990 (series) shall be an automatic 6-month period ending on November 15 for calendar year filers.

(5) The maximum extension for the returns of organizations exempt from income tax that are required to file Form 4720 returns of excise taxes shall be an automatic 6-month period beginning on the due date for filing the return (without regard to any extensions).

(6) The maximum extension for the returns of trusts required to file Form 5227 shall be an automatic 6-month period beginning on the due date for filing the return (without regard to any extensions).

(7) The maximum extension for filing Form 6069, Return of Excise Tax on Excess Contributions to Black Lung Benefit Trust Under Section 4953 and Computation of Section 192 Deduction, shall be an automatic 6-month period beginning on the due date for filing the return (without regard to any extensions).

(8) The maximum extension for a taxpayer required to file Form 8870 shall be an automatic 6-month period beginning on the due date for filing the return (without regard to any extensions).

(9) The due date of Form 3520-A, Annual Information Return of a Foreign Trust with a United States Owner, shall be the 15th day of the 3d month after the close of the trust's taxable year, and the maximum extension shall be a 6-month period beginning on such day.

(10) The due date of Form 3520, Annual Return to Report Transactions with Foreign Trusts and Receipt of Certain Foreign Gifts, for calendar year filers shall be April 15 with a maximum extension for a 6-month period ending on October 15.

(11) The due date of FinCEN Report 114 (relating to Report of Foreign Bank and Financial Accounts) shall be April 15

with a maximum extension for a 6-month period ending on October 15 and with provision for an extension under rules similar to the rules in Treas. Reg. section 1.6081-5. For any taxpayer required to file such Form for the first time, any penalty for failure to timely request for, or file, an extension, may be waived by the Secretary.

Waiver authority.

(c) CORPORATIONS PERMITTED STATUTORY AUTOMATIC 6-MONTH EXTENSION OF INCOME TAX RETURNS.—

(1) **IN GENERAL.**—Section 6081(b) of such Code is amended—

26 USC 6081.

(A) by striking “3 months” and inserting “6 months”, and

(B) by adding at the end the following: “In the case of any return for a taxable year of a C corporation which ends on December 31 and begins before January 1, 2026, the first sentence of this subsection shall be applied by substituting ‘5 months’ for ‘6 months’. In the case of any return for a taxable year of a C corporation which ends on June 30 and begins before January 1, 2026, the first sentence of this subsection shall be applied by substituting ‘7 months’ for ‘6 months’.”.

Applicability.

(2) **EFFECTIVE DATE.**—The amendments made by this subsection shall apply to returns for taxable years beginning after December 31, 2015.

Applicability.
26 USC 6081
note.

SEC. 2007. TRANSFERS OF EXCESS PENSION ASSETS TO RETIREE HEALTH ACCOUNTS.

(a) **IN GENERAL.**—Section 420(b)(4) of the Internal Revenue Code of 1986 is amended by striking “December 31, 2021” and inserting “December 31, 2025”.

(b) **CONFORMING ERISA AMENDMENTS.**—

(1) Sections 101(e)(3), 403(c)(1), and 408(b)(13) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1021(e)(3), 1103(c)(1), 1108(b)(13)) are each amended by striking “MAP-21” and inserting “Surface Transportation and Veterans Health Care Choice Improvement Act of 2015”.

(2) Section 408(b)(13) of such Act (29 U.S.C. 1108(b)(13)) is amended by striking “January 1, 2022” and inserting “January 1, 2026”.

SEC. 2008. EQUALIZATION OF HIGHWAY TRUST FUND EXCISE TAXES ON LIQUEFIED NATURAL GAS, LIQUEFIED PETROLEUM GAS, AND COMPRESSED NATURAL GAS.

(a) **LIQUEFIED PETROLEUM GAS.**—

(1) **IN GENERAL.**—Section 4041(a)(2)(B) of the Internal Revenue Code of 1986 is amended by striking “and” at the end of clause (i), by redesignating clause (ii) as clause (iii), and by inserting after clause (i) the following new clause:

26 USC 4041.

“(ii) in the case of liquefied petroleum gas, 18.3 cents per energy equivalent of a gallon of gasoline, and”.

(2) **ENERGY EQUIVALENT OF A GALLON OF GASOLINE.**—Section 4041(a)(2) of such Code is amended by adding at the end the following:

“(C) **ENERGY EQUIVALENT OF A GALLON OF GASOLINE.**—For purposes of this paragraph, the term ‘energy equivalent of a gallon of gasoline’ means, with respect to a liquefied petroleum gas fuel, the amount of such fuel having a Btu

content of 115,400 (lower heating value). For purposes of the preceding sentence, a Btu content of 115,400 (lower heating value) is equal to 5.75 pounds of liquefied petroleum gas.”.

(b) LIQUEFIED NATURAL GAS.—

26 USC 4041.

(1) IN GENERAL.—Section 4041(a)(2)(B) of such Code, as amended by subsection (a)(1), is amended by striking “and” at the end of clause (ii), by striking the period at the end of clause (iii) and inserting “, and” and by inserting after clause (iii) the following new clause:

“(iv) in the case of liquefied natural gas, 24.3 cents per energy equivalent of a gallon of diesel.”.

(2) ENERGY EQUIVALENT OF A GALLON OF DIESEL.—Section 4041(a)(2) of such Code, as amended by subsection (a)(2), is amended by adding at the end the following:

Definition.

“(D) ENERGY EQUIVALENT OF A GALLON OF DIESEL.—For purposes of this paragraph, the term ‘energy equivalent of a gallon of diesel’ means, with respect to a liquefied natural gas fuel, the amount of such fuel having a Btu content of 128,700 (lower heating value). For purposes of the preceding sentence, a Btu content of 128,700 (lower heating value) is equal to 6.06 pounds of liquefied natural gas.”.

(3) CONFORMING AMENDMENTS.—Section 4041(a)(2)(B)(iii) of such Code, as redesignated by subsection (a)(1), is amended—

(A) by striking “liquefied natural gas,” and

(B) by striking “peat), and” and inserting “peat) and”.

(c) ENERGY EQUIVALENT OF A GALLON OF GASOLINE TO COMPRESSED NATURAL GAS.—Section 4041(a)(3) of such Code is amended by adding at the end the following:

Definition.

“(D) ENERGY EQUIVALENT OF A GALLON OF GASOLINE.—For purposes of this paragraph, the term ‘energy equivalent of a gallon of gasoline’ means 5.66 pounds of compressed natural gas.”.

Applicability.
26 USC 4041
note.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to any sale or use of fuel after December 31, 2015.

TITLE III—ADDITIONAL PROVISIONS

SEC. 3001. SERVICE FEES.

Paragraph (4) of section 44940(i) of title 49, United States Code, is amended by adding at the end the following new subparagraphs:

“(K) \$1,560,000,000 for fiscal year 2024.

“(L) \$1,600,000,000 for fiscal year 2025.”.

TITLE IV—VETERANS PROVISIONS

VA Budget and
Choice
Improvement
Act.
38 USC 101 note.

SEC. 4001. SHORT TITLE.

This title may be cited as the “VA Budget and Choice Improvement Act”.

SEC. 4002. PLAN TO CONSOLIDATE PROGRAMS OF DEPARTMENT OF VETERANS AFFAIRS TO IMPROVE ACCESS TO CARE.

(a) **PLAN.**—The Secretary of Veterans Affairs shall develop a plan to consolidate all non-Department provider programs by establishing a new, single program to be known as the “Veterans Choice Program” to furnish hospital care and medical services to veterans enrolled in the system of patient enrollment established under section 1705(a) of title 38, United States Code, at non-Department facilities.

(b) **ELEMENTS.**—The plan developed under subsection (a) to establish the Veterans Choice Program to furnish hospital care and medical services at non-Department facilities shall include, at a minimum, the following:

(1) A standardized method to furnish such care and services that incorporates the strengths of the non-Department provider programs into a single streamlined program that the Secretary administers uniformly in each Veterans Service Integrated Network and throughout the medical system of the Veterans Health Administration.

(2) An identification of the eligibility requirements for any such care and services, including with respect to service-connected disabilities and non-service-connected disabilities.

(3) A description of the authorization process for such care or medical services, including with respect to identifying the roles of clinicians, schedulers, any third-party administrators, the Chief Business Office of the Department, and any other entity involved in the authorization process.

(4) The structuring of the billing and reimbursement process, including the use of third-party medical claims adjudicators or technology that supports automatic adjudication.

(5) A description of the reimbursement rate to be paid to health care providers under such program.

(6) An identification of how the Secretary will determine the eligibility requirements of health care providers at non-Department facilities to participate in such program, including how the Secretary plans to structure a non-Department care network to allow the maximum amount of flexibility in providing care and services under the program.

(7) An explanation of the processes to be used to ensure that the Secretary will fully comply with all requirements of chapter 39 of title 31, United States Code (commonly referred to as the “Prompt Payment Act”), in paying for such care and services furnished at non-Department facilities.

(8) A description of how, to the greatest extent practicable, the Secretary plans to use infrastructure and networks of non-Department provider programs that exist as of the date of the plan to implement such program.

(9) A description of how—

(A) health care providers at non-Department facilities that furnish such care or services to veterans under such program will have access to, and transmit back to the Department, the medical records of such veterans; and

(B) the Department will receive from such non-Department providers such medical records and any other relevant information.

- (10) A description of how the Secretary plans to ensure an efficient transition to such program for veterans who participate in the non-Department provider programs, including a timeline, milestones, and estimated costs for implementation, outreach, and training.
- Reports. (c) SUBMISSION.—Not later than November 1, 2015, the Secretary shall submit to the Committees on Veterans' Affairs of the House of Representatives and the Senate a report containing—
- (1) a description of each non-Department provider program and the statutory authority for each such program;
- (2) the plan under subsection (a);
- Cost estimates. (3) the estimated costs and budgetary requirements to implement the plan and to furnish hospital care and medical services pursuant to such plan; and
- Recommendations. (4) any recommendations for legislative proposals the Secretary determines necessary to implement such plan.
- (d) DEFINITIONS.—In this section:
- (1) The term “non-Department facility” has the meaning given that term in section 1701 of title 38, United States Code.
- (2) The term “non-Department provider programs” means each program administered by the Secretary of Veterans Affairs under which the Secretary enters into contracts or other agreements with health care providers at non-Department facilities to furnish hospital care and medical services to veterans, including pursuant to the following:
- (A) Section 1703 of title 38, United States Code.
- (B) The Veterans Choice Program established by section 101 of the Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113–146; 38 U.S.C. 1701 note).
- (C) The Patient Centered Community Care Program (known as “PC3”).
- (D) The pilot program established by section 403 of the Veterans' Mental Health and Other Care Improvements Act of 2008 (Public Law 110–387; 38 U.S.C. 1703 note) (known as “Project ARCH”).
- (E) Contracts relating to dialysis.
- (F) Agreements entered into by the Secretary with—
- (i) the Secretary of Defense, the Director of the Indian Health Service, or any the head of any other department or agency of the Federal Government; or
- (ii) any academic affiliate or other non-governmental entity.
- (G) Programs relating to emergency care, including under sections 1725 and 1728 of title 38, United States Code.

38 USC 1701
note.

SEC. 4003. FUNDING ACCOUNT FOR NON-DEPARTMENT CARE.

Each budget of the President submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2017 and each fiscal year thereafter shall include an appropriations account for non-Department provider programs (as defined in section 2(d)) to be comprised of—

- (1) discretionary medical services funding that is designated for hospital care and medical services furnished at non-Department facilities; and

(2) any funds transferred for such purpose from the Veterans Choice Fund established by section 802 of the Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113–146; 128 Stat. 1802).

SEC. 4004. TEMPORARY AUTHORIZATION OF USE OF VETERANS CHOICE FUNDS FOR CERTAIN PROGRAMS.

(a) **IN GENERAL.**—Subsection (c) of section 802 of the Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113–146; 128 Stat. 1802) is amended—

(1) in paragraph (1), by striking “Any amounts” and inserting “Except as provided by paragraph (3), any amounts”; and

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

“(3) **TEMPORARY AUTHORITY FOR OTHER USES.**—

“(A) **OTHER NON-DEPARTMENT CARE.**—In addition to the use of amounts described in paragraph (1), of the amounts deposited in the Veterans Choice Fund, not more than \$3,348,500,000 may be used by the Secretary during the period described in subparagraph (C) for amounts obligated by the Secretary on or after May 1, 2015, to furnish health care to individuals pursuant to chapter 17 of title 38, United States Code, at non-Department facilities, including pursuant to non-Department provider programs other than the program established by section 101.

“(B) **HEPATITIS C.**—Of the amount specified in subparagraph (A), not more than \$500,000,000 may be used by the Secretary during the period described in subparagraph (C) for pharmaceutical expenses relating to the treatment of Hepatitis C.

“(C) **PERIOD DESCRIBED.**—The period described in this subparagraph is the period beginning on the date of the enactment of the VA Budget and Choice Improvement Act and ending on October 1, 2015.

“(D) **REPORTS.**—Not later than 14 days after the date of the enactment of the VA Budget and Choice Improvement Act, and not less frequently than once every 14-day period thereafter during the period described in subparagraph (C), the Secretary shall submit to the appropriate congressional committees a report detailing—

“(i) the amounts used by the Secretary pursuant to subparagraphs (A) and (B); and

“(ii) an identification of such amounts listed by the non-Department provider program for which the amounts were used.

“(E) **DEFINITIONS.**—In this paragraph:

“(i) The term ‘appropriate congressional committees’ means—

“(I) the Committee on Veterans’ Affairs and the Committee on Appropriations of the House of Representatives; and

“(II) the Committee on Veterans’ Affairs and the Committee on Appropriations of the Senate.

“(ii) The term ‘non-Department facilities’ has the meaning given that term in section 1701 of title 38, United States Code.

38 USC 1701
note.

“(iii) The term ‘non-Department provider program’ has the meaning given that term in section 4002(d) of the VA Budget and Choice Improvement Act.”.

128 Stat. 1802.

(b) CONFORMING AMENDMENT.—Subsection (d)(1) of such section is amended by inserting before the period at the end the following: “(or for hospital care and medical services pursuant to subsection (c)(3) of this section)”.

SEC. 4005. MODIFICATIONS OF VETERANS CHOICE PROGRAM.

(a) INCREASED PERIOD OF FOLLOW-UP CARE.—Subsection (h) of section 101 of the Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113-146; 38 U.S.C. 1701 note) is amended by striking “(but for a period not exceeding 60 days)”.

(b) EXPANSION OF ELIGIBILITY.—Such section is further amended—

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

“(1) the veteran is enrolled in the patient enrollment system of the Department of Veterans Affairs established and operated under section 1705 of title 38, United States Code, including any such veteran who has not received hospital care or medical services from the Department and has contacted the Department seeking an initial appointment from the Department for the receipt of such care or services; and”;

(2) in subsection (g)(1), by striking “In the case” and all that follows through “, when” and insert “When”.

(c) EXPANSION OF PROVIDERS.—Such section is further amended—

(1) in subsection (a)(1)(B), by adding at the end the following new clause:

“(v) Subject to subsection (d)(5), a health care provider not otherwise covered under any of clauses (i) through (iv).”; and

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

Criteria.

“(5) AGREEMENTS WITH OTHER PROVIDERS.—In accordance with the rates determined pursuant to paragraph (2), the Secretary may enter into agreements under paragraph (1) for furnishing care and services to eligible veterans under this section with an entity specified in subsection (a)(1)(B)(v) if the entity meets criteria established by the Secretary for purposes of this section.”.

(d) CLARIFICATION OF WAIT TIMES.—Subparagraph (A) of subsection (b)(2) of such section is amended to read as follows:

“(A) attempts, or has attempted, to schedule an appointment for the receipt of hospital care or medical services under chapter 17 of title 38, United States Code, but is unable to schedule an appointment within—

“(i) the wait-time goals of the Veterans Health Administration for the furnishing of such care or services; or

“(ii) with respect to such care or services that are clinically necessary, the period determined necessary for such care or services if such period is shorter than such wait-time goals;”.

(e) **MODIFICATION OF DISTANCE REQUIREMENT.**—Subparagraph (B) of subsection (b)(2) of such section is amended to read as follows:

38 USC 1701
note.

“(B) resides more than 40 miles (as calculated based on distance traveled) from—

“(i) with respect to a veteran who is seeking primary care, a medical facility of the Department, including a community-based outpatient clinic, that is able to provide such primary care by a full-time primary care physician; or

“(ii) with respect to a veteran not covered under clause (i), the medical facility of the Department, including a community-based outpatient clinic, that is closest to the residence of the veteran;”.

SEC. 4006. LIMITATION ON DIALYSIS PILOT PROGRAM.

38 USC 1701
note.

(a) **LIMITATION.**—None of the funds authorized to be appropriated or otherwise made available to the Secretary of Veterans Affairs may be used to expand the dialysis pilot program or to create any new dialysis capability provided by the Department in a facility that is not an initial facility under the dialysis pilot program until—

(1) an independent analysis of the dialysis pilot program is conducted for each such initial facility;

Analysis.

(2) the Secretary submits to the appropriate congressional committees the report under subsection (b); and

Reports.

(3) a period of 180 days has elapsed following the date on which the Secretary submits such report.

Time period.

(b) **REPORT.**—The Secretary shall submit to the appropriate congressional committees a report containing the following:

(1) The independent analysis described in subsection (a)(1).

(2) A five-year dialysis investment plan explaining all of the options of the Secretary for delivering dialysis care to veterans, including how and where such care will be delivered.

Time period.
Plan.

(c) **DEFINITIONS.**—In this section:

(1) The term “appropriate congressional committees” means—

(A) the Committee on Veterans’ Affairs and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Veterans’ Affairs and the Committee on Appropriations of the Senate.

(2) The term “dialysis pilot program” means the pilot demonstration program approved by the Under Secretary of Veterans Affairs for Health in August 2010 and by the Secretary of Veterans Affairs in September 2010 to provide dialysis care to patients at certain outpatient facilities operated by the Department of Veterans Affairs.

(3) The term “initial facility” means one of the four outpatient facilities identified by the Secretary to participate in the dialysis pilot program prior to the date of the enactment of this Act.

SEC. 4007. AMENDMENTS TO INTERNAL REVENUE CODE WITH RESPECT TO HEALTH COVERAGE OF VETERANS.

(a) **EXEMPTION IN DETERMINATION OF EMPLOYER HEALTH INSURANCE MANDATE.**—

26 USC 4980H. (1) **IN GENERAL.**—Section 4980H(c)(2) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

“(F) **EXEMPTION FOR HEALTH COVERAGE UNDER TRICARE OR THE VETERANS ADMINISTRATION.**—Solely for purposes of determining whether an employer is an applicable large employer under this paragraph for any month, an individual shall not be taken into account as an employee for such month if such individual has medical coverage for such month under—

“(i) chapter 55 of title 10, United States Code, including coverage under the TRICARE program, or

“(ii) under a health care program under chapter 17 or 18 of title 38, United States Code, as determined by the Secretary of Veterans Affairs, in coordination with the Secretary of Health and Human Services and the Secretary.”.

Applicability.
26 USC 4980H
note.

(2) **EFFECTIVE DATE.**—The amendment made by this subsection shall apply to months beginning after December 31, 2013.

(b) **ELIGIBILITY FOR HEALTH SAVINGS ACCOUNT NOT AFFECTED BY RECEIPT OF MEDICAL CARE FOR SERVICE-CONNECTED DISABILITY.**—

(1) **IN GENERAL.**—Section 223(c)(1) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

“(C) **SPECIAL RULE FOR INDIVIDUALS ELIGIBLE FOR CERTAIN VETERANS BENEFITS.**—An individual shall not fail to be treated as an eligible individual for any period merely because the individual receives hospital care or medical services under any law administered by the Secretary of Veterans Affairs for a service-connected disability (within the meaning of section 101(16) of title 38, United States Code).”.

Applicability.
26 USC 223 note.

(2) **EFFECTIVE DATE.**—The amendment made by this subsection shall apply to months beginning after December 31, 2015.

SEC. 4008. EMERGENCY DESIGNATIONS.

(a) **IN GENERAL.**—This title, except for section 4007, is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(g)).

(b) DESIGNATION IN SENATE.—In the Senate, this title, except for section 4007, is designated as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

Approved July 31, 2015.

LEGISLATIVE HISTORY—H.R. 3236:

CONGRESSIONAL RECORD, Vol. 161 (2015):

July 29, considered and passed House.

July 30, considered and passed Senate.

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2015):

July 31, Presidential remarks.

Public Law 114-42
114th Congress

An Act

Aug. 6, 2015
[H.R. 876]

To amend title XVIII of the Social Security Act to require hospitals to provide certain notifications to individuals classified by such hospitals under observation status rather than admitted as inpatients of such hospitals.

Notice of
Observation
Treatment and
Implication for
Care Eligibility
Act.
42 USC 1305
note.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Notice of Observation Treatment and Implication for Care Eligibility Act” or the “NOTICE Act”.

SEC. 2. MEDICARE REQUIREMENT FOR HOSPITAL NOTIFICATIONS OF OBSERVATION STATUS.

Section 1866(a)(1) of the Social Security Act (42 U.S.C. 1395cc(a)(1)) is amended—

- (1) in subparagraph (V), by striking at the end “and”;
- (2) in the first subparagraph (W), by striking at the end the period and inserting a comma;

(3) in the second subparagraph (W)—

(A) by redesignating such subparagraph as subparagraph (X); and

(B) by striking at the end the period and inserting “, and”; and

(4) by inserting after such subparagraph (X) the following new subparagraph:

Effective date.
Deadline.

“(Y) beginning 12 months after the date of the enactment of this subparagraph, in the case of a hospital or critical access hospital, with respect to each individual who receives observation services as an outpatient at such hospital or critical access hospital for more than 24 hours, to provide to such individual not later than 36 hours after the time such individual begins receiving such services (or, if sooner, upon release)—

“(i) such oral explanation of the written notification described in clause (ii), and such documentation of the provision of such explanation, as the Secretary determines to be appropriate;

Regulations.

“(ii) a written notification (as specified by the Secretary pursuant to rulemaking and containing such language as the Secretary prescribes consistent with this paragraph) which—

“(I) explains the status of the individual as an outpatient receiving observation services and not as an inpatient of the hospital or critical access hospital and the reasons for such status of such individual;

“(II) explains the implications of such status on services furnished by the hospital or critical access hospital (including services furnished on an inpatient basis), such as implications for cost-sharing requirements under this title and for subsequent eligibility for coverage under this title for services furnished by a skilled nursing facility;

“(III) includes such additional information as the Secretary determines appropriate;

“(IV) either—

“(aa) is signed by such individual or a person acting on such individual’s behalf to acknowledge receipt of such notification; or

“(bb) if such individual or person refuses to provide the signature described in item (aa), is signed by the staff member of the hospital or critical access hospital who presented the written notification and includes the name and title of such staff member, a certification that the notification was presented, and the date and time the notification was presented; and

Certification.

“(V) is written and formatted using plain language and is made available in appropriate languages as determined by the Secretary.”.

Approved August 6, 2015.

LEGISLATIVE HISTORY—H.R. 876 (S. 1349):

HOUSE REPORTS: No. 114–39, Pt. 1 (Comm. on Ways and Means).

SENATE REPORTS: No. 114–107 (Comm. on Finance) accompanying S. 1349.

CONGRESSIONAL RECORD, Vol. 161 (2015):

Mar. 16, considered and passed House.

July 27, considered and passed Senate.

Public Law 114–43
114th Congress

An Act

Aug. 6, 2015
[H.R. 1626]

To reduce duplication of information technology at the Department of Homeland Security, and for other purposes.

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

DHS IT
Duplication
Reduction Act
of 2015.

SECTION 1. SHORT TITLE.

This Act may be cited as the “DHS IT Duplication Reduction Act of 2015”.

SEC. 2. DHS INFORMATION TECHNOLOGY DUPLICATION REDUCTION.

Reports.

(a) **INFORMATION TECHNOLOGY DUPLICATION REDUCTION.**—Not later than 90 days after the date of the enactment of this Act, the Chief Information Officer of the Department of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report that includes the following:

Assessment.

(1) The number of information technology systems at the Department of Homeland Security.

Strategy.

(2) An assessment of the number of such systems exhibiting duplication or fragmentation.

(3) A strategy for reducing such duplicative systems, including an assessment of potential cost savings or cost avoidance as a result of such reduction.

(4) A methodology for determining which system should be eliminated when there is duplication or fragmentation.

(b) **DEFINITIONS.**—In this Act:

(1) The term “duplication or fragmentation” of information technology systems means two or more systems or programs that deliver similar functionality to similar user populations.

(2) The term “information technology” has the meaning given such term in section 11101 of title 40, United States Code.

(c) NO NEW AUTHORIZATION OF FUNDING.—This section shall be carried out using amounts otherwise appropriated or made available to the Department of Homeland Security. No additional funds are authorized to be appropriated to carry out this section.

Approved August 6, 2015.

LEGISLATIVE HISTORY—H.R. 1626:

HOUSE REPORTS: No. 114-162 (Comm. on Homeland Security).

CONGRESSIONAL RECORD, Vol. 161 (2015):

June 23, considered and passed House.

July 23, considered and passed Senate.

Public Law 114–44
114th Congress

An Act

Aug. 6, 2015
[S. 1482]

To improve and reauthorize provisions relating to the application of the antitrust laws to the award of need-based educational aid.

Need-Based
Educational Aid
Act of 2015.
15 USC 1 note.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Need-Based Educational Aid Act of 2015”.

SEC. 2. EXTENSION RELATING TO THE APPLICATION OF THE ANTRITRUST LAWS TO THE AWARD OF NEED-BASED EDUCATIONAL AID.

Section 568 of the Improving America’s Schools Act of 1994 (15 U.S.C. 1 note) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by inserting “or” after the semicolon;

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

(C) by striking paragraph (4); and

(2) in subsection (d), by striking “2015” and inserting “2022”.

Approved August 6, 2015.

LEGISLATIVE HISTORY—S. 1482 (H.R. 2604):

HOUSE REPORTS: No. 114–224 (Comm. on the Judiciary) accompanying H.R. 2604.
CONGRESSIONAL RECORD, Vol. 161 (2015):

July 14, considered and passed Senate.
July 27, considered and passed House.

Public Law 114–45
114th Congress

An Act

To amend the Safe Drinking Water Act to provide for the assessment and management of the risk of algal toxins in drinking water, and for other purposes.

Aug. 7, 2015
[H.R. 212]

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

Drinking Water
Protection Act.
42 USC 201 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Drinking Water Protection Act”.

SEC. 2. AMENDMENT TO THE SAFE DRINKING WATER ACT.

(a) AMENDMENT.—Part E of the Safe Drinking Water Act (42 U.S.C. 300j et seq.) is amended by adding at the end the following new section:

“SEC. 1459. ALGAL TOXIN RISK ASSESSMENT AND MANAGEMENT.

42 USC 300j–19.

“(a) STRATEGIC PLAN.—

“(1) DEVELOPMENT.—Not later than 90 days after the date of enactment of this section, the Administrator shall develop and submit to Congress a strategic plan for assessing and managing risks associated with algal toxins in drinking water provided by public water systems. The strategic plan shall include steps and timelines to—

Deadline.
Health and
health care.

“(A) evaluate the risk to human health from drinking water provided by public water systems contaminated with algal toxins;

“(B) establish, publish, and update a comprehensive list of algal toxins which the Administrator determines may have an adverse effect on human health when present in drinking water provided by public water systems, taking into account likely exposure levels;

“(C) summarize—

“(i) the known adverse human health effects of algal toxins included on the list published under subparagraph (B) when present in drinking water provided by public water systems; and

“(ii) factors that cause toxin-producing cyanobacteria and algae to proliferate and express toxins;

“(D) with respect to algal toxins included on the list published under subparagraph (B), determine whether to—

“(i) publish health advisories pursuant to section 1412(b)(1)(F) for such algal toxins in drinking water provided by public water systems;

“(ii) establish guidance regarding feasible analytical methods to quantify the presence of algal toxins; and

“(iii) establish guidance regarding the frequency of monitoring necessary to determine if such algal toxins are present in drinking water provided by public water systems;

“(E) recommend feasible treatment options, including procedures, equipment, and source water protection practices, to mitigate any adverse public health effects of algal toxins included on the list published under subparagraph (B); and

“(F) enter into cooperative agreements with, and provide technical assistance to, affected States and public water systems, as identified by the Administrator, for the purpose of managing risks associated with algal toxins included on the list published under subparagraph (B).

“(2) UPDATES.—The Administrator shall, as appropriate, update and submit to Congress the strategic plan developed under paragraph (1).

Health and
health care.

“(b) INFORMATION COORDINATION.—In carrying out this section the Administrator shall—

“(1) identify gaps in the Agency’s understanding of algal toxins, including—

“(A) the human health effects of algal toxins included on the list published under subsection (a)(1)(B); and

“(B) methods and means of testing and monitoring for the presence of harmful algal toxins in source water of, or drinking water provided by, public water systems;

“(2) as appropriate, consult with—

“(A) other Federal agencies that—

“(i) examine or analyze cyanobacteria or algal toxins; or

“(ii) address public health concerns related to harmful algal blooms;

“(B) States;

“(C) operators of public water systems;

“(D) multinational agencies;

“(E) foreign governments;

“(F) research and academic institutions; and

“(G) companies that provide relevant drinking water treatment options; and

“(3) assemble and publish information from each Federal agency that has—

“(A) examined or analyzed cyanobacteria or algal toxins; or

“(B) addressed public health concerns related to harmful algal blooms.

“(c) USE OF SCIENCE.—The Administrator shall carry out this section in accordance with the requirements described in section 1412(b)(3)(A), as applicable.

“(d) FEASIBLE.—For purposes of this section, the term ‘feasible’ has the meaning given such term in section 1412(b)(4)(D).”.

(b) REPORT TO CONGRESS.—Not later than 90 days after the date of enactment of this Act, the Comptroller General of the United States shall prepare and submit to Congress a report that includes—

(1) an inventory of funds—

(A) expended by the United States, for each of fiscal years 2010 through 2014, to examine or analyze toxin-producing cyanobacteria and algae or address public health concerns related to harmful algal blooms; and

(B) that includes the specific purpose for which the funds were made available, the law under which the funds were authorized, and the Federal agency that received or spent the funds; and

(2) recommended steps to reduce any duplication, and improve interagency coordination, of such expenditures.

Approved August 7, 2015.

LEGISLATIVE HISTORY—H.R. 212:

HOUSE REPORTS: No. 114–26 (Comm. on Energy and Commerce).

CONGRESSIONAL RECORD, Vol. 161 (2015):

Feb. 24, considered and passed House.

Aug. 5, considered and passed Senate.

Public Law 114–46
114th Congress

An Act

Aug. 7, 2015
[H.R. 1138]

To establish certain wilderness areas in central Idaho and to authorize various land conveyances involving National Forest System land and Bureau of Land Management land in central Idaho, and for other purposes.

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

Sawtooth
National
Recreation Area
and Jerry Peak
Wilderness
Additions Act.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Sawtooth National Recreation Area and Jerry Peak Wilderness Additions Act”.

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

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—WILDERNESS DESIGNATIONS

Sec. 101. Additions to National Wilderness Preservation System in the State of Idaho.

Sec. 102. Administration.

Sec. 103. Water rights.

Sec. 104. Military overflights.

Sec. 105. Adjacent management.

Sec. 106. Native American cultural and religious uses.

Sec. 107. Acquisition of land and interests in land.

Sec. 108. Wilderness review.

TITLE II—LAND CONVEYANCES FOR PUBLIC PURPOSES

Sec. 201. Short title.

Sec. 202. Blaine County, Idaho.

Sec. 203. Custer County, Idaho.

Sec. 204. City of Challis, Idaho.

Sec. 205. City of Clayton, Idaho.

Sec. 206. City of Stanley, Idaho.

Sec. 207. Terms and conditions of permits or land conveyances.

SEC. 2. DEFINITIONS.

In this Act:

(1) **SECRETARY.**—The term “Secretary” means—

(A) the Secretary of Agriculture, with respect to land administered by the Forest Service; or

(B) the Secretary of the Interior, with respect to land administered by the Bureau of Land Management.

(2) **WILDERNESS AREA.**—The term “wilderness area” means any of the areas designated as a component of the National Wilderness Preservation System by section 101.

TITLE I—WILDERNESS DESIGNATIONS

SEC. 101. ADDITIONS TO NATIONAL WILDERNESS PRESERVATION SYSTEM IN THE STATE OF IDAHO.

(a) **HEMINGWAY-BOULDERS WILDERNESS.**—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain Federal lands in the Sawtooth and Challis National Forests in the State of Idaho, comprising approximately 67,998 acres, as generally depicted on the map entitled “Hemingway/Boulders Wilderness Area-Proposed” and dated February 25, 2015, are designated as wilderness and as a component of the National Wilderness Preservation System, which shall be known as the “Hemingway-Boulders Wilderness”. 16 USC 1132 note.

(b) **WHITE CLOUDS WILDERNESS.**—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain Federal lands in the Sawtooth and Challis National Forests in the State of Idaho, comprising approximately 90,769 acres, as generally depicted on the map entitled “White Clouds Wilderness Area-Proposed” and dated March 13, 2014, are designated as wilderness and as a component of the National Wilderness Preservation System, which shall be known as the “White Clouds Wilderness”. 16 USC 1132 note.

(c) **JIM MCCLURE-JERRY PEAK WILDERNESS.**—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain Federal lands in the Challis National Forest and Challis District of the Bureau of Land Management in the State of Idaho, comprising approximately 116,898 acres, as generally depicted on the map entitled “Jim McClure-Jerry Peak Wilderness” and dated February 21, 2015, are designated as wilderness and as a component of the National Wilderness Preservation System, which shall be known as the “Jim McClure-Jerry Peak Wilderness”. 16 USC 1132 note.

(d) **MAPS AND LEGAL DESCRIPTIONS.**—

(1) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a map and legal description for each wilderness area.

(2) **EFFECT.**—Each map and legal description submitted under paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary may correct minor errors in the map or legal description.

(3) **AVAILABILITY.**—Each map and legal description submitted under paragraph (1) shall be available in the appropriate offices of the Forest Service or the Bureau of Land Management.

SEC. 102. ADMINISTRATION.

(a) **IN GENERAL.**—Subject to valid existing rights, each wilderness area shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(1) any reference in that Act to the effective date shall be considered to be a reference to the date of enactment of this Act; and

(2) with respect to wilderness areas that are administered by the Secretary of the Interior, any reference in the Wilderness Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary of the Interior.

(b) **CONSISTENT INTERPRETATION.**—The Secretary of Agriculture and the Secretary of the Interior shall seek to ensure that the wilderness areas are interpreted for the public as an overall complex linked by—

(1) common location in the Boulder-White Cloud Mountains; and

(2) common identity with the natural and cultural history of the State of Idaho and the Native American and pioneer heritage of the State.

Deadline.

(c) **COMPREHENSIVE WILDERNESS MANAGEMENT PLAN.**—Not later than 3 years after the date of enactment of this Act, the Secretary of Agriculture and the Secretary of the Interior shall collaboratively develop wilderness management plans for the wilderness areas.

(d) **FIRE, INSECTS, AND DISEASE.**—Within the wilderness areas, the Secretary may take such measures as the Secretary determines to be necessary for the control of fire, insects, and disease in accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1131(d)(1)).

Guidelines.

(e) **LIVESTOCK.**—

(1) **IN GENERAL.**—Within the wilderness areas, the grazing of livestock in which grazing is established before the date of enactment of this Act shall be allowed to continue, subject to such reasonable regulations, policies, and practices as the Secretary determines to be necessary, in accordance with—

(A) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1131(d)(4));

(B) with respect to wilderness areas administered by the Secretary of Agriculture, the guidelines described in House Report 96-617 of the 96th Congress; and

(C) with respect to wilderness areas administered by the Secretary of the Interior, the guidelines described in appendix A of House Report 101-405 of the 101st Congress.

(2) **DONATION OF GRAZING PERMITS AND LEASES.**—

(A) **ACCEPTANCE BY SECRETARY.**—

(i) **IN GENERAL.**—The Secretary shall accept the donation of any valid existing leases or permits authorizing grazing on public land or National Forest System land, all or a portion of which are within the area depicted as the “Boulder White Clouds Grazing Area” on the map entitled “Boulder White Clouds Grazing Area Map” and dated January 27, 2010.

(ii) **PARTIAL DONATION.**—A person holding a valid grazing permit or lease for a grazing allotment partially within the area described in clause (i) may elect to donate only the portion of the grazing permit or lease that is within the area.

(B) **TERMINATION.**—With respect to each permit or lease donated under subparagraph (A), the Secretary shall—

(i) terminate the grazing permit or lease or portion of the permit or lease; and

(ii) except as provided in subparagraph (C), ensure a permanent end to grazing on the land covered by the permit or lease or portion of the permit or lease.

(C) **COMMON ALLOTMENTS.**—

(i) **IN GENERAL.**—If the land covered by a permit or lease donated under subparagraph (A) is also covered by another valid grazing permit or lease that is not donated, the Secretary shall reduce the authorized level on the land covered by the permit or lease to reflect the donation of the permit or lease under subparagraph (A).

(ii) **AUTHORIZED LEVEL.**—To ensure that there is a permanent reduction in the level of grazing on the land covered by the permit or lease donated under subparagraph (A), the Secretary shall not allow grazing use to exceed the authorized level established under clause (i).

(D) **PARTIAL DONATION.**—If a person holding a valid grazing permit or lease donates less than the full amount of grazing use authorized under the permit or lease, the Secretary shall—

(i) reduce the authorized grazing level to reflect the donation; and

(ii) modify the permit or lease to reflect the revised level or area of use.

(f) **OUTFITTING AND GUIDE ACTIVITIES.**—In accordance with section 4(d)(5) of the Wilderness Act (16 U.S.C. 1133(d)(5)), commercial services (including authorized outfitting and guide activities) within the wilderness areas are authorized to the extent necessary for activities which are proper for realizing the recreational or other wilderness purposes of the wilderness areas.

(g) **FISH AND WILDLIFE.**—Nothing in this title affects the jurisdiction of the State of Idaho with respect to the management of fish and wildlife on public land in the State, including the regulation of hunting, fishing, and trapping within the wilderness areas.

(h) **ACCESS.**—In accordance with section 5(a) of the Wilderness Act (16 U.S.C. 1134(a)), the Secretary shall provide the owner of State or private property within the boundary of a wilderness area adequate access to the property.

SEC. 103. WATER RIGHTS.

(a) **STATUTORY CONSTRUCTION.**—Nothing in this title—

(1) shall constitute either an express or implied reservation by the United States of any water rights with respect to the wilderness areas designated by section 101;

(2) affects any water rights—

(A) in the State of Idaho existing on the date of enactment of this Act, including any water rights held by the United States; or

(B) decreed in the Snake River Basin Adjudication, including any stipulation approved by the court in such adjudication between the United States and the State of Idaho with respect to such water rights; or

(3)(A) establishes a precedent with regard to any future wilderness designations; or

(B) limits, alters, modifies, or amends section 9 of the Sawtooth National Recreation Area Act (16 U.S.C. 460aa-8).

(b) **NEW PROJECTS.**—

(1) **PROHIBITION.**—Except as otherwise provided in this Act, on and after the date of the enactment of this Act, neither

the President nor any other officer, employee, or agent of the United States shall fund, assist, authorize, or issue a license or permit for the development of any new water resource facility inside any of the wilderness areas designated by section 101.

(2) DEFINITION.—In this subsection, the term “water resource facility” means irrigation and pumping facilities, reservoirs, water conservation works, aqueducts, canals, ditches, pipelines, wells, hydropower projects, and transmission and other ancillary facilities, and other water diversion, storage, and carriage structures.

SEC. 104. MILITARY OVERFLIGHTS.

Nothing in this title restricts or precludes—

(1) low-level overflights of military aircraft over the wilderness areas, including military overflights that can be seen or heard within the wilderness areas;

(2) flight testing and evaluation; or

(3) the designation or creation of new units of special use airspace, or the establishment of military flight training routes, over the wilderness areas.

SEC. 105. ADJACENT MANAGEMENT.

(a) IN GENERAL.—Nothing in this title creates a protective perimeter or buffer zone around a wilderness area.

(b) ACTIVITIES OUTSIDE WILDERNESS AREA.—The fact that an activity or use on land outside a wilderness area can be seen or heard within the wilderness area shall not preclude the activity or use outside the boundary of the wilderness area.

SEC. 106. NATIVE AMERICAN CULTURAL AND RELIGIOUS USES.

Nothing in this title diminishes the treaty rights of any Indian tribe.

SEC. 107. ACQUISITION OF LAND AND INTERESTS IN LAND.

(a) ACQUISITION.—

(1) IN GENERAL.—The Secretary may acquire any land or interest in land within the boundaries of the wilderness areas by donation, exchange, or purchase from a willing seller.

Deadline.

(2) LAND EXCHANGE.—Not later than 3 years after the date of enactment of this Act, the Secretary shall seek to complete an exchange for State land located within the boundaries of the wilderness areas designated by this title.

(b) INCORPORATION IN WILDERNESS AREA.—Any land or interest in land located inside the boundary of a wilderness area that is acquired by the United States after the date of enactment of this Act shall be added to, and administered as part of the wilderness area.

SEC. 108. WILDERNESS REVIEW.

Repeal.

(a) NATIONAL FOREST SYSTEM LAND.—Section 5 of Public Law 92-400 (16 U.S.C. 460aa-4) is repealed.

(b) PUBLIC LAND.—

(1) FINDING.—Congress finds that, for purposes of section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782), the public land administered by the Bureau of Land Management in the following wilderness study areas have been adequately studied for wilderness designation:

(A) Jerry Peak Wilderness Study Area.

- (B) Jerry Peak West Wilderness Study Area.
- (C) Corral-Horse Basin Wilderness Study Area.
- (D) Boulder Creek Wilderness Study Area.

(2) RELEASE.—Any public land within the areas described in paragraph (1) that is not designated as wilderness by this title—

(A) shall not be subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(B) shall be managed in accordance with land management plans adopted under section 202 of that Act (43 U.S.C. 1712).

TITLE II—LAND CONVEYANCES FOR PUBLIC PURPOSES

Central Idaho
Economic
Development and
Recreation Act.

SEC. 201. SHORT TITLE.

This title may be cited as the “Central Idaho Economic Development and Recreation Act”.

SEC. 202. BLAINE COUNTY, IDAHO.

The Secretary of Agriculture shall issue a special use permit or convey to Blaine County, Idaho, without consideration, not to exceed 1 acre of land for use as a school bus turnaround, as generally depicted on the map entitled “Blaine County Conveyance—Eagle Creek Parcel—Proposed” and dated October 1, 2006.

Permits.

SEC. 203. CUSTER COUNTY, IDAHO.

(a) PARK AND CAMPGROUND.—The Secretary of the Interior shall convey to Custer County, Idaho (in this section referred to as the “County”), without consideration, approximately 114 acres of land depicted as “Parcel A” on the map entitled “Custer County and City of Mackay Conveyances” and dated April 6, 2010, for use as a public park and campground, consistent with uses allowed under the Act of June 14, 1926 (commonly known as the Recreation and Public Purposes Act; 43 U.S.C. 869 et seq.).

(b) FIRE HALL.—The Secretary of the Interior shall convey to the County, without consideration, approximately 10 acres of land depicted as “Parcel B” on the map entitled “Custer County and City of Mackay Conveyances” and dated April 6, 2010, for use as a fire hall, consistent with uses allowed under the Act of June 14, 1926 (commonly known as the Recreation and Public Purposes Act; 43 U.S.C. 869 et seq.).

(c) WASTE TRANSFER SITE.—The Secretary of the Interior shall convey to the County, without consideration, approximately 80 acres of land depicted as “Parcel C” on the map entitled “Custer County and City of Mackay Conveyances” and dated April 6, 2010, to be used for a waste transfer site, consistent with uses allowed under the Act of June 14, 1926 (commonly known as the Recreation and Public Purposes Act; 43 U.S.C. 869 et seq.).

(d) FOREST SERVICE ROAD.—

(1) CONVEYANCE.—The Secretary of Agriculture shall convey to the County, without consideration, the Forest Service road that passes through the parcel of National Forest System land to be conveyed to the City of Stanley, Idaho, under section 206 from the junction of the road with Highway 75 to the

junction with Valley Creek Road at the City of Stanley boundary.

(2) RELOCATION.—The conveyance under paragraph (1) is subject to the condition that the County agree to relocate the portion of the road that passes through the section 206 conveyance parcel to the southeast along the boundary of the conveyance parcel.

SEC. 204. CITY OF CHALLIS, IDAHO.

The Secretary of the Interior shall convey to the City of Challis, Idaho, without consideration, approximately 460 acres of land within the area generally depicted as “Parcel B” on the map entitled “Custer County and City of Challis Conveyances” and dated February 2, 2010, to be used for public purposes consistent with uses allowed under the Act of June 14, 1926 (commonly known as the Recreation and Public Purposes Act; 43 U.S.C. 869 et seq.).

SEC. 205. CITY OF CLAYTON, IDAHO.

(a) CEMETERY.—The Secretary of the Interior shall convey to the City of Clayton, Idaho (in this section referred to as the “City”), without consideration, approximately 23 acres of land depicted as “Parcel A” on the map entitled “City of Clayton Conveyances” and dated April 6, 2010, for use as a public cemetery.

(b) PARK.—The Secretary of the Interior shall convey to the City, without consideration, approximately 2 acres of land depicted as “Parcel B” on the map entitled “City of Clayton Conveyances” and dated April 6, 2010, for use as a public park or other public purpose consistent with uses allowed under the Act of June 14, 1926 (commonly known as the Recreation and Public Purposes Act; 43 U.S.C. 869 et seq.).

(c) WATER TOWER.—The Secretary of the Interior shall convey to the City, without consideration, approximately 2 acres of land depicted as “Parcel C” on the map entitled “City of Clayton Conveyances” and dated April 6, 2010, for location of a water tower, consistent with uses allowed under the Act of June 14, 1926 (commonly known as the Recreation and Public Purposes Act; 43 U.S.C. 869 et seq.).

(d) WASTEWATER TREATMENT FACILITY.—The Secretary of the Interior shall convey to the City, without consideration, approximately 6 acres of land depicted as “Parcel D” on the map entitled “City of Clayton Conveyances” and dated April 6, 2010 (including any necessary access right-of-way across the river), for use as a wastewater treatment facility, consistent with uses allowed under the Act of June 14, 1926 (commonly known as the Recreation and Public Purposes Act; 43 U.S.C. 869 et seq.).

(e) FIRE HALL.—The Secretary of the Interior shall convey to the City, without consideration, approximately 2 acres of land depicted as “Parcel E” on the map entitled “City of Clayton Conveyances” and dated April 6, 2010, for use as a fire hall and related purposes, consistent with uses allowed under the Act of June 14, 1926 (commonly known as the Recreation and Public Purposes Act; 43 U.S.C. 869 et seq.).

SEC. 206. CITY OF STANLEY, IDAHO.

(a) WORKFORCE HOUSING.—The Secretary of Agriculture shall convey to the City of Stanley, Idaho (in this section referred to as the “City”), without consideration, a parcel of National Forest System land within the Sawtooth National Recreation Area, but

outside the area managed by the Sawtooth Interpretative and Historical Association under special use permit with the Secretary, that consists of approximately 4 acres as indicated on the map entitled “Custer County and City of Stanley Conveyance Parcel-Proposed” and dated February 24, 2015, for the purpose of permitting the City to develop the parcel to provide workforce housing for persons employed in the City or its environs.

(b) NUMBER AND CONSTRUCTION OF HOUSING.—The City will construct up to 20 apartment units on the parcel conveyed under subsection (a). The actual design and configuration of the apartment units will be determined by the City in consultation with the Secretary and other interested parties, except that units may not exceed 2 stories and must be located near or against the hillside to blend in with the terrain.

Determination.
Consultation.

(c) RECREATION AREA PRIVATE LAND USE REGULATIONS.—The private land use regulations of the Sawtooth National Recreation Area shall not apply to the parcel conveyed under subsection (a), including with regard to the number and type of apartments units to be constructed on the parcel.

(d) REMOVAL OF EXISTING STRUCTURE.—The Secretary shall be responsible for the removal of the barn located, as of the date of the enactment of this Act, on the parcel to be conveyed under subsection (a). The Secretary may remove the barn either before the conveyance of the parcel or at such later date as the City may request.

(e) RELATION TO REQUIRED REVERSIONARY INTEREST.—Consistent with the reversionary interest required by section 207(b), the City may contract for the development and management of the apartment units constructed on the parcel conveyed under subsection (a) so long as the City retains ownership of the parcel in perpetuity.

SEC. 207. TERMS AND CONDITIONS OF PERMITS OR LAND CONVEYANCES.

(a) TERMS AND CONDITIONS.—The issuance of a special use permit or the conveyance of land under this title shall be subject to any terms and conditions that the Secretary determines to be appropriate.

(b) REVERSIONARY INTEREST.—If any parcel of land conveyed under this title ceases to be used for the public purpose for which the parcel was conveyed, the parcel shall, at the discretion of

Determination.

the Secretary, based on a determination that reversion is in the best interests of the United States, revert to the United States.

Approved August 7, 2015.

LEGISLATIVE HISTORY—H.R. 1138 (S. 583):

HOUSE REPORTS: No. 114–229 (Comm. on Natural Resources).

SENATE REPORTS: No. 114–127 (Comm. on Energy and Natural Resources) accompanying S. 583.

CONGRESSIONAL RECORD, Vol. 161 (2015):

July 27, considered and passed House.

Aug. 4, considered and passed Senate.

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2015):

Aug. 7, Presidential remarks.

Public Law 114–47
114th Congress

An Act

To amend title 5, United States Code, to provide a pathway for temporary seasonal employees in Federal land management agencies to compete for vacant permanent positions under internal merit promotion procedures, and for other purposes.

Aug. 7, 2015
[H.R. 1531]

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Land Management Workforce Flexibility Act”.

Land
Management
Workforce
Flexibility Act.
5 USC 101 note.

SEC. 2. PERSONNEL FLEXIBILITIES RELATING TO LAND MANAGEMENT AGENCIES.

(a) IN GENERAL.—Subpart I of part III of title 5, United States Code, is amended by inserting after chapter 95 the following:

“CHAPTER 96—PERSONNEL FLEXIBILITIES RELATING TO LAND MANAGEMENT AGENCIES

5 USC 9601 prec.

“Sec.

“9601. Definitions.

“9602. Competitive service; time-limited appointments.

“§ 9601. Definitions

5 USC 9601.

“For purposes of this chapter—

“(1) the term ‘land management agency’ means—

“(A) the Forest Service of the Department of Agriculture;

“(B) the Bureau of Land Management of the Department of the Interior;

“(C) the National Park Service of the Department of the Interior;

“(D) the Fish and Wildlife Service of the Department of the Interior;

“(E) the Bureau of Indian Affairs of the Department of the Interior; and

“(F) the Bureau of Reclamation of the Department of the Interior; and

“(2) the term ‘time-limited appointment’ includes a temporary appointment and a term appointment, as defined by the Office of Personnel Management.

“§ 9602. Competitive service; time-limited appointments

5 USC 9602.

“(a) Notwithstanding chapter 33 or any other provision of law relating to the examination, certification, and appointment of individuals in the competitive service, an employee of a land

management agency serving under a time-limited appointment in the competitive service is eligible to compete for a permanent appointment in the competitive service at any land management agency or any other agency (as defined in section 101 of title 31) under the internal merit promotion procedures of the applicable agency if—

“(1) the employee was appointed initially under open, competitive examination under subchapter I of chapter 33 to the time-limited appointment;

“(2) the employee has served under 1 or more time-limited appointments by a land management agency for a period or periods totaling more than 24 months without a break of 2 or more years; and

“(3) the employee’s performance has been at an acceptable level of performance throughout the period or periods (as the case may be) referred to in paragraph (2).

Waiver authority.

“(b) In determining the eligibility of a time-limited employee under this section to be examined for or appointed in the competitive service, the Office of Personnel Management or other examining agency shall waive requirements as to age, unless the requirement is essential to the performance of the duties of the position.

“(c) An individual appointed under this section—

“(1) becomes a career-conditional employee, unless the employee has otherwise completed the service requirements for career tenure; and

“(2) acquires competitive status upon appointment.

“(d) A former employee of a land management agency who served under a time-limited appointment and who otherwise meets the requirements of this section shall be deemed a time-limited employee for purposes of this section if—

Deadline.
Time period.

“(1) such employee applies for a position covered by this section within the period of 2 years after the most recent date of separation; and

“(2) such employee’s most recent separation was for reasons other than misconduct or performance.

Regulations.

“(e) The Office of Personnel Management shall prescribe such regulations as may be necessary to carry out this section.”.

(b) CLERICAL AMENDMENT.—The analysis for part III of title 5, United States Code, is amended by inserting after the item for chapter 95 the following: 5 USC prec. 2101.

“96. Personnel flexibilities relating to land management agencies 9601”.

Approved August 7, 2015.

LEGISLATIVE HISTORY—H.R. 1531:

HOUSE REPORTS: No. 114–182 (Comm. on Oversight and Government Reform).
CONGRESSIONAL RECORD, Vol. 161 (2015):

July 7, considered and passed House.
Aug. 5, considered and passed Senate.

Public Law 114–48
114th Congress

An Act

Aug. 7, 2015
[H.R. 2131]

To designate the Federal building and United States courthouse located at 83 Meeting Street in Charleston, South Carolina, as the “J. Waties Waring Judicial Center”.

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

SECTION 1. J. WATIES WARING FEDERAL BUILDING AND UNITED STATES COURTHOUSE.

(a) DESIGNATION.—The Federal building and United States courthouse located at 83 Meeting Street in Charleston, South Carolina, shall be known and designated as the “J. Waties Waring Judicial Center”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in subsection (a) shall be deemed to be a reference to the “J. Waties Waring Judicial Center”.

Approved August 7, 2015.

LEGISLATIVE HISTORY—H.R. 2131:

HOUSE REPORTS: No. 114–137 (Comm. on Transportation and Infrastructure).
CONGRESSIONAL RECORD, Vol. 161 (2015):
June 15, considered and passed House.
Aug. 5, considered and passed Senate.

Public Law 114–49
114th Congress

An Act

To designate the “PFC Milton A. Lee Medal of Honor Memorial Highway” in
the State of Texas.

Aug. 7, 2015
[H.R. 2559]

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

SECTION 1. DESIGNATION.

The segment of Interstate Route 10 between milepost 535 and
milepost 545 at Kendall County, Texas, shall be known and des-
ignated as the “PFC Milton A. Lee Medal of Honor Memorial
Highway”.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper,
or other record of the United States to the segment of Interstate
Route 10 referred to in section 1 shall be deemed to be a reference
to the “PFC Milton A. Lee Medal of Honor Memorial Highway”.

Approved August 7, 2015.

LEGISLATIVE HISTORY—H.R. 2559:

CONGRESSIONAL RECORD, Vol. 161 (2015):

June 15, considered and passed House.

Aug. 5, considered and passed Senate.

Public Law 114–50
114th Congress

An Act

Sept. 24, 2015
[H.R. 720]

To improve intergovernmental planning for and communication during security incidents at domestic airports, and for other purposes.

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

Gerardo
Hernandez
Airport Security
Act of 2015.
49 USC 44903
note.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Gerardo Hernandez Airport Security Act of 2015”.

SEC. 2. DEFINITIONS.

In this Act:

(1) **ASSISTANT SECRETARY.**—The term “Assistant Secretary” means the Assistant Secretary of Homeland Security (Transportation Security) of the Department of Homeland Security.

(2) **ADMINISTRATION.**—The term “Administration” means the Transportation Security Administration.

SEC. 3. SECURITY INCIDENT RESPONSE AT AIRPORTS.

Consultation.

(a) **IN GENERAL.**—The Assistant Secretary shall, in consultation with other Federal agencies as appropriate, conduct outreach to all airports in the United States at which the Administration performs, or oversees the implementation and performance of, security measures, and provide technical assistance as necessary, to verify such airports have in place individualized working plans for responding to security incidents inside the perimeter of the airport, including active shooters, acts of terrorism, and incidents that target passenger-screening checkpoints.

(b) **TYPES OF PLANS.**—Such plans may include, but may not be limited to, the following:

(1) A strategy for evacuating and providing care to persons inside the perimeter of the airport, with consideration given to the needs of persons with disabilities.

(2) A plan for establishing a unified command, including identification of staging areas for non-airport-specific law enforcement and fire response.

(3) A schedule for regular testing of communications equipment used to receive emergency calls.

(4) An evaluation of how emergency calls placed by persons inside the perimeter of the airport will reach airport police in an expeditious manner.

(5) A practiced method and plan to communicate with travelers and all other persons inside the perimeter of the airport.

(6) To the extent practicable, a projected maximum time-frame for law enforcement response to active shooters, acts of terrorism, and incidents that target passenger security-screening checkpoints.

(7) A schedule of joint exercises and training to be conducted by the airport, the Administration, other stakeholders such as airport and airline tenants, and any relevant law enforcement, airport police, fire, and medical personnel.

(8) A schedule for producing after-action joint exercise reports to identify and determine how to improve security incident response capabilities.

(9) A strategy, where feasible, for providing airport law enforcement with access to airport security video surveillance systems at category X airports where those systems were purchased and installed using Administration funds.

(c) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Assistant Secretary shall report to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the findings from its outreach to airports under subsection (a), including an analysis of the level of preparedness such airports have to respond to security incidents, including active shooters, acts of terrorism, and incidents that target passenger-screening checkpoints.

SEC. 4. DISSEMINATING INFORMATION ON BEST PRACTICES.

The Assistant Secretary shall—

(1) identify best practices that exist across airports for security incident planning, management, and training; and

(2) establish a mechanism through which to share such best practices with other airport operators nationwide.

SEC. 5. CERTIFICATION.

Not later than 90 days after the date of enactment of this Act, and annually thereafter, the Assistant Secretary shall certify in writing to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that all screening personnel have participated in practical training exercises for active shooter scenarios.

Deadline.

SEC. 6. REIMBURSABLE AGREEMENTS.

Not later than 90 days after the enactment of this Act, the Assistant Secretary shall provide to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate an analysis of how the Administration can use cost savings achieved through efficiencies to increase over the next 5 fiscal years the funding available for checkpoint screening law enforcement support reimbursable agreements.

Deadline.
Analysis.
Time period.

SEC. 7. SECURITY INCIDENT RESPONSE FOR SURFACE TRANSPORTATION SYSTEMS.

(a) IN GENERAL.—The Assistant Secretary shall, in consultation with the Secretary of Transportation, and other relevant agencies, conduct outreach to all passenger transportation agencies and providers with high-risk facilities, as identified by the Assistant Secretary, to verify such agencies and providers have in place plans

Consultation.

to respond to active shooters, acts of terrorism, or other security-related incidents that target passengers.

(b) **TYPES OF PLANS.**—As applicable, such plans may include, but may not be limited to, the following:

(1) A strategy for evacuating and providing care to individuals, with consideration given to the needs of persons with disabilities.

(2) A plan for establishing a unified command.

(3) A plan for frontline employees to receive active shooter training.

(4) A schedule for regular testing of communications equipment used to receive emergency calls.

(5) An evaluation of how emergency calls placed by individuals using the transportation system will reach police in an expeditious manner.

(6) A practiced method and plan to communicate with individuals using the transportation system.

(c) **REPORT TO CONGRESS.**—Not later than 180 days after the date of enactment of this Act, the Assistant Secretary shall report to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the findings from its outreach to the agencies and providers under subsection (a), including an analysis of the level of preparedness such transportation systems have to respond to security incidents.

(d) **DISSEMINATION OF BEST PRACTICES.**—The Assistant Secretary shall identify best practices for security incident planning, management, and training and establish a mechanism through which to share such practices with passenger transportation agencies nationwide.

SEC. 8. NO ADDITIONAL AUTHORIZATION OF APPROPRIATIONS.

No additional funds are authorized to be appropriated to carry out this Act, and this Act shall be carried out using amounts otherwise available for such purpose.

SEC. 9. INTEROPERABILITY REVIEW.

(a) **IN GENERAL.**—Not later than 90 days after the date of enactment of this Act, the Assistant Secretary shall, in consultation with the Assistant Secretary of the Office of Cybersecurity and Communications, conduct a review of the interoperable communications capabilities of the law enforcement, fire, and medical personnel responsible for responding to a security incident, including active shooter events, acts of terrorism, and incidents that target passenger-screening checkpoints, at all airports in the United States at which the Administration performs, or oversees the implementation and performance of, security measures.

(b) **REPORT.**—Not later than 30 days after the completion of the review, the Assistant Secretary shall report the findings of the review to the Committee on Homeland Security of the House

Deadline.
Consultation.

of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

Approved September 24, 2015.

LEGISLATIVE HISTORY—H.R. 720:

SENATE REPORTS: No. 114–92 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD, Vol. 161 (2015):

Feb. 10, considered and passed House.

Aug. 5, considered and passed Senate, amended.

Sept. 16, House concurred in Senate amendment.

Public Law 114–51
114th Congress

An Act

Sept. 24, 2015
[S. 1359]

To allow manufacturers to meet warranty and labeling requirements for consumer products by displaying the terms of warranties on Internet websites, and for other purposes.

E-Warranty Act
of 2015.
15 USC 2301
note.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “E-Warranty Act of 2015”.

15 USC 2302
note.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Many manufacturers and consumers prefer to have the option to provide or receive warranty information online.

(2) Modernizing warranty notification rules is necessary to allow the United States to continue to compete globally in manufacturing, trade, and the development of consumer products connected to the Internet.

(3) Allowing an electronic warranty option would expand consumer access to relevant consumer information in an environmentally friendly way, and would provide additional flexibility to manufacturers to meet their labeling and warranty requirements.

SEC. 3. ELECTRONIC DISPLAY OF TERMS OF WRITTEN WARRANTY FOR CONSUMER PRODUCTS.

(a) IN GENERAL.—Section 102(b) of the Magnuson-Moss Warranty—Federal Trade Commission Improvement Act (15 U.S.C. 2302(b)) is amended by adding at the end the following:

“(4)(A) Except as provided in subparagraph (B), the rules prescribed under this subsection shall allow for the satisfaction of all requirements concerning the availability of terms of a written warranty on a consumer product under this subsection by—

“(i) making available such terms in an accessible digital format on the Internet website of the manufacturer of the consumer product in a clear and conspicuous manner; and

“(ii) providing to the consumer (or prospective consumer) information with respect to how to obtain and review such terms by indicating on the product or product packaging or in the product manual—

“(I) the Internet website of the manufacturer where such terms can be obtained and reviewed; and

“(II) the phone number of the manufacturer, the postal mailing address of the manufacturer, or another reasonable

non-Internet based means of contacting the manufacturer to obtain and review such terms.

“(B) With respect to any requirement that the terms of any written warranty for a consumer product be made available to the consumer (or prospective consumer) prior to sale of the product, in a case in which a consumer product is offered for sale in a retail location, by catalog, or through door-to-door sales, subparagraph (A) shall only apply if the seller makes available, through electronic or other means, at the location of the sale to the consumer purchasing the consumer product the terms of the warranty for the consumer product before the purchase.”

Applicability.

(b) REVISION OF RULES.—

15 USC 2302.
Deadline.

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Federal Trade Commission shall revise the rules prescribed under such section to comply with the requirements of paragraph (4) of such section, as added by subsection (a) of this section.

(2) AUTHORITY TO WAIVE REQUIREMENT FOR ORAL PRESENTATION.—In revising rules under paragraph (1), the Federal Trade Commission may waive the requirement of section 109(a) of such Act (15 U.S.C. 2309(a)) to give interested persons an opportunity for oral presentation if the Commission determines that giving interested persons such opportunity would interfere with the ability of the Commission to revise rules under paragraph (1) in a timely manner.

Determination.

Approved September 24, 2015.

LEGISLATIVE HISTORY—S. 1359 (H.R. 3154):

HOUSE REPORTS: No. 114–243 (Comm. on Energy and Commerce) accompanying H.R. 3154.

SENATE REPORTS: No. 114–77 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD, Vol. 161 (2015):

July 9, considered and passed Senate.
Sept. 8, considered and passed House.

Public Law 114–52
114th Congress

An Act

Sept. 30, 2015
[H.R. 23]

To reauthorize the National Windstorm Impact Reduction Program, and for other purposes.

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

National
Windstorm
Impact
Reduction Act
Reauthorization
of 2015.
42 USC 15701
note.

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Windstorm Impact Reduction Act Reauthorization of 2015”.

SEC. 2. DEFINITIONS.

(a) **DIRECTOR.**—Section 203(1) of the National Windstorm Impact Reduction Act of 2004 (42 U.S.C. 15702(1)) is amended by striking “Director of the Office of Science and Technology Policy” and inserting “Director of the National Institute of Standards and Technology”.

(b) **LIFELINES.**—Section 203 of the National Windstorm Impact Reduction Act of 2004 (42 U.S.C. 15702) is further amended—

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

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

“(2) **LIFELINES.**—The term ‘lifelines’ means public works and utilities, including transportation facilities and infrastructure, oil and gas pipelines, electrical power and communication facilities and infrastructure, and water supply and sewage treatment facilities.”

(c) **WINDSTORM.**—Paragraph (5) of such section, as redesignated by subsection (b), is amended by inserting “northeaster,” after “tropical storm,”.

SEC. 3. NATIONAL WINDSTORM IMPACT REDUCTION PROGRAM.

Section 204 of the National Windstorm Impact Reduction Act of 2004 (42 U.S.C. 15703) is amended—

(1) by striking subsections (a), (b), and (c) and inserting the following:

“(a) **ESTABLISHMENT.**—There is established the National Windstorm Impact Reduction Program, the purpose of which is to achieve major measurable reductions in the losses of life and property from windstorms through a coordinated Federal effort, in cooperation with other levels of government, academia, and the private sector, aimed at improving the understanding of windstorms and their impacts and developing and encouraging the implementation of cost-effective mitigation measures to reduce those impacts.

“(b) **RESPONSIBILITIES OF PROGRAM AGENCIES.**—

“(1) LEAD AGENCY.—The National Institute of Standards and Technology shall have the primary responsibility for planning and coordinating the Program. In carrying out this paragraph, the Director shall—

“(A) ensure that the Program includes the necessary components to promote the implementation of windstorm risk reduction measures by Federal, State, and local governments, national standards and model building code organizations, architects and engineers, and others with a role in planning and constructing buildings and lifelines;

“(B) support the development of performance-based engineering tools, and work with appropriate groups to promote the commercial application of such tools, including through wind-related model building codes, voluntary standards, and construction best practices;

“(C) request the assistance of Federal agencies other than the Program agencies, as necessary to assist in carrying out this Act;

“(D) coordinate all Federal post-windstorm investigations to the extent practicable; and

“(E) when warranted by research or investigative findings, issue recommendations to assist in informing the development of model codes, and provide information to Congress on the use of such recommendations.

Recommendations.

“(2) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—In addition to the lead agency responsibilities described under paragraph (1), the National Institute of Standards and Technology shall be responsible for carrying out research and development to improve model building codes, voluntary standards, and best practices for the design, construction, and retrofit of buildings, structures, and lifelines.

“(3) NATIONAL SCIENCE FOUNDATION.—The National Science Foundation shall support research in—

“(A) engineering and the atmospheric sciences to improve the understanding of the behavior of windstorms and their impact on buildings, structures, and lifelines; and

“(B) economic and social factors influencing windstorm risk reduction measures.

“(4) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.—The National Oceanic and Atmospheric Administration shall support atmospheric sciences research to improve the understanding of the behavior of windstorms and their impact on buildings, structures, and lifelines.

“(5) FEDERAL EMERGENCY MANAGEMENT AGENCY.—The Federal Emergency Management Agency shall—

“(A) support—

“(i) the development of risk assessment tools and effective mitigation techniques;

“(ii) windstorm-related data collection and analysis;

“(iii) public outreach and information dissemination; and

“(iv) promotion of the adoption of windstorm preparedness and mitigation measures, including for households, businesses, and communities, consistent with the Agency’s all-hazards approach; and

“(B) work closely with national standards and model building code organizations, in conjunction with the National Institute of Standards and Technology, to promote the implementation of research results and promote better building practices within the building design and construction industry, including architects, engineers, contractors, builders, and inspectors.”;

(2) by redesignating subsection (d) as subsection (c), and by striking subsections (e) and (f); and

(3) by inserting after subsection (c), as so redesignated, the following new subsections:

Assessment.

“(d) BUDGET ACTIVITIES.—The Director of the National Institute of Standards and Technology, the Director of the National Science Foundation, the Director of the National Oceanic and Atmospheric Administration, and the Director of the Federal Emergency Management Agency shall each include in their agency’s annual budget request to Congress a description of their agency’s projected activities under the Program for the fiscal year covered by the budget request, along with an assessment of what they plan to spend on those activities for that fiscal year.

“(e) INTERAGENCY COORDINATING COMMITTEE ON WINDSTORM IMPACT REDUCTION.—

“(1) ESTABLISHMENT.—There is established an Interagency Coordinating Committee on Windstorm Impact Reduction, chaired by the Director or the Director’s designee.

“(2) MEMBERSHIP.—In addition to the chair, the Committee shall be composed of—

“(A) the heads or such designees of—

“(i) the Federal Emergency Management Agency;

“(ii) the National Oceanic and Atmospheric Administration;

“(iii) the National Science Foundation;

“(iv) the Office of Science and Technology Policy;

and

“(v) the Office of Management and Budget; and

“(B) the head of any other Federal agency, or such designee, the chair considers appropriate.

“(3) MEETINGS.—The Committee shall meet not less than once a year at the call of the Director of the National Institute of Standards and Technology.

“(4) GENERAL PURPOSE AND DUTIES.—The Committee shall oversee the planning and coordination of the Program.

Deadline.

“(5) STRATEGIC PLAN.—The Committee shall develop and submit to Congress, not later than 1 year after the date of enactment of the National Windstorm Impact Reduction Act Reauthorization of 2015, a Strategic Plan for the Program that includes—

“(A) prioritized goals for the Program that will mitigate against the loss of life and property from future windstorms;

“(B) short-term, mid-term, and long-term research objectives to achieve those goals;

“(C) a description of the role of each Program agency in achieving the prioritized goals;

“(D) the methods by which progress towards the goals will be assessed; and

“(E) an explanation of how the Program will foster the transfer of research results into outcomes, such as improved model building codes.

“(6) PROGRESS REPORT.—Not later than 18 months after the date of enactment of the National Windstorm Impact Reduction Act Reauthorization of 2015, the Committee shall submit to the Congress a report on the progress of the Program that includes—

“(A) a description of the activities funded under the Program, a description of how these activities align with the prioritized goals and research objectives established in the Strategic Plan, and the budgets, per agency, for these activities;

“(B) the outcomes achieved by the Program for each of the goals identified in the Strategic Plan;

“(C) a description of any recommendations made to change existing building codes that were the result of Program activities; and

“(D) a description of the extent to which the Program has incorporated recommendations from the Advisory Committee on Windstorm Impact Reduction.

“(7) COORDINATED BUDGET.—The Committee shall develop a coordinated budget for the Program, which shall be submitted to the Congress not later than 60 days after the date of the President’s budget submission for each fiscal year.”.

Deadline.

SEC. 4. NATIONAL ADVISORY COMMITTEE ON WINDSTORM IMPACT REDUCTION.

Section 205 of the National Windstorm Impact Reduction Act of 2004 (42 U.S.C. 15704) is amended to read as follows:

“SEC. 205. NATIONAL ADVISORY COMMITTEE ON WINDSTORM IMPACT REDUCTION.

“(a) IN GENERAL.—The Director of the National Institute of Standards and Technology shall establish an Advisory Committee on Windstorm Impact Reduction, which shall be composed of at least 7 and not more than 15 members who are qualified to provide advice on windstorm impact reduction and represent related scientific, architectural, and engineering disciplines, none of whom may be employees of the Federal Government, including—

“(1) representatives of research and academic institutions;

“(2) industry standards development organizations;

“(3) emergency management agencies;

“(4) State and local government; and

“(5) business communities, including the insurance industry.

Recommendations.

“(b) ASSESSMENTS.—The Advisory Committee on Windstorm Impact Reduction shall offer assessments and recommendations on—

“(1) trends and developments in the natural, engineering, and social sciences and practices of windstorm impact mitigation;

“(2) the priorities of the Program’s Strategic Plan;

“(3) the coordination of the Program;

“(4) the effectiveness of the Program in meeting its purposes; and

“(5) any revisions to the Program which may be necessary.

“(c) COMPENSATION.—The members of the Advisory Committee established under this section shall serve without compensation.

“(d) REPORTS.—At least every 2 years, the Advisory Committee shall report to the Director on the assessments carried out under subsection (b) and its recommendations for ways to improve the Program.

“(e) CHARTER.—Notwithstanding section 14(b)(2) of the Federal Advisory Committee Act (5 U.S.C. App.), the Advisory Committee shall not be required to file a charter subsequent to its initial charter, filed under section 9(c) of such Act, before the termination date specified in subsection (f) of this section.

“(f) TERMINATION.—The Advisory Committee shall terminate on September 30, 2017.

“(g) CONFLICT OF INTEREST.—An Advisory Committee member shall recuse himself from any Advisory Committee activity in which he has an actual pecuniary interest.”

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

Section 207 of the National Windstorm Impact Reduction Act of 2004 (42 U.S.C. 15706) is amended to read as follows:

“SEC. 207. AUTHORIZATION OF APPROPRIATIONS.

“(a) FEDERAL EMERGENCY MANAGEMENT AGENCY.—There are authorized to be appropriated to the Federal Emergency Management Agency for carrying out this title—

“(1) \$5,332,000 for fiscal year 2015;

“(2) \$5,332,000 for fiscal year 2016; and

“(3) \$5,332,000 for fiscal year 2017.

“(b) NATIONAL SCIENCE FOUNDATION.—There are authorized to be appropriated to the National Science Foundation for carrying out this title—

“(1) \$9,682,000 for fiscal year 2015;

“(2) \$9,682,000 for fiscal year 2016; and

“(3) \$9,682,000 for fiscal year 2017.

“(c) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—There are authorized to be appropriated to the National Institute of Standards and Technology for carrying out this title—

“(1) \$4,120,000 for fiscal year 2015;

“(2) \$4,120,000 for fiscal year 2016; and

“(3) \$4,120,000 for fiscal year 2017.

“(d) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.—
There are authorized to be appropriated to the National Oceanic
and Atmospheric Administration for carrying out this title—

- “(1) \$2,266,000 for fiscal year 2015;
- “(2) \$2,266,000 for fiscal year 2016; and
- “(3) \$2,266,000 for fiscal year 2017.”.

Approved September 30, 2015.

LEGISLATIVE HISTORY—H.R. 23:

SENATE REPORTS: No. 114-62 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD, Vol. 161 (2015):

Jan. 7, considered and passed House.

July 23, considered and passed Senate, amended.

Sept. 16, House concurred in Senate amendment.

Public Law 114–53
114th Congress

An Act

Sept. 30, 2015
[H.R. 719]

To require the Transportation Security Administration to conform to existing Federal law and regulations regarding criminal investigator positions, and for other purposes.

TSA Office of
Inspection
Accountability
Act of 2015.

Continuing
Appropriations
Act, 2016.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “TSA Office of Inspection Accountability Act of 2015”.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Consistent with Federal law and regulations, for law enforcement officers to qualify for premium pay as criminal investigators, the officers must, in general, spend on average at least 50 percent of their time investigating, apprehending, or detaining individuals suspected or convicted of offenses against the criminal laws of the United States.

(2) According to the Inspector General of the Department of Homeland Security (DHS IG), the Transportation Security Administration (TSA) does not ensure that its cadre of criminal investigators in the Office of Inspection are meeting this requirement, even though they are considered law enforcement officers under TSA policy and receive premium pay.

(3) Instead, TSA criminal investigators in the Office of Inspection primarily monitor the results of criminal investigations conducted by other agencies, investigate administrative cases of TSA employee misconduct, and carry out inspections, covert tests, and internal reviews, which the DHS IG asserts could be performed by employees other than criminal investigators at a lower cost.

(4) The premium pay and other benefits afforded to TSA criminal investigators in the Office of Inspection who are incorrectly classified as such will cost the taxpayer as much as \$17 million over 5 years if TSA fails to make any changes to the number of criminal investigators in the Office of Inspection, according to the DHS IG.

(5) This may be a conservative estimate, as it accounts for the cost of Law Enforcement Availability Pay, but not the costs of law enforcement training, statutory early retirement benefits, police vehicles, and weapons.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATION.—The term “Administration” means the Transportation Security Administration.

(2) ASSISTANT SECRETARY.—The term “Assistant Secretary” means the Assistant Secretary of Homeland Security (Transportation Security) of the Department of Homeland Security.

(3) INSPECTOR GENERAL.—The term “Inspector General” means the Inspector General of the Department of Homeland Security.

SEC. 4. INSPECTOR GENERAL AUDIT.

(a) AUDIT.—Not later than 60 days after the date of the enactment of this Act, the Inspector General shall analyze the data and methods that the Assistant Secretary uses to identify Office of Inspection employees of the Administration who meet the requirements of sections 8331(20), 8401(17), and 5545a of title 5, United States Code, and provide the relevant findings to the Assistant Secretary, including a finding on whether the data and methods are adequate and valid. Deadline.
Analysis.

(b) PROHIBITION ON HIRING.—If the Inspector General finds that such data and methods are inadequate or invalid, the Administration shall not hire any new employee to work in the Office of Inspection of the Administration until—

(1) the Assistant Secretary makes a certification described in section 5 to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate; and Certification.

(2) the Inspector General submits to such Committees a finding, not later than 30 days after the Assistant Secretary makes such certification, that the Assistant Secretary utilized adequate and valid data and methods to make such certification. Finding.
Deadline.

SEC. 5. TSA OFFICE OF INSPECTION WORKFORCE CERTIFICATION.

(a) CERTIFICATION TO CONGRESS.—The Assistant Secretary shall, by not later than 90 days after the date the Inspector General provides its findings to the Assistant Secretary under section 4(a), document and certify in writing to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that only those Office of Inspection employees of the Administration who meet the requirements of sections 8331(20), 8401(17), and 5545a of title 5, United States Code, are classified as criminal investigators and are receiving premium pay and other benefits associated with such classification. Deadline.

(b) EMPLOYEE RECLASSIFICATION.—The Assistant Secretary shall reclassify criminal investigator positions in the Office of Inspection as noncriminal investigator positions or non-law enforcement positions if the individuals in those positions do not, or are not expected to, spend an average of at least 50 percent of their time performing criminal investigative duties.

(c) PROJECTED COST SAVINGS.—

(1) IN GENERAL.—The Assistant Secretary shall estimate the total long-term cost savings to the Federal Government resulting from the implementation of subsection (b), and provide such estimate to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate by not later than 180 days after the date of enactment of this Act. Cost estimate.
Deadline.

(2) CONTENTS.—Such estimate shall identify savings associated with the positions reclassified under subsection (b) and include, among other factors the Assistant Secretary considers appropriate, savings from—

- (A) law enforcement training;
- (B) early retirement benefits;
- (C) law enforcement availability and other premium pay; and
- (D) weapons, vehicles, and communications devices.

SEC. 6. INVESTIGATION OF FEDERAL AIR MARSHAL SERVICE MISCONDUCT.

Deadline. Not later than 90 days after the date of the enactment of this Act, or as soon as practicable, the Assistant Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on the Judiciary of the Senate—

Records. (1) materials in the possession or control of the Department of Homeland Security associated with the Office of Inspection’s review of instances in which Federal Air Marshal Service officials obtained discounted or free firearms for personal use;

(2) information on specific actions that will be taken to prevent Federal Air Marshal Service officials from using their official positions, or exploiting, in any way, the Service’s relationships with private vendors to obtain discounted or free firearms for personal use; and

(3) information on specific actions that will be taken to prevent the Federal Air Marshal Service from misusing Government resources.

SEC. 7. STUDY.

Deadline. Not later than 180 days after the date that the Assistant Secretary submits the certification to Congress under section 5(a), the Inspector General of the Department of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs of the Senate a study—

(1) reviewing the employee requirements, responsibilities, and benefits of criminal investigators in the TSA Office of Inspection with criminal investigators employed at agencies adhering to the Office of Personnel Management employee classification system; and

(2) identifying any inconsistencies and costs implications for differences between the varying employee requirements, responsibilities, and benefits.

SEC. 8. INDEPENDENT AUDIT OF FEDERAL AIR MARSHAL SERVICE PERSONNEL ISSUES.

Deadline. Not later than 180 days after the date of the enactment of this Act, the Inspector General shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs of the Senate a study that—

(1) reviews the Federal Air Marshal Service’s existing personnel policies and procedures for identifying misuse of Government resources; and

(2) reviews the administration of the Federal Air Marshal Service's existing code of conduct or integrity policies with respect to instances of misconduct.

The following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for fiscal year 2016, and for other purposes, namely:

SEC. 101. (a) Such amounts as may be necessary, at a rate for operations as provided in the applicable appropriations Acts for fiscal year 2015 and under the authority and conditions provided in such Acts, for continuing projects or activities (including the costs of direct loans and loan guarantees) that are not otherwise specifically provided for in this Act, that were conducted in fiscal year 2015, and for which appropriations, funds, or other authority were made available in the following appropriations Acts:

(1) The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2015 (division A of Public Law 113–235), except section 743 and title VIII.

(2) The Commerce, Justice, Science, and Related Agencies Appropriations Act, 2015 (division B of Public Law 113–235).

(3) The Department of Defense Appropriations Act, 2015 (division C of Public Law 113–235), except title X.

(4) The Energy and Water Development and Related Agencies Appropriations Act, 2015 (division D of Public Law 113–235).

(5) The Financial Services and General Government Appropriations Act, 2015 (division E of Public Law 113–235).

(6) The Department of Homeland Security Appropriations Act, 2015 (Public Law 114–4).

(7) The Department of the Interior, Environment, and Related Agencies Appropriations Act, 2015 (division F of Public Law 113–235).

(8) The Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2015 (division G of Public Law 113–235), except title VI.

(9) The Legislative Branch Appropriations Act, 2015 (division H of Public Law 113–235).

(10) The Military Construction and Veterans Affairs, and Related Agencies Appropriations Act, 2015 (division I of Public Law 113–235).

(11) The Department of State, Foreign Operations, and Related Programs Appropriations Act, 2015 (division J of Public Law 113–235), except title IX.

(12) The Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2015 (division K of Public Law 113–235).

(13) Section 11 of the Consolidated and Further Continuing Appropriations Act, 2015 (Public Law 113–235).

(b) The rate for operations provided by subsection (a) is hereby reduced by 0.2108 percent. Rate reduction.

SEC. 102. (a) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used for: (1) the new production of items not funded for production in fiscal year 2015 or prior years; (2) the increase in production rates above those sustained with fiscal year

2015 funds; or (3) the initiation, resumption, or continuation of any project, activity, operation, or organization (defined as any project, subproject, activity, budget activity, program element, and subprogram within a program element, and for any investment items defined as a P-1 line item in a budget activity within an appropriation account and an R-1 line item that includes a program element and subprogram element within an appropriation account) for which appropriations, funds, or other authority were not available during fiscal year 2015.

Contracts.

(b) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used to initiate multi-year procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated later.

SEC. 103. Appropriations made by section 101 shall be available to the extent and in the manner that would be provided by the pertinent appropriations Act.

SEC. 104. Except as otherwise provided in section 102, no appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during fiscal year 2015.

SEC. 105. Appropriations made and authority granted pursuant to this Act shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this Act.

Expiration date.

SEC. 106. Unless otherwise provided for in this Act or in the applicable appropriations Act for fiscal year 2016, appropriations and funds made available and authority granted pursuant to this Act shall be available until whichever of the following first occurs: (1) the enactment into law of an appropriation for any project or activity provided for in this Act; (2) the enactment into law of the applicable appropriations Act for fiscal year 2016 without any provision for such project or activity; or (3) December 11, 2015.

SEC. 107. Expenditures made pursuant to this Act shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 108. Appropriations made and funds made available by or authority granted pursuant to this Act may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing in this Act may be construed to waive any other provision of law governing the apportionment of funds.

SEC. 109. Notwithstanding any other provision of this Act, except section 106, for those programs that would otherwise have high initial rates of operation or complete distribution of appropriations at the beginning of fiscal year 2016 because of distributions of funding to States, foreign countries, grantees, or others, such high initial rates of operation or complete distribution shall not be made, and no grants shall be awarded for such programs funded by this Act that would impinge on final funding prerogatives.

SEC. 110. This Act shall be implemented so that only the most limited funding action of that permitted in the Act shall be taken in order to provide for continuation of projects and activities.

SEC. 111. (a) For entitlements and other mandatory payments whose budget authority was provided in appropriations Acts for fiscal year 2015, and for activities under the Food and Nutrition Act of 2008, activities shall be continued at the rate to maintain program levels under current law, under the authority and conditions provided in the applicable appropriations Act for fiscal year 2015, to be continued through the date specified in section 106(3).

(b) Notwithstanding section 106, obligations for mandatory payments due on or about the first day of any month that begins after October 2015 but not later than 30 days after the date specified in section 106(3) may continue to be made, and funds shall be available for such payments.

Deadline.

SEC. 112. Amounts made available under section 101 for civilian personnel compensation and benefits in each department and agency may be apportioned up to the rate for operations necessary to avoid furloughs within such department or agency, consistent with the applicable appropriations Act for fiscal year 2015, except that such authority provided under this section shall not be used until after the department or agency has taken all necessary actions to reduce or defer non-personnel-related administrative expenses.

Furloughs.

SEC. 113. Funds appropriated by this Act may be obligated and expended notwithstanding section 10 of Public Law 91–672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 3094(a)(1)).

SEC. 114. (a) Each amount incorporated by reference in this Act that was previously designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 or as being for disaster relief pursuant to section 251(b)(2)(D) of such Act is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of such Act or as being for disaster relief pursuant to section 251(b)(2)(D) of such Act, respectively.

Terrorism.
Disaster
assistance.

(b) The reduction in section 101(b) of this Act shall not apply to—

(1) amounts designated under subsection (a) of this section;
or

(2) amounts made available by section 101(a) by reference to the second paragraph under the heading “Social Security Administration—Limitation on Administrative Expenses” in division G of Public Law 113–235; or

(3) amounts made available by section 101(a) by reference to the paragraph under the heading “Centers for Medicare and Medicaid Services—Health Care Fraud and Abuse Control Account” in division G of Public Law 113–235.

(c) Section 6 of Public Law 113–235 shall apply to amounts designated in subsection (a) for Overseas Contingency Operations/Global War on Terrorism.

Applicability.

SEC. 115. During the period covered by this Act, discretionary amounts appropriated for fiscal year 2016 that were provided in advance by appropriations Acts shall be available in the amounts provided in such Acts, reduced by the percentage in section 101(b).

SEC. 116. Notwithstanding section 101, amounts are provided for “Department of Agriculture—Domestic Food Programs—Food

and Nutrition Service—Commodity Assistance Program” at a rate for operations of \$288,317,000, of which \$221,298,000 shall be for the Commodity Supplemental Food Program.

Waiver authority.
Contracts.

SEC. 117. Amounts made available by section 101 for “Department of Agriculture—Rural Housing Service—Rental Assistance Program” may be apportioned up to the rate for operations necessary to pay ongoing debt service for the multi-family direct loan programs under sections 514 and 515 of the Housing Act of 1949 (42 U.S.C. 1484 and 1485): *Provided*, That the Secretary may waive the prohibition in the second proviso under such heading in division A of Public Law 113–235 with respect to rental assistance contracts entered into or renewed during fiscal year 2015.

Time period.

SEC. 118. Amounts made available by section 101 for “Department of Commerce—National Oceanic and Atmospheric Administration—Procurement, Acquisition and Construction” may be apportioned up to the rate for operations necessary to maintain the planned launch schedules for the Joint Polar Satellite System.

SEC. 119. (a) The first proviso under the heading “United States Marshals Service—Federal Prisoner Detention” in title II of division B of Public Law 113–235 shall not apply during the period covered by this Act.

(b) The limitation in section 217(c) of division B of Public Law 113–235 on the amount of excess unobligated balances available under section 524(c)(8)(E) of title 28, United States Code, shall not apply under this Act to the use of such funds for “United States Marshals Service—Federal Prisoner Detention”.

Contracts.
Extension date.

SEC. 120. (a) The authority regarding closeout of Space Shuttle contracts and associated programs provided by language under the heading “National Aeronautics and Space Administration—Administrative Provisions” in the Omnibus Appropriations Act, 2009 (Public Law 111–8) shall continue in effect through fiscal year 2021.

Applicability.
Effective date.

(b) This section shall be applied as if it were in effect on September 30, 2015.

Grants.

SEC. 121. (a) Notwithstanding section 1552 of title 31, United States Code, funds made available, including funds that have expired but have not been cancelled, and identified by Treasury Appropriation Fund Symbol 13–09/10–0554 shall remain available for expenditure through fiscal year 2020 for the purpose of liquidating valid obligations of active grants.

(b) For the purpose of subsection (a), grants for which the period of performance has expired but are not finally closed out shall be considered active grants.

Applicability.
Effective date.

(c) This section shall be applied as if it were in effect on September 30, 2015.

Applicability.

SEC. 122. The following provisions shall be applied by substituting “2016” for “2015” through the earlier of the date specified in section 106(3) of this Act or the date of the enactment of an Act authorizing appropriations for fiscal year 2016 for military activities of the Department of Defense:

(1) Section 1215(f)(1) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 10 U.S.C. 113 note), as most recently amended by section 1237 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291).

(2) Section 127b(c)(3)(C) of title 10, United States Code.

SEC. 123. (a) Funds made available by section 101 for “Department of Energy—Energy Programs—Uranium Enrichment Decontamination and Decommissioning Fund” may be apportioned up to the rate for operations necessary to avoid disruption of continuing projects or activities funded in this appropriation.

(b) The Secretary of Energy shall notify the Committees on Appropriations of the House of Representatives and the Senate not later than 3 days after each use of the authority provided in subsection (a).

Notification.
Deadline.

SEC. 124. Notwithstanding any other provision of this Act, except section 106, the District of Columbia may expend local funds under the heading “District of Columbia Funds” for such programs and activities under the District of Columbia Appropriations Act, 2015 (title IV of division E of Public Law 113–235) at the rate set forth under “District of Columbia Funds—Summary of Expenses” as included in the Fiscal Year 2016 Budget Request Act of 2015 (D.C. Act 21–99), as modified as of the date of the enactment of this Act.

SEC. 125. Notwithstanding section 101, no funds are provided by this Act for “Recovery Accountability and Transparency Board—Salaries and Expenses”.

SEC. 126. Amounts made available by section 101 for “Small Business Administration—Business Loans Program Account” may be apportioned up to the rate for operations necessary to accommodate increased demand for commitments for general business loans authorized under section 7(a) of the Small Business Act (15 U.S.C. 636(a)).

SEC. 127. Sections 1101(a) and 1104(a)(2)(A) of the Internet Tax Freedom Act (title XI of division C of Public Law 105–277; 47 U.S.C. 151 note) shall be applied by substituting the date specified in section 106(3) of this Act for “October 1, 2015”.

Applicability.
Extension date.

SEC. 128. Section 101 shall be applied by assuming that section 7 of Public Law 113–235 was enacted as part of title VII of division E of Public Law 113–235.

Applicability.

SEC. 129. The authority provided by section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391) shall continue in effect through the date specified in section 106(3) of this Act.

Extension date.

SEC. 130. Section 401(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) shall be applied by substituting the date specified in section 106(3) of this Act for “September 30, 2015”.

Applicability.
Extension date.

SEC. 131. Section 610(b) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1153 note) shall be applied by substituting the date specified in section 106(3) of this Act for “September 30, 2015”.

Applicability.
Extension date.

SEC. 132. Subclauses 101(a)(27)(C)(ii)(II) and (III) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(C)(ii)(II) and (III)) shall be applied by substituting the date specified in section 106(3) of this Act for “September 30, 2015”.

Applicability.
Extension date.

SEC. 133. Section 220(c) of the Immigration and Nationality Technical Corrections Act of 1994 (8 U.S.C. 1182 note) shall be applied by substituting the date specified in section 106(3) of this Act for “September 30, 2015”.

Applicability.
Extension date.

SEC. 134. Section 810 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6809) is amended by striking all that follows after “shall terminate” and inserting “September 30, 2017.”.

Wildland fires. Notification.	SEC. 135. In addition to the amount otherwise provided by section 101 for “Department of Agriculture—Forest Service—Wildland Fire Management”, there is appropriated \$700,000,000 for an additional amount for fiscal year 2016, to remain available until expended, for urgent wildland fire suppression activities: <i>Provided</i> , That such funds shall only become available if funds previously provided for wildland fire suppression will be exhausted imminently and the Secretary of Agriculture notifies the Committees on Appropriations of the House of Representatives and the Senate in writing of the need for these additional funds: <i>Provided further</i> , That such funds are also available for transfer to other appropriations accounts to repay amounts previously transferred for wildfire suppression: <i>Provided further</i> , That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, except that such amount shall be available only if the President subsequently so designates such amount and transmits such designation to the Congress.
President. Designation.	
Extension date.	SEC. 136. The authorities provided by sections 117 and 123 of division G of Public Law 113–76 shall continue in effect through the date specified in section 106(3) of this Act.
Extension date.	SEC. 137. (a) The authority provided by subsection (m)(3) of section 8162 of the Department of Defense Appropriations Act, 2000 (40 U.S.C. 8903 note; Public Law 106–79) shall continue in effect through the date specified in section 106(3) of this Act.
Time period.	(b) For the period covered by this Act, the authority provided by the provisos under the heading “Dwight D. Eisenhower Memorial Commission—Capital Construction” in division E of Public Law 112–74 shall not be in effect.
128 Stat. 3882.	SEC. 138. Section 3096(2) of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 is amended by inserting “for fiscal year 2015” after “\$37,000,000”.
20 USC 7801 note.	SEC. 139. Funds made available in prior appropriations Acts for construction and renovation of facilities for the Centers for Disease Control and Prevention may also be used for construction on leased land.
Applicability.	SEC. 140. Subsection (b) of section 163 of Public Law 111–242, as amended, is further amended by striking “2015–2016” and inserting “2016–2017”.
Applicability. Extension date.	SEC. 141. Section 101 shall be applied by assuming that section 139 of Public Law 113–164 was enacted as part of division G of Public Law 113–235, and section 139 of Public Law 113–164 shall be applied by adding at the end the following: “and of the unobligated balance of amounts deposited or available in the Child Enrollment Contingency Fund from appropriations to the Fund under section 2104(n)(2)(A)(i) of the Social Security Act and the income derived from investment of those funds pursuant to 2104(n)(2)(C) of that Act, \$1,664,000,000 is rescinded”.
	SEC. 142. Section 114(f) of the Higher Education Act of 1965 (20 U.S.C. 1011c(f)) shall be applied by substituting the date specified in section 106(3) of this Act for “September 30, 2015”.
	SEC. 143. Notwithstanding any other provision of this Act, there is appropriated for payment to Tori B. Nunnelee, widow of Alan Nunnelee, late a Representative from the State of Mississippi, \$174,000.

SEC. 144. Of the discretionary unobligated balances of the Department of Veterans Affairs from fiscal year 2015 or prior fiscal years, or discretionary amounts appropriated in advance for fiscal year 2016, the Secretary of Veterans Affairs may transfer up to \$625,000,000 to “Department of Veterans Affairs—Departmental Administration—Construction, Major Projects”, to be merged with the amounts available in such account: *Provided*, That no amounts may be transferred from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget, the Balanced Budget and Emergency Deficit Control Act of 1985, or the Statutory Pay-As-You-Go Act of 2010: *Provided further*, That no amounts may be transferred until the Secretary submits to the Committees on Appropriations of the House of Representatives and the Senate a request for, and receives from the Committees written approval of, such transfers: *Provided further*, That the Secretary shall specify in such request the donor account and amount of each proposed transfer, the fiscal year of each appropriation to be transferred, the amount of unobligated balances remaining in the account after the transfer, and the project or program impact of the transfer.

Transfer request.

SEC. 145. Notwithstanding section 101, amounts are provided for “Department of Veterans Affairs—Departmental Administration—General Operating Expenses, Veterans Benefits Administration” at a rate for operations of \$2,697,734,000.

SEC. 146. Notwithstanding section 101, section 226(a) of division I of Public Law 113–235 shall be applied to amounts made available by this Act by substituting “division I of Public Law 113–235” for “division J of Public Law 113–76” and by substituting “2015” for “2014”.

SEC. 147. Section 209 of the International Religious Freedom Act of 1998 (22 U.S.C. 6436) shall be applied by substituting the date specified in section 106(3) of this Act for “September 30, 2015”.

Applicability.
Extension date.

SEC. 148. Amounts made available by section 101 for “Broadcasting Board of Governors—International Broadcasting Operations”, “Bilateral Economic Assistance—Funds Appropriated to the President—Economic Support Fund”, “International Security Assistance—Department of State—International Narcotics Control and Law Enforcement”, “International Security Assistance—Department of State—Nonproliferation, Anti-terrorism, Demining and Related Programs”, and “International Security Assistance—Funds Appropriated to the President—Foreign Military Financing Program” shall be obligated at a rate for operations as necessary to sustain assistance for Ukraine to counter external, regional aggression and influence, including for the costs of authorized loan guarantees.

SEC. 149. Section 1334 of the Foreign Affairs Reform and Restructuring Act of 1998 (22 U.S.C. 6553) shall be applied by substituting the date specified in section 106(3) of this Act for “October 1, 2015”.

Applicability.

SEC. 150. (a) Funds made available by section 101 for “Department of Housing and Urban Development—Management and Administration—Administrative Support Offices” may be apportioned up to the rate for operations necessary to maintain the planned schedule for the New Core Shared Services Project.

(b) Not later than 3 days before the first use of the apportionment authority in subsection (a), each 30 days thereafter, and 3 days after the authority expires under this Act, the Secretary

Deadline.

of Housing and Urban Development shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report specifying each use of the authority through the date of the report.

This Act may be cited as the “Continuing Appropriations Act, 2016”.

Approved September 30, 2015.

LEGISLATIVE HISTORY—H.R. 719:

SENATE REPORTS: No. 114–111 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD, Vol. 161 (2015):

Feb. 10, considered and passed House.

Sept. 17, considered and passed Senate, amended.

Sept. 24, House concurred in Senate amendment with an amendment pursuant to H. Res. 434. Senate considered concurring in House amendment with an amendment.

Sept. 28, 29, Senate considered concurring in House amendment with an amendment.

Sept. 30, Senate considered and concurred in House amendment with an amendment. House concurred in Senate amendment.

Public Law 114–54
114th Congress

An Act

To amend the Agricultural Marketing Act of 1946 to extend the livestock mandatory price reporting requirements, and for other purposes.

Sept. 30, 2015
[H.R. 2051]

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

Agriculture
Reauthorizations
Act of 2015.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Agriculture Reauthorizations Act of 2015”.

7 USC 71 note.

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

Sec. 1. Short title; table of contents.

TITLE I—MANDATORY PRICE REPORTING

Sec. 101. Extension of livestock mandatory reporting.

Sec. 102. Swine reporting.

Sec. 103. Lamb reporting.

Sec. 104. Study on livestock mandatory reporting.

TITLE II—NATIONAL FOREST FOUNDATION ACT REAUTHORIZATION

Sec. 201. National Forest Foundation Act reauthorization.

TITLE III—UNITED STATES GRAIN STANDARDS ACT REAUTHORIZATION

Sec. 301. Reauthorization of United States Grain Standards Act.

Sec. 302. Report on disruption in Federal inspection of grain exports.

Sec. 303. Report on policy barriers to grain producers.

**TITLE I—MANDATORY PRICE
REPORTING**

SEC. 101. EXTENSION OF LIVESTOCK MANDATORY REPORTING.

(a) **EXTENSION OF AUTHORITY.**—Section 260 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1636i) is amended by striking “September 30, 2015” and inserting “September 30, 2020”.

(b) **CONFORMING AMENDMENT.**—Section 942 of the Livestock Mandatory Reporting Act of 1999 (7 U.S.C. 1635 note; Public Law 106–78) is amended by striking “September 30, 2015” and inserting “September 30, 2020”.

SEC. 102. SWINE REPORTING.

(a) **DEFINITIONS.**—Section 231 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1635i) is amended—

(1) by redesignating paragraphs (9) through (22) as paragraphs (10) through (23), respectively;

(2) by inserting after paragraph (8) the following:

“(9) NEGOTIATED FORMULA PURCHASE.—The term ‘negotiated formula purchase’ means a swine or pork market formula purchase under which—

“(A) the formula is determined by negotiation on a lot-by-lot basis; and

“(B) the swine are scheduled for delivery to the packer not later than 14 days after the date on which the formula is negotiated and swine are committed to the packer.”;

(3) in paragraph (12)(A) (as so redesignated), by inserting “negotiated formula purchase,” after “pork market formula purchase,”; and

(4) in paragraph (23) (as so redesignated)—

(A) in subparagraph (C), by striking “and” at the end;

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

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

“(D) a negotiated formula purchase; and”.

(b) DAILY REPORTING.—Section 232(c) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1635j(c)) is amended—

(1) in paragraph (1)(D), by striking clause (ii) and inserting the following:

“(ii) PRICE DISTRIBUTIONS.—The information published by the Secretary under clause (i) shall include—

“(I) a distribution of net prices in the range between and including the lowest net price and the highest net price reported;

“(II) a delineation of the number of barrows and gilts at each reported price level or, at the option of the Secretary, the number of barrows and gilts within each of a series of reasonable price bands within the range of prices; and

“(III) the total number and weighted average price of barrows and gilts purchased through negotiated purchases and negotiated formula purchases.”; and

(2) in paragraph (3), by adding at the end the following:

“(C) LATE IN THE DAY REPORT INFORMATION.—The Secretary shall include in the morning report and the afternoon report for the following day any information required to be reported under subparagraph (A) that is obtained after the time of the reporting day specified in that subparagraph.”.

7 USC 1635m
note.

SEC. 103. LAMB REPORTING.

Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall revise section 59.300 of title 7, Code of Federal Regulations, so that—

Definition.

(1) the definition of the term “importer”—

(A) includes only those importers that imported an average of 1,000 metric tons of lamb meat products per year during the immediately preceding 4 calendar years; and

(B) may include any person that does not meet the requirement referred to in subparagraph (A), if the Secretary determines that the person should be considered an importer based on their volume of lamb imports; and

(2) the definition of the term “packer”—

- (A) applies to any entity with 50 percent or more ownership in a facility; Applicability.
- (B) includes a federally inspected lamb processing plant which slaughtered or processed the equivalent of an average of 35,000 head of lambs per year during the immediately preceding 5 calendar years; and Time period.
- (C) may include any other lamb processing plant that does not meet the requirement referred to in subparagraph (B), if the Secretary determines that the processing plant should be considered a packer after considering the capacity of the processing plant. Determination.

SEC. 104. STUDY ON LIVESTOCK MANDATORY REPORTING.

(a) **STUDY REQUIRED.**—

(1) **IN GENERAL.**—The Secretary of Agriculture, acting through the Agricultural Marketing Service in conjunction with the Office of the Chief Economist and in consultation with cattle, swine, and lamb producers, packers, and other market participants, shall conduct a study on the program of information regarding the marketing of cattle, swine, lambs, and products of such livestock under subtitle B of the Agricultural Marketing Act of 1946 (7 U.S.C. 1635 et seq.). Consultation.

(2) **REQUIREMENTS.**—The study shall—

(A) analyze current marketing practices in the cattle, swine, and lamb markets;

(B) identify legislative or regulatory recommendations made by cattle, swine, and lamb producers, packers, and other market participants to ensure that information provided under the program—

(i) can be readily understood by producers, packers, and other market participants;

(ii) reflects current marketing practices; and

(iii) is relevant and useful to producers, packers, and other market participants;

(C) analyze the price and supply information reporting services of the Department of Agriculture related to cattle, swine, and lamb; and

(D) address any other issues that the Secretary considers appropriate.

(b) **REPORT.**—Not later than March 1, 2018, the Secretary of Agriculture shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report containing the findings of the study conducted under subsection (a).

**TITLE II—NATIONAL FOREST
FOUNDATION ACT REAUTHORIZATION**

SEC. 201. NATIONAL FOREST FOUNDATION ACT REAUTHORIZATION.

(a) **EXTENSION OF AUTHORITY TO PROVIDE MATCHING FUNDS FOR ADMINISTRATIVE AND PROJECT EXPENSES.**—Section 405(b) of the National Forest Foundation Act (16 U.S.C. 583j–3(b)) is amended by striking “for a period of five years beginning October 1, 1992” and inserting “during fiscal years 2016 through 2018”.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—Section 410(b) of the National Forest Foundation Act (16 U.S.C. 583j–8(b)) is amended

by striking “during the five-year period” and all that follows through “\$1,000,000 annually” and inserting “there are authorized to be appropriated \$3,000,000 for each of fiscal years 2016 through 2018”.

(c) TECHNICAL CORRECTIONS.—

(1) AGENT.—Section 404 of the National Forest Foundation Act (16 U.S.C. 583j–2) is amended—

(A) in subsection (a)(4), by inserting “notice or” after “authorized to accept”; and

(B) in subsection (b), by striking “under this paragraph” and inserting “by subsection (a)(4)”.

(2) ANNUAL REPORT.—Section 407(b) of the National Forest Foundation Act (16 U.S.C. 583j–5(b)) is amended by striking the comma after “The Foundation shall”.

TITLE III—UNITED STATES GRAIN STANDARDS ACT REAUTHORIZATION

SEC. 301. REAUTHORIZATION OF UNITED STATES GRAIN STANDARDS ACT.

(a) OFFICIAL INSPECTION AND WEIGHING REQUIREMENTS.—

(1) DISCRETIONARY WAIVER AUTHORITY.—Section 5(a)(1) of the United States Grain Standards Act (7 U.S.C. 77(a)(1)) is amended in the first proviso by striking “may waive the foregoing requirement in emergency or other circumstances which would not impair the objectives of this Act” and inserting “shall waive the foregoing requirement in emergency or other circumstances that would not impair the objectives of this Act whenever the parties to a contract for such shipment mutually agree to the waiver and documentation of such agreement is provided to the Secretary prior to shipment”.

(2) WEIGHING REQUIREMENTS AT EXPORT ELEVATORS.—Section 5(a)(2) of the United States Grain Standards Act (7 U.S.C. 77(a)(2)) is amended in the proviso by striking “intracompany shipments of grain into an export elevator by any mode of transportation, grain transferred into an export elevator by transportation modes other than barge,” and inserting “shipments of grain into an export elevator by any mode of transportation”.

(3) DISRUPTION IN GRAIN INSPECTION OR WEIGHING.—Section 5 of the United States Grain Standards Act (7 U.S.C. 77) is amended by adding at the end the following:

“(d) DISRUPTION IN GRAIN INSPECTION OR WEIGHING.—In the case of a disruption in official grain inspections or weighings, including if the Secretary waives the requirement for official inspection due to an emergency under subsection (a)(1), the Secretary shall—

“(1) immediately take such actions as are necessary to address the disruption and resume inspections or weighings;

“(2) not later than 24 hours after the start of the disruption in inspection or weighing, submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes—

“(A) the disruption; and

Reports.

“(B) any actions necessary to address the concerns of the Secretary relating to the disruption so that inspections or weighings may resume; and

“(3) once the initial report in paragraph (2) has been made, provide daily updates until official inspection or weighing services at the site of disruption have resumed.”

Updates.

(b) OFFICIAL INSPECTION AUTHORITY AND FUNDING.—

(1) DELEGATION OF OFFICIAL INSPECTION AUTHORITY.—Section 7(e)(2) of the United States Grain Standards Act (7 U.S.C. 79(e)(2)) is amended—

(A) by striking “(2) If the Secretary” and inserting the following:

“(2) DELEGATION OF AUTHORITY TO STATE AGENCIES.—

“(A) IN GENERAL.—If the Secretary”;

(B) in the first sentence—

(i) by striking “and (A)” and inserting “and (i)”;

(ii) by striking “or (B)(i)” and inserting “or (ii)(I)”;

(iii) by striking “(ii)” and inserting “(II)”;

(iv) by striking “(iii)” and inserting “(III)”;

(C) by adding at the end the following:

“(B) CERTIFICATION.—

“(i) IN GENERAL.—Every 5 years, the Secretary shall certify that each State agency with a delegation of authority is meeting the criteria described in subsection (f)(1)(A).

Time periods.
Deadlines.

“(ii) PROCESS.—Not later than 1 year after the date of enactment of the Agriculture Reauthorizations Act of 2015, the Secretary shall establish a process for certification under which the Secretary shall—

Federal Register,
publication.
Notice.

“(I) publish in the Federal Register notice of intent to certify a State agency and provide a 30-day period for public comment;

Comment period.

“(II) evaluate the public comments received and, in accordance with paragraph (3), conduct an investigation to determine whether the State agency is qualified;

“(III) make findings based on the public comments received and investigation conducted; and

“(IV) publish in the Federal Register a notice announcing whether the certification has been granted and describing the basis on which the Secretary made the decision.

“(C) STATE AGENCY REQUIREMENTS.—

“(i) IN GENERAL.—If a State agency that has been delegated authority under this paragraph intends to temporarily discontinue official inspection or weighing services for any reason, except in the case of a major disaster, the State agency shall notify the Secretary in writing of the intention of the State agency to do so at least 72 hours in advance of the discontinuation date.

Notification.

“(ii) SECRETARIAL CONSIDERATION.—The Secretary shall consider receipt of a notice described in clause (i) as a factor in administering the delegation of authority under this paragraph.”

(2) CONSULTATION.—Section 7(f)(1) of the United States Grain Standards Act (7 U.S.C. 79(f)(1)) is amended—

(A) in subparagraph (A)(xi), by striking “and” at the end;

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

(C) by adding at the end the following:

“(C) the Secretary—

“(i) periodically conducts a consultation with the customers of the applicant, in a manner that provides opportunity for protection of the identity of the customer if desired by the customer, to review the performance of the applicant with regard to the provision of official inspection services and other requirements of this Act; and

“(ii) works with the applicant to address any concerns identified during the consultation process.”.

(3) GEOGRAPHIC BOUNDARIES FOR OFFICIAL AGENCIES.—

(A) OFFICIAL INSPECTION AUTHORITY.—Section 7(f)(2) of the United States Grain Standards Act (7 U.S.C. 79(f)(2)) is amended by striking “the Secretary may” and all that follows through the end of the paragraph and inserting the following: “the Secretary shall allow a designated official agency to cross boundary lines to carry out inspections in another geographic area if—

“(A) the current designated official agency for that geographic area is unable to provide inspection services in a timely manner;

“(B) a person requesting inspection services in that geographic area requests a probe inspection on a barge-lot basis; or

“(C) the current official agency for that geographic area agrees in writing with the adjacent official agency to waive the current geographic area restriction at the request of the applicant for service.”.

(B) WEIGHING AUTHORITY.—Section 7A(i)(2) of the United States Grain Standards Act (7 U.S.C. 79a(i)(2)) is amended by striking “the Secretary may” and all that follows through the end of the paragraph and inserting the following: “the Secretary shall allow a designated official agency to cross boundary lines to carry out weighing in another geographic area if—

“(A) the current designated official agency for that geographic area is unable to provide weighing services in a timely manner; or

“(B) the current official agency for that geographic area agrees in writing with the adjacent official agency to waive the current geographic area restriction at the request of the applicant for service.”.

(4) DURATION OF DESIGNATION AUTHORITY.—Section 7(g)(1) of the United States Grain Standards Act (7 U.S.C. 79(g)(1)) is amended by striking “triennially” and inserting “every 5 years”.

(5) FEES.—Section 7(j) of the United States Grain Standards Act (7 U.S.C. 79(j)(1)) is amended—

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

“(j) FEES.—

“(1) INSPECTION FEES.—

“(A) IN GENERAL.—The Secretary”;

(B) in paragraph (1)—

(i) the second sentence, by striking “The fees” and inserting the following:

“(B) AMOUNT OF FEES.—The fees”;

(ii) in the third sentence, by striking “Such fees” and inserting the following:

“(C) USE OF FEES.—Fees described in this paragraph”;

and

(iii) by adding at the end the following:

“(D) EXPORT TONNAGE FEES.—For an official inspection at an export facility performed by the Secretary, the portion of the fees based on export tonnage shall be based on the rolling 5-year average of export tonnage volumes.”;

(C) by redesignating paragraph (4) as paragraph (5);

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

“(4) ADJUSTMENT OF FEES.—In order to maintain an operating reserve of not less than 3 and not more than 6 months, the Secretary shall adjust the fees described in paragraphs (1) and (2) not less frequently than annually.”; and

Deadline.

(E) in paragraph (5) (as redesignated by subparagraph (C)), in the first sentence, by striking “2015” and inserting “2020”.

(c) WEIGHING AUTHORITY.—Section 7A of the United States Grain Standards Act (7 U.S.C. 79a) is amended—

(1) in subsection (c)(2), in the last sentence, by striking “subsection (g) of section 7” and inserting “subsections (e) and (g) of section 7”; and

(2) in subsection (l)—

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

“(l) FEES.—

“(1) WEIGHING FEES.—

“(A) IN GENERAL.—The Secretary”;

(B) in paragraph (1)—

(i) the second sentence, by striking “The fees” and inserting the following:

“(B) AMOUNT OF FEES.—The fees”;

(ii) in the third sentence, by striking “Such fees” and inserting the following:

“(C) USE OF FEES.—Fees described in this paragraph”;

and

(iii) by adding at the end the following:

“(D) EXPORT TONNAGE FEES.—For an official weighing at an export facility performed by the Secretary, the portion of the fees based on export tonnage shall be based on the rolling 5-year average of export tonnage volumes.”;

(C) by redesignating paragraph (3) as paragraph (4);

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

“(3) ADJUSTMENT OF FEES.—In order to maintain an operating reserve of not less than 3 and not more than 6 months, the Secretary shall adjust the fees described in paragraphs (1) and (2) not less frequently than annually.”; and

Deadline.

(E) in paragraph (4) (as redesignated by subparagraph (C)), in the first sentence, by striking “2015” and inserting “2020”.

(d) **LIMITATION AND ADMINISTRATIVE AND SUPERVISORY COSTS.**—Section 7D of the United States Grain Standards Act (7 U.S.C. 79d) is amended by striking “2015” and inserting “2020”.

(e) **ISSUANCE OF AUTHORIZATION.**—Section 8(b) of the United States Grain Standards Act (7 U.S.C. 84(b)) is amended by striking “triennially” and inserting “every 5 years”.

(f) **APPROPRIATIONS.**—Section 19 of the United States Grain Standards Act (7 U.S.C. 87h) is amended by striking “2015” and inserting “2020”.

Expiration date.

(g) **ADVISORY COMMITTEE.**—Section 21(e) of the United States Grain Standards Act (7 U.S.C. 87j(e)) is amended by striking “2015” and inserting “2020”.

SEC. 302. REPORT ON DISRUPTION IN FEDERAL INSPECTION OF GRAIN EXPORTS.

Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall submit to the Committee on Agriculture, Nutrition, and Forestry of the Senate, the Committee on Agriculture of the House of Representatives, the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies of the Committee on Appropriations of the Senate, and the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies of the Committee on Appropriations of the House of Representatives a report that describes—

(1) the specific factors that led to disruption in Federal inspection of grain exports at the Port of Vancouver in the summer of 2014;

(2) any factors that contributed to the disruption referred to in paragraph (1) that were unique to the Port of Vancouver, including a description of the port facility, security needs and available resources for that purpose, and any other significant factors as determined by the Secretary; and

(3) any changes in policy that the Secretary has implemented to ensure that a similar disruption in Federal inspection of grain exports at the Port of Vancouver or any other location does not occur in the future.

SEC. 303. REPORT ON POLICY BARRIERS TO GRAIN PRODUCERS.

Consultation.

Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture, in consultation with the United States Trade Representative, shall submit to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives a report that describes—

(1) the policy barriers to United States grain producers in countries the grain of which receives official grading in the United States but which do not offer official grading for United States grain or provide only the lowest designation for United States grain, including an analysis of possible inconsistencies with trade obligations; and

(2) any actions the Executive Branch is taking to remedy the policy barriers so as to put United States grain producers

on equal footing with grain producers in countries imposing the barriers.

Approved September 30, 2015.

LEGISLATIVE HISTORY—H.R. 2051:

HOUSE REPORTS: No. 114-132 (Comm. on Agriculture).

SENATE REPORTS: No. 114-206 (Comm. on Agriculture, Nutrition, and Forestry).

CONGRESSIONAL RECORD, Vol. 161 (2015):

June 9, considered and passed House.

Sept. 21, considered and passed Senate, amended.

Sept. 28, House concurred in Senate amendment.

Public Law 114–55
114th Congress

An Act

Sept. 30, 2015
[H.R. 3614]

To amend title 49, United States Code, to extend authorizations for the airport improvement program, to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, and for other purposes.

Airport and
Airway
Extension Act
of 2015.
26 USC 1 note.

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Airport and Airway Extension Act of 2015”.

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

Sec. 1. Short title; table of contents.

TITLE I—AIRPORT AND AIRWAY PROGRAMS

- Sec. 101. Extension of airport improvement program.
- Sec. 102. Extension of expiring authorities.
- Sec. 103. Federal Aviation Administration operations.
- Sec. 104. Air navigation facilities and equipment.
- Sec. 105. Research, engineering, and development.
- Sec. 106. Funding for aviation programs.
- Sec. 107. Essential air service.

TITLE II—REVENUE PROVISIONS

- Sec. 201. Expenditure authority from Airport and Airway Trust Fund.
- Sec. 202. Extension of taxes funding Airport and Airway Trust Fund.

**TITLE I—AIRPORT AND AIRWAY
PROGRAMS**

SEC. 101. EXTENSION OF AIRPORT IMPROVEMENT PROGRAM.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—

Time period.

(1) **IN GENERAL.**—Section 48103(a) of title 49, United States Code, is amended by striking the period at the end and inserting “and \$1,675,000,000 for the period beginning on October 1, 2015, and ending on March 31, 2016.”

(2) **OBLIGATION OF AMOUNTS.**—Subject to limitations specified in advance in appropriation Acts, sums made available pursuant to the amendment made by paragraph (1) may be obligated at any time through September 30, 2016, and shall remain available until expended.

Time period.

(3) **PROGRAM IMPLEMENTATION.**—For purposes of calculating funding apportionments and meeting other requirements under sections 47114, 47115, 47116, and 47117 of title 49,

United States Code, for the period beginning on October 1, 2015, and ending on March 31, 2016, the Administrator of the Federal Aviation Administration shall—

(A) first calculate such funding apportionments on an annualized basis as if the total amount available under section 48103 of such title for fiscal year 2016 were \$3,350,000,000; and

(B) then reduce by 50 percent—

(i) all funding apportionments calculated under subparagraph (A); and

(ii) amounts available pursuant to sections 47117(b) and 47117(f)(2) of such title.

(b) PROJECT GRANT AUTHORITY.—Section 47104(c) of title 49, United States Code, is amended in the matter preceding paragraph (1) by striking “September 30, 2015,” and inserting “March 31, 2016,”.

SEC. 102. EXTENSION OF EXPIRING AUTHORITIES.

(a) Section 47107(r)(3) of title 49, United States Code, is amended by striking “October 1, 2015” and inserting “April 1, 2016”.

(b) Section 47115(j) of title 49, United States Code, is amended by inserting “and for the period beginning on October 1, 2015, and ending on March 31, 2016” after “fiscal years 2012 through 2015”.

(c) Section 47124(b)(3)(E) of title 49, United States Code, is amended by inserting “and not more than \$5,175,000 for the period beginning on October 1, 2015, and ending on March 31, 2016,” after “fiscal years 2012 through 2015”.

(d) Section 47141(f) of title 49, United States Code, is amended by striking “September 30, 2015” and inserting “March 31, 2016”.

(e) Section 50905(c)(3) of title 51, United States Code, is amended by striking “October 1, 2015,” and inserting “April 1, 2016,”.

(f) Section 186(d) of the Vision 100—Century of Aviation Reauthorization Act (117 Stat. 2518) is amended by inserting “and for the period beginning on October 1, 2015, and ending on March 31, 2016,” after “fiscal years 2012 through 2015”.

Time period.

(g) Section 409(d) of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 41731 note) is amended by striking “September 30, 2015” and inserting “March 31, 2016”.

(h) Section 140(c)(1) of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 47113 note) is amended by striking “fiscal years 2013 through 2015,” and inserting “fiscal years 2013 through 2016,”.

(i) Section 411(h) of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 42301 prec. note) is amended by striking “September 30, 2015” and inserting “March 31, 2016”.

(j) Section 822(k) of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 47141 note) is amended by striking “September 30, 2015” and inserting “March 31, 2016”.

SEC. 103. FEDERAL AVIATION ADMINISTRATION OPERATIONS.

Section 106(k) of title 49, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (C) by striking “and” at the end;

(B) in subparagraph (D) by striking the period at the end and inserting “; and”; and

Time period. (C) by inserting after subparagraph (D) the following:
 “(E) \$4,870,350,000 for the period beginning on October 1, 2015, and ending on March 31, 2016.”; and
 (2) in paragraph (3) by inserting “and for the period beginning on October 1, 2015, and ending on March 31, 2016” after “fiscal years 2012 through 2015”.

SEC. 104. AIR NAVIGATION FACILITIES AND EQUIPMENT.

Section 48101(a) of title 49, United States Code, is amended by adding at the end the following:
 Time period. “(5) \$1,300,000,000 for the period beginning on October 1, 2015, and ending on March 31, 2016.”.

SEC. 105. RESEARCH, ENGINEERING, AND DEVELOPMENT.

Section 48102(a) of title 49, United States Code, is amended—
 (1) in paragraph (7) by striking “and” at the end;
 (2) in paragraph (8) by striking the period at the end and inserting “; and”; and
 (3) by adding at the end the following:
 Time period. “(9) \$78,375,000 for the period beginning on October 1, 2015, and ending on March 31, 2016.”.

SEC. 106. FUNDING FOR AVIATION PROGRAMS.

(a) IN GENERAL.—Section 48114 of title 49, United States Code, is amended—
 (1) in subsection (a)(2) by striking “2015” and inserting “2016”; and
 (2) in subsection (c)(2) by striking “2015” and inserting “2016”.
 Time period. (b) COMPLIANCE WITH FUNDING REQUIREMENTS.—The budget authority authorized in this Act, including the amendments made by this Act, shall be deemed to satisfy the requirements of subsections (a)(1)(B) and (a)(2) of section 48114 of title 49, United States Code, for the period beginning on October 1, 2015, and ending on March 31, 2016.

Time period. **SEC. 107. ESSENTIAL AIR SERVICE.**

Section 41742(a) of title 49, United States Code, is amended by striking “and \$93,000,000 for fiscal year 2015” and inserting “\$93,000,000 for fiscal year 2015, and \$77,500,000 for the period beginning on October 1, 2015, and ending on March 31, 2016”.

TITLE II—REVENUE PROVISIONS

SEC. 201. EXPENDITURE AUTHORITY FROM AIRPORT AND AIRWAY TRUST FUND.

(a) IN GENERAL.—Section 9502(d)(1) of the Internal Revenue Code of 1986 is amended—
 26 USC 9502. (1) by striking “October 1, 2015” in the matter preceding subparagraph (A) and inserting “April 1, 2016”, and
 (2) by striking the semicolon at the end of subparagraph (A) and inserting “or the Airport and Airway Extension Act of 2015;”.
 (b) CONFORMING AMENDMENT.—Section 9502(e)(2) of such Code is amended by striking “October 1, 2015” and inserting “April 1, 2016”.

SEC. 202. EXTENSION OF TAXES FUNDING AIRPORT AND AIRWAY TRUST FUND.

(a) **FUEL TAXES.**—Section 4081(d)(2)(B) of the Internal Revenue Code of 1986 is amended by striking “September 30, 2015” and inserting “March 31, 2016”. 26 USC 4081.

(b) **TICKET TAXES.**—

(1) **PERSONS.**—Section 4261(k)(1)(A)(ii) of such Code is amended by striking “September 30, 2015” and inserting “March 31, 2016”.

(2) **PROPERTY.**—Section 4271(d)(1)(A)(ii) of such Code is amended by striking “September 30, 2015” and inserting “March 31, 2016”.

(c) **FRACTIONAL OWNERSHIP PROGRAMS.**—

(1) **TREATMENT AS NON-COMMERCIAL AVIATION.**—Section 4083(b) of such Code is amended by striking “October 1, 2015” and inserting “April 1, 2016”.

(2) **EXEMPTION FROM TICKET TAXES.**—Section 4261(j) of such Code is amended by striking “September 30, 2015” and inserting “March 31, 2016”.

Approved September 30, 2015.

LEGISLATIVE HISTORY—H.R. 3614:

CONGRESSIONAL RECORD, Vol. 161 (2015):

Sept. 28, considered and passed House.

Sept. 29, considered and passed Senate.

Public Law 114–56
114th Congress

An Act

Sept. 30, 2015
[S. 230]

To provide for the conveyance of certain property to the Yukon Kuskokwim Health Corporation located in Bethel, Alaska.

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

SECTION 1. CONVEYANCE OF PROPERTY.

Deadline.

(a) **IN GENERAL.**—As soon as practicable, but not later than 180 days, after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this Act as the “Secretary”) shall convey to the Yukon Kuskokwim Health Corporation located in Bethel, Alaska (referred to in this Act as the “Corporation”), all right, title, and interest of the United States in and to the property described in section 2 for use in connection with health and social services programs.

(b) **EFFECT ON ANY QUITCLAIM DEED.**—The conveyance by the Secretary of title by warranty deed under this section shall, on the effective date of the conveyance, supersede and render of no future effect any quitclaim deed to the property described in section 2 executed by the Secretary and the Corporation.

(c) **CONDITIONS.**—The conveyance of the property under this Act—

(1) shall be made by warranty deed; and

(2) shall not—

(A) require any consideration from the Corporation for the property;

(B) impose any obligation, term, or condition on the Corporation; or

(C) allow for any reversionary interest of the United States in the property.

SEC. 2. PROPERTY DESCRIBED.

The property, including all land and appurtenances, described in this section is the property included in U.S. Survey No. 4000, Lot 2, T. 8 N., R. 71 W., Seward Meridian, containing 22.98 acres.

SEC. 3. ENVIRONMENTAL LIABILITY.

(a) **LIABILITY.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of law, the Corporation shall not be liable for any soil, surface water, groundwater, or other contamination resulting from the disposal, release, or presence of any environmental contamination on any portion of the property described in section 2 on or before the date on which the property is conveyed to the Corporation.

(2) ENVIRONMENTAL CONTAMINATION.—An environmental contamination described in paragraph (1) includes any oil or petroleum products, hazardous substances, hazardous materials, hazardous waste, pollutants, toxic substances, solid waste, or any other environmental contamination or hazard as defined in any Federal or State of Alaska law.

(b) EASEMENT.—The Secretary shall be accorded any easement or access to the property conveyed under this Act as may be reasonably necessary to satisfy any retained obligation or liability of the Secretary.

(c) NOTICE OF HAZARDOUS SUBSTANCE ACTIVITY AND WARRANTY.—In carrying out this Act, the Secretary shall comply with subparagraphs (A) and (B) of section 120(h)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)(3)).

Compliance.

Approved September 30, 2015.

LEGISLATIVE HISTORY—S. 230:

SENATE REPORTS: No. 114–38 (Comm. on Indian Affairs).

CONGRESSIONAL RECORD, Vol. 161 (2015):

June 25, considered and passed Senate.

Sept. 16, considered and passed House.

Public Law 114–57
114th Congress

An Act

Sept. 30, 2015
[S. 501]

To make technical corrections to the Navajo water rights settlement in the State of New Mexico, and for other purposes.

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

New Mexico
Navajo Water
Settlement
Technical
Corrections Act.
43 USC 371 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the “New Mexico Navajo Water Settlement Technical Corrections Act”.

SEC. 2. NAVAJO WATER SETTLEMENT.

(a) DEFINITIONS.—Section 10302 of the Omnibus Public Land Management Act of 2009 (43 U.S.C. 407 note; Public Law 111–11) is amended—

(1) in paragraph (2), by striking “Arrellano” and inserting “Arellano”; and

(2) in paragraph (27), by striking “75–185” and inserting “75–184”.

(b) DELIVERY AND USE OF NAVAJO-GALLUP WATER SUPPLY PROJECT WATER.—Section 10603(c)(2)(A) of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1385) is amended—

(1) in clause (i), by striking “Article III(c)” and inserting “Articles III(c)”; and

(2) in clause (ii)(II), by striking “Article III(c)” and inserting “Articles III(c)”.

(c) PROJECT CONTRACTS.—Section 10604(f)(1) of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1391) is amended by inserting “Project” before “water”.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 10609 of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1395) is amended—

(1) in paragraphs (1) and (2) of subsection (b), by striking “construction or rehabilitation” each place it appears and inserting “planning, design, construction, rehabilitation,”;

(2) in subsection (e)(1), by striking “2 percent” and inserting “4 percent”; and

(3) in subsection (f)(1), by striking “4 percent” and inserting “2 percent”.

(e) AGREEMENT.—Section 10701(e) of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1400)

43 USC 620 note.

is amended in paragraphs (2)(A), (2)(B), and (3)(A) by striking “and Contract” each place it appears.

Approved September 30, 2015.

LEGISLATIVE HISTORY—S. 501:

HOUSE REPORTS: No. 114–255 (Comm. on Natural Resources).

SENATE REPORTS: No. 114–41 (Comm. on Indian Affairs).

CONGRESSIONAL RECORD, Vol. 161 (2015):

May 21, considered and passed Senate.

Sept. 16, considered and passed House.

Public Law 114–58
114th Congress

An Act

Sept. 30, 2015
[S. 2082]

To amend title 38, United States Code, to extend certain expiring provisions of law administered by the Secretary of Veterans Affairs, and for other purposes.

Department of
Veterans Affairs
Expiring
Authorities
Act of 2015.
38 USC 101 note.

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Department of Veterans Affairs Expiring Authorities Act of 2015”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. References to title 38, United States Code.
- Sec. 3. Scoring of budgetary effects.

TITLE I—EXTENSIONS OF AUTHORITY RELATING TO HEALTH CARE

- Sec. 101. Extension of authority for collection of copayments for hospital care and nursing home care.
- Sec. 102. Extension of requirement to provide nursing home care to certain veterans with service-connected disabilities.
- Sec. 103. Extension of authorization of appropriations for assistance and support services for caregivers.
- Sec. 104. Extension of authority for recovery from third parties of cost of care and services furnished to veterans with health-plan contracts for non-service-connected disability.
- Sec. 105. Extension of authority for pilot program on assistance for child care for certain veterans receiving health care.
- Sec. 106. Extension of authority to make grants to veterans service organizations for transportation of highly rural veterans.
- Sec. 107. Extension of authority for DOD–VA Health Care Sharing Incentive Fund.
- Sec. 108. Extension of authority for joint Department of Defense–Department of Veterans Affairs Medical Facility Demonstration Fund.
- Sec. 109. Extension of authority for pilot program on counseling in retreat settings for women veterans newly separated from service.

TITLE II—EXTENSIONS OF AUTHORITY RELATING TO BENEFITS

- Sec. 201. Extension of authority for the Veterans’ Advisory Committee on Education.
- Sec. 202. Extension of authority for calculating net value of real property at time of foreclosure.
- Sec. 203. Extension of authority relating to vendee loans.
- Sec. 204. Extension of authority to provide rehabilitation and vocational benefits to members of the Armed Forces with severe injuries or illnesses.

TITLE III—EXTENSIONS OF AUTHORITY RELATING TO HOMELESSNESS

- Sec. 301. Extension of authority for homeless veterans reintegration programs.
- Sec. 302. Extension of authority for homeless women veterans and homeless veterans with children reintegration program.
- Sec. 303. Extension of authority to provide housing assistance for homeless veterans.
- Sec. 304. Extension of authority to provide financial assistance for supportive services for very low-income veteran families in permanent housing.

- Sec. 305. Extension of authority for grant program for homeless veterans with special needs.
- Sec. 306. Extension of authority for the Advisory Committee on Homeless Veterans.
- Sec. 307. Extension of authority for treatment and rehabilitation services for seriously mentally ill and homeless veterans.
- Sec. 308. Extension of authority to provide referral and counseling services for certain veterans at risk of homelessness.

TITLE IV—OTHER EXTENSIONS AND MODIFICATIONS OF AUTHORITY

- Sec. 401. Extension of authority for transportation of individuals to and from Department facilities.
- Sec. 402. Extension of authority for monthly assistance allowances under the Office of National Veterans Sports Programs and Special Events.
- Sec. 403. Extension of authority for operation of the Department of Veterans Affairs regional office in Manila, the Republic of the Philippines.
- Sec. 404. Extension of requirement to provide reports to Congress regarding equitable relief in the case of administrative error.
- Sec. 405. Extension of authorization of appropriations for adaptive sports programs for disabled veterans and members of the Armed Forces.
- Sec. 406. Extension of authority for Advisory Committee on Minority Veterans.
- Sec. 407. Extension of authority for temporary expansion of eligibility for specially adapted housing assistance for certain veterans with disabilities causing difficulty ambulating.
- Sec. 408. Extension of authority to enter into agreement with the National Academy of Sciences regarding associations between diseases and exposure to dioxin and other chemical compounds in herbicides.
- Sec. 409. Extension of authority for performance of medical disabilities examinations by contract physicians.
- Sec. 410. Restoration of prior reporting fee multipliers.
- Sec. 411. Extension of requirement for annual report on Department of Defense-Department of Veterans Affairs Interagency Program Office.
- Sec. 412. Modification of authorization of fiscal year 2008 major medical facility project at Department medical center in Tampa, Florida.
- Sec. 413. Authorization of major medical facility projects.

TITLE V—MATTERS RELATING TO MEDICAL FACILITY PROJECT IN DENVER

- Sec. 501. Increase in authorization for Department of Veterans Affairs medical facility project previously authorized.
- Sec. 502. Project management of super construction projects.

TITLE VI—OTHER MATTERS

- Sec. 601. Technical and clerical amendments.

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 3. SCORING OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

TITLE I—EXTENSIONS OF AUTHORITY RELATING TO HEALTH CARE

SEC. 101. EXTENSION OF AUTHORITY FOR COLLECTION OF COPAYMENTS FOR HOSPITAL CARE AND NURSING HOME CARE.

38 USC 1710. Section 1710(f)(2)(B) is amended by striking “September 30, 2015” and inserting “September 30, 2016”.

SEC. 102. EXTENSION OF REQUIREMENT TO PROVIDE NURSING HOME CARE TO CERTAIN VETERANS WITH SERVICE-CONNECTED DISABILITIES.

Section 1710A(d) is amended by striking “December 31, 2015” and inserting “December 31, 2016”.

SEC. 103. EXTENSION OF AUTHORIZATION OF APPROPRIATIONS FOR ASSISTANCE AND SUPPORT SERVICES FOR CAREGIVERS.

Section 1720G(e) is amended—

- (1) in paragraph (1), by striking “and”;
- (2) in paragraph (2), by striking the period at the end and inserting “; and”; and
- (3) by adding at the end the following new paragraph:
“(3) \$625,000,000 for fiscal year 2016.”.

SEC. 104. EXTENSION OF AUTHORITY FOR RECOVERY FROM THIRD PARTIES OF COST OF CARE AND SERVICES FURNISHED TO VETERANS WITH HEALTH-PLAN CONTRACTS FOR NON-SERVICE-CONNECTED DISABILITY.

Section 1729(a)(2)(E) is amended, in the matter preceding clause (i), by striking “October 1, 2015” and inserting “October 1, 2016”.

SEC. 105. EXTENSION OF AUTHORITY FOR PILOT PROGRAM ON ASSISTANCE FOR CHILD CARE FOR CERTAIN VETERANS RECEIVING HEALTH CARE.

(a) EXTENSION OF AUTHORITY.—Subsection (e) of section 205 of the Caregivers and Veterans Omnibus Health Services Act of 2010 (Public Law 111–163; 124 Stat. 1144; 38 U.S.C. 1710 note) is amended by striking “December 31, 2015” and inserting “December 31, 2016”.

(b) AUTHORIZATION OF APPROPRIATIONS.—Subsection (h) of such section is amended by striking “and 2015” and inserting “, 2015, and 2016”.

SEC. 106. EXTENSION OF AUTHORITY TO MAKE GRANTS TO VETERANS SERVICE ORGANIZATIONS FOR TRANSPORTATION OF HIGHLY RURAL VETERANS.

Section 307(d) of the Caregivers and Veterans Omnibus Health Services Act of 2010 (Public Law 111–163; 124 Stat. 1154; 38 U.S.C. 1710 note) is amended by striking “2015” and inserting “2016”.

SEC. 107. EXTENSION OF AUTHORITY FOR DOD-VA HEALTH CARE SHARING INCENTIVE FUND.

Section 8111(d)(3) is amended by striking “September 30, 2015” and inserting “September 30, 2016”.

SEC. 108. EXTENSION OF AUTHORITY FOR JOINT DEPARTMENT OF DEFENSE-DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITY DEMONSTRATION FUND.

Section 1704(e) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2573), as amended by section 722 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3417), is amended by striking “September 30, 2016” and inserting “September 30, 2017”.

SEC. 109. EXTENSION OF AUTHORITY FOR PILOT PROGRAM ON COUNSELING IN RETREAT SETTINGS FOR WOMEN VETERANS NEWLY SEPARATED FROM SERVICE.

(a) EXTENSION.—Subsection (d) of section 203 of the Caregivers and Veterans Omnibus Health Services Act of 2010 (Public Law 111–163; 124 Stat. 1143) is amended by striking “December 31, 2015” and inserting “December 31, 2016”.

38 USC 1712A
note.

(b) AUTHORIZATION OF APPROPRIATIONS.—Subsection (f) of such section is amended by striking “and 2015” and inserting “2015, and 2016”.

TITLE II—EXTENSIONS OF AUTHORITY RELATING TO BENEFITS

SEC. 201. EXTENSION OF AUTHORITY FOR THE VETERANS’ ADVISORY COMMITTEE ON EDUCATION.

Section 3692(c) is amended by striking “December 31, 2015” and inserting “December 31, 2016”.

38 USC 3692.

SEC. 202. EXTENSION OF AUTHORITY FOR CALCULATING NET VALUE OF REAL PROPERTY AT TIME OF FORECLOSURE.

Section 3732(c)(11) is amended by striking “October 1, 2015” and inserting “October 1, 2016”.

SEC. 203. EXTENSION OF AUTHORITY RELATING TO VENDEE LOANS.

Section 3733(a)(7) is amended—

- (1) in the matter preceding subparagraph (A), by striking “September 30, 2015” and inserting “September 30, 2016”; and
- (2) in subparagraph (C), by striking “September 30, 2015,” and inserting “September 30, 2016.”

SEC. 204. EXTENSION OF AUTHORITY TO PROVIDE REHABILITATION AND VOCATIONAL BENEFITS TO MEMBERS OF THE ARMED FORCES WITH SEVERE INJURIES OR ILLNESSES.

Section 1631(b)(2) of the Wounded Warrior Act (title XVI of Public Law 110–181; 122 Stat. 458; 10 U.S.C. 1071 note) is amended by striking “December 31, 2015” and inserting “December 31, 2016”.

TITLE III—EXTENSIONS OF AUTHORITY RELATING TO HOMELESSNESS

SEC. 301. EXTENSION OF AUTHORITY FOR HOMELESS VETERANS RE-INTEGRATION PROGRAMS.

Section 2021(e)(1)(F) is amended by striking “2015” and inserting “2016”.

SEC. 302. EXTENSION OF AUTHORITY FOR HOMELESS WOMEN VETERANS AND HOMELESS VETERANS WITH CHILDREN RE-INTEGRATION PROGRAM.

38 USC 2021A. Section 2021A(f)(1) is amended by striking “2015” and inserting “2016”.

SEC. 303. EXTENSION OF AUTHORITY TO PROVIDE HOUSING ASSISTANCE FOR HOMELESS VETERANS.

Section 2041(c) is amended by striking “September 30, 2015” and inserting “September 30, 2016”.

SEC. 304. EXTENSION OF AUTHORITY TO PROVIDE FINANCIAL ASSISTANCE FOR SUPPORTIVE SERVICES FOR VERY LOW-INCOME VETERAN FAMILIES IN PERMANENT HOUSING.

Section 2044(e)(1)(E) is amended by striking “fiscal years 2013 through 2015” and inserting “fiscal years 2015 through 2016”.

SEC. 305. EXTENSION OF AUTHORITY FOR GRANT PROGRAM FOR HOMELESS VETERANS WITH SPECIAL NEEDS.

Section 2061(d)(1) is amended by striking “2015” and inserting “2016”.

SEC. 306. EXTENSION OF AUTHORITY FOR THE ADVISORY COMMITTEE ON HOMELESS VETERANS.

Section 2066(d) is amended by striking “December 31, 2015” and inserting “December 31, 2016”.

SEC. 307. EXTENSION OF AUTHORITY FOR TREATMENT AND REHABILITATION SERVICES FOR SERIOUSLY MENTALLY ILL AND HOMELESS VETERANS.

(a) GENERAL TREATMENT.—Section 2031(b) is amended by striking “September 30, 2015” and inserting “September 30, 2016”.

(b) ADDITIONAL SERVICES AT CERTAIN LOCATIONS.—Section 2033(d) is amended by striking “September 30, 2015” and inserting “September 30, 2016”.

SEC. 308. EXTENSION OF AUTHORITY TO PROVIDE REFERRAL AND COUNSELING SERVICES FOR CERTAIN VETERANS AT RISK OF HOMELESSNESS.

Section 2023(d) is amended by striking “September 30, 2015” and inserting “September 30, 2016”.

TITLE IV—OTHER EXTENSIONS AND MODIFICATIONS OF AUTHORITY

SEC. 401. EXTENSION OF AUTHORITY FOR TRANSPORTATION OF INDIVIDUALS TO AND FROM DEPARTMENT FACILITIES.

Section 111A(a)(2) is amended by striking “December 31, 2015” and inserting “December 31, 2016”.

SEC. 402. EXTENSION OF AUTHORITY FOR MONTHLY ASSISTANCE ALLOWANCES UNDER THE OFFICE OF NATIONAL VETERANS SPORTS PROGRAMS AND SPECIAL EVENTS.

Section 322(d)(4) is amended by striking “2015” and inserting “2016”.

SEC. 403. EXTENSION OF AUTHORITY FOR OPERATION OF THE DEPARTMENT OF VETERANS AFFAIRS REGIONAL OFFICE IN MANILA, THE REPUBLIC OF THE PHILIPPINES.

Section 315(b) is amended by striking “September 30, 2015” and inserting “September 30, 2016”. 38 USC 315.

SEC. 404. EXTENSION OF REQUIREMENT TO PROVIDE REPORTS TO CONGRESS REGARDING EQUITABLE RELIEF IN THE CASE OF ADMINISTRATIVE ERROR.

Section 503(c) is amended by striking “December 31, 2015” and inserting “December 31, 2016”.

SEC. 405. EXTENSION OF AUTHORIZATION OF APPROPRIATIONS FOR ADAPTIVE SPORTS PROGRAMS FOR DISABLED VETERANS AND MEMBERS OF THE ARMED FORCES.

Section 521A(g)(1) is amended by striking “2015” and inserting “2016”.

SEC. 406. EXTENSION OF AUTHORITY FOR ADVISORY COMMITTEE ON MINORITY VETERANS.

Section 544(e) is amended by striking “December 31, 2015” and inserting “December 31, 2016”.

SEC. 407. EXTENSION OF AUTHORITY FOR TEMPORARY EXPANSION OF ELIGIBILITY FOR SPECIALLY ADAPTED HOUSING ASSISTANCE FOR CERTAIN VETERANS WITH DISABILITIES CAUSING DIFFICULTY AMBULATING.

Section 2101(a)(4) is amended—

(1) in subparagraph (A), by striking “September 30, 2015” and inserting “September 30, 2016”; and

(2) in subparagraph (B), by striking “each of fiscal years 2014 and 2015” and inserting “each of fiscal years 2014 through 2016”.

SEC. 408. EXTENSION OF AUTHORITY TO ENTER INTO AGREEMENT WITH THE NATIONAL ACADEMY OF SCIENCES REGARDING ASSOCIATIONS BETWEEN DISEASES AND EXPOSURE TO DIOXIN AND OTHER CHEMICAL COMPOUNDS IN HERBICIDES.

Section 3(i) of the Agent Orange Act of 1991 (Public Law 102–4; 38 U.S.C. 1116 note) is amended by striking “December 31, 2015” and inserting “December 31, 2016”.

SEC. 409. EXTENSION OF AUTHORITY FOR PERFORMANCE OF MEDICAL DISABILITIES EXAMINATIONS BY CONTRACT PHYSICIANS.

Subsection (c) of section 704 of the Veterans Benefits Act of 2003 (38 U.S.C. 5101 note) is amended by striking “December 31, 2015” and inserting “December 31, 2016”.

SEC. 410. RESTORATION OF PRIOR REPORTING FEE MULTIPLIERS.

Section 406 of the Department of Veterans Affairs Expiring Authorities Act of 2014 (Public Law 113–175; 38 U.S.C. 3684 note) is amended by striking “one-year” and inserting “two-year”.

SEC. 411. EXTENSION OF REQUIREMENT FOR ANNUAL REPORT ON DEPARTMENT OF DEFENSE-DEPARTMENT OF VETERANS AFFAIRS INTERAGENCY PROGRAM OFFICE.

Section 1635(h)(1) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 1071 note) is amended by striking “2015” and inserting “2016”.

SEC. 412. MODIFICATION OF AUTHORIZATION OF FISCAL YEAR 2008 MAJOR MEDICAL FACILITY PROJECT AT DEPARTMENT MEDICAL CENTER IN TAMPA, FLORIDA.

(a) **MODIFICATION OF AUTHORIZATION.**—In chapter 3 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 122 Stat. 2326), in the matter under the heading “Department of Veterans Affairs–Departmental Administration–Construction, Major Projects”, after “Five Year Capital Plan” insert the following: “and for constructing a new bed tower at the Department of Veterans Affairs medical center in Tampa, Florida, in lieu of providing bed tower upgrades at such medical center”.

(b) **EMERGENCY DESIGNATION.**—

(1) **IN GENERAL.**—Subsection (a) is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(g)).

(2) **DESIGNATION IN SENATE.**—In the Senate, subsection (a) is designated as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SEC. 413. AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECTS.

(a) **AUTHORIZATION.**—The Secretary of Veterans Affairs may carry out the following major medical facility projects, with each project to be carried out in an amount not to exceed the amount specified for that project:

(1) Construction of a community living center, outpatient clinic, renovated domiciliary, and renovation of existing buildings in Canandaigua, New York, in an amount not to exceed \$158,980,000.

(2) Seismic corrections to the mental health and community living center in Long Beach, California, in an amount not to exceed \$126,100,000.

(3) Seismic correction of 12 buildings in West Los Angeles, California, in an amount not to exceed \$70,500,000.

(4) Construction of a spinal cord injury building and seismic corrections in San Diego, California, in an amount not to exceed \$205,840,000.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 2015 or the year in which funds are appropriated for the Construction, Major Projects, account, a total of \$561,420,000 for the projects authorized in subsection (a).

(c) **LIMITATION.**—The projects authorized under this section may only be carried out using—

(1) funds appropriated for fiscal year 2015 pursuant to the authorization of appropriations in subsection (b);

(2) funds available for Construction, Major Projects for a fiscal year before fiscal year 2015 that remain available for obligation;

(3) funds available for Construction, Major Projects, for a fiscal year after fiscal year 2015 that remain available for obligation;

(4) funds appropriated for Construction, Major Projects, for fiscal year 2015 for a category of activity not specific to a project;

(5) funds appropriated for Construction, Major Projects, for a fiscal year before 2015 for a category of activity not specific to a project; and

(6) funds appropriated for Construction, Major Projects, for a fiscal year after 2015 for a category of activity not specific to a project.

TITLE V—MATTERS RELATING TO MEDICAL FACILITY PROJECT IN DENVER

SEC. 501. INCREASE IN AUTHORIZATION FOR DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITY PROJECT PREVIOUSLY AUTHORIZED.

(a) IN GENERAL.—Section 2(a) of the Construction Authorization and Choice Improvement Act (Public Law 114–19; 129 Stat. 215), as amended by section 1 of Public Law 114–25, is further amended by striking “\$1,050,000,000” and inserting “\$1,675,000,000”.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Continuing Appropriations Resolution, 2016 authorizes the Secretary of Veterans Affairs to transfer discretionary unobligated balances appropriated for fiscal year 2015 and discretionary advance appropriations for fiscal year 2016 to fund the increase under subsection (a) of the authorization to carry out the medical facility construction project in Denver, Colorado, specified in section 2 of the Construction Authorization and Choice Improvement Act (Public Law 114–19; 129 Stat. 215).

(c) PROHIBITION ON TRANSFER OF CERTAIN AMOUNTS.—The Secretary may not transfer any amounts from the Veterans Choice Fund established under section 802 of the Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113–146; 38 U.S.C. 1701 note) to fund the increase under subsection (a) of the authorization to carry out the medical facility construction project described in subsection (b).

SEC. 502. PROJECT MANAGEMENT OF SUPER CONSTRUCTION PROJECTS.

(a) IN GENERAL.—Section 8103 of title 38, United States Code, is amended by adding at the end the following new subsection:

“(e)(1) In the case of any super construction project, the Secretary shall enter into an agreement with an appropriate non-Department Federal entity to provide full project management services for the super construction project, including management over the project design, acquisition, construction, and contract changes.

“(2) An agreement entered into under paragraph (1) with a Federal entity shall provide that the Secretary shall reimburse the Federal entity for all costs associated with the provision of project management services under the agreement.

“(3) In this subsection, the term ‘super construction project’ means a project for the construction, alteration, or acquisition of

Contracts.

Reimbursement.

Definition.

a medical facility involving a total expenditure of more than \$100,000,000.”

38 USC 8103
note.

(b) APPLICATION.—The amendment made by subsection (a) shall apply with respect to the following:

(1) The medical facility construction project in Denver, Colorado, specified in section 2 of the Construction Authorization and Choice Improvement Act (Public Law 114–19; 129 Stat. 215).

(2) Any super construction project (as defined in section 8103(e)(3) of title 38, United States Code, as added by subsection (a)) that is authorized on or after the date of the enactment of this Act.

TITLE VI—OTHER MATTERS

SEC. 601. TECHNICAL AND CLERICAL AMENDMENTS.

Title 38, United States Code, is amended—

38 USC 111.

(1) in section 111(b)—

(A) in paragraph (1), by striking “subsection (g)(2)(A)” and inserting “subsection (g)(2)”; and

(B) in paragraph (3)(C), by striking “(42 U.S.C. 1395(l))” and inserting “(42 U.S.C. 1395m(l))”;

(2) in the table of sections at the beginning of chapter 5 of such title, by striking the item relating to section 521A and inserting the following:

“521A. Adaptive sports programs for disabled veterans and members of the Armed Forces.”;

(3) in section 1503(a)(5), by striking “subclause” and inserting “subparagraph” each place it appears;

(4) in section 1710(e)(1)—

(A) in subparagraph (D), by striking “(as defined in section 1712A(a)(2)(B) of this title)”;

(B) in subparagraph (F)(viii), by striking “Myledodysplastic” and inserting “Myelodysplastic”;

(5) in section 1710D(c)(1), by striking “(as defined in section 1712A(a)(2)(B) of this title)”;

(6) in section 1720G(a)(7)(B)(iii), by striking “has” and inserting “have”;

(7) in section 1781(a)(4), by striking the semicolon and inserting a comma;

(8) in section 1832(b)(2), by striking “(b)(2)” and inserting “(b)(3)”;

(9) in section 2044(b)(1)(D), by striking “federal” and inserting “Federal”;

(10) in section 2101(a), by moving the margins of paragraph (2), and of the subparagraphs, clauses, and subclauses therein, 2 ems to the left;

(11) in section 2101(a)(2)(B) by striking clause (ii) and inserting the following new clause (ii):

“(ii) The disability is due to—

“(I) blindness in both eyes, having only light perception,
plus

“(II) loss or loss of use of one lower extremity.”.

(12) in section 2109(a) by striking “provisions of section” and inserting “provisions of sections”;

(13) in section 2303(c), by striking “internment” and inserting “interment”; 38 USC 2303.

(14) in section 2411(e)(1), by striking “federal official” and inserting “Federal official”;

(15) in section 3108(b)(4), by inserting “the” before “rehabilitation program concerned”;

(16) in section 3313, by striking “1070a” each place it appears and inserting “1070a(b)”;

(17) in section 3313(e)(2)(A)(iii), by striking the second period;

(18) in section 3313(g)(3)(A)(iii), by inserting a comma after “books”;

(19) in section 3319, by striking “armed forces” each place it appears and inserting “Armed Forces”;

(20) in section 4102A(c)(9)(A)(ii)(III), by striking the quotation mark at the end;

(21) in section 5302A—

(A) by amending the enumerator and section heading to read as follows:

“§ 5302A. Collection of indebtedness: certain debts of members of the Armed Forces and veterans who die of injury incurred or aggravated in the line of duty in a combat zone”; and

(B) in subsection (b), by striking “(as that term is defined in section 1712A(a)(2)(B) of this title)”;

(22) in section 7309(c)(1), by inserting “the” before “Veterans Health Administration”;

(23) in section 7401(3)(A)(ii), by striking “that”;

(24) in section 7683(d), by inserting a period at the end;

and

(25) in section 8162(a)(2), by inserting “if” after “housing and”.

Approved September 30, 2015.

LEGISLATIVE HISTORY—S. 2082:

CONGRESSIONAL RECORD, Vol. 161 (2015):

Sept. 25, considered and passed Senate.

Sept. 30, considered and passed House.

Public Law 114–59
114th Congress

An Act

Oct. 7, 2015
[H.R. 1020]

To define STEM education to include computer science, and to support existing STEM education programs at the National Science Foundation.

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

STEM Education
Act of 2015.
42 USC 1861
note.

SECTION 1. SHORT TITLE.

This Act may be cited as the “STEM Education Act of 2015”.

42 USC 6621
note.

SEC. 2. DEFINITION OF STEM EDUCATION.

For purposes of carrying out STEM education activities at the National Science Foundation, the Department of Energy, the National Aeronautics and Space Administration, the National Oceanic and Atmospheric Administration, the National Institute of Standards and Technology, and the Environmental Protection Agency, the term “STEM education” means education in the subjects of science, technology, engineering, and mathematics, including computer science.

42 USC 1862q.

SEC. 3. INFORMAL STEM EDUCATION.

(a) GRANTS.—The Director of the National Science Foundation, through the Directorate for Education and Human Resources, shall continue to award competitive, merit-reviewed grants to support—

(1) research and development of innovative out-of-school STEM learning and emerging STEM learning environments in order to improve STEM learning outcomes and engagement in STEM; and

(2) research that advances the field of informal STEM education.

(b) USES OF FUNDS.—Activities supported by grants under this section may encompass a single STEM discipline, multiple STEM disciplines, or integrative STEM initiatives and shall include—

(1) research and development that improves our understanding of learning and engagement in informal environments, including the role of informal environments in broadening participation in STEM; and

(2) design and testing of innovative STEM learning models, programs, and other resources for informal learning environments to improve STEM learning outcomes and increase engagement for K–12 students, K–12 teachers, and the general public, including design and testing of the scalability of models, programs, and other resources.

SEC. 4. NOYCE SCHOLARSHIP PROGRAM AMENDMENTS.

(a) AMENDMENTS.—Section 10A of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n–1a) is amended—

(1) in subsection (a)(2)(B), by inserting “or bachelor’s” after “master’s”;

(2) in subsection (c)—

(A) by striking “and” at the end of paragraph (2)(B);

(B) in paragraph (3)—

(i) by inserting “for teachers with master’s degrees in their field” after “Teaching Fellowships”; and

(ii) by striking the period at the end of subparagraph (B) and inserting “; and”; and

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

“(4) in the case of National Science Foundation Master Teaching Fellowships for teachers with bachelor’s degrees in their field and working toward a master’s degree—

“(A) offering academic courses leading to a master’s degree and leadership training to prepare individuals to become master teachers in elementary and secondary schools; and

“(B) offering programs both during and after matriculation in the program for which the fellowship is received to enable fellows to become highly effective mathematics and science teachers, including mentoring, training, induction, and professional development activities, to fulfill the service requirements of this section, including the requirements of subsection (e), and to exchange ideas with others in their fields.”;

(3) in subsections (e) and (f), by striking “subsection (g)” each place it appears, and inserting “subsection (h)”;

(4) by redesignating subsections (g) through (i) as subsections (h) through (j), respectively; and

(5) by inserting after subsection (f) the following new subsection:

“(g) SUPPORT FOR MASTER TEACHING FELLOWS WHILE ENROLLED IN A MASTER’S DEGREE PROGRAM.—A National Science Foundation Master Teacher Fellow may receive a maximum of 1 year of fellowship support while enrolled in a master’s degree program as described in subsection (c)(4)(A), except that if such fellow is enrolled in a part-time program, such amount shall be prorated according to the length of the program.”.

(b) DEFINITION.—Section 10(i)(5) of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n–1(i)(5))

is amended by inserting “computer science,” after “means a science,”.

Approved October 7, 2015.

LEGISLATIVE HISTORY—H.R. 1020:

SENATE REPORTS: No. 114–115 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD, Vol. 161 (2015):

Feb. 24, 25, considered and passed House.

Sept. 24, considered and passed Senate, amended.

Oct. 1, House concurred in Senate amendment.

Public Law 114–60
114th Congress

An Act

To amend title I of the Patient Protection and Affordable Care Act and title XXVII of the Public Health Service Act to revise the definition of small employer.

Oct. 7, 2015

[H.R. 1624]

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Protecting Affordable Coverage for Employees Act”.

Protecting
Affordable
Coverage for
Employees Act.
42 USC 201 note.

SEC. 2. REVISION OF DEFINITION OF SMALL EMPLOYER UNDER HEALTH INSURANCE MARKET PROVISIONS.

(a) PPACA AMENDMENTS.—Section 1304(b) of the Patient Protection and Affordable Care Act (42 U.S.C. 18024(b)) is amended—

- (1) in paragraph (1), by striking “101” and inserting “51”;
- (2) in paragraph (2), by striking “100” and inserting “50”;

and

- (3) by amending paragraph (3) to read as follows:

“(3) STATE OPTION TO EXTEND DEFINITION OF SMALL EMPLOYER.—Notwithstanding paragraphs (1) and (2), nothing in this section shall prevent a State from applying this subsection by treating as a small employer, with respect to a calendar year and a plan year, an employer who employed an average of at least 1 but not more than 100 employees on business days during the preceding calendar year and who employs at least 1 employee on the first day of the plan year.”.

(b) PHSA AMENDMENTS.—Section 2791(e) of the Public Health Service Act (42 U.S.C. 300gg–91(e)) is amended—

- (1) in paragraph (2), by striking “101” and inserting “51”;
- (2) in paragraph (4), by striking “100” and inserting “50”;

and

- (3) by adding at the end the following new paragraph:

“(7) STATE OPTION TO EXTEND DEFINITION OF SMALL EMPLOYER.—Notwithstanding paragraphs (2) and (4), nothing in this section shall prevent a State from applying this subsection by treating as a small employer, with respect to a calendar year and a plan year, an employer who employed an average of at least 1 but not more than 100 employees on business days during the preceding calendar year and who employs at least 1 employee on the first day of the plan year.”.

(c) DEPOSIT OF SAVINGS INTO MEDICARE IMPROVEMENT FUND.—
Section 1898(b)(1) of the Social Security Act (42 U.S.C. 1395iii(b)(1))
is amended by striking “\$0” and inserting “\$205,000,000”.

Approved October 7, 2015.

LEGISLATIVE HISTORY—H.R. 1624:
CONGRESSIONAL RECORD, Vol. 161 (2015):
Sept. 28, considered and passed House.
Oct. 1, considered and passed Senate.

Public Law 114–61
114th Congress

An Act

To amend the Fair Minimum Wage Act of 2007 to reduce a scheduled increase in the minimum wage applicable to American Samoa.

Oct. 7, 2015
[H.R. 2617]

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

SECTION 1. MINIMUM WAGE FOR AMERICAN SAMOA.

(a) **MINIMUM WAGE.**—Paragraph (2) of section 8103(b) of the Fair Minimum Wage Act of 2007 (29 U.S.C. 206 note) is amended to read as follows:

“(2) the minimum wage applicable to American Samoa under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) shall be—

“(A) the applicable wage rate in effect for each industry and classification as of September 29, 2015; and

“(B) increased by \$0.40 an hour (or such lesser amount as may be necessary to equal the minimum wage under section 6(a)(1) of such Act), beginning on September 30, 2015, and on September 30 of every third year thereafter, until the minimum wage applicable to American Samoa under this paragraph is equal to the minimum wage set forth in such section.”.

Effective dates.

(b) **GAO REPORTS.**—Section 8104 of the Fair Minimum Wage Act of 2007 (29 U.S.C. 206 note) is amended—

(1) in subsection (a)—

(A) by striking “September 1, 2011” and inserting “April 1, 2017”; and

(B) by striking the second sentence and inserting the following: “The Government Accountability Office shall submit a subsequent report not later than April 1, 2020.”;

(2) in subsection (b), by striking “the study under subsection (a)” and inserting “any report under subsection (a)”; and

(3) by adding at the end the following:

“(c) **REPORT ON ALTERNATIVE METHODS OF INCREASING THE MINIMUM WAGE IN AMERICAN SAMOA.**—Not later than 1 year after the date of enactment of ‘An Act to amend the Fair Minimum Wage Act of 2007 to reduce a scheduled increase in the minimum wage applicable to American Samoa’, the Government Accountability Office shall transmit to Congress a report on alternative ways of increasing the minimum wage in American Samoa to keep pace with the cost of living in American Samoa and to eventually equal the minimum wage set forth in section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)).”.

129 STAT. 546

PUBLIC LAW 114–61—OCT. 7, 2015

29 USC 206 note. (c) EFFECTIVE DATE.—This Act, and the amendments made by this Act, shall take effect as of September 29, 2015.

Approved October 7, 2015.

LEGISLATIVE HISTORY—H.R. 2617:

CONGRESSIONAL RECORD, Vol. 161 (2015):

Sept. 28, considered and passed House.

Sept. 30, considered and passed Senate, amended.

Oct. 1, House concurred in Senate amendments.

Public Law 114–62
114th Congress

An Act

To amend chapter 21 of title 5, United States Code, to provide that fathers of certain permanently disabled or deceased veterans shall be included with mothers of such veterans as preference eligibles for treatment in the civil service.

Oct. 7, 2015

[S. 136]

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Gold Star Fathers Act of 2015”.

SEC. 2. PREFERENCE ELIGIBLE TREATMENT FOR FATHERS OF CERTAIN PERMANENTLY DISABLED OR DECEASED VETERANS.

Section 2108(3) of title 5, United States Code, is amended by striking subparagraphs (F) and (G) and inserting the following:

“(F) the parent of an individual who lost his or her life under honorable conditions while serving in the armed forces during a period named by paragraph (1)(A) of this section, if—

“(i) the spouse of that parent is totally and permanently disabled; or

“(ii) that parent, when preference is claimed, is unmarried or, if married, legally separated from his or her spouse;

“(G) the parent of a service-connected permanently and totally disabled veteran, if—

“(i) the spouse of that parent is totally and permanently disabled; or

“(ii) that parent, when preference is claimed, is unmarried or, if married, legally separated from his or her spouse; and”.

Gold Star
Fathers Act
of 2015.
5 USC 101 note.

129 STAT. 548

PUBLIC LAW 114–62—OCT. 7, 2015

5 USC 2108 note. **SEC. 3. EFFECTIVE DATE.**

The amendment made by this Act shall take effect 90 days after the date of enactment of this Act.

Approved October 7, 2015.

LEGISLATIVE HISTORY—S. 136:

HOUSE REPORTS: No. 114–263 (Comm. on Oversight and Government Reform).

SENATE REPORTS: No. 114–35 (Comm. on Homeland Security and Governmental Affairs).

CONGRESSIONAL RECORD, Vol. 161 (2015):

May 11, considered and passed Senate.

Sept. 28, considered and passed House.

Public Law 114–63
114th Congress

An Act

To permanently allow an exclusion under the Supplemental Security Income program and the Medicaid program for compensation provided to individuals who participate in clinical trials for rare diseases or conditions.

Oct. 7, 2015

[S. 139]

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Ensuring Access to Clinical Trials Act of 2015”.

Ensuring Access
to Clinical Trials
Act of 2015.
42 USC 1305
note.

SEC. 2. ELIMINATION OF SUNSET PROVISION.

Effective as if included in the enactment of the Improving Access to Clinical Trials Act of 2009 (Public Law 111–255, 124 Stat. 2640), section 3 of that Act is amended by striking subsection (e).

42 USC 1382a
note.
Effective date.

Approved October 7, 2015.

LEGISLATIVE HISTORY—S. 139:

CONGRESSIONAL RECORD, Vol. 161 (2015):
July 16, considered and passed Senate.
Sept. 28, considered and passed House.

Public Law 114–64
114th Congress

An Act

Oct. 7, 2015
[S. 261]

To designate the United States courthouse located at 200 NW 4th Street in Oklahoma City, Oklahoma, as the William J. Holloway, Jr. United States Courthouse.

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

SECTION 1. WILLIAM J. HOLLOWAY, JR. UNITED STATES COURTHOUSE.

(a) DESIGNATION.—The United States courthouse located at 200 NW 4th Street in Oklahoma City, Oklahoma, shall be known and designated as the “William J. Holloway, Jr. United States Courthouse”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in subsection (a) shall be deemed to be a reference to the “William J. Holloway, Jr. United States Courthouse”.

Approved October 7, 2015.

LEGISLATIVE HISTORY—S. 261:

HOUSE REPORTS: No. 114–248 (Comm. on Transportation and Infrastructure).
CONGRESSIONAL RECORD, Vol. 161 (2015):
May 21, considered and passed Senate.
Sept. 24, considered and passed House.

Public Law 114–65
114th Congress

An Act

To reduce the operation and maintenance costs associated with the Federal fleet by encouraging the use of remanufactured parts, and for other purposes.

Oct. 7, 2015
[S. 565]

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Federal Vehicle Repair Cost Savings Act of 2015”.

Federal Vehicle
Repair Cost
Savings Act
of 2015.
40 USC 17507
note.

SEC. 2. FINDINGS.

Congress finds that, in March 2013, the Government Accountability Office issued a report that confirmed that—

- (1) there are approximately 588,000 vehicles in the civilian Federal fleet;
- (2) Federal agencies spent approximately \$975,000,000 on repair and maintenance of the Federal fleet in 2011;
- (3) remanufactured vehicle components, such as engines, starters, alternators, steering racks, and clutches, tend to be less expensive than comparable new replacement parts; and
- (4) the United States Postal Service and the Department of the Interior both informed the Government Accountability Office that the respective agencies rely on the use of remanufactured vehicle components to reduce costs.

SEC. 3. DEFINITIONS.

In this Act—

- (1) the term “Federal agency” has the meaning given that term in section 102 of title 40, United States Code; and
- (2) the term “remanufactured vehicle component” means a vehicle component (including an engine, transmission, alternator, starter, turbocharger, steering, or suspension component) that has been returned to same-as-new, or better, condition and performance by a standardized industrial process that incorporates technical specifications (including engineering, quality, and testing standards) to yield fully warranted products.

SEC. 4. REQUIREMENT TO USE REMANUFACTURED VEHICLE COMPONENTS.

The head of each Federal agency—

- (1) shall encourage the use of remanufactured vehicle components to maintain Federal vehicles, if using such components reduces the cost of maintaining the Federal vehicles while maintaining quality; and

(2) shall not encourage the use of remanufactured vehicle components to maintain Federal vehicles, if using such components—

(A) does not reduce the cost of maintaining Federal vehicles;

(B) lowers the quality of vehicle performance, as determined by the employee of the Federal agency responsible for the repair decision; or

(C) delays the return to service of a vehicle.

Approved October 7, 2015.

LEGISLATIVE HISTORY—S. 565 (H.R. 1613):

HOUSE REPORTS: No. 114–266 (Comm. on Oversight and Government Reform) accompanying H.R. 1613.

SENATE REPORTS: No. 114–59 (Comm. on Homeland Security and Governmental Affairs).

CONGRESSIONAL RECORD, Vol. 161 (2015):

June 15, considered and passed Senate.

Sept. 28, considered and passed House.

Public Law 114–66
114th Congress

An Act

To designate the facility of the United States Postal Service located at 1 Walter Hammond Place in Waldwick, New Jersey, as the “Staff Sergeant Joseph D’Augustine Post Office Building”.

Oct. 7, 2015
[S. 994]

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

SECTION 1. STAFF SERGEANT JOSEPH D’AUGUSTINE POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1 Walter Hammond Place in Waldwick, New Jersey, shall be known and designated as the “Staff Sergeant Joseph D’Augustine Post Office Building”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “Staff Sergeant Joseph D’Augustine Post Office Building”.

Approved October 7, 2015.

LEGISLATIVE HISTORY—S. 994:

CONGRESSIONAL RECORD, Vol. 161 (2015):
May 11, considered and passed Senate.
Sept. 24, considered and passed House.

Public Law 114–67
114th Congress

An Act

Oct. 7, 2015
[S. 1707]

To designate the Federal building located at 617 Walnut Street in Helena, Arkansas, as the “Jacob Trieber Federal Building, United States Post Office, and United States Court House”.

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

SECTION 1. JACOB TRIEBER FEDERAL BUILDING, UNITED STATES POST OFFICE, AND UNITED STATES COURT HOUSE.

(a) DESIGNATION.—The Federal building located at 617 Walnut Street in Helena, Arkansas, shall be known and designated as the “Jacob Trieber Federal Building, United States Post Office, and United States Court House”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in subsection (a) shall be deemed to be a reference to the “Jacob Trieber Federal Building, United States Post Office, and United States Court House”.

Approved October 7, 2015.

LEGISLATIVE HISTORY—S. 1707 (H.R. 2954):

HOUSE REPORTS: No. 114–247 (Comm. on Transportation and Infrastructure) accompanying H.R. 2954.

CONGRESSIONAL RECORD, Vol. 161 (2015):

Aug. 5, considered and passed Senate.

Sept. 24, considered and passed House.

Public Law 114–68
114th Congress

An Act

To actively recruit members of the Armed Forces who are separating from military service to serve as Customs and Border Protection officers.

Oct. 16, 2015

[H.R. 2835]

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Border Jobs for Veterans Act of 2015”.

Border Jobs for
Veterans Act
of 2015.

6 USC 211 note.

SEC. 2. FINDINGS.

Congress finds the following:

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

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

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

(4) Recruiting efforts and expedited hiring procedures must be enhanced to ensure that individuals separating from military service are aware of, and partake in, opportunities to fill vacant Customs and Border Protection officer positions.

SEC. 3. EXPEDITED HIRING OF APPROPRIATE SEPARATING SERVICE MEMBERS.

The Secretary of Homeland Security shall consider the expedited hiring of qualified candidates who have the ability to perform the essential functions of the position of a Customs and Border Protection officer and who are eligible for a veterans recruitment appointment authorized under section 4214 of title 38, United States Code.

SEC. 4. ENHANCEMENTS TO EXISTING PROGRAMS TO RECRUIT SERVICE MEMBERS SEPARATING FROM MILITARY SERVICE FOR CUSTOMS AND BORDER PROTECTION OFFICER VACANCIES.

(a) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Secretary of Defense, and acting through existing programs, authorities, and agreements, where applicable, shall enhance the efforts of the Department of Homeland Security to

Consultation.

recruit members of the Armed Forces who are separating from military service to serve as Customs and Border Protection officers.

(b) ELEMENTS.—The enhanced recruiting efforts under subsection (a) shall—

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

(2) place U.S. Customs and Border Protection officials at recruiting events and jobs fairs involving members of the Armed Forces who are separating from military service;

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

(4) include outreach efforts to educate members of the Armed Forces with Military Occupational Specialty Codes and Officer Branches, Air Force Specialty Codes, Naval Enlisted Classifications and Officer Designators, and Coast Guard competencies that are transferable to the requirements, qualifications, and duties assigned to Customs and Border Protection officers of available hiring opportunities to become Customs and Border Protection officers;

(5) identify shared activities and opportunities for reciprocity related to steps in hiring Customs and Border Protection officers with the goal of minimizing the time required to hire qualified applicants;

(6) ensure the streamlined interagency transfer of relevant background investigations and security clearances; and

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

SEC. 5. REPORT TO CONGRESS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and by December 31 of each of the next 3 years thereafter, the Secretary of Homeland Security, in consultation with the Secretary of Defense, shall submit a report to the Committee on Homeland Security and the Committee on Armed Services of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Armed Services of the Senate that includes a description and assessment of the efforts of the Department of Homeland Security to hire members of the Armed Forces who are separating from military service as Customs and Border Protection officers under section 4.

(b) CONTENT.—The report required under subsection (a) shall include—

(1) a detailed description of the efforts to implement section 4, including—

(A) elements of the enhanced recruiting efforts and the goals associated with such elements; and

(B) a description of how the elements and goals referred to in subparagraph (A) will assist in meeting statutorily mandated staffing levels and agency hiring benchmarks;

(2) a detailed description of the efforts that have been undertaken under section 4;

Time period.
Consultation.
Assessment.

- (3) the estimated number of separating service members made aware of Customs and Border Protection officer vacancies; Estimate.
- (4) the number of Customs and Border Protection officer vacancies filled with separating service members; and
- (5) the number of Customs and Border Protection officer vacancies filled with separating service members under Veterans Recruitment Appointment authorized under section 4214 of title 38, United States Code.

SEC. 6. RULES OF CONSTRUCTION.

Nothing in this Act may be construed—

- (1) as superseding, altering, or amending existing Federal veterans' hiring preferences or Federal hiring authorities; or
- (2) to authorize the appropriation of additional amounts to carry out this Act.

Approved October 16, 2015.

LEGISLATIVE HISTORY—H.R. 2835:

CONGRESSIONAL RECORD, Vol. 161 (2015):

Sept. 28, considered and passed House.

Oct. 1, considered and passed Senate.

Public Law 114–69
114th Congress

An Act

Oct. 16, 2015
[S. 986]

To require the Secretary of the Interior to take into trust 4 parcels of Federal land for the benefit of certain Indian Pueblos in the State of New Mexico.

Albuquerque
Indian School
Land Transfer
Act.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Albuquerque Indian School Land Transfer Act”.

SEC. 2. DEFINITIONS.

In this Act:

(1) **19 PUEBLOS.**—The term “19 Pueblos” means the New Mexico Indian Pueblos of—

- (A) Acoma;
- (B) Cochiti;
- (C) Isleta;
- (D) Jemez;
- (E) Laguna;
- (F) Nambe;
- (G) Ohkay Owingeh (San Juan);
- (H) Picuris;
- (I) Pojoaque;
- (J) San Felipe;
- (K) San Ildefonso;
- (L) Sandia;
- (M) Santa Ana;
- (N) Santa Clara;
- (O) Santo Domingo;
- (P) Taos;
- (Q) Tesuque;
- (R) Zia; and
- (S) Zuni.

(2) **MAP.**—The term “map” means the map entitled “The Town of Albuquerque Grant, Bernalillo County, within Township 10 North, Range 3 East, of the New Mexico Principal Meridian, New Mexico—Metes and Bounds Survey” and dated August 12, 2011.

(3) **SECRETARY.**—The term “Secretary” means Secretary of the Interior.

SEC. 3. LAND TAKEN INTO TRUST FOR BENEFIT OF 19 PUEBLOS.

(a) **ACTION BY SECRETARY.**—

(1) **IN GENERAL.**—The Secretary shall take into trust all right, title, and interest of the United States in and to the

Determinations.

Federal land described in subsection (b) for the benefit of the 19 Pueblos immediately after the Secretary determines that the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) have been satisfied regarding the trust acquisition of the Federal land.

(2) ADMINISTRATION.—The Secretary shall—

(A) take such action as the Secretary determines to be necessary to document the transfer under paragraph (1); and

(B) appropriately assign each applicable private and municipal utility and service right or agreement.

(b) DESCRIPTION OF LAND.—The Federal land referred to in subsection (a)(1) is the 4 tracts of Federal land, the combined acreage of which is approximately 11.11 acres, that were historically part of the Albuquerque Indian School, more particularly described as follows:

(1) ABANDONED INDIAN SCHOOL ROAD.—The approximately 0.83 acres located in sec. 7 and sec. 8 of T. 10 N., R. 3 E., of the New Mexico Principal Meridian in Albuquerque, New Mexico, as identified on the map.

(2) SOUTHERN PART TRACT D.—The approximately 6.18 acres located in sec. 7 of T. 10 N., R. 3 E., of the New Mexico Principal Meridian in Albuquerque, New Mexico, as identified on the map.

(3) TRACT 1.—The approximately 0.41 acres located in sec. 7 of T. 10 N., R. 3 E., of the New Mexico Principal Meridian in Albuquerque, New Mexico, as identified on the map.

(4) WESTERN PART TRACT B.—The approximately 3.69 acres located in sec. 7 of T. 10 N., R. 3 E., of the New Mexico Principal Meridian in Albuquerque, New Mexico, as identified on the map.

(c) SURVEY.—The Secretary shall conduct a survey of the Federal land to be transferred consistent with subsection (b) and may make minor corrections to the survey and legal description of the Federal land described in subsection (b) as the Secretary determines to be necessary to correct clerical, topographical, and surveying errors.

(d) USE OF LAND.—The Federal land taken into trust under subsection (a) shall be used for the educational, health, cultural, business, and economic development of the 19 Pueblos.

(e) LIMITATIONS AND CONDITIONS.—The Federal land taken into trust under subsection (a) shall remain subject to any private or municipal encumbrance, right-of-way, restriction, easement of record, or utility service agreement in effect on the date of enactment of this Act.

(f) BUREAU OF INDIAN AFFAIRS USE.—

(1) IN GENERAL.—The 19 Pueblos shall allow the Bureau of Indian Affairs to continue to use the land taken into trust under subsection (a) for the facilities and purposes as in existence on the date of enactment of this Act, in accordance with paragraph (2).

(2) REQUIREMENTS.—The use by the Bureau of Indian Affairs under paragraph (1) shall—

(A) be free of any rental charge; and

(B) continue until such time as the Secretary determines there is no further need for the existing Bureau of Indian Affairs facilities.

Determination.

SEC. 4. EFFECT OF OTHER LAWS.

(a) **IN GENERAL.**—Subject to subsection (b), Federal land taken into trust under section 3(a) shall be subject to Federal laws relating to Indian land.

(b) **GAMING.**—No class I gaming, class II gaming, or class III gaming (as defined in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703)) shall be carried out on the Federal land taken into trust under section 3(a).

Approved October 16, 2015.

LEGISLATIVE HISTORY—S. 986 (H.R. 1880):

HOUSE REPORTS: No. 114–271 (Comm. on Natural Resources) accompanying H.R. 1880.

SENATE REPORTS: No. 114–114 (Comm. on Indian Affairs).

CONGRESSIONAL RECORD, Vol. 161 (2015):

Sept. 22, considered and passed Senate.

Oct. 6, considered and passed House.

Public Law 114–70
114th Congress

An Act

To amend the section 221 of the Immigration and Nationality Act to provide relief for adoptive families from immigrant visa fees in certain situations.

Oct. 16, 2015

[S. 1300]

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

Adoptive Family
Relief Act.
8 USC 1101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Adoptive Family Relief Act”.

SEC. 2. WAIVER OF FEES FOR RENEWAL OF IMMIGRANT VISA FOR ADOPTED CHILD IN CERTAIN SITUATIONS.

Section 221(c) of the Immigration and Nationality Act (8 U.S.C. 1201(c)) is amended to read as follows:

“(c) PERIOD OF VALIDITY; RENEWAL OR REPLACEMENT.—

Regulations.

“(1) IMMIGRANT VISAS.—An immigrant visa shall be valid for such period, not exceeding six months, as shall be by regulations prescribed, except that any visa issued to a child lawfully adopted by a United States citizen and spouse while such citizen is serving abroad in the United States Armed Forces, or is employed abroad by the United States Government, or is temporarily abroad on business, shall be valid until such time, for a period not to exceed three years, as the adoptive citizen parent returns to the United States in due course of his service, employment, or business.

“(2) NONIMMIGRANT VISAS.—A nonimmigrant visa shall be valid for such periods as shall be by regulations prescribed. In prescribing the period of validity of a nonimmigrant visa in the case of nationals of any foreign country who are eligible for such visas, the Secretary of State shall, insofar as practicable, accord to such nationals the same treatment upon a reciprocal basis as such foreign country accords to nationals of the United States who are within a similar class; except that in the case of aliens who are nationals of a foreign country and who either are granted refugee status and firmly resettled in another foreign country or are granted permanent residence and residing in another foreign country, the Secretary of State may prescribe the period of validity of such a visa based upon the treatment granted by that other foreign country to alien refugees and permanent residents, respectively, in the United States.

“(3) VISA REPLACEMENT.—An immigrant visa may be replaced under the original number during the fiscal year in which the original visa was issued for an immigrant who establishes to the satisfaction of the consular officer that the immigrant—

“(A) was unable to use the original immigrant visa during the period of its validity because of reasons beyond his control and for which he was not responsible;

“(B) is found by a consular officer to be eligible for an immigrant visa; and

“(C) pays again the statutory fees for an application and an immigrant visa.

“(4) FEE WAIVER.—If an immigrant visa was issued, on or after March 27, 2013, for a child who has been lawfully adopted, or who is coming to the United States to be adopted, by a United States citizen, any statutory immigrant visa fees relating to a renewal or replacement of such visa may be waived or, if already paid, may be refunded upon request, subject to such criteria as the Secretary of State may prescribe, if—

“(A) the immigrant child was unable to use the original immigrant visa during the period of its validity as a direct result of extraordinary circumstances, including the denial of an exit permit; and

“(B) if such inability was attributable to factors beyond the control of the adopting parent or parents and of the immigrant.”.

Approved October 16, 2015.

LEGISLATIVE HISTORY—S. 1300:

CONGRESSIONAL RECORD, Vol. 161 (2015):

July 14, considered and passed Senate.

Oct. 6, considered and passed House.

Public Law 114–71
114th Congress

An Act

To reauthorize the United States Commission on International Religious Freedom,
and for other purposes.

Oct. 16, 2015
[S. 2078]

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “United States Commission on
International Religious Freedom Reauthorization Act of 2015”.

SEC. 2. SENSE OF CONGRESS.

It is the sense of the Congress that the United States Commis-
sion on International Religious Freedom—

(1) was created by Congress to independently assess and
to accurately and unflinchingly describe threats to religious
freedom around the world; and

(2) in carrying out its prescribed duties, should use its
authorized powers to ensure that efforts by the United States
to advance religious freedom abroad are timely, appropriate
to the circumstances, prudent, and effective.

SEC. 3. EXTENSION OF AUTHORITY.

Section 209 of the International Religious Freedom Act of 1998
(22 U.S.C. 6436) is amended by striking “September 30, 2015”
and inserting “September 30, 2019”.

SEC. 4. STRATEGIC PLAN.

(a) **DEFINITIONS.**—In this section:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term
“appropriate congressional committees” means—

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

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

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

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

(2) **COMMISSION.**—The term “Commission” means the
United States Commission on International Religious Freedom
established under section 201 of the International Religious
Freedom Act of 1998 (22 U.S.C. 6431).

(3) **COMMISSIONER.**—The term “Commissioner” means a
member of the Commission.

(4) **VICE CHAIR.**—The term “Vice Chair” means the Vice
Chair of the Commission who was appointed to such position
by an elected official from the political party that is different

United States
Commission on
International
Religious
Freedom
Reauthorization
Act of 2015.
22 USC 6401
note.
22 USC 6432
note.

22 USC 6433a.

from the political party of the elected official who appointed the Chair of the Commission.

Deadlines.

(b) STRATEGIC POLICY AND ORGANIZATIONAL REVIEW PLANNING PROCESS.—Not later than 60 days after the date of the enactment of this Act, and not less frequently than biennially thereafter, the Chair and Vice Chair of the Commission, in coordination with the Commissioners, the Ambassador-at-Large for International Religious Freedom, Commission staff, and others jointly selected by the Chair and Vice Chair, shall carry out a strategic policy and organizational review planning process that includes—

(1) a review of the duties set forth in section 202 of the International Religious Freedom Act of 1998 (22 U.S.C. 6432) and the powers set forth in section 203 of such Act (22 U.S.C. 6432a);

(2) the preparation of a written description of prioritized actions that the Commission is required to complete to fulfill the strategic plan required under subsection (d);

(3) a review of the scope, content, and timing of the Commission’s annual report and any required changes; and

(4) a review of the personnel policies set forth in section 204 of the International Religious Freedom Act of 1998 (22 U.S.C. 6432b) and any required changes to such policies.

(c) UNANIMOUS AGREEMENT.—

(1) IN GENERAL.—To the greatest extent possible, the Chair, Vice Chair, and all of the Commissioners shall ensure that this section is implemented in a manner that results in unanimous agreement among the Commissioners with regard to—

(A) the strategic policy and organizational review planning process required under subsection (b); and

(B) the strategic plan required under subsection (d).

(2) ALTERNATIVE APPROVAL PROCESS.—If unanimous agreement under paragraph (1) is not possible, items for inclusion in the strategic plan may, at the joint discretion of the Chair and Vice Chair, be approved by an affirmative vote of—

(A) a majority of Commissioners appointed by an elected official from the political party of the President; and

(B) a majority of Commissioners appointed by an elected official from the political party that is not the party of the President.

Deadlines.

(d) SUBMISSION OF STRATEGIC PLAN.—Not later than 180 days after the date of the enactment of the Act, and not less frequently than biennially thereafter, the Chair and Vice Chair of the Commission shall jointly submit, to the appropriate congressional committees, a written strategic plan that includes—

(1) a description of prioritized actions for the Commission for a period of time to be specified by the Commissioners;

(2) a description of any changes the Commission considers necessary with regard to the scope, content, and timing of the Commission’s annual report;

(3) a description of any changes the Commission considers necessary with regard to personnel matters; and

(4) the Commission’s funding requirements for the period covered by the strategic plan.

(e) PENDING ISSUES.—The strategic plan required under subsection (d) may identify any issues or proposals that have not yet been resolved by the Commission.

(f) **IMPLEMENTATION OF PERSONNEL PROVISIONS AND ANNUAL REPORT.**—Notwithstanding section 204(a) and 205(a) of the International Religious Freedom Act of 1998 (22 U.S.C. 6432b(a) and 6533(a)), the Commission is authorized to implement provisions related to personnel and the Commission’s annual report that are included in the strategic plan submitted pursuant to this section.

(g) **CONGRESSIONAL OVERSIGHT.**—Upon request, the Commission shall—

(1) make available for inspection any information and documents requested by the appropriate congressional committees; and

(2) respond to any requests to provide testimony before the appropriate congressional committees.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

Section 207 of the International Religious Freedom Act of 1998 (22 U.S.C. 6435) is amended to read as follows:

“SEC. 207. AUTHORIZATION OF APPROPRIATIONS.

“(a) **IN GENERAL.**—There are authorized to be appropriated to the Commission \$3,500,000 for each of the fiscal years 2016 to 2019 to carry out the provisions of this Act and section 4 of the United States Commission on International Religious Freedom Reauthorization Act of 2015.

“(b) **AVAILABILITY OF FUNDS.**—Amounts authorized to be appropriated under subsection (a) shall remain available until the earlier of—

“(1) the date on which they have been expended; or

“(2) the date on which the Commission is terminated under section 209.

“(c) **LIMITATION.**—In each fiscal year, the Commission shall only be authorized to expend amounts that have been appropriated pursuant to subsection (a) if the Commission—

“(1) complies with the requirements set forth in section 4 of the United States Commission on International Religious Freedom Reauthorization Act of 2015; and

“(2) submits the annual financial report required under section 208(e) to the appropriate congressional committees.”.

Approved October 16, 2015.

LEGISLATIVE HISTORY—S. 2078:

CONGRESSIONAL RECORD, Vol. 161 (2015):

Sept. 30, considered and passed Senate.

Oct. 6, considered and passed House.

Public Law 114–72
114th Congress

An Act

Oct. 22, 2015
[H.R. 3116]

To extend by 15 years the authority of the Secretary of Commerce to conduct the quarterly financial report program.

Quarterly
Financial Report
Reauthorization
Act.
13 USC 1 note.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Quarterly Financial Report Reauthorization Act”.

SEC. 2. EXTENSION OF AUTHORITY FOR SECRETARY OF COMMERCE TO CONDUCT QUARTERLY FINANCIAL REPORT PROGRAM.

Section 4(b) of the Act entitled “An Act to amend title 13, United States Code, to transfer responsibility for the quarterly financial report from the Federal Trade Commission to the Secretary of Commerce, and for other purposes”, approved January 12, 1983 (Public Law 97–454; 13 U.S.C. 91 note), is amended by striking “2015” and inserting “2030”.

SEC. 3. REPORT ON DATA SECURITY PROCEDURES OF THE BUREAU OF THE CENSUS.

(a) **REVIEW.**—The Secretary of Commerce shall conduct a review of the data security procedures of the Bureau of the Census, including such procedures that have been implemented since the data breaches of systems of the Office of Personnel Management were announced in 2015.

(b) **REPORT.**—

(1) **REQUIREMENT.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Commerce shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report on the review required by subsection (a).

(2) **CONTENTS.**—The report required by paragraph (1) shall—

(A) identify all information systems of the Bureau of the Census that contain sensitive information;

(B) described any actions carried out by the Secretary of Commerce or the Director of the Bureau of the Census to secure sensitive information that have been implemented since the data breaches of systems of the Office of Personnel Management were announced in 2015;

(C) identify any known data breaches of information systems of the Bureau of the Census that contain sensitive information; and

(D) identify whether the Bureau of the Census stores any information that, if combined with other such information, would comprise classified information.

Approved October 22, 2015.

LEGISLATIVE HISTORY—H.R. 3116 (S. 1868):

HOUSE REPORTS: No. 114–237 (Comm. on Oversight and Government Reform).

SENATE REPORTS: No. 114–157 (Comm. on Homeland Security and Governmental Affairs) accompanying S. 1868.

CONGRESSIONAL RECORD, Vol. 161 (2015):

Sept. 24, considered and passed House.

Oct. 6, considered and passed Senate, amended.

Oct. 21, House concurred in Senate amendment.

Public Law 114–73
114th Congress

An Act

Oct. 29, 2015
[H.R. 3819]

To provide an extension of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund, and for other purposes.

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

Surface
Transportation
Extension Act
of 2015.
Time periods.
23 USC 101 note.

SECTION 1. SHORT TITLE; RECONCILIATION OF FUNDS; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Surface Transportation Extension Act of 2015”.

(b) **RECONCILIATION OF FUNDS.**—The Secretary of Transportation shall reduce the amount apportioned or allocated for a program, project, or activity under this Act in fiscal year 2016 by amounts apportioned or allocated pursuant to the Surface Transportation and Veterans Health Care Choice Improvement Act of 2015, including the amendments made by that Act, for the period beginning on October 1, 2015, and ending on October 29, 2015.

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

Sec. 1. Short title; reconciliation of funds; table of contents.

TITLE I—SURFACE TRANSPORTATION PROGRAM EXTENSION

Subtitle A—Federal-Aid Highways

Sec. 1001. Extension of Federal-aid highway programs.

Sec. 1002. Administrative expenses.

Subtitle B—Extension of Highway Safety Programs

Sec. 1101. Extension of National Highway Traffic Safety Administration highway safety programs.

Sec. 1102. Extension of Federal Motor Carrier Safety Administration programs.

Sec. 1103. Dingell-Johnson Sport Fish Restoration Act.

Subtitle C—Public Transportation Programs

Sec. 1201. Formula grants for rural areas.

Sec. 1202. Apportionment of appropriations for formula grants.

Sec. 1203. Authorizations for public transportation.

Sec. 1204. Bus and bus facilities formula grants.

Subtitle D—Hazardous Materials

Sec. 1301. Authorization of appropriations.

Sec. 1302. Ensuring safe implementation of positive train control systems.

TITLE II—REVENUE PROVISIONS

Sec. 2001. Extension of Highway Trust Fund expenditure authority.

TITLE I—SURFACE TRANSPORTATION PROGRAM EXTENSION

Subtitle A—Federal-Aid Highways

SEC. 1001. EXTENSION OF FEDERAL-AID HIGHWAY PROGRAMS.

(a) IN GENERAL.—Section 1001(a) of the Highway and Transportation Funding Act of 2014 (128 Stat. 1840) is amended by striking “October 29, 2015” and inserting “November 20, 2015”.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) HIGHWAY TRUST FUND.—Section 1001(b)(1)(B) of the Highway and Transportation Funding Act of 2014 (128 Stat. 1840) is amended by striking “for the period beginning on October 1, 2015, and ending on October 29, 2015, ^{29/366} of the total amount” and inserting “for the period beginning on October 1, 2015, and ending on November 20, 2015, ^{51/366} of the total amount”.

(2) GENERAL FUND.—Section 1123(h)(1) of MAP–21 (23 U.S.C. 202 note) is amended by striking “and \$2,377,049 out of the general fund of the Treasury to carry out the program for the period beginning on October 1, 2015, and ending on October 29, 2015” and inserting “and \$4,180,328 out of the general fund of the Treasury to carry out the program for the period beginning on October 1, 2015, and ending on November 20, 2015”.

(c) USE OF FUNDS.—

(1) IN GENERAL.—Section 1001(c)(1)(B) of the Highway and Transportation Funding Act of 2014 (128 Stat. 1840) is amended—

(A) by striking “October 29, 2015,” and inserting “November 20, 2015,”; and

(B) by striking “^{29/366}” and inserting “^{51/366}”.

(2) OBLIGATION CEILING.—Section 1102 of MAP–21 (23 U.S.C. 104 note) is amended—

(A) by striking subsection (a)(4) and inserting the following:

“(4) \$5,595,839,851 for the period beginning on October 1, 2015, and ending on November 20, 2015.”;

(B) in subsection (b)(12) by striking “, and for the period beginning on October 1, 2015, and ending on October 29, 2015, only in an amount equal to \$639,000,000, less any reductions that would have otherwise been required for that year by section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a), then multiplied by ^{29/366} for that period” and inserting “, and for the period beginning on October 1, 2015, and ending on November 20, 2015, only in an amount equal to \$639,000,000, less any reductions that would have otherwise been required for that year by section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a), then multiplied by ^{51/366} for that period”;

(C) in subsection (c)—

(i) in the matter preceding paragraph (1) by striking “October 29, 2015” and inserting “November 20, 2015”; and

(ii) in paragraph (2) in the matter preceding subparagraph (A) by striking “for the period beginning on October 1, 2015, and ending on October 29, 2015, that is equal to $\frac{29}{366}$ of such unobligated balance” and inserting “for the period beginning on October 1, 2015, and ending on November 20, 2015, that is equal to $\frac{51}{366}$ of such unobligated balance”; and

(D) in subsection (f)(1) in the matter preceding subparagraph (A) by striking “October 29, 2015” and inserting “November 20, 2015”.

SEC. 1002. ADMINISTRATIVE EXPENSES.

Section 1002 of the Highway and Transportation Funding Act of 2014 (128 Stat. 1842) is amended—

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

“(2) \$61,311,475 for the period beginning on October 1, 2015, and ending on November 20, 2015.”; and

(2) in subsection (b)(2) by striking “and for the period beginning on October 1, 2015, and ending on October 29, 2015, subject to the limitations on administrative expenses under the heading ‘Federal Highway Administration’” and inserting “and for the period beginning on October 1, 2015, and ending on November 20, 2015, subject to the limitations on administrative expenses for the Federal Highway Administration and Appalachian Regional Commission”.

Subtitle B—Extension of Highway Safety Programs

SEC. 1101. EXTENSION OF NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION HIGHWAY SAFETY PROGRAMS.

(a) EXTENSION OF PROGRAMS.—

(1) HIGHWAY SAFETY PROGRAMS.—Section 31101(a)(1)(D) of MAP–21 (126 Stat. 733) is amended to read as follows:

“(D) \$32,745,902 for the period beginning on October 1, 2015, and ending on November 20, 2015.”.

(2) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—Section 31101(a)(2)(D) of MAP–21 (126 Stat. 733) is amended to read as follows:

“(D) \$15,815,574 for the period beginning on October 1, 2015, and ending on November 20, 2015.”.

(3) NATIONAL PRIORITY SAFETY PROGRAMS.—Section 31101(a)(3)(D) of MAP–21 (126 Stat. 733) is amended to read as follows:

“(D) \$37,901,639 for the period beginning on October 1, 2015, and ending on November 20, 2015.”.

(4) NATIONAL DRIVER REGISTER.—Section 31101(a)(4)(D) of MAP–21 (126 Stat. 733) is amended to read as follows:

“(D) \$696,721 for the period beginning on October 1, 2015, and ending on November 20, 2015.”.

(5) HIGH VISIBILITY ENFORCEMENT PROGRAM.—

(A) **AUTHORIZATION OF APPROPRIATIONS.**—Section 31101(a)(5)(D) of MAP–21 (126 Stat. 733) is amended to read as follows:

“(D) \$4,040,984 for the period beginning on October 1, 2015, and ending on November 20, 2015.”

(B) **LAW ENFORCEMENT CAMPAIGNS.**—Section 2009(a) of SAFETEA–LU (23 U.S.C. 402 note) is amended—

(i) in the first sentence by striking “October 29, 2015” and inserting “November 20, 2015”; and

(ii) in the second sentence by striking “October 29, 2015,” and inserting “November 20, 2015,”.

(6) **ADMINISTRATIVE EXPENSES.**—Section 31101(a)(6)(D) of MAP–21 (126 Stat. 733) is amended to read as follows:

“(D) \$3,553,279 for the period beginning on October 1, 2015, and ending on November 20, 2015.”

(b) **COOPERATIVE RESEARCH AND EVALUATION.**—Section 403(f)(1) of title 23, United States Code, is amended by striking “and \$198,087 of the total amount available for apportionment to the States for highway safety programs under section 402(c) in the period beginning on October 1, 2015, and ending on October 29, 2015,” and inserting “and \$348,361 of the total amount available for apportionment to the States for highway safety programs under section 402(c) in the period beginning on October 1, 2015, and ending on November 20, 2015,”.

(c) **APPLICABILITY OF TITLE 23.**—Section 31101(c) of MAP–21 (126 Stat. 733) is amended by striking “October 29, 2015,” and inserting “November 20, 2015,”.

SEC. 1102. EXTENSION OF FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION PROGRAMS.

(a) **MOTOR CARRIER SAFETY GRANTS.**—Section 31104(a)(11) of title 49, United States Code, is amended to read as follows:

“(11) \$30,377,049 for the period beginning on October 1, 2015, and ending on November 20, 2015.”

(b) **ADMINISTRATIVE EXPENSES.**—Section 31104(i)(1)(K) of title 49, United States Code, is amended to read as follows:

“(K) \$36,090,164 for the period beginning on October 1, 2015, and ending on November 20, 2015.”

(c) **GRANT PROGRAMS.**—

(1) **COMMERCIAL DRIVER’S LICENSE PROGRAM IMPROVEMENT GRANTS.**—Section 4101(c)(1) of SAFETEA–LU (119 Stat. 1715) is amended by striking “and \$2,377,049 for the period beginning on October 1, 2015, and ending on October 29, 2015” and inserting “and \$4,180,328 for the period beginning on October 1, 2015, and ending on November 20, 2015”.

(2) **BORDER ENFORCEMENT GRANTS.**—Section 4101(c)(2) of SAFETEA–LU (119 Stat. 1715) is amended by striking “and \$2,535,519 for the period beginning on October 1, 2015, and ending on October 29, 2015” and inserting “and \$4,459,016 for the period beginning on October 1, 2015, and ending on November 20, 2015”.

(3) **PERFORMANCE AND REGISTRATION INFORMATION SYSTEM MANAGEMENT GRANT PROGRAM.**—Section 4101(c)(3) of SAFETEA–LU (119 Stat. 1715) is amended by striking “and \$396,175 for the period beginning on October 1, 2015, and ending on October 29, 2015” and inserting “and \$696,721 for

the period beginning on October 1, 2015, and ending on November 20, 2015”.

(4) COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS DEPLOYMENT PROGRAM.—Section 4101(c)(4) of SAFETEA–LU (119 Stat. 1715) is amended by striking “and \$1,980,874 for the period beginning on October 1, 2015, and ending on October 29, 2015” and inserting “and \$3,483,607 for the period beginning on October 1, 2015, and ending on November 20, 2015”.

(5) SAFETY DATA IMPROVEMENT GRANTS.—Section 4101(c)(5) of SAFETEA–LU (119 Stat. 1715) is amended by striking “and \$237,705 for the period beginning on October 1, 2015, and ending on October 29, 2015” and inserting “and \$418,033 for the period beginning on October 1, 2015, and ending on November 20, 2015”.

(d) HIGH-PRIORITY ACTIVITIES.—Section 31104(k)(2) of title 49, United States Code, is amended by striking “and up to \$1,188,525 for the period beginning on October 1, 2015, and ending on October 29, 2015,” and inserting “and up to \$2,090,164 for the period beginning on October 1, 2015, and ending on November 20, 2015,”.

(e) NEW ENTRANT AUDITS.—Section 31144(g)(5)(B) of title 49, United States Code, is amended by striking “and up to \$2,535,519 for the period beginning on October 1, 2015, and ending on October 29, 2015,” and inserting “and up to \$4,459,016 for the period beginning on October 1, 2015, and ending on November 20, 2015,”.

(f) OUTREACH AND EDUCATION.—Section 4127(e) of SAFETEA–LU (119 Stat. 1741) is amended by striking “and \$316,940 to the Federal Motor Carrier Safety Administration for the period beginning on October 1, 2015, and ending on October 29, 2015,” and inserting “and \$557,377 to the Federal Motor Carrier Safety Administration for the period beginning on October 1, 2015, and ending on November 20, 2015,”.

(g) GRANT PROGRAM FOR COMMERCIAL MOTOR VEHICLE OPERATORS.—Section 4134(c) of SAFETEA–LU (49 U.S.C. 31301 note) is amended by striking “and \$79,235 for the period beginning on October 1, 2015, and ending on October 29, 2015,” and inserting “and \$139,344 for the period beginning on October 1, 2015, and ending on November 20, 2015,”.

49 USC 31301
note.

SEC. 1103. DINGELL-JOHNSON SPORT FISH RESTORATION ACT.

Section 4 of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c) is amended—

(1) in subsection (a) in the matter preceding paragraph (1) by striking “October 29, 2015” and inserting “November 20, 2015”; and

(2) in subsection (b)(1)(A) by striking “October 29, 2015,” and inserting “November 20, 2015,”.

Subtitle C—Public Transportation Programs

SEC. 1201. FORMULA GRANTS FOR RURAL AREAS.

Section 5311(c)(1) of title 49, United States Code, is amended—

(1) in subparagraph (A) by striking “and \$396,175 for the period beginning on October 1, 2015, and ending on October

29, 2015,” and inserting “and \$696,721 for the period beginning on October 1, 2015, and ending on November 20, 2015,”; and

(2) in subparagraph (B) by striking “and \$1,980,874 for the period beginning on October 1, 2015, and ending on October 29, 2015,” and inserting “and \$3,483,607 for the period beginning on October 1, 2015, and ending on November 20, 2015,”.

SEC. 1202. APPORTIONMENT OF APPROPRIATIONS FOR FORMULA GRANTS.

Section 5336(h)(1) of title 49, United States Code, is amended by striking “and \$2,377,049 for the period beginning on October 1, 2015, and ending on October 29, 2015,” and inserting “and \$4,180,328 for the period beginning on October 1, 2015, and ending on November 20, 2015,”.

SEC. 1203. AUTHORIZATIONS FOR PUBLIC TRANSPORTATION.

(a) FORMULA GRANTS.—Section 5338(a) of title 49, United States Code, is amended—

(1) in paragraph (1) by striking “and \$681,024,590 for the period beginning on October 1, 2015, and ending on October 29, 2015” and inserting “and \$1,197,663,934 for the period beginning on October 1, 2015, and ending on November 20, 2015”;

(2) in paragraph (2)—

(A) in subparagraph (A) by striking “and \$10,205,464 for the period beginning on October 1, 2015, and ending on October 29, 2015,” and inserting “and \$17,947,541 for the period beginning on October 1, 2015, and ending on November 20, 2015,”;

(B) in subparagraph (B) by striking “and \$792,350 for the period beginning on October 1, 2015, and ending on October 29, 2015,” and inserting “and \$1,393,443 for the period beginning on October 1, 2015, and ending on November 20, 2015,”;

(C) in subparagraph (C) by striking “and \$353,281,011 for the period beginning on October 1, 2015, and ending on October 29, 2015,” and inserting “and \$621,287,295 for the period beginning on October 1, 2015, and ending on November 20, 2015,”;

(D) in subparagraph (D) by striking “and \$20,466,393 for the period beginning on October 1, 2015, and ending on October 29, 2015,” and inserting “and \$35,992,623 for the period beginning on October 1, 2015, and ending on November 20, 2015,”;

(E) in subparagraph (E)—

(i) by striking “and \$48,159,016 for the period beginning on October 1, 2015, and ending on October 29, 2015,” and inserting “and \$84,693,443 for the period beginning on October 1, 2015, and ending on November 20, 2015,”;

(ii) by striking “and \$2,377,049 for the period beginning on October 1, 2015, and ending on October 29, 2015,” and inserting “and \$4,180,328 for the period beginning on October 1, 2015, and ending on November 20, 2015,”; and

(iii) by striking “and \$1,584,699 for the period beginning on October 1, 2015, and ending on October 29, 2015,” and inserting “and \$2,786,885 for the period

beginning on October 1, 2015, and ending on November 20, 2015.”;

(F) in subparagraph (F) by striking “and \$237,705 for the period beginning on October 1, 2015, and ending on October 29, 2015,” and inserting “and \$418,033 for the period beginning on October 1, 2015, and ending on November 20, 2015.”;

(G) in subparagraph (G) by striking “and \$396,175 for the period beginning on October 1, 2015, and ending on October 29, 2015,” and inserting “and \$696,721 for the period beginning on October 1, 2015, and ending on November 20, 2015.”;

(H) in subparagraph (H) by striking “and \$305,055 for the period beginning on October 1, 2015, and ending on October 29, 2015,” and inserting “and \$536,475 for the period beginning on October 1, 2015, and ending on November 20, 2015.”;

(I) in subparagraph (I) by striking “and \$171,615,027 for the period beginning on October 1, 2015, and ending on October 29, 2015,” and inserting “and \$301,805,738 for the period beginning on October 1, 2015, and ending on November 20, 2015.”;

(J) in subparagraph (J) by striking “and \$33,896,721 for the period beginning on October 1, 2015, and ending on October 29, 2015,” and inserting “and \$59,611,475 for the period beginning on October 1, 2015, and ending on November 20, 2015.”; and

(K) in subparagraph (K) by striking “and \$41,669,672 for the period beginning on October 1, 2015, and ending on October 29, 2015,” and inserting “and \$73,281,148 for the period beginning on October 1, 2015, and ending on November 20, 2015.”.

(b) RESEARCH, DEVELOPMENT DEMONSTRATION AND DEPLOYMENT PROJECTS.—Section 5338(b) of title 49, United States Code, is amended by striking “and \$5,546,448 for the period beginning on October 1, 2015, and ending on October 29, 2015” and inserting “and \$9,754,098 for the period beginning on October 1, 2015, and ending on November 20, 2015”.

(c) TRANSIT COOPERATIVE RESEARCH PROGRAM.—Section 5338(c) of title 49, United States Code, is amended by striking “and \$554,645 for the period beginning on October 1, 2015, and ending on October 29, 2015” and inserting “and \$975,410 for the period beginning on October 1, 2015, and ending on November 20, 2015”.

(d) TECHNICAL ASSISTANCE AND STANDARDS DEVELOPMENT.—Section 5338(d) of title 49, United States Code, is amended by striking “and \$554,645 for the period beginning on October 1, 2015, and ending on October 29, 2015” and inserting “and \$975,410 for the period beginning on October 1, 2015, and ending on November 20, 2015”.

(e) HUMAN RESOURCES AND TRAINING.—Section 5338(e) of title 49, United States Code, is amended by striking “and \$396,175 for the period beginning on October 1, 2015, and ending on October 29, 2015” and inserting “and \$696,721 for the period beginning on October 1, 2015, and ending on November 20, 2015”.

(f) CAPITAL INVESTMENT GRANTS.—Section 5338(g) of title 49, United States Code, is amended by striking “and \$151,101,093 for the period beginning on October 1, 2015, and ending on October

29, 2015” and inserting “and \$265,729,508 for the period beginning on October 1, 2015, and ending on November 20, 2015”.

(g) ADMINISTRATION.—Section 5338(h) of title 49, United States Code, is amended—

(1) in paragraph (1) by striking “and \$8,240,437 for the period beginning on October 1, 2015, and ending on October 29, 2015” and inserting “and \$14,491,803 for the period beginning on October 1, 2015, and ending on November 20, 2015”;

(2) in paragraph (2) by striking “and not less than \$396,175 for the period beginning on October 1, 2015, and ending on October 29, 2015,” and inserting “and not less than \$696,721 for the period beginning on October 1, 2015, and ending on November 20, 2015,”; and

(3) in paragraph (3) by striking “and not less than \$79,235 for the period beginning on October 1, 2015, and ending on October 29, 2015,” and inserting “and not less than \$139,344 for the period beginning on October 1, 2015, and ending on November 20, 2015.”.

SEC. 1204. BUS AND BUS FACILITIES FORMULA GRANTS.

Section 5339(d)(1) of title 49, United States Code, is amended—

(1) by striking “and \$5,189,891 for the period beginning on October 1, 2015, and ending on October 29, 2015,” and inserting “and \$9,127,049 for the period beginning on October 1, 2015, and ending on November 20, 2015,”;

(2) by striking “\$99,044 for such period” and inserting “\$174,180 for such period”; and

(3) by striking “\$39,617 for such period” and inserting “\$69,672 for such period”.

Subtitle D—Hazardous Materials

SEC. 1301. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 5128(a)(4) of title 49, United States Code, is amended to read as follows:

“(4) \$5,958,639 for the period beginning on October 1, 2015, and ending on November 20, 2015.”.

(b) HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS FUND.—Section 5128(b)(2) of title 49, United States Code, is amended to read as follows:

“(2) FISCAL YEAR 2016.—From the Hazardous Materials Emergency Preparedness Fund established under section 5116(i), the Secretary may expend for the period beginning on October 1, 2015, and ending on November 20, 2015—

“(A) \$26,197 to carry out section 5115;

“(B) \$3,037,705 to carry out subsections (a) and (b) of section 5116, of which not less than \$1,902,049 shall be available to carry out section 5116(b);

“(C) \$20,902 to carry out section 5116(f);

“(D) \$87,090 to publish and distribute the Emergency Response Guidebook under section 5116(i)(3); and

“(E) \$139,344 to carry out section 5116(j).”.

(c) HAZARDOUS MATERIALS TRAINING GRANTS.—Section 5128(c) of title 49, United States Code, is amended by striking “and \$316,940 for the period beginning on October 1, 2015, and ending

on October 29, 2015,” and inserting “and \$557,377 for the period beginning on October 1, 2015, and ending on November 20, 2015,”.

Positive Train
Control
Enforcement and
Implementation
Act of 2015.
49 USC 20101
note.

SEC. 1302. ENSURING SAFE IMPLEMENTATION OF POSITIVE TRAIN CONTROL SYSTEMS.

(a) **SHORT TITLE.**—This section may be cited as the “Positive Train Control Enforcement and Implementation Act of 2015”.

(b) **IN GENERAL.**—Section 20157 of title 49, United States Code, is amended—

(1) in subsection (a)(1)—

(A) by striking “18 months after the date of enactment of the Rail Safety Improvement Act of 2008” and inserting “90 days after the date of enactment of the Positive Train Control Enforcement and Implementation Act of 2015”;

(B) by striking “develop and”;

(C) by striking “a plan for implementing” and inserting “a revised plan for implementing”;

(D) by striking “December 31, 2015” and inserting “December 31, 2018”; and

(E) in subparagraph (B) by striking “parts” and inserting “sections”;

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

“(2) **IMPLEMENTATION.**—

“(A) **CONTENTS OF REVISED PLAN.**—A revised plan required under paragraph (1) shall—

“(i) describe—

“(I) how the positive train control system will provide for interoperability of the system with the movements of trains of other railroad carriers over its lines; and

“(II) how, to the extent practical, the positive train control system will be implemented in a manner that addresses areas of greater risk before areas of lesser risk;

“(ii) comply with the positive train control system implementation plan content requirements under section 236.1011 of title 49, Code of Federal Regulations; and

“(iii) provide—

“(I) the calendar year or years in which spectrum will be acquired and will be available for use in each area as needed for positive train control system implementation, if such spectrum is not already acquired and available for use;

“(II) the total amount of positive train control system hardware that will be installed for implementation, with totals separated by each major hardware category;

“(III) the total amount of positive train control system hardware that will be installed by the end of each calendar year until the positive train control system is implemented, with totals separated by each hardware category;

“(IV) the total number of employees required to receive training under the applicable positive train control system regulations;

Deadline.

“(V) the total number of employees that will receive the training, as required under the applicable positive train control system regulations, by the end of each calendar year until the positive train control system is implemented;

“(VI) a summary of any remaining technical, programmatic, operational, or other challenges to the implementation of a positive train control system, including challenges with—

“(aa) availability of public funding;

“(bb) interoperability;

“(cc) spectrum;

“(dd) software;

“(ee) permitting; and

“(ff) testing, demonstration, and certification; and

“(VII) a schedule and sequence for implementing a positive train control system by the deadline established under paragraph (1).

“(B) ALTERNATIVE SCHEDULE AND SEQUENCE.—Notwithstanding the implementation deadline under paragraph (1) and in lieu of a schedule and sequence under paragraph (2)(A)(iii)(VII), a railroad carrier or other entity subject to paragraph (1) may include in its revised plan an alternative schedule and sequence for implementing a positive train control system, subject to review under paragraph (3). Such schedule and sequence shall provide for implementation of a positive train control system as soon as practicable, but not later than the date that is 24 months after the implementation deadline under paragraph (1).

Deadline.

“(C) AMENDMENTS.—A railroad carrier or other entity subject to paragraph (1) may file a request to amend a revised plan, including any alternative schedule and sequence, as applicable, in accordance with section 236.1021 of title 49, Code of Federal Regulations.

“(D) COMPLIANCE.—A railroad carrier or other entity subject to paragraph (1) shall implement a positive train control system in accordance with its revised plan, including any amendments or any alternative schedule and sequence approved by the Secretary under paragraph (3).

“(3) SECRETARIAL REVIEW.—

“(A) NOTIFICATION.—A railroad carrier or other entity that submits a revised plan under paragraph (1) and proposes an alternative schedule and sequence under paragraph (2)(B) shall submit to the Secretary a written notification when such railroad carrier or other entity is prepared for review under subparagraph (B).

“(B) CRITERIA.—Not later than 90 days after a railroad carrier or other entity submits a notification under subparagraph (A), the Secretary shall review the alternative schedule and sequence submitted pursuant to paragraph (2)(B) and determine whether the railroad carrier or other entity has demonstrated, to the satisfaction of the Secretary, that such carrier or entity has—

Deadline.
Review.
Determination.

Certification.	<p>“(i) installed all positive train control system hardware consistent with the plan contents provided pursuant to paragraph (2)(A)(iii)(II) on or before the implementation deadline under paragraph (1);</p> <p>“(ii) acquired all spectrum necessary for implementation of a positive train control system, consistent with the plan contents provided pursuant to paragraph (2)(A)(iii)(I) on or before the implementation deadline under paragraph (1);</p> <p>“(iii) completed employee training required under the applicable positive train control system regulations;</p> <p>“(iv) included in its revised plan an alternative schedule and sequence for implementing a positive train control system as soon as practicable, pursuant to paragraph (2)(B);</p> <p>“(v) certified to the Secretary in writing that it will be in full compliance with the requirements of this section on or before the date provided in an alternative schedule and sequence, subject to approval by the Secretary;</p> <p>“(vi) in the case of a Class I railroad carrier and Amtrak, implemented a positive train control system or initiated revenue service demonstration on the majority of territories, such as subdivisions or districts, or route miles that are owned or controlled by such carrier and required to have operations governed by a positive train control system; and</p> <p>“(vii) in the case of any other railroad carrier or other entity not subject to clause (vi)—</p> <p style="padding-left: 20px;">“(I) initiated revenue service demonstration on at least 1 territory that is required to have operations governed by a positive train control system; or</p> <p style="padding-left: 20px;">“(II) met any other criteria established by the Secretary.</p>
Deadline.	<p>“(C) DECISION.—</p> <p>“(i) IN GENERAL.—Not later than 90 days after the receipt of the notification from a railroad carrier or other entity under subparagraph (A), the Secretary shall—</p> <p style="padding-left: 20px;">“(I) approve an alternative schedule and sequence submitted pursuant to paragraph (2)(B) if the railroad carrier or other entity meets the criteria in subparagraph (B); and</p>
Notification.	<p style="padding-left: 20px;">“(II) notify in writing the railroad carrier or other entity of the decision.</p>
Deadline. Notification.	<p>“(ii) DEFICIENCIES.—Not later than 45 days after the receipt of the notification under subparagraph (A), the Secretary shall provide to the railroad carrier or other entity a written notification of any deficiencies that would prevent approval under clause (i) and provide the railroad carrier or other entity an opportunity to correct deficiencies before the date specified in such clause.</p> <p>“(D) REVISED DEADLINES.—</p>

“(i) PENDING REVIEWS.—For a railroad carrier or other entity that submits a notification under subparagraph (A), the deadline for implementation of a positive train control system required under paragraph (1) shall be extended until the date on which the Secretary approves or disapproves the alternative schedule and sequence, if such date is later than the implementation date under paragraph (1).

“(ii) ALTERNATIVE SCHEDULE AND SEQUENCE DEADLINE.—If the Secretary approves a railroad carrier or other entity’s alternative schedule and sequence under subparagraph (C)(i), the railroad carrier or other entity’s deadline for implementation of a positive train control system required under paragraph (1) shall be the date specified in that railroad carrier or other entity’s alternative schedule and sequence. The Secretary may not approve a date for implementation that is later than 24 months from the deadline in paragraph (1).”;

(3) by striking subsections (c), (d), and (e) and inserting the following:

“(c) PROGRESS REPORTS AND REVIEW.—

“(1) PROGRESS REPORTS.—Each railroad carrier or other entity subject to subsection (a) shall, not later than March 31, 2016, and annually thereafter until such carrier or entity has completed implementation of a positive train control system, submit to the Secretary a report on the progress toward implementing such systems, including—

“(A) the information on spectrum acquisition provided pursuant to subsection (a)(2)(A)(iii)(I);

“(B) the totals provided pursuant to subclauses (III) and (V) of subsection (a)(2)(A)(iii), by territory, if applicable;

“(C) the extent to which the railroad carrier or other entity is complying with the implementation schedule under subsection (a)(2)(A)(iii)(VII) or subsection (a)(2)(B);

“(D) any update to the information provided under subsection (a)(2)(A)(iii)(VI);

“(E) for each entity providing regularly scheduled intercity or commuter rail passenger transportation, a description of the resources identified and allocated to implement a positive train control system;

“(F) for each railroad carrier or other entity subject to subsection (a), the total number of route miles on which a positive train control system has been initiated for revenue service demonstration or implemented, as compared to the total number of route miles required to have a positive train control system under subsection (a); and

“(G) any other information requested by the Secretary.

“(2) PLAN REVIEW.—The Secretary shall at least annually conduct reviews to ensure that railroad carriers or other entities are complying with the revised plan submitted under subsection (a), including any amendments or any alternative schedule and sequence approved by the Secretary. Such railroad carriers or other entities shall provide such information as the Secretary determines necessary to adequately conduct such reviews.

“(3) PUBLIC AVAILABILITY.—Not later than 60 days after receipt, the Secretary shall make available to the public on

Web posting.

the Internet Web site of the Department of Transportation any report submitted pursuant to paragraph (1) or subsection (d), but may exclude, as the Secretary determines appropriate—

“(A) proprietary information; and

“(B) security-sensitive information, including information described in section 1520.5(a) of title 49, Code of Federal Regulations.

“(d) REPORT TO CONGRESS.—Not later than July 1, 2018, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the progress of each railroad carrier or other entity subject to subsection (a) in implementing a positive train control system.

Assessment.

“(e) ENFORCEMENT.—The Secretary is authorized to assess civil penalties pursuant to chapter 213 for—

“(1) a violation of this section;

“(2) the failure to submit or comply with the revised plan required under subsection (a), including the failure to comply with the totals provided pursuant to subclauses (III) and (V) of subsection (a)(2)(A)(iii) and the spectrum acquisition dates provided pursuant to subsection (a)(2)(A)(iii)(I);

“(3) failure to comply with any amendments to such revised plan pursuant to subsection (a)(2)(C); and

“(4) the failure to comply with an alternative schedule and sequence submitted under subsection (a)(2)(B) and approved by the Secretary under subsection (a)(3)(C).”;

(4) in subsection (h)—

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

“(1) IN GENERAL.—The Secretary”; and

(B) by adding at the end the following:

“(2) PROVISIONAL OPERATION.—Notwithstanding the requirements of paragraph (1), the Secretary may authorize a railroad carrier or other entity to commence operation in revenue service of a positive train control system or component to the extent necessary to enable the safe implementation and operation of a positive train control system in phases.”;

(5) in subsection (i)—

(A) by redesignating paragraphs (1) through (3) as paragraphs (3) through (5), respectively; and

(B) by inserting before paragraph (3) (as so redesignated) the following:

Definitions.

“(1) EQUIVALENT OR GREATER LEVEL OF SAFETY.—The term ‘equivalent or greater level of safety’ means the compliance of a railroad carrier with—

“(A) appropriate operating rules in place immediately prior to the use or implementation of such carrier’s positive train control system, except that such rules may be changed by such carrier to improve safe operations; and

“(B) all applicable safety regulations, except as specified in subsection (j).

“(2) HARDWARE.—The term ‘hardware’ means a locomotive apparatus, a wayside interface unit (including any associated legacy signal system replacements), switch position monitors needed for a positive train control system, physical back office system equipment, a base station radio, a wayside radio, a locomotive radio, or a communication tower or pole.”; and

(6) by adding at the end the following:

“(j) EARLY ADOPTION.—

“(1) OPERATIONS.—From the date of enactment of the Positive Train Control Enforcement and Implementation Act of 2015 through the 1-year period beginning on the date on which the last Class I railroad carrier’s positive train control system subject to subsection (a) is certified by the Secretary under subsection (h)(1) of this section and is implemented on all of that railroad carrier’s lines required to have operations governed by a positive train control system, any railroad carrier, including any railroad carrier that has its positive train control system certified by the Secretary, shall not be subject to the operational restrictions set forth in sections 236.567 and 236.1029 of title 49, Code of Federal Regulations, that would apply where a controlling locomotive that is operating in, or is to be operated in, a positive train control-equipped track segment experiences a positive train control system failure, a positive train control operated consist is not provided by another railroad carrier when provided in interchange, or a positive train control system otherwise fails to initialize, cuts out, or malfunctions, provided that such carrier operates at an equivalent or greater level of safety than the level achieved immediately prior to the use or implementation of its positive train control system.

Certification.

“(2) SAFETY ASSURANCE.—During the period described in paragraph (1), if a positive train control system that has been certified and implemented fails to initialize, cuts out, or malfunctions, the affected railroad carrier or other entity shall make reasonable efforts to determine the cause of the failure and adjust, repair, or replace any faulty component causing the system failure in a timely manner.

Determination.

“(3) PLANS.—The positive train control safety plan for each railroad carrier or other entity shall describe the safety measures, such as operating rules and actions to comply with applicable safety regulations, that will be put in place during any system failure.

“(4) NOTIFICATION.—During the period described in paragraph (1), if a positive train control system that has been certified and implemented fails to initialize, cuts out, or malfunctions, the affected railroad carrier or other entity shall submit a notification to the appropriate regional office of the Federal Railroad Administration within 7 days of the system failure, or under alternative location and deadline requirements set by the Secretary, and include in the notification a description of the safety measures the affected railroad carrier or other entity has in place.

Deadline.

“(k) SMALL RAILROADS.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall amend section 236.1006(b)(4)(iii)(B) of title 49, Code of Federal Regulations (relating to equipping locomotives for applicable Class II and Class III railroads operating in positive train control territory) to extend each deadline under such section by 3 years.

Deadline.

“(l) REVENUE SERVICE DEMONSTRATION.—When a railroad carrier or other entity subject to (a)(1) notifies the Secretary it is prepared to initiate revenue service demonstration, it shall also notify any applicable tenant railroad carrier or other entity subject to subsection (a)(1).”.

Notification.

- 49 USC 20157. (c) CONFORMING AMENDMENT.—Section 20157(g), is amended—
 (1) by striking “The Secretary” and inserting the following:
 “(1) IN GENERAL.—The Secretary”; and
 (2) by adding at the end the following:
 “(2) CONFORMING REGULATORY AMENDMENTS.—Immediately
 after the date of the enactment of the Positive Train Control
 Enforcement and Implementation Act of 2015, the Secretary—
 “(A) shall remove or revise the date-specific deadlines
 in the regulations or orders implementing this section to
 the extent necessary to conform with the amendments
 made by such Act; and
 “(B) may not enforce any such date-specific deadlines
 or requirements that are inconsistent with the amendments
 made by such Act.
 “(3) REVIEW.—Nothing in the Positive Train Control
 Enforcement and Implementation Act of 2015, or the amend-
 ments made by such Act, shall be construed to require the
 Secretary to issue regulations to implement such Act or amend-
 ments other than the regulatory amendments required by para-
 graph (2) and subsection (k).”
- Deadlines.

TITLE II—REVENUE PROVISIONS

SEC. 2001. EXTENSION OF HIGHWAY TRUST FUND EXPENDITURE AUTHORITY.

- 26 USC 9503. (a) HIGHWAY TRUST FUND.—Section 9503 of the Internal Revenue Code of 1986 is amended—
 (1) by striking “October 30, 2015” in subsections (b)(6)(B), (c)(1), and (e)(3) and inserting “November 21, 2015”, and
 (2) by striking “Surface Transportation and Veterans Health Care Choice Improvement Act of 2015” in subsections (c)(1) and (e)(3) and inserting “Surface Transportation Extension Act of 2015”.
 (b) SPORT FISH RESTORATION AND BOATING TRUST FUND.—Section 9504 of such Code is amended—
 (1) by striking “Surface Transportation and Veterans Health Care Choice Improvement Act of 2015” each place it appears in subsection (b)(2) and inserting “Surface Transportation Extension Act of 2015”, and
 (2) by striking “October 30, 2015” in subsection (d)(2) and inserting “November 21, 2015”.

(c) LEAKING UNDERGROUND STORAGE TANK TRUST FUND.—Section 9508(e)(2) of such Code is amended by striking “October 30, 2015” and inserting “November 21, 2015”. 26 USC 9508.

Approved October 29, 2015.

LEGISLATIVE HISTORY—H.R. 3819 (S. 1350):

CONGRESSIONAL RECORD, Vol. 161 (2015):

Oct. 27, considered and passed House.

Oct. 28, considered and passed Senate.

Public Law 114–74
114th Congress

An Act

Nov. 2, 2015
[H.R. 1314]

To amend the Internal Revenue Code of 1986 to provide for a right to an administrative appeal relating to adverse determinations of tax-exempt status of certain organizations.

Bipartisan
Budget Act
of 2015.
26 USC 1 note.

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Bipartisan Budget Act of 2015”.

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

Sec. 1. Short title; table of contents.

TITLE I—BUDGET ENFORCEMENT

Sec. 101. Amendments to the Balanced Budget and Emergency Deficit Control Act of 1985.

Sec. 102. Authority for fiscal year 2017 budget resolution in the Senate.

TITLE II—AGRICULTURE

Sec. 201. Standard Reinsurance Agreement.

TITLE III—COMMERCE

Sec. 301. Debt collection improvements.

TITLE IV—STRATEGIC PETROLEUM RESERVE

Sec. 401. Strategic Petroleum Reserve test drawdown and sale notification and definition change.

Sec. 402. Strategic Petroleum Reserve mission readiness optimization.

Sec. 403. Strategic Petroleum Reserve drawdown and sale.

Sec. 404. Energy Security and Infrastructure Modernization Fund.

TITLE V—PENSIONS

Sec. 501. Single employer plan annual premium rates.

Sec. 502. Pension Payment Acceleration.

Sec. 503. Mortality tables.

Sec. 504. Extension of current funding stabilization percentages to 2018, 2019, and 2020.

TITLE VI—HEALTH CARE

Sec. 601. Maintaining 2016 Medicare part B premium and deductible levels consistent with actuarially fair rates.

Sec. 602. Applying the Medicaid additional rebate requirement to generic drugs.

Sec. 603. Treatment of off-campus outpatient departments of a provider.

Sec. 604. Repeal of automatic enrollment requirement.

TITLE VII—JUDICIARY

Sec. 701. Civil monetary penalty inflation adjustments.

Sec. 702. Crime Victims Fund.

Sec. 703. Assets Forfeiture Fund.

TITLE VIII—SOCIAL SECURITY

Sec. 801. Short title.

Subtitle A—Ensuring Correct Payments and Reducing Fraud

- Sec. 811. Expansion of cooperative disability investigations units.
- Sec. 812. Exclusion of certain medical sources of evidence.
- Sec. 813. New and stronger penalties.
- Sec. 814. References to Social Security and Medicare in electronic communications.
- Sec. 815. Change to cap adjustment authority.

Subtitle B—Promoting Opportunity for Disability Beneficiaries

- Sec. 821. Temporary reauthorization of disability insurance demonstration project authority.
- Sec. 822. Modification of demonstration project authority.
- Sec. 823. Promoting opportunity demonstration project.
- Sec. 824. Use of electronic payroll data to improve program administration.
- Sec. 825. Treatment of earnings derived from services.
- Sec. 826. Electronic reporting of earnings.

Subtitle C—Protecting Social Security Benefits

- Sec. 831. Closure of unintended loopholes.
- Sec. 832. Requirement for medical review.
- Sec. 833. Reallocation of payroll tax revenue.
- Sec. 834. Access to financial information for waivers and adjustments of recovery.

Subtitle D—Relieving Administrative Burdens and Miscellaneous Provisions

- Sec. 841. Interagency coordination to improve program administration.
- Sec. 842. Elimination of quinquennial determinations relating to wage credits for military service prior to 1957.
- Sec. 843. Certification of benefits payable to a divorced spouse of a railroad worker to the Railroad Retirement Board.
- Sec. 844. Technical amendments to eliminate obsolete provisions.
- Sec. 845. Reporting requirements to Congress.
- Sec. 846. Expedited examination of administrative law judges.

TITLE IX—TEMPORARY EXTENSION OF PUBLIC DEBT LIMIT

- Sec. 901. Temporary extension of public debt limit.
- Sec. 902. Restoring congressional authority over the national debt.

TITLE X—SPECTRUM PIPELINE

- Sec. 1001. Short title.
- Sec. 1002. Definitions.
- Sec. 1003. Rule of construction.
- Sec. 1004. Identification, reallocation, and auction of Federal spectrum.
- Sec. 1005. Additional uses of Spectrum Relocation Fund.
- Sec. 1006. Plans for auction of certain spectrum.
- Sec. 1007. FCC auction authority.
- Sec. 1008. Reports to Congress.

TITLE XI—REVENUE PROVISIONS RELATED TO TAX COMPLIANCE

- Sec. 1101. Partnership audits and adjustments.
- Sec. 1102. Partnership interests created by gift.

TITLE XII—DESIGNATION OF SMALL HOUSE ROTUNDA

- Sec. 1201. Designating small House rotunda as “Freedom Foyer”.

TITLE I—BUDGET ENFORCEMENT

SEC. 101. AMENDMENTS TO THE BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985.

(a) REVISED DISCRETIONARY SPENDING LIMITS.—Section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(c)) is amended by striking paragraphs (3) and (4) and inserting the following:

“(3) for fiscal year 2016—

“(A) for the revised security category, \$548,091,000,000 in new budget authority; and

“(B) for the revised nonsecurity category \$518,491,000,000 in new budget authority;

“(4) for fiscal year 2017—

“(A) for the revised security category, \$551,068,000,000 in new budget authority; and

“(B) for the revised nonsecurity category, \$518,531,000,000 in new budget authority;”.

(b) DIRECT SPENDING ADJUSTMENTS FOR FISCAL YEARS 2016 AND 2017.—Section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a), is amended—

(1) in paragraph (5)(B), by striking “paragraph (10)” and inserting “paragraphs (10) and (11)”; and

(2) by adding at the end the following:

“(11) IMPLEMENTING DIRECT SPENDING REDUCTIONS FOR FISCAL YEARS 2016 AND 2017.—(A) OMB shall make the calculations necessary to implement the direct spending reductions calculated pursuant to paragraphs (3) and (4) without regard to the amendment made to section 251(c) revising the discretionary spending limits for fiscal years 2016 and 2017 by the Bipartisan Budget Act of 2015.

“(B) Paragraph (5)(B) shall not be implemented for fiscal years 2016 and 2017.”.

(c) EXTENSION OF DIRECT SPENDING REDUCTIONS FOR FISCAL YEAR 2025.—Section 251A(6) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a(6)) is amended—

(1) in subparagraph (B), in the matter preceding clause (i), by striking “and for fiscal year 2024” and by inserting “for fiscal year 2024, and for fiscal year 2025”; and

(2) by striking subparagraph (C) and redesignating subparagraph (D) as subparagraph (C); and

(3) in subparagraph (C) (as so redesignated), by striking “fiscal year 2024” and inserting “fiscal year 2025”.

(d) OVERSEAS CONTINGENCY OPERATIONS AMOUNTS.—In fiscal years 2016 and 2017, the adjustments under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)) for Overseas Contingency Operations/Global War on Terrorism appropriations will be as follows:

(1) For budget function 150—

(A) for fiscal year 2016, \$14,895,000,000; and

(B) for fiscal year 2017, \$14,895,000,000.

(2) For budget function 050—

(A) for fiscal year 2016, \$58,798,000,000; and

(B) for fiscal year 2017, \$58,798,000,000.

This subsection shall not affect the applicability of section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 102. AUTHORITY FOR FISCAL YEAR 2017 BUDGET RESOLUTION IN THE SENATE.

Applicability.

(a) FISCAL YEAR 2017.—For the purpose of enforcing the Congressional Budget Act of 1974, after April 15, 2016, and enforcing budgetary points of order in prior concurrent resolutions on the budget, the allocations, aggregates, and levels provided for in subsection (b) shall apply in the Senate in the same manner as for a concurrent resolution on the budget for fiscal year 2017 with appropriate budgetary levels for fiscal years 2018 through 2026.

(b) COMMITTEE ALLOCATIONS, AGGREGATES, AND LEVELS.—After April 15, 2016, but not later than May 15, 2016, the Chairman of the Committee on the Budget of the Senate shall file—

Deadlines.
Time period.

(1) for the Committee on Appropriations, committee allocations for fiscal year 2017 consistent with discretionary spending limits set forth in section 251(c)(4) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended by this Act, for the purpose of enforcing section 302 of the Congressional Budget Act of 1974;

(2) for all committees other than the Committee on Appropriations, committee allocations for fiscal years 2017, 2017 through 2021, and 2017 through 2026 consistent with the most recent baseline of the Congressional Budget Office, as adjusted for the budgetary effects of any provision of law enacted during the period beginning on the date such baseline is issued and ending on the date of submission of such statement, for the purpose of enforcing section 302 of the Congressional Budget Act of 1974;

(3) aggregate spending levels for fiscal year 2017 in accordance with the allocations established under paragraphs (1) and (2), for the purpose of enforcing section 311 of the Congressional Budget Act of 1974;

(4) aggregate revenue levels for fiscal years 2017, 2017 through 2021, and 2017 through 2026 consistent with the most recent baseline of the Congressional Budget Office, as adjusted for the budgetary effects of any provision of law enacted during the period beginning on the date such baseline is issued and ending on the date of submission of such statement, for the purpose of enforcing section 311 of the Congressional Budget Act of 1974; and

(5) levels of Social Security revenues and outlays for fiscal years 2017, 2017 through 2021, and 2017 through 2026 consistent with the most recent baseline of the Congressional Budget Office, as adjusted for the budgetary effects of any provision of law enacted during the period beginning on the date such baseline is issued and ending on the date of submission of such statement, for the purpose of enforcing sections 302 and 311 of the Congressional Budget Act of 1974.

(c) ADDITIONAL MATTER.—The filing referred to in subsection (b) may also include for fiscal year 2017 the matter contained in subtitles A and B of title IV of S. Con. Res. 11 (114th Congress) updated by 1 fiscal year.

(d) EXPIRATION.—This section shall expire if a concurrent resolution on the budget for fiscal year 2017 is agreed to by the Senate and the House of Representatives pursuant to section 301 of the Congressional Budget Act of 1974.

TITLE II—AGRICULTURE

SEC. 201. STANDARD REINSURANCE AGREEMENT.

Section 508(k)(8) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)(8)) is amended—

(1) in subparagraph (A), in the matter preceding clause (i), by striking “may renegotiate” and all that follows through

the end of clause (ii) and inserting the following: “shall renegotiate the financial terms and conditions of each Standard Reinsurance Agreement—

Deadline. “(i) not later than December 31, 2016; and
“(ii) not less than once during each period of 5 reinsurance years thereafter.”; and
(2) by striking subparagraph (E) and inserting the following:
“(E) CAP ON OVERALL RATE OF RETURN.—Notwithstanding subparagraph (F), the Board shall ensure that the Standard Reinsurance Agreement renegotiated under subparagraph (A)(i) establishes a target rate of return for the approved insurance providers, taken as a whole, that does not exceed 8.9 percent of retained premium for each of the 2017 through 2026 reinsurance years.”.

TITLE III—COMMERCE

SEC. 301. DEBT COLLECTION IMPROVEMENTS.

(a) IN GENERAL.—Section 227(b) of the Communications Act of 1934 (47 U.S.C. 227(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)(iii), by inserting “, unless such call is made solely to collect a debt owed to or guaranteed by the United States” after “charged for the call”; and

(B) in subparagraph (B), by inserting “, is made solely pursuant to the collection of a debt owed to or guaranteed by the United States,” after “purposes”; and

(2) in paragraph (2)—

(A) in subparagraph (F), by striking “and” at the end;

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

(C) by adding at the end the following:
“(H) may restrict or limit the number and duration of calls made to a telephone number assigned to a cellular telephone service to collect a debt owed to or guaranteed by the United States.”.

(b) DEADLINE FOR REGULATIONS.—Not later than 9 months after the date of enactment of this Act, the Federal Communications Commission, in consultation with the Department of the Treasury, shall prescribe regulations to implement the amendments made by this section.

Consultation.
47 USC 227 note.

TITLE IV—STRATEGIC PETROLEUM RESERVE

SEC. 401. STRATEGIC PETROLEUM RESERVE TEST DRAWDOWN AND SALE NOTIFICATION AND DEFINITION CHANGE.

(a) NOTICE TO CONGRESS.—Section 161(g) of the Energy Policy and Conservation Act (42 U.S.C. 6241(g)) is amended by striking paragraph (8) and inserting the following:
“(8) NOTICE TO CONGRESS.—
“(A) PRIOR NOTICE.—Not less than 14 days before the date on which a test is carried out under this subsection,

Deadline.

the Secretary shall notify both Houses of Congress of the test.

“(B) EMERGENCY.—The prior notice requirement in subparagraph (A) shall not apply if the Secretary determines that an emergency exists which requires a test to be carried out, in which case the Secretary shall notify both Houses of Congress of the test as soon as possible. Determination.

“(C) DETAILED DESCRIPTION.—

“(i) IN GENERAL.—Not later than 180 days after the date on which a test is completed under this subsection, the Secretary shall submit to both Houses of Congress a detailed description of the test. Deadline.

“(ii) REPORT.—A detailed description submitted under clause (i) may be included as part of a report made to the President and Congress under section 165.”.

(b) DEFINITION CHANGE.—Section 3(8)(C)(iii) of the Energy Policy and Conservation Act (42 U.S.C. 6202(8)(C)(iii)) is amended by striking “sabotage or an act of God” and inserting “sabotage, an act of terrorism, or an act of God”.

SEC. 402. STRATEGIC PETROLEUM RESERVE MISSION READINESS OPTIMIZATION. Deadline. Review. Plans. Proposed schedule.

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

(1) complete a long-range strategic review of the Strategic Petroleum Reserve; and

(2) develop and submit to Congress a proposed action plan, including a proposed implementation schedule, that—

(A) specifies near- and long-term roles of the Strategic Petroleum Reserve relative to the energy and economic security goals and objectives of the United States;

(B) describes whether existing legal authorities that govern the policies, configuration, and capabilities of the Strategic Petroleum Reserve are adequate to ensure that the Strategic Petroleum Reserve can meet the current and future energy and economic security goals and objectives of the United States;

(C) identifies the configuration and performance capabilities of the Strategic Petroleum Reserve and recommends an action plan to achieve the optimal—

(i) capacity, location, and composition of petroleum products in the Strategic Petroleum Reserve; and

(ii) storage and distributional capabilities; and

(D) estimates the resources required to attain and maintain the long-term sustainability and operational effectiveness of the Strategic Petroleum Reserve.

SEC. 403. STRATEGIC PETROLEUM RESERVE DRAWDOWN AND SALE. 42 USC 6241.

(a) DRAWDOWN AND SALE.—Notwithstanding section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241), except as provided in subsection (b), the Secretary of Energy shall draw down and sell—

(1) 5,000,000 barrels of crude oil from the Strategic Petroleum Reserve during fiscal year 2018;

(2) 5,000,000 barrels of crude oil from the Strategic Petroleum Reserve during fiscal year 2019;

(3) 5,000,000 barrels of crude oil from the Strategic Petroleum Reserve during fiscal year 2020;

(4) 5,000,000 barrels of crude oil from the Strategic Petroleum Reserve during fiscal year 2021;

(5) 8,000,000 barrels of crude oil from the Strategic Petroleum Reserve during fiscal year 2022;

(6) 10,000,000 barrels of crude oil from the Strategic Petroleum Reserve during fiscal year 2023;

(7) 10,000,000 barrels of crude oil from the Strategic Petroleum Reserve during fiscal year 2024; and

(8) 10,000,000 barrels of crude oil from the Strategic Petroleum Reserve during fiscal year 2025.

(b) EMERGENCY PROTECTION.—The Secretary shall not draw down and sell crude oil under this section in amounts that would limit the authority to sell petroleum products under section 161(h) of the Energy Policy and Conservation Act (42 U.S.C. 6241(h)) in the full amount authorized by that subsection.

(c) PROCEEDS.—Proceeds from a sale under this section shall be deposited into the general fund of the Treasury during the fiscal year in which the sale occurs.

42 USC 6239
note.

SEC. 404. ENERGY SECURITY AND INFRASTRUCTURE MODERNIZATION FUND.

(a) ESTABLISHMENT.—There is hereby established in the Treasury of the United States a fund to be known as the Energy Security and Infrastructure Modernization Fund (referred to in this section as the “Fund”), consisting of—

(1) collections deposited in the Fund under subsection (c); and

(2) amounts otherwise appropriated to the Fund.

(b) PURPOSE.—The purpose of the Fund is to provide for the construction, maintenance, repair, and replacement of Strategic Petroleum Reserve facilities.

(c) COLLECTION AND DEPOSIT OF SALE PROCEEDS IN FUND.—

(1) DRAWDOWN AND SALE.—Notwithstanding section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241), to the extent provided in advance in appropriation Acts, the Secretary of Energy shall draw down and sell crude oil from the Strategic Petroleum Reserve in amounts as authorized under subsection (e), except as provided in paragraph (2). Amounts received for a sale under this paragraph shall be deposited into the Fund during the fiscal year in which the sale occurs. Such amounts shall remain available in the Fund without fiscal year limitation.

(2) EMERGENCY PROTECTION.—The Secretary shall not draw down and sell crude oil under this subsection in amounts that would limit the authority to sell petroleum products under section 161(h) of the Energy Policy and Conservation Act (42 U.S.C. 6241(h)) in the full amount authorized by that subsection.

(d) AUTHORIZED USES OF FUND.—

(1) IN GENERAL.—Amounts in the Fund may be used for, or may be credited as offsetting collections for amounts used for, carrying out the program described in paragraph (2)(B), to the extent provided in advance in appropriation Acts.

(2) PROGRAM TO MODERNIZE THE STRATEGIC PETROLEUM RESERVE.—

(A) FINDINGS.—Congress finds the following:

(i) The Strategic Petroleum Reserve is one of the Nation's most valuable energy security assets.

(ii) The age and condition of the Strategic Petroleum Reserve have diminished its value as a Federal energy security asset.

(iii) Global oil markets and the location and amount of United States oil production and refining capacity have dramatically changed in the 40 years since the establishment of the Strategic Petroleum Reserve.

(iv) Maximizing the energy security value of the Strategic Petroleum Reserve requires a modernized infrastructure that meets the drawdown and distribution needs of changed domestic and international oil and refining market conditions.

(B) PROGRAM.—The Secretary of Energy shall establish a Strategic Petroleum Reserve modernization program to protect the United States economy from the impacts of emergency product supply disruptions. The program may include—

(i) operational improvements to extend the useful life of surface and subsurface infrastructure;

(ii) maintenance of cavern storage integrity; and

(iii) addition of infrastructure and facilities to optimize the drawdown and incremental distribution capacity of the Strategic Petroleum Reserve.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated (and drawdowns and sales under subsection (c) in an equal amount are authorized) for carrying out subsection (d)(2)(B), \$2,000,000,000 for the period encompassing fiscal years 2017 through 2020.

(f) TRANSMISSION OF DEPARTMENT BUDGET REQUESTS.—The Secretary of Energy shall prepare and submit in the Department's annual budget request to Congress—

(1) an itemization of the amounts of funds necessary to carry out subsection (d); and

(2) a designation of any activities thereunder for which a multiyear budget authority would be appropriate.

(g) SUNSET.—The authority of the Secretary to draw down and sell crude oil from the Strategic Petroleum Reserve under this section shall expire at the end of fiscal year 2020.

TITLE V—PENSIONS

SEC. 501. SINGLE EMPLOYER PLAN ANNUAL PREMIUM RATES.

Time periods.

(a) FLAT-RATE PREMIUM.—

(1) IN GENERAL.—Section 4006(a)(3)(A)(i) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1306(a)(3)(A)(i)) is amended by striking “and” at the end of subclause (IV), by striking the period at the end of subclause (V) and inserting a semicolon, and by inserting after subclause (V) the following:

“(VI) for plan years beginning after December 31, 2016, and before January 1, 2018, \$69;

“(VII) for plan years beginning after December 31, 2017, and before January 1, 2019, \$74; and
“(VIII) for plan years beginning after December 31, 2018, \$80.”.

(2) PREMIUM RATES AFTER 2019.—Section 4006(a)(3)(G) of such Act (29 U.S.C. 1306(a)(3)(G)) is amended—

(A) in the matter preceding clause (i), by striking “2016” and inserting “2019”; and

(B) in clause (i)(II) by striking “2014” and inserting “2017”.

(b) VARIABLE-RATE PREMIUM INCREASES.—

(1) IN GENERAL.—Section 4006(a)(8)(C) of such Act (29 U.S.C. 1306(a)(8)(C)) is amended—

(A) in the subparagraph heading, by striking “increase in 2014 and 2015” and inserting “increases”;

(B) in clause (ii), by striking “and” at the end;

(C) in clause (iii), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

“(iv) in the case of plan years beginning in calendar year 2017, by \$3;

“(v) in the case of plan years beginning in calendar year 2018, by \$4; and

“(vi) in the case of plan years beginning in calendar year 2019, by \$4.”.

(2) CONFORMING AMENDMENTS.—Section 4006(a)(8) of such Act (29 U.S.C. 1306(a)(8)) is amended—

(A) in subparagraph (A)—

(i) in clause (iii), by striking “and” at the end;

(ii) in clause (iv), by striking the period at the end and inserting a semicolon; and

(iii) by adding at the end the following:

“(v) for plan years beginning after calendar year 2017, the amount in effect for plan years beginning in 2017 (determined after application of subparagraph (C));

“(vi) for plan years beginning after calendar year 2018, the amount in effect for plan years beginning in 2018 (determined after application of subparagraph (C)); and

“(vii) for plan years beginning after calendar year 2019, the amount in effect for plan years beginning in 2019 (determined after application of subparagraph (C)).”; and

(B) in subparagraph (D)—

(i) in clause (iii), by striking “and” at the end;

(ii) in clause (iv), by striking the period at the end and inserting a semicolon; and

(iii) by adding at the end the following:

“(v) 2015, in the case of plan years beginning after calendar year 2017;

“(vi) 2016, in the case of plan years beginning after calendar year 2018; and

“(vii) 2017, in the case of plan years beginning after calendar year 2019.”.

(3) **EFFECTIVE DATE.**—The amendments made by this section shall apply to plan years beginning after December 31, 2016. 29 USC 1306 note.

SEC. 502. PENSION PAYMENT ACCELERATION.

Notwithstanding section 4007(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1307(a)) and section 4007.11 of title 29, Code of Federal Regulations, for plan years commencing after December 31, 2024, and before January 1, 2026, the premium due date for such plan years shall be the fifteenth day of the ninth calendar month that begins on or after the first day of the premium payment year.

Time periods.
29 USC 1307 note.

SEC. 503. MORTALITY TABLES.

(a) **CREDIBILITY.**—For purposes of subclause (I) of section 430(h)(3)(C)(iii) of the Internal Revenue Code of 1986 and subclause (I) of section 303(h)(3)(C)(iii) of the Employee Retirement Income Security Act of 1974, the determination of whether plans have credible information shall be made in accordance with established actuarial credibility theory, which—

Determination.
26 USC 430 note.

(1) is materially different from rules under such section of such Code, including Revenue Procedure 2007-37, that are in effect on the date of the enactment of this Act; and

(2) permits the use of tables that reflect adjustments to the tables described in subparagraphs (A) and (B) of section 430(h)(3) of such Code, and subparagraphs (A) and (B) of section 303(h)(3) of such Act, if such adjustments are based on the experience described in subclause (II) of section 430(h)(3)(C)(iii) of such Code and in subclause (II) of section 303(h)(3)(C)(iii) of such Act.

(b) **EFFECTIVE DATE.**—This section shall apply to plan years beginning after December 31, 2015.

SEC. 504. EXTENSION OF CURRENT FUNDING STABILIZATION PERCENTAGES TO 2018, 2019, AND 2020.

(a) **FUNDING STABILIZATION UNDER THE INTERNAL REVENUE CODE OF 1986.**—The table in subclause (II) of section 430(h)(2)(C)(iv) of the Internal Revenue Code of 1986 is amended to read as follows:

26 USC 430.

“If the calendar year is:	The applicable minimum percentage is:	The applicable maximum percentage is:
2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, or 2020.	90%	110%
2021	85%	115%
2022	80%	120%
2023	75%	125%
After 2023	70%	130%”.

(b) **FUNDING STABILIZATION UNDER EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.**—

(1) **IN GENERAL.**—The table in subclause (II) of section 303(h)(2)(C)(iv) of the Employee Retirement Income Security

Act of 1974 (29 U.S.C. 1083(h)(2)(C)(iv)) is amended to read as follows:

“If the calendar year is:	The applicable minimum percentage is:	The applicable maximum percentage is:
2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, or 2020.	90%	110%
2021	85%	115%
2022	80%	120%
2023	75%	125%
After 2023	70%	130%”.

(2) CONFORMING AMENDMENTS.—

(A) IN GENERAL.—Section 101(f)(2)(D) of such Act (29 U.S.C. 1021(f)(2)(D)) is amended—

(i) in clause (i) by striking “and the Highway and Transportation Funding Act of 2014” both places it appears and inserting “, the Highway and Transportation Funding Act of 2014, and the Bipartisan Budget Act of 2015”; and

(ii) in clause (ii) by striking “2020” and inserting “2023”.

(B) STATEMENTS.—The Secretary of Labor shall modify the statements required under subclauses (I) and (II) of section 101(f)(2)(D)(i) of such Act to conform to the amendments made by this section.

26 USC 430 note.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to plan years beginning after December 31, 2015.

TITLE VI—HEALTH CARE

SEC. 601. MAINTAINING 2016 MEDICARE PART B PREMIUM AND DEDUCTIBLE LEVELS CONSISTENT WITH ACTUARIALLY FAIR RATES.

(a) 2016 PREMIUM AND DEDUCTIBLE AND REPAYMENT THROUGH FUTURE PREMIUMS.—Section 1839(a) of the Social Security Act (42 U.S.C. 1395r(a)) is amended—

(1) in the second sentence of paragraph (1), by striking “Such” and inserting “Subject to paragraphs (5) and (6), such”; and

(2) by adding at the end the following:

Applicability.

“(5)(A) In applying this part (including subsection (i) and section 1833(b)), the monthly actuarial rate for enrollees age 65 and over for 2016 shall be determined as if subsection (f) did not apply.

“(B) Subsection (f) shall continue to be applied to paragraph (6)(A) (during a repayment month, as described in paragraph (6)(B)) and without regard to the application of subparagraph (A).

“(6)(A) With respect to a repayment month (as described in subparagraph (B)), the monthly premium otherwise established under paragraph (3) shall be increased by, subject to subparagraph (D), \$3.

“(B) For purposes of this paragraph, a repayment month is a month during a year, beginning with 2016, for which a balance due amount is computed under subparagraph (C) as greater than zero.

“(C) For purposes of this paragraph, the balance due amount computed under this subparagraph, with respect to a month, is the amount estimated by the Chief Actuary of the Centers for Medicare & Medicaid Services to be equal to—

“(i) the amount transferred under section 1844(d)(1); plus

“(ii) the amount that is equal to the aggregate reduction, for all individuals enrolled under this part, in the income related monthly adjustment amount as a result of the application of paragraph (5); minus

“(iii) the amounts payable under this part as a result of the application of this paragraph for preceding months.

“(D) If the balance due amount computed under subparagraph (C), without regard to this subparagraph, for December of a year would be less than zero, the Chief Actuary of the Centers for Medicare & Medicaid Services shall estimate, and the Secretary shall apply, a reduction to the dollar amount increase applied under subparagraph (A) for each month during such year in a manner such that the balance due amount for January of the subsequent year is equal to zero.”

Estimate.
Applicability.

(b) TRANSITIONAL GOVERNMENT CONTRIBUTION.—Section 1844 of the Social Security Act (42 U.S.C. 1395w) is amended—

(1) in subsection (a), by adding at the end the following: “In applying paragraph (1), the amounts transferred under subsection (d)(1) with respect to enrollees described in subparagraphs (A) and (B) of such subsection shall be treated as premiums payable and deposited in the Trust Fund under subparagraphs (A) and (B), respectively, of paragraph (1).”; and

Applicability.

(2) by adding at the end the following:

“(d)(1) For 2016, there shall be transferred from the General Fund to the Trust Fund an amount, as estimated by the Chief Actuary of the Centers for Medicare & Medicaid Services, equal to the reduction in aggregate premiums payable under this part for a month in such year (excluding any changes in amounts collected under section 1839(i)) that is attributable to the application of section 1839(a)(5)(A) with respect to—

“(A) enrollees age 65 and over; and

“(B) enrollees under age 65.

Such amounts shall be transferred from time to time as appropriate.

“(2) Premium increases affected under section 1839(a)(6) shall not be taken into account in applying subsection (a).

“(3) There shall be transferred from the Trust Fund to the General Fund of the Treasury amounts equivalent to the additional premiums payable as a result of the application of section 1839(a)(6), excluding the aggregate payments attributable to the application of section 1839(i)(3)(A)(ii)(II).”

(c) CONFORMING APPLICATION OF HIGH INCOME ADJUSTMENTS TO INCREASED MONTHLY PREMIUM IN SAME MANNER AS FOR REGULAR MEDICARE PREMIUMS.—Section 1839(i)(3)(A)(ii) of the Social Security Act (42 U.S.C. 1395r(i)(3)(A)(ii)) is amended—

(1) by striking “AMOUNT.—200 percent” and inserting the following: “AMOUNT.—

“(I) 200 percent”; and

(2) by striking the period at the end and inserting “; plus”;
and

(3) by adding at the end the following new subclause:
“(II) 4 times the amount of the increase in
the monthly premium under subsection (a)(6) for
a month in the year.”.

42 USC 1395r
note.

(d) **CONDITIONAL APPLICATION TO 2017 IF NO SOCIAL SECURITY COLA FOR 2017.**—If there is no increase in the monthly insurance benefits payable under title II with respect to December 2016 pursuant to section 215(i), then the amendments made by this section shall be applied as if—

(1) the reference to “2016” in paragraph (5)(A) of section 1839(a) of the Social Security Act (42 U.S.C. 1395r(a)), as added by subsection (a)(2), was a reference to “2016 and 2017”;

(2) the reference to “a month during a year, beginning with 2016” in paragraph (6)(B) of section 1839 of such Act (42 U.S.C. 1395r(a)), as added by subsection (a)(2), was a reference to “a month in a year, beginning with 2016 and beginning with 2017, respectively”; and

(3) the reference to “2016” in subsection (d)(1) of section 1844 of such Act (42 U.S.C. 1395w), as added by subsection (b)(2), was a reference to “each of 2016 and 2017”.

Any increase in premiums effected under this subsection shall be in addition to the increase effected by the amendments made by subsection (a).

42 USC 1395r
note.

(e) **CONSTRUCTION REGARDING NO AUTHORITY TO INITIATE APPLICATION TO YEARS AFTER 2017.**—Nothing in subsection (d) or the amendments made by this section shall be construed as authorizing the Secretary of Health and Human Services to initiate application of such subsection or amendments for a year after 2017.

SEC. 602. APPLYING THE MEDICAID ADDITIONAL REBATE REQUIREMENT TO GENERIC DRUGS.

(a) **IN GENERAL.**—Section 1927(c)(3) of the Social Security Act (42 U.S.C. 1396r–8(c)(3)) is amended—

(1) in subparagraph (A), by striking “The amount” and inserting “Except as provided in subparagraph (C), the amount”; and

(2) by adding at the end the following new subparagraph:
“(C) **ADDITIONAL REBATE.**—

“(i) **IN GENERAL.**—The amount of the rebate specified in this paragraph for a rebate period, with respect to each dosage form and strength of a covered outpatient drug other than a single source drug or an innovator multiple source drug of a manufacturer, shall be increased in the manner that the rebate for a dosage form and strength of a single source drug or an innovator multiple source drug is increased under subparagraphs (A) and (D) of paragraph (2), except as provided in clause (ii).

“(ii) **SPECIAL RULES FOR APPLICATION OF PROVISION.**—In applying subparagraphs (A) and (D) of paragraph (2) under clause (i)—

“(I) the reference in subparagraph (A)(i) of such paragraph to ‘1990’ shall be deemed a reference to ‘2014’;

“(II) subject to clause (iii), the reference in subparagraph (A)(ii) of such paragraph to ‘the calendar quarter beginning July 1, 1990’ shall be deemed a reference to ‘the calendar quarter beginning July 1, 2014’; and

“(III) subject to clause (iii), the reference in subparagraph (A)(ii) of such paragraph to ‘September 1990’ shall be deemed a reference to ‘September 2014’;

“(IV) the references in subparagraph (D) of such paragraph to ‘paragraph (1)(A)(ii)’, ‘this paragraph’, and ‘December 31, 2009’ shall be deemed references to ‘subparagraph (A)’, ‘this subparagraph’, and ‘December 31, 2014’, respectively; and

“(V) any reference in such paragraph to a ‘single source drug or an innovator multiple source drug’ shall be deemed to be a reference to a drug to which clause (i) applies.

“(iii) SPECIAL RULE FOR CERTAIN NONINNOVATOR MULTIPLE SOURCE DRUGS.—In applying paragraph (2)(A)(ii)(II) under clause (i) with respect to a covered outpatient drug that is first marketed as a drug other than a single source drug or an innovator multiple source drug after April 1, 2013, such paragraph shall be applied—

Applicability.

“(I) by substituting ‘the applicable quarter’ for ‘the calendar quarter beginning July 1, 1990’; and
“(II) by substituting ‘the last month in such applicable quarter’ for ‘September 1990’.

“(iv) APPLICABLE QUARTER DEFINED.—In this subsection, the term ‘applicable quarter’ means, with respect to a drug described in clause (iii), the fifth full calendar quarter after which the drug is marketed as a drug other than a single source drug or an innovator multiple source drug.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to rebate periods beginning after the date that is one year after the date of the enactment of this Act.

Applicability.
Time period.
42 USC 1396r–8.

SEC. 603. TREATMENT OF OFF-CAMPUS OUTPATIENT DEPARTMENTS OF A PROVIDER.

Section 1833(t) of the Social Security Act (42 U.S.C. 1395l(t)) is amended—

(1) in paragraph (1)(B)—

(A) in clause (iii), by striking “but” at the end;

(B) in clause (iv), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following new clause:

“(v) does not include applicable items and services (as defined in subparagraph (A) of paragraph (21)) that are furnished on or after January 1, 2017, by an off-campus outpatient department of a provider (as defined in subparagraph (B) of such paragraph).”; and

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

“(21) SERVICES FURNISHED BY AN OFF-CAMPUS OUTPATIENT DEPARTMENT OF A PROVIDER.—

Definition.

“(A) APPLICABLE ITEMS AND SERVICES.—For purposes of paragraph (1)(B)(v) and this paragraph, the term ‘applicable items and services’ means items and services other than items and services furnished by a dedicated emergency department (as defined in section 489.24(b) of title 42 of the Code of Federal Regulations).

“(B) OFF-CAMPUS OUTPATIENT DEPARTMENT OF A PROVIDER.—

Definition.

“(i) IN GENERAL.—For purposes of paragraph (1)(B)(v) and this paragraph, subject to clause (ii), the term ‘off-campus outpatient department of a provider’ means a department of a provider (as defined in section 413.65(a)(2) of title 42 of the Code of Federal Regulations, as in effect as of the date of the enactment of this paragraph) that is not located—

“(I) on the campus (as defined in such section 413.65(a)(2)) of such provider; or

“(II) within the distance (described in such definition of campus) from a remote location of a hospital facility (as defined in such section 413.65(a)(2)).

“(ii) EXCEPTION.—For purposes of paragraph (1)(B)(v) and this paragraph, the term ‘off-campus outpatient department of a provider’ shall not include a department of a provider (as so defined) that was billing under this subsection with respect to covered OPD services furnished prior to the date of the enactment of this paragraph.

“(C) AVAILABILITY OF PAYMENT UNDER OTHER PAYMENT SYSTEMS.—Payments for applicable items and services furnished by an off-campus outpatient department of a provider that are described in paragraph (1)(B)(v) shall be made under the applicable payment system under this part (other than under this subsection) if the requirements for such payment are otherwise met.

“(D) INFORMATION NEEDED FOR IMPLEMENTATION.—Each hospital shall provide to the Secretary such information as the Secretary determines appropriate to implement this paragraph and paragraph (1)(B)(v) (which may include reporting of information on a hospital claim using a code or modifier and reporting information about off-campus outpatient departments of a provider on the enrollment form described in section 1866(j)).

“(E) LIMITATIONS.—There shall be no administrative or judicial review under section 1869, section 1878, or otherwise of the following:

“(i) The determination of the applicable items and services under subparagraph (A) and applicable payment systems under subparagraph (C).

“(ii) The determination of whether a department of a provider meets the term described in subparagraph (B).

“(iii) Any information that hospitals are required to report pursuant to subparagraph (D).”.

SEC. 604. REPEAL OF AUTOMATIC ENROLLMENT REQUIREMENT.

The Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) is amended by repealing section 18A (as added by section 1511 of the Patient Protection and Affordable Care Act (Public Law 111-148)). 29 USC 218a.

TITLE VII—JUDICIARY

SEC. 701. CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS.

(a) **SHORT TITLE.**—This section may be cited as the “Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015”.

(b) **AMENDMENTS.**—The Federal Civil Penalties Inflation Adjustment Act of 1990 (28 U.S.C. 2461 note) is amended—

(1) in section 4—

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

“(a) **IN GENERAL.**—Not later than July 1, 2016, and not later than January 15 of every year thereafter, and subject to subsections (c) and (d), the head of each agency shall—”;

(B) in paragraph (1)—

(i) by striking “by regulation adjust” and inserting “in accordance with subsection (b), adjust”; and

(ii) by striking “, the Tariff Act of 1930, the Occupational Safety and Health Act of 1970, or the Social Security Act” and inserting “ or the Tariff Act of 1930”;

(C) in paragraph (2), by striking “such regulation” and inserting “such adjustment”; and

(D) by adding at the end the following:

“(b) **PROCEDURES FOR ADJUSTMENTS.**—

“(1) **CATCH UP ADJUSTMENT.**—For the first adjustment made under subsection (a) after the date of enactment of the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015—

“(A) the head of an agency shall adjust civil monetary penalties through an interim final rulemaking; and

“(B) the adjustment shall take effect not later than August 1, 2016.

“(2) **SUBSEQUENT ADJUSTMENTS.**—For the second adjustment made under subsection (a) after the date of enactment of the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, and each adjustment thereafter, the head of an agency shall adjust civil monetary penalties and shall make the adjustment notwithstanding section 553 of title 5, United States Code.

“(c) **EXCEPTION.**—For the first adjustment made under subsection (a) after the date of enactment of the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, the head of an agency may adjust the amount of a civil monetary penalty by less than the otherwise required amount if—

“(1) the head of the agency, after publishing a notice of proposed rulemaking and providing an opportunity for comment, determines in a final rule that—

“(A) increasing the civil monetary penalty by the otherwise required amount will have a negative economic impact; or

Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015.
28 USC 1 note.
28 USC 2461 note.

Deadlines.

Regulations.

Effective date.
Deadline.

Publication.
Notice.
Public comments.
Determination.
Regulations.

“(B) the social costs of increasing the civil monetary penalty by the otherwise required amount outweigh the benefits; and

“(2) the Director of the Office of Management and Budget concurs with the determination of the head of the agency under paragraph (1).

Time period.

“(d) OTHER ADJUSTMENTS MADE.—If a civil monetary penalty subject to a cost-of-living adjustment under this Act is, during the 12 months preceding a required cost-of-living adjustment, increased by an amount greater than the amount of the adjustment required under subsection (a), the head of the agency is not required to make the cost-of-living adjustment for that civil monetary penalty in that year.”;

28 USC 2461
note.

(2) in section 5—

(A) in subsection (a), by striking “to the nearest—” and all that follows through the end of subsection (a) and inserting “to the nearest multiple of \$1.”; and

(B) by amending subsection (b) to read as follows:

“(b) DEFINITION.—

“(1) IN GENERAL.—Except as provided in paragraph (2), for purposes of subsection (a), the term ‘cost-of-living adjustment’ means the percentage (if any) for each civil monetary penalty by which—

“(A) the Consumer Price Index for the month of October preceding the date of the adjustment, exceeds

“(B) the Consumer Price Index for the month of October 1 year before the month of October referred to in subparagraph (A).

“(2) INITIAL ADJUSTMENT.—

“(A) IN GENERAL.—Subject to subparagraph (C), for the first inflation adjustment under section 4 made by an agency after the date of enactment of the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, the term ‘cost-of-living adjustment’ means the percentage (if any) for each civil monetary penalty by which the Consumer Price Index for the month of October, 2015 exceeds the Consumer Price Index for the month of October of the calendar year during which the amount of such civil monetary penalty was established or adjusted under a provision of law other than this Act.

“(B) APPLICATION OF ADJUSTMENT.—The cost-of-living adjustment described in subparagraph (A) shall be applied to the amount of the civil monetary penalty as it was most recently established or adjusted under a provision of law other than this Act.

“(C) MAXIMUM ADJUSTMENT.—The amount of the increase in a civil monetary penalty under subparagraph (A) shall not exceed 150 percent of the amount of that civil monetary penalty on the date of enactment of the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015.”;

28 USC 2461
note.

(3) in section 6, by striking “violations which occur” and inserting “civil monetary penalties, including those whose associated violation predated such increase, which are assessed”; and

(4) by adding at the end the following:

“SEC. 7. IMPLEMENTATION AND OVERSIGHT ENHANCEMENTS.

28 USC 2461
note.
Deadlines.

“(a) OMB GUIDANCE.—Not later than February 29, 2016, not later than December 15, 2016, and December 15 of every year thereafter, the Director of the Office of Management and Budget shall issue guidance to agencies on implementing the inflation adjustments required under this Act.

“(b) AGENCY FINANCIAL REPORTS.—The head of each agency shall include in the Agency Financial Report submitted under OMB Circular A–136, or any successor thereto, information about the civil monetary penalties within the jurisdiction of the agency, including the adjustment of the civil monetary penalties by the head of the agency under this Act.

Reports.

“(c) GAO REVIEW.—The Comptroller General of the United States shall annually submit to Congress a report assessing the compliance of agencies with the inflation adjustments required under this Act, which may be included as part of another report submitted to Congress.”.

(c) REPEAL.—Section 31001(s) of the Debt Collection Improvement Act of 1996 (28 U.S.C. 2461 note) is amended by striking paragraph (2).

SEC. 702. CRIME VICTIMS FUND.

Rescission.

There is hereby rescinded and permanently canceled \$1,500,000,000 of the funds deposited or available in the Crime Victims Fund created by section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601).

SEC. 703. ASSETS FORFEITURE FUND.

Rescission.
Cancellation.

Of the amounts deposited in the Department of Justice Assets Forfeiture Fund, \$746,000,000 are hereby rescinded and permanently cancelled.

TITLE VIII—SOCIAL SECURITY

Social Security
Benefit
Protection and
Opportunity
Enhancement
Act of 2015.
42 USC 1305
note.

SEC. 801. SHORT TITLE.

This title may be cited as the “Social Security Benefit Protection and Opportunity Enhancement Act of 2015”.

**Subtitle A—Ensuring Correct Payments
and Reducing Fraud**

SEC. 811. EXPANSION OF COOPERATIVE DISABILITY INVESTIGATIONS UNITS.

Deadline.
42 USC 421.

(a) IN GENERAL.—Not later than October 1, 2022, the Commissioner of Social Security shall take any necessary actions, subject to the availability of appropriations, to ensure that cooperative disability investigations units have been established, in areas where there is cooperation with local law enforcement agencies, that would cover each of the 50 States, the District of Columbia, Puerto Rico, Guam, the Northern Mariana Islands, the Virgin Islands, and American Samoa.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act and annually thereafter until the earlier of 2022 or the date on which nationwide coverage is achieved, the Commissioner of Social Security shall submit to the Committee

on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report describing a plan to implement the nationwide coverage described in subsection (a) and outlining areas where the Social Security Administration did not receive the cooperation of local law enforcement agencies.

SEC. 812. EXCLUSION OF CERTAIN MEDICAL SOURCES OF EVIDENCE.

(a) IN GENERAL.—Section 223(d)(5) of the Social Security Act (42 U.S.C. 423(d)(5)) is amended by adding at the end the following:

Determination.

“(C)(i) In making any determination with respect to whether an individual is under a disability or continues to be under a disability, the Commissioner of Social Security may not consider (except for good cause as determined by the Commissioner) any evidence furnished by—

“(I) any individual or entity who has been convicted of a felony under section 208 or under section 1632;

“(II) any individual or entity who has been excluded from participation in any Federal health care program under section 1128; or

“(III) any person with respect to whom a civil money penalty or assessment has been imposed under section 1129 for the submission of false evidence.

“(ii) To the extent and at such times as is necessary for the effective implementation of clause (i) of this subparagraph—

“(I) the Inspector General of the Social Security Administration shall transmit to the Commissioner information relating to persons described in subclause (I) or (III) of clause (i);

“(II) the Secretary of Health and Human Services shall transmit to the Commissioner information relating to persons described in subclause (II) of clause (i); and”.

Deadline.
42 USC 423 note.

(b) REGULATIONS.—Not later than 1 year after the date of the enactment of this Act, the Commissioner of Social Security shall issue regulations to carry out the amendment made by subsection (a).

Applicability.
42 USC 423 note.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to determinations of disability made on or after the earlier of—

(1) the effective date of the regulations issued by the Commissioner under subsection (b); or

(2) one year after the date of the enactment of this Act.

SEC. 813. NEW AND STRONGER PENALTIES.

(a) CONSPIRACY TO COMMIT SOCIAL SECURITY FRAUD.—

(1) AMENDMENT TO TITLE II.—Section 208(a) of the Social Security Act (42 U.S.C. 408(a)) is amended—

(A) in paragraph (7)(C), by striking “or” at the end;

(B) in paragraph (8), by adding “or” at the end; and

(C) by inserting after paragraph (8) the following:

“(9) conspires to commit any offense described in any of paragraphs (1) through (4),”.

(2) AMENDMENT TO TITLE VIII.—Section 811(a) of such Act (42 U.S.C. 1011(a)) is amended—

(A) in paragraph (3), by striking “or” at the end;

(B) in paragraph (4), by striking the comma and adding “; or” at the end; and

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

“(5) conspires to commit any offense described in any of paragraphs (1) through (3),”.

(3) AMENDMENT TO TITLE XVI.—Section 1632(a) of such Act (42 U.S.C. 1383a(a)) is amended—

(A) in paragraph (3), by striking “or” at the end;

(B) in paragraph (4), by adding “or” at the end; and

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

“(5) conspires to commit any offense described in any of paragraphs (1) through (3),”.

(b) INCREASED CRIMINAL PENALTIES FOR CERTAIN INDIVIDUALS VIOLATING POSITIONS OF TRUST.—

(1) AMENDMENT TO TITLE II.—Section 208(a) of the Social Security Act (42 U.S.C. 408(a)), as amended by subsection (a), is further amended by striking the period at the end and inserting “, except that in the case of a person who receives a fee or other income for services performed in connection with any determination with respect to benefits under this title (including a claimant representative, translator, or current or former employee of the Social Security Administration), or who is a physician or other health care provider who submits, or causes the submission of, medical or other evidence in connection with any such determination, such person shall be guilty of a felony and upon conviction thereof shall be fined under title 18, United States Code, or imprisoned for not more than ten years, or both.”.

(2) AMENDMENT TO TITLE VIII.—Section 811(a) of such Act (42 U.S.C. 1011(a)), as amended by subsection (a), is further amended by striking the period at the end and inserting “, except that in the case of a person who receives a fee or other income for services performed in connection with any determination with respect to benefits under this title (including a claimant representative, translator, or current or former employee of the Social Security Administration), or who is a physician or other health care provider who submits, or causes the submission of, medical or other evidence in connection with any such determination, such person shall be guilty of a felony and upon conviction thereof shall be fined under title 18, United States Code, or imprisoned for not more than ten years, or both.”.

(3) AMENDMENT TO TITLE XVI.—Section 1632(a) of such Act (42 U.S.C. 1383a(a)), as amended by subsection (a), is further amended by striking the period at the end and inserting “, except that in the case of a person who receives a fee or other income for services performed in connection with any determination with respect to benefits under this title (including a claimant representative, translator, or current or former employee of the Social Security Administration), or who is a physician or other health care provider who submits, or causes the submission of, medical or other evidence in connection with any such determination, such person shall be guilty of a felony and upon conviction thereof shall be fined under title 18, United States Code, or imprisoned for not more than ten years, or both.”.

(c) INCREASED CIVIL MONETARY PENALTIES FOR CERTAIN INDIVIDUALS VIOLATING POSITIONS OF TRUST.—Section 1129(a)(1) of the Social Security Act (42 U.S.C. 1320a-8(a)(1)) is amended,

in the matter following subparagraph (C), by inserting after “withholding disclosure of such fact” the following: “, except that in the case of such a person who receives a fee or other income for services performed in connection with any such determination (including a claimant representative, translator, or current or former employee of the Social Security Administration) or who is a physician or other health care provider who submits, or causes the submission of, medical or other evidence in connection with any such determination, the amount of such penalty shall be not more than \$7,500”.

(d) **NO BENEFITS PAYABLE TO INDIVIDUALS FOR WHOM A CIVIL MONETARY PENALTY IS IMPOSED FOR FRAUDULENTLY CONCEALING WORK ACTIVITY.**—Section 222(c)(5) of the Social Security Act (42 U.S.C. 422(c)(5)) is amended by inserting after “conviction by a Federal court” the following: “, or the imposition of a civil monetary penalty under section 1129,”.

SEC. 814. REFERENCES TO SOCIAL SECURITY AND MEDICARE IN ELECTRONIC COMMUNICATIONS.

(a) **IN GENERAL.**—Section 1140(a)(1) of the Social Security Act (42 U.S.C. 1320b-10(a)(1)) is amended by inserting “(including any Internet or other electronic communication)” after “or other communication”.

(b) **EACH COMMUNICATION TREATED AS SEPARATE VIOLATION.**—Section 1140(b) of such Act (42 U.S.C. 1320b-10(b)) is amended by inserting after the second sentence the following: “In the case of any items referred to in subsection (a)(1) consisting of Internet or other electronic communications, each dissemination, viewing, or accessing of such a communication which contains one or more words, letters, symbols, or emblems in violation of subsection (a) shall represent a separate violation”.

SEC. 815. CHANGE TO CAP ADJUSTMENT AUTHORITY.

Section 251(b)(2)(B) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(B)) is amended—

(1) in clause (i)—

(A) in the matter before subclause (I), by striking “and for the cost associated with conducting redeterminations of eligibility under title XVI of the Social Security Act” and inserting “, for the cost associated with conducting redeterminations of eligibility under title XVI of the Social Security Act, for the cost of co-operative disability investigation units, and for the cost associated with the prosecution of fraud in the programs and operations of the Social Security Administration by Special Assistant United States Attorneys”;

(B) in subclause (VI), by striking “\$1,309,000,000” and inserting “\$1,546,000,000”;

(C) in subclause (VII), by striking “\$1,309,000,000” and inserting “\$1,462,000,000”;

(D) in subclause (VIII), by striking “\$1,309,000,000” and inserting “\$1,410,000,000”; and

(E) in subclause (X), by striking “\$1,309,000,000” and inserting “\$1,302,000,000”;

(2) in clause (ii)(I), by inserting “, including work-related continuing disability reviews to determine whether earnings derived from services demonstrate an individual’s ability to

engage in substantial gainful activity” before the semicolon; and

(3) in clause (ii)(III), by striking “and redeterminations” and inserting “, redeterminations, co-operative disability investigation units, and fraud prosecutions”.

Subtitle B—Promoting Opportunity for Disability Beneficiaries

SEC. 821. TEMPORARY REAUTHORIZATION OF DISABILITY INSURANCE DEMONSTRATION PROJECT AUTHORITY.

(a) **TERMINATION DATE.**—Section 234(d)(2) of the Social Security Act (42 U.S.C. 434(d)(2)) is amended by striking “December 18, 2005” and inserting “December 31, 2021, and the authority to carry out such projects shall terminate on December 31, 2022”.

(b) **AUTHORITY TO WAIVE COMPLIANCE WITH BENEFITS REQUIREMENTS.**—Section 234(c) of such Act is amended by striking “December 17, 2005” and inserting “December 30, 2021”.

SEC. 822. MODIFICATION OF DEMONSTRATION PROJECT AUTHORITY.

(a) **IN GENERAL.**—Section 234(a)(1) of the Social Security Act (42 U.S.C. 434(a)(1)) is amended in the matter preceding subparagraph (A) by inserting “to promote attachment to the labor force and” after “designed”.

(b) **CONGRESSIONAL REVIEW PERIOD.**—Section 234(c) of the Social Security Act (42 U.S.C. 434(c)), as amended by section 821(b) of this Act, is further amended by inserting “including the objectives of the experiment or demonstration project, the expected annual and total costs, and the dates on which the experiment or demonstration project is expected to start and finish,” after “thereof,”

(c) **ADDITIONAL REQUIREMENTS.**—Section 234 of the Social Security Act (42 U.S.C. 434), as amended by subsection (b), is further amended by adding at the end the following:

“(e) **ADDITIONAL REQUIREMENTS.**—In developing and carrying out any experiment or demonstration project under this section, the Commissioner may not require any individual to participate in such experiment or demonstration project and shall ensure—

“(1) that the voluntary participation of individuals in such experiment or demonstration project is obtained through informed written consent which satisfies the requirements for informed consent established by the Commissioner for use in such experiment or demonstration project in which human subjects are at risk;

“(2) that any individual’s voluntary agreement to participate in any such experiment or demonstration project may be revoked by such individual at any time; and

“(3) that such experiment or demonstration project is expected to yield statistically significant results.”

(d) **ANNUAL REPORTING DEADLINE.**—Section 234(d)(1) of such Act is amended by striking “June 9” and inserting “September 30”.

SEC. 823. PROMOTING OPPORTUNITY DEMONSTRATION PROJECT.

Section 234 of the Social Security Act (42 U.S.C. 434), as amended by section 822 of this Act, is further amended by adding at the end the following:

Time period.
Deadline.

“(f) PROMOTING OPPORTUNITY DEMONSTRATION PROJECT.—

“(1) IN GENERAL.—The Commissioner shall carry out a demonstration project under this subsection as described in paragraph (2) during a 5-year period beginning not later than January 1, 2017.

“(2) BENEFIT OFFSET.—Under the demonstration project described in this paragraph, with respect to any individual participating in the project who is otherwise entitled to a benefit under section 223(a)(1) for a month—

“(A) any such benefit otherwise payable to the individual for such month (other than a benefit payable for any month prior to the 1st month beginning after the date on which the individual’s entitlement to such benefit is determined) shall be reduced by \$1 for each \$2 by which the individual’s earnings derived from services paid during such month exceeds an amount equal to the individual’s impairment-related work expenses for such month (as determined under paragraph (3)), except that such benefit may not be reduced below \$0;

“(B) no benefit shall be payable under section 202 on the basis of the wages and self-employment income of the individual for any month for which the benefit of such individual under section 223(a)(1) is reduced to \$0 pursuant to subparagraph (A);

“(C) entitlement to any benefit described in subparagraph (A) or (B) shall not terminate due to earnings derived from services except following the first month for which such benefit has been reduced to \$0 pursuant to subparagraph (A) (and the trial work period (as defined in section 222(c)) and extended period of eligibility shall not apply to any such individual for any such month); and

“(D) in any case in which such an individual is entitled to hospital insurance benefits under part A of title XVIII by reason of section 226(b) and such individual’s entitlement to a benefit described in subparagraph (A) or (B) or status as a qualified railroad retirement beneficiary is terminated pursuant to subparagraph (C), such individual shall be deemed to be entitled to such benefits or to occupy such status (notwithstanding the termination of such entitlement or status) for the period of consecutive months throughout all of which the physical or mental impairment, on which such entitlement or status was based, continues, and throughout all of which such individual would have been entitled to monthly insurance benefits under title II or as a qualified railroad retirement beneficiary had such termination of entitlement or status not occurred, but not in excess of 93 such months.

“(3) IMPAIRMENT-RELATED WORK EXPENSES.—

“(A) IN GENERAL.—For purposes of paragraph (2)(A) and except as provided in subparagraph (C), the amount of an individual’s impairment-related work expenses for a month is deemed to be the minimum threshold amount.

“(B) MINIMUM THRESHOLD AMOUNT.—In this paragraph, the term ‘minimum threshold amount’ means an amount, to be determined by the Commissioner, which shall not exceed the amount sufficient to demonstrate that

Definition.
Determination.

an individual has rendered services in a month, as determined by the Commissioner under section 222(c)(4)(A). The Commissioner may test multiple minimum threshold amounts.

“(C) EXCEPTION FOR ITEMIZED IMPAIRMENT-RELATED WORK EXPENSES.—

“(i) IN GENERAL.—Notwithstanding subparagraph (A), in any case in which the amount of such an individual’s itemized impairment-related work expenses (as defined in clause (ii)) for a month is greater than the minimum threshold amount, the amount of the individual’s impairment-related work expenses for the month shall be equal to the amount of the individual’s itemized impairment-related work expenses (as so defined) for the month.

“(ii) DEFINITION.—In this subparagraph, the term ‘itemized impairment-related work expenses’ means the amount excluded under section 223(d)(4)(A) from an individual’s earnings for a month in determining whether an individual is able to engage in substantial gainful activity by reason of such earnings in such month, except that such amount does not include the cost to the individual of any item or service for which the individual does not provide to the Commissioner a satisfactory itemized accounting.

“(D) LIMITATION.—Notwithstanding the other provisions of this paragraph, for purposes of paragraph (2)(A), the amount of an individual’s impairment-related work expenses for a month shall not exceed the amount of earnings derived from services, prescribed by the Commissioner under regulations issued pursuant to section 223(d)(4)(A), sufficient to demonstrate an individual’s ability to engage in substantial gainful activity.”

SEC. 824. USE OF ELECTRONIC PAYROLL DATA TO IMPROVE PROGRAM ADMINISTRATION.

(a) IN GENERAL.—Title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by inserting after section 1183 the following: “

“INFORMATION EXCHANGE WITH PAYROLL DATA PROVIDERS

“SEC. 1184. (a) IN GENERAL.—The Commissioner of Social Security may enter into an information exchange with a payroll data provider for purposes of—

“(1) efficiently administering—

“(A) monthly insurance benefits under subsections (d)(1)(B)(ii), (d)(6)(A)(ii), (d)(6)(B), (e)(1)(B)(ii), and (f)(1)(B)(ii) of section 202 and subsection (a)(1) of section 223; and

“(B) supplemental security income benefits under title XVI; and

“(2) preventing improper payments of such benefits without the need for verification by independent or collateral sources.

“(b) NOTIFICATION REQUIREMENTS.—Before entering into an information exchange pursuant to subsection (a), the Commissioner shall publish in the Federal Register a notice describing the

42 USC 1320e-3.

Federal Register,
publication.
Notice.

information exchange and the extent to which the information received through such exchange is—

“(1) relevant and necessary to—

“(A) accurately determine entitlement to, and the amount of, benefits described under subparagraph (A) of subsection (a)(1);

“(B) accurately determine eligibility for, and the amount of, benefits described in subparagraph (B) of such subsection; and

“(C) prevent improper payment of such benefits; and

“(2) sufficiently accurate, up-to-date, and complete.

“(c) DEFINITIONS.—For purposes of this section:

“(1) PAYROLL DATA PROVIDER.—The term ‘payroll data provider’ means payroll providers, wage verification companies, and other commercial or non-commercial entities that collect and maintain data regarding employment and wages, without regard to whether the entity provides such data for a fee or without cost.

“(2) INFORMATION EXCHANGE.—The term ‘information exchange’ means the automated comparison of a system of records maintained by the Commissioner of Social Security with records maintained by a payroll data provider.”.

(b) AUTHORIZATION TO ACCESS INFORMATION HELD BY PAYROLL DATA PROVIDERS.—

(1) AMENDMENT TO TITLE II.—Section 225 of the Social Security Act (42 U.S.C. 425) is amended by adding at the end the following:

Determination.

“(c) ACCESS TO INFORMATION HELD BY PAYROLL DATA PROVIDERS.—(1) The Commissioner of Social Security may require each individual who applies for or is entitled to monthly insurance benefits under subsections (d)(1)(B)(ii), (d)(6)(A)(ii), (d)(6)(B), (e)(1)(B)(ii), and (f)(1)(B)(ii) of section 202 and subsection (a)(1) of section 223 to provide authorization by the individual for the Commissioner to obtain from any payroll data provider (as defined in section 1184(c)(1)) any record held by the payroll data provider with respect to the individual whenever the Commissioner determines the record is needed in connection with a determination of initial or ongoing entitlement to such benefits.

Termination date.

“(2) An authorization provided by an individual under this subsection shall remain effective until the earliest of—

“(A) the rendering of a final adverse decision on the individual’s application or entitlement to benefits under this title;

“(B) the termination of the individual’s entitlement to benefits under this title; or

Notification.

“(C) the express revocation by the individual of the authorization, in a written notification to the Commissioner.

“(3) The Commissioner of Social Security is not required to furnish any authorization obtained pursuant to this subsection to the payroll data provider.

Notification.

“(4) The Commissioner shall inform any person who provides authorization pursuant to this clause of the duration and scope of the authorization.

Effective date.

“(5) If an individual who applies for or is entitled to benefits under this title refuses to provide, or revokes, any authorization under this subsection, subsection (d) shall not apply to such individual beginning with the first day of the first month in which he or she refuses or revokes such authorization.”.

(2) TITLE XVI.—Section 1631(e)(1)(B) of the Social Security Act (42 U.S.C. 1383(e)(1)(B)) is amended by adding at the end the following:

“(iii)(I) The Commissioner of Social Security may require each applicant for, or recipient of, benefits under this title to provide authorization by the applicant, recipient or legal guardian (or by any other person whose income or resources are material to the determination of the eligibility of the applicant or recipient for such benefits) for the Commissioner to obtain from any payroll data provider (as defined in section 1184(c)(1)) any record held by the payroll data provider with respect to the applicant or recipient (or any such other person) whenever the Commissioner determines the record is needed in connection with a determination of initial or ongoing eligibility or the amount of such benefits. Determination.

“(II) An authorization provided by an applicant, recipient or legal guardian (or any other person whose income or resources are material to the determination of the eligibility of the applicant or recipient) under this clause shall remain effective until the earliest of— Termination date.

“(aa) the rendering of a final adverse decision on the applicant’s application for eligibility for benefits under this title;

“(bb) the cessation of the recipient’s eligibility for benefits under this title;

“(cc) the express revocation by the applicant, or recipient (or such other person referred to in subclause (I)) of the authorization, in a written notification to the Commissioner; or Notification.

“(dd) the termination of the basis upon which the Commissioner considers another person’s income and resources available to the applicant or recipient.

“(III) The Commissioner of Social Security is not required to furnish any authorization obtained pursuant to this clause to the payroll data provider.

“(IV) The Commissioner shall inform any person who provides authorization pursuant to this clause of the duration and scope of the authorization. Notification.

“(V) If an applicant for, or recipient of, benefits under this title (or any such other person referred to in subclause (I)) refuses to provide, or revokes, any authorization required by subclause (I), paragraph (2)(B) and paragraph (10) shall not apply to such applicant or recipient beginning with the first day of the first month in which he or she refuses or revokes such authorization.”. Effective date.

(c) REPORTING RESPONSIBILITIES FOR BENEFICIARIES SUBJECT TO INFORMATION EXCHANGE WITH PAYROLL DATA PROVIDER.—

(1) AMENDMENT TO TITLE II.—Section 225 of the Social Security Act (42 U.S.C. 425), as amended by subsection (b)(1), is further amended by adding at the end the following:

“(d) An individual who has authorized the Commissioner of Social Security to obtain records from a payroll data provider under subsection (c) shall not be subject to a penalty under section 1129A for any omission or error with respect to such individual’s wages as reported by the payroll data provider.”.

(2) AMENDMENT TO TITLE XVI.—Section 1631(e) of the Social Security Act (42 U.S.C. 1383(e)) is amended—

(A) in paragraph (2)—

(i) by striking “In the case of the failure” and inserting “(A) In the case of the failure”;

(ii) by redesignating subparagraphs (A) through (C) as clauses (i) through (iii), respectively; and

(iii) by adding at the end the following:

“(B) For purposes of subparagraph (A), the Commissioner of Social Security shall find that good cause exists for the failure of, or delay by, an individual in submitting a report of an event or change in circumstances relevant to eligibility for or amount of benefits under this title in any case where—

“(i) the individual (or another person referred to in paragraph (1)(B)(iii)(I)) has provided authorization to the Commissioner to access payroll data records related to the individual; and

“(ii) the event or change in circumstance is a change in the individual’s employer.”; and

(B) by adding at the end the following:

“(10) An individual who has authorized the Commissioner of Social Security to obtain records from a payroll data provider under paragraph (1)(B)(iii) (or on whose behalf another person described in subclause (I) of such paragraph has provided such authorization) shall not be subject to a penalty under section 1129A for any omission or error with respect to such individual’s wages as reported by the payroll data provider.”.

(d) REGULATIONS.—Not later than 1 year after the date of the enactment of this Act, the Commissioner of Social Security shall prescribe by regulation procedures for implementing the Commissioner’s access to and use of information held by payroll providers, including—

(1) guidelines for establishing and maintaining information exchanges with payroll providers, pursuant to section 1184 of the Social Security Act;

(2) beneficiary authorizations;

(3) reduced wage reporting responsibilities for individuals who authorize the Commissioner to access information held by payroll data providers through an information exchange; and

(4) procedures for notifying individuals in writing when they become subject to such reduced wage reporting requirements and when such reduced wage reporting requirements no longer apply to them.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 1 year after the date of the enactment of this Act.

SEC. 825. TREATMENT OF EARNINGS DERIVED FROM SERVICES.

(a) IN GENERAL.—Section 223(d)(4) of the Social Security Act (42 U.S.C. 423(d)(4)) is amended by adding at the end the following:

“(C)(i) Subject to clause (ii), in determining when earnings derived from services demonstrate an individual’s ability to engage in substantial gainful activity, such earnings shall be presumed to have been earned—

“(I) in making a determination of initial entitlement on the basis of disability, in the month in which the services were performed from which such earnings were derived; and

“(II) in any other case, in the month in which such earnings were paid.

Deadline.
Procedures.
42 USC 1320e-3
note.

Guidelines.

Notification.

42 USC 425 note.

Determinations.

“(ii) A presumption made under clause (i) shall not apply to a determination described in such clause if—

“(I) the Commissioner can reasonably establish, based on evidence readily available at the time of such determination, that the earnings were earned in a different month than when paid; or

“(II) in any case in which there is a determination that no benefit is payable due to earnings, after the individual is notified of the presumption made and provided with an opportunity to submit additional information along with an explanation of what additional information is needed, the individual shows to the satisfaction of the Commissioner that such earnings were earned in another month.”

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect upon the date of the enactment of this Act, or as soon as practicable thereafter. 42 USC 423 note.

SEC. 826. ELECTRONIC REPORTING OF EARNINGS.

42 USC 423 note.

(a) **IN GENERAL.**—Not later than September 30, 2017, the Commissioner of Social Security shall establish and implement a system that—

Deadline.

(1) allows an individual entitled to a monthly insurance benefit based on disability under title II of the Social Security Act (or a representative of the individual) to report to the Commissioner the individual’s earnings derived from services through electronic means, including by telephone and Internet; and

(2) automatically issues a receipt to the individual (or representative) after receiving each such report.

(b) **SUPPLEMENTAL SECURITY INCOME REPORTING SYSTEM AS MODEL.**—The Commissioner shall model the system established under subsection (a) on the electronic wage reporting systems for recipients of supplemental security income under title XVI of such Act.

Subtitle C—Protecting Social Security Benefits

SEC. 831. CLOSURE OF UNINTENDED LOOPHOLES.

(a) **PRESUMED FILING OF APPLICATION BY INDIVIDUALS ELIGIBLE FOR OLD-AGE INSURANCE BENEFITS AND FOR WIFE’S OR HUSBAND’S INSURANCE BENEFITS.**—

(1) **IN GENERAL.**—Section 202(r) of the Social Security Act (42 U.S.C. 402(r)) is amended by striking paragraphs (1) and (2) and inserting the following:

“(1) If an individual is eligible for a wife’s or husband’s insurance benefit (except in the case of eligibility pursuant to clause (ii) of subsection (b)(1)(B) or subsection (c)(1)(B), as appropriate), in any month for which the individual is entitled to an old-age insurance benefit, such individual shall be deemed to have filed an application for wife’s or husband’s insurance benefits for such month.

“(2) If an individual is eligible (but for section 202(k)(4)) for an old-age insurance benefit in any month for which the individual is entitled to a wife’s or husband’s insurance benefit (except in the case of entitlement pursuant to clause (ii) of

subsection (b)(1)(B) or subsection (c)(1)(B), as appropriate), such individual shall be deemed to have filed an application for old-age insurance benefits—

“(A) for such month, or

“(B) if such individual is also entitled to a disability insurance benefit for such month, in the first subsequent month for which such individual is not entitled to a disability insurance benefit.”.

(2) CONFORMING AMENDMENT.—Section 202 of the Social Security Act (42 U.S.C. 402) is amended—

(A) in subsection (b)(1), by striking subparagraph (B) and inserting the following:

“(B)(i) has attained age 62, or

“(ii) in the case of a wife, has in her care (individually or jointly with such individual) at the time of filing such application a child entitled to a child’s insurance benefit on the basis of the wages and self-employment income of such individual,”; and

(B) in subsection (c)(1), by striking subparagraph (B) and inserting the following:

“(B)(i) has attained age 62, or

“(ii) in the case of a husband, has in his care (individually or jointly with such individual) at the time of filing such application a child entitled to a child’s insurance benefit on the basis of the wages and self-employment income of such individual.”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to individuals who attain age 62 in any calendar year after 2015.

(b) VOLUNTARY SUSPENSION OF BENEFITS.—

(1) IN GENERAL.—Section 202 of the Social Security Act (42 U.S.C. 402) is amended by adding at the end the following:

“(z) VOLUNTARY SUSPENSION.—(1)(A) Except as otherwise provided in this subsection, any individual who has attained retirement age (as defined in section 216(l)) and is entitled to old-age insurance benefits may request that payment of such benefits be suspended—

“(i) beginning with the month following the month in which such request is received by the Commissioner, and

“(ii) ending with the earlier of the month following the month in which a request by the individual for a resumption of such benefits is so received or the month following the month in which the individual attains the age of 70.

“(2) An individual may not suspend such benefits under this subsection, and any suspension of such benefits under this subsection shall end, effective with respect to any month in which the individual becomes subject to—

“(A) mandatory suspension of such benefits under section 202(x);

“(B) termination of such benefits under section 202(n);

“(C) a penalty under section 1129A imposing nonpayment of such benefits; or

“(D) any other withholding, in whole or in part, of such benefits under any other provision of law that authorizes recovery of a debt by withholding such benefits.

Applicability.
42 USC 402 note.

Effective date.

Termination
date.

Termination
date.

“(3) In the case of an individual who requests that such benefits be suspended under this subsection, for any month during the period in which the suspension is in effect—

“(A) no retroactive benefits (as defined in subsection (j)(4)(B)(iii)) shall be payable to such individual;

“(B) no monthly benefit shall be payable to any other individual on the basis of such individual’s wages and self-employment income; and

“(C) no monthly benefit shall be payable to such individual on the basis of another individual’s wages and self-employment income.”

(2) CONFORMING AMENDMENT.—Section 202(w)(2)(B)(ii) of the Social Security Act (42 U.S.C. 402(w)(2)(B)(ii)) is amended by inserting “under section 202(z)” after “request”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to requests for benefit suspension submitted beginning at least 180 days after the date of the enactment of this Act.

Applicability.
42 USC 402 note.

SEC. 832. REQUIREMENT FOR MEDICAL REVIEW.

(a) IN GENERAL.—Section 221(h) of the Social Security Act (42 U.S.C. 421(h)) is amended to read as follows:

“(h) An initial determination under subsection (a), (c), (g), or (i) shall not be made until the Commissioner of Social Security has made every reasonable effort to ensure—

Determination.

“(1) in any case where there is evidence which indicates the existence of a mental impairment, that a qualified psychiatrist or psychologist has completed the medical portion of the case review and any applicable residual functional capacity assessment; and

“(2) in any case where there is evidence which indicates the existence of a physical impairment, that a qualified physician has completed the medical portion of the case review and any applicable residual functional capacity assessment.”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to determinations of disability made on or after the date that is 1 year after the date of the enactment of this Act.

Applicability.
42 USC 421 note.

SEC. 833. REALLOCATION OF PAYROLL TAX REVENUE.

Time periods.

(1) WAGES.—Section 201(b)(1) of the Social Security Act (42 U.S.C. 401(b)(1)) is amended by striking “and (R) 1.80 per centum of the wages (as so defined) paid after December 31, 1999, and so reported” and inserting “(R) 1.80 per centum of the wages (as so defined) paid after December 31, 1999, and before January 1, 2016, and so reported, (S) 2.37 per centum of the wages (as so defined) paid after December 31, 2015, and before January 1, 2019, and so reported, and (T) 1.80 per centum of the wages (as so defined) paid after December 31, 2018, and so reported,”.

(2) SELF-EMPLOYMENT INCOME.—Section 201(b)(2) of such Act (42 U.S.C. 401(b)(2)) is amended by striking “and (R) 1.80 per centum of the amount of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 1999” and inserting “(R) 1.80 per centum of the amount of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 1999, and before January 1, 2016, (S) 2.37 per centum of

the amount of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 2015, and before January 1, 2019, and (T) 1.80 per centum of the amount of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 2018”.

Applicability.
42 USC 404.

(3) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to wages paid after December 31, 2015, and self-employment income for taxable years beginning after such date.

SEC. 834. ACCESS TO FINANCIAL INFORMATION FOR WAIVERS AND ADJUSTMENTS OF RECOVERY.

(a) ACCESS TO FINANCIAL INFORMATION FOR OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE WAIVERS.—Section 204(b) of the Social Security Act (42 U.S.C. 404(b)) is amended to read as follows:

Determinations.

“(b)(1) In any case in which more than the correct amount of payment has been made, there shall be no adjustment of payments to, or recovery by the United States from, any person who is without fault if such adjustment or recovery would defeat the purpose of this title or would be against equity and good conscience.

“(2) In making for purposes of this subsection any determination of whether any individual is without fault, the Commissioner of Social Security shall specifically take into account any physical, mental, educational, or linguistic limitation such individual may have (including any lack of facility with the English language).

“(3)(A) In making for purposes of this subsection any determination of whether such adjustment or recovery would defeat the purpose of this title, the Commissioner of Social Security shall require an individual to provide authorization for the Commissioner to obtain (subject to the cost reimbursement requirements of section 1115(a) of the Right to Financial Privacy Act) from any financial institution (within the meaning of section 1101(1) of such Act) any financial record (within the meaning of section 1101(2) of such Act) held by the institution with respect to such individual whenever the Commissioner determines the record is needed in connection with a determination with respect to such adjustment or recovery.

Termination.

“(B) Notwithstanding section 1104(a)(1) of the Right to Financial Privacy Act, an authorization provided by an individual pursuant this paragraph shall remain effective until the earlier of—

“(i) the rendering of a final decision on whether adjustment or recovery would defeat the purpose of this title; or

Notification.

“(ii) the express revocation by the individual of the authorization, in a written notification to the Commissioner.

“(C)(i) An authorization obtained by the Commissioner of Social Security pursuant this paragraph shall be considered to meet the requirements of the Right to Financial Privacy Act for purposes of section 1103(a) of such Act, and need not be furnished to the financial institution, notwithstanding section 1104(a) of such Act.

“(ii) The certification requirements of section 1103(b) of the Right to Financial Privacy Act shall not apply to requests by the Commissioner of Social Security pursuant to an authorization provided under this paragraph.

“(iii) A request by the Commissioner pursuant to an authorization provided under this paragraph is deemed to meet the requirements of section 1104(a)(3) of the Right to Financial Privacy Act and the flush language of section 1102 of such Act.

“(D) The Commissioner shall inform any person who provides authorization pursuant to this paragraph of the duration and scope of the authorization.

Notification.

“(E) If an individual refuses to provide, or revokes, any authorization for the Commissioner of Social Security to obtain from any financial institution any financial record, the Commissioner may, on that basis, determine that adjustment or recovery would not defeat the purpose of this title.”

(b) ACCESS TO FINANCIAL INFORMATION FOR SUPPLEMENTAL SECURITY INCOME WAIVERS.—

(1) IN GENERAL.—Section 1631(b)(1)(B) of the Social Security Act (42 U.S.C. 1383(b)(1)(B)) is amended by adding at the end the following: “In making for purposes of this subparagraph a determination of whether an adjustment or recovery would defeat the purpose of this title, the Commissioner of Social Security shall require an individual to provide authorization for the Commissioner to obtain (subject to the cost reimbursement requirements of section 1115(a) of the Right to Financial Privacy Act) from any financial institution (within the meaning of section 1101(1) of such Act) any financial record (within the meaning of section 1101(2) of such Act) held by the institution with respect to such individual whenever the Commissioner determines that the record is needed in connection with a determination with respect to such adjustment or recovery, under the terms and conditions established under subsection (e)(1)(B).”

Determination.
Records.

(2) CONFORMING AMENDMENT.—Section 1631(e)(1)(B)(ii)(V) of such Act (42 U.S.C. 1383(e)(1)(B)(ii)(V)) is amended by inserting “, determine that adjustment or recovery on account of an overpayment with respect to the applicant or recipient would not defeat the purpose of this title, or both” before the period at the end.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to determinations made on or after the date that is 3 months after the date of the enactment of this section.

Applicability.
42 USC 404 note.

Subtitle D—Relieving Administrative Burdens and Miscellaneous Provisions

SEC. 841. INTERAGENCY COORDINATION TO IMPROVE PROGRAM ADMINISTRATION.

(a) IN GENERAL.—Title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by inserting after section 1127 the following:

“INTERAGENCY COORDINATION TO IMPROVE PROGRAM ADMINISTRATION

“SEC. 1127A. (a) COORDINATION AGREEMENT.—Notwithstanding any other provision of law, including section 207 of this Act, the Commissioner of Social Security (referred to in this section as

Contracts.
Procedure.
42 USC
1320a-6a.

‘the Commissioner’) and the Director of the Office of Personnel Management (referred to in this section as ‘the Director’) shall enter into an agreement under which a system is established to carry out the following procedure:

Notification.
Certification.

“(1) The Director shall notify the Commissioner when any individual is determined to be entitled to a monthly disability annuity payment pursuant to subchapter V of chapter 84 of subpart G of part III of title 5, United States Code, and shall certify that such individual has provided the authorization described in subsection (f).

Determination.
Notification.

“(2) If the Commissioner determines that an individual described in paragraph (1) is also entitled to past-due benefits under section 223, the Commissioner shall notify the Director of such fact.

Deadline.

“(3) Not later than 30 days after receiving a notification described in paragraph (2) with respect to an individual, the Director shall provide the Commissioner with the total amount of any disability annuity overpayments made to such individual, as well as any other information (in such form and manner as the Commissioner shall require) that the Commissioner determines is necessary to carry out this section.

“(4) If the Director provides the Commissioner with the information described in paragraph (3) in a timely manner, the Commissioner may withhold past-due benefits under section 223 to which such individual is entitled and may pay the amount described in paragraph (3) to the Office of Personnel Management for any disability annuity overpayments made to such individual.

“(5) The Director shall credit any amount received under paragraph (4) with respect to an individual toward any disability annuity overpayment owed by such individual.

“(b) LIMITATIONS.—

“(1) PRIORITY OF OTHER REDUCTIONS.—Benefits shall only be withheld under this section after any other reduction applicable under this Act, including sections 206(a)(4), 224, and 1127(a).

“(2) TIMELY NOTIFICATION REQUIRED.—The Commissioner may not withhold benefits under this section if the Director does not provide the notice described in subsection (a)(3) within the time period described in such subsection.

“(c) DELAYED PAYMENT OF PAST-DUE BENEFITS.—If the Commissioner is required to make a notification described in subsection (a)(2) with respect to an individual, the Commissioner shall not make any payment of past-due benefits under section 223 to such individual until after the period described in subsection (a)(3).

“(d) REVIEW.—Notwithstanding section 205 or any other provision of law, any determination regarding the withholding of past-due benefits under this section shall only be subject to adjudication and review by the Director under section 8461 of title 5, United States Code.

“(e) DISABILITY ANNUITY OVERPAYMENT DEFINED.—For purposes of this section, the term ‘disability annuity overpayment’ means the amount of the reduction under section 8452(a)(2) of title 5, United States Code, applicable to a monthly annuity payment made to an individual pursuant to subchapter V of chapter 84 of subpart G of part III of such title due to the individual’s

concurrent entitlement to a disability insurance benefit under section 223 during such month.

“(f) AUTHORIZATION TO WITHHOLD BENEFITS.—The authorization described in this subsection, with respect to an individual, is written authorization provided by the individual to the Director which authorizes the Commissioner to withhold past-due benefits under section 223 to which such individual is entitled in order to pay the amount withheld to the Office of Personnel Management for any disability overpayments made to such individual.

“(g) EXPENSES.—The Director shall pay to the Social Security Administration an amount equal to the amount estimated by the Commissioner as the total cost incurred by the Social Security Administration in carrying out this section for each calendar quarter.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to past-due disability insurance benefits payable on or after the date that is 1 year after the date of the enactment of this section.

Applicability.
42 USC
1320a-6a note.

SEC. 842. ELIMINATION OF QUINQUENNIAL DETERMINATIONS RELATING TO WAGE CREDITS FOR MILITARY SERVICE PRIOR TO 1957.

Section 217(g)(2) of the Social Security Act (42 U.S.C. 417(g)(2)) is amended—

(1) by inserting “through 2010” after “each fifth year thereafter”; and

(2) by inserting after the first sentence the following: “The Secretary of Health and Human Services shall revise the amount determined under paragraph (1) with respect to the Federal Hospital Insurance Trust Fund under title XVIII in 2015 and each fifth year thereafter through such date, and using such data, as the Secretary determines appropriate on the basis of the amount of benefits and administrative expenses actually paid from such Trust Fund under title XVIII and the relevant actuarial assumptions set forth in the report of the Board of Trustees of such Trust Fund for such year under section 1817(b).”.

SEC. 843. CERTIFICATION OF BENEFITS PAYABLE TO A DIVORCED SPOUSE OF A RAILROAD WORKER TO THE RAILROAD RETIREMENT BOARD.

Section 205(i) of the Social Security Act (42 U.S.C. 405(i)) is amended by inserting “or divorced wife or divorced husband” after “the wife or husband”.

SEC. 844. TECHNICAL AMENDMENTS TO ELIMINATE OBSOLETE PROVISIONS.

(a) ELIMINATION OF REFERENCE IN SECTION 226 TO A REPEALED PROVISION.—Section 226 of the Social Security Act (42 U.S.C. 426) is amended—

(1) by striking subsection (i); and

(2) by redesignating subsection (j) as subsection (i).

(b) ELIMINATION OF REFERENCE IN SECTION 226A TO A REPEALED PROVISION.—Section 226A of such Act (42 U.S.C. 426-1) is amended by striking the second subsection (c).

SEC. 845. REPORTING REQUIREMENTS TO CONGRESS.

(a) **REPORT ON FRAUD AND IMPROPER PAYMENT PREVENTION ACTIVITIES.**—Section 704(b) of the Social Security Act (42 U.S.C. 904(b)) is amended by adding at the end the following:

Time period.

“(3) For each fiscal year beginning with 2016 and ending with 2021, the Commissioner shall include in the annual budget prepared pursuant to subparagraph (A) a report describing the purposes for which amounts made available for purposes described in section 251(b)(2)(B) of the Balanced Budget and Emergency Deficit Control Act of 1985 for the fiscal year were expended by the Social Security Administration and the purposes for which the Commissioner plans for the Administration to expend such funds in the succeeding fiscal year, including—

“(A) the total such amount expended;

“(B) the amount expended on co-operative disability investigation units;

“(C) the number of cases of fraud prevented by co-operative disability investigation units and the amount expended on such cases (as reported to the Commissioner by the Inspector General of the Social Security Administration);

“(D) the number of felony cases prosecuted under section 208 (as reported to the Commissioner by the Inspector General) and the amount expended by the Social Security Administration in supporting the prosecution of such cases;

“(E) the amount of such felony cases successfully prosecuted (as reported to the Commissioner by the Inspector General) and the amount expended by the Social Security Administration in supporting the prosecution of such cases;

“(F) the amount expended on and the number of completed—

“(i) continuing disability reviews conducted by mail;

“(ii) redeterminations conducted by mail;

“(iii) medical continuing disability reviews conducted pursuant to section 221(i);

“(iv) medical continuing disability reviews conducted pursuant to 1614(a)(3)(H);

“(v) redeterminations conducted pursuant to section 1611(c); and

“(vi) work-related continuing disability reviews to determine whether earnings derived from services demonstrate an individual’s ability to engage in substantial gainful activity;

“(G) the number of cases of fraud identified for which benefits were terminated as a result of medical continuing disability reviews (as reported to the Commissioner by the Inspector General), work-related continuing disability reviews, and redeterminations, and the amount of resulting savings for each such type of review or redetermination; and

“(H) the number of work-related continuing disability reviews in which a beneficiary improperly reported earnings derived from services for more than 3 consecutive months, and the amount of resulting savings.”.

42 USC 421 note.

(b) **REPORT ON WORK-RELATED CONTINUING DISABILITY REVIEWS.**—The Commissioner of Social Security shall annually

submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on the number of work-related continuing disability reviews conducted each year to determine whether earnings derived from services demonstrate an individual's ability to engage in substantial gainful activity. Such report shall include—

(1) the number of individuals receiving benefits based on disability under title II of such Act for whom reports of earnings were received from any source by the Commissioner in the previous calendar year, reported as a total number and separately by the source of the report;

(2) the number of individuals for whom such reports resulted in a determination to conduct a work-related continuing disability review, and the basis on which such determinations were made;

(3) in the case of a beneficiary selected for a work-related continuing disability review on the basis of a report of earnings from any source—

(A) the average number of days—

(i) between the receipt of the report and the initiation of the review;

(ii) between the initiation and the completion of the review; and

(iii) the average amount of overpayment, if any;

(B) the number of such reviews completed during such calendar year, and the number of such reviews that resulted in a suspension or termination of benefits;

(C) the number of such reviews initiated in the current year that had not been completed as of the end of such calendar year;

(D) the number of such reviews initiated in a prior year that had not been completed as of the end of such calendar year;

(4) the total savings to the Trust Funds and the Treasury generated from benefits suspended or terminated as a result of such reviews; and

(5) with respect to individuals for whom a work-related continuing disability review was completed during such calendar year—

(A) the number who participated in the Ticket to Work program under section 1148 during such calendar year;

(B) the number who used any program work incentives during such calendar year; and

(C) the number who received vocational rehabilitation services during such calendar year with respect to which the Commissioner of Social Security reimbursed a State agency under section 222(d).

(c) REPORT ON OVERPAYMENT WAIVERS.—Not later than January 1 of each calendar year, the Commissioner of Social Security shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on—

42 USC 404 note.

(1) the number and total value of overpayments recovered or scheduled to be recovered by the Social Security Administration during the previous fiscal year of benefits under title II and title XVI, respectively, including the terms and conditions of repayment of such overpayments; and

(2) the number and total value of overpayments waived by the Social Security Administration during the previous fiscal year of benefits under title II and title XVI, respectively.

42 USC 904 note. **SEC. 846. EXPEDITED EXAMINATION OF ADMINISTRATIVE LAW JUDGES.**

Deadlines.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Office of Personnel Management shall, upon request of the Commissioner of Social Security, expeditiously administer a sufficient number of competitive examinations, as determined by the Commissioner, for the purpose of identifying an adequate number of candidates to be appointed as Administrative Law Judges under section 3105 of title 5, United States Code. The first such examination shall take place not later than April 1, 2016 and other examinations shall take place at such time or times requested by the Commissioner, but not later than December 31, 2022. Such examinations shall proceed even if one or more individuals who took a prior examination have appealed an adverse determination and one or more of such appeals have not concluded, provided that—

(1) the Commissioner of Social Security has made a determination that delaying the examination poses a significant risk that an adequate number of Administrative Law Judges will not be available to meet the need of the Social Security Administration to reduce or prevent a backlog of cases awaiting a hearing;

(2) an individual whose appeal is pending is provided an option to continue their appeal or elects to take the new examination, in which case the appeal is considered vacated; and

(3) an individual who decides to continue his or her appeal and who ultimately prevails in the appeal shall receive expeditious consideration for hire by the Office Personnel Management and the Commissioner of Social Security.

(b) PAYMENT OF COSTS.—Notwithstanding any other provision of law, the Commissioner of Social Security shall pay the full cost associated with each examination conducted pursuant to subsection (a).

TITLE IX—TEMPORARY EXTENSION OF PUBLIC DEBT LIMIT

31 USC 3101 note.
Time period.

SEC. 901. TEMPORARY EXTENSION OF PUBLIC DEBT LIMIT.

(a) IN GENERAL.—Section 3101(b) of title 31, United States Code, shall not apply for the period beginning on the date of the enactment of this Act and ending on March 15, 2017.

Effective date.

(b) SPECIAL RULE RELATING TO OBLIGATIONS ISSUED DURING EXTENSION PERIOD.—Effective March 16, 2017, the limitation in effect under section 3101(b) of title 31, United States Code, shall be increased to the extent that—

(1) the face amount of obligations issued under chapter 31 of such title and the face amount of obligations whose principal and interest are guaranteed by the United States Government (except guaranteed obligations held by the Secretary of the Treasury) outstanding on March 16, 2017, exceeds

(2) the face amount of such obligations outstanding on the date of the enactment of this Act.

SEC. 902. RESTORING CONGRESSIONAL AUTHORITY OVER THE NATIONAL DEBT. 31 USC 3101 note.

(a) **EXTENSION LIMITED TO NECESSARY OBLIGATIONS.**—An obligation shall not be taken into account under section 901(b)(1) unless the issuance of such obligation was necessary to fund a commitment incurred pursuant to law by the Federal Government that required payment before March 16, 2017.

(b) **PROHIBITION ON CREATION OF CASH RESERVE DURING EXTENSION PERIOD.**—The Secretary of the Treasury shall not issue obligations during the period specified in section 901(a) for the purpose of increasing the cash balance above normal operating balances in anticipation of the expiration of such period.

TITLE X—SPECTRUM PIPELINE

Spectrum Pipeline Act of 2015. 47 USC 901 note.

SEC. 1001. SHORT TITLE.

This title may be cited as the “Spectrum Pipeline Act of 2015”.

SEC. 1002. DEFINITIONS.

47 USC 921 note.

In this title:

(1) **ASSISTANT SECRETARY.**—The term “Assistant Secretary” means the Assistant Secretary of Commerce for Communications and Information.

(2) **COMMISSION.**—The term “Commission” means the Federal Communications Commission.

(3) **FEDERAL ENTITY.**—The term “Federal entity” has the meaning given such term in section 113(l) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(l)).

(4) **SECRETARY.**—The term “Secretary” means the Secretary of Commerce.

SEC. 1003. RULE OF CONSTRUCTION.

47 USC 921 note.

Each range of frequencies described in this title shall be construed to be inclusive of the upper and lower frequencies in the range.

SEC. 1004. IDENTIFICATION, REALLOCATION, AND AUCTION OF FEDERAL SPECTRUM.

47 USC 921 note.

(a) **IDENTIFICATION OF SPECTRUM.**—Not later than January 1, 2022, the Secretary shall submit to the President and to the Commission a report identifying 30 megahertz of electromagnetic spectrum (in bands of not less than 10 megahertz of contiguous frequencies) below the frequency of 3 gigahertz (except for the spectrum between the frequencies of 1675 megahertz and 1695 megahertz) for reallocation from Federal use to non-Federal use or shared Federal and non-Federal use, or a combination thereof.

Deadline. Reports.

(b) **CLEARING OF SPECTRUM.**—The President shall—

President. Deadlines.

(1) not later than January 1, 2022, begin the process of withdrawing or modifying the assignment to a Federal Government station of the electromagnetic spectrum identified under subsection (a); and

(2) not later than 30 days after completing the withdrawal or modification, notify the Commission that the withdrawal or modification is complete.

Notifications.

(c) **REALLOCATION AND AUCTION.**—

(1) **IN GENERAL.**—The Commission shall—

Deadline.

(A) reallocate the electromagnetic spectrum identified under subsection (a) for non-Federal use or shared Federal and non-Federal use, or a combination thereof; and

(B) notwithstanding paragraph (15)(A) of section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)), not later than July 1, 2024, begin a system of competitive bidding under such section to grant new initial licenses for the use of such spectrum, subject to flexible-use service rules.

(2) PROCEEDS TO COVER 110 PERCENT OF FEDERAL RELOCATION OR SHARING COSTS.—Nothing in paragraph (1) shall be construed to relieve the Commission from the requirements of section 309(j)(16)(B) of the Communications Act of 1934 (47 U.S.C. 309(j)(16)(B)).

SEC. 1005. ADDITIONAL USES OF SPECTRUM RELOCATION FUND.

(a) IN GENERAL.—Section 118 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 928) is amended—

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

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

“(g) ADDITIONAL PAYMENTS FOR RESEARCH AND DEVELOPMENT AND PLANNING ACTIVITIES.—

“(1) AMOUNTS AVAILABLE.—Notwithstanding subsections (c) through (e)—

Appropriation
authorization.

“(A) there are appropriated from the Fund on the date of the enactment of the Spectrum Pipeline Act of 2015, and available to the Director of OMB for use in accordance with paragraph (2), not more than \$500,000,000 from amounts in the Fund on such date of enactment; and

“(B) there are appropriated from the Fund after such date of enactment, and available to the Director of OMB for use in accordance with such paragraph, not more than 10 percent of the amounts deposited in the Fund after such date of enactment.

“(2) USE OF AMOUNTS.—

“(A) IN GENERAL.—The Director of OMB may use amounts made available under paragraph (1) to make payments requested by Federal entities for research and development, engineering studies, economic analyses, activities with respect to systems, or other planning activities intended to improve the efficiency and effectiveness of the spectrum use of Federal entities in order to make available frequencies described in subparagraph (C) for reallocation for non-Federal use or shared Federal and non-Federal use, or a combination thereof, and for auction in accordance with such reallocation.

“(B) SYSTEMS THAT IMPROVE EFFICIENCY AND EFFECTIVENESS OF FEDERAL SPECTRUM USE.—For purposes of a payment under subparagraph (A) for activities with respect to systems that improve the efficiency and effectiveness of the spectrum use of Federal entities, such systems include the following:

“(i) Systems that have increased functionality or that increase the ability of a Federal entity to accommodate spectrum sharing with non-Federal entities.

“(ii) Systems that consolidate functions or services that have been provided using separate systems.

“(iii) Non-spectrum technology or systems.

“(C) FREQUENCIES DESCRIBED.—The frequencies described in this subparagraph are, with respect to a payment under subparagraph (A), frequencies that—

“(i) are assigned to a Federal entity; and

“(ii) at the time of the activities conducted with such payment, are not identified for auction.

“(D) CONDITIONS.—The Director of OMB may not make a payment to a Federal entity under subparagraph (A)—

“(i) unless—

“(I) the Federal entity has submitted to the Technical Panel established under section 113(h)(3) a plan describing the activities that the Federal entity will conduct with such payment; Plans.

“(II) the Technical Panel has approved such plan under subparagraph (E); and

“(III) the Director of OMB has submitted the plan approved under subparagraph (E) to the congressional committees described in subsection (d)(2)(C); and

“(ii) until 60 days have elapsed after submission of the plan under clause (i)(III). Deadline.

“(E) REVIEW BY TECHNICAL PANEL.—

“(i) IN GENERAL.—Not later than 120 days after a Federal entity submits a plan under subparagraph (D)(i)(I) to the Technical Panel established under section 113(h)(3), the Technical Panel shall approve or disapprove such plan. Deadline.

“(ii) CRITERIA FOR REVIEW.—In considering whether to approve or disapprove a plan under this subparagraph, the Technical Panel shall consider whether—

“(I) the activities that the Federal entity will conduct with the payment will—

“(aa) increase the probability of relocation from or sharing of Federal spectrum;

“(bb) facilitate an auction intended to occur not later than 8 years after the payment; and

“(cc) increase the net expected auction proceeds in an amount not less than the time value of the amount of the payment; and

“(II) the transfer will leave sufficient amounts in the Fund for the other purposes of the Fund.

“(h) PRIORITIZATION OF PAYMENTS.—In determining whether to make payments under subsections (f) and (g), the Director of OMB shall, to the extent practicable, prioritize payments under subsection (g).”

(b) ADMINISTRATIVE SUPPORT FOR TECHNICAL PANEL.—Section 113(h)(3)(C) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(h)(3)(C)) is amended by striking “this subsection and subsection (i)” and inserting “this subsection, subsection (i), and section 118(g)(2)(E)”.

(c) **ELIGIBLE FEDERAL ENTITIES.**—Section 113 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923) is amended—

(1) in subsection (g)—

(A) in paragraph (1)—

(i) by striking “authorized to use a band of eligible frequencies described in paragraph (2) and”;

(ii) by inserting “eligible” after “auction of”;

(iii) by inserting “eligible” after “reallocation of”;

and

(B) in paragraph (3)(A), by striking “previously assigned to such entity or the sharing of spectrum frequencies assigned to such entity” and inserting “or the sharing of spectrum frequencies”; and

(2) in subsection (h)(1), by striking “authorized to use any such frequency”.

SEC. 1006. PLANS FOR AUCTION OF CERTAIN SPECTRUM.

Coordination.

(a) **REPORTS TO CONGRESS.**—In accordance with each paragraph of subsection (c), the Commission, in coordination with the Assistant Secretary, shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing a proposed plan for the assignment of new licenses for non-Federal use of the spectrum identified under such paragraph, including—

Assessment.

(1) an assessment of the operations of Federal entities that operate Federal Government stations authorized to use such spectrum;

Timeline.

(2) an estimated timeline for the competitive bidding process; and

(3) a proposed plan for balance between unlicensed and licensed use.

Coordination.

(b) **INFORMATION FOR ASSESSMENT OF FEDERAL ENTITY OPERATIONS.**—The Assistant Secretary, in coordination with the affected Federal entities, shall provide to the Commission the necessary information to carry out subsection (a)(1).

(c) **REPORT DEADLINES; IDENTIFICATION OF SPECTRUM.**—The Commission shall submit reports under subsection (a) as follows:

(1) Not later than January 1, 2022, for at least 50 megahertz of spectrum (in bands of not less than 10 megahertz of contiguous frequencies) below 6 gigahertz, to be identified by the Commission, in coordination with the Assistant Secretary, from spectrum other than the spectrum identified under section 1004(a).

(2) Not later than January 1, 2024, for at least 50 megahertz of spectrum (in bands of not less than 10 megahertz of contiguous frequencies) below 6 gigahertz, to be identified by the Commission, in coordination with the Assistant Secretary, from spectrum other than the spectrum identified under paragraph (1) or section 1004(a).

Expiration date.

SEC. 1007. FCC AUCTION AUTHORITY.

Section 309(j)(11) of the Communications Act of 1934 (47 U.S.C. 309(j)(11)) is amended by inserting before the period at the end the following: “, except that, with respect to the electromagnetic spectrum identified under section 1004(a) of the Spectrum Pipeline Act of 2015, such authority shall expire on September 30, 2025”.

SEC. 1008. REPORTS TO CONGRESS.

Analysis.

Not later than 3 years after the date of the enactment of this Act, the Commission shall submit to Congress—

(1) a report containing an analysis of the results of the rules changes relating to the frequencies between 3550 megahertz and 3650 megahertz; and

(2) a report containing an analysis of proposals to promote and identify additional spectrum bands that can be shared between incumbent uses and new licensed, and unlicensed services under such rules and identification of at least 1 gigahertz between 6 gigahertz and 57 GHz for such use.

TITLE XI—REVENUE PROVISIONS RELATED TO TAX COMPLIANCE

SEC. 1101. PARTNERSHIP AUDITS AND ADJUSTMENTS.

(a) **REPEAL OF TEFRA PARTNERSHIP AUDIT RULES.**—Chapter 63 of the Internal Revenue Code of 1986 is amended by striking subchapter C (and by striking the item relating to such subchapter in the table of subchapters for such chapter).

26 USC
prec. 6201.

(b) **REPEAL OF ELECTING LARGE PARTNERSHIP RULES.**—

(1) **IN GENERAL.**—Subchapter K of chapter 1 of such Code is amended by striking part IV (and by striking the item relating to such part in the table of parts for such subchapter).

26 USC
prec. 701.

(2) **ASSESSMENT RULES RELATING TO ELECTING LARGE PARTNERSHIPS.**—Chapter 63 of such Code is amended by striking subchapter D (and by striking the item relating to such subchapter in the table of subchapters for such chapter).

26 USC
prec. 6201.

(c) **PARTNERSHIP AUDIT REFORM.**—

(1) **IN GENERAL.**—Chapter 63 of such Code, as amended by the preceding provisions of this section, is amended by inserting after subchapter B the following new subchapter:

26 USC
prec. 6221.

“Subchapter C—Treatment of Partnerships

“PART I—IN GENERAL

“PART II—PARTNERSHIP ADJUSTMENTS

“PART III—PROCEDURE

“PART IV—DEFINITIONS AND SPECIAL RULES

“PART I—IN GENERAL

“Sec. 6221. Determination at partnership level.

“Sec. 6222. Partner’s return must be consistent with partnership return.

“Sec. 6223. Designation of partnership representative.

“SEC. 6221. DETERMINATION AT PARTNERSHIP LEVEL.

26 USC 6221.

“(a) **IN GENERAL.**—Any adjustment to items of income, gain, loss, deduction, or credit of a partnership for a partnership taxable year (and any partner’s distributive share thereof) shall be determined, any tax attributable thereto shall be assessed and collected, and the applicability of any penalty, addition to tax, or additional amount which relates to an adjustment to any such item or share shall be determined, at the partnership level pursuant to this subchapter.

“(b) ELECTION OUT FOR CERTAIN PARTNERSHIPS WITH 100 OR FEWER PARTNERS, ETC.—

“(1) IN GENERAL.—This subchapter shall not apply with respect to any partnership for any taxable year if—

“(A) the partnership elects the application of this subsection for such taxable year,

“(B) for such taxable year the partnership is required to furnish 100 or fewer statements under section 6031(b) with respect to its partners,

“(C) each of the partners of such partnership is an individual, a C corporation, any foreign entity that would be treated as a C corporation were it domestic, an S corporation, or an estate of a deceased partner,

“(D) the election—

“(i) is made with a timely filed return for such taxable year, and

“(ii) includes (in the manner prescribed by the Secretary) a disclosure of the name and taxpayer identification number of each partner of such partnership, and

Notification.

“(E) the partnership notifies each such partner of such election in the manner prescribed by the Secretary.

“(2) SPECIAL RULES RELATING TO CERTAIN PARTNERS.—

“(A) S CORPORATION PARTNERS.—In the case of a partner that is an S corporation—

“(i) the partnership shall only be treated as meeting the requirements of paragraph (1)(C) with respect to such partner if such partnership includes (in the manner prescribed by the Secretary) a disclosure of the name and taxpayer identification number of each person with respect to whom such S corporation is required to furnish a statement under section 6037(b) for the taxable year of the S corporation ending with or within the partnership taxable year for which the application of this subsection is elected, and

“(ii) the statements such S corporation is required to so furnish shall be treated as statements furnished by the partnership for purposes of paragraph (1)(B).

“(B) FOREIGN PARTNERS.—For purposes of paragraph (1)(D)(ii), the Secretary may provide for alternative identification of any foreign partners.

“(C) OTHER PARTNERS.—The Secretary may by regulation or other guidance prescribe rules similar to the rules of subparagraph (A) with respect to any partners not described in such subparagraph or paragraph (1)(C).

26 USC 6222.

“SEC. 6222. PARTNER’S RETURN MUST BE CONSISTENT WITH PARTNERSHIP RETURN.

“(a) IN GENERAL.—A partner shall, on the partner’s return, treat each item of income, gain, loss, deduction, or credit attributable to a partnership in a manner which is consistent with the treatment of such income, gain, loss, deduction, or credit on the partnership return.

“(b) UNDERPAYMENT DUE TO INCONSISTENT TREATMENT ASSESSED AS MATH ERROR.—Any underpayment of tax by a partner by reason of failing to comply with the requirements of subsection (a) shall be assessed and collected in the same manner as if such

underpayment were on account of a mathematical or clerical error appearing on the partner's return. Paragraph (2) of section 6213(b) shall not apply to any assessment of an underpayment referred to in the preceding sentence.

“(c) EXCEPTION FOR NOTIFICATION OF INCONSISTENT TREATMENT.—

“(1) IN GENERAL.—In the case of any item referred to in subsection (a), if—

“(A)(i) the partnership has filed a return but the partner's treatment on the partner's return is (or may be) inconsistent with the treatment of the item on the partnership return, or

“(ii) the partnership has not filed a return, and

“(B) the partner files with the Secretary a statement identifying the inconsistency, subsections (a) and (b) shall not apply to such item.

“(2) PARTNER RECEIVING INCORRECT INFORMATION.—A partner shall be treated as having complied with subparagraph (B) of paragraph (1) with respect to an item if the partner—

“(A) demonstrates to the satisfaction of the Secretary that the treatment of the item on the partner's return is consistent with the treatment of the item on the statement furnished to the partner by the partnership, and

“(B) elects to have this paragraph apply with respect to that item.

“(d) FINAL DECISION ON CERTAIN POSITIONS NOT BINDING ON PARTNERSHIP.—Any final decision with respect to an inconsistent position identified under subsection (c) in a proceeding to which the partnership is not a party shall not be binding on the partnership.

“(e) ADDITION TO TAX FOR FAILURE TO COMPLY WITH SECTION.—For addition to tax in the case of a partner's disregard of the requirements of this section, see part II of subchapter A of chapter 68.

“SEC. 6223. PARTNERS BOUND BY ACTIONS OF PARTNERSHIP.

26 USC 6223.

“(a) DESIGNATION OF PARTNERSHIP REPRESENTATIVE.—Each partnership shall designate (in the manner prescribed by the Secretary) a partner (or other person) with a substantial presence in the United States as the partnership representative who shall have the sole authority to act on behalf of the partnership under this subchapter. In any case in which such a designation is not in effect, the Secretary may select any person as the partnership representative.

“(b) BINDING EFFECT.—A partnership and all partners of such partnership shall be bound—

“(1) by actions taken under this subchapter by the partnership, and

“(2) by any final decision in a proceeding brought under this subchapter with respect to the partnership.

“PART II—PARTNERSHIP ADJUSTMENTS

26 USC
prec. 6225.

“Sec. 6225. Partnership adjustment by Secretary.

“Sec. 6226. Alternative to payment of imputed underpayment by partnership.

“Sec. 6227. Administrative adjustment request by partnership.

26 USC 6225.

“SEC. 6225. PARTNERSHIP ADJUSTMENT BY SECRETARY.

“(a) IN GENERAL.—In the case of any adjustment by the Secretary in the amount of any item of income, gain, loss, deduction, or credit of a partnership, or any partner’s distributive share thereof—

“(1) the partnership shall pay any imputed underpayment with respect to such adjustment in the adjustment year as provided in section 6232, and

“(2) any adjustment that does not result in an imputed underpayment shall be taken into account by the partnership in the adjustment year—

“(A) except as provided in subparagraph (B), as a reduction in non-separately stated income or an increase in non-separately stated loss (whichever is appropriate) under section 702(a)(8), or

“(B) in the case of an item of credit, as a separately stated item.

“(b) DETERMINATION OF IMPUTED UNDERPAYMENTS.—For purposes of this subchapter—

“(1) IN GENERAL.—Except as provided in subsection (c), any imputed underpayment with respect to any partnership adjustment for any reviewed year shall be determined—

“(A) by netting all adjustments of items of income, gain, loss, or deduction and multiplying such net amount by the highest rate of tax in effect for the reviewed year under section 1 or 11,

“(B) by treating any net increase or decrease in loss under subparagraph (A) as a decrease or increase, respectively, in income, and

“(C) by taking into account any adjustments to items of credit as an increase or decrease, as the case may be, in the amount determined under subparagraph (A).

“(2) ADJUSTMENTS TO DISTRIBUTIVE SHARES OF PARTNERS NOT NETTED.—In the case of any adjustment which reallocates the distributive share of any item from one partner to another, such adjustment shall be taken into account under paragraph (1) by disregarding—

“(A) any decrease in any item of income or gain, and

“(B) any increase in any item of deduction, loss, or credit.

Procedures.

“(c) MODIFICATION OF IMPUTED UNDERPAYMENTS.—

“(1) IN GENERAL.—The Secretary shall establish procedures under which the imputed underpayment amount may be modified consistent with the requirements of this subsection.

“(2) AMENDED RETURNS OF PARTNERS.—

“(A) IN GENERAL.—Such procedures shall provide that if—

“(i) one or more partners file returns (notwithstanding section 6511) for the taxable year of the partners which includes the end of the reviewed year of the partnership,

“(ii) such returns take into account all adjustments under subsection (a) properly allocable to such partners (and for any other taxable year with respect to which any tax attribute is affected by reason of such adjustments), and

“(iii) payment of any tax due is included with such return, then the imputed underpayment amount shall be determined without regard to the portion of the adjustments so taken into account.

“(B) REALLOCATION OF DISTRIBUTIVE SHARE.—In the case of any adjustment which reallocates the distributive share of any item from one partner to another, paragraph (2) shall apply only if returns are filed by all partners affected by such adjustment.

Applicability.

“(3) TAX-EXEMPT PARTNERS.—Such procedures shall provide for determining the imputed underpayment without regard to the portion thereof that the partnership demonstrates is allocable to a partner that would not owe tax by reason of its status as a tax-exempt entity (as defined in section 168(h)(2)).

“(4) MODIFICATION OF APPLICABLE HIGHEST TAX RATES.—

“(A) IN GENERAL.—Such procedures shall provide for taking into account a rate of tax lower than the rate of tax described in subsection (b)(1)(A) with respect to any portion of the imputed underpayment that the partnership demonstrates is allocable to a partner which—

“(i) in the case of ordinary income, is a C corporation, or

“(ii) in the case of a capital gain or qualified dividend, is an individual.

In no event shall the lower rate determined under the preceding sentence be less than the highest rate in effect with respect to the income and taxpayer described in clause (i) or clause (ii), as the case may be. For purposes of clause (ii), an S corporation shall be treated as an individual.

“(B) PORTION OF IMPUTED UNDERPAYMENT TO WHICH LOWER RATE APPLIES.—

Determination.

“(i) IN GENERAL.—Except as provided in clause (ii), the portion of the imputed underpayment to which the lower rate applies with respect to a partner under subparagraph (A) shall be determined by reference to the partners’ distributive share of items to which the imputed underpayment relates.

“(ii) RULE IN CASE OF VARIED TREATMENT OF ITEMS AMONG PARTNERS.—If the imputed underpayment is attributable to the adjustment of more than 1 item, and any partner’s distributive share of such items is not the same with respect to all such items, then the portion of the imputed underpayment to which the lower rate applies with respect to a partner under subparagraph (A) shall be determined by reference to the amount which would have been the partner’s distributive share of net gain or loss if the partnership had sold all of its assets at their fair market value as of the close of the reviewed year of the partnership.

“(5) OTHER PROCEDURES FOR MODIFICATION OF IMPUTED UNDERPAYMENT.—The Secretary may by regulations or guidance provide for additional procedures to modify imputed underpayment amounts on the basis of such other factors as the Secretary determines are necessary or appropriate to carry out the purposes of this subsection.

Deadline.
Time period.

“(6) YEAR AND DAY FOR SUBMISSION TO SECRETARY.—Anything required to be submitted pursuant to paragraph (1) shall be submitted to the Secretary not later than the close of the 270-day period beginning on the date on which the notice of a proposed partnership adjustment is mailed under section 6231 unless such period is extended with the consent of the Secretary.

“(7) DECISION OF SECRETARY.—Any modification of the imputed underpayment amount under this subsection shall be made only upon approval of such modification by the Secretary.

“(d) DEFINITIONS.—For purposes of this subchapter—

“(1) REVIEWED YEAR.—The term ‘reviewed year’ means the partnership taxable year to which the item being adjusted relates.

“(2) ADJUSTMENT YEAR.—The term ‘adjustment year’ means the partnership taxable year in which—

“(A) in the case of an adjustment pursuant to the decision of a court in a proceeding brought under section 6234, such decision becomes final,

“(B) in the case of an administrative adjustment request under section 6227, such administrative adjustment request is made, or

“(C) in any other case, notice of the final partnership adjustment is mailed under section 6231.

26 USC 6226.

“SEC. 6226. ALTERNATIVE TO PAYMENT OF IMPUTED UNDERPAYMENT BY PARTNERSHIP.

“(a) IN GENERAL.—If the partnership—

“(1) not later than 45 days after the date of the notice of final partnership adjustment, elects the application of this section with respect to an imputed underpayment, and

“(2) at such time and in such manner as the Secretary may provide, furnishes to each partner of the partnership for the reviewed year and to the Secretary a statement of the partner’s share of any adjustment to income, gain, loss, deduction, or credit (as determined in the notice of final partnership adjustment),

section 6225 shall not apply with respect to such underpayment and each such partner shall take such adjustment into account as provided in subsection (b). The election under paragraph (1) shall be made in such manner as the Secretary may provide and, once made, shall be revocable only with the consent of the Secretary.

“(b) ADJUSTMENTS TAKEN INTO ACCOUNT BY PARTNER.—

“(1) TAX IMPOSED IN YEAR OF STATEMENT.—Each partner’s tax imposed by chapter 1 for the taxable year which includes the date the statement was furnished under subsection (a) shall be increased by the aggregate of the adjustment amounts determined under paragraph (2) for the taxable years referred to therein.

“(2) ADJUSTMENT AMOUNTS.—The adjustment amounts determined under this paragraph are—

“(A) in the case of the taxable year of the partner which includes the end of the reviewed year, the amount by which the tax imposed under chapter 1 would increase if the partner’s share of the adjustments described in subsection (a) were taken into account for such taxable year, plus

Deadline.
Notice.

“(B) in the case of any taxable year after the taxable year referred to in subparagraph (A) and before the taxable year referred to in paragraph (1), the amount by which the tax imposed under chapter 1 would increase by reason of the adjustment to tax attributes under paragraph (3).

“(3) ADJUSTMENT OF TAX ATTRIBUTES.—Any tax attribute which would have been affected if the adjustments described in subsection (a) were taken into account for the taxable year referred to in paragraph (2)(A) shall—

“(A) in the case of any taxable year referred to in paragraph (2)(B), be appropriately adjusted for purposes of applying such paragraph, and

“(B) in the case of any subsequent taxable year, be appropriately adjusted.

“(c) PENALTIES AND INTEREST.—

Determination.

“(1) PENALTIES.—Notwithstanding subsections (a) and (b), any penalties, additions to tax, or additional amount shall be determined as provided under section 6221 and the partners of the partnership for the reviewed year shall be liable for any such penalty, addition to tax, or additional amount.

“(2) INTEREST.—In the case of an imputed underpayment with respect to which the application of this section is elected, interest shall be determined—

“(A) at the partner level,

“(B) from the due date of the return for the taxable year to which the increase is attributable (determined by taking into account any increases attributable to a change in tax attributes for a taxable year under subsection (b)(2)), and

“(C) at the underpayment rate under section 6621(a)(2), determined by substituting ‘5 percentage points’ for ‘3 percentage points’ in subparagraph (B) thereof.

“SEC. 6227. ADMINISTRATIVE ADJUSTMENT REQUEST BY PARTNERSHIP.

26 USC 6227.

“(a) IN GENERAL.—A partnership may file a request for an administrative adjustment in the amount of one or more items of income, gain, loss, deduction, or credit of the partnership for any partnership taxable year.

“(b) ADJUSTMENT.—Any such adjustment under subsection (a) shall be determined and taken into account for the partnership taxable year in which the administrative adjustment request is made—

Determination.

“(1) by the partnership under rules similar to the rules of section 6225 (other than paragraphs (2), (6) and (7) of subsection (c) thereof) for the partnership taxable year in which the administrative adjustment request is made, or

“(2) by the partnership and partners under rules similar to the rules of section 6226 (determined without regard to the substitution described in subsection (c)(2)(C) thereof).

In the case of an adjustment that would not result in an imputed underpayment, paragraph (1) shall not apply and paragraph (2) shall apply with appropriate adjustments.

Applicability.

“(c) PERIOD OF LIMITATIONS.—A partnership may not file such a request more than 3 years after the later of—

“(1) the date on which the partnership return for such year is filed, or

“(2) the last day for filing the partnership return for such year (determined without regard to extensions).
In no event may a partnership file such a request after a notice of an administrative proceeding with respect to the taxable year is mailed under section 6231.

26 USC 6231
note.

“PART 1—PROCEDURE

“Sec. 6231. Notice of proceedings and adjustment.
“Sec. 6232. Assessment, collection, and payment.
“Sec. 6233. Interest and penalties.
“Sec. 6234. Judicial review of partnership adjustment.
“Sec. 6235. Period of limitations on making adjustments.

26 USC 6231.

“SEC. 6231. NOTICE OF PROCEEDINGS AND ADJUSTMENT.

Mailings.

“(a) IN GENERAL.—The Secretary shall mail to the partnership and the partnership representative—

“(1) notice of any administrative proceeding initiated at the partnership level with respect to an adjustment of any item of income, gain, loss, deduction, or credit of a partnership for a partnership taxable year, or any partner’s distributive share thereof,

“(2) notice of any proposed partnership adjustment resulting from such proceeding, and

“(3) notice of any final partnership adjustment resulting from such proceeding.

Deadline.

Any notice of a final partnership adjustment shall not be mailed earlier than 270 days after the date on which the notice of the proposed partnership adjustment is mailed. Such notices shall be sufficient if mailed to the last known address of the partnership representative or the partnership (even if the partnership has terminated its existence). The first sentence shall apply to any proceeding with respect to an administrative adjustment request filed by a partnership under section 6227.

“(b) FURTHER NOTICES RESTRICTED.—If the Secretary mails a notice of a final partnership adjustment to any partnership for any partnership taxable year and the partnership files a petition under section 6234 with respect to such notice, in the absence of a showing of fraud, malfeasance, or misrepresentation of a material fact, the Secretary shall not mail another such notice to such partnership with respect to such taxable year.

“(c) AUTHORITY TO RESCIND NOTICE WITH PARTNERSHIP CONSENT.—The Secretary may, with the consent of the partnership, rescind any notice of a partnership adjustment mailed to such partnership. Any notice so rescinded shall not be treated as a notice of a partnership adjustment for purposes of this subchapter, and the taxpayer shall have no right to bring a proceeding under section 6234 with respect to such notice.

26 USC 6232.

“SEC. 6232. ASSESSMENT, COLLECTION, AND PAYMENT.

“(a) IN GENERAL.—Any imputed underpayment shall be assessed and collected in the same manner as if it were a tax imposed for the adjustment year by subtitle A, except that in the case of an administrative adjustment request to which section 6227(b)(1) applies, the underpayment shall be paid when the request is filed.

“(b) LIMITATION ON ASSESSMENT.—Except as otherwise provided in this chapter, no assessment of a deficiency may be made (and no levy or proceeding in any court for the collection of any amount

resulting from such adjustment may be made, begun or prosecuted) before—

“(1) the close of the 90th day after the day on which a notice of a final partnership adjustment was mailed, and

Time period.

“(2) if a petition is filed under section 6234 with respect to such notice, the decision of the court has become final.

“(c) **PREMATURE ACTION MAY BE ENJOINED.**—Notwithstanding section 7421(a), any action which violates subsection (b) may be enjoined in the proper court, including the Tax Court. The Tax Court shall have no jurisdiction to enjoin any action under this subsection unless a timely petition has been filed under section 6234 and then only in respect of the adjustments that are the subject of such petition.

Courts.

“(d) **EXCEPTIONS TO RESTRICTIONS ON ADJUSTMENTS.**—

“(1) **ADJUSTMENTS ARISING OUT OF MATH OR CLERICAL ERRORS.**—

“(A) **IN GENERAL.**— If the partnership is notified that, on account of a mathematical or clerical error appearing on the partnership return, an adjustment to a item is required, rules similar to the rules of paragraphs (1) and (2) of section 6213(b) shall apply to such adjustment.

Notification.
Applicability.

“(B) **SPECIAL RULE.**—If a partnership is a partner in another partnership, any adjustment on account of such partnership’s failure to comply with the requirements of section 6222(a) with respect to its interest in such other partnership shall be treated as an adjustment referred to in subparagraph (A), except that paragraph (2) of section 6213(b) shall not apply to such adjustment.

“(2) **PARTNERSHIP MAY WAIVE RESTRICTIONS.**—The partnership may at any time (whether or not any notice of partnership adjustment has been issued), by a signed notice in writing filed with the Secretary, waive the restrictions provided in subsection (b) on the making of any partnership adjustment.

Notice.

“(e) **LIMIT WHERE NO PROCEEDING BEGUN.**—If no proceeding under section 6234 is begun with respect to any notice of a final partnership adjustment during the 90-day period described in subsection (b) thereof, the amount for which the partnership is liable under section 6225 shall not exceed the amount determined in accordance with such notice.

“**SEC. 6233. INTEREST AND PENALTIES.**

26 USC 6233.

“(a) **INTEREST AND PENALTIES DETERMINED FROM REVIEWED YEAR.**—

“(1) **IN GENERAL.**—Except to the extent provided in section 6226(c), in the case of a partnership adjustment for a reviewed year—

“(A) interest shall be computed under paragraph (2), and

“(B) the partnership shall be liable for any penalty, addition to tax, or additional amount as provided in paragraph (3).

“(2) **DETERMINATION OF AMOUNT OF INTEREST.**—The interest computed under this paragraph with respect to any partnership adjustment is the interest which would be determined under chapter 67 for the period beginning on the day after the return due date for the reviewed year and ending on the return due date for the adjustment year (or, if earlier,

Time period.

- the date payment of the imputed underpayment is made). Proper adjustments in the amount determined under the preceding sentence shall be made for adjustments required for partnership taxable years after the reviewed year and before the adjustment year by reason of such partnership adjustment.
- Determination. “(3) PENALTIES.—Any penalty, addition to tax, or additional amount shall be determined at the partnership level as if such partnership had been an individual subject to tax under chapter 1 for the reviewed year and the imputed underpayment were an actual underpayment (or understatement) for such year.
- Determination. “(b) INTEREST AND PENALTIES WITH RESPECT TO ADJUSTMENT YEAR RETURN.—
- “ (1) IN GENERAL.—In the case of any failure to pay an imputed underpayment on the date prescribed therefor, the partnership shall be liable—
- “ (A) for interest as determined under paragraph (2), and
- “ (B) for any penalty, addition to tax, or additional amount as determined under paragraph (3).
- “ (2) INTEREST.—Interest determined under this paragraph is the interest that would be determined by treating the imputed underpayment as an underpayment of tax imposed in the adjustment year.
- “ (3) PENALTIES.—Penalties, additions to tax, or additional amounts determined under this paragraph are the penalties, additions to tax, or additional amounts that would be determined—
- “ (A) by applying section 6651(a)(2) to such failure to pay, and
- “ (B) by treating the imputed underpayment as an underpayment of tax for purposes of part II of subchapter A of chapter 68.
- 26 USC 6234. “SEC. 6234. JUDICIAL REVIEW OF PARTNERSHIP ADJUSTMENT.
- Deadline. “(a) IN GENERAL.—Within 90 days after the date on which a notice of a final partnership adjustment is mailed under section 6231 with respect to any partnership taxable year, the partnership may file a petition for a readjustment for such taxable year with—
- “ (1) the Tax Court,
- “ (2) the district court of the United States for the district in which the partnership’s principal place of business is located, or
- “ (3) the Claims Court.
- “ (b) JURISDICTIONAL REQUIREMENT FOR BRINGING ACTION IN DISTRICT COURT OR CLAIMS COURT.—
- “ (1) IN GENERAL.—A readjustment petition under this section may be filed in a district court of the United States or the Claims Court only if the partnership filing the petition deposits with the Secretary, on or before the date the petition is filed, the amount of the imputed underpayment (as of the date of the filing of the petition) if the partnership adjustment was made as provided by the notice of final partnership adjustment. The court may by order provide that the jurisdictional requirements of this paragraph are satisfied where there has been a good faith attempt to satisfy such requirement and

any shortfall of the amount required to be deposited is timely corrected.

“(2) INTEREST PAYABLE.—Any amount deposited under paragraph (1), while deposited, shall not be treated as a payment of tax for purposes of this title (other than chapter 67).

“(c) SCOPE OF JUDICIAL REVIEW.—A court with which a petition is filed in accordance with this section shall have jurisdiction to determine all items of income, gain, loss, deduction, or credit of the partnership for the partnership taxable year to which the notice of final partnership adjustment relates, the proper allocation of such items among the partners, and the applicability of any penalty, addition to tax, or additional amount for which the partnership may be liable under this subchapter.

“(d) DETERMINATION OF COURT REVIEWABLE.—Any determination by a court under this section shall have the force and effect of a decision of the Tax Court or a final judgment or decree of the district court or the Claims Court, as the case may be, and shall be reviewable as such. The date of any such determination shall be treated as being the date of the court’s order entering the decision.

“(e) EFFECT OF DECISION DISMISSING ACTION.—If an action brought under this section is dismissed other than by reason of a rescission under section 6231(c), the decision of the court dismissing the action shall be considered as its decision that the notice of final partnership adjustment is correct, and an appropriate order shall be entered in the records of the court.

“SEC. 6235. PERIOD OF LIMITATIONS ON MAKING ADJUSTMENTS.

26 USC 6235.

“(a) IN GENERAL.—Except as otherwise provided in this section, no adjustment under this subpart for any partnership taxable year may be made after the later of—

“(1) the date which is 3 years after the latest of—

“(A) the date on which the partnership return for such taxable year was filed,

“(B) the return due date for the taxable year, or

“(C) the date on which the partnership filed an administrative adjustment request with respect to such year under section 6227, or

“(2) in the case of any modification of an imputed underpayment under section 6225(c), the date that is 270 days (plus the number of days of any extension consented to by the Secretary under paragraph (4) thereof) after the date on which everything required to be submitted to the Secretary pursuant to such section is so submitted, or

“(3) in the case of any notice of a proposed partnership adjustment under section 6231(a)(2), the date that is 270 days after the date of such notice.

“(b) EXTENSION BY AGREEMENT.—The period described in subsection (a) (including an extension period under this subsection) may be extended by an agreement entered into by the Secretary and the partnership before the expiration of such period.

“(c) SPECIAL RULE IN CASE OF FRAUD, ETC.—

“(1) FALSE RETURN.—In the case of a false or fraudulent partnership return with intent to evade tax, the adjustment may be made at any time.

“(2) SUBSTANTIAL OMISSION OF INCOME.—If any partnership omits from gross income an amount properly includible therein

Applicability.

and such amount is described in section 6501(e)(1)(A), subsection (a) shall be applied by substituting ‘6 years’ for ‘3 years’.

“(3) NO RETURN.—In the case of a failure by a partnership to file a return for any taxable year, the adjustment may be made at any time.

“(4) RETURN FILED BY SECRETARY.—For purposes of this section, a return executed by the Secretary under subsection (b) of section 6020 on behalf of the partnership shall not be treated as a return of the partnership.

“(d) SUSPENSION WHEN SECRETARY MAILS NOTICE OF ADJUSTMENT.—If notice of a final partnership adjustment with respect to any taxable year is mailed under section 6231, the running of the period specified in subsection (a) (as modified by the other provisions of this section) shall be suspended—

Time period.

“(1) for the period during which an action may be brought under section 6234 (and, if a petition is filed under such section with respect to such notice, until the decision of the court becomes final), and

“(2) for 1 year thereafter.

26 USC
prec. 6241.

“PART 2—DEFINITIONS AND SPECIAL RULES

“Sec. 6241. Definitions and special rules.

26 USC 6241.

“SEC. 6241. DEFINITIONS AND SPECIAL RULES.

“For purposes of this subchapter—

“(1) PARTNERSHIP.—The term ‘partnership’ means any partnership required to file a return under section 6031(a).

“(2) PARTNERSHIP ADJUSTMENT.—The term ‘partnership adjustment’ means any adjustment in the amount of any item of income, gain, loss, deduction, or credit of a partnership, or any partner’s distributive share thereof.

“(3) RETURN DUE DATE.—The term ‘return due date’ means, with respect to the taxable year, the date prescribed for filing the partnership return for such taxable year (determined without regard to extensions).

“(4) PAYMENTS NONDEDUCTIBLE.—No deduction shall be allowed under subtitle A for any payment required to be made by a partnership under this subchapter.

“(5) PARTNERSHIPS HAVING PRINCIPAL PLACE OF BUSINESS OUTSIDE UNITED STATES.—For purposes of sections 6234, a principal place of business located outside the United States shall be treated as located in the District of Columbia.

“(6) PARTNERSHIPS IN CASES UNDER TITLE 11 OF UNITED STATES CODE.—

Applicability.

“(A) SUSPENSION OF PERIOD OF LIMITATIONS ON MAKING ADJUSTMENT, ASSESSMENT, OR COLLECTION.—The running of any period of limitations provided in this subchapter on making a partnership adjustment (or provided by section 6501 or 6502 on the assessment or collection of any imputed underpayment determined under this subchapter) shall, in a case under title 11 of the United States Code, be suspended during the period during which the Secretary is prohibited by reason of such case from making the adjustment (or assessment or collection) and—

“(i) for adjustment or assessment, 60 days thereafter, and

“(ii) for collection, 6 months thereafter.

A rule similar to the rule of section 6213(f)(2) shall apply for purposes of section 6232(b).

“(B) SUSPENSION OF PERIOD OF LIMITATION FOR FILING FOR JUDICIAL REVIEW.—The running of the period specified in section 6234 shall, in a case under title 11 of the United States Code, be suspended during the period during which the partnership is prohibited by reason of such case from filing a petition under section 6234 and for 60 days thereafter.

“(7) TREATMENT WHERE PARTNERSHIP CEASES TO EXIST.—If a partnership ceases to exist before a partnership adjustment under this subchapter takes effect, such adjustment shall be taken into account by the former partners of such partnership under regulations prescribed by the Secretary.

“(8) EXTENSION TO ENTITIES FILING PARTNERSHIP RETURN.—If a partnership return is filed by an entity for a taxable year but it is determined that the entity is not a partnership (or that there is no entity) for such year, then, to the extent provided in regulations, the provisions of this subchapter are hereby extended in respect of such year to such entity and its items and to persons holding an interest in such entity.”.

(2) CLERICAL AMENDMENT.—The table of subchapters for chapter 63 of the Internal Revenue Code of 1986, as amended by the preceding provisions of this section, is amended by inserting after the item relating to subchapter B the following new item:

26 USC
prec. 6201.

“SUBCHAPTER C. TREATMENT OF PARTNERSHIPS.”

(d) BINDING NATURE OF PARTNERSHIP ADJUSTMENT PROCEEDINGS.—Section 6330(c)(4) of such Code is amended by striking “or” at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting “; or”, and by inserting after subparagraph (B) the following new subparagraph:

26 USC 6330.

“(C) a final determination has been made with respect to such issue in a proceeding brought under subchapter C of chapter 63.”.

Determination.

(e) RESTRICTION ON AUTHORITY TO AMEND PARTNER INFORMATION STATEMENTS.—Section 6031(b) of such Code is amended by adding at the end the following: “Except as provided in the procedures under section 6225(c), with respect to statements under section 6226, or as otherwise provided by the Secretary, information required to be furnished by the partnership under this subsection may not be amended after the due date of the return under subsection (a) to which such information relates.”.

(f) CONFORMING AMENDMENTS.—

(1) Section 6031(b) of such Code is amended by striking the last sentence.

(2) Section 6422 of such Code is amended by striking paragraph (12).

(3) Section 6501(n) of such Code is amended by striking paragraphs (2) and (3) and by striking “CROSS REFERENCES” and all that follows through “For period of limitations” and inserting “CROSS REFERENCE.—For period of limitations”.

26 USC 6503.

(4) Section 6503(a)(1) of such Code is amended by striking “(or section 6229” and all that follows through “of section 6230(a))”.

(5) Section 6504 of such Code is amended by striking paragraph (11).

(6) Section 6511 of such Code is amended by striking subsection (g).

(7) Section 6512(b)(3) of such Code is amended by striking the second sentence.

(8) Section 6515 of such Code is amended by striking paragraph (6).

(9) Section 6601(c) of such Code is amended by striking the last sentence.

(10) Section 7421(a) of such Code is amended by striking “6225(b), 6246(b)” and inserting “6232(c)”.

(11) Section 7422 of such Code is amended by striking subsection (h).

(12) Section 7459(c) of such Code is amended by striking “section 6226” and all that follows through “or 6252” and inserting “section 6234”.

(13) Section 7482(b)(1) of such Code is amended—

(A) in subparagraph (E), by striking “section 6226, 6228, 6247, or 6252” and inserting “section 6234”,

(B) by striking subparagraph (F), by striking “or” at the end of subparagraph (E) and inserting a period, and by inserting “or” at the end of subparagraph (D), and

(C) in the last sentence, by striking “section 6226, 6228(a), or 6234(c)” and inserting “section 6234”.

(14) Section 7485(b) of such Code is amended by striking “section 6226, 6228(a), 6247, or 6252” and inserting “section 6234”.

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to returns filed for partnership taxable years beginning after December 31, 2017.

(2) ADMINISTRATIVE ADJUSTMENT REQUESTS.—In the case of administrative adjustment request under section 6227 of such Code, the amendments made by this section shall apply to requests with respect to returns filed for partnership taxable years beginning after December 31, 2017.

(3) ADJUSTED PARTNERS STATEMENTS.—In the case of a partnership electing the application of section 6226 of such Code, the amendments made by this section shall apply to elections with respect to returns filed for partnership taxable years beginning after December 31, 2017.

(4) ELECTION.—A partnership may elect (at such time and in such form and manner as the Secretary of the Treasury may prescribe) for the amendments made by this section (other than the election under section 6221(b) of such Code (as added by this Act)) to apply to any return of the partnership filed for partnership taxable years beginning after the date of the enactment of this Act and before January 1, 2018.

SEC. 1102. PARTNERSHIP INTERESTS CREATED BY GIFT.

(a) IN GENERAL.—Section 761(b) of the Internal Revenue Code of 1986 is amended by adding at the end the following: “In the

Applicability.
26 USC 6221
note.

Determination.

case of a capital interest in a partnership in which capital is a material income-producing factor, whether a person is a partner with respect to such interest shall be determined without regard to whether such interest was derived by gift from any other person.”.

(b) CONFORMING AMENDMENTS.—Section 704(e) of such Code is amended—

(1) by striking paragraph (1) and by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively,

(2) by striking “this section” in paragraph (2) (as so redesignated) and inserting “this subsection”, and

(3) by striking “FAMILY PARTNERSHIPS” in the heading and inserting “PARTNERSHIP INTERESTS CREATED BY GIFT”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to partnership taxable years beginning after December 31, 2015. Applicability.
26 USC 704.

TITLE XII—DESIGNATION OF SMALL HOUSE ROTUNDA

SEC. 1201. DESIGNATING SMALL HOUSE ROTUNDA AS “FREEDOM FOYER”. 40 USC 5101
note.

The first floor of the area of the House of Representatives wing of the United States Capitol known as the small House rotunda is designated the “Freedom Foyer”.

Approved November 2, 2015.

LEGISLATIVE HISTORY—H.R. 1314:

HOUSE REPORTS: No. 114–67 (Comm. on Ways and Means).

CONGRESSIONAL RECORD, Vol. 161 (2015):

Apr. 15, considered and passed House.

May 14, 18–22, considered and passed Senate, amended.

June 12, House failed to concur in Senate amendment.

Oct. 28, House concurred in Senate amendment with an amendment. Senate considered House amendment.

Oct. 29, 30, Senate considered and concurred in House amendment.

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2015):

Nov. 2, Presidential remarks.

Public Law 114-75
114th Congress

An Act

Nov. 5, 2015
[H.R. 313]

To amend title 5, United States Code, to provide leave to any new Federal employee who is a veteran with a service-connected disability rated at 30 percent or more for purposes of undergoing medical treatment for such disability, and for other purposes.

Wounded
Warriors Federal
Leave Act of
2015.
5 USC 101 note.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Wounded Warriors Federal Leave Act of 2015”.

SEC. 2. ADDITIONAL LEAVE FOR FEDERAL EMPLOYEES WHO ARE DISABLED VETERANS.

(a) IN GENERAL.—Subchapter II of chapter 63 of title 5, United States Code, is amended by adding at the end the following:

5 USC 6329.
Time period.

“§ 6329. Disabled veteran leave

“(a) During the 12-month period beginning on the first day of employment, any employee who is a veteran with a service-connected disability rated at 30 percent or more is entitled to leave, without loss or reduction in pay, for purposes of undergoing medical treatment for such disability for which sick leave could regularly be used.

“(b)(1) The leave credited to an employee under subsection (a) may not exceed 104 hours.

“(2) Any leave credited to an employee pursuant to subsection (a) that is not used during the 12-month period described in such subsection may not be carried over and shall be forfeited.

Verification.
Certification.

“(c) In order to verify that leave credited to an employee pursuant to subsection (a) is used for treating a service-connected disability, such employee shall submit to the head of the employing agency certification, in such form and manner as the Director of the Office of Personnel Management may prescribe, that such employee used such leave for purposes of being furnished treatment for such disability by a health care provider.

Definitions.

“(d) In this section—

“(1) the term ‘employee’ has the meaning given such term in section 2105, and includes an officer or employee of the United States Postal Service or of the Postal Regulatory Commission;

“(2) the term ‘service-connected’ has the meaning given such term in section 101(16) of title 38; and

“(3) the term ‘veteran’ has the meaning given such term in section 101(2) of such title.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 63 of title 5, United States Code, is amended by adding after the item relating to section 6328 the following:

5 USC
prec. 6301.

“6329. Disabled veteran leave.”.

(c) APPLICATION.—The amendments made by subsection (a) shall apply with respect to any employee (as that term is defined in section 6329(d)(1) of title 5, United States Code, as added by subsection (a)) hired on or after the date that is 1 year after the date of enactment of this Act.

5 USC 6329 note.

(d) REGULATIONS.—Not later than 9 months after the date of enactment of this Act—

Deadline.
5 USC 6329 note.

(1) the Director of the Office of Personnel Management shall prescribe regulations with respect to the leave provided by the amendment in subsection (a) for employees, but not including employees of the United States Postal Service or the Postal Regulatory Commission; and

(2) the Postmaster General shall prescribe regulations for such leave with respect to officers and employees of the United States Postal Service and the Postal Regulatory Commission.

Approved November 5, 2015.

LEGISLATIVE HISTORY—H.R. 313 (S. 242):

HOUSE REPORTS: No. 114–180 (Comm. on Oversight and Government Reform).

SENATE REPORTS: No. 114–89 (Comm. on Homeland Security and Governmental Affairs) accompanying S. 242.

CONGRESSIONAL RECORD, Vol. 161 (2015):

Sept. 28, considered and passed House.

Oct. 26, considered and passed Senate.

Public Law 114–76
114th Congress

An Act

Nov. 5, 2015
[H.R. 322]

To designate the facility of the United States Postal Service located at 16105 Swingley Ridge Road in Chesterfield, Missouri, as the “Sgt. Zachary M. Fisher Post Office”.

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

SECTION 1. SGT. ZACHARY M. FISHER POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 16105 Swingley Ridge Road in Chesterfield, Missouri, shall be known and designated as the “Sgt. Zachary M. Fisher Post Office”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “Sgt. Zachary M. Fisher Post Office”.

Approved November 5, 2015.

LEGISLATIVE HISTORY—H.R. 322:

CONGRESSIONAL RECORD, Vol. 161 (2015):
Sept. 24, considered and passed House.
Oct. 20, considered and passed Senate.

Public Law 114–77
114th Congress

An Act

To designate the facility of the United States Postal Service located at 55 Grasso Plaza in St. Louis, Missouri, as the “Sgt. Amanda N. Pinson Post Office”.

Nov. 5, 2015
[H.R. 323]

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

SECTION 1. SGT. AMANDA N. PINSON POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 55 Grasso Plaza in St. Louis, Missouri, shall be known and designated as the “Sgt. Amanda N. Pinson Post Office”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “Sgt. Amanda N. Pinson Post Office”.

Approved November 5, 2015.

LEGISLATIVE HISTORY—H.R. 323:

CONGRESSIONAL RECORD, Vol. 161 (2015):
Sept. 24, considered and passed House.
Oct. 20, considered and passed Senate.

Public Law 114–78
114th Congress

An Act

Nov. 5, 2015
[H.R. 324]

To designate the facility of the United States Postal Service located at 11662 Gravois Road in St. Louis, Missouri, as the “Lt. Daniel P. Riordan Post Office”.

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

SECTION 1. LT. DANIEL P. RIORDAN POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 11662 Gravois Road in St. Louis, Missouri, shall be known and designated as the “Lt. Daniel P. Riordan Post Office”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “Lt. Daniel P. Riordan Post Office”.

Approved November 5, 2015.

LEGISLATIVE HISTORY—H.R. 324:

CONGRESSIONAL RECORD, Vol. 161 (2015):

Sept. 24, considered and passed House.

Oct. 20, considered and passed Senate.

Public Law 114–79
114th Congress

An Act

To designate the facility of the United States Postal Service located at 55 South Pioneer Boulevard in Springboro, Ohio, as the “Richard ‘Dick’ Chenault Post Office Building”.

Nov. 5, 2015
[H.R. 558]

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

SECTION 1. RICHARD “DICK” CHENAULT POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 55 South Pioneer Boulevard in Springboro, Ohio, shall be known and designated as the “Richard ‘Dick’ Chenault Post Office Building”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “Richard ‘Dick’ Chenault Post Office Building”.

Approved November 5, 2015.

LEGISLATIVE HISTORY—H.R. 558:

CONGRESSIONAL RECORD, Vol. 161 (2015):
Sept. 24, considered and passed House.
Oct. 20, considered and passed Senate.

Public Law 114–80
114th Congress

An Act

Nov. 5, 2015
[H.R. 623]

To amend the Homeland Security Act of 2002 to authorize the Department of Homeland Security to establish a social media working group, and for other purposes.

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

DHS Social
Media
Improvement Act
of 2015.
6 USC 101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the “DHS Social Media Improvement Act of 2015”.

SEC. 2. SOCIAL MEDIA WORKING GROUP.

(a) IN GENERAL.—Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.) is amended by adding at the end the following:

6 USC 195d.

“SEC. 318. SOCIAL MEDIA WORKING GROUP.

“(a) ESTABLISHMENT.—The Secretary shall establish within the Department a social media working group (in this section referred to as the ‘Group’).

“(b) PURPOSE.—In order to enhance the dissemination of information through social media technologies between the Department and appropriate stakeholders and to improve use of social media technologies in support of preparedness, response, and recovery, the Group shall identify, and provide guidance and best practices to the emergency preparedness and response community on, the use of social media technologies before, during, and after a natural disaster or an act of terrorism or other man-made disaster.

“(c) MEMBERSHIP.—

“(1) IN GENERAL.—Membership of the Group shall be composed of a cross section of subject matter experts from Federal, State, local, tribal, territorial, and nongovernmental organization practitioners, including representatives from the following entities:

“(A) The Office of Public Affairs of the Department.

“(B) The Office of the Chief Information Officer of the Department.

“(C) The Privacy Office of the Department.

“(D) The Federal Emergency Management Agency.

“(E) The Office of Disability Integration and Coordination of the Federal Emergency Management Agency.

“(F) The American Red Cross.

“(G) The Forest Service.

“(H) The Centers for Disease Control and Prevention.

“(I) The United States Geological Survey.

“(J) The National Oceanic and Atmospheric Administration.

“(2) CHAIRPERSON; CO-CHAIRPERSON.—

“(A) CHAIRPERSON.—The Secretary, or a designee of the Secretary, shall serve as the chairperson of the Group.

“(B) CO-CHAIRPERSON.—The chairperson shall designate, on a rotating basis, a representative from a State or local government who is a member of the Group to serve as the co-chairperson of the Group.

“(3) ADDITIONAL MEMBERS.—The chairperson shall appoint, on a rotating basis, qualified individuals to the Group. The total number of such additional members shall—

“(A) be equal to or greater than the total number of regular members under paragraph (1); and

“(B) include—

“(i) not fewer than 3 representatives from the private sector; and

“(ii) representatives from—

“(I) State, local, tribal, and territorial entities, including from—

“(aa) law enforcement;

“(bb) fire services;

“(cc) emergency management; and

“(dd) public health entities;

“(II) universities and academia; and

“(III) nonprofit disaster relief organizations.

“(4) TERM LIMITS.—The chairperson shall establish term limits for individuals appointed to the Group under paragraph (3).

“(d) CONSULTATION WITH NON-MEMBERS.—To the extent practicable, the Group shall work with entities in the public and private sectors to carry out subsection (b).

“(e) MEETINGS.—

“(1) INITIAL MEETING.—Not later than 90 days after the date of enactment of this section, the Group shall hold its initial meeting.

Deadline.

“(2) SUBSEQUENT MEETINGS.—After the initial meeting under paragraph (1), the Group shall meet—

“(A) at the call of the chairperson; and

“(B) not less frequently than twice each year.

“(3) VIRTUAL MEETINGS.—Each meeting of the Group may be held virtually.

“(f) REPORTS.—During each year in which the Group meets, the Group shall submit to the appropriate congressional committees a report that includes the following:

“(1) A review and analysis of current and emerging social media technologies being used to support preparedness and response activities related to natural disasters and acts of terrorism and other man-made disasters.

“(2) A review of best practices and lessons learned on the use of social media technologies during the response to natural disasters and acts of terrorism and other man-made disasters that occurred during the period covered by the report at issue.

“(3) Recommendations to improve the Department’s use of social media technologies for emergency management purposes.

“(4) Recommendations to improve public awareness of the type of information disseminated through social media technologies, and how to access such information, during a natural disaster or an act of terrorism or other man-made disaster.

“(5) A review of available training for Federal, State, local, tribal, and territorial officials on the use of social media technologies in response to a natural disaster or an act of terrorism or other man-made disaster.

“(6) A review of coordination efforts with the private sector to discuss and resolve legal, operational, technical, privacy, and security concerns.

“(g) DURATION OF GROUP.—

Certification.

“(1) IN GENERAL.—The Group shall terminate on the date that is 5 years after the date of enactment of this section unless the chairperson renews the Group for a successive 5-year period, prior to the date on which the Group would otherwise terminate, by submitting to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a certification that the continued existence of the Group is necessary to fulfill the purpose described in subsection (b).

“(2) CONTINUED RENEWAL.—The chairperson may continue to renew the Group for successive 5-year periods by submitting a certification in accordance with paragraph (1) prior to the date on which the Group would otherwise terminate.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 317 the following:

“Sec. 318. Social media working group.”.

Approved November 5, 2015.

LEGISLATIVE HISTORY—H.R. 623:

SENATE REPORTS: No. 114–145 (Comm. on Homeland Security and Governmental Affairs).

CONGRESSIONAL RECORD, Vol. 161 (2015):

Feb. 2, considered and passed House.

Oct. 7, considered and passed Senate, amended.

Oct. 28, House concurred in Senate amendment.

Public Law 114–81
114th Congress

An Act

To strengthen enforcement mechanisms to stop illegal, unreported, and unregulated fishing, to amend the Tuna Conventions Act of 1950 to implement the Antigua Convention, and for other purposes.

Nov. 5, 2015
[H.R. 774]

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Illegal, Unreported, and Unregulated Fishing Enforcement Act of 2015”.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.

TITLE I—STRENGTHENING FISHERIES ENFORCEMENT MECHANISMS

- Sec. 101. Amendments to the High Seas Driftnet Fishing Moratorium Protection Act.
- Sec. 102. Amendments to the High Seas Driftnet Fisheries Enforcement Act.
- Sec. 103. Amendments to North Pacific Anadromous Stocks Act of 1992.
- Sec. 104. Amendments to the Pacific Salmon Treaty Act of 1985.
- Sec. 105. Amendments to the Western and Central Pacific Fisheries Convention Implementation Act.
- Sec. 106. Amendments to the Antarctic Marine Living Resources Convention Act.
- Sec. 107. Amendments to the Atlantic Tunas Convention Act.
- Sec. 108. Amendments to the High Seas Fishing Compliance Act of 1965.
- Sec. 109. Amendments to the Dolphin Protection Consumer Information Act.
- Sec. 110. Amendments to the Northern Pacific Halibut Act of 1982.
- Sec. 111. Amendments to the Northwest Atlantic Fisheries Convention Act of 1995.
- Sec. 112. Amendment to the Magnuson-Stevens Fishery Conservation and Management Act.

TITLE II—IMPLEMENTATION OF THE ANTIGUA CONVENTION

- Sec. 201. Short title.
- Sec. 202. Amendment of the Tuna Conventions Act of 1950.
- Sec. 203. Definitions.
- Sec. 204. Commissioners; number, appointment, and qualifications.
- Sec. 205. General Advisory Committee and Scientific Advisory Subcommittee.
- Sec. 206. Rulemaking.
- Sec. 207. Prohibited acts.
- Sec. 208. Enforcement.
- Sec. 209. Reduction of bycatch.
- Sec. 210. Repeal of Eastern Pacific Tuna Licensing Act of 1984.

TITLE III—AGREEMENT ON PORT STATE MEASURES TO PREVENT, DETER AND ELIMINATE ILLEGAL, UNREPORTED AND UNREGULATED FISHING

- Sec. 301. Short title.
- Sec. 302. Purpose.
- Sec. 303. Definitions.
- Sec. 304. Duties and authorities of the Secretary.
- Sec. 305. Authorization or denial of port entry.

Illegal,
Unreported, and
Unregulated
Fishing
Enforcement
Act of 2015.
16 USC 1801
note.

- Sec. 306. Inspections.
- Sec. 307. Prohibited acts.
- Sec. 308. Enforcement.
- Sec. 309. International cooperation and assistance.
- Sec. 310. Relationship to other laws.

TITLE I—STRENGTHENING FISHERIES ENFORCEMENT MECHANISMS

SEC. 101. AMENDMENTS TO THE HIGH SEAS DRIFTNET FISHING MORA- TORIUM PROTECTION ACT.

(a) ADMINISTRATION AND ENFORCEMENT.—

(1) IN GENERAL.—Section 606 of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826g) is amended by inserting before the first sentence the following:

“(a) IN GENERAL.—The Secretary and the Secretary of the department in which the Coast Guard is operating shall enforce this Act, and the Acts to which this section applies, in accordance with this section. Each such Secretary may, by agreement, on a reimbursable basis or otherwise, utilize the personnel services, equipment (including aircraft and vessels), and facilities of any other Federal agency, and of any State agency, in the performance of such duties.

“(b) ACTS TO WHICH SECTION APPLIES.—This section applies to—

“(1) the Pacific Salmon Treaty Act of 1985 (16 U.S.C. 3631 et seq.);

“(2) the Dolphin Protection Consumer Information Act (16 U.S.C. 1385);

“(3) the Tuna Conventions Act of 1950 (16 U.S.C. 951 et seq.);

“(4) the North Pacific Anadromous Stocks Act of 1992 (16 U.S.C. 5001 et seq.);

“(5) the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971 et seq.);

“(6) the Northwest Atlantic Fisheries Convention Act of 1995 (16 U.S.C. 5601 et seq.);

“(7) the Western and Central Pacific Fisheries Convention Implementation Act (16 U.S.C. 6901 et seq.); and

“(8) the Antigua Convention Implementing Act of 2015.

(c) ADMINISTRATION AND ENFORCEMENT.—

(1) IN GENERAL.—The Secretary shall prevent any person from violating this Act, or any Act to which this section applies, in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though sections 308 through 311 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1858 through 1861) were incorporated into and made a part of and applicable to this Act and each such Act.

(2) INTERNATIONAL COOPERATION.—The Secretary may, subject to appropriations and in the course of carrying out the Secretary’s responsibilities under the Acts to which this section applies, engage in international cooperation to help other nations combat illegal, unreported, and unregulated fishing and achieve sustainable fisheries.

(d) SPECIAL RULES.—

“(1) ADDITIONAL ENFORCEMENT AUTHORITY.—In addition to the powers of officers authorized pursuant to subsection (c), any officer who is authorized by the Secretary, or the head of any Federal or State agency that has entered into an agreement with the Secretary under subsection (a), may enforce the provisions of any Act to which this section applies, with the same jurisdiction, powers, and duties as though section 311 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861) were incorporated into and made a part of each such Act.

“(2) DISCLOSURE OF ENFORCEMENT INFORMATION.—

“(A) IN GENERAL.—The Secretary, subject to the data confidentiality provisions in section 402 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1881a), may disclose, as necessary and appropriate, information, including information collected under joint authority of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) and the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 71 et seq.) or the Western and Central Pacific Fisheries Convention Implementation Act (16 U.S.C. 6901 et seq.) or other statutes implementing international fishery agreements, to any other Federal or State government agency, the Food and Agriculture Organization of the United Nations, the secretariat or equivalent of an international fishery management organization or arrangement made pursuant to an international fishery agreement, or a foreign government, if—

“(i) such government, organization, or arrangement has policies and procedures to protect such information from unintended or unauthorized disclosure; and

“(ii) such disclosure is necessary—

“(I) to ensure compliance with any law or regulation enforced or administered by the Secretary;

“(II) to administer or enforce any international fishery agreement to which the United States is a party;

“(III) to administer or enforce a binding conservation measure adopted by any international organization or arrangement to which the United States is a party;

“(IV) to assist in any investigative, judicial, or administrative enforcement proceeding in the United States; or

“(V) to assist in any law enforcement action undertaken by a law enforcement agency of a foreign government, or in relation to a legal proceeding undertaken by a foreign government to the extent the enforcement action is consistent with rules and regulations of a regional fisheries management organization (as that term is defined by the United Nation’s Food and Agriculture Organization Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing) of which the United States is a member, or the Secretary has

determined that the enforcement action is consistent with the requirements under Federal law for enforcement actions with respect to illegal, unreported, and unregulated fishing.

“(B) DATA CONFIDENTIALITY PROVISIONS NOT APPLICABLE.—The data confidentiality provisions of section 402 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1881a) shall not apply with respect to this Act with respect to—

“(i) any obligation of the United States to share information under a regional fisheries management organization (as that term is defined by the United Nation’s Food and Agriculture Organization Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing) of which the United States is a member; or

“(ii) any information collected by the Secretary regarding foreign vessels.

“(e) PROHIBITED ACTS.—It is unlawful for any person—

“(1) to violate any provision of this Act or any regulation or permit issued pursuant to this Act;

“(2) to refuse to permit any officer authorized to enforce the provisions of this Act to board, search, or inspect a vessel, subject to such person’s control for the purposes of conducting any search, investigation, or inspection in connection with the enforcement of this Act, any regulation promulgated under this Act, or any Act to which this section applies;

“(3) to forcibly assault, resist, oppose, impede, intimidate, or interfere with any such authorized officer in the conduct of any search, investigation, or inspection described in paragraph (2);

“(4) to resist a lawful arrest for any act prohibited by this section or any Act to which this section applies;

“(5) to interfere with, delay, or prevent, by any means, the apprehension, arrest, or detection of another person, knowing that such person has committed any act prohibited by this section or any Act to which this section applies; or

“(6) to forcibly assault, resist, oppose, impede, intimidate, sexually harass, bribe, or interfere with—

“(A) any observer on a vessel under this Act or any Act to which this section applies; or

“(B) any data collector employed by the National Marine Fisheries Service or under contract to any person to carry out responsibilities under this Act or any Act to which this section applies.

“(f) CIVIL PENALTY.—Any person who commits any act that is unlawful under subsection (e) shall be liable to the United States for a civil penalty, and may be subject to a permit sanction, under section 308 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1858).

“(g) CRIMINAL PENALTY.—Any person who commits an act that is unlawful under subsection (e)(2), (e)(3), (e)(4), (e)(5), or (e)(6) is deemed to be guilty of an offense punishable under section 309(b) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1859(b)).

“(h) UTILIZATION OF FEDERAL AGENCY ASSETS.—”

(2) CONFORMING AMENDMENT.—Section 308(a) of the Antarctic Marine Living Resources Convention Act of 1984 (16 U.S.C. 2437(a)) is amended to read as follows:

“(a) IN GENERAL.—Any person who commits an act that is unlawful under section 306 shall be liable to the United States for a civil penalty, and may be subject to a permit sanction, under section 308 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1858).”

Penalty.

(b) ACTIONS TO IMPROVE THE EFFECTIVENESS OF INTERNATIONAL FISHERY MANAGEMENT ORGANIZATIONS.—Section 608 of such Act (16 U.S.C. 1826i) is amended by—

(1) inserting before the first sentence the following: “(a) IN GENERAL.—”;

(2) in subsection (a) (as designated by paragraph (1) of this subsection) in the first sentence, inserting “, or arrangements made pursuant to an international fishery agreement,” after “organizations”; and

(3) adding at the end the following new subsections:

“(b) DISCLOSURE OF INFORMATION.—

“(1) IN GENERAL.—The Secretary, subject to the data confidentiality provisions in section 402 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1881a) except as provided in paragraph (2), may disclose, as necessary and appropriate, information, including information collected under joint authority of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) and the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 71 et seq.), the Western and Central Pacific Fisheries Convention Implementation Act (16 U.S.C. 6901 et seq.), any other statute implementing an international fishery agreement, to any other Federal or State government agency, the Food and Agriculture Organization of the United Nations, or the secretariat or equivalent of an international fishery management organization or arrangement made pursuant to an international fishery agreement, if such government, organization, or arrangement, respectively, has policies and procedures to protect such information from unintended or unauthorized disclosure.

“(2) EXCEPTIONS.—The data confidentiality provisions in section 402 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1881a) shall not apply with respect to this Act—

“(A) for obligations of the United States to share information under a regional fisheries management organization (as that term is defined by the United Nation’s Food and Agriculture Organization Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing) of which the United States is a member; or

“(B) to any information collected by the Secretary regarding foreign vessels.

“(c) IUU VESSEL LISTS.—The Secretary may—

“(1) develop, maintain, and make public a list of vessels and vessel owners engaged in illegal, unreported, or unregulated fishing or fishing-related activities in support of illegal, unreported, or unregulated fishing, including vessels or vessel owners identified by an international fishery management

Public information.

organization or arrangement made pursuant to an international fishery agreement, that—

“(A) the United States is party to; or

“(B) the United States is not party to, but whose procedures and criteria in developing and maintaining a list of such vessels and vessel owners are substantially similar to such procedures and criteria adopted pursuant to an international fishery agreement to which the United States is a party; and

“(2) take appropriate action against listed vessels and vessel owners, including action against fish, fish parts, or fish products from such vessels, in accordance with applicable United States law and consistent with applicable international law, including principles, rights, and obligations established in applicable international fishery management agreements and trade agreements.

“(d) REGULATIONS.—The Secretary may promulgate regulations to implement this section.”

(c) NOTIFICATION REGARDING IDENTIFICATION OF NATIONS.—Section 609(b) of such Act (16 U.S.C. 1826j(b)) is amended to read as follows:

“(b) NOTIFICATION.—The Secretary shall notify the President and that nation of such an identification.”

(d) NATIONS IDENTIFIED UNDER SECTION 610.—Section 610(b)(1) of such Act (16 U.S.C. 1826k(b)(1)) is amended to read as follows:

“(1) notify, as soon as possible, the President and nations that have been identified under subsection (a), and also notify other nations whose vessels engage in fishing activities or practices described in subsection (a), about the provisions of this section and this Act;”

(e) EFFECT OF CERTIFICATION UNDER SECTION 609.—Section 609(d)(3)(A)(i) of such Act (16 U.S.C. 1826j(d)(3)(A)(i)) is amended by striking “that has not been certified by the Secretary under this subsection, or”.

(f) EFFECT OF CERTIFICATION UNDER SECTION 610.—Section 610(c)(5) of such Act (16 U.S.C. 1826k(c)(5)) is amended by striking “that has not been certified by the Secretary under this subsection, or”.

(g) IDENTIFICATION OF NATIONS.—

(1) SCOPE OF IDENTIFICATION FOR ACTIONS OF FISHING VESSELS.—Section 609(a) of such Act (16 U.S.C. 1826j(a)) is amended—

(A) in the matter preceding paragraph (1)—

(i) by inserting “, based on a cumulative compilation and analysis of data collected and provided by international fishery management organizations and other nations and organizations,” after “shall”; and

(ii) by striking “2 years” and inserting “3 years”;

(B) in paragraph (1), by inserting “that undermines the effectiveness of measures required by an international fishery management organization, taking into account whether” after “(1)”; and

(C) in paragraph (1), by striking “vessels of”.

(2) ADDITIONAL GROUNDS FOR IDENTIFICATION.—Section 609(a) of such Act (16 U.S.C. 1826j(a)) is further amended—

Notification.

(A) by redesignating paragraphs (1) and (2) in order as subparagraphs (A) and (B) (and by moving the margins of such subparagraphs 2 ems to the right);

(B) by inserting before the first sentence the following:

“(1) IDENTIFICATION FOR ACTIONS OF FISHING VESSELS.—”; and

(C) by adding at the end the following:

“(2) IDENTIFICATION FOR ACTIONS OF NATION.—Taking into account the factors described under section 609(a)(1), the Secretary shall also identify, and list in such report, a nation—

Time periods.

“(A) if it is violating, or has violated at any point during the preceding 3 years, conservation and management measures required under an international fishery management agreement to which the United States is a party and the violations undermine the effectiveness of such measures; or

“(B) if it is failing, or has failed in the preceding 3-year period, to effectively address or regulate illegal, unreported, or unregulated fishing in areas described under paragraph (1)(B).

“(3) APPLICATION TO OTHER ENTITIES.—Where the provisions of this Act are applicable to nations, they shall also be applicable, as appropriate, to other entities that have competency to enter into international fishery management agreements.”.

(3) PERIOD OF FISHING PRACTICES SUPPORTING IDENTIFICATION.—Section 610(a)(1) of such Act (16 U.S.C. 1826k(a)(1)) is amended by striking “calendar year” and inserting “3 years”.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Commerce \$450,000 for each of fiscal years 2016 through 2020 to implement the amendments made by subsections (b) and (g).

(i) TECHNICAL CORRECTIONS.—

(1) Section 607(2) of such Act (16 U.S.C. 1826h(2)) is amended by striking “whose vessels” and inserting “that”.

(2) Section 609(d)(1) of such Act (16 U.S.C. 1826j(d)(1)) is amended by striking “of its fishing vessels”.

(3) Section 609(d)(1)(A) of such Act (16 U.S.C. 1826j(d)(1)(A)) is amended by striking “of its fishing vessels”.

(4) Section 609(d)(2) of such Act (16 U.S.C. 1826j(d)(2)) is amended—

(A) by striking “for certification” and inserting “to authorize”;

(B) by inserting “the importation” after “or other basis”;

(C) by striking “harvesting”; and

(D) by striking “not certified under paragraph (1)” and inserting “issued a negative certification under paragraph (1)”.

(5) Section 610 of such Act (16 U.S.C. 1826k) is amended as follows:

(A) In subsection (a)(1), by striking “practices;” and inserting “practices—”.

(B) In subsection (c)(4), by striking all preceding subparagraph (B) and inserting the following:

“(4) ALTERNATIVE PROCEDURE.—The Secretary may establish a procedure to authorize, on a shipment-by-shipment, shipper-by-shipper, or other basis the importation of fish or

Exports and imports. Determination.

fish products from a vessel of a nation issued a negative certification under paragraph (1) if the Secretary determines that such imports were harvested by practices that do not result in bycatch of a protected marine species, or were harvested by practices that—

“(A) are comparable to those of the United States, taking into account different conditions; and”.

SEC. 102. AMENDMENTS TO THE HIGH SEAS DRIFTNET FISHERIES ENFORCEMENT ACT.

(a) **NEGATIVE CERTIFICATION EFFECTS.**—Section 101 of the High Seas Driftnet Fisheries Enforcement Act (16 U.S.C. 1826a) is amended—

(1) in subsection (a)(2), by striking “recognized principles of” after “in accordance with”;

(2) in subsection (a)(2)(A), by inserting “or, as appropriate, for fishing vessels of a nation that receives a negative certification under section 609(d) or section 610(c) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826)” after “(1)”;

(3) in subsection (a)(2)(B), by inserting before the period the following: “, except for the purposes of inspecting such vessel, conducting an investigation, or taking other appropriate enforcement action”;

(4) in subsection (b)(1)(A)(i), by striking “or illegal, unreported, or unregulated fishing” after “driftnet fishing”;

(5) in subsection (b)(1)(B) and subsection (b)(2), by striking “or illegal, unreported, or unregulated fishing” after “driftnet fishing” each place it appears;

(6) in subsection (b)(3)(A)(i), by inserting “or a negative certification under section 609(d) or section 610(c) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826j(d), 1826k(c))” after “(1)(A)”;

(7) in subsection (b)(4)(A), by inserting “or issues a negative certification under section 609(d) or section 610(c) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826j(d), 1826k(c))” after “paragraph (1)”;

(8) in subsection (b)(4)(A)(i), by striking “or illegal, unreported, or unregulated fishing” after “driftnet fishing”; and

(9) in subsection (b)(4)(A)(i), by inserting “, or to address the offending activities for which a nation received a negative certification under section 609(d) or 610(c) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826j(d), 1826k(c))” after “beyond the exclusive economic zone of any nation”.

(b) **DURATION OF NEGATIVE CERTIFICATION EFFECTS.**—Section 102 of such Act (16 U.S.C. 1826b) is amended by—

(1) striking “or illegal, unreported, or unregulated fishing”; and

(2) inserting “or effectively addressed the offending activities for which the nation received a negative certification under 609(d) or 610(c) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826j(d), 1826k(c))” before the period at the end.

SEC. 103. AMENDMENTS TO NORTH PACIFIC ANADROMOUS STOCKS ACT OF 1992.

(a) UNLAWFUL ACTIVITIES.—Section 810 of the North Pacific Anadromous Stocks Act of 1992 (16 U.S.C. 5009) is amended—

(1) in paragraph (5), by inserting “, investigation,” after “search”; and

(2) in paragraph (6), by inserting “, investigation,” after “search”.

(b) ADDITIONAL PROHIBITIONS AND ENFORCEMENT.—Section 811 of the Northern Pacific Anadromous Stocks Act of 1992 (16 U.S.C. 5010) is amended to read as follows:

“SEC. 811. ADDITIONAL PROHIBITIONS AND ENFORCEMENT.

“For additional prohibitions relating to this Act and enforcement of this Act, see section 606 of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826g).”

SEC. 104. AMENDMENTS TO THE PACIFIC SALMON TREATY ACT OF 1985.

Section 8 of the Pacific Salmon Treaty Act of 1985 (16 U.S.C. 3637) is amended—

(1) in subsection (a)(2)—

(A) by inserting “, investigation,” after “search”; and

(B) by striking “this title,” and inserting “this Act;”;

(2) in subsection (a)(3)—

(A) by inserting “, investigation,” after “search”; and

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

(3) in subsection (a)(5), by striking “this title; or” and inserting “this Act;”;

(4) by striking subsections (b) through (f) and inserting the following:

“(b) ADDITIONAL PROHIBITIONS AND ENFORCEMENT.—For additional prohibitions relating to this Act and enforcement of this Act, see section 606 of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826g).”

SEC. 105. AMENDMENTS TO THE WESTERN AND CENTRAL PACIFIC FISHERIES CONVENTION IMPLEMENTATION ACT.

The Western and Central Pacific Fisheries Convention Implementation Act (title V of Public Law 109–479) is amended—

(1) by amending section 506(c) (16 U.S.C. 6905(c)) to read as follows:

“(c) ADDITIONAL PROHIBITIONS AND ENFORCEMENT.—For additional prohibitions relating to this Act and enforcement of this Act, see section 606 of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826g).”; and

(2) in section 507(a)(2) (16 U.S.C. 6906(a)(2)) by striking “suspension, on” and inserting “suspension, of”.

SEC. 106. AMENDMENTS TO THE ANTARCTIC MARINE LIVING RESOURCES CONVENTION ACT.

The Antarctic Marine Living Resources Convention Act of 1984 is amended—

(1) in section 306 (16 U.S.C. 2435)—

(A) in paragraph (3), by striking “which he knows, or reasonably should have known, was”;

(B) in paragraph (4), by inserting “, investigation,” after “search”; and

(C) in paragraph (5), by inserting “, investigation,” after “search”; and

(2) in section 307 (16 U.S.C. 2436)—

(A) by inserting “(a) IN GENERAL.—” before the first sentence; and

(B) by adding at the end the following:

“(b) REGULATIONS TO IMPLEMENT CONSERVATION MEASURES.—

“(1) IN GENERAL.—Notwithstanding subsections (b), (c), and (d) of section 553 of title 5, United States Code, the Secretary of Commerce may publish in the Federal Register a final regulation to implement any conservation measure for which the Secretary of State notifies the Commission under section 305(a)(1)—

“(A) that has been in effect for 12 months or less;

“(B) that is adopted by the Commission; and

“(C) with respect to which the Secretary of State, does not notify Commission in accordance with section 305(a)(1) within the time period allotted for objections under Article IX of the Convention.

“(2) ENTERING INTO FORCE.—Upon publication of such regulation in the Federal Register, such conservation measure shall enter into force with respect to the United States.”.

Federal Register,
publication.
Notification.
Time period.

SEC. 107. AMENDMENTS TO THE ATLANTIC TUNAS CONVENTION ACT.

The Atlantic Tunas Convention Act of 1975 is amended—

(1) in section 6(c)(2) (16 U.S.C. 971d(c)(2)(2))—

(A) by striking “(A)” and inserting “(i)”;

(B) by striking “(B)” and inserting “(ii)”;

(C) by inserting “(A)” after “(2)”; and

(D) by adding at the end the following:

“(B) Notwithstanding the requirements of subparagraph (A) and subsections (b) and (c) of section 553 of title 5, United States Code, the Secretary may issue final regulations to implement Commission recommendations referred to in paragraph (1) concerning trade restrictive measures against nations or fishing entities.”;

(2) in section 7 (16 U.S.C. 971e) by striking subsections (e) and (f) and redesignating subsection (g) as subsection (e);

(3) in section 8 (16 U.S.C. 971f)—

(A) by striking subsections (a) and (c); and

(B) by inserting before subsection (b) the following:

“(a) For additional prohibitions relating to this Act and enforcement of this Act, see section 606 of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826g).”;

(4) in section 8(b) by striking “the enforcement activities specified in section 8(a) of this Act” each place it appears and inserting “enforcement activities with respect to this Act that are otherwise authorized by law”; and

(5) by striking section 11 (16 U.S.C. 971j) and redesignating sections 12 and 13 as sections 11 and 12, respectively.

Regulations.

16 USC 971 note,
971k.

SEC. 108. AMENDMENTS TO THE HIGH SEAS FISHING COMPLIANCE ACT OF 1965.

Section 104(f) of the High Seas Fishing Compliance Act of 1995 (16 U.S.C. 5503(f)) is amended to read as follows:

“(f) **VALIDITY.**—A permit issued under this section for a vessel Permits.
is void if—

- “(1) any other permit or authorization required for the vessel to fish is expired, revoked, or suspended; or
- “(2) the vessel is no longer documented under the laws of the United States or eligible for such documentation.”.

SEC. 109. AMENDMENTS TO THE DOLPHIN PROTECTION CONSUMER INFORMATION ACT.

The Dolphin Protection Consumer Information Act (16 U.S.C. 1385) is amended by amending subsection (e) to read as follows:

“(e) **ADDITIONAL PROHIBITIONS AND ENFORCEMENT.**—For additional prohibitions relating to this Act and enforcement of this Act, see section 606 of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826g).”.

SEC. 110. AMENDMENTS TO THE NORTHERN PACIFIC HALIBUT ACT OF 1982.

Section 7 of the Northern Pacific Halibut Act of 1982 (16 U.S.C. 773e) is amended—

- (1) in subsection (a) by redesignating paragraphs (1) through (6) as subparagraphs (A) through (F);
- (2) by redesignating subsections (a) and (b) as paragraphs (1) and (2), respectively;
- (3) in paragraph (1)(B), as so redesignated, by inserting “, investigation,” before “or inspection”;
- (4) in paragraph (1)(C), as so redesignated, by inserting “, investigation,” before “or inspection”;
- (5) in paragraph (1)(E), as so redesignated, by striking “or” after the semicolon; and
- (6) in paragraph (1)(F), as so redesignated, by striking “section.” and inserting “section; or”.

SEC. 111. AMENDMENTS TO THE NORTHWEST ATLANTIC FISHERIES CONVENTION ACT OF 1995.

Section 207 of the Northwest Atlantic Fisheries Convention Act of 1995 (16 U.S.C. 5606) is amended—

- (1) in the section heading, by striking “**AND PENALTIES**” and inserting “**AND ENFORCEMENT**”;
- (2) in subsection (a)(2), by inserting “, investigation,” before “or inspection”;
- (3) in subsection (a)(3), by inserting “, investigation,” before “or inspection”; and
- (4) by striking subsections (b) through (f) and inserting the following:

“(b) **ADDITIONAL PROHIBITIONS AND ENFORCEMENT.**—For additional prohibitions relating to this Act and enforcement of this Act, see section 606 of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826g).”.

SEC. 112. AMENDMENT TO THE MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT ACT.

Section 307(1)(Q) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857(1)(Q)) is amended by inserting before the semicolon the following: “or any treaty or in contravention of any binding conservation measure adopted by an international agreement or organization to which the United States is a party”.

Antigua
Convention
Implementing
Act of 2015.
16 USC 951 note.

TITLE II—IMPLEMENTATION OF THE ANTIGUA CONVENTION

SEC. 201. SHORT TITLE.

This title may be cited as the “Antigua Convention Implementing Act of 2015”.

SEC. 202. AMENDMENT OF THE TUNA CONVENTIONS ACT OF 1950.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Tuna Conventions Act of 1950 (16 U.S.C. 951 et seq.).

SEC. 203. DEFINITIONS.

Section 2 (16 U.S.C. 951) is amended to read as follows:

“SEC. 2. DEFINITIONS.

“In this Act:

“(1) ANTIGUA CONVENTION.—The term ‘Antigua Convention’ means the Convention for the Strengthening of the Inter-American Tropical Tuna Commission Established by the 1949 Convention Between the United States of America and the Republic of Costa Rica, signed at Washington, November 14, 2003.

“(2) COMMISSION.—The term ‘Commission’ means the Inter-American Tropical Tuna Commission provided for by the Convention.

“(3) CONVENTION.—The term ‘Convention’ means—

“(A) the Convention for the Establishment of an Inter-American Tropical Tuna Commission, signed at Washington, May 31, 1949, by the United States of America and the Republic of Costa Rica;

“(B) the Antigua Convention, upon its entry into force for the United States, and any amendments thereto that are in force for the United States; or

“(C) both such Conventions, as the context requires.

“(4) PERSON.—The term ‘person’ means an individual, partnership, corporation, or association subject to the jurisdiction of the United States.

“(5) UNITED STATES.—The term ‘United States’ includes all areas under the sovereignty of the United States.

“(6) UNITED STATES COMMISSIONERS.—The term ‘United States commissioners’ means the individuals appointed in accordance with section 3(a).”.

SEC. 204. COMMISSIONERS; NUMBER, APPOINTMENT, AND QUALIFICATIONS.

Section 3 (16 U.S.C. 952) is amended to read as follows:

“SEC. 3. COMMISSIONERS.

“(a) COMMISSIONERS.—The United States shall be represented on the Commission by four United States Commissioners. The President shall appoint individuals to serve on the Commission. The United States Commissioners shall be subject to supervision and removal by the Secretary of State, in consultation with the Secretary. In making the appointments, the President shall select

President.
Appointment.
Consultation.

United States Commissioners from among individuals who are knowledgeable or experienced concerning highly migratory fish stocks in the eastern tropical Pacific Ocean, one of whom shall be an officer or employee of the Department of Commerce. Not more than two United States Commissioners may be appointed who reside in a State other than a State whose vessels maintain a substantial fishery in the area of the Convention.

“(b) ALTERNATE COMMISSIONERS.—The Secretary of State, in consultation with the Secretary, may designate from time to time and for periods of time deemed appropriate Alternate United States Commissioners to the Commission. Any Alternate United States Commissioner may exercise, at any meeting of the Commission or of the General Advisory Committee or Scientific Advisory Subcommittee established pursuant to section 4(b), all powers and duties of a United States Commissioner in the absence of any United States Commissioner appointed pursuant to subsection (a) of this section for whatever reason. The number of such Alternate United States Commissioners that may be designated for any such meeting shall be limited to the number of United States Commissioners appointed pursuant to subsection (a) of this section who will not be present at such meeting.

Consultation.

“(c) ADMINISTRATIVE MATTERS.—

“(1) EMPLOYMENT STATUS.—Individuals serving as United States Commissioners, other than officers or employees of the United States Government, shall not be considered Federal employees except for the purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5, United States Code, and chapter 171 of title 28, United States Code.

“(2) COMPENSATION.—The United States Commissioners or Alternate Commissioners, although officers of the United States while so serving, shall receive no compensation for their services as United States Commissioners or Alternate Commissioners.

“(3) TRAVEL EXPENSES.—

“(A) The Secretary of State shall pay the necessary travel expenses of United States Commissioners and Alternate United States Commissioners to meetings of the Inter-American Tropical Tuna Commission and other meetings the Secretary of State deems necessary to fulfill their duties, in accordance with the Federal Travel Regulations and sections 5701, 5702, 5704 through 5708, and 5731 of title 5, United States Code.

“(B) The Secretary may reimburse the Secretary of State for amounts expended by the Secretary of State under this subsection.”.

SEC. 205. GENERAL ADVISORY COMMITTEE AND SCIENTIFIC ADVISORY SUBCOMMITTEE.

Section 4 (16 U.S.C. 953) is amended—

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

“(a) GENERAL ADVISORY COMMITTEE.—

“(1) APPOINTMENTS; PUBLIC PARTICIPATION; COMPENSATION.—

“(A) The Secretary, in consultation with the Secretary of State, shall appoint a General Advisory Committee which shall consist of not more than 25 individuals who shall be representative of the various groups concerned with

Consultation.

the fisheries covered by the Convention, including non-governmental conservation organizations, providing to the maximum extent practicable an equitable balance among such groups. Members of the General Advisory Committee will be eligible to participate as members of the United States delegation to the Commission and its working groups to the extent the Commission rules and space for delegations allow.

“(B) The chair of the Pacific Fishery Management Council’s Advisory Subpanel for Highly Migratory Fisheries and the chair of the Western Pacific Fishery Management Council’s Advisory Committee shall be ex-officio members of the General Advisory Committee by virtue of their positions in those Councils.

Time period.

“(C) Each member of the General Advisory Committee appointed under subparagraph (A) shall serve for a term of 3 years and is eligible for reappointment.

“(D) The General Advisory Committee shall be invited to attend all non-executive meetings of the United States delegation and at such meetings shall be given opportunity to examine and to be heard on all proposed programs of investigation, reports, recommendations, and regulations of the Commission.

Determination.
Procedures.

“(E) The General Advisory Committee shall determine its organization, and prescribe its practices and procedures for carrying out its functions under this title, the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), and the Convention. The General Advisory Committee shall publish and make available to the public a statement of its organization, practices, and procedures. Meetings of the General Advisory Committee, except when in executive session, shall be open to the public, and prior notice of meetings shall be made public in timely fashion. The General Advisory Committee shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

Publication.
Public
information.

“(2) INFORMATION SHARING.—The Secretary and the Secretary of State shall furnish the General Advisory Committee with relevant information concerning fisheries and international fishery agreements.

“(3) ADMINISTRATIVE MATTERS.—

“(A) The Secretary shall provide to the General Advisory Committee in a timely manner such administrative and technical support services as are necessary for its effective functioning.

“(B) Individuals appointed to serve as a member of the General Advisory Committee—

“(i) shall serve without pay, but while away from their homes or regular places of business to attend meetings of the General Advisory Committee shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code; and

“(ii) shall not be considered Federal employees except for the purposes of injury compensation or tort

claims liability as provided in chapter 81 of title 5, United States Code, and chapter 171 of title 28, United States Code.”;

(2) by striking so much of subsection (b) as precedes paragraph (2) and inserting the following:

“(b) SCIENTIFIC ADVISORY SUBCOMMITTEE.—(1) The Secretary, in consultation with the Secretary of State, shall appoint a Scientific Advisory Subcommittee of not less than 5 nor more than 15 qualified scientists with balanced representation from the public and private sectors, including nongovernmental conservation organizations.”; and

Consultation.
Appointment.

(3) in subsection (b)(3), by striking “General Advisory Subcommittee” and inserting “General Advisory Committee”.

SEC. 206. RULEMAKING.

Section 6 (16 U.S.C. 955) is amended to read as follows:

“SEC. 6. RULEMAKING.

“(a) REGULATIONS.—The Secretary, in consultation with the Secretary of State and, with respect to enforcement measures, the Secretary of the Department in which the Coast Guard is operating, may promulgate such regulations as may be necessary to carry out the United States international obligations under the Convention and this Act, including recommendations and decisions adopted by the Commission. In cases where the Secretary has discretion in the implementation of one or more measures adopted by the Commission that would govern fisheries under the authority of a Regional Fishery Management Council, the Secretary may, to the extent practicable within the implementation schedule of the Convention and any recommendations and decisions adopted by the Commission, promulgate such regulations as may be necessary to carry out the United States international obligations under the Convention and this Act, in accordance with the procedures established by the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

Consultation.

“(b) JURISDICTION.—The Secretary may promulgate regulations as may be necessary to carry out the United States international obligations under the Convention and this Act, applicable to all vessels and persons subject to the jurisdiction of the United States, including vessels documented under chapter 121 of title 46, United States Code, wherever they may be operating, on such date as the Secretary shall prescribe.”.

SEC. 207. PROHIBITED ACTS.

Section 8 (16 U.S.C. 957) is amended—

(1) by striking “section 6(c) of this Act” each place it appears and inserting “section 6”; and

(2) by adding at the end the following:

“(i) ADDITIONAL PROHIBITIONS AND ENFORCEMENT.—For prohibitions relating to this Act and enforcement of this Act, see section 606 of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826g).”.

SEC. 208. ENFORCEMENT.

Section 10 (16 U.S.C. 959) is amended to read as follows:

“SEC. 10. ENFORCEMENT.

“For enforcement of this Act, see section 606 of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826g).”.

SEC. 209. REDUCTION OF BYCATCH.

Section 15 (16 U.S.C. 962) is amended by striking “vessel” and inserting “vessels”.

SEC. 210. REPEAL OF EASTERN PACIFIC TUNA LICENSING ACT OF 1984.

The Eastern Pacific Tuna Licensing Act of 1984 (16 U.S.C. 972 et seq.) is repealed.

Port State
Measures
Agreement
Act of 2015.

TITLE III—AGREEMENT ON PORT STATE MEASURES TO PREVENT, DETER AND ELIMINATE ILLEGAL, UNREPORTED AND UNREGULATED FISHING

16 USC 7401
note.

SEC. 301. SHORT TITLE.

This title may be cited as the “Port State Measures Agreement Act of 2015”.

16 USC 7401.

SEC. 302. PURPOSE.

The purpose of this title is to implement the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing.

16 USC 7402.

SEC. 303. DEFINITIONS.

As used in this title:

(1) The term “Agreement” means the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, done at the Food and Agriculture Organization of the United Nations, in Rome, Italy, November 22, 2009, and signed by the United States November 22, 2009.

(2) The term “IUU fishing” means any activity set out in paragraph 3 of the 2001 FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing.

(3) The term “listed IUU vessel” means a vessel that is included in a list of vessels having engaged in IUU fishing or fishing-related activities in support of IUU fishing that has been adopted by a regional fisheries management organization of which the United States is a member, or a list adopted by a regional fisheries management organization of which the United States is not a member if the Secretary determines the criteria used by that organization to create the IUU list is comparable to criteria adopted by RFMOs of which the United States is a member for identifying IUU vessels and activities.

(4) The term “Magnuson-Stevens Act” means the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

(5) The term “person” has the same meaning as that term has in section 3 of the Magnuson-Stevens Act (16 U.S.C. 1802).

(6) The terms “RFMO” and “regional fisheries management organization” mean a regional fisheries management organization (as that term is defined by the United Nation’s Food and Agriculture Organization Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing) that is recognized by the United States.

(7) The term “Secretary” means the Secretary of Commerce or his or her designee.

(8) The term “vessel” means any vessel, ship of another type, or boat used for, equipped to be used for, or intended to be used for, fishing or fishing-related activities, including container vessels that are carrying fish that have not been previously landed.

(9) The term “fish” means finfish, mollusks, crustaceans, and all other forms of marine animal and plant life other than marine mammals and birds.

(10) The term “fishing”—

(A) except as provided in subparagraph (B), means—

(i) the catching, taking, or harvesting of fish;

(ii) the attempted catching, taking, or harvesting of fish;

(iii) any other activity which can reasonably be expected to result in the catching, taking, or harvesting of fish; or

(iv) any operations at sea in support of, or in preparation for, any activity described in clauses (i) through (iii); and

(B) does not include any scientific research activity that is conducted by a scientific research vessel.

SEC. 304. DUTIES AND AUTHORITIES OF THE SECRETARY.

16 USC 7403.

(a) REGULATIONS.—The Secretary may, as needed, promulgate such regulations—

(1) in accordance with section 553 of title 5, United States Code;

(2) consistent with provisions of the title; and

(3) with respect to enforcement measures, in consultation with the Secretary of the department in which the Coast Guard is operating;

Consultation.

as may be necessary to carry out the purposes of this title, to the extent that such regulations are not already promulgated.

(b) PORTS OF ENTRY.—The Secretary, in consultation with the Secretary of the department in which the Coast Guard is operating, may designate and publicize the ports to which vessels may seek entry. No port may be designated under this section that has not also been designated as a port of entry for customs reporting purposes pursuant to section 1433 of title 19, United States Code, or that is not specified under an existing international fisheries agreement.

Consultation.

(c) NOTIFICATION.—The Secretary shall provide notification of the denial of port entry or the use of port services for a vessel under section 305, the withdrawal of the denial of port services for a foreign vessel, the taking of enforcement action pursuant to section 306 with respect to a foreign vessel, or the results of any inspection of a foreign vessel conducted pursuant to this title to the flag nation of the vessel and, as appropriate, to the nation of which the vessel’s master is a national, relevant coastal

nations, RFMOs, the Food and Agriculture Organization of the United Nations, and other relevant international organizations.

(d) CONFIRMATION THAT FISH WERE TAKEN IN ACCORDANCE WITH CONSERVATION AND MANAGEMENT MEASURES.—The Secretary may request confirmation from the flag state of a foreign vessel that the fish on board a foreign vessel in a port subject to the jurisdiction of the United States were taken in accordance with applicable RFMO conservation and management measures.

16 USC 7404.

SEC. 305. AUTHORIZATION OR DENIAL OF PORT ENTRY.

(a) SUBMISSION OF INFORMATION REQUIRED UNDER AGREEMENT.—

(1) IN GENERAL.—A vessel described in paragraph (2) seeking entry to a port that is subject to the jurisdiction of the United States must submit to the Secretary of the department in which the Coast Guard is operating information as required under the Agreement in advance of its arrival in port. The Secretary of the department in which the Coast Guard is operating shall provide that information to the Secretary.

(2) COVERED VESSELS.—A vessel referred to in paragraph (1) is any vessel that—

- (A) is not documented under chapter 121 of title 46, United States Code; and
- (B) is not numbered under chapter 123 of that title.

(b) DECISION TO AUTHORIZE OR DENY PORT ENTRY.—

(1) DECISION.—The Secretary shall decide, based on the information submitted under subsection (a), whether to authorize or deny port entry by the vessel, and shall communicate such decision to—

- (A) the Secretary of the department in which the Coast Guard is operating; and
- (B) the vessel or its representative.

(2) AUTHORIZATION OR DENIAL OF ENTRY.—The Secretary of the department in which the Coast Guard is operating shall authorize or deny entry to vessels to which such a decision applies.

(3) VESSELS TO WHICH ENTRY MAY BE DENIED.—The Secretary of the department in which the Coast Guard is operating may deny entry to any vessel to which such a decision applies—

- (A) that is described in subsection (a)(2); and
- (B) that—
 - (i) is a listed IUU vessel; or
 - (ii) the Secretary of Commerce has reasonable grounds to believe—
 - (I) has engaged in IUU fishing or fishing-related activities in support of such fishing; or
 - (II) has violated this title.

(c) DENIAL OF USE OF PORT.—If a vessel described in subsection (a)(2) is in a port that is subject to the jurisdiction of the United States, the Secretary of the department in which the Coast Guard is operating, at the request of the Secretary, shall deny such vessel the use of the port for landing, transshipment, packaging and processing of fish, refueling, resupplying, maintenance, and drydocking, if—

(1) the vessel entered without authorization under subsection (b);

- (2) the vessel is a listed IUU vessel;
- (3) the vessel is not documented under the laws of another nation;
- (4) the flag nation of the vessel has failed to provide confirmation requested by the Secretary that the fish on board were taken in accordance with applicable RFMO conservation and management measures; or
- (5) the Secretary has reasonable grounds to believe—
 - (A) the vessel lacks valid authorizations to engage in fishing or fishing-related activities as required by its flag nation or the relevant coastal nation;
 - (B) the fish on board were taken in violation of foreign law or in contravention of any RFMO conservation and management measure; or
 - (C) the vessel has engaged in IUU fishing or fishing-related activities in support of such fishing, including in support of a listed IUU vessel, unless it can establish that—
 - (i) it was acting in a manner consistent with applicable RFMO conservation and management measures; or
 - (ii) in the case of the provision of personnel, fuel, gear, and other supplies at sea, the vessel provisioned was not, at the time of provisioning, a listed IUU vessel.
- (d) EXCEPTIONS.—Notwithstanding subsections (b) and (c), the Secretary of the department in which the Coast Guard is operating may allow port entry or the use of port services—
 - (1) if they are essential to the safety or health of the crew or safety of the vessel;
 - (2) to allow, where appropriate, for the scrapping of the vessel; or
 - (3) pursuant to an inspection or other enforcement action.

SEC. 306. INSPECTIONS.

16 USC 7405.

The Secretary, and the Secretary of the department in which the Coast Guard is operating, shall conduct foreign vessel inspections in ports subject to the jurisdiction of the United States as necessary to achieve the purposes of the Agreement and this title. If, following an inspection, the Secretary has reasonable grounds to believe that a foreign vessel has engaged in IUU fishing or fishing-related activities in support of such fishing, the Secretary may take enforcement action under this title or other applicable law, and shall deny the vessel the use of port services, in accordance with section 305.

SEC. 307. PROHIBITED ACTS.

16 USC 7406.

It is unlawful for any person subject to the jurisdiction of the United States—

- (1) to violate any provision of this title or the regulations issued under this title;
- (2) to refuse to permit any authorized officer to board, search, or inspect a vessel that is subject to the person's control in connection with the enforcement of this title or the regulations issued under this title;
- (3) to submit false information pursuant to any requirement under this title or the regulations issued under this title; or

(4) to commit any offense enumerated in paragraph (4), (5), (7), or (9) of section 707(a) of the Western and Central Pacific Fisheries Convention Implementation Act (16 U.S.C. 6906(a)).

16 USC 7407.

SEC. 308. ENFORCEMENT.

Applicability.

(a) EXISTING AUTHORITIES AND RESPONSIBILITIES.—

(1) **AUTHORITIES AND RESPONSIBILITIES.**—The authorities and responsibilities under subsections (a), (b), and (c) of section 311 and subsection (f) of section 308 of the Magnuson-Stevens Act (16 U.S.C. 1861, 1858) and paragraphs (2), (3), and (7) of section 310(b) of the Antarctic Marine Living Resources Convention Act of 1984 (16 U.S.C. 2439(b)) shall apply with respect to enforcement of this title.

(2) **INCLUDED VESSELS.**—For purposes of enforcing this title, any reference in such paragraphs and subsections to a “vessel” or “fishing vessel” includes all vessels as defined in section 303(8) of this title.

(3) **APPLICATION OF OTHER PROVISIONS.**—Such paragraphs and subsections apply to violations of this title and any regulations promulgated under this title.

(b) CIVIL ENFORCEMENT.—**(1) CIVIL ADMINISTRATIVE PENALTIES.—**

(A) **IN GENERAL.**—Any person who is found by the Secretary (after notice and opportunity for a hearing in accordance with section 554 of title 5, United States Code) to have committed an act prohibited under section 307 shall be liable to the United States for a civil penalty. The amount of the civil penalty shall be consistent with the amount under section 308(a) of the Magnuson-Stevens Act (16 U.S.C. 1858(a)).

(B) COMPROMISE OR OTHER ACTION BY SECRETARY.—

The Secretary shall have the same authority as provided in section 308(e) of the Magnuson-Stevens Act (16 U.S.C. 1858(e)) with respect to a violation of this Act.

(2) **IN REM JURISDICTION.**—For purposes of this title, the conditions for in rem liability shall be consistent with section 308(d) of the Magnuson-Stevens Act (16 U.S.C. 1858(d)).

(3) **ACTION UPON FAILURE TO PAY ASSESSMENT.**—If any person fails to pay an assessment of a civil penalty under this title after it has become a final and unappealable order, or after the appropriate court has entered final judgment in favor of the Secretary, the Secretary shall refer the matter to the Attorney General, who shall recover the amount assessed in any appropriate district court of the United States. In such action, the validity and appropriateness of the final order imposing the civil penalty shall not be subject to review.

(c) FORFEITURE.—

(1) **IN GENERAL.**—Any foreign vessel (including its fishing gear, furniture, appurtenances, stores, and cargo) used, and any fish (or the fair market value thereof) imported or possessed in connection with or as result of the commission of any act prohibited by section 307 of this title shall be subject to forfeiture under section 310 of the Magnuson-Stevens Act (16 U.S.C. 1860).

(2) **APPLICATION OF THE CUSTOMS LAWS.**—All provisions of law relating to seizure, summary judgment, and judicial

forfeiture and condemnation for violation of the customs laws, the disposition of the property forfeited or condemned or the proceeds from the sale thereof, the remission or mitigation of such forfeitures, and the compromise of claims shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this title, insofar as applicable and not inconsistent with the provisions hereof. For seizures and forfeitures of property under this section by the Secretary, such duties as are imposed upon the customs officer or any other person with respect to the seizure and forfeiture of property under the customs law may be performed by such officers as are designated by the Secretary or, upon request of the Secretary, by any other agency that has authority to manage and dispose of seized property.

(3) PRESUMPTION.—For the purposes of this section there is a rebuttable presumption that all fish, or components thereof, found on board a vessel that is used or seized in connection with a violation of this title (including any regulation promulgated under this Act) were taken, obtained, or retained as a result of IUU fishing or fishing-related activities in support of IUU fishing.

(d) CRIMINAL ENFORCEMENT.—Any person (other than a foreign government agency, or entity wholly owned by a foreign government) who knowingly commits an act prohibited by section 307 of this title shall be subject to subsections (b) and (c) of section 309 of the Magnuson-Stevens Act (16 U.S.C. 1859).

(e) PAYMENT OF STORAGE, CARE, AND OTHER COSTS.—Any person assessed a civil penalty for, or convicted of, any violation of this title (including any regulation promulgated under this title) and any claimant in a forfeiture action brought for such a violation, shall be liable for the reasonable costs incurred by the Secretary in storage, care, and maintenance of any property seized in connection with the violation.

SEC. 309. INTERNATIONAL COOPERATION AND ASSISTANCE.

16 USC 7408.

(a) ASSISTANCE TO DEVELOPING NATIONS AND INTERNATIONAL ORGANIZATIONS.—Consistent with existing authority and the availability of funds, the Secretary shall provide appropriate assistance to developing nations and international organizations of which such nations are members to assist those nations in meeting their obligations under the Agreement.

(b) PERSONNEL, SERVICES, EQUIPMENT, AND FACILITIES.—In carrying out subsection (a), the Secretary may, by agreement, on a reimbursable or nonreimbursable basis, utilize the personnel, services, equipment, and facilities of any Federal, State, local, or foreign government or any entity of any such government.

SEC. 310. RELATIONSHIP TO OTHER LAWS.

16 USC 7409.

(a) IN GENERAL.—Nothing in this title shall be construed to displace any requirements imposed by the customs laws of the United States or any other laws or regulations enforced or administered by the Secretary of Homeland Security. Where more stringent requirements regarding port entry or access to port services exist under other Federal law, those more stringent requirements shall apply. Nothing in this title shall affect a vessel's entry into port, in accordance with international law, for reasons of force majeure or distress.

Applicability.

Applicability.

(b) UNITED STATES OBLIGATIONS UNDER INTERNATIONAL LAW.—
This title shall be interpreted and applied in accordance with United States obligations under international law.

Approved November 5, 2015.

LEGISLATIVE HISTORY—H.R. 774 (S. 1334):

HOUSE REPORTS: No. 114–212, Pt. 1 (Comm. on Natural Resources).

SENATE REPORTS: No. 114–166 (Comm. on Commerce, Science, and Transportation) accompanying S. 1334.

CONGRESSIONAL RECORD, Vol. 161 (2015):

July 27, considered and passed House.

Oct. 21, considered and passed Senate.

Public Law 114–82
114th Congress

An Act

To designate the facility of the United States Postal Service located at 90 Cornell Street in Kingston, New York, as the “Staff Sergeant Robert H. Dietz Post Office Building”.

Nov. 5, 2015
[H.R. 1442]

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

SECTION 1. STAFF SERGEANT ROBERT H. DIETZ POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 90 Cornell Street in Kingston, New York, shall be known and designated as the “Staff Sergeant Robert H. Dietz Post Office Building”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “Staff Sergeant Robert H. Dietz Post Office Building”.

Approved November 5, 2015.

LEGISLATIVE HISTORY—H.R. 1442:

CONGRESSIONAL RECORD, Vol. 161 (2015):
Sept. 24, considered and passed House.
Oct. 20, considered and passed Senate.

Public Law 114–83
114th Congress

An Act

Nov. 5, 2015
[H.R. 1884]

To designate the facility of the United States Postal Service located at 206 West Commercial Street in East Rochester, New York, as the “Officer Daryl R. Pierson Memorial Post Office Building”.

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

SECTION 1. OFFICER DARYL R. PIERSON MEMORIAL POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 206 West Commercial Street in East Rochester, New York, shall be known and designated as the “Officer Daryl R. Pierson Memorial Post Office Building”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “Officer Daryl R. Pierson Memorial Post Office Building”.

Approved November 5, 2015.

LEGISLATIVE HISTORY—H.R. 1884:

CONGRESSIONAL RECORD, Vol. 161 (2015):

Sept. 24, considered and passed House.

Oct. 20, considered and passed Senate.

Public Law 114–84
114th Congress

An Act

To designate the facility of the United States Postal Service located at 4500 SE 28th Street, Del City, Oklahoma, as the James Robert Kalsu Post Office Building.

Nov. 5, 2015
[H.R. 3059]

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

SECTION 1. JAMES ROBERT KALSU POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 4500 SE 28th Street, Del City, Oklahoma, shall be known and designated as the “James Robert Kalsu Post Office Building”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “James Robert Kalsu Post Office Building”.

Approved November 5, 2015.

LEGISLATIVE HISTORY—H.R. 3059:

CONGRESSIONAL RECORD, Vol. 161 (2015):

Sept. 24, considered and passed House.

Oct. 20, considered and passed Senate.

Public Law 114–85
114th Congress

An Act

Nov. 5, 2015
[S. 1362]

To amend title XI of the Social Security Act to clarify waiver authority regarding programs of all-inclusive care for the elderly (PACE programs).

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

SECTION 1. CLARIFICATION OF WAIVER AUTHORITY REGARDING PACE PROGRAMS.

Subsection (d)(1) of section 1115A of the Social Security Act (42 U.S.C. 1315a) is amended by striking “and 1903(m)(2)(A)(iii)” and inserting “1903(m)(2)(A)(iii), and 1934 (other than subsections (b)(1)(A) and (c)(5) of such section)”.

Approved November 5, 2015.

LEGISLATIVE HISTORY—S. 1362:

SENATE REPORTS: No. 114–108 (Comm. on Finance).

CONGRESSIONAL RECORD, Vol. 161 (2015):

Aug. 5, considered and passed Senate.

Oct. 21, considered and passed House.

Public Law 114–86
114th Congress

An Act

To establish a 10-year term for the service of the Librarian of Congress.

Nov. 5, 2015

[S. 2162]

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Librarian of Congress Succession Modernization Act of 2015”.

Librarian of
Congress
Succession
Modernization
Act of 2015.
2 USC 136.

SEC. 2. APPOINTMENT AND TERM OF SERVICE OF LIBRARIAN OF CONGRESS.

2 USC 136–1.

(a) **IN GENERAL.**—The President shall appoint the Librarian of Congress, by and with the advice and consent of the Senate.

President.

(b) **TERM OF SERVICE.**—The Librarian of Congress shall be appointed for a term of 10 years.

(c) **REAPPOINTMENT.**—An individual appointed to the position of Librarian of Congress, by and with the advice and consent of the Senate, may be reappointed to that position in accordance with subsections (a) and (b).

(d) **EFFECTIVE DATE.**—This section shall apply with respect to appointments made on or after the date of the enactment of this Act.

Applicability.

SEC. 3. CONFORMING AMENDMENT.

The first paragraph under the center heading “LIBRARY OF CONGRESS” under the center heading “LEGISLATIVE” of the Act entitled “An Act Making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-eight, and for other purposes”, approved February 19, 1897 (29 Stat. 544, chapter

129 STAT. 676

PUBLIC LAW 114–86—NOV. 5, 2015

265; 2 U.S.C. 136), is amended by striking “to be appointed by the President, by and with the advice and consent of the Senate,”.

Approved November 5, 2015.

LEGISLATIVE HISTORY—S. 2162:

CONGRESSIONAL RECORD, Vol. 161 (2015):

Oct. 7, considered and passed Senate.

Oct. 20, considered and passed House.

Public Law 114–87
114th Congress

An Act

To provide an extension of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund, and for other purposes.

Nov. 20, 2015
[H.R. 3996]

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

SECTION 1. SHORT TITLE; RECONCILIATION OF FUNDS; TABLE OF CONTENTS.

Surface
Transportation
Extension Act
of 2015, Part II.
Time periods.

(a) **SHORT TITLE.**—This Act may be cited as the “Surface Transportation Extension Act of 2015, Part II”.

(b) **RECONCILIATION OF FUNDS.**—The Secretary of Transportation shall reduce the amount apportioned or allocated for a program, project, or activity under this Act in fiscal year 2016 by amounts apportioned or allocated pursuant to the Surface Transportation Extension Act of 2015, including the amendments made by that Act, for the period beginning on October 1, 2015, and ending on November 20, 2015.

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

Sec. 1. Short title; reconciliation of funds; table of contents.

TITLE I—SURFACE TRANSPORTATION PROGRAM EXTENSION

Subtitle A—Federal-Aid Highways

Sec. 1001. Extension of Federal-aid highway programs.

Sec. 1002. Administrative expenses.

Subtitle B—Extension of Highway Safety Programs

Sec. 1101. Extension of National Highway Traffic Safety Administration highway safety programs.

Sec. 1102. Extension of Federal Motor Carrier Safety Administration programs.

Sec. 1103. Dingell-Johnson Sport Fish Restoration Act.

Subtitle C—Public Transportation Programs

Sec. 1201. Formula grants for rural areas.

Sec. 1202. Apportionment of appropriations for formula grants.

Sec. 1203. Authorizations for public transportation.

Sec. 1204. Bus and bus facilities formula grants.

Subtitle D—Hazardous Materials

Sec. 1301. Authorization of appropriations.

TITLE II—REVENUE PROVISIONS

Sec. 2001. Extension of Highway Trust Fund expenditure authority.

TITLE I—SURFACE TRANSPORTATION PROGRAM EXTENSION

Subtitle A—Federal-Aid Highways

SEC. 1001. EXTENSION OF FEDERAL-AID HIGHWAY PROGRAMS.

(a) IN GENERAL.—Section 1001(a) of the Highway and Transportation Funding Act of 2014 (128 Stat. 1840) is amended by striking “November 20, 2015” and inserting “December 4, 2015”.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) HIGHWAY TRUST FUND.—Section 1001(b)(1)(B) of the Highway and Transportation Funding Act of 2014 (128 Stat. 1840) is amended by striking “for the period beginning on October 1, 2015, and ending on November 20, 2015, ^{51/366} of the total amount” and inserting “for the period beginning on October 1, 2015, and ending on December 4, 2015, ^{65/366} of the total amount”.

(2) GENERAL FUND.—Section 1123(h)(1) of MAP–21 (23 U.S.C. 202 note) is amended by striking “and \$4,180,328 out of the general fund of the Treasury to carry out the program for the period beginning on October 1, 2015, and ending on November 20, 2015” and inserting “and \$5,327,869 out of the general fund of the Treasury to carry out the program for the period beginning on October 1, 2015, and ending on December 4, 2015”.

(c) USE OF FUNDS.—

(1) IN GENERAL.—Section 1001(c)(1)(B) of the Highway and Transportation Funding Act of 2014 (128 Stat. 1840) is amended—

(A) by striking “November 20, 2015,” and inserting “December 4, 2015,”; and

(B) by striking “^{51/366}” and inserting “^{65/366}”.

(2) OBLIGATION CEILING.—Section 1102 of MAP–21 (23 U.S.C. 104 note) is amended—

(A) by striking subsection (a)(4) and inserting the following:

“(4) \$7,134,218,915 for the period beginning on October 1, 2015, and ending on December 4, 2015.”;

(B) in subsection (b)(12) by striking “, and for the period beginning on October 1, 2015, and ending on November 20, 2015, only in an amount equal to \$639,000,000, less any reductions that would have otherwise been required for that year by section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a), then multiplied by ^{51/366} for that period” and inserting “, and for the period beginning on October 1, 2015, and ending on December 4, 2015, only in an amount equal to \$639,000,000, less any reductions that would have otherwise been required for that year by section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a), then multiplied by ^{65/366} for that period”;

(C) in subsection (c)—

(i) in the matter preceding paragraph (1) by striking “November 20, 2015” and inserting “December 4, 2015”; and

(ii) in paragraph (2) in the matter preceding subparagraph (A) by striking “for the period beginning on October 1, 2015, and ending on November 20, 2015, that is equal to $\frac{51}{366}$ of such unobligated balance” and inserting “for the period beginning on October 1, 2015, and ending on December 4, 2015, that is equal to $\frac{65}{366}$ of such unobligated balance”; and

(D) in subsection (f)(1) in the matter preceding subparagraph (A) by striking “November 20, 2015” and inserting “December 4, 2015”.

SEC. 1002. ADMINISTRATIVE EXPENSES.

Section 1002 of the Highway and Transportation Funding Act of 2014 (128 Stat. 1842) is amended—

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

“(2) \$78,142,077 for the period beginning on October 1, 2015, and ending on December 4, 2015.”; and

(2) in subsection (b)(2) by striking “and for the period beginning on October 1, 2015, and ending on November 20, 2015, subject to the limitations on administrative expenses for the Federal Highway Administration and Appalachian Regional Commission” and inserting “and for the period beginning on October 1, 2015, and ending on December 4, 2015, subject to the limitations on administrative expenses for the Federal Highway Administration and Appalachian Regional Commission”.

Subtitle B—Extension of Highway Safety Programs

SEC. 1101. EXTENSION OF NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION HIGHWAY SAFETY PROGRAMS.

(a) EXTENSION OF PROGRAMS.—

(1) HIGHWAY SAFETY PROGRAMS.—Section 31101(a)(1)(D) of MAP–21 (126 Stat. 733) is amended to read as follows:

“(D) \$41,734,973 for the period beginning on October 1, 2015, and ending on December 4, 2015.”.

(2) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—Section 31101(a)(2)(D) of MAP–21 (126 Stat. 733) is amended to read as follows:

“(D) \$20,157,104 for the period beginning on October 1, 2015, and ending on December 4, 2015.”.

(3) NATIONAL PRIORITY SAFETY PROGRAMS.—Section 31101(a)(3)(D) of MAP–21 (126 Stat. 733) is amended to read as follows:

“(D) \$48,306,011 for the period beginning on October 1, 2015, and ending on December 4, 2015.”.

(4) NATIONAL DRIVER REGISTER.—Section 31101(a)(4)(D) of MAP–21 (126 Stat. 733) is amended to read as follows:

“(D) \$887,978 for the period beginning on October 1, 2015, and ending on December 4, 2015.”.

(5) HIGH VISIBILITY ENFORCEMENT PROGRAM.—

(A) **AUTHORIZATION OF APPROPRIATIONS.**—Section 31101(a)(5)(D) of MAP–21 (126 Stat. 733) is amended to read as follows:

“(D) \$5,150,273 for the period beginning on October 1, 2015, and ending on December 4, 2015.”

(B) **LAW ENFORCEMENT CAMPAIGNS.**—Section 2009(a) of SAFETEA–LU (23 U.S.C. 402 note) is amended—

(i) in the first sentence by striking “November 20, 2015” and inserting “December 4, 2015”; and

(ii) in the second sentence by striking “November 20, 2015,” and inserting “December 4, 2015.”

(6) **ADMINISTRATIVE EXPENSES.**—Section 31101(a)(6)(D) of MAP–21 (126 Stat. 733) is amended to read as follows:

“(D) \$4,528,689 for the period beginning on October 1, 2015, and ending on December 4, 2015.”

(b) **COOPERATIVE RESEARCH AND EVALUATION.**—Section 403(f)(1) of title 23, United States Code, is amended by striking “and \$348,361 of the total amount available for apportionment to the States for highway safety programs under section 402(c) in the period beginning on October 1, 2015, and ending on November 20, 2015,” and inserting “and \$443,989 of the total amount available for apportionment to the States for highway safety programs under section 402(c) in the period beginning on October 1, 2015, and ending on December 4, 2015.”

(c) **APPLICABILITY OF TITLE 23.**—Section 31101(c) of MAP–21 (126 Stat. 733) is amended by striking “November 20, 2015,” and inserting “December 4, 2015.”

SEC. 1102. EXTENSION OF FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION PROGRAMS.

(a) **MOTOR CARRIER SAFETY GRANTS.**—Section 31104(a)(11) of title 49, United States Code, is amended to read as follows:

“(11) \$38,715,847 for the period beginning on October 1, 2015, and ending on December 4, 2015.”

(b) **ADMINISTRATIVE EXPENSES.**—Section 31104(i)(1)(K) of title 49, United States Code, is amended to read as follows:

“(K) \$45,997,268 for the period beginning on October 1, 2015, and ending on December 4, 2015.”

(c) **GRANT PROGRAMS.**—

(1) **COMMERCIAL DRIVER’S LICENSE PROGRAM IMPROVEMENT GRANTS.**—Section 4101(c)(1) of SAFETEA–LU (119 Stat. 1715) is amended by striking “and \$4,180,328 for the period beginning on October 1, 2015, and ending on November 20, 2015” and inserting “and \$5,327,869 for the period beginning on October 1, 2015, and ending on December 4, 2015”.

(2) **BORDER ENFORCEMENT GRANTS.**—Section 4101(c)(2) of SAFETEA–LU (119 Stat. 1715) is amended by striking “and \$4,459,016 for the period beginning on October 1, 2015, and ending on November 20, 2015” and inserting “and \$5,683,060 for the period beginning on October 1, 2015, and ending on December 4, 2015”.

(3) **PERFORMANCE AND REGISTRATION INFORMATION SYSTEM MANAGEMENT GRANT PROGRAM.**—Section 4101(c)(3) of SAFETEA–LU (119 Stat. 1715) is amended by striking “and \$696,721 for the period beginning on October 1, 2015, and ending on November 20, 2015” and inserting “and \$887,978

for the period beginning on October 1, 2015, and ending on December 4, 2015”.

(4) COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS DEPLOYMENT PROGRAM.—Section 4101(c)(4) of SAFETEA–LU (119 Stat. 1715) is amended by striking “and \$3,483,607 for the period beginning on October 1, 2015, and ending on November 20, 2015” and inserting “and \$4,439,891 for the period beginning on October 1, 2015, and ending on December 4, 2015”.

(5) SAFETY DATA IMPROVEMENT GRANTS.—Section 4101(c)(5) of SAFETEA–LU (119 Stat. 1715) is amended by striking “and \$418,033 for the period beginning on October 1, 2015, and ending on November 20, 2015” and inserting “and \$532,787 for the period beginning on October 1, 2015, and ending on December 4, 2015”.

(d) HIGH-PRIORITY ACTIVITIES.—Section 31104(k)(2) of title 49, United States Code, is amended by striking “and up to \$2,090,164 for the period beginning on October 1, 2015, and ending on November 20, 2015,” and inserting “and up to \$2,663,934 for the period beginning on October 1, 2015, and ending on December 4, 2015,”.

(e) NEW ENTRANT AUDITS.—Section 31144(g)(5)(B) of title 49, United States Code, is amended by striking “and up to \$4,459,016 for the period beginning on October 1, 2015, and ending on November 20, 2015,” and inserting “and up to \$5,683,060 for the period beginning on October 1, 2015, and ending on December 4, 2015,”.

(f) OUTREACH AND EDUCATION.—Section 4127(e) of SAFETEA–LU (119 Stat. 1741) is amended by striking “and \$557,377 to the Federal Motor Carrier Safety Administration for the period beginning on October 1, 2015, and ending on November 20, 2015,” and inserting “and \$710,383 to the Federal Motor Carrier Safety Administration for the period beginning on October 1, 2015, and ending on December 4, 2015,”.

49 USC 31301
note.

(g) GRANT PROGRAM FOR COMMERCIAL MOTOR VEHICLE OPERATORS.—Section 4134(c) of SAFETEA–LU (49 U.S.C. 31301 note) is amended by striking “and \$139,344 for the period beginning on October 1, 2015, and ending on November 20, 2015,” and inserting “and \$177,596 for the period beginning on October 1, 2015, and ending on December 4, 2015,”.

SEC. 1103. DINGELL-JOHNSON SPORT FISH RESTORATION ACT.

Section 4 of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c) is amended—

(1) in subsection (a) in the matter preceding paragraph (1) by striking “November 20, 2015” and inserting “December 4, 2015”; and

(2) in subsection (b)(1)(A) by striking “November 20, 2015,” and inserting “December 4, 2015,”.

Subtitle C—Public Transportation Programs

SEC. 1201. FORMULA GRANTS FOR RURAL AREAS.

Section 5311(c)(1) of title 49, United States Code, is amended—

(1) in subparagraph (A) by striking “and \$696,721 for the period beginning on October 1, 2015, and ending on November 20, 2015,” and inserting “and \$887,978 for the period beginning on October 1, 2015, and ending on December 4, 2015,”; and

(2) in subparagraph (B) by striking “and \$3,483,607 for the period beginning on October 1, 2015, and ending on November 20, 2015,” and inserting “and \$4,439,891 for the period beginning on October 1, 2015, and ending on December 4, 2015.”

SEC. 1202. APPORTIONMENT OF APPROPRIATIONS FOR FORMULA GRANTS.

Section 5336(h)(1) of title 49, United States Code, is amended by striking “and \$4,180,328 for the period beginning on October 1, 2015, and ending on November 20, 2015,” and inserting “and \$5,327,869 for the period beginning on October 1, 2015, and ending on December 4, 2015.”

SEC. 1203. AUTHORIZATIONS FOR PUBLIC TRANSPORTATION.

(a) FORMULA GRANTS.—Section 5338(a) of title 49, United States Code, is amended—

(1) in paragraph (1) by striking “and \$1,197,663,934 for the period beginning on October 1, 2015, and ending on November 20, 2015” and inserting “and \$1,526,434,426 for the period beginning on October 1, 2015, and ending on December 4, 2015”;

(2) in paragraph (2)—

(A) in subparagraph (A) by striking “and \$17,947,541 for the period beginning on October 1, 2015, and ending on November 20, 2015,” and inserting “and \$22,874,317 for the period beginning on October 1, 2015, and ending on December 4, 2015,”;

(B) in subparagraph (B) by striking “and \$1,393,443 for the period beginning on October 1, 2015, and ending on November 20, 2015,” and inserting “and \$1,775,956 for the period beginning on October 1, 2015, and ending on December 4, 2015,”;

(C) in subparagraph (C) by striking “and \$621,287,295 for the period beginning on October 1, 2015, and ending on November 20, 2015,” and inserting “and \$791,836,749 for the period beginning on October 1, 2015, and ending on December 4, 2015,”;

(D) in subparagraph (D) by striking “and \$35,992,623 for the period beginning on October 1, 2015, and ending on November 20, 2015,” and inserting “and \$45,872,951 for the period beginning on October 1, 2015, and ending on December 4, 2015,”;

(E) in subparagraph (E)—

(i) by striking “and \$84,693,443 for the period beginning on October 1, 2015, and ending on November 20, 2015,” and inserting “and \$107,942,623 for the period beginning on October 1, 2015, and ending on December 4, 2015,”;

(ii) by striking “and \$4,180,328 for the period beginning on October 1, 2015, and ending on November 20, 2015,” and inserting “and \$5,327,869 for the period beginning on October 1, 2015, and ending on December 4, 2015,”; and

(iii) by striking “and \$2,786,885 for the period beginning on October 1, 2015, and ending on November 20, 2015,” and inserting “and \$3,551,913 for the period beginning on October 1, 2015, and ending on December 4, 2015,”;

(F) in subparagraph (F) by striking “and \$418,033 for the period beginning on October 1, 2015, and ending on November 20, 2015,” and inserting “and \$532,787 for the period beginning on October 1, 2015, and ending on December 4, 2015,”;

(G) in subparagraph (G) by striking “and \$696,721 for the period beginning on October 1, 2015, and ending on November 20, 2015,” and inserting “and \$887,978 for the period beginning on October 1, 2015, and ending on December 4, 2015,”;

(H) in subparagraph (H) by striking “and \$536,475 for the period beginning on October 1, 2015, and ending on November 20, 2015,” and inserting “and \$683,743 for the period beginning on October 1, 2015, and ending on December 4, 2015,”;

(I) in subparagraph (I) by striking “and \$301,805,738 for the period beginning on October 1, 2015, and ending on November 20, 2015,” and inserting “and \$384,654,372 for the period beginning on October 1, 2015, and ending on December 4, 2015,”;

(J) in subparagraph (J) by striking “and \$59,611,475 for the period beginning on October 1, 2015, and ending on November 20, 2015,” and inserting “and \$75,975,410 for the period beginning on October 1, 2015, and ending on December 4, 2015,”; and

(K) in subparagraph (K) by striking “and \$73,281,148 for the period beginning on October 1, 2015, and ending on November 20, 2015,” and inserting “and \$93,397,541 for the period beginning on October 1, 2015, and ending on December 4, 2015,”.

(b) RESEARCH, DEVELOPMENT DEMONSTRATION AND DEPLOYMENT PROJECTS.—Section 5338(b) of title 49, United States Code, is amended by striking “and \$9,754,098 for the period beginning on October 1, 2015, and ending on November 20, 2015” and inserting “and \$12,431,694 for the period beginning on October 1, 2015, and ending on December 4, 2015”.

(c) TRANSIT COOPERATIVE RESEARCH PROGRAM.—Section 5338(c) of title 49, United States Code, is amended by striking “and \$975,410 for the period beginning on October 1, 2015, and ending on November 20, 2015” and inserting “and \$1,243,169 for the period beginning on October 1, 2015, and ending on December 4, 2015”.

(d) TECHNICAL ASSISTANCE AND STANDARDS DEVELOPMENT.—Section 5338(d) of title 49, United States Code, is amended by striking “and \$975,410 for the period beginning on October 1, 2015, and ending on November 20, 2015” and inserting “and \$1,243,169 for the period beginning on October 1, 2015, and ending on December 4, 2015”.

(e) HUMAN RESOURCES AND TRAINING.—Section 5338(e) of title 49, United States Code, is amended by striking “and \$696,721 for the period beginning on October 1, 2015, and ending on November 20, 2015” and inserting “and \$887,978 for the period beginning on October 1, 2015, and ending on December 4, 2015”.

(f) CAPITAL INVESTMENT GRANTS.—Section 5338(g) of title 49, United States Code, is amended by striking “and \$265,729,508 for the period beginning on October 1, 2015, and ending on November 20, 2015” and inserting “and \$338,674,863 for the period beginning on October 1, 2015, and ending on December 4, 2015”.

(g) ADMINISTRATION.—Section 5338(h) of title 49, United States Code, is amended—

(1) in paragraph (1) by striking “and \$14,491,803 for the period beginning on October 1, 2015, and ending on November 20, 2015” and inserting “and \$18,469,945 for the period beginning on October 1, 2015, and ending on December 4, 2015”;

(2) in paragraph (2) by striking “and not less than \$696,721 for the period beginning on October 1, 2015, and ending on November 20, 2015,” and inserting “and not less than \$887,978 for the period beginning on October 1, 2015, and ending on December 4, 2015,”; and

(3) in paragraph (3) by striking “and not less than \$139,344 for the period beginning on October 1, 2015, and ending on November 20, 2015,” and inserting “and not less than \$177,596 for the period beginning on October 1, 2015, and ending on December 4, 2015,”.

SEC. 1204. BUS AND BUS FACILITIES FORMULA GRANTS.

Section 5339(d)(1) of title 49, United States Code, is amended—

(1) by striking “and \$9,127,049 for the period beginning on October 1, 2015, and ending on November 20, 2015,” and inserting “and \$11,632,514 for the period beginning on October 1, 2015, and ending on December 4, 2015,”;

(2) by striking “\$174,180 for such period” and inserting “\$221,994 for such period”; and

(3) by striking “\$69,672 for such period” and inserting “\$88,798 for such period”.

Subtitle D—Hazardous Materials

SEC. 1301. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 5128(a)(4) of title 49, United States Code, is amended to read as follows:

“(4) \$7,594,344 for the period beginning on October 1, 2015, and ending on December 4, 2015.”.

(b) HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS FUND.—Section 5128(b)(2) of title 49, United States Code, is amended to read as follows:

“(2) FISCAL YEAR 2016.—From the Hazardous Materials Emergency Preparedness Fund established under section 5116(i), the Secretary may expend for the period beginning on October 1, 2015, and ending on December 4, 2015—

“(A) \$33,388 to carry out section 5115;

“(B) \$3,871,585 to carry out subsections (a) and (b) of section 5116, of which not less than \$2,424,180 shall be available to carry out section 5116(b);

“(C) \$26,639 to carry out section 5116(f);

“(D) \$110,997 to publish and distribute the Emergency Response Guidebook under section 5116(i)(3); and

“(E) \$177,596 to carry out section 5116(j).”.

(c) HAZARDOUS MATERIALS TRAINING GRANTS.—Section 5128(c) of title 49, United States Code, is amended by striking “and \$557,377 for the period beginning on October 1, 2015, and ending on November 20, 2015,” and inserting “and \$710,383 for the period beginning on October 1, 2015, and ending on December 4, 2015,”.

TITLE II—REVENUE PROVISIONS

SEC. 2001. EXTENSION OF HIGHWAY TRUST FUND EXPENDITURE AUTHORITY.

(a) HIGHWAY TRUST FUND.—Section 9503 of the Internal Revenue Code of 1986 is amended—

26 USC 9503.

(1) by striking “November 21, 2015” in subsections (b)(6)(B), (c)(1), and (e)(3) and inserting “December 5, 2015”, and

(2) by striking “Surface Transportation Extension Act of 2015” in subsections (c)(1) and (e)(3) and inserting “Surface Transportation Extension Act of 2015, Part II”.

(b) SPORT FISH RESTORATION AND BOATING TRUST FUND.—Section 9504 of such Code is amended—

(1) by striking “Surface Transportation Extension Act of 2015” each place it appears in subsection (b)(2) and inserting “Surface Transportation Extension Act of 2015, Part II”, and

(2) by striking “November 21, 2015” in subsection (d)(2) and inserting “December 5, 2015”.

(c) LEAKING UNDERGROUND STORAGE TANK TRUST FUND.—Section 9508(e)(2) of such Code is amended by striking “November 21, 2015” and inserting “December 5, 2015”.

Approved November 20, 2015.

LEGISLATIVE HISTORY—H.R. 3996:

CONGRESSIONAL RECORD, Vol. 161 (2015):

Nov. 16, considered and passed House.

Nov. 19, considered and passed Senate.

Public Law 114–88
114th Congress

An Act

Nov. 25, 2015
[H.R. 208]

Recovery
Improvements
for Small
Entities After
Disaster Act of
2015.
15 USC 631 note.

To improve the disaster assistance programs of the Small Business Administration.

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Recovery Improvements for Small Entities After Disaster Act of 2015” or the “RISE After Disaster Act of 2015”.

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

Sec. 1. Short title; table of contents.

DIVISION A—SUPERSTORM SANDY RELIEF AND DISASTER LOAN PROGRAM IMPROVEMENTS

Sec. 1001. Short title.

Sec. 1002. Findings.

TITLE I—DISASTER ASSISTANCE IMPROVEMENTS

Sec. 1101. Revised disaster deadline.

Sec. 1102. Use of physical damage disaster loans to construct safe rooms.

Sec. 1103. Reducing delays on closing and disbursement of loans.

Sec. 1104. Safeguarding taxpayer interests and increasing transparency in loan approvals.

Sec. 1105. Disaster plan improvements.

DIVISION B—RECOVERY IMPROVEMENTS FOR SMALL ENTITIES

Sec. 2001. Short title.

TITLE I—IMPROVEMENTS OF DISASTER RESPONSE AND LOANS

Sec. 2101. Additional awards to small business development centers, women’s business centers, and SCORE for disaster recovery.

Sec. 2102. Collateral requirements for disaster loans.

Sec. 2103. Assistance to out-of-State business concerns to aid in disaster recovery.

Sec. 2104. FAST program.

Sec. 2105. Use of Federal surplus property in disaster areas.

Sec. 2106. Recovery opportunity loans.

Sec. 2107. Contractor malfeasance.

Sec. 2108. Local contracting preferences and incentives.

Sec. 2109. Clarification of collateral requirements.

TITLE II—DISASTER PLANNING AND MITIGATION

Sec. 2201. Business recovery centers.

TITLE III—OTHER PROVISIONS

Sec. 2301. Increased oversight of economic injury disaster loans.

Sec. 2302. GAO report on paperwork reduction.

Sec. 2303. Report on web portal for disaster loan applicants.

DIVISION A—SUPERSTORM SANDY RELIEF AND DISASTER LOAN PROGRAM IMPROVEMENTS

Superstorm
Sandy Relief and
Disaster Loan
Program
Improvement Act
of 2015.

SEC. 1001. SHORT TITLE.

This division may be cited as the “Superstorm Sandy Relief and Disaster Loan Program Improvement Act of 2015”.

15 USC 631 note.

SEC. 1002. FINDINGS.

Congress finds the following:

15 USC 636 note.

(1) In 2012, Superstorm Sandy caused substantial physical and economic damage to the United States, and New York in particular.

(2) For businesses and homeowners, the primary means of obtaining long-term Federal financial assistance in the wake of disasters such as Superstorm Sandy is through the Small Business Administration’s Disaster Loan Program.

(3) With regard to the Small Business Administration’s operation of the Disaster Loan Program after Superstorm Sandy, the Government Accountability Office found that the Administration did not meet its timeliness goals for processing business loan applications.

(4) According to the Government Accountability Office, the Small Business Administration stated that it was challenged by an unexpectedly high volume of loan applications that it received early in its response to Superstorm Sandy.

(5) As a result, many businesses and homeowners affected by Superstorm Sandy were unable to apply for financing from the Small Business Administration.

TITLE I—DISASTER ASSISTANCE IMPROVEMENTS

SEC. 1101. REVISED DISASTER DEADLINE.

Section 7(d) of the Small Business Act (15 U.S.C. 636(d)) is amended by adding at the end the following:

“(8) DISASTER LOANS FOR SUPERSTORM SANDY.—

“(A) IN GENERAL.—Notwithstanding any other provision of law, and subject to the same requirements and procedures that are used to make loans pursuant to subsection (b), a small business concern, homeowner, nonprofit entity, or renter that was located within an area and during the time period with respect to which a major disaster was declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) by reason of Superstorm Sandy may apply to the Administrator—

“(i) for a loan to repair, rehabilitate, or replace property damaged or destroyed by reason of Superstorm Sandy; or

“(ii) if such a small business concern has suffered substantial economic injury by reason of Superstorm Sandy, for a loan to assist such a small business concern.

“(B) TIMING.—The Administrator shall select loan recipients and make available loans for a period of not less than 1 year after the date on which the Administrator carries out this authority.

“(C) INSPECTOR GENERAL REVIEW.—Not later than 6 months after the date on which the Administrator begins carrying out this authority, the Inspector General of the Administration shall initiate a review of the controls for ensuring applicant eligibility for loans made under this paragraph.”.

SEC. 1102. USE OF PHYSICAL DAMAGE DISASTER LOANS TO CONSTRUCT SAFE ROOMS.

Section 7(b)(1)(A) of the Small Business Act (15 U.S.C. 636(b)(1)(A)) is amended by striking “mitigating measures” and all that follows through “modifying structures” and inserting the following: “mitigating measures, including—

“(i) construction of retaining walls and sea walls;

“(ii) grading and contouring land; and

“(iii) relocating utilities and modifying structures, including construction of a safe room or similar storm shelter designed to protect property and occupants from tornadoes or other natural disasters, if such safe room or similar storm shelter is constructed in accordance with applicable standards issued by the Federal Emergency Management Agency”.

SEC. 1103. REDUCING DELAYS ON CLOSING AND DISBURSEMENT OF LOANS.

Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting before the undesignated matter following paragraph (9) the following:

Notification.
Web posting.

“(10) REDUCING CLOSING AND DISBURSEMENT DELAYS.—The Administrator shall provide a clear and concise notification on all application materials for loans made under this subsection and on relevant websites notifying an applicant that the applicant may submit all documentation necessary for the approval of the loan at the time of application and that failure to submit all documentation could delay the approval and disbursement of the loan.”.

SEC. 1104. SAFEGUARDING TAXPAYER INTERESTS AND INCREASING TRANSPARENCY IN LOAN APPROVALS.

Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting before the undesignated matter following paragraph (10), as added by section 1103 of this Act, the following:

Procedures.

“(11) INCREASING TRANSPARENCY IN LOAN APPROVALS.—The Administrator shall establish and implement clear, written policies and procedures for analyzing the ability of a loan applicant to repay a loan made under this subsection.”.

15 USC 6571
note.
Review.

SEC. 1105. DISASTER PLAN IMPROVEMENTS.

The Administrator of the Small Business Administration shall revise the comprehensive written disaster response plan required in section 40 of the Small Business Act (15 U.S.C. 6571), or any successor thereto, to incorporate the Administration’s response to a situation in which an extreme volume of applications are received during the period of time immediately after a disaster, which shall

include a plan to ensure that sufficient human and technological resources are made available and a plan to prevent delays in loan processing.

DIVISION B—RECOVERY IMPROVEMENTS FOR SMALL ENTITIES

SEC. 2001. SHORT TITLE.

This division may be cited as the “Recovery Improvements for Small Entities After Disaster Act of 2015” or the “RISE After Disaster Act of 2015”.

Recovery
Improvements
for Small
Entities After
Disaster Act of
2015.
15 USC 631 note.

TITLE I—IMPROVEMENTS OF DISASTER RESPONSE AND LOANS

SEC. 2101. ADDITIONAL AWARDS TO SMALL BUSINESS DEVELOPMENT CENTERS, WOMEN’S BUSINESS CENTERS, AND SCORE FOR DISASTER RECOVERY.

Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting before the undesignated matter following paragraph (11), as added by section 1104 of this Act, the following:

“(12) **ADDITIONAL AWARDS TO SMALL BUSINESS DEVELOPMENT CENTERS, WOMEN’S BUSINESS CENTERS, AND SCORE FOR DISASTER RECOVERY.**—

Grants.
Contracts.

“(A) **IN GENERAL.**—The Administration may provide financial assistance to a small business development center, a women’s business center described in section 29, the Service Corps of Retired Executives, or any proposed consortium of such individuals or entities to spur disaster recovery and growth of small business concerns located in an area for which the President has declared a major disaster.

“(B) **FORM OF FINANCIAL ASSISTANCE.**—Financial assistance provided under this paragraph shall be in the form of a grant, contract, or cooperative agreement.

“(C) **NO MATCHING FUNDS REQUIRED.**—Matching funds shall not be required for any grant, contract, or cooperative agreement under this paragraph.

“(D) **REQUIREMENTS.**—A recipient of financial assistance under this paragraph shall provide counseling, training, and other related services, such as promoting long-term resiliency, to small business concerns and entrepreneurs impacted by a major disaster.

“(E) **PERFORMANCE.**—

“(i) **IN GENERAL.**—The Administrator, in cooperation with the recipients of financial assistance under this paragraph, shall establish metrics and goals for performance of grants, contracts, and cooperative agreements under this paragraph, which shall include recovery of sales, recovery of employment, reestablishment of business premises, and establishment of new small business concerns.

“(ii) **USE OF ESTIMATES.**—The Administrator shall base the goals and metrics for performance established

under clause (i), in part, on the estimates of disaster impact prepared by the Office of Disaster Assistance for purposes of estimating loan-making requirements.

“(F) TERM.—

“(i) IN GENERAL.—The term of any grant, contract, or cooperative agreement under this paragraph shall be for not more than 2 years.

“(ii) EXTENSION.—The Administrator may make 1 extension of a grant, contract, or cooperative agreement under this paragraph for a period of not more than 1 year, upon a showing of good cause and need for the extension.

“(G) EXEMPTION FROM OTHER PROGRAM REQUIREMENTS.—Financial assistance provided under this paragraph is in addition to, and wholly separate from, any other form of assistance provided by the Administrator under this Act.

“(H) COMPETITIVE BASIS.—The Administration shall award financial assistance under this paragraph on a competitive basis.”

SEC. 2102. COLLATERAL REQUIREMENTS FOR DISASTER LOANS.

(a) IN GENERAL.—Section 7(d)(6) of the Small Business Act (15 U.S.C. 636(d)(6)) is amended in the third proviso—

- (1) by striking “\$14,000” and inserting “\$25,000”; and
- (2) by striking “major disaster” and inserting “disaster”.

Effective date.
15 USC 636 note.

(b) SUNSET.—Effective on the date that is 3 years after the date of enactment of this Act, section 7(d)(6) of the Small Business Act (15 U.S.C. 636(d)(6)) is amended in the third proviso—

- (1) by striking “\$25,000” and inserting “\$14,000”; and
- (2) by inserting “major” before “disaster”.

(c) REPORT.—Not later than 180 days before the date on which the amendments made by subsection (b) are to take effect, the Administrator of the Small Business Administration shall submit to Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on the effects of the amendments made by subsection (a), which shall include—

Assessment.
Recommendation.

- (1) an assessment of the impact and benefits resulting from the amendments; and
- (2) a recommendation as to whether the amendments should be made permanent.

SEC. 2103. ASSISTANCE TO OUT-OF-STATE BUSINESS CONCERNS TO AID IN DISASTER RECOVERY.

(a) IN GENERAL.—Section 21(b)(3) of the Small Business Act (15 U.S.C. 648(b)(3)) is amended—

- (1) by striking “(3) At the discretion” and inserting the following:

“(3) ASSISTANCE TO OUT-OF-STATE SMALL BUSINESS CONCERNS.—

- “(A) IN GENERAL.—At the discretion”; and
- (2) by adding at the end the following:

“(B) DISASTER RECOVERY ASSISTANCE.—

“(i) IN GENERAL.—At the discretion of the Administrator, the Administrator may authorize a small business development center to provide advice, information, and assistance, as described in subsection (c), to a

small business concern located outside of the State, without regard to geographic proximity to the small business development center, if the small business concern is located in an area for which the President has declared a major disaster.

“(ii) TERM.—

“(I) IN GENERAL.—A small business development center may provide advice, information, and assistance to a small business concern under clause (i) for a period of not more than 2 years after the date on which the President declared a major disaster for the area in which the small business concern is located.

“(II) EXTENSION.—The Administrator may, at the discretion of the Administrator, extend the period described in subclause (I).

“(iii) CONTINUITY OF SERVICES.—A small business development center that provides counselors to an area described in clause (i) shall, to the maximum extent practicable, ensure continuity of services in any State in which the small business development center otherwise provides services.

“(iv) ACCESS TO DISASTER RECOVERY FACILITIES.—For purposes of this subparagraph, the Administrator shall, to the maximum extent practicable, permit the personnel of a small business development center to use any site or facility designated by the Administrator for use to provide disaster recovery assistance.”.

(b) SENSE OF CONGRESS.—It is the sense of Congress that, subject to the availability of funds, the Administrator of the Small Business Administration should, to the extent practicable, ensure that a small business development center is appropriately reimbursed for any legitimate expenses incurred in carrying out activities under section 21(b)(3)(B) of the Small Business Act, as added by subsection (a).

SEC. 2104. FAST PROGRAM.

(a) DEFINITIONS.—Section 34(a) of the Small Business Act (15 U.S.C. 657d(a)) is amended—

(1) by redesignating paragraphs (3) through (9) as paragraphs (4) through (10), respectively; and

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

“(3) CATASTROPHIC INCIDENT.—The term ‘catastrophic incident’ means a major disaster that is comparable to the description of a catastrophic incident in the National Response Plan of the Administration, or any successor thereto.”.

(b) PRIORITY.—Section 34(c)(2) of the Small Business Act (15 U.S.C. 657d(c)(2)) is amended—

(1) in subparagraph (A), by striking “and” at the end;

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

(3) by adding at the end the following:

“(C) shall give special consideration to an applicant that is located in an area affected by a catastrophic incident.”.

(c) **ADDITIONAL ASSISTANCE.**—Section 34(c) of the Small Business Act (15 U.S.C. 657d(c)) is amended by adding at the end the following:

“(5) **ADDITIONAL ASSISTANCE FOR CATASTROPHIC INCIDENTS.**—Upon application by an applicant that receives an award or has in effect a cooperative agreement under this section and that is located in an area affected by a catastrophic incident, the Administrator may—

“(A) provide additional assistance to the applicant; and
 “(B) waive the matching requirements under subsection (e)(2).”

Waiver authority.

SEC. 2105. USE OF FEDERAL SURPLUS PROPERTY IN DISASTER AREAS.

Section 7(j)(13)(F) of the Small Business Act (15 U.S.C. 636(j)(13)(F)) is amended—

- (1) by inserting “(i)” after “(F)”; and
- (2) by adding at the end the following:

Definition.
Time period.

“(ii)(I) In this clause—

“(aa) the term ‘covered period’ means the 2-year period beginning on the date on which the President declared the applicable major disaster; and

“(bb) the term ‘disaster area’ means the area for which the President has declared a major disaster, during the covered period.

“(II) The Administrator may transfer technology or surplus property under clause (i) on a priority basis to a small business concern located in a disaster area if—

“(aa) the small business concern meets the requirements for such a transfer, without regard to whether the small business concern is a Program Participant; and

“(bb) for a small business concern that is a Program Participant, on and after the date on which the President declared the applicable major disaster, the small business concern has not received property under this subparagraph on the basis of the status of the small business concern as a Program Participant.

“(III) For any transfer of property under this clause to a small business concern, the terms and conditions shall be the same as a transfer to a Program Participant, except that the small business concern shall agree not to sell or transfer the property to any party other than the Federal Government during the covered period.

“(IV) A small business concern that receives a transfer of property under this clause may not receive a transfer of property under clause (i) during the covered period.

“(V) If a small business concern sells or transfers property in violation of the agreement described in subclause (III), the Administrator may initiate proceedings to prohibit the small business concern from receiving a transfer of property under this clause or clause (i), in addition to any other remedy available to the Administrator.”

SEC. 2106. RECOVERY OPPORTUNITY LOANS.

Section 7(a)(31) of the Small Business Act (15 U.S.C. 636(a)(31)) is amended—

- (1) in subparagraph (A)—

(A) by redesignating clauses (i), (ii), and (iii) as clauses (ii), (iii), and (iv), respectively; and

(B) by inserting before clause (ii), as so redesignated, the following:

“(i) The term ‘disaster area’ means the area for which the President has declared a major disaster, during the 5-year period beginning on the date of the declaration.”; and

Definition.
Time period.

(2) by adding at the end the following:

“(H) RECOVERY OPPORTUNITY LOANS.—

“(i) IN GENERAL.—The Administrator may guarantee an express loan to a small business concern located in a disaster area in accordance with this subparagraph.

“(ii) MAXIMUMS.—For a loan guaranteed under clause (i)—

“(I) the maximum loan amount is \$150,000; and

“(II) the guarantee rate shall be not more than 85 percent.

“(iii) OVERALL CAP.—A loan guaranteed under clause (i) shall not be counted in determining the amount of loans made to a borrower for purposes of subparagraph (D).

“(iv) OPERATIONS.—A small business concern receiving a loan guaranteed under clause (i) shall certify that the small business concern was in operation on the date on which the applicable major disaster occurred as a condition of receiving the loan.

Certification.

“(v) REPAYMENT ABILITY.—A loan guaranteed under clause (i) may only be made to a small business concern that demonstrates, to the satisfaction of the Administrator, sufficient capacity to repay the loan.

“(vi) TIMING OF PAYMENT OF GUARANTEES.—

“(I) IN GENERAL.—Not later than 90 days after the date on which a request for purchase is filed with the Administrator, the Administrator shall determine whether to pay the guaranteed portion of the loan.

Deadline.
Determination.

“(II) RECAPTURE.—Notwithstanding any other provision of law, unless there is a subsequent finding of fraud by a court of competent jurisdiction relating to a loan guaranteed under clause (i), on and after the date that is 6 months after the date on which the Administrator determines to pay the guaranteed portion of the loan, the Administrator may not attempt to recapture the paid guarantee.

“(vii) FEES.—

“(I) IN GENERAL.—Unless the Administrator has waived the guarantee fee that would otherwise be collected by the Administrator under paragraph (18) for a loan guaranteed under clause (i), and except as provided in subclause (II), the guarantee fee for the loan shall be equal to the guarantee fee that the Administrator would collect if the guarantee rate for the loan was 50 percent.

Deadline.

“(II) EXCEPTION.—Subclause (I) shall not apply if the cost of carrying out the program under this subsection in a fiscal year is more than zero and such cost is directly attributable to the cost of guaranteeing loans under clause (i).

“(viii) RULES.—Not later than 270 days after the date of enactment of this subparagraph, the Administrator shall promulgate rules to carry out this subparagraph.”.

SEC. 2107. CONTRACTOR MALFEASANCE.

Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting before the undesignated matter following paragraph (12), as added by section 2101 of this Act, the following:

“(13) SUPPLEMENTAL ASSISTANCE FOR CONTRACTOR MALFEASANCE.—

“(A) IN GENERAL.—If a contractor or other person engages in malfeasance in connection with repairs to, rehabilitation of, or replacement of real or personal property relating to which a loan was made under this subsection and the malfeasance results in substantial economic damage to the recipient of the loan or substantial risks to health or safety, upon receiving documentation of the substantial economic damage or the substantial risk to health and safety from an independent loss verifier, and subject to subparagraph (B), the Administrator may increase the amount of the loan under this subsection, as necessary for the cost of repairs, rehabilitation, or replacement needed to address the cause of the economic damage or health or safety risk.

“(B) REQUIREMENTS.—The Administrator may only increase the amount of a loan under subparagraph (A) upon receiving an appropriate certification from the borrower and person performing the mitigation attesting to the reasonableness of the mitigation costs and an assignment of any proceeds received from the person engaging in the malfeasance. The assignment of proceeds recovered from the person engaging in the malfeasance shall be equal to the amount of the loan under this section. Any mitigation activities shall be subject to audit and independent verification of completeness and cost reasonableness.”.

Audit.

SEC. 2108. LOCAL CONTRACTING PREFERENCES AND INCENTIVES.

Section 15 of the Small Business Act (15 U.S.C. 644) is amended by inserting after subsection (e) the following:

“(f) CONTRACTING PREFERENCE FOR SMALL BUSINESS CONCERNS IN A MAJOR DISASTER AREA.—

“(1) DEFINITION.—In this subsection, the term ‘disaster area’ means the area for which the President has declared a major disaster, during the period of the declaration.

“(2) CONTRACTING PREFERENCE.—An agency shall provide a contracting preference for a small business concern located in a disaster area if the small business concern will perform the work required under the contract in the disaster area.

“(3) CREDIT FOR MEETING CONTRACTING GOALS.—If an agency awards a contract to a small business concern under the circumstances described in paragraph (2), the value of the contract shall be doubled for purposes of determining

compliance with the goals for procurement contracts under subsection (g)(1)(A).”.

SEC. 2109. CLARIFICATION OF COLLATERAL REQUIREMENTS.

Section 7(d)(6) of the Small Business Act (15 U.S.C. 636(d)(6)) is amended by inserting after “which are made under paragraph (1) of subsection (b)” the following: “: *Provided further*, That the Administrator, in obtaining the best available collateral for a loan of not more than \$200,000 under paragraph (1) or (2) of subsection (b) relating to damage to or destruction of the property of, or economic injury to, a small business concern, shall not require the owner of the small business concern to use the primary residence of the owner as collateral if the Administrator determines that the owner has other assets of equal quality and with a value equal to or greater than the amount of the loan that could be used as collateral for the loan: *Provided further*, That nothing in the preceding proviso may be construed to reduce the amount of collateral required by the Administrator in connection with a loan described in the preceding proviso or to modify the standards used to evaluate the quality (rather than the type) of such collateral”.

Determination.

TITLE II—DISASTER PLANNING AND MITIGATION

SEC. 2201. BUSINESS RECOVERY CENTERS.

Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting before the undesignated matter following paragraph (13), as added by section 2108 of this Act, the following:

“(14) BUSINESS RECOVERY CENTERS.—

“(A) IN GENERAL.—The Administrator, acting through the district offices of the Administration, shall identify locations that may be used as recovery centers by the Administration in the event of a disaster declared under this subsection or a major disaster.

“(B) REQUIREMENTS FOR IDENTIFICATION.—Each district office of the Administration shall—

“(i) identify a location described in subparagraph (A) in each county, parish, or similar unit of general local government in the area served by the district office; and

“(ii) ensure that the locations identified under subparagraph (A) may be used as a recovery center without cost to the Government, to the extent practicable.”.

TITLE III—OTHER PROVISIONS

SEC. 2301. INCREASED OVERSIGHT OF ECONOMIC INJURY DISASTER LOANS.

(a) IN GENERAL.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting before the undesignated matter following paragraph (14), as added by section 2201 of this Act, the following:

“(15) INCREASED OVERSIGHT OF ECONOMIC INJURY DISASTER LOANS.—The Administrator shall increase oversight of entities receiving loans under paragraph (2), and may consider—

“(A) scheduled site visits to ensure borrower eligibility and compliance with requirements established by the Administrator; and

“(B) reviews of the use of the loan proceeds by an entity described in paragraph (2) to ensure compliance with requirements established by the Administrator.”.

(b) SENSE OF CONGRESS RELATING TO USING EXISTING FUNDS.—It is the sense of Congress that no additional Federal funds should be made available to carry out the amendments made by this section.

SEC. 2302. GAO REPORT ON PAPERWORK REDUCTION.

Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report evaluating steps that the Small Business Administration has taken, with respect to the application for disaster assistance under section 7(b) of the Small Business Act (15 U.S.C. 636(b)), to comply with subchapter I of chapter 35 of title 44, United States Code (commonly known as the “Paperwork Reduction Act”) and related guidance.

SEC. 2303. REPORT ON WEB PORTAL FOR DISASTER LOAN APPLICANTS.

Section 38 of the Small Business Act (15 U.S.C. 657j) is amended by adding at the end the following:

“(c) REPORT ON WEB PORTAL FOR DISASTER LOAN APPLICATION STATUS.—

“(1) IN GENERAL.—Not later than 90 days after the date of enactment of this subsection, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report relating to the creation of a web portal to track the status of applications for disaster assistance under section 7(b).

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

“(A) information on the progress of the Administration in implementing the information system under subsection (a);

“(B) recommendations from the Administration relating to the creation of a web portal for applicants to check the status of an application for disaster assistance under section 7(b), including a review of best practices and web portal models from the private sector;

“(C) information on any related costs or staffing needed to implement such a web portal;

“(D) information on whether such a web portal can maintain high standards for data privacy and data security;

“(E) information on whether such a web portal will minimize redundancy among Administration disaster programs, improve management of the number of inquiries made by disaster applicants to employees located in the area affected by the disaster and to call centers, and reduce paperwork burdens on disaster victims; and

Recommendations.

“(F) such additional information as is determined necessary by the Administrator.”.

Approved November 25, 2015.

LEGISLATIVE HISTORY—H.R. 208 (S. 1811):

HOUSE REPORTS: No. 114–186 (Comm. on Small Business).

CONGRESSIONAL RECORD, Vol. 161 (2015):

July 13, considered and passed House.

Oct. 21, considered and passed Senate, amended.

Nov. 16, House concurred in Senate amendments.

Public Law 114–89
114th Congress

An Act

Nov. 25, 2015
[H.R. 639]

To amend the Controlled Substances Act with respect to drug scheduling recommendations by the Secretary of Health and Human Services, and with respect to registration of manufacturers and distributors seeking to conduct clinical testing.

Improving
Regulatory
Transparency for
New Medical
Therapies Act.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Improving Regulatory Transparency for New Medical Therapies Act”.

SEC. 2. SCHEDULING OF SUBSTANCES INCLUDED IN NEW FDA-APPROVED DRUGS.

(a) EFFECTIVE DATE OF APPROVAL.—

(1) EFFECTIVE DATE OF DRUG APPROVAL.—Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) is amended by adding at the end the following:

“(x) DATE OF APPROVAL IN THE CASE OF RECOMMENDED CONTROLS UNDER THE CSA.—

“(1) IN GENERAL.—In the case of an application under subsection (b) with respect to a drug for which the Secretary provides notice to the sponsor that the Secretary intends to issue a scientific and medical evaluation and recommend controls under the Controlled Substances Act, approval of such application shall not take effect until the interim final rule controlling the drug is issued in accordance with section 201(j) of the Controlled Substances Act.

Definition.

“(2) DATE OF APPROVAL.—For purposes of this section, with respect to an application described in paragraph (1), the term ‘date of approval’ shall mean the later of—

“(A) the date an application under subsection (b) is approved under subsection (c); or

“(B) the date of issuance of the interim final rule controlling the drug.”.

(2) EFFECTIVE DATE OF APPROVAL OF BIOLOGICAL PRODUCTS.—Section 351 of the Public Health Service Act (42 U.S.C. 262) is amended by adding at the end the following:

“(n) DATE OF APPROVAL IN THE CASE OF RECOMMENDED CONTROLS UNDER THE CSA.—

“(1) IN GENERAL.—In the case of an application under subsection (a) with respect to a biological product for which the Secretary provides notice to the sponsor that the Secretary intends to issue a scientific and medical evaluation and recommend controls under the Controlled Substances Act, approval

of such application shall not take effect until the interim final rule controlling the biological product is issued in accordance with section 201(j) of the Controlled Substances Act.

“(2) DATE OF APPROVAL.—For purposes of this section, with respect to an application described in paragraph (1), references to the date of approval of such application, or licensure of the product subject to such application, shall mean the later of—

Definition.

“(A) the date an application is approved under subsection (a); or

“(B) the date of issuance of the interim final rule controlling the biological product.”

(3) EFFECTIVE DATE OF APPROVAL OF ANIMAL DRUGS.—

(A) IN GENERAL.—Section 512 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b) is amended by adding at the end the following:

“(q) DATE OF APPROVAL IN THE CASE OF RECOMMENDED CONTROLS UNDER THE CSA.—

“(1) IN GENERAL.—In the case of an application under subsection (b) with respect to a drug for which the Secretary provides notice to the sponsor that the Secretary intends to issue a scientific and medical evaluation and recommend controls under the Controlled Substances Act, approval of such application shall not take effect until the interim final rule controlling the drug is issued in accordance with section 201(j) of the Controlled Substances Act.

“(2) DATE OF APPROVAL.—For purposes of this section, with respect to an application described in paragraph (1), the term ‘date of approval’ shall mean the later of—

Definition.

“(A) the date an application under subsection (b) is approved under subsection (c); or

“(B) the date of issuance of the interim final rule controlling the drug.”

(B) CONDITIONAL APPROVAL.—Section 571(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360ccc(d)) is amended by adding at the end the following:

“(4)(A) In the case of an application under subsection (a) with respect to a drug for which the Secretary provides notice to the sponsor that the Secretary intends to issue a scientific and medical evaluation and recommend controls under the Controlled Substances Act, conditional approval of such application shall not take effect until the interim final rule controlling the drug is issued in accordance with section 201(j) of the Controlled Substances Act.

“(B) For purposes of this section, with respect to an application described in subparagraph (A), the term ‘date of approval’ shall mean the later of—

“(i) the date an application under subsection (a) is conditionally approved under subsection (b); or

“(ii) the date of issuance of the interim final rule controlling the drug.”

(C) INDEXING OF LEGALLY MARKETED UNAPPROVED NEW ANIMAL DRUGS.—Section 572 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360ccc–1) is amended by adding at the end the following:

“(k) In the case of a request under subsection (d) to add a drug to the index under subsection (a) with respect to a drug

Determination.

for which the Secretary provides notice to the person filing the request that the Secretary intends to issue a scientific and medical evaluation and recommend controls under the Controlled Substances Act, a determination to grant the request to add such drug to the index shall not take effect until the interim final rule controlling the drug is issued in accordance with section 201(j) of the Controlled Substances Act.”

(4) DATE OF APPROVAL FOR DESIGNATED NEW ANIMAL DRUGS.—Section 573(c) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360ccc–2(c)) is amended by adding at the end the following:

Time period.

“(3) For purposes of determining the 7-year period of exclusivity under paragraph (1) for a drug for which the Secretary intends to issue a scientific and medical evaluation and recommend controls under the Controlled Substances Act, the drug shall not be considered approved or conditionally approved until the date that the interim final rule controlling the drug is issued in accordance with section 201(j) of the Controlled Substances Act.”

(b) SCHEDULING OF NEWLY APPROVED DRUGS.—Section 201 of the Controlled Substances Act (21 U.S.C. 811) is amended by inserting after subsection (i) the following:

Deadline.
Regulations.

“(j)(1) With respect to a drug referred to in subsection (f), if the Secretary of Health and Human Services recommends that the Attorney General control the drug in schedule II, III, IV, or V pursuant to subsections (a) and (b), the Attorney General shall, not later than 90 days after the date described in paragraph (2), issue an interim final rule controlling the drug in accordance with such subsections and section 202(b) using the procedures described in paragraph (3).

“(2) The date described in this paragraph shall be the later of—

“(A) the date on which the Attorney General receives the scientific and medical evaluation and the scheduling recommendation from the Secretary of Health and Human Services in accordance with subsection (b); or

“(B) the date on which the Attorney General receives notification from the Secretary of Health and Human Services that the Secretary has approved an application under section 505(c), 512, or 571 of the Federal Food, Drug, and Cosmetic Act or section 351(a) of the Public Health Service Act, and indexed a drug under section 572 of the Federal Food, Drug, and Cosmetic Act, with respect to the drug described in paragraph (1).

“(3) A rule issued by the Attorney General under paragraph (1) shall become immediately effective as an interim final rule without requiring the Attorney General to demonstrate good cause therefor. The interim final rule shall give interested persons the opportunity to comment and to request a hearing. After the conclusion of such proceedings, the Attorney General shall issue a final rule in accordance with the scheduling criteria of subsections (b), (c), and (d) of this section and section 202(b).”

Comments.
Hearing.

(c) EXTENSION OF PATENT TERM.—Section 156 of title 35, United States Code, is amended—

(1) in subsection (d)(1), in the matter preceding subparagraph (A), by inserting “, or in the case of a drug product

described in subsection (i), within the sixty-day period beginning on the covered date (as defined in subsection (i))” after “marketing or use”; and

(2) by adding at the end the following:

“(i)(1) For purposes of this section, if the Secretary of Health and Human Services provides notice to the sponsor of an application or request for approval, conditional approval, or indexing of a drug product for which the Secretary intends to recommend controls under the Controlled Substances Act, beginning on the covered date, the drug product shall be considered to—

Notification.
Effective date.

“(A) have been approved or indexed under the relevant provision of the Public Health Service Act or Federal Food, Drug, and Cosmetic Act; and

“(B) have permission for commercial marketing or use.

“(2) In this subsection, the term ‘covered date’ means the later of—

Definition.

“(A) the date an application is approved—

“(i) under section 351(a)(2)(C) of the Public Health Service Act; or

“(ii) under section 505(b) or 512(c) of the Federal Food, Drug, and Cosmetic Act;

“(B) the date an application is conditionally approved under section 571(b) of the Federal Food, Drug, and Cosmetic Act;

“(C) the date a request for indexing is granted under section 572(d) of the Federal Food, Drug, and Cosmetic Act; or

“(D) the date of issuance of the interim final rule controlling the drug under section 201(j) of the Controlled Substances Act.”.

SEC. 3. ENHANCING NEW DRUG DEVELOPMENT.

Section 303 of the Controlled Substances Act (21 U.S.C. 823) is amended by adding at the end the following:

“(i)(1) For purposes of registration to manufacture a controlled substance under subsection (d) for use only in a clinical trial, the Attorney General shall register the applicant, or serve an order to show cause upon the applicant in accordance with section 304(c), not later than 180 days after the date on which the application is accepted for filing.

Deadlines.

“(2) For purposes of registration to manufacture a controlled substance under subsection (a) for use only in a clinical trial, the Attorney General shall, in accordance with the regulations issued by the Attorney General, issue a notice of application not later than 90 days after the application is accepted for filing. Not later than 90 days after the date on which the period for comment pursuant to such notice ends, the Attorney General shall register the applicant, or serve an order to show cause upon the applicant in accordance with section 304(c), unless the Attorney General has granted a hearing on the application under section 1008(i) of the Controlled Substances Import and Export Act.”.

Notification.

SEC. 4. RE-EXPORTATION AMONG MEMBERS OF THE EUROPEAN ECONOMIC AREA.

Section 1003 of the Controlled Substances Import and Export Act (21 U.S.C. 953) is amended—

(1) in subsection (f)—

(A) in paragraph (5)—

(i) by striking “(5)” and inserting “(5)(A)”;

(ii) by inserting “, except that the controlled substance may be exported from a second country that is a member of the European Economic Area to another country that is a member of the European Economic Area, provided that the first country is also a member of the European Economic Area” before the period at the end; and

(iii) by adding at the end the following:

“(B) Subsequent to any re-exportation described in subparagraph (A), a controlled substance may continue to be exported from any country that is a member of the European Economic Area to any other such country, if—

“(i) the conditions applicable with respect to the first country under paragraphs (1), (2), (3), (4), (6), and (7) are met by each subsequent country from which the controlled substance is exported pursuant to this paragraph; and

“(ii) the conditions applicable with respect to the second country under paragraphs (1), (2), (3), (4), (6), and (7) are met by each subsequent country to which the controlled substance is exported pursuant to this paragraph.”; and

(B) in paragraph (6)—

(i) by striking “(6)” and inserting “(6)(A)”; and

(ii) by adding at the end the following:

Deadline. “(B) In the case of re-exportation among members of the European Economic Area, within 30 days after each re-exportation, the person who exported the controlled substance from the United States delivers to the Attorney General—

Certification. “(i) documentation certifying that such re-exportation has occurred; and

“(ii) information concerning the consignee, country, and product.”; and

(2) by adding at the end the following:

“(g) LIMITATION.—Subject to paragraphs (5) and (6) of subsection (f) in the case of any controlled substance in schedule I or II or any narcotic drug in schedule III or IV, the Attorney General shall not promulgate nor enforce any regulation, subregulatory guidance, or enforcement policy which impedes re-exportation of any controlled substance among European Economic Area countries, including by promulgating or enforcing any requirement that—

“(1) re-exportation from the first country to the second country or re-exportation from the second country to another country occur within a specified period of time; or

“(2) information concerning the consignee, country, and product be provided prior to exportation of the controlled substance from the United States or prior to each re-exportation among members of the European Economic Area.”.

Approved November 25, 2015.

LEGISLATIVE HISTORY—H.R. 639:

HOUSE REPORTS: No. 114–41, Pt. 1 (Comm. on Energy and Commerce).

CONGRESSIONAL RECORD, Vol. 161 (2015):

Mar. 16, considered and passed House.

Oct. 26, considered and passed Senate, amended.

Nov. 16, House concurred in Senate amendment.

Public Law 114–90
114th Congress

An Act

Nov. 25, 2015
[H.R. 2262]

To facilitate a pro-growth environment for the developing commercial space industry by encouraging private sector investment and creating more stable and predictable regulatory conditions, and for other purposes.

U.S. Commercial
Space Launch
Competitiveness
Act.
51 USC 10101
note.

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS; REFERENCES.

(a) **SHORT TITLE.**—This Act may be cited as the “U.S. Commercial Space Launch Competitiveness Act”.

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

Sec. 1. Short title; table of contents; references.

TITLE I—SPURRING PRIVATE AEROSPACE COMPETITIVENESS AND ENTREPRENEURSHIP

- Sec. 101. Short title.
- Sec. 102. International launch competitiveness.
- Sec. 103. Indemnification for space flight participants.
- Sec. 104. Launch license flexibility.
- Sec. 105. Licensing report.
- Sec. 106. Federal jurisdiction.
- Sec. 107. Cross waivers.
- Sec. 108. Space authority.
- Sec. 109. Orbital traffic management.
- Sec. 110. Space surveillance and situational awareness data.
- Sec. 111. Consensus standards and extension of certain safety regulation requirements.
- Sec. 112. Government astronauts.
- Sec. 113. Streamline commercial space launch activities.
- Sec. 114. Operation and utilization of the ISS.
- Sec. 115. State commercial launch facilities.
- Sec. 116. Space support vehicles study.
- Sec. 117. Space launch system update.

TITLE II—COMMERCIAL REMOTE SENSING

- Sec. 201. Annual reports.
- Sec. 202. Statutory update report.

TITLE III—OFFICE OF SPACE COMMERCE

- Sec. 301. Renaming of office of space commercialization.
- Sec. 302. Functions of the office of space commerce.

TITLE IV—SPACE RESOURCE EXPLORATION AND UTILIZATION

- Sec. 401. Short title.
- Sec. 402. Title 51 amendment.
- Sec. 403. Disclaimer of extraterritorial sovereignty.

(c) **REFERENCES TO TITLE 51, UNITED STATES CODE.**—Except as otherwise expressly provided, wherever in this Act an amendment or repeal is expressed in terms of an amendment to, or

repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 51, United States Code.

TITLE I—SPURRING PRIVATE AEROSPACE COMPETITIVENESS AND ENTREPRENEURSHIP

Spurring Private Aerospace Competitiveness and Entrepreneurship Act of 2015.

SEC. 101. SHORT TITLE.

This title may be cited as the “Spurring Private Aerospace Competitiveness and Entrepreneurship Act of 2015” or “SPACE Act of 2015”.

51 USC 10101 note.

SEC. 102. INTERNATIONAL LAUNCH COMPETITIVENESS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that it is in the public interest to update the methodology used to calculate the maximum probable loss from claims under section 50914 of title 51, United States Code, with a validated risk profile approach in order to consistently compute valid and reasonable maximum probable loss values.

(b) IMPLEMENTATION.—Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation, in consultation with the commercial space sector and insurance providers, shall—

Deadline. Consultation. Evaluation. Plans.

(1) evaluate the methodology used to calculate the maximum probable loss from claims under section 50914 of title 51, United States Code, and, if necessary, develop a plan to update that methodology;

(2) in evaluating or developing a plan under paragraph (1)—

(A) ensure that the Federal Government is not exposed to greater costs than intended and that launch companies are not required to purchase more insurance coverage than necessary; and

(B) consider the impact of the cost to both the industry and the Government of implementing an updated methodology; and

(3) submit the evaluation, and any plan, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives.

(c) INDEPENDENT ASSESSMENT.—Not later than 270 days after the date the evaluation is submitted under subsection (b)(3), the Comptroller General shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives an assessment of—

Deadline.

(1) the analysis and conclusions provided by the Secretary of Transportation in the evaluation, and any plan, under subsection (b);

(2) the implementation schedule proposed by the Secretary in the plan described in paragraph (1);

(3) the suitability of the plan described in paragraph (1) for implementation; and

(4) any further actions needed to implement the plan described in paragraph (1) or otherwise accomplish the purpose of this section.

(d) LAUNCH LIABILITY EXTENSION.—Section 50915(f) is amended by striking “December 31, 2016” and inserting “September 30, 2025”.

SEC. 103. INDEMNIFICATION FOR SPACE FLIGHT PARTICIPANTS.

(a) IN GENERAL.—Chapter 509 is amended—

(1) in section 50914(a)—

(A) in paragraph (4), by adding at the end the following:

“(E) space flight participants.”; and

(B) by adding at the end the following:

“(5) Subparagraph (E) of paragraph (4) ceases to be effective September 30, 2025.”; and

(2) in section 50915(a)—

(A) in paragraph (1), by striking “a licensee or transferee under this chapter, a contractor, subcontractor, or customer of the licensee or transferee, or a contractor or subcontractor of a customer, but not against a space flight participant,” and inserting “a person described in paragraph (3)(A)”;

(B) by adding at the end the following:

“(3)(A) A person described in this subparagraph is—

“(i) a licensee or transferee under this chapter;

“(ii) a contractor, subcontractor, or customer of the licensee or transferee;

“(iii) a contractor or subcontractor of a customer; or

“(iv) a space flight participant.

“(B) Clause (iv) of subparagraph (A) ceases to be effective September 30, 2025.”.

Termination
date.

SEC. 104. LAUNCH LICENSE FLEXIBILITY.

Section 50906 is amended—

(1) in subsection (d)—

(A) in the matter preceding paragraph (1), by striking “that will be launched or reentered” and inserting “or reusable launch vehicles that will be launched into a sub-orbital trajectory or reentered under that permit”;

(B) by amending paragraph (1) to read as follows: “(1) research and development to test design concepts, equipment, or operating techniques;”;

(C) in paragraph (3)—

(i) by striking “prior to obtaining a license”; and

(ii) by inserting “or vehicle” after “design of the rocket”;

(2) in subsection (e)—

(A) in paragraph (1), by striking “suborbital rocket design” and inserting “suborbital rocket or suborbital rocket design, or for a particular reusable launch vehicle or reusable launch vehicle design,”; and

(B) in paragraph (2), by inserting “or launch vehicle” after “the suborbital rocket”;

(3) by amending subsection (g) to read as follows:

“(g) The Secretary may issue a permit under this section notwithstanding any license issued under this chapter. The issuance of a license under this chapter may not invalidate a permit issued under this section.”; and

(4) in subsection (h), by inserting “or reusable launch vehicle” after “suborbital rocket”.

SEC. 105. LICENSING REPORT.

Not later than 120 days after the date of enactment of this Act, the Secretary of Transportation shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report on approaches for streamlining the licensing and permitting process of launch vehicles, reentry vehicles, or components of launch or reentry vehicles, to enable non-launch flight operations related to space transportation. The report shall include approaches to improve efficiency, reduce unnecessary costs, resolve inconsistencies, remove duplication, and minimize unwarranted constraints. The report shall also include an assessment of existing private and government infrastructure, as appropriate, in future licensing activities.

Assessment.

SEC. 106. FEDERAL JURISDICTION.

Section 50914 is amended by adding at the end the following: “(g) FEDERAL JURISDICTION.—Any claim by a third party or space flight participant for death, bodily injury, or property damage or loss resulting from an activity carried out under the license shall be the exclusive jurisdiction of the Federal courts.”

SEC. 107. CROSS WAIVERS.

Section 50914(b)(1) is amended to read as follows:

“(1)(A) A launch or reentry license issued or transferred under this chapter shall contain a provision requiring the licensee or transferee to make a reciprocal waiver of claims with applicable parties involved in launch services or reentry services under which each party to the waiver agrees to be responsible for personal injury to, death of, or property damage or loss sustained by it or its own employees resulting from an activity carried out under the applicable license.

“(B) In this paragraph, the term ‘applicable parties’ means—

Definition.

“(i) contractors, subcontractors, and customers of the licensee or transferee;

“(ii) contractors and subcontractors of the customers; and

“(iii) space flight participants.

“(C) Clause (iii) of subparagraph (B) ceases to be effective September 30, 2025.”

Termination date.

SEC. 108. SPACE AUTHORITY.

(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Director of the Office of Science and Technology Policy, in consultation with the Secretary of State, the Secretary of Transportation, the Administrator of the National Aeronautics and Space Administration, the heads of other relevant Federal agencies, and the commercial space sector, shall—

Deadline.
Consultation.

(1) assess current, and proposed near-term, commercial non-governmental activities conducted in space;

Assessment.

(2) identify appropriate authorization and supervision authorities for the activities described in paragraph (1);

Recommendations.

(3) recommend an authorization and supervision approach that would prioritize safety, utilize existing authorities, minimize burdens to the industry, promote the U.S. commercial space sector, and meet the United States obligations under international treaties; and

Reports.

(4) submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report on the activities described in paragraphs (1), (2), and (3).

(b) EXCEPTION.—Nothing in this section shall apply to the activities of the ISS national laboratory as described in section 504 of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18354), including any research or development projects utilizing the ISS national laboratory.

SEC. 109. ORBITAL TRAFFIC MANAGEMENT.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that an improved framework may be necessary for space traffic management of United States Government assets and United States private sector assets in outer space and orbital debris mitigation.

Deadline.
Consultation.

(b) STUDY.—Not later than 90 days after the date of enactment of this Act, the Administrator of the National Aeronautics and Space Administration, in consultation with the Secretary of Transportation, the Chair of the Federal Communications Commission, the Secretary of Commerce, and the Secretary of Defense, shall enter into an arrangement with an independent systems engineering and technical assistance organization to study alternate frameworks for the management of space traffic and orbital activities.

Assessments.

(c) CONTENTS.—The study shall include the following:

(1) An assessment of current regulations, best practices, and industry standards that apply to space traffic management and orbital debris mitigation.

(2) An assessment of current statutory authorities granted to the Federal Communications Commission, the Department of Transportation, and the Department of Commerce that apply to space traffic management and orbital debris mitigation and how those agencies utilize and coordinate those authorities.

Review.

(3) A review of all space traffic management and orbital debris requirements under treaties and other international agreements to which the United States is a signatory, and other nonbinding international arrangements in which the United States participates, and the manner and extent to which the Federal Government complies with those requirements and arrangements.

(4) An assessment of existing Federal Government assets used to conduct space traffic management and space situational awareness.

(5) An assessment of the risk to space traffic management associated with smallsats and any necessary Government coordination for their launch and utilization to avoid congestion of the orbital environment and improve space situational awareness.

(6) An assessment of existing private sector information sharing activities associated with space situational awareness and space traffic management.

(7) Recommendations related to the appropriate framework for the protection of the health, safety, and welfare of the public and economic vitality of the space industry.

Recommendations.

(d) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives the study required in subsection (b).

(e) DEPARTMENT OF DEFENSE AUTHORITIES.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that the Department of Defense plays a vital and unique role in protecting national security assets in space.

(2) RULE OF CONSTRUCTION.—Nothing in this section may be construed to affect the authority of the Secretary of Defense as it relates to safeguarding the national security.

SEC. 110. SPACE SURVEILLANCE AND SITUATIONAL AWARENESS DATA.

Not later than 120 days after the date of enactment of this Act, the Secretary of Transportation in concurrence with the Secretary of Defense shall—

Deadline.

(1) in consultation with the heads of other relevant Federal agencies, study the feasibility of processing and releasing safety-related space situational awareness data and information to any entity consistent with national security interests and public safety obligations of the United States; and

Consultation.

(2) submit a report on the feasibility study to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives.

Reports.

SEC. 111. CONSENSUS STANDARDS AND EXTENSION OF CERTAIN SAFETY REGULATION REQUIREMENTS.

Section 50905(c) is amended—

(1) in paragraph (1), by inserting “IN GENERAL.—” before “The Secretary”;

(2) in paragraph (2), by inserting “REGULATIONS.—” before “Regulations”;

(3) by striking paragraph (3);

(4) by redesignating paragraph (4) as paragraph (10);

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

“(3) FACILITATION OF STANDARDS.—The Secretary shall continue to work with the commercial space sector, including the Commercial Space Transportation Advisory Committee, or its successor organization, to facilitate the development of voluntary industry consensus standards based on recommended best practices to improve the safety of crew, government astronauts, and space flight participants as the commercial space sector continues to mature.

“(4) COMMUNICATION AND TRANSPARENCY.—Nothing in this subsection shall be construed to limit the authority of the Secretary to discuss potential regulatory approaches, potential performance standards, or any other topic related to this subsection with the commercial space industry, including observations, findings, and recommendations from the Commercial Space Transportation Advisory Committee, or its successor organization, prior to the issuance of a notice of proposed rule-making. Such discussions shall not be construed to permit

the Secretary to promulgate industry regulations except as otherwise provided in this section.

“(5) INTERIM VOLUNTARY INDUSTRY CONSENSUS STANDARDS REPORTS.—

Deadlines.
Consultation.
Coordination.

“(A) IN GENERAL.—Not later than December 31, 2016, and every 30 months thereafter until December 31, 2021, the Secretary, in consultation and coordination with the commercial space sector, including the Commercial Space Transportation Advisory Committee, or its successor organization, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report on the progress of the commercial space transportation industry in developing voluntary industry consensus standards that promote best practices to improve industry safety.

“(B) CONTENTS.—The report shall include, at a minimum—

Assessment.

“(i) any voluntary industry consensus standards that have been accepted by the industry at large;

“(ii) the identification of areas that have the potential to become voluntary industry consensus standards that are currently under consideration by the industry at large;

“(iii) an assessment from the Secretary on the general progress of the industry in adopting voluntary industry consensus standards;

“(iv) any lessons learned about voluntary industry consensus standards, best practices, and commercial space launch operations;

“(v) any lessons learned associated with the development, potential application, and acceptance of voluntary industry consensus standards, best practices, and commercial space launch operations; and

Recommendations.

“(vi) recommendations, findings, or observations from the Commercial Space Transportation Advisory Committee, or its successor organization, on the progress of the industry in developing voluntary industry consensus standards that promote best practices to improve industry safety.

Consultation.
Coordination.

“(6) REPORT.—Not later than 270 days after the date of enactment of the SPACE Act of 2015, the Secretary, in consultation and coordination with the commercial space sector, including the Commercial Space Transportation Advisory Committee, or its successor organization, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report specifying key industry metrics that might indicate readiness of the commercial space sector and the Department of Transportation to transition to a safety framework that may include regulations under paragraph (9) that considers space flight participant, government astronaut, and crew safety.

Consultation.
Coordination.

“(7) REPORTS.—Not later than March 31 of each of 2018 and 2022, the Secretary, in consultation and coordination with the commercial space sector, including the Commercial Space

Transportation Advisory Committee, or its successor organization, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report that identifies the activities, described in this subsection and subsection (d) most appropriate for a new safety framework that may include regulatory action, if any, and a proposed transition plan for such safety framework.

“(8) INDEPENDENT REVIEW.—Not later than December 31, 2022, an independent systems engineering and technical assistance organization or standards development organization contracted by the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives an assessment of the readiness of the commercial space industry and the Federal Government to transition to a safety framework that may include regulations. As part of the review, the contracted organization shall evaluate—

Deadline.
Contracts.
Assessment.

“(A) the progress of the commercial space industry in adopting voluntary industry consensus standards as reported by the Secretary in the interim assessments included in the reports under paragraph (5);

“(B) the progress of the commercial space industry toward meeting the key industry metrics identified by the report under paragraph (6), including the knowledge and operational experience obtained by the commercial space industry while providing services for compensation or hire; and

Evaluation.

“(C) whether the areas identified in the reports under paragraph (5) are appropriate for regulatory action, or further development of voluntary industry consensus standards, considering the progress evaluated in subparagraphs (A) and (B) of this paragraph.

“(9) LEARNING PERIOD.—Beginning on October 1, 2023, the Secretary may propose regulations under this subsection without regard to subparagraphs (C) and (D) of paragraph (2). The development of any such regulations shall take into consideration the evolving standards of the commercial space flight industry as identified in the reports published under paragraphs (5), (6), and (7).”; and

Effective date.

(6) in paragraph (10), as redesignated, by inserting “RULE OF CONSTRUCTION.—” before “Nothing”.

SEC. 112. GOVERNMENT ASTRONAUTS.

(a) FINDINGS AND PURPOSE.—Section 50901(15) is amended by inserting “, government astronauts,” after “crew” each place it appears.

(b) SENSE OF CONGRESS.—The National Aeronautics and Space Administration has a need to fly government astronauts (as defined in section 50902 of title 51, United States Code, as amended) within commercial launch vehicles and reentry vehicles under chapter 509 of that title. This need was identified by the Secretary of Transportation and the Administrator of the National Aeronautics and Space Administration due to the intended use of commercial launch vehicles and reentry vehicles developed under the Commercial Crew Development Program, authorized in section

51 USC 20113
note.

402 of the National Aeronautics and Space Administration Authorization Act of 2010 (124 Stat. 2820; Public Law 111–267). It is the sense of Congress that the authority delegated to the Administration by the amendment made by subsection (d) of this section should be used for that purpose.

(c) DEFINITION OF GOVERNMENT ASTRONAUT.—Section 50902 is amended—

(1) by redesignating paragraphs (4) through (22) as paragraphs (7) through (25), respectively; and

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

“(4) ‘government astronaut’ means an individual who—

“(A) is designated by the National Aeronautics and Space Administration under section 20113(n);

“(B) is carried within a launch vehicle or reentry vehicle in the course of his or her employment, which may include performance of activities directly relating to the launch, reentry, or other operation of the launch vehicle or reentry vehicle; and

“(C) is either—

“(i) an employee of the United States Government, including the uniformed services, engaged in the performance of a Federal function under authority of law or an Executive act; or

“(ii) an international partner astronaut.

“(5) ‘international partner astronaut’ means an individual designated under Article 11 of the International Space Station Intergovernmental Agreement, by a partner to that agreement other than the United States, as qualified to serve as an International Space Station crew member.

“(6) ‘International Space Station Intergovernmental Agreement’ means the Agreement Concerning Cooperation on the International Space Station, signed at Washington January 29, 1998 (TIAS 12927).”.

(d) POWERS OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION IN PERFORMANCE OF FUNCTIONS.—Section 20113 is amended by adding at the end the following:

Designation.

“(n) IDENTIFICATION OF GOVERNMENT ASTRONAUTS.—For purposes of a license issued or transferred by the Secretary of Transportation under chapter 509 to launch a launch vehicle or to reenter a reentry vehicle carrying a government astronaut (as defined in section 50902), the Administration shall designate a government astronaut in accordance with requirements prescribed by the Administration.”.

(e) DEFINITION OF LAUNCH.—Paragraph (7) of section 50902, as redesignated, is amended by striking “and any payload, crew, or space flight participant” and inserting “and any payload or human being”.

(f) DEFINITION OF LAUNCH SERVICES.—Paragraph (9) of section 50902, as redesignated, is amended by striking “payload, crew (including crew training), or space flight participant” and inserting “payload, crew (including crew training), government astronaut, or space flight participant”.

(g) DEFINITION OF REENTER AND REENTRY.—Paragraph (16) of section 50902, as redesignated, is amended by striking “and its payload, crew, or space flight participants, if any,” and inserting “and its payload or human beings, if any,”.

(h) DEFINITION OF REENTRY SERVICES.—Paragraph (17) of section 50902, as redesignated, is amended by striking “payload, crew (including crew training), or space flight participant, if any,” and inserting “payload, crew (including crew training), government astronaut, or space flight participant, if any,”.

(i) DEFINITION OF SPACE FLIGHT PARTICIPANT.—Paragraph (20) of section 50902, as redesignated, is amended to read as follows:

“(20) ‘space flight participant’ means an individual, who is not crew or a government astronaut, carried within a launch vehicle or reentry vehicle.”

(j) DEFINITION OF THIRD PARTY.—Paragraph (24)(E) of section 50902, as redesignated, is amended by inserting “, government astronauts,” after “crew”.

(k) RESTRICTIONS ON LAUNCHES, OPERATIONS, AND REENTRIES; SINGLE LICENSE OR PERMIT.—Section 50904(d) is amended by striking “activities involving crew or space flight participants” and inserting “activities involving crew, government astronauts, or space flight participants”.

(l) LICENSE APPLICATIONS AND REQUIREMENTS; APPLICATIONS.—Section 50905 is amended—

(1) in subsection (a)(2), by striking “crews and space flight participants” and inserting “crew, government astronauts, and space flight participants”;

(2) in subsection (b)(2)(D), by striking “crew or space flight participants” and inserting “crew, government astronauts, or space flight participants”; and

(3) in subsection (c)—

(A) in paragraph (1), by striking “crew and space flight participants” and inserting “crew, government astronauts, and space flight participants”; and

(B) in paragraph (2), by striking “to crew or space flight participants” each place it appears and inserting “to crew, government astronauts, or space flight participants”.

(m) MONITORING ACTIVITIES.—Section 50907(a) is amended by striking “at a site used for crew or space flight participant training” and inserting “at a site not owned or operated by the Federal Government or a foreign government used for crew, government astronaut, or space flight participant training”.

(n) ADDITIONAL SUSPENSIONS.—Section 50908(d)(1) is amended by striking “to crew or space flight participants” each place it appears and inserting “to any human being”.

(o) RELATIONSHIP TO OTHER EXECUTIVE AGENCIES, LAWS, AND INTERNATIONAL OBLIGATIONS; NONAPPLICATION.—Section 50919(g) is amended to read as follows:

“(g) NONAPPLICATION.—

“(1) IN GENERAL.—This chapter does not apply to—

“(A) a launch, reentry, operation of a launch vehicle or reentry vehicle, operation of a launch site or reentry site, or other space activity the Government carries out for the Government; or

“(B) planning or policies related to the launch, reentry, operation, or activity under subparagraph (A).

“(2) RULE OF CONSTRUCTION.—The following activities are not space activities the Government carries out for the Government under paragraph (1):

“(A) A government astronaut being carried within a launch vehicle or reentry vehicle under this chapter.

“(B) A government astronaut performing activities directly relating to the launch, reentry, or other operation of the launch vehicle or reentry vehicle under this chapter.”.

51 USC 50918 note.

SEC. 113. STREAMLINE COMMERCIAL SPACE LAUNCH ACTIVITIES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that eliminating duplicative requirements and approvals for commercial launch and reentry operations will promote and encourage the development of the commercial space sector.

(b) REAFFIRMATION OF POLICY.—Congress reaffirms that the Secretary of Transportation, in overseeing and coordinating commercial launch and reentry operations, should—

(1) promote commercial space launches and reentries by the private sector;

(2) facilitate Government, State, and private sector involvement in enhancing U.S. launch sites and facilities;

(3) protect public health and safety, safety of property, national security interests, and foreign policy interests of the United States; and

(4) consult with the head of another executive agency, including the Secretary of Defense or the Administrator of the National Aeronautics and Space Administration, as necessary to provide consistent application of licensing requirements under chapter 509 of title 51, United States Code.

(c) REQUIREMENTS.—

Consultation.

(1) IN GENERAL.—The Secretary of Transportation under section 50918 of title 51, United States Code, and subject to section 50905(b)(2)(C) of that title, shall consult with the Secretary of Defense, the Administrator of the National Aeronautics and Space Administration, and the heads of other executive agencies, as appropriate—

(A) to identify all requirements that are imposed to protect the public health and safety, safety of property, national security interests, and foreign policy interests of the United States relevant to any commercial launch of a launch vehicle or commercial reentry of a reentry vehicle; and

Evaluation. Coordination.

(B) to evaluate the requirements identified in subparagraph (A) and, in coordination with the licensee or transferee and the heads of the relevant executive agencies—

Determination.

(i) determine whether the satisfaction of a requirement of one agency could result in the satisfaction of a requirement of another agency; and

(ii) resolve any inconsistencies and remove any outmoded or duplicative requirements or approvals of the Federal Government relevant to any commercial launch of a launch vehicle or commercial reentry of a reentry vehicle.

Determination. Consultation.

(2) REPORTS.—Not later than 180 days after the date of enactment of this Act, and annually thereafter until the Secretary of Transportation determines no outmoded or duplicative requirements or approvals of the Federal Government exist, the Secretary of Transportation, in consultation with the Secretary of Defense, the Administrator of the National Aeronautics and Space Administration, the commercial space sector,

and the heads of other executive agencies, as appropriate, shall submit to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Science, Space, and Technology of the House of Representatives, and the congressional defense committees a report that includes the following:

(A) A description of the process for the application for and approval of a permit or license under chapter 509 of title 51, United States Code, for the commercial launch of a launch vehicle or commercial reentry of a reentry vehicle, including the identification of—

(i) any unique requirements for operating on a United States Government launch site, reentry site, or launch property; and

(ii) any inconsistent, outmoded, or duplicative requirements or approvals.

(B) A description of current efforts, if any, to coordinate and work across executive agencies to define interagency processes and procedures for sharing information, avoiding duplication of effort, and resolving common agency requirements.

(C) Recommendations for legislation that may further—

(i) streamline requirements in order to improve efficiency, reduce unnecessary costs, resolve inconsistencies, remove duplication, and minimize unwarranted constraints; and

(ii) consolidate or modify requirements across affected agencies into a single application set that satisfies the requirements identified in paragraph (1)(A).

(3) DEFINITIONS.—For purposes of this subsection—

(A) any applicable definitions set forth in section 50902 of title 51, United States Code, shall apply;

(B) the terms “launch”, “reenter”, and “reentry” include landing of a launch vehicle or reentry vehicle; and

(C) the terms “United States Government launch site” and “United States Government reentry site” include any necessary facility, at that location, that is commercially operated on United States Government property.

Recommendations.

Applicability.

SEC. 114. OPERATION AND UTILIZATION OF THE ISS.

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

(1) maximum utilization of partnerships, scientific research, commercial applications, and exploration test bed capabilities of the ISS is essential to ensuring the greatest return on investments made by the United States and its international partners in the development, assembly, and operations of that unique facility; and

(2) every effort should be made to ensure that decisions regarding the service life of the ISS are based on the station’s projected capability to continue providing effective and productive research and exploration test bed capabilities.

(b) CONTINUATION OF THE INTERNATIONAL SPACE STATION.—

(1) IN GENERAL.—Section 501 of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18351) is amended—

(A) in the heading, by striking “THROUGH 2020”; and

(B) in subsection (a), by striking “through at least 2020” and inserting “through at least 2024”.

(2) MAINTENANCE OF THE UNITED STATES SEGMENT AND ASSURANCE OF CONTINUED OPERATIONS OF THE INTERNATIONAL SPACE STATION.—Section 503 of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18353) is amended—

(A) in subsection (a), by striking “through at least September 30, 2020” and inserting “through at least September 30, 2024”; and

(B) in subsection (b)(1), by striking “In carrying out subsection (a), the Administrator” and inserting “The Administrator”.

(3) RESEARCH CAPACITY ALLOCATION AND INTEGRATION OF RESEARCH PAYLOADS.—Section 504(d) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18354(d)) is amended by striking “September 30, 2020” each place it appears and inserting “at least September 30, 2024”.

(4) MAINTAINING USE THROUGH AT LEAST 2024.—Section 70907 is amended to read as follows:

“§ 70907. Maintaining use through at least 2024

“(a) POLICY.—The Administrator shall take all necessary steps to ensure that the International Space Station remains a viable and productive facility capable of potential United States utilization through at least September 30, 2024.

“(b) NASA ACTIONS.—In furtherance of the policy under subsection (a), the Administrator shall ensure, to the extent practicable, that the International Space Station, as a designated national laboratory—

“(1) remains viable as an element of overall exploration and partnership strategies and approaches;

“(2) is considered for use by all NASA mission directorates, as appropriate, for technically appropriate scientific data gathering or technology risk reduction demonstrations; and

“(3) remains an effective, functional vehicle providing research and test bed capabilities for the United States through at least September 30, 2024.”

(5) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) TABLE OF CONTENTS OF 2010 ACT.—The item relating to section 501 in the table of contents in section 1(b) of the National Aeronautics and Space Administration Authorization Act of 2010 (124 Stat. 2806) is amended by striking “through 2020”.

(B) TABLE OF CONTENTS OF CHAPTER 709.—The table of contents for chapter 709 is amended by amending the item relating to section 70907 to read as follows:

“70907. Maintaining use through at least 2024.”

SEC. 115. STATE COMMERCIAL LAUNCH FACILITIES.

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

(1) State involvement, development, ownership, and operation of launch facilities can enable growth of the Nation’s commercial suborbital and orbital space endeavors and support both commercial and Government space programs;

(2) State launch facilities and the people and property in the affected launch areas of those facilities may be subject to risks resulting from an activity carried out under a license under chapter 509 of title 51, United States Code; and

(3) to ensure the success of the commercial launch industry and the safety of the people and property in the affected launch areas of those facilities, States and State launch facilities should seek to take proper measures to protect themselves, to the extent of their potential liability for involvement in launch services or reentry services, and compensate third parties for possible death, bodily injury, or property damage or loss resulting from an activity carried out under a license under chapter 509 of title 51, United States Code, to which the State or State launch facility is involved in the launch services or reentry services.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report on the potential inclusion of all government property, including State and municipal property, in the existing indemnification regime established under section 50914 of title 51, United States Code.

SEC. 116. SPACE SUPPORT VEHICLES STUDY.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report on the use of space support vehicle services in the commercial space industry.

Reports.

(b) CONTENTS.—This report shall include—

(1) the extent to which launch providers rely on such services as part of their business models;

(2) the statutory, regulatory, and market barriers to the use of such services; and

(3) recommendations for legislative or regulatory action that may be needed to ensure reduced barriers to the use of such services if such use is a requirement of the industry.

Recommendations.

SEC. 117. SPACE LAUNCH SYSTEM UPDATE.

(a) IN GENERAL.—Chapter 701 is amended—

(1) in the heading by striking “SPACE SHUTTLE” and inserting “SPACE LAUNCH SYSTEM”;

(2) in section 70101—

(A) in the heading, by striking “space shuttle” and inserting “space launch system”; and

(B) by striking “space shuttle” and inserting “space launch system”;

(3) by amending section 70102 to read as follows:

51 USC
prec. 70101.

“§ 70102. Space launch system use policy

“(a) IN GENERAL.—The Space Launch System may be used for the following circumstances:

“(1) Payloads and missions that contribute to extending human presence beyond low-Earth orbit and substantially benefit from the unique capabilities of the Space Launch System.

“(2) Other payloads and missions that substantially benefit from the unique capabilities of the Space Launch System.

“(3) On a space available basis, Federal Government or educational payloads that are consistent with NASA’s mission for exploration beyond low-Earth orbit.

“(4) Compelling circumstances, as determined by the Administrator.

“(b) AGREEMENTS WITH FOREIGN ENTITIES.—The Administrator may plan, negotiate, or implement agreements with foreign entities for the launch of payloads for international collaborative efforts relating to science and technology using the Space Launch System.

Deadline.
Determination.
Notification.

“(c) COMPELLING CIRCUMSTANCES.—Not later than 30 days after the date the Administrator makes a determination under subsection (a)(4), the Administrator shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives written notification of the Administrator’s intent to select the Space Launch System for a specific mission under that subsection, including justification for the determination.”;

(4) in section 70103—

(A) in the heading, by striking “SPACE SHUTTLE” and inserting “SPACE LAUNCH SYSTEM”; and

(B) in subsection (b), by striking “space shuttle” each place it appears and inserting “space launch system”; and
(5) by adding at the end the following:

51 USC 70104.

“§ 70104. Definition of Space Launch System

“In this chapter, the term ‘Space Launch System’ means the Space Launch System authorized under section 302 of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18322).”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

51 USC
prec. 10101.

(1) TABLE OF CHAPTERS.—The table of chapters of title 51 is amended by amending the item relating to chapter 701 to read as follows:

“701. Use of space launch system or alternatives70101”.

51 USC
prec. 70101.

(2) TABLE OF CONTENTS OF CHAPTER 701.—The table of contents of chapter 701 is amended—

(A) in the item relating to section 70101, by striking “space shuttle” and inserting “space launch system”;

(B) in the item relating to section 70102, by striking “Space shuttle” and inserting “Space launch system”;

(C) in the item relating to section 70103, by striking “space shuttle” and inserting “space launch system”; and

(D) by adding at the end the following:

“70104. Definition of Space Launch System.”.

(3) REQUIREMENT TO PROCURE COMMERCIAL SPACE TRANSPORTATION SERVICES.—Section 50131(a) of chapter 51 is amended by inserting “or in section 70102” after “in this section”.

TITLE II—COMMERCIAL REMOTE SENSING

SEC. 201. ANNUAL REPORTS.

(a) IN GENERAL.—Subchapter III of chapter 601 is amended by adding at the end the following:

“§ 60126. Annual reports

51 USC 60126.

“(a) IN GENERAL.—The Secretary shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives not later than 180 days after the date of enactment of the U.S. Commercial Space Launch Competitiveness Act, and annually thereafter, on—

“(1) the Secretary’s implementation of section 60121, including—

Lists.

“(A) a list of all applications received in the previous calendar year;

“(B) a list of all applications that resulted in a license under section 60121;

“(C) a list of all applications denied and an explanation of why each application was denied, including any information relevant to the interagency adjudication process of a licensing request;

“(D) a list of all applications that required additional information; and

“(E) a list of all applications whose disposition exceeded the 120 day deadline established in section 60121(c), the total days overdue for each application that exceeded such deadline, and an explanation for the delay;

“(2) all notifications and information provided to the Secretary under section 60122; and

Notifications.

“(3) a description of all actions taken by the Secretary under the administrative authority granted by paragraphs (4), (5), and (6) of section 60123(a).

“(b) CLASSIFIED ANNEXES.—Each report under subsection (a) may include classified annexes as necessary to protect the disclosure of sensitive or classified information.

“(c) SUNSET.—The reporting requirement under this section terminates effective September 30, 2020.”

(b) TABLE OF CONTENTS.—The table of contents of chapter 601 is amended by inserting after the item relating to section 60125 the following:

51 USC
prec. 60101.

“60126. Annual reports.”

SEC. 202. STATUTORY UPDATE REPORT.

Not later than 1 year after the date of enactment of this Act, the Secretary of Commerce, in consultation with the heads of other appropriate Federal agencies and the National Oceanic and Atmospheric Administration’s Advisory Committee on Commercial Remote Sensing, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report on statutory updates necessary to license private remote sensing space systems. In preparing the report, the Secretary shall

Consultation.

take into account the need to protect national security while maintaining United States private sector leadership in the field, and reflect the current state of the art of remote sensing systems, instruments, or technologies.

TITLE III—OFFICE OF SPACE COMMERCE

SEC. 301. RENAMING OF OFFICE OF SPACE COMMERCIALIZATION.

(a) CHAPTER HEADING.—

51 USC
prec. 50701.

(1) AMENDMENT.—The heading for chapter 507 is amended by striking “COMMERCIALIZATION” and inserting “COMMERCE”.

51 USC
prec. 10101.

(2) CONFORMING AMENDMENT.—The item relating to chapter 507 in the table of chapters for title 51 is amended by striking “Commercialization” and inserting “Commerce”.

(b) DEFINITION OF OFFICE.—Section 50701 is amended by striking “Commercialization” and inserting “Commerce”.

(c) RENAMING.—Section 50702(a) is amended by striking “Commercialization” and inserting “Commerce”.

SEC. 302. FUNCTIONS OF THE OFFICE OF SPACE COMMERCE.

Section 50702(c) is amended by striking “Commerce.” and inserting “Commerce, including—

“(1) to foster the conditions for the economic growth and technological advancement of the United States space commerce industry;

“(2) to coordinate space commerce policy issues and actions within the Department of Commerce;

“(3) to represent the Department of Commerce in the development of United States policies and in negotiations with foreign countries to promote United States space commerce;

“(4) to promote the advancement of United States geospatial technologies related to space commerce, in cooperation with relevant interagency working groups; and

“(5) to provide support to Federal Government organizations working on Space-Based Positioning Navigation, and Timing policy, including the National Coordination Office for Space-Based Position, Navigation, and Timing.”.

TITLE IV—SPACE RESOURCE EXPLORATION AND UTILIZATION

Space Resource
Exploration and
Utilization Act of
2015.

51 USC 10101
note.

SEC. 401. SHORT TITLE.

This title may be cited as the “Space Resource Exploration and Utilization Act of 2015”.

SEC. 402. TITLE 51 AMENDMENT.

51 USC
prec. 51301.

(a) IN GENERAL.—Subtitle V is amended by adding at the end the following:

**“CHAPTER 513—SPACE RESOURCE COMMERCIAL
EXPLORATION AND UTILIZATION**

“Sec.

“51301. Definitions.

“51302. Commercial exploration and commercial recovery.

“51303. Asteroid resource and space resource rights.

“§ 51301. Definitions

51 USC 51301.

“In this chapter:

“(1) **ASTEROID RESOURCE.**—The term ‘asteroid resource’ means a space resource found on or within a single asteroid.

“(2) **SPACE RESOURCE.**—

“(A) **IN GENERAL.**—The term ‘space resource’ means an abiotic resource in situ in outer space.

“(B) **INCLUSIONS.**—The term ‘space resource’ includes water and minerals.

“(3) **UNITED STATES CITIZEN.**—The term ‘United States citizen’ has the meaning given the term ‘citizen of the United States’ in section 50902.

“§ 51302. Commercial exploration and commercial recovery

President.

51 USC 51302.

“(a) **IN GENERAL.**—The President, acting through appropriate Federal agencies, shall—

“(1) facilitate commercial exploration for and commercial recovery of space resources by United States citizens;

“(2) discourage government barriers to the development in the United States of economically viable, safe, and stable industries for commercial exploration for and commercial recovery of space resources in manners consistent with the international obligations of the United States; and

“(3) promote the right of United States citizens to engage in commercial exploration for and commercial recovery of space resources free from harmful interference, in accordance with the international obligations of the United States and subject to authorization and continuing supervision by the Federal Government.

“(b) **REPORT.**—Not later than 180 days after the date of enactment of this section, the President shall submit to Congress a report on commercial exploration for and commercial recovery of space resources by United States citizens that specifies—

“(1) the authorities necessary to meet the international obligations of the United States, including authorization and continuing supervision by the Federal Government; and

“(2) recommendations for the allocation of responsibilities among Federal agencies for the activities described in paragraph (1).

Recommendations.

“§ 51303. Asteroid resource and space resource rights

51 USC 51303.

“A United States citizen engaged in commercial recovery of an asteroid resource or a space resource under this chapter shall be entitled to any asteroid resource or space resource obtained, including to possess, own, transport, use, and sell the asteroid resource or space resource obtained in accordance with applicable law, including the international obligations of the United States.”.

51 USC
prec. 10101.

(b) TABLE OF CHAPTERS.—The table of chapters for title 51 is amended by adding at the end of the items for subtitle V the following:

“513. Space resource commercial exploration and utilization51301”.

SEC. 403. DISCLAIMER OF EXTRATERRITORIAL SOVEREIGNTY.

It is the sense of Congress that by the enactment of this Act, the United States does not thereby assert sovereignty or sovereign or exclusive rights or jurisdiction over, or the ownership of, any celestial body.

Approved November 25, 2015.

LEGISLATIVE HISTORY—H.R. 2262:

HOUSE REPORTS: No. 114–119 (Comm. on Science, Space, and Technology).

CONGRESSIONAL RECORD, Vol. 161 (2015):

May 21, considered and passed House.

Nov. 10, considered and passed Senate, amended.

Nov. 16, House concurred in Senate amendment.

Public Law 114–91
114th Congress

An Act

To address problems related to prenatal opioid use.

Nov. 25, 2015

[S. 799]

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

Protecting Our
Infants Act
of 2015.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Protecting Our Infants Act of 2015”.

42 USC 201 note.

SEC. 2. ADDRESSING PROBLEMS RELATED TO PRENATAL OPIOID USE.

(a) **REVIEW OF PROGRAMS.**—The Secretary of Health and Human Services (referred to in this Act as the “Secretary”) shall conduct a review of planning and coordination related to prenatal opioid use, including neonatal abstinence syndrome, within the agencies of the Department of Health and Human Services.

(b) **STRATEGY.**—In carrying out subsection (a), the Secretary shall develop a strategy to address gaps in research and gaps, overlap, and duplication among Federal programs, including those identified in findings made by reports of the Government Accountability Office. Such strategy shall address—

(1) gaps in research, including with respect to—

(A) the most appropriate treatment of pregnant women with opioid use disorders;

(B) the most appropriate treatment and management of infants with neonatal abstinence syndrome; and

(C) the long-term effects of prenatal opioid exposure on children;

(2) gaps, overlap, or duplication in—

(A) substance use disorder treatment programs for pregnant and postpartum women; and

(B) treatment program options for newborns with neonatal abstinence syndrome;

(3) gaps, overlap, or duplication in Federal efforts related to education about, and prevention of, neonatal abstinence syndrome; and

(4) coordination of Federal efforts to address neonatal abstinence syndrome.

(c) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report concerning the findings of the review conducted under subsection (a) and the strategy developed under subsection (b).

SEC. 3. DEVELOPING RECOMMENDATIONS FOR PREVENTING AND TREATING PRENATAL OPIOID USE DISORDERS.

Study.

(a) **IN GENERAL.**—The Secretary shall conduct a study and develop recommendations for preventing and treating prenatal opioid use disorders, including the effects of such disorders on infants. In carrying out this subsection the Secretary shall—

(1) take into consideration—

(A) the review and strategy conducted and developed under section 2; and

(B) the lessons learned from previous opioid epidemics; and

(2) solicit input from States, localities, and Federally recognized Indian tribes or tribal organizations (as defined in the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)), and nongovernmental entities, including organizations representing patients, health care providers, hospitals, other treatment facilities, and other entities, as appropriate.

(b) **REPORT.**—Not later than 18 months after the date of enactment of this Act, the Secretary shall make available on the appropriate Internet Website of the Department of Health and Human Services a report on the recommendations under subsection (a). Such report shall address each of the issues described in subsection (c).

(c) **CONTENTS.**—The recommendations described in subsection (a) and the report under subsection (b) shall include—

Assessment.

(1) a comprehensive assessment of existing research with respect to the prevention, identification, treatment, and long-term outcomes of neonatal abstinence syndrome, including the identification and treatment of pregnant women or women who may become pregnant who use opioids or have opioid use disorders;

Evaluation.

(2) an evaluation of—

(A) the causes of, and risk factors for, opioid use disorders among women of reproductive age, including pregnant women;

(B) the barriers to identifying and treating opioid use disorders among women of reproductive age, including pregnant and postpartum women and women with young children;

(C) current practices in the health care system to respond to, and treat, pregnant women with opioid use disorders and infants affected by such disorders;

(D) medically indicated uses of opioids during pregnancy;

(E) access to treatment for opioid use disorders in pregnant and postpartum women; and

(F) access to treatment for infants with neonatal abstinence syndrome; and

(G) differences in prenatal opioid use and use disorders in pregnant women between demographic groups; and

(3) recommendations on—

(A) preventing, identifying, and treating the effects of prenatal opioid use on infants;

(B) treating pregnant women who have opioid use disorders;

(C) preventing opioid use disorders among women of reproductive age, including pregnant women, who may be at risk of developing opioid use disorders; and

(D) reducing disparities in opioid use disorders among pregnant women.

SEC. 4. IMPROVING DATA AND THE PUBLIC HEALTH RESPONSE.

42 USC 247b–13
note.

The Secretary may continue activities, as appropriate, related to—

(1) providing technical assistance to support States and Federally recognized Indian Tribes in collecting information on neonatal abstinence syndrome through the utilization of existing surveillance systems and collaborating with States and Federally recognized Indian Tribes to improve the quality, consistency, and collection of such data; and

(2) providing technical assistance to support States in implementing effective public health measures, such as disseminating information to educate the public, health care providers, and other stakeholders on prenatal opioid use and neonatal abstinence syndrome.

Approved November 25, 2015.

LEGISLATIVE HISTORY—S. 799 (H.R. 1462):

HOUSE REPORTS: No. 114–244 (Comm. on Energy and Commerce) accompanying H.R. 1462.

CONGRESSIONAL RECORD, Vol. 161 (2015):

Oct. 22, considered and passed Senate.

Nov. 16, considered and passed House.

Public Law 114–92
114th Congress

An Act

Nov. 25, 2015
[S. 1356]

To authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

National Defense
Authorization
Act for Fiscal
Year 2016.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Defense Authorization Act for Fiscal Year 2016”.

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into four divisions as follows:

- (1) Division A—Department of Defense Authorizations.
- (2) Division B—Military Construction Authorizations.
- (3) Division C—Department of Energy National Security Authorizations and Other Authorizations.
- (4) Division D—Funding Tables.

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

- Sec. 1. Short title.
- Sec. 2. Organization of Act into divisions; table of contents.
- Sec. 3. Congressional defense committees.
- Sec. 4. Budgetary effects of this Act.
- Sec. 5. Explanatory statement.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Authorization of appropriations.

Subtitle B—Army Programs

- Sec. 111. Prioritization of upgraded UH–60 Blackhawk helicopters within Army National Guard.
- Sec. 112. Roadmap for replacement of A/MH–6 Mission Enhanced Little Bird aircraft to meet special operations requirements.
- Sec. 113. Report on options to accelerate replacement of UH–60A Blackhawk helicopters of Army National Guard.
- Sec. 114. Sense of Congress on tactical wheeled vehicle protection kits.

Subtitle C—Navy Programs

- Sec. 121. Modification of CVN–78 class aircraft carrier program.
- Sec. 122. Amendment to cost limitation baseline for CVN–78 class aircraft carrier program.
- Sec. 123. Extension and modification of limitation on availability of funds for Littoral Combat Ship.

- Sec. 124. Modification to multiyear procurement authority for Arleigh Burke class destroyers and associated systems.
- Sec. 125. Procurement of additional Arleigh Burke class destroyer.
- Sec. 126. Refueling and complex overhaul of the U.S.S. George Washington.
- Sec. 127. Fleet Replenishment Oiler Program.
- Sec. 128. Limitation on availability of funds for U.S.S. John F. Kennedy (CVN–79).
- Sec. 129. Limitation on availability of funds for U.S.S. Enterprise (CVN–80).
- Sec. 130. Limitation on availability of funds for Littoral Combat Ship.
- Sec. 131. Reporting requirement for Ohio-class replacement submarine program.

Subtitle D—Air Force Programs

- Sec. 141. Backup inventory status of A–10 aircraft.
- Sec. 142. Prohibition on availability of funds for retirement of A–10 aircraft.
- Sec. 143. Prohibition on availability of funds for retirement of EC–130H Compass Call aircraft.
- Sec. 144. Prohibition on availability of funds for retirement of Joint Surveillance Target Attack Radar System, EC–130H Compass Call, and Airborne Warning and Control System aircraft.
- Sec. 145. Limitation on availability of funds for F–35A aircraft procurement.
- Sec. 146. Prohibition on availability of funds for retirement of KC–10 aircraft.
- Sec. 147. Limitation on availability of funds for transfer of C–130 aircraft.
- Sec. 148. Limitation on availability of funds for executive communications upgrades for C–20 and C–37 aircraft.
- Sec. 149. Limitation on availability of funds for T–1A Jayhawk aircraft.
- Sec. 150. Notification of retirement of B–1, B–2, and B–52 bomber aircraft.
- Sec. 151. Inventory requirement for fighter aircraft of the Air Force.
- Sec. 152. Sense of Congress regarding the OCONUS basing of F–35A aircraft.

Subtitle E—Defense-wide, Joint, and Multiservice Matters

- Sec. 161. Limitation on availability of funds for Joint Battle Command–Platform.
- Sec. 162. Report on Army and Marine Corps modernization plan for small arms.
- Sec. 163. Study on use of different types of enhanced 5.56mm ammunition by the Army and the Marine Corps.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

- Sec. 201. Authorization of appropriations.

Subtitle B—Program Requirements, Restrictions, and Limitations

- Sec. 211. Centers for Science, Technology, and Engineering Partnership.
- Sec. 212. Expansion of eligibility for financial assistance under Department of Defense Science, Mathematics, and Research for Transformation Program to include citizens of countries participating in the Technical Cooperation Program.
- Sec. 213. Expansion of education partnerships to support technology transfer and transition.
- Sec. 214. Improvement to coordination and communication of defense research activities.
- Sec. 215. Reauthorization of Global Research Watch program.
- Sec. 216. Reauthorization of defense research and development rapid innovation program.
- Sec. 217. Science and technology activities to support business systems information technology acquisition programs.
- Sec. 218. Department of Defense technology offset program to build and maintain the military technological superiority of the United States.
- Sec. 219. Limitation on availability of funds for F–15 infrared search and track capability development.
- Sec. 220. Limitation on availability of funds for development of the shallow water combat submersible.
- Sec. 221. Limitation on availability of funds for the advanced development and manufacturing facility under the medical countermeasure program.
- Sec. 222. Limitation on availability of funds for distributed common ground system of the Army.
- Sec. 223. Limitation on availability of funds for distributed common ground system of the United States Special Operations Command.
- Sec. 224. Limitation on availability of funds for Integrated Personnel and Pay System of the Army.

Subtitle C—Reports and Other Matters

- Sec. 231. Streamlining the Joint Federated Assurance Center.

- Sec. 232. Demonstration of Persistent Close Air Support capabilities.
- Sec. 233. Strategies for engagement with Historically Black Colleges and Universities and Minority-serving Institutions of Higher Education.
- Sec. 234. Report on commercial-off-the-shelf wide-area surveillance systems for Army tactical unmanned aerial systems.
- Sec. 235. Report on Tactical Combat Training System Increment II.
- Sec. 236. Report on technology readiness levels of the technologies and capabilities critical to the long-range strike bomber aircraft.
- Sec. 237. Assessment of air-land mobile tactical communications and data network requirements and capabilities.
- Sec. 238. Study of field failures involving counterfeit electronic parts.
- Sec. 239. Airborne data link plan.
- Sec. 240. Plan for advanced weapons technology war games.
- Sec. 241. Independent assessment of F135 engine program.
- Sec. 242. Comptroller General review of autonomic logistics information system for F-35 Lightning II aircraft.
- Sec. 243. Sense of Congress regarding facilitation of a high quality technical workforce.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

- Sec. 301. Authorization of appropriations.

Subtitle B—Energy and Environment

- Sec. 311. Limitation on procurement of drop-in fuels.
- Sec. 312. Southern Sea Otter Military Readiness Areas.
- Sec. 313. Modification of energy management reporting requirements.
- Sec. 314. Revision to scope of statutorily required review of projects relating to potential obstructions to aviation so as to apply only to energy projects.
- Sec. 315. Exclusions from definition of “chemical substance” under Toxic Substances Control Act.

Subtitle C—Logistics and Sustainment

- Sec. 322. Repeal of limitation on authority to enter into a contract for the sustainment, maintenance, repair, or overhaul of the F117 engine.
- Sec. 323. Pilot programs for availability of working-capital funds for product improvements.

Subtitle D—Reports

- Sec. 331. Modification of annual report on prepositioned materiel and equipment.
- Sec. 332. Report on merger of Office of Assistant Secretary for Operational Energy Plans and Deputy Under Secretary for Installations and Environment.
- Sec. 333. Report on equipment purchased noncompetitively from foreign entities.

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- Sec. 341. Prohibition on contracts making payments for honoring members of the Armed Forces at sporting events.
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- Sec. 1682. Requirement to replace capability enhancement I exoatmospheric kill vehicles.
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- Sec. 3133. Plan for deactivation and decommissioning of nonoperational defense nuclear facilities.
- Sec. 3134. Assessment of emergency preparedness of defense nuclear facilities.
- Sec. 3135. Modifications to cost-benefit analyses for competition of management and operating contracts.
- Sec. 3136. Interagency review of applications for the transfer of United States civil nuclear technology.
- Sec. 3137. Governance and management of nuclear security enterprise.
- Sec. 3138. Annual report on number of full-time equivalent employees and contractor employees.
- Sec. 3139. Development of strategy on risks to nonproliferation caused by additive manufacturing.
- Sec. 3140. Plutonium pit production capacity.
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TITLE XLVII—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Sec. 4701. Department of Energy national security programs.

SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.

10 USC 101 note.

In this Act, the term “congressional defense committees” has the meaning given that term in section 101(a)(16) of title 10, United States Code.

SEC. 4. BUDGETARY EFFECTS OF THIS ACT.

The budgetary effects of this Act, for the purposes of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, jointly submitted for printing in the Congressional Record by the Chairmen of the House and Senate Budget Committees, provided that such statement has been submitted prior to the vote on passage in the House acting first on the conference report or amendment between the Houses.

SEC. 5. EXPLANATORY STATEMENT.

The explanatory statement regarding this Act, printed in the House section of the Congressional Record on or about November 5, 2015, by the Chairman of the Committee on Armed Services of the House of Representatives and the Chairman of the Committee on Armed Services of the Senate, shall have the same effect with respect to the implementation of this Act as if it were a joint explanatory statement of a committee of conference.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Authorization of appropriations.

Subtitle B—Army Programs

Sec. 111. Prioritization of upgraded UH–60 Blackhawk helicopters within Army National Guard.

Sec. 112. Roadmap for replacement of A/MH–6 Mission Enhanced Little Bird aircraft to meet special operations requirements.

Sec. 113. Report on options to accelerate replacement of UH–60A Blackhawk helicopters of Army National Guard.

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Subtitle C—Navy Programs

Sec. 121. Modification of CVN–78 class aircraft carrier program.

Sec. 122. Amendment to cost limitation baseline for CVN–78 class aircraft carrier program.

Sec. 123. Extension and modification of limitation on availability of funds for Littoral Combat Ship.

Sec. 124. Modification to multiyear procurement authority for Arleigh Burke class destroyers and associated systems.

Sec. 125. Procurement of additional Arleigh Burke class destroyer.

Sec. 126. Refueling and complex overhaul of the U.S.S. George Washington.

Sec. 127. Fleet Replenishment Oiler Program.

Sec. 128. Limitation on availability of funds for U.S.S. John F. Kennedy (CVN–79).

- Sec. 129. Limitation on availability of funds for U.S.S. Enterprise (CVN–80).
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- Sec. 141. Backup inventory status of A–10 aircraft.
 Sec. 142. Prohibition on availability of funds for retirement of A–10 aircraft.
 Sec. 143. Prohibition on availability of funds for retirement of EC–130H Compass Call aircraft.
 Sec. 144. Prohibition on availability of funds for retirement of Joint Surveillance Target Attack Radar System, EC–130H Compass Call, and Airborne Warning and Control System aircraft.
 Sec. 145. Limitation on availability of funds for F–35A aircraft procurement.
 Sec. 146. Prohibition on availability of funds for retirement of KC–10 aircraft.
 Sec. 147. Limitation on availability of funds for transfer of C–130 aircraft.
 Sec. 148. Limitation on availability of funds for executive communications upgrades for C–20 and C–37 aircraft.
 Sec. 149. Limitation on availability of funds for T–1A Jayhawk aircraft.
 Sec. 150. Notification of retirement of B–1, B–2, and B–52 bomber aircraft.
 Sec. 151. Inventory requirement for fighter aircraft of the Air Force.
 Sec. 152. Sense of Congress regarding the OCONUS basing of F–35A aircraft.

Subtitle E—Defense-wide, Joint, and Multiservice Matters

- Sec. 161. Limitation on availability of funds for Joint Battle Command–Platform.
 Sec. 162. Report on Army and Marine Corps modernization plan for small arms.
 Sec. 163. Study on use of different types of enhanced 5.56mm ammunition by the Army and the Marine Corps.

Subtitle A—Authorization of Appropriations

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2016 for procurement for the Army, the Navy and the Marine Corps, the Air Force, and Defense-wide activities, as specified in the funding table in section 4101.

Subtitle B—Army Programs

SEC. 111. PRIORITIZATION OF UPGRADED UH–60 BLACKHAWK HELICOPTERS WITHIN ARMY NATIONAL GUARD.

(a) PRIORITIZATION OF UPGRADES.—Not later than 180 days after the date of the enactment of this Act, the Chief of the National Guard Bureau shall issue guidance regarding the fielding of upgraded UH–60 Blackhawk helicopters to units of the Army National Guard. Such guidance shall prioritize for such fielding the units of the Army National Guard with assigned UH–60 helicopters that have the most flight hours and the highest annual usage rates within the UH–60 fleet of the Army National Guard, consistent with the force generation unit readiness requirements of the Army.

(b) REPORT.—Not later than 30 days after the date on which the Chief of the National Guard Bureau issues the guidance under subsection (a), the Chief shall submit to the congressional defense committees a report that details such guidance.

SEC. 112. ROADMAP FOR REPLACEMENT OF A/MH–6 MISSION ENHANCED LITTLE BIRD AIRCRAFT TO MEET SPECIAL OPERATIONS REQUIREMENTS.

(a) ROADMAP.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to

the congressional defense committees a roadmap for replacing A/MH–6 Mission Enhanced Little Bird aircraft to meet the rotary-wing, light attack, reconnaissance requirements particular to special operations.

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

(1) An updated schedule and display of programmed A/MH–6 Block 3.0 modernization and upgrades, showing usable life of the fleet, and the anticipated service life extensions of all A/MH–6 platforms.

(2) A description of current and anticipated rotary-wing, light attack, reconnaissance requirements and platforms particular to special operations, including key performance parameters of anticipated platforms.

(3) The feasibility of service-common platforms satisfying future rotary-wing, light attack, reconnaissance requirements particular to special operations.

(4) The feasibility of commercially available platforms satisfying future rotary-wing, light attack, reconnaissance requirements particular to special operations.

(5) The anticipated funding requirements for the special operation forces major force program for the development and procurement of an A/MH–6 replacement platform if the service-common platforms described in paragraph (3) are not available or if commercially available platforms described in paragraph (4) are leveraged.

(6) A description of efforts as of the date of the roadmap to coordinate with the military departments on a service-common platform to satisfy replacement platform requirements.

(7) Any other matters the Secretary considers appropriate.

SEC. 113. REPORT ON OPTIONS TO ACCELERATE REPLACEMENT OF UH–60A BLACKHAWK HELICOPTERS OF ARMY NATIONAL GUARD.

Not later than March 1, 2016, the Secretary of the Army shall submit to the congressional defense committees a report containing detailed options for the potential acceleration of the replacement of all UH–60A helicopters of the Army National Guard by not later than September 30, 2020. The report shall include the following:

(1) The additional funding and quantities required, listed by each of fiscal years 2017 through 2020, for H–60M production, UH–60A-to-L RECAP, and UH–60L-to-V RECAP that is necessary to achieve such replacement of all UH–60A helicopters by September 30, 2020.

(2) Any industrial base limitations that may affect such acceleration, including with respect to the production schedules for the other variants of the UH–60 helicopter.

(3) The potential effects of such acceleration on the planned replacement of all UH–60A helicopters of the regular components of the Armed Forces by September 30, 2025.

(4) Identification of any additional funding or resources required to train members of the National Guard to operate and maintain UH–60M aircraft in order to achieve such replacement of all UH–60A helicopters by September 30, 2020.

(5) Any other matters the Secretary determines appropriate.

SEC. 114. SENSE OF CONGRESS ON TACTICAL WHEELED VEHICLE PROTECTION KITS.

It is the sense of Congress that—

(1) members of the Army face an increasingly complex and evolving threat environment that requires advanced and effective technology to protect soldiers while allowing the soldiers to effectively carry out the mission of the Army;

(2) the heavy tactical vehicle protection kits program provides the Army with improved and necessary ballistic protection for the heavy tactical vehicle fleet;

(3) a secure heavy tactical vehicle fleet provides the Army with greater logistical tractability and offers soldiers the necessary flexibility to tailor armor levels based on threat levels and mission requirements; and

(4) as Congress provides for a modern and secure Army, it is necessary to provide the appropriate funding levels to meet the tactical wheeled vehicle protection kits acquisition objectives of the Army.

Subtitle C—Navy Programs

SEC. 121. MODIFICATION OF CVN-78 CLASS AIRCRAFT CARRIER PROGRAM.

(a) **REPORTS ON DESIGN AND ENGINEERING CHANGES.**—Subsection (f) of section 122 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2104), as added by section 121(c) of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 692), is amended by adding at the end the following new paragraph:

“(3) CVN–78 CLASS AIRCRAFT CARRIERS CHANGE ORDERS.—

“(A) As part of each report required under paragraph (1), the Secretary shall include a description of new design and engineering changes to CVN–78 class aircraft carriers if applicable.

“(B) The additional reporting requirement in subparagraph (A) shall include, with respect to CVN–78 class aircraft carriers in each reporting period—

“(i) any design or engineering change with an associated cost greater than \$5,000,000;

“(ii) any program or ship cost increases for each design or engineering change identified in subparagraph (A); and

“(iii) any cost reduction achieved.

“(C) The Secretary and the Chief of Naval Operations, without delegation, shall jointly certify the design and engineering changes included in each report under paragraph (1), as required by subparagraph (A) of this paragraph. Each certification shall include a determination that each such change—

“(i) serves the national security interests of the United States; and

“(ii) cannot be deferred to a future ship because of operational necessity, safety, or substantial cost reduction that still meets threshold requirements.”

(b) CONFORMING AMENDMENTS.—Such subsection is further amended—

(1) by striking the heading and inserting the following new heading: “REQUIREMENTS FOR CVN–78 CLASS AIRCRAFT CARRIERS”; and

(2) in paragraph (1), by striking the heading and inserting the following new heading: “CVN–79 QUARTERLY COST ESTIMATE”.

SEC. 122. AMENDMENT TO COST LIMITATION BASELINE FOR CVN–78 CLASS AIRCRAFT CARRIER PROGRAM.

(a) COST LIMITATION.—Section 122(a)(2) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2104), as amended by section 121(a) of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 691), is further amended by striking “\$11,498,000,000” and inserting “\$11,398,000,000”.

(b) FACTOR FOR ADJUSTMENT.—Subsection (b) of such section 122, as amended by section 121(b)(1) of the National Defense Authorization Act for Fiscal Year 2014, is amended by adding at the end the following new paragraph:

“(8) With respect to the aircraft carrier designated as CVN–79, the amounts of increases not exceeding \$100,000,000 if the Chief of Naval Operations determines that achieving the amount set forth in subsection (a)(2) (as amended by section 122(a) of the National Defense Authorization Act for Fiscal Year 2016) would result in unacceptable reductions to the operational capability of the ship.”.

SEC. 123. EXTENSION AND MODIFICATION OF LIMITATION ON AVAILABILITY OF FUNDS FOR LITTORAL COMBAT SHIP.

Section 124(a) of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 693), as amended by section 123 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3314), is further amended—

(1) by striking “this Act, the Carl Levin and Howard P. ‘Buck’ McKeon National Defense Authorization Act for Fiscal Year 2015, or otherwise made available for fiscal years 2014 or 2015” and inserting “this Act, the National Defense Authorization Act for Fiscal Year 2016, or otherwise made available for fiscal years 2014, 2015, or 2016”; and

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

“(6) A Littoral Combat Ship seaframe acquisition strategy for the Littoral Combat Ships designated as LCS 25 through LCS 32, including upgrades to be installed on these ships that were identified for the upgraded Littoral Combat Ship, which is proposed to commence with LCS 33.

“(7) A Littoral Combat Ship mission module acquisition strategy to reach the total acquisition quantity of each mission module.

“(8) A cost and schedule plan to outfit Flight 0 and Flight 0+ Littoral Combat Ships with capabilities identified for the upgraded Littoral Combat Ship.

“(9) A current Test and Evaluation Master Plan for the Littoral Combat Ship Mission Modules, approved by the Director of Operational Test and Evaluation, which includes the performance levels expected to be demonstrated during

developmental testing for each component and mission module prior to commencing the associated operational test phase.”.

SEC. 124. MODIFICATION TO MULTIYEAR PROCUREMENT AUTHORITY FOR ARLEIGH BURKE CLASS DESTROYERS AND ASSOCIATED SYSTEMS.

Section 123(a) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 1655) is amended by inserting “or Flight III” after “Flight IIA”.

SEC. 125. PROCUREMENT OF ADDITIONAL ARLEIGH BURKE CLASS DESTROYER.

(a) **PROCUREMENT AUTHORITY.**—

(1) **ADDITIONAL DESTROYER.**—The Secretary of the Navy may procure one Arleigh Burke class destroyer, in addition to any other procurement of such ships otherwise authorized by law, to be procured either—

(A) as an addition to the contract covering the 10 Arleigh Burke class destroyers authorized to be procured under section 123 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 1655); or

(B) under a separate contract in fiscal year 2018.

(2) **INCREMENTAL FUNDING.**—The Secretary may employ incremental funding for the procurement authorized under paragraph (1).

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

SEC. 126. REFUELING AND COMPLEX OVERHAUL OF THE U.S.S. GEORGE WASHINGTON.

(a) **REFUELING AND COMPLEX OVERHAUL.**—The Secretary of the Navy may carry out the nuclear refueling and complex overhaul of the U.S.S. George Washington (CVN–73).

(b) **USE OF INCREMENTAL FUNDING.**—With respect to any contract entered into under subsection (a) for the nuclear refueling and complex overhaul of the U.S.S. George Washington, the Secretary may use incremental funding for a period not to exceed six years after advance procurement funds for such nuclear refueling and complex overhaul effort are first obligated.

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

SEC. 127. FLEET REPLENISHMENT OILER PROGRAM.

(a) **CONTRACT AUTHORITY.**—The Secretary of the Navy may enter into one or more contracts to procure up to six Fleet Replenishment Oilers. Such procurements may also include advance procurement for economic order quantity and long lead time materials, beginning with the lead ship, commencing not earlier than fiscal year 2016.

(b) **LIABILITY.**—Any contract entered into under subsection (a) shall provide that any obligation of the United States to make

a payment under the contract is subject to the availability of appropriations for that purpose, and that total liability to the Government for termination of any contract entered into shall be limited to the total amount of funding obligated at the time of termination.

SEC. 128. LIMITATION ON AVAILABILITY OF FUNDS FOR U.S.S. JOHN F. KENNEDY (CVN-79).

(a) **LIMITATION.**—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2016 for procurement for the U.S.S. John F. Kennedy (CVN-79), \$100,000,000 may not be obligated or expended until the date on which the Secretary of the Navy submits to the congressional defense committees the certification under subsection (b)(1) or the notification under paragraph (2) of such subsection, as the case may be, and the reports under subsections (c) and (d).

(b) **CERTIFICATION REGARDING FULL SHIP SHOCK TRIALS.**—

(1) **IN GENERAL.**—Except as provided by paragraph (2), not later than 90 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees a certification that the Navy will conduct full ship shock trials on the U.S.S. Gerald R. Ford (CVN-78) prior to the first deployment of such ship.

(2) **WAIVER.**—The Secretary of Defense may waive the certification required under paragraph (1) if the Secretary submits to the congressional defense committees a notification of such waiver, including—

(A) the rationale of the Secretary for issuing such waiver;

(B) a certification that the Secretary has analyzed and accepts the operational risk of the U.S.S. Gerald R. Ford deploying without having conducted full ship shock trials; and

(C) a certification that full ship shock trials will be completed on the U.S.S. Gerald R. Ford after the first deployment of such ship and prior to the first major maintenance availability of such ship.

(c) **REPORT ON COSTS RELATING TO CVN-79 AND CVN-80.**—

(1) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees a report that evaluates cost issues related to the U.S.S. John F. Kennedy (CVN-79) and the U.S.S. Enterprise (CVN-80).

(2) **ELEMENTS.**—The report under paragraph (1) shall include the following:

(A) Options to achieve ship end cost of no more than \$10,000,000,000.

(B) Options to freeze the design of CVN-79 for CVN-80, with exceptions only for changes due to full ship shock trials or other significant test and evaluation results.

(C) Options to reduce the plans cost for CVN-80 to less than 50 percent of the CVN-79 plans cost.

(D) Options to transition all non-nuclear Government-furnished equipment, including launch and arresting equipment, to contractor-furnished equipment.

(E) Options to build the ships at the most economic pace, such as four years between ships.

(F) A business case analysis for the Enterprise Air Search Radar modification to CVN–79 and CVN–80.

(G) A business case analysis for the two-phase CVN–79 delivery proposal and impact on fleet deployments.

(d) REPORT ON FUTURE DEVELOPMENT.—

(1) IN GENERAL.—Not later than April 1, 2016, the Secretary of the Navy shall submit to the congressional defense committees a report on potential requirements, capabilities, and alternatives for the future development of aircraft carriers that would replace or supplement the CVN–78 class aircraft carrier.

(2) ELEMENTS.—The report under paragraph (1) shall include the following:

(A) A description of fleet, sea-based tactical aviation capability requirements for a range of operational scenarios beginning in the 2025 timeframe.

(B) A description of alternative aircraft carrier designs that meet the requirements described under subparagraph (A).

(C) A description of nuclear and non-nuclear propulsion options.

(D) A description of tonnage options ranging from less than 20,000 tons to greater than 100,000 tons.

(E) Requirements for unmanned systems integration from inception.

(F) Developmental, procurement, and lifecycle cost assessment of alternatives.

(G) A notional acquisition strategy for the development and construction of alternatives.

(H) A description of shipbuilding industrial base considerations and a plan to ensure opportunity for competition among alternatives.

(I) A description of funding and timing considerations related to developing the Annual Long-Range Plan for Construction of Naval Vessels required under section 231 of title 10, United States Code.

SEC. 129. LIMITATION ON AVAILABILITY OF FUNDS FOR U.S.S. ENTERPRISE (CVN–80).

(a) LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2016 for advance procurement for the U.S.S. Enterprise (CVN–80), \$191,400,000 may not be obligated or expended until the date on which the Secretary of the Navy submits to the congressional defense committees the certification under subsection (b) and the report under subsection (c).

(b) CERTIFICATION REGARDING CVN–80 DESIGN.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees a certification that the design of the U.S.S. Enterprise (CVN–80) will repeat the design of CVN–79, with modifications only for significant test and evaluation results or significant cost reduction initiatives that still meet threshold requirements.

(c) REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees a report that

details the costs of the plans related to the U.S.S. Enterprise (CVN–80).

(2) ELEMENTS.—The report under paragraph (1) shall include the following elements, reported by total cost and cost by fiscal year, with a detailed description and a justification for why each cost is recurring and attributable to the U.S.S. Enterprise (CVN–80):

- (A) Overall plans.
- (B) Propulsion plant detail design.
- (C) Platform detail design.
- (D) Lead yard services and hull planning yard.
- (E) Platform detail design (Steam and Electric Plant Planning Yard).
- (F) Other.

SEC. 130. LIMITATION ON AVAILABILITY OF FUNDS FOR LITTORAL COMBAT SHIP.

Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2016 for research and development, design, construction, procurement, or advanced procurement of materials for the Littoral Combat Ships designated as LCS 33 or subsequent, not more than 50 percent may be obligated or expended until Secretary of the Navy submits to the Committees on Armed Services of the Senate and the House of Representatives each of the following:

(1) A capabilities based assessment, or equivalent report, to assess capability gaps and associated capability requirements and risks for the upgraded Littoral Combat Ship, which is proposed to commence with LCS 33. Such assessment shall conform with the Joint Capabilities Integration and Development System, including Chairman of the Joint Chiefs of Staff Instruction 3170.01H.

(2) A certification that the Joint Requirements Oversight Council has validated an updated Capabilities Development Document for the upgraded Littoral Combat Ship.

(3) A report describing the upgraded Littoral Combat Ship modernization, which shall, at a minimum, include the following elements:

(A) A description of capabilities that the Littoral Combat Ship program delivers, and a description of how these relate to the characteristics of the future joint force identified in the Capstone Concept for Joint Operations, concept of operations, and integrated architecture documents.

(B) A summary of analyses and studies conducted on Littoral Combat Ship modernization.

(C) A concept of operations for Littoral Combat Ship at the operational level and tactical level describing how they integrate and synchronize with joint and combined forces to achieve the Joint Force Commander's intent.

(D) A description of threat systems of potential adversaries that are projected or assessed to reach initial operational capability within 15 years against which the lethality and survivability of the Littoral Combat Ship should be determined.

(E) A plan and timeline for Littoral Combat Ship modernization program execution.

(F) A description of system capabilities required for Littoral Combat Ship modernization, including key performance parameters and key system attributes.

(G) A plan for family of systems or systems of systems synchronization.

(H) A plan for information technology and national security systems supportability.

(I) A plan for intelligence supportability.

(J) A plan for electromagnetic environmental effects and spectrum supportability.

(K) A description of assets required to achieve initial operational capability of a Littoral Combat Ship modernization increment.

(L) A schedule and initial operational capability and full operational capability definitions.

(M) A description of doctrine, organization, training, materiel, leadership, education, personnel, facilities, and policy considerations.

(N) A description of other system attributes.

(4) A plan for future periodic combat systems upgrades, which are necessary to ensure relevant capability throughout the Littoral Combat Ship or Frigate class service lives, using the process described in paragraph (3).

SEC. 131. REPORTING REQUIREMENT FOR OHIO-CLASS REPLACEMENT SUBMARINE PROGRAM.

If the budget of the President submitted to Congress under section 1105(a) of title 31, United States Code, for a fiscal year includes a request for funds for the Ohio-class replacement submarine program, the Secretary of Defense shall include in the budget justification materials submitted to Congress in support of the Department of Defense budget for such fiscal year a report that includes the following elements regarding such program (described in terms of both fiscal year 2010 dollars and current fiscal year dollars as of the date of the report):

(1) Lead ship end cost (with plans).

(2) Lead ship end cost (less plans).

(3) Lead ship non-recurring engineering cost.

(4) Average follow-on ship cost.

(5) Average operations and sustainment cost per hull per year.

(6) The average follow-on ship affordability target as determined by the Under Secretary of Defense for Acquisition, Technology, and Logistics.

(7) The operations and sustainment cost per hull per year affordability target as determined by the Under Secretary of Defense for Acquisition, Technology, and Logistics.

Subtitle D—Air Force Programs

SEC. 141. BACKUP INVENTORY STATUS OF A-10 AIRCRAFT.

(a) **MAXIMUM NUMBER.**—In carrying out section 133(b)(2)(A) of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3316), the Secretary of the Air Force may not move more than 18 A–10 aircraft in the active component to backup flying

status pursuant to an authorization made by the Secretary of Defense under such section.

(b) CONFORMING AMENDMENT.—Such section 133(b)(2)(A) is amended by striking “36” and inserting “18”.

SEC. 142. PROHIBITION ON AVAILABILITY OF FUNDS FOR RETIREMENT OF A-10 AIRCRAFT.

(a) PROHIBITION ON AVAILABILITY OF FUNDS FOR RETIREMENT.—Except as provided by section 141, none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2016 for the Air Force may be obligated or expended to retire, prepare to retire, or place in storage or on backup aircraft inventory status any A-10 aircraft.

(b) ADDITIONAL LIMITATIONS ON RETIREMENT.—

(1) IN GENERAL.—Except as provided by section 141, and in addition to the limitation in subsection (a), during the period before December 31, 2016, the Secretary of the Air Force may not retire, prepare to retire, or place in storage or on backup flying status any A-10 aircraft.

(2) MINIMUM INVENTORY REQUIREMENT.—The Secretary of the Air Force shall ensure the Air Force maintains a minimum of 171 A-10 aircraft designated as primary mission aircraft inventory.

(c) PROHIBITION ON AVAILABILITY OF FUNDS FOR SIGNIFICANT REDUCTIONS IN MANNING LEVELS.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2016 for the Air Force may be obligated or expended to make significant reductions to manning levels with respect to any A-10 aircraft squadrons or divisions.

(d) ADDITIONAL LIMITATION ON SIGNIFICANT REDUCTIONS IN MANNING LEVELS.—In addition to the limitation in subsection (c), during the period before December 31, 2016, the Secretary of the Air Force may not make significant reductions to manning levels with respect to any A-10 aircraft squadrons or divisions.

(e) STUDY ON REPLACEMENT CAPABILITY REQUIREMENTS OR MISSION PLATFORM FOR THE A-10 AIRCRAFT.—

(1) INDEPENDENT ASSESSMENT REQUIRED.—

(A) IN GENERAL.—The Secretary of the Air Force shall commission an appropriate entity outside the Department of Defense to conduct an assessment of the required capabilities or mission platform to replace the A-10 aircraft. This assessment would represent preparatory work to inform an analysis of alternatives.

(B) ELEMENTS.—The assessment required under subparagraph (A) shall include each of the following:

(i) Future needs analysis for the current A-10 aircraft mission set to include troops-in-contact/close air support, air interdiction, strike control and reconnaissance, and combat search and rescue support in both contested and uncontested battle environments. At a minimum, the needs analysis should specifically address the following areas:

(I) The ability to safely and effectively conduct troops-in-contact/danger close missions or missions in close proximity to civilians in the presence of the air defenses found with enemy ground maneuver units.

(II) The ability to effectively target and destroy moving, camouflaged, or dug-in troops, artillery, armor, and armored personnel carriers.

(III) The ability to engage, target, and destroy tanks and armored personnel carriers, including with respect to the carrying capacity of armor-piercing weaponry, including mounted cannons and missiles.

(IV) The ability to remain within visual range of friendly forces and targets to facilitate responsiveness to ground forces and minimize re-attack times.

(V) The ability to safely conduct close air support beneath low cloud ceilings and in reduced visibilities at low airspeeds in the presence of the air defenses found with enemy ground maneuver units.

(VI) The capability to enable the pilot and aircraft to survive attacks stemming from small arms, machine guns, man-portable air-defense systems, and lower caliber anti-aircraft artillery organic or attached to enemy ground forces and maneuver units.

(VII) The ability to communicate effectively with ground forces and downed pilots, including in communications jamming or satellite-denied environments.

(VIII) The ability to execute the missions described in subclauses (I), (II), (III), and (IV) in a GPS- or satellite-denied environment with or without sensors.

(IX) The ability to deliver multiple lethal firing passes and sustain long loiter endurance to support friendly forces throughout extended ground engagements.

(X) The ability to operate from unprepared dirt, grass, and narrow road runways and to generate high sortie rates under these austere conditions.

(ii) Identification and assessment of gaps in the ability of existing and programmed mission platforms in providing required capabilities to conduct missions specified in clause (i) in both contested and uncontested battle environments.

(iii) Assessment of operational effectiveness of existing and programmed mission platforms to conduct missions specified in clause (i) in both contested and uncontested battle environments.

(iv) Assessment of probability of likelihood of conducting missions requiring troops-in-contact/close air support operations specified in clause (i) in contested environments as compared to uncontested environments.

(v) Any other matters the independent entity or the Secretary of the Air Force determines to be appropriate.

(2) REPORT.—

(A) IN GENERAL.—Not later than September 30, 2016, the Secretary of the Air Force shall submit to the congressional defense committees a report that includes the assessment required under paragraph (1).

(B) FORM.—The report required under subparagraph (A) may be submitted in classified form, but shall also contain an unclassified executive summary and may contain an unclassified annex.

(3) NONDUPLICATION OF EFFORT.—If any information required under paragraph (1) has been included in another report or notification previously submitted to the congressional defense committees by law, the Secretary of the Air Force may provide a list of such reports and notifications at the time of submitting the report required under paragraph (2) instead of including such information in such report.

SEC. 143. PROHIBITION ON AVAILABILITY OF FUNDS FOR RETIREMENT OF EC-130H COMPASS CALL AIRCRAFT.

(a) PROHIBITION ON AVAILABILITY OF FUNDS FOR RETIREMENT.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2016 for the Air Force may be obligated or expended to retire, prepare to retire, or place in storage or on backup aircraft inventory status any EC-130H Compass Call aircraft.

(b) ADDITIONAL PROHIBITION ON RETIREMENT.—In addition to the prohibition in subsection (a), during the period preceding December 31, 2016, the Secretary of the Air Force may not retire, prepare to retire, or place in storage or on backup flying status any EC-130H Compass Call aircraft.

(c) REPORT ON RETIREMENT OF EC-130H COMPASS CALL AIRCRAFT.—Not later than September 30, 2016, the Secretary of the Air Force shall submit to the congressional defense committees a report that includes, at a minimum, the following:

(1) The rationale for the retirement of existing EC-130H Compass Call aircraft, including an operational analysis of the impact of such retirements on the warfighting requirements of the combatant commanders.

(2) Future needs analysis for the current EC-130H Compass Call aircraft electronic warfare mission set to include suppression of sophisticated enemy air defense systems, advanced radar jamming, avoiding radar detection, communications, sensing, satellite navigation, command and control, and battlefield awareness.

(3) A review of operating concepts for airborne electronic attack.

(4) An assessment of upgrades to the electronic warfare systems of EC-130H Compass Call aircraft, the costs of such upgrades, and expected upgrades through 2025, and the expected service life of EC-130H Compass Call aircraft.

(5) A review of the global proliferation of more sophisticated air defenses and advanced commercial digital electronic devices which counter the airborne electronic attack capabilities of the United States by state and non-state actors.

(6) An assessment of the ability of the current EC-130H Compass Call fleet to meet tasking requirements of the combatant commanders.

(7) A plan for how the Air Force will recapitalize the capability requirement of the EC–130H Compass Call mission in the future, whether through a replacement program or by integrating such capabilities onto an existing platform.

(8) If the plan under paragraph (7) includes integrating such capabilities onto an existing platform, an analysis that verifies that such platform has the space, weight, cooling, and power necessary to support the integration of the EC–130H Compass Call capability.

(9) Such other matters relating to the required mission capabilities and transition of the EC–130H Compass Call fleet as the Secretary considers appropriate.

(d) FORM.—The report under subsection (c) may be submitted in classified form, but shall also contain an unclassified executive summary and may contain an unclassified annex.

(e) NONDUPLICATION OF EFFORT.—If any information required in the report under subsection (c) has been included in another report or notification previously submitted to the congressional defense committees by law, the Secretary of the Air Force may provide a list of such reports and notifications at the time of submitting the report required under subsection (c) instead of including such information in such report.

SEC. 144. PROHIBITION ON AVAILABILITY OF FUNDS FOR RETIREMENT OF JOINT SURVEILLANCE TARGET ATTACK RADAR SYSTEM, EC-130H COMPASS CALL, AND AIRBORNE WARNING AND CONTROL SYSTEM AIRCRAFT.

(a) PROHIBITION.—Except as provided by subsection (b), none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal years 2016 or 2017 for the Air Force may be obligated or expended to retire, or prepare to retire, any covered aircraft.

(b) EXCEPTION.—The prohibition in subsection (a) shall not apply to individual covered aircraft that the Secretary of the Air Force determines, on a case-by-case basis, to be non-operational because of mishaps, other damage, or being uneconomical to repair.

(c) COVERED AIRCRAFT.—In this section, the term “covered aircraft” means the following:

- (1) Joint Surveillance Target Attack Radar System aircraft.
- (2) EC–130H Compass Call aircraft.
- (3) Airborne Warning and Control System aircraft.

SEC. 145. LIMITATION ON AVAILABILITY OF FUNDS FOR F-35A AIRCRAFT PROCUREMENT.

Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2016 for aircraft procurement, Air Force, not more than \$4,285,000,000 may be obligated for the procurement of F–35A aircraft until the Secretary of the Air Force certifies to the congressional defense committees that F–35A aircraft delivered during fiscal year 2018 will have full combat capability, as determined as of the date of the enactment of this Act, with Block 3F hardware, software, and weapons carriage.

SEC. 146. PROHIBITION ON AVAILABILITY OF FUNDS FOR RETIREMENT OF KC-10 AIRCRAFT.

(a) PROHIBITION.—Except as provided by subsection (b), none of the funds authorized to be appropriated by this Act or otherwise

made available for fiscal years 2016 or 2017 for the Air Force may be obligated or expended to retire, or prepare to retire, any KC–10 aircraft.

(b) EXCEPTION.—The prohibition in subsection (a) shall not apply to individual KC–10 aircraft that the Secretary of the Air Force determines, on a case-by-case basis, to be non-operational because of mishaps, other damage, or being uneconomical to repair.

SEC. 147. LIMITATION ON AVAILABILITY OF FUNDS FOR TRANSFER OF C-130 AIRCRAFT.

None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2016 for the Air Force may be obligated or expended to transfer from one facility of the Department of Defense to another any C–130H aircraft, initiate any C–130 manpower authorization adjustments, retire or prepare to retire any C–130H aircraft, or close any C–130H unit until a period of 90 days elapses following the date on which the Secretary of the Air Force, the Secretary of the Army, the Chief of Staff of the Air Force, and the Chief of Staff of the Army, in consultation with the commanders of the XVIII Airborne Corps, the 82nd Airborne Division, and the United States Army Special Operations Command, jointly certify to the Committees on Armed Services of the Senate and the House of Representatives that—

(1) the Secretary of the Air Force will maintain dedicated C–130 wings to support the daily training and contingency requirements of the XVIII Airborne Corps, the 82nd Airborne Division, and the United States Army Special Operations Command at manning levels required to support and operate the number of aircraft that existed as part of regular and reserve Air Force operations in support of such units as of September 30, 2014; or

(2) the failure to maintain such dedicated C–130 wings will not adversely affect the daily training requirement of such airborne and special operations units.

SEC. 148. LIMITATION ON AVAILABILITY OF FUNDS FOR EXECUTIVE COMMUNICATIONS UPGRADES FOR C-20 AND C-37 AIRCRAFT.

(a) LIMITATION.—Except as provided by subsection (b), none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2016 for the Air Force may be obligated or expended to upgrade the executive communications of C–20 and C–37 aircraft until the date on which the Secretary of the Air Force certifies in writing to the congressional defense committees that such upgrades do not—

(1) cause such aircraft to exceed any weight limitation;

or

(2) reduce the operational capability of such aircraft.

(b) WAIVER.—The Secretary may waive the limitation in subsection (a) if the Secretary—

(1) determines that such waiver is necessary for the national security interests of the United States; and

(2) notifies the congressional defense committees of such waiver.

SEC. 149. LIMITATION ON AVAILABILITY OF FUNDS FOR T-1A JAYHAWK AIRCRAFT.

Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2016 for aircraft procurement, Air Force, for avionics modification to the T-1A Jayhawk aircraft, not more than 85 percent may be obligated or expended until a period of 30 days has elapsed following the date on which the Secretary of the Air Force submits to the congressional defense committees the report required under section 142 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3320).

SEC. 150. NOTIFICATION OF RETIREMENT OF B-1, B-2, AND B-52 BOMBER AIRCRAFT.

(a) NOTIFICATION.—Except as provided by subsection (b), during the period preceding the date on which the long-range strike bomber aircraft achieves initial operational capability, the Secretary of the Air Force may not retire or prepare to retire covered aircraft during a fiscal year unless the Secretary includes in the defense budget materials for that fiscal year a notification of the proposed retirement, including the rationale for the retirement, the effects of the retirement, and how the Secretary will mitigate any risks relating to the retirement.

(b) EXCEPTION.—The notification requirement in subsection (a) shall not apply to individual covered aircraft that the Secretary determines, on a case-by-case basis, to be non-operational because of mishaps, other damage, or being uneconomical to repair.

(c) DEFINITIONS.—In this section:

(1) The term “covered aircraft” means B-1, B-2, and B-52 bomber aircraft.

(2) The term “defense budget materials” has the meaning given that term in section 231(f) of title 10, United States Code.

SEC. 151. INVENTORY REQUIREMENT FOR FIGHTER AIRCRAFT OF THE AIR FORCE.

(a) INVENTORY REQUIREMENT.—During the two-year period beginning on October 1, 2015, the Secretary of the Air Force shall maintain a total aircraft inventory of fighter aircraft of not less than 1,900 aircraft, and a total primary mission aircraft inventory (combat-coded) of not less than 1,100 fighter aircraft.

(b) BUDGET INFORMATION REGARDING RETIREMENT OF FIGHTER AIRCRAFT.—

(1) REPORT.—If the Secretary proposes to retire fighter aircraft in a fiscal year, the Secretary shall include in the materials submitted in support of the budget of the President for that fiscal year (as submitted to Congress under section 1105(a) of title 31, United States Code) a report setting forth the following:

(A) The rationale and appropriate supporting analysis for the proposed retirement.

(B) An assessment of the implications of such retirement for the Air Force, the Air National Guard, and the Air Force Reserve for the force mix ratio of fighter aircraft.

(C) Such other matters relating to the proposed retirement as the Secretary considers appropriate.

(2) EXCEPTION.—Paragraph (1) shall not apply to individual fighter aircraft that the Secretary determines, on a case-by-case basis, to be non-operational because of mishaps, other damage, or being uneconomical to repair.

(c) DEFINITIONS.—In this section:

(1) The term “fighter aircraft” means an aircraft that is designated by a basic mission design series of A–10, F–15, F–16, F–22, or F–35.

(2) The term “primary mission aircraft inventory” means aircraft assigned to meet the primary aircraft authorization to a unit for the performance of its wartime mission.

SEC. 152. SENSE OF CONGRESS REGARDING THE OCONUS BASING OF F–35A AIRCRAFT.

(a) FINDING.—Congress finds that the Department of Defense is continuing its process of permanently stationing the F–35 aircraft at installations in the continental United States and forward-basing such aircraft outside the continental United States.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of the Air Force, in the strategic basing process for the F–35A aircraft, should continue to consider the benefits derived from sites that—

(1) are capable of hosting fighter-based bilateral and multi-lateral training opportunities with international partners;

(2) have sufficient airspace and range capabilities and capacity to meet the training requirements;

(3) have existing facilities to support personnel, operations, and logistics associated with the flying mission;

(4) have limited encroachment that would adversely impact training or operations; and

(5) minimize the overall construction and operational costs.

Subtitle E—Defense-wide, Joint, and Multiservice Matters

SEC. 161. LIMITATION ON AVAILABILITY OF FUNDS FOR JOINT BATTLE COMMAND-PLATFORM.

(a) LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2016 for joint battle command–platform equipment, not more than 75 percent may be obligated or expended until a period of 30 days has elapsed following the date on which the Assistant Secretary of the Army for Acquisition, Technology, and Logistics submits to the congressional defense committees the report under subsection (b).

(b) REPORT.—Not later than March 1, 2016, the Assistant Secretary of the Army for Acquisition, Technology, and Logistics shall submit to the congressional defense committees a report that provides a detailed test and evaluation plan to address the effectiveness, suitability, and survivability shortfalls of the joint battle command–platform identified by the Director of Operational Test and Evaluation in the fiscal year 2014 report of the Director submitted to Congress.

SEC. 162. REPORT ON ARMY AND MARINE CORPS MODERNIZATION PLAN FOR SMALL ARMS.

(a) **REPORT REQUIRED.**—Not later than one year after the date of the enactment of this Act, the Secretary of the Army and the Secretary of the Navy shall jointly submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the plan of the Army and the Marine Corps to modernize small arms for the Army and the Marine Corps during the 15-year period beginning on the date of such plan, including the mechanisms to be used to promote competition among suppliers of small arms and small arms parts in achieving the plan.

(b) **SMALL ARMS.**—The small arms covered by the plan under subsection (a) shall include the following:

- (1) Pistols.
- (2) Carbines.
- (3) Rifles and automatic rifles.
- (4) Light machine guns.
- (5) Such other small arms as the Secretaries consider appropriate for purposes of the report required by subsection (a).

(c) **NON-STANDARD SMALL ARMS.**—In addition to the arms specified in subsection (b), the plan under subsection (a) shall also address non-standard small arms not currently in the small arms inventory of the Army or the Marine Corps.

SEC. 163. STUDY ON USE OF DIFFERENT TYPES OF ENHANCED 5.56MM AMMUNITION BY THE ARMY AND THE MARINE CORPS.

(a) **USE OF DIFFERENT TYPES OF ENHANCED 5.56MM AMMUNITION.**—

(1) **STUDY.**—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall seek to enter into a contract with a federally funded research and development center to conduct a study on the use of different types of enhanced 5.56mm ammunition by the Army and the Marine Corps.

(2) **SUBMISSION.**—Not later than 90 days after the date on which the contract is entered into under paragraph (1), the federally funded research and development center conducting the study under such paragraph shall submit to the Secretary the study, including any findings and recommendations of the federally funded research and development center.

(b) **REPORT.**—

(1) **IN GENERAL.**—Not later than 30 days after the date on which the Secretary receives the study under subsection (a)(2), the Secretary shall submit to the congressional defense committees a report on the study.

(2) **MATTERS INCLUDED.**—The report under paragraph (1) shall include the following:

(A) The study, including any findings and recommendations of the federally funded research and development center that conducted the study.

(B) An explanation of the reasons for the Army and the Marine Corps to use in combat two different types of enhanced 5.56mm ammunition.

(C) An explanation of the appropriateness, effectiveness, and suitability issues that may arise from the use of such different types of ammunition.

(D) An explanation of any additional costs that have resulted from the use of such different types of ammunition.

(E) An explanation of any future plans of the Army or the Marine Corps to eventually transition to using in combat one standard type of enhanced 5.56mm ammunition.

(F) If there are no plans described in subparagraph (E), an analysis of the potential benefits of a transition described in such subparagraph, including the timeline for such a transition to occur.

(G) Any findings, recommendations, comments, or plans that the Secretary determines appropriate.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Centers for Science, Technology, and Engineering Partnership.

Sec. 212. Expansion of eligibility for financial assistance under Department of Defense Science, Mathematics, and Research for Transformation Program to include citizens of countries participating in the Technical Cooperation Program.

Sec. 213. Expansion of education partnerships to support technology transfer and transition.

Sec. 214. Improvement to coordination and communication of defense research activities.

Sec. 215. Reauthorization of Global Research Watch program.

Sec. 216. Reauthorization of defense research and development rapid innovation program.

Sec. 217. Science and technology activities to support business systems information technology acquisition programs.

Sec. 218. Department of Defense technology offset program to build and maintain the military technological superiority of the United States.

Sec. 219. Limitation on availability of funds for F–15 infrared search and track capability development.

Sec. 220. Limitation on availability of funds for development of the shallow water combat submersible.

Sec. 221. Limitation on availability of funds for the advanced development and manufacturing facility under the medical countermeasure program.

Sec. 222. Limitation on availability of funds for distributed common ground system of the Army.

Sec. 223. Limitation on availability of funds for distributed common ground system of the United States Special Operations Command.

Sec. 224. Limitation on availability of funds for Integrated Personnel and Pay System of the Army.

Subtitle C—Reports and Other Matters

Sec. 231. Streamlining the Joint Federated Assurance Center.

Sec. 232. Demonstration of Persistent Close Air Support capabilities.

Sec. 233. Strategies for engagement with Historically Black Colleges and Universities and Minority-serving Institutions of Higher Education.

Sec. 234. Report on commercial-off-the-shelf wide-area surveillance systems for Army tactical unmanned aerial systems.

Sec. 235. Report on Tactical Combat Training System Increment II.

Sec. 236. Report on technology readiness levels of the technologies and capabilities critical to the long-range strike bomber aircraft.

Sec. 237. Assessment of air-land mobile tactical communications and data network requirements and capabilities.

Sec. 238. Study of field failures involving counterfeit electronic parts.

Sec. 239. Airborne data link plan.

Sec. 240. Plan for advanced weapons technology war games.

Sec. 241. Independent assessment of F135 engine program.

Sec. 242. Comptroller General review of autonomic logistics information system for F–35 Lightning II aircraft.

Sec. 243. Sense of Congress regarding facilitation of a high quality technical workforce.

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2016 for the use of the Department of Defense for research, development, test, and evaluation as specified in the funding table in section 4201.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. CENTERS FOR SCIENCE, TECHNOLOGY, AND ENGINEERING PARTNERSHIP.

(a) IN GENERAL.—Chapter 139 of title 10, United States Code, is amended by inserting after section 2367 the following new section:

10 USC 2368.

“§ 2368. Centers for Science, Technology, and Engineering Partnership

“(a) DESIGNATION.—(1) The Secretary of Defense, in coordination with the Secretaries of the military departments, shall designate each science and technology reinvention laboratory as a Center for Science, Technology, and Engineering Partnership (in this section referred to as ‘Centers’) in the recognized core competencies of the designee.

“(2) The Secretary of Defense shall establish a policy to encourage the Secretary of each military department to reengineer management and business processes and adopt best-business and personnel practices at the Centers of the Secretary concerned in connection with the capability requirements of the Centers, so as to serve as recognized leaders in such capabilities throughout the Department of Defense and in the national technology and industrial base.

“(3) The Secretary of Defense, acting through the directors of the Centers, may conduct one or more pilot programs, consistent with applicable requirements of law, to test any practices referred to in paragraph (2) that the Directors determine could—

“(A) improve the efficiency and effectiveness of operations at Centers;

“(B) improve the support provided by the Centers for the elements of the Department of Defense who use the services of the Centers; and

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

“(b) PUBLIC-PRIVATE PARTNERSHIPS.—(1) To achieve one or more objectives set forth in paragraph (2), the Secretary may authorize and establish incentives for the Director of a Center to enter into public-private cooperative arrangements (in this section referred

to as a ‘public-private partnership’) to provide for any of the following:

“(A) For employees of the Center, academia, private industry, State and local governments, or other entities outside the Department of Defense to perform (under contract, subcontract, or otherwise) work related to the capabilities of the Center, including any work that—

“(i) involves one or more capabilities of the Center;

and

“(ii) may be applicable to both the Department and commercial entities.

“(B) For private industry or other entities outside the Department of Defense to use for either Government or commercial purposes any capabilities of the Center that are not fully used for Department of Defense activities for any period determined to be consistent with the needs of the Department of Defense.

“(2) The objectives for exercising the authority provided in paragraph (1) are as follows:

“(A) To maximize the use of the capacity of a Center.

“(B) To reduce or eliminate the cost of ownership of a Center by the Department of Defense.

“(C) To reduce the cost of science, technology, and engineering activities of the Department of Defense.

“(D) To leverage private sector investment in—

“(i) such efforts as research and equipment recapitalization for a Center; and

“(ii) the promotion of the undertaking of commercial business ventures based on the capabilities of a Center, as determined by the director of the Center.

“(E) To foster cooperation and technology transfer between the armed forces, academia, private industry, and State and local governments.

“(F) To increase access by a Center to a skilled technical workforce that can contribute to the effective and efficient execution of the missions of the Department of Defense.

“(G) To increase the ability of a Center to access and use non-Department of Defense methods to develop and innovate and access capabilities that contribute to the effective and efficient execution of the missions of the Department of Defense.

“(3)(A) Public-private partnerships entered into under paragraph (1) may be used for purposes relating to technology transfer and other authorities described in subparagraph (B).

“(B) The authorities described in this subparagraph are provisions of law that provide for cooperation and partnership by the Department of Defense with academia, private industry, and State and local governments, including the following:

“(i) Sections 3371 through 3375 of title 5.

“(ii) Sections 2194, 2358, 2371, 2511, 2539b, and 2563 of this title.

“(iii) Section 209 of title 35.

“(iv) Sections 8, 12, and 23 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3706, 3710a, and 3715).

“(c) PRIVATE SECTOR USE OF EXCESS CAPACITY.—Any capability of a Center made available to the private sector may be used

to perform research and testing activities in order to make more efficient and economical use of Government-owned capabilities and encourage the creation and preservation of jobs to ensure the availability of a workforce with the necessary research and technical skills to meet the needs of the armed forces.

“(d) CREDITING OF AMOUNTS FOR PERFORMANCE.—Amounts received by a Center for work performed under a public-private partnership may—

“(1) be credited to the appropriation or fund, including a working-capital or revolving fund, that incurs the cost of performing the work; or

“(2) be used by the Director of the Center as the Director considers appropriate and consistent with section 219 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 10 U.S.C. 2358 note).

“(e) AVAILABILITY OF EXCESS CAPACITIES TO PRIVATE-SECTOR PARTNERS.—Capacities of a Center may be made available for use by a private-sector entity under this section only if—

“(1) the use of the capacities will not have a significant adverse effect on the performance of the Center or the ability of the Center to achieve the mission of the Center, as determined by the Director of the Center; and

“(2) the private-sector entity agrees—

“(A) to reimburse the Department of Defense when required in accordance with the guidance of the Department for the direct and indirect costs (including any rental costs) that are attributable to the use of the capabilities by the private-sector entity, as determined by the Secretary of the military departments; and

“(B) to hold harmless and indemnify the United States from—

“(i) any claim for damages or injury to any person or property arising out of the use of the capabilities, except under the circumstances described in section 2563(c)(3) of this title; and

“(ii) any liability or claim for damages or injury to any person or property arising out of a decision by the Secretary to suspend or terminate that use of capabilities during a war or national emergency.

“(f) CONSTRUCTION OF PROVISION.—Nothing in this section may be construed to authorize a change, otherwise prohibited by law, from the performance of work at a Center by personnel of the Department of Defense to performance by a contractor.

“(g) DEFINITIONS.—In this section:

“(1) The term ‘capabilities’, with respect to a Center for Science, Technology, and Engineering Partnership, means the facilities, equipment, personnel, intellectual property, and other assets that support the core competencies of the Center.

“(2) The term ‘national technology and industrial base’ has the meaning given that term in section 2500 of this title.

“(3) The term ‘science and technology reinvention laboratory’ means a science and technology reinvention laboratory designated under section 1105 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 10 U.S.C. 2358 note).”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2367 the following new item:

10 USC
2351 prec.

“2368. Centers for Science, Technology, and Engineering Partnership.”.

SEC. 212. EXPANSION OF ELIGIBILITY FOR FINANCIAL ASSISTANCE UNDER DEPARTMENT OF DEFENSE SCIENCE, MATHEMATICS, AND RESEARCH FOR TRANSFORMATION PROGRAM TO INCLUDE CITIZENS OF COUNTRIES PARTICIPATING IN THE TECHNICAL COOPERATION PROGRAM.

Section 2192a of title 10, United States Code, is amended—

(1) in subsection (b)(1)(A), by inserting “or, subject to subsection (g), a country the government of which is a party to The Technical Cooperation Program (TTCP) memorandum of understanding of October 24, 1995” after “United States”;

(2) by redesignating subsection (g) as subsection (h); and

(3) by inserting after section (f) the following new subsection (g):

“(g) LIMITATION ON PARTICIPATION.—(1) The Secretary may not award scholarships or fellowships under this section to more than five individuals described in paragraph (2) per year.

“(2) An individual described in this paragraph is an individual who—

“(A) has not previously been awarded a scholarship or fellowship under the program under this section;

“(B) is not a citizen of the United States; and

“(C) is a citizen of a country the government of which is a party to The Technical Cooperation Program (TTCP) memorandum of understanding of October 24, 1995.”.

SEC. 213. EXPANSION OF EDUCATION PARTNERSHIPS TO SUPPORT TECHNOLOGY TRANSFER AND TRANSITION.

Section 2194 of title 10, United States Code, is amended—

(1) in subsection (a), by inserting “business, law, technology transfer or transition” after “mathematics,”; and

(2) in subsection (b)—

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

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

“(4) providing in the defense laboratory sabbatical opportunities for faculty and internship opportunities for students,”; and

(C) in paragraphs (5) and (6), as redesignated by subparagraph (A), by striking “research projects” both places it appears and inserting “projects, including research and technology transfer or transition projects”.

SEC. 214. IMPROVEMENT TO COORDINATION AND COMMUNICATION OF DEFENSE RESEARCH ACTIVITIES.

(a) IN GENERAL.—Section 2364 of title 10, United States Code, is amended—

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

“(a) COORDINATION OF DEPARTMENT OF DEFENSE RESEARCH, DEVELOPMENT, AND TECHNOLOGICAL DATA.—The Secretary of Defense shall promote, monitor, and evaluate programs for the

communication and exchange of research, development, and technological data—

“(1) among the Defense research facilities, combatant commands, and other organizations that are involved in developing for the Department of Defense the technological requirements for new items for use by combat forces;

“(2) among Defense research facilities and other offices, agencies, and bureaus in the Department that are engaged in related technological matters;

“(3) among other research facilities and other departments or agencies of the Federal Government that are engaged in research, development, and technological matters;

“(4) among private commercial, research institution, and university entities engaged in research, development, and technological matters potentially relevant to defense on a voluntary basis;

“(5) to the extent practicable, to achieve full awareness of scientific and technological advancement and innovation wherever it may occur, whether funded by the Department of Defense, another element of the Federal Government, or other entities; and

“(6) through development and distribution of clear technical communications to the public, military operators, acquisition organizations, and civilian and military decision-makers that conveys successes of research and engineering activities supported by the Department and the contributions of such activities to support national needs.”;

(2) in subsection (b)—

(A) by striking paragraph (3) and inserting the following new paragraph:

“(3) that the managers of such facilities have broad latitude to choose research and development projects based on awareness of activities throughout the technology domain, including within the Federal Government, the Department of Defense, public and private research institutions and universities, and the global commercial marketplace.”;

(B) in paragraph (4), by striking “; and” and inserting a semicolon;

(C) in paragraph (5), by striking the period at the end and inserting “; and”; and

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

“(6) that, in light of Defense research facilities being funded by the public, Defense research facilities are broadly authorized and encouraged to support national technological development goals and support technological missions of other departments and agencies of the Federal Government, when such support is determined by the Secretary of Defense to be in the best interests of the Federal Government.”.

(3) in the section heading, by inserting “**and technology domain awareness**” after “**activities**”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 139 of such title is amended by striking the item relating to section 2364 and inserting the following:

10 USC
2351 prec.

“2364. Coordination and communication of defense research activities and technology domain awareness.”.

SEC. 215. REAUTHORIZATION OF GLOBAL RESEARCH WATCH PROGRAM.

Section 2365 of title 10, United States Code, is amended—

(1) in paragraphs (1) and (2) of subsection (b), by inserting “and private sector persons” after “foreign nations” both places it appears; and

(2) in subsection (f), by striking “September 30, 2015” and inserting “September 30, 2025”.

SEC. 216. REAUTHORIZATION OF DEFENSE RESEARCH AND DEVELOPMENT RAPID INNOVATION PROGRAM.

(a) EXTENSION OF PROGRAM.—Section 1073 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 10 U.S.C. 2359a note) is amended—

(1) in subsection (d), by striking “2015” and inserting “2023”; and

(2) in subsection (g), by striking “September 30, 2015” and inserting “September 30, 2023”.

(b) MODIFICATION OF GUIDELINES FOR OPERATION OF PROGRAM.—Subsection (b) of such section is amended—

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

“(1) The issuance of an annual broad agency announcement or the use of any other competitive or merit-based processes by the Department of Defense for candidate proposals in support of defense acquisition programs as described in subsection (a).”;

(2) in paragraph (3), by striking the second sentence;

(3) in paragraph (4)—

(A) in the first sentence, by striking “be funded under the program for more than two years” and inserting “receive more than a total of two years of funding under the program”; and

(B) by striking the second sentence; and

(4) by adding at the end, the following new paragraphs:

“(5) Mechanisms to facilitate transition of follow-on or current projects carried out under the program into defense acquisition programs, through the use of the authorities of section 819 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 10 U.S.C. 2302 note) or such other authorities as may be appropriate to conduct further testing, low rate production, or full rate production of technologies developed under the program.

“(6) Projects are selected using merit-based selection procedures and the selection of projects is not subject to undue influence by Congress or other Federal agencies.”.

(c) REPEAL OF REPORT REQUIREMENT.—Such section is further amended—

(1) by striking subsection (f); and

(2) by redesignating subsection (g) as subsection (f).

10 USC 2445a
note.

SEC. 217. SCIENCE AND TECHNOLOGY ACTIVITIES TO SUPPORT BUSINESS SYSTEMS INFORMATION TECHNOLOGY ACQUISITION PROGRAMS.

(a) **IN GENERAL.**—The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, Technology, and Logistics, the Deputy Chief Management Officer, and the Chief Information Officer, shall establish a set of science, technology, and innovation activities to improve the acquisition outcomes of major automated information systems through improved performance and reduced developmental and life cycle costs.

(b) **EXECUTION OF ACTIVITIES.**—The activities established under subsection (a) shall be carried out by such military departments and Defense Agencies as the Under Secretary and the Deputy Chief Management Officer consider appropriate.

(c) **ACTIVITIES.**—

(1) **IN GENERAL.**—The set of activities established under subsection (a) may include the following:

(A) Development of capabilities in Department of Defense laboratories, test centers, and federally funded research and development centers to provide technical support for acquisition program management and business process re-engineering activities.

(B) Funding of intramural and extramural research and development activities as described in subsection (e).

(2) **CURRENT ACTIVITIES.**—The Secretary shall identify the current activities described in subparagraphs (A) and (B) of paragraph (1) that are being carried out as of the date of the enactment of this Act. The Secretary shall consider such current activities in determining the set of activities to establish pursuant to subsection (a).

(d) **GAP ANALYSIS.**—In establishing the set of activities under subsection (a), not later than 270 days after the date of the enactment of this Act, the Secretary, in coordination with the Secretaries of the military departments and the heads of the Defense Agencies, shall conduct a gap analysis to identify activities that are not, as of such date, being pursued in the current science and technology program of the Department. The Secretary shall use such analysis in determining—

(1) the set of activities to establish pursuant to subsection (a) that carry out the purposes specified in subsection (c)(1); and

(2) the proposed funding requirements and timelines.

(e) **FUNDING OF INTRAMURAL AND EXTRAMURAL RESEARCH AND DEVELOPMENT.**—

(1) **IN GENERAL.**—In carrying out the set of activities required by subsection (a), the Secretary may award grants or contracts to eligible entities to carry out intramural or extramural research and development in areas of interest described in paragraph (3).

(2) **ELIGIBLE ENTITIES.**—For purposes of this subsection, an eligible entity includes the following:

(A) Entities in the defense industry.

(B) Institutions of higher education.

(C) Small businesses.

(D) Nontraditional defense contractors (as defined in section 2302 of title 10, United States Code).

(E) Federally funded research and development centers, primarily for the purpose of improving technical expertise to support acquisition efforts.

(F) Nonprofit research institutions.

(G) Government laboratories and test centers, primarily for the purpose of improving technical expertise to support acquisition efforts.

(3) AREAS OF INTEREST.—The areas of interest described in this paragraph are the following:

(A) Management innovation, including personnel and financial management policy innovation.

(B) Business process re-engineering.

(C) Systems engineering of information technology business systems.

(D) Cloud computing to support business systems and business processes.

(E) Software development, including systems and techniques to limit unique interfaces and simplify processes to customize commercial software to meet the needs of the Department of Defense.

(F) Hardware development, including systems and techniques to limit unique interfaces and simplify processes to customize commercial hardware to meet the needs of the Department of Defense.

(G) Development of methodologies and tools to support development and operational test of large and complex business systems.

(H) Analysis tools to allow decision-makers to make tradeoffs between requirements, costs, technical risks, and schedule in major automated information system acquisition programs.

(I) Information security in major automated information system systems.

(J) Innovative acquisition policies and practices to streamline acquisition of information technology systems.

(K) Such other areas as the Secretary considers appropriate.

(f) PRIORITIES.—

(1) IN GENERAL.—In carrying out the set of activities required by subsection (a), the Secretary shall give priority to—

(A) projects that—

(i) address the innovation and technology needs of the Department of Defense; and

(ii) support activities of initiatives, programs, and offices identified by the Under Secretary and Deputy Chief Management Officer; and

(B) the projects and programs identified in paragraph

(2).

(2) PROJECTS AND PROGRAMS IDENTIFIED.—The projects and programs identified in this paragraph are the following:

(A) Major automated information system programs.

(B) Projects and programs under the oversight of the Deputy Chief Management Officer.

(C) Projects and programs relating to defense procurement acquisition policy.

(D) Projects and programs of the agencies and field activities of the Office of the Secretary of Defense that support business missions such as finance, human resources, security, management, logistics, and contract management.

(E) Military and civilian personnel policy development for information technology workforce.

10 USC 2501
note.

SEC. 218. DEPARTMENT OF DEFENSE TECHNOLOGY OFFSET PROGRAM TO BUILD AND MAINTAIN THE MILITARY TECHNOLOGICAL SUPERIORITY OF THE UNITED STATES.

(a) PROGRAM ESTABLISHED.—

(1) IN GENERAL.—The Secretary of Defense shall establish a technology offset program to build and maintain the military technological superiority of the United States by—

(A) accelerating the fielding of offset technologies that would help counter technological advantages of potential adversaries of the United States, including directed energy, low-cost, high-speed munitions, autonomous systems, undersea warfare, cyber technology, and intelligence data analytics, developed using research funding of the Department of Defense and accelerating the commercialization of such technologies; and

(B) developing and implementing new policies and acquisition and business practices.

(2) GUIDELINES.—Not later than one year after the date of the enactment of this Act, the Secretary shall issue guidelines for the operation of the program established under paragraph (1), including—

(A) criteria for an application for funding by a military department, Defense Agency, or a combatant command;

(B) the purposes for which such a department, agency, or command may apply for funds and appropriate requirements for technology development or commercialization to be supported using program funds;

(C) the priorities, if any, to be provided to field or commercialize offset technologies developed by certain types of research funding of the Department; and

(D) criteria for evaluation of an application for funding or changes to policies or acquisition and business practices by such a department, agency, or command for purposes of the program.

(b) APPLICATIONS FOR FUNDING.—

(1) IN GENERAL.—Under the program established under subsection (a)(1), not less frequently than annually, the Secretary shall solicit from the heads of the military departments, the Defense Agencies, and the combatant commands applications for funding to be used to enter into contracts, cooperative agreements, or other transaction agreements entered into pursuant to section 2371b of title 10, United States Code, as added by section 815, with appropriate entities for the fielding or commercialization of technologies.

(2) TREATMENT PURSUANT TO CERTAIN CONGRESSIONAL RULES.—Nothing in this section shall be interpreted to require any official of the Department of Defense to provide funding under this section to any Congressional earmark as defined pursuant to clause 9 of rule XXI of the Rules of the House

of Representatives or any congressionally directed spending item as defined pursuant to paragraph 5 of rule XLIV of the Standing Rules of the Senate.

(c) FUNDING.—

(1) IN GENERAL.—Subject to the availability of appropriations for such purpose, of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2016 for research, development, test, and evaluation, Defense-wide, not more than \$300,000,000 may be used for each such fiscal year for the program established under subsection (a)(1).

(2) AMOUNT FOR DIRECTED ENERGY.—Of the funds specified in paragraph (1) for any of fiscal years 2016 through 2020, not more than \$150,000,000 may be used for each such fiscal year for activities in the field of directed energy.

(d) TRANSFER AUTHORITY.—

(1) IN GENERAL.—The Secretary may transfer funds available for the program established under subsection (a)(1) to the research, development, test, and evaluation accounts of a military department, Defense Agency, or a combatant command pursuant to an application, or any part of an application, that the Secretary determines would support the purposes of the program.

(2) SUPPLEMENT NOT SUPPLANT.—The transfer authority provided in paragraph (1) is in addition to any other transfer authority available to the Secretary of Defense.

(e) TERMINATION.—

(1) IN GENERAL.—The authority to carry out the program under subsection (a)(1) shall terminate on September 30, 2020.

(2) TRANSFER AFTER TERMINATION.—Any amounts made available for the program that remain available for obligation on the date on which the program terminates may be transferred under subsection (d) during the 180-day period beginning on the date of the termination of the program.

SEC. 219. LIMITATION ON AVAILABILITY OF FUNDS FOR F-15 INFRARED SEARCH AND TRACK CAPABILITY DEVELOPMENT.

(a) LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2016 for research, development, test, and evaluation, Air Force, for F-15 infrared search and track capability, not more than 50 percent may be obligated or expended until a period of 30 days has elapsed following the date on which the Secretary of Defense submits to the congressional defense committees the report under subsection (b).

(b) REPORT.—Not later than March 1, 2016, the Secretary of Defense shall submit to the congressional defense committees a report on the requirements and cost estimates for the development and procurement of infrared search and track capability for F/A-18 and F-15 aircraft of the Navy and the Air Force. The report shall include the following:

(1) A comparison of the requirements between the F/A-18 and F-15 aircraft infrared search and track development efforts of the Navy and the Air Force.

(2) An explanation of any differences between the F/A-18 and F-15 aircraft infrared search and track capability development efforts of the Navy and the Air Force.

(3) A summary of the schedules and required funding to develop and field such capability.

(4) An explanation of any need for the Navy and the Air Force to field different F/A–18 and F–15 aircraft infrared search and track systems.

(5) Any other matters the Secretary determines appropriate.

SEC. 220. LIMITATION ON AVAILABILITY OF FUNDS FOR DEVELOPMENT OF THE SHALLOW WATER COMBAT SUBMERSIBLE.

(a) **LIMITATION.**—Of the amounts authorized to be appropriated by this Act or otherwise made available for fiscal year 2016 for the development of the shallow water combat submersible of the United States Special Operations Command, not more than 50 percent may be obligated or expended until a period of 15 days elapses following the later of the date on which—

(1) the Under Secretary of Defense for Acquisition, Technology, and Logistics designates a civilian official to be responsible for oversight of and assistance to the United States Special Operations Command for all undersea mobility programs; and

(2) the Under Secretary, in coordination with the Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict and the Commander of the United States Special Operations Command, submits to the congressional defense committees the report described in subsection (b).

(b) **REPORT DESCRIBED.**—The report described in this subsection is a report on the shallow water combat submersible program that includes the following:

(1) An analysis of the reasons for cost and schedule overruns associated with the program, including with respect to the performance of contractors and subcontractors.

(2) A revised timeline for initial and full operational capability of the shallow water combat submersible.

(3) A description of the challenges associated with the integration with dry deck shelter and other diving technologies.

(4) The projected cost to meet the total unit acquisition objective.

(5) A plan to prevent, identify, and mitigate any additional cost and schedule overruns.

(6) A description of any opportunities to recover cost or schedule overruns.

(7) A description of any lessons that the Under Secretary may have learned from the shallow water combat submersible program that could be applied to future undersea mobility acquisition programs.

(8) Any other matters that the Under Secretary considers appropriate.

SEC. 221. LIMITATION ON AVAILABILITY OF FUNDS FOR THE ADVANCED DEVELOPMENT AND MANUFACTURING FACILITY UNDER THE MEDICAL COUNTERMEASURE PROGRAM.

(a) **LIMITATION.**—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2016 for research, development, test, and evaluation, Defense-wide, for the advanced development and manufacturing facility, and the associated activities performed at such facility, under the medical countermeasure program of the chemical and biological defense program,

not more than 75 percent may be obligated or expended until a period of 45 days elapses following the date on which the Secretary of Defense submits to the congressional defense committees the report under subsection (b).

(b) REPORT.—The Secretary shall submit to the congressional defense committees a report on the advanced development and manufacturing facility under the medical countermeasure program that includes the following:

(1) An overall description of the advanced development and manufacturing facility, including validated Department of Defense requirements.

(2) Program goals, proposed metrics of performance, and anticipated procurement and operations and maintenance costs during the period covered by the current future years defense program under section 221 of title 10, United States Code.

(3) The results of any analysis of alternatives and efficiency reviews conducted by the Secretary that justifies the manufacturing and privately financed construction of an advanced manufacturing and development facility rather than using other programs and facilities of the Federal Government or industry facilities for advanced development and manufacturing of medical countermeasures.

(4) An independent cost-benefit analysis that justifies the manufacturing and privately financed construction of an advanced manufacturing and development facility described in paragraph (3).

(5) If no independent cost-benefit analysis makes the justification described in paragraph (4), an explanation for why such manufacturing and privately financed construction cannot be so justified.

(6) Any other matters the Secretary of Defense determines appropriate.

(c) COMPTROLLER GENERAL REVIEW.—Not later than 60 days after the date on which the Secretary submits the report under subsection (b), the Comptroller General of the United States shall submit to the congressional defense committees a review of such report.

SEC. 222. LIMITATION ON AVAILABILITY OF FUNDS FOR DISTRIBUTED COMMON GROUND SYSTEM OF THE ARMY.

(a) LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2016 for research, development, test, and evaluation, Army, for the distributed common ground system of the Army, not more than 75 percent may be obligated or expended until the Secretary of the Army—

(1) conducts a review of the program planning for the distributed common ground system of the Army; and

(2) submits to the appropriate congressional committees the report required by subsection (b)(1).

(b) REPORT.—

(1) IN GENERAL.—The Secretary shall submit to the appropriate congressional committees a report on the review of the distributed common ground system of the Army conducted under subsection (a)(1).

(2) MATTERS INCLUDED.—The report under paragraph (1) shall include the following:

(A) A review of the segmentation of Increment 2 of the distributed common ground system program of the Army into discrete software components with the associated requirements of each component.

(B) Identification of each component of Increment 2 of the distributed common ground system of the Army for which commercial software exists that is capable of fulfilling most or all of the system requirements for each such component.

(C) A cost analysis of each such commercial software that compares performance with projected cost.

(D) Determination of the degree to which commercial software solutions are compliant with the standards required by the framework and guidance for the Intelligence Community Information Technology Enterprise, the Defense Intelligence Information Enterprise, and the Joint Information Environment.

(E) Identification of each component of Increment 2 of the distributed common ground system of the Army that the Secretary determines may be acquired through competitive means.

(F) An acquisition plan for Increment 2 of the distributed common ground system of the Army that prioritizes the acquisition of commercial software components, including a data integration layer, in time to meet the projected deployment schedule for Increment 2.

(G) A review of the timetable for the distributed common ground system program of the Army in order to determine whether there is a practical, executable acquisition strategy, including the use of operational capability demonstrations, that could lead to an initial operating capability of Increment 2 of the distributed common ground system of the Army prior to fiscal year 2017.

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

(1) the congressional defense committees; and

(2) the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 223. LIMITATION ON AVAILABILITY OF FUNDS FOR DISTRIBUTED COMMON GROUND SYSTEM OF THE UNITED STATES SPECIAL OPERATIONS COMMAND.

(a) **LIMITATION.**—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2016 for research, development, test, and evaluation, Defense-wide, for the United States Special Operations Command for the distributed common ground system, not more than 75 percent may be obligated or expended until the Commander of the United States Special Operations Command submits to the congressional defense committees the report required by subsection (b).

(b) **REPORT REQUIRED.**—The Commander shall submit to the congressional defense committees and the Permanent Select Committee on Intelligence of the House of Representatives a report on the distributed common ground system. Such report shall include the following:

(1) A review of the segmentation of the distributed common ground system special operations forces program into discrete software components with the associated requirements of each component.

(2) Identification of each component of the distributed common ground system special operations forces program for which commercial software exists that is capable of fulfilling most or all of the system requirements for each such component.

(3) A cost analysis of each such commercial software that compares performance with projected cost.

(4) A determination of the degree to which commercial software solutions are compliant with the standards required by the framework and guidance for the Intelligence Community Information Technology Enterprise, the Defense Intelligence Information Enterprise, and the Joint Information Environment.

(5) Identification of each component of the distributed common ground system special operations forces program that the Commander determines may be acquired through competitive means.

(6) An assessment of the extent to which elements of the distributed common ground system special operations forces program could be modified to increase commercial acquisition opportunities.

(7) An acquisition plan that leads to full operational capability prior to fiscal year 2019.

SEC. 224. LIMITATION ON AVAILABILITY OF FUNDS FOR INTEGRATED PERSONNEL AND PAY SYSTEM OF THE ARMY.

Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2016 for research, development, test, and evaluation, Army, for the integrated personnel and pay system of the Army, not more than 75 percent may be obligated or expended until the date on which the Secretary of the Army submits to the congressional defense committees a report that includes the following:

(1) Updated and validated information regarding the performance of the current legacy personnel and pay system of the Army for each high-level objective and business outcome described in the business case for IPPS–A Increment II, dated December 2014, including justifications for threshold and objective values for the integrated personnel and pay system of the Army.

(2) An explanation how the integrated personnel and pay system of the Army will enable significant change throughout the entire human resources enterprise.

(3) A description for how the implementation of the capabilities in the integrated personnel and pay system of the Army will result in changes to the capabilities and services to be provided by the Defense Finance and Accounting Services, including an estimate of cost savings and manpower savings resulting from elimination of duplicative functions.

(4) A description of alternative program approaches that could reduce the overall cost of development and deployment for the integrated personnel and pay system of the Army without delaying the current program schedule by more than six months.

Subtitle C—Reports and Other Matters

SEC. 231. STREAMLINING THE JOINT FEDERATED ASSURANCE CENTER.

Section 937(c)(2) of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 10 U.S.C. 2224 note) is amended—

(1) in subparagraph (C), by striking “, in coordination with the Center for Assured Software of the National Security Agency,”; and

(2) in subparagraph (E), by striking “, in coordination with the Defense Microelectronics Activity,”.

SEC. 232. DEMONSTRATION OF PERSISTENT CLOSE AIR SUPPORT CAPABILITIES.

(a) JOINT DEMONSTRATION REQUIRED.—Subject to the availability of funds, the Secretary of the Air Force, the Secretary of the Army, and the Director of the Defense Advanced Research Projects Agency may jointly conduct a demonstration of the persistent close air support capability during fiscal year 2016.

(b) PARAMETERS OF DEMONSTRATION.—

(1) SELECTION AND EQUIPMENT OF AIRCRAFT.—If the demonstration under subsection (a) is conducted, the Secretary of the Air Force shall select and equip at least two aircraft for use in the demonstration that the Secretary otherwise intends to use for close air support.

(2) CLOSE AIR SUPPORT OPERATIONS.—If the demonstration under subsection (a) is conducted, the demonstration shall include close air support operations that involve the following:

(A) Multiple tactical radio networks representing diverse ground force user communities.

(B) Two-way digital exchanges of situational awareness data, video, and calls for fire between aircraft and ground users without modification to aircraft operational flight profiles.

(C) Real-time sharing of blue force, aircraft, and target location data to reduce risks of fratricide.

(D) Lightweight digital tools based on commercial-off-the-shelf technology for pilots and joint tactical air controllers.

(E) Operations in simple and complex operating environments.

(c) ASSESSMENT.—If the demonstration under subsection (a) is conducted, the Secretary of the Air Force, the Secretary of the Army, and the Director of the Defense Advanced Research Projects Agency shall jointly—

(1) assess the effect of the capabilities demonstrated as part of the demonstration required by subsection (a) on—

(A) the time required to conduct close air support operations;

(B) the effectiveness of blue force in achieving tactical objectives; and

(C) the risk of fratricide and collateral damage;

(2) estimate the costs that would be incurred in transitioning the technology used in the persistent close air support capability to the Army and the Air Force; and

(3) provide to the congressional defense committees a briefing on the results of the demonstration, the assessment under paragraph (1), and the cost estimates under paragraph (2) by December 1, 2016.

SEC. 233. STRATEGIES FOR ENGAGEMENT WITH HISTORICALLY BLACK COLLEGES AND UNIVERSITIES AND MINORITY-SERVING INSTITUTIONS OF HIGHER EDUCATION.

10 USC 2362
note.

(a) **BASIC RESEARCH ENTITIES.**—

(1) **STRATEGY.**—The heads of each basic research entity shall each develop a strategy for how to engage with and support the development of scientific, technical, engineering, and mathematics capabilities of covered educational institutions in carrying out section 2362 of title 10, United States Code.

(2) **ELEMENTS.**—Each strategy under paragraph (1) shall include the following:

(A) Goals and vision for maintaining a credible and sustainable program relating to the engagement and support under the strategy.

(B) Metrics to enhance scientific, technical, engineering, and mathematics capabilities at covered educational institutions, including with respect to measuring progress toward increasing the success of such institutions to compete for broader research funding sources other than set-aside funds.

(C) Promotion of mentoring opportunities between covered educational institutions and other research institutions.

(D) Regular assessment of activities that are used to develop, maintain, and grow scientific, technical, engineering, and mathematics capabilities.

(E) Inclusion of faculty of covered educational institutions into program reviews, peer reviews, and other similar activities.

(F) Targeting of undergraduate, graduate, and post-graduate students at covered educational institutions for inclusion into research or internship opportunities within the military department.

(b) **OFFICE OF THE SECRETARY.**—The Secretary of Defense shall develop and implement a strategy for how to engage with and support the development of scientific, technical, engineering, and mathematics capabilities of covered educational institutions pursuant to the strategies developed under subsection (a).

(c) **SUBMISSION.**—

(1) **BASIC RESEARCH ENTITIES.**—Not later than 180 days after the date of the enactment of this Act, the heads of each basic research entity shall each submit to the congressional defense committees the strategy developed by the head under subsection (a)(1).

(2) **OFFICE OF THE SECRETARY.**—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees the strategy developed under subsection (b).

(d) **COVERED INSTITUTION DEFINED.**—In this section:

(1) The term “basic research entity” means an entity of the Department of Defense that executes research, development, test, and evaluation budget activity 1 funding, as

described in the Department of Defense Financial Management Regulation.

(2) The term “covered educational institution” has the meaning given that term in section 2362(e) of title 10, United States Code.

SEC. 234. REPORT ON COMMERCIAL-OFF-THE-SHELF WIDE-AREA SURVEILLANCE SYSTEMS FOR ARMY TACTICAL UNMANNED AERIAL SYSTEMS.

(a) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a report that contains the findings of a market survey and assessment of commercial-off-the-shelf wide-area surveillance sensors operationally suitable for insertion into the tactical unmanned aerial systems of the Army.

(b) **ELEMENTS.**—The market survey and assessment contained in the report under subsection (a) shall include—

(1) specific details regarding the capabilities of current and commercial-off-the-shelf wide-area surveillance sensors that are, or could be, used on tactical unmanned aerial systems of the Army, including—

(A) daytime and nighttime monitoring coverage;

(B) video resolution outputs;

(C) bandwidth requirements;

(D) activity-based intelligence and forensic capabilities;

(E) simultaneous region of interest monitoring capability;

(F) interoperability with other sensors and subsystems currently used on such tactical unmanned aerial systems;

(G) sensor weight;

(H) sensor cost;

(I) frame rates;

(J) on-board processing capabilities; and

(K) any other factors the Secretary considers relevant;

(2) an assessment of the effect on such tactical unmanned aerial systems due to the insertion of commercial-off-the-shelf wide-area surveillance sensors; and

(3) recommendations on the advisability and feasibility to upgrade or enhance wide-area surveillance sensors of such tactical unmanned aerial systems, as considered appropriate by the Secretary.

(c) **FORM.**—The report under subsection (a) may contain a classified annex.

SEC. 235. REPORT ON TACTICAL COMBAT TRAINING SYSTEM INCREMENT II.

(a) **REPORT.**—Not later than January 29, 2016, the Secretary of the Navy and the Secretary of the Air Force shall submit to the congressional defense committees a report on the baseline and alternatives to the Tactical Air Combat Training System (TCTS) Increment II of the Navy.

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

(1) An explanation of the rationale for a new start TCTS II program as compared to an incremental upgrade to the existing TCTS system.

(2) An estimate of total cost to develop, procure, and replace the existing Department of the Navy TCTS architecture with an encrypted TCTS II compared to upgrades to existing TCTS.

(3) A cost estimate and schedule comparison of achieving encryption requirements into the existing TCTS program as compared to TCTS II.

(4) A review of joint Department of the Air Force and the Department of the Navy investment in live-virtual-constructive advanced air combat training and planned timeline for inclusion into TCTS II architecture.

(5) A cost estimate to integrate F–35 aircraft with TCTS II and achieve interoperability between the Department of the Navy and Department of the Air Force.

(6) A cost estimate for coalition partners to achieve TCTS II interoperability within the Department of Defense.

(7) An assessment of risks posed by non-interoperable TCTS systems within the Department of the Navy and the Department of the Air Force.

(8) An explanation of the acquisition strategy for the TCTS program.

(9) An explanation of key performance parameters for the TCTS II program.

(10) Any other information the Secretary of the Navy and Secretary of the Air Force determine is appropriate to include.

SEC. 236. REPORT ON TECHNOLOGY READINESS LEVELS OF THE TECHNOLOGIES AND CAPABILITIES CRITICAL TO THE LONG-RANGE STRIKE BOMBER AIRCRAFT.

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the technology readiness levels of the technologies and capabilities critical to the long-range strike bomber aircraft.

(b) **REVIEW BY COMPTROLLER GENERAL OF THE UNITED STATES.**—Not later than 60 days after the report of the Secretary is submitted under subsection (a), the Comptroller General of the United States shall review the report and submit to the congressional defense committees an assessment of the matters contained in the report.

SEC. 237. ASSESSMENT OF AIR-LAND MOBILE TACTICAL COMMUNICATIONS AND DATA NETWORK REQUIREMENTS AND CAPABILITIES.

(a) **ASSESSMENT REQUIRED.**—The Director of Cost Assessment and Program Evaluation shall seek to enter into a contract with a federally funded research and development center to conduct a comprehensive assessment of current and future requirements and capabilities of the Army with respect to air-land ad hoc, mobile tactical communications and data networks, including the technological feasibility, suitability, and survivability of such networks.

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

(1) Concepts, capabilities, and capacities of current or future communications and data network systems to meet the requirements of current or future tactical operations effectively, efficiently, and affordably.

(2) Software requirements and capabilities, particularly with respect to communications and data network waveforms.

(3) Hardware requirements and capabilities, particularly with respect to receiver and transmission technology, tactical communications, and data radios at all levels and on all platforms, all associated technologies, and their integration, compatibility, and interoperability.

(4) Any other matters relevant or necessary for a comprehensive assessment of tactical networks or networking in the Warfighter Information Network-Tactical (Increments 1 and 2).

(c) **INDEPENDENT ENTITY.**—The Director shall select a federally funded research and development center with direct, long-standing, and demonstrated experience and expertise in program test and evaluation of concepts, requirements, and technologies for joint tactical communications and data networking to perform the assessment under subsection (a).

(d) **REPORT REQUIRED.**—Not later than April 30, 2016, the Secretary of Defense shall submit to the congressional defense commitments a report including the findings and recommendations of the assessment conducted under subsection (a), together with the separate comments of the Secretary of Defense and the Secretary of the Army.

SEC. 238. STUDY OF FIELD FAILURES INVOLVING COUNTERFEIT ELECTRONIC PARTS.

(a) **IN GENERAL.**—The Secretary of Defense shall conduct a hardware assurance study to assess the presence, scope, and effect on Department of Defense operations of counterfeit electronic parts that have passed through the supply chain of the Department and into fielded systems.

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

(1) The technical analysis conducted under paragraph (1) of subsection (c).

(2) The report on the technical assessment submitted under paragraph (3)(B) of subsection (c).

(3) Recommendations for such legislative and administrative action, including budget requirements, as the Secretary considers necessary to conduct sampling and technical hardware analyses of counterfeit parts in identified areas of high concern.

(c) **EXECUTION AND TECHNICAL ANALYSIS.**—

(1) **IN GENERAL.**—The Secretary shall direct the executive agent for printed circuit board technology designated under section 256(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 10 U.S.C. 2501 note) to coordinate the execution of the study under subsection (a) using capabilities of the Department in effect on the day before the date of the enactment of this Act to conduct a technical analysis on a sample of failed electronic parts in fielded systems.

(2) **ELEMENTS.**—The technical analysis required by paragraph (1) shall include the following:

(A) The selection of a representative sample of electronic component types, including digital, mixed-signal, and analog integrated circuits.

(B) An assessment of the presence of counterfeit parts, including causes and attributes of failures of any identified counterfeit part.

(C) For components found to have counterfeit parts, an assessment of the effect of the counterfeit part in the failure mechanism.

(D) For cases with counterfeit parts contributing to the failure, a determination of the failure attributes, factors, and effects on subsystem and system level reliability, readiness, and performance.

(3) TECHNICAL ASSESSMENT.—For any parts assessed under paragraph (2) that demonstrate unusual or suspicious failure mechanisms, the federation established under section 937(a)(1) of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 10 U.S.C. 2224 note) shall—

(A) conduct a technical assessment for indications of malicious tampering; and

(B) submit to the executive agent described in paragraph (1) a report on the findings of the federation with respect to the technical assessment.

(d) REPORT.—

(1) IN GENERAL.—Not later than 540 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the study carried out under subsection (a).

(2) CONTENTS.—The report required by paragraph (1) shall include the following:

(A) The findings of the Secretary with respect to the study conducted under subsection (a).

(B) The recommendations developed under subsection (b)(3).

SEC. 239. AIRBORNE DATA LINK PLAN.

(a) PLAN REQUIRED.—The Under Secretary of Defense for Acquisition, Technology, and Logistics and the Vice Chairman of the Joint Chiefs of Staff shall jointly, in consultation with the Secretary of the Navy and the Secretary of the Air Force, develop a plan—

(1) to provide objective survivable communications gateways to enable—

(A) the secure dissemination of national and tactical intelligence information to fourth-generation fighter aircraft and supporting airborne platforms and to low-observable penetrating platforms such as the F–22 and F–35 aircraft; and

(B) the secure reception and dissemination of sensor data from low-observable penetrating aircraft, such as the F–22 and F–35 aircraft;

(2) to provide secure data sharing between the fifth-generation fighter aircraft of the Navy, the Air Force, and the Marine Corps, with minimal changes to the outer surfaces of the aircraft and to aircraft operational flight programs; and

(3) to enable secure data sharing between fifth-generation and fourth-generation aircraft in jamming environments.

(b) ADDITIONAL PLAN REQUIREMENTS.—The plan under subsection (a) shall include non-proprietary and open systems approaches that are compatible with the rapid capabilities office

open mission systems initiative of the Air Force and the future airborne capability environment initiative of the Navy.

(c) BRIEFING.—Not later than February 15, 2016, the Under Secretary and the Vice Chairman shall jointly provide to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate a briefing on the plan under subsection (a).

10 USC 2358
note.

SEC. 240. PLAN FOR ADVANCED WEAPONS TECHNOLOGY WAR GAMES.

(a) PLAN REQUIRED.—The Secretary of Defense, in coordination with the Chairman of the Joint Chiefs of Staff, shall develop and implement a plan for integrating advanced weapons and offset technologies into exercises carried out individually and jointly by the military departments to improve the development and experimentation of various concepts for employment by the Armed Forces.

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

(1) Identification of specific exercises to be carried out individually or jointly by the military departments under the plan.

(2) Identification of emerging advanced weapons and offset technologies based on joint and individual recommendations of the military departments, including with respect to directed-energy weapons, hypersonic strike systems, autonomous systems, or other technologies as determined by the Secretary.

(3) A schedule for integrating either prototype capabilities or table-top exercises into relevant exercises.

(4) A method for capturing lessons learned and providing feedback both to the developers of the advanced weapons and offset technology and the military departments.

(c) SUBMISSION.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report containing the plan under subsection (a) and a status update on the implementation of such plan.

SEC. 241. INDEPENDENT ASSESSMENT OF F135 ENGINE PROGRAM.

(a) ASSESSMENT.—The Secretary of Defense shall seek to enter into a contract with a federally funded research and development center to conduct an assessment of the F135 engine program.

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

(1) An assessment of the reliability, growth, and cost-reduction efforts with respect to the F135 engine program, including—

(A) a detailed description of the reliability and cost history of the engine;

(B) the identification of key reliability and cost challenges to the program as of the date of the assessment; and

(C) the identification of any potential options for addressing such challenges.

(2) In accordance with subsection (c), a thorough assessment of the incident on June 23, 2014, consisting of an F135 engine failure and subsequent fire, including—

(A) the identification and definition of the root cause of the incident;

(B) the identification of potential actions or design changes needed to address such root cause; and

(C) the associated cost, schedule, and performance implications of such incident to both the F135 engine program and the F–35 Joint Strike Fighter program.

(c) CONDUCT OF ASSESSMENT.—The federally funded research and development center selected to conduct the assessment under subsection (a) shall carry out subsection (b)(2) by analyzing data collected by the F–35 Joint Program Office, other elements of the Federal Government, or contractors. Nothing in this section may be construed as affecting the plans of the Secretary to dispose of the aircraft involved in the incident described in such subsection (b)(2).

(d) REPORT.—Not later than March 15, 2016, the Secretary shall submit to the congressional defense committees a report containing the assessment conducted under subsection (a).

SEC. 242. COMPTROLLER GENERAL REVIEW OF AUTONOMIC LOGISTICS INFORMATION SYSTEM FOR F–35 LIGHTNING II AIRCRAFT.

(a) REPORT.—Not later than April 1, 2016, the Comptroller General of the United States shall submit to the congressional defense committees a report on the autonomic logistics information system for the F–35 Lightning II aircraft program.

(b) ELEMENTS.—The report under subsection (a) shall include, at a minimum, the following:

(1) The fielding status, in terms of units equipped with various software and hardware configurations, for the autonomic logistics information system element of the F–35 Lightning II aircraft program, as of the date of the report.

(2) The development schedule for upgrades to the autonomic logistics information system, and an assessment of the ability of the F–35 Lightning II aircraft program to maintain such schedule.

(3) The views of maintenance personnel and other personnel involved in operating and maintaining F–35 Lightning II aircraft in testing and operational units.

(4) The effect of the autonomic logistics information system program on the operational availability of the F–35 Lightning II aircraft program.

(5) Improvements, if any, regarding the time required for maintenance personnel to input data and use the autonomic logistics information system.

(6) The ability of the autonomic logistics information system to be deployed on both ships and to forward land-based locations, including any limitations of such a deployable version.

(7) The cost estimates for development and fielding of the autonomic logistics information system program and an assessment of the capability of the program to address performance problems within the planned resources.

(8) Other matters regarding the autonomic logistics information system that the Comptroller General determines of critical importance to the long-term viability of the system.

SEC. 243. SENSE OF CONGRESS REGARDING FACILITATION OF A HIGH QUALITY TECHNICAL WORKFORCE.

It is the sense of Congress that the Secretary of Defense should explore using existing authorities for promoting science, technology,

engineering, and mathematics programs, such as under section 233 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 10 U.S.C. 2193a note), to allow laboratories of the Department of Defense and federally funded research and development centers to help facilitate and shape a high quality scientific and technical future workforce that can support the needs of the Department.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Authorization of appropriations.

Subtitle B—Energy and Environment

- Sec. 311. Limitation on procurement of drop-in fuels.
- Sec. 312. Southern Sea Otter Military Readiness Areas.
- Sec. 313. Modification of energy management reporting requirements.
- Sec. 314. Revision to scope of statutorily required review of projects relating to potential obstructions to aviation so as to apply only to energy projects.
- Sec. 315. Exclusions from definition of “chemical substance” under Toxic Substances Control Act.

Subtitle C—Logistics and Sustainment

- Sec. 322. Repeal of limitation on authority to enter into a contract for the sustainment, maintenance, repair, or overhaul of the F117 engine.
- Sec. 323. Pilot programs for availability of working-capital funds for product improvements.

Subtitle D—Reports

- Sec. 331. Modification of annual report on prepositioned materiel and equipment.
- Sec. 332. Report on merger of Office of Assistant Secretary for Operational Energy Plans and Deputy Under Secretary for Installations and Environment.
- Sec. 333. Report on equipment purchased noncompetitively from foreign entities.

Subtitle E—Other Matters

- Sec. 341. Prohibition on contracts making payments for honoring members of the Armed Forces at sporting events.
- Sec. 342. Military animals: transfer and adoption.
- Sec. 343. Temporary authority to extend contracts and leases under the ARMS Initiative.
- Sec. 344. Improvements to Department of Defense excess property disposal.
- Sec. 345. Limitation on use of funds for Department of Defense sponsorships, advertising, or marketing associated with sports-related organizations or sporting events.
- Sec. 346. Reduction in amounts available for Department of Defense headquarters, administrative, and support activities.

Subtitle A—Authorization of Appropriations

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2016 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, as specified in the funding table in section 4301.

Subtitle B—Energy and Environment

SEC. 311. LIMITATION ON PROCUREMENT OF DROP-IN FUELS.

(a) IN GENERAL.—Subchapter II of chapter 173 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 2922h. Limitation on procurement of drop-in fuels

10 USC 2922h.

“(a) LIMITATION.—Except as provided in subsection (b), the Secretary of Defense may not make a bulk purchase of a drop-in fuel for operational purposes unless the fully burdened cost of that drop-in fuel is cost-competitive with the fully burdened cost of a traditional fuel available for the same purpose.

“(b) WAIVER.—(1) Subject to the requirements of paragraph (2), the Secretary of Defense may waive the limitation under subsection (a) with respect to a purchase.

“(2) Not later than 30 days after issuing a waiver under this subsection, the Secretary shall submit to the congressional defense committees notice of the waiver. Any such notice shall include each of the following:

“(A) The rationale of the Secretary for issuing the waiver.

“(B) A certification that the waiver is in the national security interest of the United States.

“(C) The expected fully burdened cost of the purchase for which the waiver is issued.

“(c) DEFINITIONS.—In this section:

“(1) The term ‘drop-in fuel’ means a neat or blended liquid hydrocarbon fuel designed as a direct replacement for a traditional fuel with comparable performance characteristics and compatible with existing infrastructure and equipment.

“(2) The term ‘traditional fuel’ means a liquid hydrocarbon fuel derived or refined from petroleum.

“(3) The term ‘operational purposes’—

“(A) means for the purposes of conducting military operations, including training, exercises, large scale demonstrations, and moving and sustaining military forces and military platforms; and

“(B) does not include research, development, testing, evaluation, fuel certification, or other demonstrations.

“(4) The term ‘fully burdened cost’ means the commodity price of the fuel plus the total cost of all personnel and assets required to move and, when necessary, protect the fuel from the point at which the fuel is received from the commercial supplier to the point of use.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 2922g the following new item:

10 USC
2922 prec.

“2922h. Limitation on procurement of drop-in fuels.”

SEC. 312. SOUTHERN SEA OTTER MILITARY READINESS AREAS.

(a) ESTABLISHMENT OF THE SOUTHERN SEA OTTER MILITARY READINESS AREAS.—Chapter 631 of title 10, United States Code, is amended by adding at the end the following new section:

10 USC 7235.

“§ 7235. Establishment of the Southern Sea Otter Military Readiness Areas

“(a) ESTABLISHMENT.—The Secretary of the Navy shall establish areas, to be known as ‘Southern Sea Otter Military Readiness Areas’, for national defense purposes. Such areas shall include each of the following:

“(1) The area that includes Naval Base Ventura County, San Nicolas Island, and Begg Rock and the adjacent and surrounding waters within the following coordinates:

“N. Latitude/W. Longitude

33°27.8′/119°34.3′
 33°20.5′/119°15.5′
 33°13.5′/119°11.8′
 33°06.5′/119°15.3′
 33°02.8′/119°26.8′
 33°08.8′/119°46.3′
 33°17.2′/119°56.9′
 33°30.9′/119°54.2′.

“(2) The area that includes Naval Base Coronado, San Clemente Island and the adjacent and surrounding waters running parallel to shore to 3 nautical miles from the high tide line designated by part 165 of title 33, Code of Federal Regulations, on May 20, 2010, as the San Clemente Island 3NM Safety Zone.

“(b) ACTIVITIES WITHIN THE SOUTHERN SEA OTTER MILITARY READINESS AREAS.—

“(1) INCIDENTAL TAKINGS UNDER ENDANGERED SPECIES ACT OF 1973.—Sections 4 and 9 of the Endangered Species Act of 1973 (16 U.S.C. 1533, 1538) shall not apply with respect to the incidental taking of any southern sea otter in the Southern Sea Otter Military Readiness Areas in the course of conducting a military readiness activity.

“(2) INCIDENTAL TAKINGS UNDER MARINE MAMMAL PROTECTION ACT OF 1972.—Sections 101 and 102 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1371, 1372) shall not apply with respect to the incidental taking of any southern sea otter in the Southern Sea Otter Military Readiness Areas in the course of conducting a military readiness activity.

“(3) TREATMENT AS SPECIES PROPOSED TO BE LISTED.—For purposes of conducting a military readiness activity, any southern sea otter while within the Southern Sea Otter Military Readiness Areas shall be treated for the purposes of section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536) as a member of a species that is proposed to be listed as an endangered species or a threatened species under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533).

“(c) REMOVAL.—Nothing in this section or any other Federal law shall be construed to require that any southern sea otter located within the Southern Sea Otter Military Readiness Areas be removed from the Areas.

“(d) REVISION OR TERMINATION OF EXCEPTIONS.—The Secretary of the Interior may revise or terminate the application of subsection

(b) if the Secretary of the Interior, in consultation with the Secretary of the Navy, determines that military activities occurring in the Southern Sea Otter Military Readiness Areas are impeding the southern sea otter conservation or the return of southern sea otters to optimum sustainable population levels.

“(e) MONITORING.—

“(1) IN GENERAL.—The Secretary of the Navy shall conduct monitoring and research within the Southern Sea Otter Military Readiness Areas to determine the effects of military readiness activities on the growth or decline of the southern sea otter population and on the near-shore ecosystem. Monitoring and research parameters and methods shall be determined in consultation with the Service.

“(2) REPORTS.—Not later than 24 months after the date of the enactment of this section and every three years thereafter, the Secretary of the Navy shall report to Congress and the public on monitoring undertaken pursuant to paragraph (1).

“(f) DEFINITIONS.—In this section:

“(1) SOUTHERN SEA OTTER.—The term ‘southern sea otter’ means any member of the subspecies *Enhydra lutris nereis*.

“(2) TAKE.—The term ‘take’—

“(A) when used in reference to activities subject to regulation by the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), shall have the meaning given such term in that Act; and

“(B) when used in reference to activities subject to regulation by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.) shall have the meaning given such term in that Act.

“(3) INCIDENTAL TAKING.—The term ‘incidental taking’ means any take of a southern sea otter that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity.

“(4) MILITARY READINESS ACTIVITY.—The term ‘military readiness activity’ has the meaning given that term in section 315(f) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (16 U.S.C. 703 note) and includes all training and operations of the armed forces that relate to combat and the adequate and realistic testing of military equipment, vehicles, weapons, and sensors for proper operation and suitability for combat use.

“(5) OPTIMUM SUSTAINABLE POPULATION.—The term ‘optimum sustainable population’ means, with respect to any population stock, the number of animals that will result in the maximum productivity of the population or the species, keeping in mind the carrying capacity of the habitat and the health of the ecosystem of which they form a constituent element.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“7235. Establishment of the Southern Sea Otter Military Readiness Areas.”

SEC. 313. MODIFICATION OF ENERGY MANAGEMENT REPORTING REQUIREMENTS.

Section 2925(a) of title 10, United States Code, is amended—

10 USC
7201 prec.

- (1) by striking paragraphs (4) and (7);
- (2) by redesignating paragraphs (5), (6), (8), (9), (10), (11), and (12) as paragraphs (4), (5), (6), (7), (8), (9), and (10), respectively;
- (3) by amending paragraph (7), as redesignated by paragraph (2) of this section, to read as follows:
 - “(7) A description and estimate of the progress made by the military departments in meeting current high performance and sustainable building standards under the Unified Facilities Criteria.”;
- (4) by amending paragraph (9), as redesignated by such paragraph (2), to read as follows:
 - “(9) Details of all commercial utility outages caused by threats and those caused by hazards at military installations that last eight hours or longer, whether or not the outage was mitigated by backup power, including non-commercial utility outages and Department of Defense-owned infrastructure, including the total number and location of outages, the financial impact of the outages, and measure taken to mitigate outages in the future at the affected locations and across the Department of Defense.”; and
- (5) by adding at the end the following new paragraph:
 - “(11) At the discretion of the Secretary of Defense, a classified annex, as appropriate.”.

SEC. 314. REVISION TO SCOPE OF STATUTORILY REQUIRED REVIEW OF PROJECTS RELATING TO POTENTIAL OBSTRUCTIONS TO AVIATION SO AS TO APPLY ONLY TO ENERGY PROJECTS.

(a) **SCOPE OF SECTION.**—Section 358 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4198; 49 U.S.C. 44718 note) is amended—

- (1) in subsection (c)(3), by striking “from State and local officials or the developer of a renewable energy development or other energy project” and inserting “from a State government, an Indian tribal government, a local government, a landowner, or the developer of an energy project”;
- (2) in subsection (c)(4), by striking “readiness, and” and all that follows and inserting “readiness and to clearly communicate to such parties actions being taken by the Department of Defense under this section.”;
- (3) in subsection (d)(2)(B), by striking “as high, medium, or low”;
- (4) by redesignating subsection (j) as subsection (k); and
- (5) by inserting after subsection (i) the following new subsection (j):

“(j) **APPLICABILITY OF SECTION.**—This section does not apply to a non-energy project.”.

(b) **DEFINITIONS.**—Subsection (k) of such section, as redesignated by paragraph (4) of subsection (a), is amended by adding at the end the following new paragraphs:

- “(4) The term ‘energy project’ means a project that provides for the generation or transmission of electrical energy.
- “(5) The term ‘non-energy project’ means a project that is not an energy project.

“(6) The term ‘landowner’ means a person or other legal entity that owns a fee interest in real property on which a proposed energy project is planned to be located.”

SEC. 315. EXCLUSIONS FROM DEFINITION OF “CHEMICAL SUBSTANCE” UNDER TOXIC SUBSTANCES CONTROL ACT.

Section 3(2)(B)(v) of the Toxic Substances Control Act (15 U.S.C. 2602(2)(B)(v)) is amended by striking “, and” and inserting “and any component of such an article (limited to shot shells, cartridges, and components of shot shells and cartridges), and”.

Subtitle C—Logistics and Sustainment

SEC. 322. REPEAL OF LIMITATION ON AUTHORITY TO ENTER INTO A CONTRACT FOR THE SUSTAINMENT, MAINTENANCE, REPAIR, OR OVERHAUL OF THE F117 ENGINE.

Section 341 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3345) is repealed.

SEC. 323. PILOT PROGRAMS FOR AVAILABILITY OF WORKING-CAPITAL FUNDS FOR PRODUCT IMPROVEMENTS.

(a) **PILOT PROGRAMS REQUIRED.**—During fiscal year 2016, each of the Assistant Secretary of the Army for Acquisition, Logistics, and Technology, the Assistant Secretary of the Navy for Research, Development, and Acquisition, and the Assistant Secretary of the Air Force for Acquisition shall initiate a pilot program pursuant to section 330 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 68), as amended by section 332 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 1697).

(b) **LIMITATION ON AVAILABILITY OF FUNDS.**—A minimum of \$5,000,000 of working-capital funds shall be used for each of the pilot programs initiated under subsection (a) for fiscal year 2016.

Subtitle D—Reports

SEC. 331. MODIFICATION OF ANNUAL REPORT ON PREPOSITIONED MATERIEL AND EQUIPMENT.

Section 2229a(a)(8) of title 10, United States Code, is amended to read as follows:

“(8) A list of any equipment used in support of contingency operations slated for retrograde and subsequent inclusion in the prepositioned stocks.”

SEC. 332. REPORT ON MERGER OF OFFICE OF ASSISTANT SECRETARY FOR OPERATIONAL ENERGY PLANS AND DEPUTY UNDER SECRETARY FOR INSTALLATIONS AND ENVIRONMENT.

The Secretary of Defense shall submit to Congress a report on the merger of the Office of the Assistant Secretary of Defense for Operational Energy Plans and the Office of the Deputy Under Secretary of Defense for Installations and Environment under section 901 of the National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3462). Such report shall include—

(1) a description of how the office is implementing its responsibilities under sections 138(b)(9), 138(c), and 2925(b) of title 10, United States Code, and Department of Defense Directives 5134.15 (Assistant Secretary of Defense for Operational Energy Plans and Programs) and 4280.01 (Department of Defense Energy Policy);

(2) a description of any efficiencies achieved as a result of the merger; and

(3) the number of Department of Defense personnel whose responsibilities are focused on energy matters specifically.

SEC. 333. REPORT ON EQUIPMENT PURCHASED NONCOMPETITIVELY FROM FOREIGN ENTITIES.

(a) **REPORT REQUIRED.**—Not later than March 30, 2016, the Secretary of Defense shall submit to the congressional defense committees a report containing a list of each contract awarded to a foreign entity outside of the national technology and industrial base, as described in section 2505(c) of title 10, United States Code, by the Department of Defense during fiscal years 2011 through 2015—

(1) using procedures other than competitive procedures; and

(2) for the procurement of equipment, weapons, weapons systems, components, subcomponents, or end-items with a value of \$10,000,000 or more.

(b) **ELEMENTS OF REPORT.**—The report required by subsection (a) shall include, for each contract listed, each of the following:

(1) An identification of the items purchased under the contract—

(A) described in section 8302(a)(1) of title 41, United States Code, and purchased from a foreign manufacturer by reason of an exception under section 8302(a)(2)(A) or section 8302(a)(2)(B) of such title;

(B) described in section 2533b(a)(1) of title 10, United States Code, and purchased from a foreign manufacturer by reason of an exception under section 2533b(b); and

(C) described in section 2534(a) of such title and purchased from a foreign manufacturer by reason of a waiver exercised under paragraph (1), (2), (4), or (5) of section 2534(d) of such title.

(2) The rationale for using the exception or waiver.

(3) A list of potential alternative manufacturing sources from the public and private sector that could be developed to establish competition for those items.

Subtitle E—Other Matters

SEC. 341. PROHIBITION ON CONTRACTS MAKING PAYMENTS FOR HONORING MEMBERS OF THE ARMED FORCES AT SPORTING EVENTS.

(a) **PROHIBITION.**—Subchapter I of chapter 134 of title 10, United States Code, is amended by inserting after section 2241a the following new section:

“§ 2241b. Prohibition on contracts providing payments for activities at sporting events to honor members of the armed forces 10 USC 2241b.

“(a) PROHIBITION.—The Department of Defense may not enter into any contract or other agreement under which payments are to be made in exchange for activities by the contractor intended to honor, or giving the appearance of honoring, members of the armed forces (whether members of the regular components or the reserve components) at any form of sporting event.

“(b) CONSTRUCTION.—Nothing in subsection (a) shall be construed as prohibiting the Department of Defense from taking actions to facilitate activities intended to honor members of the armed forces at sporting events that are provided on a pro bono basis or otherwise funded with non-Federal funds if such activities are provided and received in accordance with applicable rules and regulations regarding the acceptance of gifts by the military departments, the armed forces, and members of the armed forces.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of chapter 134 of title 10, United States Code, is amended by inserting after the item relating to section 2241a the following new item:

10 USC
2241 prec.

“2241b. Prohibition on contracts providing payments for activities at sporting events to honor members of the armed forces.”

SEC. 342. MILITARY ANIMALS: TRANSFER AND ADOPTION.

(a) AVAILABILITY FOR ADOPTION.—Section 2583(a) of title 10, United States Code, is amended by striking “may” in the matter preceding paragraph (1) and inserting “shall”.

(b) AUTHORIZED RECIPIENTS.—Subsection (c) of section 2583 of title 10, United States Code, is amended to read as follows:

“(c) AUTHORIZED RECIPIENTS.—(1) A military animal shall be made available for adoption under this section, in order of recommended priority—

“(A) by former handlers of the animal;

“(B) by other persons capable of humanely caring for the animal; and

“(C) by law enforcement agencies.

“(2) If the Secretary of the military department concerned determines that an adoption is justified under subsection (a)(2) under circumstances under which the handler of a military working dog is wounded in action, the dog shall be made available for adoption only by the handler. If the Secretary of the military department concerned determines that such an adoption is justified under circumstances under which the handler of a military working dog is killed in action or dies of wounds received in action, the military working dog shall be made available for adoption only by a parent, child, spouse, or sibling of the deceased handler.”

(c) TRANSFER FOR ADOPTION.—Subsection (f) of section 2583 of title 10, United States Code, is amended in the matter preceding paragraph (1) by striking “may transfer” and inserting “shall transfer”.

(d) LOCATION OF RETIREMENT.—Subsection (f) of such section is further amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by inserting “(1)” before “If the Secretary”;

(3) in paragraph (1), as designated by paragraph (2) of this subsection—

(A) by striking “, and no suitable adoption is available at the military facility where the dog is located,”; and

(B) in subparagraph (B), as designated by paragraph (1) of this subsection, by inserting “within the United States” after “to another location”; and

(4) by adding at the end the following new paragraph

(2):

“(2) Paragraph (1) shall not apply if at the time of retirement—

“(A) the dog is located outside the United States and a United States citizen or service member living abroad adopts the dog; or

“(B) the dog is located within the United States and suitable adoption is available where the dog is located.”.

(e) PREFERENCE IN ADOPTION FOR FORMER HANDLERS.—Such section is further amended—

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

(2) by inserting after subsection (f) the following new subsection (g):

“(g) PREFERENCE IN ADOPTION OF RETIRED MILITARY WORKING DOGS FOR FORMER HANDLERS.—(1) In providing for the adoption under this section of a retired military working dog described in paragraph (1) or (3) of subsection (a), the Secretary of the military department concerned shall accord a preference to the former handler of the dog unless the Secretary determines that adoption of the dog by the former handler would not be in the best interests of the dog.

“(2) In the case of a dog covered by paragraph (1) with more than one former handler seeking adoption of the dog at the time of adoption, the Secretary shall provide for the adoption of the dog by such former handler whose adoption of the dog will best serve the interests of the dog and such former handlers. The Secretary shall make any determination required by this paragraph with respect to a dog following consultation with the kennel master of the unit at which the dog was last located before adoption under this section.

“(3) Nothing in this subsection shall be construed as altering, revising, or overriding any policy of a military department for the adoption of military working dogs by law enforcement agencies before the end of the dogs’ useful lives.”.

10 USC 4554
note.

SEC. 343. TEMPORARY AUTHORITY TO EXTEND CONTRACTS AND LEASES UNDER THE ARMS INITIATIVE.

Contracts or subcontracts entered into pursuant to section 4554(a)(3)(A) of title 10, United States Code, on or before the date that is five years after the date of the enactment of this Act may include an option to extend the term of the contract or subcontract for an additional 25 years.

SEC. 344. IMPROVEMENTS TO DEPARTMENT OF DEFENSE EXCESS PROPERTY DISPOSAL.

(a) PLAN REQUIRED.—Not later than March 15, 2016, the Secretary of Defense shall submit to the congressional defense committees a plan for the improved management and oversight of the systems, processes, and controls involved in the disposition of excess non-mission essential equipment and materiel by the Defense Logistics Agency Disposition Services.

(b) CONTENTS OF PLAN.—At a minimum, the plan shall address each of the following:

(1) Backlogs of unprocessed property at disposition sites that do not meet Defense Logistics Agency Disposition Services goals.

(2) Customer wait times.

(3) Procedures governing the disposal of serviceable items in order to prevent the destruction of excess property eligible for utilization, transfer, or donation before potential recipients are able to view and obtain the property.

(4) Validation of materiel release orders.

(5) Assuring adequate physical security for the storage of equipment.

(6) The number of personnel required to effectively manage retrograde sort yards.

(7) Managing any potential increase in the amount of excess property to be processed.

(8) Improving the reliability of Defense Logistics Agency Disposition Services data.

(9) Procedures for ensuring no property is offered for public sale until all requirements for utilization, transfer, and donation are met.

(10) Validation of physical inventory against database entries.

(c) CONGRESSIONAL BRIEFING.—By not later than March 15, 2016, the Secretary shall provide to the congressional defense committees a briefing on the actions taken to implement the plan required under subsection (a).

SEC. 345. LIMITATION ON USE OF FUNDS FOR DEPARTMENT OF DEFENSE SPONSORSHIPS, ADVERTISING, OR MARKETING ASSOCIATED WITH SPORTS-RELATED ORGANIZATIONS OR SPORTING EVENTS.

Of the amounts authorized to be appropriated for the Department of Defense by this Act or otherwise made available to the Department for sponsorship, advertising, or marketing associated with sports-related organizations or sporting events, not more than 75 percent may be obligated or expended until the date on which the Under Secretary of Defense for Personnel and Readiness, in consultation with the Director of Accessions Policy—

(1) conducts a review of current contracts and task orders for such sponsorships, advertising, and marketing (as awarded by the regular and reserve components of the Armed Forces) in order to assess—

(A) whether such sponsorships, advertising, and marketing are effective in meeting the recruiting objectives of the Department;

(B) whether consistent metrics are used to evaluate the effectiveness of each such activity in generating leads and recruit accessions; and

(C) whether the return on investment for such activities is sufficient to warrant the continuing use of Department funds for such activities; and

(2) submits to the Committees on Armed Services of the Senate and the House of Representatives a report that includes—

(A) a description of the actions being taken to coordinate efforts of the Department relating to such sponsorships, advertising, and marketing, and to minimize duplicative contracts for such sponsorships, advertising, and marketing, as applicable; and

(B) the results of the review required by paragraph (1), including an assessment of the extent to which the continuing use of Department funds for such sponsorships, advertising, and marketing is warranted in light of the review and the actions described pursuant to subparagraph (A).

10 USC 111 note. **SEC. 346. REDUCTION IN AMOUNTS AVAILABLE FOR DEPARTMENT OF DEFENSE HEADQUARTERS, ADMINISTRATIVE, AND SUPPORT ACTIVITIES.**

(a) **PLAN FOR ACHIEVEMENT OF COST SAVINGS.—**

(1) **IN GENERAL.—**Commencing not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall implement a plan to ensure that the Department of Defense achieves not less than \$10,000,000,000 in cost savings from the headquarters, administrative, and support activities of the Department during the period beginning with fiscal year 2015 and ending with fiscal year 2019. The Secretary shall ensure that at least one half of the required cost savings are programmed for fiscal years before fiscal year 2018.

(2) **TREATMENT OF SAVINGS PURSUANT TO HEADQUARTERS REDUCTION.—**Documented savings achieved pursuant to the headquarters reduction requirement in subsection (b), other than savings achieved in fiscal year 2020, shall count toward the cost savings required by paragraph (1).

(3) **TREATMENT OF SAVINGS PURSUANT TO MANAGEMENT ACTIVITIES.—**Documented savings in the human resources management, health care management, financial flow management, information technology infrastructure and management, supply chain and logistics, acquisition and procurement, and real property management activities of the Department during the period referred to in paragraph (1) may be counted toward the cost savings required by paragraph (1).

(4) **TREATMENT OF SAVINGS PURSUANT TO FORCE STRUCTURE REVISIONS.—**Savings or reductions to military force structure or military operating units of the Armed Forces may not count toward the cost savings required by paragraph (1).

(5) **REPORTS.—**The Secretary shall include with the budget for the Department of Defense for each of fiscal years 2017, 2018, and 2019, as submitted to Congress pursuant to section 1105 of title 31, United States Code, a report describing and assessing the progress of the Department in implementing the plan required by paragraph (1) and in achieving the cost savings required by that paragraph.

(6) **COMPTROLLER GENERAL ASSESSMENTS.—**Not later than 90 days after the submittal of each report required by paragraph (5), the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth the assessment of the Comptroller General of the report and of the extent to which the Department of Defense is in compliance with the requirements of this section.

(b) **HEADQUARTERS REDUCTIONS.—**

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall modify the headquarters reduction plan required by section 904 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 816; 10 U.S.C. 111 note) to ensure that it achieves savings in the total funding available for major Department of Defense headquarters activities by fiscal year 2020 that are not less than 25 percent of the baseline amount. The modified plan shall establish a specific savings objective for each major headquarters activity in each fiscal year through fiscal year 2020. The budget for the Department of Defense for each fiscal year after fiscal year 2016 shall reflect the savings required by the modified plan.

(2) BASELINE AMOUNT.—For the purposes of this subsection, the baseline amount is the amount authorized to be appropriated by this Act for fiscal year 2016 for major Department of Defense headquarters activities, adjusted by a credit for reductions in such headquarters activities that are documented, as of the date that is 90 days after the date of the enactment of this Act, as having been accomplished in earlier fiscal years in accordance with the December 2013 directive of the Secretary of Defense on headquarters reductions. The modified plan issued pursuant to paragraph (1) shall include an overall baseline amount for all of the major Department of Defense headquarters activities that credits reductions accomplished in earlier fiscal years in accordance with the December 2013 directive, and a specific baseline amount for each such headquarters activity that credits such reductions.

(3) MAJOR DEPARTMENT OF DEFENSE HEADQUARTERS ACTIVITIES DEFINED.—In this subsection, the term “major Department of Defense headquarters activities” means the following:

(A) Each of the following organizations:

(i) The Office of the Secretary of Defense and the Joint Staff.

(ii) The Office of the Secretary of the Army and the Army Staff.

(iii) The Office of the Secretary of the Navy, the Office of the Chief of Naval Operations, and Headquarters, Marine Corps.

(iv) The Office of the Secretary of the Air Force and the Air Staff.

(v) The Office of the Chief, National Guard Bureau, and the National Guard Joint Staff.

(B)(i) Except as provided in clause (ii), headquarters elements of each of the following:

(I) The combatant commands, the sub-unified commands, and subordinate commands that directly report to such commands.

(II) The major commands of the military departments and the subordinate commands that directly report to such commands.

(III) The component commands of the military departments.

(IV) The Defense Agencies, the Department of Defense field activities, and the Office of the Inspector General of the Department of Defense.

(V) Department of Defense components that report directly to the organizations specified in subparagraph (A).

(ii) Subordinate commands and direct-reporting components otherwise described in clause (i) that do not have significant functions other than operational, operational intelligence, or tactical functions, or training for operational, operational intelligence, or tactical functions, are not headquarters elements for purposes of this subsection.

(4) IMPLEMENTATION.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall revise applicable guidance on the Department of Defense major headquarters activities as needed to—

(A) incorporate into such guidance the definition of the term “major Department of Defense headquarters activities” as provided in paragraph (3);

(B) ensure that the term “headquarters element”, as used in paragraph (3)(B), is consistently applied within such guidance to include—

(i) senior leadership and staff functions of applicable commands and components; and

(ii) direct support to senior leadership and staff functions of applicable commands and components and to higher headquarters;

(C) ensure that the budget and accounting systems of the Department of Defense are modified to track funding for the major Department of Defense headquarters activities as separate funding lines; and

(D) identify and address any deviation from the specific savings objective established for a headquarters activity in the modified plan issued by the Secretary pursuant to the requirement in paragraph (1).

(c) COMPREHENSIVE REVIEW OF HEADQUARTERS AND ADMINISTRATIVE AND SUPPORT ACTIVITIES.—

(1) IN GENERAL.—The Secretary of Defense shall conduct a comprehensive review of the management and operational headquarters of the Department of Defense for purposes of consolidating and streamlining headquarters functions and administrative and support activities.

(2) ELEMENTS.—The review required by paragraph (1) shall address the following:

(A) The extent, if any, to which the staff of the Secretaries of the military departments and the Chiefs of Staff of the Armed Forces have duplicative staff functions and services and could be consolidated into a single service staff.

(B) The extent, if any, to which the staff of the Office of the Secretary of Defense, the military departments, the Defense Agencies, and temporary organizations have duplicative staff functions and services and could be streamlined with respect to—

(i) performing oversight and making policy;

(ii) performing staff functions and services specific to the military department concerned;

(iii) performing multi-department staff functions and services; and

(iv) performing functions and services across the Department of Defense with respect to intelligence collection and analysis.

(C) The extent, if any, to which the Joint Staff, the combatant commands, and their subordinate service component commands have duplicative staff functions and services that could be shared, consolidated, eliminated, or otherwise streamlined with—

(i) the Joint Staff performing oversight and execution;

(ii) the staff of the combatant commands performing only staff functions and services specific to the combatant command concerned; and

(iii) the staff of the service component commands of the combatant commands performing only staff functions and services specific to the service component command concerned.

(D) The extent, if any, to which reductions in military and civilian end-strength in management or operational headquarters could be used to create, build, or fill shortages in force structure for operational units.

(E) The extent, if any, to which revisions are required to the Defense Officers Personnel Management Act, including requirements for officers to serve in joint billets, the number of qualifying billets, the rank structure in the joint billets, and the joint qualification requirement for officers to be promoted while serving for extensive periods in critical positions such as program managers of major defense acquisition programs, and officers in units of component forces supporting joint commands, in order to achieve efficiencies, provide promotion fairness and equity, and obtain effective governance in the management of the Department of Defense.

(F) The structure and staffing of the Joint Staff, and the number, structure, and staffing of the combatant commands and their subordinate service component commands, including, in particular—

(i) whether or not the staff organization of each such entity has documented and periodically validated requirements for such entity;

(ii) whether or not there are an appropriate number of combatant commands relative to the requirements of the National Security Strategy, the Quadrennial Defense Review, and the National Military Strategy; and

(iii) whether or not opportunities exist to consolidate staff functions and services common to the Joint Staff and the service component commands into a single staff organization that provides the required functions, services, capabilities, and capacities to the Chairman of the Joint Chiefs of Staff and supported combatant commanders, and if so—

(I) where in the organizational structure such staff functions, services, capabilities, and capacities would be established; and

(II) whether or not the military departments could execute such staff functions, services,

capabilities, and capacities while executing their requirements to organize, train, and equip the Armed Forces.

(G) The statutory and regulatory authority of the combatant commands to establish subordinate joint commands or headquarters, including joint task forces, led by a general or flag officer, and the extent, if any, to which the combatant commands have used such authority—

(i) to establish temporary or permanent subordinate joint commands or headquarters, including joint task forces, led by general or flag officers;

(ii) to disestablish temporary or permanent subordinate joint commands or headquarters, including joint task forces, led by general or flag officers;

(iii) to increase requirements for general and flag officers in the joint pool which are exempt from the end strength limitations otherwise applicable to general and flag officers in the Armed Forces;

(iv) to participate in the management of joint officer qualification in order to ensure the efficient and effective quality and quantity of officers needed to staff headquarters functions and services and return to the services officers with required professional experience and skills necessary to remain competitive for increased responsibility and authority through subsequent assignment or promotion, including by identifying—

(I) circumstances, if any, in which officers spend a disproportionate amount of time in their careers to attain joint officer qualifications with corresponding loss of opportunities to develop in the service-specific assignments needed to gain the increased proficiency and experience to qualify for service and command assignments; and

(II) circumstances, if any, in which the military departments detail officers to joint headquarters staffs in order to maximize the number of officers receiving joint duty credit with a focus on the quantity, instead of the quality, of officers achieving joint duty credit;

(v) to establish commanders' strategic planning groups, advisory groups, or similar parallel personal staff entities that could risk isolating function and staff processes, including an assessment of the justification used to establish such personal staff organizations and their impact on the effectiveness and efficiency of organizational staff functions, services, capabilities, and capacities; and

(vi) to ensure the identification and management of officers serving or having served in units in subordinate service component or joint commands during combat operations and did not receive joint credit for such service.

(3) CONSULTATION.—The Secretary shall, to the extent practicable and as the Secretary considers appropriate, conduct the review required by paragraph (1) in consultation with such

experts on matters covered by the review who are independent of the Department of Defense.

(4) REPORT.—Not later than March 1, 2016, the Secretary shall submit to the congressional defense committees a report setting forth the results of the review required by paragraph (1).

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

- Sec. 401. End strengths for active forces.
Sec. 402. Revisions in permanent active duty end strength minimum levels.

Subtitle B—Reserve Forces

- Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for reserves on active duty in support of the reserves.
Sec. 413. End strengths for military technicians (dual status).
Sec. 414. Fiscal year 2016 limitation on number of non-dual status technicians.
Sec. 415. Maximum number of reserve personnel authorized to be on active duty for operational support.

Subtitle C—Authorization of Appropriations

- Sec. 421. Military personnel.
Sec. 422. Report on force structure of the Army.

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 2016, as follows:

- (1) The Army, 475,000.
- (2) The Navy, 329,200.
- (3) The Marine Corps, 184,000.
- (4) The Air Force, 320,715.

SEC. 402. REVISIONS IN PERMANENT ACTIVE DUTY END STRENGTH MINIMUM LEVELS.

Section 691 of title 10, United States Code, is amended—
(1) in subsection (b), by striking paragraphs (1) through (4) and inserting the following new paragraphs:

- “(1) For the Army, 475,000.
“(2) For the Navy, 329,200.
“(3) For the Marine Corps, 184,000.
“(4) For the Air Force, 317,000.”; and

(2) in subsection (e), by striking “0.5 percent” and inserting “2 percent”.

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2016, as follows:

- (1) The Army National Guard of the United States, 342,000.
- (2) The Army Reserve, 198,000.

- (3) The Navy Reserve, 57,400.
- (4) The Marine Corps Reserve, 38,900.
- (5) The Air National Guard of the United States, 105,500.
- (6) The Air Force Reserve, 69,200.
- (7) The Coast Guard Reserve, 7,000.

(b) **END STRENGTH REDUCTIONS.**—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year; and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

(c) **END STRENGTH INCREASES.**—Whenever units or individual members of the Selected Reserve of any reserve component are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be increased proportionately by the total authorized strengths of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2016, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

- (1) The Army National Guard of the United States, 30,770.
- (2) The Army Reserve, 16,261.
- (3) The Navy Reserve, 9,934.
- (4) The Marine Corps Reserve, 2,260.
- (5) The Air National Guard of the United States, 14,748.
- (6) The Air Force Reserve, 3,032.

SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).

The minimum number of military technicians (dual status) as of the last day of fiscal year 2016 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

- (1) For the Army National Guard of the United States, 26,099.
- (2) For the Army Reserve, 7,395.
- (3) For the Air National Guard of the United States, 22,104.
- (4) For the Air Force Reserve, 9,814.

SEC. 414. FISCAL YEAR 2016 LIMITATION ON NUMBER OF NON-DUAL STATUS TECHNICIANS.

(a) **LIMITATIONS.**—

(1) **NATIONAL GUARD.**—Within the limitation provided in section 10217(c)(2) of title 10, United States Code, the number

of non-dual status technicians employed by the National Guard as of September 30, 2016, may not exceed the following:

(A) For the Army National Guard of the United States, 1,600.

(B) For the Air National Guard of the United States, 350.

(2) ARMY RESERVE.—The number of non-dual status technicians employed by the Army Reserve as of September 30, 2016, may not exceed 595.

(3) AIR FORCE RESERVE.—The number of non-dual status technicians employed by the Air Force Reserve as of September 30, 2016, may not exceed 90.

(b) NON-DUAL STATUS TECHNICIANS DEFINED.—In this section, the term “non-dual status technician” has the meaning given that term in section 10217(a) of title 10, United States Code.

SEC. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AUTHORIZED TO BE ON ACTIVE DUTY FOR OPERATIONAL SUPPORT.

During fiscal year 2016, the maximum number of members of the reserve components of the Armed Forces who may be serving at any time on full-time operational support duty under section 115(b) of title 10, United States Code, is the following:

(1) The Army National Guard of the United States, 17,000.

(2) The Army Reserve, 13,000.

(3) The Navy Reserve, 6,200.

(4) The Marine Corps Reserve, 3,000.

(5) The Air National Guard of the United States, 16,000.

(6) The Air Force Reserve, 14,000.

Subtitle C—Authorization of Appropriations

SEC. 421. MILITARY PERSONNEL.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 2016 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for military personnel, as specified in the funding table in section 4401.

(b) CONSTRUCTION OF AUTHORIZATION.—The authorization of appropriations in subsection (a) supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2016.

SEC. 422. REPORT ON FORCE STRUCTURE OF THE ARMY.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report containing the following:

(1) An assessment by the Secretary of Defense of reports by the Secretary of the Army on the force structure of the Army submitted to Congress under section 1066 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 1943) and section 1062 of the National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3503).

(2) An evaluation of the adequacy of the Army force structure proposed for the future-years defense program for fiscal

years 2017 through 2021 to meet the goals of the national military strategy of the United States.

(3) An independent risk assessment by the Chairman of the Joint Chiefs of Staff of the proposed Army force structure and the ability of such force structure to meet the operational requirements of combatant commanders.

(4) A description of the planning assumptions and scenarios used by the Department of Defense to validate the size and force structure of the Army, including the Army Reserve and the Army National Guard.

(5) A certification by the Secretary of Defense that the Secretary has reviewed the reports by the Secretary of the Army and the assessments of the Chairman of the Joint Chiefs of Staff and determined that an end strength for active duty personnel of the Army below the end strength level authorized in section 401(1) of the National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3348) will be adequate to meet the national military strategy of the United States.

(6) A description of various alternative options for allocating funds to ensure that the end strengths of the Army do not fall below levels of significant risk, as determined pursuant to the risk assessment conducted by the Chairman of the Joint Chiefs of Staff under paragraph (3).

(7) Such other information or updates as the Secretary of Defense considers appropriate.

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

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

- Sec. 501. Reinstatement of enhanced authority for selective early discharge of warrant officers.
- Sec. 502. Equitable treatment of junior officers excluded from an all-fully-qualified-officers list because of administrative error.
- Sec. 503. Enhanced flexibility for determination of officers to continue on active duty and for selective early retirement and early discharge.
- Sec. 504. Authority to defer until age 68 mandatory retirement for age of a general or flag officer serving as Chief or Deputy Chief of Chaplains of the Army, Navy, or Air Force.
- Sec. 505. General rule for warrant officer retirement in highest grade held satisfactorily.
- Sec. 506. Implementation of Comptroller General recommendation on the definition and availability of costs associated with general and flag officers and their aides.

Subtitle B—Reserve Component Management

- Sec. 511. Continued service in the Ready Reserve by Members of Congress who are also members of the Ready Reserve.
- Sec. 512. Clarification of purpose of reserve component special selection boards as limited to correction of error at a mandatory promotion board.
- Sec. 513. Increase in number of days of active duty required to be performed by reserve component members for duty to be considered Federal service for purposes of unemployment compensation for ex-servicemembers.
- Sec. 514. Temporary authority to use Air Force reserve component personnel to provide training and instruction regarding pilot training.
- Sec. 515. Assessment of Military Compensation and Retirement Modernization Commission recommendation regarding consolidation of authorities to order members of reserve components to perform duty.

Subtitle C—General Service Authorities

- Sec. 521. Limited authority for Secretary concerned to initiate applications for correction of military records.
- Sec. 522. Temporary authority to develop and provide additional recruitment incentives.
- Sec. 523. Expansion of authority to conduct pilot programs on career flexibility to enhance retention of members of the Armed Forces.
- Sec. 524. Modification of notice and wait requirements for change in ground combat exclusion policy for female members of the Armed Forces.
- Sec. 525. Role of Secretary of Defense in development of gender-neutral occupational standards.
- Sec. 526. Establishment of process by which members of the Armed Forces may carry an appropriate firearm on a military installation.
- Sec. 527. Establishment of breastfeeding policy for the Department of the Army.
- Sec. 528. Sense of Congress recognizing the diversity of the members of the Armed Forces.

Subtitle D—Military Justice, Including Sexual Assault and Domestic Violence
Prevention and Response

- Sec. 531. Enforcement of certain crime victim rights by the Court of Criminal Appeals.
- Sec. 532. Department of Defense civilian employee access to Special Victims' Counsel.
- Sec. 533. Authority of Special Victims' Counsel to provide legal consultation and assistance in connection with various Government proceedings.
- Sec. 534. Timely notification to victims of sex-related offenses of the availability of assistance from Special Victims' Counsel.
- Sec. 535. Additional improvements to Special Victims' Counsel program.
- Sec. 536. Enhancement of confidentiality of restricted reporting of sexual assault in the military.
- Sec. 537. Modification of deadline for establishment of Defense Advisory Committee on Investigation, Prosecution, and Defense of Sexual Assault in the Armed Forces.
- Sec. 538. Improved Department of Defense prevention and response to sexual assaults in which the victim is a male member of the Armed Forces.
- Sec. 539. Preventing retaliation against members of the Armed Forces who report or intervene on behalf of the victim of an alleged sex-related offense.
- Sec. 540. Sexual assault prevention and response training for administrators and instructors of Senior Reserve Officers' Training Corps.
- Sec. 541. Retention of case notes in investigations of sex-related offenses involving members of the Army, Navy, Air Force, or Marine Corps.
- Sec. 542. Comptroller General of the United States reports on prevention and response to sexual assault by the Army National Guard and the Army Reserve.
- Sec. 543. Improved implementation of changes to Uniform Code of Military Justice.
- Sec. 544. Modification of Rule 104 of the Rules for Courts-Martial to establish certain prohibitions concerning evaluations of Special Victims' Counsel.
- Sec. 545. Modification of Rule 304 of the Military Rules of Evidence relating to the corroboration of a confession or admission.

Subtitle E—Member Education, Training, and Transition

- Sec. 551. Enhancements to Yellow Ribbon Reintegration Program.
- Sec. 552. Availability of preseparation counseling for members of the Armed Forces discharged or released after limited active duty.
- Sec. 553. Availability of additional training opportunities under Transition Assistance Program.
- Sec. 554. Modification of requirement for in-resident instruction for courses of instruction offered as part of Phase II joint professional military education.
- Sec. 555. Termination of program of educational assistance for reserve component members supporting contingency operations and other operations.
- Sec. 556. Appointments to military service academies from nominations made by Delegates in Congress from the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.
- Sec. 557. Support for athletic programs of the United States Military Academy.
- Sec. 558. Condition on admission of defense industry civilians to attend the United States Air Force Institute of Technology.
- Sec. 559. Quality assurance of certification programs and standards for professional credentials obtained by members of the Armed Forces.
- Sec. 560. Prohibition on receipt of unemployment insurance while receiving post-9/11 education assistance.

- Sec. 561. Job Training and Post-Service Placement Executive Committee.
 Sec. 562. Recognition of additional involuntary mobilization duty authorities exempt from five-year limit on reemployment rights of persons who serve in the uniformed services.
 Sec. 563. Expansion of outreach for veterans transitioning from serving on active duty.

Subtitle F—Defense Dependents' Education and Military Family Readiness Matters

- Sec. 571. Continuation of authority to assist local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
 Sec. 572. Impact aid for children with severe disabilities.
 Sec. 573. Authority to use appropriated funds to support Department of Defense student meal programs in domestic dependent elementary and secondary schools located outside the United States.
 Sec. 574. Family support programs for immediate family members of members of the Armed Forces assigned to special operations forces.

Subtitle G—Decorations and Awards

- Sec. 581. Authorization for award of the Distinguished-Service Cross for acts of extraordinary heroism during the Korean War.

Subtitle H—Miscellaneous Reports and Other Matters

- Sec. 591. Coordination with non-government suicide prevention organizations and agencies to assist in reducing suicides by members of the Armed Forces.
 Sec. 592. Extension of semiannual reports on the involuntary separation of members of the Armed Forces.
 Sec. 593. Report on preliminary mental health screenings for individuals becoming members of the Armed Forces.
 Sec. 594. Report regarding new rulemaking under the Military Lending Act and Defense Manpower Data Center reports and meetings.
 Sec. 595. Remotely piloted aircraft career field manning shortfalls.

Subtitle A—Officer Personnel Policy

SEC. 501. REINSTATEMENT OF ENHANCED AUTHORITY FOR SELECTIVE EARLY DISCHARGE OF WARRANT OFFICERS.

Section 580a of title 10, United States Code, is amended—

(1) in subsection (a), by striking “November 30, 1993, and ending on October 1, 1999” and inserting “October 1, 2015, and ending on October 1, 2019”; and

(2) in subsection (c)—

(A) by striking paragraph (3); and

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

SEC. 502. EQUITABLE TREATMENT OF JUNIOR OFFICERS EXCLUDED FROM AN ALL-FULLY-QUALIFIED-OFFICERS LIST BECAUSE OF ADMINISTRATIVE ERROR.

(a) OFFICERS ON ACTIVE-DUTY LIST.—Section 624(a)(3) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

“(E) If the Secretary of the military department concerned determines that one or more officers or former officers were not placed on an all-fully-qualified-list under this paragraph because of administrative error, the Secretary may prepare a supplemental all-fully-qualified-officers list containing the names of any such officers for approval in accordance with this paragraph.”.

(b) OFFICERS ON RESERVE ACTIVE-STATUS LIST.—Section 14308(b)(4) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

“(E) If the Secretary of the military department concerned determines that one or more officers or former officers were not

placed on an all-fully-qualified-list under this paragraph because of administrative error, the Secretary may prepare a supplemental all-fully-qualified-officers list containing the names of any such officers for approval in accordance with this paragraph.”

(c) CONFORMING AMENDMENTS TO SPECIAL SELECTION BOARD AUTHORITY.—

(1) REGULAR COMPONENTS.—Section 628(a)(1) of title 10, United States Code, is amended by striking “or the name of a person that should have been placed on an all-fully-qualified-officers list under section 624(a)(3) of this title was not so placed,”.

(2) RESERVE COMPONENTS.—Section 14502(a)(1) of title 10, United States Code, is amended by striking “or whose name was not placed on an all-fully-qualified-officers list under section 14308(b)(4) of this title because of administrative error,”.

SEC. 503. ENHANCED FLEXIBILITY FOR DETERMINATION OF OFFICERS TO CONTINUE ON ACTIVE DUTY AND FOR SELECTIVE EARLY RETIREMENT AND EARLY DISCHARGE.

Section 638a(d)(2) of title 10, United States Code, is amended by striking “officers considered—” and all that follows and inserting “officers considered.”

SEC. 504. AUTHORITY TO DEFER UNTIL AGE 68 MANDATORY RETIREMENT FOR AGE OF A GENERAL OR FLAG OFFICER SERVING AS CHIEF OR DEPUTY CHIEF OF CHAPLAINS OF THE ARMY, NAVY, OR AIR FORCE.

(a) DEFERRAL AUTHORITY.—Section 1253 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(c) DEFERRED RETIREMENT OF CHAPLAINS.—(1) The Secretary of the military department concerned may defer the retirement under subsection (a) of an officer serving in a general or flag officer grade who is the Chief of Chaplains or Deputy Chief of Chaplains of that officer’s armed force.

“(2) A deferment of the retirement of an officer referred to in paragraph (1) may not extend beyond the first day of the month following the month in which the officer becomes 68 years of age.

“(3) The authority to defer the retirement of an officer referred to in paragraph (1) expires December 31, 2020. Subject to paragraph (2), a deferment granted before that date may continue on and after that date.”

(b) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of section 1253 of title 10, United States Code, is amended to read as follows:

“§ 1253. Age 64: regular commissioned officers in general and flag officer grades; exceptions”.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 63 of title 10, United States Code, is amended

10 USC
1251 prec.

by striking the item relating to section 1253 and inserting the following new item:

“1253. Age 64: regular commissioned officers in general and flag officer grades; exceptions.”.

SEC. 505. GENERAL RULE FOR WARRANT OFFICER RETIREMENT IN HIGHEST GRADE HELD SATISFACTORILY.

Section 1371 of title 10, United States Code, is amended to read as follows:

“§ 1371. Warrant officers: general rule

“Unless entitled to a higher retired grade under some other provision of law, a warrant officer shall be retired in the highest regular or reserve warrant officer grade in which the warrant officer served satisfactorily, as determined by the Secretary concerned.”.

SEC. 506. IMPLEMENTATION OF COMPTROLLER GENERAL RECOMMENDATION ON THE DEFINITION AND AVAILABILITY OF COSTS ASSOCIATED WITH GENERAL AND FLAG OFFICERS AND THEIR AIDES.

(a) DEFINITION OF COSTS.—

(1) IN GENERAL.—For the purpose of providing a consistent approach to estimating and managing the full costs associated with general and flag officers and their aides, the Secretary of Defense shall direct the Director, Cost Assessment and Program Evaluation, to define the costs that could be associated with general and flag officers since 2001, including—

- (A) security details;
- (B) Government and commercial air travel;
- (C) general and flag officer per diem;
- (D) enlisted and officer aide housing and travel costs;
- (E) general and flag officer additional support staff and their travel, equipment, and per diem costs;
- (F) general and flag officer official residences; and
- (G) any other associated costs incurred due to the nature of their position.

(2) COORDINATION.—The Director, Cost Assessment and Program Evaluation, shall prepare the definition of costs under paragraph (1) in coordination with the Under Secretary of Defense for Personnel and Readiness and the Secretaries of the military departments.

(b) REPORT ON COSTS ASSOCIATED WITH GENERAL AND FLAG OFFICERS AND AIDES.—Not later than June 30, 2016, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report describing the costs associated with general and flag officers and their enlisted and officer aides.

Subtitle B—Reserve Component Management

SEC. 511. CONTINUED SERVICE IN THE READY RESERVE BY MEMBERS OF CONGRESS WHO ARE ALSO MEMBERS OF THE READY RESERVE.

Section 10149 of title 10, United States Code, is amended—

- (1) by redesignating subsection (b) as subsection (c); and
- (2) by inserting after subsection (a) the following new subsection:

“(b)(1) In applying Ready Reserve continuous screening under this section, an individual who is both a member of the Ready Reserve and a Member of Congress may not be transferred to the Standby Reserve or discharged on account of the individual’s position as a Member of Congress.

“(2) The transfer or discharge of an individual who is both a member of the Ready Reserve and a Member of Congress may be ordered—

“(A) only by the Secretary of Defense or, in the case of a Member of Congress who also is a member of the Coast Guard Reserve, the Secretary of the Department in which the Coast Guard is operating when it is not operating as a service in the Navy; and

“(B) only on the basis of the needs of the service, taking into consideration the position and duties of the individual in the Ready Reserve.

“(3) In this subsection, the term ‘Member of Congress’ includes a Delegate or Resident Commissioner to Congress and a Member-elect.”.

SEC. 512. CLARIFICATION OF PURPOSE OF RESERVE COMPONENT SPECIAL SELECTION BOARDS AS LIMITED TO CORRECTION OF ERROR AT A MANDATORY PROMOTION BOARD.

Section 14502(b) of title 10, United States Code, is amended—

- (1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking “a selection board” and inserting “a mandatory promotion board convened under section 14101(a) of this title”; and

(B) in subparagraphs (A) and (B), by striking “selection board” and inserting “mandatory promotion board”; and

- (2) in the first sentence of paragraph (3)—

(A) by striking “Such board” and inserting “The special selection board”; and

(B) by striking “selection board” and inserting “mandatory promotion board”.

SEC. 513. INCREASE IN NUMBER OF DAYS OF ACTIVE DUTY REQUIRED TO BE PERFORMED BY RESERVE COMPONENT MEMBERS FOR DUTY TO BE CONSIDERED FEDERAL SERVICE FOR PURPOSES OF UNEMPLOYMENT COMPENSATION FOR EX-SERVICEMEMBERS.

(a) INCREASE OF NUMBER OF DAYS.—Section 8521(a)(1) of title 5, United States Code, is amended by striking “90 days” in the matter preceding subparagraph (A) and inserting “180 days”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to periods of Federal service commencing on or after that date.

5 USC 8521 note.

SEC. 514. TEMPORARY AUTHORITY TO USE AIR FORCE RESERVE COMPONENT PERSONNEL TO PROVIDE TRAINING AND INSTRUCTION REGARDING PILOT TRAINING.

- (a) AUTHORITY.—

(1) **IN GENERAL.**—During fiscal year 2016, the Secretary of the Air Force may authorize personnel described in paragraph (2) to provide training and instruction regarding pilot training to the following:

(A) Members of the Armed Forces on active duty.

(B) Members of foreign military forces who are in the United States.

(2) **PERSONNEL.**—The personnel described in this paragraph are the following:

(A) Members of the reserve components of the Air Force on active Guard and Reserve duty (as that term is defined in section 101(d) of title 10, United States Code) who are not otherwise authorized to conduct the training described in paragraph (1) due to the limitations in section 12310 of title 10, United States Code.

(B) Members of the Air Force who are military technicians (dual status) who are not otherwise authorized to conduct the training described in paragraph (1) due to the limitations in section 10216 of title 10, United States Code, and section 709(a) of title 32, United States Code.

(3) **LIMITATION.**—Not more than 50 members described in paragraph (2) may provide training and instruction under the authority in paragraph (1) at any one time.

(4) **FEDERAL TORT CLAIMS ACT.**—Members of the uniformed services described in paragraph (2) who provide training and instruction pursuant to the authority in paragraph (1) shall be covered by the Federal Tort Claims Act for purposes of any claim arising from the employment of such individuals under that authority.

(b) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth a plan to eliminate shortages in the number of pilot instructors within the Air Force using authorities available to the Secretary under current law.

SEC. 515. ASSESSMENT OF MILITARY COMPENSATION AND RETIREMENT MODERNIZATION COMMISSION RECOMMENDATION REGARDING CONSOLIDATION OF AUTHORITIES TO ORDER MEMBERS OF RESERVE COMPONENTS TO PERFORM DUTY.

(a) **ASSESSMENT REQUIRED.**—The Secretary of Defense shall conduct an assessment of the recommendation of the Military Compensation and Retirement Modernization Commission regarding consolidation of statutory authorities by which members of the reserve components of the Armed Forces may be ordered to perform duty. The Secretary shall specifically assess each of the six broader duty statuses recommended by the Commission as replacements for the 30 reserve component duty statuses currently authorized to determine whether consolidation will increase efficiency in the reserve components.

(b) **SUBMISSION OF REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing the results of the Secretary's assessment. If, as a result of the assessment,

the Secretary determines that an alternate approach to consolidation of the statutory authorities described in subsection (a) is preferable, the Secretary shall submit the alternate approach, including a draft of such legislation as would be necessary to amend titles 10, 14, 32, and 37 of the United States Code and other provisions of law in order to implement the Secretary’s approach by October 1, 2018.

Subtitle C—General Service Authorities

SEC. 521. LIMITED AUTHORITY FOR SECRETARY CONCERNED TO INITIATE APPLICATIONS FOR CORRECTION OF MILITARY RECORDS.

Section 1552(b) of title 10, United States Code, is amended—

(1) in the first sentence—

(A) by striking “or his heir or legal representative” and inserting “(or the claimant’s heir or legal representative) or the Secretary concerned”; and

(B) by striking “he discovers” and inserting “discovering”; and

(2) in the second sentence, by striking “However, a board” and inserting the following: “The Secretary concerned may file a request for correction of a military record only if the request is made on behalf of a group of members or former members of the armed forces who were similarly harmed by the same error or injustice. A board”.

SEC. 522. TEMPORARY AUTHORITY TO DEVELOP AND PROVIDE ADDITIONAL RECRUITMENT INCENTIVES.

10 USC 503 note.

(a) **ADDITIONAL RECRUITMENT INCENTIVES AUTHORIZED.**—The Secretary of a military department may develop and provide incentives, not otherwise authorized by law, to encourage individuals to accept an appointment as a commissioned officer, to accept an appointment as a warrant officer, or to enlist in an Armed Force under the jurisdiction of the Secretary.

(b) **RELATION TO OTHER PERSONNEL AUTHORITIES.**—A recruitment incentive developed under subsection (a) may be provided—

(1) without regard to the lack of specific authority for the recruitment incentive under title 10 or 37, United States Code; and

(2) notwithstanding any provision of such titles, or any rule or regulation prescribed under such provision, relating to methods of providing incentives to individuals to accept appointments or enlistments in the Armed Forces, including the provision of group or individual bonuses, pay, or other incentives.

(c) **NOTICE AND WAIT REQUIREMENT.**—The Secretary of a military department may not provide a recruitment incentive developed under subsection (a) until—

(1) the Secretary submits to the congressional defense committees a plan regarding provision of the recruitment incentive, which includes—

(A) a description of the incentive, including the purpose of the incentive and the potential recruits to be addressed by the incentive;

(B) a description of the provisions of titles 10 and 37, United States Code, from which the incentive would require a waiver and the rationale to support the waiver;

(C) a statement of the anticipated outcomes as a result of providing the incentive; and

(D) a description of the method to be used to evaluate the effectiveness of the incentive; and

(2) the expiration of the 30-day period beginning on the date on which the plan was received by Congress.

(d) **LIMITATION ON NUMBER OF INCENTIVES.**—The Secretary of a military department may not provide more than three recruitment incentives under the authority of this section.

(e) **LIMITATION ON NUMBER OF INDIVIDUALS RECEIVING INCENTIVES.**—The number of individuals who receive one or more of the recruitment incentives provided under subsection (a) by the Secretary of a military department during a fiscal year for an Armed Force under the jurisdiction of the Secretary may not exceed 20 percent of the accession objective of that Armed Force for that fiscal year.

(f) **DURATION OF DEVELOPED INCENTIVE.**—A recruitment incentive developed under subsection (a) may be provided for not longer than a three-year period beginning on the date on which the incentive is first provided, except that the Secretary of the military department concerned may extend the period if the Secretary determines that additional time is needed to fully evaluate the effectiveness of the incentive.

(g) **REPORTING REQUIREMENTS.**—If the Secretary of a military department provides an recruitment incentive under subsection (a) for a fiscal year, the Secretary shall submit to the congressional defense committees a report, not later than 60 days after the end of the fiscal year, containing—

(1) a description of each incentive provided under subsection (a) during that fiscal year; and

(2) an assessment of the impact of the incentives on the recruitment of individuals for an Armed Force under the jurisdiction of the Secretary.

(h) **TERMINATION OF AUTHORITY TO PROVIDE INCENTIVES.**—Notwithstanding subsection (f); the authority to provide recruitment incentives under this section expires on December 31, 2020.

SEC. 523. EXPANSION OF AUTHORITY TO CONDUCT PILOT PROGRAMS ON CAREER FLEXIBILITY TO ENHANCE RETENTION OF MEMBERS OF THE ARMED FORCES.

(a) **REPEAL OF LIMITATION ON ELIGIBLE PARTICIPANTS.**—Subsection (b) of section 533 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 10 U.S.C. prec. 701 note) is repealed.

(b) **REPEAL OF LIMITATION ON NUMBER OF PARTICIPANTS.**—Subsection (c) of section 533 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 10 U.S.C. prec. 701 note) is repealed.

(c) **CONFORMING AMENDMENTS.**—Section 533 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 10 U.S.C. prec. 701 note) is further amended—

(1) by redesignating subsections (d) through (m) as subsections (b) through (k), respectively; and

(2) in subsections (b)(1), (d), and (f)(3)(D) (as so redesignated), by striking “subsection (e)” each place it appears and inserting “subsection (c)”.

SEC. 524. MODIFICATION OF NOTICE AND WAIT REQUIREMENTS FOR CHANGE IN GROUND COMBAT EXCLUSION POLICY FOR FEMALE MEMBERS OF THE ARMED FORCES.

(a) **RULE FOR GROUND COMBAT PERSONNEL POLICY.**—Section 652(a) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) in the first sentence, by striking “before any such change is implemented” and inserting “not less than 30 calendar days before such change is implemented”; and

(B) by striking the second sentence; and

(2) by striking paragraph (5).

(b) **CONFORMING AMENDMENT.**—Section 652(b)(1) of title 10, United States Code, is amended by inserting “calendar” before “days”.

SEC. 525. ROLE OF SECRETARY OF DEFENSE IN DEVELOPMENT OF GENDER-NEUTRAL OCCUPATIONAL STANDARDS.

Section 524(a) of the National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3361; 10 U.S.C. 113 note) is amended—

(1) by striking “and” at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting “; and”; and

(3) by adding at the end the following new paragraph:
“(3) measure the combat readiness of combat units, including special operations forces.”

SEC. 526. ESTABLISHMENT OF PROCESS BY WHICH MEMBERS OF THE ARMED FORCES MAY CARRY AN APPROPRIATE FIREARM ON A MILITARY INSTALLATION.

10 USC 2672
note.

Not later than December 31, 2015, the Secretary of Defense, taking into consideration the views of senior leadership of military installations in the United States, shall establish and implement a process by which the commanders of military installations in the United States, or other military commanders designated by the Secretary of Defense for military reserve centers, Armed Services recruiting centers, and such other defense facilities as the Secretary may prescribe, may authorize a member of the Armed Forces who is assigned to duty at the installation, center or facility to carry an appropriate firearm on the installation, center, or facility if the commander determines that carrying such a firearm is necessary as a personal- or force-protection measure.

SEC. 527. ESTABLISHMENT OF BREASTFEEDING POLICY FOR THE DEPARTMENT OF THE ARMY.

10 USC 3681
note prec.

The Secretary of the Army shall develop a comprehensive policy regarding breastfeeding by female members of the Army who are breastfeeding. At a minimum, the policy shall address the following:

(1) The provision of a designated room or area that will provide the member with adequate privacy and cleanliness and that includes an electrical outlet to facilitate the use of a breast pump. Restrooms should not be considered an appropriate location.

(2) An allowance for appropriate breaks, when practicable, to permit the member to breastfeed or utilize a breast pump.

SEC. 528. SENSE OF CONGRESS RECOGNIZING THE DIVERSITY OF THE MEMBERS OF THE ARMED FORCES.

(a) **FINDINGS.**—Congress finds the following:

(1) The United States military includes individuals with a variety of national, ethnic, and cultural backgrounds that have roots all over the world.

(2) In addition to diverse backgrounds, members of the Armed Forces come from numerous religious traditions, including Christian, Hindu, Jewish, Muslim, Sikh, non-denominational, non-practicing, and many more.

(3) Members of the Armed Forces from diverse backgrounds and religious traditions have lost their lives or been injured defending the national security of the United States.

(4) Diversity contributes to the strength of the Armed Forces, and service members from different backgrounds and religious traditions share the same goal of defending the United States.

(5) The unity of the Armed Forces reflects the strength in diversity that makes the United States a great nation.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that the United States should—

(1) continue to recognize and promote diversity in the Armed Forces; and

(2) honor those from all diverse backgrounds and religious traditions who have made sacrifices in serving the United States through the Armed Forces.

Subtitle D—Military Justice, Including Sexual Assault and Domestic Violence Prevention and Response

SEC. 531. ENFORCEMENT OF CERTAIN CRIME VICTIM RIGHTS BY THE COURT OF CRIMINAL APPEALS.

Subsection (e) of section 806b of title 10, United States Code (article 6b of the Uniform Code of Military Justice), is amended to read as follows:

“(e) **ENFORCEMENT BY COURT OF CRIMINAL APPEALS.**—(1) If the victim of an offense under this chapter believes that a preliminary hearing ruling under section 832 of this title (article 32) or a court-martial ruling violates the rights of the victim afforded by a section (article) or rule specified in paragraph (4), the victim may petition the Court of Criminal Appeals for a writ of mandamus to require the preliminary hearing officer or the court-martial to comply with the section (article) or rule.

“(2) If the victim of an offense under this chapter is subject to an order to submit to a deposition, notwithstanding the availability of the victim to testify at the court-martial trying the accused for the offense, the victim may petition the Court of Criminal Appeals for a writ of mandamus to quash such order.

“(3) A petition for a writ of mandamus described in this subsection shall be forwarded directly to the Court of Criminal Appeals, by such means as may be prescribed by the President, and, to

the extent practicable, shall have priority over all other proceedings before the court.

“(4) Paragraph (1) applies with respect to the protections afforded by the following:

“(A) This section (article).

“(B) Section 832 (article 32) of this title.

“(C) Military Rule of Evidence 412, relating to the admission of evidence regarding a victim’s sexual background.

“(D) Military Rule of Evidence 513, relating to the psychotherapist-patient privilege.

“(E) Military Rule of Evidence 514, relating to the victim advocate-victim privilege.

“(F) Military Rule of Evidence 615, relating to the exclusion of witnesses.”.

SEC. 532. DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEE ACCESS TO SPECIAL VICTIMS’ COUNSEL.

Section 1044e(a)(2) of title 10, United States Code, is amended by adding the following new subparagraph:

“(C) A civilian employee of the Department of Defense who is not eligible for military legal assistance under section 1044(a)(7) of this title, but who is the victim of an alleged sex-related offense, and the Secretary of Defense or the Secretary of the military department concerned waives the condition in such section for the purposes of offering Special Victims’ Counsel services to the employee.”.

SEC. 533. AUTHORITY OF SPECIAL VICTIMS’ COUNSEL TO PROVIDE LEGAL CONSULTATION AND ASSISTANCE IN CONNECTION WITH VARIOUS GOVERNMENT PROCEEDINGS.

Section 1044e(b) of title 10, United States Code, is amended—

(1) by redesignating paragraph (9) as paragraph (10); and
(2) by inserting after paragraph (8) the following new paragraph (9):

“(9) Legal consultation and assistance in connection with—

“(A) any complaint against the Government, including an allegation under review by an inspector general and a complaint regarding equal employment opportunities;

“(B) any request to the Government for information, including a request under section 552a of title 5 (commonly referred to as a ‘Freedom of Information Act request’); and

“(C) any correspondence or other communications with Congress.”.

SEC. 534. TIMELY NOTIFICATION TO VICTIMS OF SEX-RELATED OFFENSES OF THE AVAILABILITY OF ASSISTANCE FROM SPECIAL VICTIMS’ COUNSEL.

(a) **TIMELY NOTICE DESCRIBED.**—Section 1044e(f) of title 10, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

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

“(2) Subject to such exceptions for exigent circumstances as the Secretary of Defense and the Secretary of the Department in which the Coast Guard is operating may prescribe, notice of the availability of a Special Victims’ Counsel shall be provided to an individual described in subsection (a)(2) before any military

criminal investigator or trial counsel interviews, or requests any statement from, the individual regarding the alleged sex-related offense.”.

(b) **CONFORMING AMENDMENT TO RELATED LEGAL ASSISTANCE AUTHORITY.**—Section 1565b(a) of title 10, United States Code, is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

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

“(3) Subject to such exceptions for exigent circumstances as the Secretary of Defense and the Secretary of the Department in which the Coast Guard is operating may prescribe, notice of the availability of a Special Victims’ Counsel under section 1044e of this title shall be provided to a member of the armed forces or dependent who is the victim of sexual assault before any military criminal investigator or trial counsel interviews, or requests any statement from, the member or dependent regarding the alleged sexual assault.”.

SEC. 535. ADDITIONAL IMPROVEMENTS TO SPECIAL VICTIMS’ COUNSEL PROGRAM.

(a) **TRAINING TIME PERIOD AND REQUIREMENTS.**—Section 1044e(d) of title 10, United States Code, is amended—

(1) by inserting “(1)” before “An individual”;

(2) by designating existing paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

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

“(2) The Secretary of Defense shall—

“(A) develop a policy to standardize the time period within which a Special Victims’ Counsel receives training; and

“(B) establish the baseline training requirements for a Special Victims’ Counsel.”.

(b) **IMPROVED ADMINISTRATIVE RESPONSIBILITY.**—Section 1044e(e) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(3) The Secretary of Defense, in collaboration with the Secretaries of the military departments and the Secretary of the Department in which the Coast Guard is operating, shall establish—

“(A) guiding principles for the Special Victims’ Counsel program, to include ensuring that—

“(i) Special Victims’ Counsel are assigned to locations that maximize the opportunity for face-to-face communication between counsel and clients; and

“(ii) effective means of communication are available to permit counsel and client interactions when face-to-face communication is not feasible;

“(B) performance measures and standards to measure the effectiveness of the Special Victims’ Counsel program and client satisfaction with the program; and

“(C) processes by which the Secretaries of the military departments and the Secretary of the Department in which the Coast Guard is operating will evaluate and monitor the Special Victims’ Counsel program using such guiding principles and performance measures and standards.”.

(c) **CONFORMING AMENDMENT REGARDING QUALIFICATIONS.**—Section 1044(d)(2) of chapter 53 of title 10, United States Code is amended by striking “meets the additional qualifications specified

in subsection (d)(2)” and inserting “satisfies the additional qualifications and training requirements specified in subsection (d)”.

SEC. 536. ENHANCEMENT OF CONFIDENTIALITY OF RESTRICTED REPORTING OF SEXUAL ASSAULT IN THE MILITARY.

(a) **PREEMPTION OF STATE LAW TO ENSURE CONFIDENTIALITY OF REPORTING.**—Section 1565b(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(3) In the case of information disclosed pursuant to paragraph (1), any State law or regulation that would require an individual specified in paragraph (2) to disclose the personally identifiable information of the adult victim or alleged perpetrator of the sexual assault to a State or local law enforcement agency shall not apply, except when reporting is necessary to prevent or mitigate a serious and imminent threat to the health or safety of an individual.”.

(b) **CLARIFICATION OF SCOPE.**—Section 1565b(b)(1) of title 10, United States Code, is amended by striking “a dependent” and inserting “an adult dependent”.

(c) **DEFINITIONS.**—Section 1565b of title 10, United States Code, is amended by adding at the end the following new subsection:

“(c) **DEFINITIONS.**—In this section:

“(1) **SEXUAL ASSAULT.**—The term ‘sexual assault’ includes the offenses of rape, sexual assault, forcible sodomy, aggravated sexual contact, abusive sexual contact, and attempts to commit such offenses, as punishable under applicable Federal or State law.

“(2) **STATE.**—The term ‘State’ includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and any territory or possession of the United States.”.

SEC. 537. MODIFICATION OF DEADLINE FOR ESTABLISHMENT OF DEFENSE ADVISORY COMMITTEE ON INVESTIGATION, PROSECUTION, AND DEFENSE OF SEXUAL ASSAULT IN THE ARMED FORCES.

Section 546(a)(2) of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3374; 10 U.S.C. 1561 note) is amended by striking “not later than” and all that follows and inserting “not later than 90 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2016.”.

SEC. 538. IMPROVED DEPARTMENT OF DEFENSE PREVENTION AND RESPONSE TO SEXUAL ASSAULTS IN WHICH THE VICTIM IS A MALE MEMBER OF THE ARMED FORCES.

(a) **PLAN TO IMPROVE PREVENTION AND RESPONSE.**—The Secretary of Defense, in collaboration with the Secretaries of the military departments, shall develop a plan to improve Department of Defense prevention and response to sexual assaults in which the victim is a male member of the Armed Forces.

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

(1) Sexual assault prevention and response training to more comprehensively and directly address the incidence of male members of the Armed Forces who are sexually assaulted and how certain behavior and activities, such as hazing, can constitute a sexual assault.

(2) Methods to evaluate the extent to which differences exist in the medical and mental health-care needs of male and female sexual assault victims, and the care regimen, if any, that will best meet those needs.

(3) Data-driven decision making to improve male-victim sexual assault prevention and response program efforts.

(4) Goals with associated metrics to drive the changes needed to address sexual assaults of male members of the Armed Forces.

(5) Information about the sexual victimization of males in communications to members that are used to raise awareness of sexual assault and efforts to prevent and respond to it.

(6) Guidance for the department's medical and mental health providers, and other personnel as appropriate, based on the results of the evaluation described in paragraph (2), that delineates these gender-specific distinctions and the care regimen that is recommended to most effectively meet those needs.

SEC. 539. PREVENTING RETALIATION AGAINST MEMBERS OF THE ARMED FORCES WHO REPORT OR INTERVENE ON BEHALF OF THE VICTIM OF AN ALLEGED SEX-RELATED OFFENCE.

(a) STRATEGY REQUIRED.—The Secretary of Defense shall develop a comprehensive strategy to prevent retaliation carried out by members of the Armed Forces against other members who report or otherwise intervene on behalf of the victim of an alleged sex-related offence.

(b) ELEMENTS.—The comprehensive strategy required by subsection (a) shall include, at a minimum, the following:

(1) Bystander intervention programs emphasizing the importance of guarding against retaliation.

(2) Department of Defense and military department policies and requirements to ensure protection for victims of alleged sex-related offences and members who intervene on behalf of victims from retaliation.

(3) Additional training for commanders on methods and procedures to combat attitudes and beliefs that result in retaliation.

(c) DEFINITIONS.—For purposes of this section:

(1) The term “alleged sex-related offence” has the meaning given that term in section 1044e(g) of title 10, United States Code.

(2) The term “retaliation” has such meaning as may be given that term by the Secretary of Defense in the development of the strategy required by subsection (a).

10 USC 2101
note.

SEC. 540. SEXUAL ASSAULT PREVENTION AND RESPONSE TRAINING FOR ADMINISTRATORS AND INSTRUCTORS OF SENIOR RESERVE OFFICERS' TRAINING CORPS.

The Secretary of a military department shall ensure that the commander of each unit of the Senior Reserve Officers' Training Corps and all Professors of Military Science, senior military instructors, and civilian employees detailed, assigned, or employed as administrators and instructors of the Senior Reserve Officers' Training Corps receive regular sexual assault prevention and response training and education.

SEC. 541. RETENTION OF CASE NOTES IN INVESTIGATIONS OF SEX-RELATED OFFENSES INVOLVING MEMBERS OF THE ARMY, NAVY, AIR FORCE, OR MARINE CORPS. 10 USC 1561 note.

(a) **RETENTION OF ALL INVESTIGATIVE RECORDS REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall update Department of Defense records retention policies to ensure that, for all investigations relating to an alleged sex-related offense (as defined in section 1044e(g) of title 10, United States Code) involving a member of the Army, Navy, Air Force, or Marine Corps, all elements of the case file shall be retained as part of the investigative records retained in accordance with section 586 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 10 U.S.C. 1561 note).

(b) **ELEMENTS.**—In updating records retention policies as required by subsection (a), the Secretary of Defense shall address, at a minimum, the following matters:

(1) The elements of the case file to be retained must include, at a minimum, the case activity record, case review record, investigative plans, and all case notes made by an investigating agent or agents.

(2) All investigative records must be retained for no less than 50 years.

(3) No element of the case file may be destroyed until the expiration of the time that investigative records must be kept.

(4) Records may be stored digitally or in hard copy, in accordance with existing law or regulations or additionally prescribed policy considered necessary by the Secretary of the military department concerned.

(c) **CONSISTENT EDUCATION AND POLICY.**—The Secretary of Defense shall ensure that existing policy, education, and training are updated to reflect policy changes in accordance with subsection (a).

(d) **UNIFORM APPLICATION TO MILITARY DEPARTMENTS.**—The Secretary of Defense shall ensure that, to the maximum extent practicable, the policy developed under subsections (a) is implemented uniformly by the military departments.

SEC. 542. COMPTROLLER GENERAL OF THE UNITED STATES REPORTS ON PREVENTION AND RESPONSE TO SEXUAL ASSAULT BY THE ARMY NATIONAL GUARD AND THE ARMY RESERVE.

(a) **INITIAL REPORT.**—Not later than April 1, 2016, the Comptroller General of the United States shall submit to Congress a report on the preliminary assessment of the Comptroller General (made pursuant to a review conducted by the Comptroller General for purposes of this section) of the extent to which the Army National Guard and the Army Reserve—

(1) have in place policies and programs to prevent and respond to incidents of sexual assault involving members of the Army National Guard or the Army Reserve, as applicable;

(2) provide medical and mental health care services to members of the Army National Guard or the Army Reserve, as applicable, following a sexual assault; and

(3) have identified whether the nature of service in the Army National Guard or the Army Reserve, as the case may

be, poses challenges to the prevention of or response to sexual assault.

(b) **ADDITIONAL REPORTS.**—If after submitting the report required by subsection (a) the Comptroller General makes additional assessments as a result of the review described in that subsection, the Comptroller General shall submit to Congress such reports on such additional assessments as the Comptroller General considers appropriate.

10 USC 801 note. **SEC. 543. IMPROVED IMPLEMENTATION OF CHANGES TO UNIFORM CODE OF MILITARY JUSTICE.**

The Secretary of Defense shall examine the Department of Defense process for implementing statutory changes to the Uniform Code of Military Justice for the purpose of developing options for streamlining such process. The Secretary shall adopt procedures to ensure that legal guidance is published as soon as practicable whenever statutory changes to the Uniform Code of Military Justice are implemented.

SEC. 544. MODIFICATION OF RULE 104 OF THE RULES FOR COURTS-MARTIAL TO ESTABLISH CERTAIN PROHIBITIONS CONCERNING EVALUATIONS OF SPECIAL VICTIMS' COUNSEL.

Not later than 180 days after the date of the enactment of this Act, Rule 104(b) of the Rules for Courts-Martial shall be modified to provide that the prohibitions concerning evaluations established by that Rule shall apply to the giving of a less favorable rating or evaluation to any member of the Armed Forces serving as a Special Victims' Counsel because of the zeal with which such counsel represented a victim.

SEC. 545. MODIFICATION OF RULE 304 OF THE MILITARY RULES OF EVIDENCE RELATING TO THE CORROBORATION OF A CONFESSION OR ADMISSION.

To the extent the President considers practicable, the President shall modify Rule 304(c) of the Military Rules of Evidence to conform to the rules governing the admissibility of the corroboration of admissions and confessions in the trial of criminal cases in the United States district courts.

Subtitle E—Member Education, Training, and Transition

SEC. 551. ENHANCEMENTS TO YELLOW RIBBON REINTEGRATION PROGRAM.

(a) **SCOPE AND PURPOSE.**—Section 582(a) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 10101 note) is amended by striking “combat veteran”.

(b) **ELIGIBILITY.**—

(1) **DEFINITION.**—Section 582 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 10101 note) is amended by adding at the end the following new subsection:

“(1) **ELIGIBLE INDIVIDUALS DEFINED.**—For the purposes of this section, the term ‘eligible individual’ means a member of a reserve component, a member of their family, or a designated representative

who the Secretary of Defense determines to be eligible for the Yellow Ribbon Reintegration Program.”.

(2) CONFORMING AMENDMENTS.—Section 582 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 10101 note) is amended—

(A) in subsection (a), by striking “National Guard and Reserve members and their families” and inserting “eligible individuals”;

(B) in subsection (b), by striking “members of the reserve components of the Armed Forces, their families,” and inserting “eligible individuals”;

(C) in subsection (d)(2)(C), by striking “members of the Armed Forces and their families” and inserting “eligible individuals”;

(D) in subsection (h), in the matter preceding paragraph (1)—

(i) by striking “members of the Armed Forces and their family members” and inserting “eligible individuals”; and

(ii) by striking “such members and their family members” and inserting “such eligible individuals”;

(E) in subsection (j), by striking “members of the Armed Forces and their families” and inserting “eligible individuals”; and

(F) in subsection (k), by striking “individual members of the Armed Forces and their families” and inserting “eligible individuals”.

(c) OFFICE FOR REINTEGRATION PROGRAMS.—Section 582(d) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 10101 note) is amended—

(1) in subparagraph (1)(B), by striking “substance abuse and mental health treatment services” and inserting “substance abuse, mental health treatment, and other quality of life services”; and

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

“(3) GRANTS.—The Office for Reintegration Programs may make grants to conduct data collection, trend analysis, and curriculum development and to prepare reports in support of activities under this section.”.

(d) OPERATION OF PROGRAM.—

(1) ENHANCED FLEXIBILITY.—Subsection (g) of section 582 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 10101 note) is amended to read as follows:

“(g) OPERATION OF PROGRAM.—

“(1) IN GENERAL.—The Office for Reintegration Programs shall assist State National Guard and Reserve organizations with the development and provision of information, events, and activities to support the health and well-being of eligible individuals before, during, and after periods of activation, mobilization, or deployment.

“(2) FOCUS OF INFORMATION, EVENTS, AND ACTIVITIES.—

“(A) BEFORE ACTIVATION, MOBILIZATION, OR DEPLOYMENT.—Before a period of activation, mobilization, or deployment, the information, events, and activities described in paragraph (1) should focus on preparing

eligible individuals and affected communities for the rigors of activation, mobilization, and deployment.

“(B) DURING ACTIVATION, MOBILIZATION, OR DEPLOYMENT.—During such a period, the information, events, and activities described in paragraph (1) should focus on—

“(i) helping eligible individuals cope with the challenges and stress associated with such period;

“(ii) decreasing the isolation of eligible individuals during such period; and

“(iii) preparing eligible individuals for the challenges associated with reintegration.

“(C) AFTER ACTIVATION, MOBILIZATION, OR DEPLOYMENT.—After such a period, but no earlier than 30 days after demobilization, the information, events, and activities described in paragraph (1) should focus on—

“(i) reconnecting the member with their families, friends, and communities;

“(ii) providing information on employment opportunities;

“(iii) helping eligible individuals deal with the challenges of reintegration;

“(iv) ensuring that eligible individuals understand what benefits they are entitled to and what resources are available to help them overcome the challenges of reintegration; and

“(v) providing a forum for addressing negative behaviors related to operational stress and reintegration.

“(3) MEMBER PAY.—Members shall receive appropriate pay for days spent attending such events and activities.

“(4) MINIMUM NUMBER OF EVENTS AND ACTIVITIES.—The State National Guard and Reserve Organizations shall provide to eligible individuals—

“(A) one event or activity before a period of activation, mobilization, or deployment;

“(B) one event or activity during a period of activation, mobilization, or deployment; and

“(C) two events or activities after a period of activation, mobilization, or deployment.”.

(2) CONFORMING AMENDMENTS.—Section 582 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 10101 note) is amended—

(A) in subsection (a), by striking “throughout the entire deployment cycle”;

(B) in subsection (b)—

(i) by striking “well-being through the 4 phases” through the end of the subsection and inserting “well-being.”;

(ii) in the heading, by striking “; DEPLOYMENT CYCLE”;

(C) in subsection (d)(2)(C), by striking “throughout the deployment cycle described in subsection (g)”;

(D) in the heading of subsection (f), by striking “STATE DEPLOYMENT CYCLE”.

(e) ADDITIONAL PERMITTED OUTREACH SERVICE.—Section 582(h) of the National Defense Authorization Act for Fiscal Year 2008

(Public Law 110–181; 10 U.S.C. 10101 note) is amended by adding at the end the following new paragraph:

“(16) Stress management and positive coping skills.”

(f) SUPPORT OF DEPARTMENT-WIDE SUICIDE PREVENTION EFFORTS.—Section 582 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 10101 note) is amended by inserting after subsection (h) the following new subsection:

“(i) SUPPORT OF SUICIDE PREVENTION EFFORTS.—The Office for Reintegration Programs shall assist the Defense Suicide Prevention Office and the Defense Centers of Excellence for Psychological Health and Traumatic Brain Injury to collect and analyze information, suggestions, and best practices from State National Guard and Reserve organizations with suicide prevention and community response programs.”

(g) NAME CHANGE.—Section 582(d)(1)(B) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 10101 note) is amended by striking “Substance Abuse and the Mental Health Services Administration” and inserting “Substance Abuse and Mental Health Services Administration”.

SEC. 552. AVAILABILITY OF PRESEPARATION COUNSELING FOR MEMBERS OF THE ARMED FORCES DISCHARGED OR RELEASED AFTER LIMITED ACTIVE DUTY.

Section 1142(a)(4) of title 10, United States Code, is amended—

(1) in subparagraph (A), by striking “that member’s first 180 days of active duty” and inserting “the first 180 continuous days of active duty of the member”; and

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

“(C) For purposes of calculating the days of active duty of a member under subparagraph (A), the Secretary concerned shall exclude any day on which—

“(i) the member performed full-time training duty or annual training duty; and

“(ii) the member attended, while in the active military service, a school designated as a service school by law or by the Secretary concerned.”

SEC. 553. AVAILABILITY OF ADDITIONAL TRAINING OPPORTUNITIES UNDER TRANSITION ASSISTANCE PROGRAM.

Section 1144 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(f) ADDITIONAL TRAINING OPPORTUNITIES.—(1) As part of the program carried out under this section, the Secretary of Defense and the Secretary of the Department in which the Coast Guard is operating, when the Coast Guard is not operating within the Department of the Navy, shall permit a member of the armed forces eligible for assistance under the program to elect to receive additional training in any of the following subjects:

“(A) Preparation for higher education or training.

“(B) Preparation for career or technical training.

“(C) Preparation for entrepreneurship.

“(D) Other training options determined by the Secretary of Defense and the Secretary of the Department in which the Coast Guard is operating, when the Coast Guard is not operating within the Department of the Navy.

“(2) The Secretary of Defense and the Secretary of the Department in which the Coast Guard is operating, when the Coast Guard is not operating within the Department of the Navy, shall ensure that a member of the armed forces who elects to receive additional training in subjects available under paragraph (1) is able to receive the training.”.

SEC. 554. MODIFICATION OF REQUIREMENT FOR IN-RESIDENT INSTRUCTION FOR COURSES OF INSTRUCTION OFFERED AS PART OF PHASE II JOINT PROFESSIONAL MILITARY EDUCATION.

Section 2154(a)(2)(A) of title 10, United States Code, is amended by inserting “, or offered through,” after “taught in residence at”.

SEC. 555. TERMINATION OF PROGRAM OF EDUCATIONAL ASSISTANCE FOR RESERVE COMPONENT MEMBERS SUPPORTING CONTINGENCY OPERATIONS AND OTHER OPERATIONS.

(a) **IN GENERAL.**—Chapter 1607 of title 10, United States Code, is amended by adding at the end the following new section:

10 USC 16167.

“§ 16167. Sunset

“(a) **SUNSET.**—The authority to provide educational assistance under this chapter shall terminate on the date that is four years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2016.

“(b) **LIMITATION ON PROVISION OF ASSISTANCE PENDING SUNSET.**—Notwithstanding any other provision of this chapter, during the period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2016 and ending on the date that is four years after the date of the enactment of that Act, educational assistance may be provided under this chapter only to a member otherwise eligible for educational assistance under this chapter who received educational assistance under this chapter for a course of study at an educational institution for the enrollment period at the educational institution that immediately preceded the date of the enactment of that Act.”.

10 USC
16161 prec.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 1607 of title 10, United States Code, is amended by adding at the end the following new item:

“16167. Sunset.”.

SEC. 556. APPOINTMENTS TO MILITARY SERVICE ACADEMIES FROM NOMINATIONS MADE BY DELEGATES IN CONGRESS FROM THE VIRGIN ISLANDS, GUAM, AMERICAN SAMOA, AND THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.

(a) **UNITED STATES MILITARY ACADEMY.**—Section 4342(a) of title 10, United States Code, is amended—

(1) in paragraph (6), by striking “Three” and inserting “Four”;

(2) in paragraph (8), by striking “Three” and inserting “Four”;

(3) in paragraph (9), by striking “Two” and inserting “Three”; and

(4) in paragraph (10), by striking “Two” and inserting “Three”.

(b) **UNITED STATES NAVAL ACADEMY.**—Section 6954(a) of title 10, United States Code, is amended—

(1) in paragraph (6), by striking “Three” and inserting “Four”;

(2) in paragraph (8), by striking “Three” and inserting “Four”;

(3) in paragraph (9), by striking “Two” and inserting “Three”; and

(4) in paragraph (10), by striking “Two” and inserting “Three”.

(c) UNITED STATES AIR FORCE ACADEMY.—Section 9342(a) of title 10, United States Code, is amended—

(1) in paragraph (6), by striking “Three” and inserting “Four”;

(2) in paragraph (8), by striking “Three” and inserting “Four”;

(3) in paragraph (9), by striking “Two” and inserting “Three”; and

(4) in paragraph (10), by striking “Two” and inserting “Three”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the nomination of candidates for appointment to the United States Military Academy, the United States Naval Academy, and the United States Air Force Academy for classes entering these military service academies after the date of the enactment of this Act.

10 USC 4342
note.

SEC. 557. SUPPORT FOR ATHLETIC PROGRAMS OF THE UNITED STATES MILITARY ACADEMY.

(a) IN GENERAL.—Chapter 403 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 4362. Support of athletic programs

10 USC 4362.

“(a) AUTHORITY.—

“(1) CONTRACTS AND COOPERATIVE AGREEMENTS.—The Secretary of the Army may enter into contracts and cooperative agreements with the Army West Point Athletic Association for the purpose of supporting the athletic programs of the Academy. Notwithstanding section 2304(k) of this title, the Secretary may enter such contracts or cooperative agreements on a sole source basis pursuant to section 2304(c)(5) of this title. Notwithstanding chapter 63 of title 31, a cooperative agreement under this section may be used to acquire property or services for the direct benefit or use of the Academy.

“(2) FINANCIAL CONTROLS.—(A) Before entering into a contract or cooperative agreement under paragraph (1), the Secretary shall ensure that such contract or agreement includes appropriate financial controls to account for Academy and Association resources in accordance with accepted accounting principles.

“(B) Any such contract or cooperative agreement shall contain a provision that allows the Secretary, at the Secretary’s discretion, to review the financial accounts of the Association to determine whether the operations of the Association—

“(i) are consistent with the terms of the contract or cooperative agreement; and

“(ii) will not compromise the integrity or appearance of integrity of any program of the Department of the Army.

“(3) LEASES.—Section 2667(h) of this title shall not apply to any leases the Secretary may enter into with the Association for the purpose of supporting the athletic programs of the Academy.

“(b) SUPPORT SERVICES.—

“(1) AUTHORITY.—To the extent required by a contract or cooperative agreement under subsection (a), the Secretary may provide support services to the Association while the Association conducts its support activities at the Academy. The Secretary may provide support services described in paragraph (2) only if the Secretary determines that the provision of such services is essential for the support of the athletic programs of the Academy.

“(2) SUPPORT SERVICES DEFINED.—(A) In this subsection, the term ‘support services’ includes utilities, office furnishings and equipment, communications services, records staging and archiving, audio and video support, and security systems in conjunction with the leasing or licensing of property.

“(B) Such term includes—

“(i) housing for Association personnel on United States Army Garrison, West Point, New York; and

“(ii) enrollment of dependents of Association personnel in elementary and secondary schools under the same criteria applied to dependents of Federal employees under section 2164(a) of this title, except that educational services provided pursuant to this clause shall be provided on a reimbursable basis.

“(3) NO LIABILITY OF THE UNITED STATES.—Any such support services may only be provided without any liability of the United States to the Association.

“(c) ACCEPTANCE OF SUPPORT.—

“(1) SUPPORT RECEIVED FROM THE ASSOCIATION.—Notwithstanding section 1342 of title 31, the Secretary may accept from the Association funds, supplies, and services for the support of the athletic programs of the Academy. For the purposes of this section, employees or personnel of the Association may not be considered to be employees of the United States.

“(2) FUNDS RECEIVED FROM NCAA.—The Secretary may accept funds from the National Collegiate Athletic Association to support the athletic programs of the Academy.

“(3) LIMITATION.—The Secretary shall ensure that contributions under this subsection and expenditure of funds pursuant to subsection (e) do not reflect unfavorably on the ability of the Department of the Army, any of its employees, or any member of the armed forces to carry out any responsibility or duty in a fair and objective manner, or compromise the integrity or appearance of integrity of any program of the Department of the Army, or any individual involved in such a program.

“(d) TRADEMARKS AND SERVICE MARKS.—

“(1) LICENSING, MARKETING, AND SPONSORSHIP AGREEMENTS.—An agreement under subsection (a) may, consistent with section 2260 of this title (other than subsection (d) of such section), authorize the Association to enter into licensing, marketing, and sponsorship agreements relating to trademarks and service marks identifying the Academy, subject to the approval of the Secretary of the Army.

“(2) LIMITATIONS.—No licensing, marketing, or sponsorship agreement may be entered into under paragraph (1) if—

“(A) such agreement would reflect unfavorably on the ability of the Department of the Army, any of its employees, or any member of the armed forces to carry out any responsibility or duty in a fair and objective manner; or

“(B) the Secretary determines that the use of the trademark or service mark would compromise the integrity or appearance of integrity of any program of the Department of the Army, or any individual involved in such a program.

“(e) RETENTION AND USE OF FUNDS.—Any funds received by the Secretary under this section may be retained for use in support of the athletic programs of the Academy and shall remain available until expended.

“(f) SERVICE ON ASSOCIATION BOARD OF DIRECTORS.—The Association is a designated entity for which authorization under sections 1033(a) and 1589(a) of this title may be provided.

“(g) CONDITIONS.—The authority provided in this section with respect to the Association is available only so long as the Association continues—

“(1) to qualify as a nonprofit organization under section 501(c)(3) of the Internal Revenue Code of 1986 and operates in accordance with this section, the law of the State of New York, and the constitution and bylaws of the Association; and

“(2) to operate exclusively to support the athletic programs of the Academy.

“(h) ASSOCIATION DEFINED.—In this section, the term ‘Association’ means the Army West Point Athletic Association.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 403 of title 10, United States Code, is amended by adding at the end the following new item:

10 USC
4331 prec.

“4362. Support of athletic programs.”.

SEC. 558. CONDITION ON ADMISSION OF DEFENSE INDUSTRY CIVILIANS TO ATTEND THE UNITED STATES AIR FORCE INSTITUTE OF TECHNOLOGY.

Section 9314a(c)(2) of title 10, United States Code, is amended by striking “will be done on a space-available basis and not require an increase in the size of the faculty” and inserting “will not require an increase in the permanently authorized size of the faculty”.

SEC. 559. QUALITY ASSURANCE OF CERTIFICATION PROGRAMS AND STANDARDS FOR PROFESSIONAL CREDENTIALS OBTAINED BY MEMBERS OF THE ARMED FORCES.

Section 2015 of title 10, United States Code, as amended by section 551 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3376), is further amended—

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

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

“(c) QUALITY ASSURANCE OF CERTIFICATION PROGRAMS AND STANDARDS.—(1) Commencing not later than three years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2016, each Secretary concerned shall ensure that

any credentialing program used in connection with the program under subsection (a) is accredited by an accreditation body that meets the requirements specified in paragraph (2).

“(2) The requirements for accreditation bodies specified in this paragraph are requirements that an accreditation body—

“(A) be an independent body that has in place mechanisms to ensure objectivity and impartiality in its accreditation activities;

“(B) meet a recognized national or international standard that directs its policy and procedures regarding accreditation;

“(C) apply a recognized national or international certification standard in making its accreditation decisions regarding certification bodies and programs;

“(D) conduct on-site visits, as applicable, to verify the documents and records submitted by credentialing bodies for accreditation;

“(E) have in place policies and procedures to ensure due process when addressing complaints and appeals regarding its accreditation activities;

“(F) conduct regular training to ensure consistent and reliable decisions among reviewers conducting accreditations; and

“(G) meet such other criteria as the Secretary concerned considers appropriate in order to ensure quality in its accreditation activities.”.

SEC. 560. PROHIBITION ON RECEIPT OF UNEMPLOYMENT INSURANCE WHILE RECEIVING POST-9/11 EDUCATION ASSISTANCE.

(a) EFFECT OF RECEIPT OF POST-9/11 EDUCATION ASSISTANCE.—Section 8525(b) of title 5, United States Code, is amended—

(1) in the matter preceding paragraph (1), by striking “he receives” and inserting “the individual receives”;

(2) in paragraph (1), by striking “or” after the semicolon;

(3) by redesignating paragraph (2) as paragraph (3); and

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

“(2) except in the case of an individual described in subsection (a), an educational assistance allowance under chapter 33 of title 38; or”.

(b) EXCEPTION.—Section 8525 of title 5, United States Code, is amended by inserting before subsection (b) the following new subsection:

“(a) Subsection (b)(2) does not apply to an individual who—

“(1) is otherwise entitled to compensation under this subchapter;

“(2) is described in section 3311(b) of title 38;

“(3) is not receiving retired pay under title 10; and

“(4) was discharged or released from service in the Armed Forces or the Commissioned Corps of the National Oceanic and Atmospheric Administration (including through a reduction in force) under honorable conditions, but did not voluntarily separate from such service.”.

SEC. 561. JOB TRAINING AND POST-SERVICE PLACEMENT EXECUTIVE COMMITTEE.

Section 320 of title 38, United States Code, is amended—

(1) in subsection (b)(2), by inserting “a subordinate Job Training and Post-Service Placement Executive Committee,” before “and such other committees”;

(2) by adding at the end the following new subsection:
“(e) JOB TRAINING AND POST-SERVICE PLACEMENT EXECUTIVE COMMITTEE.—The Job Training and Post-Service Placement Executive Committee described in subsection (b)(2) shall—

“(1) review existing policies, procedures, and practices of the Departments (including the military departments) with respect to job training and post-service placement programs; and

“(2) identify changes to such policies, procedures, and practices to improve job training and post-service placement.”; and

(3) in subsection (d)(2), by inserting “, including with respect to job training and post-service placement” before the period at the end.

SEC. 562. RECOGNITION OF ADDITIONAL INVOLUNTARY MOBILIZATION DUTY AUTHORITIES EXEMPT FROM FIVE-YEAR LIMIT ON REEMPLOYMENT RIGHTS OF PERSONS WHO SERVE IN THE UNIFORMED SERVICES.

Section 4312(c)(4)(A) of title 38, United States Code, is amended by inserting after “12304,” the following: “12304a, 12304b,”.

SEC. 563. EXPANSION OF OUTREACH FOR VETERANS TRANSITIONING FROM SERVING ON ACTIVE DUTY.

(a) EXPANSION OF PILOT PROGRAM.—Section 5(c)(5) of the Clay Hunt Suicide Prevention for American Veterans Act (Public Law 114–2; 38 U.S.C. 1712A note) is amended—

(1) in subparagraph (C), by striking “; and” and inserting a semicolon;

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

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

“(E) conducts outreach to individuals transitioning from serving on active duty in the Armed Forces who are participating in the Transition Assistance Program of the Department of Defense or other similar transition programs to inform such individuals of the community oriented veteran peer support network under paragraph (1) and other support programs and opportunities that are available to such individuals.”.

(b) INCLUSION OF INFORMATION IN INTERIM REPORT.—Section 5(d)(1) of the Clay Hunt Suicide Prevention for American Veterans Act (Public Law 114–2; 38 U.S.C. 1712A note) is amended—

(1) in subparagraph (C), by striking “; and” and inserting a semicolon;

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

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

“(E) the number of veterans who—

“(i) received outreach from the Department of Veterans Affairs while serving on active duty as a member of the Armed Forces; and

“(ii) participated in a peer support program under the pilot program for veterans transitioning from serving on active duty.”.

Subtitle F—Defense Dependents’ Education and Military Family Readiness Matters

SEC. 571. CONTINUATION OF AUTHORITY TO ASSIST LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) ASSISTANCE TO SCHOOLS WITH SIGNIFICANT NUMBERS OF MILITARY DEPENDENT STUDENTS.—Of the amount authorized to be appropriated for fiscal year 2016 by section 301 and available for operation and maintenance for Defense-wide activities as specified in the funding table in section 4301, \$25,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (a) of section 572 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 20 U.S.C. 7703b).

(b) LOCAL EDUCATIONAL AGENCY DEFINED.—In this section, the term “local educational agency” has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

SEC. 572. IMPACT AID FOR CHILDREN WITH SEVERE DISABILITIES.

Of the amount authorized to be appropriated for fiscal year 2016 pursuant to section 301 and available for operation and maintenance for Defense-wide activities as specified in the funding table in section 4301, \$5,000,000 shall be available for payments under section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–77; 20 U.S.C. 7703a).

SEC. 573. AUTHORITY TO USE APPROPRIATED FUNDS TO SUPPORT DEPARTMENT OF DEFENSE STUDENT MEAL PROGRAMS IN DOMESTIC DEPENDENT ELEMENTARY AND SECONDARY SCHOOLS LOCATED OUTSIDE THE UNITED STATES.

(a) AUTHORITY.—Section 2243 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking “the defense dependents’ education system” and inserting “overseas defense dependents’ schools”; and

(B) by striking “students enrolled in that system” and inserting “students enrolled in such a school”;

(2) in subsection (d), by striking “Department of Defense dependents’ schools which are located outside the United States” and inserting “overseas defense dependents’ schools”; and

(3) by adding at the end the following new subsection:
“(e) OVERSEAS DEFENSE DEPENDENTS’ SCHOOL DEFINED.—In this section, the term ‘overseas defense dependents’ school’ means the following:

“(1) A school established as part of the defense dependents’ education system provided for under the Defense Dependents’ Education Act of 1978 (20 U.S.C. 921 et seq.).

“(2) An elementary or secondary school established pursuant to section 2164 of this title that is located in a territory, commonwealth, or possession of the United States.”

(b) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of section 2243 of title 10, United States Code, is amended to read as follows:

“§ 2243. Authority to use appropriated funds to support student meal programs in overseas defense dependents’ schools”.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of subchapter I of chapter 134 of title 10, United States Code, is amended by striking the item relating to section 2243 and inserting the following new item:

10 USC
2241 prec.

“2243. Authority to use appropriated funds to support student meal programs in overseas defense dependents’ schools.”

SEC. 574. FAMILY SUPPORT PROGRAMS FOR IMMEDIATE FAMILY MEMBERS OF MEMBERS OF THE ARMED FORCES ASSIGNED TO SPECIAL OPERATIONS FORCES.

10 USC 1788
note.

(a) EXTENSION OF AUTHORITY TO CONDUCT PROGRAMS.—Section 554(f) of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 10 U.S.C. 1785 note) is amended by striking “2016” and inserting “2018”.

(b) MODIFICATION OF REPORTING REQUIREMENT.—Subsection (g) of section 554 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 10 U.S.C. 1785 note) is amended to read as follows:

“(g) REPORT REQUIRED.—

“(1) IN GENERAL.—Not later than March 1, 2016, and each March 1 thereafter though the conclusion of the pilot programs conducted under subsection (a), the Commander, in coordination with the Under Secretary of Defense for Personnel and Readiness, shall submit to the congressional defense committees a report describing the progress made in achieving the goals of the pilot programs.

“(2) ELEMENTS OF REPORT.—Each report under this subsection shall include the following for each pilot program:

“(A) A description of the pilot program to address family support requirements not being provided by the Secretary of a military department to immediate family members of members of the Armed Forces assigned to special operations forces.

“(B) An assessment of the impact of the pilot program on the readiness of members of the Armed Forces assigned to special operations forces.

“(C) A comparison of the pilot program to other programs conducted by the Secretaries of the military departments to provide family support to immediate family members of members of the Armed Forces.

“(D) Recommendations for incorporating the lessons learned from the pilot program into family support programs conducted by the Secretaries of the military departments.

“(E) Any other matters considered appropriate by the Commander or the Under Secretary of Defense for Personnel and Readiness.”

Subtitle G—Decorations and Awards

SEC. 581. AUTHORIZATION FOR AWARD OF THE DISTINGUISHED-SERVICE CROSS FOR ACTS OF EXTRAORDINARY HEROISM DURING THE KOREAN WAR.

Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the Secretary of the Army may award the Distinguished-Service Cross under section 3742 of such title to Edward Halcomb who, while serving in Korea as a member of the United States Army in the grade of Private First Class in Company B, 1st Battalion, 29th Infantry Regiment, 24th Infantry Division, distinguished himself by acts of extraordinary heroism from August 20, 1950, to October 19, 1950, during the Korean War.

Subtitle H—Miscellaneous Reports and Other Matters

10 USC 1071
note.

SEC. 591. COORDINATION WITH NON-GOVERNMENT SUICIDE PREVENTION ORGANIZATIONS AND AGENCIES TO ASSIST IN REDUCING SUICIDES BY MEMBERS OF THE ARMED FORCES.

(a) DEVELOPMENT OF POLICY.—The Secretary of Defense, in consultation with the Secretaries of the military departments, may develop a policy to coordinate the efforts of the Department of Defense and non-government suicide prevention organizations regarding—

(1) the use of such non-government organizations to reduce the number of suicides among members of the Armed Forces by comprehensively addressing the needs of members of the Armed Forces who have been identified as being at risk of suicide;

(2) the delineation of the responsibilities within the Department of Defense regarding interaction with such organizations;

(3) the collection of data regarding the efficacy and cost of coordinating with such organizations; and

(4) the preparation and preservation of any reporting material the Secretary determines necessary to carry out the policy.

(b) SUICIDE PREVENTION EFFORTS.—The Secretary of Defense is authorized to take any necessary measures to prevent suicides by members of the Armed Forces, including by facilitating the access of members of the Armed Forces to successful non-governmental treatment regimen.

SEC. 592. EXTENSION OF SEMIANNUAL REPORTS ON THE INVOLUNTARY SEPARATION OF MEMBERS OF THE ARMED FORCES.

Section 525(a) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 1724) is amended by striking “calendar years 2013 and 2014” and “each of calendar years 2013 through 2017”.

SEC. 593. REPORT ON PRELIMINARY MENTAL HEALTH SCREENINGS FOR INDIVIDUALS BECOMING MEMBERS OF THE ARMED FORCES.

(a) **REPORT ON RECOMMENDATIONS IN CONNECTION WITH SCREENINGS.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the feasibility of conducting, before the enlistment or accession of an individual into the Armed Forces, a mental health screening of the individual to bring mental health screenings to parity with physical screenings of prospective members.

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

(1) Recommendations with respect to establishing a secure, electronically-based preliminary mental health screening of new members of the Armed Forces.

(2) Recommendations with respect to the composition of the mental health screening, evidenced-based best practices, and how to track changes in mental health screenings relating to traumatic brain injuries, post-traumatic stress disorder, and other conditions.

SEC. 594. REPORT REGARDING NEW RULEMAKING UNDER THE MILITARY LENDING ACT AND DEFENSE MANPOWER DATA CENTER REPORTS AND MEETINGS.

(a) **REPORT ON NEW MILITARY LENDING ACT RULEMAKING.**—Not later than 60 days after the issuance by the Secretary of Defense of the regulation issued with regard to section 987 of title 10, United States Code (commonly known as the Military Lending Act), and part of 232 of title 32, Code of Federal Regulations (its implementing regulation), the Secretary shall submit to the congressional defense committees a report that discusses—

(1) the ability and reliability of the Defense Manpower Data Center in meeting real-time requests for accurate information needed to make a determination regarding whether a borrower is covered by the Military Lending Act; or

(2) an alternate mechanism or mechanisms for identifying such covered borrowers.

(b) **DEFENSE MANPOWER DATA CENTER REPORTS AND MEETINGS.**—

(1) **REPORTS ON ACCURACY, RELIABILITY, AND INTEGRITY OF SYSTEMS.**—The Director of the Defense Manpower Data Center shall submit to the congressional defense committees reports on the accuracy, reliability, and integrity of the Defense Manpower Data Center systems used to identify covered borrowers and covered policyholders under military consumer protection laws. The first report is due six months after the date of the enactment of this Act, and the Director shall submit additional reports every six months thereafter through December 31, 2020, to show improvements in the accuracy, reliability, and integrity of such systems.

(2) **REPORT ON PLAN TO STRENGTHEN CAPABILITIES.**—Not later than six months after the date of the enactment of this Act, the Director of the Defense Manpower Data Center shall submit to the congressional defense committees a report on plans to strengthen the capabilities of the Defense Manpower

Data Center systems, including staffing levels and funding, in order to improve the identification of covered borrowers and covered policyholders under military consumer protection laws.

10 USC 987 note.

(3) MEETINGS WITH PRIVATE SECTOR USERS OF SYSTEMS.—The Director of the Defense Manpower Data Center shall meet regularly with private sector users of Defense Manpower Data Center systems used to identify covered borrowers and covered policyholders under military consumer protection laws to learn about issues facing such users and to develop ways of addressing such issues. The first meeting pursuant to this requirement shall take place with three months after the date of the enactment of this Act.

SEC. 595. REMOTELY PILOTED AIRCRAFT CAREER FIELD MANNING SHORTFALLS.

(a) LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2016 for operation and maintenance for the Office of the Secretary of the Air Force, not more than 85 percent may be obligated or expended until a period of 15 days has elapsed following the date on which the Secretary of the Air Force submits to the congressional defense committees the report described in subsection (b).

(b) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a report on remotely piloted aircraft career field manning levels and actions the Air Force will take to rectify personnel shortfalls.

(2) ELEMENTS.—The report required under paragraph (1) shall include the following elements:

(A) A description of current and projected manning requirements and inventory levels for remotely piloted aircraft systems.

(B) A description of rated and non-rated officer and enlisted manning policies for authorization and inventory levels in effect for remotely piloted aircraft systems and units, to include whether remotely piloted aircraft duty is considered as a permanent Air Force Specialty Code or treated as an ancillary single assignment duty, and if both are used, the division of authorizations between permanently assigned personnel and those who will return to a different primary career field.

(C) Comparisons to other Air Force manned combat aircraft systems and units with respect to personnel policies, manpower authorization levels, and projected personnel inventory.

(D) Identification and assessment of mitigation actions to increase unit manning levels, including recruitment and retention bonuses, incentive pay, use of enlisted personnel, and increased weighting to remotely piloted aircraft personnel on promotion boards, and to ensure the school house for remotely piloted aircraft personnel is sufficient to meet increased manning demands.

(E) Analysis demonstrating the requirements determination for how remotely piloted aircraft pilot and sensor operators are selected, including whether individuals are

prior rated or non-rated qualified, what prerequisite training or experience is necessary, and required and types of basic and advanced qualification training for each mission design series of remotely piloted aircraft in the Air Force inventory.

(F) Recommendations for changes to existing legislation required to implement mitigation actions.

(G) An assessment of the authorization levels of government civilian and contractor support required for sufficiency of remotely piloted aircraft career field manning.

(H) A description and associated timeline of actions the Air Force will take to increase remotely piloted aircraft career field manpower authorizations and manning levels to at least the equal of the normative levels of manning and readiness of all other combat aircraft career fields.

(I) A description of any other matters concerning remotely piloted aircraft career field manning levels the Secretary of the Air Force determines to be appropriate.

(3) FORM.—The report required under paragraph (1) may be submitted in classified form, but shall also contain an unclassified executive summary and may contain an unclassified annex.

(4) NONDUPLICATION OF EFFORT.—If any information required under paragraph (1) has been included in another report or notification previously submitted to Congress by law, the Secretary of the Air Force may provide a list of such reports and notifications at the time of submitting the report required under this subsection in lieu of including such information in the report.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

- Sec. 601. No fiscal year 2016 increase in military basic pay for general and flag officers.
- Sec. 602. Limitation on eligibility for supplemental subsistence allowances to members serving outside the United States and associated territory.
- Sec. 603. Phased-in modification of percentage of national average monthly cost of housing usable in computation of basic allowance for housing inside the United States.
- Sec. 604. Extension of authority to provide temporary increase in rates of basic allowance for housing under certain circumstances.
- Sec. 605. Availability of information under the Food and Nutrition Act of 2008.

Subtitle B—Bonuses and Special and Incentive Pays

- Sec. 611. One-year extension of certain bonus and special pay authorities for reserve forces.
- Sec. 612. One-year extension of certain bonus and special pay authorities for health care professionals.
- Sec. 613. One-year extension of special pay and bonus authorities for nuclear officers.
- Sec. 614. One-year extension of authorities relating to title 37 consolidated special pay, incentive pay, and bonus authorities.
- Sec. 615. One-year extension of authorities relating to payment of other title 37 bonuses and special pays.
- Sec. 616. Increase in maximum annual amount of nuclear officer bonus pay.
- Sec. 617. Modification to special aviation incentive pay and bonus authorities for officers.
- Sec. 618. Repeal of obsolete authority to pay bonus to encourage Army personnel to refer persons for enlistment in the Army.

Subtitle C—Travel and Transportation Allowances

- Sec. 621. Transportation to transfer ceremonies for family and next of kin of members of the Armed Forces who die overseas during humanitarian operations.
- Sec. 622. Repeal of obsolete special travel and transportation allowance for survivors of deceased members of the Armed Forces from the Vietnam conflict.
- Sec. 623. Study and report on policy changes to the Joint Travel Regulations.

Subtitle D—Disability Pay, Retired Pay, and Survivor Benefits

PART I—RETIRED PAY REFORM

- Sec. 631. Modernized retirement system for members of the uniformed services.
- Sec. 632. Full participation for members of the uniformed services in the Thrift Savings Plan.
- Sec. 633. Lump sum payments of certain retired pay.
- Sec. 634. Continuation pay for full TSP members with 12 years of service.
- Sec. 635. Effective date and implementation.

PART II—OTHER MATTERS

- Sec. 641. Death of former spouse beneficiaries and subsequent remarriages under the Survivor Benefit Plan.

Subtitle E—Commissary and Non-Appropriated Fund Instrumentality Benefits and Operations

- Sec. 651. Plan to obtain budget-neutrality for the defense commissary system and the military exchange system.
- Sec. 652. Comptroller General of the United States report on the Commissary Surcharge, Non-appropriated Fund, and Privately-Financed Major Construction Program.

Subtitle F—Other Matters

- Sec. 661. Improvement of financial literacy and preparedness of members of the Armed Forces.
- Sec. 662. Recordation of obligations for installment payments of incentive pays, allowances, and similar benefits when payment is due.

Subtitle A—Pay and Allowances

37 USC 203 note. **SEC. 601. NO FISCAL YEAR 2016 INCREASE IN MILITARY BASIC PAY FOR GENERAL AND FLAG OFFICERS.**

Section 203(a)(2) of title 37, United States Code, shall be applied for rates of basic pay payable for commissioned officers in pay grades O–7 through O–10 during calendar year 2016 by using the rate of pay for level II of the Executive Schedule in effect during 2014. The rates of basic pay payable for such officers shall not increase during calendar year 2016.

SEC. 602. LIMITATION ON ELIGIBILITY FOR SUPPLEMENTAL SUBSISTENCE ALLOWANCES TO MEMBERS SERVING OUTSIDE THE UNITED STATES AND ASSOCIATED TERRITORY.

Section 402a(b) of title 37, United States Code, is amended—
 (1) in paragraph (1), by inserting “and paragraph (4)” after “subsection (d)”; and

(2) by adding at the end the following new paragraph:
 “(4) After September 30, 2016, a member is eligible for a supplemental subsistence allowance under this section only if the member is serving outside the United States, the Commonwealth of Puerto Rico, the United States Virgin Islands, or Guam.”

SEC. 603. PHASED-IN MODIFICATION OF PERCENTAGE OF NATIONAL AVERAGE MONTHLY COST OF HOUSING USABLE IN COMPUTATION OF BASIC ALLOWANCE FOR HOUSING INSIDE THE UNITED STATES.

Section 403(b)(3)(B) of title 37, United States Code, is amended by striking “may not exceed one percent.” and inserting the following: “may not exceed the following:

- “(i) One percent for months occurring during 2015.
- “(ii) Two percent for months occurring during 2016.
- “(iii) Three percent for months occurring during 2017.
- “(iv) Four percent for months occurring during 2018.
- “(v) Five percent for months occurring after 2018.”.

SEC. 604. EXTENSION OF AUTHORITY TO PROVIDE TEMPORARY INCREASE IN RATES OF BASIC ALLOWANCE FOR HOUSING UNDER CERTAIN CIRCUMSTANCES.

Section 403(b)(7)(E) of title 37, United States Code, is amended by striking “December 31, 2015” and inserting “December 31, 2016”.

SEC. 605. AVAILABILITY OF INFORMATION UNDER THE FOOD AND NUTRITION ACT OF 2008.

7 USC 2020 note.

In administering the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), the Secretary of Agriculture shall ensure that any safeguards that prevent the use or disclosure of information obtained from applicant households shall not prevent the use of that information by, or the disclosure of that information to, the Secretary of Defense for purposes of determining the number of applicant households that contain one or more members of a regular component or reserve component of the Armed Forces.

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

The following sections of title 37, United States Code, are amended by striking “December 31, 2015” and inserting “December 31, 2016”:

- (1) Section 308b(g), relating to Selected Reserve reenlistment bonus.
- (2) Section 308c(i), relating to Selected Reserve affiliation or enlistment bonus.
- (3) Section 308d(c), relating to special pay for enlisted members assigned to certain high-priority units.
- (4) Section 308g(f)(2), relating to Ready Reserve enlistment bonus for persons without prior service.
- (5) Section 308h(e), relating to Ready Reserve enlistment and reenlistment bonus for persons with prior service.
- (6) Section 308i(f), relating to Selected Reserve enlistment and reenlistment bonus for persons with prior service.
- (7) Section 478a(e), relating to reimbursement of travel expenses for inactive-duty training outside of normal commuting distance.

(8) Section 910(g), relating to income replacement payments for reserve component members experiencing extended and frequent mobilization for active duty service.

SEC. 612. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR HEALTH CARE PROFESSIONALS.

(a) TITLE 10 AUTHORITIES.—The following sections of title 10, United States Code, are amended by striking “December 31, 2015” and inserting “December 31, 2016”:

(1) Section 2130a(a)(1), relating to nurse officer candidate accession program.

(2) Section 16302(d), relating to repayment of education loans for certain health professionals who serve in the Selected Reserve.

(b) TITLE 37 AUTHORITIES.—The following sections of title 37, United States Code, are amended by striking “December 31, 2015” and inserting “December 31, 2016”:

(1) Section 302c-1(f), relating to accession and retention bonuses for psychologists.

(2) Section 302d(a)(1), relating to accession bonus for registered nurses.

(3) Section 302e(a)(1), relating to incentive special pay for nurse anesthetists.

(4) Section 302g(e), relating to special pay for Selected Reserve health professionals in critically short wartime specialties.

(5) Section 302h(a)(1), relating to accession bonus for dental officers.

(6) Section 302j(a), relating to accession bonus for pharmacy officers.

(7) Section 302k(f), relating to accession bonus for medical officers in critically short wartime specialties.

(8) Section 302l(g), relating to accession bonus for dental specialist officers in critically short wartime specialties.

SEC. 613. ONE-YEAR EXTENSION OF SPECIAL PAY AND BONUS AUTHORITIES FOR NUCLEAR OFFICERS.

The following sections of title 37, United States Code, are amended by striking “December 31, 2015” and inserting “December 31, 2016”:

(1) Section 312(f), relating to special pay for nuclear-qualified officers extending period of active service.

(2) Section 312b(c), relating to nuclear career accession bonus.

(3) Section 312c(d), relating to nuclear career annual incentive bonus.

SEC. 614. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO TITLE 37 CONSOLIDATED SPECIAL PAY, INCENTIVE PAY, AND BONUS AUTHORITIES.

The following sections of title 37, United States Code, are amended by striking “December 31, 2015” and inserting “December 31, 2016”:

(1) Section 331(h), relating to general bonus authority for enlisted members.

(2) Section 332(g), relating to general bonus authority for officers.

(3) Section 333(i), relating to special bonus and incentive pay authorities for nuclear officers.

(4) Section 334(i), relating to special aviation incentive pay and bonus authorities for officers.

(5) Section 335(k), relating to special bonus and incentive pay authorities for officers in health professions.

(6) Section 336(g), relating to contracting bonus for cadets and midshipmen enrolled in the Senior Reserve Officers' Training Corps.

(7) Section 351(h), relating to hazardous duty pay.

(8) Section 352(g), relating to assignment pay or special duty pay.

(9) Section 353(i), relating to skill incentive pay or proficiency bonus.

(10) Section 355(h), relating to retention incentives for members qualified in critical military skills or assigned to high priority units.

SEC. 615. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF OTHER TITLE 37 BONUSES AND SPECIAL PAYS.

The following sections of title 37, United States Code, are amended by striking “December 31, 2015” and inserting “December 31, 2016”:

(1) Section 301b(a), relating to aviation officer retention bonus.

(2) Section 307a(g), relating to assignment incentive pay.

(3) Section 308(g), relating to reenlistment bonus for active members.

(4) Section 309(e), relating to enlistment bonus.

(5) Section 316a(g), relating to incentive pay for members of precommissioning programs pursuing foreign language proficiency.

(6) Section 324(g), relating to accession bonus for new officers in critical skills.

(7) Section 326(g), relating to incentive bonus for conversion to military occupational specialty to ease personnel shortage.

(8) Section 327(h), relating to incentive bonus for transfer between Armed Forces.

(9) Section 330(f), relating to accession bonus for officer candidates.

SEC. 616. INCREASE IN MAXIMUM ANNUAL AMOUNT OF NUCLEAR OFFICER BONUS PAY.

Section 333(d)(1)(A) of title 37, United States Code, is amended by striking “\$35,000” and inserting “\$50,000”.

SEC. 617. MODIFICATION TO SPECIAL AVIATION INCENTIVE PAY AND BONUS AUTHORITIES FOR OFFICERS.

(a) CLARIFICATION OF SECRETARIAL AUTHORITY TO SET REQUIREMENTS FOR AVIATION INCENTIVE PAY ELIGIBILITY.—Subsection (a) of section 334 of title 37, United States Code, is amended—

(1) by redesignating paragraphs (1), (2), (3), (4), and (5) as subparagraphs (A), (B), (C), (D), and (E), respectively, and moving the margin of such subparagraphs, as so redesignated, 2 ems to the right;

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

“(1) INCENTIVE PAY AUTHORIZED.—The Secretary”; and

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

“(2) OFFICERS NOT CURRENTLY ENGAGED IN FLYING DUTY.—The Secretary concerned may pay aviation incentive pay under this section to an officer who is otherwise qualified for such pay but who is not currently engaged in the performance of operational flying duty or proficiency flying duty if the Secretary determines, under regulations prescribed under section 374 of this title, that payment of aviation incentive pay to that officer is in the best interests of the service.”.

(b) RESTORATION OF AUTHORITY TO PAY AVIATION INCENTIVE PAY TO MEDICAL OFFICERS PERFORMING FLIGHT SURGEON DUTIES.—Subsection (h)(1) of such section is amended by striking “(except a flight surgeon or other medical officer)”.

(c) INCREASE IN MAXIMUM AMOUNT OF AVIATION SPECIAL PAYS FOR FLYING DUTY OF REMOTELY PILOTED AIRCRAFT.—Subsection (c)(1) of such section is amended—

(1) in subparagraph (A), by striking “exceed \$850 per month; and” and inserting “exceed—

“(i) \$1,000 per month for officers performing qualifying flying duty relating to remotely piloted aircraft (RPA); or

“(ii) \$850 per month for officers performing other qualifying flying duty; and”;

(2) in subparagraph (B), by striking “\$25,000” and all that follows and inserting “, for each 12-month period of obligated service agreed to under subsection (d)—

“(i) \$35,000 for officers performing qualifying flying duty relating to remotely piloted aircraft; or

“(ii) \$25,000 for officers performing other qualifying flying duty.”.

(d) AUTHORITY TO PAY AVIATION BONUS AND SKILL INCENTIVE PAY TO OFFICERS SIMULTANEOUSLY.—Subsection (f) of such section is amended—

(1) in paragraph (1), by striking “353” and inserting “353(a)”; and

(2) in paragraph (2)—

(A) by striking “a payment” and inserting “a bonus payment”; and

(B) by striking “353” and inserting “353(b)”.

(e) REPORT.—Not later than February 1, 2016, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the empirical case for an increase in special and incentive pay for aviation officers in order to address a specific, statistically-based retention problem with respect to such officers. The report shall include the results of a study, conducted by the Secretary in connection with the case, on a market-based compensation approach to the retention of such officers that considers the pay and allowances offered by commercial airlines to pilots and the propensity of pilots to leave the Air Force to become commercial airline pilots.

SEC. 618. REPEAL OF OBSOLETE AUTHORITY TO PAY BONUS TO ENCOURAGE ARMY PERSONNEL TO REFER PERSONS FOR ENLISTMENT IN THE ARMY.

(a) REPEAL.—Section 3252 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 333 of such title is amended by striking the item relating to section 3252.

10 USC
3251 prec.

Subtitle C—Travel and Transportation Allowances

SEC. 621. TRANSPORTATION TO TRANSFER CEREMONIES FOR FAMILY AND NEXT OF KIN OF MEMBERS OF THE ARMED FORCES WHO DIE OVERSEAS DURING HUMANITARIAN OPERATIONS.

Section 481f(e)(1) of title 37, United States Code, is amended by inserting “(including during a humanitarian relief operation)” after “located or serving overseas”.

SEC. 622. REPEAL OF OBSOLETE SPECIAL TRAVEL AND TRANSPORTATION ALLOWANCE FOR SURVIVORS OF DECEASED MEMBERS OF THE ARMED FORCES FROM THE VIETNAM CONFLICT.

(a) REPEAL AND REDESIGNATION.—Section 481f of title 37, United States Code, is amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e), (f), (g), and (h) as subsections (d), (e), (f), and (g), respectively.

(b) CONFORMING AMENDMENT TO CROSS REFERENCE.—Section 2493(a)(4)(B)(ii) of title 10, United States Code, is amended by striking “section 481f(e)” and inserting “section 481f(d)”.

SEC. 623. STUDY AND REPORT ON POLICY CHANGES TO THE JOINT TRAVEL REGULATIONS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study on the impact of the policy changes to the Joint Travel Regulations for the Uniformed Service Members and Department of Defense Civilian Employees related to flat rate per diem for long term temporary duty travel that took effect on November 1, 2014. The study shall assess the following:

(1) The impact of such changes on shipyard workers who travel on long-term temporary duty assignments.

(2) Whether such changes have discouraged employees of the Department of Defense, including civilian employees at shipyards and depots, from volunteering for important temporary duty travel assignments.

(b) REPORT.—Not later than June 1, 2016, the Comptroller General shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the study required by subsection (a).

Subtitle D—Disability Pay, Retired Pay, and Survivor Benefits

PART I—RETIRED PAY REFORM

SEC. 631. MODERNIZED RETIREMENT SYSTEM FOR MEMBERS OF THE UNIFORMED SERVICES.

(a) REGULAR SERVICE.—Section 1409(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(4) MODERNIZED RETIREMENT SYSTEM.—

“(A) REDUCED MULTIPLIER FOR FULL TSP MEMBERS.—Notwithstanding paragraphs (1), (2), and (3), in the case of a member who first becomes a member of the uniformed services on or after January 1, 2018, or a member who makes the election described in subparagraph (B) (referred to as a ‘full TSP member’)—

“(i) paragraph (1)(A) shall be applied by substituting ‘2’ for ‘2½’;

“(ii) clause (i) of paragraph (3)(B) shall be applied by substituting ‘60 percent’ for ‘75 percent’; and

“(iii) clause (ii)(I) of such paragraph shall be applied by substituting ‘2’ for ‘2½’.

“(B) ELECTION TO PARTICIPATE IN MODERNIZED RETIREMENT SYSTEM.—Pursuant to subparagraph (C), a member of a uniformed service serving on December 31, 2017, who has served in the uniformed services for fewer than 12 years as of December 31, 2017, may elect, in exchange for the reduced multipliers described in subparagraph (A) for purposes of calculating the retired pay of the member, to receive Thrift Savings Plan contributions pursuant to section 8440e(e) of title 5.

“(C) ELECTION PERIOD.—

“(i) IN GENERAL.—Except as provided in clauses (ii) and (iii), a member of a uniformed service described in subparagraph (B) may make the election authorized by that subparagraph only during the period that begins on January 1, 2018, and ends on December 31, 2018.

“(ii) HARDSHIP EXTENSION.—The Secretary concerned may extend the election period described in clause (i) for a member who experiences a hardship as determined by the Secretary concerned.

“(iii) EFFECT OF BREAK IN SERVICE.—A member of a uniformed service who returns to service after a break in service that occurs during the election period specified in clause (i) shall make the election described in subparagraph (B) within 30 days after the date of the reentry into service of the member.

“(D) NO RETROACTIVE CONTRIBUTIONS PURSUANT TO ELECTION.—Thrift Savings Plan contributions may not be made for a member making an election pursuant to subparagraph (B) for any period beginning before the date of the member’s election under that subparagraph by reason of the member’s election.

“(E) REGULATIONS.—The Secretary concerned shall prescribe regulations to implement this paragraph.”

(b) NON-REGULAR SERVICE.—Section 12739 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(f) MODERNIZED RETIREMENT SYSTEM.—

“(1) REDUCED MULTIPLIER FOR FULL TSP MEMBERS.—Notwithstanding subsection (a) or (c), in the case of a person who first performs reserve component service on or after January 1, 2018, after not having performed regular or reserve component service on or before that date, or a person who makes the election described in paragraph (2) (referred to as a ‘full TSP member’)—

“(A) subsection (a)(2) shall be applied by substituting ‘2 percent’ for ‘2½ percent’;

“(B) subparagraph (A) of subsection (c)(2) shall be applied by substituting ‘60 percent’ for ‘75 percent’; and

“(C) subparagraph (B)(ii) of such subsection shall be applied by substituting ‘2 percent’ for ‘2½ percent’.

“(2) ELECTION TO PARTICIPATE IN MODERNIZED RETIREMENT SYSTEM.—

“(A) IN GENERAL.—Pursuant to subparagraph (B), a person performing reserve component service on December 31, 2017, who has performed fewer than 12 years of service as of December 31, 2017 (as computed in accordance with section 12733 of this title), may elect, in exchange for the reduced multipliers described in paragraph (1) for purposes of calculating the retired pay of the person, to receive Thrift Savings Plan contributions pursuant to section 8440e(e) of title 5.

“(B) ELECTION PERIOD.—

“(i) IN GENERAL.—Except as provided in clauses (ii) and (iii), a person described in subparagraph (A) may make the election described in that subparagraph during the period that begins on January 1, 2018, and ends on December 31, 2018.

“(ii) HARDSHIP EXTENSION.—The Secretary concerned may extend the election period described in clause (i) for a person who experiences a hardship as determined by the Secretary concerned.

“(iii) PERSONS EXPERIENCING BREAK IN SERVICE.—A person returning to reserve component service after a break in reserve component service in which falls the election period specified in clause (i) shall make the election described in subparagraph (A) on the date of the reentry into service of the person.

“(C) NO RETROACTIVE CONTRIBUTIONS PURSUANT TO ELECTION.—Thrift Savings Plan contributions may not be made for a person making an election pursuant to subparagraph (A) for any pay period beginning before the date of the person’s election under that subparagraph by reason of the person’s election.

“(3) REGULATIONS.—The Secretary concerned shall prescribe regulations to implement this subsection.”

(c) COORDINATING AMENDMENTS TO OTHER RETIREMENT AUTHORITIES.—

(1) DISABILITY, WARRANT OFFICERS, AND DOPMA RETIRED PAY.—

(A) COMPUTATION OF RETIRED PAY.—The table in section 1401(a) of title 10, United States Code, is amended—

(i) in paragraph (1) in column 2 of formula number 1, by striking “2½% of years of service credited to him under section 1208” and inserting “the retired pay multiplier determined for the member under section 1409 of this title”; and

(ii) in paragraph (1) in column 2 of formula number 2, by striking “2½% of years of service credited to him under section 1208” and inserting “the retired pay multiplier determined for the member under section 1409 of this title”; and

(iii) in column 2 of each of formula number 4 and formula number 5, by striking “section 1409(a)” and inserting “section 1409”.

(B) CLARIFICATION REGARDING MODERNIZED RETIREMENT SYSTEM.—Section 1401a(b) of title 10, United States Code, is amended—

(i) by redesignating paragraph (5) as paragraph (6); and

(ii) by inserting after paragraph (4) the following new paragraph (5):

“(5) ADJUSTMENTS FOR PARTICIPANTS IN MODERNIZED RETIREMENT SYSTEM.—Notwithstanding paragraph (3), if a member or former member participates in the modernized retirement system by reason of section 1409(b)(4) of this title (including pursuant to an election under subparagraph (B) of that section), the Secretary shall increase the retired pay of such member in accordance with paragraph (2).”.

(2) 15-YEAR CAREER STATUS BONUS.—Section 354 of title 37, United States Code, is amended—

(A) in subsection (f)—

(i) by striking “If a” and inserting “(1) If a”; and

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

“(2) If a person who is paid a bonus under this section subsequently makes an election described in section 1409(b)(4)(B) of title 10, the person shall repay any bonus payments received under this section in the same manner as repayments are made under section 373 of this title.”; and

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

“(g) SUNSET AND CONTINUATION OF PAYMENTS.—(1) A Secretary concerned may not pay a new bonus under this section after December 31, 2017.

“(2) Subject to subsection (f)(2), the Secretary concerned may continue to make payments for bonuses that were awarded under this section on or before the date specified in paragraph (1).”.

(3) APPLICATION TO NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION COMMISSIONED CORPS.—Paragraph (2) of section 245(a) of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3045(a)) is amended to read as follows:

“(2) the retired pay multiplier determined under section 1409 of such title for the number of years of service that may be credited to the officer under section 1405 of such title

as if the officer’s service were service as a member of the Armed Forces.”

(4) APPLICATION TO PUBLIC HEALTH SERVICE.—Section 211(a)(4) of the Public Health Service Act (42 U.S.C. 212(a)(4)) is amended—

(A) in the matter preceding subparagraph (A), by striking “at the rate of 2 ½ per centum of the basic pay of the highest grade held by him as such officer” and inserting “calculated by multiplying the retired pay base determined under section 1406 of title 10, United States Code, by the retired pay multiplier determined under section 1409 of such title for the numbers of years of service credited to the officer under this paragraph”; and

(B) in the matter following subparagraph (B)(iii)—

(i) in subparagraph (C), by striking “such pay, and” and inserting “such pay,”; and

(ii) in subparagraph (D), by striking “such basic pay.” and inserting “such basic pay, and (E) in the case of any officer who participates in the modernized retirement system by reason of section 1409(b) of title 10, United States Code (including pursuant to an election under subparagraph (B) of that section), subparagraph (C) shall be applied by substituting ‘40 per centum’ for ‘50 per centum’ each place the term appears.”.

(d) REPEAL OF REDUCED COST-OF-LIVING ADJUSTMENTS FOR MEMBERS UNDER THE AGE OF 62.—The following amendments shall not take effect: 10 USC 1401a note.

(1) The amendments to be made by section 403 of the Bipartisan Budget Act of 2013 (Public Law 113–67; 127 Stat. 1186), as amended by section 10001(a) of the Department of Defense Appropriations Act, 2014 (division C of Public Law 113–76; 128 Stat. 151), section 2 of Public Law 113–82 (128 Stat. 1009), and section 623 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3403). 10 USC 1401a, 1410.

(2) The amendments to be made by section 10001(b) of the Department of Defense Appropriations Act, 2014. 10 USC 1401a, 1413a, 1414.

SEC. 632. FULL PARTICIPATION FOR MEMBERS OF THE UNIFORMED SERVICES IN THE THRIFT SAVINGS PLAN.

(a) MODERNIZED RETIREMENT SYSTEM.—

(1) DEFINITIONS.—Section 8440e(a) of title 5, United States Code, is amended by striking paragraphs (1) and (2) and inserting the following new paragraphs:

“(1) the term ‘basic pay’ means basic pay payable under section 204 of title 37;

“(2) the term ‘full TSP member’ means a member described in subsection (e)(1);

“(3) the term ‘member’ has the meaning given the term in section 211 of title 37; and

“(4) the term ‘Secretary concerned’ has the meaning given the term in section 101 of title 37.”.

(2) TSP CONTRIBUTIONS.—Subsection (e) of section 8440e of title 5, United States Code, is amended to read as follows: “(e) MODERNIZED RETIREMENT SYSTEM.—

“(1) TSP CONTRIBUTIONS.—Notwithstanding any other provision of law, the Secretary concerned shall make contributions to the Thrift Savings Fund, in accordance with section 8432 (except to the extent the requirements under such section are modified by this subsection), for the benefit of a member—

“(A) who first enters a uniformed service on or after January 1, 2018; or

“(B) who—

“(i) first entered a uniformed service before January 1, 2018;

“(ii) has completed fewer than 12 years of service in the uniformed services as of December 31, 2017; and

“(iii) makes the election described in section 1409(b)(4)(B) or 12729(f)(2) of title 10 to receive Thrift Savings Plan contributions under this subsection in exchange for the reduced multipliers described in section 1409(b)(4)(A) or 12739(f)(1) of title 10, as applicable, for purposes of calculating the retired pay of the member.

“(2) MAXIMUM AMOUNT.—The amount contributed under this subsection by the Secretary concerned for the benefit of a full TSP member for any pay period shall not be more than 5 percent of the member’s basic pay for such pay period. Any such contribution under this subsection, though in accordance with section 8432 as provided in paragraph (1), is instead of, and not in addition to, amounts contributable under section 8432 as provided in section 8432(c).

“(3) TIMING AND DURATION OF CONTRIBUTIONS.—

“(A) AUTOMATIC CONTRIBUTIONS.—The Secretary concerned shall make a contribution described in section 8432(c)(1) under this subsection for the benefit of a member described in paragraph (1) for any pay period during the period that—

“(i) begins—

“(I) on or after the day that is 60 days after the date the member first enters a uniformed service, in the case of a member described in paragraph (1)(A); or

“(II) on or after the date the member makes the election described in paragraph (1)(B), in the case of a member making such an election; and

“(ii) ends on the day such member completes 26 years of service as a member of the uniformed services.

“(B) MATCHING CONTRIBUTIONS.—The Secretary concerned shall make a contribution described in section 8432(c)(2) under this subsection for the benefit of a member described in paragraph (1) for any pay period during the period that—

“(i) begins—

“(I) on or after the day that is 2 years and 1 day after the date the member first enters a uniformed service, in the case of a member described in paragraph (1)(A); or

“(II) on or after the date the member makes the election described in paragraph (1)(B), in the case of a member making such an election; and

“(ii) ends on the day such member completes 26 years of service as a member of the uniformed services.

“(4) PROTECTIONS FOR SPOUSES AND FORMER SPOUSES.—Section 8435 shall apply to a full TSP member in the same manner as such section is applied to an employee or Member under such section.”.

(b) AUTOMATIC ENROLLMENT IN THRIFT SAVINGS PLAN.—Section 8432(b)(2) of title 5, United States Code, is amended—

(1) in subparagraph (D)(ii), by striking “Members” and inserting “(ii) Except in the case of a full TSP member (as defined in section 8440e(a)), members”;

(2) in subparagraph (E), by striking “8440e(a)(1)” and inserting “8440e(b)(1)”; and

(3) by adding at the end the following new subparagraph:
“(F) Notwithstanding any other provision of this paragraph, if a full TSP member (as defined in section 8440e(a)) has declined automatic enrollment into the Thrift Savings Plan for a year, the full TSP member shall be automatically reenrolled on January 1 of the succeeding year, with contributions under subsection (a) at the default percentage of basic pay.”.

(c) VESTING.—

(1) TWO-YEARS OF SERVICE.—Section 8432(g)(2) of title 5, United States Code, is amended—

(A) in subparagraph (A)(iii), by striking “or” after the semicolon;

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

(C) by adding at the end the following:

“(C) 2 years of service in the case of a member of the uniformed services.”.

(2) SEPARATION.—Section 8432(g) of title 5, United States Code, is amended by adding at the end the following new paragraph:

“(6) For purposes of this subsection, a member of the uniformed services shall be considered to have separated from Government employment if the member is discharged or released from service in the uniformed services.”.

(d) THRIFT SAVINGS PLAN DEFAULT INVESTMENT FUND.—Section 8438(c)(2) of title 5, United States Code, is amended—

(1) in subparagraph (A), by striking “(A) Consistent with the requirements of subparagraph (B), if an” and inserting “If an”; and

(2) by striking subparagraph (B).

(e) REPEAL OF SEPARATE CONTRIBUTION AGREEMENT AUTHORITY.—

(1) REPEAL.—Section 211 of title 37, United States Code, is amended—

(A) by striking subsection (d); and

(B) by redesignating subsection (e) as subsection (d).

(2) CONFORMING AMENDMENT.—Section 8432b(c)(2)(B) of title 5, United States Code, is amended by striking “(including pursuant to an agreement under section 211(d) of title 37)”.

SEC. 633. LUMP SUM PAYMENTS OF CERTAIN RETIRED PAY.

(a) LUMP SUM PAYMENTS OF CERTAIN RETIRED PAY.—

(1) IN GENERAL.—Chapter 71 of title 10, United States Code, is amended by adding at the end the following new section:

10 USC 1415.

“§ 1415. Lump sum payment of certain retired pay

“(a) DEFINITIONS.—In this section:

“(1) COVERED RETIRED PAY.—The term ‘covered retired pay’ means retired pay under—

“(A) this title;

“(B) title 14;

“(C) the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3001 et seq.); or

“(D) the Public Health Service Act (42 U.S.C. 201 et seq.).

“(2) ELIGIBLE PERSON.—The term ‘eligible person’ means a person who—

“(A)(i) first becomes a member of a uniformed service on or after January 1, 2018; or

“(ii) makes the election described in section 1409(b)(4)(B) or 12739(f)(2) of this title; and

“(B) does not retire or separate under chapter 61 of this title.

“(3) RETIREMENT AGE.—The term ‘retirement age’ has the meaning given the term in section 216(l) of the Social Security Act (42 U.S.C. 416(l)).

“(b) ELECTION OF LUMP SUM PAYMENT OF CERTAIN RETIRED PAY.—

“(1) IN GENERAL.—An eligible person entitled to covered retired pay (including an eligible person who is entitled to such pay by reason of an election described in subsection (a)(2)(A)(ii)) may elect to receive—

“(A) a lump sum payment of the discounted present value at the time of the election of an amount of the covered retired pay that the eligible person is otherwise entitled to receive for the period beginning on the date of retirement and ending on the date the eligible person attains the eligible person’s retirement age equal to—

“(i) 50 percent of the amount of such covered retired pay during such period; or

“(ii) 25 percent of the amount of such covered retired pay during such period; and

“(B) a monthly amount during the period described in subparagraph (A) equal to—

“(i) in the case of an eligible person electing to receive an amount described in subparagraph (A)(i), 50 percent of the amount of monthly covered retired pay the eligible person is otherwise entitled to receive during such period; and

“(ii) in the case of an eligible person electing to receive an amount described in subparagraph (A)(ii), 75 percent of the amount of monthly covered retired pay the eligible person is otherwise entitled to receive during such period

“(2) DISCOUNTED PRESENT VALUE.—The Secretary of Defense shall compute the discounted present value of amounts of covered retired pay that an eligible person is otherwise

entitled to receive for a period for purposes of paragraph (1)(A) by—

“(A) estimating the aggregate amount of retired pay the person would receive for the period, taking into account cost-of-living adjustments under section 1401a of this title projected by the Secretary at the time the person separates from service and would otherwise begin receiving covered retired pay; and

“(B) reducing the aggregate amount estimated pursuant to subparagraph (A) by an appropriate percentage determined by the Secretary—

“(i) using average personal discount rates (as defined and calculated by the Secretary taking into consideration applicable and reputable studies of personal discount rates for military personnel and past actuarial experience in the calculation of personal discount rates under this paragraph); and

“(ii) in accordance with generally accepted actuarial principles and practices.

“(3) TIMING OF ELECTION.—An eligible person shall make the election under this subsection not later than 90 days before the date of the retirement of the eligible person from the uniformed services.

“(4) SINGLE PAYMENT OR COMBINATION OF PAYMENTS.—An eligible person may elect to receive a lump sum payment under this subsection in a single payment or in a combination of payments.

“(5) COMMENCEMENT OF PAYMENT.—An eligible person who makes an election under this subsection shall receive the lump sum payment, or the first installment of a combination of payments of the lump sum payment if elected under paragraph (4), as follows:

“(A) Not later than 60 days after the date of the retirement of the eligible person from the uniformed services.

“(B) In the case of an eligible person who is a member of a reserve component, not later than 60 days after the earlier of—

“(i) the date on which the eligible person attains 60 years of age; or

“(ii) the date on which the eligible person first becomes entitled to covered retired pay.

“(6) NO SUBSEQUENT ADJUSTMENT.—An eligible person who accepts payment of a lump sum under this subsection may not seek the review of or otherwise challenge the amount of the lump sum in light of any variation in cost-of-living adjustments under section 1401a of this title, actuarial assumptions, or other factors used by the Secretary in calculating the amount of the lump sum that occur after the Secretary pays the lump sum.

“(c) RESUMPTION OF MONTHLY ANNUITY.—

“(1) GENERAL RULE.—Subject to paragraph (2), an eligible person who makes an election described in subsection (b)(1) shall be entitled to receive the eligible person’s monthly covered retired pay calculated in accordance with paragraph (2) after the eligible person attains the eligible person’s retirement age.

“(2) RESTORATION OF FULL RETIREMENT AMOUNT AT RETIREMENT AGE.—The retired pay of an eligible person who makes

an election described in subsection (a) shall be recomputed, effective on the first day of the first month beginning after the person attains the eligible person's retirement age, so as to be an amount equal to the amount of covered retired pay to which the eligible person would otherwise be entitled on that date if the annual increases, in the retired pay of the eligible person made to reflect changes in the Consumer Price Index, had been made in accordance with section 1401a of this title.

“(d) PAYMENT OF RETIRED PAY TO PERSONS NOT MAKING ELECTION.—An eligible person who does not make the election described in subsection (b)(1) shall be paid the retired pay to which the eligible person is otherwise entitled under the applicable provisions of law referred to in subsection (a)(1).

“(e) REGULATIONS.—The Secretary of Defense concerned shall prescribe regulations to carry out the provisions of this section.”.

10 USC
1401 prec.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 71 of such title is amended by adding at the end the following new item:

“1415. Lump sum payment of certain retired pay.”.

(3) PAYMENTS FROM DEPARTMENT OF DEFENSE MILITARY RETIREMENT FUND.—Section 1463(a)(1) of title 10, United States Code, is amended by striking “or 1414” and inserting “, 1414, or 1415”.

(b) OFFSET OF VETERANS PENSION AND COMPENSATION BY AMOUNT OF LUMP SUM PAYMENTS.—Section 5304 of title 38, United States Code, is amended by adding at the end the following new subsection:

“(d)(1) Other than amounts payable under section 1413a or 1414 of title 10, the amount of pension and compensation benefits payable to a person under this title shall be reduced by the amount of any lump sum payment made to such person under section 1415 of title 10.

“(2) The Secretary shall collect any reduction under paragraph (1) from amounts otherwise payable to the person under this title, including pension and compensation payable under this title, before any pension and compensation payments under this title may be paid to the person.”.

SEC. 634. CONTINUATION PAY FOR FULL TSP MEMBERS WITH 12 YEARS OF SERVICE.

(a) CONTINUATION PAY.—Subchapter II of chapter 5 of title 37, United States Code, is amended by adding at the end the following new section:

37 USC 356.

“§ 356. Continuation pay: full TSP members with 12 years of service

“(a) CONTINUATION PAY.—The Secretary concerned shall make a payment of continuation pay to each full TSP member (as defined in section 8440e(a) of title 5) of the uniformed services under the jurisdiction of the Secretary who—

“(1) completes 12 years of service; and

“(2) enters into an agreement with the Secretary to serve for an additional 4 years of obligated service.

“(b) AMOUNT.—The amount of continuation pay payable to a full TSP member under subsection (a) shall be the amount that is equal to—

“(1) in the case of a member of a regular component—
 “(A) the monthly basic pay of the member at 12 years of service multiplied by 2.5; plus

“(B) at the discretion of the Secretary concerned, the monthly basic pay of the member at 12 years of service multiplied by such number of months (not to exceed 13 months) as the Secretary concerned shall specify in the agreement of the member under subsection (a); and

“(2) in the case of a member of a reserve component—
 “(A) the amount of monthly basic pay to which the member would be entitled at 12 years of service if the member were a member of a regular component multiplied by 0.5; plus

“(B) at the discretion of the Secretary concerned, the amount of monthly basic pay described in subparagraph (A) multiplied by such number of months (not to exceed 6 months) as the Secretary concerned shall specify in the agreement of the member under subsection (a).

“(c) ADDITIONAL DISCRETIONARY AUTHORITY.—In addition to the continuation pay required under subsection (a), the Secretary concerned may provide continuation pay under this subsection to a full TSP member described in subsection (a), and subject to the service agreement referred to in paragraph (2) of such subsection, in an amount determined by the Secretary concerned.

“(d) TIMING OF PAYMENT.—The Secretary concerned shall pay continuation pay under subsection (a) to a full TSP member when the member completes 12 years of service. If the Secretary concerned also provides continuation pay under subsection (c) to the member, that continuation pay shall be provided when the member completes 12 years of service.

“(e) LUMP SUM OR INSTALLMENTS.—A full TSP member may elect to receive continuation pay provided under subsection (a) or (c) in a lump sum or in a series of not more than four payments.

“(f) RELATIONSHIP TO OTHER PAY AND ALLOWANCES.—Continuation pay under this section is in addition to any other pay or allowance to which the full TSP member is entitled.

“(g) REPAYMENT.—A full TSP member who receives continuation pay under this section (a) and fails to complete the obligated service required under such subsection shall be subject to the repayment provisions of section 373 of this title.

“(h) REGULATIONS.—Each Secretary concerned shall prescribe regulations to carry out this section.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of title 37, United States Code, is amended by adding at the end the following new item:

37 USC
301 prec.

“356. Continuation pay: full TSP members with 12 years of service.”

SEC. 635. EFFECTIVE DATE AND IMPLEMENTATION.

5 USC 8432 note.

(a) EFFECTIVE DATE.—The amendments made by this part shall take effect on January 1, 2018.

(b) IMPLEMENTATION.—

(1) **IN GENERAL.**—The Secretaries concerned, the Director of the Office of Personnel Management, and the Federal Retirement Thrift Investment Board shall each and jointly take appropriate actions to ensure the full and effective implementation of the amendments made by this part in order to ensure that members of the uniformed services will be able to participate in the modernized retirement plan provided by this part commencing on the date specified in subsection (a).

(2) **IMPLEMENTATION PLAN.**—Not later than March 1, 2016, the Secretaries concerned shall submit to the appropriate committees of Congress a report containing a plan to ensure the full and effective commencement and operational implementation of the amendments made by this part in accordance with paragraph (1).

(c) **ADDITIONAL TECHNICAL AND CONFORMING AMENDMENTS.**—The report required by subsection (b) shall contain a draft of such legislation as may be necessary to make any additional technical and conforming changes to titles 10 and 37, United States Code, and other provisions of law that are required or should be made by reason of the amendments made by this part.

(d) **DEFINITIONS.**—In this section:

(1) The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Energy and Commerce, the Committee on Natural Resources, the Committee on Oversight and Government Reform, and the Committee on Transportation and Infrastructure of the House of Representatives; and

(B) the Committee on Armed Services, the Committee on Commerce, Science, and Transportation, the Committee on Energy and Natural Resources, the Committee on Homeland Security and Governmental Affairs, and the Committee on Health, Education, Labor, and Pensions of the Senate.

(2) The term “Secretary concerned” has the meaning given that term in section 101 of title 37, United States Code.

PART II—OTHER MATTERS

SEC. 641. DEATH OF FORMER SPOUSE BENEFICIARIES AND SUBSEQUENT REMARRIAGES UNDER THE SURVIVOR BENEFIT PLAN.

(a) **IN GENERAL.**—Section 1448(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(7) **EFFECT OF DEATH OF FORMER SPOUSE BENEFICIARY.**—

“(A) **TERMINATION OF PARTICIPATION IN PLAN.**—A person who elects to provide an annuity to a former spouse under paragraph (2) or (3) and whose former spouse subsequently dies is no longer a participant in the Plan, effective on the date of death of the former spouse.

“(B) **AUTHORITY FOR ELECTION OF NEW SPOUSE BENEFICIARY.**—If a person’s participation in the Plan is discontinued by reason of the death of a former spouse beneficiary, the person may elect to resume participation in the Plan and to elect a new spouse beneficiary as follows:

“(i) **MARRIED ON THE DATE OF DEATH OF FORMER SPOUSE.**—A person who is married at the time of the death of the former spouse beneficiary may elect to

provide coverage to that person’s spouse. Such an election must be received by the Secretary concerned within one year after the date of death of the former spouse beneficiary.

“(ii) MARRIAGE AFTER DEATH OF FORMER SPOUSE BENEFICIARY.—A person who is not married at the time of the death of the former spouse beneficiary and who later marries may elect to provide spouse coverage. Such an election must be received by the Secretary concerned within one year after the date on which that person marries.

“(C) EFFECTIVE DATE OF ELECTION.—The effective date of election under this paragraph shall be as follows:

“(i) An election under subparagraph (B)(i) is effective as of the first day of the first calendar month following the death of the former spouse beneficiary.

“(ii) An election under subparagraph (B)(ii) is effective as of the first day of the first calendar month following the month in which the election is received by the Secretary concerned.

“(D) LEVEL OF COVERAGE.—A person making an election under subparagraph (B) may not reduce the base amount previously elected.

“(E) PROCEDURES.—An election under this paragraph shall be in writing, signed by the participant, and made in such form and manner as the Secretary concerned may prescribe.

“(F) IRREVOCABILITY.—An election under this paragraph is irrevocable.”.

(b) EFFECTIVE DATE.—Paragraph (7) of section 1448(b) of title 10, United States Code, as added by subsection (a), shall apply with respect to any person whose former spouse beneficiary dies on or after the date of the enactment of this Act.

10 USC 1448
note.

(c) APPLICABILITY TO FORMER SPOUSE DEATHS BEFORE ENACTMENT.—

10 USC 1448
note.

(1) IN GENERAL.—A person—

(A) who before the date of the enactment of this Act had a former spouse beneficiary under the Survivor Benefit Plan who died before that date; and

(B) who on the date of the enactment of this Act is married,

may elect to provide spouse coverage for such spouse under the Plan, regardless of whether the person married such spouse before or after the death of the former spouse beneficiary. Any such election may only be made during the one-year period beginning on the date of the enactment of this Act.

(2) EFFECTIVE DATE OF ELECTION IF MARRIED AT LEAST A YEAR AT DEATH FORMER SPOUSE.—If the person providing the annuity was married to the spouse beneficiary for at least one year at the time of the death of the former spouse beneficiary, the effective date of such election shall be the first day of the first month after the death of the former spouse beneficiary.

(3) OTHER EFFECTIVE DATE.—If the person providing the annuity married the spouse beneficiary after (or during the one-year period preceding) the death of the former spouse beneficiary, the effective date of the election shall be the first

day of the first month following the first anniversary of the person's marriage to the spouse beneficiary.

(4) **RESPONSIBILITY FOR PREMIUMS.**—A person electing to participate in the Plan under this subsection shall be responsible for payment of all premiums due from the effective date of the election.

Subtitle E—Commissary and Non-Appropriated Fund Instrumentality Benefits and Operations

10 USC 2481
note.

SEC. 651. PLAN TO OBTAIN BUDGET-NEUTRALITY FOR THE DEFENSE COMMISSARY SYSTEM AND THE MILITARY EXCHANGE SYSTEM.

(a) **IN GENERAL.**—Not later than March 1, 2016, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth a comprehensive plan to achieve by October 1, 2018, budget-neutrality in the delivery of commissary and exchange benefits while meeting the benchmarks set forth in subsection (c). In preparing the report, the Secretary shall consider the report required by section 634 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3406) and any other previous reports, studies, and surveys of matters appropriate to the report.

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

(1) A description of any modifications to the commissary and exchange benefit systems the Secretary considers appropriate to obtain budget-neutrality in the delivery of commissary and exchange benefits, including the following:

(A) The establishment of common business processes, practices, and systems to exploit synergies between the operations of defense commissaries and exchanges and to optimize the operations of the resale system and the benefits provided by the commissaries and exchanges.

(B) The privatization of the defense commissary system and the military exchange system, in whole or in part.

(C) Engagement of major commercial grocery retailers or other private sector entities to determine their willingness to provide eligible beneficiaries with discount savings on grocery products and certain household goods.

(D) The closure of commissaries in locations in close proximity to other commissaries or in locations where commercial alternatives, through major grocery retailers, may be available.

(2) An analysis of different pricing constructs to improve or enhance the delivery of commissary and exchange benefits.

(3) A description of the impact of any modifications described pursuant to paragraph (1) on Morale, Welfare and Recreation (MWR) quality-of-life programs.

(4) Such recommendations for legislative action as the Secretary considers appropriate to achieve by October 1, 2018, budget-neutrality in the delivery of commissary and exchange

benefits while meeting the benchmarks set forth in subsection (c).

(c) BENCHMARKS.—The report required by subsection (a) shall ensure—

(1) the maintenance of high levels of customer satisfaction in the delivery of commissary and exchange benefits;

(2) the provision of high quality products; and

(3) the sustainment of discount savings to eligible beneficiaries.

(d) COMPTROLLER GENERAL ASSESSMENT OF PLAN.—Not later than 120 days after the submittal of the report required by subsection (a), the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth an assessment by the Comptroller General of the plan to achieve budget-neutrality in the delivery of commissary and exchange benefits while meeting the benchmarks set forth in subsection (c) as set forth in the report required by subsection (a).

(e) PILOT PROGRAMS.—

(1) PROGRAMS AUTHORIZED.—After the reports required by subsections (a) and (d) have been submitted as described in such subsections, the Secretary may, notwithstanding any requirement in chapter 147 of title 10, United States Code, conduct one or more pilot programs to evaluate the feasibility and advisability of processes and methods for achieving budget-neutrality in the delivery of commissary and exchange benefits and other applicable benchmarks in accordance with this section. The Secretary may authorize any commissary or exchange, or private sector entity, participating in any such pilot program to establish appropriate prices in response to market conditions and customer demand, provided that the level of savings required by paragraph (3) is maintained.

(2) BENCHMARKS.—If the Secretary conducts a pilot program under this subsection, the Secretary shall establish specific, measurable benchmarks for measuring success in the provision of high quality grocery goods and products, discount savings to patrons, and high levels of customer satisfaction while achieving budget-neutrality in the delivery of commissary and exchange benefits under the pilot program.

(3) REQUIRED SAVINGS TO PATRONS.—The Secretary shall ensure that the level of savings to commissary and exchange patrons under any pilot program under this subsection is not less than the level of savings to such patrons before the implementation of such pilot program, as follows:

(A) Before commencing a pilot program the Secretary shall establish a baseline of savings to patrons achieved for each commissary or exchange to participate in such pilot program by comparing prices charged by such commissary or exchange for a representative market basket of goods to prices charged by local competitors for the same market basket of goods.

(B) After commencement of such pilot program, the Secretary shall ensure that each commissary or exchange, or private sector entity, participating in such pilot program conducts market-basket price comparisons not less than once a month and adjusts pricing as necessary to ensure that pricing achieves savings to patrons under such pilot

program that are reasonably consistent with the baseline savings for the commissary or exchange established pursuant to subparagraph (A).

(4) DURATION OF AUTHORITY.—The authority of the Secretary to carry out a pilot program under this subsection shall expire on the date that is five years after the date of the enactment of this Act. However, if a pilot program achieves budget-neutrality in the delivery of commissary and exchange benefits and other applicable benchmarks, as measured using the benchmarks required by paragraph (2), the Secretary may continue the pilot program for an additional period of up to five years.

(5) REPORTS.—

(A) INITIAL REPORTS.—If the Secretary conducts a pilot program under this subsection, the Secretary shall, not later than 30 days before commencing the pilot program, submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the pilot program, including the following:

(i) A description of the pilot program.

(ii) The provisions, if any, of chapter 147 of title 10, United States Code, that will be waived in the conduct of the pilot program.

(B) FINAL REPORTS.—Not later than 90 days after the date of the completion of any pilot program under this subsection or the date of the commencement of an extension of a pilot program under paragraph (4), the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the pilot program, including the following:

(i) A description and assessment of the pilot program.

(ii) Such recommendations for administrative or legislative action as the Secretary considers appropriate in light of the pilot program.

SEC. 652. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON THE COMMISSARY SURCHARGE, NON-APPROPRIATED FUND, AND PRIVATELY-FINANCED MAJOR CONSTRUCTION PROGRAM.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the Commissary Surcharge, Non-appropriated Fund and Privately-Financed Major Construction Program of the Department of Defense.

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

(1) An assessment whether the Secretary of Defense has established policies and procedures to ensure the timely submittal to the committees of Congress referred to in subsection (a) of notice on construction projects proposed to be funded through the program referred to in that subsection.

(2) An assessment whether the Secretaries of the military departments have developed and implemented policies and procedures to comply with the policies and directives of the

Department of Defense for the submittal to such committees of Congress of notice on such construction projects.

(3) An assessment whether the Secretary of Defense has established policies and procedures to notify such committees of Congress when such construction projects have been commenced without notice to Congress.

(4) An assessment whether construction projects described in paragraph (3) have been completed before submittal of notice to Congress as described in that paragraph and, if so, a list of such projects.

Subtitle F—Other Matters

SEC. 661. IMPROVEMENT OF FINANCIAL LITERACY AND PREPAREDNESS OF MEMBERS OF THE ARMED FORCES.

(a) SENSE OF CONGRESS ON FINANCIAL LITERACY AND PREPAREDNESS OF MEMBERS.—It is the sense of Congress that—

(1) the Secretary of Defense should strengthen arrangements with other departments and agencies of the Federal Government and nonprofit organizations in order to improve the financial literacy and preparedness of members of the Armed Forces; and

(2) the Secretaries of the military departments and the Chiefs of Staff of the Armed Forces should provide support for the financial literacy and preparedness training carried out under section 992 of title 10, United States Code, as amended by subsections (b), (c), and (d).

(b) PROVISION OF FINANCIAL LITERACY AND PREPAREDNESS TRAINING.—Subsection (a) of section 992 of title 10, United States Code, is amended—

(1) in the subsection heading, by striking “CONSUMER EDUCATION” and inserting “FINANCIAL LITERACY TRAINING”;

(2) in paragraph (1), by striking “education” in the matter preceding subparagraph (A) and inserting “financial literacy training”;

(3) by striking paragraph (2) and inserting the following new paragraph:

“(2) Training under this subsection shall be provided to a member of the armed forces—

“(A) as a component of the initial entry training of the member;

“(B) upon arrival at the first duty station of the member;

“(C) upon arrival at each subsequent duty station, in the case of a member in pay grade E–4 or below or in pay grade O–3 or below;

“(D) on the date of promotion of the member, in the case of a member in pay grade E–5 or below or in pay grade O–4 or below;

“(E) when the member vests in the Thrift Savings Plan (TSP) under section 8432(g)(2)(C) of title 5;

“(F) when the member becomes entitled to receive continuation pay under section 356 of title 37, at which time the training shall include, at a minimum, information on options available to the member regarding the use of continuation pay;

“(G) at each major life event during the service of the member, such as—

- “(i) marriage;
- “(ii) divorce;
- “(iii) birth of first child; or
- “(iv) disabling sickness or condition;

“(H) during leadership training;

“(I) during pre-deployment training and during post-deployment training;

“(J) at transition points in the service of the member, such as—

- “(i) transition from a regular component to a reserve component;
- “(ii) separation from service; or
- “(iii) retirement; and

“(K) as a component of periodically recurring required training that is provided to the member at a military installation.”;

(4) in paragraph (3), by striking “paragraph (2)(B)” and inserting “paragraph (2)(J)”; and

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

“(4) The Secretary concerned shall prescribe regulations setting forth any other events and circumstances (in addition to the events and circumstances described in paragraph (2)) upon which the training required by this subsection shall be provided.”.

(c) SURVEY OF MEMBERS’ FINANCIAL LITERACY AND PREPAREDNESS.—Such section is further amended—

- (1) by redesignating subsection (d) as subsection (e); and
- (2) by inserting after subsection (c) the following new subsection (d):

“(d) FINANCIAL LITERACY AND PREPAREDNESS SURVEY.—(1) The Director of the Defense Manpower Data Center shall annually include in the status of forces survey a survey of the status of the financial literacy and preparedness of members of the armed forces.

“(2) The results of the annual financial literacy and preparedness survey—

“(A) shall be used by each of the Secretaries concerned as a benchmark to evaluate and update training provided under this section; and

“(B) shall be submitted to the Committees on Armed Services of the Senate and the House of Representatives.”.

(d) FINANCIAL SERVICES DEFINED.—Subsection (e) of such section, as redesignated by subsection (c)(1) of this section, is amended by adding at the end the following new paragraph:

“(4) Health insurance, budget management, Thrift Savings Plan (TSP), retirement lump sum payments (including rollover options and tax consequences), and Survivor Benefit Plan (SBP).”.

(e) CLERICAL AMENDMENTS.—

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

“§ 992. Financial literacy training: financial services”.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 50 of such title is amended by striking the

item related to section 992 and inserting the following new item:

“992. Financial literacy training: financial services.”.

(f) IMPLEMENTATIONS.—Not later than six months after the date of the enactment of this Act, the Secretary of the military department concerned and the Secretary of the Department in which the Coast Guard is operating shall commence providing financial literacy training under section 992 of title 10, United States Code, as amended by subsections (b), (c), and (d) of this section, to members of the Armed Forces. 10 USC 992 note.

SEC. 662. RECORDATION OF OBLIGATIONS FOR INSTALLMENT PAYMENTS OF INCENTIVE PAYS, ALLOWANCES, AND SIMILAR BENEFITS WHEN PAYMENT IS DUE.

(a) IN GENERAL.—Chapter 19 of title 37, United States Code, is amended by adding at the end the following new section:

“§ 1015. Recordation of installment payment obligations for incentive pays and similar benefits 37 USC 1015 note.

“(a) IN GENERAL.—In the case of any pay, allowance, bonus, or other benefit described in subsection (b) that is paid to a member of the uniformed services on an installment basis, each installment payment shall be charged to appropriations that are available for obligation at the time such payment is payable.

“(b) COVERED PAY AND BENEFITS.—Subsection (a) applies to any incentive pay, special pay, or bonus, or similar periodic payment of pay or allowances, or of educational benefits or stipends, that is paid to a member of the uniformed services under this title or title 10.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 19 of such title is amended by adding at the end the following new item: 37 USC 1001 prec.

“1015. Recordation of installment payment obligations for incentive pays and similar benefits.”.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—TRICARE and Other Health Care Benefits

- Sec. 701. Access to TRICARE Prime for certain beneficiaries.
- Sec. 702. Modifications of cost-sharing for the TRICARE pharmacy benefits program.
- Sec. 703. Expansion of continued health benefits coverage to include discharged and released members of the Selected Reserve.
- Sec. 704. Access to health care under the TRICARE program for beneficiaries of TRICARE Prime.
- Sec. 705. Expansion of reimbursement for smoking cessation services for certain TRICARE beneficiaries.

Subtitle B—Health Care Administration

- Sec. 711. Waiver of recoupment of erroneous payments caused by administrative error under the TRICARE program.
- Sec. 712. Publication of data on patient safety, quality of care, satisfaction, and health outcome measures under the TRICARE program.
- Sec. 713. Expansion of evaluation of effectiveness of the TRICARE program to include information on patient safety, quality of care, and access to care at military medical treatment facilities.
- Sec. 714. Portability of health plans under the TRICARE program.
- Sec. 715. Joint uniform formulary for transition of care.
- Sec. 716. Licensure of mental health professionals in TRICARE program.

- Sec. 717. Designation of certain non-Department mental health care providers with knowledge relating to treatment of members of the Armed Forces.
- Sec. 718. Comprehensive standards and access to contraception counseling for members of the Armed Forces.

Subtitle C—Reports and Other Matters

- Sec. 721. Provision of transportation of dependent patients relating to obstetrical anesthesia services.
- Sec. 722. Extension of authority for DOD–VA Health Care Sharing Incentive Fund.
- Sec. 723. Extension of authority for joint Department of Defense–Department of Veterans Affairs Medical Facility Demonstration Fund.
- Sec. 724. Limitation on availability of funds for Office of the Secretary of Defense.
- Sec. 725. Pilot program on urgent care under TRICARE program.
- Sec. 726. Pilot program on incentive programs to improve health care provided under the TRICARE program.
- Sec. 727. Limitation on availability of funds for Department of Defense Healthcare Management Systems Modernization.
- Sec. 728. Submittal of information to Secretary of Veterans Affairs relating to exposure to airborne hazards and open burn pits.
- Sec. 729. Plan for development of procedures to measure data on mental health care provided by the Department of Defense.
- Sec. 730. Report on plans to improve experience with and eliminate performance variability of health care provided by the Department of Defense.
- Sec. 731. Comptroller General study on gambling and problem gambling behavior among members of the Armed Forces.

Subtitle A—TRICARE and Other Health Care Benefits

SEC. 701. ACCESS TO TRICARE PRIME FOR CERTAIN BENEFICIARIES.

Section 732(c)(3) of the National Defense Authorization Act for Fiscal Year 2013 (10 U.S.C. 1097a note) is amended to read as follows:

“(3) RESIDENCE AT TIME OF ELECTION.—

“(A) Except as provided by subparagraph (B), an affected eligible beneficiary may not make the one-time election under paragraph (1) if, at the time of such election, the beneficiary does not reside—

“(i) in a ZIP code that is in a region described in subsection (d)(1)(B); and

“(ii) within 100 miles of a military medical treatment facility.

“(B) Subparagraph (A)(ii) shall not apply with respect to an affected eligible beneficiary who—

“(i) as of December 25, 2013, resides farther than 100 miles from a military medical treatment facility; and

“(ii) is such an eligible beneficiary by reason of service in the Army, Navy, Air Force, or Marine Corps.”.

SEC. 702. MODIFICATIONS OF COST-SHARING FOR THE TRICARE PHARMACY BENEFITS PROGRAM.

(a) MODIFICATION OF COST-SHARING AMOUNTS.—Subparagraph (A) of section 1074g(a)(6) of title 10, United States Code, is amended—

(1) in clause (i)—

(A) in subclause (I), by striking “\$8” and inserting “\$10”; and

(B) in subclause (II), by striking “\$20” and inserting “\$24”; and

(2) in clause (ii)—

(A) in subclause (II), by striking “\$16” and inserting “\$20”; and

(B) in subclause (III), by striking “\$46” and inserting “\$49”.

(b) MODIFICATION OF COLA INCREASE.—Subparagraph (C) of such section is amended—

(1) in clause (i), by striking “Beginning October 1, 2013,” and inserting “Beginning October 1, 2016,”; and

(2) by striking clause (ii) and inserting the following new clause (ii):

“(ii) The amount of the increase otherwise provided for a year by clause (i) shall be computed as follows:

“(I) If the amount of the increase is equal to or greater than 50 cents, the amount of the increase shall be rounded to the nearest multiple of \$1.

“(II) If the amount of the increase is less than 50 cents, the increase shall not be made for such year, but shall be carried over to, and accumulated with, the amount of the increase for the subsequent year or years and made when the aggregate amount of increases under this clause for a year is equal to or greater than 50 cents.”.

SEC. 703. EXPANSION OF CONTINUED HEALTH BENEFITS COVERAGE TO INCLUDE DISCHARGED AND RELEASED MEMBERS OF THE SELECTED RESERVE.

(a) IN GENERAL.—Subsection (b) of section 1078a of title 10, United States Code, is amended—

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

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

“(2) A member of the Selected Reserve of the Ready Reserve of a reserve component of the armed forces who—

“(A) is discharged or released from service in the Selected Reserve, whether voluntarily or involuntarily, under other than adverse conditions, as characterized by the Secretary concerned;

“(B) immediately preceding that discharge or release, is enrolled in TRICARE Reserve Select; and

“(C) after that discharge or release, would not otherwise be eligible for any benefits under this chapter.”.

(b) NOTIFICATION OF ELIGIBILITY.—Subsection (c)(2) of such section is amended by inserting “or subsection (b)(2)” after “subsection (b)(1)”.

(c) ELECTION OF COVERAGE.—Subsection (d) of such section is amended—

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

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

“(2) In the case of a member described in subsection (b)(2), the written election shall be submitted to the Secretary concerned before the end of the 60-day period beginning on the later of—

“(A) the date of the discharge or release of the member from service in the Selected Reserve; and

“(B) the date the member receives the notification required pursuant to subsection (c).”

(d) **COVERAGE OF DEPENDENTS.**—Subsection (e) of such section is amended by inserting “or subsection (b)(2)” after “subsection (b)(1)”.

(e) **PERIOD OF CONTINUED COVERAGE.**—Subsection (g)(1) of such section is amended—

(1) by redesignating subparagraphs (B) through (D) as subparagraphs (C) through (E); and

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

“(B) in the case of a member described in subsection (b)(2), the date which is 18 months after the date the member ceases to be eligible to enroll in TRICARE Reserve Select;”.

(f) **TRICARE RESERVE SELECT DEFINED.**—Such section is further amended by adding at the end the following new subsection:

“(h) **TRICARE RESERVE SELECT DEFINED.**—In this section, the term ‘TRICARE Reserve Select’ means TRICARE Standard coverage provided under section 1076d of this title.”.

(g) **CONFORMING AMENDMENTS.**—Such section is further amended—

(1) in subsection (c)—

(A) in paragraph (3), by striking “subsection (b)(2)” and inserting “subsection (b)(3)”; and

(B) in paragraph (4), by striking “subsection (b)(3)” and inserting “subsection (b)(4)”; and

(2) in subsection (d)—

(A) in paragraph (3), as redesignated by subsection (c)(1), by striking “subsection (b)(2)” and inserting “subsection (b)(3)”; and

(B) in paragraph (4), as so redesignated, by striking “subsection (b)(3)” and inserting “subsection (b)(4)”; and

(C) in paragraph (5), as so redesignated, by striking “subsection (b)(4)” and inserting “subsection (b)(5)”; and

(3) in subsection (e), by striking “subsection (b)(2) or subsection (b)(3)” and inserting “subsection (b)(3) or subsection (b)(4)”; and

(4) in subsection (g)—

(A) in paragraph (1)—

(i) in subparagraph (C), as redesignated by subsection (e)(1), by striking “subsection (b)(2)” and inserting “subsection (b)(3)”; and

(ii) in subparagraph (D), as so redesignated, by striking “subsection (b)(3)” and inserting “subsection (b)(4)”; and

(iii) in subparagraph (E), as so redesignated, by striking “subsection (b)(4)” and inserting “subsection (b)(5)”; and

(B) in paragraph (2)—

(i) by striking “paragraph (1)(B)” and inserting “paragraph (1)(C)”; and

(ii) by striking “subsection (b)(2)” and inserting “subsection (b)(3)”; and

(C) in paragraph (3)—

(i) by striking “paragraph (1)(C)” and inserting “paragraph (1)(D)”; and

(ii) by striking “subsection (b)(3)” and inserting “subsection (b)(4)”.

SEC. 704. ACCESS TO HEALTH CARE UNDER THE TRICARE PROGRAM FOR BENEFICIARIES OF TRICARE PRIME.

10 USC 1073
note.

(a) **ACCESS TO HEALTH CARE.**—The Secretary of Defense shall ensure that beneficiaries under TRICARE Prime who are seeking an appointment for health care under TRICARE Prime shall obtain such an appointment within the health care access standards established under subsection (b), including through the use of health care providers in the preferred provider network of TRICARE Prime.

(b) **STANDARDS FOR ACCESS TO CARE.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall establish health care access standards for the receipt of health care under TRICARE Prime, whether received at military medical treatment facilities or from health care providers in the preferred provider network of TRICARE Prime.

(2) **CATEGORIES OF CARE.**—The health care access standards established under paragraph (1) shall include standards with respect to the following categories of health care:

(A) Primary care, including pediatric care, maternity care, gynecological care, and other subcategories of primary care.

(B) Specialty care, including behavioral health care and other subcategories of specialty care.

(3) **MODIFICATIONS.**—The Secretary may modify the health care access standards established under paragraph (1) whenever the Secretary considers the modification of such standards appropriate.

(4) **PUBLICATION.**—The Secretary shall publish the health care access standards established under paragraph (1), and any modifications to such standards, in the Federal Register and on a publicly accessible Internet website of the Department of Defense.

(c) **DEFINITIONS.**—In this section:

(1) **TRICARE PRIME.**—The term “TRICARE Prime” means the managed care option of the TRICARE program.

(2) **TRICARE PROGRAM.**—The term “TRICARE program” has the meaning given that term in section 1072(7) of title 10, United States Code.

SEC. 705. EXPANSION OF REIMBURSEMENT FOR SMOKING CESSATION SERVICES FOR CERTAIN TRICARE BENEFICIARIES.

Section 713(f) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4503; 10 U.S.C. 1074 note) is amended—

(1) in paragraph (1)(A), by striking “during fiscal year 2009”;

(2) in paragraph (1)(B), by striking “during such fiscal year”; and

(3) in paragraph (2), by striking “during fiscal year 2009” and inserting “after September 30, 2008”.

Subtitle B—Health Care Administration

SEC. 711. WAIVER OF RECOUPMENT OF ERRONEOUS PAYMENTS CAUSED BY ADMINISTRATIVE ERROR UNDER THE TRICARE PROGRAM.

(a) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1095f the following new section:

10 USC 1095g.

“§ 1095g. TRICARE program: waiver of recoupment of erroneous payments caused by administrative error

“(a) WAIVER OF RECOUPMENT.—The Secretary of Defense may waive recoupment from an individual who has benefitted from an erroneous TRICARE payment in a case in which each of the following applies:

“(1) The payment was made because of an administrative error by an employee of the Department of Defense or a contractor under the TRICARE program.

“(2) The individual (or in the case of a minor, the parent or guardian of the individual) had a good faith, reasonable belief that the individual was entitled to the benefit of such payment under this chapter.

“(3) The individual relied on the expectation of such entitlement.

“(4) The Secretary determines that a waiver of recoupment of such payment is necessary to prevent an injustice.

“(b) RESPONSIBILITY OF CONTRACTOR.—In any case in which the Secretary waives recoupment under subsection (a) and the administrative error was on the part of a contractor under the TRICARE program, the Secretary shall, consistent with the requirements and procedures of the applicable contract, impose financial responsibility on the contractor for the erroneous payment.

“(c) FINALITY OF DETERMINATIONS.—Any determination by the Secretary under this section to waive or decline to waive recoupment under subsection (a) is a final determination and shall not be subject to appeal or judicial review.”.

10 USC
1071 prec.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of such title is amended by inserting after the item relating to section 1095f the following new item:

“1095g. TRICARE program: waiver of recoupment of erroneous payments caused by administrative error.”.

SEC. 712. PUBLICATION OF DATA ON PATIENT SAFETY, QUALITY OF CARE, SATISFACTION, AND HEALTH OUTCOME MEASURES UNDER THE TRICARE PROGRAM.

Section 1073b of title 10, United States Code, is amended by adding at the end the following:

“(c) PUBLICATION OF DATA ON PATIENT SAFETY, QUALITY OF CARE, SATISFACTION, AND HEALTH OUTCOME MEASURES.—(1) Not later than 180 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2016, the Secretary of Defense shall publish on a publically available Internet website of the Department of Defense data on all measures that the Secretary considers appropriate that are used by the Department to assess patient safety, quality of care, patient satisfaction, and health

outcomes for health care provided under the TRICARE program at each military medical treatment facility.

“(2) The Secretary shall publish an update to the data published under paragraph (1) not less frequently than once each quarter during each fiscal year.

“(3) The Secretary may not include data relating to risk management activities of the Department in any publication under paragraph (1) or update under paragraph (2).

“(4) The Secretary shall ensure that the data published under paragraph (1) and updated under paragraph (2) is accessible to the public through the primary Internet website of the Department and the primary Internet website of the military medical treatment facility with respect to which such data applies.”.

SEC. 713. EXPANSION OF EVALUATION OF EFFECTIVENESS OF THE TRICARE PROGRAM TO INCLUDE INFORMATION ON PATIENT SAFETY, QUALITY OF CARE, AND ACCESS TO CARE AT MILITARY MEDICAL TREATMENT FACILITIES.

Section 717(a) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 10 U.S.C. 1073 note) is amended—

(1) in the matter preceding paragraph (1), in the second sentence, by striking “address”;

(2) in paragraph (1)—

(A) by inserting “address” before “the impact of”; and
(B) by striking “; and” and inserting a semicolon;

(3) in paragraph (2), by striking the period at the end and inserting “; and”; and

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

“(3) address patient safety, quality of care, and access to care at military medical treatment facilities, including—

“(A) an identification of the number of practitioners providing health care in military medical treatment facilities that were reported to the National Practitioner Data Bank during the year preceding the evaluation; and

“(B) with respect to each military medical treatment facility, an assessment of—

“(i) the current accreditation status of such facility, including any recommendations for corrective action made by the relevant accrediting body;

“(ii) any policies or procedures implemented during such year by the Secretary of the military department concerned that were designed to improve patient safety, quality of care, and access to care at such facility;

“(iii) data on surgical and maternity care outcomes during such year;

“(iv) data on appointment wait times during such year; and

“(v) data on patient safety, quality of care, and access to care as compared to standards established by the Department of Defense with respect to patient safety, quality of care, and access to care.”.

SEC. 714. PORTABILITY OF HEALTH PLANS UNDER THE TRICARE PROGRAM.

10 USC 1073 note.

(a) HEALTH PLAN PORTABILITY.—

(1) **IN GENERAL.**—The Secretary of Defense shall ensure that covered beneficiaries under the TRICARE program who are covered under a health plan under such program are able to seamlessly access health care under such health plan in each TRICARE program region.

(2) **REGULATIONS.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall prescribe regulations to carry out paragraph (1).

(b) **MECHANISMS TO ENSURE PORTABILITY.**—In carrying out subsection (a), the Secretary shall—

(1) establish a process for electronic notification of contractors responsible for administering the TRICARE program in each TRICARE region when any covered beneficiary intends to relocate between such regions;

(2) provide for the automatic electronic transfer between such contractors of information relating to covered beneficiaries who are relocating between such regions, including demographic, enrollment, and claims information; and

(3) ensure each such covered beneficiary is able to obtain a new primary health care provider within ten days of—

(A) arriving at the location to which the covered beneficiary has relocated; and

(B) initiating a request for a new primary health care provider.

(c) **PUBLICATION.**—The Secretary shall—

(1) publish information on any modifications made pursuant to subsection (a) with respect to the ability of covered beneficiaries under the TRICARE program who are covered under a health plan under such program to access health care in each TRICARE region on the primary Internet website of the Department that is available to the public; and

(2) ensure that such information is made available on the primary Internet website that is available to the public of each current contractor responsible for administering the TRICARE program.

(d) **DEFINITIONS.**—In this section, the terms “covered beneficiary” and “TRICARE program” have the meaning given such terms in section 1072 of title 10, United States Code.

10 USC 1074g
note.

SEC. 715. JOINT UNIFORM FORMULARY FOR TRANSITION OF CARE.

(a) **JOINT FORMULARY.**—Not later than June 1, 2016, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly establish a joint uniform formulary for the Department of Veterans Affairs and the Department of Defense with respect to pharmaceutical agents that are critical for the transition of an individual from receiving treatment furnished by the Secretary of Defense to treatment furnished by the Secretary of Veterans Affairs.

(b) **SELECTION.**—The Secretaries shall select for inclusion on the joint uniform formulary established under subsection (a) pharmaceutical agents relating to—

(1) the control of pain, sleep disorders, and psychiatric conditions, including post-traumatic stress disorder; and

(2) any other conditions determined appropriate by the Secretaries.

(c) **REPORT.**—Not later than July 1, 2016, the Secretaries shall jointly submit to the appropriate congressional committees a report on the joint uniform formulary established under subsection (a),

including a list of the pharmaceutical agents selected for inclusion on the formulary.

(d) CONSTRUCTION.—Nothing in this section shall be construed to prohibit the Secretary of Defense and the Secretary of Veterans Affairs from each maintaining the respective uniform formularies of the Department of the Secretary.

(e) DEFINITIONS.—In this section:

(1) The term “appropriate congressional committees” means—

(A) the congressional defense committees; and

(B) the Committees on Veterans’ Affairs of the House of Representatives and the Senate.

(2) The term “pharmaceutical agent” has the meaning given that term in section 1074g(g) of title 10, United States Code.

(f) CONFORMING AMENDMENT.—Section 1074g(a)(2)(A) of title 10, United States Code, is amended by adding at the end the following new sentence: “With respect to members of the uniformed services, such uniform formulary shall include pharmaceutical agents on the joint uniform formulary established under section 715 of the National Defense Authorization Act for Fiscal Year 2016.”

SEC. 716. LICENSURE OF MENTAL HEALTH PROFESSIONALS IN TRICARE PROGRAM.

10 USC 1073
note.

(a) QUALIFICATIONS FOR TRICARE CERTIFIED MENTAL HEALTH COUNSELORS DURING TRANSITION PERIOD.—During the period preceding January 1, 2021, for purposes of determining whether a mental health care professional is eligible for reimbursement under the TRICARE program as a TRICARE certified mental health counselor, an individual who holds a masters degree or doctoral degree in counseling from a program that is accredited by a covered institution shall be treated as holding such degree from a mental health counseling program or clinical mental health counseling program that is accredited by the Council for Accreditation of Counseling and Related Educational Programs.

(b) DEFINITIONS.—In this section:

(1) The term “covered institution” means any of the following:

(A) The Accrediting Commission for Community and Junior Colleges Western Association of Schools and Colleges (ACCJC-WASC).

(B) The Higher Learning Commission (HLC).

(C) The Middle States Commission on Higher Education (MSCHE).

(D) The New England Association of Schools and Colleges Commission on Institutions of Higher Education (NEASC-CIHE).

(E) The Southern Association of Colleges and Schools (SACS) Commission on Colleges.

(F) The WASC Senior College and University Commission (WASC-SCUC).

(G) The Accrediting Bureau of Health Education Schools (ABHES).

(H) The Accrediting Commission of Career Schools and Colleges (ACCSC).

(I) The Accrediting Council for Independent Colleges and Schools (ACICS).

(J) The Distance Education Accreditation Commission (DEAC).

(2) The term “TRICARE program” has the meaning given that term in section 1072 of title 10, United States Code.

10 USC 1073
note.

SEC. 717. DESIGNATION OF CERTAIN NON-DEPARTMENT MENTAL HEALTH CARE PROVIDERS WITH KNOWLEDGE RELATING TO TREATMENT OF MEMBERS OF THE ARMED FORCES.

(a) MENTAL HEALTH PROVIDER READINESS DESIGNATION.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall develop a system by which any non-Department mental health care provider that meets eligibility criteria established by the Secretary relating to the knowledge described in paragraph (2) receives a mental health provider readiness designation from the Department of Defense.

(2) KNOWLEDGE DESCRIBED.—The knowledge described in this paragraph is the following:

(A) Knowledge and understanding with respect to the culture of members of the Armed Forces and family members and caregivers of members of the Armed Forces.

(B) Knowledge with respect to evidence-based treatments that have been approved by the Department for the treatment of mental health issues among members of the Armed Forces.

(b) AVAILABILITY OF INFORMATION ON DESIGNATION.—

(1) REGISTRY.—The Secretary of Defense shall establish and update as necessary a publically available registry of all non-Department mental health care providers that are currently designated under subsection (a)(1).

(2) PROVIDER LIST.—The Secretary shall update all lists maintained by the Secretary of non-Department mental health care providers that provide mental health care under the laws administered by the Secretary by indicating the providers that are currently designated under subsection (a)(1).

(c) NON-DEPARTMENT MENTAL HEALTH CARE PROVIDER DEFINED.—In this section, the term “non-Department mental health care provider”—

(1) means a health care provider who—

(A) specializes in mental health;

(B) is not a health care provider of the Department of Defense at a facility of the Department; and

(C) provides health care to members of the Armed Forces; and

(2) includes psychiatrists, psychologists, psychiatric nurses, social workers, mental health counselors, marriage and family therapists, and other mental health care providers designated by the Secretary of Defense.

10 USC 1074d
note.

SEC. 718. COMPREHENSIVE STANDARDS AND ACCESS TO CONTRACEPTION COUNSELING FOR MEMBERS OF THE ARMED FORCES.

(a) CLINICAL PRACTICE GUIDELINES.—

(1) ESTABLISHMENT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall establish clinical practice guidelines for health care providers employed by the Department of Defense on standards

of care with respect to methods of contraception and counseling on methods of contraception for members of the Armed Forces.

(2) **UPDATES.**—The Secretary shall from time to time update the clinical practice guidelines established under paragraph (1) to incorporate into such guidelines new or updated standards of care with respect to methods of contraception and counseling on methods of contraception.

(b) **DISSEMINATION.**—

(1) **INITIAL DISSEMINATION.**—As soon as practicable, but commencing not later than one year after the date of the enactment of this Act, the Secretary shall provide for rapid dissemination of the clinical practice guidelines to health care providers described in subsection (a)(1).

(2) **DISSEMINATION OF UPDATES.**—As soon as practicable after each update to the clinical practice guidelines made by the Secretary pursuant to paragraph (2) of subsection (a), the Secretary shall provide for the rapid dissemination of such updated clinical practice guidelines to health care providers described in paragraph (1) of such subsection.

(3) **PROTOCOLS.**—The Secretary shall disseminate the clinical practice guidelines under paragraph (1) and any updates to such guidelines under paragraph (2) in accordance with administrative protocols developed by the Secretary for such purpose.

(c) **ACCESS TO CONTRACEPTION COUNSELING.**—As soon as practicable after the date of the enactment of this Act, the Secretary shall ensure that women members of the Armed Forces have access to comprehensive counseling on the full range of methods of contraception provided by health care providers described in subsection (a)(1) during health care visits, including visits as follows:

(1) During predeployment health care visits, including counseling that provides specific information women need regarding the interaction between anticipated deployment conditions and various methods of contraception.

(2) During health care visits during deployment.

(3) During annual physical examinations.

Subtitle C—Reports and Other Matters

SEC. 721. PROVISION OF TRANSPORTATION OF DEPENDENT PATIENTS RELATING TO OBSTETRICAL ANESTHESIA SERVICES.

Section 1040(a)(2) of title 10, United States Code, is amended by striking subparagraph (F).

SEC. 722. EXTENSION OF AUTHORITY FOR DOD-VA HEALTH CARE SHARING INCENTIVE FUND.

Section 8111(d)(3) of title 38, United States Code, is amended by striking “September 30, 2015” and inserting “September 30, 2020”.

SEC. 723. EXTENSION OF AUTHORITY FOR JOINT DEPARTMENT OF DEFENSE-DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITY DEMONSTRATION FUND.

Section 1704(e) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2573), as amended by section 722 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public

Law 113–291), is further amended by striking “September 30, 2016” and inserting “September 30, 2017”.

SEC. 724. LIMITATION ON AVAILABILITY OF FUNDS FOR OFFICE OF THE SECRETARY OF DEFENSE.

Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2016 for the Office of the Secretary of Defense, not more than 75 percent may be obligated or expended until the date on which the Secretary of Defense submits to the congressional defense committees the report required by section 713(a)(2) of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3414).

10 USC 1073
note.

SEC. 725. PILOT PROGRAM ON URGENT CARE UNDER TRICARE PROGRAM.

(a) **PILOT PROGRAM.**—

(1) **IN GENERAL.**—Commencing not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall carry out a pilot program to allow a covered beneficiary under the TRICARE program access to urgent care visits without the need for preauthorization for such visits.

(2) **DURATION.**—The Secretary shall carry out the pilot program for a period of three years.

(3) **INCORPORATION OF NURSE ADVICE LINE.**—The Secretary shall incorporate the nurse advice line of the Department into the pilot program to direct covered beneficiaries seeking access to care to the source of the most appropriate level of health care required to treat the medical conditions of the beneficiaries, including urgent care under the pilot program.

(b) **PUBLICATION.**—The Secretary shall—

(1) publish information on the pilot program under subsection (a) for the receipt of urgent care under the TRICARE program—

(A) on the primary publically available Internet website of the Department; and

(B) on the primary publically available Internet website of each military medical treatment facility; and

(2) ensure that such information is made available on the primary publically available Internet website of each current managed care contractor that has established a health care provider network under the TRICARE program.

(c) **REPORTS.**—

(1) **FIRST REPORT.**—

(A) **IN GENERAL.**—Not later than one year after the date on which the pilot program under subsection (a) commences, the Secretary shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report on the pilot program.

(B) **ELEMENTS.**—The report under subparagraph (1) shall include the following:

(i) An analysis of urgent care use by covered beneficiaries in military medical treatment facilities and the TRICARE purchased care provider network.

(ii) A comparison of urgent care use by covered beneficiaries to the use by covered beneficiaries of emergency departments in military medical treatment facilities and the TRICARE purchased care provider

network, including an analysis of whether the pilot program decreases the inappropriate use of medical care in emergency departments.

(iii) A determination of the extent to which the nurse advice line of the Department affected both urgent care and emergency department use by covered beneficiaries in military medical treatment facilities and the TRICARE purchased care provider network.

(iv) An analysis of any cost savings to the Department realized through the pilot program.

(v) A determination of the optimum number of urgent care visits available to covered beneficiaries without preauthorization.

(vi) An analysis of the satisfaction of covered beneficiaries with the pilot program.

(2) **SECOND REPORT.**—Not later than two years after the date on which the pilot program commences, the Secretary shall submit to the committees specified in paragraph (1)(A) an update to the report required by such paragraph, including any recommendations of the Secretary with respect to extending or making permanent the pilot program and a description of any related legislative actions that the Secretary considers appropriate.

(3) **FINAL REPORT.**—Not later than 180 days after the date on which the pilot program is completed, the Secretary shall submit to the committees specified in paragraph (1)(A) a final report on the pilot program that updates the report required by paragraph (2).

(d) **DEFINITIONS.**—In this section, the terms “covered beneficiary” and “TRICARE program” have the meaning given such terms in section 1072 of title 10, United States Code.

SEC. 726. PILOT PROGRAM ON INCENTIVE PROGRAMS TO IMPROVE HEALTH CARE PROVIDED UNDER THE TRICARE PROGRAM.

10 USC 1092
note.

(a) **PILOT PROGRAM.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall commence the conduct of a pilot program under section 1092 of title 10, United States Code, to assess whether a reduction in the rate of increase in health care spending by the Department of Defense and an enhancement of the operation of the military health system may be achieved by developing and implementing value-based incentive programs to encourage health care providers under the TRICARE program (including physicians, hospitals, and others involved in providing health care to patients) to improve the following:

(1) The quality of health care provided to covered beneficiaries under the TRICARE program.

(2) The experience of covered beneficiaries in receiving health care under the TRICARE program.

(3) The health of covered beneficiaries.

(b) **INCENTIVE PROGRAMS.**—

(1) **DEVELOPMENT.**—In developing an incentive program under this section, the Secretary shall—

(A) consider the characteristics of the population of covered beneficiaries affected by the incentive program;

(B) consider how the incentive program would impact the receipt of health care under the TRICARE program by such covered beneficiaries;

(C) establish or maintain an assurance that such covered beneficiaries will have timely access to health care during operation of the incentive program;

(D) ensure that there are no additional financial costs to such covered beneficiaries of implementing the incentive program; and

(E) consider such other factors as the Secretary considers appropriate.

(2) ELEMENTS.—With respect to an incentive program developed and implemented under this section, the Secretary shall ensure that—

(A) the size, scope, and duration of the incentive program is reasonable in relation to the purpose of the incentive program; and

(B) appropriate criteria and data collection are used to ensure adequate evaluation of the feasibility and advisability of implementing the incentive program throughout the TRICARE program.

(3) USE OF EXISTING MODELS.—In developing an incentive program under this section, the Secretary may adapt a value-based incentive program conducted by the Centers for Medicare & Medicaid Services or any other governmental or commercial health care program.

(c) TERMINATION.—The authority of the Secretary to carry out the pilot program under this section shall terminate on December 31, 2019.

(d) REPORTS.—

(1) INTERIM REPORT.—Not later than one year after the date of the enactment of this Act, and not less frequently than once each year thereafter until the termination of the pilot program, the Secretary shall submit to the congressional defense committees a report on the pilot program.

(2) FINAL REPORT.—Not later than September 30, 2019, the Secretary shall submit to the congressional defense committees a final report on the pilot program.

(3) ELEMENTS.—Each report submitted under paragraph (1) or paragraph (2) shall include the following:

(A) An assessment of each incentive program developed and implemented under this section, including whether such incentive program—

(i) improves the quality of health care provided to covered beneficiaries, the experience of covered beneficiaries in receiving health care under the TRICARE program, or the health of covered beneficiaries;

(ii) reduces the rate of increase in health care spending by the Department of Defense; or

(iii) enhances the operation of the military health system.

(B) Such recommendations for administrative or legislative action as the Secretary considers appropriate in light of the pilot program, including to implement any such incentive program or programs throughout the TRICARE program.

(e) **DEFINITIONS.**—In this section, the terms “covered beneficiary” and “TRICARE program” have the meanings given those terms in section 1072 of title 10, United States Code.

SEC. 727. LIMITATION ON AVAILABILITY OF FUNDS FOR DEPARTMENT OF DEFENSE HEALTHCARE MANAGEMENT SYSTEMS MODERNIZATION.

Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2016 for the Department of Defense Healthcare Management Systems Modernization, not more than 75 percent may be obligated or expended until the date on which the Secretary of Defense makes the certification required by section 713(g)(2) of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 10 U.S.C. 1071 note).

SEC. 728. SUBMITTAL OF INFORMATION TO SECRETARY OF VETERANS AFFAIRS RELATING TO EXPOSURE TO AIRBORNE HAZARDS AND OPEN BURN PITS.

38 USC 527 note.

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, and periodically thereafter, the Secretary of Defense shall submit to the Secretary of Veterans Affairs such information in the possession of the Secretary of Defense as the Secretary of Veterans Affairs considers necessary to supplement and support—

(1) the development of information to be included in the Airborne Hazards and Open Burn Pit Registry established by the Department of Veterans Affairs under section 201 of the Dignified Burial and Other Veterans’ Benefits Improvement Act of 2012 (Public Law 112–260; 38 U.S.C. 527 note); and

(2) research and development activities conducted by the Department of Veterans Affairs to explore the potential health risks of exposure by members of the Armed Forces to environmental factors in Iraq and Afghanistan, in particular the connection of such exposure to respiratory illnesses such as chronic cough, chronic obstructive pulmonary disease, constrictive bronchiolitis, and pulmonary fibrosis.

(b) **INCLUSION OF CERTAIN INFORMATION.**—The Secretary of Defense shall include in the information submitted to the Secretary of Veterans Affairs under subsection (a) information on any research and surveillance efforts conducted by the Department of Defense to evaluate the incidence and prevalence of respiratory illnesses among members of the Armed Forces who were exposed to open burn pits while deployed overseas.

SEC. 729. PLAN FOR DEVELOPMENT OF PROCEDURES TO MEASURE DATA ON MENTAL HEALTH CARE PROVIDED BY THE DEPARTMENT OF DEFENSE.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a plan for the Department of Defense to develop procedures to compile and assess data relating to the following:

(1) Outcomes for mental health care provided by the Department.

(2) Variations in such outcomes among different medical facilities of the Department.

(3) Barriers, if any, to the implementation by mental health care providers of the Department of the clinical practice guidelines and other evidence-based treatments and approaches recommended for such providers by the Secretary.

SEC. 730. REPORT ON PLANS TO IMPROVE EXPERIENCE WITH AND ELIMINATE PERFORMANCE VARIABILITY OF HEALTH CARE PROVIDED BY THE DEPARTMENT OF DEFENSE.

(a) **COMPREHENSIVE REPORT.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a comprehensive report setting forth the current and future plans of the Secretary, with estimated dates of completion, to carry out the following:

(A) To improve the experience of beneficiaries with health care provided in military medical treatment facilities and through purchased care.

(B) To eliminate performance variability with respect to the provision of such health care.

(2) **ELEMENTS.**—The comprehensive report under paragraph (1) shall include the plans of the Secretary of Defense, in consultation with the Secretaries of the military departments, as follows:

(A) To align performance measures for health care provided in military medical treatment facilities with performance measures for health care provided through purchased care.

(B) To improve performance in the provision of health care by the Department of Defense by eliminating performance variability with respect to the provision of health care in military medical treatment facilities and through purchased care.

(C) To use innovative, high-technology services to improve access to care, coordination of care, and the experience of care in military medical treatment facilities and through purchased care.

(D) To collect and analyze data throughout the Department with respect to health care provided in military medical treatment facilities and through purchased care to improve the quality of such care, patient safety, and patient satisfaction.

(E) To develop a performance management system, including by adoption of common measures for access to care, quality of care, safety, and patient satisfaction, that holds medical leadership throughout the Department accountable for sustained improvement of performance.

(F) To use such other methods as the Secretary considers appropriate to improve the experience of beneficiaries with and eliminate performance variability with respect to health care received from the Department.

(b) **COMPTROLLER GENERAL REPORT.**—

(1) **IN GENERAL.**—Not later than 180 days after the submission of the comprehensive report required by subsection (a)(1), the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the plans of the Secretary

of Defense set forth in the comprehensive report submitted under such subsection.

(2) ELEMENTS.—The report under paragraph (1) shall include the following:

(A) An assessment of whether the plans included in the comprehensive report submitted under subsection (a) will, with respect to members of the Armed Forces and covered beneficiaries under the TRICARE program—

(i) improve health outcomes;

(ii) create consistent health value; and

(iii) ensure that such individuals receive quality health care in all military medical treatment facilities and through purchased care.

(B) An assessment of whether such plans can be achieved within the estimated dates of completion set forth by the Department under such subsection.

(C) An assessment of whether any such plan would require legislation for the implementation of such plan.

(D) An assessment of whether the Department of Defense has adequately budgeted amounts to fund the carrying out of such plans.

(E) Metrics that can be used to evaluate the performance of such plans.

(c) DEFINITIONS.—In this section:

(1) The term “purchased care” means health care provided pursuant to a contract entered into under the TRICARE program.

(2) The terms “covered beneficiary” and “TRICARE program” have the meaning given such terms in section 1072 of title 10, United States Code.

SEC. 731. COMPTROLLER GENERAL STUDY ON GAMBLING AND PROBLEM GAMBLING BEHAVIOR AMONG MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study on gambling among members of the Armed Forces.

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

(1) With respect to gaming facilities at military installations, disaggregated by each military department, the number, type, and location of such gaming facilities.

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

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

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

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

(4) An assessment of the financial counseling and related services that are available to members of the Armed Forces and dependents of such members who are affected by problem gambling.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report on the results of the study conducted under subsection (a).

TITLE VIII—ACQUISITION POLICY, AC- QUISITION MANAGEMENT, AND RE- LATED MATTERS

Subtitle A—Acquisition Policy and Management

- Sec. 801. Required review of acquisition-related functions of the Chiefs of Staff of the Armed Forces.
- Sec. 802. Role of Chiefs of Staff in the acquisition process.
- Sec. 803. Expansion of rapid acquisition authority.
- Sec. 804. Middle tier of acquisition for rapid prototyping and rapid fielding.
- Sec. 805. Use of alternative acquisition paths to acquire critical national security capabilities.
- Sec. 806. Secretary of Defense waiver of acquisition laws to acquire vital national security capabilities.
- Sec. 807. Acquisition authority of the Commander of United States Cyber Command.
- Sec. 808. Report on linking and streamlining requirements, acquisition, and budget processes within Armed Forces.
- Sec. 809. Advisory panel on streamlining and codifying acquisition regulations.
- Sec. 810. Review of time-based requirements process and budgeting and acquisition systems.

Subtitle B—Amendments to General Contracting Authorities, Procedures, and Limitations

- Sec. 811. Amendment relating to multiyear contract authority for acquisition of property.
- Sec. 812. Applicability of cost and pricing data and certification requirements.
- Sec. 813. Rights in technical data.
- Sec. 814. Procurement of supplies for experimental purposes.
- Sec. 815. Amendments to other transaction authority.
- Sec. 816. Amendment to acquisition threshold for special emergency procurement authority.
- Sec. 817. Revision of method of rounding when making inflation adjustment of acquisition-related dollar thresholds.

Subtitle C—Provisions Related to Major Defense Acquisition Programs

- Sec. 821. Acquisition strategy required for each major defense acquisition program, major automated information system, and major system.
- Sec. 822. Revision to requirements relating to risk management in development of major defense acquisition programs and major systems.
- Sec. 823. Revision of Milestone A decision authority responsibilities for major defense acquisition programs.
- Sec. 824. Revision of Milestone B decision authority responsibilities for major defense acquisition programs.
- Sec. 825. Designation of milestone decision authority.
- Sec. 826. Tenure and accountability of program managers for program definition periods.
- Sec. 827. Tenure and accountability of program managers for program execution periods.
- Sec. 828. Penalty for cost overruns.
- Sec. 829. Streamlining of reporting requirements applicable to Assistant Secretary of Defense for Research and Engineering regarding major defense acquisition programs.
- Sec. 830. Configuration Steering Boards for cost control under major defense acquisition programs.
- Sec. 831. Repeal of requirement for stand-alone manpower estimates for major defense acquisition programs.

- Sec. 832. Revision to duties of the Deputy Assistant Secretary of Defense for Developmental Test and Evaluation and the Deputy Assistant Secretary of Defense for Systems Engineering.

Subtitle D—Provisions Relating to Acquisition Workforce

- Sec. 841. Amendments to Department of Defense Acquisition Workforce Development Fund.
- Sec. 842. Dual-track military professionals in operational and acquisition specialties.
- Sec. 843. Provision of joint duty assignment credit for acquisition duty.
- Sec. 844. Mandatory requirement for training related to the conduct of market research.
- Sec. 845. Independent study of implementation of defense acquisition workforce improvement efforts.
- Sec. 846. Extension of authority for the civilian acquisition workforce personnel demonstration project.

Subtitle E—Provisions Relating to Commercial Items

- Sec. 851. Procurement of commercial items.
- Sec. 852. Modification to information required to be submitted by offeror in procurement of major weapon systems as commercial items.
- Sec. 853. Use of recent prices paid by the Government in the determination of price reasonableness.
- Sec. 854. Report on defense-unique laws applicable to the procurement of commercial items and commercially available off-the-shelf items.
- Sec. 855. Market research and preference for commercial items.
- Sec. 856. Limitation on conversion of procurements from commercial acquisition procedures.
- Sec. 857. Treatment of goods and services provided by nontraditional defense contractors as commercial items.

Subtitle F—Industrial Base Matters

- Sec. 861. Amendment to Mentor-Protege Program.
- Sec. 862. Amendments to data quality improvement plan.
- Sec. 863. Notice of contract consolidation for acquisition strategies.
- Sec. 864. Clarification of requirements related to small business contracts for services.
- Sec. 865. Certification requirements for Business Opportunity Specialists, commercial market representatives, and procurement center representatives.
- Sec. 866. Modifications to requirements for qualified HUBZone small business concerns located in a base closure area.
- Sec. 867. Joint venturing and teaming.
- Sec. 868. Modification to and scorecard program for small business contracting goals.
- Sec. 869. Establishment of an Office of Hearings and Appeals in the Small Business Administration; petitions for reconsideration of size standards.
- Sec. 870. Additional duties of the Director of Small and Disadvantaged Business Utilization.
- Sec. 871. Including subcontracting goals in agency responsibilities.
- Sec. 872. Reporting related to failure of contractors to meet goals under negotiated comprehensive small business subcontracting plans.
- Sec. 873. Pilot program for streamlining awards for innovative technology projects.
- Sec. 874. Surety bond requirements and amount of guarantee.
- Sec. 875. Review of Government access to intellectual property rights of private sector firms.
- Sec. 876. Inclusion in annual technology and industrial capability assessments of a determination about defense acquisition program requirements.

Subtitle G—Other Matters

- Sec. 881. Consideration of potential program cost increases and schedule delays resulting from oversight of defense acquisition programs.
- Sec. 882. Examination and guidance relating to oversight and approval of services contracts.
- Sec. 883. Streamlining of requirements relating to defense business systems.
- Sec. 884. Procurement of personal protective equipment.
- Sec. 885. Amendments concerning detection and avoidance of counterfeit electronic parts.
- Sec. 886. Exception for AbilityOne products from authority to acquire goods and services manufactured in Afghanistan, Central Asian States, and Djibouti.
- Sec. 887. Effective communication between government and industry.

- Sec. 888. Standards for procurement of secure information technology and cyber security systems.
- Sec. 889. Unified information technology services.
- Sec. 890. Cloud strategy for Department of Defense.
- Sec. 891. Development period for Department of Defense information technology systems.
- Sec. 892. Revisions to pilot program on acquisition of military purpose nondevelopmental items.
- Sec. 893. Improved auditing of contracts.
- Sec. 894. Sense of Congress on evaluation method for procurement of audit or audit readiness services.
- Sec. 895. Mitigating potential unfair competitive advantage of technical advisors to acquisition programs.
- Sec. 896. Survey on the costs of regulatory compliance.
- Sec. 897. Treatment of interagency and State and local purchases when the Department of Defense acts as contract intermediary for the General Services Administration.
- Sec. 898. Competition for religious services contracts.
- Sec. 899. Pilot program regarding risk-based contracting for smaller contract actions under the Truth in Negotiations Act.

Subtitle A—Acquisition Policy and Management

SEC. 801. REQUIRED REVIEW OF ACQUISITION-RELATED FUNCTIONS OF THE CHIEFS OF STAFF OF THE ARMED FORCES.

(a) **REVIEW REQUIRED.**—The Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, and the Commandant of the Marine Corps shall conduct a review of their current individual authorities provided in sections 3033, 5033, 8033, and 5043 of title 10, United States Code, and other relevant statutes and regulations related to defense acquisitions for the purpose of developing such recommendations as the Chief concerned or the Commandant considers necessary to further or advance the role of the Chief concerned or the Commandant in the development of requirements, acquisition processes, and the associated budget practices of the Department of Defense.

(b) **REPORTS.**—Not later than March 1, 2016, the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, and the Commandant of the Marine Corps shall each submit to the congressional defense committees a report containing, at a minimum, the following:

(1) The recommendations developed by the Chief concerned or the Commandant under subsection (a) and other results of the review conducted under such subsection.

(2) The actions the Chief concerned or the Commandant is taking, if any, within the Chief's or Commandant's existing authority to implement such recommendations.

SEC. 802. ROLE OF CHIEFS OF STAFF IN THE ACQUISITION PROCESS.

(a) **CHIEFS OF STAFF AS CUSTOMER OF ACQUISITION PROCESS.**—

(1) **IN GENERAL.**—Chapter 149 of title 10, United States Code, is amended by inserting after section 2546 the following new section:

10 USC 2546a.

“§ 2546a. Customer-oriented acquisition system

“(a) **OBJECTIVE.**—It shall be the objective of the defense acquisition system to meet the needs of its customers in the most cost-effective manner practicable. The acquisition policies, directives, and regulations of the Department of Defense shall be modified

as necessary to ensure the development and implementation of a customer-oriented acquisition system.

“(b) CUSTOMER.—The customer of the defense acquisition system is the armed force that will have primary responsibility for fielding the system or systems acquired. The customer is represented with regard to a major defense acquisition program by the Secretary of the military department concerned and the Chief of the armed force concerned.

“(c) ROLE OF CUSTOMER.—The customer of a major defense acquisition program shall be responsible for balancing resources against priorities on the acquisition program and ensuring that appropriate trade-offs are made among cost, schedule, technical feasibility, and performance on a continuing basis throughout the life of the acquisition program.”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 149 of such title is amended by inserting after the item relating to section 2546 the following new item:

10 USC
2545 prec.

“2546a. Customer-oriented acquisition system.”

(b) RESPONSIBILITIES OF CHIEFS.—Section 2547(a) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively;

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

“(2) Decisions regarding the balancing of resources and priorities, and associated trade-offs among cost, schedule, technical feasibility, and performance on major defense acquisition programs.”; and

(3) in paragraph (6), as redesignated by paragraph (1) of this subsection, by striking “The development” and inserting “The development and management”.

(c) RESPONSIBILITIES OF MILITARY DEPUTIES.—Section 908(d) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 2430 note) is amended to read as follows:

“(d) DUTIES OF PRINCIPAL MILITARY DEPUTIES.—Each Principal Military Deputy to a service acquisition executive shall be responsible for—

“(1) keeping the Chief of Staff of the Armed Force concerned informed of the progress of major defense acquisition programs;

“(2) informing the Chief of Staff on a continuing basis of any developments on major defense acquisition programs, which may require new or revisited trade-offs among cost, schedule, technical feasibility, and performance, including—

“(A) significant cost growth or schedule slippage; and

“(B) requirements creep (as defined in section 2547(c)(1) of title 10, United States Code); and

“(3) ensuring that the views of the Chief of Staff on cost, schedule, technical feasibility, and performance trade-offs are strongly considered by program managers and program executive officers in all phases of the acquisition process.”.

(d) CONFORMING AMENDMENTS.—

(1) JOINT REQUIREMENTS OVERSIGHT COUNCIL.—Section 181(d) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(3) The Council shall seek, and strongly consider, the views of the Chiefs of Staff of the armed forces, in their roles as customers of the acquisition system, on matters pertaining to trade-offs among cost, schedule, technical feasibility, and performance under subsection (b)(1)(C) and the balancing of resources with priorities pursuant to subsection (b)(3).”

10 USC 2366a
note.

(2) MILESTONE A DECISIONS.—The Chief of the Armed Force concerned shall advise the milestone decision authority for a major defense acquisition program of the Chief’s views on cost, schedule, technical feasibility, and performance trade-offs that have been made with regard to the program, as provided in section 2366a(a)(2) of title 10, United States Code, as amended by section 823 of this Act, prior to a Milestone A decision on the program.

10 USC 2366b
note.

(3) MILESTONE B DECISIONS.—The Chief of the Armed Force concerned shall advise the milestone decision authority for a major defense acquisition program of the Chief’s views on cost, schedule, technical feasibility, and performance trade-offs that have been made with regard to the program, as provided in section 2366b(b)(3) of title 10, United States Code, as amended by section 824 of this Act, prior to a Milestone B decision on the program.

(4) DUTIES OF CHIEFS.—

(A) Section 3033(d)(5) of title 10, United States Code, is amended by striking “section 171” and inserting “sections 171 and 2547”.

(B) Section 5033(d)(5) of title 10, United States Code, is amended by striking “section 171” and inserting “sections 171 and 2547”.

(C) Section 5043(e)(5) of title 10, United States Code, is amended by striking “section 171” and inserting “sections 171 and 2547”.

(D) Section 8033(d)(5) of title 10, United States Code, is amended by striking “section 171” and inserting “sections 171 and 2547”.

SEC. 803. EXPANSION OF RAPID ACQUISITION AUTHORITY.

Section 806(c) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 10 U.S.C. 2302 note) is amended to read as follows:

“(c) RESPONSE TO COMBAT EMERGENCIES AND CERTAIN URGENT OPERATIONAL NEEDS.—

“(1) DETERMINATION OF NEED FOR RAPID ACQUISITION AND DEPLOYMENT.—(A) In the case of any supplies and associated support services that, as determined in writing by the Secretary of Defense, are urgently needed to eliminate a documented deficiency that has resulted in combat casualties, or is likely to result in combat casualties, the Secretary may use the procedures developed under this section in order to accomplish the rapid acquisition and deployment of the needed supplies and associated support services.

“(B) In the case of any supplies and associated support services that, as determined in writing by the Secretary of Defense, are urgently needed to eliminate a documented deficiency that impacts an ongoing or anticipated contingency operation and that, if left unfulfilled, could potentially result in loss of life or critical mission failure, the Secretary may use

the procedures developed under this section in order to accomplish the rapid acquisition and deployment of the needed supplies and associated support services.

“(C)(i) In the case of any supplies and associated support services that, as determined in writing by the Secretary of Defense without delegation, are urgently needed to eliminate a deficiency that as the result of a cyber attack has resulted in critical mission failure, the loss of life, property destruction, or economic effects, or if left unfilled is likely to result in critical mission failure, the loss of life, property destruction, or economic effects, the Secretary may use the procedures developed under this section in order to accomplish the rapid acquisition and deployment of the needed offensive or defensive cyber capabilities, supplies, and associated support services.

“(ii) In this subparagraph, the term ‘cyber attack’ means a deliberate action to alter, disrupt, deceive, degrade, or destroy computer systems or networks or the information or programs resident in or transiting these systems or networks.

“(2) DESIGNATION OF SENIOR OFFICIAL RESPONSIBLE.—(A) Whenever the Secretary makes a determination under subparagraph (A), (B), or (C) of paragraph (1) that certain supplies and associated support services are urgently needed to eliminate a deficiency described in that subparagraph, the Secretary shall designate a senior official of the Department of Defense to ensure that the needed supplies and associated support services are acquired and deployed as quickly as possible, with a goal of awarding a contract for the acquisition of the supplies and associated support services within 15 days.

“(B) Upon designation of a senior official under subparagraph (A), the Secretary shall authorize that official to waive any provision of law, policy, directive, or regulation described in subsection (d) that such official determines in writing would unnecessarily impede the rapid acquisition and deployment of the needed supplies and associated support services. In a case in which the needed supplies and associated support services cannot be acquired without an extensive delay, the senior official shall require that an interim solution be implemented and deployed using the procedures developed under this section to minimize adverse consequences resulting from the urgent need.

“(3) USE OF FUNDS.—(A) In any fiscal year in which the Secretary makes a determination described in subparagraph (A), (B), or (C) of paragraph (1), the Secretary may use any funds available to the Department of Defense for acquisitions of supplies and associated support services if the determination includes a written finding that the use of such funds is necessary to address the deficiency in a timely manner.

“(B) The authority of this section may only be used to acquire supplies and associated support services—

“(i) in the case of determinations by the Secretary under paragraph (1)(A), in an amount aggregating not more than \$200,000,000 during any fiscal year;

“(ii) in the case of determinations by the Secretary under paragraph (1)(B), in an amount aggregating not more than \$200,000,000 during any fiscal year; and

“(iii) in the case of determinations by the Secretary under paragraph (1)(C), in an amount aggregating not more than \$200,000,000 during any fiscal year.

“(4) NOTIFICATION TO CONGRESSIONAL DEFENSE COMMITTEES.—(A) In the case of a determination by the Secretary under paragraph (1)(A), the Secretary shall notify the congressional defense committees of the determination within 15 days after the date of the determination.

“(B) In the case of a determination by the Secretary under paragraph (1)(B) the Secretary shall notify the congressional defense committees of the determination at least 10 days before the date on which the determination is effective.

“(C) A notice under this paragraph shall include the following:

“(i) The supplies and associated support services to be acquired.

“(ii) The amount anticipated to be expended for the acquisition.

“(iii) The source of funds for the acquisition.

“(D) A notice under this paragraph shall be sufficient to fulfill any requirement to provide notification to Congress for a new start program.

“(E) A notice under this paragraph shall be provided in consultation with the Director of the Office of Management and Budget.

“(5) TIME FOR TRANSITIONING TO NORMAL ACQUISITION SYSTEM.—Any acquisition initiated under this subsection shall transition to the normal acquisition system not later than two years after the date on which the Secretary makes the determination described in paragraph (1) with respect to the supplies and associated support services concerned.

“(6) LIMITATION ON OFFICERS WITH AUTHORITY TO MAKE A DETERMINATION.—The authority to make a determination under subparagraph (A), (B), or (C) of paragraph (1) may be exercised only by the Secretary or Deputy Secretary of Defense.”.

10 USC 2302
note.

SEC. 804. MIDDLE TIER OF ACQUISITION FOR RAPID PROTOTYPING AND RAPID FIELDING.

(a) GUIDANCE REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics, in consultation with the Comptroller of the Department of Defense and the Vice Chairman of the Joint Chiefs of Staff, shall establish guidance for a “middle tier” of acquisition programs that are intended to be completed in a period of two to five years.

(b) ACQUISITION PATHWAYS.—The guidance required by subsection (a) shall cover the following two acquisition pathways:

(1) RAPID PROTOTYPING.—The rapid prototyping pathway shall provide for the use of innovative technologies to rapidly develop fieldable prototypes to demonstrate new capabilities and meet emerging military needs. The objective of an acquisition program under this pathway shall be to field a prototype that can be demonstrated in an operational environment and provide for a residual operational capability within five years of the development of an approved requirement.

(2) **RAPID FIELDING.**—The rapid fielding pathway shall provide for the use of proven technologies to field production quantities of new or upgraded systems with minimal development required. The objective of an acquisition program under this pathway shall be to begin production within six months and complete fielding within five years of the development of an approved requirement.

(c) **EXPEDITED PROCESS.**—

(1) **IN GENERAL.**—The guidance required by subsection (a) shall provide for a streamlined and coordinated requirements, budget, and acquisition process that results in the development of an approved requirement for each program in a period of not more than six months from the time that the process is initiated. Programs that are subject to the guidance shall not be subject to the Joint Capabilities Integration and Development System Manual and Department of Defense Directive 5000.01, except to the extent specifically provided in the guidance.

(2) **RAPID PROTOTYPING.**—With respect to the rapid prototyping pathway, the guidance shall include—

(A) a merit-based process for the consideration of innovative technologies and new capabilities to meet needs communicated by the Joint Chiefs of Staff and the combatant commanders;

(B) a process for developing and implementing acquisition and funding strategies for the program;

(C) a process for cost-sharing with the military departments on rapid prototype projects, to ensure an appropriate commitment to the success of such projects;

(D) a process for demonstrating and evaluating the performance of fieldable prototypes developed pursuant to the program in an operational environment; and

(E) a process for transitioning successful prototypes to new or existing acquisition programs for production and fielding under the rapid fielding pathway or the traditional acquisition system.

(3) **RAPID FIELDING.**—With respect to the rapid fielding pathway, the guidance shall include—

(A) a merit-based process for the consideration of existing products and proven technologies to meet needs communicated by the Joint Chiefs of Staff and the combatant commanders;

(B) a process for demonstrating performance and evaluating for current operational purposes the proposed products and technologies;

(C) a process for developing and implementing acquisition and funding strategies for the program; and

(D) a process for considering lifecycle costs and addressing issues of logistics support and system interoperability.

(4) **STREAMLINED PROCEDURES.**—The guidance for the programs may provide for any of the following streamlined procedures:

(A) The service acquisition executive of the military department concerned shall appoint a program manager for such program from among candidates from among civilian employees or members of the Armed Forces who

have significant and relevant experience managing large and complex programs.

(B) The program manager for each program shall report with respect to such program directly, without intervening review or approval, to the service acquisition executive of the military department concerned.

(C) The service acquisition executive of the military department concerned shall evaluate the job performance of such manager on an annual basis. In conducting an evaluation under this paragraph, a service acquisition executive shall consider the extent to which the manager has achieved the objectives of the program for which the manager is responsible, including quality, timeliness, and cost objectives.

(D) The program manager of a defense streamlined program shall be authorized staff positions for a technical staff, including experts in business management, contracting, auditing, engineering, testing, and logistics, to enable the manager to manage the program without the technical assistance of another organizational unit of an agency to the maximum extent practicable.

(E) The program manager of a defense streamlined program shall be authorized, in coordination with the users of the equipment and capability to be acquired and the test community, to make trade-offs among life-cycle costs, requirements, and schedules to meet the goals of the program.

(F) The service acquisition executive, acting in coordination with the defense acquisition executive, shall serve as the milestone decision authority for the program.

(G) The program manager of a defense streamlined program shall be provided a process to expeditiously seek a waiver from Congress from any statutory or regulatory requirement that the program manager determines adds little or no value to the management of the program.

(d) RAPID PROTOTYPING FUND.—

(1) IN GENERAL.—The Secretary of Defense shall establish a fund to be known as the “Department of Defense Rapid Prototyping Fund” to provide funds, in addition to other funds that may be available for acquisition programs under the rapid prototyping pathway established pursuant to this section. The Fund shall be managed by a senior official of the Department of Defense designated by the Under Secretary of Defense for Acquisition, Technology, and Logistics. The Fund shall consist of amounts appropriated to the Fund and amounts credited to the Fund pursuant to section 828 of this Act.

(2) TRANSFER AUTHORITY.—Amounts available in the Fund may be transferred to a military department for the purpose of carrying out an acquisition program under the rapid prototyping pathway established pursuant to this section. Any amount so transferred shall be credited to the account to which it is transferred. The transfer authority provided in this subsection is in addition to any other transfer authority available to the Department of Defense.

(3) CONGRESSIONAL NOTICE.—The senior official designated to manage the Fund shall notify the congressional defense

committees of all transfers under paragraph (2). Each notification shall specify the amount transferred, the purpose of the transfer, and the total projected cost and estimated cost to complete the acquisition program to which the funds were transferred.

SEC. 805. USE OF ALTERNATIVE ACQUISITION PATHS TO ACQUIRE CRITICAL NATIONAL SECURITY CAPABILITIES. 10 USC 2302 note.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall establish procedures for alternative acquisition pathways to acquire capital assets and services that meet critical national security needs. The procedures shall—

- (1) be separate from existing acquisition procedures;
- (2) be supported by streamlined contracting, budgeting, and requirements processes;
- (3) establish alternative acquisition paths based on the capabilities being bought and the time needed to deploy these capabilities; and
- (4) maximize the use of flexible authorities in existing law and regulation.

SEC. 806. SECRETARY OF DEFENSE WAIVER OF ACQUISITION LAWS TO ACQUIRE VITAL NATIONAL SECURITY CAPABILITIES. 10 USC 2302 note.

(a) **WAIVER AUTHORITY.**—The Secretary of Defense is authorized to waive any provision of acquisition law or regulation described in subsection (c) for the purpose of acquiring a capability that would not otherwise be available to the Armed Forces of the United States, upon a determination that—

- (1) the acquisition of the capability is in the vital national security interest of the United States;
- (2) the application of the law or regulation to be waived would impede the acquisition of the capability in a manner that would undermine the national security of the United States; and
- (3) the underlying purpose of the law or regulation to be waived can be addressed in a different manner or at a different time.

(b) **DESIGNATION OF RESPONSIBLE OFFICIAL.**—Whenever the Secretary of Defense makes a determination under subsection (a)(1) that the acquisition of a capability is in the vital national security interest of the United States, the Secretary shall designate a senior official of the Department of Defense who shall be personally responsible and accountable for the rapid and effective acquisition and deployment of the needed capability. The Secretary shall provide the designated official such authority as the Secretary determines necessary to achieve this objective, and may use the waiver authority in subsection (a) for this purpose.

(c) **ACQUISITION LAWS AND REGULATIONS.**—

(1) **IN GENERAL.**—Upon a determination described in subsection (a), the Secretary of Defense is authorized to waive any provision of law or regulation addressing—

- (A) the establishment of a requirement or specification for the capability to be acquired;
- (B) research, development, test, and evaluation of the capability to be acquired;
- (C) production, fielding, and sustainment of the capability to be acquired; or

(D) solicitation, selection of sources, and award of contracts for the capability to be acquired.

(2) LIMITATIONS.—Nothing in this subsection authorizes the waiver of—

(A) the requirements of this section;

(B) any provision of law imposing civil or criminal penalties; or

(C) any provision of law governing the proper expenditure of appropriated funds.

(d) REPORT TO CONGRESS.—The Secretary of Defense shall notify the congressional defense committees at least 30 days before exercising the waiver authority under subsection (a). Each such notice shall include—

(1) an explanation of the basis for determining that the acquisition of the capability is in the vital national security interest of the United States;

(2) an identification of each provision of law or regulation to be waived; and

(3) for each provision identified pursuant to paragraph (2)—

(A) an explanation of why the application of the provision would impede the acquisition in a manner that would undermine the national security of the United States; and

(B) a description of the time or manner in which the underlying purpose of the law or regulation to be waived will be addressed.

(e) NONDELEGATION.—The authority of the Secretary to waive provisions of laws and regulations under subsection (a) is nondelegable.

10 USC 2224
note.

SEC. 807. ACQUISITION AUTHORITY OF THE COMMANDER OF UNITED STATES CYBER COMMAND.

(a) AUTHORITY.—

(1) IN GENERAL.—The Commander of the United States Cyber Command shall be responsible for, and shall have the authority to conduct, the following acquisition activities:

(A) Development and acquisition of cyber operations-peculiar equipment and capabilities.

(B) Acquisition and sustainment of cyber capability-peculiar equipment, capabilities, and services.

(2) ACQUISITION FUNCTIONS.—Subject to the authority, direction, and control of the Secretary of Defense, the Commander shall have authority to exercise the functions of the head of an agency under chapter 137 of title 10, United States Code.

(b) COMMAND ACQUISITION EXECUTIVE.—

(1) IN GENERAL.—The staff of the Commander shall include a command acquisition executive, who shall be responsible for the overall supervision of acquisition matters for the United States Cyber Command. The command acquisition executive shall have the authority—

(A) to negotiate memoranda of agreement with the military departments and Department of Defense components to carry out the acquisition of equipment, capabilities, and services described in subsection (a)(1) on behalf of the Command;

(B) to supervise the acquisition of equipment, capabilities, and services described in subsection (a)(1);

(C) to represent the Command in discussions with the military departments regarding acquisition programs for which the Command is a customer; and

(D) to work with the military departments to ensure that the Command is appropriately represented in any joint working group or integrated product team regarding acquisition programs for which the Command is a customer.

(2) DELIVERY OF ACQUISITION SOLUTIONS.—The command acquisition executive of the United States Cyber Command shall be—

(A) responsible to the Commander for rapidly delivering acquisition solutions to meet validated cyber operations-peculiar requirements;

(B) subordinate to the defense acquisition executive in matters of acquisition;

(C) subject to the same oversight as the service acquisition executives; and

(D) included on the distribution list for acquisition directives and instructions of the Department of Defense.

(c) ACQUISITION PERSONNEL.—

(1) IN GENERAL.—The Secretary of Defense shall provide the United States Cyber Command with the personnel or funding equivalent to ten full-time equivalent personnel to support the Commander in fulfilling the acquisition responsibilities provided for under this section with experience in—

(A) program acquisition;

(B) the Joint Capabilities Integration and Development System Process;

(C) program management;

(D) system engineering; and

(E) costing.

(2) EXISTING PERSONNEL.—The personnel provided under this subsection shall be provided from among the existing personnel of the Department of Defense.

(d) BUDGET.—In addition to the activities of a combatant command for which funding may be requested under section 166 of title 10, United States Code, the budget proposal of the United States Cyber Command shall include requests for funding for—

(1) development and acquisition of cyber operations-peculiar equipment; and

(2) acquisition and sustainment of other capabilities or services that are peculiar to cyber operations activities.

(e) CYBER OPERATIONS PROCUREMENT FUND.—In exercising the authority granted in subsection (a), the Commander may not obligate or expend more than \$75,000,000 out of the funds made available in each fiscal year from 2016 through 2021 to support acquisition activities provided for under this section.

(f) RULE OF CONSTRUCTION REGARDING INTELLIGENCE AND SPECIAL ACTIVITIES.—Nothing in this section shall be construed to constitute authority to conduct any activity which, if carried out as an intelligence activity by the Department of Defense, would require a notice to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives under title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.).

(g) **IMPLEMENTATION PLAN REQUIRED.**—The authority granted in subsection (a) shall become effective 30 days after the date on which the Secretary of Defense provides to the congressional defense committees a plan for implementation of those authorities under subsection (a). The plan shall include the following:

(1) A Department of Defense definition of—

(A) cyber operations-peculiar equipment and capabilities; and

(B) cyber capability-peculiar equipment, capabilities, and services.

(2) Summaries of the components to be negotiated in the memorandum of agreements with the military departments and other Department of Defense components to carry out the development, acquisition, and sustainment of equipment, capabilities, and services described in subparagraphs (A) and (B) of subsection (a)(1).

(3) Memorandum of agreement negotiation and approval timelines.

(4) Plan for oversight of the command acquisition executive established in subsection (b).

(5) Assessment of the acquisition workforce needs of the United States Cyber Command to support the authority in subsection (a) until 2021.

(6) Other matters as appropriate.

(h) **ANNUAL END-OF-YEAR ASSESSMENT.**—Each year, the Cyber Investment Management Board shall review and assess the acquisition activities of the United States Cyber Command, including contracting and acquisition documentation, for the previous fiscal year, and provide any recommendations or feedback to the acquisition executive of Cyber Command.

(i) **SUNSET.**—

(1) **IN GENERAL.**—The authority under this section shall terminate on September 30, 2021.

(2) **LIMITATION ON DURATION OF ACQUISITIONS.**—The authority under this section does not include major defense acquisition programs, major automated information system programs, or acquisitions of foundational infrastructure or software architectures the duration of which is expected to last more than five years.

SEC. 808. REPORT ON LINKING AND STREAMLINING REQUIREMENTS, ACQUISITION, AND BUDGET PROCESSES WITHIN ARMED FORCES.

(a) **REPORTS.**—Not later than 180 days after the date of the enactment of this Act, the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, and the Commandant of the Marine Corps shall each submit to the congressional defense committees a report on efforts to link and streamline the requirements, acquisition, and budget processes within the Army, Navy, Air Force, and Marine Corps, respectively.

(b) **MATTERS INCLUDED.**—Each report under subsection (a) shall include the following:

(1) A specific description of—

(A) the management actions the Chief concerned or the Commandant has taken or plans to take to link and streamline the requirements, acquisition, and budget processes of the Armed Force concerned;

(B) any reorganization or process changes that will link and streamline the requirements, acquisition, and budget processes of the Armed Force concerned; and

(C) any cross-training or professional development initiatives of the Chief concerned or the Commandant.

(2) For each description under paragraph (1)—

(A) the specific timeline associated with implementation;

(B) the anticipated outcomes once implemented; and

(C) how to measure whether or not those outcomes are realized.

(3) Any other matters the Chief concerned or the Commandant considers appropriate.

SEC. 809. ADVISORY PANEL ON STREAMLINING AND CODIFYING ACQUISITION REGULATIONS.

(a) **ESTABLISHMENT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall establish under the sponsorship of the Defense Acquisition University and the National Defense University an advisory panel on streamlining acquisition regulations.

(b) **MEMBERSHIP.**—The panel shall be composed of at least nine individuals who are recognized experts in acquisition and procurement policy. In making appointments to the advisory panel, the Under Secretary shall ensure that the members of the panel reflect diverse experiences in the public and private sectors.

(c) **DUTIES.**—The panel shall—

(1) review the acquisition regulations applicable to the Department of Defense with a view toward streamlining and improving the efficiency and effectiveness of the defense acquisition process and maintaining defense technology advantage; and

(2) make any recommendations for the amendment or repeal of such regulations that the panel considers necessary, as a result of such review, to—

(A) establish and administer appropriate buyer and seller relationships in the procurement system;

(B) improve the functioning of the acquisition system;

(C) ensure the continuing financial and ethical integrity of defense procurement programs;

(D) protect the best interests of the Department of Defense; and

(E) eliminate any regulations that are unnecessary for the purposes described in subparagraphs (A) through (D).

(d) **ADMINISTRATIVE MATTERS.**—

(1) **IN GENERAL.**—The Secretary of Defense shall provide the advisory panel established pursuant to subsection (a) with timely access to appropriate information, data, resources, and analysis so that the advisory panel may conduct a thorough and independent assessment as required under such subsection.

(2) **INAPPLICABILITY OF FACA.**—The requirements of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory panel established pursuant to subsection (a).

(e) **REPORT.**—

(1) **PANEL REPORT.**—Not later than two years after the date on which the Secretary of Defense establishes the advisory panel, the panel shall transmit a final report to the Secretary.

(2) **ELEMENTS.**—The final report shall contain a detailed statement of the findings and conclusions of the panel, including—

(A) a history of each current acquisition regulation and a recommendation as to whether the regulation and related law (if applicable) should be retained, modified, or repealed; and

(B) such additional recommendations for legislation as the panel considers appropriate.

(3) **INTERIM REPORTS.**—(A) Not later than 6 months and 18 months after the date of the enactment of this Act, the Secretary of Defense shall submit a report to or brief the congressional defense committees on the interim findings of the panel with respect to the elements set forth in paragraph (2).

(B) The panel shall provide regular updates to the Secretary of Defense for purposes of providing the interim reports required under this paragraph.

(4) **FINAL REPORT.**—Not later than 30 days after receiving the final report of the advisory panel, the Secretary of Defense shall transmit the final report, together with such comments as the Secretary determines appropriate, to the congressional defense committees.

(f) **DEFENSE ACQUISITION WORKFORCE DEVELOPMENT FUND SUPPORT.**—The Secretary of Defense may use amounts available in the Department of Defense Acquisition Workforce Development Fund established under section 1705 of title 10, United States Code, to support activities of the advisory panel under this section.

10 USC 2545
note.

SEC. 810. REVIEW OF TIME-BASED REQUIREMENTS PROCESS AND BUDGETING AND ACQUISITION SYSTEMS.

(a) **TIME-BASED REQUIREMENTS PROCESS.**—The Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall review the requirements process with the goal of establishing an agile and streamlined system that develops requirements that provide stability and foundational direction for acquisition programs and shall determine the advisability of providing a time-based or phased distinction between capabilities needed to be deployed urgently, within 2 years, within 5 years, and longer than 5 years.

(b) **BUDGETING AND ACQUISITION SYSTEMS.**—The Secretary of Defense shall review and ensure that the acquisition and budgeting systems are structured to meet time-based or phased requirements in a manner that is predictable, cost effective, and efficient and takes advantage of emerging technological developments.

Subtitle B—Amendments to General Contracting Authorities, Procedures, and Limitations

SEC. 811. AMENDMENT RELATING TO MULTIYEAR CONTRACT AUTHORITY FOR ACQUISITION OF PROPERTY.

Subsection (a)(1) and subsection (i)(4) of section 2306b of title 10, United States Code, are each amended by striking “substantial” and inserting “significant”.

SEC. 812. APPLICABILITY OF COST AND PRICING DATA AND CERTIFICATION REQUIREMENTS.

Section 2306a(b)(1) of title 10, United States Code, is amended—

(1) in subparagraph (B), by striking “; or” and inserting a semicolon;

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

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

“(D) to the extent such data—

“(i) relates to an offset agreement in connection with a contract for the sale of a weapon system or defense-related item to a foreign country or foreign firm; and

“(ii) does not relate to a contract or subcontract under the offset agreement for work performed in such foreign country or by such foreign firm that is directly related to the weapon system or defense-related item being purchased under the contract.”.

SEC. 813. RIGHTS IN TECHNICAL DATA.

(a) RIGHTS IN TECHNICAL DATA RELATING TO MAJOR WEAPON SYSTEMS.—Paragraph (2) of section 2321(f) of title 10, United States Code, is amended to read as follows:

“(2) In the case of a challenge to a use or release restriction that is asserted with respect to technical data of a contractor or subcontractor for a major system or a subsystem or component thereof on the basis that the major weapon system, subsystem, or component was developed exclusively at private expense—

“(A) the presumption in paragraph (1) shall apply—

“(i) with regard to a commercial subsystem or component of a major system, if the major system was acquired as a commercial item in accordance with section 2379(a) of this title;

“(ii) with regard to a component of a subsystem, if the subsystem was acquired as a commercial item in accordance with section 2379(b) of this title; and

“(iii) with regard to any other component, if the component is a commercially available off-the-shelf item or a commercially available off-the-shelf item with modifications of a type customarily available in the commercial marketplace or minor modifications made to meet Federal Government requirements; and

“(B) in all other cases, the challenge to the use or release restriction shall be sustained unless information provided by

the contractor or subcontractor demonstrates that the item was developed exclusively at private expense.”.

(b) GOVERNMENT-INDUSTRY ADVISORY PANEL.—

(1) ESTABLISHMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall establish a Government-industry advisory panel for the purpose of reviewing sections 2320 and 2321 of title 10, United States Code, regarding rights in technical data and the validation of proprietary data restrictions and the regulations implementing such sections, for the purpose of ensuring that such statutory and regulatory requirements are best structured to serve the interests of the taxpayers and the national defense.

(2) MEMBERSHIP.—The panel shall be chaired by an individual selected by the Under Secretary, and the Under Secretary shall ensure that—

(A) the government members of the advisory panel are knowledgeable about technical data issues and appropriately represent the three military departments, as well as the legal, acquisition, logistics, and research and development communities in the Department of Defense; and

(B) the private sector members of the advisory panel include independent experts and individuals appropriately representative of the diversity of interested parties, including large and small businesses, traditional and non-traditional government contractors, prime contractors and subcontractors, suppliers of hardware and software, and institutions of higher education.

(3) SCOPE OF REVIEW.—In conducting the review required by paragraph (1), the advisory panel shall give appropriate consideration to the following factors:

(A) Ensuring that the Department of Defense does not pay more than once for the same work.

(B) Ensuring that Department of Defense contractors are appropriately rewarded for their innovation and invention.

(C) Providing for cost-effective procurement, sustainment, modification, and upgrades to Department of Defense systems.

(D) Encouraging the private sector to invest in new products, technologies, and processes relevant to the missions of the Department of Defense.

(E) Ensuring that the Department of Defense has appropriate access to innovative products, technologies, and processes developed by the private sector for commercial use.

(4) FINAL REPORT.—Not later than September 30, 2016, the advisory panel shall submit its final report and recommendations to the Secretary of Defense. Not later than 60 days after receiving the report, the Secretary shall submit a copy of the report, together with any comments or recommendations, to the congressional defense committees.

SEC. 814. PROCUREMENT OF SUPPLIES FOR EXPERIMENTAL PURPOSES.

(a) **ADDITIONAL PROCUREMENT AUTHORITY.**—Subsection (a) of section 2373 of title 10, United States Code, is amended by inserting “transportation, energy, medical, space-flight,” before “and aeronautical supplies”.

(b) **APPLICABILITY OF CHAPTER 137 OF TITLE 10, UNITED STATES CODE.**—Subsection (b) of such section is amended by striking “only when such purchases are made in quantity” and inserting “only when such purchases are made in quantities greater than necessary for experimentation, technical evaluation, assessment of operational utility, or safety or to provide a residual operational capability”.

SEC. 815. AMENDMENTS TO OTHER TRANSACTION AUTHORITY.

(a) **AUTHORITY OF THE DEPARTMENT OF DEFENSE TO CARRY OUT CERTAIN PROTOTYPE PROJECTS.**—

(1) **IN GENERAL.**—Chapter 139 of title 10, United States Code, is amended by inserting after section 2371a the following new section:

“§ 2371b. Authority of the Department of Defense to carry out certain prototype projects 10 USC 2371b.

“(a) **AUTHORITY.**—(1) Subject to paragraph (2), the Director of the Defense Advanced Research Projects Agency, the Secretary of a military department, or any other official designated by the Secretary of Defense may, under the authority of section 2371 of this title, carry out prototype projects that are directly relevant to enhancing the mission effectiveness of military personnel and the supporting platforms, systems, components, or materials proposed to be acquired or developed by the Department of Defense, or to improvement of platforms, systems, components, or materials in use by the armed forces.

“(2) The authority of this section—

“(A) may be exercised for a prototype project that is expected to cost the Department of Defense in excess of \$50,000,000 but not in excess of \$250,000,000 (including all options) only upon a written determination by the senior procurement executive for the agency as designated for the purpose of section 1702(c) of title 41, or, for the Defense Advanced Research Projects Agency or the Missile Defense Agency, the director of the agency that—

“(i) the requirements of subsection (d) will be met; and

“(ii) the use of the authority of this section is essential to promoting the success of the prototype project; and

“(B) may be exercised for a prototype project that is expected to cost the Department of Defense in excess of \$250,000,000 (including all options) only if—

“(i) the Under Secretary of Defense for Acquisition, Technology, and Logistics determines in writing that—

“(I) the requirements of subsection (d) will be met; and

“(II) the use of the authority of this section is essential to meet critical national security objectives; and

“(ii) the congressional defense committees are notified in writing at least 30 days before such authority is exercised.

“(3) The authority of a senior procurement executive or director of the Defense Advanced Research Projects Agency or Missile Defense Agency under paragraph (2)(A), and the authority of the Under Secretary of Defense for Acquisition, Technology, and Logistics under paragraph (2)(B), may not be delegated.

“(b) EXERCISE OF AUTHORITY.—

“(1) Subsections (e)(1)(B) and (e)(2) of such section 2371 shall not apply to projects carried out under subsection (a).

“(2) To the maximum extent practicable, competitive procedures shall be used when entering into agreements to carry out projects under subsection (a).

“(c) COMPTROLLER GENERAL ACCESS TO INFORMATION.—(1) Each agreement entered into by an official referred to in subsection (a) to carry out a project under that subsection that provides for payments in a total amount in excess of \$5,000,000 shall include a clause that provides for the Comptroller General, in the discretion of the Comptroller General, to examine the records of any party to the agreement or any entity that participates in the performance of the agreement.

“(2) The requirement in paragraph (1) shall not apply with respect to a party or entity, or a subordinate element of a party or entity, that has not entered into any other agreement that provides for audit access by a Government entity in the year prior to the date of the agreement.

“(3)(A) The right provided to the Comptroller General in a clause of an agreement under paragraph (1) is limited as provided in subparagraph (B) in the case of a party to the agreement, an entity that participates in the performance of the agreement, or a subordinate element of that party or entity if the only agreements or other transactions that the party, entity, or subordinate element entered into with Government entities in the year prior to the date of that agreement are cooperative agreements or transactions that were entered into under this section or section 2371 of this title.

“(B) The only records of a party, other entity, or subordinate element referred to in subparagraph (A) that the Comptroller General may examine in the exercise of the right referred to in that subparagraph are records of the same type as the records that the Government has had the right to examine under the audit access clauses of the previous agreements or transactions referred to in such subparagraph that were entered into by that particular party, entity, or subordinate element.

“(4) The head of the contracting activity that is carrying out the agreement may waive the applicability of the requirement in paragraph (1) to the agreement if the head of the contracting activity determines that it would not be in the public interest to apply the requirement to the agreement. The waiver shall be effective with respect to the agreement only if the head of the contracting activity transmits a notification of the waiver to Congress and the Comptroller General before entering into the agreement. The notification shall include the rationale for the determination.

“(5) The Comptroller General may not examine records pursuant to a clause included in an agreement under paragraph (1)

more than three years after the final payment is made by the United States under the agreement.

“(d) APPROPRIATE USE OF AUTHORITY.—(1) The Secretary of Defense shall ensure that no official of an agency enters into a transaction (other than a contract, grant, or cooperative agreement) for a prototype project under the authority of this section unless one of the following conditions is met:

“(A) There is at least one nontraditional defense contractor participating to a significant extent in the prototype project.

“(B) All significant participants in the transaction other than the Federal Government are small businesses or nontraditional defense contractors.

“(C) At least one third of the total cost of the prototype project is to be paid out of funds provided by parties to the transaction other than the Federal Government.

“(D) The senior procurement executive for the agency determines in writing that exceptional circumstances justify the use of a transaction that provides for innovative business arrangements or structures that would not be feasible or appropriate under a contract, or would provide an opportunity to expand the defense supply base in a manner that would not be practical or feasible under a contract.

“(2)(A) Except as provided in subparagraph (B), the amounts counted for the purposes of this subsection as being provided, or to be provided, by a party to a transaction with respect to a prototype project that is entered into under this section other than the Federal Government do not include costs that were incurred before the date on which the transaction becomes effective.

“(B) Costs that were incurred for a prototype project by a party after the beginning of negotiations resulting in a transaction (other than a contract, grant, or cooperative agreement) with respect to the project before the date on which the transaction becomes effective may be counted for purposes of this subsection as being provided, or to be provided, by the party to the transaction if and to the extent that the official responsible for entering into the transaction determines in writing that—

“(i) the party incurred the costs in anticipation of entering into the transaction; and

“(ii) it was appropriate for the party to incur the costs before the transaction became effective in order to ensure the successful implementation of the transaction.

“(e) DEFINITIONS.—In this section:

“(1) The term ‘nontraditional defense contractor’ has the meaning given the term under section 2302(9) of this title.

“(2) The term ‘small business’ means a small business concern as defined under section 3 of the Small Business Act (15 U.S.C. 632).

“(f) FOLLOW-ON PRODUCTION CONTRACTS OR TRANSACTIONS.—

(1) A transaction entered into under this section for a prototype project may provide for the award of a follow-on production contract or transaction to the participants in the transaction.

“(2) A follow-on production contract or transaction provided for in a transaction under paragraph (1) may be awarded to the participants in the transaction without the use of competitive procedures, notwithstanding the requirements of section 2304 of this title, if—

“(A) competitive procedures were used for the selection of parties for participation in the transaction; and

“(B) the participants in the transaction successfully completed the prototype project provided for in the transaction.

“(3) Contracts and transactions entered into pursuant to this subsection may be awarded using the authority in subsection (a), under the authority of chapter 137 of this title, or under such procedures, terms, and conditions as the Secretary of Defense may establish by regulation.

“(g) AUTHORITY TO PROVIDE PROTOTYPES AND FOLLOW-ON PRODUCTION ITEMS AS GOVERNMENT-FURNISHED EQUIPMENT.—An agreement entered into pursuant to the authority of subsection (a) or a follow-on contract or transaction entered into pursuant to the authority of subsection (f) may provide for prototypes or follow-on production items to be provided to another contractor as Government-furnished equipment.

“(h) APPLICABILITY OF PROCUREMENT ETHICS REQUIREMENTS.—An agreement entered into under the authority of this section shall be treated as a Federal agency procurement for the purposes of chapter 21 of title 41.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 139 of such title is amended by inserting after the item relating to section 2371a the following new item:

“2371b. Authority of the Department of Defense to carry out certain prototype projects.”.

(b) MODIFICATION TO DEFINITION OF NONTRADITIONAL DEFENSE CONTRACTOR.—Section 2302(9) of such title is amended to read as follows:

“(9) The term ‘nontraditional defense contractor’, with respect to a procurement or with respect to a transaction authorized under section 2371(a) or 2371b of this title, means an entity that is not currently performing and has not performed, for at least the one-year period preceding the solicitation of sources by the Department of Defense for the procurement or transaction, any contract or subcontract for the Department of Defense that is subject to full coverage under the cost accounting standards prescribed pursuant to section 1502 of title 41 and the regulations implementing such section.”.

(c) REPEAL OF OBSOLETE AUTHORITY.—Section 845 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 10 U.S.C. 2371 note) is hereby repealed. Transactions entered into under the authority of such section 845 shall remain in force and effect and shall be modified as appropriate to reflect the amendments made by this section.

(d) TECHNICAL AND CONFORMING AMENDMENT.—Subparagraph (B) of section 1601(c)(1) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 10 U.S.C. 2358 note) is amended to read as follows:

“(B) sections 2371 and 2371b of title 10, United States Code.”.

(e) UPDATED GUIDANCE.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue updated guidance to implement the amendments made by this section.

10 USC
2351 prec.

10 USC 2371b
note.

(f) ASSESSMENT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees an assessment of—

(1) the benefits and risks of permitting not-for-profit defense contractors to be awarded transaction agreements under section 2371b of title 10, United States Code, for the purposes of cost-sharing requirements of subsection (d)(1)(C) of such section; and

(2) the benefits and risks of removing the cost-sharing requirements of subsection (d)(1)(C) of such section in their entirety.

SEC. 816. AMENDMENT TO ACQUISITION THRESHOLD FOR SPECIAL EMERGENCY PROCUREMENT AUTHORITY.

Section 1903(b)(2) of title 41, United States Code, is amended—

(1) in subparagraph (A), by striking “\$250,000” and inserting “\$750,000”; and

(2) in subparagraph (B), by striking “\$1,000,000” and inserting “\$1,500,000”.

SEC. 817. REVISION OF METHOD OF ROUNDING WHEN MAKING INFLATION ADJUSTMENT OF ACQUISITION-RELATED DOLLAR THRESHOLDS.

Section 1908(e)(2) of title 41, United States Code, is amended—

(1) in the matter preceding subparagraph (A), by striking “on the day before the adjustment” and inserting “as calculated under paragraph (1)”;

(2) by striking “and” at the end of subparagraph (C); and

(3) by striking subparagraph (D) and inserting the following new subparagraphs:

“(D) not less than \$1,000,000, but less than \$10,000,000, to the nearest \$500,000;

“(E) not less than \$10,000,000, but less than \$100,000,000, to the nearest \$5,000,000;

“(F) not less than \$100,000,000, but less than \$1,000,000,000, to the nearest \$50,000,000; and

“(G) \$1,000,000,000 or more, to the nearest \$500,000,000.”.

Subtitle C—Provisions Related to Major Defense Acquisition Programs

SEC. 821. ACQUISITION STRATEGY REQUIRED FOR EACH MAJOR DEFENSE ACQUISITION PROGRAM, MAJOR AUTOMATED INFORMATION SYSTEM, AND MAJOR SYSTEM.

(a) CONSOLIDATION OF REQUIREMENTS RELATING TO ACQUISITION STRATEGY.—

(1) NEW TITLE 10 SECTION.—Chapter 144 of title 10, United States Code, is amended by inserting after section 2431 the following new section:

“§ 2431a. Acquisition strategy

10 USC 2431a.

“(a) ACQUISITION STRATEGY REQUIRED.—There shall be an acquisition strategy for each major defense acquisition program, each major automated information system, and each major system approved by a milestone decision authority.

“(b) RESPONSIBLE OFFICIAL.—For each acquisition strategy required by subsection (a), the Under Secretary of Defense for Acquisition, Technology, and Logistics is responsible for issuing and maintaining the requirements for—

“(1) the content of the strategy; and

“(2) the review and approval process for the strategy.

“(c) CONSIDERATIONS.—(1) In issuing requirements for the content of an acquisition strategy for a major defense acquisition program, major automated information system, or major system, the Under Secretary shall ensure that—

“(A) the strategy clearly describes the proposed top-level business and technical management approach for the program or system, in sufficient detail to allow the milestone decision authority to assess the viability of the proposed approach, the method of implementing laws and policies, and program objectives;

“(B) the strategy contains a clear explanation of how the strategy is designed to be implemented with available resources, such as time, funding, and management capacity;

“(C) the strategy is tailored to address program requirements and constraints; and

“(D) the strategy considers the items listed in paragraph (2).

“(2) Each strategy shall, where appropriate, consider the following:

“(A) An approach that delivers required capability in increments, each depending on available mature technology, and that recognizes up front the need for future capability improvements.

“(B) Acquisition approach, including industrial base considerations in accordance with section 2440 of this title.

“(C) Risk management, including such methods as competitive prototyping at the system, subsystem, or component level, in accordance with section 2431b of this title.

“(D) Business strategy, including measures to ensure competition at the system and subsystem level throughout the life-cycle of the program or system in accordance with section 2337 of this title.

“(E) Contracting strategy, including—

“(i) contract type and how the type selected relates to level of program risk in each acquisition phase;

“(ii) how the plans for the program or system to reduce risk enable the use of fixed-price elements in subsequent contracts and the timing of the use of those fixed price elements;

“(iii) market research; and

“(iv) consideration of small business participation.

“(F) Intellectual property strategy in accordance with section 2320 of this title.

“(G) International involvement, including foreign military sales and cooperative opportunities, in accordance with section 2350a of this title.

“(H) Multiyear procurement in accordance with section 2306b of this title.

“(I) Integration of current intelligence assessments into the acquisition process.

“(J) Requirements related to logistics, maintenance, and sustainment in accordance with sections 2464 and 2466 of this title.

“(d) REVIEW.—(1) Subject to the authority, direction, and control of the Under Secretary of Defense for Acquisition, Technology, and Logistics, the milestone decision authority shall review and approve, as appropriate, the acquisition strategy for a major defense acquisition program, major automated information system, or major system at each of the following times:

“(A) Milestone A approval.

“(B) The decision to release the request for proposals for development of the program or system.

“(C) Milestone B approval.

“(D) Each subsequent milestone.

“(E) Review of any decision to enter into full-rate production.

“(F) When there has been—

“(i) a significant change to the cost of the program or system;

“(ii) a critical change to the cost of the program or system;

“(iii) a significant change to the schedule of the program or system; or

“(iv) a significant change to the performance of the program or system.

“(G) Any other time considered relevant by the milestone decision authority.

“(2) If the milestone decision authority revises an acquisition strategy for a program or system, the milestone decision authority shall provide notice of the revision to the congressional defense committees.

“(e) DEFINITIONS.—In this section:

“(1) The term ‘major defense acquisition program’ has the meaning provided in section 2430 of this title.

“(2) The term ‘major system’ has the meaning provided in section 2302(5) of this title.

“(3) The term ‘Milestone A approval’ means a decision to enter into technology maturation and risk reduction pursuant to guidance prescribed by the Secretary of Defense for the management of Department of Defense acquisition programs.

“(4) The term ‘Milestone B approval’ has the meaning provided in section 2366(e)(7) of this title.

“(5) The term ‘milestone decision authority’, with respect to a major defense acquisition program, major automated information system, or major system, means the official within the Department of Defense designated with the overall responsibility and authority for acquisition decisions for the program or system, including authority to approve entry of the program or system into the next phase of the acquisition process.

“(6) The term ‘management capacity’, with respect to a major defense acquisition program, major automated information system, or major system, means the capacity to manage the program or system through the use of highly qualified organizations and personnel with appropriate experience, knowledge, and skills.

“(7) The term ‘significant change to the cost’, with respect to a major defense acquisition program or major system, means

a significant cost growth threshold, as that term is defined in section 2433(a)(4) of this title.

“(8) The term ‘critical change to the cost’, with respect to a major defense acquisition program or major system, means a critical cost growth threshold, as that term is defined in section 2433(a)(5) of this title.

“(9) The term ‘significant change to the schedule’, with respect to a major defense acquisition program, major automated information system, or major system, means any schedule delay greater than six months in a reported event.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2431 the following new item:

“2431a. Acquisition strategy.”.

(b) ADDITIONAL AMENDMENTS.—

(1) Section 2350a(e) of such title is amended—

(A) in the subsection heading, by striking “DOCUMENT”;

(B) in paragraph (1), by striking “the Under Secretary of Defense for” and all that follows through “of the Board” and inserting “opportunities for such cooperative research and development shall be addressed in the acquisition strategy for the project”; and

(C) in paragraph (2)—

(i) in the matter preceding subparagraph (A)—

(I) by striking “document” and inserting “discussion”; and

(II) by striking “include” and inserting “consider”;

(ii) in subparagraph (A), by striking “A statement indicating whether” and inserting “Whether”;

(iii) in subparagraph (B)—

(I) by striking “by the Under Secretary of Defense for Acquisition, Technology, and Logistics”; and

(II) by striking “of the United States under consideration by the Department of Defense”; and

(iv) in subparagraph (D), by striking “The recommendation of the Under Secretary” and inserting “A recommendation to the milestone decision authority”.

(2) Section 803 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 10 U.S.C. 2430 note) is repealed.

SEC. 822. REVISION TO REQUIREMENTS RELATING TO RISK MANAGEMENT IN DEVELOPMENT OF MAJOR DEFENSE ACQUISITION PROGRAMS AND MAJOR SYSTEMS.

(a) RISK MANAGEMENT AND MITIGATION REQUIREMENTS.—

(1) IN GENERAL.—Chapter 144 of title 10, United States Code, is amended by inserting after section 2431a (as added by section 821) the following new section:

10 USC 2431b.

“§ 2431b. Risk management and mitigation in major defense acquisition programs and major systems

“(a) REQUIREMENT.—The Secretary of Defense shall ensure that the initial acquisition strategy (required under section 2431a of

this title) approved by the milestone decision authority and any subsequent revisions include the following:

“(1) A comprehensive approach for managing and mitigating risk (including technical, cost, and schedule risk) during each of the following periods or when determined appropriate by the milestone decision authority:

“(A) The period preceding engineering manufacturing development, or its equivalent.

“(B) The period preceding initial production.

“(C) The period preceding full-rate production.

“(2) An identification of the major sources of risk in each of the periods listed in paragraph (1) to improve programmatic decisionmaking and appropriately minimize and manage program concurrency.

“(b) **APPROACH TO MANAGE AND MITIGATE RISKS.**—The comprehensive approach to manage and mitigate risk included in the acquisition strategy for purposes of subsection (a)(1) shall, at a minimum, include consideration of risk mitigation techniques such as the following:

“(1) Prototyping (including prototyping at the system, subsystem, or component level and competitive prototyping, where appropriate) and, if prototyping at either the system, subsystem, or component level is not used, an explanation of why it is not appropriate.

“(2) Modeling and simulation, the areas that modeling and simulation will assess, and identification of the need for development of any new modeling and simulation tools in order to support the comprehensive strategy.

“(3) Technology demonstrations and decision points for disciplined transition of planned technologies into programs or the selection of alternative technologies.

“(4) Multiple design approaches.

“(5) Alternative designs, including any designs that meet requirements but do so with reduced performance.

“(6) Phasing of program activities or related technology development efforts in order to address high-risk areas as early as feasible.

“(7) Manufacturability and industrial base availability.

“(8) Independent risk element assessments by outside subject matter experts.

“(9) Schedule and funding margins for identified risks.

“(c) **PREFERENCE FOR PROTOTYPING.**—To the maximum extent practicable and consistent with the economical use of available financial resources, the milestone decision authority for each major defense acquisition program shall ensure that the acquisition strategy for the program provides for—

“(1) the production of competitive prototypes at the system or subsystem level before Milestone B approval; or

“(2) if the production of competitive prototypes is not practicable, the production of single prototypes at the system or subsystem level.

“(d) **DEFINITIONS.**—In this section, the terms ‘major defense acquisition program’ and ‘major system’ have the meanings provided in section 2431a of this title.”

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by inserting after the

item relating to section 2431a, as so added, the following new item:

“2431b. Risk reduction in major defense acquisition programs and major systems.”.

(b) REPEAL OF SUPERSEDED PROVISION.—Section 203 of the Weapon Systems Acquisition Reform Act of 2009 (10 U.S.C. 2430 note) is repealed.

SEC. 823. REVISION OF MILESTONE A DECISION AUTHORITY RESPONSIBILITIES FOR MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) REVISION TO MILESTONE A REQUIREMENTS.—Section 2366a of title 10, United States Code, is amended to read as follows:

“§ 2366a. Major defense acquisition programs: determination required before Milestone A approval

“(a) RESPONSIBILITIES.—Before granting Milestone A approval for a major defense acquisition program or a major subprogram, the milestone decision authority for the program or subprogram shall ensure that—

“(1) information about the program or subprogram is sufficient to warrant entry of the program or subprogram into the risk reduction phase;

“(2) the Secretary of the military department concerned and the Chief of the armed force concerned concur in the cost, schedule, technical feasibility, and performance trade-offs that have been made with regard to the program; and

“(3) there are sound plans for progression of the program or subprogram to the development phase.

“(b) WRITTEN DETERMINATION REQUIRED.—A major defense acquisition program or subprogram may not receive Milestone A approval or otherwise be initiated prior to Milestone B approval until the milestone decision authority determines in writing, after consultation with the Joint Requirements Oversight Council on matters related to program requirements and military needs—

“(1) that the program fulfills an approved initial capabilities document;

“(2) that the program has been developed in light of appropriate market research;

“(3) if the program duplicates a capability already provided by an existing system, the duplication provided by such program is necessary and appropriate;

“(4) that, with respect to any identified areas of risk, there is a plan to reduce the risk;

“(5) that planning for sustainment has been addressed and that a determination of applicability of core logistics capabilities requirements has been made;

“(6) that an analysis of alternatives has been performed consistent with study guidance developed by the Director of Cost Assessment and Program Evaluation;

“(7) that a cost estimate for the program has been submitted, with the concurrence of the Director of Cost Assessment and Program Evaluation, and that the level of resources required to develop, procure, and sustain the program is sufficient for successful program execution; and

“(8) that the program or subprogram meets any other considerations the milestone decision authority considers relevant.

“(c) SUBMISSION TO CONGRESS.—At the request of any of the congressional defense committees, the Secretary of Defense shall submit to the committee an explanation of the basis for a determination made under subsection (b) with respect to a major defense acquisition program, together with a copy of the written determination. The explanation shall be submitted in unclassified form, but may include a classified annex.

“(d) DEFINITIONS.—In this section:

“(1) The term ‘major defense acquisition program’ has the meaning provided in section 2430 of this title.

“(2) The term ‘initial capabilities document’ means any capabilities requirement document approved by the Joint Requirements Oversight Council that establishes the need for a materiel approach to resolve a capability gap.

“(3) The term ‘Milestone A approval’ means a decision to enter into technology maturation and risk reduction pursuant to guidance prescribed by the Secretary of Defense for the management of Department of Defense acquisition programs.

“(4) The term ‘Milestone B approval’ has the meaning provided that term in section 2366(e)(7) of this title.

“(5) The term ‘core logistics capabilities’ means the core logistics capabilities identified under section 2464(a) of this title.

“(6) the term ‘major subprogram’ means a major subprogram of a major defense acquisition program designated under section 2430a(a)(1) of this title.

“(7) The term ‘milestone decision authority’, with respect to a major defense acquisition program or a major subprogram, means the official within the Department of Defense designated with the overall responsibility and authority for acquisition decisions for the program or subprogram, including authority to approve entry of the program or subprogram into the next phase of the acquisition process.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 139 of such title is amended by striking the item relating to section 2366a and inserting the following:

10 USC
2351 prec.

“2366a. Major defense acquisition programs: determination required before Milestone A approval.”

SEC. 824. REVISION OF MILESTONE B DECISION AUTHORITY RESPONSIBILITIES FOR MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) REVISION TO MILESTONE B REQUIREMENTS.—Section 2366b of title 10, United States Code, is amended to read as follows:

“§ 2366b. Major defense acquisition programs: certification required before Milestone B approval

“(a) CERTIFICATIONS AND DETERMINATION REQUIRED.—A major defense acquisition program may not receive Milestone B approval until the milestone decision authority—

“(1) has received a preliminary design review and conducted a formal post-preliminary design review assessment, and certifies on the basis of such assessment that the program demonstrates a high likelihood of accomplishing its intended mission;

“(2) further certifies that the technology in the program has been demonstrated in a relevant environment, as determined by the milestone decision authority on the basis of an independent review and assessment by the Assistant Secretary of Defense for Research and Engineering, in consultation with the Deputy Assistant Secretary of Defense for Developmental Test and Evaluation;

“(3) determines in writing that—

“(A) the program is affordable when considering the ability of the Department of Defense to accomplish the program’s mission using alternative systems;

“(B) appropriate trade-offs among cost, schedule, technical feasibility, and performance objectives have been made to ensure that the program is affordable when considering the per unit cost and the total acquisition cost in the context of the total resources available during the period covered by the future-years defense program submitted during the fiscal year in which the certification is made;

“(C) reasonable cost and schedule estimates have been developed to execute, with the concurrence of the Director of Cost Assessment and Program Evaluation, the product development and production plan under the program; and

“(D) funding is available to execute the product development and production plan under the program, through the period covered by the future-years defense program submitted during the fiscal year in which the certification is made, consistent with the estimates described in subparagraph (C) for the program;

“(E) appropriate market research has been conducted prior to technology development to reduce duplication of existing technology and products;

“(F) the Department of Defense has completed an analysis of alternatives with respect to the program;

“(G) the Joint Requirements Oversight Council has accomplished its duties with respect to the program pursuant to section 181(b) of this title, including an analysis of the operational requirements for the program;

“(H) life-cycle sustainment planning, including corrosion prevention and mitigation planning, has identified and evaluated relevant sustainment costs throughout development, production, operation, sustainment, and disposal of the program, and any alternatives, and that such costs are reasonable and have been accurately estimated;

“(I) an estimate has been made of the requirements for core logistics capabilities and the associated sustaining workloads required to support such requirements;

“(J) there is a plan to mitigate and account for any costs in connection with any anticipated de-certification of cryptographic systems and components during the production and procurement of the major defense acquisition program to be acquired;

“(K) the program complies with all relevant policies, regulations, and directives of the Department of Defense; and

“(L) the Secretary of the military department concerned and the Chief of the armed force concerned concur in the trade-offs made in accordance with subparagraph (B); and

“(4) in the case of a space system, performs a cost benefit analysis for any new or follow-on satellite system using a dedicated ground control system instead of a shared ground control system, except that no cost benefit analysis is required to be performed under this paragraph for any Milestone B approval of a space system after December 31, 2019.

“(b) CHANGES TO CERTIFICATIONS OR DETERMINATION.—(1) The program manager for a major defense acquisition program that has received certifications or a determination under subsection (a) shall immediately notify the milestone decision authority of any changes to the program or a designated major subprogram of such program that—

“(A) alter the substantive basis for the certifications or determination of the milestone decision authority relating to any component of such certifications or determination specified in paragraph (1), (2), or (3) of subsection (a); or

“(B) otherwise cause the program or subprogram to deviate significantly from the material provided to the milestone decision authority in support of such certifications or determination.

“(2) Upon receipt of information under paragraph (1), the milestone decision authority may withdraw the certifications or determination concerned or rescind Milestone B approval if the milestone decision authority determines that such certifications, determination, or approval are no longer valid.

“(c) SUBMISSION TO CONGRESS.—(1) The certifications and determination under subsection (a) with respect to a major defense acquisition program shall be submitted to the congressional defense committees with the first Selected Acquisition Report submitted under section 2432 of this title after completion of the certification.

“(2) The milestone decision authority shall retain records of the basis for the certifications and determination under paragraphs (1), (2), and (3) of subsection (a).

“(3) At the request of any of the congressional defense committees, the Secretary of Defense shall submit to the committee an explanation of the basis for the certifications and determination under paragraphs (1), (2), and (3) of subsection (a) with respect to a major defense acquisition program. The explanation shall be submitted in unclassified form, but may include a classified annex.

“(d) WAIVER FOR NATIONAL SECURITY.—(1) The milestone decision authority may, at the time of Milestone B approval or at the time that such milestone decision authority withdraws a certification or rescinds Milestone B approval pursuant to subsection (b)(2), waive the applicability to a major defense acquisition program of one or more components (as specified in paragraph (1), (2), or (3) of subsection (a)) of the certification and determination requirements if the milestone decision authority determines that, but for such a waiver, the Department would be unable to meet critical national security objectives.

“(2) Whenever the milestone decision authority makes such a determination and authorizes such a waiver—

“(A) the waiver, the waiver determination, and the reasons for the waiver determination shall be submitted in writing to the congressional defense committees within 30 days after the waiver is authorized; and

“(B) the milestone decision authority shall review the program not less often than annually to determine the extent to which such program currently satisfies the certification and determination components specified in paragraphs (1), (2), and (3) of subsection (a) until such time as the milestone decision authority determines that the program satisfies all such certification and determination components.

“(3) The requirement in paragraph (2)(B) shall not apply to a program for which a certification was required pursuant to section 2433a(c) of this title if the milestone decision authority—

“(A) determines in writing that—

“(i) the program has reached a stage in the acquisition process at which it would not be practicable to meet the certification component that was waived; and

“(ii) the milestone decision authority has taken appropriate alternative actions to address the underlying purposes of such certification component; and

“(B) submits the written determination, and an explanation of the basis for the determination, to the congressional defense committees.

“(e) DESIGNATION OF CERTIFICATION STATUS IN BUDGET DOCUMENTATION.—Any budget request, budget justification material, budget display, reprogramming request, Selected Acquisition Report, or other budget documentation or performance report submitted by the Secretary of Defense to the President regarding a major defense acquisition program receiving a waiver pursuant to subsection (d) shall prominently and clearly indicate that such program has not fully satisfied the certification requirements of this section until such time as the milestone decision authority makes the determination that such program has satisfied all such certification requirements.

“(f) NONDELEGATION.—The milestone decision authority may not delegate the certification requirement under subsection (a) or the authority to waive any component of such requirement under subsection (d).

“(g) DEFINITIONS.—In this section:

“(1) The term ‘major defense acquisition program’ means a Department of Defense acquisition program that is a major defense acquisition program for purposes of section 2430 of this title.

“(2) The term ‘designated major subprogram’ means a major subprogram of a major defense acquisition program designated under section 2430a(a)(1) of this title.

“(3) The term ‘milestone decision authority’, with respect to a major defense acquisition program, means the official within the Department of Defense designated with the overall responsibility and authority for acquisition decisions for the program, including authority to approve entry of the program into the next phase of the acquisition process.

“(4) The term ‘Milestone B approval’ has the meaning provided that term in section 2366(e)(7) of this title.

“(5) The term ‘core logistics capabilities’ means the core logistics capabilities identified under section 2464(a) of this title.”.

(b) CONFORMING AMENDMENT.—Section 2334(a) of title 10, United States Code, is amended in paragraph (6)(A)(i) by striking “any certification under” and inserting “any decision to grant milestone approval pursuant to”.

SEC. 825. DESIGNATION OF MILESTONE DECISION AUTHORITY.

(a) IN GENERAL.—Section 2430 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(d)(1) The milestone decision authority for a major defense acquisition program reaching Milestone A after October 1, 2016, shall be the service acquisition executive of the military department that is managing the program, unless the Secretary of Defense designates, under paragraph (2), another official to serve as the milestone decision authority.

“(2) The Secretary of Defense may designate an alternate milestone decision authority for a program with respect to which—

“(A) the Secretary determines that the program is addressing a joint requirement;

“(B) the Secretary determines that the program is best managed by a Defense Agency;

“(C) the program has incurred a unit cost increase greater than the significant cost threshold or critical cost threshold under section 2433 of this title;

“(D) the program is critical to a major interagency requirement or technology development effort, or has significant international partner involvement; or

“(E) the Secretary determines that an alternate official serving as the milestone decision authority will best provide for the program to achieve desired cost, schedule, and performance outcomes.

“(3)(A) After designating an alternate milestone decision authority under paragraph (2) for a program, the Secretary of Defense may revert the position of milestone decision authority for the program back to the service acquisition executive upon request of the Secretary of the military department concerned. A decision on the request shall be made within 180 days after receipt of the request from the Secretary of the military department concerned.

“(B) If the Secretary of Defense denies the request for reversion of the milestone decision authority back to the service acquisition executive, the Secretary shall report to the congressional defense committees on the basis of the Secretary’s decision that an alternate official serving as milestone decision authority will best provide for the program to achieve desired cost, schedule, and performance outcomes. No such reversion is authorized after a program has incurred a unit cost increase greater than the significant cost threshold or critical cost threshold under section 2433 of this title, except in exceptional circumstances.

“(4)(A) For each major defense acquisition program, the Secretary of the military department concerned and the Chief of the armed force concerned shall, in each Selected Acquisition Report required under section 2432 of this title, certify that program requirements are stable and funding is adequate to meet cost, schedule, and performance objectives for the program and identify

and report to the congressional defense committees on any increased risk to the program since the last report.

“(B) The Secretary of Defense shall review the acquisition oversight process for major defense acquisition programs and shall limit outside requirements for documentation to an absolute minimum on those programs where the service acquisition executive of the military department that is managing the program is the milestone decision authority and ensure that any policies, procedures, and activities related to oversight efforts conducted outside of the military departments with regard to major defense acquisition programs shall be implemented in a manner that does not unnecessarily increase program costs or impede program schedules.”.

(b) CONFORMING AMENDMENT.—Section 133(b)(5) of such title is amended by inserting before the period at the end the following: “, except that the Under Secretary shall exercise advisory authority, subject to the authority, direction, and control of the Secretary of Defense, over service acquisition programs for which the service acquisition executive is the milestone decision authority”.

10 USC 2430
note.

(c) IMPLEMENTATION.—

(1) IMPLEMENTATION PLAN.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a plan for implementing subsection (d) of section 2430 of title 10, United States Code, as added by subsection (a) of this section.

(2) GUIDANCE.—The Deputy Chief Management Officer of the Department of Defense, in consultation with the Under Secretary of Defense for Acquisition, Technology, and Logistics and the service acquisition executives, shall issue guidance to ensure that by not later than October 1, 2016, the acquisition policy, guidance, and practices of the Department of Defense conform to the requirements of subsection (d) of section 2430 of title 10, United States Code, as added by subsection (a) of this section. The guidance shall be designed to ensure a streamlined decisionmaking and approval process and to minimize any information requests, consistent with the requirement of paragraph (4)(A) of such subsection (d).

10 USC 133 note.

(3) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on October 1, 2016.

10 USC 2430
note.

SEC. 826. TENURE AND ACCOUNTABILITY OF PROGRAM MANAGERS FOR PROGRAM DEFINITION PERIODS.

(a) REVISED GUIDANCE REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall revise Department of Defense guidance for major defense acquisition programs to address the tenure and accountability of program managers for the program definition period of major defense acquisition programs.

(b) PROGRAM DEFINITION PERIOD.—For the purposes of this section, the term “program definition period”, with respect to a major defense acquisition program, means the period beginning with initiation of the program and ending with Milestone B approval (or Key Decision Point B approval in the case of a space program).

(c) RESPONSIBILITIES.—The revised guidance required by subsection (a) shall provide that the program manager for the program definition period of a major defense acquisition program is responsible for—

(1) bringing technologies to maturity and identifying the manufacturing processes that will be needed to carry out the program;

(2) ensuring continuing focus during program development on meeting stated mission requirements and other requirements of the Department of Defense;

(3) recommending trade-offs between program cost, schedule, and performance for the life-cycle of the program;

(4) developing a business case for the program; and

(5) ensuring that appropriate information is available to the milestone decision authority to make a decision on Milestone B approval (or Key Decision Point B approval in the case of a space program), including information necessary to make the certification required by section 2366a of title 10, United States Code.

(d) **QUALIFICATIONS, RESOURCES, AND TENURE.**—The Secretary of Defense shall ensure that each program manager for the program definition period of a major defense acquisition program—

(1) has the appropriate management, engineering, technical, and financial expertise needed to meet the responsibilities assigned pursuant to subsection (c);

(2) is provided the resources and support (including systems engineering expertise, cost-estimating expertise, and software development expertise) needed to meet such responsibilities; and

(3) is assigned to the program manager position for such program until such time as such program receives Milestone B approval (or Key Decision Point B approval in the case of a space program), unless removed for cause or due to exceptional circumstances.

(e) **WAIVER AUTHORITY.**—The Secretary may waive the requirement in paragraph (3) of subsection (d) upon a determination that the program definition period will take so long that it would not be appropriate for a single individual to serve as program manager for the entire period covered by such paragraph.

SEC. 827. TENURE AND ACCOUNTABILITY OF PROGRAM MANAGERS FOR PROGRAM EXECUTION PERIODS.

10 USC 2430
note.

(a) **REVISED GUIDANCE REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall revise Department of Defense guidance for major defense acquisition programs to address the tenure and accountability of program managers for the program execution period of major defense acquisition programs.

(b) **PROGRAM EXECUTION PERIOD.**—For purposes of this section, the term “program execution period”, with respect to a major defense acquisition program, means the period beginning with Milestone B approval (or Key Decision Point B approval in the case of a space program) and ending with declaration of initial operational capability.

(c) **RESPONSIBILITIES.**—The revised guidance required by subsection (a) shall—

(1) require the program manager for the program execution period of a major defense acquisition program to enter into a performance agreement with the manager’s immediate supervisor for such program within six months of assignment, that—

(A) establishes expected parameters for the cost, schedule, and performance of the program consistent with the business case for the program;

(B) provides the commitment of the supervisor to provide the level of funding and resources required to meet such parameters; and

(C) provides the assurance of the program manager that such parameters are achievable and that the program manager will be accountable for meeting such parameters; and

(2) provide the program manager with the authority to—

(A) consult on the addition of new program requirements that would be inconsistent with the parameters established in the performance agreement entered into pursuant to paragraph (1);

(B) recommend trade-offs between cost, schedule, and performance, provided that such trade-offs are consistent with the parameters established in the performance agreement entered into pursuant to paragraph (1); and

(C) develop such interim goals and milestones as may be required to achieve the parameters established in the performance agreement entered into pursuant to paragraph (1).

(d) **QUALIFICATIONS, RESOURCES, AND TENURE.**—The Secretary shall ensure that each program manager for the program execution period of a defense acquisition program—

(1) has the appropriate management, engineering, technical, and financial expertise needed to meet the responsibilities assigned pursuant to subsection (c);

(2) is provided the resources and support (including systems engineering expertise, cost estimating expertise, and software development expertise) needed to meet such responsibilities; and

(3) is assigned to the program manager position for such program during the program execution period, unless removed for cause or due to exceptional circumstances.

(e) **WAIVER AUTHORITY.**—The immediate supervisor of a program manager for a major defense acquisition program may waive the requirement in paragraph (3) of subsection (d) upon a determination that the program execution period will take so long that it would not be appropriate for a single individual to serve as program manager for the entire program execution period.

10 USC 2430
note.

SEC. 828. PENALTY FOR COST OVERRUNS.

(a) **IN GENERAL.**—For each fiscal year beginning with fiscal year 2015, the Secretary of each military department shall pay a penalty for cost overruns on the covered major defense acquisition programs of the military department.

(b) **CALCULATION OF PENALTY.**—For the purposes of this section:

(1) The amount of the cost overrun or underrun on any major defense acquisition program or subprogram in a fiscal year is the difference between the current program acquisition unit cost for the program or subprogram and the program acquisition unit cost for the program as shown in the original Baseline Estimate for the program or subprogram, multiplied by the quantity of items to be purchased under the program or subprogram, as reported in the final Selected Acquisition

Report for the fiscal year in accordance with section 2432 of title 10, United States Code.

(2) Cost overruns or underruns for covered major defense acquisition programs that are joint programs of more than one military department shall be allocated among the military departments in percentages determined by the Under Secretary of Defense for Acquisition, Technology, and Logistics.

(3) The cumulative amount of cost overruns for a military department in a fiscal year is the sum of the cost overruns and cost underruns for all covered major defense acquisition programs of the department in the fiscal year (including cost overruns or underruns allocated to the military department in accordance with paragraph (2)).

(4) The cost overrun penalty for a military department in a fiscal year is three percent of the cumulative amount of cost overruns of the military department in the fiscal year, as determined pursuant to paragraph (3), except that the cost overrun penalty may not be a negative amount.

(c) TRANSFER OF FUNDS.—

(1) REDUCTION OF RESEARCH, DEVELOPMENT, TEST, AND EVALUATION ACCOUNTS.—Not later than 60 days after the end of each fiscal year beginning with fiscal year 2015, the Secretary of each military department shall reduce each research, development, test, and evaluation account of the military department by the percentage determined under paragraph (2), and remit such amount to the Secretary of Defense.

(2) DETERMINATION OF AMOUNT.—The percentage reduction to research, development, test, and evaluation accounts of a military department referred to in paragraph (1) is the percentage reduction to such accounts necessary to equal the cost overrun penalty for the fiscal year for such department determined pursuant to subsection (b)(4).

(3) CREDITING OF FUNDS.—Any amount remitted under paragraph (1) shall be credited to the Rapid Prototyping Fund established pursuant to section 804 of this Act.

(d) COVERED PROGRAMS.—A major defense acquisition program is covered under this section if the original Baseline Estimate was established for such program under paragraph (1) or (2) of section 2435(d) of title 10, United States Code, on or after May 22, 2009 (which is the date of the enactment of the Weapon Systems Acquisition Reform Act of 2009 (Public Law 111–23)).

SEC. 829. STREAMLINING OF REPORTING REQUIREMENTS APPLICABLE TO ASSISTANT SECRETARY OF DEFENSE FOR RESEARCH AND ENGINEERING REGARDING MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) REPORTING TO UNDER SECRETARY OF DEFENSE FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS BEFORE MILESTONE B APPROVAL.—Subparagraph (A) of paragraph (8) of section 138(b) of title 10, United States Code, as amended by section 901(h)(2) of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3466), is further amended—

(1) by striking “periodically”;

(2) by striking “the major defense acquisition programs” and inserting “each major defense acquisition program”;

(3) by inserting “before the Milestone B approval for that program” after “Department of Defense”; and

(4) by striking “such reviews and assessments” and inserting “such review and assessment”.

(b) ANNUAL REPORT TO SECRETARY OF DEFENSE AND CONGRESSIONAL DEFENSE COMMITTEES.—Subparagraph (B) of such paragraph is amended by inserting “for which a Milestone B approval occurred during the preceding fiscal year” after “Department of Defense”.

SEC. 830. CONFIGURATION STEERING BOARDS FOR COST CONTROL UNDER MAJOR DEFENSE ACQUISITION PROGRAMS.

Section 814(c)(1) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4529; 10 U.S.C. 2430 note) is amended—

(1) by redesignating subparagraphs (A), (B), and (C) as subparagraphs (B), (C), and (D), respectively; and

(2) by inserting after “for the following:” the following new subparagraph:

“(A) Monitoring changes in program requirements and ensuring the Chief of Staff of the Armed Force concerned, in consultation with the Secretary of the military department concerned, approves of any proposed changes that could have an adverse effect on program cost or schedule.”.

SEC. 831. REPEAL OF REQUIREMENT FOR STAND-ALONE MANPOWER ESTIMATES FOR MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) REPEAL OF REQUIREMENT.—Subsection (a)(1) of section 2434 of title 10, United States Code, is amended by striking “and a manpower estimate for the program have” and inserting “has”.

(b) CONFORMING AMENDMENTS RELATING TO REGULATIONS.—Subsection (b) of such section is amended—

(1) by striking paragraph (2);

(2) by striking “shall require—” and all that follows through “that the independent” and inserting “shall require that the independent”;

(3) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively, and moving those paragraphs, as so redesignated, two ems to the left; and

(4) in paragraph (2), as so redesignated—

(A) by striking “and operations and support,” and inserting “operations and support, and trained manpower to operate, maintain, and support the program upon full operational deployment,”; and

(B) by striking “; and” and inserting a period.

(c) CLERICAL AMENDMENTS.—

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

“§ 2434. Independent cost estimates”.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 144 of such title is amended by striking the item relating to section 2434 and inserting the following:

“2434. Independent cost estimates.”.

SEC. 832. REVISION TO DUTIES OF THE DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR DEVELOPMENTAL TEST AND EVALUATION AND THE DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR SYSTEMS ENGINEERING.

Section 139b of title 10, United States Code, is amended—
(1) in subsection (a)(5)—

(A) in subparagraph (B), by striking “and approve or disapprove”; and

(B) in subparagraph (C), by inserting “in order to advise relevant technical authorities for such programs on the incorporation of best practices for developmental test from across the Department” after “in accordance with subsection (c)”; and

(2) in subsection (b)(5)—

(A) in subparagraph (B), by striking “and approve”; and

(B) in subparagraph (C), by inserting “in order to advise relevant technical authorities for such programs on the incorporation of best practices for systems engineering from across the Department” after “programs”.

Subtitle D—Provisions Relating to Acquisition Workforce

SEC. 841. AMENDMENTS TO DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE DEVELOPMENT FUND.

(a) MODIFICATIONS TO DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE DEVELOPMENT FUND.—Section 1705 of title 10, United States Code, is amended—

(1) in subsection (d)—

(A) in paragraph (2), by amending subparagraph (C) to read as follows:

“(C) For purposes of this paragraph, the applicable percentage for a fiscal year is the percentage that results in the credit to the Fund of \$500,000,000 in each fiscal year.”;

(B) in paragraph (2), in subparagraph (D)—

(i) by striking “an amount specified in subparagraph (C)” and inserting “the amount specified in subparagraph (C)”; and

(ii) by striking “an amount that is less than” and all that follows through the end and inserting “an amount that is less than \$400,000,000.”; and

(C) in paragraph (3), by striking “24-month period” and inserting “36-month period”;

(2) in subsection (f), by striking “60 days” and inserting “120 days”; and

(3) in subsection (g)—

(A) by striking paragraph (2);

(B) by striking “acquisition workforce positions” and inserting “of positions in the acquisition workforce, as defined in subsection (h)”; and

(C) by striking “AUTHORITY.—” and all that follows through “For purposes of” in paragraph (1) and inserting “AUTHORITY.—For purposes of”;

(D) by striking “(A)” and inserting “(1)”;
 (E) by striking “(B)” and inserting “(2)”; and
 (F) by aligning paragraphs (1) and (2), as designated
 by subparagraphs (D) and (E), so as to be two ems from
 the left margin.

(b) MODIFICATIONS TO BIENNIAL STRATEGIC WORKFORCE PLAN.—Section 115b(d) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking “the defense acquisition workforce, including both military and civilian personnel” and inserting “the military, civilian, and contractor personnel that directly support the acquisition processes of the Department of Defense, including persons serving in acquisition-related positions designated by the Secretary of Defense under section 1721 of this title”;

(2) in paragraph (2)(D)—

(A) in clause (i), by striking “; and” and inserting a semicolon;

(B) by redesignating clause (ii) as clause (iii); and

(C) by inserting after clause (i) the following new clause:

“(ii) a description of steps that will be taken to address any new or expanded critical skills and competencies the civilian employee workforce will need to address recent trends in defense acquisition, emerging best practices, changes in the Government and commercial marketplace, and new requirements established in law or regulation; and”;

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

“(3) For the purposes of paragraph (1), contractor personnel shall be treated as directly supporting the acquisition processes of the Department if, and to the extent that, such contractor personnel perform functions in support of personnel in Department of Defense positions designated by the Secretary of Defense under section 1721 of this title.”.

SEC. 842. DUAL-TRACK MILITARY PROFESSIONALS IN OPERATIONAL AND ACQUISITION SPECIALITIES.

(a) REQUIREMENT FOR CHIEF OF STAFF INVOLVEMENT.—Section 1722a(a) of title 10, United States Code, is amended by inserting after “military department” the following: “, in collaboration with the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, and the Commandant of the Marine Corps (with respect to the Army, Navy, Air Force, and Marine Corps, respectively).”.

(b) DUAL-TRACK CAREER PATH.—Section 1722a(b) of such title is amended—

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

(2) in paragraph (1), by inserting “single-track” before “career path”; and

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

“(2) A dual-track career path that attracts the highest quality officers and enlisted personnel and allows them to gain experience in and receive credit for a primary career in combat arms and a functional secondary career in the acquisition field

in order to more closely align the military operational, requirements, and acquisition workforces of each armed force.”.

SEC. 843. PROVISION OF JOINT DUTY ASSIGNMENT CREDIT FOR ACQUISITION DUTY.

Section 668(a)(1) of title 10, United States Code, is amended—

- (1) by striking “or” at the end of subparagraph (D);
- (2) by striking the period at the end of subparagraph (E) and inserting “; or”; and
- (3) by adding at the end the following new subparagraph:
“(F) acquisition matters addressed by military personnel and covered under chapter 87 of this title.”.

SEC. 844. MANDATORY REQUIREMENT FOR TRAINING RELATED TO THE CONDUCT OF MARKET RESEARCH.

(a) **MANDATORY MARKET RESEARCH TRAINING.**—Section 2377 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(d) **MARKET RESEARCH TRAINING REQUIRED.**—The Secretary of Defense shall provide mandatory training for members of the armed forces and employees of the Department of Defense responsible for the conduct of market research required under subsection (c). Such mandatory training shall, at a minimum—

- “(1) provide comprehensive information on the subject of market research and the function of market research in the acquisition of commercial items;
- “(2) teach best practices for conducting and documenting market research; and
- “(3) provide methodologies for establishing standard processes and reports for collecting and sharing market research across the Department.”.

(b) **INCORPORATION INTO MANAGEMENT CERTIFICATION TRAINING MANDATE.**—The Chairman of the Joint Chiefs of Staff shall ensure that the requirements of section 2377(d) of title 10, United States Code, as added by subsection (a), are incorporated into the requirements management certification training mandate of the Joint Capabilities Integration Development System.

10 USC 2377
note.

SEC. 845. INDEPENDENT STUDY OF IMPLEMENTATION OF DEFENSE ACQUISITION WORKFORCE IMPROVEMENT EFFORTS.

(a) **REQUIREMENT FOR STUDY.**—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall enter into a contract with an independent research entity described in subsection (b) to carry out a comprehensive study of the strategic planning of the Department of Defense related to the defense acquisition workforce. The study shall provide a comprehensive examination of the Department’s efforts to recruit, develop, and retain the acquisition workforce with a specific review of the following:

- (1) The implementation of the Defense Acquisition Workforce Improvement Act (including chapter 87 of title 10, United States Code).
- (2) The application of the Department of Defense Acquisition Workforce Development Fund (as established under section 1705 of title 10, United States Code).
- (3) The effectiveness of professional military education programs, including fellowships and exchanges with industry.

(b) **INDEPENDENT RESEARCH ENTITY.**—The entity described in this subsection is an independent research entity that is a not-for-profit entity or a federally funded research and development center with appropriate expertise and analytical capability.

(c) **REPORTS.**—

(1) **TO SECRETARY.**—Not later than one year after the date of the enactment of this Act, the independent research entity shall provide to the Secretary a report containing—

(A) the results of the study required by subsection (a); and

(B) such recommendations to improve the acquisition workforce as the independent research entity considers to be appropriate.

(2) **TO CONGRESS.**—Not later than 30 days after receipt of the report under paragraph (1), the Secretary of Defense shall submit such report, together with any additional views or recommendations of the Secretary, to the congressional defense committees.

SEC. 846. EXTENSION OF AUTHORITY FOR THE CIVILIAN ACQUISITION WORKFORCE PERSONNEL DEMONSTRATION PROJECT.

(a) **EXTENSION.**—Section 1762(g) of title 10, United States Code, is amended by striking “September 30, 2017” and inserting “December 31, 2020”.

(b) **TECHNICAL AMENDMENT.**—Such section is further amended by striking “demonstration program” and inserting “demonstration project”.

Subtitle E—Provisions Relating to Commercial Items

SEC. 851. PROCUREMENT OF COMMERCIAL ITEMS.

(a) **COMMERCIAL ITEM DETERMINATIONS BY DEPARTMENT OF DEFENSE.**—

(1) **IN GENERAL.**—Chapter 140 of title 10, United States Code, is amended by adding at the end the following new section:

10 USC 2380.

“§ 2380. Commercial item determinations by Department of Defense

“The Secretary of Defense shall—

“(1) establish and maintain a centralized capability with necessary expertise and resources to oversee the making of commercial item determinations for the purposes of procurements by the Department of Defense; and

“(2) provide public access to Department of Defense commercial item determinations for the purposes of procurements by the Department of Defense.”.

10 USC
2375 prec.

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“2380. Commercial item determinations by Department of Defense.”.

(b) **COMMERCIAL ITEM EXCEPTION TO SUBMISSION OF COST AND PRICING DATA.**—Section 2306a(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(4) **COMMERCIAL ITEM DETERMINATION.**—(A) For purposes of applying the commercial item exception under paragraph (1)(B) to the required submission of certified cost or pricing data, the contracting officer may presume that a prior commercial item determination made by a military department, a Defense Agency, or another component of the Department of Defense shall serve as a determination for subsequent procurements of such item.

“(B) If the contracting officer does not make the presumption described in subparagraph (A) and instead chooses to proceed with a procurement of an item previously determined to be a commercial item using procedures other than the procedures authorized for the procurement of a commercial item, the contracting officer shall request a review of the commercial item determination by the head of the contracting activity.

“(C) Not later than 30 days after receiving a request for review of a commercial item determination under subparagraph (B), the head of a contracting activity shall—

“(i) confirm that the prior determination was appropriate and still applicable; or

“(ii) issue a revised determination with a written explanation of the basis for the revision.”.

(c) **DEFINITION OF COMMERCIAL ITEM.**—Nothing in this section or the amendments made by this section shall affect the meaning of the term “commercial item” under subsection (a)(5) of section 2464 of title 10, United States Code, or any requirement under subsection (a)(3) or subsection (c) of such section. 10 USC 2306a note.

(d) **REGULATIONS UPDATE.**—Not later than 180 days after the date of the enactment of this Act, the Defense Federal Acquisition Regulation Supplement shall be updated to reflect the requirements of this section and the amendments made by this section. 10 USC 2306a note.

(e) **RULE OF CONSTRUCTION.**—Nothing in this section or the amendments made by this section shall be construed to preclude the contracting officer for the procurement of a commercial item from requiring the contractor to supply information that is sufficient to determine the reasonableness of price, regardless of whether or not the contractor was required to provide such information in connection with any earlier procurement. 10 USC 2306a note.

SEC. 852. MODIFICATION TO INFORMATION REQUIRED TO BE SUBMITTED BY OFFEROR IN PROCUREMENT OF MAJOR WEAPON SYSTEMS AS COMMERCIAL ITEMS.

(a) **REQUIREMENT FOR DETERMINATION.**—Subsection (a) of section 2379 of title 10, United States Code, is amended—

(1) in paragraph (1)(B), by inserting “and” after the semicolon;

(2) by striking paragraph (2); and

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

(b) **TREATMENT OF SUBSYSTEMS AS COMMERCIAL ITEMS.**—Subsection (b) of such section is amended—

(1) in the matter preceding paragraph (1), by striking “only if” and inserting “if either”;

(2) in paragraph (2)—

(A) by striking “that—” and all that follows through “the subsystem is a” and inserting “that the subsystem is a”;

(B) by striking “; and” and inserting a period; and

(C) by striking subparagraph (B).

(c) TREATMENT OF COMPONENTS AS COMMERCIAL ITEMS.—Subsection (c)(1) of such section is amended—

(1) by striking “title only if” and inserting “title if either”; and

(2) in subparagraph (B)—

(A) by striking “that—” and all that follows through “the component or” and inserting “that the component or”;

(B) by striking “; and” and inserting a period; and

(C) by striking clause (ii).

(d) INFORMATION SUBMITTED.—Subsection (d) of such section is amended to read as follows:

“(d) INFORMATION SUBMITTED.—(1) To the extent necessary to determine the reasonableness of the price for items acquired under this section, the contracting officer shall require the offeror to submit—

“(A) prices paid for the same or similar commercial items under comparable terms and conditions by both Government and commercial customers;

“(B) if the contracting officer determines that the offeror does not have access to and cannot provide sufficient information described in subparagraph (A) to determine the reasonableness of price, information on—

“(i) prices for the same or similar items sold under different terms and conditions;

“(ii) prices for similar levels of work or effort on related products or services;

“(iii) prices for alternative solutions or approaches; and

“(iv) other relevant information that can serve as the basis for a price assessment; and

“(C) if the contracting officer determines that the information submitted pursuant to subparagraphs (A) and (B) is not sufficient to determine the reasonableness of price, other relevant information regarding the basis for price or cost, including information on labor costs, material costs, and overhead rates.

“(2) An offeror may not be required to submit information described in paragraph (1)(C) with regard to a commercially available off-the-shelf item and may be required to submit such information with regard to any other item that was developed exclusively at private expense only after the head of the contracting activity determines in writing that the information submitted pursuant to paragraphs (1)(A) and (1)(B) is not sufficient to determine the reasonableness of price.”

(e) CONFORMING AMENDMENT TO TRUTH IN NEGOTIATIONS ACT.—Section 2306a(d)(1) of title 10, United States Code, is amended by adding at the end the following new sentence: “If the contracting officer determines that the offeror does not have access to and cannot provide sufficient information on prices for the same or similar items to determine the reasonableness of price, the contracting officer shall require the submission of information on prices for similar levels of work or effort on related products or services, prices for alternative solutions or approaches, and other information that is relevant to the determination of a fair and reasonable price.”

SEC. 853. USE OF RECENT PRICES PAID BY THE GOVERNMENT IN THE DETERMINATION OF PRICE REASONABLENESS.

Section 2306a(b) of title 10, United States Code, as amended by section 851, is further amended by adding at the end the following new paragraph:

“(5) A contracting officer shall consider evidence provided by an offeror of recent purchase prices paid by the Government for the same or similar commercial items in establishing price reasonableness on a subsequent purchase if the contracting officer is satisfied that the prices previously paid remain a valid reference for comparison after considering the totality of other relevant factors such as the time elapsed since the prior purchase and any differences in the quantities purchased or applicable terms and conditions.”.

SEC. 854. REPORT ON DEFENSE-UNIQUE LAWS APPLICABLE TO THE PROCUREMENT OF COMMERCIAL ITEMS AND COMMERCIALY AVAILABLE OFF-THE-SHELF ITEMS.

(a) **REPORT REQUIRED.**—The Secretary of Defense shall submit to the congressional defense committees a report identifying the defense-unique provisions of law that are applicable for procurement of commercial items or commercial off-the-shelf items, both at the prime contract and subcontract level. The report—

(1) shall discuss the impact—

(A) of limiting the inclusion of clauses in contracts for commercial items or commercial off-the-shelf items to those that are required to implement law or Executive orders or are determined to be consistent with standard commercial practice; and

(B) of limiting flow down of clauses in subcontracts for commercial items or commercial off the shelf-items to those that are required to implement law or Executive order; and

(2) shall provide a listing of all standard clauses used in Federal Acquisition Regulation Part 12 contracts, including a justification for the inclusion of each.

(b) **DEADLINE FOR SUBMISSION.**—The report under subsection (a) shall be submitted not later than 180 days after the date of the enactment of this Act.

SEC. 855. MARKET RESEARCH AND PREFERENCE FOR COMMERCIAL ITEMS.

10 USC 2377
note.

(a) **GUIDANCE REQUIRED.**—Not later than 90 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall issue guidance to ensure that acquisition officials of the Department of Defense fully comply with the requirements of section 2377 of title 10, United States Code, regarding market research and commercial items. The guidance issued pursuant to this subsection shall, at a minimum—

(1) provide that the head of an agency may not enter into a contract in excess of the simplified acquisition threshold for information technology products or services that are not commercial items unless the head of the agency determines in writing that no commercial items are suitable to meet the agency’s needs as provided in subsection (c)(2) of such section; and

(2) ensure that market research conducted in accordance with subsection (c) of such section is used, where appropriate, to inform price reasonableness determinations.

(b) **REVIEW REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Chairman and the Vice Chairman of the Joint Chiefs of Staff, in consultation with the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall review Chairman of the Joint Chiefs of Staff Instruction 3170.01, the Manual for the Operation of the Joint Capabilities Integration and Development System, and other documents governing the requirements development process and revise these documents as necessary to ensure that the Department of Defense fully complies with the requirement in section 2377(c) of title 10, United States Code, and section 10.001 of the Federal Acquisition Regulation for Federal agencies to conduct appropriate market research before developing new requirements.

(c) **MARKET RESEARCH DEFINED.**—For the purposes of this section, the term “market research” means a review of existing systems, subsystems, capabilities, and technologies that are available or could be made available to meet the needs of the Department of Defense in whole or in part. The review may include any of the techniques for conducting market research provided in section 10.002(b)(2) of the Federal Acquisition Regulation and shall include, at a minimum, contacting knowledgeable individuals in Government and industry regarding existing market capabilities.

10 USC 2377
note.

SEC. 856. LIMITATION ON CONVERSION OF PROCUREMENTS FROM COMMERCIAL ACQUISITION PROCEDURES.

(a) **LIMITATION.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), prior to converting the procurement of commercial items or services valued at more than \$1,000,000 from commercial acquisition procedures under part 12 of the Federal Acquisition Regulation to noncommercial acquisition procedures under part 15 of the Federal Acquisition Regulation, the contracting officer for the procurement shall determine in writing that—

(A) the earlier use of commercial acquisition procedures under part 12 of the Federal Acquisition Regulation was in error or based on inadequate information; and

(B) the Department of Defense will realize a cost savings compared to the cost of procuring a similar quantity or level of such item or service using commercial acquisition procedures.

(2) **REQUIREMENT FOR APPROVAL OF DETERMINATION BY HEAD OF CONTRACTING ACTIVITY.**—In the case of a procurement valued at more than \$100,000,000, a contract may not be awarded pursuant to a conversion of the procurement described in paragraph (1) until—

(A) the head of the contracting activity approves the determination made under paragraph (1); and

(B) a copy of the determination so approved is provided to the Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics.

(b) **FACTORS TO BE CONSIDERED.**—In making a determination under paragraph (1), the determining official shall, at a minimum, consider the following factors:

(1) The estimated cost of research and development to be performed by the existing contractor to improve future products or services.

(2) The transaction costs for the Department of Defense and the contractor in assessing and responding to data requests to support a conversion to noncommercial acquisition procedures.

(3) Changes in purchase quantities.

(4) Costs associated with potential procurement delays resulting from the conversion.

(c) PROCEDURES.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall develop procedures to track conversions of future contracts and subcontracts for improved analysis and reporting and shall revise the Defense Federal Acquisition Regulation Supplement to reflect the requirement in subsection (a).

(d) REPORTING REQUIREMENT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the implementation of subsection (a), including any procurements converted as described in that subsection.

(e) SUNSET.—The requirements of this section shall terminate 5 years after the date of the enactment of this Act.

SEC. 857. TREATMENT OF GOODS AND SERVICES PROVIDED BY NON-TRADITIONAL DEFENSE CONTRACTORS AS COMMERCIAL ITEMS.

(a) IN GENERAL.—Chapter 140 of title 10, United States Code, as amended by section 851, is further amended by adding at the end the following new section:

“§ 2380A. Treatment of goods and services provided by non-traditional defense contractors as commercial items

10 USC 2380A.

“Notwithstanding section 2376(1) of this title, items and services provided by nontraditional defense contractors (as that term is defined in section 2302(9) of this title) may be treated by the head of an agency as commercial items for purposes of this chapter.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 140 of such title is amended by inserting after the item relating to section 2380, as added by section 851, the following new item:

10 USC
2375 prec.

“2380A. Treatment of goods and services provided by nontraditional defense contractors as commercial items.”

Subtitle F—Industrial Base Matters

SEC. 861. AMENDMENT TO MENTOR-PROTEGE PROGRAM.

(a) IN GENERAL.—Section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1607; 10 U.S.C. 2302 note) is amended—

(1) in subsection (b), by striking “designed to enhance” and all that follows through the period at the end and inserting the following: “designed to—

“(1) enhance the capabilities of disadvantaged small business concerns to perform as subcontractors and suppliers under Department of Defense contracts and other contracts and subcontracts; and

“(2) increase the participation of such business concerns as subcontractors and suppliers under Department of Defense contracts, other Federal Government contracts, and commercial contracts.”;

(2) in subsection (c)(2), by striking “to receive such assistance at any time” and inserting “concurrently, and the authority to enter into agreements under subsection (e) shall only be available to such concern during the 5-year period beginning on the date such concern enters into the first such agreement”;

(3) in subsection (d)—

(A) by redesignating paragraphs (1) and (2) as clauses (i) and (ii), respectively (and conforming the margins accordingly); and

(B) by inserting before clause (i) (as so redesignated) the following:

“(1) the mentor firm is not affiliated with the protege firm prior to the approval of that agreement; and

“(2) the mentor firm demonstrates that it—

“(A) is qualified to provide assistance that will contribute to the purpose of the program;

“(B) is of good financial health and character and does not appear on a Federal list of debarred or suspended contractors; and

“(C) can impart value to a protege firm because of experience gained as a Department of Defense contractor or through knowledge of general business operations and government contracting, as demonstrated by evidence that—”;

(4) by amending subsection (e)(1) to read as follows:

“(1) A developmental program for the protege firm, in such detail as may be reasonable, including—

“(A) factors to assess the protege firm’s developmental progress under the program;

“(B) a description of the quantitative and qualitative benefits to the Department of Defense from the agreement, if applicable; and

“(C) goals for additional awards that protege firm can compete for outside the Mentor-Protege Program.”;

(5) in subsection (f)—

(A) in paragraph (1)(A), by striking “business development.”;

(B) by striking paragraph (6); and

(C) by redesignating paragraph (7) as paragraph (6);

(6) in subsection (g)—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking “paragraphs (1) and (7) of subsection (f)” and inserting “paragraphs (1) and (6) of subsection (f) (except as provided in subparagraph (D))”;

(ii) in subparagraph (B), by striking “under subsection (1)(2)”;

(iii) by adding at the end the following new subparagraph:

“(D) The Secretary may not reimburse any fee assessed by the mentor firm for services provided to the protege firm pursuant to subsection (f)(6) or for business development expenses incurred by the mentor firm under a contract awarded to the mentor firm while participating in a joint venture with the protege firm.”; and

(B) in paragraph (3)(B)(i), by striking “subsection (f)(7)” and inserting “subsection (f)(6)”;

(7) in subsection (h)(1), by inserting “(15 U.S.C. 631 et seq.)” after “Small Business Act”;

(8) in subsection (j)—

(A) in paragraph (1), by striking “September 30, 2015” and inserting “September 30, 2018”; and

(B) in paragraph (2), by striking “September 30, 2018” and inserting “September 30, 2021”;

(9) by redesignating subsection (l) as subsection (n);

(10) by inserting after subsection (k) the following new subsections:

“(l) REPORT BY MENTOR FIRMS.—To comply with section 8(d)(7) of the Small Business Act (15 U.S.C. 637(d)(7)), each mentor firm shall submit a report to the Secretary not less than once each fiscal year that includes, for the preceding fiscal year—

“(1) all technical or management assistance provided by mentor firm personnel for the purposes described in subsection (f)(1);

“(2) any new awards of subcontracts on a competitive or noncompetitive basis to the protege firm under Department of Defense contracts or other contracts, including the value of such subcontracts;

“(3) any extensions, increases in the scope of work, or additional payments not previously reported for prior awards of subcontracts on a competitive or noncompetitive basis to the protege firm under Department of Defense contracts or other contracts, including the value of such subcontracts;

“(4) the amount of any payment of progress payments or advance payments made to the protege firm for performance under any subcontract made under the Mentor-Protege Program;

“(5) any loans made by mentor firm to the protege firm;

“(6) all Federal contracts awarded to the mentor firm and the protege firm as a joint venture, designating whether the award was a restricted competition or a full and open competition;

“(7) any assistance obtained by the mentor firm for the protege firm from one or more—

“(A) small business development centers established pursuant to section 21 of the Small Business Act (15 U.S.C. 648);

“(B) entities providing procurement technical assistance pursuant to chapter 142 of title 10, United States Code; or

“(C) historically Black colleges or universities or minority institutions of higher education;

“(8) whether there have been any changes to the terms of the mentor-protege agreement; and

“(9) a narrative describing the success assistance provided under subsection (f) has had in addressing the developmental

needs of the protege firm, the impact on Department of Defense contracts, and addressing any problems encountered.

“(m) REVIEW OF REPORT BY THE OFFICE OF SMALL BUSINESS PROGRAMS.—The Office of Small Business Programs of the Department of Defense shall review the report required by subsection (l) and, if the Office finds that the mentor-protege agreement is not furthering the purpose of the Mentor-Protege Program, decide not to approve any continuation of the agreement.”; and

(11) in subsection (n) (as so redesignated)—

(A) in paragraph (1), by striking “means a business concern that meets the requirements of section 3(a) of the Small Business Act (15 U.S.C. 632(a)) and the regulations promulgated pursuant thereto” and inserting “has the meaning given such term under section 3 of the Small Business Act (15 U.S.C. 632)”;

(B) in paragraph (2)—

(i) by striking “means:” and inserting “means a firm that has less than half the size standard corresponding to its primary North American Industry Classification System code, is not owned or managed by individuals or entities that directly or indirectly have stock options or convertible securities in the mentor firm, and is—”;

(ii) in subparagraph (D), by striking “the severely disabled” and inserting “severely disabled individuals”;

(iii) in subparagraph (G), by striking “Small Business Act.” and inserting “Small Business Act (15 U.S.C. 632(p)); or”; and

(iv) by adding at the end the following new subparagraph:

“(H) a small business concern that—

“(i) is a nontraditional defense contractor, as such term is defined in section 2302 of title 10, United States Code; or

“(ii) currently provides goods or services in the private sector that are critical to enhancing the capabilities of the defense supplier base and fulfilling key Department of Defense needs.”;

(C) by amending paragraph (8) to read as follows:

“(8) The term ‘severely disabled individual’ means an individual who is blind (as defined in section 8501 of title 41, United States Code) or a severely disabled individual (as defined in such section).”; and

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

“(9) The term ‘affiliated’, with respect to the relationship between a mentor firm and a protege firm, means—

“(A) the mentor firm shares, directly or indirectly, with the protege firm ownership or management of the protege firm;

“(B) the mentor firm has an agreement, at the time the mentor firm enters into a mentor-protege agreement under subsection (e), to merge with the protege firm;

“(C) the owners and managers of the mentor firm are the parent, child, spouse, sibling, aunt, uncle, niece, nephew, grandparent, grandchild, or first cousin of an owner or manager of the protege firm;

“(D) the mentor firm has, during the 2-year period before entering into a mentor-protege agreement, employed any officer, director, principal stock holder, managing member, or key employee of the protege firm;

“(E) the mentor firm has engaged in a joint venture with the protege firm during the 2-year period before entering into a mentor-protege agreement, unless such joint venture was approved by the Small Business Administration prior to making any offer on a contract;

“(F) the mentor firm is, directly or indirectly, the primary party providing contracts to the protege firm, as measured by the dollar value of the contracts; and

“(G) the Small Business Administration has made a determination of affiliation or control under subsection (h).”.

(b) APPLICATION.—

(1) IN GENERAL.—The amendments made by subsection (a) shall apply to a mentor-protege agreement made pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1607; 10 U.S.C. 2302 note) entered into after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2016.

10 USC 2302
note.

(2) RETROACTIVITY OF REPORT AND REVIEW REQUIREMENTS.—The amendments made by subsection (a)(10) shall apply to a mentor-protege agreement made pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1607; 10 U.S.C. 2302 note) entered into before, on, or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2016.

SEC. 862. AMENDMENTS TO DATA QUALITY IMPROVEMENT PLAN.

(a) IN GENERAL.—Section 15(s) of the Small Business Act (15 U.S.C. 644(s)) is amended—

(1) by redesignating paragraph (4) as paragraph (6); and

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

“(4) IMPLEMENTATION.—Not later than October 1, 2016, the Administrator of the Small Business Administration shall implement the plan described in this subsection.

“(5) CERTIFICATION.—The Administrator shall annually provide to the Committee on Small Business of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate a certification of the accuracy and completeness of data reported on bundled and consolidated contracts.”.

(b) GAO STUDY.—

(1) STUDY.—Not later than October 1, 2017, the Comptroller General of the United States shall initiate a study on the effectiveness of the plan described in section 15(s) of the Small Business Act (15 U.S.C. 644(s)) that shall assess whether contracts were accurately labeled as bundled or consolidated.

(2) CONTRACTS EVALUATED.—For the purposes of conducting the study described in paragraph (1), the Comptroller General of the United States—

(A) shall evaluate, for work in each of sectors 23, 33, 54, and 56 (as defined by the North American Industry

Classification System), not fewer than 100 contracts in each sector;

(B) shall evaluate only those contracts—

(i) awarded by an agency listed in section 901(b) of title 31, United States Code; and

(ii) that have a Base and Exercised Options Value, an Action Obligation, or a Base and All Options Value (as such terms are defined in the Federal Procurement Data System described in section 1122(a)(4)(A) of title 41, United States Code, or any successor system); and

(C) shall not evaluate contracts that have used any set-aside authority.

(3) REPORT.—Not later than 12 months after initiating the study required by paragraph (1), the Comptroller General of the United States shall report to the Committee on Small Business of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate on the results from such study and, if warranted, any recommendations on how to improve the quality of data reported on bundled and consolidated contracts.

SEC. 863. NOTICE OF CONTRACT CONSOLIDATION FOR ACQUISITION STRATEGIES.

(a) NOTICE REQUIREMENT FOR THE HEAD OF A CONTRACTING AGENCY.—Section 15(e)(3) of the Small Business Act (15 U.S.C. 644(e)(3)) is amended to read as follows:

“(3) STRATEGY SPECIFICATIONS.—If the head of a contracting agency determines that an acquisition plan for a procurement involves a substantial bundling of contract requirements, the head of a contracting agency shall publish a notice on a public website that such determination has been made not later than 7 days after making such determination. Any solicitation for a procurement related to the acquisition plan may not be published earlier than 7 days after such notice is published. Along with the publication of the solicitation, the head of a contracting agency shall publish a justification for the determination, which shall include the following information:

“(A) The specific benefits anticipated to be derived from the bundling of contract requirements and a determination that such benefits justify the bundling.

“(B) An identification of any alternative contracting approaches that would involve a lesser degree of bundling of contract requirements.

“(C) An assessment of—

“(i) the specific impediments to participation by small business concerns as prime contractors that result from the bundling of contract requirements; and

“(ii) the specific actions designed to maximize participation of small business concerns as subcontractors (including suppliers) at various tiers under the contract or contracts that are awarded to meet the requirements.”.

(b) NOTICE REQUIREMENT FOR THE SENIOR PROCUREMENT EXECUTIVE OR CHIEF ACQUISITION OFFICER.—Section 44(c)(2) of the Small Business Act (15 U.S.C. 657q(c)(2)) is amended by adding at the end the following:

“(C) NOTICE.—Not later than 7 days after making a determination that an acquisition strategy involving a consolidation of contract requirements is necessary and justified under subparagraph (A), the senior procurement executive or Chief Acquisition Officer shall publish a notice on a public website that such determination has been made. Any solicitation for a procurement related to the acquisition strategy may not be published earlier than 7 days after such notice is published. Along with the publication of the solicitation, the senior procurement executive or Chief Acquisition Officer shall publish a justification for the determination, which shall include the information in subparagraphs (A) through (E) of paragraph (1).”.

(c) TECHNICAL AMENDMENT.—Section 44(c)(1) of the Small Business Act (15 U.S.C. 657g(c)(1)) is amended by striking “Subject to paragraph (4), the head” and inserting “The head”.

SEC. 864. CLARIFICATION OF REQUIREMENTS RELATED TO SMALL BUSINESS CONTRACTS FOR SERVICES.

(a) PROCUREMENT CONTRACTS.—Section 8(a)(17) of the Small Business Act (15 U.S.C. 637(a)(17)) is amended—

(1) in subparagraph (A), by striking “any procurement contract” and all that follows through “section 15” and inserting “any procurement contract, which contract has as its principal purpose the supply of a product to be let pursuant to this subsection, subsection (m), section 15(a), section 31, or section 36,”; and

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

“(C) LIMITATION.—This paragraph shall not apply to a contract that has as its principal purpose the acquisition of services or construction.”.

(b) SUBCONTRACTOR CONTRACTS.—Section 46(a)(4) of the Small Business Act (15 U.S.C. 657s(a)(4)) is amended by striking “for supplies from a regular dealer in such supplies” and inserting “which is principally for supplies from a regular dealer in such supplies, and which is not a contract principally for services or construction”.

SEC. 865. CERTIFICATION REQUIREMENTS FOR BUSINESS OPPORTUNITY SPECIALISTS, COMMERCIAL MARKET REPRESENTATIVES, AND PROCUREMENT CENTER REPRESENTATIVES.

(a) BUSINESS OPPORTUNITY SPECIALIST REQUIREMENTS.—

(1) IN GENERAL.—Section 4 of the Small Business Act (15 U.S.C. 633) is amended by adding at the end the following new subsection:

“(g) CERTIFICATION REQUIREMENTS FOR BUSINESS OPPORTUNITY SPECIALISTS.—

“(1) IN GENERAL.—Consistent with the requirements of paragraph (2), a Business Opportunity Specialist described under section 7(j)(10)(D) shall have a Level I Federal Acquisition Certification in Contracting (or any successor certification) or the equivalent Department of Defense certification, except that a Business Opportunity Specialist who was serving on or before January 3, 2013, may continue to serve as a Business Opportunity Specialist for a period of 5 years beginning on such date without such a certification.

“(2) DELAY OF CERTIFICATION REQUIREMENT.—

“(A) TIMING.—The certification described in paragraph (1) is not required for any person serving as a Business Opportunity Specialist until the date that is one calendar year after the date such person is appointed as a Business Opportunity Specialist.

“(B) APPLICATION.—The requirements of subparagraph (A) shall—

“(i) be included in any initial job posting for the position of a Business Opportunity Specialist; and

“(ii) apply to any person appointed as a Business Opportunity Specialist after January 3, 2013.”.

(2) CONFORMING AMENDMENT.—Section 7(j)(10)(D)(i) of such Act (15 U.S.C. 636(j)(10)(D)(i)) is amended by striking the second sentence.

(b) COMMERCIAL MARKET REPRESENTATIVE REQUIREMENTS.—Section 4 of the Small Business Act (15 U.S.C. 633), as amended by subsection (a)(1), is further amended by adding at the end the following new subsection:

“(h) CERTIFICATION REQUIREMENTS FOR COMMERCIAL MARKET REPRESENTATIVES.—

“(1) IN GENERAL.—Consistent with the requirements of paragraph (2), a commercial market representative referred to in section 15(q)(3) shall have a Level I Federal Acquisition Certification in Contracting (or any successor certification) or the equivalent Department of Defense certification, except that a commercial market representative who was serving on or before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2016 may continue to serve as a commercial market representative for a period of 5 years beginning on such date without such a certification.

“(2) DELAY OF CERTIFICATION REQUIREMENT.—

“(A) TIMING.—The certification described in paragraph (1) is not required for any person serving as a commercial market representative until the date that is one calendar year after the date such person is appointed as a commercial market representative.

“(B) APPLICATION.—The requirements of subparagraph (A) shall—

“(i) be included in any initial job posting for the position of a commercial market representative; and

“(ii) apply to any person appointed as a commercial market representative after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2016.”.

(c) PROCUREMENT CENTER REPRESENTATIVE REQUIREMENTS.—Section 15(l)(5) of the Small Business Act (15 U.S.C. 644(l)(5)) is amended—

(1) in subparagraph (A), by amending clause (iii) to read as follows:

“(iii) have the certification described in subparagraph (C).”; and

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

“(C) CERTIFICATION REQUIREMENTS.—

“(i) IN GENERAL.—Consistent with the requirements of clause (ii), a procurement center representative shall have a Level III Federal Acquisition Certification in Contracting (or any successor certification)

or the equivalent Department of Defense certification, except that any person serving in such a position on or before January 3, 2013, may continue to serve in that position for a period of 5 years without the required certification.

“(ii) DELAY OF CERTIFICATION REQUIREMENTS.—

“(I) TIMING.—The certification described in clause (i) is not required for any person serving as a procurement center representative until the date that is one calendar year after the date such person is appointed as a procurement center representative.

“(II) APPLICATION.—The requirements of subclause (I) shall—

“(aa) be included in any initial job posting for the position of a procurement center representative; and

“(bb) apply to any person appointed as a procurement center representative after January 3, 2013.”.

SEC. 866. MODIFICATIONS TO REQUIREMENTS FOR QUALIFIED HUBZONE SMALL BUSINESS CONCERNS LOCATED IN A BASE CLOSURE AREA.

(a) IN GENERAL.—Section 3(p) of the Small Business Act (15 U.S.C. 632(p)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (D), by striking “or”;

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

(C) by adding at the end the following:

“(F) qualified disaster areas.”;

(2) in paragraph (3)—

(A) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and

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

“(D) a small business concern—

“(i) that is wholly owned by one or more Native Hawaiian Organizations (as defined in section 8(a)(15)), or by a corporation that is wholly owned by one or more Native Hawaiian Organizations; or

“(ii) that is owned in part by one or more Native Hawaiian Organizations, or by a corporation that is wholly owned by one or more Native Hawaiian Organizations, if all other owners are either United States citizens or small business concerns;”;

(3) in paragraph (4)—

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

“(D) BASE CLOSURE AREA.—

“(i) IN GENERAL.—Subject to clause (ii), the term ‘base closure area’ means—

“(I) lands within the external boundaries of a military installation that were closed through a privatization process under the authority of—

“(aa) the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX

of division B of Public Law 101–510; 10 U.S.C. 2687 note);

“(bb) title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note);

“(cc) section 2687 of title 10, United States Code; or

“(dd) any other provision of law authorizing or directing the Secretary of Defense or the Secretary of a military department to dispose of real property at the military installation for purposes relating to base closures of redevelopment, while retaining the authority to enter into a leaseback of all or a portion of the property for military use;

“(II) the census tract or nonmetropolitan county in which the lands described in subclause (I) are wholly contained;

“(III) a census tract or nonmetropolitan county the boundaries of which intersect the area described in subclause (I); and

“(IV) a census tract or nonmetropolitan county the boundaries of which are contiguous to the area described in subclause (II) or subclause (III).

“(ii) LIMITATION.—A base closure area shall be treated as a HUBZone—

“(I) with respect to a census tract or nonmetropolitan county described in clause (i), for a period of not less than 8 years, beginning on the date the military installation undergoes final closure and ending on the date the Administrator makes a final determination as to whether or not to implement the applicable designation described in subparagraph (A) or (B) in accordance with the results of the decennial census conducted after the area was initially designated as a base closure area; and

“(II) if such area was treated as a HUBZone at any time after 2010, until such time as the Administrator makes a final determination as to whether or not to implement the applicable designation described in subparagraph (A) or (B), after the 2020 decennial census.

“(iii) DEFINITIONS.—In this subparagraph:

“(I) CENSUS TRACT.—The term ‘census tract’ means a census tract delineated by the United States Bureau of the Census in the most recent decennial census that is not located in a nonmetropolitan county and does not otherwise qualify as a qualified census tract.

“(II) NONMETROPOLITAN COUNTY.—The term ‘nonmetropolitan county’ means a county that was not located in a metropolitan statistical area (as defined in section 143(k)(2)(B) of the Internal Revenue Code of 1986) at the time of the most recent census taken for purposes of selecting qualified

census tracts and does not otherwise qualify as a qualified nonmetropolitan county.”; and

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

“(E) QUALIFIED DISASTER AREA.—

“(i) IN GENERAL.—Subject to clause (ii), the term ‘qualified disaster area’ means any census tract or nonmetropolitan county located in an area for which the President has declared a major disaster under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) or located in an area in which a catastrophic incident has occurred if such census tract or nonmetropolitan county ceased to be qualified under subparagraph (A) or (B), as applicable, during the period beginning 5 years before the date on which the President declared the major disaster or the catastrophic incident occurred and ending 2 years after such date, except that such census tract or nonmetropolitan county may be a ‘qualified disaster area’ only—

“(I) in the case of a major disaster declared by the President, during the 5-year period beginning on the date on which the President declared the major disaster for the area in which the census tract or nonmetropolitan county, as applicable, is located; and

“(II) in the case of a catastrophic incident, during the 10-year period beginning on the date on which the catastrophic incident occurred in the area in which the census tract or nonmetropolitan county, as applicable, is located.

“(ii) LIMITATION.—A qualified disaster area described in clause (i) shall be treated as a HUBZone for a period of not less than 8 years, beginning on the date the Administrator makes a final determination as to whether or not to implement the designations described in subparagraphs (A) and (B) in accordance with the results of the decennial census conducted after the area was initially designated as a qualified disaster area.”; and

(4) in paragraph (5)(A)(i)(I)—

(A) in item (aa)—

(i) by striking “subparagraph (A), (B), (C), (D), or (E) of paragraph (3)” and inserting “subparagraph (A), (B), (C), (D), (E), or (F) of paragraph (3)”; and

(ii) by striking “or” at the end;

(B) by redesignating item (bb) as item (cc); and

(C) by inserting after item (aa) the following new item:

“(bb) pursuant to subparagraph (A), (B), (C), (D), (E), or (F) of paragraph (3), that its principal office is located within a base closure area and that not fewer than 35 percent of its employees reside in such base closure area or in another HUBZone; or”.

(b) APPLICABILITY.—The amendments made by subsection (a)(3)(B) shall apply to a major disaster declared by the President under section 401 of the Robert T. Stafford Disaster Relief and

Emergency Assistance Act (42 U.S.C. 5170) or a catastrophic incident that occurs on or after the date of enactment of such subsection.

(c) **INCLUDING FEMA IN AGENCIES THAT MAY PROVIDE DATA FOR HUBZONE PROGRAM.**—Section 31(c)(3) of the Small Business Act (15 U.S.C. 657a(c)(3)) is amended by inserting “the Administrator of the Federal Emergency Management Agency,” after “the Secretary of Labor,”.

(d) **GAO STUDY OF IMPROVEMENT TO OVERSIGHT OF THE HUBZONE PROGRAM.**—Not later than 120 days after the date of enactment of this Act, the Comptroller General of the United States shall complete a study on and submit a report to the Committee on Small Business of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate that includes—

(1) an assessment of the evaluation process, including any weaknesses in the process, used by the Small Business Administration to approve or deny participation in the HUBZone program established under section 31 of the Small Business Act (15 U.S.C. 657a);

(2) an assessment of the oversight of HUBZone program participants by the Small Business Administration, including Administration actions taken to prevent fraud, waste, and abuse; and

(3) recommendations on how to improve the evaluation process and oversight mechanisms to further reduce fraud, waste, and abuse.

SEC. 867. JOINT VENTURING AND TEAMING.

(a) **JOINT VENTURE OFFERS FOR BUNDLED OR CONSOLIDATED CONTRACTS.**—Section 15(e)(4) of the Small Business Act (15 U.S.C. 644(e)(4)) is amended to read as follows:

“(4) **CONTRACT TEAMING.**—

“(A) **IN GENERAL.**—In the case of a solicitation of offers for a bundled or consolidated contract that is issued by the head of an agency, a small business concern that provides for use of a particular team of subcontractors or a joint venture of small business concerns may submit an offer for the performance of the contract.

“(B) **EVALUATION OF OFFERS.**—The head of the agency shall evaluate an offer described in subparagraph (A) in the same manner as other offers, with due consideration to the capabilities of all of the proposed subcontractors or members of the joint venture as follows:

“(i) **TEAMS.**—When evaluating an offer of a small business prime contractor that includes a proposed team of small business subcontractors, the head of the agency shall consider the capabilities and past performance of each first tier subcontractor that is part of the team as the capabilities and past performance of the small business prime contractor.

“(ii) **JOINT VENTURES.**—When evaluating an offer of a joint venture of small business concerns, if the joint venture does not demonstrate sufficient capabilities or past performance to be considered for award of a contract opportunity, the head of the agency shall consider the capabilities and past performance of each

member of the joint venture as the capabilities and past performance of the joint venture.

“(C) STATUS AS A SMALL BUSINESS CONCERN.—Participation of a small business concern in a team or a joint venture under this paragraph shall not affect the status of that concern as a small business concern for any other purpose.”.

(b) TEAM AND JOINT VENTURES OFFERS FOR MULTIPLE AWARD CONTRACTS.—Section 15(q)(1) of such Act (15 U.S.C. 644(q)(1)) is amended—

(1) in the heading, by inserting “AND JOINT VENTURE” before “REQUIREMENTS”;

(2) by striking “Each Federal agency” and inserting the following:

“(A) IN GENERAL.—Each Federal agency”; and

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

“(B) TEAMS.—When evaluating an offer of a small business prime contractor that includes a proposed team of small business subcontractors for any multiple award contract above the substantial bundling threshold of the Federal agency, the head of the agency shall consider the capabilities and past performance of each first tier subcontractor that is part of the team as the capabilities and past performance of the small business prime contractor.

“(C) JOINT VENTURES.—When evaluating an offer of a joint venture of small business concerns for any multiple award contract above the substantial bundling threshold of the Federal agency, if the joint venture does not demonstrate sufficient capabilities or past performance to be considered for award of a contract opportunity, the head of the agency shall consider the capabilities and past performance of each member of the joint venture as the capabilities and past performance of the joint venture.”.

SEC. 868. MODIFICATION TO AND SCORECARD PROGRAM FOR SMALL BUSINESS CONTRACTING GOALS.

15 USC 644 note.

(a) AMENDMENT TO GOVERNMENTWIDE GOAL FOR SMALL BUSINESS PARTICIPATION IN PROCUREMENT CONTRACTS.—Section 15(g)(1)(A)(i) of the Small Business Act (15 U.S.C. 644(g)(1)(A)(i)) is amended by adding at the end the following: “In meeting this goal, the Government shall ensure the participation of small business concerns from a wide variety of industries and from a broad spectrum of small business concerns within each industry.”.

(b) SCORECARD PROGRAM FOR EVALUATING FEDERAL AGENCY COMPLIANCE WITH SMALL BUSINESS CONTRACTING GOALS.—

(1) IN GENERAL.—Not later than September 30, 2016, the Administrator of the Small Business Administration, in consultation with the Federal agencies, shall—

(A) develop a methodology for calculating a score to be used to evaluate the compliance of each Federal agency with meeting the goals established pursuant to section 15(g)(1)(B) of the Small Business Act (15 U.S.C. 644(g)(1)(B)) based on each such goal; and

(B) develop a scorecard based on such methodology.

(2) USE OF SCORECARD.—Beginning in fiscal year 2017, the Administrator shall establish and carry out a program to use the scorecard developed under paragraph (1) to evaluate

whether each Federal agency is creating the maximum practicable opportunities for the award of prime contracts and subcontracts to small business concerns, small business concerns owned and controlled by service-disabled veterans, qualified HUBZone small business concerns, small business concerns owned and controlled by socially and economically disadvantaged individuals, and small business concerns owned and controlled by women, by assigning a score to each Federal agency for the previous fiscal year.

(3) CONTENTS OF SCORECARD.—The scorecard developed under paragraph (1) shall include, for each Federal agency, the following information:

(A) A determination of whether the Federal agency met each of the prime contract goals established pursuant to section 15(g)(1)(B) of the Small Business Act (15 U.S.C. 644(g)(1)(B)) with respect to small business concerns, small business concerns owned and controlled by service-disabled veterans, qualified HUBZone small business concerns, small business concerns owned and controlled by socially and economically disadvantaged individuals, and small business concerns owned and controlled by women.

(B) A determination of whether the Federal agency met each of the subcontract goals established pursuant to such section with respect to small business concerns, small business concerns owned and controlled by service-disabled veterans, qualified HUBZone small business concerns, small business concerns owned and controlled by socially and economically disadvantaged individuals, and small business concerns owned and controlled by women.

(C) The number of small business concerns, small business concerns owned and controlled by service-disabled veterans, qualified HUBZone small business concerns, small business concerns owned and controlled by socially and economically disadvantaged individuals, and small business concerns owned and controlled by women awarded prime contracts in each North American Industry Classification System code during the fiscal year and a comparison to the number of awarded contracts during the prior fiscal year, if available.

(D) The number of small business concerns, small business concerns owned and controlled by service-disabled veterans, qualified HUBZone small business concerns, small business concerns owned and controlled by socially and economically disadvantaged individuals, and small business concerns owned and controlled by women awarded subcontracts in each North American Industry Classification System code during the fiscal year and a comparison to the number of awarded subcontracts during the prior fiscal year, if available.

(E) Any other factors that the Administrator deems important to achieve the maximum practicable utilization of small business concerns, small business concerns owned and controlled by service-disabled veterans, qualified HUBZone small business concerns, small business concerns owned and controlled by socially and economically disadvantaged individuals, and small business concerns owned and controlled by women.

(4) **WEIGHTED FACTORS.**—In using the scorecard to evaluate and assign a score to a Federal agency, the Administrator shall base—

(A) fifty percent of the score on the dollar value of prime contracts described in paragraph (3)(A); and

(B) fifty percent of the score on the information provided in subparagraphs (B) through (E) of paragraph (3), weighted in a manner determined by the Administrator to encourage the maximum practicable opportunity for the award of prime contracts and subcontracts to small business concerns, small business concerns owned and controlled by service-disabled veterans, qualified HUBZone small business concerns, small business concerns owned and controlled by socially and economically disadvantaged individuals, and small business concerns owned and controlled by women.

(5) **PUBLICATION.**—The scorecard used by the Administrator under this subsection shall be submitted to the President and Congress along with the report submitted under section 15(h)(2) of the Small Business Act (15 U.S.C. 644(h)(2)).

(6) **REPORT.**—After the Administrator uses the scorecard for fiscal year 2018 to assign scores to Federal agencies, but not later than March 31, 2019, the Administrator shall submit a report to the Committee on Small Business of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate. Such report shall include the following:

(A) A description of any increase in the dollar amount of prime contracts and subcontracts awarded to small business concerns, small business concerns owned and controlled by service-disabled veterans, qualified HUBZone small business concerns, small business concerns owned and controlled by socially and economically disadvantaged individuals, and small business concerns owned and controlled by women.

(B) A description of any increase in the dollar amount of prime contracts and subcontracts, and the total number of contracts, awarded to small business concerns, small business concerns owned and controlled by service-disabled veterans, qualified HUBZone small business concerns, small business concerns owned and controlled by socially and economically disadvantaged individuals, and small business concerns owned and controlled by women in each North American Industry Classification System code.

(C) The recommendation of the Administrator on continuing, modifying, expanding, or terminating the program established under this subsection.

(7) **GAO REPORT ON SCORECARD METHODOLOGY.**—Not later than September 30, 2018, the Comptroller General of the United States shall submit to the Committee on Small Business of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate a report that—

(A) evaluates whether the methodology used to calculate a score under this subsection accurately and effectively—

(i) measures the compliance of each Federal agency with meeting the goals established pursuant to section

15(g)(1)(B) of the Small Business Act (15 U.S.C. 644(g)(1)(B)); and

(ii) encourages Federal agencies to expand opportunities for small business concerns, small business concerns owned and controlled by service-disabled veterans, qualified HUBZone small business concerns, small business concerns owned and controlled by socially and economically disadvantaged individuals, and small business concerns owned and controlled by women to compete for and be awarded Federal procurement contracts across North American Industry Classification System codes; and

(B) if warranted, makes recommendations on how to improve such methodology to improve its accuracy and effectiveness.

(8) DEFINITIONS.—In this subsection:

(A) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Small Business Administration.

(B) FEDERAL AGENCY.—The term “Federal agency” has the meaning given the term “agency” by section 551(1) of title 5, United States Code, but does not include the United States Postal Service or the Government Accountability Office.

(C) SCORECARD.—The term “scorecard” shall mean any summary using a rating system to evaluate a Federal agency’s efforts to meet goals established under section 15(g)(1)(B) of the Small Business Act (15 U.S.C. 644(g)(1)(B)) that—

(i) includes the measures described in paragraph (3); and

(ii) assigns a score to each Federal agency evaluated.

(D) SMALL BUSINESS ACT DEFINITIONS.—

(i) IN GENERAL.—The terms “small business concern”, “small business concern owned and controlled by service-disabled veterans”, “qualified HUBZone small business concern”, and “small business concern owned and controlled by women” have the meanings given such terms under section 3 of the Small Business Act (15 U.S.C. 632).

(ii) SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.—The term “small business concern owned and controlled by socially and economically disadvantaged individuals” has the meaning given that term under section 8(d)(3)(C) of the Small Business Act (15 U.S.C. 637(d)(3)(C)).

SEC. 869. ESTABLISHMENT OF AN OFFICE OF HEARINGS AND APPEALS IN THE SMALL BUSINESS ADMINISTRATION; PETITIONS FOR RECONSIDERATION OF SIZE STANDARDS.

(a) ESTABLISHMENT OF AN OFFICE OF HEARINGS AND APPEALS IN THE SMALL BUSINESS ADMINISTRATION.—

(1) IN GENERAL.—Section 5 of the Small Business Act (15 U.S.C. 634) is amended by adding at the end the following new subsection:

“(i) OFFICE OF HEARINGS AND APPEALS.—

“(1) ESTABLISHMENT.—

“(A) OFFICE.—There is established in the Administration an Office of Hearings and Appeals—

“(i) to impartially decide matters relating to program decisions of the Administrator—

“(I) for which Congress requires a hearing on the record; or

“(II) that the Administrator designates for hearing by regulation; and

“(ii) which shall contain the office of the Administration that handles requests submitted pursuant to sections 552 of title 5, United States Code (commonly referred to as the ‘Freedom of Information Act’) and maintains records pursuant to section 552a of title 5, United States Code (commonly referred to as the ‘Privacy Act of 1974’).

“(B) JURISDICTION.—The Office of Hearings and Appeals shall only hear appeals of matters as described in this Act, the Small Business Investment Act of 1958 (15 U.S.C. 661 et seq.), and title 13 of the Code of Federal Regulations.

“(C) ASSOCIATE ADMINISTRATOR.—The head of the Office of Hearings and Appeals shall be the Chief Hearing Officer appointed under section 4(b)(1), who shall be responsible to the Administrator.

“(2) CHIEF HEARING OFFICER DUTIES.—

“(A) IN GENERAL.—The Chief Hearing Officer shall—

“(i) be a career appointee in the Senior Executive Service and an attorney licensed by a State, commonwealth, territory or possession of the United States, or the District of Columbia; and

“(ii) be responsible for the operation and management of the Office of Hearings and Appeals.

“(B) ALTERNATIVE DISPUTE RESOLUTION.—The Chief Hearing Officer may assign a matter for mediation or other means of alternative dispute resolution.

“(3) HEARING OFFICERS.—

“(A) IN GENERAL.—The Office of Hearings and Appeals shall appoint Hearing Officers to carry out the duties described in paragraph (1)(A)(i).

“(B) CONDITIONS OF EMPLOYMENT.—A Hearing Officer appointed under this paragraph—

“(i) shall serve in the excepted service as an employee of the Administration under section 2103 of title 5, United States Code, and under the supervision of the Chief Hearing Officer;

“(ii) shall be classified at a position to which section 5376 of title 5, United States Code, applies; and

“(iii) shall be compensated at a rate not exceeding the maximum rate payable under such section.

“(C) AUTHORITY; POWERS.—Notwithstanding section 556(b) of title 5, United States Code—

“(i) a Hearing Officer may hear cases arising under section 554 of such title;

“(ii) a Hearing Officer shall have the powers described in section 556(c) of such title; and

“(iii) the relevant provisions of subchapter II of chapter 5 of such title (except for section 556(b) of such title) shall apply to such Hearing Officer.

“(D) TREATMENT OF CURRENT PERSONNEL.—An individual serving as a Judge in the Office of Hearings and Appeals (as that position and office are designated in section 134.101 of title 13, Code of Federal Regulations) on the effective date of this subsection shall be considered as qualified to be, and redesignated as, a Hearing Officer.

“(4) HEARING OFFICER DEFINED.—In this subsection, the term ‘Hearing Officer’ means an individual appointed or redesignated under this subsection who is an attorney licensed by a State, commonwealth, territory or possession of the United States, or the District of Columbia.”

(2) ASSOCIATE ADMINISTRATOR AS CHIEF HEARING OFFICER.—Section 4(b)(1) of such Act (15 U.S.C. 633(b)) is amended by adding at the end the following: “One such Associate Administrator shall be the Chief Hearing Officer, who shall administer the Office of Hearings and Appeals established under section 5(i).”

(3) REPEAL OF REGULATION.—Section 134.102(t) of title 13, Code of Federal Regulations, as in effect on January 1, 2015 (relating to types of hearings within the jurisdiction of the Office of Hearings and Appeals), shall have no force or effect.

(b) PETITIONS FOR RECONSIDERATION OF SIZE STANDARDS FOR SMALL BUSINESS CONCERNS.—Section 3(a) of the Small Business Act (15 U.S.C. 632(a)) is amended by adding at the end the following:

“(9) PETITIONS FOR RECONSIDERATION OF SIZE STANDARDS.—

“(A) IN GENERAL.—A person may file a petition for reconsideration with the Office of Hearings and Appeals (as established under section 5(i)) of a size standard revised, modified, or established by the Administrator pursuant to this subsection.

“(B) TIME LIMIT.—A person filing a petition for reconsideration described in subparagraph (A) shall file such petition not later than 30 days after the publication in the Federal Register of the notice of final rule to revise, modify, or establish size standards described in paragraph (6).

“(C) PROCESS FOR AGENCY REVIEW.—The Office of Hearings and Appeals shall use the same process it uses to decide challenges to the size of a small business concern to decide a petition for review pursuant to this paragraph.

“(D) JUDICIAL REVIEW.—The publication of a final rule in the Federal Register described in subparagraph (B) shall be considered final agency action for purposes of seeking judicial review. Filing a petition for reconsideration under subparagraph (A) shall not be a condition precedent to judicial review of any such size standard.”

SEC. 870. ADDITIONAL DUTIES OF THE DIRECTOR OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION.

Section 15(k) of the Small Business Act (15 U.S.C. 644(k)) is amended—

(1) in paragraph (15), by striking “; and” and inserting a semicolon;

(2) in paragraph (16)(C), by striking the period at the end and inserting “; and”; and

(3) by inserting after paragraph (16) the following new paragraph:

“(17) shall, when notified by a small business concern prior to the award of a contract that the small business concern believes that a solicitation, request for proposal, or request for quotation unduly restricts the ability of the small business concern to compete for the award—

“(A) submit the notice of the small business concern to the contracting officer and, if necessary, recommend ways in which the solicitation, request for proposal, or request for quotation may be altered to increase the opportunity for competition;

“(B) inform the advocate for competition of such agency (as established under section 1705 of title 41, United States Code, or section 2318 of title 10, United States Code) of such notice; and

“(C) ensure that the small business concern is aware of other resources and processes available to address unduly restrictive provisions in a solicitation, request for proposal, or request for quotation, even if such resources and processes are provided by such agency, the Administration, the Comptroller General, or a procurement technical assistance program established under chapter 142 of title 10, United States Code.”.

SEC. 871. INCLUDING SUBCONTRACTING GOALS IN AGENCY RESPONSIBILITIES.

Section 1633(b) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 2076; 15 U.S.C. 631 note) is amended by striking “assume responsibility for of the agency’s success in achieving small business contracting goals and percentages” and inserting “assume responsibility for the agency’s success in achieving each of the small business prime contracting and subcontracting goals and percentages”.

SEC. 872. REPORTING RELATED TO FAILURE OF CONTRACTORS TO MEET GOALS UNDER NEGOTIATED COMPREHENSIVE SMALL BUSINESS SUBCONTRACTING PLANS.

Paragraph (2) of section 834(d) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (15 U.S.C. 637 note), as added by section 821(d)(2) of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3434), is amended by striking “may not negotiate” and all that follows through the period at the end and inserting “shall report to Congress on any negotiated comprehensive subcontracting plan that the Secretary determines did not meet the subcontracting goals negotiated in the plan for the prior fiscal year.”.

SEC. 873. PILOT PROGRAM FOR STREAMLINING AWARDS FOR INNOVATIVE TECHNOLOGY PROJECTS.

10 USC 2306a note.

(a) EXCEPTION FROM CERTIFIED COST AND PRICING DATA REQUIREMENTS.—The requirements under section 2306a(a) of title 10, United States Code, shall not apply to a contract, subcontract, or modification of a contract or subcontract valued at less than

\$7,500,000 awarded to a small business or nontraditional defense contractor pursuant to—

(1) a technical, merit-based selection procedure, such as a broad agency announcement, or
 (2) the Small Business Innovation Research Program, unless the head of the agency determines that submission of cost and pricing data should be required based on past performance of the specific small business or nontraditional defense contractor, or based on analysis of other information specific to the award.

(b) EXCEPTION FROM RECORDS EXAMINATION REQUIREMENT.—The requirements under subsection (b) of section 2313 of title 10, United States Code, shall not apply to a contract valued at less than \$7,500,000 awarded to a small business or nontraditional defense contractor pursuant to—

(1) a technical, merit-based selection procedure, such as a broad agency announcement, or
 (2) the Small Business Innovation Research Program, unless the head of the agency determines that auditing of records should be required based on past performance of the specific small business or nontraditional defense contractor, or based on analysis of other information specific to the award.

(c) SUNSET.—The exceptions under subsections (a) and (b) shall terminate on October 1, 2020.

(d) DEFINITIONS.—In this section:

(1) SMALL BUSINESS.—The term “small business” has the meaning given the term “small business concern” under section 3 of the Small Business Act (15 U.S.C. 632).

(2) NONTRADITIONAL DEFENSE CONTRACTOR.—The term “nontraditional defense contractor” has the meaning given that term in section 2302(9) of title 10, United States Code.

(e) SMALL BUSINESS INNOVATION RESEARCH PROGRAM ADMINISTRATIVE FEE EXTENSION.—Section 9(mm)(1) of the Small Business Act (15 U.S.C. 638(mm)(1)) is amended by striking “, for the 3 fiscal years beginning after the date of enactment of this subsection,” and inserting “and until September 30, 2017,”.

SEC. 874. SURETY BOND REQUIREMENTS AND AMOUNT OF GUARANTEE.

(a) SURETY BOND REQUIREMENTS.—Chapter 93 of subtitle VI of title 31, United States Code, is amended—

(1) by adding at the end the following:

31 USC 9310.

“§ 9310. Individual sureties

“If another applicable Federal law or regulation permits the acceptance of a bond from a surety that is not subject to sections 9305 and 9306 and is based on a pledge of assets by the surety, the assets pledged by such surety shall—

“(1) consist of eligible obligations described under section 9303(a); and

“(2) be submitted to the official of the Government required to approve or accept the bond, who shall deposit the obligations as described under section 9303(b).”; and

31 USC
9301 prec.

(2) in the table of contents for such chapter, by adding at the end the following:

“9310. Individual sureties.”.

(b) AMOUNT OF SURETY BOND GUARANTEE FROM SMALL BUSINESS ADMINISTRATION.—Section 411(c)(1) of the Small Business Investment Act of 1958 (15 U.S.C. 694b(c)(1)) is amended by striking “70” and inserting “90”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 1 year after the date of the enactment of this Act.

15 USC 694b
note.

SEC. 875. REVIEW OF GOVERNMENT ACCESS TO INTELLECTUAL PROPERTY RIGHTS OF PRIVATE SECTOR FIRMS.

(a) REVIEW REQUIRED.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall enter into a contract with an independent entity with appropriate expertise to conduct a review of—

(A) Department of Defense regulations, practices, and sustainment requirements related to Government access to and use of intellectual property rights of private sector firms; and

(B) Department of Defense practices related to the procurement, management, and use of intellectual property rights to facilitate competition in sustainment of weapon systems throughout their life-cycle.

(2) CONSULTATION REQUIRED.—The contract shall require that in conducting the review, the independent entity shall consult with the National Defense Technology and Industrial Base Council (described in section 2502 of title 10, United States Code) and each Center of Industrial and Technical Excellence (described in section 2474 of title 10, United States Code).

(b) REPORT.—Not later than March 1, 2016, the Secretary shall submit to the congressional defense committees a report on the findings of the independent entity, along with a description of any actions that the Secretary proposes to revise and clarify laws or that the Secretary may take to revise or clarify regulations related to intellectual property rights.

SEC. 876. INCLUSION IN ANNUAL TECHNOLOGY AND INDUSTRIAL CAPABILITY ASSESSMENTS OF A DETERMINATION ABOUT DEFENSE ACQUISITION PROGRAM REQUIREMENTS.

Section 2505(b) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (5) and (6), respectively; and

(2) by inserting after paragraph (2) the following new paragraphs (3) and (4):

“(3) determine the extent to which the requirements associated with defense acquisition programs can be satisfied by the present and projected performance capacities of industries supporting the sectors or capabilities in the assessment, evaluate the reasons for any variance from applicable preceding determinations, and identify the extent to which those industries are comprised of only one potential source in the national technology and industrial base or have multiple potential sources;

“(4) determine the extent to which the requirements associated with defense acquisition programs can be satisfied by the present and projected performance capacities of industries that do not actively support Department of Defense acquisition

programs and identify the barriers to the participation of those industries;”.

Subtitle G—Other Matters

10 USC 2302
note.

SEC. 881. CONSIDERATION OF POTENTIAL PROGRAM COST INCREASES AND SCHEDULE DELAYS RESULTING FROM OVERSIGHT OF DEFENSE ACQUISITION PROGRAMS.

(a) AVOIDANCE OF UNNECESSARY COST INCREASES AND SCHEDULE DELAYS.—The Director of Operational Test and Evaluation, the Deputy Chief Management Officer, the Director of the Defense Contract Management Agency, the Director of the Defense Contract Audit Agency, the Inspector General of the Department of Defense, and the heads of other defense audit, testing, acquisition, and management agencies shall ensure that policies, procedures, and activities implemented by their offices and agencies in connection with defense acquisition program oversight do not result in unnecessary increases in program costs or cost estimates or delays in schedule or schedule estimates.

(b) CONSIDERATION OF PRIVATE SECTOR BEST PRACTICES.—In considering potential cost increases and schedule delays as a result of oversight efforts pursuant to subsection (a), the officials described in such subsection shall consider private sector best practices with respect to oversight implementation.

10 USC 2330
note.

SEC. 882. EXAMINATION AND GUIDANCE RELATING TO OVERSIGHT AND APPROVAL OF SERVICES CONTRACTS.

Not later than March 1, 2016, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall—

(1) complete an examination of the decision authority related to acquisition of services; and

(2) develop and issue guidance to improve capabilities and processes related to requirements development and source selection for, and oversight and management of, services contracts.

SEC. 883. STREAMLINING OF REQUIREMENTS RELATING TO DEFENSE BUSINESS SYSTEMS.

(a) IN GENERAL.—

(1) REVISION.—Section 2222 of title 10, United States Code, is amended to read as follows:

“§ 2222. Defense business systems: business process re-engineering; enterprise architecture; management

“(a) DEFENSE BUSINESS PROCESSES GENERALLY.—The Secretary of Defense shall ensure that defense business processes are reviewed, and as appropriate revised, through business process reengineering to match best commercial practices, to the maximum extent practicable, so as to minimize customization of commercial business systems.

“(b) DEFENSE BUSINESS SYSTEMS GENERALLY.—The Secretary of Defense shall ensure that each covered defense business system developed, deployed, and operated by the Department of Defense—

“(1) supports efficient business processes that have been reviewed, and as appropriate revised, through business process reengineering;

“(2) is integrated into a comprehensive defense business enterprise architecture;

“(3) is managed in a manner that provides visibility into, and traceability of, expenditures for the system; and

“(4) uses an acquisition and sustainment strategy that prioritizes the use of commercial software and business practices.

“(c) ISSUANCE OF GUIDANCE.—

“(1) SECRETARY OF DEFENSE GUIDANCE.—The Secretary shall issue guidance to provide for the coordination of, and decision making for, the planning, programming, and control of investments in covered defense business systems.

“(2) SUPPORTING GUIDANCE.—The Secretary shall direct the Deputy Chief Management Officer of the Department of Defense, the Under Secretary of Defense for Acquisition, Technology, and Logistics, the Chief Information Officer, and the Chief Management Officer of each of the military departments to issue and maintain supporting guidance, as appropriate and within their respective areas of responsibility, for the guidance of the Secretary issued under paragraph (1).

“(d) GUIDANCE ELEMENTS.—The guidance issued under subsection (c)(1) shall include the following elements:

“(1) Policy to ensure that the business processes of the Department of Defense are continuously reviewed and revised—

“(A) to implement the most streamlined and efficient business processes practicable; and

“(B) eliminate or reduce the need to tailor commercial off-the-shelf systems to meet or incorporate requirements or interfaces that are unique to the Department of Defense.

“(2) A process to establish requirements for covered defense business systems.

“(3) Mechanisms for the planning and control of investments in covered defense business systems, including a process for the collection and review of programming and budgeting information for covered defense business systems.

“(4) Policy requiring the periodic review of covered defense business systems that have been fully deployed, by portfolio, to ensure that investments in such portfolios are appropriate.

“(5) Policy to ensure full consideration of sustainability and technological refreshment requirements, and the appropriate use of open architectures.

“(6) Policy to ensure that best acquisition and systems engineering practices are used in the procurement and deployment of commercial systems, modified commercial systems, and defense-unique systems to meet Department of Defense missions.

“(e) DEFENSE BUSINESS ENTERPRISE ARCHITECTURE.—

“(1) BLUEPRINT.—The Secretary, working through the Deputy Chief Management Officer of the Department of Defense, shall develop and maintain a blueprint to guide the development of integrated business processes within the Department of Defense. Such blueprint shall be known as the ‘defense business enterprise architecture’.

“(2) PURPOSE.—The defense business enterprise architecture shall be sufficiently defined to effectively guide implementation of interoperable defense business system solutions and shall be consistent with the policies and procedures established by the Director of the Office of Management and Budget.

“(3) ELEMENTS.—The defense business enterprise architecture shall—

“(A) include policies, procedures, business data standards, business performance measures, and business information requirements that apply uniformly throughout the Department of Defense; and

“(B) enable the Department of Defense to—

“(i) comply with all applicable law, including Federal accounting, financial management, and reporting requirements;

“(ii) routinely produce verifiable, timely, accurate, and reliable business and financial information for management purposes;

“(iii) integrate budget, accounting, and program information and systems; and

“(iv) identify whether each existing business system is a part of the business systems environment outlined by the defense business enterprise architecture, will become a part of that environment with appropriate modifications, or is not a part of that environment.

“(4) INTEGRATION INTO INFORMATION TECHNOLOGY ARCHITECTURE.—(A) The defense business enterprise architecture shall be integrated into the information technology enterprise architecture required under subparagraph (B).

“(B) The Chief Information Officer of the Department of Defense shall develop an information technology enterprise architecture. The architecture shall describe a plan for improving the information technology and computing infrastructure of the Department of Defense, including for each of the major business processes conducted by the Department of Defense.

“(f) DEFENSE BUSINESS COUNCIL.—

“(1) REQUIREMENT FOR COUNCIL.—The Secretary shall establish a Defense Business Council to provide advice to the Secretary on developing the defense business enterprise architecture, reengineering the Department’s business processes, developing and deploying defense business systems, and developing requirements for defense business systems. The Council shall be chaired by the Deputy Chief Management Officer and the Chief Information Officer of the Department of Defense.

“(2) MEMBERSHIP.—The membership of the Council shall include the following:

“(A) The Chief Management Officers of the military departments, or their designees.

“(B) The following officials of the Department of Defense, or their designees:

“(i) The Under Secretary of Defense for Acquisition, Technology, and Logistics with respect to acquisition, logistics, and installations management processes.

“(ii) The Under Secretary of Defense (Comptroller) with respect to financial management and planning and budgeting processes.

“(iii) The Under Secretary of Defense for Personnel and Readiness with respect to human resources management processes.

“(g) APPROVALS REQUIRED FOR DEVELOPMENT.—

“(1) INITIAL APPROVAL REQUIRED.—The Secretary shall ensure that a covered defense business system program cannot proceed into development (or, if no development is required, into production or fielding) unless the appropriate approval official (as specified in paragraph (2)) determines that—

“(A) the system has been, or is being, reengineered to be as streamlined and efficient as practicable, and the implementation of the system will maximize the elimination of unique software requirements and unique interfaces;

“(B) the system and business system portfolio are or will be in compliance with the defense business enterprise architecture developed pursuant to subsection (e) or will be in compliance as a result of modifications planned;

“(C) the system has valid, achievable requirements and a viable plan for implementing those requirements (including, as appropriate, market research, business process reengineering, and prototyping activities);

“(D) the system has an acquisition strategy designed to eliminate or reduce the need to tailor commercial off-the-shelf systems to meet unique requirements, incorporate unique requirements, or incorporate unique interfaces to the maximum extent practicable; and

“(E) is in compliance with the Department’s auditability requirements.

“(2) APPROPRIATE OFFICIAL.—For purposes of paragraph (1), the appropriate approval official with respect to a covered defense business system is the following:

“(A) Except as may be provided in subparagraph (C), in the case of a priority defense business system, the Deputy Chief Management Officer of the Department of Defense.

“(B) Except as may be provided in subparagraph (C), for any defense business system other than a priority defense business system—

“(i) in the case of a system of a military department, the Chief Management Officer of that military department; and

“(ii) in the case of a system of a Defense Agency or Department of Defense Field Activity, or a system that will support the business process of more than one military department or Defense Agency or Department of Defense Field Activity, the Deputy Chief Management Officer of the Department of Defense.

“(C) In the case of any defense business system, such official other than the applicable official under subparagraph (A) or (B) as the Secretary designates for such purpose.

“(3) ANNUAL CERTIFICATION.—For any fiscal year in which funds are expended for development or sustainment pursuant to a covered defense business system program, the appropriate approval official shall review the system and certify, certify with conditions, or decline to certify, as the case may be, that it continues to satisfy the requirements of paragraph (1). If the approval official determines that certification cannot be granted, the approval official shall notify the milestone

decision authority for the program and provide a recommendation for corrective action.

“(4) OBLIGATION OF FUNDS IN VIOLATION OF REQUIREMENTS.—The obligation of Department of Defense funds for a covered defense business system program that has not been certified in accordance with paragraph (3) is a violation of section 1341(a)(1)(A) of title 31.

“(h) RESPONSIBILITY OF MILESTONE DECISION AUTHORITY.—The milestone decision authority for a covered defense business system program shall be responsible for the acquisition of such system and shall ensure that acquisition process approvals are not considered for such system until the relevant certifications and approvals have been made under this section.

“(i) DEFINITIONS.—In this section:

“(1)(A) DEFENSE BUSINESS SYSTEM.—The term ‘defense business system’ means an information system that is operated by, for, or on behalf of the Department of Defense, including any of the following:

“(i) A financial system.

“(ii) A financial data feeder system.

“(iii) A contracting system.

“(iv) A logistics system.

“(v) A planning and budgeting system.

“(vi) An installations management system.

“(vii) A human resources management system.

“(viii) A training and readiness system.

“(B) The term does not include—

“(i) a national security system; or

“(ii) an information system used exclusively by and within the defense commissary system or the exchange system or other instrumentality of the Department of Defense conducted for the morale, welfare, and recreation of members of the armed forces using nonappropriated funds.

“(2) COVERED DEFENSE BUSINESS SYSTEM.—The term ‘covered defense business system’ means a defense business system that is expected to have a total amount of budget authority, over the period of the current future-years defense program submitted to Congress under section 221 of this title, in excess of \$50,000,000.

“(3) BUSINESS SYSTEM PORTFOLIO.—The term ‘business system portfolio’ means all business systems performing functions closely related to the functions performed or to be performed by a covered defense business system.

“(4) COVERED DEFENSE BUSINESS SYSTEM PROGRAM.—The term ‘covered defense business system program’ means a defense acquisition program to develop and field a covered defense business system or an increment of a covered defense business system.

“(5) PRIORITY DEFENSE BUSINESS SYSTEM PROGRAM.—The term ‘priority defense business system’ means a defense business system that is—

“(A) expected to have a total amount of budget authority over the period of the current future-years defense program submitted to Congress under section 221 of this title in excess of \$250,000,000; or

“(B) designated by the Deputy Chief Management Officer of the Department of Defense as a priority defense business system, based on specific program analyses of factors including complexity, scope, and technical risk, and after notification to Congress of such designation.

“(6) ENTERPRISE ARCHITECTURE.—The term ‘enterprise architecture’ has the meaning given that term in section 3601(4) of title 44.

“(7) INFORMATION SYSTEM.—The term ‘information system’ has the meaning given that term in section 11101 of title 40, United States Code.

“(8) NATIONAL SECURITY SYSTEM.—The term ‘national security system’ has the meaning given that term in section 3552(b)(6)(A) of title 44.

“(9) BUSINESS PROCESS MAPPING.—The term ‘business process mapping’ means a procedure in which the steps in a business process are clarified and documented in both written form and in a flow chart.”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by striking the item relating to section 2222 and inserting the following new item:

10 USC
2201 prec.

“2222. Defense business systems; business process reengineering; enterprise architecture; management.”

(b) DEADLINE FOR GUIDANCE.—The guidance required by subsection (c)(1) of section 2222 of title 10, United States Code, as amended by subsection (a)(1), shall be issued not later than December 31, 2016.

10 USC 2222
note.

(c) REPEAL.—Section 811 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 10 U.S.C. 2222 note) is repealed.

(d) COMPTROLLER GENERAL ASSESSMENT.—

10 USC 2222
note.

(1) ASSESSMENT REQUIRED.—In each odd-numbered year, the Comptroller General of the United States shall submit to the congressional defense committees an assessment of the extent to which the actions taken by the Department of Defense comply with the requirements of section 2222 of title 10, United States Code.

(2) REPEAL OF SUPERSEDED PROVISION.—Subsection (d) of section 332 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 1856) is repealed.

(e) GUIDANCE ON ACQUISITION OF BUSINESS SYSTEMS.—The Secretary of Defense shall issue guidance for major automated information systems acquisition programs to promote the use of best acquisition, contracting, requirement development, systems engineering, program management, and sustainment practices, including—

10 USC 2223a
note.

(1) ensuring that an acquisition program baseline has been established within two years after program initiation;

(2) ensuring that program requirements have not changed in a manner that increases acquisition costs or delays the schedule, without sufficient cause and only after maximum efforts to reengineer business processes prior to changing requirements;

(3) policies to evaluate commercial off-the-shelf business systems for security, resilience, reliability, interoperability, and

integration with existing interrelated systems where such system integration and interoperability are essential to Department of Defense operations;

(4) policies to work with commercial off-the-shelf business system developers and owners in adapting systems for Department of Defense use;

(5) policies to perform Department of Defense legacy system audits to determine which systems are related to or rely upon the system to be replaced or integrated with commercial off-the-shelf business systems;

(6) policies to perform full backup of systems that will be changed or replaced by the installation of commercial off-the-shelf business systems prior to installation and deployment to ensure reconstitution of the system to a functioning state should it become necessary;

(7) policies to engage the research and development activities and laboratories of the Department of Defense to improve acquisition outcomes; and

(8) policies to refine and improve developmental and operational testing of business processes that are supported by the major automated information systems.

10 USC 2302
note.

SEC. 884. PROCUREMENT OF PERSONAL PROTECTIVE EQUIPMENT.

The Secretary of Defense shall ensure that the Secretaries of the Army, Navy, and Air Force, in procuring an item of personal protective equipment or a critical safety item, use source selection criteria that is predominately based on technical qualifications of the item and not predominately based on price to the maximum extent practicable if the level of quality or failure of the item could result in death or severe bodily harm to the user, as determined by the Secretaries.

SEC. 885. AMENDMENTS CONCERNING DETECTION AND AVOIDANCE OF COUNTERFEIT ELECTRONIC PARTS.

(a) AMENDMENTS RELATED TO CONTRACTOR RESPONSIBILITIES.—Section 818(c)(2)(B) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 10 U.S.C. 2302 note) is amended—

(1) in clause (i), by inserting “electronic” after “avoid counterfeit”;

(2) in clause (ii)—

(A) by inserting “covered” after “provided to the”; and

(B) by inserting “or were obtained by the covered contractor in accordance with regulations described in paragraph (3)” after “Regulation”; and

(3) in clause (iii), by inserting “discovers the counterfeit electronic parts or suspect counterfeit electronic parts and” after “contractor”.

(b) AMENDMENTS RELATED TO TRUSTED SUPPLIERS.—Section 818(c)(3)(D)(iii) of such Act (Public Law 112–81; 10 U.S.C. 2302 note) is amended by striking “review and audit” and inserting “review, audit, and approval”.

SEC. 886. EXCEPTION FOR ABILITYONE PRODUCTS FROM AUTHORITY TO ACQUIRE GOODS AND SERVICES MANUFACTURED IN AFGHANISTAN, CENTRAL ASIAN STATES, AND DJIBOUTI.

(a) EXCLUSION OF CERTAIN ITEMS NOT MANUFACTURED IN AFGHANISTAN.—Section 886 of the National Defense Authorization Act for Fiscal Year 2008 (10 U.S.C. 2302 note) is amended—

(1) in subsection (a), by inserting “and except as provided in subsection (d),” after “subsection (b),”; and

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

“(d) EXCLUSION OF ITEMS ON THE ABILITYONE PROCUREMENT CATALOG.—The authority under subsection (a) shall not be available for the procurement of any good that is contained in the procurement catalog described in section 8503(a) of title 41, United States Code, in Afghanistan if such good can be produced and delivered by a qualified nonprofit agency for the blind or a nonprofit agency for other severely disabled in a timely fashion to support mission requirements.”.

(b) EXCLUSION OF CERTAIN ITEMS NOT MANUFACTURED IN CENTRAL ASIAN STATES.—Section 801 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2399) is amended—

(1) in subsection (a), by inserting “and except as provided in subsection (h),” after “subsection (b),”; and

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

“(h) EXCLUSION OF ITEMS ON THE ABILITYONE PROCUREMENT CATALOG.—The authority under subsection (a) shall not be available for the procurement of any good that is contained in the procurement catalog described in section 8503(a) of title 41, United States Code, if such good can be produced and delivered by a qualified nonprofit agency for the blind or a nonprofit agency for other severely disabled in a timely fashion to support mission requirements.”.

(c) EXCLUSION OF CERTAIN ITEMS NOT MANUFACTURED IN DJIBOUTI.—Section 1263 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291) is amended—

(1) in subsection (b), by inserting “and except as provided in subsection (g),” after “subsection (c),”; and

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

“(g) EXCLUSION OF ITEMS ON THE ABILITYONE PROCUREMENT CATALOG.—The authority under subsection (b) shall not be available for the procurement of any good that is contained in the procurement catalog described in section 8503(a) of title 41, United States Code, if such good can be produced and delivered by a qualified nonprofit agency for the blind or a nonprofit agency for other severely disabled in a timely fashion to support mission requirements.”.

128 Stat. 3581.

SEC. 887. EFFECTIVE COMMUNICATION BETWEEN GOVERNMENT AND INDUSTRY.

41 USC 1703 note.

Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulatory Council shall prescribe a regulation making clear that agency acquisition personnel are permitted and encouraged to engage in responsible and constructive exchanges with industry, so long as those exchanges are consistent with existing law and regulation and do not promote an unfair competitive advantage to particular firms.

SEC. 888. STANDARDS FOR PROCUREMENT OF SECURE INFORMATION TECHNOLOGY AND CYBER SECURITY SYSTEMS.

(a) **ASSESSMENT REQUIRED.**—The Secretary of Defense shall conduct an assessment of the application of the Open Trusted Technology Provider Standard or similar public, open technology standards to Department of Defense procurements for information technology and cyber security acquisitions and provide a briefing to the Committees on Armed Services of the Senate and the House of Representatives not later than one year after the date of the enactment of this Act.

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

(1) Assessment of the current Open Trusted Technology Provider Standard to determine what aspects might be adopted by the Department of Defense and where additional development of the standard may be required.

(2) Identification of the types or classes of programs where the standard might be applied most effectively, as well as identification of types or classes of programs that should specifically be excluded from consideration.

(3) Assessment of the impact on current acquisition regulations or policies of the adoption of the standard.

(4) Recommendations the Secretary may have related to the adoption of the standard or improvement in the standard to support Department acquisitions.

(5) Any other matters the Secretary may deem appropriate.

SEC. 889. UNIFIED INFORMATION TECHNOLOGY SERVICES.

(a) **BUSINESS CASE ANALYSIS.**—Not later than one year after the date of the enactment of this Act, the Deputy Chief Management Officer, the Chief Information Officer of the Department of Defense, and the Under Secretary of Defense for Acquisition, Technology, and Logistics shall jointly complete a business case analysis to determine the most effective and efficient way to procure and deploy common information technology services.

(b) **ELEMENTS.**—The business case analysis required by subsection (a) shall include an assessment of whether the Department of Defense should—

(1) either—

(A) acquire a unified set of commercially provided common or enterprise information technology services, including such services as messaging, collaboration, directory, security, and content delivery; or

(B) allow the military departments and other components of the Department to acquire such services separately;

(2) either—

(A) acquire such services from a single provider that bundles all of the services; or

(B) require that each common service be independently defined and use open standards to enable continuous adoption of best commercial technology; and

(3) enable availability of multiple versions of each type of service and application to enable choice and competition while supporting interoperability where necessary.

SEC. 890. CLOUD STRATEGY FOR DEPARTMENT OF DEFENSE.**(a) CLOUD STRATEGY FOR SECRET INTERNET PROTOCOL ROUTER NETWORK.—**

(1) **IN GENERAL.**—The Chief Information Officer of the Department of Defense shall, in consultation with the Under Secretary of Defense for Intelligence, the Under Secretary of Defense for Acquisition, Technology, and Logistics, the Vice Chairman of the Joint Chiefs of Staff, and the chief information officers of the military departments, develop a cloud strategy for the Secret Internet Protocol Router Network (SIPRNet) of the Department.

(2) **MATTERS ADDRESSED.**—This strategy required by paragraph (1) shall address the following:

(A) Security requirements.

(B) The compatibility of applications currently utilized within the Secret Internet Protocol Router Network with a cloud computing environment.

(C) How a Secret Internet Protocol Router Network cloud capability should be competitively acquired.

(D) How a Secret Internet Protocol Router Network cloud system for the Department would achieve interoperability with the cloud systems of the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)) operating at the security level Sensitive Compartmented Information.

(b) PRICING POLICY AND COST RECOVERY PROCESS FOR CERTAIN CLOUD SERVICES.—The Chief Information Officer shall, in consultation with the Under Secretary of Defense for Intelligence, develop a consistent pricing policy and cost recovery process for the use by Department of Defense components of the cloud services provided through the Intelligence Community Information Technology Environment.

(c) ASSESSMENT OF FEASIBILITY AND ADVISABILITY OF IMPOSING MINIMUM STANDARDS.—The Chief Information Officer shall assess the feasibility and advisability of imposing a minimum set of open standards for cloud infrastructure, middle-ware, metadata, and application programming interfaces to promote interoperability, information sharing, ease of access to data, and competition across all of the cloud computing systems and services utilized by components of the Department of Defense.

SEC. 891. DEVELOPMENT PERIOD FOR DEPARTMENT OF DEFENSE INFORMATION TECHNOLOGY SYSTEMS.

(a) FLEXIBLE LIMITATION ON DEVELOPMENT PERIOD.—Section 2445b of title 10, United States Code is amended—

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

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

“(d) **TIME-CERTAIN DEVELOPMENT.**—If an adjustment or revision under subsection (c) for a major automated information system that is not a national security system provides for a period in excess of five years from the time of program initiation to the time of a full deployment decision, the documents submitted under subsection (a) shall include a written determination by the senior Department of Defense official responsible for the program justifying the need for the longer period.”.

(b) **REPEAL OF INCONSISTENT REQUIREMENT.**—Section 2445c(c)(2) of title 10, United States Code, is amended—

(1) in subparagraph (B), by striking the semicolon at the end and inserting “; or”;

(2) in subparagraph (C), by striking “; or” and inserting a period; and

(3) by striking subparagraph (D).

SEC. 892. REVISIONS TO PILOT PROGRAM ON ACQUISITION OF MILITARY PURPOSE NONDEVELOPMENTAL ITEMS.

Section 866 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 10 U.S.C. 2302 note) is amended—

(1) in subsection (a)(2), by striking “with nontraditional defense contractors”; and

(2) in subsection (b)—

(A) in paragraph (1), by striking “awarded using competitive procedures in accordance with chapter 137 of title 10, United States Code”; and

(B) in paragraph (2), by striking “\$50,000,000” and inserting “\$100,000,000”.

10 USC 2313
note.

SEC. 893. IMPROVED AUDITING OF CONTRACTS.

(a) **PROHIBITION ON PERFORMANCE OF NON-DEFENSE AUDITS BY DCAA.**—

(1) **IN GENERAL.**—Effective on the date of the enactment of this Act, the Defense Contract Audit Agency may not provide audit support for non-Defense Agencies unless the Secretary of Defense certifies that the backlog for incurred cost audits is less than 18 months of incurred cost inventory.

(2) **ADJUSTMENT IN FUNDING FOR REIMBURSEMENTS FROM NON-DEFENSE AGENCIES.**—The amount appropriated and otherwise available to the Defense Contract Audit Agency for a fiscal year beginning after September 30, 2016, shall be reduced by an amount equivalent to any reimbursements received by the Agency from non-Defense Agencies for audit support provided.

(b) **AMENDMENTS TO DEFENSE CONTRACT AUDIT AGENCY ANNUAL REPORT.**—Section 2313a(a) of title 10, United States Code, is amended—

(1) in paragraph (2), by amending subparagraph (D) to read as follows:

“(D) the total costs of sustained or recovered costs both as a total number and as a percentage of questioned costs; and”;

(2) in paragraph (3), by striking “; and” and inserting a semicolon;

(3) by redesignating paragraph (4) as paragraph (5); and

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

“(4) a description of outreach actions toward industry to promote more effective use of audit resources; and”.

(c) **REVIEW OF ACQUISITION OVERSIGHT AND AUDITS.**—

(1) **REVIEW REQUIRED.**—The Secretary of Defense shall review the oversight and audit structure of the Department of Defense with the goals of—

(A) enhancing the productivity of oversight and program and contract auditing to avoid duplicative audits; and

(B) streamlining of oversight reviews.

(2) RECOMMENDATIONS.—The Secretary shall ensure streamlined oversight reviews and avoidance of duplicative audits and make recommendations in the report required under paragraph (3) for any necessary changes in law.

(3) REPORT.—

(A) Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on actions taken to avoid duplicative audits and streamline oversight reviews.

(B) The report required under this paragraph shall include the following elements:

(i) A description of actions taken to avoid duplicative audits and streamline oversight reviews based on the review conducted under paragraph (1).

(ii) A comparison of commercial industry accounting practices, including requirements under the Sarbanes-Oxley Act of 2002 (Public Law 107–204; 15 U.S.C. 7201 et seq.), with the cost accounting standards prescribed under chapter 15 of title 41, United States Code, to determine if some portions of cost accounting standards compliance can be met through such practices or requirements.

(iii) A description of standards of materiality used by the Defense Contract Audit Agency and the Inspector General of the Department of Defense for defense contract audits.

(iv) An estimate of average delay and range of delays in contract awards due to the time necessary for the Defense Contract Audit Agency to complete pre-award audits.

(v) The total costs of sustained or recovered costs both as a total number and as a percentage of questioned costs.

(d) INCURRED COST INVENTORY DEFINED.—In this section, the term “incurred cost inventory” means the level of contractor incurred cost proposals in inventory from prior fiscal years that are currently being audited by the Defense Contract Audit Agency.

SEC. 894. SENSE OF CONGRESS ON EVALUATION METHOD FOR PROCUREMENT OF AUDIT OR AUDIT READINESS SERVICES.

(a) FINDINGS.—Congress finds the following:

(1) Given the size, scope, and complexity of the Department of Defense, the statutory deadline to establish and maintain auditable financial statements, starting with the fiscal year 2018 financial statement, is one of the more challenging management tasks that has ever faced the Department.

(2) As the military services have never received a clean opinion on their consolidated financial statements and only recently begun auditing portions of their financial statements, the audits of military service financial statements will also

be a complex challenge for companies selected to provide audit services.

(3) The acquisition of services by the Department abides by many rules and parameters, one of which is the lowest price, technically acceptable (LPTA) evaluation method. LPTA is generally appropriate for commercial or noncomplex services or supplies where the requirement is clearly definable and the risk of unsuccessful contract performance is minimal.

(b) SENSE OF CONGRESS.—It is the sense of Congress that, before using the lowest price, technically acceptable evaluation method for the procurement of audit or audit readiness services, the Secretary of Defense should establish the values and metrics for evaluating companies offering audit services, including financial management and audit expertise and experience, personnel qualifications and certifications, past performance, technology, tools, and size.

10 USC 2304
note.

SEC. 895. MITIGATING POTENTIAL UNFAIR COMPETITIVE ADVANTAGE OF TECHNICAL ADVISORS TO ACQUISITION PROGRAMS.

Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall review, and as necessary revise or issue, policy guidance pertaining to the identification, mitigation, and prevention of potential unfair competitive advantage conferred to technical advisors to acquisition programs.

SEC. 896. SURVEY ON THE COSTS OF REGULATORY COMPLIANCE.

(a) SURVEY.—The Secretary of Defense shall conduct a survey of contractors with the highest level of reimbursements for cost type contracts with the Department of Defense during fiscal year 2014 to estimate industry’s cost of regulatory compliance (as a percentage of total costs) with Government-unique acquisition regulations and requirements in the categories of quality assurance, accounting and financial management, contracting and purchasing, program management, engineering, logistics, material management, property administration, and other unique requirements not imposed on contracts for commercial items.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the findings of the survey conducted under subsection (a). The data received as a result of the survey and included in the report shall be aggregated to protect against the public release of proprietary information.

10 USC 2500
note.

SEC. 897. TREATMENT OF INTERAGENCY AND STATE AND LOCAL PURCHASES WHEN THE DEPARTMENT OF DEFENSE ACTS AS CONTRACT INTERMEDIARY FOR THE GENERAL SERVICES ADMINISTRATION.

Contracts executed by the Department of Defense as a result of the transfer of contracts from the General Services Administration or for which the Department serves as an item manager for products on behalf of the General Services Administration shall not be subject to requirements under chapter 148 of title 10, United States Code, to the extent such contracts are for purchases of products by other Federal agencies or State or local governments.

SEC. 898. COMPETITION FOR RELIGIOUS SERVICES CONTRACTS.10 USC 2304
note.

The Department of Defense may not preclude a non-profit organization from competing for a contract for religious related services on a United States military installation.

SEC. 899. PILOT PROGRAM REGARDING RISK-BASED CONTRACTING FOR SMALLER CONTRACT ACTIONS UNDER THE TRUTH IN NEGOTIATIONS ACT.10 USC 2306a
note.

(a) **PILOT PROGRAM AUTHORIZED.**—The Secretary of Defense may conduct a pilot program to demonstrate the efficacy of using risk-based techniques in requiring submission of data on a sampling basis for purposes of section 2306a of title 10, United States Code (popularly known as the “Truth in Negotiations Act”).

(b) **INCREASE IN THRESHOLDS.**—For purposes of a pilot program under subsection (a), \$5,000,000 shall be the threshold applicable to requirements under paragraph (1) of section 2306a(a) of such title, as follows:

(1) The requirement under subparagraph (A) of such paragraph to submit cost or pricing data for a prime contract entered into during the pilot program period.

(2) The requirement under subparagraph (B) of such paragraph to submit cost or pricing data for the change or modification to a prime contract made during the pilot program period.

(3) The requirement under subparagraph (C) of such paragraph to submit cost or pricing data for a subcontract entered into during the pilot program period.

(4) The requirement under subparagraph (D) of such paragraph to submit cost or pricing data for the change or modification to a subcontract made during the pilot program period.

(c) **RISK-BASED CONTRACTING.**—

(1) **AUTHORITY TO REQUIRE SUBMISSION OF COST OR PRICING DATA ON BELOW-THRESHOLD CONTRACTS.**—Subject to paragraph (4), when certified cost or pricing data are not required to be submitted pursuant to subsection (b) for a contract or subcontract entered into or modified during the pilot program period, such data may nevertheless be required to be submitted by the head of the procuring activity, if the head of the procuring activity—

(A) determines that such data are necessary for the evaluation by the agency of the reasonableness of the price of the contract, subcontract, or modification of a contract or subcontract; or

(B) requires the submission of such data in accordance with a risk-based contracting approach established pursuant to paragraph (3).

(2) **WRITTEN DETERMINATION REQUIRED.**—In any case in which the head of the procuring activity requires certified cost or pricing data to be submitted under paragraph (1)(A), the head of the procuring activity shall justify in writing the reason for such requirement.

(3) **RISK-BASED CONTRACTING.**—The head of an agency shall establish a risk-based sampling approach under which the submission of certified cost or pricing data may be required for a risk-based sample of contracts, the price of which is expected to exceed \$750,000 but not \$5,000,000. The authority to require certified cost or pricing data under this paragraph shall not apply to any contract of an offeror that has not

been awarded, for at least the one-year period preceding the issuance of a solicitation for the contract, any other contract in excess of \$5,000,000 under which the offeror was required to submit certified cost or pricing data under section 2306a of title 10, United States Code.

(4) EXCEPTION.—The head of the procuring activity may not require certified cost or pricing data to be submitted under this subsection for any contract or subcontract, or modification of a contract or subcontract, covered by the exceptions in subparagraph (A) or (B) of section 2306a(b)(1) of title 10, United States Code.

(5) DELEGATION OF AUTHORITY PROHIBITED.—The head of a procuring activity may not delegate functions under this subsection.

(d) REPORTS.—Not later than January 1, 2017, and January 1, 2019, the Secretary of Defense shall submit to the congressional defense committees a report on activities undertaken under this section.

(e) DEFINITIONS.—In this section:

(1) HEAD OF AN AGENCY.—The term “head of an agency” has the meaning given the term in section 2302 of title 10, United States Code.

(2) PILOT PROGRAM PERIOD.—The term “pilot program period” means the period beginning on October 1, 2016, and ending on September 30, 2019.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Sec. 901. Update of statutory specification of functions of the Chairman of the Joint Chiefs of Staff relating to joint force development activities.

Sec. 902. Sense of Congress on the United States Marine Corps.

SEC. 901. UPDATE OF STATUTORY SPECIFICATION OF FUNCTIONS OF THE CHAIRMAN OF THE JOINT CHIEFS OF STAFF RELATING TO JOINT FORCE DEVELOPMENT ACTIVITIES.

Section 153(a)(5) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

“(F) Advising the Secretary on development of joint command, control, communications, and cyber capability, including integration and interoperability of such capability, through requirements, integrated architectures, data standards, and assessments.”.

SEC. 902. SENSE OF CONGRESS ON THE UNITED STATES MARINE CORPS.

(a) FINDINGS.—Congress finds the following:

(1) As senior United States statesman Dr. Henry Kissinger wrote in testimony submitted to the Committee on Armed Services of the Senate on January 29, 2015, “The United States has not faced a more diverse and complex array of crises since the end of the Second World War.”.

(2) The rise of non-state forces and near peer competitors has introduced destabilizing pressures around the globe.

(3) Advances in information and weapons technology have reduced the time available for the United States to prepare

for and respond to crises against both known and unknown threats.

(4) The importance of the maritime domain cannot be overstated. As acknowledged in the March 2015 Navy, Marine Corps, and Coast Guard maritime strategy, “A Cooperative Strategy for 21st Century Seapower: Forward, Engaged, Ready”: “Oceans are the lifeblood of the interconnected global community. . . 90 percent of trade by volume travels across the oceans. Approximately 70 percent of the world’s population lives within 100 miles of the coastline.”

(5) The United States must be prepared to rapidly respond to crises around the world regardless of the nation’s fiscal health.

(6) In this global security environment, it is critical that the nation possess a maritime force whose mission and ethos is readiness—a fight tonight force, forward deployed, that can respond immediately to emergent crises across the full range of military operations around the globe either from the sea or home station.

(7) The need for such a force was recognized by the 82nd Congress during the Korean War, when it mandated a core mission for the nation’s leanest force—the Marine Corps—to be most ready when the nation is least ready.

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

(1) the Marine Corps, within the Department of the Navy, remain the Nation’s expeditionary, crisis response force;

(2) the need for such a force with such a capability has never been greater; and

(3) accordingly, in recognition of this need and the wisdom of the 82nd Congress, the 114th Congress reaffirms section 5063 of title 10, United States Code, which states that the Marine Corps—

(A) shall—

(i) be organized to include not less than three combat divisions and three air wings, and such other land combat, aviation, and other services as may be organic therein;

(ii) be organized, trained, and equipped to provide fleet marine forces of combined arms, together with supporting air components, for service with the fleet in the seizure or defense of advanced naval bases and for the conduct of such land operations as may be essential to the prosecution of a naval campaign; and

(iii) provide detachments and organizations for service on armed vessels of the Navy, provide security detachments for the protection of naval property at naval stations and bases, and perform such other duties as the President may direct;

but these additional duties may not detract from nor interfere with the operations for which the Marine Corps is primarily organized;

(B) shall develop, in coordination with the Army and the Air Force, those phases of amphibious operations that pertain to the tactics, techniques, and equipment used by landing forces; and

(C) is responsible, in accordance with the integrated joint mobilization plans, for the expansion of peacetime

components of the Marine Corps to meet the needs of war.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

- Sec. 1001. General transfer authority.
- Sec. 1002. Accounting standards to value certain property, plant, and equipment items.
- Sec. 1003. Report on auditable financial statements.
- Sec. 1004. Sense of Congress on sequestration.
- Sec. 1005. Annual audit of financial statements of Department of Defense components by independent external auditors.

Subtitle B—Counter-Drug Activities

- Sec. 1011. Extension of authority to support unified counterdrug and counterterrorism campaign in Colombia.
- Sec. 1012. Extension and expansion of authority to provide additional support for counter-drug activities of certain foreign governments.
- Sec. 1013. Sense of Congress on Central America.

Subtitle C—Naval Vessels and Shipyards

- Sec. 1021. Additional information supporting long-range plans for construction of naval vessels.
- Sec. 1022. National Sea-Based Deterrence Fund.
- Sec. 1023. Extension of authority for reimbursement of expenses for certain Navy mess operations afloat.
- Sec. 1024. Availability of funds for retirement or inactivation of Ticonderoga class cruisers or dock landing ships.
- Sec. 1025. Limitation on the use of funds for removal of ballistic missile defense capabilities from Ticonderoga class cruisers.
- Sec. 1026. Independent assessment of United States Combat Logistic Force requirements.

Subtitle D—Counterterrorism

- Sec. 1031. Prohibition on use of funds for transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba, to the United States.
- Sec. 1032. Prohibition on use of funds to construct or modify facilities in the United States to house detainees transferred from United States Naval Station, Guantanamo Bay, Cuba.
- Sec. 1033. Prohibition on use of funds for transfer or release to certain countries of individuals detained at United States Naval Station, Guantanamo Bay, Cuba.
- Sec. 1034. Reenactment and modification of certain prior requirements for certifications relating to transfer of detainees at United States Naval Station, Guantanamo Bay, Cuba, to foreign countries and other foreign entities.
- Sec. 1035. Comprehensive detention strategy.
- Sec. 1036. Prohibition on use of funds for realignment of forces at or closure of United States Naval Station, Guantanamo Bay, Cuba.
- Sec. 1037. Report on current detainees at United States Naval Station, Guantanamo Bay, Cuba, determined or assessed to be high risk or medium risk.
- Sec. 1038. Reports to Congress on contact between terrorists and individuals formerly detained at United States Naval Station, Guantanamo Bay, Cuba.
- Sec. 1039. Inclusion in reports to Congress of information about recidivism of individuals formerly detained at United States Naval Station, Guantanamo Bay, Cuba.
- Sec. 1040. Report to Congress on terms of written agreements with foreign countries regarding transfer of detainees at United States Naval Station, Guantanamo Bay, Cuba.
- Sec. 1041. Report on use of United States Naval Station, Guantanamo Bay, Cuba, and other Department of Defense or Bureau of Prisons prisons or detention or disciplinary facilities in recruitment or other propaganda of terrorist organizations.
- Sec. 1042. Permanent authority to provide rewards through government personnel of allied forces and certain other modifications to Department of Defense program to provide rewards.

- Sec. 1043. Sunset on exception to congressional notification of sensitive military operations.
- Sec. 1044. Repeal of semiannual reports on obligation and expenditure of funds for the combating terrorism program.
- Sec. 1045. Limitation on interrogation techniques.

Subtitle E—Miscellaneous Authorities and Limitations

- Sec. 1051. Department of Defense excess property program.
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- Sec. 1053. Management of military technicians.
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- Sec. 1055. Authority to provide training and support to personnel of foreign ministries of defense.
- Sec. 1056. Information operations and engagement technology demonstrations.
- Sec. 1057. Prohibition on use of funds for retirement of Helicopter Sea Combat Squadron 84 and 85 aircraft.
- Sec. 1058. Limitation on availability of funds for destruction of certain landmines and report on department of defense policy and inventory of anti-personnel landmine munitions.
- Sec. 1059. Department of Defense authority to provide assistance to secure the southern land border of the United States.

Subtitle F—Studies and Reports

- Sec. 1060. Provision of defense planning guidance and contingency planning guidance information to Congress.
- Sec. 1061. Expedited meetings of the National Commission on the Future of the Army.
- Sec. 1062. Modification of certain reports submitted by Comptroller General of the United States.
- Sec. 1063. Report on implementation of the geographically distributed force laydown in the area of responsibility of United States Pacific Command.
- Sec. 1064. Independent study of national security strategy formulation process.
- Sec. 1065. Report on the status of detection, identification, and disablement capabilities related to remotely piloted aircraft.
- Sec. 1066. Report on options to accelerate the training of pilots of remotely piloted aircraft.
- Sec. 1067. Studies of fleet platform architectures for the Navy.
- Sec. 1068. Report on strategy to protect United States national security interests in the Arctic region.
- Sec. 1069. Comptroller General briefing and report on major medical facility projects of Department of Veterans Affairs.
- Sec. 1070. Submittal to Congress of munitions assessments.
- Sec. 1071. Potential role for United States ground forces in the Western Pacific theater.
- Sec. 1072. Repeal or revision of reporting requirements related to military personnel issues.
- Sec. 1073. Repeal or revision of reporting requirements relating to readiness.
- Sec. 1074. Repeal or revision of reporting requirements related to naval vessels and Merchant Marine.
- Sec. 1075. Repeal or revision of reporting requirements related to civilian personnel.
- Sec. 1076. Repeal or revision of reporting requirements related to nuclear proliferation and related matters.
- Sec. 1077. Repeal or revision of reporting requirements related to acquisition.
- Sec. 1078. Repeal or revision of miscellaneous reporting requirements.
- Sec. 1079. Repeal of reporting requirements.
- Sec. 1080. Termination of requirement for submittal to Congress of reports required of Department of Defense by statute.

Subtitle G—Other Matters

- Sec. 1081. Technical and clerical amendments.
- Sec. 1082. Situations involving bombings of places of public use, Government facilities, public transportation systems, and infrastructure facilities.
- Sec. 1083. Executive agent for the oversight and management of alternative compensatory control measures.
- Sec. 1084. Navy support of Ocean Research Advisory Panel.
- Sec. 1085. Level of readiness of Civil Reserve Air Fleet carriers.
- Sec. 1086. Reform and improvement of personnel security, insider threat detection and prevention, and physical security.

- Sec. 1087. Transfer of surplus firearms to Corporation for the Promotion of Rifle Practice and Firearms Safety.
- Sec. 1088. Modification of requirements for transferring aircraft within the Air Force inventory.
- Sec. 1089. Reestablishment of Commission to Assess the Threat to the United States from Electromagnetic Pulse Attack.
- Sec. 1090. Mine countermeasures master plan and report.
- Sec. 1091. Congressional notification and briefing requirement on ordered evacuations of United States embassies and consulates involving support provided by the Department of Defense.
- Sec. 1092. Interagency Hostage Recovery Coordinator.
- Sec. 1093. Sense of Congress on the inadvertent transfer of anthrax from the Department of Defense.
- Sec. 1094. Modification of certain requirements applicable to major medical facility lease for a Department of Veterans Affairs outpatient clinic in Tulsa, Oklahoma.
- Sec. 1095. Authorization of fiscal year 2015 major medical facility projects of the Department of Veterans Affairs.
- Sec. 1096. Designation of construction agent for certain construction projects by Department of Veterans Affairs.
- Sec. 1097. Department of Defense strategy for countering unconventional warfare.

Subtitle A—Financial Matters

SEC. 1001. GENERAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2016 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—Except as provided in paragraph (3), the total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed \$4,500,000,000.

(3) EXCEPTION FOR TRANSFERS BETWEEN MILITARY PERSONNEL AUTHORIZATIONS.—A transfer of funds between military personnel authorizations under title IV shall not be counted toward the dollar limitation in paragraph (2).

(b) LIMITATIONS.—The authority provided by subsection (a) to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1002. ACCOUNTING STANDARDS TO VALUE CERTAIN PROPERTY, PLANT, AND EQUIPMENT ITEMS.

(a) REQUIREMENT FOR CERTAIN ACCOUNTING STANDARDS.—The Secretary of Defense shall work in coordination with the Federal

Accounting Standards Advisory Board to establish accounting standards to value large and unordinary general property, plant, and equipment items.

(b) **DEADLINE.**—The accounting standards required by subsection (a) shall be established by not later than September 30, 2017, and be available for use for the full audit on the financial statements of the Department of Defense for fiscal year 2018, as required by section 1003(a) of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 842; 10 U.S.C. 2222 note).

SEC. 1003. REPORT ON AUDITABLE FINANCIAL STATEMENTS.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report ranking all military departments and Defense Agencies in order of how advanced they are in achieving auditable financial statements as required by law. The report should not include information otherwise available in other reports to Congress.

SEC. 1004. SENSE OF CONGRESS ON SEQUESTRATION.

It is the sense of the Congress that—

(1) the fiscal challenges of the Federal Government are a top priority for Congress, and sequestration—non-strategic, across-the-board budget cuts—remains an unreasonable and inadequate budgeting tool to address the deficits and debt of the Federal Government;

(2) budget caps imposed by the Budget Control Act of 2011 (Public Law 112–25) impose unacceptable limitations on the budget and increase risk to the national security of the United States; and

(3) the budget caps imposed by the Budget Control Act of 2011 must be modified or eliminated through a bipartisan legislative agreement.

SEC. 1005. ANNUAL AUDIT OF FINANCIAL STATEMENTS OF DEPARTMENT OF DEFENSE COMPONENTS BY INDEPENDENT EXTERNAL AUDITORS.

10 USC 2222
note.

(a) **AUDITS REQUIRED.**—For purposes of satisfying the requirement under section 3521(e) of title 31, United States Code, for audits of financial statements of Department of Defense components identified by the Director of the Office of Management and Budget under section 3515(c) of such title, the Inspector General of the Department of Defense shall obtain each year audits of the financial statements of each such component by an independent external auditor.

(b) **SELECTION OF AUDITORS.**—The selection of independent external auditors for purposes of subsection (a) shall be based, among other appropriate criteria, on their qualifications, independence, and capacity to conduct audits described in subsection (a) in accordance with applicable generally accepted government auditing standards. The Inspector General shall participate in the selection of the independent external auditors.

(c) **MONITORING AUDITS.**—The Inspector General shall monitor the conduct of all audits by independent external auditors under subsection (a).

(d) **REPORTS ON AUDITS.**—

(1) **IN GENERAL.**—The Inspector General shall require the independent external auditors conducting audits under subsection (a) to submit a report on their audits each year to—

(A) the Under Secretary of Defense (Comptroller) as the Chief Financial Officer of the Department of Defense for the purposes of chapter 9 of title 31, United States Code;

(B) the Controller of the Office of Federal Financial Management in the Office of Management and Budget; and

(C) the appropriate committees of Congress.

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

(A) the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Oversight and Government Reform, and the Committee on Appropriations of the House of Representatives.

(e) **RELATIONSHIP TO EXISTING LAW.**—The requirements of this section—

(1) shall be implemented in a manner that is consistent with the requirements of section 1008 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 10 U.S.C. 113 note);

(2) shall not be construed to alter the requirement under section 3521(e) of title 31, United States Code, that the financial statements of the Department of Defense as a whole be audited by the Inspector General or by an independent external auditor, as determined by the Inspector General; and

(3) shall not be construed to limit or alter the authorities of the Comptroller General of the United States under section 3521(g) of title 31, United States Code.

Subtitle B—Counter-Drug Activities

SEC. 1011. EXTENSION OF AUTHORITY TO SUPPORT UNIFIED COUNTERDRUG AND COUNTERTERRORISM CAMPAIGN IN COLOMBIA.

(a) **EXTENSION OF AUTHORITY.**—Section 1021 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2042), as most recently amended by section 1011(a) of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3483), is further amended—

(1) in subsection (a), by striking “2016” and inserting “2017”; and

(2) in subsection (c), by striking “2016” and inserting “2017”.

(b) **EXTENSION OF ANNUAL NOTICE TO CONGRESS ON ASSISTANCE.**—Section 1011(b) of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 is amended by striking “(as amended by subsection (a)) using funds available for fiscal year 2015” and inserting “using funds available for any fiscal year”.

**SEC. 1012. EXTENSION AND EXPANSION OF AUTHORITY TO PROVIDE
ADDITIONAL SUPPORT FOR COUNTER-DRUG ACTIVITIES
OF CERTAIN FOREIGN GOVERNMENTS.**

(a) **EXTENSION.**—Subsection (a)(2) of section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1881), as most recently amended by section 1013 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 844), is further amended by striking “2016” and inserting “2017”.

(b) **ADDITIONAL GOVERNMENTS ELIGIBLE TO RECEIVE SUPPORT.**—Subsection (b) of such section 1033, as so amended, is further amended by adding at the end of the following new paragraphs:

“(40) Government of Kenya.

“(41) Government of Tanzania.”.

(c) **REPORT ON USE OF AUTHORITY.**—

(1) **REPORT REQUIRED.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the authority to provide additional support for counter-drug activities of foreign governments in section 1033 of the National Defense Authorization Act for Fiscal Year 1998.

(2) **ELEMENTS.**—The report shall include, at a minimum, the following:

(A) A description of the use of the authority over time, and of the use of the authority as in effect during fiscal years 2014 and 2015.

(B) A description of the impetus for the expansion of the countries eligible for assistance under the program.

(C) A description of the impetus for the increases over time in the amounts of fund requested for assistance under the program.

(D) A description of the processes through which priorities are established for countries and regions to be assisted under the program.

(E) An assessment of the advantages and disadvantages of providing assistance under the program on a country-by country basis rather than providing such assistance on a global basis.

(F) A description of the funding challenges, if any, associated with providing assistance under the program on a country-by country basis and with providing such assistance on a global basis.

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

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

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

SEC. 1013. SENSE OF CONGRESS ON CENTRAL AMERICA.

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

(1) The stability and security of Central American nations have a direct impact on the stability and security of the United States.

(2) Over the past decade, increased stability and security in the Republic of Colombia has displaced illicit trafficking to Central America, bringing with it increased violence and instability.

(3) According to the Global Study on Homicide 2013 of the United Nations Office on Drugs and Crime, four of the top five countries with the highest homicide rates in the world were Central American nations, including Honduras, Belize, El Salvador, and Guatemala.

(4) In 2014, approximately 65,000 unaccompanied alien children from Central America entered the United States through its southwest border.

(5) In November 2014, Guatemala, Honduras, and El Salvador announced a Plan for the Alliance for Prosperity of the Northern Triangle, which is a comprehensive approach to address the ongoing violence and instability facing these three nations by stimulating economic opportunities, improving public safety and rule of law, and strengthening institutions to increase trust in the state.

(6) The United States Government is supportive of the Alliance for Prosperity, and President's strategy for support includes \$1,000,000,000 focused on promoting prosperity and regional economic integration, enhancing security, and promoting improved governance.

(7) The Department of Defense continues to build the capacity of our partners in the region to address their security challenges and confront threats of mutual concern.

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

(1) the United States should, to the extent practicable, prioritize efforts to address the threatening levels of violence, instability, illicit trafficking, and transnational organized crime that challenge the sovereignty of Central American nations and the security of the United States; and

(2) in order to address such issues, the Department of Defense, to the extent practicable, should—

(A) increase its operations, as the lead agency of the United States Government, to detect and monitor aerial and maritime illicit trafficking into the United States;

(B) increase its efforts to support aerial and maritime illicit trafficking interdiction operations;

(C) increase its operations to build the capacity of partner nations in Central America to confront their own security challenges;

(D) support interagency programs and activities in Central America addressing instability, including development, education, economic, political, and security challenges; and

(E) promote observance of and respect for human rights and fundamental freedoms and respect for civilian control of the military.

Subtitle C—Naval Vessels and Shipyards

SEC. 1021. ADDITIONAL INFORMATION SUPPORTING LONG-RANGE PLANS FOR CONSTRUCTION OF NAVAL VESSELS.

Section 231(b)(2)(C) of title 10, United States Code, is amended by inserting “by ship class in both graphical and tabular form” after “The estimated levels of annual funding”.

SEC. 1022. NATIONAL SEA-BASED DETERRENCE FUND.

(a) ENHANCEMENT OF AUTHORITY OF SECRETARY OF NAVY TO USE NATIONAL SEA-BASED DETERRENCE FUND.—Section 2218a of title 10, United States Code, is amended—

(1) by redesignating subsections (f) and (g) as subsections (i) and (j), respectively; and

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

“(f) AUTHORITY TO ENTER INTO ECONOMIC ORDER QUANTITY CONTRACTS.—(1) The Secretary of the Navy may use funds deposited in the Fund to enter into contracts known as ‘economic order quantity contracts’ with private shipyards and other commercial or government entities to achieve economic efficiencies based on production economies for major components or subsystems. The authority under this subsection extends to the procurement of parts, components, and systems (including weapon systems) common with and required for other nuclear powered vessels under joint economic order quantity contracts.

“(2) A contract entered into under paragraph (1) shall provide that any obligation of the United States to make a payment under the contract is subject to the availability of appropriations for that purpose, and that total liability to the Government for termination of any contract entered into shall be limited to the total amount of funding obligated at time of termination.

“(g) AUTHORITY TO BEGIN MANUFACTURING AND FABRICATION EFFORTS PRIOR TO SHIP AUTHORIZATION.—(1) The Secretary of the Navy may use funds deposited into the Fund to enter into contracts for advance construction of national sea-based deterrence vessels to support achieving cost savings through workload management, manufacturing efficiencies, or workforce stability, or to phase fabrication activities within shipyard and manage sub-tier manufacturer capacity.

“(2) A contract entered into under paragraph (1) shall provide that any obligation of the United States to make a payment under the contract is subject to the availability of appropriations for that purpose, and that total liability to the Government for termination of any contract entered into shall be limited to the total amount of funding obligated at time of termination.

“(h) AUTHORITY TO USE INCREMENTAL FUNDING TO ENTER INTO CONTRACTS FOR CERTAIN ITEMS.—(1) The Secretary of the Navy may use funds deposited into the Fund to enter into incrementally funded contracts for advance procurement of high value, long lead time items for nuclear powered vessels to better support construction schedules and achieve cost savings through schedule reductions and properly phased installment payments.

“(2) A contract entered into under paragraph (1) shall provide that any obligation of the United States to make a payment under the contract is subject to the availability of appropriations for

that purpose, and that total liability to the Government for termination of any contract entered into shall be limited to the total amount of funding obligated at time of termination.”

(b) **MODIFICATION AND EXTENSION OF AUTHORITY TO TRANSFER FUNDS.**—Section 1022(b)(1) of the National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3487) is amended—

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

(2) by striking “for the Navy for the Ohio Replacement Program” and inserting “for the Department of Defense”.

SEC. 1023. EXTENSION OF AUTHORITY FOR REIMBURSEMENT OF EXPENSES FOR CERTAIN NAVY MESS OPERATIONS AFLOAT.

(a) **EXTENSION.**—Subsection (b) of section 1014 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4585), as amended by section 1021 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383, 124 Stat. 4348), is amended by striking “September 30, 2015” and inserting “September 30, 2020”.

(b) **TECHNICAL AND CLARIFYING AMENDMENTS.**—Subsection (a) of such section is amended—

(1) in the matter preceding paragraph (1), by striking “not more than” and inserting “not more than”; and

(2) in paragraph (2), by striking “Naval vessels” and inserting “such vessels”.

SEC. 1024. AVAILABILITY OF FUNDS FOR RETIREMENT OR INACTIVATION OF TICONDEROGA CLASS CRUISERS OR DOCK LANDING SHIPS.

None of the funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense for fiscal year 2016 may be obligated or expended to retire, prepare to retire, inactivate, or place in storage a cruiser or dock landing ship, except as provided in section 1026(b) of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3490).

SEC. 1025. LIMITATION ON THE USE OF FUNDS FOR REMOVAL OF BALLISTIC MISSILE DEFENSE CAPABILITIES FROM TICONDEROGA CLASS CRUISERS.

None of the funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense may be used to remove ballistic missile defense capabilities from any of the 5 Ticonderoga class cruisers equipped with such capabilities until the Secretary of the Navy certifies to the congressional defense committees that the Navy has—

(1) obtained the ballistic missile defense capabilities required by the most recent Navy Force Structure Assessment;

(2) entered into a modernization of such cruisers that will provide an equal or improved ballistic missile defense capability; or

(3) obtained at least 40 large surface combatants with ballistic missile defense capability.

SEC. 1026. INDEPENDENT ASSESSMENT OF UNITED STATES COMBAT LOGISTIC FORCE REQUIREMENTS.**(a) ASSESSMENT REQUIRED.—**

(1) **IN GENERAL.**—The Secretary of Defense shall seek to enter into an agreement with a federally funded research and development center with appropriate expertise and analytical capability to conduct an assessment of the anticipated future demands of the combat logistics force ships of the Navy and the challenges such ships may face when conducting and supporting future naval operations in contested maritime environments.

(2) **ELEMENTS.**—The assessment under paragraph (1) shall include the following:

(A) An assessment of the programmed ability of the United States Combat Logistic Force to support the Navy and the naval forces of allies of the United States that are operating in a dispersed manner and not concentrated in carrier or expeditionary strike groups, in accordance with the concept of distributed lethality of the Navy.

(B) An assessment of the programmed ability of the United States Combat Logistic Force to support the Navy and the naval forces of allies of the United States that are engaged in major combat operations against an adversary possessing maritime anti-access and area-denial capabilities, including anti-ship ballistic and cruise missiles, land-based maritime strike aircraft, submarines, and sea mines.

(C) An assessment of the programmed ability of the United States Combat Logistic Force to support distributed and expeditionary air operations from an expanded set of alternative and austere air bases in accordance with concepts under development by the Air Force and the Marine Corps.

(D) An assessment of gaps and deficiencies in the capability and capacity of the United States Combat Logistic Force to conduct and support operations of the United States and allies under the conditions described in subparagraphs (A), (B), and (C).

(E) Recommendations for adjustments to the programmed ability of the United States Combat Logistic Force to address capability and capacity gaps and deficiencies described in subparagraph (D).

(F) Any other matters the federally funded research and development center considers appropriate.

(b) REPORT REQUIRED.—

(1) **IN GENERAL.**—Not later than April 1, 2016, the Secretary of Defense shall submit to the congressional defense committees a report that includes the assessment under subsection (a) and any other matters the Secretary considers appropriate.

(2) **FORM.**—The report required under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(c) **SUPPORT.**—The Secretary of Defense shall provide the federally funded research and development center that conducts the assessment under subsection (a) with timely access to appropriate

information, data, resources, and analyses necessary for the center to conduct such assessment thoroughly and independently.

Subtitle D—Counterterrorism

SEC. 1031. PROHIBITION ON USE OF FUNDS FOR TRANSFER OR RELEASE OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, TO THE UNITED STATES.

No amounts authorized to be appropriated or otherwise made available for the Department of Defense may be used during the period beginning on the date of the enactment of this Act and ending on December 31, 2016, to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions of Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after January 20, 2009, at United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

SEC. 1032. PROHIBITION ON USE OF FUNDS TO CONSTRUCT OR MODIFY FACILITIES IN THE UNITED STATES TO HOUSE DETAINEES TRANSFERRED FROM UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) **IN GENERAL.**—No amounts authorized to be appropriated or otherwise made available for the Department of Defense may be used during the period beginning on the date of the enactment of this Act and ending on December 31, 2016, to construct or modify any facility in the United States, its territories, or possessions to house any individual detained at Guantanamo for the purposes of detention or imprisonment in the custody or under the control of the Department of Defense unless authorized by Congress.

(b) **EXCEPTION.**—The prohibition in subsection (a) shall not apply to any modification of facilities at United States Naval Station, Guantanamo Bay, Cuba.

(c) **INDIVIDUAL DETAINED AT GUANTANAMO DEFINED.**—In this section, the term “individual detained at Guantanamo” has the meaning given that term in section 1034(f)(2).

SEC. 1033. PROHIBITION ON USE OF FUNDS FOR TRANSFER OR RELEASE TO CERTAIN COUNTRIES OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

No amounts authorized to be appropriated or otherwise available for the Department of Defense may be used during the period beginning on the date of the enactment of this Act and ending on December 31, 2016, to transfer, release, or assist in the transfer or release of any individual detained in the custody or under the control of the Department of Defense at United States Naval Station, Guantanamo Bay, Cuba, to the custody or control of any country, or any entity within such country, as follows:

(1) Libya.

(2) Somalia.

(3) Syria.

(4) Yemen.

SEC. 1034. REENACTMENT AND MODIFICATION OF CERTAIN PRIOR REQUIREMENTS FOR CERTIFICATIONS RELATING TO TRANSFER OF DETAINEES AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, TO FOREIGN COUNTRIES AND OTHER FOREIGN ENTITIES. 10 USC 801 note.

(a) CERTIFICATION REQUIRED PRIOR TO TRANSFER.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary of Defense may not use any amounts authorized to be appropriated or otherwise available to the Department of Defense to transfer any individual detained at Guantanamo to the custody or control of the individual's country of origin, any other foreign country, or any other foreign entity unless the Secretary submits to the appropriate committees of Congress the certification described in subsection (b) not later than 30 days before the transfer of the individual.

(2) EXCEPTION.—Paragraph (1) shall not apply to any action taken by the Secretary to transfer any individual detained at Guantanamo to effectuate an order affecting the disposition of the individual that is issued by a court or competent tribunal of the United States having lawful jurisdiction (which the Secretary shall notify the appropriate committees of Congress of promptly after issuance).

(b) CERTIFICATION.—A certification described in this subsection is a written certification made by the Secretary that—

(1) the transfer concerned is in the national security interests of the United States;

(2) the government of the foreign country or the recognized leadership of the foreign entity to which the individual detained at Guantanamo concerned is to be transferred—

(A) is not a designated state sponsor of terrorism or a designated foreign terrorist organization;

(B) maintains control over each detention facility in which the individual is to be detained if the individual is to be housed in a detention facility;

(C) has taken or agreed to take appropriate steps to substantially mitigate any risk the individual could attempt to reengage in terrorist activity or otherwise threaten the United States or its allies or interests; and

(D) has agreed to share with the United States any information that is related to the individual;

(3) if the country to which the individual is to be transferred is a country to which the United States transferred an individual who was detained at United States Naval Station, Guantanamo Bay, Cuba, at any time after September 11, 2001, and such transferred individual subsequently engaged in any terrorist activity, the Secretary has—

(A) considered such circumstances; and

(B) determined that the actions to be taken as described in paragraph (2)(C) will substantially mitigate the risk of recidivism with regard to the individual to be transferred; and

(4) includes an intelligence assessment, in classified or unclassified form, of the capacity, willingness, and past practices (if applicable) of the foreign country or foreign entity

concerned in relation to the certification of the Secretary under this subsection.

(c) **COORDINATION WITH PROHIBITION ON TRANSFER TO CERTAIN COUNTRIES.**—While the prohibition in section 1033 is in effect, no certification may be made under subsection (b) in connection with the transfer of an individual detained at Guantanamo to a country specified in such section.

(d) **RECORD OF COOPERATION.**—In assessing the risk that an individual detained at Guantanamo will engage in terrorist activity or other actions that could affect the national security of the United States if released for the purpose of making a certification under subsection (b), the Secretary may give favorable consideration to any such individual—

(1) who has substantially cooperated with United States intelligence and law enforcement authorities, pursuant to a pre-trial agreement, while in the custody of or under the effective control of the Department of Defense; and

(2) for whom agreements and effective mechanisms are in place, to the extent relevant and necessary, to provide for continued cooperation with United States intelligence and law enforcement authorities.

(e) **REPORT.**—Whenever the Secretary makes a certification under subsection (b) with respect to an individual detained at Guantanamo, the Secretary shall submit to the appropriate committees of Congress, together with such certification, a report that shall include, at a minimum, the following:

(1) A detailed statement of the basis for the transfer of the individual.

(2) An explanation why the transfer of the individual is in the national security interests of the United States.

(3) A description of actions taken to mitigate the risks of reengagement by the individual as described in subsection (b)(2)(C), including any actions taken to address factors relevant to an applicable prior case of reengagement described in subsection (b)(3).

(4) A copy of any Periodic Review Board findings relating to the individual.

(5) A copy of the final recommendation by the Guantanamo Detainee Review Task Force established pursuant to Executive Order 13492 relating to the individual and, if applicable, updated information related to any change to such recommendation.

(6) An assessment whether, as of the date of the certification, the country to which the individual is to be transferred is facing a threat that could substantially affect its ability to exercise control over the individual.

(7) A classified summary of—

(A) the individual's record of cooperation, if any, while in the custody of or under the effective control of the Department of Defense; and

(B) any agreements and mechanisms in place to provide for continuing cooperation.

(f) **DEFINITIONS.**—In this section:

(1) The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Appropriations,

and the Select Committee on Intelligence of the Senate;
and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) The term “individual detained at Guantanamo” means any individual located at United States Naval Station, Guantanamo Bay, Cuba, as of October 1, 2009, who—

(A) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(B) is—

(i) in the custody or under the control of the Department of Defense; or

(ii) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

(3) The term “foreign terrorist organization” means any organization so designated by the Secretary of State under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

(4) The term “state sponsor of terrorism” has the meaning given that term in section 301(13) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8541(13)).

(g) REPEAL OF SUPERSEDED REQUIREMENTS AND LIMITATIONS.—Section 1035 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 851; 10 U.S.C. 801 note) is repealed.

SEC. 1035. COMPREHENSIVE DETENTION STRATEGY.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Attorney General and the Director of National Intelligence, submit to the congressional defense committees a report setting forth the details of a comprehensive strategy for the detention of current and future individuals captured and held pursuant to the Authorization for Use of Military Force (Public Law 107–40) pending the end of hostilities.

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

(1) The specific facility or facilities that are intended to be used, or modified to be used, to hold individuals for purpose of trial and incarceration after conviction or detention and interrogation pursuant to the law of armed conflict.

(2) The estimated costs associated with the detention of individuals detained for purpose of trial, incarceration after conviction, or continued detention under the law of armed conflict, including the costs of—

(A) improvements, additions, or changes to each facility specified pursuant to paragraph (1);

(B) construction of new facilities, if any;

(C) maintenance, operation, and sustainment of any such facility;

(D) security;

(E) military, civilian, and contractor support personnel;

and

(F) other matters associated with support of detention operations.

(3) A plan for the disposition of such individuals if the authority to continue detaining an individual pursuant to the law of armed conflict were to expire while such individual is being detained, and an assessment of possible actions that could be taken to mitigate any adverse implications of such a scenario to the national security interests of the United States.

(4) A plan for the disposition of individuals held pursuant to the Authorization for Use of Military Force who are currently detained at the United States Naval Base, Guantanamo Bay, Cuba.

(5) A plan for the disposition of future detainees held pursuant to the Authorization for Use of Military Force.

(6) The additional authorities, if any, necessary to detain an individual pursuant to the law of armed conflict as an unprivileged enemy belligerent pursuant to the Authorization for Use of Military Force pending the end of hostilities or a future determination by the Secretary of Defense that such individual no longer requires continued detention.

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

SEC. 1036. PROHIBITION ON USE OF FUNDS FOR REALIGNMENT OF FORCES AT OR CLOSURE OF UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) PROHIBITION ON USE OF FUNDS.—No amounts authorized to be appropriated or otherwise made available for the Department of Defense for fiscal year 2016 may be used—

(1) to close or abandon United States Naval Station, Guantanamo Bay, Cuba;

(2) to relinquish control of Guantanamo Bay to the Republic of Cuba; or

(3) to implement a material modification to the Treaty Between the United States of America and Cuba signed at Washington, D.C. on May 29, 1934 that constructively closes United States Naval Station, Guantanamo Bay.

(b) REPORT.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth an assessment of the military implications of United States Naval Station Guantanamo Bay, Cuba.

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

(A) An historical analysis of the use and significance of the basing at United States Naval Station, Guantanamo Bay.

(B) A description of the personnel, resources, and base operations based out of United States Naval Station, Guantanamo Bay, as of the date of the enactment of this Act.

(C) An assessment of the role of United States Naval Station, Guantanamo Bay, in support of the National Security Strategy, the National Defense Strategy, and the National Military Strategy.

(D) An assessment of the missions and military requirements that United States Naval Station, Guantanamo Bay, currently supports.

(E) A description of the uses of United States Naval Station, Guantanamo Bay, by other departments and agencies of the United States Government.

(F) Any other matters the Secretary considers appropriate.

SEC. 1037. REPORT ON CURRENT DETAINEES AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, DETERMINED OR ASSESSED TO BE HIGH RISK OR MEDIUM RISK.

(a) **REPORT REQUIRED.**—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees and members of Congress a report setting forth a list of the individuals detained at Guantanamo as of the date of the enactment of this Act who have been determined or assessed by Joint Task Force Guantanamo, at any time before the date of the report, to be a high-risk or medium-risk threat to the United States, its interests, or its allies.

(b) **ELEMENTS.**—The report under subsection (a) shall set forth, for each individual covered by the report, the following:

(1) The name and country of origin.

(2) The date on which first designated or assessed as a high-risk or medium-risk threat to the United States, its interests, or its allies, and an assessment of the justification for the designation or assessment.

(3) Whether, as of the date of the report, currently designated or assessed as a high-risk or medium-risk threat to the United States, its interests, or its allies.

(4) If the designation or assessment changed between the date specified pursuant to paragraph (2) and the date of the report—

(A) the new designation or assessment to which changed;

(B) the year and month in which the designation or assessment changed; and

(C) information on, and a justification for, the change in designation or assessment.

(5) To the extent practicable, without jeopardizing intelligence sources and methods—

(A) prior actions in support of terrorism, hostile actions against the United States or its allies, gross violations of human rights, and other violations of international law; and

(B) any affiliations with al Qaeda, al Qaeda affiliates, or other terrorist groups.

(c) **FORM.**—The report under subsection (a) shall be submitted in unclassified form to the maximum extent practicable, but may include a classified annex.

(d) **DEFINITIONS.**—In this section:

(1) The term “appropriate committees and members of Congress” means—

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

(B) the Majority Leader and the Minority Leader of the Senate;

(C) the Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(D) the Speaker of the House of Representatives and the Minority Leader of the House of Representatives.

(2) The term “individual detained at Guantanamo” means any individual located at United States Naval Station, Guantanamo Bay, Cuba, as of October 1, 2009, who—

(A) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(B) is—

(i) in the custody or under the control of the Department of Defense; or

(ii) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

SEC. 1038. REPORTS TO CONGRESS ON CONTACT BETWEEN TERRORISTS AND INDIVIDUALS FORMERLY DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) IN GENERAL.—Section 319(c) of the Supplemental Appropriations Act, 2009 (Public Law 111–32; 123 Stat. 1874; 10 U.S.C. 801 note) is amended by adding at the end the following new paragraph:

“(6) A summary of all known contact between any individual formerly detained at Naval Station Guantanamo Bay and any individual known or suspected to be associated with a foreign terrorist group, which contact included information or discussion about planning for or conduct of hostilities against the United States or its allies or the organizational, logistical, or resource needs or activities of any terrorist group or activity.”

10 USC 801 note.

(b) RULE OF CONSTRUCTION.—Nothing in the amendment made by subsection (a) shall be construed to terminate, alter, modify, override, or otherwise affect any reporting of information required under section 319(c) of the Supplemental Appropriations Act, 2009 before the date of the enactment of this section.

SEC. 1039. INCLUSION IN REPORTS TO CONGRESS OF INFORMATION ABOUT RECIDIVISM OF INDIVIDUALS FORMERLY DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

Section 319(c) of the Supplemental Appropriations Act, 2009 (Public Law 111–32; 123 Stat. 1874; 10 U.S.C. 801 note), as amended by section 1038, is further amended by adding at the end the following new paragraphs:

“(7) For each individual described in paragraph (4), the date on which such individual was released or transferred from Naval Station Guantanamo Bay and the date on which it is confirmed that such individual is suspected or confirmed of reengaging in terrorist activities.

“(8) The average period of time described in paragraph (7) for all the individuals described in paragraph (4).”

SEC. 1040. REPORT TO CONGRESS ON TERMS OF WRITTEN AGREEMENTS WITH FOREIGN COUNTRIES REGARDING TRANSFER OF DETAINEES AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) **REPORT REQUIRED.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall jointly submit to the appropriate committees of Congress a report describing the terms of any written agreement between the United States Government and the government of the foreign country concerned regarding each individual detained at Guantanamo who was transferred to a foreign country pursuant to a negotiated transfer.

(2) **STATEMENT ON LACK OF WRITTEN AGREEMENT.**—If an individual detained at Guantanamo was transferred to a foreign country pursuant to a negotiated transfer and no written agreement exists between the United States Government and the government of the foreign country regarding the transfer of such individual, the report under paragraph (1) shall include an unclassified statement of that fact.

(3) **ARRANGEMENTS WHEN LACK OF WRITTEN AGREEMENT.**—The report under paragraph (1) shall also provide a description of the types and frequency of arrangements or assurances applicable to negotiated transfers covered by paragraph (2).

(4) **FORM.**—The report under paragraph (1) may be submitted in classified form, except as provided in paragraph (2).

(b) **DEFINITIONS.**—In this section:

(1) The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) The term “individual detained at Guantanamo” means any individual located at United States Naval Station, Guantanamo Bay, Cuba, as of October 1, 2009, who—

(A) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(B) is—

(i) in the custody or under the control of the Department of Defense; or

(ii) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

SEC. 1041. REPORT ON USE OF UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, AND OTHER DEPARTMENT OF DEFENSE OR BUREAU OF PRISONS PRISONS OR DETENTION OR DISCIPLINARY FACILITIES IN RECRUITMENT OR OTHER PROPAGANDA OF TERRORIST ORGANIZATIONS.

Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Director of National Intelligence, submit to Congress a report on the use by terrorist organizations and their leaders of images and symbols relating to United States Naval Station, Guantanamo

Bay, Cuba, and any other Department of Defense or Bureau of Prisons prison or other detention or disciplinary facility for recruitment and other propaganda purposes. The report shall include the following:

(1) a description of the use by terrorist organizations and their leaders of images and symbols relating to United States Naval Station, Guantanamo Bay, and any other Department of Defense or Bureau of Prisons prison or other detention or disciplinary facility for recruitment or other propaganda purposes.

(2) A description and assessment of—

(A) the effectiveness of the use of such images and symbols for recruitment and other propaganda purposes during the period beginning on September 11, 2001, and ending on the date of the report; and

(B) the extent to which such images and symbols continue to be used for recruitment or other propaganda purposes.

(3) A description and assessment of the efforts of the United States Government to counter the use of such images and symbols for recruitment and other propaganda purposes and to disseminate accurate information about such facilities.

SEC. 1042. PERMANENT AUTHORITY TO PROVIDE REWARDS THROUGH GOVERNMENT PERSONNEL OF ALLIED FORCES AND CERTAIN OTHER MODIFICATIONS TO DEPARTMENT OF DEFENSE PROGRAM TO PROVIDE REWARDS.

(a) **IN GENERAL.**—Subsection (c)(3) of section 127b of title 10, United States Code, is amended—

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

(2) by striking subparagraphs (C) and (D).

(b) **MODIFICATION OF REPORTING REQUIREMENTS.**—Subsection (f)(2) of such section is amended—

(1) by striking subparagraph (D);

(2) by redesignating subparagraphs (E), (F), and (G), as subparagraphs (D), (E), and (F), respectively; and

(3) in subparagraph (D), as redesignated by paragraph (2), by inserting before the period at the end the following: “, including in which countries the program is being operated”.

(c) **REPORT ON DESIGNATION OF COUNTRIES FOR WHICH REWARDS MAY BE PAID.**—Such section is further amended by adding at the end the following new subsection:

“(h) **REPORT ON DESIGNATION OF COUNTRIES FOR WHICH REWARDS MAY BE PAID.**—Not later than 15 days after the date on which the Secretary designates a country as a country in which an operation or activity of the armed forces is occurring in connection with which rewards may be paid under this section, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the designation. Each report shall include the following:

“(1) The country so designated.

“(2) The reason for the designation of the country.

“(3) A justification for the designation of the country for purposes of this section.”

(d) **CLERICAL AMENDMENTS.**—

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

“§ 127b. Department of Defense rewards program”.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 3 of such title is amended by striking the item relating to section 127b and inserting the following new item:

10 USC 121 prec.

“127b. Department of Defense rewards program.”.

SEC. 1043. SUNSET ON EXCEPTION TO CONGRESSIONAL NOTIFICATION OF SENSITIVE MILITARY OPERATIONS.

Section 130f(e) of title 10, United States Code, is amended—

(1) by inserting “(1)” before “The notification”; and

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

“(2) The exception in paragraph (1) shall cease to be in effect at the close of December 31, 2017.”.

SEC. 1044. REPEAL OF SEMIANNUAL REPORTS ON OBLIGATION AND EXPENDITURE OF FUNDS FOR THE COMBATING TERRORISM PROGRAM.

Section 229 of title 10, United States Code, is amended—

(1) by striking subsection (d); and

(2) by redesignating subsection (e) as subsection (d).

SEC. 1045. LIMITATION ON INTERROGATION TECHNIQUES.

42 USC
2000dd–2.

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

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

(2) RESTRICTION.—

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

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

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

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

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

(4) AGENCIES OTHER THAN THE DEPARTMENT OF DEFENSE.—If a process required by Army Field Manual 2–22.3, such as a requirement of approval by a specified Department of Defense official, is inapposite to a department or an agency other than the Department of Defense, the head of such department or

agency shall ensure that a process that is substantially equivalent to the process prescribed by Army Field Manual 2–22.3 for the Department of Defense is utilized by all officers, employees, or other agents of such department or agency.

(5) INTERROGATION BY FEDERAL LAW ENFORCEMENT.—The limitations in this subsection shall not apply to officers, employees, or agents of the Federal Bureau of Investigation, the Department of Homeland Security, or other Federal law enforcement entities.

(6) UPDATE OF THE ARMY FIELD MANUAL.—

(A) REQUIREMENT TO UPDATE.—

(i) IN GENERAL.—Not sooner than three years after the date of the enactment of this Act, and once every three years thereafter, the Secretary of Defense, in consultation with the Attorney General, the Director of the Federal Bureau of Investigation, and the Director of National Intelligence, shall complete a thorough review of Army Field Manual 2–22.3, and revise Army Field Manual 2–22.3, as necessary to ensure that Army Field Manual 2–22.3 complies with the legal obligations of the United States and the practices for interrogation described therein do not involve the use or threat of force.

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

(B) REPORT ON BEST PRACTICES OF INTERROGATIONS.—

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

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

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

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

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

operated, or effectively controlled by a department, agency, contractor, or subcontractor of the United States Government, consistent with Department of Defense regulations and policies.

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

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

or

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

Subtitle E—Miscellaneous Authorities and Limitations

SEC. 1051. DEPARTMENT OF DEFENSE EXCESS PROPERTY PROGRAM.

(a) WEBSITE REQUIRED.—Section 2576a of title 10, United States Code, is amended by adding at the end the following new subsection:

“(e) PUBLICLY ACCESSIBLE WEBSITE.—(1) The Secretary shall create and maintain a publicly available Internet website that provides information on the controlled property transferred under this section and the recipients of such property.

“(2) The contents of the Internet website required under paragraph (1) shall include all publicly accessible unclassified information pertaining to the request, transfer, denial, and repossession of controlled property under this section, including—

“(A) a current inventory of all controlled property transferred to Federal and State agencies under this section, listed by the name of the recipient and the year of the transfer;

“(B) all pending requests for transfers of controlled property under this section, including the information submitted by the Federal and State agencies requesting such transfers; and

“(C) all reports required to be submitted to the Secretary under this section by Federal and State agencies that receive controlled property under this section.”

(b) CONDITIONS FOR TRANSFER.—Subsection (b) of such section is amended—

(1) in paragraph (3), by striking “and” at the end;

(2) in paragraph (4), by striking the period and inserting “; and”; and

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

“(5) the recipient, on an annual basis, and with the authorization of the relevant local governing body or authority, certifies that it has adopted publicly available protocols for the appropriate use of controlled property, the supervision of such use, and the evaluation of the effectiveness of such use, including auditing and accountability policies; and

“(6) after the completion of the assessment required by section 1051(e) of the National Defense Authorization Act for Fiscal Year 2016, the recipient, on an annual basis, certifies that it provides annual training to relevant personnel on the

maintenance, sustainment, and appropriate use of controlled property.”.

(c) DEFINITION OF CONTROLLED PROPERTY.—Such section is further amended by adding at the end the following new subsection:

“(f) CONTROLLED PROPERTY.—In this section, the term ‘controlled property’ means any item assigned a demilitarization code of B, C, D, E, G, or Q under Department of Defense Manual 4160.21–M, ‘Defense Materiel Disposition Manual’, or any successor document.”.

(d) EXAMINATION OF TRAINING REQUIREMENTS.—The Secretary of Defense shall enter into an agreement with a federally funded research and development center for the conduct of an assessment of the Department of Defense excess property program under section 2576a of title 10, United States Code, as amended by this section. Such assessment shall include—

(1) an evaluation of the policies and controls governing the determination of the suitability of recipients of controlled property transferred under the program, including specific recommendations relating to the training that Federal and State agencies that receive such property should receive, at no cost to the Department of Defense, to ensure proficiency in the use, maintenance, and sustainment of such property; and

(2) an analysis of reported statistics on controlled property transfers, the incidence of controlled property that is unaccounted for, and the effectiveness of the policies and procedures governing the return of controlled property transferred under the program to the Department of Defense.

(e) ONE-YEAR MANDATORY USE POLICY ASSESSMENT.—The Secretary of Defense shall enter into an agreement with a federally funded research and development center for the conduct of an assessment of the Department of Defense excess property program under section 2576a of title 10, United States Code, as amended by this section, to determine if the requirement that all controlled property transferred under the program be used within one year of being transferred is achieving its intended effect. Such assessment shall include recommendations on process improvement, including legislative proposals.

(f) COMPTROLLER GENERAL ASSESSMENT.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall conduct an assessment of the Department of Defense excess property program under section 2576a of title 10, United States Code, as amended by this section. Such assessment shall include—

(1) an evaluation of the transfer of controlled property under the program, including the manner in which the property was used by Federal and State agencies and the effectiveness of the Internet website required under subsection (e) of section 2576a of title 10, United States Code, as added by subsection (a), in providing transparency to the public; and

(2) a determination of whether the transfer of property under the program enhances the ability of Federal and State agencies to carry out counter-drug and counter-terrorism activities in accordance with the purposes of the program as set forth in section 2576a of title 10, United States Code.

SEC. 1052. SALE OR DONATION OF EXCESS PERSONAL PROPERTY FOR BORDER SECURITY ACTIVITIES.

Section 2576a of title 10, United States Code, as amended by section 1051 is further amended—

(1) in subsection (a)—

(A) in paragraph (1)(A), by striking “counter-drug and counter-terrorism activities” and inserting “counterdrug, counterterrorism, and border security activities”; and

(B) in paragraph (2), by striking “the Attorney General and the Director of National Drug Control Policy” and inserting “the Attorney General, the Director of National Drug Control Policy, and the Secretary of Homeland Security, as appropriate”; and

(2) in subsection (d), by striking “counter-drug or counterterrorism activities” and inserting “counterdrug, counterterrorism, or border security activities”.

SEC. 1053. MANAGEMENT OF MILITARY TECHNICIANS.

10 USC 10216
note.

(a) **CONVERSION OF CERTAIN MILITARY TECHNICIAN (DUAL STATUS) POSITIONS TO CIVILIAN POSITIONS.—**

(1) **IN GENERAL.—**The Secretary of Defense shall convert not fewer than 20 percent of the positions described in paragraph (2) as of January 1, 2017, from military technician (dual status) positions to positions filled by individuals who are employed under section 3101 of title 5, United States Code, and are not military technicians.

(2) **COVERED POSITIONS.—**The positions described in this paragraph are military technician (dual status) positions as follows:

(A) Military technician (dual status) positions identified as general administration, clerical, finance, and office service occupations in the report of the Secretary of Defense under section 519 of the National Defense Authorization Act for Fiscal Year 2011 (Public Law 112–81; 125 Stat. 1397).

(B) Such other military technician (dual status) positions as the Secretary shall specify for purposes of this subsection.

(3) **TREATMENT OF INCUMBENTS.—**In the case of a position converted under paragraph (1) for which there is an incumbent employee, the Secretary may fill that position, as converted, with the incumbent employee without regard to any requirement concerning competition or competitive hiring procedures.

(b) **PHASED-IN TERMINATION OF ARMY RESERVE, AIR FORCE RESERVE, AND NATIONAL GUARD NON-DUAL STATUS TECHNICIANS.—**

(1) **IN GENERAL.—**Section 10217 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(e) **PHASED-IN TERMINATION OF POSITIONS.—**(1) No individual may be newly hired or employed, or rehired or reemployed, as a non-dual status technician for the purposes of this section after December 31, 2016.

“(2) Commencing January 1, 2017, the maximum number of non-dual status technicians employable by the Army Reserve and by the Air Force Reserve shall be reduced from the number otherwise provided by subsection (c)(1) by one for each individual who retires, is separated from, or otherwise ceases service as a non-

dual status technician of the Army Reserve or the Air Force Reserve, as the case may be, after such date until the maximum number of non-dual status technicians employable by the Army Reserve or the Air Force Reserve, as the case may be, is zero.

“(3) Commencing January 1, 2017, the maximum number of non-dual status technicians employable by the National Guard shall be reduced from the number otherwise provided by subsection (c)(2) by one for each individual who retires, is separated from, or otherwise ceases service as a non-dual status technician of the National Guard after such date until the maximum number of non-dual status technicians employable by the National Guard is zero.

“(4) Any individual newly hired or employed, or rehired or employed, to a position required to be filled by reason of the amendment made by paragraph (1) shall be an individual employed in such position under section 3101 of title 5, and may not be a military technician.

“(5) Nothing in this subsection shall be construed to terminate the status as a non-dual status technician under this section after December 31, 2016, of any individual who is a non-dual status technician for the purposes of this section on that date.”

(2) REPORT ON PHASED-IN TERMINATIONS.—Not later than February 1, 2016, the Secretary of Defense shall submit to Congress a report setting forth a plan for implementing the amendment made by paragraph (1).

SEC. 1054. LIMITATION ON TRANSFER OF CERTAIN AH-64 APACHE HELICOPTERS FROM ARMY NATIONAL GUARD TO REGULAR ARMY AND RELATED PERSONNEL LEVELS.

Section 1712 of the National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3668) is amended—

(1) in subsection (b), by striking “March 31, 2016” and inserting “June 30, 2016”; and

(2) in subsection (e), by striking “March 31, 2016” and inserting “June 30, 2016” both places it appears.

SEC. 1055. AUTHORITY TO PROVIDE TRAINING AND SUPPORT TO PERSONNEL OF FOREIGN MINISTRIES OF DEFENSE.

(a) AUTHORITY.—Section 1081 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 10 U.S.C. 168 note), as amended by section 1047 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3494), is further amended—

(1) by redesignating subsections (b) through (e) as subsections (c) through (f), respectively; and

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

“(b) TRAINING OF PERSONNEL OF FOREIGN MINISTRIES WITH SECURITY MISSIONS.—

“(1) IN GENERAL.—The Secretary of Defense may, with the concurrence of the Secretary of State, carry out a program to provide training and associated training support services to personnel of foreign ministries of defense (or ministries with security force oversight) or regional organizations with security missions—

“(A) for the purpose of—

“(i) enhancing civilian oversight of foreign security forces;

“(ii) establishing responsible defense governance and internal controls in order to help build effective, transparent, and accountable defense institutions;

“(iii) assessing organizational weaknesses and establishing a roadmap for addressing shortfalls; and

“(iv) enhancing ministerial, general or joint staff, or service level core management competencies; and

“(B) for such other purposes as the Secretary considers appropriate, consistent with the authority in subsection (a).

“(2) NOTICE TO CONGRESS.—Each fiscal year quarter, the Secretary of Defense shall submit to the appropriate committees of Congress a report on activities under the program under paragraph (1) during the preceding fiscal year quarter. Each report shall include, for the fiscal year quarter covered by such report, the following:

“(A) A list of activities under the program.

“(B) A list of any organization described in paragraph (1) to which the Secretary assigned employees under the program, including the number of such employees so assigned, the duration of each assignment, a brief description of each assigned employee’s activities, and a statement of the cost of each assignment.

“(C) A comprehensive justification of any activities conducted pursuant to paragraph (1)(B).”

(b) TERMINATION OF AUTHORITY.—Subsection (c) of such section, as redesignated by subsection (a)(1) of this section, is amended in paragraph (1) by striking “of the Secretary of Defense” and all that follows and inserting “in this section terminates at the close of December 31, 2017.”

(c) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (a), by inserting “MINISTRY OF DEFENSE ADVISOR” before “AUTHORITY”;

(2) in subsections (d) and (e), as redesignated by subsection (a)(1) of this section, by striking “the Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and Foreign Affairs of the House of Representatives” and inserting “the appropriate committees of Congress”; and

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

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

“(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

“(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.”

(d) CLERICAL AND CONFORMING AMENDMENT TO SECTION HEADING TO REFLECT NAME OF PROGRAM.—

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

“SEC. 1081. DEFENSE INSTITUTION CAPACITY BUILDING PROGRAM.”

(2) CLERICAL AMENDMENT.—The table of contents in section 2(b) of such Act is amended by striking the item relating to section 1081 and inserting the following new item:

“Sec. 1081. Defense Institution Capacity Building Program.”

10 USC 2358
note.

SEC. 1056. INFORMATION OPERATIONS AND ENGAGEMENT TECHNOLOGY DEMONSTRATIONS.

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

(1) military information support operations are a critical component of the efforts of the Department of Defense to provide commanders with capabilities to shape the operational environment;

(2) military information support operations are integral to armed conflict and therefore the Secretary of Defense has broad latitude to conduct military information support operations;

(3) the Secretary of Defense should develop creative and agile concepts, technologies, and strategies across all available media to most effectively reach target audiences, to counter and degrade the ability of adversaries and potential adversaries to persuade, inspire, and recruit inside areas of hostilities or in other areas in direct support of the objectives of commanders; and

(4) the Secretary of Defense should request additional funds in future budgets to carry out military information support operations to support the broader efforts of the Government to counter violent extremism.

(b) TECHNOLOGY DEMONSTRATIONS REQUIRED.—To support the ability of the Department of Defense to provide innovative operational concepts and technologies to shape the informational environment, the Secretary of Defense shall carry out a series of technology demonstrations, subject to the availability of funds for such purpose or to a prior approval reprogramming, to assess innovative new technologies for information operations and information engagement to support the operational and strategic requirements of the commanders of the geographic and functional combatant commands, including the urgent and emergent operational needs and the operational and theater campaign plans of such combatant commanders to further the national security objectives and strategic communications requirements of the United States.

(c) PLAN.—By not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall provide to the congressional defense committees a plan describing how the Department of Defense will execute the technology demonstrations required under subsection (b). Such plan shall include each of the following elements:

(1) A general timeline for conducting the technology demonstrations.

(2) Clearly defined goals and endstate objectives for the demonstrations, including traceability of such goals to the tactical, operational, or strategic requirements of the combatant commanders.

(3) A process for measuring the performance and effectiveness of the demonstrations.

(4) A coordination structure to include participation between the technology development and the operational communities, including potentially joint, interagency, intergovernmental, and multinational partners.

(5) The identification of potential technologies to support the tactical, operational, or strategic needs of the combatant commanders.

(6) An explanation of how such technologies will support and coordinate with elements of joint, interagency, intergovernmental, and multinational partners.

(d) CONGRESSIONAL NOTICE.—Upon initiating a technology demonstration under subsection (b), the Secretary of Defense shall submit to the congressional defense committees written notice of the demonstration that includes a detailed description of the demonstration, including its purpose, cost, engagement medium, targeted audience, and any other details the Secretary of Defense believes will assist the committees in evaluating the demonstration.

(e) TERMINATION.—The authority to carry out a technology demonstration under this section shall terminate on September 30, 2022.

(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit or alter any authority under which the Department of Defense supports information operations activities within the Department.

SEC. 1057. PROHIBITION ON USE OF FUNDS FOR RETIREMENT OF HELICOPTER SEA COMBAT SQUADRON 84 AND 85 AIRCRAFT.

(a) PROHIBITIONS.—Except as provided by subsection (b), none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2016 for the Navy may be obligated or expended to—

(1) retire, prepare to retire, transfer, or place in storage any Helicopter Sea Combat Squadron 84 (HSC–84) or Helicopter Sea Combat Squadron 85 (HSC–85) aircraft; or

(2) make any changes to manning levels with respect to any HSC–84 or HSC–85 aircraft squadron.

(b) WAIVER.—The Secretary of the Navy may waive subsection (a), if the Secretary certifies to the congressional defense committees that the Secretary has—

(1) conducted a cost-benefit analysis identifying savings to Department of the Navy regarding decommissioning or deactivation of an HSC–84 or HSC–85 squadron;

(2) identified a replacement capability that would be available if prioritized and directed by the Secretary of Defense and would meet all operational requirements, including special operational-peculiar requirements of the combatant commands, currently being met by the HSC–84 or HSC–85 squadrons and aircraft to be retired, transferred, or placed in storage; and

(3) deployed such capability.

SEC. 1058. LIMITATION ON AVAILABILITY OF FUNDS FOR DESTRUCTION OF CERTAIN LANDMINES AND REPORT ON DEPARTMENT OF DEFENSE POLICY AND INVENTORY OF ANTI-PERSONNEL LANDMINE MUNITIONS.

(a) LIMITATION.—Except as provided under subsection (b), none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2016 for the Department of Defense may be obligated or expended for the destruction of anti-personnel landmine munitions before the date on which the Secretary of Defense submits the report required by subsection (c).

(b) EXCEPTION FOR SAFETY.—The limitation under subsection (a) shall not apply to any anti-personnel landmine munitions that the Secretary determines are unsafe or could pose a safety risk if not demilitarized or destroyed.

(c) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after enactment of this Act, the Secretary of Defense shall submit to Congress a report that includes each of the following:

(A) A description of the policy of the Department of Defense regarding the use of anti-personnel landmines, including methods for commanders to seek waivers to use such munitions.

(B) A 10-year projection of the inventory levels for all anti-personnel landmine munitions that takes into account future production of anti-personnel landmine munitions, any plans for demilitarization of such munitions, the age of the munitions, storage and safety considerations, and other factors that will impact the size of the inventory.

(C) A 10-year projection for the cost to achieve the inventory levels projected in subparagraph (B), including the cost for potential demilitarization or disposal of such munitions.

(D) A 10-year projection for the cost to develop and produce new anti-personnel landmine munitions the Secretary determines are necessary to meet the demands of current operational plans.

(E) An assessment, by the Chairman of the Joint Chiefs of Staff, of the effects of the projected anti-personnel landmine inventory on current operational plans.

(F) Any other matters that the Secretary determines should be included in the report.

(2) FORM OF REPORT.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(d) ANTI-PERSONNEL LANDMINE MUNITIONS DEFINED.—In this section, the term “anti-personnel landmine munitions” includes anti-personnel landmines and sub-munitions as defined by the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, as determined by the Secretary.

10 USC 371
note prec.

SEC. 1059. DEPARTMENT OF DEFENSE AUTHORITY TO PROVIDE ASSISTANCE TO SECURE THE SOUTHERN LAND BORDER OF THE UNITED STATES.

(a) AUTHORITY TO PROVIDE ASSISTANCE.—The Secretary of Defense may provide assistance to United States Customs and Border Protection for purposes of increasing ongoing efforts to secure the southern land border of the United States.

(b) CONCURRENCE IN ASSISTANCE.—Assistance under subsection (a) shall be provided with the concurrence of the Secretary of Homeland Security.

(c) TYPES OF ASSISTANCE AUTHORIZED.—The assistance provided under subsection (a) may include the following:

(1) Deployment of members and units of the regular and reserve components of the Armed Forces to the southern land border of the United States.

(2) Deployment of manned aircraft, unmanned aerial surveillance systems, and ground-based surveillance systems to support continuous surveillance of the southern land border of the United States.

(3) Intelligence analysis support.

(d) **MATERIEL AND LOGISTICAL SUPPORT.**—The Secretary of Defense is authorized to deploy such materiel and equipment and logistics support as is necessary to ensure the effectiveness of assistance provided under subsection (a).

(e) **FUNDING.**—Of the amounts authorized to be appropriated for the Department of Defense by this Act, the Secretary of Defense may use up to \$75,000,000 to provide assistance under subsection (a).

(f) **REPORTS.**—At the end of each three-month period during which assistance is provided under subsection (a), the Secretary of Defense, in coordination with the Secretary of Homeland Security, shall submit to the congressional defense committees, the Committee on Homeland Security of the House of Representatives, and the Committee on Homeland Security and Government Affairs of the Senate a report on the provision of such assistance during that period. Each report shall include, for the period covered by the report, the following:

(1) A description of the assistance provided.

(2) A description of the sources and amounts of funds used to provide such assistance.

(3) A description of the amounts obligated to provide such assistance.

(4) An assessment of the efficacy and cost-effectiveness of such assistance in support of the Department of Homeland Security’s objectives and strategy to address the challenges on the southern land border of the United States and recommendations, if any, to enhance the effectiveness of such assistance.

Subtitle F—Studies and Reports

SEC. 1060. PROVISION OF DEFENSE PLANNING GUIDANCE AND CONTINGENCY PLANNING GUIDANCE INFORMATION TO CONGRESS.

(a) **IN GENERAL.**—Section 113(g) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(3) At the time of the budget submission by the President for a fiscal year, the Secretary of Defense shall include in the budget materials submitted to Congress for that year summaries of the guidance developed under paragraphs (1) and (2), as well as summaries of any plans developed in accordance with the guidance developed under paragraph (2). Such summaries shall be sufficient to allow the congressional defense committees to evaluate fully the requirements for military forces, acquisition programs, and operation and maintenance funding in the President’s annual budget request for the Department of Defense.”

(b) **REPORT REQUIRED.**—Notwithstanding the requirement under paragraph (3) of section 113(g) of title 10, United States Code, as added by subsection (a), that the Secretary of Defense submit summaries under that paragraph at the time of the President’s annual budget submission, by not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report containing—

(1) summaries of the guidance developed under paragraphs (1) and (2) of subsection (g) of section 113 of title 10, United States Code; and

(2) summaries of any plans developed in accordance with the guidance developed under paragraph (2) of such subsection.

SEC. 1061. EXPEDITED MEETINGS OF THE NATIONAL COMMISSION ON THE FUTURE OF THE ARMY.

Section 1702(f) of the National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291; 128 Stat. 3665) is amended by adding at the end the following new sentence: “Section 10 of the Federal Advisory Committee Act (5 U.S.C. App. I) shall not apply to a meeting of the Commission unless the meeting is attended by five or more members of the Commission.”.

SEC. 1062. MODIFICATION OF CERTAIN REPORTS SUBMITTED BY COMPTROLLER GENERAL OF THE UNITED STATES.

(a) REPORT ON NNSA BUDGET REQUESTS.—Section 3255(a)(2) of the National Nuclear Security Administration Act (50 U.S.C. 2455(a)(2)) is amended by inserting before “, the Comptroller General” the following: “in an even-numbered year, and not later than 150 days after the date on which the Administrator submits such materials in an odd-numbered year”.

(b) REPORT ON ENVIRONMENTAL MANAGEMENT.—Section 3134 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2713), as amended by section 3134(a) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239; 126 Stat. 2193), is further amended—

(1) in subsection (a), by striking “a series of three reviews, as described in subsections (b), (c), and (d),” and inserting “reviews as described in subsections (b) and (c)”;

(2) by striking subsection (d); and

(3) by redesignating subsection (e) as subsection (d).

SEC. 1063. REPORT ON IMPLEMENTATION OF THE GEOGRAPHICALLY DISTRIBUTED FORCE LAYDOWN IN THE AREA OF RESPONSIBILITY OF UNITED STATES PACIFIC COMMAND.

(a) REPORT REQUIRED.—Not later than March 1, 2016, the Secretary of Defense, in consultation with the Commander of the United States Pacific Command, shall submit to the congressional defense committees a report on Department of Defense plans for implementing the geographically distributed force laydown in the area of responsibility of United States Pacific Command.

(b) MATTERS TO BE INCLUDED.—The report required under subsection (a) shall include the following:

(1) A description of the force laydown.

(2) A discussion of how the force laydown affects the operational and contingency plans in the area of responsibility of United States Pacific Command, including a discussion on how timeliness, availability of forces, and risk in meeting the military objectives contained in those plans are affected.

(3) A discussion of the specific support asset requirements derived from the force laydown, including logistical sustainment, pre-positioned stocks, sea and air lift and, command and control.

(4) A discussion of the specific infrastructure and military construction requirements derived from the force laydown.

(5) A discussion on how Department of Defense plans to meet the requirements identified in paragraphs (3) and (4), including the ability of United States Transportation Command,

the United States Combat Logistics Force, and the Armed Forces to meet those requirements.

(6) Any other matters the Secretary of Defense determines to be appropriate.

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

SEC. 1064. INDEPENDENT STUDY OF NATIONAL SECURITY STRATEGY FORMULATION PROCESS.

(a) REQUIREMENT FOR STUDY.—The Secretary of Defense shall enter into a contract with an independent research entity described in subsection (c) to carry out a comprehensive study of the role of the Department of Defense in the formulation of national security strategy.

(b) MATTERS COVERED.—The study required by subsection (a) shall include, at a minimum, the following:

(1) Several case studies of the role of the Department of Defense and its process for the formulation of previous national security strategies in place throughout the history of the United States, with specific emphasis on the development and execution of previous strategies, as well as the factors that contributed to the development and execution of successful previous strategies with specific emphasis on—

(A) the frequency of strategy updates;

(B) the synchronization of timelines and content among different strategies;

(C) the prioritization of objectives;

(D) the assignment of roles and responsibilities among relevant agencies;

(E) the links between strategy and resourcing;

(F) the implementation of strategy within the planning documents of relevant agencies;

(G) the value of a competition of ideas; and

(H) recommendations for the executive and legislative branches on the best practices and organizational lessons learned for enabling the Department of Defense to formulate long-term defense strategy.

(2) A complete review and analysis of the current national security strategy formulation process, as it relates to the Department of Defense, including an analysis of the following:

(A) All major Government products and documents of national security strategy relevant to the Department of Defense and how they fit together, including—

(i) the National Military Strategy prepared by the Chairman of the Joint Chiefs of Staff under section 153(b)(1) of title 10, United States Code;

(ii) the most recent quadrennial defense review conducted by the Secretary of Defense pursuant to section 118 of title 10, United States Code;

(iii) the national security strategy report required under section 108 of the National Security Act of 1947 (50 U.S.C. 3043); and

(iv) any other relevant national security strategy products and documents.

(B) The time periods during which the products and documents covered by subparagraph (A) are prepared and published, and how they fit together.

(C) The interaction between the White House and the agencies that develop such products and documents and formulate strategy.

(D) All the current entities in the Federal Government that contribute to the national security strategy formulation process and how they fit together.

(c) INDEPENDENT RESEARCH ENTITY.—The entity described in this subsection is an independent research entity that is a not-for-profit entity or a federally funded research and development center with appropriate expertise and analytical capability.

(d) REPORT.—Not later than 18 months after the date of the enactment of this Act, the independent research entity shall provide to the Secretary a report on the results of the study. Not later than 90 days after receipt of the report, the Secretary shall submit such report, together with any additional views or recommendations of the Secretary, to the congressional defense committees.

SEC. 1065. REPORT ON THE STATUS OF DETECTION, IDENTIFICATION, AND DISABLEMENT CAPABILITIES RELATED TO REMOTELY PILOTED AIRCRAFT.

Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report addressing the suitability of existing capabilities to detect, identify, and disable remotely piloted aircraft operating within special use and restricted airspace. The report shall include the following:

(1) An assessment of the degree to which existing capabilities to detect, identify, and potentially disable remotely piloted aircraft within special use and restricted airspace are able to be deployed and combat prevailing threats.

(2) An assessment of existing gaps in capabilities related to the detection, identification, or disablement of remotely piloted aircraft within special use and restricted airspace.

(3) A plan that outlines the extent to which existing research and development programs within the Department of Defense can be leveraged to fill identified capability gaps and/or the need to establish new programs to address such gaps as are identified pursuant to paragraph (2).

SEC. 1066. REPORT ON OPTIONS TO ACCELERATE THE TRAINING OF PILOTS OF REMOTELY PILOTED AIRCRAFT.

Not later than February 1, 2016, the Secretary of the Air Force shall submit to the congressional defense committees a report addressing the immediate and critical training and operational needs of the remotely piloted aircraft community. The report shall include the following:

(1) An assessment of the viability of using non-rated, civilian, contractor, or enlisted pilots to execute remotely piloted aircraft missions.

(2) An assessment of the availability and existing utilization of special use airspace available for remotely piloted aircraft training and a plan for accessing additional special use airspace in order to meet anticipated training requirements for remotely piloted aircraft.

(3) A comprehensive training plan aimed at increasing the throughput of undergraduate remotely piloted aircraft training without sacrificing quality and standards.

(4) Establishment of an optimum ratio for the mix of training airframes to operational airframes in the remotely piloted aircraft inventory necessary to achieve manning requirements for pilots and sensor operators and, to the extent practicable, a plan for fielding additional remotely piloted aircraft airframes at the formal training units in the active, National Guard, and reserve components in accordance with optimum ratios for MQ–9 and Global Hawk remotely piloted aircraft.

(5) Establishment of optimum and minimum crew ratios to combat air patrols taking into account all tasks remotely piloted aircraft units execute and, to the extent practicable, a plan for conducting missions in accordance with optimum ratios.

(6) Identification of any resource, legislative, or departmental policy challenges impeding the corrective action needed to reach a sustainable remotely piloted aircraft operations tempo.

(7) An assessment, to the extent practicable, of the direct and indirect impacts that the integration of remotely piloted aircraft into the national airspace system has on the ability to generate remotely piloted aircraft crews.

(8) Any other matters the Secretary determines appropriate.

SEC. 1067. STUDIES OF FLEET PLATFORM ARCHITECTURES FOR THE NAVY.

(a) INDEPENDENT STUDIES.—

(1) IN GENERAL.—The Secretary of Defense shall provide for the performance of three independent studies of alternative future fleet platform architectures for the Navy in the 2030 timeframe.

(2) SUBMISSION TO CONGRESS.—Not later than April 1, 2016, the Secretary shall submit the results of each study to the congressional defense committees.

(3) FORM.—Each such study shall be submitted in unclassified form, but may contain a classified annex as necessary.

(b) ENTITIES TO PERFORM STUDIES.—The Secretary of Defense shall provide for the studies under subsection (a) to be performed as follows:

(1) One study shall be performed by the Department of the Navy and shall include participants from—

(A) the Office of Net Assessment within the Office of the Secretary of Defense; and

(B) the Naval Surface Warfare Center Dahlgren Division.

(2) The second study shall be performed by a federally funded research and development center.

(3) The final study shall be conducted by an independent, non-governmental institute which is described in section 501(c)(3) of the Internal Revenue Code of 1986, and exempt from tax under section 501(a) of such Code, and has recognized credentials and expertise in national security and military affairs.

(c) PERFORMANCE OF STUDIES.—

(1) INDEPENDENT PERFORMANCE.—The Secretary of Defense shall require the three studies under this section to be conducted independently of each other.

(2) **MATTERS TO BE CONSIDERED.**—In performing a study under this section, the organization performing the study, while being aware of the current and projected fleet platform architectures, shall not be limited by the current or projected fleet platform architecture and shall consider the following matters:

(A) The National Security Strategy of the United States.

(B) Potential future threats to the United States and to United States naval forces in the 2030 timeframe.

(C) Traditional roles and missions of United States naval forces.

(D) Alternative roles and missions for United States naval forces.

(E) Other government and non-government analyses that would contribute to the study through variations in study assumptions or potential scenarios.

(F) The role of evolving technology on future naval forces, including unmanned systems.

(G) Opportunities for reduced operation and sustainment costs.

(H) Current and projected capabilities of other United States armed forces that could affect force structure capability and capacity requirements of United States naval forces.

(d) **STUDY RESULTS.**—The results of each study under this section shall—

(1) present the alternative fleet platform architectures considered, with assumptions and possible scenarios identified for each;

(2) provide for presentation of minority views of study participants; and

(3) for the recommended architecture, provide—

(A) the numbers, kinds, and sizes of vessels, the numbers and types of associated manned and unmanned vehicles, and the basic capabilities of each of those platforms;

(B) other information needed to understand that architecture in basic form and the supporting analysis;

(C) deviations from the current Annual Long-Range Plan for Construction of Naval Vessels required under section 231 of title 10, United States Code;

(D) options to address ship classes that begin decommissioning prior to 2035; and

(E) implications for naval aviation, including the future carrier air wing and land-based aviation platforms.

SEC. 1068. REPORT ON STRATEGY TO PROTECT UNITED STATES NATIONAL SECURITY INTERESTS IN THE ARCTIC REGION.

(a) **REPORT ON STRATEGY REQUIRED.**—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that sets forth an updated military strategy for the protection of United States national security interests in the Arctic region.

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

(1) A description of United States military interests in the Arctic region.

(2) A description of operational plans and military requirements for the protection of United States national security interests in the Arctic region, including United States citizens, territory, freedom of navigation, and economic and trade interests.

(3) An identification of any operational seams and a plan to enhance unity of effort among the combatant commands with responsibility for the Arctic region, as well as among the Armed Forces.

(4) A description of the security environment in the Arctic region, including the activities of foreign nations operating within the Arctic region.

(5) A description of United States military capabilities required to implement the strategy required by subsection (a).

(6) An identification of any capability gaps and resource gaps, including in installations, infrastructure, communications and domain awareness, and personnel in the Arctic region, that would impact the implementation of the strategy required by subsection (a) or the execution of any associated operational plan, and a mitigation plan to address such gaps.

(7) An assessment of military-to-military cooperation with partner nations that have mutual security interests in the Arctic region, including opportunities for sharing installations and maintenance facilities.

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

SEC. 1069. COMPTROLLER GENERAL BRIEFING AND REPORT ON MAJOR MEDICAL FACILITY PROJECTS OF DEPARTMENT OF VETERANS AFFAIRS.

(a) BRIEFING.—Not later than 270 days after the date of the enactment of this Act, the Comptroller General of the United States shall provide to the appropriate committees of Congress a briefing on the administration and oversight by the Department of Veterans Affairs of contracts for the design and construction of major medical facility projects, as defined in section 8104(a)(3)(A) of title 38, United States Code.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to the appropriate committees of Congress a report on the administration and oversight described in subsection (a).

(c) ELEMENTS.—The briefing required by subsection (a) and the report required by subsection (b) shall each include an examination of the following:

(1) The processes used by the Department for overseeing and assuring the performance of construction design and construction contracts for major medical facility projects, as so defined.

(2) Any actions taken by the Department to improve the administration of such contracts.

(3) Such opportunities for further improvement of the administration of such contracts as the Comptroller General considers appropriate.

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

(1) the Committee on Veterans’ Affairs and the Subcommittee on Military Construction, Veterans Affairs, and

Related Agencies of the Committee on Appropriations of the Senate; and

(2) the Committee on Veterans' Affairs and the Subcommittee on Military Construction, Veterans Affairs and Related Agencies of the Committee on Appropriations of the House of Representatives.

SEC. 1070. SUBMITTAL TO CONGRESS OF MUNITIONS ASSESSMENTS.

(a) **REQUIRED REPORTS.**—Not later than March 1, 2016, and annually thereafter, the Secretary of Defense shall submit to the congressional defense committees each of the following:

(1) The most current munitions assessments, as defined by Department of Defense Instruction Number 3000.04, relating to the Department of Defense munitions process.

(2) The most current sufficiency assessments, as defined by such Department of Defense Instruction.

(3) The most current approved memorandum of the Joint Requirements Oversight Council resulting from the munitions requirements process.

(b) **SUNSET.**—The requirement to submit reports and assessments under this section shall terminate on the date that is two years after the date of the enactment of this Act.

SEC. 1071. POTENTIAL ROLE FOR UNITED STATES GROUND FORCES IN THE WESTERN PACIFIC THEATER.

(a) **GENERAL ASSESSMENT REQUIRED.**—

(1) **IN GENERAL.**—The Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall jointly conduct a comprehensive assessment of potential roles for United States ground forces in the western Pacific in cooperation with host nations to deter and defeat aggression in the western Pacific region.

(2) **CAPABILITIES TO BE EXAMINED.**—The Secretary and the Chairman shall assess the feasibility and potential effectiveness of mobile United States ground forces operating jointly to facilitate—

(A) anti-access and area-denial capabilities in contested sea lanes and airspace;

(B) air defense capabilities;

(C) electronic countermeasures capabilities;

(D) command, control, communications, and logistics capabilities;

(E) littoral defenses; and

(F) any other capabilities the Secretary and Chairman determine to be appropriate.

(b) **COMPLETION DATE.**—The assessment required by this section shall be completed by not later than one year after the date of the enactment of this Act.

(c) **BRIEFING OF CONGRESS.**—Upon the completion of the assessments required by this section, the Secretary and the Chairman shall provide a briefing on the assessment to the Committees on Armed Services of the Senate and House of Representatives.

SEC. 1072. REPEAL OR REVISION OF REPORTING REQUIREMENTS RELATED TO MILITARY PERSONNEL ISSUES.

(a) **REPORT ON FOREIGN LANGUAGE PROFICIENCY INCENTIVE PAY.**—Section 316a of title 37, United States Code, as amended by section 615(5) of this Act, is amended—

(1) by striking subsection (f); and
 (2) by redesignating subsection (g) as subsection (f).

(b) REPORT ON USE OF WAIVER AUTHORITY FOR MILITARY SERVICE ACADEMY APPOINTMENTS.—Section 553 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 10 U.S.C. 4346 note) is amended—

(1) by striking subsection (e); and
 (2) by redesignating subsection (f) as subsection (e).

(c) REPORT ON INCREASE IN JUNIOR RESERVE OFFICERS’ TRAINING CORPS UNITS.—Subsection (e) of section 548 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4466) is repealed.

10 USC 2031
 note.

(d) REPORT ON IMPLEMENTATION OF YELLOW RIBBON RE-INTEGRATION PROGRAM.—

(1) REPORTING REQUIREMENT.—Section 582(e) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 10101 note) is amended by striking paragraph (4).

(2) CONFORMING REPEAL.—Section 597 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 10 U.S.C. 10101 note) is repealed.

(e) REPORT ON STANDARDS OF FACILITIES.—Section 1648 of the Wounded Warrior Act (title XVI of Public Law 110–181; 10 U.S.C. 1071 note) is amended by striking subsection (f).

(f) REPORT ON INSPECTIONS OF FACILITIES.—Section 1662 of the Wounded Warrior Act (title XVI of Public Law 110–181; 10 U.S.C. 1071 note) is amended—

(1) by striking “(a) REQUIRED INSPECTIONS OF FACILITIES.—”; and

(2) by striking subsection (b).

(g) REPORT ON INSPECTIONS OF OTHER FACILITIES.—Section 3307 of the U.S. Troop Readiness, Veterans’ Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28; 10 U.S.C. 1073 note) is amended—

(1) by striking subsection (d); and

(2) by redesignating subsection (e) as subsection (d).

(h) REPORT ON LOCAL EDUCATIONAL AGENCY ASSISTANCE RELATED TO DOD ACTIVITIES.—Section 574 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 20 U.S.C. 7703b note) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

SEC. 1073. REPEAL OR REVISION OF REPORTING REQUIREMENTS RELATING TO READINESS.

(a) BIENNIAL REPORTS ON ALLOCATION OF FUNDS WITHIN OPERATION AND MAINTENANCE BUDGET SUBACTIVITIES.—

(1) IN GENERAL.—Chapter 9 of title 10, United States Code, is amended by striking section 228.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by striking the item relating to section 228.

10 USC
 221 prec.

(b) ANNUAL REPORT ON NAVAL PETROLEUM RESERVES.—Section 7431 of title 10, United States Code, is amended by striking subsection (c).

10 USC
10541 prec.

(c) ANNUAL REPORT ON ARMY NATIONAL GUARD COMBAT READINESS.—

(1) IN GENERAL.—Chapter 1013 of title 10, United States Code, is amended by striking section 10542.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by striking the item relating to section 10542.

(d) GAO REPORT ON IN-KIND PAYMENTS.—Section 2805 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 2149) is repealed.

(e) INSIDER THREAT DETECTION BUDGET SUBMISSION.—Section 922 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 10 U.S.C. 2224 note) is amended by striking subsection (f).

(f) PRICE TREND ANALYSIS.—Section 892 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 10 U.S.C. 2306a) is repealed.

(g) REPORT ON AUTHORITY FOR AIRLIFT TRANSPORTATION AT DEPARTMENT OF DEFENSE RATES FOR NON-DEPARTMENT OF DEFENSE FEDERAL CARGOES.—Section 351 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2262) is amended by striking subsection (b).

(h) BIENNIAL REPORT ON PROCUREMENT OF MILITARY WORKING DOGS.—Section 358 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 10 U.S.C. 2302 note) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

(i) REPORT ON FOREIGN LANGUAGE PROFICIENCY.—Section 958 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 297) is repealed.

(j) REPORT ON ARSENAL SUPPORT PROGRAM INITIATIVE.—Section 343 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 10 U.S.C. 4551 note) is amended by striking subsection (g).

(k) GAO REVIEW OF CONTRACTOR-OPERATED CIVIL ENGINEERING SUPPLY STORES PROGRAM.—Section 345 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 1978) is amended—

(1) by striking subsection (d); and

(2) by redesignating subsection (e) as subsection (d).

SEC. 1074. REPEAL OR REVISION OF REPORTING REQUIREMENTS RELATED TO NAVAL VESSELS AND MERCHANT MARINE.

(a) REPORT ON NAMING OF NAVAL VESSELS.—Section 7292 of title 10, United States Code, is amended by striking subsection (d).

(b) REPORT ON TRANSFER OF VESSELS STRICKEN FROM NAVAL VESSEL REGISTER.—Section 7306 of title 10, United States Code, is amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

(c) ANNUAL REPORT OF MARITIME ADMINISTRATION.—

(1) ELIMINATION OF REPORT AND REVISION OF REMAINING REQUIREMENT.—Section 50111 of title 46, United States Code, is amended to read as follows:

“§ 50111. Submission of annual MARAD authorization request

“(a) SUBMISSION OF LEGISLATIVE PROPOSAL.—Not later than 30 days after the date on which the President submits to Congress a budget for a fiscal year pursuant to section 1105 of title 31, the Secretary of Transportation shall submit to the Committee on Armed Services and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate the Maritime Administration authorization request for that fiscal year.

“(b) MARITIME ADMINISTRATION REQUEST DEFINED.—In this section, the term ‘Maritime Administration authorization request’ means a proposal for legislation that, for a fiscal year—

“(1) recommends authorizations of appropriations for the Maritime Administration for that fiscal year, including with respect to matters described in subsection 109(j) of title 49 or authorized in subtitle V of this title; and

“(2) addresses any other matter with respect to the Maritime Administration that the Secretary determines is appropriate.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 501 of title 46, United States Code, is amended by striking the item relating to section 50111 and inserting the following new item:

46 USC
50101 prec.

“50111. Submission of annual MARAD authorization request.”.

(d) DISCRETIONARY REPORT NO LONGER NEEDED.—The Secretary of the Navy is not required to submit to the congressional defense committees a report, or updates to such a report, on open architecture as described in Senate Report 110–077.

SEC. 1075. REPEAL OR REVISION OF REPORTING REQUIREMENTS RELATED TO CIVILIAN PERSONNEL.

(a) REPORT ON PILOT PROGRAM FOR EXCHANGE OF INFORMATION TECHNOLOGY PERSONNEL.—Section 1110 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2493) is amended—

5 USC 3702 note.

(1) by striking subsection (i);

(2) by redesignating subsection (j) as subsection (i); and

(3) in subsection (i), as so redesignated, by striking paragraph (2) and inserting the following new paragraph:

“(2) any employee whose assignment is allowed to continue by virtue of paragraph (1) shall be taken into account for purposes of the numerical limitation under subsection (h).”.

(b) REPORT ON EXPERIMENTAL PROGRAM FOR SCIENTIFIC AND TECHNICAL PERSONNEL.—Section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2139) is amended by striking subsection (g).

5 USC 3104 note.

SEC. 1076. REPEAL OR REVISION OF REPORTING REQUIREMENTS RELATED TO NUCLEAR PROLIFERATION AND RELATED MATTERS.

(a) REPORT ON NUCLEAR WEAPONS COUNCIL.—Section 179 of title 10, United States Code, is amended by striking subsection (g).

(b) **REPORT ON PROLIFERATION SECURITY INITIATIVE.**—Section 1821(b) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (50 U.S.C. 2911(b)) is amended—

- (1) by striking “(1) IN GENERAL.—”; and
- (2) by striking paragraphs (2) and (3).

(c) **BRIEFINGS ON DIALOGUE BETWEEN UNITED STATES AND RUSSIAN FEDERATION ON NUCLEAR ARMS.**—Section 1282 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 2034; 22 U.S.C. 5951 note) is amended—

- (1) in the section heading, by striking “**BRIEFINGS ON DIALOGUE**” and inserting “**SENSE OF CONGRESS ON AGREEMENTS**”;
- (2) by striking subsection (a);
- (3) in subsection (b), by striking “(b) SENSE OF CONGRESS ON CERTAIN AGREEMENTS.—”; and
- (4) by striking subsection (c).

(d) **IMPLEMENTATION PLAN FOR WHOLE-OF-GOVERNMENT VISION PRESCRIBED IN THE NATIONAL SECURITY STRATEGY.**—Section 1072 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1592; 50 U.S.C. 3043 note) is amended—

- (1) by striking subsection (b); and
- (2) by redesignating subsection (c) as subsection (b).

SEC. 1077. REPEAL OR REVISION OF REPORTING REQUIREMENTS RELATED TO ACQUISITION.

(a) **REPORT ON COST ASSESSMENT ACTIVITIES.**—Section 2334 of title 10, United States Code, is amended—

- (1) by striking subsection (f); and
- (2) by redesignating subsection (g) as subsection (f).

(b) **REPORT ON PERFORMANCE ASSESSMENTS AND ROOT CAUSE ANALYSES.**—Section 2438 of title 10, United States Code, is amended by striking subsection (f).

SEC. 1078. REPEAL OR REVISION OF MISCELLANEOUS REPORTING REQUIREMENTS.

(a) **REPORT ON TECHNOLOGICAL MATURITY AND INTEGRATION RISK OF CRITICAL TECHNOLOGIES.**—Section 138(b)(8) of title 10, United States Code, is amended—

- (1) by striking subparagraph (B);
- (2) by striking “shall—” and all that follows through “assess the technological maturity” and inserting “shall periodically review and assess the technological maturity”; and
- (3) by striking “; and” and inserting a period.

(b) **REPORT ON SYSTEMS ENGINEERING.**—Section 139b(d) of title 10, United States Code, is amended—

- (1) by striking paragraph (2);
- (2) by redesignating paragraph (3) as paragraph (2);
- (3) in paragraph (2), as so redesignated—
 - (A) by striking “or (2)”;
 - (B) in subparagraph (A), by striking “systems engineering master plans and”;
 - (C) in subparagraph (B), by striking “, systems engineering master plans,”;
 - (D) in subparagraph (C); by striking “systems engineering, development planning,” and inserting “development planning”; and
 - (E) by redesignating subparagraph (D) as subparagraph (F);

(4) by transferring subparagraphs (A) and (B) of paragraph (4) to the end of paragraph (2), as so redesignated, and redesignating those subparagraphs as subparagraphs (D) and (E), respectively; and

(5) by striking paragraph (4).

(c) REPORT ON DARPA.—

(1) REPEAL.—Section 2352 of title 10, United States Code, is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 139 of title 10, United States Code, is amended by striking the item relating to section 2352.

10 USC
2351 prec.

(d) REPORTS ON STATUS OF NAVY NEXT GENERATION ENTERPRISE NETWORKS PROGRAM.—Section 1034 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4593) is repealed.

SEC. 1079. REPEAL OF REPORTING REQUIREMENTS.

(a) ANNUAL REPORT ON PRIZES FOR ADVANCED TECHNOLOGY ACHIEVEMENTS.—Section 2374a of title 10, United States Code, is amended—

(1) by striking subsection (e); and

(2) by redesignating subsection (f) as subsection (e).

(b) ANNUAL IMPACT STATEMENT ON NUMBER OF MEMBERS IN INTEGRATED DISABILITY EVALUATION SYSTEM ON READINESS REQUIREMENTS.—Section 528 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 1725) is repealed.

(c) REPORT ON TASK FORCE FOR BUSINESS AND STABILITY OPERATIONS IN AFGHANISTAN.—Section 1535(a) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4426) is amended by striking paragraph (6).

(d) REPORTS UNDER PUBLIC LAW 110–417.—

(1) MITIGATION OF POWER OUTAGE RISKS FOR DEPARTMENT OF DEFENSE FACILITIES AND ACTIVITIES.—Section 335 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4422; 10 U.S.C. 2911 note) is amended by striking subsection (c).

(2) ANNUAL REPORTS ON CENTER OF EXCELLENCE ON TRAUMATIC EXTREMITY INJURIES AND AMPUTATIONS.—Section 723 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4508) is amended by striking (d).

38 USC 7327
note.

(e) BIENNIAL UPDATE OF STRATEGIC MANAGEMENT PLAN.—Section 904(d) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 275) is amended by striking paragraph (3).

10 USC 2201
note prec.

(f) ROADMAPS AND REPORTS ON HYPERSONICS DEVELOPMENT.—Section 218 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 10 U.S.C. 2358 note) is amended—

(1) in subsection (d), by striking paragraph (4); and

(2) by striking subsection (f).

(g) REPORTS ON ANNUAL REVIEW OF ROLES AND MISSIONS OF THE RESERVE COMPONENTS.—Section 513(h) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005

(Public Law 108-375; 118 Stat. 1882; 10 U.S.C. 10101 note) is amended—

- (1) by striking paragraph (2); and
- (2) by redesignating paragraph (3) as paragraph (2).

(h) ANNUAL SUBMITTAL OF INFORMATION REGARDING INFORMATION TECHNOLOGY CAPITAL ASSETS.—Section 351 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314; 10 U.S.C. 221 note) is hereby repealed.

10 USC 111 note.

SEC. 1080. TERMINATION OF REQUIREMENT FOR SUBMITTAL TO CONGRESS OF REPORTS REQUIRED OF DEPARTMENT OF DEFENSE BY STATUTE.

(a) TERMINATION.—Effective on the date that is two years after the date of the enactment of this Act, each report described in subsection (b) that is still required to be submitted to Congress as of such effective date shall no longer be required to be submitted to Congress.

(b) COVERED REPORTS.—A report described in this subsection is a report that is required to be submitted to Congress by the Department of Defense, or by any officer, official, component, or element of the Department, by any annual national defense authorization Act as of April 1, 2015.

(c) REPORT TO CONGRESS.—Not later than February 1, 2016, the Secretary of Defense shall submit to the congressional defense committees a report that includes each of the following:

- (1) A list of all reports described in subsection (b).
- (2) For each such report, a citation to the provision of law under which the report is required to be submitted.
- (3) Draft legislation that would repeal each such report.

Subtitle G—Other Matters

SEC. 1081. TECHNICAL AND CLERICAL AMENDMENTS.

10 USC 101 prec.

(a) AMENDMENTS TO TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) The tables of chapters at the beginning of subtitle A, and at the beginning of part I of such subtitle, are each amended by striking the item relating to chapter 19 and inserting the following new item:

“19. Cyber Matters 391”.

(2) The heading of section 130e is amended to read as follows:

“§ 130e. Treatment under Freedom of Information Act of certain critical infrastructure security information”.

(3) The heading of section 153(a)(5) is amended to read as follows: “JOINT FORCE DEVELOPMENT ACTIVITIES.—”.

(4) The table of sections at the beginning of chapter 19 is amended by striking the item relating to section 391 and inserting the following new item: 10 USC 391 prec.

“391. Reporting on cyber incidents with respect to networks and information systems of operationally critical contractors and certain other contractors.”.

(5) The table of sections at the beginning of subchapter I of chapter 21 is amended by inserting after the item relating to section 429 the following new item: 10 USC 421 prec.

“430. Tactical Exploitation of National Capabilities Executive Agent.”.

(6) Section 2006a(a) is amended by striking “August, 1” and inserting “August 1”.

(7) Sections 2222(j)(5), 2223(c)(3), and 2315 are each amended by striking “section 3552(b)(5)” and inserting “section 3552(b)(6)”.

(8) Section 2229(d)(1) is amended by striking “certification in writing” and inserting “a certification in writing”.

(9) Section 2679, as transferred, redesignated, and amended by section 351 of the National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3346), is amended in subsection (a)(1) by striking “with” before “, on a sole source”.

(10) Section 2684(d)(1) is amended by striking “section 2023.01 of title 54” and inserting “section 302101 of title 54”.

(11) Section 2687a(d)(2) is amended by inserting “fair market” before “value”.

(12) Section 2926, as added and amended by section 901(g) of the National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3464), is amended in subsections (a), (b), (c), and (d) by striking “for Installations, Energy,” each place it appears and inserting “for Energy, Installations,”.

(13) Section 9314a(b) is amended by striking “only so long at” and inserting “only so long as”.

(b) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2015.—Effective as of December 19, 2014, and as if included therein as enacted, the National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291) is amended as follows: 10 USC 2679 note.

(1) Section 351(b)(1) (128 Stat. 3346) is amended by striking the period at the end of subparagraph (C) and inserting “; and”. 10 USC 2679.

(2) Section 901(g)(1)(F) (128 Stat. 3465) is amended by inserting “paragraph (4) of” before “subsection (b) of section 2926”. 10 USC 2926.

(3) Section 1072(a)(2) (128 Stat. 3516) is amended by inserting “in the table of sections” before “at the beginning of”. 10 USC 111 prec.

(4) Section 1079(a)(1) (128 Stat. 3521) is amended by striking “section 12102 of title 42, United States Code” and inserting “section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)”. 38 USC 2101 note.

(5) Section 1104(b)(2) (128 Stat. 3526) is amended by striking “paragraph (2)” and inserting “paragraph (1)(A)”. 5 USC 3104 note.

(6) Section 1208 (128 Stat. 3541) is amended by striking “of Fiscal Year” each place it appears and inserting “for Fiscal Year”.

10 USC 2687.

(7) Section 2803(a) (128 Stat. 3696) is amended in paragraph (2) of the subsection (f) being added by the amendment to be made by that section by inserting “section” before “1105 of title 31”.

(8) Section 2832(c)(3) (128 Stat. 3704) is amended by striking “United State Code” and inserting “United States Code”.

(c) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009.—Section 943(d)(1) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4578) by striking the second period at the end of the first sentence.

(d) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005.—Section 1208(f)(2) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2086), as amended by section 1202(a) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 363) and section 1202(c) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat 2512), is further amended—

(1) by redesignating the paragraphs (1) through (8) added by section 1202(c) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat 2512) as subparagraphs (A) through (H), respectively; and

(2) by moving the margins of such subparagraphs, as so redesignated, two ems to the right.

10 USC 101 note.

(e) COORDINATION WITH OTHER AMENDMENTS MADE BY THIS ACT.—For purposes of applying amendments made by provisions of this Act other than this section, the amendments made by this section shall be treated as having been enacted immediately before any such amendments by other provisions of this Act.

SEC. 1082. SITUATIONS INVOLVING BOMBINGS OF PLACES OF PUBLIC USE, GOVERNMENT FACILITIES, PUBLIC TRANSPORTATION SYSTEMS, AND INFRASTRUCTURE FACILITIES.

(a) IN GENERAL.—Chapter 18 of title 10, United States Code, is amended by adding at the end the following new section:

10 USC 383.

“§ 383. Situations involving bombings of places of public use, Government facilities, public transportation systems, and infrastructure facilities

“(a) IN GENERAL.—Upon the request of the Attorney General, the Secretary of Defense may provide assistance in support of Department of Justice activities related to the enforcement of section 2332f of title 18 during situations involving bombings of places of public use, Government facilities, public transportation systems, and infrastructure facilities.

“(b) RENDERING-SAFE SUPPORT.—Military explosive ordnance disposal units providing rendering-safe support to Department of Justice activities relating to the enforcement of section 175, 229, or 2332a of title 18 in emergency situations involving weapons of mass destruction shall provide such support in a manner consistent with the provisions of section 382 of this title.

“(c) REGULATIONS.—(1) The Secretary of Defense and the Attorney General shall jointly prescribe regulations concerning the types of assistance that may be provided under this section. Such regulations shall also describe the actions that Department of

Defense personnel may take in circumstances incident to the provision of assistance under this section.

“(2)(A) Except as provided in subparagraph (B), the regulations prescribed under paragraph (1) may not authorize any of the following actions:

“(i) Arrest.

“(ii) Any direct participation in conducting a search for or seizure of evidence related to a violation of section 175, 229, or 2332a of title 18.

“(iii) Any direct participation in the collection of intelligence for law enforcement purposes.

“(B) Such regulations may authorize an action described in subparagraph (A) to be taken under the following conditions:

“(i) The action is considered necessary for the immediate protection of human life, and civilian law enforcement officials are not capable of taking the action.

“(ii) The action is otherwise authorized under subsection (a) or under otherwise applicable law.

“(d) **EXPLOSIVE ORDNANCE DEFINED.**—The term ‘explosive ordnance’—

“(1) means—

“(A) bombs and warheads;

“(B) guided and ballistic missiles;

“(C) artillery, mortar, rocket, and small arms ammunition;

“(D) all mines, torpedoes, and depth charges;

“(E) grenades demolition charges;

“(F) pyrotechnics;

“(G) clusters and dispensers;

“(H) cartridge- and propellant- actuated devices;

“(I) electroexplosives devices;

“(J) clandestine and improvised explosive devices; and

“(K) all similar or related items or components explosive in nature; and

“(2) includes all munitions containing explosives, propellants, nuclear fission or fusion materials, and biological and chemical agents.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

10 USC 371 prec.

“383. Situations involving bombings of places of public use, Government facilities, public transportation systems, and infrastructure facilities.”.

SEC. 1083. EXECUTIVE AGENT FOR THE OVERSIGHT AND MANAGEMENT OF ALTERNATIVE COMPENSATORY CONTROL MEASURES.

(a) **EXECUTIVE AGENT.**—

(1) **IN GENERAL.**—Subchapter I of chapter 21 of title 10, United States Code, is amended by adding at the end of the following new section:

“§ 430a. Executive agent for management and oversight of alternative compensatory control measures

10 USC 430a.

“(a) **EXECUTIVE AGENT.**—The Secretary of Defense shall designate a senior official from among the personnel of the Department of Defense to act as the Department of Defense executive agent

for the management and oversight of alternative compensatory control measures.

“(b) ROLES, RESPONSIBILITIES, AND AUTHORITIES.—The Secretary shall prescribe the roles, responsibilities, and authorities of the executive agent designated under subsection (a). Such roles, responsibilities, and authorities shall include the development of an annual management and oversight plan for Department-wide accountability and reporting to the congressional defense committees.”.

10 USC
421 prec.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of such chapter is amended by adding at the end the following new item:

“430a. Executive agent for management and oversight of alternative compensatory control measures.”.

(b) REPORTS.—Not later than 30 days after the close of each of fiscal years 2016 through 2020, the Secretary of Defense shall submit to the congressional defense committees a report on the oversight and management of alternative compensatory control measures. Each such report shall include—

(1) the annual management and oversight plan required under section 430a(b) of title 10, United States Code, as added by subsection (a);

(2) a discussion of the scope and number of alternative compensatory control measures in effect;

(3) a brief description of each alternative compensatory control measures program and of the number of individuals with access to such program; and

(4) any other matters the Secretary considers appropriate.

SEC. 1084. NAVY SUPPORT OF OCEAN RESEARCH ADVISORY PANEL.

Section 7903 of title 10, United States Code, is amended by striking subsection (c).

10 USC 9517
note.

SEC. 1085. LEVEL OF READINESS OF CIVIL RESERVE AIR FLEET CARRIERS.

(a) FINDINGS.—Congress finds the following:

(1) The National Airlift Policy states that “[t]he national defense airlift objective is to ensure that military and civil airlift resources will be able to meet defense mobilization and deployment requirements in support of US defense and foreign policies.”.

(2) The National Airlift Policy also emphasizes the need for “dialogue and cooperation with our national aviation industry,” and it states that “[i]t is of particular importance that the aviation industry be apprised by the Department of Defense of long-term requirements for airlift in support of national defense.”.

(3) The National Airlift Policy emphasizes the importance of both military and civil airlift resources and their interdependence in the fulfillment of the national defense airlift objective, and it states that the “Department of Defense shall establish appropriate levels for peacetime cargo airlift augmentation in order to promote the effectiveness of Civil Reserve Air Fleet and provide training within the military airlift system.”.

(4) Civil Reserve Air Fleet carriers continue to be an important component of the military airlift system in support of United States defense and foreign policies.

(b) LEVEL OF READINESS OF CIVIL RESERVE AIR FLEET CARRIERS.—

(1) IN GENERAL.—Chapter 931 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 9517. Level of readiness of Civil Reserve Air Fleet carriers 10 USC 9517.

“The Civil Reserve Air Fleet program is an important component of the military airlift system in support of United States defense and foreign policies, and it is the policy of the United States to maintain the readiness and interoperability of Civil Reserve Air Fleet carriers by providing appropriate levels of peacetime airlift augmentation to maintain networks and infrastructure, exercise the system, and interface effectively within the military airlift system.”

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

10 USC
9511 prec.

“9517. Level of Readiness of Civil Reserve Air Fleet carriers.”

(3) DEFINITION OF CIVIL RESERVE AIR FLEET PROGRAM.—Section 9511 of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(12) The term ‘Civil Reserve Air Fleet program’ means the program developed by the Department of Defense through which the Department of Defense augments its airlift capability by use of civil aircraft.”

(c) REPORT REQUIREMENT.—On the day the President submits the budget to Congress for each of fiscal years 2017 and 2018, the Secretary of Defense shall submit to Congress a report that sets forth, for each fiscal year during the period covered by the current future-years defense program under section 221 of title 10, United States Code, each of the following, expressed separately for passenger and cargo airlift services:

(1) The results (including analytical and justification materials) of an assessment, conducted in consultation with the Civil Reserve Air Fleet carriers, of the level of commercial airlift augmentation necessary to maintain the readiness and interoperability of such carriers, maintain networks and infrastructure, exercise the system, and facilitate the regular interfacing between such carriers and the military airlift system, which shall include—

(A) a projection of the number of block hours necessary to achieve such levels of commercial airlift augmentation;

(B) a strategic plan for achieving such level of commercial airlift augmentation; and

(C) an explanation of any deviation from the previous fiscal year’s assessment of the projected number of block hours under subparagraph (A).

(2) A comparison (including analytical and justification materials and explanations of any deviations) of the forecasted number of block hours for each fiscal year of the period covered by the report with the projected number of block hours under paragraph (1)(A) for each such fiscal year.

10 USC 1564
note.

SEC. 1086. REFORM AND IMPROVEMENT OF PERSONNEL SECURITY, INSIDER THREAT DETECTION AND PREVENTION, AND PHYSICAL SECURITY.

(a) **PERSONNEL SECURITY AND INSIDER THREAT PROTECTION IN DEPARTMENT OF DEFENSE.**—

(1) **PLANS AND SCHEDULES.**—Consistent with the Memorandum of the Secretary of Defense dated March 18, 2014, regarding the recommendations of the reviews of the Washington Navy Yard shooting, the Secretary of Defense shall develop plans and schedules—

(A) to implement a continuous evaluation capability for the national security population for which clearance adjudications are conducted by the Department of Defense Central Adjudication Facility, in coordination with the heads of other relevant agencies;

(B) to produce a Department-wide insider threat strategy and implementation plan, which includes—

(i) resourcing for the Defense Insider Threat Management and Analysis Center and component insider threat programs, and

(ii) alignment of insider threat protection programs with continuous evaluation capabilities and processes for personnel security;

(C) to centralize the authority, accountability, and programmatic integration responsibilities, including fiscal control, for personnel security and insider threat protection under the Under Secretary of Defense for Intelligence;

(D) to develop a defense security enterprise reform investment strategy to ensure a consistent, long-term focus on funding to strengthen all of the Department's security and insider threat programs, policies, functions, and information technology capabilities, including detecting threat behaviors conveyed in the cyber domain, in a manner that keeps pace with evolving threats and risks;

(E) to resource and expedite deployment of the Identity Management Enterprise Services Architecture; and

(F) to implement the recommendations contained in the study conducted by the Director of Cost Analysis and Program Evaluation required by section 907 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 10 U.S.C. 1564 note), including, specifically, the recommendations to centrally manage and regulate Department of Defense requests for personnel security background investigations.

(2) **REPORTING REQUIREMENT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a report describing the plans and schedules required under paragraph (1).

(b) **PHYSICAL AND LOGICAL ACCESS.**—Not later than 270 days after the date of the enactment of this Act—

(1) the Secretary of Defense shall define physical and logical access standards, capabilities, and processes applicable to all personnel with access to Department of Defense installations and information technology systems, including—

(A) periodic or regularized background or records checks appropriate to the type of physical or logical access

involved, the security level, the category of individuals authorized, and the level of access to be granted;

(B) standards and methods for verifying the identity of individuals seeking access; and

(C) electronic attribute-based access controls that are appropriate for the type of access and facility or information technology system involved;

(2) the Director of the Office of Management and Budget and the Chair of the Performance Accountability Council, in coordination with the Secretary of Defense, the Administrator of General Services, and, when appropriate, the Director of National Intelligence, and in consultation with representatives from stakeholder organizations, shall design a capability to share and apply electronic identity information across the Government to enable real-time, risk-managed physical and logical access decisions; and

(3) the Director of the Office of Management and Budget, in conjunction with the Director of the Office of Personnel Management and in consultation with representatives from stakeholder organizations, shall establish investigative and adjudicative standards for the periodic or regularized reevaluation of the eligibility of an individual to retain credentials issued pursuant to Homeland Security Presidential Directive 12 (dated August 27, 2004), as appropriate, but not less frequently than the authorization period of the issued credentials.

(c) SECURITY ENTERPRISE MANAGEMENT.—Not later than 180 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall—

(1) formalize the Security, Suitability, and Credentialing Line of Business; and

(2) submit to the appropriate congressional committee a report that describes plans—

(A) for oversight by the Office of Management and Budget of activities of the executive branch of the Government for personnel security, suitability, and credentialing;

(B) to designate enterprise shared services to optimize investments;

(C) to define and implement data standards to support common electronic access to critical Government records; and

(D) to reduce the burden placed on Government data providers by centralizing requests for records access and ensuring proper sharing of the data with appropriate investigative and adjudicative elements.

(d) RECIPROCITY MANAGEMENT.—Not later than two years after the date of the enactment of this Act, the Chair of the Performance Accountability Council shall ensure that—

(1) a centralized system is available to serve as the reciprocity management system for the Federal Government; and

(2) the centralized system described in paragraph (1) is aligned with, and incorporates results from, continuous evaluation and other enterprise reform initiatives.

(e) REPORTING REQUIREMENTS IMPLEMENTATION.—Not later than 180 days after the date of enactment of this Act, the Chair of the Performance Accountability Council, in coordination with the Security Executive Agent, the Suitability Executive Agent, and the Secretary of Defense, shall jointly develop a plan to—

(1) implement the Security Executive Agent Directive on common, standardized employee and contractor security reporting requirements;

(2) establish and implement uniform reporting requirements for employees and Federal contractors, according to risk, relative to the safety of the workforce and protection of the most sensitive information of the Government; and

(3) ensure that reported information is shared appropriately.

(f) ACCESS TO CRIMINAL HISTORY RECORDS FOR NATIONAL SECURITY AND OTHER PURPOSES.—

(1) DEFINITION.—Section 9101(a) of title 5, United States Code, is amended by adding at the end the following:

“(7) The terms ‘Security Executive Agent’ and ‘Suitability Executive Agent’ mean the Security Executive Agent and the Suitability Executive Agent, respectively, established under Executive Order 13467 (73 Fed. Reg. 38103), or any successor thereto.”

(2) COVERED AGENCIES.—Section 9101(a)(6) of title 5, United States Code, is amended by adding at the end the following:

“(G) The Department of Homeland Security.

“(H) The Office of the Director of National Intelligence.

“(I) An Executive agency that—

“(i) is authorized to conduct background investigations under a Federal statute; or

“(ii) is delegated authority to conduct background investigations in accordance with procedures established by the Security Executive Agent or the Suitability Executive Agent under subsection (b) or (c)(iv) of section 2.3 of Executive Order 13467 (73 Fed. Reg. 38103), or any successor thereto.

“(J) A contractor that conducts a background investigation on behalf of an agency described in subparagraphs (A) through (I).”

(3) APPLICABLE PURPOSES OF INVESTIGATIONS.—Section 9101(b)(1) of title 5, United States Code, is amended—

(A) by redesignating subparagraphs (A) through (D) as clauses (i) through (iv), respectively, and adjusting the margins accordingly;

(B) in the matter preceding clause (i), as redesignated—

(i) by striking “the head of”;

(ii) by inserting “all” before “criminal history record information”; and

(iii) by striking “for the purpose of determining eligibility for any of the following:” and inserting “, in accordance with Federal Investigative Standards jointly promulgated by the Suitability Executive Agent and Security Executive Agent, for the purpose of—

“(A) determining eligibility for—”;

(C) in clause (i), as redesignated—

(i) by striking “Access” and inserting “access”; and

(ii) by striking the period and inserting a semicolon;

(D) in clause (ii), as redesignated—

(i) by striking “Assignment” and inserting “assignment”; and

(ii) by striking the period and inserting “or positions;”;

(E) in clause (iii), as redesignated—

(i) by striking “Acceptance” and inserting “acceptance”; and

(ii) by striking the period and inserting “; or”;

(F) in clause (iv), as redesignated—

(i) by striking “Appointment” and inserting “appointment”;

(ii) by striking “or a critical or sensitive position”; and

(iii) by striking the period and inserting “; or”; and

(G) by adding at the end the following:

“(B) conducting a basic suitability or fitness assessment for Federal or contractor employees, using Federal Investigative Standards jointly promulgated by the Security Executive Agent and the Suitability Executive Agent in accordance with—

“(i) Executive Order 13467 (73 Fed. Reg. 38103), or any successor thereto; and

“(ii) the Office of Management and Budget Memorandum ‘Assignment of Functions Relating to Coverage of Contractor Employee Fitness in the Federal Investigative Standards’, dated December 6, 2012;

“(C) credentialing under the Homeland Security Presidential Directive 12 (dated August 27, 2004); and

“(D) Federal Aviation Administration checks required under—

“(i) the Federal Aviation Administration Drug Enforcement Assistance Act of 1988 (subtitle E of title VII of Public Law 100–690; 102 Stat. 4424) and the amendments made by that Act; or

“(ii) section 44710 of title 49.”.

(4) BIOMETRIC AND BIOGRAPHIC SEARCHES.—Section 9101(b)(2) of title 5, United States Code, is amended to read as follows:

“(2)(A) A State central criminal history record depository shall allow a covered agency to conduct both biometric and biographic searches of criminal history record information.

“(B) Nothing in subparagraph (A) shall be construed to prohibit the Federal Bureau of Investigation from requiring a request for criminal history record information to be accompanied by the fingerprints of the individual who is the subject of the request.”.

(5) USE OF MOST COST-EFFECTIVE SYSTEM.—Section 9101(e) of title 5, United States Code, is amended by adding at the end the following:

“(6) If a criminal justice agency is able to provide the same information through more than 1 system described in paragraph (1), a covered agency may request information under subsection (b) from the criminal justice agency, and require the criminal justice agency to provide the information, using the system that is most cost-effective for the Federal Government.”.

(6) SEALED OR EXPUNGED RECORDS; JUVENILE RECORDS.—

(A) IN GENERAL.—Section 9101(a)(2) of title 5, United States Code, is amended by striking the third sentence and inserting the following: “The term includes those records of a State or locality sealed pursuant to law if

such records are accessible by State and local criminal justice agencies for the purpose of conducting background checks.”

(B) REGULATIONS.—

(i) DEFINITION.—In this subparagraph, the terms “Security Executive Agent” and “Suitability Executive Agent” mean the Security Executive Agent and the Suitability Executive Agent, respectively, established under Executive Order 13467 (73 Fed. Reg. 38103), or any successor thereto.

(ii) DEVELOPMENT; PROMULGATION.—The Security Executive Agent shall—

(I) not later than 45 days after the date of enactment of this Act, and in conjunction with the Suitability Executive Agent and the Attorney General, begin developing regulations to implement the amendments made by subparagraph (A); and

(II) not later than 120 days after the date of enactment of this Act, promulgate regulations to implement the amendments made by subparagraph (A).

(C) SENSE OF CONGRESS.—It is the sense of Congress that the Federal Government should not uniformly reject applicants for employment with the Federal Government or Federal contractors based on—

(i) sealed or expunged criminal records; or

(ii) juvenile records.

(7) INTERACTION WITH LAW ENFORCEMENT AND INTELLIGENCE AGENCIES ABROAD.—Section 9101 of title 5, United States Code, is amended by adding at the end the following: “(g) Upon request by a covered agency and in accordance with the applicable provisions of this section, the Deputy Assistant Secretary of State for Overseas Citizens Services shall make available criminal history record information collected by the Deputy Assistant Secretary with respect to an individual who is under investigation by the covered agency regarding any interaction of the individual with a law enforcement agency or intelligence agency of a foreign country.”

(8) CLARIFICATION OF SECURITY REQUIREMENTS FOR CONTRACTORS CONDUCTING BACKGROUND INVESTIGATIONS.—Section 9101 of title 5, United States Code, as amended by this subsection, is amended by adding at the end the following:

“(h) If a contractor described in subsection (a)(6)(J) uses an automated information delivery system to request criminal history record information, the contractor shall comply with any necessary security requirements for access to that system.”

(9) CLARIFICATION REGARDING ADVERSE ACTIONS.—Section 7512 of title 5, United States Code, is amended—

(A) in subparagraph (D), by striking “or”;

(B) in subparagraph (E), by striking the period and inserting “, or”; and

(C) by adding at the end the following:

“(F) a suitability action taken by the Office under regulations prescribed by the Office, subject to the rules prescribed by the President under this title for the administration of the competitive service.”

(10) ANNUAL REPORT BY SUITABILITY AND SECURITY CLEARANCE PERFORMANCE ACCOUNTABILITY COUNCIL.—Section 9101 of title 5, United States Code, as amended by this subsection, is amended by adding at the end the following:

“(i) The Suitability and Security Clearance Performance Accountability Council established under Executive Order 13467 (73 Fed. Reg. 38103), or any successor thereto, shall submit to the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate, and the Committee on Armed Services, the Committee on Oversight and Government Reform, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives, an annual report that—

“(1) describes efforts of the Council to integrate Federal, State, and local systems for sharing criminal history record information;

“(2) analyzes the extent and effectiveness of Federal education programs regarding criminal history record information;

“(3) provides an update on the implementation of best practices for sharing criminal history record information, including ongoing limitations experienced by investigators working for or on behalf of a covered agency with respect to access to State and local criminal history record information; and

“(4) provides a description of limitations on the sharing of information relevant to a background investigation, other than criminal history record information, between—

“(A) investigators working for or on behalf of a covered agency; and

“(B) State and local law enforcement agencies.”.

(11) GAO REPORT ON ENHANCING INTEROPERABILITY AND REDUCING REDUNDANCY IN FEDERAL CRITICAL INFRASTRUCTURE PROTECTION ACCESS CONTROL, BACKGROUND CHECK, AND CREDENTIALING STANDARDS.—

(A) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees, the Committee on Homeland Security of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the background check, access control, and credentialing requirements of Federal programs for the protection of critical infrastructure and key resources.

(B) CONTENTS.—The Comptroller General shall include in the report required under subparagraph (A)—

(i) a summary of the major characteristics of each such Federal program, including the types of infrastructure and resources covered;

(ii) a comparison of the requirements, whether mandatory or voluntary in nature, for regulated entities under each such program to—

(I) conduct background checks on employees, contractors, and other individuals;

(II) adjudicate the results of a background check, including the utilization of a standardized

set of disqualifying offenses or the consideration of minor, non-violent, or juvenile offenses; and

(III) establish access control systems to deter unauthorized access, or provide a security credential for any level of access to a covered facility or resource;

(iii) a review of any efforts that the Screening Coordination Office of the Department of Homeland Security has undertaken or plans to undertake to harmonize or standardize background check, access control, or credentialing requirements for critical infrastructure and key resource protection programs overseen by the Department; and

(iv) recommendations, developed in consultation with appropriate stakeholders, regarding—

(I) enhancing the interoperability of security credentials across critical infrastructure and key resource protection programs;

(II) eliminating the need for redundant background checks or credentials across existing critical infrastructure and key resource protection programs;

(III) harmonizing, where appropriate, the standards for identifying potentially disqualifying criminal offenses and the weight assigned to minor, nonviolent, or juvenile offenses in adjudicating the results of a completed background check; and

(IV) the development of common, risk-based standards with respect to the background check, access control, and security credentialing requirements for critical infrastructure and key resource protection programs.

(g) **DEFINITIONS.**—In this section—

(1) the term “appropriate committees of Congress” means—

(A) the congressional defense committees;

(B) the Select Committee on Intelligence and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(C) the Permanent Select Committee on Intelligence, the Committee on Oversight and Government Reform, and the Committee on Homeland Security of the House of Representatives; and

(2) the term “Performance Accountability Council” means the Suitability and Security Clearance Performance Accountability Council established under Executive Order 13467 (73 Fed. Reg. 38103), or any successor thereto.

SEC. 1087. TRANSFER OF SURPLUS FIREARMS TO CORPORATION FOR THE PROMOTION OF RIFLE PRACTICE AND FIREARMS SAFETY.

(a) **AUTHORIZATION OF TRANSFER OF SURPLUS FIREARMS TO CORPORATION FOR THE PROMOTION OF RIFLE PRACTICE AND FIREARMS SAFETY.**—

(1) **IN GENERAL.**—Section 40728 of title 36, United States Code, is amended by adding at the end the following new subsection:

“(h) AUTHORIZED TRANSFERS.—(1) Subject to paragraph (2), the Secretary may transfer to the corporation, in accordance with the procedure prescribed in this subchapter, surplus caliber .45 M1911/M1911A1 pistols and spare parts and related accessories for those pistols that, on the date of the enactment of this subsection, are under the control of the Secretary and are surplus to the requirements of the Department of the Army, and such material as may be recovered by the Secretary pursuant to section 40728A(a) of this title. The Secretary shall determine a reasonable schedule for the transfer of such surplus pistols.

“(2) The Secretary may not transfer more than 10,000 surplus caliber .45 M1911/M1911A1 pistols to the corporation during any year and may only transfer such pistols as long as pistols described in paragraph (1) remain available for transfer.”.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—Such title is further amended—

(A) in section 40728A—

(i) by striking “rifles” each place it appears and inserting “surplus firearms”; and

(ii) in subsection (a), by striking “section 40731(a)” and inserting “section 40732(a)”;

(B) in section 40729(a)—

(i) in paragraph (1), by striking “section 40728(a)” and inserting “subsections (a) and (h) of section 40728”;

(ii) in paragraph (2), by striking “40728(a)” and inserting “subsections (a) and (h) of section 40728”; and

(iii) in paragraph (4), by inserting “and caliber .45 M1911/M1911A1 surplus pistols” after “caliber .30 and caliber .22 rimfire rifles”;

(C) in section 40732—

(i) by striking “caliber .22 rimfire and caliber .30 surplus rifles” both places it appears and inserting “surplus caliber .22 rimfire rifles, caliber .30 surplus rifles, and caliber .45 M1911/M1911A1 surplus pistols”; and

(ii) in subsection (b), by striking “is over 18 years of age” and inserting “is legally of age”; and

(D) in section 40733—

(i) by striking “Section 922(a)(1)-(3) and (5)” and inserting “(a) IN GENERAL.—Except as provided in subsection (b), section 922(a)(1)-(3) and (5)”;

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

“(b) EXCEPTION.—With respect to firearms other than caliber .22 rimfire and caliber .30 rifles, the corporation shall obtain a license as a dealer in firearms and abide by all requirements imposed on persons licensed under chapter 44 of title 18, including maintaining acquisition and disposition records, and conducting background checks.”.

(b) PILOT PROGRAM.—

(1) ONE-YEAR AUTHORITY.—The Secretary of the Army may carry out a one-year pilot program under which the Secretary may transfer to the Corporation for the Promotion of Rifle Practice and Firearms Safety not more than 10,000 firearms described in paragraph (2).

36 USC 40728
note.

(2) FIREARMS DESCRIBED.—The firearms described in this paragraph are surplus caliber .45 M1911/M1911A1 pistols and spare parts and related accessories for those pistols that, on the date of the enactment of this section, are under the control of the Secretary and are surplus to the requirements of the Department of the Army.

(3) TRANSFER REQUIREMENTS.—Transfers of surplus caliber .45 M1911/M1911A1 pistols from the Army to the Corporation under the pilot program shall be made in accordance with subchapter II of chapter 407 of title 36, United States Code.

(4) REPORTS TO CONGRESS.—

(A) INTERIM REPORT.—Not later than 90 days after the Secretary initiates the pilot program under this subsection, the Secretary shall submit to Congress an interim report on the pilot program.

(B) FINAL REPORT.—Not later than 15 days after the Secretary completes the pilot program under this subsection, the Secretary shall submit to Congress a final report on the pilot program.

(C) CONTENTS OF REPORT.—Each report required by this subsection shall include, for the period covered by the report—

- (i) the number of firearms described in subsection (a)(2) transferred under the pilot program; and
- (ii) information on any crimes committed using firearms transferred under the pilot program.

(c) LIMITATION ON TRANSFER OF SURPLUS CALIBER .45 M1911/M1911A1 PISTOLS.—The Secretary may not transfer firearms described in subsection (b)(2) under subchapter II of chapter 407 of title 36, United States Code, until the date that is 60 days after the date of the submittal of the final report required under subsection (b)(4)(B).

SEC. 1088. MODIFICATION OF REQUIREMENTS FOR TRANSFERRING AIRCRAFT WITHIN THE AIR FORCE INVENTORY.

(a) MODIFICATION OF REQUIREMENTS.—Section 345 of the National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 10 U.S.C. 8062 note) is amended—

(1) in subsection (a)—

(A) by striking the first sentence and inserting the following: “Before making an aircraft transfer described in subsection (c), the Secretary of the Air Force shall ensure that a written agreement regarding such transfer has been entered into between the Chief of Staff of the Air Force and the Director of the Air National Guard or the Chief of Air Force Reserve.”; and

(B) in paragraph (3), by striking “depot”;

(2) by striking subsection (b) and inserting the following new subsection:

“(b) SUBMITTAL OF AGREEMENTS TO THE DEPARTMENT OF DEFENSE AND CONGRESS.—The Secretary of the Air Force may not take any action to transfer an aircraft until the Secretary—

“(1) ensures that the Air Force has complied with Department of Defense regulations applicable to the transfer; and

“(2) for a transfer described in subsection (c)(1), submits to the congressional defense committees an agreement entered

into pursuant to subsection (a) regarding the transfer of the aircraft.”; and

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

“(c) COVERED AIRCRAFT TRANSFERS.—

“(1) COVERED TRANSFERS.—An aircraft transfer described in this subsection is the transfer (other than as specified in paragraph (2)) from a reserve component of the Air Force to the regular component of the Air Force of—

“(A) the permanent assignment of an aircraft that terminates a reserve component’s equitable interest in the aircraft; or

“(B) possession of an aircraft for a period in excess of 90 days.

“(2) EXCEPTIONS.—Paragraph (1) does not apply to the following:

“(A) A routine temporary transfer of possession of an aircraft from a reserve component that is made solely for the benefit of the reserve component for the purpose of maintenance, upgrade, conversion, modification, or testing and evaluation.

“(B) A routine permanent transfer of assignment of an aircraft that terminates a reserve component’s equitable interest in the aircraft if notice of the transfer has previously been provided to the congressional defense committees and the transfer has been approved by the Secretary of Defense pursuant to Department of Defense regulations.

“(C) A transfer described in paragraph (1)(A) when there is a reciprocal permanent assignment of an aircraft from the regular component of the Air Force to the reserve component that does not degrade the capability of, or reduce the total number of, aircraft assigned to the reserve component.

“(d) RETURN OF AIRCRAFT AFTER ROUTINE TEMPORARY TRANSFER.—In the case of an aircraft transferred from a reserve component of the Air Force to the regular component of the Air Force for which an agreement under subsection (a) is not required by reason of subsection (c)(2)(A), possession of the aircraft shall be transferred back to the reserve component upon completion of the work described in subsection (c)(2)(A).”.

(b) CONFORMING AMENDMENT.—Section 345(a)(7) of the National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 10 U.S.C. 8062 note) is amended by striking “Commander of the Air Force Reserve Command” and inserting “Chief of Air Force Reserve”.

(c) TECHNICAL AMENDMENTS TO DELETE REFERENCES TO AIRCRAFT OWNERSHIP.—Section 345(a) of the National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 10 U.S.C. 8062 note) is amended in paragraphs (2)(A), (2)(C), and (3) by striking “the ownership of”.

SEC. 1089. REESTABLISHMENT OF COMMISSION TO ASSESS THE THREAT TO THE UNITED STATES FROM ELECTROMAGNETIC PULSE ATTACK.

50 USC 2301
note.

(a) REESTABLISHMENT.—The commission established pursuant to title XIV of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–345), and reestablished pursuant to section

1052 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 50 U.S.C. 2301 note), known as the Commission to Assess the Threat to the United States from Electromagnetic Pulse Attack, is hereby reestablished.

(b) MEMBERSHIP.—Service on the Commission is voluntary, and Commissioners may elect to terminate their service on the Commission. If a Commissioner is unwilling or unable to serve on the Commission, the Secretary of Defense, in consultation with the chairmen and ranking members of the Committees on Armed Services of the House of Representatives and the Senate, shall appoint a new member to fill that vacancy.

(c) COMMISSION CHARTER DEFINED.—In this section, the term “Commission charter” means title XIV of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–345 et seq.), as amended by section 1052 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 50 U.S.C. 2301 note) and section 1073 of the John Warner National Defense Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2403).

(d) EXPANDED PURPOSE.—Section 1401(b) of the Commission charter (114 Stat. 1654A–345) is amended by inserting before the period at the end the following: “, from non-nuclear EMP weapons, from natural EMP generated by geomagnetic storms, and from proposed uses in the military doctrines of potential adversaries of using EMP weapons in combination with other attack vectors.”.

(e) DUTIES OF COMMISSION.—Section 1402 of the Commission charter (114 Stat. 1654A–346) is amended to read as follows:

“SEC. 1402. DUTIES OF COMMISSION.

“The Commission shall assess the following:

“(1) The vulnerability of electric-dependent military systems in the United States to a manmade or natural EMP event, giving special attention to the progress made by the Department of Defense, other Government departments and agencies of the United States, and entities of the private sector in taking steps to protect such systems from such an event.

“(2) The evolving current and future threat from state and non-state actors of a manmade EMP attack employing nuclear or non-nuclear weapons.

“(3) New technologies, operational procedures, and contingency planning that can protect electronics and military systems from the effects a manmade or natural EMP event.

“(4) Among the States, if State grids are protected against manmade or natural EMP, which States should receive highest priority for protecting critical defense assets.

“(5) The degree to which vulnerabilities of critical infrastructure systems create cascading vulnerabilities for military systems.”.

(f) REPORT.—Section 1403 of the Commission charter (114 Stat. 1654A–345) is amended by striking “September 30, 2007” and inserting “June 30, 2017”.

(g) TERMINATION.—Section 1049 of the Commission charter (114 Stat. 1654A–348) is amended by inserting before the period at the end the following: “, as amended by the National Defense Authorization Act for Fiscal Year 2016”.

SEC. 1090. MINE COUNTERMEASURES MASTER PLAN AND REPORT.

(a) MASTER PLAN REQUIRED.—

(1) **PLAN REQUIRED.**—At the same time the budget is submitted to Congress for each of fiscal years 2018 through 2023, the Secretary of the Navy shall submit to the congressional defense committees a mine countermeasures (in this section referred to as “MCM”) master plan.

(2) **ELEMENTS.**—Each MCM master plan submitted under paragraph (1) shall include each of the following:

(A) An evaluation of the capabilities, capacities, requirements, and readiness levels of the defensive capabilities of the Navy for MCM, including an assessment of—

(i) the dedicated MCM force; and

(ii) the capabilities of ships, aircraft, and submarines that are not yet dedicated to MCM but could be modified to carry MCM capabilities.

(B) An evaluation of the ability of commanders—

(i) to properly command and control air and surface MCM forces from the fleet to the unit level; and

(ii) to provide necessary operational and tactical control and awareness of such forces to facilitate mission accomplishment and defense.

(C) An assessment of—

(i) technologies having promising potential to improve MCM; and

(ii) programs for transitioning such technologies from the testing and evaluation phases to procurement.

(D) A fiscal plan to support the master plan through the Future Years Defense Plan.

(E) A plan for inspection of each asset with MCM responsibilities, requirements, and capabilities, which shall include proposed methods to ensure the material readiness of each asset and the training level of the force, a general summary, and readiness trends.

(3) **FORM OF SUBMISSION.**—Each MCM master plan submitted under paragraph (1) shall be in unclassified form, but may include a classified annex addressing the capability and capacity to meet operational plans and contingency requirements.

(b) **REPORT TO CONGRESS.**—

(1) **REPORT REQUIRED.**—Not later than one year after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees a report that contains the recommendations of the Secretary—

(A) regarding MCM force structure; and

(B) ensuring the operational effectiveness of the surface MCM force through 2025 based on current capabilities and capacity, replacement schedules, and service life extensions or retirement schedules.

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

(A) An assessment of the MCM vessels, including the decommissioned MCM–1 and MCM–2 ships and the potential of such ships for reserve operating status.

(B) An assessment of the Littoral Combat Ship MCM mission package increment one performance against the initial operational test and evaluation criteria.

(C) An assessment of other commercially available MCM systems that could supplement or supplant Littoral Combat Ship MCM mission package systems.

22 USC 4802
note.

SEC. 1091. CONGRESSIONAL NOTIFICATION AND BRIEFING REQUIREMENT ON ORDERED EVACUATIONS OF UNITED STATES EMBASSIES AND CONSULATES INVOLVING SUPPORT PROVIDED BY THE DEPARTMENT OF DEFENSE.

(a) NOTIFICATION REQUIREMENT.—The Secretary of Defense and the Secretary of State shall provide notification to the appropriate congressional committees as soon as practicable upon the initiation of an ordered evacuation of a United States embassy or consulate involving support provided by the Department of Defense.

(b) BRIEFING REQUIREMENT.—The Secretary of Defense and the Secretary of State shall provide a briefing to the appropriate congressional committees not later than 15 days after the initiation of an ordered evacuation of a United States embassy or consulate involving support provided by the Department of Defense.

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

(1) the congressional defense committees; and

(2) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

22 USC 1733.

SEC. 1092. INTERAGENCY HOSTAGE RECOVERY COORDINATOR.

(a) INTERAGENCY HOSTAGE RECOVERY COORDINATOR.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the President shall designate an existing Federal official to coordinate efforts to secure the release of United States persons who are hostages held abroad. For purposes of carrying out the duties described in paragraph (2), such official shall have the title of “Interagency Hostage Recovery Coordinator”.

(2) DUTIES.—The Coordinator shall have the following duties:

(A) Coordinate activities of the Federal Government relating to each hostage situation described in paragraph (1) to ensure efforts to secure the release of hostages are properly resourced and correct lines of authority are established and maintained.

(B) Chair a fusion cell consisting of appropriate personnel of the Federal Government with purview over each hostage situation described in paragraph (1).

(C) Ensure sufficient representation of each Federal agency and department at each fusion cell established under subparagraph (B) and issue procedures for adjudication and appeal.

(D) Develop processes and procedures to keep family members of hostages described in paragraph (1) informed of the status of such hostages, inform such family members of updates that do not compromise the national security of the United States, and coordinate with the Federal Government’s family engagement coordinator or other designated senior representative.

(b) QUARTERLY REPORT AND BRIEFING.—

(1) REPORT.—

(A) **IN GENERAL.**—On a quarterly basis, the Coordinator shall submit to the appropriate congressional committees a report that includes a summary of each hostage situation described in subsection (a)(1).

(B) **FORM OF REPORT.**—Each report under this subparagraph (A) may be submitted in classified or unclassified form.

(2) **BRIEFING.**—On a quarterly basis, the Coordinator shall provide to the Senators representing the State, and the Member, Delegate, or Resident Commissioner of the House of Representatives representing the district, where a hostage described in subsection (a)(1) resides a briefing with respect to the status of such hostage.

(3) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means—

(A) the Committee on Armed Services, the Committee on the Judiciary, the Permanent Select Committee on Intelligence, and the Committee on Foreign Affairs of the House of Representatives; and

(B) the Committee on Armed Services, the Committee on the Judiciary, the Select Committee on Intelligence, and the Committee on Foreign Relations of the Senate.

SEC. 1093. SENSE OF CONGRESS ON THE INADVERTENT TRANSFER OF ANTHRAX FROM THE DEPARTMENT OF DEFENSE.

It is the sense of Congress that—

(1) the inadvertent transfer of live *Bacillus anthracis*, also known as anthrax, from an Army laboratory to numerous laboratories located in many States and several countries that was discovered in May 2015 represents a serious safety lapse;

(2) the Department of Defense, in cooperation with the Centers for Disease Control and Prevention, should continue to investigate the cause of this lapse and determine what protective protocols should be strengthened;

(3) the Department of Defense should reassess all Select Agent standards on a regular basis to ensure they are current and effective to prevent a reoccurrence; and

(4) the Department of Defense should keep Congress apprised of the investigation, any potential public health or safety risk, corrective actions taken, and plans to regularly reassess standards.

SEC. 1094. MODIFICATION OF CERTAIN REQUIREMENTS APPLICABLE TO MAJOR MEDICAL FACILITY LEASE FOR A DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC IN TULSA, OKLAHOMA.

Section 601(b) of the Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113–146; 128 Stat. 1793) is amended—

(1) by striking “IN TULSA.—” and all that follows through “In carrying out” and inserting “IN TULSA.—In carrying out”;

(2) by striking paragraph (2);

(3) by redesignating subparagraphs (A) through (E) as paragraphs (1) through (5), respectively, and adjusting the indentation of the margin of such paragraphs, as so redesignated, two ems to the left;

(4) in paragraph (1), as so redesignated, by striking “140,000 gross square feet” and inserting “140,000 net usable square feet”;

(5) in paragraph (2), as so redesignated, by striking “not more than the average” and all that follows and inserting “not more than the average of equivalent medical facility leases executed by the Department of Veterans Affairs over the last five years, plus 20 percent;” and

(6) in paragraph (5), as so redesignated, by striking “30-year life cycle” and inserting “20-year life cycle”.

SEC. 1095. AUTHORIZATION OF FISCAL YEAR 2015 MAJOR MEDICAL FACILITY PROJECTS OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) **AUTHORIZATION.**—The Secretary of Veterans Affairs may carry out the following major medical facility projects in fiscal year 2015, with each project to be carried out in an amount not to exceed the amount specified for that project:

(1) Construction of a community living center, outpatient clinic, renovated domiciliary, and renovation of existing buildings in Canandaigua, New York, in an amount not to exceed \$158,980,000.

(2) Seismic corrections to the mental health and community living center in Long Beach, California, in an amount not to exceed \$126,100,000.

(3) Seismic correction of 12 buildings in West Los Angeles, California, in an amount not to exceed \$70,500,000.

(4) Construction of a spinal cord injury building and seismic corrections in San Diego, California, in an amount not to exceed \$205,840,000.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 2015 or the year in which funds are appropriated for the Construction, Major Projects, account, a total of \$561,420,000 for the projects authorized in subsection (a).

38 USC 8103
note.

SEC. 1096. DESIGNATION OF CONSTRUCTION AGENT FOR CERTAIN CONSTRUCTION PROJECTS BY DEPARTMENT OF VETERANS AFFAIRS.

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

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

SEC. 1097. DEPARTMENT OF DEFENSE STRATEGY FOR COUNTERING UNCONVENTIONAL WARFARE.

(a) **STRATEGY REQUIRED.**—The Secretary of Defense shall, in consultation with the Chairman of the Joint Chiefs of Staff and

the heads of other appropriate departments and agencies of the United States Government, develop a strategy for the Department of Defense to counter unconventional warfare threats posed by adversarial state and non-state actors.

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

(1) An articulation of the activities that constitute unconventional warfare threats to the United States and allies.

(2) A clarification of the roles and responsibilities of the Department of Defense in providing indications and warning of, and protection against, acts of unconventional warfare.

(3) An analysis of the adequacy of current authorities and command structures necessary for countering unconventional warfare.

(4) An articulation of the goals and objectives of the Department of Defense with respect to countering unconventional warfare threats.

(5) An articulation of related or required interagency capabilities and whole-of-Government activities required by the Department of Defense to support a counter-unconventional warfare strategy.

(6) Recommendations for improving the counter-unconventional warfare capabilities, authorities, and command structures of the Department of Defense.

(7) Recommendations for improving interagency coordination and support mechanisms with respect to countering unconventional warfare threats.

(8) Recommendations for the establishment of joint doctrine to support counter-unconventional warfare capabilities within the Department of Defense.

(9) Any other matters the Secretary of Defense considers appropriate.

(c) SUBMITTAL TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees the strategy required by subsection (a). The strategy shall be submitted in unclassified form, but may include a classified annex.

(d) UNCONVENTIONAL WARFARE DEFINED.—In this section, the term “unconventional warfare” means activities conducted to enable a resistance movement or insurgency to coerce, disrupt, or overthrow a government or occupying power by operating through or with an underground, auxiliary, or guerrilla force in a denied area.

TITLE XI—CIVILIAN PERSONNEL MATTERS

Sec. 1101. Procedures for reduction in force of Department of Defense civilian personnel.

Sec. 1102. One-year extension of temporary authority to grant allowances, benefits, and gratuities to civilian personnel on official duty in a combat zone.

Sec. 1103. Extension of rate of overtime pay for Department of the Navy employees performing work aboard or dockside in support of the nuclear-powered aircraft carrier forward deployed in Japan.

Sec. 1104. Modification to temporary authorities for certain positions at Department of Defense research and engineering facilities.

Sec. 1105. Required probationary period for new employees of the Department of Defense.

Sec. 1106. Delay of periodic step increase for civilian employees of the Department of Defense based upon unacceptable performance.

- Sec. 1107. United States Cyber Command workforce.
- Sec. 1108. One-year extension of authority to waive annual limitation on premium pay and aggregate limitation on pay for Federal civilian employees working overseas.
- Sec. 1109. Pilot program on dynamic shaping of the workforce to improve the technical skills and expertise at certain Department of Defense laboratories.
- Sec. 1110. Pilot program on temporary exchange of financial management and acquisition personnel.
- Sec. 1111. Pilot program on enhanced pay authority for certain acquisition and technology positions in the Department of Defense.
- Sec. 1112. Pilot program on direct hire authority for veteran technical experts into the defense acquisition workforce.
- Sec. 1113. Direct hire authority for technical experts into the defense acquisition workforce.

SEC. 1101. PROCEDURES FOR REDUCTION IN FORCE OF DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL.

(a) PROCEDURES.—Section 1597 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(f) REDUCTIONS BASED PRIMARILY ON PERFORMANCE.—The Secretary of Defense shall establish procedures to provide that, in implementing any reduction in force for civilian positions in the Department of Defense in the competitive service or the excepted service, the determination of which employees shall be separated from employment in the Department shall be made primarily on the basis of performance, as determined under any applicable performance management system.”.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should proceed with the collaborative work with employee representatives on the “New Beginnings” performance management and workforce incentive system authorized under section 1113 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 5 U.S.C. 9902 note) and begin implementation of the new system at the earliest possible date.

SEC. 1102. ONE-YEAR EXTENSION OF TEMPORARY AUTHORITY TO GRANT ALLOWANCES, BENEFITS, AND GRATUITIES TO CIVILIAN PERSONNEL ON OFFICIAL DUTY IN A COMBAT ZONE.

Paragraph (2) of section 1603(a) of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 443), as added by section 1102 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4616) and as most recently amended by section 1102 of the National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3525), is further amended by striking “2016” and inserting “2017”.

SEC. 1103. EXTENSION OF RATE OF OVERTIME PAY FOR DEPARTMENT OF THE NAVY EMPLOYEES PERFORMING WORK ABOARD OR DOCKSIDE IN SUPPORT OF THE NUCLEAR-POWERED AIRCRAFT CARRIER FORWARD DEPLOYED IN JAPAN.

Section 5542(a)(6)(B) of title 5, United States Code, is amended by striking “September 30, 2015” and inserting “September 30, 2017”.

SEC. 1104. MODIFICATION TO TEMPORARY AUTHORITIES FOR CERTAIN POSITIONS AT DEPARTMENT OF DEFENSE RESEARCH AND ENGINEERING FACILITIES. 10 USC 2358 note.

Section 1107 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 888) is amended—

(1) in subsection (a), by adding at the end the following:

“(4) NONCOMPETITIVE CONVERSION TO PERMANENT APPOINTMENT.—With respect to any student appointed by the director of an STRL under paragraph (3) to a temporary or term appointment, upon graduation from the applicable institution of higher education (as defined in such paragraph), the director may noncompetitively convert such student to a permanent appointment within the STRL without regard to the provisions of subchapter I of chapter 33 of title 5, United States Code (other than sections 3303 and 3328 of such title), provided the student meets all eligibility and Office of Personnel Management qualification requirements for the position.”;

(2) in subsection (c)(1), by striking “3 percent” and inserting “6 percent”;

(3) in subsection (c)(2), by striking “1 percent” and inserting “3 percent”; and

(4) in subsection (f)(2), by striking “1 percent” and inserting “2 percent”.

SEC. 1105. REQUIRED PROBATIONARY PERIOD FOR NEW EMPLOYEES OF THE DEPARTMENT OF DEFENSE.

(a) REQUIRED PROBATIONARY PERIOD.—

(1) IN GENERAL.—Chapter 81 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 1599e. Probationary period for employees

10 USC 1599e.

“(a) IN GENERAL.—Notwithstanding sections 3321 and 3393(d) of title 5, the appointment of a covered employee shall become final only after such employee has served a probationary period of two years. The Secretary concerned may extend a probationary period under this subsection at the discretion of such Secretary.

“(b) DEFINITIONS.—In this section:

“(1) The term ‘covered employee’ means any individual—

“(A) appointed to a permanent position within the competitive service at the Department of Defense; or

“(B) appointed as a career appointee (as that term is defined in section 3132(a)(4) of title 5) within the Senior Executive Service at the Department.

“(2) The term ‘Secretary concerned’ includes the Secretary of Defense with respect to employees of the Department of Defense who are not employees of a military department.

“(c) EMPLOYMENT BECOMES FINAL.—Upon the expiration of a covered employee’s probationary period under subsection (a), the supervisor of the employee shall determine whether the appointment becomes final based on regulations prescribed for such purpose by the Secretary of Defense.

“(d) APPLICATION OF CHAPTER 75 OF TITLE 5 FOR EMPLOYEES IN THE COMPETITIVE SERVICE.—With respect to any individual described in subsection (b)(1)(A) and to whom this section applies, section 7501(1) and section 7511(a)(1)(A)(ii) of title 5 shall be applied

to such individual by substituting ‘completed 2 years’ for ‘completed 1 year’ in each instance it appears.”

10 USC
1580 prec.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 81 of such title is amended by adding at the end the following new item:

“1599e. Probationary period for employees.”

10 USC 1599e
note.

(b) APPLICATION.—The amendment made by subsection (a) shall apply to any covered employee (as that term is defined in section 1599e of title 10, United States Code, as added by such subsection) appointed after the date of the enactment of this section.

(c) CONFORMING AMENDMENTS.—Title 5, United States Code, is amended—

(1) in section 3321(c), by inserting at the end before the period the following: “, or any individual covered by section 1599e of title 10”;

(2) in section 3393(d), by adding at the end the following: “The preceding sentence shall not apply to any individual covered by section 1599e of title 10.”;

(3) in section 7501(1), by striking “or who” and inserting “or, except as provided in section 1599e of title 10, who”;

(4) in section 7511(a)(1)(A)(ii), by inserting “except as provided in section 1599e of title 10,” before “who”; and

(5) in section 7541(1)(A), by inserting “or section 1599e of title 10” after “this title”.

5 USC 5335 note.

SEC. 1106. DELAY OF PERIODIC STEP INCREASE FOR CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE BASED UPON UNACCEPTABLE PERFORMANCE.

(a) DELAY.—Under procedures established by the Secretary of Defense, upon a determination by the Secretary that the work of an employee is not at an acceptable level of competence, the period of time during which the work of the employee is not at an acceptable level of competence shall not count toward completion of the period of service required for purposes of subsection (a) of section 5335 of title 5, United States Code, or subsection (e)(1) or (e)(2) of section 5343 of such title.

(b) APPLICABILITY TO PERIODS OF SERVICE.—Subsection (a) shall not apply with respect to any period of service performed before the date of the enactment of this Act.

SEC. 1107. UNITED STATES CYBER COMMAND WORKFORCE.

(a) IN GENERAL.—Chapter 81 of title 10, United States Code, as amended by section 1105, is further amended by adding at the end the following new section:

5 USC 1599f.

“§ 1599f. United States Cyber Command recruitment and retention

“(a) GENERAL AUTHORITY.—(1) The Secretary of Defense may—
“(A) establish, as positions in the excepted service, such qualified positions in the Department of Defense as the Secretary determines necessary to carry out the responsibilities of the United States Cyber Command, including—

“(i) positions held by staff of the headquarters of the United States Cyber Command;

“(ii) positions held by elements of the United States Cyber Command enterprise relating to cyberspace operations, including elements assigned to the Joint Task Force—Department of Defense Information Networks; and

“(iii) positions held by elements of the military departments supporting the United States Cyber Command;

“(B) appoint an individual to a qualified position (after taking into consideration the availability of preference eligibles for appointment to the position); and

“(C) subject to the requirements of subsections (b) and (c), fix the compensation of an individual for service in a qualified position.

“(2) The authority of the Secretary under this subsection applies without regard to the provisions of any other law relating to the appointment, number, classification, or compensation of employees.

“(b) BASIC PAY.—(1) In accordance with this section, the Secretary shall fix the rates of basic pay for any qualified position established under subsection (a)—

“(A) in relation to the rates of pay provided for employees in comparable positions in the Department, in which the employee occupying the comparable position performs, manages, or supervises functions that execute the cyber mission of the Department; and

“(B) subject to the same limitations on maximum rates of pay established for such employees by law or regulation.

“(2) The Secretary may—

“(A) consistent with section 5341 of title 5, adopt such provisions of that title to provide for prevailing rate systems of basic pay; and

“(B) apply those provisions to qualified positions for employees in or under which the Department may employ individuals described by section 5342(a)(2)(A) of such title.

“(c) ADDITIONAL COMPENSATION, INCENTIVES, AND ALLOWANCES.—(1) The Secretary may provide employees in qualified positions compensation (in addition to basic pay), including benefits, incentives, and allowances, consistent with, and not in excess of the level authorized for, comparable positions authorized by title 5.

“(2) An employee in a qualified position whose rate of basic pay is fixed under subsection (b)(1) shall be eligible for an allowance under section 5941 of title 5 on the same basis and to the same extent as if the employee was an employee covered by such section, including eligibility conditions, allowance rates, and all other terms and conditions in law or regulation.

“(d) IMPLEMENTATION PLAN REQUIRED.—The authority granted in subsection (a) shall become effective 30 days after the date on which the Secretary of Defense provides to the congressional defense committees a plan for implementation of such authority. The plan shall include the following:

“(1) An assessment of the current scope of the positions covered by the authority.

“(2) A plan for the use of the authority.

“(3) An assessment of the anticipated workforce needs of the United States Cyber Command across the future-years defense plan.

“(4) Other matters as appropriate.

“(e) COLLECTIVE BARGAINING AGREEMENTS.—Nothing in subsection (a) may be construed to impair the continued effectiveness of a collective bargaining agreement with respect to an office, component, subcomponent, or equivalent of the Department that is a successor to an office, component, subcomponent, or equivalent of the Department covered by the agreement before the succession.

“(f) REQUIRED REGULATIONS.—The Secretary, in coordination with the Director of the Office of Personnel Management, shall prescribe regulations for the administration of this section.

“(g) ANNUAL REPORT.—(1) Not later than one year after the date of the enactment of this section and not less frequently than once each year thereafter until the date that is five years after the date of the enactment of this section, the Director of the Office of Personnel Management, in coordination with the Secretary, shall submit to the appropriate committees of Congress a detailed report on the administration of this section during the most recent one-year period.

“(2) Each report submitted under paragraph (1) shall include, for the period covered by the report, the following:

“(A) A discussion of the process used in accepting applications, assessing candidates, ensuring adherence to veterans’ preference, and selecting applicants for vacancies to be filled by an individual for a qualified position.

“(B) A description of the following:

“(i) How the Secretary plans to fulfill the critical need of the Department to recruit and retain employees in qualified positions.

“(ii) The measures that will be used to measure progress.

“(iii) Any actions taken during the reporting period to fulfill such critical need.

“(C) A discussion of how the planning and actions taken under subparagraph (B) are integrated into the strategic workforce planning of the Department.

“(D) The metrics on actions occurring during the reporting period, including the following:

“(i) The number of employees in qualified positions hired, disaggregated by occupation, grade, and level or pay band.

“(ii) The placement of employees in qualified positions, disaggregated by military department, Defense Agency, or other component within the Department.

“(iii) The total number of veterans hired.

“(iv) The number of separations of employees in qualified positions, disaggregated by occupation and grade and level or pay band.

“(v) The number of retirements of employees in qualified positions, disaggregated by occupation, grade, and level or pay band.

“(vi) The number and amounts of recruitment, relocation, and retention incentives paid to employees in qualified positions, disaggregated by occupation, grade, and level or pay band.

“(E) A description of the training provided to supervisors of employees in qualified positions at the Department on the use of the new authorities.

“(h) **THREE-YEAR PROBATIONARY PERIOD.**—The probationary period for all employees hired under the authority established in this section shall be three years.

“(i) **INCUMBENTS OF EXISTING COMPETITIVE SERVICE POSITIONS.**—(1) An individual occupying a position on the date of the enactment of this section that is selected to be converted to a position in the excepted service under this section shall have the right to refuse such conversion.

“(2) After the date on which an individual who refuses a conversion under paragraph (1) stops serving in the position selected to be converted, the position may be converted to a position in the excepted service.

“(j) **DEFINITIONS.**—In this section:

“(1) The term ‘appropriate committees of Congress’ means—

“(A) the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

“(B) the Committee on Armed Services, the Committee on Oversight and Government Reform, and the Committee on Appropriations of the House of Representatives.

“(2) The term ‘collective bargaining agreement’ has the meaning given that term in section 7103(a)(8) of title 5.

“(3) The term ‘excepted service’ has the meaning given that term in section 2103 of title 5.

“(4) The term ‘preference eligible’ has the meaning given that term in section 2108(3) of title 5.

“(5) The term ‘qualified position’ means a position, designated by the Secretary for the purpose of this section, in which the individual occupying such position performs, manages, or supervises functions that execute the responsibilities of the United States Cyber Command relating to cyber operations.

“(6) The term ‘Senior Executive Service’ has the meaning given that term in section 2101a of title 5.”

(b) **CONFORMING AMENDMENT.**—Section 3132(a)(2) of title 5, United States Code, is amended in the matter following subparagraph (E)—

(1) in clause (ii), by striking “or” at the end;

(2) in clause (iii), by inserting “or” after the semicolon;

and

(3) by inserting after clause (iii) the following new clause:

“(iv) any position established as a qualified position in the excepted service by the Secretary of Defense under section 1599f of title 10;”.

(c) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 81 of title 10, United States Code, as amended by section 1105, is further amended by adding at the end the following new item:

10 USC
1580 prec.

“1599f. United States Cyber Command recruitment and retention.”.

SEC. 1108. ONE-YEAR EXTENSION OF AUTHORITY TO WAIVE ANNUAL LIMITATION ON PREMIUM PAY AND AGGREGATE LIMITATION ON PAY FOR FEDERAL CIVILIAN EMPLOYEES WORKING OVERSEAS.

Effective January 1, 2016, section 1101(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4615), as most recently amended by section

1101 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291), is further amended by striking “through 2015” and inserting “through 2016”.

10 USC 2358
note.

SEC. 1109. PILOT PROGRAM ON DYNAMIC SHAPING OF THE WORKFORCE TO IMPROVE THE TECHNICAL SKILLS AND EXPERTISE AT CERTAIN DEPARTMENT OF DEFENSE LABORATORIES.

(a) **PILOT PROGRAM REQUIRED.**—The Secretary of Defense shall establish a pilot program to utilize the authorities specified in subsection (b) at the Department of Defense laboratories specified in subsection (c) to provide the directors of such laboratories the authority to dynamically shape the mix of technical skills and expertise in the workforces of such laboratories in order to achieve one or more of the following:

(1) To meet organizational and Department-designated missions in the most cost-effective and efficient manner.

(2) To upgrade and enhance the scientific quality of the workforces of such laboratories.

(3) To shape such workforces to better respond to such missions.

(4) To reduce the average unit cost of such workforces.

(b) **WORKFORCE SHAPING AUTHORITIES.**—The authorities that shall be available for use by the director of a Department of Defense laboratory under the pilot program are the following:

(1) **FLEXIBLE LENGTH AND RENEWABLE TERM TECHNICAL APPOINTMENTS.**—

(A) **IN GENERAL.**—Subject to the provisions of this paragraph, authority otherwise available to the director by law (and within the available budgetary resources of the laboratory) to appoint qualified scientific and technical personnel who are not currently Department of Defense civilian employees into any scientific or technical position in the laboratory for a period of more than one year but not more than six years.

(B) **BENEFITS.**—Personnel appointed under this paragraph shall be provided with benefits comparable to those provided to similar employees at the laboratory concerned, including professional development opportunities, eligibility for all laboratory awards programs, and designation as “status applicants” for the purposes of eligibility for positions in the Federal service.

(C) **EXTENSION OF APPOINTMENTS.**—The appointment of any individual under this paragraph may be extended without limit in up to six year increments at any time during any term of service under such conditions as the director concerned shall establish for purposes of this paragraph.

(D) **CONSTRUCTION WITH CERTAIN LIMITATION.**—For purposes of determining the workforce size of a laboratory in connection with compliance with section 955 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 1896; 10 U.S.C. 129a note), any individual serving in an appointment under this paragraph shall be treated as a fractional employee of the laboratory, which fraction is—

(i) the current term of appointment of the individual under this paragraph; divided by

(ii) the average length of tenure of a career employee at the laboratory, as calculated at the end of the last fiscal year ending before the date of the most recent appointment or extension of the individual under this paragraph.

(2) REEMPLOYMENT OF ANNUITANTS.—Authorities to authorize the director of any science and technology reinvention laboratory (in this section referred to as “STRL”) to reemploy annuitants in accordance with section 9902(g) of title 5, United States Code, except that as a condition for reemployment the director may authorize the deduction from the pay of any annuitant so reemployed of an amount up to the amount of the annuity otherwise payable to such annuitant allocable to the period of actual employment of such annuitant, which amount shall be determined in a manner specified by the director for purposes of this paragraph to ensure the most cost effective execution of designated missions by the laboratory while retaining critical technical skills.

(3) EARLY RETIREMENT INCENTIVES.—Authorities to authorize the director of any STRL to authorize voluntary early retirement of employees in accordance with section 8336 of title 5, United States Code, without regard to section 8336(d)(2)(D) or 3522 of such title, and with employees so separated voluntarily from service.

(4) SEPARATION INCENTIVE PAY.—Authorities to authorize the director of any STRL to pay voluntary separation pay to employees in accordance with section 8414(b)(1)(B) of title 5, United States Code, without regard to clause (iv) or (v) of such section or section 3522 of such title, and with—

(A) employees so separated voluntarily from service under regulations prescribed by the Secretary of Defense for purposes of the pilot program; and

(B) payments to employees so separated authorized under section 3523 of such title without regard to—

(i) the plan otherwise required by section 3522 of such title; and

(ii) paragraph (1) or (3) of section 3523(b) of such title.

(c) LABORATORIES.—The Department of Defense laboratories specified in this subsection are the laboratories specified in section 1105(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2486; 10 U.S.C. 2358 note).

(d) EXPIRATION.—

(1) IN GENERAL.—The authority in this section shall expire on December 31, 2023.

(2) CONTINUATION OF AUTHORITIES EXERCISED BEFORE TERMINATION.—The expiration in paragraph (1) shall not be construed to effect the continuation after the date specified in paragraph (1) of any term of employment or other benefit authorized under this section before that date in accordance with the terms of such authorization.

10 USC 1701
note.

**SEC. 1110. PILOT PROGRAM ON TEMPORARY EXCHANGE OF FINANCIAL
MANAGEMENT AND ACQUISITION PERSONNEL.**

(a) **IN GENERAL.**—The Secretary of Defense may carry out a pilot program to assess the feasibility and advisability of the temporary assignment of covered employees of the Department of Defense to nontraditional defense contractors and of covered employees of such contractors to the Department.

(b) **COVERED EMPLOYEES; NONTRADITIONAL DEFENSE CONTRACTORS.**—

(1) **COVERED EMPLOYEES.**—An employee of the Department of Defense or a nontraditional Defense contractor is a covered employee for purposes of this section if the employee—

(A) works in the field of financial management or in the acquisition field;

(B) is considered by the Secretary of Defense to be an exceptional employee; and

(C) is compensated at not less than the GS–11 level (or the equivalent).

(2) **NONTRADITIONAL DEFENSE CONTRACTORS.**—For purposes of this section, the term “nontraditional defense contractor” has the meaning given that term in section 2302(9) of title 10, United States Code.

(c) **AGREEMENTS.**—

(1) **IN GENERAL.**—The Secretary of Defense shall provide for a written agreement among the Department of Defense, the nontraditional defense contractor concerned, and the employee concerned regarding the terms and conditions of the employee’s assignment under this section.

(2) **ELEMENTS.**—An agreement under this subsection—

(A) shall require, in the case of an employee of the Department, that upon completion of the assignment, the employee will serve in the civil service for a period at least equal to three times the length of the assignment, unless the employee is sooner involuntarily separated from the service of the employee’s agency; and

(B) shall provide that if the employee of the Department or of the contractor (as the case may be) fails to carry out the agreement, or if the employee is voluntarily separated from the service of the employee’s agency before the end of the period stated in the agreement, the employee shall be liable to the United States for payment of all expenses of the assignment unless that failure or voluntary separation was for good and sufficient reason, as determined by the Secretary.

(3) **DEBT TO THE UNITED STATES.**—An amount for which an employee is liable under paragraph (2)(B) shall be treated as a debt due the United States. The Secretary may waive, in whole or in part, collection of such a debt based on a determination that the collection would be against equity and good conscience and not in the best interests of the United States.

(d) **TERMINATION.**—An assignment under this section may, at any time and for any reason, be terminated by the Department of Defense or the nontraditional defense contractor concerned.

(e) **DURATION.**—An assignment under this section shall be for a period of not less than three months and not more than one year.

(f) STATUS OF FEDERAL EMPLOYEES ASSIGNED TO CONTRACTORS.—An employee of the Department of Defense who is assigned to a nontraditional defense contractor under this section shall be considered, during the period of assignment, to be on detail to a regular work assignment in the Department for all purposes. The written agreement established under subsection (c) shall address the specific terms and conditions related to the employee's continued status as a Federal employee.

(g) TERMS AND CONDITIONS FOR PRIVATE SECTOR EMPLOYEES.—An employee of a nontraditional defense contractor who is assigned to a Department of Defense organization under this section—

(1) shall continue to receive pay and benefits from the contractor from which such employee is assigned;

(2) shall be deemed to be an employee of the Department of Defense for the purposes of—

(A) chapter 73 of title 5, United States Code;

(B) sections 201, 203, 205, 207, 208, 209, 603, 606, 607, 643, 654, 1905, and 1913 of title 18, United States Code, and any other conflict of interest statute;

(C) sections 1343, 1344, and 1349(b) of title 31, United States Code;

(D) chapter 171 and section 1346(b) of title 28, United States Code (popularly known as the Federal Tort Claims Act), and any other Federal tort liability statute;

(E) the Ethics in Government Act of 1978 (5 U.S.C. App. 101 et seq.);

(F) chapter 21 of title 41, United States Code; and

(G) subchapter I of chapter 81 of title 5, United States Code, relating to compensation for work-related injuries; and

(3) may not have access, while the employee is assigned to a Department organization, to any trade secrets or to any other nonpublic information which is of commercial value to the contractor from which such employee is assigned.

(h) PROHIBITION AGAINST CHARGING CERTAIN COSTS TO FEDERAL GOVERNMENT.—A nontraditional defense contractor may not charge the Department of Defense or any other agency of the Federal Government, as direct or indirect costs under a Federal contract, the costs of pay or benefits paid by the contractor to an employee assigned to a Department organization under this section for the period of the assignment.

(i) CONSIDERATION.—In providing for assignments of employees under this section, the Secretary of Defense shall take into consideration the question of how assignments might best be used to help meet the needs of the Department of Defense with respect to the training of employees in financial management or in acquisition.

(j) NUMERICAL LIMITATIONS.—

(1) DEPARTMENT EMPLOYEES.—The number of employees of the Department of Defense who may be assigned to nontraditional defense contractors under this section at any given time may not exceed the following:

(A) Five employees in the field of financial management.

(B) Five employees in the acquisition field.

(2) NONTRADITIONAL DEFENSE CONTRACTOR EMPLOYEES.—The total number of nontraditional defense contractor

employees who may be assigned to the Department under this section at any given time may not exceed 10 such employees.

(k) **TERMINATION OF AUTHORITY FOR ASSIGNMENTS.**—No assignment of an employee may commence under this section after September 30, 2019.

10 USC 1701
note.

SEC. 1111. PILOT PROGRAM ON ENHANCED PAY AUTHORITY FOR CERTAIN ACQUISITION AND TECHNOLOGY POSITIONS IN THE DEPARTMENT OF DEFENSE.

(a) **PILOT PROGRAM AUTHORIZED.**—The Secretary of Defense may carry out a pilot program to assess the feasibility and advisability of using the pay authority specified in subsection (d) to fix the rate of basic pay for positions described in subsection (c) in order to assist the Office of the Secretary of Defense and the military departments in attracting and retaining high-quality acquisition and technology experts in positions responsible for managing and developing complex, high-cost, technological acquisition efforts of the Department of Defense.

(b) **APPROVAL REQUIRED.**—The pilot program may be carried out only with approval as follows:

(1) Approval of the Under Secretary of Defense for Acquisition, Technology, and Logistics, in the case of positions in the Office of the Secretary of Defense.

(2) Approval of the Service Acquisition Executive of the military department concerned, in the case of positions in a military department.

(c) **POSITIONS.**—The positions described in this subsection are positions that—

(1) require expertise of an extremely high level in a scientific, technical, professional, or acquisition management field; and

(2) are critical to the successful accomplishment of an important acquisition or technology development mission.

(d) **RATE OF BASIC PAY.**—The pay authority specified in this subsection is authority as follows:

(1) Authority to fix the rate of basic pay for a position at a rate not to exceed 150 percent of the rate of basic pay payable for level I of the Executive Schedule, upon the approval of the Under Secretary of Defense for Acquisition, Technology, and Logistics or the Service Acquisition Executive concerned, as applicable.

(2) Authority to fix the rate of basic pay for a position at a rate in excess of 150 percent of the rate of basic pay payable for level I of the Executive Schedule, upon the approval of the Secretary of Defense.

(e) **LIMITATIONS.**—

(1) **IN GENERAL.**—The authority in subsection (a) may be used only to the extent necessary to competitively recruit or retain individuals exceptionally well qualified for positions described in subsection (c).

(2) **NUMBER OF POSITIONS.**—The authority in subsection (a) may not be used with respect to more than five positions in the Office of the Secretary of Defense and more than five positions in each military department at any one time.

(3) **TERM OF POSITIONS.**—The authority in subsection (a) may be used only for positions having terms less than five years.

(f) TERMINATION.—

(1) IN GENERAL.—The authority to fix rates of basic pay for a position under this section shall terminate on October 1, 2020.

(2) CONTINUATION OF PAY.—Nothing in paragraph (1) shall be construed to prohibit the payment after October 1, 2020, of basic pay at rates fixed under this section before that date for positions whose terms continue after that date.

SEC. 1112. PILOT PROGRAM ON DIRECT HIRE AUTHORITY FOR VETERAN TECHNICAL EXPERTS INTO THE DEFENSE ACQUISITION WORKFORCE.

10 USC 1701
note.

(a) PILOT PROGRAM.—The Secretary of Defense may carry out a pilot program to assess the feasibility and advisability of appointing qualified veteran candidates to positions described in subsection (b) in the defense acquisition workforce of the military departments without regard to the provisions of subchapter I of chapter 33 of title 5, United States Code. The Secretary shall carry out the pilot program in each military department through the service acquisition executive of such military department.

(b) POSITIONS.—The positions described in this subsection are scientific, technical, engineering, and mathematics positions, including technicians, within the defense acquisition workforce.

(c) LIMITATION.—Authority under subsection (a) may not, in any calendar year and with respect to any military department, be exercised with respect to a number of candidates greater than the number equal to 1 percent of the total number of positions in the acquisition workforce of that military department that are filled as of the close of the fiscal year last ending before the start of such calendar year.

(d) DEFINITIONS.—In this section:

(1) The term “employee” has the meaning given that term in section 2105 of title 5, United States Code.

(2) The term “veteran” has the meaning given that term in section 101 of title 38, United States Code.

(e) TERMINATION.—

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

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

SEC. 1113. DIRECT HIRE AUTHORITY FOR TECHNICAL EXPERTS INTO THE DEFENSE ACQUISITION WORKFORCE.

10 USC 1701
note.

(a) AUTHORITY.—Each Secretary of a military department may appoint qualified candidates possessing a scientific or engineering degree to positions described in subsection (b) for that military department without regard to the provisions of subchapter I of chapter 33 of title 5, United States Code.

(b) APPLICABILITY.—Positions described in this subsection are scientific and engineering positions within the defense acquisition workforce.

(c) LIMITATION.—Authority under this section may not, in any calendar year and with respect to any military department, be exercised with respect to a number of candidates greater than

the number equal to 5 percent of the total number of scientific and engineering positions within the acquisition workforce of that military department that are filled as of the close of the fiscal year last ending before the start of such calendar year.

(d) NATURE OF APPOINTMENT.—Any appointment under this section shall be treated as an appointment on a full-time equivalent basis, unless such appointment is made on a term or temporary basis.

(e) EMPLOYEE DEFINED.—In this section, the term “employee” has the meaning given that term in section 2105 of title 5, United States Code.

(f) TERMINATION.—The authority to make appointments under this section shall not be available after December 31, 2020.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training

- Sec. 1201. One-year extension of logistical support for coalition forces supporting certain United States military operations.
- Sec. 1202. Strategic framework for Department of Defense security cooperation.
- Sec. 1203. Redesignation, modification, and extension of National Guard State Partnership Program.
- Sec. 1204. Extension of authority for non-reciprocal exchanges of defense personnel between the United States and foreign countries.
- Sec. 1205. Monitoring and evaluation of overseas humanitarian, disaster, and civic aid programs of the Department of Defense.
- Sec. 1206. One-year extension of funding limitations for authority to build the capacity of foreign security forces.
- Sec. 1207. Authority to provide support to national military forces of allied countries for counterterrorism operations in Africa.
- Sec. 1208. Reports on training of foreign military intelligence units provided by the Department of Defense.
- Sec. 1209. Prohibition on security assistance to entities in Yemen controlled by the Houthi movement.

Subtitle B—Matters Relating to Afghanistan and Pakistan

- Sec. 1211. Extension and modification of Commanders’ Emergency Response Program.
- Sec. 1212. Extension and modification of authority for reimbursement of certain coalition nations for support provided to United States military operations.
- Sec. 1213. Additional matter in semiannual report on enhancing security and stability in Afghanistan.
- Sec. 1214. Extension of authority to acquire products and services produced in countries along a major route of supply to Afghanistan.
- Sec. 1215. Extension of authority to transfer defense articles and provide defense services to the military and security forces of Afghanistan.
- Sec. 1216. Modification of protection for Afghan allies.

Subtitle C—Matters Relating to Syria and Iraq

- Sec. 1221. Extension of authority to support operations and activities of the Office of Security Cooperation in Iraq.
- Sec. 1222. Strategy for the Middle East and to counter violent extremism.
- Sec. 1223. Modification of authority to provide assistance to counter the Islamic State of Iraq and the Levant.
- Sec. 1224. Reports on United States Armed Forces deployed in support of Operation Inherent Resolve.
- Sec. 1225. Matters relating to support for the vetted Syrian opposition.
- Sec. 1226. Support to the Government of Jordan and the Government of Lebanon for border security operations.
- Sec. 1227. Sense of Congress on the security and protection of Iranian dissidents living in Camp Liberty, Iraq.

Subtitle D—Matters Relating to Iran

- Sec. 1231. Modification and extension of annual report on the military power of Iran.
- Sec. 1232. Sense of Congress on the Government of Iran’s malign activities.
- Sec. 1233. Report on military-to-military engagements with Iran.
- Sec. 1234. Security guarantees to countries in the Middle East.
- Sec. 1235. Rule of construction.

Subtitle E—Matters Relating to the Russian Federation

- Sec. 1241. Notifications relating to testing, production, deployment, and sale or transfer to other states or non-state actors of the Club-K cruise missile system by the Russian Federation.
- Sec. 1242. Notifications of deployment of nuclear weapons by Russian Federation to territory of Ukraine or Russian territory of Kaliningrad.
- Sec. 1243. Measures in response to non-compliance by the Russian Federation with its obligations under the INF Treaty.
- Sec. 1244. Modification of notification and assessment of proposal to modify or introduce new aircraft or sensors for flight by the Russian Federation under the Open Skies Treaty.
- Sec. 1245. Prohibition on availability of funds relating to sovereignty of the Russian Federation over Crimea.
- Sec. 1246. Limitation on military cooperation between the United States and the Russian Federation.
- Sec. 1247. Report on implementation of the New START Treaty.
- Sec. 1248. Additional matters in annual report on military and security developments involving the Russian Federation.
- Sec. 1249. Report on alternative capabilities to procure and sustain nonstandard rotary wing aircraft historically procured through Rosoboronexport.
- Sec. 1250. Ukraine Security Assistance Initiative.
- Sec. 1251. Training for Eastern European national military forces in the course of multilateral exercises.

Subtitle F—Matters Relating to the Asia-Pacific Region

- Sec. 1261. Strategy to promote United States interests in the Indo-Asia-Pacific region.
- Sec. 1262. Requirement to submit Department of Defense policy regarding foreign disclosure or technology release of Aegis Ashore capability to Japan.
- Sec. 1263. South China Sea Initiative.

Subtitle G—Other Matters

- Sec. 1271. Two-year extension and modification of authorization for non-conventional assisted recovery capabilities.
- Sec. 1272. Amendment to the annual report under Arms Control and Disarmament Act.
- Sec. 1273. Extension of authorization to conduct activities to enhance the capability of foreign countries to respond to incidents involving weapons of mass destruction.
- Sec. 1274. Modification of authority for support of special operations to combat terrorism.
- Sec. 1275. Limitation on availability of funds to implement the Arms Trade Treaty.
- Sec. 1276. Report on the security relationship between the United States and the Republic of Cyprus.
- Sec. 1277. Sense of Congress on European defense and the North Atlantic Treaty Organization.
- Sec. 1278. Briefing on the sale of certain fighter aircraft to Qatar.
- Sec. 1279. United States-Israel anti-tunnel cooperation.
- Sec. 1280. NATO Special Operations Headquarters.
- Sec. 1281. Increased presence of United States ground forces in Eastern Europe to deter aggression on the border of the North Atlantic Treaty Organization.

Subtitle A—Assistance and Training

SEC. 1201. ONE-YEAR EXTENSION OF LOGISTICAL SUPPORT FOR COALITION FORCES SUPPORTING CERTAIN UNITED STATES MILITARY OPERATIONS.

Section 1234 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 394), as most

recently amended by section 1223(a) of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3548), is further amended—

(1) in subsection (a), by striking “fiscal year 2015” and inserting “fiscal year 2016”;

(2) in subsection (d), by striking “during the period beginning on October 1, 2014, and ending on December 31, 2015” and inserting “during the period beginning on October 1, 2015, and ending on December 31, 2016”; and

(3) in subsection (e)(1), by striking “December 31, 2015” and inserting “December 31, 2016”.

10 USC 113 note. **SEC. 1202. STRATEGIC FRAMEWORK FOR DEPARTMENT OF DEFENSE SECURITY COOPERATION.**

(a) **STRATEGIC FRAMEWORK.**—

(1) **IN GENERAL.**—The Secretary of Defense, in consultation with the Secretary of State, shall develop and issue to the Department of Defense a strategic framework for Department of Defense security cooperation to guide prioritization of resources and activities.

(2) **ELEMENTS.**—The strategic framework required by paragraph (1) shall include the following:

(A) Discussion of the strategic goals of Department of Defense security cooperation programs, overall and by combatant command, and the extent to which these programs—

(i) support broader strategic priorities of the Department of Defense; and

(ii) complement and are coordinated with Department of State security assistance programs to achieve United States Government goals globally, regionally, and, if appropriate, within specific programs.

(B) Identification of the primary objectives, priorities, and desired end-states of Department of Defense security cooperation programs.

(C) Identification of challenges to achieving the primary objectives, priorities, and desired end-states identified under subparagraph (B), including—

(i) constraints on Department of Defense resources, authorities, and personnel;

(ii) partner nation variables and conditions, such as political will, absorptive capacity, corruption, and instability risk, that impact the likelihood of a security cooperation program achieving its primary objectives, priorities, and desired end-states;

(iii) constraints or limitations due to bureaucratic impediments, interagency processes, or congressional requirements;

(iv) validation of requirements; and

(v) assessment, monitoring, and evaluation.

(D) A methodology for assessing the effectiveness of Department of Defense security cooperation programs in making progress toward achieving the primary objectives, priorities, and desired end-states identified under subparagraph (B), including an identification of key benchmarks for such progress.

(E) Any other matters the Secretary of Defense determines appropriate.

(3) FREQUENCY.—The Secretary of Defense shall, at a minimum, update the strategic framework required by paragraph (1) on a biennial basis and shall update or supplement the strategic framework as appropriate to address emerging priorities.

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and on a biennial basis thereafter, the Secretary of Defense, in consultation with the Secretary of State, shall submit to the appropriate congressional committees a report on the strategic framework required by subsection (a).

(2) FORM.—The report required by paragraph (1) shall be submitted in an unclassified form, but may include a classified annex.

(3) DEFINITION.—In this subsection, the term “appropriate congressional committees” means—

(A) the congressional defense committees; and

(B) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(c) SUNSET.—This section shall cease to be effective on the date that is 6 years after the date of the enactment of this Act.

SEC. 1203. REDESIGNATION, MODIFICATION, AND EXTENSION OF NATIONAL GUARD STATE PARTNERSHIP PROGRAM.

(a) REDESIGNATION.—The heading of section 1205 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 897; 32 U.S.C. 107 note) is amended to read as follows:

“SEC. 1205. DEPARTMENT OF DEFENSE STATE PARTNERSHIP PROGRAM.”

(b) SCOPE OF AUTHORITY.—Subsection (a) of such section is amended—

(1) in paragraph (1), by striking “a program of exchanges” and all that follows and inserting “a program of activities described in paragraph (2), to support the security cooperation objectives of the United States, between members of the National Guard of a State or territory and any of the following:

“(A) The military forces of a foreign country.

“(B) The security forces of a foreign country.

“(C) Governmental organizations of a foreign country whose primary functions include disaster response or emergency response.”; and

(2) by striking paragraph (2) and inserting the following new paragraph (2):

“(2) STATE PARTNERSHIP.—Each program established under this subsection shall be known as a ‘State Partnership’.”

(c) LIMITATION.—Subsection (b) of such section is amended by striking “activity under a program” and all that follows through “State or territory,” and inserting “activity with forces referred to in subsection (a)(1)(B) or organizations described in subsection (a)(1)(C) under a program established under subsection (a)”.

(d) COORDINATION OF ACTIVITIES.—Such section is further amended—

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

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

“(c) COORDINATION OF ACTIVITIES.—The Chief of the National Guard Bureau shall designate a director for each State and territory to be responsible for the coordination of activities under a program established under subsection (a) for such State or territory and reporting on activities under the program.”.

(e) ANNUAL REPORT.—Paragraph (2)(B) of subsection (f) of such section, as redesignated by subsection (d)(1) of this section, is amended—

(1) in clause (iii), by inserting “or other government organizations” after “and security forces”;

(2) in clause (iv), by adding before the period at the the following: “and country”;

(3) in clause (v), by striking “training” and inserting “activities”; and

(4) by adding at the end the following:

“(vi) An assessment of the extent to which the activities conducted during the previous year met the objectives described in clause (v).”.

(f) STATE PARTNERSHIP PROGRAM FUND.—

(1) ASSESSMENT OF ESTABLISHMENT OF FUND.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Policy and the Under Secretary of Defense (Comptroller) shall jointly submit to the congressional defense committees a report setting forth a joint assessment of the feasibility and advisability of establishing a central fund to manage funds for programs and activities under the Department of Defense State Partnership Program under section 1205 of the National Defense Authorization Act for Fiscal Year 2014, as amended by this section.

(2) RECOMMENDATION FOR LEGISLATIVE ACTION.—If the report under paragraph (1) concludes that the establishment of a fund as described in that paragraph is feasible and advisable, the Secretary of Defense shall include with the materials submitted to Congress in support of the budget of the President for fiscal year 2017 pursuant to section 1105 of title 31, United States Code, a recommendation for such legislation as the Secretary considers appropriate to establish the fund.

(g) CONFORMING AMENDMENTS.—Paragraph (2)(A) of subsection (f) of such section, as redesignated by subsection (d)(1) of this section, is amended—

(1) by striking “a program” and inserting “each program”; and

(2) by striking “the program” and inserting “such program”.

(h) RECIPIENTS OF REPORTS AND NOTIFICATIONS.—Paragraph (1) of subsection (h) of such section, as redesignated by subsection (d)(1) of this section, is amended by striking subparagraphs (A) and (B) and inserting the following new subparagraphs (A) and (B):

“(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

“(B) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.”.

(i) FIVE-YEAR EXTENSION.—Subsection (i) of such section is amended by striking “September 30, 2016” and inserting “September 30, 2021”.

SEC. 1204. EXTENSION OF AUTHORITY FOR NON-RECIPROCAL EXCHANGES OF DEFENSE PERSONNEL BETWEEN THE UNITED STATES AND FOREIGN COUNTRIES.

Section 1207(f) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2514; 10 U.S.C. 168 note), as amended by section 1202 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 1980), is further amended by striking “September 30, 2016” and inserting “December 31, 2021”.

SEC. 1205. MONITORING AND EVALUATION OF OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID PROGRAMS OF THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Of the amounts authorized to be appropriated by this Act for Overseas Humanitarian, Disaster, and Civic Aid, the Secretary of Defense is authorized to use up to 5 percent of such amounts to conduct monitoring and evaluation of programs that are funded using such amounts during fiscal year 2016.

(b) BRIEFING.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall provide a briefing to the appropriate congressional committees on mechanisms to evaluate the programs conducted pursuant to the authorities listed in subsection (a).

(c) DEFINITION.—In this section, the term “appropriate congressional committees” means the following:

(1) The congressional defense committees.

(2) The Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1206. ONE-YEAR EXTENSION OF FUNDING LIMITATIONS FOR AUTHORITY TO BUILD THE CAPACITY OF FOREIGN SECURITY FORCES.

Section 1205(d) of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3536) is amended—

(1) in paragraph (1)—

(A) by striking “for fiscal year 2015” and all that follows through “section 4301” and inserting “for fiscal year 2015 or 2016 for the Department of Defense for operation and maintenance”; and

(B) by inserting “, in such fiscal year” before the period; and

(2) in paragraph (2), by striking “for fiscal year 2015” and inserting “for a fiscal year specified in that paragraph”.

10 USC 2282
note.

SEC. 1207. AUTHORITY TO PROVIDE SUPPORT TO NATIONAL MILITARY FORCES OF ALLIED COUNTRIES FOR COUNTERTERRORISM OPERATIONS IN AFRICA.

(a) **IN GENERAL.**—The Secretary of Defense is authorized, in coordination with the Secretary of State, to provide, on a nonreimbursable basis, logistic support, supplies, and services to the national military forces of an allied country conducting counterterrorism operations in Africa if the Secretary of Defense determines that the provision of such logistic support, supplies, and services, on a nonreimbursable basis, is—

- (1) in the national security interests of the United States; and
- (2) critical to the timely and effective participation of such national military forces in such operations.

(b) **NOTICE TO CONGRESS ON SUPPORT PROVIDED.**—Not later than 15 days after providing logistic support, supplies, or services under subsection (a), the Secretary of Defense shall submit to the congressional defense committees a notice setting forth the following:

- (1) The determination of the Secretary specified in subsection (a).
- (2) The type of logistic support, supplies, or services provided.
- (3) The national military forces supported.
- (4) The purpose of the operations for which such support was provided, and the objectives of such support.
- (5) The estimated cost of such support.
- (6) The intended duration of such support.

(c) **LIMITATIONS.**—

(1) **IN GENERAL.**—The Secretary of Defense may not use the authority in subsection (a) to provide any type of support that is otherwise prohibited by any other provision of law.

(2) **AMOUNT.**—The aggregate amount of logistic support, supplies, and services provided under subsection (a) in any fiscal year may not exceed \$100,000,000.

(d) **REPORTS.**—Not later than six months after the date of the enactment of this Act, and every six months thereafter through the expiration date in subsection (f) of the authority provided by this section, the Secretary of Defense shall submit to the congressional defense committees a report setting forth a description of the use of the authority provided by this section during the six-month period ending on the date of such report. Each report shall include the following:

(1) An assessment of the extent to which the support provided under this section during the period covered by such report facilitated the national military forces of allied countries so supported in conducting counterterrorism operations in Africa.

(2) A description of any efforts by countries that received such support to address, as practicable, the requirements of their forces for logistics support, supplies, or services for conducting counterterrorism operations in Africa, including under acquisition and cross-servicing agreements.

(e) **LOGISTIC SUPPORT, SUPPLIES, AND SERVICES DEFINED.**—In this section, the term “logistic support, supplies, and services” has the meaning given that term in section 2350(1) of title 10, United States Code.

(f) EXPIRATION.—The authority provided by this section may not be exercised after September 30, 2018.

SEC. 1208. REPORTS ON TRAINING OF FOREIGN MILITARY INTELLIGENCE UNITS PROVIDED BY THE DEPARTMENT OF DEFENSE.

(a) REPORTS REQUIRED.—Not later than 30 days after each calendar half-year beginning on or after the date of the enactment of this Act and ending with the second calendar half-year of 2017, the Under Secretary of Defense for Intelligence shall submit to the Committees of Armed Services of the Senate and the House of Representatives a report setting forth the following:

(1) All the training of foreign military intelligence units provided by the Department during the calendar half-year covered by such report.

(2) The authority or authorities under which the training described in paragraph (1) was provided.

(b) FORM.—Each report under subsection (a) should be submitted in classified form.

SEC. 1209. PROHIBITION ON SECURITY ASSISTANCE TO ENTITIES IN YEMEN CONTROLLED BY THE HOUTHI MOVEMENT.

(a) PROHIBITION.—No amounts authorized to be appropriated for fiscal year 2016 for the Department of Defense by this Act may be used to provide security assistance to an entity in Yemen that is controlled by members of the Houthi movement.

(b) NATIONAL SECURITY EXCEPTION.—

(1) IN GENERAL.—The prohibition in subsection (a) shall not apply if the Secretary of Defense determines, with the concurrence of the Secretary of State, that the provision of security assistance as described in that subsection is important to the national security interests of the United States.

(2) NOTICE AND WAIT.—If security assistance as described in subsection (a) is provided pursuant to an exception under paragraph (1), not later than 15 days before such assistance is so provided, the Secretary of Defense and the Secretary of State shall jointly submit to the appropriate committees of Congress a notice on the provision of such assistance, together with an assessment by the Director of National Intelligence on whether any entity controlled by members of the Houthi movement to be provided such assistance is also receiving direct assistance from the Government of Iran.

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

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

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

Subtitle B—Matters Relating to Afghanistan and Pakistan

SEC. 1211. EXTENSION AND MODIFICATION OF COMMANDERS' EMERGENCY RESPONSE PROGRAM.

(a) ONE-YEAR EXTENSION.—Section 1201 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1619), as most recently amended by section 1221 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3546), is further amended by striking “fiscal year 2015” in subsections (a), (b), and (f) and inserting “fiscal year 2016”.

(b) RESTRICTION ON AMOUNT OF PAYMENTS.—Subsection (e) of such section 1201, as so amended, is further amended by striking “\$2,000,000” and inserting “\$500,000”.

(c) SUBMITTAL OF REVISED GUIDANCE.—Not later than 15 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a copy of the guidance issued by the Secretary to the Armed Forces concerning the Commanders' Emergency Response Program in Afghanistan as revised to take into account the amendments made by this section.

(d) AUTHORITY FOR CERTAIN PAYMENTS TO REDRESS INJURY AND LOSS IN IRAQ.—

(1) IN GENERAL.—During fiscal year 2016, amounts available pursuant to section 1201 of the National Defense Authorization Act for Fiscal Year 2012, as amended by this section, shall also be available for ex gratia payments for damage, personal injury, or death that is incident to combat operations of the Armed Forces in Iraq.

(2) NOTICE AND WAIT.—The authority in this subsection may not be used until 30 days after the date on which the Secretary of Defense submits to the congressional defense committees a report setting forth the following:

(A) The amount that will be used for payments pursuant to this subsection.

(B) The manner in which claims for payments shall be verified.

(C) The officers or officials who shall be authorized to approve claims for payments.

(D) The manner in which payments shall be made.

(3) LIMITATION ON AMOUNT AVAILABLE.—The total amount of payments made pursuant to this subsection in fiscal year 2016 may not exceed \$5,000,000.

(4) AUTHORITIES APPLICABLE TO PAYMENT.—Any payment made pursuant to this subsection shall be made in accordance with the authorities and limitations in section 8121 of the Department of Defense Appropriations Act, 2015 (division C of Public Law 113–235), other than subsection (h) of such section.

(5) CONSTRUCTION WITH RESTRICTION ON AMOUNT OF PAYMENTS.—For purposes of the application of subsection (e) of such section 1201, as so amended, to any payment pursuant to this subsection, such payment shall be deemed to be a project described by such subsection (e).

SEC. 1212. EXTENSION AND MODIFICATION OF AUTHORITY FOR REIMBURSEMENT OF CERTAIN COALITION NATIONS FOR SUPPORT PROVIDED TO UNITED STATES MILITARY OPERATIONS.

(a) **EXTENSION.**—Subsection (a) of section 1233 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 393), as most recently amended by section 1222 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3547), is further amended by striking “fiscal year 2015” and inserting “fiscal year 2016”.

(b) **LIMITATION ON AMOUNTS AVAILABLE.**—Subsection (d)(1) of such section, as so amended, is further amended—

(1) in the second sentence, by striking “during fiscal year 2015 may not exceed \$1,200,000,000” and inserting “during fiscal year 2016 may not exceed \$1,160,000,000”; and

(2) in the third sentence, by striking “during fiscal year 2015 may not exceed \$1,000,000,000” and inserting “during fiscal year 2016 may not exceed \$900,000,000”.

(c) **EXTENSION OF NOTICE REQUIREMENT RELATING TO REIMBURSEMENT OF PAKISTAN FOR SUPPORT PROVIDED BY PAKISTAN.**—Section 1232(b)(6) of the National Defense Authorization Act for Fiscal Year 2008 (122 Stat. 393), as most recently amended by section 1222(d) of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (128 Stat. 3548), is further amended by striking “September 30, 2015” and inserting “September 30, 2016”.

(d) **EXTENSION OF LIMITATION ON REIMBURSEMENT OF PAKISTAN PENDING CERTIFICATION ON PAKISTAN.**—Section 1227(d)(1) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 2001), as most recently amended by section 1222(e) of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (128 Stat. 3548), is further amended by striking “fiscal year 2015” and inserting “fiscal year 2016”.

(e) **ADDITIONAL LIMITATION ON REIMBURSEMENT OF PAKISTAN PENDING CERTIFICATION ON PAKISTAN.**—Of the total amount of reimbursements and support authorized for Pakistan during fiscal year 2016 pursuant to the third sentence of section 1233(d)(1) of the National Defense Authorization Act for Fiscal Year 2008 (as amended by subsection (b)(2)), \$350,000,000 shall not be eligible for the waiver under section 1227(d)(2) of the National Defense Authorization Act for Fiscal Year 2013 (126 Stat. 2001) unless the Secretary of Defense certifies to the congressional defense committees that—

(1) Pakistan continues to conduct military operations in North Waziristan that are contributing to significantly disrupting the safe haven and freedom of movement of the Haqqani Network in Pakistan;

(2) Pakistan has taken steps to demonstrate its commitment to prevent the Haqqani Network from using North Waziristan as a safe haven; and

(3) the Government of Pakistan actively coordinates with the Government of Afghanistan to restrict the movement of militants, such as the Haqqani Network, along the Afghanistan-Pakistan border.

(f) AVAILABILITY OF CERTAIN FUNDS FOR STABILITY ACTIVITIES
IN FATA.—

(1) IN GENERAL.—In addition to the total amount of reimbursements and support authorized for Pakistan during fiscal year 2016 pursuant to the third sentence of section 1233(d)(1) of the National Defense Authorization Act for Fiscal Year 2008 (as so amended), of the total amount of funds made available for the Department of Defense for fiscal year 2016 for overseas contingency operations for operation and maintenance, Defense-wide activities, \$100,000,000 may be available for stability activities undertaken by Pakistan in the Federally Administered Tribal Areas (FATA), including the provision of funds to the Pakistan military and the Pakistan Frontier Corps Khyber Pakhtunkhwa for activities undertaken in support of the following:

(A) Building and maintaining border outposts.

(B) Strengthening cooperative efforts between the Pakistan military and the Afghan National Defense Security Forces in activities that include—

(i) bilateral meetings to enhance border security coordination;

(ii) sustaining critical infrastructure within the Federally Administered Tribal Areas, such as maintaining key ground lines of communication;

(iii) increasing training for the Pakistan Frontier Corps Khyber Pakhtunkhwa; and

(iv) training to improve interoperability between the Pakistan military and the Pakistan Frontier Corps Khyber Pakhtunkhwa.

(2) LIMITATION.—

(A) IN GENERAL.—Funds available under paragraph (1) may not be obligated or expended until the Secretary of Defense certifies to the congressional defense committees that the conditions described in subparagraphs (A) and (B) of section 1227(d)(1) of the National Defense Authorization Act for Fiscal Year 2013 (126 Stat. 2001), as amended by subsection (d), have been met.

(B) WAIVER.—The Secretary of Defense may waive the limitation in subparagraph (A) if the Secretary certifies to the congressional defense committees in writing that the waiver is in the national security interests of the United States and includes with such certification a justification for the waiver.

(3) REPORT.—Not later than December 31, 2017, the Secretary of Defense shall submit to the appropriate congressional committees a report on the expenditure of funds available under paragraph (1), including a description of the following:

(A) The purpose for which such funds were expended.

(B) Each organization on whose behalf such funds were expended, including the amount expended on such organization and the number of members of such organization trained with such amount.

(C) Any limitation imposed on the expenditure of funds under that paragraph, including on any recipient of funds or any use of funds expended.

(4) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term “appropriate congressional committees” has the meaning given that term in section 1233(g) of the National Defense Authorization Act for Fiscal Year 2008.

SEC. 1213. ADDITIONAL MATTER IN SEMIANNUAL REPORT ON ENHANCING SECURITY AND STABILITY IN AFGHANISTAN.

Section 1225(b) of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3550) is amended by adding at the end the following new paragraph:

“(7) ASSESSMENT OF RISKS ASSOCIATED WITH DRAWDOWN OF UNITED STATES FORCES.—An assessment of the risks to the mission in Afghanistan associated with any drawdown of United States forces that occurred during the period covered by such report.”.

SEC. 1214. EXTENSION OF AUTHORITY TO ACQUIRE PRODUCTS AND SERVICES PRODUCED IN COUNTRIES ALONG A MAJOR ROUTE OF SUPPLY TO AFGHANISTAN.

Section 801(f) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2399), as most recently amended by section 832(a) of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 814), is further amended by striking “December 31, 2015” and inserting “December 31, 2016”.

SEC. 1215. EXTENSION OF AUTHORITY TO TRANSFER DEFENSE ARTICLES AND PROVIDE DEFENSE SERVICES TO THE MILITARY AND SECURITY FORCES OF AFGHANISTAN.

(a) EXTENSION.—Subsection (h) of section 1222 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 1992), as amended by section 1231 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3556), is further amended by striking “December 31, 2015” and inserting “December 31, 2016”.

(b) QUARTERLY REPORTS.—Subsection (f)(1) of such section, as so amended, is further amended by striking “March 31, 2016” and inserting “March 31, 2017”.

(c) EXCESS DEFENSE ARTICLES.—Subsection (i)(2) of such section, as so amended, is further amended by striking “and 2015” each place it appears and inserting “, 2015, and 2016”.

SEC. 1216. MODIFICATION OF PROTECTION FOR AFGHAN ALLIES.

(a) COVERED AFGHANS.—

(1) TERM OF EMPLOYMENT.—Clause (ii) of section 602(b)(2)(A) of the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note) is amended by striking “year—” and inserting “year, or, if submitting a petition after September 30, 2015, for a period of not less than 2 years—”.

(2) TECHNICAL AMENDMENTS.—

(A) SUCCESSOR NAME FOR INTERNATIONAL SECURITY ASSISTANCE FORCE.—Subclause (II) of section 602(b)(2)(A)(ii) of the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note) is amended—

(i) in the matter preceding item (aa), by striking “Force” and inserting “Force (or any successor name for such Force)”;

(ii) in item (aa), by striking “Force,” and inserting “Force (or any successor name for such Force),”; and

(iii) in item (bb), by striking “Force;” and inserting “Force (or any successor name for such Force);”.

8 USC 1101 note.

(B) SHORT TITLE.—Section 601 of the Afghan Allies Protection Act of 2009 is amended by striking “This Act” and inserting “This title”.

8 USC 1101 note.

(C) EXECUTIVE AGENCY REFERENCE.—Section 602(c)(4) of the Afghan Allies Protection Act of 2009 is amended by striking “section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)” and inserting “section 133 of title 41, United States Code”.

(b) NUMERICAL LIMITATIONS.—Subparagraph (F) of section 602(b)(3) of the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note) is amended—

(1) in the heading, by striking “2015 AND 2016” and inserting “2015, 2016, AND 2017”;

(2) in the matter preceding clause (i)—

(A) by striking “and ending on September 30, 2016”, and inserting “until such time that available special immigrant visas under subparagraphs (D) and (E) and this subparagraph are exhausted,” and

(B) by striking “4,000.” and inserting “7,000.”;

(3) in clause (i), by striking “September 30, 2015;” and inserting “December 31, 2016;”;

(4) in clause (ii), by striking “December 31, 2015;” and inserting “December 31, 2016;”;

(5) in clause (iii), by striking “March 31, 2017.” and inserting “the date such visas are exhausted.”.

(c) REPORTS AND SENSE OF CONGRESS.—Section 602(b) of the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note) is amended by adding at the end the following:

“(15) REPORTS INFORMING THE CONCLUSION OF THE AFGHAN SPECIAL IMMIGRANT VISA PROGRAM.—Not later than June 1, 2016, and every six months thereafter, the Secretary of Defense, in conjunction with the Secretary of State, shall submit to the Committee on Armed Services and the Committee on the Judiciary of the Senate and the Committee on Armed Services and the Committee on the Judiciary of the House of Representatives a report that contains—

“(A) a description of the United States force presence in Afghanistan during the previous 6 months;

“(B) a description of the projected United States force presence in Afghanistan;

“(C) the number of citizens or nationals of Afghanistan who were employed by or on behalf of the entities described in paragraph (2)(A)(ii) during the previous 6 months; and

“(D) the projected number of such citizens or nationals who will be employed by or on behalf of such entities.

“(16) SENSE OF CONGRESS.—It is the sense of Congress that the necessity of providing special immigrant status under this subsection should be assessed at regular intervals by the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives, taking

into account the scope of the current and planned presence of United States troops in Afghanistan, the current and prospective numbers of citizens and nationals of Afghanistan employed by or on behalf of the entities described in paragraph (2)(A)(ii), and the security climate in Afghanistan.”.

Subtitle C—Matters Relating to Syria and Iraq

SEC. 1221. EXTENSION OF AUTHORITY TO SUPPORT OPERATIONS AND ACTIVITIES OF THE OFFICE OF SECURITY COOPERATION IN IRAQ.

(a) **EXTENSION OF AUTHORITY.**—Subsection (f)(1) of section 1215 of the National Defense Authorization Act for Fiscal Year 2012 (10 U.S.C. 113 note) is amended by striking “fiscal year 2015” and inserting “fiscal year 2016”.

(b) **AMOUNT AVAILABLE.**—Such section is further amended—

(1) in subsection (c), by striking “fiscal year 2015” and all that follows and inserting “fiscal year 2016 may not exceed \$80,000,000.”; and

(2) in subsection (d), by striking “fiscal year 2015” and inserting “fiscal year 2016”.

(c) **SUPERSEDING REPORT REQUIREMENTS.**—Subsection (g) of such section is amended to read as follows:

“(g) **REPORTS.**—

“(1) **IN GENERAL.**—Not later than September 30, 2015, and every 180 days thereafter until the authority in this section expires, the Secretary of Defense shall, in consultation with the Secretary of State, submit to the appropriate committees of Congress a report on the activities of the Office of Security Cooperation in Iraq.

“(2) **ELEMENTS.**—Each report under this subsection shall include the following:

“(A) A current description of capability gaps in the security forces of Iraq, including capability gaps relating to intelligence matters, protection of Iraq airspace, and logistics and maintenance, and a current description of the extent, if any, to which the Government of Iraq has requested assistance in addressing such capability gaps.

“(B) A current description of the activities of the Office of Security Cooperation in Iraq and the extent, if any, to which the programs conducted by the Office in conjunction with other United States programs (such as the Foreign Military Financing program, the Foreign Military Sales program, and the assistance provided pursuant to section 1236 of the Carl Levin and Howard P. ‘Buck’ McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291)) will address the capability gaps described pursuant to subparagraph (A).

“(C) A current description of how the activities of the Office of Security Cooperation in Iraq are coordinated with, and complement and enhance, the assistance provided pursuant to section 1236 of the Carl Levin and Howard P. ‘Buck’ McKeon National Defense Authorization Act for Fiscal Year 2015.

“(D) A current description of end use monitoring programs, and any other programs or procedures, used to improve accountability for equipment provided to the Government of Iraq.

“(E) A current description of the measures of effectiveness used to evaluate the activities of the Office of the Security Cooperation in Iraq, and an analysis of any determinations to expand, alter, or terminate specific activities of the Office based on such evaluations.

“(F) A current evaluation of the effectiveness of the training described in subsection (f)(2) in promoting respect for human rights, military professionalism, and respect for legitimate civilian authority in Iraq.

“(3) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term ‘appropriate committees of Congress’ means—

“(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

“(B) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.”.

SEC. 1222. STRATEGY FOR THE MIDDLE EAST AND TO COUNTER VIOLENT EXTREMISM.

(a) STRATEGY REQUIRED.—Not later than February 15, 2016, the Secretary of Defense and the Secretary of State shall jointly submit to the appropriate committees of Congress a strategy for the Middle East and to counter violent extremism.

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

(1) A description of the objectives and end state for the United States in the Middle East and with respect to violent extremism.

(2) A description of the roles and responsibilities of the Department of State in the strategy.

(3) A description of the roles and responsibilities of the Department of Defense in the strategy.

(4) A description of actions to prevent the weakening and failing of states in the Middle East.

(5) A description of actions to counter violent extremism.

(6) A description of the resources required by the Department of Defense to counter ISIL’s illicit oil revenues.

(7) A list of the state and non-state actors that must be engaged to counter violent extremism.

(8) A description of the coalition required to carry out the strategy, and the expected lines of effort of such a coalition.

(9) An assessment of United States efforts to disrupt and prevent foreign fighters traveling to Syria and Iraq and to disrupt and prevent foreign fighters in Syria and Iraq traveling to the United States.

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

(1) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

SEC. 1223. MODIFICATION OF AUTHORITY TO PROVIDE ASSISTANCE TO COUNTER THE ISLAMIC STATE OF IRAQ AND THE LEVANT.

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

(1) the Islamic State of Iraq and the Levant (ISIL) poses an acute threat to the people and territorial integrity of Iraq, including the Iraqi Kurdistan Region, Iraqi Sunni communities, and Iraq’s religious and ethnic minorities, and to the security and stability of the Middle East and beyond the region;

(2) defeating ISIL is critical to maintaining a unified Iraq in which all faiths, sects, and ethnicities are afforded equal protection and full integration into the Government and society of Iraq; and

(3) the United States should, in coordination with coalition partners, provide, in an expeditious and responsive manner and without undue delay, the military and other security forces of or associated with the Government of Iraq, including Kurdish and tribal security forces and other local security forces, with a national security mission, with defense articles, defense services, and related training to more effectively partner with the United States and other international coalition members to defeat ISIL.

(b) QUARTERLY PROGRESS REPORT.—

(1) IN GENERAL.—Subsection (d) of section 1236 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3559) is amended—

(A) in the matter preceding paragraph (1), by striking “30 days” and inserting “90 days”; and

(B) by adding at the end the following:

“(11) A list of the forces or elements of forces that are restricted from receiving assistance under subsection (a), other than the forces or elements of forces with respect to which the Secretary of Defense has exercised the waiver authority under subsection (j), as a result of vetting required by subsection (e) or section 2249e of title 10, United States Code, and a detailed description of the reasons for such restriction, including for each force or element, as applicable, the following:

“(A) Information relating to gross violation of human rights committed by such force or element, including the time-frame of the alleged violation.

“(B) The source of the information described in subparagraph (A) and an assessment of the veracity of the information.

“(C) The association of such force or element with terrorist groups or groups associated with the Government of Iran.

“(D) The amount and type of any assistance provided to such force or element by the Government of Iran.”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the date of the enactment of this Act and shall apply with respect to reports required to be submitted pursuant to subsection (d) of section 1236 of the Carl Levin

and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015, as so amended, on or after such date of enactment.

(c) FUNDING.—Subsection (g) of such section is amended by striking the first sentence and inserting the following: “Of the amounts authorized to be appropriated in the National Defense Authorization Act for Fiscal Year 2016 for Overseas Contingency Operations in title XV for fiscal year 2016, there are authorized to be appropriated \$715,000,000 to carry out this section.”.

(d) WAIVER AUTHORITY.—Subsection (j) of such section is amended—

(1) in paragraph (1)—

(A) in subparagraph (B)(ii), by striking by striking “Sections 40 and 40A” and inserting “Section 40A”; and

(B) by adding at the end the following:

“(C) ADDITIONAL WAIVER AUTHORITY.—

“(i) IN GENERAL.—For purposes of the provision of assistance described in subsection (1)(2), the Secretary of Defense may waive any provision of law described in clause (ii) if the Secretary satisfies the requirements described in clauses (i) and (ii) of subparagraph (A) with respect to such waiver.

“(ii) PROVISIONS OF LAW.—The provisions of law described in this clause are the following:

“(I) Any provision of law described in subparagraph (B).

“(II) Any eligibility requirement under section 3 of the Arms Export Control Act (22 U.S.C. 2753).

“(III) Any eligibility requirement under chapter 2 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2311 et seq.).”; and

(2) in paragraph (2), by striking “For purposes” and all that follows through “described in paragraph (1)(B)” and inserting “The President may waive any provision of law other than a provision of law described in paragraph (1)(B) for purposes of the provision of assistance pursuant to subsection (a) and any provision of law other than a provision of law described in subsection (1)(C) for purposes of the provision of assistance described in subsection (1)(2)”.

(e) ASSESSMENT AND AUTHORITY TO ASSIST DIRECTLY CERTAIN COVERED GROUPS.—Such section, as so amended, is further amended by adding at the end the following:

“(1) ASSESSMENT AND AUTHORITY TO ASSIST DIRECTLY CERTAIN COVERED GROUPS.—

“(1) ASSESSMENT.—

“(A) IN GENERAL.—Not later than 120 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2016, the Secretary of Defense and the Secretary of State shall jointly submit to the appropriate congressional committees an assessment of the extent to which the Government of Iraq is increasing political inclusiveness, addressing the grievances of ethnic and sectarian minorities, and enhancing minority integration in the political and military structures in Iraq.

“(B) FACTORS TO BE CONSIDERED IN MAKING ASSESSMENT.—In making the assessment described in subparagraph (A), the Secretary of Defense and the Secretary of State shall consider the following factors:

“(i) The extent to which the Government of Iraq is taking steps to reduce support among the Iraqi people for the Islamic State of Iraq and the Levant (ISIL) and improve stability in Iraq.

“(ii) The progress of efforts to enact legislation establishing the Iraqi National Guard, particularly in predominantly Sunni regions.

“(iii) The extent to which the Government of Iraq is expanding the representation of minorities in adequate numbers in government security organizations and providing for the training and equipping of such forces.

“(iv) Whether the Government of Iraq is ending support for Shia militias under the command and control of, or associated with, the Government of Iran, and stopping abuses of elements of the Iraqi population by such militias.

“(v) Whether the Government of Iraq is ensuring that supplies, equipment, and weaponry supplied by the United States are appropriately distributed to security forces with a national security mission in Iraq, including the Kurdish Peshmerga, Sunni tribal security forces and local security forces with a national security mission, and, once established, the Iraqi Sunni National Guard.

“(vi) Whether the Government of Iraq is addressing grievances regarding the arrest and detention without trial of ethnic and sectarian minorities or is taking steps to prosecute such individuals that are detained in a fair, transparent, and prompt manner.

“(vii) Such other factors as the Secretaries consider appropriate.

“(C) UPDATE.—The Secretary of Defense and the Secretary of State shall submit to the appropriate congressional committees an update of the assessment required under subparagraph (A) not later than 180 days after the date on which the assessment is submitted to the appropriate congressional committees under subparagraph (A).

“(D) SUBMISSION.—The assessment required under subparagraph (A) and the update of the assessment authorized under subparagraph (C) may be submitted as part of the quarterly report required under subsection (d).

“(2) ASSISTANCE DIRECTLY TO CERTAIN COVERED GROUPS.—

“(A) IN GENERAL.—If the President, taking into account the results of the assessment required under paragraph (1)(A) or the update required under paragraph (1)(C), determines and notifies the appropriate congressional committees that the Government of Iraq has failed to take substantial action to increase political inclusiveness, address the grievances of ethnic and sectarian minorities, and enhance minority integration in the political and military structures in Iraq, the Secretary of Defense, in coordination with

the Secretary of State, is authorized to provide, in coordination to the extent practicable with the Government of Iraq, assistance under the authority of subsection (a) directly to the groups described in subparagraph (D) for the purpose of supporting international coalition efforts against ISIL.

“(B) ADMINISTRATIVE PROVISIONS.—In carrying out subparagraph (A), the Secretary of Defense may—

“(i) re-allocate the amount of assistance authorized under subsection (a) to increase the share of such assistance provided to the groups described in subparagraph (D); and

“(ii) exercise the waiver authority provided in subsection (j)(1)(C) with respect to providing assistance to the groups described in subparagraph (D).

“(C) COST-SHARING REQUIREMENT INAPPLICABLE.—The cost-sharing requirement of subsection (k) shall not apply with respect to funds that are obligated or expended under this subsection for assistance provided directly to the groups described in subparagraph (D).

“(D) COVERED GROUPS.—The groups described in this subparagraph are—

“(i) the Kurdish Peshmerga; and

“(ii) Sunni tribal security forces, or other local security forces, with a national security mission.”

(f) PROHIBITION ON ASSISTANCE AND REPORT ON EQUIPMENT OR SUPPLIES TRANSFERRED TO OR ACQUIRED BY VIOLENT EXTREMIST ORGANIZATIONS.—

(1) PROHIBITION.—Assistance authorized under section 1236 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3558), as so amended, may not be provided to the Government of Iraq after the date that is 90 days after the date of the enactment of this Act unless the Secretary of Defense certifies to the appropriate congressional committees, after the date of the enactment of this Act, that the Government of Iraq has taken such actions as may be reasonably necessary to safeguard against such assistance being transferred to or acquired by violent extremist organizations.

(2) REPORT.—

(A) REPORT REQUIRED.—Not later than 30 days after the date on which the Secretary of Defense makes any determination that equipment or supplies provided pursuant to section 1236(a) of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3558), as so amended, have been transferred to or acquired by a violent extremist organization, the Secretary shall submit to the appropriate congressional committees a report that contains a description of the determination of the Secretary and the transfer to or acquisition by the violent extremist organization.

(B) ELEMENTS.—Each report under paragraph (1) shall include, with respect to the transfer covered by the report, the following:

(i) An assessment of the type and quantity of equipment or supplies transferred to the violent extremist organization.

(ii) A description of the criteria used to determine that the organization is a violent extremist organization.

(iii) A description, if known, of how the equipment or supplies were transferred to or acquired by the violent extremist organization.

(iv) If the equipment or supplies are determined to remain under the current control of the violent extremist organization, a description of the organization, including its relationship, if any, to the security forces of the Government of Iraq.

(v) A description of the end use monitoring or other policies and procedures in place in order to prevent equipment or supplies to be transferred to or acquired by violent extremist organizations.

(3) DEFINITIONS.—In this subsection:

(A) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(i) the congressional defense committees; and

(ii) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(B) VIOLENT EXTREMIST ORGANIZATION.—The term “violent extremist organization” means an organization that—

(i) is a foreign terrorist organization designated by the Secretary of State under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189) or is associated with a foreign terrorist organization; or

(ii) is known to be under the command and control of, or is associated with, the Government of Iran.

SEC. 1224. REPORTS ON UNITED STATES ARMED FORCES DEPLOYED IN SUPPORT OF OPERATION INHERENT RESOLVE.

(a) REPORTS REQUIRED.—Not later than 30 days after the date of the enactment of this Act, and every 90 days thereafter, the Secretary of Defense shall submit to the congressional defense committees a report on United States Armed Forces deployed in support of Operation Inherent Resolve.

(b) ELEMENTS.—Each report under subsection (a) shall include the following:

(1) The total number of members of the United States Armed Forces deployed in support of Operation Inherent Resolve for the most recent month for which data is available, delineated by Armed Force and component (including whether regular, National Guard, or Reserve).

(2) An estimate for the three-month period following the date on which the report is submitted of the total number of members of the United States Armed Forces expected to be deployed in support of Operation Inherent Resolve, delineated by Armed Force and component (including whether regular, National Guard, or Reserve).

(3) A description of the authorities and limitations on the number of United States Armed Forces deployed in support of Operation Inherent Resolve.

(4) A description of military functions that are and are not subject to the authorities and limitations described in paragraph (3).

(5) Any changes to the authorities and limitations described in paragraph (3) and the rationale for such changes.

(6) Any other matters the Secretary considers appropriate.

(c) SUNSET.—The requirement to submit reports under this section shall terminate on the earlier of—

(1) the date on which Operation Inherent Resolve terminates; or

(2) the date that is five years after the date of the enactment of this Act.

SEC. 1225. MATTERS RELATING TO SUPPORT FOR THE VETTED SYRIAN OPPOSITION.

(a) REPORT ON POTENTIAL SUPPORT REQUIRED.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a report setting forth a description of the military support the Secretary considers necessary to provide to recipients of assistance under section 1209 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3541) upon their return to Syria to ensure their ability to meet the intended purposes of such assistance.

(2) COVERED POTENTIAL SUPPORT.—The support the Secretary may consider necessary to provide for purposes of the report required by paragraph (1) is the following:

(A) Logistical support.

(B) Defensive supportive fire.

(C) Intelligence.

(D) Medical support.

(E) Any other support the Secretary considers appropriate for purposes of the report.

(3) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) For each type of support the Secretary considers necessary to provide as described in paragraph (1), a description of the actions to be taken by the Secretary to ensure that such support would not benefit any of the following:

(i) The Islamic State of Iraq and Syria (ISIS), the Jabhat Al-Nusra Front, al-Qaeda, the Khorasan Group, or any other violent extremist organization

(ii) The Syrian Arab Army or any group or organization supporting President Bashir Assad.

(B) An estimate of the cost of providing such support.

(b) STRATEGY FOR SYRIA.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall, in coordination with the Secretary of State, submit to the appropriate congressional committees a strategy for Syria.

(2) ELEMENTS.—The strategy required by paragraph (1) shall include the following:

(A) A description of the means by which assistance provided to appropriately vetted elements of the Syrian opposition and other appropriately vetted Syrian groups and individuals will achieve the purposes set forth in section 1209(a) of the Carl Levin and Howard P. “Buck”

McKeon National Defense Authorization Act for Fiscal Year 2015.

(B) A description of the political and military objectives and end states for Syria.

(C) A description of means by which the assistance will support the political and military objectives and end states for Syria.

(D) An explanation of the manner in which the military campaign in Syria and Iraq is integrated.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In subsections (a) and (b), the term “appropriate congressional committees” has the meaning given that term in section 1209(e)(2) of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015.

(d) ADDITIONAL MATTERS FOR QUARTERLY PROGRESS REPORTS ON ASSISTANCE TO THE VETTED OPPOSITION.—

(1) ADDITIONAL MATTERS.—Subsection (d) of section 1209 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 is amended—

(A) in paragraph (10), by striking “and” at the end;

(B) in paragraph (11) by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following new paragraphs:

“(12) a description of support, if any, provided to appropriately vetted recipients pursuant to subsection (a) while those forces are located in Syria, including—

“(A) logistics support;

“(B) defense supporting fire;

“(C) intelligence; and

“(D) medical support; and

“(13) a description of the number of appropriately vetted recipients located in Syria, the approximate locations in which they are operating, and the number of known casualties among such recipients.”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the date of the enactment of this Act, and shall apply with respect to quarterly reports submitted under subsection (d) of section 1209 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 after that date.

(e) INFORMATION ACCOMPANYING REPROGRAMMING REQUESTS.—Subsection (f) of such section is amended—

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

“(1) IN GENERAL.—The Secretary of Defense”; and

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

“(2) INFORMATION ACCOMPANYING REPROGRAMMING REQUESTS.—Each request under paragraph (1) shall include the following:

“(A) The amount, type, and purpose of assistance to be funded pursuant to such request.

“(B) The budget, implementation timeline with milestones, and anticipated delivery schedule for such assistance.”.

22 USC 2251
note.

SEC. 1226. SUPPORT TO THE GOVERNMENT OF JORDAN AND THE GOVERNMENT OF LEBANON FOR BORDER SECURITY OPERATIONS.

(a) **AUTHORITY TO PROVIDE SUPPORT.**—

(1) **IN GENERAL.**—The Secretary of Defense, with the concurrence of the Secretary of State, is authorized to provide support on a reimbursement basis to the Government of Jordan and the Government of Lebanon for purposes of supporting and enhancing efforts of the armed forces of Jordan and the armed forces of Lebanon to increase security and sustain increased security along the border of Jordan and the border of Lebanon with Syria and Iraq, as applicable.

(2) **FREQUENCY.**—Support may be provided under this subsection on a quarterly basis.

(b) **FUNDS AVAILABLE FOR SUPPORT.**—The following amounts made be used to provide support under the authority of subsection (a):

(1) Amounts authorized to be appropriated for fiscal year 2016 and available for reimbursement of certain coalition nations for support provided to United States military operations pursuant to section 1233 of the National Defense Authorization Act for fiscal year 2008 (Public Law 110–181; 122 Stat. 393).

(2) Amounts authorized to be appropriated for fiscal year 2016 for the Counterterrorism Partnerships Fund pursuant to section 1534 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for fiscal year 2015 (Public Law 113–291; 128 Stat. 3616).

(c) **LIMITATIONS.**—

(1) **LIMITATION ON AMOUNT.**—The total amount of support provided under the authority of subsection (a) may not exceed \$150,000,000 for any country specified in subsection (a) in any fiscal year.

(2) **SUPPORT TO THE GOVERNMENT OF LEBANON.**—Support provided under the authority of subsection (a) to the Government of Lebanon may be used only for the armed forces of Lebanon, and may not be used for or to reimburse Hezbollah or any forces other than the armed forces of Lebanon.

(3) **PROHIBITION ON CONTRACTUAL OBLIGATIONS.**—The Secretary of Defense may not enter into any contractual obligation to provide support under the authority of subsection (a).

(4) **DETERMINATION REQUIRED.**—The Secretary of Defense may not provide support to a country specified in subsection (a) if the Secretary determines that the government of such country fails to increase security and sustain increased security along the border of Jordan and the border of Lebanon with Syria and Iraq, as applicable.

(d) **NOTICE BEFORE EXERCISE.**—Not later than 15 days before providing support under the authority of subsection (a), the Secretary of Defense shall submit to the specified congressional committees a report setting forth a full description of the support to be provided, including the amount of support to be provided, and the timeline for the provision of such support.

(e) **SPECIFIED CONGRESSIONAL COMMITTEES.**—In the section, the term “specified congressional committees” means—

(1) the congressional defense committees; and

(2) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(f) EXPIRATION OF AUTHORITY.—No support may be provided under the authority of subsection (a) after December 31, 2018.

SEC. 1227. SENSE OF CONGRESS ON THE SECURITY AND PROTECTION OF IRANIAN DISSIDENTS LIVING IN CAMP LIBERTY, IRAQ.

It is the sense of Congress that the United States should—

(1) take prompt and appropriate steps in accordance with international agreements to promote the physical security and protection of residents of Camp Liberty, Iraq;

(2) urge the Government of Iraq to uphold its commitments to the United States to ensure the safety and well-being of those living in Camp Liberty;

(3) urge the Government of Iraq to ensure continued and reliable access to food, clean water, medical assistance, electricity and other energy needs, and any other equipment and supplies necessary to sustain the residents during periods of attack or siege by external forces;

(4) oppose the extradition of Camp Liberty residents to Iran;

(5) assist the international community in implementing a plan to provide for the safe, secure, and permanent relocation of Camp Liberty residents, including a detailed outline of steps that would need to be taken by recipient countries, the United States, the Nations High Commissioner for Refugees (UNHCR), and the Camp residents to relocate residents to other countries;

(6) encourage continued close cooperation between the residents of Camp Liberty and the authorities in the relocation process; and

(7) assist the United Nations High Commissioner for Refugees in expediting the ongoing resettlement of all residents of Camp Liberty to safe locations outside Iraq.

Subtitle D—Matters Relating to Iran

SEC. 1231. MODIFICATION AND EXTENSION OF ANNUAL REPORT ON THE MILITARY POWER OF IRAN. 10 USC 113 note.

(a) ELEMENT ON CYBER CAPABILITIES IN DESCRIPTION OF STRATEGY.—Paragraph (1) of subsection (b) of section 1245 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2542) is amended—

(1) in subparagraph (B), by striking “and” at the end;

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

(3) by adding at the end the following new subparagraph:
“(D) Iranian strategy regarding offensive cyber capabilities and defensive cyber capabilities.”.

(b) ELEMENTS ON CYBER CAPABILITIES IN ASSESSMENTS OF UNCONVENTIONAL FORCES.—Paragraph (3) of such subsection, as amended by section 1232(a) of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 920), is further amended—

(1) in subparagraph (D), by striking “and” at the end;

(2) in subparagraph (E), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following new subparagraphs:
 “(F) offensive cyber capabilities and defensive cyber capabilities; and

“(G) Iranian ability to manipulate the information environment both domestically and against the interests of the United States and its allies.”.

(c) **MATTERS TO BE INCLUDED.**—Such subsection is further amended by adding at the end the following:

“(5) An assessment of transfers to Iran of military equipment, technology, and training from non-Iranian sources.”.

(d) **TERMINATION.**—Subsection (d) of such section 1245, as amended by section 1277 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3592), is further amended by striking “December 31, 2016” and inserting “December 31, 2025”.

10 USC 113 note.

(e) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to reports required to be submitted under section 1245 of the National Defense Authorization Act for Fiscal Year 2010, as so amended, after that date.

SEC. 1232. SENSE OF CONGRESS ON THE GOVERNMENT OF IRAN’S MALIGN ACTIVITIES.

It is the sense of Congress that—

(1) Iran continues to conduct a range of malign military and intelligence activities in the region and around the globe which constitute a significant threat to regional stability and the national security interests of the United States and our allies and partners;

(2) Iran continues funding its conventional and unconventional military development, including its ballistic missile development programs, and its acquisition of destabilizing conventional weapons, which requires the United States to continue to support and build the collective capacity of our allies and partners in the region to address threats;

(3) the sale of advanced weaponry, including advance air defense systems, to the Government of Iran increases the risk of further destabilizing the region;

(4) Iran’s malign activities, continued state sponsorship of terrorism, and the violation of the human rights of the Iranian people justify continued pressure by the United States; and

(5) the United States should continue to enhance the region’s security architecture, build our partners’ capacity to respond to external aggression, increase the interoperability of our respective military forces, and continue to better integrate their advanced capabilities.

SEC. 1233. REPORT ON MILITARY-TO-MILITARY ENGAGEMENTS WITH IRAN.

(a) **REPORT REQUIRED.**—Not later than one year after the date of the enactment of this Act, and annually thereafter for 2 years, the Secretary of Defense shall submit to the appropriate congressional committees a report on—

(1) any military-to-military engagements conducted by the Armed Forces or Department of Defense civilians with representatives of the military or paramilitary forces (including the IRGC Quds Force) of the Islamic Republic of Iran during the one-year period ending on the date of the submission of the report; and

(2) any policy changes to such military-to-military engagements with the armed forces of Iran.

(b) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term “appropriate congressional committees” means—

(1) the congressional defense committees; and

(2) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1234. SECURITY GUARANTEES TO COUNTRIES IN THE MIDDLE EAST.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall submit to the appropriate congressional committees a report that summarizes any agreement, in effect as of the date that is 15 days before the date of the submittal of the report, that provides security commitments by the United States to any country in the Middle East, including the member countries of the Gulf Cooperation Council.

(b) ANALYSIS.—Not later than 90 days after the date of the enactment of this Act, the Chairman of the Joint Chiefs of Staff shall provide the Secretary of Defense with an analysis of the United States military force structure and posture required to meet any current agreement that provides security commitments in the Middle East, including to member countries of the Gulf Cooperation Council. The Secretary shall include such analysis, without revision, in the report required by subsection (a), together with such additional views as the Secretary considers appropriate.

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

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1235. RULE OF CONSTRUCTION.

Nothing in this Act shall be construed as authorizing the use of force against Iran.

22 USC 8784
note.

Subtitle E—Matters Relating to the Russian Federation

SEC. 1241. NOTIFICATIONS RELATING TO TESTING, PRODUCTION, DEPLOYMENT, AND SALE OR TRANSFER TO OTHER STATES OR NON-STATE ACTORS OF THE CLUB-K CRUISE MISSILE SYSTEM BY THE RUSSIAN FEDERATION.

(a) NOTIFICATIONS.—Not later than seven days after the Secretary determines that there is reasonable grounds to believe that the Russian Federation has tested, initially deployed, or sold or

transferred to another state or non-state actor the Club-K cruise missile system, the Secretary shall submit to the appropriate committees of Congress a notification of such determination.

(b) DEPARTMENT OF DEFENSE PLANNING.—The Chairman of the Joint Chiefs of Staff shall include in military planning options for responding to the military threat posed by the Russian Federation testing, deployment, or sale or transfer to other states or non-state actors the Club-K cruise missile system.

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—

(A) the congressional defense committees; and

(B) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(2) CLUB-K CRUISE MISSILE SYSTEM.—The term “Club-K cruise missile system” means the Club-K cruise missile “container launcher” weapons system.

(d) SUNSET.—The provisions of this section shall not be in effect on and after the date that is 5 years after the date of the enactment of this Act.

SEC. 1242. NOTIFICATIONS OF DEPLOYMENT OF NUCLEAR WEAPONS BY RUSSIAN FEDERATION TO TERRITORY OF UKRAINE OR RUSSIAN TERRITORY OF KALININGRAD.

(a) NOTIFICATIONS.—

(1) UPON DEPLOYMENT.—Not later than seven days after the Secretary of Defense determines that there is reasonable grounds to believe that the Russian Federation has deployed covered weapons systems onto the territory of the Ukraine, or has deployed covered weapons systems onto the Russian territory of Kaliningrad, the Secretary shall submit to the appropriate congressional committees a notification of such determination.

(2) FORM.—A notification required under paragraph (1) shall be submitted in unclassified form, but may contain a classified annex if necessary.

(b) DEPARTMENT OF DEFENSE PLANNING.—The Chairman of the Joint Chiefs of Staff shall include in military planning options for responding to the military threat posed by the Russian Federation deploying covered weapons systems onto the territory of the Ukraine, or deploying covered weapons system onto the Russian territory of Kaliningrad, including opportunities for allied cooperation in developing such responses based on consultation with such allies.

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the congressional defense committees; and

(B) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(2) COVERED WEAPONS SYSTEMS.—The term “covered weapons systems” means weapons systems that can perform both conventional and nuclear missions, nuclear weapon delivery systems, and nuclear warheads.

(d) **SUNSET.**—The provisions of this section shall not be in effect on and after the date that is 5 years after the date of the enactment of this Act.

SEC. 1243. MEASURES IN RESPONSE TO NON-COMPLIANCE BY THE RUSSIAN FEDERATION WITH ITS OBLIGATIONS UNDER THE INF TREATY.

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

(1) the development and deployment of a nuclear ground-launched cruise missile by the Russian Federation is in violation of the INF Treaty, and the Russian Federation should return to compliance with the INF Treaty;

(2) the increasing role for nuclear weapons in the Russian Federation’s military strategy, and the continuing violation of the INF Treaty threatens the viability of the INF Treaty;

(3) efforts taken by the President to compel the Russian Federation to return to compliance with the INF Treaty, including by developing military and nonmilitary options, must be persistent and are in the best interests of the United States, but cannot be open-ended;

(4) not only should the Russian Federation end its cheating with respect to the INF Treaty, but also its illegal occupation of the sovereign territory of another nation, its plans for stationing nuclear weapons on that nation’s territory, and its cheating and violation of as many as eight of its 12 arms control obligations and agreements; and

(5) there are several United States military requirements that would be addressed by the development and deployment of systems currently prohibited by the INF Treaty.

(b) **NOTIFICATIONS OF RUSSIAN FEDERATION VIOLATIONS OF INF TREATY.**—

(1) **IN GENERAL.**—The President shall submit to the appropriate congressional committees a notification of—

(A) whether the Russian Federation has flight-tested, deployed, or possesses a military system that has achieved an initial operating capability that is either a ground-launched ballistic missile or ground-launched cruise missile with a flight-tested range of between 500 and 5,500 kilometers; and

(B) whether the Russian Federation has begun steps to return to full compliance with the INF Treaty, including by agreeing to inspections and verification measures necessary to achieve high confidence that any missile described in subparagraph (A) will be eliminated, as required by the INF Treaty upon its entry into force.

(2) **DEADLINE.**—The notification required under paragraph (1) shall be submitted not later than 30 days after the date of the enactment of this Act and not later than 30 days after the date on which the Russian Federation meets any of the conditions described in subparagraphs (A) and (B) of paragraph (1).

(3) **FORM.**—The notification required under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(c) **NOTIFICATION OF COORDINATION WITH ALLIES REGARDING INF TREATY.**—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment, and every 120-day period thereafter for a period of 5 years, the Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall jointly, in coordination with the Secretary of State and the Director of National Intelligence, submit to the appropriate congressional committees a notification on the status and content of updates provided to the North Atlantic Treaty Organization (NATO) and allies of the United States in East Asia, on the Russian Federation's flight testing, operating capability and deployment of ground launched ballistic missiles or ground-launched cruise missiles with a flight-tested range of between 500 and 5,500 kilometers, including updates on the status and a description of efforts with such allies to develop collective responses (including economic and military responses) to arms control violations of the Russian Federation (including violations of the INF Treaty).

(2) FORM.—The notification required under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(d) MILITARY RESPONSE OPTIONS TO RUSSIAN FEDERATION VIOLATION OF INF TREATY.—

(1) IN GENERAL.—If, as of the date of the enactment of this Act, the Russian Federation has not begun taking measures to return to full compliance with the INF Treaty, including by agreeing to verification measures necessary to achieve high confidence that any ground-launched ballistic missile or ground-launched cruise missile with a flight-tested range of between 500 and 5,500 kilometers will be eliminated, the Secretary of Defense shall, not later than 120 days after that date, submit to the appropriate congressional committees a plan for the development of the following military capabilities:

(A) Counterforce capabilities to prevent intermediate-range ground-launched ballistic missile and cruise missile attacks, whether or not such capabilities are in compliance with the INF Treaty and including capabilities that may be acquired from allies of the United States.

(B) Countervailing strike capabilities to enhance the forces of the United States or allies of the United States, whether or not such capabilities are in compliance with the INF Treaty and including capabilities that may be acquired from allies of the United States.

(C) Active defenses to defend against intermediate-range ground-launched cruise missile attacks.

(2) COST AND SCHEDULE ESTIMATES.—The Secretary of Defense shall include in the plan required by paragraph (1), with respect to each military capability described in subparagraphs (A), (B), and (C) of that paragraph, an estimate of cost and the approximate time for achieving a Milestone A decision, if such a decision is required.

(3) AVAILABILITY OF FUNDS.—Using amounts authorized to be appropriated for fiscal year 2016 by section 201 and available for research, development, test, and evaluation, Defense-wide, or otherwise made available, the Secretary of Defense shall carry out the development of capabilities pursuant to paragraph (1) that are recommended by the Chairman of the Joint Chiefs of Staff to meet military requirements and current capability gaps with respect to missiles described

in paragraph (1). In making such a recommendation, the Chairman shall give priority to such capabilities that the Chairman determines could be tested and fielded most expediently, with the most priority given to capabilities that the Chairman determines could be fielded in two years.

(4) OTHER RESPONSE OPTIONS.—The Secretary of Defense shall also include in the plan required by paragraph (1) such other options as the Secretary of Defense or the Secretary of State consider useful to encourage the Russian Federation to return to full compliance with the INF Treaty or necessary to respond to the failure of the Russian Federation to return to full compliance with the INF Treaty.

(5) REPORTS ON DEVELOPMENT.—

(A) IN GENERAL.—During each 180-day period beginning on the date on which funds are first obligated to develop capabilities under paragraph (1), the Chairman of the Joint Chiefs of Staff shall submit to the appropriate congressional committees a report on such capabilities, including the costs of development (and estimated total costs of each system if pursued to deployment) and the time for development flight testing and deployment.

(B) SUNSET.—The provisions of subparagraph (A) shall not be in effect after the date on which the President certifies to the appropriate congressional committees that the INF Treaty is no longer in force or the Russian Federation has fully returned to compliance with its obligations under the INF Treaty.

(6) REPORT ON DEPLOYMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in coordination with the Secretary of State, submit to the appropriate congressional committees a report on the following:

(A) Potential deployment locations of the military capabilities described in paragraph (1) in East Asia and Eastern Europe, including any potential basing agreements that may be required to facilitate such deployments.

(B) Any required safety and security measures, estimates of potential costs of deployments described in subparagraph (A) and an assessment of whether or not such deployments in Eastern Europe may require a decision of the North Atlantic Council.

(e) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) INF TREATY.—The term “INF Treaty” means the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles, commonly referred to as the Intermediate-Range Nuclear Forces (INF) Treaty, signed

at Washington, December 8, 1987, and entered into force June 1, 1988.

SEC. 1244. MODIFICATION OF NOTIFICATION AND ASSESSMENT OF PROPOSAL TO MODIFY OR INTRODUCE NEW AIRCRAFT OR SENSORS FOR FLIGHT BY THE RUSSIAN FEDERATION UNDER THE OPEN SKIES TREATY.

(a) **IN GENERAL.**—Section 1242(b) of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3563) is amended—

(1) in paragraph (1), by striking “30 days” and inserting “90 days”; and

(2) in paragraph (2)—

(A) in the paragraph caption, by striking “ELEMENT” and inserting “ELEMENTS”; and

(B) by adding at the end the following new sentence: “The assessment shall also include an assessment of the proposal by the commander of each combatant command potentially affected by the proposal, including an assessment of the potential effects of the proposal on operations and any potential vulnerabilities raised by the proposal.”.

(b) **LIMITATION ON AVAILABILITY OF FUNDS.**—Not more than 75 percent of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2016 for research, development, test, and evaluation, Air Force, for arms control implementation (PE 0305145F) may be obligated or expended until the Secretary of Defense, in coordination with the Secretary of State, submits to the appropriate committees of Congress a report on the following:

(1) A description of any meetings of the Open Skies Consultative Commission during the prior year.

(2) A description of any agreements entered into during such meetings of the Open Skies Consultative Commission.

(3) A description of any future year proposals for modifications to the aircraft or sensors of any State Party to the Open Skies Treaty that will be subject to the Open Skies Treaty.

(c) **DEFINITIONS.**—In this section:

(1) The term “appropriate committees of Congress” means—

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

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

(2) The term “Open Skies Treaty” means the Treaty on Open Skies, done at Helsinki March 24, 1992, and entered into force January 1, 2002.

SEC. 1245. PROHIBITION ON AVAILABILITY OF FUNDS RELATING TO SOVEREIGNTY OF THE RUSSIAN FEDERATION OVER CRIMEA.

(a) **PROHIBITION.**—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2016 for the Department of Defense may be obligated or expended to implement any activity that recognizes the sovereignty of the Russian Federation over Crimea.

(b) **WAIVER.**—The Secretary of Defense may waive the restriction on the obligation or expenditure of funds required by subsection (a) if the Secretary—

(1) determines that to do so is in the national interest of the United States; and

(2) submits to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a notification of the waiver at the time the waiver is invoked.

SEC. 1246. LIMITATION ON MILITARY COOPERATION BETWEEN THE UNITED STATES AND THE RUSSIAN FEDERATION.

(a) **LIMITATION.**—None of the funds authorized to be appropriated for fiscal year 2016 for the Department of Defense may be used for any bilateral military-to-military cooperation between the Governments of the United States and the Russian Federation until the Secretary of Defense, in coordination with the Secretary of State, certifies to the appropriate congressional committees that—

(1) the Russian Federation has ceased its occupation of Ukrainian territory and its aggressive activities that threaten the sovereignty and territorial integrity of Ukraine and members of the North Atlantic Treaty Organization; and

(2) the Russian Federation is abiding by the terms of and taking steps in support of the Minsk Protocols regarding a ceasefire in eastern Ukraine.

(b) **NONAPPLICABILITY.**—The limitation in subsection (a) shall not apply to—

(1) any activities necessary to ensure the compliance of the United States with its obligations or the exercise of rights of the United States under any bilateral or multilateral arms control or nonproliferation agreement or any other treaty obligation of the United States; and

(2) any activities required to provide logistical or other support to the conduct of United States or North Atlantic Treaty Organization military operations in Afghanistan or the withdrawal from Afghanistan.

(c) **WAIVER.**—The Secretary of Defense may waive the limitation in subsection (a) if the Secretary of Defense, in coordination with the Secretary of State—

(1) determines that the waiver is in the national security interest of the United States; and

(2) submits to the appropriate congressional committees—

(A) a notification that the waiver is in the national security interest of the United States and a description of the national security interest covered by the waiver; and

(B) a report explaining why the Secretary of Defense cannot make the certification under subsection (a).

(d) **EXCEPTION FOR CERTAIN MILITARY BASES.**—The certification requirement specified in paragraph (1) of subsection (a) shall not apply to military bases of the Russian Federation in Ukraine’s Crimean peninsula operating in accordance with its 1997 agreement on the Status and Conditions of the Black Sea Fleet Stationing on the Territory of Ukraine.

(e) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

10 USC 494 note. **SEC. 1247. REPORT ON IMPLEMENTATION OF THE NEW START TREATY.**

(a) **REPORT.**—

(1) **IN GENERAL.**—During each year described in paragraph (2), the President shall transmit to the appropriate congressional committees a report explaining the reasons that the continued implementation of the New START Treaty is in the national security interests of the United States.

(2) **YEAR DESCRIBED.**—A year described in this paragraph is a year in which the President implements the New START Treaty and determines that any of the following circumstances apply:

(A) The Russian Federation illegally occupies Ukrainian territory.

(B) The Russian Federation is not respecting the sovereignty of all Ukrainian territory.

(C) The Russian Federation is not in full compliance with the INF treaty.

(D) The Russian Federation is not in compliance with the CFE Treaty and has not lifted its suspension of Russian observance of its treaty obligations.

(E) The Russian Federation is not reducing its deployed strategic delivery vehicles.

(b) **DEFINITIONS.**—In this section:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means—

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

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

(2) **CFE TREATY.**—The term “CFE Treaty” means the Treaty on Conventional Armed Forces in Europe, signed at Paris November 19, 1990, and entered into force July 17, 1992.

(3) **INF TREATY.**—The term “INF Treaty” means the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles, commonly referred to as the Intermediate-Range Nuclear Forces (INF) Treaty, signed at Washington December 8, 1987, and entered into force June 1, 1988.

(4) **NEW START TREATY.**—The term “New START Treaty” means the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed on April 8, 2010, and entered into force on February 5, 2011.

SEC. 1248. ADDITIONAL MATTERS IN ANNUAL REPORT ON MILITARY AND SECURITY DEVELOPMENTS INVOLVING THE RUSSIAN FEDERATION.

(a) **ADDITIONAL MATTERS.**—Subsection (b) of section 1245 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3566) is amended—

(1) by redesignating paragraphs (4) through (15) as paragraphs (7) through (18), respectively; and

(2) by inserting after paragraph (3) the following new paragraphs (4), (5), and (6):

“(4) An assessment of the force structure and capabilities of Russian military forces stationed in each of the Arctic, Kaliningrad, and Crimea, including a description of any changes to such force structure or capabilities during the one-year period ending on the date of such report and with a particular emphasis on the anti-access and area denial capabilities of such forces.

“(5) An assessment of Russian military strategy and objectives for the Arctic region.

“(6) A description of the status of testing, production, deployment, and sale or transfer to other states or non-state actors of the Club-K cruise missile system by the Russian Federation.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to reports submitted under section 1245 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 after that date.

SEC. 1249. REPORT ON ALTERNATIVE CAPABILITIES TO PROCURE AND SUSTAIN NONSTANDARD ROTARY WING AIRCRAFT HISTORICALLY PROCURED THROUGH ROSOBORONEXPORT.

(a) REPORT ON ASSESSMENT OF ALTERNATIVE CAPABILITIES.—Not later than one year after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall, in consultation with the Chairman of the Joint Chiefs of Staff, submit to the congressional defense committees a report setting forth an assessment, obtained by the Under Secretary for purposes of the report, of the feasibility and advisability of using alternative industrial base capabilities to procure and sustain, with parts and service, nonstandard rotary wing aircraft historically acquired through Rosoboronexport, or nonstandard rotary wing aircraft that are in whole or in part reliant upon Rosoboronexport for continued sustainment, in order to benefit United States national security interests.

(b) INDEPENDENT ASSESSMENT.—The assessment obtained for purposes of subsection (a) shall be conducted by a federally funded research and development center (FFRDC), or another appropriate independent entity with expertise in the procurement and sustainment of complex weapon systems, selected by the Under Secretary for purposes of the assessment.

(c) ELEMENTS.—The assessment obtained for purposes of subsection (a) shall include the following:

(1) An identification and assessment of international industrial base capabilities, other than Rosoboronexport, to provide one or more of the following:

(A) Means of procuring nonstandard rotary wing aircraft historically procured through Rosoboronexport.

(B) Reliable and timely supply of required and appropriate parts, spares, and consumables of such aircraft.

(C) Certifiable maintenance of such aircraft, including major periodic overhauls, damage repair, and modifications.

(D) Access to required reference data on such aircraft, including technical manuals and service bulletins.

(E) Credible certification of airworthiness of such aircraft through physical inspection, notwithstanding any current administrative requirements to the contrary.

(2) An assessment (including an assessment of associated costs and risks) of alterations to administrative processes of the United States Government that may be required to procure any of the capabilities specified in paragraph (1), including waivers to Department of Defense or Department of State requirements applicable to foreign military sales or alterations to procedures for approval of airworthiness certificates.

(3) An assessment of the potential economic impact to Rosoboronexport of procuring nonstandard rotary wing aircraft described in paragraph (1)(A) through entities other than Rosoboronexport.

(4) An assessment of the risks and benefits of using the entities identified pursuant to paragraph (1)(A) to procure aircraft described in that paragraph.

(5) Such other matters as the Under Secretary considers appropriate.

(d) **USE OF PREVIOUS STUDIES.**—The entity conducting the assessment for purposes of subsection (a) may use and incorporate information from previous studies on matters appropriate to the assessment.

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

SEC. 1250. UKRAINE SECURITY ASSISTANCE INITIATIVE.

(a) **AUTHORITY TO PROVIDE ASSISTANCE.**—Of the amounts authorized to be appropriated for fiscal year 2016 by title XV and available for overseas contingency operations as specified in the funding tables in division D, \$300,000,000 shall be available to the Secretary of Defense, in coordination with the Secretary of State, to provide appropriate security assistance and intelligence support, including training, equipment, and logistics support, supplies and services, to military and other security forces of the Government of Ukraine for the purposes as follows:

(1) To enhance the capabilities of the military and other security forces of the Government of Ukraine to defend against further aggression.

(2) To assist Ukraine in developing the combat capability to defend its sovereignty and territorial integrity.

(3) To support the Government of Ukraine in defending itself against actions by Russia and Russian-backed separatists that violate the ceasefire agreements of September 4, 2014, and February 11, 2015.

(b) **APPROPRIATE SECURITY ASSISTANCE AND INTELLIGENCE SUPPORT.**—For purposes of subsection (a), appropriate security assistance and intelligence support includes the following:

(1) Real time or near real time actionable intelligence, including by lease of such capabilities from United States commercial entities.

(2) Lethal assistance such as anti-armor weapon systems, mortars, crew-served weapons and ammunition, grenade launchers and ammunition, and small arms and ammunition.

(3) Counter-artillery radars, including medium-range and long-range counter-artillery radars that can detect and locate long-range artillery.

(4) Unmanned aerial tactical surveillance systems.

(5) Cyber capabilities.

(6) Counter-electronic warfare capabilities such as secure communications equipment and other electronic protection systems.

(7) Other electronic warfare capabilities.

(8) Training required to maintain and employ systems and capabilities described in paragraphs (1) through (7).

(9) Training for critical combat operations such as planning, command and control, small unit tactics, counter-artillery tactics, logistics, countering improvised explosive devices, battlefield first aid, post-combat treatment, and medical evacuation.

(c) AVAILABILITY OF FUNDS.—

(1) TRAINING.—Up to 20 percent of the amount available pursuant to subsection (a) may be used to support training pursuant to section 1207 of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 2151 note), relating to the Global Security Contingency Fund.

(2) DEFENSIVE LETHAL ASSISTANCE.—Subject to paragraph (3), of the amount available pursuant to subsection (a), \$50,000,000 shall be available only for lethal assistance described in paragraphs (2) and (3) of subsection (b).

(3) OTHER PURPOSES.—The amount described in paragraph (2) shall be available for purposes other than lethal assistance referred to in that paragraph commencing on the date that is six months after the date of the enactment of this Act if the Secretary of Defense, with the concurrence of the Secretary of State, certifies to the congressional defense committees that the use of such amount for purposes of such lethal assistance is not in the national security interests of the United States. The purposes for which the amount may be used pursuant to this paragraph include the following:

(A) Assistance or support to national-level security forces of other Partnership for Peace nations that the Secretary of Defense determines to be appropriate to assist in preserving their sovereignty and territorial integrity against Russian aggression.

(B) Exercises and training support of national-level security forces of Partnership for Peace nations or the Government of Ukraine that the Secretary of Defense determines to be appropriate to assist in preserving their sovereignty and territorial integrity against Russian aggression.

(d) UNITED STATES INVENTORY AND OTHER SOURCES.—

(1) IN GENERAL.—In addition to any assistance provided pursuant to subsection (a), the Secretary of Defense is authorized, with the concurrence of the Secretary of State, to make available to the Government of Ukraine weapons and other defense articles, from the United States inventory and other sources, and defense services, in such quantity as the Secretary of Defense determines to be appropriate to achieve the purposes specified in subsection (a).

(2) REPLACEMENT.—Amounts for the replacement of any items provided to the Government of Ukraine pursuant to

paragraph (1) shall be derived from the amount available pursuant to subsection (a) or amounts authorized to be appropriated for the Department of Defense for overseas contingency operations for weapons procurement.

(e) CONSTRUCTION OF AUTHORIZATION.—Nothing in this section shall be construed to constitute a specific statutory authorization for the introduction of United States Armed Forces into hostilities or into situations wherein hostilities are clearly indicated by the circumstances.

(f) TERMINATION OF AUTHORITY.—Assistance may not be provided under the authority in this section after December 31, 2017.

(g) EXTENSION OF REPORTS ON MILITARY ASSISTANCE TO UKRAINE.—Section 1275(e) of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3592) is amended by striking “January 31, 2017” and inserting “December 31, 2017”.

10 USC 2282
note.

SEC. 1251. TRAINING FOR EASTERN EUROPEAN NATIONAL MILITARY FORCES IN THE COURSE OF MULTILATERAL EXERCISES.

(a) AUTHORITY.—The Secretary of Defense may provide the training specified in subsection (b), and pay the incremental expenses incurred by a country as the direct result of participation in such training, for the national military forces provided for under subsection (c).

(b) TYPES OF TRAINING.—The training provided to the national military forces of a country under subsection (a) shall be limited to training that is—

(1) provided in the course of the conduct of a multilateral exercise in which the United States Armed Forces are a participant;

(2) comparable to or complimentary of the types of training the United States Armed Forces receive in the course of such multilateral exercise; and

(3) for any purpose as follows:

(A) To enhance and increase the interoperability of the military forces to be trained to increase their ability to participate in coalition efforts led by the United States or the North Atlantic Treaty Organization (NATO).

(B) To increase the capacity of such military forces to respond to external threats.

(C) To increase the capacity of such military forces to respond to hybrid warfare.

(D) To increase the capacity of such military forces to respond to calls for collective action within the North Atlantic Treaty Organization.

(c) ELIGIBLE COUNTRIES.—

(1) IN GENERAL.—Training may be provided under subsection (a) to the national military forces of the countries determined by the Secretary of Defense, with the concurrence of the Secretary of State, to be appropriate recipients of such training from among the countries as follows:

(A) Countries that are a signatory to the Partnership for Peace Framework Documents, but not a member of the North Atlantic Treaty Organization.

(B) Countries that became a member of the North Atlantic Treaty Organization after January 1, 1999.

(2) **ELIGIBLE COUNTRIES.**—Before providing training under subsection (a), the Secretary of Defense shall, in coordination with the Secretary of State, submit to the Committees on Armed Services of the Senate and the House of Representatives a list of the countries determined pursuant to paragraph (1) to be eligible for the provision of training under subsection (a).

(d) **FUNDING OF INCREMENTAL EXPENSES.**—

(1) **ANNUAL FUNDING.**—Of the amounts specified in paragraph (2) for a fiscal year, up to a total of \$28,000,000 may be used to pay incremental expenses under subsection (a) in that fiscal year.

(2) **AMOUNTS.**—The amounts specified in this paragraph are as follows:

(A) Amounts authorized to be appropriated for a fiscal year for operation and maintenance, Army, and available for the Combatant Commands Direct Support Program for that fiscal year.

(B) Amounts authorized to be appropriated for a fiscal year for operation and maintenance, Defense-wide, and available for the Wales Initiative Fund for that fiscal year.

(3) **AVAILABILITY OF FUNDS FOR ACTIVITIES ACROSS FISCAL YEARS.**—Amounts available in a fiscal year pursuant to this subsection may be used for incremental expenses of training that begins in that fiscal year and ends in the next fiscal year.

(e) **BRIEFING TO CONGRESS ON USE OF AUTHORITY.**—Not later than 90 days after the end of each fiscal year in which the authority in subsection (a) is used, the Secretary shall brief the Committees on Armed Services of the Senate and the House of Representatives on the use of the authority during such fiscal year, including each country with which training under the authority was conducted and the types of training provided.

(f) **CONSTRUCTION OF AUTHORITY.**—The authority provided in subsection (a) is in addition to any other authority provided by law authorizing the provision of training for the national military forces of a foreign country, including section 2282 of title 10, United States Code.

(g) **INCREMENTAL EXPENSES DEFINED.**—In this section, the term “incremental expenses” means the reasonable and proper cost of the goods and services that are consumed by a country as a direct result of that country’s participation in training under the authority of this section, including rations, fuel, training ammunition, and transportation. Such term does not include pay, allowances, and other normal costs of a country’s personnel.

(h) **TERMINATION OF AUTHORITY.**—The authority under this section shall terminate on September 30, 2017. Any activity under this section initiated before that date may be completed, but only using funds available for fiscal years 2016 through 2017.

Subtitle F—Matters Relating to the Asia-Pacific Region

SEC. 1261. STRATEGY TO PROMOTE UNITED STATES INTERESTS IN THE INDO-ASIA-PACIFIC REGION.

(a) STRATEGY.—Not later than March 1, 2017, the President shall develop an overall strategy to promote United States interests in the Indo-Asia-Pacific region. Such strategy shall be informed by, but not limited to, the following:

(1) The national security strategy of the United States for 2015 set forth in the national security strategy report required under section 108(a)(3) of the National Security Act of 1947 (50 U.S.C. 5043(a)(3)), as such strategy relates to United States interests in the Indo-Asia-Pacific region.

(2) The 2014 Quadrennial Defense Review, as it relates to United States interests in the Indo-Asia-Pacific region.

(3) The 2015 Quadrennial Diplomacy and Development Review, as it relates to United States interests in the Indo-Asia-Pacific region.

(4) The strategy to prioritize United States defense interests in the Asia-Pacific region as contained in the report required by section 1251(a) of the National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291).

(5) The integrated, multi-year planning and budget strategy for a rebalancing of United States policy in Asia submitted to Congress pursuant to section 7043(a) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2014 (division K of the Consolidated Appropriations Act, 2014 (Public Law 113–76)).

(b) PRESIDENTIAL POLICY DIRECTIVE.—The President shall issue a Presidential Policy Directive to appropriate departments and agencies of the United States Government that contains the strategy developed under subsection (a) and includes implementing guidance to such departments and agencies.

(c) RELATION TO AGENCY PRIORITY GOALS AND ANNUAL BUDGET.—

(1) AGENCY PRIORITY GOALS.—In identifying agency priority goals under section 1120(b) of title 31, United States Code, for each appropriate department and agency of the United States Government, the head of such department or agency, or as otherwise determined by the Director of the Office of Management and Budget, shall take into consideration the strategy developed under subsection (a) and the Presidential Policy Directive issued under subsection (b).

(2) ANNUAL BUDGET.—The President, acting through the Director of the Office of Management and Budget, shall ensure that the annual budget submitted to Congress under section 1105 of title 31, United States Code, includes a separate section that clearly highlights programs and projects that are being funded in the annual budget that relate to the strategy developed under subsection (a) and the Presidential Policy Directive issued under subsection (b).

SEC. 1262. REQUIREMENT TO SUBMIT DEPARTMENT OF DEFENSE POLICY REGARDING FOREIGN DISCLOSURE OR TECHNOLOGY RELEASE OF AEGIS ASHORE CAPABILITY TO JAPAN.

(a) SENSE OF CONGRESS.—It is the sense of Congress that a decision by the Government of Japan to purchase Aegis Ashore for its self-defense, given that it already possesses sea-based Aegis weapons system-equipped naval vessels, could create a significant opportunity for promoting interoperability and integration of air- and missile defense capability, could provide for force multiplication benefits, and could potentially alleviate force posture requirements on multi-mission assets.

(b) REQUIREMENT TO SUBMIT POLICY.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a copy of the Department of Defense policy regarding foreign disclosure or technology release of Aegis Ashore capability to Japan.

(c) DEFINITION.—In this section, the term “appropriate congressional committees” means—

- (1) the congressional defense committees; and
- (2) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1263. SOUTH CHINA SEA INITIATIVE.

10 USC 2282
note.

(a) ASSISTANCE AND TRAINING.—

(1) IN GENERAL.—The Secretary of Defense is authorized, with the concurrence of the Secretary of State, for the purpose of increasing maritime security and maritime domain awareness of foreign countries along the South China Sea—

(A) to provide assistance to national military or other security forces of such countries that have among their functional responsibilities maritime security missions; and

(B) to provide training to ministry, agency, and headquarters level organizations for such forces.

(2) DESIGNATION OF ASSISTANCE AND TRAINING.—The provision of assistance and training under this section may be referred to as the “South China Sea Initiative”.

(b) RECIPIENT COUNTRIES.—The foreign countries that may be provided assistance and training under subsection (a) are the following:

- (1) Indonesia.
- (2) Malaysia,
- (3) The Philippines.
- (4) Thailand.
- (5) Vietnam.

(c) TYPES OF ASSISTANCE AND TRAINING.—

(1) AUTHORIZED ELEMENTS OF ASSISTANCE.—Assistance provided under subsection (a)(1)(A) may include the provision of equipment, supplies, training, and small-scale military construction.

(2) REQUIRED ELEMENTS OF ASSISTANCE AND TRAINING.—Assistance and training provided under subsection (a) shall include elements that promote the following:

- (A) Observance of and respect for human rights and fundamental freedoms.

(B) Respect for legitimate civilian authority within the country to which the assistance is provided.

(d) PRIORITIES FOR ASSISTANCE AND TRAINING.—In developing programs for assistance or training to be provided under subsection (a), the Secretary of Defense shall accord a priority to assistance, training, or both that will enhance the maritime capabilities of the recipient foreign country, or a regional organization of which the recipient country is a member, to respond to emerging threats to maritime security.

(e) INCREMENTAL EXPENSES OF PERSONNEL OF CERTAIN OTHER COUNTRIES FOR TRAINING.—

(1) AUTHORITY FOR PAYMENT.—If the Secretary of Defense determines that the payment of incremental expenses in connection with training described in subsection (a)(1)(B) will facilitate the participation in such training of organization personnel of foreign countries specified in paragraph (2), the Secretary may use amounts available under subsection (f) for assistance and training under subsection (a) for the payment of such incremental expenses.

(2) COVERED COUNTRIES.—The foreign countries specified in this paragraph are the following:

- (A) Brunei.
- (B) Singapore.
- (C) Taiwan.

(f) AVAILABILITY OF FUNDS.—

(1) IN GENERAL.—Of the amounts authorized to be appropriated for fiscal year 2016 for the Department of Defense, \$50,000,000 may be available for the provision of assistance and training under subsection (a).

(2) NOTICE ON SOURCE OF FUNDS.—If the Secretary of Defense uses funds available to the Department pursuant to paragraph (1) to provide assistance and training under subsection (a) during a fiscal half-year of fiscal year 2016, not later than 30 days after the end of such fiscal half-year, the Secretary shall submit to the congressional defense committees a notice on the account or accounts providing such funds.

(g) NOTICE TO CONGRESS ON ASSISTANCE AND TRAINING.—

(1) IN GENERAL.—Not later than 15 days before exercising the authority under subsection (a) or (e) with respect to a recipient foreign country, the Secretary of Defense shall submit to the appropriate committees of Congress a notification containing the following:

(A) The recipient foreign country.

(B) A detailed justification of the program for the provision of the assistance or training concerned, and its relationship to United States security interests.

(C) The budget for the program, including a timetable of planned expenditures of funds to implement the program, an implementation timeline for the program with milestones (including anticipated delivery schedules for any assistance under the program), the military department or component responsible for management of the program, and the anticipated completion date for the program.

(D) A description of the arrangements, if any, to support host nation sustainment of any capability developed pursuant to the program, and the source of funds to support sustainment efforts and performance outcomes to be

achieved under the program beyond its completion date, if applicable.

(E) A description of the program objectives and an assessment framework to be used to develop capability and performance metrics associated with operational outcomes for the recipient force.

(F) Such other matters as the Secretary considers appropriate.

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

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

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

(h) EXPIRATION.—Assistance and training may not be provided under this section after September 30, 2020.

Subtitle G—Other Matters

SEC. 1271. TWO-YEAR EXTENSION AND MODIFICATION OF AUTHORIZATION FOR NON-CONVENTIONAL ASSISTED RECOVERY CAPABILITIES.

(a) EXTENSION.—Subsection (h) of section 943 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4579), as most recently amended by section 1261(a) of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291), is further amended by striking “2016” and inserting “2018”.

(b) REVISION TO ANNUAL LIMITATION ON FUNDS.—Subsection (a) of such section 943 is amended—

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

“(1) IN GENERAL.—Upon”;

(2) by striking “an amount” and all that follows through “may be” and inserting “amounts appropriated or otherwise made available for the Department of Defense for operation and maintenance may be”; and

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

“(2) ANNUAL LIMIT.—The total amount made available for support of non-conventional assisted recovery activities under this subsection in any fiscal year may not exceed \$25,000,000.”.

(c) OVERSIGHT.—Subsection (b) of such section 943 is amended—

(1) by striking “(b) PROCEDURES.—The Secretary” and inserting the following:

“(b) PROCEDURES AND OVERSIGHT.—

“(1) PROCEDURES.—The Secretary”; and

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

“(2) PROGRAMMATIC AND POLICY OVERSIGHT.—The Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict shall have primary programmatic and policy oversight of non-conventional assisted recovery activities authorized by this section.”.

SEC. 1272. AMENDMENT TO THE ANNUAL REPORT UNDER ARMS CONTROL AND DISARMAMENT ACT.

Subsection (e) of section 403 of the Arms Control and Disarmament Act (22 U.S.C. 2593a) is amended to read as follows:

“(e) ANNUAL REPORT.—

“(1) IN GENERAL.—Not later than June 15 of each year described in paragraph (2), the Director of National Intelligence shall submit to the appropriate congressional committees a report that contains a detailed assessment, consistent with the provision of classified information and intelligence sources and methods, of the adherence of other nations to obligations undertaken in all arms control, nonproliferation, and disarmament agreements or commitments to which the United States is a party, including information of cases in which any such nation has behaved inconsistently with respect to its obligations undertaken in such agreements or commitments.

“(2) COVERED YEAR.—A year described in this paragraph is a year in which the President fails to submit the report required by subsection (a) by not later than April 15 of such year.

“(3) FORM.—The report required by this subsection shall be submitted in unclassified form, but may contain a classified annex if necessary.”.

SEC. 1273. EXTENSION OF AUTHORIZATION TO CONDUCT ACTIVITIES TO ENHANCE THE CAPABILITY OF FOREIGN COUNTRIES TO RESPOND TO INCIDENTS INVOLVING WEAPONS OF MASS DESTRUCTION.

Section 1204(h) of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 897; 10 U.S.C. 401 note) is amended by striking “September 30, 2017” and inserting “September 30, 2019”.

SEC. 1274. MODIFICATION OF AUTHORITY FOR SUPPORT OF SPECIAL OPERATIONS TO COMBAT TERRORISM.

(a) AUTHORITY.—Subsection (a) of section 1208 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2086), as most recently amended by section 1208(a) of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3541), is further amended by striking “\$75,000,000” and inserting “\$85,000,000”.

(b) NOTIFICATION.—Subsection (c)(1) of such section 1208, as most recently amended by section 1202(b) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2511), is further amended—

(1) by striking “Upon using” and inserting “Not later than 15 days before exercising”;

(2) by striking “for support” and inserting “to initiate support”;

(3) by inserting after “for such an operation,” the following: “or not later than 48 hours after exercising such authority provided in subsection (a) if the Secretary of Defense determines that extraordinary circumstances that impact the national security of the United States exist,”; and

(4) by striking “expeditiously, and in any event within 48 hours,”.

(c) ANNUAL REPORT.—Subsection (f)(1) of such section 1208, as most recently amended by section 1202(c) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2512), is further amended by striking “Not later than 120 days after the close of each fiscal year during which subsection (a) is in effect” and inserting “Not later than 180 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2016, and every 180 days thereafter”.

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) take effect on the date of the enactment of this Act and apply with respect to each fiscal year that begins on or after such date of enactment.

SEC. 1275. LIMITATION ON AVAILABILITY OF FUNDS TO IMPLEMENT THE ARMS TRADE TREATY.

(a) IN GENERAL.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2016 for the Department of Defense may be obligated or expended to implement the Arms Trade Treaty, or to make any change to existing programs, projects, or activities as approved by Congress in furtherance of, pursuant to, or otherwise to implement the Arms Trade Treaty, unless the Arms Trade Treaty has received the advice and consent of the Senate and has been the subject of implementing legislation, as required, by Congress.

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to preclude the Department of Defense from assisting foreign countries in bringing their laws and regulations up to United States standards.

SEC. 1276. REPORT ON THE SECURITY RELATIONSHIP BETWEEN THE UNITED STATES AND THE REPUBLIC OF CYPRUS.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall jointly submit to the appropriate congressional committees a report on the security relationship between the United States and the Republic of Cyprus.

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

(1) A description of ongoing military and security cooperation between the United States and the Republic of Cyprus.

(2) A discussion of potential steps for enhancing the bilateral security relationship between the United States and Cyprus, including steps to enhance the military and security capabilities of the Republic of Cyprus.

(3) An analysis of the effect on the bilateral security relationship of the United States policy to deny applications for licenses and other approvals for the export of defense articles and defense services to the armed forces of Cyprus.

(4) An analysis of the extent to which such United States policy is consistent with overall United States security and policy objectives in the region.

(5) An assessment of the potential impact of lifting such United States policy.

(c) DEFINITION.—In this section, the term “appropriate congressional committees” means—

(1) the congressional defense committees; and

(2) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1277. SENSE OF CONGRESS ON EUROPEAN DEFENSE AND THE NORTH ATLANTIC TREATY ORGANIZATION.

It is the sense of Congress that—

(1) it is in the national security and fiscal interests of the United States that prompt efforts should be undertaken by North Atlantic Treaty Organization allies to meet defense budget commitments made in Declaration 14 of the Wales Summit Declaration of September 2014;

(2) thoughtful and coordinated defense investments by European allies in military capabilities would add deterrence value to the posture of the North Atlantic Treaty Organization against Russian aggression and terrorist organizations and more appropriately balance the share of Atlantic defense spending;

(3) the United States Government should continue to support the open-door policy of the North Atlantic Treaty Organization, declared at the 2014 Summit in Wales that “NATO’s open-door will remain open to all European democracies which share the values of our Alliance, which are willing and able to assume the responsibilities and obligations of membership, which are in a position to further the principles of the Treaty, and whose inclusion will contribute to the security of the North Atlantic area”; and

(4) the United States Government should—

(A) continue to work with aspirant countries to prepare such countries for entry into the North Atlantic Treaty Organization;

(B) work with the Republic of Kosovo to prepare the country for entrance into the Partnership for Peace (PfP) program;

(C) continue supporting a Membership Action Plan (MAP) for Georgia;

(D) encourage leaders of Macedonia and Greece to find a mutually agreeable solution to the name dispute between the two countries; and

(E) support North Atlantic Treaty Organization membership for Montenegro.

SEC. 1278. BRIEFING ON THE SALE OF CERTAIN FIGHTER AIRCRAFT TO QATAR.

(a) **BRIEFING REQUIRED.**—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense, shall, in consultation with the Secretary of State, provide the appropriate committees of Congress a briefing on the risks and benefits of the sale of fighter aircraft to Qatar pursuant to the July 2013 Letter of Request from the Government of Qatar.

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

(1) A description of the assumptions regarding the increase to Qatar air force capabilities as a result of the sale described in subsection (a).

(2) A description of the assumptions regarding the impact of the items sold to Qatar pursuant to the sale on the preservation by Israel of a qualitative military edge.

(3) An estimated timeline for final adjudication of the decision to approve the sale.

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

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1279. UNITED STATES-ISRAEL ANTI-TUNNEL COOPERATION.

22 USC 8606
note.

(a) AUTHORITY TO ESTABLISH ANTI-TUNNEL CAPABILITIES PROGRAM WITH ISRAEL.—

(1) IN GENERAL.—The Secretary of Defense, upon request of the Ministry of Defense of Israel and in consultation with the Secretary of State and the Director of National Intelligence, is authorized to carry out research, development, test, and evaluation, on a joint basis with Israel, to establish anti-tunnel capabilities to detect, map, and neutralize underground tunnels that threaten the United States or Israel. Any activities carried out pursuant to such authority shall be conducted in a manner that appropriately protects sensitive information and United States and Israel national security interests.

(2) REPORT.—The activities described in paragraph (1) and subsection (b) may be carried out after the Secretary of Defense submits to the appropriate committees of Congress a report setting forth the following:

(A) A memorandum of agreement between the United States and Israel regarding sharing of research and development costs for the capabilities described in paragraph (1), and any supporting documents.

(B) A certification that the memorandum of agreement—

(i) requires sharing of costs of projects, including in-kind support, between the United States and Israel;

(ii) establishes a framework to negotiate the rights to any intellectual property developed under the memorandum of agreement; and

(iii) requires the United States Government to receive semiannual reports on expenditure of funds, if any, by the Government of Israel, including a description of what the funds have been used for, when funds were expended, and an identification of entities that expended the funds.

(b) SUPPORT IN CONNECTION WITH PROGRAM.—

(1) IN GENERAL.—The Secretary of Defense is authorized to provide maintenance and sustainment support to Israel for the anti-tunnel capabilities research, development, test, and evaluation activities authorized in subsection (a)(1). Such authority includes authority to install equipment necessary to carry out such research, development, test, and evaluation.

(2) REPORT.—Support may not be provided under paragraph (1) until 15 days after the Secretary submits to the appropriate committees of Congress a report setting forth a detailed description of the support to be provided.

(3) MATCHING CONTRIBUTION.—Support may not be provided under this subsection unless the Government of Israel contributes an amount not less than the amount of support

to be so provided to the program, project, or activity for which the support is to be so provided.

(4) ANNUAL LIMITATION ON AMOUNT.—The amount of support provided under this subsection in any year may not exceed \$25,000,000.

(c) LEAD AGENCY.—The Secretary of Defense shall designate an appropriate research and development entity of a military department as the lead agency of the Department of Defense in carrying out this section.

(d) SEMIANNUAL REPORTS.—The Secretary of Defense shall submit to the appropriate committees of Congress on a semiannual basis a report that contains a copy of the most recent semiannual report provided by the Government of Israel to the Department of Defense pursuant to subsection (a)(2)(B)(iii).

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

(1) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Homeland Security, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Homeland Security, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

(f) SUNSET.—The authority in this section to carry out activities described in subsection (a), and to provide support described in subsection (b), shall expire on December 31, 2018.

SEC. 1280. NATO SPECIAL OPERATIONS HEADQUARTERS.

Section 1244(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2541), as most recently amended by section 1272(a) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 2023), is further amended by striking “each of fiscal years 2013, 2014, and 2015” and inserting “each of fiscal years 2013 through 2020”.

SEC. 1281. INCREASED PRESENCE OF UNITED STATES GROUND FORCES IN EASTERN EUROPE TO DETER AGGRESSION ON THE BORDER OF THE NORTH ATLANTIC TREATY ORGANIZATION.

(a) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of State, submit to the appropriate committees of Congress a report setting forth an assessment of options for expanding the presence of United States ground forces of the size of a Brigade Combat Team in Eastern Europe to respond, along with European allies and partners, to the security challenges posed by Russia and increase the combat capability of forces able to respond to unconventional or hybrid warfare tactics such as those used by the Russian Federation in Crimea and Eastern Ukraine.

(b) ELEMENTS.—The report under this section shall include the following:

(1) An evaluation of the optimal location or locations of the enhanced ground force presence described in subsection

(a) that considers such factors as—

(A) proximity, suitability, and availability of maneuver and gunnery training areas;

- (B) transportation capabilities;
- (C) availability of facilities, including for potential equipment storage and prepositioning;
- (D) ability to conduct multinational training and exercises;
- (E) a site or sites for prepositioning of equipment, a rotational presence or permanent presence of troops, or a combination of options; and
- (F) costs.

(2) A description of any initiatives by other members of the North Atlantic Treaty Organization, or other European allies and partners, for enhancing force presence on a permanent or rotational basis in Eastern Europe to match or exceed the potential increased presence of United States ground forces in the region.

(c) **ADDITIONAL ELEMENT ON REDUCTION IN TROOP LEVELS OR MATERIEL.**—In addition to the matters specified in subsection (b), the report under this section shall also include an assessment of any impacts on United States national security interests in Europe of any proposed Brigade-sized or other significant reduction in United States troop levels or materiel in Europe.

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

(1) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

TITLE XIII—COOPERATIVE THREAT REDUCTION

Sec. 1301. Specification of Cooperative Threat Reduction funds.

Sec. 1302. Funding allocations.

SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION FUNDS.

(a) **FISCAL YEAR 2016 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.**—In this title, the term “fiscal year 2016 Cooperative Threat Reduction funds” means the funds appropriated pursuant to the authorization of appropriations in section 301 and made available by the funding table in section 4301 for the Department of Defense Cooperative Threat Reduction Program established under section 1321 of the Department of Defense Cooperative Threat Reduction Act (50 U.S.C. 3711).

(b) **AVAILABILITY OF FUNDS.**—Funds appropriated pursuant to the authorization of appropriations in section 301 and made available by the funding table in section 4301 for the Department of Defense Cooperative Threat Reduction Program shall be available for obligation for fiscal years 2016, 2017, and 2018.

SEC. 1302. FUNDING ALLOCATIONS.

Of the \$358,496,000 authorized to be appropriated to the Department of Defense for fiscal year 2016 in section 301 and made available by the funding table in section 4301 for the Department of Defense Cooperative Threat Reduction Program established

under section 1321 of the Department of Defense Cooperative Threat Reduction Act (50 U.S.C. 3711), the following amounts may be obligated for the purposes specified:

- (1) For strategic offensive arms elimination, \$1,289,000.
- (2) For chemical weapons destruction, \$942,000.
- (3) For global nuclear security, \$20,555,000.
- (4) For cooperative biological engagement, \$264,618,000.
- (5) For proliferation prevention, \$38,945,000.
- (6) For threat reduction engagement, \$2,827,000.
- (7) For activities designated as Other Assessments/Administrative Costs, \$29,320,000.

TITLE XIV—OTHER AUTHORIZATIONS

Subtitle A—Military Programs

- Sec. 1401. Working capital funds.
 Sec. 1402. National Defense Sealift Fund.
 Sec. 1403. Chemical Agents and Munitions Destruction, Defense.
 Sec. 1404. Drug Interdiction and Counter-Drug Activities, Defense-wide.
 Sec. 1405. Defense Inspector General.
 Sec. 1406. Defense Health Program.
 Sec. 1407. National Sea-Based Deterrence Fund.

Subtitle B—National Defense Stockpile

- Sec. 1411. Extension of date for completion of destruction of existing stockpile of lethal chemical agents and munitions.

Subtitle C—Working-Capital Funds

- Sec. 1421. Limitation on cessation or suspension of distribution of funds from Department of Defense working-capital funds.
 Sec. 1422. Working-capital fund reserve account for petroleum market price fluctuations.

Subtitle D—Other Matters

- Sec. 1431. Authority for transfer of funds to Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund for Captain James A. Lovell Health Care Center, Illinois.
 Sec. 1432. Authorization of appropriations for Armed Forces Retirement Home.

Subtitle A—Military Programs

SEC. 1401. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2016 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds, as specified in the funding table in section 4501.

SEC. 1402. NATIONAL DEFENSE SEALIFT FUND.

Funds are hereby authorized to be appropriated for fiscal year 2016 for the National Defense Sealift Fund, as specified in the funding table in section 4501.

SEC. 1403. CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2016 for expenses, not otherwise provided for, for Chemical Agents and Munitions Destruction, Defense, as specified in the funding table in section 4501.

(b) USE.—Amounts authorized to be appropriated under subsection (a) are authorized for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

SEC. 1404. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2016 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, as specified in the funding table in section 4501.

SEC. 1405. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2016 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, as specified in the funding table in section 4501.

SEC. 1406. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for fiscal year 2016 for the Defense Health Program, as specified in the funding table in section 4501, for use of the Armed Forces and other activities and agencies of the Department of Defense in providing for the health of eligible beneficiaries.

SEC. 1407. NATIONAL SEA-BASED DETERRENCE FUND.

There are authorized to be appropriated to the National Sea-Based Deterrence Fund such sums as may be necessary for fiscal year 2017.

Subtitle B—National Defense Stockpile

SEC. 1411. EXTENSION OF DATE FOR COMPLETION OF DESTRUCTION OF EXISTING STOCKPILE OF LETHAL CHEMICAL AGENTS AND MUNITIONS.

Section 1412(b)(3) of the Department of Defense Authorization Act, 1986 (Public Law 99–145; 50 U.S.C. 1521) is amended by striking “December 31, 2017” and inserting “December 31, 2023”.

Subtitle C—Working-Capital Funds

SEC. 1421. LIMITATION ON CESSATION OR SUSPENSION OF DISTRIBUTION OF FUNDS FROM DEPARTMENT OF DEFENSE WORKING-CAPITAL FUNDS.

Section 2208 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(s) LIMITATION ON CESSATION OR SUSPENSION OF DISTRIBUTION OF FUNDS FOR CERTAIN WORKLOAD.—(1) Except as provided in paragraph (2), the Secretary of Defense or the Secretary of a military department is not authorized—

“(A) to suspend the employment of indirectly funded Government employees of the Department of Defense who are

paid for out of working-capital funds by ceasing or suspending the distribution of such funds; or

“(B) to cease or suspend the distribution of funds from a working-capital fund for a current project undertaken to carry out the functions or activities of the Department.

“(2) Paragraph (1) shall not apply with respect to a working-capital fund if—

“(A) the working-capital fund is insolvent; or

“(B) there are insufficient funds in the working-capital fund to pay labor costs for the current project concerned.

“(3) The Secretary of Defense or the Secretary of a military department may waive the limitation in paragraph (1) if such Secretary determines that the waiver is in the national security interests of the United States.

“(4) This subsection shall not be construed to provide for the exclusion of any particular category of employees of the Department of Defense from furlough due to absence of or inadequate funding.”.

SEC. 1422. WORKING-CAPITAL FUND RESERVE ACCOUNT FOR PETROLEUM MARKET PRICE FLUCTUATIONS.

Section 2208 of title 10, United States Code, as amended by section 1421, is further amended by adding at the end the following new subsection:

“(t) MARKET FLUCTUATION ACCOUNT.—(1) From amounts available for Working Capital Fund, Defense, the Secretary shall reserve up to \$1,000,000,000, to remain available without fiscal year limitation, for petroleum market price fluctuations. Such amounts may only be disbursed if the Secretary determines such a disbursement is necessary to absorb volatile market changes in fuel prices without affecting the standard price charged for fuel.

“(2) A budget request for the anticipated costs of fuel may not take into account the availability of funds reserved under paragraph (1).”.

Subtitle D—Other Matters

SEC. 1431. AUTHORITY FOR TRANSFER OF FUNDS TO JOINT DEPARTMENT OF DEFENSE-DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITY DEMONSTRATION FUND FOR CAPTAIN JAMES A. LOVELL HEALTH CARE CENTER, ILLINOIS.

(a) **AUTHORITY FOR TRANSFER OF FUNDS.**—Of the funds authorized to be appropriated for section 1406 and available for the Defense Health Program for operation and maintenance, \$120,387,000 may be transferred by the Secretary of Defense to the Joint Department of Defense–Department of Veterans Affairs Medical Facility Demonstration Fund established by subsection (a)(1) of section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2571). For purposes of subsection (a)(2) of such section 1704, any funds so transferred shall be treated as amounts authorized and appropriated specifically for the purpose of such a transfer.

(b) **USE OF TRANSFERRED FUNDS.**—For the purposes of subsection (b) of such section 1704, facility operations for which funds transferred under subsection (a) may be used are operations of the Captain James A. Lovell Federal Health Care Center, consisting of the North Chicago Veterans Affairs Medical Center, the Navy

Ambulatory Care Center, and supporting facilities designated as a combined Federal medical facility under an operational agreement covered by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500).

SEC. 1432. AUTHORIZATION OF APPROPRIATIONS FOR ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 2016 from the Armed Forces Retirement Home Trust Fund the sum of \$64,300,000 for the operation of the Armed Forces Retirement Home.

TITLE XV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OVERSEAS CONTINGENCY OPERATIONS

Subtitle A—Authorization of Appropriations

- Sec. 1501. Purpose and treatment of certain authorizations of appropriations.
- Sec. 1502. Procurement.
- Sec. 1503. Research, development, test, and evaluation.
- Sec. 1504. Operation and maintenance.
- Sec. 1505. Military personnel.
- Sec. 1506. Working capital funds.
- Sec. 1507. Drug Interdiction and Counter-Drug Activities, Defense-wide.
- Sec. 1508. Defense Inspector General.
- Sec. 1509. Defense Health program.
- Sec. 1510. Counterterrorism Partnerships Fund.

Subtitle B—Financial Matters

- Sec. 1521. Treatment as additional authorizations.
- Sec. 1522. Special transfer authority.

Subtitle C—Limitations, Reports, and Other Matters

- Sec. 1531. Afghanistan Security Forces Fund.
- Sec. 1532. Joint Improvised Explosive Device Defeat Fund.
- Sec. 1533. Availability of Joint Improvised Explosive Device Defeat Fund for training of foreign security forces to defeat improvised explosive devices.
- Sec. 1534. Comptroller General report on use of certain funds provided for operation and maintenance.

Subtitle A—Authorization of Appropriations

SEC. 1501. PURPOSE AND TREATMENT OF CERTAIN AUTHORIZATIONS OF APPROPRIATIONS.

(a) **PURPOSE.**—The purpose of this subtitle is to authorize appropriations for the Department of Defense for fiscal year 2016 to provide additional funds—

(1) for overseas contingency operations being carried out by the Armed Forces, in such amounts as may be designated as provided in section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985; and

(2) pursuant to section 1504, for expenses, not otherwise provided for, for operation and maintenance, as specified in the funding table in section 4303.

(b) **SUPPORT OF BASE BUDGET REQUIREMENTS; TREATMENT.**—

(1) **IN GENERAL.**—Funds identified in paragraph (2) of subsection (a) are being authorized to be appropriated in support

of base budget requirements as requested by the President for fiscal year 2016 pursuant to section 1105(a) of title 31, United States Code.

(2) APPORTIONMENT.—The Director of the Office of Management and Budget shall apportion the funds identified in paragraph (2) of subsection (a) to the Department of Defense without restriction, limitation, or constraint on the execution of such funds in support of base requirements, including any restriction, limitation, or constraint imposed by, or described in, the document entitled “Criteria for War/Overseas Contingency Operations Funding Requests” transmitted by the Director to the Department of Defense on September 9, 2010, or any successor or related guidance.

(3) EXECUTION AND USE.—The Secretary of Defense shall apportion, use, and execute the funds apportioned by the Director of the Office of Management and Budget as described in paragraph (2) of this subsection without restriction, limitation, or constraint on the execution of such funds in support of base requirements, including any restriction, limitation, or constraint specifically described in paragraph (2) of this subsection.

SEC. 1502. PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2016 for procurement accounts for the Army, the Navy and the Marine Corps, the Air Force, and Defense-wide activities, as specified in the funding table in section 4102.

SEC. 1503. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

Funds are hereby authorized to be appropriated for fiscal year 2016 for the use of the Department of Defense for research, development, test, and evaluation, as specified in the funding table in section 4202.

SEC. 1504. OPERATION AND MAINTENANCE.

Funds are hereby authorized to be appropriated for fiscal year 2016 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, as specified in—

- (1) the funding table in section 4302, or
- (2) the funding table in section 4303.

SEC. 1505. MILITARY PERSONNEL.

Funds are hereby authorized to be appropriated for fiscal year 2016 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for military personnel, as specified in the funding table in section 4402.

SEC. 1506. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2016 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds, as specified in the funding table in section 4502.

SEC. 1507. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2016 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, as specified in the funding table in section 4502.

SEC. 1508. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2016 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, as specified in the funding table in section 4502.

SEC. 1509. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2016 for expenses, not otherwise provided for, for the Defense Health Program, as specified in the funding table in section 4502.

SEC. 1510. COUNTERTERRORISM PARTNERSHIPS FUND.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2016 for expenses, not otherwise provided for, for the Counterterrorism Partnerships Fund, as specified in the funding table in section 4502.

(b) **DURATION OF AVAILABILITY.**—Amounts appropriated pursuant to the authorization of appropriations in subsection (a) shall remain available for obligation through September 30, 2017.

Subtitle B—Financial Matters

SEC. 1521. TREATMENT AS ADDITIONAL AUTHORIZATIONS.

The amounts authorized to be appropriated by this title are in addition to amounts otherwise authorized to be appropriated by this Act.

SEC. 1522. SPECIAL TRANSFER AUTHORITY.

(a) **AUTHORITY TO TRANSFER AUTHORIZATIONS.**—

(1) **AUTHORITY.**—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this title for fiscal year 2016 between any such authorizations for that fiscal year (or any subdivisions thereof).

(2) **EFFECT OF TRANSFER.**—Amounts of authorizations transferred under this subsection shall be merged with and be available for the same purposes as the authorization to which transferred.

(3) **LIMITATIONS.**—The total amount of authorizations that the Secretary may transfer under the authority of this subsection may not exceed \$3,500,000,000.

(4) **EXCEPTION.**—In the case of the authorization of appropriations contained in section 1504 that is provided for the purpose specified in section 1501(a)(2), the transfer authority provided under section 1001, rather than the transfer authority provided by this subsection, shall apply to any transfer of amounts of such authorization.

(b) **TERMS AND CONDITIONS.**—Transfers under this section shall be subject to the same terms and conditions as transfers under section 1001.

(c) **ADDITIONAL AUTHORITY.**—The transfer authority provided by this section is in addition to the transfer authority provided under section 1001.

Subtitle C—Limitations, Reports, and Other Matters

SEC. 1531. AFGHANISTAN SECURITY FORCES FUND.

(a) **CONTINUATION OF PRIOR AUTHORITIES AND NOTICE AND REPORTING REQUIREMENTS.**—Funds available to the Department of Defense for the Afghanistan Security Forces Fund for fiscal year 2016 shall be subject to the conditions contained in subsections (b) through (g) of section 1513 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 428), as amended by section 1531(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4424).

(b) **EQUIPMENT DISPOSITION.**—

(1) **ACCEPTANCE OF CERTAIN EQUIPMENT.**—Subject to paragraph (2), the Secretary of Defense may accept equipment that is procured using amounts in the Afghanistan Security Forces Fund authorized under this Act and is intended for transfer to the security forces of Afghanistan, but is not accepted by such security forces.

(2) **CONDITIONS ON ACCEPTANCE OF EQUIPMENT.**—Before accepting any equipment under the authority provided by paragraph (1), the Commander of United States forces in Afghanistan shall make a determination that the equipment was procured for the purpose of meeting requirements of the security forces of Afghanistan, as agreed to by both the Government of Afghanistan and the United States, but is no longer required by such security forces or was damaged before transfer to such security forces.

(3) **ELEMENTS OF DETERMINATION.**—In making a determination under paragraph (2) regarding equipment, the Commander of United States forces in Afghanistan shall consider alternatives to Secretary of Defense acceptance of the equipment. An explanation of each determination, including the basis for the determination and the alternatives considered, shall be included in the relevant quarterly report required under paragraph (5).

(4) **TREATMENT AS DEPARTMENT OF DEFENSE STOCKS.**—Equipment accepted under the authority provided by paragraph (1) may be treated as stocks of the Department of Defense upon notification to the congressional defense committees of such treatment.

(5) **QUARTERLY REPORTS ON EQUIPMENT DISPOSITION.**—Not later than 90 days after the date of the enactment of this Act and every 90-day period thereafter during which the authority provided by paragraph (1) is exercised, the Secretary of Defense shall submit to the congressional defense committees a report describing the equipment accepted under this subsection, section 1531(d) of the National Defense Authorization

Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 938; 10 U.S.C. 2302 note), and section 1532(b) of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3612) during the period covered by the report. Each report shall include a list of all equipment that was accepted during the period covered by the report and treated as stocks of the Department and copies of the determinations made under paragraph (2), as required by paragraph (3).

(c) PLAN TO PROMOTE SECURITY OF AFGHAN WOMEN.—

(1) REPORTING REQUIREMENT.—The Secretary of Defense, with the concurrence of the Secretary of State, shall include in the report required under section 1225 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3550)—

(A) an assessment of the security of Afghan women and girls, including information regarding efforts to increase the recruitment and retention of women in the Afghan National Security Forces; and

(B) an assessment of the implementation of the plans for the recruitment, integration, retention, training, treatment, and provision of appropriate facilities and transportation for women in the Afghan National Security Forces, including the challenges associated with such implementation and the steps being taken to address those challenges.

(2) PLAN REQUIRED.—

(A) IN GENERAL.—The Secretary of Defense, with the concurrence of the Secretary of State, shall support, to the extent practicable, the efforts of the Government of Afghanistan to promote the security of Afghan women and girls during and after the security transition process through the development and implementation by the Government of Afghanistan of an Afghan-led plan that should include the elements described in this paragraph.

(B) TRAINING.—The Secretary of Defense, with the concurrence of the Secretary of State and working with the NATO-led Resolute Support mission, should encourage the Government of Afghanistan to develop—

(i) measures for the evaluation of the effectiveness of existing training for Afghan National Security Forces on this issue;

(ii) a plan to increase the number of female security officers specifically trained to address cases of gender-based violence, including ensuring the Afghan National Police’s Family Response Units have the necessary resources and are available to women across Afghanistan;

(iii) mechanisms to enhance the capacity for units of National Police’s Family Response Units to fulfill their mandate as well as indicators measuring the operational effectiveness of these units;

(iv) a plan to address the development of accountability mechanisms for Afghanistan National Army and Afghanistan National Police personnel who violate codes of conduct related to the human rights of women and girls, including female members of the Afghan National Security Forces; and

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note.

(v) a plan to develop training for the Afghanistan National Army and the Afghanistan National Police to increase awareness and responsiveness among Afghanistan National Army and Afghanistan National Police personnel regarding the unique security challenges women confront when serving in those forces.

(C) ENROLLMENT AND TREATMENT.—The Secretary of Defense, with the concurrence of the Secretary of State and in cooperation with the Afghan Ministries of Defense and Interior, shall seek to assist the Government of Afghanistan in including as part of the plan developed under subparagraph (A) the development and implementation of a plan to increase the number of female members of the Afghanistan National Army and the Afghanistan National Police and to promote their equal treatment, including through such steps as providing appropriate equipment, modifying facilities, and ensuring literacy and gender awareness training for recruits.

(D) ALLOCATION OF FUNDS.—

(i) IN GENERAL.—Of the funds available to the Department of Defense for the Afghan Security Forces Fund for fiscal year 2016, it is the goal that \$25,000,000, but in no event less than \$10,000,000, shall be used for—

(I) the recruitment, integration, retention, training, and treatment of women in the Afghan National Security Forces; and

(II) the recruitment, training, and contracting of female security personnel for future elections.

(ii) TYPES OF PROGRAMS AND ACTIVITIES.—Such programs and activities may include—

(I) efforts to recruit women into the Afghan National Security Forces, including the special operations forces;

(II) programs and activities of the Afghan Ministry of Defense Directorate of Human Rights and Gender Integration and the Afghan Ministry of Interior Office of Human Rights, Gender and Child Rights;

(III) development and dissemination of gender and human rights educational and training materials and programs within the Afghan Ministry of Defense and the Afghan Ministry of Interior;

(IV) efforts to address harassment and violence against women within the Afghan National Security Forces;

(V) improvements to infrastructure that address the requirements of women serving in the Afghan National Security Forces, including appropriate equipment for female security and police forces, and transportation for policewomen to their station;

(VI) support for Afghanistan National Police Family Response Units; and

(VII) security provisions for high-profile female police and army officers.

SEC. 1532. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND.

(a) **USE AND TRANSFER OF FUNDS.**—Subsections (b) and (c) of section 1514 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2439), as in effect before the amendments made by section 1503 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4649), shall apply to the funds made available for fiscal year 2016 to the Department of Defense for the Joint Improvised Explosive Device Defeat Fund.

(b) **EXTENSION OF INTERDICTION OF IMPROVISED EXPLOSIVE DEVICE PRECURSOR CHEMICALS AUTHORITY.**—Section 1532(c) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 2057) is amended—

(1) in paragraph (1), by inserting “and for fiscal year 2016,” after “fiscal year 2013”; and

(2) in paragraph (4), as most recently amended by section 1533(c) of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3615), by striking “December 31, 2015” and inserting “December 31, 2016”.

(c) **PLAN FOR TRANSITION.**—Not later than January 31, 2016, the Secretary of Defense shall submit to the congressional defense committees a plan and timeline for each of the following:

(1) The full and complete transition of the activities, functions, and resources of the Joint Improvised-Threat Defeat Agency to an office under the authority, direction, and control of a military department or a Defense Agency in existence as of October 1, 2015.

(2) The transition of the Joint Improvised Explosive Device Defeat Fund to a successor fund that provides for the continuation of current flexibility in funding the activities supported and enabled by the Fund.

(3) The transition of the Counter-Improvised Explosive Device Operations/Intelligence Integration Center of the Joint Improvised-Threat Defeat Agency to an element of a military department or a Defense Agency in existence as of October 1, 2015.

(4) The transition of the research, development, and acquisition activities of the Joint Improvised-Threat Defeat Agency to an element of a military department or a Defense Agency in existence as of October 1, 2015.

(d) **FINAL IMPLEMENTATION PLAN AND TIMELINE.**—

(1) **PLAN AND TIMELINE REQUIRED.**—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a plan and timeline that—

(A) incorporates the plans and timelines required by paragraphs (1) through (4) of subsection (c); and

(B) provides for the completion of the implementation of such plans by not later than September 30, 2016.

(2) **SUMMARY DESCRIPTION OF NECESSARY ACTIONS.**—In submitting the plan and timeline required by this subsection, the Secretary shall also submit a summary description of the actions to be taken by the Department of Defense to complete implementation of the plans and timelines required by paragraphs (1) through (4) of subsection (c) by September 30, 2016.

(3) **COMPLIANCE WITH DEADLINES.**—

(A) **LIMITATION ON AVAILABILITY OF FUNDS.**—Except as provided in subparagraph (B), if the Secretary does not submit the plan and timeline required by paragraph (1) before the deadline specified in that paragraph, or does not complete implementation of such plan before the deadline specified in subparagraph (B) of that paragraph, none of the funds available to the Department of Defense for the Joint Improvised Explosive Device Defeat Fund may be obligated after September 30, 2016.

(B) **EXCEPTION.**—Subparagraph (A) shall not apply to the obligation of funds referred to in such subparagraph after September 30, 2016, for operations or operational support activities determined by the Secretary to be critical to force protection in overseas contingency operations.

(e) **PROHIBITION ON USE OF FUNDS FOR IMPLEMENTATION OF COMBAT SUPPORT AGENCY DETERMINATION.**—

(1) **PROHIBITION.**—None of the funds authorized to be appropriated for the Department of Defense may be obligated or expended to implement administrative, organizational, facility, or non-operational changes necessary to carry out the Joint Improvised-Threat Defeat Agency transition and consolidation.

(2) **RULE OF CONSTRUCTION.**—Nothing in paragraph (1) shall be construed to mean that ongoing activities directly supporting overseas contingency operations must be halted.

SEC. 1533. AVAILABILITY OF JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND FOR TRAINING OF FOREIGN SECURITY FORCES TO DEFEAT IMPROVISED EXPLOSIVE DEVICES.

(a) **AVAILABILITY OF FUNDS.**—

(1) **IN GENERAL.**—Of the amounts authorized to be appropriated for fiscal year 2016 for the Joint Improvised Explosive Device Defeat Fund, or a successor fund, up to \$30,000,000 may be available to the Secretary of Defense to provide training to foreign security forces to defeat improvised explosive devices under authority provided the Department of Defense under any other provision of law.

(2) **APPLICABILITY OF CONTINGENT LIMITATION.**—The availability of funds under this subsection is subject to the contingent limitation on the availability of amounts in the Joint Improvised Explosive Device Defeat Fund after September 30, 2016, in section 1532(g).

(b) **CONSTRUCTION OF AVAILABILITY OF FUNDS.**—The availability of funds under subsection (a) shall not be construed as authority in and of itself for the provision of training as described in that subsection.

(c) **GEOGRAPHIC LIMITATION.**—Training may be provided using funds available under subsection (a) only—

(1) in locations in which the Department is conducting a named operation; or

(2) in geographic areas in which the Secretary of Defense has determined that a foreign security force is facing a significant threat from improvised explosive devices.

(d) **COORDINATION WITH GEOGRAPHIC COMBATANT COMMANDS.**—The Secretary of Defense shall, to the extent practicable, coordinate the provision of training using funds available under

subsection (a) with requests received from the commanders of the geographic combatant commands.

(e) EXPIRATION.—The authority to use funds described in subsection (a) in accordance with this section shall expire on September 30, 2018.

SEC. 1534. COMPTROLLER GENERAL REPORT ON USE OF CERTAIN FUNDS PROVIDED FOR OPERATION AND MAINTENANCE.

The Comptroller General of the United States shall submit to Congress a report specifying how all funds made available pursuant to section 1504 for operation and maintenance, as specified in the funding table in section 4303, are ultimately used.

TITLE XVI—STRATEGIC PROGRAMS, CYBER, AND INTELLIGENCE MATTERS

Subtitle A—Space Activities

- Sec. 1601. Major force program and budget for national security space programs.
- Sec. 1602. Principal advisor on space control.
- Sec. 1603. Council on Oversight of the Department of Defense Positioning, Navigation, and Timing Enterprise.
- Sec. 1604. Modification to development of space science and technology strategy.
- Sec. 1605. Delegation of authority regarding purchase of Global Positioning System user equipment.
- Sec. 1606. Rocket propulsion system development program.
- Sec. 1607. Exception to the prohibition on contracting with Russian suppliers of rocket engines for the evolved expendable launch vehicle program.
- Sec. 1608. Acquisition strategy for evolved expendable launch vehicle program.
- Sec. 1609. Allocation of funding for evolved expendable launch vehicle program.
- Sec. 1610. Consolidation of acquisition of wideband satellite communications.
- Sec. 1611. Analysis of alternatives for wide-band communications.
- Sec. 1612. Expansion of goals and modification of pilot program for acquisition of commercial satellite communication services.
- Sec. 1613. Integrated policy to deter adversaries in space.
- Sec. 1614. Prohibition on reliance on China and Russia for space-based weather data.
- Sec. 1615. Limitation on availability of funds for weather satellite follow-on system.
- Sec. 1616. Limitations on availability of funds for the Defense Meteorological Satellite program.
- Sec. 1617. Streamline of commercial space launch activities.
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- Sec. 1619. Options for rapid space reconstitution.
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- Sec. 1621. Quarterly reports on Global Positioning System III space segment, Global Positioning System operational control segment, and Military Global Positioning System user equipment acquisition programs.
- Sec. 1622. Sense of Congress on missile defense sensors in space.

Subtitle B—Defense Intelligence and Intelligence-Related Activities

- Sec. 1631. Executive agent for open-source intelligence tools.
- Sec. 1632. Waiver and congressional notification requirements related to facilities for intelligence collection or for special operations abroad.
- Sec. 1633. Prohibition on National Intelligence Program consolidation.
- Sec. 1634. Limitation on availability of funds for Office of the Under Secretary of Defense for Intelligence.
- Sec. 1635. Department of Defense intelligence needs.
- Sec. 1636. Report on management of certain programs of Defense intelligence elements.
- Sec. 1637. Report on Air National Guard contributions to the RQ–4 Global Hawk mission.
- Sec. 1638. Government Accountability Office review of intelligence input to the defense acquisition process.

Subtitle C—Cyberspace-Related Matters

- Sec. 1641. Codification and addition of liability protections relating to reporting on cyber incidents or penetrations of networks and information systems of certain contractors.
- Sec. 1642. Authorization of military cyber operations.
- Sec. 1643. Limitation on availability of funds pending the submission of integrated policy to deter adversaries in cyberspace.
- Sec. 1644. Authorization for procurement of relocatable Sensitive Compartmented Information Facility.
- Sec. 1645. Designation of military department entity responsible for acquisition of critical cyber capabilities.
- Sec. 1646. Assessment of capabilities of United States Cyber Command to defend the United States from cyber attacks.
- Sec. 1647. Evaluation of cyber vulnerabilities of major weapon systems of the Department of Defense.
- Sec. 1648. Comprehensive plan and biennial exercises on responding to cyber attacks.
- Sec. 1649. Sense of Congress on reviewing and considering findings and recommendations of Council of Governors on cyber capabilities of the Armed Forces.

Subtitle D—Nuclear Forces

- Sec. 1651. Assessment of threats to National Leadership Command, Control, and Communications System.
- Sec. 1652. Organization of nuclear deterrence functions of the Air Force.
- Sec. 1653. Procurement authority for certain parts of intercontinental ballistic missile fuzes.
- Sec. 1654. Prohibition on availability of funds for de-alerting intercontinental ballistic missiles.
- Sec. 1655. Assessment of global nuclear environment.
- Sec. 1656. Annual briefing on the costs of forward-deploying nuclear weapons in Europe.
- Sec. 1657. Report on the number of planned long-range standoff weapons.
- Sec. 1658. Review of Comptroller General of the United States on recommendations relating to nuclear enterprise of the Department of Defense.
- Sec. 1659. Sense of Congress on organization of Navy for nuclear deterrence mission.
- Sec. 1660. Sense of Congress on the nuclear force improvement program of the Air Force.
- Sec. 1661. Senses of Congress on importance of cooperation and collaboration between United States and United Kingdom on nuclear issues and on 60th anniversary of Fleet Ballistic Missile Program.
- Sec. 1662. Sense of Congress on plan for implementation of Nuclear Enterprise Reviews.
- Sec. 1663. Sense of Congress and report on milestone A decision on long-range standoff weapon.
- Sec. 1664. Sense of Congress on policy on the nuclear triad.
- Sec. 1665. Report relating to the costs associated with extending the life of the Minuteman III intercontinental ballistic missile.

Subtitle E—Missile Defense Programs and Other Matters

- Sec. 1671. Prohibitions on providing certain missile defense information to Russian Federation.
- Sec. 1672. Prohibition on integration of missile defense systems of Russian Federation into missile defense systems of United States.
- Sec. 1673. Prohibition on integration of missile defense systems of China into missile defense systems of United States.
- Sec. 1674. Limitations on availability of funds for Patriot lower tier air and missile defense capability of the Army.
- Sec. 1675. Integration and interoperability of air and missile defense capabilities of the United States.
- Sec. 1676. Integration and interoperability of allied missile defense capabilities.
- Sec. 1677. Missile defense capability in Europe.
- Sec. 1678. Availability of funds for Iron Dome short-range rocket defense system.
- Sec. 1679. Israeli cooperative missile defense program codevelopment and coproduction.
- Sec. 1680. Boost phase defense system.
- Sec. 1681. Development and deployment of multiple-object kill vehicle for missile defense of the United States homeland.
- Sec. 1682. Requirement to replace capability enhancement I exoatmospheric kill vehicles.

- Sec. 1683. Designation of preferred location of additional missile defense site in the United States and plan for expediting deployment time of such site.
- Sec. 1684. Additional missile defense sensor coverage for protection of United States homeland.
- Sec. 1685. Concept development of space-based missile defense layer.
- Sec. 1686. Aegis Ashore capability development.
- Sec. 1687. Development of requirements to support integrated air and missile defense capabilities.
- Sec. 1688. Extension of requirement for Comptroller General of the United States review and assessment of missile defense acquisition programs.
- Sec. 1689. Report on medium range ballistic missile defense sensor alternatives for enhanced defense of Hawaii.
- Sec. 1690. Sense of Congress and report on validated military requirement and Milestone A decision on prompt global strike weapon system.

Subtitle A—Space Activities

SEC. 1601. MAJOR FORCE PROGRAM AND BUDGET FOR NATIONAL SECURITY SPACE PROGRAMS.

(a) BUDGET MATTERS.—

(1) IN GENERAL.—Chapter 9 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 239. National security space programs: major force program and budget assessment 10 USC 239.

“(a) ESTABLISHMENT OF MAJOR FORCE PROGRAM.—The Secretary of Defense shall establish a unified major force program for national security space programs pursuant to section 222(b) of this title to prioritize national security space activities in accordance with the requirements of the Department of Defense and national security.

“(b) BUDGET ASSESSMENT.—(1) The Secretary shall include with the defense budget materials for each of fiscal years 2017 through 2020 a report on the budget for national security space programs of the Department of Defense.

“(2) Each report on the budget for national security space programs of the Department of Defense under paragraph (1) shall include the following:

“(A) An overview of the budget, including—

“(i) a comparison between that budget, the previous budget, the most recent and prior future-years defense program submitted to Congress under section 221 of this title, and the amounts appropriated for such programs during the previous fiscal year; and

“(ii) the specific identification, as a budgetary line item, for the funding under such programs.

“(B) An assessment of the budget, including significant changes, priorities, challenges, and risks.

“(C) Any additional matters the Secretary determines appropriate.

“(3) Each report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

“(c) DEFINITIONS.—In this section:

“(1) The term ‘budget’, with respect to a fiscal year, means the budget for that fiscal year that is submitted to Congress by the President under section 1105(a) of title 31.

“(2) The term ‘defense budget materials’, with respect to a fiscal year, means the materials submitted to Congress by the Secretary of Defense in support of the budget for that fiscal year.”.

10 USC 221 prec. (2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 238 the following new item:

“239. National security space programs: major force program and budget assessment.”.

10 USC 239 note. (b) PLAN.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a plan to carry out the unified major force program designation required by section 239(a) of title 10, United States Code, as added by subsection (a)(1), including any recommendations for legislative action the Secretary determines appropriate.

SEC. 1602. PRINCIPAL ADVISOR ON SPACE CONTROL.

(a) IN GENERAL.—Chapter 135 of title 10, United States Code is amended by adding at the end the following new section:

10 USC 2279a. **“§ 2279a. Principal Advisor on Space Control**

“(a) IN GENERAL.—The Secretary of Defense shall designate a senior official of the Department of Defense or a military department to serve as the Principal Space Control Advisor, who, in addition to the other duties of such senior official, shall act as the principal advisor to the Secretary on space control activities.

“(b) RESPONSIBILITIES.—The Principal Space Control Advisor shall be responsible for the following:

“(1) Supervision of space control activities related to the development, procurement, and employment of, and strategy relating to, space control capabilities.

“(2) Oversight of policy, resources, personnel, and acquisition and technology relating to space control activities.

“(c) CROSS-FUNCTIONAL TEAM.—The Principal Space Control Advisor shall integrate the space control expertise and perspectives of appropriate organizational entities of the Office of the Secretary of Defense, the Joint Staff, the military departments, the Defense Agencies, and the combatant commands, by establishing and maintaining a cross-functional team of subject-matter experts who are otherwise assigned or detailed to those entities.”.

10 USC 2271 prec. (b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2279 the following new item:

“2279a. Principal Advisor on Space Control.”.

SEC. 1603. COUNCIL ON OVERSIGHT OF THE DEPARTMENT OF DEFENSE POSITIONING, NAVIGATION, AND TIMING ENTERPRISE.

(a) IN GENERAL.—Chapter 135 of title 10, United States Code, as amended by section 1602, is further amended by adding at the end the following new section:

10 USC 2279b. **“§ 2279b. Council on Oversight of the Department of Defense Positioning, Navigation, and Timing Enterprise**

“(a) ESTABLISHMENT.—There is within the Department of Defense a council to be known as the ‘Council on Oversight of the Department of Defense Positioning, Navigation, and Timing Enterprise’ (in this section referred to as the ‘Council’).

“(b) MEMBERSHIP.—The members of the Council shall be as follows:

“(1) The Under Secretary of Defense for Policy.

“(2) The Under Secretary of Defense for Acquisition, Technology, and Logistics.

“(3) The Vice Chairman of the Joint Chiefs of Staff.

“(4) The Commander of the United States Strategic Command.

“(5) The Commander of the United States Northern Command.

“(6) The Commander of United States Cyber Command.

“(7) The Director of the National Security Agency.

“(8) The Chief Information Officer of the Department of Defense.

“(9) The Secretaries of the military departments, who shall be ex officio members.

“(10) Such other officers of the Department of Defense as the Secretary may designate.

“(c) CO-CHAIR.—The Council shall be co-chaired by the Under Secretary of Defense for Acquisition, Technology, and Logistics and the Vice Chairman of the Joint Chiefs of Staff.

“(d) RESPONSIBILITIES.—(1) The Council shall be responsible for oversight of the Department of Defense positioning, navigation, and timing enterprise, including positioning, navigation, and timing services provided to civil, commercial, scientific, and international users.

“(2) In carrying out the responsibility for oversight of the Department of Defense positioning, navigation, and timing enterprise as specified in paragraph (1), the Council shall be responsible for the following:

“(A) Oversight of performance assessments (including interoperability).

“(B) Vulnerability identification and mitigation.

“(C) Architecture development.

“(D) Resource prioritization.

“(E) Such other responsibilities as the Secretary of Defense shall specify for purposes of this section.

“(e) ANNUAL REPORTS.—At the same time each year that the budget of the President is submitted to Congress under section 1105(a) of title 31, the Council shall submit to the congressional defense committees a report on the activities of the Council. Each report shall include the following:

“(1) A description and assessment of the activities of the Council during the previous fiscal year.

“(2) A description of the activities proposed to be undertaken by the Council during the period covered by the current future-years defense program under section 221 of this title.

“(3) Any changes to the requirements of the Department of Defense positioning, navigation, and timing enterprise made during the previous year, along with an explanation for why the changes were made and a description of the effects of the changes to the capability of such enterprise.

“(4) A breakdown of each program element in such budget that relates to the Department of Defense positioning, navigation, and timing enterprise, including how such program element relates to the operation and sustainment, research and development, procurement, or other activity of such enterprise.

“(f) BUDGET AND FUNDING MATTERS.—(1) Not later than 30 days after the President submits to Congress the budget for a fiscal year under section 1105(a) of title 31, the Commander of the United States Strategic Command shall submit to the Chairman of the Joint Chiefs of Staff an assessment of—

“(A) whether such budget allows the Federal Government to meet the required capabilities of the Department of Defense positioning, navigation, and timing enterprise during the fiscal year covered by the budget and the four subsequent fiscal years; and

“(B) if the Commander determines that such budget does not allow the Federal Government to meet such required capabilities, a description of the steps being taken to meet such required capabilities.

“(2) Not later than 30 days after the date on which the Chairman of the Joint Chiefs of Staff receives the assessment of the Commander of the United States Strategic Command under paragraph (1), the Chairman shall submit to the congressional defense committees—

“(A) such assessment as it was submitted to the Chairman; and

“(B) any comments of the Chairman.

“(3) If a House of Congress adopts a bill authorizing or appropriating funds for the activities of the Department of Defense positioning, navigation, and timing enterprise that, as determined by the Council, provides insufficient funds for such activities for the period covered by such bill, the Council shall notify the congressional defense committees of the determination.

“(g) NOTIFICATION OF ANOMALIES.—(1) The Secretary of Defense shall submit to the congressional defense committees written notification of an anomaly in the Department of Defense positioning, navigation, and timing enterprise that is reported to the Secretary or the Council by not later than 14 days after the date on which the Secretary or the Council learns of such anomaly, as the case may be.

“(2) In this subsection, the term ‘anomaly’ means any unplanned, irregular, or abnormal event, whether unexplained or caused intentionally or unintentionally by a person or a system.

“(h) TERMINATION.—The Council shall terminate on the date that is 10 years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2016.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter, as amended by section 1602, is further amended by inserting after the item relating to section 2279a the following new item:

“2279b. Council on Oversight of the Department of Defense Positioning, Navigation, and Timing Enterprise.”

SEC. 1604. MODIFICATION TO DEVELOPMENT OF SPACE SCIENCE AND TECHNOLOGY STRATEGY.

Section 2272 of title 10, United States Code, is amended to read as follows:

“§ 2272. Space science and technology strategy: coordination

“The Secretary of Defense and the Director of National Intelligence shall jointly develop and implement a space science and technology strategy and shall review and, as appropriate, revise

the strategy biennially. Functions of the Secretary under this section shall be carried out jointly by the Assistant Secretary of Defense for Research and Engineering and the official of the Department of Defense designated as the Department of Defense Executive Agent for Space.”.

SEC. 1605. DELEGATION OF AUTHORITY REGARDING PURCHASE OF GLOBAL POSITIONING SYSTEM USER EQUIPMENT.

Section 913 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (10 U.S.C. 2281 note) is amended by adding at the end the following new subsection:

“(d) **LIMITATION ON DELEGATION OF WAIVER AUTHORITY.**—The Secretary of Defense may not delegate the authority to make a waiver under subsection (c) to an official below the level of the Secretaries of the military departments or the Under Secretary of Defense for Acquisition, Technology, and Logistics.”.

SEC. 1606. ROCKET PROPULSION SYSTEM DEVELOPMENT PROGRAM.

(a) **STREAMLINED ACQUISITION.**—Section 1604 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3623; 10 U.S.C. 2273 note) is amended—

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

(2) by inserting after subsection (b) the following new subsection:

“(c) **STREAMLINED ACQUISITION.**—In developing the rocket propulsion system required under subsection (a), the Secretary shall—

“(1) use a streamlined acquisition approach, including tailored documentation and review processes, that enables the effective, efficient, and expedient transition from the use of non-allied space launch engines to a domestic alternative for national security space launches; and

“(2) prior to establishing such acquisition approach, establish well-defined requirements with a clear acquisition strategy.”.

(b) **AVAILABILITY OF FUNDS.**—

(1) **IN GENERAL.**—In accordance with paragraph (2), of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2016 for the rocket propulsion system required by section 1604 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015, the Secretary of Defense may obligate or expend such funds only for the development of such system, and the necessary interfaces to, or integration of, the launch vehicle, to replace non-allied space launch engines by 2019 as required by such section.

(2) **RULE OF CONSTRUCTION.**—The funds specified in paragraph (1)—

(A) may be used for the integration of the rocket propulsion system covered by such paragraph with an existing or new launch vehicle; and

(B) may not be used to develop or procure a new launch vehicle or related infrastructure.

(c) **BRIEFING.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall provide to the congressional defense committee a briefing on—

(1) the streamlined acquisition approach, requirements, and acquisition strategy required under subsection (c) of section 1604 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015, as added by subsection (a); and

(2) the plan for the development and fielding of a full-up rocket propulsion system pursuant to such section 1604.

SEC. 1607. EXCEPTION TO THE PROHIBITION ON CONTRACTING WITH RUSSIAN SUPPLIERS OF ROCKET ENGINES FOR THE EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM.

Paragraph (1) of section 1608(c) of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3626; 10 U.S.C. 2271 note) is amended to read as follows:

“(1) IN GENERAL.—The prohibition in subsection (a) shall not apply to any of the following:

“(A) The placement of orders or the exercise of options under the contract numbered FA8811–13–C–0003 and awarded on December 18, 2013.

“(B) Subject to paragraph (2), contracts awarded for the procurement of property or services for space launch activities that include the use of not more than a total of five rocket engines designed or manufactured in the Russian Federation that prior to February 1, 2014, were either fully paid for by the contractor or covered by a legally binding commitment of the contractor to fully pay for such rocket engines.

“(C) Contracts not covered under subparagraph (A) or (B) that are awarded for the procurement of property or services for space launch activities that include the use of not more than a total of four additional rocket engines designed or manufactured in the Russian Federation.”.

10 USC 2273
note.

SEC. 1608. ACQUISITION STRATEGY FOR EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM.

(a) TREATMENT OF CERTAIN ARRANGEMENT.—

(1) DISCONTINUATION.—The Secretary of the Air Force shall discontinue the evolved expendable launch vehicle launch capability arrangement, as structured as of the date of the enactment of this Act, for—

(A) existing contracts using rocket engines designed or manufactured in the Russian Federation by not later than December 31, 2019; and

(B) existing contracts using domestic rocket engines by not later than December 31, 2020.

(2) WAIVER.—The Secretary may waive paragraph (1) if the Secretary—

(A) determines that such waiver is necessary for the national security interests of the United States;

(B) notifies the congressional defense committees of such waiver; and

(C) a period of 90 days has elapsed following the date of such notification.

(b) CONSISTENT STANDARDS.—In accordance with section 2306a of title 10, United States Code, the Secretary shall—

(1) apply consistent and appropriate standards to certified evolved expendable launch vehicle providers with respect to certified cost and pricing data; and

(2) conduct the appropriate audits.

(c) ACQUISITION STRATEGY.—In accordance with subsections (a) and (b) and section 2273 of title 10, United States Code, the Secretary shall develop and carry out a 10-year phased acquisition strategy, including near and long term, for the evolved expendable launch vehicle program.

(d) ELEMENTS.—The acquisition strategy under subsection (c) for the evolved expendable launch vehicle program shall—

(1) provide the necessary—

(A) stability in budgeting and acquisition of capabilities;

(B) flexibility to the Federal Government; and

(C) procedures for fair competition; and

(2) specifically take into account, as appropriate per competition, the effect of—

(A) contracts or agreements for launch services or launch capability entered into by the Department of Defense and the National Aeronautics and Space Administration with certified evolved expendable launch vehicle providers;

(B) the requirements of the Department of Defense, including with respect to launch capabilities and pricing data, that are met by such providers;

(C) the cost of integrating a satellite onto a launch vehicle; and

(D) any other matters the Secretary considers appropriate.

(e) COMPETITION.—In awarding any contract for launch services in a national security space mission pursuant to a competitive acquisition, the evaluation shall account for the value of the evolved expendable launch vehicle launch capability arrangement per contract line item numbers in the bid price of the offeror as appropriate per launch.

(f) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees, the Permanent Select Committee on Intelligence of the House of Representatives, and the Select Committee on Intelligence of the Senate a report on the acquisition strategy developed under subsection (c).

SEC. 1609. ALLOCATION OF FUNDING FOR EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM.

(a) CERTIFICATION AND JUSTIFICATION.—Together with the budget of the President submitted to Congress under section 1105(a) of title 31, United States Code, for each of fiscal years 2017, 2018, and 2019, the Director of the Office of Management and Budget shall submit to the appropriate congressional committees—

(1) a certification that the cost share between the Air Force and the National Reconnaissance Office for the evolved expendable launch vehicle launch capability program equitably reflects the appropriate allocation of funding for the Air Force and the National Reconnaissance Office, respectively, based on the launch schedule and national mission forecast; and

(2) sufficient rationale to justify such cost share.

(b) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means—

- (1) the congressional defense committees;
- (2) the Permanent Select Committee on Intelligence of the House of Representatives; and
- (3) the Select Committee on Intelligence of the Senate.

10 USC 2271
note.

SEC. 1610. CONSOLIDATION OF ACQUISITION OF WIDEBAND SATELLITE COMMUNICATIONS.

(a) **PLAN.**—

(1) **CONSOLIDATION.**—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a plan for the consolidation, during the one-year period beginning on the date on which the plan is submitted, of the acquisition of wideband satellite communications necessary to meet the requirements of the Department of Defense for such communications, including with respect to military and commercial satellite communications.

(2) **ELEMENTS.**—The plan under paragraph (1) shall include—

(A) an assessment of the management and overhead costs relating to the acquisition of commercial satellite communications services across the Department of Defense;

(B) an estimate of—

(i) the costs of implementing the consolidation of the acquisition of such services described in paragraph (1); and

(ii) the projected savings of the consolidation;

(C) the identification and designation of a single acquisition agent pursuant to paragraph (3)(A); and

(D) the roles and responsibilities of officials of the Department, including pursuant to paragraph (3).

(3) **SINGLE ACQUISITION AGENT.**—

(A) Except as provided by subparagraph (B), under the plan under paragraph (1), the Secretary of Defense shall identify and designate a single senior official of the Department of Defense to procure wideband satellite communications necessary to meet the requirements of the Department of Defense for such communications, including with respect to military and commercial satellite communications.

(B) Notwithstanding subparagraph (A), under the plan under paragraph (1), an official described in subparagraph (C) may carry out the procurement of commercial wideband satellite communications if the official determines that such procurement is required to meet an urgent need.

(C) An official described in this subparagraph is any of the following:

(i) A Secretary of a military department.

(ii) The Under Secretary of Defense for Acquisition, Technology, and Logistics.

(iii) The Chief Information Office of the Department of Defense.

(iv) A commander of a combatant command.

(4) **VALIDATION.**—The Director of Cost Assessment and Program Evaluation shall validate the assessment required by subparagraph (A) of paragraph (2) and the estimates required by subparagraph (B) of such paragraph.

(b) **IMPLEMENTATION.**—

(1) **IN GENERAL.**—Except as provided by paragraph (2), the Secretary of Defense shall complete the implementation of the plan under subsection (a) by not later than one year after the date on which the Secretary submits the plan under such paragraph.

(2) **WAIVER.**—The Secretary may waive the implementation of the plan under subsection (a) if the Secretary—

(A) determines that—

(i) such implementation will require significant additional funding; or

(ii) such waiver is in the interests of national security; and

(B) submits to the congressional defense committees notice of such waiver and the justifications for such waiver.

SEC. 1611. ANALYSIS OF ALTERNATIVES FOR WIDE-BAND COMMUNICATIONS.

(a) **IN GENERAL.**—The Secretary of Defense shall conduct an analysis of alternatives for a follow-on wide-band communications system to the Wideband Global SATCOM System that includes space, air, and ground layer communications capabilities of the Department of Defense.

(b) **REPORT REQUIRED.**—Not later than March 31, 2017, the Secretary shall submit to the congressional defense committees a report on the analysis conducted under subsection (a).

SEC. 1612. EXPANSION OF GOALS AND MODIFICATION OF PILOT PROGRAM FOR ACQUISITION OF COMMERCIAL SATELLITE COMMUNICATION SERVICES.

(a) **CARRYING OUT OF PILOT PROGRAM.**—Subsection (a) of section 1605 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3623; 10 U.S.C. 2208 note) is amended—

(1) in paragraph (1), by striking “may develop” and all that follows through “funds by the Secretary” and inserting “shall develop and carry out a pilot program”; and

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

“(4) **METHODS.**—In carrying out the pilot program under paragraph (1), the Secretary may use a variety of methods authorized by law to effectively and efficiently acquire commercial satellite communications services, including by carrying out multiple pathfinder activities under the pilot program.”.

(b) **GOALS.**—Subsection (b) of such section is amended—

(1) in paragraph (3), by striking “; and” and inserting a semicolon;

(2) in paragraph (4), by striking the period at the end and inserting “; and”; and

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

“(5) demonstrates the potential to achieve order-of-magnitude improvements in satellite communications capability.”.

(c) **REPORTS AND BRIEFINGS.**—Subsection (d) of such section is amended—

(1) in the heading, by striking “REPORTS.—” and inserting “REPORTS AND BRIEFINGS.—”;

(2) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking “90 days” and inserting “270 days”;

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

(C) by amending subparagraph (B) to read as follows: “(B) a description of the appropriate metrics established by the Secretary to meet the goals of the pilot program.”;

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

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

“(2) BRIEFING.—At the same time as the President submits to Congress the budget pursuant to section 1105 of title 31, for each of fiscal years 2017 through 2020, the Secretary shall provide to the congressional defense committees a briefing on the pilot program.”; and

(5) in paragraph (3) (as redesignated by paragraph (3) of this subsection)—

(A) in subparagraph (A), by striking “expanding the use of working capital funds to effectively and efficiently acquire” and inserting “the pilot program and whether the pilot program effectively and efficiently acquires”; and

(B) in subparagraph (B)(ii), by striking “working capital funds as described in subparagraph (A)” and inserting “the pilot program”.

SEC. 1613. INTEGRATED POLICY TO DETER ADVERSARIES IN SPACE.

(a) **IN GENERAL.**—The President shall establish an interagency process to provide for the development of a policy to deter adversaries in space—

(1) with the objectives of—

(A) reducing risks to the United States and allies of the United States in space; and

(B) protecting and preserving the rights, access, capabilities, use, and freedom of action of the United States in space and the right of the United States to respond to an attack in space and, if necessary, deny adversaries the use of space capabilities hostile to the national interests of the United States; and

(2) that integrates the interests and responsibilities of the agencies participating in the process.

(b) **REPORT REQUIRED.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the policy developed pursuant to subsection (a).

(2) **FUNDING RESTRICTION.**—If the President has not submitted the policy developed under subsection (a) and the answers to Enclosure 1, regarding space control policy, of the classified annex to this Act, to the Committees on Armed Services of the Senate and the House of Representatives by the date required by paragraph (1), an amount equal to \$10,000,000 of the amount authorized to be appropriated or otherwise made

available to the Department of Defense for fiscal year 2016 to provide support services to the Executive Office of the President shall be withheld from obligation or expenditure until the policy and such answers are submitted to such Committees.

(3) FORM OF REPORT.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

SEC. 1614. PROHIBITION ON RELIANCE ON CHINA AND RUSSIA FOR SPACE-BASED WEATHER DATA.

10 USC 2381
note prec.

(a) PROHIBITION.—The Secretary of Defense shall ensure that the Department of Defense does not rely on, or in the future plan to rely on, space-based weather data provided by the Government of the People’s Republic of China, the Government of the Russian Federation, or an entity owned or controlled by either such government for national security purposes.

(b) CERTIFICATION.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a certification that the Secretary is in compliance with the prohibition under subsection (a).

SEC. 1615. LIMITATION ON AVAILABILITY OF FUNDS FOR WEATHER SATELLITE FOLLOW-ON SYSTEM.

(a) LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2016 for research, development, test, and evaluation, Air Force, for the weather satellite follow-on system, not more than 50 percent may be obligated or expended until the date on which—

(1) the Secretary of Defense provides to the congressional defense committees a briefing on the plan developed under subsection (b); and

(2) the Chairman of the Joint Chiefs of Staff certifies to the congressional defense committees that such plan will—

(A) meet the requirements of the Department of Defense for cloud characterization and theater weather imagery; and

(B) not negatively affect the commanders of the combatant commands.

(b) PLAN REQUIRED.—The Secretary shall develop a plan to address the requirements of the Department of Defense for cloud characterization and theater weather imagery.

SEC. 1616. LIMITATIONS ON AVAILABILITY OF FUNDS FOR THE DEFENSE METEOROLOGICAL SATELLITE PROGRAM.

(a) LIMITATION.—

(1) FISCAL YEAR 2016 FUNDS.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2016 for the Defense Meteorological Satellite program or for the launch of Defense Meteorological Satellite program satellite #20 (in this section referred to as “DMSP20”) may be obligated or expended until the date on which the Secretary of Defense and the Chairman of the Joint Chiefs of Staff jointly submit to the congressional defense committees the certification described in subsection (b).

(2) REMAINING FISCAL YEAR 2015 FUNDS.—Of the funds authorized to be appropriated or otherwise made available for

fiscal year 2015 for the Defense Meteorological Satellite program or the launch of DMSP20 that remain available for obligation as of the date of the enactment of this Act, not more than 50 percent may be obligated or expended until the date on which the Secretary of Defense and the Chairman of the Joint Chiefs of Staff jointly submit to the congressional defense committees the certification described in subsection (b).

(b) CERTIFICATION.—The certification described in this subsection is a certification that—

(1) the Joint Requirements Oversight Council has conducted a recent review and certification of the space-based environmental monitoring requirements while taking into consideration the changes in international allied plans and the feedback of the military departments and Defense Agencies (as defined in section 101(a) of title 10, United States Code);

(2) relying on civil and international contributions to meet space-based environmental monitoring requirements is insufficient or is a risk to national security and launching DMSP20 will meet those requirements;

(3) launching DMSP20 is the most affordable solution to meeting requirements validated by the Joint Requirements Oversight Council; and

(4) nonmaterial solutions within the Department of Defense, the National Oceanic and Atmospheric Administration, and the National Aeronautics and Space Administration are incapable of meeting the cloud characterization and theater weather requirements validated by the Joint Requirements Oversight Council.

(c) COMPARATIVE COST AND CAPABILITY ASSESSMENT.—If the Secretary and the Chairman determine that a material solution is required to meet the cloud characterization and theater weather requirements validated by the Joint Requirements Oversight Council, the Secretary and the Chairman shall jointly submit to the congressional defense committees a cost and capability assessment that compares the cost of meeting those requirements with DMSP20 and with an alternate material solution that includes electro-optical infrared weather imaging or other comparable solutions.

51 USC 50918
note.

SEC. 1617. STREAMLINE OF COMMERCIAL SPACE LAUNCH ACTIVITIES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that eliminating duplicative requirements and approvals for commercial launch and reentry operations will promote and encourage the development of the commercial space sector.

(b) REAFFIRMATION OF POLICY.—Congress reaffirms that the Secretary of Transportation, in overseeing and coordinating commercial launch and reentry operations, should—

(1) promote commercial space launches and reentries by the private sector;

(2) facilitate Government, State, and private sector involvement in enhancing United States launch sites and facilities;

(3) protect public health and safety, safety of property, national security interests, and foreign policy interests of the United States; and

(4) consult with the head of another executive agency, including the Secretary of Defense or the Administrator of

the National Aeronautics and Space Administration, as necessary to provide consistent application of licensing requirements under chapter 509 of title 51, United States Code.

(c) REQUIREMENTS.—

(1) IN GENERAL.—The Secretary of Transportation under section 50918 of title 51, United States Code, and subject to section 50905(b)(2)(C) of that title, shall consult with the Secretary of Defense, the Administrator of the National Aeronautics and Space Administration, and the heads of other executive agencies, as appropriate—

(A) to identify all requirements that are imposed to protect the public health and safety, safety of property, national security interests, and foreign policy interests of the United States relevant to any commercial launch of a launch vehicle or commercial reentry of a reentry vehicle; and

(B) to evaluate the requirements identified in subparagraph (A) and, in coordination with the licensee or transferee and the heads of the relevant executive agencies—

(i) determine whether the satisfaction of a requirement of one agency could result in the satisfaction of a requirement of another agency; and

(ii) resolve any inconsistencies and remove any outmoded or duplicative requirements or approvals of the Federal Government relevant to any commercial launch of a launch vehicle or commercial reentry of a reentry vehicle.

(2) REPORTS.—Not later than 180 days after the date of enactment of this Act, and annually thereafter until the Secretary of Transportation determines no outmoded or duplicative requirements or approvals of the Federal Government exist, the Secretary of Transportation, in consultation with the Secretary of Defense, the Administrator of the National Aeronautics and Space Administration, the commercial space sector, and the heads of other executive agencies, as appropriate, shall submit to the appropriate congressional committees a report that includes the following:

(A) A description of the process for the application for and approval of a permit or license under chapter 509 of title 51, United States Code, for the commercial launch of a launch vehicle or commercial reentry of a reentry vehicle, including the identification of—

(i) any unique requirements for operating on a United States Government launch site, reentry site, or launch property; and

(ii) any inconsistent, outmoded, or duplicative requirements or approvals.

(B) A description of current efforts, if any, to coordinate and work across executive agencies to define interagency processes and procedures for sharing information, avoiding duplication of effort, and resolving common agency requirements.

(C) Recommendations for legislation that may further—

(i) streamline requirements in order to improve efficiency, reduce unnecessary costs, resolve inconsistencies, remove duplication, and minimize unwarranted constraints; and

(ii) consolidate or modify requirements across affected agencies into a single application set that satisfies the requirements identified in paragraph (1)(A).

(3) DEFINITIONS.—For purposes of this subsection—

(A) any applicable definitions set forth in section 50902 of title 51, United States Code, shall apply;

(B) the term “appropriate congressional committees” means—

(i) the congressional defense committees;

(ii) the Committee on Commerce, Science, and Transportation of the Senate;

(iii) the Committee on Science, Space, and Technology of the House of Representatives; and

(iv) the Committee on Transportation and Infrastructure of the House of Representatives;

(C) the terms “launch”, “reenter”, and “reentry” include landing of a launch vehicle or reentry vehicle; and

(D) the terms “United States Government launch site” and “United States Government reentry site” include any necessary facility, at that location, that is commercially operated on United States Government property.

10 USC 2431
note.

SEC. 1618. PLAN ON FULL INTEGRATION AND EXPLOITATION OF OVERHEAD PERSISTENT INFRARED CAPABILITY.

(a) PLAN.—Not later than 180 days after the date of the enactment of this Act, the Commander of the United States Strategic Command and the Director of Cost Assessment and Program Evaluation, in coordination with the Director of National Intelligence, shall jointly submit to the appropriate congressional committees a plan for the integration of overhead persistent infrared capabilities to support the missions specified in subsection (b)(1).

(b) ELEMENTS.—The plan under subsection (a) shall—

(1) ensure that all overhead persistent infrared capabilities of the United States, including such capabilities that are planned to be developed, are integrated to allow for such capabilities to be exploited to support the requirements of the missions of the Department of Defense relating to—

(A) strategic and theater missile warning;

(B) ballistic and cruise missile defense, including with respect to missile tracking, fire control, and kill assessment;

(C) technical intelligence supporting missile warning;

(D) battlespace awareness;

(E) other technical intelligence;

(F) civil and environmental missions, including with respect to the collection of weather data; and

(G) battle damage assessments; and

(2) establish clear benchmarks by which to establish acquisition plans, manning, and budget requirements.

(c) ANNUAL DETERMINATION.—The Secretary of Defense shall include, together with, or not later than 30 days after, the budget justification materials submitted to Congress in support of the budget of the Department of Defense for a fiscal year (as submitted

with the budget of the President under section 1105(a) of title 31, United States Code), a written determination of how the plan under subsection (a) is being implemented.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

- (1) the congressional defense committees; and
- (2) the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

SEC. 1619. OPTIONS FOR RAPID SPACE RECONSTITUTION.

(a) EVALUATION.—The Secretary of Defense shall evaluate options for the use of current assets of the Department of Defense for the purpose of rapid reconstitution of critical space-based warfighter enabling capabilities.

(b) BRIEFING.—Not later than March 31, 2016, the Secretary shall provide to the congressional defense committees a briefing on the evaluation conducted under subsection (a), including development timelines, a test plan, and technology readiness levels of key systems and technologies.

SEC. 1620. EVALUATION OF EXPLOITATION OF SPACE-BASED INFRARED SYSTEM AGAINST ADDITIONAL THREATS.

(a) EVALUATION.—The Commander of the United States Strategic Command, in cooperation with the Secretary of the Navy, the Secretary of the Air Force, the Director of National Intelligence, and the Commander of the United States Northern Command, shall conduct an evaluation of space-based infrared systems to detect, track, and target, or to develop the capability to detect, track, and target, the full range of threats to the United States, deployed members of the Armed Forces, and allies of the United States.

(b) SUBMISSION.—Not later than December 31, 2016, the Commander of the United States Strategic Command shall submit to the congressional defense committees, the Permanent Select Committee on Intelligence of the House of Representatives, and the Select Committee on Intelligence of the Senate the evaluation under subsection (a).

SEC. 1621. QUARTERLY REPORTS ON GLOBAL POSITIONING SYSTEM III SPACE SEGMENT, GLOBAL POSITIONING SYSTEM OPERATIONAL CONTROL SEGMENT, AND MILITARY GLOBAL POSITIONING SYSTEM USER EQUIPMENT ACQUISITION PROGRAMS.

10 USC 2281
note.

(a) REPORTS REQUIRED.—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter, the Secretary of the Air Force shall submit to the Comptroller General of the United States a report and supporting documentation on the Global Positioning System III space segment, the Global Positioning System operational control segment, and the Military Global Positioning System user equipment acquisition programs.

(b) ELEMENTS.—Each report required by subsection (a) shall include, with respect to an acquisition program specified in that subsection, the following:

- (1) A statement of the status of the program with respect to cost, schedule, and performance.

(2) A description of any changes to the requirements of the program.

(3) A description of any technical risks impacting the cost, schedule, and performance of the program.

(4) An assessment of how such risks are to be addressed and the costs associated with such risks.

(5) An assessment of the extent to which the segments of the program are synchronized.

(c) BRIEFINGS BY COMPTROLLER GENERAL.—The Comptroller General shall provide to the congressional defense committees a briefing on a report submitted under subsection (a)—

(1) in the case of the first such report, not later than 30 days after receiving that report; and

(2) as the Comptroller General considers appropriate thereafter.

(d) TERMINATION.—The requirement under subsection (a) shall terminate with respect to an acquisition program specified in that subsection on the date on which that program reaches initial operational capability.

SEC. 1622. SENSE OF CONGRESS ON MISSILE DEFENSE SENSORS IN SPACE.

It is the sense of Congress that a robust multi-mission space sensor network will be vital to ensuring a strong missile defense system.

Subtitle B—Defense Intelligence and Intelligence-Related Activities

SEC. 1631. EXECUTIVE AGENT FOR OPEN-SOURCE INTELLIGENCE TOOLS.

(a) EXECUTIVE AGENT.—Subchapter I of chapter 21 of title 10, United States Code, as amended by section 1083, is further amended by adding at the end the following new section:

10 USC 430b.

“§ 430b. Executive agent for open-source intelligence tools

“(a) DESIGNATION.—Not later than April 1, 2016, the Secretary of Defense shall designate a senior official of the Department of Defense to serve as the executive agent for the Department for open-source intelligence tools.

“(b) ROLES, RESPONSIBILITIES, AND AUTHORITIES.— (1) Not later than July 1, 2016, in accordance with Directive 5101.1, the Secretary shall prescribe the roles, responsibilities, and authorities of the executive agent designated under subsection (a).

“(2) The roles and responsibilities of the executive agent designated under subsection (a) shall include the following:

“(A) Developing and maintaining a comprehensive list of open-source intelligence tools and technical standards.

“(B) Establishing priorities for the development, acquisition, and integration of open-source intelligence tools into the intelligence enterprise, and other command and control systems as needed.

“(C) Certifying all open-source intelligence tools with respect to compliance with the standards required by the framework and guidance for the Intelligence Community Information

Technology Enterprise, the Defense Intelligence Information Enterprise, and the Joint Information Environment.

“(D) Assessing and making recommendations regarding the protection of privacy in the acquisition, analysis, and dissemination of open-source information available around the world.

“(E) Performing such other assessments or analyses as the Secretary considers appropriate.

“(c) SUPPORT WITHIN DEPARTMENT OF DEFENSE.—In accordance with Directive 5101.1, the Secretary shall ensure that the military departments, the Defense Agencies, and other elements of the Department of Defense provide the executive agent designated under subsection (a) with the appropriate support and resources needed to perform the roles, responsibilities, and authorities of the executive agent.

“(d) DEFINITIONS.—In this section:

“(1) The term ‘Directive 5101.1’ means Department of Defense Directive 5101.1, or any successor directive relating to the responsibilities of an executive agent of the Department of Defense.

“(2) The term ‘executive agent’ has the meaning given the term ‘DoD Executive Agent’ in Directive 5101.1.

“(3) The term ‘open-source intelligence tools’ means tools for the systematic collection, processing, and analysis of publicly available information for known or anticipated intelligence requirements.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 430a, as added by section 1083, the following new item:

10 USC 421 prec.

“430b. Executive agent for open-source intelligence tools.”.

SEC. 1632. WAIVER AND CONGRESSIONAL NOTIFICATION REQUIREMENTS RELATED TO FACILITIES FOR INTELLIGENCE COLLECTION OR FOR SPECIAL OPERATIONS ABROAD.

(a) ADDITION OF CONGRESSIONAL NOTIFICATION REQUIREMENT.—Section 2682(c) of title 10, United States Code, is amended—

(1) by inserting “(1)” before “The Secretary of Defense”; and

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

“(2) Not later than 48 hours after using the waiver authority under paragraph (1) for any facility for intelligence collection conducted under the authorities of the Department of Defense or special operations activity, the Secretary of Defense shall submit to the appropriate congressional committees written notification of the use of the authority, including the justification for the waiver and the estimated cost of the project for which the waiver applies.

“(3) In this subsection, the term ‘appropriate congressional committees’ means the following:

“(A) With respect to a waiver regarding special operations activities, the congressional defense committees.

“(B) With respect to a waiver regarding intelligence collection conducted under the authorities of the Department of Defense—

“(i) the congressional defense committees; and

“(ii) the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.”.

(b) CODIFICATION OF SUNSET PROVISION.—

(1) CODIFICATION.—Section 2682(c) of title 10, United States Code, is further amended by inserting after paragraph (3), as added by subsection (a)(2), the following new paragraph: “(4) The waiver authority provided by paragraph (1) expires December 31, 2020.”

(2) CONFORMING REPEAL.—Subsection (b) of section 926 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1541; 10 U.S.C. 2682 note) is repealed.

SEC. 1633. PROHIBITION ON NATIONAL INTELLIGENCE PROGRAM CONSOLIDATION.

(a) PROHIBITION.—No amounts authorized to be appropriated or otherwise made available to the Department of Defense may be used during the period beginning on the date of the enactment of this Act and ending on December 31, 2016, to execute—

(1) the separation of the National Intelligence Program budget from the Department of Defense budget;

(2) the consolidation of the National Intelligence Program budget within the Department of Defense budget; or

(3) the establishment of a new appropriations account or appropriations account structure for the National Intelligence Program budget.

(b) DEFINITIONS.—In this section:

(1) NATIONAL INTELLIGENCE PROGRAM.—The term “National Intelligence Program” has the meaning given the term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

(2) NATIONAL INTELLIGENCE PROGRAM BUDGET.—The term “National Intelligence Program budget” means the portions of the Department of Defense budget designated as part of the National Intelligence Program.

SEC. 1634. LIMITATION ON AVAILABILITY OF FUNDS FOR OFFICE OF THE UNDER SECRETARY OF DEFENSE FOR INTELLIGENCE.

Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2016 for the Department of Defense for the Office of the Under Secretary of Defense for Intelligence, not more than 75 percent may be obligated or expended for such Office until the Secretary of Defense identifies the intelligence gaps and establishes the written policy required by section 922 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 828).

SEC. 1635. DEPARTMENT OF DEFENSE INTELLIGENCE NEEDS.

(a) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional defense committees and the congressional intelligence committees a report on how the Director ensures that the National Intelligence Program budgets for the elements of the intelligence community that are within the Department of Defense are adequate to satisfy the national intelligence needs of the Department as required under section 102A(p) of the National Security Act of 1947 (50 U.S.C. 3024(p)). Such report shall include a description of how the Director incorporates the needs of the Chairman of the Joint Chiefs of Staff and the commanders of the unified and specified commands into the metrics used to

evaluate the performance of the elements of the intelligence community that are within the Department of Defense in conducting intelligence activities funded under the National Intelligence Program.

(b) **DEFINITIONS.**—In this section, the terms “congressional intelligence committees”, “intelligence community”, and “National Intelligence Program” have the meanings given such terms in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

SEC. 1636. REPORT ON MANAGEMENT OF CERTAIN PROGRAMS OF DEFENSE INTELLIGENCE ELEMENTS.

(a) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Intelligence shall submit to the appropriate congressional committees a report on the management of science and technology research and development programs and foreign materiel exploitation programs of Defense intelligence elements.

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

(1) An assessment of the management of each Defense intelligence element that is responsible for work relating to the programs described in subsection (a), including with respect to the policies, procedures, and organizational structures of such element relating to the management and coordination of such work across such elements.

(2) Recommendations to improve the coordination and organization of such elements.

(3) Identification of options for realigning such elements within the Department of Defense to better meet the needs of the Department and reduce unnecessary overhead.

(c) **DEFINITIONS.**—In this section:

(1) The term “appropriate congressional committees” means—

(A) the congressional defense committees;

(B) the Permanent Select Committee on Intelligence of the House of Representatives; and

(C) the Select Committee on Intelligence of the Senate.

(2) The term “Defense intelligence element” has the meaning given that term in section 429(e) of title 10, United States Code.

SEC. 1637. REPORT ON AIR NATIONAL GUARD CONTRIBUTIONS TO THE RQ-4 GLOBAL HAWK MISSION.

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Air Force, in coordination with the Chief of Staff of the Air Force and the Chief of the National Guard Bureau, shall submit to Congress a report on the feasibility of using the Air National Guard in association with the active duty Air Force to operate and maintain the RQ-4 Global Hawk.

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

(1) An assessment of the costs, training requirements, and personnel required to create an association for the Global Hawk mission consisting of members of the Air Force serving on active duty and members of the Air National Guard.

(2) The capacity of the Air National Guard to support an association described in paragraph (1).

SEC. 1638. GOVERNMENT ACCOUNTABILITY OFFICE REVIEW OF INTELLIGENCE INPUT TO THE DEFENSE ACQUISITION PROCESS.

(a) **REVIEW.**—The Comptroller General of the United States shall carry out a comprehensive review of the processes and procedures for the integration of intelligence into the defense acquisition process, consistent with the provision of classified information, and intelligence sources and methods.

(b) **REQUIREMENTS.**—The review required by subsection (a) shall—

(1) identify processes and procedures for the integration of intelligence into the decision process, including with respect to the staffing and training of Defense intelligence personnel assigned to program offices, for the acquisition of weapon systems from initial requirements through the milestones process and upon final delivery; and

(2) include a review of processes and procedures for—

(A) the integration of intelligence on foreign capabilities into the acquisition process from initial requirement through deployment;

(B) identifying opportunities for weapons systems to collect intelligence, without regard to whether that is the primary mission of such systems, and the plans for exploiting the collection of such intelligence; and

(C) assessing the requirements weapon systems will place on the Defense Intelligence Enterprise once the weapons systems are deployed.

(c) **REPORT.**—Not later than 270 days after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives a report containing the results of the review required by subsection (a).

Subtitle C—Cyberspace-Related Matters

10 USC 393.

SEC. 1641. CODIFICATION AND ADDITION OF LIABILITY PROTECTIONS RELATING TO REPORTING ON CYBER INCIDENTS OR PENETRATIONS OF NETWORKS AND INFORMATION SYSTEMS OF CERTAIN CONTRACTORS.

(a) **CODIFICATION AND AMENDMENT.**—Section 941 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 1889; 10 U.S.C. 2224 note) is transferred to chapter 19 of title 10, United States Code, inserted so as to appear after section 392, redesignated as section 393, and amended—

(1) by amending the section heading to read as follows:

“§ 393. Reporting on penetrations of networks and information systems of certain contractors”;

(2) by striking paragraph (3) of subsection (c) and inserting the following new paragraph (3):

“(3) **DISSEMINATION OF INFORMATION.**—The procedures established pursuant to subsection (a) shall limit the dissemination of information obtained or derived through such procedures to entities—

“(A) with missions that may be affected by such information;

“(B) that may be called upon to assist in the diagnosis, detection, or mitigation of cyber incidents;

“(C) that conduct counterintelligence or law enforcement investigations; or

“(D) for national security purposes, including cyber situational awareness and defense purposes.”; and

(3) by striking subsection (d) and inserting the following new subsection (d):

“(d) PROTECTION FROM LIABILITY OF CLEARED DEFENSE CONTRACTORS.—(1) No cause of action shall lie or be maintained in any court against any cleared defense contractor, and such action shall be promptly dismissed, for compliance with this section that is conducted in accordance with the procedures established pursuant to subsection (a).

“(2)(A) Nothing in this section shall be construed—

“(i) to require dismissal of a cause of action against a cleared defense contractor that has engaged in willful misconduct in the course of complying with the procedures established pursuant to subsection (a); or

“(ii) to undermine or limit the availability of otherwise applicable common law or statutory defenses.

“(B) In any action claiming that paragraph (1) does not apply due to willful misconduct described in subparagraph (A), the plaintiff shall have the burden of proving by clear and convincing evidence the willful misconduct by each cleared defense contractor subject to such claim and that such willful misconduct proximately caused injury to the plaintiff.

“(C) In this subsection, the term ‘willful misconduct’ means an act or omission that is taken—

“(i) intentionally to achieve a wrongful purpose;

“(ii) knowingly without legal or factual justification; and

“(iii) in disregard of a known or obvious risk that is so great as to make it highly probable that the harm will outweigh the benefit.”.

(b) ADDITION OF LIABILITY PROTECTIONS FOR REPORTING ON CYBER INCIDENTS.—Section 391 of title 10, United States Code, is amended—

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

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

“(d) PROTECTION FROM LIABILITY OF OPERATIONALLY CRITICAL CONTRACTORS.—(1) No cause of action shall lie or be maintained in any court against any operationally critical contractor, and such action shall be promptly dismissed, for compliance with this section that is conducted in accordance with procedures established pursuant to subsection (b).

“(2)(A) Nothing in this section shall be construed—

“(i) to require dismissal of a cause of action against an operationally critical contractor that has engaged in willful misconduct in the course of complying with the procedures established pursuant to subsection (b); or

“(ii) to undermine or limit the availability of otherwise applicable common law or statutory defenses.

“(B) In any action claiming that paragraph (1) does not apply due to willful misconduct described in subparagraph (A), the plaintiff shall have the burden of proving by clear and convincing evidence the willful misconduct by each operationally critical contractor subject to such claim and that such willful misconduct proximately caused injury to the plaintiff.

“(C) In this subsection, the term ‘willful misconduct’ means an act or omission that is taken—

“(i) intentionally to achieve a wrongful purpose;

“(ii) knowingly without legal or factual justification; and

“(iii) in disregard of a known or obvious risk that is so great as to make it highly probable that the harm will outweigh the benefit.”

(c) CONFORMING AND TECHNICAL AMENDMENTS.—

(1) Section 391 of title 10, United States Code, is amended in subsection (a) by striking “and with section 941 of the National Defense Authorization Act for Fiscal Year 2013 (10 U.S.C. 2224 note)” and inserting “and section 393 of this title”.

10 USC 391 prec.

(2) The table of sections at the beginning of chapter 19 of such title is amended—

(A) by amending the item relating to section 391 to read as follows:

“391. Reporting on cyber incidents with respect to networks and information systems of operationally critical contractors and certain other contractors.”; and

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

“393. Reporting on penetrations of networks and information systems of certain contractors.”.

SEC. 1642. AUTHORIZATION OF MILITARY CYBER OPERATIONS.

(a) IN GENERAL.—Chapter 3 of title 10, United States Code, is amended by adding at the end the following new section:

10 USC 130g.

“§ 130g. Authorities concerning military cyber operations

“The Secretary of Defense shall develop, prepare, and coordinate; make ready all armed forces for purposes of; and, when appropriately authorized to do so, conduct, a military cyber operation in response to malicious cyber activity carried out against the United States or a United States person by a foreign power (as such terms are defined in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801)).”.

10 USC 121 prec.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 3 of such title is amended by adding at the end the following new item:

“130g. Authorities concerning military cyber operations.”.

SEC. 1643. LIMITATION ON AVAILABILITY OF FUNDS PENDING THE SUBMISSION OF INTEGRATED POLICY TO DETER ADVERSARIES IN CYBERSPACE.

Until the President submits to the congressional defense committees the report required by section 941 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 837), \$10,000,000 of the unobligated balance of the amounts appropriated or otherwise made available to the Department of Defense to provide support services to the Executive Office of the President may not be obligated or expended.

SEC. 1644. AUTHORIZATION FOR PROCUREMENT OF RELOCATABLE SENSITIVE COMPARTMENTED INFORMATION FACILITY.

Of the unobligated amounts appropriated or otherwise made available in fiscal years 2014 and 2015 for procurement for the Army, not more than \$10,600,000 may be used for the procurement of a relocatable Sensitive Compartmented Information Facility for the Cyber Center of Excellence at Fort Gordon, Georgia, as described in the reprogramming action prior approval request submitted by the Under Secretary of Defense (Comptroller) to Congress on February 6, 2015.

SEC. 1645. DESIGNATION OF MILITARY DEPARTMENT ENTITY RESPONSIBLE FOR ACQUISITION OF CRITICAL CYBER CAPABILITIES.10 USC 2225
note.**(a) DESIGNATION.—**

(1) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall designate an entity within a military department to be responsible for the acquisition of each critical cyber capability described in paragraph (2).

(2) **CRITICAL CYBER CAPABILITIES DESCRIBED.**—The critical cyber capabilities described in this paragraph are the cyber capabilities that the Secretary considers critical to the mission of the Department of Defense, including the following:

(A) The Unified Platform described in the Department of Defense document titled “The Department of Defense Cyber Strategy” dated April 15, 2015.

(B) A persistent cyber training environment.

(C) A cyber situational awareness and battle management system.

(b) REPORT.—

(1) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report containing the information described in paragraph (2).

(2) **CONTENTS.**—The report under paragraph (1) shall include the following with respect to the critical cyber capabilities described in subsection (a)(2):

(A) Identification of each critical cyber capability and the entity of a military department responsible for the acquisition of the capability.

(B) Estimates of the funding requirements and acquisition timelines for each critical cyber capability.

(C) An explanation of whether critical cyber capabilities could be acquired more quickly with changes to acquisition authorities.

(D) Such recommendations as the Secretary may have for legislation or administrative action to improve the acquisition of, or to acquire more quickly, the critical cyber capabilities for which designations are made under subsection (a).

SEC. 1646. ASSESSMENT OF CAPABILITIES OF UNITED STATES CYBER COMMAND TO DEFEND THE UNITED STATES FROM CYBER ATTACKS.

(a) **WAR GAMES.**—The Chairman of the Joint Chiefs of Staff, in consultation with the Principal Cyber Advisor, shall conduct

a series of war games through the warfighting analysis division of the Force Structure, Resources, and Assessment Directorate to assess the strategy, assumptions, and capabilities of the United States Cyber Command to prevent large-scale cyber attacks, by foreign powers with cyber attack capabilities comparable to the capabilities that China, Iran, North Korea, and Russia are expected to achieve in the years 2020 and 2025, from reaching United States targets.

(b) **FINDINGS.**—Not later than one year after the date of the enactment of this Act, the Chairman of the Joint Chiefs of Staff shall convey to the congressional defense committees the findings of the Chairman with respect to the war games conducted under subsection (a).

(c) **FOREIGN POWER DEFINED.**—In this section, the term “foreign power” has the meaning given the term in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).

SEC. 1647. EVALUATION OF CYBER VULNERABILITIES OF MAJOR WEAPON SYSTEMS OF THE DEPARTMENT OF DEFENSE.

(a) **EVALUATION REQUIRED.**—

(1) **IN GENERAL.**—The Secretary of Defense shall, in accordance with the plan under subsection (b), complete an evaluation of the cyber vulnerabilities of each major weapon system of the Department of Defense by not later than December 31, 2019.

(2) **EXCEPTION.**—The Secretary may waive the requirement of paragraph (1) with respect to a weapon system or complete the evaluation of a weapon system required by such paragraph after the date specified in such paragraph if the Secretary certifies to the congressional defense committees before that date that all known cyber vulnerabilities in the weapon system have minimal consequences for the capability of the weapon system to meet operational requirements or otherwise satisfy mission requirements.

(b) **PLAN FOR EVALUATION.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees the plan of the Secretary for the evaluations of major weapon systems under subsection (a), including an identification of each of the weapon systems to be evaluated and an estimate of the funding required to conduct the evaluations.

(2) **PRIORITY IN EVALUATIONS.**—The plan under paragraph (1) shall accord a priority among evaluations based on the criticality of major weapon systems, as determined by the Chairman of the Joint Chiefs of Staff based on an assessment of employment of forces and threats.

(3) **INTEGRATION WITH OTHER EFFORTS.**—The plan under paragraph (1) shall build upon existing efforts regarding the identification and mitigation of cyber vulnerabilities of major weapon systems, and shall not duplicate similar ongoing efforts such as Task Force Cyber Awakening of the Navy or Task Force Cyber Secure of the Air Force.

(c) **STATUS ON PROGRESS.**—The Secretary shall inform the congressional defense committees of the activities undertaken in the evaluation of major weapon systems under this section as

part of the quarterly cyber operations briefings under section 484 of title 10, United States Code.

(d) **RISK MITIGATION STRATEGIES.**—As part of the evaluation of cyber vulnerabilities of major weapon systems of the Department under this section, the Secretary shall develop strategies for mitigating the risks of cyber vulnerabilities identified in the course of such evaluations.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2016 for research, development, test, and evaluation, Defense-wide, not more than \$200,000,000 shall be available to the Secretary to conduct the evaluations under subsection (a)(1).

SEC. 1648. COMPREHENSIVE PLAN AND BIENNIAL EXERCISES ON RESPONDING TO CYBER ATTACKS.

(a) **COMPREHENSIVE PLAN OF DEPARTMENT OF DEFENSE TO SUPPORT CIVIL AUTHORITIES IN RESPONSE TO CYBER ATTACKS BY FOREIGN POWERS.**—

(1) **PLAN REQUIRED.**—

(A) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall develop a comprehensive plan for the United States Cyber Command to support civil authorities in responding to cyber attacks by foreign powers (as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801)) against the United States or a United States person.

(B) **ELEMENTS.**—The plan required by subparagraph (A) shall include the following:

(i) A plan for internal Department of Defense collective training activities that are integrated with exercises conducted with other agencies and State and local governments.

(ii) Plans for coordination with the heads of other Federal agencies and State and local governments pursuant to the exercises required under clause (i).

(iii) A list of any other exercises previously conducted that are used in the formulation of the plan required by subparagraph (A), such as Operation Noble Eagle.

(iv) Descriptions of the roles, responsibilities, and expectations of Federal, State, and local authorities as the Secretary understands them.

(v) Descriptions of the roles, responsibilities, and expectations of the active components and reserve components of the Armed Forces.

(vi) A description of such legislative and administrative action as may be necessary to carry out the plan required by subparagraph (A).

(2) **COMPTROLLER GENERAL OF THE UNITED STATES REVIEW OF PLAN.**—The Comptroller General of the United States shall review the plan developed under paragraph (1)(A).

(b) **BIENNIAL EXERCISES ON RESPONDING TO CYBER ATTACKS AGAINST CRITICAL INFRASTRUCTURE.**—

(1) **BIENNIAL EXERCISES REQUIRED.**—Not less frequently than once every two years until the date that is six years after the date of the enactment of this Act, the Secretary

of Defense shall, in coordination with the Secretary of Homeland Security, the Director of National Intelligence, the Director of the Federal Bureau of Investigation, and the heads of the critical infrastructure sector-specific agencies designated under Presidential Policy Directive-21 (titled “Critical Infrastructure Security Resilience” and dated February 12, 2013) and in consultation with Governors of the States and the owners and operators of critical infrastructure, organize and execute one or more exercises based on scenarios in which—

(A) critical infrastructure of the United States is attacked through cyberspace; and

(B) the President directs the Secretary of Defense to—

(i) defend the United States; and

(ii) provide support to civil authorities in responding to and recovering from cyber attacks, while exercising any guidance derived from the plan developed under subsection (a) or any subsequent updates to that plan.

(2) PURPOSES.—The purposes of the exercises required by paragraph (1) are as follows:

(A) To exercise command and control, coordination, communications, and information sharing capabilities under the stressing conditions of an ongoing cyber attack.

(B) To identify gaps and problems that require new enhanced training, capabilities, procedures, or authorities.

(C) To identify—

(i) interdependencies;

(ii) strengths that should be leveraged; and

(iii) weaknesses that need to be mitigated.

(3) REQUIREMENT FOR VARIATION OF ASSUMPTIONS AND CONDITIONS.—In conducting the exercises required by paragraph (1), the Secretary shall ensure that there is an appropriate degree of variation from exercise to exercise of the following:

(A) The size, scope, duration, and sophistication of the cyber attacks.

(B) The degree of warning and knowledge that is available to the Department of Defense about the attack, the means used in the attack, and the degree of delegation of authority from the President to react, including with pre-planned responses.

(C) The effectiveness of the National Mission Force of the United States Cyber Command in preempting and defeating the attack.

(D) The effectiveness of the attacks on critical infrastructure in general and particularly in specific industry sectors.

(E) The effectiveness of resilience and recovery mechanisms.

(4) COST-SHARING AGREEMENTS.—The Secretary shall coordinate with those with whom the Secretary is required to coordinate under paragraph (1) to develop equitable cost-sharing agreements to defray the expenses of the exercises required by paragraph (1).

SEC. 1649. SENSE OF CONGRESS ON REVIEWING AND CONSIDERING FINDINGS AND RECOMMENDATIONS OF COUNCIL OF GOVERNORS ON CYBER CAPABILITIES OF THE ARMED FORCES.

It is the sense of Congress that the Secretary of Defense should review and consider any findings and recommendations of the Council of Governors established under section 1822 of the National Defense Authorization Act of 2008 (Public Law 110–181; 122 Stat. 500; 32 U.S.C. 104 note) pertaining to cyber mission force requirements and any proposed reductions in and synchronization of the cyber capabilities of active or reserve components of the Armed Forces.

Subtitle D—Nuclear Forces

SEC. 1651. ASSESSMENT OF THREATS TO NATIONAL LEADERSHIP COMMAND, CONTROL, AND COMMUNICATIONS SYSTEM.

Section 171a of title 10, United States Code, is amended—

(1) by redesignating subsections (f), (g), and (h), as subsections (g), (h), and (i), respectively;

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

“(f) **COLLECTION OF ASSESSMENTS ON CERTAIN THREATS.**—The Council shall collect and assess (consistent with the provision of classified information and intelligence sources and methods) all reports and assessments otherwise conducted by the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)) regarding foreign threats, including cyber threats, to the command, control, and communications system for the national leadership of the United States and the vulnerabilities of such system to such threats.”; and

(3) in subsection (e), by adding at the end the following new paragraph:

“(5) An assessment of the threats and vulnerabilities described in the reports and assessments collected under subsection (f) during the previous year, including any plans to address such threats and vulnerabilities.”.

SEC. 1652. ORGANIZATION OF NUCLEAR DETERRENCE FUNCTIONS OF THE AIR FORCE.

(a) **OVERSIGHT OF NUCLEAR DETERRENCE MISSION.**—

(1) **IN GENERAL.**—Chapter 805 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 8040. Oversight of nuclear deterrence mission

10 USC 8040.

“(a) **OVERSIGHT OF NUCLEAR DETERRENCE MISSION.**—Subject to the authority, direction, and control of the Secretary of the Air Force, the Chief of Staff of the Air Force shall be responsible for overseeing the safety, security, reliability, effectiveness, and credibility of the nuclear deterrence mission of the Air Force.

“(b) **DEPUTY CHIEF OF STAFF.**—Not later than March 1, 2016, the Chief of Staff shall designate a Deputy Chief of Staff to carry out the following duties:

“(1) Provide direction, guidance, integration, and advocacy regarding the nuclear deterrence mission of the Air Force.

“(2) Conduct monitoring and oversight activities regarding the safety, security, reliability, effectiveness, and credibility of the nuclear deterrence mission of the Air Force.

“(3) Conduct periodic comprehensive assessments of all aspects of the nuclear deterrence mission of the Air Force and provide such assessments to the Secretary of the Air Force and the Chief of Staff of the Air Force.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding after the item relating to section 8039 the following new item:

10 USC
8031 prec.

“8040. Oversight of nuclear deterrence mission.”.

(3) CONFORMING AMENDMENT.—Section 8033(d)(5) of such title is amended by inserting before the semicolon the following: “, including pursuant to section 8040 of this title”.

(d) CONSOLIDATION.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of the Air Force should—

(A) consolidate, to the extent the Secretary determines appropriate, under a major command commanded by a single general officer the responsibility, authority, accountability, and resources for carrying out all aspects of the nuclear deterrence mission of the Air Force, including with respect to nuclear weapons, nuclear weapon delivery systems, and the nuclear command, control, and communications system; and

(B) issue, including through the Chief of Staff of the Air Force and other elements of the Air Force, guidance, directives, and orders to carry out such consolidation.

(2) REPORT.—Not later than February 28, 2016, the Secretary of the Air Force shall submit to the congressional defense committees a report on any actions taken or planned to be taken by the Secretary to reorganize, streamline, and clarify the responsibilities, authorities, accountabilities, and resources for carrying out the nuclear deterrence mission of the Air Force. Such report shall include the following:

(A) How elements of the Air Force will coordinate and integrate to carry out such mission.

(B) What guidance, directives, and orders have been or will be issued by the Secretary, the Chief of Staff of the Air Force, or other elements of the Air Force to ensure roles, responsibilities, authorities, and accountabilities are clear and institutionalized with respect to such mission.

SEC. 1653. PROCUREMENT AUTHORITY FOR CERTAIN PARTS OF INTERCONTINENTAL BALLISTIC MISSILE FUZES.

(a) AVAILABILITY OF FUNDS.—Notwithstanding section 1502(a) of title 31, United States Code, of the amount authorized to be appropriated for fiscal year 2016 by section 101 and available for Missile Procurement, Air Force, as specified in the funding table in section 4101, \$13,700,000 shall be available for the procurement of covered parts pursuant to contracts entered into under section 1645(a) of the Carl Levin and Howard P. “Buck” Mckee National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3651).

(b) COVERED PARTS DEFINED.—In this section, the term “covered parts” means commercially available off-the-shelf items as defined in section 104 of title 41, United States Code.

SEC. 1654. PROHIBITION ON AVAILABILITY OF FUNDS FOR DEALERTING INTERCONTINENTAL BALLISTIC MISSILES.

(a) PROHIBITION.—Except as provided by subsection (b), none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2016 for the Department of Defense may be obligated or expended to reduce, or prepare to reduce, the responsiveness or alert level of the intercontinental ballistic missiles of the United States.

(b) EXCEPTIONS.—The prohibition in subsection (a) shall not apply to any of the following activities:

(1) The maintenance or sustainment of intercontinental ballistic missiles.

(2) Ensuring the safety, security, or reliability of intercontinental ballistic missiles.

(3) Reductions in the number of deployed intercontinental ballistic missiles that are carried out in compliance with—

(A) the limitations of the New START Treaty (as defined in section 494(a)(2)(D) of title 10, United States Code); and

(B) section 1644 of the Carl Levin and Howard P. “Buck” Mckeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3651; 10 U.S.C. 494 note).

SEC. 1655. ASSESSMENT OF GLOBAL NUCLEAR ENVIRONMENT.

(a) ASSESSMENT REQUIRED.—The Director of Net Assessment of the Department of Defense, in coordination with the Commander of the United States Strategic Command, shall conduct an assessment of the global environment with respect to nuclear weapons and the role of the nuclear forces, policy, and strategy of the United States in that environment.

(b) OBJECTIVES.—The objectives of the assessment required by subsection (a) are to inform the long-term planning of the Department of Defense and policies relating to regional nuclear crises and operations that may involve the escalation of nuclear competition among countries.

(c) REQUIREMENTS.—

(1) IN GENERAL.—In conducting the assessment required by subsection (a), the Director shall develop and analyze a range of contingencies and scenarios, including crises that may emerge from nuclear competition during the 10- to 20-year period beginning on the date of the enactment of this Act that involve the following:

(A) The United States and one other country that possesses a nuclear weapon.

(B) The United States and multiple such countries.

(C) Two other such countries.

(D) Three or more other such countries.

(E) Regional and cross-regional geography, including contingencies and scenarios in Europe, the Middle East, South Asia, and East Asia, and contingencies and scenarios that transcend regions.

(F) The long-term geopolitical and military-technical competition as it relates to nuclear weapons and strategic warfare.

(2) ANALYSIS OF COMPETITIVE DISCONTINUITIES.—In analyzing the long-term geopolitical and military-technical competition as it relates to nuclear weapons and strategic warfare under paragraph (1)(F), the Director shall identify—

(A) prospective discontinuities in that competition; and

(B) strategies and capabilities the United States could adopt to improve its competitive position following such discontinuities.

(d) STAFFING.—In conducting the assessment required by subsection (a), the Director shall engage the best talent available, with particular emphasis on engaging individuals and independent entities with demonstrated expertise in strategy and net assessment methodology.

(e) REPORT REQUIRED.—Not later than November 15, 2016, the Director shall submit to the congressional defense committees a report on the assessment required by subsection (a).

SEC. 1656. ANNUAL BRIEFING ON THE COSTS OF FORWARD-DEPLOYING NUCLEAR WEAPONS IN EUROPE.

(a) IN GENERAL.—Not later than 30 days after the date on which the President submits to Congress the budget for each of fiscal years 2017 through 2021 under section 1105 of title 31, United States Code, the Secretary of Defense shall provide to the congressional defense committees a briefing on the costs of forward-deploying nuclear weapons in Europe (not including costs relating to the life extension program for the B61 nuclear bomb).

(b) ELEMENTS.—Each briefing required under paragraph (1) shall include the following:

(1) The contributions of the United States, including with respect to sustainment (operations and maintenance) and manpower, to support forward-deployed nuclear weapons in Europe, but not costs that are attributed to non-nuclear missions, during the fiscal year following the date of the briefing and the period covered by the future-years defense program submitted to Congress under section 221 of title 10, United States Code, for that fiscal year.

(2) Contributions made by the North Atlantic Treaty Organization (NATO) or member states of NATO relating to the extended deterrence mission.

(3) Recent or planned contributions of the United States for security enhancements (site-by-site) relating to support for such forward-deployed nuclear weapons and any other contributions, including burden-share costs by the United States, for other security enhancements and upgrades relating to such forward-deployed nuclear weapons, including infrastructure upgrades at weapons storage sites in Europe.

SEC. 1657. REPORT ON THE NUMBER OF PLANNED LONG-RANGE STANDOFF WEAPONS.

Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the justification of the number of planned nuclear-armed cruise missiles, known as the long-range standoff weapon, of the United States. The report shall include—

- (1) the rationale for procuring such planned number of cruise missiles;
- (2) how such planned number of cruise missiles aligns with the nuclear employment strategy of the United States;
- (3) an estimate of the annual and total cost for research, development, test, and evaluation and procurement for such planned number of cruise missiles; and
- (4) an estimate of the proportional annual cost of such cruise missiles as compared to the annual cost of the nuclear triad and annual defense spending.

SEC. 1658. REVIEW OF COMPTROLLER GENERAL OF THE UNITED STATES ON RECOMMENDATIONS RELATING TO NUCLEAR ENTERPRISE OF THE DEPARTMENT OF DEFENSE.

(a) **IN GENERAL.**—During each of fiscal years 2016 through 2021, the Comptroller General of the United States shall conduct a review of the process of the Department of Defense for addressing the recommendations of the Department of Defense Internal Nuclear Enterprise Review, the Independent Review of the Department of Defense Nuclear Enterprise, and the Nuclear Deterrence Enterprise Review Group that are evaluated by the Director of Cost Assessment and Program Evaluation.

(b) **BRIEFING.**—After conducting each review under subsection (a), the Comptroller General shall provide to the congressional defense committees a briefing on the review.

SEC. 1659. SENSE OF CONGRESS ON ORGANIZATION OF NAVY FOR NUCLEAR DETERRENCE MISSION.

(a) **FINDINGS.**—Congress finds the following:

(1) The safety, security, reliability, and credibility of the nuclear deterrent of the United States is a vital national security priority.

(2) Nuclear weapons require special consideration because of the political and military importance of the weapons, the destructive power of the weapons, and the potential consequences of an accident or unauthorized act involving the weapons.

(3) The assured safety, security, and control of nuclear weapons and related systems are of paramount importance.

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

(1) the Navy has repeatedly demonstrated the commitment and prioritization of the Navy to the nuclear deterrence mission of the Navy;

(2) the emphasis of the Navy on ensuring a safe, secure, reliable, and credible sea-based nuclear deterrent force has been matched by an equal emphasis on ensuring the assured safety, security, and control of nuclear weapons and related systems ashore; and

(3) the Navy is commended for the actions the Navy has taken subsequent to the 2014 Nuclear Enterprise Review to ensure continued focus on the nuclear deterrent mission by all ranks within the Navy, including the clarification and assignment of specific responsibilities and authorities within the Navy contained in OPNAV Instruction 8120.1 and SECNAV Instruction 8120.1B.

SEC. 1660. SENSE OF CONGRESS ON THE NUCLEAR FORCE IMPROVEMENT PROGRAM OF THE AIR FORCE.

(a) FINDINGS.—Congress finds the following:

(1) On February 6, 2014, Air Force Global Strike Command initiated a force improvement program for the intercontinental ballistic missile force designed to improve mission effectiveness, strengthen culture and morale, and identify areas in need of investment by soliciting input from airmen performing intercontinental ballistic missile operations.

(2) The intercontinental ballistic missile force improvement program generated more than 300 recommendations to strengthen intercontinental ballistic missile operations and served as a model for subsequent force improvement programs in other mission areas, such as bomber operations and sustainment.

(3) On May 28, 2014, as part of the nuclear force improvement program, the Air Force announced it would make immediate improvements in the nuclear mission of the Air Force, including enhancing career opportunities for airmen in the nuclear career field, ensuring training activities focused on performing the mission in the field, reforming the personnel reliability program, establishing special pay rates for positions in the nuclear career field, and creating a new service medal for nuclear deterrence operations.

(4) Chief of Staff of the Air Force Mark Welsh has said that, as part of the nuclear force improvement program, the Air Force will increase nuclear-manning levels and strengthen professional development for the members of the Air Force supporting the nuclear mission of the Air Force in order “to address shortfalls and offer our airmen more stable work schedule and better quality of life”.

(5) Secretary of the Air Force Deborah Lee James, in recognition of the importance of the nuclear mission of the Air Force, proposed elevating the grade of the commander of the Air Force Global Strike Command from lieutenant general to general, and on March 30, 2015, the Senate confirmed a general as commander of that command.

(6) The Air Force redirected more than \$160,000,000 in fiscal year 2014 to alleviate urgent, near-term shortfalls within the nuclear mission of the Air Force as part of the nuclear force improvement program.

(7) The Air Force plans to spend more than \$200,000,000 on the nuclear force improvement program in fiscal year 2015, and requested more than \$130,000,000 for the program for fiscal year 2016.

(8) Secretary of Defense Chuck Hagel said on November 14, 2014, that “[t]he nuclear mission plays a critical role in ensuring the Nation’s safety. No other enterprise we have is more important”.

(9) Secretary Hagel also said that the budget for the nuclear mission of the Air Force should increase by 10 percent over a five-year period.

(10) Section 1652 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3654; 10 U.S.C. 491 note) declares it the policy of the United States “to ensure that the members of the Armed Forces who operate the nuclear

deterrent of the United States have the training, resources, and national support required to execute the critical national security mission of the members”.

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

(1) the nuclear mission of the Air Force should be a top priority for the Department of the Air Force and for Congress;

(2) the members of the Air Force who operate and maintain the nuclear deterrent of the United States perform work that is vital to the security of the United States;

(3) the nuclear force improvement program of the Air Force has made significant near-term improvements for the members of the Air Force in the nuclear career field of the Air Force;

(4) Congress should support long-term investments in the Air Force nuclear enterprise that sustain the progress made under the nuclear force improvement program;

(5) the Air Force should—

(A) regularly inform Congress on the progress being made under the nuclear force improvement program and its efforts to strengthen the nuclear enterprise; and

(B) make Congress aware of any additional actions that should be taken to optimize performance of the nuclear mission of the Air Force and maximize the strength of the strategic deterrent of the United States; and

(6) future budgets for the Air Force should reflect the importance of the nuclear mission of the Air Force and the need to provide members of the Air Force assigned to the nuclear mission the best possible support and quality of life.

SEC. 1661. SENSES OF CONGRESS ON IMPORTANCE OF COOPERATION AND COLLABORATION BETWEEN UNITED STATES AND UNITED KINGDOM ON NUCLEAR ISSUES AND ON 60TH ANNIVERSARY OF FLEET BALLISTIC MISSILE PROGRAM.

(a) COLLABORATION BETWEEN UNITED STATES AND UNITED KINGDOM.—It is the sense of Congress that—

(1) cooperation and collaboration under the 1958 Mutual Defense Agreement and the 1963 Polaris Sales Agreement are fundamental elements of the security of the United States and the United Kingdom as well as international stability;

(2) the recent renewal of the Mutual Defense Agreement and the continued work under the Polaris Sales Agreement underscore the enduring and long-term value of the agreements to both countries; and

(3) the vital efforts performed under the purview of both the Mutual Defense Agreement and the Polaris Sales Agreement are critical to sustaining and enhancing the capabilities and knowledge base of both countries regarding nuclear deterrence, nuclear nonproliferation and counterproliferation, and naval nuclear propulsion.

(b) 60TH ANNIVERSARY OF FLEET BALLISTIC MISSILE PROGRAM.—It is the sense of Congress that—

(1) November 2015 marks the 60th anniversary of the Fleet Ballistic Missile Program of the Navy, which evolved from the Special Project Office established under President Dwight D. Eisenhower, and has provided credible, reliable, and affordable strategic deterrence solutions to the warfighter by producing more than 3,600 missiles over six different generations;

(2) The current Trident II D5 missile system has provided a reliable deterrent for nearly 25 years onboard Ohio-class ballistic missile submarines and has demonstrated reliability that is second-to-none as evidenced by more than two decades of annual, operationally representative flight testing;

(3) Congress congratulates the men and women of Strategic Systems Programs, their industry partners, and the Marines, Sailors, and Coast Guardsmen who stand watch ensuring the safety, security, and credibility of the strategic weapons of the United States; and

(4) Strategic Systems Programs, and the strategic weapon system the programs provide, are a vital and esteemed cornerstone of the security and defense of the United States and will remain so well into the future.

SEC. 1662. SENSE OF CONGRESS ON PLAN FOR IMPLEMENTATION OF NUCLEAR ENTERPRISE REVIEWS.

It is the sense of Congress that—

(1) the Secretary of Defense should develop a plan regarding how the Secretary plans to implement the recommendations of the two nuclear enterprise reviews, one of which was led by Assistant Secretary of Defense Madelyn Creedon and Rear Admiral Peter Fanta and one of which was led by General Larry Welch (retired) and Admiral John Harvey, Jr. (retired); and

(2) such plan should include a timeline for when each recommendation will be implemented and how any additional manpower resulting from such recommendations will be allocated.

SEC. 1663. SENSE OF CONGRESS AND REPORT ON MILESTONE A DECISION ON LONG-RANGE STANDOFF WEAPON.

(a) SENSE OF CONGRESS.—It is the Sense of Congress that, to support the nuclear deterrence requirements of the United States Strategic Command and ensure the credibility and reliability of the nuclear-capable air launched cruise missiles of the United States, Congress supports efforts by the Secretary of Defense to validate military requirements and make a Milestone A decision on the long-range standoff weapon.

(b) REPORT.—Not later than May 31, 2016, the Secretary of Defense shall submit to the congressional defense committees a report on the outcome of Milestone A decision for the long-range standoff weapon.

10 USC 491 note.

SEC. 1664. SENSE OF CONGRESS ON POLICY ON THE NUCLEAR TRIAD.

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

(1) the triad of strategic nuclear delivery systems plays a critical role in ensuring the national security of the United States; and

(2) retaining all three legs of the nuclear triad is among the highest priorities of the Department of Defense and will best maintain strategic stability at a reasonable cost, while hedging against potential technical problems and vulnerabilities.

(b) STATEMENT OF POLICY.—It is the policy of the United States—

(1) to operate, sustain, and modernize or replace the triad of strategic nuclear delivery systems consisting of—

(A) heavy bombers equipped with nuclear gravity bombs and air-launched nuclear cruise missiles;

(B) land-based intercontinental ballistic missiles equipped with nuclear warheads that are capable of carrying multiple independently targetable reentry vehicles; and

(C) ballistic missile submarines equipped with submarine launched ballistic missiles and multiple nuclear warheads;

(2) to operate, sustain, and modernize or replace a capability to forward-deploy nuclear weapons and dual-capable fighter-bomber aircraft;

(3) to deter potential adversaries and assure allies and partners of the United States through strong and long-term commitment to the nuclear deterrent of the United States and the personnel, systems, and infrastructure that comprise such deterrent;

(4) to ensure that the members of the Armed Forces who operate the nuclear deterrent of the United States have the training, resources, and national support required to execute the critical national security mission of the members; and

(5) to achieve a modern and responsive nuclear infrastructure to support the full spectrum of deterrence requirements.

SEC. 1665. REPORT RELATING TO THE COSTS ASSOCIATED WITH EXTENDING THE LIFE OF THE MINUTEMAN III INTERCONTINENTAL BALLISTIC MISSILE.

Not later than 90 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a report examining the costs associated with extending the life of the Minuteman III intercontinental ballistic missile compared to the costs associated with procuring a new ground-based strategic deterrent.

Subtitle E—Missile Defense Programs and Other Matters

SEC. 1671. PROHIBITIONS ON PROVIDING CERTAIN MISSILE DEFENSE INFORMATION TO RUSSIAN FEDERATION.

(a) PROHIBITIONS.—

(1) IN GENERAL.—Chapter 3 of title 10, United States Code, as amended by section 1642, is further amended by adding at the end the following new section:

“§ 130h. Prohibitions on providing certain missile defense information to Russian Federation 10 USC 130h.

“(a) CERTAIN ‘HIT-TO-KILL’ TECHNOLOGY AND TELEMETRY DATA.—None of the funds authorized to be appropriated or otherwise made available for any fiscal year for the Department of Defense may be used to provide the Russian Federation with ‘hit-to-kill’ technology and telemetry data for missile defense interceptors or target vehicles.

“(b) OTHER SENSITIVE MISSILE DEFENSE INFORMATION.—None of the funds authorized to be appropriated or otherwise made available for any fiscal year for the Department of Defense may be used to provide the Russian Federation with—

“(1) information relating to velocity at burnout of missile defense interceptors or targets of the United States; or

“(2) classified or otherwise controlled missile defense information.

“(c) EXCEPTION.—The prohibitions in subsection (a) and (b) shall not apply to the United States providing to the Russian Federation information regarding ballistic missile early warning.

“(d) SUNSET.—The prohibitions in subsection (a) and (b) shall expire on January 1, 2017.”

10 USC
121 prec.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter, as amended by section 1642, is further amended by inserting after the item relating to section 130g the following new item:

“130h. Prohibitions on providing certain missile defense information to Russian Federation.”

(b) CONFORMING REPEAL.—Section 1246 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 922), as amended by section 1243 of the National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3568), is further amended—

22 USC 5951
note.

(1) by striking subsection (c); and

(2) in the heading, by striking “AND LIMITATIONS” and all that follows through “FEDERATION”.

SEC. 1672. PROHIBITION ON INTEGRATION OF MISSILE DEFENSE SYSTEMS OF RUSSIAN FEDERATION INTO MISSILE DEFENSE SYSTEMS OF UNITED STATES.

None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal years 2016 or 2017 for the Department of Defense may be obligated or expended to integrate a missile defense system of the Russian Federation into any missile defense system of the United States.

SEC. 1673. PROHIBITION ON INTEGRATION OF MISSILE DEFENSE SYSTEMS OF CHINA INTO MISSILE DEFENSE SYSTEMS OF UNITED STATES.

None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2016 for the Department of Defense may be obligated or expended to integrate a missile defense system of the People’s Republic of China into any missile defense system of the United States.

SEC. 1674. LIMITATIONS ON AVAILABILITY OF FUNDS FOR PATRIOT LOWER TIER AIR AND MISSILE DEFENSE CAPABILITY OF THE ARMY.

(a) LIMITATION.—Except as provided by subsection (c), none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2016 for any program described in subsection (b) may be obligated or expended unless—

(1) the Secretary of the Army certifies to the congressional defense committees that the analysis of alternatives regarding the Patriot lower tier air and missile defense capability of the Army has been submitted to such committees;

(2) a period of 30 days has elapsed following the date on which the Secretary makes the certification under paragraph (1); and

(3) the Under Secretary of Defense for Acquisition, Technology, and Logistics certifies to such committees that such obligation or expenditure of funds on such programs is consistent with the findings of the analysis of alternatives described in paragraph (1) to modernize the Patriot lower tier air and missile defense capability of the Army.

(b) PROGRAM DESCRIBED.—A program described in this subsection are the following components and capabilities of the Patriot air and missile defense system:

(1) Radar capability development, radar improvements, the digital sidelobe canceller, or the radar digital processor of the lower tier air and missile defense program of the Army.

(2) The enhanced launcher electronic system.

(c) WAIVER.—The Under Secretary of Defense for Acquisition, Technology, and Logistics may waive the limitations in subsection (a) if the Under Secretary—

(1) determines that such waiver—

(A) is caused by the delay of the analysis of alternatives described in paragraph (1) of such subsection; and

(B) is necessary to avoid an unacceptable risk to mission performance;

(2) notifies the congressional defense committees of such waiver; and

(3) pursuant to such waiver, obligates or expends funds only in amounts necessary to avoid such unacceptable risk to mission performance.

SEC. 1675. INTEGRATION AND INTEROPERABILITY OF AIR AND MISSILE DEFENSE CAPABILITIES OF THE UNITED STATES.

10 USC 2431
note.

(a) INTEROPERABILITY OF MISSILE DEFENSE SYSTEMS.—The Under Secretary of Defense for Acquisition, Technology, and Logistics and the Vice Chairman of the Joint Chiefs of Staff, acting through the Missile Defense Executive Board, shall ensure the interoperability and integration of the covered air and missile defense capabilities of the United States, including by carrying out operational testing.

(b) ANNUAL DEMONSTRATION.—

(1) REQUIREMENT.—Except as provided by paragraph (2), the Director of the Missile Defense Agency and the Secretary of the Army shall jointly ensure that not less than one intercept or flight test is carried out each year that demonstrates interoperability and integration among the covered air and missile defense capabilities of the United States.

(2) WAIVER.—The Director and the Secretary may waive the requirement in paragraph (1) with respect to an intercept or flight test carried out during the year covered by the waiver if the Under Secretary of Defense for Acquisition, Technology, and Logistics—

(A) determines that such waiver is necessary for such year; and

(B) submits to the congressional defense committees notification of such waiver, including an explanation for how such waiver will not negatively affect demonstrating the interoperability and integration among the covered air and missile defense capabilities of the United States.

(c) DEFINITIONS.—In this section, the term “covered air and missile defense capabilities” means Patriot air and missile defense

batteries and associated interceptors and systems, Aegis ships and associated ballistic missile interceptors (including Aegis Ashore capability), AN/TPY–2 radars, or terminal high altitude area defense batteries and interceptors.

SEC. 1676. INTEGRATION AND INTEROPERABILITY OF ALLIED MISSILE DEFENSE CAPABILITIES.

(a) ASSESSMENTS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, each covered commander shall submit to the Secretary of Defense and the Chairman of the Joint Chiefs of Staff an assessment on opportunities for the integration and interoperability of covered air and missile defense capabilities of the United States with such capabilities of allies of the United States located in the area of responsibility of the commander, particularly with respect to such allies who acquired such capabilities through foreign military sales by the United States. Each assessment shall include an assessment of the key technology, security, command and control, and policy requirements necessary to achieve such an integrated and interoperable air and missile defense capability in a manner that ensures burden sharing and furthers the force multiplication goals of the United States.

(2) SUBMISSION.—Not later than 30 days after the date on which a covered commander submits to the Secretary and the Chairman an assessment under paragraph (1), the Secretary shall submit to the congressional defense committees a report containing such assessment, without change.

(b) INTEGRATION, INTEROPERABILITY, AND COMMAND-AND-CONTROL.—The Secretary and the Chairman, in coordination with the Secretary of the Army, the Chief of Staff of the Army, the Secretary of the Navy, and the Chief of Naval Operations, shall carry out the planning, risk assessments, policy development, and concepts of operations necessary for each covered commander to ensure that the integration (to the extent that specific integration arrangements are agreeable to the partner nation or among the partner nations involved in such arrangements), interoperability, and command-and-control of air and missile defense capabilities described in subsection (a)(1) occur by not later than December 31, 2017.

(c) REPORTS.—Not later than one year after the date of the enactment of this Act, and annually thereafter until December 31, 2017, the Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall jointly submit to the congressional defense committees a report that describes the progress made by the Secretary, the Chairman, and the covered commanders with respect to carrying out subsection (b), including an identification of each required action that has not been taken as of the date of the report.

(d) DEFINITIONS.—In this section:

(1) The term “covered air and missile defense capabilities” means Patriot air and missile defense batteries and associated interceptors and systems, Aegis ships and associated ballistic missile interceptors (including Aegis Ashore capability), AN/TPY–2 radars, or terminal high altitude area defense batteries and interceptors.

(2) The term “covered commander” means the following:

(A) The Commander of the United States European Command.

(B) The Commander of the United States Central Command.

(C) The Commander of the United States Pacific Command.

SEC. 1677. MISSILE DEFENSE CAPABILITY IN EUROPE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense, in consultation with the relevant combatant command, should ensure that arrangements are in place, including support from other members of the North Atlantic Treaty Organization (NATO) and the host nations, to provide anti-air defense capability at the Aegis Ashore sites in Romania and Poland by not later than June 1, 2019.

(b) REQUEST TO NATO.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of State, shall submit to NATO a request for NATO Security Investment Programme support for an air defense capability at the Aegis Ashore sites in Romania and Poland.

(2) NOTIFICATION.—Not later than April 1, 2016, the Secretary shall notify the appropriate congressional committees as to whether NATO has agreed in principle to providing the support described in paragraph (1).

(3) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this subsection, the term “appropriate congressional committees” means—

(A) the congressional defense committees; and

(B) the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

(c) REPORT ON AIR DEFENSE CAPABILITY.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report describing—

(A) the plan and budget profile to provide the air defense capability described in subsection (b)(1);

(B) an assessment of any changes to the hosting agreements between the respective host nations and the United States;

(C) an evaluation of the feasibility, benefit, and cost of using the evolved sea sparrow missile, the standard missile 2, or other options as determined by the Secretary to provide such air defense capability; and

(D) an assessment of the air and ballistic missile threat to the military installations of the United States in Europe, including the Naval Shore Facility in Devesulu, Romania, and the planned facility in Redzikowo, Poland.

(2) FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(d) CAPABILITIES IN EUROPEAN COMMAND AREA OF RESPONSIBILITY.—

(1) ROTATIONAL DEPLOYMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall ensure that a terminal high altitude area

defense battery is available for rotational deployment to the area of responsibility of the United States European Command unless the Secretary notifies the congressional defense committees that such battery is needed in the area of responsibility of another combatant command.

(2) **PRE-POSITIONING SITES.**—The Secretary of Defense shall examine potential sites in the area of responsibility of the United States European Command to pre-position a terminal high altitude area defense battery.

(3) **STUDIES.**—

(A) Not later than 180 days after the date of the enactment of this Act, the Secretary shall conduct studies to evaluate—

(i) not fewer than three sites in the area of responsibility of the United States European Command for the deployment of a terminal high altitude area defense battery in the event that the deployment of such a battery is determined to be necessary; and

(ii) not fewer than three sites in such area for the deployment of a Patriot air and missile defense battery in the event that such a deployment is determined to be necessary.

(B) In evaluating sites under clauses (i) and (ii) of subparagraph (A), the Secretary shall determine which sites are best for defending—

(i) the Armed Forces of the United States; and

(ii) the member states of the North Atlantic Treaty Organization.

(4) **AGREEMENTS.**—If the Secretary of Defense determines that a deployment described in clause (i) or (ii) of paragraph (3)(A) is necessary and the appropriate host nation requests such a deployment, the President shall seek to enter into the necessary agreements with the host nation to carry out such deployment.

(e) **IMPLEMENTATION OF CERTAIN DIRECTION.**—The Secretary shall implement the direction relating to this section contained in the classified annex accompanying this Act.

SEC. 1678. AVAILABILITY OF FUNDS FOR IRON DOME SHORT-RANGE ROCKET DEFENSE SYSTEM.

(a) **AVAILABILITY OF FUNDS.**—Of the funds authorized to be appropriated by section 101 for procurement, Defense-wide, and available for the Missile Defense Agency, not more than \$41,400,000 may be provided to the Government of Israel to procure radars for the Iron Dome short-range rocket defense system as specified in the funding table in section 4101, including for coproduction of such radars in the United States by industry of the United States.

(b) **CONDITIONS.**—

(1) **AGREEMENT.**—Funds described in subsection (a) to produce the Iron Dome short-range rocket defense program shall be available subject to the terms and conditions in the Agreement Between the Department of Defense of the United States of America and the Ministry of Defense of the State of Israel Concerning Iron Dome Defense System Procurement, signed on March 5, 2014, subject to an amended agreement for coproduction for radar components. In negotiations by the

Missile Defense Agency and the Missile Defense Organization of the Government of Israel regarding such production, the goal of the United States is to maximize opportunities for coproduction of the radars described in subsection (a) in the United States by industry of the United States.

(2) CERTIFICATION.—Not later than 30 days prior to the initial obligation of funds described in subsection (a), the Director of the Missile Defense Agency and the Under Secretary of Defense for Acquisition, Technology, and Logistics shall jointly submit to the appropriate congressional committees—

(A) a certification that the agreement specified in paragraph (1) is being implemented as provided in such agreement; and

(B) an assessment detailing any risks relating to the implementation of such agreement.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means the following:

(1) The congressional defense committees.

(2) The Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

SEC. 1679. ISRAELI COOPERATIVE MISSILE DEFENSE PROGRAM CODEVELOPMENT AND COPRODUCTION.

(a) IN GENERAL.—Subject to subsection (b), of the funds authorized to be appropriated for fiscal year 2016 for procurement, Defense-wide, and available for the Missile Defense Agency—

(1) not more than \$150,000,000 may be provided to the Government of Israel to procure the David’s Sling Weapon System, including for coproduction of parts and components in the United States by United States industry; and

(2) not more than \$15,000,000 may be provided to the Government of Israel for the Arrow 3 Upper Tier Interceptor Program, including for coproduction of parts and components in the United States by United States industry.

(b) CERTIFICATION.—

(1) CRITERIA.—Except as provided by subsection (c), the Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the appropriate congressional committees a certification that—

(A) the Government of Israel has demonstrated the successful completion of the knowledge points, technical milestones, and production readiness reviews required by the research, development, and technology agreements for the David’s Sling Weapon System and the Arrow 3 Upper Tier Development Program, respectively;

(B) such funds will be provided on the basis of a one-for-one cash match made by Israel for such respective systems or in another matching amount that otherwise meets best efforts (as mutually agreed to by the United States and Israel);

(C) the United States has entered into a bilateral agreement with Israel that establishes—

(i) in accordance with subparagraph (D), the terms of coproduction of parts and components of such respective systems on the basis of the greatest practicable

coproduction of parts, components, and all-up rounds (if appropriate) by United States industry and minimizes nonrecurring engineering and facilitization expenses;

(ii) complete transparency on the requirement of Israel for the number of interceptors and batteries of such respective systems that will be procured, including with respect to the procurement plans, acquisition strategy, and funding profiles of Israel;

(iii) technical milestones for coproduction of parts and components and procurement of such respective systems; and

(iv) joint approval processes for third-party sales of such respective systems and the components of such respective systems; and

(D) the level of coproduction described in subparagraph (C)(i) for the David's Sling Weapon System is equal to or greater than 50 percent.

(2) NUMBER.—In carrying out paragraph (1), the Under Secretary may submit—

(A) one certification covering both the David's Sling Weapon System and the Arrow 3 Upper Tier Interceptor Program; or

(B) separate certifications for each such respective system.

(3) TIMING.—The Under Secretary shall submit to the congressional defense committees the certification under paragraph (1) by not later than 60 days before the funds specified in subsection (a) for the respective system covered by the certification are provided to the Government of Israel.

(c) WAIVER.—The Under Secretary may waive the certification required by subsection (b) if the Under Secretary certifies to the appropriate congressional committees that the Under Secretary has received sufficient data from the Government of Israel to demonstrate—

(1) the funds specified in paragraph (1) and (2) of subsection (a) are provided to Israel solely for funding the procurement of long-lead components in accordance with a production plan, including a funding profile detailing Israeli contributions for production, including long-lead production, of either David's Sling Weapon System or the Arrow 3 Upper Tier Interceptor Program;

(2) such long-lead components have successfully completed knowledge points, technical milestones, and production readiness reviews; and

(3) the long-lead procurement will be conducted in a manner that maximizes coproduction in the United States without incurring additional nonrecurring engineering activity or cost.

(d) PLAN ON COPRODUCTION OF DAVID'S SLING WEAPON SYSTEM.—At the same time that the President submits to Congress the budget for fiscal year 2017 under section 1105(a) of title 31, United States Code, the Director of the Missile Defense Agency and the Under Secretary shall jointly submit to the appropriate congressional committees a plan to achieve a rate of coproduction by United States industry of parts and components of the David's

Sling Weapon System at a level that is not less than 50 percent. Such plan shall include—

- (1) a timeline for achieving such a level of coproduction;
- (2) any nonrecurring engineering or facilitization costs related to such coproduction, costs for additional testing and training, and other additional associated costs;
- (3) a recommendation for whether carrying out such plan is in the national interest of the United States; and
- (4) any other matter the Director and Under Secretary consider appropriate.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means the following:

- (1) The congressional defense committees.
- (2) The Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

SEC. 1680. BOOST PHASE DEFENSE SYSTEM.

10 USC 2431
note.

(a) IN GENERAL.—The Secretary of Defense shall—

(1) prioritize technology investments in the Department of Defense to support feasible and cost-effective efforts by the Missile Defense Agency to develop and field an airborne boost phase defense system by not later than fiscal year 2025;

(2) ensure that development and fielding of a boost phase missile defense layer to the ballistic missile defense system supports multiple warfighter missile defense requirements, including, specifically, protection of the United States homeland and allies of the United States against ballistic missiles, particularly in the boost phase;

(3) continue development and fielding of high-energy lasers, electromagnetic and other railgun technology, high-power microwave systems, and other advanced technologies as part of a layered architecture to defend ships and theater bases against air and cruise missile strikes;

(4) encourage collaboration among the military departments and the Defense Advanced Research Projects Agency with respect to high energy laser efforts carried out in support of the Missile Defense Agency; and

(5) ensure cooperation and coordination between the Missile Defense Agency with respect to the plans of the Missile Defense Agency to develop an airborne laser and the requirements of the Air Force for unmanned aerial vehicles.

(b) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the efforts of the Department of Defense to develop and deploy an airborne or other boost phase defense system for missile defense by fiscal year 2025.

(2) ELEMENTS.—The report under paragraph (1) shall include the following:

(A) Such schedules, costs, warfighter requirements, operational concept, constraints, potential alternative boost phase approaches, and other information regarding the efforts described in paragraph (1) as the Secretary considers appropriate.

(B) Analyses of the efforts described in paragraph (1) with respect to the following cases:

(i) A case in which the Department is under no funding constraints with respect to such efforts and progress is based on the state of the technology.

(ii) A case in which the Department is under funding constraints and the efforts are carried out in accordance with a moderately aggressive schedule and are subject to moderate technical risk.

(iii) A case in which the Department is under funding constraints and the efforts are carried out in accordance with a less aggressive schedule and are subject to less technical risk.

(C) An update on related efforts of the Department to develop high energy lasers, electromagnetic and other railguns, high power microwave systems, and other advanced technologies to defend ships and theater bases against air and cruise missile strikes and to protect the homeland of the United States and protect allies of the United States.

(D) An evaluation of recommendations, including a listing of the recommendations, from industry on emerging technologies that could be applied for boost phase missile defense.

(E) Such recommendations as the Secretary may have for legislative or administrative action to enable more rapid fielding of a directed-energy based missile defense system.

(3) FORM.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

10 USC 2431
note.

SEC. 1681. DEVELOPMENT AND DEPLOYMENT OF MULTIPLE-OBJECT KILL VEHICLE FOR MISSILE DEFENSE OF THE UNITED STATES HOMELAND.

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

(1) the defense of the United States homeland against the threat of limited ballistic missile attack (whether accidental, unauthorized, or deliberate) is the highest priority of the Missile Defense Agency;

(2) the Missile Defense Agency is appropriately prioritizing the design, development, and deployment of the redesigned kill vehicle; and

(3) the multiple-object kill vehicle could contribute critical capabilities to the future of the ballistic missile defense of the United States homeland.

(b) MULTIPLE-OBJECT KILL VEHICLE.—

(1) DEVELOPMENT.—The Director of the Missile Defense Agency shall develop a highly reliable multiple-object kill vehicle for the ground-based midcourse defense system using sound acquisition practices.

(2) DEPLOYMENT.—The Director shall—

(A) conduct rigorous flight testing of the multiple-object kill vehicle developed under paragraph (1) by not later than 2020; and

(B) recognizing the primacy of developing the redesigned kill vehicle, produce and deploy the multiple-

object kill vehicle as early as practicable after the date on which the Director carries out subparagraph (A).

(c) CAPABILITIES AND CRITERIA.—The Director shall ensure that the multiple-object kill vehicle developed under subsection (b)(1) meets, at a minimum, the following capabilities and criteria:

- (1) Vehicle-to-vehicle communications.
- (2) Vehicle-to-ground communications.
- (3) Kill assessment capability.
- (4) The ability to counter advanced counter measures, decoys, and penetration aids.
- (5) Producibility and manufacturability.
- (6) Use of technology involving high technology readiness levels.
- (7) Options to be integrated onto other missile defense interceptor vehicles other than the ground-based interceptors of the ground-based midcourse defense system.
- (8) Sound acquisition processes.

(d) PROGRAM MANAGEMENT.—The management of the multiple-object kill vehicle program under subsection (b) shall report directly to the Deputy Director of the Missile Defense Agency.

(e) REPORT ON FUNDING PROFILE.—The Director shall include with the budget justification materials submitted to Congress in support of the budget of the Department of Defense for fiscal year 2017 (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) a report on the funding profile necessary for the multiple-object kill vehicle program to meet the objectives under subsection (b).

SEC. 1682. REQUIREMENT TO REPLACE CAPABILITY ENHANCEMENT I EXOATMOSPHERIC KILL VEHICLES.

10 USC 2431
note.

(a) IN GENERAL.—Subject to subsection (b), the Director of the Missile Defense Agency shall ensure, to the maximum extent practicable, that all remaining ground-based interceptors of the ground-based midcourse defense system that are armed with the capability enhancement I exoatmospheric kill vehicle are replaced with the redesigned exoatmospheric kill vehicle before September 30, 2022.

(b) CONDITION.—Subsection (a) shall not apply if the Director determines that flight and intercept testing of the redesigned exoatmospheric kill vehicle is not successful.

SEC. 1683. DESIGNATION OF PREFERRED LOCATION OF ADDITIONAL MISSILE DEFENSE SITE IN THE UNITED STATES AND PLAN FOR EXPEDITING DEPLOYMENT TIME OF SUCH SITE.

(a) SITE DESIGNATION.—Not later than 30 days after the date on which the Secretary of Defense publishes the draft environmental impact statement pursuant to subsection (b) of section 227 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 1678), the Director of the Missile Defense Agency, in consultation with the Commander of the United States Northern Command, shall designate, from among the sites evaluated under subsection (a) of such section 227, the preferred site in the United States for the future deployment of an interceptor capable of protecting the homeland, as informed by—

- (1) such environmental impact statement; and
- (2) the operational effectiveness and cost effectiveness of such evaluated sites.

(b) PLAN.—

(1) **IN GENERAL.**—Not later than 30 days after the date on which the Secretary of Defense makes the congressional notification of the finalization of the environmental impact statement prepared pursuant to section 227(b) of the National Defense Authorization Act for Fiscal Year 2013, the Secretary shall—

(A) develop a plan for expediting the deployment time for the site designated under subsection (a) by at least two years, if the decision is made to proceed with such deployment; and

(B) submit to the congressional defense committees such plan and any update, as may be necessary, to the designation made under subsection (a).

(2) **REPORT ELEMENTS.**—The plan under paragraph (1)(A) shall include the following:

(A) Estimates of the costs of carrying out the plan and a schedule for carrying out the plan.

(B) An assessment of any risks associated with decreasing the deployment time of the site designated under subsection (a), including with respect to cost and the operational effectiveness and reliability of interceptors.

(C) Identification of any deviation in the plan from sound acquisition processes, including with respect to testing prior to full operational capability designation.

(D) A description of such legislative or administrative action as may be necessary to carry out the plan.

(c) **LIMITATION.**—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2016 for military construction for the East Coast missile site planning and design, as specified in the funding table in section 4601, may be obligated or expended until the date on which the Secretary of Defense publishes the final environmental impact statement pursuant to section 227(b) of the National Defense Authorization Act for Fiscal Year 2013.

(d) **ASSESSMENT BY COMPTROLLER GENERAL OF THE UNITED STATES.**—Not later than 90 days after the date on which the Secretary submits the plan under subsection (b)(1)(B), the Comptroller General of the United States shall—

(1) complete a review of the plan; and

(2) submit to the congressional defense committees a report on such review that includes the findings and recommendations of the Comptroller General.

10 USC 2431
note.

SEC. 1684. ADDITIONAL MISSILE DEFENSE SENSOR COVERAGE FOR PROTECTION OF UNITED STATES HOMELAND.

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that additional missile defense sensor discrimination capabilities are needed to enhance the protection of the United States homeland against potential long-range ballistic missiles from Iran that, according to the Department of Defense, could soon be obtained by Iran as a result of its active space launch program.

(b) **STUDIES AND EVALUATIONS ON HOMEPORT OF SEA-BASED X-BAND RADAR.**—Not later than 60 days after the date of the enactment of this Act, the Director of the Missile Defense Agency shall commence any siting studies, environmental impact assessments or statements required pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) that have not

otherwise been prepared, homeport agreements for sea-based X-band radar support, evaluations of any needed pier modifications, and evaluations of any communications capabilities or other requirements to carry out the reassignment of the homeport of the sea-based X-band radar to a homeport on the East Coast of the United States.

(c) POTENTIAL FUTURE MISSILE DEFENSE SENSOR SITES.—

(1) EVALUATION.—Not later than March 31, 2016, the Director shall commence a study to evaluate at least three possible additional locations (in or outside the United States), selected by the Director, that would be best suited for future deployment of an advanced missile defense sensor site optimized against threats from Iran.

(2) ENVIRONMENTAL IMPACT STATEMENTS.—Except as provided by paragraph (3), the evaluation under paragraph (1) shall include an environmental impact statement or other analysis in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for each location included in the evaluation.

(3) EXCEPTION.—If an environmental impact statement or other analysis described in paragraph (2) has already been prepared, or is not required by law, for a location included in the evaluation under paragraph (1), the Director shall not be required to carry out paragraph (2) with respect to such location.

(d) DEPLOYMENT OF ADDITIONAL COVERAGE.—

(1) DEPLOYMENT.—Not later than December 31, 2020, the Director, in cooperation with the relevant combatant command, shall deploy a long-range discrimination radar or other appropriate sensor capability in a location optimized to support the defense of the homeland of the United States from emerging long-range ballistic missile threats from Iran.

(2) SEA-BASED X-BAND RADAR.—If the Director carries out paragraph (1) by reassigning the homeport of the sea-based X-band radar, the Director and the Secretary of the Navy may not carry out such reassignment until the date on which the Director certifies to the congressional defense committees that Hawaii will have adequate missile defense coverage prior to such reassignment.

(e) SUBMISSION OF INFORMATION.—

(1) REPORT.—Not later than December 31, 2018, the Director shall submit to the congressional defense committees a report containing the following:

(A) The findings of the study conducted under paragraph (1) of subsection (c), including any environmental impact statements or analyses required by paragraph (2) of such subsection.

(B) Notification of the manner in which Hawaii is being provided ballistic missile defense coverage.

(2) PLAN.—In the budget justification materials submitted to Congress in support of the budget for each of fiscal years 2017 through 2020 submitted by the President to Congress under section 1105 of title 31, United States Code, the Director shall include—

(A) the plan of the Director to carry out subsection (d); and

(B) an update on the progress of the Director in implementing subsections (b) and (c).

SEC. 1685. CONCEPT DEVELOPMENT OF SPACE-BASED MISSILE DEFENSE LAYER.

(a) **IN GENERAL.**—Not later than 30 days after the date of the enactment of this Act, the Director of the Missile Defense Agency, in coordination with the Secretary of the Air Force and the Director of the Defense Advanced Research Projects Agency, shall commence the concept definition of a space-based ballistic missile intercept layer to the ballistic missile defense system that provides—

(1) a boost-phase layer for missile defense; or

(2) additional defensive options against direct ascent anti-satellite weapons, hypersonic glide vehicles, and maneuvering reentry vehicles.

(b) **ELEMENTS.**—The activities carried out under subsection (a) shall include, at a minimum, the following:

(1) Draft operation concepts for how a space-based ballistic missile intercept layer would function in the context of a multi-layer missile defense architecture.

(2) An assessment of how such a space-based ballistic missile intercept layer could contribute to the defense of the United States against intercontinental ballistic missiles with varying degrees of effectiveness.

(3) An assessment of the required architecture and components (including hardware, software, and related command and control systems) and the maturity of critical technologies necessary to make such a space-based ballistic missile intercept layer operational.

(4) An assessment of how such a space-based ballistic missile intercept layer could protect the satellites of the United States against adversary anti-satellite weapons.

(5) An assessment of the effort required to integrate and make interoperable such a space-based ballistic missile intercept layer with the ground-based missile defense system.

(6) Any other matters the Director of the Missile Defense Agency considers appropriate.

(c) **REPORT.**—Not later than one year after the date of the enactment of this Act, the Director shall submit to the congressional defense committees a report that includes—

(1) the findings of the concept development required by subsection (a);

(2) a plan for developing one or more programs of record for a space-based ballistic missile intercept layer, including estimates of the appropriate identifiable costs of each such potential program of record; and

(3) the views of the Director regarding such findings and plan.

SEC. 1686. AEGIS ASHORE CAPABILITY DEVELOPMENT.

(a) **EVALUATION.**—

(1) **IN GENERAL.**—The Director of the Missile Defense Agency, in coordination with the Chief of Naval Operations and the Chief of Staff of the Army, shall evaluate the role, feasibility, cost, cost benefit, and operational effectiveness of additional Aegis Ashore sites and upgrades to current ballistic missile defense system sensors to offset capacity demands on

current Aegis ships, Aegis Ashore sites, and Patriot and Terminal High Altitude Area Defense capability and to meet the requirements of the combatant commanders.

(2) SUBMISSION.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall—

(A) review the evaluation conducted under paragraph (1); and

(B) submit to the congressional defense committees such evaluation and the results of such review, including recommendations for potential future locations of Aegis Ashore sites.

(b) IDENTIFICATION OF FMS OBSTACLES.—

(1) IN GENERAL.—The Under Secretary of Defense for Policy and the Secretary of State shall jointly identify any obstacles to foreign military sales of Aegis Ashore or cofinancing of additional Aegis Ashore sites. Such evaluation shall include, with coordination with other agencies and departments of the Federal Government as appropriate, the feasibility of host nation manning or dual manning with the United States and such host nation.

(2) SUBMISSION.—Not later than one year after the date of the enactment of this Act, the Under Secretary shall submit to the congressional defense committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate a report on the identification of obstacles under paragraph (1).

SEC. 1687. DEVELOPMENT OF REQUIREMENTS TO SUPPORT INTEGRATED AIR AND MISSILE DEFENSE CAPABILITIES.

10 USC 2431
note.

(a) IN GENERAL.—Consistent with the memorandum of the Chairman of the Joint Chiefs of Staff of January 27, 2014, regarding joint integrated air and missile defense, the Vice Chairman of the Joint Chiefs of Staff shall oversee the development of warfighter requirements for persistent and survivable capabilities to detect, identify, determine the status, track, and support engagement of strategically important mobile or relocatable assets in all phases of conflict in order to achieve the objective of preventing the effective employment of such assets, including through offensive actions against such assets prior to their use.

(b) PURPOSE OF REQUIREMENTS.—The requirements developed pursuant to subsection (a) shall be used and updated, as appropriate, for the purpose of informing applicable acquisition programs and systems-of-systems architecture planning that are funded through the Military Intelligence Program, the National Intelligence Program, and non-intelligence programs.

(c) SUPPORTING ACTIVITIES.—The Vice Chairman shall also oversee the development of the enabling framework for intelligence support for integrated air and missile defense, including concepts for the integrated operation of multiple systems, and, as appropriate, the development of requirements for capabilities to be acquired to achieve such integrated operations.

(d) SENSE OF CONGRESS.—It is the sense of Congress that new acquisition programs for applicable major systems or capabilities, or for upgrades to existing systems, should not be undertaken until the applicable requirements described in subsections (a) and

(c) have been developed and incorporated into programmatic decision-making.

SEC. 1688. EXTENSION OF REQUIREMENT FOR COMPTROLLER GENERAL OF THE UNITED STATES REVIEW AND ASSESSMENT OF MISSILE DEFENSE ACQUISITION PROGRAMS.

Section 232(a) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1339) is amended—

(1) in paragraph (1), by striking “through 2015” and inserting “through 2020”; and

(2) in paragraph (2), in the first sentence, by striking “through 2016” and inserting “through 2021”.

SEC. 1689. REPORT ON MEDIUM RANGE BALLISTIC MISSILE DEFENSE SENSOR ALTERNATIVES FOR ENHANCED DEFENSE OF HAWAII.

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

(1) expanding persistent midcourse and terminal ballistic missile defense system discrimination capability is critically important to the defense of the United States;

(2) such discrimination capability is needed to respond to emerging ballistic missile threats involving countermeasures and decoys; and

(3) the Department of Defense should take all appropriate steps to ensure Hawaii has adequate missile defense coverage.

(b) EVALUATION AND REPORT.—

(1) EVALUATION.—The Director of the Missile Defense Agency shall conduct an evaluation of potential options for fielding a medium range ballistic missile defense sensor for the defense of Hawaii, including—

(A) the use of the Aegis Ashore Missile Defense Test Complex land-based system at the Pacific Missile Range Facility in Hawaii;

(B) the use of existing sensor assets in the region; and

(C) other options the Director determines appropriate.

(2) SUBMISSION OF REPORT.—Not later than 90 days after the date of the enactment of this Act, the Director shall submit to the congressional defense committees a report on the options for augmenting the missile defense of Hawaii, including—

(A) a summary of the findings and recommendations of the evaluation conducted under paragraph (1);

(B) estimated acquisition and operating costs for each sensor option; and

(C) estimated timelines for the deployment of each sensor option.

SEC. 1690. SENSE OF CONGRESS AND REPORT ON VALIDATED MILITARY REQUIREMENT AND MILESTONE A DECISION ON PROMPT GLOBAL STRIKE WEAPON SYSTEM.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that the United States must continue to develop the conventional prompt global strike capability to strike high-value, time-sensitive, and defended targets from ranges outside of current conventional technology while addressing and preventing any risk of ambiguity.

(b) REPORT.—Not later than September 30, 2020, the Secretary of Defense shall submit to the congressional defense committees a report regarding the outcome of the military requirements process

and Milestone A decision for at least one conventional prompt global strike weapons system.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

Military
Construction
Authorization
Act for Fiscal
Year 2016.

SEC. 2001. SHORT TITLE.

This division may be cited as the “Military Construction Authorization Act for Fiscal Year 2016”.

SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) **EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.**—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVII for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2018; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2019.

(b) **EXCEPTION.**—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2018; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2019 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment Program.

SEC. 2003. EFFECTIVE DATE.

Titles XXI through XXVII shall take effect on the later of—

(1) October 1, 2015; or

(2) the date of the enactment of this Act.

TITLE XXI—ARMY MILITARY CONSTRUCTION

Sec. 2101. Authorized Army construction and land acquisition projects.

Sec. 2102. Family housing.

Sec. 2103. Improvements to military family housing units.

Sec. 2104. Authorization of appropriations, Army.

Sec. 2105. Modification of authority to carry out certain fiscal year 2013 project.

Sec. 2106. Extension of authorizations of certain fiscal year 2012 projects.

Sec. 2107. Extension of authorizations of certain fiscal year 2013 projects.

Sec. 2108. Additional authority to carry out certain fiscal year 2016 project.

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) **INSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a) and available for military construction projects inside the United

States as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or Location	Amount
Alaska	Fort Greely	\$7,800,000
California	Concord	\$98,000,000
Colorado	Fort Carson	\$5,800,000
Georgia	Fort Gordon	\$90,000,000
Maryland	Fort Meade	\$34,500,000
New York	Fort Drum	\$19,000,000
	United States Military Academy	\$70,000,000
Oklahoma	Fort Sill	\$69,400,000
Texas	Corpus Christi	\$85,000,000
Virginia	Arlington National Cemetery	\$30,000,000
	Fort Lee	\$33,000,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a) and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out the military construction project for the installation or location outside the United States, and in the amount, set forth in the following table:

Army: Outside the United States

Country	Installation or Location	Amount
Germany	Grafenwoehr	\$51,000,000

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Army may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amounts set forth in the following table:

Army: Family Housing

State/Country	Installation or Location	Units	Amount
Florida	Camp Rudder	Family Housing New Construction	\$8,000,000

Army: Family Housing—Continued

State/Country	Installation or Location	Units	Amount
Illinois	Rock Island	Family Housing New Construction	\$29,000,000
Korea	Camp Walker	Family Housing New Construction	\$61,000,000

(b) **PLANNING AND DESIGN.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed \$7,195,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Army may improve existing military family housing units in an amount not to exceed \$3,500,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2015, for military construction, land acquisition, and military family housing functions of the Department of the Army as specified in the funding table in section 4601.

(b) **LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.**—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2013 PROJECT.

In the case of the authorization contained in the table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2013 (division B of Public Law 112–239; 126 Stat. 2119) for the United States Military Academy, New York, for construction of a Cadet barracks building at the installation, the Secretary of the Army may install mechanical equipment and distribution lines sufficient to provide chilled water for air conditioning the nine existing historical Cadet barracks which are being renovated through the Cadet Barracks Upgrade Program.

SEC. 2106. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2012 PROJECTS.

(a) **EXTENSION.**—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2012 (division B

of Public Law 112-81; 125 Stat. 1660), the authorizations set forth in the table in subsection (b), as provided in section 2101 of that Act (125 Stat. 1661) and extended by section 2107 of the Military Construction Authorization Act for Fiscal Year 2015 (division B of Public Law 113-291; 128 Stat. 3673), shall remain in effect until October 1, 2016, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2017, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army: Extension of 2012 Project Authorizations

State	Installation or Location	Project	Amount
Georgia	Fort Benning	Land Acquisition	\$5,100,000
	Fort Benning	Land Acquisition	\$25,000,000
Virginia	Fort Belvoir	Road and Infrastructure Improvements	\$25,000,000

SEC. 2107. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2013 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2013 (division B of Public Law 112-239; 126 Stat. 2118), the authorizations set forth in the table in subsection (b), as provided in section 2101 of that Act (126 Stat. 2119) shall remain in effect until October 1, 2016, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2017, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army: Extension of 2013 Project Authorizations

State or Country	Installation or Location	Project	Amount
District of Columbia	Fort McNair	Vehicle Storage Building, Installation	\$7,191,000
Kansas	Fort Riley	Unmanned Aerial Vehicle Complex	\$12,184,000
North Carolina	Fort Bragg	Aerial Gunnery Range	\$41,945,000
Texas	Joint Base San Antonio	Barracks	\$20,971,000
Virginia	Fort Belvoir	Secure Admin/Operations Facility	\$93,876,000
Italy	Camp Ederle	Barracks	\$35,952,000
Japan	Sagami	Vehicle Maintenance Shop	\$17,976,000

SEC. 2108. ADDITIONAL AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2016 PROJECT.

(a) **PROJECT AUTHORIZATION.**—The Secretary of the Army may carry out a military construction project to construct a vehicle bridge and traffic circle to facilitate traffic flow to and from the Medical Center at Rhine Ordnance Barracks, Germany, in the amount of \$12,400,000.

(b) **USE OF HOST-NATION PAYMENT-IN-KIND FUNDS.**—The Secretary may use available host-nation payment-in-kind funding for the project described in subsection (a).

TITLE XXII—NAVY MILITARY CONSTRUCTION

Sec. 2201. Authorized Navy construction and land acquisition projects.

Sec. 2202. Family housing.

Sec. 2203. Improvements to military family housing units.

Sec. 2204. Authorization of appropriations, Navy.

Sec. 2205. Extension of authorizations of certain fiscal year 2012 projects.

Sec. 2206. Extension of authorizations of certain fiscal year 2013 projects.

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) **INSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a) and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

Country	Installation or Location	Amount
Arizona	Yuma	\$50,635,000
California	Camp Pendleton	\$44,540,000
	Coronado	\$4,856,000
	Lemoore	\$71,830,000
	Miramar	\$11,200,000
	Point Mugu	\$22,427,000
	San Diego	\$37,366,000
	Twentynine Palms	\$9,160,000
Florida	Jacksonville	\$16,751,000
	Mayport	\$16,159,000
	Pensacola	\$18,347,000
Georgia	Whiting Field	\$10,421,000
	Albany	\$7,851,000
	Kings Bay	\$8,099,000
Guam	Townsend	\$43,279,000
	Joint Region Marianas	\$181,768,000
Hawaii	Barking Sands	\$30,623,000
	Joint Base Pearl Harbor-Hickam	\$14,881,000
	Kaneohe Bay	\$106,618,000
	Marine Corps Base Hawaii	\$12,800,000
Maryland	Patuxent River	\$40,935,000
North Carolina	Camp Lejeune	\$54,849,000
	Cherry Point	\$57,726,000

Navy: Inside the United States—Continued

Country	Installation or Location	Amount
South Carolina	New River	\$8,230,000
	Parris Island	\$27,075,000
Virginia	Dam Neck	\$23,066,000
	Norfolk	\$126,677,000
	Portsmouth	\$45,513,000
Washington	Quantico	\$58,199,000
	Bangor	\$34,177,000
	Bremerton	\$22,680,000
	Indian Island	\$4,472,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a) and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or Location	Amount
Bahrain Island	Southwest Asia	\$89,791,000
Italy	Sigonella	\$102,943,000
Japan	Camp Butler	\$11,697,000
	Iwakuni	\$17,923,000
	Kadena Air Base	\$23,310,000
	Yokosuka	\$13,846,000
Poland	RedziKowo Base	\$51,270,000

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Navy may construct or acquire family housing units (including land acquisition and supporting facilities) at the installation or location, in the number of units, and in the amounts set forth in the following table:

Navy: Family Housing

State	Installation or Location	Units	Amount
Virginia	Wallops Island	Family Housing New Construction	\$438,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Navy

may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed \$4,588,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Navy may improve existing military family housing units in an amount not to exceed \$11,515,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2015, for military construction, land acquisition, and military family housing functions of the Department of the Navy, as specified in the funding table in section 4601.

(b) **LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.**—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed the total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

SEC. 2205. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2012 PROJECTS.

(a) **EXTENSION.**—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1660), the authorizations set forth in the table in subsection (b), as provided in section 2201 of that Act (125 Stat. 1666) and extended by section 2208 of the Military Construction Authorization Act for Fiscal Year 2015 (division B of Public Law 113–291; 128 Stat. 3678), shall remain in effect until October 1, 2016, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2017, whichever is later.

(b) **TABLE.**—The table referred to in subsection (a) is as follows:

Navy: Extension of 2012 Project Authorizations

State	Installation or Location	Project	Amount
California ...	Camp Pendleton	Infantry Squad Defense Range	\$29,187,000
Florida	Jacksonville	P–8A Hangar Upgrades	\$6,085,000
Georgia	Kings Bay	Crab Island Security Enclave	\$52,913,000

SEC. 2206. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2013 PROJECTS.

(a) **EXTENSION.**—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2013 (division B of Public Law 112–239; 126 Stat. 2118), the authorizations set

forth in the table in subsection (b), as provided in section 2201 of that Act (126 Stat. 2122), shall remain in effect until October 1, 2016, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2017, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Navy: Extension of 2013 Project Authorizations

State/Country	Installation or Location	Project	Amount
California	Camp Pendleton	Comm. Information Systems Ops Complex ..	\$78,897,000
	Coronado	Bachelor Quarters	\$76,063,000
	Twentynine Palms	Land Expansion Phase 2	\$47,270,000
Greece	Souda Bay	Intermodal Access Road	\$4,630,000
South Carolina	Beaufort	Recycling/Hazardous Waste Facility	\$3,743,000
Virginia	Quantico	Infrastructure—Widen Russell Road	\$14,826,000
Worldwide Unspecified	Various Worldwide Locations		
		BAMS Operational Facilities	\$34,048,000

TITLE XXIII—AIR FORCE MILITARY CONSTRUCTION

- Sec. 2301. Authorized Air Force construction and land acquisition projects.
 Sec. 2302. Family housing.
 Sec. 2303. Improvements to military family housing units.
 Sec. 2304. Authorization of appropriations, Air Force.
 Sec. 2305. Modification of authority to carry out certain fiscal year 2010 project.
 Sec. 2306. Modification of authority to carry out certain fiscal year 2014 project.
 Sec. 2307. Modification of authority to carry out certain fiscal year 2015 project.
 Sec. 2308. Extension of authorization of certain fiscal year 2012 project.
 Sec. 2309. Extension of authorization of certain fiscal year 2013 project.
 Sec. 2310. Certification of optimal location for Joint Intelligence Analysis Complex and plan for rotation of forces at Lajes Field, Azores.

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a) and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside

the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or Location	Amount
Alaska	Eielson Air Force Base	\$71,400,000
Arizona	Davis-Monthan Air Force Base	\$16,900,000
	Luke Air Force Base	\$77,700,000
Colorado	Air Force Academy	\$10,000,000
Florida	Cape Canaveral Air Force Station	\$21,000,000
	Eglin Air Force Base	\$8,700,000
	Hurlburt Field	\$14,200,000
Guam	Joint Region Marianas	\$50,800,000
Hawaii	Joint Base Pearl Harbor-Hickam	\$46,000,000
Kansas	McConnell Air Force Base	\$4,300,000
Missouri	Whiteman Air Force Base	\$29,500,000
Montana	Malstrom Air Force Base	\$19,700,000
Nebraska	Offutt Air Force Base	\$21,000,000
Nevada	Nellis Air Force Base	\$68,950,000
New Mexico	Cannon Air Force Base	\$7,800,000
	Holloman Air Force Base	\$3,000,000
	Kirtland Air Force Base	\$12,800,000
North Carolina	Seymour Johnson Air Force Base	\$17,100,000
Oklahoma	Altus Air Force Base	\$28,400,000
	Tinker Air Force Base	\$49,900,000
South Dakota	Ellsworth Air Force Base	\$23,000,000
Texas	Joint Base San Antonio	\$106,000,000
Utah	Hill Air Force Base	\$38,400,000
Wyoming	F.E. Warren Air Force Base	\$95,000,000
CONUS Classi- fied.	Classified Location	\$77,130,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a) and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out the military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Greenland	Thule Air Base	\$41,965,000
Japan	Kadena Air Base	\$3,000,000
	Yokota Air Base	\$8,461,000
Niger	Agadez	\$50,000,000
Oman	Al Musannah Air Base	\$25,000,000
United Kingdom ..	Croughton Royal Air Force	\$130,615,000

SEC. 2302. FAMILY HOUSING.

Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed \$9,849,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed \$150,649,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2015, for military construction, land acquisition, and military family housing functions of the Department of the Air Force, as specified in the funding table in section 4601.

(b) **LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.**—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

(2) \$21,000,000 (the balance of the amount authorized under section 2301(a) of the Military Construction Act for Fiscal Year 2014 (division B of Public Law 113–66; 127 Stat. 992) for the CYBERCOM Joint Operations Center at Fort Meade, Maryland).

SEC. 2305. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2010 PROJECT.

In the case of the authorization contained in the table in section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2636), for Hickam Air Force Base, Hawaii, for construction of a ground control tower at the installation, the Secretary of the Air Force may install communications cabling.

SEC. 2306. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2014 PROJECT.

(a) **AUTHORIZATION.**—In the case of the authorization contained in the table in section 2301(b) of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113–66; 127 Stat. 993) for Royal Air Force Lakenheath, United Kingdom, for construction of a Guardian Angel Operations Facility at the installation, the Secretary of the Air Force may construct the facility at an unspecified location within the United States European Command's area of responsibility.

(b) NOTICE AND WAIT REQUIREMENT.—Before the Secretary of the Air Force commences construction of the Guardian Angel Operations Facility at an alternative location, as authorized by subsection (a)—

(1) the Secretary shall submit to the congressional defense committees a report containing a description of the project, including the rationale for selection of the project location; and

(2) a period of 14 days has expired following the date on which the report is received by the committees or, if over sooner, a period of 7 days has expired following the date on which a copy of the report is provided in an electronic medium pursuant to section 480 of title 10, United States Code.

SEC. 2307. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2015 PROJECT.

In the case of the authorization contained in the table in section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2015 (division B of Public Law 113–291; 128 Stat. 3679) for McConnell Air Force Base, Kansas, for construction of a KC–46A Alter Composite Maintenance Shop at the installation, the Secretary of the Air Force may construct a 696 square meter (7,500 square foot) facility consistent with Air Force guidelines for composite maintenance shops.

SEC. 2308. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2012 PROJECT.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1660), the authorization set forth in the table in subsection (b), as provided in section 2301 of that Act (125 Stat. 1670) and extended by section 2305 of the Military Construction Authorization Act for Fiscal Year 2015 (division B of Public Law 113–291; 128 Stat. 3680), shall remain in effect until October 1, 2016, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2017, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Air Force: Extension of 2012 Project Authorization

Country	Installation	Project	Amount
Italy	Sigonella Naval Air Station	UAS SATCOM Relay Pads and Facility ...	\$15,000,000

SEC. 2309. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2013 PROJECT.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2013 (division B of Public Law 112–239; 126 Stat. 2118), the authorization set forth in the table in subsection (b), as provided in section 2301 of that Act (126 Stat. 2126), shall remain in effect until October 1, 2016, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2017, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Air Force: Extension of 2013 Project Authorization

Country	Installation or Location	Project	Amount
Portugal	Lajes Field	Sanitary Sewer Lift/Pump Station	\$2,000,000

SEC. 2310. CERTIFICATION OF OPTIMAL LOCATION FOR JOINT INTELLIGENCE ANALYSIS COMPLEX AND PLAN FOR ROTATION OF FORCES AT LAJES FIELD, AZORES.

(a) JOINT INTELLIGENCE ANALYSIS COMPLEX CERTIFICATION.—No amounts may be expended for the construction of the Joint Intelligence Analysis Complex Consolidation, Phase 2, at Royal Air Force Croughton, United Kingdom, as authorized by section 2301(b), until the Secretary of Defense certifies to the congressional defense committees that the Secretary has determined, based on an analysis of United States operational requirements, that Royal Air Force Croughton, United Kingdom, remains the optimal location for recapitalization of the Joint Intelligence Analysis Complex. The certification shall include an explanation of the basis for the certification.

(b) LAJES FIELD UTILIZATION.—

(1) DETERMINATION.—Not later than March 1, 2016, the Secretary of Defense shall submit to the congressional defense committees a determination of the operational viability of the use of Lajes Field, Azores, for—

(A) Department of Defense intelligence functions; or

(B) the rotational presence of—

(i) fighter aircraft for air-to-air training; or

(ii) naval forces.

(2) BASIS OF DETERMINATION.—The submission to the congressional defense committees under paragraph (1) shall include an explanation of the basis for the determination.

(3) PLAN.—If the Secretary of Defense determines that Lajes Field is a viable option for one or more of the uses specified in paragraph (1), the Secretary shall submit to the congressional defense committees, not later than April 1, 2016, a plan for such uses that includes the following:

(A) The types and number of naval forces or air-to-air training fighter aircraft considered for rotational assignment at Lajes Field or a description of the Department of Defense intelligence functions to be assigned, as applicable.

(B) The duration and frequency of such assignment.

(C) Any additional infrastructure investment required to support such assignment.

(D) The impact to permanent manpower levels necessary to support such assignment.

TITLE XXIV—DEFENSE AGENCIES MILITARY CONSTRUCTION

- Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
 Sec. 2402. Authorized energy conservation projects.
 Sec. 2403. Authorization of appropriations, Defense Agencies.
 Sec. 2404. Modification of authority to carry out certain fiscal year 2012 project.
 Sec. 2405. Extension of authorizations of certain fiscal year 2012 projects.
 Sec. 2406. Extension of authorizations of certain fiscal year 2013 projects.
 Sec. 2407. Modification and extension of authority to carry out certain fiscal year 2014 project.
 Sec. 2408. Modification of authority to carry out certain fiscal year 2015 project.

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) **INSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a) and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Inside the United States

State	Installation or Location	Amount
Alabama	Fort Rucker	\$46,787,000
	Maxwell Air Force Base	\$32,968,000
Arizona	Fort Huachuca	\$3,884,000
California	Camp Pendleton	\$20,552,000
	Coronado	\$47,218,000
Colorado	Fresno Yosemite IAP ANG	\$10,700,000
	Fort Carson	\$8,243,000
CONUS Classi- fied	Classified Location	\$20,065,000
Delaware	Dover Air Force Base	\$21,600,000
Florida	Hurlburt Field	\$17,989,000
	MacDill Air Force Base	\$39,142,000
Georgia	Moody Air Force Base	\$10,900,000
Hawaii	Kaneohe Bay	\$122,071,000
	Schofield Barracks	\$123,838,000
Kentucky	Fort Campbell	\$12,553,000
	Fort Knox	\$23,279,000
Maryland	Fort Meade	\$816,077,000
Nevada	Nellis Air Force Base	\$39,900,000
New Mexico	Cannon Air Force Base	\$45,111,000
New York	West Point	\$55,778,000
North Carolina	Camp Lejeune	\$69,006,000
	Fort Bragg	\$168,811,000
Ohio	Wright-Patterson Air Force Base ...	\$6,623,000
Oregon	Klamath Falls IAP	\$2,500,000
Pennsylvania	Philadelphia	\$49,700,000
South Carolina ..	Fort Jackson	\$26,157,000
Texas	Joint Base San Antonio	\$61,776,000
Virginia	Fort Belvoir	\$9,500,000
	Joint Base Langley-Eustis	\$28,000,000

Defense Agencies: Inside the United States—Continued

State	Installation or Location	Amount
	Joint Expeditionary Base Little Creek-Story.	\$23,916,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a) and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following:

Defense Agencies: Outside the United States

Country	Installation or Location	Amount
Djibouti	Camp Lemonier	\$43,700,000
Germany	Garmisch	\$14,676,000
	Grafenwoehr	\$38,138,000
	Spangdahlem Air Base	\$39,571,000
	Stuttgart-Patch Barracks	\$49,413,000
Japan	Kadena Air Base	\$37,485,000
Poland	RedziKowo Base	\$169,153,000
Spain	Rota	\$13,737,000

SEC. 2402. AUTHORIZED ENERGY CONSERVATION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a) and available for energy conservation projects inside the United States as specified in the funding table in section 4601, the Secretary of Defense may carry out energy conservation projects under chapter 173 of title 10, United States Code, for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Energy Conservation Projects: Inside the United States

State	Installation or Location	Amount
American Samoa	Wake Island	\$5,331,000
California	Edwards Air Force Base	\$4,550,000
	Fort Hunter Liggett	\$22,000,000
Colorado	Schriever Air Force Base	\$4,400,000
District of Columbia	NSA Washington/Naval Research Lab.	\$10,990,000
Guam	Naval Base Guam	\$5,330,000
Hawaii	Joint Base Pearl Harbor-Hickam ...	\$13,780,000
	Marine Corps Recruiting Command Kaneohe Bay	\$5,740,000
Idaho	Mountain Home Air Force Base	\$6,471,000
Montana	Malmstrom Air Force Base	\$4,260,000

Energy Conservation Projects: Inside the United States—
Continued

State	Installation or Location	Amount
Virginia	Pentagon	\$4,528,000
Washington	Joint Base Lewis-McChord	\$14,770,000
Various locations	Various locations	\$25,809,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a) and available for energy conservation projects outside the United States as specified in the funding table in section 4601, the Secretary of Defense may carry out energy conservation projects under chapter 173 of title 10, United States Code, for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Energy Conservation Projects: Outside the United States

Country	Installation or Location	Amount
Bahamas	Ascension Aux Airfield St. Helena	\$5,500,000
Japan	Yokoska	\$12,940,000
Various locations	Various locations	\$3,600,000

SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2015, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), as specified in the funding table in section 4601.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

(2) \$747,435,000 (the balance of the amount authorized under section 2401(a) of this Act for an operations facility at Fort Meade, Maryland).

(3) \$441,134,000 (the balance of the amount authorized under section 2401(b) of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1673) for a hospital at the Rhine Ordnance Barracks, Germany).

(4) \$91,441,000 (the balance of the amount authorized under section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2640) for a hospital at Fort Bliss, Texas).

SEC. 2404. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2012 PROJECT.

In the case of the authorization in the table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1672), as amended by section 2404(a) of the Military Construction Authorization Act for Fiscal Year 2013 (division B of Public Law 112–239; 126 Stat. 2131), for Fort Meade, Maryland, for construction of the High Performance Computing Center at the installation, the Secretary of Defense may construct a generator plant capable of producing up to 60 megawatts of back-up electrical power in support of the 60 megawatt technical load.

SEC. 2405. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2012 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1660), the authorization set forth in the table in subsection (b), as provided in section 2401 of that Act (125 Stat. 1672) and as amended by section 2405 of the Military Construction Authorization Act for Fiscal Year 2015 (division B of Public Law 113–291; 128 Stat. 3685), shall remain in effect until October 1, 2016, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2017, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Defense Agencies: Extension of 2012 Project Authorizations

State	Installation or Location	Project	Amount
California ..	Naval Base Coronado	SOF Support Activity Operations Facility	\$38,800,000
Virginia	Pentagon Reservation	Heliport Control Tower and Fire Station	\$6,457,000
		Pedestrian Plaza	\$2,285,000

SEC. 2406. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2013 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2013 (division B of Public Law 112–239; 126 Stat. 2118), the authorizations set forth in the table in subsection (b), as provided in section 2401 of that Act (126 Stat. 2127), shall remain in effect until October 1, 2016, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2017, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Defense Agencies: Extension of 2013 Project Authorizations

State/Country	Installation or Location	Project	Amount
California ...	Naval Base Coronado	SOF Mobile Communications Detachment Support Facility	\$9,327,000
Colorado	Pikes Peak	High Altitude Medical Research Center	\$3,600,000
Germany ...	Ramstein AB	Replace Vogelweh Elementary School	\$61,415,000
Hawaii	Joint Base Pearl Harbor-Hickam	SOF SDVT-1 Waterfront Operations Facility	\$22,384,000
Japan	CFAS Sasebo	Replace Sasebo Elementary School	\$35,733,000
	Camp Zama	Renovate Zama High School	\$13,273,000
Pennsylvania	DEF Distribution Depot New Cumberland	Replace reservoir ..	\$4,300,000
United Kingdom	RAF Feltwell	Feltwell Elementary School Addition	\$30,811,000

SEC. 2407. MODIFICATION AND EXTENSION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2014 PROJECT.

In the case of the authorization contained in the table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113–66; 127 Stat. 995) for Fort Knox, Kentucky, for construction of an Ambulatory Care Center at that location, subsequently cancelled by the Department of Defense, substitute authorization is provided for a 102,000-square foot Medical Clinic Replacement at that location in the amount of \$80,000,000, using appropriations available for the original project pursuant to the authorization of appropriations in section 2403 of such Act (127 Stat. 997). This substitute authorization shall remain in effect until October 1, 2018, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2019.

SEC. 2408. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2015 PROJECT.

In the case of the authorization contained in section 2401(b) of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (division B of Public Law 113–291; 128 Stat. 3682), for Brussels, Belgium, for construction of an elementary/high school, the Secretary of Defense may acquire approximately 7.4 acres of land adjacent to the existing Sterrebeek

Dependent School site and construct a multi-sport athletic field, track, perimeter road, parking, and fencing.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

Sec. 2501. Authorized NATO construction and land acquisition projects.

Sec. 2502. Authorization of appropriations, NATO.

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2015, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment Program authorized by section 2501 as specified in the funding table in section 4601.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Subtitle A—Project Authorizations and Authorization of Appropriations

Sec. 2601. Authorized Army National Guard construction and land acquisition projects.

Sec. 2602. Authorized Army Reserve construction and land acquisition projects.

Sec. 2603. Authorized Navy Reserve and Marine Corps Reserve construction and land acquisition projects.

Sec. 2604. Authorized Air National Guard construction and land acquisition projects.

Sec. 2605. Authorized Air Force Reserve construction and land acquisition projects.

Sec. 2606. Authorization of appropriations, National Guard and Reserve.

Subtitle B—Other Matters

Sec. 2611. Modification and extension of authority to carry out certain fiscal year 2013 project.

Sec. 2612. Modification of authority to carry out certain fiscal year 2015 projects.

Sec. 2613. Extension of authorizations of certain fiscal year 2012 projects.

Sec. 2614. Extension of authorizations of certain fiscal year 2013 projects.

Subtitle A—Project Authorizations and Authorization of Appropriations

SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard

and Reserve as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard locations inside the United States, and in the amounts, set forth in the following table:

Army National Guard

State	Location	Amount
Alabama	Camp Foley	\$4,500,000
Connecticut	Camp Hartell	\$11,000,000
Florida	Palm Coast	\$18,000,000
Georgia	Fort Stewart	\$6,800,000
Illinois	Sparta	\$1,900,000
Kansas	Salina	\$6,700,000
Maryland	Easton	\$13,800,000
Mississippi	Gulfport	\$40,000,000
Nevada	Reno	\$8,000,000
Ohio	Camp Ravenna	\$3,300,000
Oregon	Salem	\$16,500,000
Pennsylvania ..	Fort Indiantown Gap	\$16,000,000
Vermont	North Hyde Park	\$7,900,000
Virginia	Richmond	\$29,000,000

SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) **INSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the Army Reserve locations inside the United States, and in the amounts, set forth in the following table:

Army Reserve: Inside the United States

State	Location	Amount
California	Miramar	\$24,000,000
Florida	MacDill Air Force Base	\$55,000,000
New York	Orangeburg	\$4,200,000
Pennsylvania	Conneaut Lake	\$5,000,000
Virginia	A.P. Hill	\$24,000,000

(b) **OUTSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out a military construction project for the Army Reserve location outside the United States, and in the amount, set forth in the following table:

Army Reserve: Outside the United States

Country	Location	Amount
Puerto Rico	Fort Buchanan	\$10,200,000

SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE CORPS RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the Navy Reserve and Marine Corps Reserve locations inside the United States, and in the amounts, set forth in the following table:

Navy Reserve and Marine Corps Reserve

State	Location	Amount
Nevada	Fallon	\$11,480,000
New York	Brooklyn	\$2,479,000
Virginia	Dam Neck	\$18,443,000

SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air National Guard locations inside the United States, and in the amounts, set forth in the following table:

Air National Guard

State	Location	Amount
Alabama	Dannelly Field	\$7,600,000
California	Moffett Field	\$6,500,000
Colorado	Buckley Air Force Base	\$5,100,000
Florida	Cape Canaveral Air Force Station	\$6,100,000
Georgia	Savannah/Hilton Head International Airport.	\$9,000,000
Iowa	Des Moines Municipal Airport	\$6,700,000
Kansas	Smokey Hill Range	\$2,900,000
Louisiana	New Orleans	\$10,000,000
Maine	Bangor International Airport	\$7,200,000
New Hampshire	Pease International Trade Port	\$2,800,000
New Jersey	Atlantic City International Airport	\$10,200,000
New York	Niagara Falls International Airport	\$7,700,000
North Carolina	Charlotte/Douglas International Airport.	\$9,000,000
North Dakota	Hector International Airport	\$7,300,000
Oklahoma	Will Rogers World Airport	\$7,600,000
Oregon	Klamath Falls International Airport	\$7,200,000
West Virginia	Yeager Airport	\$3,900,000

SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air Force Reserve locations inside the United States, and in the amounts, set forth in the following table:

Air Force Reserve

State	Location	Amount
California	March Air Force Base	\$4,600,000
Florida	Patrick Air Force Base	\$3,400,000
Georgia	Dobbins Air Reserve Base	\$10,400,000
Ohio	Youngstown	\$9,400,000
Texas	Joint Base San Antonio	\$9,900,000

SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NATIONAL GUARD AND RESERVE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2015, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), as specified in the funding table in section 4601.

Subtitle B—Other Matters**SEC. 2611. MODIFICATION AND EXTENSION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2013 PROJECT.**

(a) **MODIFICATION.**—In the case of the authorization contained in the table in section 2602 of the Military Construction Authorization Act for Fiscal Year 2013 (division B of Public Law 112–239; 126 Stat. 2135) for Aberdeen Proving Ground, Maryland, for construction of an Army Reserve Center at that location, the Secretary of the Army may construct a new facility in the vicinity of Aberdeen Proving Ground, Maryland.

(b) **DURATION OF AUTHORITY.**—Notwithstanding section 2002 of the Military Construction Act for Fiscal Year 2013 (division B of Public Law 112–239; 126 Stat. 2118), the authorization set forth in subsection (a) shall remain in effect until October 1, 2016, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2017, whichever is later.

SEC. 2612. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2015 PROJECTS.

(a) **DAVIS-MONTHAN AIR FORCE BASE.**—In the case of the authorization contained in the table in section 2605 of the Military Construction Authorization Act for Fiscal Year 2015 (division B of Public Law 113–291; 128 Stat. 3689) for Davis-Monthan Air Force Base, Arizona, for construction of a Guardian Angel Operations facility at that location, the Secretary of the Air Force may

construct a new 5,913 square meter (63,647 square foot) facility in the amount of \$18,200,000.

(b) FORT SMITH.—In the case of the authorization contained in the table in section 2604 of the Military Construction Authorization Act for Fiscal Year 2015 (division B of Public Law 113-291; 128 Stat. 3689) for Fort Smith Municipal Airport, Arkansas, for construction of a consolidated Secure Compartmented Information Facility at that location, the Secretary of the Air Force may construct a new facility in the amount of \$15,200,000.

SEC. 2613. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2012 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112-81; 125 Stat. 1660), the authorizations set forth in the table in subsection (b), as provided in section 2602 of that Act (125 Stat. 1678), and extended by section 2611 of the Military Construction Authorization Act for Fiscal Year 2015 (division B of Public Law 113-291; 128 Stat. 3690), shall remain in effect until October 1, 2016, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2017, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Extension of 2012 Army Reserve Project Authorizations

State	Location	Project	Amount
Kansas	Kansas City	Army Reserve Center	\$13,000,000
Massachusetts	Attleboro	Army Reserve Center	\$22,000,000

SEC. 2614. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2013 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2013 (division B of Public Law 112-239; 126 Stat. 2118), the authorizations set forth in the table in subsection (b), as provided in sections 2601, 2602, and 2603 of that Act (126 Stat. 2134, 2135) shall remain in effect until October 1, 2016, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2017, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is a follows:

Extension of 2013 National Guard and Reserve Project Authorizations

State	Installation or Location	Project	Amount
Arizona	Yuma	Reserve Training Facility	\$5,379,000
California	Tustin	Army Reserve Center	\$27,000,000
Iowa	Fort Des Moines	Joint Reserve Center	\$19,162,000

**Extension of 2013 National Guard and Reserve Project
Authorizations—Continued**

State	Installation or Location	Project	Amount
Louisiana	New Orleans	Transient Quar- ters	\$7,187,000
New York	Camp Smith (Stormville)	Combined Sup- port Mainte- nance Shop Phase 1	\$24,000,000

TITLE XXVII—BASE REALIGNMENT AND CLOSURE ACTIVITIES

Sec. 2701. Authorization of appropriations for base realignment and closure activities funded through Department of Defense base closure account.

Sec. 2702. Prohibition on conducting additional Base Realignment and Closure (BRAC) round.

SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR BASE REALIGNMENT AND CLOSURE ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2015, for base realignment and closure activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account established by section 2906 of such Act (as amended by section 2711 of the Military Construction Authorization Act for Fiscal Year 2013 (division B of Public Law 112–239; 126 Stat. 2140)), as specified in the funding table in section 4601.

SEC. 2702. PROHIBITION ON CONDUCTING ADDITIONAL BASE REALIGNMENT AND CLOSURE (BRAC) ROUND.

Nothing in this Act shall be construed to authorize an additional Base Realignment and Closure (BRAC) round.

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

Sec. 2801. Revision of congressional notification thresholds for reserve facility expenditures and contributions to reflect congressional notification thresholds for minor construction and repair projects.

Sec. 2802. Extension of temporary, limited authority to use operation and maintenance funds for construction projects outside the United States.

Sec. 2803. Defense laboratory modernization pilot program.

Sec. 2804. Temporary authority for acceptance and use of contributions for certain construction, maintenance, and repair projects mutually beneficial to the Department of Defense and Kuwait military forces.

Sec. 2805. Conveyance to Indian tribes of relocatable military housing units at military installations in the United States.

Subtitle B—Real Property and Facilities Administration

- Sec. 2811. Protection of Department of Defense installations.
- Sec. 2812. Enhancement of authority to accept conditional gifts of real property on behalf of military service academies.
- Sec. 2813. Utility system conveyance authority.
- Sec. 2814. Leasing of non-excess property of military departments and Defense Agencies; treatment of value provided by local education agencies and elementary and secondary schools.
- Sec. 2815. Force-structure plan and infrastructure inventory and assessment of infrastructure necessary to support the force structure.
- Sec. 2816. Temporary reporting requirements related to main operating bases, forward operating sites, and cooperative security locations.
- Sec. 2817. Exemption of Army off-site use and off-site removal only non-mobile properties from certain excess property disposal requirements.

Subtitle C—Provisions Related to Asia-Pacific Military Realignment

- Sec. 2821. Limited exception to restriction on development of public infrastructure in connection with realignment of Marine Corps forces in Asia-Pacific region.
- Sec. 2822. Annual report on Government of Japan contributions toward realignment of Marine Corps forces in Asia-Pacific region.

Subtitle D—Land Conveyances

- Sec. 2831. Release of reversionary interest retained as part of conveyance to the Economic Development Alliance of Jefferson County, Arkansas.
- Sec. 2832. Land exchange authority, Mare Island Army Reserve Center, Vallejo, California.
- Sec. 2833. Land exchange, Navy Outlying Landing Field, Naval Air Station, Whiting Field, Florida.
- Sec. 2834. Release of property interests retained in connection with land conveyance, Camp Villere, Louisiana.
- Sec. 2835. Release of property interests retained in connection with land conveyance, Fort Bliss Military Reservation, Texas.

Subtitle E—Military Land Withdrawals

- Sec. 2841. Additional withdrawal and reservation of public land, Naval Air Weapons Station China Lake, California.

Subtitle F—Other Matters

- Sec. 2851. Modification of Department of Defense guidance on use of airfield pavement markings.
- Sec. 2852. Extension of authority for establishment of commemorative work in honor of Brigadier General Francis Marion.

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. REVISION OF CONGRESSIONAL NOTIFICATION THRESHOLDS FOR RESERVE FACILITY EXPENDITURES AND CONTRIBUTIONS TO REFLECT CONGRESSIONAL NOTIFICATION THRESHOLDS FOR MINOR CONSTRUCTION AND REPAIR PROJECTS.

Section 18233a of title 10, United States Code, is amended—

(1) in subsection (a), by striking “in an amount in excess of \$750,000” and inserting “in excess of the amount specified in section 2805(b)(1) of this title”; and

(2) in subsection (b)(3), by striking “section 2811(e) of this title) that costs less than \$7,500,000” and inserting “subsection (e) of section 2811 of this title) that costs less than the amount specified in subsection (d) of such section”.

SEC. 2802. EXTENSION OF TEMPORARY, LIMITED AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CONSTRUCTION PROJECTS OUTSIDE THE UNITED STATES.

(a) **EXTENSION OF AUTHORITY.**—Subsection (h) of section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1723), as most recently amended by section 2806 of the Military Construction Authorization Act for Fiscal Year 2015 (division B of Public Law 113–291; 128 Stat. 3699), is amended—

(1) in paragraph (1), by striking “December 31, 2015” and inserting “December 31, 2016”; and

(2) in paragraph (2), by striking “fiscal year 2016” and inserting “fiscal year 2017”.

(b) **LIMITATION ON USE OF AUTHORITY.**—Subsection (c)(1) of such section is amended—

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

(2) by striking “December 31, 2015” and inserting “December 31, 2016”; and

(3) by striking “fiscal year 2016” and inserting “fiscal year 2017”.

(c) **ELIMINATION OF REPORTING REQUIREMENT.**—Such section is further amended by striking subsection (d).

SEC. 2803. DEFENSE LABORATORY MODERNIZATION PILOT PROGRAM.

10 USC 2358
note.

(a) **AUTHORITY TO USE RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FUNDS.**—Using amounts appropriated or otherwise made available to the Department of Defense for research, development, test, and evaluation, the Secretary of Defense may fund a military construction project described in subsection (d) at any of the following:

(1) A Department of Defense Science and Technology Re-invention Laboratory (as designated by section 1105(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 10 U.S.C. 2358 note).

(2) A Department of Defense Federally Funded Research and Development Center that functions primarily as a research laboratory.

(3) A Department of Defense facility in support of a technology development program that is consistent with the fielding of offset technologies as described in section 218 of this Act.

(b) **CONDITION ON AND SCOPE OF PROJECT AUTHORITY.**—Subject to the condition that a military construction project under this section be authorized in a Military Construction Authorization Act, the authority to carry out the military construction project includes authority for—

(1) surveys, site preparation, and advanced planning and design;

(2) acquisition, conversion, rehabilitation, and installation of facilities;

(3) acquisition and installation of equipment and appurtenances integral to the project; acquisition and installation of supporting facilities (including utilities) and appurtenances incident to the project; and

(4) planning, supervision, administration, and overhead expenses incident to the project.

(c) **CONGRESSIONAL NOTIFICATION REQUIREMENTS.**—

(1) **SUBMISSION OF PROJECT REQUESTS.**—The Secretary of Defense shall include military construction projects proposed to be carried out under this section in the budget justification documents for the Department of Defense submitted to Congress in connection with the budget for a fiscal year submitted under 1105 of title 31, United States Code.

(2) **NOTIFICATION OF IMPLEMENTATION.**—Not less than 14 days prior to the first obligation of funds described in subsection (a) for a military construction project to be carried out under this section, the Secretary of Defense shall submit a notification to the congressional defense committees providing an updated construction description, cost, and schedule for the project and any other matters regarding the project as the Secretary considers appropriate.

(d) **AUTHORIZED PROJECTS DESCRIBED.**—The authority provided by this section to fund military construction projects using amounts appropriated or otherwise made available for research, development, test, and evaluation is limited to military construction projects that the Secretary of Defense, in the budget justification documents exhibits submitted pursuant to subsection (c)(1), determines—

(1) will support research and development activities at laboratories described in subsection (a);

(2) will establish facilities that will have significant potential for use by entities outside the Department of Defense, including universities, industrial partners, and other Federal agencies;

(3) are endorsed for funding by more than one military department or Defense Agency; and

(4) cannot be fully funded within the thresholds specified in section 2805 of title 10, United States Code.

(e) **FUNDING LIMITATION.**—The maximum amount of funds appropriated or otherwise made available for research, development, test, and evaluation that may be obligated in any fiscal year for military construction projects under this section is \$150,000,000.

(f) **TERMINATION OF AUTHORITY.**—The authority provided by this section to fund military construction projects using funds appropriated or otherwise made available for research, development, test, and evaluation shall terminate on October 1, 2020.

10 USC 2350j
note.

SEC. 2804. TEMPORARY AUTHORITY FOR ACCEPTANCE AND USE OF CONTRIBUTIONS FOR CERTAIN CONSTRUCTION, MAINTENANCE, AND REPAIR PROJECTS MUTUALLY BENEFICIAL TO THE DEPARTMENT OF DEFENSE AND KUWAIT MILITARY FORCES.

(a) **AUTHORITY TO ACCEPT CONTRIBUTIONS.**—The Secretary of Defense, after consultation with the Secretary of State, may accept cash contributions from the government of Kuwait for the purpose of paying for the costs of construction (including military construction not otherwise authorized by law), maintenance, and repair projects mutually beneficial to the Department of Defense and Kuwait military forces.

(b) **ACCOUNTING.**—Contributions accepted under subsection (a) shall be placed in an account established by the Secretary of Defense and shall remain available until expended as provided in such subsection.

(c) **PROHIBITION ON USE OF CONTRIBUTIONS TO OFFSET BURDEN SHARING CONTRIBUTIONS.**—Contributions accepted under subsection

(a) may not be used to offset any burden sharing contributions made by the government of Kuwait.

(d) NOTICE.—When a decision is made to carry out a project using contributions accepted under subsection (a) and the estimated cost of the project will exceed the thresholds prescribed by section 2805 of title 10, United States Code, the Secretary of Defense shall submit to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives written notice of decision, the justification for the project, and the estimated cost of the project.

(e) MUTUALLY BENEFICIAL DEFINED.—A project described in subsection (a) shall be considered to be “mutually beneficial” if—

(1) the project is in support of a bilateral defense cooperation agreement between the United States and the government of Kuwait; or

(2) the Secretary of Defense determines that the United States may derive a benefit from the project, including—

(A) access to and use of facilities of the Kuwait military forces;

(B) ability or capacity for future force posture; and

(C) increased interoperability between the Department of Defense and Kuwait military forces.

(f) EXPIRATION OF PROJECT AUTHORITY.—The authority to carry out projects under this section expires on September 30, 2020. The expiration of the authority does not prevent the continuation of any project commenced before that date.

SEC. 2805. CONVEYANCE TO INDIAN TRIBES OF RELOCATABLE MILITARY HOUSING UNITS AT MILITARY INSTALLATIONS IN THE UNITED STATES.

10 USC 2827
note.

(a) DEFINITIONS.—In this section:

(1) EXECUTIVE DIRECTOR.—The term “Executive Director” means the Executive Director of Walking Shield, Inc.

(2) INDIAN TRIBE.—The term “Indian tribe” means any Indian tribe included on the list published by the Secretary of the Interior under section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a–1).

(b) REQUESTS FOR CONVEYANCE.—

(1) IN GENERAL.—The Executive Director may submit to the Secretary of the military department concerned, on behalf of any Indian tribe, a request for conveyance of any relocatable military housing unit located at a military installation in the United States.

(2) CONFLICTS.—The Executive Director shall resolve any conflict among requests of Indian tribes for housing units described in paragraph (1) before submitting a request to the Secretary of the military department concerned under this subsection.

(c) CONVEYANCE BY A SECRETARY.—Notwithstanding any other provision of law, on receipt of a request under subsection (b)(1), the Secretary of the military department concerned may convey to the Indian tribe that is the subject of the request, at no cost to such military department and without consideration, any relocatable military housing unit described in subsection (b)(1) that, as determined by such Secretary, is in excess of the needs of the military.

Subtitle B—Real Property and Facilities Administration

SEC. 2811. PROTECTION OF DEPARTMENT OF DEFENSE INSTALLATIONS.

(a) SECRETARY OF DEFENSE RESPONSIBILITY.—Chapter 159 of title 10, United States Code, is amended by inserting after section 2671 the following new section:

10 USC 2672.

“§ 2672. Protection of buildings, grounds, property, and persons

“(a) SECRETARY OF DEFENSE RESPONSIBILITY.—The Secretary of Defense shall protect the buildings, grounds, and property that are under the jurisdiction, custody, or control of the Department of Defense and the persons on that property.

“(b) DESIGNATION OF OFFICERS AND AGENTS.—(1) The Secretary of Defense may designate military or civilian personnel of the Department of Defense as officers and agents to perform the functions of the Secretary under subsection (a), including, with regard to civilian officers and agents, duty in areas outside the property specified in that subsection to the extent necessary to protect that property and persons on that property.

“(2) A designation under paragraph (1) may be made by individual, by position, by installation, or by such other category of personnel as the Secretary determines appropriate.

“(3) In making a designation under paragraph (1) with respect to any category of personnel, the Secretary shall specify each of the following:

“(A) The personnel or positions to be included in the category.

“(B) The authorities provided for in subsection (c) that may be exercised by personnel in that category.

“(C) In the case of civilian personnel in that category—

“(i) the authorities provided for in subsection (c), if any, that are authorized to be exercised outside the property specified in subsection (a); and

“(ii) with respect to the exercise of any such authorities outside the property specified in subsection (a), the circumstances under which coordination with law enforcement officials outside of the Department of Defense should be sought in advance.

“(4) The Secretary may make a designation under paragraph (1) only if the Secretary determines, with respect to the category of personnel to be covered by that designation, that—

“(A) the exercise of each specific authority provided for in subsection (c) to be delegated to that category of personnel is necessary for the performance of the duties of the personnel in that category and such duties cannot be performed as effectively without such authorities; and

“(B) the necessary and proper training for the authorities to be exercised is available to the personnel in that category.

“(c) AUTHORIZED ACTIVITIES.—Subject to subsection (i) and to the extent specifically authorized by the Secretary of Defense, while engaged in the performance of official duties pursuant to this section, an officer or agent designated under subsection (b) may—

“(1) enforce Federal laws and regulations for the protection of persons and property;

“(2) carry firearms;

“(3) make arrests—

“(A) without a warrant for any offense against the United States committed in the presence of the officer or agent; or

“(B) for any felony cognizable under the laws of the United States if the officer or agent has reasonable grounds to believe that the person to be arrested has committed or is committing a felony;

“(4) serve warrants and subpoenas issued under the authority of the United States; and

“(5) conduct investigations, on and off the property in question, of offenses that may have been committed against property under the jurisdiction, custody, or control of the Department of Defense or persons on such property.

“(d) REGULATIONS.—(1) The Secretary of Defense may prescribe regulations, including traffic regulations, necessary for the protection and administration of property under the jurisdiction, custody, or control of the Department of Defense and persons on that property. The regulations may include reasonable penalties, within the limits prescribed in paragraph (2), for violations of the regulations. The regulations shall be posted and remain posted in a conspicuous place on the property to which they apply.

“(2) A person violating a regulation prescribed under this subsection shall be fined under title 18, imprisoned for not more than 30 days, or both.

“(e) LIMITATION ON DELEGATION OF AUTHORITY.—The authority of the Secretary of Defense under subsections (b), (c), and (d) may be exercised only by the Secretary or the Deputy Secretary of Defense.

“(f) DISPOSITION OF PERSONS ARRESTED.—A person who is arrested pursuant to authority exercised under subsection (b) may not be held in a military confinement facility, other than in the case of a person who is subject to chapter 47 of this title (the Uniform Code of Military Justice).

“(g) FACILITIES AND SERVICES OF OTHER AGENCIES.—In implementing this section, when the Secretary of Defense determines it to be economical and in the public interest, the Secretary may utilize the facilities and services of Federal, State, Indian tribal, and local law enforcement agencies, with the consent of those agencies, and may reimburse those agencies for the use of their facilities and services. Such services of State, Indian tribal, and local law enforcement, including application of their powers of law enforcement, may be provided notwithstanding that the property is subject to the legislative jurisdiction of the United States.

“(h) AUTHORITY OUTSIDE FEDERAL PROPERTY.—For the protection of property under the jurisdiction, custody, or control of the Department of Defense and persons on that property, the Secretary of Defense may enter into agreements with Federal agencies and with State, Indian tribal, and local governments to obtain authority for civilian officers and agents designated under this section to enforce Federal laws and State, Indian tribal, and local laws concurrently with other Federal law enforcement officers and with State, Indian tribal, and local law enforcement officers.

“(i) ATTORNEY GENERAL APPROVAL.—The powers granted pursuant to subsection (c) to officers and agents designated under subsection (b) shall be exercised in accordance with guidelines approved by the Attorney General. Such guidelines may include specification of the geographical extent of property outside of the property specified in subsection (a) within which those powers may be exercised.

“(j) LIMITATION WITH REGARD TO OTHER FEDERAL AGENCIES.—Nothing in this section shall be construed as affecting the authority of the Secretary of Homeland Security to provide for the protection of facilities (including the buildings, grounds, and properties of the General Services Administration) that are under the jurisdiction, custody, or control, in whole or in part, of a Federal agency other than the Department of Defense and that are located off of a military installation.

“(k) COOPERATION WITH LOCAL LAW ENFORCEMENT AGENCIES.—Before authorizing civilian officers and agents to perform duty in areas outside the property specified in subsection (a), the Secretary of Defense shall consult with, and is encouraged to enter into agreements with, local law enforcement agencies exercising jurisdiction over such areas for the purposes of avoiding conflicts of jurisdiction, promoting notification of planned law enforcement actions, and otherwise facilitating productive working relationships.

“(l) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed—

“(1) to preclude or limit the authority of any Federal law enforcement agency;

“(2) to restrict the authority of the Secretary of Homeland Security under the Homeland Security Act of 2002 or of the Administrator of General Services, including the authority to promulgate regulations affecting property under the custody and control of that Secretary or the Administrator, respectively;

“(3) to expand or limit section 21 of the Internal Security Act of 1950 (50 U.S.C. 797);

“(4) to affect chapter 47 of this title;

“(5) to restrict any other authority of the Secretary of Defense or the Secretary of a military department; or

“(6) to restrict the authority of the Director of the National Security Agency under section 11 of the National Security Agency Act of 1959 (50 U.S.C. 3609).”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 159 of such title is amended by inserting after the item relating to section 2671 the following new item:

“2672. Protection of buildings, grounds, property, and persons.”.

SEC. 2812. ENHANCEMENT OF AUTHORITY TO ACCEPT CONDITIONAL GIFTS OF REAL PROPERTY ON BEHALF OF MILITARY SERVICE ACADEMIES.

Section 2601 of title 10, United States Code, is amended—

(1) by redesignating subsections (e), (f), (g), (h), and (i) as subsections (f), (g), (h), (i), and (j), respectively; and

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

“(e) ACCEPTANCE OF REAL PROPERTY GIFTS; NAMING RIGHTS.—

(1) The Secretary concerned may accept a gift under subsection (a) or (b) consisting of the provision, acquisition, enhancement, or construction of real property offered to the United States Military Academy, the Naval Academy, the Air Force Academy, or the Coast

Guard Academy even though the gift will be subject to the condition that the real property, or a portion thereof, bear a specified name.

“(2) The authority conferred by this subsection may be delegated by the Secretary concerned only to a civilian official appointed by the President, by and with the advice and consent of the Senate.

“(3) A gift may not be accepted under paragraph (1) if—

“(A) the acceptance of the gift or the imposition of the naming-rights condition would reflect unfavorably upon the United States, as provided in subsection (d)(2); or

“(B) the real property to be subject to the condition, or portion thereof, has been named by an act of Congress.

“(4) The Secretaries concerned shall issue uniform regulations governing the circumstances under which gifts conditioned on naming rights may be accepted, appropriate naming conventions, and suitable display standards.”.

SEC. 2813. UTILITY SYSTEM CONVEYANCE AUTHORITY.

Section 2688(j) of title 10, United States Code, is amended—

(1) in the subsection heading, by striking “CONSTRUCTION OF” and inserting “CONVEYANCE OF ADDITIONAL”; and

(2) in paragraph (1)—

(A) by striking subparagraphs (A) and (C);

(B) by redesignating subparagraph (B) as subparagraph (A) and, in such subparagraph, by striking “utility system;” and inserting the following: “utility system or operation of the additional utility infrastructure by the utility or entity would be in the best interest of the Government; and”; and

(C) by redesignating subparagraph (D) as subparagraph (B) and, in such subparagraph, by striking “amount equal to the fair market value of” and inserting “amount for”.

SEC. 2814. LEASING OF NON-EXCESS PROPERTY OF MILITARY DEPARTMENTS AND DEFENSE AGENCIES; TREATMENT OF VALUE PROVIDED BY LOCAL EDUCATION AGENCIES AND ELEMENTARY AND SECONDARY SCHOOLS.

Section 2667 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(k) LEASES FOR EDUCATION.—Notwithstanding subsection (b)(4), the Secretary concerned may accept consideration in an amount that is less than the fair market value of the lease, if the lease is to a local education agency or an elementary or secondary school (as those terms are defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)).”.

SEC. 2815. FORCE-STRUCTURE PLAN AND INFRASTRUCTURE INVENTORY AND ASSESSMENT OF INFRASTRUCTURE NECESSARY TO SUPPORT THE FORCE STRUCTURE.

(a) PREPARATION AND SUBMISSION OF FORCE-STRUCTURE PLANS AND INFRASTRUCTURE INVENTORY.—Not later than the date on which the budget of the President for fiscal year 2017 is submitted to Congress pursuant to section 1105 of title 31, United States Code, the Secretary of Defense shall submit to the congressional defense committees the following:

(1) A force-structure plan for each of the Army, Navy, Air Force, and Marine Corps informed by—

(A) an assessment by the Secretary of Defense of the probable threats to United States national security; and

(B) end-strength levels and major military force units (including land force divisions, carrier and other major combatant vessels, air wings, and other comparable units) authorized in the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81).

(2) A categorical inventory of world-wide military installations for each military department, including the number and type of facilities for the regular and reserve forces of each military department.

(b) **RELATIONSHIP OF PLANS AND INVENTORY.**—Using the force-structure plans and categorical infrastructure inventory prepared under subsection (a), the Secretary of Defense shall prepare (and include as part of the submission of such plans and inventory) the following:

(1) A description of the infrastructure necessary to support the force structure described in each force-structure plan.

(2) A discussion of categories of excess infrastructure and infrastructure capacity.

(3) An assessment of the value of retaining certain excess infrastructure to accommodate contingency, mobilization, or surge requirements.

(c) **COMPTROLLER GENERAL EVALUATION.**—Not later than 60 days after the date of the submission of the force-structure plans and the categorical infrastructure inventory under subsection (a), the Comptroller General of the United States shall submit to the congressional defense committees an evaluation of the force-structure plans and the categorical infrastructure inventory, including an evaluation of the accuracy and analytical sufficiency of the plans and inventory.

SEC. 2816. TEMPORARY REPORTING REQUIREMENTS RELATED TO MAIN OPERATING BASES, FORWARD OPERATING SITES, AND COOPERATIVE SECURITY LOCATIONS.

(a) **REPORTS REQUIRED.**—Not later than the date on which the report required by section 2687a of title 10, United States Code, is submitted for each of the fiscal years 2016 through 2020, the Secretary of Defense shall submit to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a report specifying each location that was newly designated, or had a change in its designation, as a main operating base, forward operating site, or cooperative security location during the preceding fiscal year.

(b) **ELEMENTS.**—Each report required by subsection (a) shall include, at a minimum, the following:

(1) The strategic goal and operational requirements supported by the main operating base, forward operating site, or cooperative security location.

(2) The basis for and cost of any anticipated infrastructure improvements to the base, site, or location.

(3) A summary of the terms of agreements with the host nation regarding the base, site, or location, including access agreements, status of forces agreements, or other implementing agreements, including any limitations on United States presence and operations.

(c) **FORM OF REPORT.**—Each report required by subsection (a) shall be submitted in unclassified form, but may contain a classified annex as necessary.

SEC. 2817. EXEMPTION OF ARMY OFF-SITE USE AND OFF-SITE REMOVAL ONLY NON-MOBILE PROPERTIES FROM CERTAIN EXCESS PROPERTY DISPOSAL REQUIREMENTS.

(a) **IN GENERAL.**—Excess or unutilized or underutilized non-mobile property of the Army that is situated on non-excess land shall be exempt from the requirements of title V of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11411 et seq.) upon a determination by the Secretary of the Army that—

(1) the property is not feasible to relocate;

(2) the property is located in an area to which the general public is denied access in the interest of national security; and

(3) the exemption would facilitate the efficient disposal of excess property or result in more efficient real property management.

(b) **CONSULTATION.**—Before making an initial determination under the authority provided under subsection (a), and periodically thereafter, the Secretary of the Army shall consult with the Executive Director of the United States Interagency Council on Homelessness on types of non-mobile properties that may be feasible for relocation and suitable to assist the homeless.

(c) **SUNSET.**—The authority of the Secretary of the Army to make a determination under subsection (a) expires on September 30, 2017.

Subtitle C—Provisions Related to Asia-Pacific Military Realignment

SEC. 2821. LIMITED EXCEPTION TO RESTRICTION ON DEVELOPMENT OF PUBLIC INFRASTRUCTURE IN CONNECTION WITH REALIGNMENT OF MARINE CORPS FORCES IN ASIA-PACIFIC REGION.

Notwithstanding section 2821(b) of the Military Construction Authorization Act for Fiscal Year 2015 (division B of Public Law 113–291; 128 Stat. 3701), the Secretary of Defense may proceed with a public infrastructure project intended to improve water and wastewater systems on Guam if—

(1) the project was identified in the report prepared by the Secretary of Defense under section 2822(d)(2) of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113–66; 127 Stat. 1017); and

(2) amounts have been appropriated or made available to be expended by the Department of Defense for the project.

SEC. 2822. ANNUAL REPORT ON GOVERNMENT OF JAPAN CONTRIBUTIONS TOWARD REALIGNMENT OF MARINE CORPS FORCES IN ASIA-PACIFIC REGION.

10 USC 2687
note.

(a) **REPORT REQUIRED.**—Not later than the date of the submission of the budget of the President for each of fiscal years 2017 through 2026 under section 1105 of title 31, United States Code, the Secretary of Defense shall submit to the congressional defense committees a report that specifies each of the following:

(1) The total amount contributed by the Government of Japan during the most recently concluded Japanese fiscal year under section 2350k of title 10, United States Code, for deposit in the Support for United States Relocation to Guam Account.

(2) The anticipated contributions to be made by the Government of Japan under such section during the current and next Japanese fiscal years.

(3) The projects carried out on Guam or the Commonwealth of the Northern Mariana Islands during the previous fiscal year using amounts in the Support for United States Relocation to Guam Account.

(4) The anticipated projects that will be carried out on Guam or the Commonwealth of the Northern Mariana Islands during the fiscal year covered by the budget submission using amounts in such Account.

(b) FORM OF REPORT.—Each report required by subsection (a) shall be submitted in unclassified form, but may contain a classified annex as necessary.

(c) REPEAL OF SUPERSEDED REPORTING REQUIREMENT.—Subsection (e) of section 2824 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 10 U.S.C. 2687 note) is repealed.

Subtitle D—Land Conveyances

SEC. 2831. RELEASE OF REVERSIONARY INTEREST RETAINED AS PART OF CONVEYANCE TO THE ECONOMIC DEVELOPMENT ALLIANCE OF JEFFERSON COUNTY, ARKANSAS.

(a) RELEASE OF CONDITIONS AND RETAINED INTERESTS.—With respect to a parcel of real property in Jefferson County, Arkansas, consisting of approximately 1,447 acres and conveyed by deed to the Economic Development Alliance of Jefferson County, Arkansas (in this section referred to as the “Economic Development Alliance”) by the United States for use as the facility known as the “Bioplex” and related activities pursuant to section 2827 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201), the Secretary of the Army may release subject to the conditions of subsections (b) and (d) below, the conditions of conveyance of subsection (c) of such section 2827 and the reversionary interest retained by the United States under subsection (e) of such section.

(b) CONSIDERATION.—

(1) EFFECT OF RECONVEYANCE.—Notwithstanding subsection (d) of such section 2827, the release authorized by subsection (a) of this section shall be subject to the condition that, if the Economic Development Alliance reconveys all or any part of the conveyed property during the 25-year period referred to in subsection (c)(2) of such section, the Economic Development Alliance shall pay to the United States, upon reconveyance, an amount equal to the fair market value of the reconveyed property as of the time of the reconveyance, excluding the value of any improvements made to the property by the Economic Development Alliance.

(2) DETERMINATION OF FAIR MARKET VALUE.—The Secretary of the Army shall determine fair market value in accordance with Federal appraisal standards and procedures.

(3) TREATMENT OF LEASES.—The Secretary of the Army may treat a lease of the property within such 25-year period as a reconveyance if the Secretary determines that the lease is being used to avoid application of paragraph (1).

(4) DEPOSIT OF PROCEEDS.—The Secretary of the Army shall deposit any proceeds received under this subsection in the special account established pursuant to section 572(b) of title 40, United States Code.

(c) INSTRUMENT OF RELEASE.—The Secretary of the Army may execute and file in the appropriate office a deed of release, amended deed, or other appropriate instrument reflecting the release of conditions and retained interests under subsection (a).

(d) PAYMENT OF ADMINISTRATIVE COSTS.—

(1) PAYMENT REQUIRED.—The Secretary of the Army shall require the Economic Development Alliance to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the release of conditions and retained interests under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the release. If amounts paid to the Secretary in advance exceed the costs actually incurred by the Secretary to carry out the release, the Secretary shall refund the excess amount to the Economic Development Alliance.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received under paragraph (1) as reimbursement for costs incurred by the Secretary to carry out the release under subsection (a) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the release. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army may require such additional terms and conditions in connection with the release of conditions and retained interests under subsection (a) as the Secretary considers appropriate to protect the interests of the United States, including provisions that the Secretary determines are necessary to preclude any use of the property that would interfere with activities at Pine Bluff Arsenal.

SEC. 2832. LAND EXCHANGE AUTHORITY, MARE ISLAND ARMY RESERVE CENTER, VALLEJO, CALIFORNIA.

(a) EXCHANGE AUTHORIZED.—Subject to subsection (b), the Secretary of the Army may carry out a real property exchange with Touro University California (in this section referred to as the “University”), under which the Secretary will convey all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 3.42 acres of the former Mare Island Naval Shipyard on Azuar Drive in the City of Vallejo, California, and administered by the Secretary as part of the 63rd Regional Support Command, for the purpose of permitting the University to use the parcel for educational and administrative purposes.

(b) CONVEYANCE AUTHORITY CONDITIONAL.—The conveyance authority provided by subsection (a) shall take effect only if the real property exchange process initiated by the Secretary of the

Army in a notice of availability (DACW05–8–15–512) issued on January 28, 2015, and involving the real property described in subsection (a) is terminated unsuccessfully.

(c) CONVEYANCE PROCESS.—The Secretary shall carry out the real property exchange authorized by subsection (a) using the authority available to the Secretary under section 18240 of title 10, United States Code.

(d) FACILITIES TO BE ACQUIRED.—In exchange for the conveyance of the real property under subsection (a), the Secretary of the Army shall acquire, consistent with subsections (c) and (d) of section 18240 of title 10, United States Code, a facility, or addition to an existing facility, needed to rectify the parking shortage for the Mare Island Army Reserve Center.

(e) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary of the Army shall require the University to cover costs (except costs for environmental remediation of the property) to be incurred by the Secretary, or to reimburse the Secretary for such costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs for environmental documentation related to the conveyance, and any other administrative costs related to the conveyance. If amounts are collected from the University in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the University.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover those costs incurred by the Secretary in carrying out the conveyance or, if the period of availability for obligations for that appropriation has expired, to the appropriations or fund that is currently available to the Secretary for the same purpose. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) and acquired under subsection (d) shall be determined by a survey satisfactory to the Secretary of the Army.

SEC. 2833. LAND EXCHANGE, NAVY OUTLYING LANDING FIELD, NAVAL AIR STATION, WHITING FIELD, FLORIDA.

(a) LAND EXCHANGE AUTHORIZED.—The Secretary of the Navy may convey to Escambia County, Florida (in this section referred to as the “County”), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, containing Navy Outlying Landing Field Site 8 in Escambia County associated with Naval Air Station, Whiting Field, Milton, Florida.

(b) LAND TO BE ACQUIRED.—In exchange for the property described in subsection (a), the County shall convey to the Secretary of the Navy land and improvements thereon in Santa Rosa County, Florida, that is acceptable to the Secretary and suitable for use as a Navy outlying landing field to replace Navy Outlying Landing Field Site 8.

(c) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary of the Navy shall require the County to cover costs to be incurred by the Secretary, or to reimburse the Secretary for such costs incurred by the Secretary, to carry out the land exchange under this section, including survey costs, costs for environmental documentation, other administrative costs related to the land exchange, and all costs associated with relocation of activities and facilities from Navy Outlying Landing Field Site 8 to the replacement location. If amounts are collected from the County in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the land exchange, the Secretary shall refund the excess amount to the County.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover those costs incurred by the Secretary in carrying out the land exchange. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be exchanged under this section shall be determined by surveys satisfactory to the Secretary of the Navy.

(e) CONVEYANCE AGREEMENT.—The exchange of real property under this section shall be accomplished using a quit claim deed or other legal instrument and upon terms and conditions mutually satisfactory to the Secretary of the Navy and the County, including such additional terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2834. RELEASE OF PROPERTY INTERESTS RETAINED IN CONNECTION WITH LAND CONVEYANCE, CAMP VILLERE, LOUISIANA.

(a) RELEASE OF RETAINED INTERESTS.—With respect to a parcel of real property at Camp Villere, Louisiana, consisting of approximately 48.04 acres and conveyed by quit-claim deed for National Guard purposes by the United States to the State of Louisiana pursuant to section 616 of the Military Construction Authorization Act, 1975 (titles I through VI of Public Law 93-552; 88 Stat. 1768), the Secretary of the Army may release the terms and conditions imposed by the United States under subsection (b) of such section and the reversionary interest retained by the United States under subsection (c) of such section. The release of such terms and conditions and retained interests with respect to any portion of that parcel shall not be construed to alter the rights or interests retained by the United States with respect to the remainder of the real property conveyed to the State under such section.

(b) CONDITION OF RELEASE.—The release authorized by subsection (a) of terms and conditions and retained interests shall be subject to the condition that the State of Louisiana—

(1) transfer the parcel of real property described in such subsection from the Louisiana Military Department to the Louisiana Agricultural Finance Authority for the purpose of permitting the Louisiana Agricultural Finance Authority to use the parcel for any purposes allowed by State law; and

(2) make available to the Louisiana Military Department real property to replace the transferred parcel that is suitable for use for National Guard training and operational support for emergency management and homeland defense activities.

(c) INSTRUMENT OF RELEASE AND DESCRIPTION OF PROPERTY.—

The Secretary of the Army may execute and file in the appropriate office a deed of release, amended deed, or other appropriate instrument reflecting the release of terms and conditions and retained interests under subsection (a). The exact acreage and legal description of the property described in such subsection shall be determined by a survey satisfactory to the Secretary of the Army.

(d) PAYMENT OF ADMINISTRATIVE COSTS.—

(1) **PAYMENT REQUIRED.**—The Secretary of the Army may require the State of Louisiana to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the release of retained interests under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts paid to the Secretary in advance exceed the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the State.

(2) **TREATMENT OF AMOUNTS RECEIVED.**—Amounts received under paragraph (1) as reimbursement for costs incurred by the Secretary to carry out the release of retained interests under subsection (a) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the release of retained interests. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary of the Army may require such additional terms and conditions in connection with the release of retained interests under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2835. RELEASE OF PROPERTY INTERESTS RETAINED IN CONNECTION WITH LAND CONVEYANCE, FORT BLISS MILITARY RESERVATION, TEXAS.

(a) **RELEASE OF RETAINED INTERESTS.**—With respect to a parcel of real property in El Paso, Texas, consisting of approximately 20 acres and conveyed by deed for National Guard and military purposes by the United States to the State of Texas pursuant to section 708 of the Military Construction Authorization Act, 1972 (Public Law 92-145; 85 Stat. 412), the Secretary of the Army may release the rights reserved by the United States under subsections (d) and (e)(2) of such section and the reversionary interest retained by the United States under subsection (e)(1) of such section. The release of such rights and retained interests with respect

to any portion of that parcel shall not be construed to alter the rights or interests retained by the United States with respect to the remainder of the real property conveyed to the State under such section.

(b) **CONDITION OF RELEASE.**—The release authorized by subsection (a) of rights and retained interests shall be subject to the condition that—

(1) the State of Texas sell the parcel of real property covered by the release for fair market value; and

(2) all proceeds from the sale shall be used to fund improvements or repairs for National Guard and military purposes on the remainder of the property conveyed under section 708 of the Military Construction Authorization Act, 1972 (Public Law 92-145; 85 Stat. 412) and retained by the State.

(c) **INSTRUMENT OF RELEASE AND DESCRIPTION OF PROPERTY.**—The Secretary of the Army may execute and file in the appropriate office a deed of release, amended deed, or other appropriate instrument reflecting the release of rights and retained interests under subsection (a). The exact acreage and legal description of the property for which rights and retained interests are released under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Army.

(d) **PAYMENT OF ADMINISTRATIVE COSTS.**—

(1) **PAYMENT REQUIRED.**—The Secretary of the Army may require the State of Texas to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the release of retained interests under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts paid to the Secretary in advance exceed the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the State.

(2) **TREATMENT OF AMOUNTS RECEIVED.**—Amounts received under paragraph (1) as reimbursement for costs incurred by the Secretary to carry out the release of retained interests under subsection (a) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the release of retained interests. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary of the Army may require such additional terms and conditions in connection with the release of retained interests under subsection (a) as the Secretary considers appropriate to protect the interests of the United States, to include necessary munitions response actions by the State of Texas in accordance with subsection (e)(3) of section 708 of the Military Construction Authorization Act, 1972 (Public Law 92-145; 85 Stat. 412).

Subtitle E—Military Land Withdrawals

SEC. 2841. ADDITIONAL WITHDRAWAL AND RESERVATION OF PUBLIC LAND, NAVAL AIR WEAPONS STATION CHINA LAKE, CALIFORNIA.

Section 2971(b) of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113–66; 127 Stat. 1044) is amended—

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

“(1) INITIAL WITHDRAWAL.—The public land”; and

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

“(2) ADDITIONAL WITHDRAWAL.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the public land (including interests in land) referred to in subsection (a) also includes the approximately 21,060 acres of public land in San Bernardino County, California, identified as ‘Proposed Navy Land’ on the map entitled ‘Proposed Navy Withdrawal’, dated March 10, 2015, and filed in accordance with section 2912.

“(B) EXCLUDED LANDS.—The withdrawal area referred to in subparagraph (A) specifically excludes section 36, township 29 south, range 43 east, San Bernardino meridian.

“(C) EXISTING RIGHTS AND ACCESS.—The withdrawal and reservation of public land pursuant to subparagraph (A) is subject to valid existing rights. The Secretary of the Navy shall ensure that the owners of the excluded private land identified in subparagraph (B) continue to have reasonable access to such land.”.

Subtitle F—Other Matters

SEC. 2851. MODIFICATION OF DEPARTMENT OF DEFENSE GUIDANCE ON USE OF AIRFIELD PAVEMENT MARKINGS.

The Secretary of Defense shall require such modifications of Unified Facilities Guide Specifications for pavement markings (UFGS 32 17 23.00 20 Pavement Markings, UFGS 32 17 24.00 10 Pavement Markings), Air Force Engineering Technical Letter ETL 97–18 (Guide Specification for Airfield and Roadway Marking), and any other Department of Defense guidance on airfield pavement markings as may be necessary to permit the use of Type III category of retro-reflective beads to reflectorize airfield markings. The Secretary shall develop appropriate policy to ensure that the determination of the category of retro-reflective beads used on an airfield is determined on an installation-by-installation basis, taking into consideration local conditions and the life-cycle maintenance costs of the pavement markings.

40 USC 8903
note.

SEC. 2852. EXTENSION OF AUTHORITY FOR ESTABLISHMENT OF COMMEMORATIVE WORK IN HONOR OF BRIGADIER GENERAL FRANCIS MARION.

Notwithstanding section 8903(e) of title 40, United States Code, the authority provided by section 331 of the Consolidated Natural

Resources Act of 2008 (Public Law 110–229; 122 Stat. 781; 40 U.S.C. 8903 note) shall continue to apply through May 8, 2018.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZA- TIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

- Sec. 3101. National Nuclear Security Administration.
- Sec. 3102. Defense environmental cleanup.
- Sec. 3103. Other defense activities.
- Sec. 3104. Nuclear energy.

Subtitle B—Program Authorizations, Restrictions, and Limitations

- Sec. 3111. Improvement to accountability of Department of Energy employees and projects.
- Sec. 3112. Stockpile responsiveness program.
- Sec. 3113. Notification of cost overruns and Selected Acquisition Reports for major alteration projects.
- Sec. 3114. Root cause analyses for certain cost overruns.
- Sec. 3115. Funding of laboratory-directed research and development programs.
- Sec. 3116. Hanford Waste Treatment and Immobilization Plant contract oversight.
- Sec. 3117. Use of best practices for capital asset projects and nuclear weapon life extension programs.
- Sec. 3118. Research and development of advanced naval nuclear fuel system based on low-enriched uranium.
- Sec. 3119. Disposition of weapons-usable plutonium.
- Sec. 3120. Establishment of microlab pilot program.
- Sec. 3121. Prohibition on availability of funds for provision of defense nuclear non-proliferation assistance to Russian Federation.
- Sec. 3122. Prohibition on availability of funds for new fixed site radiological portal monitors in foreign countries.
- Sec. 3123. Limitation on availability of funds for certain arms control and non-proliferation technologies.
- Sec. 3124. Limitation on availability of funds for nuclear weapons dismantlement.

Subtitle C—Plans and Reports

- Sec. 3131. Long-term plan for meeting national security requirements for unencumbered uranium.
- Sec. 3132. Defense nuclear nonproliferation management plan and reports.
- Sec. 3133. Plan for deactivation and decommissioning of nonoperational defense nuclear facilities.
- Sec. 3134. Assessment of emergency preparedness of defense nuclear facilities.
- Sec. 3135. Modifications to cost-benefit analyses for competition of management and operating contracts.
- Sec. 3136. Interagency review of applications for the transfer of United States civil nuclear technology.
- Sec. 3137. Governance and management of nuclear security enterprise.
- Sec. 3138. Annual report on number of full-time equivalent employees and contractor employees.
- Sec. 3139. Development of strategy on risks to nonproliferation caused by additive manufacturing.
- Sec. 3140. Plutonium pit production capacity.
- Sec. 3141. Assessments on nuclear proliferation risks and nuclear nonproliferation opportunities.
- Sec. 3142. Analysis of alternatives for Mobile Guardian Transporter program.

Subtitle A—National Security Programs Authorizations

SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2016 for the activities of the National Nuclear Security Administration in carrying out programs as specified in the funding table in section 4701.

(b) **AUTHORIZATION OF NEW PLANT PROJECTS.**—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out the following new plant project for the National Nuclear Security Administration:

Project 16–D–621, Substation Replacement at Technical Area 3, Los Alamos National Laboratory, Los Alamos, New Mexico, \$25,000,000.

SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2016 for defense environmental cleanup activities in carrying out programs as specified in the funding table in section 4701.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2016 for other defense activities in carrying out programs as specified in the funding table in section 4701.

SEC. 3104. NUCLEAR ENERGY.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2016 for nuclear energy as specified in the funding table in section 4701.

Subtitle B—Program Authorizations, Restrictions, and Limitations

SEC. 3111. IMPROVEMENT TO ACCOUNTABILITY OF DEPARTMENT OF ENERGY EMPLOYEES AND PROJECTS.

(a) **NOTIFICATIONS.**—

(1) **IN GENERAL.**—Subtitle C of the National Nuclear Security Administration Act (50 U.S.C. 2441 et seq.) is amended by adding at the end the following new section:

50 USC 2443.

“SEC. 3245. NOTIFICATION OF EMPLOYEE PRACTICES AFFECTING NATIONAL SECURITY.

“(a) **ANNUAL NOTIFICATION.**—At or about the time that the President’s budget is submitted to Congress under section 1105(a) of title 31, United States Code, the Secretary of Energy and the Administrator shall jointly notify the appropriate congressional committees of—

“(1) the number of covered employees whose security clearance was revoked during the year prior to the year in which the notification is made; and

“(2) for each employee counted under paragraph (1), the length of time such employee has been employed at the Department or the Administration, as the case may be, since such revocation.

“(b) NOTIFICATION TO CONGRESSIONAL COMMITTEES.—Whenever the Secretary or the Administrator terminates the employment of a covered employee or removes and reassigns a covered employee for cause, the Secretary or the Administrator, as the case may be, shall notify the appropriate congressional committees of such termination or reassignment by not later than 30 days after the date of such termination or reassignment.

“(c) DEFINITIONS.—In this section:

“(1) The term ‘appropriate congressional committees’ means—

“(A) the congressional defense committees; and

“(B) the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

“(2) The term ‘covered employee’ means—

“(A) an employee of the Administration; or

“(B) an employee of an element of the Department of Energy (other than the Administration) involved in nuclear security.”

(2) CLERICAL AMENDMENT.—The table of contents for such Act is amended by inserting after the item relating to section 3244 the following new item:

“Sec. 3245. Notification of employee practices affecting national security.”

(3) ONE-TIME CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Energy and the Administrator for Nuclear Security shall jointly submit to the congressional defense committees, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Energy and Natural Resources of the Senate written certification that the Secretary and the Administrator possess the authorities needed to terminate the employment of an employee for cause relating to improper program management, as described in section 3246(a) of the National Nuclear Security Administration Act (as added by subsection (b)(1)).

(b) LIMITATION ON BONUSES.—

(1) IN GENERAL.—Such subtitle, as amended by subsection

(a)(1), is further amended by adding at the end the following:

“**SEC. 3246. LIMITATION ON BONUSES FOR EMPLOYEES WHO ENGAGE IN IMPROPER PROGRAM MANAGEMENT.** 50 USC 2445.

“(a) LIMITATION.—

“(1) IN GENERAL.—The Secretary of Energy or the Administrator may not pay to a covered employee a bonus during the one-year period beginning on the date on which the Secretary or the Administrator, as the case may be, determines that the covered employee engaged in improper program management that resulted in a notification under section 4713 of the Atomic Energy Defense Act (50 U.S.C. 2753) or significantly and detrimentally affected the cost, scope, or schedule associated with the approval of critical decision 3 in the acquisition process for a project (as defined in Department of Energy

Order 413.3B (relating to program management and project management for the acquisition of capital assets)).

“(2) IMPLEMENTATION GUIDANCE.—Not later than one year after the date of the enactment of this section, the Secretary shall issue guidance for the implementation of paragraph (1).

“(b) GUIDANCE PROHIBITING BONUSES FOR ADDITIONAL EMPLOYEES.—Not later than 180 days after the date of the enactment of this section, the Secretary and the Administrator shall each issue guidance prohibiting the payment of a bonus to a covered employee during the one-year period beginning on the date on which the Secretary or the Administrator, as the case may be, determines that the covered employee engaged in improper program management—

“(1) that jeopardized the health, safety, or security of employees or facilities of the Administration or another element of the Department of Energy involved in nuclear security; or

“(2) in carrying out defense nuclear nonproliferation activities.

“(c) WAIVER.—The Secretary or the Administrator, as the case may be, may waive the limitation on the payment of a bonus under subsection (a) or (b) on a case-by-case basis if—

“(1) the Secretary or the Administrator, as the case may be, notifies the appropriate congressional committees of such waiver; and

“(2) a period of 60 days elapses following such notification.

“(d) DEFINITIONS.—In this section:

“(1) The term ‘appropriate congressional committees’ means—

“(A) the congressional defense committees; and

“(B) the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

“(2) The term ‘bonus’ means a bonus or award paid under title 5, United States Code, including under chapters 45 or 53 of such title, or any other provision of law.

“(3) The term ‘covered employee’ has the meaning given that term in section 3245.”

(2) CLERICAL AMENDMENT.—The table of contents for such Act, as amended by subsection (a)(2), is further amended by inserting after the item relating to section 3245 the following new item:

“Sec. 3246. Limitation on bonuses for employees who engage in improper program management.”.

(c) TREATMENT OF CONTACTOR EMPLOYEES.—

(1) IN GENERAL.—Such subtitle, as amended by subsections (a)(1) and (b)(1), is further amended by adding at the end the following:

50 USC 2446.

“SEC. 3247. TREATMENT OF CONTRACTORS WHO ENGAGE IN IMPROPER PROGRAM MANAGEMENT.

“(a) IN GENERAL.—Except as provided by subsection (b), if the Secretary of Energy or the Administrator determines that a covered contractor engaged in improper program management that resulted in a notification under section 4713 of the Atomic Energy Defense Act (50 U.S.C. 2753) or significantly and detrimentally affected the cost, scope, or schedule associated with the approval of critical decision 3 in the acquisition process for a project (as

defined in Department of Energy Order 413.3B (relating to program management and project management for the acquisition of capital assets)), the Secretary or the Administrator, as the case may be, shall submit to the appropriate congressional committees—

“(1) an explanation as to whether termination of the contract is an appropriate remedy;

“(2) a description of the terms of the contract regarding award fees and performance; and

“(3) a description of how the Secretary or the Administrator, as the case may be, plans to exercise options under the contract.

“(b) EXCEPTION.—If the Secretary or the Administrator, as the case may be, is not able to submit the information described in paragraphs (1) through (3) of subsection (a) by reason of a contract enforcement action, the Secretary or the Administrator, as the case may be, shall submit to the appropriate congressional committees a notification of such contract enforcement action and the date on which the Secretary or the Administrator, as the case may be, plans to submit the information described in such paragraphs.

“(c) DEFINITIONS.—In this section:

“(1) The term ‘appropriate congressional committees’ means—

“(A) the congressional defense committees; and

“(B) the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

“(2) The term ‘covered contractor’ means—

“(A) a contractor of the Administration; or

“(B) a contractor of an element of the Department of Energy (other than the Administration) involved in nuclear security.”.

(2) CLERICAL AMENDMENT.—The table of contents for such Act, as amended by subsections (a)(2) and (b)(2), is further amended by inserting after the item relating to section 3246 the following new item:

“Sec. 3247. Treatment of contractors who engage in improper program management.”.

SEC. 3112. STOCKPILE RESPONSIVENESS PROGRAM.

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

(1) a modern and responsive nuclear weapons infrastructure is only one component of a nuclear posture that is agile, flexible, and responsive to change; and

(2) to ensure the nuclear deterrent of the United States remains safe, secure, reliable, credible, and responsive, the United States must continually exercise all capabilities required to conceptualize, study, design, develop, engineer, certify, produce, and deploy nuclear weapons.

(b) ESTABLISHMENT OF PROGRAM.—

(1) IN GENERAL.—Subtitle A of title XLII of the Atomic Energy Defense Act (50 U.S.C. 2521 et seq.) is amended by adding at the end the following new section:

“SEC. 4220. STOCKPILE RESPONSIVENESS PROGRAM.

50 USC 2538b.

“(a) STATEMENT OF POLICY.—It is the policy of the United States to identify, sustain, enhance, integrate, and continually exercise all capabilities required to conceptualize, study, design, develop,

engineer, certify, produce, and deploy nuclear weapons to ensure the nuclear deterrent of the United States remains safe, secure, reliable, credible, and responsive.

“(b) PROGRAM REQUIRED.—The Secretary of Energy, acting through the Administrator and in consultation with the Secretary of Defense, shall carry out a stockpile responsiveness program, along with the stockpile stewardship program under section 4201 and the stockpile management program under section 4204, to identify, sustain, enhance, integrate, and continually exercise all capabilities required to conceptualize, study, design, develop, engineer, certify, produce, and deploy nuclear weapons.

“(c) OBJECTIVES.—The program under subsection (b) shall have the following objectives:

“(1) Identify, sustain, enhance, integrate, and continually exercise all of the capabilities, infrastructure, tools, and technologies across the science, engineering, design, certification, and manufacturing cycle required to carry out all phases of the joint nuclear weapons life cycle process, with respect to both the nuclear security enterprise and relevant elements of the Department of Defense.

“(2) Identify, enhance, and transfer knowledge, skills, and direct experience with respect to all phases of the joint nuclear weapons life cycle process from one generation of nuclear weapon designers and engineers to the following generation.

“(3) Periodically demonstrate stockpile responsiveness throughout the range of capabilities required, including prototypes, flight testing, and development of plans for certification without the need for nuclear explosive testing.

“(4) Shorten design, certification, and manufacturing cycles and timelines to minimize the amount of time and costs leading to an engineering prototype and production.

“(5) Continually exercise processes for the integration and coordination of all relevant elements and processes of the Administration and the Department of Defense required to ensure stockpile responsiveness.

“(d) JOINT NUCLEAR WEAPONS LIFE CYCLE PROCESS DEFINED.—In this section, the term ‘joint nuclear weapons life cycle process’ means the process developed and maintained by the Secretary of Defense and the Secretary of Energy for the development, production, maintenance, and retirement of nuclear weapons.”.

(2) CLERICAL AMENDMENT.—The table of contents for such Act is amended by inserting after the item relating to section 4219 the following new item:

“Sec. 4220. Stockpile responsiveness program.”.

(c) INCLUSION IN STOCKPILE STEWARDSHIP, MANAGEMENT, AND INFRASTRUCTURE PLAN.—

(1) IN GENERAL.—Section 4203 of such Act (50 U.S.C. 2523) is amended—

(A) in the section heading, by striking “INFRASTRUCTURE” and inserting “RESPONSIVENESS”;

(B) in subsection (a), by inserting “stockpile responsiveness,” after “stockpile management,”;

(C) in subsection (c)—

(i) by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively; and

(ii) by inserting after paragraph (4) the following new paragraph (5):

“(5) A summary of the status, plans, and budgets for carrying out the stockpile responsiveness program under section 4220.”;

(D) in subsection (d)(1)—

(i) in the matter preceding subparagraph (A), by striking “stewardship and management” and inserting “stewardship, stockpile management, and stockpile responsiveness”;

(ii) in subparagraph (K), by striking “; and” and inserting a semicolon;

(iii) in subparagraph (L), by striking the period and inserting a semicolon; and

(iv) by adding at the end the following new subparagraphs:

“(M) the status, plans, activities, budgets, and schedules for carrying out the stockpile responsiveness program under section 4220; and

“(N) for each of the five fiscal years following the fiscal year in which the report is submitted, an identification of the funds needed to carry out the program required under section 4220.”; and

(E) in subsection (e)(1)(A)—

(i) in clause (i), by striking “; and” and inserting a semicolon;

(ii) in clause (ii), by striking the period and inserting “; and”; and

(iii) by adding at the end the following new clause: “(iii) whether the plan supports the stockpile responsiveness program under section 4220 in a manner that meets the objectives of such program and an identification of any improvements that may be made to the plan to better carry out such program.”.

(2) CLERICAL AMENDMENT.—The table of contents for such Act is amended by striking the item relating to section 4203 and inserting the following new item:

“Sec. 4203. Nuclear weapons stockpile stewardship, management, and responsiveness plan.”.

(d) REPORT BY STRATCOM.—Section 4205(e)(4) of such Act (50 U.S.C. 2525(e)(4)) is amended—

(1) in subparagraph (A), by striking “; and” and inserting a semicolon;

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

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

“(C) the views of the Commander on the stockpile responsiveness program under section 4220, the activities conducted under such program, and any suggestions to improve such program.”.

SEC. 3113. NOTIFICATION OF COST OVERRUNS AND SELECTED ACQUISITION REPORTS FOR MAJOR ALTERATION PROJECTS.

(a) NOTIFICATION OF COST OVERRUNS.—

(1) IN GENERAL.—Section 4713(a) of the Atomic Energy Defense Act (50 U.S.C. 2753(a)) is amended—

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

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

“(2) MAJOR ALTERATION PROJECTS.—

“(A) IN GENERAL.—The Administrator shall establish a cost and schedule baseline for each major alteration project.

“(B) PER UNIT COST.—The cost baseline developed under subparagraph (A) shall include, with respect to each major alteration project, an estimated cost for each warhead in the project.

“(C) NOTIFICATION TO CONGRESSIONAL DEFENSE COMMITTEES.—Not later than 30 days after establishing a cost and schedule baseline under subparagraph (A), the Administrator shall submit the cost and schedule baseline to the congressional defense committees.

“(D) MAJOR ALTERATION PROJECT DEFINED.—In this paragraph, the term ‘major alteration project’ means a nuclear weapon system alteration project of the Administration the cost of which exceeds \$750,000,000.”

(2) CONFORMING AMENDMENTS.—Section 4713 of such Act is further amended—

(A) in subsection (b)—

(i) in paragraph (1), by striking “or (3)” and inserting “(3), or (4)”; and

(ii) in paragraph (2)—

(I) by inserting “or a major alteration project referred to in subsection (a)(2)” after “subsection (a)(1)”; and

(II) by inserting “or (a)(2)(B), as applicable;”, and

(B) in subsection (c)(2)(A), by inserting “or a major alteration project referred to in subsection (a)(2)” after “subsection (a)(1)”.

(b) INCLUSION OF MAJOR ALTERATION PROJECTS IN SELECTED ACQUISITION REPORTS AND INDEPENDENT COST ESTIMATES.—

(1) IN GENERAL.—Section 4217 of such Act (50 U.S.C. 2537) is amended—

(A) in subsection (a)(1), by inserting “or a major alteration project (as defined in section 4713(a)(2))” after “life extension”; and

(B) in subsection (b)(1)(A), by adding at the end the following new clause:

“(iv) Each nuclear weapons system undergoing a major alteration project (as defined in section 4713(a)(2)).”

(2) CONFORMING AMENDMENTS.—

(A) The section heading for section 4217 of such Act is amended by striking “LIFE EXTENSION PROGRAMS AND NEW NUCLEAR FACILITIES” and inserting “CERTAIN PROGRAMS AND FACILITIES”.

(B) The table of contents for such Act is amended by striking the item relating to section 4217 and inserting the following new item:

“Sec. 4217. Selected Acquisition Reports and independent cost estimates and reviews of certain programs and facilities.”.

SEC. 3114. ROOT CAUSE ANALYSES FOR CERTAIN COST OVERRUNS.

Section 4713(c) of the Atomic Energy Defense Act (50 U.S.C. 2753(c)), as amended by section 3113, is further amended—

- (1) in the subsection heading, by inserting “AND ROOT CAUSE ANALYSES” after “PROJECTS”;
- (2) in paragraph (1), by striking “and”;
- (3) in paragraph (2)(C), by striking the period at the end and inserting “; and”; and
- (4) by adding at the end the following paragraph:

“(3) submit to the congressional defense committees an assessment of the root cause or causes of the growth in the total cost of the project, including the contribution of any shortcomings in cost, schedule, or performance of the program, including the role, if any, of—

- “(A) unrealistic performance expectations;
- “(B) unrealistic baseline estimates for cost or schedule;
- “(C) immature technologies or excessive manufacturing or integration risk;
- “(D) unanticipated design, engineering, manufacturing, or technology integration issues arising during program performance;
- “(E) changes in procurement quantities;
- “(F) inadequate program funding or funding instability;
- “(G) poor performance by personnel of the Federal Government or contractor personnel responsible for program management; or
- “(H) any other matters.”.

SEC. 3115. FUNDING OF LABORATORY-DIRECTED RESEARCH AND DEVELOPMENT PROGRAMS.

(a) IN GENERAL.—Section 4811(c) of the Atomic Energy Defense Act (50 U.S.C. 2791(c)) is amended—

- (1) by striking “to such laboratories” and inserting “to a national security laboratory”;
- (2) by striking “not to exceed 6 percent” and inserting “of not less than 5 percent and not more than 7 percent”; and
- (3) by striking “by such laboratories” and inserting “by the laboratory”.

(b) BRIEFING REQUIRED.—Not later than February 28, 2016, the Administrator for Nuclear Security shall provide a briefing to the congressional defense committees on—

- (1) all recent or ongoing reviews of the laboratory-directed research and development program, including such reviews initiated by the Secretary of Energy;
- (2) costs and accounting practices associated with laboratory-directed research and development; and
- (3) how laboratory-directed research and development projects support the mission of the National Nuclear Security Administration.

SEC. 3116. HANFORD WASTE TREATMENT AND IMMOBILIZATION PLANT CONTRACT OVERSIGHT.

(a) IN GENERAL.—Subtitle C of title XLIV of the Atomic Energy Defense Act (50 U.S.C. 2621 et seq.) is amended by adding at the end the following new section:

50 USC 2626.

“SEC. 4446. HANFORD WASTE TREATMENT AND IMMOBILIZATION PLANT CONTRACT OVERSIGHT.

“(a) IN GENERAL.—Not later than 180 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2016, the Secretary of Energy shall arrange to have an owner’s agent advise the Secretary in carrying out the oversight responsibilities of the Secretary with respect to the contract described in subsection (b).

“(b) CONTRACT DESCRIBED.—The contract described in this subsection is the contract between the Office of River Protection of the Department of Energy and Bechtel National, Inc., or its successor relating to the Hanford Waste Treatment and Immobilization Plant (contract number DE–AC27–01RV14136).

“(c) DUTIES.—The duties of the owner’s agent under subsection (a) shall include advising the Secretary with respect to the following:

“(1) Performing design, construction, nuclear safety, and operability oversight of each facility covered by the contract described in subsection (b).

“(2) Beginning not later than one year after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2016, ensuring that the preliminary documented safety analyses for all facilities covered by the contract meet the requirements of all applicable Department of Energy regulations and guidance, including section 830.206 of title 10, Code of Federal Regulations, and the Department of Energy Standard on the Integration of Safety into the Design Process (DOE–STD–1189–2008).

“(3) Ensuring that, until the Secretary approves the documented safety analysis for each facility covered by the contract, the contractor ensures that each preliminary documented safety analysis is current.

“(4) Ensuring that the contractor acts to promptly resolve any unreviewed safety questions.

“(d) REPORT ON ACTIVITIES OF OWNER’S AGENT.—

“(1) IN GENERAL.—Not later than one year after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2016, and every 180 days thereafter, the owner’s agent specified in subsection (a) shall submit to the Secretary a report on the advice provided by the owner’s agent to the Secretary under that subsection with respect to oversight of the contract described in subsection (b).

“(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

“(A) Information on the status of, and the plan for resolving, each unreviewed safety question at each facility covered by the contract described in subsection (b).

“(B) An identification of each instance of disagreement between the owner’s agent and the contractor with respect to whether an unreviewed safety question exists and the plan for resolution of the disagreement.

“(C) An identification of each aspect of each preliminary documented safety analysis that is not current, the plan for making that aspect current, and the status of the corrective efforts.

“(D) Information on the status of, and the plan for resolving, each unresolved technical issue at each facility covered by the contract, and the status of corrective efforts.

“(3) SUBMISSION TO CONGRESS.—The Secretary shall transmit to the congressional defense committees the report required by paragraph (1) and any views of the Secretary with respect to the report.

“(e) REPORT ON SELECTION OF THE OWNER’S AGENT.—Not later than 30 days after the selection of the owner’s agent under subsection (a), the Secretary shall submit to the congressional defense committees a report on the process used to select the owner’s agent to ensure that the owner’s agent does not have a conflict of interest.

“(f) DEFINITIONS.—In this section:

“(1) The term ‘contractor’ means Bechtel National, Inc.

“(2) The term ‘current’, with respect to a documented safety analysis, means that the documented safety analysis includes any design changes approved by the contractor and any safety evaluation reports issued by the Secretary with respect to the facility covered by the analysis before the date that is 60 days before the date of the analysis.

“(3) The terms ‘documented safety analysis’, ‘safety evaluation report’, and ‘unreviewed safety question’ have the meanings given those terms in section 830.3 of title 10, Code of Federal Regulations (or any corresponding similar ruling or regulation).

“(4) The term ‘owner’s agent’ means a private third-party entity with nuclear safety management expertise.”.

(b) CLERICAL AMENDMENT.—The table of contents for such Act is amended by inserting after the item relating to section 4445 the following new item:

“Sec. 4446. Hanford Waste Treatment and Immobilization Plant contract oversight.”.

SEC. 3117. USE OF BEST PRACTICES FOR CAPITAL ASSET PROJECTS AND NUCLEAR WEAPON LIFE EXTENSION PROGRAMS.

50 USC 2754
note.

(a) ANALYSES OF ALTERNATIVES.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Energy, in coordination with the Administrator for Nuclear Security, shall ensure that analyses of alternatives are conducted (including through contractors, as appropriate) in accordance with best practices for capital asset projects and life extension programs of the National Nuclear Security Administration and capital asset projects relating to defense environmental management.

(b) COST ESTIMATES.—Not later than 30 days after the date of the enactment of this Act, the Secretary, in coordination with the Administrator, shall develop cost estimates in accordance with cost estimating best practices for capital asset projects and life extension programs of the National Nuclear Security Administration and capital asset projects relating to defense environmental management.

(c) REVISIONS TO DEPARTMENTAL PROJECT MANAGEMENT ORDER AND NUCLEAR WEAPON LIFE EXTENSION REQUIREMENTS.—As soon as practicable after the date of the enactment of this Act, but

not later than two years after such date of enactment, the Secretary shall revise—

(1) the capital asset project management order of the Department of Energy to require the use of best practices for preparing cost estimates and for conducting analyses of alternatives for National Nuclear Security Administration and defense environmental management capital asset projects; and

(2) the nuclear weapon life extension program procedures of the Department to require the use of use of best practices for preparing cost estimates and conducting analyses of alternatives for National Nuclear Security Administration life extension programs.

SEC. 3118. RESEARCH AND DEVELOPMENT OF ADVANCED NAVAL NUCLEAR FUEL SYSTEM BASED ON LOW-ENRICHED URANIUM.

(a) **AVAILABILITY OF FUNDS.**—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2016 for defense nuclear nonproliferation for material management and minimization, as specified in the funding table in section 4701, not more than \$5,000,000 shall be made available to the Deputy Administrator for Naval Reactors for initial planning and early research and development of an advanced naval nuclear fuel system based on low-enriched uranium.

(b) **CONCEPTUAL PROGRAM PLAN.**—Not later than 90 days after the date of the enactment of this Act, the Deputy Administrator shall submit to the congressional defense committees a conceptual plan for a program for research and development of an advanced naval nuclear fuel system based on low-enriched uranium to meet military requirements. Such plan shall include the following:

(1) Timelines.

(2) Costs (including an analysis of the cost of such research and development as compared to the cost of maintaining current naval nuclear reactor technology).

(3) Milestones, including an identification of decision points in which the Deputy Administrator shall determine whether further research and development of a low-enriched uranium naval nuclear fuel system is warranted.

(4) Identification of any benefits or risks for nuclear nonproliferation of such research and development and eventual deployment.

(5) Identification of any military benefits or risks of such research and development and eventual deployment.

(6) A discussion of potential security cost savings from using low-enriched uranium in future naval nuclear fuels, including for transporting and using low-enriched uranium fuel, and how such cost savings relate to the cost of fuel fabrication.

(7) The distinguishment between requirements for aircraft carriers from submarines.

(8) Any other matters the Deputy Administrator determines appropriate.

(c) DETERMINATION OF CONTINUED RESEARCH AND DEVELOPMENT.—

(1) **DETERMINATION.**—Not later than 60 days after the date on which the Deputy Administrator submits the conceptual plan to the congressional defense committees under subsection (b), the Secretary of Energy and the Secretary of the Navy

shall jointly submit to the congressional defense committees the determination of the Secretaries as to whether the United States should continue to pursue research and development of an advanced naval nuclear fuel system based on low-enriched uranium.

(2) BUDGET REQUEST.—If the Secretaries determine under paragraph (1) that research and development of an advanced naval nuclear fuel system based on low-enriched uranium should continue, the Secretaries shall ensure that the budget of the President for fiscal year 2018 (and for fiscal year 2017, if feasible) submitted to Congress under section 1105(a) of title 31, United States Code, includes in the budget line item for the “Defense Nuclear Nonproliferation” account for material management and minimization amounts necessary to carry out the conceptual plan under subsection (b).

(d) MEMORANDUM OF UNDERSTANDING.—If the Secretaries determine under subsection (c)(1) that research and development of an advanced naval nuclear fuel system based on low-enriched uranium should continue, not later than 60 days after such determination, the Deputy Administrator shall enter into a memorandum of understanding with the Deputy Administrator for Defense Nuclear Nonproliferation regarding such research and development, including with respect to how funding for such research and development will be requested for the “Defense Nuclear Nonproliferation” account for material management and minimization and provided to the “Naval Reactors” account to carry out the program.

SEC. 3119. DISPOSITION OF WEAPONS-USABLE PLUTONIUM.

(a) MIXED-OXIDE FUEL FABRICATION FACILITY.—

(1) IN GENERAL.—Using funds described in paragraph (3), the Secretary of Energy shall carry out construction and project support activities relating to the MOX facility.

(2) EXCEPTION.—Notwithstanding paragraph (1), not more than \$5,000,000 of the funds described in paragraph (3) may be obligated or expended to conduct an analysis of alternative options for carrying out the plutonium disposition program.

(3) FUNDS DESCRIBED.—The funds described in this paragraph are the following:

(A) Funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2016 for the National Nuclear Security Administration for the MOX facility for construction and project support activities.

(B) Funds authorized to be appropriated for a fiscal year prior to fiscal year 2016 for the National Nuclear Security Administration for the MOX facility for construction and project support activities that are unobligated as of the date of the enactment of this Act.

(b) UPDATED PERFORMANCE BASELINE.—The Secretary shall include in the budget justification materials submitted to Congress in support of the Department of Energy budget (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) for fiscal year 2017 an updated performance baseline for construction and project support activities relating to the MOX facility conducted in accordance with Department of Energy Order 413.3B (relating to program and project management for the acquisition of capital assets).

(c) DEFINITIONS.—In this section:

(1) **MOX FACILITY.**—The term “MOX facility” means the mixed-oxide fuel fabrication facility at the Savannah River Site, Aiken, South Carolina.

(2) **PROJECT SUPPORT ACTIVITIES.**—The term “project support activities” means activities that support the design, long-lead equipment procurement, and site preparation of the MOX facility.

50 USC 2464
note.

SEC. 3120. ESTABLISHMENT OF MICROLAB PILOT PROGRAM.

(a) **IN GENERAL.**—The Secretary of Energy, in consultation with the directors of the national security laboratories, may establish a microlab pilot program under which the Secretary establishes a microlab for the purposes of—

(1) enhancing collaboration with regional research groups, such as institutions of higher education and industry groups;

(2) accelerating technology transfer from national security laboratories to the marketplace; and

(3) promoting regional workforce development through science, technology, engineering, and mathematics instruction and training.

(b) **CRITERIA.**—

(1) **IN GENERAL.**—In determining the placement of a microlab under subsection (a), the Secretary shall consider—

(A) the interest of a national security laboratory in establishing a microlab;

(B) the existence of an available facility that has the capability to house a microlab;

(C) whether employees of a national security laboratory and persons from academia, industry, and government are available to be assigned to the microlab; and

(D) cost-sharing or in-kind contributions from State and local governments and private industry.

(2) **COST-SHARING.**—The Secretary shall, to the extent feasible, require cost-sharing or in-kind contributions described in paragraph (1)(D) to cover the full cost of the microlab under subsection (a).

(c) **TIMING.**—If the Secretary, in consultation with the directors of the national security laboratories, elects to establish a microlab pilot program under this section, the Secretary, in collaboration with such directors, shall—

(1) not later than 180 days after the date of the enactment of this Act, begin the process of determining the placement of the microlab under subsection (a); and

(2) not later than one year after such date of enactment, implement the microlab pilot program under this section.

(d) **REPORTS REQUIRED.**—If the Secretary, in consultation with the directors of the national security laboratories, elects to establish a microlab pilot program under this section, the Secretary shall submit to the appropriate congressional committees—

(1) not later than 120 days after the date of the implementation of the program, a report that provides an update on the implementation of the program; and

(2) not later than one year after the date of the implementation of the program, a report on the program, including findings and recommendations of the Secretary with respect to the program.

(e) **DEFINITIONS.**—In this section:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means—

(A) the Committee on Armed Services and the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Armed Services, the Committee on Science, Space, and Technology, and the Committee on Energy and Commerce of the House of Representatives.

(2) **MICROLAB.**—The term “microlab” means a facility that is—

(A) in close proximity to, but outside the perimeter of, a national security laboratory;

(B) an extension of or affiliated with a national security laboratory; and

(C) accessible to the public.

(3) **NATIONAL SECURITY LABORATORY.**—The term “national security laboratory” has the meaning given that term in section 3281 of the National Nuclear Security Administration Act (50 U.S.C. 2471).

SEC. 3121. PROHIBITION ON AVAILABILITY OF FUNDS FOR PROVISION OF DEFENSE NUCLEAR NONPROLIFERATION ASSISTANCE TO RUSSIAN FEDERATION.

(a) **PROHIBITION.**—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2016 for defense nuclear nonproliferation activities may be obligated or expended to enter into a contract with, or otherwise provide assistance to, the Russian Federation.

(b) **WAIVER.**—The Secretary of Energy, without delegation, may waive the prohibition in subsection (a) if the Secretary—

(1) submits to the appropriate congressional committees a report containing—

(A) notification that such a waiver is in the national security interest of the United States; and

(B) justification for such a waiver; and

(2) a period of 15 days elapses following the date on which the Secretary submits such report.

(c) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means the following:

(1) The congressional defense committees.

(2) The Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

SEC. 3122. PROHIBITION ON AVAILABILITY OF FUNDS FOR NEW FIXED SITE RADIOLOGICAL PORTAL MONITORS IN FOREIGN COUNTRIES.

(a) **PROHIBITION.**—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2016 for the National Nuclear Security Administration may be obligated or expended for the installation, on or after the date of the enactment of this Act, of fixed site radiological portal monitors or equipment in foreign countries until the date on which the Director of National Intelligence submits to the Administrator for Nuclear Security and the appropriate congressional committees, consistent with the provision of classified information and protection of sources and methods, a report containing an assessment of—

(1) whether and the extent to which fixed site and mobile radiological monitors address nuclear nonproliferation and smuggling threats;

(2) the contribution of other threat reduction programs and how well such programs address nuclear nonproliferation and smuggling threats;

(3) which programs have the greatest impact and cost-benefit for addressing nuclear nonproliferation and smuggling threats; and

(4) such other matters as the Director considers appropriate.

(b) **PLAN REQUIRED.**—

(1) **IN GENERAL.**—Not later than March 1, 2016, the Administrator shall submit to the appropriate congressional committees a plan for transitioning fixed site radiological portal monitors installed in foreign countries before or after the date of the enactment of this Act to being sustained, to the greatest extent possible, by the countries in which such monitors are located.

(2) **ELEMENTS.**—The plan required by paragraph (1) shall include—

(A) timelines for the transition of the radiological portal monitors described in paragraph (1) to being sustained by the countries in which such monitors are located; and

(B) an estimate of the costs expected to be incurred by the United States before the transition is complete.

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

(1) the congressional defense committees;

(2) the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives; and

(3) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

SEC. 3123. LIMITATION ON AVAILABILITY OF FUNDS FOR CERTAIN ARMS CONTROL AND NONPROLIFERATION TECHNOLOGIES.

(a) **IN GENERAL.**—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2016 for the Office of Nonproliferation and Arms Control of the National Nuclear Security Administration may be obligated or expended to test and validate arms control and nonproliferation verification and monitoring technologies designed to be used to verify and monitor obligations under arms control treaties or other international agreements to which the United States is not a signatory until the Administrator for Nuclear Security submits to the congressional defense committees a comprehensive review of all arms control and nonproliferation verification and monitoring technologies that are in research and development or production as of the date of the enactment of this Act under the defense nuclear nonproliferation programs of the Administration.

(b) **ELEMENTS.**—The review required by subsection (a) shall include, with respect to each arms control and nonproliferation

verification and monitoring technology covered by the review, a statement of—

- (1) the technology readiness level of the technology;
- (2) the obligation under a treaty or other international agreement supported by the technology; and
- (3) the purpose for which the technology is being developed or produced.

SEC. 3124. LIMITATION ON AVAILABILITY OF FUNDS FOR NUCLEAR WEAPONS DISMANTLEMENT.

(a) **LIMITATION ON MAXIMUM AMOUNT FOR DISMANTLEMENT.**—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2016 for the National Nuclear Security Administration, not more than \$50,000,000 may be obligated or expended to carry out the nuclear weapons dismantlement and disposition activities of the Administration.

(b) **LIMITATION ON DISMANTLEMENT OF CERTAIN CRUISE MISSILE WARHEADS.**—

(1) **IN GENERAL.**—Except as provided by paragraph (2), none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2016 for the National Nuclear Security Administration may be obligated or expended to dismantle or dispose of a W84 nuclear weapon.

(2) **EXCEPTION.**—The limitation in paragraph (1) shall not apply to activities necessary to conduct maintenance or surveillance of the nuclear weapons stockpile or activities to ensure the safety or reliability of the nuclear weapons stockpile.

Subtitle C—Plans and Reports

SEC. 3131. LONG-TERM PLAN FOR MEETING NATIONAL SECURITY REQUIREMENTS FOR UNENCUMBERED URANIUM.

(a) **IN GENERAL.**—Subtitle A of title XLII of the Atomic Energy Defense Act (50 U.S.C. 2521 et seq.), as amended by section 3112, is further amended by adding at the end the following new section:

“SEC. 4221. LONG-TERM PLAN FOR MEETING NATIONAL SECURITY REQUIREMENTS FOR UNENCUMBERED URANIUM. 50 USC 2538c.

“(a) **IN GENERAL.**—Concurrent with the submission to Congress of the budget of the President under section 1105(a) of title 31, United States Code, in each even-numbered year beginning in 2016 and ending in 2026, the Secretary of Energy shall submit to the congressional defense committees a plan for meeting national security requirements for unencumbered uranium through 2065.

“(b) **PLAN REQUIREMENTS.**—The plan required by subsection (a) shall include the following:

“(1) An inventory of unencumbered uranium (other than depleted uranium), by program source and enrichment level, that, as of the date of the plan, is allocated to national security requirements.

“(2) An inventory of unencumbered uranium (other than depleted uranium), by program source and enrichment level, that, as of the date of the plan, is not allocated to national security requirements but could be allocated to such requirements.

“(3) An identification of national security requirements for unencumbered uranium, by program source and enrichment level.

“(4) A description of any shortfall in obtaining unencumbered uranium to meet national security requirements and an assessment of whether that shortfall could be mitigated through the blending down of uranium that is of a higher enrichment level.

“(5) An inventory of unencumbered depleted uranium, an assessment of the portion of that uranium that could be allocated to national security requirements through re-enrichment, and an estimate of the costs of re-enriching that uranium.

“(6) A description of the swap and barter agreements involving unencumbered uranium needed to meet national security requirements that are in effect on the date of the plan.

“(7) An assessment of whether additional enrichment of uranium will be required to meet national security requirements and an estimate of the time for production operations and the cost for each type of enrichment being considered.

“(8) A description of changes in policy that would mitigate any shortfall in obtaining unencumbered uranium to meet national security requirements and the implications of those changes.

“(c) FORM OF PLAN.—The plan required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

“(d) DEFINITIONS.—In this section:

“(1) The term ‘depleted’, with respect to uranium, means that the uranium is depleted in uranium-235 compared with natural uranium.

“(2) The term ‘unencumbered’, with respect to uranium, means that the United States has no obligation to foreign governments to use the uranium for only peaceful purposes.”.

(b) CLERICAL AMENDMENT.—The table of contents for such Act, as amended by section 3112, is further amended by inserting after the item relating to section 4220 the following new item:

“Sec. 4221. Long-term plan for meeting national security requirements for unencumbered uranium.”.

SEC. 3132. DEFENSE NUCLEAR NONPROLIFERATION MANAGEMENT PLAN AND REPORTS.

(a) DEFENSE NUCLEAR PROLIFERATION MANAGEMENT PLAN.—

(1) IN GENERAL.—Title XLIII of the Atomic Energy Defense Act (50 U.S.C. 2563 et seq.) is amended by adding at the end the following new section:

50 USC 2575.

“SEC. 4309. DEFENSE NUCLEAR NONPROLIFERATION MANAGEMENT PLAN.

“(a) IN GENERAL.—Concurrent with the submission to Congress of the budget of the President under section 1105(a) of title 31, United States Code, in each fiscal year, the Administrator shall submit to the congressional defense committees a five-year management plan for activities associated with the defense nuclear nonproliferation programs of the Administration to prevent and counter the proliferation of materials, technology, equipment, and expertise related to nuclear and radiological weapons in order to minimize

and address the risk of nuclear terrorism and the proliferation of such weapons.

“(b) ELEMENTS.—The plan required by subsection (a) shall include, with respect to each defense nuclear nonproliferation program of the Administration, the following:

“(1) A description of the policy context in which the program operates, including—

“(A) a list of relevant laws, policy directives issued by the President, and international agreements; and

“(B) nuclear nonproliferation activities carried out by other Federal agencies.

“(2) A description of the objectives and priorities of the program during the year preceding the submission of the plan required by subsection (a).

“(3) A description of the activities carried out under the program during that year.

“(4) A description of the accomplishments and challenges of the program during that year, based on an assessment of metrics and objectives previously established to determine the effectiveness of the program.

“(5) A description of any gaps that remain that were not or could not be addressed by the program during that year.

“(6) An identification and explanation of uncommitted or uncosted balances for the program, as of the date of the submission of the plan required by subsection (a), that are greater than the acceptable carryover thresholds, as determined by the Secretary of Energy.

“(7) An identification of funds for the program received through contributions from or cost-sharing agreements with foreign governments consistent section 3132(f) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (50 U.S.C. 2569(f)) during the year preceding the submission of the plan required by subsection (a) and an explanation of such contributions and agreements.

“(8) A description and assessment of activities carried out under the program during that year that were coordinated with other elements of the Department of Energy, with the Department of Defense, and with other Federal agencies, to maximize efficiency and avoid redundancies.

“(9) Plans for activities of the program during the five-year period beginning on the date on which the plan required by subsection (a) is submitted, including activities with respect to the following:

“(A) Preventing nuclear and radiological proliferation and terrorism, including through—

“(i) material management and minimization, particularly with respect to removing or minimizing the use of highly enriched uranium, plutonium, and radiological materials worldwide (and identifying the countries in which such materials are located), efforts to dispose of surplus material, converting reactors from highly enriched uranium to low-enriched uranium (and identifying the countries in which such reactors are located);

“(ii) global nuclear material security, including securing highly enriched uranium, plutonium, and radiological materials worldwide (and identifying the

countries in which such materials are located), and providing radiation detection capabilities at foreign ports and borders;

“(iii) nonproliferation and arms control, including nuclear verification and safeguards;

“(iv) defense nuclear research and development, including a description of activities related to developing and improving technology to detect the proliferation and detonation of nuclear weapons, verifying compliance of foreign countries with commitments under treaties and agreements relating to nuclear weapons, and detecting the diversion of nuclear materials (including safeguards technology); and

“(v) nonproliferation construction programs, including activities associated Department of Energy Order 413.1 (relating to program management controls).

“(B) Countering nuclear and radiological proliferation and terrorism.

“(C) Responding to nuclear and radiological proliferation and terrorism, including through—

“(i) crisis operations;

“(ii) consequences management; and

“(iii) emergency management, including international capacity building.

“(10) A threat assessment, carried out by the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4))), with respect to the risk of nuclear and radiological proliferation and terrorism and a description of how each activity carried out under the program will counter the threat during the five-year period beginning on the date on which the plan required by subsection (a) is submitted and, as appropriate, in the longer term.

“(11) A plan for funding the program during that five-year period.

“(12) An identification of metrics and objectives for determining the effectiveness of each activity carried out under the program during that five-year period.

“(13) A description of the activities to be carried out under the program during that five-year period and a description of how the program will be prioritized relative to other defense nuclear nonproliferation programs of the Administration during that five-year period to address the highest priority risks and requirements, as informed by the threat assessment carried out under paragraph (10).

“(14) A description of funds for the program expected to be received during that five-year period through contributions from or cost-sharing agreements with foreign governments consistent section 3132(f) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (50 U.S.C. 2569(f)).

“(15) A description and assessment of activities to be carried out under the program during that five-year period that will be coordinated with other elements of the Department of Energy, with the Department of Defense, and with other Federal agencies, to maximize efficiency and avoid redundancies.

“(16) Such other matters as the Administrator considers appropriate.

“(c) FORM OF REPORT.—The plan required by subsection (a) shall be submitted to the congressional defense committees in unclassified form, but may include a classified annex if necessary.”.

(2) CLERICAL AMENDMENT.—The table of contents for such Act is amended by inserting after the item relating to section 4308 the following new item:

“Sec. 4309. Defense nuclear nonproliferation management plan.”.

(b) EXTENSION AND MODIFICATION OF CERTAIN ANNUAL REPORTS ON NUCLEAR NONPROLIFERATION.—Section 3122 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1710) is amended—

(1) by striking subsections (a) and (b);

(2) by redesignating subsections (c), (d), and (e) as subsections (a), (b), and (c), respectively;

(3) in subsection (a), as redesignated by paragraph (2)—

(A) in the matter preceding paragraph (1), by striking “2016” and inserting “2020”;

(B) in paragraph (2), by inserting after “world,” the following: “including an identification of such uranium that is obligated by the United States,”; and

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

“(3) A list, by country and site, reflecting the total amount of separated plutonium around the world, including an identification of such plutonium that is obligated by the United States, and an assessment of the vulnerability of the plutonium to theft or diversion.”; and

(4) in paragraph (2) of subsection (b), as so redesignated, by striking “subsection (c)(2)” and inserting “paragraph (2) or (3) of subsection (a)”.

(c) CONFORMING REPEAL.—Section 3145 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 2197) is repealed.

SEC. 3133. PLAN FOR DEACTIVATION AND DECOMMISSIONING OF NON-OPERATIONAL DEFENSE NUCLEAR FACILITIES.

(a) IN GENERAL.—Subtitle B of title XLIV of the Atomic Energy Defense Act (50 U.S.C. 2602 et seq.) is amended by adding at the end the following new section:

“SEC. 4423. PLAN FOR DEACTIVATION AND DECOMMISSIONING OF NONOPERATIONAL DEFENSE NUCLEAR FACILITIES. 50 USC 2603.

“(a) IN GENERAL.—The Secretary of Energy shall, during each even-numbered year beginning in 2016, develop and subsequently carry out a plan for the activities of the Department of Energy relating to the deactivation and decommissioning of nonoperational defense nuclear facilities.

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

“(1) A list of nonoperational defense nuclear facilities, prioritized for deactivation and decommissioning based on the potential to reduce risks to human health, property, or the environment and to maximize cost savings.

“(2) An assessment of the life cycle costs of each nonoperational defense nuclear facility during the period beginning

on the date on which the plan is submitted under subsection (d) and ending on the earlier of—

“(A) the date that is 25 years after the date on which the plan is submitted; or

“(B) the estimated date for deactivation and decommissioning of the facility.

“(3) An estimate of the cost and time needed to deactivate and decommission each nonoperational defense nuclear facility.

“(4) A schedule for when the Office of Environmental Management will accept each nonoperational defense nuclear facility for deactivation and decommissioning.

“(5) An estimate of costs that could be avoided by—

“(A) accelerating the cleanup of nonoperational defense nuclear facilities; or

“(B) other means, such as reusing such facilities for another purpose.

“(c) PLAN FOR TRANSFER OF RESPONSIBILITY FOR CERTAIN FACILITIES.—The Secretary shall, during 2016, develop and subsequently carry out a plan under which the Administrator shall transfer, by March 31, 2019, to the Assistant Secretary for Environmental Management the responsibility for decontaminating and decommissioning facilities of the Administration that the Secretary determines—

“(1) are nonoperational as of September 30, 2015; and

“(2) meet the requirements of the Office of Environmental Management for such transfer.

“(d) SUBMISSION TO CONGRESS.—Not later than March 31 of each even-numbered year beginning in 2016, the Secretary shall submit to the appropriate congressional committees a report that includes—

“(1) the plan required by subsection (a);

“(2) a description of the deactivation and decommissioning actions expected to be taken during the following fiscal year pursuant to the plan;

“(3) in the case of the report submitting during 2016, the plan required by subsection (c); and

“(4) in the case of a report submitted during 2018 or any year thereafter, a description of the deactivation and decommissioning actions taken at each nonoperational defense nuclear facility during the preceding fiscal year.

“(e) TERMINATION.—The requirements of this section shall terminate after the submission to the appropriate congressional committees of the report required by subsection (d) to be submitted not later than March 31, 2026.

“(f) DEFINITIONS.—In this section:

“(1) The term ‘appropriate congressional committees’ means—

“(A) the congressional defense committees; and

“(B) the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives.

“(2) The term ‘life cycle costs’, with respect to a facility, means—

“(A) the present and future costs of all resources and associated cost elements required to develop, produce, deploy, or sustain the facility; and

“(B) the present and future costs to deactivate, decommission, and deconstruct the facility.

“(3) The term ‘nonoperational defense nuclear facility’ means a production facility or utilization facility (as those terms are defined in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014)) under the control or jurisdiction of the Secretary of Energy and operated for national security purposes that is no longer needed for the mission of the Department of Energy, including the National Nuclear Security Administration.”.

(b) CLERICAL AMENDMENT.—The table of contents for such Act is amended by inserting after the item relating to section 4422 the following new item:

“Sec. 4423. Plan for deactivation and decommissioning of nonoperational defense nuclear facilities.”.

SEC. 3134. ASSESSMENT OF EMERGENCY PREPAREDNESS OF DEFENSE NUCLEAR FACILITIES.

(a) IN GENERAL.—Subtitle A of title XLVIII of the Atomic Energy Defense Act (50 U.S.C. 2781 et seq.) is amended by inserting after section 4802 the following new section:

“**SEC. 4802A. ASSESSMENTS OF EMERGENCY PREPAREDNESS OF DEFENSE NUCLEAR FACILITIES.** 50 USC 2782a.

“The Secretary of Energy shall include, in each award-fee evaluation conducted under section 16.401 of title 48, Code of Federal Regulations, of a management and operating contract for a Department of Energy defense nuclear facility in 2016 or any even-numbered year thereafter, an assessment of the adequacy of the emergency preparedness of that facility, including an assessment of the seniority level of management and operating contractor employees that participate in emergency preparedness exercises at that facility.”.

(b) CLERICAL AMENDMENT.—The table of contents for such Act is amended by inserting after the item relating to section 4802 the following new item:

“Sec. 4802A. Assessments of emergency preparedness of defense nuclear facilities.”.

SEC. 3135. MODIFICATIONS TO COST-BENEFIT ANALYSES FOR COMPETITION OF MANAGEMENT AND OPERATING CONTRACTS.

(a) IN GENERAL.—Section 3121 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 2175), as amended by section 3124 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 1062), is further amended—

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

(2) by striking subsections (b) and (c) and inserting the following new subsections:

“(b) REPORT DESCRIBED.—A report described in this subsection is a report on a contract described by subsection (a) that includes—

“(1) a clear and complete description of the cost savings the Administrator expects to result from the competition for the contract over the life of the contract, including associated analyses, assumptions, and information sources used to determine such expected cost savings;

“(2) a description of any key limitations or uncertainties that could affect such costs savings, including costs savings that are anticipated but not fully known;

“(3) the costs of the competition for the contract, including the immediate costs of conducting the competition and any increased costs over the life of the contract;

“(4) a description of any disruptions or delays in mission activities or deliverables resulting from the competition for the contract;

“(5) a clear and complete description of the benefits expected by the Administrator with respect to mission performance or operations resulting from the competition;

“(6) how the competition for the contract complied with the Federal Acquisition Regulation regarding federally funded research and development centers, if applicable;

“(7) the factors considered and processes used by the Administrator to determine—

“(A) whether to compete or extend the contract; and

“(B) which activities at the facility should be covered under the contract rather than under a different contract;

“(8) with respect to the matters included under paragraphs (1) through (7), a detailed description of the analyses conducted by the Administrator to reach the conclusions presented in the report, including any assumptions, limitations, and uncertainties relating to such conclusions; and

“(9) any other matters the Administrator considers appropriate.

“(c) INFORMATION QUALITY.—A report required by subsection (a) shall be prepared in accordance with—

“(1) the information quality guidelines of the Department of Energy that are relevant to the clear and complete presentation of information on each matter required to be included in the report under subsection (b); and

“(2) best practices of the Government Accountability Office and relevant industries for cost estimating, if appropriate.

“(d) REVIEW BY COMPTROLLER GENERAL OF THE UNITED STATES.—

“(1) INITIAL REVIEW.—Except as provided in paragraph (3), the Comptroller General of the United States shall provide a briefing to the congressional defense committees that includes a review of each report required by subsection (a) not later than 180 days after the report is submitted to such committees.

“(2) COMPREHENSIVE REVIEW.—Except as provided in paragraph (3), the Comptroller General shall submit to the congressional defense committees a review of each report required by subsection (a) with respect to a contract not later than 3 years after the report is submitted to such committees that includes an assessment, based on the most current information available, of the following:

“(A) The actual cost savings achieved compared to cost savings estimated under subsection (b)(1), and any increased costs incurred under the contract that were unexpected or uncertain at the time the contract was awarded.

“(B) Any disruptions or delays in mission activities or deliverables resulting from the competition for the contract compared to the disruptions and delays estimated under subsection (b)(4).

“(C) Whether expected benefits of the competition with respect to mission performance or operations have been achieved.

“(D) Such other matters as the Comptroller General considers appropriate.

“(3) EXCEPTION.—The Comptroller General may not conduct a review under paragraph (1) or (2) of a report relating to a contract to manage and operate a facility of the National Nuclear Security Administration while a protest described in subsection (a)(2) is pending with respect to that contract.”; and

(3) in subsection (e), as redesignated by paragraph (1)—

(A) in paragraph (1), by striking “2017” and inserting “2020”;

(B) by striking paragraph (2) and redesignating paragraph (3) as paragraph (2); and

(C) in paragraph (2), as redesignated by subparagraph (B), by striking “and (d)(2)”.

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

(1) in the past decade, competition of the management and operating contracts for the national security laboratories has resulted in significant increases in fees paid to the contractors—funding that otherwise could be used to support program and mission activities of the National Nuclear Security Administration;

(2) competition of the management and operating contracts of the nuclear security enterprise is an important mechanism to help realize cost savings, seek efficiencies, improve performance, and hold contractors accountable;

(3) when the Administrator for Nuclear Security considers it appropriate to achieve those goals, the Administrator should conduct competition of such contracts while recognizing the unique nature of federally funded research and development centers; and

(4) the Administrator should ensure that fixed fees and performance-based fees contained in management and operating contracts are as low as possible to maintain a focus on national service while attracting high-quality contractors and achieving the goals of the competition.

SEC. 3136. INTERAGENCY REVIEW OF APPLICATIONS FOR THE TRANSFER OF UNITED STATES CIVIL NUCLEAR TECHNOLOGY.

42 USC 2077a.

(a) REPORT ON TRANSFERS TO COVERED FOREIGN COUNTRIES.—Not less frequently than every 90 days, the Secretary of Energy shall submit to the appropriate congressional committees a report that includes—

(1) a description of the authorizations under section 57 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2077(b)) to transfer United States civil nuclear technology to a covered foreign country during the preceding 90 days; and

(2) a statement of whether any agency required to be consulted under that section or pursuant to regulation objected to or sought conditions on each such transfer.

(b) DETERMINATION OF TECHNOLOGIES TO BE PROTECTED.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and every five years thereafter, the Secretary of Energy shall—

(A) in consultation with the Secretary of State, the Secretary of Commerce, the Secretary of Defense, the Director of National Intelligence, and the Nuclear Regulatory Commission, determine the critical United States civil nuclear technologies that should be protected from diversion to a military program of a covered foreign country, including with respect to a naval propulsion or weapons program; and

(B) notify the appropriate congressional committees with respect to the determination and the technologies covered by the determination.

(2) NOTIFICATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), not later than 14 days before making an authorization under section 57 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2077(b)) for the transfer of a technology covered by a determination under paragraph (1) to a covered foreign country, the Secretary of Energy shall submit to the appropriate congressional committees a report that includes—

(i) a notification of the intention of the Secretary to make the authorization for the transfer of such technology; and

(ii) a statement of whether any agency required to be consulted under such section 57 b. or pursuant to regulation objected to or sought conditions on the transfer.

(B) WAIVER OF DEADLINE.—The Secretary may waive the requirement under subparagraph (A) to submit the report required by that subparagraph not later than 14 days before making an authorization for the transfer of a technology covered by a determination under paragraph (1) to a covered foreign country if the Secretary—

(i) determines that an imminent radiological hazard exists; and

(ii) not later than 7 days after determining that such hazard exists, submits to the appropriate congressional committees—

(I) a certification that the hazard exists;

(II) a justification for the waiver; and

(III) the notification required by clause (i) of subparagraph (A) and the statement required by clause (ii) of that subparagraph.

(c) CONSULTATIONS WITH INTELLIGENCE COMMUNITY.—

(1) IN GENERAL.—The Secretary of Energy shall expeditiously revise part 810 of title 10, Code of Federal Regulations, to ensure that the Director of National Intelligence—

(A) is consulted with respect to the views of the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4))) with respect to each authorization issued under section 57 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2077(b)) for the transfer of United States civil nuclear technology to a covered foreign country before the determination to

approve or disapprove the request for the authorization; and

(B) is provided with an opportunity to present the views of the Director and the intelligence community on the national security risks of the transfer, if any.

(2) SUBMISSION TO CONGRESS.—The Secretary of Energy, jointly with the Director of National Intelligence, shall include the results of consultations conducted under paragraph (1) in each report under subsection (a) and each notification under subsection (b)(2).

(d) REPORT ON COMPLIANCE OF COVERED FOREIGN COUNTRIES AND END-USERS.—Not less frequently than annually, the Secretary of Energy shall submit to the appropriate congressional committees a report that includes—

(1) an assessment of whether each covered foreign country is in compliance with its obligations under any authorization for the transfer of United States civil nuclear technology under section 57 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2077(b));

(2) with respect to any covered foreign country that is not in compliance with such obligations—

(A) a description the efforts of the United States to bring the country into compliance;

(B) an evaluation of the result of such efforts; and

(C) an assessment of the options available to the Secretary as a result of the country not being in compliance;

(3) an assessment of whether each end-user to which United States civil nuclear technology is transferred pursuant to an authorization under such section 57 b. is in compliance with the obligations of the end-user under that authorization; and

(4) a description of any consequences for the end-user or the exporter of the technology if the end-user is not in compliance with such obligations.

(e) REPORT ON TRANSFERS TO ALL FOREIGN COUNTRIES.—

(1) IN GENERAL.—Concurrent with the submission to Congress of the budget of the President for a fiscal year under section 1105(a) of title 31, United States Code, the Secretary of Energy shall submit to the appropriate congressional committees a report on the activities of the Department of Energy associated with the review of applications for authorization under section 57 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2077(b)) to transfer United States civil nuclear technology to any foreign country.

(2) ELEMENTS.—The report required by paragraph (1) shall include—

(A) the number of applications for authorization under section 57 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2077(b)) to transfer United States civil nuclear technology to a foreign country submitted during the year preceding the submission of the report;

(B) the length of time each such application was under review;

(C) the number of such applications that were granted; and

(D) a description of efforts to streamline the review of such applications, taking into account the proliferation

and diversion potential of end-users in the country to which United States civil nuclear technology would be transferred pursuant to such applications.

(f) NOTIFICATIONS OF POTENTIAL DIVERSIONS.—The Director of National Intelligence shall notify the Department of Energy and the appropriate congressional committees not later than 30 days after the date on which the Director determines that there is credible intelligence that United States civil nuclear technology is being or has been diverted—

(1) to a military program in a foreign country to which the transfer of the technology was authorized under section 57 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2077(b)); or

(2) to a foreign country to which the transfer of the technology was not so authorized.

(g) GUIDELINES.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Energy shall issue guidance with respect to the use of the clear and intended authority of the Secretary under section 234 of the Atomic Energy Act of 1954 (42 U.S.C. 2282) to impose civil penalties, including fines and debarment, and to make referrals to the Attorney General for prosecution, for violations of the terms of authorizations for the transfer of United States civil nuclear technology issued under section 57 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2077(b)).

(h) REPORT ON TRANSFER OF SENSITIVE ITEMS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the President shall submit to the appropriate congressional committees a report—

(A) describing the efforts of covered foreign countries to prevent the transfer of sensitive items, including efforts to improve the prevention of the transfer of such items; and

(B) assessing the adequacy of such efforts.

(2) SENSITIVE ITEMS DEFINED.—In this subsection, the term “sensitive items” means goods, services, and technologies described in section 2(a) of the Iran, North Korea, and Syria Nonproliferation Act (Public Law 106–178; 50 U.S.C. 1701 note).

(i) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the congressional defense committees;

(B) the Committee on Energy and Natural Resources, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(C) the Committee on Energy and Commerce, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) COVERED FOREIGN COUNTRY.—The term “covered foreign country” means a foreign country that is a nuclear-weapon state, as defined by Article IX(3) of the Treaty on the Non-Proliferation of Nuclear Weapons, signed at Washington, London, and Moscow July 1, 1968, but does not include the United States, the United Kingdom, or France.

SEC. 3137. GOVERNANCE AND MANAGEMENT OF NUCLEAR SECURITY ENTERPRISE. 50 USC 2512 note.

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

(1) correcting the longstanding problems with the governance and management of the nuclear security enterprise will require robust, personal, and long-term engagement by the President, the Secretary of Energy, the Administrator for Nuclear Security, and leaders from the appropriate congressional committees;

(2) recent and past studies of the governance and management of the nuclear security enterprise have provided a list of reasonable, practical, and actionable steps that the Secretary and the Administrator should take to make the nuclear security enterprise more efficient and more effective; and

(3) lasting and effective change to the nuclear security enterprise will require personal engagement by senior leaders, a clear plan, and mechanisms for ensuring follow-through and accountability.

(b) IMPLEMENTATION PLAN.—

(1) IMPLEMENTATION ACTION TEAM.—(A) The Secretary and the Administrator shall jointly establish a team of senior officials from the Department of Energy and the National Nuclear Security Administration to develop and carry out an implementation plan to reform the governance and management of the nuclear security enterprise to improve the effectiveness and efficiency of the nuclear security enterprise. Such plan shall be developed and implemented in accordance with the National Nuclear Security Administration Act (50 U.S.C. 2401 et seq.), the Atomic Energy Defense Act (50 U.S.C. 2501 et seq.), and any other provision of law.

(B) The team established under paragraph (1) shall be co-chaired by the Deputy Secretary of Energy and the Administrator.

(C) In developing and carrying out the implementation plan, the team shall consult with the implementation assessment panel established under subsection (c)(1).

(2) ELEMENTS.—The implementation plan developed under paragraph (1)(A) shall address all recommendations contained in the covered study (except such recommendations that require legislative action to carry out) by identifying specific actions, milestones, timelines, and responsible personnel to implement such plan.

(3) SUBMISSION.—Not later than March 31, 2016, the Secretary and the Administrator shall jointly submit to the appropriate congressional committees the implementation plan developed under paragraph (1)(A).

(c) IMPLEMENTATION ASSESSMENT PANEL.—

(1) AGREEMENT.—Not later than 60 days after the date of the enactment of this Act, the Administrator shall seek to enter into a joint agreement with the National Academy of Sciences and the National Academy of Public Administration to establish a panel of external, independent experts to evaluate the implementation plan developed under subsection (b)(1)(A) and the implementation of such plan.

(2) DUTIES.—The panel established under paragraph (1) shall—

(A) provide guidance to the Secretary and the Administrator with respect to the implementation plan developed under subsection (b)(1)(A), including how such plan compares or contrasts with the covered study;

(B) track the implementation of such plan; and

(C) assess the effectiveness of such plan.

(3) REPORTS.—(A) Not later than July 1, 2016, the panel established under paragraph (1) shall submit to the appropriate congressional committees, the Secretary, and the Administrator an initial assessment of the implementation plan developed under subsection (b)(1)(A), including with respect to the completeness of the plan, how the plan aligns with the intent and recommendations made by the covered study, and the prospects for success for the plan.

(B) Beginning February 28, 2017, and semiannually thereafter through 2020, the panel established under paragraph (1) shall brief the appropriate congressional committees, the Secretary, and the Administrator on the efforts of the Secretary and the Administrator to implement the implementation plan developed under subsection (b)(1)(A).

(C) Not later than September 30, 2020, the panel established under paragraph (1) shall submit to the appropriate congressional committees, the Secretary, and the Administrator a final report on the efforts of the Secretary and the Administrator to implement the implementation plan developed under subsection (b)(1)(A), including an assessment of the effectiveness of the reform efforts under such plan and whether further action is needed.

(4) COOPERATION.—The Secretary and the Administrator shall provide to the panel established under paragraph (1) full and timely access to all information, personnel, and systems of the Department of Energy and the National Nuclear Security Administration that the panel determines necessary to carry out this subsection.

(d) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Energy and Natural Resources of the Senate; and

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

(2) COVERED STUDY.—The term “covered study” means the following:

(A) The final report of the Congressional Advisory Panel on the Governance of the Nuclear Security Enterprise established by section 3166 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 2208).

(B) Any other study not conducted by the Secretary or the Administrator that the Secretary determines appropriate for purposes of this section.

(3) NUCLEAR SECURITY ENTERPRISE.—The term “nuclear security enterprise” has the meaning given that term in section 4002(6) of the Atomic Energy Defense Act (50 U.S.C. 2501(6)).

(e) **RULES OF CONSTRUCTION.**—Nothing in this section shall be construed to authorize any action—

(1) in contravention of section 3220 of the National Nuclear Security Administration Act (50 U.S.C. 2410); or

(2) that would undermine or weaken health, safety, or security.

50 USC 2512
note.

SEC. 3138. ANNUAL REPORT ON NUMBER OF FULL-TIME EQUIVALENT EMPLOYEES AND CONTRACTOR EMPLOYEES.

Section 3241A of the National Nuclear Security Administration Act (50 U.S.C. 2441a) is amended by adding at the end the following new subsection:

“(f) **ANNUAL REPORT.**—The Administrator shall include in the budget justification materials submitted to Congress in support of the budget of the Administration for each fiscal year (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) a report containing the following information as of the date of the report:

“(1) The number of full-time equivalent employees of the Office of the Administrator, as counted under subsection (a).

“(2) The number of service support contracts of the Administration and whether such contracts are funded using program or program direction funds.

“(3) The number of full-time equivalent contractor employees working under each contract identified under paragraph (2).

“(4) The number of full-time equivalent contractor employees described in paragraph (3) that have been employed under such a contract for a period greater than two years.”.

SEC. 3139. DEVELOPMENT OF STRATEGY ON RISKS TO NONPROLIFERATION CAUSED BY ADDITIVE MANUFACTURING.

50 USC 2367
note.

(a) **STRATEGY.**—The President shall develop and pursue a strategy to address the risks to the goals and policies of the United States regarding nuclear nonproliferation that are caused by the increased use of additive manufacture technology (commonly referred to as “3D printing”), including such technology that does not originate in the United States.

(b) **BRIEFINGS.**—Not later than March 31, 2016, and the end of each 120-day period thereafter through January 1, 2019, the President shall provide to the appropriate congressional committees a briefing on the strategy developed under subsection (a).

(c) **PURSUIT OF STRATEGY.**—The President shall pursue the strategy developed under subsection (a) at the Nuclear Security Summit in Chicago, Illinois, in 2016.

(d) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means the following:

(1) The congressional defense committees.

(2) The Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

(3) The Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

SEC. 3140. PLUTONIUM PIT PRODUCTION CAPACITY.

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

(1) the requirement to create a modern, responsive nuclear infrastructure that includes the capability and capacity to produce, at minimum, 50 to 80 pits per year, is a national security priority;

(2) delaying creation of a modern, responsive nuclear infrastructure until the 2030s is an unacceptable risk to the nuclear deterrent and the national security of the United States; and

(3) timelines for creating certain capacities for production of plutonium pits and other nuclear weapons components must be driven by the requirement to hedge against technical and geopolitical risk and not solely by the needs of life extension programs.

(b) BRIEFING.—

(1) IN GENERAL.—Not later than March 1, 2016, the Chairman of the Nuclear Weapons Council established under section 179 of title 10, United States Code, in consultation with the Administrator for Nuclear Security and the Commander of the United States Strategic Command, shall provide to the congressional defense committees a briefing on the annual plutonium pit production capacity of the nuclear security enterprise (as defined in section 4002(6) of the Atomic Energy Defense Act (50 U.S.C. 2501(6))).

(2) ELEMENTS.—The briefing under paragraph (1) shall describe the following:

(A) The pit production capacity requirement, including the numbers of pits produced that are needed for nuclear weapons life extension programs.

(B) The annual pit production requirement, including the numbers of pits produced, to support a responsive nuclear weapons infrastructure to hedge against technical and geopolitical risk.

SEC. 3141. ASSESSMENTS ON NUCLEAR PROLIFERATION RISKS AND NUCLEAR NONPROLIFERATION OPPORTUNITIES.

(a) REPORTS.—Not later than March 1, 2016, and each year thereafter through 2020, the Director of National Intelligence shall submit to the appropriate congressional committees a report, consistent with the provision of classified information and intelligence sources and methods, containing—

(1) an assessment and prioritization of international nuclear proliferation risks and nuclear nonproliferation opportunities; and

(2) an assessment of the effectiveness of various means and programs for addressing such risks and opportunities.

(b) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the congressional defense committees;

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

(3) the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

SEC. 3142. ANALYSIS OF ALTERNATIVES FOR MOBILE GUARDIAN TRANSPORTER PROGRAM.

(a) **SUBMISSION OF ANALYSIS OF ALTERNATIVES.**—Not later than 60 days after the date of the enactment of this Act, the Administrator for Nuclear Security shall submit to the congressional defense committees a report containing a full and comprehensive analysis of alternatives conducted by the Administrator for the Mobile Guardian Transporter program.

(b) **IDENTIFICATION IN BUDGET MATERIALS.**—The Secretary of Energy shall include in the budget justification materials submitted to Congress in support of the Department of Energy budget (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) for any fiscal year in which the Mobile Guardian Transporter program is carried out a separate, dedicated program element for such program.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sec. 3201. Authorization.

Sec. 3202. Administration of Defense Nuclear Facilities Safety Board.

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2016, \$29,150,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

SEC. 3202. ADMINISTRATION OF DEFENSE NUCLEAR FACILITIES SAFETY BOARD.

(a) **PROVISION OF INFORMATION TO BOARD MEMBERS.**—Section 311(c) of the Atomic Energy Act of 1954 (42 U.S.C. 2286(c)) is amended—

(1) in paragraph (2), in the matter preceding subparagraph (A), by striking “paragraph (5)” and inserting “paragraphs (5), (6), and (7)”; and

(2) by adding at the end the following new paragraph: “(6) In carrying out paragraph (5)(B), the Chairman may not withhold from any member of the Board any information that is made available to the Chairman regarding the Board’s functions, powers, and mission (including with respect to the management and evaluation of employees of the Board).”

(b) **SENIOR EMPLOYEES.**—

(1) **APPOINTMENT AND REMOVAL.**—Such section 311(c), as amended by subsection (a), is further amended by adding at the end the following new paragraph:

“(7)(A) The Chairman, subject to the approval of the Board, shall appoint the senior employees described in subparagraph (C).

“(B) The Chairman, subject to the approval of the Board, may remove a senior employee described in subparagraph (C).

“(C) The senior employees described in this subparagraph are the following senior employees of the Board:

“(i) The senior employee responsible for budgetary and general administration matters.

“(ii) The general counsel.

“(iii) The senior employee responsible for technical matters.”

(2) CONFORMING AMENDMENT.—Section 313(b)(1)(A) of such Act (42 U.S.C. 2286b(b)(1)) is amended by striking “hire” and inserting “in accordance with section 311(c)(7), hire”.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

Sec. 3401. Authorization of appropriations.

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

(a) AMOUNT.—There are hereby authorized to be appropriated to the Secretary of Energy \$17,500,000 for fiscal year 2016 for the purpose of carrying out activities under chapter 641 of title 10, United States Code, relating to the naval petroleum reserves.

(b) PERIOD OF AVAILABILITY.—Funds appropriated pursuant to the authorization of appropriations in subsection (a) shall remain available until expended.

TITLE XXXV—MARITIME ADMINISTRATION

Sec. 3501. Authorization of the Maritime Administration.

Sec. 3502. Sense of Congress regarding Maritime Security Fleet program.

Sec. 3503. Update of references to the Secretary of Transportation regarding unemployment insurance and vessel operators.

Sec. 3504. Payment for Maritime Security Fleet vessels.

Sec. 3505. Melville Hall of United States Merchant Marine Academy.

Sec. 3506. Cadet commitment agreements.

Sec. 3507. Student incentive payment agreements.

Sec. 3508. Short sea transportation defined.

SEC. 3501. AUTHORIZATION OF THE MARITIME ADMINISTRATION.

Funds are hereby authorized to be appropriated for fiscal year 2016, to be available without fiscal year limitation if so provided in appropriations Acts, for the use of the Department of Transportation for Maritime Administration programs associated with maintaining national security aspects of the merchant marine, as follows:

(1) For expenses necessary for operations of the United States Merchant Marine Academy, \$96,028,000, of which—

(A) \$71,306,000 shall remain available until expended for Academy operations; and

(B) \$24,722,000 shall remain available until expended for capital asset management at the Academy.

(2) For expenses necessary to support the State maritime academies, \$34,550,000, of which—

(A) \$2,400,000 shall remain available until expended for student incentive payments;

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

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

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

(E) \$5,000,000 shall remain available until expended for the National Security Multi-Mission Vessel Design; and

(F) \$350,000 shall remain available until expended for improving the monitoring of graduates' service obligation.

(3) For expenses necessary to support Maritime Administration operations and programs, \$54,059,000.

(4) For expenses necessary to dispose of vessels in the National Defense Reserve Fleet, \$8,000,000, to remain available until expended.

(5) For expenses to maintain and preserve a United States-flag merchant marine to serve the national security needs of the United States under chapter 531 of title 46, United States Code, \$210,000,000.

(6) For the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) of loan guarantees under the program authorized by chapter 537 of title 46, United States Code, \$3,135,000, of which \$3,135,000 shall remain available until expended for administrative expenses of the program.

SEC. 3502. SENSE OF CONGRESS REGARDING MARITIME SECURITY FLEET PROGRAM.

It is the sense of Congress that dedicated and enhanced support is necessary to stabilize and preserve the Maritime Security Fleet program, a program that provides the Department of Defense with on-demand access to world class, economical commercial sealift capacity, assures a United States-flag presence in international commerce, supports a pool of qualified United States merchant mariners needed to crew United States-flag vessels during times of war or national emergency, and serves as a critical component of our national security infrastructure.

SEC. 3503. UPDATE OF REFERENCES TO THE SECRETARY OF TRANSPORTATION REGARDING UNEMPLOYMENT INSURANCE AND VESSEL OPERATORS.

Sections 3305 and 3306(n) of the Internal Revenue Code of 1986 are each amended by striking "Secretary of Commerce" each place that it appears and inserting "Secretary of Transportation".

26 USC 3305,
3306.

SEC. 3504. PAYMENT FOR MARITIME SECURITY FLEET VESSELS.

(a) PER-VESSEL AUTHORIZATION.—Notwithstanding section 53106(a)(1)(C) of title 46, United States Code, and subject to the availability of appropriations, there is authorized to be paid to each contractor for an operating agreement (as those terms are used in that section) for fiscal year 2016, \$3,500,000 for each vessel that is covered by the operating agreement.

(b) REPEAL OF OTHER AUTHORIZATION.—Section 53111(3) of title 46, United States Code, is amended by striking "2016,".

SEC. 3505. MELVILLE HALL OF UNITED STATES MERCHANT MARINE ACADEMY.

(a) GIFT TO THE MERCHANT MARINE ACADEMY.—The Maritime Administrator may accept a gift of money described in subsection (b) from the Foundation under section 51315 of title 46, United States Code, for the purpose of renovating Melville Hall on the campus of the United States Merchant Marine Academy.

(b) COVERED GIFT.—A gift described in this subsection is a gift under subsection (a) that the Maritime Administrator determines exceeds the sum of—

(1) the minimum amount that is sufficient to ensure the renovation of Melville Hall in accordance with the capital improvement plan of the United States Merchant Marine Academy that was in effect on the date of enactment of this Act; and

(2) 25 percent of the amount described in paragraph (1).

(c) OPERATION CONTRACTS.—Subject to subsection (d), in the case that the Maritime Administrator accepts a gift of money described in subsection (b), the Maritime Administrator may enter into a contract with the Foundation for the operation of Melville Hall to make available facilities for, among other possible uses, official academy functions, third-party catering functions, and industry events and conferences.

(d) CONTRACT TERMS.—The contract described in subsection (c) shall be for such period and on such terms as the Maritime Administrator considers appropriate, including a provision, mutually agreeable to the Maritime Administrator and the Foundation, that—

(1) requires the Foundation—

(A) at the expense solely of the Foundation through the term of the contract to maintain Melville Hall in a condition that is as good as or better than the condition Melville Hall was in on the later of—

(i) the date that the renovation of Melville Hall was completed; or

(ii) the date that the Foundation accepted Melville Hall after it was tendered to the Foundation by the Maritime Administrator; and

(B) to deposit all proceeds from the operation of Melville Hall, after expenses necessary for the operation and maintenance of Melville Hall, into the account of the Regimental Affairs Non-Appropriated Fund Instrumentality or successor entity, to be used solely for the morale and welfare of the cadets of the United States Merchant Marine Academy; and

(2) prohibits the use of Melville Hall as lodging or an office by any person for more than 4 days in any calendar year other than—

(A) by the United States; or

(B) for the administration and operation of Melville Hall.

(e) DEFINITIONS.—In this section:

(1) CONTRACT.—The term “contract” includes any modification, extension, or renewal of the contract.

(2) FOUNDATION.—The term “Foundation” means the United States Merchant Marine Academy Alumni Association and Foundation, Inc.

(f) RULE OF CONSTRUCTION.—Nothing in this section may be construed under section 3105 of title 41, United States Code, as requiring the Maritime Administrator to award a contract for the operation of Melville Hall to the Foundation.

SEC. 3506. CADET COMMITMENT AGREEMENTS.

Section 51306(a) of title 46, United States Code, is amended—

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

(2) by amending paragraph (2) to read as follows:

“(2) obtain a merchant mariner license, unlimited as to horsepower or tonnage, issued by the Coast Guard as an officer in the merchant marine of the United States, accompanied by the appropriate national and international endorsements and certifications required by the Coast Guard for service aboard vessels on domestic and international voyages, without limitation, before graduation from the Academy;”;

(3) by amending paragraph (3) to read as follows:

“(3) for at least 6 years after graduation from the Academy, maintain—

“(A) a valid merchant mariner license, unlimited as to horsepower or tonnage, issued by the Coast Guard as an officer in the merchant marine of the United States, accompanied by the appropriate national and international endorsements and certifications required by the Coast Guard for service aboard vessels on domestic and international voyages, without limitation;

“(B) a valid transportation worker identification credential; and

“(C) a Coast Guard medical certificate;” and

(4) by amending paragraph (4) to read as follows:

“(4) apply for, and accept if tendered, an appointment as a commissioned officer in the Navy Reserve (including the Strategic Sealift Officer Program, Navy Reserve), the Coast Guard Reserve, or any other reserve component of an armed force of the United States, and, if tendered the appointment, to serve, meet the participation requirements, and maintain active status in good standing, as determined by the program manager of the appropriate military service, for at least 8 years after the date of commissioning;”.

SEC. 3507. STUDENT INCENTIVE PAYMENT AGREEMENTS.

Section 51509 of title 46, United States Code, is amended—

(1) in subsection (b)—

(A) by inserting “(3) AUTHORIZED USES.—” before the last sentence and indenting accordingly;

(B) in the matter preceding paragraph (3), by striking “Payments” and inserting “(1) IN GENERAL.—Except as provided in paragraph (2), payments” and indenting accordingly; and

(C) by inserting after paragraph (1), the following:

“(2) EXCEPTION.—The Secretary may modify the payments made to an individual under paragraph (1), but the total amount of payments to that individual may not exceed \$32,000.”;

(2) in subsection (c), by striking “Merchant Marine Reserve” and inserting “Strategic Sealift Officer Program”;

(3) in subsection (d)—

(A) by amending paragraph (2) to read as follows:

“(2) obtain a merchant mariner license, without limitation as to tonnage or horsepower, from the Coast Guard as an officer in the merchant marine of the United States, accompanied by the appropriate national and international endorsements and certification required by the Coast Guard for service aboard vessels on domestic and international voyages, without limitation, within three months of completion of the course of instruction at the academy the individual is attending;”;

(B) by amending paragraph (3) to read as follows:
“(3) for at least 6 years after graduation from the academy, maintain—

“(A) a valid merchant mariner license, unlimited as to horsepower or tonnage, issued by the Coast Guard as an officer in the merchant marine of the United States, accompanied by the appropriate national and international endorsements and certifications required by the Coast Guard for service aboard vessels on domestic and international voyages, without limitation;

“(B) a valid transportation worker identification credential; and

“(C) a Coast Guard medical certificate;” and

(C) by amending paragraph (4) to read as follows:
“(4) apply for, and accept, if tendered, an appointment as a commissioned officer in the Navy Reserve (including the Strategic Sealift Officer Program, Navy Reserve), the Coast Guard Reserve, or any other reserve component of an armed force of the United States, and, if tendered the appointment, to serve and meet the participation requirements and to maintain active status in good standing, as determined by the program manager of the appropriate military service, for at least 8 years after the date of commissioning;”;

(4) by amending subsection (e)(1) to read as follows:

“(1) ACTIVE DUTY.—

“(A) IN GENERAL.—The Secretary of Defense may order an individual to serve on active duty in the armed forces of the United States for a period of not more than 2 years if—

“(i) the individual has attended an academy under this section for more than 2 academic years, but less than 3 academic years;

“(ii) the individual has accepted the payments described in subsection (b) in an amount totaling at least \$8,000; and

“(iii) the Secretary of Transportation has determined that the individual has failed to fulfill the part of the agreement described in subsection (d)(1).

“(B) 3 OR MORE YEARS.—The Secretary of Defense may order an individual to serve on active duty in the armed forces of the United States for a period of not more than 3 years if—

“(i) the individual has attended an academy under this section for 3 or more academic years;

“(ii) the individual has accepted the payments described in subsection (b) in an amount totaling at least \$16,000; and

“(iii) the Secretary of Transportation has determined that the individual has failed to fulfill the part of the agreement described in subsection (d)(1).

“(C) HARDSHIP WAIVER.—In cases of hardship as determined by the Secretary of Transportation, the Secretary of Transportation may waive this paragraph in whole or in part.”; and

(5) by adding at the end the following:

“(h) ALTERNATIVE SERVICE.—

“(1) SERVICE AS COMMISSIONED OFFICER.—An individual who, for the 5-year period following graduation from an academy, serves as a commissioned officer on active duty in an armed force of the United States or as a commissioned officer of the National Oceanic and Atmospheric Administration or the Public Health Service shall be excused from the requirements of paragraphs (3) through (5) of subsection (d).

“(2) MODIFICATION OR WAIVER.—The Secretary may modify or waive any of the terms and conditions set forth in subsection (d) through the imposition of alternative service requirements.”.

SEC. 3508. SHORT SEA TRANSPORTATION DEFINED.

Paragraph (1) of section 55605 of title 46, United States Code, is amended—

- (1) in subparagraph (A), by striking “or”;
- (2) in subparagraph (B), by striking “and”; and
- (3) by adding at the end the following:

“(C) shipped in discrete units or packages that are handled individually, palletized, or unitized for purposes of transportation; or

“(D) freight vehicles carried aboard commuter ferry boats; and”.

DIVISION D—FUNDING TABLES

- Sec. 4001. Authorization of amounts in funding tables.
- Sec. 4002. Clarification of applicability of undistributed reductions of certain operation and maintenance funding among all operation and maintenance funding.

TITLE XLI—PROCUREMENT

- Sec. 4101. Procurement.
- Sec. 4102. Procurement for overseas contingency operations.

TITLE XLII—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

- Sec. 4201. Research, development, test, and evaluation.
- Sec. 4202. Research, development, test, and evaluation for overseas contingency operations.

TITLE XLIII—OPERATION AND MAINTENANCE

- Sec. 4301. Operation and maintenance.
- Sec. 4302. Operation and maintenance for overseas contingency operations.
- Sec. 4303. Operation and maintenance base requirements.

TITLE XLIV—MILITARY PERSONNEL

- Sec. 4401. Military personnel.
- Sec. 4402. Military personnel for overseas contingency operations.

TITLE XLV—OTHER AUTHORIZATIONS

- Sec. 4501. Other authorizations.
- Sec. 4502. Other authorizations for overseas contingency operations.

TITLE XLVI—MILITARY CONSTRUCTION

- Sec. 4601. MILITARY CONSTRUCTION.

TITLE XLVII—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

- Sec. 4701. Department of Energy national security programs.

SEC. 4001. AUTHORIZATION OF AMOUNTS IN FUNDING TABLES.

(a) IN GENERAL.—Whenever a funding table in this division specifies a dollar amount authorized for a project, program, or

activity, the obligation and expenditure of the specified dollar amount for the project, program, or activity is hereby authorized, subject to the availability of appropriations.

(b) **MERIT-BASED DECISIONS.**—A decision to commit, obligate, or expend funds with or to a specific entity on the basis of a dollar amount authorized pursuant to subsection (a) shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

(c) **RELATIONSHIP TO TRANSFER AND PROGRAMMING AUTHORITY.**—An amount specified in the funding tables in this division may be transferred or reprogrammed under a transfer or reprogramming authority provided by another provision of this Act or by other law. The transfer or reprogramming of an amount specified in such funding tables shall not count against a ceiling on such transfers or reprogrammings under section 1001 or section 1522 of this Act or any other provision of law, unless such transfer or reprogramming would move funds between appropriation accounts.

(d) **APPLICABILITY TO CLASSIFIED ANNEX.**—This section applies to any classified annex that accompanies this Act.

(e) **ORAL AND WRITTEN COMMUNICATIONS.**—No oral or written communication concerning any amount specified in the funding tables in this division shall supersede the requirements of this section.

SEC. 4002. CLARIFICATION OF APPLICABILITY OF UNDISTRIBUTED REDUCTIONS OF CERTAIN OPERATION AND MAINTENANCE FUNDING AMONG ALL OPERATION AND MAINTENANCE FUNDING.

Any undistributed reduction in funding available for fiscal year 2016 for the Department of Defense for operation and maintenance, as specified in the funding table in section 4301, that is attributable to savings in connection with foreign currency fluctuations or bulk fuel purchases, may be applied against any funds available for that fiscal year for the Department for operation and maintenance, regardless of whether available as specified in the funding table in section 4301 or available as specified in the funding table in section 4303.

TITLE XLI—PROCUREMENT

SEC. 4101. PROCUREMENT.

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2016 Request	Agreement Authorized
AIRCRAFT PROCUREMENT, ARMY			
FIXED WING			
002	UTILITY F/W AIRCRAFT	879	879
004	MQ-1 UAV	260,436	277,436
	Extended Range Modifications		[17,000]
ROTARY			
006	HELICOPTER, LIGHT UTILITY (LUH)	187,177	187,177
007	AH-64 APACHE BLOCK IIIA REMAN	1,168,461	1,168,461
008	ADVANCE PROCUREMENT (CY)	209,930	209,930

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2016 Request	Agreement Authorized
011	UH-60 BLACKHAWK M MODEL (MYP)	1,435,945	1,563,945
	Additional 8 rotorcraft for Army National Guard		[128,000]
012	ADVANCE PROCUREMENT (CY)	127,079	127,079
013	UH-60 BLACK HAWK A AND L MODELS	46,641	46,641
014	CH-47 HELICOPTER	1,024,587	1,024,587
015	ADVANCE PROCUREMENT (CY)	99,344	99,344
	MODIFICATION OF AIRCRAFT		
016	MQ-1 PAYLOAD (MIP)	97,543	97,543
019	MULTI SENSOR ABN RECON (MIP)	95,725	95,725
020	AH-64 MODS	116,153	116,153
021	CH-47 CARGO HELICOPTER MODS (MYP)	86,330	86,330
022	GRCS SEMA MODS (MIP)	4,019	4,019
023	ARL SEMA MODS (MIP)	16,302	16,302
024	EMARSS SEMA MODS (MIP)	13,669	13,669
025	UTILITY/CARGO AIRPLANE MODS	16,166	16,166
026	UTILITY HELICOPTER MODS	13,793	13,793
028	NETWORK AND MISSION PLAN	112,807	112,807
029	COMMS, NAV SURVEILLANCE	82,904	82,904
030	GATM ROLLUP	33,890	33,890
031	RQ-7 UAV MODS	81,444	81,444
	GROUND SUPPORT AVIONICS		
032	AIRCRAFT SURVIVABILITY EQUIPMENT	56,215	56,215
033	SURVIVABILITY CM	8,917	8,917
034	CMWS	78,348	104,348
	Apache Survivability Enhancements—Army Unfunded Re- quirement.		[26,000]
	OTHER SUPPORT		
035	AVIONICS SUPPORT EQUIPMENT	6,937	6,937
036	COMMON GROUND EQUIPMENT	64,867	64,867
037	AIRCREW INTEGRATED SYSTEMS	44,085	44,085
038	AIR TRAFFIC CONTROL	94,545	94,545
039	INDUSTRIAL FACILITIES	1,207	1,207
040	LAUNCHER, 2.75 ROCKET	3,012	3,012
	TOTAL AIRCRAFT PROCUREMENT, ARMY	5,689,357	5,860,357
	MISSILE PROCUREMENT, ARMY		
	SURFACE-TO-AIR MISSILE SYSTEM		
001	LOWER TIER AIR AND MISSILE DEFENSE (AMD)	115,075	115,075
002	MSE MISSILE	414,946	514,946
	Army UPL for Patriot PAC 3 for improved ballistic missile ...		[100,000]
	AIR-TO-SURFACE MISSILE SYSTEM		
003	HELLFIRE SYS SUMMARY	27,975	27,975
004	ADVANCE PROCUREMENT (CY)	27,738	27,738
	ANTI-TANK/ASSAULT MISSILE SYS		
005	JAVELIN (AAWS-M) SYSTEM SUMMARY	77,163	168,163
	Program increase to support Unfunded Requirements		[91,000]
006	TOW 2 SYSTEM SUMMARY	87,525	87,525
008	GUIDED MLRS ROCKET (GMLRS)	251,060	251,060
009	MLRS REDUCED RANGE PRACTICE ROCKETS (RRPR)	17,428	17,428
	MODIFICATIONS		
011	PATRIOT MODS	241,883	241,883
012	ATACMS MODS	30,119	15,119
	Early to need		[-15,000]
013	GMLRS MOD	18,221	18,221
014	STINGER MODS	2,216	2,216
015	AVENGER MODS	6,171	6,171
016	ITAS/TOW MODS	19,576	19,576
017	MLRS MODS	35,970	35,970
018	HIMARS MODIFICATIONS	3,148	3,148
	SPARES AND REPAIR PARTS		
019	SPARES AND REPAIR PARTS	33,778	33,778
	SUPPORT EQUIPMENT & FACILITIES		
020	AIR DEFENSE TARGETS	3,717	3,717
021	ITEMS LESS THAN \$5.0M (MISSILES)	1,544	1,544
022	PRODUCTION BASE SUPPORT	4,704	4,704
	TOTAL MISSILE PROCUREMENT, ARMY	1,419,957	1,595,957

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2016 Request	Agreement Authorized
PROCUREMENT OF W&TCV, ARMY			
TRACKED COMBAT VEHICLES			
001	STRYKER VEHICLE	181,245	181,245
MODIFICATION OF TRACKED COMBAT VEHICLES			
002	STRYKER (MOD)	74,085	388,085
	Lethality Upgrades		[314,000]
003	STRYKER UPGRADE	305,743	305,743
005	BRADLEY PROGRAM (MOD)	225,042	225,042
006	HOWITZER, MED SP FT 155MM M109A6 (MOD)	60,079	60,079
007	PALADIN INTEGRATED MANAGEMENT (PIM)	273,850	273,850
008	IMPROVED RECOVERY VEHICLE (M88A2 HERCULES)	123,629	195,629
	Additional Vehicles – Army Unfunded Requirement		[72,000]
009	ASSAULT BRIDGE (MOD)	2,461	2,461
010	ASSAULT BREACHER VEHICLE	2,975	2,975
011	M88 FOV MODS	14,878	14,878
012	JOINT ASSAULT BRIDGE	33,455	33,455
013	M1 ABRAMS TANK (MOD)	367,939	407,939
	Program Increase		[40,000]
015	SUPPORT EQUIPMENT & FACILITIES PRODUCTION BASE SUPPORT (TCV-WTCV)	6,479	6,479
WEAPONS & OTHER COMBAT VEHICLES			
016	MORTAR SYSTEMS	4,991	4,991
017	XM320 GRENADE LAUNCHER MODULE (GLM)	26,294	26,294
018	PRECISION SNIPER RIFLE	1,984	0
	Army request – schedule delay		[-1,984]
019	COMPACT SEMI-AUTOMATIC SNIPER SYSTEM	1,488	0
	Army request – schedule delay		[-1,488]
020	CARBINE	34,460	34,460
021	COMMON REMOTELY OPERATED WEAPONS STATION	8,367	14,750
	Army requested adjustment		[6,383]
022	HANDGUN	5,417	0
	Army request – early to need and schedule delay		[-5,417]
MOD OF WEAPONS AND OTHER COMBAT VEH			
023	MK-19 GRENADE MACHINE GUN MODS	2,777	2,777
024	M777 MODS	10,070	10,070
025	M4 CARBINE MODS	27,566	27,566
026	M2 50 CAL MACHINE GUN MODS	44,004	44,004
027	M249 SAW MACHINE GUN MODS	1,190	1,190
028	M240 MEDIUM MACHINE GUN MODS	1,424	1,424
029	SNIPER RIFLES MODIFICATIONS	2,431	980
	Army request – schedule delay		[-1,451]
030	M119 MODIFICATIONS	20,599	20,599
032	MORTAR MODIFICATION	6,300	6,300
033	MODIFICATIONS LESS THAN \$5.0M (WOCV-WTCV)	3,737	3,737
SUPPORT EQUIPMENT & FACILITIES			
034	ITEMS LESS THAN \$5.0M (WOCV-WTCV)	391	2,848
	Army requested adjustment		[2,457]
035	PRODUCTION BASE SUPPORT (WOCV-WTCV)	9,027	9,027
036	INDUSTRIAL PREPAREDNESS	304	304
037	SMALL ARMS EQUIPMENT (SOLDIER ENH PROG)	2,392	2,392
	TOTAL PROCUREMENT OF W&TCV, ARMY	1,887,073	2,311,573
PROCUREMENT OF AMMUNITION, ARMY			
SMALL/MEDIUM CAL AMMUNITION			
001	CTG, 5.56MM, ALL TYPES	43,489	43,489
002	CTG, 7.62MM, ALL TYPES	40,715	40,715
003	CTG, HANDGUN, ALL TYPES	7,753	6,801
	Army request – program reduction		[-952]
004	CTG, .50 CAL, ALL TYPES	24,728	24,728
005	CTG, 25MM, ALL TYPES	8,305	8,305
006	CTG, 30MM, ALL TYPES	34,330	34,330
007	CTG, 40MM, ALL TYPES	79,972	69,972
	Early to need		[-10,000]
MORTAR AMMUNITION			
008	60MM MORTAR, ALL TYPES	42,898	42,898
009	81MM MORTAR, ALL TYPES	43,500	43,500
010	120MM MORTAR, ALL TYPES	64,372	64,372

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2016 Request	Agreement Authorized
TANK AMMUNITION			
011	CARTRIDGES, TANK, 105MM AND 120MM, ALL TYPES	105,541	105,541
ARTILLERY AMMUNITION			
012	ARTILLERY CARTRIDGES, 75MM & 105MM, ALL TYPES	57,756	57,756
013	ARTILLERY PROJECTILE, 155MM, ALL TYPES	77,995	77,995
014	PROJ 155MM EXTENDED RANGE M982	45,518	45,518
015	ARTILLERY PROPELLANTS, FUZES AND PRIMERS, ALL	78,024	78,024
ROCKETS			
016	SHOULDER LAUNCHED MUNITIONS, ALL TYPES	7,500	7,500
017	ROCKET, HYDRA 70, ALL TYPES	33,653	33,653
OTHER AMMUNITION			
018	CAD/PAD, ALL TYPES	5,639	5,639
019	DEMOLITION MUNITIONS, ALL TYPES	9,751	9,751
020	GRENADES, ALL TYPES	19,993	19,993
021	SIGNALS, ALL TYPES	9,761	9,761
022	SIMULATORS, ALL TYPES	9,749	9,749
MISCELLANEOUS			
023	AMMO COMPONENTS, ALL TYPES	3,521	3,521
024	NON-LETHAL AMMUNITION, ALL TYPES	1,700	1,700
025	ITEMS LESS THAN \$5 MILLION (AMMO)	6,181	6,181
026	AMMUNITION PECULIAR EQUIPMENT	17,811	17,811
027	FIRST DESTINATION TRANSPORTATION (AMMO)	14,695	14,695
PRODUCTION BASE SUPPORT			
029	PROVISION OF INDUSTRIAL FACILITIES	221,703	221,703
030	CONVENTIONAL MUNITIONS DEMILITARIZATION	113,250	113,250
031	ARMS INITIATIVE	3,575	3,575
	TOTAL PROCUREMENT OF AMMUNITION, ARMY ..	1,233,378	1,222,426
OTHER PROCUREMENT, ARMY			
TACTICAL VEHICLES			
001	TACTICAL TRAILERS/DOLLY SETS	12,855	12,855
002	SEMITRAILERS, FLATBED:	53	53
004	JOINT LIGHT TACTICAL VEHICLE	308,336	308,336
005	FAMILY OF MEDIUM TACTICAL VEH (FMTV)	90,040	90,040
006	FIRETRUCKS & ASSOCIATED FIREFIGHTING EQUIP	8,444	8,444
007	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV)	27,549	27,549
008	PLS ESP	127,102	127,102
010	TACTICAL WHEELED VEHICLE PROTECTION KITS	48,292	48,292
011	MODIFICATION OF IN SVC EQUIP	130,993	120,993
	Program reduction		[-10,000]
012	MINE-RESISTANT AMBUSH-PROTECTED (MRAP) MODS	19,146	19,146
NON-TACTICAL VEHICLES			
014	PASSENGER CARRYING VEHICLES	1,248	1,248
015	NONTACTICAL VEHICLES, OTHER	9,614	9,614
COMM—JOINT COMMUNICATIONS			
016	WIN-T—GROUND FORCES TACTICAL NETWORK	783,116	643,370
	Unobligated balances		[-139,746]
017	SIGNAL MODERNIZATION PROGRAM	49,898	49,898
018	JOINT INCIDENT SITE COMMUNICATIONS CAPABILITY	4,062	4,062
019	JCSE EQUIPMENT (USREDCOM)	5,008	5,008
COMM—SATELLITE COMMUNICATIONS			
020	DEFENSE ENTERPRISE WIDEBAND SATCOM SYSTEMS	196,306	196,306
021	TRANSPORTABLE TACTICAL COMMAND COMMUNICA- TIONS	44,998	29,998
	Program Reduction		[-15,000]
022	SHF TERM	7,629	7,629
023	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE)	14,027	14,027
024	SMART-T (SPACE)	13,453	13,453
025	GLOBAL BRDCST SVC—GBS	6,265	6,265
026	MOD OF IN-SVC EQUIP (TAC SAT)	1,042	1,042
027	ENROUTE MISSION COMMAND (EMC)	7,116	7,116
COMM—C3 SYSTEM			
028	ARMY GLOBAL CMD & CONTROL SYS (AGCCS)	10,137	10,137
COMM—COMBAT COMMUNICATIONS			
029	JOINT TACTICAL RADIO SYSTEM	64,640	54,640
	Unobligated balances		[-10,000]
030	MID-TIER NETWORKING VEHICULAR RADIO (MNVR)	27,762	21,868

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2016 Request	Agreement Authorized
	Excess Program Management Costs		[-5,894]
031	RADIO TERMINAL SET, MIDS LVT(2)	9,422	9,422
032	AMC CRITICAL ITEMS—OPA2	26,020	26,020
033	TRACTOR DESK	4,073	4,073
034	SPIDER APLA REMOTE CONTROL UNIT	1,403	1,403
035	SPIDER FAMILY OF NETWORKED MUNITIONS INCR	9,199	9,199
036	SOLDIER ENHANCEMENT PROGRAM COMM/ELECTRONICS	349	349
037	TACTICAL COMMUNICATIONS AND PROTECTIVE SYSTEM	25,597	25,597
038	UNIFIED COMMAND SUITE	21,854	21,854
040	FAMILY OF MED COMM FOR COMBAT CASUALTY CARE	24,388	24,388
	COMM—INTELLIGENCE COMM		
042	CI AUTOMATION ARCHITECTURE	1,349	1,349
043	ARMY CA/MISO GPF EQUIPMENT	3,695	3,695
	INFORMATION SECURITY		
045	INFORMATION SYSTEM SECURITY PROGRAM-ISSP	19,920	19,920
046	COMMUNICATIONS SECURITY (COMSEC)	72,257	72,257
	COMM—LONG HAUL COMMUNICATIONS		
047	BASE SUPPORT COMMUNICATIONS	16,082	16,082
	COMM—BASE COMMUNICATIONS		
048	INFORMATION SYSTEMS	86,037	86,037
050	EMERGENCY MANAGEMENT MODERNIZATION PROGRAM	8,550	8,550
051	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM	73,496	73,496
	ELECT EQUIP—TACT INT REL ACT (TIARA)		
054	JTT/CIBS-M	881	881
055	PROPHET GROUND	63,650	48,650
	Program reduction		[-15,000]
057	DCGS-A (MIP)	260,268	240,268
	Program reduction		[-20,000]
058	JOINT TACTICAL GROUND STATION (JTAGS)	3,906	3,906
059	TROJAN (MIP)	13,929	13,929
060	MOD OF IN-SVC EQUIP (INTEL SPT) (MIP)	3,978	3,978
061	CI HUMINT AUTO REPRTING AND COLL(CHARCS)	7,542	7,542
062	CLOSE ACCESS TARGET RECONNAISSANCE (CATR)	8,010	8,010
063	MACHINE FOREIGN LANGUAGE TRANSLATION SYSTEM-M	8,125	8,125
	ELECT EQUIP—ELECTRONIC WARFARE (EW)		
064	LIGHTWEIGHT COUNTER MORTAR RADAR	63,472	63,472
065	EW PLANNING & MANAGEMENT TOOLS (EWPMT)	2,556	2,556
066	AIR VIGILANCE (AV)	8,224	8,224
067	CREW	2,960	2,960
068	FAMILY OF PERSISTENT SURVEILLANCE CAPABILITIE	1,722	1,722
069	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES	447	447
070	CI MODERNIZATION	228	228
	ELECT EQUIP—TACTICAL SURV. (TAC SURV)		
071	SENTINEL MODS	43,285	43,285
072	NIGHT VISION DEVICES	124,216	124,216
074	SMALL TACTICAL OPTICAL RIFLE MOUNTED MLRF	23,216	23,216
076	INDIRECT FIRE PROTECTION FAMILY OF SYSTEMS	60,679	60,679
077	FAMILY OF WEAPON SIGHTS (FWS)	53,453	53,453
078	ARTILLERY ACCURACY EQUIP	3,338	3,338
079	PROFILER	4,057	4,057
081	JOINT BATTLE COMMAND—PLATFORM (JBC-P)	133,339	133,339
082	JOINT EFFECTS TARGETING SYSTEM (JETS)	47,212	47,212
083	MOD OF IN-SVC EQUIP (LLDR)	22,314	22,314
084	COMPUTER BALLISTICS: LHMCB XM32	12,131	12,131
085	MORTAR FIRE CONTROL SYSTEM	10,075	10,075
086	COUNTERFIRE RADARS	217,379	142,379
	Unobligated balances		[-75,000]
	ELECT EQUIP—TACTICAL C2 SYSTEMS		
087	FIRE SUPPORT C2 FAMILY	1,190	1,190
090	AIR & MSL DEFENSE PLANNING & CONTROL SYS	28,176	28,176
091	IAMD BATTLE COMMAND SYSTEM	20,917	15,917
	Program Reduction		[-5,000]
092	LIFE CYCLE SOFTWARE SUPPORT (LCSS)	5,850	5,850
093	NETWORK MANAGEMENT INITIALIZATION AND SERVICE	12,738	12,738
094	MANEUVER CONTROL SYSTEM (MCS)	145,405	135,405
	Unjustified increase		[-10,000]
095	GLOBAL COMBAT SUPPORT SYSTEM-ARMY (GCSS-A)	162,654	146,654

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2016 Request	Agreement Authorized
	Program growth		[-16,000]
096	INTEGRATED PERSONNEL AND PAY SYSTEM-ARMY (IPP) ...	4,446	4,446
098	RECONNAISSANCE AND SURVEYING INSTRUMENT SET	16,218	16,218
099	MOD OF IN-SVC EQUIPMENT (ENFIRE)	1,138	1,138
	ELECT EQUIP—AUTOMATION		
100	ARMY TRAINING MODERNIZATION	12,089	12,089
101	AUTOMATED DATA PROCESSING EQUIP	105,775	93,775
	Reduce IT procurement		[-12,000]
102	GENERAL FUND ENTERPRISE BUSINESS SYSTEMS FAM ...	18,995	18,995
103	HIGH PERF COMPUTING MOD PGM (HPCMP)	62,319	62,319
104	RESERVE COMPONENT AUTOMATION SYS (RCAS)	17,894	17,894
	ELECT EQUIP—AUDIO VISUAL SYS (AV)		
106	ITEMS LESS THAN \$5M (SURVEYING EQUIPMENT)	4,242	4,242
	ELECT EQUIP—SUPPORT		
107	PRODUCTION BASE SUPPORT (C-E)	425	425
108	BCT EMERGING TECHNOLOGIES	7,438	7,438
	CLASSIFIED PROGRAMS		
108A	CLASSIFIED PROGRAMS	6,467	6,467
	CHEMICAL DEFENSIVE EQUIPMENT		
109	PROTECTIVE SYSTEMS	248	248
110	FAMILY OF NON-LETHAL EQUIPMENT (FNLE)	1,487	1,487
112	CBRN DEFENSE	26,302	26,302
	BRIDGING EQUIPMENT		
113	TACTICAL BRIDGING	9,822	9,822
114	TACTICAL BRIDGE, FLOAT-RIBBON	21,516	21,516
115	BRIDGE SUPPLEMENTAL SET	4,959	4,959
116	COMMON BRIDGE TRANSPORTER (CBT) RECAP	52,546	52,546
	ENGINEER (NON-CONSTRUCTION) EQUIPMENT		
117	GRND STANDOFF MINE DETECTN SYSM (GSTAMIDS)	58,682	58,682
118	HUSKY MOUNTED DETECTION SYSTEM (HMDS)	13,565	13,565
119	ROBOTIC COMBAT SUPPORT SYSTEM (RCSS)	2,136	2,136
120	EOD ROBOTICS SYSTEMS RECAPITALIZATION	6,960	6,960
121	EXPLOSIVE ORDNANCE DISPOSAL EQPMT (EOD EQPMT) ...	17,424	17,424
122	REMOTE DEMOLITION SYSTEMS	8,284	8,284
123	< \$5M, COUNTERMINE EQUIPMENT	5,459	5,459
124	FAMILY OF BOATS AND MOTORS	8,429	8,429
	COMBAT SERVICE SUPPORT EQUIPMENT		
125	HEATERS AND ECUS	18,876	18,876
127	SOLDIER ENHANCEMENT	2,287	2,287
128	PERSONNEL RECOVERY SUPPORT SYSTEM (PRSS)	7,733	7,733
129	GROUND SOLDIER SYSTEM	49,798	49,798
130	MOBILE SOLDIER POWER	43,639	43,639
132	FIELD FEEDING EQUIPMENT	13,118	13,118
133	CARGO AERIAL DEL & PERSONNEL PARACHUTE SYSTEM	28,278	28,278
135	FAMILY OF ENGR COMBAT AND CONSTRUCTION SETS	34,544	34,544
136	ITEMS LESS THAN \$5M (ENG SPT)	595	595
	PETROLEUM EQUIPMENT		
137	QUALITY SURVEILLANCE EQUIPMENT	5,368	5,368
138	DISTRIBUTION SYSTEMS, PETROLEUM & WATER	35,381	35,381
	MEDICAL EQUIPMENT		
139	COMBAT SUPPORT MEDICAL	73,828	73,828
	MAINTENANCE EQUIPMENT		
140	MOBILE MAINTENANCE EQUIPMENT SYSTEMS	25,270	25,270
141	ITEMS LESS THAN \$5.0M (MAINT EQ)	2,760	2,760
	CONSTRUCTION EQUIPMENT		
142	GRADER, ROAD MTZD, HVY, 6X4 (CCE)	5,903	5,903
143	SCRAPERS, EARTHMOVING	26,125	26,125
146	TRACTOR, FULL TRACKED	27,156	27,156
147	ALL TERRAIN CRANES	16,750	16,750
148	PLANT, ASPHALT MIXING	984	984
149	HIGH MOBILITY ENGINEER EXCAVATOR (HMEE)	2,656	2,656
150	ENHANCED RAPID AIRFIELD CONSTRUCTION CAPAP	2,531	2,531
151	FAMILY OF DIVER SUPPORT EQUIPMENT	446	446
152	CONST EQUIP ESP	19,640	19,640
153	ITEMS LESS THAN \$5.0M (CONST EQUIP)	5,087	5,087
	RAIL FLOAT CONTAINERIZATION EQUIPMENT		
154	ARMY WATERCRAFT ESP	39,772	39,772

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2016 Request	Agreement Authorized
155	ITEMS LESS THAN \$5.0M (FLOAT/RAIL)	5,835	5,835
	GENERATORS		
156	GENERATORS AND ASSOCIATED EQUIP	166,356	166,356
157	TACTICAL ELECTRIC POWER RECAPITALIZATION	11,505	11,505
	MATERIAL HANDLING EQUIPMENT		
159	FAMILY OF FORKLIFTS	17,496	17,496
	TRAINING EQUIPMENT		
160	COMBAT TRAINING CENTERS SUPPORT	74,916	74,916
161	TRAINING DEVICES, NONSYSTEM	303,236	278,236
	Program reduction		[-25,000]
162	CLOSE COMBAT TACTICAL TRAINER	45,210	45,210
163	AVIATION COMBINED ARMS TACTICAL TRAINER	30,068	30,068
164	GAMING TECHNOLOGY IN SUPPORT OF ARMY TRAINING ..	9,793	9,793
	TEST MEASURE AND DIG EQUIPMENT (TMD)		
165	CALIBRATION SETS EQUIPMENT	4,650	4,650
166	INTEGRATED FAMILY OF TEST EQUIPMENT (IFTE)	34,487	34,487
167	TEST EQUIPMENT MODERNIZATION (TEMOD)	11,083	11,083
	OTHER SUPPORT EQUIPMENT		
169	RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT	17,937	17,937
170	PHYSICAL SECURITY SYSTEMS (OPA3)	52,040	52,040
171	BASE LEVEL COMMON EQUIPMENT	1,568	1,568
172	MODIFICATION OF IN-SVC EQUIPMENT (OPA-3)	64,219	64,219
173	PRODUCTION BASE SUPPORT (OTH)	1,525	1,525
174	SPECIAL EQUIPMENT FOR USER TESTING	3,268	3,268
176	TRACTOR YARD	7,191	7,191
	OPA2		
177	INITIAL SPARES—C&E	48,511	48,511
	TOTAL OTHER PROCUREMENT, ARMY	5,899,028	5,540,388
	AIRCRAFT PROCUREMENT, NAVY		
	COMBAT AIRCRAFT		
002	F/A-18E/F (FIGHTER) HORNET		978,750
	Additional 12 Aircraft—Navy Unfunded Requirement		[978,750]
003	JOINT STRIKE FIGHTER CV	897,542	873,042
	Anticipated contract savings		[-7,700]
	Cost growth for support equipment		[-16,800]
004	ADVANCE PROCUREMENT (CY)	48,630	48,630
005	JSF STOVL	1,483,414	2,329,414
	Additional 6 Aircraft—Marine Corps Unfunded Requirement		[846,000]
006	ADVANCE PROCUREMENT (CY)	203,060	203,060
007	ADVANCE PROCUREMENT (CY)	41,300	41,300
008	V-22 (MEDIUM LIFT)	1,436,355	1,421,355
	Support funding carryover		[-15,000]
009	ADVANCE PROCUREMENT (CY)	43,853	43,853
010	H-1 UPGRADES (UH-1Y/AH-1Z)	800,057	795,057
	Program reduction		[-5,000]
011	ADVANCE PROCUREMENT (CY)	56,168	56,168
012	MH-60S (MYP)	28,232	28,232
014	MH-60R (MYP)	969,991	964,991
	Poor justification of production line shutdown funds		[-5,000]
016	P-8A POSEIDON	3,008,928	3,008,928
017	ADVANCE PROCUREMENT (CY)	269,568	250,568
	Advance procurement cost growth		[-19,000]
018	E-2D ADV HAWKEYE	857,654	857,654
019	ADVANCE PROCUREMENT (CY)	195,336	195,336
	TRAINER AIRCRAFT		
020	JPATS	8,914	8,914
	OTHER AIRCRAFT		
021	KC-130J	192,214	192,214
022	ADVANCE PROCUREMENT (CY)	24,451	24,451
023	MQ-4 TRITON	494,259	559,259
	Additional Air Vehicle		[65,000]
024	ADVANCE PROCUREMENT (CY)	54,577	54,577
025	MQ-8 UAV	120,020	156,020
	MQ-8 UAV-Additional three air vehicles		[36,000]
026	STUASL0 UAV	3,450	3,450
	MODIFICATION OF AIRCRAFT		

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2016 Request	Agreement Authorized
028	EA-6 SERIES	9,799	9,799
029	AEA SYSTEMS	23,151	38,151
	Additional Low Band Transmitter Modifications		[15,000]
030	AV-8 SERIES	41,890	45,190
	AV-8B Link 16 upgrades, unfunded requirement		[3,300]
031	ADVERSARY	5,816	5,816
032	F-18 SERIES	978,756	958,456
	Unjustified request		[-20,300]
034	H-53 SERIES	46,887	46,887
035	SH-60 SERIES	107,728	107,728
036	H-1 SERIES	42,315	40,565
	Unjustified growth—installation funding		[-1,750]
037	EP-3 SERIES	41,784	41,784
038	P-3 SERIES	3,067	3,067
039	E-2 SERIES	20,741	20,741
040	TRAINER A/C SERIES	27,980	27,980
041	C-2A	8,157	8,157
042	C-130 SERIES	70,335	69,041
	Unjustified growth—installation funding		[-1,294]
043	FEWSG	633	633
044	CARGO/TRANSPORT A/C SERIES	8,916	8,916
045	E-6 SERIES	185,253	185,253
046	EXECUTIVE HELICOPTERS SERIES	76,138	72,338
	Unjustified growth—installation funding		[-3,800]
047	SPECIAL PROJECT AIRCRAFT	23,702	23,702
048	T-45 SERIES	105,439	105,439
049	POWER PLANT CHANGES	9,917	9,917
050	JPATS SERIES	13,537	13,537
051	COMMON ECM EQUIPMENT	131,732	131,732
052	COMMON AVIONICS CHANGES	202,745	182,745
	Cost growth		[-20,000]
053	COMMON DEFENSIVE WEAPON SYSTEM	3,062	3,062
054	ID SYSTEMS	48,206	48,206
055	P-8 SERIES	28,492	28,492
056	MAGTF EW FOR AVIATION	7,680	7,680
057	MQ-8 SERIES	22,464	22,464
058	RQ-7 SERIES	3,773	3,773
059	V-22 (TILT/ROTOR ACFT) OSPREY	121,208	144,208
	MV-22 Ballistic Protection		[8,000]
	MV-22 integrated aircraft survivability—MC UFR		[15,000]
060	F-35 STOVL SERIES	256,106	256,106
061	F-35 CV SERIES	68,527	68,527
062	QRC	6,885	6,885
	AIRCRAFT SPARES AND REPAIR PARTS		
063	SPARES AND REPAIR PARTS	1,563,515	1,478,515
	Program decrease		[-85,000]
	AIRCRAFT SUPPORT EQUIP & FACILITIES		
064	COMMON GROUND EQUIPMENT	450,959	435,959
	Contract delays		[-15,000]
065	AIRCRAFT INDUSTRIAL FACILITIES	24,010	24,010
066	WAR CONSUMABLES	42,012	42,012
067	OTHER PRODUCTION CHARGES	2,455	2,455
068	SPECIAL SUPPORT EQUIPMENT	50,859	50,859
069	FIRST DESTINATION TRANSPORTATION	1,801	1,801
	TOTAL AIRCRAFT PROCUREMENT, NAVY	16,126,405	17,877,811
	WEAPONS PROCUREMENT, NAVY		
	MODIFICATION OF MISSILES		
001	TRIDENT II MODS	1,099,064	1,089,064
	Unjustified program growth		[-10,000]
	SUPPORT EQUIPMENT & FACILITIES		
002	MISSILE INDUSTRIAL FACILITIES	7,748	7,748
	STRATEGIC MISSILES		
003	TOMAHAWK	184,814	214,814
	Minimum Sustaining Rate Increase		[30,000]
	TACTICAL MISSILES		
004	AMRAAM	192,873	207,873

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2016 Request	Agreement Authorized
	Additional captive air training missiles		[15,000]
005	SIDEWINDER	96,427	96,427
006	JSOW	21,419	21,419
007	STANDARD MISSILE	435,352	435,352
008	RAM	80,826	80,826
011	STAND OFF PRECISION GUIDED MUNITIONS (SOPGM)	4,265	4,265
012	AERIAL TARGETS	40,792	40,792
013	OTHER MISSILE SUPPORT	3,335	3,335
	MODIFICATION OF MISSILES		
014	ESSM	44,440	44,440
015	ADVANCE PROCUREMENT (CY)	54,462	54,462
016	HARM MODS	122,298	122,298
	SUPPORT EQUIPMENT & FACILITIES		
017	WEAPONS INDUSTRIAL FACILITIES	2,397	2,397
018	FLEET SATELLITE COMM FOLLOW-ON	39,932	34,232
	Excess storage		[-5,700]
	ORDNANCE SUPPORT EQUIPMENT		
019	ORDNANCE SUPPORT EQUIPMENT	57,641	61,309
	Classified Program		[3,668]
	TORPEDES AND RELATED EQUIP		
020	SSTD	7,380	7,380
021	MK-48 TORPEDO	65,611	65,611
022	ASW TARGETS	6,912	6,912
	MOD OF TORPEDES AND RELATED EQUIP		
023	MK-54 TORPEDO MODS	113,219	113,219
024	MK-48 TORPEDO ADCAP MODS	63,317	63,317
025	QUICKSTRIKE MINE	13,254	13,254
	SUPPORT EQUIPMENT		
026	TORPEDO SUPPORT EQUIPMENT	67,701	67,701
027	ASW RANGE SUPPORT	3,699	3,699
	DESTINATION TRANSPORTATION		
028	FIRST DESTINATION TRANSPORTATION	3,342	3,342
	GUNS AND GUN MOUNTS		
029	SMALL ARMS AND WEAPONS	11,937	11,937
	MODIFICATION OF GUNS AND GUN MOUNTS		
030	CIWS MODS	53,147	53,147
031	COAST GUARD WEAPONS	19,022	19,022
032	GUN MOUNT MODS	67,980	67,980
033	AIRBORNE MINE NEUTRALIZATION SYSTEMS	19,823	19,823
	SPARES AND REPAIR PARTS		
035	SPARES AND REPAIR PARTS	149,725	149,725
	TOTAL WEAPONS PROCUREMENT, NAVY	3,154,154	3,187,122
	PROCUREMENT OF AMMO, NAVY & MC		
	NAVY AMMUNITION		
001	GENERAL PURPOSE BOMBS	101,238	101,238
002	AIRBORNE ROCKETS, ALL TYPES	67,289	67,289
003	MACHINE GUN AMMUNITION	20,340	20,340
004	PRACTICE BOMBS	40,365	40,365
005	CARTRIDGES & CART ACTUATED DEVICES	49,377	49,377
006	AIR EXPENDABLE COUNTERMEASURES	59,651	59,651
007	JATOS	2,806	2,806
008	LRLAP 6" LONG RANGE ATTACK PROJECTILE	11,596	11,596
009	5 INCH/54 GUN AMMUNITION	35,994	35,994
010	INTERMEDIATE CALIBER GUN AMMUNITION	36,715	36,715
011	OTHER SHIP GUN AMMUNITION	45,483	45,483
012	SMALL ARMS & LANDING PARTY AMMO	52,080	52,080
013	PYROTECHNIC AND DEMOLITION	10,809	10,809
014	AMMUNITION LESS THAN \$5 MILLION	4,469	4,469
	MARINE CORPS AMMUNITION		
015	SMALL ARMS AMMUNITION	46,848	46,848
016	LINEAR CHARGES, ALL TYPES	350	350
017	40 MM, ALL TYPES	500	500
018	60MM, ALL TYPES	1,849	1,849
019	81MM, ALL TYPES	1,000	1,000
020	120MM, ALL TYPES	13,867	13,867
022	GRENADES, ALL TYPES	1,390	1,390

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2016 Request	Agreement Authorized
023	ROCKETS, ALL TYPES	14,967	14,967
024	ARTILLERY, ALL TYPES	45,219	45,219
026	FUZE, ALL TYPES	29,335	29,335
027	NON LETHALS	3,868	3,868
028	AMMO MODERNIZATION	15,117	15,117
029	ITEMS LESS THAN \$5 MILLION	11,219	11,219
	TOTAL PROCUREMENT OF AMMO, NAVY & MC	723,741	723,741
SHIPBUILDING & CONVERSION, NAVY			
OTHER WARSHIPS			
001	CARRIER REPLACEMENT PROGRAM	1,634,701	1,634,701
002	ADVANCE PROCUREMENT (CY)	874,658	874,658
003	VIRGINIA CLASS SUBMARINE	3,346,370	3,346,370
004	ADVANCE PROCUREMENT (CY)	1,993,740	1,993,740
005	CVN REFUELING OVERHAULS	678,274	678,274
006	ADVANCE PROCUREMENT (CY)	14,951	14,951
007	DDG 1000	433,404	433,404
008	DDG-51	3,149,703	3,399,703
	Incremental funding for one DDG-51		[250,000]
010	LITTORAL COMBAT SHIP	1,356,991	1,356,991
AMPHIBIOUS SHIPS			
012	LPD-17	550,000	550,000
013	AFLOAT FORWARD STAGING BASE		97,000
	Accelerate shipbuilding funding		[97,000]
014A	LX(R) ADVANCE PROCURMENT (CY)		250,000
	LX(R) Acceleration		[250,000]
015	LHA REPLACEMENT ADVANCE PROCUREMENT (CY)	277,543	476,543
	Accelerate LHA-8 advanced procurement		[199,000]
016A	LCU Replacement		34,000
	Accelerate LCU replacement		[34,000]
AUXILIARIES, CRAFT AND PRIOR YR PROGRAM COST			
017	TAO FLEET OILER	674,190	674,190
019	ADVANCE PROCUREMENT (CY)	138,200	138,200
020	OUTFITTING	697,207	644,300
	Program decrease		[-52,907]
021	SHIP TO SHORE CONNECTOR	255,630	255,630
022	SERVICE CRAFT	30,014	30,014
023	LCAC SLEP	80,738	80,738
024	YP CRAFT MAINTENANCE/ROH/SLEP	21,838	21,838
025	COMPLETION OF PY SHIPBUILDING PROGRAMS	389,305	389,305
025A	T-ATS(X) Fleet Tug		75,000
	Accelerate T-ATS(X)		[75,000]
	TOTAL SHIPBUILDING & CONVERSION, NAVY	16,597,457	17,449,550
OTHER PROCUREMENT, NAVY			
SHIP PROPULSION EQUIPMENT			
001	LM-2500 GAS TURBINE	4,881	4,881
002	ALLISON 501K GAS TURBINE	5,814	5,814
003	HYBRID ELECTRIC DRIVE (HED)	32,906	32,906
GENERATORS			
004	SURFACE COMBATANT HM&E	36,860	36,860
NAVIGATION EQUIPMENT			
005	OTHER NAVIGATION EQUIPMENT	87,481	87,481
PERISCOPES			
006	SUB PERISCOPES & IMAGING EQUIP	63,109	63,109
OTHER SHIPBOARD EQUIPMENT			
007	DDG MOD	364,157	424,157
	Additional DDG Modification-Unfunded Requirement		[60,000]
008	FIREFIGHTING EQUIPMENT	16,089	16,089
009	COMMAND AND CONTROL SWITCHBOARD	2,255	2,255
010	LHA/LHD MIDLIFE	28,571	28,571
011	LCC 19/20 EXTENDED SERVICE LIFE PROGRAM	12,313	12,313
012	POLLUTION CONTROL EQUIPMENT	16,609	16,609
013	SUBMARINE SUPPORT EQUIPMENT	10,498	10,498
014	VIRGINIA CLASS SUPPORT EQUIPMENT	35,747	35,747
015	LCS CLASS SUPPORT EQUIPMENT	48,399	48,399
016	SUBMARINE BATTERIES	23,072	23,072

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2016 Request	Agreement Authorized
017	LPD CLASS SUPPORT EQUIPMENT	55,283	55,283
018	STRATEGIC PLATFORM SUPPORT EQUIP	18,563	18,563
019	DSSP EQUIPMENT	7,376	7,376
021	LCAC	20,965	20,965
022	UNDERWATER EOD PROGRAMS	51,652	51,652
023	ITEMS LESS THAN \$5 MILLION	102,498	102,498
024	CHEMICAL WARFARE DETECTORS	3,027	3,027
025	SUBMARINE LIFE SUPPORT SYSTEM	7,399	7,399
	REACTOR PLANT EQUIPMENT		
027	REACTOR COMPONENTS	296,095	296,095
	OCEAN ENGINEERING		
028	DIVING AND SALVAGE EQUIPMENT	15,982	15,982
	SMALL BOATS		
029	STANDARD BOATS	29,982	29,982
	TRAINING EQUIPMENT		
030	OTHER SHIPS TRAINING EQUIPMENT	66,538	66,538
	PRODUCTION FACILITIES EQUIPMENT		
031	OPERATING FORCES IPE	71,138	71,138
	OTHER SHIP SUPPORT		
032	NUCLEAR ALTERATIONS	132,625	132,625
033	LCS COMMON MISSION MODULES EQUIPMENT	23,500	23,500
034	LCS MCM MISSION MODULES	85,151	85,151
035	LCS SUW MISSION MODULES	35,228	35,228
036	REMOTE MINEHUNTING SYSTEM (RMS)	87,627	53,077
	Procurement in excess of need ahead of satisfactory testing ..		[-34,550]
	LOGISTIC SUPPORT		
037	LSD MIDLIFE	2,774	2,774
	SHIP SONARS		
038	SPQ-9B RADAR	20,551	20,551
039	AN/SQQ-89 SURF ASW COMBAT SYSTEM	103,241	103,241
040	SSN ACOUSTICS	214,835	234,835
	Submarine Towed Array-Unfunded Requirement		[20,000]
041	UNDERSEA WARFARE SUPPORT EQUIPMENT	7,331	7,331
042	SONAR SWITCHES AND TRANSDUCERS	11,781	11,781
	ASW ELECTRONIC EQUIPMENT		
044	SUBMARINE ACOUSTIC WARFARE SYSTEM	21,119	21,119
045	SSTD	8,396	8,396
046	FIXED SURVEILLANCE SYSTEM	146,968	146,968
047	SURTASS	12,953	12,953
048	MARITIME PATROL AND RECONNAISSANCE FORCE	13,725	13,725
	ELECTRONIC WARFARE EQUIPMENT		
049	AN/SLQ-32	324,726	324,726
	RECONNAISSANCE EQUIPMENT		
050	SHIPBOARD IW EXPLOIT	148,221	148,221
051	AUTOMATED IDENTIFICATION SYSTEM (AIS)	152	152
	SUBMARINE SURVEILLANCE EQUIPMENT		
052	SUBMARINE SUPPORT EQUIPMENT PROG	79,954	79,954
	OTHER SHIP ELECTRONIC EQUIPMENT		
053	COOPERATIVE ENGAGEMENT CAPABILITY	25,695	25,695
054	TRUSTED INFORMATION SYSTEM (TIS)	284	284
055	NAVAL TACTICAL COMMAND SUPPORT SYSTEM (NTCSS) ..	14,416	14,416
056	ATDLS	23,069	23,069
057	NAVY COMMAND AND CONTROL SYSTEM (NCCS)	4,054	4,054
058	MINESWEEPING SYSTEM REPLACEMENT	21,014	21,014
059	SHALLOW WATER MCM	18,077	18,077
060	NAVSTAR GPS RECEIVERS (SPACE)	12,359	12,359
061	AMERICAN FORCES RADIO AND TV SERVICE	4,240	4,240
062	STRATEGIC PLATFORM SUPPORT EQUIP	17,440	17,440
	TRAINING EQUIPMENT		
063	OTHER TRAINING EQUIPMENT	41,314	41,314
	AVIATION ELECTRONIC EQUIPMENT		
064	MATCALs	10,011	10,011
065	SHIPBOARD AIR TRAFFIC CONTROL	9,346	9,346
066	AUTOMATIC CARRIER LANDING SYSTEM	21,281	21,281
067	NATIONAL AIR SPACE SYSTEM	25,621	25,621
068	FLEET AIR TRAFFIC CONTROL SYSTEMS	8,249	8,249
069	LANDING SYSTEMS	14,715	14,715

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2016 Request	Agreement Authorized
070	ID SYSTEMS	29,676	29,676
071	NAVAL MISSION PLANNING SYSTEMS	13,737	13,737
	OTHER SHORE ELECTRONIC EQUIPMENT		
072	DEPLOYABLE JOINT COMMAND & CONTROL	1,314	1,314
074	TACTICAL/MOBILE C4I SYSTEMS	13,600	13,600
075	DCGS-N	31,809	31,809
076	CANES	278,991	278,991
077	RADIAC	8,294	8,294
078	CANES-INTELL	28,695	28,695
079	GPETE	6,962	6,962
080	MASF	290	290
081	INTEG COMBAT SYSTEM TEST FACILITY	14,419	14,419
082	EMI CONTROL INSTRUMENTATION	4,175	4,175
083	ITEMS LESS THAN \$5 MILLION	44,176	44,176
	SHIPBOARD COMMUNICATIONS		
084	SHIPBOARD TACTICAL COMMUNICATIONS	8,722	8,722
085	SHIP COMMUNICATIONS AUTOMATION	108,477	108,477
086	COMMUNICATIONS ITEMS UNDER \$5M	16,613	16,613
	SUBMARINE COMMUNICATIONS		
087	SUBMARINE BROADCAST SUPPORT	20,691	20,691
088	SUBMARINE COMMUNICATION EQUIPMENT	60,945	60,945
	SATELLITE COMMUNICATIONS		
089	SATELLITE COMMUNICATIONS SYSTEMS	30,892	30,892
090	NAVY MULTIBAND TERMINAL (NMT)	118,113	118,113
	SHORE COMMUNICATIONS		
091	JCS COMMUNICATIONS EQUIPMENT	4,591	4,591
092	ELECTRICAL POWER SYSTEMS	1,403	1,403
	CRYPTOGRAPHIC EQUIPMENT		
093	INFO SYSTEMS SECURITY PROGRAM (ISSP)	135,687	135,687
094	MIO INTEL EXPLOITATION TEAM	970	970
	CRYPTOLOGIC EQUIPMENT		
095	CRYPTOLOGIC COMMUNICATIONS EQUIP	11,433	11,433
	OTHER ELECTRONIC SUPPORT		
096	COAST GUARD EQUIPMENT	2,529	2,529
	SONOBUOYS		
097	SONOBUOYS—ALL TYPES	168,763	168,763
	AIRCRAFT SUPPORT EQUIPMENT		
098	WEAPONS RANGE SUPPORT EQUIPMENT	46,979	46,979
100	AIRCRAFT SUPPORT EQUIPMENT	123,884	123,884
103	METEOROLOGICAL EQUIPMENT	15,090	15,090
104	DCRS/DPL	638	638
106	AIRBORNE MINE COUNTERMEASURES	14,098	14,098
111	AVIATION SUPPORT EQUIPMENT	49,773	49,773
	SHIP GUN SYSTEM EQUIPMENT		
112	SHIP GUN SYSTEMS EQUIPMENT	5,300	5,300
	SHIP MISSILE SYSTEMS EQUIPMENT		
115	SHIP MISSILE SUPPORT EQUIPMENT	298,738	298,738
120	TOMAHAWK SUPPORT EQUIPMENT	71,245	71,245
	FBM SUPPORT EQUIPMENT		
123	STRATEGIC MISSILE SYSTEMS EQUIP	240,694	240,694
	ASW SUPPORT EQUIPMENT		
124	SSN COMBAT CONTROL SYSTEMS	96,040	96,040
125	ASW SUPPORT EQUIPMENT	30,189	30,189
	OTHER ORDNANCE SUPPORT EQUIPMENT		
129	EXPLOSIVE ORDNANCE DISPOSAL EQUIP	22,623	22,623
130	ITEMS LESS THAN \$5 MILLION	9,906	9,906
	OTHER EXPENDABLE ORDNANCE		
134	TRAINING DEVICE MODS	99,707	99,707
	CIVIL ENGINEERING SUPPORT EQUIPMENT		
135	PASSENGER CARRYING VEHICLES	2,252	2,252
136	GENERAL PURPOSE TRUCKS	2,191	2,191
137	CONSTRUCTION & MAINTENANCE EQUIP	2,164	2,164
138	FIRE FIGHTING EQUIPMENT	14,705	14,705
139	TACTICAL VEHICLES	2,497	2,497
140	AMPHIBIOUS EQUIPMENT	12,517	12,517
141	POLLUTION CONTROL EQUIPMENT	3,018	3,018
142	ITEMS UNDER \$5 MILLION	14,403	14,403

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2016 Request	Agreement Authorized
143	PHYSICAL SECURITY VEHICLES	1,186	1,186
	SUPPLY SUPPORT EQUIPMENT		
144	MATERIALS HANDLING EQUIPMENT	18,805	18,805
145	OTHER SUPPLY SUPPORT EQUIPMENT	10,469	10,469
146	FIRST DESTINATION TRANSPORTATION	5,720	5,720
147	SPECIAL PURPOSE SUPPLY SYSTEMS	211,714	211,714
	TRAINING DEVICES		
148	TRAINING SUPPORT EQUIPMENT	7,468	7,468
	COMMAND SUPPORT EQUIPMENT		
149	COMMAND SUPPORT EQUIPMENT	36,433	36,433
150	EDUCATION SUPPORT EQUIPMENT	3,180	3,180
151	MEDICAL SUPPORT EQUIPMENT	4,790	4,790
153	NAVAL MIP SUPPORT EQUIPMENT	4,608	4,608
154	OPERATING FORCES SUPPORT EQUIPMENT	5,655	5,655
155	C4ISR EQUIPMENT	9,929	9,929
156	ENVIRONMENTAL SUPPORT EQUIPMENT	26,795	26,795
157	PHYSICAL SECURITY EQUIPMENT	88,453	88,453
159	ENTERPRISE INFORMATION TECHNOLOGY	99,094	99,094
	OTHER		
160	NEXT GENERATION ENTERPRISE SERVICE	99,014	99,014
	CLASSIFIED PROGRAMS		
160A	CLASSIFIED PROGRAMS	21,439	21,439
	SPARES AND REPAIR PARTS		
161	SPARES AND REPAIR PARTS	328,043	318,043
	Excess carryover		[-10,000]
	TOTAL OTHER PROCUREMENT, NAVY	6,614,715	6,650,165
	PROCUREMENT, MARINE CORPS		
	TRACKED COMBAT VEHICLES		
001	AAV7A1 PIP	26,744	26,744
002	LAV PIP	54,879	54,879
	ARTILLERY AND OTHER WEAPONS		
003	EXPEDITIONARY FIRE SUPPORT SYSTEM	2,652	2,652
004	155MM LIGHTWEIGHT TOWED HOWITZER	7,482	7,482
005	HIGH MOBILITY ARTILLERY ROCKET SYSTEM	17,181	17,181
006	WEAPONS AND COMBAT VEHICLES UNDER \$5 MILLION ...	8,224	8,224
	OTHER SUPPORT		
007	MODIFICATION KITS	14,467	14,467
008	WEAPONS ENHANCEMENT PROGRAM	488	488
	GUIDED MISSILES		
009	GROUND BASED AIR DEFENSE	7,565	7,565
010	JAVELIN	1,091	51,091
	Program increase to support Unfunded Requirements		[50,000]
011	FOLLOW ON TO SMAW	4,872	4,872
012	ANTI-ARMOR WEAPONS SYSTEM-HEAVY (AAWS-H)	668	668
	OTHER SUPPORT		
013	MODIFICATION KITS	12,495	152,495
	Additional missiles		[140,000]
	COMMAND AND CONTROL SYSTEMS		
014	UNIT OPERATIONS CENTER	13,109	13,109
015	COMMON AVIATION COMMAND AND CONTROL SYSTEM (C Procurement early to need	35,147	32,956
			[-2,191]
	REPAIR AND TEST EQUIPMENT		
016	REPAIR AND TEST EQUIPMENT	21,210	21,210
	OTHER SUPPORT (TEL)		
017	COMBAT SUPPORT SYSTEM	792	792
	COMMAND AND CONTROL SYSTEM (NON-TEL)		
019	ITEMS UNDER \$5 MILLION (COMM & ELEC)	3,642	3,642
020	AIR OPERATIONS C2 SYSTEMS	3,520	3,520
	RADAR + EQUIPMENT (NON-TEL)		
021	RADAR SYSTEMS	35,118	35,118
022	GROUND/AIR TASK ORIENTED RADAR (G/ATOR)	130,661	98,546
	Delay in IOTE		[-32,115]
023	RQ-21 UAS	84,916	84,916
	INTELL/COMM EQUIPMENT (NON-TEL)		
024	FIRE SUPPORT SYSTEM	9,136	9,136
025	INTELLIGENCE SUPPORT EQUIPMENT	29,936	29,936

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2016 Request	Agreement Authorized
028	DCGS-MC	1,947	1,947
	OTHER COMM/ELEC EQUIPMENT (NON-TEL)		
031	NIGHT VISION EQUIPMENT	2,018	2,018
	OTHER SUPPORT (NON-TEL)		
032	NEXT GENERATION ENTERPRISE NETWORK (NGEN)	67,295	67,295
033	COMMON COMPUTER RESOURCES	43,101	33,101
	Marine Corps common hardware suite contract delay		[-10,000]
034	COMMAND POST SYSTEMS	29,255	29,255
035	RADIO SYSTEMS	80,584	80,584
036	COMM SWITCHING & CONTROL SYSTEMS	66,123	66,123
037	COMM & ELEC INFRASTRUCTURE SUPPORT	79,486	79,486
	CLASSIFIED PROGRAMS		
037A	CLASSIFIED PROGRAMS	2,803	2,803
	ADMINISTRATIVE VEHICLES		
038	COMMERCIAL PASSENGER VEHICLES	3,538	3,538
039	COMMERCIAL CARGO VEHICLES	22,806	22,806
	TACTICAL VEHICLES		
041	MOTOR TRANSPORT MODIFICATIONS	7,743	7,743
043	JOINT LIGHT TACTICAL VEHICLE	79,429	79,429
044	FAMILY OF TACTICAL TRAILERS	3,157	3,157
	OTHER SUPPORT		
045	ITEMS LESS THAN \$5 MILLION	6,938	6,938
	ENGINEER AND OTHER EQUIPMENT		
046	ENVIRONMENTAL CONTROL EQUIP ASSORT	94	94
047	BULK LIQUID EQUIPMENT	896	896
048	TACTICAL FUEL SYSTEMS	136	136
049	POWER EQUIPMENT ASSORTED	10,792	10,792
050	AMPHIBIOUS SUPPORT EQUIPMENT	3,235	3,235
051	EOD SYSTEMS	7,666	7,666
	MATERIALS HANDLING EQUIPMENT		
052	PHYSICAL SECURITY EQUIPMENT	33,145	33,145
053	GARRISON MOBILE ENGINEER EQUIPMENT (GMEE)	1,419	1,419
	GENERAL PROPERTY		
057	TRAINING DEVICES	24,163	24,163
058	CONTAINER FAMILY	962	962
059	FAMILY OF CONSTRUCTION EQUIPMENT	6,545	6,545
060	FAMILY OF INTERNALLY TRANSPORTABLE VEH (ITV)	7,533	7,533
	OTHER SUPPORT		
062	ITEMS LESS THAN \$5 MILLION	4,322	4,322
	SPARES AND REPAIR PARTS		
063	SPARES AND REPAIR PARTS	8,292	8,292
	TOTAL PROCUREMENT, MARINE CORPS	1,131,418	1,277,112
	AIRCRAFT PROCUREMENT, AIR FORCE		
	TACTICAL FORCES		
001	F-35	5,260,212	5,161,112
	Efficiencies and excess cost growth		[-99,100]
002	ADVANCE PROCUREMENT (CY)	460,260	460,260
	TACTICAL AIRLIFT		
003	KC-46A TANKER	2,350,601	2,326,601
	Program Decrease		[-24,000]
	OTHER AIRLIFT		
004	C-130J	889,154	848,354
	Unit cost growth and contract delays		[-40,800]
005	ADVANCE PROCUREMENT (CY)	50,000	50,000
006	HC-130J	463,934	444,434
	Unit cost growth		[-19,500]
007	ADVANCE PROCUREMENT (CY)	30,000	30,000
008	MC-130J	828,472	790,872
	Program efficiencies		[-37,600]
009	ADVANCE PROCUREMENT (CY)	60,000	60,000
	MISSION SUPPORT AIRCRAFT		
011	CIVIL AIR PATROL A/C	2,617	2,617
	OTHER AIRCRAFT		
012	TARGET DRONES	132,028	132,028
014	RQ-4	37,800	37,800
015	MQ-9	552,528	622,528

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2016 Request	Agreement Authorized
	Accelerating procurement schedule to meet CCDR demand ...		[80,000]
	Restrain growth in government costs		[-10,000]
	STRATEGIC AIRCRAFT		
017	B-2A	32,458	32,458
018	B-1B	114,119	114,119
019	B-52	148,987	148,987
020	LARGE AIRCRAFT INFRARED COUNTERMEASURES	84,335	84,335
022	F-15	464,367	682,071
	F-15 MIDS JTRS transfer to RDT&E		[-12,796]
	F-15C AESA radars		[48,000]
	F-15D AESA radars		[192,500]
	Milestone C delay		[-10,000]
023	F-16	17,134	17,134
024	F-22A	126,152	126,152
025	F-35 MODIFICATIONS	70,167	70,167
026	INCREMENT 3.2B	69,325	69,325
	AIRLIFT AIRCRAFT		
028	C-5	5,604	5,604
030	C-17A	46,997	46,997
031	C-21	10,162	10,162
032	C-32A	44,464	44,464
033	C-37A	10,861	10,861
	TRAINER AIRCRAFT		
034	GLIDER MODS	134	134
035	T-6	17,968	17,968
036	T-1	23,706	23,706
037	T-38	30,604	30,604
	OTHER AIRCRAFT		
038	U-2 MODS	22,095	22,095
039	KC-10A (ATCA)	5,611	5,611
040	C-12	1,980	1,980
042	VC-25A MOD	98,231	98,231
043	C-40	13,171	13,171
044	C-130	7,048	146,248
	C-130 AMP increase		[75,000]
	C-130H Electronic Prop Control System - UPL		[13,500]
	C-130H In-flight Prop Balancing System - UPL		[1,500]
	Eight-Bladed Propeller		[16,000]
	T-56 3.5 Engine Mod		[33,200]
045	C-130J MODS	29,713	29,713
046	C-135	49,043	49,043
047	COMPASS CALL MODS	68,415	97,115
	EC-130H Force Structure Restoration		[28,700]
048	RC-135	156,165	156,165
049	E-3	13,178	13,178
050	E-4	23,937	19,937
	AEHF-PNVC ahead of need		[-4,000]
051	E-8	18,001	18,001
052	AIRBORNE WARNING AND CONTROL SYSTEM	183,308	183,308
053	FAMILY OF BEYOND LINE-OF-SIGHT TERMINALS	44,163	44,163
054	H-1	6,291	6,291
055	UH-1N REPLACEMENT	2,456	2,456
056	H-60	45,731	45,731
057	RQ-4 MODS	50,022	50,022
058	HC/MC-130 MODIFICATIONS	21,660	21,660
059	OTHER AIRCRAFT	117,767	115,521
	C2ISR TDL transfer to COMSEC equipment		[-2,246]
060	MQ-1 MODS	3,173	3,173
061	MQ-9 MODS	115,226	115,226
063	CV-22 MODS	58,828	58,828
	AIRCRAFT SPARES AND REPAIR PARTS		
064	INITIAL SPARES/REPAIR PARTS	656,242	636,242
	Excess carryover		[-20,000]
	COMMON SUPPORT EQUIPMENT		
065	AIRCRAFT REPLACEMENT SUPPORT EQUIP	33,716	33,716
	POST PRODUCTION SUPPORT		
067	B-2A	38,837	38,837

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2016 Request	Agreement Authorized
068	B-52	5,911	5,911
069	C-17A	30,108	30,108
070	CV-22 POST PRODUCTION SUPPORT	3,353	3,353
071	C-135	4,490	4,490
072	F-15	3,225	3,225
073	F-16	14,969	8,969
	Unobligated balances		[-6,000]
074	F-22A	971	971
076	MQ-9	5,000	5,000
	INDUSTRIAL PREPAREDNESS		
077	INDUSTRIAL RESPONSIVENESS	18,802	18,802
	WAR CONSUMABLES		
078	WAR CONSUMABLES	156,465	156,465
	OTHER PRODUCTION CHARGES		
079	OTHER PRODUCTION CHARGES	1,052,814	1,111,900
	Transfer from RDT&E for NATO AWACS		[59,086]
	CLASSIFIED PROGRAMS		
079A	CLASSIFIED PROGRAMS	42,503	42,503
	TOTAL AIRCRAFT PROCUREMENT, AIR FORCE	15,657,769	15,919,213
	MISSILE PROCUREMENT, AIR FORCE		
	MISSILE REPLACEMENT EQUIPMENT—BALLISTIC		
001	MISSILE REPLACEMENT EQ-BALLISTIC	94,040	94,040
	TACTICAL		
003	JOINT AIR-SURFACE STANDOFF MISSILE	440,578	420,578
	Unit cost efficiencies		[-20,000]
004	SIDEWINDER (AIM-9X)	200,777	200,777
005	AMRAAM	390,112	380,028
	Joint program unit cost variance		[-10,084]
006	PREDATOR HELLFIRE MISSILE	423,016	423,016
007	SMALL DIAMETER BOMB	133,697	133,697
	INDUSTRIAL FACILITIES		
008	INDUSTRL PREPAREDNS/POL PREVENTION	397	397
	CLASS IV		
009	MM III MODIFICATIONS	50,517	50,517
010	AGM-65D MAVERICK	9,639	9,639
011	AGM-88A HARM	197	197
012	AIR LAUNCH CRUISE MISSILE (ALCM)	25,019	25,019
	MISSILE SPARES AND REPAIR PARTS		
014	INITIAL SPARES/REPAIR PARTS	48,523	48,523
	SPECIAL PROGRAMS		
028	SPECIAL UPDATE PROGRAMS	276,562	276,562
	CLASSIFIED PROGRAMS		
028A	CLASSIFIED PROGRAMS	893,971	893,971
	TOTAL MISSILE PROCUREMENT, AIR FORCE	2,987,045	2,956,961
	SPACE PROCUREMENT, AIR FORCE		
	SPACE PROGRAMS		
001	ADVANCED EHF	333,366	327,366
	Unjustified support growth		[-6,000]
002	WIDEBAND GAPPFILLER SATELLITES(SPACE)	53,476	74,476
	SATCOM pathfinder		[26,000]
	Unjustified support growth		[-5,000]
003	GPS III SPACE SEGMENT	199,218	199,218
004	SPACEBORNE EQUIP (COMSEC)	18,362	18,362
005	GLOBAL POSITIONING (SPACE)	66,135	64,135
	Unjustified support growth		[-2,000]
006	DEF METEOROLOGICAL SAT PROG(SPACE)	89,351	40,000
	Minimum sustainment of DMSP-20 program		[-49,351]
007	EVOLVED EXPENDABLE LAUNCH CAPABILITY	571,276	571,276
008	EVOLVED EXPENDABLE LAUNCH VEH(SPACE)	800,201	800,201
009	SBIR HIGH (SPACE)	452,676	452,676
	TOTAL SPACE PROCUREMENT, AIR FORCE	2,584,061	2,547,710
	PROCUREMENT OF AMMUNITION, AIR FORCE		
	ROCKETS		
001	ROCKETS	23,788	23,788

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2016 Request	Agreement Authorized
	CARTRIDGES		
002	CARTRIDGES	131,102	169,602
	Increase to match size of A-10 fleet		[38,500]
	BOMBS		
003	PRACTICE BOMBS	89,759	89,759
004	GENERAL PURPOSE BOMBS	637,181	637,181
005	MASSIVE ORDNANCE PENETRATOR (MOP)	39,690	39,690
006	JOINT DIRECT ATTACK MUNITION	374,688	354,688
	Program reduction		[-20,000]
	OTHER ITEMS		
007	CAD/PAD	58,266	58,266
008	EXPLOSIVE ORDNANCE DISPOSAL (EOD)	5,612	5,612
009	SPARES AND REPAIR PARTS	103	103
010	MODIFICATIONS	1,102	1,102
011	ITEMS LESS THAN \$5 MILLION	3,044	3,044
	FLARES		
012	FLARES	120,935	120,935
	FUZES		
013	FUZES	213,476	213,476
	SMALL ARMS		
014	SMALL ARMS	60,097	60,097
	TOTAL PROCUREMENT OF AMMUNITION, AIR FORCE.	1,758,843	1,777,343
	OTHER PROCUREMENT, AIR FORCE		
	PASSENGER CARRYING VEHICLES		
001	PASSENGER CARRYING VEHICLES	8,834	8,834
	CARGO AND UTILITY VEHICLES		
002	MEDIUM TACTICAL VEHICLE	58,160	58,160
003	CAP VEHICLES	977	977
004	ITEMS LESS THAN \$5 MILLION	12,483	12,483
	SPECIAL PURPOSE VEHICLES		
005	SECURITY AND TACTICAL VEHICLES	4,728	4,728
006	ITEMS LESS THAN \$5 MILLION	4,662	4,662
	FIRE FIGHTING EQUIPMENT		
007	FIRE FIGHTING/CRASH RESCUE VEHICLES	10,419	10,419
	MATERIALS HANDLING EQUIPMENT		
008	ITEMS LESS THAN \$5 MILLION	23,320	23,320
	BASE MAINTENANCE SUPPORT		
009	RUNWAY SNOW REMOV & CLEANING EQUIP	6,215	6,215
010	ITEMS LESS THAN \$5 MILLION	87,781	87,781
	COMM SECURITY EQUIPMENT (COMSEC)		
011	COMSEC EQUIPMENT	136,998	139,244
	Transfer for Link 16 Upgrades		[2,246]
012	MODIFICATIONS (COMSEC)	677	677
	INTELLIGENCE PROGRAMS		
013	INTELLIGENCE TRAINING EQUIPMENT	4,041	4,041
014	INTELLIGENCE COMM EQUIPMENT	22,573	22,573
015	MISSION PLANNING SYSTEMS	14,456	14,456
	ELECTRONICS PROGRAMS		
016	AIR TRAFFIC CONTROL & LANDING SYS	31,823	31,823
017	NATIONAL AIRSPACE SYSTEM	5,833	5,833
018	BATTLE CONTROL SYSTEM—FIXED	1,687	1,687
019	THEATER AIR CONTROL SYS IMPROVEMENTS	22,710	22,710
020	WEATHER OBSERVATION FORECAST	21,561	21,561
021	STRATEGIC COMMAND AND CONTROL	286,980	286,980
022	CHEYENNE MOUNTAIN COMPLEX	36,186	36,186
024	INTEGRATED STRAT PLAN & ANALY NETWORK (ISPAN)	9,597	9,597
	SPCL COMM-ELECTRONICS PROJECTS		
025	GENERAL INFORMATION TECHNOLOGY	27,403	27,403
026	AF GLOBAL COMMAND & CONTROL SYS	7,212	7,212
027	MOBILITY COMMAND AND CONTROL	11,062	30,962
	Additional battlefield air operations kits to meet need		[19,900]
028	AIR FORCE PHYSICAL SECURITY SYSTEM	131,269	131,269
029	COMBAT TRAINING RANGES	33,606	33,606
030	MINIMUM ESSENTIAL EMERGENCY COMM N	5,232	5,232
031	C3 COUNTERMEASURES	7,453	7,453

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2016 Request	Agreement Authorized
032	INTEGRATED PERSONNEL AND PAY SYSTEM	3,976	3,976
033	GCSS-AF FOS	25,515	15,015
	LOGIT—prioritize FIAR projects		[-10,500]
034	DEFENSE ENTERPRISE ACCOUNTING AND MGMT SYSTEM	9,255	9,255
035	THEATER BATTLE MGT C2 SYSTEM	7,523	7,523
036	AIR & SPACE OPERATIONS CTR-WPN SYS	12,043	12,043
037	AIR OPERATIONS CENTER (AOC) 10.2	24,246	14,846
	Fielding funds ahead of need		[-9,400]
	AIR FORCE COMMUNICATIONS		
038	INFORMATION TRANSPORT SYSTEMS	74,621	74,621
039	AFNET	103,748	98,748
	Restructure program		[-5,000]
041	JOINT COMMUNICATIONS SUPPORT ELEMENT (JCSE)	5,199	5,199
042	USCENTCOM	15,780	15,780
	SPACE PROGRAMS		
043	FAMILY OF BEYOND LINE-OF-SIGHT TERMINALS	79,592	54,592
	Ahead of need		[-25,000]
044	SPACE BASED IR SENSOR PGM SPACE	90,190	90,190
045	NAVSTAR GPS SPACE	2,029	2,029
046	NUDET DETECTION SYS SPACE	5,095	5,095
047	AF SATELLITE CONTROL NETWORK SPACE	76,673	76,673
048	SPACELIFT RANGE SYSTEM SPACE	113,275	108,275
	Prior year carryover		[-5,000]
049	MILSATCOM SPACE	35,495	35,495
050	SPACE MODS SPACE	23,435	23,435
051	COUNTERSPACE SYSTEM	43,065	43,065
	ORGANIZATION AND BASE		
052	TACTICAL C-E EQUIPMENT	77,538	133,438
	Battlefield Airmen Kits Unfunded Requirement		[19,900]
	Joint Terminal Control Training Simulation Unfunded Re- quirement.		[36,000]
054	RADIO EQUIPMENT	8,400	8,400
055	CCTV/AUDIOVISUAL EQUIPMENT	6,144	6,144
056	BASE COMM INFRASTRUCTURE	77,010	77,010
	MODIFICATIONS		
057	COMM ELECT MODS	71,800	71,800
	PERSONAL SAFETY & RESCUE EQUIP		
058	NIGHT VISION GOGGLES	2,370	2,370
059	ITEMS LESS THAN \$5 MILLION	79,623	79,623
	DEPOT PLANT+MTRLS HANDLING EQ		
060	MECHANIZED MATERIAL HANDLING EQUIP	7,249	7,249
	BASE SUPPORT EQUIPMENT		
061	BASE PROCURED EQUIPMENT	9,095	9,095
062	ENGINEERING AND EOD EQUIPMENT	17,866	17,866
064	MOBILITY EQUIPMENT	61,850	61,850
065	ITEMS LESS THAN \$5 MILLION	30,477	30,477
	SPECIAL SUPPORT PROJECTS		
067	DARP RC135	25,072	25,072
068	DCGS-AF	183,021	183,021
070	SPECIAL UPDATE PROGRAM	629,371	629,371
071	DEFENSE SPACE RECONNAISSANCE PROG.	100,663	100,663
	CLASSIFIED PROGRAMS		
071A	CLASSIFIED PROGRAMS	15,038,333	15,038,333
	SPARES AND REPAIR PARTS		
073	SPARES AND REPAIR PARTS	59,863	59,863
	TOTAL OTHER PROCUREMENT, AIR FORCE	18,272,438	18,295,584
	PROCUREMENT, DEFENSE-WIDE		
	MAJOR EQUIPMENT, DCAA		
001	ITEMS LESS THAN \$5 MILLION	1,488	1,488
	MAJOR EQUIPMENT, DCMA		
002	MAJOR EQUIPMENT	2,494	2,494
	MAJOR EQUIPMENT, DHRA		
003	PERSONNEL ADMINISTRATION	9,341	9,341
	MAJOR EQUIPMENT, DISA		
007	INFORMATION SYSTEMS SECURITY	8,080	11,580
	SHARKSEER		[3,500]

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2016 Request	Agreement Authorized
008	TELEPORT PROGRAM	62,789	62,789
009	ITEMS LESS THAN \$5 MILLION	9,399	9,399
010	NET CENTRIC ENTERPRISE SERVICES (NCES)	1,819	1,819
011	DEFENSE INFORMATION SYSTEM NETWORK	141,298	141,298
012	CYBER SECURITY INITIATIVE	12,732	12,732
013	WHITE HOUSE COMMUNICATION AGENCY	64,098	64,098
014	SENIOR LEADERSHIP ENTERPRISE	617,910	617,910
015	JOINT INFORMATION ENVIRONMENT	84,400	84,400
	MAJOR EQUIPMENT, DLA		
016	MAJOR EQUIPMENT	5,644	5,644
	MAJOR EQUIPMENT, DMACT		
017	MAJOR EQUIPMENT	11,208	11,208
	MAJOR EQUIPMENT, DODEA		
018	AUTOMATION/EDUCATIONAL SUPPORT & LOGISTICS	1,298	1,298
	MAJOR EQUIPMENT, DEFENSE SECURITY COOPERATION AGENCY		
	MAJOR EQUIPMENT, DSS		
020	MAJOR EQUIPMENT	1,048	1,048
	MAJOR EQUIPMENT, DEFENSE THREAT REDUCTION AGENCY		
021	VEHICLES	100	100
022	OTHER MAJOR EQUIPMENT	5,474	5,474
	MAJOR EQUIPMENT, MISSILE DEFENSE AGENCY		
023	THAAD	464,067	414,067
	Program reduction		[-50,000]
024	AEGIS BMD	558,916	649,361
	Increase SM–3 Block IB canisters		[2,565]
	Increase SM–3 Block IB purchase		[117,880]
	Program reduction		[-30,000]
025	ADVANCE PROCUREMENT (CY)	147,765	0
	SM–3 Block IB		[-147,765]
026	BMDS AN/TPY–2 RADARS	78,634	78,634
027	AEGIS ASHORE PHASE III	30,587	30,587
028	IRON DOME	55,000	41,400
	Request excess of requirement		[-13,600]
	MAJOR EQUIPMENT, NSA		
035	INFORMATION SYSTEMS SECURITY PROGRAM (ISSP)	37,177	37,177
	MAJOR EQUIPMENT, OSD		
036	MAJOR EQUIPMENT, OSD	46,939	31,939
	Mentor Protégé Program		[-15,000]
	MAJOR EQUIPMENT, TJS		
038	MAJOR EQUIPMENT, TJS	13,027	13,027
	MAJOR EQUIPMENT, WHS		
040	MAJOR EQUIPMENT, WHS	27,859	27,859
	MAJOR EQUIPMENT, MISSILE DEFENSE AGENCY		
028A	DAVID SLING		150,000
	David's Sling Weapon System Procurement—Subject to Title XVI		[150,000]
028B	ARROW 3		15,000
	Arrow 3 Upper Tier Procurement—Subject to Title XVI		[15,000]
	CLASSIFIED PROGRAMS		
040A	CLASSIFIED PROGRAMS	617,757	617,757
	AVIATION PROGRAMS		
041	MC–12	63,170	0
	SOCOM requested realignment		[-63,170]
042	ROTARY WING UPGRADES AND SUSTAINMENT	135,985	135,985
044	NON-STANDARD AVIATION	61,275	61,275
045	U–28		63,170
	SOCOM requested realignment		[63,170]
047	RQ–11 UNMANNED AERIAL VEHICLE	20,087	20,087
048	CV–22 MODIFICATION	18,832	18,832
049	MQ–1 UNMANNED AERIAL VEHICLE	1,934	1,934
050	MQ–9 UNMANNED AERIAL VEHICLE	11,726	21,726
	MQ–9 capability enhancements		[10,000]
051	STUASLO	1,514	1,514
052	PRECISION STRIKE PACKAGE	204,105	204,105
053	AC/MC–130J	61,368	61,368

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2016 Request	Agreement Authorized
054	C-130 MODIFICATIONS	66,861	31,361
	C-130 TF/TA adjustments		[-35,500]
	SHIPBUILDING		
055	UNDERWATER SYSTEMS	32,521	32,521
	AMMUNITION PROGRAMS		
056	ORDNANCE ITEMS <\$5M	174,734	174,734
	OTHER PROCUREMENT PROGRAMS		
057	INTELLIGENCE SYSTEMS	93,009	93,009
058	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	14,964	14,964
059	OTHER ITEMS <\$5M	79,149	79,149
060	COMBATANT CRAFT SYSTEMS	33,362	33,362
061	SPECIAL PROGRAMS	143,533	143,533
062	TACTICAL VEHICLES	73,520	73,520
063	WARRIOR SYSTEMS <\$5M	186,009	186,009
064	COMBAT MISSION REQUIREMENTS	19,693	19,693
065	GLOBAL VIDEO SURVEILLANCE ACTIVITIES	3,967	3,967
066	OPERATIONAL ENHANCEMENTS INTELLIGENCE	19,225	19,225
068	OPERATIONAL ENHANCEMENTS	213,252	213,252
	CBDP		
074	CHEMICAL BIOLOGICAL SITUATIONAL AWARENESS	141,223	141,223
075	CB PROTECTION & HAZARD MITIGATION	137,487	137,487
	TOTAL PROCUREMENT, DEFENSE-WIDE	5,130,853	5,137,933
	JOINT URGENT OPERATIONAL NEEDS FUND		
	JOINT URGENT OPERATIONAL NEEDS FUND		
001	JOINT URGENT OPERATIONAL NEEDS FUND	99,701	0
	Program reduction		[-99,701]
	TOTAL JOINT URGENT OPERATIONAL NEEDS FUND.	99,701	0
	TOTAL PROCUREMENT	106,967,393	110,330,946

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)			
Line	Item	FY 2016 Request	Agreement Authorized
	AIRCRAFT PROCUREMENT, ARMY		
	FIXED WING		
003	AERIAL COMMON SENSOR (ACS) (MIP)	99,500	99,500
004	MQ-1 UAV	16,537	16,537
	MODIFICATION OF AIRCRAFT		
016	MQ-1 PAYLOAD (MIP)	8,700	8,700
023	ARL SEMA MODS (MIP)	32,000	32,000
031	RQ-7 UAV MODS	8,250	8,250
	TOTAL AIRCRAFT PROCUREMENT, ARMY	164,987	164,987
	MISSILE PROCUREMENT, ARMY		
	AIR-TO-SURFACE MISSILE SYSTEM		
003	HELLFIRE SYS SUMMARY	37,260	37,260
	TOTAL MISSILE PROCUREMENT, ARMY	37,260	37,260
	PROCUREMENT OF W&TCV, ARMY		
	WEAPONS & OTHER COMBAT VEHICLES		
016	MORTAR SYSTEMS	7,030	7,030
021	COMMON REMOTELY OPERATED WEAPONS STATION	19,000	19,000
	TOTAL PROCUREMENT OF W&TCV, ARMY	26,030	26,030
	PROCUREMENT OF AMMUNITION, ARMY		
	SMALL/MEDIUM CAL AMMUNITION		
004	CTG, .50 CAL, ALL TYPES	4,000	4,000
	MORTAR AMMUNITION		
008	60MM MORTAR, ALL TYPES	11,700	11,700

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2016 Request	Agreement Authorized
009	81MM MORTAR, ALL TYPES	4,000	4,000
010	120MM MORTAR, ALL TYPES	7,000	7,000
	ARTILLERY AMMUNITION		
012	ARTILLERY CARTRIDGES, 75MM & 105MM, ALL TYPES	5,000	5,000
013	ARTILLERY PROJECTILE, 155MM, ALL TYPES	10,000	10,000
015	ARTILLERY PROPELLANTS, FUZES AND PRIMERS, ALL	2,000	2,000
	ROCKETS		
017	ROCKET, HYDRA 70, ALL TYPES	136,340	136,340
	OTHER AMMUNITION		
019	DEMOLITION MUNITIONS, ALL TYPES	4,000	4,000
021	SIGNALS, ALL TYPES	8,000	8,000
	TOTAL PROCUREMENT OF AMMUNITION, ARMY ..	192,040	192,040
	OTHER PROCUREMENT, ARMY		
	TACTICAL VEHICLES		
005	FAMILY OF MEDIUM TACTICAL VEH (FMTV)	243,998	243,998
009	HVY EXPANDED MOBILE TACTICAL TRUCK EXT SERV	223,276	223,276
011	MODIFICATION OF IN SVC EQUIP	130,000	130,000
012	MINE-RESISTANT AMBUSH-PROTECTED (MRAP) MODS	393,100	393,100
	COMM—SATELLITE COMMUNICATIONS		
021	TRANSPORTABLE TACTICAL COMMAND COMMUNICA- TIONS.	5,724	5,724
	COMM—BASE COMMUNICATIONS		
051	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM ... ELECT EQUIP—TACT INT REL ACT (TIARA)	29,500	29,500
057	DCGS-A (MIP)	54,140	54,140
059	TROJAN (MIP)	6,542	6,542
061	CI HUMINT AUTO REPRTRNG AND COLL(CHARCS)	3,860	3,860
	ELECT EQUIP—ELECTRONIC WARFARE (EW)		
068	FAMILY OF PERSISTENT SURVEILLANCE CAPABILITIE	14,847	14,847
069	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES ELECT EQUIP—TACTICAL SURV. (TAC SURV)	19,535	19,535
084	COMPUTER BALLISTICS: LHMBBC XM32	2,601	2,601
	ELECT EQUIP—TACTICAL C2 SYSTEMS		
087	FIRE SUPPORT C2 FAMILY	48	48
094	MANEUVER CONTROL SYSTEM (MCS)	252	252
	ELECT EQUIP—AUTOMATION		
101	AUTOMATED DATA PROCESSING EQUIP	652	652
	CHEMICAL DEFENSIVE EQUIPMENT		
111	BASE DEFENSE SYSTEMS (BDS)	4,035	4,035
	COMBAT SERVICE SUPPORT EQUIPMENT		
131	FORCE PROVIDER	53,800	53,800
133	CARGO AERIAL DEL & PERSONNEL PARACHUTE SYSTEM MATERIAL HANDLING EQUIPMENT	700	700
159	FAMILY OF FORKLIFTS	10,486	10,486
	OTHER SUPPORT EQUIPMENT		
169	RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT	8,500	8,500
	TOTAL OTHER PROCUREMENT, ARMY	1,205,596	1,205,596
	JOINT IMPR EXPLOSIVE DEV DEFEAT FUND		
	NETWORK ATTACK		
001	ATTACK THE NETWORK	219,550	204,550
	Adjustment due to low execution in prior years		[-15,000]
	JIEDDO DEVICE DEFEAT		
002	DEFEAT THE DEVICE	77,600	77,600
	FORCE TRAINING		
003	TRAIN THE FORCE	7,850	7,850
	STAFF AND INFRASTRUCTURE		
004	OPERATIONS	188,271	138,271
	Program Reduction		[-50,000]
	TOTAL JOINT IMPR EXPLOSIVE DEV DEFEAT FUND.	493,271	428,271
	AIRCRAFT PROCUREMENT, NAVY		
	OTHER AIRCRAFT		
026	STUASL0 UAV	55,000	55,000
	MODIFICATION OF AIRCRAFT		

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2016 Request	Agreement Authorized
030	AV-8 SERIES	41,365	41,365
032	F-18 SERIES	8,000	8,000
037	EP-3 SERIES	6,300	6,300
047	SPECIAL PROJECT AIRCRAFT	14,198	14,198
051	COMMON ECM EQUIPMENT	72,700	72,700
052	COMMON AVIONICS CHANGES	13,988	13,988
059	V-22 (TILT/ROTOR ACFT) OSPREY	4,900	4,900
	AIRCRAFT SUPPORT EQUIP & FACILITIES		
065	AIRCRAFT INDUSTRIAL FACILITIES	943	943
	TOTAL AIRCRAFT PROCUREMENT, NAVY	217,394	217,394
	WEAPONS PROCUREMENT, NAVY		
	TACTICAL MISSILES		
010	LASER MAVERICK	3,344	3,344
	TOTAL WEAPONS PROCUREMENT, NAVY	3,344	3,344
	PROCUREMENT OF AMMO, NAVY & MC		
	NAVY AMMUNITION		
001	GENERAL PURPOSE BOMBS	9,715	9,715
002	AIRBORNE ROCKETS, ALL TYPES	11,108	11,108
003	MACHINE GUN AMMUNITION	3,603	3,603
006	AIR EXPENDABLE COUNTERMEASURES	11,982	11,982
011	OTHER SHIP GUN AMMUNITION	4,674	4,674
012	SMALL ARMS & LANDING PARTY AMMO	3,456	3,456
013	PYROTECHNIC AND DEMOLITION	1,989	1,989
014	AMMUNITION LESS THAN \$5 MILLION	4,674	4,674
	MARINE CORPS AMMUNITION		
020	120MM, ALL TYPES	10,719	10,719
023	ROCKETS, ALL TYPES	3,993	3,993
024	ARTILLERY, ALL TYPES	67,200	67,200
025	DEMOLITION MUNITIONS, ALL TYPES	518	518
026	FUZE, ALL TYPES	3,299	3,299
	TOTAL PROCUREMENT OF AMMO, NAVY & MC	136,930	136,930
	OTHER PROCUREMENT, NAVY		
	CIVIL ENGINEERING SUPPORT EQUIPMENT		
135	PASSENGER CARRYING VEHICLES	186	186
	CLASSIFIED PROGRAMS		
160A	CLASSIFIED PROGRAMS	12,000	12,000
	TOTAL OTHER PROCUREMENT, NAVY	12,186	12,186
	PROCUREMENT, MARINE CORPS		
	GUIDED MISSILES		
010	JAVELIN	7,679	7,679
	OTHER SUPPORT		
013	MODIFICATION KITS	10,311	10,311
	COMMAND AND CONTROL SYSTEMS		
014	UNIT OPERATIONS CENTER	8,221	8,221
	OTHER SUPPORT (TEL)		
018	MODIFICATION KITS	3,600	3,600
	COMMAND AND CONTROL SYSTEM (NON-TEL)		
019	ITEMS UNDER \$5 MILLION (COMM & ELEC)	8,693	8,693
	INTELL/COMM EQUIPMENT (NON-TEL)		
027	RQ-11 UAV	3,430	3,430
	MATERIALS HANDLING EQUIPMENT		
052	PHYSICAL SECURITY EQUIPMENT	7,000	7,000
	TOTAL PROCUREMENT, MARINE CORPS	48,934	48,934
	AIRCRAFT PROCUREMENT, AIR FORCE		
	OTHER AIRCRAFT		
015	MQ-9	13,500	13,500
	OTHER AIRCRAFT		
044	C-130	1,410	1,410
056	H-60	39,300	39,300
058	HC/MC-130 MODIFICATIONS	5,690	5,690
061	MQ-9 MODS	69,000	69,000
	TOTAL AIRCRAFT PROCUREMENT, AIR FORCE	128,900	128,900

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS			
(In Thousands of Dollars)			
Line	Item	FY 2016 Request	Agreement Authorized
MISSILE PROCUREMENT, AIR FORCE			
TACTICAL			
006	PREDATOR HELLFIRE MISSILE	280,902	280,902
007	SMALL DIAMETER BOMB	2,520	2,520
CLASS IV			
010	AGM-65D MAVERICK	5,720	5,720
	TOTAL MISSILE PROCUREMENT, AIR FORCE	289,142	289,142
PROCUREMENT OF AMMUNITION, AIR FORCE			
CARTRIDGES			
002	CARTRIDGES	8,371	8,371
BOMBS			
004	GENERAL PURPOSE BOMBS	17,031	17,031
006	JOINT DIRECT ATTACK MUNITION	184,412	184,412
FLARES			
012	FLARES	11,064	11,064
FUZES			
013	FUZES	7,996	7,996
	TOTAL PROCUREMENT OF AMMUNITION, AIR FORCE.	228,874	228,874
OTHER PROCUREMENT, AIR FORCE			
SPCL COMM-ELECTRONICS PROJECTS			
025	GENERAL INFORMATION TECHNOLOGY	3,953	3,953
027	MOBILITY COMMAND AND CONTROL	2,000	2,000
AIR FORCE COMMUNICATIONS			
042	USCENTCOM	10,000	10,000
ORGANIZATION AND BASE			
052	TACTICAL C-E EQUIPMENT	4,065	4,065
056	BASE COMM INFRASTRUCTURE	15,400	15,400
PERSONAL SAFETY & RESCUE EQUIP			
058	NIGHT VISION GOGGLES	3,580	3,580
059	ITEMS LESS THAN \$5 MILLION	3,407	3,407
BASE SUPPORT EQUIPMENT			
062	ENGINEERING AND EOD EQUIPMENT	46,790	46,790
064	MOBILITY EQUIPMENT	400	400
065	ITEMS LESS THAN \$5 MILLION	9,800	9,800
SPECIAL SUPPORT PROJECTS			
071	DEFENSE SPACE RECONNAISSANCE PROG.	28,070	28,070
CLASSIFIED PROGRAMS			
071A	CLASSIFIED PROGRAMS	3,732,499	3,732,499
	TOTAL OTHER PROCUREMENT, AIR FORCE	3,859,964	3,859,964
PROCUREMENT, DEFENSE-WIDE			
MAJOR EQUIPMENT, DISA			
008	TELEPORT PROGRAM	1,940	1,940
CLASSIFIED PROGRAMS			
040A	CLASSIFIED PROGRAMS	35,482	35,482
AVIATION PROGRAMS			
041	MC-12	5,000	5,000
AMMUNITION PROGRAMS			
056	ORDNANCE ITEMS <\$5M	35,299	35,299
OTHER PROCUREMENT PROGRAMS			
061	SPECIAL PROGRAMS	15,160	15,160
063	WARRIOR SYSTEMS <\$5M	15,000	15,000
068	OPERATIONAL ENHANCEMENTS	104,537	104,537
	TOTAL PROCUREMENT, DEFENSE-WIDE	212,418	212,418
NATIONAL GUARD AND RESERVE EQUIPMENT			
UNDISTRIBUTED			
007	MISCELLANEOUS EQUIPMENT		250,000
	NGREA Program Increase		[250,000]
	TOTAL NATIONAL GUARD AND RESERVE EQUIPMENT.		250,000
	TOTAL PROCUREMENT	7,257,270	7,442,270

TITLE XLII—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
Line	Program Element	Item	FY 2016 Request	Agreement Authorized
RESEARCH, DEVELOPMENT, TEST & EVAL,				
ARMY				
BASIC RESEARCH				
001	0601101A	IN-HOUSE LABORATORY INDEPENDENT RESEARCH.	13,018	13,018
002	0601102A	DEFENSE RESEARCH SCIENCES	239,118	259,118
		Basic research program increase		[20,000]
003	0601103A	UNIVERSITY RESEARCH INITIATIVES	72,603	72,603
004	0601104A	UNIVERSITY AND INDUSTRY RESEARCH CENTERS.	100,340	100,340
		SUBTOTAL BASIC RESEARCH	425,079	445,079
APPLIED RESEARCH				
005	0602105A	MATERIALS TECHNOLOGY	28,314	28,314
006	0602120A	SENSORS AND ELECTRONIC SURVIVABILITY	38,374	38,374
007	0602122A	TRACTOR HIP	6,879	6,879
008	0602211A	AVIATION TECHNOLOGY	56,884	56,884
009	0602270A	ELECTRONIC WARFARE TECHNOLOGY	19,243	19,243
010	0602303A	MISSILE TECHNOLOGY	45,053	53,053
		A2/AD Anti-Ship Missile Study		[8,000]
011	0602307A	ADVANCED WEAPONS TECHNOLOGY	29,428	29,428
012	0602308A	ADVANCED CONCEPTS AND SIMULATION	27,862	27,862
013	0602601A	COMBAT VEHICLE AND AUTOMOTIVE TECHNOLOGY.	68,839	68,839
014	0602618A	BALLISTICS TECHNOLOGY	92,801	92,801
015	0602622A	CHEMICAL, SMOKE AND EQUIPMENT DEFEATING TECHNOLOGY.	3,866	3,866
016	0602623A	JOINT SERVICE SMALL ARMS PROGRAM	5,487	5,487
017	0602624A	WEAPONS AND MUNITIONS TECHNOLOGY	48,340	48,340
018	0602705A	ELECTRONICS AND ELECTRONIC DEVICES	55,301	55,301
019	0602709A	NIGHT VISION TECHNOLOGY	33,807	33,807
020	0602712A	COUNTERMINE SYSTEMS	25,068	25,068
021	0602716A	HUMAN FACTORS ENGINEERING TECHNOLOGY	23,681	23,681
022	0602720A	ENVIRONMENTAL QUALITY TECHNOLOGY	20,850	20,850
023	0602782A	COMMAND, CONTROL, COMMUNICATIONS TECHNOLOGY.	36,160	36,160
024	0602783A	COMPUTER AND SOFTWARE TECHNOLOGY	12,656	12,656
025	0602784A	MILITARY ENGINEERING TECHNOLOGY	63,409	63,409
026	0602785A	MANPOWER/PERSONNEL/TRAINING TECHNOLOGY.	24,735	24,735
027	0602786A	WARFIGHTER TECHNOLOGY	35,795	35,795
028	0602787A	MEDICAL TECHNOLOGY	76,853	76,853
		SUBTOTAL APPLIED RESEARCH	879,685	887,685
ADVANCED TECHNOLOGY DEVELOPMENT				
029	0603001A	WARFIGHTER ADVANCED TECHNOLOGY	46,973	46,973
030	0603002A	MEDICAL ADVANCED TECHNOLOGY	69,584	69,584
031	0603003A	AVIATION ADVANCED TECHNOLOGY	89,736	89,736
032	0603004A	WEAPONS AND MUNITIONS ADVANCED TECHNOLOGY.	57,663	57,663
033	0603005A	COMBAT VEHICLE AND AUTOMOTIVE ADVANCED TECHNOLOGY.	113,071	113,071
034	0603006A	SPACE APPLICATION ADVANCED TECHNOLOGY ..	5,554	5,554
035	0603007A	MANPOWER, PERSONNEL AND TRAINING ADVANCED TECHNOLOGY.	12,636	12,636
037	0603009A	TRACTOR HIKE	7,502	7,502
038	0603015A	NEXT GENERATION TRAINING & SIMULATION SYSTEMS.	17,425	17,425
039	0603020A	TRACTOR ROSE	11,912	11,912

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
Line	Program Element	Item	FY 2016 Request	Agreement Authorized
040	0603125A	COMBATING TERRORISM—TECHNOLOGY DEVELOPMENT.	27,520	27,520
041	0603130A	TRACTOR NAIL	2,381	2,381
042	0603131A	TRACTOR EGGS	2,431	2,431
043	0603270A	ELECTRONIC WARFARE TECHNOLOGY	26,874	26,874
044	0603313A	MISSILE AND ROCKET ADVANCED TECHNOLOGY	49,449	49,449
045	0603322A	TRACTOR CAGE	10,999	10,999
046	0603461A	HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM.	177,159	177,159
047	0603606A	LANDMINE WARFARE AND BARRIER ADVANCED TECHNOLOGY.	13,993	13,993
048	0603607A	JOINT SERVICE SMALL ARMS PROGRAM	5,105	5,105
049	0603710A	NIGHT VISION ADVANCED TECHNOLOGY	40,929	40,929
050	0603728A	ENVIRONMENTAL QUALITY TECHNOLOGY DEMONSTRATIONS.	10,727	10,727
051	0603734A	MILITARY ENGINEERING ADVANCED TECHNOLOGY.	20,145	20,145
052	0603772A	ADVANCED TACTICAL COMPUTER SCIENCE AND SENSOR TECHNOLOGY.	38,163	38,163
053	0603794A	C3 ADVANCED TECHNOLOGY	37,816	37,816
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT.	895,747	895,747
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
054	0603305A	ARMY MISSILE DEFENSE SYSTEMS INTEGRATION	10,347	10,347
055	0603308A	ARMY SPACE SYSTEMS INTEGRATION	25,061	25,061
056	0603619A	LANDMINE WARFARE AND BARRIER—ADV DEV ..	49,636	49,636
057	0603627A	SMOKE, OBSCURANT AND TARGET DEFEATING SYS-ADV DEV.	13,426	13,426
058	0603639A	TANK AND MEDIUM CALIBER AMMUNITION	46,749	46,749
060	0603747A	SOLDIER SUPPORT AND SURVIVABILITY	6,258	6,258
061	0603766A	TACTICAL ELECTRONIC SURVEILLANCE SYSTEM—ADV DEV.	13,472	13,472
062	0603774A	NIGHT VISION SYSTEMS ADVANCED DEVELOPMENT.	7,292	7,292
063	0603779A	ENVIRONMENTAL QUALITY TECHNOLOGY—DEM/VAL.	8,813	8,813
065	0603790A	NATO RESEARCH AND DEVELOPMENT	6,075	6,075
067	0603804A	LOGISTICS AND ENGINEER EQUIPMENT—ADV DEV.	21,233	21,233
068	0603807A	MEDICAL SYSTEMS—ADV DEV	31,962	31,962
069	0603827A	SOLDIER SYSTEMS—ADVANCED DEVELOPMENT	22,194	22,194
071	0604100A	ANALYSIS OF ALTERNATIVES	9,805	9,805
072	0604115A	TECHNOLOGY MATURATION INITIATIVES	40,917	40,917
073	0604120A	ASSURED POSITIONING, NAVIGATION AND TIMING (PNT).	30,058	30,058
074	0604319A	INDIRECT FIRE PROTECTION CAPABILITY INCREMENT 2—INTERCEPT (IFPC2).	155,361	155,361
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	498,659	498,659
		SYSTEM DEVELOPMENT & DEMONSTRATION		
076	0604201A	AIRCRAFT AVIONICS	12,939	12,939
078	0604270A	ELECTRONIC WARFARE DEVELOPMENT	18,843	18,843
079	0604280A	JOINT TACTICAL RADIO	9,861	9,861
080	0604290A	MID-TIER NETWORKING VEHICULAR RADIO (MNVR).	8,763	8,763
081	0604321A	ALL SOURCE ANALYSIS SYSTEM	4,309	4,309
082	0604328A	TRACTOR CAGE	15,138	15,138
083	0604601A	INFANTRY SUPPORT WEAPONS	74,128	80,628
		Army requested realignment		[1,500]
		Soldier Enhancement Program		[5,000]
085	0604611A	JAVELIN	3,945	3,945
087	0604633A	AIR TRAFFIC CONTROL	10,076	10,076
088	0604641A	TACTICAL UNMANNED GROUND VEHICLE (TUGV).	40,374	40,374

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2016 Request	Agreement Authorized
089	0604710A	NIGHT VISION SYSTEMS—ENG DEV	67,582	67,582
090	0604713A	COMBAT FEEDING, CLOTHING, AND EQUIPMENT	1,763	1,763
091	0604715A	NON-SYSTEM TRAINING DEVICES—ENG DEV	27,155	27,155
092	0604741A	AIR DEFENSE COMMAND, CONTROL AND INTEL- LIGENCE—ENG DEV.	24,569	24,569
093	0604742A	CONSTRUCTIVE SIMULATION SYSTEMS DEVEL- OPMENT.	23,364	23,364
094	0604746A	AUTOMATIC TEST EQUIPMENT DEVELOPMENT ...	8,960	8,960
095	0604760A	DISTRIBUTIVE INTERACTIVE SIMULATIONS (DIS)—ENG DEV.	9,138	9,138
096	0604780A	COMBINED ARMS TACTICAL TRAINER (CATT) CORE.	21,622	21,622
097	0604798A	BRIGADE ANALYSIS, INTEGRATION AND EVAL- UATION.	99,242	99,242
098	0604802A	WEAPONS AND MUNITIONS—ENG DEV	21,379	21,379
099	0604804A	LOGISTICS AND ENGINEER EQUIPMENT—ENG DEV.	48,339	48,339
100	0604805A	COMMAND, CONTROL, COMMUNICATIONS SYS- TEMS—ENG DEV.	2,726	2,726
101	0604807A	MEDICAL MATERIEL/MEDICAL BIOLOGICAL DE- FENSE EQUIPMENT—ENG DEV.	45,412	45,412
102	0604808A	LANDMINE WARFARE/BARRIER—ENG DEV	55,215	55,215
104	0604818A	ARMY TACTICAL COMMAND & CONTROL HARD- WARE & SOFTWARE.	163,643	163,643
105	0604820A	RADAR DEVELOPMENT	12,309	12,309
106	0604822A	GENERAL FUND ENTERPRISE BUSINESS SYSTEM (GFEBS).	15,700	15,700
107	0604823A	FIREFINDER	6,243	6,243
108	0604827A	SOLDIER SYSTEMS—WARRIOR DEM/VAL	18,776	18,776
109	0604854A	ARTILLERY SYSTEMS—EMD	1,953	1,953
110	0605013A	INFORMATION TECHNOLOGY DEVELOPMENT	67,358	67,358
111	0605018A	INTEGRATED PERSONNEL AND PAY SYSTEM- ARMY (PPS-A).	136,011	121,011
		Restructure program		[-15,000]
112	0605028A	ARMORED MULTI-PURPOSE VEHICLE (AMPV)	230,210	230,210
113	0605030A	JOINT TACTICAL NETWORK CENTER (JTNC)	13,357	13,357
114	0605031A	JOINT TACTICAL NETWORK (JTN)	18,055	18,055
115	0605032A	TRACTOR TIRE	5,677	5,677
116	0605035A	COMMON INFRARED COUNTERMEASURES (CIRCM).	77,570	101,570
		Apache Survivability Enhancements—Army Un- funded Requirement.		[24,000]
117	0605051A	AIRCRAFT SURVIVABILITY DEVELOPMENT	18,112	78,112
		Apache Survivability Enhancements—Army Un- funded Requirement.		[60,000]
118	0605350A	WIN-T INCREMENT 3—FULL NETWORKING	39,700	39,700
119	0605380A	AMF JOINT TACTICAL RADIO SYSTEM (JTRS)	12,987	12,987
120	0605450A	JOINT AIR-TO-GROUND MISSILE (JAGM)	88,866	74,966
		EMD contract delays		[-13,900]
121	0605456A	PAC-3/MSE MISSILE	2,272	2,272
122	0605457A	ARMY INTEGRATED AIR AND MISSILE DEFENSE (AIAMD).	214,099	214,099
123	0605625A	MANNED GROUND VEHICLE	49,247	39,247
		Funding ahead of need		[-10,000]
124	0605626A	AERIAL COMMON SENSOR	2	2
125	0605766A	NATIONAL CAPABILITIES INTEGRATION (MIP)	10,599	10,599
126	0605812A	JOINT LIGHT TACTICAL VEHICLE (JLTV) ENGI- NEERING AND MANUFACTURING DEVELOP- MENT PH.	32,486	32,486
127	0605830A	AVIATION GROUND SUPPORT EQUIPMENT	8,880	8,880
128	0210609A	PALADIN INTEGRATED MANAGEMENT (PIM)	152,288	152,288
129	0303032A	TROJAN—RH12	5,022	5,022
130	0304270A	ELECTRONIC WARFARE DEVELOPMENT	12,686	12,686
		SUBTOTAL SYSTEM DEVELOPMENT & DEM- ONSTRATION.	2,068,950	2,120,550

RDT&E MANAGEMENT SUPPORT

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
Line	Program Element	Item	FY 2016 Request	Agreement Authorized
131	0604256A	THREAT SIMULATOR DEVELOPMENT	20,035	20,035
132	0604258A	TARGET SYSTEMS DEVELOPMENT	16,684	16,684
133	0604759A	MAJOR T&E INVESTMENT	62,580	62,580
134	0605103A	RAND ARROYO CENTER	20,853	20,853
135	0605301A	ARMY KWAJALEIN ATOLL	205,145	205,145
136	0605326A	CONCEPTS EXPERIMENTATION PROGRAM	19,430	19,430
138	0605601A	ARMY TEST RANGES AND FACILITIES	277,646	277,646
139	0605602A	ARMY TECHNICAL TEST INSTRUMENTATION AND TARGETS.	51,550	51,550
140	0605604A	SURVIVABILITY/LETHALITY ANALYSIS	33,246	33,246
141	0605606A	AIRCRAFT CERTIFICATION	4,760	4,760
142	0605702A	METEOROLOGICAL SUPPORT TO RDT&E ACTIVI- TIES.	8,303	8,303
143	0605706A	MATERIEL SYSTEMS ANALYSIS	20,403	20,403
144	0605709A	EXPLOITATION OF FOREIGN ITEMS	10,396	10,396
145	0605712A	SUPPORT OF OPERATIONAL TESTING	49,337	49,337
146	0605716A	ARMY EVALUATION CENTER	52,694	52,694
147	0605718A	ARMY MODELING & SIM X-CMD COLLABORATION & INTEG.	938	938
148	0605801A	PROGRAMWIDE ACTIVITIES	60,319	60,319
149	0605803A	TECHNICAL INFORMATION ACTIVITIES	28,478	28,478
150	0605805A	MUNITIONS STANDARDIZATION, EFFECTIVE- NESS AND SAFETY. Program reduction	32,604	24,604
151	0605857A	ENVIRONMENTAL QUALITY TECHNOLOGY MGMT SUPPORT.	3,186	[−8,000] 3,186
152	0605898A	MANAGEMENT HQ—R&D	48,955	48,955
		SUBTOTAL RDT&E MANAGEMENT SUPPORT	1,027,542	1,019,542
		OPERATIONAL SYSTEMS DEVELOPMENT		
154	0603778A	MLRS PRODUCT IMPROVEMENT PROGRAM	18,397	18,397
155	0603813A	TRACTOR PULL	9,461	9,461
156	0607131A	WEAPONS AND MUNITIONS PRODUCT IMPROVE- MENT PROGRAMS.	4,945	4,945
157	0607133A	TRACTOR SMOKE	7,569	7,569
158	0607135A	APACHE PRODUCT IMPROVEMENT PROGRAM	69,862	69,862
159	0607136A	BLACKHAWK PRODUCT IMPROVEMENT PRO- GRAM.	66,653	66,653
160	0607137A	CHINOOK PRODUCT IMPROVEMENT PROGRAM ...	37,407	37,407
161	0607138A	FIXED WING PRODUCT IMPROVEMENT PRO- GRAM.	1,151	1,151
162	0607139A	IMPROVED TURBINE ENGINE PROGRAM	51,164	51,164
163	0607140A	EMERGING TECHNOLOGIES FROM NIE	2,481	2,481
164	0607141A	LOGISTICS AUTOMATION	1,673	1,673
166	0607665A	FAMILY OF BIOMETRICS	13,237	13,237
167	0607865A	PATRIOT PRODUCT IMPROVEMENT	105,816	105,816
169	0202429A	AEROSTAT JOINT PROJECT—COCOM EXERCISE ..	40,565	40,565
171	0203728A	JOINT AUTOMATED DEEP OPERATION COORDI- NATION SYSTEM (JADOC).	35,719	35,719
172	0203735A	COMBAT VEHICLE IMPROVEMENT PROGRAMS Stryker Lethality Upgrades	257,167	354,167 [97,000]
173	0203740A	MANEUVER CONTROL SYSTEM	15,445	15,445
175	0203752A	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM.	364	364
176	0203758A	DIGITIZATION	4,361	4,361
177	0203801A	MISSILE/AIR DEFENSE PRODUCT IMPROVEMENT PROGRAM.	3,154	3,154
178	0203802A	OTHER MISSILE PRODUCT IMPROVEMENT PRO- GRAMS.	35,951	35,951
179	0203808A	TRACTOR CARD	34,686	34,686
180	0205402A	INTEGRATED BASE DEFENSE—OPERATIONAL SYSTEM DEV.	10,750	10,750
181	0205410A	MATERIALS HANDLING EQUIPMENT	402	402
183	0205456A	LOWER TIER AIR AND MISSILE DEFENSE (AMD) SYSTEM.	64,159	64,159
184	0205778A	GUIDED MULTIPLE-LAUNCH ROCKET SYSTEM (GMLRS).	17,527	17,527

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
Line	Program Element	Item	FY 2016 Request	Agreement Authorized
185	0208053A	JOINT TACTICAL GROUND SYSTEM	20,515	20,515
187	0303028A	SECURITY AND INTELLIGENCE ACTIVITIES	12,368	12,368
188	0303140A	INFORMATION SYSTEMS SECURITY PROGRAM	31,154	31,154
189	0303141A	GLOBAL COMBAT SUPPORT SYSTEM	12,274	12,274
190	0303142A	SATCOM GROUND ENVIRONMENT (SPACE)	9,355	9,355
191	0303150A	WWMCCS/GLOBAL COMMAND AND CONTROL SYSTEM.	7,053	7,053
193	0305179A	INTEGRATED BROADCAST SERVICE (IBS)	750	750
194	0305204A	TACTICAL UNMANNED AERIAL VEHICLES	13,225	13,225
195	0305206A	AIRBORNE RECONNAISSANCE SYSTEMS	22,870	22,870
196	0305208A	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS.	25,592	25,592
199	0305233A	RQ-7 UAV	7,297	7,297
201	0310349A	WIN-T INCREMENT 2—INITIAL NETWORKING	3,800	3,800
202	0708045A	END ITEM INDUSTRIAL PREPAREDNESS ACTIVITIES.	48,442	48,442
202A	999999999	CLASSIFIED PROGRAMS	4,536	4,536
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT.	1,129,297	1,226,297
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY.	6,924,959	7,093,559
		RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY		
		BASIC RESEARCH		
001	0601103N	UNIVERSITY RESEARCH INITIATIVES	116,196	125,196
		Defense University Research Instrumentation Program increase.		[9,000]
002	0601152N	IN-HOUSE LABORATORY INDEPENDENT RESEARCH.	19,126	19,126
003	0601153N	DEFENSE RESEARCH SCIENCES	451,606	479,106
		Basic research program increase		[27,500]
		SUBTOTAL BASIC RESEARCH	586,928	623,428
		APPLIED RESEARCH		
004	0602114N	POWER PROJECTION APPLIED RESEARCH	68,723	68,723
005	0602123N	FORCE PROTECTION APPLIED RESEARCH	154,963	154,963
006	0602131M	MARINE CORPS LANDING FORCE TECHNOLOGY	49,001	49,001
007	0602235N	COMMON PICTURE APPLIED RESEARCH	42,551	42,551
008	0602236N	WARFIGHTER SUSTAINMENT APPLIED RESEARCH.	45,056	45,056
009	0602271N	ELECTROMAGNETIC SYSTEMS APPLIED RESEARCH.	115,051	115,051
010	0602435N	OCEAN WARFIGHTING ENVIRONMENT APPLIED RESEARCH.	42,252	62,252
		Service Life Extension for the AGOR Ship		[20,000]
011	0602651M	JOINT NON-LETHAL WEAPONS APPLIED RESEARCH.	6,119	6,119
012	0602747N	UNDERSEA WARFARE APPLIED RESEARCH	123,750	142,350
		Accelerate undersea warfare research		[18,600]
013	0602750N	FUTURE NAVAL CAPABILITIES APPLIED RESEARCH.	179,686	179,686
014	0602782N	MINE AND EXPEDITIONARY WARFARE APPLIED RESEARCH.	37,418	37,418
		SUBTOTAL APPLIED RESEARCH	864,570	903,170
		ADVANCED TECHNOLOGY DEVELOPMENT		
015	0603114N	POWER PROJECTION ADVANCED TECHNOLOGY ..	37,093	37,093
016	0603123N	FORCE PROTECTION ADVANCED TECHNOLOGY ..	38,044	38,044
017	0603271N	ELECTROMAGNETIC SYSTEMS ADVANCED TECHNOLOGY.	34,899	34,899
018	0603640M	USMC ADVANCED TECHNOLOGY DEMONSTRATION (ATD).	137,562	137,562
019	0603651M	JOINT NON-LETHAL WEAPONS TECHNOLOGY DEVELOPMENT.	12,745	12,745

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
Line	Program Element	Item	FY 2016 Request	Agreement Authorized
020	0603673N	FUTURE NAVAL CAPABILITIES ADVANCED TECHNOLOGY DEVELOPMENT.	258,860	258,860
021	0603680N	MANUFACTURING TECHNOLOGY PROGRAM	57,074	57,074
022	0603729N	WARFIGHTER PROTECTION ADVANCED TECHNOLOGY.	4,807	4,807
023	0603747N	UNDERSEA WARFARE ADVANCED TECHNOLOGY	13,748	13,748
024	0603758N	NAVY WARFIGHTING EXPERIMENTS AND DEMONSTRATIONS.	66,041	66,041
025	0603782N	MINE AND EXPEDITIONARY WARFARE ADVANCED TECHNOLOGY.	1,991	1,991
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT.	662,864	662,864
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
026	0603207N	AIR/OCEAN TACTICAL APPLICATIONS	41,832	41,832
027	0603216N	AVIATION SURVIVABILITY	5,404	5,404
028	0603237N	DEPLOYABLE JOINT COMMAND AND CONTROL ...	3,086	3,086
029	0603251N	AIRCRAFT SYSTEMS	11,643	11,643
030	0603254N	ASW SYSTEMS DEVELOPMENT	5,555	5,555
031	0603261N	TACTICAL AIRBORNE RECONNAISSANCE	3,087	3,087
032	0603382N	ADVANCED COMBAT SYSTEMS TECHNOLOGY	1,636	1,636
033	0603502N	SURFACE AND SHALLOW WATER MINE COUNTERMEASURES. LDUUV development growth	118,588	113,588 [-5,000]
034	0603506N	SURFACE SHIP TORPEDO DEFENSE	77,385	77,385
035	0603512N	CARRIER SYSTEMS DEVELOPMENT	8,348	8,348
036	0603525N	PILOT FISH	123,246	123,246
037	0603527N	RETRACT LARCH	28,819	28,819
038	0603536N	RETRACT JUNIPER	112,678	112,678
039	0603542N	RADIOLOGICAL CONTROL	710	710
040	0603553N	SURFACE ASW	1,096	1,096
041	0603561N	ADVANCED SUBMARINE SYSTEM DEVELOPMENT Accelerate unmanned underwater vehicle development. Universal launch and recovery module unfunded outyear tail.	87,160	93,360 [10,000] [-3,800]
042	0603562N	SUBMARINE TACTICAL WARFARE SYSTEMS	10,371	10,371
043	0603563N	SHIP CONCEPT ADVANCED DESIGN	11,888	11,888
044	0603564N	SHIP PRELIMINARY DESIGN & FEASIBILITY STUDIES.	4,332	4,332
045	0603570N	ADVANCED NUCLEAR POWER SYSTEMS	482,040	482,040
046	0603573N	ADVANCED SURFACE MACHINERY SYSTEMS	25,904	25,904
047	0603576N	CHALK EAGLE	511,802	511,802
048	0603581N	LITTORAL COMBAT SHIP (LCS)	118,416	118,416
049	0603582N	COMBAT SYSTEM INTEGRATION	35,901	35,901
050	0603595N	OHIO REPLACEMENT	971,393	971,393
051	0603596N	LCS MISSION MODULES	206,149	206,149
052	0603597N	AUTOMATED TEST AND RE-TEST (ATRT)	8,000	8,000
053	0603609N	CONVENTIONAL MUNITIONS	7,678	7,678
054	0603611M	MARINE CORPS ASSAULT VEHICLES	219,082	219,082
055	0603635M	MARINE CORPS GROUND COMBAT/SUPPORT SYSTEM.	623	623
056	0603654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT.	18,260	18,260
057	0603658N	COOPERATIVE ENGAGEMENT	76,247	76,247
058	0603713N	OCEAN ENGINEERING TECHNOLOGY DEVELOPMENT.	4,520	4,520
059	0603721N	ENVIRONMENTAL PROTECTION	20,711	20,711
060	0603724N	NAVY ENERGY PROGRAM	47,761	47,761
061	0603725N	FACILITIES IMPROVEMENT	5,226	5,226
062	0603734N	CHALK CORAL	182,771	182,771
063	0603739N	NAVY LOGISTIC PRODUCTIVITY	3,866	3,866
064	0603746N	RETRACT MAPLE	360,065	360,065
065	0603748N	LINK PLUMERIA	237,416	237,416
066	0603751N	RETRACT ELM	37,944	37,944
067	0603764N	LINK EVERGREEN	47,312	47,312

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2016 Request	Agreement Authorized
068	0603787N	SPECIAL PROCESSES	17,408	17,408
069	0603790N	NATO RESEARCH AND DEVELOPMENT	9,359	9,359
070	0603795N	LAND ATTACK TECHNOLOGY	887	887
071	0603851M	JOINT NON-LETHAL WEAPONS TESTING	29,448	29,448
072	0603860N	JOINT PRECISION APPROACH AND LANDING SYSTEMS—DEM/VAL.	91,479	91,479
073	0603925N	DIRECTED ENERGY AND ELECTRIC WEAPON SYSTEMS.	67,360	67,360
074	0604112N	GERALD R. FORD CLASS NUCLEAR AIRCRAFT CARRIER (CVN 78—80).	48,105	127,205
		Full ship shock trials for CVN-78		[79,100]
075	0604122N	REMOTE MINEHUNTING SYSTEM (RMS)	20,089	20,089
076	0604272N	TACTICAL AIR DIRECTIONAL INFRARED COUNTERMEASURES (TADIRCM).	18,969	18,969
077	0604279N	ASE SELF-PROTECTION OPTIMIZATION	7,874	7,874
078	0604292N	MH-XX	5,298	5,298
079	0604454N	LX (R)	46,486	75,486
		LX(R) Acceleration		[29,000]
080	0604653N	JOINT COUNTER RADIO CONTROLLED IED ELECTRONIC WARFARE (JCREW).	3,817	3,817
081	0604659N	PRECISION STRIKE WEAPONS DEVELOPMENT PROGRAM.	9,595	9,595
082	0604707N	SPACE AND ELECTRONIC WARFARE (SEW) ARCHITECTURE/ENGINEERING SUPPORT.	29,581	25,246
		Maritime concept generation and development growth.		[-4,335]
083	0604786N	OFFENSIVE ANTI-SURFACE WARFARE WEAPON DEVELOPMENT.	285,849	285,849
084	0605812M	JOINT LIGHT TACTICAL VEHICLE (JLTV) ENGINEERING AND MANUFACTURING DEVELOPMENT PH.	36,656	36,656
085	0303354N	ASW SYSTEMS DEVELOPMENT—MIP	9,835	9,835
086	0304270N	ELECTRONIC WARFARE DEVELOPMENT—MIP	580	580
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	5,024,626	5,129,591
		SYSTEM DEVELOPMENT & DEMONSTRATION		
087	0603208N	TRAINING SYSTEM AIRCRAFT	21,708	21,708
088	0604212N	OTHER HELO DEVELOPMENT	11,101	11,101
089	0604214N	AV-8B AIRCRAFT—ENG DEV	39,878	39,878
090	0604215N	STANDARDS DEVELOPMENT	53,059	53,059
091	0604216N	MULTI-MISSION HELICOPTER UPGRADE DEVELOPMENT.	21,358	21,358
092	0604218N	AIR/OCEAN EQUIPMENT ENGINEERING	4,515	4,515
093	0604221N	P-3 MODERNIZATION PROGRAM	1,514	1,514
094	0604230N	WARFARE SUPPORT SYSTEM	5,875	5,875
095	0604231N	TACTICAL COMMAND SYSTEM	81,553	81,553
096	0604234N	ADVANCED HAWKEYE	272,149	264,149
		Cost growth		[-8,000]
097	0604245N	H-1 UPGRADES	27,235	27,235
098	0604261N	ACOUSTIC SEARCH SENSORS	35,763	35,763
099	0604262N	V-22A	87,918	87,918
100	0604264N	AIR CREW SYSTEMS DEVELOPMENT	12,679	12,679
101	0604269N	EA-18	56,921	56,921
102	0604270N	ELECTRONIC WARFARE DEVELOPMENT	23,685	23,685
103	0604273N	EXECUTIVE HELO DEVELOPMENT	507,093	507,093
104	0604274N	NEXT GENERATION JAMMER (NGJ)	411,767	403,767
		Contract delays		[-8,000]
105	0604280N	JOINT TACTICAL RADIO SYSTEM—NAVY (JTRS-NAVY).	25,071	25,071
106	0604307N	SURFACE COMBATANT COMBAT SYSTEM ENGINEERING.	443,433	421,133
		Aegis development support growth		[-22,300]
107	0604311N	LPD-17 CLASS SYSTEMS INTEGRATION	747	747
108	0604329N	SMALL DIAMETER BOMB (SDB)	97,002	84,644
		F-18 integration contract delay		[-12,358]
109	0604366N	STANDARD MISSILE IMPROVEMENTS	129,649	129,649

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110	0604373N	AIRBORNE MCM	11,647	11,647
111	0604376M	MARINE AIR GROUND TASK FORCE (MAGTF) ELECTRONIC WARFARE (EW) FOR AVIATION.	2,778	2,778
112	0604378N	NAVAL INTEGRATED FIRE CONTROL—COUNTER AIR SYSTEMS ENGINEERING.	23,695	23,695
113	0604404N	UNMANNED CARRIER LAUNCHED AIRBORNE SURVEILLANCE AND STRIKE (UCLASS) SYSTEM. Competitive air vehicle risk reduction activities Government and industry source selection prepara- tion.	134,708	484,708 [300,000] [50,000]
114	0604501N	ADVANCED ABOVE WATER SENSORS	43,914	43,914
115	0604503N	SSN–688 AND TRIDENT MODERNIZATION	109,908	109,908
116	0604504N	AIR CONTROL	57,928	57,928
117	0604512N	SHIPBOARD AVIATION SYSTEMS	120,217	120,217
118	0604522N	AIR AND MISSILE DEFENSE RADAR (AMDR) SYS- TEM.	241,754	241,754
119	0604558N	NEW DESIGN SSN	122,556	122,556
120	0604562N	SUBMARINE TACTICAL WARFARE SYSTEM	48,213	60,213 [12,000]
		Accelerate submarine combat and weapon system modernization.		
121	0604567N	SHIP CONTRACT DESIGN/ LIVE FIRE T&E	49,712	49,712
122	0604574N	NAVY TACTICAL COMPUTER RESOURCES	4,096	4,096
123	0604580N	VIRGINIA PAYLOAD MODULE (VPM)	167,719	167,719
124	0604601N	MINE DEVELOPMENT	15,122	15,122
125	0604610N	LIGHTWEIGHT TORPEDO DEVELOPMENT	33,738	33,738
126	0604654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVEL- OPMENT.	8,123	8,123
127	0604703N	PERSONNEL, TRAINING, SIMULATION, AND HUMAN FACTORS.	7,686	7,686
128	0604727N	JOINT STANDOFF WEAPON SYSTEMS	405	405
129	0604755N	SHIP SELF DEFENSE (DETECT & CONTROL)	153,836	153,836
130	0604756N	SHIP SELF DEFENSE (ENGAGE: HARD KILL)	99,619	99,619
131	0604757N	SHIP SELF DEFENSE (ENGAGE: SOFT KILL/EW) ...	116,798	116,798
132	0604761N	INTELLIGENCE ENGINEERING	4,353	4,353
133	0604771N	MEDICAL DEVELOPMENT	9,443	9,443
134	0604777N	NAVIGATION/ID SYSTEM	32,469	32,469
135	0604800M	JOINT STRIKE FIGHTER (JSF)—EMD	537,901	537,901
136	0604800N	JOINT STRIKE FIGHTER (JSF)—EMD	504,736	504,736
137	0604810M	JOINT STRIKE FIGHTER FOLLOW ON DEVELOP- MENT—MARINE CORPS. Program delay	59,265	20,800 [–38,465]
138	0604810N	JOINT STRIKE FIGHTER FOLLOW ON DEVELOP- MENT—NAVY. Program delay	47,579	21,244 [–26,335]
139	0605013M	INFORMATION TECHNOLOGY DEVELOPMENT	5,914	5,914
140	0605013N	INFORMATION TECHNOLOGY DEVELOPMENT	89,711	89,711
141	0605212N	CH–53K RDTE	632,092	632,092
142	0605220N	SHIP TO SHORE CONNECTOR (SSC)	7,778	7,778
143	0605450N	JOINT AIR-TO-GROUND MISSILE (JAGM)	25,898	25,898
144	0605500N	MULTI-MISSION MARITIME AIRCRAFT (MMA)	247,929	247,929
145	0204202N	DDG–1000	103,199	103,199
146	0304231N	TACTICAL COMMAND SYSTEM—MIP	998	998
147	0304785N	TACTICAL CRYPTOLOGIC SYSTEMS	17,785	17,785
148	0305124N	SPECIAL APPLICATIONS PROGRAM	35,905	35,905
		SUBTOTAL SYSTEM DEVELOPMENT & DEM- ONSTRATION.	6,308,800	6,555,342
		MANAGEMENT SUPPORT		
149	0604256N	THREAT SIMULATOR DEVELOPMENT	30,769	30,769
150	0604258N	TARGET SYSTEMS DEVELOPMENT	112,606	112,606
151	0604759N	MAJOR T&E INVESTMENT	61,234	61,234
152	0605126N	JOINT THEATER AIR AND MISSILE DEFENSE OR- GANIZATION.	6,995	6,995
153	0605152N	STUDIES AND ANALYSIS SUPPORT—NAVY	4,011	4,011
154	0605154N	CENTER FOR NAVAL ANALYSES	48,563	48,563
155	0605285N	NEXT GENERATION FIGHTER	5,000	5,000
157	0605804N	TECHNICAL INFORMATION SERVICES	925	925

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158	0605853N	MANAGEMENT, TECHNICAL & INTERNATIONAL SUPPORT.	78,143	78,143
159	0605856N	STRATEGIC TECHNICAL SUPPORT	3,258	3,258
160	0605861N	RDT&E SCIENCE AND TECHNOLOGY MANAGEMENT.	76,948	76,948
161	0605863N	RDT&E SHIP AND AIRCRAFT SUPPORT	132,122	132,122
162	0605864N	TEST AND EVALUATION SUPPORT	351,912	351,912
163	0605865N	OPERATIONAL TEST AND EVALUATION CAPABILITY.	17,985	17,985
164	0605866N	NAVY SPACE AND ELECTRONIC WARFARE (SEW) SUPPORT.	5,316	5,316
165	0605867N	SEW SURVEILLANCE/RECONNAISSANCE SUPPORT.	6,519	6,519
166	0605873M	MARINE CORPS PROGRAM WIDE SUPPORT	13,649	13,649
		SUBTOTAL MANAGEMENT SUPPORT	955,955	955,955
OPERATIONAL SYSTEMS DEVELOPMENT				
174	0101221N	STRATEGIC SUB & WEAPONS SYSTEM SUPPORT	107,039	107,039
175	0101224N	SSBN SECURITY TECHNOLOGY PROGRAM	46,506	46,506
176	0101226N	SUBMARINE ACOUSTIC WARFARE DEVELOPMENT.	3,900	4,700
		Accelerate combat rapid attack weapon		[800]
177	0101402N	NAVY STRATEGIC COMMUNICATIONS	16,569	16,569
178	0203761N	RAPID TECHNOLOGY TRANSITION (RTT)	18,632	11,132
		TIPS program growth		[-7,500]
179	0204136N	F/A-18 SQUADRONS	133,265	133,265
181	0204163N	FLEET TELECOMMUNICATIONS (TACTICAL)	62,867	51,067
		Joint aerial layer network growth		[-11,800]
182	0204228N	SURFACE SUPPORT	36,045	36,045
183	0204229N	TOMAHAWK AND TOMAHAWK MISSION PLANNING CENTER (TMPC).	25,228	25,228
184	0204311N	INTEGRATED SURVEILLANCE SYSTEM	54,218	54,218
185	0204413N	AMPHIBIOUS TACTICAL SUPPORT UNITS (DISPLACEMENT CRAFT).	11,335	11,335
186	0204460M	GROUND/AIR TASK ORIENTED RADAR (G/ATOR) ...	80,129	65,629
		Block II test assets early to need		[-14,500]
187	0204571N	CONSOLIDATED TRAINING SYSTEMS DEVELOPMENT.	39,087	39,087
188	0204574N	CRYPTOLOGIC DIRECT SUPPORT	1,915	1,915
189	0204575N	ELECTRONIC WARFARE (EW) READINESS SUPPORT.	46,609	46,609
190	0205601N	HARM IMPROVEMENT	52,708	16,164
		AARGM extended range program growth		[-36,544]
191	0205604N	TACTICAL DATA LINKS	149,997	149,997
192	0205620N	SURFACE ASW COMBAT SYSTEM INTEGRATION ..	24,460	24,460
193	0205632N	MK-48 ADCAP	42,206	47,706
		Accelerate torpedo upgrades		[5,500]
194	0205633N	AVIATION IMPROVEMENTS	117,759	117,759
195	0205675N	OPERATIONAL NUCLEAR POWER SYSTEMS	101,323	101,323
196	0206313M	MARINE CORPS COMMUNICATIONS SYSTEMS	67,763	67,763
197	0206335M	COMMON AVIATION COMMAND AND CONTROL SYSTEM (CAC2S).	13,431	13,431
198	0206623M	MARINE CORPS GROUND COMBAT/SUPPORTING ARMS SYSTEMS.	56,769	48,669
		Project delays		[-8,100]
199	0206624M	MARINE CORPS COMBAT SERVICES SUPPORT	20,729	20,729
200	0206625M	USMC INTELLIGENCE/ELECTRONIC WARFARE SYSTEMS (MIP).	13,152	13,152
201	0206629M	AMPHIBIOUS ASSAULT VEHICLE	48,535	48,535
202	0207161N	TACTICAL AIM MISSILES	76,016	76,016
203	0207163N	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM).	32,172	32,172
208	0303109N	SATELLITE COMMUNICATIONS (SPACE)	53,239	53,239
209	0303138N	CONSOLIDATED AFLOAT NETWORK ENTERPRISE SERVICES (CANES).	21,677	21,677
210	0303140N	INFORMATION SYSTEMS SECURITY PROGRAM ...	28,102	28,102

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211	0303150M	WWMCCS/GLOBAL COMMAND AND CONTROL SYSTEM.	294	294	
213	0305160N	NAVY METEOROLOGICAL AND OCEAN SENSORS-SPACE (METOC).	599	599	
214	0305192N	MILITARY INTELLIGENCE PROGRAM (MIP) ACTIVITIES.	6,207	6,207	
215	0305204N	TACTICAL UNMANNED AERIAL VEHICLES	8,550	8,550	
216	0305205N	UAS INTEGRATION AND INTEROPERABILITY	41,831	41,831	
217	0305208M	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS.	1,105	1,105	
218	0305208N	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS.	33,149	33,149	
219	0305220N	RQ-4 UAV	227,188	227,188	
220	0305231N	MQ-8 UAV	52,770	52,770	
221	0305232M	RQ-11 UAV	635	635	
222	0305233N	RQ-7 UAV	688	688	
223	0305234N	SMALL (LEVEL 0) TACTICAL UAS (STUASLO)	4,647	4,647	
224	0305239M	RQ-21A	6,435	6,435	
225	0305241N	MULTI-INTELLIGENCE SENSOR DEVELOPMENT ..	49,145	49,145	
226	0305242M	UNMANNED AERIAL SYSTEMS (UAS) PAYLOADS (MIP).	9,246	9,246	
227	0305421N	RQ-4 MODERNIZATION	150,854	150,854	
228	0308601N	MODELING AND SIMULATION SUPPORT	4,757	4,757	
229	0702207N	DEPOT MAINTENANCE (NON-IF)	24,185	24,185	
231	0708730N	MARITIME TECHNOLOGY (MARITECH)	4,321	4,321	
231A	9999999999	CLASSIFIED PROGRAMS	1,252,185	1,252,185	
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT.	3,482,173	3,410,029	
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY.	17,885,916	18,240,379	
		RESEARCH, DEVELOPMENT, TEST & EVAL, AF BASIC RESEARCH			
001	0601102F	DEFENSE RESEARCH SCIENCES	329,721	352,221	
		Basic research program increase		[22,500]	
002	0601103F	UNIVERSITY RESEARCH INITIATIVES	141,754	141,754	
003	0601108F	HIGH ENERGY LASER RESEARCH INITIATIVES	13,778	13,778	
		SUBTOTAL BASIC RESEARCH	485,253	507,753	
		APPLIED RESEARCH			
004	0602102F	MATERIALS	125,234	125,234	
005	0602201F	AEROSPACE VEHICLE TECHNOLOGIES	123,438	123,438	
006	0602202F	HUMAN EFFECTIVENESS APPLIED RESEARCH	100,530	100,530	
007	0602203F	AEROSPACE PROPULSION	182,326	182,326	
008	0602204F	AEROSPACE SENSORS	147,291	147,291	
009	0602601F	SPACE TECHNOLOGY	116,122	116,122	
010	0602602F	CONVENTIONAL MUNITIONS	99,851	99,851	
011	0602605F	DIRECTED ENERGY TECHNOLOGY	115,604	115,604	
012	0602788F	DOMINANT INFORMATION SCIENCES AND METHODS.	164,909	164,909	
013	0602890F	HIGH ENERGY LASER RESEARCH	42,037	42,037	
		SUBTOTAL APPLIED RESEARCH	1,217,342	1,217,342	
		ADVANCED TECHNOLOGY DEVELOPMENT			
014	0603112F	ADVANCED MATERIALS FOR WEAPON SYSTEMS	37,665	47,665	
		Metals Affordability Initiative		[10,000]	
015	0603199F	SUSTAINMENT SCIENCE AND TECHNOLOGY (S&T).	18,378	18,378	
016	0603203F	ADVANCED AEROSPACE SENSORS	42,183	42,183	
017	0603211F	AEROSPACE TECHNOLOGY DEV/DEMO	100,733	100,733	
018	0603216F	AEROSPACE PROPULSION AND POWER TECHNOLOGY.	168,821	168,821	
019	0603270F	ELECTRONIC COMBAT TECHNOLOGY	47,032	47,032	
020	0603401F	ADVANCED SPACECRAFT TECHNOLOGY	54,897	54,897	
021	0603444F	MAUI SPACE SURVEILLANCE SYSTEM (MSSS)	12,853	12,853	

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022	0603456F	HUMAN EFFECTIVENESS ADVANCED TECHNOLOGY DEVELOPMENT.	25,448	25,448	
023	0603601F	CONVENTIONAL WEAPONS TECHNOLOGY	48,536	48,536	
024	0603605F	ADVANCED WEAPONS TECHNOLOGY	30,195	30,195	
025	0603680F	MANUFACTURING TECHNOLOGY PROGRAM	42,630	52,630	
		Maturation of advanced manufacturing for low-cost sustainment.		[10,000]	
026	0603788F	BATTLESPACE KNOWLEDGE DEVELOPMENT AND DEMONSTRATION.	46,414	46,414	
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT.	675,785	695,785	
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES			
027	0603260F	INTELLIGENCE ADVANCED DEVELOPMENT	5,032	5,032	
029	0603438F	SPACE CONTROL TECHNOLOGY	4,070	4,070	
030	0603742F	COMBAT IDENTIFICATION TECHNOLOGY	21,790	21,790	
031	0603790F	NATO RESEARCH AND DEVELOPMENT	4,736	4,736	
033	0603830F	SPACE SECURITY AND DEFENSE PROGRAM	30,771	30,771	
034	0603851F	INTERCONTINENTAL BALLISTIC MISSILE—DEM/VAL.	39,765	39,765	
036	0604015F	LONG RANGE STRIKE	1,246,228	556,228	
		Delayed EMD contract award		[-690,000]	
037	0604317F	TECHNOLOGY TRANSFER	3,512	8,512	
		Technology transfer program increase		[5,000]	
038	0604327F	HARD AND DEEPLY BURIED TARGET DEFEAT SYSTEM (HDBTDS) PROGRAM.	54,637	54,637	
040	0604422F	WEATHER SYSTEM FOLLOW-ON	76,108	51,108	
		Unjustified increase and analysis of alternatives ...		[-25,000]	
044	0604857F	OPERATIONALLY RESPONSIVE SPACE	6,457	19,957	
		SSA, Weather, or Launch Activities		[13,500]	
045	0604858F	TECH TRANSITION PROGRAM	246,514	246,514	
046	0605230F	GROUND BASED STRATEGIC DETERRENT	75,166	75,166	
049	0207110F	NEXT GENERATION AIR DOMINANCE	8,830	8,830	
050	0207455F	THREE DIMENSIONAL LONG-RANGE RADAR (3DELRR).	14,939	14,939	
051	0305164F	NAVSTAR GLOBAL POSITIONING SYSTEM (USER EQUIPMENT) (SPACE).	142,288	142,288	
052	0306250F	CYBER OPERATIONS TECHNOLOGY DEVELOPMENT.	81,732	96,732	
		Increase USCC Cyber Operations Technology Development.		[15,000]	
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	2,062,575	1,381,075	
		SYSTEM DEVELOPMENT & DEMONSTRATION			
055	0604270F	ELECTRONIC WARFARE DEVELOPMENT	929	929	
056	0604281F	TACTICAL DATA NETWORKS ENTERPRISE	60,256	60,256	
057	0604287F	PHYSICAL SECURITY EQUIPMENT	5,973	5,973	
058	0604329F	SMALL DIAMETER BOMB (SDB)—EMD	32,624	32,624	
059	0604421F	COUNTERSPACE SYSTEMS	24,208	24,208	
060	0604425F	SPACE SITUATION AWARENESS SYSTEMS	32,374	32,374	
061	0604426F	SPACE FENCE	243,909	243,909	
062	0604429F	AIRBORNE ELECTRONIC ATTACK	8,358	8,358	
063	0604441F	SPACE BASED INFRARED SYSTEM (SBIRS) HIGH EMD.	292,235	292,235	
064	0604602F	ARMAMENT/ORDNANCE DEVELOPMENT	40,154	40,154	
065	0604604F	SUBMUNITIONS	2,506	2,506	
066	0604617F	AGILE COMBAT SUPPORT	57,678	57,678	
067	0604706F	LIFE SUPPORT SYSTEMS	8,187	8,187	
068	0604735F	COMBAT TRAINING RANGES	15,795	15,795	
069	0604800F	F-35—EMD	589,441	589,441	
071	0604853F	EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM (SPACE)—EMD.	84,438	184,438	
		EELV Program—Rocket Propulsion System Development.		[100,000]	
072	0604932F	LONG RANGE STANDOFF WEAPON	36,643	16,143	

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		Contract delay		[-20,500]
073	0604933F	ICBM FUZE MODERNIZATION	142,551	142,551
074	0605213F	F-22 MODERNIZATION INCREMENT 3.2B	140,640	140,640
075	0605214F	GROUND ATTACK WEAPONS FUZE DEVELOPMENT.	3,598	3,598
076	0605221F	KC-46	602,364	402,364
		Program decrease		[-200,000]
077	0605223F	ADVANCED PILOT TRAINING	11,395	11,395
078	0605229F	CSAR HH-60 RECAPITALIZATION	156,085	156,085
080	0605431F	ADVANCED EHF MILSATCOM (SPACE)	228,230	228,230
081	0605432F	POLAR MILSATCOM (SPACE)	72,084	72,084
082	0605433F	WIDEBAND GLOBAL SATCOM (SPACE)	56,343	52,343
		Excess to need		[-4,000]
083	0605458F	AIR & SPACE OPS CENTER 10.2 RDT&E	47,629	47,629
084	0605931F	B-2 DEFENSIVE MANAGEMENT SYSTEM	271,961	271,961
085	0101125F	NUCLEAR WEAPONS MODERNIZATION	212,121	212,121
086	0207171F	F-15 EPAWSS	186,481	186,481
087	0207701F	FULL COMBAT MISSION TRAINING	18,082	18,082
088	0305176F	COMBAT SURVIVOR EVADER LOCATOR	993	993
089	0307581F	NEXTGEN JSTARS	44,343	44,343
091	0401319F	PRESIDENTIAL AIRCRAFT REPLACEMENT (PAR) ..	102,620	102,620
092	0701212F	AUTOMATED TEST SYSTEMS	14,563	14,563
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION.	3,847,791	3,723,291
		MANAGEMENT SUPPORT		
093	0604256F	THREAT SIMULATOR DEVELOPMENT	23,844	23,844
094	0604759F	MAJOR T&E INVESTMENT	68,302	73,302
		Airborne Sensor Data Correlation Project		[5,000]
095	0605101F	RAND PROJECT AIR FORCE	34,918	34,918
097	0605712F	INITIAL OPERATIONAL TEST & EVALUATION	10,476	10,476
098	0605807F	TEST AND EVALUATION SUPPORT	673,908	673,908
099	0605860F	ROCKET SYSTEMS LAUNCH PROGRAM (SPACE) ...	21,858	21,858
100	0605864F	SPACE TEST PROGRAM (STP)	28,228	28,228
101	0605976F	FACILITIES RESTORATION AND MODERNIZATION—TEST AND EVALUATION SUPPORT.	40,518	40,518
102	0605978F	FACILITIES SUSTAINMENT—TEST AND EVALUATION SUPPORT.	27,895	27,895
103	0606017F	REQUIREMENTS ANALYSIS AND MATURATION	16,507	16,507
104	0606116F	SPACE TEST AND TRAINING RANGE DEVELOPMENT.	18,997	18,997
106	0606392F	SPACE AND MISSILE CENTER (SMC) CIVILIAN WORKFORCE.	185,305	176,727
		Excess to need		[-8,578]
107	0308602F	ENTREPRISE INFORMATION SERVICES (EIS)	4,841	4,841
108	0702806F	ACQUISITION AND MANAGEMENT SUPPORT	15,357	15,357
109	0804731F	GENERAL SKILL TRAINING	1,315	1,315
111	1001004F	INTERNATIONAL ACTIVITIES	2,315	2,315
		SUBTOTAL MANAGEMENT SUPPORT	1,174,584	1,171,006
		OPERATIONAL SYSTEMS DEVELOPMENT		
112	0603423F	GLOBAL POSITIONING SYSTEM III—OPERATIONAL CONTROL SEGMENT.	350,232	350,232
113	0604233F	SPECIALIZED UNDERGRADUATE FLIGHT TRAINING.	10,465	10,465
114	0604445F	WIDE AREA SURVEILLANCE	24,577	24,577
117	0605018F	AF INTEGRATED PERSONNEL AND PAY SYSTEM (AF-IPPS).	69,694	10,694
		Forward financing, excluding funding for audit readiness.		[-59,000]
118	0605024F	ANTI-TAMPER TECHNOLOGY EXECUTIVE AGENCY.	26,718	26,718
119	0605278F	HC/MC-130 RECAP RDT&E	10,807	10,807
121	0101113F	B-52 SQUADRONS	74,520	74,520
122	0101122F	AIR-LAUNCHED CRUISE MISSILE (ALCM)	451	451
123	0101126F	B-1B SQUADRONS	2,245	2,245
124	0101127F	B-2 SQUADRONS	108,183	108,183

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125	0101213F	MINUTEMAN SQUADRONS	178,929	178,929
126	0101313F	STRAT WAR PLANNING SYSTEM—USSTRATCOM ..	28,481	28,481
127	0101314F	NIGHT FIST—USSTRATCOM	87	87
128	0101316F	WORLDWIDE JOINT STRATEGIC COMMUNICA- TIONS.	5,315	5,315
131	0105921F	SERVICE SUPPORT TO STRATCOM—SPACE AC- TIVITIES.	8,090	8,090
132	0205219F	MQ-9 UAV	123,439	123,439
134	0207131F	A-10 SQUADRONS		16,200
		A-10 restoration: operational flight program devel- opment.		[16,200]
135	0207133F	F-16 SQUADRONS	148,297	198,297
		AESA Radar Integration		[50,000]
136	0207134F	F-15E SQUADRONS	179,283	192,079
		Transfer from procurement		[12,796]
137	0207136F	MANNED DESTRUCTIVE SUPPRESSION	14,860	14,860
138	0207138F	F-22A SQUADRONS	262,552	262,552
139	0207142F	F-35 SQUADRONS	115,395	53,921
		Program delay		[-61,474]
140	0207161F	TACTICAL AIM MISSILES	43,360	43,360
141	0207163F	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM).	46,160	46,160
143	0207224F	COMBAT RESCUE AND RECOVERY	412	412
144	0207227F	COMBAT RESCUE—PARARESCUE	657	657
145	0207247F	AF TENCAP	31,428	31,428
146	0207249F	PRECISION ATTACK SYSTEMS PROCUREMENT	1,105	1,105
147	0207253F	COMPASS CALL	14,249	14,249
148	0207268F	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM.	103,942	103,942
149	0207325F	JOINT AIR-TO-SURFACE STANDOFF MISSILE (JASSM).	12,793	12,793
150	0207410F	AIR & SPACE OPERATIONS CENTER (AOC)	21,193	21,193
151	0207412F	CONTROL AND REPORTING CENTER (CRC)	559	559
152	0207417F	AIRBORNE WARNING AND CONTROL SYSTEM (AWACS).	161,812	161,812
153	0207418F	TACTICAL AIRBORNE CONTROL SYSTEMS	6,001	6,001
155	0207431F	COMBAT AIR INTELLIGENCE SYSTEM ACTIVI- TIES.	7,793	7,793
156	0207444F	TACTICAL AIR CONTROL PARTY-MOD	12,465	12,465
157	0207448F	C2ISR TACTICAL DATA LINK	1,681	1,681
159	0207452F	DCAPES	16,796	16,796
161	0207590F	SEEK EAGLE	21,564	21,564
162	0207601F	USAF MODELING AND SIMULATION	24,994	24,994
163	0207605F	WARGAMING AND SIMULATION CENTERS	6,035	6,035
164	0207697F	DISTRIBUTED TRAINING AND EXERCISES	4,358	4,358
165	0208006F	MISSION PLANNING SYSTEMS	55,835	55,835
167	0208087F	AF OFFENSIVE CYBERSPACE OPERATIONS	12,874	12,874
168	0208088F	AF DEFENSIVE CYBERSPACE OPERATIONS	7,681	7,681
171	0301017F	GLOBAL SENSOR INTEGRATED ON NETWORK (GSIN).	5,974	5,974
177	0301400F	SPACE SUPERIORITY INTELLIGENCE	13,815	13,815
178	0302015F	E-4B NATIONAL AIRBORNE OPERATIONS CEN- TER (NAOC).	80,360	80,360
179	0303001F	FAMILY OF ADVANCED BLOS TERMINALS (FAB-T)	3,907	3,907
180	0303131F	MINIMUM ESSENTIAL EMERGENCY COMMU- NICATIONS NETWORK (MEECN).	75,062	75,062
181	0303140F	INFORMATION SYSTEMS SECURITY PROGRAM	46,599	46,599
183	0303142F	GLOBAL FORCE MANAGEMENT—DATA INITIA- TIVE.	2,470	2,470
186	0304260F	AIRBORNE SIGINT ENTERPRISE	112,775	112,775
189	0305099F	GLOBAL AIR TRAFFIC MANAGEMENT (GATM)	4,235	4,235
192	0305110F	SATELLITE CONTROL NETWORK (SPACE)	7,879	5,879
		Unjustified increase in systems engineering		[-2,000]
193	0305111F	WEATHER SERVICE	29,955	29,955
194	0305114F	AIR TRAFFIC CONTROL, APPROACH, AND LAND- ING SYSTEM (ATCAL).	21,485	21,485
195	0305116F	AERIAL TARGETS	2,515	2,515

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198	0305128F	SECURITY AND INVESTIGATIVE ACTIVITIES	472	472
199	0305145F	ARMS CONTROL IMPLEMENTATION	12,137	12,137
200	0305146F	DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES.	361	361
203	0305173F	SPACE AND MISSILE TEST AND EVALUATION CENTER.	3,162	3,162
204	0305174F	SPACE INNOVATION, INTEGRATION AND RAPID TECHNOLOGY DEVELOPMENT.	1,543	1,543
205	0305179F	INTEGRATED BROADCAST SERVICE (IBS)	7,860	7,860
206	0305182F	SPACELIFT RANGE SYSTEM (SPACE)	6,902	6,902
207	0305202F	DRAGON U-2	34,471	34,471
209	0305206F	AIRBORNE RECONNAISSANCE SYSTEMS	50,154	60,154
		Wide Area Surveillance Capability		[10,000]
210	0305207F	MANNED RECONNAISSANCE SYSTEMS	13,245	13,245
211	0305208F	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS.	22,784	22,784
212	0305219F	MQ-1 PREDATOR A UAV	716	716
213	0305220F	RQ-4 UAV	208,053	203,053
		Program delays		[-5,000]
214	0305221F	NETWORK-CENTRIC COLLABORATIVE TARGETING.	21,587	21,587
215	0305236F	COMMON DATA LINK EXECUTIVE AGENT (CDL EA).	43,986	43,986
216	0305238F	NATO AGS	197,486	138,400
		Transfer to Procurement for NATO AWACS		[-59,086]
217	0305240F	SUPPORT TO DCGS ENTERPRISE	28,434	28,434
218	0305265F	GPS III SPACE SEGMENT	180,902	180,902
220	0305614F	JSPOC MISSION SYSTEM	81,911	81,911
221	0305881F	RAPID CYBER ACQUISITION	3,149	3,149
222	0305913F	NUDET DETECTION SYSTEM (SPACE)	14,447	14,447
223	0305940F	SPACE SITUATION AWARENESS OPERATIONS	20,077	20,077
225	0308699F	SHARED EARLY WARNING (SEW)	853	853
226	0401115F	C-130 AIRLIFT SQUADRON	33,962	33,962
227	0401119F	C-5 AIRLIFT SQUADRONS (IF)	42,864	22,864
		Forward financing		[-20,000]
228	0401130F	C-17 AIRCRAFT (IF)	54,807	54,807
229	0401132F	C-130J PROGRAM	31,010	31,010
230	0401134F	LARGE AIRCRAFT IR COUNTERMEASURES (LAIRCM).	6,802	6,802
231	0401219F	KC-10S	1,799	1,799
232	0401314F	OPERATIONAL SUPPORT AIRLIFT	48,453	48,453
233	0401318F	CV-22	36,576	36,576
235	0408011F	SPECIAL TACTICS / COMBAT CONTROL	7,963	7,963
236	0702207F	DEPOT MAINTENANCE (NON-IF)	1,525	1,525
237	0708610F	LOGISTICS INFORMATION TECHNOLOGY (LOGIT)	112,676	68,400
		Program growth		[-44,276]
238	0708611F	SUPPORT SYSTEMS DEVELOPMENT	12,657	12,657
239	0804743F	OTHER FLIGHT TRAINING	1,836	1,836
240	0808716F	OTHER PERSONNEL ACTIVITIES	121	121
241	0901202F	JOINT PERSONNEL RECOVERY AGENCY	5,911	5,911
242	0901218F	CIVILIAN COMPENSATION PROGRAM	3,604	3,604
243	0901220F	PERSONNEL ADMINISTRATION	4,598	4,598
244	0901226F	AIR FORCE STUDIES AND ANALYSIS AGENCY	1,103	1,103
246	0901538F	FINANCIAL MANAGEMENT INFORMATION SYSTEMS DEVELOPMENT.	101,840	101,840
246A	9999999999	CLASSIFIED PROGRAMS	12,780,142	12,780,142
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT.	17,010,339	16,848,499
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, AF.	26,473,669	25,544,751
		RESEARCH, DEVELOPMENT, TEST & EVAL, DW		
		BASIC RESEARCH		
001	0601000BR	DTRA BASIC RESEARCH INITIATIVE	38,436	38,436
002	0601101E	DEFENSE RESEARCH SCIENCES	333,119	333,119
003	0601110D8Z	BASIC RESEARCH INITIATIVES	42,022	42,022

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004	0601117E	BASIC OPERATIONAL MEDICAL RESEARCH SCIENCE.	56,544	56,544	
005	0601120D8Z	NATIONAL DEFENSE EDUCATION PROGRAM	49,453	54,453	
		STEM program increase		[5,000]	
006	0601228D8Z	HISTORICALLY BLACK COLLEGES AND UNIVERSITIES/MINORITY INSTITUTIONS.	25,834	35,834	
		Program increase		[10,000]	
007	0601384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM.	46,261	46,261	
		SUBTOTAL BASIC RESEARCH	591,669	606,669	
		APPLIED RESEARCH			
008	0602000D8Z	JOINT MUNITIONS TECHNOLOGY	19,352	19,352	
009	0602115E	BIOMEDICAL TECHNOLOGY	114,262	114,262	
010	0602234D8Z	LINCOLN LABORATORY RESEARCH PROGRAM	51,026	51,026	
011	0602251D8Z	APPLIED RESEARCH FOR THE ADVANCEMENT OF S&T PRIORITIES.	48,226	48,226	
012	0602303E	INFORMATION & COMMUNICATIONS TECHNOLOGY.	356,358	356,358	
014	0602383E	BIOLOGICAL WARFARE DEFENSE	29,265	29,265	
015	0602384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM.	208,111	208,111	
016	0602668D8Z	CYBER SECURITY RESEARCH	13,727	13,727	
018	0602702E	TACTICAL TECHNOLOGY	314,582	309,582	
		Multi-azimuth defense fast intercept round engagement system.		[-5,000]	
019	0602715E	MATERIALS AND BIOLOGICAL TECHNOLOGY	220,115	201,721	
		Program decrease		[-18,394]	
020	0602716E	ELECTRONICS TECHNOLOGY	174,798	174,798	
021	0602718BR	WEAPONS OF MASS DESTRUCTION DEFEAT TECHNOLOGIES.	155,415	155,415	
022	0602751D8Z	SOFTWARE ENGINEERING INSTITUTE (SEI) APPLIED RESEARCH.	8,824	8,824	
023	1160401BB	SOF TECHNOLOGY DEVELOPMENT	37,517	37,517	
		SUBTOTAL APPLIED RESEARCH	1,751,578	1,728,184	
		ADVANCED TECHNOLOGY DEVELOPMENT			
024	0603000D8Z	JOINT MUNITIONS ADVANCED TECHNOLOGY	25,915	25,915	
026	0603122D8Z	COMBATING TERRORISM TECHNOLOGY SUPPORT.	71,171	111,171	
		Program increase		[40,000]	
027	0603133D8Z	FOREIGN COMPARATIVE TESTING	21,782	21,782	
028	0603160BR	COUNTERPROLIFERATION INITIATIVES—PROLIFERATION PREVENTION AND DEFEAT.	290,654	290,654	
030	0603176C	ADVANCED CONCEPTS AND PERFORMANCE ASSESSMENT.	12,139	12,139	
031	0603177C	DISCRIMINATION SENSOR TECHNOLOGY	28,200	28,200	
032	0603178C	WEAPONS TECHNOLOGY	45,389	7,367	
		High Power Directed Energy—Missile Destruct		[-26,055]	
		Move to support Multiple Object Kill Vehicle		[-11,967]	
033	0603179C	ADVANCED C4ISR	9,876	9,876	
034	0603180C	ADVANCED RESEARCH	17,364	17,364	
035	0603225D8Z	JOINT DOD-DOE MUNITIONS TECHNOLOGY DEVELOPMENT.	18,802	18,802	
036	0603264S	AGILE TRANSPORTATION FOR THE 21ST CENTURY (AT21)—THEATER CAPABILITY.	2,679	2,679	
037	0603274C	SPECIAL PROGRAM—MDA TECHNOLOGY	64,708	51,458	
		Unjustified growth		[-13,250]	
038	0603286E	ADVANCED AEROSPACE SYSTEMS	185,043	185,043	
039	0603287E	SPACE PROGRAMS AND TECHNOLOGY	126,692	126,692	
040	0603288D8Z	ANALYTIC ASSESSMENTS	14,645	14,645	
041	0603289D8Z	ADVANCED INNOVATIVE ANALYSIS AND CONCEPTS.	59,830	49,830	
		Program decrease		[-10,000]	
042	0603294C	COMMON KILL VEHICLE TECHNOLOGY	46,753	7,195	
		MOKV Concept Development		[-39,558]	

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043	0603384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—ADVANCED DEVELOPMENT.	140,094	140,094
044	0603527D8Z	RETRACT LARCH	118,666	108,666
		Program decrease		[-10,000]
045	0603618D8Z	JOINT ELECTRONIC ADVANCED TECHNOLOGY	43,966	23,966
		Program decrease		[-20,000]
046	0603648D8Z	JOINT CAPABILITY TECHNOLOGY DEMONSTRATIONS.	141,540	116,540
		Program decrease		[-25,000]
047	0603662D8Z	NETWORKED COMMUNICATIONS CAPABILITIES	6,980	6,980
050	0603680D8Z	DEFENSE-WIDE MANUFACTURING SCIENCE AND TECHNOLOGY PROGRAM.	157,056	142,056
		Unjustified growth		[-15,000]
051	0603699D8Z	EMERGING CAPABILITIES TECHNOLOGY DEVELOPMENT.	33,515	41,015
		Efforts to counter-ISIL and Russian aggression		[7,500]
052	0603712S	GENERIC LOGISTICS R&D TECHNOLOGY DEMONSTRATIONS.	16,543	16,543
053	0603713S	DEPLOYMENT AND DISTRIBUTION ENTERPRISE TECHNOLOGY.	29,888	29,888
054	0603716D8Z	STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM.	65,836	65,836
055	0603720S	MICROELECTRONICS TECHNOLOGY DEVELOPMENT AND SUPPORT.	79,037	89,037
		Trusted Source Implementation for Field Programmable Gate Arrays Study.		[10,000]
056	0603727D8Z	JOINT WARFIGHTING PROGRAM	9,626	5,000
		Program decrease		[-4,626]
057	0603739E	ADVANCED ELECTRONICS TECHNOLOGIES	79,021	79,021
058	0603760E	COMMAND, CONTROL AND COMMUNICATIONS SYSTEMS.	201,335	201,335
059	0603766E	NETWORK-CENTRIC WARFARE TECHNOLOGY	452,861	432,861
		Excessive program growth		[-20,000]
060	0603767E	SENSOR TECHNOLOGY	257,127	257,127
061	0603769SE	DISTRIBUTED LEARNING ADVANCED TECHNOLOGY DEVELOPMENT.	10,771	10,771
062	0603781D8Z	SOFTWARE ENGINEERING INSTITUTE	15,202	15,202
063	0603826D8Z	QUICK REACTION SPECIAL PROJECTS	90,500	65,500
		Unjustified growth		[-25,000]
066	0603833D8Z	ENGINEERING SCIENCE & TECHNOLOGY	18,377	18,377
067	0603941D8Z	TEST & EVALUATION SCIENCE & TECHNOLOGY	82,589	82,589
068	0604055D8Z	OPERATIONAL ENERGY CAPABILITY IMPROVEMENT.	37,420	37,420
069	0303310D8Z	CWMD SYSTEMS	42,488	42,488
070	1160402BB	SOF ADVANCED TECHNOLOGY DEVELOPMENT ...	57,741	57,741
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT.	3,229,821	3,066,865
		ADVANCED COMPONENT DEVELOPMENT AND PROTOTYPES		
071	0603161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E ADC&P.	31,710	31,710
073	0603600D8Z	WALKOFF	90,567	90,567
074	0603714D8Z	ADVANCED SENSORS APPLICATION PROGRAM	15,900	15,900
075	0603851D8Z	ENVIRONMENTAL SECURITY TECHNICAL CERTIFICATION PROGRAM.	52,758	52,758
076	0603881C	BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE SEGMENT.	228,021	228,021
077	0603882C	BALLISTIC MISSILE DEFENSE MIDCOURSE DEFENSE SEGMENT.	1,284,891	1,284,891
077A	0603XXXX	MULTIPLE-OBJECT KILL VEHICLE		81,525
		Divert attitude control systems technology to support Multi-Object Kill Vehicle.		[10,000]
		Establish MOKV Program of Record		[71,525]
078	0603884BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—DEM/VAL.	172,754	172,754
079	0603884C	BALLISTIC MISSILE DEFENSE SENSORS	233,588	233,588

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080	0603890C	BMD ENABLING PROGRAMS	409,088	409,088
080A	0603XXXC	WEAPONS TECHNOLOGY—HIGH POWER DE High Power Directed Energy—Missile Destruct		26,055 [26,055]
081	0603891C	SPECIAL PROGRAMS—MDA	400,387	400,387
082	0603892C	AEGIS BMD	843,355	843,355
083	0603893C	SPACE TRACKING & SURVEILLANCE SYSTEM	31,632	31,632
084	0603895C	BALLISTIC MISSILE DEFENSE SYSTEM SPACE PROGRAMS.	23,289	23,289
085	0603896C	BALLISTIC MISSILE DEFENSE COMMAND AND CONTROL, BATTLE MANAGEMENT AND COMMUNICATI. Future Spirals concurrency with multiple ongoing efforts and excess growth.	450,085	437,785 [–12,300]
086	0603898C	BALLISTIC MISSILE DEFENSE JOINT WARFIGHTER SUPPORT.	49,570	49,570
087	0603904C	MISSILE DEFENSE INTEGRATION & OPERATIONS CENTER (MDIOC).	49,211	49,211
088	0603906C	REGARDING TRENCH	9,583	9,583
089	0603907C	SEA BASED X-BAND RADAR (SBX)	72,866	72,866
090	0603913C	ISRAELI COOPERATIVE PROGRAMS	102,795	267,595
		Arrow 3		[19,500]
		Arrow System Improvement Program		[45,500]
		David's Sling		[99,800]
091	0603914C	BALLISTIC MISSILE DEFENSE TEST	274,323	274,323
092	0603915C	BALLISTIC MISSILE DEFENSE TARGETS	513,256	513,256
093	0603920D8Z	HUMANITARIAN DEMINING	10,129	10,129
094	0603923D8Z	COALITION WARFARE	10,350	10,350
095	0604016D8Z	DEPARTMENT OF DEFENSE CORROSION PRO- GRAM. Program Increase	1,518	11,518 [10,000]
096	0604115C	TECHNOLOGY MATURATION INITIATIVES	96,300	96,300
097	0604250D8Z	ADVANCED INNOVATIVE TECHNOLOGIES	469,798	469,798
098	0604400D8Z	DEPARTMENT OF DEFENSE (DOD) UNMANNED AIRCRAFT SYSTEM (UAS) COMMON DEVELOP- MENT.	3,129	3,129
103	0604826J	JOINT C5 CAPABILITY DEVELOPMENT, INTEGRA- TION AND INTEROPERABILITY ASSESSMENTS.	25,200	25,200
105	0604873C	LONG RANGE DISCRIMINATION RADAR (LRDR)	137,564	137,564
106	0604874C	IMPROVED HOMELAND DEFENSE INTERCEP- TORS. Redesigned kill vehicle development	278,944	298,944 [20,000]
107	0604876C	BALLISTIC MISSILE DEFENSE TERMINAL DE- FENSE SEGMENT TEST.	26,225	26,225
108	0604878C	AEGIS BMD TEST	55,148	55,148
109	0604879C	BALLISTIC MISSILE DEFENSE SENSOR TEST	86,764	86,764
110	0604880C	LAND-BASED SM–3 (LBSM3)	34,970	34,970
111	0604881C	AEGIS SM–3 BLOCK IIA CO-DEVELOPMENT	172,645	172,645
112	0604887C	BALLISTIC MISSILE DEFENSE MIDCOURSE SEG- MENT TEST.	64,618	64,618
114	0303191D8Z	JOINT ELECTROMAGNETIC TECHNOLOGY (JET) PROGRAM.	2,660	2,660
115	0305103C	CYBER SECURITY INITIATIVE	963	963
		SUBTOTAL ADVANCED COMPONENT DEVELOP- MENT AND PROTOTYPES.	6,816,554	7,106,634
		SYSTEM DEVELOPMENT AND DEMONSTRATION		
116	0604161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECUR- ITY EQUIPMENT RDT&E SDD.	8,800	8,800
117	0604165D8Z	PROMPT GLOBAL STRIKE CAPABILITY DEVELOP- MENT. Concept development by the Army of a CPGS op- tion. Concept development by the Navy of a CPGS op- tion.	78,817	88,817 [5,000] [5,000]
118	0604384BP	CHEMICAL AND BIOLOGICAL DEFENSE PRO- GRAM—EMD.	303,647	303,647

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
Line	Program Element	Item	FY 2016 Request	Agreement Authorized
119	0604764K	ADVANCED IT SERVICES JOINT PROGRAM OFFICE (AITS-JPO).	23,424	23,424
120	0604771D8Z	JOINT TACTICAL INFORMATION DISTRIBUTION SYSTEM (JTIDS).	14,285	14,285
121	0605000BR	WEAPONS OF MASS DESTRUCTION DEFEAT CAPABILITIES.	7,156	7,156
122	0605013BL	INFORMATION TECHNOLOGY DEVELOPMENT DCMA program decrease	12,542	42 [-12,500]
123	0605021SE	HOMELAND PERSONNEL SECURITY INITIATIVE ..	191	191
124	0605022D8Z	DEFENSE EXPORTABILITY PROGRAM	3,273	3,273
125	0605027D8Z	OSD(C) IT DEVELOPMENT INITIATIVES	5,962	5,962
126	0605070S	DOD ENTERPRISE SYSTEMS DEVELOPMENT AND DEMONSTRATION.	13,412	13,412
127	0605075D8Z	DCMO POLICY AND INTEGRATION	2,223	2,223
128	0605080S	DEFENSE AGENCY INITIATIVES (DAI)—FINANCIAL SYSTEM.	31,660	31,660
129	0605090S	DEFENSE RETIRED AND ANNUITANT PAY SYSTEM (DRAS).	13,085	13,085
130	0605210D8Z	DEFENSE-WIDE ELECTRONIC PROCUREMENT CAPABILITIES.	7,209	7,209
131	0303141K	GLOBAL COMBAT SUPPORT SYSTEM	15,158	13,794
		Early to need		[-1,364]
132	0305304D8Z	DOD ENTERPRISE ENERGY INFORMATION MANAGEMENT (EEM).	4,414	4,414
		SUBTOTAL SYSTEM DEVELOPMENT AND DEMONSTRATION.	545,258	541,394
		MANAGEMENT SUPPORT		
133	0604774D8Z	DEFENSE READINESS REPORTING SYSTEM (DRRS).	5,581	5,581
134	0604875D8Z	JOINT SYSTEMS ARCHITECTURE DEVELOPMENT	3,081	3,081
135	0604940D8Z	CENTRAL TEST AND EVALUATION INVESTMENT DEVELOPMENT (CTEIP).	229,125	229,125
136	0604942D8Z	ASSESSMENTS AND EVALUATIONS	28,674	21,674
		Program decrease		[-7,000]
138	0605100D8Z	JOINT MISSION ENVIRONMENT TEST CAPABILITY (JMETS).	45,235	45,235
139	0605104D8Z	TECHNICAL STUDIES, SUPPORT AND ANALYSIS ..	24,936	24,936
141	0605126J	JOINT INTEGRATED AIR AND MISSILE DEFENSE ORGANIZATION (JIAMDO).	35,471	35,471
144	0605142D8Z	SYSTEMS ENGINEERING	37,655	37,655
145	0605151D8Z	STUDIES AND ANALYSIS SUPPORT—OSD	3,015	3,015
146	0605161D8Z	NUCLEAR MATTERS-PHYSICAL SECURITY	5,287	5,287
147	0605170D8Z	SUPPORT TO NETWORKS AND INFORMATION INTEGRATION.	5,289	5,289
148	0605200D8Z	GENERAL SUPPORT TO USD (INTELLIGENCE)	2,120	2,120
149	0605384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM.	102,264	102,264
158	0605790D8Z	SMALL BUSINESS INNOVATION RESEARCH (SBIR)/ SMALL BUSINESS TECHNOLOGY TRANSFER.	2,169	2,169
159	0605798D8Z	DEFENSE TECHNOLOGY ANALYSIS	13,960	13,960
160	0605801KA	DEFENSE TECHNICAL INFORMATION CENTER (DTIC).	51,775	51,775
161	0605803SE	R&D IN SUPPORT OF DOD ENLISTMENT, TESTING AND EVALUATION.	9,533	9,533
162	0605804D8Z	DEVELOPMENT TEST AND EVALUATION	17,371	21,371
		Program increase		[4,000]
163	0605898E	MANAGEMENT HQ—R&D	71,571	71,571
164	0606100D8Z	BUDGET AND PROGRAM ASSESSMENTS	4,123	4,123
165	0203345D8Z	DEFENSE OPERATIONS SECURITY INITIATIVE (DOSI).	1,946	1,946
166	0204571J	JOINT STAFF ANALYTICAL SUPPORT	7,673	7,673
169	0303166J	SUPPORT TO INFORMATION OPERATIONS (IO) CAPABILITIES.	10,413	10,413
170	0303260D8Z	DEFENSE MILITARY DECEPTION PROGRAM OFFICE (DMDPO).	971	971

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
Line	Program Element	Item	FY 2016 Request	Agreement Authorized
171	0305193D8Z	CYBER INTELLIGENCE	6,579	6,579
173	0804767D8Z	COCOM EXERCISE ENGAGEMENT AND TRAINING TRANSFORMATION (CE2T2)—MHA.	43,811	43,811
174	0901598C	MANAGEMENT HQ—MDA	35,871	35,871
176	0903230D8W	WHS—MISSION OPERATIONS SUPPORT—IT	1,072	1,072
177A	9999999999	CLASSIFIED PROGRAMS	49,500	49,500
		SUBTOTAL MANAGEMENT SUPPORT	856,071	853,071
OPERATIONAL SYSTEM DEVELOPMENT				
178	0604130V	ENTERPRISE SECURITY SYSTEM (ESS)	7,929	7,929
179	0605127T	REGIONAL INTERNATIONAL OUTREACH (RIO) AND PARTNERSHIP FOR PEACE INFORMATION MANA.	1,750	1,750
180	0605147T	OVERSEAS HUMANITARIAN ASSISTANCE SHARED INFORMATION SYSTEM (OHASIS).	294	294
181	0607210D8Z	INDUSTRIAL BASE ANALYSIS AND SUSTAINMENT SUPPORT.	22,576	22,576
182	0607310D8Z	CWMD SYSTEMS: OPERATIONAL SYSTEMS DEVELOPMENT.	1,901	1,901
183	0607327T	GLOBAL THEATER SECURITY COOPERATION MANAGEMENT INFORMATION SYSTEMS (G-TSCMIS).	8,474	8,474
184	0607384BP	CHEMICAL AND BIOLOGICAL DEFENSE (OPERATIONAL SYSTEMS DEVELOPMENT).	33,561	33,561
186	0208043J	PLANNING AND DECISION AID SYSTEM (PDAS)	3,061	3,061
187	0208045K	C4I INTEROPERABILITY	64,921	64,921
189	0301144K	JOINT/ALLIED COALITION INFORMATION SHARING.	3,645	3,645
193	0302016K	NATIONAL MILITARY COMMAND SYSTEM-WIDE SUPPORT.	963	963
194	0302019K	DEFENSE INFO INFRASTRUCTURE ENGINEERING AND INTEGRATION.	10,186	10,186
195	0303126K	LONG-HAUL COMMUNICATIONS—DCS	36,883	36,883
196	0303131K	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN).	13,735	13,735
197	0303135G	PUBLIC KEY INFRASTRUCTURE (PKI)	6,101	6,101
198	0303136G	KEY MANAGEMENT INFRASTRUCTURE (KMI)	43,867	43,867
199	0303140D8Z	INFORMATION SYSTEMS SECURITY PROGRAM	8,957	8,957
200	0303140G	INFORMATION SYSTEMS SECURITY PROGRAM	146,890	146,890
201	0303150K	GLOBAL COMMAND AND CONTROL SYSTEM	21,503	21,503
202	0303153K	DEFENSE SPECTRUM ORGANIZATION	20,342	20,342
203	0303170K	NET-CENTRIC ENTERPRISE SERVICES (NCES)	444	444
205	0303610K	TELEPORT PROGRAM	1,736	1,736
206	0304210BB	SPECIAL APPLICATIONS FOR CONTINGENCIES	65,060	65,060
210	0305103K	CYBER SECURITY INITIATIVE	2,976	2,976
215	0305186D8Z	POLICY R&D PROGRAMS	4,182	4,182
216	0305199D8Z	NET CENTRICITY	18,130	18,130
218	0305208BB	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS.	5,302	5,302
221	0305208K	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS.	3,239	3,239
225	0305327V	INSIDER THREAT	11,733	11,733
226	0305387D8Z	HOMELAND DEFENSE TECHNOLOGY TRANSFER PROGRAM.	2,119	2,119
234	0708011S	INDUSTRIAL PREPAREDNESS	24,605	19,245
		DLA Uniform Research		[-5,360]
235	0708012S	LOGISTICS SUPPORT ACTIVITIES	1,770	1,770
236	0902298J	MANAGEMENT HQ—OJCS	2,978	2,978
237	1105219BB	MQ–9 UAV	18,151	23,151
		Medium Altitude Long Endurance Tactical (MALET) MQ–9 Unmanned Aerial Vehicle.		[5,000]
238	1105232BB	RQ–11 UAV	758	758
240	1160403BB	AVIATION SYSTEMS	173,934	189,134
		MC–130 Terrain Following/Terrain Avoidance Radar Program.		[15,200]
241	1160405BB	INTELLIGENCE SYSTEMS DEVELOPMENT	6,866	6,866
242	1160408BB	OPERATIONAL ENHANCEMENTS	63,008	63,008

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
Line	Program Element	Item	FY 2016 Request	Agreement Authorized
243	1160431BB	WARRIOR SYSTEMS	25,342	25,342
244	1160432BB	SPECIAL PROGRAMS	3,401	3,401
245	1160480BB	SOF TACTICAL VEHICLES	3,212	3,212
246	1160483BB	MARITIME SYSTEMS	63,597	63,597
247	1160489BB	GLOBAL VIDEO SURVEILLANCE ACTIVITIES	3,933	3,933
248	1160490BB	OPERATIONAL ENHANCEMENTS INTELLIGENCE	10,623	10,623
248A	999999999	CLASSIFIED PROGRAMS	3,564,272	3,564,272
		SUBTOTAL OPERATIONAL SYSTEM DEVELOPMENT.	4,538,910	4,553,750
		UNDISTRIBUTED		
249	XXXXXXX	DEFENSE WIDE CYBER VULNERABILITY ASSESSMENT. Assess all major weapon systems for cyber vulnerability.		200,000 [200,000]
251	XXXXXXX	TECHNOLOGY OFFSET INITIATIVE		300,000
		Supports innovative technology development		[300,000]
		SUBTOTAL UNDISTRIBUTED		500,000
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, DW.	18,329,861	18,956,567
		OPERATIONAL TEST & EVAL, DEFENSE MANAGEMENT SUPPORT		
001	0605118OTE	OPERATIONAL TEST AND EVALUATION	76,838	76,838
002	0605131OTE	LIVE FIRE TEST AND EVALUATION	46,882	46,882
003	0605814OTE	OPERATIONAL TEST ACTIVITIES AND ANALYSES	46,838	46,838
		SUBTOTAL MANAGEMENT SUPPORT	170,558	170,558
		TOTAL OPERATIONAL TEST & EVAL, DEFENSE.	170,558	170,558
		TOTAL RDT&E	69,784,963	70,005,814

SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)				
Line	Program Element	Item	FY 2016 Request	Agreement Authorized
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
060	0603747A	SOLDIER SUPPORT AND SURVIVABILITY	1,500	1,500
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	1,500	1,500
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY.	1,500	1,500
		OPERATIONAL SYSTEMS DEVELOPMENT		
231A	999999999	CLASSIFIED PROGRAMS	35,747	35,747
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT.	35,747	35,747
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY.	35,747	35,747
		OPERATIONAL SYSTEMS DEVELOPMENT		
133	0205671F	JOINT COUNTER RCIED ELECTRONIC WARFARE	300	300
246A	999999999	CLASSIFIED PROGRAMS	16,800	16,800
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT.	17,100	17,100

SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)				
Line	Program Element	Item	FY 2016 Request	Agreement Authorized
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, AF.	17,100	17,100
		OPERATIONAL SYSTEM DEVELOPMENT		
248A	9999999999	CLASSIFIED PROGRAMS	137,087	137,087
		SUBTOTAL OPERATIONAL SYSTEM DEVELOPMENT.	137,087	137,087
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, DW.	137,087	137,087
		TOTAL RDT&E	191,434	191,434

TITLE XLIII—OPERATION AND MAINTENANCE

SEC. 4301. OPERATION AND MAINTENANCE.

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)				
Line		Item	FY 2016 Request	Agreement Authorized
		OPERATION & MAINTENANCE, ARMY OPERATING FORCES		
010		MANEUVER UNITS	1,094,429	1,344,429
		Force Readiness Restoration—Operations Tempo		[250,000]
020		MODULAR SUPPORT BRIGADES	68,873	68,873
030		ECHELONS ABOVE BRIGADE	508,008	508,008
040		THEATER LEVEL ASSETS	763,300	763,300
050		LAND FORCES OPERATIONS SUPPORT	1,054,322	1,054,322
060		AVIATION ASSETS	1,546,129	1,546,129
070		FORCE READINESS OPERATIONS SUPPORT	3,158,606	3,158,606
080		LAND FORCES SYSTEMS READINESS	438,909	438,909
090		LAND FORCES DEPOT MAINTENANCE	1,214,116	1,291,316
		Readiness funding increase		[77,200]
100		BASE OPERATIONS SUPPORT	7,616,008	7,626,508
		Readiness funding increase		[10,500]
110		FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	2,617,169	2,789,369
		Restore Sustainment shortfalls		[172,200]
120		MANAGEMENT AND OPERATIONAL HEAD-QUARTERS	421,269	0
		Transfer base requirement to Title XV		[-421,269]
130		COMBATANT COMMANDERS CORE OPERATIONS	164,743	0
		Transfer base requirement to Title XV		[-164,743]
170		COMBATANT COMMANDS DIRECT MISSION SUPPORT	448,633	448,633
		SUBTOTAL OPERATING FORCES	21,114,514	21,038,402
		MOBILIZATION		
180		STRATEGIC MOBILITY	401,638	0
		Transfer base requirement to Title XV		[-401,638]
190		ARMY PREPOSITIONED STOCKS	261,683	0
		Transfer base requirement to Title XV		[-261,683]
200		INDUSTRIAL PREPAREDNESS	6,532	0
		Transfer base requirement to Title XV		[-6,532]
		SUBTOTAL MOBILIZATION	669,853	0

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2016 Request	Agreement Authorized
TRAINING AND RECRUITING			
210	OFFICER ACQUISITION	131,536	131,536
220	RECRUIT TRAINING	47,843	47,843
230	ONE STATION UNIT TRAINING	42,565	42,565
240	SENIOR RESERVE OFFICERS TRAINING CORPS ..	490,378	490,378
250	SPECIALIZED SKILL TRAINING	981,000	989,200
	Readiness funding increase		[33,200]
	Unjustified program growth		[-25,000]
260	FLIGHT TRAINING	940,872	940,872
270	PROFESSIONAL DEVELOPMENT EDUCATION	230,324	227,324
	Advanced Civil Schooling – Civilian Graduate School 10 Percent Reduction		[-3,000]
280	TRAINING SUPPORT	603,519	603,519
290	RECRUITING AND ADVERTISING	491,922	491,922
300	EXAMINING	194,079	194,079
310	OFF-DUTY AND VOLUNTARY EDUCATION	227,951	227,951
320	CIVILIAN EDUCATION AND TRAINING	161,048	161,048
330	JUNIOR RESERVE OFFICER TRAINING CORPS ...	170,118	170,118
	SUBTOTAL TRAINING AND RECRUITING ..	4,713,155	4,718,355
ADMIN & SRVWIDE ACTIVITIES			
350	SERVICEWIDE TRANSPORTATION	485,778	0
	Transfer base requirement to Title XV		[-485,778]
360	CENTRAL SUPPLY ACTIVITIES	813,881	813,881
370	LOGISTIC SUPPORT ACTIVITIES	714,781	687,781
	Unjustified program growth		[-27,000]
380	AMMUNITION MANAGEMENT	322,127	322,127
390	ADMINISTRATION	384,813	376,313
	Unjustified Growth in Public Affairs		[-8,500]
400	SERVICEWIDE COMMUNICATIONS	1,781,350	1,748,350
	DISN subscription services pricing requested as program growth		[-33,000]
410	MANPOWER MANAGEMENT	292,532	292,532
420	OTHER PERSONNEL SUPPORT	375,122	375,122
430	OTHER SERVICE SUPPORT	1,119,848	1,115,348
	Spirit of America program growth		[-4,500]
440	ARMY CLAIMS ACTIVITIES	225,358	225,358
450	REAL ESTATE MANAGEMENT	239,755	239,755
460	FINANCIAL MANAGEMENT AND AUDIT READI- NESS	223,319	223,319
470	INTERNATIONAL MILITARY HEADQUARTERS	469,865	469,865
480	MISC. SUPPORT OF OTHER NATIONS	40,521	0
	Transfer base requirement to Title XV		[-40,521]
530	CLASSIFIED PROGRAMS	1,120,974	1,140,974
	Additional SOUTHCOM ISR and intel support		[20,000]
	SUBTOTAL ADMIN & SRVWIDE ACTIVI- TIES	8,610,024	8,030,725
UNDISTRIBUTED			
540	UNDISTRIBUTED		-1,229,500
	Civilian and services contract reductions to streamline management HQ		[-245,000]
	Excessive standard price for fuel		[-141,000]
	Foreign Currency adjustments		[-431,000]
	Overestimation of Civilian FTE Targets		[-262,500]
	WORKING CAPITAL FUND CARRYOVER ABOVE ALLOWABLE CEILING		[-150,000]
	SUBTOTAL UNDISTRIBUTED		-1,229,500

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2016 Request	Agreement Authorized
	TOTAL OPERATION & MAINTENANCE, ARMY	35,107,546	32,557,982
	OPERATION & MAINTENANCE, ARMY RES		
	OPERATING FORCES		
020	MODULAR SUPPORT BRIGADES	16,612	16,612
030	ECHELONS ABOVE BRIGADE	486,531	486,531
040	THEATER LEVEL ASSETS	105,446	105,446
050	LAND FORCES OPERATIONS SUPPORT	516,791	516,791
060	AVIATION ASSETS	87,587	87,587
070	FORCE READINESS OPERATIONS SUPPORT	348,601	348,601
080	LAND FORCES SYSTEMS READINESS	81,350	81,350
090	LAND FORCES DEPOT MAINTENANCE	59,574	91,974
	Readiness funding increase		[32,400]
100	BASE OPERATIONS SUPPORT	570,852	557,852
	Unjustified program growth		[-13,000]
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	245,686	259,286
	Restore Sustainment shortfalls		[13,600]
120	MANAGEMENT AND OPERATIONAL HEAD- QUARTERS	40,962	40,962
	SUBTOTAL OPERATING FORCES	2,559,992	2,592,992
	ADMIN & SRVWD ACTIVITIES		
130	SERVICEWIDE TRANSPORTATION	10,665	0
	Transfer base requirement to Title XV		[-10,665]
140	ADMINISTRATION	18,390	18,390
150	SERVICEWIDE COMMUNICATIONS	14,976	14,976
160	MANPOWER MANAGEMENT	8,841	8,841
170	RECRUITING AND ADVERTISING	52,928	52,928
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	105,800	95,135
	UNDISTRIBUTED		
190	UNDISTRIBUTED		-19,200
	Civilian and services contract reductions to streamline management HQ		[-6,200]
	Excessive standard price for fuel		[-13,000]
	SUBTOTAL UNDISTRIBUTED		-19,200
	TOTAL OPERATION & MAINTENANCE, ARMY RES	2,665,792	2,668,927
	OPERATION & MAINTENANCE, ARNG		
	OPERATING FORCES		
010	MANEUVER UNITS	709,433	901,933
	Increased Operations Tempo to Meet Readiness Objectives		[192,500]
020	MODULAR SUPPORT BRIGADES	167,324	167,324
030	ECHELONS ABOVE BRIGADE	741,327	741,327
040	THEATER LEVEL ASSETS	88,775	96,475
	ARNG border security enhancement		[7,700]
050	LAND FORCES OPERATIONS SUPPORT	32,130	32,130
060	AVIATION ASSETS	943,609	996,209
	ARNG border security enhancement		[13,000]
	Readiness funding increase		[39,600]
070	FORCE READINESS OPERATIONS SUPPORT	703,137	703,137
080	LAND FORCES SYSTEMS READINESS	84,066	84,066
090	LAND FORCES DEPOT MAINTENANCE	166,848	189,348

SEC. 4301. OPERATION AND MAINTENANCE			
(In Thousands of Dollars)			
Line	Item	FY 2016 Request	Agreement Authorized
	Readiness funding increase		[22,500]
100	BASE OPERATIONS SUPPORT	1,022,970	998,970
	Justification does not match summary of price and program changes		[-14,000]
	Unjustified growth		[-10,000]
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	673,680	708,880
	Restore Sustainment shortfalls		[35,200]
120	MANAGEMENT AND OPERATIONAL HEAD-QUARTERS	954,574	954,574
	SUBTOTAL OPERATING FORCES	6,287,873	6,574,373
ADMIN & SRVWD ACTIVITIES			
130	SERVICEWIDE TRANSPORTATION	6,570	0
	Transfer base requirement to Title XV		[-6,570]
140	ADMINISTRATION	59,629	58,719
	National Guard State Partnership Program increase		[500]
	NGB Heritage Painting Program		[-1,410]
150	SERVICEWIDE COMMUNICATIONS	68,452	68,452
160	MANPOWER MANAGEMENT	8,841	8,841
170	OTHER PERSONNEL SUPPORT	283,670	272,170
	Army Marketing Program unjustified program growth		[-11,500]
180	REAL ESTATE MANAGEMENT	2,942	2,942
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	430,104	411,124
UNDISTRIBUTED			
200	UNDISTRIBUTED		-70,400
	Civilian and services contract reductions to streamline management HQ		[-27,400]
	Excessive standard price for fuel		[-43,000]
	SUBTOTAL UNDISTRIBUTED		-70,400
	TOTAL OPERATION & MAINTENANCE, ARNG	6,717,977	6,915,097
OPERATION & MAINTENANCE, NAVY OPERATING FORCES			
010	MISSION AND OTHER FLIGHT OPERATIONS	4,940,365	4,940,365
020	FLEET AIR TRAINING	1,830,611	1,830,611
030	AVIATION TECHNICAL DATA & ENGINEERING SERVICES	37,225	0
	Transfer base requirement to Title XV		[-37,225]
040	AIR OPERATIONS AND SAFETY SUPPORT	103,456	103,456
050	AIR SYSTEMS SUPPORT	376,844	390,744
	Aviation Readiness Restoration—AV–8B Program Related Logistics		[4,000]
	Aviation Readiness Restoration—CH–53 Program Related Logistics		[1,900]
	Aviation Readiness Restoration—MV–22 Program Related Logistics		[1,200]
	MV–22 Fleet Engineering Support Unfunded Requirement		[6,800]
060	AIRCRAFT DEPOT MAINTENANCE	897,536	912,536
	Program increase		[15,000]
070	AIRCRAFT DEPOT OPERATIONS SUPPORT	33,201	33,201
080	AVIATION LOGISTICS	544,056	549,356

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2016 Request	Agreement Authorized
	Aviation Readiness Restoration—MV–22 Aviation Logistics		[5,300]
090	MISSION AND OTHER SHIP OPERATIONS	4,287,658	4,287,658
100	SHIP OPERATIONS SUPPORT & TRAINING	787,446	787,446
110	SHIP DEPOT MAINTENANCE	5,960,951	5,960,951
120	SHIP DEPOT OPERATIONS SUPPORT	1,554,863	0
	Transfer base requirement to Title XV		[–1,554,863]
130	COMBAT COMMUNICATIONS	704,415	684,815
	DISA/DISN price growth requested as program growth		[–19,600]
140	ELECTRONIC WARFARE	96,916	96,916
150	SPACE SYSTEMS AND SURVEILLANCE	192,198	192,198
160	WARFARE TACTICS	453,942	453,942
170	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY	351,871	348,803
	Civilian FTE Growth		[–3,068]
180	COMBAT SUPPORT FORCES	1,186,847	1,154,487
	Civilian FTE Growth		[–17,360]
	Unjustified program growth		[–15,000]
190	EQUIPMENT MAINTENANCE	123,948	123,948
200	DEPOT OPERATIONS SUPPORT	2,443	2,443
210	COMBATANT COMMANDERS CORE OPERATIONS	98,914	98,914
220	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	73,110	73,110
230	CRUISE MISSILE	110,734	110,734
240	FLEET BALLISTIC MISSILE	1,206,736	1,206,736
250	IN-SERVICE WEAPONS SYSTEMS SUPPORT	141,664	141,664
260	WEAPONS MAINTENANCE	523,122	535,122
	Ship Self-Defense Systems Maintenance Backlog Reduction		[12,000]
270	OTHER WEAPON SYSTEMS SUPPORT	371,872	371,335
	Civilian FTE Growth		[–537]
280	ENTERPRISE INFORMATION	896,061	889,449
	Civilian FTE Growth		[–6,612]
290	SUSTAINMENT, RESTORATION AND MODERNIZATION	2,220,423	2,245,723
	Restore Sustainment shortfalls		[25,300]
300	BASE OPERATING SUPPORT	4,472,468	4,468,940
	Civilian FTE Growth		[–3,528]
	SUBTOTAL OPERATING FORCES	34,581,896	32,995,603
MOBILIZATION			
310	SHIP PREPOSITIONING AND SURGE	422,846	0
	Transfer base requirement to Title XV		[–422,846]
320	AIRCRAFT ACTIVATIONS/INACTIVATIONS	6,464	6,964
	Aviation Readiness Restoration—F–18 Aircraft Activations/Inactivations		[500]
330	SHIP ACTIVATIONS/INACTIVATIONS	361,764	0
	Transfer base requirement to Title XV		[–361,764]
340	EXPEDITIONARY HEALTH SERVICES SYSTEMS ..	69,530	69,050
	Civilian FTE Growth		[–480]
350	INDUSTRIAL READINESS	2,237	0
	Transfer base requirement to Title XV		[–2,237]
360	COAST GUARD SUPPORT	21,823	0
	Transfer base requirement to Title XV		[–21,823]
	SUBTOTAL MOBILIZATION	884,664	76,014
TRAINING AND RECRUITING			
370	OFFICER ACQUISITION	149,375	148,514

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2016 Request	Agreement Authorized
	Civilian FTE Growth		[-861]
380	RECRUIT TRAINING	9,035	8,816
	Civilian FTE Growth		[-219]
390	RESERVE OFFICERS TRAINING CORPS	156,290	156,290
400	SPECIALIZED SKILL TRAINING	653,728	653,728
410	FLIGHT TRAINING	8,171	8,171
420	PROFESSIONAL DEVELOPMENT EDUCATION	168,471	161,561
	Civilian FTE Growth		[-910]
	Civilian Institutions Graduate Education Pro- gram		[-6,000]
430	TRAINING SUPPORT	196,048	196,048
440	RECRUITING AND ADVERTISING	234,233	234,363
	Civilian FTE Growth		[-370]
	Naval Sea Cadet Corps		[500]
450	OFF-DUTY AND VOLUNTARY EDUCATION	137,855	137,855
460	CIVILIAN EDUCATION AND TRAINING	77,257	69,961
	Civilian FTE Growth		[-7,296]
470	JUNIOR ROTC	47,653	47,653
	SUBTOTAL TRAINING AND RECRUITING ..	1,838,116	1,822,960
ADMIN & SRVWD ACTIVITIES			
480	ADMINISTRATION	923,771	912,767
	Civilian FTE Growth		[-6,004]
	Navy Fleet Band National Tours		[-5,000]
490	EXTERNAL RELATIONS	13,967	13,967
500	CIVILIAN MANPOWER AND PERSONNEL MAN- AGEMENT	120,812	115,752
	Civilian FTE Growth		[-5,060]
510	MILITARY MANPOWER AND PERSONNEL MAN- AGEMENT	350,983	340,017
	Civilian FTE Growth		[-6,966]
	Unjustified growth		[-4,000]
520	OTHER PERSONNEL SUPPORT	265,948	255,491
	Civilian FTE Growth		[-5,457]
	Navy Fleet Band National Tour		[-5,000]
530	SERVICEWIDE COMMUNICATIONS	335,482	334,817
	Civilian FTE Growth		[-665]
550	SERVICEWIDE TRANSPORTATION	197,724	0
	Transfer base requirement to Title XV		[-197,724]
570	PLANNING, ENGINEERING AND DESIGN	274,936	274,936
580	ACQUISITION AND PROGRAM MANAGEMENT	1,122,178	1,121,290
	Civilian FTE Growth		[-888]
590	HULL, MECHANICAL AND ELECTRICAL SUP- PORT	48,587	48,587
600	COMBAT/WEAPONS SYSTEMS	25,599	25,599
610	SPACE AND ELECTRONIC WARFARE SYSTEMS ...	72,768	72,768
620	NAVAL INVESTIGATIVE SERVICE	577,803	577,803
680	INTERNATIONAL HEADQUARTERS AND AGEN- CIES	4,768	4,768
710	CLASSIFIED PROGRAMS	560,754	560,754
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	4,896,080	4,659,316
UNDISTRIBUTED			
720	UNDISTRIBUTED		-1,303,600
	Civilian and services contract reductions to streamline management HQ		[-215,600]
	Excessive standard price for fuel		[-1,001,000]
	Foreign Currency adjustments		[-87,000]
	SUBTOTAL UNDISTRIBUTED		-1,303,600

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2016 Request	Agreement Authorized
TOTAL OPERATION & MAINTENANCE, NAVY		42,200,756	38,250,293
OPERATION & MAINTENANCE, MARINE CORPS			
OPERATING FORCES			
010	OPERATIONAL FORCES	931,079	931,079
020	FIELD LOGISTICS	931,757	931,757
030	DEPOT MAINTENANCE	227,583	227,583
040	MARITIME PREPOSITIONING	86,259	86,259
050	SUSTAINMENT, RESTORATION & MODERNIZA- TION	746,237	775,037
	Restore Sustainment shortfalls		[28,800]
060	BASE OPERATING SUPPORT	2,057,362	2,057,362
	SUBTOTAL OPERATING FORCES	4,980,277	5,009,077
TRAINING AND RECRUITING			
070	RECRUIT TRAINING	16,460	16,460
080	OFFICER ACQUISITION	977	977
090	SPECIALIZED SKILL TRAINING	97,325	97,325
100	PROFESSIONAL DEVELOPMENT EDUCATION	40,786	40,786
110	TRAINING SUPPORT	347,476	347,476
120	RECRUITING AND ADVERTISING	164,806	164,806
130	OFF-DUTY AND VOLUNTARY EDUCATION	39,963	39,963
140	JUNIOR ROTC	23,397	23,397
	SUBTOTAL TRAINING AND RECRUITING ..	731,190	731,190
ADMIN & SRVWD ACTIVITIES			
150	SERVICEWIDE TRANSPORTATION	37,386	0
	Transfer base requirement to Title XV		[-37,386]
160	ADMINISTRATION	358,395	351,695
	Unjustified Growth Marine Corps Heritage Cen- ter		[-6,700]
180	ACQUISITION AND PROGRAM MANAGEMENT	76,105	76,105
200	CLASSIFIED PROGRAMS	45,429	45,429
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	517,315	473,229
UNDISTRIBUTED			
210	UNDISTRIBUTED		-112,500
	Civilian and services contract reductions to streamline management HQ		[-33,500]
	Excessive standard price for fuel		[-41,000]
	Foreign Currency adjustments		[-28,000]
	Working Capital Fund carry over above allowable ceiling		[-10,000]
	SUBTOTAL UNDISTRIBUTED		-112,500
TOTAL OPERATION & MAINTENANCE, MARINE CORPS		6,228,782	6,100,996
OPERATION & MAINTENANCE, NAVY RES OPERATING FORCES			
010	MISSION AND OTHER FLIGHT OPERATIONS	563,722	563,722
020	INTERMEDIATE MAINTENANCE	6,218	6,218
030	AIRCRAFT DEPOT MAINTENANCE	82,712	82,712
040	AIRCRAFT DEPOT OPERATIONS SUPPORT	326	0
	Transfer base requirement to Title XV		[-326]
050	AVIATION LOGISTICS	13,436	13,436

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2016 Request	Agreement Authorized
070	SHIP OPERATIONS SUPPORT & TRAINING	557	557
090	COMBAT COMMUNICATIONS	14,499	14,499
100	COMBAT SUPPORT FORCES	117,601	117,601
120	ENTERPRISE INFORMATION	29,382	29,382
130	SUSTAINMENT, RESTORATION AND MOD- ERNIZATION	48,513	49,213
	Restore Sustainment shortfalls		[700]
140	BASE OPERATING SUPPORT	102,858	102,858
	SUBTOTAL OPERATING FORCES	979,824	980,198
	ADMIN & SRVWD ACTIVITIES		
150	ADMINISTRATION	1,505	1,505
160	MILITARY MANPOWER AND PERSONNEL MAN- AGEMENT	13,782	13,782
170	SERVICEWIDE COMMUNICATIONS	3,437	3,437
180	ACQUISITION AND PROGRAM MANAGEMENT	3,210	3,210
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	21,934	21,934
	UNDISTRIBUTED		
210	UNDISTRIBUTED		-68,500
	Civilian and services contract reductions to streamline management HQ		[-1,500]
	Excessive standard price for fuel		[-67,000]
	SUBTOTAL UNDISTRIBUTED		-68,500
	TOTAL OPERATION & MAINTENANCE, NAVY RES	1,001,758	933,632
	OPERATION & MAINTENANCE, MC RESERVE OPERATING FORCES		
010	OPERATING FORCES	97,631	97,631
020	DEPOT MAINTENANCE	18,254	18,254
030	SUSTAINMENT, RESTORATION AND MOD- ERNIZATION	28,653	30,053
	Restore Sustainment shortfalls		[1,400]
040	BASE OPERATING SUPPORT	111,923	111,923
	SUBTOTAL OPERATING FORCES	256,461	257,861
	ADMIN & SRVWD ACTIVITIES		
050	SERVICEWIDE TRANSPORTATION	924	924
060	ADMINISTRATION	10,866	10,866
070	RECRUITING AND ADVERTISING	8,785	8,785
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	20,575	20,575
	UNDISTRIBUTED		
080	UNDISTRIBUTED		-3,500
	Civilian and services contract reductions to streamline management HQ		[-1,500]
	Excessive standard price for fuel		[-2,000]
	SUBTOTAL UNDISTRIBUTED		-3,500
	TOTAL OPERATION & MAINTENANCE, MC RESERVE	277,036	274,936
	OPERATION & MAINTENANCE, AIR FORCE OPERATING FORCES		
010	PRIMARY COMBAT FORCES	3,336,868	3,597,368
	A-10 restoration: Force Structure Restoration		[235,300]
	Civilian FTE Growth		[-2,100]

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2016 Request	Agreement Authorized
	EC-130H Force Structure Restoration		[27,300]
020	COMBAT ENHANCEMENT FORCES	1,897,315	1,901,015
	Civilian FTE Growth		[-14,000]
	Increase Range Use Support Unfunded Require- ment		[37,700]
	Unjustified growth		[-20,000]
030	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS)	1,797,549	1,690,349
	A-10 to F-15E Training Transition		[-78,200]
	Unjustified growth		[-29,000]
040	DEPOT MAINTENANCE	6,537,127	6,497,127
	Remove FY 15 contractor logistics support costs ..		[-40,000]
050	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	1,997,712	2,132,812
	Restore Sustainment shortfalls		[135,100]
060	BASE SUPPORT	2,841,948	2,841,948
070	GLOBAL C3I AND EARLY WARNING	930,341	930,341
080	OTHER COMBAT OPS SPT PROGRAMS	924,845	924,845
100	LAUNCH FACILITIES	271,177	271,177
110	SPACE CONTROL SYSTEMS	382,824	382,824
120	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	900,965	889,965
	Unjustified growth		[-11,000]
130	COMBATANT COMMANDERS CORE OPERATIONS Joint Enabling Capabilities Command	205,078	164,078
	Joint Enabling Capabilities Command		[-41,000]
135	CLASSIFIED PROGRAMS	907,496	904,296
	Civilian FTE Growth		[-3,200]
	SUBTOTAL OPERATING FORCES	22,931,245	23,128,145
MOBILIZATION			
140	AIRLIFT OPERATIONS	2,229,196	2,152,196
	Excess to need		[-77,000]
150	MOBILIZATION PREPAREDNESS	148,318	0
	Transfer base requirement to Title XV		[-148,318]
160	DEPOT MAINTENANCE	1,617,571	0
	Transfer base requirement to Title XV		[-1,617,571]
170	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	259,956	0
	Transfer base requirement to Title XV		[-259,956]
180	BASE SUPPORT	708,799	0
	Transfer base requirement to Title XV		[-708,799]
	SUBTOTAL MOBILIZATION	4,963,840	2,152,196
TRAINING AND RECRUITING			
190	OFFICER ACQUISITION	92,191	92,191
200	RECRUIT TRAINING	21,871	21,871
210	RESERVE OFFICERS TRAINING CORPS (ROTC)	77,527	77,527
220	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	228,500	228,500
230	BASE SUPPORT	772,870	772,870
240	SPECIALIZED SKILL TRAINING	359,304	379,304
	Remotely Piloted Aircraft Flight Training Accel- eration		[20,000]
250	FLIGHT TRAINING	710,553	726,553
	Consolidation of Air Battle Manager Resources not properly documented		[-4,000]
	Unmanned Aerial Surveillance (UAS) Training		[20,000]
260	PROFESSIONAL DEVELOPMENT EDUCATION	228,252	227,322
	Air Force Civilian Graduate Education Program Unjustified Growth		[-930]

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2016 Request	Agreement Authorized
270	TRAINING SUPPORT	76,464	76,464
280	DEPOT MAINTENANCE	375,513	0
	Transfer base requirement to Title XV		[-375,513]
290	RECRUITING AND ADVERTISING	79,690	79,690
300	EXAMINING	3,803	3,803
310	OFF-DUTY AND VOLUNTARY EDUCATION	180,807	180,807
320	CIVILIAN EDUCATION AND TRAINING	167,478	167,478
330	JUNIOR ROTC	59,263	59,263
	SUBTOTAL TRAINING AND RECRUITING ..	3,434,086	3,093,643
	ADMIN & SRVWD ACTIVITIES		
340	LOGISTICS OPERATIONS	1,141,491	1,124,491
	O&M and IT budget justification inconsistencies		[-17,000]
350	TECHNICAL SUPPORT ACTIVITIES	862,022	832,022
	Acquisition Management Adjustment		[-10,000]
	Unjustified growth		[-20,000]
360	DEPOT MAINTENANCE	61,745	0
	Transfer base requirement to Title XV		[-61,745]
370	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	298,759	298,759
380	BASE SUPPORT	1,108,220	1,108,220
390	ADMINISTRATION	689,797	669,097
	DEAMS reduction-Funding ahead of need		[-20,700]
400	SERVICEWIDE COMMUNICATIONS	498,053	461,153
	DISN subscription services pricing requested as program growth		[-36,900]
410	OTHER SERVICEWIDE ACTIVITIES	900,253	900,253
420	CIVIL AIR PATROL	25,411	26,561
	Civil Air Patrol		[1,150]
450	INTERNATIONAL SUPPORT	89,148	0
	Transfer base requirement to Title XV		[-89,148]
460	CLASSIFIED PROGRAMS	1,187,859	1,182,959
	Civilian FTE Growth		[-4,900]
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	6,862,758	6,603,515
	UNDISTRIBUTED		
470	UNDISTRIBUTED		-1,452,800
	Civilian and services contract reductions to streamline management HQ		[-283,800]
	Excessive standard price for fuel		[-952,000]
	Foreign Currency adjustments		[-217,000]
	SUBTOTAL UNDISTRIBUTED		-1,452,800
	TOTAL OPERATION & MAINTENANCE, AIR FORCE	38,191,929	33,524,699
	OPERATION & MAINTENANCE, AF RESERVE OPERATING FORCES		
010	PRIMARY COMBAT FORCES	1,779,378	1,781,878
	A-10 restoration: Force Structure Restoration		[2,500]
020	MISSION SUPPORT OPERATIONS	226,243	220,243
	Justification does not match summary of price and program changes for civilian pay		[-6,000]
030	DEPOT MAINTENANCE	487,036	0
	Transfer base requirement to Title XV		[-487,036]
040	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	109,342	109,642
	Restore Sustainment shortfalls		[300]
050	BASE SUPPORT	373,707	370,707

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2016 Request	Agreement Authorized
	Air Force Support Standard Correction—transfer to SAG 11G not properly accounted		[-3,000]
	SUBTOTAL OPERATING FORCES	2,975,706	2,482,470
ADMINISTRATION AND SERVICEWIDE AC- TIVITIES			
060	ADMINISTRATION	53,921	53,921
070	RECRUITING AND ADVERTISING	14,359	14,359
080	MILITARY MANPOWER AND PERS MGMT (ARPC)	13,665	13,665
090	OTHER PERS SUPPORT (DISABILITY COMP)	6,606	6,606
	SUBTOTAL ADMINISTRATION AND SERVICEWIDE ACTIVITIES	88,551	88,551
UNDISTRIBUTED			
110	UNDISTRIBUTED		-175,700
	Civilian and services contract reductions to streamline management HQ		[-4,700]
	Excessive standard price for fuel		[-171,000]
	SUBTOTAL UNDISTRIBUTED		-175,700
	TOTAL OPERATION & MAINTENANCE, AF RESERVE	3,064,257	2,395,321
OPERATION & MAINTENANCE, ANG OPERATING FORCES			
010	AIRCRAFT OPERATIONS	3,526,471	3,567,371
	A-10 restoration: Force Structure Restoration		[42,200]
	DISN pricing requested as program growth		[-1,300]
020	MISSION SUPPORT OPERATIONS	740,779	743,379
	ARNG border security enhancement		[2,600]
030	DEPOT MAINTENANCE	1,763,859	1,763,859
040	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	288,786	307,586
	Restore Sustainment shortfalls		[18,800]
050	BASE SUPPORT	582,037	582,037
	SUBTOTAL OPERATING FORCES	6,901,932	6,964,232
ADMINISTRATION AND SERVICE-WIDE AC- TIVITIES			
060	ADMINISTRATION	23,626	23,626
070	RECRUITING AND ADVERTISING	30,652	30,652
	SUBTOTAL ADMINISTRATION AND SERV- ICE-WIDE ACTIVITIES	54,278	54,278
UNDISTRIBUTED			
080	UNDISTRIBUTED		-309,100
	Civilian and services contract reductions to streamline management HQ		[-3,100]
	Excessive standard price for fuel		[-276,000]
	Unjustified growth		[-30,000]
	SUBTOTAL UNDISTRIBUTED		-309,100
	TOTAL OPERATION & MAINTENANCE, ANG	6,956,210	6,709,410
OPERATION & MAINTENANCE, DEFENSE- WIDE OPERATING FORCES			
010	JOINT CHIEFS OF STAFF	485,888	505,888

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2016 Request	Agreement Authorized
	Middle East Assurance Initiative		[20,000]
020	OFFICE OF THE SECRETARY OF DEFENSE	534,795	534,795
030	SPECIAL OPERATIONS COMMAND/OPERATING FORCES	4,862,368	4,841,168
	Overestimation of civilian FTE		[-21,200]
	SUBTOTAL OPERATING FORCES	5,883,051	5,881,851
TRAINING AND RECRUITING			
040	DEFENSE ACQUISITION UNIVERSITY	142,659	142,659
050	NATIONAL DEFENSE UNIVERSITY	78,416	78,416
060	SPECIAL OPERATIONS COMMAND/TRAINING AND RECRUITING	354,372	354,372
	SUBTOTAL TRAINING AND RECRUITING ..	575,447	575,447
ADMINISTRATION AND SERVICEWIDE AC- TIVITIES			
070	CIVIL MILITARY PROGRAMS	160,320	170,320
	STARBASE		[10,000]
090	DEFENSE CONTRACT AUDIT AGENCY	570,177	570,177
100	DEFENSE CONTRACT MANAGEMENT AGENCY ...	1,374,536	1,374,536
110	DEFENSE HUMAN RESOURCES ACTIVITY	642,551	642,551
120	DEFENSE INFORMATION SYSTEMS AGENCY	1,282,755	1,285,255
	SHARKSEER		[2,500]
140	DEFENSE LEGAL SERVICES AGENCY	26,073	26,073
150	DEFENSE LOGISTICS AGENCY	366,429	366,429
160	DEFENSE MEDIA ACTIVITY	192,625	192,625
180	DEFENSE PERSONNEL ACCOUNTING AGENCY ...	115,372	115,372
190	DEFENSE SECURITY COOPERATION AGENCY	524,723	495,523
	Global Security Contingency Fund		[-22,200]
	Reduction to Combating Terrorism Fellowship		[-7,000]
200	DEFENSE SECURITY SERVICE	508,396	0
	Transfer base requirement to Title XV		[-508,396]
230	DEFENSE TECHNOLOGY SECURITY ADMINIS- TRATION	33,577	33,577
240	DEFENSE THREAT REDUCTION AGENCY	415,696	0
	Transfer base requirement to Title XV		[-415,696]
260	DEPARTMENT OF DEFENSE EDUCATION ACTIV- ITY	2,753,771	2,784,021
	Impact Aid		[30,000]
	School lunches for territories		[250]
270	MISSILE DEFENSE AGENCY	432,068	432,068
290	OFFICE OF ECONOMIC ADJUSTMENT	110,612	110,612
300	OFFICE OF THE SECRETARY OF DEFENSE	1,388,285	1,393,535
	Commission to Assess the Threat to the U.S. from Electromagnetic Pulse Attack		[2,000]
	OSD fleet architecture study		[1,000]
	OSD (Policy) unjustified growth		[-2,000]
	OSD AT&L Congressional Mandate (BRAC Support)		[-10,500]
	Readiness environmental protection initiative— program increase		[14,750]
310	SPECIAL OPERATIONS COMMAND/ADMIN & SVC-WIDE ACTIVITIES	83,263	83,263
320	WASHINGTON HEADQUARTERS SERVICES	621,688	621,688
330	CLASSIFIED PROGRAMS	14,379,428	14,276,828
	Classified program adjustment		[-102,600]
	SUBTOTAL ADMINISTRATION AND SERVICEWIDE ACTIVITIES	25,982,345	24,974,453

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2016 Request	Agreement Authorized
UNDISTRIBUTED			
340	UNDISTRIBUTED		-1,053,100
	Civilian and services contract reductions to streamline management HQ		[-908,700]
	Excessive standard price for fuel		[-61,000]
	Foreign Currency adjustments		[-78,400]
	Program decrease		[-5,000]
	SUBTOTAL UNDISTRIBUTED		-1,053,100
	TOTAL OPERATION & MAINTENANCE, DEFENSE-WIDE	32,440,843	30,378,651
MISCELLANEOUS APPROPRIATIONS			
MISCELLANEOUS APPROPRIATIONS			
010	US COURT OF APPEALS FOR THE ARMED FORCES, DEFENSE	14,078	14,078
020	OVERSEAS HUMANITARIAN, DISASTER AND CIVIC AID	100,266	100,266
030	COOPERATIVE THREAT REDUCTION	358,496	358,496
040	ACQ WORKFORCE DEV FD	84,140	84,140
050	ENVIRONMENTAL RESTORATION, ARMY	234,829	234,829
060	ENVIRONMENTAL RESTORATION, NAVY	292,453	292,453
070	ENVIRONMENTAL RESTORATION, AIR FORCE	368,131	368,131
080	ENVIRONMENTAL RESTORATION, DEFENSE	8,232	8,232
090	ENVIRONMENTAL RESTORATION FORMERLY USED SITES	203,717	203,717
	SUBTOTAL MISCELLANEOUS APPROPRIATIONS	1,664,342	1,664,342
	TOTAL MISCELLANEOUS APPROPRIATIONS	1,664,342	1,664,342
	TOTAL OPERATION & MAINTENANCE	176,517,228	162,374,286

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)			
Line	Item	FY 2016 Request	Agreement Authorized
OPERATION & MAINTENANCE, ARMY			
OPERATING FORCES			
010	MANEUVER UNITS	257,900	257,900
040	THEATER LEVEL ASSETS	1,110,836	1,110,836
050	LAND FORCES OPERATIONS SUPPORT	261,943	261,943
060	AVIATION ASSETS	22,160	22,160
070	FORCE READINESS OPERATIONS SUPPORT	1,119,201	1,119,201
080	LAND FORCES SYSTEMS READINESS	117,881	117,881
100	BASE OPERATIONS SUPPORT	50,000	50,000
140	ADDITIONAL ACTIVITIES	4,500,666	4,526,466
	Army expenses related to Syria Train and Equip program		[25,800]
150	COMMANDERS EMERGENCY RESPONSE PROGRAM	10,000	5,000
	Program decrease		[-5,000]
160	RESET	1,834,777	1,834,777
170	COMBATANT COMMANDS DIRECT MISSION SUPPORT		100,000

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS			
(In Thousands of Dollars)			
Line	Item	FY 2016 Request	Agreement Authorized
	AFRICOM Intelligence, Surveillance, and Reconnaissance		[100,000]
	SUBTOTAL OPERATING FORCES	9,285,364	9,406,164
	MOBILIZATION		
190	ARMY PREPOSITIONED STOCKS	40,000	40,000
	SUBTOTAL MOBILIZATION	40,000	40,000
	ADMIN & SRVWIDE ACTIVITIES		
350	SERVICEWIDE TRANSPORTATION	529,891	529,891
380	AMMUNITION MANAGEMENT	5,033	5,033
420	OTHER PERSONNEL SUPPORT	100,480	100,480
450	REAL ESTATE MANAGEMENT	154,350	154,350
530	CLASSIFIED PROGRAMS	1,267,632	1,267,632
	SUBTOTAL ADMIN & SRVWIDE ACTIVITIES ..	2,057,386	2,057,386
	TOTAL OPERATION & MAINTENANCE, ARMY	11,382,750	11,503,550
	OPERATION & MAINTENANCE, ARMY RES OPERATING FORCES		
030	ECHELONS ABOVE BRIGADE	2,442	2,442
050	LAND FORCES OPERATIONS SUPPORT	813	813
070	FORCE READINESS OPERATIONS SUPPORT	779	779
100	BASE OPERATIONS SUPPORT	20,525	20,525
	SUBTOTAL OPERATING FORCES	24,559	24,559
	TOTAL OPERATION & MAINTENANCE, ARMY RES	24,559	24,559
	OPERATION & MAINTENANCE, ARNG OPERATING FORCES		
010	MANEUVER UNITS	1,984	1,984
030	ECHELONS ABOVE BRIGADE	4,671	4,671
060	AVIATION ASSETS	15,980	15,980
070	FORCE READINESS OPERATIONS SUPPORT	12,867	12,867
100	BASE OPERATIONS SUPPORT	23,134	23,134
120	MANAGEMENT AND OPERATIONAL HEAD-QUARTERS	1,426	1,426
	SUBTOTAL OPERATING FORCES	60,062	60,062
	ADMIN & SRVWD ACTIVITIES		
150	SERVICEWIDE COMMUNICATIONS	783	783
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	783	783
	TOTAL OPERATION & MAINTENANCE, ARNG	60,845	60,845
	AFGHANISTAN SECURITY FORCES FUND MINISTRY OF DEFENSE		
010	SUSTAINMENT	2,214,899	2,136,899
	Fuel savings		[-78,000]
030	EQUIPMENT AND TRANSPORTATION	182,751	182,751
040	TRAINING AND OPERATIONS	281,555	281,555
	SUBTOTAL MINISTRY OF DEFENSE	2,679,205	2,601,205
	MINISTRY OF INTERIOR		
060	SUSTAINMENT	901,137	869,137
	Fuel savings		[-32,000]

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS			
(In Thousands of Dollars)			
Line	Item	FY 2016 Request	Agreement Authorized
080	EQUIPMENT AND TRANSPORTATION	116,573	116,573
090	TRAINING AND OPERATIONS	65,342	65,342
	SUBTOTAL MINISTRY OF INTERIOR	1,083,052	1,051,052
	TOTAL AFGHANISTAN SECURITY FORCES FUND	3,762,257	3,652,257
	IRAQ TRAIN AND EQUIP FUND		
	IRAQ TRAIN AND EQUIP FUND		
010	IRAQ TRAIN AND EQUIP FUND	715,000	715,000
	SUBTOTAL IRAQ TRAIN AND EQUIP FUND	715,000	715,000
	TOTAL IRAQ TRAIN AND EQUIP FUND	715,000	715,000
	SYRIA TRAIN AND EQUIP FUND		
	SYRIA TRAIN AND EQUIP FUND		
010	SYRIA TRAIN AND EQUIP FUND	600,000	406,450
	Change in scope of program		[-125,000]
	Realignment to Air Force		[-42,750]
	Realignment to Army		[-25,800]
	SUBTOTAL SYRIA TRAIN AND EQUIP FUND ..	600,000	406,450
	TOTAL SYRIA TRAIN AND EQUIP FUND	600,000	406,450
	OPERATION & MAINTENANCE, NAVY OPERATING FORCES		
010	MISSION AND OTHER FLIGHT OPERATIONS	358,417	361,717
	Readiness funding increase		[3,300]
030	AVIATION TECHNICAL DATA & ENGINEERING SERVICES	110	110
040	AIR OPERATIONS AND SAFETY SUPPORT	4,513	4,513
050	AIR SYSTEMS SUPPORT	126,501	126,501
060	AIRCRAFT DEPOT MAINTENANCE	75,897	92,897
	Readiness funding increase		[17,000]
070	AIRCRAFT DEPOT OPERATIONS SUPPORT	2,770	2,770
080	AVIATION LOGISTICS	34,101	34,101
090	MISSION AND OTHER SHIP OPERATIONS	1,184,878	1,184,878
100	SHIP OPERATIONS SUPPORT & TRAINING	16,663	16,663
110	SHIP DEPOT MAINTENANCE	1,922,829	1,922,829
130	COMBAT COMMUNICATIONS	33,577	33,577
160	WARFARE TACTICS	26,454	26,454
170	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY	22,305	22,305
180	COMBAT SUPPORT FORCES	513,969	513,969
190	EQUIPMENT MAINTENANCE	10,007	10,007
250	IN-SERVICE WEAPONS SYSTEMS SUPPORT	60,865	60,865
260	WEAPONS MAINTENANCE	275,231	275,231
290	SUSTAINMENT, RESTORATION AND MODERNIZATION	7,819	7,819
300	BASE OPERATING SUPPORT	61,422	61,422
	SUBTOTAL OPERATING FORCES	4,738,328	4,758,628
	MOBILIZATION		
340	EXPEDITIONARY HEALTH SERVICES SYSTEMS	5,307	5,307
360	COAST GUARD SUPPORT	160,002	160,002
	SUBTOTAL MOBILIZATION	165,309	165,309
	TRAINING AND RECRUITING		
400	SPECIALIZED SKILL TRAINING	44,845	44,845

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)			
Line	Item	FY 2016 Request	Agreement Authorized
	SUBTOTAL TRAINING AND RECRUITING	44,845	44,845
	ADMIN & SRVWD ACTIVITIES		
480	ADMINISTRATION	2,513	2,513
490	EXTERNAL RELATIONS	500	500
510	MILITARY MANPOWER AND PERSONNEL MANAGE- MENT	5,309	5,309
520	OTHER PERSONNEL SUPPORT	1,469	1,469
550	SERVICEWIDE TRANSPORTATION	156,671	156,671
580	ACQUISITION AND PROGRAM MANAGEMENT	8,834	8,834
620	NAVAL INVESTIGATIVE SERVICE	1,490	1,490
710	CLASSIFIED PROGRAMS	6,320	6,320
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	183,106	183,106
	TOTAL OPERATION & MAINTENANCE, NAVY	5,131,588	5,151,888
	OPERATION & MAINTENANCE, MARINE CORPS OPERATING FORCES		
010	OPERATIONAL FORCES	353,133	353,133
020	FIELD LOGISTICS	259,676	259,676
030	DEPOT MAINTENANCE	240,000	240,000
060	BASE OPERATING SUPPORT	16,026	16,026
	SUBTOTAL OPERATING FORCES	868,835	868,835
	TRAINING AND RECRUITING		
110	TRAINING SUPPORT	37,862	37,862
	SUBTOTAL TRAINING AND RECRUITING	37,862	37,862
	ADMIN & SRVWD ACTIVITIES		
150	SERVICEWIDE TRANSPORTATION	43,767	43,767
200	CLASSIFIED PROGRAMS	2,070	2,070
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	45,837	45,837
	TOTAL OPERATION & MAINTENANCE, MA- RINE CORPS	952,534	952,534
	OPERATION & MAINTENANCE, NAVY RES OPERATING FORCES		
010	MISSION AND OTHER FLIGHT OPERATIONS	4,033	4,033
020	INTERMEDIATE MAINTENANCE	60	60
030	AIRCRAFT DEPOT MAINTENANCE	20,300	20,300
100	COMBAT SUPPORT FORCES	7,250	7,250
	SUBTOTAL OPERATING FORCES	31,643	31,643
	TOTAL OPERATION & MAINTENANCE, NAVY RES	31,643	31,643
	OPERATION & MAINTENANCE, MC RESERVE OPERATING FORCES		
010	OPERATING FORCES	2,500	2,500
040	BASE OPERATING SUPPORT	955	955
	SUBTOTAL OPERATING FORCES	3,455	3,455
	TOTAL OPERATION & MAINTENANCE, MC RESERVE	3,455	3,455
	OPERATION & MAINTENANCE, AIR FORCE OPERATING FORCES		

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS			
(In Thousands of Dollars)			
Line	Item	FY 2016 Request	Agreement Authorized
010	PRIMARY COMBAT FORCES	1,505,738	1,546,388
	Air Force expenses related to Syria Train and Equip program		[42,750]
	Unjustified Increase		[-2,100]
020	COMBAT ENHANCEMENT FORCES	914,973	905,273
	Readiness funding increase		[4,300]
	Unjustified Increase		[-14,000]
030	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS)	31,978	31,978
040	DEPOT MAINTENANCE	1,192,765	1,192,765
050	FACILITIES SUSTAINMENT, RESTORATION & MOD- ERNIZATION	85,625	85,625
060	BASE SUPPORT	917,269	917,269
070	GLOBAL C3I AND EARLY WARNING	30,219	30,219
080	OTHER COMBAT OPS SPT PROGRAMS	174,734	174,734
100	LAUNCH FACILITIES	869	869
110	SPACE CONTROL SYSTEMS	5,008	5,008
120	COMBATANT COMMANDERS DIRECT MISSION SUP- PORT	100,190	100,190
135	CLASSIFIED PROGRAMS	22,893	22,893
	SUBTOTAL OPERATING FORCES	4,982,261	5,013,211
	MOBILIZATION		
140	AIRLIFT OPERATIONS	2,995,703	2,995,703
150	MOBILIZATION PREPAREDNESS	108,163	108,163
160	DEPOT MAINTENANCE	511,059	511,059
180	BASE SUPPORT	4,642	4,642
	SUBTOTAL MOBILIZATION	3,619,567	3,619,567
	TRAINING AND RECRUITING		
190	OFFICER ACQUISITION	92	92
240	SPECIALIZED SKILL TRAINING	11,986	11,986
	SUBTOTAL TRAINING AND RECRUITING	12,078	12,078
	ADMIN & SRVWD ACTIVITIES		
340	LOGISTICS OPERATIONS	86,716	86,716
380	BASE SUPPORT	3,836	3,836
400	SERVICEMAN COMMUNICATIONS	165,348	165,348
410	OTHER SERVICEMAN ACTIVITIES	204,683	141,683
	Reduction to the Office of Security Cooperation in Iraq		[-63,000]
450	INTERNATIONAL SUPPORT	61	61
460	CLASSIFIED PROGRAMS	15,463	15,463
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	476,107	413,107
	TOTAL OPERATION & MAINTENANCE, AIR FORCE	9,090,013	9,057,963
	OPERATION & MAINTENANCE, AF RESERVE OPERATING FORCES		
030	DEPOT MAINTENANCE	51,086	51,086
050	BASE SUPPORT	7,020	7,020
	SUBTOTAL OPERATING FORCES	58,106	58,106
	TOTAL OPERATION & MAINTENANCE, AF RESERVE	58,106	58,106
	OPERATION & MAINTENANCE, ANG OPERATING FORCES		

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)			
Line	Item	FY 2016 Request	Agreement Authorized
020	MISSION SUPPORT OPERATIONS	19,900	19,900
	SUBTOTAL OPERATING FORCES	19,900	19,900
	TOTAL OPERATION & MAINTENANCE, ANG	19,900	19,900
	OPERATION & MAINTENANCE, DEFENSE-WIDE OPERATING FORCES		
010	JOINT CHIEFS OF STAFF	9,900	9,900
030	SPECIAL OPERATIONS COMMAND/OPERATING FORCES	2,345,835	2,345,835
	SUBTOTAL OPERATING FORCES	2,355,735	2,355,735
	ADMINISTRATION AND SERVICEWIDE ACTIVI- TIES		
090	DEFENSE CONTRACT AUDIT AGENCY	18,474	18,474
120	DEFENSE INFORMATION SYSTEMS AGENCY	29,579	29,579
140	DEFENSE LEGAL SERVICES AGENCY	110,000	110,000
160	DEFENSE MEDIA ACTIVITY	5,960	5,960
190	DEFENSE SECURITY COOPERATION AGENCY	1,677,000	1,477,000
	Reduction from Coalition Support Funds		[-200,000]
260	DEPARTMENT OF DEFENSE EDUCATION ACTIVITY	73,000	73,000
300	OFFICE OF THE SECRETARY OF DEFENSE	106,709	106,709
320	WASHINGTON HEADQUARTERS SERVICES	2,102	2,102
330	CLASSIFIED PROGRAMS	1,427,074	1,427,074
	SUBTOTAL ADMINISTRATION AND SERVICEWIDE ACTIVITIES	3,449,898	3,249,898
	TOTAL OPERATION & MAINTENANCE, DE- FENSE-WIDE	5,805,633	5,605,633
	TOTAL OPERATION & MAINTENANCE	37,638,283	37,243,783

SEC. 4303. OPERATION AND MAINTENANCE BASE REQUIREMENTS.

SEC. 4303. OPERATION AND MAINTENANCE BASE REQUIREMENTS (In Thousands of Dollars)			
Line	Item	FY 2016 Request	Agreement Authorized
	OPERATION & MAINTENANCE, ARMY OPERATING FORCES		
120	MANAGEMENT AND OPERATIONAL HEAD- QUARTERS		421,269
	Transfer base requirement from Title III		[421,269]
130	COMBATANT COMMANDERS CORE OPERATIONS		164,743
	Transfer base requirement from Title III		[164,743]
	SUBTOTAL OPERATING FORCES		586,012
	MOBILIZATION		
180	STRATEGIC MOBILITY		401,638
	Transfer base requirement from Title III		[401,638]
190	ARMY PREPOSITIONED STOCKS		261,683
	Transfer base requirement from Title III		[261,683]
200	INDUSTRIAL PREPAREDNESS		6,532
	Transfer base requirement from Title III		[6,532]
	SUBTOTAL MOBILIZATION		669,853
	ADMIN & SRVWIDE ACTIVITIES		
350	SERVICEWIDE TRANSPORTATION		485,778
	Transfer base requirement from Title III		[485,778]

SEC. 4303. OPERATION AND MAINTENANCE BASE REQUIREMENTS (In Thousands of Dollars)			
Line	Item	FY 2016 Request	Agreement Authorized
480	MISC. SUPPORT OF OTHER NATIONS		40,521
	Transfer base requirement from Title III		[40,521]
	SUBTOTAL ADMIN & SRVWIDE ACTIVITIES ..		526,299
	TOTAL OPERATION & MAINTENANCE, ARMY		1,782,164
	ADMIN & SRVWD ACTIVITIES		
130	SERVICEWIDE TRANSPORTATION		10,665
	Transfer base requirement from Title III		[10,665]
	SUBTOTAL ADMIN & SRVWD ACTIVITIES		10,665
	TOTAL OPERATION & MAINTENANCE, ARMY RES		10,665
	ADMIN & SRVWD ACTIVITIES		
130	SERVICEWIDE TRANSPORTATION		6,570
	Transfer base requirement from Title III		[6,570]
	SUBTOTAL ADMIN & SRVWD ACTIVITIES		6,570
	TOTAL OPERATION & MAINTENANCE, ARNG		6,570
	OPERATION & MAINTENANCE, NAVY OPERATING FORCES		
030	AVIATION TECHNICAL DATA & ENGINEERING SERVICES		37,225
	Transfer base requirement from Title III		[37,225]
120	SHIP DEPOT OPERATIONS SUPPORT		1,554,863
	Transfer base requirement from Title III		[1,554,863]
	SUBTOTAL OPERATING FORCES		1,592,088
	MOBILIZATION		
310	SHIP PREPOSITIONING AND SURGE		422,846
	Transfer base requirement from Title III		[422,846]
330	SHIP ACTIVATIONS/INACTIVATIONS		361,764
	Transfer base requirement from Title III		[361,764]
350	INDUSTRIAL READINESS		2,237
	Transfer base requirement from Title III		[2,237]
360	COAST GUARD SUPPORT		21,823
	Transfer base requirement from Title III		[21,823]
	SUBTOTAL MOBILIZATION		808,670
	ADMIN & SRVWD ACTIVITIES		
550	SERVICEWIDE TRANSPORTATION		197,724
	Transfer base requirement from Title III		[197,724]
	SUBTOTAL ADMIN & SRVWD ACTIVITIES		197,724
	TOTAL OPERATION & MAINTENANCE, NAVY		2,598,482
	ADMIN & SRVWD ACTIVITIES		
150	SERVICEWIDE TRANSPORTATION		37,386
	Transfer base requirement from Title III		[37,386]
	SUBTOTAL ADMIN & SRVWD ACTIVITIES		37,386
	TOTAL OPERATION & MAINTENANCE, MA- RINE CORPS		37,386

SEC. 4303. OPERATION AND MAINTENANCE BASE REQUIREMENTS (In Thousands of Dollars)			
Line	Item	FY 2016 Request	Agreement Authorized
OPERATION & MAINTENANCE, NAVY RES			
OPERATING FORCES			
040	AIRCRAFT DEPOT OPERATIONS SUPPORT		326
	Transfer base requirement from Title III		[326]
	SUBTOTAL OPERATING FORCES		326
TOTAL OPERATION & MAINTENANCE, NAVY RES			
			326
MOBILIZATION			
150	MOBILIZATION PREPAREDNESS		148,318
	Transfer base requirement from Title III		[148,318]
160	DEPOT MAINTENANCE		1,617,571
	Transfer base requirement from Title III		[1,617,571]
170	FACILITIES SUSTAINMENT, RESTORATION & MOD- ERNIZATION		259,956
	Transfer base requirement from Title III		[259,956]
180	BASE SUPPORT		708,799
	Transfer base requirement from Title III		[708,799]
	SUBTOTAL MOBILIZATION		2,734,644
TRAINING AND RECRUITING			
280	DEPOT MAINTENANCE		375,513
	Transfer base requirement from Title III		[375,513]
	SUBTOTAL TRAINING AND RECRUITING		375,513
ADMIN & SRVWD ACTIVITIES			
360	DEPOT MAINTENANCE		61,745
	Transfer base requirement from Title III		[61,745]
450	INTERNATIONAL SUPPORT		89,148
	Transfer base requirement from Title III		[89,148]
	SUBTOTAL ADMIN & SRVWD ACTIVITIES		150,893
TOTAL OPERATION & MAINTENANCE, AIR FORCE			
			3,261,050
OPERATION & MAINTENANCE, AF RESERVE			
OPERATING FORCES			
030	DEPOT MAINTENANCE		487,036
	Transfer base requirement from Title III		[487,036]
	SUBTOTAL OPERATING FORCES		487,036
TOTAL OPERATION & MAINTENANCE, AF RESERVE			
			487,036
ADMINISTRATION AND SERVICEWIDE ACTIVI- TIES			
200	DEFENSE SECURITY SERVICE		508,396
	Transfer base requirement from Title III		[508,396]
240	DEFENSE THREAT REDUCTION AGENCY		415,696
	Transfer base requirement from Title III		[415,696]
	SUBTOTAL ADMINISTRATION AND SERVICEWIDE ACTIVITIES		924,092
TOTAL OPERATION & MAINTENANCE, DE- FENSE-WIDE			
			924,092
TOTAL OPERATION & MAINTENANCE			
			9,107,771

TITLE XLIV—MILITARY PERSONNEL**SEC. 4401. MILITARY PERSONNEL.**

SEC. 4401. MILITARY PERSONNEL (In Thousands of Dollars)		
Item	FY 2016 Request	Agreement Authorized
Military Personnel Appropriations	130,491,227	129,316,488
Additional support for the National Guard's Operation Phalanx		[21,700]
Basic Housing Allowance		[300,000]
Financial Literacy Training		[85,000]
Foreign Currency adjustments		[-480,500]
National Guard State Partnership Program increase		[2,100]
Projected understrength		[-115,839]
Unobligated balances		[-987,200]
Medicare-Eligible Retiree Health Fund Contributions	6,243,449	6,243,449
Total, Military Personnel	136,734,676	135,559,937

SEC. 4402. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4402. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)		
Item	FY 2016 Request	Agreement Authorized
Military Personnel Appropriations	3,204,758	3,204,758
Total, Military Personnel Appropriations	3,204,758	3,204,758

TITLE XLV—OTHER AUTHORIZATIONS**SEC. 4501. OTHER AUTHORIZATIONS.**

SEC. 4501. OTHER AUTHORIZATIONS (In Thousands of Dollars)		
Program Title	FY 2016 Request	Agreement Authorized
WORKING CAPITAL FUND, ARMY		
INDUSTRIAL OPERATIONS		
SUPPLY MANAGEMENT—ARMY	50,432	50,432
TOTAL WORKING CAPITAL FUND, ARMY	50,432	50,432
WORKING CAPITAL FUND, AIR FORCE		
SUPPLIES AND MATERIALS	62,898	62,898
TOTAL WORKING CAPITAL FUND, AIR FORCE	62,898	62,898
WORKING CAPITAL FUND, DEFENSE-WIDE		
SUPPLY CHAIN MANAGEMENT—DEF		
DEFENSE LOGISTICS AGENCY (DLA)	45,084	45,084
TOTAL WORKING CAPITAL FUND, DEFENSE-WIDE	45,084	45,084
WORKING CAPITAL FUND, DECA		
COMMISSARY RESALE STOCKS		
COMMISSARY OPERATIONS	1,154,154	1,435,354

SEC. 4501. OTHER AUTHORIZATIONS (In Thousands of Dollars)		
Program Title	FY 2016 Request	Agreement Authorized
Restoration of Proposed Efficiencies		[142,200]
Restoration of Savings from Legislative Proposals		[139,000]
TOTAL WORKING CAPITAL FUND, DECA	1,154,154	1,435,354
NATIONAL DEFENSE SEALIFT FUND		
MPF MLP		
POST DELIVERY AND OUTFITTING	15,456	15,456
NATIONAL DEF SEALIFT VESSEL		
LG MED SPD RO/RO MAINTENANCE	124,493	124,493
DOD MOBILIZATION ALTERATIONS	8,243	8,243
TAH MAINTENANCE	27,784	27,784
RESEARCH AND DEVELOPMENT	25,197	25,197
READY RESERVE FORCE	272,991	272,991
TOTAL NATIONAL DEFENSE SEALIFT FUND	474,164	474,164
CHEM AGENTS & MUNITIONS DESTRUCTION		
OPERATION & MAINTENANCE	139,098	139,098
RDT&E	579,342	579,342
PROCUREMENT	2,281	2,281
TOTAL CHEM AGENTS & MUNITIONS DESTRUCTION	720,721	720,721
DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEFENSE		
DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE	739,009	761,009
SOUTHCOM Operational Support for Central America		[30,000]
Transfer to Demand Reduction Program		[-8,000]
DRUG DEMAND REDUCTION PROGRAM	111,589	119,589
Expanded drug testing		[8,000]
TOTAL DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF	850,598	880,598
OFFICE OF THE INSPECTOR GENERAL		
OPERATION AND MAINTENANCE	310,459	310,459
RDT&E	4,700	2,100
Funding ahead of need		[-2,600]
PROCUREMENT	1,000	0
Program decrease		[-1,000]
TOTAL OFFICE OF THE INSPECTOR GENERAL	316,159	312,559
DEFENSE HEALTH PROGRAM		
IN-HOUSE CARE	9,082,298	8,962,926
Consolidated health plan unauthorized		[-29,719]
Pharmacy benefit reform unauthorized		[-30,528]
Removal of one-time fiscal year 2016 increases		[-59,125]
PRIVATE SECTOR CARE	14,892,683	14,886,930
Access to TRICARE Prime for certain beneficiaries		[4,000]
TRICARE consolidation not authorized		[-9,753]
CONSOLIDATED HEALTH SUPPORT	2,415,658	2,289,874
Reduction of funds related to Combating Antibiotic Resistant Bacteria (CARB) project		[-10,290]
Removal of one-time fiscal year 2016 increases		[-115,494]
INFORMATION MANAGEMENT	1,677,827	1,654,814
Removal of one-time fiscal year 2016 increases		[-23,013]
MANAGEMENT ACTIVITIES	327,967	325,908
Removal of one-time fiscal year 2016 increases		[-2,059]
EDUCATION AND TRAINING	750,614	750,614
BASE OPERATIONS/COMMUNICATIONS	1,742,893	1,741,690

SEC. 4501. OTHER AUTHORIZATIONS (In Thousands of Dollars)		
Program Title	FY 2016 Request	Agreement Authorized
Removal of one-time fiscal year 2016 increase		[-1,203]
RESEARCH	10,996	10,996
EXPLORATORY DEVELOPMENT	59,473	56,323
Reduction of funds related to Combating Antibiotic Resistant Bacteria (CARB) project		[-3,150]
ADVANCED DEVELOPMENT	231,356	228,256
Reduction of funds related to Combating Antibiotic Resistant Bacteria (CARB) project		[-3,100]
DEMONSTRATION/VALIDATION	103,443	103,443
ENGINEERING DEVELOPMENT	515,910	515,910
MANAGEMENT AND SUPPORT	41,567	41,567
CAPABILITIES ENHANCEMENT	17,356	17,356
INITIAL OUTFITTING	33,392	33,392
REPLACEMENT & MODERNIZATION	330,504	330,504
THEATER MEDICAL INFORMATION PROGRAM	1,494	1,494
IEHR	7,897	7,897
UNDISTRIBUTED		-433,300
Foreign Currency adjustments		[-54,700]
Unobligated balances		[-378,600]
TOTAL DEFENSE HEALTH PROGRAM	32,243,328	31,526,594
TOTAL OTHER AUTHORIZATIONS	35,917,538	35,508,404

SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)		
Program Title	FY 2016 Request	Agreement Authorized
WORKING CAPITAL FUND, AIR FORCE		
SUPPLIES AND MATERIALS		
TRANSPORTATION OF FALLEN HEROES	2,500	2,500
TOTAL WORKING CAPITAL FUND, AIR FORCE	2,500	2,500
WORKING CAPITAL FUND, DEFENSE-WIDE		
SUPPLY CHAIN MANAGEMENT—DEF		
DEFENSE LOGISTICS AGENCY (DLA)	86,350	86,350
TOTAL WORKING CAPITAL FUND, DEFENSE-WIDE	86,350	86,350
DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF		
DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE	186,000	186,000
TOTAL DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF	186,000	186,000
OFFICE OF THE INSPECTOR GENERAL		
OPERATION AND MAINTENANCE	10,262	10,262
TOTAL OFFICE OF THE INSPECTOR GENERAL	10,262	10,262
DEFENSE HEALTH PROGRAM		
IN-HOUSE CARE	65,149	65,149
PRIVATE SECTOR CARE	192,210	192,210
CONSOLIDATED HEALTH SUPPORT	9,460	9,460
EDUCATION AND TRAINING	5,885	5,885
TOTAL DEFENSE HEALTH PROGRAM	272,704	272,704

UKRAINE SECURITY ASSISTANCE

SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)		
Program Title	FY 2016 Request	Agreement Authorized
UKRAINE SECURITY ASSISTANCE		300,000
Provides assistance to Ukraine		[300,000]
TOTAL UKRAINE SECURITY ASSISTANCE		300,000
COUNTERTERRORISM PARTNERSHIPS FUND		
COUNTERTERRORISM PARTNERSHIPS FUND	2,100,000	750,000
Program decrease		[-1,350,000]
TOTAL COUNTERTERRORISM PARTNERSHIPS FUND	2,100,000	750,000
TOTAL OTHER AUTHORIZATIONS	2,657,816	1,607,816

TITLE XLVI—MILITARY CONSTRUCTION

SEC. 4601. MILITARY CONSTRUCTION.

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2016 Request	Agreement Authorized
	Alaska			
Army	Fort Greely	Physical Readiness Training Facility	7,800	7,800
	California			
Army	Concord	Pier	98,000	98,000
	Colorado			
Army	Fort Carson	Rotary Wing Taxiway	5,800	5,800
	Cuba			
Army	Guantanamo Bay	Unaccompanied Personnel Housing	0	0
	Georgia			
Army	Fort Gordon	Command and Control Facility	90,000	90,000
	Germany			
Army	Grafenwoehr	Vehicle Maintenance Shop	51,000	51,000
	Maryland			
Army	Fort Meade	Access Control Point—Mapes Road	0	15,000
Army	Fort Meade	Access Control Point—Reece Road	0	19,500
	New York			
Army	Fort Drum	NCO Academy Complex	19,000	19,000
Army	U.S. Military Academy	Waste Water Treatment Plant	70,000	70,000
	Oklahoma			
Army	Fort Sill	Reception Barracks Complex Ph2	56,000	56,000
Army	Fort Sill	Training Support Facility	13,400	13,400
	Texas			
Army	Corpus Christi	Powertrain Facility (Infrastructure/ Metal).	85,000	85,000
Army	Joint Base San Antonio	Homeland Defense Operations Center	43,000	0
	Virginia			
Army	Arlington National Cemetery	Arlington Cemetery Southern Expansion (DAR).	0	30,000
Army	Fort Lee	Training Support Facility	33,000	33,000
Army	Joint Base Myer-Henderson	Instruction Building	37,000	0
	Worldwide Unspecified			
Army	Unspecified Worldwide Locations	Host Nation Support	36,000	36,000
Army	Unspecified Worldwide Locations	Minor Construction	25,000	25,000

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)					
Account	State/Country and Installation	Project Title	FY 2016 Request	Agreement Authorized	
Army	Unspecified Worldwide Locations	Planning and Design	73,245	73,245	
Military Construction, Army Total			743,245	727,745	
Navy	Arizona Yuma	Aircraft Maint. Facilities & Apron (So. CALA).	50,635	50,635	
Navy	Bahrain Island	Mina Salman Pier Replacement	37,700	37,700	
Navy	SW Asia	Ship Maintenance Support Facility	52,091	52,091	
Navy	California	Camp Pendleton	Pendleton Ops Center	0	0
Navy	Camp Pendleton	Raw Water Pipeline Pendleton to Fallbrook.	44,540	44,540	
Navy	Coronado	Coastal Campus Utilities	4,856	4,856	
Navy	Lemoore	F–35C Hangar Modernization and Addition.	56,497	56,497	
Navy	Lemoore	F–35C Training Facilities	8,187	8,187	
Navy	Lemoore	RTO and Mission Debrief Facility	7,146	7,146	
Navy	Miramar	KC–130J Enlisted Air Crew Trainer	0	11,200	
Navy	Point Mugu	E–2C/D Hangar Additions and Renovations.	19,453	19,453	
Navy	Point Mugu	Triton Avionics and Fuel Systems Trainer.	2,974	2,974	
Navy	San Diego	LCS Support Facility	37,366	37,366	
Navy	Twentynine Palms	Microgrid Expansion	9,160	9,160	
Navy	Florida	Jacksonville	Fleet Support Facility Addition	8,455	8,455
Navy	Jacksonville	Triton Mission Control Facility	8,296	8,296	
Navy	Mayport	LCS Mission Module Readiness Center ..	16,159	16,159	
Navy	Pensacola	A-School Unaccompanied Housing (Corry Station).	18,347	18,347	
Navy	Whiting Field	T–6B JPATS Training Operations Facility.	10,421	10,421	
Navy	Georgia	Albany	Ground Source Heat Pumps	7,851	7,851
Navy	Kings Bay	Industrial Control System Infrastructure	8,099	8,099	
Navy	Townsend	Townsend Bombing Range Expansion Phase 2.	48,279	43,279	
Navy	Guam	Joint Region Marianas	Live-Fire Training Range Complex (NW Field).	125,677	125,677
Navy	Joint Region Marianas	Municipal Solid Waste Landfill Closure	10,777	10,777	
Navy	Joint Region Marianas	Sanitary Sewer System Recapitalization	45,314	45,314	
Navy	Hawaii	Barking Sands	PMRF Power Grid Consolidation	30,623	30,623
Navy	Joint Base Pearl Harbor-Hickam	UEM Interconnect Sta C to Hickam	6,335	6,335	
Navy	Joint Base Pearl Harbor-Hickam	Welding School Shop Consolidation	8,546	8,546	
Navy	Kaneohe Bay	Airfield Lighting Modernization	26,097	26,097	
Navy	Kaneohe Bay	Bachelor Enlisted Quarters	68,092	68,092	
Navy	Kaneohe Bay	P–8A Detachment Support Facilities	12,429	12,429	
Navy	MCB Hawaii	LHD Pad Conversions MV–22 Landing Pads.	0	0	
Navy	Italy	Signonella	P–8A Hangar and Fleet Support Facility	62,302	62,302
Navy	Signonella	Triton Hangar and Operation Facility	40,641	40,641	
Navy	Japan	Camp Butler	Military Working Dog Facilities (Camp Hansen).	11,697	11,697
Navy	Iwakuni	E–2D Operational Trainer Complex	8,716	8,716	

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)					
Account	State/Country and Installation	Project Title	FY 2016 Request	Agreement Authorized	
Navy	Iwakuni	Security Modifications—CVW5/MAG12 HQ.	9,207	9,207	
Navy	Kadena AB	Aircraft Maint. Shelters & Apron	23,310	23,310	
Navy	Yokosuka	Child Development Center	13,846	13,846	
Navy	Maryland				
Navy	Patuxent River	Unaccompanied Housing	40,935	40,935	
Navy	North Carolina				
Navy	Camp Lejeune	2nd Radio BN Complex Operations Consolidation.	0	0	
Navy	Camp Lejeune	Range Safety Improvements	0	0	
Navy	Camp Lejeune	Simulator Integration/Range Control Facility.	54,849	54,849	
Navy	Cherry Point Marine Corps Air Station	Airfield Security Improvements	0	23,300	
Navy	Cherry Point Marine Corps Air Station	KC-130J Enslited Air Crew Trainer Facility.	4,769	4,769	
Navy	Cherry Point Marine Corps Air Station	Unmanned Aircraft System Facilities	29,657	29,657	
Navy	New River	Operational Trainer Facility	3,312	3,312	
Navy	New River	Radar Air Traffic Control Facility Addition.	4,918	4,918	
Navy	Poland				
Navy	RedziKowo Base	AEGIS Ashore Missile Defense Complex	51,270	51,270	
Navy	South Carolina				
Navy	Parris Island	Range Safety Improvements & Modernization.	27,075	27,075	
Navy	Virginia				
Navy	Dam Neck	Maritime Surveillance System Facility ...	23,066	23,066	
Navy	Norfolk	Communications Center	75,289	75,289	
Navy	Norfolk	Electrical Repairs to Piers 2,6,7, and 11	44,254	44,254	
Navy	Norfolk	MH-60 Helicopter Training Facility	7,134	7,134	
Navy	Portsmouth	Waterfront Utilities	45,513	45,513	
Navy	Quantico	ATFP Gate	5,840	5,840	
Navy	Quantico	Electrical Distribution Upgrade	8,418	8,418	
Navy	Quantico	Embassy Security Guard BEQ & Ops Facility.	43,941	43,941	
Navy	Quantico	TBS Fire Station Replacement	0	0	
Navy	Washington				
Navy	Bangor	Regional Ship Maintenance Support Facility.	0	0	
Navy	Bangor	WRA Land/Water Interface	34,177	34,177	
Navy	Bremerton	Dry Dock 6 Modernization & Utility Improve..	22,680	22,680	
Navy	Indian Island	Shore Power to Ammunition Pier	4,472	4,472	
Navy	Worldwide Unspecified				
Navy	Unspecified Worldwide Locations	MCON Design Funds	91,649	91,649	
Navy	Unspecified Worldwide Locations	Unspecified Minor Construction	22,590	22,590	
Military Construction, Navy Total			1,605,929	1,635,429	
AF	Alaska				
AF	Eielson AFB	F-35A Flight Sim/Alter Squad Ops/AMU Facility.	37,000	37,000	
AF	Eielson AFB	Rpr Central Heat & Power Plant Boiler Ph3.	34,400	34,400	
AF	Arizona				
AF	Davis-Monthan AFB	HC-130J Age Covered Storage	4,700	4,700	

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2016 Request	Agreement Authorized
AF	Davis-Monthan AFB	HC-130J Wash Rack	12,200	12,200
AF	Luke AFB	Communications Facility	0	21,000
AF	Luke AFB	F-35A ADAL Fuel Offload Facility	5,000	5,000
AF	Luke AFB	F-35A Aircraft Maintenance Hangar/Sq 3.	13,200	13,200
AF	Luke AFB	F-35A Bomb Build-up Facility	5,500	5,500
AF	Luke AFB	F-35A Sq Ops/AMU/Hangar/Sq 4	33,000	33,000
AF	Colorado U.S. Air Force Academy	Front Gates Force Protection Enhancements.	10,000	10,000
AF	Florida Cape Canaveral AFS	Range Communications Facility	21,000	21,000
AF	Eglin AFB	F-35A Consolidated HQ Facility	8,700	8,700
AF	Hurlburt Field	ADAL 39 Information Operations Squad Facility.	14,200	14,200
AF	Greenland Thule AB	Thule Consolidation PH 1	41,965	41,965
AF	Guam Joint Region Marianas	APR—Dispersed Maint Spares & SE Storage Fac.	19,000	19,000
AF	Joint Region Marianas	APR—Installation Control Center	22,200	22,200
AF	Joint Region Marianas	APR—South Ramp Utilities Phase 2	7,100	7,100
AF	Joint Region Marianas	PAR—Lo/Corrosion Cntrl/Composite Repair.	0	0
AF	Joint Region Marianas	PRTC Roads	2,500	2,500
AF	Hawaii Joint Base Pearl Harbor-Hickam	F-22 Fighter Alert Facility	46,000	46,000
AF	Japan Yokota AB	C-130J Flight Simulator Facility	8,461	8,461
AF	Kansas McConnell AFB	Air Traffic Control Tower	0	0
AF	McConnell AFB	KC-46A ADAL Deicing Pads	4,300	4,300
AF	Louisiana Barksdale AFB	Consolidated Communications Facility ...	0	0
AF	Maryland Fort Meade	CYBERCOM Joint Operations Center, Increment 3.	86,000	86,000
AF	Missouri Whiteman AFB	Consolidated Stealth Ops & Nuclear Alert Fac.	29,500	29,500
AF	Montana Malmstrom AFB	Tactical Response Force Alert Facility	19,700	19,700
AF	Nebraska Offutt AFB	Dormitory (144 Rm)	21,000	21,000
AF	Nevada Nellis AFB	F-35A Airfield Pavements	31,000	31,000
AF	Nellis AFB	F-35A Live Ordnance Loading Area	34,500	34,500
AF	Nellis AFB	F-35A Munitions Maintenance Facilities	3,450	3,450
AF	New Mexico Cannon AFB	Construct AT/FP Gate—Portales	7,800	7,800
AF	Holloman AFB	Fixed Ground Control	0	0
AF	Holloman AFB	Marshalling Area ARM/DE—ARM Pad D	3,000	3,000
AF	Kirtland AFB	Space Vehicles Component Development Lab.	12,800	12,800
AF	New York Fort Drum	ASOS Expansion	0	0
AF	Niger Agadez	Construct Airfield and Base Camp	50,000	50,000
AF	North Carolina Seymour Johnson AFB	Air Traffic Control Tower/Base Ops Facility.	17,100	17,100

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2016 Request	Agreement Authorized
	Oklahoma			
AF	Altus AFB	Dormitory (120 Rm)	18,000	18,000
AF	Altus AFB	KC-46A FTU ADAL Fuel Cell Maint Hangar.	10,400	10,400
AF	Tinker AFB	Air Traffic Control Tower	12,900	12,900
AF	Tinker AFB	KC-46A Depot Maintenance Dock	37,000	37,000
	Oman			
AF	Al Musannah AB	Airlift Apron	25,000	25,000
	South Dakota			
AF	Ellsworth AFB	Dormitory (168 Rm)	23,000	23,000
	Texas			
AF	Joint Base San Antonio	BMT Classrooms/Dining Facility 3	35,000	35,000
AF	Joint Base San Antonio	BMT Recruit Dormitory 5	71,000	71,000
	United Kingdom			
AF	RAF Croughton	Consolidated SATCOM/Tech Control Facility.	36,424	36,424
AF	RAF Croughton	JIAC Consolidation—PH 2	94,191	94,191
	Utah			
AF	Hill AFB	F-35A Flight Simulator Addition Phase 2.	5,900	5,900
AF	Hill AFB	F-35A Hangar 40/42 Additions and AMU.	21,000	21,000
AF	Hill AFB	Hayman Igloos	11,500	11,500
	Worldwide Classified			
AF	Classified Location	Long Range Strike Bomber	77,130	77,130
AF	Classified Location	Munitions Storage	3,000	3,000
	Worldwide Unspecified			
AF	Various Worldwide Locations	Planning and Design	89,164	89,164
AF	Various Worldwide Locations	Unspecified Minor Military Construction	22,900	22,900
	Wyoming			
AF	F. E. Warren AFB	Weapon Storage Facility	95,000	95,000
	Military Construction, Air Force Total		1,354,785	1,375,785
	Alabama			
Def-Wide	Fort Rucker	Fort Rucker ES/PS Consolidation/Replacement.	46,787	46,787
Def-Wide	Maxwell AFB	Maxwell ES/MS Replacement/Renovation.	32,968	32,968
	Arizona			
Def-Wide	Fort Huachuca	JITC Buildings 52101/52111 Renovations.	3,884	3,884
	California			
Def-Wide	Camp Pendleton	SOF Combat Service Support Facility	10,181	10,181
Def-Wide	Camp Pendleton	SOF Performance Resiliency Center-West.	10,371	10,371
Def-Wide	Coronado	SOF Logistics Support Unit One Ops Fac. #2.	47,218	47,218
Def-Wide	Fresno Yosemite IAP ANG	Replace Fuel Storage and Distrib. Facilities.	10,700	10,700
	Colorado			
Def-Wide	Fort Carson	SOF Language Training Facility	8,243	8,243
	CONUS Classified			
Def-Wide	Classified Location	Operations Support Facility	20,065	20,065
	Delaware			
Def-Wide	Dover AFB	Construct Hydrant Fuel System	21,600	21,600
	Djibouti			

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2016 Request	Agreement Authorized
Def-Wide	Camp Lemonnier	Construct Fuel Storage & Distrib. Facilities.	43,700	43,700
	Florida			
Def-Wide	Hurlburt Field	SOF Fuel Cell Maintenance Hangar	17,989	17,989
Def-Wide	MacDill AFB	SOF Operational Support Facility	39,142	39,142
	Georgia			
Def-Wide	Moody AFB	Replace Pumphouse and Truck Fillstands.	10,900	10,900
	Germany			
Def-Wide	Garmisch	Garmisch E/MS-Addition/Modernization	14,676	14,676
Def-Wide	Grafenwoehr	Grafenwoehr Elementary School Replacement.	38,138	38,138
Def-Wide	Rhine Ordnance Barracks	Medical Center Replacement Incr 5	85,034	85,034
Def-Wide	Spangdahlem AB	Construct Fuel Pipeline	5,500	5,500
Def-Wide	Spangdahlem AB	Medical/Dental Clinic Addition	34,071	34,071
Def-Wide	Stuttgart-Patch Barracks	Patch Elementary School Replacement ..	49,413	49,413
	Hawaii			
Def-Wide	Kaneohe Bay	Medical/Dental Clinic Replacement	122,071	122,071
Def-Wide	Schofield Barracks	Behavioral Health/Dental Clinic Addition.	123,838	123,838
	Japan			
Def-Wide	Kadena AB	Airfield Pavements	37,485	37,485
	Kentucky			
Def-Wide	Fort Campbell	SOF Company HQ/Classrooms	12,553	12,553
Def-Wide	Fort Knox	Fort Knox HS Renovation/MS Addition ..	23,279	23,279
	Maryland			
Def-Wide	Fort Meade	NSAW Campus Feeders Phase 2	33,745	33,745
Def-Wide	Fort Meade	NSAW Recapitalize Building #2 Incr 1 ...	34,897	34,897
	Nevada			
Def-Wide	Nellis AFB	Replace Hydrant Fuel System	39,900	39,900
	New Mexico			
Def-Wide	Cannon AFB	Construct Pumphouse and Fuel Storage	20,400	20,400
Def-Wide	Cannon AFB	SOF Squadron Operations Facility	11,565	11,565
Def-Wide	Cannon AFB	SOF ST Operational Training Facilities	13,146	13,146
	New York			
Def-Wide	West Point	West Point Elementary School Replacement.	55,778	55,778
	North Carolina			
Def-Wide	Camp Lejeune	SOF Combat Service Support Facility	14,036	14,036
Def-Wide	Camp Lejeune	SOF Marine Battalion Company/Team Facilities.	54,970	54,970
Def-Wide	Fort Bragg	Butner Elementary School Replacement	32,944	32,944
Def-Wide	Fort Bragg	SOF 21 STS Operations Facility	16,863	16,863
Def-Wide	Fort Bragg	SOF Battalion Operations Facility	38,549	38,549
Def-Wide	Fort Bragg	SOF Indoor Range	8,303	8,303
Def-Wide	Fort Bragg	SOF Intelligence Training Center	28,265	28,265
Def-Wide	Fort Bragg	SOF Special Tactics Facility (PH 2)	43,887	43,887
	Ohio			
Def-Wide	Wright-Patterson AFB	Satellite Pharmacy Replacement	6,623	6,623
	Oregon			
Def-Wide	Klamath Falls IAP	Replace Fuel Facilities	2,500	2,500
	Pennsylvania			
Def-Wide	Philadelphia	Replace Headquarters	49,700	49,700
	Poland			
Def-Wide	RedziKowo Base	AEGIS Ashore Missile Defense System Complex.	169,153	169,153
	South Carolina			
Def-Wide	Fort Jackson	Pierce Terrace Elementary School Replacement.	26,157	26,157
	Spain			
Def-Wide	Rota	Rota ES and HS Additions	13,737	13,737
	Texas			
Def-Wide	Fort Bliss	Hospital Replacement Incr 7	239,884	189,884

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2016 Request	Agreement Authorized
Def-Wide	Joint Base San Antonio Virginia	Ambulatory Care Center Phase 4	61,776	61,776
Def-Wide	Fort Belvoir	Construct Visitor Control Center	5,000	5,000
Def-Wide	Fort Belvoir	Replace Ground Vehicle Fueling Facility	4,500	4,500
Def-Wide	Joint Base Langley-Eustis	Replace Fuel Pier and Distribution Facility.	28,000	28,000
Def-Wide	Joint Expeditionary Base Little Creek— Story	SOF Applied Instruction Facility	23,916	23,916
	Worldwide Unspecified			
Def-Wide	Unspecified Worldwide Locations	Contingency Construction	10,000	0
Def-Wide	Unspecified Worldwide Locations	ECIP Design	10,000	10,000
Def-Wide	Unspecified Worldwide Locations	Energy Conservation Investment Program.	150,000	150,000
Def-Wide	Unspecified Worldwide Locations	Exercise Related Minor Construction	8,687	8,687
Def-Wide	Unspecified Worldwide Locations	Planning and Design	31,628	31,628
Def-Wide	Unspecified Worldwide Locations	Planning and Design	3,041	3,041
Def-Wide	Unspecified Worldwide Locations	Planning and Design	1,078	1,078
Def-Wide	Unspecified Worldwide Locations	Planning and Design	27,202	27,202
Def-Wide	Unspecified Worldwide Locations	Planning and Design	42,183	42,183
Def-Wide	Unspecified Worldwide Locations	Planning and Design	13,500	13,500
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction	15,676	15,676
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction	5,000	5,000
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction	3,000	3,000
Def-Wide	Various Worldwide Locations	East Coast Missile Site Planning and Design.	0	30,000
Def-Wide	Various Worldwide Locations	Planning & Design	31,772	31,772
	Military Construction, Defense-Wide Total		2,300,767	2,270,767
	Worldwide Unspecified			
NATO	NATO Security Investment Program	NATO Security Investment Program	120,000	120,000
	NATO Security Investment Program Total		120,000	120,000

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2016 Request	Agreement Authorized
Army NG	Alabama Camp Foley	Vehicle Maintenance Shop	0	4,500
Army NG	Connecticut Camp Hartell	Ready Building (CST-WMD)	11,000	11,000
Army NG	Delaware Dagsboro	National Guard Vehicle Maintenance Shop.	10,800	10,800
Army NG	Florida Palm Coast	National Guard Readiness Center	18,000	18,000
Army NG	Georgia Fort Stewart	Tactical Aerial Unmanned Systems	0	6,800
Army NG	Illinois Sparta	Basic 10M-25M Firing Range (Zero)	1,900	1,900
Army NG	Kansas Salina	Automated Combat Pistol/MP Firearms Qual Course.	2,400	2,400
Army NG	Salina	Modified Record Fire Range	4,300	4,300
Army NG	Maryland Easton	National Guard Readiness Center	13,800	13,800
Army NG	Mississippi Gulfport	Aviation Classification and Repair	0	40,000
Army NG	Nevada Reno	National Guard Vehicle Maintenance Shop Add/Alt.	8,000	8,000
Army NG	Ohio Camp Ravenna	Modified Record Fire Range	3,300	3,300
Army NG	Oregon Salem	National Guard/Reserve Center Bldg Add/Alt (JFHQ).	16,500	16,500
Army NG	Pennsylvania Fort Indiantown Gap	Training Aids Center	16,000	16,000
Army NG	Vermont North Hyde Park	National Guard Vehicle Maintenance Shop Addition.	7,900	7,900
Army NG	Virginia Richmond	National Guard/Reserve Center Building (JFHQ).	29,000	29,000
Army NG	Washington Yakima	Enlisted Barracks, Transient Training ...	19,000	19,000
Army NG	Worldwide Unspecified	Planning and Design	20,337	20,337
Army NG	Worldwide Locations	Unspecified Minor Construction	15,000	15,000
Military Construction, Army National Guard Total			197,237	248,537
Army Res	California Miramar	Army Reserve Center	24,000	24,000
Army Res	Florida MacDill AFB	AR Center/AS Facility	55,000	55,000
Army Res	Mississippi Starkville	Army Reserve Center	9,300	9,300
Army Res	New York Orangeburg	Organizational Maintenance Shop	4,200	4,200
Army Res	Pennsylvania Conneaut Lake	DAR Highway Improvement	5,000	5,000
Army Res	Puerto Rico Fort Buchanan	Access Control Point	0	10,200
Army Res	Virginia Fort AP Hill	Equipment Concentration	0	24,000
Army Res	Worldwide Unspecified			

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2016 Request	Agreement Authorized
Army Res	Unspecified Worldwide Locations	Planning and Design	9,318	9,318
Army Res	Unspecified Worldwide Locations	Unspecified Minor Construction	6,777	6,777
Military Construction, Army Reserve Total			113,595	147,795
N/MC Res	Nevada Fallon	NAVOPSPTCEN Fallon	11,480	11,480
N/MC Res	New York Brooklyn	Reserve Center Storage Facility	2,479	2,479
N/MC Res	Virginia Dam Neck	Reserve Training Center Complex	18,443	18,443
N/MC Res	Worldwide Unspecified	MCNR Planning & Design	2,208	2,208
N/MC Res	Worldwide Locations	MCNR Unspecified Minor Construction	1,468	1,468
Military Construction, Naval Reserve Total			36,078	36,078
Air NG	Alabama Dannelly Field	TFI—Replace Squadron Operations Facility.	7,600	7,600
Air NG	Arkansas Fort Smith MAP	Consolidated SCIF	0	0
Air NG	California Moffett Field	Replace Vehicle Maintenance Facility	6,500	6,500
Air NG	Colorado Buckley AFB	ASE Maintenance and Storage Facility ..	5,100	5,100
Air NG	Connecticut Bradley	Ops and Deployment Facility	0	0
Air NG	Florida Cape Canaveral AFS	Space Control Facility	0	6,100
Air NG	Georgia Savannah/Hilton Head IAP	C–130 Squadron Operations Facility	9,000	9,000
Air NG	Hawaii Joint Base Pearl Harbor-Hickam	F–22 Composite Repair Facility	0	0
Air NG	Iowa Des Moines MAP	Air Operations Grp/CYBER Beddown-Reno Bldg 430.	6,700	6,700
Air NG	Kansas Smokey Hill ANG Range	Range Training Support Facilities	2,900	2,900
Air NG	Louisiana New Orleans	Replace Squadron Operations Facility	10,000	10,000
Air NG	Maine Bangor IAP	Add to and Alter Fire Crash/Rescue Station.	7,200	7,200
Air NG	New Hampshire Pease International Trade Port	Bldg Mod KC–46 Fuselage Trainer	0	0
Air NG	Pease International Trade Port	KC–46A ADAL Flight Simulator Bldg 156.	2,800	2,800
Air NG	New Jersey Atlantic City IAP	Fuel Cell and Corrosion Control Hangar	10,200	10,200
	New York			

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2016 Request	Agreement Authorized
Air NG	Niagara Falls IAP	Remotely Piloted Aircraft Beddown Bldg 912.	7,700	7,700
Air NG	North Carolina Charlotte/Douglas IAP	Replace C–130 Squadron Operations Facility.	9,000	9,000
Air NG	North Dakota Hector IAP	Intel Targeting Facilities	7,300	7,300
Air NG	Oklahoma Will Rogers World Airport	Medium Altitude Manned ISR Beddown	7,600	7,600
Air NG	Oregon Klamath Falls IAP	Replace Fire Crash/Rescue Station	7,200	7,200
Air NG	West Virginia Yeager Airport	Force Protection—Relocate Coonskin Road.	3,900	3,900
Air NG	Worldwide Unspecified	Planning and Design	5,104	5,104
Air NG	Various Worldwide Locations	Unspecified Minor Construction	7,734	7,734
Military Construction, Air National Guard Total			123,538	129,638
AF Res	Arizona Davis-Monthan AFB	Guardian Angel Operations	0	0
AF Res	California March AFB	Satellite Fire Station	4,600	4,600
AF Res	Florida Patrick AFB	Aircrew Life Support Facility	3,400	3,400
AF Res	Georgia Dobbins	Fire Station/Security Complex	0	10,400
AF Res	Ohio Youngstown	Indoor Firing Range	9,400	9,400
AF Res	Texas Joint Base San Antonio	Consolidate 433 Medical Facility	9,900	9,900
AF Res	Worldwide Unspecified	Planning and Design	13,400	13,400
AF Res	Various Worldwide Locations	Unspecified Minor Military Construction	6,121	6,121
Military Construction, Air Force Reserve Total			46,821	57,221
FH Con Army	Florida Camp Rudder	Family Housing Replacement Construction.	8,000	8,000
FH Con Army	Germany Wiesbaden Army Airfield	Family Housing Improvements	3,500	3,500
FH Con Army	Illinois Rock Island	Family Housing Replacement Construction.	20,000	29,000
FH Con Army	Korea Camp Walker	Family Housing New Construction	61,000	61,000
FH Con Army	Worldwide Unspecified	Family Housing P & D	7,195	7,195
Family Housing Construction, Army Total			99,695	108,695

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2016 Request	Agreement Authorized
	Worldwide Unspecified			
FH Ops Army	Unspecified Worldwide Locations	Furnishings	25,552	18,552
FH Ops Army	Unspecified Worldwide Locations	Leased Housing	144,879	141,879
FH Ops Army	Unspecified Worldwide Locations	Maintenance of Real Property Facilities	75,197	75,197
FH Ops Army	Unspecified Worldwide Locations	Management Account	45,468	42,568
FH Ops Army	Unspecified Worldwide Locations	Management Account	3,047	3,047
FH Ops Army	Unspecified Worldwide Locations	Military Housing Privatization Initiative	22,000	22,000
FH Ops Army	Unspecified Worldwide Locations	Miscellaneous	840	840
FH Ops Army	Unspecified Worldwide Locations	Services	10,928	10,928
FH Ops Army	Unspecified Worldwide Locations	Utilities	65,600	60,600
	Family Housing Operation And Maintenance, Army Total		393,511	375,611
	Virginia			
FH Con Navy	Wallops Island	Construct Housing Welcome Center	438	438
	Worldwide Unspecified			
FH Con Navy	Unspecified Worldwide Locations	Design	4,588	4,588
FH Con Navy	Unspecified Worldwide Locations	Improvements	11,515	11,515
	Family Housing Construction, Navy And Marine Corps Total		16,541	16,541
	Worldwide Unspecified			
FH Ops Navy	Unspecified Worldwide Locations	Furnishings Account	17,534	17,534
FH Ops Navy	Unspecified Worldwide Locations	Leasing	64,108	64,108
FH Ops Navy	Unspecified Worldwide Locations	Maintenance of Real Property	99,323	99,323
FH Ops Navy	Unspecified Worldwide Locations	Management Account	56,189	56,189
FH Ops Navy	Unspecified Worldwide Locations	Miscellaneous Account	373	373
FH Ops Navy	Unspecified Worldwide Locations	Privatization Support Costs	28,668	28,668

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2016 Request	Agreement Authorized
FH Ops Navy	Unspecified Worldwide Locations	Services Account	19,149	19,149
FH Ops Navy	Unspecified Worldwide Locations	Utilities Account	67,692	67,692
Family Housing Operation And Maintenance, Navy And Marine Corps Total.			353,036	353,036
FH Con AF	Worldwide Unspecified Worldwide Locations	Improvements	150,649	150,649
FH Con AF	Unspecified Worldwide Locations	Planning and Design	9,849	9,849
Family Housing Construction, Air Force Total			160,498	160,498
FH Ops AF	Worldwide Unspecified Worldwide Locations	Furnishings Account	38,746	38,746
FH Ops AF	Unspecified Worldwide Locations	Housing Privatization	41,554	41,554
FH Ops AF	Unspecified Worldwide Locations	Leasing	28,867	28,867
FH Ops AF	Unspecified Worldwide Locations	Maintenance	114,129	114,129
FH Ops AF	Unspecified Worldwide Locations	Management Account	52,153	52,153
FH Ops AF	Unspecified Worldwide Locations	Miscellaneous Account	2,032	2,032
FH Ops AF	Unspecified Worldwide Locations	Services Account	12,940	12,940
FH Ops AF	Unspecified Worldwide Locations	Utilities Account	40,811	40,811
Family Housing Operation And Maintenance, Air Force Total			331,232	331,232
FH Ops DW	Worldwide Unspecified Worldwide Locations	Furnishings Account	20	20
FH Ops DW	Unspecified Worldwide Locations	Furnishings Account	3,402	3,402
FH Ops DW	Unspecified Worldwide Locations	Furnishings Account	781	781
FH Ops DW	Unspecified Worldwide Locations	Leasing	41,273	41,273
FH Ops DW	Unspecified Worldwide Locations	Leasing	10,679	10,679

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2016 Request	Agreement Authorized
FH Ops DW	Unspecified Worldwide Locations	Maintenance of Real Property	1,104	1,104
FH Ops DW	Unspecified Worldwide Locations	Maintenance of Real Property	344	344
FH Ops DW	Unspecified Worldwide Locations	Management Account	388	388
FH Ops DW	Unspecified Worldwide Locations	Services Account	31	31
FH Ops DW	Unspecified Worldwide Locations	Utilities Account	474	474
FH Ops DW	Unspecified Worldwide Locations	Utilities Account	172	172
Family Housing Operation And Maintenance, Defense-Wide Total ...			58,668	58,668
BRAC	Worldwide Unspecified Unspecified Worldwide Locations	Base Realignment and Closure	29,691	29,691
Base Realignment and Closure—Army Total			29,691	29,691
BRAC	Worldwide Unspecified Unspecified Worldwide Locations	Base Realignment & Closure	118,906	118,906
BRAC	Unspecified Worldwide Locations	DON–100: Planing, Design and Management.	7,787	7,787
BRAC	Unspecified Worldwide Locations	DON–101: Various Locations	20,871	20,871
BRAC	Unspecified Worldwide Locations	DON–138: NAS Brunswick, ME	803	803
BRAC	Unspecified Worldwide Locations	DON–157: MCSA Kansas City, MO	41	41
BRAC	Unspecified Worldwide Locations	DON–172: NWS Seal Beach, Concord, CA.	4,872	4,872
BRAC	Unspecified Worldwide Locations	DON–84: JRB Willow Grove & Cambria Reg AP.	3,808	3,808
Base Realignment and Closure—Navy Total			157,088	157,088
BRAC	Worldwide Unspecified Unspecified Worldwide Locations	DOD BRAC Activities—Air Force	64,555	64,555
Base Realignment and Closure—Air Force Total			64,555	64,555
Worldwide Unspecified				

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2016 Request	Agreement Authorized
PYS	Unspecified Worldwide Locations	Air Force	0	-34,400
PYS	Unspecified Worldwide Locations	Army	0	-47,700
PYS	Unspecified Worldwide Locations	Defense-Wide	0	-134,000
PYS	Unspecified Worldwide Locations	Housing Assistance Program	0	-110,000
Prior Year Savings Total			0	-326,100
Total, Military Construction			8,306,510	8,078,510

TITLE XLVII—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS.

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS (In Thousands of Dollars)			
Program		FY 2016 Request	Agreement Authorized
Discretionary Summary By Appropriation			
Energy And Water Development, And Related Agencies			
Appropriation Summary:			
Energy Programs			
Nuclear Energy		135,161	135,161
Atomic Energy Defense Activities			
National nuclear security administration:			
Weapons activities		8,846,948	8,802,797
Defense nuclear nonproliferation		1,940,302	1,941,500
Naval reactors		1,375,496	1,359,996
Federal salaries and expenses		402,654	388,000
Total, National nuclear security administration		12,565,400	12,492,293
Environmental and other defense activities:			
Defense environmental cleanup		5,527,347	5,130,550
Other defense activities		774,425	770,522
Total, Environmental & other defense activities		6,301,772	5,901,072
Total, Atomic Energy Defense Activities		18,867,172	18,393,365
Total, Discretionary Funding		19,002,333	18,528,526
Nuclear Energy			
Idaho sitewide safeguards and security		126,161	126,161
Used nuclear fuel disposition		9,000	9,000
Total, Nuclear Energy		135,161	135,161
Weapons Activities			
Directed stockpile work			
Life extension programs			
B61 Life extension program		643,300	643,300
W76 Life extension program		244,019	244,019
W88 Alt 370		220,176	220,176

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2016 Request	Agreement Authorized
W80–4 Life extension program	195,037	195,037
Total, Life extension programs	1,302,532	1,302,532
Stockpile systems		
B61 Stockpile systems	52,247	52,247
W76 Stockpile systems	50,921	50,921
W78 Stockpile systems	64,092	64,092
W80 Stockpile systems	68,005	68,005
B83 Stockpile systems	42,177	42,177
W87 Stockpile systems	89,299	89,299
W88 Stockpile systems	115,685	115,685
Total, Stockpile systems	482,426	482,426
Weapons dismantlement and disposition		
Operations and maintenance	48,049	48,049
Stockpile services		
Production support	447,527	447,527
Research and development support	34,159	34,159
R&D certification and safety	192,613	185,000
Management, technology, and production	264,994	258,527
Total, Stockpile services	939,293	925,213
Nuclear material commodities		
Uranium sustainment	32,916	32,916
Plutonium sustainment	174,698	174,698
Tritium sustainment	107,345	107,345
Domestic uranium enrichment	100,000	50,000
Total, Nuclear material commodities	414,959	364,959
Total, Directed stockpile work	3,187,259	3,123,179
Research, development, test and evaluation (RDT&E)		
Science		
Advanced certification	50,714	50,714
Primary assessment technologies	98,500	104,100
Dynamic materials properties	109,000	109,000
Advanced radiography	47,000	47,000
Secondary assessment technologies	84,400	84,400
Total, Science	389,614	395,214
Engineering		
Enhanced surety	50,821	50,821
Weapon systems engineering assessment technology	17,371	17,371
Nuclear survivability	24,461	24,461
Enhanced surveillance	38,724	38,724
Total, Engineering	131,377	131,377
Inertial confinement fusion ignition and high yield		
Ignition	73,334	73,334
Support of other stockpile programs	22,843	22,843
Diagnostics, cryogenics and experimental support	58,587	58,587
Pulsed power inertial confinement fusion	4,963	4,963
Joint program in high energy density laboratory plasmas	8,900	8,900
Facility operations and target production	333,823	333,823
Total, Inertial confinement fusion and high yield	502,450	502,450
Advanced simulation and computing	623,006	617,006

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS (In Thousands of Dollars)		
Program	FY 2016 Request	Agreement Authorized
Responsive Capabilities Program	0	0
Advanced manufacturing		
Component manufacturing development	112,256	93,448
Processing technology development	17,800	17,800
Total, Advanced manufacturing	130,056	111,248
Total, RDT&E	1,776,503	1,757,295
Readiness in technical base and facilities (RTBF)		
Operating		
Program readiness	75,185	60,000
Material recycle and recovery	173,859	160,000
Storage	40,920	40,920
Recapitalization	104,327	100,000
Total, Operating	394,291	360,920
Construction:		
15-D-302 TA-55 Reinvestment project, Phase 3, LANL	18,195	18,195
11-D-801 TA-55 Reinvestment project Phase 2, LANL	3,903	3,903
07-D-220 Radioactive liquid waste treatment facility upgrade project, LANL	11,533	11,533
07-D-220-04 Transuranic liquid waste facility, LANL	40,949	40,949
06-D-141 PED/Construction, Uranium Capabilities Replacement Project Y-12	430,000	430,000
04-D-125 Chemistry and metallurgy replacement project, LANL	155,610	155,610
Total, Construction	660,190	660,190
Total, Readiness in technical base and facilities	1,054,481	1,021,110
Secure transportation asset		
Operations and equipment	146,272	140,000
Program direction	105,338	97,118
Total, Secure transportation asset	251,610	237,118
Infrastructure and safety		
Operations of facilities		
Kansas City Plant	100,250	100,250
Lawrence Livermore National Laboratory	70,671	70,671
Los Alamos National Laboratory	196,460	196,460
Nevada National Security Site	89,000	89,000
Pantex	58,021	58,021
Sandia National Laboratory	115,300	115,300
Savannah River Site	80,463	80,463
Y-12 National security complex	120,625	120,625
Total, Operations of facilities	830,790	830,790
Safety operations	107,701	107,701
Maintenance	227,000	252,000
Recapitalization	257,724	307,724
Construction:		
16-D-621 Substation replacement at TA-3, LANL	25,000	25,000
15-D-613 Emergency Operations Center, Y-12	17,919	17,919
Total, Construction	42,919	42,919
Total, Infrastructure and safety	1,466,134	1,541,134
Site stewardship		

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS (In Thousands of Dollars)		
Program	FY 2016 Request	Agreement Authorized
Nuclear materials integration	17,510	17,510
Minority serving institution partnerships program	19,085	19,085
Total, Site stewardship	36,595	36,595
Defense nuclear security		
Operations and maintenance	619,891	631,891
Construction:		
14-D-710 Device assembly facility argus installation project, NV	13,000	13,000
Total, Defense nuclear security	632,891	644,891
Information technology and cybersecurity	157,588	157,588
Legacy contractor pensions	283,887	283,887
Total, Weapons Activities	8,846,948	8,802,797
Defense Nuclear Nonproliferation		
Defense Nuclear Nonproliferation Programs		
Defense Nuclear Nonproliferation R&D		
Global material security	426,751	422,949
Material management and minimization	311,584	311,584
Nonproliferation and arms control	126,703	126,703
Defense Nuclear Nonproliferation R&D	419,333	419,333
Nonproliferation Construction:		
99-D-143 Mixed Oxide (MOX) Fuel Fabrication Facility, SRS	345,000	345,000
Analysis of Alternatives	0	5,000
Total, Nonproliferation construction	345,000	350,000
Total, Defense Nuclear Nonproliferation Programs	1,629,371	1,630,569
Legacy contractor pensions	94,617	94,617
Nuclear counterterrorism and incident response program	234,390	234,390
Use of prior-year balances	-18,076	-18,076
Total, Defense Nuclear Nonproliferation	1,940,302	1,941,500
Naval Reactors		
Naval reactors operations and infrastructure	445,196	445,196
Naval reactors development	444,400	430,400
Ohio replacement reactor systems development	186,800	186,800
S8G Prototype refueling	133,000	133,000
Program direction	45,000	43,500
Construction:		
15-D-904 NRF Overpack Storage Expansion 3	900	900
15-D-903 KL Fire System Upgrade	600	600
15-D-902 KS Engineroom team trainer facility	3,100	3,100
14-D-902 KL Materials characterization laboratory ex- pansion, KAPL	30,000	30,000
14-D-901 Spent fuel handling recapitalization project, NRF	86,000	86,000
10-D-903, Security upgrades, KAPL	500	500
Total, Construction	121,100	121,100
Total, Naval Reactors	1,375,496	1,359,996
Federal Salaries And Expenses		
Program direction	402,654	388,000
Total, Office Of The Administrator	402,654	388,000

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS (In Thousands of Dollars)		
Program	FY 2016 Request	Agreement Authorized
Defense Environmental Cleanup		
Closure sites:		
Closure sites administration	4,889	4,889
Hanford site:		
River corridor and other cleanup operations:		
River corridor and other cleanup operations	196,957	268,957
Central plateau remediation:		
Central plateau remediation	555,163	555,163
Richland community and regulatory support	14,701	14,701
Construction:		
15–D–401 Containerized sludge removal annex, RL ..	77,016	77,016
Total, Hanford site	843,837	915,837
Idaho National Laboratory:		
Idaho cleanup and waste disposition	357,783	357,783
Idaho community and regulatory support	3,000	3,000
Total, Idaho National Laboratory	360,783	360,783
NNSA sites		
Lawrence Livermore National Laboratory	1,366	1,366
Nevada	62,385	62,385
Sandia National Laboratories	2,500	2,500
Los Alamos National Laboratory	188,625	188,625
Total, NNSA sites and Nevada off-sites	254,876	254,876
Oak Ridge Reservation:		
OR Nuclear facility D & D		
OR Nuclear facility D & D	75,958	75,958
Construction:		
14–D–403 Outfall 200 Mercury Treatment Facility	6,800	6,800
Total, OR Nuclear facility D & D	82,758	82,758
U233 Disposition Program	26,895	26,895
OR cleanup and disposition:		
OR cleanup and disposition	60,500	60,500
Total, OR cleanup and disposition	60,500	60,500
OR reservation community and regulatory support	4,400	4,400
Solid waste stabilization and disposition		
Oak Ridge technology development	2,800	2,800
Total, Oak Ridge Reservation	177,353	177,353
Office of River Protection:		
Waste treatment and immobilization plant		
01–D–416 A-D/ORP-0060 / Major construction	595,000	595,000
01–D–16E Pretreatment facility	95,000	95,000
Total, Waste treatment and immobilization plant ...	690,000	690,000
Tank farm activities		
Rad liquid tank waste stabilization and disposition ...	649,000	649,000
Construction:		
15–D–409 Low Activity Waste Pretreatment System, Hanford	75,000	75,000

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS (In Thousands of Dollars)		
Program	FY 2016 Request	Agreement Authorized
Total, Tank farm activities	724,000	724,000
Total, Office of River protection	1,414,000	1,414,000
Savannah River sites:		
Savannah River risk management operations	386,652	389,652
SR community and regulatory support	11,249	11,249
Radioactive liquid tank waste:		
Radioactive liquid tank waste stabilization and dis- position	581,878	581,878
Construction:		
15-D-402—Saltstone Disposal Unit #6	34,642	34,642
05-D-405 Salt waste processing facility, Savan- nah River	194,000	194,000
Total, Construction	228,642	228,642
Total, Radioactive liquid tank waste	810,520	810,520
Total, Savannah River site	1,208,421	1,211,421
Waste Isolation Pilot Plant		
Waste isolation pilot plant	212,600	212,600
Construction:		
15-D-411 Safety significant confinement ventilation system, WIPP	23,218	23,218
15-D-412 Exhaust shaft, WIPP	7,500	7,500
Total, Construction	30,718	30,718
Total, Waste Isolation Pilot Plant	243,318	243,318
Program direction	281,951	281,951
Program support	14,979	14,979
Safeguards and Security:		
Oak Ridge Reservation	17,228	17,228
Paducah	8,216	8,216
Portsmouth	8,492	8,492
Richland/Hanford Site	67,601	67,601
Savannah River Site	128,345	128,345
Waste Isolation Pilot Project	4,860	4,860
West Valley	1,891	1,891
Technology development	14,510	14,510
Subtotal, Defense environmental cleanup	5,055,550	5,130,550
Uranium enrichment D&D fund contribution (Legislative pro- posal)	471,797	0
Total, Defense Environmental Cleanup	5,527,347	5,130,550
Other Defense Activities		
Specialized security activities	221,855	217,952
Environment, health, safety and security		
Environment, health, safety and security	120,693	120,693
Program direction	63,105	63,105
Total, Environment, Health, safety and security	183,798	183,798
Enterprise assessments		
Enterprise assessments	24,068	24,068
Program direction	49,466	49,466
Total, Enterprise assessments	73,534	73,534

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS (In Thousands of Dollars)		
Program	FY 2016 Request	Agreement Authorized
Office of Legacy Management		
Legacy management	154,080	154,080
Program direction	13,100	13,100
Total, Office of Legacy Management	167,180	167,180
Defense-related activities		
Defense related administrative support		
Chief financial officer	35,758	35,758
Chief information officer	83,800	83,800
Management	3,000	3,000
Total, Defense related administrative support	122,558	122,558
Office of hearings and appeals	5,500	5,500
Subtotal, Other defense activities	774,425	770,522
Total, Other Defense Activities	774,425	770,522

Approved November 25, 2015.

LEGISLATIVE HISTORY—S. 1356:

CONGRESSIONAL RECORD, Vol. 161 (2015):

May 14, considered and passed Senate.

Nov. 5, considered and passed House, amended.

Nov. 10, Senate concurred in House amendment.

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2015):

Nov. 25, Presidential statement.

Public Law 114–93
114th Congress

An Act

Nov. 25, 2015
[S. 2036]

To suspend the current compensation packages for the chief executive officers of Fannie Mae and Freddie Mac, and for other purposes.

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

Equity in
Government
Compensation
Act of 2015.
12 USC 4518
note.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Equity in Government Compensation Act of 2015”.

SEC. 2. DEFINITIONS.

In this Act:

(1) **DIRECTOR.**—The term “Director” means the Director of the Federal Housing Finance Agency.

(2) **ENTERPRISE.**—The term “enterprise” means—

(A) the Federal National Mortgage Association and any affiliate thereof; and

(B) the Federal Home Loan Mortgage Corporation and any affiliate thereof.

SEC. 3. REASONABLE PAY FOR CHIEF EXECUTIVE OFFICERS.

(a) **SUSPENSION OF CURRENT COMPENSATION PACKAGE AND LIMITATION.**—The Director shall suspend the compensation packages approved for 2015 for the chief executive officers of each enterprise and, in lieu of such packages, subject to the limitation under subsection (b), establish the compensation and benefits for each such chief executive officer at the same level in effect for such officer as of January 1, 2015, and such compensation and benefits may not thereafter be increased.

(b) **LIMITATION ON BONUSES.**—Subsection (a) shall not be construed to affect the applicability of section 16 of the STOCK Act (12 U.S.C. 4518a) to the chief executive officer of each enterprise.

(c) **APPLICABILITY.**—Subsection (a) shall only apply to a chief executive officer of an enterprise if the enterprise is in conservatorship or receivership pursuant to section 1367 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4617).

SEC. 4. FANNIE AND FREDDIE CHIEF EXECUTIVE OFFICERS NOT FEDERAL EMPLOYEES. 12 USC 4518
note.

Any chief executive officer affected by any provision under section 3 shall not be considered a Federal employee.

Approved November 25, 2015.

LEGISLATIVE HISTORY—S. 2036 (H.R. 2243):

HOUSE REPORTS: No. 114–339, Pt. 1 (Comm. on Financial Services) accompanying H.R. 2243.

CONGRESSIONAL RECORD, Vol. 161 (2015):

Sept. 15, considered and passed Senate.

Nov. 16, considered and passed House.

Public Law 114–94
114th Congress

An Act

Dec. 4, 2015
[H.R. 22]

Fixing America's
Surface
Transportation
Act.
23 USC 101 note.

To authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Fixing America’s Surface Transportation Act” or the “FAST Act”.

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

Sec. 1. Short title; table of contents.

DIVISION A—SURFACE TRANSPORTATION

- Sec. 1001. Definitions.
- Sec. 1002. Reconciliation of funds.
- Sec. 1003. Effective date.
- Sec. 1004. References.

TITLE I—FEDERAL-AID HIGHWAYS

Subtitle A—Authorizations and Programs

- Sec. 1101. Authorization of appropriations.
- Sec. 1102. Obligation ceiling.
- Sec. 1103. Definitions.
- Sec. 1104. Apportionment.
- Sec. 1105. Nationally significant freight and highway projects.
- Sec. 1106. National highway performance program.
- Sec. 1107. Emergency relief for federally owned roads.
- Sec. 1108. Railway-highway grade crossings.
- Sec. 1109. Surface transportation block grant program.
- Sec. 1110. Highway use tax evasion projects.
- Sec. 1111. Bundling of bridge projects.
- Sec. 1112. Construction of ferry boats and ferry terminal facilities.
- Sec. 1113. Highway safety improvement program.
- Sec. 1114. Congestion mitigation and air quality improvement program.
- Sec. 1115. Territorial and Puerto Rico highway program.
- Sec. 1116. National highway freight program.
- Sec. 1117. Federal lands and tribal transportation programs.
- Sec. 1118. Tribal transportation program amendment.
- Sec. 1119. Federal lands transportation program.
- Sec. 1120. Federal lands programmatic activities.
- Sec. 1121. Tribal transportation self-governance program.
- Sec. 1122. State flexibility for National Highway System modifications.
- Sec. 1123. Nationally significant Federal lands and tribal projects program.

Subtitle B—Planning and Performance Management

- Sec. 1201. Metropolitan transportation planning.
- Sec. 1202. Statewide and nonmetropolitan transportation planning.

Subtitle C—Acceleration of Project Delivery

- Sec. 1301. Satisfaction of requirements for certain historic sites.

- Sec. 1302. Clarification of transportation environmental authorities.
- Sec. 1303. Treatment of certain bridges under preservation requirements.
- Sec. 1304. Efficient environmental reviews for project decisionmaking.
- Sec. 1305. Integration of planning and environmental review.
- Sec. 1306. Development of programmatic mitigation plans.
- Sec. 1307. Technical assistance for States.
- Sec. 1308. Surface transportation project delivery program.
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DIVISION A—SURFACE TRANSPORTATION

SEC. 1001. DEFINITIONS.

23 USC 101 note.

In this division, the following definitions apply:

(1) DEPARTMENT.—The term “Department” means the Department of Transportation.

(2) SECRETARY.—The term “Secretary” means the Secretary of Transportation.

SEC. 1002. RECONCILIATION OF FUNDS.

The Secretary shall reduce the amount apportioned or allocated for a program, project, or activity under titles I and VI of this Act in fiscal year 2016 by amounts apportioned or allocated pursuant to any extension Act of MAP–21, including the amendments made by that extension Act, during the period beginning on October 1, 2015, and ending on the date of enactment of this Act. For purposes of making such reductions, funds set aside pursuant to section 133(h) of title 23, United States Code, as amended by

this Act, shall be reduced by the amount set aside pursuant to section 213 of such title, as in effect on the day before the date of enactment of this Act.

5 USC 5313 note. **SEC. 1003. EFFECTIVE DATE.**

Except as otherwise provided, this division, including the amendments made by this division, takes effect on October 1, 2015.

1 USC 1 note. **SEC. 1004. REFERENCES.**

Except as expressly provided otherwise, any reference to “this Act” contained in this division shall be treated as referring only to the provisions of this division.

TITLE I—FEDERAL-AID HIGHWAYS

Subtitle A—Authorizations and Programs

SEC. 1101. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—The following sums are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

(1) FEDERAL-AID HIGHWAY PROGRAM.—For the national highway performance program under section 119 of title 23, United States Code, the surface transportation block grant program under section 133 of that title, the highway safety improvement program under section 148 of that title, the congestion mitigation and air quality improvement program under section 149 of that title, the national highway freight program under section 167 of that title, and to carry out section 134 of that title—

- (A) \$39,727,500,000 for fiscal year 2016;
- (B) \$40,547,805,000 for fiscal year 2017;
- (C) \$41,424,020,075 for fiscal year 2018;
- (D) \$42,358,903,696 for fiscal year 2019; and
- (E) \$43,373,294,311 for fiscal year 2020.

(2) TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION PROGRAM.—For credit assistance under the transportation infrastructure finance and innovation program under chapter 6 of title 23, United States Code—

- (A) \$275,000,000 for fiscal year 2016;
- (B) \$275,000,000 for fiscal year 2017;
- (C) \$285,000,000 for fiscal year 2018;
- (D) \$300,000,000 for fiscal year 2019; and
- (E) \$300,000,000 for fiscal year 2020.

(3) FEDERAL LANDS AND TRIBAL TRANSPORTATION PROGRAMS.—

(A) TRIBAL TRANSPORTATION PROGRAM.—For the tribal transportation program under section 202 of title 23, United States Code—

- (i) \$465,000,000 for fiscal year 2016;
- (ii) \$475,000,000 for fiscal year 2017;
- (iii) \$485,000,000 for fiscal year 2018;
- (iv) \$495,000,000 for fiscal year 2019; and
- (v) \$505,000,000 for fiscal year 2020.

(B) FEDERAL LANDS TRANSPORTATION PROGRAM.—

(i) IN GENERAL.—For the Federal lands transportation program under section 203 of title 23, United States Code—

- (I) \$335,000,000 for fiscal year 2016;
- (II) \$345,000,000 for fiscal year 2017;
- (III) \$355,000,000 for fiscal year 2018;
- (IV) \$365,000,000 for fiscal year 2019; and
- (V) \$375,000,000 for fiscal year 2020.

(ii) ALLOCATION.—Of the amount made available for a fiscal year under clause (i)—

(I) the amount for the National Park Service is—

- (aa) \$268,000,000 for fiscal year 2016;
- (bb) \$276,000,000 for fiscal year 2017;
- (cc) \$284,000,000 for fiscal year 2018;
- (dd) \$292,000,000 for fiscal year 2019; and
- (ee) \$300,000,000 for fiscal year 2020.

(II) the amount for the United States Fish and Wildlife Service is \$30,000,000 for each of fiscal years 2016 through 2020; and

(III) the amount for the United States Forest Service is—

- (aa) \$15,000,000 for fiscal year 2016;
- (bb) \$16,000,000 for fiscal year 2017;
- (cc) \$17,000,000 for fiscal year 2018;
- (dd) \$18,000,000 for fiscal year 2019; and
- (ee) \$19,000,000 for fiscal year 2020.

(C) FEDERAL LANDS ACCESS PROGRAM.—For the Federal lands access program under section 204 of title 23, United States Code—

- (i) \$250,000,000 for fiscal year 2016;
- (ii) \$255,000,000 for fiscal year 2017;
- (iii) \$260,000,000 for fiscal year 2018;
- (iv) \$265,000,000 for fiscal year 2019; and
- (v) \$270,000,000 for fiscal year 2020.

(4) TERRITORIAL AND PUERTO RICO HIGHWAY PROGRAM.—For the territorial and Puerto Rico highway program under section 165 of title 23, United States Code, \$200,000,000 for each of fiscal years 2016 through 2020.

(5) NATIONALLY SIGNIFICANT FREIGHT AND HIGHWAY PROJECTS.—For nationally significant freight and highway projects under section 117 of title 23, United States Code—

- (A) \$800,000,000 for fiscal year 2016;
- (B) \$850,000,000 for fiscal year 2017;
- (C) \$900,000,000 for fiscal year 2018;
- (D) \$950,000,000 for fiscal year 2019; and
- (E) \$1,000,000,000 for fiscal year 2020.

(b) DISADVANTAGED BUSINESS ENTERPRISES.—

(1) FINDINGS.—Congress finds that—

(A) while significant progress has occurred due to the establishment of the disadvantaged business enterprise program, discrimination and related barriers continue to pose significant obstacles for minority- and women-owned businesses seeking to do business in federally assisted surface transportation markets across the United States;

23 USC 101 note.

(B) the continuing barriers described in subparagraph (A) merit the continuation of the disadvantaged business enterprise program;

(C) Congress has received and reviewed testimony and documentation of race and gender discrimination from numerous sources, including congressional hearings and roundtables, scientific reports, reports issued by public and private agencies, news stories, reports of discrimination by organizations and individuals, and discrimination lawsuits, which show that race- and gender-neutral efforts alone are insufficient to address the problem;

(D) the testimony and documentation described in subparagraph (C) demonstrate that discrimination across the United States poses a barrier to full and fair participation in surface transportation-related businesses of women business owners and minority business owners and has impacted firm development and many aspects of surface transportation-related business in the public and private markets; and

(E) the testimony and documentation described in subparagraph (C) provide a strong basis that there is a compelling need for the continuation of the disadvantaged business enterprise program to address race and gender discrimination in surface transportation-related business.

(2) DEFINITIONS.—In this subsection, the following definitions apply:

(A) SMALL BUSINESS CONCERN.—

(i) IN GENERAL.—The term “small business concern” means a small business concern (as the term is used in section 3 of the Small Business Act (15 U.S.C. 632)).

(ii) EXCLUSIONS.—The term “small business concern” does not include any concern or group of concerns controlled by the same socially and economically disadvantaged individual or individuals that have average annual gross receipts during the preceding 3 fiscal years in excess of \$23,980,000, as adjusted annually by the Secretary for inflation.

(B) SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.—The term “socially and economically disadvantaged individuals” has the meaning given the term in section 8(d) of the Small Business Act (15 U.S.C. 637(d)) and relevant subcontracting regulations issued pursuant to that Act, except that women shall be presumed to be socially and economically disadvantaged individuals for purposes of this subsection.

(3) AMOUNTS FOR SMALL BUSINESS CONCERNS.—Except to the extent that the Secretary determines otherwise, not less than 10 percent of the amounts made available for any program under titles I, II, III, and VI of this Act and section 403 of title 23, United States Code, shall be expended through small business concerns owned and controlled by socially and economically disadvantaged individuals.

(4) ANNUAL LISTING OF DISADVANTAGED BUSINESS ENTERPRISES.—Each State shall annually—

(A) survey and compile a list of the small business concerns referred to in paragraph (3) in the State, including

the location of the small business concerns in the State;
and

(B) notify the Secretary, in writing, of the percentage of the small business concerns that are controlled by—
(i) women;
(ii) socially and economically disadvantaged individuals (other than women); and
(iii) individuals who are women and are otherwise socially and economically disadvantaged individuals.

(5) UNIFORM CERTIFICATION.—

(A) IN GENERAL.—The Secretary shall establish minimum uniform criteria for use by State governments in certifying whether a concern qualifies as a small business concern for the purpose of this subsection.

(B) INCLUSIONS.—The minimum uniform criteria established under subparagraph (A) shall include, with respect to a potential small business concern—

- (i) on-site visits;
- (ii) personal interviews with personnel;
- (iii) issuance or inspection of licenses;
- (iv) analyses of stock ownership;
- (v) listings of equipment;
- (vi) analyses of bonding capacity;
- (vii) listings of work completed;
- (viii) examination of the resumes of principal owners;
- (ix) analyses of financial capacity; and
- (x) analyses of the type of work preferred.

(6) REPORTING.—The Secretary shall establish minimum requirements for use by State governments in reporting to the Secretary—

(A) information concerning disadvantaged business enterprise awards, commitments, and achievements; and

(B) such other information as the Secretary determines to be appropriate for the proper monitoring of the disadvantaged business enterprise program.

(7) COMPLIANCE WITH COURT ORDERS.—Nothing in this subsection limits the eligibility of an individual or entity to receive funds made available under titles I, II, III, and VI of this Act and section 403 of title 23, United States Code, if the entity or person is prevented, in whole or in part, from complying with paragraph (3) because a Federal court issues a final order in which the court finds that a requirement or the implementation of paragraph (3) is unconstitutional.

(8) SENSE OF CONGRESS ON PROMPT PAYMENT OF DBE SUB-CONTRACTORS.—It is the sense of Congress that—

(A) the Secretary should take additional steps to ensure that recipients comply with section 26.29 of title 49, Code of Federal Regulations (the disadvantaged business enterprises prompt payment rule), or any corresponding regulation, in awarding federally funded transportation contracts under laws and regulations administered by the Secretary; and

(B) such additional steps should include increasing the Department's ability to track and keep records of complaints and to make that information publicly available.

23 USC 104 note. **SEC. 1102. OBLIGATION CEILING.**

(a) **GENERAL LIMITATION.**—Subject to subsection (e), and notwithstanding any other provision of law, the obligations for Federal-aid highway and highway safety construction programs shall not exceed—

- (1) \$42,361,000,000 for fiscal year 2016;
- (2) \$43,266,100,000 for fiscal year 2017;
- (3) \$44,234,212,000 for fiscal year 2018;
- (4) \$45,268,596,000 for fiscal year 2019; and
- (5) \$46,365,092,000 for fiscal year 2020.

(b) **EXCEPTIONS.**—The limitations under subsection (a) shall not apply to obligations under or for—

- (1) section 125 of title 23, United States Code;
- (2) section 147 of the Surface Transportation Assistance Act of 1978 (23 U.S.C. 144 note; 92 Stat. 2714);
- (3) section 9 of the Federal-Aid Highway Act of 1981 (95 Stat. 1701);
- (4) subsections (b) and (j) of section 131 of the Surface Transportation Assistance Act of 1982 (96 Stat. 2119);
- (5) subsections (b) and (c) of section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 198);
- (6) sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2027);
- (7) section 157 of title 23, United States Code (as in effect on June 8, 1998);
- (8) section 105 of title 23, United States Code (as in effect for fiscal years 1998 through 2004, but only in an amount equal to \$639,000,000 for each of those fiscal years);
- (9) Federal-aid highway programs for which obligation authority was made available under the Transportation Equity Act for the 21st Century (112 Stat. 107) or subsequent Acts for multiple years or to remain available until expended, but only to the extent that the obligation authority has not lapsed or been used;
- (10) section 105 of title 23, United States Code (as in effect for fiscal years 2005 through 2012, but only in an amount equal to \$639,000,000 for each of those fiscal years);
- (11) section 1603 of SAFETEA-LU (23 U.S.C. 118 note; 119 Stat. 1248), to the extent that funds obligated in accordance with that section were not subject to a limitation on obligations at the time at which the funds were initially made available for obligation;
- (12) section 119 of title 23, United States Code (as in effect for fiscal years 2013 through 2015, but only in an amount equal to \$639,000,000 for each of those fiscal years); and
- (13) section 119 of title 23, United States Code (but, for fiscal years 2016 through 2020, only in an amount equal to \$639,000,000 for each of those fiscal years).

(c) **DISTRIBUTION OF OBLIGATION AUTHORITY.**—For each of fiscal years 2016 through 2020, the Secretary—

(1) shall not distribute obligation authority provided by subsection (a) for the fiscal year for—

- (A) amounts authorized for administrative expenses and programs by section 104(a) of title 23, United States Code; and

(B) amounts authorized for the Bureau of Transportation Statistics;

(2) shall not distribute an amount of obligation authority provided by subsection (a) that is equal to the unobligated balance of amounts—

(A) made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highway and highway safety construction programs for previous fiscal years the funds for which are allocated by the Secretary (or apportioned by the Secretary under section 202 or 204 of title 23, United States Code); and

(B) for which obligation authority was provided in a previous fiscal year;

(3) shall determine the proportion that—

(A) the obligation authority provided by subsection (a) for the fiscal year, less the aggregate of amounts not distributed under paragraphs (1) and (2) of this subsection; bears to

(B) the total of the sums authorized to be appropriated for the Federal-aid highway and highway safety construction programs (other than sums authorized to be appropriated for provisions of law described in paragraphs (1) through (12) of subsection (b) and sums authorized to be appropriated for section 119 of title 23, United States Code, equal to the amount referred to in subsection (b)(13) for the fiscal year), less the aggregate of the amounts not distributed under paragraphs (1) and (2) of this subsection;

(4) shall distribute the obligation authority provided by subsection (a), less the aggregate amounts not distributed under paragraphs (1) and (2), for each of the programs (other than programs to which paragraph (1) applies) that are allocated by the Secretary under this Act and title 23, United States Code, or apportioned by the Secretary under sections 202 or 204 of that title, by multiplying—

(A) the proportion determined under paragraph (3);

by

(B) the amounts authorized to be appropriated for each such program for the fiscal year; and

(5) shall distribute the obligation authority provided by subsection (a), less the aggregate amounts not distributed under paragraphs (1) and (2) and the amounts distributed under paragraph (4), for Federal-aid highway and highway safety construction programs that are apportioned by the Secretary under title 23, United States Code (other than the amounts apportioned for the national highway performance program in section 119 of title 23, United States Code, that are exempt from the limitation under subsection (b)(13) and the amounts apportioned under sections 202 and 204 of that title) in the proportion that—

(A) amounts authorized to be appropriated for the programs that are apportioned under title 23, United States Code, to each State for the fiscal year; bears to

(B) the total of the amounts authorized to be appropriated for the programs that are apportioned under title 23, United States Code, to all States for the fiscal year.

(d) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (c), the Secretary shall, after August 1 of each of fiscal years 2016 through 2020—

(1) revise a distribution of the obligation authority made available under subsection (c) if an amount distributed cannot be obligated during that fiscal year; and

(2) redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year, giving priority to those States having large unobligated balances of funds apportioned under sections 144 (as in effect on the day before the date of enactment of MAP-21 (Public Law 112-141)) and 104 of title 23, United States Code.

(e) APPLICABILITY OF OBLIGATION LIMITATIONS TO TRANSPORTATION RESEARCH PROGRAMS.—

(1) IN GENERAL.—Except as provided in paragraph (2), obligation limitations imposed by subsection (a) shall apply to contract authority for transportation research programs carried out under—

(A) chapter 5 of title 23, United States Code; and

(B) title VI of this Act.

(2) EXCEPTION.—Obligation authority made available under paragraph (1) shall—

(A) remain available for a period of 4 fiscal years; and

(B) be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

(f) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—

(1) IN GENERAL.—Not later than 30 days after the date of distribution of obligation authority under subsection (c) for each of fiscal years 2016 through 2020, the Secretary shall distribute to the States any funds (excluding funds authorized for the program under section 202 of title 23, United States Code) that—

(A) are authorized to be appropriated for the fiscal year for Federal-aid highway programs; and

(B) the Secretary determines will not be allocated to the States (or will not be apportioned to the States under section 204 of title 23, United States Code), and will not be available for obligation, for the fiscal year because of the imposition of any obligation limitation for the fiscal year.

(2) RATIO.—Funds shall be distributed under paragraph (1) in the same proportion as the distribution of obligation authority under subsection (c)(5).

(3) AVAILABILITY.—Funds distributed to each State under paragraph (1) shall be available for any purpose described in section 133(b) of title 23, United States Code.

SEC. 1103. DEFINITIONS.

Section 101(a) of title 23, United States Code, is amended—

(1) by striking paragraph (29);

(2) by redesignating paragraphs (15) through (28) as paragraphs (16) through (29), respectively; and

(3) by inserting after paragraph (14) the following:

“(15) NATIONAL HIGHWAY FREIGHT NETWORK.—The term ‘National Highway Freight Network’ means the National Highway Freight Network established under section 167.”

SEC. 1104. APPORTIONMENT.

(a) ADMINISTRATIVE EXPENSES.—Section 104(a)(1) of title 23, United States Code, is amended to read as follows:

“(1) IN GENERAL.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to be made available to the Secretary for administrative expenses of the Federal Highway Administration—

- “(A) \$453,000,000 for fiscal year 2016;
- “(B) \$459,795,000 for fiscal year 2017;
- “(C) \$466,691,925 for fiscal year 2018;
- “(D) \$473,692,304 for fiscal year 2019; and
- “(E) \$480,797,689 for fiscal year 2020.”

(b) DIVISION AMONG PROGRAMS OF STATE’S SHARE OF BASE APPORTIONMENT.—Section 104(b) of title 23, United States Code, is amended—

(1) by striking “(b) DIVISION OF” and all that follows before paragraph (1) and inserting the following:

“(b) DIVISION AMONG PROGRAMS OF STATE’S SHARE OF BASE APPORTIONMENT.—The Secretary shall distribute the amount of the base apportionment apportioned to a State for a fiscal year under subsection (c) among the national highway performance program, the surface transportation block grant program, the highway safety improvement program, the congestion mitigation and air quality improvement program, the national highway freight program, and to carry out section 134 as follows:”

(2) in paragraphs (1), (2), and (3) by striking “paragraphs (4) and (5)” each place it appears and inserting “paragraphs (4), (5), and (6)”;

(3) in paragraph (2)—

(A) in the paragraph heading by striking “SURFACE TRANSPORTATION PROGRAM” and inserting “SURFACE TRANSPORTATION BLOCK GRANT PROGRAM”; and

(B) by striking “surface transportation program” and inserting “surface transportation block grant program”;

(4) in paragraph (4), in the matter preceding subparagraph (A), by striking “the amount determined for the State under subsection (c)” and inserting “the amount of the base apportionment remaining for the State under subsection (c) after making the set aside in accordance with paragraph (5)”;

(5) by redesignating paragraph (5) as paragraph (6);

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

“(5) NATIONAL HIGHWAY FREIGHT PROGRAM.—

“(A) IN GENERAL.—For the national highway freight program under section 167, the Secretary shall set aside from the base apportionment determined for a State under subsection (c) an amount determined for the State under subparagraphs (B) and (C).

“(B) TOTAL AMOUNT.—The total amount set aside for the national highway freight program for all States shall be—

- “(i) \$1,150,000,000 for fiscal year 2016;
- “(ii) \$1,100,000,000 for fiscal year 2017;
- “(iii) \$1,200,000,000 for fiscal year 2018;

“(iv) \$1,350,000,000 for fiscal year 2019; and

“(v) \$1,500,000,000 for fiscal year 2020.

“(C) STATE SHARE.—For each fiscal year, the Secretary shall distribute among the States the total set-aside amount for the national highway freight program under subparagraph (B) so that each State receives the amount equal to the proportion that—

“(i) the total base apportionment determined for the State under subsection (c); bears to

“(ii) the total base apportionments for all States under subsection (c).

“(D) METROPOLITAN PLANNING.—Of the amount set aside under this paragraph for a State, the Secretary shall use to carry out section 134 an amount determined by multiplying the set-aside amount by the proportion that—

“(i) the amount apportioned to the State to carry out section 134 for fiscal year 2009; bears to

“(ii) the total amount of funds apportioned to the State for that fiscal year for the programs referred to in section 105(a)(2) (except for the high priority projects program referred to in section 105(a)(2)(H)), as in effect on the day before the date of enactment of MAP–21 (Public Law 112–141; 126 Stat. 405).”; and

(7) in paragraph (6) (as so redesignated), in the matter preceding subparagraph (A), by striking “the amount determined for the State under subsection (c)” and inserting “the amount of the base apportionment remaining for a State under subsection (c) after making the set aside in accordance with paragraph (5)”.

(c) CALCULATION OF STATE AMOUNTS.—Section 104(c) of title 23, United States Code, is amended to read as follows:

“(c) CALCULATION OF AMOUNTS.—

“(1) STATE SHARE.—For each of fiscal years 2016 through 2020, the amount for each State shall be determined as follows:

“(A) INITIAL AMOUNTS.—The initial amounts for each State shall be determined by multiplying—

“(i) each of—

“(I) the base apportionment;

“(II) supplemental funds reserved under subsection (h)(1) for the national highway performance program; and

“(III) supplemental funds reserved under subsection (h)(2) for the surface transportation block grant program; by

“(ii) the share for each State, which shall be equal to the proportion that—

“(I) the amount of apportionments that the State received for fiscal year 2015; bears to

“(II) the amount of those apportionments received by all States for that fiscal year.

“(B) ADJUSTMENTS TO AMOUNTS.—The initial amounts resulting from the calculation under subparagraph (A) shall be adjusted to ensure that each State receives an aggregate apportionment equal to at least 95 percent of the estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass

Transit Account) in the most recent fiscal year for which data are available.

“(2) STATE APPORTIONMENT.—On October 1 of fiscal years 2016 through 2020, the Secretary shall apportion the sums authorized to be appropriated for expenditure on the national highway performance program under section 119, the surface transportation block grant program under section 133, the highway safety improvement program under section 148, the congestion mitigation and air quality improvement program under section 149, the national highway freight program under section 167, and to carry out section 134 in accordance with paragraph (1).”

(d) SUPPLEMENTAL FUNDS.—Section 104 of title 23, United States Code, is amended by adding at the end the following:

“(h) SUPPLEMENTAL FUNDS.—

“(1) SUPPLEMENTAL FUNDS FOR NATIONAL HIGHWAY PERFORMANCE PROGRAM.—

“(A) AMOUNT.—Before making an apportionment for a fiscal year under subsection (c), the Secretary shall reserve for the national highway performance program under section 119 for that fiscal year an amount equal to—

“(i) \$53,596,122 for fiscal year 2019; and

“(ii) \$66,717,816 for fiscal year 2020.

“(B) TREATMENT OF FUNDS.—Funds reserved under subparagraph (A) and apportioned to a State under subsection (c) shall be treated as if apportioned under subsection (b)(1), and shall be in addition to amounts apportioned under that subsection.

“(2) SUPPLEMENTAL FUNDS FOR SURFACE TRANSPORTATION BLOCK GRANT PROGRAM.—

“(A) AMOUNT.—Before making an apportionment for a fiscal year under subsection (c), the Secretary shall reserve for the surface transportation block grant program under section 133 for that fiscal year an amount equal to—

“(i) \$835,000,000 for each of fiscal years 2016 and 2017 pursuant to section 133(h), plus—

“(I) \$55,426,310 for fiscal year 2016; and

“(II) \$89,289,904 for fiscal year 2017; and

“(ii) \$850,000,000 for each of fiscal years 2018 through 2020 pursuant to section 133(h), plus—

“(I) \$118,013,536 for fiscal year 2018;

“(II) \$130,688,367 for fiscal year 2019; and

“(III) \$170,053,448 for fiscal year 2020.

“(B) TREATMENT OF FUNDS.—Funds reserved under subparagraph (A) and apportioned to a State under subsection (c) shall be treated as if apportioned under subsection (b)(2), and shall be in addition to amounts apportioned under that subsection.

“(i) BASE APPORTIONMENT DEFINED.—In this section, the term ‘base apportionment’ means—

“(1) the combined amount authorized for appropriation for the national highway performance program under section 119, the surface transportation block grant program under section 133, the highway safety improvement program under section 148, the congestion mitigation and air quality improvement

program under section 149, the national highway freight program under section 167, and to carry out section 134; minus

“(2) supplemental funds reserved under subsection (h) for the national highway performance program and the surface transportation block grant program.”.

(e) CONFORMING AMENDMENTS.—

(1) Section 104(d)(1)(A) of title 23, United States Code, is amended by striking “subsection (b)(5)” each place it appears and inserting “paragraphs (5)(D) and (6) of subsection (b)”.

(2) Section 120(c)(3) of title 23, United States Code, is amended—

(A) in subparagraph (A) in the matter preceding clause (i), by striking “or (5)” and inserting “(5)(D), or (6)”; and

(B) in subparagraph (C)(i) by striking “and (5)” and inserting “(5)(D), and (6)”.

(3) Section 135(i) of title 23, United States Code, is amended by striking “section 104(b)(5)” and inserting “paragraphs (5)(D) and (6) of section 104(b)”.

(4) Section 136(b) of title 23, United States Code, is amended in the first sentence by striking “paragraphs (1) through (5) of section 104(b)” and inserting “paragraphs (1) through (6) of section 104(b)”.

(5) Section 141(b)(2) of title 23, United States Code, is amended by striking “paragraphs (1) through (5) of section 104(b)” and inserting “paragraphs (1) through (6) of section 104(b)”.

(6) Section 505(a) of title 23, United States Code, is amended in the matter preceding paragraph (1) by striking “through (4)” and inserting “through (5)”.

SEC. 1105. NATIONALLY SIGNIFICANT FREIGHT AND HIGHWAY PROJECTS.

(a) IN GENERAL.—Title 23, United States Code, is amended by inserting after section 116 the following:

23 USC 117.

“§ 117. Nationally significant freight and highway projects

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—There is established a nationally significant freight and highway projects program to provide financial assistance for projects of national or regional significance.

“(2) GOALS.—The goals of the program shall be to—

“(A) improve the safety, efficiency, and reliability of the movement of freight and people;

“(B) generate national or regional economic benefits and an increase in the global economic competitiveness of the United States;

“(C) reduce highway congestion and bottlenecks;

“(D) improve connectivity between modes of freight transportation;

“(E) enhance the resiliency of critical highway infrastructure and help protect the environment;

“(F) improve roadways vital to national energy security; and

“(G) address the impact of population growth on the movement of people and freight.

“(b) GRANT AUTHORITY.—

“(1) IN GENERAL.—In carrying out the program established in subsection (a), the Secretary may make grants, on a competitive basis, in accordance with this section.

“(2) GRANT AMOUNT.—Except as otherwise provided, each grant made under this section shall be in an amount that is at least \$25,000,000.

“(c) ELIGIBLE APPLICANTS.—

“(1) IN GENERAL.—The Secretary may make a grant under this section to the following:

“(A) A State or a group of States.

“(B) A metropolitan planning organization that serves an urbanized area (as defined by the Bureau of the Census) with a population of more than 200,000 individuals.

“(C) A unit of local government or a group of local governments.

“(D) A political subdivision of a State or local government.

“(E) A special purpose district or public authority with a transportation function, including a port authority.

“(F) A Federal land management agency that applies jointly with a State or group of States.

“(G) A tribal government or a consortium of tribal governments.

“(H) A multistate or multijurisdictional group of entities described in this paragraph.

“(2) APPLICATIONS.—To be eligible for a grant under this section, an entity specified in paragraph (1) shall submit to the Secretary an application in such form, at such time, and containing such information as the Secretary determines is appropriate.

“(d) ELIGIBLE PROJECTS.—

“(1) IN GENERAL.—Except as provided in subsection (e), the Secretary may make a grant under this section only for a project that—

“(A) is—

“(i) a highway freight project carried out on the National Highway Freight Network established under section 167;

“(ii) a highway or bridge project carried out on the National Highway System, including—

“(I) a project to add capacity to the Interstate System to improve mobility; or

“(II) a project in a national scenic area;

“(iii) a freight project that is—

“(I) a freight intermodal or freight rail project;

or

“(II) within the boundaries of a public or private freight rail, water (including ports), or intermodal facility and that is a surface transportation infrastructure project necessary to facilitate direct intermodal interchange, transfer, or access into or out of the facility; or

“(iv) a railway-highway grade crossing or grade separation project; and

“(B) has eligible project costs that are reasonably anticipated to equal or exceed the lesser of—

“(i) \$100,000,000; or

“(ii) in the case of a project—

“(I) located in 1 State, 30 percent of the amount apportioned under this chapter to the State in the most recently completed fiscal year; or

“(II) located in more than 1 State, 50 percent of the amount apportioned under this chapter to the participating State with the largest apportionment under this chapter in the most recently completed fiscal year.

“(2) LIMITATION.—

“(A) IN GENERAL.—Not more than \$500,000,000 of the amounts made available for grants under this section for fiscal years 2016 through 2020, in the aggregate, may be used to make grants for projects described in paragraph (1)(A)(iii) and such a project may only receive a grant under this section if—

“(i) the project will make a significant improvement to freight movements on the National Highway Freight Network; and

“(ii) the Federal share of the project funds only elements of the project that provide public benefits.

“(B) EXCLUSIONS.—The limitation under subparagraph (A)—

“(i) shall not apply to a railway-highway grade crossing or grade separation project; and

“(ii) with respect to a multimodal project, shall apply only to the non-highway portion or portions of the project.

“(e) SMALL PROJECTS.—

“(1) IN GENERAL.—The Secretary shall reserve 10 percent of the amounts made available for grants under this section each fiscal year to make grants for projects described in subsection (d)(1)(A) that do not satisfy the minimum threshold under subsection (d)(1)(B).

“(2) GRANT AMOUNT.—Each grant made under this subsection shall be in an amount that is at least \$5,000,000.

“(3) PROJECT SELECTION CONSIDERATIONS.—In addition to other applicable requirements, in making grants under this subsection the Secretary shall consider—

“(A) the cost effectiveness of the proposed project; and

“(B) the effect of the proposed project on mobility in the State and region in which the project is carried out.

“(f) ELIGIBLE PROJECT COSTS.—Grant amounts received for a project under this section may be used for—

“(1) development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineering and design work, and other preconstruction activities; and

“(2) construction, reconstruction, rehabilitation, acquisition of real property (including land related to the project and improvements to the land), environmental mitigation, construction contingencies, acquisition of equipment, and operational improvements directly related to improving system performance.

“(g) PROJECT REQUIREMENTS.—The Secretary may select a project described under this section (other than subsection (e))

for funding under this section only if the Secretary determines that—

“(1) the project will generate national or regional economic, mobility, or safety benefits;

“(2) the project will be cost effective;

“(3) the project will contribute to the accomplishment of 1 or more of the national goals described under section 150 of this title;

“(4) the project is based on the results of preliminary engineering;

“(5) with respect to related non-Federal financial commitments—

“(A) 1 or more stable and dependable sources of funding and financing are available to construct, maintain, and operate the project; and

“(B) contingency amounts are available to cover unanticipated cost increases;

“(6) the project cannot be easily and efficiently completed without other Federal funding or financial assistance available to the project sponsor; and

“(7) the project is reasonably expected to begin construction not later than 18 months after the date of obligation of funds for the project.

“(h) ADDITIONAL CONSIDERATIONS.—In making a grant under this section, the Secretary shall consider—

“(1) utilization of nontraditional financing, innovative design and construction techniques, or innovative technologies;

“(2) utilization of non-Federal contributions; and

“(3) contributions to geographic diversity among grant recipients, including the need for a balance between the needs of rural and urban communities.

“(i) RURAL AREAS.—

“(1) IN GENERAL.—The Secretary shall reserve not less than 25 percent of the amounts made available for grants under this section, including the amounts made available under subsection (e), each fiscal year to make grants for projects located in rural areas.

“(2) EXCESS FUNDING.—In any fiscal year in which qualified applications for grants under this subsection will not allow for the amount reserved under paragraph (1) to be fully utilized, the Secretary shall use the unutilized amounts to make other grants under this section.

“(3) RURAL AREA DEFINED.—In this subsection, the term ‘rural area’ means an area that is outside an urbanized area with a population of over 200,000.

“(j) FEDERAL SHARE.—

“(1) IN GENERAL.—The Federal share of the cost of a project assisted with a grant under this section may not exceed 60 percent.

“(2) MAXIMUM FEDERAL INVOLVEMENT.—Federal assistance other than a grant under this section may be used to satisfy the non-Federal share of the cost of a project for which such a grant is made, except that the total Federal assistance provided for a project receiving a grant under this section may not exceed 80 percent of the total project cost.

“(3) FEDERAL LAND MANAGEMENT AGENCIES.—Notwithstanding any other provision of law, any Federal funds other

than those made available under this title or title 49 may be used to pay the non-Federal share of the cost of a project carried out under this section by a Federal land management agency, as described under subsection (c)(1)(F).

“(k) TREATMENT OF FREIGHT PROJECTS.—Notwithstanding any other provision of law, a freight project carried out under this section shall be treated as if the project is located on a Federal-aid highway.

“(l) TIFIA PROGRAM.—At the request of an eligible applicant under this section, the Secretary may use amounts awarded to the entity to pay subsidy and administrative costs necessary to provide the entity Federal credit assistance under chapter 6 with respect to the project for which the grant was awarded.

“(m) CONGRESSIONAL NOTIFICATION.—

“(1) NOTIFICATION.—

“(A) IN GENERAL.—At least 60 days before making a grant for a project under this section, the Secretary shall notify, in writing, the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate of the proposed grant. The notification shall include an evaluation and justification for the project and the amount of the proposed grant award.

“(B) MULTIMODAL PROJECTS.—In addition to the notice required under subparagraph (A), the Secretary shall notify the Committee on Commerce, Science, and Transportation of the Senate before making a grant for a project described in subsection (d)(1)(A)(iii).

“(2) CONGRESSIONAL DISAPPROVAL.—The Secretary may not make a grant or any other obligation or commitment to fund a project under this section if a joint resolution is enacted disapproving funding for the project before the last day of the 60-day period described in paragraph (1).

“(n) REPORTS.—

“(1) ANNUAL REPORT.—The Secretary shall make available on the Web site of the Department of Transportation at the end of each fiscal year an annual report that lists each project for which a grant has been provided under this section during that fiscal year.

“(2) COMPTROLLER GENERAL.—

“(A) ASSESSMENT.—The Comptroller General of the United States shall conduct an assessment of the administrative establishment, solicitation, selection, and justification process with respect to the funding of grants under this section.

“(B) REPORT.—Not later than 1 year after the initial awarding of grants under this section, the Comptroller General shall submit to the Committee on Environment and Public Works of the Senate, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes—

“(i) the adequacy and fairness of the process by which each project was selected, if applicable; and

“(ii) the justification and criteria used for the selection of each project, if applicable.”

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by inserting after the item relating to section 116 the following:

23 USC
prec. 101.

“117. Nationally significant freight and highway projects.”.

(c) REPEAL.—Section 1301 of SAFETEA–LU (23 U.S.C. 101 note), and the item relating to that section in the table of contents in section 1(b) of such Act, are repealed.

SEC. 1106. NATIONAL HIGHWAY PERFORMANCE PROGRAM.

Section 119 of title 23, United States Code, is amended by adding at the end the following:

“(h) TIFIA PROGRAM.—Upon Secretarial approval of credit assistance under chapter 6, the Secretary, at the request of a State, may allow the State to use funds apportioned under section 104(b)(1) to pay subsidy and administrative costs necessary to provide an eligible entity Federal credit assistance under chapter 6 with respect to a project eligible for assistance under this section.

“(i) ADDITIONAL FUNDING ELIGIBILITY FOR CERTAIN BRIDGES.—

“(1) IN GENERAL.—Funds apportioned to a State to carry out the national highway performance program may be obligated for a project for the reconstruction, resurfacing, restoration, rehabilitation, or preservation of a bridge not on the National Highway System, if the bridge is on a Federal-aid highway.

“(2) LIMITATION.—A State required to make obligations under subsection (f) shall ensure such requirements are satisfied in order to use the flexibility under paragraph (1).

“(j) CRITICAL INFRASTRUCTURE.—

“(1) CRITICAL INFRASTRUCTURE DEFINED.—In this subsection, the term ‘critical infrastructure’ means those facilities the incapacity or failure of which would have a debilitating impact on national or regional economic security, national or regional energy security, national or regional public health or safety, or any combination of those matters.

“(2) CONSIDERATION.—The asset management plan of a State may include consideration of critical infrastructure from among those facilities in the State that are eligible under subsection (c).

“(3) RISK REDUCTION.—A State may use funds apportioned under this section for projects intended to reduce the risk of failure of critical infrastructure in the State.”.

SEC. 1107. EMERGENCY RELIEF FOR FEDERALLY OWNED ROADS.

(a) ELIGIBILITY.—Section 125(d)(3) of title 23, United States Code, is amended—

- (1) in subparagraph (A) by striking “or” at the end;
- (2) in subparagraph (B) by striking the period at the end and inserting “; or”; and
- (3) by adding at the end the following:

“(C) projects eligible for assistance under this section located on tribal transportation facilities, Federal lands transportation facilities, or other federally owned roads that are open to public travel (as defined in subsection (e)(1)).”.

(b) DEFINITIONS.—Section 125(e) of title 23, United States Code, is amended by striking paragraph (1) and inserting the following:

“(1) DEFINITIONS.—In this subsection, the following definitions apply:

“(A) OPEN TO PUBLIC TRAVEL.—The term ‘open to public travel’ means, with respect to a road, that, except during scheduled periods, extreme weather conditions, or emergencies, the road—

“(i) is maintained;

“(ii) is open to the general public; and

“(iii) can accommodate travel by a standard passenger vehicle, without restrictive gates or prohibitive signs or regulations, other than for general traffic control or restrictions based on size, weight, or class of registration.

“(B) STANDARD PASSENGER VEHICLE.—The term ‘standard passenger vehicle’ means a vehicle with 6 inches of clearance from the lowest point of the frame, body, suspension, or differential to the ground.”.

SEC. 1108. RAILWAY-HIGHWAY GRADE CROSSINGS.

Section 130(e)(1) of title 23, United States Code, is amended to read as follows:

“(1) IN GENERAL.—

“(A) SET ASIDE.—Before making an apportionment under section 104(b)(3) for a fiscal year, the Secretary shall set aside, from amounts made available to carry out the highway safety improvement program under section 148 for such fiscal year, for the elimination of hazards and the installation of protective devices at railway-highway crossings at least—

“(i) \$225,000,000 for fiscal year 2016;

“(ii) \$230,000,000 for fiscal year 2017;

“(iii) \$235,000,000 for fiscal year 2018;

“(iv) \$240,000,000 for fiscal year 2019; and

“(v) \$245,000,000 for fiscal year 2020.

“(B) INSTALLATION OF PROTECTIVE DEVICES.—At least ½ of the funds set aside each fiscal year under subparagraph (A) shall be available for the installation of protective devices at railway-highway crossings.

“(C) OBLIGATION AVAILABILITY.—Sums set aside each fiscal year under subparagraph (A) shall be available for obligation in the same manner as funds apportioned under section 104(b)(1).”.

23 USC 133 note. **SEC. 1109. SURFACE TRANSPORTATION BLOCK GRANT PROGRAM.**

(a) FINDINGS.—Congress finds that—

(1) the benefits of the surface transportation block grant program accrue principally to the residents of each State and municipality where the funds are obligated;

(2) decisions about how funds should be obligated are best determined by the States and municipalities to respond to unique local circumstances and implement the most efficient solutions; and

(3) reforms of the program to promote flexibility will enhance State and local control over transportation decisions.

(b) SURFACE TRANSPORTATION BLOCK GRANT PROGRAM.—Section 133 of title 23, United States Code, is amended—

(1) by striking subsections (a), (b), (c), and (d) and inserting the following:

“(a) ESTABLISHMENT.—The Secretary shall establish a surface transportation block grant program in accordance with this section to provide flexible funding to address State and local transportation needs.

“(b) ELIGIBLE PROJECTS.—Funds apportioned to a State under section 104(b)(2) for the surface transportation block grant program may be obligated for the following:

“(1) Construction of—

“(A) highways, bridges, tunnels, including designated routes of the Appalachian development highway system and local access roads under section 14501 of title 40;

“(B) ferry boats and terminal facilities eligible for funding under section 129(c);

“(C) transit capital projects eligible for assistance under chapter 53 of title 49;

“(D) infrastructure-based intelligent transportation systems capital improvements;

“(E) truck parking facilities eligible for funding under section 1401 of MAP–21 (23 U.S.C. 137 note); and

“(F) border infrastructure projects eligible for funding under section 1303 of SAFETEA–LU (23 U.S.C. 101 note).

“(2) Operational improvements and capital and operating costs for traffic monitoring, management, and control facilities and programs.

“(3) Environmental measures eligible under sections 119(g), 328, and 329 and transportation control measures listed in section 108(f)(1)(A) (other than clause (xvi) of that section) of the Clean Air Act (42 U.S.C. 7408(f)(1)(A)).

“(4) Highway and transit safety infrastructure improvements and programs, including railway-highway grade crossings.

“(5) Fringe and corridor parking facilities and programs in accordance with section 137 and carpool projects in accordance with section 146.

“(6) Recreational trails projects eligible for funding under section 206, pedestrian and bicycle projects in accordance with section 217 (including modifications to comply with accessibility requirements under the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.)), and the safe routes to school program under section 1404 of SAFETEA–LU (23 U.S.C. 402 note).

“(7) Planning, design, or construction of boulevards and other roadways largely in the right-of-way of former Interstate System routes or other divided highways.

“(8) Development and implementation of a State asset management plan for the National Highway System and a performance-based management program for other public roads.

“(9) Protection (including painting, scour countermeasures, seismic retrofits, impact protection measures, security countermeasures, and protection against extreme events) for bridges (including approaches to bridges and other elevated structures) and tunnels on public roads, and inspection and evaluation of bridges and tunnels and other highway assets.

“(10) Surface transportation planning programs, highway and transit research and development and technology transfer programs, and workforce development, training, and education under chapter 5 of this title.

“(11) Surface transportation infrastructure modifications to facilitate direct intermodal interchange, transfer, and access into and out of a port terminal.

“(12) Projects and strategies designed to support congestion pricing, including electronic toll collection and travel demand management strategies and programs.

“(13) At the request of a State, and upon Secretarial approval of credit assistance under chapter 6, subsidy and administrative costs necessary to provide an eligible entity Federal credit assistance under chapter 6 with respect to a project eligible for assistance under this section.

“(14) The creation and operation by a State of an office to assist in the design, implementation, and oversight of public-private partnerships eligible to receive funding under this title and chapter 53 of title 49, and the payment of a stipend to unsuccessful private bidders to offset their proposal development costs, if necessary to encourage robust competition in public-private partnership procurements.

“(15) Any type of project eligible under this section as in effect on the day before the date of enactment of the FAST Act, including projects described under section 101(a)(29) as in effect on such day.

“(c) LOCATION OF PROJECTS.—A surface transportation block grant project may not be undertaken on a road functionally classified as a local road or a rural minor collector unless the road was on a Federal-aid highway system on January 1, 1991, except—

“(1) for a bridge or tunnel project (other than the construction of a new bridge or tunnel at a new location);

“(2) for a project described in paragraphs (4) through (11) of subsection (b);

“(3) for a project described in section 101(a)(29), as in effect on the day before the date of enactment of the FAST Act; and

“(4) as approved by the Secretary.

“(d) ALLOCATIONS OF APPORTIONED FUNDS TO AREAS BASED ON POPULATION.—

“(1) CALCULATION.—Of the funds apportioned to a State under section 104(b)(2) (after the reservation of funds under subsection (h))—

“(A) the percentage specified in paragraph (6) for a fiscal year shall be obligated under this section, in proportion to their relative shares of the population of the State—

“(i) in urbanized areas of the State with an urbanized area population of over 200,000;

“(ii) in areas of the State other than urban areas with a population greater than 5,000; and

“(iii) in other areas of the State; and

“(B) the remainder may be obligated in any area of the State.

“(2) METROPOLITAN AREAS.—Funds attributed to an urbanized area under paragraph (1)(A)(i) may be obligated in the metropolitan area established under section 134 that encompasses the urbanized area.

“(3) CONSULTATION WITH REGIONAL TRANSPORTATION PLANNING ORGANIZATIONS.—For purposes of paragraph (1)(A)(iii), before obligating funding attributed to an area with a population greater than 5,000 and less than 200,000, a State shall

consult with the regional transportation planning organizations that represent the area, if any.

“(4) DISTRIBUTION AMONG URBANIZED AREAS OF OVER 200,000 POPULATION.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the amount of funds that a State is required to obligate under paragraph (1)(A)(i) shall be obligated in urbanized areas described in paragraph (1)(A)(i) based on the relative population of the areas.

“(B) OTHER FACTORS.—The State may obligate the funds described in subparagraph (A) based on other factors if the State and the relevant metropolitan planning organizations jointly apply to the Secretary for the permission to base the obligation on other factors and the Secretary grants the request.

“(5) APPLICABILITY OF PLANNING REQUIREMENTS.—Programming and expenditure of funds for projects under this section shall be consistent with sections 134 and 135.

“(6) PERCENTAGE.—The percentage referred to in paragraph (1)(A) is—

- “(A) for fiscal year 2016, 51 percent;
- “(B) for fiscal year 2017, 52 percent;
- “(C) for fiscal year 2018, 53 percent;
- “(D) for fiscal year 2019, 54 percent; and
- “(E) for fiscal year 2020, 55 percent.”;

(2) by striking the section heading and inserting “**Surface transportation block grant program**”;

(3) by striking subsection (e);

(4) by redesignating subsections (f) through (h) as subsections (e) through (g), respectively;

(5) in subsection (e)(1), as redesignated by this subsection—

(A) by striking “104(b)(3)” and inserting “104(b)(2)”;

and

(B) by striking “fiscal years 2011 through 2014” and inserting “fiscal years 2016 through 2020”;

(6) in subsection (g)(1), as redesignated by this subsection, by striking “under subsection (d)(1)(A)(iii) for each of fiscal years 2013 through 2014” and inserting “under subsection (d)(1)(A)(ii) for each of fiscal years 2016 through 2020”; and

(7) by adding at the end the following:

“(h) STP SET-ASIDE.—

“(1) RESERVATION OF FUNDS.—Of the funds apportioned to a State under section 104(b)(2) for each fiscal year, the Secretary shall reserve an amount such that—

“(A) the Secretary reserves a total under this subsection of—

“(i) \$835,000,000 for each of fiscal years 2016 and 2017; and

“(ii) \$850,000,000 for each of fiscal years 2018 through 2020; and

“(B) the State’s share of that total is determined by multiplying the amount under subparagraph (A) by the ratio that—

“(i) the amount apportioned to the State for the transportation enhancements program for fiscal year 2009 under section 133(d)(2), as in effect on the day before the date of enactment of MAP–21; bears to

“(ii) the total amount of funds apportioned to all States for the transportation enhancements program for fiscal year 2009.

“(2) ALLOCATION WITHIN A STATE.—Funds reserved for a State under paragraph (1) shall be obligated within that State in the manner described in subsection (d), except that, for purposes of this paragraph (after funds are made available under paragraph (5))—

“(A) for each fiscal year, the percentage referred to in paragraph (1)(A) of that subsection shall be deemed to be 50 percent; and

“(B) the following provisions shall not apply:

“(i) Paragraph (3) of subsection (d).

“(ii) Subsection (e).

“(3) ELIGIBLE PROJECTS.—Funds reserved under this subsection may be obligated for projects or activities described in section 101(a)(29) or 213, as such provisions were in effect on the day before the date of enactment of the FAST Act.

“(4) ACCESS TO FUNDS.—

“(A) IN GENERAL.—A State or metropolitan planning organization required to obligate funds in accordance with paragraph (2) shall develop a competitive process to allow eligible entities to submit projects for funding that achieve the objectives of this subsection. A metropolitan planning organization for an area described in subsection (d)(1)(A)(i) shall select projects under such process in consultation with the relevant State.

“(B) ELIGIBLE ENTITY DEFINED.—In this paragraph, the term ‘eligible entity’ means—

“(i) a local government;

“(ii) a regional transportation authority;

“(iii) a transit agency;

“(iv) a natural resource or public land agency;

“(v) a school district, local education agency, or school;

“(vi) a tribal government;

“(vii) a nonprofit entity responsible for the administration of local transportation safety programs; and

“(viii) any other local or regional governmental entity with responsibility for or oversight of transportation or recreational trails (other than a metropolitan planning organization or a State agency) that the State determines to be eligible, consistent with the goals of this subsection.

“(5) CONTINUATION OF CERTAIN RECREATIONAL TRAILS PROJECTS.—For each fiscal year, a State shall—

“(A) obligate an amount of funds reserved under this section equal to the amount of the funds apportioned to the State for fiscal year 2009 under section 104(h)(2), as in effect on the day before the date of enactment of MAP-21, for projects relating to recreational trails under section 206;

“(B) return 1 percent of those funds to the Secretary for the administration of that program; and

“(C) comply with the provisions of the administration of the recreational trails program under section 206,

including the use of apportioned funds described in subsection (d)(3)(A) of that section.

“(6) STATE FLEXIBILITY.—

“(A) RECREATIONAL TRAILS.—A State may opt out of the recreational trails program under paragraph (5) if the Governor of the State notifies the Secretary not later than 30 days prior to apportionments being made for any fiscal year.

“(B) LARGE URBANIZED AREAS.—A metropolitan planning area may use not to exceed 50 percent of the funds reserved under this subsection for an urbanized area described in subsection (d)(1)(A)(i) for any purpose eligible under subsection (b).

“(7) ANNUAL REPORTS.—

“(A) IN GENERAL.—Each State or metropolitan planning organization responsible for carrying out the requirements of this subsection shall submit to the Secretary an annual report that describes—

“(i) the number of project applications received for each fiscal year, including—

“(I) the aggregate cost of the projects for which applications are received; and

“(II) the types of projects to be carried out, expressed as percentages of the total apportionment of the State under this subsection; and

“(ii) the number of projects selected for funding for each fiscal year, including the aggregate cost and location of projects selected.

“(B) PUBLIC AVAILABILITY.—The Secretary shall make available to the public, in a user-friendly format on the Web site of the Department of Transportation, a copy of each annual report submitted under subparagraph (A).

“(i) TREATMENT OF PROJECTS.—Notwithstanding any other provision of law, projects funded under this section (excluding those carried out under subsection (h)(5)) shall be treated as projects on a Federal-aid highway under this chapter.”

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) SECTION 126.—Section 126(b)(2) of title 23, United States Code, is amended—

(A) by striking “section 213” and inserting “section 133(h)”; and

(B) by striking “section 213(c)(1)(B)” and inserting “section 133(h)”.

(2) SECTION 213.—Section 213 of title 23, United States Code, is repealed.

(3) SECTION 322.—Section 322(h)(3) of title 23, United States Code, is amended by striking “surface transportation program” and inserting “surface transportation block grant program”.

(4) SECTION 504.—Section 504(a)(4) of title 23, United States Code, is amended—

(A) by striking “104(b)(3)” and inserting “104(b)(2)”; and

(B) by striking “surface transportation program” and inserting “surface transportation block grant program”.

(5) CHAPTER 1.—Chapter 1 of title 23, United States Code, is amended by striking “surface transportation program” each

place it appears and inserting “surface transportation block grant program”.

(6) CHAPTER ANALYSES.—

23 USC
prec. 101.

(A) CHAPTER 1.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 133 and inserting the following:

“133. Surface transportation block grant program.”.

(B) CHAPTER 2.—The item relating to section 213 in the analysis for chapter 2 of title 23, United States Code, is repealed.

23 USC
prec. 201.
23 USC 133 note.

(7) OTHER REFERENCES.—Any reference in any other law, regulation, document, paper, or other record of the United States to the surface transportation program under section 133 of title 23, United States Code, shall be deemed to be a reference to the surface transportation block grant program under such section.

SEC. 1110. HIGHWAY USE TAX EVASION PROJECTS.

Section 143(b) of title 23, United States Code, is amended—

(1) by striking paragraph (2)(A) and inserting the following:

“(A) IN GENERAL.—From administrative funds made available under section 104(a), the Secretary may deduct such sums as are necessary, not to exceed \$4,000,000 for each of fiscal years 2016 through 2020, to carry out this section.”;

(2) in the heading for paragraph (8) by inserting “BLOCK GRANT” after “SURFACE TRANSPORTATION”; and

(3) in paragraph (9) by inserting “, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Environment and Public Works of the Senate” after “the Secretary”.

SEC. 1111. BUNDLING OF BRIDGE PROJECTS.

Section 144 of title 23, United States Code, is amended—

(1) in subsection (c)(2)(A) by striking “the natural condition of the bridge” and inserting “the natural condition of the water”;

(2) by redesignating subsection (j) as subsection (k);

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

“(j) BUNDLING OF BRIDGE PROJECTS.—

“(1) PURPOSE.—The purpose of this subsection is to save costs and time by encouraging States to bundle multiple bridge projects as 1 project.

“(2) ELIGIBLE ENTITY DEFINED.—In this subsection, the term ‘eligible entity’ means an entity eligible to carry out a bridge project under section 119 or 133.

“(3) BUNDLING OF BRIDGE PROJECTS.—An eligible entity may bundle 2 or more similar bridge projects that are—

“(A) eligible projects under section 119 or 133;

“(B) included as a bundled project in a transportation improvement program under section 134(j) or a statewide transportation improvement program under section 135, as applicable; and

“(C) awarded to a single contractor or consultant pursuant to a contract for engineering and design or construction between the contractor and an eligible entity.

“(4) ITEMIZATION.—Notwithstanding any other provision of law (including regulations), a bundling of bridge projects under this subsection may be listed as—

“(A) 1 project for purposes of sections 134 and 135; and

“(B) a single project.

“(5) FINANCIAL CHARACTERISTICS.—Projects bundled under this subsection shall have the same financial characteristics, including—

“(A) the same funding category or subcategory; and

“(B) the same Federal share.

“(6) ENGINEERING COST REIMBURSEMENT.—The provisions of section 102(b) do not apply to projects carried out under this subsection.”; and

(4) in subsection (k)(2), as redesignated by paragraph (2) of this section, by striking “104(b)(3)” and inserting “104(b)(2)”.

SEC. 1112. CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.

(a) CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.—Section 147 of title 23, United States Code, is amended—

(1) in subsection (a), in the subsection heading, by striking “IN GENERAL.—” and inserting “PROGRAM.—”; and

(2) by striking subsections (d) through (g) and inserting the following:

“(d) FORMULA.—Of the amounts allocated under subsection (c)—

“(1) 35 percent shall be allocated among eligible entities in the proportion that—

“(A) the number of ferry passengers, including passengers in vehicles, carried by each ferry system in the most recent calendar year for which data is available; bears to

“(B) the number of ferry passengers, including passengers in vehicles, carried by all ferry systems in the most recent calendar year for which data is available;

“(2) 35 percent shall be allocated among eligible entities in the proportion that—

“(A) the number of vehicles carried by each ferry system in the most recent calendar year for which data is available; bears to

“(B) the number of vehicles carried by all ferry systems in the most recent calendar year for which data is available; and

“(3) 30 percent shall be allocated among eligible entities in the proportion that—

“(A) the total route nautical miles serviced by each ferry system in the most recent calendar year for which data is available; bears to

“(B) the total route nautical miles serviced by all ferry systems in the most recent calendar year for which data is available.

“(e) REDISTRIBUTION OF UNOBLIGATED AMOUNTS.—The Secretary shall—

“(1) withdraw amounts allocated to an eligible entity under subsection (c) that remain unobligated by the end of the third

fiscal year following the fiscal year for which the amounts were allocated; and

“(2) in the subsequent fiscal year, redistribute the amounts referred to in paragraph (1) in accordance with the formula under subsection (d) among eligible entities for which no amounts were withdrawn under paragraph (1).

“(f) MINIMUM AMOUNT.—Notwithstanding subsection (c), a State with an eligible entity that meets the requirements of this section shall receive not less than \$100,000 under this section for a fiscal year.

“(g) IMPLEMENTATION.—

“(1) DATA COLLECTION.—

“(A) NATIONAL FERRY DATABASE.—Amounts made available for a fiscal year under this section shall be allocated using the most recent data available, as collected and imputed in accordance with the national ferry database established under section 1801(e) of SAFETEA-LU (23 U.S.C. 129 note).

“(B) ELIGIBILITY FOR FUNDING.—To be eligible to receive funds under subsection (c), data shall have been submitted in the most recent collection of data for the national ferry database under section 1801(e) of SAFETEA-LU (23 U.S.C. 129 note) for at least 1 ferry service within the State.

“(2) ADJUSTMENTS.—On review of the data submitted under paragraph (1)(B), the Secretary may make adjustments to the data as the Secretary determines necessary to correct misreported or inconsistent data.

“(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this section \$80,000,000 for each of fiscal years 2016 through 2020.

“(i) PERIOD OF AVAILABILITY.—Notwithstanding section 118(b), funds made available to carry out this section shall remain available until expended.

“(j) APPLICABILITY.—All provisions of this chapter that are applicable to the National Highway System, other than provisions relating to apportionment formula and Federal share, shall apply to funds made available to carry out this section, except as determined by the Secretary to be inconsistent with this section.”

(b) NATIONAL FERRY DATABASE.—Section 1801(e)(4) of SAFETEA-LU (23 U.S.C. 129 note) is amended by striking subparagraph (D) and inserting the following:

“(D) make available, from the amounts made available for each fiscal year to carry out chapter 63 of title 49, not more than \$500,000 to maintain the database.”

(c) CONFORMING AMENDMENTS.—Section 129(c) of title 23, United States Code, is amended—

(1) in paragraph (2), in the first sentence, by inserting “or on a public transit ferry eligible under chapter 53 of title 49” after “Interstate System”;

(2) in paragraph (3)—

(A) by striking “(3) Such ferry” and inserting “(3)(A) The ferry”; and

(B) by adding at the end the following:

“(B) Any Federal participation shall not involve the construction or purchase, for private ownership, of a ferry boat,

ferry terminal facility, or other eligible project under this section.”;

(3) in paragraph (4) by striking “and repair,” and inserting “repair,”; and

(4) by striking paragraph (6) and inserting the following:

“(6) The ferry service shall be maintained in accordance with section 116.

“(7)(A) No ferry boat or ferry terminal with Federal participation under this title may be sold, leased, or otherwise disposed of, except in accordance with part 200 of title 2, Code of Federal Regulations.

“(B) The Federal share of any proceeds from a disposition referred to in subparagraph (A) shall be used for eligible purposes under this title.”.

SEC. 1113. HIGHWAY SAFETY IMPROVEMENT PROGRAM.

(a) IN GENERAL.—Section 148 of title 23, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (4)(B)—

(i) in the matter preceding clause (i), by striking “includes, but is not limited to,” and inserting “only includes”; and

(ii) by adding at the end the following:

“(xxv) Installation of vehicle-to-infrastructure communication equipment.

“(xxvi) Pedestrian hybrid beacons.

“(xxvii) Roadway improvements that provide separation between pedestrians and motor vehicles, including medians and pedestrian crossing islands.

“(xxviii) A physical infrastructure safety project not described in clauses (i) through (xxvii).”;

(B) by striking paragraph (10); and

(C) by redesignating paragraphs (11) through (13) as paragraphs (10) through (12), respectively;

(2) in subsection (c)(1)(A) by striking “subsections (a)(12)” and inserting “subsections (a)(11)”;

(3) in subsection (d)(2)(B)(i) by striking “subsection (a)(12)” and inserting “subsection (a)(11)”;

(4) by adding at the end the following:

“(k) DATA COLLECTION ON UNPAVED PUBLIC ROADS.—

“(1) IN GENERAL.—A State may elect not to collect fundamental data elements for the model inventory of roadway elements on public roads that are gravel roads or otherwise unpaved if—

“(A) the State does not use funds provided to carry out this section for a project on any such roads until the State completes a collection of the required model inventory of roadway elements for the applicable road segment; and

“(B) the State demonstrates that the State consulted with affected Indian tribes before ceasing to collect data with respect to such roads that are included in the National Tribal Transportation Facility Inventory under section 202(b)(1) of this title.

“(2) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to allow a State to cease data collection related to serious injuries or fatalities.”.

(b) COMMERCIAL MOTOR VEHICLE SAFETY BEST PRACTICES.—

(1) REVIEW.—The Secretary shall conduct a review of best practices with respect to the implementation of roadway safety infrastructure improvements that—

(A) are cost effective; and

(B) reduce the number or severity of accidents involving commercial motor vehicles.

(2) CONSULTATION.—In conducting the review under paragraph (1), the Secretary shall consult with State transportation departments and units of local government.

(3) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report describing the results of the review conducted under paragraph (1).

SEC. 1114. CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.

Section 149 of title 23, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1)(A)(i)(I) by inserting “in the designated nonattainment area” after “air quality standard”;

(B) in paragraph (3) by inserting “or maintenance” after “likely to contribute to the attainment”;

(C) in paragraph (4) by striking “attainment of” and inserting “attainment or maintenance in the area of”;

(D) in paragraph (7) by striking “or” at the end;

(E) in paragraph (8)—

(i) in subparagraph (A)(ii)—

(I) in the matter preceding subclause (I) by inserting “or port-related freight operations” after “construction projects”; and

(II) in subclause (II) by inserting “or chapter 53 of title 49” after “this title”; and

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

(F) by adding at the end the following:

“(9) if the project or program is for the installation of vehicle-to-infrastructure communication equipment.”;

(2) in subsection (c)(2) by inserting “(giving priority to corridors designated under section 151)” after “at any location in the State”;

(3) in subsection (d)—

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

“(B) is eligible under the surface transportation block grant program under section 133.”;

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i) by inserting “would otherwise be eligible under subsection (b) if the project were carried out in a nonattainment or maintenance area or” after “may use for any project that”; and

(II) in clause (i) by striking “paragraph (1)” and inserting “subsection (k)(1)”; and

(ii) in subparagraph (B)(i) by striking “MAP-21t” and inserting “MAP-21”; and

(C) in paragraph (3) by inserting “, in a manner consistent with the approach that was in effect on the day before the date of enactment of MAP-21,” after “the Secretary shall modify”;

(4) in subsection (g)(2)(B) by striking “not later than” and inserting “not later than”;

(5) in subsection (k) by adding at the end the following:

“(3) PM2.5 NONATTAINMENT AND MAINTENANCE IN LOW POPULATION DENSITY STATES.—

“(A) EXCEPTION.—In any State with a population density of 80 or fewer persons per square mile of land area, based on the most recent decennial census, the requirements under subsection (g)(3) and paragraphs (1) and (2) of this subsection shall not apply to a nonattainment or maintenance area in the State if—

“(i) the nonattainment or maintenance area does not have projects that are part of the emissions analysis of a metropolitan transportation plan or transportation improvement program; and

“(ii) regional motor vehicle emissions are an insignificant contributor to the air quality problem for PM2.5 in the nonattainment or maintenance area.

“(B) CALCULATION.—If subparagraph (A) applies to a nonattainment or maintenance area in a State, the percentage of the PM2.5 set-aside under paragraph (1) shall be reduced for that State proportionately based on the weighted population of the area in fine particulate matter nonattainment.

“(4) PORT-RELATED EQUIPMENT AND VEHICLES.—To meet the requirements under paragraph (1), a State or metropolitan planning organization may elect to obligate funds to the most cost-effective projects to reduce emissions from port-related landside nonroad or on-road equipment that is operated within the boundaries of a PM2.5 nonattainment or maintenance area.”;

(6) in subsection (l)(1)(B) by inserting “air quality and traffic congestion” before “performance targets”; and

(7) in subsection (m) by striking “section 104(b)(2)” and inserting “section 104(b)(4)”.

SEC. 1115. TERRITORIAL AND PUERTO RICO HIGHWAY PROGRAM.

Section 165(a) of title 23, United States Code, is amended—

(1) in paragraph (1) by striking “\$150,000,000” and inserting “\$158,000,000”; and

(2) in paragraph (2) by striking “\$40,000,000” and inserting “\$42,000,000”.

SEC. 1116. NATIONAL HIGHWAY FREIGHT PROGRAM.

(a) IN GENERAL.—Section 167 of title 23, United States Code, is amended to read as follows:

“§ 167. National highway freight program

“(a) IN GENERAL.—

“(1) POLICY.—It is the policy of the United States to improve the condition and performance of the National Highway Freight Network established under this section to ensure that

the Network provides the foundation for the United States to compete in the global economy and achieve the goals described in subsection (b).

“(2) ESTABLISHMENT.—In support of the goals described in subsection (b), the Administrator of the Federal Highway Administration shall establish a national highway freight program in accordance with this section to improve the efficient movement of freight on the National Highway Freight Network.

“(b) GOALS.—The goals of the national highway freight program are—

“(1) to invest in infrastructure improvements and to implement operational improvements on the highways of the United States that—

“(A) strengthen the contribution of the National Highway Freight Network to the economic competitiveness of the United States;

“(B) reduce congestion and bottlenecks on the National Highway Freight Network;

“(C) reduce the cost of freight transportation;

“(D) improve the year-round reliability of freight transportation; and

“(E) increase productivity, particularly for domestic industries and businesses that create high-value jobs;

“(2) to improve the safety, security, efficiency, and resiliency of freight transportation in rural and urban areas;

“(3) to improve the state of good repair of the National Highway Freight Network;

“(4) to use innovation and advanced technology to improve the safety, efficiency, and reliability of the National Highway Freight Network;

“(5) to improve the efficiency and productivity of the National Highway Freight Network;

“(6) to improve the flexibility of States to support multi-State corridor planning and the creation of multi-State organizations to increase the ability of States to address highway freight connectivity; and

“(7) to reduce the environmental impacts of freight movement on the National Highway Freight Network.

“(c) ESTABLISHMENT OF NATIONAL HIGHWAY FREIGHT NETWORK.—

“(1) IN GENERAL.—The Administrator shall establish a National Highway Freight Network in accordance with this section to strategically direct Federal resources and policies toward improved performance of the Network.

“(2) NETWORK COMPONENTS.—The National Highway Freight Network shall consist of—

“(A) the primary highway freight system, as designated under subsection (d);

“(B) critical rural freight corridors established under subsection (e);

“(C) critical urban freight corridors established under subsection (f); and

“(D) the portions of the Interstate System not designated as part of the primary highway freight system.

“(d) DESIGNATION AND REDESIGNATION OF THE PRIMARY HIGHWAY FREIGHT SYSTEM.—

“(1) INITIAL DESIGNATION OF PRIMARY HIGHWAY FREIGHT SYSTEM.—The initial designation of the primary highway freight system shall be the 41,518-mile network identified during the designation process for the primary freight network under section 167(d) of this title, as in effect on the day before the date of enactment of the FAST Act.

“(2) REDESIGNATION OF PRIMARY HIGHWAY FREIGHT SYSTEM.—

“(A) IN GENERAL.—Beginning 5 years after the date of enactment of the FAST Act, and every 5 years thereafter, using the designation factors described in subparagraph (E), the Administrator shall redesignate the primary highway freight system.

“(B) REDESIGNATION MILEAGE.—Each redesignation may increase the mileage on the primary highway freight system by not more than 3 percent of the total mileage of the system.

“(C) USE OF MEASURABLE DATA.—In redesignating the primary highway freight system, to the maximum extent practicable, the Administrator shall use measurable data to assess the significance of goods movement, including consideration of points of origin, destinations, and linking components of the United States global and domestic supply chains.

“(D) INPUT.—In redesignating the primary highway freight system, the Administrator shall provide an opportunity for State freight advisory committees, as applicable, to submit additional miles for consideration.

“(E) FACTORS FOR REDESIGNATION.—In redesignating the primary highway freight system, the Administrator shall consider—

“(i) changes in the origins and destinations of freight movement in, to, and from the United States;

“(ii) changes in the percentage of annual daily truck traffic in the annual average daily traffic on principal arterials;

“(iii) changes in the location of key facilities;

“(iv) land and water ports of entry;

“(v) access to energy exploration, development, installation, or production areas;

“(vi) access to other freight intermodal facilities, including rail, air, water, and pipelines facilities;

“(vii) the total freight tonnage and value moved via highways;

“(viii) significant freight bottlenecks, as identified by the Administrator;

“(ix) the significance of goods movement on principal arterials, including consideration of global and domestic supply chains;

“(x) critical emerging freight corridors and critical commerce corridors; and

“(xi) network connectivity.

“(e) CRITICAL RURAL FREIGHT CORRIDORS.—

“(1) IN GENERAL.—A State may designate a public road within the borders of the State as a critical rural freight corridor if the public road is not in an urbanized area and—

“(A) is a rural principal arterial roadway and has a minimum of 25 percent of the annual average daily traffic of the road measured in passenger vehicle equivalent units from trucks (Federal Highway Administration vehicle class 8 to 13);

“(B) provides access to energy exploration, development, installation, or production areas;

“(C) connects the primary highway freight system, a roadway described in subparagraph (A) or (B), or the Interstate System to facilities that handle more than—

“(i) 50,000 20-foot equivalent units per year; or

“(ii) 500,000 tons per year of bulk commodities;

“(D) provides access to—

“(i) a grain elevator;

“(ii) an agricultural facility;

“(iii) a mining facility;

“(iv) a forestry facility; or

“(v) an intermodal facility;

“(E) connects to an international port of entry;

“(F) provides access to significant air, rail, water, or other freight facilities in the State; or

“(G) is, in the determination of the State, vital to improving the efficient movement of freight of importance to the economy of the State.

“(2) LIMITATION.—A State may designate as critical rural freight corridors a maximum of 150 miles of highway or 20 percent of the primary highway freight system mileage in the State, whichever is greater.

“(f) CRITICAL URBAN FREIGHT CORRIDORS.—

“(1) URBANIZED AREA WITH POPULATION OF 500,000 OR MORE.—In an urbanized area with a population of 500,000 or more individuals, the representative metropolitan planning organization, in consultation with the State, may designate a public road within the borders of that area of the State as a critical urban freight corridor.

“(2) URBANIZED AREA WITH A POPULATION LESS THAN 500,000.—In an urbanized area with a population of less than 500,000 individuals, the State, in consultation with the representative metropolitan planning organization, may designate a public road within the borders of that area of the State as a critical urban freight corridor.

“(3) REQUIREMENTS FOR DESIGNATION.—A designation may be made under paragraph (1) or (2) if the public road—

“(A) is in an urbanized area, regardless of population;

and

“(B)(i) connects an intermodal facility to—

“(I) the primary highway freight system;

“(II) the Interstate System; or

“(III) an intermodal freight facility;

“(ii) is located within a corridor of a route on the primary highway freight system and provides an alternative highway option important to goods movement;

“(iii) serves a major freight generator, logistic center, or manufacturing and warehouse industrial land; or

“(iv) is important to the movement of freight within the region, as determined by the metropolitan planning organization or the State.

“(4) LIMITATION.—For each State, a maximum of 75 miles of highway or 10 percent of the primary highway freight system mileage in the State, whichever is greater, may be designated as a critical urban freight corridor under paragraphs (1) and (2).

“(g) DESIGNATION AND CERTIFICATION.—

“(1) DESIGNATION.—States and metropolitan planning organizations may designate corridors under subsections (e) and (f) and submit the designated corridors to the Administrator on a rolling basis.

“(2) CERTIFICATION.—Each State or metropolitan planning organization that designates a corridor under subsection (e) or (f) shall certify to the Administrator that the designated corridor meets the requirements of the applicable subsection.

“(h) HIGHWAY FREIGHT TRANSPORTATION CONDITIONS AND PERFORMANCE REPORTS.—Not later than 2 years after the date of enactment of the FAST Act, and biennially thereafter, the Administrator shall prepare and submit to Congress a report that describes the conditions and performance of the National Highway Freight Network in the United States.

“(i) USE OF APPORTIONED FUNDS.—

“(1) IN GENERAL.—A State shall obligate funds apportioned to the State under section 104(b)(5) to improve the movement of freight on the National Highway Freight Network.

“(2) FORMULA.—The Administrator shall calculate for each State the proportion that—

“(A) the total mileage in the State designated as part of the primary highway freight system; bears to

“(B) the total mileage of the primary highway freight system in all States.

“(3) USE OF FUNDS.—

“(A) STATES WITH HIGH PRIMARY HIGHWAY FREIGHT SYSTEM MILEAGE.—If the proportion of a State under paragraph (2) is greater than or equal to 2 percent, the State may obligate funds apportioned to the State under section 104(b)(5) for projects on—

“(i) the primary highway freight system;

“(ii) critical rural freight corridors; and

“(iii) critical urban freight corridors.

“(B) STATES WITH LOW PRIMARY HIGHWAY FREIGHT SYSTEM MILEAGE.—If the proportion of a State under paragraph (2) is less than 2 percent, the State may obligate funds apportioned to the State under section 104(b)(5) for projects on any component of the National Highway Freight Network.

“(4) FREIGHT PLANNING.—Notwithstanding any other provision of law, effective beginning 2 years after the date of enactment of the FAST Act, a State may not obligate funds apportioned to the State under section 104(b)(5) unless the State has developed a freight plan in accordance with section 70202 of title 49, except that the multimodal component of the plan may be incomplete before an obligation may be made under this section.

“(5) ELIGIBILITY.—

“(A) IN GENERAL.—Except as provided in this subsection, for a project to be eligible for funding under this section the project shall—

“(i) contribute to the efficient movement of freight on the National Highway Freight Network; and

“(ii) be identified in a freight investment plan included in a freight plan of the State that is in effect.

“(B) OTHER PROJECTS.—For each fiscal year, a State may obligate not more than 10 percent of the total apportionment of the State under section 104(b)(5) for freight intermodal or freight rail projects, including projects—

“(i) within the boundaries of public or private freight rail or water facilities (including ports); and

“(ii) that provide surface transportation infrastructure necessary to facilitate direct intermodal interchange, transfer, and access into or out of the facility.

“(C) ELIGIBLE PROJECTS.—Funds apportioned to the State under section 104(b)(5) for the national highway freight program may be obligated to carry out 1 or more of the following:

“(i) Development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineering and design work, and other preconstruction activities.

“(ii) Construction, reconstruction, rehabilitation, acquisition of real property (including land relating to the project and improvements to land), construction contingencies, acquisition of equipment, and operational improvements directly relating to improving system performance.

“(iii) Intelligent transportation systems and other technology to improve the flow of freight, including intelligent freight transportation systems.

“(iv) Efforts to reduce the environmental impacts of freight movement.

“(v) Environmental and community mitigation for freight movement.

“(vi) Railway-highway grade separation.

“(vii) Geometric improvements to interchanges and ramps.

“(viii) Truck-only lanes.

“(ix) Climbing and runaway truck lanes.

“(x) Adding or widening of shoulders.

“(xi) Truck parking facilities eligible for funding under section 1401 of MAP-21 (23 U.S.C. 137 note).

“(xii) Real-time traffic, truck parking, roadway condition, and multimodal transportation information systems.

“(xiii) Electronic screening and credentialing systems for vehicles, including weigh-in-motion truck inspection technologies.

“(xiv) Traffic signal optimization, including synchronized and adaptive signals.

“(xv) Work zone management and information systems.

“(xvi) Highway ramp metering.

“(xvii) Electronic cargo and border security technologies that improve truck freight movement.

“(xviii) Intelligent transportation systems that would increase truck freight efficiencies inside the boundaries of intermodal facilities.

“(xix) Additional road capacity to address highway freight bottlenecks.

“(xx) Physical separation of passenger vehicles from commercial motor freight.

“(xxi) Enhancement of the resiliency of critical highway infrastructure, including highway infrastructure that supports national energy security, to improve the flow of freight.

“(xxii) A highway or bridge project, other than a project described in clauses (i) through (xxi), to improve the flow of freight on the National Highway Freight Network.

“(xxiii) Any other surface transportation project to improve the flow of freight into and out of a facility described in subparagraph (B).

“(6) OTHER ELIGIBLE COSTS.—In addition to the eligible projects identified in paragraph (5), a State may use funds apportioned under section 104(b)(5) for—

“(A) carrying out diesel retrofit or alternative fuel projects under section 149 for class 8 vehicles; and

“(B) the necessary costs of—

“(i) conducting analyses and data collection related to the national highway freight program;

“(ii) developing and updating performance targets to carry out this section; and

“(iii) reporting to the Administrator to comply with the freight performance target under section 150.

“(7) APPLICABILITY OF PLANNING REQUIREMENTS.—Programming and expenditure of funds for projects under this section shall be consistent with the requirements of sections 134 and 135.

“(j) STATE PERFORMANCE TARGETS.—If the Administrator determines that a State has not met or made significant progress toward meeting the performance targets related to freight movement of the State established under section 150(d) by the date that is 2 years after the date of the establishment of the performance targets, the State shall include in the next report submitted under section 150(e) a description of the actions the State will undertake to achieve the targets, including—

“(1) an identification of significant freight system trends, needs, and issues within the State;

“(2) a description of the freight policies and strategies that will guide the freight-related transportation investments of the State;

“(3) an inventory of freight bottlenecks within the State and a description of the ways in which the State is allocating national highway freight program funds to improve those bottlenecks; and

“(4) a description of the actions the State will undertake to meet the performance targets of the State.

“(k) INTELLIGENT FREIGHT TRANSPORTATION SYSTEM.—

“(1) DEFINITION OF INTELLIGENT FREIGHT TRANSPORTATION SYSTEM.—In this section, the term ‘intelligent freight transportation system’ means—

“(A) innovative or intelligent technological transportation systems, infrastructure, or facilities, including elevated freight transportation facilities—

“(i) in proximity to, or within, an existing right of way on a Federal-aid highway; or

“(ii) that connect land ports-of entry to existing Federal-aid highways; or

“(B) communications or information processing systems that improve the efficiency, security, or safety of freight movements on the Federal-aid highway system, including to improve the conveyance of freight on dedicated intelligent freight lanes.

“(2) OPERATING STANDARDS.—The Administrator shall determine whether there is a need for establishing operating standards for intelligent freight transportation systems.

“(1) TREATMENT OF FREIGHT PROJECTS.—Notwithstanding any other provision of law, a freight project carried out under this section shall be treated as if the project were on a Federal-aid highway.”.

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 167 and inserting the following:

“167. National highway freight program.”.

(c) REPEALS.—Sections 1116, 1117, and 1118 of MAP-21 (23 U.S.C. 167 note), and the items relating to such sections in the table of contents in section 1(c) of such Act, are repealed.

SEC. 1117. FEDERAL LANDS AND TRIBAL TRANSPORTATION PROGRAMS.

(a) TRIBAL DATA COLLECTION.—Section 201(c)(6) of title 23, United States Code, is amended by adding at the end the following:

“(C) TRIBAL DATA COLLECTION.—In addition to the data to be collected under subparagraph (A), not later than 90 days after the last day of each fiscal year, any entity carrying out a project under the tribal transportation program under section 202 shall submit to the Secretary and the Secretary of the Interior, based on obligations and expenditures under the tribal transportation program during the preceding fiscal year, the following data:

“(i) The names of projects and activities carried out by the entity under the tribal transportation program during the preceding fiscal year.

“(ii) A description of the projects and activities identified under clause (i).

“(iii) The current status of the projects and activities identified under clause (i).

“(iv) An estimate of the number of jobs created and the number of jobs retained by the projects and activities identified under clause (i).”.

(b) REPORT ON TRIBAL GOVERNMENT TRANSPORTATION SAFETY DATA.—

(1) FINDINGS.—Congress finds that—

(A) in many States, the Native American population is disproportionately represented in fatalities and crash statistics;

(B) improved crash reporting by tribal law enforcement agencies would facilitate safety planning and would enable Indian tribes to apply more successfully for State and Federal funds for safety improvements;

(C) the causes of underreporting of crashes on Indian reservations include—

(i) tribal law enforcement capacity, including—

(I) staffing shortages and turnover; and

(II) lack of equipment, software, and training;

and

(ii) lack of standardization in crash reporting forms and protocols; and

(D) without more accurate reporting of crashes on Indian reservations, it is difficult or impossible to fully understand the nature of the problem and develop appropriate countermeasures, which may include effective transportation safety planning and programs aimed at—

(i) driving under the influence (DUI) prevention;

(ii) pedestrian safety;

(iii) roadway safety improvements;

(iv) seat belt usage; and

(v) proper use of child restraints.

(2) REPORT TO CONGRESS.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, after consultation with the Secretary of Interior, the Secretary of Health and Human Services, the Attorney General, and Indian tribes, shall submit to the Committee on Environment and Public Works and the Committee on Indian Affairs of the Senate and the Committee on Transportation and Infrastructure and the Committee on Natural Resources of the House of Representatives a report describing the quality of transportation safety data collected by States, counties, and Indian tribes for transportation safety systems and the relevance of that data to improving the collection and sharing of data on crashes on Indian reservations.

(B) PURPOSES.—The purposes of the report are—

(i) to improve the collection and sharing of data on crashes on Indian reservations; and

(ii) to develop data that Indian tribes can use to recover damages to tribal property caused by motorists.

(C) PAPERLESS DATA REPORTING.—In preparing the report, the Secretary shall provide States, counties, and Indian tribes with options and best practices for transition to a paperless transportation safety data reporting system that—

(i) improves the collection of crash reports;

(ii) stores, archives, queries, and shares crash records; and

(iii) uses data exclusively—

(I) to address traffic safety issues on Indian reservations; and

(II) to identify and improve problem areas on public roads on Indian reservations.

(D) **ADDITIONAL BUDGETARY RESOURCES.**—The Secretary shall include in the report the identification of Federal transportation funds provided to Indian tribes by agencies in addition to the Department and the Department of the Interior.

(c) **STUDY ON BUREAU OF INDIAN AFFAIRS ROAD SAFETY.**—Not later than 2 years after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Interior, the Attorney General, States, and Indian tribes shall—

(1) complete a study that identifies and evaluates options for improving safety on public roads on Indian reservations; and

(2) submit to the Committee on Environment and Public Works and the Committee on Indian Affairs of the Senate and the Committee on Transportation and Infrastructure and the Committee on Natural Resources of the House of Representatives a report describing the results of the study.

SEC. 1118. TRIBAL TRANSPORTATION PROGRAM AMENDMENT.

Section 202 of title 23, United States Code, is amended—

(1) in subsection (a)(6) by striking “6 percent” and inserting “5 percent”; and

(2) in subsection (d)(2) in the matter preceding subparagraph (A) by striking “2 percent” and inserting “3 percent”.

SEC. 1119. FEDERAL LANDS TRANSPORTATION PROGRAM.

Section 203 of title 23, United States Code, is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (B) by striking “operation” and inserting “capital, operations,”; and

(B) in subparagraph (D) by striking “subparagraph (A)(iv)” and inserting “subparagraph (A)(iv)(I)”;

(2) in subsection (b)—

(A) in paragraph (1)(B)—

(i) in clause (iv) by striking “and” at the end;

(ii) in clause (v) by striking the period at the end and inserting a semicolon; and

(iii) by adding at the end the following:

“(vi) the Bureau of Reclamation; and

“(vii) independent Federal agencies with natural resource and land management responsibilities.”; and

(B) in paragraph (2)(B)—

(i) in the matter preceding clause (i) by inserting “performance management, including” after “support”; and

(ii) in clause (i)(II) by striking “, and” and inserting “; and”; and

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

“(vi) The Bureau of Reclamation.”.

SEC. 1120. FEDERAL LANDS PROGRAMMATIC ACTIVITIES.

Section 201(c) of title 23, United States Code, is amended—

(1) in paragraph (6)(A)—

(A) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively (and by moving the subclauses 2 ems to the right);

(B) in the matter preceding subclause (I) (as so redesignated), by striking “The Secretaries” and inserting the following:

“(i) IN GENERAL.—The Secretaries”;

(C) by inserting a period after “tribal transportation program”; and

(D) by striking “in accordance with” and all that follows through “including—” and inserting the following:

“(ii) REQUIREMENT.—Data collected to implement the tribal transportation program shall be in accordance with the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

“(iii) INCLUSIONS.—Data collected under this paragraph includes—”; and

(2) by striking paragraph (7) and inserting the following—

“(7) COOPERATIVE RESEARCH AND TECHNOLOGY DEPLOYMENT.—The Secretary may conduct cooperative research and technology deployment in coordination with Federal land management agencies, as determined appropriate by the Secretary.

“(8) FUNDING.—

“(A) IN GENERAL.—To carry out the activities described in this subsection for Federal lands transportation facilities, Federal lands access transportation facilities, and other federally owned roads open to public travel (as that term is defined in section 125(e)), the Secretary shall for each fiscal year combine and use not greater than 5 percent of the funds authorized for programs under sections 203 and 204.

“(B) OTHER ACTIVITIES.—In addition to the activities described in subparagraph (A), funds described under that subparagraph may be used for—

“(i) bridge inspections on any federally owned bridge even if that bridge is not included on the inventory described under section 203; and

“(ii) transportation planning activities carried out by Federal land management agencies eligible for funding under this chapter.”.

SEC. 1121. TRIBAL TRANSPORTATION SELF-GOVERNANCE PROGRAM.

(a) IN GENERAL.—Chapter 2 of title 23, United States Code, is amended by inserting after section 206 the following:

“§ 207. Tribal transportation self-governance program

23 USC 207.

“(a) ESTABLISHMENT.—Subject to the requirements of this section, the Secretary shall establish and carry out a program to be known as the tribal transportation self-governance program. The Secretary may delegate responsibilities for administration of the program as the Secretary determines appropriate.

“(b) ELIGIBILITY.—

“(1) IN GENERAL.—Subject to paragraphs (2) and (3), an Indian tribe shall be eligible to participate in the program if the Indian tribe requests participation in the program by resolution or other official action by the governing body of the Indian tribe, and demonstrates, for the preceding 3 fiscal years, financial stability and financial management capability, and transportation program management capability.

“(2) CRITERIA FOR DETERMINING FINANCIAL STABILITY AND FINANCIAL MANAGEMENT CAPABILITY.—For the purposes of paragraph (1), evidence that, during the preceding 3 fiscal years, an Indian tribe had no uncorrected significant and material audit exceptions in the required annual audit of the Indian tribe’s self-determination contracts or self-governance funding agreements with any Federal agency shall be conclusive evidence of the required financial stability and financial management capability.

“(3) CRITERIA FOR DETERMINING TRANSPORTATION PROGRAM MANAGEMENT CAPABILITY.—The Secretary shall require an Indian tribe to demonstrate transportation program management capability, including the capability to manage and complete projects eligible under this title and projects eligible under chapter 53 of title 49, to gain eligibility for the program.

“(c) COMPACTS.—

“(1) COMPACT REQUIRED.—Upon the request of an eligible Indian tribe, and subject to the requirements of this section, the Secretary shall negotiate and enter into a written compact with the Indian tribe for the purpose of providing for the participation of the Indian tribe in the program.

“(2) CONTENTS.—A compact entered into under paragraph (1) shall set forth the general terms of the government-to-government relationship between the Indian tribe and the United States under the program and other terms that will continue to apply in future fiscal years.

“(3) AMENDMENTS.—A compact entered into with an Indian tribe under paragraph (1) may be amended only by mutual agreement of the Indian tribe and the Secretary.

“(d) ANNUAL FUNDING AGREEMENTS.—

“(1) FUNDING AGREEMENT REQUIRED.—After entering into a compact with an Indian tribe under subsection (c), the Secretary shall negotiate and enter into a written annual funding agreement with the Indian tribe.

“(2) CONTENTS.—

“(A) IN GENERAL.—

“(i) FORMULA FUNDING AND DISCRETIONARY GRANTS.—A funding agreement entered into with an Indian tribe shall authorize the Indian tribe, as determined by the Indian tribe, to plan, conduct, consolidate, administer, and receive full tribal share funding, tribal transit formula funding, and funding to tribes from discretionary and competitive grants administered by the Department for all programs, services, functions, and activities (or portions thereof) that are made available to Indian tribes to carry out tribal transportation programs and programs, services, functions, and activities (or portions thereof) administered by the Secretary that are otherwise available to Indian tribes.

“(ii) TRANSFERS OF STATE FUNDS.—

“(I) INCLUSION OF TRANSFERRED FUNDS IN FUNDING AGREEMENT.—A funding agreement entered into with an Indian tribe shall include Federal-aid funds apportioned to a State under chapter 1 if the State elects to provide a portion of such funds to the Indian tribe for a project eligible under section 202(a). The provisions of this

section shall be in addition to the methods for making funding contributions described in section 202(a)(9). Nothing in this section shall diminish the authority of the Secretary to provide funds to an Indian tribe under section 202(a)(9).

“(II) METHOD FOR TRANSFERS.—If a State elects to provide funds described in subclause (I) to an Indian tribe—

“(aa) the transfer may occur in accordance with section 202(a)(9); or

“(bb) the State shall transfer the funds back to the Secretary and the Secretary shall transfer the funds to the Indian tribe in accordance with this section.

“(III) RESPONSIBILITY FOR TRANSFERRED FUNDS.—Notwithstanding any other provision of law, if a State provides funds described in subclause (I) to an Indian tribe—

“(aa) the State shall not be responsible for constructing or maintaining a project carried out using the funds or for administering or supervising the project or funds during the applicable statute of limitations period related to the construction of the project; and

“(bb) the Indian tribe shall be responsible for constructing and maintaining a project carried out using the funds and for administering and supervising the project and funds in accordance with this section during the applicable statute of limitations period related to the construction of the project.

“(B) ADMINISTRATION OF TRIBAL SHARES.—The tribal shares referred to in subparagraph (A) shall be provided without regard to the agency or office of the Department within which the program, service, function, or activity (or portion thereof) is performed.

“(C) FLEXIBLE AND INNOVATIVE FINANCING.—

“(i) IN GENERAL.—A funding agreement entered into with an Indian tribe under paragraph (1) shall include provisions pertaining to flexible and innovative financing if agreed upon by the parties.

“(ii) TERMS AND CONDITIONS.—

“(I) AUTHORITY TO ISSUE REGULATIONS.—The Secretary may issue regulations to establish the terms and conditions relating to the flexible and innovative financing provisions referred to in clause (i).

“(II) TERMS AND CONDITIONS IN ABSENCE OF REGULATIONS.—If the Secretary does not issue regulations under subclause (I), the terms and conditions relating to the flexible and innovative financing provisions referred to in clause (i) shall be consistent with—

“(aa) agreements entered into by the Department under—

“(AA) section 202(b)(7); and

“(BB) section 202(d)(5), as in effect before the date of enactment of MAP-21 (Public Law 112-141); or

“(bb) regulations of the Department of the Interior relating to flexible financing contained in part 170 of title 25, Code of Federal Regulations, as in effect on the date of enactment of the FAST Act.

“(3) TERMS.—A funding agreement shall set forth—

“(A) terms that generally identify the programs, services, functions, and activities (or portions thereof) to be performed or administered by the Indian tribe; and

“(B) for items identified in subparagraph (A)—

“(i) the general budget category assigned;

“(ii) the funds to be provided, including those funds to be provided on a recurring basis;

“(iii) the time and method of transfer of the funds;

“(iv) the responsibilities of the Secretary and the Indian tribe; and

“(v) any other provision agreed to by the Indian tribe and the Secretary.

“(4) SUBSEQUENT FUNDING AGREEMENTS.—

“(A) APPLICABILITY OF EXISTING AGREEMENT.—Absent notification from an Indian tribe that the Indian tribe is withdrawing from or retroceding the operation of 1 or more programs, services, functions, or activities (or portions thereof) identified in a funding agreement, or unless otherwise agreed to by the parties, each funding agreement shall remain in full force and effect until a subsequent funding agreement is executed.

“(B) EFFECTIVE DATE OF SUBSEQUENT AGREEMENT.—

The terms of the subsequent funding agreement shall be retroactive to the end of the term of the preceding funding agreement.

“(5) CONSENT OF INDIAN TRIBE REQUIRED.—The Secretary shall not revise, amend, or require additional terms in a new or subsequent funding agreement without the consent of the Indian tribe that is subject to the agreement unless such terms are required by Federal law.

“(e) GENERAL PROVISIONS.—

“(1) REDESIGN AND CONSOLIDATION.—

“(A) IN GENERAL.—An Indian tribe, in any manner that the Indian tribe considers to be in the best interest of the Indian community being served, may—

“(i) redesign or consolidate programs, services, functions, and activities (or portions thereof) included in a funding agreement; and

“(ii) reallocate or redirect funds for such programs, services, functions, and activities (or portions thereof), if the funds are—

“(I) expended on projects identified in a transportation improvement program approved by the Secretary; and

“(II) used in accordance with the requirements in—

“(aa) appropriations Acts;

“(bb) this title and chapter 53 of title 49;
and

“(cc) any other applicable law.

“(B) EXCEPTION.—Notwithstanding subparagraph (A), if, pursuant to subsection (d), an Indian tribe receives a discretionary or competitive grant from the Secretary or receives State apportioned funds, the Indian tribe shall use the funds for the purpose for which the funds were originally authorized.

“(2) RETROCESSION.—

“(A) IN GENERAL.—

“(i) AUTHORITY OF INDIAN TRIBES.—An Indian tribe may retrocede (fully or partially) to the Secretary programs, services, functions, or activities (or portions thereof) included in a compact or funding agreement.

“(ii) REASSUMPTION OF REMAINING FUNDS.—Following a retrocession described in clause (i), the Secretary may—

“(I) reassume the remaining funding associated with the retroceded programs, functions, services, and activities (or portions thereof) included in the applicable compact or funding agreement;

“(II) out of such remaining funds, transfer funds associated with Department of Interior programs, services, functions, or activities (or portions thereof) to the Secretary of the Interior to carry out transportation services provided by the Secretary of the Interior; and

“(III) distribute funds not transferred under subclause (II) in accordance with applicable law.

“(iii) CORRECTION OF PROGRAMS.—If the Secretary makes a finding under subsection (f)(2)(B) and no funds are available under subsection (f)(2)(A)(ii), the Secretary shall not be required to provide additional funds to complete or correct any programs, functions, services, or activities (or portions thereof).

“(B) EFFECTIVE DATE.—Unless the Indian tribe rescinds a request for retrocession, the retrocession shall become effective within the timeframe specified by the parties in the compact or funding agreement. In the absence of such a specification, the retrocession shall become effective on—

“(i) the earlier of—

“(I) 1 year after the date of submission of the request; or

“(II) the date on which the funding agreement expires; or

“(ii) such date as may be mutually agreed upon by the parties and, with respect to Department of the Interior programs, functions, services, and activities (or portions thereof), the Secretary of the Interior.

“(f) PROVISIONS RELATING TO SECRETARY.—

“(1) DECISIONMAKER.—A decision that relates to an appeal of the rejection of a final offer by the Department shall be made either—

“(A) by an official of the Department who holds a position at a higher organizational level within the Department than the level of the departmental agency in which

the decision that is the subject of the appeal was made; or

“(B) by an administrative judge.

“(2) TERMINATION OF COMPACT OR FUNDING AGREEMENT.—

“(A) AUTHORITY TO TERMINATE.—

“(i) PROVISION TO BE INCLUDED IN COMPACT OR FUNDING AGREEMENT.—A compact or funding agreement shall include a provision authorizing the Secretary, if the Secretary makes a finding described in subparagraph (B), to—

“(I) terminate the compact or funding agreement (or a portion thereof); and

“(II) reassume the remaining funding associated with the reassumed programs, functions, services, and activities included in the compact or funding agreement.

“(ii) TRANSFERS OF FUNDS.—Out of any funds reassumed under clause (i)(II), the Secretary may transfer the funds associated with Department of the Interior programs, functions, services, and activities (or portions thereof) to the Secretary of the Interior to provide continued transportation services in accordance with applicable law.

“(B) FINDINGS RESULTING IN TERMINATION.—The finding referred to in subparagraph (A) is a specific finding of—

“(i) imminent jeopardy to a trust asset, natural resources, or public health and safety that is caused by an act or omission of the Indian tribe and that arises out of a failure to carry out the compact or funding agreement, as determined by the Secretary; or

“(ii) gross mismanagement with respect to funds or programs transferred to the Indian tribe under the compact or funding agreement, as determined by the Secretary in consultation with the Inspector General of the Department, as appropriate.

“(C) PROHIBITION.—The Secretary shall not terminate a compact or funding agreement (or portion thereof) unless—

“(i) the Secretary has first provided written notice and a hearing on the record to the Indian tribe that is subject to the compact or funding agreement; and

“(ii) the Indian tribe has not taken corrective action to remedy the mismanagement of funds or programs or the imminent jeopardy to a trust asset, natural resource, or public health and safety.

“(D) EXCEPTION.—

“(i) IN GENERAL.—Notwithstanding subparagraph (C), the Secretary, upon written notification to an Indian tribe that is subject to a compact or funding agreement, may immediately terminate the compact or funding agreement (or portion thereof) if—

“(I) the Secretary makes a finding of imminent substantial and irreparable jeopardy to a trust asset, natural resource, or public health and safety; and

“(II) the jeopardy arises out of a failure to carry out the compact or funding agreement.

“(ii) HEARINGS.—If the Secretary terminates a compact or funding agreement (or portion thereof) under clause (i), the Secretary shall provide the Indian tribe subject to the compact or agreement with a hearing on the record not later than 10 days after the date of such termination.

“(E) BURDEN OF PROOF.—In any hearing or appeal involving a decision to terminate a compact or funding agreement (or portion thereof) under this paragraph, the Secretary shall have the burden of proof in demonstrating by clear and convincing evidence the validity of the grounds for the termination.

“(g) COST PRINCIPLES.—In administering funds received under this section, an Indian tribe shall apply cost principles under the applicable Office of Management and Budget circular, except as modified by section 106 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450j-1), other provisions of law, or by any exemptions to applicable Office of Management and Budget circulars subsequently granted by the Office of Management and Budget. No other audit or accounting standards shall be required by the Secretary. Any claim by the Federal Government against the Indian tribe relating to funds received under a funding agreement based on any audit conducted pursuant to this subsection shall be subject to the provisions of section 106(f) of that Act (25 U.S.C. 450j-1(f)).

“(h) TRANSFER OF FUNDS.—The Secretary shall provide funds to an Indian tribe under a funding agreement in an amount equal to—

“(1) the sum of the funding that the Indian tribe would otherwise receive for the program, function, service, or activity in accordance with a funding formula or other allocation method established under this title or chapter 53 of title 49; and

“(2) such additional amounts as the Secretary determines equal the amounts that would have been withheld for the costs of the Bureau of Indian Affairs for administration of the program or project.

“(i) CONSTRUCTION PROGRAMS.—

“(1) STANDARDS.—Construction projects carried out under programs administered by an Indian tribe with funds transferred to the Indian tribe pursuant to a funding agreement entered into under this section shall be constructed pursuant to the construction program standards set forth in applicable regulations or as specifically approved by the Secretary (or the Secretary’s designee).

“(2) MONITORING.—Construction programs shall be monitored by the Secretary in accordance with applicable regulations.

“(j) FACILITATION.—

“(1) SECRETARIAL INTERPRETATION.—Except as otherwise provided by law, the Secretary shall interpret all Federal laws, Executive orders, and regulations in a manner that will facilitate—

“(A) the inclusion of programs, services, functions, and activities (or portions thereof) and funds associated therewith, in compacts and funding agreements; and

“(B) the implementation of the compacts and funding agreements.

“(2) REGULATION WAIVER.—

“(A) IN GENERAL.—An Indian tribe may submit to the Secretary a written request to waive application of a regulation promulgated under this section with respect to a compact or funding agreement. The request shall identify the regulation sought to be waived and the basis for the request.

“(B) APPROVALS AND DENIALS.—

“(i) IN GENERAL.—Not later than 90 days after the date of receipt of a written request under subparagraph (A), the Secretary shall approve or deny the request in writing.

“(ii) REVIEW.—The Secretary shall review any application by an Indian tribe for a waiver bearing in mind increasing opportunities for using flexible policy approaches at the Indian tribal level.

“(iii) DEEMED APPROVAL.—If the Secretary does not approve or deny a request submitted under subparagraph (A) on or before the last day of the 90-day period referred to in clause (i), the request shall be deemed approved.

“(iv) DENIALS.—If the application for a waiver is not granted, the agency shall provide the applicant with the reasons for the denial as part of the written response required in clause (i).

“(v) FINALITY OF DECISIONS.—A decision by the Secretary under this subparagraph shall be final for the Department.

“(k) DISCLAIMERS.—

“(1) EXISTING AUTHORITY.—Notwithstanding any other provision of law, upon the election of an Indian tribe, the Secretary shall—

“(A) maintain current tribal transportation program funding agreements and program agreements; or

“(B) enter into new agreements under the authority of section 202(b)(7).

“(2) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section may be construed to impair or diminish the authority of the Secretary under section 202(b)(7).

“(l) APPLICABILITY OF INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT.—Except to the extent in conflict with this section (as determined by the Secretary), the following provisions of the Indian Self-Determination and Education Assistance Act shall apply to compact and funding agreements (except that any reference to the Secretary of the Interior or the Secretary of Health and Human Services in such provisions shall be treated as a reference to the Secretary of Transportation):

“(1) Subsections (a), (b), (d), (g), and (h) of section 506 of such Act (25 U.S.C. 458aaa-5), relating to general provisions.

“(2) Subsections (b) through (e) and (g) of section 507 of such Act (25 U.S.C. 458aaa-6), relating to provisions relating to the Secretary of Health and Human Services.

“(3) Subsections (a), (b), (d), (e), (g), (h), (i), and (k) of section 508 of such Act (25 U.S.C. 458aaa-7), relating to transfer of funds.

“(4) Section 510 of such Act (25 U.S.C. 458aaa-9), relating to Federal procurement laws and regulations.

“(5) Section 511 of such Act (25 U.S.C. 458aaa-10), relating to civil actions.

“(6) Subsections (a)(1), (a)(2), and (c) through (f) of section 512 of such Act (25 U.S.C. 458aaa-11), relating to facilitation, except that subsection (c)(1) of that section shall be applied by substituting ‘transportation facilities and other facilities’ for ‘school buildings, hospitals, and other facilities’.

“(7) Subsections (a) and (b) of section 515 of such Act (25 U.S.C. 458aaa-14), relating to disclaimers.

“(8) Subsections (a) and (b) of section 516 of such Act (25 U.S.C. 458aaa-15), relating to application of title I provisions.

“(9) Section 518 of such Act (25 U.S.C. 458aaa-17), relating to appeals.

“(m) DEFINITIONS.—

“(1) IN GENERAL.—In this section, the following definitions apply (except as otherwise expressly provided):

“(A) COMPACT.—The term ‘compact’ means a compact between the Secretary and an Indian tribe entered into under subsection (c).

“(B) DEPARTMENT.—The term ‘Department’ means the Department of Transportation.

“(C) ELIGIBLE INDIAN TRIBE.—The term ‘eligible Indian tribe’ means an Indian tribe that is eligible to participate in the program, as determined under subsection (b).

“(D) FUNDING AGREEMENT.—The term ‘funding agreement’ means a funding agreement between the Secretary and an Indian tribe entered into under subsection (d).

“(E) INDIAN TRIBE.—The term ‘Indian tribe’ means any Indian or Alaska Native tribe, band, nation, pueblo, village, or community that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians. In any case in which an Indian tribe has authorized another Indian tribe, an intertribal consortium, or a tribal organization to plan for or carry out programs, services, functions, or activities (or portions thereof) on its behalf under this section, the authorized Indian tribe, intertribal consortium, or tribal organization shall have the rights and responsibilities of the authorizing Indian tribe (except as otherwise provided in the authorizing resolution or in this title). In such event, the term ‘Indian tribe’ as used in this section shall include such other authorized Indian tribe, intertribal consortium, or tribal organization.

“(F) PROGRAM.—The term ‘program’ means the tribal transportation self-governance program established under this section.

“(G) SECRETARY.—The term ‘Secretary’ means the Secretary of Transportation.

“(H) TRANSPORTATION PROGRAMS.—The term ‘transportation programs’ means all programs administered or financed by the Department under this title and chapter 53 of title 49.

“(2) APPLICABILITY OF OTHER DEFINITIONS.—In this section, the definitions set forth in sections 4 and 505 of the Indian

Self-Determination and Education Assistance Act (25 U.S.C. 450b; 458aaa) apply, except as otherwise expressly provided in this section.

“(n) REGULATIONS.—

“(1) IN GENERAL.—

“(A) PROMULGATION.—Not later than 90 days after the date of enactment of the FAST Act, the Secretary shall initiate procedures under subchapter III of chapter 5 of title 5 to negotiate and promulgate such regulations as are necessary to carry out this section.

“(B) PUBLICATION OF PROPOSED REGULATIONS.—Proposed regulations to implement this section shall be published in the Federal Register by the Secretary not later than 21 months after such date of enactment.

“(C) EXPIRATION OF AUTHORITY.—The authority to promulgate regulations under subparagraph (A) shall expire 30 months after such date of enactment.

“(D) EXTENSION OF DEADLINES.—A deadline set forth in subparagraph (B) or (C) may be extended up to 180 days if the negotiated rulemaking committee referred to in paragraph (2) concludes that the committee cannot meet the deadline and the Secretary so notifies the appropriate committees of Congress.

“(2) COMMITTEE.—

“(A) IN GENERAL.—A negotiated rulemaking committee established pursuant to section 565 of title 5 to carry out this subsection shall have as its members only Federal and tribal government representatives, a majority of whom shall be nominated by and be representatives of Indian tribes with funding agreements under this title.

“(B) REQUIREMENTS.—The committee shall confer with, and accommodate participation by, representatives of Indian tribes, inter-tribal consortia, tribal organizations, and individual tribal members.

“(C) ADAPTATION OF PROCEDURES.—The Secretary shall adapt the negotiated rulemaking procedures to the unique context of self-governance and the government-to-government relationship between the United States and Indian tribes.

“(3) EFFECT.—The lack of promulgated regulations shall not limit the effect of this section.

“(4) EFFECT OF CIRCULARS, POLICIES, MANUALS, GUIDANCE, AND RULES.—Unless expressly agreed to by the participating Indian tribe in the compact or funding agreement, the participating Indian tribe shall not be subject to any agency circular, policy, manual, guidance, or rule adopted by the Department, except regulations promulgated under this section.”

23 USC
prec. 201.

(b) CLERICAL AMENDMENT.—The analysis for chapter 2 of title 23, United States Code, is amended by inserting after the item relating to section 206 the following:

“207. Tribal transportation self-governance program.”.

23 USC 103 note.

SEC. 1122. STATE FLEXIBILITY FOR NATIONAL HIGHWAY SYSTEM MODIFICATIONS.

(a) NATIONAL HIGHWAY SYSTEM FLEXIBILITY.—Not later than 90 days after the date of enactment of this Act, the Secretary shall issue guidance relating to working with State departments

of transportation that request assistance from the division offices of the Federal Highway Administration—

(1) to review roads classified as principal arterials in the State that were added to the National Highway System as of October 1, 2012, so as to comply with section 103 of title 23, United States Code; and

(2) to identify any necessary functional classification changes to rural and urban principal arterials.

(b) ADMINISTRATIVE ACTIONS.—The Secretary shall direct the division offices of the Federal Highway Administration to work with the applicable State department of transportation that requests assistance under this section—

(1) to assist in the review of roads in accordance with guidance issued under subsection (a);

(2) to expeditiously review and facilitate requests from States to reclassify roads classified as principal arterials; and

(3) in the case of a State that requests the withdrawal of reclassified roads from the National Highway System under section 103(b)(3) of title 23, United States Code, to carry out that withdrawal if the inclusion of the reclassified road in the National Highway System is not consistent with the needs and priorities of the community or region in which the reclassified road is located.

(c) NATIONAL HIGHWAY SYSTEM MODIFICATION REGULATIONS.—The Secretary shall—

(1) review the National Highway System modification process described in appendix D of part 470 of title 23, Code of Federal Regulations (or successor regulations); and

(2) take any action necessary to ensure that a State may submit to the Secretary a request to modify the National Highway System by withdrawing a road from the National Highway System.

(d) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes a description of—

(1) each request for reclassification of National Highway System roads;

(2) the status of each request; and

(3) if applicable, the justification for the denial by the Secretary of a request.

(e) MODIFICATIONS TO THE NATIONAL HIGHWAY SYSTEM.—Section 103(b)(3)(A) of title 23, United States Code, is amended—

(1) in the matter preceding clause (i)—

(A) by striking “, including any modification consisting of a connector to a major intermodal terminal,”; and

(B) by inserting “, including any modification consisting of a connector to a major intermodal terminal or the withdrawal of a road from that system,” after “the National Highway System”; and

(2) in clause (ii)—

(A) by striking “(ii) enhances” and inserting “(ii)(I) enhances”;

(B) by striking the period at the end and inserting “; or”; and

(C) by adding at the end the following:

“(II) in the case of the withdrawal of a road, is reasonable and appropriate.”.

23 USC 201 note. **SEC. 1123. NATIONALLY SIGNIFICANT FEDERAL LANDS AND TRIBAL PROJECTS PROGRAM.**

(a) **PURPOSE.**—The Secretary shall establish a nationally significant Federal lands and tribal projects program (referred to in this section as the “program”) to provide funding to construct, reconstruct, or rehabilitate nationally significant Federal lands and tribal transportation projects.

(b) **ELIGIBLE APPLICANTS.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), entities eligible to receive funds under sections 201, 202, 203, and 204 of title 23, United States Code, may apply for funding under the program.

(2) **SPECIAL RULE.**—A State, county, or unit of local government may only apply for funding under the program if sponsored by an eligible Federal land management agency or Indian tribe.

(c) **ELIGIBLE PROJECTS.**—An eligible project under the program shall be a single continuous project—

(1) on a Federal lands transportation facility, a Federal lands access transportation facility, or a tribal transportation facility (as those terms are defined in section 101 of title 23, United States Code), except that such facility is not required to be included in an inventory described in section 202 or 203 of such title;

(2) for which completion of activities required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) has been demonstrated through—

- (A) a record of decision with respect to the project;
- (B) a finding that the project has no significant impact;

or

(C) a determination that the project is categorically excluded; and

(3) having an estimated cost, based on the results of preliminary engineering, equal to or exceeding \$25,000,000, with priority consideration given to projects with an estimated cost equal to or exceeding \$50,000,000.

(d) **ELIGIBLE ACTIVITIES.**—

(1) **IN GENERAL.**—Subject to paragraph (2), an eligible applicant receiving funds under the program may only use the funds for construction, reconstruction, and rehabilitation activities.

(2) **INELIGIBLE ACTIVITIES.**—An eligible applicant may not use funds received under the program for activities relating to project design.

(e) **APPLICATIONS.**—Eligible applicants shall submit to the Secretary an application at such time, in such form, and containing such information as the Secretary may require.

(f) **SELECTION CRITERIA.**—In selecting a project to receive funds under the program, the Secretary shall consider the extent to which the project—

(1) furthers the goals of the Department, including state of good repair, economic competitiveness, quality of life, and safety;

(2) improves the condition of critical transportation facilities, including multimodal facilities;

(3) needs construction, reconstruction, or rehabilitation;

(4) has costs matched by funds that are not provided under this section, with projects with a greater percentage of other sources of matching funds ranked ahead of lesser matches;

(5) is included in or eligible for inclusion in the National Register of Historic Places;

(6) uses new technologies and innovations that enhance the efficiency of the project;

(7) is supported by funds, other than the funds received under the program, to construct, maintain, and operate the facility;

(8) spans 2 or more States; and

(9) serves land owned by multiple Federal agencies or Indian tribes.

(g) FEDERAL SHARE.—

(1) IN GENERAL.—The Federal share of the cost of a project shall be up to 90 percent.

(2) NON-FEDERAL SHARE.—Notwithstanding any other provision of law, any Federal funds other than those made available under title 23 or title 49, United States Code, may be used to pay the non-Federal share of the cost of a project carried out under this section.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$100,000,000 for each of fiscal years 2016 through 2020. Such sums shall remain available for a period of 3 fiscal years following the fiscal year for which the amounts are appropriated.

Subtitle B—Planning and Performance Management

SEC. 1201. METROPOLITAN TRANSPORTATION PLANNING.

Section 134 of title 23, United States Code, is amended—

(1) in subsection (a)(1)—

(A) by striking “people and freight and” and inserting “people and freight,” and

(B) by inserting “and take into consideration resiliency needs” after “urbanized areas,”;

(2) in subsection (c)(2) by striking “and bicycle transportation facilities” and inserting “, bicycle transportation facilities, and intermodal facilities that support intercity transportation, including intercity buses and intercity bus facilities and commuter vanpool providers”;

(3) in subsection (d)—

(A) by redesignating paragraphs (3) through (6) as paragraphs (4) through (7), respectively;

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

“(3) REPRESENTATION.—

“(A) IN GENERAL.—Designation or selection of officials or representatives under paragraph (2) shall be determined by the metropolitan planning organization according to the bylaws or enabling statute of the organization.

“(B) PUBLIC TRANSPORTATION REPRESENTATIVE.—Subject to the bylaws or enabling statute of the metropolitan

planning organization, a representative of a provider of public transportation may also serve as a representative of a local municipality.

“(C) POWERS OF CERTAIN OFFICIALS.—An official described in paragraph (2)(B) shall have responsibilities, actions, duties, voting rights, and any other authority commensurate with other officials described in paragraph (2).”; and

(C) in paragraph (5) as so redesignated by striking “paragraph (5)” and inserting “paragraph (6)”;

(4) in subsection (e)(4)(B) by striking “subsection (d)(5)” and inserting “subsection (d)(6)”;

(5) in subsection (g)(3)(A) by inserting “tourism, natural disaster risk reduction,” after “economic development,”;

(6) in subsection (h)—

(A) in paragraph (1)—

(i) in subparagraph (G) by striking “and” at the end;

(ii) in subparagraph (H) by striking the period at the end and inserting a semicolon; and

(iii) by adding at the end the following:

“(I) improve the resiliency and reliability of the transportation system and reduce or mitigate stormwater impacts of surface transportation; and

“(J) enhance travel and tourism.”; and

(B) in paragraph (2)(A) by striking “and in section 5301(c) of title 49” and inserting “and the general purposes described in section 5301 of title 49”;

(7) in subsection (i)—

(A) in paragraph (2)—

(i) in subparagraph (A)(i) by striking “transit,” and inserting “public transportation facilities, intercity bus facilities,”;

(ii) in subparagraph (G)—

(I) by striking “and provide” and inserting “, provide”; and

(II) by inserting “, and reduce the vulnerability of the existing transportation infrastructure to natural disasters” before the period at the end; and

(iii) in subparagraph (H) by inserting “including consideration of the role that intercity buses may play in reducing congestion, pollution, and energy consumption in a cost-effective manner and strategies and investments that preserve and enhance intercity bus systems, including systems that are privately owned and operated” before the period at the end;

(B) in paragraph (6)(A)—

(i) by inserting “public ports,” before “freight shippers,”; and

(ii) by inserting “(including intercity bus operators, employer-based commuting programs, such as a carpool program, vanpool program, transit benefit program, parking cash-out program, shuttle program, or telework program)” after “private providers of transportation”; and

(C) in paragraph (8) by striking “paragraph (2)(C)” and inserting “paragraph (2)(E)” each place it appears;

(8) in subsection (k)(3)—

(A) in subparagraph (A) by inserting “(including intercity bus operators, employer-based commuting programs such as a carpool program, vanpool program, transit benefit program, parking cash-out program, shuttle program, or telework program), job access projects,” after “reduction”; and

(B) by adding at the end the following:

“(C) CONGESTION MANAGEMENT PLAN.—A metropolitan planning organization serving a transportation management area may develop a plan that includes projects and strategies that will be considered in the TIP of such metropolitan planning organization. Such plan shall—

“(i) develop regional goals to reduce vehicle miles traveled during peak commuting hours and improve transportation connections between areas with high job concentration and areas with high concentrations of low-income households;

“(ii) identify existing public transportation services, employer-based commuter programs, and other existing transportation services that support access to jobs in the region; and

“(iii) identify proposed projects and programs to reduce congestion and increase job access opportunities.

“(D) PARTICIPATION.—In developing the plan under subparagraph (C), a metropolitan planning organization shall consult with employers, private and nonprofit providers of public transportation, transportation management organizations, and organizations that provide job access reverse commute projects or job-related services to low-income individuals.”;

(9) in subsection (l)—

(A) by adding a period at the end of paragraph (1); and

(B) in paragraph (2)(D) by striking “of less than 200,000” and inserting “with a population of 200,000 or less”;

(10) in subsection (n)(1) by inserting “49” after “chapter 53 of title”;

(11) in subsection (p) by striking “Funds set aside under section 104(f)” and inserting “Funds apportioned under paragraphs (5)(D) and (6) of section 104(b)”;

(12) by adding at the end the following:

“(r) BI-STATE METROPOLITAN PLANNING ORGANIZATION.—

“(1) DEFINITION OF BI-STATE MPO REGION.—In this subsection, the term ‘Bi-State MPO Region’ has the meaning given the term ‘region’ in subsection (a) of Article II of the Lake Tahoe Regional Planning Compact (Public Law 96-551; 94 Stat. 3234).

“(2) TREATMENT.—For the purpose of this title, the Bi-State MPO Region shall be treated as—

“(A) a metropolitan planning organization;

“(B) a transportation management area under subsection (k); and

“(C) an urbanized area, which is comprised of a population of 145,000 in the State of California and a population of 65,000 in the State of Nevada.

“(3) SUBALLOCATED FUNDING.—

“(A) PLANNING.—In determining the amounts under subparagraph (A) of section 133(d)(1) that shall be obligated for a fiscal year in the States of California and Nevada under clauses (i), (ii), and (iii) of that subparagraph, the Secretary shall, for each of those States—

“(i) calculate the population under each of those clauses;

“(ii) decrease the amount under section 133(d)(1)(A)(iii) by the population specified in paragraph (2) of this subsection for the Bi-State MPO Region in that State; and

“(iii) increase the amount under section 133(d)(1)(A)(i) by the population specified in paragraph (2) of this subsection for the Bi-State MPO Region in that State.

“(B) STBGP SET ASIDE.—In determining the amounts under paragraph (2) of section 133(h) that shall be obligated for a fiscal year in the States of California and Nevada, the Secretary shall, for the purpose of that subsection, calculate the populations for each of those States in a manner consistent with subparagraph (A).”.

SEC. 1202. STATEWIDE AND NONMETROPOLITAN TRANSPORTATION PLANNING.

Section 135 of title 23, United States Code, is amended—

(1) in subsection (a)(2) by striking “and bicycle transportation facilities” and inserting, “, bicycle transportation facilities, and intermodal facilities that support intercity transportation, including intercity buses and intercity bus facilities and commuter van pool providers”;

(2) in subsection (d)—

(A) in paragraph (1)—

(i) in subparagraph (G) by striking “and” at the end;

(ii) in subparagraph (H) by striking the period at the end and inserting a semicolon; and

(iii) by adding at the end the following:

“(I) improve the resiliency and reliability of the transportation system and reduce or mitigate stormwater impacts of surface transportation; and

“(J) enhance travel and tourism.”; and

(B) in paragraph (2)—

(i) in subparagraph (A) by striking “and in section 5301(c) of title 49” and inserting “and the general purposes described in section 5301 of title 49”;

(ii) in subparagraph (B)(ii) by striking “urbanized”; and

(iii) in subparagraph (C) by striking “urbanized”;

(3) in subsection (f)—

(A) in paragraph (3)(A)(ii)—

(i) by inserting “public ports,” before “freight ships,”; and

(ii) by inserting “(including intercity bus operators, employer-based commuting programs, such as a carpool program, vanpool program, transit benefit program, parking cash-out program, shuttle program, or telework program)” after “private providers of transportation”; and

(B) in paragraph (7), in the matter preceding subparagraph (A), by striking “should” and inserting “shall”; and

(C) in paragraph (8), by inserting “, including consideration of the role that intercity buses may play in reducing congestion, pollution, and energy consumption in a cost-effective manner and strategies and investments that preserve and enhance intercity bus systems, including systems that are privately owned and operated” before the period at the end; and

(4) in subsection (g)(3)—

(A) by inserting “public ports,” before “freight shippers”; and

(B) by inserting “(including intercity bus operators),” after “private providers of transportation”.

Subtitle C—Acceleration of Project Delivery

SEC. 1301. SATISFACTION OF REQUIREMENTS FOR CERTAIN HISTORIC SITES.

(a) HIGHWAYS.—Section 138 of title 23, United States Code, is amended by adding at the end the following:

“(c) SATISFACTION OF REQUIREMENTS FOR CERTAIN HISTORIC SITES.—

“(1) IN GENERAL.—The Secretary shall—

“(A) align, to the maximum extent practicable, with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and section 306108 of title 54, including implementing regulations; and

“(B) not later than 90 days after the date of enactment of this subsection, coordinate with the Secretary of the Interior and the Executive Director of the Advisory Council on Historic Preservation (referred to in this subsection as the ‘Council’) to establish procedures to satisfy the requirements described in subparagraph (A) (including regulations).

“(2) AVOIDANCE ALTERNATIVE ANALYSIS.—

“(A) IN GENERAL.—If, in an analysis required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Secretary determines that there is no feasible or prudent alternative to avoid use of a historic site, the Secretary may—

“(i) include the determination of the Secretary in the analysis required under that Act;

“(ii) provide a notice of the determination to—

“(I) each applicable State historic preservation officer and tribal historic preservation officer;

“(II) the Council, if the Council is participating in the consultation process under section 306108 of title 54; and

“(III) the Secretary of the Interior; and

“(iii) request from the applicable preservation officer, the Council, and the Secretary of the Interior a concurrence that the determination is sufficient to satisfy subsection (a)(1).

“(B) CONCURRENCE.—If the applicable preservation officer, the Council, and the Secretary of the Interior each provide a concurrence requested under subparagraph (A)(iii), no further analysis under subsection (a)(1) shall be required.

“(C) PUBLICATION.—A notice of a determination, together with each relevant concurrence to that determination, under subparagraph (A) shall—

“(i) be included in the record of decision or finding of no significant impact of the Secretary; and

“(ii) be posted on an appropriate Federal website by not later than 3 days after the date of receipt by the Secretary of all concurrences requested under subparagraph (A)(iii).

“(3) ALIGNING HISTORICAL REVIEWS.—

“(A) IN GENERAL.—If the Secretary, the applicable preservation officer, the Council, and the Secretary of the Interior concur that no feasible and prudent alternative exists as described in paragraph (2), the Secretary may provide to the applicable preservation officer, the Council, and the Secretary of the Interior notice of the intent of the Secretary to satisfy subsection (a)(2) through the consultation requirements of section 306108 of title 54.

“(B) SATISFACTION OF CONDITIONS.—To satisfy subsection (a)(2), each individual described in paragraph (2)(A)(ii) shall concur in the treatment of the applicable historic site described in the memorandum of agreement or programmatic agreement developed under section 306108 of title 54.”.

(b) PUBLIC TRANSPORTATION.—Section 303 of title 49, United States Code, is amended by adding at the end the following:

“(e) SATISFACTION OF REQUIREMENTS FOR CERTAIN HISTORIC SITES.—

“(1) IN GENERAL.—The Secretary shall—

“(A) align, to the maximum extent practicable, the requirements of this section with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and section 306108 of title 54, including implementing regulations; and

“(B) not later than 90 days after the date of enactment of this subsection, coordinate with the Secretary of the Interior and the Executive Director of the Advisory Council on Historic Preservation (referred to in this subsection as the ‘Council’) to establish procedures to satisfy the requirements described in subparagraph (A) (including regulations).

“(2) AVOIDANCE ALTERNATIVE ANALYSIS.—

“(A) IN GENERAL.—If, in an analysis required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Secretary determines that there is no feasible or prudent alternative to avoid use of a historic site, the Secretary may—

“(i) include the determination of the Secretary in the analysis required under that Act;

“(ii) provide a notice of the determination to—

“(I) each applicable State historic preservation officer and tribal historic preservation officer;

“(II) the Council, if the Council is participating in the consultation process under section 306108 of title 54; and

“(III) the Secretary of the Interior; and

“(iii) request from the applicable preservation officer, the Council, and the Secretary of the Interior a concurrence that the determination is sufficient to satisfy subsection (c)(1).

“(B) CONCURRENCE.—If the applicable preservation officer, the Council, and the Secretary of the Interior each provide a concurrence requested under subparagraph (A)(iii), no further analysis under subsection (c)(1) shall be required.

“(C) PUBLICATION.—A notice of a determination, together with each relevant concurrence to that determination, under subparagraph (A) shall—

“(i) be included in the record of decision or finding of no significant impact of the Secretary; and

“(ii) be posted on an appropriate Federal website by not later than 3 days after the date of receipt by the Secretary of all concurrences requested under subparagraph (A)(iii).

“(3) ALIGNING HISTORICAL REVIEWS.—

“(A) IN GENERAL.—If the Secretary, the applicable preservation officer, the Council, and the Secretary of the Interior concur that no feasible and prudent alternative exists as described in paragraph (2), the Secretary may provide to the applicable preservation officer, the Council, and the Secretary of the Interior notice of the intent of the Secretary to satisfy subsection (c)(2) through the consultation requirements of section 306108 of title 54.

“(B) SATISFACTION OF CONDITIONS.—To satisfy subsection (c)(2), the applicable preservation officer, the Council, and the Secretary of the Interior shall concur in the treatment of the applicable historic site described in the memorandum of agreement or programmatic agreement developed under section 306108 of title 54.”.

SEC. 1302. CLARIFICATION OF TRANSPORTATION ENVIRONMENTAL AUTHORITIES.

(a) TITLE 23 AMENDMENT.—Section 138 of title 23, United States Code, as amended by section 1301, is amended by adding at the end the following:

“(d) REFERENCES TO PAST TRANSPORTATION ENVIRONMENTAL AUTHORITIES.—

“(1) SECTION 4(F) REQUIREMENTS.—The requirements of this section are commonly referred to as section 4(f) requirements (see section 4(f) of the Department of Transportation Act (Public Law 89–670; 80 Stat. 934) as in effect before the repeal of that section).

“(2) SECTION 106 REQUIREMENTS.—The requirements of section 306108 of title 54 are commonly referred to as section

106 requirements (see section 106 of the National Historic Preservation Act of 1966 (Public Law 89-665; 80 Stat. 917) as in effect before the repeal of that section).”

(b) TITLE 49 AMENDMENT.—Section 303 of title 49, United States Code, as amended by section 1301, is amended by adding at the end the following:

“(f) REFERENCES TO PAST TRANSPORTATION ENVIRONMENTAL AUTHORITIES.—

“(1) SECTION 4(F) REQUIREMENTS.—The requirements of this section are commonly referred to as section 4(f) requirements (see section 4(f) of the Department of Transportation Act (Public Law 89-670; 80 Stat. 934) as in effect before the repeal of that section).

“(2) SECTION 106 REQUIREMENTS.—The requirements of section 306108 of title 54 are commonly referred to as section 106 requirements (see section 106 of the National Historic Preservation Act of 1966 (Public Law 89-665; 80 Stat. 917) as in effect before the repeal of that section).”

SEC. 1303. TREATMENT OF CERTAIN BRIDGES UNDER PRESERVATION REQUIREMENTS.

(a) PRESERVATION OF PARKLANDS.—Section 138 of title 23, United States Code, as amended by section 1302, is amended by adding at the end the following:

“(e) BRIDGE EXEMPTION FROM CONSIDERATION.—A common post-1945 concrete or steel bridge or culvert (as described in 77 Fed. Reg. 68790) that is exempt from individual review under section 306108 of title 54 shall be exempt from consideration under this section.”

(b) POLICY ON LANDS, WILDLIFE AND WATERFOWL REFUGES, AND HISTORIC SITES.—Section 303 of title 49, United States Code, as amended by section 1302, is amended by adding at the end the following:

“(g) BRIDGE EXEMPTION FROM CONSIDERATION.—A common post-1945 concrete or steel bridge or culvert (as described in 77 Fed. Reg. 68790) that is exempt from individual review under section 306108 of title 54 shall be exempt from consideration under this section.”

SEC. 1304. EFFICIENT ENVIRONMENTAL REVIEWS FOR PROJECT DECISIONMAKING.

(a) DEFINITIONS.—Section 139(a) of title 23, United States Code, is amended—

(1) by striking paragraph (5) and inserting the following:

“(5) MULTIMODAL PROJECT.—The term ‘multimodal project’ means a project that requires the approval of more than 1 Department of Transportation operating administration or secretarial office.”; and

(2) by striking paragraph (6) and inserting the following:

“(6) PROJECT.—

“(A) IN GENERAL.—The term ‘project’ means any highway project, public transportation capital project, or multimodal project that, if implemented as proposed by the project sponsor, would require approval by any operating administration or secretarial office within the Department of Transportation.

“(B) CONSIDERATIONS.—In determining whether a project is a project under subparagraph (A), the Secretary

shall take into account, if known, any sources of Federal funding or financing identified by the project sponsor, including any discretionary grant, loan, and loan guarantee programs administered by the Department of Transportation.”

(b) **APPLICABILITY.**—Section 139(b)(3) of title 23, United States Code, is amended—

(1) in subparagraph (A) in the matter preceding clause

(i) by striking “initiate a rulemaking to”; and

(2) by striking subparagraph (B) and inserting the following:

“(B) **REQUIREMENTS.**—In carrying out subparagraph (A), the Secretary shall ensure that programmatic reviews—

“(i) promote transparency, including the transparency of—

“(I) the analyses and data used in the environmental reviews;

“(II) the treatment of any deferred issues raised by agencies or the public; and

“(III) the temporal and spatial scales to be used to analyze issues under subclauses (I) and (II);

“(ii) use accurate and timely information, including through establishment of—

“(I) criteria for determining the general duration of the usefulness of the review; and

“(II) a timeline for updating an out-of-date review;

“(iii) describe—

“(I) the relationship between any programmatic analysis and future tiered analysis; and

“(II) the role of the public in the creation of future tiered analysis;

“(iv) are available to other relevant Federal and State agencies, Indian tribes, and the public; and

“(v) provide notice and public comment opportunities consistent with applicable requirements.”

(c) **FEDERAL LEAD AGENCY.**—Section 139(c) of title 23, United States Code, is amended—

(1) in paragraph (1)(A) by inserting “, or an operating administration thereof designated by the Secretary,” after “Department of Transportation”; and

(2) in paragraph (6)—

(A) in subparagraph (A) by striking “and” at the end;

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

(C) by adding at the end the following:

“(C) to consider and respond to comments received from participating agencies on matters within the special expertise or jurisdiction of those agencies.”

(d) **PARTICIPATING AGENCIES.**—

(1) **INVITATION.**—Section 139(d)(2) of title 23, United States Code, is amended by striking “The lead agency shall identify, as early as practicable in the environmental review process for a project,” and inserting “Not later than 45 days after the date of publication of a notice of intent to prepare an

environmental impact statement or the initiation of an environmental assessment, the lead agency shall identify”.

(2) SINGLE NEPA DOCUMENT.—Section 139(d) of title 23, United States Code, is amended by adding at the end the following:

“(8) SINGLE NEPA DOCUMENT.—

“(A) IN GENERAL.—Except as inconsistent with paragraph (7), to the maximum extent practicable and consistent with Federal law, all Federal permits and reviews for a project shall rely on a single environment document prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) under the leadership of the lead agency.

“(B) USE OF DOCUMENT.—

“(i) IN GENERAL.—To the maximum extent practicable, the lead agency shall develop an environmental document sufficient to satisfy the requirements for any Federal approval or other Federal action required for the project, including permits issued by other Federal agencies.

“(ii) COOPERATION OF PARTICIPATING AGENCIES.—Other participating agencies shall cooperate with the lead agency and provide timely information to help the lead agency carry out this subparagraph.

“(C) TREATMENT AS PARTICIPATING AND COOPERATING AGENCIES.—A Federal agency required to make an approval or take an action for a project, as described in subparagraph (B), shall work with the lead agency for the project to ensure that the agency making the approval or taking the action is treated as being both a participating and cooperating agency for the project.

“(9) PARTICIPATING AGENCY RESPONSIBILITIES.—An agency participating in the environmental review process under this section shall—

“(A) provide comments, responses, studies, or methodologies on those areas within the special expertise or jurisdiction of the agency; and

“(B) use the process to address any environmental issues of concern to the agency.”.

(e) PROJECT INITIATION.—Section 139(e) of title 23, United States Code, is amended—

(1) in paragraph (1) by inserting “(including any additional information that the project sponsor considers to be important to initiate the process for the proposed project)” after “general location of the proposed project”; and

(2) by adding at the end the following:

“(3) REVIEW OF APPLICATION.—Not later than 45 days after the date on which the Secretary receives notification under paragraph (1), the Secretary shall provide to the project sponsor a written response that, as applicable—

“(A) describes the determination of the Secretary—

“(i) to initiate the environmental review process, including a timeline and an expected date for the publication in the Federal Register of the relevant notice of intent; or

“(ii) to decline the application, including an explanation of the reasons for that decision; or

“(B) requests additional information, and provides to the project sponsor an accounting regarding what documentation is necessary to initiate the environmental review process.

“(4) REQUEST TO DESIGNATE A LEAD AGENCY.—

“(A) IN GENERAL.—Any project sponsor may submit to the Secretary a request to designate the operating administration or secretarial office within the Department of Transportation with the expertise on the proposed project to serve as the Federal lead agency for the project.

“(B) SECRETARIAL ACTION.—

“(i) IN GENERAL.—If the Secretary receives a request under subparagraph (A), the Secretary shall respond to the request not later than 45 days after the date of receipt.

“(ii) REQUIREMENTS.—The response under clause (i) shall—

“(I) approve the request;

“(II) deny the request, with an explanation of the reasons for the denial; or

“(III) require the submission of additional information.

“(iii) ADDITIONAL INFORMATION.—If additional information is submitted in accordance with clause (ii)(III), the Secretary shall respond to the submission not later than 45 days after the date of receipt.

“(5) ENVIRONMENTAL CHECKLIST.—

“(A) DEVELOPMENT.—The lead agency for a project, in consultation with participating agencies, shall develop, as appropriate, a checklist to help project sponsors identify potential natural, cultural, and historic resources in the area of the project.

“(B) PURPOSE.—The purposes of the checklist are—

“(i) to identify agencies and organizations that can provide information about natural, cultural, and historic resources;

“(ii) to develop the information needed to determine the range of alternatives; and

“(iii) to improve interagency collaboration to help expedite the permitting process for the lead agency and participating agencies.”.

(f) PURPOSE AND NEED.—Section 139(f) of title 23, United States Code, is amended—

(1) in the subsection heading by inserting “; ALTERNATIVES ANALYSIS” after “NEED”; and

(2) in paragraph (4)—

(A) by striking subparagraph (A) and inserting the following:

“(A) PARTICIPATION.—

“(i) IN GENERAL.—As early as practicable during the environmental review process, the lead agency shall provide an opportunity for involvement by participating agencies and the public in determining the range of alternatives to be considered for a project.

“(ii) COMMENTS OF PARTICIPATING AGENCIES.—To the maximum extent practicable and consistent with applicable law, each participating agency receiving an

opportunity for involvement under clause (i) shall limit the comments of the agency to subject matter areas within the special expertise or jurisdiction of the agency.

“(iii) EFFECT OF NONPARTICIPATION.—A participating agency that declines to participate in the development of the purpose and need and range of alternatives for a project shall be required to comply with the schedule developed under subsection (g)(1)(B).”;

(B) in subparagraph (B)—

(i) by striking “Following participation under paragraph (1)” and inserting the following:

“(i) DETERMINATION.—Following participation under subparagraph (A); and

(ii) by adding at the end the following:

“(ii) USE.—To the maximum extent practicable and consistent with Federal law, the range of alternatives determined for a project under clause (i) shall be used for all Federal environmental reviews and permit processes required for the project unless the alternatives must be modified—

“(I) to address significant new information or circumstances, and the lead agency and participating agencies agree that the alternatives must be modified to address the new information or circumstances; or

“(II) for the lead agency or a participating agency to fulfill the responsibilities of the agency under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) in a timely manner.”; and

(C) by adding at the end the following:

“(E) REDUCTION OF DUPLICATION.—

“(i) IN GENERAL.—In carrying out this paragraph, the lead agency shall reduce duplication, to the maximum extent practicable, between—

“(I) the evaluation of alternatives under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

“(II) the evaluation of alternatives in the metropolitan transportation planning process under section 134 or an environmental review process carried out under State law (referred to in this subparagraph as a ‘State environmental review process’).

“(ii) CONSIDERATION OF ALTERNATIVES.—The lead agency may eliminate from detailed consideration an alternative proposed in an environmental impact statement regarding a project if, as determined by the lead agency—

“(I) the alternative was considered in a metropolitan planning process or a State environmental review process by a metropolitan planning organization or a State or local transportation agency, as applicable;

“(II) the lead agency provided guidance to the metropolitan planning organization or State or local transportation agency, as applicable, regarding analysis of alternatives in the metropolitan planning process or State environmental review process, including guidance on the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and any other Federal law necessary for approval of the project;

“(III) the applicable metropolitan planning process or State environmental review process included an opportunity for public review and comment;

“(IV) the applicable metropolitan planning organization or State or local transportation agency rejected the alternative after considering public comments;

“(V) the Federal lead agency independently reviewed the alternative evaluation approved by the applicable metropolitan planning organization or State or local transportation agency; and

“(VI) the Federal lead agency determined—

“(aa) in consultation with Federal participating or cooperating agencies, that the alternative to be eliminated from consideration is not necessary for compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); or

“(bb) with the concurrence of Federal agencies with jurisdiction over a permit or approval required for a project, that the alternative to be eliminated from consideration is not necessary for any permit or approval under any other Federal law.”.

(g) COORDINATION AND SCHEDULING.—

(1) COORDINATION PLAN.—Section 139(g)(1) of title 23, United States Code, is amended—

(A) in subparagraph (A) by striking “The lead agency” and inserting “Not later than 90 days after the date of publication of a notice of intent to prepare an environmental impact statement or the initiation of an environmental assessment, the lead agency”; and

(B) in subparagraph (B)(i) by striking “may establish as part of the coordination plan” and inserting “shall establish as part of such coordination plan”.

(2) DEADLINES FOR DECISIONS UNDER OTHER LAWS.—Section 139(g)(3) of title 23, United States Code, is amended in the matter preceding subparagraph (A) by inserting “and publish on the Internet” after “House of Representatives”.

(h) ISSUE IDENTIFICATION AND RESOLUTION.—

(1) ISSUE RESOLUTION.—Section 139(h) of title 23, United States Code, is amended—

(A) by redesignating paragraphs (4) through (7) as paragraphs (5) through (8), respectively; and

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

“(4) ISSUE RESOLUTION.—Any issue resolved by the lead agency with the concurrence of participating agencies may not

be reconsidered unless significant new information or circumstances arise.”

(2) FAILURE TO ASSURE.—Section 139(h)(5)(C) of title 23, United States Code (as redesignated by paragraph (1)(A)), is amended by striking “paragraph (5) and” and inserting “paragraph (6)”.

(3) FINANCIAL PENALTY PROVISIONS.—Section 139(h)(7)(B) of title 23, United States Code (as redesignated by paragraph (1)(A)), is amended—

(A) in clause (i)(I) by striking “under section 106(i) is required” and inserting “is required under subsection (h) or (i) of section 106”; and

(B) by striking clause (ii) and inserting the following:
“(ii) DESCRIPTION OF DATE.—The date referred to in clause (i) is—

“(I) the date that is 30 days after the date for rendering a decision as described in the project schedule established pursuant to subsection (g)(1)(B);

“(II) if no schedule exists, the later of—

“(aa) the date that is 180 days after the date on which an application for the permit, license, or approval is complete; and

“(bb) the date that is 180 days after the date on which the Federal lead agency issues a decision on the project under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); or

“(III) a modified date in accordance with subsection (g)(1)(D).”.

(i) ASSISTANCE TO AFFECTED STATE AND FEDERAL AGENCIES.—

(1) IN GENERAL.—Section 139(j) of title 23, United States Code, is amended by striking paragraph (1) and inserting the following:

“(1) IN GENERAL.—

“(A) AUTHORITY TO PROVIDE FUNDS.—The Secretary may allow a public entity receiving financial assistance from the Department of Transportation under this title or chapter 53 of title 49 to provide funds to Federal agencies (including the Department), State agencies, and Indian tribes participating in the environmental review process for the project or program.

“(B) USE OF FUNDS.—Funds referred to in subparagraph (A) may be provided only to support activities that directly and meaningfully contribute to expediting and improving permitting and review processes, including planning, approval, and consultation processes for the project or program.”.

(2) ACTIVITIES ELIGIBLE FOR FUNDING.—Section 139(j)(2) of title 23, United States Code, is amended by inserting “activities directly related to the environmental review process,” before “dedicated staffing,”.

(3) AGREEMENT.—Section 139(j) of title 23, United States Code, is amended by striking paragraph (6) and inserting the following:

“(6) AGREEMENT.—Prior to providing funds approved by the Secretary for dedicated staffing at an affected agency under

paragraphs (1) and (2), the affected agency and the requesting public entity shall enter into an agreement that establishes the projects and priorities to be addressed by the use of the funds.”.

(j) ACCELERATED DECISIONMAKING; IMPROVING TRANSPARENCY IN ENVIRONMENTAL REVIEWS.—

(1) IN GENERAL.—Section 139 of title 23, United States Code, is amended by adding at the end the following:

“(n) ACCELERATED DECISIONMAKING IN ENVIRONMENTAL REVIEWS.—

“(1) IN GENERAL.—In preparing a final environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), if the lead agency modifies the statement in response to comments that are minor and are confined to factual corrections or explanations of why the comments do not warrant additional agency response, the lead agency may write on errata sheets attached to the statement instead of rewriting the draft statement, subject to the condition that the errata sheets—

“(A) cite the sources, authorities, and reasons that support the position of the agency; and

“(B) if appropriate, indicate the circumstances that would trigger agency reappraisal or further response.

“(2) SINGLE DOCUMENT.—To the maximum extent practicable, the lead agency shall expeditiously develop a single document that consists of a final environmental impact statement and a record of decision, unless—

“(A) the final environmental impact statement makes substantial changes to the proposed action that are relevant to environmental or safety concerns; or

“(B) there is a significant new circumstance or information relevant to environmental concerns that bears on the proposed action or the impacts of the proposed action.

“(o) IMPROVING TRANSPARENCY IN ENVIRONMENTAL REVIEWS.—

“(1) IN GENERAL.—Not later than 18 months after the date of enactment of this subsection, the Secretary shall—

“(A) use the searchable Internet website maintained under section 41003(b) of the FAST Act—

“(i) to make publicly available the status and progress of projects requiring an environmental assessment or an environmental impact statement with respect to compliance with applicable requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and any other Federal, State, or local approval required for those projects; and

“(ii) to make publicly available the names of participating agencies not participating in the development of a project purpose and need and range of alternatives under subsection (f); and

“(B) issue reporting standards to meet the requirements of subparagraph (A).

“(2) FEDERAL, STATE, AND LOCAL AGENCY PARTICIPATION.—

“(A) FEDERAL AGENCIES.—A Federal agency participating in the environmental review or permitting process for a project shall provide to the Secretary information regarding the status and progress of the approval of the project for publication on the Internet website referred

to in paragraph (1)(A), consistent with the standards established under paragraph (1)(B).

“(B) STATE AND LOCAL AGENCIES.—The Secretary shall encourage State and local agencies participating in the environmental review permitting process for a project to provide information regarding the status and progress of the approval of the project for publication on the Internet website referred to in paragraph (1)(A).

“(3) STATES WITH DELEGATED AUTHORITY.—A State with delegated authority for responsibilities under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) pursuant to section 327 shall be responsible for supplying to the Secretary project development and compliance status for all applicable projects.”

(2) CONFORMING AMENDMENT.—Section 1319 of MAP-21 (42 U.S.C. 4332a), and the item relating to that section in the table of contents contained in section 1(c) of that Act, are repealed.

23 USC 139 note.

(k) IMPLEMENTATION OF PROGRAMMATIC COMPLIANCE.—

(1) RULEMAKING.—Not later than 1 year after the date of enactment of this Act, the Secretary shall complete a rulemaking to implement the provisions of section 139(b)(3) of title 23, United States Code, as amended by this section.

(2) CONSULTATION.—Before initiating the rulemaking under paragraph (1), the Secretary shall consult with relevant Federal agencies, relevant State resource agencies, State departments of transportation, Indian tribes, and the public on the appropriate use and scope of the programmatic approaches.

(3) REQUIREMENTS.—In carrying out this subsection, the Secretary shall ensure that the rulemaking meets the requirements of section 139(b)(3)(B) of title 23, United States Code, as amended by this section.

(4) COMMENT PERIOD.—The Secretary shall—

(A) allow not fewer than 60 days for public notice and comment on the proposed rule; and

(B) address any comments received under this subsection.

SEC. 1305. INTEGRATION OF PLANNING AND ENVIRONMENTAL REVIEW.

Section 168 of title 23, United States Code, is amended to read as follows:

“§ 168. Integration of planning and environmental review

“(a) DEFINITIONS.—In this section, the following definitions apply:

“(1) ENVIRONMENTAL REVIEW PROCESS.—The term ‘environmental review process’ has the meaning given the term in section 139(a).

“(2) LEAD AGENCY.—The term ‘lead agency’ has the meaning given the term in section 139(a).

“(3) PLANNING PRODUCT.—The term ‘planning product’ means a decision, analysis, study, or other documented information that is the result of an evaluation or decisionmaking process carried out by a metropolitan planning organization or a State, as appropriate, during metropolitan or statewide transportation planning under section 134 or 135, respectively.

“(4) PROJECT.—The term ‘project’ has the meaning given the term in section 139(a).

“(5) PROJECT SPONSOR.—The term ‘project sponsor’ has the meaning given the term in section 139(a).

“(6) RELEVANT AGENCY.—The term ‘relevant agency’ means the agency with authority under subparagraph (A) or (B) of subsection (b)(1).

“(b) ADOPTION OR INCORPORATION BY REFERENCE OF PLANNING PRODUCTS FOR USE IN NEPA PROCEEDINGS.—

“(1) IN GENERAL.—Subject to subsection (d) and to the maximum extent practicable and appropriate, the following agencies may adopt or incorporate by reference and use a planning product in proceedings relating to any class of action in the environmental review process of the project:

“(A) The lead agency for a project, with respect to an environmental impact statement, environmental assessment, categorical exclusion, or other document prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

“(B) The cooperating agency with responsibility under Federal law, with respect to the process for and completion of any environmental permit, approval, review, or study required for a project under any Federal law other than the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), if consistent with that law.

“(2) IDENTIFICATION.—If the relevant agency makes a determination to adopt or incorporate by reference and use a planning product, the relevant agency shall identify the agencies that participated in the development of the planning products.

“(3) ADOPTION OR INCORPORATION BY REFERENCE OF PLANNING PRODUCTS.—The relevant agency may—

“(A) adopt or incorporate by reference an entire planning product under paragraph (1); or

“(B) select portions of a planning project under paragraph (1) for adoption or incorporation by reference.

“(4) TIMING.—A determination under paragraph (1) with respect to the adoption or incorporation by reference of a planning product may—

“(A) be made at the time the relevant agencies decide the appropriate scope of environmental review for the project; or

“(B) occur later in the environmental review process, as appropriate.

“(c) APPLICABILITY.—

“(1) PLANNING DECISIONS.—The relevant agency in the environmental review process may adopt or incorporate by reference decisions from a planning product, including—

“(A) whether tolling, private financial assistance, or other special financial measures are necessary to implement the project;

“(B) a decision with respect to general travel corridor or modal choice, including a decision to implement corridor or subarea study recommendations to advance different modal solutions as separate projects with independent utility;

“(C) the purpose and the need for the proposed action;

“(D) preliminary screening of alternatives and elimination of unreasonable alternatives;

“(E) a basic description of the environmental setting;

“(F) a decision with respect to methodologies for analysis; and

“(G) an identification of programmatic level mitigation for potential impacts of a project, including a programmatic mitigation plan developed in accordance with section 169, that the relevant agency determines are more effectively addressed on a national or regional scale, including—

“(i) measures to avoid, minimize, and mitigate impacts at a national or regional scale of proposed transportation investments on environmental resources, including regional ecosystem and water resources; and

“(ii) potential mitigation activities, locations, and investments.

“(2) PLANNING ANALYSES.—The relevant agency in the environmental review process may adopt or incorporate by reference analyses from a planning product, including—

“(A) travel demands;

“(B) regional development and growth;

“(C) local land use, growth management, and development;

“(D) population and employment;

“(E) natural and built environmental conditions;

“(F) environmental resources and environmentally sensitive areas;

“(G) potential environmental effects, including the identification of resources of concern and potential direct, indirect, and cumulative effects on those resources; and

“(H) mitigation needs for a proposed project, or for programmatic level mitigation, for potential effects that the lead agency determines are most effectively addressed at a regional or national program level.

“(d) CONDITIONS.—The relevant agency in the environmental review process may adopt or incorporate by reference a planning product under this section if the relevant agency determines, with the concurrence of the lead agency and, if the planning product is necessary for a cooperating agency to issue a permit, review, or approval for the project, with the concurrence of the cooperating agency, that the following conditions have been met:

“(1) The planning product was developed through a planning process conducted pursuant to applicable Federal law.

“(2) The planning product was developed in consultation with appropriate Federal and State resource agencies and Indian tribes.

“(3) The planning process included broad multidisciplinary consideration of systems-level or corridor-wide transportation needs and potential effects, including effects on the human and natural environment.

“(4) The planning process included public notice that the planning products produced in the planning process may be adopted during a subsequent environmental review process in accordance with this section.

“(5) During the environmental review process, the relevant agency has—

“(A) made the planning documents available for public review and comment by members of the general public and Federal, State, local, and tribal governments that may have an interest in the proposed project;

“(B) provided notice of the intention of the relevant agency to adopt or incorporate by reference the planning product; and

“(C) considered any resulting comments.

“(6) There is no significant new information or new circumstance that has a reasonable likelihood of affecting the continued validity or appropriateness of the planning product.

“(7) The planning product has a rational basis and is based on reliable and reasonably current data and reasonable and scientifically acceptable methodologies.

“(8) The planning product is documented in sufficient detail to support the decision or the results of the analysis and to meet requirements for use of the information in the environmental review process.

“(9) The planning product is appropriate for adoption or incorporation by reference and use in the environmental review process for the project and is incorporated in accordance with, and is sufficient to meet the requirements of, the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and section 1502.21 of title 40, Code of Federal Regulations (as in effect on the date of enactment of the FAST Act).

“(10) The planning product was approved within the 5-year period ending on the date on which the information is adopted or incorporated by reference.

“(e) EFFECT OF ADOPTION OR INCORPORATION BY REFERENCE.—Any planning product adopted or incorporated by reference by the relevant agency in accordance with this section may be—

“(1) incorporated directly into an environmental review process document or other environmental document; and

“(2) relied on and used by other Federal agencies in carrying out reviews of the project.

“(f) RULES OF CONSTRUCTION.—

“(1) IN GENERAL.—This section does not make the environmental review process applicable to the transportation planning process conducted under this title and chapter 53 of title 49.

“(2) TRANSPORTATION PLANNING ACTIVITIES.—Initiation of the environmental review process as a part of, or concurrently with, transportation planning activities does not subject transportation plans and programs to the environmental review process.

“(3) PLANNING PRODUCTS.—This section does not affect the use of planning products in the environmental review process pursuant to other authorities under any other provision of law or restrict the initiation of the environmental review process during planning.”.

SEC. 1306. DEVELOPMENT OF PROGRAMMATIC MITIGATION PLANS.

Section 169(f) of title 23, United States Code, is amended—

(1) by striking “may use” and inserting “shall give substantial weight to”; and

(2) by inserting “or other Federal environmental law” before the period at the end.

SEC. 1307. TECHNICAL ASSISTANCE FOR STATES.

Section 326 of title 23, United States Code, is amended—
(1) in subsection (c)—

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

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

“(2) ASSISTANCE TO STATES.—On request of a Governor of a State, the Secretary shall provide to the State technical assistance, training, or other support relating to—

“(A) assuming responsibility under subsection (a);

“(B) developing a memorandum of understanding under this subsection; or

“(C) addressing a responsibility in need of corrective action under subsection (d)(1)(B).”;

(2) in subsection (d), by striking paragraph (1) and inserting the following:

“(1) TERMINATION BY SECRETARY.—The Secretary may terminate the participation of any State in the program if—

“(A) the Secretary determines that the State is not adequately carrying out the responsibilities assigned to the State;

“(B) the Secretary provides to the State—

“(i) a notification of the determination of non-compliance;

“(ii) a period of not less than 120 days to take such corrective action as the Secretary determines to be necessary to comply with the applicable agreement; and

“(iii) on request of the Governor of the State, a detailed description of each responsibility in need of corrective action regarding an inadequacy identified under subparagraph (A); and

“(C) the State, after the notification and period described in clauses (i) and (ii) of subparagraph (B), fails to take satisfactory corrective action, as determined by the Secretary.”.

SEC. 1308. SURFACE TRANSPORTATION PROJECT DELIVERY PROGRAM.

Section 327 of title 23, United States Code, is amended—

(1) in subsection (a)(2)(B)(iii) by striking “(42 U.S.C. 13 4321 et seq.)” and inserting “(42 U.S.C. 4321 et seq.)”;

(2) in subsection (c)(4) by inserting “reasonably” before “considers necessary”;

(3) in subsection (e) by inserting “and without further approval of” after “in lieu of”;

(4) in subsection (g)—

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

“(1) IN GENERAL.—To ensure compliance by a State with any agreement of the State under subsection (c) (including compliance by the State with all Federal laws for which responsibility is assumed under subsection (a)(2)), for each State participating in the program under this section, the Secretary shall—

“(A) not later than 180 days after the date of execution of the agreement, meet with the State to review

implementation of the agreement and discuss plans for the first annual audit;

“(B) conduct annual audits during each of the first 4 years of State participation; and

“(C) ensure that the time period for completing an annual audit, from initiation to completion (including public comment and responses to those comments), does not exceed 180 days.”; and

(B) by adding at the end the following:

“(3) AUDIT TEAM.—

“(A) IN GENERAL.—An audit conducted under paragraph (1) shall be carried out by an audit team determined by the Secretary, in consultation with the State, in accordance with subparagraph (B).

“(B) CONSULTATION.—Consultation with the State under subparagraph (A) shall include a reasonable opportunity for the State to review and provide comments on the proposed members of the audit team.”;

(5) in subsection (j) by striking paragraph (1) and inserting the following:

“(1) TERMINATION BY SECRETARY.—The Secretary may terminate the participation of any State in the program if—

“(A) the Secretary determines that the State is not adequately carrying out the responsibilities assigned to the State;

“(B) the Secretary provides to the State—

“(i) a notification of the determination of non-compliance;

“(ii) a period of not less than 120 days to take such corrective action as the Secretary determines to be necessary to comply with the applicable agreement; and

“(iii) on request of the Governor of the State, a detailed description of each responsibility in need of corrective action regarding an inadequacy identified under subparagraph (A); and

“(C) the State, after the notification and period provided under subparagraph (B), fails to take satisfactory corrective action, as determined by the Secretary.”; and

(6) by adding at the end the following:

“(k) CAPACITY BUILDING.—The Secretary, in cooperation with representatives of State officials, may carry out education, training, peer-exchange, and other initiatives as appropriate—

“(1) to assist States in developing the capacity to participate in the assignment program under this section; and

“(2) to promote information sharing and collaboration among States that are participating in the assignment program under this section.

“(l) RELATIONSHIP TO LOCALLY ADMINISTERED PROJECTS.—A State granted authority under this section may, as appropriate and at the request of a local government—

“(1) exercise such authority on behalf of the local government for a locally administered project; or

“(2) provide guidance and training on consolidating and minimizing the documentation and environmental analyses necessary for sponsors of a locally administered project to comply with the National Environmental Policy Act of 1969 (42 U.S.C.

4321 et seq.) and any comparable requirements under State law.”.

23 USC 330 note. **SEC. 1309. PROGRAM FOR ELIMINATING DUPLICATION OF ENVIRONMENTAL REVIEWS.**

(a) **PURPOSE.**—The purpose of this section is to eliminate duplication of environmental reviews and approvals under State laws and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) **IN GENERAL.**—Chapter 3 of title 23, United States Code, is amended by adding at the end the following:

23 USC 330 note. **“§ 330. Program for eliminating duplication of environmental reviews**

“(a) **ESTABLISHMENT.**—

“(1) **IN GENERAL.**—The Secretary shall establish a pilot program to authorize States that have assumed responsibilities of the Secretary under section 327 and are approved to participate in the program under this section to conduct environmental reviews and make approvals for projects under State environmental laws and regulations instead of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), consistent with the requirements of this section.

“(2) **PARTICIPATING STATES.**—The Secretary may select not more than 5 States to participate in the program.

“(3) **ALTERNATIVE ENVIRONMENTAL REVIEW AND APPROVAL PROCEDURES DEFINED.**—In this section, the term ‘alternative environmental review and approval procedures’ means—

“(A) substitution of 1 or more State environmental laws for—

“(i) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

“(ii) any provisions of section 139 establishing procedures for the implementation of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) that are under the authority of the Secretary, as the Secretary, in consultation with the State, considers appropriate; and

“(iii) related regulations and Executive orders; and

“(B) substitution of 1 or more State environmental regulations for—

“(i) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

“(ii) any provisions of section 139 establishing procedures for the implementation of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) that are under the authority of the Secretary, as the Secretary, in consultation with the State, considers appropriate; and

“(iii) related regulations and Executive orders.

“(b) **APPLICATION.**—To be eligible to participate in the program, a State shall submit to the Secretary an application containing such information as the Secretary may require, including—

“(1) a full and complete description of the proposed alternative environmental review and approval procedures of the State, including—

“(A) the procedures the State uses to engage the public and consider alternatives to the proposed action; and

“(B) the extent to which the State considers environmental consequences or impacts on resources potentially impacted by the proposed action (such as air, water, or species);

“(2) each Federal requirement described in subsection (a)(3) that the State is seeking to substitute;

“(3) each State law or regulation that the State intends to substitute for such Federal requirement;

“(4) an explanation of the basis for concluding that the State law or regulation is at least as stringent as the Federal requirement described in subsection (a)(3);

“(5) a description of the projects or classes of projects for which the State anticipates exercising the authority that may be granted under the program;

“(6) verification that the State has the financial resources necessary to carry out the authority that may be granted under the program;

“(7) evidence of having sought, received, and addressed comments on the proposed application from the public; and

“(8) any such additional information as the Secretary, or, with respect to section (d)(1)(A), the Secretary in consultation with the Chair, may require.

“(c) REVIEW OF APPLICATION.—In accordance with subsection (d), the Secretary shall—

“(1) review and accept public comments on an application submitted under subsection (b);

“(2) approve or disapprove the application not later than 120 days after the date of receipt of an application that the Secretary determines is complete; and

“(3) transmit to the State notice of the approval or disapproval, together with a statement of the reasons for the approval or disapproval.

“(d) APPROVAL OF APPLICATION.—

“(1) IN GENERAL.—The Secretary shall approve an application submitted under subsection (b) only if—

“(A) the Secretary, with the concurrence of the Chair and after considering any public comments received pursuant to subsection (c), determines that the laws and regulations of the State described in the application are at least as stringent as the Federal requirements described in subsection (a)(3);

“(B) the Secretary, after considering any public comments received pursuant to subsection (c), determines that the State has the capacity, including financial and personnel, to assume the responsibility;

“(C) the State has executed an agreement with the Secretary in accordance with section 327; and

“(D) the State has executed an agreement with the Secretary under this section that—

“(i) has been executed by the Governor or the top-ranking transportation official in the State who is charged with responsibility for highway construction;

“(ii) is in such form as the Secretary may prescribe;

“(iii) provides that the State—

“(I) agrees to assume the responsibilities, as identified by the Secretary, under this section;

“(II) expressly consents, on behalf of the State, to accept the jurisdiction of the Federal courts under subsection (e)(1) for the compliance, discharge, and enforcement of any responsibility under this section;

“(III) certifies that State laws (including regulations) are in effect that—

“(aa) authorize the State to take the actions necessary to carry out the responsibilities being assumed; and

“(bb) are comparable to section 552 of title 5, including providing that any decision regarding the public availability of a document under those State laws is reviewable by a court of competent jurisdiction; and

“(IV) agrees to maintain the financial resources necessary to carry out the responsibilities being assumed;

“(iv) requires the State to provide to the Secretary any information the Secretary reasonably considers necessary to ensure that the State is adequately carrying out the responsibilities assigned to the State;

“(v) has a term of not more than 5 years; and

“(vi) is renewable.

“(2) EXCLUSION.—The National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall not apply to a decision by the Secretary to approve or disapprove an application submitted under this section.

“(e) JUDICIAL REVIEW.—

“(1) IN GENERAL.—The United States district courts shall have exclusive jurisdiction over any civil action against a State relating to the failure of the State—

“(A) to meet the requirements of this section; or

“(B) to follow the alternative environmental review and approval procedures approved pursuant to this section.

“(2) LIMITATION ON REVIEW.—

“(A) IN GENERAL.—Notwithstanding any other provision of law, a claim seeking judicial review of a permit, license, or approval issued by a State under this section shall be barred unless the claim is filed not later than 2 years after the date of publication in the Federal Register by the Secretary of a notice that the permit, license, or approval is final pursuant to the law under which the action is taken.

“(B) DEADLINES.—

“(i) NOTIFICATION.—The State shall notify the Secretary of the final action of the State not later than 10 days after the final action is taken.

“(ii) PUBLICATION.—The Secretary shall publish the notice of final action in the Federal Register not later than 30 days after the date of receipt of the notice under clause (i).

“(C) SAVINGS PROVISION.—Nothing in this subsection creates a right to judicial review or places any limit on

filing a claim that a person has violated the terms of a permit, license, or approval.

“(3) NEW INFORMATION.—

“(A) IN GENERAL.—A State shall consider new information received after the close of a comment period if the information satisfies the requirements for a supplemental environmental impact statement under section 771.130 of title 23, Code of Federal Regulations (or successor regulations).

“(B) TREATMENT OF FINAL AGENCY ACTION.—

“(i) IN GENERAL.—The final agency action that follows preparation of a supplemental environmental impact statement, if required, shall be considered a separate final agency action, and the deadline for filing a claim for judicial review of the action shall be 2 years after the date of publication in the Federal Register by the Secretary of a notice announcing such action.

“(ii) DEADLINES.—

“(I) NOTIFICATION.—The State shall notify the Secretary of the final action of the State not later than 10 days after the final action is taken.

“(II) PUBLICATION.—The Secretary shall publish the notice of final action in the Federal Register not later than 30 days after the date of receipt of the notice under subclause (I).

“(f) ELECTION.—A State participating in the programs under this section and section 327, at the discretion of the State, may elect to apply the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) instead of the alternative environmental review and approval procedures of the State.

“(g) ADOPTION OR INCORPORATION BY REFERENCE OF DOCUMENTS.—To the maximum extent practicable and consistent with Federal law, other Federal agencies with authority over a project subject to this section shall adopt or incorporate by reference documents produced by a participating State under this section to satisfy the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

“(h) RELATIONSHIP TO LOCALLY ADMINISTERED PROJECTS.—

“(1) IN GENERAL.—A State with an approved program under this section, at the request of a local government, may exercise authority under that program on behalf of up to 25 local governments for locally administered projects.

“(2) SCOPE.—For up to 25 local governments selected by a State with an approved program under this section, the State shall be responsible for ensuring that any environmental review, consultation, or other action required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or the State program, or both, meets the requirements of such Act or program.

“(i) REVIEW AND TERMINATION.—

“(1) IN GENERAL.—A State program approved under this section shall at all times be in accordance with the requirements of this section.

“(2) REVIEW.—The Secretary shall review each State program approved under this section not less than once every 5 years.

“(3) PUBLIC NOTICE AND COMMENT.—In conducting the review process under paragraph (2), the Secretary shall provide notice and an opportunity for public comment.

“(4) WITHDRAWAL OF APPROVAL.—If the Secretary, in consultation with the Chair, determines at any time that a State is not administering a State program approved under this section in accordance with the requirements of this section, the Secretary shall so notify the State, and if appropriate corrective action is not taken within a reasonable time, not to exceed 90 days, the Secretary shall withdraw approval of the State program.

“(5) EXTENSIONS AND TERMINATIONS.—At the conclusion of the review process under paragraph (2), the Secretary may extend for an additional 5-year period or terminate the authority of a State under this section to substitute the laws and regulations of the State for the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

“(j) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this section, and annually thereafter, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that describes the administration of the program, including—

“(1) the number of States participating in the program;

“(2) the number and types of projects for which each State participating in the program has used alternative environmental review and approval procedures;

“(3) a description and assessment of whether implementation of the program has resulted in more efficient review of projects; and

“(4) any recommendations for modifications to the program.

“(k) SUNSET.—The program shall terminate 12 years after the date of enactment of this section.

“(l) DEFINITIONS.—In this section, the following definitions apply:

“(1) CHAIR.—The term ‘Chair’ means the Chair of the Council on Environmental Quality.

“(2) MULTIMODAL PROJECT.—The term ‘multimodal project’ has the meaning given that term in section 139(a).

“(3) PROGRAM.—The term ‘program’ means the pilot program established under this section.

“(4) PROJECT.—The term ‘project’ means—

“(A) a project requiring approval under this title, chapter 53 of subtitle III of title 49, or subtitle V of title 49; and

“(B) a multimodal project.”.

(c) RULEMAKING.—

(1) IN GENERAL.—Not later than 270 days after the date of enactment of this Act, the Secretary, in consultation with the Chair of the Council on Environmental Quality, shall promulgate regulations to implement the requirements of section 330 of title 23, United States Code, as added by this section.

(2) DETERMINATION OF STRINGENCY.—As part of the rulemaking required under this subsection, the Chair shall—

(A) establish the criteria necessary to determine that a State law or regulation is at least as stringent as a

Federal requirement described in section 330(a)(3) of title 23, United States Code; and

(B) ensure that the criteria, at a minimum—

(i) provide for protection of the environment;

(ii) provide opportunity for public participation and comment, including access to the documentation necessary to review the potential impact of a project; and

(iii) ensure a consistent review of projects that would otherwise have been covered under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(d) CLERICAL AMENDMENT.—The analysis for chapter 3 of title 23, United States Code, is amended by adding at the end the following:

23 USC
prec. 301.

“330. Program for eliminating duplication of environmental reviews.”.

SEC. 1310. APPLICATION OF CATEGORICAL EXCLUSIONS FOR MULTIMODAL PROJECTS.

Section 304 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking “operating authority that” and inserting “operating administration or secretarial office that has expertise but”; and

(ii) by inserting “proposed multimodal” after “with respect to a”; and

(B) by striking paragraph (2) and inserting the following:

“(2) LEAD AUTHORITY.—The term ‘lead authority’ means a Department of Transportation operating administration or secretarial office that has the lead responsibility for compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to a proposed multimodal project.”;

(2) in subsection (b) by inserting “or title 23” after “under this title”;

(3) by striking subsection (c) and inserting the following:

“(c) APPLICATION OF CATEGORICAL EXCLUSIONS FOR MULTIMODAL PROJECTS.—In considering the environmental impacts of a proposed multimodal project, a lead authority may apply categorical exclusions designated under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) in implementing regulations or procedures of a cooperating authority for a proposed multimodal project, subject to the conditions that—

“(1) the lead authority makes a determination, with the concurrence of the cooperating authority—

“(A) on the applicability of a categorical exclusion to a proposed multimodal project; and

“(B) that the project satisfies the conditions for a categorical exclusion under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and this section;

“(2) the lead authority follows the implementing regulations of the cooperating authority or procedures under that Act; and

“(3) the lead authority determines that—

“(A) the proposed multimodal project does not individually or cumulatively have a significant impact on the environment; and

“(B) extraordinary circumstances do not exist that merit additional analysis and documentation in an environmental impact statement or environmental assessment required under that Act.”; and

(4) by striking subsection (d) and inserting the following:

“(d) COOPERATING AUTHORITY EXPERTISE.—A cooperating authority shall provide expertise to the lead authority on aspects of the multimodal project in which the cooperating authority has expertise.”.

SEC. 1311. ACCELERATED DECISIONMAKING IN ENVIRONMENTAL REVIEWS.

(a) IN GENERAL.—Title 49, United States Code, is amended by inserting after section 304 the following:

49 USC 304a.

“§ 304a. Accelerated decisionmaking in environmental reviews

“(a) IN GENERAL.—In preparing a final environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), if the lead agency modifies the statement in response to comments that are minor and are confined to factual corrections or explanations of why the comments do not warrant additional agency response, the lead agency may write on errata sheets attached to the statement, instead of rewriting the draft statement, subject to the condition that the errata sheets—

“(1) cite the sources, authorities, and reasons that support the position of the agency; and

“(2) if appropriate, indicate the circumstances that would trigger agency reappraisal or further response.

“(b) SINGLE DOCUMENT.—To the maximum extent practicable, the lead agency shall expeditiously develop a single document that consists of a final environmental impact statement and a record of decision, unless—

“(1) the final environmental impact statement makes substantial changes to the proposed action that are relevant to environmental or safety concerns; or

“(2) there is a significant new circumstance or information relevant to environmental concerns that bears on the proposed action or the impacts of the proposed action.

“(c) ADOPTION AND INCORPORATION BY REFERENCE OF DOCUMENTS.—

“(1) AVOIDING DUPLICATION.—To prevent duplication of analyses and support expeditious and efficient decisions, the operating administrations of the Department of Transportation shall use adoption and incorporation by reference in accordance with this subsection.

“(2) ADOPTION OF DOCUMENTS OF OTHER OPERATING ADMINISTRATIONS.—An operating administration or a secretarial office within the Department of Transportation may adopt a draft environmental impact statement, an environmental assessment, or a final environmental impact statement of another operating administration for the use of the adopting operating administration when preparing an environmental assessment or final environmental impact statement for a

project without recirculating the document for public review, if—

“(A) the adopting operating administration certifies that the proposed action is substantially the same as the project considered in the document to be adopted;

“(B) the other operating administration concurs with such decision; and

“(C) such actions are consistent with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

“(3) INCORPORATION BY REFERENCE.—An operating administration or secretarial office within the Department of Transportation may incorporate by reference all or portions of a draft environmental impact statement, an environmental assessment, or a final environmental impact statement for the use of the adopting operating administration when preparing an environmental assessment or final environmental impact statement for a project if—

“(A) the incorporated material is cited in the environmental assessment or final environmental impact statement and the contents of the incorporated material are briefly described;

“(B) the incorporated material is reasonably available for inspection by potentially interested persons within the time allowed for review and comment; and

“(C) the incorporated material does not include proprietary data that is not available for review and comment.”.

(b) CONFORMING AMENDMENT.—The analysis for chapter 3 of title 49, United States Code, is amended by inserting after the item relating to section 304 the following:

49 USC
prec. 301.

“304a. Accelerated decisionmaking in environmental reviews.”.

SEC. 1312. IMPROVING STATE AND FEDERAL AGENCY ENGAGEMENT IN ENVIRONMENTAL REVIEWS.

(a) IN GENERAL.—Title 49, United States Code, is amended by inserting after section 306 the following:

“§ 307. Improving State and Federal agency engagement in environmental reviews

49 USC 307 note.

“(a) IN GENERAL.—

“(1) REQUESTS TO PROVIDE FUNDS.—A public entity receiving financial assistance from the Department of Transportation for 1 or more projects, or for a program of projects, for a public purpose may request that the Secretary allow the public entity to provide funds to Federal agencies, including the Department, State agencies, and Indian tribes participating in the environmental planning and review process for the project, projects, or program.

“(2) USE OF FUNDS.—The funds may be provided only to support activities that directly and meaningfully contribute to expediting and improving permitting and review processes, including planning, approval, and consultation processes for the project, projects, or program.

“(b) ACTIVITIES ELIGIBLE FOR FUNDING.—Activities for which funds may be provided under subsection (a) include transportation planning activities that precede the initiation of the environmental review process, activities directly related to the environmental

review process, dedicated staffing, training of agency personnel, information gathering and mapping, and development of programmatic agreements.

“(c) AMOUNTS.—A request under subsection (a) may be approved only for the additional amounts that the Secretary determines are necessary for the Federal agencies, State agencies, or Indian tribes participating in the environmental review process to timely conduct the review.

“(d) AGREEMENTS.—Prior to providing funds approved by the Secretary for dedicated staffing at an affected Federal agency under subsection (a), the affected Federal agency and the requesting public entity shall enter into an agreement that establishes a process to identify projects or priorities to be addressed by the use of the funds.

“(e) GUIDANCE.—

“(1) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary shall issue guidance to implement this section.

“(2) FACTORS.—As part of the guidance issued under paragraph (1), the Secretary shall ensure—

“(A) to the maximum extent practicable, that expediting and improving the process of environmental review and permitting through the use of funds accepted and expended under this section does not adversely affect the timeline for review and permitting by Federal agencies, State agencies, or Indian tribes of other entities that have not contributed funds under this section;

“(B) that the use of funds accepted under this section will not impact impartial decisionmaking with respect to environmental reviews or permits, either substantively or procedurally; and

“(C) that the Secretary maintains, and makes publicly available, including on the Internet, a list of projects or programs for which such review or permits have been carried out using funds authorized under this section.

“(f) EXISTING AUTHORITY.—Nothing in this section may be construed to conflict with section 139(j) of title 23.”

(b) CONFORMING AMENDMENT.—The analysis for chapter 3 of title 49, United States Code, is amended by inserting after the item relating to section 306 the following:

“307. Improving State and Federal agency engagement in environmental reviews.”

SEC. 1313. ALIGNING FEDERAL ENVIRONMENTAL REVIEWS.

(a) IN GENERAL.—Title 49, United States Code, is amended by inserting after section 309 the following:

“§ 310. Aligning Federal environmental reviews

“(a) COORDINATED AND CONCURRENT ENVIRONMENTAL REVIEWS.—Not later than 1 year after the date of enactment of this section, the Department of Transportation, in coordination with the heads of Federal agencies likely to have substantive review or approval responsibilities under Federal law, shall develop a coordinated and concurrent environmental review and permitting process for transportation projects when initiating an environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) (in this section referred to as ‘NEPA’).

49 USC
prec. 301.

49 USC 310.

“(b) CONTENTS.—The coordinated and concurrent environmental review and permitting process developed under subsection (a) shall—

“(1) ensure that the Department of Transportation and agencies of jurisdiction possess sufficient information early in the review process to determine a statement of a transportation project’s purpose and need and range of alternatives for analysis that the lead agency and agencies of jurisdiction will rely on for concurrent environmental reviews and permitting decisions required for the proposed project;

“(2) achieve early concurrence or issue resolution during the NEPA scoping process on the Department of Transportation’s statement of a project’s purpose and need, and during development of the environmental impact statement on the range of alternatives for analysis, that the lead agency and agencies of jurisdiction will rely on for concurrent environmental reviews and permitting decisions required for the proposed project absent circumstances that require reconsideration in order to meet an agency of jurisdiction’s obligations under a statute or Executive order; and

“(3) achieve concurrence or issue resolution in an expedited manner if circumstances arise that require a reconsideration of the purpose and need or range of alternatives considered during any Federal agency’s environmental or permitting review in order to meet an agency of jurisdiction’s obligations under a statute or Executive order.

“(c) ENVIRONMENTAL CHECKLIST.—

“(1) IN GENERAL.—Not later than 90 days after the date of enactment of this section, the Secretary of Transportation and Federal agencies of jurisdiction likely to have substantive review or approval responsibilities on transportation projects shall jointly develop a checklist to help project sponsors identify potential natural, cultural, and historic resources in the area of a proposed project.

“(2) PURPOSE.—The purpose of the checklist shall be to—

“(A) identify agencies of jurisdiction and cooperating agencies;

“(B) develop the information needed for the purpose and need and alternatives for analysis; and

“(C) improve interagency collaboration to help expedite the permitting process for the lead agency and agencies of jurisdiction.

“(d) INTERAGENCY COLLABORATION.—

“(1) IN GENERAL.—Consistent with Federal environmental statutes, the Secretary of Transportation shall facilitate annual interagency collaboration sessions at the appropriate jurisdictional level to coordinate business plans and facilitate coordination of workload planning and workforce management.

“(2) PURPOSE OF COLLABORATION SESSIONS.—The interagency collaboration sessions shall ensure that agency staff is—

“(A) fully engaged;

“(B) utilizing the flexibility of existing regulations, policies, and guidance; and

“(C) identifying additional actions to facilitate high quality, efficient, and targeted environmental reviews and permitting decisions.

“(3) FOCUS OF COLLABORATION SESSIONS.—The interagency collaboration sessions, and the interagency collaborations generated by the sessions, shall focus on methods to—

“(A) work with State and local transportation entities to improve project planning, siting, and application quality; and

“(B) consult and coordinate with relevant stakeholders and Federal, tribal, State, and local representatives early in permitting processes.

“(4) CONSULTATION.—The interagency collaboration sessions shall include a consultation with groups or individuals representing State, tribal, and local governments that are engaged in the infrastructure permitting process.

“(e) PERFORMANCE MEASUREMENT.—Not later than 1 year after the date of enactment of this section, the Secretary of Transportation, in coordination with relevant Federal agencies, shall establish a program to measure and report on progress toward aligning Federal reviews and reducing permitting and project delivery time as outlined in this section.

“(f) REPORTS.—

“(1) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this section and biennially thereafter, the Secretary of Transportation shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes—

“(A) progress in aligning Federal environmental reviews under this section; and

“(B) the impact this section has had on accelerating the environmental review and permitting process.

“(2) INSPECTOR GENERAL REPORT.—Not later than 3 years after the date of enactment of this section, the Inspector General of the Department of Transportation shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes—

“(A) progress in aligning Federal environmental reviews under this section; and

“(B) the impact this section has had on accelerating the environmental review and permitting process.

“(g) SAVINGS PROVISION.—This section shall not apply to any project subject to section 139 of title 23.”.

(b) CONFORMING AMENDMENT.—The analysis for chapter 3 of title 49, United States Code, is amended by inserting after the item relating to section 309 the following:

“310. Aligning Federal environmental reviews.”.

SEC. 1314. CATEGORICAL EXCLUSION FOR PROJECTS OF LIMITED FEDERAL ASSISTANCE.

(a) ADJUSTMENT FOR INFLATION.—Section 1317 of MAP–21 (23 U.S.C. 109 note; Public Law 112–141) is amended—

(1) in paragraph (1)(A) by inserting “(as adjusted annually by the Secretary to reflect any increases in the Consumer Price Index prepared by the Department of Labor)” after “\$5,000,000”; and

(2) in paragraph (1)(B) by inserting “(as adjusted annually by the Secretary to reflect any increases in the Consumer

Price Index prepared by the Department of Labor)” after “\$30,000,000”.

(b) **RETROACTIVE APPLICATION.**—The first adjustment made pursuant to the amendments made by subsection (a) shall—

(1) be carried out not later than 60 days after the date of enactment of this Act; and

(2) reflect the increase in the Consumer Price Index since July 1, 2012.

SEC. 1315. PROGRAMMATIC AGREEMENT TEMPLATE.

(a) **IN GENERAL.**—Section 1318 of MAP–21 (23 U.S.C. 109 note; Public Law 112–141) is amended by adding at the end the following:

“(e) **PROGRAMMATIC AGREEMENT TEMPLATE.**—

“(1) **IN GENERAL.**—The Secretary shall develop a template programmatic agreement described in subsection (d) that provides for efficient and adequate procedures for evaluating Federal actions described in section 771.117(c) of title 23, Code of Federal Regulations (as in effect on the date of enactment of this subsection).

“(2) **USE OF TEMPLATE.**—The Secretary—

“(A) on receipt of a request from a State, shall use the template programmatic agreement developed under paragraph (1) in carrying out this section; and

“(B) on consent of the applicable State, may modify the template as necessary to address the unique needs and characteristics of the State.

“(3) **OUTCOME MEASUREMENTS.**—The Secretary shall establish a method to verify that actions described in section 771.117(c) of title 23, Code of Federal Regulations (as in effect on the date of enactment of this subsection), are evaluated and documented in a consistent manner by the State that uses the template programmatic agreement under this subsection.”

(b) **CATEGORICAL EXCLUSION DETERMINATIONS.**—Not later than 30 days after the date of enactment of this Act, the Secretary shall revise section 771.117(g) of title 23, Code of Federal Regulations, to allow a programmatic agreement under this section to include responsibility for making categorical exclusion determinations—

(1) for actions described in subsections (c) and (d) of section 771.117 of title 23, Code of Federal Regulations; and

(2) that meet the criteria for a categorical exclusion under section 1508.4 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this Act), and are identified in the programmatic agreement.

SEC. 1316. ASSUMPTION OF AUTHORITIES.

(a) **IN GENERAL.**—The Secretary shall use the authority under section 106(c) of title 23, United States Code, to the maximum extent practicable, to allow a State to assume the responsibilities of the Secretary for project design, plans, specifications, estimates, contract awards, and inspection of projects, on both a project-specific and programmatic basis.

(b) **SUBMISSION OF RECOMMENDATIONS.**—Not later than 18 months after the date of enactment of this Act, the Secretary, in cooperation with the States, shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of

the Senate recommendations for legislation to permit the assumption of additional authorities by States, including with respect to real estate acquisition and project design.

SEC. 1317. MODERNIZATION OF THE ENVIRONMENTAL REVIEW PROCESS.

(a) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Secretary shall examine ways to modernize, simplify, and improve the implementation of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) by the Department.

(b) **INCLUSIONS.**—In carrying out subsection (a), the Secretary shall consider—

- (1) the use of technology in the process, such as—
 - (A) searchable databases;
 - (B) geographic information system mapping tools;
 - (C) integration of those tools with fiscal management systems to provide more detailed data; and
 - (D) other innovative technologies;
- (2) ways to prioritize use of programmatic environmental impact statements;
- (3) methods to encourage cooperating agencies to present analyses in a concise format; and
- (4) any other improvements that can be made to modernize process implementation.

(c) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report describing the results of the review carried out under subsection (a).

SEC. 1318. ASSESSMENT OF PROGRESS ON ACCELERATING PROJECT DELIVERY.

(a) **IN GENERAL.**—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall assess the progress made under this Act, MAP–21 (Public Law 112–141), and SAFETEA–LU (Public Law 109–59), including the amendments made by those Acts, to accelerate the delivery of Federal-aid highway and highway safety construction projects and public transportation capital projects by streamlining the environmental review and permitting process.

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

- (1) how often the various streamlining provisions have been used;
- (2) which of the streamlining provisions have had the greatest impact on streamlining the environmental review and permitting process;
- (3) what, if any, impact streamlining of the process has had on environmental protection;
- (4) how, and the extent to which, streamlining provisions have improved and accelerated the process for permitting under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), and other applicable Federal laws;
- (5) what impact actions by the Council on Environmental Quality have had on accelerating Federal-aid highway and

highway safety construction projects and public transportation capital projects;

(6) the number and percentage of projects that proceed under a traditional environmental assessment or environmental impact statement, and the number and percentage of projects that proceed under categorical exclusions;

(7) the extent to which the environmental review and permitting process remains a significant source of project delay and the sources of delays; and

(8) the costs of conducting environmental reviews and issuing permits or licenses for a project, including the cost of contractors and dedicated agency staff.

(c) **RECOMMENDATIONS.**—The assessment required under subsection (a) shall include recommendations with respect to—

(1) additional opportunities for streamlining the environmental review process, including regulatory or statutory changes to accelerate the processes of Federal agencies (other than the Department) with responsibility for reviewing Federal-aid highway and highway safety construction projects and public transportation capital projects without negatively impacting the environment; and

(2) best practices of other Federal agencies that should be considered for adoption by the Department.

(d) **REPORT TO CONGRESS.**—The Comptroller General of the United States shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report containing the assessment and recommendations required under this section.

Subtitle D—Miscellaneous

SEC. 1401. PROHIBITION ON THE USE OF FUNDS FOR AUTOMATED TRAFFIC ENFORCEMENT.

(a) **PROHIBITION.**—Except as provided in subsection (b), for fiscal years 2016 through 2020, funds apportioned to a State under section 104(b)(3) of title 23, United States Code, may not be used to purchase, operate, or maintain an automated traffic enforcement system.

(b) **EXCEPTION.**—Subsection (a) does not apply to an automated traffic enforcement system located in a school zone.

(c) **AUTOMATED TRAFFIC ENFORCEMENT SYSTEM DEFINED.**—In this section, the term “automated traffic enforcement system” means any camera that captures an image of a vehicle for the purposes of traffic law enforcement.

SEC. 1402. HIGHWAY TRUST FUND TRANSPARENCY AND ACCOUNTABILITY.

(a) **IN GENERAL.**—Section 104 of title 23, United States Code, is amended by striking subsection (g) and inserting the following:

“(g) **HIGHWAY TRUST FUND TRANSPARENCY AND ACCOUNTABILITY REPORTS.**—

“(1) **COMPILATION OF DATA.**—Not later than 180 days after the date of enactment of the FAST Act, the Secretary shall compile data in accordance with this subsection on the use of Federal-aid highway funds made available under this title.

“(2) REQUIREMENTS.—The Secretary shall ensure that the reports required under this subsection are made available in a user-friendly manner on the public Internet website of the Department of Transportation and can be searched and downloaded by users of the website.

“(3) CONTENTS OF REPORTS.—

“(A) APPORTIONED AND ALLOCATED PROGRAMS.—On a semiannual basis, the Secretary shall make available a report on funding apportioned and allocated to the States under this title that describes—

“(i) the amount of funding obligated by each State, year-to-date, for the current fiscal year;

“(ii) the amount of funds remaining available for obligation by each State;

“(iii) changes in the obligated, unexpended balance for each State, year-to-date, during the current fiscal year, including the obligated, unexpended balance at the end of the preceding fiscal year and current fiscal year expenditures;

“(iv) the amount and program category of unobligated funding, year-to-date, available for expenditure at the discretion of the Secretary;

“(v) the rates of obligation on and off the National Highway System, year-to-date, for the current fiscal year of funds apportioned, allocated, or set aside under this section, according to—

“(I) program;

“(II) funding category or subcategory;

“(III) type of improvement;

“(IV) State; and

“(V) sub-State geographical area, including urbanized and rural areas, on the basis of the population of each such area; and

“(vi) the amount of funds transferred by each State, year-to-date, for the current fiscal year between programs under section 126.

“(B) PROJECT DATA.—On an annual basis, the Secretary shall make available a report that provides, for any project funded under this title (excluding projects for which funds are transferred to agencies other than the Federal Highway Administration) with an estimated total cost as of the start of construction greater than \$25,000,000, and to the maximum extent practicable, other projects funded under this title, project data describing—

“(i) the specific location of the project;

“(ii) the total cost of the project;

“(iii) the amount of Federal funding obligated for the project;

“(iv) the program or programs from which Federal funds have been obligated for the project;

“(v) the type of improvement being made, such as categorizing the project as—

“(I) a road reconstruction project;

“(II) a new road construction project;

“(III) a new bridge construction project;

“(IV) a bridge rehabilitation project; or

“(V) a bridge replacement project;

“(vi) the ownership of the highway or bridge;
 “(vii) whether the project is located in an area of the State with a population of—
 “(I) less than 5,000 individuals;
 “(II) 5,000 or more individuals but less than 50,000 individuals;
 “(III) 50,000 or more individuals but less than 200,000 individuals; or
 “(IV) 200,000 or more individuals; and
 “(viii) available information on the estimated cost of the project as of the start of project construction, or the revised cost estimate based on a description of revisions to the scope of work or other factors affecting project cost other than cost overruns.”

(b) CONFORMING AMENDMENT.—Section 1503 of MAP–21 (23 U.S.C. 104 note; Public Law 112–141) is amended by striking subsection (c).

SEC. 1403. ADDITIONAL DEPOSITS INTO HIGHWAY TRUST FUND.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by inserting after section 104 the following:

“§ 105. Additional deposits into Highway Trust Fund

23 USC 105.

“(a) IN GENERAL.—If monies are deposited into the Highway Account or Mass Transit Account pursuant to a law enacted subsequent to the date of enactment of the FAST Act, the Secretary shall make available additional amounts of contract authority under subsections (b) and (c).

“(b) AMOUNT OF ADJUSTMENT.—If monies are deposited into the Highway Account or the Mass Transit Account as described in subsection (a), on October 1 of the fiscal year following the deposit of such monies, the Secretary shall—

 “(1) make available for programs authorized from such account for such fiscal year a total amount equal to—

 “(A) the amount otherwise authorized to be appropriated for such programs for such fiscal year; plus

 “(B) an amount equal to such monies deposited into such account during the previous fiscal year as described in subsection (a); and

 “(2) distribute the additional amount under paragraph (1)(B) to each of such programs in accordance with subsection (c).

“(c) DISTRIBUTION OF ADJUSTMENT AMONG PROGRAMS.—

 “(1) IN GENERAL.—In making an adjustment for programs authorized to be appropriated from the Highway Account or the Mass Transit Account for a fiscal year under subsection (b), the Secretary shall—

 “(A) determine the ratio that—

 “(i) the amount authorized to be appropriated for a program from the account for the fiscal year; bears to

 “(ii) the total amount authorized to be appropriated for such fiscal year for all programs under such account;

 “(B) multiply the ratio determined under subparagraph (A) by the amount of the adjustment determined under subsection (b)(1)(B); and

“(C) adjust the amount that the Secretary would otherwise have allocated for the program for such fiscal year by the amount calculated under subparagraph (B).

“(2) FORMULA PROGRAMS.—For a program for which funds are distributed by formula, the Secretary shall add the adjustment to the amount authorized for the program but for this section and make available the adjusted program amount for such program in accordance with such formula.

“(3) AVAILABILITY FOR OBLIGATION.—Adjusted amounts under this subsection shall be available for obligation and administered in the same manner as other amounts made available for the program for which the amount is adjusted.

“(d) EXCLUSION OF EMERGENCY RELIEF PROGRAM AND COVERED ADMINISTRATIVE EXPENSES.—The Secretary shall exclude the emergency relief program under section 125 and covered administrative expenses from an adjustment of funding under subsection (c)(1).

“(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated from the appropriate account or accounts of the Highway Trust Fund an amount equal to the amount of an adjustment for a fiscal year under subsection (b) for any of fiscal years 2017 through 2020.

“(f) REVISION TO OBLIGATION LIMITATIONS.—

“(1) IN GENERAL.—If the Secretary makes an adjustment under subsection (b) for a fiscal year to an amount subject to a limitation on obligations imposed by section 1102 or 3018 of the FAST Act—

“(A) such limitation on obligations for such fiscal year shall be revised by an amount equal to such adjustment; and

“(B) the Secretary shall distribute such limitation on obligations, as revised under subparagraph (A), in accordance with such sections.

“(2) EXCLUSION OF COVERED ADMINISTRATIVE EXPENSES.—The Secretary shall exclude covered administrative expenses from—

“(A) any calculation relating to a revision of a limitation on obligations under paragraph (1)(A); and

“(B) any distribution of a revised limitation on obligations under paragraph (1)(B).

“(g) DEFINITIONS.—In this section, the following definitions apply:

“(1) COVERED ADMINISTRATIVE EXPENSES.—The term ‘covered administrative expenses’ means the administrative expenses of—

“(A) the Federal Highway Administration, as authorized under section 104(a);

“(B) the National Highway Traffic Safety Administration, as authorized under section 4001(a)(6) of the FAST Act; and

“(C) the Federal Motor Carrier Safety Administration, as authorized under section 31110 of title 49.

“(2) HIGHWAY ACCOUNT.—The term ‘Highway Account’ means the portion of the Highway Trust Fund that is not the Mass Transit Account.

“(3) MASS TRANSIT ACCOUNT.—The term ‘Mass Transit Account’ means the Mass Transit Account of the Highway

Trust Fund established under section 9503(e)(1) of the Internal Revenue Code of 1986.”

(b) CLERICAL AMENDMENT.—The analysis for such chapter is amended by inserting after the item relating to section 104 the following: 23 USC prec. 101.

“105. Additional deposits into Highway Trust Fund.”

SEC. 1404. DESIGN STANDARDS.

(a) IN GENERAL.—Section 109 of title 23, United States Code, is amended—

(1) in subsection (c)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A) by striking “may take into account” and inserting “shall consider”;

(ii) in subparagraph (B) by striking “and” at the end;

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

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

“(C) cost savings by utilizing flexibility that exists in current design guidance and regulations; and”;

(B) in paragraph (2)—

(i) in subparagraph (C) by striking “and” at the end;

(ii) by redesignating subparagraph (D) as subparagraph (F); and

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

“(D) the publication entitled ‘Highway Safety Manual’ of the American Association of State Highway and Transportation Officials;

“(E) the publication entitled ‘Urban Street Design Guide’ of the National Association of City Transportation Officials; and”;

(2) in subsection (f) by inserting “pedestrian walkways,” after “bikeways,”.

(b) DESIGN STANDARD FLEXIBILITY.—Notwithstanding section 109(o) of title 23, United States Code, a State may allow a local jurisdiction to use a roadway design publication that is different from the roadway design publication used by the State in which the local jurisdiction is located for the design of a project on a roadway under the ownership of the local jurisdiction (other than a highway on the Interstate System) if— 23 USC 109 note.

(1) the local jurisdiction is a direct recipient of Federal funds for the project;

(2) the roadway design publication—

(A) is recognized by the Federal Highway Administration; and

(B) is adopted by the local jurisdiction; and

(3) the design complies with all other applicable Federal laws.

SEC. 1405. JUSTIFICATION REPORTS FOR ACCESS POINTS ON THE INTERSTATE SYSTEM.

Section 111(e) of title 23, United States Code, is amended by inserting “(including new or modified freeway-to-crossroad interchanges inside a transportation management area)” after “the Interstate System”.

SEC. 1406. PERFORMANCE PERIOD ADJUSTMENT.

(a) NATIONAL HIGHWAY PERFORMANCE PROGRAM.—Section 119 of title 23, United States Code, is amended—

(1) in subsection (e)(7), by striking “for 2 consecutive reports submitted under this paragraph shall include in the next report submitted” and inserting “shall include as part of the performance target report under section 150(e)”; and

(2) in subsection (f)(1)(A) in the matter preceding clause (i) by striking “If, during 2 consecutive reporting periods, the condition of the Interstate System, excluding bridges on the Interstate System, in a State falls” and inserting “If a State reports that the condition of the Interstate System, excluding bridges on the Interstate System, has fallen”.

(b) HIGHWAY SAFETY IMPROVEMENT PROGRAM.—Section 148(i) of title 23, United States Code, is amended—

(1) in the matter preceding paragraph (1), by striking “performance targets of the State established under section 150(d) by the date that is 2 years after the date of the establishment of the performance targets” and inserting “safety performance targets of the State established under section 150(d)”; and

(2) in paragraphs (1) and (2), by inserting “safety” before “performance targets” each place it appears.

SEC. 1407. VEHICLE-TO-INFRASTRUCTURE EQUIPMENT.

(a) NATIONAL HIGHWAY PERFORMANCE PROGRAM.—Section 119(d)(2)(L) of title 23, United States Code, is amended by inserting “, including the installation of vehicle-to-infrastructure communication equipment” after “capital improvements”.

(b) SURFACE TRANSPORTATION BLOCK GRANT PROGRAM.—Section 133(b)(1)(D) of title 23, United States Code, is amended by inserting “, including the installation of vehicle-to-infrastructure communication equipment” after “capital improvements”.

SEC. 1408. FEDERAL SHARE PAYABLE.

(a) INNOVATIVE PROJECT DELIVERY METHODS.—Section 120(c)(3) of title 23, United States Code, is amended—

(1) in subparagraph (A)(ii)—

(A) by inserting “engineering or design approaches,” after “technologies,”; and

(B) by inserting “or project delivery” after “or contracting”;

(2) in subparagraph (B)—

(A) in clause (iii) by inserting “and alternative bidding” before the semicolon at the end;

(B) in clause (iv) by striking “or” at the end;

(C) by redesignating clause (v) as clause (vi); and

(D) by inserting after clause (iv) the following:

“(v) innovative pavement materials that have a demonstrated life cycle of 75 or more years, are manufactured with reduced greenhouse gas emissions, and

reduce construction-related congestion by rapidly curing; or”; and

(b) EMERGENCY RELIEF.—Section 120(e)(2) of title 23, United States Code, is amended by striking “Federal land access transportation facilities” and inserting “other Federally owned roads that are open to public travel”.

SEC. 1409. MILK PRODUCTS.

Section 127(a) of title 23, United States Code, is amended by adding at the end the following:

“(13) MILK PRODUCTS.—A vehicle carrying fluid milk products shall be considered a load that cannot be easily dismantled or divided.”

SEC. 1410. INTERSTATE WEIGHT LIMITS.

Section 127 of title 23, United States Code, is amended by adding at the end the following:

“(m) COVERED HEAVY-DUTY TOW AND RECOVERY VEHICLES.—

“(1) IN GENERAL.—The vehicle weight limitations set forth in this section do not apply to a covered heavy-duty tow and recovery vehicle.

“(2) COVERED HEAVY-DUTY TOW AND RECOVERY VEHICLE DEFINED.—In this subsection, the term ‘covered heavy-duty tow and recovery vehicle’ means a vehicle that—

“(A) is transporting a disabled vehicle from the place where the vehicle became disabled to the nearest appropriate repair facility; and

“(B) has a gross vehicle weight that is equal to or exceeds the gross vehicle weight of the disabled vehicle being transported.

“(n) OPERATION OF VEHICLES ON CERTAIN HIGHWAYS IN THE STATE OF TEXAS.—If any segment in the State of Texas of United States Route 59, United States Route 77, United States Route 281, United States Route 84, Texas State Highway 44, or another roadway is designated as Interstate Route 69, a vehicle that could operate legally on that segment before the date of the designation may continue to operate on that segment, without regard to any requirement under this section.

“(o) CERTAIN LOGGING VEHICLES IN THE STATE OF WISCONSIN.—

“(1) IN GENERAL.—The Secretary shall waive, with respect to a covered logging vehicle, the application of any vehicle weight limit established under this section.

“(2) COVERED LOGGING VEHICLE DEFINED.—In this subsection, the term ‘covered logging vehicle’ means a vehicle that—

“(A) is transporting raw or unfinished forest products, including logs, pulpwood, biomass, or wood chips;

“(B) has a gross vehicle weight of not more than 98,000 pounds;

“(C) has not less than 6 axles; and

“(D) is operating on a segment of Interstate Route 39 in the State of Wisconsin from mile marker 175.8 to mile marker 189.

“(p) OPERATION OF CERTAIN SPECIALIZED VEHICLES ON CERTAIN HIGHWAYS IN THE STATE OF ARKANSAS.—If any segment of United States Route 63 between the exits for highways 14 and 75 in the State of Arkansas is designated as part of the Interstate System, the single axle weight, tandem axle weight, gross vehicle weight,

and bridge formula limits under subsection (a) and the width limitation under section 31113(a) of title 49 shall not apply to that segment with respect to the operation of any vehicle that could operate legally on that segment before the date of the designation.

“(q) CERTAIN LOGGING VEHICLES IN THE STATE OF MINNESOTA.—

“(1) IN GENERAL.—The Secretary shall waive, with respect to a covered logging vehicle, the application of any vehicle weight limit established under this section.

“(2) COVERED LOGGING VEHICLE DEFINED.—In this subsection, the term ‘covered logging vehicle’ means a vehicle that—

“(A) is transporting raw or unfinished forest products, including logs, pulpwood, biomass, or wood chips;

“(B) has a gross vehicle weight of not more than 99,000 pounds;

“(C) has not less than 6 axles; and

“(D) is operating on a segment of Interstate Route 35 in the State of Minnesota from mile marker 235.4 to mile marker 259.552.

“(r) EMERGENCY VEHICLES.—

“(1) IN GENERAL.—Notwithstanding subsection (a), a State shall not enforce against an emergency vehicle a vehicle weight limit (up to a maximum gross vehicle weight of 86,000 pounds) of less than—

“(A) 24,000 pounds on a single steering axle;

“(B) 33,500 pounds on a single drive axle;

“(C) 62,000 pounds on a tandem axle; or

“(D) 52,000 pounds on a tandem rear drive steer axle.

“(2) EMERGENCY VEHICLE DEFINED.—In this subsection, the term ‘emergency vehicle’ means a vehicle designed to be used under emergency conditions—

“(A) to transport personnel and equipment; and

“(B) to support the suppression of fires and mitigation of other hazardous situations.

“(s) NATURAL GAS VEHICLES.—A vehicle, if operated by an engine fueled primarily by natural gas, may exceed any vehicle weight limit (up to a maximum gross vehicle weight of 82,000 pounds) under this section by an amount that is equal to the difference between—

“(1) the weight of the vehicle attributable to the natural gas tank and fueling system carried by that vehicle; and

“(2) the weight of a comparable diesel tank and fueling system.”.

SEC. 1411. TOLLING; HOV FACILITIES; INTERSTATE RECONSTRUCTION AND REHABILITATION.

(a) TOLLING.—Section 129(a) of title 23, United States Code, is amended—

(1) in paragraph (3)(A), in the matter preceding clause

(i)—

(A) by striking “shall use” and inserting “shall ensure that”; and

(B) by inserting “are used” before “only for”;

(2) by striking paragraph (4) and redesignating paragraphs (5) through (9) as paragraphs (4) through (8), respectively; and

(3) in subparagraph (B) of paragraph (4) (as so redesignated) by striking “Federal-aid system” and inserting “Federal-aid highways”;

(4) by inserting after paragraph (8) (as so redesignated)—

“(9) EQUAL ACCESS FOR OVER-THE-ROAD BUSES.—An over-the-road bus that serves the public shall be provided access to a toll facility under the same rates, terms, and conditions as public transportation buses.”; and

(5) in paragraph (10)—

(A) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

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

“(C) OVER-THE-ROAD BUS.—The term ‘over-the-road bus’ has the meaning given the term in section 301 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12181).”.

(b) HOV FACILITIES.—Section 166 of title 23, United States Code, is amended—

(1) by striking “the agency” each place it appears and inserting “the authority”;

(2) in subsection (a)(1)—

(A) by striking the paragraph heading and inserting “**AUTHORITY OF PUBLIC AUTHORITIES**”; and

(B) by striking “State agency” and inserting “public authority”;

(3) in subsection (b)—

(A) by striking “State agency” each place it appears and inserting “public authority”;

(B) in paragraph (3)—

(i) in subparagraph (A) by striking “and” at the end;

(ii) in subparagraph (B) by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following:

“(C) provides equal access under the same rates, terms, and conditions for all public transportation vehicles and over-the-road buses serving the public.”;

(C) in paragraph (4)(C)—

(i) in clause (i) by striking “and” at the end;

(ii) in clause (ii) by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following:

“(iii) ensure that over-the-road buses serving the public are provided access to the facility under the same rates, terms, and conditions as public transportation buses.”; and

(D) in paragraph (5)—

(i) by striking subparagraph (A) and inserting the following:

“(A) SPECIAL RULE.—Before September 30, 2025, if a public authority establishes procedures for enforcing the restrictions on the use of a HOV facility by vehicles described in clauses (i) and (ii), the public authority may allow the use of the HOV facility by—

“(i) alternative fuel vehicles; and

“(ii) any motor vehicle described in section 30D(d)(1) of the Internal Revenue Code of 1986.”; and

- (ii) in subparagraph (B) by striking “2017” and inserting “2019”;
- (4) in subsection (c)—
 - (A) by striking paragraph (1) and inserting the following:

“(1) IN GENERAL.—Notwithstanding section 301, tolls may be charged under paragraphs (4) and (5) of subsection (b), subject to the requirements of section 129.”; and
 - (B) by striking paragraph (2) and redesignating paragraph (3) as paragraph (2);
- (5) in subsection (d)—
 - (A) by striking “State agency” each place it appears and inserting “public authority”;
 - (B) in paragraph (1)—
 - (i) by striking subparagraphs (D) and (E); and
 - (ii) by inserting after subparagraph (C) the following:

“(D) MAINTENANCE OF OPERATING PERFORMANCE.—

“(i) SUBMISSION OF PLAN.—Not later than 180 days after the date on which a facility is degraded under paragraph (2), the public authority with jurisdiction over the facility shall submit to the Secretary for approval a plan that details the actions the public authority will take to make significant progress toward bringing the facility into compliance with the minimum average operating speed performance standard through changes to the operation of the facility, including—

 - “(I) increasing the occupancy requirement for HOV lanes;
 - “(II) varying the toll charged to vehicles allowed under subsection (b) to reduce demand;
 - “(III) discontinuing allowing non-HOV vehicles to use HOV lanes under subsection (b); or
 - “(IV) increasing the available capacity of the HOV facility.

“(ii) NOTICE OF APPROVAL OR DISAPPROVAL.—Not later than 60 days after the date of receipt of a plan under clause (i), the Secretary shall provide to the public authority a written notice indicating whether the Secretary has approved or disapproved the plan based on a determination of whether the implementation of the plan will make significant progress toward bringing the HOV facility into compliance with the minimum average operating speed performance standard.

“(iii) ANNUAL PROGRESS UPDATES.—Until the date on which the Secretary determines that the public authority has brought the HOV facility into compliance with this subsection, the public authority shall submit annual updates that describe—

 - “(I) the actions taken to bring the HOV facility into compliance; and
 - “(II) the progress made by those actions.
- (E) COMPLIANCE.—If the public authority fails to bring a facility into compliance under subparagraph (D), the Secretary shall subject the public authority to appropriate program sanctions under section 1.36 of title 23, Code

of Federal Regulations (or successor regulations), until the performance is no longer degraded.

“(F) WAIVER.—

“(i) IN GENERAL.—Upon the request of a public authority, the Secretary may waive the compliance requirements of subparagraph (E), if the Secretary determines that—

“(I) the waiver is in the best interest of the traveling public;

“(II) the public authority is meeting the conditions under subparagraph (D); and

“(III) the public authority has made a good faith effort to improve the performance of the facility.

“(ii) CONDITION.—The Secretary may require, as a condition of providing a waiver under this subparagraph, that a public authority take additional actions, as determined by the Secretary, to maximize the operating speed performance of the facility, even if such performance is below the level set under paragraph (2).”;

(6) in subsection (f)—

(A) in paragraph (1), in the matter preceding subparagraph (A), by inserting “solely” before “operating”;

(B) in paragraph (4)(B)(iii) by striking “State agency” and inserting “public authority”;

(C) by striking paragraph (5);

(D) by redesignating paragraph (4) as paragraph (6); and

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

“(4) OVER-THE-ROAD BUS.—The term ‘over-the-road bus’ has the meaning given the term in section 301 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12181).

“(5) PUBLIC AUTHORITY.—The term ‘public authority’ as used with respect to a HOV facility, means a State, interstate compact of States, public entity designated by a State, or local government having jurisdiction over the operation of the facility.”; and

(7) by adding at the end the following:

“(g) CONSULTATION OF MPO.—If a HOV facility charging tolls under paragraph (4) or (5) of subsection (b) is on the Interstate System and located in a metropolitan planning area established in accordance with section 134, the public authority shall consult with the metropolitan planning organization for the area concerning the placement and amount of tolls on the facility.”.

(c) INTERSTATE SYSTEM RECONSTRUCTION AND REHABILITATION PILOT PROGRAM.—Section 1216(b) of the Transportation Equity Act for the 21st Century (Public Law 105–178) is amended—

(1) in paragraph (4)—

(A) in subparagraph (D) by striking “and” at the end;

(B) in subparagraph (E) by striking the period and inserting “; and”; and

(C) by adding at the end the following:

“(F) the State has the authority required for the project to proceed.”;

(2) by redesignating paragraphs (6) through (8) as paragraphs (8) through (10), respectively; and

(3) by inserting after paragraph (5) the following:

“(6) REQUIREMENTS FOR PROJECT COMPLETION.—

“(A) GENERAL TERM FOR EXPIRATION OF PROVISIONAL APPLICATION.—An application provisionally approved by the Secretary under this subsection shall expire 3 years after the date on which the application was provisionally approved if the State has not—

“(i) submitted a complete application to the Secretary that fully satisfies the eligibility criteria under paragraph (3) and the selection criteria under paragraph (4);

“(ii) completed the environmental review and permitting process under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for the pilot project; and

“(iii) executed a toll agreement with the Secretary.

“(B) EXCEPTIONS TO EXPIRATION.—Notwithstanding subparagraph (A), the Secretary may extend the provisional approval for not more than 1 additional year if the State demonstrates material progress toward implementation of the project as evidenced by—

“(i) substantial progress in completing the environmental review and permitting process for the pilot project under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

“(ii) funding and financing commitments for the pilot project;

“(iii) expressions of support for the pilot project from State and local governments, community interests, and the public; and

“(iv) submission of a facility management plan pursuant to paragraph (3)(D).

“(C) CONDITIONS FOR PREVIOUSLY PROVISIONALLY APPROVED APPLICATIONS.—A State with a provisionally approved application for a pilot project as of the date of enactment of the FAST Act shall have 1 year after that date of enactment to meet the requirements of subparagraph (A) or receive an extension from the Secretary under subparagraph (B), or the application will expire.

“(7) DEFINITION.—In this subsection, the term ‘provisional approval’ or ‘provisionally approved’ means the approval by the Secretary of a partial application under this subsection, including the reservation of a slot in the pilot program.”.

23 USC 129 note.

(d) APPROVAL OF APPLICATIONS.—The Secretary may approve an application submitted under section 1604(c) of SAFETEA–LU (Public Law 109–59; 119 Stat. 1253) if the application, or any part of the application, was submitted before the deadline specified in section 1604(c)(8) of that Act.

SEC. 1412. PROJECTS FOR PUBLIC SAFETY RELATING TO IDLING TRAINS.

Section 130(a) of title 23, United States Code, is amended by striking “and the relocation of highways to eliminate grade crossings” and inserting “the relocation of highways to eliminate grade crossings, and projects at grade crossings to eliminate hazards posed by blocked grade crossings due to idling trains”.

SEC. 1413. NATIONAL ELECTRIC VEHICLE CHARGING AND HYDROGEN, PROPANE, AND NATURAL GAS FUELING CORRIDORS.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by inserting after section 150 the following:

“§ 151. National electric vehicle charging and hydrogen, propane, and natural gas fueling corridors 23 USC 151.

“(a) IN GENERAL.—Not later than 1 year after the date of enactment of the FAST Act, the Secretary shall designate national electric vehicle charging and hydrogen, propane, and natural gas fueling corridors that identify the near- and long-term need for, and location of, electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, and natural gas fueling infrastructure at strategic locations along major national highways to improve the mobility of passenger and commercial vehicles that employ electric, hydrogen fuel cell, propane, and natural gas fueling technologies across the United States.

“(b) DESIGNATION OF CORRIDORS.—In designating the corridors under subsection (a), the Secretary shall—

“(1) solicit nominations from State and local officials for facilities to be included in the corridors;

“(2) incorporate existing electric vehicle charging, hydrogen fueling, propane fueling, and natural gas fueling corridors designated by a State or group of States; and

“(3) consider the demand for, and location of, existing electric vehicle charging stations, hydrogen fueling stations, propane fueling stations, and natural gas fueling infrastructure.

“(c) STAKEHOLDERS.—In designating corridors under subsection (a), the Secretary shall involve, on a voluntary basis, stakeholders that include—

“(1) the heads of other Federal agencies;

“(2) State and local officials;

“(3) representatives of—

“(A) energy utilities;

“(B) the electric, fuel cell electric, propane, and natural gas vehicle industries;

“(C) the freight and shipping industry;

“(D) clean technology firms;

“(E) the hospitality industry;

“(F) the restaurant industry;

“(G) highway rest stop vendors; and

“(H) industrial gas and hydrogen manufacturers; and

“(4) such other stakeholders as the Secretary determines to be necessary.

“(d) REDESIGNATION.—Not later than 5 years after the date of establishment of the corridors under subsection (a), and every 5 years thereafter, the Secretary shall update and redesignate the corridors.

“(e) REPORT.—During designation and redesignation of the corridors under this section, the Secretary shall issue a report that—

“(1) identifies electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, and natural gas fueling infrastructure and standardization needs for electricity providers, industrial gas providers, natural gas providers, infrastructure providers, vehicle manufacturers, electricity purchasers, and natural gas purchasers; and

“(2) establishes an aspirational goal of achieving strategic deployment of electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, and natural gas fueling infrastructure in those corridors by the end of fiscal year 2020.”

23 USC
prec. 101.

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by inserting after the item relating to section 150 the following:

“151. National electric vehicle charging and hydrogen, propane, and natural gas fueling corridors.”

42 USC 6364.

(c) OPERATION OF BATTERY RECHARGING STATIONS IN PARKING AREAS USED BY FEDERAL EMPLOYEES.—

(1) AUTHORIZATION.—

(A) IN GENERAL.—The Administrator of General Services may install, construct, operate, and maintain on a reimbursable basis a battery recharging station (or allow, on a reimbursable basis, the use of a 120-volt electrical receptacle for battery recharging) in a parking area that is in the custody, control, or administrative jurisdiction of the General Services Administration for the use of only privately owned vehicles of employees of the General Services Administration, tenant Federal agencies, and others who are authorized to park in such area to the extent such use by only privately owned vehicles does not interfere with or impede access to the equipment by Federal fleet vehicles.

(B) AREAS UNDER OTHER FEDERAL AGENCIES.—The Administrator of General Services (on the request of a Federal agency) or the head of a Federal agency may install, construct, operate, and maintain on a reimbursable basis a battery recharging station (or allow, on a reimbursable basis, the use of a 120-volt electrical receptacle for battery recharging) in a parking area that is in the custody, control, or administrative jurisdiction of the requesting Federal agency, to the extent such use by only privately owned vehicles does not interfere with or impede access to the equipment by Federal fleet vehicles.

(C) USE OF VENDORS.—The Administrator of General Services, with respect to subparagraph (A) or (B), or the head of a Federal agency, with respect to subparagraph (B), may carry out such subparagraph through a contract with a vendor, under such terms and conditions (including terms relating to the allocation between the Federal agency and the vendor of the costs of carrying out the contract) as the Administrator or the head of the Federal agency, as the case may be, and the vendor may agree to.

(2) IMPOSITION OF FEES TO COVER COSTS.—

(A) FEES.—The Administrator of General Services or the head of the Federal agency under paragraph (1)(B) shall charge fees to the individuals who use the battery recharging station in such amount as is necessary to ensure that the respective agency recovers all of the costs such agency incurs in installing, constructing, operating, and maintaining the station.

(B) DEPOSIT AND AVAILABILITY OF FEES.—Any fees collected by the Administrator of General Services or the

Federal agency, as the case may be, under this paragraph shall be—

(i) deposited monthly in the Treasury to the credit of the respective agency’s appropriations account for the operations of the building where the battery recharging station is located; and

(ii) available for obligation without further appropriation during—

(I) the fiscal year collected; and

(II) the fiscal year following the fiscal year collected.

(3) NO EFFECT ON EXISTING PROGRAMS FOR HOUSE AND SENATE.—Nothing in this subsection affects the installation, construction, operation, or maintenance of battery recharging stations by the Architect of the Capitol—

(A) under Public Law 112–170 (2 U.S.C. 2171), relating to employees of the House of Representatives and individuals authorized to park in any parking area under the jurisdiction of the House of Representatives on the Capitol Grounds; or

(B) under Public Law 112–167 (2 U.S.C. 2170), relating to employees of the Senate and individuals authorized to park in any parking area under the jurisdiction of the Senate on the Capitol Grounds.

(4) NO EFFECT ON SIMILAR AUTHORITIES.—Nothing in this subsection—

(A) repeals or limits any existing authorities of a Federal agency to install, construct, operate, or maintain battery recharging stations; or

(B) requires a Federal agency to seek reimbursement for the costs of installing or constructing a battery recharging station—

(i) that has been installed or constructed prior to the date of enactment of this Act;

(ii) that is installed or constructed for Federal fleet vehicles, but that receives incidental use to recharge privately owned vehicles; or

(iii) that is otherwise installed or constructed pursuant to appropriations for that purpose.

(5) ANNUAL REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, and annually thereafter for 10 years, the Administrator of General Services shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report describing—

(A) the number of battery recharging stations installed by the Administrator on the Administrator’s own initiative under this subsection;

(B) requests from other Federal agencies to install battery recharging stations; and

(C) the status and disposition of requests from other Federal agencies.

(6) FEDERAL AGENCY DEFINED.—In this subsection, the term “Federal agency” has the meaning given the term “Executive agency” in section 105 of title 5, United States Code, and includes—

(A) the United States Postal Service;

- (B) the Executive Office of the President;
 - (C) the military departments (as defined in section 102 of title 5, United States Code); and
 - (D) the judicial branch.
- (7) **EFFECTIVE DATE.**—This subsection shall apply with respect to fiscal year 2016 and each succeeding fiscal year.

SEC. 1414. REPEAT OFFENDER CRITERIA.

Section 164(a) of title 23, United States Code, is amended—

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

(2) by inserting before paragraph (2), as redesignated, the following:

“(1) **24-7 SOBRIETY PROGRAM.**—The term ‘24-7 sobriety program’ has the meaning given the term in section 405(d)(7)(A).”;

(3) in paragraph (5), as redesignated—

(A) in the matter preceding subparagraph (A), by inserting “or combination of laws or programs” after “State law”;

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

“(A) receive, for a period of not less than 1 year—

“(i) a suspension of all driving privileges;

“(ii) a restriction on driving privileges that limits the individual to operating only motor vehicles with an ignition interlock device installed, unless a special exception applies;

“(iii) a restriction on driving privileges that limits the individual to operating motor vehicles only if participating in, and complying with, a 24-7 sobriety program; or

“(iv) any combination of clauses (i) through (iii).”;

(C) by striking subparagraph (B);

(D) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively; and

(E) in subparagraph (C), as redesignated—

(i) in clause (i)(II) by inserting before the semicolon the following: “(unless the State certifies that the general practice is that such an individual will be incarcerated)”; and

(ii) in clause (ii)(II) by inserting before the period at the end the following: “(unless the State certifies that the general practice is that such an individual will receive 10 days of incarceration)”; and

(4) by adding at the end the following:

“(6) **SPECIAL EXCEPTION.**—The term ‘special exception’ means an exception under a State alcohol-ignition interlock law for the following circumstances:

“(A) The individual is required to operate an employer’s motor vehicle in the course and scope of employment and the business entity that owns the vehicle is not owned or controlled by the individual.

“(B) The individual is certified by a medical doctor as being unable to provide a deep lung breath sample for analysis by an ignition interlock device.”.

SEC. 1415. ADMINISTRATIVE PROVISIONS TO ENCOURAGE POLLINATOR HABITAT AND FORAGE ON TRANSPORTATION RIGHTS-OF-WAY.

(a) IN GENERAL.—Section 319 of title 23, United States Code, is amended—

(1) in subsection (a) by inserting “(including the enhancement of habitat and forage for pollinators)” before “adjacent”; and

(2) by adding at the end the following:

“(c) ENCOURAGEMENT OF POLLINATOR HABITAT AND FORAGE DEVELOPMENT AND PROTECTION ON TRANSPORTATION RIGHTS-OF-WAY.—In carrying out any program administered by the Secretary under this title, the Secretary shall, in conjunction with willing States, as appropriate—

“(1) encourage integrated vegetation management practices on roadsides and other transportation rights-of-way, including reduced mowing; and

“(2) encourage the development of habitat and forage for Monarch butterflies, other native pollinators, and honey bees through plantings of native forbs and grasses, including noninvasive, native milkweed species that can serve as migratory way stations for butterflies and facilitate migrations of other pollinators.”.

(b) PROVISION OF HABITAT, FORAGE, AND MIGRATORY WAY STATIONS FOR MONARCH BUTTERFLIES, OTHER NATIVE POLLINATORS, AND HONEY BEES.—Section 329(a)(1) of title 23, United States Code, is amended by inserting “provision of habitat, forage, and migratory way stations for Monarch butterflies, other native pollinators, and honey bees,” before “and aesthetic enhancement”.

SEC. 1416. HIGH PRIORITY CORRIDORS ON NATIONAL HIGHWAY SYSTEM.

(a) IDENTIFICATION OF HIGH PRIORITY CORRIDORS ON NATIONAL HIGHWAY SYSTEM.—Section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032; 112 Stat. 190; 119 Stat. 1213) is amended—

(1) by striking paragraph (13) and inserting the following:

“(13) Raleigh-Norfolk Corridor from Raleigh, North Carolina, through Rocky Mount, Williamston, and Elizabeth City, North Carolina, to Norfolk, Virginia.”;

(2) in paragraph (18)(D)—

(A) in clause (ii) by striking “and” at the end;

(B) in clause (iii) by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(iv) include Texas State Highway 44 from United States Route 59 at Freer, Texas, to Texas State Highway 358.”;

(3) by striking paragraph (68) and inserting the following:

“(68) The Washoe County Corridor and the Intermountain West Corridor, which shall generally follow—

“(A) for the Washoe County Corridor, along Interstate Route 580/United States Route 95/United States Route 95A from Reno, Nevada, to Las Vegas, Nevada; and

“(B) for the Intermountain West Corridor, from the vicinity of Las Vegas, Nevada, north along United States Route 95 terminating at Interstate Route 80.”; and

(4) by adding at the end the following:

“(81) United States Route 117/Interstate Route 795 from United States Route 70 in Goldsboro, Wayne County, North Carolina, to Interstate Route 40 west of Faison, Sampson County, North Carolina.

“(82) United States Route 70 from its intersection with Interstate Route 40 in Garner, Wake County, North Carolina, to the Port at Morehead City, Carteret County, North Carolina.

“(83) The Sonoran Corridor along State Route 410 connecting Interstate Route 19 and Interstate Route 10 south of the Tucson International Airport.

“(84) The Central Texas Corridor commencing at the logical terminus of Interstate Route 10, generally following portions of United States Route 190 eastward, passing in the vicinity Fort Hood, Killeen, Belton, Temple, Bryan, College Station, Huntsville, Livingston, and Woodville, to the logical terminus of Texas Highway 63 at the Sabine River Bridge at Burrs Crossing.

“(85) Interstate Route 81 in New York from its intersection with Interstate Route 86 to the United States-Canadian border.

“(86) Interstate Route 70 from Denver, Colorado, to Salt Lake City, Utah.

“(87) The Oregon 99W Newberg-Dundee Bypass Route between Newberg, Oregon, and Dayton, Oregon.

“(88) Interstate Route 205 in Oregon from its intersection with Interstate Route 5 to the Columbia River.”

(b) INCLUSION OF CERTAIN ROUTE SEGMENTS ON INTERSTATE SYSTEM.—Section 1105(e)(5)(A) of the Intermodal Surface Transportation Efficiency Act of 1991 (109 Stat. 597; 118 Stat. 293; 119 Stat. 1213) is amended in the first sentence—

(1) by inserting “subsection (c)(13),” after “subsection (c)(9),”;

(2) by striking “subsections (c)(18)” and all that follows through “subsection (c)(36)” and inserting “subsection (c)(18), subsection (c)(20), subparagraphs (A) and (B)(i) of subsection (c)(26), subsection (c)(36)”;

(3) by striking “and subsection (c)(57)” and inserting “subsection (c)(57), subsection (c)(68)(B), subsection (c)(81), subsection (c)(82), and subsection (c)(83)”.

(c) DESIGNATION.—Section 1105(e)(5)(C)(i) of the Intermodal Surface Transportation Efficiency Act of 1991 (109 Stat. 598; 126 Stat. 427) is amended by striking the final sentence and inserting the following: “The routes referred to in subparagraphs (A) and (B)(i) of subsection (c)(26) and in subsection (c)(68)(B) are designated as Interstate Route I–11. The route referred to in subsection (c)(84) is designated as Interstate Route I–14.”

(d) FUTURE INTERSTATE DESIGNATION.—Section 119(a) of the SAFETEA–LU Technical Corrections Act of 2008 (122 Stat. 1608) is amended by striking “and, as a future Interstate Route 66 Spur, the Natcher Parkway in Owensboro, Kentucky” and inserting “between Henderson, Kentucky, and Owensboro, Kentucky, and, as a future Interstate Route 65 and 66 Spur, the William H. Natcher Parkway between Bowling Green, Kentucky, and Owensboro, Kentucky”.

SEC. 1417. WORK ZONE AND GUARD RAIL SAFETY TRAINING.

(a) **IN GENERAL.**—Section 1409 of SAFETEA–LU (23 U.S.C. 401 note) is amended—

(1) by striking the section heading and inserting “**WORK ZONE AND GUARD RAIL SAFETY TRAINING**”; and

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

“(4) Development, updating, and delivery of training courses on guard rail installation, maintenance, and inspection.”.

(b) **CLERICAL AMENDMENT.**—The table of contents in section 1(b) of such Act is amended by striking the item relating to section 1409 and inserting the following:

“Sec. 1409. Work zone and guard rail safety training.”.

SEC. 1418. CONSOLIDATION OF PROGRAMS.

Section 1519(a) of MAP–21 (126 Stat. 574) is amended by striking “From administrative funds” and all that follows through “shall be made available” and inserting “For each of fiscal years 2016 through 2020, before making an apportionment under section 104(b)(3) of title 23, United States Code, the Secretary shall set aside, from amounts made available to carry out the highway safety improvement program under section 148 of such title for the fiscal year, \$3,500,000”.

SEC. 1419. ELIMINATION OR MODIFICATION OF CERTAIN REPORTING REQUIREMENTS.

(a) **FUNDAMENTAL PROPERTIES OF ASPHALTS REPORT.**—Section 6016(e) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2183) is repealed.

(b) **EXPRESS LANES DEMONSTRATION PROGRAM REPORTS.**—Section 1604(b)(7)(B) of SAFETEA–LU (23 U.S.C. 129 note) is repealed.

SEC. 1420. FLEXIBILITY FOR PROJECTS.

23 USC 101 note.

(a) **AUTHORITY.**—With respect to projects eligible for funding under title 23, United States Code, subject to subsection (b) and on request by a State, the Secretary may—

(1) exercise all existing flexibilities under and exceptions to—

(A) the requirements of title 23, United States Code; and

(B) other requirements administered by the Secretary, in whole or part; and

(2) otherwise provide additional flexibility or expedited processing with respect to the requirements described in paragraph (1).

(b) **MAINTAINING PROTECTIONS.**—Nothing in this section—

(1) waives the requirements of section 113 or 138 of title 23, United States Code;

(2) supersedes, amends, or modifies—

(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or any other Federal environmental law; or

(B) any requirement of title 23 or title 49, United States Code; or

(3) affects the responsibility of any Federal officer to comply with or enforce any law or requirement described in this subsection.

23 USC 101 note. **SEC. 1421. PRODUCTIVE AND TIMELY EXPENDITURE OF FUNDS.**

(a) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop guidance that encourages the use of programmatic approaches to project delivery, expedited and prudent procurement techniques, and other best practices to facilitate productive, effective, and timely expenditure of funds for projects eligible for funding under title 23, United States Code.

(b) **IMPLEMENTATION.**—The Secretary shall work with States to ensure that any guidance developed under subsection (a) is consistently implemented by States and the Federal Highway Administration to—

- (1) avoid unnecessary delays in completing projects;
- (2) minimize cost overruns; and
- (3) ensure the effective use of Federal funding.

SEC. 1422. STUDY ON PERFORMANCE OF BRIDGES.

(a) **IN GENERAL.**—Subject to subsection (c), the Administrator of the Federal Highway Administration (referred to in this section as the “Administrator”) shall commission the Transportation Research Board of the National Academy of Sciences to conduct a study on the performance of bridges that received funding under the innovative bridge research and construction program (referred to in this section as the “program”) under section 503(b) of title 23, United States Code (as in effect on the day before the date of enactment of SAFETEA–LU (Public Law 109–59; 119 Stat. 1144)) in meeting the goals of that program, which included—

- (1) the development of new, cost-effective innovative material highway bridge applications;
- (2) the reduction of maintenance costs and lifecycle costs of bridges, including the costs of new construction, replacement, or rehabilitation of deficient bridges;
- (3) the development of construction techniques to increase safety and reduce construction time and traffic congestion;
- (4) the development of engineering design criteria for innovative products and materials for use in highway bridges and structures;
- (5) the development of cost-effective and innovative techniques to separate vehicle and pedestrian traffic from railroad traffic;
- (6) the development of highway bridges and structures that will withstand natural disasters, including alternative processes for the seismic retrofit of bridges; and
- (7) the development of new nondestructive bridge evaluation technologies and techniques.

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

- (1) an analysis of the performance of bridges that received funding under the program in meeting the goals described in paragraphs (1) through (7) of subsection (a);
- (2) an analysis of the utility, compared to conventional materials and technologies, of each of the innovative materials and technologies used in projects for bridges under the program in meeting the needs of the United States in 2015 and in the future for a sustainable and low lifecycle cost transportation system;
- (3) recommendations to Congress on how the installed and lifecycle costs of bridges could be reduced through the use

of innovative materials and technologies, including, as appropriate, any changes in the design and construction of bridges needed to maximize the cost reductions; and

(4) a summary of any additional research that may be needed to further evaluate innovative approaches to reducing the installed and lifecycle costs of highway bridges.

(c) **PUBLIC COMMENT.**—Before commissioning the study under subsection (a), the Administrator shall provide an opportunity for public comment on the study proposal.

(d) **DATA FROM STATES.**—Each State that received funds under the program shall provide to the Transportation Research Board any relevant data needed to carry out the study commissioned under subsection (a).

(e) **DEADLINE.**—The Administrator shall submit to Congress the study commissioned under subsection (a) not later than 3 years after the date of enactment of this Act.

SEC. 1423. RELINQUISHMENT OF PARK-AND-RIDE LOT FACILITIES.

23 USC 137 note.

A State transportation agency may relinquish park-and-ride lot facilities or portions of park-and-ride lot facilities to a local government agency for highway purposes if authorized to do so under State law if the agreement providing for the relinquishment provides that—

(1) rights-of-way on the Interstate System will remain available for future highway improvements; and

(2) modifications to the facilities that could impair the highway or interfere with the free and safe flow of traffic are subject to the approval of the Secretary.

SEC. 1424. PILOT PROGRAM.

23 USC 116 note.

(a) **IN GENERAL.**—The Administrator of the Federal Highway Administration (referred to in this section as the “Administrator”) may establish a pilot program that allows a State to utilize innovative approaches to maintain the right-of-way of Federal-aid highways within the State.

(b) **LIMITATION.**—A pilot program established under subsection (a) shall—

(1) terminate after not more than 4 years;

(2) include not more than 5 States; and

(3) be subject to guidelines published by the Administrator.

(c) **REPORT.**—If the Administrator establishes a pilot program under subsection (a), the Administrator shall, not more than 1 year after the completion of the pilot program, submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of the pilot program.

(d) **SAVINGS PROVISION.**—Nothing in this section may be construed to affect the requirements of section 111 of title 23, United States Code.

SEC. 1425. SERVICE CLUB, CHARITABLE ASSOCIATION, OR RELIGIOUS SERVICE SIGNS.

23 USC 131 note.

Notwithstanding section 131 of title 23, United States Code, and part 750 of title 23, Code of Federal Regulations (or successor regulations), if a State notifies the Federal Highway Administration, the State may allow the maintenance of a sign of a service club, charitable association, or religious service organization—

(1) that exists on the date of enactment of this Act (or was removed in the 3-year period ending on such date of enactment); and

(2) the area of which is less than or equal to 32 square feet.

23 USC 101 note. **SEC. 1426. MOTORCYCLIST ADVISORY COUNCIL.**

The Secretary, acting through the Administrator of the Federal Highway Administration, shall appoint a Motorcyclist Advisory Council to coordinate with and advise the Administrator on infrastructure issues of concern to motorcyclists, including—

(1) barrier design;

(2) road design, construction, and maintenance practices; and

(3) the architecture and implementation of intelligent transportation system technologies.

SEC. 1427. HIGHWAY WORK ZONES.

It is the sense of Congress that the Federal Highway Administration should—

(1) do all within its power to protect workers in highway work zones; and

(2) move rapidly to finalize regulations, as directed in section 1405 of MAP–21 (126 Stat. 560), to protect the lives and safety of construction workers in highway work zones from vehicle intrusions.

23 USC 101 note. **SEC. 1428. USE OF DURABLE, RESILIENT, AND SUSTAINABLE MATERIALS AND PRACTICES.**

To the extent practicable, the Secretary shall encourage the use of durable, resilient, and sustainable materials and practices, including the use of geosynthetic materials and other innovative technologies, in carrying out the activities of the Federal Highway Administration.

SEC. 1429. IDENTIFICATION OF ROADSIDE HIGHWAY SAFETY HARDWARE DEVICES.

(a) **STUDY.**—The Secretary shall conduct a study on methods for identifying roadside highway safety hardware devices to improve the data collected on the devices, as necessary for in-service evaluation of the devices.

(b) **CONTENTS.**—In conducting the study under subsection (a), the Secretary shall evaluate identification methods based on the ability of the method—

(1) to convey information on the devices, including manufacturing date, factory of origin, product brand, and model;

(2) to withstand roadside conditions; and

(3) to connect to State and regional inventories of similar devices.

(c) **IDENTIFICATION METHODS.**—The identification methods to be studied under this section include stamped serial numbers, radio-frequency identification, and such other methods as the Secretary determines appropriate.

(d) **REPORT TO CONGRESS.**—Not later than January 1, 2018, the Secretary shall submit to Congress a report on the results of the study under subsection (a).

SEC. 1430. USE OF MODELING AND SIMULATION TECHNOLOGY.

It is the sense of Congress that the Department should utilize, to the fullest and most economically feasible extent practicable, modeling and simulation technology to analyze highway and public transportation projects authorized by this Act to ensure that these projects—

- (1) will increase transportation capacity and safety, alleviate congestion, and reduce travel time and environmental impacts; and
- (2) are as cost effective as practicable.

SEC. 1431. NATIONAL ADVISORY COMMITTEE ON TRAVEL AND TOURISM INFRASTRUCTURE. 49 USC 301 note.

(a) FINDINGS.—Congress finds that—

(1) 1 out of every 9 jobs in the United States depends on travel and tourism, and the industry supports 15,000,000 jobs in the United States;

(2) the travel and tourism industry employs individuals in all 50 States, the District of Columbia, and all of the territories of the United States;

(3) international travel to the United States is the single largest export industry in the United States, generating a trade surplus balance of approximately \$74,000,000,000;

(4) travel and tourism provide significant economic benefits to the United States by generating nearly \$2,100,000,000,000 in annual economic output; and

(5) the United States intermodal transportation network facilitates the large-scale movement of business and leisure travelers, and is the most important asset of the travel industry.

(b) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish an advisory committee to be known as the National Advisory Committee on Travel and Tourism Infrastructure (referred to in this section as the “Committee”) to provide information, advice, and recommendations to the Secretary on matters relating to the role of intermodal transportation in facilitating mobility related to travel and tourism activities.

(c) MEMBERSHIP.—The Committee shall—

(1) be composed of members appointed by the Secretary for terms of not more than 3 years; and

(2) include a representative cross-section of public and private sector stakeholders involved in the travel and tourism industry, including representatives of—

(A) the travel and tourism industry, product and service providers, and travel and tourism-related associations;

(B) travel, tourism, and destination marketing organizations;

(C) the travel and tourism-related workforce;

(D) State tourism offices;

(E) State departments of transportation;

(F) regional and metropolitan planning organizations;

and

(G) local governments.

(d) ROLE OF COMMITTEE.—The Committee shall—

(1) advise the Secretary on current and emerging priorities, issues, projects, and funding needs related to the use of the

intermodal transportation network of the United States to facilitate travel and tourism;

(2) serve as a forum for discussion for travel and tourism stakeholders on transportation issues affecting interstate and interregional mobility of passengers;

(3) promote the sharing of information between the private and public sectors on transportation issues impacting travel and tourism;

(4) gather information, develop technical advice, and make recommendations to the Secretary on policies that improve the condition and performance of an integrated national transportation system that—

(A) is safe, economical, and efficient; and

(B) maximizes the benefits to the United States generated through the travel and tourism industry;

(5) identify critical transportation facilities and corridors that facilitate and support the interstate and interregional transportation of passengers for tourism, commercial, and recreational activities;

(6) provide for development of measures of condition, safety, and performance for transportation related to travel and tourism;

(7) provide for development of transportation investment, data, and planning tools to assist Federal, State, and local officials in making investment decisions relating to transportation projects that improve travel and tourism; and

(8) address other issues of transportation policy and programs impacting the movement of travelers for tourism and recreational purposes, including by making legislative recommendations.

(e) NATIONAL TRAVEL AND TOURISM INFRASTRUCTURE STRATEGIC PLAN.—Not later than 3 years after the date of enactment of this Act, the Secretary, in consultation with the Committee, State departments of transportation, and other appropriate public and private transportation stakeholders, shall develop and post on the public Internet website of the Department a national travel and tourism infrastructure strategic plan that includes—

(1) an assessment of the condition and performance of the national transportation network;

(2) an identification of the issues on the national transportation network that create significant congestion problems and barriers to long-haul passenger travel and tourism;

(3) forecasts of long-haul passenger travel and tourism volumes for the 20-year period beginning in the year during which the plan is issued;

(4) an identification of the major transportation facilities and corridors for current and forecasted long-haul travel and tourism volumes, the identification of which shall be revised, as appropriate, in subsequent plans;

(5) an assessment of statutory, regulatory, technological, institutional, financial, and other barriers to improved long-haul passenger travel performance (including opportunities for overcoming the barriers);

(6) best practices for improving the performance of the national transportation network; and

(7) strategies to improve intermodal connectivity for long-haul passenger travel and tourism.

SEC. 1432. EMERGENCY EXEMPTIONS.

23 USC 109 note.

(a) **IN GENERAL.**—Any road, highway, railway, bridge, or transit facility that is damaged by an emergency that is declared by the Governor of the State, with the concurrence of the Secretary of Homeland Security, or declared as an emergency by the President pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), and that is in operation or under construction on the date on which the emergency occurs may be reconstructed in the same location with the same capacity, dimensions, and design as before the emergency subject to the exemptions and expedited procedures under subsection (b).

(b) **EXEMPTIONS AND EXPEDITED PROCEDURES.**—

(1) **ALTERNATIVE ARRANGEMENTS.**—Alternative arrangements for an emergency under section 1506.11 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this Act) shall apply to reconstruction under subsection (a), and the reconstruction shall be considered necessary to control the immediate impacts of the emergency.

(2) **STORMWATER DISCHARGE PERMITS.**—A general permit for stormwater discharges from construction activities, if available, issued by the Administrator of the Environmental Protection Agency or the director of a State program under section 402(p) of the Federal Water Pollution Control Act (33 U.S.C. 1342(p)), as applicable, shall apply to reconstruction under subsection (a), on submission of a notice of intent to be subject to the permit.

(3) **EMERGENCY PROCEDURES.**—The emergency procedures for issuing permits in accordance with section 325.2(e)(4) of title 33, Code of Federal Regulations (as in effect on the date of enactment of this Act) shall apply to reconstruction under subsection (a), and the reconstruction shall be considered an emergency under that regulation.

(4) **NATIONAL HISTORIC PRESERVATION ACT EXEMPTION.**—Reconstruction under subsection (a) is eligible for an exemption from the requirements of the National Historic Preservation Act of 1966 pursuant to part 78 of title 36, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(5) **ENDANGERED SPECIES ACT EXEMPTION.**—An exemption from the requirements of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) pursuant to section 7(p) of that Act (16 U.S.C. 1536(p)) shall apply to reconstruction under subsection (a) and, if the President makes the determination required under section 7(p) of that Act, the determinations required under subsections (g) and (h) of that section shall be deemed to be made.

(6) **EXPEDITED CONSULTATION UNDER ENDANGERED SPECIES ACT.**—Expedited consultation pursuant to section 402.05 of title 50, Code of Federal Regulations (as in effect on the date of enactment of this Act) shall apply to reconstruction under subsection (a).

(7) **OTHER EXEMPTIONS.**—Any reconstruction that is exempt under paragraph (5) shall also be exempt from requirements under—

(A) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.);

(B) the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.); and

(C) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.).

23 USC 101 note. **SEC. 1433. REPORT ON HIGHWAY TRUST FUND ADMINISTRATIVE EXPENDITURES.**

(a) INITIAL REPORT.—Not later than 150 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report describing the administrative expenses of the Federal Highway Administration funded from the Highway Trust Fund during the 3 most recent fiscal years.

(b) UPDATES.—Not later than 5 years after the date on which the report is submitted under subsection (a) and every 5 years thereafter, the Comptroller General shall submit to Congress a report that updates the information provided in the report under that subsection for the preceding 5-year period.

(c) INCLUSIONS.—Each report submitted under subsection (a) or (b) shall include a description of—

(1) the types of administrative expenses of programs and offices funded by the Highway Trust Fund;

(2) the tracking and monitoring of administrative expenses;

(3) the controls in place to ensure that funding for administrative expenses is used as efficiently as practicable; and

(4) the flexibility of the Department to reallocate amounts from the Highway Trust Fund between full-time equivalent employees and other functions.

49 USC 308 note. **SEC. 1434. AVAILABILITY OF REPORTS.**

(a) IN GENERAL.—The Secretary shall make available to the public on the website of the Department any report required to be submitted by the Secretary to Congress after the date of enactment of this Act.

(b) DEADLINE.—Each report described in subsection (a) shall be made available on the website not later than 30 days after the report is submitted to Congress.

SEC. 1435. APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM.

Section 1528 of MAP–21 (40 U.S.C. 14501 note; Public Law 112–141) is amended—

(1) by striking “2021” each place it appears and inserting “2050”; and

(2) by striking “shall be 100 percent” each place it appears and inserting “shall be up to 100 percent, as determined by the State”.

SEC. 1436. APPALACHIAN REGIONAL DEVELOPMENT PROGRAM.

(a) HIGH-SPEED BROADBAND DEVELOPMENT INITIATIVE.—

(1) IN GENERAL.—Subchapter I of chapter 145 of subtitle IV of title 40, United States Code, is amended by adding at the end the following:

40 USC 14509. **“§ 14509. High-speed broadband deployment initiative**

“(a) IN GENERAL.—The Appalachian Regional Commission may provide technical assistance, make grants, enter into contracts, or otherwise provide amounts to individuals or entities in the Appalachian region for projects and activities—

“(1) to increase affordable access to broadband networks throughout the Appalachian region;

“(2) to conduct research, analysis, and training to increase broadband adoption efforts in the Appalachian region;

“(3) to provide technology assets, including computers, smartboards, and video projectors to educational systems throughout the Appalachian region;

“(4) to increase distance learning opportunities throughout the Appalachian region;

“(5) to increase the use of telehealth technologies in the Appalachian region; and

“(6) to promote e-commerce applications in the Appalachian region.

“(b) LIMITATION ON AVAILABLE AMOUNTS.—Of the cost of any activity eligible for a grant under this section—

“(1) not more than 50 percent may be provided from amounts appropriated to carry out this section; and

“(2) notwithstanding paragraph (1)—

“(A) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, not more than 80 percent may be provided from amounts appropriated to carry out this section; and

“(B) in the case of a project to be carried out in a county for which an at-risk designation is in effect under section 14526, not more than 70 percent may be provided from amounts appropriated to carry out this section.

“(c) SOURCES OF ASSISTANCE.—Subject to subsection (b), a grant provided under this section may be provided from amounts made available to carry out this section in combination with amounts made available—

“(1) under any other Federal program; or

“(2) from any other source.

“(d) FEDERAL SHARE.—Notwithstanding any provision of law limiting the Federal share under any other Federal program, amounts made available to carry out this section may be used to increase that Federal share, as the Appalachian Regional Commission determines to be appropriate.”

(2) CONFORMING AMENDMENT.—The analysis for chapter 145 of title 40, United States Code, is amended by inserting after the item relating to section 14508 the following:

40 USC
prec. 14501.

“14509. High-speed broadband deployment initiative.”

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 14703 of title 40, United States Code, is amended—

(1) in subsection (a)(5), by striking “fiscal year 2012” and inserting “each of fiscal years 2012 through 2020”;

(2) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

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

“(c) HIGH-SPEED BROADBAND DEPLOYMENT INITIATIVE.—Of the amounts made available under subsection (a), \$10,000,000 may be used to carry out section 14509 for each of fiscal years 2016 through 2020.”

(c) TERMINATION.—Section 14704 of title 40, United States Code, is amended by striking “2012” and inserting “2020”.

40 USC 14509
note.

(d) **EFFECTIVE DATE.**—This section and the amendments made by this section take effect on October 1, 2015.

23 USC 101 note.

SEC. 1437. BORDER STATE INFRASTRUCTURE.

(a) **IN GENERAL.**—After consultation with relevant transportation planning organizations, the Governor of a State that shares a land border with Canada or Mexico may designate for each fiscal year not more than 5 percent of the funds made available to the State under section 133(d)(1)(B) of title 23, United States Code, for border infrastructure projects eligible under section 1303 of SAFETEA–LU (23 U.S.C. 101 note; 119 Stat. 1207).

(b) **USE OF FUNDS.**—Funds designated under this section shall be available under the requirements of section 1303 of SAFETEA–LU (23 U.S.C. 101 note; 119 Stat. 1207).

(c) **CERTIFICATION.**—Before making a designation under subsection (a), the Governor shall certify that the designation is consistent with transportation planning requirements under title 23, United States Code.

(d) **NOTIFICATION.**—Not later than 30 days after making a designation under subsection (a), the Governor shall submit to the relevant transportation planning organizations within the border region a written notification of any suballocated or distributed amount of funds available for obligation by jurisdiction.

(e) **LIMITATION.**—This section applies only to funds apportioned to a State after the date of enactment of this Act.

(f) **DEADLINE FOR DESIGNATION.**—A designation under subsection (a) shall—

(1) be submitted to the Secretary not later than 30 days before the first day of the fiscal year for which the designation is being made; and

(2) remain in effect for the funds designated under subsection (a) for a fiscal year until the Governor of the State notifies the Secretary of the termination of the designation.

(g) **UNOBLIGATED FUNDS AFTER TERMINATION.**—Effective beginning on the date of a termination under subsection (f)(2), all remaining unobligated funds that were designated under subsection (a) for the fiscal year for which the designation is being terminated shall be made available to the State for the purposes described in section 133(d)(1)(B) of title 23, United States Code.

SEC. 1438. ADJUSTMENTS.

(a) **IN GENERAL.**—On July 1, 2020, of the unobligated balances of funds apportioned among the States under chapter 1 of title 23, United States Code, a total of \$7,569,000,000 is permanently rescinded.

(b) **EXCLUSIONS FROM RESCISSION.**—The rescission under subsection (a) shall not apply to funds distributed in accordance with—

(1) sections 104(b)(3) and 130(f) of title 23, United States Code;

(2) section 133(d)(1)(A) of such title;

(3) the first sentence of section 133(d)(3)(A) of such title, as in effect on the day before the date of enactment of MAP–21 (Public Law 112–141);

(4) sections 133(d)(1) and 163 of such title, as in effect on the day before the date of enactment of SAFETEA–LU (Public Law 109–59); and

(5) section 104(b)(5) of such title, as in effect on the day before the date of enactment of MAP–21 (Public Law 112–141).

(c) DISTRIBUTION AMONG STATES.—The amount to be rescinded under this section from a State shall be determined by multiplying the total amount of the rescission in subsection (a) by the ratio that—

(1) the unobligated balances subject to the rescission as of September 30, 2019, for the State; bears to

(2) the unobligated balances subject to the rescission as of September 30, 2019, for all States.

(d) DISTRIBUTION WITHIN EACH STATE.—The amount to be rescinded under this section from each program to which the rescission applies within a State shall be determined by multiplying the required rescission amount calculated under subsection (c) for such State by the ratio that—

(1) the unobligated balance as of September 30, 2019, for such program in such State; bears to

(2) the unobligated balances as of September 30, 2019, for all programs to which the rescission applies in such State.

SEC. 1439. ELIMINATION OF BARRIERS TO IMPROVE AT-RISK BRIDGES. 16 USC 703 note.

(a) TEMPORARY AUTHORIZATION.—

(1) IN GENERAL.—Until the Secretary of the Interior takes the action described in subsection (b), the take of nesting swallows to facilitate a construction project on a bridge eligible for funding under title 23, United States Code, with any component condition rating of 3 or less (as defined by the National Bridge Inventory General Condition Guidance issued by the Federal Highway Administration) is authorized under the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.) between April 1 and August 31.

(2) MEASURES TO MINIMIZE IMPACTS.—

(A) NOTIFICATION BEFORE TAKING.—Prior to the taking of nesting swallows authorized under paragraph (1), any person taking that action shall submit to the Secretary of the Interior a document that contains—

(i) the name of the person acting under the authority of paragraph (1) to take nesting swallows;

(ii) a list of practicable measures that will be undertaken to minimize or mitigate significant adverse impacts on the population of that species;

(iii) the time period during which activities will be carried out that will result in the taking of that species; and

(iv) an estimate of the number of birds, by species, to be taken in the proposed action.

(B) NOTIFICATION AFTER TAKING.—Not later than 60 days after the taking of nesting swallows authorized under paragraph (1), any person taking that action shall submit to the Secretary of the Interior a document that contains the number of birds, by species, taken in the action.

(b) AUTHORIZATION OF TAKE.—

(1) IN GENERAL.—The Secretary of the Interior, in consultation with the Secretary, shall promulgate a regulation under the authority of section 3 of the Migratory Bird Treaty Act

(16 U.S.C. 704) authorizing the take of nesting swallows to facilitate bridge repair, maintenance, or construction—

(A) without individual permit requirements; and

(B) under terms and conditions determined to be consistent with treaties relating to migratory birds that protect swallow species occurring in the United States.

(2) **TERMINATION.**—On the effective date of a final rule under this subsection by the Secretary of the Interior, subsection (a) shall have no force or effect.

(c) **SUSPENSION OR WITHDRAWAL OF TAKE AUTHORIZATION.**—If the Secretary of the Interior, in consultation with the Secretary, determines that taking of nesting swallows carried out under the authority provided in subsection (a)(1) is having a significant adverse impact on swallow populations, the Secretary of the Interior may suspend that authority through publication in the Federal Register.

23 USC 121 note. **SEC. 1440. AT-RISK PROJECT PREAGREEMENT AUTHORITY.**

(a) **DEFINITION OF PRELIMINARY ENGINEERING.**—In this section, the term “preliminary engineering” means allowable preconstruction project development and engineering costs.

(b) **AT-RISK PROJECT PREAGREEMENT AUTHORITY.**—A recipient or subrecipient of Federal-aid funds under title 23, United States Code, may—

(1) incur preliminary engineering costs for an eligible project under title 23, United States Code, before receiving project authorization from the State, in the case of a subrecipient, and the Secretary to proceed with the project; and

(2) request reimbursement of applicable Federal funds after the project authorization is received.

(c) **ELIGIBILITY.**—The Secretary may reimburse preliminary engineering costs incurred by a recipient or subrecipient under subsection (b)—

(1) if the costs meet all applicable requirements under title 23, United States Code, at the time the costs are incurred and the Secretary concurs that the requirements have been met;

(2) in the case of a project located within a designated nonattainment or maintenance area for air quality, if the conformity requirements of the Clean Air Act (42 U.S.C. 7401 et seq.) have been met; and

(3) if the costs would have been allowable if incurred after the date of the project authorization by the Department.

(d) **AT-RISK.**—A recipient or subrecipient that elects to use the authority provided under this section shall—

(1) assume all risk for preliminary engineering costs incurred prior to project authorization; and

(2) be responsible for ensuring and demonstrating to the Secretary that all applicable cost eligibility conditions are met after the authorization is received.

(e) **RESTRICTIONS.**—Nothing in this section—

(1) allows a recipient or subrecipient to use the authority under this section to advance a project beyond preliminary engineering prior to the completion of the environmental review process;

(2) waives the applicability of Federal requirements to a project other than the reimbursement of preliminary

engineering costs incurred prior to an authorization to proceed in accordance with this section; or

(3) guarantees Federal funding of the project or the eligibility of the project for future Federal-aid highway funding.

SEC. 1441. REGIONAL INFRASTRUCTURE ACCELERATOR DEMONSTRATION PROGRAM. 23 USC 601 note.

(a) **IN GENERAL.**—The Secretary shall establish a regional infrastructure demonstration program (referred to in this section as the “program”) to assist entities in developing improved infrastructure priorities and financing strategies for the accelerated development of a project that is eligible for funding under the TIFIA program under chapter 6 of title 23, United States Code.

(b) **DESIGNATION OF REGIONAL INFRASTRUCTURE ACCELERATORS.**—In carrying out the program, the Secretary may designate regional infrastructure accelerators that will—

(1) serve a defined geographic area; and

(2) act as a resource in the geographic area to qualified entities in accordance with this section.

(c) **APPLICATION.**—To be eligible for a designation under subsection (b), a proposed regional infrastructure accelerator shall submit to the Secretary a proposal at such time, in such manner, and containing such information as the Secretary may require.

(d) **CRITERIA.**—In evaluating a proposal submitted under subsection (c), the Secretary shall consider—

(1) the need for geographic diversity among regional infrastructure accelerators; and

(2) the ability of the proposal to promote investment in covered infrastructure projects, which shall include a plan—

(A) to evaluate and promote innovative financing methods for local projects, including the use of the TIFIA program under chapter 6 of title 23, United States Code;

(B) to build capacity of State, local, and tribal governments to evaluate and structure projects involving the investment of private capital;

(C) to provide technical assistance and information on best practices with respect to financing the projects;

(D) to increase transparency with respect to infrastructure project analysis and using innovative financing for public infrastructure projects;

(E) to deploy predevelopment capital programs designed to facilitate the creation of a pipeline of infrastructure projects available for investment;

(F) to bundle smaller-scale and rural projects into larger proposals that may be more attractive for investment; and

(G) to reduce transaction costs for public project sponsors.

(e) **ANNUAL REPORT.**—Not less frequently than once each year, the Secretary shall submit to Congress a report that describes the findings and effectiveness of the program.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out the program \$12,000,000, of which the Secretary shall use—

(1) \$11,750,000 for initial grants to regional infrastructure accelerators under subsection (b); and

(2) \$250,000 for administrative costs of carrying out the program.

23 USC 109 note. **SEC. 1442. SAFETY FOR USERS.**

(a) **IN GENERAL.**—The Secretary shall encourage each State and metropolitan planning organization to adopt standards for the design of Federal surface transportation projects that provide for the safe and adequate accommodation (as determined by the State) of all users of the surface transportation network, including motorized and nonmotorized users, in all phases of project planning, development, and operation.

(b) **REPORT.**—Not later than 2 years after the date of enactment of this Act, the Secretary shall make available to the public a report cataloging examples of State law or State transportation policy that provide for the safe and adequate accommodation of all users of the surface transportation network, in all phases of project planning, development, and operation.

(c) **BEST PRACTICES.**—Based on the report under subsection (b), the Secretary shall identify and disseminate examples of best practices where States have adopted measures that have successfully provided for the safe and adequate accommodation of all users of the surface transportation network in all phases of project planning, development, and operation.

SEC. 1443. SENSE OF CONGRESS.

It is the sense of Congress that the engineering industry of the United States continues to provide critical technical expertise, innovation, and local knowledge to Federal and State agencies in order to efficiently deliver surface transportation projects to the public, and Congress recognizes the valuable contributions made by the engineering industry of the United States and urges the Secretary to reinforce those partnerships by encouraging State and local agencies to take full advantage of engineering industry capabilities to strengthen project performance, improve domestic competitiveness, and create jobs.

23 USC 101 note. **SEC. 1444. EVERY DAY COUNTS INITIATIVE.**

(a) **IN GENERAL.**—It is in the national interest for the Department, State departments of transportation, and all other recipients of Federal transportation funds—

(1) to identify, accelerate, and deploy innovation aimed at shortening project delivery, enhancing the safety of the roadways of the United States, and protecting the environment;

(2) to ensure that the planning, design, engineering, construction, and financing of transportation projects is done in an efficient and effective manner;

(3) to promote the rapid deployment of proven solutions that provide greater accountability for public investments and encourage greater private sector involvement; and

(4) to create a culture of innovation within the highway community.

(b) **EVERY DAY COUNTS INITIATIVE.**—To advance the policy described in subsection (a), the Administrator of the Federal Highway Administration shall continue the Every Day Counts initiative to work with States, local transportation agencies, and industry stakeholders to identify and deploy proven innovative practices and products that—

(1) accelerate innovation deployment;

- (2) shorten the project delivery process;
- (3) improve environmental sustainability;
- (4) enhance roadway safety; and
- (5) reduce congestion.

(c) INNOVATION DEPLOYMENT.—

(1) IN GENERAL.—At least every 2 years, the Administrator shall work collaboratively with stakeholders to identify a new collection of innovations, best practices, and data to be deployed to highway stakeholders through case studies, webinars, and demonstration projects.

(2) REQUIREMENTS.—In identifying a collection described in paragraph (1), the Secretary shall take into account market readiness, impacts, benefits, and ease of adoption of the innovation or practice.

(d) PUBLICATION.—Each collection identified under subsection (c) shall be published by the Administrator on a publicly available Web site.

SEC. 1445. WATER INFRASTRUCTURE FINANCE AND INNOVATION.

Section 5028(a) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 3907(a)) is amended—

- (1) by striking paragraph (5); and
- (2) by redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively.

SEC. 1446. TECHNICAL CORRECTIONS.

(a) TITLE 23.—Title 23, United States Code, is amended as follows:

(1) Section 119(d)(1)(A) is amended by striking “mobility,” and inserting “congestion reduction, system reliability,”.

(2) Section 126(b)(1) is amended by striking “133(d)” and inserting “133(d)(1)(A)”.

(3) Section 127(a)(3) is amended by striking “118(b)(2) of this title” and inserting “118(b)”.

(4) Section 150(b)(5) is amended by striking “national freight network” and inserting “National Highway Freight Network”.

(5) Section 150(c)(3)(B) is amended by striking the semicolon at the end and inserting a period.

(6) Section 150(e)(4) is amended by striking “National Freight Strategic Plan” and inserting “national freight strategic plan”.

(7) Section 153(h)(2) is amended by striking “paragraphs (1) through (3)” and inserting “paragraphs (1), (2), and (4)”.

(8) Section 154(c) is amended—

(A) in paragraph (1) by striking “paragraphs (1), (3), and (4)” and inserting “paragraphs (1), (2), and (4)”;

(B) in paragraph (3)(A) by striking “transferred” and inserting “reserved”; and

(C) in paragraph (5)—

(i) in the matter preceding subparagraph (A) by inserting “or released” after “transferred”; and

(ii) in subparagraph (A) by striking “under section 104(b)(1)” and inserting “under section 104(b)(1)”.

(9) Section 163(f)(2) is amended by striking “118(b)(2)” and inserting “118(b)”.

(10) Section 164(b) is amended—

(A) in paragraph (3)(A) by striking “transferred” and inserting “reserved”; and

(B) in paragraph (5) by inserting “or released” after “transferred”.

(11) Section 165(c)(7) is amended by striking “paragraphs (2), (4), (7), (8), (14), and (19) of section 133(b)” and inserting “paragraphs (1) through (4) of section 133(c) and section 133(b)(12)”.

(12) Section 202(b)(3) is amended—

(A) in subparagraph (A)(i), in the matter preceding subclause (I), by inserting “(a)(6),” after “subsections”; and

(B) in subparagraph (C)(ii)(IV), by striking “(III).]” and inserting “(III).”.

(13) Section 217(a) is amended by striking “104(b)(3)” and inserting “104(b)(4)”.

(14) Section 515 is amended by striking “this chapter” each place it appears and inserting “sections 512 through 518”.

(b) TITLE 49.—Section 6302(b)(3)(B)(vi)(III) of title 49, United States Code, is amended by striking “6310” and inserting “6309”.

(c) SAFETEA-LU.—Section 4407 of SAFETEA-LU (Public Law 109–59; 119 Stat. 1777) is amended by striking “hereby enacted into law” and inserting “granted”.

23 USC 104 note.

(d) MAP–21.—Effective as of July 6, 2012, and as if included therein as enacted, MAP–21 (Public Law 112–141) is amended as follows:

23 USC 140.

(1) Section 1109(a)(2) (126 Stat. 444) is amended by striking “fourth” and inserting “fifth”.

23 USC 150.

(2) Section 1203 (126 Stat. 524) is amended—

(A) in subsection (a) by striking “Section 150 of title 23, United States Code, is amended to read as follows” and inserting “Title 23, United States Code, is amended by inserting after section 149 the following”; and

23 USC
prec. 101.

(B) in subsection (b) by striking “by striking the item relating to section 150 and inserting” and inserting “by inserting after the item relating to section 149”.

23 USC 327.

(3) Section 1313(a)(1) (126 Stat. 545) is amended to read as follows:

49 USC
prec. 101.
23 USC 104.

“(1) in the section heading by striking ‘**pilot**’; and”.

(4) Section 1314(b) (126 Stat. 549) is amended—

(A) by inserting “chapter 3 of” after “analysis for”; and

(B) by inserting a period at the end of the matter proposed to be inserted.

(5) Section 1519(c) (126 Stat. 575) is amended—

23 USC 104.
23 USC 109, 118,
130, 131, 133,
142, 145, 218,
610.
23 USC 133.

(A) by striking paragraph (3);

(B) by redesignating paragraphs (4) through (12) as paragraphs (3) through (11), respectively;

(C) in paragraph (7), as redesignated by subparagraph (B)—

(i) by striking the period at the end of the matter proposed to be struck; and

(ii) by adding a period at the end; and

23 USC 142.

(D) in paragraph (8)(A)(i)(I), as redesignated by subparagraph (B), by striking “than rail” in the matter proposed to be struck and inserting “than on rail”.

(e) TRANSPORTATION RESEARCH AND INNOVATIVE TECHNOLOGY ACT OF 2012.—Section 51001(a)(1) of the Transportation Research

and Innovative Technology Act of 2012 (126 Stat. 864) is amended by striking “sections 503(b), 503(d), and 509” and inserting “section 503(b)”.

TITLE II—INNOVATIVE PROJECT FINANCE

SEC. 2001. TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION ACT OF 1998 AMENDMENTS.

(a) DEFINITIONS.—Section 601(a) of title 23, United States Code, is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking “In this chapter, the” and inserting “The”; and

(B) by inserting “to sections 601 through 609” after “apply”;

(2) in paragraph (2)—

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

(B) in subparagraph (C) by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(D) capitalizing a rural projects fund.”;

(3) in paragraph (3) by striking “this chapter” and inserting “the TIFIA program”;

(4) in paragraph (10)—

(A) by striking “(10) MASTER CREDIT AGREEMENT.—

” and all that follows before subparagraph (A) and inserting the following:

“(10) MASTER CREDIT AGREEMENT.—The term ‘master credit agreement’ means a conditional agreement to extend credit assistance for a program of related projects secured by a common security pledge covered under section 602(b)(2)(A) or for a single project covered under section 602(b)(2)(B) that does not provide for a current obligation of Federal funds, and that would—”;

(B) in subparagraph (A) by striking “subject to the availability of future funds being made available to carry out this chapter;” and inserting “subject to—

“(i) the availability of future funds being made available to carry out the TIFIA program; and

“(ii) the satisfaction of all of the conditions for the provision of credit assistance under the TIFIA program, including section 603(b)(1);”;

(C) in subparagraph (D)—

(i) by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively;

(ii) by inserting after clause (i) the following:

“(ii) receiving an investment grade rating from a rating agency;”;

(iii) in clause (iii) (as so redesignated) by striking “in section 602(c)” and inserting “under the TIFIA program, including sections 602(c) and 603(b)(1);”;

(iv) in clause (iv) (as so redesignated) by striking “this chapter” and inserting “the TIFIA program”;

(5) in paragraph (12)—

(A) in subparagraph (C) by striking “and” at the end;

(B) in subparagraph (D)(iv) by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

“(E) a project to improve or construct public infrastructure that is located within walking distance of, and accessible to, a fixed guideway transit facility, passenger rail station, intercity bus station, or intermodal facility, including a transportation, public utility, or capital project described in section 5302(3)(G)(v) of title 49, and related infrastructure; and

“(F) the capitalization of a rural projects fund.”;

(6) in paragraph (15) by striking “means” and all that follows through the period at the end and inserting “means a surface transportation infrastructure project located in an area that is outside of an urbanized area with a population greater than 150,000 individuals, as determined by the Bureau of the Census.”;

(7) by redesignating paragraphs (16), (17), (18), (19), and (20) as paragraphs (17), (18), (20), (21), and (22), respectively;

(8) by inserting after paragraph (15) the following:

“(16) RURAL PROJECTS FUND.—The term ‘rural projects fund’ means a fund—

“(A) established by a State infrastructure bank in accordance with section 610(d)(4);

“(B) capitalized with the proceeds of a secured loan made to the bank in accordance with sections 602 and 603; and

“(C) for the purpose of making loans to sponsors of rural infrastructure projects in accordance with section 610.”;

(9) by inserting after paragraph (18) (as so redesignated) the following:

“(19) STATE INFRASTRUCTURE BANK.—The term ‘State infrastructure bank’ means an infrastructure bank established under section 610.”; and

(10) in paragraph (22) (as so redesignated), by inserting “established under sections 602 through 609” after “Department”.

(b) DETERMINATION OF ELIGIBILITY AND PROJECT SELECTION.—Section 602 of title 23, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1) in the matter preceding subparagraph (A), by striking “this chapter” and inserting “the TIFIA program”;

(B) in paragraph (2)(A) by striking “this chapter” and inserting “the TIFIA program”;

(C) in paragraph (3) by striking “this chapter” and inserting “the TIFIA program”;

(D) in paragraph (5)—

(i) by striking the paragraph heading and inserting “ELIGIBLE PROJECT COST PARAMETERS.—”;

(ii) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking “subparagraph (B), to be eligible for assistance under this chapter, a project” and inserting “subparagraph (B), a project under the TIFIA program”;

(II) by striking clause (i) and inserting the following:

“(i) \$50,000,000; and”; and

(III) in clause (ii) by striking “assistance”; and
(iii) in subparagraph (B)—

(I) by striking the subparagraph designation and heading and all that follows through “In the case” and inserting the following:

“(B) EXCEPTIONS.—

“(i) INTELLIGENT TRANSPORTATION SYSTEMS.—In the case”; and

(II) by adding at the end the following:

“(ii) TRANSIT-ORIENTED DEVELOPMENT PROJECTS.—In the case of a project described in section 601(a)(12)(E), eligible project costs shall be reasonably anticipated to equal or exceed \$10,000,000.

“(iii) RURAL PROJECTS.—In the case of a rural infrastructure project or a project capitalizing a rural projects fund, eligible project costs shall be reasonably anticipated to equal or exceed \$10,000,000, but not to exceed \$100,000,000.

“(iv) LOCAL INFRASTRUCTURE PROJECTS.—Eligible project costs shall be reasonably anticipated to equal or exceed \$10,000,000 in the case of a project or program of projects—

“(I) in which the applicant is a local government, public authority, or instrumentality of local government;

“(II) located on a facility owned by a local government; or

“(III) for which the Secretary determines that a local government is substantially involved in the development of the project.”;

(E) in paragraph (9), in the matter preceding subparagraph (A), by striking “this chapter” and inserting “the TIFIA program”; and

(F) in paragraph (10)—

(i) by striking “To be eligible” and inserting the following:

“(A) IN GENERAL.—Except as provided in subparagraph (B), to be eligible”;

(ii) by striking “this chapter” each place it appears and inserting “the TIFIA program”;

(iii) by striking “not later than” and inserting “no later than”; and

(iv) by adding at the end the following:

“(B) RURAL PROJECTS FUND.—In the case of a project capitalizing a rural projects fund, the State infrastructure bank shall demonstrate, not later than 2 years after the date on which a secured loan is obligated for the project under the TIFIA program, that the bank has executed a loan agreement with a borrower for a rural infrastructure project in accordance with section 610. After the demonstration is made, the bank may draw upon the secured loan. At the end of the 2-year period, to the extent the bank has not used the loan commitment, the Secretary may

extend the term of the loan or withdraw the loan commitment.”;

(2) in subsection (b) by striking paragraph (2) and inserting the following:

“(2) MASTER CREDIT AGREEMENTS.—

“(A) PROGRAM OF RELATED PROJECTS.—The Secretary may enter into a master credit agreement for a program of related projects secured by a common security pledge on terms acceptable to the Secretary.

“(B) ADEQUATE FUNDING NOT AVAILABLE.—If the Secretary fully obligates funding to eligible projects for a fiscal year and adequate funding is not available to fund a credit instrument, a project sponsor of an eligible project may elect to enter into a master credit agreement and wait to execute a credit instrument until the fiscal year for which additional funds are available to receive credit assistance.”;

(3) in subsection (c)(1), in the matter preceding subparagraph (A), by striking “this chapter” and inserting “the TIFIA program”; and

(4) in subsection (e) by striking “this chapter” and inserting “the TIFIA program”.

(c) SECURED LOAN TERMS AND LIMITATIONS.—Section 603 of title 23, United States Code, is amended—

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

“(2) LIMITATION ON REFINANCING OF INTERIM CONSTRUCTION FINANCING.—A loan under paragraph (1) shall not refinance interim construction financing under paragraph (1)(B)—

“(A) if the maturity of such interim construction financing is later than 1 year after the substantial completion of the project; and

“(B) later than 1 year after the date of substantial completion of the project.”;

(2) in subsection (b)—

(A) in paragraph (2)—

(i) by striking “The amount of” and inserting the following:

“(A) IN GENERAL.—Except as provided in subparagraph (B), the amount of”; and

(ii) by adding at the end the following:

“(B) RURAL PROJECTS FUND.—In the case of a project capitalizing a rural projects fund, the maximum amount of a secured loan made to a State infrastructure bank shall be determined in accordance with section 602(a)(5)(B)(iii).”;

(B) in paragraph (3)(A)(i)—

(i) in subclause (III) by striking “or” at the end;

(ii) in subclause (IV) by striking “and” at the end and inserting “or”; and

(iii) by adding at the end the following:

“(V) in the case of a secured loan for a project capitalizing a rural projects fund, any other dedicated revenue sources available to a State infrastructure bank, including repayments from loans made by the bank for rural infrastructure projects; and”;

(C) in paragraph (4)(B)—

(i) in clause (i) by striking “under this chapter” and inserting “or a rural projects fund under the TIFIA program”; and

(ii) in clause (ii) by inserting “and rural project funds” after “rural infrastructure projects”;

(D) in paragraph (5)—

(i) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and indenting appropriately;

(ii) in the matter preceding clause (i) (as so redesignated) by striking “The final” and inserting the following:

“(A) IN GENERAL.—Except as provided in subparagraph (B), the final”; and

(iii) by adding at the end the following:

“(B) RURAL PROJECTS FUND.—In the case of a project capitalizing a rural projects fund, the final maturity date of the secured loan shall not exceed 35 years after the date on which the secured loan is obligated.”;

(E) in paragraph (8) by striking “this chapter” and inserting “the TIFIA program”; and

(F) in paragraph (9)—

(i) by striking “The total Federal assistance provided on a project receiving a loan under this chapter” and inserting the following:

“(A) IN GENERAL.—The total Federal assistance provided for a project receiving a loan under the TIFIA program”; and

(ii) by adding at the end the following:

“(B) RURAL PROJECTS FUND.—A project capitalizing a rural projects fund shall satisfy subparagraph (A) through compliance with the Federal share requirement described in section 610(e)(3)(B).”; and

(3) by adding at the end the following:

“(f) STREAMLINED APPLICATION PROCESS.—

“(1) IN GENERAL.—Not later than 180 days after the date of enactment of the FAST Act, the Secretary shall make available an expedited application process or processes available at the request of entities seeking secured loans under the TIFIA program that use a set or sets of conventional terms established pursuant to this section.

“(2) TERMS.—In establishing the streamlined application process required by this subsection, the Secretary may include terms commonly included in prior credit agreements and allow for an expedited application period, including—

“(A) the secured loan is in an amount of not greater than \$100,000,000;

“(B) the secured loan is secured and payable from pledged revenues not affected by project performance, such as a tax-backed revenue pledge, tax increment financing, or a system-backed pledge of project revenues; and

“(C) repayment of the loan commences not later than 5 years after disbursement.”.

(d) PROGRAM ADMINISTRATION.—Section 605 of title 23, United States Code, is amended—

(1) by striking “this chapter” each place it appears and inserting “the TIFIA program”; and

(2) by adding at the end the following:

“(f) ASSISTANCE TO SMALL PROJECTS.—

“(1) RESERVATION OF FUNDS.—Of the funds made available to carry out the TIFIA program for each fiscal year, and after the set aside under section 608(a)(5), not less than \$2,000,000 shall be made available for the Secretary to use in lieu of fees collected under subsection (b) for projects under the TIFIA program having eligible project costs that are reasonably anticipated not to equal or exceed \$75,000,000.

“(2) RELEASE OF FUNDS.—Any funds not used under paragraph (1) in a fiscal year shall be made available on October 1 of the following fiscal year to provide credit assistance to any project under the TIFIA program.”

(e) STATE AND LOCAL PERMITS.—Section 606 of title 23, United States Code, is amended in the matter preceding paragraph (1) by striking “this chapter” and inserting “the TIFIA program”.

(f) REGULATIONS.—Section 607 of title 23, United States Code, is amended by striking “this chapter” and inserting “the TIFIA program”.

(g) FUNDING.—Section 608 of title 23, United States Code, is amended—

(1) by striking “this chapter” each place it appears and inserting “the TIFIA program”; and

(2) in subsection (a)—

(A) in paragraph (2) by inserting “of” after “504(f)”; and

(B) in paragraph (3)—

(i) in subparagraph (A), by inserting “or rural projects funds” after “rural infrastructure projects”; and

(ii) in subparagraph (B), by inserting “or rural projects funds” after “rural infrastructure projects”;

(C) by striking paragraphs (4) and (6) and redesignating paragraph (5) as paragraph (4); and

(D) by inserting at the end the following:

“(5) ADMINISTRATIVE COSTS.—Of the amounts made available to carry out the TIFIA program, the Secretary may use not more than \$6,875,000 for fiscal year 2016, \$7,081,000 for fiscal year 2017, \$7,559,000 for fiscal year 2018, \$8,195,000 for fiscal year 2019, and \$8,441,000 for fiscal year 2020 for the administration of the TIFIA program.”

(h) REPORTS TO CONGRESS.—Section 609 of title 23, United States Code, is amended by striking “this chapter (other than section 610)” each place it appears and inserting “the TIFIA program”.

(i) STATE INFRASTRUCTURE BANK PROGRAM.—Section 610 of title 23, United States Code, is amended—

(1) in subsection (a) by adding at the end the following:

“(11) RURAL INFRASTRUCTURE PROJECT.—The term ‘rural infrastructure project’ has the meaning given the term in section 601.

“(12) RURAL PROJECTS FUND.—The term ‘rural projects fund’ has the meaning given the term in section 601.”;

(2) in subsection (d)—

(A) in paragraph (1)(A) by striking “each of fiscal years” and all that follows through the end of subparagraph (A)

and inserting “each of fiscal years 2016 through 2020 under each of paragraphs (1), (2), and (5) of section 104(b); and”;

(B) in paragraph (2) by striking “fiscal years 2005 through 2009” and inserting “fiscal years 2016 through 2020”;

(C) in paragraph (3) by striking “fiscal years 2005 through 2009” and inserting “fiscal years 2016 through 2020”;

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

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

“(4) RURAL PROJECTS FUND.—Subject to subsection (j), the Secretary may permit a State entering into a cooperative agreement under this section to establish a State infrastructure bank to deposit into the rural projects fund of the bank the proceeds of a secured loan made to the bank in accordance with sections 602 and 603.”; and

(F) in paragraph (6) (as so redesignated) by striking “section 133(d)(3)” and inserting “section 133(d)(1)(A)(i)”;

(3) by striking subsection (e) and inserting the following:

“(e) FORMS OF ASSISTANCE FROM STATE INFRASTRUCTURE BANKS.—

“(1) IN GENERAL.—A State infrastructure bank established under this section may—

“(A) with funds deposited into the highway account, transit account, or rail account of the bank, make loans or provide other forms of credit assistance to a public or private entity to carry out a project eligible for assistance under this section; and

“(B) with funds deposited into the rural projects fund, make loans to a public or private entity to carry out a rural infrastructure project.

“(2) SUBORDINATION OF LOAN.—The amount of a loan or other form of credit assistance provided for a project described in paragraph (1) may be subordinated to any other debt financing for the project.

“(3) MAXIMUM AMOUNT OF ASSISTANCE.—A State infrastructure bank established under this section may—

“(A) with funds deposited into the highway account, transit account, or rail account of the bank, make loans or provide other forms of credit assistance to a public or private entity in an amount up to 100 percent of the cost of carrying out a project eligible for assistance under this section; and

“(B) with funds deposited into the rural projects fund, make loans to a public or private entity in an amount not to exceed 80 percent of the cost of carrying out a rural infrastructure project.

“(4) INITIAL ASSISTANCE.—Initial assistance provided with respect to a project from Federal funds deposited into a State infrastructure bank under this section may not be made in the form of a grant.”;

(4) in subsection (g)—

(A) in paragraph (1) by striking “each account” and inserting “the highway account, the transit account, and the rail account”; and

(B) in paragraph (4) by inserting “, except that any loan funded from the rural projects fund of the bank shall bear interest at or below the interest rate charged for the TIFIA loan provided to the bank under section 603” after “feasible”; and

(5) in subsection (k) by striking “fiscal years 2005 through 2009” and inserting “fiscal years 2016 through 2020”.

SEC. 2002. AVAILABILITY PAYMENT CONCESSION MODEL.

(a) PAYMENT TO STATES FOR CONSTRUCTION.—Section 121(a) of title 23, United States Code, is amended by inserting “(including payments made pursuant to a long-term concession agreement, such as availability payments)” after “a project”.

(b) PROJECT APPROVAL AND OVERSIGHT.—Section 106(b)(1) of title 23, United States Code, is amended by inserting “(including payments made pursuant to a long-term concession agreement, such as availability payments)” after “construction of the project”.

TITLE III—PUBLIC TRANSPORTATION

Federal Public
Transportation
Act of 2015.
49 USC 5101
note.

SEC. 3001. SHORT TITLE.

This title may be cited as the “Federal Public Transportation Act of 2015”.

SEC. 3002. DEFINITIONS.

Section 5302 of title 49, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (C) by inserting “functional” before “landscaping and”; and

(B) in subparagraph (E) by striking “bicycle storage facilities and installing equipment” and inserting “bicycle storage shelters and parking facilities and the installation of equipment”;

(2) in paragraph (3)—

(A) by striking subparagraph (F) and inserting the following:

“(F) leasing equipment or a facility for use in public transportation;”;

(B) in subparagraph (G)—

(i) in clause (iv) by adding “and” at the end;

(ii) in clause (v) by striking “and” at the end;

and

(iii) by striking clause (vi);

(C) by striking subparagraph (I) and inserting the following:

“(I) the provision of nonfixed route paratransit transportation services in accordance with section 223 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12143), but only for grant recipients that are in compliance with applicable requirements of that Act, including both fixed route and demand responsive service, and only for amounts—

“(i) not to exceed 10 percent of such recipient’s annual formula apportionment under sections 5307 and 5311; or

“(ii) not to exceed 20 percent of such recipient’s annual formula apportionment under sections 5307 and

5311, if, consistent with guidance issued by the Secretary, the recipient demonstrates that the recipient meets at least 2 of the following requirements:

“(I) Provides an active fixed route travel training program that is available for riders with disabilities.

“(II) Provides that all fixed route and paratransit operators participate in a passenger safety, disability awareness, and sensitivity training class on at least a biennial basis.

“(III) Has memoranda of understanding in place with employers and the American Job Center to increase access to employment opportunities for people with disabilities.”;

(D) in subparagraph (K) by striking “or” at the end;

(E) in subparagraph (L) by striking the period at the end and inserting a semicolon; and

(F) by adding at the end the following:

“(M) associated transit improvements; or

“(N) technological changes or innovations to modify low or no emission vehicles (as defined in section 5339(c)) or facilities.”; and

(3) by adding at the end the following:

“(24) VALUE CAPTURE.—The term ‘value capture’ means recovering the increased property value to property located near public transportation resulting from investments in public transportation.”.

SEC. 3003. METROPOLITAN AND STATEWIDE TRANSPORTATION PLANNING.

(a) IN GENERAL.—Section 5303 of title 49, United States Code, is amended—

(1) in subsection (a)(1) by inserting “resilient” after “development of”;

(2) in subsection (c)(2) by striking “and bicycle transportation facilities” and inserting “, bicycle transportation facilities, and intermodal facilities that support intercity transportation, including intercity buses and intercity bus facilities and commuter vanpool providers”;

(3) in subsection (d)—

(A) by redesignating paragraphs (3) through (6) as paragraphs (4) through (7), respectively;

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

“(3) REPRESENTATION.—

“(A) IN GENERAL.—Designation or selection of officials or representatives under paragraph (2) shall be determined by the metropolitan planning organization according to the bylaws or enabling statute of the organization.

“(B) PUBLIC TRANSPORTATION REPRESENTATIVE.—Subject to the bylaws or enabling statute of the metropolitan planning organization, a representative of a provider of public transportation may also serve as a representative of a local municipality.

“(C) POWERS OF CERTAIN OFFICIALS.—An official described in paragraph (2)(B) shall have responsibilities, actions, duties, voting rights, and any other authority

commensurate with other officials described in paragraph (2).”; and

(C) in paragraph (5), as so redesignated, by striking “paragraph (5)” and inserting “paragraph (6)”;

(4) in subsection (e)(4)(B) by striking “subsection (d)(5)” and inserting “subsection (d)(6)”;

(5) in subsection (g)(3)(A) by inserting “tourism, natural disaster risk reduction,” after “economic development,”;

(6) in subsection (h)(1)—

(A) in subparagraph (G) by striking “and” at the end;

(B) in subparagraph (H) by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(I) improve the resiliency and reliability of the transportation system.”;

(7) in subsection (i)—

(A) in paragraph (2)—

(i) in subparagraph (A)(i) by striking “transit” and inserting “public transportation facilities, intercity bus facilities”;

(ii) in subparagraph (G)—

(I) by striking “and provide” and inserting “, provide”; and

(II) by inserting before the period at the end the following: “, and reduce the vulnerability of the existing transportation infrastructure to natural disasters”; and

(iii) in subparagraph (H) by inserting before the period at the end the following: “, including consideration of the role that intercity buses may play in reducing congestion, pollution, and energy consumption in a cost-effective manner and strategies and investments that preserve and enhance intercity bus systems, including systems that are privately owned and operated”;

(B) in paragraph (6)(A)—

(i) by inserting “public ports,” before “freight shippers,”; and

(ii) by inserting “(including intercity bus operators, employer-based commuting programs, such as a carpool program, vanpool program, transit benefit program, parking cash-out program, shuttle program, or telework program)” after “private providers of transportation”; and

(C) in paragraph (8) by striking “paragraph (2)(C)” each place it appears and inserting “paragraph (2)(E)”;

(8) in subsection (k)(3)—

(A) in subparagraph (A) by inserting “(including intercity bus operators, employer-based commuting programs, such as a carpool program, vanpool program, transit benefit program, parking cash-out program, shuttle program, or telework program), job access projects,” after “reduction”; and

(B) by adding at the end the following:

“(C) CONGESTION MANAGEMENT PLAN.—A metropolitan planning organization serving a transportation management area may develop a plan that includes projects and

strategies that will be considered in the TIP of such metropolitan planning organization. Such plan shall—

“(i) develop regional goals to reduce vehicle miles traveled during peak commuting hours and improve transportation connections between areas with high job concentration and areas with high concentrations of low-income households;

“(ii) identify existing public transportation services, employer-based commuter programs, and other existing transportation services that support access to jobs in the region; and

“(iii) identify proposed projects and programs to reduce congestion and increase job access opportunities.

“(D) PARTICIPATION.—In developing the plan under subparagraph (C), a metropolitan planning organization shall consult with employers, private and non-profit providers of public transportation, transportation management organizations, and organizations that provide job access reverse commute projects or job-related services to low-income individuals.”;

(9) in subsection (1)—

(A) by adding a period at the end of paragraph (1); and

(B) in paragraph (2)(D) by striking “of less than 200,000” and inserting “with a population of 200,000 or less”;

(10) in subsection (p) by striking “Funds set aside under section 104(f)” and inserting “Funds apportioned under section 104(b)(5)”; and

(11) by adding at the end the following:

“(r) BI-STATE METROPOLITAN PLANNING ORGANIZATION.—

“(1) DEFINITION OF BI-STATE MPO REGION.—In this subsection, the term ‘Bi-State Metropolitan Planning Organization’ has the meaning given the term ‘region’ in subsection (a) of Article II of the Lake Tahoe Regional Planning Compact (Public Law 96-551; 94 Stat. 3234).

“(2) TREATMENT.—For the purpose of this title, the Bi-State Metropolitan Planning Organization shall be treated as—

“(A) a metropolitan planning organization;

“(B) a transportation management area under subsection (k); and

“(C) an urbanized area, which is comprised of a population of 145,000 in the State of California and a population of 65,000 in the State of Nevada.”.

(b) STATEWIDE AND NONMETROPOLITAN TRANSPORTATION PLANNING.—Section 5304 of title 49, United States Code, is amended—

(1) in subsection (a)(2) by striking “and bicycle transportation facilities” and inserting “, bicycle transportation facilities, and intermodal facilities that support intercity transportation, including intercity buses and intercity bus facilities and commuter vanpool providers”;

(2) in subsection (d)—

(A) in paragraph (1)—

(i) in subparagraph (G) by striking “and” at the end;

- (ii) in subparagraph (H) by striking the period at the end and inserting “; and”; and
- (iii) by adding at the end the following:
 - “(I) improve the resiliency and reliability of the transportation system.”; and
- (B) in paragraph (2)—
 - (i) in subparagraph (B)(ii) by striking “urbanized”; and
 - (ii) in subparagraph (C) by striking “urbanized”; and
- (3) in subsection (f)(3)(A)(ii)—
 - (A) by inserting “public ports,” before “freight shippers,”; and
 - (B) by inserting “(including intercity bus operators, employer-based commuting programs, such as a carpool program, vanpool program, transit benefit program, parking cash-out program, shuttle program, or telework program)” after “private providers of transportation”.

SEC. 3004. URBANIZED AREA FORMULA GRANTS.

Section 5307 of title 49, United States Code, is amended—

- (1) in subsection (a)—
 - (A) in paragraph (2) by inserting “or demand response service, excluding ADA complementary paratransit service,” before “during” each place it appears; and
 - (B) by adding at the end the following:
 - “(3) EXCEPTION TO THE SPECIAL RULE.—Notwithstanding paragraph (2), if a public transportation system described in such paragraph executes a written agreement with 1 or more other public transportation systems within the urbanized area to allocate funds for the purposes described in the paragraph by a method other than by measuring vehicle revenue hours, each public transportation system that is a party to the written agreement may follow the terms of the written agreement without regard to measured vehicle revenue hours referred to in the paragraph.”; and
- (2) in subsection (c)(1)—
 - (A) in subparagraph (C), by inserting “in accordance with the recipient’s transit asset management plan” after “equipment and facilities”; and
 - (B) in subparagraph (K), by striking “Census—” and all that follows through clause (ii) and inserting the following: “Census, will submit an annual report listing projects carried out in the preceding fiscal year under this section for associated transit improvements as defined in section 5302; and”.

SEC. 3005. FIXED GUIDEWAY CAPITAL INVESTMENT GRANTS.

(a) IN GENERAL.—Section 5309 of title 49, United States Code, is amended—

- (1) in subsection (a)—
 - (A) in paragraph (3), by striking “and weekend days”; and
 - (B) in paragraph (6)—
 - (i) in subparagraph (A) by inserting “, small start projects,” after “new fixed guideway capital projects”; and
 - (ii) by striking subparagraph (B) and inserting the following:

“(B) 2 or more projects that are any combination of new fixed guideway capital projects, small start projects, and core capacity improvement projects.”; and

(C) in paragraph (7)—

(i) in subparagraph (A), by striking “\$75,000,000” and inserting “\$100,000,000”; and

(ii) in subparagraph (B), by striking “\$250,000,000” and inserting “\$300,000,000”;

(2) in subsection (d)—

(A) in paragraph (1)(B) by striking “, policies and land use patterns that promote public transportation,”; and

(B) in paragraph (2)(A)—

(i) in clause (iii) by adding “and” after the semicolon;

(ii) by striking clause (iv); and

(iii) by redesignating clause (v) as clause (iv);

(3) in subsection (g)(2)(A)(i) by striking “the policies and land use patterns that support public transportation,”;

(4) in subsection (h)(6)—

(A) by striking “In carrying out” and inserting the following:

“(A) IN GENERAL.—In carrying out”; and

(B) by adding at the end the following:

“(B) OPTIONAL EARLY RATING.—At the request of the project sponsor, the Secretary shall evaluate and rate the project in accordance with paragraphs (4) and (5) and subparagraph (A) of this paragraph upon completion of the analysis required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).”;

(5) in subsection (i)—

(A) in paragraph (1) by striking “subsection (d) or (e)” and inserting “subsection (d), (e), or (h)”;

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A) by inserting “new fixed guideway capital project or core capacity improvement” after “federally funded”;

(ii) by striking subparagraph (D) and inserting the following:

“(D) the program of interrelated projects, when evaluated as a whole—

“(i) meets the requirements of subsection (d)(2), subsection (e)(2), or paragraphs (3) and (4) of subsection (h), as applicable, if the program is comprised entirely of—

“(I) new fixed guideway capital projects;

“(II) core capacity improvement projects; or

“(III) small start projects; or

“(ii) meets the requirements of subsection (d)(2) if the program is comprised of any combination of new fixed guideway capital projects, small start projects, and core capacity improvement projects;”;

(iii) in subparagraph (F), by inserting “or subsection (h)(5), as applicable” after “subsection (f)”;

(C) by striking paragraph (3)(A) and inserting the following:

“(A) PROJECT ADVANCEMENT.—A project receiving a grant under this section that is part of a program of interrelated projects may not advance—

“(i) in the case of a small start project, from the project development phase to the construction phase unless the Secretary determines that the program of interrelated projects meets the applicable requirements of this section and there is a reasonable likelihood that the program will continue to meet such requirements; or

“(ii) in the case of a new fixed guideway capital project or a core capacity improvement project, from the project development phase to the engineering phase, or from the engineering phase to the construction phase, unless the Secretary determines that the program of interrelated projects meets the applicable requirements of this section and there is a reasonable likelihood that the program will continue to meet such requirements.”;

(6) in subsection (1)—

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

“(1) IN GENERAL.—

“(A) ESTIMATION OF NET CAPITAL PROJECT COST.—Based on engineering studies, studies of economic feasibility, and information on the expected use of equipment or facilities, the Secretary shall estimate the net capital project cost.

“(B) GRANTS.—

“(i) GRANT FOR NEW FIXED GUIDEWAY CAPITAL PROJECT.—A grant for a new fixed guideway capital project shall not exceed 80 percent of the net capital project cost.

“(ii) FULL FUNDING GRANT AGREEMENT FOR NEW FIXED GUIDEWAY CAPITAL PROJECT.—A full funding grant agreement for a new fixed guideway capital project shall not include a share of more than 60 percent from the funds made available under this section.

“(iii) GRANT FOR CORE CAPACITY IMPROVEMENT PROJECT.—A grant for a core capacity improvement project shall not exceed 80 percent of the net capital project cost of the incremental cost to increase the capacity in the corridor.

“(iv) GRANT FOR SMALL START PROJECT.—A grant for a small start project shall not exceed 80 percent of the net capital project costs.”; and

(B) by striking paragraph (4) and inserting the following:

“(4) REMAINING COSTS.—The remainder of the net capital project costs shall be provided—

“(A) in cash from non-Government sources;

“(B) from revenues from the sale of advertising and concessions; or

“(C) from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, or new capital.”;

(7) by striking subsection (n) and inserting the following:

“(n) AVAILABILITY OF AMOUNTS.—

“(1) IN GENERAL.—An amount made available or appropriated for a new fixed guideway capital project or core capacity improvement project shall remain available to that project for 4 fiscal years, including the fiscal year in which the amount is made available or appropriated. Any amounts that are unobligated to the project at the end of the 4-fiscal-year period may be used by the Secretary for any purpose under this section.

“(2) USE OF DEOBLIGATED AMOUNTS.—An amount available under this section that is deobligated may be used for any purpose under this section.”; and

(8) by adding at the end the following:

“(p) SPECIAL RULE.—For the purposes of calculating the cost effectiveness of a project described in subsection (d) or (e), the Secretary shall not reduce or eliminate the capital costs of art and non-functional landscaping elements from the annualized capital cost calculation.

“(q) JOINT PUBLIC TRANSPORTATION AND INTERCITY PASSENGER RAIL PROJECTS.—

“(1) IN GENERAL.—The Secretary may make grants for new fixed guideway capital projects and core capacity improvement projects that provide both public transportation and intercity passenger rail service.

“(2) ELIGIBLE COSTS.—Eligible costs for a project under this subsection shall be limited to the net capital costs of the public transportation costs attributable to the project based on projected use of the new segment or expanded capacity of the project corridor, not including project elements designed to achieve or maintain a state of good repair, as determined by the Secretary under paragraph (4).

“(3) PROJECT JUSTIFICATION AND LOCAL FINANCIAL COMMITMENT.—A project under this subsection shall be evaluated for project justification and local financial commitment under subsections (d), (e), (f), and (h), as applicable to the project, based on—

“(A) the net capital costs of the public transportation costs attributable to the project as determined under paragraph (4); and

“(B) the share of funds dedicated to the project from sources other than this section included in the unified finance plan for the project.

“(4) CALCULATION OF NET CAPITAL PROJECT COST.—The Secretary shall estimate the net capital costs of a project under this subsection based on—

“(A) engineering studies;

“(B) studies of economic feasibility;

“(C) the expected use of equipment or facilities; and

“(D) the public transportation costs attributable to the project.

“(5) GOVERNMENT SHARE OF NET CAPITAL PROJECT COST.—

“(A) GOVERNMENT SHARE.—The Government share shall not exceed 80 percent of the net capital cost attributable to the public transportation costs of a project under this subsection as determined under paragraph (4).

“(B) NON-GOVERNMENT SHARE.—The remainder of the net capital cost attributable to the public transportation costs of a project under this subsection shall be provided

from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, or new capital.”.

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note.

(b) EXPEDITED PROJECT DELIVERY FOR CAPITAL INVESTMENT GRANTS PILOT PROGRAM.—

(1) DEFINITIONS.—In this subsection, the following definitions shall apply:

(A) APPLICANT.—The term “applicant” means a State or local governmental authority that applies for a grant under this subsection.

(B) CAPITAL PROJECT; FIXED GUIDEWAY; LOCAL GOVERNMENTAL AUTHORITY; PUBLIC TRANSPORTATION; STATE; STATE OF GOOD REPAIR.—The terms “capital project”, “fixed guideway”, “local governmental authority”, “public transportation”, “State”, and “state of good repair” have the meanings given those terms in section 5302 of title 49, United States Code.

(C) CORE CAPACITY IMPROVEMENT PROJECT.—The term “core capacity improvement project”—

(i) means a substantial corridor-based capital investment in an existing fixed guideway system that increases the capacity of a corridor by not less than 10 percent; and

(ii) may include project elements designed to aid the existing fixed guideway system in making substantial progress towards achieving a state of good repair.

(D) CORRIDOR-BASED BUS RAPID TRANSIT PROJECT.—The term “corridor-based bus rapid transit project” means a small start project utilizing buses in which the project represents a substantial investment in a defined corridor as demonstrated by features that emulate the services provided by rail fixed guideway public transportation systems—

(i) including—

(I) defined stations;

(II) traffic signal priority for public transportation vehicles;

(III) short headway bidirectional services for a substantial part of weekdays; and

(IV) any other features the Secretary may determine support a long-term corridor investment; and

(ii) the majority of which does not operate in a separated right-of-way dedicated for public transportation use during peak periods.

(E) ELIGIBLE PROJECT.—The term “eligible project” means a new fixed guideway capital project, a small start project, or a core capacity improvement project that has not entered into a full funding grant agreement with the Federal Transit Administration before the date of enactment of this Act.

(F) FIXED GUIDEWAY BUS RAPID TRANSIT PROJECT.—The term “fixed guideway bus rapid transit project” means a bus capital project—

(i) in which the majority of the project operates in a separated right-of-way dedicated for public transportation use during peak periods;

(ii) that represents a substantial investment in a single route in a defined corridor or subarea; and
 (iii) that includes features that emulate the services provided by rail fixed guideway public transportation systems, including—

- (I) defined stations;
- (II) traffic signal priority for public transportation vehicles;
- (III) short headway bidirectional services for a substantial part of weekdays and weekend days; and
- (IV) any other features the Secretary may determine are necessary to produce high-quality public transportation services that emulate the services provided by rail fixed guideway public transportation systems.

(G) **NEW FIXED GUIDEWAY CAPITAL PROJECT.**—The term “new fixed guideway capital project” means—

- (i) a fixed guideway capital project that is a minimum operable segment or extension to an existing fixed guideway system; or
- (ii) a fixed guideway bus rapid transit project that is a minimum operable segment or an extension to an existing bus rapid transit system.

(H) **RECIPIENT.**—The term “recipient” means a recipient of funding under chapter 53 of title 49, United States Code.

(I) **SMALL START PROJECT.**—The term “small start project” means a new fixed guideway capital project, a fixed guideway bus rapid transit project, or a corridor-based bus rapid transit project for which—

- (i) the Federal assistance provided or to be provided under this subsection is less than \$75,000,000; and
- (ii) the total estimated net capital cost is less than \$300,000,000.

(2) **GENERAL AUTHORITY.**—The Secretary may make grants under this subsection to States and local governmental authorities to assist in financing—

(A) new fixed guideway capital projects or small start projects, including the acquisition of real property, the initial acquisition of rolling stock for the system, the acquisition of rights-of-way, and relocation, for projects in the advanced stages of planning and design; and

(B) core capacity improvement projects, including the acquisition of real property, the acquisition of rights-of-way, double tracking, signalization improvements, electrification, expanding system platforms, acquisition of rolling stock associated with corridor improvements increasing capacity, construction of infill stations, and such other capacity improvement projects as the Secretary determines are appropriate to increase the capacity of an existing fixed guideway system corridor by not less than 10 percent. Core capacity improvement projects do not include elements to improve general station facilities or parking, or acquisition of rolling stock alone.

(3) **GRANT REQUIREMENTS.**—

(A) IN GENERAL.—The Secretary may make not more than 8 grants under this subsection for eligible projects if the Secretary determines that—

(i) the eligible project is part of an approved transportation plan required under sections 5303 and 5304 of title 49, United States Code;

(ii) the applicant has, or will have—

(I) the legal, financial, and technical capacity to carry out the eligible project, including the safety and security aspects of the eligible project;

(II) satisfactory continuing control over the use of the equipment or facilities;

(III) the technical and financial capacity to maintain new and existing equipment and facilities; and

(IV) advisors providing guidance to the applicant on the terms and structure of the project that are independent from investors in the project;

(iii) the eligible project is supported, or will be supported, in part, through a public-private partnership, provided such support is determined by local policies, criteria, and decisionmaking under section 5306(a) of title 49, United States Code;

(iv) the eligible project is justified based on findings presented by the project sponsor to the Secretary, including—

(I) mobility improvements attributable to the project;

(II) environmental benefits associated with the project;

(III) congestion relief associated with the project;

(IV) economic development effects derived as a result of the project; and

(V) estimated ridership projections;

(v) the eligible project is supported by an acceptable degree of local financial commitment (including evidence of stable and dependable financing sources); and

(vi) the eligible project will be operated and maintained by employees of an existing provider of fixed guideway or bus rapid transit public transportation in the service area of the project, or if none exists, by employees of an existing public transportation provider in the service area.

(B) CERTIFICATION.—An applicant that has submitted the certifications required under subparagraphs (A), (B), (C), and (H) of section 5307(c)(1) of title 49, United States Code, shall be deemed to have provided sufficient information upon which the Secretary may make the determinations required under this paragraph.

(C) TECHNICAL CAPACITY.—The Secretary shall use an expedited technical capacity review process for applicants that have recently and successfully completed not less than 1 new fixed guideway capital project, small start project, or core capacity improvement project, if—

(i) the applicant achieved budget, cost, and ridership outcomes for the project that are consistent with or better than projections; and

(ii) the applicant demonstrates that the applicant continues to have the staff expertise and other resources necessary to implement a new project.

(D) FINANCIAL COMMITMENT.—

(i) REQUIREMENTS.—In determining whether an eligible project is supported by an acceptable degree of local financial commitment and shows evidence of stable and dependable financing sources for purposes of subparagraph (A)(v), the Secretary shall require that—

(I) each proposed source of capital and operating financing is stable, reliable, and available within the proposed eligible project timetable; and

(II) resources are available to recapitalize, maintain, and operate the overall existing and proposed public transportation system, including essential feeder bus and other services necessary, without degradation to the existing level of public transportation services.

(ii) CONSIDERATIONS.—In assessing the stability, reliability, and availability of proposed sources of financing under clause (i), the Secretary shall consider—

(I) the reliability of the forecasting methods used to estimate costs and revenues made by the applicant and the contractors to the applicant;

(II) existing grant commitments;

(III) the degree to which financing sources are dedicated to the proposed eligible project;

(IV) any debt obligation that exists or is proposed by the applicant, for the proposed eligible project or other public transportation purpose; and

(V) private contributions to the eligible project, including cost-effective project delivery, management or transfer of project risks, expedited project schedule, financial partnering, and other public-private partnership strategies.

(E) LABOR STANDARDS.—The requirements under section 5333 of title 49, United States Code, shall apply to each recipient of a grant under this subsection.

(4) PROJECT ADVANCEMENT.—An applicant that desires a grant under this subsection and meets the requirements of paragraph (3) shall submit to the Secretary, and the Secretary shall approve for advancement, a grant request that contains—

(A) identification of an eligible project;

(B) a schedule and finance plan for the construction and operation of the eligible project;

(C) an analysis of the efficiencies of the proposed eligible project development and delivery methods and innovative financing arrangement for the eligible project, including any documents related to the—

(i) public-private partnership required under paragraph (3)(A)(iii); and

(ii) project justification required under paragraph (3)(A)(iv); and

(D) a certification that the existing public transportation system of the applicant or, in the event that the applicant does not operate a public transportation system, the public transportation system to which the proposed project will be attached, is in a state of good repair.

(5) WRITTEN NOTICE FROM THE SECRETARY.—

(A) IN GENERAL.—Not later than 120 days after the date on which the Secretary receives a grant request of an applicant under paragraph (4), the Secretary shall provide written notice to the applicant—

(i) of approval of the grant request; or

(ii) if the grant request does not meet the requirements under paragraph (4), of disapproval of the grant request, including a detailed explanation of the reasons for the disapproval.

(B) CONCURRENT NOTICE.—The Secretary shall provide concurrent notice of an approval or disapproval of a grant request under subparagraph (A) to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(6) WAIVER.—The Secretary may grant a waiver to an applicant that does not comply with paragraph (4)(D) if—

(A) the eligible project meets the definition of a core capacity improvement project; and

(B) the Secretary certifies that the eligible project will allow the applicant to make substantial progress in achieving a state of good repair.

(7) SELECTION CRITERIA.—The Secretary may enter into a full funding grant agreement with an applicant under this subsection for an eligible project for which an application has been submitted and approved for advancement by the Secretary under paragraph (4), only if the applicant has completed the planning and activities required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(8) LETTERS OF INTENT AND FULL FUNDING GRANT AGREEMENTS.—

(A) LETTERS OF INTENT.—

(i) AMOUNTS INTENDED TO BE OBLIGATED.—The Secretary may issue a letter of intent to an applicant announcing an intention to obligate, for an eligible project under this subsection, an amount from future available budget authority specified in law that is not more than the amount stipulated as the financial participation of the Secretary in the eligible project. When a letter is issued for an eligible project under this subsection, the amount shall be sufficient to complete at least an operable segment.

(ii) TREATMENT.—The issuance of a letter under clause (i) is deemed not to be an obligation under section 1108(c), 1501, or 1502(a) of title 31, United States Code, or an administrative commitment.

(B) FULL FUNDING GRANT AGREEMENTS.—

(i) IN GENERAL.—Except as provided in clause (v), an eligible project shall be carried out under this subsection through a full funding grant agreement.

(ii) CRITERIA.—The Secretary shall enter into a full funding grant agreement, based on the requirements of this subparagraph, with each applicant receiving assistance for an eligible project that has received a written notice of approval under paragraph (5)(A)(i).

(iii) TERMS.—A full funding grant agreement shall—

(I) establish the terms of participation by the Federal Government in the eligible project;

(II) establish the maximum amount of Federal financial assistance for the eligible project;

(III) include the period of time for completing construction of the eligible project, consistent with the terms of the public-private partnership agreement, even if that period extends beyond the period of an authorization; and

(IV) make timely and efficient management of the eligible project easier according to the law of the United States.

(iv) SPECIAL FINANCIAL RULES.—

(I) IN GENERAL.—A full funding grant agreement under this subparagraph obligates an amount of available budget authority specified in law and may include a commitment, contingent on amounts to be specified in law in advance for commitments under this subparagraph, to obligate an additional amount from future available budget authority specified in law.

(II) STATEMENT OF CONTINGENT COMMITMENT.—A full funding grant agreement shall state that the contingent commitment is not an obligation of the Federal Government.

(III) INTEREST AND OTHER FINANCING COSTS.—Interest and other financing costs of efficiently carrying out a part of the eligible project within a reasonable time are a cost of carrying out the eligible project under a full funding grant agreement, except that eligible costs may not be more than the cost of the most favorable financing terms reasonably available for the eligible project at the time of borrowing. The applicant shall certify, in a way satisfactory to the Secretary, that the applicant has shown reasonable diligence in seeking the most favorable financing terms.

(IV) COMPLETION OF OPERABLE SEGMENT.—The amount stipulated in an agreement under this subparagraph for a new fixed guideway capital project, core capacity improvement project, or small start project shall be sufficient to complete at least an operable segment.

(v) EXCEPTION.—

(I) IN GENERAL.—The Secretary, to the maximum extent practicable, shall provide Federal

assistance under this subsection for a small start project in a single grant. If the Secretary cannot provide such a single grant, the Secretary may execute an expedited grant agreement in order to include a commitment on the part of the Secretary to provide funding for the project in future fiscal years.

(II) TERMS OF EXPEDITED GRANT AGREEMENTS.—In executing an expedited grant agreement under this clause, the Secretary may include in the agreement terms similar to those established under clause (iii).

(C) LIMITATION ON AMOUNTS.—

(i) IN GENERAL.—The Secretary may enter into full funding grant agreements under this paragraph for eligible projects that contain contingent commitments to incur obligations in such amounts as the Secretary determines are appropriate.

(ii) APPROPRIATION REQUIRED.—An obligation may be made under this paragraph only when amounts are appropriated for obligation.

(D) NOTIFICATION TO CONGRESS.—

(i) IN GENERAL.—Not later than 30 days before the date on which the Secretary issues a letter of intent or enters into a full funding grant agreement for an eligible project under this paragraph, the Secretary shall notify, in writing, the Committee on Banking, Housing, and Urban Affairs and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives of the proposed letter of intent or full funding grant agreement.

(ii) CONTENTS.—The written notification under clause (i) shall include a copy of the proposed letter of intent or full funding grant agreement for the eligible project.

(9) GOVERNMENT SHARE OF NET CAPITAL PROJECT COST.—

(A) IN GENERAL.—A grant for an eligible project shall not exceed 25 percent of the net capital project cost.

(B) REMAINDER OF NET CAPITAL PROJECT COST.—The remainder of the net capital project cost shall be provided from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, or new capital.

(C) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection shall be construed as authorizing the Secretary to require a non-Federal financial commitment for a project that is more than 75 percent of the net capital project cost.

(D) SPECIAL RULE FOR ROLLING STOCK COSTS.—In addition to amounts allowed pursuant to subparagraph (A), a planned extension to a fixed guideway system may include the cost of rolling stock previously purchased if the applicant satisfies the Secretary that only amounts other than amounts provided by the Federal Government were used and that the purchase was made for use on the extension. A refund or reduction of the remainder may

be made only if a refund of a proportional amount of the grant of the Federal Government is made at the same time.

(E) FAILURE TO CARRY OUT PROJECT.—If an applicant does not carry out an eligible project for reasons within the control of the applicant, the applicant shall repay all Federal funds awarded for the eligible project from all Federal funding sources, for all eligible project activities, facilities, and equipment, plus reasonable interest and penalty charges allowable by law.

(F) CREDITING OF FUNDS RECEIVED.—Any funds received by the Federal Government under this paragraph, other than interest and penalty charges, shall be credited to the appropriation account from which the funds were originally derived.

(10) AVAILABILITY OF AMOUNTS.—

(A) IN GENERAL.—An amount made available for an eligible project shall remain available to that eligible project for 4 fiscal years, including the fiscal year in which the amount is made available. Any amounts that are unobligated to the eligible project at the end of the 4-fiscal-year period may be used by the Secretary for any purpose under this subsection.

(B) USE OF DEOBLIGATED AMOUNTS.—An amount available under this subsection that is deobligated may be used for any purpose under this subsection.

(11) ANNUAL REPORT ON EXPEDITED PROJECT DELIVERY FOR CAPITAL INVESTMENT GRANTS.—Not later than the first Monday in February of each year, the Secretary shall submit to the Committee on Banking, Housing, and Urban Affairs and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives a report that includes a proposed amount to be available to finance grants for anticipated projects under this subsection.

(12) BEFORE AND AFTER STUDY AND REPORT.—

(A) STUDY REQUIRED.—Each recipient shall conduct a study that—

(i) describes and analyzes the impacts of the eligible project on public transportation services and public transportation ridership;

(ii) describes and analyzes the consistency of predicted and actual benefits and costs of the innovative project development and delivery methods or innovative financing for the eligible project; and

(iii) identifies reasons for any differences between predicted and actual outcomes for the eligible project.

(B) SUBMISSION OF REPORT.—Not later than 2 years after an eligible project that is selected under this subsection begins revenue operations, the recipient shall submit to the Secretary a report on the results of the study conducted under subparagraph (A).

(13) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to—

(A) require the privatization of the operation or maintenance of any project for which an applicant seeks funding under this subsection;

(B) revise the determinations by local policies, criteria, and decisionmaking under section 5306(a) of title 49, United States Code;

(C) alter the requirements for locally developed, coordinated, and implemented transportation plans under sections 5303 and 5304 of title 49, United States Code; or

(D) alter the eligibilities or priorities for assistance under this subsection or section 5309 of title 49, United States Code.

SEC. 3006. ENHANCED MOBILITY OF SENIORS AND INDIVIDUALS WITH DISABILITIES.

(a) **IN GENERAL.**—Section 5310 of title 49, United States Code, is amended—

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

“(1) **RECIPIENT.**—The term ‘recipient’ means—

“(A) a designated recipient or a State that receives a grant under this section directly; or

“(B) a State or local governmental entity that operates a public transportation service.”; and

(2) by adding at the end the following:

“(i) **BEST PRACTICES.**—The Secretary shall collect from, review, and disseminate to public transportation agencies—

“(1) innovative practices;

“(2) program models;

“(3) new service delivery options;

“(4) findings from activities under subsection (h); and

“(5) transit cooperative research program reports.”.

(b) **PILOT PROGRAM FOR INNOVATIVE COORDINATED ACCESS AND MOBILITY.**—

(1) **DEFINITIONS.**—In this subsection—

(A) the term “eligible project” has the meaning given the term “capital project” in section 5302 of title 49, United States Code; and

(B) the term “eligible recipient” means a recipient or subrecipient, as those terms are defined in section 5310 of title 49, United States Code.

(2) **GENERAL AUTHORITY.**—The Secretary may make grants under this subsection to eligible recipients to assist in financing innovative projects for the transportation disadvantaged that improve the coordination of transportation services and non-emergency medical transportation services, including—

(A) the deployment of coordination technology;

(B) projects that create or increase access to community One-Call/One-Click Centers; and

(C) such other projects as determined appropriate by the Secretary.

(3) **APPLICATION.**—An eligible recipient shall submit to the Secretary an application that, at a minimum, contains—

(A) a detailed description of the eligible project;

(B) an identification of all eligible project partners and their specific role in the eligible project, including—

(i) private entities engaged in the coordination of nonemergency medical transportation services for the transportation disadvantaged; or

(ii) nonprofit entities engaged in the coordination of nonemergency medical transportation services for the transportation disadvantaged;

(C) a description of how the eligible project would—
 (i) improve local coordination or access to coordinated transportation services;

(ii) reduce duplication of service, if applicable; and

(iii) provide innovative solutions in the State or community; and

(D) specific performance measures the eligible project will use to quantify actual outcomes against expected outcomes.

(4) REPORT.—The Secretary shall make publicly available an annual report on the pilot program carried out under this subsection for each fiscal year, not later than December 31 of the calendar year in which that fiscal year ends. The report shall include a detailed description of the activities carried out under the pilot program, and an evaluation of the program, including an evaluation of the performance measures described in paragraph (3)(D).

(5) GOVERNMENT SHARE OF COSTS.—

(A) IN GENERAL.—The Government share of the cost of an eligible project carried out under this subsection shall not exceed 80 percent.

(B) NON-GOVERNMENT SHARE.—The non-Government share of the cost of an eligible project carried out under this subsection may be derived from in-kind contributions.

(6) RULE OF CONSTRUCTION.—For purposes of this subsection, nonemergency medical transportation services shall be limited to services eligible under Federal programs other than programs authorized under chapter 53 of title 49, United States Code.

(c) COORDINATED MOBILITY.—

(1) DEFINITIONS.—In this subsection, the following definitions apply:

(A) ALLOCATED COST MODEL.—The term “allocated cost model” means a method of determining the cost of trips by allocating the cost to each trip purpose served by a transportation provider in a manner that is proportional to the level of transportation service that the transportation provider delivers for each trip purpose, to the extent permitted by applicable Federal laws.

(B) COUNCIL.—The term “Council” means the Interagency Transportation Coordinating Council on Access and Mobility established under Executive Order No. 13330 (49 U.S.C. 101 note).

(2) STRATEGIC PLAN.—Not later than 1 year after the date of enactment of this Act, the Council shall publish a strategic plan for the Council that—

(A) outlines the role and responsibilities of each Federal agency with respect to local transportation coordination, including nonemergency medical transportation;

(B) identifies a strategy to strengthen interagency collaboration;

(C) addresses any outstanding recommendations made by the Council in the 2005 Report to the President relating

to the implementation of Executive Order No. 13330, including—

(i) a cost-sharing policy endorsed by the Council; and

(ii) recommendations to increase participation by recipients of Federal grants in locally developed, coordinated planning processes;

(D) to the extent feasible, addresses recommendations by the Comptroller General concerning local coordination of transportation services;

(E) examines and proposes changes to Federal regulations that will eliminate Federal barriers to local transportation coordination, including non-emergency medical transportation; and

(F) recommends to Congress changes to Federal laws, including chapter 7 of title 42, United States Code, that will eliminate Federal barriers to local transportation coordination, including nonemergency medical transportation.

(3) DEVELOPMENT OF COST-SHARING POLICY IN COMPLIANCE WITH APPLICABLE FEDERAL LAWS.—In establishing the cost-sharing policy required under paragraph (2), the Council may consider, to the extent practicable—

(A) the development of recommended strategies for grantees of programs funded by members of the Council, including strategies for grantees of programs that fund nonemergency medical transportation, to use the cost-sharing policy in a manner that does not violate applicable Federal laws; and

(B) incorporation of an allocated cost model to facilitate local coordination efforts that comply with applicable requirements of programs funded by members of the Council, such as—

(i) eligibility requirements;

(ii) service delivery requirements; and

(iii) reimbursement requirements.

(4) REPORT.—The Council shall, concurrently with submission to the President of a report containing final recommendations of the Council, transmit such report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

SEC. 3007. FORMULA GRANTS FOR RURAL AREAS.

(a) IN GENERAL.—Section 5311 of title 49, United States Code, is amended—

(1) in subsection (c)(1), by striking subparagraphs (A) and (B) and inserting the following:

“(A) \$5,000,000 for each fiscal year shall be distributed on a competitive basis by the Secretary.

“(B) \$30,000,000 for each fiscal year shall be apportioned as formula grants, as provided in subsection (j).”;

(2) in subsection (g)(3)—

(A) by redesignating subparagraphs (A) through (D) as subparagraphs (C) through (F), respectively;

(B) by inserting before subparagraph (C) (as so redesignated) the following:

“(A) may be provided in cash from non-Government sources;

“(B) may be provided from revenues from the sale of advertising and concessions;”;

(C) in subparagraph (F) (as so redesignated) by inserting “, including all operating and capital costs of such service whether or not offset by revenue from such service,” after “the costs of a private operator for the unsubsidized segment of intercity bus service”; and

(3) in subsection (j)(1)—

(A) in subparagraph (A)(iii), by striking “(as defined by the Bureau of the Census)” and inserting “(American Indian Areas, Alaska Native Areas, and Hawaiian Home Lands, as defined by the Bureau of the Census)”; and

(B) by adding at the end the following:

“(E) ALLOCATION BETWEEN MULTIPLE INDIAN TRIBES.—

If more than 1 Indian tribe provides public transportation service on tribal lands in a single Tribal Statistical Area, and the Indian tribes do not determine how to allocate the funds apportioned under clause (iii) of subparagraph (A) between the Indian tribes, the Secretary shall allocate the funds so that each Indian tribe shall receive an amount equal to the total amount apportioned under such clause (iii) multiplied by the ratio of the number of annual unlinked passenger trips provided by each Indian tribe, as reported to the National Transit Database, to the total unlinked passenger trips provided by all Indian tribes in the Tribal Statistical Area.”.

(b) CONFORMING AMENDMENTS.—Section 5311 of such title is further amended—

(1) in subsection (b) by striking “5338(a)(2)(E)” and inserting “5338(a)(2)(F)”;

(2) in subsection (c)—

(A) in paragraph (1), in the matter preceding subparagraph (A), by striking “5338(a)(2)(E)” and inserting “5338(a)(2)(F)”;

(B) in paragraph (2)(C), by striking “5338(a)(2)(E)” and inserting “5338(a)(2)(F)”;

(C) in paragraph (3)(A), by striking “5338(a)(2)(E)” and inserting “5338(a)(2)(F)”.

SEC. 3008. PUBLIC TRANSPORTATION INNOVATION.

(a) CONSOLIDATION OF PROGRAMS.—Section 5312 of title 49, United States Code, is amended—

(1) by striking the section designation and heading and inserting the following:

“§ 5312. Public transportation innovation”;

(2) by redesignating subsections (a) through (f) as subsections (b) through (g), respectively;

(3) by inserting before subsection (b) (as so redesignated) the following:

“(a) IN GENERAL.—The Secretary shall provide assistance for projects and activities to advance innovative public transportation research and development in accordance with the requirements of this section.”;

(4) in subsection (e) (as so redesignated)—

(A) in paragraph (3)—

(i) in the matter preceding subparagraph (A), by inserting “demonstration, deployment, or evaluation” before “project that”;

(ii) in subparagraph (A), by striking “and” at the end;

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

(iv) by adding at the end the following:

“(C) the deployment of low or no emission vehicles, zero emission vehicles, or associated advanced technology.”;

and
(B) by striking paragraph (5) and inserting the following:

“(5) PROHIBITION.—The Secretary may not make grants under this subsection for the demonstration, deployment, or evaluation of a vehicle that is in revenue service unless the Secretary determines that the project makes significant technological advancements in the vehicle.

“(6) DEFINITIONS.—In this subsection—

“(A) the term ‘direct carbon emissions’ means the quantity of direct greenhouse gas emissions from a vehicle, as determined by the Administrator of the Environmental Protection Agency;

“(B) the term ‘low or no emission vehicle’ means—

“(i) a passenger vehicle used to provide public transportation that the Secretary determines sufficiently reduces energy consumption or harmful emissions, including direct carbon emissions, when compared to a comparable standard vehicle; or

“(ii) a zero emission vehicle used to provide public transportation; and

“(C) the term ‘zero emission vehicle’ means a low or no emission vehicle that produces no carbon or particulate matter.”;

(5) by adding at the end the following:

“(h) LOW OR NO EMISSION VEHICLE COMPONENT ASSESSMENT.—

“(1) DEFINITIONS.—In this subsection—

“(A) the term ‘covered institution of higher education’ means an institution of higher education with which the Secretary enters into a contract or cooperative agreement, or to which the Secretary makes a grant, under paragraph (2)(B) to operate a facility selected under paragraph (2)(A);

“(B) the terms ‘direct carbon emissions’ and ‘low or no emission vehicle’ have the meanings given those terms in subsection (e)(6);

“(C) the term ‘institution of higher education’ has the meaning given the term in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002); and

“(D) the term ‘low or no emission vehicle component’ means an item that is separately installed in and removable from a low or no emission vehicle.

“(2) ASSESSING LOW OR NO EMISSION VEHICLE COMPONENTS.—

“(A) IN GENERAL.—The Secretary shall competitively select at least one facility to conduct testing, evaluation,

and analysis of low or no emission vehicle components intended for use in low or no emission vehicles.

“(B) OPERATION AND MAINTENANCE.—

“(i) IN GENERAL.—The Secretary shall enter into a contract or cooperative agreement with, or make a grant to, at least one institution of higher education to operate and maintain a facility selected under subparagraph (A).

“(ii) REQUIREMENTS.—An institution of higher education described in clause (i) shall have—

“(I) capacity to carry out transportation-related advanced component and vehicle evaluation;

“(II) laboratories capable of testing and evaluation; and

“(III) direct access to or a partnership with a testing facility capable of emulating real-world circumstances in order to test low or no emission vehicle components installed on the intended vehicle.

“(C) FEES.—A covered institution of higher education shall establish and collect fees, which shall be approved by the Secretary, for the assessment of low or no emission vehicle components at the applicable facility selected under subparagraph (A).

“(D) AVAILABILITY OF AMOUNTS TO PAY FOR ASSESSMENT.—The Secretary shall enter into a contract or cooperative agreement with, or make a grant to an institution of higher education under which—

“(i) the Secretary shall pay 50 percent of the cost of assessing a low or no emission vehicle component at the applicable facility selected under subparagraph (A) from amounts made available to carry out this section; and

“(ii) the remaining 50 percent of such cost shall be paid from amounts recovered through the fees established and collected pursuant to subparagraph (C).

“(E) VOLUNTARY TESTING.—A manufacturer of a low or no emission vehicle component is not required to assess the low or no emission vehicle component at a facility selected under subparagraph (A).

“(F) COMPLIANCE WITH SECTION 5318.—Notwithstanding whether a low or no emission vehicle component is assessed at a facility selected under subparagraph (A), each new bus model shall comply with the requirements under section 5318.

“(G) SEPARATE FACILITY.—A facility selected under subparagraph (A) shall be separate and distinct from the facility operated and maintained under section 5318.

“(3) LOW OR NO EMISSION VEHICLE COMPONENT PERFORMANCE REPORTS.—Not later than 2 years after the date of enactment of the Federal Public Transportation Act of 2015, and annually thereafter, the Secretary shall issue a report on low or no emission vehicle component assessments conducted at each facility selected under paragraph (2)(A), which shall include information related to the maintainability, reliability,

performance, structural integrity, efficiency, and noise of those low or no emission vehicle components.

“(4) PUBLIC AVAILABILITY OF ASSESSMENTS.—Each assessment conducted at a facility selected under paragraph (2)(A) shall be made publicly available, including to affected industries.

“(5) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to require—

“(A) a low or no emission vehicle component to be tested at a facility selected under paragraph (2)(A); or

“(B) the development or disclosure of a privately funded component assessment.”.

(6) in subsection (f) (as so redesignated)—

(A) by striking “(f)” and all that follows before paragraph (1) and inserting the following:

“(g) ANNUAL REPORT ON RESEARCH.—Not later than the first Monday in February of each year, the Secretary shall make available to the public on the Web site of the Department of Transportation, a report that includes—”; and

(B) in paragraph (1) by adding “and” at the end;

(C) in paragraph (2) by striking “; and” and inserting a period; and

(D) by striking paragraph (3); and

(7) by adding at the end the following:

“(i) TRANSIT COOPERATIVE RESEARCH PROGRAM.—

“(1) IN GENERAL.—The amounts made available under section 5338(a)(2)(G)(ii) are available for a public transportation cooperative research program.

“(2) INDEPENDENT GOVERNING BOARD.—

“(A) ESTABLISHMENT.—The Secretary shall establish an independent governing board for the program under this subsection.

“(B) RECOMMENDATIONS.—The board shall recommend public transportation research, development, and technology transfer activities the Secretary considers appropriate.

“(3) FEDERAL ASSISTANCE.—The Secretary may make grants to, and enter into cooperative agreements with, the National Academy of Sciences to carry out activities under this subsection that the Secretary considers appropriate.

“(4) GOVERNMENT SHARE OF COSTS.—If there would be a clear and direct financial benefit to an entity under a grant or contract financed under this subsection, the Secretary shall establish a Government share consistent with that benefit.

“(5) LIMITATION ON APPLICABILITY.—Subsections (f) and (g) shall not apply to activities carried out under this subsection.”.

(b) CONFORMING AMENDMENTS.—Section 5312 of such title (as amended by subsection (a) of this section) is further amended—

(1) in subsection (c)(1) by striking “subsection (a)(2)” and inserting “subsection (b)(2)”;

(2) in subsection (d)—

(A) in paragraph (1) by striking “subsection (a)(2)” and inserting “subsection (b)(2)”;

(B) in paragraph (2)(A) by striking “subsection (b)” and inserting “subsection (c)”;

(3) in subsection (e)(2) in each of subparagraphs (A) and (B) by striking “subsection (a)(2)” and inserting “subsection (b)(2)”; and

(4) in subsection (f)(2) by striking “subsection (d)(4)” and inserting “subsection (e)(4)”.

(c) CLERICAL AMENDMENT.—The analysis for chapter 53 of such title is amended by striking the item relating to section 5312 and inserting the following:

49 USC
prec. 5301.

“5312. Public transportation innovation.”.

SEC. 3009. TECHNICAL ASSISTANCE AND WORKFORCE DEVELOPMENT.

(a) IN GENERAL.—Section 5314 of title 49, United States Code, is amended to read as follows:

“§ 5314. Technical assistance and workforce development

“(a) TECHNICAL ASSISTANCE AND STANDARDS.—

“(1) TECHNICAL ASSISTANCE AND STANDARDS DEVELOPMENT.—

“(A) IN GENERAL.—The Secretary may make grants and enter into contracts, cooperative agreements, and other agreements (including agreements with departments, agencies, and instrumentalities of the Government) to carry out activities that the Secretary determines will assist recipients of assistance under this chapter to—

“(i) more effectively and efficiently provide public transportation service;

“(ii) administer funds received under this chapter in compliance with Federal law; and

“(iii) improve public transportation.

“(B) ELIGIBLE ACTIVITIES.—The activities carried out under subparagraph (A) may include—

“(i) technical assistance; and

“(ii) the development of voluntary and consensus-based standards and best practices by the public transportation industry, including standards and best practices for safety, fare collection, intelligent transportation systems, accessibility, procurement, security, asset management to maintain a state of good repair, operations, maintenance, vehicle propulsion, communications, and vehicle electronics.

“(2) TECHNICAL ASSISTANCE.—The Secretary, through a competitive bid process, may enter into contracts, cooperative agreements, and other agreements with national nonprofit organizations that have the appropriate demonstrated capacity to provide public-transportation-related technical assistance under this subsection. The Secretary may enter into such contracts, cooperative agreements, and other agreements to assist providers of public transportation to—

“(A) comply with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) through technical assistance, demonstration programs, research, public education, and other activities related to complying with such Act;

“(B) comply with human services transportation coordination requirements and to enhance the coordination of Federal resources for human services transportation with

those of the Department of Transportation through technical assistance, training, and support services related to complying with such requirements;

“(C) meet the transportation needs of elderly individuals;

“(D) increase transit ridership in coordination with metropolitan planning organizations and other entities through development around public transportation stations through technical assistance and the development of tools, guidance, and analysis related to market-based development around transit stations;

“(E) address transportation equity with regard to the effect that transportation planning, investment, and operations have for low-income and minority individuals;

“(F) facilitate best practices to promote bus driver safety;

“(G) meet the requirements of sections 5323(j) and 5323(m);

“(H) assist with the development and deployment of low or no emission vehicles (as defined in section 5339(c)(1)) or low or no emission vehicle components (as defined in section 5312(h)(1)); and

“(I) any other technical assistance activity that the Secretary determines is necessary to advance the interests of public transportation.

“(3) ANNUAL REPORT ON TECHNICAL ASSISTANCE.—Not later than the first Monday in February of each year, the Secretary shall submit to the Committee on Banking, Housing, and Urban Affairs and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure, the Committee on Science, Space, and Technology, and the Committee on Appropriations of the House of Representatives a report that includes—

“(A) a description of each project that received assistance under this subsection during the preceding fiscal year;

“(B) an evaluation of the activities carried out by each organization that received assistance under this subsection during the preceding fiscal year;

“(C) a proposal for allocations of amounts for assistance under this subsection for the subsequent fiscal year; and

“(D) measurable outcomes and impacts of the programs funded under subsections (b) and (c).

“(4) GOVERNMENT SHARE OF COSTS.—

“(A) IN GENERAL.—The Government share of the cost of an activity carried out using a grant under this subsection may not exceed 80 percent.

“(B) NON-GOVERNMENT SHARE.—The non-Government share of the cost of an activity carried out using a grant under this subsection may be derived from in-kind contributions.

“(b) HUMAN RESOURCES AND TRAINING.—

“(1) IN GENERAL.—The Secretary may undertake, or make grants and contracts for, programs that address human resource needs as they apply to public transportation activities. A program may include—

“(A) an employment training program;

“(B) an outreach program to increase employment for veterans, females, individuals with a disability, minorities (including American Indians or Alaska Natives, Asian, Black or African Americans, native Hawaiians or other Pacific Islanders, and Hispanics) in public transportation activities;

“(C) research on public transportation personnel and training needs;

“(D) training and assistance for veteran and minority business opportunities; and

“(E) consensus-based national training standards and certifications in partnership with industry stakeholders.

“(2) INNOVATIVE PUBLIC TRANSPORTATION FRONTLINE WORKFORCE DEVELOPMENT PROGRAM.—

“(A) IN GENERAL.—The Secretary shall establish a competitive grant program to assist the development of innovative activities eligible for assistance under paragraph (1).

“(B) ELIGIBLE PROGRAMS.—A program eligible for assistance under paragraph (1) shall—

“(i) develop apprenticeships, on-the-job training, and instructional training for public transportation maintenance and operations occupations;

“(ii) build local, regional, and statewide public transportation training partnerships with local public transportation operators, labor union organizations, workforce development boards, and State workforce agencies to identify and address workforce skill gaps;

“(iii) improve safety, security, and emergency preparedness in local public transportation systems through improved safety culture and workforce communication with first responders and the riding public; and

“(iv) address current or projected workforce shortages by developing partnerships with high schools, community colleges, and other community organizations.

“(C) SELECTION OF RECIPIENTS.—To the maximum extent feasible, the Secretary shall select recipients that—

“(i) are geographically diverse;

“(ii) address the workforce and human resources needs of large public transportation providers;

“(iii) address the workforce and human resources needs of small public transportation providers;

“(iv) address the workforce and human resources needs of urban public transportation providers;

“(v) address the workforce and human resources needs of rural public transportation providers;

“(vi) advance training related to maintenance of low or no emission vehicles and facilities used in public transportation;

“(vii) target areas with high rates of unemployment;

“(viii) advance opportunities for minorities, women, veterans, individuals with disabilities, low-income populations, and other underserved populations; and

“(ix) address in-demand industry sector or occupation, as such term is defined in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

“(D) PROGRAM OUTCOMES.—A recipient of assistance under this subsection shall demonstrate outcomes for any program that includes skills training, on-the-job training, and work-based learning, including—

“(i) the impact on reducing public transportation workforce shortages in the area served;

“(ii) the diversity of training participants;

“(iii) the number of participants obtaining certifications or credentials required for specific types of employment;

“(iv) employment outcomes, including job placement, job retention, and wages, using performance metrics established in consultation with the Secretary and the Secretary of Labor and consistent with metrics used by programs under the Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.); and

“(v) to the extent practical, evidence that the program did not preclude workers who are participating in skills training, on-the-job training, and work-based learning from being referred to, or hired on, projects funded under this chapter without regard to the length of time of their participation in the program.

“(E) REPORT TO CONGRESS.—The Secretary shall make publicly available a report on the Frontline Workforce Development Program for each fiscal year, not later than December 31 of the calendar year in which that fiscal year ends. The report shall include a detailed description of activities carried out under this paragraph, an evaluation of the program, and policy recommendations to improve program effectiveness.

“(3) GOVERNMENT’S SHARE OF COSTS.—The Government share of the cost of a project carried out using a grant under paragraph (1) or (2) shall be 50 percent.

“(4) AVAILABILITY OF AMOUNTS.—Not more than 0.5 percent of amounts made available to a recipient under sections 5307, 5337, and 5339 is available for expenditures by the recipient, with the approval of the Secretary, to pay not more than 80 percent of the cost of eligible activities under this subsection.

“(c) NATIONAL TRANSIT INSTITUTE.—

“(1) ESTABLISHMENT.—The Secretary shall establish a national transit institute and award grants to a public 4-year degree-granting institution of higher education, as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)), in order to carry out the duties of the institute.

“(2) DUTIES.—

“(A) IN GENERAL.—In cooperation with the Federal Transit Administration, State transportation departments, public transportation authorities, and national and international entities, the institute established under paragraph (1) shall develop and conduct training and educational programs for Federal, State, and local transportation employees, United States citizens, and foreign nationals

engaged or to be engaged in Government-aid public transportation work.

“(B) TRAINING AND EDUCATIONAL PROGRAMS.—The training and educational programs developed under subparagraph (A) may include courses in recent developments, techniques, and procedures related to—

- “(i) intermodal and public transportation planning;
- “(ii) management;
- “(iii) environmental factors;
- “(iv) acquisition and joint use rights-of-way;
- “(v) engineering and architectural design;
- “(vi) procurement strategies for public transportation systems;
- “(vii) turnkey approaches to delivering public transportation systems;
- “(viii) new technologies;
- “(ix) emission reduction technologies;
- “(x) ways to make public transportation accessible to individuals with disabilities;
- “(xi) construction, construction management, insurance, and risk management;
- “(xii) maintenance;
- “(xiii) contract administration;
- “(xiv) inspection;
- “(xv) innovative finance;
- “(xvi) workplace safety; and
- “(xvii) public transportation security.

“(3) PROVISION FOR EDUCATION AND TRAINING.—Education and training of Government, State, and local transportation employees under this subsection shall be provided—

“(A) by the Secretary at no cost to the States and local governments for subjects that are a Government program responsibility; or

“(B) when the education and training are paid under paragraph (4), by the State, with the approval of the Secretary, through grants and contracts with public and private agencies, other institutions, individuals, and the institute.

“(4) AVAILABILITY OF AMOUNTS.—

“(A) IN GENERAL.—Not more than 0.5 percent of amounts made available to a recipient under sections 5307, 5337, and 5339 is available for expenditures by the recipient, with the approval of the Secretary, to pay not more than 80 percent of the cost of eligible activities under this subsection.

“(B) EXISTING PROGRAMS.—A recipient may use amounts made available under subparagraph (A) to carry out existing local education and training programs for public transportation employees supported by the Secretary, the Department of Labor, or the Department of Education.”.

(b) CLERICAL AMENDMENT.—The analysis for chapter 53 of such title is amended by striking the item relating to section 5314 and inserting the following:

49 USC
prec. 5301.

“5314. Technical assistance and workforce development.”.

SEC. 3010. PRIVATE SECTOR PARTICIPATION.

(a) **IN GENERAL.**—Section 5315 of title 49, United States Code, is amended by adding at the end the following:

“(d) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to alter—

“(1) the eligibilities, requirements, or priorities for assistance provided under this chapter; or

“(2) the requirements of section 5306(a).”.

(b) **MAP–21 TECHNICAL CORRECTION.**—Section 20013(d) of MAP–21 (Public Law 112–141; 126 Stat. 694) is amended by striking “5307(c)” and inserting “5307(b)”.

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note.

SEC. 3011. GENERAL PROVISIONS.

Section 5323 of title 49, United States Code, is amended—

(1) in subsection (h)—

(A) in paragraph (1), by striking “or” at the end;

(B) by redesignating paragraph (2) as paragraph (3);

and

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

“(2) pay incremental costs of incorporating art or non-functional landscaping into facilities, including the costs of an artist on the design team; or”;

(2) in subsection (j)—

(A) in paragraph (2), by striking subparagraph (C) and inserting the following:

“(C) when procuring rolling stock (including train control, communication, traction power equipment, and rolling stock prototypes) under this chapter—

“(i) the cost of components and subcomponents produced in the United States—

“(I) for fiscal years 2016 and 2017, is more than 60 percent of the cost of all components of the rolling stock;

“(II) for fiscal years 2018 and 2019, is more than 65 percent of the cost of all components of the rolling stock; and

“(III) for fiscal year 2020 and each fiscal year thereafter, is more than 70 percent of the cost of all components of the rolling stock; and

“(ii) final assembly of the rolling stock has occurred in the United States; or”;

(B) by redesignating paragraphs (5) through (9) as paragraphs (7) through (11), respectively;

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

“(5) **ROLLING STOCK FRAMES OR CAR SHELLS.**—In carrying out paragraph (2)(C) in the case of a rolling stock procurement receiving assistance under this chapter in which the average cost of a rolling stock vehicle in the procurement is more than \$300,000, if rolling stock frames or car shells are not produced in the United States, the Secretary shall include in the calculation of the domestic content of the rolling stock the cost of steel or iron that is produced in the United States and used in the rolling stock frames or car shells.

“(6) **CERTIFICATION OF DOMESTIC SUPPLY AND DISCLOSURE.**—

“(A) **CERTIFICATION OF DOMESTIC SUPPLY.**—If the Secretary denies an application for a waiver under paragraph

(2), the Secretary shall provide to the applicant a written certification that—

“(i) the steel, iron, or manufactured goods, as applicable, (referred to in this subparagraph as the ‘item’) is produced in the United States in a sufficient and reasonably available amount;

“(ii) the item produced in the United States is of a satisfactory quality; and

“(iii) includes a list of known manufacturers in the United States from which the item can be obtained.

“(B) DISCLOSURE.—The Secretary shall disclose the waiver denial and the written certification to the public in an easily identifiable location on the website of the Department of Transportation.”;

(D) in paragraph (8), as so redesignated, by striking “Federal Public Transportation Act of 2012” and inserting “Federal Public Transportation Act of 2015”; and

(E) by inserting after paragraph (11), as so redesignated, the following:

“(12) STEEL AND IRON.—For purposes of this subsection, steel and iron meeting the requirements of section 661.5(b) of title 49, Code of Federal Regulations may be considered produced in the United States.

“(13) DEFINITION OF SMALL PURCHASE.—For purposes of determining whether a purchase qualifies for a general public interest waiver under paragraph (2)(A) of this subsection, including under any regulation promulgated under that paragraph, the term ‘small purchase’ means a purchase of not more than \$150,000.”;

(3) in subsection (q)(1), by striking the second sentence; and

(4) by adding at the end the following:

“(s) VALUE CAPTURE REVENUE ELIGIBLE FOR LOCAL SHARE.—Notwithstanding any other provision of law, a recipient of assistance under this chapter may use the revenue generated from value capture financing mechanisms as local matching funds for capital projects and operating costs eligible under this chapter.

“(t) SPECIAL CONDITION ON CHARTER BUS TRANSPORTATION SERVICE.—If, in a fiscal year, the Secretary is prohibited by law from enforcing regulations related to charter bus service under part 604 of title 49, Code of Federal Regulations, for any transit agency that during fiscal year 2008 was both initially granted a 60-day period to come into compliance with such part 604, and then was subsequently granted an exception from such part—

“(1) the transit agency shall be precluded from receiving its allocation of urbanized area formula grant funds for such fiscal year; and

“(2) any amounts withheld pursuant to paragraph (1) shall be added to the amount that the Secretary may apportion under section 5336 in the following fiscal year.”.

SEC. 3012. PROJECT MANAGEMENT OVERSIGHT.

Section 5327 of title 49, United States Code, is amended—

(1) in subsection (c) by striking “section 5338(i)” and inserting section “5338(f)”; and

(2) in subsection (d)—

(A) in paragraph (1)—

(i) by striking “section 5338(i)” and inserting section 5338(f); and

(ii) by striking “and” at the end; and

(B) by striking paragraph (2) and inserting the following:

“(2) a requirement that oversight—

“(A) begin during the project development phase of a project, unless the Secretary finds it more appropriate to begin the oversight during another phase of the project, to maximize the transportation benefits and cost savings associated with project management oversight; and

“(B) be limited to quarterly reviews of compliance by the recipient with the project management plan approved under subsection (b) unless the Secretary finds that the recipient requires more frequent oversight because the recipient has failed to meet the requirements of such plan and the project may be at risk of going over budget or becoming behind schedule; and

“(3) a process for recipients that the Secretary has found require more frequent oversight to return to quarterly reviews for purposes of paragraph (2)(B).”

SEC. 3013. PUBLIC TRANSPORTATION SAFETY PROGRAM.

Section 5329 of title 49, United States Code, is amended—

(1) in subsection (b)(2)—

(A) in subparagraph (C) by striking “and” at the end;

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

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

“(D) minimum safety standards to ensure the safe operation of public transportation systems that—

“(i) are not related to performance standards for public transportation vehicles developed under subparagraph (C); and

“(ii) to the extent practicable, take into consideration—

“(I) relevant recommendations of the National Transportation Safety Board;

“(II) best practices standards developed by the public transportation industry;

“(III) any minimum safety standards or performance criteria being implemented across the public transportation industry;

“(IV) relevant recommendations from the report under section 3020 of the Federal Public Transportation Act of 2015; and

“(V) any additional information that the Secretary determines necessary and appropriate; and”;

(2) in subsection (e)—

(A) by redesignating paragraphs (8) and (9) as paragraphs (9) and (10), respectively; and

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

“(8) FEDERAL SAFETY MANAGEMENT.—

“(A) IN GENERAL.—If the Secretary determines that a State safety oversight program is not being carried out in accordance with this section, has become inadequate

to ensure the enforcement of Federal safety regulation, or is incapable of providing adequate safety oversight consistent with the prevention of substantial risk of death, or personal injury, the Secretary shall administer the State safety oversight program until the eligible State develops a State safety oversight program certified by the Secretary in accordance with this subsection.

“(B) TEMPORARY FEDERAL OVERSIGHT.—In making a determination under subparagraph (A), the Secretary shall—

“(i) transmit to the eligible State and affected recipient or recipients, a written explanation of the determination or subsequent finding, including any intention to withhold funding under this section, the amount of funds proposed to be withheld, and if applicable, a formal notice of a withdrawal of State safety oversight program approval; and

“(ii) require the State to submit a State safety oversight program or modification for certification by the Secretary that meets the requirements of this subsection.

“(C) FAILURE TO CORRECT.—If the Secretary determines in accordance with subparagraph (A), that a State safety oversight program or modification required pursuant to subparagraph (B)(ii), submitted by a State is not sufficient, the Secretary may—

“(i) withhold funds available under paragraph (6) in an amount determined by the Secretary;

“(ii) beginning 1 year after the date of the determination, withhold not more than 5 percent of the amount required to be appropriated for use in a State or an urbanized area in the State under section 5307, until the State safety oversight program or modification has been certified; and

“(iii) use any other authorities authorized under this chapter considered necessary and appropriate.

“(D) ADMINISTRATIVE AND OVERSIGHT ACTIVITIES.—To carry out administrative and oversight activities authorized by this paragraph, the Secretary may use grant funds apportioned to an eligible State, under paragraph (6), to develop or carry out a State safety oversight program.”; (3) in subsection (f)(2), by inserting “or the public transportation industry generally” after “recipients”;

(4) in subsection (g)(1)—

(A) in the matter preceding subparagraph (A) by striking “an eligible State, as defined in subsection (e),” and inserting “a recipient”;

(B) in subparagraph (C) by striking “and” at the end;

(C) in subparagraph (D) by striking the period at the end and inserting “; and”; and

(D) by adding at the end the following:

“(E) withholding not more than 25 percent of financial assistance under section 5307.”;

(5) in subsection (g)(2)(A)—

(A) by inserting after “funds” the following: “or withhold funds”; and

(B) by inserting “or (1)(E)” after “paragraph (1)(D)”;
and
(6) by striking subsection (h) and inserting the following:
“(h) RESTRICTIONS AND PROHIBITIONS.—

“(1) RESTRICTIONS AND PROHIBITIONS.—The Secretary shall issue restrictions and prohibitions by whatever means are determined necessary and appropriate, without regard to section 5334(c), if, through testing, inspection, investigation, audit, or research carried out under this chapter, the Secretary determines that an unsafe condition or practice, or a combination of unsafe conditions and practices, exist such that there is a substantial risk of death or personal injury.

“(2) NOTICE.—The notice of restriction or prohibition shall describe the condition or practice, the subsequent risk and the standards and procedures required to address the restriction or prohibition.

“(3) CONTINUED AUTHORITY.—Nothing in this subsection shall be construed as limiting the Secretary’s authority to maintain a restriction or prohibition for as long as is necessary to ensure that the risk has been substantially addressed.”.

SEC. 3014. APPORTIONMENTS.

Section 5336 of title 49, United States Code, is amended—

(1) in subsection (a) in the matter preceding paragraph (1) by striking “subsection (h)(4)” and inserting “subsection (h)(5)”;
(2) in subsection (b)(2)(E) by striking “22.27 percent” and inserting “27 percent”; and
(3) in subsection (h)—

(A) by striking paragraph (1) and inserting the following:
“(1) \$30,000,000 shall be set aside each fiscal year to carry out section 5307(h);”;

and
(B) by striking paragraph (3) and inserting the following:
“(3) of amounts not apportioned under paragraphs (1) and

(2)—

“(A) for fiscal years 2016 through 2018, 1.5 percent shall be apportioned to urbanized areas with populations of less than 200,000 in accordance with subsection (i); and
“(B) for fiscal years 2019 and 2020, 2 percent shall be apportioned to urbanized areas with populations of less than 200,000 in accordance with subsection (i);”.

“(A) for fiscal years 2016 through 2018, 1.5 percent shall be apportioned to urbanized areas with populations of less than 200,000 in accordance with subsection (i); and
“(B) for fiscal years 2019 and 2020, 2 percent shall be apportioned to urbanized areas with populations of less than 200,000 in accordance with subsection (i);”.

SEC. 3015. STATE OF GOOD REPAIR GRANTS.

(a) IN GENERAL.—Section 5337 of title 49, United States Code, is amended—

(1) in subsection (c)(2)(B), by inserting “the provisions of” before “section 5336(b)(1)”;
(2) in subsection (d)—

(A) in paragraph (2) by inserting “vehicle” after “motorbus”; and
(B) by adding at the end the following:

“(5) USE OF FUNDS.—Amounts apportioned under this subsection may be used for any project that is an eligible project under subsection (b)(1).”; and
(3) by adding at the end the following:

“(e) GOVERNMENT SHARE OF COSTS.—

“(1) CAPITAL PROJECTS.—A grant for a capital project under this section shall be for 80 percent of the net project cost of the project. The recipient may provide additional local matching amounts.

“(2) REMAINING COSTS.—The remainder of the net project cost shall be provided—

“(A) in cash from non-Government sources;

“(B) from revenues derived from the sale of advertising and concessions; or

“(C) from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, or new capital.”

(b) CONFORMING AMENDMENTS.—Section 5337 of such title is further amended—

(1) in subsection (c)(1) by striking “5338(a)(2)(I)” and inserting “5338(a)(2)(K)”; and

(2) in subsection (d)(2) by striking “5338(a)(2)(I)” and inserting “5338(a)(2)(K)”.

SEC. 3016. AUTHORIZATIONS.

Section 5338 of title 49, United States Code, is amended to read as follows:

“SEC. 5338. AUTHORIZATIONS.

“(a) GRANTS.—

“(1) IN GENERAL.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out sections 5305, 5307, 5310, 5311, 5312, 5314, 5318, 5335, 5337, 5339, and 5340, section 20005(b) of the Federal Public Transportation Act of 2012, and sections 3006(b) of the Federal Public Transportation Act of 2015—

“(A) \$9,347,604,639 for fiscal year 2016;

“(B) \$9,534,706,043 for fiscal year 2017;

“(C) \$9,733,353,407 for fiscal year 2018;

“(D) \$9,939,380,030 for fiscal year 2019; and

“(E) \$10,150,348,462 for fiscal year 2020.

“(2) ALLOCATION OF FUNDS.—Of the amounts made available under paragraph (1)—

“(A) \$130,732,000 for fiscal year 2016, \$133,398,933 for fiscal year 2017, \$136,200,310 for fiscal year 2018, \$139,087,757 for fiscal year 2019, and \$142,036,417 for fiscal year 2020, shall be available to carry out section 5305;

“(B) \$10,000,000 for each of fiscal years 2016 through 2020 shall be available to carry out section 20005(b) of the Federal Public Transportation Act of 2012;

“(C) \$4,538,905,700 for fiscal year 2016, \$4,629,683,814 for fiscal year 2017, \$4,726,907,174 for fiscal year 2018, \$4,827,117,606 for fiscal year 2019, and \$4,929,452,499 for fiscal year 2020 shall be allocated in accordance with section 5336 to provide financial assistance for urbanized areas under section 5307;

“(D) \$262,949,400 for fiscal year 2016, \$268,208,388 for fiscal year 2017, \$273,840,764 for fiscal year 2018, \$279,646,188 for fiscal year 2019, and \$285,574,688 for fiscal year 2020 shall be available to provide financial assistance for services for the enhanced mobility of seniors and individuals with disabilities under section 5310;

“(E) \$2,000,000 for fiscal year 2016, \$3,000,000 for fiscal year 2017, \$3,250,000 for fiscal year 2018, \$3,500,000 for fiscal year 2019 and \$3,500,000 for fiscal year 2020 shall be available for the pilot program for innovative coordinated access and mobility under section 3006(b) of the Federal Public Transportation Act of 2015;

“(F) \$619,956,000 for fiscal year 2016, \$632,355,120 for fiscal year 2017, \$645,634,578 for fiscal year 2018, \$659,322,031 for fiscal year 2019, and \$673,299,658 for fiscal year 2020 shall be available to provide financial assistance for rural areas under section 5311, of which not less than—

“(i) \$35,000,000 for each of fiscal years 2016 through 2020 shall be available to carry out section 5311(c)(1); and

“(ii) \$20,000,000 for each of fiscal years 2016 through 2020 shall be available to carry out section 5311(c)(2);

“(G) \$28,000,000 for each of fiscal years 2016 through 2020 shall be available to carry out section 5312, of which—

“(i) \$3,000,000 for each of fiscal years 2016 through 2020 shall be available to carry out section 5312(h); and

“(ii) \$5,000,000 for each of fiscal years 2016 through 2020 shall be available to carry out section 5312(i);

“(H) \$9,000,000 for each of fiscal years 2016 through 2020 shall be available to carry out section 5314; of which \$5,000,000 shall be available for the national transit institute under section 5314(c);

“(I) \$3,000,000 for each of fiscal years 2016 through 2020 shall be available for bus testing under section 5318;

“(J) \$4,000,000 for each of fiscal years 2016 through 2020 shall be available to carry out section 5335;

“(K) \$2,507,000,000 for fiscal year 2016, \$2,549,670,000 for fiscal year 2017, \$2,593,703,558 for fiscal year 2018, \$2,638,366,859 for fiscal year 2019, and \$2,683,798,369 for fiscal year 2020 shall be available to carry out section 5337;

“(L) \$427,800,000 for fiscal year 2016, \$436,356,000 for fiscal year 2017, \$445,519,476 for fiscal year 2018, \$454,964,489 for fiscal year 2019, and \$464,609,736 for fiscal year 2020 shall be available for the bus and buses facilities program under section 5339(a);

“(M) \$268,000,000 for fiscal year 2016, \$283,600,000 for fiscal year 2017, \$301,514,000 for fiscal year 2018, \$322,059,980 for fiscal year 2019, and \$344,044,179 for fiscal year 2020 shall be available for buses and bus facilities competitive grants under section 5339(b) and no or low emission grants under section 5339(c), of which \$55,000,000 for each of fiscal years 2016 through 2020 shall be available to carry out section 5339(c); and

“(N) \$536,261,539 for fiscal year 2016, \$544,433,788 for fiscal year 2017, \$552,783,547 for fiscal year 2018, \$561,315,120 for fiscal year 2019 and \$570,032,917 for

fiscal year 2020, to carry out section 5340 to provide financial assistance for urbanized areas under section 5307 and rural areas under section 5311, of which—

“(i) \$272,297,083 for fiscal year 2016, \$279,129,510 for fiscal year 2017, \$286,132,747 for fiscal year 2018, \$293,311,066 for fiscal year 2019, \$300,668,843 for fiscal year 2020 shall be for growing States under section 5340(c); and

“(ii) \$263,964,457 for fiscal year 2016, \$265,304,279 for fiscal year 2017, \$266,650,800 for fiscal year 2018, \$268,004,054 for fiscal year 2019, \$269,364,074 for fiscal year 2020 shall be for high density States under section 5340(d).

“(b) RESEARCH, DEVELOPMENT, DEMONSTRATION, AND DEPLOYMENT PROGRAM.—There are authorized to be appropriated to carry out section 5312, other than subsections (h) and (i) of that section, \$20,000,000 for each of fiscal years 2016 through 2020.

“(c) TECHNICAL ASSISTANCE AND TRAINING.—There are authorized to be appropriated to carry out section 5314, \$5,000,000 for each of fiscal years 2016 through 2020.

“(d) CAPITAL INVESTMENT GRANTS.—There are authorized to be appropriated to carry out section 5309 of this title and section 3005(b) of the Federal Public Transportation Act of 2015, \$2,301,785,760 for each of fiscal years 2016 through 2020.

“(e) ADMINISTRATION.—

“(1) IN GENERAL.—There are authorized to be appropriated to carry out section 5334, \$115,016,543 for each of fiscal years 2016 through 2020.

“(2) SECTION 5329.—Of the amounts authorized to be appropriated under paragraph (1), not less than \$5,000,000 for each of fiscal years 2016 through 2020 shall be available to carry out section 5329.

“(3) SECTION 5326.—Of the amounts made available under paragraph (2), not less than \$2,000,000 for each of fiscal years 2016 through 2020 shall be available to carry out section 5326.

“(f) OVERSIGHT.—

“(1) IN GENERAL.—Of the amounts made available to carry out this chapter for a fiscal year, the Secretary may use not more than the following amounts for the activities described in paragraph (2):

“(A) 0.5 percent of amounts made available to carry out section 5305.

“(B) 0.75 percent of amounts made available to carry out section 5307.

“(C) 1 percent of amounts made available to carry out section 5309.

“(D) 1 percent of amounts made available to carry out section 601 of the Passenger Rail Investment and Improvement Act of 2008 (Public Law 110–432; 126 Stat. 4968).

“(E) 0.5 percent of amounts made available to carry out section 5310.

“(F) 0.5 percent of amounts made available to carry out section 5311.

“(G) 1 percent of amounts made available to carry out section 5337, of which not less than 0.25 percent of

amounts made available for this subparagraph shall be available to carry out section 5329.

“(H) 0.75 percent of amounts made available to carry out section 5339.

“(2) ACTIVITIES.—The activities described in this paragraph are as follows:

“(A) Activities to oversee the construction of a major capital project.

“(B) Activities to review and audit the safety and security, procurement, management, and financial compliance of a recipient or subrecipient of funds under this chapter.

“(C) Activities to provide technical assistance generally, and to provide technical assistance to correct deficiencies identified in compliance reviews and audits carried out under this section.

“(3) GOVERNMENT SHARE OF COSTS.—The Government shall pay the entire cost of carrying out a contract under this subsection.

“(4) AVAILABILITY OF CERTAIN FUNDS.—Funds made available under paragraph (1)(C) shall be made available to the Secretary before allocating the funds appropriated to carry out any project under a full funding grant agreement.

“(g) GRANTS AS CONTRACTUAL OBLIGATIONS.—

“(1) GRANTS FINANCED FROM HIGHWAY TRUST FUND.—A grant or contract that is approved by the Secretary and financed with amounts made available from the Mass Transit Account of the Highway Trust Fund pursuant to this section is a contractual obligation of the Government to pay the Government share of the cost of the project.

“(2) GRANTS FINANCED FROM GENERAL FUND.—A grant or contract that is approved by the Secretary and financed with amounts appropriated in advance from the General Fund of the Treasury pursuant to this section is a contractual obligation of the Government to pay the Government share of the cost of the project only to the extent that amounts are appropriated for such purpose by an Act of Congress.

“(h) AVAILABILITY OF AMOUNTS.—Amounts made available by or appropriated under this section shall remain available until expended.”

SEC. 3017. GRANTS FOR BUSES AND BUS FACILITIES.

(a) IN GENERAL.—Section 5339 of title 49, United States Code, is amended to read as follows:

“§ 5339. Grants for buses and bus facilities

“(a) FORMULA GRANTS.—

“(1) DEFINITIONS.—In this subsection—

“(A) the term ‘low or no emission vehicle’ has the meaning given that term in subsection (c)(1);

“(B) the term ‘State’ means a State of the United States; and

“(C) the term ‘territory’ means the District of Columbia, Puerto Rico, the Northern Mariana Islands, Guam, American Samoa, and the United States Virgin Islands.

“(2) GENERAL AUTHORITY.—The Secretary may make grants under this subsection to assist eligible recipients described in paragraph (4)(A) in financing capital projects—

“(A) to replace, rehabilitate, and purchase buses and related equipment, including technological changes or innovations to modify low or no emission vehicles or facilities; and

“(B) to construct bus-related facilities.

“(3) GRANT REQUIREMENTS.—The requirements of—

“(A) section 5307 shall apply to recipients of grants made in urbanized areas under this subsection; and

“(B) section 5311 shall apply to recipients of grants made in rural areas under this subsection.

“(4) ELIGIBLE RECIPIENTS.—

“(A) RECIPIENTS.—Eligible recipients under this subsection are—

“(i) designated recipients that allocate funds to fixed route bus operators; or

“(ii) State or local governmental entities that operate fixed route bus service.

“(B) SUBRECIPIENTS.—A recipient that receives a grant under this subsection may allocate amounts of the grant to subrecipients that are public agencies or private non-profit organizations engaged in public transportation.

“(5) DISTRIBUTION OF GRANT FUNDS.—Funds allocated under section 5338(a)(2)(L) shall be distributed as follows:

“(A) NATIONAL DISTRIBUTION.—\$90,500,000 for each of fiscal years 2016 through 2020 shall be allocated to all States and territories, with each State receiving \$1,750,000 for each such fiscal year and each territory receiving \$500,000 for each such fiscal year.

“(B) DISTRIBUTION USING POPULATION AND SERVICE FACTORS.—The remainder of the funds not otherwise distributed under subparagraph (A) shall be allocated pursuant to the formula set forth in section 5336 other than subsection (b).

“(6) TRANSFERS OF APPORTIONMENTS.—

“(A) TRANSFER FLEXIBILITY FOR NATIONAL DISTRIBUTION FUNDS.—The Governor of a State may transfer any part of the State’s apportionment under paragraph (5)(A) to supplement amounts apportioned to the State under section 5311(c) or amounts apportioned to urbanized areas under subsections (a) and (c) of section 5336.

“(B) TRANSFER FLEXIBILITY FOR POPULATION AND SERVICE FACTORS FUNDS.—The Governor of a State may expend in an urbanized area with a population of less than 200,000 any amounts apportioned under paragraph (5)(B) that are not allocated to designated recipients in urbanized areas with a population of 200,000 or more.

“(7) GOVERNMENT SHARE OF COSTS.—

“(A) CAPITAL PROJECTS.—A grant for a capital project under this subsection shall be for 80 percent of the net capital costs of the project. A recipient of a grant under this subsection may provide additional local matching amounts.

“(B) REMAINING COSTS.—The remainder of the net project cost shall be provided—

“(i) in cash from non-Government sources other than revenues from providing public transportation services;

“(ii) from revenues derived from the sale of advertising and concessions;

“(iii) from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, or new capital;

“(iv) from amounts received under a service agreement with a State or local social service agency or private social service organization; or

“(v) from revenues generated from value capture financing mechanisms.

“(8) PERIOD OF AVAILABILITY TO RECIPIENTS.—Amounts made available under this subsection may be obligated by a recipient for 3 fiscal years after the fiscal year in which the amount is apportioned. Not later than 30 days after the end of the 3-fiscal-year period described in the preceding sentence, any amount that is not obligated on the last day of such period shall be added to the amount that may be apportioned under this subsection in the next fiscal year.

“(9) PILOT PROGRAM FOR COST-EFFECTIVE CAPITAL INVESTMENT.—

“(A) IN GENERAL.—For each of fiscal years 2016 through 2020, the Secretary shall carry out a pilot program under which an eligible recipient (as described in paragraph (4)) in an urbanized area with population of not less than 200,000 and not more than 999,999 may elect to participate in a State pool in accordance with this paragraph.

“(B) PURPOSE OF STATE POOLS.—The purpose of a State pool shall be to allow for transfers of formula grant funds made available under this subsection among the designated recipients participating in the State pool in a manner that supports the transit asset management plans of the designated recipients under section 5326.

“(C) REQUESTS FOR PARTICIPATION.—A State, and eligible recipients in the State described in subparagraph (A), may submit to the Secretary a request for participation in the program under procedures to be established by the Secretary. An eligible recipient for a multistate area may participate in only 1 State pool.

“(D) ALLOCATIONS TO PARTICIPATING STATES.—For each fiscal year, the Secretary shall allocate to each State participating in the program the total amount of funds that otherwise would be allocated to the urbanized areas of the eligible recipients participating in the State’s pool for that fiscal year pursuant to the formulas referred to in paragraph (5).

“(E) ALLOCATIONS TO ELIGIBLE RECIPIENTS IN STATE POOLS.—A State shall distribute the amount that is allocated to the State for a fiscal year under subparagraph (D) among the eligible recipients participating in the State’s pool in a manner that supports the transit asset management plans of the recipients under section 5326.

“(F) ALLOCATION PLANS.—A State participating in the program shall develop an allocation plan for the period of fiscal years 2016 through 2020 to ensure that an eligible recipient participating in the State’s pool receives under the program an amount of funds that equals the amount of funds that would have otherwise been available to the

eligible recipient for that period pursuant to the formulas referred to in paragraph (5).

“(G) GRANTS.—The Secretary shall make grants under this subsection for a fiscal year to an eligible recipient participating in a State pool following notification by the State of the allocation amount determined under subparagraph (E).

“(b) BUSES AND BUS FACILITIES COMPETITIVE GRANTS.—

“(1) IN GENERAL.—The Secretary may make grants under this subsection to eligible recipients (as described in subsection (a)(4)) to assist in the financing of buses and bus facilities capital projects, including—

“(A) replacing, rehabilitating, purchasing, or leasing buses or related equipment; and

“(B) rehabilitating, purchasing, constructing, or leasing bus-related facilities.

“(2) GRANT CONSIDERATIONS.—In making grants under this subsection, the Secretary shall consider the age and condition of buses, bus fleets, related equipment, and bus-related facilities.

“(3) STATEWIDE APPLICATIONS.—A State may submit a statewide application on behalf of a public agency or private nonprofit organization engaged in public transportation in rural areas or other areas for which the State allocates funds. The submission of a statewide application shall not preclude the submission and consideration of any application under this subsection from other eligible recipients (as described in subsection (a)(4)) in an urbanized area in a State.

“(4) REQUIREMENTS FOR THE SECRETARY.—The Secretary shall—

“(A) disclose all metrics and evaluation procedures to be used in considering grant applications under this subsection upon issuance of the notice of funding availability in the Federal Register; and

“(B) publish a summary of final scores for selected projects, metrics, and other evaluations used in awarding grants under this subsection in the Federal Register.

“(5) RURAL PROJECTS.—Not less than 10 percent of the amounts made available under this subsection in a fiscal year shall be distributed to projects in rural areas.

“(6) GRANT REQUIREMENTS.—

“(A) IN GENERAL.—A grant under this subsection shall be subject to the requirements of—

“(i) section 5307 for eligible recipients of grants made in urbanized areas; and

“(ii) section 5311 for eligible recipients of grants made in rural areas.

“(B) GOVERNMENT SHARE OF COSTS.—The Government share of the cost of an eligible project carried out under this subsection shall not exceed 80 percent.

“(7) AVAILABILITY OF FUNDS.—Any amounts made available to carry out this subsection—

“(A) shall remain available for 3 fiscal years after the fiscal year for which the amount is made available; and

“(B) that remain unobligated at the end of the period described in subparagraph (A) shall be added to the amount

made available to an eligible project in the following fiscal year.

“(8) LIMITATION.—Of the amounts made available under this subsection, not more than 10 percent may be awarded to a single grantee.

“(c) LOW OR NO EMISSION GRANTS.—

“(1) DEFINITIONS.—In this subsection—

“(A) the term ‘direct carbon emissions’ means the quantity of direct greenhouse gas emissions from a vehicle, as determined by the Administrator of the Environmental Protection Agency;

“(B) the term ‘eligible project’ means a project or program of projects in an eligible area for—

“(i) acquiring low or no emission vehicles;

“(ii) leasing low or no emission vehicles;

“(iii) acquiring low or no emission vehicles with a leased power source;

“(iv) constructing facilities and related equipment for low or no emission vehicles;

“(v) leasing facilities and related equipment for low or no emission vehicles;

“(vi) constructing new public transportation facilities to accommodate low or no emission vehicles; or

“(vii) rehabilitating or improving existing public transportation facilities to accommodate low or no emission vehicles;

“(C) the term ‘leased power source’ means a removable power source, as defined in subsection (c)(3) of section 3019 of the Federal Public Transportation Act of 2015 that is made available through a capital lease under such section;

“(D) the term ‘low or no emission bus’ means a bus that is a low or no emission vehicle;

“(E) the term ‘low or no emission vehicle’ means—

“(i) a passenger vehicle used to provide public transportation that the Secretary determines sufficiently reduces energy consumption or harmful emissions, including direct carbon emissions, when compared to a comparable standard vehicle; or

“(ii) a zero emission vehicle used to provide public transportation;

“(F) the term ‘recipient’ means a designated recipient, a local governmental authority, or a State that receives a grant under this subsection for an eligible project; and

“(G) the term ‘zero emission vehicle’ means a low or no emission vehicle that produces no carbon or particulate matter.

“(2) GENERAL AUTHORITY.—The Secretary may make grants to recipients to finance eligible projects under this subsection.

“(3) GRANT REQUIREMENTS.—

“(A) IN GENERAL.—A grant under this subsection shall be subject to the requirements of section 5307.

“(B) GOVERNMENT SHARE OF COSTS FOR CERTAIN PROJECTS.—Section 5323(i) applies to eligible projects carried out under this subsection, unless the recipient requests a lower grant percentage.

“(C) COMBINATION OF FUNDING SOURCES.—

“(i) COMBINATION PERMITTED.—An eligible project carried out under this subsection may receive funding under section 5307 or any other provision of law.

“(ii) GOVERNMENT SHARE.—Nothing in this subparagraph shall be construed to alter the Government share required under paragraph (7), section 5307, or any other provision of law.

“(4) COMPETITIVE PROCESS.—The Secretary shall—

“(A) not later than 30 days after the date on which amounts are made available for obligation under this subsection for a full fiscal year, solicit grant applications for eligible projects on a competitive basis; and

“(B) award a grant under this subsection based on the solicitation under subparagraph (A) not later than the earlier of—

“(i) 75 days after the date on which the solicitation expires; or

“(ii) the end of the fiscal year in which the Secretary solicited the grant applications.

“(5) CONSIDERATION.—In awarding grants under this subsection, the Secretary shall only consider eligible projects relating to the acquisition or leasing of low or no emission buses or bus facilities that—

“(A) make greater reductions in energy consumption and harmful emissions, including direct carbon emissions, than comparable standard buses or other low or no emission buses; and

“(B) are part of a long-term integrated fleet management plan for the recipient.

“(6) AVAILABILITY OF FUNDS.—Any amounts made available to carry out this subsection—

“(A) shall remain available to an eligible project for 3 fiscal years after the fiscal year for which the amount is made available; and

“(B) that remain unobligated at the end of the period described in subparagraph (A) shall be added to the amount made available to an eligible project in the following fiscal year.

“(7) GOVERNMENT SHARE OF COSTS.—

“(A) IN GENERAL.—The Federal share of the cost of an eligible project carried out under this subsection shall not exceed 80 percent.

“(B) NON-FEDERAL SHARE.—The non-Federal share of the cost of an eligible project carried out under this subsection may be derived from in-kind contributions.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 53 of title 49, United States Code, is amended by striking the item relating to section 5339 and inserting the following:

49 USC
prec. 5301.

“5339. Grants for buses and bus facilities.”.

SEC. 3018. OBLIGATION CEILING.

49 USC 5338
note.

Notwithstanding any other provision of law, the total of all obligations from amounts made available from the Mass Transit Account of the Highway Trust Fund by subsection (a) of section 5338 of title 49, United States Code, and section 3028 of the Federal Public Transportation Act of 2015 shall not exceed—

- (1) \$9,347,604,639 in fiscal year 2016;
- (2) \$9,733,706,043 in fiscal year 2017;
- (3) \$9,733,353,407 in fiscal year 2018;
- (4) \$9,939,380,030 in fiscal year 2019; and
- (5) \$10,150,348,462 in fiscal year 2020.

49 USC 5325
note.

SEC. 3019. INNOVATIVE PROCUREMENT.

(a) **DEFINITION.**—In this section, the term “grantee” means a recipient or subrecipient of assistance under chapter 53 of title 49, United States Code.

(b) **COOPERATIVE PROCUREMENT.**—

(1) **DEFINITIONS; GENERAL RULES.**—

(A) **DEFINITIONS.**—In this subsection—

(i) the term “cooperative procurement contract” means a contract—

(I) entered into between a State government or eligible nonprofit entity and 1 or more vendors; and

(II) under which the vendors agree to provide an option to purchase rolling stock and related equipment to multiple participants;

(ii) the term “eligible nonprofit entity” means—

(I) a nonprofit cooperative purchasing organization that is not a grantee; or

(II) a consortium of entities described in subclause (I);

(iii) the terms “lead nonprofit entity” and “lead procurement agency” mean an eligible nonprofit entity or a State government, respectively, that acts in an administrative capacity on behalf of each participant in a cooperative procurement contract;

(iv) the term “participant” means a grantee that participates in a cooperative procurement contract; and

(v) the term “participate” means to purchase rolling stock and related equipment under a cooperative procurement contract using assistance provided under chapter 53 of title 49, United States Code.

(B) **GENERAL RULES.**—

(i) **PROCUREMENT NOT LIMITED TO INTRASTATE PARTICIPANTS.**—A grantee may participate in a cooperative procurement contract without regard to whether the grantee is located in the same State as the parties to the contract.

(ii) **VOLUNTARY PARTICIPATION.**—Participation by grantees in a cooperative procurement contract shall be voluntary.

(iii) **CONTRACT TERMS.**—The lead procurement agency or lead nonprofit entity for a cooperative procurement contract shall develop the terms of the contract.

(iv) **DURATION.**—A cooperative procurement contract—

(I) subject to subclauses (II) and (III), may be for an initial term of not more than 2 years;

(II) may include not more than 3 optional extensions for terms of not more than 1 year each; and

(III) may be in effect for a total period of not more than 5 years, including each extension authorized under subclause (II).

(v) ADMINISTRATIVE EXPENSES.—A lead procurement agency or lead nonprofit entity, as applicable, that enters into a cooperative procurement contract—

(I) may charge the participants in the contract for the cost of administering, planning, and providing technical assistance for the contract in an amount that is not more than 1 percent of the total value of the contract; and

(II) with respect to the cost described in subclause (I), may incorporate the cost into the price of the contract or directly charge the participants for the cost, but not both.

(2) STATE COOPERATIVE PROCUREMENT SCHEDULES.—

(A) AUTHORITY.—A State government may enter into a cooperative procurement contract with 1 or more vendors if—

(i) the vendors agree to provide an option to purchase rolling stock and related equipment to the State government and any other participant; and

(ii) the State government acts throughout the term of the contract as the lead procurement agency.

(B) APPLICABILITY OF POLICIES AND PROCEDURES.—In procuring rolling stock and related equipment under a cooperative procurement contract under this subsection, a State government shall comply with the policies and procedures that apply to procurement by the State government when using non-Federal funds, to the extent that the policies and procedures are in conformance with applicable Federal law.

(3) PILOT PROGRAM FOR NONPROFIT COOPERATIVE PROCUREMENTS.—

(A) ESTABLISHMENT.—The Secretary shall establish and carry out a pilot program to demonstrate the effectiveness of cooperative procurement contracts administered by eligible nonprofit entities.

(B) DESIGNATION.—In carrying out the program under this paragraph, the Secretary shall designate not less than 3 eligible nonprofit entities to enter into a cooperative procurement contract under which the eligible nonprofit entity acts throughout the term of the contract as the lead nonprofit entity.

(C) NOTICE OF INTENT TO PARTICIPATE.—At a time determined appropriate by the lead nonprofit entity, each participant in a cooperative procurement contract under this paragraph shall submit to the lead nonprofit entity a nonbinding notice of intent to participate.

(4) JOINT PROCUREMENT CLEARINGHOUSE.—

(A) IN GENERAL.—The Secretary shall establish a clearinghouse for the purpose of allowing grantees to aggregate planned rolling stock purchases and identify joint procurement participants.

(B) NONPROFIT CONSULTATION.—In establishing the clearinghouse under subparagraph (A), the Secretary may consult with nonprofit entities with expertise in public

transportation or procurement, and other stakeholders as the Secretary determines appropriate.

(C) INFORMATION ON PROCUREMENTS.—The clearinghouse may include information on bus size, engine type, floor type, and any other attributes necessary to identify joint procurement participants.

(D) LIMITATIONS.—

(i) ACCESS.—The clearinghouse shall only be accessible to the Federal Transit Administration, a nonprofit entity coordinating for such clearinghouse with the Secretary, and grantees.

(ii) PARTICIPATION.—No grantee shall be required to submit procurement information to the database.

(c) LEASING ARRANGEMENTS.—

(1) CAPITAL LEASE DEFINED.—

(A) IN GENERAL.—In this subsection, the term “capital lease” means any agreement under which a grantee acquires the right to use rolling stock or related equipment for a specified period of time, in exchange for a periodic payment.

(B) MAINTENANCE.—A capital lease may require that the lessor provide maintenance of the rolling stock or related equipment covered by the lease.

(2) PROGRAM TO SUPPORT INNOVATIVE LEASING ARRANGEMENTS.—

(A) AUTHORITY.—A grantee may use assistance provided under chapter 53 of title 49, United States Code, to enter into a capital lease if—

(i) the rolling stock or related equipment covered under the lease is eligible for capital assistance under such chapter; and

(ii) there is or will be no Federal interest in the rolling stock or related equipment covered under the lease as of the date on which the lease takes effect.

(B) GRANTEE REQUIREMENTS.—A grantee that enters into a capital lease shall—

(i) maintain an inventory of the rolling stock or related equipment acquired under the lease; and

(ii) maintain on the accounting records of the grantee the liability of the grantee under the lease.

(C) ELIGIBLE LEASE COSTS.—The costs for which a grantee may use assistance under chapter 53 of title 49, United States Code, with respect to a capital lease, include—

(i) the cost of the rolling stock or related equipment;

(ii) associated financing costs, including interest, legal fees, and financial advisor fees;

(iii) ancillary costs such as delivery and installation charges; and

(iv) maintenance costs.

(D) TERMS.—A grantee shall negotiate the terms of any lease agreement that the grantee enters into.

(E) APPLICABILITY OF PROCUREMENT REQUIREMENTS.—

(i) LEASE REQUIREMENTS.—Part 639 of title 49, Code of Federal Regulations, or any successor regulation, and implementing guidance applicable to leasing shall not apply to a capital lease.

(ii) BUY AMERICA.—The requirements under section 5323(j) of title 49, United States Code, shall apply to a capital lease.

(3) CAPITAL LEASING OF CERTAIN ZERO EMISSION VEHICLE COMPONENTS.—

(A) DEFINITIONS.—In this paragraph—

(i) the term “removable power source”—

(I) means a power source that is separately installed in, and removable from, a zero emission vehicle; and

(II) may include a battery, a fuel cell, an ultracapacitor, or other advanced power source used in a zero emission vehicle; and

(ii) the term “zero emission vehicle” has the meaning given the term in section 5339(c) of title 49, United States Code.

(B) LEASED POWER SOURCES.—Notwithstanding any other provision of law, for purposes of this subsection, the cost of a removable power source that is necessary for the operation of a zero emission vehicle shall not be treated as part of the cost of the vehicle if the removable power source is acquired using a capital lease.

(C) ELIGIBLE CAPITAL LEASE.—A grantee may acquire a removable power source by itself through a capital lease.

(D) PROCUREMENT REGULATIONS.—For purposes of this section, a removable power source shall be subject to section 200.88 of title 2, Code of Federal Regulations.

(4) REPORTING REQUIREMENT.—Not later than 3 years after the date on which a grantee enters into a capital lease under this subsection, the grantee shall submit to the Secretary a report that contains—

(A) an evaluation of the overall costs and benefits of leasing rolling stock; and

(B) a comparison of the expected short-term and long-term maintenance costs of leasing versus buying rolling stock.

(5) REPORT.—The Secretary shall make publicly available an annual report on this subsection for each fiscal year, not later than December 31 of the calendar year in which that fiscal year ends. The report shall include a detailed description of the activities carried out under this subsection, and evaluation of the program including the evaluation of the data reported in paragraph (4).

(d) BUY AMERICA.—The requirements of section 5323(j) of title 49, United States Code, shall apply to all procurements under this section.

SEC. 3020. REVIEW OF PUBLIC TRANSPORTATION SAFETY STANDARDS.

(a) REVIEW REQUIRED.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall begin a review

of the safety standards and protocols used in public transportation systems in the United States that examines the efficacy of existing standards and protocols.

(2) CONTENTS OF REVIEW.—In conducting the review under this paragraph, the Secretary shall review—

(A) minimum safety performance standards developed by the public transportation industry;

(B) safety performance standards, practices, or protocols in use by rail fixed guideway public transportation systems, including—

(i) written emergency plans and procedures for passenger evacuations;

(ii) training programs to ensure public transportation personnel compliance and readiness in emergency situations;

(iii) coordination plans approved by recipients with local emergency responders having jurisdiction over a rail fixed guideway public transportation system, including—

(I) emergency preparedness training, drills, and familiarization programs for the first responders; and

(II) the scheduling of regular field exercises to ensure appropriate response and effective radio and public safety communications;

(iv) maintenance, testing, and inspection programs to ensure the proper functioning of—

(I) tunnel, station, and vehicle ventilation systems;

(II) signal and train control systems, track, mechanical systems, and other infrastructure; and

(III) other systems as necessary;

(v) certification requirements for train and bus operators and control center employees;

(vi) consensus-based standards, practices, or protocols available to the public transportation industry; and

(vii) any other standards, practices, or protocols the Secretary determines appropriate; and

(C) rail and bus safety standards, practices, or protocols in use by public transportation systems, regarding—

(i) rail and bus design and the workstation of rail and bus operators, as it relates to—

(I) the reduction of blindspots that contribute to accidents involving pedestrians; and

(II) protecting rail and bus operators from the risk of assault;

(ii) scheduling fixed route rail and bus service with adequate time and access for operators to use restroom facilities;

(iii) fatigue management; and

(iv) crash avoidance and worthiness.

(b) EVALUATION.—After conducting the review under subsection (a), the Secretary shall, in consultation with representatives of the public transportation industry, evaluate the need to establish additional Federal minimum public transportation safety standards.

(c) **REPORT.**—After completing the review and evaluation required under subsections (a) and (b), and not later than 1 year after the date of enactment of this Act, the Secretary shall make available on a publicly accessible Web site, a report that includes—

- (1) findings based on the review conducted under subsection (a);
- (2) the outcome of the evaluation conducted under subsection (b);
- (3) a comprehensive set of recommendations to improve the safety of the public transportation industry, including recommendations for statutory changes if applicable; and
- (4) actions that the Secretary will take to address the recommendations provided under paragraph (3), including, if necessary, the authorities under section 5329(b)(2)(D) of title 49, United States Code.

SEC. 3021. STUDY ON EVIDENTIARY PROTECTION FOR PUBLIC TRANSPORTATION SAFETY PROGRAM INFORMATION.

(a) **STUDY.**—The Secretary shall enter into an agreement with the Transportation Research Board of the National Academies of Sciences, Engineering, and Medicine, to conduct a study to evaluate whether it is in the public interest, including public safety and the legal rights of persons injured in public transportation accidents, to withhold from discovery or admission into evidence in a Federal or State court proceeding any plan, report, data, or other information or portion thereof, submitted to, developed, produced, collected, or obtained by the Secretary or the Secretary’s representative for purposes of complying with the requirements under section 5329 of title 49, United States Code, including information related to a recipient’s safety plan, safety risks, and mitigation measures.

(b) **COORDINATION.**—In conducting the study under subsection (a), the Transportation Research Board shall coordinate with the legal research entities of the National Academies of Sciences, Engineering, and Medicine, including the Committee on Law and Justice and the Committee on Science, Technology, and Law, and include members of those committees on the research committee established for the purposes of this section.

(c) **INPUT.**—In conducting the study under subsection (a), the relevant entities of the National Academies of Sciences, Engineering, and Medicine shall solicit input from the public transportation recipients, public transportation nonprofit employee labor organizations, and impacted members of the general public.

(d) **REPORT.**—Not later than 18 months after the date of enactment of this Act, the National Academies of Sciences, Engineering, and Medicine shall issue a report, with the findings of the study under subsection (a), including any recommendations on statutory changes regarding evidentiary protections that will increase public transportation safety.

SEC. 3022. IMPROVED PUBLIC TRANSPORTATION SAFETY MEASURES.

(a) **REQUIREMENTS.**—Not later than 90 days after publication of the report required in section 3020, the Secretary shall issue a notice of proposed rulemaking on protecting public transportation operators from the risk of assault.

(b) **CONSIDERATION.**—In the proposed rulemaking, the Secretary shall consider—

- (1) different safety needs of drivers of different modes;
- (2) differences in operating environments;

49 USC 5329
note.

- (3) the use of technology to mitigate driver assault risks;
- (4) existing experience, from both agencies and operators that already are using or testing driver assault mitigation infrastructure; and
- (5) the impact of the rule on future rolling stock procurements and vehicles currently in revenue service.

(c) SAVINGS CLAUSE.—Nothing in this section may be construed as prohibiting the Secretary from issuing different comprehensive worker protections, including standards for mitigating assaults.

42 USC 12143
note.

SEC. 3023. PARATRANSIT SYSTEM UNDER FTA APPROVED COORDINATED PLAN.

Notwithstanding the provisions of section 37.131(c) of title 49, Code of Federal Regulations, any paratransit system currently coordinating complementary paratransit service for more than 40 fixed route agencies shall be permitted to continue using an existing tiered, distance-based coordinated paratransit fare system, if the fare for the existing tiered, distance-based coordinated paratransit fare system is not increased by a greater percentage than any increase to the fixed route fare for the largest transit agency in the complementary paratransit service area.

SEC. 3024. REPORT ON POTENTIAL OF INTERNET OF THINGS.

(a) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to Congress a report on the potential of the Internet of Things to improve transportation services in rural, suburban, and urban areas.

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

- (1) a survey of the communities, cities, and States that are using innovative transportation systems to meet the needs of ageing populations;
- (2) best practices to protect privacy and security, as determined as a result of such survey; and
- (3) recommendations with respect to the potential of the Internet of Things to assist local, State, and Federal planners to develop more efficient and accurate projections of the transportation needs of rural, suburban, and urban communities.

SEC. 3025. REPORT ON PARKING SAFETY.

(a) STUDY.—The Secretary shall conduct a study on the safety of certain transportation facilities and locations, focusing on any property damage, injuries, deaths, and other incidents that occur or originate at locations intended to encourage public use of alternative transportation, including—

- (1) carpool lots;
- (2) mass transit lots;
- (3) local, State, or regional rail stations;
- (4) rest stops;
- (5) college or university lots;
- (6) bike paths or walking trails; and
- (7) any other locations that the Secretary considers appropriate.

(b) REPORT.—Not later than 8 months after the date of enactment of this Act, the Secretary shall submit to the Committee

on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report on the results of the study.

(c) RECOMMENDATIONS.—The Secretary shall include in the report recommendations to Congress on the best ways to use innovative technologies to increase safety and ensure a better response by transit security and local, State, and Federal law enforcement to address threats to public safety.

SEC. 3026. APPOINTMENT OF DIRECTORS OF WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY.

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) COMPACT.—The term “Compact” means the Washington Metropolitan Area Transit Authority Compact (Public Law 89-774; 80 Stat. 1324).

(2) FEDERAL DIRECTOR.—The term “Federal Director” means—

(A) a voting member of the Board of Directors of the Transit Authority who represents the Federal Government; and

(B) a nonvoting member of the Board of Directors of the Transit Authority who serves as an alternate for a member described in subparagraph (A).

(3) TRANSIT AUTHORITY.—The term “Transit Authority” means the Washington Metropolitan Area Transit Authority established under Article III of the Compact.

(b) APPOINTMENT BY SECRETARY OF TRANSPORTATION.—

(1) IN GENERAL.—For any appointment made on or after the date of enactment of this Act, the Secretary of Transportation shall have sole authority to appoint Federal Directors to the Board of Directors of the Transit Authority.

(2) AMENDMENT TO COMPACT.—The signatory parties to the Compact shall amend the Compact as necessary in accordance with paragraph (1).

SEC. 3027. EFFECTIVENESS OF PUBLIC TRANSPORTATION CHANGES AND FUNDING.

Not later than 18 months after the date of enactment of this Act, the Comptroller General shall examine and evaluate the impact of the changes that MAP-21 had on public transportation, including—

(1) the ability and effectiveness of public transportation agencies to provide public transportation to low-income workers in accessing jobs and being able to use reverse commute services;

(2) whether services to low-income riders declined after MAP-21 was implemented; and

(3) if guidance provided by the Federal Transit Administration encouraged public transportation agencies to maintain and support services to low-income riders to allow them to access jobs, medical services, and other life necessities.

SEC. 3028. AUTHORIZATION OF GRANTS FOR POSITIVE TRAIN CONTROL.

(a) IN GENERAL.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out this section \$199,000,000 for fiscal year 2017 to assist in financing

the installation of positive train control systems required under section 20157 of title 49, United States Code.

(b) USES.—The amounts made available under subsection (a) of this section shall be awarded by the Secretary on a competitive basis, and grant funds awarded under this section shall not exceed 80 percent of the total cost of a project.

(c) CREDIT ASSISTANCE.—At the request of an eligible applicant under this section, the Secretary may use amounts awarded to the entity to pay the subsidy and administrative costs necessary to provide the entity Federal credit assistance under sections 502 through 504 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 801 et seq.), with respect to the project for which the grant was awarded.

(d) ELIGIBLE RECIPIENTS.—The amounts made available under subsection (a) of this section may be used only to assist a recipient of funds under chapter 53 of title 49, United States Code.

(e) PROJECT MANAGEMENT OVERSIGHT.—The Secretary may withhold up to 1 percent from the amounts made available under subsection (a) of this section for the costs of project management oversight of grants authorized under that subsection.

(f) SAVINGS CLAUSE.—Nothing in this section may be construed as authorizing the amounts appropriated under subsection (a) to be used for any purpose other than financing the installation of positive train control systems.

(g) GRANTS FINANCED FROM HIGHWAY TRUST FUND.—A grant that is approved by the Secretary and financed with amounts made available from the Mass Transit Account of the Highway Trust Fund under this section is a contractual obligation of the Government to pay the Government share of the cost of the project.

(h) AVAILABILITY OF AMOUNTS.—Notwithstanding subsection (j), amounts made available under this section shall remain available until expended.

(i) OBLIGATION LIMITATION.—Funds made available under this section shall be subject to obligation limit of section 3018 of the Federal Public Transportation Act of 2015.

(j) SUNSET.—The Secretary of Transportation shall provide the grants, direct loans, and loan guarantees under subsections (b) and (c) by September 30, 2018.

SEC. 3029. AMENDMENT TO TITLE 5.

(a) IN GENERAL.—Section 5313 of title 5, United States Code, is amended by adding at the end the following:

“Federal Transit Administrator.”.

(b) CONFORMING AMENDMENT.—Section 5314 of title 5, United States Code, is amended by striking “Federal Transit Administrator.”.

5 USC 5313 note.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first pay period beginning on or after the first day of the first fiscal year beginning after the date of enactment of this Act.

SEC. 3030. TECHNICAL AND CONFORMING CHANGES.

(a) REPEAL.—Section 20008(b) of MAP–21 (49 U.S.C. 5309 note) is repealed.

(b) REPEAL SECTION 5313.—Section 5313 of title 49, United States Code, and the item relating to that section in the analysis for chapter 53 of such title, are repealed.

49 USC
prec. 5301.

(c) REPEAL OF SECTION 5319.—Section 5319 of title 49, United States Code, and the item relating to that section in the analysis for chapter 53 of such title, are repealed.

49 USC
prec. 5301.

(d) REPEAL OF SECTION 5322.—Section 5322 of title 49, United States Code, and the item relating to that section in the analysis for chapter 53 of such title, are repealed.

49 USC
prec. 5301.

(e) SECTION 5325.—Section 5325 of title 49, United States Code is amended—

(1) in subsection (e)(2), by striking “at least two”; and

(2) in subsection (h), by striking “Federal Public Transportation Act of 2012” and inserting “Federal Public Transportation Act of 2015”.

(f) SECTION 5340.—Section 5340 of title 49, United States Code, is amended—

(1) by striking subsection (b); and

(2) by inserting the following:

“(b) ALLOCATION.—The Secretary shall apportion the amounts made available under section 5338(b)(2)(N) in accordance with subsection (c) and subsection (d).”.

(g) CHAPTER 105 OF TITLE 49, UNITED STATES CODE.—Section 10501(c) of title 49, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)(i), by striking “section 5302(a)” and inserting “section 5302”; and

(B) in subparagraph (B)—

(i) by striking “mass transportation” and inserting “public transportation”; and

(ii) by striking “section 5302(a)” and inserting “section 5302”; and

(2) in paragraph (2)(A), by striking “mass transportation” and inserting “public transportation”.

TITLE IV—HIGHWAY TRAFFIC SAFETY

SEC. 4001. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—The following sums are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

(1) HIGHWAY SAFETY PROGRAMS.—For carrying out section 402 of title 23, United States Code—

(A) \$243,500,000 for fiscal year 2016;

(B) \$252,300,000 for fiscal year 2017;

(C) \$261,200,000 for fiscal year 2018;

(D) \$270,400,000 for fiscal year 2019; and

(E) \$279,800,000 for fiscal year 2020.

(2) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—For carrying out section 403 of title 23, United States Code—

(A) \$137,800,000 for fiscal year 2016;

(B) \$140,700,000 for fiscal year 2017;

(C) \$143,700,000 for fiscal year 2018;

(D) \$146,700,000 for fiscal year 2019; and

(E) \$149,800,000 for fiscal year 2020.

(3) NATIONAL PRIORITY SAFETY PROGRAMS.—For carrying out section 405 of title 23, United States Code—

(A) \$274,700,000 for fiscal year 2016;

(B) \$277,500,000 for fiscal year 2017;

- (C) \$280,200,000 for fiscal year 2018;
- (D) \$283,000,000 for fiscal year 2019; and
- (E) \$285,900,000 for fiscal year 2020.

(4) NATIONAL DRIVER REGISTER.—For the National Highway Traffic Safety Administration to carry out chapter 303 of title 49, United States Code—

- (A) \$5,100,000 for fiscal year 2016;
- (B) \$5,200,000 for fiscal year 2017;
- (C) \$5,300,000 for fiscal year 2018;
- (D) \$5,400,000 for fiscal year 2019; and
- (E) \$5,500,000 for fiscal year 2020.

(5) HIGH-VISIBILITY ENFORCEMENT PROGRAM.—For carrying out section 404 of title 23, United States Code—

- (A) \$29,300,000 for fiscal year 2016;
- (B) \$29,500,000 for fiscal year 2017;
- (C) \$29,900,000 for fiscal year 2018;
- (D) \$30,200,000 for fiscal year 2019; and
- (E) \$30,500,000 for fiscal year 2020.

(6) ADMINISTRATIVE EXPENSES.—For administrative and related operating expenses of the National Highway Traffic Safety Administration in carrying out chapter 4 of title 23, United States Code, and this title—

- (A) \$25,832,000 for fiscal year 2016;
- (B) \$26,072,000 for fiscal year 2017;
- (C) \$26,329,000 for fiscal year 2018;
- (D) \$26,608,000 for fiscal year 2019; and
- (E) \$26,817,000 for fiscal year 2020.

23 USC 401 note.

(b) PROHIBITION ON OTHER USES.—Except as otherwise provided in chapter 4 of title 23, United States Code, and chapter 303 of title 49, United States Code, the amounts made available from the Highway Trust Fund (other than the Mass Transit Account) for a program under such chapters—

- (1) shall only be used to carry out such program; and
- (2) may not be used by States or local governments for construction purposes.

(c) APPLICABILITY OF TITLE 23.—Except as otherwise provided in chapter 4 of title 23, United States Code, and chapter 303 of title 49, United States Code, amounts made available under subsection (a) for fiscal years 2016 through 2020 shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code.

23 USC 402 note.

(d) REGULATORY AUTHORITY.—Grants awarded under this title shall be carried out in accordance with regulations issued by the Secretary.

23 USC 402 note.

(e) STATE MATCHING REQUIREMENTS.—If a grant awarded under chapter 4 of title 23, United States Code, requires a State to share in the cost, the aggregate of all expenditures for highway safety activities made during a fiscal year by the State and its political subdivisions (exclusive of Federal funds) for carrying out the grant (other than planning and administration) shall be available for the purpose of crediting the State during such fiscal year for the non-Federal share of the cost of any other project carried out under chapter 4 of title 23, United States Code (other than planning or administration), without regard to whether such expenditures were made in connection with such project.

(f) GRANT APPLICATION AND DEADLINE.—To receive a grant under chapter 4 of title 23, United States Code, a State shall

submit an application, and the Secretary shall establish a single deadline for such applications to enable the award of grants early in the next fiscal year.

SEC. 4002. HIGHWAY SAFETY PROGRAMS.

Section 402 of title 23, United States Code, is amended—

(1) in subsection (a)(2)(A)—

(A) in clause (vi) by striking “and” at the end;

(B) in clause (vii) by inserting “and” after the semicolon; and

(C) by adding at the end the following:

“(viii) to increase driver awareness of commercial motor vehicles to prevent crashes and reduce injuries and fatalities.”;

(2) in subsection (c)(4), by adding at the end the following:

“(C) SURVEY.—A State in which an automated traffic enforcement system is installed shall expend funds apportioned to that State under this section to conduct a biennial survey that the Secretary shall make publicly available through the Internet Web site of the Department of Transportation that includes—

“(i) a list of automated traffic enforcement systems in the State;

“(ii) adequate data to measure the transparency, accountability, and safety attributes of each automated traffic enforcement system; and

“(iii) a comparison of each automated traffic enforcement system with—

“(I) Speed Enforcement Camera Systems Operational Guidelines (DOT HS 810 916, March 2008); and

“(II) Red Light Camera Systems Operational Guidelines (FHWA-SA-05-002, January 2005).”;

(3) by striking subsection (g) and inserting the following:

“(g) RESTRICTION.—Nothing in this section may be construed to authorize the appropriation or expenditure of funds for highway construction, maintenance, or design (other than design of safety features of highways to be incorporated into guidelines).”;

(4) in subsection (k)—

(A) by redesignating paragraphs (3) through (5) as paragraphs (4) through (6), respectively;

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

“(3) ELECTRONIC SUBMISSION.—The Secretary, in coordination with the Governors Highway Safety Association, shall develop procedures to allow States to submit highway safety plans under this subsection, including any attachments to the plans, in electronic form.”; and

(C) in paragraph (6)(A), as so redesignated, by striking “60 days” and inserting “45 days”; and

(5) in subsection (m)(2)(B)—

(A) in clause (vii) by striking “and” at the end;

(B) in clause (viii) by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

“(ix) increase driver awareness of commercial motor vehicles to prevent crashes and reduce injuries and fatalities; and

“(x) support for school-based driver’s education classes to improve teen knowledge about—

“(I) safe driving practices; and

“(II) State graduated driving license requirements, including behind-the-wheel training required to meet those requirements.”.

SEC. 4003. HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.

Section 403 of title 23, United States Code, is amended—
(1) in subsection (h)—

(A) in paragraph (1) by striking “may” and inserting “shall”;

(B) by striking paragraph (2) and inserting the following:

“(2) FUNDING.—The Secretary shall obligate from funds made available to carry out this section for the period covering fiscal years 2017 through 2020 not more than \$21,248,000 to conduct the research described in paragraph (1).”;

(C) in paragraph (3) by striking “If the Administrator utilizes the authority under paragraph (1), the” and inserting “The”; and

(D) in paragraph (4) by striking “If the Administrator conducts the research authorized under paragraph (1), the” and inserting “The”; and

(2) by adding at the end the following:

“(i) LIMITATION ON DRUG AND ALCOHOL SURVEY DATA.—The Secretary shall establish procedures and guidelines to ensure that any person participating in a program or activity that collects data on drug or alcohol use by drivers of motor vehicles and is carried out under this section is informed that the program or activity is voluntary.

“(j) FEDERAL SHARE.—The Federal share of the cost of any project or activity carried out under this section may be not more than 100 percent.”.

SEC. 4004. HIGH-VISIBILITY ENFORCEMENT PROGRAM.

(a) IN GENERAL.—Section 404 of title 23, United States Code, is amended to read as follows:

“§ 404. High-visibility enforcement program

“(a) IN GENERAL.—The Secretary shall establish and administer a program under which not less than 3 campaigns will be carried out in each of fiscal years 2016 through 2020.

“(b) PURPOSE.—The purpose of each campaign carried out under this section shall be to achieve outcomes related to not less than 1 of the following objectives:

“(1) Reduce alcohol-impaired or drug-impaired operation of motor vehicles.

“(2) Increase use of seatbelts by occupants of motor vehicles.

“(c) ADVERTISING.—The Secretary may use, or authorize the use of, funds available to carry out this section to pay for the development, production, and use of broadcast and print media advertising and Internet-based outreach in carrying out campaigns under this section. In allocating such funds, consideration shall be given to advertising directed at non-English speaking populations, including those who listen to, read, or watch nontraditional media.

“(d) COORDINATION WITH STATES.—The Secretary shall coordinate with States in carrying out the campaigns under this section, including advertising funded under subsection (c), with consideration given to—

“(1) relying on States to provide law enforcement resources for the campaigns out of funding made available under sections 402 and 405; and

“(2) providing, out of National Highway Traffic Safety Administration resources, most of the means necessary for national advertising and education efforts associated with the campaigns.

“(e) USE OF FUNDS.—Funds made available to carry out this section may be used only for activities described in subsection (c).

“(f) DEFINITIONS.—In this section, the following definitions apply:

“(1) CAMPAIGN.—The term ‘campaign’ means a high-visibility traffic safety law enforcement campaign.

“(2) STATE.—The term ‘State’ has the meaning given that term in section 401.”

(b) CLERICAL AMENDMENT.—The analysis for chapter 4 of title 23, United States Code, is amended by striking the item relating to section 404 and inserting the following:

23 USC
prec. 401.

“404. High-visibility enforcement program.”

SEC. 4005. NATIONAL PRIORITY SAFETY PROGRAMS.

(a) GENERAL AUTHORITY.—Section 405(a) of title 23, United States Code, is amended to read as follows:

“(a) GENERAL AUTHORITY.—Subject to the requirements of this section, the Secretary shall manage programs to address national priorities for reducing highway deaths and injuries. Funds shall be allocated according to the following:

“(1) OCCUPANT PROTECTION.—In each fiscal year, 13 percent of the funds provided under this section shall be allocated among States that adopt and implement effective occupant protection programs to reduce highway deaths and injuries resulting from individuals riding unrestrained or improperly restrained in motor vehicles (as described in subsection (b)).

“(2) STATE TRAFFIC SAFETY INFORMATION SYSTEM IMPROVEMENTS.—In each fiscal year, 14.5 percent of the funds provided under this section shall be allocated among States that meet requirements with respect to State traffic safety information system improvements (as described in subsection (c)).

“(3) IMPAIRED DRIVING COUNTERMEASURES.—In each fiscal year, 52.5 percent of the funds provided under this section shall be allocated among States that meet requirements with respect to impaired driving countermeasures (as described in subsection (d)).

“(4) DISTRACTED DRIVING.—In each fiscal year, 8.5 percent of the funds provided under this section shall be allocated among States that adopt and implement effective laws to reduce distracted driving (as described in subsection (e)).

“(5) MOTORCYCLIST SAFETY.—In each fiscal year, 1.5 percent of the funds provided under this section shall be allocated among States that implement motorcyclist safety programs (as described in subsection (f)).

“(6) STATE GRADUATED DRIVER LICENSING LAWS.—In each fiscal year, 5 percent of the funds provided under this section shall be allocated among States that adopt and implement graduated driver licensing laws (as described in subsection (g)).

“(7) NONMOTORIZED SAFETY.—In each fiscal year, 5 percent of the funds provided under this section shall be allocated among States that meet requirements with respect to non-motorized safety (as described in subsection (h)).

“(8) TRANSFERS.—Notwithstanding paragraphs (1) through (7), the Secretary shall reallocate, before the last day of any fiscal year, any amounts remaining available to carry out any of the activities described in subsections (b) through (h) to increase the amount made available under section 402, in order to ensure, to the maximum extent possible, that all such amounts are obligated during such fiscal year.

“(9) MAINTENANCE OF EFFORT.—

“(A) CERTIFICATION.—As part of the grant application required in section 402(k)(3)(F), a State receiving a grant in any fiscal year under subsection (b), (c), or (d) of this section shall provide certification that the lead State agency responsible for programs described in any of those subsections is maintaining aggregate expenditures at or above the average level of such expenditures in the 2 fiscal years prior to the date of enactment of the FAST Act.

“(B) WAIVER.—Upon the request of a State, the Secretary may waive or modify the requirements under subparagraph (A) for not more than 1 fiscal year if the Secretary determines that such a waiver would be equitable due to exceptional or uncontrollable circumstances.

“(10) POLITICAL SUBDIVISIONS.—A State may provide the funds awarded under this section to a political subdivision of the State or an Indian tribal government.”.

(b) HIGH SEATBELT USE RATE.—Section 405(b)(4)(B) of title 23, United States Code, is amended by striking “75 percent” and inserting “100 percent”.

(c) IMPAIRED DRIVING COUNTERMEASURES.—Section 405(d) of title 23, United States Code, is amended—

(1) by striking paragraph (4) and inserting the following:

“(4) USE OF GRANT AMOUNTS.—

“(A) REQUIRED PROGRAMS.—High-range States shall use grant funds for—

“(i) high-visibility enforcement efforts; and

“(ii) any of the activities described in subparagraph

(B) if—

“(I) the activity is described in the statewide plan; and

“(II) the Secretary approves the use of funding for such activity.

“(B) AUTHORIZED PROGRAMS.—Medium-range and low-range States may use grant funds for—

“(i) any of the purposes described in subparagraph (A);

“(ii) hiring a full-time or part-time impaired driving coordinator of the State’s activities to address the enforcement and adjudication of laws regarding

driving while impaired by alcohol, drugs, or the combination of alcohol and drugs;

“(iii) court support of high-visibility enforcement efforts, training and education of criminal justice professionals (including law enforcement, prosecutors, judges, and probation officers) to assist such professionals in handling impaired driving cases, hiring traffic safety resource prosecutors, hiring judicial outreach liaisons, and establishing driving while intoxicated courts;

“(iv) alcohol ignition interlock programs;

“(v) improving blood-alcohol concentration testing and reporting;

“(vi) paid and earned media in support of high-visibility enforcement efforts, conducting standardized field sobriety training, advanced roadside impaired driving evaluation training, and drug recognition expert training for law enforcement, and equipment and related expenditures used in connection with impaired driving enforcement in accordance with criteria established by the National Highway Traffic Safety Administration;

“(vii) training on the use of alcohol and drug screening and brief intervention;

“(viii) training for and implementation of impaired driving assessment programs or other tools designed to increase the probability of identifying the recidivism risk of a person convicted of driving under the influence of alcohol, drugs, or a combination of alcohol and drugs and to determine the most effective mental health or substance abuse treatment or sanction that will reduce such risk;

“(ix) developing impaired driving information systems; and

“(x) costs associated with a 24-7 sobriety program.

“(C) OTHER PROGRAMS.—Low-range States may use grant funds for any expenditure designed to reduce impaired driving based on problem identification and may use not more than 50 percent of funds made available under this subsection for any project or activity eligible for funding under section 402. Medium-range and high-range States may use funds for any expenditure designed to reduce impaired driving based on problem identification upon approval by the Secretary.”;

(2) in paragraph (6)—

(A) by amending the paragraph heading to read as follows: “ADDITIONAL GRANTS.—”;

(B) in subparagraph (A) by amending the subparagraph heading to read as follows: “GRANTS TO STATES WITH ALCOHOL-IGNITION INTERLOCK LAWS.—”;

(C) by redesignating subparagraphs (B) through (D) as subparagraphs (C) through (E), respectively;

(D) by inserting after subparagraph (A), the following:

“(B) GRANTS TO STATES WITH 24-7 SOBRIETY PROGRAMS.—The Secretary shall make a separate grant under this subsection to each State that—

“(i) adopts and is enforcing a law that requires all individuals convicted of driving under the influence of alcohol or of driving while intoxicated to receive a restriction on driving privileges; and

“(ii) provides a 24-7 sobriety program.”;

(E) in subparagraph (C), as redesignated, by inserting “and subparagraph (B)” after “subparagraph (A)”;

(F) in subparagraph (D), as redesignated, by inserting “and subparagraph (B)” after “subparagraph (A)”;

(G) by amending subparagraph (E), as redesignated, to read as follows:

“(E) FUNDING.—

“(i) FUNDING FOR GRANTS TO STATES WITH ALCOHOL-IGNITION INTERLOCK LAWS.—Not more than 12 percent of the amounts made available to carry out this subsection in a fiscal year shall be made available by the Secretary for making grants under subparagraph (A).

“(ii) FUNDING FOR GRANTS TO STATES WITH 24-7 SOBRIETY PROGRAMS.—Not more than 3 percent of the amounts made available to carry out this subsection in a fiscal year shall be made available by the Secretary for making grants under subparagraph (B).”; and

(H) by adding at the end the following:

“(F) EXCEPTIONS.—A State alcohol-ignition interlock law under subparagraph (A) may include exceptions for the following circumstances:

“(i) The individual is required to operate an employer’s motor vehicle in the course and scope of employment and the business entity that owns the vehicle is not owned or controlled by the individual.

“(ii) The individual is certified by a medical doctor as being unable to provide a deep lung breath sample for analysis by an ignition interlock device.

“(iii) A State-certified ignition interlock provider is not available within 100 miles of the individual’s residence.”; and

(3) in paragraph (7)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i)—

(I) by striking “or a State agency” and inserting “or an agency with jurisdiction”; and

(II) by inserting “bond,” before “sentence”;

(ii) in clause (i) by striking “who plead guilty or” and inserting “who was arrested for, plead guilty to, or”; and

(iii) in clause (ii)(I) by inserting “at a testing location” after “per day”; and

(B) in subparagraph (D) by striking the second period at the end.

(d) DISTRACTED DRIVING GRANTS.—Section 405(e) of title 23, United States Code, is amended to read as follows:

“(e) DISTRACTED DRIVING GRANTS.—

“(1) IN GENERAL.—The Secretary shall award a grant under this subsection to any State that includes distracted driving awareness as part of the State’s driver’s license examination,

and enacts and enforces a law that meets the requirements set forth in paragraphs (2) and (3).

“(2) PROHIBITION ON TEXTING WHILE DRIVING.—A State law meets the requirements set forth in this paragraph if the law—

“(A) prohibits a driver from texting through a personal wireless communications device while driving;

“(B) makes violation of the law a primary offense;

“(C) establishes a minimum fine for a violation of the law; and

“(D) does not provide for an exemption that specifically allows a driver to text through a personal wireless communication device while stopped in traffic.

“(3) PROHIBITION ON YOUTH CELL PHONE USE WHILE DRIVING OR STOPPED IN TRAFFIC.—A State law meets the requirements set forth in this paragraph if the law—

“(A) prohibits a driver from using a personal wireless communications device while driving if the driver is—

“(i) younger than 18 years of age; or

“(ii) in the learner’s permit or intermediate license stage set forth in subsection (g)(2)(B);

“(B) makes violation of the law a primary offense;

“(C) establishes a minimum fine for a violation of the law; and

“(D) does not provide for an exemption that specifically allows a driver to text through a personal wireless communication device while stopped in traffic.

“(4) PERMITTED EXCEPTIONS.—A law that meets the requirements set forth in paragraph (2) or (3) may provide exceptions for—

“(A) a driver who uses a personal wireless communications device to contact emergency services;

“(B) emergency services personnel who use a personal wireless communications device while—

“(i) operating an emergency services vehicle; and

“(ii) engaged in the performance of their duties as emergency services personnel;

“(C) an individual employed as a commercial motor vehicle driver or a school bus driver who uses a personal wireless communications device within the scope of such individual’s employment if such use is permitted under the regulations promulgated pursuant to section 31136 of title 49; and

“(D) any additional exceptions determined by the Secretary through a rulemaking process.

“(5) USE OF GRANT FUNDS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), amounts received by a State under this subsection shall be used—

“(i) to educate the public through advertising containing information about the dangers of texting or using a cell phone while driving;

“(ii) for traffic signs that notify drivers about the distracted driving law of the State; or

“(iii) for law enforcement costs related to the enforcement of the distracted driving law.

“(B) FLEXIBILITY.—

“(i) Not more than 50 percent of amounts received by a State under this subsection may be used for any eligible project or activity under section 402.

“(ii) Not more than 75 percent of amounts received by a State under this subsection may be used for any eligible project or activity under section 402 if the State has conformed its distracted driving data to the most recent Model Minimum Uniform Crash Criteria published by the Secretary.

“(6) ADDITIONAL DISTRACTED DRIVING GRANTS.—

“(A) IN GENERAL.—Notwithstanding paragraph (1), for each of fiscal years 2017 and 2018, the Secretary shall use up to 25 percent of the amounts available for grants under this subsection to award grants to any State that—

“(i) in fiscal year 2017—

“(I) certifies that it has enacted a basic text messaging statute that—

“(aa) is applicable to drivers of all ages; and

“(bb) makes violation of the basic text messaging statute a primary offense or secondary enforcement action as allowed by State statute; and

“(II) is otherwise ineligible for a grant under this subsection; and

“(ii) in fiscal year 2018—

“(I) certifies that it has enacted a basic text messaging statute that—

“(aa) is applicable to drivers of all ages; and

“(bb) makes violation of the basic text messaging statute a primary offense;

“(II) imposes fines for violations;

“(III) has a statute that prohibits drivers who are younger than 18 years of age from using a personal wireless communications device while driving; and

“(IV) is otherwise ineligible for a grant under this subsection.

“(B) USE OF GRANT FUNDS.—

“(i) IN GENERAL.—Notwithstanding paragraph (5) and subject to clauses (ii) and (iii) of this subparagraph, amounts received by a State under subparagraph (A) may be used for activities related to the enforcement of distracted driving laws, including for public information and awareness purposes.

“(ii) FISCAL YEAR 2017.—In fiscal year 2017, up to 15 percent of the amounts received by a State under subparagraph (A) may be used for any eligible project or activity under section 402.

“(iii) FISCAL YEAR 2018.—In fiscal year 2018, up to 25 percent of the amounts received by a State under subparagraph (A) may be used for any eligible project or activity under section 402.

“(7) ALLOCATION TO SUPPORT STATE DISTRACTED DRIVING LAWS.—Of the amounts available under this subsection in a fiscal year for distracted driving grants, the Secretary may expend not more than \$5,000,000 for the development and placement of broadcast media to reduce distracted driving of motor vehicles.

“(8) GRANT AMOUNT.—The allocation of grant funds to a State under this subsection for a fiscal year shall be in proportion to the State’s apportionment under section 402 for fiscal year 2009.

“(9) DEFINITIONS.—In this subsection, the following definitions apply:

“(A) DRIVING.—The term ‘driving’—

“(i) means operating a motor vehicle on a public road; and

“(ii) does not include operating a motor vehicle when the vehicle has pulled over to the side of, or off, an active roadway and has stopped in a location where it can safely remain stationary.

“(B) PERSONAL WIRELESS COMMUNICATIONS DEVICE.—The term ‘personal wireless communications device’—

“(i) means a device through which personal wireless services (as defined in section 332(c)(7)(C)(i) of the Communications Act of 1934 (47 U.S.C. 332(c)(7)(C)(i))) are transmitted; and

“(ii) does not include a global navigation satellite system receiver used for positioning, emergency notification, or navigation purposes.

“(C) PRIMARY OFFENSE.—The term ‘primary offense’ means an offense for which a law enforcement officer may stop a vehicle solely for the purpose of issuing a citation in the absence of evidence of another offense.

“(D) PUBLIC ROAD.—The term ‘public road’ has the meaning given such term in section 402(c).

“(E) TEXTING.—The term ‘texting’ means reading from or manually entering data into a personal wireless communications device, including doing so for the purpose of SMS texting, emailing, instant messaging, or engaging in any other form of electronic data retrieval or electronic data communication.”.

(e) MOTORCYCLIST SAFETY.—Section 405(f) of title 23, United States Code, is amended—

(1) by striking paragraph (2) and inserting the following:

“(2) GRANT AMOUNT.—The allocation of grant funds to a State under this subsection for a fiscal year shall be in proportion to the State’s apportionment under section 402 for fiscal year 2009, except that the amount of a grant awarded to a State for a fiscal year may not exceed 25 percent of the amount apportioned to the State under such section for fiscal year 2009.”;

(2) in paragraph (4) by adding at the end the following:

“(C) FLEXIBILITY.—Not more than 50 percent of grant funds received by a State under this subsection may be used for any eligible project or activity under section 402 if the State is in the lowest 25 percent of all States for motorcycle deaths per 10,000 motorcycle registrations

based on the most recent data that conforms with criteria established by the Secretary.”; and

(3) by adding at the end the following:

“(6) SHARE-THE-ROAD MODEL LANGUAGE.—Not later than 1 year after the date of enactment of this paragraph, the Secretary shall update and provide to the States model language, for use in traffic safety education courses, driver’s manuals, and other driver training materials, that provides instruction for drivers of motor vehicles on the importance of sharing the road safely with motorcyclists.”.

(f) MINIMUM REQUIREMENTS FOR STATE GRADUATED DRIVER LICENSING INCENTIVE GRANT PROGRAM.—Section 405(g) of title 23, United States Code, is amended—

(1) in paragraph (2)—

(A) in subparagraph (A) by striking “21” and inserting “18”; and

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

“(B) LICENSING PROCESS.—A State is in compliance with the 2-stage licensing process described in this subparagraph if the State’s driver’s license laws include—

“(i) a learner’s permit stage that—

“(I) is at least 6 months in duration;

“(II) contains a prohibition on the driver using a personal wireless communications device (as defined in subsection (e)) while driving except under an exception permitted under paragraph (4) of that subsection, and makes a violation of the prohibition a primary offense;

“(III) requires applicants to successfully pass a vision and knowledge assessment prior to receiving a learner’s permit;

“(IV) requires that the driver be accompanied and supervised at all times while the driver is operating a motor vehicle by a licensed driver who is at least 21 years of age or is a State-certified driving instructor;

“(V) has a requirement that the driver—

“(aa) complete a State-certified driver education or training course; or

“(bb) obtain at least 50 hours of behind-the-wheel training, with at least 10 hours at night, with a licensed driver; and

“(VI) remains in effect until the driver—

“(aa) reaches 16 years of age and enters the intermediate stage; or

“(bb) reaches 18 years of age;

“(ii) an intermediate stage that—

“(I) commences immediately after the expiration of the learner’s permit stage and successful completion of a driving skills assessment;

“(II) is at least 6 months in duration;

“(III) prohibits the driver from using a personal wireless communications device (as defined in subsection (e)) while driving except under an exception permitted under paragraph (4) of that subsection, and makes a violation of the prohibition a primary offense;

“(IV) for the first 6 months of the intermediate stage, restricts driving at night between the hours of 10:00 p.m. and 5:00 a.m. when not supervised by a licensed driver 21 years of age or older, excluding transportation to work, school, religious activities, or emergencies;

“(V) prohibits the driver from operating a motor vehicle with more than 1 nonfamilial passenger younger than 21 years of age unless a licensed driver who is at least 21 years of age is in the motor vehicle; and

“(VI) remains in effect until the driver reaches 17 years of age; and

“(iii) learner’s permit and intermediate stages that each require, in addition to any other penalties imposed by State law, that the granting of an unrestricted driver’s license be automatically delayed for any individual who, during the learner’s permit or intermediate stage, is convicted of a driving-related offense during the first 6 months, including—

“(I) driving while intoxicated;

“(II) misrepresentation of the individual’s age;

“(III) reckless driving;

“(IV) driving without wearing a seat belt;

“(V) speeding; or

“(VI) any other driving-related offense, as determined by the Secretary.”; and

(2) by adding at the end the following:

“(6) SPECIAL RULE.—Notwithstanding paragraph (5), up to 100 percent of grant funds received by a State under this subsection may be used for any eligible project or activity under section 402, if the State is in the lowest 25 percent of all States for the number of drivers under age 18 involved in fatal crashes in the State per the total number of drivers under age 18 in the State based on the most recent data that conforms with criteria established by the Secretary.”.

(g) NONMOTORIZED SAFETY.—Section 405 of title 23, United States Code, is amended by adding at the end the following:

“(h) NONMOTORIZED SAFETY.—

“(1) GENERAL AUTHORITY.—Subject to the requirements under this subsection, the Secretary shall award grants to States for the purpose of decreasing pedestrian and bicycle fatalities and injuries that result from crashes involving a motor vehicle.

“(2) FEDERAL SHARE.—The Federal share of the cost of a project carried out by a State using amounts from a grant awarded under this subsection may not exceed 80 percent.

“(3) ELIGIBILITY.—A State shall receive a grant under this subsection in a fiscal year if the annual combined pedestrian and bicycle fatalities in the State exceed 15 percent of the total annual crash fatalities in the State, based on the most recently reported final data from the Fatality Analysis Reporting System.

“(4) USE OF GRANT AMOUNTS.—Grant funds received by a State under this subsection may be used for—

“(A) training of law enforcement officials on State laws applicable to pedestrian and bicycle safety;

“(B) enforcement mobilizations and campaigns designed to enforce State traffic laws applicable to pedestrian and bicycle safety; and

“(C) public education and awareness programs designed to inform motorists, pedestrians, and bicyclists of State traffic laws applicable to pedestrian and bicycle safety.

“(5) GRANT AMOUNT.—The allocation of grant funds to a State under this subsection for a fiscal year shall be in proportion to the State’s apportionment under section 402 for fiscal year 2009.”.

SEC. 4006. TRACKING PROCESS.

Section 412 of title 23, United States Code, is amended by adding at the end the following:

“(f) TRACKING PROCESS.—The Secretary shall develop a process to identify and mitigate possible systemic issues across States and regional offices by reviewing oversight findings and recommended actions identified in triennial State management reviews.”.

23 USC 153 note.

SEC. 4007. STOP MOTORCYCLE CHECKPOINT FUNDING.

Notwithstanding section 153 of title 23, United States Code, the Secretary may not provide a grant or any funds to a State, county, town, township, Indian tribe, municipality, or other local government that may be used for any program—

- (1) to check helmet usage; or
- (2) to create checkpoints that specifically target motorcycle operators or motorcycle passengers.

SEC. 4008. MARIJUANA-IMPAIRED DRIVING.

(a) STUDY.—The Secretary, in consultation with the heads of other Federal agencies as appropriate, shall conduct a study on marijuana-impaired driving.

(b) ISSUES TO BE EXAMINED.—In conducting the study, the Secretary shall examine, at a minimum, the following:

- (1) Methods to detect marijuana-impaired driving, including devices capable of measuring marijuana levels in motor vehicle operators.
- (2) A review of impairment standard research for driving under the influence of marijuana.
- (3) Methods to differentiate the cause of a driving impairment between alcohol and marijuana.
- (4) State-based policies on marijuana-impaired driving.
- (5) The role and extent of marijuana impairment in motor vehicle accidents.

(c) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, in cooperation with other Federal agencies as appropriate, shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

(2) CONTENTS.—The report shall include, at a minimum, the following:

(A) FINDINGS.—The findings of the Secretary based on the study, including, at a minimum, the following:

(i) An assessment of methodologies and technologies for measuring driver impairment resulting from the use of marijuana, including the use of marijuana in combination with alcohol.

(ii) A description and assessment of the role of marijuana as a causal factor in traffic crashes and the extent of the problem of marijuana-impaired driving.

(iii) A description and assessment of current State laws relating to marijuana-impaired driving.

(iv) A determination whether an impairment standard for drivers under the influence of marijuana is feasible and could reduce vehicle accidents and save lives.

(B) RECOMMENDATIONS.—The recommendations of the Secretary based on the study, including, at a minimum, the following:

(i) Effective and efficient methods for training law enforcement personnel, including drug recognition experts, to detect or measure the level of impairment of a motor vehicle operator who is under the influence of marijuana by the use of technology or otherwise.

(ii) If feasible, an impairment standard for driving under the influence of marijuana.

(iii) Methodologies for increased data collection regarding the prevalence and effects of marijuana-impaired driving.

(d) MARIJUANA DEFINED.—In this section, the term “marijuana” includes all substances containing tetrahydrocannabinol.

SEC. 4009. INCREASING PUBLIC AWARENESS OF THE DANGERS OF DRUG-IMPAIRED DRIVING. 23 USC 402 note.

(a) ADDITIONAL ACTIONS.—The Administrator of the National Highway Traffic Safety Administration, in consultation with the White House Office of National Drug Control Policy, the Secretary of Health and Human Services, State highway safety offices, and other interested parties, as determined by the Administrator, shall identify and carry out additional actions that should be undertaken by the Administration to assist States in their efforts to increase public awareness of the dangers of drug-impaired driving, including the dangers of driving while under the influence of heroin or prescription opioids.

(b) REPORT.—Not later than 60 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes the additional actions undertaken by the Administration pursuant to subsection (a).

SEC. 4010. NATIONAL PRIORITY SAFETY PROGRAM GRANT ELIGIBILITY. 23 USC 405 note.

Not later than 60 days after the date on which the Secretary awards grants under section 405 of title 23, United States Code, the Secretary shall make available on a publicly available Internet Web site of the Department of Transportation—

(1) an identification of—

(A) the States that were awarded grants under such section;

(B) the States that applied and were not awarded grants under such section; and

(C) the States that did not apply for a grant under such section; and

(2) a list of deficiencies that made a State ineligible for a grant under such section for each State under paragraph (1)(B).

SEC. 4011. DATA COLLECTION.

Section 1906 of SAFETEA–LU (23 U.S.C. 402 note) is amended—

(1) in subsection (a)(1)—

(A) by striking “(A) has enacted” and all that follows through “(B) is maintaining” and inserting “is maintaining”; and

(B) by striking “and any passengers”;

(2) by striking subsection (b) and inserting the following: “(b) USE OF GRANT FUNDS.—A grant received by a State under subsection (a) shall be used by the State for the costs of—

“(1) collecting and maintaining data on traffic stops; and
“(2) evaluating the results of the data.”;

(3) by striking subsection (c) and redesignating subsections (d) and (e) as subsections (c) and (d), respectively;

(4) in subsection (c)(2), as so redesignated, by striking “A State” and inserting “On or after October 1, 2015, a State”; and

(5) in subsection (d), as so redesignated—

(A) in the subsection heading by striking “AUTHORIZATION OF APPROPRIATIONS” and inserting “FUNDING”;

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

“(1) IN GENERAL.—From funds made available under section 403 of title 23, United States Code, the Secretary shall set aside \$7,500,000 for each of fiscal years 2017 through 2020 to carry out this section.”;

(C) in paragraph (2)—

(i) by striking “authorized by” and inserting “made available under”; and

(ii) by striking “percent,” and all that follows through the period at the end and inserting “percent.”; and

(D) by adding at the end the following:

“(3) OTHER USES.—The Secretary may reallocate, before the last day of any fiscal year, amounts remaining available under paragraph (1) to increase the amounts made available to carry out any of other activities authorized under section 403 of title 23, United States Code, in order to ensure, to the maximum extent possible, that all such amounts are obligated during such fiscal year.”.

SEC. 4012. STUDY ON THE NATIONAL ROADSIDE SURVEY OF ALCOHOL AND DRUG USE BY DRIVERS.

Not later than 180 days after the date on which the Comptroller General of the United States reviews and reports on the overall value of the National Roadside Survey to researchers and other public safety stakeholders, the differences between a National Roadside Survey site and typical law enforcement checkpoints, and the

effectiveness of the National Roadside Survey methodology at protecting the privacy of the driving public, as requested by the Committee on Appropriations of the Senate on June 5, 2014 (Senate Report 113–182), the Secretary shall report to Congress on the National Highway Traffic Safety Administration’s progress toward reviewing that report and implementing any recommendations made in that report.

SEC. 4013. BARRIERS TO DATA COLLECTION REPORT.

Not later than 180 days after the date of enactment of this Act, the Administrator of the National Highway Traffic Safety Administration shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that—

- (1) identifies any legal and technical barriers to capturing adequate data on the prevalence of the use of wireless communications devices while driving; and
- (2) provides recommendations on how to address such barriers.

SEC. 4014. TECHNICAL CORRECTIONS.

Title 23, United States Code, is amended as follows:

- (1) Section 402 is amended—
 - (A) in subsection (b)(1)—
 - (i) in subparagraph (C) by striking “paragraph (3)” and inserting “paragraph (2)”; and
 - (ii) in subparagraph (E)—
 - (I) by striking “in which” and inserting “for which”; and
 - (II) by striking “under subsection (f)” and inserting “under subsection (k)”; and
 - (B) in subsection (k)(5), as redesignated by this Act, by striking “under paragraph (2)(A)” and inserting “under paragraph (3)(A)”.
- (2) Section 403(e) is amended by striking “chapter 301” and inserting “chapter 301 of title 49”.
- (3) Section 405 is amended—
 - (A) in subsection (d)—
 - (i) in paragraph (5) by striking “under section 402(c)” and inserting “under section 402”; and
 - (ii) in paragraph (6)(D), as redesignated by this Act, by striking “on the basis of the apportionment formula set forth in section 402(c)” and inserting “in proportion to the State’s apportionment under section 402 for fiscal year 2009”; and
 - (B) in subsection (f)(4)(A)(iv)—
 - (i) by striking “such as the” and inserting “including”; and
 - (ii) by striking “developed under subsection (g)”.

SEC. 4015. EFFECTIVE DATE FOR CERTAIN PROGRAMS.

23 USC 164 note.

Notwithstanding any other provision of this Act, except for the technical corrections in section 4014, the amendments made by this Act to sections 164, 402, and 405 of title 23, United States Code, shall be effective on October 1, 2016.

TITLE V—MOTOR CARRIER SAFETY

Subtitle A—Motor Carrier Safety Grant Consolidation

SEC. 5101. GRANTS TO STATES.

(a) MOTOR CARRIER SAFETY ASSISTANCE PROGRAM.—Section 31102 of title 49, United States Code, is amended to read as follows:

“§ 31102. Motor carrier safety assistance program

“(a) IN GENERAL.—The Secretary of Transportation shall administer a motor carrier safety assistance program funded under section 31104.

“(b) GOAL.—The goal of the program is to ensure that the Secretary, States, local governments, other political jurisdictions, federally recognized Indian tribes, and other persons work in partnership to establish programs to improve motor carrier, commercial motor vehicle, and driver safety to support a safe and efficient surface transportation system by—

“(1) making targeted investments to promote safe commercial motor vehicle transportation, including the transportation of passengers and hazardous materials;

“(2) investing in activities likely to generate maximum reductions in the number and severity of commercial motor vehicle crashes and in fatalities resulting from such crashes;

“(3) adopting and enforcing effective motor carrier, commercial motor vehicle, and driver safety regulations and practices consistent with Federal requirements; and

“(4) assessing and improving statewide performance by setting program goals and meeting performance standards, measures, and benchmarks.

“(c) STATE PLANS.—

“(1) IN GENERAL.—In carrying out the program, the Secretary shall prescribe procedures for a State to submit a multiple-year plan, and annual updates thereto, under which the State agrees to assume responsibility for improving motor carrier safety by adopting and enforcing State regulations, standards, and orders that are compatible with the regulations, standards, and orders of the Federal Government on commercial motor vehicle safety and hazardous materials transportation safety.

“(2) CONTENTS.—The Secretary shall approve a State plan if the Secretary determines that the plan is adequate to comply with the requirements of this section, and the plan—

“(A) implements performance-based activities, including deployment and maintenance of technology to enhance the efficiency and effectiveness of commercial motor vehicle safety programs;

“(B) designates a lead State commercial motor vehicle safety agency responsible for administering the plan throughout the State;

“(C) contains satisfactory assurances that the lead State commercial motor vehicle safety agency has or will

have the legal authority, resources, and qualified personnel necessary to enforce the regulations, standards, and orders;

“(D) contains satisfactory assurances that the State will devote adequate resources to the administration of the plan and enforcement of the regulations, standards, and orders;

“(E) provides a right of entry (or other method a State may use that the Secretary determines is adequate to obtain necessary information) and inspection to carry out the plan;

“(F) provides that all reports required under this section be available to the Secretary on request;

“(G) provides that the lead State commercial motor vehicle safety agency will adopt the reporting requirements and use the forms for recordkeeping, inspections, and investigations that the Secretary prescribes;

“(H) requires all registrants of commercial motor vehicles to demonstrate knowledge of applicable safety regulations, standards, and orders of the Federal Government and the State;

“(I) provides that the State will grant maximum reciprocity for inspections conducted under the North American Inspection Standards through the use of a nationally accepted system that allows ready identification of previously inspected commercial motor vehicles;

“(J) ensures that activities described in subsection (h), if financed through grants to the State made under this section, will not diminish the effectiveness of the development and implementation of the programs to improve motor carrier, commercial motor vehicle, and driver safety as described in subsection (b);

“(K) ensures that the lead State commercial motor vehicle safety agency will coordinate the plan, data collection, and information systems with the State highway safety improvement program required under section 148(c) of title 23;

“(L) ensures participation in appropriate Federal Motor Carrier Safety Administration information technology and data systems and other information systems by all appropriate jurisdictions receiving motor carrier safety assistance program funding;

“(M) ensures that information is exchanged among the States in a timely manner;

“(N) provides satisfactory assurances that the State will undertake efforts that will emphasize and improve enforcement of State and local traffic safety laws and regulations related to commercial motor vehicle safety;

“(O) provides satisfactory assurances that the State will address national priorities and performance goals, including—

“(i) activities aimed at removing impaired commercial motor vehicle drivers from the highways of the United States through adequate enforcement of regulations on the use of alcohol and controlled substances and by ensuring ready roadside access to alcohol detection and measuring equipment;

“(ii) activities aimed at providing an appropriate level of training to State motor carrier safety assistance program officers and employees on recognizing drivers impaired by alcohol or controlled substances; and

“(iii) when conducted with an appropriate commercial motor vehicle inspection, criminal interdiction activities, and appropriate strategies for carrying out those interdiction activities, including interdiction activities that affect the transportation of controlled substances (as defined in section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802) and listed in part 1308 of title 21, Code of Federal Regulations, as updated and republished from time to time) by any occupant of a commercial motor vehicle;

“(P) provides that the State has established and dedicated sufficient resources to a program to ensure that—

“(i) the State collects and reports to the Secretary accurate, complete, and timely motor carrier safety data; and

“(ii) the State participates in a national motor carrier safety data correction system prescribed by the Secretary;

“(Q) ensures that the State will cooperate in the enforcement of financial responsibility requirements under sections 13906, 31138, and 31139 and regulations issued under those sections;

“(R) ensures consistent, effective, and reasonable sanctions;

“(S) ensures that roadside inspections will be conducted at locations that are adequate to protect the safety of drivers and enforcement personnel;

“(T) provides that the State will include in the training manuals for the licensing examination to drive noncommercial motor vehicles and commercial motor vehicles information on best practices for driving safely in the vicinity of noncommercial and commercial motor vehicles;

“(U) provides that the State will enforce the registration requirements of sections 13902 and 31134 by prohibiting the operation of any vehicle discovered to be operated by a motor carrier without a registration issued under those sections or to be operated beyond the scope of the motor carrier’s registration;

“(V) provides that the State will conduct comprehensive and highly visible traffic enforcement and commercial motor vehicle safety inspection programs in high-risk locations and corridors;

“(W) except in the case of an imminent hazard or obvious safety hazard, ensures that an inspection of a vehicle transporting passengers for a motor carrier of passengers is conducted at a bus station, terminal, border crossing, maintenance facility, destination, or other location where a motor carrier may make a planned stop (excluding a weigh station);

“(X) ensures that the State will transmit to its roadside inspectors notice of each Federal exemption granted under section 31315(b) of this title and sections 390.23 and 390.25

of title 49, Code of Federal Regulations, and provided to the State by the Secretary, including the name of the person that received the exemption and any terms and conditions that apply to the exemption;

“(Y) except as provided in subsection (d), provides that the State—

“(i) will conduct safety audits of interstate and, at the State’s discretion, intrastate new entrant motor carriers under section 31144(g); and

“(ii) if the State authorizes a third party to conduct safety audits under section 31144(g) on its behalf, the State verifies the quality of the work conducted and remains solely responsible for the management and oversight of the activities;

“(Z) provides that the State agrees to fully participate in the performance and registration information systems management under section 31106(b) not later than October 1, 2020, by complying with the conditions for participation under paragraph (3) of that section, or demonstrates to the Secretary an alternative approach for identifying and immobilizing a motor carrier with serious safety deficiencies in a manner that provides an equivalent level of safety;

“(AA) in the case of a State that shares a land border with another country, provides that the State—

“(i) will conduct a border commercial motor vehicle safety program focusing on international commerce that includes enforcement and related projects; or

“(ii) will forfeit all funds calculated by the Secretary based on border-related activities if the State declines to conduct the program described in clause (i) in its plan; and

“(BB) in the case of a State that meets the other requirements of this section and agrees to comply with the requirements established in subsection (1)(3), provides that the State may fund operation and maintenance costs associated with innovative technology deployment under subsection (1)(3) with motor carrier safety assistance program funds authorized under section 31104(a)(1).

“(3) PUBLICATION.—

“(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall publish each approved State multiple-year plan, and each annual update thereto, on a publically accessible Internet Web site of the Department of Transportation not later than 30 days after the date the Secretary approves the plan or update.

“(B) LIMITATION.—Before publishing an approved State multiple-year plan or annual update under subparagraph (A), the Secretary shall redact any information identified by the State that, if disclosed—

“(i) would reasonably be expected to interfere with enforcement proceedings; or

“(ii) would reveal enforcement techniques or procedures that would reasonably be expected to risk circumvention of the law.

“(d) EXCLUSION OF U.S. TERRITORIES.—The requirement that a State conduct safety audits of new entrant motor carriers under

subsection (c)(2)(Y) does not apply to a territory of the United States unless required by the Secretary.

“(e) INTRASTATE COMPATIBILITY.—The Secretary shall prescribe regulations specifying tolerance guidelines and standards for ensuring compatibility of intrastate commercial motor vehicle safety laws, including regulations, with Federal motor carrier safety regulations to be enforced under subsections (b) and (c). To the extent practicable, the guidelines and standards shall allow for maximum flexibility while ensuring a degree of uniformity that will not diminish motor vehicle safety.

“(f) MAINTENANCE OF EFFORT.—

“(1) BASELINE.—Except as provided under paragraphs (2) and (3) and in accordance with section 5107 of the FAST Act, a State plan under subsection (c) shall provide that the total expenditure of amounts of the lead State commercial motor vehicle safety agency responsible for administering the plan will be maintained at a level each fiscal year that is at least equal to—

“(A) the average level of that expenditure for fiscal years 2004 and 2005; or

“(B) the level of that expenditure for the year in which the Secretary implements a new allocation formula under section 5106 of the FAST Act.

“(2) ADJUSTED BASELINE AFTER FISCAL YEAR 2017.—At the request of a State, the Secretary may evaluate additional documentation related to the maintenance of effort and may make reasonable adjustments to the maintenance of effort baseline after the year in which the Secretary implements a new allocation formula under section 5106 of the FAST Act, and this adjusted baseline will replace the maintenance of effort requirement under paragraph (1).

“(3) WAIVERS.—At the request of a State, the Secretary may waive or modify the requirements of this subsection for a total of 1 fiscal year if the Secretary determines that the waiver or modification is reasonable, based on circumstances described by the State, to ensure the continuation of commercial motor vehicle enforcement activities in the State.

“(4) LEVEL OF STATE EXPENDITURES.—In estimating the average level of a State’s expenditures under paragraph (1), the Secretary—

“(A) may allow the State to exclude State expenditures for federally sponsored demonstration and pilot programs and strike forces;

“(B) may allow the State to exclude expenditures for activities related to border enforcement and new entrant safety audits; and

“(C) shall require the State to exclude State matching amounts used to receive Federal financing under section 31104.

“(g) USE OF UNIFIED CARRIER REGISTRATION FEES AGREEMENT.—Amounts generated under section 14504a and received by a State and used for motor carrier safety purposes may be included as part of the State’s match required under section 31104 or maintenance of effort required by subsection (f).

“(h) USE OF GRANTS TO ENFORCE OTHER LAWS.—When approved as part of a State’s plan under subsection (c), the State

may use motor carrier safety assistance program funds received under this section—

“(1) if the activities are carried out in conjunction with an appropriate inspection of a commercial motor vehicle to enforce Federal or State commercial motor vehicle safety regulations, for—

“(A) enforcement of commercial motor vehicle size and weight limitations at locations, excluding fixed-weight facilities, such as near steep grades or mountainous terrains, where the weight of a commercial motor vehicle can significantly affect the safe operation of the vehicle, or at ports where intermodal shipping containers enter and leave the United States; and

“(B) detection of and enforcement actions taken as a result of criminal activity, including the trafficking of human beings, in a commercial motor vehicle or by any occupant, including the operator, of the commercial motor vehicle; and

“(2) for documented enforcement of State traffic laws and regulations designed to promote the safe operation of commercial motor vehicles, including documented enforcement of such laws and regulations relating to noncommercial motor vehicles when necessary to promote the safe operation of commercial motor vehicles, if—

“(A) the number of motor carrier safety activities, including roadside safety inspections, conducted in the State is maintained at a level at least equal to the average level of such activities conducted in the State in fiscal years 2004 and 2005; and

“(B) the State does not use more than 10 percent of the basic amount the State receives under a grant awarded under section 31104(a)(1) for enforcement activities relating to noncommercial motor vehicles necessary to promote the safe operation of commercial motor vehicles unless the Secretary determines that a higher percentage will result in significant increases in commercial motor vehicle safety.

“(i) EVALUATION OF PLANS AND AWARD OF GRANTS.—

“(1) AWARDS.—The Secretary shall establish criteria for the application, evaluation, and approval of State plans under this section. Subject to subsection (j), the Secretary may allocate the amounts made available under section 31104(a)(1) among the States.

“(2) OPPORTUNITY TO CURE.—If the Secretary disapproves a plan under this section, the Secretary shall give the State a written explanation of the reasons for disapproval and allow the State to modify and resubmit the plan for approval.

“(j) ALLOCATION OF FUNDS.—

“(1) IN GENERAL.—The Secretary, by regulation, shall prescribe allocation criteria for funds made available under section 31104(a)(1).

“(2) ANNUAL ALLOCATIONS.—On October 1 of each fiscal year, or as soon as practicable thereafter, and after making a deduction under section 31104(c), the Secretary shall allocate amounts made available under section 31104(a)(1) to carry out this section for the fiscal year among the States with

plans approved under this section in accordance with the criteria prescribed under paragraph (1).

“(3) ELECTIVE ADJUSTMENTS.—Subject to the availability of funding and notwithstanding fluctuations in the data elements used by the Secretary to calculate the annual allocation amounts, after the creation of a new allocation formula under section 5106 of the FAST Act, the Secretary may not make elective adjustments to the allocation formula that decrease a State’s Federal funding levels by more than 3 percent in a fiscal year. The 3 percent limit shall not apply to the withholding provisions of subsection (k).

“(k) PLAN MONITORING.—

“(1) IN GENERAL.—On the basis of reports submitted by the lead State agency responsible for administering a State plan approved under this section and an investigation by the Secretary, the Secretary shall periodically evaluate State implementation of and compliance with the State plan.

“(2) WITHHOLDING OF FUNDS.—

“(A) DISAPPROVAL.—If, after notice and an opportunity to be heard, the Secretary finds that a State plan previously approved under this section is not being followed or has become inadequate to ensure enforcement of State regulations, standards, or orders described in subsection (c)(1), or the State is otherwise not in compliance with the requirements of this section, the Secretary may withdraw approval of the State plan and notify the State. Upon the receipt of such notice, the State plan shall no longer be in effect and the Secretary shall withhold all funding to the State under this section.

“(B) NONCOMPLIANCE WITHHOLDING.—In lieu of withdrawing approval of a State plan under subparagraph (A), the Secretary may, after providing notice to the State and an opportunity to be heard, withhold funding from the State to which the State would otherwise be entitled under this section for the period of the State’s noncompliance. In exercising this option, the Secretary may withhold—

“(i) up to 5 percent of funds during the fiscal year that the Secretary notifies the State of its noncompliance;

“(ii) up to 10 percent of funds for the first full fiscal year of noncompliance;

“(iii) up to 25 percent of funds for the second full fiscal year of noncompliance; and

“(iv) not more than 50 percent of funds for the third and any subsequent full fiscal year of noncompliance.

“(3) JUDICIAL REVIEW.—A State adversely affected by a determination under paragraph (2) may seek judicial review under chapter 7 of title 5. Notwithstanding the disapproval of a State plan under paragraph (2)(A) or the withholding of funds under paragraph (2)(B), the State may retain jurisdiction in an administrative or a judicial proceeding that commenced before the notice of disapproval or withholding if the issues involved are not related directly to the reasons for the disapproval or withholding.

“(l) HIGH PRIORITY PROGRAM.—

“(1) IN GENERAL.—The Secretary shall administer a high priority program funded under section 31104(a)(2) for the purposes described in paragraphs (2) and (3).

“(2) ACTIVITIES RELATED TO MOTOR CARRIER SAFETY.—The Secretary may make discretionary grants to and enter into cooperative agreements with States, local governments, federally recognized Indian tribes, other political jurisdictions as necessary, and any person to carry out high priority activities and projects that augment motor carrier safety activities and projects planned in accordance with subsections (b) and (c), including activities and projects that—

“(A) increase public awareness and education on commercial motor vehicle safety;

“(B) target unsafe driving of commercial motor vehicles and noncommercial motor vehicles in areas identified as high risk crash corridors;

“(C) improve the safe and secure movement of hazardous materials;

“(D) improve safe transportation of goods and persons in foreign commerce;

“(E) demonstrate new technologies to improve commercial motor vehicle safety;

“(F) support participation in performance and registration information systems management under section 31106(b)—

“(i) for entities not responsible for submitting the plan under subsection (c); or

“(ii) for entities responsible for submitting the plan under subsection (c)—

“(I) before October 1, 2020, to achieve compliance with the requirements of participation; and

“(II) beginning on October 1, 2020, or once compliance is achieved, whichever is sooner, for special initiatives or projects that exceed routine operations required for participation;

“(G) conduct safety data improvement projects—

“(i) that complete or exceed the requirements under subsection (c)(2)(P) for entities not responsible for submitting the plan under subsection (c); or

“(ii) that exceed the requirements under subsection (c)(2)(P) for entities responsible for submitting the plan under subsection (c); and

“(H) otherwise improve commercial motor vehicle safety and compliance with commercial motor vehicle safety regulations.

“(3) INNOVATIVE TECHNOLOGY DEPLOYMENT GRANT PROGRAM.—

“(A) IN GENERAL.—The Secretary shall establish an innovative technology deployment grant program to make discretionary grants to eligible States for the innovative technology deployment of commercial motor vehicle information systems and networks.

“(B) PURPOSES.—The purposes of the program shall be—

“(i) to advance the technological capability and promote the deployment of intelligent transportation

system applications for commercial motor vehicle operations, including commercial motor vehicle, commercial driver, and carrier-specific information systems and networks; and

“(ii) to support and maintain commercial motor vehicle information systems and networks—

“(I) to link Federal motor carrier safety information systems with State commercial motor vehicle systems;

“(II) to improve the safety and productivity of commercial motor vehicles and drivers; and

“(III) to reduce costs associated with commercial motor vehicle operations and Federal and State commercial motor vehicle regulatory requirements.

“(C) ELIGIBILITY.—To be eligible for a grant under this paragraph, a State shall—

“(i) have a commercial motor vehicle information systems and networks program plan approved by the Secretary that describes the various systems and networks at the State level that need to be refined, revised, upgraded, or built to accomplish deployment of commercial motor vehicle information systems and networks capabilities;

“(ii) certify to the Secretary that its commercial motor vehicle information systems and networks deployment activities, including hardware procurement, software and system development, and infrastructure modifications—

“(I) are consistent with the national intelligent transportation systems and commercial motor vehicle information systems and networks architectures and available standards; and

“(II) promote interoperability and efficiency to the extent practicable; and

“(iii) agree to execute interoperability tests developed by the Federal Motor Carrier Safety Administration to verify that its systems conform with the national intelligent transportation systems architecture, applicable standards, and protocols for commercial motor vehicle information systems and networks.

“(D) USE OF FUNDS.—Grant funds received under this paragraph may be used—

“(i) for deployment activities and activities to develop new and innovative advanced technology solutions that support commercial motor vehicle information systems and networks;

“(ii) for planning activities, including the development or updating of program or top level design plans in order to become eligible or maintain eligibility under subparagraph (C); and

“(iii) for the operation and maintenance costs associated with innovative technology.

“(E) SECRETARY AUTHORIZATION.—The Secretary is authorized to award a State funding for the operation

and maintenance costs associated with innovative technology deployment with funds made available under sections 31104(a)(1) and 31104(a)(2).”

(b) **COMMERCIAL MOTOR VEHICLE OPERATORS GRANT PROGRAM.**—Section 31103 of title 49, United States Code, is amended to read as follows:

“§ 31103. Commercial motor vehicle operators grant program

“(a) **IN GENERAL.**—The Secretary shall administer a commercial motor vehicle operators grant program funded under section 31104.

“(b) **PURPOSE.**—The purpose of the grant program is to train individuals in the safe operation of commercial motor vehicles (as defined in section 31301).

“(c) **VETERANS.**—In administering grants under this section, the Secretary shall award priority to grant applications for programs to train former members of the armed forces (as defined in section 101 of title 10) in the safe operation of such vehicles.”

(c) **AUTHORIZATION OF APPROPRIATIONS.**—Section 31104 of title 49, United States Code, as amended by this Act, is further amended on the effective date set forth in subsection (f) to read as follows:

“§ 31104. Authorization of appropriations

“(a) **FINANCIAL ASSISTANCE PROGRAMS.**—The following sums are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account):

“(1) **MOTOR CARRIER SAFETY ASSISTANCE PROGRAM.**—Subject to paragraph (2) and subsection (c), to carry out section 31102 (except subsection (l))—

“(A) \$292,600,000 for fiscal year 2017;

“(B) \$298,900,000 for fiscal year 2018;

“(C) \$304,300,000 for fiscal year 2019; and

“(D) \$308,700,000 for fiscal year 2020.

“(2) **HIGH PRIORITY ACTIVITIES PROGRAM.**—Subject to subsection (c), to carry out section 31102(l)—

“(A) \$42,200,000 for fiscal year 2017;

“(B) \$43,100,000 for fiscal year 2018;

“(C) \$44,000,000 for fiscal year 2019; and

“(D) \$44,900,000 for fiscal year 2020.

“(3) **COMMERCIAL MOTOR VEHICLE OPERATORS GRANT PROGRAM.**—To carry out section 31103—

“(A) \$1,000,000 for fiscal year 2017;

“(B) \$1,000,000 for fiscal year 2018;

“(C) \$1,000,000 for fiscal year 2019; and

“(D) \$1,000,000 for fiscal year 2020.

“(4) **COMMERCIAL DRIVER’S LICENSE PROGRAM IMPLEMENTATION PROGRAM.**—Subject to subsection (c), to carry out section 31313—

“(A) \$31,200,000 for fiscal year 2017;

“(B) \$31,800,000 for fiscal year 2018;

“(C) \$32,500,000 for fiscal year 2019; and

“(D) \$33,200,000 for fiscal year 2020.

“(b) **REIMBURSEMENT AND PAYMENT TO RECIPIENTS FOR GOVERNMENT SHARE OF COSTS.**—

“(1) **IN GENERAL.**—Amounts made available under subsection (a) shall be used to reimburse financial assistance recipients proportionally for the Federal Government’s share of the costs incurred.

“(2) REIMBURSEMENT AMOUNTS.—The Secretary shall reimburse a recipient, in accordance with a financial assistance agreement made under section 31102, 31103, or 31313, an amount that is at least 85 percent of the costs incurred by the recipient in a fiscal year in developing and implementing programs under such sections. The Secretary shall pay the recipient an amount not more than the Federal Government share of the total costs approved by the Federal Government in the financial assistance agreement. The Secretary shall include a recipient’s in-kind contributions in determining the reimbursement.

“(3) VOUCHERS.—Each recipient shall submit vouchers at least quarterly for costs the recipient incurs in developing and implementing programs under sections 31102, 31103, and 31313.

“(c) DEDUCTIONS FOR PARTNER TRAINING AND PROGRAM SUPPORT.—On October 1 of each fiscal year, or as soon after that date as practicable, the Secretary may deduct from amounts made available under paragraphs (1), (2), and (4) of subsection (a) for that fiscal year not more than 1.50 percent of those amounts for partner training and program support in that fiscal year. The Secretary shall use at least 75 percent of those deducted amounts to train non-Federal Government employees and to develop related training materials in carrying out such programs.

“(d) GRANTS AND COOPERATIVE AGREEMENTS AS CONTRACTUAL OBLIGATIONS.—The approval of a financial assistance agreement by the Secretary under section 31102, 31103, or 31313 is a contractual obligation of the Federal Government for payment of the Federal Government’s share of costs in carrying out the provisions of the grant or cooperative agreement.

“(e) ELIGIBLE ACTIVITIES.—The Secretary shall establish criteria for eligible activities to be funded with financial assistance agreements under this section and publish those criteria in a notice of funding availability before the financial assistance program application period.

“(f) PERIOD OF AVAILABILITY OF FINANCIAL ASSISTANCE AGREEMENT FUNDS FOR RECIPIENT EXPENDITURES.—The period of availability for a recipient to expend funds under a grant or cooperative agreement authorized under subsection (a) is as follows:

“(1) For grants made for carrying out section 31102, other than section 31102(1), for the fiscal year in which the Secretary approves the financial assistance agreement and for the next fiscal year.

“(2) For grants made or cooperative agreements entered into for carrying out section 31102(1)(2), for the fiscal year in which the Secretary approves the financial assistance agreement and for the next 2 fiscal years.

“(3) For grants made for carrying out section 31102(1)(3), for the fiscal year in which the Secretary approves the financial assistance agreement and for the next 4 fiscal years.

“(4) For grants made for carrying out section 31103, for the fiscal year in which the Secretary approves the financial assistance agreement and for the next fiscal year.

“(5) For grants made or cooperative agreements entered into for carrying out section 31313, for the fiscal year in which the Secretary approves the financial assistance agreement and for the next 4 fiscal years.

“(g) CONTRACT AUTHORITY; INITIAL DATE OF AVAILABILITY.—Amounts authorized from the Highway Trust Fund (other than the Mass Transit Account) by this section shall be available for obligation on the date of their apportionment or allocation or on October 1 of the fiscal year for which they are authorized, whichever occurs first.

“(h) AVAILABILITY OF FUNDING.—Amounts made available under this section shall remain available until expended.

“(i) REALLOCATION.—Amounts not expended by a recipient during the period of availability shall be released back to the Secretary for reallocation for any purpose under section 31102, 31103, or 31313 or this section to ensure, to the maximum extent possible, that all such amounts are obligated.”.

(d) CLERICAL AMENDMENT.—The analysis for chapter 311 of title 49, United States Code, is amended by striking the items relating to sections 31102, 31103, and 31104 and inserting the following:

49 USC
prec. 31100.

“31102. Motor carrier safety assistance program.

“31103. Commercial motor vehicle operators grant program.

“31104. Authorization of appropriations.”.

(e) CONFORMING AMENDMENTS.—

(1) SAFETY FITNESS OF OWNERS AND OPERATOR; SAFETY REVIEWS OF NEW OPERATORS.—Section 31144(g) of title 49, United States Code, is amended by striking paragraph (5).

(2) INFORMATION SYSTEMS; PERFORMANCE AND REGISTRATION INFORMATION PROGRAM.—Section 31106(b) of title 49, United States Code, is amended by striking paragraph (4).

(3) BORDER ENFORCEMENT GRANTS.—Section 31107 of title 49, United States Code, and the item relating to that section in the analysis for chapter 311 of that title, are repealed.

49 USC
prec. 31100.

(4) PERFORMANCE AND REGISTRATION INFORMATION SYSTEM MANAGEMENT.—Section 31109 of title 49, United States Code, and the item relating to that section in the analysis for chapter 311 of that title, are repealed.

49 USC
prec. 31100.

(5) COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS DEPLOYMENT.—Section 4126 of SAFETEA–LU (49 U.S.C. 31106 note), and the item relating to that section in the table of contents contained in section 1(b) of that Act, are repealed.

(6) SAFETY DATA IMPROVEMENT PROGRAM.—Section 4128 of SAFETEA–LU (49 U.S.C. 31100 note), and the item relating to that section in the table of contents contained in section 1(b) of that Act, are repealed.

(7) GRANT PROGRAM FOR COMMERCIAL MOTOR VEHICLE OPERATORS.—Section 4134 of SAFETEA–LU (49 U.S.C. 31301 note), and the item relating to that section in the table of contents contained in section 1(b) of that Act, are repealed.

(8) MAINTENANCE OF EFFORT AS CONDITION ON GRANTS TO STATES.—Section 103(c) of the Motor Carrier Safety Improvement Act of 1999 (49 U.S.C. 31102 note) is repealed.

(9) STATE COMPLIANCE WITH CDL REQUIREMENTS.—Section 103(e) of the Motor Carrier Safety Improvement Act of 1999 (49 U.S.C. 31102 note) is repealed.

(10) BORDER STAFFING STANDARDS.—Section 218(d) of the Motor Carrier Safety Improvement Act of 1999 (49 U.S.C. 31133 note) is amended—

(A) in paragraph (1) by striking “section 31104(f)(2)(B) of title 49, United States Code” and inserting “section 31104(a)(1) of title 49, United States Code”; and

(B) by striking paragraph (3).

(11) WINTER HOME HEATING OIL DELIVERY STATE FLEXIBILITY PROGRAM.—Section 346 of the National Highway System Designation Act of 1995 (49 U.S.C. 31166 note), and the item relating to that section in the table of contents in section 1(b) of that Act, are repealed.

49 USC 31102
note.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2016.

49 USC 31102
note.

(g) TRANSITION.—Notwithstanding the amendments made by this section, the Secretary shall carry out sections 31102, 31103, and 31104 of title 49, United States Code, and any sections repealed under subsection (e), as necessary, as those sections were in effect on the day before October 1, 2016, with respect to applications for grants, cooperative agreements, or contracts under those sections submitted before October 1, 2016.

SEC. 5102. PERFORMANCE AND REGISTRATION INFORMATION SYSTEMS MANAGEMENT.

Section 31106(b) of title 49, United States Code, is amended in the subsection heading by striking “PROGRAM” and inserting “SYSTEMS MANAGEMENT”.

SEC. 5103. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Subchapter I of chapter 311 of title 49, United States Code, is amended by adding at the end the following:

49 USC 31110.

“§ 31110. Authorization of appropriations

“(a) ADMINISTRATIVE EXPENSES.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) for the Secretary of Transportation to pay administrative expenses of the Federal Motor Carrier Safety Administration—

- “(1) \$267,400,000 for fiscal year 2016;
- “(2) \$277,200,000 for fiscal year 2017;
- “(3) \$283,000,000 for fiscal year 2018;
- “(4) \$284,000,000 for fiscal year 2019; and
- “(5) \$288,000,000 for fiscal year 2020.

“(b) USE OF FUNDS.—The funds authorized by this section shall be used for—

- “(1) personnel costs;
- “(2) administrative infrastructure;
- “(3) rent;
- “(4) information technology;
- “(5) programs for research and technology, information management, regulatory development, and the administration of performance and registration information systems management under section 31106(b);
- “(6) programs for outreach and education under subsection

- (c);
- “(7) other operating expenses;
- “(8) conducting safety reviews of new operators; and
- “(9) such other expenses as may from time to time become necessary to implement statutory mandates of the Federal Motor Carrier Safety Administration not funded from other sources.

“(c) OUTREACH AND EDUCATION PROGRAM.—

“(1) IN GENERAL.—The Secretary may conduct, through any combination of grants, contracts, cooperative agreements, and other activities, an internal and external outreach and education program to be administered by the Administrator of the Federal Motor Carrier Safety Administration.

“(2) FEDERAL SHARE.—The Federal share of an outreach and education project for which a grant, contract, or cooperative agreement is made under this subsection may be up to 100 percent of the cost of the project.

“(3) FUNDING.—From amounts made available under subsection (a), the Secretary shall make available not more than \$4,000,000 each fiscal year to carry out this subsection.

“(d) CONTRACT AUTHORITY; INITIAL DATE OF AVAILABILITY.—Amounts authorized from the Highway Trust Fund (other than the Mass Transit Account) by this section shall be available for obligation on the date of their apportionment or allocation or on October 1 of the fiscal year for which they are authorized, whichever occurs first.

“(e) FUNDING AVAILABILITY.—Amounts made available under this section shall remain available until expended.

“(f) CONTRACTUAL OBLIGATION.—The approval of funds by the Secretary under this section is a contractual obligation of the Federal Government for payment of the Federal Government’s share of costs.”

(b) CLERICAL AMENDMENT.—The analysis for chapter 311 of title 49, United States Code, is amended by adding at the end of the items relating to subchapter I the following:

49 USC 3100.

“31110. Authorization of appropriations.”

(c) CONFORMING AMENDMENTS.—

(1) ADMINISTRATIVE EXPENSES; AUTHORIZATION OF APPROPRIATIONS.—Section 31104 of title 49, United States Code, is amended—

(A) by striking subsection (i); and

(B) by redesignating subsections (j) and (k) as subsections (i) and (j), respectively.

(2) USE OF AMOUNTS MADE AVAILABLE UNDER SUBSECTION (i).—Section 4116(d) of SAFETEA-LU (49 U.S.C. 31104 note) is amended by striking “section 31104(i)” and inserting “section 31110”.

(3) INTERNATIONAL COOPERATION.—Section 31161 of title 49, United States Code, is amended by striking “section 31104(i)” and inserting “section 31110”.

(4) SAFETEA-LU; OUTREACH AND EDUCATION.—Section 4127 of SAFETEA-LU (119 Stat. 1741; Public Law 109-59), and the item relating to that section in the table of contents contained in section 1(b) of that Act, are repealed.

49 USC 3100
note.**SEC. 5104. COMMERCIAL DRIVER’S LICENSE PROGRAM IMPLEMENTATION.**

(a) IN GENERAL.—Section 31313 of title 49, United States Code, is amended to read as follows:

“§ 31313. Commercial driver’s license program implementation financial assistance program

“(a) FINANCIAL ASSISTANCE PROGRAM.—

“(1) IN GENERAL.—The Secretary of Transportation shall administer a financial assistance program for commercial driver’s license program implementation for the purposes described in paragraphs (2) and (3).

“(2) STATE COMMERCIAL DRIVER’S LICENSE PROGRAM IMPLEMENTATION GRANTS.—In carrying out the program, the Secretary may make a grant to a State agency in a fiscal year—

“(A) to assist the State in complying with the requirements of section 31311; and

“(B) in the case of a State that is making a good faith effort toward substantial compliance with the requirements of section 31311, to improve the State’s implementation of its commercial driver’s license program, including expenses—

“(i) for computer hardware and software;

“(ii) for publications, testing, personnel, training, and quality control;

“(iii) for commercial driver’s license program coordinators; and

“(iv) to implement or maintain a system to notify an employer of an operator of a commercial motor vehicle of the suspension or revocation of the operator’s commercial driver’s license consistent with the standards developed under section 32303(b) of the Commercial Motor Vehicle Safety Enhancement Act of 2012 (49 U.S.C. 31304 note).

“(3) PRIORITY ACTIVITIES.—The Secretary may make a grant to or enter into a cooperative agreement with a State agency, local government, or any person in a fiscal year for research, development and testing, demonstration projects, public education, and other special activities and projects relating to commercial drivers licensing and motor vehicle safety that—

“(A) benefit all jurisdictions of the United States;

“(B) address national safety concerns and circumstances;

“(C) address emerging issues relating to commercial driver’s license improvements;

“(D) support innovative ideas and solutions to commercial driver’s license program issues; or

“(E) address other commercial driver’s license issues, as determined by the Secretary.

“(b) PROHIBITIONS.—A recipient may not use financial assistance funds awarded under this section to rent, lease, or buy land or buildings.

“(c) REPORT.—The Secretary shall issue an annual report on the activities carried out under this section.

“(d) APPORTIONMENT.—All amounts made available to carry out this section for a fiscal year shall be apportioned to a recipient described in subsection (a)(3) according to criteria prescribed by the Secretary.

“(e) FUNDING.—For fiscal years beginning after September 30, 2016, this section shall be funded under section 31104.”.

(b) CLERICAL AMENDMENT.—The analysis for chapter 313 of title 49, United States Code, is amended by striking the item relating to section 31313 and inserting the following:

49 USC
prec. 31301.

“31313. Commercial driver’s license program implementation financial assistance program.”

SEC. 5105. EXTENSION OF FEDERAL MOTOR CARRIER SAFETY PROGRAMS FOR FISCAL YEAR 2016.

(a) MOTOR CARRIER SAFETY ASSISTANCE PROGRAM GRANT EXTENSION.—Section 31104(a) of title 49, United States Code, is amended by striking paragraphs (10) and (11) and inserting the following:

“(10) \$218,000,000 for fiscal year 2015; and

“(11) \$218,000,000 for fiscal year 2016.”

(b) EXTENSION OF GRANT PROGRAMS.—Section 4101(c) of SAFETEA–LU (119 Stat. 1715; Public Law 109–59) is amended to read as follows:

“(c) AUTHORIZATION OF APPROPRIATIONS.—The following sums are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account):

“(1) COMMERCIAL DRIVER’S LICENSE PROGRAM IMPROVEMENT GRANTS.—For carrying out the commercial driver’s license program improvement grants program under section 31313 of title 49, United States Code, \$30,000,000 for fiscal year 2016.

“(2) BORDER ENFORCEMENT GRANTS.—For border enforcement grants under section 31107 of that title \$32,000,000 for fiscal year 2016.

“(3) PERFORMANCE AND REGISTRATION INFORMATION SYSTEMS MANAGEMENT GRANT PROGRAM.—For the performance and registration information systems management grant program under section 31109 of that title \$5,000,000 for fiscal year 2016.

“(4) COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS DEPLOYMENT.—For carrying out the commercial vehicle information systems and networks deployment program under section 4126 of this Act \$25,000,000 for fiscal year 2016.

“(5) SAFETY DATA IMPROVEMENT GRANTS.—For safety data improvement grants under section 4128 of this Act \$3,000,000 for fiscal year 2016.”

(c) HIGH-PRIORITY ACTIVITIES.—Section 31104(j)(2) of title 49, United States Code, as redesignated by this subtitle, is amended by striking “2015” the first place it appears and all that follows through “for States,” and inserting “2016 for States,”

(d) NEW ENTRANT AUDITS.—Section 31144(g)(5)(B) of title 49, United States Code, is amended to read as follows:

“(B) SET ASIDE.—The Secretary shall set aside from amounts made available under section 31104(a) up to \$32,000,000 for fiscal year 2016 for audits of new entrant motor carriers conducted under this paragraph.”

(e) GRANT PROGRAM FOR COMMERCIAL MOTOR VEHICLE OPERATORS.—Section 4134(c) of SAFETEA–LU (49 U.S.C. 31301 note) is amended to read as follows:

“(c) FUNDING.—From amounts made available under section 31110 of title 49, United States Code, the Secretary shall make available, \$1,000,000 for fiscal year 2016 to carry out this section.”

(f) COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS DEPLOYMENT.—

(1) **IN GENERAL.**—Section 4126 of SAFETEA–LU (49 U.S.C. 31106 note; 119 Stat. 1738; Public Law 109–59) is amended—

(A) in subsection (c)—

(i) in paragraph (2) by adding at the end the following: “Funds deobligated by the Secretary from previous year grants shall not be counted toward the \$2,500,000 maximum aggregate amount for core deployment.”; and

(ii) in paragraph (3) by adding at the end the following: “Funds may also be used for planning activities, including the development or updating of program or top level design plans.”; and

(B) in subsection (d)(4) by adding at the end the following: “Funds may also be used for planning activities, including the development or updating of program or top level design plans.”.

(2) **INNOVATIVE TECHNOLOGY DEPLOYMENT PROGRAM.**—For fiscal year 2016, the commercial vehicle information systems and networks deployment program under section 4126 of SAFETEA–LU (119 Stat. 1738; Public Law 109–59) may also be referred to as the innovative technology deployment program.

49 USC 31102
note.

SEC. 5106. MOTOR CARRIER SAFETY ASSISTANCE PROGRAM ALLOCATION.

(a) **WORKING GROUP.**—

(1) **ESTABLISHMENT.**—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a motor carrier safety assistance program formula working group (in this section referred to as the “working group”).

(2) **MEMBERSHIP.**—

(A) **IN GENERAL.**—Subject to subparagraph (B), the working group shall consist of representatives of the following:

(i) The Federal Motor Carrier Safety Administration.

(ii) The lead State commercial motor vehicle safety agencies responsible for administering the plan required by section 31102 of title 49, United States Code.

(iii) An organization representing State agencies responsible for enforcing a program for inspection of commercial motor vehicles.

(iv) Such other persons as the Secretary considers necessary.

(B) **COMPOSITION.**—Representatives of State commercial motor vehicle safety agencies shall comprise at least 51 percent of the membership.

(3) **NEW ALLOCATION FORMULA.**—The working group shall analyze requirements and factors for the establishment of a new allocation formula for the motor carrier safety assistance program under section 31102 of title 49, United States Code.

(4) **RECOMMENDATION.**—Not later than 1 year after the date the working group is established under paragraph (1), the working group shall make a recommendation to the Secretary regarding a new allocation formula for the motor carrier safety assistance program.

(5) EXEMPTION.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the working group established under this subsection.

(6) PUBLICATION.—The Administrator of the Federal Motor Carrier Safety Administration shall publish on a publicly accessible Internet Web site of the Federal Motor Carrier Safety Administration—

(A) detailed summaries of the meetings of the working group; and

(B) the final recommendation of the working group provided to the Secretary.

(b) NOTICE OF PROPOSED RULEMAKING.—After receiving the recommendation of the working group under subsection (a)(4), the Secretary shall publish in the Federal Register a notice seeking public comment on the establishment of a new allocation formula for the motor carrier safety assistance program.

(c) BASIS FOR FORMULA.—The Secretary shall ensure that the new allocation formula for the motor carrier safety assistance program is based on factors that reflect, at a minimum—

(1) the relative needs of the States to comply with section 31102 of title 49, United States Code;

(2) the relative administrative capacities of and challenges faced by States in complying with that section;

(3) the average of each State’s new entrant motor carrier inventory for the 3-year period prior to the date of enactment of this Act;

(4) the number of international border inspection facilities and border crossings by commercial vehicles in each State; and

(5) any other factors the Secretary considers appropriate.

(d) FUNDING AMOUNTS PRIOR TO DEVELOPMENT OF NEW ALLOCATION FORMULA.—

(1) INTERIM FORMULA.—Prior to the development of the new allocation formula for the motor carrier safety assistance program, the Secretary may calculate the interim funding amounts for that program in fiscal year 2017 (and later fiscal years, as necessary) under section 31104(a)(1) of title 49, United States Code, as amended by this subtitle, by using the following methodology:

(A) The Secretary shall calculate the funding amount to a State using the allocation formula the Secretary used to award motor carrier safety assistance program funding in fiscal year 2016 under section 31102 of title 49, United States Code.

(B) The Secretary shall average the funding awarded or other equitable amounts to a State in fiscal years 2013, 2014, and 2015 for—

(i) border enforcement grants under section 31107 of title 49, United States Code; and

(ii) new entrant audit grants under section 31144(g)(5) of that title.

(C) The Secretary shall add the amounts calculated in subparagraphs (A) and (B).

(2) ADJUSTMENTS.—Subject to the availability of funding and notwithstanding fluctuations in the data elements used by the Secretary, the initial amounts resulting from the calculation described in paragraph (1) shall be adjusted to ensure

that, for each State, the amount shall not be less than 97 percent of the average amount of funding received or other equitable amounts in fiscal years 2013, 2014, and 2015 for—

(A) motor carrier safety assistance program funds awarded to the State under section 31102 of title 49, United States Code;

(B) border enforcement grants awarded to the State under section 31107 of title 49, United States Code; and

(C) new entrant audit grants awarded to the State under section 31144(g)(5) of title 49, United States Code.

(3) IMMEDIATE RELIEF.—On the date of enactment of this Act, and for the 3 fiscal years following the implementation of the new allocation formula, the Secretary shall terminate the withholding of motor carrier safety assistance program funds from a State if the State was subject to the withholding of such funds for matters of noncompliance immediately prior to the date of enactment of this Act.

(4) FUTURE WITHHOLDINGS.—Beginning on the date that the new allocation formula for the motor carrier safety assistance program is implemented, the Secretary shall impose all future withholdings in accordance with section 31102(k) of title 49, United States Code, as amended by this subtitle.

(e) TERMINATION OF WORKING GROUP.—The working group established under subsection (a) shall terminate on the date of the implementation of the new allocation formula for the motor carrier safety assistance program.

49 USC 31102
note.

SEC. 5107. MAINTENANCE OF EFFORT CALCULATION.

(a) BEFORE NEW ALLOCATION FORMULA.—

(1) FISCAL YEAR 2017.—If a new allocation formula for the motor carrier safety assistance program has not been established under this subtitle for fiscal year 2017, the Secretary shall calculate for fiscal year 2017 the maintenance of effort baseline required under section 31102(f) of title 49, United States Code, as amended by this subtitle, by averaging the expenditures for fiscal years 2004 and 2005 required by section 31102(b)(4) of title 49, United States Code, as that section was in effect on the day before the date of enactment of this Act.

(2) SUBSEQUENT FISCAL YEARS.—The Secretary may use the methodology for calculating the maintenance of effort baseline specified in paragraph (1) for fiscal year 2018 and subsequent fiscal years if a new allocation formula for the motor carrier safety assistance program has not been established for that fiscal year.

(b) BEGINNING WITH NEW ALLOCATION FORMATION.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3)(B), beginning on the date that a new allocation formula for the motor carrier safety assistance program is established under this subtitle, upon the request of a State, the Secretary may waive or modify the baseline maintenance of effort required of the State by section 31102(f) of title 49, United States Code, as amended by this subtitle, for the purpose of establishing a new baseline maintenance of effort if the Secretary determines that a waiver or modification—

(A) is equitable due to reasonable circumstances;

(B) will ensure the continuation of commercial motor vehicle enforcement activities in the State; and

(C) is necessary to ensure that the total amount of State maintenance of effort and matching expenditures required under sections 31102 and 31104 of title 49, United States Code, as amended by this subtitle, does not exceed a sum greater than the average of the total amount of State maintenance of effort and matching expenditures required under those sections for the 3 fiscal years prior to the date of enactment of this Act.

(2) ADJUSTMENT METHODOLOGY.—If requested by a State, the Secretary may modify the maintenance of effort baseline referred to in paragraph (1) for the State according to the following methodology:

(A) The Secretary shall establish the maintenance of effort baseline for the State using the average baseline of fiscal years 2004 and 2005, as required by section 31102(b)(4) of title 49, United States Code, as that section was in effect on the day before the date of enactment of this Act.

(B) The Secretary shall calculate the average required match by a lead State commercial motor vehicle safety agency for fiscal years 2013, 2014, and 2015 for motor carrier safety assistance grants established at 20 percent by section 31103 of title 49, United States Code, as that section was in effect on the day before the date of enactment of this Act.

(C) The Secretary shall calculate the estimated match required under section 31104(b) of title 49, United States Code, as amended by this subtitle.

(D) The Secretary shall subtract the amount in subparagraph (B) from the amount in subparagraph (C) and—

(i) if the number is greater than 0, the Secretary shall subtract the number from the amount in subparagraph (A); or

(ii) if the number is not greater than 0, the Secretary shall calculate the maintenance of effort using the methodology in subparagraph (A).

(3) MAINTENANCE OF EFFORT AMOUNT.—

(A) IN GENERAL.—The Secretary shall use the amount calculated under paragraph (2) as the baseline maintenance of effort required under section 31102(f) of title 49, United States Code, as amended by this subtitle.

(B) DEADLINE.—If a State does not request a waiver or modification under this subsection before September 30 during the first fiscal year that the Secretary implements a new allocation formula for the motor carrier safety assistance program under this subtitle, the Secretary shall calculate the maintenance of effort using the methodology described in paragraph (2)(A).

(4) MAINTENANCE OF EFFORT DESCRIBED.—The maintenance of effort calculated under this section is the amount required under section 31102(f) of title 49, United States Code, as amended by this subtitle.

(c) TERMINATION OF EFFECTIVENESS.—The authority of the Secretary under this section shall terminate effective on the date

that a new maintenance of effort baseline is calculated based on a new allocation formula for the motor carrier safety assistance program implemented under section 31102 of title 49, United States Code.

Subtitle B—Federal Motor Carrier Safety Administration Reform

PART I—REGULATORY REFORM

SEC. 5201. NOTICE OF CANCELLATION OF INSURANCE.

Section 13906(e) of title 49, United States Code, is amended by inserting “or suspend” after “revoke”.

SEC. 5202. REGULATIONS.

Section 31136 of title 49, United States Code, is amended—

(1) by redesignating subsection (f) as subsection (g) and transferring such subsection to appear at the end of section 31315 of such title; and

(2) by adding at the end the following:

“(f) REGULATORY IMPACT ANALYSIS.—

“(1) IN GENERAL.—Within each regulatory impact analysis of a proposed or final major rule issued by the Federal Motor Carrier Safety Administration, the Secretary shall, whenever practicable—

“(A) consider the effects of the proposed or final rule on different segments of the motor carrier industry; and

“(B) formulate estimates and findings based on the best available science.

“(2) SCOPE.—To the extent feasible and appropriate, and consistent with law, an analysis described in paragraph (1) shall—

“(A) use data that is representative of commercial motor vehicle operators or motor carriers, or both, that will be impacted by the proposed or final rule; and

“(B) consider the effects on commercial truck and bus carriers of various sizes and types.

“(g) PUBLIC PARTICIPATION.—

“(1) IN GENERAL.—If a proposed rule under this part is likely to lead to the promulgation of a major rule, the Secretary, before publishing such proposed rule, shall—

“(A) issue an advance notice of proposed rulemaking;

or

“(B) proceed with a negotiated rulemaking.

“(2) REQUIREMENTS.—Each advance notice of proposed rulemaking issued under paragraph (1) shall—

“(A) identify the need for a potential regulatory action;

“(B) identify and request public comment on the best available science or technical information relevant to analyzing potential regulatory alternatives;

“(C) request public comment on the available data and costs with respect to regulatory alternatives reasonably likely to be considered as part of the rulemaking; and

“(D) request public comment on available alternatives to regulation.

“(3) WAIVER.—This subsection does not apply to a proposed rule if the Secretary, for good cause, finds (and incorporates the finding and a brief statement of reasons for such finding in the proposed or final rule) that an advance notice of proposed rulemaking is impracticable, unnecessary, or contrary to the public interest.

“(h) RULE OF CONSTRUCTION.—Nothing in subsection (f) or (g) may be construed to limit the contents of an advance notice of proposed rulemaking.”.

SEC. 5203. GUIDANCE.

49 USC 113 note.

(a) IN GENERAL.—

(1) DATE OF ISSUANCE AND POINT OF CONTACT.—Each guidance document issued by the Federal Motor Carrier Safety Administration shall have a date of issuance or a date of revision, as applicable, and shall include the name and contact information of a point of contact at the Administration who can respond to questions regarding the guidance.

(2) PUBLIC ACCESSIBILITY.—

(A) IN GENERAL.—Each guidance document issued or revised by the Federal Motor Carrier Safety Administration shall be published on a publicly accessible Internet Web site of the Department on the date of issuance or revision.

(B) REDACTION.—The Administrator of the Federal Motor Carrier Safety Administration may redact from a guidance document published under subparagraph (A) any information that would reveal investigative techniques that would compromise Administration enforcement efforts.

(3) INCORPORATION INTO REGULATIONS.—Not later than 5 years after the date on which a guidance document is published under paragraph (2) or during an applicable review under subsection (c), whichever is earlier, the Secretary shall revise regulations to incorporate the guidance document to the extent practicable.

(4) REISSUANCE.—If a guidance document is not incorporated into regulations in accordance with paragraph (3), the Administrator shall—

(A) reissue an updated version of the guidance document; and

(B) review and reissue an updated version of the guidance document every 5 years until the date on which the guidance document is removed or incorporated into applicable regulations.

(b) INITIAL REVIEW.—Not later than 1 year after the date of enactment of this Act, the Administrator shall review all guidance documents issued by the Federal Motor Carrier Safety Administration and in effect on such date of enactment to ensure that such documents are current, are readily accessible to the public, and meet the standards specified in subparagraphs (A), (B), and (C) of subsection (c)(1).

(c) REGULAR REVIEW.—

(1) IN GENERAL.—Subject to paragraph (2), not less than once every 5 years, the Administrator shall conduct a comprehensive review of the guidance documents issued by the Federal Motor Carrier Safety Administration to determine whether such documents are—

(A) consistent and clear;

- (B) uniformly and consistently enforced; and
- (C) still necessary.

(2) NOTICE AND COMMENT.—Prior to beginning a review under paragraph (1), the Administrator shall publish in the Federal Register a notice and request for comment that solicits input from stakeholders on which guidance documents should be updated or eliminated.

(3) REPORT.—

(A) IN GENERAL.—Not later than 60 days after the date on which a review under paragraph (1) is completed, the Administrator shall publish on a publicly accessible Internet Web site of the Department a report detailing the review and a full inventory of the guidance documents of the Administration.

(B) CONTENTS.—A report under subparagraph (A) shall include a summary of the response of the Administration to comments received under paragraph (2).

(d) GUIDANCE DOCUMENT DEFINED.—In this section, the term “guidance document” means a document issued by the Federal Motor Carrier Safety Administration that—

- (1) provides an interpretation of a regulation of the Administration; or
- (2) includes an enforcement policy of the Administration available to the public.

49 USC 113 note. **SEC. 5204. PETITIONS.**

(a) IN GENERAL.—The Administrator of the Federal Motor Carrier Safety Administration shall—

(1) publish on a publicly accessible Internet Web site of the Department a summary of all petitions for regulatory action submitted to the Administration;

(2) prioritize the petitions submitted based on the likelihood of safety improvements resulting from the regulatory action requested;

(3) not later than 180 days after the date a summary of a petition is published under paragraph (1), formally respond to such petition by indicating whether the Administrator will accept, deny, or further review the petition;

(4) prioritize responses to petitions consistent with a petition’s potential to reduce crashes, improve enforcement, and reduce unnecessary burdens; and

(5) not later than 60 days after the date of receipt of a petition, publish on a publicly accessible Internet Web site of the Department an updated inventory of the petitions described in paragraph (1), including any applicable disposition information for those petitions.

(b) TREATMENT OF MULTIPLE PETITIONS.—The Administrator may treat multiple similar petitions as a single petition for the purposes of subsection (a).

(c) PETITION DEFINED.—In this section, the term “petition” means a request for—

- (1) a new regulation;
- (2) a regulatory interpretation or clarification; or
- (3) a determination by the Administrator that a regulation should be modified or eliminated because it is—

- (A) no longer—
 - (i) consistent and clear;

- (ii) current with the operational realities of the motor carrier industry; or
- (iii) uniformly enforced;
- (B) ineffective; or
- (C) overly burdensome.

SEC. 5205. INSPECTOR STANDARDS.49 USC 31148
note.

Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Motor Carrier Safety Administration shall revise the regulations under part 385 of title 49, Code of Federal Regulations, as necessary, to incorporate by reference the certification standards for roadside inspectors issued by the Commercial Vehicle Safety Alliance.

SEC. 5206. APPLICATIONS.

(a) REVIEW PROCESS.—Section 31315(b) of title 49, United States Code, is amended—

(1) in paragraph (1)—

(A) in the first sentence by striking “paragraph (3)” and inserting “this subsection”; and

(B) by striking the second sentence;

(2) by redesignating paragraphs (2) through (7) as paragraphs (4) through (9), respectively; and

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

“(2) LENGTH OF EXEMPTION AND RENEWAL.—An exemption may be granted under paragraph (1) for no longer than 5 years and may be renewed, upon request, for subsequent 5-year periods if the Secretary continues to make the finding under paragraph (1).

“(3) OPPORTUNITY FOR RESUBMISSION.—If the Secretary denies an application under paragraph (1) and the applicant can reasonably address the reason for the denial, the Secretary may allow the applicant to resubmit the application.”.

(b) ADMINISTRATIVE EXEMPTIONS.—

(1) IN GENERAL.—The Secretary shall make permanent the following limited exemptions:

(A) Perishable construction products, as published in the Federal Register on April 2, 2015 (80 Fed. Reg. 17819).

(B) Transport of commercial bee hives, as published in the Federal Register on June 19, 2015 (80 Fed. Reg. 35425).

(C) Safe transport of livestock, as published in the Federal Register on June 12, 2015 (80 Fed. Reg. 33584).

(2) ADDITIONAL ADMINISTRATIVE EXEMPTIONS.—Any exemption from any provision of the regulations under part 395 of title 49, Code of Federal Regulations, that is in effect on the date of enactment of this Act—

(A) except as otherwise provided in section 31315(b) of title 49, shall be valid for a period of 5 years from the date such exemption was granted; and

(B) may be subject to renewal under section 31315(b)(2) of title 49, United States Code.

49 USC 31315
note.

**PART II—COMPLIANCE, SAFETY,
ACCOUNTABILITY REFORM**

49 USC 31100
note.

SEC. 5221. CORRELATION STUDY.

(a) **IN GENERAL.**—The Administrator of the Federal Motor Carrier Safety Administration (referred to in this part as the “Administrator”) shall commission the National Research Council of the National Academies to conduct a study of—

(1) the Compliance, Safety, Accountability program of the Federal Motor Carrier Safety Administration (referred to in this part as the “CSA program”); and

(2) the Safety Measurement System utilized by the CSA program (referred to in this part as the “SMS”).

(b) **SCOPE OF STUDY.**—In carrying out the study commissioned pursuant to subsection (a), the National Research Council—

(1) shall analyze—

(A) the accuracy with which the Behavior Analysis and Safety Improvement Categories (referred to in this part as “BASIC”)—

(i) identify high risk carriers; and

(ii) predict or are correlated with future crash risk, crash severity, or other safety indicators for motor carriers, including the highest risk carriers;

(B) the methodology used to calculate BASIC percentiles and identify carriers for enforcement, including the weights assigned to particular violations and the tie between crash risk and specific regulatory violations, with respect to accurately identifying and predicting future crash risk for motor carriers;

(C) the relative value of inspection information and roadside enforcement data;

(D) any data collection gaps or data sufficiency problems that may exist and the impact of those gaps and problems on the efficacy of the CSA program;

(E) the accuracy of safety data, including the use of crash data from crashes in which a motor carrier was free from fault;

(F) whether BASIC percentiles for motor carriers of passengers should be calculated separately from motor carriers of freight;

(G) the differences in the rates at which safety violations are reported to the Federal Motor Carrier Safety Administration for inclusion in the SMS by various enforcement authorities, including States, territories, and Federal inspectors; and

(H) how members of the public use the SMS and what effect making the SMS information public has had on reducing crashes and eliminating unsafe motor carriers from the industry; and

(2) shall consider—

(A) whether the SMS provides comparable precision and confidence, through SMS alerts and percentiles, for the relative crash risk of individual large and small motor carriers;

(B) whether alternatives to the SMS would identify high risk carriers more accurately; and

(C) the recommendations and findings of the Comptroller General of the United States and the Inspector General of the Department, and independent review team reports, issued before the date of enactment of this Act.

(c) REPORT.—Not later than 18 months after the date of enactment of this Act, the Administrator shall—

(1) submit a report containing the results of the study commissioned pursuant to subsection (a) to—

(A) the Committee on Commerce, Science, and Transportation of the Senate;

(B) the Committee on Transportation and Infrastructure of the House of Representatives; and

(C) the Inspector General of the Department; and

(2) publish the report on a publicly accessible Internet Web site of the Department.

(d) CORRECTIVE ACTION PLAN.—

(1) IN GENERAL.—Not later than 120 days after the Administrator submits the report under subsection (c), if that report identifies a deficiency or opportunity for improvement in the CSA program or in any element of the SMS, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a corrective action plan that—

(A) responds to the deficiencies or opportunities identified by the report;

(B) identifies how the Federal Motor Carrier Safety Administration will address such deficiencies or opportunities; and

(C) provides an estimate of the cost, including with respect to changes in staffing, enforcement, and data collection, necessary to address such deficiencies or opportunities.

(2) PROGRAM REFORMS.—The corrective action plan submitted under paragraph (1) shall include an implementation plan that—

(A) includes benchmarks;

(B) includes programmatic reforms, revisions to regulations, or proposals for legislation; and

(C) shall be considered in any rulemaking by the Department that relates to the CSA program, including the SMS or data analysis under the SMS.

(e) INSPECTOR GENERAL REVIEW.—Not later than 120 days after the Administrator submits a corrective action plan under subsection (d), the Inspector General of the Department shall—

(1) review the extent to which such plan addresses—

(A) recommendations contained in the report submitted under subsection (c); and

(B) relevant recommendations issued by the Comptroller General or the Inspector General before the date of enactment of this Act; and

(2) submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the responsiveness of the corrective action plan to the recommendations described in paragraph (1).

49 USC 31100
note.

SEC. 5222. BEYOND COMPLIANCE.

(a) **IN GENERAL.**—Not later than 18 months after the date of enactment of this Act, the Administrator shall allow recognition, including credit or an improved SMS percentile, for a motor carrier that—

- (1) installs advanced safety equipment;
- (2) uses enhanced driver fitness measures;
- (3) adopts fleet safety management tools, technologies, and programs; or
- (4) satisfies other standards determined appropriate by the Administrator.

(b) **IMPLEMENTATION.**—The Administrator shall carry out subsection (a) by—

- (1) incorporating a methodology into the CSA program;
- or
- (2) establishing a safety BASIC in the SMS.

(c) **PROCESS.**—

(1) **IN GENERAL.**—The Administrator, after providing notice and an opportunity for comment, shall develop a process for identifying and reviewing advanced safety equipment, enhanced driver fitness measures, fleet safety management tools, technologies, and programs, and other standards for use by motor carriers to receive recognition, including credit or an improved SMS percentile, for purposes of subsection (a).

(2) **CONTENTS.**—A process developed under paragraph (1) shall—

(A) provide for a petition process for reviewing advanced safety equipment, enhanced driver fitness measures, fleet safety management tools, technologies, and programs, and other standards; and

(B) seek input and participation from industry stakeholders, including commercial motor vehicle drivers, technology manufacturers, vehicle manufacturers, motor carriers, law enforcement, safety advocates, and the Motor Carrier Safety Advisory Committee.

(d) **QUALIFICATION.**—The Administrator, after providing notice and an opportunity for comment, shall develop technical or other performance standards with respect to advanced safety equipment, enhanced driver fitness measures, fleet safety management tools, technologies, and programs, and other standards for purposes of subsection (a).

(e) **MONITORING.**—The Administrator may authorize qualified entities to monitor motor carriers that receive recognition, including credit or an improved SMS percentile, under this section through a no-cost contract structure.

(f) **DISSEMINATION OF INFORMATION.**—The Administrator shall maintain on a publicly accessible Internet Web site of the Department information on—

(1) the advanced safety equipment, enhanced driver fitness measures, fleet safety management tools, technologies, and programs, and other standards eligible for recognition, including credit or an improved SMS percentile;

(2) any petitions for review of advanced safety equipment, enhanced driver fitness measures, fleet safety management tools, technologies, and programs, and other standards; and

(3) any relevant statistics relating to the use of advanced safety equipment, enhanced driver fitness measures, fleet safety

management tools, technologies, and programs, and other standards.

(g) REPORT.—Not later than 3 years after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the—

(1) number of motor carriers receiving recognition, including credit or an improved SMS percentile, under this section; and

(2) safety performance of such carriers.

SEC. 5223. DATA CERTIFICATION.

49 USC 31100
note.

(a) IN GENERAL.—On and after the date that is 1 day after the date of enactment of this Act, no information regarding analysis of violations, crashes in which a determination is made that the motor carrier or the commercial motor vehicle driver is not at fault, alerts, or the relative percentile for each BASIC developed under the CSA program may be made available to the general public until the Inspector General of the Department certifies that—

(1) the report required under section 5221(c) has been submitted in accordance with that section;

(2) any deficiencies identified in the report required under section 5221(c) have been addressed;

(3) if applicable, the corrective action plan under section 5221(d) has been implemented;

(4) the Administrator of the Federal Motor Carrier Safety Administration has fully implemented or satisfactorily addressed the issues raised in the report titled “Modifying the Compliance, Safety, Accountability Program Would Improve the Ability to Identify High Risk Carriers” of the Government Accountability Office and dated February 2014 (GAO–14–114); and

(5) the Secretary has initiated modification of the CSA program in accordance with section 5222.

(b) LIMITATION ON THE USE OF CSA ANALYSIS.—Information regarding alerts and the relative percentile for each BASIC developed under the CSA program may not be used for safety fitness determinations until the Inspector General of the Department makes the certification under subsection (a).

(c) CONTINUED PUBLIC AVAILABILITY OF DATA.—Notwithstanding any other provision of this section, inspection and violation information submitted to the Federal Motor Carrier Safety Administration by commercial motor vehicle inspectors and qualified law enforcement officials, out-of-service rates, and absolute measures shall remain available to the public.

(d) EXCEPTIONS.—

(1) IN GENERAL.—Notwithstanding any other provision of this section—

(A) the Federal Motor Carrier Safety Administration and State and local commercial motor vehicle enforcement agencies may use the information referred to in subsection (a) for purposes of investigation and enforcement prioritization;

(B) a motor carrier and a commercial motor vehicle driver may access information referred to in subsection

(a) that relates directly to the motor carrier or driver, respectively; and

(C) a data analysis of motorcoach operators may be provided online with a notation indicating that the ratings or alerts listed are not intended to imply any Federal safety rating of the carrier.

(2) NOTATION.—The notation described in paragraph (1)(C) shall include the following: “Readers should not draw conclusions about a carrier’s overall safety condition simply based on the data displayed in this system. Unless a motor carrier has received an UNSATISFACTORY safety rating under part 385 of title 49, Code of Federal Regulations, or has otherwise been ordered to discontinue operations by the Federal Motor Carrier Safety Administration, it is authorized to operate on the Nation’s roadways.”.

(3) RULE OF CONSTRUCTION.—Nothing in this section may be construed to restrict the official use by State enforcement agencies of the data collected by State enforcement personnel.

49 USC 31100
note.

SEC. 5224. DATA IMPROVEMENT.

(a) FUNCTIONAL SPECIFICATIONS.—The Administrator shall develop functional specifications to ensure the consistent and accurate input of data into systems and databases relating to the CSA program.

(b) FUNCTIONALITY.—The functional specifications developed pursuant to subsection (a)—

(1) shall provide for the hardcoding and smart logic functionality for roadside inspection data collection systems and databases; and

(2) shall be made available to public and private sector developers.

(c) EFFECTIVE DATA MANAGEMENT.—The Administrator shall ensure that internal systems and databases accept and effectively manage data using uniform standards.

(d) CONSULTATION WITH THE STATES.—Before implementing the functional specifications developed pursuant to subsection (a) or the standards described in subsection (c), the Administrator shall seek input from the State agencies responsible for enforcing section 31102 of title 49, United States Code.

SEC. 5225. ACCIDENT REVIEW.

(a) IN GENERAL.—Not later than 1 year after a certification under section 5223, the Secretary shall task the Motor Carrier Safety Advisory Committee with reviewing the treatment of preventable crashes under the SMS.

(b) DUTIES.—Not later than 6 months after being tasked under subsection (a), the Motor Carrier Safety Advisory Committee shall make recommendations to the Secretary on a process to allow motor carriers and drivers to request that the Administrator make a determination with respect to the preventability of a crash, if such a process has not yet been established by the Secretary.

(c) REPORT.—The Secretary shall—

(1) review and consider the recommendations provided by the Motor Carrier Safety Advisory Committee; and

(2) report to Congress on how the Secretary intends to address the treatment of preventable crashes.

(d) PREVENTABLE DEFINED.—In this section, the term “preventable” has the meaning given that term in Appendix B of part

385 of title 49, Code of Federal Regulations, as in effect on the date of enactment of this Act.

Subtitle C—Commercial Motor Vehicle Safety

SEC. 5301. WINDSHIELD TECHNOLOGY.

49 USC 31136
note.

(a) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Secretary shall revise the regulations in section 393.60(e) of title 49, Code of Federal Regulations (relating to the prohibition on obstructions to the driver’s field of view) to exempt from that section the voluntary mounting on a windshield of vehicle safety technology likely to achieve a level of safety that is equivalent to or greater than the level of safety that would be achieved absent the exemption.

(b) **VEHICLE SAFETY TECHNOLOGY DEFINED.**—In this section, the term “vehicle safety technology” includes a fleet-related incident management system, performance or behavior management system, speed management system, lane departure warning system, forward collision warning or mitigation system, and active cruise control system and any other technology that the Secretary considers applicable.

(c) **RULE OF CONSTRUCTION.**—For purposes of this section, any windshield mounted technology with a short term exemption under part 381 of title 49, Code of Federal Regulations, on the date of enactment of this Act, shall be considered likely to achieve a level of safety that is equivalent to or greater than the level of safety that would be achieved absent an exemption under subsection (a).

SEC. 5302. PRIORITIZING STATUTORY RULEMAKINGS.

49 USC 113 note.

The Administrator of the Federal Motor Carrier Safety Administration shall prioritize the completion of each outstanding rulemaking required by statute before beginning any other rulemaking, unless the Secretary determines that there is a significant need for such other rulemaking and notifies Congress of such determination.

SEC. 5303. SAFETY REPORTING SYSTEM.

(a) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the cost and feasibility of establishing a self-reporting system for commercial motor vehicle drivers or motor carriers with respect to en route equipment failures.

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

(1) an analysis of—

(A) alternatives for the reporting of equipment failures in real time, including an Internet Web site or telephone hotline;

(B) the ability of a commercial motor vehicle driver or a motor carrier to provide to the Federal Motor Carrier

Safety Administration proof of repair of a self-reported equipment failure;

(C) the ability of the Federal Motor Carrier Safety Administration to ensure that self-reported equipment failures proven to be repaired are not used in the calculation of Behavior Analysis and Safety Improvement Category scores;

(D) the ability of roadside inspectors to access self-reported equipment failures;

(E) the cost to establish and administer a self-reporting system;

(F) the ability for a self-reporting system to track individual commercial motor vehicles through unique identifiers; and

(G) whether a self-reporting system would yield demonstrable safety benefits;

(2) an identification of any regulatory or statutory impediments to the implementation of a self-reporting system; and

(3) recommendations on implementing a self-reporting system.

SEC. 5304. NEW ENTRANT SAFETY REVIEW PROGRAM.

(a) **IN GENERAL.**—The Secretary shall conduct an assessment of the new operator safety review program under section 31144(g) of title 49, United States Code, including the program’s effectiveness in reducing crashes, fatalities, and injuries involving commercial motor vehicles and improving commercial motor vehicle safety.

(b) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall publish on a publicly accessible Internet Web site of the Department and submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the assessment conducted under subsection (a), including any recommendations for improving the effectiveness of the program (including recommendations for legislative changes).

SEC. 5305. HIGH RISK CARRIER REVIEWS.

(a) **IN GENERAL.**—The Secretary shall ensure that a review is completed on each motor carrier that demonstrates through performance data that it poses the highest safety risk. At a minimum, a review shall be conducted whenever a motor carrier is among the highest risk carriers for 4 consecutive months.

(b) **REPORT.**—The Secretary shall post on a public Web site a report on the actions the Secretary has taken to comply with this section, including the number of high risk carriers identified and the high risk carriers reviewed.

(c) **CONFORMING AMENDMENT.**—Section 4138 of SAFETEA–LU (49 U.S.C. 31144 note), and the item relating to that section in the table of contents in section 1(b) of that Act, are repealed.

SEC. 5306. POST-ACCIDENT REPORT REVIEW.

(a) **IN GENERAL.**—Not later than 120 days after the date of enactment of this Act, the Secretary shall convene a working group—

(1) to review the data elements of post-accident reports, for tow-away accidents involving commercial motor vehicles, that are reported to the Federal Government; and

(2) to report to the Secretary its findings and any recommendations, including best practices for State post-accident reports to achieve the data elements described in subsection (c).

(b) COMPOSITION.—Not less than 51 percent of the working group should be composed of individuals representing the States or State law enforcement officials. The remaining members of the working group shall represent industry, labor, safety advocates, and other interested parties.

(c) CONSIDERATIONS.—The working group shall consider requiring additional data elements, including—

(1) the primary cause of the accident, if the primary cause can be determined; and

(2) the physical characteristics of the commercial motor vehicle and any other vehicle involved in the accident, including—

(A) the vehicle configuration;

(B) the gross vehicle weight, if the weight can be readily determined;

(C) the number of axles; and

(D) the distance between axles, if the distance can be readily determined.

(d) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall—

(1) review the findings of the working group;

(2) identify the best practices for State post-accident reports that are reported to the Federal Government, including identifying the data elements that should be collected following a tow-away commercial motor vehicle accident; and

(3) recommend to the States the adoption of new data elements to be collected following reportable commercial motor vehicle accidents.

(e) TERMINATION.—The working group shall terminate not more than 180 days after the date on which the Secretary makes recommendations under subsection (d)(3).

SEC. 5307. IMPLEMENTING SAFETY REQUIREMENTS.

(a) IN GENERAL.—For each rulemaking described in subsection (c), not later than 30 days after the date of enactment of this Act and every 180 days thereafter until the rulemaking is complete, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a written notification that includes—

(1) for a rulemaking with a statutory deadline—

(A) an explanation of why the deadline was not met;

and

(B) an expected date of completion of the rulemaking;

and

(2) for a rulemaking without a statutory deadline, an expected date of completion of the rulemaking.

(b) ADDITIONAL CONTENTS.—A notification submitted under subsection (a) shall include—

(1) an updated rulemaking timeline;

(2) a list of factors causing delays in the completion of the rulemaking; and

(3) any other details associated with the status of the rulemaking.

(c) RULEMAKINGS.—The Secretary shall submit a written notification under subsection (a) for each of the following rulemakings:

(1) The rulemaking required under section 31306a(a)(1) of title 49, United States Code.

(2) The rulemaking required under section 31137(a) of title 49, United States Code.

(3) The rulemaking required under section 31305(c) of title 49, United States Code.

(4) The rulemaking required under section 31601 of division C of MAP–21 (49 U.S.C. 30111 note).

(5) A rulemaking concerning motor carrier safety fitness determinations.

(6) A rulemaking concerning commercial motor vehicle safety required by an Act of Congress enacted on or after August 1, 2005, and incomplete for more than 2 years.

Subtitle D—Commercial Motor Vehicle Drivers

SEC. 5401. OPPORTUNITIES FOR VETERANS.

(a) STANDARDS FOR TRAINING AND TESTING OF VETERAN OPERATORS.—Section 31305 of title 49, United States Code, is amended by adding at the end the following:

“(d) STANDARDS FOR TRAINING AND TESTING OF VETERAN OPERATORS.—

“(1) IN GENERAL.—Not later than December 31, 2016, the Secretary shall modify the regulations prescribed under subsections (a) and (c) to—

“(A) exempt a covered individual from all or a portion of a driving test if the covered individual had experience in the armed forces or reserve components driving vehicles similar to a commercial motor vehicle;

“(B) ensure that a covered individual may apply for an exemption under subparagraph (A) during, at least, the 1-year period beginning on the date on which such individual separates from service in the armed forces or reserve components; and

“(C) credit the training and knowledge a covered individual received in the armed forces or reserve components driving vehicles similar to a commercial motor vehicle for purposes of satisfying minimum standards for training and knowledge.

“(2) DEFINITIONS.—In this subsection, the following definitions apply:

“(A) ARMED FORCES.—The term ‘armed forces’ has the meaning given that term in section 101(a) of title 10.

“(B) COVERED INDIVIDUAL.—The term ‘covered individual’ means an individual over the age of 21 years who is—

“(i) a former member of the armed forces; or

“(ii) a former member of the reserve components.

“(C) RESERVE COMPONENTS.—The term ‘reserve components’ means—

- “(i) the Army National Guard of the United States;
- “(ii) the Army Reserve;
- “(iii) the Navy Reserve;
- “(iv) the Marine Corps Reserve;
- “(v) the Air National Guard of the United States;
- “(vi) the Air Force Reserve; and
- “(vii) the Coast Guard Reserve.”.

(b) IMPLEMENTATION OF ADMINISTRATIVE RECOMMENDATIONS.— 49 USC 31301
Not later than 1 year after the date of enactment of this Act, note.
the Secretary, in consultation with the Secretary of Defense, shall implement the recommendations contained in the report submitted under section 32308 of MAP–21 (49 U.S.C. 31301 note) that are not implemented as a result of the amendment in subsection (a).

(c) IMPLEMENTATION OF THE MILITARY COMMERCIAL DRIVER’S 49 USC 31311
LICENSE ACT.—Not later than December 31, 2015, the Secretary note.
shall issue final regulations to implement the exemption to the domicile requirement under section 31311(a)(12)(C) of title 49, United States Code.

(d) CONFORMING AMENDMENT.—Section 31311(a)(12)(C)(ii) of title 49, United States Code, is amended to read as follows:

- “(ii) is an active duty member of—
- “(I) the armed forces (as that term is defined in section 101(a) of title 10); or
- “(II) the reserve components (as that term is defined in section 31305(d)(2) of this title); and”.

SEC. 5402. DRUG-FREE COMMERCIAL DRIVERS.

(a) IN GENERAL.—Section 31306 of title 49, United States Code, is amended—

(1) in subsection (b)(1)—

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

(B) in subparagraph (A) by striking “The regulations shall permit such motor carriers to conduct preemployment testing of such employees for the use of alcohol.”; and

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

“(B) The regulations prescribed under subparagraph (A) shall permit motor carriers—

 “(i) to conduct preemployment testing of commercial motor vehicle operators for the use of alcohol; and

 “(ii) to use hair testing as an acceptable alternative to urine testing—

 “(I) in conducting preemployment testing for the use of a controlled substance; and

 “(II) in conducting random testing for the use of a controlled substance if the operator was subject to hair testing for preemployment testing.”;

(2) in subsection (b)(2)—

(A) in subparagraph (A) by striking “and” at the end;

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

(C) by adding at the end the following:

“(C) shall provide an exemption from hair testing for commercial motor vehicle operators with established religious beliefs that prohibit the cutting or removal of hair.”; and

(3) in subsection (c)(2)—

(A) in the matter preceding subparagraph (A) by inserting “for urine testing, and technical guidelines for hair testing,” before “including mandatory guidelines”;

(B) in subparagraph (B) by striking “and” at the end;

(C) in subparagraph (C) by inserting “and” after the semicolon; and

(D) by adding at the end the following:

“(D) laboratory protocols and cut-off levels for hair testing to detect the use of a controlled substance;”.

49 USC 31306
note.

(b) **GUIDELINES.**—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall issue scientific and technical guidelines for hair testing as a method of detecting the use of a controlled substance for purposes of section 31306 of title 49, United States Code.

49 USC 31149
note.

SEC. 5403. MEDICAL CERTIFICATION OF VETERANS FOR COMMERCIAL DRIVER'S LICENSES.

(a) **IN GENERAL.**—In the case of a physician-approved veteran operator, the qualified physician of such operator may, subject to the requirements of subsection (b), perform a medical examination and provide a medical certificate for purposes of compliance with the requirements of section 31149 of title 49, United States Code.

(b) **CERTIFICATION.**—The certification described under subsection (a) shall include—

(1) assurances that the physician performing the medical examination meets the requirements of a qualified physician under this section; and

(2) certification that the physical condition of the operator is adequate to enable such operator to operate a commercial motor vehicle safely.

(c) **NATIONAL REGISTRY OF MEDICAL EXAMINERS.**—The Secretary, in consultation with the Secretary of Veterans Affairs, shall develop a process for qualified physicians to perform a medical examination and provide a medical certificate under subsection (a) and include such physicians on the national registry of medical examiners established under section 31149(d) of title 49, United States Code.

(d) **DEFINITIONS.**—In this section, the following definitions apply:

(1) **PHYSICIAN-APPROVED VETERAN OPERATOR.**—The term “physician-approved veteran operator” means an operator of a commercial motor vehicle who—

(A) is a veteran who is enrolled in the health care system established under section 1705(a) of title 38, United States Code; and

(B) is required to have a current valid medical certificate pursuant to section 31149 of title 49, United States Code.

(2) **QUALIFIED PHYSICIAN.**—The term “qualified physician” means a physician who—

(A) is employed in the Department of Veterans Affairs;

(B) is familiar with the standards for, and physical requirements of, an operator certified pursuant to section 31149 of title 49, United States Code; and

(C) has never, with respect to such section, been found to have acted fraudulently, including by fraudulently awarding a medical certificate.

(3) VETERAN.—The term “veteran” has the meaning given the term in section 101 of title 38, United States Code.

(e) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to change any statutory penalty associated with fraud or abuse.

SEC. 5404. COMMERCIAL DRIVER PILOT PROGRAM.

49 USC 31315
note.

(a) IN GENERAL.—The Secretary shall establish a pilot program under section 31315(c) of title 49, United States Code, to study the feasibility, benefits, and safety impacts of allowing a covered driver to operate a commercial motor vehicle in interstate commerce.

(b) DATA COLLECTION.—The Secretary shall collect and analyze data relating to accidents in which—

(1) a covered driver participating in the pilot program is involved; and

(2) a driver under the age of 21 operating a commercial motor vehicle in intrastate commerce is involved.

(c) LIMITATIONS.—A driver participating in the pilot program may not—

(1) transport—

(A) passengers; or

(B) hazardous cargo; or

(2) operate a vehicle in special configuration.

(d) WORKING GROUP.—

(1) ESTABLISHMENT.—The Secretary shall conduct, monitor, and evaluate the pilot program in consultation with a working group to be established by the Secretary consisting of representatives of the armed forces, industry, drivers, safety advocacy organizations, and State licensing and enforcement officials.

(2) DUTIES.—The working group shall review the data collected under subsection (b) and provide recommendations to the Secretary on the feasibility, benefits, and safety impacts of allowing a covered driver to operate a commercial motor vehicle in interstate commerce.

(e) REPORT.—Not later than 1 year after the date on which the pilot program is concluded, the Secretary shall submit to Congress a report describing the findings of the pilot program and the recommendations of the working group.

(f) DEFINITIONS.—In this section, the following definitions apply:

(1) ACCIDENT.—The term “accident” has the meaning given that term in section 390.5 of title 49, Code of Federal Regulations, as in effect on the date of enactment of this Act.

(2) ARMED FORCES.—The term “armed forces” has the meaning given that term in section 101(a) of title 10, United States Code.

(3) COMMERCIAL MOTOR VEHICLE.—The term “commercial motor vehicle” has the meaning given that term in section 31301 of title 49, United States Code.

(4) COVERED DRIVER.—The term “covered driver” means an individual who is—

(A) between the ages of 18 and 21;

(B) a member or former member of the—

(i) armed forces; or

(ii) reserve components (as defined in section 31305(d)(2) of title 49, United States Code, as added by this Act); and

(C) qualified in a Military Occupational Specialty to operate a commercial motor vehicle or similar vehicle.

Subtitle E—General Provisions

SEC. 5501. DELAYS IN GOODS MOVEMENT.

(a) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Inspector General of the Department shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the average length of time that operators of commercial motor vehicles are delayed before the loading and unloading of such vehicles and at other points in the pick-up and delivery process.

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

(A) an assessment of how delays impact—

(i) the economy;

(ii) the efficiency of the transportation system;

(iii) motor carrier safety, including the extent to which delays result in violations of motor carrier safety regulations; and

(iv) the livelihood of motor carrier drivers; and

(B) recommendations on how delays could be mitigated.

(b) COLLECTION OF DATA.—Not later than 2 years after the date of enactment of this Act, the Secretary shall establish by regulation a process to collect data on delays experienced by operators of commercial motor vehicles before the loading and unloading of such vehicles and at other points in the pick-up and delivery process.

49 USC 14103
note.

SEC. 5502. EMERGENCY ROUTE WORKING GROUP.

(a) IN GENERAL.—

(1) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish a working group to determine best practices for expeditious State approval of special permits for vehicles involved in emergency response and recovery.

(2) MEMBERS.—The working group shall include representatives from—

(A) State highway transportation departments or agencies;

(B) relevant modal agencies within the Department;

(C) emergency response or recovery experts;

(D) relevant safety groups; and

(E) entities affected by special permit restrictions during emergency response and recovery efforts.

(b) CONSIDERATIONS.—In determining best practices under subsection (a), the working group shall consider whether—

(1) impediments currently exist that prevent expeditious State approval of special permits for vehicles involved in emergency response and recovery;

(2) it is possible to pre-identify and establish emergency routes between States through which infrastructure repair materials could be delivered following a natural disaster or emergency;

(3) a State could pre-designate an emergency route identified under paragraph (2) as a certified emergency route if a motor vehicle that exceeds the otherwise applicable Federal and State truck length or width limits may safely operate along such route during periods of declared emergency and recovery from such periods; and

(4) an online map could be created to identify each pre-designated emergency route under paragraph (3), including information on specific limitations, obligations, and notification requirements along that route.

(c) REPORT.—

(1) SUBMISSION.—Not later than 1 year after the date of enactment of this Act, the working group shall submit to the Secretary a report on its findings under this section and any recommendations for the implementation of best practices for expeditious State approval of special permits for vehicles involved in emergency response and recovery.

(2) PUBLICATION.—Not later than 30 days after the date the Secretary receives the report under paragraph (1), the Secretary shall publish the report on a publicly accessible Internet Web site of the Department.

(d) NOTIFICATION.—Not later than 6 months after the date the Secretary receives the report under subsection (c)(1), the Secretary shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the actions the Secretary and the States have taken to implement the recommendations included in the report.

(e) TERMINATION.—The working group shall terminate 1 year after the date the Secretary receives the report under subsection (c)(1).

SEC. 5503. HOUSEHOLD GOODS CONSUMER PROTECTION WORKING GROUP.

(a) WORKING GROUP.—The Secretary shall establish a working group for the purpose of developing recommendations on how to best convey to consumers relevant information with respect to the Federal laws concerning the interstate transportation of household goods by motor carrier.

(b) MEMBERSHIP.—The Secretary shall ensure that the working group is comprised of individuals with expertise in consumer affairs, educators with expertise in how people learn most effectively, and representatives of the household goods moving industry.

(c) RECOMMENDATIONS.—

(1) CONTENTS.—The recommendations developed by the working group shall include recommendations on—

(A) condensing publication ESA 03005 of the Federal Motor Carrier Safety Administration into a format that is more easily used by consumers;

(B) using state-of-the-art education techniques and technologies, including optimizing the use of the Internet as an educational tool; and

(C) reducing and simplifying the paperwork required of motor carriers and shippers in interstate transportation.

(2) DEADLINE.—Not later than 1 year after the date of enactment of this Act—

(A) the working group shall make the recommendations described in paragraph (1); and

(B) the Secretary shall publish the recommendations on a publicly accessible Internet Web site of the Department.

(d) REPORT.—Not later than 1 year after the date on which the working group makes its recommendations under subsection (c)(2), the Secretary shall issue a report to Congress on the implementation of such recommendations.

(e) TERMINATION.—The working group shall terminate 1 year after the date the working group makes its recommendations under subsection (c)(2).

SEC. 5504. TECHNOLOGY IMPROVEMENTS.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall conduct a comprehensive analysis of the information technology and data collection and management systems of the Federal Motor Carrier Safety Administration.

(b) REQUIREMENTS.—The study conducted under subsection (a) shall—

(1) evaluate the efficacy of the existing information technology, data collection, processing systems, data correction procedures, and data management systems and programs, including their interaction with each other and their efficacy in meeting user needs;

(2) identify any redundancies among the systems, procedures, and programs described in paragraph (1);

(3) explore the feasibility of consolidating data collection and processing systems;

(4) evaluate the ability of the systems, procedures, and programs described in paragraph (1) to meet the needs of—

(A) the Federal Motor Carrier Safety Administration, at both the headquarters and State levels;

(B) the State agencies that implement the motor carrier safety assistance program under section 31102 of title 49, United States Code; and

(C) other users;

(5) evaluate the adaptability of the systems, procedures, and programs described in paragraph (1), in order to make necessary future changes to ensure user needs are met in an easier, timely, and more cost-efficient manner;

(6) investigate and make recommendations regarding—

(A) deficiencies in existing data sets impacting program effectiveness; and

(B) methods to improve user interfaces; and

(7) identify the appropriate role the Federal Motor Carrier Safety Administration should take with respect to software and information systems design, development, and maintenance

for the purpose of improving the efficacy of the systems, procedures, and programs described in paragraph (1).

SEC. 5505. NOTIFICATION REGARDING MOTOR CARRIER REGISTRATION.

Not later than 30 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate written notification of the actions the Secretary is taking to ensure, to the greatest extent practicable, that each application for registration under section 13902 of title 49, United States Code, is processed not later than 30 days after the date on which the application is received by the Secretary.

SEC. 5506. REPORT ON COMMERCIAL DRIVER'S LICENSE SKILLS TEST DELAYS.

49 USC 31305
note.

Not later than 18 months after the date of enactment of this Act, and each year thereafter, the Administrator of the Federal Motor Carrier Safety Administration shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that—

(1) describes, for each State, the status of skills testing for applicants for a commercial driver's license, including—

(A) the average wait time from the date an applicant requests to take a skills test to the date the applicant has the opportunity to complete such test;

(B) the average wait time from the date an applicant, upon failure of a skills test, requests a retest to the date the applicant has the opportunity to complete such retest;

(C) the actual number of qualified commercial driver's license examiners available to test applicants; and

(D) the number of testing sites available through the State department of motor vehicles and whether this number has increased or decreased from the previous year; and

(2) describes specific steps that the Administrator is taking to address skills testing delays in States that have average skills test or retest wait times of more than 7 days from the date an applicant requests to test or retest to the date the applicant has the opportunity to complete such test or retest.

SEC. 5507. ELECTRONIC LOGGING DEVICE REQUIREMENTS.

Section 31137(b) of title 49, United States Code, is amended—

(1) in paragraph (1)(C) by striking “apply to” and inserting “except as provided in paragraph (3), apply to”; and

(2) by adding at the end the following:

“(3) EXCEPTION.—A motor carrier, when transporting a motor home or recreation vehicle trailer within the definition of the term ‘driveaway-towaway operation’ (as defined in section 390.5 of title 49, Code of Federal Regulations), may comply with the hours of service requirements by requiring each driver to use—

“(A) a paper record of duty status form; or

“(B) an electronic logging device.”.

SEC. 5508. TECHNICAL CORRECTIONS.

(a) TITLE 49.—Title 49, United States Code, is amended as follows:

(1) Section 13902(i)(2) is amended by inserting “except as” before “described”.

(2) Section 13903(d) is amended by striking “(d) REGISTRATION AS MOTOR CARRIER REQUIRED.—” and all that follows through “(1) IN GENERAL.—A freight forwarder” and inserting “(d) REGISTRATION AS MOTOR CARRIER REQUIRED.—A freight forwarder”.

(3) Section 13905(d)(2)(D) is amended—

(A) by striking “the Secretary finds that—” and all that follows through “(i) the motor carrier,” and inserting “the Secretary finds that the motor carrier,”; and

(B) by adding a period at the end.

(4) Section 14901(h) is amended by striking “HOUSEHOLD GOODS” in the heading.

(5) Section 14916 is amended by striking the section designation and heading and inserting the following:

“§ 14916. Unlawful brokerage activities”.

(b) MAP–21.—Effective as of July 6, 2012, and as if included therein as enacted, MAP–21 (Public Law 112–141) is amended as follows:

(1) Section 32108(a)(4) (126 Stat. 782) is amended by inserting “for” before “each additional day” in the matter proposed to be struck.

(2) Section 32301(b)(3) (126 Stat. 786) is amended by striking “by amending (a) to read as follows:” and inserting “by striking subsection (a) and inserting the following:”.

(3) Section 32302(c)(2)(B) (126 Stat. 789) is amended by striking “section 32303(c)(1)” and inserting “section 32302(c)(1)”.

(4) Section 32921(b) (126 Stat. 828) is amended, in the matter to be inserted, by striking “(A) In addition” and inserting the following:

“(A) IN GENERAL.—In addition”.

(5) Section 32931(c) (126 Stat. 829) is amended—

(A) by striking “Secretary” and inserting “Secretary of Transportation” in the matter to be struck; and

(B) by striking “Secretary” and inserting “Secretary of Transportation” in the matter to be inserted.

(c) MOTOR CARRIER SAFETY IMPROVEMENT ACT OF 1999.—Section 229(a)(1) of the Motor Carrier Safety Improvement Act of 1999 (49 U.S.C. 31136 note) is amended by inserting “of title 49, United States Code,” after “sections 31136 and 31502”.

SEC. 5509. MINIMUM FINANCIAL RESPONSIBILITY.

(a) TRANSPORTING PROPERTY.—If the Secretary proceeds with a rulemaking to determine whether to increase the minimum levels of financial responsibility required under section 31139 of title 49, United States Code, the Secretary shall consider, prior to issuing a final rule—

(1) the rulemaking’s potential impact on—

(A) the safety of motor vehicle transportation; and

(B) the motor carrier industry;

49 USC 14901
note.

49 USC 14901.

49 USC 31137.

49 USC 31149
note.

49 USC 31144.

49 USC 31307.

49 USC 31138
note.

(2) the ability of the insurance industry to provide the required amount of insurance;

(3) the extent to which current minimum levels of financial responsibility adequately cover—

- (A) medical care;
- (B) compensation; and
- (C) other identifiable costs;

(4) the frequency with which insurance claims exceed current minimum levels of financial responsibility in fatal accidents; and

(5) the impact of increased levels on motor carrier safety and accident reduction.

(b) TRANSPORTING PASSENGERS.—

(1) IN GENERAL.—Prior to initiating a rulemaking to change the minimum levels of financial responsibility under section 31138 of title 49, United States Code, the Secretary shall complete a study specific to the minimum financial responsibility requirements for motor carriers of passengers.

(2) STUDY CONTENTS.—A study under paragraph (1) shall include, to the extent practicable—

(A) a review of accidents, injuries, and fatalities in the over-the-road bus and school bus industries;

(B) a review of insurance held by over-the-road bus and public and private school bus companies, including companies of various sizes, and an analysis of whether such insurance is adequate to cover claims;

(C) an analysis of whether and how insurance affects the behavior and safety record of motor carriers of passengers, including with respect to crash reduction; and

(D) an analysis of the anticipated impacts of an increase in financial responsibility on insurance premiums for passenger carriers and service availability.

(3) CONSULTATION.—In conducting a study under paragraph (1), the Secretary shall consult with—

(A) representatives of the over-the-road bus and private school bus transportation industries, including representatives of bus drivers; and

(B) insurers of motor carriers of passengers.

(4) REPORT.—If the Secretary undertakes a study under paragraph (1), the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

SEC. 5510. SAFETY STUDY REGARDING DOUBLE-DECKER MOTORCOACHES.

(a) STUDY.—The Secretary, in consultation with State transportation safety and law enforcement officials, shall conduct a study regarding the safety operations, fire suppression capability, tire loads, and pavement impacts of operating a double-decker motorcoach equipped with a device designed by the motorcoach manufacturer to attach to the rear of the motorcoach for use in transporting passenger baggage.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit a report containing the results of the study to—

(1) the Committee on Transportation and Infrastructure of the House of Representatives; and

(2) the Committee on Commerce, Science, and Transportation of the Senate.

SEC. 5511. GAO REVIEW OF SCHOOL BUS SAFETY.

Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a review of the following:

(1) Existing Federal and State rules and guidance, as of the date of the review, concerning school bus transportation of elementary school and secondary school students engaging in home-to-school transport or other transport determined by the Comptroller General to be a routine part of kindergarten through grade 12 education, including regulations and guidance regarding driver training programs, capacity requirements, programs for special needs students, inspection standards, vehicle age requirements, best practices, and public access to inspection results and crash records.

(2) Any correlation between public or private school bus fleet operators whose vehicles are involved in an accident as defined by section 390.5 of title 49, Code of Federal Regulations, and each of the following:

(A) A failure by those same operators of State or local safety inspections.

(B) The average age or odometer readings of the school buses in the fleets of such operators.

(C) Violations of Federal laws administered by the Department of Transportation, or of State law equivalents of such laws.

(D) Violations of State or local law relating to illegal passing of a school bus.

(3) A regulatory framework comparison of public and private school bus operations.

(4) Expert recommendations on best practices for safe and reliable school bus transportation, including driver training programs, inspection standards, school bus age and odometer reading maximums for retirement, the percentage of buses in a local bus fleet needed as spare buses, and capacity levels per school bus for different age groups.

SEC. 5512. ACCESS TO NATIONAL DRIVER REGISTER.

Section 30305(b) of title 49, United States Code, is amended by adding at the end the following:

“(13) The Administrator of the Federal Motor Carrier Safety Administration may request the chief driver licensing official of a State to provide information under subsection (a) of this section about an individual in connection with a safety investigation under the Administrator’s jurisdiction.”

SEC. 5513. REPORT ON DESIGN AND IMPLEMENTATION OF WIRELESS ROADSIDE INSPECTION SYSTEMS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of

Representatives a report regarding the design, development, testing, and implementation of wireless roadside inspection systems.

(b) ELEMENTS.—The report required under subsection (a) shall include a determination as to whether Federal wireless roadside inspection systems—

(1) conflict with existing electronic screening systems, or create capabilities already available;

(2) require additional statutory authority to incorporate generated inspection data into the safety measurement system or the safety fitness determinations program; and

(3) provide appropriate restrictions to specifically address privacy concerns of affected motor carriers and operators.

SEC. 5514. REGULATION OF TOW TRUCK OPERATIONS.

Section 14501(c)(2)(C) of title 49, United States Code, is amended by striking “the price of” and all that follows through “transportation is” and inserting “the regulation of tow truck operations”.

SEC. 5515. STUDY ON COMMERCIAL MOTOR VEHICLE DRIVER COMMUTING.

(a) EFFECTS OF COMMUTING.—The Administrator of the Federal Motor Carrier Safety Administration shall conduct a study on the safety effects of motor carrier operator commutes exceeding 150 minutes.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Administrator shall submit to Congress a report containing the findings under the study.

SEC. 5516. ADDITIONAL STATE AUTHORITY.

Notwithstanding any other provision of law, South Dakota shall be provided the opportunity to update and revise the routes designated as qualifying Federal-aid Primary System highways under section 31111(e) of title 49, United States Code, as long as the update shifts routes to divided highways or does not increase center-line miles by more than 5 percent and is expected to increase safety performance.

SEC. 5517. REPORT ON MOTOR CARRIER FINANCIAL RESPONSIBILITY.

(a) IN GENERAL.—Not later than January 1, 2017, the Secretary shall publish on a publicly accessible Internet Web site of the Department a report on the minimum levels of financial responsibility required under section 31139 of title 49, United States Code.

(b) CONTENTS.—The report required under subsection (a) shall include, to the extent practicable, an analysis of—

(1) the differences between State insurance requirements and Federal requirements;

(2) the extent to which current minimum levels of financial responsibility adequately cover—

(A) medical care;

(B) compensation; and

(C) other identifiable costs; and

(3) the frequency with which insurance claims exceed the current minimum levels of financial responsibility.

SEC. 5518. COVERED FARM VEHICLES.

Section 32934(b)(1) of MAP-21 (49 U.S.C. 31136 note) is amended by striking “from” and all that follows through the period at end and inserting the following: “from—

“(A) a requirement described in subsection (a) or a compatible State requirement; or

“(B) any other minimum standard provided by a State relating to the operation of that vehicle.”.

49 USC 31136
note.

SEC. 5519. OPERATORS OF HI-RAIL VEHICLES.

(a) IN GENERAL.—In the case of a commercial motor vehicle driver subject to the hours of service requirements in part 395 of title 49, Code of Federal Regulations, who is driving a hi-rail vehicle, the maximum on duty time under section 395.3 of such title for such driver shall not include time in transportation to or from a duty assignment if such time in transportation—

(1) does not exceed 2 hours per calendar day or a total of 30 hours per calendar month; and

(2) is fully and accurately accounted for in records to be maintained by the motor carrier and such records are made available upon request of the Federal Motor Carrier Safety Administration or the Federal Railroad Administration.

(b) HI-RAIL VEHICLE DEFINED.—In this section, the term “hi-rail vehicle” means an internal rail flaw detection vehicle equipped with flange hi-rails.

SEC. 5520. AUTOMOBILE TRANSPORTER.

(a) AUTOMOBILE TRANSPORTER DEFINED.—Section 31111(a)(1) of title 49, United States Code, is amended—

(1) by striking “specifically”; and

(2) by adding at the end the following: “An automobile transporter shall not be prohibited from the transport of cargo or general freight on a backhaul, so long as it complies with weight limitations for a truck tractor and semitrailer combination.”.

(b) TRUCK TRACTOR DEFINED.—Section 31111(a)(3)(B) of title 49, United States Code, is amended—

(1) by striking “only”; and

(2) by inserting before the period at the end the following: “or any other commodity, including cargo or general freight on a backhaul”.

(c) BACKHAUL DEFINED.—Section 31111(a) of title 49, United States Code, is amended by adding at the end the following:

“(5) BACKHAUL.—The term ‘backhaul’ means the return trip of a vehicle transporting cargo or general freight, especially when carrying goods back over all or part of the same route.”.

(d) STINGER-STEERED AUTOMOBILE TRANSPORTERS.—Section 31111(b)(1) of title 49, United States Code, is amended—

(1) in subparagraph (E) by striking “or” at the end;

(2) in subparagraph (F) by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(G) imposes a vehicle length limitation of less than 80 feet on a stinger-steered automobile transporter with a front overhang of less than 4 feet and a rear overhang of less than 6 feet; or”.

SEC. 5521. READY MIX CONCRETE DELIVERY VEHICLES.

Section 31502 of title 49, United States Code, is amended by adding at the end the following:

“(f) **READY MIXED CONCRETE DELIVERY VEHICLES.**—

“(1) **IN GENERAL.**—Notwithstanding any other provision of law, regulations issued under this section or section 31136 (including section 395.1(e)(1)(ii) of title 49, Code of Federal Regulations) regarding reporting, recordkeeping, or documentation of duty status shall not apply to any driver of a ready mixed concrete delivery vehicle if—

“(A) the driver operates within a 100 air-mile radius of the normal work reporting location;

“(B) the driver returns to the work reporting location and is released from work within 14 consecutive hours;

“(C) the driver has at least 10 consecutive hours off duty following each 14 hours on duty;

“(D) the driver does not exceed 11 hours maximum driving time following 10 consecutive hours off duty; and

“(E) the motor carrier that employs the driver maintains and retains for a period of 6 months accurate and true time records that show—

“(i) the time the driver reports for duty each day;

“(ii) the total number of hours the driver is on duty each day;

“(iii) the time the driver is released from duty each day; and

“(iv) the total time for the preceding driving week the driver is used for the first time or intermittently.

“(2) **DEFINITION.**—In this section, the term ‘driver of a ready mixed concrete delivery vehicle’ means a driver of a vehicle designed to deliver ready mixed concrete on a daily basis and is equipped with a mechanism under which the vehicle’s propulsion engine provides the power to operate a mixer drum to agitate and mix the product en route to the delivery site.”.

SEC. 5522. TRANSPORTATION OF CONSTRUCTION MATERIALS AND EQUIPMENT.

Section 229(e)(4) of the Motor Carrier Safety Improvement Act of 1999 (49 U.S.C. 31136 note) is amended—

(1) by striking “50 air mile radius” and inserting “75 air mile radius”; and

(2) by striking “the driver.” and inserting “the driver, except that a State, upon notice to the Secretary, may establish a different air mile radius limitation for purposes of this paragraph if such limitation is between 50 and 75 air miles and applies only to movements that take place entirely within the State.”.

SEC. 5523. COMMERCIAL DELIVERY OF LIGHT- AND MEDIUM-DUTY TRAILERS.

(a) **DEFINITIONS.**—Section 31111(a) of title 49, United States Code, is amended by adding at the end the following:

“(6) **TRAILER TRANSPORTER TOWING UNIT.**—The term ‘trailer transporter towing unit’ means a power unit that is not used to carry property when operating in a towaway trailer transporter combination.

“(7) TOWAWAY TRAILER TRANSPORTER COMBINATION.—The term ‘towaway trailer transporter combination’ means a combination of vehicles consisting of a trailer transporter towing unit and 2 trailers or semitrailers—

“(A) with a total weight that does not exceed 26,000 pounds; and

“(B) in which the trailers or semitrailers carry no property and constitute inventory property of a manufacturer, distributor, or dealer of such trailers or semitrailers.”.

(b) GENERAL LIMITATIONS.—Section 31111(b)(1) of such title is amended by adding at the end the following:

“(H) has the effect of imposing an overall length limitation of less than 82 feet on a towaway trailer transporter combination.”.

(c) CONFORMING AMENDMENTS.—

(1) PROPERTY-CARRYING UNIT LIMITATION.—Section 31112(a)(1) of such title is amended by inserting before the period at the end the following: “, but not including a trailer or a semitrailer transported as part of a towaway trailer transporter combination (as defined in section 31111(a))”.

(2) ACCESS TO INTERSTATE SYSTEM.—Section 31114(a)(2) of such title is amended by inserting “any towaway trailer transporter combination (as defined in section 31111(a)),” after “passengers,”.

49 USC 31136
note.

SEC. 5524. EXEMPTIONS FROM REQUIREMENTS FOR CERTAIN WELDING TRUCKS USED IN PIPELINE INDUSTRY.

(a) COVERED MOTOR VEHICLE DEFINED.—In this section, the term “covered motor vehicle” means a motor vehicle that—

(1) is traveling in the State in which the vehicle is registered or another State;

(2) is owned by a welder;

(3) is a pick-up style truck;

(4) is equipped with a welding rig that is used in the construction or maintenance of pipelines; and

(5) has a gross vehicle weight and combination weight rating and weight of 15,000 pounds or less.

(b) FEDERAL REQUIREMENTS.—A covered motor vehicle, including the individual operating such vehicle and the employer of such individual, shall be exempt from the following:

(1) Any requirement relating to registration as a motor carrier, including the requirement to obtain and display a Department of Transportation number, established under chapters 139 and 311 of title 49, United States Code.

(2) Any requirement relating to driver qualifications established under chapter 311 of title 49, United States Code.

(3) Any requirement relating to driving of commercial motor vehicles established under chapter 311 of title 49, United States Code.

(4) Any requirement relating to parts and accessories and inspection, repair, and maintenance of commercial motor vehicles established under chapter 311 of title 49, United States Code.

(5) Any requirement relating to hours of service of drivers, including maximum driving and on duty time, established under chapter 315 of title 49, United States Code.

SEC. 5525. REPORT.

(a) **IN GENERAL.**—Not later than 4 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the safety and enforcement impacts of sections 5520, 5521, 5522, 5523, 5524, and 7208 of this Act.

(b) **CONSULTATION.**—In preparing the report required under subsection (a), the Secretary shall consult with States, State law enforcement agencies, entities impacted by the sections described in subsection (a), and other entities the Secretary considers appropriate.

TITLE VI—INNOVATION**SEC. 6001. SHORT TITLE.**

This title may be cited as the “Transportation for Tomorrow Act of 2015”.

Transportation
for Tomorrow Act
of 2015.
23 USC 101 note.

SEC. 6002. AUTHORIZATION OF APPROPRIATIONS.

23 USC 501 note.

(a) **IN GENERAL.**—The following amounts are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

(1) **HIGHWAY RESEARCH AND DEVELOPMENT PROGRAM.**—To carry out section 503(b) of title 23, United States Code, \$125,000,000 for each of fiscal years 2016 through 2020.

(2) **TECHNOLOGY AND INNOVATION DEPLOYMENT PROGRAM.**—To carry out section 503(c) of title 23, United States Code—
(A) \$67,000,000 for fiscal year 2016;
(B) \$67,500,000 for fiscal year 2017;
(C) \$67,500,000 for fiscal year 2018;
(D) \$67,500,000 for fiscal year 2019; and
(E) \$67,500,000 for fiscal year 2020.

(3) **TRAINING AND EDUCATION.**—To carry out section 504 of title 23, United States Code, \$24,000,000 for each of fiscal years 2016 through 2020.

(4) **INTELLIGENT TRANSPORTATION SYSTEMS PROGRAM.**—To carry out sections 512 through 518 of title 23, United States Code, \$100,000,000 for each of fiscal years 2016 through 2020.

(5) **UNIVERSITY TRANSPORTATION CENTERS PROGRAM.**—To carry out section 5505 of title 49, United States Code—
(A) \$72,500,000 for fiscal year 2016;
(B) \$75,000,000 for fiscal year 2017;
(C) \$75,000,000 for fiscal year 2018;
(D) \$77,500,000 for fiscal year 2019; and
(E) \$77,500,000 for fiscal year 2020.

(6) **BUREAU OF TRANSPORTATION STATISTICS.**—To carry out chapter 63 of title 49, United States Code, \$26,000,000 for each of fiscal years 2016 through 2020.

(b) **ADMINISTRATION.**—The Federal Highway Administration shall—

(1) administer the programs described in paragraphs (1), (2), and (3) of subsection (a); and

(2) in consultation with relevant modal administrations, administer the programs described in subsection (a)(4).

(c) **APPLICABILITY OF TITLE 23, UNITED STATES CODE.**—Funds authorized to be appropriated by subsection (a) shall—

(1) be available for obligation in the same manner as if those funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of a project or activity carried out using those funds shall be 80 percent, unless otherwise expressly provided by this Act (including the amendments by this Act) or otherwise determined by the Secretary; and

(2) remain available until expended and not be transferable, except as otherwise provided in this Act.

SEC. 6003. TECHNOLOGY AND INNOVATION DEPLOYMENT PROGRAM.

Section 503(c)(3) of title 23, United States Code, is amended—

(1) in subparagraph (C) by striking “2013 through 2014” and inserting “2016 through 2020”; and

(2) by adding at the end the following:

“(D) **PUBLICATION.**—

“(i) **IN GENERAL.**—Not less frequently than annually, the Secretary shall issue and make available to the public on an Internet website a report on the cost and benefits from deployment of new technology and innovations that substantially and directly resulted from the program established under this paragraph.

“(ii) **INCLUSIONS.**—The report under clause (i) may include an analysis of—

“(I) Federal, State, and local cost savings;

“(II) project delivery time improvements;

“(III) reduced fatalities; and

“(IV) congestion impacts.”.

SEC. 6004. ADVANCED TRANSPORTATION AND CONGESTION MANAGEMENT TECHNOLOGIES DEPLOYMENT.

Section 503(c) of title 23, United States Code, is amended by adding at the end the following:

“(4) **ADVANCED TRANSPORTATION TECHNOLOGIES DEPLOYMENT.**—

“(A) **IN GENERAL.**—Not later than 6 months after the date of enactment of this paragraph, the Secretary shall establish an advanced transportation and congestion management technologies deployment initiative to provide grants to eligible entities to develop model deployment sites for large scale installation and operation of advanced transportation technologies to improve safety, efficiency, system performance, and infrastructure return on investment.

“(B) **CRITERIA.**—The Secretary shall develop criteria for selection of an eligible entity to receive a grant under this paragraph, including how the deployment of technology will—

“(i) reduce costs and improve return on investments, including through the enhanced use of existing transportation capacity;

“(ii) deliver environmental benefits that alleviate congestion and streamline traffic flow;

“(iii) measure and improve the operational performance of the applicable transportation network;

“(iv) reduce the number and severity of traffic crashes and increase driver, passenger, and pedestrian safety;

“(v) collect, disseminate, and use real-time traffic, transit, parking, and other transportation-related information to improve mobility, reduce congestion, and provide for more efficient and accessible transportation;

“(vi) monitor transportation assets to improve infrastructure management, reduce maintenance costs, prioritize investment decisions, and ensure a state of good repair;

“(vii) deliver economic benefits by reducing delays, improving system performance, and providing for the efficient and reliable movement of goods and services; or

“(viii) accelerate the deployment of vehicle-to-vehicle, vehicle-to-infrastructure, autonomous vehicles, and other technologies.

“(C) APPLICATIONS.—

“(i) REQUEST.—Not later than 6 months after the date of enactment of this paragraph, and for every fiscal year thereafter, the Secretary shall request applications in accordance with clause (ii).

“(ii) CONTENTS.—An application submitted under this subparagraph shall include the following:

“(I) PLAN.—A plan to deploy and provide for the long-term operation and maintenance of advanced transportation and congestion management technologies to improve safety, efficiency, system performance, and return on investment.

“(II) OBJECTIVES.—Quantifiable system performance improvements, such as—

“(aa) reducing traffic-related crashes, congestion, and costs;

“(bb) optimizing system efficiency; and

“(cc) improving access to transportation services.

“(III) RESULTS.—Quantifiable safety, mobility, and environmental benefit projections such as data-driven estimates of how the project will improve the region’s transportation system efficiency and reduce traffic congestion.

“(IV) PARTNERSHIPS.—A plan for partnering with the private sector or public agencies, including multimodal and multijurisdictional entities, research institutions, organizations representing transportation and technology leaders, or other transportation stakeholders.

“(V) LEVERAGING.—A plan to leverage and optimize existing local and regional advanced transportation technology investments.

“(D) GRANT SELECTION.—

“(i) GRANT AWARDS.—Not later than 1 year after the date of enactment of this paragraph, and for every fiscal year thereafter, the Secretary shall award grants

to not less than 5 and not more than 10 eligible entities.

“(ii) GEOGRAPHIC DIVERSITY.—In awarding a grant under this paragraph, the Secretary shall ensure, to the extent practicable, that grant recipients represent diverse geographic areas of the United States, including urban and rural areas.

“(iii) TECHNOLOGY DIVERSITY.—In awarding a grant under this paragraph, the Secretary shall ensure, to the extent practicable, that grant recipients represent diverse technology solutions.

“(E) USE OF GRANT FUNDS.—A grant recipient may use funds awarded under this paragraph to deploy advanced transportation and congestion management technologies, including—

“(i) advanced traveler information systems;

“(ii) advanced transportation management technologies;

“(iii) infrastructure maintenance, monitoring, and condition assessment;

“(iv) advanced public transportation systems;

“(v) transportation system performance data collection, analysis, and dissemination systems;

“(vi) advanced safety systems, including vehicle-to-vehicle and vehicle-to-infrastructure communications, technologies associated with autonomous vehicles, and other collision avoidance technologies, including systems using cellular technology;

“(vii) integration of intelligent transportation systems with the Smart Grid and other energy distribution and charging systems;

“(viii) electronic pricing and payment systems; or

“(ix) advanced mobility and access technologies, such as dynamic ridesharing and information systems to support human services for elderly and disabled individuals.

“(F) REPORT TO SECRETARY.—For each eligible entity that receives a grant under this paragraph, not later than 1 year after the entity receives the grant, and each year thereafter, the entity shall submit a report to the Secretary that describes—

“(i) deployment and operational costs of the project compared to the benefits and savings the project provides; and

“(ii) how the project has met the original expectations projected in the deployment plan submitted with the application, such as—

“(I) data on how the project has helped reduce traffic crashes, congestion, costs, and other benefits of the deployed systems;

“(II) data on the effect of measuring and improving transportation system performance through the deployment of advanced technologies;

“(III) the effectiveness of providing real-time integrated traffic, transit, and multimodal transportation information to the public to make informed travel decisions; and

“(IV) lessons learned and recommendations for future deployment strategies to optimize transportation efficiency and multimodal system performance.

“(G) REPORT.—Not later than 3 years after the date that the first grant is awarded under this paragraph, and each year thereafter, the Secretary shall make available to the public on an Internet website a report that describes the effectiveness of grant recipients in meeting their projected deployment plans, including data provided under subparagraph (F) on how the program has—

- “(i) reduced traffic-related fatalities and injuries;
- “(ii) reduced traffic congestion and improved travel time reliability;
- “(iii) reduced transportation-related emissions;
- “(iv) optimized multimodal system performance;
- “(v) improved access to transportation alternatives;
- “(vi) provided the public with access to real-time integrated traffic, transit, and multimodal transportation information to make informed travel decisions;
- “(vii) provided cost savings to transportation agencies, businesses, and the traveling public; or
- “(viii) provided other benefits to transportation users and the general public.

“(H) ADDITIONAL GRANTS.—The Secretary may cease to provide additional grant funds to a recipient of a grant under this paragraph if—

- “(i) the Secretary determines from such recipient’s report that the recipient is not carrying out the requirements of the grant; and
- “(ii) the Secretary provides written notice 60 days prior to withholding funds to the Committees on Transportation and Infrastructure and Science, Space, and Technology of the House of Representatives and the Committees on Environment and Public Works and Commerce, Science, and Transportation of the Senate.

“(I) FUNDING.—

“(i) IN GENERAL.—From funds made available to carry out subsection (b), this subsection, and sections 512 through 518, the Secretary shall set aside for grants awarded under subparagraph (D) \$60,000,000 for each of fiscal years 2016 through 2020.

“(ii) EXPENSES FOR THE SECRETARY.—Of the amounts set aside under clause (i), the Secretary may set aside \$2,000,000 each fiscal year for program reporting, evaluation, and administrative costs related to this paragraph.

“(J) FEDERAL SHARE.—The Federal share of the cost of a project for which a grant is awarded under this subsection shall not exceed 50 percent of the cost of the project.

“(K) GRANT LIMITATION.—The Secretary may not award more than 20 percent of the amount described under subparagraph (I) in a fiscal year to a single grant recipient.

“(L) EXPENSES FOR GRANT RECIPIENTS.—A grant recipient under this paragraph may use not more than

5 percent of the funds awarded each fiscal year to carry out planning and reporting requirements.

“(M) GRANT FLEXIBILITY.—

“(i) IN GENERAL.—If, by August 1 of each fiscal year, the Secretary determines that there are not enough grant applications that meet the requirements described in subparagraph (C) to carry out this section for a fiscal year, the Secretary shall transfer to the programs specified in clause (ii)—

“(I) any of the funds reserved for the fiscal year under subparagraph (I) that the Secretary has not yet awarded under this paragraph; and

“(II) an amount of obligation limitation equal to the amount of funds that the Secretary transfers under subclause (I).

“(ii) PROGRAMS.—The programs referred to in clause (i) are—

“(I) the program under subsection (b);

“(II) the program under this subsection; and

“(III) the programs under sections 512 through 518.

“(iii) DISTRIBUTION.—Any transfer of funds and obligation limitation under clause (i) shall be divided among the programs referred to in that clause in the same proportions as the Secretary originally reserved funding from the programs for the fiscal year under subparagraph (I).

“(N) DEFINITIONS.—In this paragraph, the following definitions apply:

“(i) ELIGIBLE ENTITY.—The term ‘eligible entity’ means a State or local government, a transit agency, metropolitan planning organization representing a population of over 200,000, or other political subdivision of a State or local government or a multijurisdictional group or a consortia of research institutions or academic institutions.

“(ii) ADVANCED AND CONGESTION MANAGEMENT TRANSPORTATION TECHNOLOGIES.—The term ‘advanced transportation and congestion management technologies’ means technologies that improve the efficiency, safety, or state of good repair of surface transportation systems, including intelligent transportation systems.

“(iii) MULTIJURISDICTIONAL GROUP.—The term ‘multijurisdictional group’ means a any combination of State governments, local governments, metropolitan planning agencies, transit agencies, or other political subdivisions of a State for which each member of the group—

“(I) has signed a written agreement to implement the advanced transportation technologies deployment initiative across jurisdictional boundaries; and

“(II) is an eligible entity under this paragraph.”.

SEC. 6005. INTELLIGENT TRANSPORTATION SYSTEM GOALS.

Section 514(a) of title 23, United States Code, is amended—

- (1) in paragraph (4) by striking “and” at the end;
- (2) in paragraph (5) by striking the period at the end and inserting “; and”; and
- (3) by adding at the end the following:
“(6) enhancement of the national freight system and support to national freight policy goals.”.

SEC. 6006. INTELLIGENT TRANSPORTATION SYSTEM PURPOSES.

Section 514(b) of title 23, United States Code, is amended—

- (1) in paragraph (8) by striking “and” at the end;
- (2) in paragraph (9) by striking the period at the end and inserting “; and”; and
- (3) by adding at the end the following:
“(10) to assist in the development of cybersecurity research in cooperation with relevant modal administrations of the Department of Transportation and other Federal agencies to help prevent hacking, spoofing, and disruption of connected and automated transportation vehicles.”.

SEC. 6007. INTELLIGENT TRANSPORTATION SYSTEM PROGRAM REPORT.

Section 515(h)(4) of title 23, United States Code, is amended in the matter preceding subparagraph (A)—

- (1) by striking “February 1 of each year after the date of enactment of the Transportation Research and Innovative Technology Act of 2012” and inserting “May 1 of each year”; and
- (2) by striking “submit to Congress” and inserting “make available to the public on a Department of Transportation website”.

SEC. 6008. INTELLIGENT TRANSPORTATION SYSTEM NATIONAL ARCHITECTURE AND STANDARDS.

Section 517(a)(3) of title 23, United States Code, is amended by striking “memberships are comprised of, and represent,” and inserting “memberships include representatives of”.

SEC. 6009. COMMUNICATION SYSTEMS DEPLOYMENT REPORT.

Section 518(a) of title 23, United States Code, is amended in the matter preceding paragraph (1) by striking “Not later than 3” and all that follows through “House of Representatives” and inserting “Not later than July 6, 2016, the Secretary shall make available to the public on a Department of Transportation website a report”.

SEC. 6010. INFRASTRUCTURE DEVELOPMENT.

(a) **IN GENERAL.**—Chapter 5 of title 23, United States Code, is amended by adding at the end the following:

“§ 519. Infrastructure development

23 USC 519 note.

“Funds made available to carry out this chapter for operational tests of intelligent transportation systems—

“(1) shall be used primarily for the development of intelligent transportation system infrastructure, equipment, and systems; and

“(2) to the maximum extent practicable, shall not be used for the construction of physical surface transportation infrastructure unless the construction is incidental and critically necessary to the implementation of an intelligent transportation system project.”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) CLERICAL AMENDMENT.—The analysis for chapter 5 of title 23, United States Code, is amended by adding at the end the following:

“519. Infrastructure development.”.

(2) TECHNICAL AMENDMENT.—The item relating to section 512 in the analysis for chapter 5 of title 23, United States Code, is amended to read as follows:

“512. National ITS program plan.”.

SEC. 6011. DEPARTMENTAL RESEARCH PROGRAMS.

(a) ASSISTANT SECRETARY FOR RESEARCH AND TECHNOLOGY.—Section 102(e)(1) of title 49, United States Code, is amended—

(1) in the matter preceding subparagraph (A) by striking “5” and inserting “6”; and

(2) in subparagraph (A) by inserting “an Assistant Secretary for Research and Technology,” after “Governmental Affairs,”.

(b) RESEARCH ACTIVITIES.—Section 330 of title 49, United States Code, is amended—

(1) in the section heading by striking “**contracts**” and inserting “**activities**”;

(2) in subsection (a) by striking “The Secretary of” and inserting “IN GENERAL.—The Secretary of”;

(3) in subsection (b) by striking “In carrying” and inserting “RESPONSIBILITIES.—In carrying”;

(4) in subsection (c) by striking “The Secretary” and inserting “PUBLICATIONS.—The Secretary”; and

(5) by adding at the end the following:

“(d) DUTIES.—The Secretary shall provide for the following:
“(1) Coordination, facilitation, and review of Department of Transportation research and development programs and activities.

“(2) Advancement, and research and development, of innovative technologies, including intelligent transportation systems.

“(3) Comprehensive transportation statistics research, analysis, and reporting.

“(4) Education and training in transportation and transportation-related fields.

“(5) Activities of the Volpe National Transportation Systems Center.

“(6) Coordination in support of multimodal and multidisciplinary research activities.

“(e) ADDITIONAL AUTHORITIES.—The Secretary may—

“(1) enter into grants and cooperative agreements with Federal agencies, State and local government agencies, other public entities, private organizations, and other persons to conduct research into transportation service and infrastructure assurance and to carry out other research activities of the Department of Transportation;

“(2) carry out, on a cost-shared basis, collaborative research and development to encourage innovative solutions to multimodal transportation problems and stimulate the deployment of new technology with—

“(A) non-Federal entities, including State and local governments, foreign governments, institutions of higher education, corporations, institutions, partnerships, sole proprietorships, and trade associations that are incorporated or established under the laws of any State;

“(B) Federal laboratories; and

“(C) other Federal agencies; and

“(3) directly initiate contracts, grants, cooperative research and development agreements (as defined in section 12(d) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d))), and other agreements to fund, and accept funds from, the Transportation Research Board of the National Academies, State departments of transportation, cities, counties, institutions of higher education, associations, and the agents of those entities to carry out joint transportation research and technology efforts.

“(f) FEDERAL SHARE.—

“(1) IN GENERAL.—Subject to paragraph (2), the Federal share of the cost of an activity carried out under subsection (e)(3) shall not exceed 50 percent.

“(2) EXCEPTION.—If the Secretary determines that the activity is of substantial public interest or benefit, the Secretary may approve a greater Federal share.

“(3) NON-FEDERAL SHARE.—All costs directly incurred by the non-Federal partners, including personnel, travel, facility, and hardware development costs, shall be credited toward the non-Federal share of the cost of an activity described in subsection (e)(3).

“(g) PROGRAM EVALUATION AND OVERSIGHT.—For each of fiscal years 2016 through 2020, the Secretary is authorized to expend not more than 1 ½ percent of the amounts authorized to be appropriated for the coordination, evaluation, and oversight of the programs administered by the Office of the Assistant Secretary for Research and Technology.

“(h) USE OF TECHNOLOGY.—The research, development, or use of a technology under a contract, grant, cooperative research and development agreement, or other agreement entered into under this section, including the terms under which the technology may be licensed and the resulting royalties may be distributed, shall be subject to the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.).

“(i) WAIVER OF ADVERTISING REQUIREMENTS.—Section 6101 of title 41 shall not apply to a contract, grant, or other agreement entered into under this section.”.

(c) CLERICAL AMENDMENT.—The item relating to section 330 in the analysis of chapter 3 of title 49, United States Code, is amended to read as follows:

49 USC
prec. 301.

“330. Research activities.”.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TITLE 5 AMENDMENTS.—

(A) POSITIONS AT LEVEL II.—Section 5313 of title 5, United States Code, is amended by striking “The Under Secretary of Transportation for Security.”

(B) POSITIONS AT LEVEL IV.—Section 5315 of title 5, United States Code, is amended in the undesignated item relating to Assistant Secretaries of Transportation by striking “(4)” and inserting “(5)”.

(C) POSITIONS AT LEVEL V.—Section 5316 of title 5, United States Code, is amended by striking “Associate Deputy Secretary, Department of Transportation.”

(2) BUREAU OF TRANSPORTATION STATISTICS.—Section 6302 of title 49, United States Code, is amended by striking subsection (a) and inserting the following:

“(a) IN GENERAL.—There shall be within the Department of Transportation the Bureau of Transportation Statistics.”

SEC. 6012. RESEARCH AND INNOVATIVE TECHNOLOGY ADMINISTRATION.

(a) REPEAL.—Section 112 of title 49, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 49, United States Code, is amended by striking the item relating to section 112.

SEC. 6013. WEB-BASED TRAINING FOR EMERGENCY RESPONDERS.

Section 5115(a) of title 49, United States Code, is amended in the first sentence by inserting “, including online curriculum as appropriate,” after “a current curriculum of courses”.

SEC. 6014. HAZARDOUS MATERIALS RESEARCH AND DEVELOPMENT.

Section 5118 of title 49, United States Code, is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (A) by striking “and” at the end;

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

(C) by adding at the end the following:

“(C) coordinate, as appropriate, with other Federal agencies.”; and

(2) by adding at the end the following:

“(c) COOPERATIVE RESEARCH.—

“(1) IN GENERAL.—As part of the program established under subsection (a), the Secretary may carry out cooperative research on hazardous materials transport.

“(2) NATIONAL ACADEMIES.—The Secretary may enter into an agreement with the National Academies to support research described in paragraph (1).

“(3) RESEARCH.—Research conducted under this subsection may include activities relating to—

“(A) emergency planning and response, including information and programs that can be readily assessed and implemented in local jurisdictions;

“(B) risk analysis and perception and data assessment;

“(C) commodity flow data, including voluntary collaboration between shippers and first responders for secure data exchange of critical information;

“(D) integration of safety and security;

“(E) cargo packaging and handling;

“(F) hazmat release consequences; and

“(G) materials and equipment testing.”.

SEC. 6015. OFFICE OF INTERMODALISM.

(a) REPEAL.—Section 5503 of title 49, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The analysis for chapter 55 of title 49, United States Code, is amended by striking the item relating to section 5503.

49 USC
prec. 5501.

SEC. 6016. UNIVERSITY TRANSPORTATION CENTERS.

Section 5505 of title 49, United States Code, is amended to read as follows:

“§ 5505. University transportation centers program

“(a) UNIVERSITY TRANSPORTATION CENTERS PROGRAM.—

“(1) ESTABLISHMENT AND OPERATION.—The Secretary shall make grants under this section to eligible nonprofit institutions of higher education to establish and operate university transportation centers.

“(2) ROLE OF CENTERS.—The role of each university transportation center referred to in paragraph (1) shall be—

“(A) to advance transportation expertise and technology in the varied disciplines that comprise the field of transportation through education, research, and technology transfer activities;

“(B) to provide for a critical transportation knowledge base outside of the Department of Transportation; and

“(C) to address critical workforce needs and educate the next generation of transportation leaders.

“(b) COMPETITIVE SELECTION PROCESS.—

“(1) APPLICATIONS.—To receive a grant under this section, a consortium of nonprofit institutions of higher education shall submit to the Secretary an application that is in such form and contains such information as the Secretary may require.

“(2) RESTRICTION.—

“(A) LIMITATION.—A lead institution of a consortium of nonprofit institutions of higher education, as applicable, may only receive 1 grant per fiscal year for each of the transportation centers described under paragraphs (2), (3), and (4) of subsection (c).

“(B) EXCEPTION FOR CONSORTIUM MEMBERS THAT ARE NOT LEAD INSTITUTIONS.—Subparagraph (A) shall not apply to a nonprofit institution of higher education that is a member of a consortium of nonprofit institutions of higher education but not the lead institution of such consortium.

“(3) COORDINATION.—The Secretary shall solicit grant applications for national transportation centers, regional transportation centers, and Tier 1 university transportation centers with identical advertisement schedules and deadlines.

“(4) GENERAL SELECTION CRITERIA.—

“(A) IN GENERAL.—Except as otherwise provided by this section, the Secretary shall award grants under this section in nonexclusive candidate topic areas established by the Secretary that address the research priorities identified in chapter 65.

“(B) CRITERIA.—The Secretary, in consultation with the Assistant Secretary for Research and Technology and the Administrator of the Federal Highway Administration

and other modal administrations as appropriate, shall select each recipient of a grant under this section through a competitive process based on the assessment of the Secretary relating to—

“(i) the demonstrated ability of the recipient to address each specific topic area described in the research and strategic plans of the recipient;

“(ii) the demonstrated research, technology transfer, and education resources available to the recipient to carry out this section;

“(iii) the ability of the recipient to provide leadership in solving immediate and long-range national and regional transportation problems;

“(iv) the ability of the recipient to carry out research, education, and technology transfer activities that are multimodal and multidisciplinary in scope;

“(v) the demonstrated commitment of the recipient to carry out transportation workforce development programs through—

“(I) degree-granting programs or programs that provide other industry-recognized credentials; and

“(II) outreach activities to attract new entrants into the transportation field, including women and underrepresented populations;

“(vi) the demonstrated ability of the recipient to disseminate results and spur the implementation of transportation research and education programs through national or statewide continuing education programs;

“(vii) the demonstrated commitment of the recipient to the use of peer review principles and other research best practices in the selection, management, and dissemination of research projects;

“(viii) the strategic plan submitted by the recipient describing the proposed research to be carried out by the recipient and the performance metrics to be used in assessing the performance of the recipient in meeting the stated research, technology transfer, education, and outreach goals; and

“(ix) the ability of the recipient to implement the proposed program in a cost-efficient manner, such as through cost sharing and overall reduced overhead, facilities, and administrative costs.

“(5) TRANSPARENCY.—

“(A) IN GENERAL.—The Secretary shall provide to each applicant, upon request, any materials, including copies of reviews (with any information that would identify a reviewer redacted), used in the evaluation process of the proposal of the applicant.

“(B) REPORTS.—The Secretary shall submit to the Committees on Transportation and Infrastructure and Science, Space, and Technology of the House of Representatives and the Committee on Environment and Public Works of the Senate a report describing the overall review process under paragraph (4) that includes—

“(i) specific criteria of evaluation used in the review;

“(ii) descriptions of the review process; and

“(iii) explanations of the selected awards.

“(6) OUTSIDE STAKEHOLDERS.—The Secretary shall, to the maximum extent practicable, consult external stakeholders, including the Transportation Research Board of the National Research Council of the National Academies, to evaluate and competitively review all proposals.

“(c) GRANTS.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Secretary shall select grant recipients under subsection (b) and make grant amounts available to the selected recipients.

“(2) NATIONAL TRANSPORTATION CENTERS.—

“(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall provide grants to 5 consortia that the Secretary determines best meet the criteria described in subsection (b)(4).

“(B) RESTRICTIONS.—

“(i) IN GENERAL.—For each fiscal year, a grant made available under this paragraph shall be not greater than \$4,000,000 and not less than \$2,000,000 per recipient.

“(ii) FOCUSED RESEARCH.—A consortium receiving a grant under this paragraph shall focus research on 1 of the transportation issue areas specified in section 6503(c).

“(C) MATCHING REQUIREMENT.—

“(i) IN GENERAL.—As a condition of receiving a grant under this paragraph, a grant recipient shall match 100 percent of the amounts made available under the grant.

“(ii) SOURCES.—The matching amounts referred to in clause (i) may include amounts made available to the recipient under—

“(I) section 504(b) of title 23; or

“(II) section 505 of title 23.

“(3) REGIONAL UNIVERSITY TRANSPORTATION CENTERS.—

“(A) LOCATION OF REGIONAL CENTERS.—One regional university transportation center shall be located in each of the 10 Federal regions that comprise the Standard Federal Regions established by the Office of Management and Budget in the document entitled ‘Standard Federal Regions’ and dated April 1974 (circular A-105).

“(B) SELECTION CRITERIA.—In conducting a competition under subsection (b), the Secretary shall provide grants to 10 consortia on the basis of—

“(i) the criteria described in subsection (b)(4);

“(ii) the location of the lead center within the Federal region to be served; and

“(iii) whether the consortium of institutions demonstrates that the consortium has a well-established, nationally recognized program in transportation research and education, as evidenced by—

“(I) recent expenditures by the institution in highway or public transportation research;

“(II) a historical track record of awarding graduate degrees in professional fields closely related to highways and public transportation; and

“(III) an experienced faculty who specialize in professional fields closely related to highways and public transportation.

“(C) RESTRICTIONS.—For each fiscal year, a grant made available under this paragraph shall be not greater than \$3,000,000 and not less than \$1,500,000 per recipient.

“(D) MATCHING REQUIREMENTS.—

“(i) IN GENERAL.—As a condition of receiving a grant under this paragraph, a grant recipient shall match 100 percent of the amounts made available under the grant.

“(ii) SOURCES.—The matching amounts referred to in clause (i) may include amounts made available to the recipient under—

“(I) section 504(b) of title 23; or

“(II) section 505 of title 23.

“(E) FOCUSED RESEARCH.—The Secretary shall make a grant to 1 of the 10 regional university transportation centers established under this paragraph for the purpose of furthering the objectives described in subsection (a)(2) in the field of comprehensive transportation safety, congestion, connected vehicles, connected infrastructure, and autonomous vehicles.

“(4) TIER 1 UNIVERSITY TRANSPORTATION CENTERS.—

“(A) IN GENERAL.—The Secretary shall provide grants of not greater than \$2,000,000 and not less than \$1,000,000 to not more than 20 recipients to carry out this paragraph.

“(B) MATCHING REQUIREMENT.—

“(i) IN GENERAL.—As a condition of receiving a grant under this paragraph, a grant recipient shall match 50 percent of the amounts made available under the grant.

“(ii) SOURCES.—The matching amounts referred to in clause (i) may include amounts made available to the recipient under—

“(I) section 504(b) of title 23; or

“(II) section 505 of title 23.

“(C) FOCUSED RESEARCH.—In awarding grants under this section, consideration shall be given to minority institutions, as defined by section 365 of the Higher Education Act of 1965 (20 U.S.C. 1067k), or consortia that include such institutions that have demonstrated an ability in transportation-related research.

“(d) PROGRAM COORDINATION.—

“(1) IN GENERAL.—The Secretary shall—

“(A) coordinate the research, education, and technology transfer activities carried out by grant recipients under this section; and

“(B) disseminate the results of that research through the establishment and operation of a publicly accessible online information clearinghouse.

“(2) ANNUAL REVIEW AND EVALUATION.—Not less frequently than annually, and consistent with the plan developed under section 6503, the Secretary shall—

“(A) review and evaluate the programs carried out under this section by grant recipients; and

“(B) submit to the Committees on Transportation and Infrastructure and Science, Space, and Technology of the House of Representatives and the Committees on Environment and Public Works and Commerce, Science, and Transportation of the Senate a report describing that review and evaluation.

“(3) PROGRAM EVALUATION AND OVERSIGHT.—For each of fiscal years 2016 through 2020, the Secretary shall expend not more than 1 and a half percent of the amounts made available to the Secretary to carry out this section for any coordination, evaluation, and oversight activities of the Secretary under this section.

“(e) LIMITATION ON AVAILABILITY OF AMOUNTS.—Amounts made available to the Secretary to carry out this section shall remain available for obligation by the Secretary for a period of 3 years after the last day of the fiscal year for which the amounts are authorized.

“(f) INFORMATION COLLECTION.—Any survey, questionnaire, or interview that the Secretary determines to be necessary to carry out reporting requirements relating to any program assessment or evaluation activity under this section, including customer satisfaction assessments, shall not be subject to chapter 35 of title 44.”.

SEC. 6017. BUREAU OF TRANSPORTATION STATISTICS.

Section 6302 of title 49, United States Code, is amended by adding at the end the following:

“(d) INDEPENDENCE OF BUREAU.—

“(1) IN GENERAL.—The Director shall not be required—

“(A) to obtain the approval of any other officer or employee of the Department with respect to the collection or analysis of any information; or

“(B) prior to publication, to obtain the approval of any other officer or employee of the United States Government with respect to the substance of any statistical technical reports or press releases lawfully prepared by the Director.

“(2) BUDGET AUTHORITY.—The Director shall have a significant role in the disposition and allocation of the authorized budget of the Bureau, including—

“(A) all hiring, grants, cooperative agreements, and contracts awarded by the Bureau to carry out this section; and

“(B) the disposition and allocation of amounts paid to the Bureau for cost-reimbursable projects.

“(3) EXCEPTIONS.—The Secretary shall direct external support functions, such as the coordination of activities involving multiple modal administrations.

“(4) INFORMATION TECHNOLOGY.—The Department Chief Information Officer shall consult with the Director to ensure decisions related to information technology guarantee the protection of the confidentiality of information provided solely for statistical purposes, in accordance with the Confidential Information Protection and Statistical Efficiency Act of 2002 (44 U.S.C. 3501 note; Public Law 107–347).”.

SEC. 6018. PORT PERFORMANCE FREIGHT STATISTICS PROGRAM.

(a) IN GENERAL.—Chapter 63 of title 49, United States Code, is amended by adding at the end the following:

49 USC 6314.

“§ 6314. Port performance freight statistics program

“(a) IN GENERAL.—The Director shall establish, on behalf of the Secretary, a port performance statistics program to provide nationally consistent measures of performance of, at a minimum—

“(1) the Nation’s top 25 ports by tonnage;

“(2) the Nation’s top 25 ports by 20-foot equivalent unit;

and

“(3) the Nation’s top 25 ports by dry bulk.

“(b) REPORTS.—

“(1) PORT CAPACITY AND THROUGHPUT.—Not later than January 15 of each year, the Director shall submit an annual report to Congress that includes statistics on capacity and throughput at the ports described in subsection (a).

“(2) PORT PERFORMANCE MEASURES.—The Director shall collect port performance measures for each of the United States ports referred to in subsection (a) that—

“(A) receives Federal assistance; or

“(B) is subject to Federal regulation to submit necessary information to the Bureau that includes statistics on capacity and throughput as applicable to the specific configuration of the port.

“(c) RECOMMENDATIONS.—

“(1) IN GENERAL.—The Director shall obtain recommendations for—

“(A) port performance measures, including specifications and data measurements to be used in the program established under subsection (a); and

“(B) a process for the Department to collect timely and consistent data, including identifying safeguards to protect proprietary information described in subsection (b)(2).

“(2) WORKING GROUP.—Not later than 60 days after the date of the enactment of the Transportation for Tomorrow Act of 2015, the Director shall commission a working group composed of—

“(A) operating administrations of the Department;

“(B) the Coast Guard;

“(C) the Federal Maritime Commission;

“(D) U.S. Customs and Border Protection;

“(E) the Marine Transportation System National Advisory Council;

“(F) the Army Corps of Engineers;

“(G) the Saint Lawrence Seaway Development Corporation;

“(H) the Bureau of Labor Statistics;

“(I) the Maritime Advisory Committee for Occupational Safety and Health;

“(J) the Advisory Committee on Supply Chain Competitiveness;

“(K) 1 representative from the rail industry;

“(L) 1 representative from the trucking industry;

“(M) 1 representative from the maritime shipping industry;

“(N) 1 representative from a labor organization for each industry described in subparagraphs (K) through (M);

“(O) 1 representative from the International Longshoremen’s Association;

“(P) 1 representative from the International Longshore and Warehouse Union;

“(Q) 1 representative from a port authority;

“(R) 1 representative from a terminal operator;

“(S) representatives of the National Freight Advisory Committee of the Department; and

“(T) representatives of the Transportation Research Board of the National Academies of Sciences, Engineering, and Medicine.

“(3) RECOMMENDATIONS.—Not later than 1 year after the date of the enactment of the Transportation for Tomorrow Act of 2015, the working group commissioned under paragraph (2) shall submit its recommendations to the Director.

“(d) ACCESS TO DATA.—The Director shall ensure that—

“(1) the statistics compiled under this section—

“(A) are readily accessible to the public; and

“(B) are consistent with applicable security constraints and confidentiality interests; and

“(2) the data acquired, regardless of source, shall be protected in accordance with the Confidential Information Protection and Statistical Efficiency Act of 2002 (44 U.S.C. 3501 note; Public Law 107–347).”

(b) PROHIBITION ON CERTAIN DISCLOSURES; COPIES OF REPORTS.—Section 6307(b) of such title is amended, by inserting “or section 6314(b)” after “section 6302(b)(3)(B)” each place it appears.

(c) CLERICAL AMENDMENT.—The table of sections for chapter 63 of such title is amended by adding at the end the following: “6314. Port performance freight statistics program.”

49 USC
prec. 6301.

SEC. 6019. RESEARCH PLANNING.

49 USC 6501
note.

(a) FINDINGS.—Congress finds that—

(1) Federal transportation research planning—

(A) should be coordinated by the Office of the Secretary; and

(B) should be, to the extent practicable, multimodal and not occur solely within the sub-agencies of the Department;

(2) managing a multimodal research portfolio within the Office of the Secretary will—

(A) help identify opportunities in which research could be applied across modes; and

(B) prevent duplication of efforts and waste of limited Federal resources;

(3) the Assistant Secretary for Research and Technology at the Department of Transportation will—

(A) give stakeholders a formal opportunity to address concerns;

(B) ensure unbiased research; and

(C) improve the overall research products of the Department; and

(4) increasing transparency of transportation research and development efforts will—

(A) build stakeholder confidence in the final product;
and

(B) lead to the improved implementation of research findings.

(b) RESEARCH PLANNING.—

(1) IN GENERAL.—Subtitle III of title 49, United States Code, is amended by inserting after chapter 63 the following:

49 USC
prec. 6501.

“CHAPTER 65—RESEARCH PLANNING

“Sec.

“6501. Annual modal research plans.

“6502. Consolidated research database.

“6503. Transportation research and development 5-year strategic plan.

49 USC 6501.

“SEC. 6501. ANNUAL MODAL RESEARCH PLANS.

“(a) MODAL PLANS REQUIRED.—

“(1) IN GENERAL.—Not later than May 1 of each year, the head of each modal administration and joint program office of the Department of Transportation shall submit to the Assistant Secretary for Research and Technology of the Department of Transportation (referred to in this chapter as the ‘Assistant Secretary’) a comprehensive annual modal research plan for the upcoming fiscal year and a detailed outlook for the following fiscal year.

“(2) RELATIONSHIP TO STRATEGIC PLAN.—Each plan submitted under paragraph (1), after the plan required in 2016, shall be consistent with the strategic plan developed under section 6503.

“(b) REVIEW.—

“(1) IN GENERAL.—Not later than September 1 of each year, the Assistant Secretary, for each plan and outlook submitted pursuant to subsection (a), shall—

“(A) review the scope of the research; and

“(B)(i) approve the plan and outlook; or

“(ii) request that the plan and outlook be revised and resubmitted for approval.

“(2) PUBLICATIONS.—Not later than January 30 of each year, the Secretary shall publish on a public website each plan and outlook that has been approved under paragraph (1)(B)(i).

“(3) REJECTION OF DUPLICATIVE RESEARCH EFFORTS.—The Assistant Secretary may not approve any plan submitted by the head of a modal administration or joint program office pursuant to subsection (a) if any of the projects described in the plan duplicate significant aspects of research efforts of any other modal administration.

“(c) FUNDING LIMITATIONS.—No funds may be expended by the Department of Transportation on research that has been determined by the Assistant Secretary under subsection (b)(3) to be duplicative unless—

“(1) the research is required by an Act of Congress;

“(2) the research was part of a contract that was funded before the date of enactment of this chapter;

“(3) the research updates previously commissioned research; or

“(4) the Assistant Secretary certifies to Congress that such research is necessary, and provides justification for such certification.

“(d) CERTIFICATION.—

“(1) IN GENERAL.—The Secretary shall annually certify to Congress that—

“(A) each modal research plan has been reviewed; and

“(B) there is no duplication of study for research directed, commissioned, or conducted by the Department of Transportation.

“(2) CORRECTIVE ACTION PLAN.—If the Secretary, after submitting a certification under paragraph (1), identifies duplication of research within the Department of Transportation, the Secretary shall—

“(A) notify Congress of the duplicative research; and

“(B) submit to Congress a corrective action plan to eliminate the duplicative research.

“SEC. 6502. CONSOLIDATED RESEARCH DATABASE.

49 USC 6502.

“(a) RESEARCH ABSTRACT DATABASE.—

“(1) IN GENERAL.—The Secretary shall annually publish on a public website a comprehensive database of all research projects conducted by the Department of Transportation, including, to the extent practicable, research funded through University Transportation Centers.

“(2) CONTENTS.—The database published under paragraph (1) shall, to the extent practicable—

“(A) include the consolidated modal research plans approved under section 6501(b)(1)(B)(i);

“(B) describe the research objectives, progress, findings, and allocated funds for each research project;

“(C) identify research projects with multimodal applications;

“(D) specify how relevant modal administrations have assisted, will contribute to, or plan to use the findings from the research projects identified under paragraph (1);

“(E) identify areas in which more than 1 modal administration is conducting research on a similar subject or a subject that has a bearing on more than 1 mode;

“(F) indicate how the findings of research are being disseminated to improve the efficiency, effectiveness, and safety of transportation systems; and

“(G) describe the public and stakeholder input to the research plans submitted under section 6501(a)(1).

“(b) FUNDING REPORT.—In conjunction with each of the annual budget requests submitted by the President under section 1105 of title 31, the Secretary shall annually publish on a public website and submit to the appropriate committees of Congress a report that describes—

“(1) the amount spent in the last full fiscal year on transportation research and development with specific descriptions of projects funded at \$5,000,000 or more; and

“(2) the amount proposed in the current budget for transportation research and development with specific descriptions of projects funded at \$5,000,000 or more.

“(c) PERFORMANCE PLANS AND REPORTS.—In the plans and reports submitted under sections 1115 and 1116 of title 31, the Secretary shall include—

“(1) a summary of the Federal transportation research and development activities for the previous fiscal year in each topic area;

“(2) the amount spent in each topic area;

“(3) a description of the extent to which the research and development is meeting the expectations described in section 6503(c)(1); and

“(4) any amendments to the strategic plan developed under section 6503.

49 USC 6503.

“SEC. 6503. TRANSPORTATION RESEARCH AND DEVELOPMENT 5-YEAR STRATEGIC PLAN.

“(a) IN GENERAL.—The Secretary shall develop a 5-year transportation research and development strategic plan to guide future Federal transportation research and development activities.

“(b) CONSISTENCY.—The strategic plan developed under subsection (a) shall be consistent with—

“(1) section 306 of title 5;

“(2) sections 1115 and 1116 of title 31; and

“(3) any other research and development plan within the Department of Transportation.

“(c) CONTENTS.—The strategic plan developed under subsection (a) shall—

“(1) describe how the plan furthers the primary purposes of the transportation research and development program, which shall include—

“(A) improving mobility of people and goods;

“(B) reducing congestion;

“(C) promoting safety;

“(D) improving the durability and extending the life of transportation infrastructure;

“(E) preserving the environment; and

“(F) preserving the existing transportation system;

“(2) for each of the purposes referred to in paragraph (1), list the primary proposed research and development activities that the Department of Transportation intends to pursue to accomplish that purpose, which may include—

“(A) fundamental research pertaining to the applied physical and natural sciences;

“(B) applied science and research;

“(C) technology development research; and

“(D) social science research; and

“(3) for each research and development activity—

“(A) identify the anticipated annual funding levels for the period covered by the strategic plan; and

“(B) describe the research findings the Department expects to discover at the end of the period covered by the strategic plan.

“(d) CONSIDERATIONS.—The Secretary shall ensure that the strategic plan developed under this section—

“(1) reflects input from a wide range of external stakeholders;

“(2) includes and integrates the research and development programs of all of the modal administrations of the Department

of Transportation, including aviation, transit, rail, and maritime and joint programs;

“(3) takes into account research and development by other Federal, State, local, private sector, and nonprofit institutions;

“(4) not later than December 31, 2016, is published on a public website; and

“(5) takes into account how research and development by other Federal, State, private sector, and nonprofit institutions—

“(A) contributes to the achievement of the purposes identified under subsection (c)(1); and

“(B) avoids unnecessary duplication of those efforts.

“(e) INTERIM REPORT.—Not later than 2 ½ years after the date of enactment of this chapter, the Secretary may publish on a public website an interim report that—

“(1) provides an assessment of the 5-year research and development strategic plan of the Department of Transportation described in this section; and

“(2) includes a description of the extent to which the research and development is or is not successfully meeting the purposes described under subsection (c)(1).”.

(c) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for subtitle III of title 49, United States Code, is amended by adding at the end the following:

49 USC 5101.

“63. Bureau of Transportation Statistics	6301
“65. Research planning	6501”.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) CHAPTER 5 OF TITLE 23.—Chapter 5 of title 23, United States Code, is amended—

(A) by striking section 508;

(B) in the table of contents, by striking the item relating to section 508;

(C) in section 502—

(i) in subsection (a)(9), by striking “transportation research and technology development strategic plan developed under section 508” and inserting “transportation research and development strategic plan under section 6503 of title 49”; and

(ii) in subsection (b)(4), by striking “transportation research and development strategic plan of the Secretary developed under section 508” and inserting “transportation research and development strategic plan under section 6503 of title 49”; and

(D) in section 512(b), by striking “as part of the transportation research and development strategic plan developed under section 508”.

(2) INTELLIGENT TRANSPORTATION SYSTEMS.—The Intelligent Transportation Systems Act of 1998 (23 U.S.C. 502 note; Public Law 105-178) is amended—

(A) in section 5205(b), by striking “as part of the Surface Transportation Research and Development Strategic Plan developed under section 508 of title 23” and inserting “as part of the transportation research and development strategic plan under section 6503 of title 49”; and

(B) in section 5206(e)(2)(A), by striking “or the Surface Transportation Research and Development Strategic Plan developed under section 508 of title 23” and inserting “or

the transportation research and development strategic plan under section 6503 of title 49”.

(3) INTELLIGENT TRANSPORTATION SYSTEM RESEARCH.—Section 5305(h)(3)(A) of SAFETEA–LU (23 U.S.C. 512 note; Public Law 109–59) is amended by striking “the strategic plan under section 508 of title 23, United States Code” and inserting “the 5-year strategic plan under 6503 of title 49, United States Code”.

23 USC 503 note. **SEC. 6020. SURFACE TRANSPORTATION SYSTEM FUNDING ALTERNATIVES.**

(a) IN GENERAL.—The Secretary shall establish a program to provide grants to States to demonstrate user-based alternative revenue mechanisms that utilize a user fee structure to maintain the long-term solvency of the Highway Trust Fund.

(b) APPLICATION.—To be eligible for a grant under this section, a State or group of States shall submit to the Secretary an application in such form and containing such information as the Secretary may require.

(c) OBJECTIVES.—The Secretary shall ensure that the activities carried out using funds provided under this section meet the following objectives:

(1) To test the design, acceptance, and implementation of 2 or more future user-based alternative revenue mechanisms.

(2) To improve the functionality of such user-based alternative revenue mechanisms.

(3) To conduct outreach to increase public awareness regarding the need for alternative funding sources for surface transportation programs and to provide information on possible approaches.

(4) To provide recommendations regarding adoption and implementation of user-based alternative revenue mechanisms.

(5) To minimize the administrative cost of any potential user-based alternative revenue mechanisms.

(d) USE OF FUNDS.—A State or group of States receiving funds under this section to test the design, acceptance, and implementation of a user-based alternative revenue mechanism—

(1) shall address—

(A) the implementation, interoperability, public acceptance, and other potential hurdles to the adoption of the user-based alternative revenue mechanism;

(B) the protection of personal privacy;

(C) the use of independent and private third-party vendors to collect fees and operate the user-based alternative revenue mechanism;

(D) market-based congestion mitigation, if appropriate;

(E) equity concerns, including the impacts of the user-based alternative revenue mechanism on differing income groups, various geographic areas, and the relative burdens on rural and urban drivers;

(F) ease of compliance for different users of the transportation system; and

(G) the reliability and security of technology used to implement the user-based alternative revenue mechanism; and

(2) may address—

(A) the flexibility and choices of user-based alternative revenue mechanisms, including the ability of users to select from various technology and payment options;

(B) the cost of administering the user-based alternative revenue mechanism; and

(C) the ability of the administering entity to audit and enforce user compliance.

(e) CONSIDERATION.—The Secretary shall consider geographic diversity in awarding grants under this section.

(f) LIMITATIONS ON REVENUE COLLECTED.—Any revenue collected through a user-based alternative revenue mechanism established using funds provided under this section shall not be considered a toll under section 301 of title 23, United States Code.

(g) FEDERAL SHARE.—The Federal share of the cost of an activity carried out under this section may not exceed 50 percent of the total cost of the activity.

(h) REPORT TO SECRETARY.—Not later than 1 year after the date on which the first eligible entity receives a grant under this section, and each year thereafter, each recipient of a grant under this section shall submit to the Secretary a report that describes—

(1) how the demonstration activities carried out with grant funds meet the objectives described in subsection (c); and

(2) lessons learned for future deployment of alternative revenue mechanisms that utilize a user fee structure.

(i) BIENNIAL REPORTS.—Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter until the completion of the demonstration activities under this section, the Secretary shall make available to the public on an Internet website a report describing the progress of the demonstration activities.

(j) FUNDING.—Of the funds authorized to carry out section 503(b) of title 23, United States Code—

(1) \$15,000,000 shall be used to carry out this section for fiscal year 2016; and

(2) \$20,000,000 shall be used to carry out this section for each of fiscal years 2017 through 2020.

(k) GRANT FLEXIBILITY.—If, by August 1 of each fiscal year, the Secretary determines that there are not enough grant applications that meet the requirements of this section for a fiscal year, Secretary shall transfer to the program under section 503(b) of title 23, United States Code—

(1) any of the funds reserved for the fiscal year under subsection (j) that the Secretary has not yet awarded under this section; and

(2) an amount of obligation limitation equal to the amount of funds that the Secretary transfers under paragraph (1).

SEC. 6021. FUTURE INTERSTATE STUDY.

(a) FUTURE INTERSTATE SYSTEM STUDY.—Not later than 180 days after the date of enactment of this Act, the Secretary shall enter into an agreement with the Transportation Research Board of the National Academies to conduct a study on the actions needed to upgrade and restore the Dwight D. Eisenhower National System of Interstate and Defense Highways to its role as a premier system that meets the growing and shifting demands of the 21st century.

(b) METHODOLOGIES.—In conducting the study, the Transportation Research Board shall build on the methodologies examined

and recommended in the report prepared for the American Association of State Highway and Transportation Officials titled “National Cooperative Highway Research Program Project 20–24(79): Specifications for a National Study of the Future 3R, 4R, and Capacity Needs of the Interstate System”, dated December 2013.

(c) CONTENTS OF STUDY.—The study—

(1) shall include specific recommendations regarding the features, standards, capacity needs, application of technologies, and intergovernmental roles to upgrade the Interstate System, including any revisions to law (including regulations) that the Transportation Research Board determines appropriate; and

(2) is encouraged to build on the institutional knowledge in the highway industry in applying the techniques involved in implementing the study.

(d) CONSIDERATIONS.—In carrying out the study, the Transportation Research Board shall determine the need for reconstruction and improvement of the Interstate System by considering—

(1) future demands on transportation infrastructure determined for national planning purposes, including commercial and private traffic flows to serve future economic activity and growth;

(2) the expected condition of the current Interstate System over the period of 50 years beginning on the date of enactment of this Act, including long-term deterioration and reconstruction needs;

(3) features that would take advantage of technological capabilities to address modern standards of construction, maintenance, and operations, for purposes of safety, and system management, taking into further consideration system performance and cost;

(4) those National Highway System routes that should be added to the existing Interstate System to more efficiently serve national traffic flows; and

(5) the resources necessary to maintain and improve the Interstate System, including the resources required to upgrade the National Highway System routes identified in paragraph (4) to Interstate standards.

(e) CONSULTATION.—In carrying out the study, the Transportation Research Board—

(1) shall convene and consult with a panel of national experts, including operators and users of the Interstate System and private sector stakeholders; and

(2) is encouraged to consult with—

(A) the Federal Highway Administration;

(B) States;

(C) planning agencies at the metropolitan, State, and regional levels;

(D) the motor carrier industry;

(E) freight shippers;

(F) highway safety groups; and

(G) other appropriate entities.

(f) REPORT.—Not later than 3 years after the date of enactment of this Act, the Transportation Research Board shall submit to the Secretary, the Committee on Environment and Public Works of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the study conducted under this section.

(g) **FUNDING.**—From amounts authorized to carry out the Highway Research and Development Program, the Secretary shall use to carry out this section not more than \$5,000,000 for fiscal year 2016.

SEC. 6022. HIGHWAY EFFICIENCY.

(a) **STUDY.**—

(1) **IN GENERAL.**—The Secretary may examine the impact of pavement durability and sustainability on vehicle fuel consumption, vehicle wear and tear, road conditions, and road repairs.

(2) **METHODOLOGY.**—In carrying out the study, the Secretary shall—

(A) conduct a thorough review of relevant peer-reviewed research published during at least the past 5 years;

(B) analyze impacts of different types of pavement on all motor vehicle types, including commercial vehicles;

(C) specifically examine the impact of pavement deformation and deflection; and

(D) analyze impacts of different types of pavement on road conditions and road repairs.

(3) **CONSULTATION.**—In carrying out the study, the Secretary shall consult with—

(A) modal administrations of the Department and other Federal agencies, including the National Institute of Standards and Technology;

(B) State departments of transportation;

(C) industry stakeholders; and

(D) appropriate academic experts.

(b) **REPORT.**—

(1) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall publish on a public website a report describing the results of the study.

(2) **CONTENTS.**—The report shall include—

(A) a summary of the different types of pavements analyzed in the study and the impacts of pavement durability and sustainability on safety, vehicle fuel consumption, vehicle wear and tear, road conditions, and road repairs; and

(B) recommendations for State and local governments on best practice methods for improving pavement durability and sustainability to maximize vehicle fuel economy, improve safety, ride quality, and road conditions, and to minimize the need for road and vehicle repairs.

SEC. 6023. TRANSPORTATION TECHNOLOGY POLICY WORKING GROUP.

To improve the scientific pursuit and research procedures concerning transportation, the Secretary may convene an interagency working group—

(1) to identify opportunities for coordination between the Department and universities and the private sector; and

(2) to identify and develop a plan to address related workforce development needs.

SEC. 6024. COLLABORATION AND SUPPORT.

The Secretary may solicit the support of, and identify opportunities to collaborate with, other Federal research agencies and

national laboratories to assist in the effective and efficient pursuit and resolution of research challenges identified by the Secretary.

SEC. 6025. GAO REPORT.

Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that—

(1) assesses the status of autonomous transportation technology policy developed by public entities in the United States;

(2) assesses the organizational readiness of the Department to address autonomous vehicle technology challenges, including consumer privacy protections; and

(3) recommends implementation paths for autonomous transportation technology, applications, and policies that are based on the assessment described in paragraph (2).

SEC. 6026. TRAFFIC CONGESTION.

(a) **CONGESTION RESEARCH.**—The Secretary may conduct research on the reduction of traffic congestion.

(b) **CONSIDERATION.**—The Secretary may—

(1) recommend research to accelerate the adoption of transportation management systems that allow traffic to flow in the safest and most efficient manner possible while alleviating current and future traffic congestion challenges;

(2) assess and analyze traffic, transit, and freight data from various sources relevant to efforts to reduce traffic congestion so as to maximize mobility, efficiency, and capacity while decreasing congestion and travel times;

(3) examine the use and integration of multiple data types from multiple sources and technologies, including road weather data, arterial and highway traffic conditions, transit vehicle arrival and departure times, real time navigation routing, construction zone information, and reports of incidents, to suggest improvements in effective communication of such data and information in real time;

(4) develop and disseminate suggested strategies and solutions to reduce congestion for high-density traffic regions and to provide mobility in the event of an emergency or natural disaster; and

(5) collaborate with other relevant Federal agencies, State and local agencies, industry and industry associations, and university research centers to fulfill goals and objectives under this section.

(c) **IDENTIFYING INFORMATION.**—The Secretary shall ensure that information used pursuant to this section does not contain identifying information of any individual.

(d) **REPORT.**—Not later than 1 year after the completion of research under this section, the Secretary may make available on a public website a report on any activities under this section.

SEC. 6027. SMART CITIES TRANSPORTATION PLANNING STUDY.

(a) **IN GENERAL.**—The Secretary may conduct a study of digital technologies and information technologies, including shared mobility, data, transportation network companies, and on-demand transportation services—

(1) to understand the degree to which cities are adopting those technologies;

(2) to assess future planning, infrastructure, and investment needs; and

(3) to provide best practices to plan for smart cities in which information and technology are used—

(A) to improve city operations;

(B) to grow the local economy;

(C) to improve response in times of emergencies and natural disasters; and

(D) to improve the lives of city residents.

(b) COMPONENTS.—The study conducted under subsection (a) shall—

(1) identify broad issues that influence the ability of the United States to plan for and invest in smart cities, including barriers to collaboration and access to scientific information; and

(2) review how the expanded use of digital technologies, mobile devices, and information may—

(A) enhance the efficiency and effectiveness of existing transportation networks;

(B) optimize demand management services;

(C) impact low-income and other disadvantaged communities;

(D) assess opportunities to share, collect, and use data;

(E) change current planning and investment strategies;

and

(F) provide opportunities for enhanced coordination and planning.

(c) REPORTING.—Not later than 18 months after the date of enactment of this Act, the Secretary may publish the report containing the results of the study conducted under subsection (a) to a public website.

SEC. 6028. PERFORMANCE MANAGEMENT DATA SUPPORT PROGRAM. 23 USC 150 note.

(a) PERFORMANCE MANAGEMENT DATA SUPPORT.—The Administrator of the Federal Highway Administration shall develop, use, and maintain data sets and data analysis tools to assist metropolitan planning organizations, States, and the Federal Highway Administration in carrying out performance management analyses (including the performance management requirements under section 150 of title 23, United States Code).

(b) INCLUSIONS.—The data analysis activities authorized under subsection (a) may include—

(1) collecting and distributing vehicle probe data describing traffic on Federal-aid highways;

(2) collecting household travel behavior data to assess local and cross-jurisdictional travel, including to accommodate external and through travel;

(3) enhancing existing data collection and analysis tools to accommodate performance measures, targets, and related data, so as to better understand trip origin and destination, trip time, and mode;

(4) enhancing existing data analysis tools to improve performance predictions and travel models in reports described in section 150(e) of title 23, United States Code; and

(5) developing tools—

(A) to improve performance analysis; and

(B) to evaluate the effects of project investments on performance.

(c) FUNDING.—From amounts authorized to carry out the Highway Research and Development Program, the Administrator of the Federal Highway Administration may use up to \$10,000,000 for each of fiscal years 2016 through 2020 to carry out this section.

Hazardous
Materials
Transportation
Safety
Improvement Act
of 2015.
49 USC 5101
note.

TITLE VII—HAZARDOUS MATERIALS TRANSPORTATION

SEC. 7001. SHORT TITLE.

This title may be cited as the “Hazardous Materials Transportation Safety Improvement Act of 2015”.

Subtitle A—Authorizations

SEC. 7101. AUTHORIZATION OF APPROPRIATIONS.

Section 5128 of title 49, United States Code, is amended to read as follows:

“§ 5128. Authorization of appropriations

“(a) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out this chapter (except sections 5107(e), 5108(g)(2), 5113, 5115, 5116, and 5119)—

- “(1) \$53,000,000 for fiscal year 2016;
- “(2) \$55,000,000 for fiscal year 2017;
- “(3) \$57,000,000 for fiscal year 2018;
- “(4) \$58,000,000 for fiscal year 2019; and
- “(5) \$60,000,000 for fiscal year 2020.

“(b) HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS FUND.—From the Hazardous Materials Emergency Preparedness Fund established under section 5116(h), the Secretary may expend, for each of fiscal years 2016 through 2020—

- “(1) \$21,988,000 to carry out section 5116(a);
- “(2) \$150,000 to carry out section 5116(e);
- “(3) \$625,000 to publish and distribute the Emergency Response Guidebook under section 5116(h)(3); and
- “(4) \$1,000,000 to carry out section 5116(i).

“(c) HAZARDOUS MATERIALS TRAINING GRANTS.—From the Hazardous Materials Emergency Preparedness Fund established pursuant to section 5116(h), the Secretary may expend \$4,000,000 for each of fiscal years 2016 through 2020 to carry out section 5107(e).

“(d) COMMUNITY SAFETY GRANTS.—Of the amounts made available under subsection (a) to carry out this chapter, the Secretary shall withhold \$1,000,000 for each of fiscal years 2016 through 2020 to carry out section 5107(i).

“(e) CREDITS TO APPROPRIATIONS.—

“(1) EXPENSES.—In addition to amounts otherwise made available to carry out this chapter, the Secretary may credit amounts received from a State, Indian tribe, or other public authority or private entity for expenses the Secretary incurs in providing training to the State, Indian tribe, authority, or entity.

“(2) AVAILABILITY OF AMOUNTS.—Amounts made available under this section shall remain available until expended.”

Subtitle B—Hazardous Material Safety and Improvement

SEC. 7201. NATIONAL EMERGENCY AND DISASTER RESPONSE.

Section 5103 of title 49, United States Code, is amended—

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

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

“(c) **FEDERALLY DECLARED DISASTERS AND EMERGENCIES.**—

“(1) **IN GENERAL.**—The Secretary may by order waive compliance with any part of an applicable standard prescribed under this chapter without prior notice and comment and on terms the Secretary considers appropriate if the Secretary determines that—

“(A) it is in the public interest to grant the waiver;

“(B) the waiver is not inconsistent with the safety of transporting hazardous materials; and

“(C) the waiver is necessary to facilitate the safe movement of hazardous materials into, from, and within an area of a major disaster or emergency that has been declared under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

“(2) **PERIOD OF WAIVER.**—A waiver under this subsection may be issued for a period of not more than 60 days and may be renewed upon application to the Secretary only after notice and an opportunity for a hearing on the waiver. The Secretary shall immediately revoke the waiver if continuation of the waiver would not be consistent with the goals and objectives of this chapter.

“(3) **STATEMENT OF REASONS.**—The Secretary shall include in any order issued under this section the reasons for granting the waiver.”.

SEC. 7202. MOTOR CARRIER SAFETY PERMITS.

Section 5109(h) of title 49, United States Code, is amended to read as follows:

“(h) **LIMITATION ON DENIAL.**—The Secretary may not deny a non-temporary permit held by a motor carrier pursuant to this section based on a comprehensive review of that carrier triggered by safety management system scores or out-of-service disqualification standards, unless—

“(1) the carrier has the opportunity, prior to the denial of such permit, to submit a written description of corrective actions taken and other documentation the carrier wishes the Secretary to consider, including a corrective action plan; and

“(2) the Secretary determines the actions or plan is insufficient to address the safety concerns identified during the course of the comprehensive review.”.

SEC. 7203. IMPROVING THE EFFECTIVENESS OF PLANNING AND TRAINING GRANTS.

(a) **PLANNING AND TRAINING GRANTS.**—Section 5116 of title 49, United States Code, is amended—

(1) by redesignating subsections (c) through (k) as subsections (b) through (j), respectively,

(2) by striking subsection (b); and

(3) by striking subsection (a) and inserting the following:
“(a) PLANNING AND TRAINING GRANTS.—(1) The Secretary shall make grants to States and Indian tribes—

“(A) to develop, improve, and carry out emergency plans under the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11001 et seq.), including ascertaining flow patterns of hazardous material on lands under the jurisdiction of a State or Indian tribe, and between lands under the jurisdiction of a State or Indian tribe and lands of another State or Indian tribe;

“(B) to decide on the need for regional hazardous material emergency response teams; and

“(C) to train public sector employees to respond to accidents and incidents involving hazardous material.

“(2) To the extent that a grant is used to train emergency responders under paragraph (1)(C), the State or Indian tribe shall provide written certification to the Secretary that the emergency responders who receive training under the grant will have the ability to protect nearby persons, property, and the environment from the effects of accidents or incidents involving the transportation of hazardous material in accordance with existing regulations or National Fire Protection Association standards for competence of responders to accidents and incidents involving hazardous materials.

“(3) The Secretary may make a grant to a State or Indian tribe under paragraph (1) of this subsection only if—

“(A) the State or Indian tribe certifies that the total amount the State or Indian tribe expends (except amounts of the Federal Government) for the purpose of the grant will at least equal the average level of expenditure for the last 5 years; and

“(B) any emergency response training provided under the grant shall consist of—

“(i) a course developed or identified under section 5115 of this title; or

“(ii) any other course the Secretary determines is consistent with the objectives of this section.

“(4) A State or Indian tribe receiving a grant under this subsection shall ensure that planning and emergency response training under the grant is coordinated with adjacent States and Indian tribes.

“(5) A training grant under paragraph (1)(C) may be used—

“(A) to pay—

“(i) the tuition costs of public sector employees being trained;

“(ii) travel expenses of those employees to and from the training facility;

“(iii) room and board of those employees when at the training facility; and

“(iv) travel expenses of individuals providing the training;

“(B) by the State, political subdivision, or Indian tribe to provide the training; and

“(C) to make an agreement with a person (including an authority of a State, a political subdivision of a State or Indian tribe, or a local jurisdiction), subject to approval by the Secretary, to provide the training if—

“(i) the agreement allows the Secretary and the State or Indian tribe to conduct random examinations, inspections, and audits of the training without prior notice;

“(ii) the person agrees to have an auditable accounting system; and

“(iii) the State or Indian tribe conducts at least one on-site observation of the training each year.

“(6) The Secretary shall allocate amounts made available for grants under this subsection among eligible States and Indian tribes based on the needs of the States and Indian tribes for emergency response planning and training. In making a decision about those needs, the Secretary shall consider—

“(A) the number of hazardous material facilities in the State or on land under the jurisdiction of the Indian tribe;

“(B) the types and amounts of hazardous material transported in the State or on such land;

“(C) whether the State or Indian tribe imposes and collects a fee for transporting hazardous material;

“(D) whether such fee is used only to carry out a purpose related to transporting hazardous material;

“(E) the past record of the State or Indian tribe in effectively managing planning and training grants; and

“(F) any other factors the Secretary determines are appropriate to carry out this subsection.”

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 5108(g) of title 49, United States Code, is amended by striking “5116(i)” each place it appears and inserting “5116(h)”.

(2) Section 5116 of such title is amended—

(A) in subsection (d), as so redesignated, by striking “subsections (a)(2)(A) and (b)(2)(A)” and inserting “subsection (a)(3)(A)”;

(B) in subsection (h), as so redesignated—

(i) in paragraph (1) by inserting “and section 5107(e)” after “section”;

(ii) in paragraph (2) by striking “(f)” and inserting “(e)”;

(iii) in paragraph (4) by striking “5108(g)(2) and 5115” and inserting “5107(e) and 5108(g)(2)”;

(C) in subsection (i), as so redesignated, by striking “subsection (b)” and inserting “subsection (a)”;

(D) in subsection (j), as so redesignated—

(i) by striking “planning grants allocated under subsection (a), training grants under subsection (b), and grants under subsection (j) of this section and under section 5107” and inserting “planning and training grants under subsection (a) and grants under subsection (i) of this section and under subsections (e) and (i) of section 5107”; and

(ii) by redesignating subparagraphs (A) through (D) as paragraphs (1) through (4), respectively.

(c) SAVINGS CLAUSE.—Nothing in this section may be construed to prohibit the Secretary from recovering and deobligating funds from grants that are not managed or expended in compliance with a grant agreement.

49 USC 5116
note.

SEC. 7204. IMPROVING PUBLICATION OF SPECIAL PERMITS AND APPROVALS.

Section 5117 of title 49, United States Code, is amended—

(1) in subsection (b)—

(A) by striking “an application for a special permit” and inserting “an application for a new special permit or a modification to an existing special permit”; and

(B) by inserting after the second sentence the following: “The Secretary shall make available to the public on the Department of Transportation’s Internet Web site any special permit other than a new special permit or a modification to an existing special permit and shall give the public an opportunity to inspect the safety analysis and comment on the application for a period of not more than 15 days.”; and

(2) in subsection (c)—

(A) by striking “publish” and inserting “make available to the public”;

(B) by striking “in the Federal Register”;

(C) by striking “180” and inserting “120”; and

(D) by striking “the special permit” each place it appears and inserting “a special permit or approval”; and

(3) by adding at the end the following:

“(g) DISCLOSURE OF FINAL ACTION.—The Secretary shall periodically, but at least every 120 days—

“(1) publish in the Federal Register notice of the final disposition of each application for a new special permit, modification to an existing special permit, or approval during the preceding quarter; and

“(2) make available to the public on the Department of Transportation’s Internet Web site notice of the final disposition of any other special permit during the preceding quarter.”.

SEC. 7205. ENHANCED REPORTING.

Section 5121(h) of title 49, United States Code, is amended by striking “transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate” and inserting “make available to the public on the Department of Transportation’s Internet Web site”.

SEC. 7206. WETLINES.

(a) WITHDRAWAL.—Not later than 30 days after the date of enactment of this Act, the Secretary shall withdraw the proposed rule described in the notice of proposed rulemaking issued on January 27, 2011, entitled “Safety Requirements for External Product Piping on Cargo Tanks Transporting Flammable Liquids” (76 Fed. Reg. 4847).

(b) SAVINGS CLAUSE.—Nothing in this section shall prohibit the Secretary from issuing standards or regulations regarding the safety of external product piping on cargo tanks transporting flammable liquids after the withdrawal is carried out pursuant to subsection (a).

49 USC 5103
note.

SEC. 7207. GAO STUDY ON ACCEPTANCE OF CLASSIFICATION EXAMINATIONS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States

shall evaluate and transmit to the Secretary, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate, a report on the standards, metrics, and protocols that the Secretary uses to regulate the performance of persons approved to recommend hazard classifications pursuant to section 173.56(b) of title 49, Code of Federal Regulations (commonly referred to as “third-party labs”).

(b) **EVALUATION.**—The evaluation required under subsection (a) shall—

(1) identify what standards and protocols are used to approve such persons, assess the adequacy of such standards and protocols to ensure that persons seeking approval are qualified and capable of performing classifications, and make recommendations to address any deficiencies identified;

(2) assess the adequacy of the Secretary’s oversight of persons approved to perform the classifications, including the qualification of individuals engaged in the oversight of approved persons, and make recommendations to enhance oversight sufficiently to ensure that classifications are issued as required;

(3) identify what standards and protocols exist to rescind, suspend, or deny approval of persons who perform such classifications, assess the adequacy of such standards and protocols, and make recommendations to enhance such standards and protocols if necessary; and

(4) include annual data for fiscal years 2005 through 2015 on the number of applications received for new classifications pursuant to section 173.56(b) of title 49, Code of Federal Regulations, of those applications how many classifications recommended by persons approved by the Secretary were changed to another classification and the reasons for the change, and how many hazardous materials incidents have been attributed to a classification recommended by such approved persons in the United States.

(c) **ACTION PLAN.**—Not later than 180 days after receiving the report required under subsection (a), the Secretary shall make available to the public a plan describing any actions the Secretary will take to establish standards, metrics, and protocols based on the findings and recommendations in the report to ensure that persons approved to perform classification examinations required under section 173.56(b) of title 49, Code of Federal Regulations, can sufficiently perform such examinations in a manner that meets the hazardous materials regulations.

(d) **REGULATIONS.**—If the report required under subsection (a) recommends new regulations in order for the Secretary to have confidence in the accuracy of classification recommendations rendered by persons approved to perform classification examinations required under section 173.56(b) of title 49, Code of Federal Regulations, the Secretary shall consider such recommendations, and if determined appropriate, issue regulations to address the recommendations not later than 18 months after the date of the publication of the plan under subsection (c).

SEC. 7208. HAZARDOUS MATERIALS ENDORSEMENT EXEMPTION.

The Secretary shall allow a State, at the discretion of the State, to waive the requirement for a holder of a Class A commercial driver’s license to obtain a hazardous materials endorsement under

49 USC 31305
note.

part 383 of title 49, Code of Federal Regulations, if the license holder—

(1) is acting within the scope of the license holder’s employment as an employee of a custom harvester operation, agrichemical business, farm retail outlet and supplier, or livestock feeder; and

(2) is operating a service vehicle that is—

(A) transporting diesel in a quantity of 3,785 liters (1,000 gallons) or less; and

(B) clearly marked with a “flammable” or “combustible” placard, as appropriate.

Subtitle C—Safe Transportation of Flammable Liquids by Rail

SEC. 7301. COMMUNITY SAFETY GRANTS.

Section 5107 of title 49, United States Code, is amended by adding at the end the following:

“(i) **COMMUNITY SAFETY GRANTS.**—The Secretary shall establish a competitive program for making grants to nonprofit organizations for—

“(1) conducting national outreach and training programs to assist communities in preparing for and responding to accidents and incidents involving the transportation of hazardous materials, including Class 3 flammable liquids by rail; and

“(2) training State and local personnel responsible for enforcing the safe transportation of hazardous materials, including Class 3 flammable liquids.”.

49 USC 20103
note.

SEC. 7302. REAL-TIME EMERGENCY RESPONSE INFORMATION.

(a) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with appropriate Federal agencies, shall issue regulations that—

(1) require a Class I railroad transporting hazardous materials—

(A) to generate accurate, real-time, and electronic train consist information, including—

(i) the identity, quantity, and location of hazardous materials on a train;

(ii) the point of origin and destination of the train;

(iii) any emergency response information or resources required by the Secretary; and

(iv) an emergency response point of contact designated by the Class I railroad; and

(B) to enter into a memorandum of understanding with each applicable fusion center to provide the fusion center with secure and confidential access to the electronic train consist information described in subparagraph (A) for each train transporting hazardous materials in the jurisdiction of the fusion center;

(2) require each applicable fusion center to provide the electronic train consist information described in paragraph (1)(A) to State and local first responders, emergency response officials, and law enforcement personnel that are involved in the response to or investigation of an accident, incident, or

public health or safety emergency involving the rail transportation of hazardous materials and that request such electronic train consist information;

(3) require each Class I railroad to provide advanced notification and information on high-hazard flammable trains to each State emergency response commission, consistent with the notification content requirements in Emergency Order Docket No. DOT-OST-2014-0067, including—

(A) a reasonable estimate of the number of implicated trains that are expected to travel, per week, through each county within the applicable State;

(B) updates to such estimate prior to making any material changes to any volumes or frequencies of trains traveling through a county;

(C) identification and a description of the Class 3 flammable liquid being transported on such trains;

(D) applicable emergency response information, as required by regulation;

(E) identification of the routes over which such liquid will be transported; and

(F) a point of contact at the Class I railroad responsible for serving as the point of contact for State emergency response centers and local emergency responders related to the Class I railroad's transportation of such liquid.

(4) require each applicable State emergency response commission to provide to a political subdivision of a State, or public agency responsible for emergency response or law enforcement, upon request of the political subdivision or public agency, the information the commission receives from a Class I railroad pursuant to paragraph (3), including, for any such political subdivision or public agency responsible for emergency response or law enforcement that makes an initial request for such information, any updates received by the State emergency response commission.

(5) prohibit any Class I railroad, employee, or agent from withholding, or causing to be withheld, the train consist information from first responders, emergency response officials, and law enforcement personnel described in paragraph (2) in the event of an incident, accident, or public health or safety emergency involving the rail transportation of hazardous materials;

(6) establish security and confidentiality protections, including protections from the public release of proprietary information or security-sensitive information, to prevent the release to unauthorized persons any electronic train consist information or advanced notification or information provided by Class I railroads under this section; and

(7) allow each Class I railroad to enter into a memorandum of understanding with any Class II railroad or Class III railroad that operates trains over the Class I railroad's line to incorporate the Class II railroad or Class III railroad's train consist information within the existing framework described in paragraph (1).

(b) DEFINITIONS.—In this section:

(1) APPLICABLE FUSION CENTER.—The term “applicable fusion center” means a fusion center with responsibility for a geographic area in which a Class I railroad operates.

(2) CLASS I RAILROAD; CLASS II RAILROAD; CLASS III RAILROAD.—The terms “Class I railroad”, “Class II railroad”, and “Class III railroad” have the meaning given those terms in section 20102 of title 49, United States Code.

(3) CLASS 3 FLAMMABLE LIQUID.—The term “Class 3 flammable liquid” has the meaning given the term flammable liquid in section 173.120(a) of title 49, Code of Federal Regulations.

(4) FUSION CENTER.—The term “fusion center” has the meaning given the term in section 210A(j) of the Homeland Security Act of 2002 (6 U.S.C. 124h(j)).

(5) HAZARDOUS MATERIAL.—The term “hazardous material” means a substance or material the Secretary designates as hazardous under section 5103 of title 49, United States Code.

(6) HIGH-HAZARD FLAMMABLE TRAIN.—The term “high-hazard flammable train” means a single train transporting 20 or more tank cars loaded with a Class 3 flammable liquid in a continuous block or a single train transporting 35 or more tank cars loaded with a Class 3 flammable liquid throughout the train consist.

(7) TRAIN CONSIST.—The term “train consist” includes, with regard to a specific train, the number of rail cars and the commodity transported by each rail car.

(c) SAVINGS CLAUSE.—Nothing in this section may be construed to prohibit a Class I railroad from voluntarily entering into a memorandum of understanding, as described in subsection (a)(1)(B), with a State emergency response commission or an entity representing or including first responders, emergency response officials, and law enforcement personnel.

SEC. 7303. EMERGENCY RESPONSE.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study to determine whether limitations or weaknesses exist in the emergency response information carried by train crews transporting hazardous materials.

(b) CONTENTS.—In conducting the study under subsection (a), the Comptroller General shall evaluate the differences between the emergency response information carried by train crews transporting hazardous materials and the emergency response guidance provided in the Emergency Response Guidebook issued by the Department of Transportation.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report of the findings of the study under subsection (a) and any recommendations for legislative action.

49 USC 20155
note.

SEC. 7304. PHASE-OUT OF ALL TANK CARS USED TO TRANSPORT CLASS 3 FLAMMABLE LIQUIDS.

(a) IN GENERAL.—Except as provided for in subsection (b), beginning on the date of enactment of this Act, all DOT–111 specification railroad tank cars used to transport Class 3 flammable liquids shall meet the DOT–117, DOT–117P, or DOT–117R specifications in part 179 of title 49, Code of Federal Regulations, regardless of train composition.

(b) PHASE-OUT SCHEDULE.—Certain tank cars not meeting DOT–117, DOT–117P, or DOT–117R specifications on the date of

enactment of this Act may be used, regardless of train composition, until the following end-dates:

(1) For transport of unrefined petroleum products in Class 3 flammable service, including crude oil—

(A) January 1, 2018, for non-jacketed DOT–111 tank cars;

(B) March 1, 2018, for jacketed DOT–111 tank cars;

(C) April 1, 2020, for non-jacketed CPC–1232 tank cars; and

(D) May 1, 2025, for jacketed CPC–1232 tank cars.

(2) For transport of ethanol—

(A) May 1, 2023, for non-jacketed and jacketed DOT–111 tank cars;

(B) July 1, 2023, for non-jacketed CPC–1232 tank cars; and

(C) May 1, 2025, for jacketed CPC–1232 tank cars.

(3) For transport of Class 3 flammable liquids in Packing Group I, other than Class 3 flammable liquids specified in paragraphs (1) and (2), May 1, 2025.

(4) For transport of Class 3 flammable liquids in Packing Groups II and III, other than Class 3 flammable liquids specified in paragraphs (1) and (2), May 1, 2029.

(c) **RETROFITTING SHOP CAPACITY.**—The Secretary may extend the deadlines established under paragraphs (3) and (4) of subsection (b) for a period not to exceed 2 years if the Secretary determines that insufficient retrofitting shop capacity will prevent the phase-out of tank cars not meeting the DOT–117, DOT–117P, or DOT–117R specifications by the deadlines set forth in such paragraphs.

(d) **CONFORMING REGULATORY AMENDMENTS.**—

(1) **IN GENERAL.**—Immediately after the date of enactment of this section, the Secretary—

(A) shall remove or revise the date-specific deadlines in any applicable regulations or orders to the extent necessary to conform with the requirements of this section; and

(B) may not enforce any such date-specific deadlines or requirements that are inconsistent with the requirements of this section.

(2) **IMPLEMENTATION.**—Nothing in this section shall be construed to require the Secretary to issue regulations, except as required under paragraph (1), to implement this section.

(e) **SAVINGS CLAUSE.**—Nothing in this section shall be construed to prohibit the Secretary from implementing the final rule issued on May 08, 2015, entitled “Enhanced Tank Car Standards and Operational Controls for High-Hazard Flammable Trains” (80 Fed. Reg. 26643), other than the provisions of the final rule that are inconsistent with this section.

(f) **CLASS 3 FLAMMABLE LIQUID DEFINED.**—In this section, the term “Class 3 flammable liquid” has the meaning given the term flammable liquid in section 173.120(a) of title 49, Code of Federal Regulations.

SEC. 7305. THERMAL BLANKETS.

(a) **REQUIREMENTS.**—Not later than 180 days after the date of enactment of this Act, the Secretary shall issue such regulations as are necessary to require that each tank car built to meet the DOT–117 specification and each non-jacketed tank car modified

49 USC 20155
note.

to meet the DOT-117R specification be equipped with an insulating blanket with at least ½-inch-thick material that has been approved by the Secretary pursuant to section 179.18(c) of title 49, Code of Federal Regulations.

(b) SAVINGS CLAUSE.—Nothing in this section shall prohibit the Secretary from approving new or alternative technologies or materials as they become available that provide a level of safety at least equivalent to the level of safety provided for under subsection (a).

SEC. 7306. MINIMUM REQUIREMENTS FOR TOP FITTINGS PROTECTION FOR CLASS DOT-117R TANK CARS.

(a) PROTECTIVE HOUSING.—Except as provided in subsections (b) and (c), top fittings on DOT specification 117R tank cars shall be located inside a protective housing not less than ½-inch in thickness and constructed of a material having a tensile strength not less than 65 kilopound per square inch and conform to the following specifications:

(1) The protective housing shall be as tall as the tallest valve or fitting involved and the height of a valve or fitting within the protective housing must be kept to the minimum compatible with their proper operation.

(2) The protective housing or cover may not reduce the flow capacity of the pressure relief device below the minimum required.

(3) The protective housing shall provide a means of drainage with a minimum flow area equivalent to six 1-inch diameter holes.

(4) When connected to the nozzle or fittings cover plate and subject to a horizontal force applied perpendicular to and uniformly over the projected plane of the protective housing, the tensile connection strength of the protective housing shall be designed to be—

(A) no greater than 70 percent of the nozzle to tank tensile connection strength;

(B) no greater than 70 percent of the cover plate to nozzle connection strength; and

(C) no less than either 40 percent of the nozzle to tank tensile connection strength or the shear strength of twenty ½-inch bolts.

(b) PRESSURE RELIEF DEVICES.—

(1) The pressure relief device shall be located inside the protective housing, unless space does not permit. If multiple pressure relief devices are equipped, no more than 1 may be located outside of a protective housing.

(2) The highest point on any pressure relief device located outside of a protective housing may not be more than 12 inches above the tank jacket.

(3) The highest point on the closure of any unused pressure relief device nozzle may not be more than 6 inches above the tank jacket.

(c) ALTERNATIVE PROTECTION.—As an alternative to the protective housing requirements in subsection (a) of this section, the tank car may be equipped with a system that prevents the release of product from any top fitting in the case of an incident where any top fitting would be sheared off.

(d) **IMPLEMENTATION.**—Nothing in this section shall be construed to require the Secretary to issue regulations to implement this section.

(e) **SAVINGS CLAUSE.**—Nothing in this section shall prohibit the Secretary from approving new technologies, methods or requirements that provide a level of safety equivalent to or greater than the level of safety provided for in this section.

SEC. 7307. RULEMAKING ON OIL SPILL RESPONSE PLANS.

The Secretary shall, not later than 30 days after the date of enactment of this Act and every 90 days thereafter until a final rule based on the advanced notice of proposed rulemaking issued on August 1, 2014, entitled “Hazardous Materials: Oil Spill Response Plans for High-Hazard Flammable Trains” (79 Fed. Reg. 45079) is promulgated, notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate in writing of—

- (1) the status of such rulemaking;
- (2) any reasons why such final rule has not been implemented;
- (3) a plan for completing such final rule as soon as practicable; and
- (4) the estimated date of completion of such final rule.

SEC. 7308. MODIFICATION REPORTING.

(a) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall implement a reporting requirement to monitor industry-wide progress toward modifying rail tank cars used to transport Class 3 flammable liquids by the applicable deadlines established in section 7304.

(b) **TANK CAR DATA.**—The Secretary shall collect data from shippers and rail tank car owners on—

- (1) the total number of tank cars modified to meet the DOT–117R specification, or equivalent, specifying—
 - (A) the type or specification of each tank car before it was modified, including non-jacketed DOT–111, jacketed DOT–111, non-jacketed DOT–111 meeting the CPC–1232 standard, or jacketed DOT–111 meeting the CPC–1232 standard; and
 - (B) the identification number of each Class 3 flammable liquid carried by each tank car in the past year;
- (2) the total number of tank cars built to meet the DOT–117 specification, or equivalent; and
- (3) the total number of tank cars used or likely to be used to transport Class 3 flammable liquids that have not been modified, specifying—
 - (A) the type or specification of each tank car not modified, including the non-jacketed DOT–111, jacketed DOT–111, non-jacketed DOT–111 meeting the CPC–1232 standard, or jacketed DOT–111 meeting the CPC–1232 standard; and
 - (B) the identification number of each Class 3 flammable liquid carried by each tank car in the past year.

(c) **TANK CAR SHOP DATA.**—The Secretary shall conduct a survey of tank car facilities modifying tank cars to the DOT–117R specification, or equivalent, or building new tank cars to the DOT–117 specification, or equivalent, to generate statistically-

49 USC 20155
note.

valid estimates of the anticipated number of tank cars those facilities expect to modify to DOT-117R specification, or equivalent, or build to the DOT-117 specification, or equivalent.

(d) **FREQUENCY.**—The Secretary shall collect the data under subsection (b) and conduct the survey under subsection (c) annually until May 1, 2029.

(e) **INFORMATION PROTECTIONS.**—

(1) **IN GENERAL.**—The Secretary shall only report data in industry-wide totals and shall treat company-specific information as confidential business information.

(2) **LEVEL OF CONFIDENTIALITY.**—The Secretary shall ensure the data collected under subsection (b) and the survey data under subsection (c) have the same level of confidentiality as required by the Confidential Information Protection and Statistical Efficiency Act of 2002 (44 U.S.C. 3501 note), as administered by the Bureau of Transportation Statistics.

(3) **DESIGNEE.**—The Secretary may—

(A) designate the Director of the Bureau of Transportation Statistics to collect data under subsection (b) and the survey data under subsection (c); and

(B) direct the Director to ensure the confidentiality of company-specific information to the maximum extent permitted by law.

(f) **REPORT.**—Each year, not later than 60 days after the date that both the collection of the data under subsection (b) and the survey under subsection (c) are complete, the Secretary shall submit a written report on the aggregate results, without company-specific information, to—

(1) the Committee on Commerce, Science, and Transportation of the Senate; and

(2) the Committee on Transportation and Infrastructure of the House of Representatives.

(g) **DEFINITION OF CLASS 3 FLAMMABLE LIQUID.**—In this section, the term “Class 3 flammable liquid” has the meaning given the term flammable liquid in section 173.120 of title 49, Code of Federal Regulations.

SEC. 7309. REPORT ON CRUDE OIL CHARACTERISTICS RESEARCH STUDY.

Not later than 180 days after the research completion of the comprehensive Crude Oil Characteristics Research Sampling, Analysis, and Experiment Plan study at Sandia National Laboratories, the Secretary of Energy, in cooperation with the Secretary of Transportation, shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Energy and Natural Resources of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Energy and Commerce of the House of Representatives that contains—

(1) the results of the comprehensive Crude Oil Characteristics Research Sampling, Analysis, and Experiment Plan study; and

(2) recommendations, based on the findings of the study, for—

(A) regulations by the Secretary of Transportation or the Secretary of Energy to improve the safe transport of crude oil; and

(B) legislation to improve the safe transport of crude oil.

SEC. 7310. HAZARDOUS MATERIALS BY RAIL LIABILITY STUDY.

(a) **IN GENERAL.**—Not later than 120 days after the date of enactment of this Act, the Secretary shall initiate a study on the levels and structure of insurance for railroad carriers transporting hazardous materials.

(b) **CONTENTS.**—In conducting the study under subsection (a), the Secretary shall evaluate—

(1) the level and structure of insurance, including self-insurance, available in the private market against the full liability potential for damages arising from an accident or incident involving a train transporting hazardous materials;

(2) the level and structure of insurance that would be necessary and appropriate—

(A) to efficiently allocate risk and financial responsibility for claims; and

(B) to ensure that a railroad carrier transporting hazardous materials can continue to operate despite the risk of an accident or incident; and

(3) the potential applicability, for a train transporting hazardous materials, of an alternative insurance model, including—

(A) a secondary liability coverage pool or pools to supplement commercial insurance; and

(B) other models administered by the Federal Government.

(c) **REPORT.**—Not later than 1 year after the date the study under subsection (a) is initiated, the Secretary shall submit a report containing the results of the study and recommendations for addressing liability issues with rail transportation of hazardous materials to—

(1) the Committee on Commerce, Science, and Transportation of the Senate; and

(2) the Committee on Transportation and Infrastructure of the House of Representatives.

(d) **DEFINITIONS.**—In this section:

(1) **HAZARDOUS MATERIAL.**—The term “hazardous material” means a substance or material the Secretary designates as hazardous under section 5103 of title 49, United States Code.

(2) **RAILROAD CARRIER.**—The term “railroad carrier” has the meaning given the term in section 20102 of title 49, United States Code.

SEC. 7311. STUDY AND TESTING OF ELECTRONICALLY CONTROLLED PNEUMATIC BRAKES.

49 USC 20141
note.

(a) **GOVERNMENT ACCOUNTABILITY OFFICE STUDY.**—

(1) **IN GENERAL.**—The Comptroller General of the United States shall conduct an independent evaluation of ECP brake systems, pilot program data, and the Department’s research and analysis on the costs, benefits, and effects of ECP brake systems.

(2) **STUDY ELEMENTS.**—In completing the independent evaluation under paragraph (1), the Comptroller General shall examine the following issues related to ECP brake systems:

(A) Data and modeling results on safety benefits relative to conventional brakes and to other braking technologies or systems, such as distributed power and 2-way end-of-train devices.

(B) Data and modeling results on business benefits, including the effects of dynamic braking.

(C) Data on costs, including up-front capital costs and on-going maintenance costs.

(D) Analysis of potential operational benefits and challenges, including the effects of potential locomotive and car segregation, technical reliability issues, and network disruptions.

(E) Analysis of potential implementation challenges, including installation time, positive train control integration complexities, component availability issues, and tank car shop capabilities.

(F) Analysis of international experiences with the use of advanced braking technologies.

(3) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the independent evaluation under paragraph (1).

(b) EMERGENCY BRAKING APPLICATION TESTING.—

(1) IN GENERAL.—The Secretary shall enter into an agreement with the National Academy of Sciences to—

(A) complete testing of ECP brake systems during emergency braking application, including more than 1 scenario involving the uncoupling of a train with 70 or more DOT-117 specification or DOT-117R specification tank cars; and

(B) transmit, not later than 18 months after the date of enactment of this Act, to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the testing.

(2) INDEPENDENT EXPERTS.—In completing the testing under paragraph (1)(A), the National Academy of Sciences may contract with 1 or more engineering or rail experts, as appropriate, that—

(A) are not railroad carriers, entities funded by such carriers, or entities directly impacted by the final rule issued on May 8, 2015, entitled “Enhanced Tank Car Standards and Operational Controls for High-Hazard Flammable Trains” (80 Fed. Reg. 26643); and

(B) have relevant experience in conducting railroad safety technology tests or similar crash tests.

(3) TESTING FRAMEWORK.—In completing the testing under paragraph (1), the National Academy of Sciences and each contractor described in paragraph (2) shall ensure that the testing objectively, accurately, and reliably measures the performance of ECP brake systems relative to other braking technologies or systems, such as distributed power and 2-way end-of-train devices, including differences in—

(A) the number of cars derailed;

(B) the number of cars punctured;

- (C) the measures of in-train forces; and
- (D) the stopping distance.

(4) FUNDING.—The Secretary shall provide funding, as part of the agreement under paragraph (1), to the National Academy of Sciences for the testing required under this section—

(A) using sums made available to carry out sections 20108 and 5118 of title 49, United States Code; and

(B) to the extent funding under subparagraph (A) is insufficient or unavailable to fund the testing required under this section, using such sums as are necessary from the amounts appropriated to the Secretary, the Federal Railroad Administration, or the Pipeline and Hazardous Materials Safety Administration, or a combination thereof.

(5) EQUIPMENT.—

(A) RECEIPT.—The National Academy of Sciences and each contractor described in paragraph (2) may receive or use rolling stock, track, and other equipment or infrastructure from a railroad carrier or other private entity for the purposes of conducting the testing required under this section.

(B) CONTRACTED USE.—Notwithstanding paragraph (2)(A), to facilitate testing, the National Academy of Sciences and each contractor may contract with a railroad carrier or any other private entity for the use of such carrier or entity’s rolling stock, track, or other equipment and receive technical assistance on their use.

(c) EVIDENCE-BASED APPROACH.—

(1) ANALYSIS.—The Secretary shall—

(A) not later than 90 days after the report date, fully incorporate the results of the evaluation under subsection (a) and the testing under subsection (b) and update the regulatory impact analysis of the final rule described in subsection (b)(2)(A) of the costs, benefits, and effects of the applicable ECP brake system requirements;

(B) as soon as practicable after completion of the updated analysis under subparagraph (A), solicit public comment in the Federal Register on the analysis for a period of not more than 30 days; and

(C) not later than 60 days after the end of the public comment period under subparagraph (B), post the final updated regulatory impact analysis on the Department of Transportation’s Internet Web site.

(2) DETERMINATION.—Not later than 2 years after the date of enactment of this Act, the Secretary shall—

(A) determine, based on whether the final regulatory impact analysis described in paragraph (1)(C) demonstrates that the benefits, including safety benefits, of the applicable ECP brake system requirements exceed the costs of such requirements, whether the applicable ECP brake system requirements are justified;

(B) if the applicable ECP brake system requirements are justified, publish in the Federal Register the determination and reasons for such determination; and

(C) if the Secretary does not publish the determination under subparagraph (B), repeal the applicable ECP brake system requirements.

(3) SAVINGS CLAUSE.—Nothing in this section shall be construed to prohibit the Secretary from implementing the final rule described under subsection (b)(2)(A) prior to the determination required under subsection (c)(2) of this section, or require the Secretary to promulgate a new rule on the provisions of such final rule, other than on the applicable ECP brake system requirements, if the Secretary does not determine that the applicable ECP brake system requirements are justified pursuant to this subsection.

(d) DEFINITIONS.—In this section, the following definitions apply:

(1) APPLICABLE ECP BRAKE SYSTEM REQUIREMENTS.—The term “applicable ECP brake system requirements” means sections 174.310(a)(3)(ii), 174.310(a)(3)(iii), 174.310(a)(5)(v), 179.202–10, 179.202–12(g), and 179.202–13(i) of title 49, Code of Federal Regulations, and any other regulation in effect on the date of enactment of this Act requiring the installation of ECP brakes or operation in ECP brake mode.

(2) CLASS 3 FLAMMABLE LIQUID.—The term “Class 3 flammable liquid” has the meaning given the term flammable liquid in section 173.120(a) of title 49, Code of Federal Regulations.

(3) ECP.—The term “ECP” means electronically controlled pneumatic when applied to a brake or brakes.

(4) ECP BRAKE MODE.—The term “ECP brake mode” includes any operation of a rail car or an entire train using an ECP brake system.

(5) ECP BRAKE SYSTEM.—

(A) IN GENERAL.—The term “ECP brake system” means a train power braking system actuated by compressed air and controlled by electronic signals from the locomotive or an ECP–EOT to the cars in the consist for service and emergency applications in which the brake pipe is used to provide a constant supply of compressed air to the reservoirs on each car but does not convey braking signals to the car.

(B) INCLUSIONS.—The term “ECP brake system” includes dual mode and stand-alone ECP brake systems.

(6) RAILROAD CARRIER.—The term “railroad carrier” has the meaning given the term in section 20102 of title 49, United States Code.

(7) REPORT DATE.—The term “report date” means the date that the reports under subsections (a)(3) and (b)(1)(B) are required to be transmitted pursuant to those subsections.

TITLE VIII—MULTIMODAL FREIGHT TRANSPORTATION

SEC. 8001. MULTIMODAL FREIGHT TRANSPORTATION.

49 USC
prec. 70101.

(a) IN GENERAL.—Subtitle IX of title 49, United States Code, is amended to read as follows:

“Subtitle IX—Multimodal Freight Transportation

“Chapter	Sec.
“701. Multimodal freight policy	70101
“702. Multimodal freight transportation planning and information	70201

“CHAPTER 701—MULTIMODAL FREIGHT POLICY

“Sec.
“70101. National multimodal freight policy.
“70102. National freight strategic plan.
“70103. National Multimodal Freight Network.

“§ 70101. National multimodal freight policy

49 USC 70101.

“(a) IN GENERAL.—It is the policy of the United States to maintain and improve the condition and performance of the National Multimodal Freight Network established under section 70103 to ensure that the Network provides a foundation for the United States to compete in the global economy and achieve the goals described in subsection (b).

“(b) GOALS.—The goals of the national multimodal freight policy are—

“(1) to identify infrastructure improvements, policies, and operational innovations that—

“(A) strengthen the contribution of the National Multimodal Freight Network to the economic competitiveness of the United States;

“(B) reduce congestion and eliminate bottlenecks on the National Multimodal Freight Network; and

“(C) increase productivity, particularly for domestic industries and businesses that create high-value jobs;

“(2) to improve the safety, security, efficiency, and resiliency of multimodal freight transportation;

“(3) to achieve and maintain a state of good repair on the National Multimodal Freight Network;

“(4) to use innovation and advanced technology to improve the safety, efficiency, and reliability of the National Multimodal Freight Network;

“(5) to improve the economic efficiency and productivity of the National Multimodal Freight Network;

“(6) to improve the reliability of freight transportation;

“(7) to improve the short- and long-distance movement of goods that—

“(A) travel across rural areas between population centers;

“(B) travel between rural areas and population centers; and

“(C) travel from the Nation’s ports, airports, and gateways to the National Multimodal Freight Network;

“(8) to improve the flexibility of States to support multi-State corridor planning and the creation of multi-State organizations to increase the ability of States to address multimodal freight connectivity;

“(9) to reduce the adverse environmental impacts of freight movement on the National Multimodal Freight Network; and

“(10) to pursue the goals described in this subsection in a manner that is not burdensome to State and local governments.

“(c) IMPLEMENTATION.—The Under Secretary of Transportation for Policy, who shall be responsible for the oversight and implementation of the national multimodal freight policy, shall—

“(1) carry out sections 70102 and 70103;

“(2) assist with the coordination of modal freight planning; and

“(3) identify interagency data sharing opportunities to promote freight planning and coordination.

49 USC 70102.

“§ 70102. National freight strategic plan

“(a) IN GENERAL.—Not later than 2 years after the date of enactment of this section, the Under Secretary of Transportation for Policy shall—

“(1) develop a national freight strategic plan in accordance with this section; and

“(2) publish the plan on the public Internet Web site of the Department of Transportation.

“(b) CONTENTS.—The national freight strategic plan shall include—

“(1) an assessment of the condition and performance of the National Multimodal Freight Network established under section 70103;

“(2) forecasts of freight volumes for the succeeding 5-, 10-, and 20-year periods;

“(3) an identification of major trade gateways and national freight corridors that connect major population centers, trade gateways, and other major freight generators;

“(4) an identification of bottlenecks on the National Multimodal Freight Network that create significant freight congestion, based on a quantitative methodology developed by the Under Secretary, which shall include, at a minimum—

“(A) information from the Freight Analysis Framework of the Federal Highway Administration; and

“(B) to the maximum extent practicable, an estimate of the cost of addressing each bottleneck and any operational improvements that could be implemented;

“(5) an assessment of statutory, regulatory, technological, institutional, financial, and other barriers to improved freight transportation performance, and a description of opportunities for overcoming the barriers;

“(6) a process for addressing multistate projects and encouraging jurisdictions to collaborate;

“(7) strategies to improve freight intermodal connectivity;

“(8) an identification of corridors providing access to energy exploration, development, installation, or production areas;

“(9) an identification of corridors providing access to major areas for manufacturing, agriculture, or natural resources;

“(10) an identification of best practices for improving the performance of the National Multimodal Freight Network, including critical commerce corridors and rural and urban access to critical freight corridors; and

“(11) an identification of best practices to mitigate the impacts of freight movement on communities.

“(c) UPDATES.—Not later than 5 years after the date of completion of the national freight strategic plan under subsection (a), and every 5 years thereafter, the Under Secretary shall update the plan and publish the updated plan on the public Internet Web site of the Department of Transportation.

“(d) CONSULTATION.—The Under Secretary shall develop and update the national freight strategic plan—

“(1) after providing notice and an opportunity for public comment; and

“(2) in consultation with State departments of transportation, metropolitan planning organizations, and other appropriate public and private transportation stakeholders.

“§ 70103. National Multimodal Freight Network

49 USC 70103.

“(a) IN GENERAL.—The Under Secretary of Transportation for Policy shall establish a National Multimodal Freight Network in accordance with this section—

“(1) to assist States in strategically directing resources toward improved system performance for the efficient movement of freight on the Network;

“(2) to inform freight transportation planning;

“(3) to assist in the prioritization of Federal investment; and

“(4) to assess and support Federal investments to achieve the national multimodal freight policy goals described in section 70101(b) of this title and the national highway freight program goals described in section 167 of title 23.

“(b) INTERIM NETWORK.—

“(1) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Under Secretary shall establish an interim National Multimodal Freight Network in accordance with this subsection.

“(2) NETWORK COMPONENTS.—The interim National Multimodal Freight Network shall include—

“(A) the National Highway Freight Network, as established under section 167 of title 23;

“(B) the freight rail systems of Class I railroads, as designated by the Surface Transportation Board;

“(C) the public ports of the United States that have total annual foreign and domestic trade of at least 2,000,000 short tons, as identified by the Waterborne Commerce Statistics Center of the Army Corps of Engineers, using the data from the latest year for which such data is available;

“(D) the inland and intracoastal waterways of the United States, as described in section 206 of the Inland Waterways Revenue Act of 1978 (33 U.S.C. 1804);

“(E) the Great Lakes, the St. Lawrence Seaway, and coastal and ocean routes along which domestic freight is transported;

“(F) the 50 airports located in the United States with the highest annual landed weight, as identified by the Federal Aviation Administration; and

“(G) other strategic freight assets, including strategic intermodal facilities and freight rail lines of Class II and Class III railroads, designated by the Under Secretary as critical to interstate commerce.

“(c) FINAL NETWORK.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Under Secretary, after soliciting input from stakeholders, including multimodal freight system users, transportation providers, metropolitan planning organizations, local governments, ports, airports, railroads, and States, through a public process to identify critical freight facilities and corridors, including critical commerce corridors, that are vital to achieve the national multimodal freight policy goals described in section 70101(b) of this title and the national highway freight program goals described in section 167 of title 23, and after providing notice and an opportunity for comment on a draft system, shall designate a National Multimodal Freight Network with the goal of—

“(A) improving network and intermodal connectivity; and

“(B) using measurable data as part of the assessment of the significance of freight movement, including the consideration of points of origin, destinations, and linking components of domestic and international supply chains.

“(2) FACTORS.—In designating or redesignating the National Multimodal Freight Network, the Under Secretary shall consider—

“(A) origins and destinations of freight movement within, to, and from the United States;

“(B) volume, value, tonnage, and the strategic importance of freight;

“(C) access to border crossings, airports, seaports, and pipelines;

“(D) economic factors, including balance of trade;

“(E) access to major areas for manufacturing, agriculture, or natural resources;

“(F) access to energy exploration, development, installation, and production areas;

“(G) intermodal links and intersections that promote connectivity;

“(H) freight choke points and other impediments contributing to significant measurable congestion, delay in freight movement, or inefficient modal connections;

“(I) impacts on all freight transportation modes and modes that share significant freight infrastructure;

“(J) facilities and transportation corridors identified by a multi-State coalition, a State, a State freight advisory committee, or a metropolitan planning organization, using national or local data, as having critical freight importance to the region;

“(K) major distribution centers, inland intermodal facilities, and first- and last-mile facilities; and

“(L) the significance of goods movement, including consideration of global and domestic supply chains.

“(3) CONSIDERATIONS.—In designating or redesignating the National Multimodal Freight Network, the Under Secretary shall—

“(A) use, to the extent practicable, measurable data to assess the significance of goods movement, including the consideration of points of origin, destinations, and

linking components of the United States global and domestic supply chains;

“(B) consider—

“(i) the factors described in paragraph (2); and

“(ii) any changes in the economy that affect freight transportation network demand; and

“(C) provide the States with an opportunity to submit proposed designations in accordance with paragraph (4).

“(4) STATE INPUT.—

“(A) IN GENERAL.—Each State that proposes additional designations for the National Multimodal Freight Network shall—

“(i) consider nominations for additional designations from metropolitan planning organizations and State freight advisory committees, as applicable, within the State;

“(ii) consider nominations for additional designations from owners and operators of port, rail, pipeline, and airport facilities; and

“(iii) ensure that additional designations are consistent with the State transportation improvement program or freight plan.

“(B) CRITICAL RURAL FREIGHT FACILITIES AND CORRIDORS.—As part of the designations under subparagraph (A), a State may designate a freight facility or corridor within the borders of the State as a critical rural freight facility or corridor if the facility or corridor—

“(i) is a rural principal arterial;

“(ii) provides access or service to energy exploration, development, installation, or production areas;

“(iii) provides access or service to—

“(I) a grain elevator;

“(II) an agricultural facility;

“(III) a mining facility;

“(IV) a forestry facility; or

“(V) an intermodal facility;

“(iv) connects to an international port of entry;

“(v) provides access to a significant air, rail, water, or other freight facility in the State; or

“(vi) has been determined by the State to be vital to improving the efficient movement of freight of importance to the economy of the State.

“(C) LIMITATION.—

“(i) IN GENERAL.—A State may propose additional designations to the National Multimodal Freight Network in the State in an amount that is not more than 20 percent of the total mileage designated by the Under Secretary in the State.

“(ii) DETERMINATION BY UNDER SECRETARY.—The Under Secretary shall determine how to apply the limitation under clause (i) to the components of the National Multimodal Freight Network.

“(D) SUBMISSION AND CERTIFICATION.—A State shall submit to the Under Secretary—

“(i) a list of any additional designations proposed to be added under this paragraph; and

“(ii) a certification that—

“(I) the State has satisfied the requirements of subparagraph (A); and

“(II) the designations referred to in clause (i) address the factors for designation described in this subsection.

“(d) REDESIGNATION OF NATIONAL MULTIMODAL FREIGHT NETWORK.—Not later than 5 years after the initial designation under subsection (c), and every 5 years thereafter, the Under Secretary, using the designation factors described in subsection (c), shall redesignate the National Multimodal Freight Network.

49 USC
prec. 70201.

**“CHAPTER 702—MULTIMODAL FREIGHT
TRANSPORTATION PLANNING AND INFORMATION**

“Sec.

“70201. State freight advisory committees.

“70202. State freight plans.

“70203. Transportation investment data and planning tools.

“70204. Savings provision.

49 USC 70201.

“§ 70201. State freight advisory committees

“(a) IN GENERAL.—The Secretary of Transportation shall encourage each State to establish a freight advisory committee consisting of a representative cross-section of public and private sector freight stakeholders, including representatives of ports, freight railroads, shippers, carriers, freight-related associations, third-party logistics providers, the freight industry workforce, the transportation department of the State, and local governments.

“(b) ROLE OF COMMITTEE.—A freight advisory committee of a State described in subsection (a) shall—

“(1) advise the State on freight-related priorities, issues, projects, and funding needs;

“(2) serve as a forum for discussion for State transportation decisions affecting freight mobility;

“(3) communicate and coordinate regional priorities with other organizations;

“(4) promote the sharing of information between the private and public sectors on freight issues; and

“(5) participate in the development of the freight plan of the State described in section 70202.

49 USC 70202.

“§ 70202. State freight plans

“(a) IN GENERAL.—Each State that receives funding under section 167 of title 23 shall develop a freight plan that provides a comprehensive plan for the immediate and long-range planning activities and investments of the State with respect to freight.

“(b) PLAN CONTENTS.—A State freight plan described in subsection (a) shall include, at a minimum—

“(1) an identification of significant freight system trends, needs, and issues with respect to the State;

“(2) a description of the freight policies, strategies, and performance measures that will guide the freight-related transportation investment decisions of the State;

“(3) when applicable, a listing of—

“(A) multimodal critical rural freight facilities and corridors designated within the State under section 70103 of this title; and

“(B) critical rural and urban freight corridors designated within the State under section 167 of title 23;

“(4) a description of how the plan will improve the ability of the State to meet the national multimodal freight policy goals described in section 70101(b) of this title and the national highway freight program goals described in section 167 of title 23;

“(5) a description of how innovative technologies and operational strategies, including freight intelligent transportation systems, that improve the safety and efficiency of freight movement, were considered;

“(6) in the case of roadways on which travel by heavy vehicles (including mining, agricultural, energy cargo or equipment, and timber vehicles) is projected to substantially deteriorate the condition of the roadways, a description of improvements that may be required to reduce or impede the deterioration;

“(7) an inventory of facilities with freight mobility issues, such as bottlenecks, within the State, and for those facilities that are State owned or operated, a description of the strategies the State is employing to address the freight mobility issues;

“(8) consideration of any significant congestion or delay caused by freight movements and any strategies to mitigate that congestion or delay;

“(9) a freight investment plan that, subject to subsection (c)(2), includes a list of priority projects and describes how funds made available to carry out section 167 of title 23 would be invested and matched; and

“(10) consultation with the State freight advisory committee, if applicable.

“(c) RELATIONSHIP TO LONG-RANGE PLAN.—

“(1) INCORPORATION.—A State freight plan described in subsection (a) may be developed separately from or incorporated into the statewide strategic long-range transportation plan required by section 135 of title 23.

“(2) FISCAL CONSTRAINT.—The freight investment plan component of a freight plan shall include a project, or an identified phase of a project, only if funding for completion of the project can reasonably be anticipated to be available for the project within the time period identified in the freight investment plan.

“(d) PLANNING PERIOD.—A State freight plan described in subsection (a) shall address a 5-year forecast period.

“(e) UPDATES.—

“(1) IN GENERAL.—A State shall update a State freight plan described in subsection (a) not less frequently than once every 5 years.

“(2) FREIGHT INVESTMENT PLAN.—A State may update a freight investment plan described in subsection (b)(9) more frequently than is required under paragraph (1).

“§ 70203. Transportation investment data and planning tools 49 USC 70203.

“(a) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Secretary of Transportation shall—

“(1) begin development of new tools and improvement of existing tools to support an outcome-oriented, performance-

based approach to evaluate proposed freight-related and other transportation projects, including—

“(A) methodologies for systematic analysis of benefits and costs on a national or regional basis;

“(B) tools for ensuring that the evaluation of freight-related and other transportation projects could consider safety, economic competitiveness, urban and rural access, environmental sustainability, and system condition in the project selection process;

“(C) improved methods for data collection and trend analysis;

“(D) encouragement of public-private collaboration to carry out data sharing activities while maintaining the confidentiality of all proprietary data; and

“(E) other tools to assist in effective transportation planning;

“(2) identify transportation-related model data elements to support a broad range of evaluation methods and techniques to assist in making transportation investment decisions; and

“(3) at a minimum, in consultation with other relevant Federal agencies, consider any improvements to existing freight flow data collection efforts that could reduce identified freight data gaps and deficiencies and help improve forecasts of freight transportation demand.

“(b) CONSULTATION.—The Secretary shall consult with Federal, State, and other stakeholders to develop, improve, and implement the tools and collect the data described in subsection (a).

49 USC 70204.

“§ 70204. Savings provision

“Nothing in this subtitle provides additional authority to regulate or direct private activity on freight networks designated under this subtitle.”

49 USC prec. 101.

(b) CLERICAL AMENDMENT.—The analysis of subtitles for title 49, United States Code, is amended by striking the item relating to subtitle IX and inserting the following:

“IX. Multimodal Freight Transportation70101”.

TITLE IX—NATIONAL SURFACE TRANSPORTATION AND INNOVATIVE FINANCE BUREAU

SEC. 9001. NATIONAL SURFACE TRANSPORTATION AND INNOVATIVE FINANCE BUREAU.

(a) IN GENERAL.—Chapter 1 of title 49, United States Code, is amended by adding at the end the following:

49 USC 116.

“§ 116. National Surface Transportation and Innovative Finance Bureau

“(a) ESTABLISHMENT.—The Secretary of Transportation shall establish a National Surface Transportation and Innovative Finance Bureau in the Department.

“(b) PURPOSES.—The purposes of the Bureau shall be—

“(1) to provide assistance and communicate best practices and financing and funding opportunities to eligible entities for the programs referred to in subsection (d)(1);

“(2) to administer the application processes for programs within the Department in accordance with subsection (d);

“(3) to promote innovative financing best practices in accordance with subsection (e);

“(4) to reduce uncertainty and delays with respect to environmental reviews and permitting in accordance with subsection (f); and

“(5) to reduce costs and risks to taxpayers in project delivery and procurement in accordance with subsection (g).

“(c) EXECUTIVE DIRECTOR.—

“(1) APPOINTMENT.—The Bureau shall be headed by an Executive Director, who shall be appointed in the competitive service by the Secretary, with the approval of the President.

“(2) DUTIES.—The Executive Director shall—

“(A) report to the Under Secretary of Transportation for Policy;

“(B) be responsible for the management and oversight of the daily activities, decisions, operations, and personnel of the Bureau;

“(C) support the Council on Credit and Finance established under section 117 in accordance with this section; and

“(D) carry out such additional duties as the Secretary may prescribe.

“(d) ADMINISTRATION OF CERTAIN APPLICATION PROCESSES.—

“(1) IN GENERAL.—The Bureau shall administer the application processes for the following programs:

“(A) The infrastructure finance programs authorized under chapter 6 of title 23.

“(B) The railroad rehabilitation and improvement financing program authorized under sections 501 through 503 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 821–823).

“(C) Amount allocations authorized under section 142(m) of the Internal Revenue Code of 1986.

“(D) The nationally significant freight and highway projects program under section 117 of title 23.

“(2) CONGRESSIONAL NOTIFICATION.—The Executive Director shall ensure that the congressional notification requirements for each program referred to in paragraph (1) are followed in accordance with the statutory provisions applicable to the program.

“(3) REPORTS.—The Executive Director shall ensure that the reporting requirements for each program referred to in paragraph (1) are followed in accordance with the statutory provisions applicable to the program.

“(4) COORDINATION.—In administering the application processes for the programs referred to in paragraph (1), the Executive Director shall coordinate with appropriate officials in the Department and its modal administrations responsible for administering such programs.

“(5) STREAMLINING APPROVAL PROCESSES.—Not later than 1 year after the date of enactment of this section, the Executive Director shall submit to the Committee on Transportation and

Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Environment and Public Works of the Senate a report that—

“(A) evaluates the application processes for the programs referred to in paragraph (1);

“(B) identifies administrative and legislative actions that would improve the efficiency of the application processes without diminishing Federal oversight; and

“(C) describes how the Executive Director will implement administrative actions identified under subparagraph (B) that do not require an Act of Congress.

“(6) PROCEDURES AND TRANSPARENCY.—

“(A) PROCEDURES.—With respect to the programs referred to in paragraph (1), the Executive Director shall—

“(i) establish procedures for analyzing and evaluating applications and for utilizing the recommendations of the Council on Credit and Finance;

“(ii) establish procedures for addressing late-arriving applications, as applicable, and communicating the Bureau’s decisions for accepting or rejecting late applications to the applicant and the public; and

“(iii) document major decisions in the application evaluation process through a decision memorandum or similar mechanism that provides a clear rationale for such decisions.

“(B) REVIEW.—

“(i) IN GENERAL.—The Comptroller General of the United States shall review the compliance of the Executive Director with the requirements of this paragraph.

“(ii) RECOMMENDATIONS.—The Comptroller General may make recommendations to the Executive Director in order to improve compliance with the requirements of this paragraph.

“(iii) REPORT.—Not later than 3 years after the date of enactment of this section, the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the review conducted under clause (i), including findings and recommendations for improvement.

“(e) INNOVATIVE FINANCING BEST PRACTICES.—

“(1) IN GENERAL.—The Bureau shall work with the modal administrations within the Department, eligible entities, and other public and private interests to develop and promote best practices for innovative financing and public-private partnerships.

“(2) ACTIVITIES.—The Bureau shall carry out paragraph (1)—

“(A) by making Federal credit assistance programs more accessible to eligible recipients;

“(B) by providing advice and expertise to eligible entities that seek to leverage public and private funding;

“(C) by sharing innovative financing best practices and case studies from eligible entities with other eligible entities that are interested in utilizing innovative financing methods; and

“(D) by developing and monitoring—

“(i) best practices with respect to standardized State public-private partnership authorities and practices, including best practices related to—

“(I) accurate and reliable assumptions for analyzing public-private partnership procurements;

“(II) procedures for the handling of unsolicited bids;

“(III) policies with respect to noncompete clauses; and

“(IV) other significant terms of public-private partnership procurements, as determined appropriate by the Bureau;

“(ii) standard contracts for the most common types of public-private partnerships for transportation facilities; and

“(iii) analytical tools and other techniques to aid eligible entities in determining the appropriate project delivery model, including a value for money analysis.

“(3) TRANSPARENCY.—The Bureau shall—

“(A) ensure the transparency of a project receiving credit assistance under a program referred to in subsection (d)(1) and procured as a public-private partnership by—

“(i) requiring the sponsor of the project to undergo a value for money analysis or a comparable analysis prior to deciding to advance the project as a public-private partnership;

“(ii) requiring the analysis required under subparagraph (A), and other key terms of the relevant public-private partnership agreement, to be made publicly available by the project sponsor at an appropriate time;

“(iii) not later than 3 years after the date of completion of the project, requiring the sponsor of the project to conduct a review regarding whether the private partner is meeting the terms of the relevant public-private partnership agreement; and

“(iv) providing a publicly available summary of the total level of Federal assistance in such project; and

“(B) develop guidance to implement this paragraph that takes into consideration variations in State and local laws and requirements related to public-private partnerships.

“(4) SUPPORT TO PROJECT SPONSORS.—At the request of an eligible entity, the Bureau shall provide technical assistance to the eligible entity regarding proposed public-private partnership agreements for transportation facilities, including assistance in performing a value for money analysis or comparable analysis.

“(f) ENVIRONMENTAL REVIEW AND PERMITTING.—

“(1) IN GENERAL.—The Bureau shall take actions that are appropriate and consistent with the Department’s goals and policies to improve the delivery timelines for projects carried out under the programs referred to in subsection (d)(1).

“(2) ACTIVITIES.—The Bureau shall carry out paragraph (1)—

“(A) by serving as the Department’s liaison to the Council on Environmental Quality;

“(B) by coordinating efforts to improve the efficiency and effectiveness of the environmental review and permitting process;

“(C) by providing technical assistance and training to field and headquarters staff of Federal agencies on policy changes and innovative approaches to the delivery of projects; and

“(D) by identifying, developing, and tracking metrics for permit reviews and decisions by Federal agencies for projects under the National Environmental Policy Act of 1969.

“(3) SUPPORT TO PROJECT SPONSORS.—At the request of an eligible entity that is carrying out a project under a program referred to in subsection (d)(1), the Bureau, in coordination with the appropriate modal administrations within the Department, shall provide technical assistance with regard to the compliance of the project with the requirements of the National Environmental Policy Act 1969 and relevant Federal environmental permits.

“(g) PROJECT PROCUREMENT.—

“(1) IN GENERAL.—The Bureau shall promote best practices in procurement for a project receiving assistance under a program referred to in subsection (d)(1) by developing, in coordination with modal administrations within the Department as appropriate, procurement benchmarks in order to ensure accountable expenditure of Federal assistance over the life cycle of the project.

“(2) PROCUREMENT BENCHMARKS.—To the maximum extent practicable, the procurement benchmarks developed under paragraph (1) shall—

“(A) establish maximum thresholds for acceptable project cost increases and delays in project delivery;

“(B) establish uniform methods for States to measure cost and delivery changes over the life cycle of a project; and

“(C) be tailored, as necessary, to various types of project procurements, including design-bid-build, design-build, and public-private partnerships.

“(3) DATA COLLECTION.—The Bureau shall—

“(A) collect information related to procurement benchmarks developed under paragraph (1), including project specific information detailed under paragraph (2); and

“(B) provide on a publicly accessible Internet Web site of the Department a report on the information collected under subparagraph (A).

“(h) ELIMINATION AND CONSOLIDATION OF DUPLICATIVE OFFICES.—

“(1) ELIMINATION OF OFFICES.—The Secretary may eliminate any office within the Department if the Secretary determines that—

“(A) the purposes of the office are duplicative of the purposes of the Bureau; and

“(B) the elimination of the office does not adversely affect the obligations of the Secretary under any Federal law.

“(2) CONSOLIDATION OF OFFICES AND OFFICE FUNCTIONS.—The Secretary may consolidate any office or office function within the Department into the Bureau that the Secretary determines has duties, responsibilities, resources, or expertise that support the purposes of the Bureau.

“(3) STAFFING AND BUDGETARY RESOURCES.—

“(A) IN GENERAL.—The Secretary shall ensure that the Bureau is adequately staffed and funded.

“(B) STAFFING.—The Secretary may transfer to the Bureau a position within the Department from any office that is eliminated or consolidated under this subsection if the Secretary determines that the position is necessary to carry out the purposes of the Bureau.

“(C) SAVINGS PROVISION.—If the Secretary transfers a position to the Bureau under subparagraph (B), the Secretary, in coordination with the appropriate modal administration, shall ensure that the transfer of the position does not adversely affect the obligations of the modal administration under any Federal law.

“(D) BUDGETARY RESOURCES.—

“(i) TRANSFER OF FUNDS FROM ELIMINATED OR CONSOLIDATED OFFICES.—During the 2-year period beginning on the date of enactment of this section, the Secretary may transfer to the Bureau funds allocated to any office or office function that is eliminated or consolidated under this subsection to carry out the purposes of the Bureau.

“(ii) TRANSFER OF FUNDS ALLOCATED TO ADMINISTRATIVE COSTS.—During the 2-year period beginning on the date of enactment of this section, the Secretary may transfer to the Bureau funds allocated to the administrative costs of processing applications for the programs referred to in subsection (d)(1).

“(4) NOTIFICATION.—Not later than 90 days after the date of enactment of this section, and every 90 days thereafter, the Secretary shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Commerce, Science, and Transportation of the Senate of—

“(A) the offices eliminated under paragraph (1) and the rationale for elimination of the offices;

“(B) the offices and office functions consolidated under paragraph (2) and the rationale for consolidation of the offices and office functions;

“(C) the actions taken under paragraph (3) and the rationale for taking such actions; and

“(D) any additional legislative actions that may be needed.

“(i) SAVINGS PROVISIONS.—

“(1) LAWS AND REGULATIONS.—Nothing in this section may be construed to change a law or regulation with respect to a program referred to in subsection (d)(1).

“(2) RESPONSIBILITIES.—Nothing in this section may be construed to abrogate the responsibilities of an agency, operating administration, or office within the Department otherwise charged by a law or regulation with other aspects of program administration, oversight, or project approval or implementation for the programs and projects subject to this section.

“(3) APPLICABILITY.—Nothing in this section may be construed to affect any pending application under 1 or more of the programs referred to in subsection (d)(1) that was received by the Secretary on or before the date of enactment of this section.

“(j) DEFINITIONS.—In this section, the following definitions apply:

“(1) BUREAU.—The term ‘Bureau’ means the National Surface Transportation and Innovative Finance Bureau of the Department.

“(2) DEPARTMENT.—The term ‘Department’ means the Department of Transportation.

“(3) ELIGIBLE ENTITY.—The term ‘eligible entity’ means an eligible applicant receiving financial or credit assistance under 1 or more of the programs referred to in subsection (d)(1).

“(4) EXECUTIVE DIRECTOR.—The term ‘Executive Director’ means the Executive Director of the Bureau.

“(5) MULTIMODAL PROJECT.—The term ‘multimodal project’ means a project involving the participation of more than 1 modal administration or secretarial office within the Department.

“(6) PROJECT.—The term ‘project’ means a highway project, public transportation capital project, freight or passenger rail project, or multimodal project.”.

49 USC 101.

(b) CLERICAL AMENDMENT.—The analysis for such chapter is amended by adding at the end the following:

“116. National Surface Transportation and Innovative Finance Bureau.”.

SEC. 9002. COUNCIL ON CREDIT AND FINANCE.

(a) IN GENERAL.—Chapter 1 of title 49, United States Code, as amended by this Act, is further amended by adding at the end the following:

49 USC 117.

“§ 117. Council on Credit and Finance

“(a) ESTABLISHMENT.—The Secretary of Transportation shall establish a Council on Credit and Finance in accordance with this section.

“(b) MEMBERSHIP.—

“(1) IN GENERAL.—The Council shall be composed of the following members:

“(A) The Deputy Secretary of Transportation.

“(B) The Under Secretary of Transportation for Policy.

“(C) The Chief Financial Officer and Assistant Secretary for Budget and Programs.

“(D) The General Counsel of the Department of Transportation.

“(E) The Assistant Secretary for Transportation Policy.

“(F) The Administrator of the Federal Highway Administration.

“(G) The Administrator of the Federal Transit Administration.

“(H) The Administrator of the Federal Railroad Administration.

“(2) ADDITIONAL MEMBERS.—The Secretary may designate up to 3 additional officials of the Department to serve as at-large members of the Council.

“(3) CHAIRPERSON AND VICE CHAIRPERSON.—

“(A) CHAIRPERSON.—The Deputy Secretary of Transportation shall serve as the chairperson of the Council.

“(B) VICE CHAIRPERSON.—The Chief Financial Officer and Assistant Secretary for Budget and Programs shall serve as the vice chairperson of the Council.

“(4) EXECUTIVE DIRECTOR.—The Executive Director of the National Surface Transportation and Innovative Finance Bureau shall serve as a nonvoting member of the Council.

“(c) DUTIES.—The Council shall—

“(1) review applications for assistance submitted under the programs referred to in subparagraphs (A), (B), and (C) of section 116(d)(1);

“(2) review applications for assistance submitted under the program referred to in section 116(d)(1)(D), as determined appropriate by the Secretary;

“(3) make recommendations to the Secretary regarding the selection of projects to receive assistance under such programs;

“(4) review, on a regular basis, projects that received assistance under such programs; and

“(5) carry out such additional duties as the Secretary may prescribe.”.

(b) CLERICAL AMENDMENT.—The analysis for such chapter is further amended by adding at the end the following:

49 USC
prec. 101.

“117. Council on Credit and Finance.”.

TITLE X—SPORT FISH RESTORATION AND RECREATIONAL BOATING SAFETY

SEC. 10001. ALLOCATIONS.

(a) AUTHORIZATION.—Section 3 of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777b) is amended by striking “57 percent” and inserting “58.012 percent”.

(b) IN GENERAL.—Section 4 of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by striking “For each” and all that follows through “the balance” and inserting “For each fiscal year through fiscal year 2021, the balance”; and

(ii) by striking “multistate conservation grants under section 14” and inserting “activities under section 14(e)”;

(B) in paragraph (1), by striking “18.5 percent” and inserting “18.673 percent”;

(C) in paragraph (2) by striking “18.5 percent” and inserting “17.315 percent”;

(D) by striking paragraphs (3) and (4);

(E) by redesignating paragraph (5) as paragraph (4);
and

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

“(3) BOATING INFRASTRUCTURE IMPROVEMENT.—

“(A) IN GENERAL.—An amount equal to 4 percent to the Secretary of the Interior for qualified projects under section 5604(c) of the Clean Vessel Act of 1992 (33 U.S.C. 1322 note) and section 7404(d) of the Sportfishing and Boating Safety Act of 1998 (16 U.S.C. 777g–1(d)).

“(B) LIMITATION.—Not more than 75 percent of the amount under subparagraph (A) shall be available for projects under either of the sections referred to in subparagraph (A).”;

(2) in subsection (b)—

(A) in paragraph (1)(A) by striking “for each” and all that follows through “the Secretary” and inserting “for each fiscal year through fiscal year 2021, the Secretary”;

(B) by redesignating paragraph (2) as paragraph (3);

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

“(2) SET-ASIDE FOR COAST GUARD ADMINISTRATION.—

“(A) IN GENERAL.—From the annual appropriation made in accordance with section 3, for each of fiscal years 2016 through 2021, the Secretary of the department in which the Coast Guard is operating may use no more than the amount specified in subparagraph (B) for the fiscal year for the purposes set forth in section 13107(c) of title 46, United States Code. The amount specified in subparagraph (B) for a fiscal year may not be included in the amount of the annual appropriation distributed under subsection (a) for the fiscal year.

“(B) AVAILABLE AMOUNTS.—The available amount referred to in subparagraph (A) is—

“(i) for fiscal year 2016, \$7,700,000; and

“(ii) for fiscal year 2017 and each fiscal year thereafter, the sum of—

“(I) the available amount for the preceding fiscal year; and

“(II) the amount determined by multiplying—

“(aa) the available amount for the preceding fiscal year; and

“(bb) the change, relative to the preceding fiscal year, in the Consumer Price Index for All Urban Consumers published by the Department of Labor.”; and

(D) in paragraph (3), as so redesignated—

(i) in subparagraph (A), by striking “until the end of the fiscal year.” and inserting “until the end of the subsequent fiscal year.”; and

(ii) in subparagraph (B) by striking “under subsection (e)” and inserting “under subsection (c)”;

(3) in subsection (c)—

(A) by striking “(c) The Secretary” and inserting “(c)(1) The Secretary,”;

(B) by striking “grants under section 14 of this title” and inserting “activities under section 14(e);”

(C) by striking “57 percent” and inserting “58.012 percent”; and

(D) by adding at the end the following:

“(2) The Secretary shall deduct from the amount to be apportioned under paragraph (1) the amounts used for grants under section 14(a).”; and

(4) in subsection (e)(1), by striking “those subsections,” and inserting “those paragraphs.”

(c) SUBMISSION AND APPROVAL OF PLANS AND PROJECTS.—Section 6(d) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777e(d)) is amended by striking “for appropriations” and inserting “from appropriations”.

(d) UNEXPENDED OR UNOBLIGATED FUNDS.—Section 8(b)(2) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777g(b)(2)) is amended by striking “57 percent” and inserting “58.012 percent”.

(e) COOPERATION.—Section 12 of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777k) is amended—

(1) by striking “57 percent” and inserting “58.012 percent”; and

(2) by striking “under section 4(b)” and inserting “under section 4(c)”.

(f) OTHER ACTIVITIES.—Section 14 of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777m) is amended—

(1) in subsection (a)(1), by striking “of each annual appropriation made in accordance with the provisions of section 3”; and

(2) in subsection (e)—

(A) in the matter preceding paragraph (1) by striking “Of amounts made available under section 4(b) for each fiscal year—” and inserting “Not more than \$1,200,000 of each annual appropriation made in accordance with the provisions of section 3 shall be distributed to the Secretary of the Interior for use as follows:”; and

(B) in paragraph (1)(D) by striking “; and” and inserting a period.

(g) REPEAL.—The Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777 et seq.) is amended—

(1) by striking section 15; and

(2) by redesignating section 16 as section 15.

16 USC 777 note.

SEC. 10002. RECREATIONAL BOATING SAFETY.

Section 13107 of title 46, United States Code, is amended—

(1) in subsection (a)—

(A) by striking “(1) Subject to paragraph (2) and subsection (c),” and inserting “Subject to subsection (c),”;

(B) by striking “the sum of (A) the amount made available from the Boat Safety Account for that fiscal year under section 15 of the Dingell-Johnson Sport Fish Restoration Act and (B)”; and

(C) by striking paragraph (2); and

(2) in subsection (c)—

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

“(c)(1)(A) The Secretary may use amounts made available each fiscal year under section 4(b)(2) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(b)(2)) for payment of expenses of the Coast Guard for investigations, personnel, and activities directly related to—

“(i) administering State recreational boating safety programs under this chapter; or

“(ii) coordinating or carrying out the national recreational boating safety program under this title.

“(B) Of the amounts used by the Secretary each fiscal year under subparagraph (A)—

“(i) not less than \$2,100,000 is available to ensure compliance with chapter 43 of this title; and

“(ii) not more than \$1,500,000 is available to conduct by grant or contract a survey of levels of recreational boating participation and related matters in the United States.”; and

(B) in paragraph (2)—

(i) by striking “No funds” and inserting “On and after October 1, 2016, no funds”; and

(ii) by striking “traditionally”.

Passenger Rail
Reform and
Investment Act
of 2015.
49 USC 20101
note.

TITLE XI—RAIL

SEC. 11001. SHORT TITLE.

This title may be cited as the “Passenger Rail Reform and Investment Act of 2015”.

Subtitle A—Authorizations

SEC. 11101. AUTHORIZATION OF GRANTS TO AMTRAK.

(a) NORTHEAST CORRIDOR.—There are authorized to be appropriated to the Secretary for the use of Amtrak for activities associated with the Northeast Corridor the following amounts:

(1) For fiscal year 2016, \$450,000,000.

(2) For fiscal year 2017, \$474,000,000.

(3) For fiscal year 2018, \$515,000,000.

(4) For fiscal year 2019, \$557,000,000.

(5) For fiscal year 2020, \$600,000,000.

(b) NATIONAL NETWORK.—There are authorized to be appropriated to the Secretary for the use of Amtrak for activities associated with the National Network the following amounts:

(1) For fiscal year 2016, \$1,000,000,000.

(2) For fiscal year 2017, \$1,026,000,000.

(3) For fiscal year 2018, \$1,085,000,000.

(4) For fiscal year 2019, \$1,143,000,000.

(5) For fiscal year 2020, \$1,200,000,000.

(c) PROJECT MANAGEMENT OVERSIGHT.—The Secretary may withhold up to one half of 1 percent of the amount appropriated under subsections (a) and (b) for the costs of management oversight of Amtrak.

(d) GULF COAST WORKING GROUP.—Of the total amount made available to the Office of the Secretary of Transportation and the Federal Railroad Administration, for each of fiscal years 2016 and 2017, \$500,000 shall be used to convene the Gulf Coast rail service

working group established under section 11304 of this Act and carry out its responsibilities under such section.

(e) **COMPETITION.**—In administering grants to Amtrak under section 24319 of title 49, United States Code, the Secretary may withhold, from amounts that would otherwise be made available to Amtrak, such sums as are necessary from the amount appropriated under subsection (b) of this section to cover the operating subsidy described in section 24711(b)(1)(E)(ii) of title 49, United States Code.

(f) **STATE-SUPPORTED ROUTE COMMITTEE.**—The Secretary may withhold up to \$2,000,000 from the amount appropriated in each fiscal year under subsection (b) of this section for the use of the State-Supported Route Committee established under section 24712 of title 49, United States Code.

(g) **NORTHEAST CORRIDOR COMMISSION.**—The Secretary may withhold up to \$5,000,000 from the amount appropriated in each fiscal year under subsection (a) of this section for the use of the Northeast Corridor Commission established under section 24905 of title 49, United States Code.

(h) **NORTHEAST CORRIDOR.**—For purposes of this section, the term “Northeast Corridor” means the Northeast Corridor main line between Boston, Massachusetts, and the District of Columbia, and facilities and services used to operate and maintain that line.

(i) **SMALL BUSINESS PARTICIPATION STUDY.**—Of the total amount made available to the Office of the Secretary of Transportation and the Federal Railroad Administration, for each of fiscal years 2016 and 2017, \$1,500,000 shall be used to implement the small business participation study authorized under section 11310 of this Act.

SEC. 11102. CONSOLIDATED RAIL INFRASTRUCTURE AND SAFETY IMPROVEMENTS.

(a) **IN GENERAL.**—There are authorized to be appropriated to the Secretary for grants under section 24407 of title 49, United States Code, (as added by section 11301 of this Act), the following amounts:

- (1) For fiscal year 2016, \$98,000,000.
- (2) For fiscal year 2017, \$190,000,000.
- (3) For fiscal year 2018, \$230,000,000.
- (4) For fiscal year 2019, \$255,000,000.
- (5) For fiscal year 2020, \$330,000,000.

(b) **PROJECT MANAGEMENT OVERSIGHT.**—The Secretary may withhold up to 1 percent from the amount appropriated under subsection (a) of this section for the costs of project management oversight of grants carried out under section 24407 of title 49, United States Code.

SEC. 11103. FEDERAL-STATE PARTNERSHIP FOR STATE OF GOOD REPAIR.

(a) **IN GENERAL.**—There are authorized to be appropriated to the Secretary for grants under section 24911 of title 49, United States Code, (as added by section 11302 of this Act), the following amounts:

- (1) For fiscal year 2016, \$82,000,000.
- (2) For fiscal year 2017, \$140,000,000.
- (3) For fiscal year 2018, \$175,000,000.
- (4) For fiscal year 2019, \$300,000,000.
- (5) For fiscal year 2020, \$300,000,000.

(b) **PROJECT MANAGEMENT OVERSIGHT.**—The Secretary may withhold up to 1 percent from the amount appropriated under subsection (a) of this section for the costs of project management oversight of grants carried out under section 24911 of title 49, United States Code.

SEC. 11104. RESTORATION AND ENHANCEMENT GRANTS.

(a) **IN GENERAL.**—There are authorized to be appropriated to the Secretary for grants under section 24408 of title 49, United States Code, (as added by section 11303 of this Act), \$20,000,000 for each of fiscal years 2016 through 2020.

(b) **PROJECT MANAGEMENT OVERSIGHT.**—The Secretary may withhold up to 1 percent from the amount appropriated under subsection (a) of this section for the costs of project management oversight of grants carried out under section 24408 of title 49, United States Code.

SEC. 11105. AUTHORIZATION OF APPROPRIATIONS FOR AMTRAK OFFICE OF INSPECTOR GENERAL.

There are authorized to be appropriated to the Office of Inspector General of Amtrak the following amounts:

- (1) For fiscal year 2016, \$20,000,000.
- (2) For fiscal year 2017, \$20,500,000.
- (3) For fiscal year 2018, \$21,000,000.
- (4) For fiscal year 2019, \$21,500,000.
- (5) For fiscal year 2020, \$22,000,000.

SEC. 11106. DEFINITIONS.

(a) **TITLE 49 AMENDMENTS.**—Section 24102 of title 49, United States Code, is amended—

(1) by redesignating paragraphs (5) through (9) as paragraphs (7) through (11), respectively;

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

“(5) ‘long-distance route’ means a route described in subparagraph (C) of paragraph (7).

“(6) ‘National Network’ includes long-distance routes and State-supported routes.”; and

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

“(12) ‘state-of-good-repair’ means a condition in which physical assets, both individually and as a system, are—

“(A) performing at a level at least equal to that called for in their as-built or as-modified design specification during any period when the life cycle cost of maintaining the assets is lower than the cost of replacing them; and

“(B) sustained through regular maintenance and replacement programs.

“(13) ‘State-supported route’ means a route described in subparagraph (B) or (D) of paragraph (7), or in section 24702, that is operated by Amtrak, excluding those trains operated by Amtrak on the routes described in paragraph (7)(A).”.

(b) **CONFORMING AMENDMENTS.**—

(1) Section 217 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24702 note) is amended by striking “24102(5)(D)” and inserting “24102(7)(D)”.

(2) Section 209(a) of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note) is amended

by striking “24102(5)(B) and (D)” and inserting “24102(7)(B) and (D)”.

Subtitle B—Amtrak Reforms

SEC. 11201. ACCOUNTS.

(a) IN GENERAL.—Chapter 243 of title 49, United States Code, is amended by adding at the end the following:

“§ 24317. Accounts

49 USC 24317.

“(a) PURPOSE.—The purpose of this section is to—

“(1) promote the effective use and stewardship by Amtrak of Amtrak revenues, Federal, State, and third party investments, appropriations, grants and other forms of financial assistance, and other sources of funds; and

“(2) enhance the transparency of the assignment of revenues and costs among Amtrak business lines while ensuring the health of the Northeast Corridor and National Network.

“(b) ACCOUNT STRUCTURE.—Not later than 180 days after the date of enactment of the Passenger Rail Reform and Investment Act of 2015, the Secretary of Transportation, in consultation with Amtrak, shall define an account structure and improvements to accounting methodologies, as necessary, to support, at a minimum, the Northeast Corridor and the National Network.

“(c) FINANCIAL SOURCES.—In defining the account structure and improvements to accounting methodologies required under subsection (b), the Secretary shall ensure, to the greatest extent practicable, that Amtrak assigns the following:

“(1) For the Northeast Corridor account, all revenues, appropriations, grants and other forms of financial assistance, compensation, and other sources of funds associated with the Northeast Corridor, including—

“(A) grant funds appropriated for the Northeast Corridor pursuant to section 11101(a) of the Passenger Rail Reform and Investment Act of 2015 or any subsequent Act;

“(B) compensation received from commuter rail passenger transportation providers for such providers’ share of capital and operating costs on the Northeast Corridor provided to Amtrak pursuant to section 24905(c); and

“(C) any operating surplus of the Northeast Corridor, as allocated pursuant to section 24318.

“(2) For the National Network account, all revenues, appropriations, grants and other forms of financial assistance, compensation, and other sources of funds associated with the National Network, including—

“(A) grant funds appropriated for the National Network pursuant to section 11101(b) of the Passenger Rail Reform and Investment Act of 2015 or any subsequent Act;

“(B) compensation received from States provided to Amtrak pursuant to section 209 of the Passenger Rail Investment and Improvement Act of 2008 (42 U.S.C. 24101 note); and

“(C) any operating surplus of the National Network, as allocated pursuant to section 24318.

“(d) FINANCIAL USES.—In defining the account structure and improvements to accounting methodologies required under subsection (b), the Secretary shall ensure, to the greatest extent practicable, that amounts assigned to the Northeast Corridor and National Network accounts shall be used by Amtrak for the following:

“(1) For the Northeast Corridor, all associated costs, including—

“(A) operating activities;

“(B) capital activities as described in section 24904(a)(2)(E);

“(C) acquiring, rehabilitating, manufacturing, remanufacturing, overhauling, or improving equipment and associated facilities used for intercity rail passenger transportation by Northeast Corridor train services;

“(D) payment of principal and interest on loans for capital projects described in this paragraph or for capital leases attributable to the Northeast Corridor;

“(E) other capital projects on the Northeast Corridor, determined appropriate by the Secretary, and consistent with section 24905(c)(1)(A)(i); and

“(F) if applicable, capital projects described in section 24904(b).

“(2) For the National Network, all associated costs, including—

“(A) operating activities;

“(B) capital activities; and

“(C) the payment of principal and interest on loans or capital leases attributable to the National Network.

“(e) IMPLEMENTATION AND REPORTING.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Passenger Rail Reform and Investment Act of 2015, Amtrak, in consultation with the Secretary, shall implement any account structures and improvements defined under subsection (b) so that Amtrak is able to produce profit and loss statements for each of the business lines described in section 24320(b)(1) and, as appropriate, each of the asset categories described in section 24320(c)(1) that identify sources and uses of—

“(A) revenues;

“(B) appropriations; and

“(C) transfers between business lines.

“(2) UPDATED PROFIT AND LOSS STATEMENTS.—Not later than 1 month after the implementation under paragraph (1), and monthly thereafter, Amtrak shall submit updated profit and loss statements for each of the business lines and asset categories to the Secretary.

“(f) ACCOUNT MANAGEMENT.—For the purposes of account management, Amtrak may transfer funds between the Northeast Corridor account and National Network account without prior notification and approval under subsection (g) if such transfers—

“(1) do not materially impact Amtrak’s ability to achieve its anticipated financial, capital, and operating performance goals for the fiscal year; and

“(2) would not materially change any grant agreement entered into pursuant to section 24319(d), or other agreements made pursuant to applicable Federal law.

“(g) TRANSFER AUTHORITY.—

“(1) IN GENERAL.—If Amtrak determines that a transfer between the accounts defined under subsection (b) does not meet the account management standards established under subsection (f), Amtrak may transfer funds between the Northeast Corridor and National Network accounts if—

“(A) Amtrak notifies the Amtrak Board of Directors, including the Secretary, at least 10 days prior to the expected date of transfer; and

“(B) solely for a transfer that will materially change a grant agreement, the Secretary approves.

“(2) REPORT.—Not later than 5 days after the Amtrak Board of Directors receives notification from Amtrak under paragraph (1)(A), the Board shall transmit to the Secretary, the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives, and the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate, a report that includes—

“(A) the amount of the transfer; and

“(B) a detailed explanation of the reason for the transfer, including—

“(i) the effects on Amtrak services funded by the account from which the transfer is drawn, in comparison to a scenario in which no transfer was made; and

“(ii) the effects on Amtrak services funded by the account receiving the transfer, in comparison to a scenario in which no transfer was made.

“(3) NOTIFICATIONS.—Not later than 5 days after the date that Amtrak notifies the Amtrak Board of Directors of a transfer under paragraph (1) to or from an account, Amtrak shall transmit to the State-Supported Route Committee and Northeast Corridor Commission a letter that includes the information described under subparagraphs (A) and (B) of paragraph (2).

“(h) REPORT.—Not later than 2 years after the date of enactment of the Passenger Rail Reform and Investment Act of 2015, Amtrak shall submit to the Secretary a report assessing the account and reporting structure established under this section and providing any recommendations for further action. Not later than 180 days after the date of receipt of such report, the Secretary shall provide an assessment that supplements Amtrak’s report and submit the Amtrak report with the supplemental assessment to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

“(i) DEFINITION OF NORTHEAST CORRIDOR.—Notwithstanding section 24102, for purposes of this section, the term ‘Northeast Corridor’ means the Northeast Corridor main line between Boston, Massachusetts, and the District of Columbia, and facilities and services used to operate and maintain that line.”.

(b) CONFORMING AMENDMENT.—The table of contents for chapter 243 is amended by adding at the end the following:

“24317. Accounts.”.

SEC. 11202. AMTRAK GRANT PROCESS.

(a) REQUIREMENTS AND PROCEDURES.—Chapter 243 of title 49, United States Code, is further amended by adding at the end the following:

49 USC 24318.

“§ 24318. Costs and revenues

“(a) ALLOCATION.—Not later than 180 days after the date of enactment of the Passenger Rail Reform and Investment Act of 2015, Amtrak shall establish and maintain internal controls to ensure Amtrak’s costs, revenues, and other compensation are appropriately allocated to the Northeast Corridor, including train services or infrastructure, or the National Network, including proportional shares of common and fixed costs.

“(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the ability of Amtrak to enter into an agreement with 1 or more States to allocate operating and capital costs under section 209 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note).

“(c) DEFINITION OF NORTHEAST CORRIDOR.—Notwithstanding section 24102, for purposes of this section, the term ‘Northeast Corridor’ means the Northeast Corridor main line between Boston, Massachusetts, and the District of Columbia, and facilities and services used to operate and maintain that line.

49 USC 24319.

“§ 24319. Grant process

“(a) PROCEDURES FOR GRANT REQUESTS.—Not later than 90 days after the date of enactment of the Passenger Rail Reform and Investment Act of 2015, the Secretary of Transportation shall establish and transmit to the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives substantive and procedural requirements, including schedules, for grant requests under this section.

“(b) GRANT REQUESTS.—Amtrak shall transmit to the Secretary grant requests for Federal funds appropriated to the Secretary of Transportation for the use of Amtrak.

“(c) CONTENTS.—A grant request under subsection (b) shall, as applicable—

“(1) describe projected operating and capital costs for the upcoming fiscal year for Northeast Corridor activities, including train services and infrastructure, and National Network activities, including State-supported routes and long-distance routes, in comparison to prior fiscal year actual financial performance;

“(2) describe the capital projects to be funded, with cost estimates and an estimated timetable for completion of the projects covered by the request; and

“(3) assess Amtrak’s financial condition.

“(d) REVIEW AND APPROVAL.—

“(1) THIRTY-DAY APPROVAL PROCESS.—

“(A) IN GENERAL.—Not later than 30 days after the date that Amtrak submits a grant request under this section, the Secretary of Transportation shall complete a review of the request and provide notice to Amtrak that—

“(i) the request is approved; or

“(ii) the request is disapproved, including the reason for the disapproval and an explanation of any incomplete or deficient items.

“(B) GRANT AGREEMENT.—If a grant request is approved, the Secretary shall enter into a grant agreement with Amtrak.

“(2) FIFTEEN-DAY MODIFICATION PERIOD.—Not later than 15 days after the date of a notice under paragraph (1)(A)(ii), Amtrak shall submit a modified request for the Secretary’s review.

“(3) MODIFIED REQUESTS.—Not later than 15 days after the date that Amtrak submits a modified request under paragraph (2), the Secretary shall either approve the modified request, or, if the Secretary finds that the request is still incomplete or deficient, the Secretary shall identify in writing to the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives the remaining deficiencies and recommend a process for resolving the outstanding portions of the request.

“(e) PAYMENTS TO AMTRAK.—

“(1) IN GENERAL.—A grant agreement entered into under subsection (d) shall specify the operations, services, and other activities to be funded by the grant. The grant agreement shall include provisions, consistent with the requirements of this chapter, to measure Amtrak’s performance and ensure accountability in delivering the operations, services, or activities to be funded by the grant.

“(2) SCHEDULE.—Except as provided in paragraph (3), in each fiscal year for which amounts are appropriated to the Secretary for the use of Amtrak, and for which the Secretary and Amtrak have entered into a grant agreement under subsection (d), the Secretary shall disburse grant funds to Amtrak on the following schedule:

“(A) 50 percent on October 1.

“(B) 25 percent on January 1.

“(C) 25 percent on April 1.

“(3) EXCEPTIONS.—The Secretary may make a payment to Amtrak of appropriated funds—

“(A) more frequently than the schedule under paragraph (2) if Amtrak, for good cause, requests more frequent payment before the end of a payment period; or

“(B) with a different frequency or in different percentage allocations in the event of a continuing resolution or in the absence of an appropriations Act for the duration of a fiscal year.

“(f) AVAILABILITY OF AMOUNTS AND EARLY APPROPRIATIONS.—Amounts appropriated to the Secretary for the use of Amtrak shall remain available until expended. Amounts for capital acquisitions and improvements may be appropriated for a fiscal year before the fiscal year in which the amounts will be obligated.

“(g) LIMITATIONS ON USE.—Amounts appropriated to the Secretary for the use of Amtrak may not be used to cross-subsidize operating losses or capital costs of commuter rail passenger or freight rail transportation.

“(h) DEFINITION OF NORTHEAST CORRIDOR.—Notwithstanding section 24102, for purposes of this section, the term ‘Northeast Corridor’ means the Northeast Corridor main line between Boston, Massachusetts, and the District of Columbia, and facilities and services used to operate and maintain that line.”.

49 USC
prec. 24301.

(b) CONFORMING AMENDMENTS.—The table of contents for chapter 243 is further amended by adding at the end the following:

“24318. Costs and revenues.
“24319. Grant process.”.

(c) REPEALS.—

(1) ESTABLISHMENT OF GRANT PROCESS.—Section 206 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note) and the item relating to that section in the table of contents of that Act are repealed.

49 USC
prec. 24101.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 24104 of title 49, United States Code, and the item relating to that section in the table of contents of chapter 241 are repealed.

SEC. 11203. 5-YEAR BUSINESS LINE AND ASSET PLANS.

(a) AMTRAK 5-YEAR BUSINESS LINE AND ASSET PLANS.—Chapter 243 of title 49, United States Code, is further amended by inserting after section 24319 the following:

49 USC 24320.

“§ 24320. Amtrak 5-year business line and asset plans

“(a) IN GENERAL.—

“(1) FINAL PLANS.—Not later than February 15 of each year, Amtrak shall submit to Congress and the Secretary of Transportation final 5-year business line plans and 5-year asset plans prepared in accordance with this section. These final plans shall form the basis for Amtrak’s general and legislative annual report to the President and Congress required by section 24315(b). Each plan shall cover a period of 5 fiscal years, beginning with the first fiscal year after the date on which the plan is completed.

“(2) FISCAL CONSTRAINT.—Each plan prepared under this section shall be based on funding levels authorized or otherwise available to Amtrak in a fiscal year. In the absence of an authorization or appropriation of funds for a fiscal year, the plans shall be based on the amount of funding available in the previous fiscal year, plus inflation. Amtrak may include an appendix to the asset plan required in subsection (c) that describes any funding needs in excess of amounts authorized or otherwise available to Amtrak in a fiscal year.

“(b) AMTRAK 5-YEAR BUSINESS LINE PLANS.—

“(1) AMTRAK BUSINESS LINES.—Amtrak shall prepare a 5-year business line plan for each of the following business lines and services:

“(A) Northeast Corridor train services.

“(B) State-supported routes operated by Amtrak.

“(C) Long-distance routes operated by Amtrak.

“(D) Ancillary services operated by Amtrak, including commuter operations and other revenue generating activities as determined by the Secretary in coordination with Amtrak.

“(2) CONTENTS OF 5-YEAR BUSINESS LINE PLANS.—The 5-year business line plan for each business line shall include, at a minimum—

“(A) a statement of Amtrak’s objectives, goals, and service plan for the business line, in consultation with any entities that are contributing capital or operating funding to support passenger rail services within those business lines, and aligned with Amtrak’s Strategic Plan and 5-year asset plans under subsection (c);

“(B) all projected revenues and expenditures for the business line, including identification of revenues and expenditures incurred by—

“(i) passenger operations;

“(ii) non-passenger operations that are directly related to the business line; and

“(iii) governmental funding sources, including revenues and other funding received from States;

“(C) projected ridership levels for all passenger operations;

“(D) estimates of long-term and short-term debt and associated principal and interest payments (both current and forecasts);

“(E) annual profit and loss statements and forecasts and balance sheets;

“(F) annual cash flow forecasts;

“(G) a statement describing the methodologies and significant assumptions underlying estimates and forecasts;

“(H) specific performance measures that demonstrate year over year changes in the results of Amtrak’s operations;

“(I) financial performance for each route within each business line, including descriptions of the cash operating loss or contribution and productivity for each route;

“(J) specific costs and savings estimates resulting from reform initiatives;

“(K) prior fiscal year and projected equipment reliability statistics; and

“(L) an identification and explanation of any major adjustments made from previously-approved plans.

“(3) 5-YEAR BUSINESS LINE PLANS PROCESS.—In meeting the requirements of this section, Amtrak shall—

“(A) consult with the Secretary in the development of the business line plans;

“(B) for the Northeast Corridor business line plan, consult with the Northeast Corridor Commission and transmit to the Commission the final plan under subsection (a)(1), and consult with other entities, as appropriate;

“(C) for the State-supported route business line plan, consult with the State-Supported Route Committee established under section 24712;

“(D) for the long-distance route business line plan, consult with any States or Interstate Compacts that provide funding for such routes, as appropriate;

“(E) ensure that Amtrak’s general and legislative annual report, required under section 24315(b), to the President and Congress is consistent with the information in the 5-year business line plans; and

“(F) identify the appropriate Amtrak officials that are responsible for each business line.

“(4) DEFINITION OF NORTHEAST CORRIDOR.—Notwithstanding section 24102, for purposes of this section, the term ‘Northeast Corridor’ means the Northeast Corridor main line between Boston, Massachusetts, and the District of Columbia, and facilities and services used to operate and maintain that line.

“(c) AMTRAK 5-YEAR ASSET PLANS.—

“(1) ASSET CATEGORIES.—Amtrak shall prepare a 5-year asset plan for each of the following asset categories:

“(A) Infrastructure, including all Amtrak-controlled Northeast Corridor assets and other Amtrak-owned infrastructure, and the associated facilities that support the operation, maintenance, and improvement of those assets.

“(B) Passenger rail equipment, including all Amtrak-controlled rolling stock, locomotives, and mechanical shop facilities that are used to overhaul equipment.

“(C) Stations, including all Amtrak-controlled passenger rail stations and elements of other stations for which Amtrak has legal responsibility or intends to make capital investments.

“(D) National assets, including national reservations, security, training and training centers, and other assets associated with Amtrak’s national rail passenger transportation system.

“(2) CONTENTS OF 5-YEAR ASSET PLANS.—Each asset plan shall include, at a minimum—

“(A) a summary of Amtrak’s 5-year strategic plan for each asset category, including goals, objectives, any relevant performance metrics, and statutory or regulatory actions affecting the assets;

“(B) an inventory of existing Amtrak capital assets, to the extent practicable, including information regarding shared use or ownership, if applicable;

“(C) a prioritized list of proposed capital investments that—

“(i) categorizes each capital project as being primarily associated with—

“(I) normalized capital replacement;

“(II) backlog capital replacement;

“(III) improvements to support service enhancements or growth;

“(IV) strategic initiatives that will improve overall operational performance, lower costs, or otherwise improve Amtrak’s corporate efficiency; or

“(V) statutory, regulatory, or other legal mandates;

“(ii) identifies each project or program that is associated with more than 1 category described in clause (i); and

“(iii) describes the anticipated business outcome of each project or program identified under this subparagraph, including an assessment of—

“(I) the potential effect on passenger operations, safety, reliability, and resilience;

“(II) the potential effect on Amtrak’s ability to meet regulatory requirements if the project or program is not funded; and

“(III) the benefits and costs; and

“(D) annual profit and loss statements and forecasts and balance sheets for each asset category.

“(3) 5-YEAR ASSET PLAN PROCESS.—In meeting the requirements of this subsection, Amtrak shall—

“(A) consult with each business line described in subsection (b)(1) in the preparation of each 5-year asset plan and ensure integration of each 5-year asset plan with the 5-year business line plans;

“(B) as applicable, consult with the Northeast Corridor Commission, the State-Supported Route Committee, and owners of assets affected by 5-year asset plans; and

“(C) identify the appropriate Amtrak officials that are responsible for each asset category.

“(4) EVALUATION OF NATIONAL ASSETS COSTS.—The Secretary shall—

“(A) evaluate the costs and scope of all national assets; and

“(B) determine the activities and costs that are—

“(i) required in order to ensure the efficient operations of a national rail passenger system;

“(ii) appropriate for allocation to 1 of the other Amtrak business lines; and

“(iii) extraneous to providing an efficient national rail passenger system or are too costly relative to the benefits or performance outcomes they provide.

“(5) DEFINITION OF NATIONAL ASSETS.—In this section, the term ‘national assets’ means the Nation’s core rail assets shared among Amtrak services, including national reservations, security, training and training centers, and other assets associated with Amtrak’s national rail passenger transportation system.

“(6) RESTRUCTURING OF NATIONAL ASSETS.—Not later than 1 year after the date of completion of the evaluation under paragraph (4), the Administrator of the Federal Railroad Administration, in consultation with the Amtrak Board of Directors, the governors of each relevant State, and the Mayor of the District of Columbia, or their designees, shall restructure or reallocate, or both, the national assets costs in accordance with the determination under that section, including making appropriate updates to Amtrak’s cost accounting methodology and system.

“(7) EXEMPTION.—

“(A) IN GENERAL.—Upon written request from the Amtrak Board of Directors, the Secretary may exempt Amtrak from including in a plan required under this subsection any information described in paragraphs (1) and (2).

“(B) PUBLIC AVAILABILITY.—The Secretary shall make available to the public on the Department’s Internet Web site any exemption granted under subparagraph (A) and a detailed justification for granting such exemption.

“(C) INCLUSION IN PLAN.—Amtrak shall include in the plan required under this subsection any request granted

under subparagraph (A) and justification under subparagraph (B).

“(d) STANDARDS TO PROMOTE FINANCIAL STABILITY.—In preparing plans under this section, Amtrak shall—

“(1) apply sound budgetary practices, including reducing costs and other expenditures, improving productivity, increasing revenues, or combinations of such practices; and

“(2) use the categories specified in the financial accounting and reporting system developed under section 203 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note).”.

49 USC 24320
note.

(b) EFFECTIVE DATES.—The requirement for Amtrak to submit 5-year business line plans under section 24320(a)(1) of title 49, United States Code, shall take effect on February 15, 2017, the due date of the first business line plans. The requirement for Amtrak to submit 5-year asset plans under section 24320(a)(1) of such title shall take effect on February 15, 2019, the due date of the first asset plans.

49 USC
prec. 24301.

(c) CONFORMING AMENDMENTS.—The table of contents for chapter 243 of title 49, United States Code, is amended by adding at the end the following:

“24320. Amtrak 5-year business line and asset plans.”.

(d) REPEAL OF 5-YEAR FINANCIAL PLAN.—Section 204 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note), and the item relating to that section in the table of contents of that Act, are repealed.

SEC. 11204. STATE-SUPPORTED ROUTE COMMITTEE.

(a) AMENDMENT.—Chapter 247 of title 49, United States Code, is amended by adding at the end the following:

49 USC 24712.

“§ 24712. State-supported routes operated by Amtrak

“(a) STATE-SUPPORTED ROUTE COMMITTEE.—

“(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of the Passenger Rail Reform and Investment Act of 2015, the Secretary of Transportation shall establish the State-Supported Route Committee (referred to in this section as the ‘Committee’) to promote mutual cooperation and planning pertaining to the rail operations of Amtrak and related activities of trains operated by Amtrak on State-supported routes and to further implement section 209 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note).

“(2) MEMBERSHIP.—

“(A) IN GENERAL.—The Committee shall consist of—

“(i) members representing Amtrak;

“(ii) members representing the Department of Transportation, including the Federal Railroad Administration; and

“(iii) members representing States.

“(B) NON-VOTING MEMBERS.—The Committee may invite and accept other non-voting members to participate in Committee activities, as appropriate.

“(3) DECISIONMAKING.—The Committee shall establish a bloc voting system under which, at a minimum—

“(A) there are 3 separate voting blocs to represent the Committee’s voting members, including—

“(i) 1 voting bloc to represent the members described in paragraph (2)(A)(i);

“(ii) 1 voting bloc to represent the members described in paragraph (2)(A)(ii); and

“(iii) 1 voting bloc to represent the members described in paragraph (2)(A)(iii);

“(B) each voting bloc has 1 vote;

“(C) the vote of the voting bloc representing the members described in paragraph (2)(A)(iii) requires the support of at least two-thirds of that voting bloc’s members; and

“(D) the Committee makes decisions by unanimous consent of the 3 voting blocs.

“(4) MEETINGS; RULES AND PROCEDURES.—The Committee shall convene a meeting and shall define and implement the rules and procedures governing the Committee’s proceedings not later than 180 days after the date of establishment of the Committee by the Secretary. The rules and procedures shall—

“(A) incorporate and further describe the decision-making procedures to be used in accordance with paragraph (3); and

“(B) be adopted in accordance with such decision-making procedures.

“(5) COMMITTEE DECISIONS.—Decisions made by the Committee in accordance with the Committee’s rules and procedures, once established, are binding on all Committee members.

“(6) COST ALLOCATION METHODOLOGY.—

“(A) IN GENERAL.—Subject to subparagraph (B), the Committee may amend the cost allocation methodology required and previously approved under section 209 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note).

“(B) PROCEDURES FOR CHANGING METHODOLOGY.—The rules and procedures implemented under paragraph (4) shall include procedures for changing the cost allocation methodology.

“(C) REQUIREMENTS.—The cost allocation methodology shall—

“(i) ensure equal treatment in the provision of like services of all States and groups of States; and

“(ii) allocate to each route the costs incurred only for the benefit of that route and a proportionate share, based upon factors that reasonably reflect relative use, of costs incurred for the common benefit of more than 1 route.

“(b) INVOICES AND REPORTS.—Not later than April 15, 2016, and monthly thereafter, Amtrak shall provide to each State that sponsors a State-supported route a monthly invoice of the cost of operating such route, including fixed costs and third-party costs. The Committee shall determine the frequency and contents of financial and performance reports that Amtrak shall provide to the States, as well as the planning and demand reports that the States shall provide to Amtrak.

“(c) DISPUTE RESOLUTION.—

“(1) REQUEST FOR DISPUTE RESOLUTION.—If a dispute arises with respect to the rules and procedures implemented under subsection (a)(4), an invoice or a report provided under subsection (b), implementation or compliance with the cost allocation methodology developed under section 209 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note) or amended under subsection (a)(6) of this section, either Amtrak or the State may request that the Surface Transportation Board conduct dispute resolution under this subsection.

“(2) PROCEDURES.—The Surface Transportation Board shall establish procedures for resolution of disputes brought before it under this subsection, which may include provision of professional mediation services.

“(3) BINDING EFFECT.—A decision of the Surface Transportation Board under this subsection shall be binding on the parties to the dispute.

“(4) OBLIGATION.—Nothing in this subsection shall affect the obligation of a State to pay an amount not in dispute.

“(d) ASSISTANCE.—

“(1) IN GENERAL.—The Secretary may provide assistance to the parties in the course of negotiations for a contract for operation of a State-supported route.

“(2) FINANCIAL ASSISTANCE.—From among available funds, the Secretary shall provide—

“(A) financial assistance to Amtrak or 1 or more States to perform requested independent technical analysis of issues before the Committee; and

“(B) administrative expenses that the Secretary determines necessary.

“(e) PERFORMANCE METRICS.—In negotiating a contract for operation of a State-supported route, Amtrak and the State or States that sponsor the route shall consider including provisions that provide penalties and incentives for performance.

“(f) STATEMENT OF GOALS AND OBJECTIVES.—

“(1) IN GENERAL.—The Committee shall develop a statement of goals, objectives, and associated recommendations concerning the future of State-supported routes operated by Amtrak. The statement shall identify the roles and responsibilities of Committee members and any other relevant entities, such as host railroads, in meeting the identified goals and objectives, or carrying out the recommendations. The Committee may consult with such relevant entities, as the Committee considers appropriate, when developing the statement.

“(2) TRANSMISSION OF STATEMENT OF GOALS AND OBJECTIVES.—Not later than 2 years after the date of enactment of the Passenger Rail Reform and Investment Act of 2015, the Committee shall transmit the statement developed under paragraph (1) to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

“(g) RULE OF CONSTRUCTION.—The decisions of the Committee—

“(1) shall pertain to the rail operations of Amtrak and related activities of trains operated by Amtrak on State-sponsored routes; and

“(2) shall not pertain to the rail operations or related activities of services operated by other rail carriers on State-supported routes.

“(h) DEFINITION OF STATE.—In this section, the term ‘State’ means any of the 50 States, including the District of Columbia, that sponsor the operation of trains by Amtrak on a State-supported route, or a public entity that sponsors such operation on such a route.”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TABLE OF CONTENTS.—The table of contents for chapter 247 of title 49, United States Code, is amended by adding at the end the following:

49 USC 24701.

“24712. State-supported routes operated by Amtrak.”.

(2) PASSENGER RAIL INVESTMENT AND IMPROVEMENT ACT.—Section 209 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note) is amended—

(A) by striking subsection (b); and

(B) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

SEC. 11205. COMPOSITION OF AMTRAK’S BOARD OF DIRECTORS.

Section 24302 of title 49, United States Code, is amended—

(1) in subsection (a)(1)—

(A) by striking “9 directors” and inserting “10 directors”;

(B) in subparagraph (B) by inserting “, who shall serve as a nonvoting member of the Board” after “Amtrak”; and

(C) in subparagraph (C) by striking “7” and inserting “8”; and

(2) in subsection (e), by inserting “who are eligible to vote” after “serving”.

SEC. 11206. ROUTE AND SERVICE PLANNING DECISIONS.

Section 208 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note) is amended to read as follows:

“SEC. 208. METHODOLOGIES FOR AMTRAK ROUTE AND SERVICE PLANNING DECISIONS.

“(a) METHODOLOGY DEVELOPMENT.—Not later than 180 days after the date of enactment of the Passenger Rail Reform and Investment Act of 2015, Amtrak shall obtain the services of an independent entity to develop and recommend objective methodologies for Amtrak to use in determining what intercity rail passenger transportation routes and services it should provide, including the establishment of new routes, the elimination of existing routes, and the contraction or expansion of services or frequencies over such routes.

“(b) CONSIDERATIONS.—Amtrak shall require the independent entity, in developing the methodologies described in subsection (a), to consider—

“(1) the current and expected performance and service quality of intercity rail passenger transportation operations, including cost recovery, on-time performance, ridership, on-board services, stations, facilities, equipment, and other services;

“(2) the connectivity of a route with other routes;

“(3) the transportation needs of communities and populations that are not well served by intercity rail passenger transportation service or by other forms of intercity transportation;

“(4) the methodologies of Amtrak and major intercity rail passenger transportation service providers in other countries for determining intercity passenger rail routes and services;

“(5) the financial and operational effects on the overall network, including the effects on direct and indirect costs;

“(6) the views of States, rail carriers that own infrastructure over which Amtrak operates, Interstate Compacts established by Congress and States, Amtrak employee representatives, stakeholder organizations, and other interested parties; and

“(7) the funding levels that will be available under authorization levels that have been enacted into law.

“(c) RECOMMENDATIONS.—Not later than 1 year after the date of enactment of the Passenger Rail Reform and Investment Act of 2015, Amtrak shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives the recommendations developed by the independent entity under subsection (a).

“(d) CONSIDERATION OF RECOMMENDATIONS.—Not later than 90 days after the date on which the recommendations are transmitted under subsection (c), the Amtrak Board of Directors shall consider the adoption of each recommendation and transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report explaining the reasons for adopting or not adopting each recommendation.”.

SEC. 11207. FOOD AND BEVERAGE REFORM.

(a) AMENDMENT.—Chapter 243 of title 49, United States Code, is further amended by adding at the end the following new section:

40 USC 24321
note.

“§ 24321. Food and beverage reform

“(a) PLAN.—Not later than 90 days after the date of enactment of the Passenger Rail Reform and Investment Act of 2015, Amtrak shall develop and begin implementing a plan to eliminate, within 5 years of such date of enactment, the operating loss associated with providing food and beverage service on board Amtrak trains.

“(b) CONSIDERATIONS.—In developing and implementing the plan, Amtrak shall consider a combination of cost management and revenue generation initiatives, including—

“(1) scheduling optimization;

“(2) on-board logistics;

“(3) product development and supply chain efficiency;

“(4) training, awards, and accountability;

“(5) technology enhancements and process improvements;

and

“(6) ticket revenue allocation.

“(c) SAVINGS CLAUSE.—Amtrak shall ensure that no Amtrak employee holding a position as of the date of enactment of the Passenger Rail Reform and Investment Act of 2015 is involuntarily separated because of—

“(1) the development and implementation of the plan required under subsection (a); or

“(2) any other action taken by Amtrak to implement this section.

“(d) NO FEDERAL FUNDING FOR OPERATING LOSSES.—Beginning on the date that is 5 years after the date of enactment of the Passenger Rail Reform and Investment Act of 2015, no Federal funds may be used to cover any operating loss associated with providing food and beverage service on a route operated by Amtrak or a rail carrier that operates a route in lieu of Amtrak pursuant to section 24711.

“(e) REPORT.—Not later than 120 days after the date of enactment of the Passenger Rail Reform and Investment Act of 2015, and annually thereafter for 5 years, Amtrak shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing the plan developed pursuant to subsection (a) and a description of progress in the implementation of the plan.”.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 243 of title 49, United States Code, is further amended by adding at the end the following new item:

49 USC
prec. 24301.

“24321. Food and beverage reform.”.

SEC. 11208. ROLLING STOCK PURCHASES.

(a) AMENDMENT.—Chapter 243 of title 49, United States Code, is further amended by adding at the end the following new section:

“§ 24322. Rolling stock purchases

49 USC 24322.

“(a) IN GENERAL.—Prior to entering into any contract in excess of \$100,000,000 for rolling stock and locomotive procurements Amtrak shall submit a business case analysis to the Secretary of Transportation, the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives, on the utility of such procurements.

“(b) CONTENTS.—The business case analysis shall—

“(1) include a cost and benefit comparison that describes the total lifecycle costs and the anticipated benefits related to revenue, operational efficiency, reliability, and other factors;

“(2) set forth the total payments by fiscal year;

“(3) identify the specific source and amounts of funding for each payment, including Federal funds, State funds, Amtrak profits, Federal, State, or private loans or loan guarantees, and other funding;

“(4) include an explanation of whether any payment under the contract will increase Amtrak’s funding request in its general and legislative annual report required under section 24315(b) in a particular fiscal year; and

“(5) describe how Amtrak will adjust the procurement if future funding is not available.

“(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as requiring Amtrak to disclose confidential information regarding a potential vendor’s proposed pricing or other sensitive business information prior to contract execution or prohibiting

Amtrak from entering into a contract after submission of a business case analysis under subsection (a).”.

49 USC 24301. (b) CONFORMING AMENDMENT.—The table of sections for chapter 243 of title 49, United States Code, is further amended by adding at the end the following new item:

“24322. Rolling stock purchases.”.

49 USC 24305
note.

SEC. 11209. LOCAL PRODUCTS AND PROMOTIONAL EVENTS.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, Amtrak shall establish a pilot program for a State or States that sponsor a State-supported route operated by Amtrak to facilitate—

(1) onboard purchase and sale of local food and beverage products; and

(2) partnerships with local entities to hold promotional events on trains or in stations.

(b) PROGRAM DESIGN.—The pilot program under paragraph (1) shall—

(1) allow a State or States to nominate and select a local food and beverage products supplier or suppliers or local promotional event partner;

(2) allow a State or States to charge a reasonable price or fee for local food and beverage products or promotional events and related activities to help defray the costs of program administration and State-supported routes; and

(3) provide a mechanism to ensure that State products can effectively be handled and integrated into existing food and beverage services, including compliance with all applicable regulations and standards governing such services.

(c) PROGRAM ADMINISTRATION.—The pilot program shall—

(1) for local food and beverage products, ensure the products are integrated into existing food and beverage services, including compliance with all applicable regulations and standards;

(2) for promotional events, ensure the events are held in compliance with all applicable regulations and standards, including terms to address insurance requirements; and

(3) require an annual report that documents revenues and costs and indicates whether the products or events resulted in a reduction in the financial contribution of a State or States to the applicable State-supported route.

(d) REPORT.—Not later than 4 years after the date of enactment of this Act, Amtrak shall report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on which States have participated in the pilot programs under this section. The report shall summarize the financial and operational outcomes of the pilot programs and include any plan for future action.

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as limiting Amtrak’s ability to operate special trains in accordance with section 216 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24308 note).

SEC. 11210. AMTRAK PILOT PROGRAM FOR PASSENGERS TRANSPORTING DOMESTICATED CATS AND DOGS.49 USC 24305
note.

(a) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, Amtrak shall develop a pilot program that allows passengers to transport domesticated cats or dogs on certain trains operated by Amtrak.

(b) **PET POLICY.**—In developing the pilot program required under subsection (a), Amtrak shall—

(1) in the case of a passenger train that is comprised of more than 1 car, designate, where feasible, at least 1 car in which a ticketed passenger may transport a domesticated cat or dog in the same manner as carry-on baggage if—

(A) the cat or dog is contained in a pet kennel;

(B) the pet kennel complies with Amtrak size requirements for carriage of carry-on baggage;

(C) the passenger is traveling on a train operating on a route described in subparagraph (A), (B), or (D) of section 24102(7) of title 49, United States Code; and

(D) the passenger pays a fee described in paragraph (3);

(2) allow a ticketed passenger to transport a domesticated cat or dog on a train in the same manner as cargo if—

(A) the cat or dog is contained in a pet kennel;

(B) the pet kennel complies with Amtrak size requirements for carriage of carry-on baggage;

(C) the passenger is traveling on a train operating on a route described in subparagraph (A), (B), or (D) of section 24102(7) of title 49, United States Code;

(D) the cargo area is temperature controlled in a manner protective of cat and dog safety and health; and

(E) the passenger pays a fee described in paragraph (3); and

(3) collect fees for each cat or dog transported by a ticketed passenger in an amount that, in the aggregate and at a minimum, covers the full costs of the pilot program.

(c) **REPORT.**—Not later than 1 year after the pilot program required under subsection (a) is first implemented, Amtrak shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report containing an evaluation of the pilot program.

(d) **LIMITATION ON STATUTORY CONSTRUCTION.**—

(1) **SERVICE ANIMALS.**—The pilot program under subsection (a) shall be separate from and in addition to the policy governing Amtrak passengers traveling with service animals. Nothing in this section may be interpreted to limit or waive the rights of passengers to transport service animals.

(2) **ADDITIONAL TRAIN CARS.**—Nothing in this section may be interpreted to require Amtrak to add additional train cars or modify existing train cars.

(3) **FEDERAL FUNDS.**—No Federal funds may be used to implement the pilot program required under this section.

SEC. 11211. RIGHT-OF-WAY LEVERAGING.49 USC 24305
note.

(a) **REQUEST FOR PROPOSALS.**—

(1) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, Amtrak shall issue a Request for

Proposals seeking qualified persons or entities to utilize right-of-way and real estate owned, controlled, or managed by Amtrak for telecommunications systems, energy distribution systems, and other activities considered appropriate by Amtrak.

(2) CONTENTS.—The Request for Proposals shall provide sufficient information on the right-of-way and real estate assets to enable respondents to propose an arrangement that will monetize or generate additional revenue from such assets through revenue sharing or leasing agreements with Amtrak, to the extent possible.

(3) DEADLINE.—Amtrak shall set a deadline for the submission of proposals that is not later than 1 year after the issuance of the Request for Proposals under paragraph (1).

(b) CONSIDERATION OF PROPOSALS.—Not later than 180 days after the deadline for the receipt of proposals under subsection (a), the Amtrak Board of Directors shall review and consider each qualified proposal. Amtrak may enter into such agreements as are necessary to implement any qualified proposal.

(c) REPORT.—Not later than 1 year after the deadline for the receipt of proposals under subsection (a), Amtrak shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the Request for Proposals required by this section, including summary information of any proposals submitted to Amtrak and any proposals accepted by the Amtrak Board of Directors.

(d) SAVINGS CLAUSE.—Nothing in this section shall be construed to limit Amtrak’s ability to utilize right-of-way or real estate assets that it currently owns, controls, or manages or constrain Amtrak’s ability to enter into agreements with other parties to utilize such assets.

49 USC 24305
note.

SEC. 11212. STATION DEVELOPMENT.

(a) REPORT ON DEVELOPMENT OPTIONS.—Not later than 1 year after the date of enactment of this Act, Amtrak shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that describes—

(1) options to enhance economic development and accessibility of and around Amtrak stations and terminals, for the purposes of—

(A) improving station condition, functionality, capacity, and customer amenities;

(B) generating additional investment capital and development-related revenue streams;

(C) increasing ridership and revenue; and

(D) strengthening multimodal connections, including transit, intercity buses, roll-on and roll-off bicycles, and airports, as appropriate; and

(2) options for additional Amtrak stops that would have a positive incremental financial impact to Amtrak, based on Amtrak feasibility studies that demonstrate a financial benefit to Amtrak by generating additional revenue that exceeds any incremental costs.

(b) REQUEST FOR INFORMATION.—Not later than 90 days after the date the report is submitted under subsection (a), Amtrak shall issue a Request for Information for 1 or more owners of

stations served by Amtrak to formally express an interest in completing the requirements of this section.

(c) PROPOSALS.—

(1) REQUEST FOR PROPOSALS.—Not later than 180 days after the date the Request for Information is issued under subsection (b), Amtrak shall issue a Request for Proposals from qualified persons, including small business concerns owned and controlled by socially and economically disadvantaged individuals and veteran-owned small businesses, to lead, participate, or partner with Amtrak, a station owner that responded under subsection (b), and other entities in enhancing development in and around such stations and terminals using applicable options identified under subsection (a) at facilities selected by Amtrak.

(2) CONSIDERATION OF PROPOSALS.—Not later than 1 year after the date the Request for Proposals is issued under paragraph (1), the Amtrak Board of Directors shall review and consider qualified proposals submitted under paragraph (1). Amtrak or a station owner that responded under subsection (b) may enter into such agreements as are necessary to implement any qualified proposal.

(d) REPORT.—Not later than 4 years after the date of enactment of this Act, Amtrak shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the Request for Proposals process required under this section, including summary information of any qualified proposals submitted to Amtrak and any proposals acted upon by Amtrak or a station owner that responded under subsection (b).

(e) DEFINITIONS.—In this section, the terms “small business concern”, “socially and economically disadvantaged individual”, and “veteran-owned small business” have the meanings given the terms in section 11310(c) of this Act.

(f) SAVINGS CLAUSE.—Nothing in this section shall be construed to limit Amtrak’s ability to develop its stations, terminals, or other assets, to constrain Amtrak’s ability to enter into and carry out agreements with other parties to enhance development at or around Amtrak stations or terminals, or to affect any station development initiatives ongoing as of the date of enactment of this Act.

SEC. 11213. AMTRAK BOARDING PROCEDURES.

(a) REPORT.—Not later than 9 months after the date of enactment of this Act, the Amtrak Office of Inspector General shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that—

(1) evaluates Amtrak’s boarding procedures for passengers, including passengers using or transporting nonmotorized transportation, such as bicycles, at its 15 stations through which the most people pass;

(2) compares Amtrak’s boarding procedures to—

(A) boarding procedures of providers of commuter railroad passenger transportation at stations shared with Amtrak;

(B) international intercity passenger rail boarding procedures; and

(C) fixed guideway transit boarding procedures; and

(3) makes recommendations, as appropriate, to improve Amtrak’s boarding procedures, including recommendations regarding the queuing of passengers and free-flow of all station users and facility improvements needed to achieve the recommendations.

(b) CONSIDERATION OF RECOMMENDATIONS.—Not later than 6 months after the report is submitted under subsection (a), the Amtrak Board of Directors shall consider each recommendation provided under subsection (a)(3) for implementation at appropriate locations across the Amtrak system.

SEC. 11214. AMTRAK DEBT.

Section 205 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note) is amended—

(1) by striking “as of the date of enactment of this Act” each place it appears;

(2) in subsection (a)—

(A) by inserting “, to the extent provided in advance in appropriations Acts” after “Amtrak’s indebtedness”; and

(B) by striking the second sentence;

(3) in subsection (b) by striking “The Secretary of the Treasury, in consultation” and inserting “To the extent amounts are provided in advance in appropriations Acts, the Secretary of the Treasury, in consultation”;

(4) in subsection (d), by inserting “, to the extent provided in advance in appropriations Acts” after “as appropriate”;

(5) in subsection (e)—

(A) in paragraph (1) by striking “by section 102 of this division”; and

(B) in paragraph (2) by striking “by section 102” and inserting “for Amtrak”;

(6) in subsection (g) by inserting “, unless that debt receives credit assistance, including direct loans and loan guarantees, under chapter 6 of title 23, United States Code or title V of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 821 et seq.)” after “Secretary”; and

(7) by striking subsection (h).

49 USC 24320
note.

SEC. 11215. ELIMINATION OF DUPLICATIVE REPORTING.

Not later than 1 year after the date of enactment of this Act, the Secretary shall—

(1) review existing Amtrak reporting requirements and identify where the existing requirements are duplicative with the business line and asset plans required by section 24320 of title 49, United States Code, or any other planning or reporting requirements under Federal law or regulation;

(2) if the duplicative requirements identified under paragraph (1) are administrative, eliminate such requirements; and

(3) submit to Congress a report with any recommendations for repealing any other duplicative requirements.

Subtitle C—Intercity Passenger Rail Policy

SEC. 11301. CONSOLIDATED RAIL INFRASTRUCTURE AND SAFETY IMPROVEMENTS.

(a) IN GENERAL.—Chapter 244 of title 49, United States Code, is amended by adding at the end the following:

“§ 24407. Consolidated rail infrastructure and safety improvements 49 USC 24407.

“(a) GENERAL AUTHORITY.—The Secretary may make grants under this section to an eligible recipient to assist in financing the cost of improving passenger and freight rail transportation systems in terms of safety, efficiency, or reliability.

“(b) ELIGIBLE RECIPIENTS.—The following entities are eligible to receive a grant under this section:

“(1) A State.

“(2) A group of States.

“(3) An Interstate Compact.

“(4) A public agency or publicly chartered authority established by 1 or more States.

“(5) A political subdivision of a State.

“(6) Amtrak or another rail carrier that provides intercity rail passenger transportation (as defined in section 24102).

“(7) A Class II railroad or Class III railroad (as those terms are defined in section 20102).

“(8) Any rail carrier or rail equipment manufacturer in partnership with at least 1 of the entities described in paragraphs (1) through (5).

“(9) The Transportation Research Board and any entity with which it contracts in the development of rail-related research, including cooperative research programs.

“(10) A University transportation center engaged in rail-related research.

“(11) A non-profit labor organization representing a class or craft of employees of rail carriers or rail carrier contractors.

“(c) ELIGIBLE PROJECTS.—The following projects are eligible to receive grants under this section:

“(1) Deployment of railroad safety technology, including positive train control and rail integrity inspection systems.

“(2) A capital project as defined in section 24401(2), except that a project shall not be required to be in a State rail plan developed under chapter 227.

“(3) A capital project identified by the Secretary as being necessary to address congestion challenges affecting rail service.

“(4) A capital project identified by the Secretary as being necessary to reduce congestion and facilitate ridership growth in intercity passenger rail transportation along heavily traveled rail corridors.

“(5) A highway-rail grade crossing improvement project, including installation, repair, or improvement of grade separations, railroad crossing signals, gates, and related technologies, highway traffic signalization, highway lighting and crossing approach signage, roadway improvements such as medians or other barriers, railroad crossing panels and surfaces, and safety engineering improvements to reduce risk in quiet zones or potential quiet zones.

“(6) A rail line relocation and improvement project.

“(7) A capital project to improve short-line or regional railroad infrastructure.

“(8) The preparation of regional rail and corridor service development plans and corresponding environmental analyses.

“(9) Any project that the Secretary considers necessary to enhance multimodal connections or facilitate service integration between rail service and other modes, including between

intercity rail passenger transportation and intercity bus service or commercial air service.

“(10) The development and implementation of a safety program or institute designed to improve rail safety.

“(11) Any research that the Secretary considers necessary to advance any particular aspect of rail-related capital, operations, or safety improvements.

“(12) Workforce development and training activities, coordinated to the extent practicable with the existing local training programs supported by the Department of Transportation, the Department of Labor, and the Department of Education.

“(d) APPLICATION PROCESS.—The Secretary shall prescribe the form and manner of filing an application under this section.

“(e) PROJECT SELECTION CRITERIA.—

“(1) IN GENERAL.—In selecting a recipient of a grant for an eligible project, the Secretary shall—

“(A) give preference to a proposed project for which the proposed Federal share of total project costs does not exceed 50 percent; and

“(B) after factoring in preference to projects under subparagraph (A), select projects that will maximize the net benefits of the funds appropriated for use under this section, considering the cost-benefit analysis of the proposed project, including anticipated private and public benefits relative to the costs of the proposed project and factoring in the other considerations described in paragraph (2).

“(2) OTHER CONSIDERATIONS.—The Secretary shall also consider the following:

“(A) The degree to which the proposed project’s business plan considers potential private sector participation in the financing, construction, or operation of the project.

“(B) The recipient’s past performance in developing and delivering similar projects, and previous financial contributions.

“(C) Whether the recipient has or will have the legal, financial, and technical capacity to carry out the proposed project, satisfactory continuing control over the use of the equipment or facilities, and the capability and willingness to maintain the equipment or facilities.

“(D) If applicable, the consistency of the proposed project with planning guidance and documents set forth by the Secretary or required by law or State rail plans developed under chapter 227.

“(E) If applicable, any technical evaluation ratings the proposed project received under previous competitive grant programs administered by the Secretary.

“(F) Such other factors as the Secretary considers relevant to the successful delivery of the project.

“(3) BENEFITS.—The benefits described in paragraph (1)(B) may include the effects on system and service performance, including measures such as improved safety, competitiveness, reliability, trip or transit time, resilience, efficiencies from improved integration with other modes, the ability to meet existing or anticipated demand, and any other benefits.

“(f) PERFORMANCE MEASURES.—The Secretary shall establish performance measures for each grant recipient to assess progress

in achieving strategic goals and objectives. The Secretary may require a grant recipient to periodically report information related to such performance measures.

“(g) RURAL AREAS.—

“(1) IN GENERAL.—Of the amounts appropriated under this section, at least 25 percent shall be available for projects in rural areas. The Secretary shall consider a project to be in a rural area if all or the majority of the project (determined by the geographic location or locations where the majority of the project funds will be spent) is located in a rural area.

“(2) DEFINITION OF RURAL AREA.—In this subsection, the term ‘rural area’ means any area not in an urbanized area, as defined by the Bureau of the Census.

“(h) FEDERAL SHARE OF TOTAL PROJECT COSTS.—

“(1) TOTAL PROJECT COSTS.—The Secretary shall estimate the total costs of a project under this section based on the best available information, including any available engineering studies, studies of economic feasibility, environmental analyses, and information on the expected use of equipment or facilities.

“(2) FEDERAL SHARE.—The Federal share of total project costs under this section shall not exceed 80 percent.

“(3) TREATMENT OF PASSENGER RAIL REVENUE.—If Amtrak or another rail carrier is an applicant under this section, Amtrak or the other rail carrier, as applicable, may use ticket and other revenues generated from its operations and other sources to satisfy the non-Federal share requirements.

“(i) APPLICABILITY.—Except as specifically provided in this section, the use of any amounts appropriated for grants under this section shall be subject to the requirements of this chapter.

“(j) AVAILABILITY.—Amounts appropriated for carrying out this section shall remain available until expended.

“(k) LIMITATION.—The requirements of sections 24402, 24403, and 24404 and the definition contained in 24401(1) shall not apply to this section.

“(l) SPECIAL TRANSPORTATION CIRCUMSTANCES.—

“(1) IN GENERAL.—In carrying out this chapter, the Secretary shall allocate an appropriate portion of the amounts available to programs in this chapter to provide grants to States—

“(A) in which there is no intercity passenger rail service, for the purpose of funding freight rail capital projects that are on a State rail plan developed under chapter 227 that provide public benefits (as defined in chapter 227), as determined by the Secretary; or

“(B) in which the rail transportation system is not physically connected to rail systems in the continental United States or may not otherwise qualify for a grant under this section due to the unique characteristics of the geography of that State or other relevant considerations, for the purpose of funding transportation-related capital projects.

“(2) DEFINITION.—For the purposes of this subsection, the term ‘appropriate portion’ means a share, for each State subject to paragraph (1), not less than the share of the total railroad route miles in such State of the total railroad route miles in the United States, excluding from all totals the route miles

exclusively used for tourist, scenic, and excursion railroad operations.”.

49 USC
prec. 24401.

(b) CONFORMING AMENDMENT.—The table of contents of chapter 244 of title 49, United States Code, is amended by adding after the item relating to section 24406 the following:

“24407. Consolidated rail infrastructure and safety improvements.”.

(c) REPEALS.—

(1) Sections 20154 and 20167 of chapter 201 of title 49, United States Code, and the items relating to such sections in the table of contents of such chapter, are repealed.

(2) Section 24105 of chapter 241 of title 49, United States Code, and the item relating to such section in the table of contents of such chapter, is repealed.

49 USC
prec. 24101.

(3) Chapter 225 of title 49, United States Code, and the item relating to such chapter in the table of contents of subtitle V of such title, is repealed.

49 USC
prec. 20101.

(4) Section 22108 of chapter 221 of title 49, United States Code, and the item relating to such section in the table of contents of such chapter, are repealed.

49 USC
prec. 22101.

SEC. 11302. FEDERAL-STATE PARTNERSHIP FOR STATE OF GOOD REPAIR.

(a) AMENDMENT.—Chapter 249 of title 49, United States Code, is amended by inserting after section 24910 the following:

49 USC 24911.

“§ 24911. Federal-State partnership for state of good repair

“(a) DEFINITIONS.—In this section:

“(1) APPLICANT.—The term ‘applicant’ means—

“(A) a State (including the District of Columbia);

“(B) a group of States;

“(C) an Interstate Compact;

“(D) a public agency or publicly chartered authority established by 1 or more States;

“(E) a political subdivision of a State;

“(F) Amtrak, acting on its own behalf or under a cooperative agreement with 1 or more States; or

“(G) any combination of the entities described in subparagraphs (A) through (F).

“(2) CAPITAL PROJECT.—The term ‘capital project’ means—

“(A) a project primarily intended to replace, rehabilitate, or repair major infrastructure assets utilized for providing intercity rail passenger service, including tunnels, bridges, stations, and other assets, as determined by the Secretary; or

“(B) a project primarily intended to improve intercity passenger rail performance, including reduced trip times, increased train frequencies, higher operating speeds, and other improvements, as determined by the Secretary.

“(3) INTERCITY RAIL PASSENGER TRANSPORTATION.—The term ‘intercity rail passenger transportation’ has the meaning given the term in section 24102.

“(4) NORTHEAST CORRIDOR.—The term ‘Northeast Corridor’ means—

“(A) the main rail line between Boston, Massachusetts and the District of Columbia;

“(B) the branch rail lines connecting to Harrisburg, Pennsylvania, Springfield, Massachusetts, and Spuyten Duyvil, New York; and

“(C) facilities and services used to operate and maintain lines described in subparagraphs (A) and (B).

“(5) QUALIFIED RAILROAD ASSET.—The term ‘qualified railroad asset’ means infrastructure, equipment, or a facility that—

“(A) is owned or controlled by an eligible applicant;

“(B) is contained in the planning document developed under section 24904 and for which a cost-allocation policy has been developed under section 24905(c), or is contained in an equivalent planning document and for which a similar cost-allocation policy has been developed; and

“(C) was not in a state of good repair on the date of enactment of the Passenger Rail Reform and Investment Act of 2015.

“(b) GRANT PROGRAM AUTHORIZED.—The Secretary of Transportation shall develop and implement a program for issuing grants to applicants, on a competitive basis, to fund capital projects that reduce the state of good repair backlog with respect to qualified railroad assets.

“(c) ELIGIBLE PROJECTS.—Projects eligible for grants under this section include capital projects to replace or rehabilitate qualified railroad assets, including—

“(1) capital projects to replace existing assets in-kind;

“(2) capital projects to replace existing assets with assets that increase capacity or provide a higher level of service;

“(3) capital projects to ensure that service can be maintained while existing assets are brought to a state of good repair; and

“(4) capital projects to bring existing assets into a state of good repair.

“(d) PROJECT SELECTION CRITERIA.—In selecting an applicant for a grant under this section, the Secretary shall—

“(1) give preference to eligible projects for which—

“(A) Amtrak is not the sole applicant;

“(B) applications were submitted jointly by multiple applicants; and

“(C) the proposed Federal share of total project costs does not exceed 50 percent; and

“(2) take into account—

“(A) the cost-benefit analysis of the proposed project, including anticipated private and public benefits relative to the costs of the proposed project, including—

“(i) effects on system and service performance;

“(ii) effects on safety, competitiveness, reliability, trip or transit time, and resilience;

“(iii) efficiencies from improved integration with other modes; and

“(iv) ability to meet existing or anticipated demand;

“(B) the degree to which the proposed project’s business plan considers potential private sector participation in the financing, construction, or operation of the proposed project;

“(C) the applicant’s past performance in developing and delivering similar projects, and previous financial contributions;

“(D) whether the applicant has, or will have—

“(i) the legal, financial, and technical capacity to carry out the project;

“(ii) satisfactory continuing control over the use of the equipment or facilities; and

“(iii) the capability and willingness to maintain the equipment or facilities;

“(E) if applicable, the consistency of the project with planning guidance and documents set forth by the Secretary or required by law; and

“(F) any other relevant factors, as determined by the Secretary.

“(e) NORTHEAST CORRIDOR PROJECTS.—

“(1) COMPLIANCE WITH USAGE AGREEMENTS.—Grant funds may not be provided under this section to an eligible recipient for an eligible project located on the Northeast Corridor unless Amtrak and the public authorities providing commuter rail passenger transportation on the Northeast Corridor are in compliance with section 24905(c)(2).

“(2) CAPITAL INVESTMENT PLAN.—When selecting projects located on the Northeast Corridor, the Secretary shall consider the appropriate sequence and phasing of projects as contained in the Northeast Corridor capital investment plan developed pursuant to section 24904(a).

“(f) FEDERAL SHARE OF TOTAL PROJECT COSTS.—

“(1) TOTAL PROJECT COST.—The Secretary shall estimate the total cost of a project under this section based on the best available information, including engineering studies, studies of economic feasibility, environmental analyses, and information on the expected use of equipment or facilities.

“(2) FEDERAL SHARE.—The Federal share of total costs for a project under this section shall not exceed 80 percent.

“(3) TREATMENT OF AMTRAK REVENUE.—If Amtrak is an applicant under this section, Amtrak may use ticket and other revenues generated from its operations and other sources to satisfy the non-Federal share requirements.

“(g) LETTERS OF INTENT.—

“(1) IN GENERAL.—The Secretary shall, to the maximum extent practicable, issue a letter of intent to a grantee under this section that—

“(A) announces an intention to obligate, for a major capital project under this section, an amount from future available budget authority specified in law that is not more than the amount stipulated as the financial participation of the Secretary in the project; and

“(B) states that the contingent commitment—

“(i) is not an obligation of the Federal Government; and

“(ii) is subject to the availability of appropriations for grants under this section and subject to Federal laws in force or enacted after the date of the contingent commitment.

“(2) CONGRESSIONAL NOTIFICATION.—

“(A) IN GENERAL.—Not later than 30 days before issuing a letter under paragraph (1), the Secretary shall submit written notification to—

“(i) the Committee on Commerce, Science, and Transportation of the Senate;

“(ii) the Committee on Appropriations of the Senate;

“(iii) the Committee on Transportation and Infrastructure of the House of Representatives; and

“(iv) the Committee on Appropriations of the House of Representatives.

“(B) CONTENTS.—The notification submitted pursuant to subparagraph (A) shall include—

“(i) a copy of the proposed letter;

“(ii) the criteria used under subsection (d) for selecting the project for a grant award; and

“(iii) a description of how the project meets such criteria.

“(3) APPROPRIATIONS REQUIRED.—An obligation or administrative commitment may be made under this section only when amounts are appropriated for such purpose.

“(h) AVAILABILITY.—Amounts appropriated for carrying out this section shall remain available until expended.

“(i) GRANT CONDITIONS.—Except as specifically provided in this section, the use of any amounts appropriated for grants under this section shall be subject to the grant conditions under section 24405.”.

(b) CONFORMING AMENDMENT.—The table of contents for chapter 249 is amended by inserting after the item relating to section 24910 the following:

49 USC
prec. 24901.

“24911. Federal-State partnership for state of good repair.”.

SEC. 11303. RESTORATION AND ENHANCEMENT GRANTS.

(a) IN GENERAL.—Chapter 244 of title 49, United States Code, is further amended by adding at the end the following:

“§ 24408. Restoration and enhancement grants

49 USC 24408.

“(a) APPLICANT DEFINED.—Notwithstanding section 24401(1), in this section, the term ‘applicant’ means—

“(1) a State, including the District of Columbia;

“(2) a group of States;

“(3) an Interstate Compact;

“(4) a public agency or publicly chartered authority established by 1 or more States;

“(5) a political subdivision of a State;

“(6) Amtrak or another rail carrier that provides intercity rail passenger transportation;

“(7) Any rail carrier in partnership with at least 1 of the entities described in paragraphs (1) through (5); and

“(8) any combination of the entities described in paragraphs (1) through (7).

“(b) GRANTS AUTHORIZED.—The Secretary of Transportation shall develop and implement a program for issuing operating assistance grants to applicants, on a competitive basis, for the purpose of initiating, restoring, or enhancing intercity rail passenger transportation.

“(c) APPLICATION.—An applicant for a grant under this section shall submit to the Secretary—

“(1) a capital and mobilization plan that—

“(A) describes any capital investments, service planning actions (such as environmental reviews), and mobilization actions (such as qualification of train crews) required for initiation of intercity rail passenger transportation; and

“(B) includes the timeline for undertaking and completing each of the investments and actions referred to in subparagraph (A);

“(2) an operating plan that describes the planned operation of the service, including—

“(A) the identity and qualifications of the train operator;

“(B) the identity and qualifications of any other service providers;

“(C) service frequency;

“(D) the planned routes and schedules;

“(E) the station facilities that will be utilized;

“(F) projected ridership, revenues, and costs;

“(G) descriptions of how the projections under subparagraph (F) were developed;

“(H) the equipment that will be utilized, how such equipment will be acquired or refurbished, and where such equipment will be maintained; and

“(I) a plan for ensuring safe operations and compliance with applicable safety regulations;

“(3) a funding plan that—

“(A) describes the funding of initial capital costs and operating costs for the first 3 years of operation;

“(B) includes a commitment by the applicant to provide the funds described in subparagraph (A) to the extent not covered by Federal grants and revenues; and

“(C) describes the funding of operating costs and capital costs, to the extent necessary, after the first 3 years of operation; and

“(4) a description of the status of negotiations and agreements with—

“(A) each of the railroads or regional transportation authorities whose tracks or facilities would be utilized by the service;

“(B) the anticipated railroad carrier, if such entity is not part of the applicant group; and

“(C) any other service providers or entities expected to provide services or facilities that will be used by the service, including any required access to Amtrak systems, stations, and facilities if Amtrak is not part of the applicant group.

“(d) PRIORITIES.—In awarding grants under this section, the Secretary shall give priority to applications—

“(1) for which planning, design, any environmental reviews, negotiation of agreements, acquisition of equipment, construction, and other actions necessary for initiation of service have been completed or nearly completed;

“(2) that would restore service over routes formerly operated by Amtrak, including routes described in section 11304 of the Passenger Rail Reform and Investment Act of 2015;

“(3) that would provide daily or daytime service over routes where such service did not previously exist;

“(4) that include funding (including funding from railroads), or other significant participation by State, local, and regional governmental and private entities;

“(5) that include a funding plan that demonstrates the intercity rail passenger service will be financially sustainable beyond the 3-year grant period;

“(6) that would provide service to regions and communities that are underserved or not served by other intercity public transportation;

“(7) that would foster economic development, particularly in rural communities and for disadvantaged populations;

“(8) that would provide other non-transportation benefits; and

“(9) that would enhance connectivity and geographic coverage of the existing national network of intercity rail passenger service.

“(e) LIMITATIONS.—

“(1) DURATION.—Federal operating assistance grants authorized under this section for any individual intercity rail passenger transportation route may not provide funding for more than 3 years and may not be renewed.

“(2) LIMITATION.—Not more than 6 of the operating assistance grants awarded pursuant to subsection (b) may be simultaneously active.

“(3) MAXIMUM FUNDING.—Grants described in paragraph (1) may not exceed—

“(A) 80 percent of the projected net operating costs for the first year of service;

“(B) 60 percent of the projected net operating costs for the second year of service; and

“(C) 40 percent of the projected net operating costs for the third year of service.

“(f) USE WITH CAPITAL GRANTS AND OTHER FEDERAL FUNDING.—A recipient of an operating assistance grant under subsection (b) may use that grant in combination with other Federal grants awarded that would benefit the applicable service.

“(g) AVAILABILITY.—Amounts appropriated for carrying out this section shall remain available until expended.

“(h) COORDINATION WITH AMTRAK.—If the Secretary awards a grant under this section to a rail carrier other than Amtrak, Amtrak may be required consistent with section 24711(c)(1) of this title to provide access to its reservation system, stations, and facilities that are directly related to operations to such carrier, to the extent necessary to carry out the purposes of this section. The Secretary may award an appropriate portion of the grant to Amtrak as compensation for this access.

“(i) CONDITIONS.—

“(1) GRANT AGREEMENT.—The Secretary shall require a grant recipient under this section to enter into a grant agreement that requires such recipient to provide similar information regarding the route performance, financial, and ridership projections, and capital and business plans that Amtrak is required to provide, and such other data and information as the Secretary considers necessary.

“(2) INSTALLMENTS; TERMINATION.—The Secretary may—

“(A) award grants under this section in installments, as the Secretary considers appropriate; and

“(B) terminate any grant agreement upon—

“(i) the cessation of service; or

“(ii) the violation of any other term of the grant agreement.

“(3) GRANT CONDITIONS.—The Secretary shall require each recipient of a grant under this section to comply with the grant requirements of section 24405.

“(j) REPORT.—Not later than 4 years after the date of enactment of the Passenger Rail Reform and Investment Act of 2015, the Secretary, after consultation with grant recipients under this section, shall submit to Congress a report that describes—

“(1) the implementation of this section;

“(2) the status of the investments and operations funded by such grants;

“(3) the performance of the routes funded by such grants;

“(4) the plans of grant recipients for continued operation and funding of such routes; and

“(5) any legislative recommendations.”

(b) CONFORMING AMENDMENTS.—

(1) CHAPTER 244.—Chapter 244 of title 49, United States Code, is further amended—

(A) in the table of contents by adding at the end the following:

“24408. Restoration and enhancement grants.”;

(B) in the chapter heading by striking “**INTERCITY PASSENGER RAIL SERVICE CORRIDOR CAPITAL ASSISTANCE**” and inserting “**RAIL IMPROVEMENT GRANTS**”;

(C) in section 24402 by striking subsection (j); and

(D) in section 24405—

(i) in subsection (b)(2) by striking “(43” and inserting “(45”;

(ii) in subsection (c)(2)(B) by striking “protective arrangements established” and inserting “protective arrangements that are equivalent to the protective arrangements established”;

(iii) in subsection (d)(1), in the matter preceding subparagraph (A), by inserting “or unless Amtrak ceased providing intercity passenger railroad transportation over the affected route more than 3 years before the commencement of new service” after “unless such service was provided solely by Amtrak to another entity”; and

(iv) in subsection (f) by striking “under this chapter for commuter rail passenger transportation, as defined in section 24102(4) of this title.” and inserting “under this chapter for commuter rail passenger transportation (as defined in section 24102(3)).”;

(2) TABLE OF CHAPTERS AMENDMENT.—The item relating to chapter 244 in the table of chapters of subtitle V of title 49, United States Code, is amended by striking “Intercity passenger rail service corridor capital assistance” and inserting “Rail improvement grants”.

49 USC
prec. 24401.

49 USC
prec. 20101.

SEC. 11304. GULF COAST RAIL SERVICE WORKING GROUP.

(a) **IN GENERAL.**—Not later than 90 days after the date of enactment of this Act, the Secretary shall convene a working group to evaluate the restoration of intercity rail passenger service in the Gulf Coast region between New Orleans, Louisiana, and Orlando, Florida.

(b) **MEMBERSHIP.**—The working group convened pursuant to subsection (a) shall consist of representatives of—

(1) the Federal Railroad Administration, which shall serve as chair of the working group;

(2) Amtrak;

(3) the States along the proposed route or routes;

(4) regional transportation planning organizations and metropolitan planning organizations, municipalities, and communities along the proposed route or routes, which shall be selected by the Administrator;

(5) the Southern Rail Commission;

(6) railroad carriers whose tracks may be used for such service; and

(7) other entities determined appropriate by the Secretary, which may include other railroad carriers that express an interest in Gulf Coast service.

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

(1) evaluate all options for restoring intercity rail passenger service in the Gulf Coast region, including options outlined in the report transmitted to Congress pursuant to section 226 of the Passenger Rail Investment and Improvement Act of 2008 (division B of Public Law 110–432);

(2) select a preferred option for restoring such service;

(3) develop a prioritized inventory of capital projects and other actions required to restore such service and cost estimates for such projects or actions; and

(4) identify Federal and non-Federal funding sources required to restore such service, including options for entering into public-private partnerships to restore such service.

(d) **REPORT.**—Not later than 9 months after the date of enactment of this Act, the working group shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that includes—

(1) the preferred option selected under subsection (c)(2) and the reasons for selecting such option;

(2) the information described in subsection (c)(3);

(3) the funding sources identified under subsection (c)(4);

(4) the costs and benefits of restoring intercity rail passenger transportation in the region; and

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

(e) **FUNDING.**—From funds made available under section 11101(d), the Secretary shall provide—

(1) financial assistance to the working group to perform requested independent technical analysis of issues before the working group; and

(2) administrative expenses that the Secretary determines necessary.

SEC. 11305. NORTHEAST CORRIDOR COMMISSION.

(a) **COMPOSITION.**—Section 24905(a) of title 49, United States Code, is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A) by inserting “, infrastructure investments,” after “rail operations”;

(B) by striking subparagraph (B) and inserting the following:

“(B) members representing the Department of Transportation, including the Office of the Secretary, the Federal Railroad Administration, and the Federal Transit Administration;”;

(C) in subparagraph (D) by inserting “and commuter” after “freight”; and

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

“(6) The members of the Commission shall elect co-chairs consisting of 1 member described in paragraph (1)(B) and 1 member described in paragraph (1)(C).”.

(b) **STATEMENT OF GOALS AND RECOMMENDATIONS.**—Section 24905(b) of title 49, United States Code, is amended—

(1) in paragraph (1) by inserting “and periodically update” after “develop”;

(2) in paragraph (2)(A) by striking “beyond those specified in the state-of-good-repair plan under section 211 of the Passenger Rail Investment and Improvement Act of 2008”; and

(3) by adding at the end the following:

“(3) **SUBMISSION OF STATEMENT OF GOALS, RECOMMENDATIONS, AND PERFORMANCE REPORTS.**—The Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives—

“(A) any updates made to the statement of goals developed under paragraph (1) not later than 60 days after such updates are made; and

“(B) annual performance reports and recommendations for improvements, as appropriate, issued not later than March 31 of each year, for the prior fiscal year, which summarize—

“(i) the operations and performance of commuter, intercity, and freight rail transportation along the Northeast Corridor; and

“(ii) the delivery of the capital investment plan described in section 24904.”.

(c) **COST ALLOCATION POLICY.**—Section 24905(c) of title 49, United States Code, is amended—

(1) in the subsection heading by striking “ACCESS COSTS” and inserting “ALLOCATION OF COSTS”;

(2) in paragraph (1)—

(A) in the paragraph heading by striking “FORMULA” and inserting “POLICY”;

(B) in the matter preceding subparagraph (A) by striking “Within 2 years after the date of enactment of the Passenger Rail Investment and Improvement Act of 2008, the Commission” and inserting “The Commission”;

(C) in subparagraph (A) by striking “formula” and inserting “policy”; and

(D) by striking subparagraphs (B) through (D) and inserting the following:

“(B) develop a proposed timetable for implementing the policy;

“(C) submit the policy and the timetable developed under subparagraph (B) to the Surface Transportation Board, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives;

“(D) not later than October 1, 2015, adopt and implement the policy in accordance with the timetable; and

“(E) with the consent of a majority of its members, petition the Surface Transportation Board to appoint a mediator to assist the Commission members through non-binding mediation to reach an agreement under this section.”;

(3) in paragraph (2)—

(A) by striking “formula proposed in” and inserting “policy developed under”; and

(B) in the second sentence—

(i) by striking “the timetable, the Commission shall petition the Surface Transportation Board to” and inserting “paragraph (1)(D) or fail to comply with the policy thereafter, the Surface Transportation Board shall”; and

(ii) by striking “amounts for such services in accordance with section 24904(c) of this title” and inserting “for such usage in accordance with the procedures and procedural schedule applicable to a proceeding under section 24903(c), after taking into consideration the policy developed under paragraph (1)(A), as applicable”;

(4) in paragraph (3), by striking “formula” and inserting “policy”; and

(5) by adding at the end the following:

“(4) REQUEST FOR DISPUTE RESOLUTION.—If a dispute arises with the implementation of, or compliance with, the policy developed under paragraph (1), the Commission, Amtrak, or public authorities providing commuter rail passenger transportation on the Northeast Corridor may request that the Surface Transportation Board conduct dispute resolution. The Surface Transportation Board shall establish procedures for resolution of disputes brought before it under this paragraph, which may include the provision of professional mediation services.”.

(d) CONFORMING AMENDMENTS.—

(1) TITLE 49.—Section 24905 of title 49, United States Code, is amended—

(A) in the section heading by striking “INFRASTRUCTURE AND OPERATIONS ADVISORY”;

(B) in subsection (a)—

(i) in the heading by striking “INFRASTRUCTURE AND OPERATIONS ADVISORY”; and

(ii) by striking “Infrastructure and Operations Advisory”;

(C) by striking subsection (d);

(D) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively;

(E) in subsection (d), as so redesignated—

(i) by striking “to the Commission” and inserting “to the Secretary for the use of the Commission and the Northeast Corridor Safety Committee”; and

(ii) by striking “for the period encompassing fiscal years 2009 through 2013 to carry out this section” and inserting “to carry out this section during fiscal years 2016 through 2020, in addition to any amounts withheld under section 11101(g) of the Passenger Rail Reform and Investment Act of 2015”; and

(F) in subsection (e)(2), as so redesignated, by striking “on the main line.” and inserting “on the main line and meet annually with the Commission on the topic of Northeast Corridor safety and security.”.

(2) TABLE OF CONTENTS.—The table of contents for chapter 249 of title 49, United States Code, is amended by striking the item relating to section 24905 and inserting the following:

49 USC
prec. 24901.

“24905. Northeast Corridor Commission.”.

SEC. 11306. NORTHEAST CORRIDOR PLANNING.

(a) AMENDMENT.—Chapter 249 of title 49, United States Code, is amended—

(1) by redesignating section 24904 as section 24903; and

(2) by inserting after section 24903, as so redesignated, the following:

49 USC 24904.

“§ 24904. Northeast Corridor planning

“(a) NORTHEAST CORRIDOR CAPITAL INVESTMENT PLAN.—

“(1) REQUIREMENT.—Not later than May 1 of each year, the Northeast Corridor Commission established under section 24905 (referred to in this section as the ‘Commission’) shall—

“(A) develop a capital investment plan for the Northeast Corridor; and

“(B) submit the capital investment plan to the Secretary of Transportation and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

“(2) CONTENTS.—The capital investment plan shall—

“(A) reflect coordination and network optimization across the entire Northeast Corridor;

“(B) integrate the individual capital and service plans developed by each operator using the methods described in the cost allocation policy developed under section 24905(c);

“(C) cover a period of 5 fiscal years, beginning with the first fiscal year after the date on which the plan is completed;

“(D) notwithstanding section 24902(b), identify, prioritize, and phase the implementation of projects and programs to achieve the service outcomes identified in the Northeast Corridor service development plan and the asset condition needs identified in the Northeast Corridor asset management plans, once available, and consider—

“(i) the benefits and costs of capital investments in the plan;

“(ii) project and program readiness;

“(iii) the operational impacts; and

“(iv) Federal and non-Federal funding availability;

“(E) categorize capital projects and programs as primarily associated with—

“(i) normalized capital replacement and basic infrastructure renewals;

“(ii) replacement or rehabilitation of major Northeast Corridor infrastructure assets, including tunnels, bridges, stations, and other assets;

“(iii) statutory, regulatory, or other legal mandates;

“(iv) improvements to support service enhancements or growth; or

“(v) strategic initiatives that will improve overall operational performance or lower costs;

“(F) identify capital projects and programs that are associated with more than 1 category described in subparagraph (E);

“(G) describe the anticipated outcomes of each project or program, including an assessment of—

“(i) the potential effect on passenger accessibility, operations, safety, reliability, and resiliency;

“(ii) the ability of infrastructure owners and operators to meet regulatory requirements if the project or program is not funded; and

“(iii) the benefits and costs; and

“(H) include a financial plan.

“(3) FINANCIAL PLAN.—The financial plan under paragraph (2)(H) shall—

“(A) identify funding sources and financing methods;

“(B) identify the expected allocated shares of costs pursuant to the cost allocation policy developed under section 24905(c);

“(C) identify the projects and programs that the Commission expects will receive Federal financial assistance; and

“(D) identify the eligible entity or entities that the Commission expects will receive the Federal financial assistance described under subparagraph (C) and implement each capital project.

“(b) FAILURE TO DEVELOP A CAPITAL INVESTMENT PLAN.—If a capital investment plan has not been developed by the Commission for a given fiscal year, then the funds assigned to the Northeast Corridor account established under section 24317(b) for that fiscal year may be spent only on—

“(1) capital projects described in clause (i) or (iii) of subsection (a)(2)(E) of this section; or

“(2) capital projects described in subsection (a)(2)(E)(iv) or (v) of this section that are for the sole benefit of Amtrak.

“(c) NORTHEAST CORRIDOR ASSET MANAGEMENT.—

“(1) CONTENTS.—With regard to its infrastructure, Amtrak and each State and public transportation entity that owns infrastructure that supports or provides for intercity rail passenger transportation on the Northeast Corridor shall develop

an asset management system and develop and update, as necessary, a Northeast Corridor asset management plan for each service territory described in subsection (a) that—

“(A) is consistent with the Federal Transit Administration process, as authorized under section 5326, when implemented; and

“(B) includes, at a minimum—

“(i) an inventory of all capital assets owned by the developer of the asset management plan;

“(ii) an assessment of asset condition;

“(iii) a description of the resources and processes necessary to bring or maintain those assets in a state of good repair, including decision-support tools and investment prioritization methods; and

“(iv) a description of changes in asset condition since the previous version of the plan.

“(2) TRANSMITTAL.—Each entity described in paragraph (1) shall transmit to the Commission—

“(A) not later than 2 years after the date of enactment of the Passenger Rail Reform and Investment Act of 2015, a Northeast Corridor asset management plan developed under paragraph (1); and

“(B) at least biennially thereafter, an update to such plan.

“(d) NORTHEAST CORRIDOR SERVICE DEVELOPMENT PLAN UPDATES.—Not less frequently than once every 10 years, the Commission shall update the Northeast Corridor service development plan.

“(e) DEFINITION OF NORTHEAST CORRIDOR.—In this section, the term ‘Northeast Corridor’ means the main line between Boston, Massachusetts, and the District of Columbia, and the Northeast Corridor branch lines connecting to Harrisburg, Pennsylvania, Springfield, Massachusetts, and Spuyten Duyvil, New York, including the facilities and services used to operate and maintain those lines.”.

(b) CONFORMING AMENDMENTS.—

(1) NOTE AND MORTGAGE.—Section 24907(a) of title 49, United States Code, is amended by striking “section 24904 of this title” and inserting “section 24903”.

(2) TABLE OF CONTENTS.—The table of contents for chapter 249 of title 49, United States Code, is amended—

(A) by redesignating the item relating to section 24904 as relating to section 24903; and

(B) by inserting after the item relating to section 24903, as so redesignated, the following:

“24904. Northeast Corridor planning.”.

(3) REPEAL.—Section 211 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24902 note) is repealed.

SEC. 11307. COMPETITION.

(a) COMPETITIVE PASSENGER RAIL SERVICE PILOT PROGRAM.—Section 24711 of title 49, United States Code, is amended to read as follows:

“§ 24711. Competitive passenger rail service pilot program

“(a) IN GENERAL.—Not later than 18 months after the date of enactment of the Passenger Rail Reform and Investment Act of 2015, the Secretary of Transportation shall promulgate a rule to implement a pilot program for competitive selection of eligible petitioners described in subsection (b)(3) in lieu of Amtrak to operate not more than 3 long-distance routes (as defined in section 24102) operated by Amtrak on the date of enactment of such Act.

“(b) PILOT PROGRAM REQUIREMENTS.—

“(1) IN GENERAL.—The pilot program shall—

“(A) allow a petitioner described in paragraph (3) to petition the Secretary to provide intercity rail passenger transportation over a long-distance route described in subsection (a) for an operation period of 4 years from the date of commencement of service by the winning bidder and, at the option of the Secretary, consistent with the rule promulgated under subsection (a), allow the contract to be renewed for 1 additional operation period of 4 years;

“(B) require the Secretary to—

“(i) notify the petitioner and Amtrak of receipt of the petition under subparagraph (A) and to publish in the Federal Register a notice of receipt not later than 30 days after the date of receipt;

“(ii) establish a deadline, of not more than 120 days after the notice of receipt is published in the Federal Register under clause (i), by which both the petitioner and Amtrak, if Amtrak chooses to do so, would be required to submit a complete bid to provide intercity rail passenger transportation over the applicable route; and

“(iii) upon selecting a winning bid, publish in the Federal Register the identity of the winning bidder, the long distance route that the bidder will operate, a detailed justification of the reasons why the Secretary selected the bid, and any other information the Secretary determines appropriate for public comment for a reasonable period of time not to exceed 30 days after the date on which the Secretary selects the bid;

“(C) require that each bid—

“(i) describe the capital needs, financial projections, and operational plans, including staffing plans, for the service, and such other factors as the Secretary considers appropriate; and

“(ii) be made available by the winning bidder to the public after the bid award with any appropriate redactions for confidential or proprietary information;

“(D) for a route that receives funding from a State or States, require that for each bid received from a petitioner described in paragraph (3), other than such State or States, the Secretary have the concurrence of the State or States that provide funding for that route; and

“(E) for a winning bidder that is not or does not include Amtrak, require the Secretary to execute a contract not later than 270 days after the deadline established under subparagraph (B)(ii) and award to the winning bidder—

“(i) subject to paragraphs (4) and (5), the right and obligation to provide intercity rail passenger

transportation over that route subject to such performance standards as the Secretary may require; and

“(ii) an operating subsidy, as determined by the Secretary, for—

“(I) the first year at a level that does not exceed 90 percent of the level in effect for that specific route during the fiscal year preceding the fiscal year in which the petition was received, adjusted for inflation; and

“(II) any subsequent years at the level calculated under subclause (I), adjusted for inflation.

“(2) LIMITATION.—The requirements under paragraph (1)(E), including the amounts of operating subsidies in the first and any subsequent years under paragraph (1)(E)(ii), shall not apply to a winning bidder that is or includes Amtrak.

“(3) ELIGIBLE PETITIONERS.—The following parties are eligible to submit petitions under paragraph (1):

“(A) A rail carrier or rail carriers that own the infrastructure over which Amtrak operates a long-distance route, or another rail carrier that has a written agreement with a rail carrier or rail carriers that own such infrastructure.

“(B) A State, group of States, or State-supported joint powers authority or other sub-State governance entity responsible for provision of intercity rail passenger transportation with a written agreement with the rail carrier or rail carriers that own the infrastructure over which Amtrak operates a long-distance route and that host or would host the intercity rail passenger transportation.

“(C) A State, group of States, or State-supported joint powers authority or other sub-State governance entity responsible for provision of intercity rail passenger transportation and a rail carrier with a written agreement with another rail carrier or rail carriers that own the infrastructure over which Amtrak operates a long-distance route and that host or would host the intercity rail passenger transportation.

“(4) PERFORMANCE STANDARDS.—The performance standards required under paragraph (1)(E)(i) shall meet or exceed the performance required of or achieved by Amtrak on the applicable route during the last fiscal year.

“(5) AGREEMENT GOVERNING ACCESS ISSUES.—Unless the winning bidder already has applicable access rights or agreements in place or includes a rail carrier that owns the infrastructure used in the operation of the route, a winning bidder that is not or does not include Amtrak shall enter into a written agreement governing access issues between the winning bidder and the rail carrier or rail carriers that own the infrastructure over which the winning bidder would operate and that host or would host the intercity rail passenger transportation.

“(c) ACCESS TO FACILITIES; EMPLOYEES.—If the Secretary awards the right and obligation to provide intercity rail passenger transportation over a route described in this section to an eligible petitioner—

“(1) the Secretary shall, if necessary to carry out the purposes of this section, require Amtrak to provide access to the

Amtrak-owned reservation system, stations, and facilities directly related to operations of the awarded routes to the eligible petitioner awarded a contract under this section, in accordance with subsection (g);

“(2) an employee of any person, except as provided in a collective bargaining agreement, used by such eligible petitioner in the operation of a route under this section shall be considered an employee of that eligible petitioner and subject to the applicable Federal laws and regulations governing similar crafts or classes of employees of Amtrak; and

“(3) the winning bidder shall provide hiring preference to qualified Amtrak employees displaced by the award of the bid, consistent with the staffing plan submitted by the bidder, and shall be subject to the grant conditions under section 24405.

“(d) CESSATION OF SERVICE.—If an eligible petitioner awarded a route under this section ceases to operate the service or fails to fulfill an obligation under a contract required under subsection (b)(1)(E), the Secretary, in collaboration with the Surface Transportation Board, shall take any necessary action consistent with this title to enforce the contract and ensure the continued provision of service, including—

“(1) the installment of an interim rail carrier;

“(2) providing to the interim rail carrier under paragraph (1) an operating subsidy necessary to provide service; and

“(3) rebidding the contract to operate the intercity rail passenger transportation.

“(e) BUDGET AUTHORITY.—

“(1) IN GENERAL.—The Secretary shall provide to a winning bidder that is not or does not include Amtrak and that is selected under this section any appropriations withheld under section 11101(e) of the Passenger Rail Reform and Investment Act of 2015, or any subsequent appropriation for the same purpose, necessary to cover the operating subsidy described in subsection (b)(1)(E)(ii).

“(2) ATTRIBUTABLE COSTS.—If the Secretary selects a winning bidder that is not or does not include Amtrak, the Secretary shall provide to Amtrak an appropriate portion of the appropriations under section 11101(b) of the Passenger Rail Reform and Investment Act of 2015, or any subsequent appropriation for the same purpose, to cover any cost directly attributable to the termination of Amtrak service on the route and any indirect costs to Amtrak imposed on other Amtrak routes as a result of losing service on the route operated by the winning bidder. Any amount provided by the Secretary to Amtrak under this paragraph shall not be deducted from or have any effect on the operating subsidy described in subsection (b)(1)(E)(ii).

“(f) REPORTING.—If the Secretary does not promulgate the final rule before the deadline under subsection (a), the Secretary shall, not later than 19 months after the date of enactment of the Passenger Rail Reform and Investment Act of 2015 and every 90 days thereafter until the rule is complete, notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives in writing—

“(1) the reasons why the rule has not been issued;

“(2) a plan for completing the rule as soon as reasonably practicable; and

“(3) the estimated date of completion of the rule.

“(g) DISPUTES.—

“(1) PETITIONING SURFACE TRANSPORTATION BOARD.—If Amtrak and the eligible petitioner awarded a route under this section cannot agree upon terms to carry out subsection (c)(1), either party may petition the Surface Transportation Board for a determination as to—

“(A) whether access to Amtrak’s facility or equipment, or the provisions of services by Amtrak, is necessary under subsection (c)(1); and

“(B) whether the operation of Amtrak’s other services will not be unreasonably impaired by such access.

“(2) SURFACE TRANSPORTATION BOARD DETERMINATION.—If the Surface Transportation Board determines access to Amtrak’s facilities or equipment, or the provision of services by Amtrak, is necessary under paragraph (1)(A) and the operation of Amtrak’s other services will not be unreasonably impaired under paragraph (1)(B), the Board shall issue an order that—

“(A) requires Amtrak to provide the applicable facilities, equipment, and services; and

“(B) determines reasonable compensation, liability, and other terms for the use of the facilities and equipment and the provision of the services.

“(h) LIMITATION.—Not more than 3 long-distance routes may be selected under this section for operation by a winning bidder that is not or does not include Amtrak.

“(i) PRESERVATION OF RIGHT TO COMPETITION ON STATE-SUPPORTED ROUTES.—Nothing in this section shall be construed as prohibiting a State from introducing competition for intercity rail passenger transportation or services on its State-supported route or routes.

“(j) SAVINGS CLAUSE.—Nothing in this section shall affect Amtrak’s access rights to railroad rights-of-way and facilities.”.

(b) CONFORMING AMENDMENT.—The table of contents for section 24711 of title 49, United States Code, is amended to read as follows:

“24711. Competitive passenger rail service pilot program.”.

(c) REPORT.—Not later than 4 years after the date of implementation of the pilot program under section 24711 of title 49, United States Code, and quadrennially thereafter until the pilot program is discontinued, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the pilot program to date and any recommendations for further action.

49 USC
prec. 24701.

49 USC 24711
note.

SEC. 11308. PERFORMANCE-BASED PROPOSALS.

(a) SOLICITATION OF PROPOSALS.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary shall issue a request for proposals for projects for the financing, design, construction, operation, and maintenance of a high-speed passenger rail system operating within a high-speed rail corridor, including—

- (A) the Northeast Corridor;
- (B) the California Corridor;
- (C) the Empire Corridor;
- (D) the Pacific Northwest Corridor;
- (E) the South Central Corridor;
- (F) the Gulf Coast Corridor;
- (G) the Chicago Hub Network;
- (H) the Florida Corridor;
- (I) the Keystone Corridor;
- (J) the Northern New England Corridor; and
- (K) the Southeast Corridor.

(2) SUBMISSION.—Proposals shall be submitted to the Secretary not later than 180 days after the publication of the request for proposals under paragraph (1).

(3) PERFORMANCE STANDARD.—Proposals submitted under paragraph (2) shall meet any standards established by the Secretary. For corridors with existing intercity passenger rail service, proposals shall also be designed to achieve a reduction of existing minimum intercity rail service trip times between the main corridor city pairs by a minimum of 25 percent. In the case of a proposal submitted with respect to paragraph (1)(A), the proposal shall be designed to achieve a 2-hour or less express service between Washington, District of Columbia, and New York City, New York.

(4) CONTENTS.—A proposal submitted under this subsection shall include—

(A) the names and qualifications of the persons submitting the proposal and the entities proposed to finance, design, construct, operate, and maintain the railroad, railroad equipment, and related facilities, stations, and infrastructure;

(B) a detailed description of the proposed rail service, including possible routes, required infrastructure investments and improvements, equipment needs and type, train frequencies, peak and average operating speeds, and trip times;

(C) a description of how the project would comply with all applicable Federal rail safety and security laws, orders, and regulations;

(D) the locations of proposed stations, which maximize the usage of existing infrastructure to the extent possible, and the populations such stations are intended to serve;

(E) the type of equipment to be used, including any technologies, to achieve trip time goals;

(F) a description of any proposed legislation needed to facilitate all aspects of the project;

(G) a financing plan identifying—

(i) projected revenue, and sources thereof;

(ii) the amount of any requested public contribution toward the project, and proposed sources;

(iii) projected annual ridership projections for the first 10 years of operations;

(iv) annual operations and capital costs;

(v) the projected levels of capital investments required both initially and in subsequent years to maintain a state-of-good-repair necessary to provide

the initially proposed level of service or higher levels of service;

(vi) projected levels of private investment and sources thereof, including the identity of any person or entity that has made or is expected to make a commitment to provide or secure funding and the amount of such commitment; and

(vii) projected funding for the full fair market compensation for any asset, property right or interest, or service acquired from, owned, or held by a private person or Federal entity that would be acquired, impaired, or diminished in value as a result of a project, except as otherwise agreed to by the private person or entity;

(H) a description of how the project would contribute to the development of a national high-speed passenger rail system and an intermodal plan describing how the system will facilitate convenient travel connections with other transportation services;

(I) a description of how the project will ensure compliance with Federal laws governing the rights and status of employees associated with the route and service, including those specified in section 24405 of title 49, United States Code;

(J) a description of how the design, construction, implementation, and operation of the project will accommodate and allow for future growth of existing and projected intercity, commuter, and freight rail service;

(K) a description of how the project would comply with Federal and State environmental laws and regulations, of what environmental impacts would result from the project, and of how any adverse impacts would be mitigated; and

(L) a description of the project's impacts on highway and aviation congestion, energy consumption, land use, and economic development in the service area.

(b) DETERMINATION AND ESTABLISHMENT OF COMMISSIONS.—Not later than 90 days after receipt of the proposals under subsection (a), the Secretary shall—

(1) make a determination as to whether any such proposals—

(A) contain the information required under paragraphs (3) and (4) of subsection (a);

(B) are sufficiently credible to warrant further consideration;

(C) are likely to result in a positive impact on the Nation's transportation system; and

(D) are cost-effective and in the public interest;

(2) establish a commission for each corridor with 1 or more proposals that the Secretary determines satisfy the requirements of paragraph (1); and

(3) forward to each commission established under paragraph (2) the applicable proposals for review and consideration.

(c) COMMISSIONS.—

(1) MEMBERS.—Each commission established under subsection (b)(2) shall include—

(A) the Governors of the affected States, or their respective designees;

(B) mayors of appropriate municipalities with stops along the proposed corridor, or their respective designees;

(C) a representative from each freight railroad carrier using the relevant corridor, if applicable;

(D) a representative from each transit authority using the relevant corridor, if applicable;

(E) representatives of nonprofit employee labor organizations representing affected railroad employees; and

(F) the President of Amtrak or his or her designee.

(2) APPOINTMENT AND SELECTION.—The Secretary shall appoint the members under paragraph (1). In selecting each commission's members to fulfill the requirements under subparagraphs (B) and (E) of paragraph (1), the Secretary shall consult with the Chairperson and Ranking Member of the Committee on Commerce, Science, and Transportation of the Senate and of the Committee on Transportation and Infrastructure of the House of Representatives.

(3) CHAIRPERSON AND VICE-CHAIRPERSON SELECTION.—The Chairperson and Vice-Chairperson shall be elected from among members of each commission.

(4) QUORUM AND VACANCY.—

(A) QUORUM.—A majority of the members of each commission shall constitute a quorum.

(B) VACANCY.—Any vacancy in each commission shall not affect its powers and shall be filled in the same manner in which the original appointment was made.

(d) COMMISSION CONSIDERATION.—

(1) IN GENERAL.—Each commission established under subsection (b)(2) shall be responsible for reviewing the proposal or proposals forwarded to it under that subsection and, not later than 90 days after the establishment of the commission, shall transmit to the Secretary a report, including—

(A) a summary of each proposal received;

(B) services to be provided under each proposal, including projected ridership, revenues, and costs;

(C) proposed public and private contributions for each proposal;

(D) the advantages offered by the proposal over existing intercity passenger rail services;

(E) public operating subsidies or assets needed for the proposed project;

(F) possible risks to the public associated with the proposal, including risks associated with project financing, implementation, completion, safety, and security;

(G) a ranked list of the proposals recommended for further consideration under subsection (e) in accordance with each proposal's projected positive impact on the Nation's transportation system;

(H) an identification of any proposed Federal legislation that would facilitate implementation of the projects and Federal legislation that would be required to implement the projects; and

(I) any other recommendations by the commission concerning the proposed projects.

(2) VERBAL PRESENTATION.—Proposers shall be given an opportunity to make a verbal presentation to the commission to explain their proposals.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary for the use of each commission established under subsection (b)(2) such sums as are necessary to carry out this section.

(e) SELECTION BY SECRETARY.—

(1) IN GENERAL.—Not later than 60 days after receiving the recommended proposals of the commissions established under subsection (b)(2), the Secretary shall—

(A) review such proposals and select any proposal that provides substantial benefits to the public and the national transportation system, is cost-effective, offers significant advantages over existing services, and meets other relevant factors determined appropriate by the Secretary; and

(B) submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report containing any proposal with respect to subsection (a)(1)(A) that is selected by the Secretary under subparagraph (A) of this paragraph, all the information regarding the proposal provided to the Secretary under subsection (d), and any other information the Secretary considers relevant.

(2) SUBSEQUENT REPORT.—Following the submission of the report under paragraph (1)(B), the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report containing any proposal with respect to subparagraphs (B) through (K) of subsection (a)(1) that are selected by the Secretary under paragraph (1) of this subsection, all the information regarding the proposal provided to the Secretary under subsection (d), and any other information the Secretary considers relevant.

(3) LIMITATION ON REPORT SUBMISSION.—The report required under paragraph (2) shall not be submitted by the Secretary until the report submitted under paragraph (1)(B) has been considered through a hearing by the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the report submitted under paragraph (1)(B).

(f) NO ACTIONS WITHOUT ADDITIONAL AUTHORITY.—No Federal agency may take any action to implement, establish, facilitate, or otherwise act upon any proposal submitted under this section, other than those actions specifically authorized by this section, without explicit statutory authority enacted after the date of enactment of this Act.

(g) ADEQUATE RESOURCES.—Before taking any action authorized under this section the Secretary shall certify to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that the Secretary has sufficient resources that are adequate to undertake the program established under this section.

(h) DEFINITIONS.—In this section:

(1) INTERCITY PASSENGER RAIL.—The term “intercity passenger rail” has the meaning given the term in section 24102 of title 49, United States Code.

(2) STATE.—The term “State” means any of the 50 States or the District of Columbia.

SEC. 11309. LARGE CAPITAL PROJECT REQUIREMENTS.

Section 24402 of title 49, United States Code, is amended by inserting after subsection (i) the following:

“(j) LARGE CAPITAL PROJECT REQUIREMENTS.—

“(1) IN GENERAL.—For a grant awarded under this chapter for an amount in excess of \$1,000,000,000, the following conditions shall apply:

“(A) The Secretary may not obligate any funding unless the applicant demonstrates, to the satisfaction of the Secretary, that the applicant has committed, and will be able to fulfill, the non-Federal share required for the grant within the applicant’s proposed project completion timetable.

“(B) The Secretary may not obligate any funding for work activities that occur after the completion of final design unless—

“(i) the applicant submits a financial plan to the Secretary that generally identifies the sources of the non-Federal funding required for any subsequent segments or phases of the corridor service development program covering the project for which the grant is awarded;

“(ii) the grant will result in a useable segment, a transportation facility, or equipment, that has operational independence; and

“(iii) the intercity passenger rail benefits anticipated to result from the grant, such as increased speed, improved on-time performance, reduced trip time, increased frequencies, new service, safety improvements, improved accessibility, or other significant enhancements, are detailed by the grantee and approved by the Secretary.

“(C)(i) The Secretary shall ensure that the project is maintained to the level of utility that is necessary to support the benefits approved under subparagraph (B)(iii) for a period of 20 years from the date on which the useable segment, transportation facility, or equipment described in subparagraph (B)(ii) is placed in service.

“(ii) If the project property is not maintained as required under clause (i) for a 12-month period, the grant recipient shall refund a pro-rata share of the Federal contribution, based upon the percentage remaining of the 20-year period that commenced when the project property was placed in service.

“(2) EARLY WORK.—The Secretary may allow a grantee subject to this subsection to engage in at-risk work activities subsequent to the conclusion of final design if the Secretary determines that such work activities are reasonable and necessary.”.

SEC. 11310. SMALL BUSINESS PARTICIPATION STUDY.

(a) **STUDY.**—The Secretary shall conduct a nationwide disparity and availability study on the availability and use of small business concerns owned and controlled by socially and economically disadvantaged individuals and veteran-owned small businesses in publicly funded intercity rail passenger transportation projects.

(b) **REPORT.**—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit a report containing the results of the study conducted under subsection (a) to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(c) **DEFINITIONS.**—In this section:

(1) **SMALL BUSINESS CONCERN.**—The term “small business concern” has the meaning given such term in section 3 of the Small Business Act (15 U.S.C. 632), except that the term does not include any concern or group of concerns controlled by the same socially and economically disadvantaged individual or individuals that have average annual gross receipts during the preceding 3 fiscal years in excess of \$22,410,000, as adjusted annually by the Secretary for inflation.

(2) **SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUAL.**—The term “socially and economically disadvantaged individual” has the meaning given such term in section 8(d) of the Small Business Act (15 U.S.C. 637(d)) and relevant subcontracting regulations issued pursuant to such Act, except that women shall be presumed to be socially and economically disadvantaged individuals for purposes of this section.

(3) **VETERAN-OWNED SMALL BUSINESS.**—The term “veteran-owned small business” has the meaning given the term “small business concern owned and controlled by veterans” in section 3(q)(3) of the Small Business Act (15 U.S.C. 632(q)(3)), except that the term does not include any concern or group of concerns controlled by the same veterans that have average annual gross receipts during the preceding 3 fiscal years in excess of \$22,410,000, as adjusted annually by the Secretary for inflation.

49 USC 20101
note.

SEC. 11311. SHARED-USE STUDY.

(a) **IN GENERAL.**—Not later than 3 years after the date of enactment of this Act, the Secretary, in consultation with Amtrak, commuter rail passenger transportation authorities, other railroad carriers, railroad carriers that own rail infrastructure over which both passenger and freight trains operate, States, the Surface Transportation Board, the Northeast Corridor Commission established under section 24905 of title 49, United States Code, the State-Supported Route Committee established under section 24712 of such title, and groups representing rail passengers and customers, as appropriate, shall complete a study that evaluates—

(1) the shared use of right-of-way by passenger and freight rail systems; and

(2) the operational, institutional, and legal structures that would best support improvements to the systems referred to in paragraph (1).

(b) **AREAS OF STUDY.**—In conducting the study under subsection (a), the Secretary shall evaluate—

- (1) the access and use of railroad right-of-way by a rail carrier that does not own the right-of-way, such as passenger rail services that operate over privately-owned right-of-way, including an analysis of—
 - (A) access agreements;
 - (B) costs of access; and
 - (C) the resolution of disputes relating to such access or costs;
 - (2) the effectiveness of existing contractual, statutory, and regulatory mechanisms for establishing, measuring, and enforcing train performance standards, including—
 - (A) the manner in which passenger train delays are recorded;
 - (B) the assignment of responsibility for such delays; and
 - (C) the use of incentives and penalties for performance;
 - (3) the strengths and weaknesses of the existing mechanisms described in paragraph (2) and possible approaches to address the weaknesses;
 - (4) mechanisms for measuring and maintaining public benefits resulting from publicly funded freight or passenger rail improvements, including improvements directed towards shared-use right-of-way by passenger and freight rail;
 - (5) approaches to operations, capacity, and cost estimation modeling that—
 - (A) allow for transparent decisionmaking; and
 - (B) protect the proprietary interests of all parties;
 - (6) liability requirements and arrangements, including—
 - (A) whether to expand statutory liability limits to additional parties;
 - (B) whether to revise the current statutory liability limits;
 - (C) whether current insurance levels of passenger rail operators are adequate and whether to establish minimum insurance requirements for such passenger rail operators; and
 - (D) whether to establish alternative insurance models, including other models administered by the Federal Government;
 - (7) the effect on rail passenger services, operations, liability limits, and insurance levels of the assertion of sovereign immunity by a State; and
 - (8) other issues identified by the Secretary.
- (c) REPORT.—Not later than 60 days after the study under subsection (a) is complete, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes—
- (1) the results of the study; and
 - (2) any recommendations for further action, including any legislative proposals consistent with such recommendations.
- (d) IMPLEMENTATION.—The Secretary shall integrate, as appropriate, the recommendations submitted under subsection (c) into the financial assistance programs under subtitle V of title 49, United States Code, and section 502 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822).

SEC. 11312. NORTHEAST CORRIDOR THROUGH-TICKETING AND PROCUREMENT EFFICIENCIES.**(a) THROUGH-TICKETING STUDY.—**

(1) **IN GENERAL.**—Not later than 3 years after the date of enactment of this Act, the Northeast Corridor Commission established under section 24905(a) of title 49, United States Code (referred to in this section as the “Commission”), in consultation with Amtrak and the commuter rail passenger transportation providers along the Northeast Corridor, shall complete a study on the feasibility of and options for permitting through-ticketing between Amtrak service and commuter rail services on the Northeast Corridor.

(2) **CONTENTS.**—In completing the study under paragraph (1), the Northeast Corridor Commission shall—

(A) examine the current state of intercity and commuter rail ticketing technologies, policies, and other relevant aspects on the Northeast Corridor;

(B) consider and recommend technology, process, policy, or other options that would permit through-ticketing to allow intercity and commuter rail passengers to purchase, in a single transaction, travel that utilizes Amtrak and connecting commuter rail services;

(C) consider options to expand through-ticketing to include local transit services;

(D) summarize costs, benefits, opportunities, and impediments to developing such through-ticketing options; and

(E) develop a proposed methodology, including cost and schedule estimates, for carrying out a pilot program on through-ticketing on the Northeast Corridor.

(3) **REPORT.**—Not later than 60 days after the date the study under paragraph (1) is complete, the Commission shall submit to the Secretary, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes—

(A) the results of the study; and

(B) any recommendations for further action.

(4) **REVIEW.**—Not later than 180 days after receipt of the report under paragraph (3), the Secretary shall review the report and recommend best practices in developing through ticketing for other areas outside of the Northeast Corridor. The Secretary shall transmit the best practices to the State-Supported Route Committee established under section 24712 of title 49, United States Code.

(b) JOINT PROCUREMENT STUDY.—

(1) **IN GENERAL.**—Not later than 3 years after the date of enactment of this Act, the Secretary, in cooperation with the Commission, Amtrak, and commuter rail transportation authorities on the Northeast Corridor, shall complete a study of the potential benefits resulting from Amtrak and such authorities undertaking select joint procurements for common materials, assets, and equipment when expending Federal funds for such joint procurements.

(2) **CONTENTS.**—In completing the study under paragraph (1), the Secretary shall consider—

(A) the types of materials, assets, and equipment that are regularly purchased by Amtrak and such authorities that are similar and could be jointly procured;

(B) the potential benefits of such joint procurements, including lower procurement costs, better pricing, greater market relevancy, and other efficiencies;

(C) the potential costs of such joint procurements;

(D) any significant impediments to undertaking joint procurements, including any necessary harmonization and reconciliation of Federal and State procurement or safety regulations or standards and other requirements; and

(E) whether to create Federal incentives or requirements relating to considering or carrying out joint procurements when expending Federal funds.

(3) TRANSMISSION.—Not later than 60 days after completing the study required under this subsection, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes—

(A) the results of the study; and

(B) any recommendations for further action.

(c) NORTHEAST CORRIDOR.—In this section, the term “Northeast Corridor” means the Northeast Corridor main line between Boston, Massachusetts, and the District of Columbia, and the Northeast Corridor branch lines connecting to Harrisburg, Pennsylvania, Springfield, Massachusetts, and Spuyten Duyvil, New York, including the facilities and services used to operate and maintain those lines.

SEC. 11313. DATA AND ANALYSIS.

(a) DATA.—Not later than 3 years after the date of enactment of this Act, the Secretary, in consultation with the Surface Transportation Board, Amtrak, freight railroads, State and local governments, and regional business, tourism, and economic development agencies shall conduct a data needs assessment to—

(1) support the development of an efficient and effective intercity passenger rail network;

(2) identify the data needed to conduct cost-effective modeling and analysis for intercity passenger rail development programs;

(3) determine limitations to the data used for inputs;

(4) develop a strategy to address such limitations;

(5) identify barriers to accessing existing data;

(6) develop recommendations regarding whether the authorization of additional data collection for intercity passenger rail travel is warranted; and

(7) determine which entities should be responsible for generating or collecting needed data.

(b) BENEFIT-COST ANALYSIS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall enhance the usefulness of assessments of benefits and costs for intercity passenger rail and freight rail projects by—

(1) providing ongoing guidance and training on developing benefit and cost information for rail projects;

49 USC 24407
note.

(2) providing more direct and consistent requirements for assessing benefits and costs across transportation funding programs, including the appropriate use of discount rates;

(3) requiring applicants to clearly communicate the methodology used to calculate the project benefits and costs, including non-proprietary information on—

(A) assumptions underlying calculations;

(B) strengths and limitations of data used; and

(C) the level of uncertainty in estimates of project benefits and costs; and

(4) ensuring that applicants receive clear and consistent guidance on values to apply for key assumptions used to estimate potential project benefits and costs.

(c) CONFIDENTIAL DATA.—The Secretary shall protect all sensitive and confidential information to the greatest extent permitted by law. Nothing in this section shall require any entity to provide information to the Secretary in the absence of a voluntary agreement.

5 USC app. 8G.

SEC. 11314. AMTRAK INSPECTOR GENERAL.

(a) AUTHORITY.—

(1) IN GENERAL.—The Inspector General of Amtrak shall have the authority available to other Inspectors General, as necessary in carrying out the duties specified in the Inspector General Act of 1978 (5 U.S.C. App.), to investigate any alleged violation of sections 286, 287, 371, 641, 1001, 1002 and 1516 of title 18, United States Code.

(2) AGENCY.—For purposes of sections 286, 287, 371, 641, 1001, 1002, and 1516 of title 18, United States Code, Amtrak and the Amtrak Office of Inspector General, shall be considered a corporation in which the United States has a proprietary interest as set forth in section 6 of such title.

(b) ASSESSMENT.—The Inspector General of Amtrak shall—

(1) not later than 60 days after the date of enactment of this Act, initiate an assessment to determine whether current expenditures or procurements involving Amtrak’s fulfillment of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) utilize competitive, market-driven provisions that are applicable throughout the entire term of such related expenditures or procurements; and

(2) not later than 6 months after the date of enactment of this Act, transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives the assessment under paragraph (1).

(c) LIMITATION.—The authority provided by subsection (a) shall be effective only with respect to a fiscal year for which Amtrak receives a Federal subsidy.

SEC. 11315. MISCELLANEOUS PROVISIONS.

(a) TITLE 49 AMENDMENTS.—

(1) AUTHORITY.—Section 22702(b)(4) of title 49, United States Code, is amended by striking “5 years for reapproval by the Secretary” and inserting “4 years for acceptance by the Secretary”.

(2) CONTENTS OF STATE RAIL PLANS.—Section 22705(a) of title 49, United States Code, is amended by striking paragraph (12).

(b) PASSENGER RAIL INVESTMENT AND IMPROVEMENT ACT AMENDMENTS.—Section 305 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note) is amended—

(1) in subsection (a) by inserting after “equipment manufacturers,” the following: “nonprofit organizations representing employees who perform overhaul and maintenance of passenger railroad equipment,”;

(2) in subsection (c) by striking “, and may establish a corporation, which may be owned or jointly-owned by Amtrak, participating States, or other entities, to perform these functions”; and

(3) in subsection (e) by striking “and establishing a jointly-owned corporation to manage that equipment”.

(c) CERTAIN PROJECTS.—A project described in 1307(a)(3) of SAFETEA-LU (Public Law 109–59) may be eligible for the Railroad Rehabilitation and Improvement Financing program if the Secretary determines such project meets the requirements of sections 502 and 503 of the Railroad Revitalization and Regulatory Reform Act of 1976.

23 USC 322 note.

(d) CLARIFICATION.—

(1) AMENDMENT.—Section 20157(g) of title 49, United States Code, is amended by adding at the end the following new paragraph:

“(4) CLARIFICATION.—

“(A) PROHIBITIONS.—The Secretary is prohibited from—

“(i) approving or disapproving a revised plan submitted under subsection (a)(1);

“(ii) considering a revised plan under subsection (a)(1) as a request for amendment under section 236.1021 of title 49, Code of Federal Regulations; or

“(iii) requiring the submission, as part of the revised plan under subsection (a)(1), of—

“(I) only a schedule and sequence under subsection (a)(2)(A)(iii)(VII); or

“(II) both a schedule and sequence under subsection (a)(2)(A)(iii)(VII) and an alternative schedule and sequence under subsection (a)(2)(B).

“(B) CIVIL PENALTY AUTHORITY.—Except as provided in paragraph (2) and this paragraph, nothing in this subsection shall be construed to limit the Secretary’s authority to assess civil penalties pursuant to subsection (e), consistent with the requirements of this section.

“(C) RETAINED REVIEW AUTHORITY.—The Secretary retains the authority to review revised plans submitted under subsection (a)(1) and is authorized to require modifications of those plans to the extent necessary to ensure that such plans include the descriptions under subsection (a)(2)(A)(i), the contents under subsection (a)(2)(A)(ii), and the year or years, totals, and summary under subsection (a)(2)(A)(iii)(I) through (VI).”.

(2) CONFORMING AMENDMENT.—Section 20157(g)(3) of title 49, United States Code, is amended by striking “by paragraph (2) and subsection (k)” and inserting “to conform with this section”.

SEC. 11316. TECHNICAL AND CONFORMING AMENDMENTS.

(a) ASSISTANCE TO FAMILIES OF PASSENGERS INVOLVED IN RAIL PASSENGER ACCIDENTS.—Section 1139 of title 49, United States Code, is amended—

(1) in subsection (a)(1), by striking “phone number” and inserting “telephone number”;

(2) in subsection (a)(2), by striking “post trauma communication with families” and inserting “post-trauma communication with families”; and

(3) in subsection (j), by striking “railroad passenger accident” each place it appears and inserting “rail passenger accident”.

(b) SOLID WASTE RAIL TRANSFER FACILITY LAND-USE EXEMPTION.—Section 10909 of title 49, United States Code, is amended—

(1) in subsection (b), in the matter preceding paragraph (1), by striking “Clean Railroad Act of 2008” and inserting “Clean Railroads Act of 2008”; and

(2) in subsection (e), by striking “Upon the granting of petition from the State” and inserting “Upon the granting of a petition from the State”.

(c) RULEMAKING PROCESS.—Section 20116 of title 49, United States Code, is amended—

(1) by inserting “(2)” before “the code, rule, standard, requirement, or practice has been subject to notice and comment under a rule or order issued under this part.” and indenting accordingly;

(2) by inserting “(1)” after “unless” and indenting accordingly;

(3) in paragraph (1), as redesignated, by striking “order, or” and inserting “order; or”; and

(4) in the matter preceding paragraph (1), as redesignated, by striking “unless” and inserting “unless—”.

(d) ENFORCEMENT REPORT.—Section 20120(a) of title 49, United States Code, is amended—

(1) in the matter preceding paragraph (1), by striking “website” and inserting “Web site”;

(2) in paragraph (1), by striking “accident and incidence reporting” and inserting “accident and incident reporting”;

(3) in paragraph (2)(G), by inserting “and” at the end; and

(4) in paragraph (5)(B), by striking “Administrative Hearing Officer or Administrative Law Judge” and inserting “administrative hearing officer or administrative law judge”.

(e) RAILROAD SAFETY RISK REDUCTION PROGRAM.—Section 20156 of title 49, United States Code, is amended—

(1) in subsection (c), by inserting a comma after “In developing its railroad safety risk reduction program”; and

(2) in subsection (g)(1)—

(A) by inserting a comma after “good faith”; and

(B) by striking “non-profit” and inserting “nonprofit”.

(f) ROADWAY USER SIGHT DISTANCE AT HIGHWAY-RAIL GRADE CROSSINGS.—Section 20159 of title 49, United States Code, is amended by striking “the Secretary” and inserting “the Secretary of Transportation”.

(g) NATIONAL CROSSING INVENTORY.—Section 20160 of title 49, United States Code, is amended—

(1) in subsection (a)(1), by striking “concerning each previously unreported crossing through which it operates or with respect to the trackage over which it operates” and inserting “concerning each previously unreported crossing through which it operates with respect to the trackage over which it operates”; and

(2) in subsection (b)(1)(A), by striking “concerning each crossing through which it operates or with respect to the trackage over which it operates” and inserting “concerning each crossing through which it operates with respect to the trackage over which it operates”.

(h) **MINIMUM TRAINING STANDARDS AND PLANS.**—Section 20162(a)(3) of title 49, United States Code, is amended by striking “railroad compliance with Federal standards” and inserting “railroad carrier compliance with Federal standards”.

(i) **DEVELOPMENT AND USE OF RAIL SAFETY TECHNOLOGY.**—Section 20164(a) of title 49, United States Code, is amended by striking “after enactment of the Railroad Safety Enhancement Act of 2008” and inserting “after the date of enactment of the Rail Safety Improvement Act of 2008”.

(j) **RAIL SAFETY IMPROVEMENT ACT OF 2008.**—

(1) **TABLE OF CONTENTS.**—Section 1(b) of division A of the Rail Safety Improvement Act of 2008 (Public Law 110–432; 122 Stat. 4848) is amended—

(A) in the item relating to section 307 by striking “website” and inserting “Web site”;

(B) in the item relating to title VI by striking “solid waste facilities” and inserting “solid waste rail transfer facilities”; and

(C) in the item relating to section 602 by striking “solid waste transfer facilities” and inserting “solid waste rail transfer facilities”.

(2) **DEFINITIONS.**—Section 2(a)(1) of division A of the Rail Safety Improvement Act of 2008 (Public Law 110–432; 122 Stat. 4849) is amended in the matter preceding subparagraph (A), by inserting a comma after “at grade”.

(3) **RAILROAD SAFETY STRATEGY.**—Section 102(a)(6) of title I of division A of the Rail Safety Improvement Act of 2008 (49 U.S.C. 20101 note) is amended by striking “Improving the safety of railroad bridges, tunnels, and related infrastructure to prevent accidents, incidents, injuries, and fatalities caused by catastrophic failures and other bridge and tunnel failures.” and inserting “Improving the safety of railroad bridges, tunnels, and related infrastructure to prevent accidents, incidents, injuries, and fatalities caused by catastrophic and other failures of such infrastructure.”.

(4) **OPERATION LIFESAVER.**—Section 206(a) of title II of division A of the Rail Safety Improvement Act of 2008 (49 U.S.C. 22501 note) is amended by striking “Public Service Announcements” and inserting “public service announcements”.

(5) **UPDATE OF FEDERAL RAILROAD ADMINISTRATION’S WEB SITE.**—Section 307 of title III of division A of the Rail Safety Improvement Act of 2008 (49 U.S.C. 103 note) is amended—

(A) in the heading by striking “**FEDERAL RAILROAD ADMINISTRATION’S WEBSITE**” and inserting “**FEDERAL RAILROAD ADMINISTRATION WEB SITE**”;

49 USC 20102
note.

(B) by striking “website” each place it appears and inserting “Web site”; and

(C) by striking “website’s” and inserting “Web site’s”.

(6) ALCOHOL AND CONTROLLED SUBSTANCE TESTING FOR MAINTENANCE-OF-WAY EMPLOYEES.—Section 412 of title IV of division A of the Rail Safety Improvement Act of 2008 (49 U.S.C. 20140 note) is amended by striking “Secretary of Transportation” and inserting “Secretary”.

(7) TUNNEL INFORMATION.—Section 414 of title IV of division A of the Rail Safety Improvement Act of 2008 (49 U.S.C. 20103 note) is amended—

(A) by striking “parts 171.8, 173.115” and inserting “sections 171.8, 173.115”; and

(B) by striking “part 1520.5” and inserting “section 1520.5”.

(8) SAFETY INSPECTIONS IN MEXICO.—Section 416 of title IV of division A of the Rail Safety Improvement Act of 2008 (49 U.S.C. 20107 note) is amended—

(A) in the matter preceding paragraph (1), by striking “Secretary of Transportation” and inserting “Secretary”; and

(B) in paragraph (4), by striking “subsection” and inserting “section”.

(9) HEADING OF TITLE VI.—The heading of title VI of division A of the Rail Safety Improvement Act of 2008 (122 Stat. 4900) is amended by striking “**SOLID WASTE FACILITIES**” and inserting “**SOLID WASTE RAIL TRANSFER FACILITIES**”.

(10) HEADING OF SECTION 602.—The heading of section 602 of title VI of division A of the Rail Safety Improvement Act of 2008 (122 Stat. 4900) is amended by striking “**SOLID WASTE TRANSFER FACILITIES**” and inserting “**SOLID WASTE RAIL TRANSFER FACILITIES**”.

(k) CONTINGENT INTEREST RECOVERIES.—Section 22106(b) of title 49, United States Code, is amended by striking “interest thereof” and inserting “interest thereon”.

(l) MISSION.—Section 24101(b) of title 49, United States Code, is amended by striking “of subsection (d)” and inserting “set forth in subsection (c)”.

(m) TABLE OF CONTENTS AMENDMENT.—The table of contents for chapter 243 of title 49, United States Code, is amended by striking the item relating to section 24316 and inserting the following:

“24316. Plans to address the needs of families of passengers involved in rail passenger accidents.”.

(n) AMTRAK.—Chapter 247 of title 49, United States Code, is amended—

(1) in section 24706—

(A) in subsection (a)—

(i) in paragraph (1) by striking “a discontinuance under section 24704 or or”; and

(ii) in paragraph (2) by striking “section 24704 or”; and

(B) in subsection (b) by striking “section 24704 or”; and

and

(2) in section 24709 by striking “The Secretary of the Treasury and the Attorney General,” and inserting “The Secretary of Homeland Security,”.

(o) RAIL COOPERATIVE RESEARCH PROGRAM.—Section 24910(b) of title 49, United States Code, is amended—

(1) in paragraph (12) by striking “and” at the end;

(2) in paragraph (13) by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(14) to improve overall safety of intercity passenger and freight rail operations.”.

(p) SECRETARIAL OVERSIGHT.—Section 24403 of title 49, United States Code, is amended by striking subsection (b).

Subtitle D—Safety

SEC. 11401. HIGHWAY-RAIL GRADE CROSSING SAFETY.

49 USC 22501
note.

(a) MODEL STATE HIGHWAY-RAIL GRADE CROSSING ACTION PLAN.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Railroad Administration shall develop a model of a State-specific highway-rail grade crossing action plan and distribute the plan to each State.

(2) CONTENTS.—The plan developed under paragraph (1) shall include—

(A) methodologies, tools, and data sources for identifying and evaluating highway-rail grade crossing safety risks, including the public safety risks posed by blocked highway-rail grade crossings due to idling trains;

(B) best practices to reduce the risk of highway-rail grade crossing accidents or incidents and to alleviate the blockage of highway-rail grade crossings due to idling trains, including strategies for—

(i) education, including model stakeholder engagement plans or tools;

(ii) engineering, including the benefits and costs of different designs and technologies used to mitigate highway-rail grade crossing safety risks; and

(iii) enforcement, including the strengths and weaknesses associated with different enforcement methods;

(C) for each State, a customized list and data set of the highway-rail grade crossing accidents or incidents in that State over the past 3 years, including the location, number of deaths, and number of injuries for each accident or incident, and a list of highway-rail grade crossings in that State that have experienced multiple accidents or incidents over the past 3 years; and

(D) contact information of a Department of Transportation safety official available to assist the State in adapting the model plan to satisfy the requirements under subsection (b).

(b) STATE HIGHWAY-RAIL GRADE CROSSING ACTION PLANS.—

(1) REQUIREMENTS.—Not later than 18 months after the Administrator develops and distributes the model plan under

subsection (a), the Administrator shall promulgate a rule that requires—

(A) each State, except the 10 States identified under section 202 of the Rail Safety Improvement Act of 2008 (49 U.S.C. 22501 note), to develop and implement a State highway-rail grade crossing action plan; and

(B) each State identified under section 202 of the Rail Safety Improvement Act of 2008 (49 U.S.C. 22501 note) to—

(i) update the State action plan under such section; and

(ii) submit to the Administrator—

(I) the updated State action plan; and

(II) a report describing what the State did to implement its previous State action plan under such section and how the State will continue to reduce highway-rail grade crossing safety risks.

(2) CONTENTS.—Each State plan required under this subsection shall—

(A) identify highway-rail grade crossings that have experienced recent highway-rail grade crossing accidents or incidents or multiple highway-rail grade crossing accidents or incidents, or are at high-risk for accidents or incidents;

(B) identify specific strategies for improving safety at highway-rail grade crossings, including highway-rail grade crossing closures or grade separations; and

(C) designate a State official responsible for managing implementation of the State action plan under subparagraph (A) or (B) of paragraph (1), as applicable.

(3) ASSISTANCE.—The Administrator shall provide assistance to each State in developing and carrying out, as appropriate, the State action plan under this subsection.

(4) PUBLIC AVAILABILITY.—Each State shall submit a final State plan under this subsection to the Administrator for publication. The Administrator shall make each approved State plan publicly available on an official Internet Web site.

(5) CONDITIONS.—The Secretary may condition the awarding of a grant to a State under chapter 244 of title 49, United States Code, on that State submitting an acceptable State action plan under this subsection.

(6) REVIEW OF ACTION PLANS.—Not later than 60 days after the date of receipt of a State action plan under this subsection, the Administrator shall—

(A) if the State action plan is approved, notify the State and publish the State action plan under paragraph (4); and

(B) if the State action plan is incomplete or deficient, notify the State of the specific areas in which the plan is deficient and allow the State to complete the plan or correct the deficiencies and resubmit the plan under paragraph (1).

(7) DEADLINE.—Not later than 60 days after the date of a notice under paragraph (6)(B), a State shall complete the plan or correct the deficiencies and resubmit the plan.

(8) **FAILURE TO COMPLETE OR CORRECT PLAN.**—If a State fails to meet the deadline under paragraph (7), the Administrator shall post on the Web site under paragraph (4) a notice that the State has an incomplete or deficient highway-rail grade crossing action plan.

(c) **REPORT.**—Not later than the date that is 3 years after the Administrator publishes the final rule under subsection (b)(1), the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on—

(1) the specific strategies identified by States to improve safety at highway-rail grade crossings, including crossings with multiple accidents or incidents; and

(2) the progress each State described under subsection (b)(1)(B) has made in implementing its action plan.

(d) **RAILWAY-HIGHWAY CROSSINGS FUNDS.**—The Secretary may use funds made available to carry out section 130 of title 23, United States Code, to provide States with funds to develop a State highway-rail grade crossing action plan under subsection (b)(1)(A) or to update a State action plan under subsection (b)(1)(B).

(e) **DEFINITIONS.**—In this section:

(1) **HIGHWAY-RAIL GRADE CROSSING.**—The term “highway-rail grade crossing” means a location within a State, other than a location where 1 or more railroad tracks cross 1 or more railroad tracks at grade, where—

(A) a public highway, road, or street, or a private roadway, including associated sidewalks and pathways, crosses 1 or more railroad tracks either at grade or grade-separated; or

(B) a pathway explicitly authorized by a public authority or a railroad carrier that is dedicated for the use of non-vehicular traffic, including pedestrians, bicyclists, and others, that is not associated with a public highway, road, or street, or a private roadway, crosses 1 or more railroad tracks either at grade or grade-separated.

(2) **STATE.**—The term “State” means a State of the United States or the District of Columbia.

SEC. 11402. PRIVATE HIGHWAY-RAIL GRADE CROSSINGS.

(a) **IN GENERAL.**—The Secretary, in consultation with railroad carriers, shall conduct a study to—

(1) determine whether limitations or weaknesses exist regarding the availability and usefulness for safety purposes of data on private highway-rail grade crossings; and

(2) evaluate existing engineering practices on private highway-rail grade crossings.

(b) **CONTENTS.**—In conducting the study under subsection (a), the Secretary shall make recommendations as necessary to improve—

(1) the utility of the data on private highway-rail grade crossings; and

(2) the implementation of private highway-rail crossing safety measures, including signage and warning systems.

(c) **REPORT.**—Not later than 3 years after the date of enactment of this Act, the Secretary shall transmit to the Committee on

Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report of the findings of the study and any recommendations for further action.

SEC. 11403. STUDY ON USE OF LOCOMOTIVE HORNS AT HIGHWAY-RAIL GRADE CROSSINGS.

(a) **STUDY.**—The Comptroller General of the United States shall submit a report to Congress containing the results of a study evaluating the final rule issued on August 17, 2006, entitled “Use of Locomotive Horns at Highway-Rail Grade Crossings” (71 Fed. Reg. 47614), including—

- (1) the effectiveness of such final rule;
- (2) the benefits and costs of establishing quiet zones; and
- (3) any barriers to establishing quiet zones.

(b) **SAVINGS CLAUSE.**—Nothing in this section shall be construed to limit or preclude any planned retrospective review by the Secretary of the final rule described in subsection (a).

SEC. 11404. POSITIVE TRAIN CONTROL AT GRADE CROSSINGS EFFECTIVENESS STUDY.

After the Secretary certifies that each Class I railroad carrier and each entity providing regularly scheduled intercity or commuter rail passenger transportation is in compliance with the positive train control requirements under section 20157(a) of title 49, United States Code, the Secretary shall—

(1) conduct a study of the possible effectiveness of positive train control and related technologies on reducing collisions at highway-rail grade crossings; and

(2) submit a report containing the results of the study conducted under paragraph (1) to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 11405. BRIDGE INSPECTION REPORTS.

Section 417(d) of the Rail Safety Improvement Act of 2008 (49 U.S.C. 20103 note) is amended—

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

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

(2) by adding at the end the following:

“(2) **AVAILABILITY OF BRIDGE CONDITION.**—

“(A) **IN GENERAL.**—A State or political subdivision of a State may file a request with the Secretary for a public version of a bridge inspection report generated under subsection (b)(5) for a bridge located in such State or political subdivision’s jurisdiction.

“(B) **PUBLIC VERSION OF REPORT.**—If the Secretary determines that the request is reasonable, the Secretary shall require a railroad to submit a public version of the most recent bridge inspection report, such as a summary form, for a bridge subject to a request under subparagraph (A). The public version of a bridge inspection report shall include the date of last inspection, length of bridge, location of bridge, type of bridge, type of structure, feature crossed by bridge, and railroad contact information, along with a general statement on the condition of the bridge.

“(C) PROVISION OF REPORT.—The Secretary shall provide to a State or political subdivision of a State a public version of a bridge inspection report submitted under subparagraph (B).

“(D) TECHNICAL ASSISTANCE.—The Secretary, upon the reasonable request of State or political subdivision of a State, shall provide technical assistance to such State or political subdivision of a State to facilitate the understanding of a bridge inspection report.”.

SEC. 11406. SPEED LIMIT ACTION PLANS.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, each railroad carrier providing intercity rail passenger transportation or commuter rail passenger transportation, in consultation with any applicable host railroad carrier, shall survey its entire system and identify each main track location where there is a reduction of more than 20 miles per hour from the approach speed to a curve, bridge, or tunnel and the maximum authorized operating speed for passenger trains at that curve, bridge, or tunnel.

(b) ACTION PLANS.—Not later than 120 days after the date that the survey under subsection (a) is complete, a railroad carrier described in subsection (a) shall submit to the Secretary an action plan that—

(1) identifies each main track location where there is a reduction of more than 20 miles per hour from the approach speed to a curve, bridge, or tunnel and the maximum authorized operating speed for passenger trains at that curve, bridge, or tunnel;

(2) describes appropriate actions to enable warning and enforcement of the maximum authorized speed for passenger trains at each location identified under paragraph (1), including—

(A) modification to automatic train control systems, if applicable, or other signal systems;

(B) increased crew size;

(C) installation of signage alerting train crews of the maximum authorized speed for passenger trains in each location identified under paragraph (1);

(D) installation of alerters;

(E) increased crew communication; and

(F) other practices;

(3) contains milestones and target dates for implementing each appropriate action described under paragraph (2); and

(4) ensures compliance with the maximum authorized speed at each location identified under paragraph (1).

(c) APPROVAL.—Not later than 90 days after the date on which an action plan is submitted under subsection (b), the Secretary shall approve, approve with conditions, or disapprove the action plan.

(d) ALTERNATIVE SAFETY MEASURES.—The Secretary may exempt from the requirements of this section each segment of track for which operations are governed by a positive train control system certified under section 20157 of title 49, United States Code, or any other safety technology or practice that would achieve an equivalent or greater level of safety in reducing derailment risk.

(e) **REPORT.**—Not later than 6 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes—

(1) the actions railroad carriers have taken in response to Safety Advisory 2013–08, entitled “Operational Tests and Inspections for Compliance With Maximum Authorized Train Speeds and Other Speed Restrictions”;

(2) the actions railroad carriers have taken in response to Safety Advisory 2015–03, entitled “Operational and Signal Modifications for Compliance with Maximum Authorized Passenger Train Speeds and Other Speed Restrictions”; and

(3) the actions the Federal Railroad Administration has taken to evaluate or incorporate the information and findings arising from the safety advisories referred to in paragraphs (1) and (2) into the development of regulatory action and oversight activities.

(f) **SAVINGS CLAUSE.**—Nothing in this section shall prohibit the Secretary from applying the requirements of this section to other segments of track at high risk of overspeed derailment.

49 USC 20103
note.

SEC. 11407. ALERTERS.

(a) **IN GENERAL.**—The Secretary shall promulgate a rule to require a working alerter in the controlling locomotive of each passenger train in intercity rail passenger transportation (as defined in section 24102 of title 49, United States Code) or commuter rail passenger transportation (as defined in section 24102 of title 49, United States Code).

(b) **RULEMAKING.**—

(1) **IN GENERAL.**—The Secretary may promulgate a rule to specify the essential functionalities of a working alerter, including the manner in which the alerter can be reset.

(2) **ALTERNATE PRACTICE OR TECHNOLOGY.**—The Secretary may require or allow a technology or practice in lieu of a working alerter if the Secretary determines that the technology or practice would achieve an equivalent or greater level of safety in enhancing or ensuring appropriate locomotive control.

49 USC 20501
note.

SEC. 11408. SIGNAL PROTECTION.

(a) **IN GENERAL.**—Not later than 18 months after the date of enactment of this Act, the Secretary shall initiate a rulemaking to require that on-track safety regulations, whenever practicable and consistent with other safety requirements and operational considerations, include requiring implementation of redundant signal protection for maintenance-of-way work crews who depend on a train dispatcher to provide signal protection.

(b) **ALTERNATIVE SAFETY MEASURES.**—The Secretary shall consider exempting from any final requirements of this section each segment of track for which operations are governed by a positive train control system certified under section 20157 of title 49, United States Code, or any other safety technology or practice that would achieve an equivalent or greater level of safety in providing additional signal protection.

49 USC 20142
note.

SEC. 11409. COMMUTER RAIL TRACK INSPECTIONS.

(a) **IN GENERAL.**—The Secretary shall evaluate track inspection regulations to determine if a railroad carrier providing commuter

rail passenger transportation on high density commuter railroad lines should be required to inspect the lines in the same manner as is required for other commuter railroad lines.

(b) **RULEMAKING.**—Considering safety, including railroad carrier employee and contractor safety, system capacity, and other relevant factors, the Secretary may promulgate a rule for high density commuter railroad lines. If, after the evaluation under subsection (a), the Secretary determines that it is necessary to promulgate a rule, the Secretary shall specifically consider the following regulatory requirements for high density commuter railroad lines:

(1) At least once every 2 weeks—

(A) traverse each main line by vehicle; or

(B) inspect each main line on foot.

(2) At least once each month, traverse and inspect each siding by vehicle or by foot.

(c) **REPORT.**—If, after the evaluation under subsection (a), the Secretary determines it is not necessary to revise the regulations under this section, the Secretary, not later than 18 months after the date of enactment of this Act, shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report explaining the reasons for not revising the regulations.

(d) **CONSTRUCTION.**—Nothing in this section may be construed to limit the authority of the Secretary to promulgate regulations or issue orders under any other law.

SEC. 11410. POST-ACCIDENT ASSESSMENT.

(a) **IN GENERAL.**—The Secretary, in cooperation with the National Transportation Safety Board and Amtrak, shall conduct a post-accident assessment of the Amtrak Northeast Regional Train #188 crash on May 12, 2015.

(b) **ELEMENTS.**—The assessment conducted pursuant to subsection (a) shall include—

(1) a review of Amtrak's compliance with the plan for addressing the needs of the families of passengers involved in any rail passenger accident, which was submitted pursuant to section 24316 of title 49, United States Code;

(2) a review of Amtrak's compliance with the emergency preparedness plan required under section 239.101(a) of title 49, Code of Federal Regulations;

(3) a determination of any additional action items that should be included in the plans referred to in paragraphs (1) and (2) to meet the needs of the passengers involved in the crash and their families, including—

(A) notification of emergency contacts;

(B) dedicated and trained staff to manage family assistance;

(C) the establishment of a family assistance center at the accident locale or other appropriate location;

(D) a system for identifying and recovering items belonging to passengers that were lost in the crash; and

(E) the establishment of a single customer service entity within Amtrak to coordinate the response to the needs of the passengers involved in the crash and their families; and

(4) recommendations for any additional training needed by Amtrak staff to better implement the plans referred to in paragraphs (1) and (2), including the establishment of a regular schedule for training drills and exercises.

(c) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, Amtrak shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes—

(1) Amtrak’s plan to achieve the recommendations referred to in subsection (b)(4); and

(2) any steps that have been taken to address any deficiencies identified through the assessment.

SEC. 11411. RECORDING DEVICES.

(a) IN GENERAL.—Subchapter II of chapter 201 of title 49, United States Code, is amended by adding at the end the following:

49 USC 20168.

“§ 20168. Installation of audio and image recording devices

“(a) IN GENERAL.—Not later than 2 years after the date of enactment of the Passenger Rail Reform and Investment Act of 2015, the Secretary of Transportation shall promulgate regulations to require each railroad carrier that provides regularly scheduled intercity rail passenger or commuter rail passenger transportation to the public to install inward- and outward-facing image recording devices in all controlling locomotive cabs and cab car operating compartments in such passenger trains.

“(b) DEVICE STANDARDS.—Each inward- and outward-facing image recording device shall—

“(1) have a minimum 12-hour continuous recording capability;

“(2) have crash and fire protections for any in-cab image recordings that are stored only within a controlling locomotive cab or cab car operating compartment; and

“(3) have recordings accessible for review during an accident or incident investigation.

“(c) REVIEW.—The Secretary shall establish a process to review and approve or disapprove an inward- or outward-facing image recording device for compliance with the standards described in subsection (b).

“(d) USES.—A railroad carrier subject to the requirements of subsection (a) that has installed an inward- or outward-facing image recording device approved under subsection (c) may use recordings from that inward- or outward-facing image recording device for the following purposes:

“(1) Verifying that train crew actions are in accordance with applicable safety laws and the railroad carrier’s operating rules and procedures, including a system-wide program for such verification.

“(2) Assisting in an investigation into the causation of a reportable accident or incident.

“(3) Documenting a criminal act or monitoring unauthorized occupancy of the controlling locomotive cab or car operating compartment.

“(4) Other purposes that the Secretary considers appropriate.

“(e) DISCRETION.—

“(1) IN GENERAL.—The Secretary may—

“(A) require in-cab audio recording devices for the purposes described in subsection (d); and

“(B) define in appropriate technical detail the essential features of the devices required under subparagraph (A).

“(2) EXEMPTIONS.—The Secretary may exempt any railroad carrier subject to the requirements of subsection (a) or any part of the carrier’s operations from the requirements under subsection (a) if the Secretary determines that the carrier has implemented an alternative technology or practice that provides an equivalent or greater safety benefit or that is better suited to the risks of the operation.

“(f) TAMPERING.—A railroad carrier subject to the requirements of subsection (a) may take appropriate enforcement or administrative action against any employee that tampers with or disables an audio or inward- or outward-facing image recording device installed by the railroad carrier.

“(g) PRESERVATION OF DATA.—Each railroad carrier subject to the requirements of subsection (a) shall preserve recording device data for 1 year after the date of a reportable accident or incident.

“(h) INFORMATION PROTECTIONS.—The Secretary may not disclose publicly any part of an in-cab audio or image recording or transcript of oral communications by or among train employees or other operating employees responsible for the movement and direction of the train, or between such operating employees and company communication centers, related to an accident or incident investigated by the Secretary. The Secretary may make public any part of a transcript or any written depiction of visual information that the Secretary determines is relevant to the accident at the time a majority of the other factual reports on the accident or incident are released to the public.

“(i) PROHIBITED USE.—An in-cab audio or image recording obtained by a railroad carrier under this section may not be used to retaliate against an employee.

“(j) SAVINGS CLAUSE.—Nothing in this section may be construed as requiring a railroad carrier to cease or restrict operations upon a technical failure of an inward- or outward-facing image recording device or in-cab audio device. Such railroad carrier shall repair or replace the failed inward- or outward-facing image recording device as soon as practicable.”

(b) CONFORMING AMENDMENT.—The table of contents for subchapter II of chapter 201 of title 49, United States Code, is amended by adding at the end the following:

49 USC
prec. 20101.

“20168. Installation of audio and image recording devices.”

SEC. 11412. RAILROAD POLICE OFFICERS.

(a) IN GENERAL.—Section 28101 of title 49, United States Code, is amended—

(1) by striking “employed by” each place it appears and inserting “directly employed by or contracted by”;

(2) in subsection (b), by inserting “or agent, as applicable,” after “an employee”; and

(3) by adding at the end the following:

“(c) TRANSFERS.—

“(1) IN GENERAL.—If a railroad police officer directly employed by or contracted by a rail carrier and certified or commissioned as a police officer under the laws of a State

transfers primary employment or residence from the certifying or commissioning State to another State or jurisdiction, the railroad police officer, not later than 1 year after the date of transfer, shall apply to be certified or commissioned as a police officer under the laws of the State of new primary employment or residence.

“(2) INTERIM PERIOD.—During the period beginning on the date of transfer and ending 1 year after the date of transfer, a railroad police officer directly employed by or contracted by a rail carrier and certified or commissioned as a police officer under the laws of a State may enforce the laws of the new jurisdiction in which the railroad police officer resides, to the same extent as provided in subsection (a).

“(d) TRAINING.—

“(1) IN GENERAL.—A State may recognize as meeting that State’s basic police officer certification or commissioning requirements for qualification as a rail police officer under this section any individual who successfully completes a program at a State-recognized police training academy in another State or at a Federal law enforcement training center and who is certified or commissioned as a police officer by that other State.

“(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed as superseding or affecting any State training requirements related to criminal law, criminal procedure, motor vehicle code, any other State law, or State-mandated comparative or annual in-service training academy or Federal law enforcement training center.”.

49 USC 28101
note.

(b) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall revise the regulations in part 207 of title 49, Code of Federal Regulations (relating to railroad police officers), to permit a railroad to designate an individual, who is commissioned in the individual’s State of legal residence or State of primary employment and directly employed by or contracted by a railroad to enforce State laws for the protection of railroad property, personnel, passengers, and cargo, to serve in the States in which the railroad owns property.

(c) CONFORMING AMENDMENTS.—

(1) AMTRAK RAIL POLICE.—Section 24305(e) of title 49, United States Code, is amended—

(A) by striking “may employ” and inserting “may directly employ or contract with”;

(B) by striking “employed by” and inserting “directly employed by or contracted by”; and

(C) by striking “employed without” and inserting “directly employed or contracted without”.

(2) EXCEPTIONS.—Section 922(z)(2)(B) of title 18, United States Code, is amended by striking “employed by” and inserting “directly employed by or contracted by”.

SEC. 11413. REPAIR AND REPLACEMENT OF DAMAGED TRACK INSPECTION EQUIPMENT.

(a) IN GENERAL.—Subchapter I of chapter 201 of title 49, United States Code, is amended by adding at the end the following:

“§ 20121. Repair and replacement of damaged track inspection equipment 49 USC 20121.

“The Secretary of Transportation may receive and expend cash, or receive and utilize spare parts and similar items, from non-United States Government sources to repair damages to or replace United States Government-owned automated track inspection cars and equipment as a result of third-party liability for such damages, and any amounts collected under this section shall be credited directly to the Railroad Safety and Operations account of the Federal Railroad Administration and shall remain available until expended for the repair, operation, and maintenance of automated track inspection cars and equipment in connection with the automated track inspection program.”

(b) CONFORMING AMENDMENT.—The table of contents for subchapter I of chapter 201 of title 49, United States Code, is amended by adding at the end the following:

49 USC
prec. 20101.

“20121. Repair and replacement of damaged track inspection equipment.”.

SEC. 11414. REPORT ON VERTICAL TRACK DEFLECTION.

(a) REPORT.—Not later than 9 months after the date of enactment of this Act, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report detailing research conducted or procured by the Federal Railroad Administration on developing a system that measures vertical track deflection (in this section referred to as “VTD”) from a moving rail car, including the ability of such system to identify poor track support from fouled ballast, deteriorated cross ties, or other conditions.

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

- (1) the findings and results of testing of VTD instrumentation during field trials on revenue service track;
- (2) the findings and results of subsequent testing of VTD instrumentation on a Federal Railroad Administration automated track inspection program geometry car;
- (3) if considered appropriate by the Secretary based on the report and related research, a plan for developing quantitative inspection criteria for poor track support using existing VTD instrumentation on Federal Railroad Administration automated track inspection program geometry cars; and
- (4) if considered appropriate by the Secretary based on the report and related research, a plan for installing VTD instrumentation on all remaining Federal Railroad Administration automated track inspection program geometry cars not later than 3 years after the date of enactment of this Act.

SEC. 11415. RAIL PASSENGER LIABILITY.

(a) AMTRAK INCIDENT.—Notwithstanding any other provision of law, the aggregate allowable awards to all rail passengers, against all defendants, for all claims, including claims for punitive damages, arising from a single accident or incident involving Amtrak occurring on May 12, 2015, shall not exceed \$295,000,000.

(b) ADJUSTMENT BASED ON CONSUMER PRICE INDEX.—The liability cap under section 28103(a)(2) of title 49, United States Code, shall be adjusted on the date of enactment of this Act to

49 USC 28103
note.

reflect the change in the Consumer Price Index-All Urban Consumers between such date and December 2, 1997, and the Secretary shall provide appropriate public notice of such adjustment. The adjustment of the liability cap shall be effective 30 days after such notice. Every fifth year after the date of enactment of this Act, the Secretary shall adjust such liability cap to reflect the change in the Consumer Price Index-All Urban Consumers since the last adjustment. The Secretary shall provide appropriate public notice of each such adjustment, and the adjustment shall become effective 30 days after such notice.

Track, Railroad,
and
Infrastructure
Network Act.
49 USC 20101
note.

Subtitle E—Project Delivery

SEC. 11501. SHORT TITLE.

This subtitle may be cited as the “Track, Railroad, and Infrastructure Network Act” or the “TRAIN Act”.

SEC. 11502. TREATMENT OF IMPROVEMENTS TO RAIL AND TRANSIT UNDER PRESERVATION REQUIREMENTS.

(a) TITLE 23 AMENDMENT.—Section 138 of title 23, United States Code, is further amended by adding at the end the following:

“(f) RAIL AND TRANSIT.—

“(1) IN GENERAL.—Improvements to, or the maintenance, rehabilitation, or operation of, railroad or rail transit lines or elements thereof that are in use or were historically used for the transportation of goods or passengers shall not be considered a use of a historic site under subsection (a), regardless of whether the railroad or rail transit line or element thereof is listed on, or eligible for listing on, the National Register of Historic Places.

“(2) EXCEPTIONS.—

“(A) IN GENERAL.—Paragraph (1) shall not apply to—

“(i) stations; or

“(ii) bridges or tunnels located on—

“(I) railroad lines that have been abandoned;

or

“(II) transit lines that are not in use.

“(B) CLARIFICATION WITH RESPECT TO CERTAIN BRIDGES AND TUNNELS.—The bridges and tunnels referred to in subparagraph (A)(ii) do not include bridges or tunnels located on railroad or transit lines—

“(i) over which service has been discontinued; or

“(ii) that have been railbanked or otherwise reserved for the transportation of goods or passengers.”.

(b) TITLE 49 AMENDMENT.—Section 303 of title 49, United States Code, is further amended—

(1) in subsection (c), in the matter preceding paragraph (1), by striking “subsection (d)” and inserting “subsections (d) and (h)”; and

(2) by adding at the end the following:

“(h) RAIL AND TRANSIT.—

“(1) IN GENERAL.—Improvements to, or the maintenance, rehabilitation, or operation of, railroad or rail transit lines or elements thereof that are in use or were historically used

for the transportation of goods or passengers shall not be considered a use of a historic site under subsection (c), regardless of whether the railroad or rail transit line or element thereof is listed on, or eligible for listing on, the National Register of Historic Places.

“(2) EXCEPTIONS.—

“(A) IN GENERAL.—Paragraph (1) shall not apply to—

“(i) stations; or

“(ii) bridges or tunnels located on—

“(I) railroad lines that have been abandoned;

or

“(II) transit lines that are not in use.

“(B) CLARIFICATION WITH RESPECT TO CERTAIN BRIDGES AND TUNNELS.—The bridges and tunnels referred to in subparagraph (A)(ii) do not include bridges or tunnels located on railroad or transit lines—

“(i) over which service has been discontinued; or

“(ii) that have been railbanked or otherwise reserved for the transportation of goods or passengers.”

SEC. 11503. EFFICIENT ENVIRONMENTAL REVIEWS.

(a) AMENDMENT.—Title 49, United States Code, is amended by inserting after chapter 241 the following new chapter:

49 USC
prec. 24201.

“CHAPTER 242—PROJECT DELIVERY

“Sec.
“24201. Efficient environmental reviews.

“§ 24201. Efficient environmental reviews

49 USC 24201.

“(a) EFFICIENT ENVIRONMENTAL REVIEWS.—

“(1) IN GENERAL.—The Secretary of Transportation shall apply the project development procedures, to the greatest extent feasible, described in section 139 of title 23 to any railroad project that requires the approval of the Secretary under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

“(2) REGULATIONS AND PROCEDURES.—In carrying out paragraph (1), the Secretary shall incorporate into agency regulations and procedures pertaining to railroad projects described in paragraph (1) aspects of such project development procedures, or portions thereof, determined appropriate by the Secretary in a manner consistent with this section, that increase the efficiency of the review of railroad projects.

“(3) DISCRETION.—The Secretary may choose not to incorporate into agency regulations and procedures pertaining to railroad projects described in paragraph (1) such project development procedures that could only feasibly apply to highway projects, public transportation capital projects, and multimodal projects.

“(4) APPLICABILITY.—Subsection (1) of section 139 of title 23 shall apply to railroad projects described in paragraph (1), except that the limitation on claims of 150 days shall be 2 years.

“(b) ADDITIONAL CATEGORICAL EXCLUSIONS.—Not later than 6 months after the date of enactment of the Passenger Rail Reform and Investment Act of 2015, the Secretary shall—

“(1) survey the use by the Federal Railroad Administration of categorical exclusions in transportation projects since 2005; and

“(2) publish in the Federal Register for notice and public comment a review of the survey that includes a description of—

“(A) the types of actions categorically excluded; and

“(B) any actions the Secretary is considering for new categorical exclusions, including those that would conform to those of other modal administrations.

“(c) NEW CATEGORICAL EXCLUSIONS.—Not later than 1 year after the date of enactment of the Passenger Rail Reform and Investment Act of 2015, the Secretary shall publish a notice of proposed rulemaking to propose new and existing categorical exclusions for railroad projects that require the approval of the Secretary under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), including those identified under subsection (b), and develop a process for considering new categorical exclusions to the extent that the categorical exclusions meet the criteria for a categorical exclusion under section 1508.4 of title 40, Code of Federal Regulations.

“(d) TRANSPARENCY.—The Secretary shall maintain and make publicly available, including on the Internet, a database that identifies project-specific information on the use of a categorical exclusion on any railroad project carried out under this title.

“(e) PROTECTIONS FOR EXISTING AGREEMENTS AND NEPA.—Nothing in subtitle E of the Passenger Rail Reform and Investment Act of 2015, or any amendment made by such subtitle, shall affect any existing environmental review process, program, agreement, or funding arrangement approved by the Secretary under title 49, as that title was in effect on the day preceding the date of enactment of such subtitle.”

42 USC 4370m note.

(b) SAVINGS CLAUSE.—Except as expressly provided in section 41003(f) and subsection (o) of section 139 of title 23, United States Code, the requirements and other provisions of title 41 of this Act shall not apply to—

(1) programs administered now and in the future by the Department of Transportation or its operating administrations under title 23, 46, or 49, United States Code, including direct loan and loan guarantee programs, or other Federal statutes or programs or projects administered by an agency pursuant to their authority under title 49, United States Code; or

(2) any project subject to section 2045 of the Water Resources Development Act of 2007 (33 U.S.C. 2348).

49 USC prec. 20101.

(c) TABLE OF CHAPTERS AMENDMENT.—The table of chapters of subtitle V of title 49, United States Code, is amended by inserting after the item relating to chapter 241 the following:

“242. Project delivery24201”.

SEC. 11504. RAILROAD RIGHTS-OF-WAY.

(a) AMENDMENT.—Chapter 242 of title 49, United States Code, (as added by this Act) is amended by adding at the end the following:

49 USC 24202.

“§ 24202. Railroad rights-of-way

“(a) IN GENERAL.—Not later than 1 year after the date of enactment of the Passenger Rail Reform and Investment Act of 2015, the Secretary shall submit a proposed exemption of railroad

rights-of-way from the review under section 306108 of title 54 to the Advisory Council on Historic Preservation for consideration, consistent with the exemption for interstate highways approved on March 10, 2005 (70 Fed. Reg. 11,928).

“(b) FINAL EXEMPTION.—Not later than 180 days after the date on which the Secretary submits the proposed exemption under subsection (a) to the Council, the Council shall issue a final exemption of railroad rights-of-way from review under chapter 3061 of title 54 consistent with the exemption for interstate highways approved on March 10, 2005 (70 Fed. Reg. 11,928).”.

(b) CONFORMING AMENDMENT.—The table of contents for chapter 242 of title 49, United States Code, (as added by this Act) is amended by adding at the end the following:

49 USC
prec. 24201.

“24202. Railroad rights-of-way.”.

Subtitle F—Financing

Railroad
Infrastructure
Financing
Improvement
Act.
45 USC 801 note.

SEC. 11601. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This subtitle may be cited as the “Railroad Infrastructure Financing Improvement Act”.

(b) REFERENCES TO THE RAILROAD REVITALIZATION AND REGULATORY REFORM ACT OF 1976.—Except as otherwise expressly provided, wherever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 801 et seq.).

SEC. 11602. DEFINITIONS.

Section 501 (45 U.S.C. 821) is amended—

- (1) by redesignating paragraph (8) as paragraph (10);
- (2) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively;
- (3) by inserting after paragraph (5) the following:

“(6) The term ‘investment-grade rating’ means a rating of BBB minus, Baa 3, bbb minus, BBB(low), or higher assigned by a rating agency.”;
- (4) by inserting after paragraph (8), as redesignated, the following:

“(9) The term ‘master credit agreement’ means an agreement to make 1 or more direct loans or loan guarantees at future dates for a program of related projects on terms acceptable to the Secretary.”; and
- (5) by adding at the end the following:

“(11) The term ‘project obligation’ means a note, bond, debenture, or other debt obligation issued by a borrower in connection with the financing of a project, other than a direct loan or loan guarantee under this title.

“(12) The term ‘railroad’ has the meaning given the term ‘railroad carrier’ in section 20102 of title 49, United States Code.

“(13) The term ‘rating agency’ means a credit rating agency registered with the Securities and Exchange Commission as a nationally recognized statistical rating organization (as defined in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a))).

“(14) The term ‘substantial completion’ means—
 “(A) the opening of a project to passenger or freight traffic; or
 “(B) a comparable event, as determined by the Secretary and specified in the terms of the direct loan or loan guarantee provided by the Secretary.”.

SEC. 11603. ELIGIBLE APPLICANTS.

Section 502(a) (45 U.S.C. 822(a)) is amended—
 (1) in paragraph (5), by striking “one railroad” and inserting “1 of the entities described in paragraph (1), (2), (3), (4), or (6)”; and
 (2) by amending paragraph (6) to read as follows:
 “(6) solely for the purpose of constructing a rail connection between a plant or facility and a railroad, limited option freight shippers that own or operate a plant or other facility.”.

SEC. 11604. ELIGIBLE PURPOSES.

(a) **IN GENERAL.**—Section 502(b)(1) (45 U.S.C. 822(b)(1)) is amended—
 (1) in subparagraph (A), by inserting “, and costs related to these activities, including pre-construction costs” after “shops”;
 (2) in subparagraph (B), by striking “subparagraph (A); or” and inserting “subparagraph (A) or (C);”;
 (3) in subparagraph (C), by striking the period at the end and inserting a semicolon; and
 (4) by adding at the end the following:
 “(D) reimburse planning and design expenses relating to activities described in subparagraph (A) or (C); or
 “(E) finance economic development, including commercial and residential development, and related infrastructure and activities, that—
 “(i) incorporates private investment;
 “(ii) is physically or functionally related to a passenger rail station or multimodal station that includes rail service;
 “(iii) has a high probability of the applicant commencing the contracting process for construction not later than 90 days after the date on which the direct loan or loan guarantee is obligated for the project under this title; and
 “(iv) has a high probability of reducing the need for financial assistance under any other Federal program for the relevant passenger rail station or service by increasing ridership, tenant lease payments, or other activities that generate revenue exceeding costs.”.

(b) **REQUIRED NON-FEDERAL MATCH FOR TRANSIT-ORIENTED DEVELOPMENT PROJECTS.**—Section 502(h) (45 U.S.C. 822(h)) is amended by adding at the end the following:
 “(4) The Secretary shall require each recipient of a direct loan or loan guarantee under this section for a project described in subsection (b)(1)(E) to provide a non-Federal match of not less than 25 percent of the total amount expended by the recipient for such project.”.

(c) **SUNSET.**—Section 502(b) (45 U.S.C. 822(b)) is amended by adding at the end the following:

“(3) SUNSET.—The Secretary may provide a direct loan or loan guarantee under this section for a project described in paragraph (1)(E) only during the 4-year period beginning on the date of enactment of the Passenger Rail Reform and Investment Act of 2015.”.

SEC. 11605. PROGRAM ADMINISTRATION.

(a) APPLICATION PROCESSING PROCEDURES.—Section 502(i) (45 U.S.C. 822(i)) is amended to read as follows:

“(i) APPLICATION PROCESSING PROCEDURES.—

“(1) APPLICATION STATUS NOTICES.—Not later than 30 days after the date that the Secretary receives an application under this section, or additional information and material under paragraph (2)(B), the Secretary shall provide the applicant written notice as to whether the application is complete or incomplete.

“(2) INCOMPLETE APPLICATIONS.—If the Secretary determines that an application is incomplete, the Secretary shall—

“(A) provide the applicant with a description of all of the specific information or material that is needed to complete the application, including any information required by an independent financial analyst; and

“(B) allow the applicant to resubmit the application with the information and material described under subparagraph (A) to complete the application.

“(3) APPLICATION APPROVALS AND DISAPPROVALS.—

“(A) IN GENERAL.—Not later than 60 days after the date the Secretary notifies an applicant that an application is complete under paragraph (1), the Secretary shall provide the applicant written notice as to whether the Secretary has approved or disapproved the application.

“(B) ACTIONS BY THE OFFICE OF MANAGEMENT AND BUDGET.—In order to enable compliance with the time limit under subparagraph (A), the Office of Management and Budget shall take any action required with respect to the application within that 60-day period.

“(4) EXPEDITED PROCESSING.—The Secretary shall implement procedures and measures to economize the time and cost involved in obtaining an approval or a disapproval of an application for a direct loan or loan guarantee under this title.

“(5) DASHBOARD.—The Secretary shall post on the Department of Transportation’s Internet Web site a monthly report that includes, for each application—

“(A) the applicant type;

“(B) the location of the project;

“(C) a brief description of the project, including its purpose;

“(D) the requested direct loan or loan guarantee amount;

“(E) the date on which the Secretary provided application status notice under paragraph (1); and

“(F) the date that the Secretary provided notice of approval or disapproval under paragraph (3).”.

(b) ADMINISTRATION OF DIRECT LOANS AND LOAN GUARANTEES.—Section 503 (45 U.S.C. 823) is amended—

(1) in subsection (a) by striking the period at the end and inserting “, including a program guide, a standard term sheet, and specific timetables.”;

(2) by redesignating subsections (c) through (l) as subsections (d) through (m), respectively;

(3) by striking “(b) ASSIGNMENT OF LOAN GUARANTEES.—” and inserting “(c) ASSIGNMENT OF LOAN GUARANTEES.—”;

(4) in subsection (d), as so redesignated—

(A) in paragraph (1) by striking “; and” and inserting a semicolon;

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

(C) by adding at the end the following:

“(3) the modification cost has been covered under section 502(f).”; and

(5) by striking subsection (l), as so redesignated, and inserting the following:

“(l) CHARGES AND LOAN SERVICING.—

“(1) PURPOSES.—The Secretary may collect from each applicant, obligor, or loan party a reasonable charge for—

“(A) the cost of evaluating the application, amendments, modifications, and waivers, including for evaluating project viability, applicant creditworthiness, and the appraisal of the value of the equipment or facilities for which the direct loan or loan guarantee is sought, and for making necessary determinations and findings;

“(B) the cost of award management and project management oversight;

“(C) the cost of services from expert firms, including counsel, and independent financial advisors to assist in the underwriting, auditing, servicing, and exercise of rights with respect to direct loans and loan guarantees; and

“(D) the cost of all other expenses incurred as a result of a breach of any term or condition or any event of default on a direct loan or loan guarantee.

“(2) STANDARDS.—The Secretary may charge different amounts under this subsection based on the different costs incurred under paragraph (1).

“(3) SERVICER.—

“(A) IN GENERAL.—The Secretary may appoint a financial entity to assist the Secretary in servicing a direct loan or loan guarantee under this title.

“(B) DUTIES.—A servicer appointed under subparagraph (A) shall act as the agent of the Secretary in serving a direct loan or loan guarantee under this title.

“(C) FEES.—A servicer appointed under subparagraph (A) shall receive a servicing fee from the obligor or other loan party, subject to approval by the Secretary.

“(4) SAFETY AND OPERATIONS ACCOUNT.—Amounts collected under this subsection shall—

“(A) be credited directly to the Safety and Operations account of the Federal Railroad Administration; and

“(B) remain available until expended to pay for the costs described in this subsection.”.

SEC. 11606. LOAN TERMS AND REPAYMENT.

(a) **PREREQUISITES FOR ASSISTANCE.**—Section 502(g)(1) (45 U.S.C. 822(g)(1)) is amended by striking “35 years from the date of its execution” and inserting the following: “the lesser of—

“(A) 35 years after the date of substantial completion of the project; or

“(B) the estimated useful life of the rail equipment or facilities to be acquired, rehabilitated, improved, developed, or established”.

(b) **REPAYMENT SCHEDULES.**—Section 502(j) (45 U.S.C. 822(j)) is amended—

(1) in paragraph (1) by striking “the sixth anniversary date of the original loan disbursement” and inserting “5 years after the date of substantial completion”; and

(2) by adding at the end the following:

“(3) **DEFERRED PAYMENTS.**—

“(A) **IN GENERAL.**—If at any time after the date of substantial completion the obligor is unable to pay the scheduled loan repayments of principal and interest on a direct loan provided under this section, the Secretary, subject to subparagraph (B), may allow, for a maximum aggregate time of 1 year over the duration of the direct loan, the obligor to add unpaid principal and interest to the outstanding balance of the direct loan.

“(B) **INTEREST.**—A payment deferred under subparagraph (A) shall—

“(i) continue to accrue interest under paragraph

(2) until the loan is fully repaid; and

“(ii) be scheduled to be amortized over the remaining term of the loan.

“(4) **PREPAYMENTS.**—

“(A) **USE OF EXCESS REVENUES.**—With respect to a direct loan provided by the Secretary under this section, any excess revenues that remain after satisfying scheduled debt service requirements on the project obligations and direct loan and all deposit requirements under the terms of any trust agreement, bond resolution, or similar agreement securing project obligations may be applied annually to prepay the direct loan without penalty.

“(B) **USE OF PROCEEDS OF REFINANCING.**—The direct loan may be prepaid at any time without penalty from the proceeds of refinancing from non-Federal funding sources.”.

(c) **SALE OF DIRECT LOANS.**—Section 502 (45 U.S.C. 822) is amended by adding at the end the following:

“(k) **SALE OF DIRECT LOANS.**—

“(1) **IN GENERAL.**—Subject to paragraph (2) and as soon as practicable after substantial completion of a project, the Secretary, after notifying the obligor, may sell to another entity or reoffer into the capital markets a direct loan for the project if the Secretary determines that the sale or reoffering has a high probability of being made on favorable terms.

“(2) **CONSENT OF OBLIGOR.**—In making a sale or reoffering under paragraph (1), the Secretary may not change the original terms and conditions of the secured loan without the prior written consent of the obligor.”.

(d) NONSUBORDINATION.—Section 502 (45 U.S.C. 822) is further amended by adding at the end the following:

“(1) NONSUBORDINATION.—

“(1) IN GENERAL.—Except as provided in paragraph (2), a direct loan provided by the Secretary under this section shall not be subordinated to the claims of any holder of project obligations in the event of bankruptcy, insolvency, or liquidation of the obligor.

“(2) PREEXISTING INDENTURES.—

“(A) IN GENERAL.—The Secretary may waive the requirement under paragraph (1) for a public agency borrower that is financing ongoing capital programs and has outstanding senior bonds under a preexisting indenture if—

“(i) the direct loan is rated in the A category or higher;

“(ii) the direct loan is secured and payable from pledged revenues not affected by project performance, such as a tax-based revenue pledge or a system-backed pledge of project revenues; and

“(iii) the program share, under this title, of eligible project costs is 50 percent or less.

“(B) LIMITATION.—The Secretary may impose limitations for the waiver of the nonsubordination requirement under this paragraph if the Secretary determines that such limitations would be in the financial interest of the Federal Government.”.

SEC. 11607. CREDIT RISK PREMIUMS.

(a) INFRASTRUCTURE PARTNERS.—Section 502(f) (45 U.S.C. 822(f)) is amended—

(1) in paragraph (1) by striking the first sentence and inserting the following: “In lieu of or in combination with appropriations of budget authority to cover the costs of direct loans and loan guarantees as required under section 504(b)(1) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c(b)(1)), including the cost of a modification thereof, the Secretary may accept on behalf of an applicant for assistance under this section a commitment from a non-Federal source, including a State or local government or agency or public benefit corporation or public authority thereof, to fund in whole or in part credit risk premiums and modification costs with respect to the loan that is the subject of the application or modification.”;

(2) in paragraph (2)—

(A) in subparagraph (D), by adding “and” after the semicolon;

(B) by striking subparagraph (E); and

(C) by redesignating subparagraph (F) as subparagraph (E);

(3) by striking paragraph (4);

(4) by redesignating paragraph (3) as paragraph (4);

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

“(3) CREDITWORTHINESS.—An applicant may propose and the Secretary shall accept as a basis for determining the amount of the credit risk premium under paragraph (2) any of the following in addition to the value of any tangible asset:

“(A) The net present value of a future stream of State or local subsidy income or other dedicated revenues to secure the direct loan or loan guarantee.

“(B) Adequate coverage requirements to ensure repayment, on a non-recourse basis, from cash flows generated by the project or any other dedicated revenue source, including—

“(i) tolls;

“(ii) user fees; or

“(iii) payments owing to the obligor under a public-private partnership.

“(C) An investment-grade rating on the direct loan or loan guarantee, as applicable, except that if the total amount of the direct loan or loan guarantee is greater than \$75,000,000, the applicant shall have an investment-grade rating from at least 2 rating agencies on the direct loan or loan guarantee.”; and

(6) in paragraph (4), as redesignated, by striking “amounts” and inserting “amounts (and in the case of a modification, before the modification is executed), to the extent appropriations are not available to the Secretary to meet the costs of direct loans and loan guarantees, including costs of modifications thereof”.

(b) SAVINGS CLAUSE.—All provisions under sections 502 through 504 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 801 et seq.) as they existed on the day before enactment of this Act shall apply to direct loans provided by the Secretary prior to the date of enactment of this Act, and nothing in this title may be construed to limit the payback of a credit risk premium, with interest accrued thereon, if a direct loan provided by the Secretary under such sections has been paid back in full, prior to the date of enactment of this Act.

45 USC 821 note.

SEC. 11608. MASTER CREDIT AGREEMENTS.

Section 502 (45 U.S.C. 822) is further amended by adding at the end the following:

“(m) MASTER CREDIT AGREEMENTS.—

“(1) IN GENERAL.—Subject to subsection (d) and paragraph (2) of this subsection, the Secretary may enter into a master credit agreement that is contingent on all of the conditions for the provision of a direct loan or loan guarantee, as applicable, under this title and other applicable requirements being satisfied prior to the issuance of the direct loan or loan guarantee.

“(2) CONDITIONS.—Each master credit agreement shall—

“(A) establish the maximum amount and general terms and conditions of each applicable direct loan or loan guarantee;

“(B) identify 1 or more dedicated non-Federal revenue sources that will secure the repayment of each applicable direct loan or loan guarantee;

“(C) provide for the obligation of funds for the direct loans or loan guarantees contingent on and after all requirements have been met for the projects subject to the master credit agreement; and

“(D) provide 1 or more dates, as determined by the Secretary, before which the master credit agreement results

in each of the direct loans or loan guarantees or in the release of the master credit agreement.”.

SEC. 11609. PRIORITIES AND CONDITIONS.

(a) **PRIORITY PROJECTS.**—Section 502(c) (45 U.S.C. 822(c)) is amended—

(1) in paragraph (1), by inserting “, including projects for the installation of a positive train control system (as defined in section 20157(i) of title 49, United States Code)” after “public safety”;

(2) by moving paragraph (3) to appear before paragraph (2), and redesignating those paragraphs accordingly;

(3) in paragraph (5), by inserting “or chapter 227 of title 49” after “section 135 of title 23”;

(4) by redesignating paragraphs (6) through (8) as paragraphs (7) through (9), respectively; and

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

“(6) improve railroad stations and passenger facilities and increase transit-oriented development;”.

(b) **CONDITIONS OF ASSISTANCE.**—Section 502(h)(2) (45 U.S.C. 822(h)(2)) is amended by inserting “, if applicable” after “project”.

45 USC 821 note.

SEC. 11610. SAVINGS PROVISIONS.

(a) **IN GENERAL.**—Except as provided in subsection (b) and section 11607(b), this subtitle, and the amendments made by this subtitle, shall not affect any direct loan (or direct loan obligation) or an outstanding loan guarantee (or loan guarantee commitment) that was in effect prior to the date of enactment of this Act. Any such transaction entered into before the date of enactment of this Act shall be administered until completion under its terms as if this Act were not enacted.

(b) **MODIFICATION COSTS.**—At the discretion of the Secretary, the authority to accept modification costs on behalf of an applicant under section 502(f) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822(f)), as amended by section 11607 of this Act, may apply with respect to any direct loan (or direct loan obligation) or an outstanding loan guarantee (or loan guarantee commitment) that was in effect prior to the date of enactment of this Act.

SEC. 11611. REPORT ON LEVERAGING RRIF.

(a) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that analyzes how the Railroad Rehabilitation and Improvement Financing Program can be used to improve passenger rail infrastructure.

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

(1) illustrative examples of projects that could be financed under such Program;

(2) potential repayment sources for such projects, including tax-increment financing, user fees, tolls, and other dedicated revenue sources; and

(3) estimated costs and benefits of using the Program relative to other options, including a comparison of the length

of time such projects would likely be completed without Federal credit assistance.

DIVISION B—COMPREHENSIVE TRANSPORTATION AND CONSUMER PROTECTION ACT OF 2015

TITLE XXIV—MOTOR VEHICLE SAFETY

Subtitle A—Vehicle Safety

SEC. 24101. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—Subject to subsection (b), there is authorized to be appropriated to the Secretary to carry out chapter 301 of title 49, and part C of subtitle VI of title 49, United States Code, amounts as follows:

- (1) \$132,730,000 for fiscal year 2016.
- (2) \$135,517,330 for fiscal year 2017.
- (3) \$138,363,194 for fiscal year 2018.
- (4) \$141,268,821 for fiscal year 2019.
- (5) \$144,235,466 for fiscal year 2020.

(b) **ADDITIONAL AUTHORIZATION OF APPROPRIATIONS IF A CERTIFICATION IS MADE.**—

(1) **IN GENERAL.**—In addition to the amounts authorized to be appropriated under subsection (a) to carry out chapter 301 of title 49, and part C of subtitle VI of title 49, United States Code, if the certification described in paragraph (2) is made during a fiscal year there is authorized to be appropriated to the Secretary for that purpose for that fiscal year and subsequent fiscal years an additional amount as follows:

- (A) \$46,270,000 for fiscal year 2016.
- (B) \$51,537,670 for fiscal year 2017.
- (C) \$57,296,336 for fiscal year 2018.
- (D) \$62,999,728 for fiscal year 2019.
- (E) \$69,837,974 for fiscal year 2020.

(2) **CERTIFICATION DESCRIBED.**—The certification described in this paragraph is a certification made by the Secretary and submitted to Congress that the National Highway Traffic Safety Administration has implemented all of the recommendations in the Office of Inspector General Audit Report issued June 18, 2015 (ST–2015–063). As part of the certification, the Secretary shall review the actions the National Highway Traffic Safety Administration has taken to implement the recommendations and issue a report to Congress detailing how the recommendations were implemented. The Secretary shall not delegate or assign the responsibility under this paragraph.

SEC. 24102. INSPECTOR GENERAL RECOMMENDATIONS.

(a) **IN GENERAL.**—Not later than 90 days after the date of enactment of this Act, and periodically thereafter until the completion date, the Department of Transportation Inspector General shall report to the appropriate committees of Congress on whether and what progress has been made to implement the recommendations in the Office of Inspector General Audit Report issued June 18, 2015 (ST–2015–063).

(b) **IMPLEMENTATION PROGRESS.**—The Administrator of the National Highway Traffic Safety Administration shall—

(1) not later than 90 days after the date of enactment of this Act, and periodically thereafter until the completion date, provide a briefing to the appropriate committees of Congress on the actions the Administrator has taken to implement the recommendations in the audit report described in subsection (a), including a plan for implementing any remaining recommendations; and

(2) not later than 1 year after the date of enactment of this Act, issue a final report to the appropriate committees of Congress on the implementation of all of the recommendations in the audit report described in subsection (a).

(c) **DEFINITIONS.**—In this section:

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

(2) **COMPLETION DATE.**—The term “completion date” means the date that the National Highway Traffic Safety Administration has implemented all of the recommendations in the Office of Inspector General Audit Report issued June 18, 2015 (ST–2015–063).

49 USC 30119
note.

SEC. 24103. IMPROVEMENTS IN AVAILABILITY OF RECALL INFORMATION.

(a) **VEHICLE RECALL INFORMATION.**—Not later than 2 years after the date of enactment of this Act, the Secretary shall implement current information technology, web design trends, and best practices that will help ensure that motor vehicle safety recall information available to the public on the Federal website is readily accessible and easy to use, including—

(1) by improving the organization, availability, readability, and functionality of the website;

(2) by accommodating high-traffic volume; and

(3) by establishing best practices for scheduling routine website maintenance.

(b) **GOVERNMENT ACCOUNTABILITY OFFICE PUBLIC AWARENESS REPORT.**—

(1) **IN GENERAL.**—The Comptroller General shall study the current use by consumers, dealers, and manufacturers of the safety recall information made available to the public, including the usability and content of the Federal and manufacturers’ websites and the National Highway Traffic Safety Administration’s efforts to publicize and educate consumers about safety recall information.

(2) **REPORT.**—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall issue a report with the findings of the study under paragraph (1), including recommending any actions the Secretary can take to improve public awareness and use of the websites for safety recall information.

(c) **PROMOTION OF PUBLIC AWARENESS.**—Section 31301(c) of the Moving Ahead for Progress in the 21st Century Act (49 U.S.C. 30166 note) is amended to read as follows:

“(c) PROMOTION OF PUBLIC AWARENESS.—The Secretary shall improve public awareness of safety recall information made publicly available by periodically updating the method of conveying that information to consumers, dealers, and manufacturers, such as through public service announcements.”.

(d) CONSUMER GUIDANCE.—Not later than 1 year after the date of enactment of this Act, the Secretary shall make available to the public on the Internet detailed guidance for consumers submitting safety complaints, including—

(1) a detailed explanation of what information a consumer should include in a complaint; and

(2) a detailed explanation of the possible actions the National Highway Traffic Safety Administration can take to address a complaint and respond to the consumer, including information on—

(A) the consumer records, such as photographs and police reports, that could assist with an investigation; and

(B) the length of time a consumer should retain the records described in subparagraph (A).

(e) VIN SEARCH.—

(1) IN GENERAL.—The Secretary, in coordination with industry, including manufacturers and dealers, shall study—

(A) the feasibility of searching multiple vehicle identification numbers at a time to retrieve motor vehicle safety recall information; and

(B) the feasibility of making the search mechanism described under subparagraph (A) publicly available.

(2) CONSIDERATIONS.—In conducting the study under paragraph (1), the Secretary shall consider the potential costs, and potential risks to privacy and security in implementing such a search mechanism.

SEC. 24104. RECALL PROCESS.

49 USC 30119
note.

(a) NOTIFICATION IMPROVEMENT.—

(1) IN GENERAL.—Not later than 270 days after the date of enactment of this Act, the Secretary shall prescribe a final rule revising the regulations under section 577.7 of title 49, Code of Federal Regulations, to include notification by electronic means in addition to notification by first class mail.

(2) DEFINITION OF ELECTRONIC MEANS.—In this subsection, the term “electronic means” includes electronic mail and may include such other means of electronic notification, such as social media or targeted online campaigns, as determined by the Secretary.

(b) NOTIFICATION BY MANUFACTURER.—Section 30118(c) of title 49, United States Code, is amended by inserting “or electronic mail” after “certified mail”.

(c) RECALL COMPLETION RATES REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and biennially thereafter for 4 years, the Secretary shall—

(A) conduct an analysis of vehicle safety recall completion rates to assess potential actions by the National Highway Traffic Safety Administration to improve vehicle safety recall completion rates; and

(B) submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on

Energy and Commerce of the House of Representatives a report on the results of the analysis.

(2) CONTENTS.—Each report shall include—

(A) the annual recall completion rate by manufacturer, model year, component (such as brakes, fuel systems, and air bags), and vehicle type (passenger car, sport utility vehicle, passenger van, and pick-up truck) for each of the 5 years before the year the report is submitted;

(B) the methods by which the Secretary has conducted analyses of these recall completion rates to determine trends and identify risk factors associated with lower recall rates; and

(C) the actions the Secretary has planned to improve recall completion rates based on the results of this data analysis.

(d) INSPECTOR GENERAL AUDIT OF VEHICLE RECALLS.—

(1) IN GENERAL.—The Department of Transportation Inspector General shall conduct an audit of the National Highway Traffic Safety Administration’s management of vehicle safety recalls.

(2) CONTENTS.—The audit shall include a determination of whether the National Highway Traffic Safety Administration—

(A) appropriately monitors recalls to ensure the appropriateness of scope and adequacy of recall completion rates and remedies;

(B) ensures manufacturers provide safe remedies, at no cost to consumers;

(C) is capable of coordinating recall remedies and processes; and

(D) can improve its policy on consumer notice to combat effects of recall fatigue.

49 USC 30119
note.

SEC. 24105. PILOT GRANT PROGRAM FOR STATE NOTIFICATION TO CONSUMERS OF MOTOR VEHICLE RECALL STATUS.

(a) IN GENERAL.—Not later than October 1, 2016, the Secretary shall implement a 2-year pilot program to evaluate the feasibility and effectiveness of a State process for informing consumers of open motor vehicle recalls at the time of motor vehicle registration in the State.

(b) GRANTS.—To carry out this program, the Secretary may make a grant to each eligible State, but not more than 6 eligible States in total, that agrees to comply with the requirements under subsection (c). Funds made available to a State under this section shall be used by the State for the pilot program described in subsection (a).

(c) ELIGIBILITY.—To be eligible for a grant, a State shall—

(1) submit an application in such form and manner as the Secretary prescribes;

(2) agree to notify, at the time of registration, each owner or lessee of a motor vehicle presented for registration in the State of any open recall on that vehicle;

(3) provide the open motor vehicle recall information at no cost to each owner or lessee of a motor vehicle presented for registration in the State; and

(4) provide such other information as the Secretary may require.

(d) AWARDS.—In selecting an applicant for an award under this section, the Secretary shall consider the State’s methodology for determining open recalls on a motor vehicle, for informing consumers of the open recalls, and for determining performance.

(e) PERFORMANCE PERIOD.—Each grant awarded under this section shall require a 2-year performance period.

(f) REPORT.—Not later than 90 days after the completion of the performance period under subsection (e), a grantee shall provide to the Secretary a report of performance containing such information as the Secretary considers necessary to evaluate the extent to which open recalls have been remedied.

(g) EVALUATION.—Not later than 180 days after the completion of the pilot program, the Secretary shall evaluate the extent to which open recalls identified have been remedied.

(h) DEFINITIONS.—In this section:

(1) CONSUMER.—The term “consumer” includes owner and lessee.

(2) MOTOR VEHICLE.—The term “motor vehicle” has the meaning given the term under section 30102(a) of title 49, United States Code.

(3) OPEN RECALL.—The term “open recall” means a recall for which a notification by a manufacturer has been provided under section 30119 of title 49, United States Code, and that has not been remedied under section 30120 of that title.

(4) REGISTRATION.—The term “registration” means the process for registering motor vehicles in the State.

(5) STATE.—The term “State” has the meaning given the term under section 101(a) of title 23, United States Code.

SEC. 24106. RECALL OBLIGATIONS UNDER BANKRUPTCY.

Section 30120A of title 49, United States Code, is amended by striking “chapter 11 of title 11,” and inserting “chapter 7 or chapter 11 of title 11”.

SEC. 24107. DEALER REQUIREMENT TO CHECK FOR OPEN RECALL.

Section 30120(f) of title 49, United States Code, is amended—

(1) by inserting “(1) IN GENERAL. A manufacturer” and indenting appropriately;

(2) in paragraph (1), as redesignated, by striking the period at the end and inserting the following: “if—

“(A) at the time of providing service for each of the manufacturer’s motor vehicles it services, the dealer notifies the owner or the individual requesting the service of any open recall; and

“(B) the notification requirement under subparagraph (A) is specified in a franchise, operating, or other agreement between the dealer and the manufacturer.”; and

(3) by adding at the end the following:

“(2) DEFINITION OF OPEN RECALL.—In this subsection, the term ‘open recall’ means a recall for which a notification by a manufacturer has been provided under section 30119 and that has not been remedied under this section.”.

SEC. 24108. EXTENSION OF TIME PERIOD FOR REMEDY OF TIRE DEFECTS.

Section 30120(b) of title 49, United States Code, is amended—

(1) in paragraph (1), by striking “60 days” and inserting “180 days”; and

(2) in paragraph (2), by striking “60-day” each place it appears and inserting “180-day”.

Raechel and
Jacqueline Houck
Safe Rental Car
Act of 2015.
49 USC 30101
note.

SEC. 24109. RENTAL CAR SAFETY.

(a) **SHORT TITLE.**—This section may be cited as the “Raechel and Jacqueline Houck Safe Rental Car Act of 2015”.

(b) **DEFINITIONS.**—Section 30102(a) of title 49, United States Code, is amended—

(1) by redesignating paragraphs (10) and (11) as paragraphs (12) and (13), respectively;

(2) by redesignating paragraphs (1) through (9) as paragraphs (2) through (10), respectively;

(3) by inserting before paragraph (2), as redesignated, the following:

“(1) ‘covered rental vehicle’ means a motor vehicle that—

“(A) has a gross vehicle weight rating of 10,000 pounds or less;

“(B) is rented without a driver for an initial term of less than 4 months; and

“(C) is part of a motor vehicle fleet of 35 or more motor vehicles that are used for rental purposes by a rental company.”; and

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

“(11) ‘rental company’ means a person who—

“(A) is engaged in the business of renting covered rental vehicles; and

“(B) uses for rental purposes a motor vehicle fleet of 35 or more covered rental vehicles, on average, during the calendar year.”.

(c) **REMEDIES FOR DEFECTS AND NONCOMPLIANCE.**—Section 30120(i) of title 49, United States Code, is amended—

(1) in the subsection heading, by adding “, OR RENTAL” at the end;

(2) in paragraph (1)—

(A) by striking “(1) If notification” and inserting the following:

“(1) **IN GENERAL.**—If notification”;

(B) by indenting subparagraphs (A) and (B) four ems from the left margin;

(C) by inserting “or the manufacturer has provided to a rental company notification about a covered rental vehicle in the company’s possession at the time of notification” after “time of notification”;

(D) by striking “the dealer may sell or lease,” and inserting “the dealer or rental company may sell, lease, or rent”; and

(E) in subparagraph (A), by striking “sale or lease” and inserting “sale, lease, or rental agreement”;

(3) by amending paragraph (2) to read as follows:

“(2) **RULE OF CONSTRUCTION.**—Nothing in this subsection may be construed to prohibit a dealer or rental company from offering the vehicle or equipment for sale, lease, or rent.”; and

(4) by adding at the end the following:

“(3) **SPECIFIC RULES FOR RENTAL COMPANIES.**—

“(A) IN GENERAL.—Except as otherwise provided under this paragraph, a rental company shall comply with the limitations on sale, lease, or rental set forth in subparagraph (C) and paragraph (1) as soon as practicable, but not later than 24 hours after the earliest receipt of the notice to owner under subsection (b) or (c) of section 30118 (including the vehicle identification number for the covered vehicle) by the rental company, whether by electronic means or first class mail.

“(B) SPECIAL RULE FOR LARGE VEHICLE FLEETS.—Notwithstanding subparagraph (A), if a rental company receives a notice to owner covering more than 5,000 motor vehicles in its fleet, the rental company shall comply with the limitations on sale, lease, or rental set forth in subparagraph (C) and paragraph (1) as soon as practicable, but not later than 48 hours after the earliest receipt of the notice to owner under subsection (b) or (c) of section 30118 (including the vehicle identification number for the covered vehicle) by the rental company, whether by electronic means or first class mail.

“(C) SPECIAL RULE FOR WHEN REMEDIES NOT IMMEDIATELY AVAILABLE.—If a notification required under subsection (b) or (c) of section 30118 indicates that the remedy for the defect or noncompliance is not immediately available and specifies actions to temporarily alter the vehicle that eliminate the safety risk posed by the defect or noncompliance, the rental company, after causing the specified actions to be performed, may rent (but may not sell or lease) the motor vehicle. Once the remedy for the rental vehicle becomes available to the rental company, the rental company may not rent the vehicle until the vehicle has been remedied, as provided in subsection (a).

“(D) INAPPLICABILITY TO JUNK AUTOMOBILES.—Notwithstanding paragraph (1), this subsection does not prohibit a rental company from selling a covered rental vehicle if such vehicle—

“(i) meets the definition of a junk automobile under section 201 of the Anti-Car Theft Act of 1992 (49 U.S.C. 30501);

“(ii) is retitled as a junk automobile pursuant to applicable State law; and

“(iii) is reported to the National Motor Vehicle Information System, if required under section 204 of such Act (49 U.S.C. 30504).”.

(d) MAKING SAFETY DEVICES AND ELEMENTS INOPERATIVE.—Section 30122(b) of title 49, United States Code, is amended by inserting “rental company,” after “dealer,” each place such term appears.

(e) INSPECTIONS, INVESTIGATIONS, AND RECORDS.—Section 30166 of title 49, United States Code, is amended—

(1) in subsection (c)(2), by striking “or dealer” each place such term appears and inserting “dealer, or rental company”;

(2) in subsection (e), by striking “or dealer” each place such term appears and inserting “dealer, or rental company”; and

(3) in subsection (f), by striking “or to owners” and inserting “, rental companies, or other owners”.

(f) RESEARCH AUTHORITY.—The Secretary of Transportation may conduct a study of—

(1) the effectiveness of the amendments made by this section; and

(2) other activities of rental companies (as defined in section 30102(a)(11) of title 49, United States Code) related to their use and disposition of motor vehicles that are the subject of a notification required under section 30118 of title 49, United States Code.

(g) STUDY.—

(1) ADDITIONAL REQUIREMENT.—Section 32206(b)(2) of the Moving Ahead for Progress in the 21st Century Act (Public Law 112–141; 126 Stat. 785) is amended—

(A) in subparagraph (E), by striking “and” at the end;

(B) by redesignating subparagraph (F) as subparagraph (G); and

(C) by inserting after subparagraph (E) the following: “(F) evaluate the completion of safety recall remedies on rental trucks; and”.

(2) REPORT.—Section 32206(c) of such Act is amended—

(A) in paragraph (1), by striking “subsection (b)” and inserting “subparagraphs (A) through (E) and (G) of subsection (b)(2)”;

(B) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(C) by striking “REPORT. Not later” and inserting the following:

“(c) REPORTS.—

“(1) INITIAL REPORT.—Not later”; and

(D) by adding at the end the following:

“(2) SAFETY RECALL REMEDY REPORT.—Not later than 1 year after the date of the enactment of the Raechel and Jacqueline Houck Safe Rental Car Act of 2015”, the Secretary shall submit a report to the congressional committees set forth in paragraph (1) that contains—

“(A) the findings of the study conducted pursuant to subsection (b)(2)(F); and

“(B) any recommendations for legislation that the Secretary determines to be appropriate.”.

(h) PUBLIC COMMENTS.—The Secretary shall solicit comments regarding the implementation of this section from members of the public, including rental companies, consumer organizations, automobile manufacturers, and automobile dealers.

(i) RULE OF CONSTRUCTION.—Nothing in this section or the amendments made by this section—

(1) may be construed to create or increase any liability, including for loss of use, for a manufacturer as a result of having manufactured or imported a motor vehicle subject to a notification of defect or noncompliance under subsection (b) or (c) of section 30118 of title 49, United States Code; or

(2) shall supersede or otherwise affect the contractual obligations, if any, between such a manufacturer and a rental company (as defined in section 30102(a) of title 49, United States Code).

(j) RULEMAKING.—The Secretary may promulgate rules, as appropriate, to implement this section and the amendments made by this section.

49 USC 30102
note.

49 USC 30102
note.

(k) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date that is 180 days after the date of enactment of this Act. 49 USC 30102 note.

SEC. 24110. INCREASE IN CIVIL PENALTIES FOR VIOLATIONS OF MOTOR VEHICLE SAFETY.

(a) **INCREASE IN CIVIL PENALTIES.**—Section 30165(a) of title 49, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking “\$5,000” and inserting “\$21,000”; and

(B) by striking “\$35,000,000” and inserting “\$105,000,000”; and

(2) in paragraph (3)—

(A) by striking “\$5,000” and inserting “\$21,000”; and

(B) by striking “\$35,000,000” and inserting “\$105,000,000”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) of this section take effect on the date that the Secretary certifies to Congress that the National Highway Traffic Safety Administration has issued the final rule required by section 31203(b) of the Moving Ahead for Progress In the 21st Century Act (Public Law 112–141; 126 Stat. 758; 49 U.S.C. 30165 note). 49 USC 30165 note.

(c) **PUBLICATION OF EFFECTIVE DATE.**—The Secretary shall publish notice of the effective date under subsection (b) of this section in the Federal Register.

SEC. 24111. ELECTRONIC ODOMETER DISCLOSURES.

Section 32705(g) of title 49, United States Code, is amended—

(1) by inserting “(1)” before “Not later than” and indenting appropriately; and

(2) by adding at the end the following:

“(2) Notwithstanding paragraph (1) and subject to paragraph (3), a State, without approval from the Secretary under subsection (d), may allow for written disclosures or notices and related matters to be provided electronically if—

“(A) in compliance with—

“(i) the requirements of subchapter 1 of chapter 96 of title 15; or

“(ii) the requirements of a State law under section 7002(a) of title 15; and

“(B) the disclosures or notices otherwise meet the requirements under this section, including appropriate authentication and security measures.

“(3) Paragraph (2) ceases to be effective on the date the regulations under paragraph (1) become effective.”.

SEC. 24112. CORPORATE RESPONSIBILITY FOR NHTSA REPORTS.

Section 30166(o) of title 49, United States Code, is amended—

(1) in paragraph (1), by striking “may” and inserting “shall”; and

(2) by adding at the end the following:

“(3) **DEADLINE.**—Not later than 1 year after the date of enactment of the Comprehensive Transportation and Consumer Protection Act of 2015, the Secretary shall issue a final rule under paragraph (1).”.

SEC. 24113. DIRECT VEHICLE NOTIFICATION OF RECALLS.

(a) **RECALL NOTIFICATION REPORT.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall issue a report on the feasibility of a technical system that would operate in each new motor vehicle to indicate when the vehicle is subject to an open recall.

(b) **DEFINITION OF OPEN RECALL.**—In this section the term “open recall” means a recall for which a notification by a manufacturer has been provided under section 30119 of title 49, United States Code, and that has not been remedied under section 30120 of that title.

SEC. 24114. UNATTENDED CHILDREN WARNING.

Section 31504(a) of the Moving Ahead for Progress in the 21st Century Act (49 U.S.C. 30111 note) is amended by striking “may” and inserting “shall”.

49 USC 30123
note.

SEC. 24115. TIRE PRESSURE MONITORING SYSTEM.

(a) **PROPOSED RULE.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall publish a proposed rule that—

(1) updates the standards pertaining to tire pressure monitoring systems to ensure that a tire pressure monitoring system that is installed in a new motor vehicle after the effective date of such updated standards cannot be overridden, reset, or recalibrated in such a way that the system will no longer detect when the inflation pressure in one or more of the vehicle’s tires has fallen to or below a significantly underinflated pressure level; and

(2) does not contain any provision that has the effect of prohibiting the availability of direct or indirect tire pressure monitoring systems that meet the requirements of the standards updated pursuant to paragraph (1).

(b) **FINAL RULE.**—Not later than 2 years after the date of enactment of this Act, after providing the public with sufficient opportunity for notice and comment on the proposed rule published pursuant to subsection (a), the Secretary shall issue a final rule based on the proposed rule described in subsection (a) that—

(1) allows a manufacturer to install a tire pressure monitoring system that can be reset or recalibrated to accommodate—

(A) the repositioning of tire sensor locations on vehicles with split inflation pressure recommendations;

(B) tire rotation; or

(C) replacement tires or wheels of a different size than the original equipment tires or wheels; and

(2) to address the accommodations described in subparagraphs (A), (B), and (C) of paragraph (1), ensures that a tire pressure monitoring system that is reset or recalibrated according to the manufacturer’s instructions would illuminate the low tire pressure warning telltale when a tire is significantly underinflated until the tire is no longer significantly underinflated.

(c) **SIGNIFICANTLY UNDERINFLATED PRESSURE LEVEL DEFINED.**—In this section, the term “significantly underinflated pressure level” means a pressure level that is—

(1) below the level at which the low tire pressure warning telltale must illuminate, consistent with the TPMS detection requirements contained in S4.2(a) of section 571.138 of title 49, Code of Federal Regulations, or any corresponding similar or successor regulation or ruling (as determined by the Secretary); and

(2) in the case of a replacement wheel or tire, below the recommended cold inflation pressure of the wheel or tire manufacturer.

SEC. 24116. INFORMATION REGARDING COMPONENTS INVOLVED IN RECALL.

Section 30119 of title 49, United States Code, is amended by adding at the end the following:

“(g) INFORMATION REGARDING COMPONENTS INVOLVED IN RECALL.—A manufacturer that is required to furnish a report under section 573.6 of title 49, Code of Federal Regulations (or any successor regulation) for a defect or noncompliance in a motor vehicle or in an item of original or replacement equipment shall, if such defect or noncompliance involves a specific component or components, include in such report, with respect to such component or components, the following information:

“(1) The name of the component or components.

“(2) A description of the component or components.

“(3) The part number of the component or components, if any.”.

Subtitle B—Research And Development And Vehicle Electronics

SEC. 24201. REPORT ON OPERATIONS OF THE COUNCIL FOR VEHICLE ELECTRONICS, VEHICLE SOFTWARE, AND EMERGING TECHNOLOGIES.

Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report regarding the operations of the Council for Vehicle Electronics, Vehicle Software, and Emerging Technologies established under section 31401 of the Moving Ahead for Progress in the 21st Century Act (49 U.S.C. 105 note). The report shall include information about the accomplishments of the Council, the role of the Council in integrating and aggregating electronic and emerging technologies expertise across the National Highway Traffic Safety Administration, the role of the Council in coordinating with other Federal agencies, and the priorities of the Council over the next 5 years.

SEC. 24202. COOPERATION WITH FOREIGN GOVERNMENTS.

(a) TITLE 49 AMENDMENT.—Section 30182(b) of title 49, United States Code, is amended—

(1) in paragraph (4), by striking “; and” and inserting a semicolon;

(2) in paragraph (5), by striking the period at the end and inserting “; and”; and

(3) by inserting after paragraph (5) the following:

“(6) in coordination with Department of State, enter into cooperative agreements and collaborative research and development agreements with foreign governments.”

(b) TITLE 23 AMENDMENT.—Section 403 of title 23, United States Code, is amended—

(1) in subsection (b)(2)(C), by inserting “foreign government (in coordination with the Department of State)” after “institution,”; and

(2) in subsection (c)(1)(A), by inserting “foreign governments,” after “local governments,”.

(c) AUDIT.—The Department of Transportation Inspector General shall conduct an audit of the Secretary of Transportation’s management and oversight of cooperative agreements and collaborative research and development agreements, including any cooperative agreements between the Secretary of Transportation and foreign governments under section 30182(b)(6) of title 49, United States Code, and subsections (b)(2)(C) and (c)(1)(A) of title 23, United States Code.

Subtitle C—Miscellaneous Provisions

PART I—DRIVER PRIVACY ACT OF 2015

Driver Privacy
Act of 2015.
49 USC 30101
note.

SEC. 24301. SHORT TITLE.

This part may be cited as the “Driver Privacy Act of 2015”.

49 USC 30101
note.

SEC. 24302. LIMITATIONS ON DATA RETRIEVAL FROM VEHICLE EVENT DATA RECORDERS.

(a) OWNERSHIP OF DATA.—Any data retained by an event data recorder (as defined in section 563.5 of title 49, Code of Federal Regulations), regardless of when the motor vehicle in which it is installed was manufactured, is the property of the owner, or, in the case of a leased vehicle, the lessee of the motor vehicle in which the event data recorder is installed.

(b) PRIVACY.—Data recorded or transmitted by an event data recorder described in subsection (a) may not be accessed by a person other than an owner or a lessee of the motor vehicle in which the event data recorder is installed unless—

(1) a court or other judicial or administrative authority having jurisdiction—

(A) authorizes the retrieval of the data; and

(B) to the extent that there is retrieved data, the data is subject to the standards for admission into evidence required by that court or other administrative authority;

(2) an owner or a lessee of the motor vehicle provides written, electronic, or recorded audio consent to the retrieval of the data for any purpose, including the purpose of diagnosing, servicing, or repairing the motor vehicle, or by agreeing to a subscription that describes how data will be retrieved and used;

(3) the data is retrieved pursuant to an investigation or inspection authorized under section 1131(a) or 30166 of title 49, United States Code, and the personally identifiable information of an owner or a lessee of the vehicle and the vehicle identification number is not disclosed in connection with the retrieved data, except that the vehicle identification number may be disclosed to the certifying manufacturer;

(4) the data is retrieved for the purpose of determining the need for, or facilitating, emergency medical response in response to a motor vehicle crash; or

(5) the data is retrieved for traffic safety research, and the personally identifiable information of an owner or a lessee of the vehicle and the vehicle identification number is not disclosed in connection with the retrieved data.

SEC. 24303. VEHICLE EVENT DATA RECORDER STUDY.

49 USC 30101
note.

(a) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Administrator of the National Highway Traffic Safety Administration shall submit to Congress a report that contains the results of a study conducted by the Administrator to determine the amount of time event data recorders installed in passenger motor vehicles should capture and record for retrieval vehicle-related data in conjunction with an event in order to provide sufficient information to investigate the cause of motor vehicle crashes.

(b) **RULEMAKING.**—Not later than 2 years after submitting the report required under subsection (a), the Administrator of the National Highway Traffic Safety Administration shall promulgate regulations to establish the appropriate period during which event data recorders installed in passenger motor vehicles may capture and record for retrieval vehicle-related data to the time necessary to provide accident investigators with vehicle-related information pertinent to crashes involving such motor vehicles.

**PART II—SAFETY THROUGH INFORMED
CONSUMERS ACT OF 2015**

Safety Through
Informed
Consumers Act of
2015.
49 USC 30101
note.

SEC. 24321. SHORT TITLE.

This part may be cited as the “Safety Through Informed Consumers Act of 2015”.

SEC. 24322. PASSENGER MOTOR VEHICLE INFORMATION.

Section 32302 of title 49, United States Code, is amended by inserting after subsection (b) the following:

“(c) **CRASH AVOIDANCE.**—Not later than 1 year after the date of enactment of the Safety Through Informed Consumers Act of 2015, the Secretary shall promulgate a rule to ensure that crash avoidance information is indicated next to crashworthiness information on stickers placed on motor vehicles by their manufacturers.”.

**PART III—TIRE EFFICIENCY, SAFETY, AND
REGISTRATION ACT OF 2015**

Tire Efficiency,
Safety, and
Registration Act
of 2015.
49 USC 30101
note.

SEC. 24331. SHORT TITLE.

This part may be cited as the “Tire Efficiency, Safety, and Registration Act of 2015” or the “TESR Act”.

SEC. 24332. TIRE FUEL EFFICIENCY MINIMUM PERFORMANCE STANDARDS.

Section 32304A of title 49, United States Code, is amended—

(1) in the section heading, by inserting “AND STANDARDS” after “CONSUMER TIRE INFORMATION”;

(2) in subsection (a)—

(A) in the heading, by striking “Rulemaking” and inserting “Consumer Tire Information”; and

(B) in paragraph (1), by inserting “(referred to in this section as the ‘Secretary’)” after “Secretary of Transportation”;

(3) by redesignating subsections (b) through (e) as subsections (e) through (h), respectively; and

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

“(b) PROMULGATION OF REGULATIONS FOR TIRE FUEL EFFICIENCY MINIMUM PERFORMANCE STANDARDS.—

“(1) IN GENERAL.—The Secretary, after consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall promulgate regulations for tire fuel efficiency minimum performance standards for—

“(A) passenger car tires with a maximum speed capability equal to or less than 149 miles per hour or 240 kilometers per hour; and

“(B) passenger car tires with a maximum speed capability greater than 149 miles per hour or 240 kilometers per hour.

“(2) TIRE FUEL EFFICIENCY MINIMUM PERFORMANCE STANDARDS.—

“(A) STANDARD BASIS AND TEST PROCEDURES.—The minimum performance standards promulgated under paragraph (1) shall be expressed in terms of the rolling resistance coefficient measured using the test procedure specified in section 575.106 of title 49, Code of Federal Regulations (as in effect on the date of enactment of this Act).

“(B) NO DISPARATE EFFECT ON HIGH PERFORMANCE TIRES.—The Secretary shall ensure that the minimum performance standards promulgated under paragraph (1) will not have a disproportionate effect on passenger car high performance tires with a maximum speed capability greater than 149 miles per hour or 240 kilometers per hour.

“(C) APPLICABILITY.—

“(i) IN GENERAL.—This subsection applies to new pneumatic tires for use on passenger cars.

“(ii) EXCEPTIONS.—This subsection does not apply to light truck tires, deep tread tires, winter-type snow tires, space-saver or temporary use spare tires, or tires with nominal rim diameters of 12 inches or less.

“(c) PROMULGATION OF REGULATIONS FOR TIRE WET TRACTION MINIMUM PERFORMANCE STANDARDS.—

“(1) IN GENERAL.—The Secretary shall promulgate regulations for tire wet traction minimum performance standards to ensure that passenger tire wet traction capability is not reduced to achieve improved tire fuel efficiency.

“(2) TIRE WET TRACTION MINIMUM PERFORMANCE STANDARDS.—

“(A) BASIS OF STANDARD.—The minimum performance standards promulgated under paragraph (1) shall be expressed in terms of peak coefficient of friction.

“(B) TEST PROCEDURES.—Any test procedure promulgated under this subsection shall be consistent with any test procedure promulgated under subsection (a).

“(C) BENCHMARKING.—The Secretary shall conduct testing to benchmark the wet traction performance of tire models available for sale in the United States as of the date of enactment of this Act to ensure that the minimum performance standards promulgated under paragraph (1) are tailored to—

“(i) tires sold in the United States; and

“(ii) the needs of consumers in the United States.

“(D) APPLICABILITY.—

“(i) IN GENERAL.—This subsection applies to new pneumatic tires for use on passenger cars.

“(ii) EXCEPTIONS.—This subsection does not apply to light truck tires, deep tread tires, winter-type snow tires, space-saver or temporary use spare tires, or tires with nominal rim diameters of 12 inches or less.

“(d) COORDINATION AMONG REGULATIONS.—

“(1) COMPATIBILITY.—The Secretary shall ensure that the test procedures and requirements promulgated under subsections (a), (b), and (c) are compatible and consistent.

“(2) COMBINED EFFECT OF RULES.—The Secretary shall evaluate the regulations promulgated under subsections (b) and (c) to ensure that compliance with the minimum performance standards promulgated under subsection (b) will not diminish wet traction performance of affected tires.

“(3) RULEMAKING DEADLINES.—The Secretary shall promulgate—

“(A) the regulations under subsections (b) and (c) not later than 24 months after the date of enactment of this Act; and

“(B) the regulations under subsection (c) not later than the date of promulgation of the regulations under subsection (b).”.

SEC. 24333. TIRE REGISTRATION BY INDEPENDENT SELLERS.

Paragraph (3) of section 30117(b) of title 49, United States Code, is amended to read as follows:

“(3) RULEMAKING.—

“(A) IN GENERAL.—The Secretary shall initiate a rulemaking to require a distributor or dealer of tires that is not owned or controlled by a manufacturer of tires to maintain records of—

“(i) the name and address of tire purchasers and lessors;

“(ii) information identifying the tire that was purchased or leased; and

“(iii) any additional records the Secretary considers appropriate.

“(B) ELECTRONIC TRANSMISSION.—The rulemaking carried out under subparagraph (A) shall require a distributor or dealer of tires that is not owned or controlled by a manufacturer of tires to electronically transmit the records described in clauses (i), (ii), and (iii) of subparagraph (A) to the manufacturer of the tires or the designee of the manufacturer by secure means at no cost to tire purchasers or lessors.

“(C) SATISFACTION OF REQUIREMENTS.—A regulation promulgated under subparagraph (A) may be considered to satisfy the requirements of paragraph (2)(B).”.

SEC. 24334. TIRE IDENTIFICATION STUDY AND REPORT.

(a) STUDY.—The Secretary shall conduct a study to examine the feasibility of requiring all manufacturers of tires subject to section 30117(b) of title 49, United States Code, to—

(1) include electronic identification on every tire that reflects all of the information currently required in the tire identification number; and

(2) ensure that the same type and format of electronic information technology is used on all tires.

(b) REPORT.—The Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the results of the study required by paragraph (1).

49 USC 30119
note.

SEC. 24335. TIRE RECALL DATABASE.

(a) IN GENERAL.—The Secretary shall establish a publicly available and searchable electronic database of tire recall information that is reported to the Administrator of the National Highway Traffic Safety Administration.

(b) TIRE IDENTIFICATION NUMBER.—The database established under subsection (a) shall be searchable by Tire Identification Number (TIN) and any other criteria that assists consumers in determining whether a tire is subject to a recall.

PART IV—ALTERNATIVE FUEL VEHICLES

SEC. 24341. REGULATORY PARITY FOR NATURAL GAS VEHICLES.

The Administrator of the Environmental Protection Agency shall revise the regulations issued in sections 600.510-12(c)(2)(vi) and 600.510-12(c)(2) (vii)(A) of title 40, Code of Federal Regulations, to replace references to the year “2019” with the year “2016”.

**PART V—MOTOR VEHICLE SAFETY
WHISTLEBLOWER ACT**

Motor Vehicle
Safety
Whistleblower
Act.
49 USC 30101
note.

SEC. 24351. SHORT TITLE.

This part may be cited as the “Motor Vehicle Safety Whistleblower Act”.

SEC. 24352. MOTOR VEHICLE SAFETY WHISTLEBLOWER INCENTIVES AND PROTECTIONS.

(a) IN GENERAL.—Subchapter IV of chapter 301 of title 49, United States Code, is amended by adding at the end the following:

49 USC 30172
note.

“§ 30172. Whistleblower incentives and protections

“(a) DEFINITIONS.—In this section:

“(1) COVERED ACTION.—The term ‘covered action’ means any administrative or judicial action, including any related administrative or judicial action, brought by the Secretary or the Attorney General under this chapter that in the aggregate results in monetary sanctions exceeding \$1,000,000.

“(2) MONETARY SANCTIONS.—The term ‘monetary sanctions’ means monies, including penalties and interest, ordered or agreed to be paid.

“(3) ORIGINAL INFORMATION.—The term ‘original information’ means information that—

“(A) is derived from the independent knowledge or analysis of an individual;

“(B) is not known to the Secretary from any other source, unless the individual is the original source of the information; and

“(C) is not exclusively derived from an allegation made in a judicial or an administrative action, in a governmental report, a hearing, an audit, or an investigation, or from the news media, unless the individual is a source of the information.

“(4) PART SUPPLIER.—The term ‘part supplier’ means a manufacturer of motor vehicle equipment.

“(5) SUCCESSFUL RESOLUTION.—The term ‘successful resolution’, with respect to a covered action, includes any settlement or adjudication of the covered action.

“(6) WHISTLEBLOWER.—The term ‘whistleblower’ means any employee or contractor of a motor vehicle manufacturer, part supplier, or dealership who voluntarily provides to the Secretary original information relating to any motor vehicle defect, noncompliance, or any violation or alleged violation of any notification or reporting requirement of this chapter, which is likely to cause unreasonable risk of death or serious physical injury.

“(b) AWARDS.—

“(1) IN GENERAL.—If the original information that a whistleblower provided to the Secretary leads to the successful resolution of a covered action, the Secretary, subject to subsection (c), may pay an award or awards to one or more whistleblowers in an aggregate amount of—

“(A) not less than 10 percent, in total, of collected monetary sanctions; and

“(B) not more than 30 percent, in total, of collected monetary sanctions.

“(2) PAYMENT OF AWARDS.—Any amount payable under paragraph (1) shall be paid from the monetary sanctions collected, and any monetary sanctions so collected shall be available for such payment.

“(c) DETERMINATION OF AWARDS; DENIAL OF AWARDS.—

“(1) DETERMINATION OF AWARDS.—

“(A) DISCRETION.—The determination of whether, to whom, or in what amount to make an award shall be in the discretion of the Secretary subject to the provisions in subsection (b)(1).

“(B) CRITERIA.—In determining an award made under subsection (b), the Secretary shall take into consideration—

“(i) if appropriate, whether a whistleblower reported or attempted to report the information internally to an applicable motor vehicle manufacturer, part supplier, or dealership;

“(ii) the significance of the original information provided by the whistleblower to the successful resolution of the covered action;

“(iii) the degree of assistance provided by the whistleblower and any legal representative of the whistleblower in the covered action; and

“(iv) such additional factors as the Secretary considers relevant.

“(2) DENIAL OF AWARDS.—No award under subsection (b) shall be made—

“(A) to any whistleblower who is convicted of a criminal violation related to the covered action for which the whistleblower otherwise could receive an award under this section;

“(B) to any whistleblower who, acting without direction from an applicable motor vehicle manufacturer, part supplier, or dealership, or agent thereof, deliberately causes or substantially contributes to the alleged violation of a requirement of this chapter;

“(C) to any whistleblower who submits information to the Secretary that is based on the facts underlying the covered action submitted previously by another whistleblower;

“(D) to any whistleblower who fails to provide the original information to the Secretary in such form as the Secretary may require by regulation; or

“(E) if the applicable motor vehicle manufacturer, parts supplier, or dealership has an internal reporting mechanism in place to protect employees from retaliation, to any whistleblower who fails to report or attempt to report the information internally through such mechanism, unless—

“(i) the whistleblower reasonably believed that such an internal report would have resulted in retaliation, notwithstanding section 30171(a);

“(ii) the whistleblower reasonably believed that the information—

“(I) was already internally reported;

“(II) was already subject to or part of an internal inquiry or investigation; or

“(III) was otherwise already known to the motor vehicle manufacturer, part supplier, or dealership; or

“(iii) the Secretary has good cause to waive this requirement.

“(d) REPRESENTATION.—A whistleblower may be represented by counsel.

“(e) NO CONTRACT NECESSARY.—No contract with the Secretary is necessary for any whistleblower to receive an award under subsection (b).

“(f) PROTECTION OF WHISTLEBLOWERS; CONFIDENTIALITY.—

“(1) IN GENERAL.—Notwithstanding section 30167, and except as provided in paragraphs (4) and (5) of this subsection, the Secretary, and any officer or employee of the Department of Transportation, shall not disclose any information, including information provided by a whistleblower to the Secretary, which could reasonably be expected to reveal the identity of a whistleblower, except in accordance with the provisions of section 552a of title 5, unless—

“(A) required to be disclosed to a defendant or respondent in connection with a public proceeding

instituted by the Secretary or any entity described in paragraph (5);

“(B) the whistleblower provides prior written consent for the information to be disclosed; or

“(C) the Secretary, or other officer or employee of the Department of Transportation, receives the information through another source, such as during an inspection or investigation under section 30166, and has authority under other law to release the information.

“(2) REDACTION.—The Secretary, and any officer or employee of the Department of Transportation, shall take reasonable measures to not reveal the identity of the whistleblower when disclosing any information under paragraph (1).

“(3) SECTION 552(B)(3)(B).—For purposes of section 552 of title 5, paragraph (1) of this subsection shall be considered a statute described in subsection (b)(3)(B) of that section.

“(4) EFFECT.—Nothing in this subsection is intended to limit the ability of the Attorney General to present such evidence to a grand jury or to share such evidence with potential witnesses or defendants in the course of an ongoing criminal investigation.

“(5) AVAILABILITY TO GOVERNMENT AGENCIES.—

“(A) IN GENERAL.—Without the loss of its status as confidential in the hands of the Secretary, all information referred to in paragraph (1) may, in the discretion of the Secretary, when determined by the Secretary to be necessary or appropriate to accomplish the purposes of this chapter and in accordance with subparagraph (B), be made available to the following:

“(i) The Department of Justice.

“(ii) An appropriate department or agency of the Federal Government, acting within the scope of its jurisdiction.

“(B) MAINTENANCE OF INFORMATION.—Each entity described in subparagraph (A) shall maintain information described in that subparagraph as confidential, in accordance with the requirements in paragraph (1).

“(g) PROVISION OF FALSE INFORMATION.—A whistleblower who knowingly and intentionally makes any false, fictitious, or fraudulent statement or representation, or who makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry, shall not be entitled to an award under this section and shall be subject to prosecution under section 1001 of title 18.

“(h) APPEALS.—

“(1) IN GENERAL.—Any determination made under this section, including whether, to whom, or in what amount to make an award, shall be in the discretion of the Secretary.

“(2) APPEALS.—Any determination made by the Secretary under this section may be appealed by a whistleblower to the appropriate court of appeals of the United States not later than 30 days after the determination is issued by the Secretary.

“(3) REVIEW.—The court shall review the determination made by the Secretary in accordance with section 706 of title 5.

“(i) REGULATION.—Not later than 18 months after the date of enactment of this section, the Secretary shall promulgate regulations on the requirements of this section, consistent with this section.”.

49 USC 30172
note.

(b) RULE OF CONSTRUCTION.—

(1) ORIGINAL INFORMATION.—Information submitted to the Secretary of Transportation by a whistleblower in accordance with the requirements of section 30172 of title 49, United States Code, shall not lose its status as original information solely because the whistleblower submitted the information prior to the effective date of the regulations issued under subsection (i) of that section if that information was submitted after the date of enactment of this Act.

(2) AWARDS.—A whistleblower may receive an award under section 30172 of title 49, United States Code, regardless of whether the violation underlying the covered action occurred prior to the date of enactment of this Act, and may receive an award prior to the Secretary of Transportation promulgating the regulations under subsection (i) of that section.

49 USC
prec. 30101.

(c) CONFORMING AMENDMENTS.—The table of contents of subchapter IV of chapter 301 of title 49, United States Code, is amended by adding at the end the following:

“30172. Whistleblower incentives and protections.”.

Subtitle D—Additional Motor Vehicle Provisions

49 USC 105 note.

SEC. 24401. REQUIRED REPORTING OF NHTSA AGENDA.

Not later than December 1 of the year beginning after the date of enactment of this Act, and each year thereafter, the Administrator of the National Highway Traffic Safety Administration shall publish on the public website of the Administration, and file with the Committees on Energy and Commerce and Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate an annual plan for the following calendar year detailing the Administration’s projected activities, including—

- (1) the Administrator’s policy priorities;
- (2) any rulemakings projected to be commenced;
- (3) any plans to develop guidelines;
- (4) any plans to restructure the Administration or to establish or alter working groups;
- (5) any planned projects or initiatives of the Administration, including the working groups and advisory committees of the Administration; and
- (6) any projected dates or timetables associated with any of the items described in paragraphs (1) through (5).

SEC. 24402. APPLICATION OF REMEDIES FOR DEFECTS AND NON-COMPLIANCE.

Section 30120(g)(1) of title 49, United States Code, is amended by striking “10 calendar years” and inserting “15 calendar years”.

49 USC 30117
note.

SEC. 24403. RETENTION OF SAFETY RECORDS BY MANUFACTURERS.

(a) RULE.—Not later than 18 months after the date of enactment of this Act, the Secretary of Transportation shall issue a

final rule pursuant to section 30117 of title 49, United States Code, requiring each manufacturer of motor vehicles or motor vehicle equipment to retain all motor vehicle safety records required to be maintained by manufacturers under section 576.6 of title 49, Code of Federal Regulations, for a period of not less than 10 calendar years from the date on which they were generated or acquired by the manufacturer.

(b) APPLICATION.—The rule required by subsection (a) shall apply with respect to any record described in such subsection that is in the possession of a manufacturer on the effective date of such rule.

SEC. 24404. NONAPPLICATION OF PROHIBITIONS RELATING TO NON-COMPLYING MOTOR VEHICLES TO VEHICLES USED FOR TESTING OR EVALUATION.

Section 30112(b) of title 49, United States Code, is amended—

(1) in paragraph (8), by striking “; or” and inserting a semicolon;

(2) in paragraph (9), by striking the period at the end and inserting “; or”; and

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

“(10) the introduction of a motor vehicle in interstate commerce solely for purposes of testing or evaluation by a manufacturer that agrees not to sell or offer for sale the motor vehicle at the conclusion of the testing or evaluation and that prior to the date of enactment of this paragraph—

“(A) has manufactured and distributed motor vehicles into the United States that are certified to comply with all applicable Federal motor vehicle safety standards;

“(B) has submitted to the Secretary appropriate manufacturer identification information under part 566 of title 49, Code of Federal Regulations; and

“(C) if applicable, has identified an agent for service of process in accordance with part 551 of such title.”.

SEC. 24405. TREATMENT OF LOW-VOLUME MANUFACTURERS.

(a) EXEMPTION FROM VEHICLE SAFETY STANDARDS FOR LOW-VOLUME MANUFACTURERS.—Section 30114 of title 49, United States Code, is amended—

(1) by striking “The” and inserting “(A) VEHICLES USED FOR PARTICULAR PURPOSES. The”; and

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

“(b) EXEMPTION FOR LOW-VOLUME MANUFACTURERS.—

“(1) IN GENERAL.—The Secretary shall—

“(A) exempt from section 30112(a) of this title not more than 325 replica motor vehicles per year that are manufactured or imported by a low-volume manufacturer; and

“(B) except as provided in paragraph (4) of this subsection, limit any such exemption to the Federal Motor Vehicle Safety Standards applicable to motor vehicles and not motor vehicle equipment.

“(2) REGISTRATION REQUIREMENT.—To qualify for an exemption under paragraph (1), a low-volume manufacturer shall register with the Secretary at such time, in such manner, and under such terms that the Secretary determines appropriate. The Secretary shall establish terms that ensure that no person may register as a low-volume manufacturer if the

person is registered as an importer under section 30141 of this title.

“(3) PERMANENT LABEL REQUIREMENT.—

“(A) IN GENERAL.—The Secretary shall require a low-volume manufacturer to affix a permanent label to a motor vehicle exempted under paragraph (1) that identifies the specified standards and regulations for which such vehicle is exempt from section 30112(a), states that the vehicle is a replica, and designates the model year such vehicle replicates.

“(B) WRITTEN NOTICE.—The Secretary may require a low-volume manufacturer of a motor vehicle exempted under paragraph (1) to deliver written notice of the exemption to—

“(i) the dealer; and

“(ii) the first purchaser of the motor vehicle, if the first purchaser is not an individual that purchases the motor vehicle for resale.

“(C) REPORTING REQUIREMENT.—A low-volume manufacturer shall annually submit a report to the Secretary including the number and description of the motor vehicles exempted under paragraph (1) and a list of the exemptions described on the label affixed under subparagraph (A).

“(4) EFFECT ON OTHER PROVISIONS.—Any motor vehicle exempted under this subsection shall also be exempted from sections 32304, 32502, and 32902 of this title and from section 3 of the Automobile Information Disclosure Act (15 U.S.C. 1232).

“(5) LIMITATION AND PUBLIC NOTICE.—The Secretary shall have 90 days to review and approve or deny a registration submitted under paragraph (2). If the Secretary determines that any such registration submitted is incomplete, the Secretary shall have an additional 30 days for review. Any registration not approved or denied within 90 days after initial submission, or 120 days if the registration submitted is incomplete, shall be deemed approved. The Secretary shall have the authority to revoke an existing registration based on a failure to comply with requirements set forth in this subsection or a finding by the Secretary of a safety-related defect or unlawful conduct under this chapter that poses a significant safety risk. The registrant shall be provided a reasonable opportunity to correct all deficiencies, if such are correctable based on the sole discretion of the Secretary. An exemption granted by the Secretary to a low-volume manufacturer under this subsection may not be transferred to any other person, and shall expire at the end of the calendar year for which it was granted with respect to any volume authorized by the exemption that was not applied by the low-volume manufacturer to vehicles built during that calendar year. The Secretary shall maintain an up-to-date list of registrants and a list of the make and model of motor vehicles exempted under paragraph (1) on at least an annual basis and publish such list in the Federal Register or on a website operated by the Secretary.

“(6) LIMITATION OF LIABILITY FOR ORIGINAL MANUFACTURERS, LICENSORS OR OWNERS OF PRODUCT CONFIGURATION, TRADE DRESS, OR DESIGN PATENTS.—The original manufacturer, its successor or assignee, or current owner, who grants a license

or otherwise transfers rights to a low-volume manufacturer shall incur no liability to any person or entity under Federal or State statute, regulation, local ordinance, or under any Federal or State common law for such license or assignment to a low-volume manufacturer.

“(7) DEFINITIONS.—In this subsection:

“(A) LOW-VOLUME MANUFACTURER.—The term ‘low-volume manufacturer’ means a motor vehicle manufacturer, other than a person who is registered as an importer under section 30141 of this title, whose annual worldwide production, including by a parent or subsidiary of the manufacturer, if applicable, is not more than 5,000 motor vehicles.

“(B) REPLICATOR MOTOR VEHICLE.—The term ‘replica motor vehicle’ means a motor vehicle produced by a low-volume manufacturer and that—

“(i) is intended to resemble the body of another motor vehicle that was manufactured not less than 25 years before the manufacture of the replica motor vehicle; and

“(ii) is manufactured under a license for the product configuration, trade dress, trademark, or patent, for the motor vehicle that is intended to be replicated from the original manufacturer, its successors or assignees, or current owner of such product configuration, trade dress, trademark, or patent rights.

“(8) CONSTRUCTION.—Except as provided in paragraphs (1) and (4), a registrant shall be considered a motor vehicle manufacturer for purposes of parts A and C of subtitle VI of this title. Nothing shall be construed to exempt a registrant from complying with the requirements under sections 30116 through 30120A of this title if the motor vehicle excepted under paragraph (1) contains a defect related to motor vehicle safety.

“(9) STATE REGISTRATION.—Nothing in this subsection shall be construed to preempt, affect, or supersede any State titling or registration law or regulation for a replica motor vehicle, or exempt a person from complying with such law or regulation.”.

(b) VEHICLE EMISSION COMPLIANCE STANDARDS FOR LOW-VOLUME MOTOR VEHICLE MANUFACTURERS.—Section 206(a) of the Clean Air Act (42 U.S.C. 7525(a)) is amended by adding at the end the following new paragraph:

“(5)(A) A motor vehicle engine (including all engine emission controls) may be installed in an exempted specially produced motor vehicle if the motor vehicle engine is from a motor vehicle that is covered by a certificate of conformity issued by the Administrator for the model year in which the exempted specially produced motor vehicle is produced, or the motor vehicle engine is covered by an Executive order subject to regulations promulgated by the California Air Resources Board for the model year in which the exempted specially produced motor vehicle is produced, and—

“(i) the manufacturer of the engine supplies written instructions to the Administrator and the manufacturer of the exempted specially produced motor vehicle explaining how to install the engine and maintain functionality of the engine’s emission control system

and the on-board diagnostic system (commonly known as ‘OBD’), except with respect to evaporative emissions;

“(ii) the manufacturer of the exempted specially produced motor vehicle installs the engine in accordance with such instructions and certifies such installation in accordance with subparagraph (E);

“(iii) the installation instructions include emission control warranty information from the engine manufacturer in compliance with section 207, including where warranty repairs can be made, emission control labels to be affixed to the vehicle, and the certificate of conformity number for the applicable vehicle in which the engine was originally intended or the applicable Executive order number for the engine; and

“(iv) the manufacturer of the exempted specially produced motor vehicle does not produce more than 325 such vehicles in the calendar year in which the vehicle is produced.

“(B) A motor vehicle containing an engine compliant with the requirements of subparagraph (A) shall be treated as meeting the requirements of section 202 applicable to new vehicles produced or imported in the model year in which the exempted specially produced motor vehicle is produced or imported.

“(C) Engine installations that are not performed in accordance with installation instructions provided by the manufacturer and alterations to the engine not in accordance with the installation instructions shall—

“(i) be treated as prohibited acts by the installer under section 203 and any applicable regulations; and

“(ii) subject to civil penalties under section 205(a), civil actions under section 205(b), and administrative assessment of penalties under section 205(c).

“(D) The manufacturer of an exempted specially produced motor vehicle that has an engine compliant with the requirements of subparagraph (A) shall provide to the purchaser of such vehicle all information received by the manufacturer from the engine manufacturer, including information regarding emissions warranties from the engine manufacturer and all emissions-related recalls by the engine manufacturer.

“(E) To qualify to install an engine under this paragraph, and sell, offer for sale, introduce into commerce, deliver for introduction into commerce or import an exempted specially produced motor vehicle, a manufacturer of exempted specially produced motor vehicles shall register with the Administrator at such time and in such manner as the Administrator determines appropriate. The manufacturer shall submit an annual report to the Administrator that includes—

“(i) a description of the exempted specially produced motor vehicles and engines installed in such vehicles;

“(ii) the certificate of conformity number issued to the motor vehicle in which the engine was originally intended or the applicable Executive order number for the engine; and

“(iii) a certification that it produced all exempted specially produced motor vehicles according to the written instructions from the engine manufacturer, and otherwise that the engine conforms in all material respects to the description in the application for the applicable certificate of conformity or Executive order.

“(F) Exempted specially produced motor vehicles compliant with this paragraph shall be exempted from—

“(i) motor vehicle certification testing under this section; and

“(ii) vehicle emission control inspection and maintenance programs required under section 110.

“(G)(i) Except as provided in subparagraphs (A) through (F), a person engaged in the manufacturing or assembling of exempted specially produced motor vehicles shall be considered a manufacturer for purposes of this Act.

“(ii) Nothing in this paragraph shall be construed to exempt any person from the prohibitions in section 203(a)(3) or the requirements in sections 208, 206(c), or 202(m)(5).

“(H) In this paragraph:

“(i) The term ‘exempted specially produced motor vehicle’ means a light-duty vehicle or light-duty truck produced by a low-volume manufacturer and that—

“(I) is intended to resemble the body of another motor vehicle that was manufactured not less than 25 years before the manufacture of the exempted specially produced motor vehicle; and

“(II) is manufactured under a license for the product configuration, trade dress, trademark, or patent, for the motor vehicle that is intended to be replicated from the original manufacturer, its successors or assignees, or current owner of such product configuration, trade dress, trademark, or patent rights.

“(ii) The term ‘low-volume manufacturer’ means a motor vehicle manufacturer, other than a person who is registered as an importer under section 30141 of title 49, United States Code, whose annual worldwide production, including by a parent or subsidiary of the manufacturer, if applicable, is not more than 5,000 motor vehicles.”.

(c) IMPLEMENTATION.—Not later than 12 months after the date of enactment of this Act, the Secretary of Transportation and the Administrator of the Environmental Protection Agency shall issue such regulations as may be necessary to implement the amendments made by subsections (a) and (b), respectively.

42 USC 7525
note.

SEC. 24406. MOTOR VEHICLE SAFETY GUIDELINES.

Section 30111 of title 49, United States Code, is amended by adding at the end the following new subsection:

“(f) MOTOR VEHICLE SAFETY GUIDELINES.—

“(1) IN GENERAL.—No guidelines issued by the Secretary with respect to motor vehicle safety shall confer any rights on any person, State, or locality, nor shall operate to bind the Secretary or any person to the approach recommended

in such guidelines. In any enforcement action with respect to motor vehicle safety, the Secretary shall allege a violation of a provision of this subtitle, a motor vehicle safety standard issued under this subtitle, or another relevant statute or regulation. The Secretary may not base an enforcement action on, or execute a consent order based on, practices that are alleged to be inconsistent with any such guidelines, unless the practices allegedly violate a provision of this subtitle, a motor vehicle safety standard issued under this subtitle, or another relevant statute or regulation.

“(2) **RULE OF CONSTRUCTION.**—Nothing in this subsection shall be construed to confer any authority upon or negate any authority of the Secretary to issue guidelines under this chapter.”

49 USC 30127
note.

SEC. 24407. IMPROVEMENT OF DATA COLLECTION ON CHILD OCCUPANTS IN VEHICLE CRASHES.

(a) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall revise the crash investigation data collection system of the National Highway Traffic Safety Administration to include the collection of the following data in connection with vehicle crashes whenever a child restraint system was in use in a vehicle involved in a crash:

(1) The type or types of child restraint systems in use during the crash in any vehicle involved in the crash, including whether a five-point harness or belt-positioning booster.

(2) If a five-point harness child restraint system was in use during the crash, whether the child restraint system was forward-facing or rear-facing in the vehicle concerned.

(b) **CONSULTATION.**—In implementing subsection (a), the Secretary shall work with law enforcement officials, safety advocates, the medical community, and research organizations to improve the recordation of data described in subsection (a) in police and other applicable incident reports.

(c) **REPORT.**—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on child occupant crash data collection in the crash investigation data collection system of the National Highway Traffic Safety Administration pursuant to the revision required by subsection (a).

DIVISION C—FINANCE

TITLE XXXI—HIGHWAY TRUST FUND AND RELATED TAXES

Subtitle A—Extension of Trust Fund Expenditure Authority and Related Taxes

SEC. 31101. EXTENSION OF HIGHWAY TRUST FUND EXPENDITURE AUTHORITY.

26 USC 9503.

(a) **HIGHWAY TRUST FUND.**—Section 9503 of the Internal Revenue Code of 1986 is amended—

(1) by striking “December 5, 2015” in subsections (b)(6)(B), (c)(1), and (e)(3) and inserting “October 1, 2020”, and

(2) by striking “Surface Transportation Extension Act of 2015, Part II” in subsections (c)(1) and (e)(3) and inserting “FAST Act”.

(b) SPORT FISH RESTORATION AND BOATING TRUST FUND.—Section 9504 of such Code is amended— 26 USC 9504.

(1) by striking “Surface Transportation Extension Act of 2015, Part II” each place it appears in subsection (b)(2) and inserting “FAST Act”, and

(2) by striking “December 5, 2015” in subsection (d)(2) and inserting “October 1, 2020”.

(c) LEAKING UNDERGROUND STORAGE TANK TRUST FUND.—Section 9508(e)(2) of such Code is amended by striking “December 5, 2015” and inserting “October 1, 2020”. 26 USC 9508.

SEC. 31102. EXTENSION OF HIGHWAY-RELATED TAXES.

(a) IN GENERAL.—

(1) Each of the following provisions of the Internal Revenue Code of 1986 is amended by striking “September 30, 2016” and inserting “September 30, 2022”:

(A) Section 4041(a)(1)(C)(iii)(I). 26 USC 4041.

(B) Section 4041(m)(1)(B).

(C) Section 4081(d)(1). 26 USC 4081.

(2) Each of the following provisions of such Code is amended by striking “October 1, 2016” and inserting “October 1, 2022”:

(A) Section 4041(m)(1)(A).

(B) Section 4051(c). 26 USC 4051.

(C) Section 4071(d). 26 USC 4071.

(D) Section 4081(d)(3).

(b) EXTENSION OF TAX, ETC., ON USE OF CERTAIN HEAVY VEHICLES.—Each of the following provisions of the Internal Revenue Code of 1986 is amended by striking “2017” each place it appears and inserting “2023”:

(1) Section 4481(f). 26 USC 4481.

(2) Subsections (c)(4) and (d) of section 4482. 26 USC 4482.

(c) FLOOR STOCKS REFUNDS.—Section 6412(a)(1) of the Internal Revenue Code of 1986 is amended— 26 USC 6412.

(1) by striking “October 1, 2016” each place it appears and inserting “October 1, 2022”;

(2) by striking “March 31, 2017” each place it appears and inserting “March 31, 2023”; and

(3) by striking “January 1, 2017” and inserting “January 1, 2023”.

(d) EXTENSION OF CERTAIN EXEMPTIONS.—

(1) Section 4221(a) of the Internal Revenue Code of 1986 is amended by striking “October 1, 2016” and inserting “October 1, 2022”. 26 USC 4221.

(2) Section 4483(i) of such Code is amended by striking “October 1, 2017” and inserting “October 1, 2023”. 26 USC 4483.

(e) EXTENSION OF TRANSFERS OF CERTAIN TAXES.—

(1) IN GENERAL.—Section 9503 of the Internal Revenue Code of 1986 is amended— 26 USC 9503.

(A) in subsection (b)—

(i) by striking “October 1, 2016” each place it appears in paragraphs (1) and (2) and inserting “October 1, 2022”;

(ii) by striking “OCTOBER 1, 2016” in the heading of paragraph (2) and inserting “OCTOBER 1, 2022”;

(iii) by striking “September 30, 2016” in paragraph (2) and inserting “September 30, 2022”; and

(iv) by striking “July 1, 2017” in paragraph (2) and inserting “July 1, 2023”; and

(B) in subsection (c)(2), by striking “July 1, 2017” and inserting “July 1, 2023”.

(2) MOTORBOAT AND SMALL-ENGINE FUEL TAX TRANSFERS.—

26 USC 9503.

(A) IN GENERAL.—Paragraphs (3)(A)(i) and (4)(A) of section 9503(c) of such Code are each amended by striking “October 1, 2016” and inserting “October 1, 2022”.

54 USC 200310.

(B) CONFORMING AMENDMENTS TO LAND AND WATER CONSERVATION FUND.—Section 200310 of title 54, United States Code, is amended—

(i) by striking “October 1, 2017” each place it appears and inserting “October 1, 2023”; and

(ii) by striking “October 1, 2016” and inserting “October 1, 2022”.

26 USC 4041
note.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2016.

Subtitle B—Additional Transfers to Highway Trust Fund

SEC. 31201. FURTHER ADDITIONAL TRANSFERS TO TRUST FUND.

Subsection (f) of section 9503 of the Internal Revenue Code of 1986 is amended by redesignating paragraph (8) as paragraph (10) and inserting after paragraph (7) the following new paragraphs:

“(8) FURTHER TRANSFERS TO TRUST FUND.—Out of money in the Treasury not otherwise appropriated, there is hereby appropriated—

“(A) \$51,900,000,000 to the Highway Account (as defined in subsection (e)(5)(B)) in the Highway Trust Fund; and

“(B) \$18,100,000,000 to the Mass Transit Account in the Highway Trust Fund.

“(9) ADDITIONAL INCREASE IN FUND BALANCE.—There is hereby transferred to the Highway Account (as defined in subsection (e)(5)(B)) in the Highway Trust Fund amounts appropriated from the Leaking Underground Storage Tank Trust Fund under section 9508(c)(4).”.

SEC. 31202. TRANSFER TO HIGHWAY TRUST FUND OF CERTAIN MOTOR VEHICLE SAFETY PENALTIES.

(a) IN GENERAL.—Paragraph (5) of section 9503(b) of the Internal Revenue Code of 1986 is amended—

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

“(A) IN GENERAL.—There are hereby”, and

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

“(B) PENALTIES RELATED TO MOTOR VEHICLE SAFETY.—

“(i) IN GENERAL.—There are hereby appropriated to the Highway Trust Fund amounts equivalent to covered motor vehicle safety penalty collections.

“(ii) COVERED MOTOR VEHICLE SAFETY PENALTY COLLECTIONS.—For purposes of this subparagraph, the term ‘covered motor vehicle safety penalty collections’ means any amount collected in connection with a civil penalty under section 30165 of title 49, United States Code, reduced by any award authorized by the Secretary of Transportation to be paid to any person in connection with information provided by such person related to a violation of chapter 301 of such title which is a predicate to such civil penalty.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts collected after the date of the enactment of this Act. 26 USC 9503 note.

SEC. 31203. APPROPRIATION FROM LEAKING UNDERGROUND STORAGE TANK TRUST FUND.

(a) IN GENERAL.—Subsection (c) of section 9508 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph: 26 USC 9508.

“(4) ADDITIONAL TRANSFER TO HIGHWAY TRUST FUND.—Out of amounts in the Leaking Underground Storage Tank Trust Fund there is hereby appropriated—

“(A) on the date of the enactment of the FAST Act, \$100,000,000,

“(B) on October 1, 2016, \$100,000,000, and

“(C) on October 1, 2017, \$100,000,000,

to be transferred under section 9503(f)(9) to the Highway Account (as defined in section 9503(e)(5)(B)) in the Highway Trust Fund.”.

(b) CONFORMING AMENDMENT.—Section 9508(c)(1) of the Internal Revenue Code of 1986 is amended by striking “paragraphs (2) and (3)” and inserting “paragraphs (2), (3), and (4)”.

TITLE XXXII—OFFSETS

Subtitle A—Tax Provisions

SEC. 32101. REVOCATION OR DENIAL OF PASSPORT IN CASE OF CERTAIN UNPAID TAXES. 22 USC 2714a.

(a) IN GENERAL.—Subchapter D of chapter 75 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

“SEC. 7345. REVOCATION OR DENIAL OF PASSPORT IN CASE OF CERTAIN TAX DELINQUENCIES. 26 USC 7345 note.

“(a) IN GENERAL.—If the Secretary receives certification by the Commissioner of Internal Revenue that an individual has a seriously delinquent tax debt, the Secretary shall transmit such certification to the Secretary of State for action with respect to denial, revocation, or limitation of a passport pursuant to section 32101 of the FAST Act.

“(b) SERIOUSLY DELINQUENT TAX DEBT.—

“(1) IN GENERAL.—For purposes of this section, the term ‘seriously delinquent tax debt’ means an unpaid, legally enforceable Federal tax liability of an individual—

“(A) which has been assessed,

“(B) which is greater than \$50,000, and

“(C) with respect to which—

“(i) a notice of lien has been filed pursuant to section 6323 and the administrative rights under section 6320 with respect to such filing have been exhausted or have lapsed, or

“(ii) a levy is made pursuant to section 6331.

“(2) EXCEPTIONS.—Such term shall not include—

“(A) a debt that is being paid in a timely manner pursuant to an agreement to which the individual is party under section 6159 or 7122, and

“(B) a debt with respect to which collection is suspended with respect to the individual—

“(i) because a due process hearing under section 6330 is requested or pending, or

“(ii) because an election under subsection (b) or (c) of section 6015 is made or relief under subsection (f) of such section is requested.

“(c) REVERSAL OF CERTIFICATION.—

“(1) IN GENERAL.—In the case of an individual with respect to whom the Commissioner makes a certification under subsection (a), the Commissioner shall notify the Secretary (and the Secretary shall subsequently notify the Secretary of State) if such certification is found to be erroneous or if the debt with respect to such certification is fully satisfied or ceases to be a seriously delinquent tax debt by reason of subsection (b)(2).

“(2) TIMING OF NOTICE.—

“(A) FULL SATISFACTION OF DEBT.—In the case of a debt that has been fully satisfied or has become legally unenforceable, such notification shall be made not later than the date required for issuing the certificate of release of lien with respect to such debt under section 6325(a).

“(B) INNOCENT SPOUSE RELIEF.—In the case of an individual who makes an election under subsection (b) or (c) of section 6015, or requests relief under subsection (f) of such section, such notification shall be made not later than 30 days after any such election or request.

“(C) INSTALLMENT AGREEMENT OR OFFER-IN-COMPROMISE.—In the case of an installment agreement under section 6159 or an offer-in-compromise under section 7122, such notification shall be made not later than 30 days after such agreement is entered into or such offer is accepted by the Secretary.

“(D) ERRONEOUS CERTIFICATION.—In the case of a certification found to be erroneous, such notification shall be made as soon as practicable after such finding.

“(d) CONTEMPORANEOUS NOTICE TO INDIVIDUAL.—The Commissioner shall contemporaneously notify an individual of any certification under subsection (a), or any reversal of certification under subsection (c), with respect to such individual. Such notice shall include a description in simple and nontechnical terms of the right to bring a civil action under subsection (e).

“(e) JUDICIAL REVIEW OF CERTIFICATION.—

“(1) IN GENERAL.—After the Commissioner notifies an individual under subsection (d), the taxpayer may bring a civil action against the United States in a district court of the

United States or the Tax Court to determine whether the certification was erroneous or whether the Commissioner has failed to reverse the certification.

“(2) DETERMINATION.—If the court determines that such certification was erroneous, then the court may order the Secretary to notify the Secretary of State that such certification was erroneous.

“(f) ADJUSTMENT FOR INFLATION.—In the case of a calendar year beginning after 2016, the dollar amount in subsection (a) shall be increased by an amount equal to—

“(1) such dollar amount, multiplied by

“(2) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year, determined by substituting ‘calendar year 2015’ for ‘calendar year 1992’ in subparagraph (B) thereof.

If any amount as adjusted under the preceding sentence is not a multiple of \$1,000, such amount shall be rounded to the nearest multiple of \$1,000.

“(g) DELEGATION OF CERTIFICATION.—A certification under subsection (a) or reversal of certification under subsection (c) may only be delegated by the Commissioner of Internal Revenue to the Deputy Commissioner for Services and Enforcement, or the Commissioner of an operating division, of the Internal Revenue Service.”

(b) INFORMATION INCLUDED IN NOTICE OF LIEN AND LEVY.—

(1) NOTICE OF LIEN.—Section 6320(a)(3) of such Code is amended by striking “and” at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting “; and”, and by adding at the end the following new subparagraph:

26 USC 6320.

“(E) the provisions of section 7345 relating to the certification of seriously delinquent tax debts and the denial, revocation, or limitation of passports of individuals with such debts pursuant to section 32101 of the FAST Act.”

(2) NOTICE OF LEVY.—Section 6331(d)(4) of such Code is amended by striking “and” at the end of subparagraph (E), by striking the period at the end of subparagraph (F) and inserting “; and”, and by adding at the end the following new subparagraph:

“(G) the provisions of section 7345 relating to the certification of seriously delinquent tax debts and the denial, revocation, or limitation of passports of individuals with such debts pursuant to section 32101 of the FAST Act.”

(c) AUTHORITY FOR INFORMATION SHARING.—

(1) IN GENERAL.—Section 6103(k) of such Code is amended by adding at the end the following new paragraph:

26 USC 6103.

“(11) DISCLOSURE OF RETURN INFORMATION TO DEPARTMENT OF STATE FOR PURPOSES OF PASSPORT REVOCATION UNDER SECTION 7345.—

“(A) IN GENERAL.—The Secretary shall, upon receiving a certification described in section 7345, disclose to the Secretary of State return information with respect to a taxpayer who has a seriously delinquent tax debt described in such section. Such return information shall be limited to—

“(i) the taxpayer identity information with respect to such taxpayer, and

“(ii) the amount of such seriously delinquent tax debt.

“(B) RESTRICTION ON DISCLOSURE.—Return information disclosed under subparagraph (A) may be used by officers and employees of the Department of State for the purposes of, and to the extent necessary in, carrying out the requirements of section 32101 of the FAST Act.”.

26 USC 6103. (2) CONFORMING AMENDMENT.—Paragraph (4) of section 6103(p) of such Code is amended by striking “or (10)” each place it appears in subparagraph (F)(ii) and in the matter preceding subparagraph (A) and inserting “, (10), or (11)”.

26 USC 7508. (d) TIME FOR CERTIFICATION OF SERIOUSLY DELINQUENT TAX DEBT POSTPONED BY REASON OF SERVICE IN COMBAT ZONE.—Section 7508(a) of such Code is amended by striking the period at the end of paragraph (2) and inserting “; and” and by adding at the end the following new paragraph:

“(3) Any certification of a seriously delinquent tax debt under section 7345.”.

(e) AUTHORITY TO DENY OR REVOKE PASSPORT.—

(1) DENIAL.—

(A) IN GENERAL.—Except as provided under subparagraph (B), upon receiving a certification described in section 7345 of the Internal Revenue Code of 1986 from the Secretary of the Treasury, the Secretary of State shall not issue a passport to any individual who has a seriously delinquent tax debt described in such section.

(B) EMERGENCY AND HUMANITARIAN SITUATIONS.—Notwithstanding subparagraph (A), the Secretary of State may issue a passport, in emergency circumstances or for humanitarian reasons, to an individual described in such subparagraph.

(2) REVOCATION.—

(A) IN GENERAL.—The Secretary of State may revoke a passport previously issued to any individual described in paragraph (1)(A).

(B) LIMITATION FOR RETURN TO UNITED STATES.—If the Secretary of State decides to revoke a passport under subparagraph (A), the Secretary of State, before revocation, may—

(i) limit a previously issued passport only for return travel to the United States; or

(ii) issue a limited passport that only permits return travel to the United States.

(3) HOLD HARMLESS.—The Secretary of the Treasury, the Secretary of State, and any of their designees shall not be liable to an individual for any action with respect to a certification by the Commissioner of Internal Revenue under section 7345 of the Internal Revenue Code of 1986.

(f) REVOCATION OR DENIAL OF PASSPORT IN CASE OF INDIVIDUAL WITHOUT SOCIAL SECURITY ACCOUNT NUMBER.—

(1) DENIAL.—

(A) IN GENERAL.—Except as provided under subparagraph (B), upon receiving an application for a passport from an individual that either—

(i) does not include the social security account number issued to that individual, or

(ii) includes an incorrect or invalid social security number willfully, intentionally, negligently, or recklessly provided by such individual, the Secretary of State is authorized to deny such application and is authorized to not issue a passport to the individual.

(B) EMERGENCY AND HUMANITARIAN SITUATIONS.—Notwithstanding subparagraph (A), the Secretary of State may issue a passport, in emergency circumstances or for humanitarian reasons, to an individual described in subparagraph (A).

(2) REVOCATION.—

(A) IN GENERAL.—The Secretary of State may revoke a passport previously issued to any individual described in paragraph (1)(A).

(B) LIMITATION FOR RETURN TO UNITED STATES.—If the Secretary of State decides to revoke a passport under subparagraph (A), the Secretary of State, before revocation, may—

(i) limit a previously issued passport only for return travel to the United States; or

(ii) issue a limited passport that only permits return travel to the United States.

(g) REMOVAL OF CERTIFICATION FROM RECORD WHEN DEBT CEASES TO BE SERIOUSLY DELINQUENT.—If pursuant to subsection (c) or (e) of section 7345 of the Internal Revenue Code of 1986 the Secretary of State receives from the Secretary of the Treasury a notice that an individual ceases to have a seriously delinquent tax debt, the Secretary of State shall remove from the individual's record the certification with respect to such debt.

(h) CLERICAL AMENDMENT.—The table of sections for subchapter D of chapter 75 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

26 USC
prec. 7341.

“Sec. 7345. Revocation or denial of passport in case of certain tax delinquencies.”.

(i) EFFECTIVE DATE.—The provisions of, and amendments made by, this section shall take effect on the date of the enactment of this Act.

SEC. 32102. REFORM OF RULES RELATING TO QUALIFIED TAX COLLECTION CONTRACTS.

(a) REQUIREMENT TO COLLECT CERTAIN INACTIVE TAX RECEIVABLES UNDER QUALIFIED TAX COLLECTION CONTRACTS.—Section 6306 of the Internal Revenue Code of 1986 is amended by redesignating subsections (c) through (f) as subsections (d) through (g), respectively, and by inserting after subsection (b) the following new subsection:

26 USC 6306.

“(c) COLLECTION OF INACTIVE TAX RECEIVABLES.—

“(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall enter into one or more qualified tax collection contracts for the collection of all outstanding inactive tax receivables.

“(2) INACTIVE TAX RECEIVABLES.—For purposes of this section—

“(A) IN GENERAL.—The term ‘inactive tax receivable’ means any tax receivable if—

“(i) at any time after assessment, the Internal Revenue Service removes such receivable from the active inventory for lack of resources or inability to locate the taxpayer,

“(ii) more than $\frac{1}{3}$ of the period of the applicable statute of limitation has lapsed and such receivable has not been assigned for collection to any employee of the Internal Revenue Service, or

“(iii) in the case of a receivable which has been assigned for collection, more than 365 days have passed without interaction with the taxpayer or a third party for purposes of furthering the collection of such receivable.

“(B) TAX RECEIVABLE.—The term ‘tax receivable’ means any outstanding assessment which the Internal Revenue Service includes in potentially collectible inventory.”.

(b) CERTAIN TAX RECEIVABLES NOT ELIGIBLE FOR COLLECTION UNDER QUALIFIED TAX COLLECTION CONTRACTS.—Section 6306 of the Internal Revenue Code of 1986, as amended by subsection (a), is amended by redesignating subsections (d) through (g) as subsections (e) through (h), respectively, and by inserting after subsection (c) the following new subsection:

“(d) CERTAIN TAX RECEIVABLES NOT ELIGIBLE FOR COLLECTION UNDER QUALIFIED TAX COLLECTIONS CONTRACTS.—A tax receivable shall not be eligible for collection pursuant to a qualified tax collection contract if such receivable—

“(1) is subject to a pending or active offer-in-compromise or installment agreement,

“(2) is classified as an innocent spouse case,

“(3) involves a taxpayer identified by the Secretary as being—

“(A) deceased,

“(B) under the age of 18,

“(C) in a designated combat zone, or

“(D) a victim of tax-related identity theft,

“(4) is currently under examination, litigation, criminal investigation, or levy, or

“(5) is currently subject to a proper exercise of a right of appeal under this title.”.

26 USC 6306. (c) CONTRACTING PRIORITY.—Section 6306 of the Internal Revenue Code of 1986, as amended by the preceding provisions of this section, is amended by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following new subsection:

“(h) CONTRACTING PRIORITY.—In contracting for the services of any person under this section, the Secretary shall utilize private collection contractors and debt collection centers on the schedule required under section 3711(g) of title 31, United States Code, including the technology and communications infrastructure established therein, to the extent such private collection contractors and debt collection centers are appropriate to carry out the purposes of this section.”.

26 USC 6103. (d) DISCLOSURE OF RETURN INFORMATION.—Section 6103(k) of the Internal Revenue Code of 1986, as amended by section 32101, is amended by adding at the end the following new paragraph:

“(12) QUALIFIED TAX COLLECTION CONTRACTORS.—Persons providing services pursuant to a qualified tax collection contract

under section 6306 may, if speaking to a person who has identified himself or herself as having the name of the taxpayer to which a tax receivable (within the meaning of such section) relates, identify themselves as contractors of the Internal Revenue Service and disclose the business name of the contractor, and the nature, subject, and reason for the contact. Disclosures under this paragraph shall be made only in such situations and under such conditions as have been approved by the Secretary.”

(e) **TAXPAYERS AFFECTED BY FEDERALLY DECLARED DISASTERS.**—Section 6306 of the Internal Revenue Code of 1986, as amended by the preceding provisions of this section, is amended by redesignating subsection (i) as subsection (j) and by inserting after subsection (h) the following new subsection:

26 USC 6306.

“(i) **TAXPAYERS IN PRESIDENTIALLY DECLARED DISASTER AREAS.**—The Secretary may prescribe procedures under which a taxpayer determined to be affected by a Federally declared disaster (as defined by section 165(i)(5)) may request—

“(1) relief from immediate collection measures by contractors under this section, and

“(2) a return of the inactive tax receivable to the inventory of the Internal Revenue Service to be collected by an employee thereof.”

(f) **REPORT TO CONGRESS.**—

(1) **IN GENERAL.**—Section 6306 of the Internal Revenue Code of 1986, as amended by the preceding provisions of this section, is amended by redesignating subsection (j) as subsection (k) and by inserting after subsection (i) the following new subsection:

“(j) **REPORT TO CONGRESS.**—Not later than 90 days after the last day of each fiscal year (beginning with the first such fiscal year ending after the date of the enactment of this subsection), the Secretary shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report with respect to qualified tax collection contracts under this section which shall include—

“(1) annually, with respect to such fiscal year—

“(A) the total number and amount of tax receivables provided to each contractor for collection under this section,

“(B) the total amounts collected (and amounts of installment agreements entered into under subsection (b)(1)(B)) with respect to each contractor and the collection costs incurred (directly and indirectly) by the Internal Revenue Service with respect to such amounts,

“(C) the impact of such contracts on the total number and amount of unpaid assessments, and on the number and amount of assessments collected by Internal Revenue Service personnel after initial contact by a contractor,

“(D) the amount of fees retained by the Secretary under subsection (e) and a description of the use of such funds, and

“(E) a disclosure safeguard report in a form similar to that required under section 6103(p)(5), and

“(2) biannually (beginning with the second report submitted under this subsection)—

“(A) an independent evaluation of contractor performance, and

“(B) a measurement plan that includes a comparison of the best practices used by the private collectors to the collection techniques used by the Internal Revenue Service and mechanisms to identify and capture information on successful collection techniques used by the contractors that could be adopted by the Internal Revenue Service.”.

26 USC 6306
note.

(2) REPEAL OF EXISTING REPORTING REQUIREMENTS WITH RESPECT TO QUALIFIED TAX COLLECTION CONTRACTS.—Section 881 of the American Jobs Creation Act of 2004 is amended by striking subsection (e).

26 USC 6306
note.

(g) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsections (a) and (b) shall apply to tax receivables identified by the Secretary after the date of the enactment of this Act.

26 USC 6306
note.

(2) CONTRACTING PRIORITY.—The Secretary shall begin entering into contracts and agreements as described in the amendment made by subsection (c) within 3 months after the date of the enactment of this Act.

26 USC 6103
note.

(3) DISCLOSURES.—The amendment made by subsection (d) shall apply to disclosures made after the date of the enactment of this Act.

26 USC 6306
note.

(4) PROCEDURES; REPORT TO CONGRESS.—The amendments made by subsections (e) and (f) shall take effect on the date of the enactment of this Act.

SEC. 32103. SPECIAL COMPLIANCE PERSONNEL PROGRAM.

26 USC 6306.

(a) IN GENERAL.—Subsection (e) of section 6306 of the Internal Revenue Code of 1986, as redesignated by section 52106, is amended by striking “for collection enforcement activities of the Internal Revenue Service” in paragraph (2) and inserting “to fund the special compliance personnel program account under section 6307”.

(b) SPECIAL COMPLIANCE PERSONNEL PROGRAM ACCOUNT.—Subchapter A of chapter 64 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

26 USC 6307.

“SEC. 6307. SPECIAL COMPLIANCE PERSONNEL PROGRAM ACCOUNT.

“(a) ESTABLISHMENT OF A SPECIAL COMPLIANCE PERSONNEL PROGRAM ACCOUNT.—The Secretary shall establish an account within the Department for carrying out a program consisting of the hiring, training, and employment of special compliance personnel, and shall transfer to such account from time to time amounts retained by the Secretary under section 6306(e)(2).

“(b) RESTRICTIONS.—The program described in subsection (a) shall be subject to the following restrictions:

“(1) No funds shall be transferred to such account except as described in subsection (a).

“(2) No other funds from any other source shall be expended for special compliance personnel employed under such program, and no funds from such account shall be expended for the hiring of any personnel other than special compliance personnel.

“(3) Notwithstanding any other authority, the Secretary is prohibited from spending funds out of such account for any purpose other than for costs under such program associated with the employment of special compliance personnel and the retraining and reassignment of current noncollections personnel as special compliance personnel, and to reimburse the Internal Revenue Service or other government agencies for the cost

of administering qualified tax collection contracts under section 6306.

“(c) REPORTING.—Not later than March of each year, the Commissioner of Internal Revenue shall submit a report to the Committees on Finance and Appropriations of the Senate and the Committees on Ways and Means and Appropriations of the House of Representatives consisting of the following:

“(1) For the preceding fiscal year, all funds received in the account established under subsection (a), administrative and program costs for the program described in such subsection, the number of special compliance personnel hired and employed under the program, and the amount of revenue actually collected by such personnel.

“(2) For the current fiscal year, all actual and estimated funds received or to be received in the account, all actual and estimated administrative and program costs, the number of all actual and estimated special compliance personnel hired and employed under the program, and the actual and estimated revenue actually collected or to be collected by such personnel.

“(3) For the following fiscal year, an estimate of all funds to be received in the account, all estimated administrative and program costs, the estimated number of special compliance personnel hired and employed under the program, and the estimated revenue to be collected by such personnel.

“(d) DEFINITIONS.—For purposes of this section—

“(1) SPECIAL COMPLIANCE PERSONNEL.—The term ‘special compliance personnel’ means individuals employed by the Internal Revenue Service as field function collection officers or in a similar position, or employed to collect taxes using the automated collection system or an equivalent replacement system.

“(2) PROGRAM COSTS.—The term ‘program costs’ means—

“(A) total salaries (including locality pay and bonuses), benefits, and employment taxes for special compliance personnel employed or trained under the program described in subsection (a), and

“(B) direct overhead costs, salaries, benefits, and employment taxes relating to support staff, rental payments, office equipment and furniture, travel, data processing services, vehicle costs, utilities, telecommunications, postage, printing and reproduction, supplies and materials, lands and structures, insurance claims, and indemnities for special compliance personnel hired and employed under this section.

For purposes of subparagraph (B), the cost of management and supervision of special compliance personnel shall be taken into account as direct overhead costs to the extent such costs, when included in total program costs under this paragraph, do not represent more than 10 percent of such total costs.”.

(c) CLERICAL AMENDMENT.—The table of sections for subchapter A of chapter 64 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 6306 the following new item:

26 USC
prec. 6301.

“Sec. 6307. Special compliance personnel program account.”.

26 USC 6306
note.

(d) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply to amounts collected and retained by the Secretary after the date of the enactment of this Act.

SEC. 32104. REPEAL OF MODIFICATION OF AUTOMATIC EXTENSION OF RETURN DUE DATE FOR CERTAIN EMPLOYEE BENEFIT PLANS.

26 USC 6081
note.

(a) **IN GENERAL.**—Section 2006(b) of the Surface Transportation and Veterans Health Care Choice Improvement Act of 2015 is amended by striking paragraph (3).

26 USC 6081
note.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to returns for taxable years beginning after December 31, 2015.

Subtitle B—Fees and Receipts

SEC. 32201. ADJUSTMENT FOR INFLATION OF FEES FOR CERTAIN CUSTOMS SERVICES.

(a) **IN GENERAL.**—Section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c) is amended by adding at the end the following:

“(1) **ADJUSTMENT OF FEES FOR INFLATION.**—

“(1) **IN GENERAL.**—The Secretary of the Treasury shall adjust the fees established under subsection (a), and the limitations on such fees under paragraphs (2), (3), (5), (6), (8), and (9) of subsection (b), on April 1, 2016, and at the beginning of each fiscal year thereafter, to reflect the percentage (if any) of the increase in the average of the Consumer Price Index for the preceding 12-month period compared to the Consumer Price Index for fiscal year 2014.

“(2) **SPECIAL RULES FOR CALCULATION OF ADJUSTMENT.**—In adjusting under paragraph (1) the amount of the fees established under subsection (a), and the limitations on such fees under paragraphs (2), (3), (5), (6), (8), and (9) of subsection (b), the Secretary—

“(A) shall round the amount of any increase in the Consumer Price Index to the nearest dollar; and

“(B) may ignore any such increase of less than 1 percent.

“(3) **CONSUMER PRICE INDEX DEFINED.**—For purposes of this subsection, the term ‘Consumer Price Index’ means the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.”

19 USC 58c note.

(b) **USE OF FEES.**—The fees collected as a result of the amendments made by this section shall be deposited in the Customs User Fee Account, shall be available for reimbursement of customs services and inspections costs, and shall be available only to the extent provided in appropriations Acts.

(c) **CONFORMING AMENDMENTS.**—Section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c), as amended by subsections (a) and (b), is further amended—

(1) in subsection (a), in the matter preceding paragraph (1), by inserting “(subject to adjustment under subsection (1))” after “following fees”; and

(2) in subsection (b)—

- (A) in paragraph (2), by inserting “(subject to adjustment under subsection (1))” after “in fees”;
- (B) in paragraph (3), by inserting “(subject to adjustment under subsection (1))” after “in fees”;
- (C) in paragraph (5)(A), by inserting “(subject to adjustment under subsection (1))” after “in fees”;
- (D) in paragraph (6), by inserting “(subject to adjustment under subsection (1))” after “in fees”;
- (E) in paragraph (8)(A)—
 - (i) in clause (i), by inserting “or (1)” after “subsection (a)(9)(B)”; and
 - (ii) in clause (ii), by inserting “(subject to adjustment under subsection (1))” after “\$3”; and
- (F) in paragraph (9)—
 - (i) in subparagraph (A)—
 - (I) in the matter preceding clause (i), by inserting “and subject to adjustment under subsection (1)” after “Tariff Act of 1930”; and
 - (II) in clause (ii)(I), by inserting “(subject to adjustment under subsection (1))” after “bill of lading”; and
 - (ii) in subparagraph (B)(i), by inserting “(subject to adjustment under subsection (1))” after “bill of lading”.

SEC. 32202. LIMITATION ON SURPLUS FUNDS OF FEDERAL RESERVE BANKS.

Section 7(a) of the Federal Reserve Act (12 U.S.C. 289(a)) is amended by adding at the end the following:

“(3) LIMITATION ON SURPLUS FUNDS.—

“(A) IN GENERAL.—The aggregate amount of the surplus funds of the Federal reserve banks may not exceed \$10,000,000,000.

“(B) TRANSFER TO THE GENERAL FUND.—Any amounts of the surplus funds of the Federal reserve banks that exceed, or would exceed, the limitation under subparagraph (A) shall be transferred to the Board of Governors of the Federal Reserve System for transfer to the Secretary of the Treasury for deposit in the general fund of the Treasury.”

SEC. 32203. DIVIDENDS OF FEDERAL RESERVE BANKS.

(a) IN GENERAL.—Section 7(a)(1) of the Federal Reserve Act (12 15 U.S.C. 289(a)(1)) is amended—

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

“(A) DIVIDEND AMOUNT.—After all necessary expenses of a Federal reserve bank have been paid or provided for, the stockholders of the bank shall be entitled to receive an annual dividend on paid-in capital stock of—

“(i) in the case of a stockholder with total consolidated assets of more than \$10,000,000,000, the smaller of—

“(I) the rate equal to the high yield of the 10-year Treasury note auctioned at the last auction held prior to the payment of such dividend; and

“(II) 6 percent; and

“(ii) in the case of a stockholder with total consolidated assets of \$10,000,000,000 or less, 6 percent.”; and

(2) by adding at the end the following:

“(C) INFLATION ADJUSTMENT.—The Board of Governors of the Federal Reserve System shall annually adjust the dollar amounts of total consolidated assets specified under subparagraph (A) to reflect the change in the Gross Domestic Product Price Index, published by the Bureau of Economic Analysis.”.

12 USC 289 note.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on January 1, 2016.

42 USC 6241 note.

SEC. 32204. STRATEGIC PETROLEUM RESERVE DRAWDOWN AND SALE.

(a) DRAWDOWN AND SALE.—

(1) IN GENERAL.—Notwithstanding section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241), except as provided in subsections (b) and (c), the Secretary of Energy shall drawdown and sell from the Strategic Petroleum Reserve—

(A) the quantity of barrels of crude oil that the Secretary of Energy determines to be appropriate to maximize the financial return to United States taxpayers for each of fiscal years 2016 and 2017;

(B) 16,000,000 barrels of crude oil during fiscal year 2023;

(C) 25,000,000 barrels of crude oil during fiscal year 2024; and

(D) 25,000,000 barrels of crude oil during fiscal year 2025.

(2) DEPOSIT OF AMOUNTS RECEIVED FROM SALE.—Amounts received from a sale under paragraph (1) shall be deposited in the general fund of the Treasury during the fiscal year in which the sale occurs.

(b) EMERGENCY PROTECTION.—The Secretary shall not drawdown and sell crude oil under this section in quantities that would limit the authority to sell petroleum products under section 161(h) of the Energy Policy and Conservation Act (42 U.S.C. 6241(h)) in the full quantity authorized by that subsection.

(c) INCREASE; LIMITATION.—

(1) INCREASE.—The Secretary of Energy may increase the drawdown and sales under subparagraphs (A) through (I) of subsection (a)(1) as the Secretary of Energy determines to be appropriate to maximize the financial return to United States taxpayers.

(2) LIMITATION.—The Secretary of Energy shall not drawdown or conduct sales of crude oil under this section after the date on which a total of \$6,200,000,000 has been deposited in the general fund of the Treasury from sales authorized under this section.

7 USC 1508 and note.

SEC. 32205. REPEAL.

Effective as of November 2, 2015, the date of the enactment of the Bipartisan Budget Act of 2015 (Public Law 114–74), section 201 of such Act and the amendments made by such section are repealed, and the provisions of law amended by such section are hereby restored to appear as if such section had not been enacted into law.

Subtitle C—Outlays

SEC. 32301. INTEREST ON OVERPAYMENT.

Section 111 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1721) is amended—

- (1) by striking subsections (h) and (i);
- (2) by redesignating subsections (j) through (l) as subsections (h) through (j), respectively; and
- (3) in subsection (h) (as so redesignated), by striking the fourth sentence.

Subtitle D—Budgetary Effects

SEC. 32401. BUDGETARY EFFECTS.

The budgetary effects of this Act shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

DIVISION D—MISCELLANEOUS

TITLE XLI—FEDERAL PERMITTING IMPROVEMENT

SEC. 41001. DEFINITIONS.

42 USC 4370m
note.

In this title:

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

(2) AGENCY CERPO.—The term “agency CERPO” means the chief environmental review and permitting officer of an agency, as designated by the head of the agency under section 41002(b)(2)(A)(iii)(I).

(3) AUTHORIZATION.—The term “authorization” means any license, permit, approval, finding, determination, or other administrative decision issued by an agency that is required or authorized under Federal law in order to site, construct, reconstruct, or commence operations of a covered project administered by a Federal agency or, in the case of a State that chooses to participate in the environmental review and authorization process in accordance with section 41003(c)(3)(A), a State agency.

(4) COOPERATING AGENCY.—The term “cooperating agency” means any agency with—

(A) jurisdiction under Federal law; or

(B) special expertise as described in section 1501.6 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(5) COUNCIL.—The term “Council” means the Federal Infrastructure Permitting Improvement Steering Council established under section 41002(a).

(6) COVERED PROJECT.—

(A) IN GENERAL.—The term “covered project” means any activity in the United States that requires authorization or environmental review by a Federal agency involving

construction of infrastructure for renewable or conventional energy production, electricity transmission, surface transportation, aviation, ports and waterways, water resource projects, broadband, pipelines, manufacturing, or any other sector as determined by a majority vote of the Council that—

- (i)(I) is subject to NEPA;
 - (II) is likely to require a total investment of more than \$200,000,000; and
 - (III) does not qualify for abbreviated authorization or environmental review processes under any applicable law; or
 - (ii) is subject to NEPA and the size and complexity of which, in the opinion of the Council, make the project likely to benefit from enhanced oversight and coordination, including a project likely to require—
 - (I) authorization from or environmental review involving more than 2 Federal agencies; or
 - (II) the preparation of an environmental impact statement under NEPA.
- (B) EXCLUSION.—The term “covered project” does not include—

- (i) any project subject to section 139 of title 23, United States Code; or
 - (ii) any project subject to section 2045 of the Water Resources Development Act of 2007 (33 U.S.C. 2348).
- (7) DASHBOARD.—The term “Dashboard” means the Permitting Dashboard required under section 41003(b).
- (8) ENVIRONMENTAL ASSESSMENT.—The term “environmental assessment” means a concise public document for which a Federal agency is responsible under section 1508.9 of title 40, Code of Federal Regulations (or successor regulations).
- (9) ENVIRONMENTAL DOCUMENT.—
- (A) IN GENERAL.—The term “environmental document” means an environmental assessment, finding of no significant impact, notice of intent, environmental impact statement, or record of decision.
 - (B) INCLUSIONS.—The term “environmental document” includes—
 - (i) any document that is a supplement to a document described in subparagraph (A); and
 - (ii) a document prepared pursuant to a court order.
- (10) ENVIRONMENTAL IMPACT STATEMENT.—The term “environmental impact statement” means the detailed written statement required under section 102(2)(C) of NEPA.
- (11) ENVIRONMENTAL REVIEW.—The term “environmental review” means the agency procedures and processes for applying a categorical exclusion or for preparing an environmental assessment, an environmental impact statement, or other document required under NEPA.
- (12) EXECUTIVE DIRECTOR.—The term “Executive Director” means the Executive Director appointed by the President under section 41002(b)(1)(A).
- (13) FACILITATING AGENCY.—The term “facilitating agency” means the agency that receives the initial notification from the project sponsor required under section 41003(a).

(14) **INVENTORY.**—The term “inventory” means the inventory of covered projects established by the Executive Director under section 41002(c)(1)(A).

(15) **LEAD AGENCY.**—The term “lead agency” means the agency with principal responsibility for an environmental review of a covered project under NEPA and parts 1500 through 1508 of title 40, Code of Federal Regulations (or successor regulations).

(16) **NEPA.**—The term “NEPA” means the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(17) **PARTICIPATING AGENCY.**—The term “participating agency” means an agency participating in an environmental review or authorization for a covered project in accordance with section 41003.

(18) **PROJECT SPONSOR.**—The term “project sponsor” means an entity, including any private, public, or public-private entity, seeking an authorization for a covered project.

SEC. 41002. FEDERAL PERMITTING IMPROVEMENT COUNCIL.

42 USC 437m-1.

(a) **ESTABLISHMENT.**—There is established the Federal Permitting Improvement Steering Council.

(b) **COMPOSITION.**—

(1) **CHAIR.**—The Executive Director shall—

- (A) be appointed by the President; and
- (B) serve as Chair of the Council.

(2) **COUNCIL MEMBERS.**—

(A) **IN GENERAL.**—

(i) **DESIGNATION BY HEAD OF AGENCY.**—Each individual listed in subparagraph (B) shall designate a member of the agency in which the individual serves to serve on the Council.

(ii) **QUALIFICATIONS.**—A councilmember described in clause (i) shall hold a position in the agency of deputy secretary (or the equivalent) or higher.

(iii) **SUPPORT.**—

(I) **IN GENERAL.**—Consistent with guidance provided by the Director of the Office of Management and Budget, each individual listed in subparagraph (B) shall designate 1 or more appropriate members of the agency in which the individual serves to serve as an agency CERPO.

(II) **REPORTING.**—In carrying out the duties of the agency CERPO under this title, an agency CERPO shall report directly to a deputy secretary (or the equivalent) or higher.

(B) **HEADS OF AGENCIES.**—The individuals that shall each designate a councilmember under this subparagraph are as follows:

- (i) The Secretary of Agriculture.
- (ii) The Secretary of the Army.
- (iii) The Secretary of Commerce.
- (iv) The Secretary of the Interior.
- (v) The Secretary of Energy.
- (vi) The Secretary of Transportation.
- (vii) The Secretary of Defense.
- (viii) The Administrator of the Environmental Protection Agency.

(ix) The Chairman of the Federal Energy Regulatory Commission.

(x) The Chairman of the Nuclear Regulatory Commission.

(xi) The Secretary of Homeland Security.

(xii) The Secretary of Housing and Urban Development.

(xiii) The Chairman of the Advisory Council on Historic Preservation.

(xiv) Any other head of a Federal agency that the Executive Director may invite to participate as a member of the Council.

(3) ADDITIONAL MEMBERS.—In addition to the members listed in paragraphs (1) and (2), the Chairman of the Council on Environmental Quality and the Director of the Office of Management and Budget shall also be members of the Council.

(c) DUTIES.—

(1) EXECUTIVE DIRECTOR.—

(A) INVENTORY DEVELOPMENT.—The Executive Director, in consultation with the Council, shall—

(i) not later than 180 days after the date of enactment of this Act, establish an inventory of covered projects that are pending the environmental review or authorization of the head of any Federal agency;

(ii)(I) categorize the projects in the inventory as appropriate, based on sector and project type; and

(II) for each category, identify the types of environmental reviews and authorizations most commonly involved; and

(iii) add a covered project to the inventory after receiving a notice described in section 41003(a)(1).

(B) FACILITATING AGENCY DESIGNATION.—The Executive Director, in consultation with the Council, shall—

(i) designate a facilitating agency for each category of covered projects described in subparagraph (A)(ii); and

(ii) publish the list of designated facilitating agencies for each category of projects in the inventory on the Dashboard in an easily accessible format.

(C) PERFORMANCE SCHEDULES.—

(i) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Executive Director, in consultation with the Council, shall develop recommended performance schedules, including intermediate and final completion dates, for environmental reviews and authorizations most commonly required for each category of covered projects described in subparagraph (A)(ii).

(ii) REQUIREMENTS.—

(I) IN GENERAL.—The performance schedules shall reflect employment of the use of the most efficient applicable processes, including the alignment of Federal reviews of projects and reduction of permitting and project delivery time.

(II) LIMIT.—

(aa) IN GENERAL.—The final completion dates in any performance schedule for the

completion of an environmental review or authorization under clause (i) shall not exceed the average time to complete an environmental review or authorization for a project within that category.

(bb) CALCULATION OF AVERAGE TIME.—The average time referred to in item (aa) shall be calculated on the basis of data from the preceding 2 calendar years and shall run from the period beginning on the date on which the Executive Director must make a specific entry for the project on the Dashboard under section 41003(b)(2) (except that, for projects initiated before that duty takes effect, the period beginning on the date of filing of a completed application), and ending on the date of the issuance of a record of decision or other final agency action on the review or authorization.

(cc) COMPLETION DATE.—Each performance schedule shall specify that any decision by an agency on an environmental review or authorization must be issued not later than 180 days after the date on which all information needed to complete the review or authorization (including any hearing that an agency holds on the matter) is in the possession of the agency.

(iii) REVIEW AND REVISION.—Not later than 2 years after the date on which the performance schedules are established under this subparagraph, and not less frequently than once every 2 years thereafter, the Executive Director, in consultation with the Council, shall review and revise the performance schedules.

(D) GUIDANCE.—The Executive Director, in consultation with the Council, may recommend to the Director of the Office of Management and Budget or to the Council on Environmental Quality, as appropriate, that guidance be issued as necessary for agencies—

(i) to carry out responsibilities under this title;

and

(ii) to effectuate the adoption by agencies of the best practices and recommendations of the Council described in paragraph (2).

(2) COUNCIL.—

(A) RECOMMENDATIONS.—

(i) IN GENERAL.—The Council shall make recommendations to the Executive Director with respect to the designations under paragraph (1)(B) and the performance schedules under paragraph (1)(C).

(ii) UPDATE.—The Council may update the recommendations described in clause (i).

(B) BEST PRACTICES.—Not later than 1 year after the date of enactment of this Act, and not less frequently than annually thereafter, the Council shall issue recommendations on the best practices for—

(i) enhancing early stakeholder engagement, including fully considering and, as appropriate, incorporating recommendations provided in public comments on any proposed covered project;

(ii) ensuring timely decisions regarding environmental reviews and authorizations, including through the development of performance metrics;

(iii) improving coordination between Federal and non-Federal governmental entities, including through the development of common data standards and terminology across agencies;

(iv) increasing transparency;

(v) reducing information collection requirements and other administrative burdens on agencies, project sponsors, and other interested parties;

(vi) developing and making available to applicants appropriate geographic information systems and other tools;

(vii) creating and distributing training materials useful to Federal, State, tribal, and local permitting officials; and

(viii) addressing other aspects of infrastructure permitting, as determined by the Council.

(C) MEETINGS.—The Council shall meet not less frequently than annually with groups or individuals representing State, tribal, and local governments that are engaged in the infrastructure permitting process.

(3) AGENCY CERPOS.—An agency CERPO shall—

(A) advise the respective agency councilmember on matters related to environmental reviews and authorizations;

(B) provide technical support, when requested to facilitate efficient and timely processes for environmental reviews and authorizations for covered projects under the jurisdictional responsibility of the agency, including supporting timely identification and resolution of potential disputes within the agency or between the agency and other Federal agencies;

(C) analyze agency environmental review and authorization processes, policies, and authorities and make recommendations to the respective agency councilmember for ways to standardize, simplify, and improve the efficiency of the processes, policies, and authorities, including by implementing guidance issued under paragraph (1)(D) and other best practices, including the use of information technology and geographic information system tools within the agency and across agencies, to the extent consistent with existing law; and

(D) review and develop training programs for agency staff that support and conduct environmental reviews or authorizations.

(d) ADMINISTRATIVE SUPPORT.—The Director of the Office of Management and Budget shall designate a Federal agency, other than an agency that carries out or provides support only for projects that are not covered projects, to provide administrative support for the Executive Director, and the designated agency shall, as

reasonably necessary, provide support and staff to enable the Executive Director to fulfill the duties of the Executive Director under this title.

SEC. 41003. PERMITTING PROCESS IMPROVEMENT.

42 USC
4370m–2.

(a) **PROJECT INITIATION AND DESIGNATION OF PARTICIPATING AGENCIES.—**

(1) **NOTICE.—**

(A) **IN GENERAL.—**A project sponsor of a covered project shall submit to the Executive Director and the facilitating agency notice of the initiation of a proposed covered project.

(B) **DEFAULT DESIGNATION.—**If, at the time of submission of the notice under subparagraph (A), the Executive Director has not designated a facilitating agency under section 41002(c)(1)(B) for the categories of projects noticed, the agency that receives the notice under subparagraph (A) shall be designated as the facilitating agency.

(C) **CONTENTS.—**Each notice described in subparagraph (A) shall include—

(i) a statement of the purposes and objectives of the proposed project;

(ii) a concise description, including the general location of the proposed project and a summary of geospatial information, if available, illustrating the project area and the locations, if any, of environmental, cultural, and historic resources;

(iii) a statement regarding the technical and financial ability of the project sponsor to construct the proposed project;

(iv) a statement of any Federal financing, environmental reviews, and authorizations anticipated to be required to complete the proposed project; and

(v) an assessment that the proposed project meets the definition of a covered project under section 41001 and a statement of reasons supporting the assessment.

(2) **INVITATION.—**

(A) **IN GENERAL.—**Not later than 45 days after the date on which the Executive Director must make a specific entry for the project on the Dashboard under subsection (b)(2)(A), the facilitating agency or lead agency, as applicable, shall—

(i) identify all Federal and non-Federal agencies and governmental entities likely to have financing, environmental review, authorization, or other responsibilities with respect to the proposed project; and

(ii) invite all Federal agencies identified under clause (i) to become a participating agency or a cooperating agency, as appropriate, in the environmental review and authorization management process described in section 41005.

(B) **DEADLINES.—**Each invitation made under subparagraph (A) shall include a deadline for a response to be submitted to the facilitating or lead agency, as applicable.

(3) **PARTICIPATING AND COOPERATING AGENCIES.—**

(A) **IN GENERAL.—**An agency invited under paragraph (2) shall be designated as a participating or cooperating agency for a covered project, unless the agency informs

the facilitating or lead agency, as applicable, in writing before the deadline under paragraph (2)(B) that the agency—

(i) has no jurisdiction or authority with respect to the proposed project; or

(ii) does not intend to exercise authority related to, or submit comments on, the proposed project.

(B) CHANGED CIRCUMSTANCES.—On request and a showing of changed circumstances, the Executive Director may designate an agency that has opted out under subparagraph (A)(ii) to be a participating or cooperating agency, as appropriate.

(4) EFFECT OF DESIGNATION.—The designation described in paragraph (3) shall not—

(A) give the participating agency authority or jurisdiction over the covered project; or

(B) expand any jurisdiction or authority a cooperating agency may have over the proposed project.

(5) LEAD AGENCY DESIGNATION.—

(A) IN GENERAL.—On establishment of the lead agency, the lead agency shall assume the responsibilities of the facilitating agency under this title.

(B) REDESIGNATION OF FACILITATING AGENCY.—If the lead agency assumes the responsibilities of the facilitating agency under subparagraph (A), the facilitating agency may be designated as a cooperative or participating agency.

(6) CHANGE OF FACILITATING OR LEAD AGENCY.—

(A) IN GENERAL.—On the request of a participating agency or project sponsor, the Executive Director may designate a different agency as the facilitating or lead agency, as applicable, for a covered project, if the facilitating or lead agency or the Executive Director receives new information regarding the scope or nature of a covered project that indicates that the project should be placed in a different category under section 41002(c)(1)(B).

(B) RESOLUTION OF DISPUTE.—The Chairman of the Council on Environmental Quality shall resolve any dispute over designation of a facilitating or lead agency for a particular covered project.

(b) PERMITTING DASHBOARD.—

(1) REQUIREMENT TO MAINTAIN.—

(A) IN GENERAL.—The Executive Director, in coordination with the Administrator of General Services, shall maintain an online database to be known as the “Permitting Dashboard” to track the status of Federal environmental reviews and authorizations for any covered project in the inventory described in section 41002(c)(1)(A).

(B) SPECIFIC AND SEARCHABLE ENTRY.—The Dashboard shall include a specific and searchable entry for each covered project.

(2) ADDITIONS.—

(A) IN GENERAL.—

(i) EXISTING PROJECTS.—Not later than 14 days after the date on which the Executive Director adds a project to the inventory under section 41002(c)(1)(A), the Executive Director shall create a specific entry on the Dashboard for the covered project.

(ii) NEW PROJECTS.—Not later than 14 days after the date on which the Executive Director receives a notice under subsection (a)(1), the Executive Director shall create a specific entry on the Dashboard for the covered project, unless the Executive Director, facilitating agency, or lead agency, as applicable, determines that the project is not a covered project.

(B) EXPLANATION.—If the facilitating agency or lead agency, as applicable, determines that the project is not a covered project, the project sponsor may submit a further explanation as to why the project is a covered project not later than 14 days after the date of the determination under subparagraph (A).

(C) FINAL DETERMINATION.—Not later than 14 days after receiving an explanation described in subparagraph (B), the Executive Director shall—

(i) make a final and conclusive determination as to whether the project is a covered project; and

(ii) if the Executive Director determines that the project is a covered project, create a specific entry on the Dashboard for the covered project.

(3) POSTINGS BY AGENCIES.—

(A) IN GENERAL.—For each covered project added to the Dashboard under paragraph (2), the facilitating or lead agency, as applicable, and each cooperating and participating agency shall post to the Dashboard—

(i) a hyperlink that directs to a website that contains, to the extent consistent with applicable law—

(I) the notification submitted under subsection (a)(1);

(II)(aa) where practicable, the application and supporting documents, if applicable, that have been submitted by a project sponsor for any required environmental review or authorization; or

(bb) a notice explaining how the public may obtain access to such documents;

(III) a description of any Federal agency action taken or decision made that materially affects the status of a covered project;

(IV) any significant document that supports the action or decision described in subclause (III); and

(V) a description of the status of any litigation to which the agency is a party that is directly related to the project, including, if practicable, any judicial document made available on an electronic docket maintained by a Federal, State, or local court; and

(ii) any document described in clause (i) that is not available by hyperlink on another website.

(B) DEADLINE.—The information described in subparagraph (A) shall be posted to the website made available by hyperlink on the Dashboard not later than 5 business days after the date on which the Federal agency receives the information.

(4) POSTINGS BY THE EXECUTIVE DIRECTOR.—The Executive Director shall publish to the Dashboard—

(A) the permitting timetable established under subparagraph (A) or (C) of subsection (c)(2);

(B) the status of the compliance of each agency with the permitting timetable;

(C) any modifications of the permitting timetable;

(D) an explanation of each modification described in subparagraph (C); and

(E) any memorandum of understanding established under subsection (c)(3)(B).

(c) COORDINATION AND TIMETABLES.—

(1) COORDINATED PROJECT PLAN.—

(A) IN GENERAL.—Not later than 60 days after the date on which the Executive Director must make a specific entry for the project on the Dashboard under subsection (b)(2)(A), the facilitating or lead agency, as applicable, in consultation with each coordinating and participating agency, shall establish a concise plan for coordinating public and agency participation in, and completion of, any required Federal environmental review and authorization for the project.

(B) REQUIRED INFORMATION.—The Coordinated Project Plan shall include the following information and be updated by the facilitating or lead agency, as applicable, at least once per quarter:

(i) A list of, and roles and responsibilities for, all entities with environmental review or authorization responsibility for the project.

(ii) A permitting timetable, as described in paragraph (2), setting forth a comprehensive schedule of dates by which all environmental reviews and authorizations, and to the maximum extent practicable, State permits, reviews and approvals must be made.

(iii) A discussion of potential avoidance, minimization, and mitigation strategies, if required by applicable law and known.

(iv) Plans and a schedule for public and tribal outreach and coordination, to the extent required by applicable law.

(C) MEMORANDUM OF UNDERSTANDING.—The coordinated project plan described in subparagraph (A) may be incorporated into a memorandum of understanding.

(2) PERMITTING TIMETABLE.—

(A) ESTABLISHMENT.—As part of the coordination project plan under paragraph (1), the facilitating or lead agency, as applicable, in consultation with each cooperating and participating agency, the project sponsor, and any State in which the project is located, and, subject to subparagraph (C), with the concurrence of each cooperating agency, shall establish a permitting timetable that includes intermediate and final completion dates for action by each participating agency on any Federal environmental review or authorization required for the project.

(B) FACTORS FOR CONSIDERATION.—In establishing the permitting timetable under subparagraph (A), the facilitating or lead agency shall follow the performance schedules established under section 41002(c)(1)(C), but may vary the timetable based on relevant factors, including—

- (i) the size and complexity of the covered project;
- (ii) the resources available to each participating agency;
- (iii) the regional or national economic significance of the project;
- (iv) the sensitivity of the natural or historic resources that may be affected by the project;
- (v) the financing plan for the project; and
- (vi) the extent to which similar projects in geographic proximity to the project were recently subject to environmental review or similar procedures under State law.

(C) DISPUTE RESOLUTION.—

(i) IN GENERAL.—The Executive Director, in consultation with appropriate agency CERPOs and the project sponsor, shall, as necessary, mediate any disputes regarding the permitting timetable referred to under subparagraph (A).

(ii) DISPUTES.—If a dispute remains unresolved 30 days after the date on which the dispute was submitted to the Executive Director, the Director of the Office of Management and Budget, in consultation with the Chairman of the Council on Environmental Quality, shall facilitate a resolution of the dispute and direct the agencies party to the dispute to resolve the dispute by the end of the 60-day period beginning on the date of submission of the dispute to the Executive Director.

(iii) FINAL RESOLUTION.—Any action taken by the Director of the Office of Management and Budget in the resolution of a dispute under clause (ii) shall—

- (I) be final and conclusive; and
- (II) not be subject to judicial review.

(D) MODIFICATION AFTER APPROVAL.—

(i) IN GENERAL.—The facilitating or lead agency, as applicable, may modify a permitting timetable established under subparagraph (A) only if—

(I) the facilitating or lead agency, as applicable, and the affected cooperating agencies, after consultation with the participating agencies and the project sponsor, agree to a different completion date;

(II) the facilitating agency or lead agency, as applicable, or the affected cooperating agency provides a written justification for the modification; and

(III) in the case of a modification that would necessitate an extension of a final completion date under a permitting timetable established under subparagraph (A) to a date more than 30 days after the final completion date originally established under subparagraph (A), the facilitating or

lead agency submits a request to modify the permitting timetable to the Executive Director, who shall consult with the project sponsor and make a determination on the record, based on consideration of the relevant factors described under subparagraph (B), whether to grant the facilitating or lead agency, as applicable, authority to make such modification.

(ii) COMPLETION DATE.—A completion date in the permitting timetable may not be modified within 30 days of the completion date.

(iii) LIMITATION ON LENGTH OF MODIFICATIONS.—

(I) IN GENERAL.—Except as provided in subclause (II), the total length of all modifications to a permitting timetable authorized or made under this subparagraph, other than for reasons outside the control of Federal, State, local, or tribal governments, may not extend the permitting timetable for a period of time greater than half of the amount of time from the establishment of the permitting timetable under subparagraph (A) to the last final completion date originally established under subparagraph (A).

(II) ADDITIONAL EXTENSIONS.—The Director of the Office of Management and Budget, after consultation with the project sponsor, may permit the Executive Director to authorize additional extensions of a permitting timetable beyond the limit prescribed by subclause (I). In such a case, the Director of the Office of Management and Budget shall transmit, not later than 5 days after making a determination to permit an authorization of extension under this subclause, a report to Congress explaining why such modification is required. Such report shall explain to Congress with specificity why the original permitting timetable and the modifications authorized by the Executive Director failed to be adequate. The lead or facilitating agency, as applicable, shall transmit to Congress, the Director of the Office of Management and Budget, and the Executive Director a supplemental report on progress toward the final completion date each year thereafter, until the permit review is completed or the project sponsor withdraws its notice or application or other request to which this title applies under section 41010.

(iv) LIMITATION ON JUDICIAL REVIEW.—The following shall not be subject to judicial review:

(I) A determination by the Executive Director under clause (i)(III).

(II) A determination under clause (iii)(II) by the Director of the Office of Management and Budget to permit the Executive Director to authorize extensions of a permitting timetable.

(E) CONSISTENCY WITH OTHER TIME PERIODS.—A permitting timetable established under subparagraph (A) shall be consistent with any other relevant time periods

established under Federal law and shall not prevent any cooperating or participating agency from discharging any obligation under Federal law in connection with the project.

(F) CONFORMING TO PERMITTING TIMETABLES.—

(i) IN GENERAL.—Each Federal agency shall conform to the completion dates set forth in the permitting timetable established under subparagraph (A), or with any completion date modified under subparagraph (D).

(ii) FAILURE TO CONFORM.—If a Federal agency fails to conform with a completion date for agency action on a covered project or is at significant risk of failing to conform with such a completion date, the agency shall—

(I) promptly submit to the Executive Director for publication on the Dashboard an explanation of the specific reasons for failing or significantly risking failing to conform to the completion date and a proposal for an alternative completion date;

(II) in consultation with the facilitating or lead agency, as applicable, establish an alternative completion date; and

(III) each month thereafter until the agency has taken final action on the delayed authorization or review, submit to the Executive Director for posting on the Dashboard a status report describing any agency activity related to the project.

(G) ABANDONMENT OF COVERED PROJECT.—

(i) IN GENERAL.—If the facilitating or lead agency, as applicable, has a reasonable basis to doubt the continuing technical or financial ability of the project sponsor to construct the covered project, the facilitating or lead agency may request the project sponsor provide an updated statement regarding the ability of the project sponsor to complete the project.

(ii) FAILURE TO RESPOND.—If the project sponsor fails to respond to a request described in clause (i) by the date that is 30 days after receiving the request, the lead or facilitating agency, as applicable, shall notify the Executive Director, who shall publish an appropriate notice on the Dashboard.

(iii) PUBLICATION TO DASHBOARD.—On publication of a notice under clause (ii), the completion dates in the permitting timetable shall be tolled and agencies shall be relieved of the obligation to comply with subparagraph (F) until such time as the project sponsor submits to the facilitating or lead agency, as applicable, an updated statement regarding the technical and financial ability of the project sponsor to construct the project.

(3) COOPERATING STATE, LOCAL, OR TRIBAL GOVERNMENTS.—

(A) STATE AUTHORITY.—If the Federal environmental review is being implemented within the boundaries of a State, the State, consistent with State law, may choose to participate in the environmental review and authorization process under this subsection and to make subject to the process all State agencies that—

(i) have jurisdiction over the covered project;
(ii) are required to conduct or issue a review, analysis, opinion, or statement for the covered project; or
(iii) are required to make a determination on issuing a permit, license, or other approval or decision for the covered project.

(B) COORDINATION.—To the maximum extent practicable under applicable law, the facilitating or lead agency, as applicable, shall coordinate the Federal environmental review and authorization processes under this subsection with any State, local, or tribal agency responsible for conducting any separate review or authorization of the covered project to ensure timely and efficient completion of environmental reviews and authorizations.

(C) MEMORANDUM OF UNDERSTANDING.—

(i) IN GENERAL.—Any coordination plan between the facilitating or lead agency, as applicable, and any State, local, or tribal agency shall, to the maximum extent practicable, be included in a memorandum of understanding.

(ii) SUBMISSION TO EXECUTIVE DIRECTOR.—The facilitating or lead agency, as applicable, shall submit to the Executive Director each memorandum of understanding described in clause (i).

(D) APPLICABILITY.—The requirements under this title shall only apply to a State or an authorization issued by a State if the State has chosen to participate in the environmental review and authorization process pursuant to this paragraph.

(d) EARLY CONSULTATION.—The facilitating or lead agency, as applicable, shall provide an expeditious process for project sponsors to confer with each cooperating and participating agency involved and, not later than 60 days after the date on which the project sponsor submits a request under this subsection, to have each such agency provide to the project sponsor information concerning—

(1) the availability of information and tools, including pre-application toolkits, to facilitate early planning efforts;

(2) key issues of concern to each agency and to the public; and

(3) issues that must be addressed before an environmental review or authorization can be completed.

(e) COOPERATING AGENCY.—

(1) IN GENERAL.—A lead agency may designate a participating agency as a cooperating agency in accordance with part 1501 of title 40, Code of Federal Regulations (or successor regulations).

(2) EFFECT ON OTHER DESIGNATION.—The designation described in paragraph (1) shall not affect any designation under subsection (a)(3).

(3) LIMITATION ON DESIGNATION.—Any agency not designated as a participating agency under subsection (a)(3) shall not be designated as a cooperating agency under paragraph (1).

(f) REPORTING STATUS OF OTHER PROJECTS ON DASHBOARD.—

(1) IN GENERAL.—On request of the Executive Director, the Secretary and the Secretary of the Army shall use best efforts to provide information for inclusion on the Dashboard

on projects subject to section 139 of title 23, United States Code, and section 2045 of the Water Resources Development Act of 2007 (33 U.S.C. 2348) likely to require—

- (A) a total investment of more than \$200,000,000; and
- (B) an environmental impact statement under NEPA.

(2) EFFECT OF INCLUSION ON DASHBOARD.—Inclusion on the Dashboard of information regarding projects subject to section 139 of title 23, United States Code, or section 2045 of the Water Resources Development Act of 2007 (33 U.S.C. 2348) shall not subject those projects to any requirements of this title.

SEC. 41004. INTERSTATE COMPACTS.

42 USC
4370m–3.

(a) IN GENERAL.—The consent of Congress is given for 3 or more contiguous States to enter into an interstate compact establishing regional infrastructure development agencies to facilitate authorization and review of covered projects, under State law or in the exercise of delegated permitting authority described under section 41006, that will advance infrastructure development, production, and generation within the States that are parties to the compact.

(b) REGIONAL INFRASTRUCTURE.—For the purpose of this title, a regional infrastructure development agency referred to in subsection (a) shall have the same authorities and responsibilities of a State agency.

SEC. 41005. COORDINATION OF REQUIRED REVIEWS.

42 USC
4370m–4.

(a) CONCURRENT REVIEWS.—To integrate environmental reviews and authorizations, each agency shall, to the maximum extent practicable—

(1) carry out the obligations of the agency with respect to a covered project under any other applicable law concurrently, and in conjunction with, other environmental reviews and authorizations being conducted by other cooperating or participating agencies, including environmental reviews and authorizations required under NEPA, unless the agency determines that doing so would impair the ability of the agency to carry out the statutory obligations of the agency; and

(2) formulate and implement administrative, policy, and procedural mechanisms to enable the agency to ensure completion of the environmental review process in a timely, coordinated, and environmentally responsible manner.

(b) ADOPTION, INCORPORATION BY REFERENCE, AND USE OF DOCUMENTS.—

(1) STATE ENVIRONMENTAL DOCUMENTS; SUPPLEMENTAL DOCUMENTS.—

(A) USE OF EXISTING DOCUMENTS.—

(i) IN GENERAL.—On the request of a project sponsor, a lead agency shall consider and, as appropriate, adopt or incorporate by reference, the analysis and documentation that has been prepared for a covered project under State laws and procedures as the documentation, or part of the documentation, required to complete an environmental review for the covered project, if the analysis and documentation were, as determined by the lead agency in consultation with the Council on Environmental Quality, prepared under circumstances that allowed for opportunities for public

participation and consideration of alternatives, environmental consequences, and other required analyses that are substantially equivalent to what would have been available had the documents and analysis been prepared by a Federal agency pursuant to NEPA.

(ii) GUIDANCE BY CEQ.—The Council on Environmental Quality may issue guidance to carry out this subsection.

(B) NEPA OBLIGATIONS.—An environmental document adopted under subparagraph (A) or a document that includes documentation incorporated under subparagraph (A) may serve as the documentation required for an environmental review or a supplemental environmental review required to be prepared by a lead agency under NEPA.

(C) SUPPLEMENTATION OF STATE DOCUMENTS.—If the lead agency adopts or incorporates analysis and documentation described in subparagraph (A), the lead agency shall prepare and publish a supplemental document if the lead agency determines that during the period after preparation of the analysis and documentation and before the adoption or incorporation—

(i) a significant change has been made to the covered project that is relevant for purposes of environmental review of the project; or

(ii) there has been a significant circumstance or new information has emerged that is relevant to the environmental review for the covered project.

(D) COMMENTS.—If a lead agency prepares and publishes a supplemental document under subparagraph (C), the lead agency shall solicit comments from other agencies and the public on the supplemental document for a period of not more than 45 days, beginning on the date on which the supplemental document is published, unless—

(i) the lead agency, the project sponsor, and any cooperating agency agree to a longer deadline; or

(ii) the lead agency extends the deadline for good cause.

(E) NOTICE OF OUTCOME OF ENVIRONMENTAL REVIEW.—A lead agency shall issue a record of decision or finding of no significant impact, as appropriate, based on the document adopted under subparagraph (A) and any supplemental document prepared under subparagraph (C).

(c) ALTERNATIVES ANALYSIS.—

(1) PARTICIPATION.—

(A) IN GENERAL.—As early as practicable during the environmental review, but not later than the commencement of scoping for a project requiring the preparation of an environmental impact statement, the lead agency shall engage the cooperating agencies and the public to determine the range of reasonable alternatives to be considered for a covered project.

(B) DETERMINATION.—The determination under subparagraph (A) shall be completed not later than the completion of scoping.

(2) RANGE OF ALTERNATIVES.—

(A) IN GENERAL.—Following participation under paragraph (1) and subject to subparagraph (B), the lead agency shall determine the range of reasonable alternatives for consideration in any document that the lead agency is responsible for preparing for the covered project.

(B) ALTERNATIVES REQUIRED BY LAW.—In determining the range of alternatives under subparagraph (A), the lead agency shall include all alternatives required to be considered by law.

(3) METHODOLOGIES.—

(A) IN GENERAL.—The lead agency shall determine, in collaboration with each cooperating agency at appropriate times during the environmental review, the methodologies to be used and the level of detail required in the analysis of each alternative for a covered project.

(B) ENVIRONMENTAL REVIEW.—A cooperating agency shall use the methodologies referred to in subparagraph (A) when conducting any required environmental review, to the extent consistent with existing law.

(4) PREFERRED ALTERNATIVE.—With the concurrence of the cooperating agencies with jurisdiction under Federal law and at the discretion of the lead agency, the preferred alternative for a project, after being identified, may be developed to a higher level of detail than other alternatives to facilitate the development of mitigation measures or concurrent compliance with other applicable laws if the lead agency determines that the development of the higher level of detail will not prevent—

(A) the lead agency from making an impartial decision as to whether to accept another alternative that is being considered in the environmental review; and

(B) the public from commenting on the preferred and other alternatives.

(d) ENVIRONMENTAL REVIEW COMMENTS.—

(1) COMMENTS ON DRAFT ENVIRONMENTAL IMPACT STATEMENT.—For comments by an agency or the public on a draft environmental impact statement, the lead agency shall establish a comment period of not less than 45 days and not more than 60 days after the date on which a notice announcing availability of the environmental impact statement is published in the Federal Register, unless—

(A) the lead agency, the project sponsor, and any cooperating agency agree to a longer deadline; or

(B) the lead agency, in consultation with each cooperating agency, extends the deadline for good cause.

(2) OTHER REVIEW AND COMMENT PERIODS.—For all other review or comment periods in the environmental review process described in parts 1500 through 1508 of title 40, Code of Federal Regulations (or successor regulations), the lead agency shall establish a comment period of not more than 45 days after the date on which the materials on which comment is requested are made available, unless—

(A) the lead agency, the project sponsor, and any cooperating agency agree to a longer deadline; or

(B) the lead agency extends the deadline for good cause.

(e) ISSUE IDENTIFICATION AND RESOLUTION.—

(1) COOPERATION.—The lead agency and each cooperating and participating agency shall work cooperatively in accordance

with this section to identify and resolve issues that could delay completion of an environmental review or an authorization required for the project under applicable law or result in the denial of any approval under applicable law.

(2) LEAD AGENCY RESPONSIBILITIES.—

(A) IN GENERAL.—The lead agency shall make information available to each cooperating and participating agency and project sponsor as early as practicable in the environmental review regarding the environmental, historic, and socioeconomic resources located within the project area and the general locations of the alternatives under consideration.

(B) SOURCES OF INFORMATION.—The information described in subparagraph (A) may be based on existing data sources, including geographic information systems mapping.

(3) COOPERATING AND PARTICIPATING AGENCY RESPONSIBILITIES.—Each cooperating and participating agency shall—

(A) identify, as early as practicable, any issues of concern regarding any potential environmental impacts of the covered project, including any issues that could substantially delay or prevent an agency from completing any environmental review or authorization required for the project; and

(B) communicate any issues described in subparagraph (A) to the project sponsor.

(f) CATEGORIES OF PROJECTS.—The authorities granted under this section may be exercised for an individual covered project or a category of covered projects.

42 USC
4370m-5.

SEC. 41006. DELEGATED STATE PERMITTING PROGRAMS.

(a) IN GENERAL.—If a Federal statute permits a Federal agency to delegate to or otherwise authorize a State to issue or otherwise administer a permit program in lieu of the Federal agency, the Federal agency with authority to carry out the statute shall—

(1) on publication by the Council of best practices under section 41002(c)(2)(B), initiate a national process, with public participation, to determine whether and the extent to which any of the best practices are generally applicable on a delegation- or authorization-wide basis to permitting under the statute; and

(2) not later than 2 years after the date of enactment of this Act, make model recommendations for State modifications of the applicable permit program to reflect the best practices described in section 41002(c)(2)(B), as appropriate.

(b) BEST PRACTICES.—Lead and cooperating agencies may share with State, tribal, and local authorities best practices involved in review of covered projects and invite input from State, tribal, and local authorities regarding best practices.

42 USC
4370m-6.

SEC. 41007. LITIGATION, JUDICIAL REVIEW, AND SAVINGS PROVISION.

(a) LIMITATIONS ON CLAIMS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a claim arising under Federal law seeking judicial review of any authorization issued by a Federal agency for a covered project shall be barred unless—

(A) the action is filed not later than 2 years after the date of publication in the Federal Register of the final

record of decision or approval or denial of a permit, unless a shorter time is specified in the Federal law under which judicial review is allowed; and

(B) in the case of an action pertaining to an environmental review conducted under NEPA—

(i) the action is filed by a party that submitted a comment during the environmental review; and

(ii) any commenter filed a sufficiently detailed comment so as to put the lead agency on notice of the issue on which the party seeks judicial review, or the lead agency did not provide a reasonable opportunity for such a comment on that issue.

(2) NEW INFORMATION.—

(A) IN GENERAL.—The head of a lead agency or participating agency shall consider new information received after the close of a comment period if the information satisfies the requirements under regulations implementing NEPA.

(B) SEPARATE ACTION.—If Federal law requires the preparation of a supplemental environmental impact statement or other supplemental environmental document, the preparation of such document shall be considered a separate final agency action and the deadline for filing a claim for judicial review of the agency action shall be 2 years after the date on which a notice announcing the final agency action is published in the Federal Register, unless a shorter time is specified in the Federal law under which judicial review is allowed.

(3) RULE OF CONSTRUCTION.—Nothing in this subsection creates a right to judicial review or places any limit on filing a claim that a person has violated the terms of an authorization.

(b) PRELIMINARY INJUNCTIVE RELIEF.—In addition to considering any other applicable equitable factors, in any action seeking a temporary restraining order or preliminary injunction against an agency or a project sponsor in connection with review or authorization of a covered project, the court shall—

(1) consider the potential effects on public health, safety, and the environment, and the potential for significant negative effects on jobs resulting from an order or injunction; and

(2) not presume that the harms described in paragraph

(1) are reparable.

(c) JUDICIAL REVIEW.—Except as provided in subsection (a), nothing in this title affects the reviewability of any final Federal agency action in a court of competent jurisdiction.

(d) SAVINGS CLAUSE.—Nothing in this title—

(1) supersedes, amends, or modifies any Federal statute or affects the responsibility of any Federal officer to comply with or enforce any statute; or

(2) creates a presumption that a covered project will be approved or favorably reviewed by any agency.

(e) LIMITATIONS.—Nothing in this section preempts, limits, or interferes with—

(1) any practice of seeking, considering, or responding to public comment; or

(2) any power, jurisdiction, responsibility, or authority that a Federal, State, or local governmental agency, metropolitan planning organization, Indian tribe, or project sponsor has with

respect to carrying out a project or any other provisions of law applicable to any project, plan, or program.

42 USC
4370m–7.

SEC. 41008. REPORTS.

(a) **REPORT TO CONGRESS.**—

(1) **IN GENERAL.**—Not later than April 15 of each year for 10 years beginning on the date of enactment of this Act, the Executive Director shall submit to Congress a report detailing the progress accomplished under this title during the previous fiscal year.

(2) **CONTENTS.**—The report described in paragraph (1) shall assess the performance of each participating agency and lead agency based on the best practices described in section 41002(c)(2)(B), including—

(A) agency progress in making improvements consistent with those best practices; and

(B) agency compliance with the performance schedules established under section 41002(c)(1)(C).

(3) **OPPORTUNITY TO INCLUDE COMMENTS.**—Each councilmember, with input from the respective agency CERPO, shall have the opportunity to include comments concerning the performance of the agency in the report described in paragraph (1).

(b) **COMPTROLLER GENERAL REPORT.**—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that describes—

(1) agency progress in making improvements consistent with the best practices issued under section 41002(c)(2)(B); and

(2) agency compliance with the performance schedules established under section 41002(c)(1)(C).

42 USC
4370m–8.

SEC. 41009. FUNDING FOR GOVERNANCE, OVERSIGHT, AND PROCESSING OF ENVIRONMENTAL REVIEWS AND PERMITS.

(a) **IN GENERAL.**—The heads of agencies listed in section 41002(b)(2)(B), with the guidance of the Director of the Office of Management and Budget and in consultation with the Executive Director, may, after public notice and opportunity for comment, issue regulations establishing a fee structure for project proponents to reimburse the United States for reasonable costs incurred in conducting environmental reviews and authorizations for covered projects.

(b) **REASONABLE COSTS.**—As used in this section, the term “reasonable costs” shall include costs to implement the requirements and authorities required under sections 41002 and 41003, including the costs to agencies and the costs of operating the Council.

(c) **FEE STRUCTURE.**—The fee structure established under subsection (a) shall—

(1) be developed in consultation with affected project proponents, industries, and other stakeholders;

(2) exclude parties for which the fee would impose an undue financial burden or is otherwise determined to be inappropriate; and

(3) be established in a manner that ensures that the aggregate amount of fees collected for a fiscal year is estimated not to exceed 20 percent of the total estimated costs for the fiscal year for the resources allocated for the conduct of the

environmental reviews and authorizations covered by this title, as determined by the Director of the Office of Management and Budget.

(d) ENVIRONMENTAL REVIEW AND PERMITTING IMPROVEMENT FUND.—

(1) **IN GENERAL.**—All amounts collected pursuant to this section shall be deposited into a separate fund in the Treasury of the United States to be known as the “Environmental Review Improvement Fund” (referred to in this section as the “Fund”).

(2) **AVAILABILITY.**—Amounts in the Fund shall be available to the Executive Director, without appropriation or fiscal year limitation, solely for the purposes of administering, implementing, and enforcing this title, including the expenses of the Council.

(3) **TRANSFER.**—The Executive Director, with the approval of the Director of the Office of Management and Budget, may transfer amounts in the Fund to other agencies to facilitate timely and efficient environmental reviews and authorizations for proposed covered projects.

(e) **EFFECT ON PERMITTING.**—The regulations adopted pursuant to subsection (a) shall ensure that the use of funds accepted under subsection (d) will not impact impartial decision-making with respect to environmental reviews or authorizations, either substantively or procedurally.

(f) TRANSFER OF APPROPRIATED FUNDS.—

(1) **IN GENERAL.**—The heads of agencies listed in section 41002(b)(2)(B) shall have the authority to transfer, in accordance with section 1535 of title 31, United States Code, funds appropriated to those agencies and not otherwise obligated to other affected Federal agencies for the purpose of implementing the provisions of this title.

(2) **LIMITATION.**—Appropriations under title 23, United States Code and appropriations for the civil works program of the Army Corps of Engineers shall not be available for transfer under paragraph (1).

SEC. 41010. APPLICATION.

This title applies to any covered project for which—

- (1) a notice is filed under section 41003(a)(1); or
- (2) an application or other request for a Federal authorization is pending before a Federal agency 90 days after the date of enactment of this Act.

42 USC
4370m–9.

SEC. 41011. GAO REPORT.

Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that includes an analysis of whether the provisions of this title could be adapted to streamline the Federal permitting process for smaller projects that are not covered projects.

42 USC
4370m–10.

SEC. 41012. SAVINGS PROVISION.

Nothing in this title amends the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

42 USC
4370m–11.

SEC. 41013. SUNSET.

This title shall terminate 7 years after the date of enactment of this Act.

42 USC
4370m–12.

42 USC
4370m–13.

SEC. 41014. PLACEMENT.

The Office of the Law Revision Counsel is directed to place sections 41001 through 41013 of this title in chapter 55 of title 42, United States Code, as subchapter IV.

TITLE XLII—ADDITIONAL PROVISIONS**SEC. 42001. GAO REPORT ON REFUNDS TO REGISTERED VENDORS OF KEROSENE USED IN NONCOMMERCIAL AVIATION.**

Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall—

(1) conduct a study regarding payments made to vendors of kerosene used in noncommercial aviation under section 6427(l)(4)(C)(ii) of the Internal Revenue Code of 1986; and

(2) submit to the appropriate committees of Congress a report describing the results of such study, which shall include estimates of—

(A) the number of vendors of kerosene used in noncommercial aviation who are registered under section 4101 of such Code;

(B) the number of vendors of kerosene used in noncommercial aviation who are not so registered;

(C) the number of vendors described in subparagraph (A) who receive payments under section 6427(l)(4)(C)(ii) of such Code;

(D) the excess of—

(i) the amount of payments which would be made under section 6427(l)(4)(C)(ii) of such Code if all vendors of kerosene used in noncommercial aviation were registered and filed claims for such payments, over

(ii) the amount of payments actually made under such section; and

(E) the number of cases of diesel truck operators fraudulently using kerosene taxed for use in aviation.

TITLE XLIII—PAYMENTS TO CERTIFIED STATES AND INDIAN TRIBES**SEC. 43001. PAYMENTS FROM ABANDONED MINE RECLAMATION FUND.**

Section 411(h) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1240a(h)) is amended—

(1) in paragraph (1)(C)—

(A) by striking “Payments” and inserting the following:

“(i) IN GENERAL.—Payments”; and

(B) by adding at the end the following:

“(ii) CERTAIN PAYMENTS REQUIRED.—Notwithstanding any other provision of this Act, as soon as practicable, but not later than December 10, 2015, of the 7 equal installments referred to in clause (i), the Secretary shall pay to any certified State or Indian tribe to which the total annual payment under this subsection was limited to \$15,000,000 in 2013 and \$28,000,000 in fiscal year 2014—

“(I) the final 2 installments in 2 separate payments of \$82,700,000 each; and

“(II) 2 separate payments of \$38,250,000 each.”; and

(2) by striking paragraphs (5) and (6).

DIVISION E—EXPORT-IMPORT BANK OF THE UNITED STATES

Export-Import Bank Reform and Reauthorization Act of 2015.

SEC. 50001. SHORT TITLE.

12 USC 635 note.

This division may be cited as the “Export-Import Bank Reform and Reauthorization Act of 2015”.

TITLE LI—TAXPAYER PROTECTION PROVISIONS AND INCREASED ACCOUNTABILITY

SEC. 51001. REDUCTION IN AUTHORIZED AMOUNT OF OUTSTANDING LOANS, GUARANTEES, AND INSURANCE.

Section 6(a) of the Export-Import Bank Act of 1945 (12 U.S.C. 635e(a)) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by striking paragraph (2) and inserting the following:

“(2) **APPLICABLE AMOUNT DEFINED.**—In this subsection, the term ‘applicable amount’, for each of fiscal years 2015 through 2019, means \$135,000,000,000.

“(3) **FREEZING OF LENDING CAP IF DEFAULT RATE IS 2 PERCENT OR MORE.**—If the rate calculated under section 8(g)(1) is 2 percent or more for a quarter, the Bank may not exceed the amount of loans, guarantees, and insurance outstanding on the last day of that quarter until the rate calculated under section 8(g)(1) is less than 2 percent.”.

SEC. 51002. INCREASE IN LOSS RESERVES.

(a) **IN GENERAL.**—Section 6 of the Export-Import Bank Act of 1945 (12 U.S.C. 635e) is amended—

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

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

“(b) **RESERVE REQUIREMENT.**—The Bank shall build to and hold in reserve, to protect against future losses, an amount that is not less than 5 percent of the aggregate amount of disbursed and outstanding loans, guarantees, and insurance of the Bank.”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on the date that is one year after the date of the enactment of this Act.

12 USC 635e.

SEC. 51003. REVIEW OF FRAUD CONTROLS.

Section 17(b) of the Export-Import Bank Reauthorization Act of 2012 (12 U.S.C. 635a–6(b)) is amended to read as follows:

“(b) **REVIEW OF FRAUD CONTROLS.**—Not later than 4 years after the date of the enactment of the Export-Import Bank Reform and Reauthorization Act of 2015, and every 4 years thereafter, the Comptroller General of the United States shall—

“(1) review the adequacy of the design and effectiveness of the controls used by the Export-Import Bank of the United States to prevent, detect, and investigate fraudulent applications for loans and guarantees and the compliance by the Bank with the controls, including by auditing a sample of Bank transactions; and

“(2) submit a written report regarding the findings of the review and providing such recommendations with respect to the controls described in paragraph (1) as the Comptroller General deems appropriate to—

“(A) the Committee on Banking, Housing, and Urban Affairs and the Committee on Appropriations of the Senate; and

“(B) the Committee on Financial Services and the Committee on Appropriations of the House of Representatives.”.

SEC. 51004. OFFICE OF ETHICS.

Section 3 of the Export-Import Bank Act of 1945 (12 U.S.C. 635a) is amended by adding at the end the following:

“(k) OFFICE OF ETHICS.—

“(1) ESTABLISHMENT.—There is established an Office of Ethics within the Bank, which shall oversee all ethics issues within the Bank.

“(2) HEAD OF OFFICE.—

“(A) IN GENERAL.—The head of the Office of Ethics shall be the Chief Ethics Officer, who shall report to the Board of Directors.

“(B) APPOINTMENT.—Not later than 180 days after the date of the enactment of the Export-Import Bank Reform and Reauthorization Act of 2015, the Chief Ethics Officer shall be—

“(i) appointed by the President of the Bank from among persons—

“(I) with a background in law who have experience in the fields of law and ethics; and

“(II) who are not serving in a position requiring appointment by the President of the United States before being appointed to be Chief Ethics Officer; and

“(ii) approved by the Board.

“(C) DESIGNATED AGENCY ETHICS OFFICIAL.—The Chief Ethics Officer shall serve as the designated agency ethics official for the Bank pursuant to the Ethics in Government Act of 1978 (5 U.S.C. App. 101 et seq.).

“(3) DUTIES.—The Office of Ethics has jurisdiction over all employees of, and ethics matters relating to, the Bank. With respect to employees of the Bank, the Office of Ethics shall—

“(A) recommend administrative actions to establish or enforce standards of official conduct;

“(B) refer to the Office of the Inspector General of the Bank alleged violations of—

“(i) the standards of ethical conduct applicable to employees of the Bank under parts 2635 and 6201 of title 5, Code of Federal Regulations;

“(ii) the standards of ethical conduct established by the Chief Ethics Officer; and

“(iii) any other laws, rules, or regulations governing the performance of official duties or the discharge of official responsibilities that are applicable to employees of the Bank;

“(C) report to appropriate Federal or State authorities substantial evidence of a violation of any law applicable to the performance of official duties that may have been disclosed to the Office of Ethics; and

“(D) render advisory opinions regarding the propriety of any current or proposed conduct of an employee or contractor of the Bank, and issue general guidance on such matters as necessary.”.

SEC. 51005. CHIEF RISK OFFICER.

Section 3 of the Export-Import Bank Act of 1945 (12 U.S.C. 635a), as amended by section 91004, is further amended by adding at the end the following:

“(1) CHIEF RISK OFFICER.—

“(1) IN GENERAL.—There shall be a Chief Risk Officer of the Bank, who shall—

“(A) oversee all issues relating to risk within the Bank; and

“(B) report to the President of the Bank.

“(2) APPOINTMENT.—Not later than 180 days after the date of the enactment of the Export-Import Bank Reform and Reauthorization Act of 2015, the Chief Risk Officer shall be—

“(A) appointed by the President of the Bank from among persons—

“(i) with a demonstrated ability in the general management of, and knowledge of and extensive practical experience in, financial risk evaluation practices in large governmental or business entities; and

“(ii) who are not serving in a position requiring appointment by the President of the United States before being appointed to be Chief Risk Officer; and

“(B) approved by the Board.

“(3) DUTIES.—The duties of the Chief Risk Officer are—

“(A) to be responsible for all matters related to managing and mitigating all risk to which the Bank is exposed, including the programs and operations of the Bank;

“(B) to establish policies and processes for risk oversight, the monitoring of management compliance with risk limits, and the management of risk exposures and risk controls across the Bank;

“(C) to be responsible for the planning and execution of all Bank risk management activities, including policies, reporting, and systems to achieve strategic risk objectives;

“(D) to develop an integrated risk management program that includes identifying, prioritizing, measuring, monitoring, and managing internal control and operating risks and other identified risks;

“(E) to ensure that the process for risk assessment and underwriting for individual transactions considers how each such transaction considers the effect of the transaction on the concentration of exposure in the overall portfolio of the Bank, taking into account fees, collateralization, and historic default rates; and

“(F) to review the adequacy of the use by the Bank of qualitative metrics to assess the risk of default under various scenarios.”.

SEC. 51006. RISK MANAGEMENT COMMITTEE.

(a) **IN GENERAL.**—Section 3 of the Export-Import Bank Act of 1945 (12 U.S.C. 635a), as amended by sections 91004 and 91005, is further amended by adding at the end the following:

“(m) **RISK MANAGEMENT COMMITTEE.**—

“(1) **ESTABLISHMENT.**—There is established a management committee to be known as the ‘Risk Management Committee’.

“(2) **MEMBERSHIP.**—The membership of the Risk Management Committee shall be the members of the Board of Directors, with the President and First Vice President of the Bank serving as ex officio members.

“(3) **DUTIES.**—The duties of the Risk Management Committee shall be—

“(A) to oversee, in conjunction with the Office of the Chief Financial Officer of the Bank—

“(i) periodic stress testing on the entire Bank portfolio, reflecting different market, industry, and macroeconomic scenarios, and consistent with common practices of commercial and multilateral development banks; and

“(ii) the monitoring of industry, geographic, and obligor exposure levels; and

“(B) to review all required reports on the default rate of the Bank before submission to Congress under section 8(g).”.

12 USC 635a
note.

(b) **TERMINATION OF AUDIT COMMITTEE.**—Not later than 180 days after the date of the enactment of this Act, the Board of Directors of the Export-Import Bank of the United States shall revise the bylaws of the Bank to terminate the Audit Committee established by section 7 of the bylaws.

12 USC 635a-7.

SEC. 51007. INDEPENDENT AUDIT OF BANK PORTFOLIO.

(a) **AUDIT.**—The Inspector General of the Export-Import Bank of the United States shall conduct an audit or evaluation of the portfolio risk management procedures of the Bank, including a review of the implementation by the Bank of the duties assigned to the Chief Risk Officer under section 3(l) of the Export-Import Bank Act of 1945, as amended by section 51005.

(b) **REPORT.**—Not later than 1 year after the date of the enactment of this Act, and not less frequently than every 3 years thereafter, the Inspector General shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a written report containing all findings and determinations made in carrying out subsection (a).

12 USC 635 note.

SEC. 51008. PILOT PROGRAM FOR REINSURANCE.

(a) **IN GENERAL.**—Notwithstanding any provision of the Export-Import Bank Act of 1945 (12 U.S.C. 635 et seq.), the Export-Import Bank of the United States (in this section referred to as the “Bank”) may establish a pilot program under which the Bank may enter into contracts and other arrangements to share risks associated with the provision of guarantees, insurance, or credit,

or the participation in the extension of credit, by the Bank under that Act.

(b) LIMITATIONS ON AMOUNT OF RISK-SHARING.—

(1) PER CONTRACT OR OTHER ARRANGEMENT.—The aggregate amount of liability the Bank may transfer through risk-sharing pursuant to a contract or other arrangement entered into under subsection (a) may not exceed \$1,000,000,000.

(2) PER YEAR.—The aggregate amount of liability the Bank may transfer through risk-sharing during a fiscal year pursuant to contracts or other arrangements entered into under subsection (a) during that fiscal year may not exceed \$10,000,000,000.

(c) ANNUAL REPORTS.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter through 2019, the Bank shall submit to Congress a written report that contains a detailed analysis of the use of the pilot program carried out under subsection (a) during the year preceding the submission of the report.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect, impede, or revoke any authority of the Bank.

(e) TERMINATION.—The pilot program carried out under subsection (a) shall terminate on September 30, 2019.

TITLE LII—PROMOTION OF SMALL BUSINESS EXPORTS

SEC. 52001. INCREASE IN SMALL BUSINESS LENDING REQUIREMENTS.

(a) IN GENERAL.—Section 2(b)(1)(E)(v) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(E)(v)) is amended by striking “20 percent” and inserting “25 percent”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to fiscal year 2016 and each fiscal year thereafter.

12 USC 635 note.

SEC. 52002. REPORT ON PROGRAMS FOR SMALL- AND MEDIUM-SIZED BUSINESSES.

(a) IN GENERAL.—Section 8 of the Export-Import Bank Act of 1945 (12 U.S.C. 635g) is amended by adding at the end the following:

“(k) REPORT ON PROGRAMS FOR SMALL- AND MEDIUM-SIZED BUSINESSES.—The Bank shall include in its annual report to Congress under subsection (a) a report on the programs of the Bank for United States businesses with less than \$250,000,000 in annual sales.”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to the report of the Export-Import Bank of the United States submitted to Congress under section 8 of the Export-Import Bank Act of 1945 (12 U.S.C. 635g) for the first year that begins after the date of the enactment of this Act.

12 USC 635g
note.

TITLE LIII—MODERNIZATION OF OPERATIONS

SEC. 53001. ELECTRONIC PAYMENTS AND DOCUMENTS.

Section 2(b)(1) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)) is amended by adding at the end the following:

“(M) Not later than 2 years after the date of the enactment of the Export-Import Bank Reform and Reauthorization Act of 2015, the Bank shall implement policies—

“(i) to accept electronic documents with respect to transactions whenever possible, including copies of bills of lading, certifications, and compliance documents, in such manner so as not to undermine any potential civil or criminal enforcement related to the transactions; and

“(ii) to accept electronic payments in all of its programs.”.

SEC. 53002. REAUTHORIZATION OF INFORMATION TECHNOLOGY UPDATING.

Section 3(j) of the Export-Import Act of 1945 (12 U.S.C. 635a(j)) is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by striking “2012, 2013, and 2014” and inserting “2015 through 2019”;

(2) in paragraph (2)(B), by striking “(I) the funds” and inserting “(i) the funds”; and

(3) in paragraph (3), by striking “2012, 2013, and 2014” and inserting “2015 through 2019”.

TITLE LIV—GENERAL PROVISIONS

SEC. 54001. EXTENSION OF AUTHORITY.

(a) IN GENERAL.—Section 7 of the Export-Import Bank Act of 1945 (12 U.S.C. 635f) is amended by striking “2014” and inserting “2019”.

(b) DUAL-USE EXPORTS.—Section 1(c) of Public Law 103–428 (12 U.S.C. 635 note) is amended by striking “September 30, 2014” and inserting “the date on which the authority of the Export-Import Bank of the United States expires under section 7 of the Export-Import Bank Act of 1945 (12 U.S.C. 635f)”.

(c) SUB-SAHARAN AFRICA ADVISORY COMMITTEE.—Section 2(b)(9)(B)(iii) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(9)(B)(iii)) is amended by striking “September 30, 2014” and inserting “the date on which the authority of the Bank expires under section 7”.

12 USC 635 note.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the earlier of the date of the enactment of this Act or June 30, 2015.

SEC. 54002. CERTAIN UPDATED LOAN TERMS AND AMOUNTS.

(a) LOAN TERMS FOR MEDIUM-TERM FINANCING.—Section 2(a)(2)(A) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(a)(2)(A)) is amended—

(1) in clause (i), by striking “; and” and inserting a semicolon; and

(2) by adding at the end the following:

“(iii) with principal amounts of not more than \$25,000,000; and”.

(b) **COMPETITIVE OPPORTUNITIES RELATING TO INSURANCE.**—Section 2(d)(2) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(d)(2)) is amended by striking “\$10,000,000” and inserting “\$25,000,000”.

(c) **EXPORT AMOUNTS FOR SMALL BUSINESS LOANS.**—Section 3(g)(3) of the Export-Import Bank Act of 1945 (12 U.S.C. 635a(g)(3)) is amended by striking “\$10,000,000” and inserting “\$25,000,000”.

(d) **CONSIDERATION OF ENVIRONMENTAL EFFECTS.**—Section 11(a)(1)(A) of the Export-Import Bank Act of 1945 (12 U.S.C. 635i–5(a)(1)(A)) is amended by striking “\$10,000,000 or more” and inserting the following: “\$25,000,000 (or, if less than \$25,000,000, the threshold established pursuant to international agreements, including the Common Approaches for Officially Supported Export Credits and Environmental and Social Due Diligence, as adopted by the Organisation for Economic Co-operation and Development Council on June 28, 2012, and the risk-management framework adopted by financial institutions for determining, assessing, and managing environmental and social risk in projects (commonly referred to as the ‘Equator Principles’)) or more”.

(e) **EFFECTIVE DATE.**—The amendments made by this section shall apply with respect to fiscal year 2016 and each fiscal year thereafter.

12 USC 635 note.

TITLE LV—OTHER MATTERS

SEC. 55001. PROHIBITION ON DISCRIMINATION BASED ON INDUSTRY.

Section 2 of the Export-Import Bank Act of 1945 (6 U.S.C. 635 et seq.) is amended by adding at the end the following:

“(k) **PROHIBITION ON DISCRIMINATION BASED ON INDUSTRY.**—

“(1) **IN GENERAL.**—Except as provided in this Act, the Bank may not—

“(A) deny an application for financing based solely on the industry, sector, or business that the application concerns; or

“(B) promulgate or implement policies that discriminate against an application based solely on the industry, sector, or business that the application concerns.

“(2) **APPLICABILITY.**—The prohibitions under paragraph (1) apply only to applications for financing by the Bank for projects concerning the exploration, development, production, or export of energy sources and the generation or transmission of electrical power, or combined heat and power, regardless of the energy source involved.”.

SEC. 55002. NEGOTIATIONS TO END EXPORT CREDIT FINANCING.

(a) **IN GENERAL.**—Section 11 of the Export-Import Bank Reauthorization Act of 2012 (12 U.S.C. 635a–5) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking “Secretary of the Treasury (in this section referred to as the ‘Secretary’)” and inserting “President”; and

(B) in paragraph (1)—

(i) by striking “(OECD)” and inserting “(in this section referred to as the ‘OECD’)”; and

(ii) by striking “ultimate goal of eliminating” and inserting “possible goal of eliminating, before the date that is 10 years after the date of the enactment of the Export-Import Bank Reform and Reauthorization Act of 2015,”;

(2) in subsection (b), by striking “Secretary” each place it appears and inserting “President”; and

(3) by adding at the end the following:

“(c) REPORT ON STRATEGY.—Not later than 180 days after the date of the enactment of the Export-Import Bank Reform and Reauthorization Act of 2015, the President shall submit to Congress a proposal, and a strategy for achieving the proposal, that the United States Government will pursue with other major exporting countries, including OECD members and non-OECD members, to eliminate over a period of not more than 10 years subsidized export-financing programs, tied aid, export credits, and all other forms of government-supported export subsidies.

“(d) NEGOTIATIONS WITH NON-OECD MEMBERS.—The President shall initiate and pursue negotiations with countries that are not OECD members to bring those countries into a multilateral agreement establishing rules and limitations on officially supported export credits.

“(e) ANNUAL REPORTS ON PROGRESS OF NEGOTIATIONS.—Not later than 180 days after the date of the enactment of the Export-Import Bank Reform and Reauthorization Act of 2015, and annually thereafter through calendar year 2019, the President shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report on the progress of any negotiations described in subsection (d).”.

12 USC 635a–5
note.

(b) EFFECTIVE DATE.—The amendments made by paragraphs (1) and (2) of subsection (a) shall apply with respect to reports required to be submitted under section 11(b) of the Export-Import Bank Reauthorization Act of 2012 (12 U.S.C. 635a–5(b)) after the date of the enactment of this Act.

SEC. 55003. STUDY OF FINANCING FOR INFORMATION AND COMMUNICATIONS TECHNOLOGY SYSTEMS.

(a) ANALYSIS OF INFORMATION AND COMMUNICATIONS TECHNOLOGY INDUSTRY USE OF BANK PRODUCTS.—The Export-Import Bank of the United States (in this section referred to as the “Bank”) shall conduct a study of the extent to which the products offered by the Bank are available and used by companies that export information and communications technology services and related goods.

(b) ELEMENTS.—In conducting the study required by subsection (a), the Bank shall examine the following:

(1) The number of jobs in the United States that are supported by the export of information and communications technology services and related goods, and the degree to which access to financing will increase exports of such services and related goods.

(2) The reduction in the financing by the Bank of exports of information and communications technology services from 2003 through 2014.

(3) The activities of foreign export credit agencies to facilitate the export of information and communications technology services and related goods.

(4) Specific proposals for how the Bank could provide additional financing for the exportation of information and communications technology services and related goods through risk-sharing with other export credit agencies and other third parties.

(5) Proposals for new products the Bank could offer to provide financing for exports of information and communications technology services and related goods, including—

(A) the extent to which the Bank is authorized to offer new products;

(B) the extent to which the Bank would need additional authority to offer new products to meet the needs of the information and communications technology industry;

(C) specific proposals for changes in law that would enable the Bank to provide increased financing for exports of information and communications technology services and related goods in compliance with the credit and risk standards of the Bank;

(D) specific proposals that would enable the Bank to provide increased outreach to the information and communications technology industry about the products the Bank offers; and

(E) specific proposals for changes in law that would enable the Bank to provide the financing to build information and communications technology infrastructure, in compliance with the credit and risk standards of the Bank, to allow for market access opportunities for United States information and communications technology companies to provide services on the infrastructure being financed by the Bank.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Bank shall submit to Congress a report that contains the results of the study required by subsection (a).

DIVISION F—ENERGY SECURITY

SEC. 61001. EMERGENCY PREPAREDNESS FOR ENERGY SUPPLY DISRUPTIONS.

42 USC 7131
note.

(a) FINDING.—Congress finds that recent natural disasters have underscored the importance of having resilient oil and natural gas infrastructure and effective ways for industry and government to communicate to address energy supply disruptions.

(b) AUTHORIZATION FOR ACTIVITIES TO ENHANCE EMERGENCY PREPAREDNESS FOR NATURAL DISASTERS.—The Secretary of Energy shall develop and adopt procedures to—

(1) improve communication and coordination between the Department of Energy’s energy response team, Federal partners, and industry;

(2) leverage the Energy Information Administration’s subject matter expertise within the Department’s energy response team to improve supply chain situation assessments;

(3) establish company liaisons and direct communication with the Department's energy response team to improve situation assessments;

(4) streamline and enhance processes for obtaining temporary regulatory relief to speed up emergency response and recovery;

(5) facilitate and increase engagement among States, the oil and natural gas industry, and the Department in developing State and local energy assurance plans;

(6) establish routine education and training programs for key government emergency response positions with the Department and States; and

(7) involve States and the oil and natural gas industry in comprehensive drill and exercise programs.

(c) COOPERATION.—The activities carried out under subsection (b) shall include collaborative efforts with State and local government officials and the private sector.

(d) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Energy shall submit to Congress a report describing the effectiveness of the activities authorized under this section.

SEC. 61002. RESOLVING ENVIRONMENTAL AND GRID RELIABILITY CONFLICTS.

(a) COMPLIANCE WITH OR VIOLATION OF ENVIRONMENTAL LAWS WHILE UNDER EMERGENCY ORDER.—Section 202(c) of the Federal Power Act (16 U.S.C. 824a(c)) is amended—

(1) by inserting “(1)” after “(c)”; and

(2) by adding at the end the following:

“(2) With respect to an order issued under this subsection that may result in a conflict with a requirement of any Federal, State, or local environmental law or regulation, the Commission shall ensure that such order requires generation, delivery, interchange, or transmission of electric energy only during hours necessary to meet the emergency and serve the public interest, and, to the maximum extent practicable, is consistent with any applicable Federal, State, or local environmental law or regulation and minimizes any adverse environmental impacts.

“(3) To the extent any omission or action taken by a party, that is necessary to comply with an order issued under this subsection, including any omission or action taken to voluntarily comply with such order, results in noncompliance with, or causes such party to not comply with, any Federal, State, or local environmental law or regulation, such omission or action shall not be considered a violation of such environmental law or regulation, or subject such party to any requirement, civil or criminal liability, or a citizen suit under such environmental law or regulation.

“(4)(A) An order issued under this subsection that may result in a conflict with a requirement of any Federal, State, or local environmental law or regulation shall expire not later than 90 days after it is issued. The Commission may renew or reissue such order pursuant to paragraphs (1) and (2) for subsequent periods, not to exceed 90 days for each period, as the Commission determines necessary to meet the emergency and serve the public interest.

“(B) In renewing or reissuing an order under subparagraph (A), the Commission shall consult with the primary Federal agency

with expertise in the environmental interest protected by such law or regulation, and shall include in any such renewed or reissued order such conditions as such Federal agency determines necessary to minimize any adverse environmental impacts to the extent practicable. The conditions, if any, submitted by such Federal agency shall be made available to the public. The Commission may exclude such a condition from the renewed or reissued order if it determines that such condition would prevent the order from adequately addressing the emergency necessitating such order and provides in the order, or otherwise makes publicly available, an explanation of such determination.

“(5) If an order issued under this subsection is subsequently stayed, modified, or set aside by a court pursuant to section 313 or any other provision of law, any omission or action previously taken by a party that was necessary to comply with the order while the order was in effect, including any omission or action taken to voluntarily comply with the order, shall remain subject to paragraph (3).”.

(b) TEMPORARY CONNECTION OR CONSTRUCTION BY MUNICIPALITIES.—Section 202(d) of the Federal Power Act (16 U.S.C. 824a(d)) is amended by inserting “or municipality” before “engaged in the transmission or sale of electric energy”.

SEC. 61003. CRITICAL ELECTRIC INFRASTRUCTURE SECURITY.

(a) CRITICAL ELECTRIC INFRASTRUCTURE SECURITY.—Part II of the Federal Power Act (16 U.S.C. 824 et seq.) is amended by adding after section 215 the following new section:

“SEC. 215A. CRITICAL ELECTRIC INFRASTRUCTURE SECURITY.

16 USC 824o–1.

“(a) DEFINITIONS.—For purposes of this section:

“(1) BULK-POWER SYSTEM; ELECTRIC RELIABILITY ORGANIZATION; REGIONAL ENTITY.—The terms ‘bulk-power system’, ‘Electric Reliability Organization’, and ‘regional entity’ have the meanings given such terms in paragraphs (1), (2), and (7) of section 215(a), respectively.

“(2) CRITICAL ELECTRIC INFRASTRUCTURE.—The term ‘critical electric infrastructure’ means a system or asset of the bulk-power system, whether physical or virtual, the incapacity or destruction of which would negatively affect national security, economic security, public health or safety, or any combination of such matters.

“(3) CRITICAL ELECTRIC INFRASTRUCTURE INFORMATION.—The term ‘critical electric infrastructure information’ means information related to critical electric infrastructure, or proposed critical electrical infrastructure, generated by or provided to the Commission or other Federal agency, other than classified national security information, that is designated as critical electric infrastructure information by the Commission or the Secretary pursuant to subsection (d). Such term includes information that qualifies as critical energy infrastructure information under the Commission’s regulations.

“(4) DEFENSE CRITICAL ELECTRIC INFRASTRUCTURE.—The term ‘defense critical electric infrastructure’ means any electric infrastructure located in any of the 48 contiguous States or the District of Columbia that serves a facility designated by the Secretary pursuant to subsection (c), but is not owned or operated by the owner or operator of such facility.

“(5) ELECTROMAGNETIC PULSE.—The term ‘electromagnetic pulse’ means 1 or more pulses of electromagnetic energy emitted by a device capable of disabling or disrupting operation of, or destroying, electronic devices or communications networks, including hardware, software, and data, by means of such a pulse.

“(6) GEOMAGNETIC STORM.—The term ‘geomagnetic storm’ means a temporary disturbance of the Earth’s magnetic field resulting from solar activity.

“(7) GRID SECURITY EMERGENCY.—The term ‘grid security emergency’ means the occurrence or imminent danger of—

“(A)(i) a malicious act using electronic communication or an electromagnetic pulse, or a geomagnetic storm event, that could disrupt the operation of those electronic devices or communications networks, including hardware, software, and data, that are essential to the reliability of critical electric infrastructure or of defense critical electric infrastructure; and

“(ii) disruption of the operation of such devices or networks, with significant adverse effects on the reliability of critical electric infrastructure or of defense critical electric infrastructure, as a result of such act or event; or

“(B)(i) a direct physical attack on critical electric infrastructure or on defense critical electric infrastructure; and

“(ii) significant adverse effects on the reliability of critical electric infrastructure or of defense critical electric infrastructure as a result of such physical attack.

“(8) SECRETARY.—The term ‘Secretary’ means the Secretary of Energy.

“(b) AUTHORITY TO ADDRESS GRID SECURITY EMERGENCY.—

“(1) AUTHORITY.—Whenever the President issues and provides to the Secretary a written directive or determination identifying a grid security emergency, the Secretary may, with or without notice, hearing, or report, issue such orders for emergency measures as are necessary in the judgment of the Secretary to protect or restore the reliability of critical electric infrastructure or of defense critical electric infrastructure during such emergency. As soon as practicable but not later than 180 days after the date of enactment of this section, the Secretary shall, after notice and opportunity for comment, establish rules of procedure that ensure that such authority can be exercised expeditiously.

“(2) NOTIFICATION OF CONGRESS.—Whenever the President issues and provides to the Secretary a written directive or determination under paragraph (1), the President shall promptly notify congressional committees of relevant jurisdiction, including the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, of the contents of, and justification for, such directive or determination.

“(3) CONSULTATION.—Before issuing an order for emergency measures under paragraph (1), the Secretary shall, to the extent practicable in light of the nature of the grid security emergency and the urgency of the need for action, consult with appropriate governmental authorities in Canada and Mexico, entities described in paragraph (4), the Electricity Sub-sector Coordinating Council, the Commission, and other appropriate Federal

agencies regarding implementation of such emergency measures.

“(4) APPLICATION.—An order for emergency measures under this subsection may apply to—

“(A) the Electric Reliability Organization;

“(B) a regional entity; or

“(C) any owner, user, or operator of critical electric infrastructure or of defense critical electric infrastructure within the United States.

“(5) EXPIRATION AND REISSUANCE.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), an order for emergency measures issued under paragraph (1) shall expire no later than 15 days after its issuance.

“(B) EXTENSIONS.—The Secretary may reissue an order for emergency measures issued under paragraph (1) for subsequent periods, not to exceed 15 days for each such period, provided that the President, for each such period, issues and provides to the Secretary a written directive or determination that the grid security emergency identified under paragraph (1) continues to exist or that the emergency measure continues to be required.

“(6) COST RECOVERY.—

“(A) CRITICAL ELECTRIC INFRASTRUCTURE.—If the Commission determines that owners, operators, or users of critical electric infrastructure have incurred substantial costs to comply with an order for emergency measures issued under this subsection and that such costs were prudently incurred and cannot reasonably be recovered through regulated rates or market prices for the electric energy or services sold by such owners, operators, or users, the Commission shall, consistent with the requirements of section 205, after notice and an opportunity for comment, establish a mechanism that permits such owners, operators, or users to recover such costs.

“(B) DEFENSE CRITICAL ELECTRIC INFRASTRUCTURE.—To the extent the owner or operator of defense critical electric infrastructure is required to take emergency measures pursuant to an order issued under this subsection, the owners or operators of a critical defense facility or facilities designated by the Secretary pursuant to subsection (c) that rely upon such infrastructure shall bear the full incremental costs of the measures.

“(7) TEMPORARY ACCESS TO CLASSIFIED INFORMATION.—The Secretary, and other appropriate Federal agencies, shall, to the extent practicable and consistent with their obligations to protect classified information, provide temporary access to classified information related to a grid security emergency for which emergency measures are issued under paragraph (1) to key personnel of any entity subject to such emergency measures to enable optimum communication between the entity and the Secretary and other appropriate Federal agencies regarding the grid security emergency.

“(C) DESIGNATION OF CRITICAL DEFENSE FACILITIES.—Not later than 180 days after the date of enactment of this section, the Secretary, in consultation with other appropriate Federal agencies and appropriate owners, users, or operators of infrastructure that

may be defense critical electric infrastructure, shall identify and designate facilities located in the 48 contiguous States and the District of Columbia that are—

“(1) critical to the defense of the United States; and

“(2) vulnerable to a disruption of the supply of electric energy provided to such facility by an external provider.

The Secretary may, in consultation with appropriate Federal agencies and appropriate owners, users, or operators of defense critical electric infrastructure, periodically revise the list of designated facilities as necessary.

“(d) PROTECTION AND SHARING OF CRITICAL ELECTRIC INFRASTRUCTURE INFORMATION.—

“(1) PROTECTION OF CRITICAL ELECTRIC INFRASTRUCTURE INFORMATION.—Critical electric infrastructure information—

“(A) shall be exempt from disclosure under section 552(b)(3) of title 5, United States Code; and

“(B) shall not be made available by any Federal, State, political subdivision or tribal authority pursuant to any Federal, State, political subdivision or tribal law requiring public disclosure of information or records.

“(2) DESIGNATION AND SHARING OF CRITICAL ELECTRIC INFRASTRUCTURE INFORMATION.—Not later than one year after the date of enactment of this section, the Commission, after consultation with the Secretary, shall promulgate such regulations as necessary to—

“(A) establish criteria and procedures to designate information as critical electric infrastructure information;

“(B) prohibit the unauthorized disclosure of critical electric infrastructure information;

“(C) ensure there are appropriate sanctions in place for Commissioners, officers, employees, or agents of the Commission or the Department of Energy who knowingly and willfully disclose critical electric infrastructure information in a manner that is not authorized under this section; and

“(D) taking into account standards of the Electric Reliability Organization, facilitate voluntary sharing of critical electric infrastructure information with, between, and by—

“(i) Federal, State, political subdivision, and tribal authorities;

“(ii) the Electric Reliability Organization;

“(iii) regional entities;

“(iv) information sharing and analysis centers established pursuant to Presidential Decision Directive 63;

“(v) owners, operators, and users of critical electric infrastructure in the United States; and

“(vi) other entities determined appropriate by the Commission.

“(3) AUTHORITY TO DESIGNATE.—Information may be designated by the Commission or the Secretary as critical electric infrastructure information pursuant to the criteria and procedures established by the Commission under paragraph (2)(A).

“(4) CONSIDERATIONS.—In exercising their respective authorities under this subsection, the Commission and the Secretary shall take into consideration the role of State commissions in reviewing the prudence and cost of investments, determining the rates and terms of conditions for electric services, and ensuring the safety and reliability of the bulk-power system and distribution facilities within their respective jurisdictions.

“(5) PROTOCOLS.—The Commission and the Secretary shall, in consultation with Canadian and Mexican authorities, develop protocols for the voluntary sharing of critical electric infrastructure information with Canadian and Mexican authorities and owners, operators, and users of the bulk-power system outside the United States.

“(6) NO REQUIRED SHARING OF INFORMATION.—Nothing in this section shall require a person or entity in possession of critical electric infrastructure information to share such information with Federal, State, political subdivision, or tribal authorities, or any other person or entity.

“(7) SUBMISSION OF INFORMATION TO CONGRESS.—Nothing in this section shall permit or authorize the withholding of information from Congress, any committee or subcommittee thereof, or the Comptroller General.

“(8) DISCLOSURE OF NONPROTECTED INFORMATION.—In implementing this section, the Commission and the Secretary shall segregate critical electric infrastructure information or information that reasonably could be expected to lead to the disclosure of the critical electric infrastructure information within documents and electronic communications, wherever feasible, to facilitate disclosure of information that is not designated as critical electric infrastructure information.

“(9) DURATION OF DESIGNATION.—Information may not be designated as critical electric infrastructure information for longer than 5 years, unless specifically re-designated by the Commission or the Secretary, as appropriate.

“(10) REMOVAL OF DESIGNATION.—The Commission or the Secretary, as appropriate, shall remove the designation of critical electric infrastructure information, in whole or in part, from a document or electronic communication if the Commission or the Secretary, as appropriate, determines that the unauthorized disclosure of such information could no longer be used to impair the security or reliability of the bulk-power system or distribution facilities.

“(11) JUDICIAL REVIEW OF DESIGNATIONS.—Notwithstanding section 313(b), with respect to a petition filed by a person to which an order under this section applies, any determination by the Commission or the Secretary concerning the designation of critical electric infrastructure information under this subsection shall be subject to review under chapter 7 of title 5, United States Code, except that such review shall be brought in the district court of the United States in the district in which the complainant resides, or has his principal place of business, or in the District of Columbia. In such a case the court shall examine in camera the contents of documents or electronic communications that are the subject of the determination under review to determine whether such documents or any part thereof were improperly designated or not designated as critical electric infrastructure information.

“(e) SECURITY CLEARANCES.—The Secretary shall facilitate and, to the extent practicable, expedite the acquisition of adequate security clearances by key personnel of any entity subject to the requirements of this section, to enable optimum communication with Federal agencies regarding threats to the security of the critical electric infrastructure. The Secretary, the Commission, and other appropriate Federal agencies shall, to the extent practicable and consistent with their obligations to protect classified and critical electric infrastructure information, share timely actionable information regarding grid security with appropriate key personnel of owners, operators, and users of the critical electric infrastructure.

“(f) CLARIFICATIONS OF LIABILITY.—

“(1) COMPLIANCE WITH OR VIOLATION OF THIS ACT.—Except as provided in paragraph (4), to the extent any action or omission taken by an entity that is necessary to comply with an order for emergency measures issued under subsection (b)(1), including any action or omission taken to voluntarily comply with such order, results in noncompliance with, or causes such entity not to comply with any rule, order, regulation, or provision of this Act, including any reliability standard approved by the Commission pursuant to section 215, such action or omission shall not be considered a violation of such rule, order, regulation, or provision.

“(2) RELATION TO SECTION 202(c).—Except as provided in paragraph (4), an action or omission taken by an owner, operator, or user of critical electric infrastructure or of defense critical electric infrastructure to comply with an order for emergency measures issued under subsection (b)(1) shall be treated as an action or omission taken to comply with an order issued under section 202(c) for purposes of such section.

“(3) SHARING OR RECEIPT OF INFORMATION.—No cause of action shall lie or be maintained in any Federal or State court for the sharing or receipt of information under, and that is conducted in accordance with, subsection (d).

“(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to require dismissal of a cause of action against an entity that, in the course of complying with an order for emergency measures issued under subsection (b)(1) by taking an action or omission for which they would be liable but for paragraph (1) or (2), takes such action or omission in a grossly negligent manner.”

(b) CONFORMING AMENDMENTS.—

(1) JURISDICTION.—Section 201(b)(2) of the Federal Power Act (16 U.S.C. 824(b)(2)) is amended by inserting “215A,” after “215,” each place it appears.

(2) PUBLIC UTILITY.—Section 201(e) of the Federal Power Act (16 U.S.C. 824(e)) is amended by inserting “215A,” after “215.”

(c) ENHANCED GRID SECURITY.—

(1) DEFINITIONS.—In this subsection:

(A) CRITICAL ELECTRIC INFRASTRUCTURE; CRITICAL ELECTRIC INFRASTRUCTURE INFORMATION.—The terms “critical electric infrastructure” and “critical electric infrastructure information” have the meanings given those terms in section 215A of the Federal Power Act.

(B) **SECTOR-SPECIFIC AGENCY.**—The term “Sector-Specific Agency” has the meaning given that term in the Presidential Policy Directive entitled “Critical Infrastructure Security and Resilience”, numbered 21, and dated February 12, 2013.

(2) **SECTOR-SPECIFIC AGENCY FOR CYBERSECURITY FOR THE ENERGY SECTOR.**—

(A) **IN GENERAL.**—The Department of Energy shall be the lead Sector-Specific Agency for cybersecurity for the energy sector.

(B) **DUTIES.**—As head of the designated Sector-Specific Agency for cybersecurity, the duties of the Secretary of Energy shall include—

(i) coordinating with the Department of Homeland Security and other relevant Federal departments and agencies;

(ii) collaborating with—

(I) critical electric infrastructure owners and operators; and

(II) as appropriate—

(aa) independent regulatory agencies; and

(bb) State, local, tribal, and territorial entities;

(cc) serving as a day-to-day Federal interface for the dynamic prioritization and coordination of sector-specific activities;

(dd) carrying out incident management responsibilities consistent with applicable law (including regulations) and other appropriate policies or directives;

(ee) providing, supporting, or facilitating technical assistance and consultations for the energy sector to identify vulnerabilities and help mitigate incidents, as appropriate; and

(ff) supporting the reporting requirements of the Department of Homeland Security under applicable law by providing, on an annual basis, sector-specific critical electric infrastructure information.

SEC. 61004. STRATEGIC TRANSFORMER RESERVE.

(a) **FINDING.**—Congress finds that the storage of strategically located spare large power transformers and emergency mobile substations will reduce the vulnerability of the United States to multiple risks facing electric grid reliability, including physical attack, cyber attack, electromagnetic pulse, geomagnetic disturbances, severe weather, and seismic events.

(b) **DEFINITIONS.**—In this section:

(1) **BULK-POWER SYSTEM.**—The term “bulk-power system” has the meaning given such term in section 215(a) of the Federal Power Act (16 U.S.C. 824o(a)).

(2) **CRITICALLY DAMAGED LARGE POWER TRANSFORMER.**—The term “critically damaged large power transformer” means a large power transformer that—

(A) has sustained extensive damage such that—

(i) repair or refurbishment is not economically viable; or

(ii) the extensive time to repair or refurbish the large power transformer would create an extended period of instability in the bulk-power system; and

(B) prior to sustaining such damage, was part of the bulk-power system.

(3) CRITICAL ELECTRIC INFRASTRUCTURE.—The term “critical electric infrastructure” has the meaning given that term in section 215A of the Federal Power Act.

(4) ELECTRIC RELIABILITY ORGANIZATION.—The term “Electric Reliability Organization” has the meaning given such term in section 215(a) of the Federal Power Act (16 U.S.C. 824o(a)).

(5) EMERGENCY MOBILE SUBSTATION.—The term “emergency mobile substation” means a mobile substation or mobile transformer that is—

(A) assembled and permanently mounted on a trailer that is capable of highway travel and meets relevant Department of Transportation regulations; and

(B) intended for express deployment and capable of being rapidly placed into service.

(6) LARGE POWER TRANSFORMER.—The term “large power transformer” means a power transformer with a maximum nameplate rating of 100 megavolt-amperes or higher, including related critical equipment, that is, or is intended to be, a part of the bulk-power system.

(7) SECRETARY.—The term “Secretary” means the Secretary of Energy.

(8) SPARE LARGE POWER TRANSFORMER.—The term “spare large power transformer” means a large power transformer that is stored within the Strategic Transformer Reserve to be available to temporarily replace a critically damaged large power transformer.

(c) STRATEGIC TRANSFORMER RESERVE PLAN.—

(1) PLAN.—Not later than 1 year after the date of enactment of this Act, the Secretary, acting through the Office of Electricity Delivery and Energy Reliability, shall, in consultation with the Federal Energy Regulatory Commission, the Electricity Sub-sector Coordinating Council, the Electric Reliability Organization, and owners and operators of critical electric infrastructure and defense and military installations, prepare and submit to Congress a plan to establish a Strategic Transformer Reserve for the storage, in strategically located facilities, of spare large power transformers and emergency mobile substations in sufficient numbers to temporarily replace critically damaged large power transformers and substations that are critical electric infrastructure or serve defense and military installations.

(2) INCLUSIONS.—The Strategic Transformer Reserve plan shall include a description of—

(A) the appropriate number and type of spare large power transformers necessary to provide or restore sufficient resiliency to the bulk-power system, critical electric infrastructure, and defense and military installations to mitigate significant impacts to the electric grid resulting from—

- (i) physical attack;
- (ii) cyber attack;
- (iii) electromagnetic pulse attack;

- (iv) geomagnetic disturbances;
- (v) severe weather; or
- (vi) seismic events;

(B) other critical electric grid equipment for which an inventory of spare equipment, including emergency mobile substations, is necessary to provide or restore sufficient resiliency to the bulk-power system, critical electric infrastructure, and defense and military installations;

(C) the degree to which utility sector actions or initiatives, including individual utility ownership of spare equipment, joint ownership of spare equipment inventory, sharing agreements, or other spare equipment reserves or arrangements, satisfy the needs identified under subparagraphs (A) and (B);

(D) the potential locations for, and feasibility and appropriate number of, strategic storage locations for reserve equipment, including consideration of—

- (i) the physical security of such locations;
- (ii) the protection of the confidentiality of such locations; and
- (iii) the proximity of such locations to sites of potentially critically damaged large power transformers and substations that are critical electric infrastructure or serve defense and military installations, so as to enable efficient delivery of equipment to such sites;

(E) the necessary degree of flexibility of spare large power transformers to be included in the Strategic Transformer Reserve to conform to different substation configurations, including consideration of transformer—

- (i) power and voltage rating for each winding;
- (ii) overload requirements;
- (iii) impedance between windings;
- (iv) configuration of windings; and
- (v) tap requirements;

(F) an estimate of the direct cost of the Strategic Transformer Reserve, as proposed, including—

- (i) the cost of storage facilities;
- (ii) the cost of the equipment; and
- (iii) management, maintenance, and operation costs;

(G) the funding options available to establish, stock, manage, and maintain the Strategic Transformer Reserve, including consideration of fees on owners and operators of bulk-power system facilities, critical electric infrastructure, and defense and military installations relying on the Strategic Transformer Reserve, use of Federal appropriations, and public-private cost-sharing options;

(H) the ease and speed of transportation, installation, and energization of spare large power transformers to be included in the Strategic Transformer Reserve, including consideration of factors such as—

- (i) transformer transportation weight;
- (ii) transformer size;
- (iii) topology of critical substations;
- (iv) availability of appropriate transformer mounting pads;

(v) flexibility of the spare large power transformers as described in subparagraph (E); and

(vi) ability to rapidly transition a spare large power transformer from storage to energization;

(I) eligibility criteria for withdrawal of equipment from the Strategic Transformer Reserve;

(J) the process by which owners or operators of critically damaged large power transformers or substations that are critical electric infrastructure or serve defense and military installations may apply for a withdrawal from the Strategic Transformer Reserve;

(K) the process by which equipment withdrawn from the Strategic Transformer Reserve is returned to the Strategic Transformer Reserve or is replaced;

(L) possible fees to be paid by users of equipment withdrawn from the Strategic Transformer Reserve;

(M) possible fees to be paid by owners and operators of large power transformers and substations that are critical electric infrastructure or serve defense and military installations to cover operating costs of the Strategic Transformer Reserve;

(N) the domestic and international large power transformer supply chain;

(O) the potential reliability, cost, and operational benefits of including emergency mobile substations in any Strategic Transformer Reserve established under this section; and

(P) other considerations for designing, constructing, stocking, funding, and managing the Strategic Transformer Reserve.

(d) **DISCLOSURE OF INFORMATION.**—Any information included in the Strategic Transformer Reserve plan, or shared in the preparation and development of such plan, the disclosure of which could cause harm to critical electric infrastructure, shall be exempt from disclosure under section 552(b)(3) of title 5, United States Code, and any State, tribal, or local law requiring disclosure of information or records.

SEC. 61005. ENERGY SECURITY VALUATION.

(a) **ESTABLISHMENT OF ENERGY SECURITY VALUATION METHODS.**—Not later than 1 year after the date of enactment of this Act, the Secretary of Energy, in collaboration with the Secretary of State, shall develop and transmit, after public notice and comment, to the Committee on Energy and Commerce and the Committee on Foreign Affairs of the House of Representatives and the Committee on Energy and Natural Resources and the Committee on Foreign Relations of the Senate a report that includes recommended United States energy security valuation methods. In developing the report, the Secretaries may consider the recommendations of the Administration’s Quadrennial Energy Review released on April 21, 2015. The report shall—

(1) evaluate and define United States energy security to reflect modern domestic and global energy markets and the collective needs of the United States and its allies and partners;

(2) identify transparent and uniform or coordinated procedures and criteria to ensure that energy-related actions that significantly affect the supply, distribution, or use of energy

are evaluated with respect to their potential impact on energy security, including their impact on—

- (A) consumers and the economy;
- (B) energy supply diversity and resiliency;
- (C) well-functioning and competitive energy markets;
- (D) United States trade balance; and
- (E) national security objectives; and

(3) include a recommended implementation strategy that identifies and aims to ensure that the procedures and criteria referred to in paragraph (2) are—

- (A) evaluated consistently across the Federal Government; and
- (B) weighed appropriately and balanced with environmental considerations required by Federal law.

(b) PARTICIPATION.—In developing the report referred to in subsection (a), the Secretaries may consult with relevant Federal, State, private sector, and international participants, as appropriate and consistent with applicable law.

DIVISION G—FINANCIAL SERVICES

TITLE LXXI—IMPROVING ACCESS TO CAPITAL FOR EMERGING GROWTH COMPANIES

SEC. 71001. FILING REQUIREMENT FOR PUBLIC FILING PRIOR TO PUBLIC OFFERING.

Section 6(e)(1) of the Securities Act of 1933 (15 U.S.C. 77f(e)(1)) is amended by striking “21 days” and inserting “15 days”.

SEC. 71002. GRACE PERIOD FOR CHANGE OF STATUS OF EMERGING GROWTH COMPANIES.

Section 6(e)(1) of the Securities Act of 1933 (15 U.S.C. 77f(e)(1)) is further amended by adding at the end the following: “An issuer that was an emerging growth company at the time it submitted a confidential registration statement or, in lieu thereof, a publicly filed registration statement for review under this subsection but ceases to be an emerging growth company thereafter shall continue to be treated as an emerging market growth company for the purposes of this subsection through the earlier of the date on which the issuer consummates its initial public offering pursuant to such registration statement or the end of the 1-year period beginning on the date the company ceases to be an emerging growth company.”.

SEC. 71003. SIMPLIFIED DISCLOSURE REQUIREMENTS FOR EMERGING GROWTH COMPANIES.

Section 102 of the Jumpstart Our Business Startups Act (Public Law 112–106) is amended by adding at the end the following: “(d) SIMPLIFIED DISCLOSURE REQUIREMENTS.—With respect to an emerging growth company (as such term is defined under section 2 of the Securities Act of 1933):

“(1) REQUIREMENT TO INCLUDE NOTICE ON FORMS S–1 AND F–1.—Not later than 30 days after the date of enactment of this subsection, the Securities and Exchange Commission shall

15 USC 77g note.

revise its general instructions on Forms S-1 and F-1 to indicate that a registration statement filed (or submitted for confidential review) by an issuer prior to an initial public offering may omit financial information for historical periods otherwise required by regulation S-X (17 CFR 210.1-01 et seq.) as of the time of filing (or confidential submission) of such registration statement, provided that—

“(A) the omitted financial information relates to a historical period that the issuer reasonably believes will not be required to be included in the Form S-1 or F-1 at the time of the contemplated offering; and

“(B) prior to the issuer distributing a preliminary prospectus to investors, such registration statement is amended to include all financial information required by such regulation S-X at the date of such amendment.

“(2) RELIANCE BY ISSUERS.—Effective 30 days after the date of enactment of this subsection, an issuer filing a registration statement (or submitting the statement for confidential review) on Form S-1 or Form F-1 may omit financial information for historical periods otherwise required by regulation S-X (17 CFR 210.1-01 et seq.) as of the time of filing (or confidential submission) of such registration statement, provided that—

“(A) the omitted financial information relates to a historical period that the issuer reasonably believes will not be required to be included in the Form S-1 or Form F-1 at the time of the contemplated offering; and

“(B) prior to the issuer distributing a preliminary prospectus to investors, such registration statement is amended to include all financial information required by such regulation S-X at the date of such amendment.”.

TITLE LXXII—DISCLOSURE MODERNIZATION AND SIMPLIFICATION

15 USC 78m
note.

SEC. 72001. SUMMARY PAGE FOR FORM 10-K.

Not later than the end of the 180-day period beginning on the date of the enactment of this Act, the Securities and Exchange Commission shall issue regulations to permit issuers to submit a summary page on form 10-K (17 CFR 249.310), but only if each item on such summary page includes a cross-reference (by electronic link or otherwise) to the material contained in form 10-K to which such item relates.

15 USC 77g note.

SEC. 72002. IMPROVEMENT OF REGULATION S-K.

Not later than the end of the 180-day period beginning on the date of the enactment of this Act, the Securities and Exchange Commission shall take all such actions to revise regulation S-K (17 CFR 229.10 et seq.)—

(1) to further scale or eliminate requirements of regulation S-K, in order to reduce the burden on emerging growth companies, accelerated filers, smaller reporting companies, and other smaller issuers, while still providing all material information to investors;

(2) to eliminate provisions of regulation S-K, required for all issuers, that are duplicative, overlapping, outdated, or unnecessary; and

(3) for which the Commission determines that no further study under section 72203 is necessary to determine the efficacy of such revisions to regulation S–K.

SEC. 72003. STUDY ON MODERNIZATION AND SIMPLIFICATION OF REGULATION S–K. 15 USC 77s note.

(a) **STUDY.**—The Securities and Exchange Commission shall carry out a study of the requirements contained in regulation S–K (17 CFR 229.10 et seq.). Such study shall—

(1) determine how best to modernize and simplify such requirements in a manner that reduces the costs and burdens on issuers while still providing all material information;

(2) emphasize a company by company approach that allows relevant and material information to be disseminated to investors without boilerplate language or static requirements while preserving completeness and comparability of information across registrants; and

(3) evaluate methods of information delivery and presentation and explore methods for discouraging repetition and the disclosure of immaterial information.

(b) **CONSULTATION.**—In conducting the study required under subsection (a), the Commission shall consult with the Investor Advisory Committee and the Advisory Committee on Small and Emerging Companies.

(c) **REPORT.**—Not later than the end of the 360-day period beginning on the date of enactment of this Act, the Commission shall issue a report to the Congress containing—

(1) all findings and determinations made in carrying out the study required under subsection (a);

(2) specific and detailed recommendations on modernizing and simplifying the requirements in regulation S–K in a manner that reduces the costs and burdens on companies while still providing all material information; and

(3) specific and detailed recommendations on ways to improve the readability and navigability of disclosure documents and to discourage repetition and the disclosure of immaterial information.

(d) **RULEMAKING.**—Not later than the end of the 360-day period beginning on the date that the report is issued to the Congress under subsection (c), the Commission shall issue a proposed rule to implement the recommendations of the report issued under subsection (c).

(e) **RULE OF CONSTRUCTION.**—Revisions made to regulation S–K by the Commission under section 202 shall not be construed as satisfying the rulemaking requirements under this section.

TITLE LXXIII—BULLION AND COLLECTIBLE COIN PRODUCTION EFFICIENCY AND COST SAVINGS

SEC. 73001. TECHNICAL CORRECTIONS.

Title 31, United States Code, is amended—

(1) in section 5112—

(A) in subsection (q)—

(i) by striking paragraphs (3) and (8); and

(ii) by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (3), (4), (5), and (6), respectively; (B) in subsection (t)(6)(B), by striking “90 percent silver and 10 percent copper” and inserting “not less than 90 percent silver”; and

(C) in subsection (v)—

(i) in paragraph (1), by striking “Subject to” and all that follows through “the Secretary shall” and inserting “The Secretary shall”;

(ii) in paragraph (2)(A), by striking “The Secretary” and inserting “To the greatest extent possible, the Secretary”;

(iii) in paragraph (5), by inserting after “may issue” the following: “collectible versions of”; and

(iv) by striking paragraph (8); and

(2) in section 5132(a)(2)(B)(i), by striking “90 percent silver and 10 percent copper” and inserting “not less than 90 percent silver”.

SEC. 73002. AMERICAN EAGLE SILVER BULLION 30TH ANNIVERSARY.

Proof and uncirculated versions of coins issued by the Secretary of the Treasury pursuant to subsection (e) of section 5112 of title 31, United States Code, during calendar year 2016 shall have a smooth edge incused with a designation that notes the 30th anniversary of the first issue of coins under such subsection.

TITLE LXXIV—SBIC ADVISERS RELIEF

SEC. 74001. ADVISERS OF SBICS AND VENTURE CAPITAL FUNDS.

Section 203(l) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–3(l)) is amended—

(1) by striking “No investment adviser” and inserting the following:

“(1) IN GENERAL.—No investment adviser”; and

(2) by adding at the end the following:

“(2) ADVISERS OF SBICS.—For purposes of this subsection, a venture capital fund includes an entity described in subparagraph (A), (B), or (C) of subsection (b)(7) (other than an entity that has elected to be regulated or is regulated as a business development company pursuant to section 54 of the Investment Company Act of 1940).”.

SEC. 74002. ADVISERS OF SBICS AND PRIVATE FUNDS.

Section 203(m) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–3(m)) is amended by adding at the end the following:

“(3) ADVISERS OF SBICS.—For purposes of this subsection, the assets under management of a private fund that is an entity described in subparagraph (A), (B), or (C) of subsection (b)(7) (other than an entity that has elected to be regulated or is regulated as a business development company pursuant to section 54 of the Investment Company Act of 1940) shall be excluded from the limit set forth in paragraph (1).”.

SEC. 74003. RELATIONSHIP TO STATE LAW.

Section 203A(b)(1) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–3a(b)(1)) is amended—

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

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

(3) by adding at the end the following:

“(C) that is not registered under section 203 because that person is exempt from registration as provided in subsection (b)(7) of such section, or is a supervised person of such person.”.

TITLE LXXV—ELIMINATE PRIVACY NOTICE CONFUSION

SEC. 75001. EXCEPTION TO ANNUAL PRIVACY NOTICE REQUIREMENT UNDER THE GRAMM-LEACH-BLILEY ACT.

Section 503 of the Gramm-Leach-Bliley Act (15 U.S.C. 6803) is amended by adding at the end the following:

“(f) EXCEPTION TO ANNUAL NOTICE REQUIREMENT.—A financial institution that—

“(1) provides nonpublic personal information only in accordance with the provisions of subsection (b)(2) or (e) of section 502 or regulations prescribed under section 504(b), and

“(2) has not changed its policies and practices with regard to disclosing nonpublic personal information from the policies and practices that were disclosed in the most recent disclosure sent to consumers in accordance with this section,

shall not be required to provide an annual disclosure under this section until such time as the financial institution fails to comply with any criteria described in paragraph (1) or (2).”.

TITLE LXXVI—REFORMING ACCESS FOR INVESTMENTS IN STARTUP ENTER- PRISES

SEC. 76001. EXEMPTED TRANSACTIONS.

(a) EXEMPTED TRANSACTIONS.—Section 4 of the Securities Act of 1933 (15 U.S.C. 77d) is amended—

(1) in subsection (a), by adding at the end the following new paragraph:

“(7) transactions meeting the requirements of subsection (d).”;

(2) by redesignating the second subsection (b) (relating to securities offered and sold in compliance with Rule 506 of Regulation D) as subsection (c); and

(3) by adding at the end the following:

“(d) CERTAIN ACCREDITED INVESTOR TRANSACTIONS.—The transactions referred to in subsection (a)(7) are transactions meeting the following requirements:

“(1) ACCREDITED INVESTOR REQUIREMENT.—Each purchaser is an accredited investor, as that term is defined in section 230.501(a) of title 17, Code of Federal Regulations (or any successor regulation).

“(2) PROHIBITION ON GENERAL SOLICITATION OR ADVERTISING.—Neither the seller, nor any person acting on the seller’s

behalf, offers or sells securities by any form of general solicitation or general advertising.

“(3) INFORMATION REQUIREMENT.—In the case of a transaction involving the securities of an issuer that is neither subject to section 13 or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m; 78o(d)), nor exempt from reporting pursuant to section 240.12g3-2(b) of title 17, Code of Federal Regulations, nor a foreign government (as defined in section 230.405 of title 17, Code of Federal Regulations) eligible to register securities under Schedule B, the seller and a prospective purchaser designated by the seller obtain from the issuer, upon request of the seller, and the seller in all cases makes available to a prospective purchaser, the following information (which shall be reasonably current in relation to the date of resale under this section):

“(A) The exact name of the issuer and the issuer’s predecessor (if any).

“(B) The address of the issuer’s principal executive offices.

“(C) The exact title and class of the security.

“(D) The par or stated value of the security.

“(E) The number of shares or total amount of the securities outstanding as of the end of the issuer’s most recent fiscal year.

“(F) The name and address of the transfer agent, corporate secretary, or other person responsible for transferring shares and stock certificates.

“(G) A statement of the nature of the business of the issuer and the products and services it offers, which shall be presumed reasonably current if the statement is as of 12 months before the transaction date.

“(H) The names of the officers and directors of the issuer.

“(I) The names of any persons registered as a broker, dealer, or agent that shall be paid or given, directly or indirectly, any commission or remuneration for such person’s participation in the offer or sale of the securities.

“(J) The issuer’s most recent balance sheet and profit and loss statement and similar financial statements, which shall—

“(i) be for such part of the 2 preceding fiscal years as the issuer has been in operation;

“(ii) be prepared in accordance with generally accepted accounting principles or, in the case of a foreign private issuer, be prepared in accordance with generally accepted accounting principles or the International Financial Reporting Standards issued by the International Accounting Standards Board;

“(iii) be presumed reasonably current if—

“(I) with respect to the balance sheet, the balance sheet is as of a date less than 16 months before the transaction date; and

“(II) with respect to the profit and loss statement, such statement is for the 12 months preceding the date of the issuer’s balance sheet; and

“(iv) if the balance sheet is not as of a date less than 6 months before the transaction date, be accompanied by additional statements of profit and loss for the period from the date of such balance sheet to a date less than 6 months before the transaction date.

“(K) To the extent that the seller is a control person with respect to the issuer, a brief statement regarding the nature of the affiliation, and a statement certified by such seller that they have no reasonable grounds to believe that the issuer is in violation of the securities laws or regulations.

“(4) ISSUERS DISQUALIFIED.—The transaction is not for the sale of a security where the seller is an issuer or a subsidiary, either directly or indirectly, of the issuer.

“(5) BAD ACTOR PROHIBITION.—Neither the seller, nor any person that has been or will be paid (directly or indirectly) remuneration or a commission for their participation in the offer or sale of the securities, including solicitation of purchasers for the seller is subject to an event that would disqualify an issuer or other covered person under Rule 506(d)(1) of Regulation D (17 CFR 230.506(d)(1)) or is subject to a statutory disqualification described under section 3(a)(39) of the Securities Exchange Act of 1934.

“(6) BUSINESS REQUIREMENT.—The issuer is engaged in business, is not in the organizational stage or in bankruptcy or receivership, and is not a blank check, blind pool, or shell company that has no specific business plan or purpose or has indicated that the issuer’s primary business plan is to engage in a merger or combination of the business with, or an acquisition of, an unidentified person.

“(7) UNDERWRITER PROHIBITION.—The transaction is not with respect to a security that constitutes the whole or part of an unsold allotment to, or a subscription or participation by, a broker or dealer as an underwriter of the security or a redistribution.

“(8) OUTSTANDING CLASS REQUIREMENT.—The transaction is with respect to a security of a class that has been authorized and outstanding for at least 90 days prior to the date of the transaction.

“(e) ADDITIONAL REQUIREMENTS.—

“(1) IN GENERAL.—With respect to an exempted transaction described under subsection (a)(7):

“(A) Securities acquired in such transaction shall be deemed to have been acquired in a transaction not involving any public offering.

“(B) Such transaction shall be deemed not to be a distribution for purposes of section 2(a)(11).

“(C) Securities involved in such transaction shall be deemed to be restricted securities within the meaning of Rule 144 (17 CFR 230.144).

“(2) RULE OF CONSTRUCTION.—The exemption provided by subsection (a)(7) shall not be the exclusive means for establishing an exemption from the registration requirements of section 5.”

(b) EXEMPTION IN CONNECTION WITH CERTAIN EXEMPT OFFERINGS.—Section 18(b)(4) of the Securities Act of 1933 (15 U.S.C. 77r(b)(4)) is amended—

- (1) by redesignating the second subparagraph (D) and subparagraph (E) as subparagraphs (E) and (F), respectively;
- (2) in subparagraph (E), as so redesignated, by striking “; or” and inserting a semicolon;
- (3) in subparagraph (F), as so redesignated, by striking the period and inserting “; or”; and
- (4) by adding at the end the following new subparagraph:
“(G) section 4(a)(7).”.

TITLE LXXVII—PRESERVATION ENHANCEMENT AND SAVINGS OPPORTUNITY

SEC. 77001. DISTRIBUTIONS AND RESIDUAL RECEIPTS.

Section 222 of the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (12 U.S.C. 4112) is amended by adding at the end the following new subsection:

“(e) DISTRIBUTION AND RESIDUAL RECEIPTS.—

“(1) AUTHORITY.—After the date of the enactment of this subsection, the owner of a property subject to a plan of action or use agreement pursuant to this section shall be entitled to distribute—

“(A) annually, all surplus cash generated by the property, but only if the owner is in material compliance with such use agreement including compliance with prevailing physical condition standards established by the Secretary; and

“(B) notwithstanding any conflicting provision in such use agreement, any funds accumulated in a residual receipts account, but only if the owner is in material compliance with such use agreement and has completed, or set aside sufficient funds for completion of, any capital repairs identified by the most recent third party capital needs assessment.

“(2) OPERATION OF PROPERTY.—An owner that distributes any amounts pursuant to paragraph (1) shall—

“(A) continue to operate the property in accordance with the affordability provisions of the use agreement for the property for the remaining useful life of the property;

“(B) as required by the plan of action for the property, continue to renew or extend any project-based rental assistance contract for a term of not less than 20 years; and

“(C) if the owner has an existing multi-year project-based rental assistance contract for less than 20 years, have the option to extend the contract to a 20-year term.”.

SEC. 77002. FUTURE REFINANCINGS.

Section 214 of the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (12 U.S.C. 4104) is amended by adding at the end the following new subsection:

“(c) FUTURE FINANCING.—Neither this section, nor any plan of action or use agreement implementing this section, shall restrict an owner from obtaining a new loan or refinancing an existing loan secured by the project, or from distributing the proceeds of such a loan; except that, in conjunction with such refinancing—

“(1) the owner shall provide for adequate rehabilitation pursuant to a capital needs assessment to ensure long-term sustainability of the property satisfactory to the lender or bond issuance agency;

“(2) any resulting budget-based rent increase shall include debt service on the new financing, commercially reasonable debt service coverage, and replacement reserves as required by the lender; and

“(3) for tenants of dwelling units not covered by a project- or tenant-based rental subsidy, any rent increases resulting from the refinancing transaction may not exceed 10 percent per year, except that—

“(A) any tenant occupying a dwelling unit as of time of the refinancing may not be required to pay for rent and utilities, for the duration of such tenancy, an amount that exceeds the greater of—

“(i) 30 percent of the tenant’s income; or

“(ii) the amount paid by the tenant for rent and utilities immediately before such refinancing; and

“(B) this paragraph shall not apply to any tenant who does not provide the owner with proof of income.

Paragraph (3) may not be construed to limit any rent increases resulting from increased operating costs for a project.”.

SEC. 77003. IMPLEMENTATION.

12 USC 4104
note.

The Secretary of Housing and Urban Development shall issue any guidance that the Secretary considers necessary to carry out the provisions added by the amendments made by this title not later than the expiration of the 120-day period beginning on the date of the enactment of this Act.

TITLE LXXVIII—TENANT INCOME VERIFICATION RELIEF

SEC. 78001. REVIEWS OF FAMILY INCOMES.

(a) **IN GENERAL.**—The second sentence of paragraph (1) of section 3(a) of the United States Housing Act of 1937 (42 U.S.C. 1437a(a)(1)) is amended by inserting before the period at the end the following: “; except that, in the case of any family with a fixed income, as defined by the Secretary, after the initial review of the family’s income, the public housing agency or owner shall not be required to conduct a review of the family’s income for any year for which such family certifies, in accordance with such requirements as the Secretary shall establish, which shall include policies to adjust for inflation-based income changes, that 90 percent or more of the income of the family consists of fixed income, and that the sources of such income have not changed since the previous year, except that the public housing agency or owner shall conduct a review of each such family’s income not less than once every 3 years”.

(b) **HOUSING CHOICE VOUCHER PROGRAM.**—Subparagraph (A) of section 8(o)(5) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(5)(A)) is amended by striking “not less than annually” and inserting “as required by section 3(a)(1) of this Act”.

TITLE LXXIX—HOUSING ASSISTANCE EFFICIENCY

SEC. 79001. AUTHORITY TO ADMINISTER RENTAL ASSISTANCE.

Subsection (g) of section 423 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11383(g)) is amended by inserting “private nonprofit organization,” after “unit of general local government,”.

SEC. 79002. REALLOCATION OF FUNDS.

Paragraph (1) of section 414(d) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11373(d)(1)) is amended by striking “twice” and inserting “once”.

TITLE LXXX—CHILD SUPPORT ASSISTANCE

SEC. 80001. REQUESTS FOR CONSUMER REPORTS BY STATE OR LOCAL CHILD SUPPORT ENFORCEMENT AGENCIES.

Paragraph (4) of section 604(a) of the Fair Credit Reporting Act (15 U.S.C. 1681b(a)(4)) is amended—

(1) in subparagraph (A), by striking “or determining the appropriate level of such payments” and inserting “, determining the appropriate level of such payments, or enforcing a child support order, award, agreement, or judgment”;

(2) in subparagraph (B)—

(A) by striking “paternity” and inserting “parentage”;

and

(B) by adding “and” at the end;

(3) by striking subparagraph (C); and

(4) by redesignating subparagraph (D) as subparagraph (C).

TITLE LXXXI—PRIVATE INVESTMENT IN HOUSING

42 USC 12712
note.

SEC. 81001. BUDGET-NEUTRAL DEMONSTRATION PROGRAM FOR ENERGY AND WATER CONSERVATION IMPROVEMENTS AT MULTIFAMILY RESIDENTIAL UNITS.

(a) ESTABLISHMENT.—The Secretary of Housing and Urban Development (in this section referred to as the “Secretary”) shall establish a demonstration program under which the Secretary may execute budget-neutral, performance-based agreements in fiscal years 2016 through 2019 that result in a reduction in energy or water costs with such entities as the Secretary determines to be appropriate under which the entities shall carry out projects for energy or water conservation improvements at not more than 20,000 residential units in multifamily buildings participating in—

(1) the project-based rental assistance program under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), other than assistance provided under section 8(o) of that Act;

(2) the supportive housing for the elderly program under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q); or

(3) the supportive housing for persons with disabilities program under section 811(d)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(d)(2)).

(b) REQUIREMENTS.—

(1) PAYMENTS CONTINGENT ON SAVINGS.—

(A) IN GENERAL.—The Secretary shall provide to an entity a payment under an agreement under this section only during applicable years for which an energy or water cost savings is achieved with respect to the applicable multifamily portfolio of properties, as determined by the Secretary, in accordance with subparagraph (B).

(B) PAYMENT METHODOLOGY.—

(i) IN GENERAL.—Each agreement under this section shall include a pay-for-success provision that—

(I) shall serve as a payment threshold for the term of the agreement; and

(II) requires that payments shall be contingent on realized cost savings associated with reduced utility consumption in the participating properties.

(ii) LIMITATIONS.—A payment made by the Secretary under an agreement under this section—

(I) shall be contingent on documented utility savings; and

(II) shall not exceed the utility savings achieved by the date of the payment, and not previously paid, as a result of the improvements made under the agreement.

(C) THIRD-PARTY VERIFICATION.—Savings payments made by the Secretary under this section shall be based on a measurement and verification protocol that includes at least—

(i) establishment of a weather-normalized and occupancy-normalized utility consumption baseline established pre-retrofit;

(ii) annual third-party confirmation of actual utility consumption and cost for utilities;

(iii) annual third-party validation of the tenant utility allowances in effect during the applicable year and vacancy rates for each unit type; and

(iv) annual third-party determination of savings to the Secretary.

An agreement under this section with an entity shall provide that the entity shall cover costs associated with third-party verification under this subparagraph.

(2) TERMS OF PERFORMANCE-BASED AGREEMENTS.—A performance-based agreement under this section shall include—

(A) the period that the agreement will be in effect and during which payments may be made, which may not be longer than 12 years;

(B) the performance measures that will serve as payment thresholds during the term of the agreement;

(C) an audit protocol for the properties covered by the agreement;

(D) a requirement that payments shall be contingent on realized cost savings associated with reduced utility consumption in the participating properties; and

(E) such other requirements and terms as determined to be appropriate by the Secretary.

(3) ENTITY ELIGIBILITY.—The Secretary shall—

(A) establish a competitive process for entering into agreements under this section; and

(B) enter into such agreements only with entities that, either jointly or individually, demonstrate significant experience relating to—

(i) financing or operating properties receiving assistance under a program identified in subsection (a);

(ii) oversight of energy or water conservation programs, including oversight of contractors; and

(iii) raising capital for energy or water conservation improvements from charitable organizations or private investors.

(4) GEOGRAPHICAL DIVERSITY.—Each agreement entered into under this section shall provide for the inclusion of properties with the greatest feasible regional and State variance.

(5) PROPERTIES.—A property may only be included in the demonstration under this section only if the property is subject to affordability restrictions for at least 15 years after the date of the completion of any conservation improvements made to the property under the demonstration program. Such restrictions may be made through an extended affordability agreement for the property under a new housing assistance payments contract with the Secretary of Housing and Urban Development or through an enforceable covenant with the owner of the property.

(c) PLAN AND REPORTS.—

(1) PLAN.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to the Committees on Appropriations and Financial Services of the House of Representatives and the Committees on Appropriations and Banking, Housing, and Urban Affairs of the Senate a detailed plan for the implementation of this section.

(2) REPORTS.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary shall—

(A) conduct an evaluation of the program under this section; and

(B) submit to Congress a report describing each evaluation conducted under subparagraph (A).

(d) FUNDING.—For each fiscal year during which an agreement under this section is in effect, the Secretary may use to carry out this section any funds appropriated to the Secretary for the renewal of contracts under a program described in subsection (a).

TITLE LXXXII—CAPITAL ACCESS FOR SMALL COMMUNITY FINANCIAL INSTI- TUTIONS

SEC. 82001. PRIVATELY INSURED CREDIT UNIONS AUTHORIZED TO BECOME MEMBERS OF A FEDERAL HOME LOAN BANK.

(a) IN GENERAL.—Section 4(a) of the Federal Home Loan Bank Act (12 U.S.C. 1424(a)) is amended by adding at the end the following new paragraph:

“(5) CERTAIN PRIVATELY INSURED CREDIT UNIONS.—

“(A) IN GENERAL.—Subject to the requirements of subparagraph (B), a credit union shall be treated as an insured depository institution for purposes of determining the eligibility of such credit union for membership in a Federal home loan bank under paragraphs (1), (2), and (3).

“(B) CERTIFICATION BY APPROPRIATE SUPERVISOR.—

“(i) IN GENERAL.—For purposes of this paragraph and subject to clause (ii), a credit union which lacks Federal deposit insurance and which has applied for membership in a Federal home loan bank may be treated as meeting all the eligibility requirements for Federal deposit insurance only if the appropriate supervisor of the State in which the credit union is chartered has determined that the credit union meets all the eligibility requirements for Federal deposit insurance as of the date of the application for membership.

“(ii) CERTIFICATION DEEMED VALID.—If, in the case of any credit union to which clause (i) applies, the appropriate supervisor of the State in which such credit union is chartered fails to make a determination pursuant to such clause by the end of the 6-month period beginning on the date of the application, the credit union shall be deemed to have met the requirements of clause (i).

“(C) SECURITY INTERESTS OF FEDERAL HOME LOAN BANK NOT AVOIDABLE.—Notwithstanding any provision of State law authorizing a conservator or liquidating agent of a credit union to repudiate contracts, no such provision shall apply with respect to—

“(i) any extension of credit from any Federal home loan bank to any credit union which is a member of any such bank pursuant to this paragraph; or

“(ii) any security interest in the assets of such credit union securing any such extension of credit.

“(D) PROTECTION FOR CERTAIN FEDERAL HOME LOAN BANK ADVANCES.—Notwithstanding any State law to the contrary, if a Bank makes an advance under section 10 to a State-chartered credit union that is not federally insured—

“(i) the Bank’s interest in any collateral securing such advance has the same priority and is afforded the same standing and rights that the security interest

would have had if the advance had been made to a federally insured credit union; and

“(ii) the Bank has the same right to access such collateral that the Bank would have had if the advance had been made to a federally insured credit union.”.

(b) COPIES OF AUDITS OF PRIVATE INSURERS OF CERTAIN DEPOSITORY INSTITUTIONS REQUIRED TO BE PROVIDED TO SUPERVISORY AGENCIES.—Section 43(a)(2)(A) of the Federal Deposit Insurance Act (12 U.S.C. 1831t(a)(2)(A)) is amended—

(1) in clause (i), by striking “and” at the end;

(2) in clause (ii), by striking the period at the end and inserting “; and”; and

(3) by inserting at the end the following new clause:

“(iii) in the case of depository institutions described in subsection (e)(2)(A) the deposits of which are insured by the private insurer which are members of a Federal home loan bank, to the Federal Housing Finance Agency, not later than 7 days after the audit is completed.”.

SEC. 82002. GAO REPORT.

Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study and submit a report to Congress—

(1) on the adequacy of insurance reserves held by a private deposit insurer that insures deposits in an entity described in section 43(e)(2)(A) of the Federal Deposit Insurance Act (12 U.S.C. 1831t(e)(2)(A)); and

(2) for an entity described in paragraph (1) the deposits of which are insured by a private deposit insurer, information on the level of compliance with Federal regulations relating to the disclosure of a lack of Federal deposit insurance.

TITLE LXXXIII—SMALL BANK EXAM CYCLE REFORM

SEC. 83001. SMALLER INSTITUTIONS QUALIFYING FOR 18-MONTH EXAMINATION CYCLE.

Section 10(d) of the Federal Deposit Insurance Act (12 U.S.C. 1820(d)) is amended—

(1) in paragraph (4)—

(A) in subparagraph (A), by striking “\$500,000,000” and inserting “\$1,000,000,000”; and

(B) in subparagraph (C)(ii), by striking “\$100,000,000” and inserting “\$200,000,000”; and

(2) in paragraph (10)—

(A) by striking “\$100,000,000” and inserting “\$200,000,000”; and

(B) by striking “\$500,000,000” and inserting “\$1,000,000,000”.

TITLE LXXXIV—SMALL COMPANY SIMPLE REGISTRATION

SEC. 84001. FORWARD INCORPORATION BY REFERENCE FOR FORM S-1. 15 USC 77g note.

Not later than 45 days after the date of the enactment of this Act, the Securities and Exchange Commission shall revise Form S-1 so as to permit a smaller reporting company (as defined in section 230.405 of title 17, Code of Federal Regulations) to incorporate by reference in a registration statement filed on such form any documents that such company files with the Commission after the effective date of such registration statement.

TITLE LXXXV—HOLDING COMPANY REGISTRATION THRESHOLD EQUALI- ZATION

SEC. 85001. REGISTRATION THRESHOLD FOR SAVINGS AND LOAN HOLDING COMPANIES.

The Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended—

(1) in section 12(g)—

12 USC 78l.

(A) in paragraph (1)(B), by inserting after “is a bank” the following: “, a savings and loan holding company (as defined in section 10 of the Home Owners’ Loan Act),”; and

(B) in paragraph (4), by inserting after “case of a bank” the following: “, a savings and loan holding company (as defined in section 10 of the Home Owners’ Loan Act),”; and

(2) in section 15(d), by striking “case of bank” and inserting the following: “case of a bank, a savings and loan holding company (as defined in section 10 of the Home Owners’ Loan Act),”.

12 USC 78o.

TITLE LXXXVI—REPEAL OF INDEMNIFICATION REQUIREMENTS

SEC. 86001. REPEAL.

(a) DERIVATIVES CLEARING ORGANIZATIONS.—Section 5b(k)(5) of the Commodity Exchange Act (7 U.S.C. 7a-1(k)(5)) is amended to read as follows:

“(5) CONFIDENTIALITY AGREEMENT.—Before the Commission may share information with any entity described in paragraph (4), the Commission shall receive a written agreement from each entity stating that the entity shall abide by the confidentiality requirements described in section 8 relating to the information on swap transactions that is provided.”

(b) SWAP DATA REPOSITORIES.—Section 21 of the Commodity Exchange Act (7 U.S.C. 24a(d)) is amended—

(1) in subsection (c)(7)—

(A) in the matter preceding subparagraph (A), by striking “all” and inserting “swap”; and

(B) in subparagraph (E)—

(i) in clause (ii), by striking “and” at the end; and

(ii) by adding at the end the following:

“(iv) other foreign authorities; and”; and

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

“(d) CONFIDENTIALITY AGREEMENT.—Before the swap data repository may share information with any entity described in subsection (c)(7), the swap data repository shall receive a written agreement from each entity stating that the entity shall abide by the confidentiality requirements described in section 8 relating to the information on swap transactions that is provided.”.

(c) SECURITY-BASED SWAP DATA REPOSITORIES.—Section 13(n)(5) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(n)(5)) is amended—

(1) in subparagraph (G)—

(A) in the matter preceding clause (i), by striking “all” and inserting “security-based swap”; and

(B) in clause (v)—

(i) in subclause (II), by striking “; and” and inserting a semicolon;

(ii) in subclause (III), by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following:

“(IV) other foreign authorities.”; and

(2) by striking subparagraph (H) and inserting the following:

“(H) CONFIDENTIALITY AGREEMENT.—Before the security-based swap data repository may share information with any entity described in subparagraph (G), the security-based swap data repository shall receive a written agreement from each entity stating that the entity shall abide by the confidentiality requirements described in section 24 relating to the information on security-based swap transactions that is provided.”.

7 USC 7a–1 note.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as if enacted as part of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Public Law 111–203).

TITLE LXXXVII—TREATMENT OF DEBT OR EQUITY INSTRUMENTS OF SMALLER INSTITUTIONS

SEC. 87001. DATE FOR DETERMINING CONSOLIDATED ASSETS.

Section 171(b)(4)(C) of the Financial Stability Act of 2010 (12 U.S.C. 5371(b)(4)(C)) is amended by inserting “or March 31, 2010,” after “December 31, 2009,”.

TITLE LXXXVIII—STATE LICENSING EFFICIENCY

State Licensing
Efficiency Act of
2015.

SEC. 88001. SHORT TITLE.

This title may be cited as the “State Licensing Efficiency Act of 2015”.

12 USC 5101
note.

SEC. 88002. BACKGROUND CHECKS.

Section 1511(a) of the S.A.F.E. Mortgage Licensing Act of 2008 (12 U.S.C. 5110(a)) is amended—

(1) by inserting “and other financial service providers” after “State-licensed loan originators”; and

(2) by inserting “or other financial service providers” before the period at the end.

TITLE LXXXIX—HELPING EXPAND LENDING PRACTICES IN RURAL COM- MUNITIES

Helping Expand
Lending
Practices in
Rural
Communities Act
of 2015.

SEC. 89001. SHORT TITLE.

This title may be cited as the “Helping Expand Lending Practices in Rural Communities Act of 2015” or the “HELP Rural Communities Act of 2015”.

15 USC 1601
note.

SEC. 89002. DESIGNATION OF RURAL AREA.

(a) APPLICATION.—Not later than 90 days after the date of the enactment of this Act, the Bureau of Consumer Financial Protection shall establish an application process under which a person who lives or does business in a State may, with respect to an area identified by the person in such State that has not been designated by the Bureau as a rural area for purposes of a Federal consumer financial law (as defined under section 1002 of the Consumer Financial Protection Act of 2010), apply for such area to be so designated.

(b) EVALUATION CRITERIA.—When evaluating an application submitted under subsection (a), the Bureau shall take into consideration the following factors:

(1) Criteria used by the Director of the Bureau of the Census for classifying geographical areas as rural or urban.

(2) Criteria used by the Director of the Office of Management and Budget to designate counties as metropolitan or micropolitan or neither.

(3) Criteria used by the Secretary of Agriculture to determine property eligibility for rural development programs.

(4) The Department of Agriculture rural-urban commuting area codes.

(5) A written opinion provided by the State’s bank supervisor, as defined under section 3(r) of the Federal Deposit Insurance Act (12 U.S.C. 1813(r)).

(6) Population density.

(c) RULE OF CONSTRUCTION.—If, at any time prior to the submission of an application under subsection (a), the area subject to review has been designated as nonrural by any Federal agency described under subsection (b) using any of the criteria described

12 USC 5512
note.

under subsection (b), the Bureau shall not be required to consider such designation in its evaluation.

(d) PUBLIC COMMENT PERIOD.—

(1) IN GENERAL.—Not later than 60 days after receiving an application submitted under subsection (a), the Bureau shall—

(A) publish such application in the Federal Register; and

(B) make such application available for public comment for not fewer than 90 days.

(2) LIMITATION ON ADDITIONAL APPLICATIONS.—Nothing in this section shall be construed to require the Bureau, during the public comment period with respect to an application submitted under subsection (a), to accept an additional application with respect to the area that is the subject of the initial application.

(e) DECISION ON DESIGNATION.—Not later than 90 days after the end of the public comment period under subsection (d)(1) for an application, the Bureau shall—

(1) grant or deny such application, in whole or in part; and

(2) publish such grant or denial in the Federal Register, along with an explanation of what factors the Bureau relied on in making such determination.

(f) SUBSEQUENT APPLICATIONS.—A decision by the Bureau under subsection (e) to deny an application for an area to be designated as a rural area shall not preclude the Bureau from accepting a subsequent application submitted under subsection (a) for such area to be so designated, so long as such subsequent application is made after the end of the 90-day period beginning on the date that the Bureau denies the application under subsection (e).

(g) SUNSET.—This section shall cease to have any force or effect after the end of the 2-year period beginning on the date of the enactment of this Act.

SEC. 89003. OPERATIONS IN RURAL AREAS.

The Truth in Lending Act (15 U.S.C. 1601 et seq.) is amended—

- (1) in section 129C(b)(2)(E)(iv)(I), by striking “predominantly”; and 15 USC 1639c.
(2) in section 129D(c)(1), by striking “predominantly”. 15 USC 1639d.

Approved December 4, 2015.

LEGISLATIVE HISTORY—H.R. 22:

HOUSE REPORTS: No. 114–357 (Comm. of Conference).

SENATE REPORTS: No. 114–3 (Comm. on Finance).

CONGRESSIONAL RECORD, Vol. 161 (2015):

Jan. 6, considered and passed House.

July 24, 26–30, considered and passed Senate, amended.

Nov. 3–5, House concurred in certain Senate amendment and in another with an amendment.

Dec. 3, House and Senate agreed to conference report.

Public Law 114–95
114th Congress

An Act

Dec. 10, 2015
[S. 1177]

To reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves.

Every Student
Succeeds Act.
20 USC 6301
note.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Every Student Succeeds Act”.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. References.
- Sec. 4. Transition.
- Sec. 5. Effective dates.
- Sec. 6. Table of contents of the Elementary and Secondary Education Act of 1965.

TITLE I—IMPROVING BASIC PROGRAMS OPERATED BY STATE AND LOCAL EDUCATIONAL AGENCIES

PART A—IMPROVING BASIC PROGRAMS OPERATED BY STATE AND LOCAL EDUCATIONAL AGENCIES

- Sec. 1000. Redesignations.
- Sec. 1001. Statement of purpose.
- Sec. 1002. Authorization of appropriations.
- Sec. 1003. School improvement.
- Sec. 1004. Direct student services.
- Sec. 1005. State plans.
- Sec. 1006. Local educational agency plans.
- Sec. 1007. Eligible school attendance areas.
- Sec. 1008. Schoolwide programs.
- Sec. 1009. Targeted assistance schools.
- Sec. 1010. Parent and family engagement.
- Sec. 1011. Participation of children enrolled in private schools.
- Sec. 1012. Supplement, not supplant.
- Sec. 1013. Coordination requirements.
- Sec. 1014. Grants for the outlying areas and the Secretary of the Interior.
- Sec. 1015. Allocations to States.
- Sec. 1016. Adequacy of funding rule.
- Sec. 1017. Education finance incentive grant program.

PART B—STATE ASSESSMENT GRANTS

- Sec. 1201. State assessment grants.

PART C—EDUCATION OF MIGRATORY CHILDREN

- Sec. 1301. Education of migratory children.

PART D—PREVENTION AND INTERVENTION PROGRAMS FOR CHILDREN AND YOUTH WHO ARE NEGLECTED, DELINQUENT, OR AT-RISK

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Sec. 4002. General provisions.

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Sec. 4101. Student support and academic enrichment grants.

PART B—21ST CENTURY COMMUNITY LEARNING CENTERS

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PART C—EXPANDING OPPORTUNITY THROUGH QUALITY CHARTER SCHOOLS

Sec. 4301. Charter schools.

PART D—MAGNET SCHOOLS ASSISTANCE

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PART E—FAMILY ENGAGEMENT IN EDUCATION PROGRAMS

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- Sec. 8014. Approval and disapproval of State plans and local applications.
- Sec. 8015. Participation by private school children and teachers.
- Sec. 8016. Standards for by-pass.
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- Sec. 8020. Prohibition regarding state aid.
- Sec. 8021. School prayer.
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- Sec. 8025. Armed forces recruiter access to students and student recruiting information.
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- Sec. 8027. Limitations on national testing or certification for teachers, principals, or other school leaders.
- Sec. 8028. Prohibition on requiring State participation.
- Sec. 8029. Civil rights.
- Sec. 8030. Consultation with Indian tribes and tribal organizations.
- Sec. 8031. Outreach and technical assistance for rural local educational agencies.
- Sec. 8032. Consultation with the Governor.
- Sec. 8033. Local governance.
- Sec. 8034. Rule of construction regarding travel to and from school.
- Sec. 8035. Limitations on school-based health centers.
- Sec. 8036. State control over standards.
- Sec. 8037. Sense of Congress on protecting student privacy.
- Sec. 8038. Prohibition on aiding and abetting sexual abuse.
- Sec. 8039. Sense of Congress on restoration of state sovereignty over public education.
- Sec. 8040. Privacy.
- Sec. 8041. Analysis and periodic review; sense of Congress; technical assistance.
- Sec. 8042. Evaluations.

TITLE IX—EDUCATION FOR THE HOMELESS AND OTHER LAWS

PART A—HOMELESS CHILDREN AND YOUTHS

- Sec. 9101. Statement of policy.
- Sec. 9102. Grants for State and local activities.
- Sec. 9103. Local educational agency subgrants.
- Sec. 9104. Secretarial responsibilities.
- Sec. 9105. Definitions.
- Sec. 9106. Authorization of appropriations.
- Sec. 9107. Effective date.

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- Sec. 9202. Sense of Congress on First Amendment rights.
- Sec. 9203. Preventing improper use of taxpayer funds.
- Sec. 9204. Accountability to taxpayers through monitoring and oversight.
- Sec. 9205. Report on Department actions to address Office of Inspector General reports.
- Sec. 9206. Posthumous pardon.
- Sec. 9207. Education Flexibility Partnership Act of 1999 reauthorization.
- Sec. 9208. Report on the reduction of the number and percentage of students who drop out of school.
- Sec. 9209. Report on subgroup sample size.

- Sec. 9210. Report on student home access to digital learning resources.
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Sec. 9212. Preschool development grants.
Sec. 9213. Review of Federal early childhood education programs.
Sec. 9214. Use of the term “highly qualified” in other laws.
Sec. 9215. Additional conforming amendments to other laws.

SEC. 3. REFERENCES.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

SEC. 4. TRANSITION.

20 USC 6301
note.

(a) FUNDING AUTHORITY.—

(1) MULTI-YEAR AWARDS.—

(A) PROGRAMS NO LONGER AUTHORIZED.—Except as otherwise provided in this Act or the amendments made by this Act, the recipient of a multiyear award under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), as in effect on the day before the date of enactment of this Act, under a program that is not authorized under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), as amended by this Act, and—

(i) that is not substantively similar to a program authorized under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), as amended by this Act, shall continue to receive funds in accordance with the terms of such prior award, except that no additional funds for such program may be awarded after September 30, 2016; and

(ii) that is substantively similar to a program authorized under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), as amended by this Act, shall continue to receive funds in accordance with the terms of such prior award.

(B) AUTHORIZED PROGRAMS.—Except as otherwise provided in this Act, or the amendments made by this Act, the recipient of a multiyear award under a program that was authorized under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), as in effect on the day before the date of enactment of this Act, and that is authorized under such Act (20 U.S.C. 6301 et seq.), as amended by this Act, shall continue to receive funds in accordance with the terms of such prior award.

(2) PLANNING AND TRANSITION.—Notwithstanding any other provision of law, a recipient of funds under a program described in paragraph (1)(A)(ii) or (1)(B) may use funds awarded to the recipient under such program, to carry out necessary and reasonable planning and transition activities in order to ensure the recipient’s compliance with the amendments to such program made by this Act.

(b) ORDERLY TRANSITION.—Subject to subsection (a)(1)(A)(i), the Secretary shall take such steps as are necessary to provide for the orderly transition to, and implementation of, programs authorized under the Elementary and Secondary Education Act of 1965

(20 U.S.C. 6301 et. seq.), as amended by this Act, from programs authorized under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), as in effect on the day before the date of enactment of this Act.

(c) TERMINATION OF CERTAIN WAIVERS.—

(1) **IN GENERAL.**—Notwithstanding any other provision of this Act, and subject to section 5(e)(2), a waiver described in paragraph (2) shall be null and void and have no legal effect on or after August 1, 2016.

(2) **WAIVERS.**—A waiver shall be subject to paragraph (1) if the waiver was granted by the Secretary of Education to a State or consortium of local educational agencies under the program first introduced in a letter to chief State school officers dated September 23, 2011, and authorized under section 9401 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7861), as in effect on the day before the date of enactment of this Act.

20 USC 6301
note.

SEC. 5. EFFECTIVE DATES.

(a) **IN GENERAL.**—Except as otherwise provided in this Act, or an amendment made by this Act, this Act, and the amendments made by this Act, shall be effective upon the date of enactment of this Act.

(b) **NONCOMPETITIVE PROGRAMS.**—With respect to noncompetitive programs under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq) and the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11301 et seq.) under which any funds are allotted by the Secretary of Education to recipients on the basis of a formula, the amendments made by this Act shall be effective beginning on July 1, 2016, except as otherwise provided in such amendments.

(c) **COMPETITIVE PROGRAMS.**—With respect to programs that are conducted by the Secretary of Education on a competitive basis (and are not programs described in subsection (b)) under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), the amendments made by this Act with respect to appropriations for use under such programs shall be effective beginning on October 1, 2016, except as otherwise provided in such amendments.

(d) **IMPACT AID.**—With respect to title VII of the Elementary and Secondary Education Act of 1965, as amended by this Act, the amendments made by this Act shall take effect with respect to appropriations for use under such title beginning fiscal year 2017, except as otherwise provided in such amendments.

(e) TITLE I OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—

(1) **EFFECTIVE DATES FOR SECTION 1111 OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.**—Notwithstanding any other provision of this Act, or the amendments made by this Act, and subject to paragraph (2) of this subsection—

(A) section 1111(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)), as in effect on the day before the date of enactment of this Act, shall be effective through the close of August 1, 2016;

(B) subsections (c) and (d) of section 1111 of the Elementary and Secondary Education Act of 1965 (20

U.S.C. 6311), as amended by this Act, shall take effect beginning with school year 2017–2018; and

(C) section 1111(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)), as amended by this Act, and any other provision of section 1111 of such Act (20 U.S.C. 6311), as amended by this Act, which is not described in subparagraph (B) of this paragraph, shall take effect in a manner consistent with subsection (a).

(2) SPECIAL RULE.—

(A) IN GENERAL.—Notwithstanding any other provision of this Act (including subsection (b) and paragraph (1)), any school or local educational agency described in subparagraph (B) shall continue to implement interventions applicable to such school or local educational agency under clause (i) or (ii) of subparagraph (B) until—

(i) the State plan for the State in which the school or agency is located under section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311), as amended by this Act, is approved under such section (20 U.S.C. 6311); or

(ii) subsections (c) and (d) of section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311), as amended by this Act, take effect in accordance with paragraph (1)(B),

whichever occurs first.

(B) CERTAIN SCHOOLS AND LOCAL EDUCATIONAL AGENCIES.—A school or local educational agency shall be subject to the requirements of subparagraph (A), if such school or local educational agency has been identified by the State in which the school or local educational agency is located—

(i) as in need of improvement, corrective action, or restructuring under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.), as in effect on the day before the date of enactment of this Act; or

(ii) as a priority or focus school under a waiver granted by the Secretary of Education under section 9401 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7861), as in effect on the day before the date of enactment of this Act.

SEC. 6. TABLE OF CONTENTS OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.

Section 2 is amended to read as follows:

“Sec. 1. Short title.

“Sec. 2. Table of contents.

“TITLE I—IMPROVING THE ACADEMIC ACHIEVEMENT OF THE
DISADVANTAGED

“Sec. 1001. Statement of purpose.

“Sec. 1002. Authorization of appropriations.

“Sec. 1003. School improvement.

“Sec. 1003A. Direct student services.

“Sec. 1004. State administration.

“PART A—IMPROVING BASIC PROGRAMS OPERATED BY LOCAL EDUCATIONAL AGENCIES

“SUBPART 1—BASIC PROGRAM REQUIREMENTS

“Sec. 1111. State plans.

- “Sec. 1112. Local educational agency plans.
- “Sec. 1113. Eligible school attendance areas.
- “Sec. 1114. Schoolwide programs.
- “Sec. 1115. Targeted assistance schools.
- “Sec. 1116. Parent and family engagement.
- “Sec. 1117. Participation of children enrolled in private schools.
- “Sec. 1118. Fiscal requirements.
- “Sec. 1119. Coordination requirements.

“SUBPART 2—ALLOCATIONS

- “Sec. 1121. Grants for the outlying areas and the Secretary of the Interior.
- “Sec. 1122. Allocations to States.
- “Sec. 1124. Basic grants to local educational agencies.
- “Sec. 1124A. Concentration grants to local educational agencies.
- “Sec. 1125. Targeted grants to local educational agencies.
- “Sec. 1125AA. Adequacy of funding to local educational agencies in fiscal years after fiscal year 2001.
- “Sec. 1125A. Education finance incentive grant program.
- “Sec. 1126. Special allocation procedures.
- “Sec. 1127. Carryover and waiver.

“PART B—STATE ASSESSMENT GRANTS

- “Sec. 1201. Grants for State assessments and related activities.
- “Sec. 1202. State option to conduct assessment system audit.
- “Sec. 1203. Allotment of appropriated funds.
- “Sec. 1204. Innovative assessment and accountability demonstration authority.

“PART C—EDUCATION OF MIGRATORY CHILDREN

- “Sec. 1301. Program purposes.
- “Sec. 1302. Program authorized.
- “Sec. 1303. State allocations.
- “Sec. 1304. State applications; services.
- “Sec. 1305. Secretarial approval; peer review.
- “Sec. 1306. Comprehensive needs assessment and service-delivery plan; authorized activities.
- “Sec. 1307. Bypass.
- “Sec. 1308. Coordination of migrant education activities.
- “Sec. 1309. Definitions.

“PART D—PREVENTION AND INTERVENTION PROGRAMS FOR CHILDREN AND YOUTH WHO ARE NEGLECTED, DELINQUENT, OR AT-RISK

- “Sec. 1401. Purpose and program authorization.
- “Sec. 1402. Payments for programs under this part.

“SUBPART 1—STATE AGENCY PROGRAMS

- “Sec. 1411. Eligibility.
- “Sec. 1412. Allocation of funds.
- “Sec. 1413. State reallocation of funds.
- “Sec. 1414. State plan and State agency applications.
- “Sec. 1415. Use of funds.
- “Sec. 1416. Institution-wide projects.
- “Sec. 1417. Three-year programs or projects.
- “Sec. 1418. Transition services.
- “Sec. 1419. Technical assistance.

“SUBPART 2—LOCAL AGENCY PROGRAMS

- “Sec. 1421. Purpose.
- “Sec. 1422. Programs operated by local educational agencies.
- “Sec. 1423. Local educational agency applications.
- “Sec. 1424. Uses of funds.
- “Sec. 1425. Program requirements for correctional facilities receiving funds under this section.
- “Sec. 1426. Accountability.

“SUBPART 3—GENERAL PROVISIONS

- “Sec. 1431. Program evaluations.
- “Sec. 1432. Definitions.

“PART E—FLEXIBILITY FOR EQUITABLE PER-PUPIL FUNDING

- “Sec. 1501. Flexibility for equitable per-pupil funding.

“PART F—GENERAL PROVISIONS

- “Sec. 1601. Federal regulations.
- “Sec. 1602. Agreements and records.
- “Sec. 1603. State administration.
- “Sec. 1604. Prohibition against Federal mandates, direction, or control.
- “Sec. 1605. Rule of construction on equalized spending.

“TITLE II—PREPARING, TRAINING, AND RECRUITING HIGH-QUALITY
TEACHERS, PRINCIPALS, AND OTHER SCHOOL LEADERS

- “Sec. 2001. Purpose.
- “Sec. 2002. Definitions.
- “Sec. 2003. Authorization of appropriations.

“PART A—SUPPORTING EFFECTIVE INSTRUCTION

- “Sec. 2101. Formula grants to States.
- “Sec. 2102. Subgrants to local educational agencies.
- “Sec. 2103. Local uses of funds.
- “Sec. 2104. Reporting.

“PART B—NATIONAL ACTIVITIES

- “Sec. 2201. Reservations.

“SUBPART 1—TEACHER AND SCHOOL LEADER INCENTIVE PROGRAM

- “Sec. 2211. Purposes; definitions.
- “Sec. 2212. Teacher and school leader incentive fund grants.
- “Sec. 2213. Reports.

“SUBPART 2—LITERACY EDUCATION FOR ALL, RESULTS FOR THE NATION

- “Sec. 2221. Purposes; definitions.
- “Sec. 2222. Comprehensive literacy State development grants.
- “Sec. 2223. Subgrants to eligible entities in support of birth through kindergarten entry literacy.
- “Sec. 2224. Subgrants to eligible entities in support of kindergarten through grade 12 literacy.
- “Sec. 2225. National evaluation and information dissemination.
- “Sec. 2226. Innovative approaches to literacy.

“SUBPART 3—AMERICAN HISTORY AND CIVICS EDUCATION

- “Sec. 2231. Program authorized.
- “Sec. 2232. Presidential and congressional academies for American history and civics.
- “Sec. 2233. National activities.

“SUBPART 4—PROGRAMS OF NATIONAL SIGNIFICANCE

- “Sec. 2241. Funding allotment.
- “Sec. 2242. Supporting effective educator development.
- “Sec. 2243. School leader recruitment and support.
- “Sec. 2244. Technical assistance and national evaluation.
- “Sec. 2245. STEM master teacher corps.

“PART C—GENERAL PROVISIONS

- “Sec. 2301. Supplement, not supplant.
- “Sec. 2302. Rules of construction.

“TITLE III—LANGUAGE INSTRUCTION FOR ENGLISH LEARNERS AND
IMMIGRANT STUDENTS

- “Sec. 3001. Authorization of appropriations.

“PART A—ENGLISH LANGUAGE ACQUISITION, LANGUAGE ENHANCEMENT, AND
ACADEMIC ACHIEVEMENT ACT

- “Sec. 3101. Short title.
- “Sec. 3102. Purposes.

“SUBPART 1—GRANTS AND SUBGRANTS FOR ENGLISH LANGUAGE ACQUISITION AND
LANGUAGE ENHANCEMENT

- “Sec. 3111. Formula grants to States.
- “Sec. 3112. Native American and Alaska Native children in school.

- “Sec. 3113. State and specially qualified agency plans.
- “Sec. 3114. Within-State allocations.
- “Sec. 3115. Subgrants to eligible entities.
- “Sec. 3116. Local plans.

“SUBPART 2—ACCOUNTABILITY AND ADMINISTRATION

- “Sec. 3121. Reporting.
- “Sec. 3122. Biennial reports.
- “Sec. 3123. Coordination with related programs.
- “Sec. 3124. Rules of construction.
- “Sec. 3125. Legal authority under State law.
- “Sec. 3126. Civil rights.
- “Sec. 3127. Programs for Native Americans and Puerto Rico.
- “Sec. 3128. Prohibition.

“SUBPART 3—NATIONAL ACTIVITIES

- “Sec. 3131. National professional development project.

“PART B—GENERAL PROVISIONS

- “Sec. 3201. Definitions.
- “Sec. 3202. National clearinghouse.
- “Sec. 3203. Regulations.

“TITLE IV—21ST CENTURY SCHOOLS

- “Sec. 4001. General provisions.

“PART A—STUDENT SUPPORT AND ACADEMIC ENRICHMENT GRANTS

“SUBPART 1—STUDENT SUPPORT AND ACADEMIC ENRICHMENT GRANTS

- “Sec. 4101. Purpose.
- “Sec. 4102. Definitions.
- “Sec. 4103. Formula grants to States.
- “Sec. 4104. State use of funds.
- “Sec. 4105. Allocations to local educational agencies.
- “Sec. 4106. Local educational agency applications.
- “Sec. 4107. Activities to support well-rounded educational opportunities.
- “Sec. 4108. Activities to support safe and healthy students.
- “Sec. 4109. Activities to support the effective use of technology.
- “Sec. 4110. Supplement, not supplant.
- “Sec. 4111. Rule of construction.
- “Sec. 4112. Authorization of appropriations.

“SUBPART 2—INTERNET SAFETY

- “4121. Internet safety.

“PART B—21ST CENTURY COMMUNITY LEARNING CENTERS

- “Sec. 4201. Purpose; definitions.
- “Sec. 4202. Allotments to States.
- “Sec. 4203. State application.
- “Sec. 4204. Local competitive subgrant program.
- “Sec. 4205. Local activities.
- “Sec. 4206. Authorization of appropriations.

“PART C—EXPANDING OPPORTUNITY THROUGH QUALITY CHARTER SCHOOLS

- “Sec. 4301. Purpose.
- “Sec. 4302. Program authorized.
- “Sec. 4303. Grants to support high-quality charter schools.
- “Sec. 4304. Facilities financing assistance.
- “Sec. 4305. National activities.
- “Sec. 4306. Federal formula allocation during first year and for successive enrollment expansions.
- “Sec. 4307. Solicitation of input from charter school operators.
- “Sec. 4308. Records transfer.
- “Sec. 4309. Paperwork reduction.
- “Sec. 4310. Definitions.
- “Sec. 4311. Authorization of appropriations.

“PART D—MAGNET SCHOOLS ASSISTANCE

- “Sec. 4401. Findings and purpose.
- “Sec. 4402. Definition.

- “Sec. 4403. Program authorized.
 - “Sec. 4404. Eligibility.
 - “Sec. 4405. Applications and requirements.
 - “Sec. 4406. Priority.
 - “Sec. 4407. Use of funds.
 - “Sec. 4408. Limitations.
 - “Sec. 4409. Authorization of appropriations; reservation.
- “PART E—FAMILY ENGAGEMENT IN EDUCATION PROGRAMS
- “Sec. 4501. Purposes.
 - “Sec. 4502. Grants authorized.
 - “Sec. 4503. Applications.
 - “Sec. 4504. Uses of funds.
 - “Sec. 4505. Family engagement in Indian schools.
 - “Sec. 4506. Authorization of appropriations.
- “PART F—NATIONAL ACTIVITIES
- “Sec. 4601. Authorization of appropriations; reservations.
- “SUBPART 1—EDUCATION INNOVATION AND RESEARCH
- “Sec. 4611. Grants for education innovation and research.
- “SUBPART 2—COMMUNITY SUPPORT FOR SCHOOL SUCCESS
- “Sec. 4621. Purposes.
 - “Sec. 4622. Definitions.
 - “Sec. 4623. Program authorized.
 - “Sec. 4624. Promise neighborhoods.
 - “Sec. 4625. Full-service community schools.
- “SUBPART 3—NATIONAL ACTIVITIES FOR SCHOOL SAFETY
- “Sec. 4631. National activities for school safety.
- “SUBPART 4—ACADEMIC ENRICHMENT
- “Sec. 4641. Awards for academic enrichment.
 - “Sec. 4642. Assistance for arts education.
 - “Sec. 4643. Ready to learn programming.
 - “Sec. 4644. Supporting high-ability learners and learning.
- “TITLE V—FLEXIBILITY AND ACCOUNTABILITY
- “PART A—FUNDING TRANSFERABILITY FOR STATE AND LOCAL EDUCATIONAL AGENCIES
- “Sec. 5101. Short title.
 - “Sec. 5102. Purpose.
 - “Sec. 5103. Transferability of funds.
- “PART B—RURAL EDUCATION INITIATIVE
- “Sec. 5201. Short title.
 - “Sec. 5202. Purpose.
- “SUBPART 1—SMALL, RURAL SCHOOL ACHIEVEMENT PROGRAM
- “Sec. 5211. Use of applicable funding.
 - “Sec. 5212. Grant program authorized.
- “SUBPART 2—RURAL AND LOW-INCOME SCHOOL PROGRAM
- “Sec. 5221. Program authorized.
 - “Sec. 5222. Use of funds.
 - “Sec. 5223. Applications.
 - “Sec. 5224. Report.
 - “Sec. 5225. Choice of participation.
- “PART C—GENERAL PROVISIONS
- “Sec. 5301. Prohibition against Federal mandates, direction, or control.
 - “Sec. 5302. Rule of construction on equalized spending.
- “TITLE VI—INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION
- “PART A—INDIAN EDUCATION
- “Sec. 6101. Statement of policy.

“Sec. 6102. Purpose.

“SUBPART 1—FORMULA GRANTS TO LOCAL EDUCATIONAL AGENCIES

“Sec. 6111. Purpose.

“Sec. 6112. Grants to local educational agencies and tribes.

“Sec. 6113. Amount of grants.

“Sec. 6114. Applications.

“Sec. 6115. Authorized services and activities.

“Sec. 6116. Integration of services authorized.

“Sec. 6117. Student eligibility forms.

“Sec. 6118. Payments.

“Sec. 6119. State educational agency review.

“SUBPART 2—SPECIAL PROGRAMS AND PROJECTS TO IMPROVE EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN

“Sec. 6121. Improvement of educational opportunities for Indian children and youth.

“Sec. 6122. Professional development for teachers and education professionals.

“SUBPART 3—NATIONAL ACTIVITIES

“Sec. 6131. National research activities.

“Sec. 6132. Grants to tribes for education administrative planning, development, and coordination.

“Sec. 6133. Native American and Alaska Native language immersion schools and programs.

“SUBPART 4—FEDERAL ADMINISTRATION

“Sec. 6141. National Advisory Council on Indian Education.

“Sec. 6142. Peer review.

“Sec. 6143. Preference for Indian applicants.

“Sec. 6144. Minimum grant criteria.

“SUBPART 5—DEFINITIONS; AUTHORIZATIONS OF APPROPRIATIONS

“Sec. 6151. Definitions.

“Sec. 6152. Authorizations of appropriations.

“PART B—NATIVE HAWAIIAN EDUCATION

“Sec. 6201. Short title.

“Sec. 6202. Findings.

“Sec. 6203. Purposes.

“Sec. 6204. Native Hawaiian Education Council.

“Sec. 6205. Program authorized.

“Sec. 6206. Administrative provisions.

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TITLE I—IMPROVING BASIC PROGRAMS OPERATED BY STATE AND LOCAL EDUCATIONAL AGENCIES

PART A—IMPROVING BASIC PROGRAMS OPER- ATED BY STATE AND LOCAL EDUCATIONAL AGENCIES

SEC. 1000. REDESIGNATIONS.

Subpart 1 of part A of title I (20 U.S.C. 6311 et seq.) is amended—

20 USC 6316,
6317, 6319.
20 USC 6318.
20 USC 6320.
20 USC 6321.
20 USC 6322.

- (1) by striking sections 1116, 1117, and 1119;
- (2) by redesignating section 1118 as section 1116;
- (3) by redesignating section 1120 as section 1117;
- (4) by redesignating section 1120A as section 1118; and
- (5) by redesignating section 1120B as section 1119.

SEC. 1001. STATEMENT OF PURPOSE.

Section 1001 (20 U.S.C. 6301) is amended to read as follows:

“SEC. 1001. STATEMENT OF PURPOSE.

“The purpose of this title is to provide all children significant opportunity to receive a fair, equitable, and high-quality education, and to close educational achievement gaps.”.

SEC. 1002. AUTHORIZATION OF APPROPRIATIONS.

Section 1002 (20 U.S.C. 6302) is amended to read as follows:

“SEC. 1002. AUTHORIZATION OF APPROPRIATIONS.

“(a) LOCAL EDUCATIONAL AGENCY GRANTS.—There are authorized to be appropriated to carry out the activities described in part A—

- “(1) \$15,012,317,605 for fiscal year 2017;
- “(2) \$15,457,459,042 for fiscal year 2018;
- “(3) \$15,897,371,442 for fiscal year 2019; and
- “(4) \$16,182,344,591 for fiscal year 2020.

“(b) STATE ASSESSMENTS.—There are authorized to be appropriated to carry out the activities described in part B, \$378,000,000 for each of fiscal years 2017 through 2020.

“(c) EDUCATION OF MIGRATORY CHILDREN.—There are authorized to be appropriated to carry out the activities described in part C, \$374,751,000 for each of fiscal years 2017 through 2020.

“(d) PREVENTION AND INTERVENTION PROGRAMS FOR CHILDREN AND YOUTH WHO ARE NEGLECTED, DELINQUENT, OR AT-RISK.—There are authorized to be appropriated to carry out the activities described in part D, \$47,614,000 for each of fiscal years 2017 through 2020.

“(e) FEDERAL ACTIVITIES.—For the purpose of carrying out evaluation activities related to title I under section 8601, there are authorized to be appropriated \$710,000 for each of fiscal years 2017 through 2020.

“(f) SENSE OF CONGRESS REGARDING ADJUSTMENTS TO AUTHORIZATIONS OF APPROPRIATIONS PROVIDED IN THIS ACT FOR FUTURE BUDGET AGREEMENTS.—It is the sense of Congress that if legislation is enacted that revises the limits on discretionary spending established under section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(c)), the levels of appropriations authorized throughout this Act should be adjusted in a manner that is consistent with the adjustments in nonsecurity category funding provided for under the revised limits on discretionary spending.”.

SEC. 1003. SCHOOL IMPROVEMENT.

Section 1003 (20 U.S.C. 6303) is amended to read as follows:

“SEC. 1003. SCHOOL IMPROVEMENT.

“(a) STATE RESERVATIONS.—To carry out subsection (b) and the State educational agency’s statewide system of technical assistance and support for local educational agencies, each State shall reserve the greater of—

“(1) 7 percent of the amount the State receives under subpart 2 of part A; or

“(2) the sum of the amount the State—

“(A) reserved for fiscal year 2016 under this subsection, as in effect on the day before the date of enactment of the Every Student Succeeds Act; and

“(B) received for fiscal year 2016 under subsection (g), as in effect on the day before the date of enactment of the Every Student Succeeds Act.

“(b) USES.—Of the amount reserved under subsection (a) for any fiscal year, the State educational agency—

“(1)(A) shall allocate not less than 95 percent of that amount to make grants to local educational agencies on a formula or competitive basis, to serve schools implementing comprehensive support and improvement activities or targeted support and improvement activities under section 1111(d); or

“(B) may, with the approval of the local educational agency, directly provide for these activities or arrange for their provision through other entities such as school support teams, educational service agencies, or nonprofit or for-profit external providers

with expertise in using evidence-based strategies to improve student achievement, instruction, and schools; and

“(2) shall use the funds not allocated to local educational agencies under paragraph (1) to carry out this section, which shall include—

“(A) establishing the method, consistent with paragraph (1)(A), the State will use to allocate funds to local educational agencies under such paragraph, including ensuring—

“(i) the local educational agencies receiving an allotment under such paragraph represent the geographic diversity of the State; and

“(ii) that allotments are of sufficient size to enable a local educational agency to effectively implement selected strategies;

“(B) monitoring and evaluating the use of funds by local educational agencies receiving an allotment under such paragraph; and

“(C) as appropriate, reducing barriers and providing operational flexibility for schools in the implementation of comprehensive support and improvement activities or targeted support and improvement activities under section 1111(d).

“(c) DURATION.—The State educational agency shall award each subgrant under subsection (b) for a period of not more than 4 years, which may include a planning year.

“(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as prohibiting a State from allocating subgrants under this section to a statewide school district, consortium of local educational agencies, or an educational service agency that serves schools implementing comprehensive support and improvement activities or targeted support and improvement activities, if such entities are legally constituted or recognized as local educational agencies in the State.

“(e) APPLICATION.—To receive an allotment under subsection (b)(1), a local educational agency shall submit an application to the State educational agency at such time, in such form, and including such information as the State educational agency may require. Each application shall include, at a minimum—

“(1) a description of how the local educational agency will carry out its responsibilities under section 1111(d) for schools receiving funds under this section, including how the local educational agency will—

“(A) develop comprehensive support and improvement plans under section 1111(d)(1) for schools receiving funds under this section;

“(B) support schools developing or implementing targeted support and improvement plans under section 1111(d)(2), if funds received under this section are used for such purpose;

“(C) monitor schools receiving funds under this section, including how the local educational agency will carry out its responsibilities under clauses (iv) and (v) of section 1111(d)(2)(B) if funds received under this section are used to support schools implementing targeted support and improvement plans;

“(D) use a rigorous review process to recruit, screen, select, and evaluate any external partners with whom the local educational agency will partner;

“(E) align other Federal, State, and local resources to carry out the activities supported with funds received under subsection (b)(1); and

“(F) as appropriate, modify practices and policies to provide operational flexibility that enables full and effective implementation of the plans described in paragraphs (1) and (2) of section 1111(d); and

“(2) an assurance that each school the local educational agency proposes to serve will receive all of the State and local funds it would have received in the absence of funds received under this section.

“(f) PRIORITY.—The State educational agency, in allocating funds to local educational agencies under this section, shall give priority to local educational agencies that—

“(1) serve high numbers, or a high percentage of, elementary schools and secondary schools implementing plans under paragraphs (1) and (2) of section 1111(d);

“(2) demonstrate the greatest need for such funds, as determined by the State; and

“(3) demonstrate the strongest commitment to using funds under this section to enable the lowest-performing schools to improve student achievement and student outcomes.

“(g) UNUSED FUNDS.—If, after consultation with local educational agencies in the State, the State educational agency determines that the amount of funds reserved to carry out subsection (b) is greater than the amount needed to provide the assistance described in that subsection, the State educational agency shall allocate the excess amount to local educational agencies in accordance with—

“(1) the relative allocations the State educational agency made to those agencies for that fiscal year under subpart 2 of part A; or

“(2) section 1126(c).

“(h) SPECIAL RULE.—Notwithstanding any other provision of this section, the amount of funds reserved by the State educational agency under subsection (a) for fiscal year 2018 and each subsequent fiscal year shall not decrease the amount of funds each local educational agency receives under subpart 2 of part A below the amount received by such local educational agency under such subpart for the preceding fiscal year.

“(i) REPORTING.—The State shall include in the report described in section 1111(h)(1) a list of all the local educational agencies and schools that received funds under this section, including the amount of funds each school received and the types of strategies implemented in each school with such funds.”.

SEC. 1004. DIRECT STUDENT SERVICES.

The Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) is amended by inserting after section 1003 (20 U.S.C. 6303) the following:

“SEC. 1003A. DIRECT STUDENT SERVICES.

20 USC 6303b.

“(a) STATE RESERVATION.—

“(1) IN GENERAL.—

“(A) STATES.—Each State educational agency, after meaningful consultation with geographically diverse local educational agencies described in subparagraph (B), may reserve not more than 3 percent of the amount the State educational agency receives under subpart 2 of part A for each fiscal year to carry out this section.

“(B) CONSULTATION.—A State educational agency shall consult under subparagraph (A) with local educational agencies that include—

“(i) suburban, rural, and urban local educational agencies;

“(ii) local educational agencies serving a high percentage of schools identified by the State for comprehensive support and improvement under section 1111(c)(4)(D)(i); and

“(iii) local educational agencies serving a high percentage of schools implementing targeted support and improvement plans under section 1111(d)(2).

“(2) PROGRAM ADMINISTRATION.—Of the funds reserved under paragraph (1)(A), the State educational agency may use not more than 1 percent to administer the program described in this section.

“(b) AWARDS.—

“(1) IN GENERAL.—From the amount reserved under subsection (a) by a State educational agency, the State educational agency shall award grants to geographically diverse local educational agencies described in subsection (a)(1)(B)(i).

“(2) PRIORITY.—In making such awards, the State educational agency shall prioritize awards to local educational agencies serving the highest percentage of schools, as compared to other local educational agencies in the State—

“(A) identified by the State for comprehensive support and improvement under section 1111(c)(4)(D)(i); or

“(B) implementing targeted support and improvement plans under section 1111(d)(2).

“(c) LOCAL USE OF FUNDS.—A local educational agency receiving an award under this section—

“(1) may use not more than 1 percent of its award for outreach and communication to parents about available direct student services described in paragraph (3) in the local educational agency and State;

“(2) may use not more than 2 percent of its award for administrative costs related to such direct student services;

“(3) shall use the remainder of the award to pay the costs associated with one or more of the following direct student services—

“(A) enrollment and participation in academic courses not otherwise available at a student’s school, including—

“(i) advanced courses; and

“(ii) career and technical education coursework that—

“(I) is aligned with the challenging State academic standards; and

“(II) leads to industry-recognized credentials that meet the quality criteria established by the State under section 123(a) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102);

“(B) credit recovery and academic acceleration courses that lead to a regular high school diploma;

“(C) activities that assist students in successfully completing postsecondary level instruction and examinations that are accepted for credit at institutions of higher education (including Advanced Placement and International Baccalaureate courses), which may include reimbursing low-income students to cover part or all of the costs of fees for such examinations;

“(D) components of a personalized learning approach, which may include high-quality academic tutoring; and

“(E) in the case of a local educational agency that does not reserve funds under section 1111(d)(1)(D)(v), transportation to allow a student enrolled in a school identified for comprehensive support and improvement under section 1111(c)(4)(D)(i) to transfer to another public school (which may include a charter school) that has not been identified by the State under such section; and

“(4) in paying the costs associated with the direct student services described in paragraph (3), shall—

“(A) first, pay such costs for students who are enrolled in schools identified by the State for comprehensive support and improvement under section 1111(c)(4)(D)(i);

“(B) second, pay such costs for low-achieving students who are enrolled in schools implementing targeted support and improvement plans under section 1111(d)(2); and

“(C) with any remaining funds, pay such costs for other low-achieving students served by the local educational agency.

“(d) APPLICATION.—A local educational agency desiring to receive an award under subsection (b) shall submit an application to the State educational agency at such time and in such manner as the State educational agency shall require. At a minimum, each application shall describe how the local educational agency will—

“(1) provide adequate outreach to ensure parents can exercise a meaningful choice of direct student services for their child’s education;

“(2) ensure parents have adequate time and information to make a meaningful choice prior to enrolling their child in a direct student service;

“(3) in the case of a local educational agency offering public school choice under this section, ensure sufficient availability of seats in the public schools the local educational agency will make available for public school choice options;

“(4) prioritize services to students who are lowest-achieving;

“(5) select providers of direct student services, which may include one or more of—

“(A) the local educational agency or other local educational agencies;

“(B) community colleges or other institutions of higher education;

“(C) non-public entities;

“(D) community-based organizations; or

“(E) in the case of high-quality academic tutoring, a variety of providers of such tutoring that are selected and

approved by the State and appear on the State’s list of such providers required under subsection (e)(2);

“(6) monitor the provision of direct student services; and

“(7) publicly report the results of direct student service providers in improving relevant student outcomes in a manner that is accessible to parents.

“(e) PROVIDERS AND SCHOOLS.—A State educational agency that reserves an amount under subsection (a) shall—

“(1) ensure that each local educational agency that receives an award under this section and intends to provide public school choice under subsection (c)(3)(E) can provide a sufficient number of options to provide a meaningful choice for parents;

“(2) compile and maintain an updated list of State-approved high-quality academic tutoring providers that—

“(A) is developed using a fair negotiation and rigorous selection and approval process;

“(B) provides parents with meaningful choices;

“(C) offers a range of tutoring models, including online and on campus; and

“(D) includes only providers that—

“(i) have a demonstrated record of success in increasing students’ academic achievement;

“(ii) comply with all applicable Federal, State, and local health, safety, and civil rights laws; and

“(iii) provide instruction and content that is secular, neutral, and non-ideological;

“(3) ensure that each local educational agency receiving an award is able to provide an adequate number of high-quality academic tutoring options to ensure parents have a meaningful choice of services;

“(4) develop and implement procedures for monitoring the quality of services provided by direct student service providers; and

“(5) establish and implement clear criteria describing the course of action for direct student service providers that are not successful in improving student academic outcomes, which, for a high-quality academic tutoring provider, may include a process to remove State approval under paragraph (2).”.

SEC. 1005. STATE PLANS.

Section 1111 (20 U.S.C. 6311) is amended to read as follows:

“SEC. 1111. STATE PLANS.

“(a) FILING FOR GRANTS.—

“(1) IN GENERAL.—For any State desiring to receive a grant under this part, the State educational agency shall file with the Secretary a plan that is—

“(A) developed by the State educational agency with timely and meaningful consultation with the Governor, members of the State legislature and State board of education (if the State has a State board of education), local educational agencies (including those located in rural areas), representatives of Indian tribes located in the State, teachers, principals, other school leaders, charter school leaders (if the State has charter schools), specialized instructional support personnel, paraprofessionals, administrators, other staff, and parents; and

“(B) is coordinated with other programs under this Act, the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), the Rehabilitation Act of 1973 (20 U.S.C. 701 et seq.), the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.), the Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.), the Head Start Act (42 U.S.C. 9831 et seq.), the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.), the Education Sciences Reform Act of 2002 (20 U.S.C. 9501 et seq.), the Education Technical Assistance Act of 2002 (20 U.S.C. 9601 et seq.), the National Assessment of Educational Progress Authorization Act (20 U.S.C. 9621 et seq.), the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11301 et seq.), and the Adult Education and Family Literacy Act (29 U.S.C. 3271 et seq.).

“(2) LIMITATION.—Consultation required under paragraph (1)(A) shall not interfere with the timely submission of the plan required under this section.

“(3) CONSOLIDATED PLAN.—A State plan submitted under paragraph (1) may be submitted as part of a consolidated plan under section 8302.

“(4) PEER REVIEW AND SECRETARIAL APPROVAL.—

“(A) IN GENERAL.—The Secretary shall—

“(i) establish a peer-review process to assist in the review of State plans;

“(ii) establish multidisciplinary peer-review teams and appoint members of such teams—

“(I) who are representative of—

“(aa) parents, teachers, principals, other school leaders, specialized instructional support personnel, State educational agencies, local educational agencies, and the community (including the business community); and

“(bb) researchers who are familiar with—

“(AA) the implementation of academic standards, assessments, or accountability systems; and

“(BB) how to meet the needs of disadvantaged students, children with disabilities, and English learners, the needs of low-performing schools, and other educational needs of students;

“(II) that include, to the extent practicable, majority representation of individuals who, in the most recent 2 years, have had practical experience in the classroom, school administration, or State or local government (such as direct employees of a school, local educational agency, or State educational agency); and

“(III) who represent a regionally diverse cross-section of States;

“(iii) make available to the public, including by such means as posting to the Department’s website, the list of peer reviewers who have reviewed State plans under this section;

“(iv) ensure that the peer-review teams consist of varied individuals so that the same peer reviewers are not reviewing all of the State plans;

“(v) approve a State plan not later than 120 days after its submission, unless the Secretary meets the requirements of clause (vi);

“(vi) have the authority to disapprove a State plan only if—

“(I) the Secretary—

“(aa) determines how the State plan fails to meet the requirements of this section;

“(bb) immediately provides to the State, in writing, notice of such determination, and the supporting information and rationale to substantiate such determination;

“(cc) offers the State an opportunity to revise and resubmit its State plan, and provides the State—

“(AA) technical assistance to assist the State in meeting the requirements of this section;

“(BB) in writing, all peer-review comments, suggestions, recommendations, or concerns relating to its State plan; and

“(CC) a hearing, unless the State declines the opportunity for such hearing; and

“(II) the State—

“(aa) does not revise and resubmit its State plan; or

“(bb) in a case in which a State revises and resubmits its State plan after a hearing is conducted under subclause (I)(cc)(CC), or after the State has declined the opportunity for such a hearing, the Secretary determines that such revised State plan does not meet the requirements of this section.

“(B) PURPOSE OF PEER REVIEW.—The peer-review process shall be designed to—

“(i) maximize collaboration with each State;

“(ii) promote effective implementation of the challenging State academic standards through State and local innovation; and

“(iii) provide transparent, timely, and objective feedback to States designed to strengthen the technical and overall quality of the State plans.

“(C) STANDARD AND NATURE OF REVIEW.—Peer reviewers shall conduct an objective review of State plans in their totality and out of respect for State and local judgments, with the goal of supporting State- and local-led innovation and providing objective feedback on the technical and overall quality of a State plan.

“(D) PROHIBITION.—Neither the Secretary nor the political appointees of the Department, may attempt to participate in, or influence, the peer-review process.

“(5) PUBLIC REVIEW.—All written communications, feedback, and notifications under this subsection shall be conducted

in a manner that is transparent and immediately made available to the public on the Department’s website, including—

“(A) plans submitted or resubmitted by a State;

“(B) peer-review guidance, notes, and comments and the names of the peer reviewers (once the peer reviewers have completed their work);

“(C) State plan determinations by the Secretary, including approvals or disapprovals; and

“(D) notices and transcripts of hearings under this section.

“(6) DURATION OF THE PLAN.—

“(A) IN GENERAL.—Each State plan shall—

“(i) remain in effect for the duration of the State’s participation under this part; and

“(ii) be periodically reviewed and revised as necessary by the State educational agency to reflect changes in the State’s strategies and programs under this part.

“(B) ADDITIONAL INFORMATION.—

“(i) IN GENERAL.—If a State makes significant changes to its plan at any time, such as the adoption of new challenging State academic standards or new academic assessments under subsection (b), or changes to its accountability system under subsection (c), such information shall be submitted to the Secretary in the form of revisions or amendments to the State plan.

“(ii) REVIEW OF REVISED PLANS.—The Secretary shall review the information submitted under clause (i) and approve changes to the State plan, or disapprove such changes in accordance with paragraph (4)(A)(vi), within 90 days, without undertaking the peer-review process under such paragraph.

“(iii) SPECIAL RULE FOR STANDARDS.—If a State makes changes to its challenging State academic standards, the requirements of subsection (b)(1), including the requirement that such standards need not be submitted to the Secretary pursuant to subsection (b)(1)(A), shall still apply.

“(7) FAILURE TO MEET REQUIREMENTS.—If a State fails to meet any of the requirements of this section, the Secretary may withhold funds for State administration under this part until the Secretary determines that the State has fulfilled those requirements.

“(8) PUBLIC COMMENT.—Each State shall make the State plan publicly available for public comment for a period of not less than 30 days, by electronic means and in an easily accessible format, prior to submission to the Secretary for approval under this subsection. The State, in the plan it files under this subsection, shall provide an assurance that public comments were taken into account in the development of the State plan.

“(b) CHALLENGING ACADEMIC STANDARDS AND ACADEMIC ASSESSMENTS.—

“(1) CHALLENGING STATE ACADEMIC STANDARDS.—

“(A) IN GENERAL.—Each State, in the plan it files under subsection (a), shall provide an assurance that the State has adopted challenging academic content standards and

aligned academic achievement standards (referred to in this Act as ‘challenging State academic standards’), which achievement standards shall include not less than 3 levels of achievement, that will be used by the State, its local educational agencies, and its schools to carry out this part. A State shall not be required to submit such challenging State academic standards to the Secretary.

“(B) SAME STANDARDS.—Except as provided in subparagraph (E), the standards required by subparagraph (A) shall—

“(i) apply to all public schools and public school students in the State; and

“(ii) with respect to academic achievement standards, include the same knowledge, skills, and levels of achievement expected of all public school students in the State.

“(C) SUBJECTS.—The State shall have such academic standards for mathematics, reading or language arts, and science, and may have such standards for any other subject determined by the State.

“(D) ALIGNMENT.—

“(i) IN GENERAL.—Each State shall demonstrate that the challenging State academic standards are aligned with entrance requirements for credit-bearing coursework in the system of public higher education in the State and relevant State career and technical education standards.

“(ii) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to authorize public institutions of higher education to determine the specific challenging State academic standards required under this paragraph.

“(E) ALTERNATE ACADEMIC ACHIEVEMENT STANDARDS FOR STUDENTS WITH THE MOST SIGNIFICANT COGNITIVE DISABILITIES.—

“(i) IN GENERAL.—The State may, through a documented and validated standards-setting process, adopt alternate academic achievement standards for students with the most significant cognitive disabilities, provided those standards—

“(I) are aligned with the challenging State academic content standards under subparagraph (A);

“(II) promote access to the general education curriculum, consistent with the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.);

“(III) reflect professional judgment as to the highest possible standards achievable by such students;

“(IV) are designated in the individualized education program developed under section 614(d)(3) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(d)(3)) for each such student as the academic achievement standards that will be used for the student; and

“(V) are aligned to ensure that a student who meets the alternate academic achievement standards is on track to pursue postsecondary education

or employment, consistent with the purposes of Public Law 93–112, as in effect on July 22, 2014.

“(ii) PROHIBITION ON ANY OTHER ALTERNATE OR MODIFIED ACADEMIC ACHIEVEMENT STANDARDS.—A State shall not develop, or implement for use under this part, any alternate academic achievement standards for children with disabilities that are not alternate academic achievement standards that meet the requirements of clause (i).

“(F) ENGLISH LANGUAGE PROFICIENCY STANDARDS.—Each State plan shall demonstrate that the State has adopted English language proficiency standards that—

“(i) are derived from the 4 recognized domains of speaking, listening, reading, and writing;

“(ii) address the different proficiency levels of English learners; and

“(iii) are aligned with the challenging State academic standards.

“(G) PROHIBITIONS.—

“(i) STANDARDS REVIEW OR APPROVAL.—A State shall not be required to submit any standards developed under this subsection to the Secretary for review or approval.

“(ii) FEDERAL CONTROL.—The Secretary shall not have the authority to mandate, direct, control, coerce, or exercise any direction or supervision over any of the challenging State academic standards adopted or implemented by a State.

“(H) EXISTING STANDARDS.—Nothing in this part shall prohibit a State from revising, consistent with this section, any standards adopted under this part before or after the date of enactment of the Every Student Succeeds Act.

“(2) ACADEMIC ASSESSMENTS.—

“(A) IN GENERAL.—Each State plan shall demonstrate that the State educational agency, in consultation with local educational agencies, has implemented a set of high-quality student academic assessments in mathematics, reading or language arts, and science. The State retains the right to implement such assessments in any other subject chosen by the State.

“(B) REQUIREMENTS.—The assessments under subparagraph (A) shall—

“(i) except as provided in subparagraph (D), be—

“(I) the same academic assessments used to measure the achievement of all public elementary school and secondary school students in the State; and

“(II) administered to all public elementary school and secondary school students in the State;

“(ii) be aligned with the challenging State academic standards, and provide coherent and timely information about student attainment of such standards and whether the student is performing at the student’s grade level;

“(iii) be used for purposes for which such assessments are valid and reliable, consistent with relevant, nationally recognized professional and technical testing

standards, objectively measure academic achievement, knowledge, and skills, and be tests that do not evaluate or assess personal or family beliefs and attitudes, or publicly disclose personally identifiable information;

“(iv) be of adequate technical quality for each purpose required under this Act and consistent with the requirements of this section, the evidence of which shall be made public, including on the website of the State educational agency;

“(v)(I) in the case of mathematics and reading or language arts, be administered—

“(aa) in each of grades 3 through 8; and

“(bb) at least once in grades 9 through 12;

“(II) in the case of science, be administered not less than one time during—

“(aa) grades 3 through 5;

“(bb) grades 6 through 9; and

“(cc) grades 10 through 12; and

“(III) in the case of any other subject chosen by the State, be administered at the discretion of the State;

“(vi) involve multiple up-to-date measures of student academic achievement, including measures that assess higher-order thinking skills and understanding, which may include measures of student academic growth and may be partially delivered in the form of portfolios, projects, or extended performance tasks;

“(vii) provide for—

“(I) the participation in such assessments of all students;

“(II) the appropriate accommodations, such as interoperability with, and ability to use, assistive technology, for children with disabilities (as defined in section 602(3) of the Individuals with Disabilities Education Act (20 U.S.C. 1401(3))), including students with the most significant cognitive disabilities, and students with a disability who are provided accommodations under an Act other than the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), necessary to measure the academic achievement of such children relative to the challenging State academic standards or alternate academic achievement standards described in paragraph (1)(E); and

“(III) the inclusion of English learners, who shall be assessed in a valid and reliable manner and provided appropriate accommodations on assessments administered to such students under this paragraph, including, to the extent practicable, assessments in the language and form most likely to yield accurate data on what such students know and can do in academic content areas, until such students have achieved English language proficiency, as determined under subparagraph (G);

“(viii) at the State’s discretion—

“(I) be administered through a single summative assessment; or

“(II) be administered through multiple statewide interim assessments during the course of the academic year that result in a single summative score that provides valid, reliable, and transparent information on student achievement or growth;

“(ix) notwithstanding clause (vii)(III), provide for assessments (using tests in English) of reading or language arts of any student who has attended school in the United States (not including the Commonwealth of Puerto Rico) for 3 or more consecutive school years, except that if the local educational agency determines, on a case-by-case individual basis, that academic assessments in another language or form would likely yield more accurate and reliable information on what such student knows and can do, the local educational agency may make a determination to assess such student in the appropriate language other than English for a period that does not exceed 2 additional consecutive years, provided that such student has not yet reached a level of English language proficiency sufficient to yield valid and reliable information on what such student knows and can do on tests (written in English) of reading or language arts;

“(x) produce individual student interpretive, descriptive, and diagnostic reports, consistent with clause (iii), regarding achievement on such assessments that allow parents, teachers, principals, and other school leaders to understand and address the specific academic needs of students, and that are provided to parents, teachers, and school leaders, as soon as is practicable after the assessment is given, in an understandable and uniform format, and to the extent practicable, in a language that parents can understand;

“(xi) enable results to be disaggregated within each State, local educational agency, and school by—

“(I) each major racial and ethnic group;

“(II) economically disadvantaged students as compared to students who are not economically disadvantaged;

“(III) children with disabilities as compared to children without disabilities;

“(IV) English proficiency status;

“(V) gender; and

“(VI) migrant status,

except that such disaggregation shall not be required in the case of a State, local educational agency, or a school in which the number of students in a subgroup is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student;

“(xii) enable itemized score analyses to be produced and reported, consistent with clause (iii), to local educational agencies and schools, so that parents, teachers, principals, other school leaders, and administrators can interpret and address the specific academic needs of

students as indicated by the students' achievement on assessment items; and

“(xiii) be developed, to the extent practicable, using the principles of universal design for learning.

“(C) EXCEPTION FOR ADVANCED MATHEMATICS IN MIDDLE SCHOOL.—A State may exempt any 8th grade student from the assessment in mathematics described in subparagraph (B)(v)(I)(aa) if—

“(i) such student takes the end-of-course assessment the State typically administers to meet the requirements of subparagraph (B)(v)(I)(bb) in mathematics;

“(ii) such student's achievement on such end-of-course assessment is used for purposes of subsection (c)(4)(B)(i), in lieu of such student's achievement on the mathematics assessment required under subparagraph (B)(v)(I)(aa), and such student is counted as participating in the assessment for purposes of subsection (c)(4)(B)(vi); and

“(iii) in high school, such student takes a mathematics assessment pursuant to subparagraph (B)(v)(I)(bb) that—

“(I) is any end-of-course assessment or other assessment that is more advanced than the assessment taken by such student under clause (i) of this subparagraph; and

“(II) shall be used to measure such student's academic achievement for purposes of subsection (c)(4)(B)(i).

“(D) ALTERNATE ASSESSMENTS FOR STUDENTS WITH THE MOST SIGNIFICANT COGNITIVE DISABILITIES.—

“(i) ALTERNATE ASSESSMENTS ALIGNED WITH ALTERNATE ACADEMIC ACHIEVEMENT STANDARDS.—A State may provide for alternate assessments aligned with the challenging State academic standards and alternate academic achievement standards described in paragraph (1)(E) for students with the most significant cognitive disabilities, if the State—

“(I) consistent with clause (ii), ensures that, for each subject, the total number of students assessed in such subject using the alternate assessments does not exceed 1 percent of the total number of all students in the State who are assessed in such subject;

“(II) ensures that the parents of such students are clearly informed, as part of the process for developing the individualized education program (as defined in section 614(d)(1)(A) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(d)(1)(A)))—

“(aa) that their child's academic achievement will be measured based on such alternate standards; and

“(bb) how participation in such assessments may delay or otherwise affect the student from completing the requirements for a regular high school diploma;

“(III) promotes, consistent with the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), the involvement and progress of students with the most significant cognitive disabilities in the general education curriculum;

“(IV) describes in the State plan the steps the State has taken to incorporate universal design for learning, to the extent feasible, in alternate assessments;

“(V) describes in the State plan that general and special education teachers, and other appropriate staff—

“(aa) know how to administer the alternate assessments; and

“(bb) make appropriate use of accommodations for students with disabilities on all assessments required under this paragraph;

“(VI) develops, disseminates information on, and promotes the use of appropriate accommodations to increase the number of students with significant cognitive disabilities—

“(aa) participating in academic instruction and assessments for the grade level in which the student is enrolled; and

“(bb) who are tested based on challenging State academic standards for the grade level in which the student is enrolled; and

“(VII) does not preclude a student with the most significant cognitive disabilities who takes an alternate assessment based on alternate academic achievement standards from attempting to complete the requirements for a regular high school diploma.

“(ii) SPECIAL RULES.—

“(I) RESPONSIBILITY UNDER IDEA.—Subject to the authority and requirements for the individualized education program team for a child with a disability under section 614(d)(1)(A)(i)(VI)(bb) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(d)(1)(A)(i)(VI)(bb)), such team, consistent with the guidelines established by the State and required under section 612(a)(16)(C) of such Act (20 U.S.C. 1412(c)(16)(C)) and clause (i)(II) of this subparagraph, shall determine when a child with a significant cognitive disability shall participate in an alternate assessment aligned with the alternate academic achievement standards.

“(II) PROHIBITION ON LOCAL CAP.—Nothing in this subparagraph shall be construed to permit the Secretary or a State educational agency to impose on any local educational agency a cap on the percentage of students administered an alternate assessment under this subparagraph, except that a local educational agency exceeding the cap applied to the State under clause (i)(I) shall submit information to the State educational agency justifying the need to exceed such cap.

“(III) STATE SUPPORT.—A State shall provide appropriate oversight, as determined by the State, of any local educational agency that is required to submit information to the State under subclause (II).

“(IV) WAIVER AUTHORITY.—This subparagraph shall be subject to the waiver authority under section 8401.

“(E) STATE AUTHORITY.—If a State educational agency provides evidence, which is satisfactory to the Secretary, that neither the State educational agency nor any other State government official, agency, or entity has sufficient authority, under State law, to adopt challenging State academic standards, and academic assessments aligned with such standards, which will be applicable to all students enrolled in the State’s public elementary schools and secondary schools, then the State educational agency may meet the requirements of this subsection by—

“(i) adopting academic standards and academic assessments that meet the requirements of this subsection, on a statewide basis, and limiting their applicability to students served under this part; or

“(ii) adopting and implementing policies that ensure that each local educational agency in the State that receives grants under this part will adopt academic content and student academic achievement standards, and academic assessments aligned with such standards, which—

“(I) meet all of the criteria in this subsection and any regulations regarding such standards and assessments that the Secretary may publish; and

“(II) are applicable to all students served by each such local educational agency.

“(F) LANGUAGE ASSESSMENTS.—

“(i) IN GENERAL.—Each State plan shall identify the languages other than English that are present to a significant extent in the participating student population of the State and indicate the languages for which annual student academic assessments are not available and are needed.

“(ii) SECRETARIAL ASSISTANCE.—The State shall make every effort to develop such assessments and may request assistance from the Secretary if linguistically accessible academic assessment measures are needed. Upon request, the Secretary shall assist with the identification of appropriate academic assessment measures in the needed languages, but shall not mandate a specific academic assessment or mode of instruction.

“(G) ASSESSMENTS OF ENGLISH LANGUAGE PROFICIENCY.—

“(i) IN GENERAL.—Each State plan shall demonstrate that local educational agencies in the State will provide for an annual assessment of English proficiency of all English learners in the schools served by the State educational agency.

“(ii) ALIGNMENT.—The assessments described in clause (i) shall be aligned with the State’s English language proficiency standards described in paragraph (1)(F).

“(H) LOCALLY-SELECTED ASSESSMENT.—

“(i) IN GENERAL.—Nothing in this paragraph shall be construed to prohibit a local educational agency from administering a locally-selected assessment in lieu of the State-designed academic assessment under subclause (I)(bb) and subclause (II)(cc) of subparagraph (B)(v), if the local educational agency selects a nationally-recognized high school academic assessment that has been approved for use by the State as described in clause (iii) or (iv) of this subparagraph.

“(ii) STATE TECHNICAL CRITERIA.—To allow for State approval of nationally-recognized high school academic assessments that are available for local selection under clause (i), a State educational agency shall establish technical criteria to determine if any such assessment meets the requirements of clause (v).

“(iii) STATE APPROVAL.—If a State educational agency chooses to make a nationally-recognized high school assessment available for selection by a local educational agency under clause (i), which has not already been approved under this clause, such State educational agency shall—

“(I) conduct a review of the assessment to determine if such assessment meets or exceeds the technical criteria established by the State educational agency under clause (ii);

“(II) submit evidence in accordance with subsection (a)(4) that demonstrates such assessment meets the requirements of clause (v); and

“(III) after fulfilling the requirements of subclauses (I) and (II), approve such assessment for selection and use by any local educational agency that requests to use such assessment under clause (i).

“(iv) LOCAL EDUCATIONAL AGENCY OPTION.—

“(I) LOCAL EDUCATIONAL AGENCY.—If a local educational agency chooses to submit a nationally-recognized high school academic assessment to the State educational agency, subject to the approval process described in subclause (I) and subclause (II) of clause (iii) to determine if such assessment fulfills the requirements of clause (v), the State educational agency may approve the use of such assessment consistent with clause (i).

“(II) STATE EDUCATIONAL AGENCY.—Upon such approval, the State educational agency shall approve the use of such assessment in any other local educational agency in the State that subsequently requests to use such assessment without repeating the process described in subclauses (I) and (II) of clause (iii).

“(v) REQUIREMENTS.—To receive approval from the State educational agency under clause (iii), a locally-selected assessment shall—

“(I) be aligned to the State’s academic content standards under paragraph (1), address the depth and breadth of such standards, and be equivalent in its content coverage, difficulty, and quality to the State-designed assessments under this paragraph (and may be more rigorous in its content coverage and difficulty than such State-designed assessments);

“(II) provide comparable, valid, and reliable data on academic achievement, as compared to the State-designed assessments, for all students and for each subgroup of students defined in subsection (c)(2), with results expressed in terms consistent with the State’s academic achievement standards under paragraph (1), among all local educational agencies within the State;

“(III) meet the requirements for the assessments under subparagraph (B) of this paragraph, including technical criteria, except the requirement under clause (i) of such subparagraph; and

“(IV) provide unbiased, rational, and consistent differentiation between schools within the State to meet the requirements of subsection (c).

“(vi) PARENTAL NOTIFICATION.—A local educational agency shall notify the parents of high school students served by the local educational agency—

“(I) of its request to the State educational agency for approval to administer a locally-selected assessment; and

“(II) upon approval, and at the beginning of each subsequent school year during which the locally selected assessment will be administered, that the local educational agency will be administering a different assessment than the State-designed assessments under subclause (I)(bb) and subclause (II)(cc) of subparagraph (B)(v).

“(I) DEFERRAL.—A State may defer the commencement, or suspend the administration, but not cease the development, of the assessments described in this paragraph, for 1 year for each year for which the amount appropriated for grants under part B is less than \$369,100,000.

“(J) ADAPTIVE ASSESSMENTS.—

“(i) IN GENERAL.—Subject to clause (ii), a State retains the right to develop and administer computer adaptive assessments as the assessments described in this paragraph, provided the computer adaptive assessments meet the requirements of this paragraph, except that—

“(I) subparagraph (B)(i) shall not be interpreted to require that all students taking the computer adaptive assessment be administered the same assessment items; and

“(II) such assessment—

“(aa) shall measure, at a minimum, each student’s academic proficiency based on the challenging State academic standards for the student’s grade level and growth toward such standards; and

“(bb) may measure the student’s level of academic proficiency and growth using items above or below the student’s grade level, including for use as part of a State’s accountability system under subsection (c).

“(ii) STUDENTS WITH THE MOST SIGNIFICANT COGNITIVE DISABILITIES AND ENGLISH LEARNERS.—In developing and administering computer adaptive assessments—

“(I) as the assessments allowed under subparagraph (D), a State shall ensure that such computer adaptive assessments—

“(aa) meet the requirements of this paragraph, including subparagraph (D), except such assessments shall not be required to meet the requirements of clause (i)(II); and

“(bb) assess the student’s academic achievement to measure, in the subject being assessed, whether the student is performing at the student’s grade level; and

“(II) as the assessments required under subparagraph (G), a State shall ensure that such computer adaptive assessments—

“(aa) meet the requirements of this paragraph, including subparagraph (G), except such assessment shall not be required to meet the requirements of clause (i)(II); and

“(bb) assess the student’s language proficiency, which may include growth towards such proficiency, in order to measure the student’s acquisition of English.

“(K) RULE OF CONSTRUCTION ON PARENT RIGHTS.—Nothing in this paragraph shall be construed as preempting a State or local law regarding the decision of a parent to not have the parent’s child participate in the academic assessments under this paragraph.

“(L) LIMITATION ON ASSESSMENT TIME.—Subject to Federal or State requirements related to assessments, evaluations, and accommodations, each State may, at the sole discretion of such State, set a target limit on the aggregate amount of time devoted to the administration of assessments for each grade, expressed as a percentage of annual instructional hours.

“(3) EXCEPTION FOR RECENTLY ARRIVED ENGLISH LEARNERS.—

“(A) ASSESSMENTS.—With respect to recently arrived English learners who have been enrolled in a school in one of the 50 States in the United States or the District of Columbia for less than 12 months, a State may choose to—

“(i) exclude—

“(I) such an English learner from one administration of the reading or language arts assessment required under paragraph (2); and

“(II) such an English learner’s results on any of the assessments required under paragraph (2)(B)(v)(I) or (2)(G) for the first year of the English learner’s enrollment in such a school for the purposes of the State-determined accountability system under subsection (c); or

“(ii)(I) assess, and report the performance of, such an English learner on the reading or language arts and mathematics assessments required under paragraph (2)(B)(v)(I) in each year of the student’s enrollment in such a school; and

“(II) for the purposes of the State-determined accountability system—

“(aa) for the first year of the student’s enrollment in such a school, exclude the results on the assessments described in subclause (I);

“(bb) include a measure of student growth on the assessments described in subclause (I) in the second year of the student’s enrollment in such a school; and

“(cc) include proficiency on the assessments described in subclause (I) in the third year of the student’s enrollment in such a school, and each succeeding year of such enrollment.

“(B) ENGLISH LEARNER SUBGROUP.—With respect to a student previously identified as an English learner and for not more than 4 years after the student ceases to be identified as an English learner, a State may include the results of the student’s assessments under paragraph (2)(B)(v)(I) within the English learner subgroup of the subgroups of students (as defined in subsection (c)(2)(D)) for the purposes of the State-determined accountability system.

“(c) STATEWIDE ACCOUNTABILITY SYSTEM.—

“(1) IN GENERAL.—Each State plan shall describe a statewide accountability system that complies with the requirements of this subsection and subsection (d).

“(2) SUBGROUP OF STUDENTS.—In this subsection and subsection (d), the term ‘subgroup of students’ means—

“(A) economically disadvantaged students;

“(B) students from major racial and ethnic groups;

“(C) children with disabilities; and

“(D) English learners.

“(3) MINIMUM NUMBER OF STUDENTS.—Each State shall describe—

“(A) with respect to any provisions under this part that require disaggregation of information by each subgroup of students—

“(i) the minimum number of students that the State determines are necessary to be included to carry out such requirements and how that number is statistically sound, which shall be the same State-determined number for all students and for each subgroup of students in the State;

“(ii) how such minimum number of students was determined by the State, including how the State collaborated with teachers, principals, other school leaders, parents, and other stakeholders when determining such minimum number; and

“(iii) how the State ensures that such minimum number is sufficient to not reveal any personally identifiable information.

“(4) DESCRIPTION OF SYSTEM.—The statewide accountability system described in paragraph (1) shall be based on the challenging State academic standards for reading or language arts and mathematics described in subsection (b)(1) to improve student academic achievement and school success. In designing such system to meet the requirements of this part, the State shall carry out the following:

“(A) ESTABLISHMENT OF LONG-TERM GOALS.—Establish ambitious State-designed long-term goals, which shall include measurements of interim progress toward meeting such goals—

“(i) for all students and separately for each subgroup of students in the State—

“(I) for, at a minimum, improved—

“(aa) academic achievement, as measured by proficiency on the annual assessments required under subsection (b)(2)(B)(v)(I); and

“(bb) high school graduation rates, including—

“(AA) the four-year adjusted cohort graduation rate; and

“(BB) at the State’s discretion, the extended-year adjusted cohort graduation rate, except that the State shall set a more rigorous long-term goal for such graduation rate, as compared to the long-term goal set for the four-year adjusted cohort graduation rate;

“(II) for which the term set by the State for such goals is the same multi-year length of time for all students and for each subgroup of students in the State; and

“(III) that, for subgroups of students who are behind on the measures described in items (aa) and (bb) of subclause (I), take into account the improvement necessary on such measures to make significant progress in closing statewide proficiency and graduation rate gaps; and

“(ii) for English learners, for increases in the percentage of such students making progress in achieving English language proficiency, as defined by the State and measured by the assessments described in subsection (b)(2)(G), within a State-determined timeline.

“(B) INDICATORS.—Except for the indicator described in clause (iv), annually measure, for all students and separately for each subgroup of students, the following indicators:

“(i) For all public schools in the State, based on the long-term goals established under subparagraph (A), academic achievement—

“(I) as measured by proficiency on the annual assessments required under subsection (b)(2)(B)(v)(I); and

“(II) at the State’s discretion, for each public high school in the State, student growth, as measured by such annual assessments.

“(ii) For public elementary schools and secondary schools that are not high schools in the State—

“(I) a measure of student growth, if determined appropriate by the State; or

“(II) another valid and reliable statewide academic indicator that allows for meaningful differentiation in school performance.

“(iii) For public high schools in the State, and based on State-designed long term goals established under subparagraph (A)—

“(I) the four-year adjusted cohort graduation rate; and

“(II) at the State’s discretion, the extended-year adjusted cohort graduation rate.

“(iv) For public schools in the State, progress in achieving English language proficiency, as defined by the State and measured by the assessments described in subsection (b)(2)(G), within a State-determined timeline for all English learners—

“(I) in each of the grades 3 through 8; and

“(II) in the grade for which such English learners are otherwise assessed under subsection (b)(2)(B)(v)(I) during the grade 9 through grade 12 period, with such progress being measured against the results of the assessments described in subsection (b)(2)(G) taken in the previous grade.

“(v)(I) For all public schools in the State, not less than one indicator of school quality or student success that—

“(aa) allows for meaningful differentiation in school performance;

“(bb) is valid, reliable, comparable, and statewide (with the same indicator or indicators used for each grade span, as such term is determined by the State); and

“(cc) may include one or more of the measures described in subclause (II).

“(II) For purposes of subclause (I), the State may include measures of—

“(III) student engagement;

“(IV) educator engagement;

“(V) student access to and completion of advanced coursework;

“(VI) postsecondary readiness;

“(VII) school climate and safety; and

“(VIII) any other indicator the State chooses that meets the requirements of this clause.

“(C) ANNUAL MEANINGFUL DIFFERENTIATION.—Establish a system of meaningfully differentiating, on an annual basis, all public schools in the State, which shall—

“(i) be based on all indicators in the State’s accountability system under subparagraph (B), for all students and for each of subgroup of students, consistent with the requirements of such subparagraph;

“(ii) with respect to the indicators described in clauses (i) through (iv) of subparagraph (B) afford—

“(I) substantial weight to each such indicator; and

“(II) in the aggregate, much greater weight than is afforded to the indicator or indicators utilized by the State and described in subparagraph (B)(v), in the aggregate; and

“(iii) include differentiation of any such school in which any subgroup of students is consistently underperforming, as determined by the State, based on all indicators under subparagraph (B) and the system established under this subparagraph.

“(D) IDENTIFICATION OF SCHOOLS.—Based on the system of meaningful differentiation described in subparagraph (C), establish a State-determined methodology to identify—

“(i) beginning with school year 2017–2018, and at least once every three school years thereafter, one statewide category of schools for comprehensive support and improvement, as described in subsection (d)(1), which shall include—

“(I) not less than the lowest-performing 5 percent of all schools receiving funds under this part in the State;

“(II) all public high schools in the State failing to graduate one third or more of their students; and

“(III) public schools in the State described under subsection (d)(3)(A)(i)(II); and

“(ii) at the discretion of the State, additional statewide categories of schools.

“(E) ANNUAL MEASUREMENT OF ACHIEVEMENT.—(i) Annually measure the achievement of not less than 95 percent of all students, and 95 percent of all students in each subgroup of students, who are enrolled in public schools on the assessments described under subsection (b)(2)(v)(I).

“(ii) For the purpose of measuring, calculating, and reporting on the indicator described in subparagraph (B)(i), include in the denominator the greater of—

“(I) 95 percent of all such students, or 95 percent of all such students in the subgroup, as the case may be; or

“(II) the number of students participating in the assessments.

“(iii) Provide a clear and understandable explanation of how the State will factor the requirement of clause (i) of this subparagraph into the statewide accountability system.

“(F) PARTIAL ATTENDANCE.—(i) In the case of a student who has not attended the same school within a local educational agency for at least half of a school year, the performance of such student on the indicators described in clauses (i), (ii), (iv), and (v) of subparagraph (B)—

“(I) may not be used in the system of meaningful differentiation of all public schools as described in subparagraph (C) for such school year; and

“(II) shall be used for the purpose of reporting on the State and local educational agency report cards under subsection (h) for such school year.

“(ii) In the case of a high school student who has not attended the same school within a local educational agency for at least half of a school year and has exited high school without a regular high school diploma and without transferring to another high school that grants a regular high school diploma during such school year, the local educational agency shall, in order to calculate the graduation rate pursuant to subparagraph (B)(iii), assign such student to the high school—

“(I) at which such student was enrolled for the greatest proportion of school days while enrolled in grades 9 through 12; or

“(II) in which the student was most recently enrolled.

“(5) ACCOUNTABILITY FOR CHARTER SCHOOLS.—The accountability provisions under this Act shall be overseen for charter schools in accordance with State charter school law.

“(d) SCHOOL SUPPORT AND IMPROVEMENT ACTIVITIES.—

“(1) COMPREHENSIVE SUPPORT AND IMPROVEMENT.—

“(A) IN GENERAL.—Each State educational agency receiving funds under this part shall notify each local educational agency in the State of any school served by the local educational agency that is identified for comprehensive support and improvement under subsection (c)(4)(D)(i).

“(B) LOCAL EDUCATIONAL AGENCY ACTION.—Upon receiving such information from the State, the local educational agency shall, for each school identified by the State and in partnership with stakeholders (including principals and other school leaders, teachers, and parents), locally develop and implement a comprehensive support and improvement plan for the school to improve student outcomes, that—

“(i) is informed by all indicators described in subsection (c)(4)(B), including student performance against State-determined long-term goals;

“(ii) includes evidence-based interventions;

“(iii) is based on a school-level needs assessment;

“(iv) identifies resource inequities, which may include a review of local educational agency and school-level budgeting, to be addressed through implementation of such comprehensive support and improvement plan;

“(v) is approved by the school, local educational agency, and State educational agency; and

“(vi) upon approval and implementation, is monitored and periodically reviewed by the State educational agency.

“(C) STATE EDUCATIONAL AGENCY DISCRETION.—With respect to any high school in the State identified under subsection (c)(4)(D)(i)(II), the State educational agency may—

“(i) permit differentiated improvement activities that utilize evidence-based interventions in the case of such a school that predominantly serves students—

“(I) returning to education after having exited secondary school without a regular high school diploma; or

“(II) who, based on their grade or age, are significantly off track to accumulate sufficient academic credits to meet high school graduation requirements, as established by the State; and

“(ii) in the case of such a school that has a total enrollment of less than 100 students, permit the local educational agency to forego implementation of improvement activities required under this paragraph.

“(D) PUBLIC SCHOOL CHOICE.—

“(i) IN GENERAL.—A local educational agency may provide all students enrolled in a school identified by the State for comprehensive support and improvement under subsection (c)(4)(D)(i) with the option to transfer to another public school served by the local educational agency, unless such an option is prohibited by State law.

“(ii) PRIORITY.—In providing students the option to transfer to another public school, the local educational agency shall give priority to the lowest-achieving children from low-income families, as determined by the local educational agency for the purposes of allocating funds to schools under section 1113(a)(3).

“(iii) TREATMENT.—A student who uses the option to transfer to another public school shall be enrolled in classes and other activities in the public school to which the student transfers in the same manner as all other students at the public school.

“(iv) SPECIAL RULE.—A local educational agency shall permit a student who transfers to another public school under this paragraph to remain in that school until the student has completed the highest grade in that school.

“(v) FUNDING FOR TRANSPORTATION.—A local educational agency may spend an amount equal to not more than 5 percent of its allocation under subpart 2 of this part to pay for the provision of transportation for students who transfer under this paragraph to the public schools to which the students transfer.

“(2) TARGETED SUPPORT AND IMPROVEMENT.—

“(A) IN GENERAL.—Each State educational agency receiving funds under this part shall, using the meaningful differentiation of schools described in subsection (c)(4)(C)—

“(i) notify each local educational agency in the State of any school served by the local educational

agency in which any subgroup of students is consistently underperforming, as described in subsection (c)(4)(C)(iii); and

“(ii) ensure such local educational agency provides notification to such school with respect to which subgroup or subgroups of students in such school are consistently underperforming as described in subsection (c)(4)(C)(iii).

“(B) TARGETED SUPPORT AND IMPROVEMENT PLAN.—Each school receiving a notification described in this paragraph, in partnership with stakeholders (including principals and other school leaders, teachers and parents), shall develop and implement a school-level targeted support and improvement plan to improve student outcomes based on the indicators in the statewide accountability system established under subsection (c)(4), for each subgroup of students that was the subject of notification that—

“(i) is informed by all indicators described in subsection (c)(4)(B), including student performance against long-term goals;

“(ii) includes evidence-based interventions;

“(iii) is approved by the local educational agency prior to implementation of such plan;

“(iv) is monitored, upon submission and implementation, by the local educational agency; and

“(v) results in additional action following unsuccessful implementation of such plan after a number of years determined by the local educational agency.

“(C) ADDITIONAL TARGETED SUPPORT.—A plan described in subparagraph (B) that is developed and implemented in any school receiving a notification under this paragraph from the local educational agency in which any subgroup of students, on its own, would lead to identification under subsection (c)(4)(D)(i)(I) using the State’s methodology under subsection (c)(4)(D) shall also identify resource inequities (which may include a review of local educational agency and school level budgeting), to be addressed through implementation of such plan.

“(D) SPECIAL RULE.—The State educational agency, based on the State’s differentiation of schools under subsection (c)(4)(C) for school year 2017–2018, shall notify local educational agencies of any schools served by the local educational agency in which any subgroup of students, on its own, would lead to identification under subsection (c)(4)(D)(i)(I) using the State’s methodology under subsection (c)(4)(D), after which notification of such schools under this paragraph shall result from differentiation of schools pursuant to subsection (c)(4)(C)(iii).

“(3) CONTINUED SUPPORT FOR SCHOOL AND LOCAL EDUCATIONAL AGENCY IMPROVEMENT.—To ensure continued progress to improve student academic achievement and school success in the State, the State educational agency—

“(A) shall—

“(i) establish statewide exit criteria for—

“(I) schools identified by the State for comprehensive support and improvement under subsection (c)(4)(D)(i), which, if not satisfied within a State-determined number of years (not to exceed four years), shall result in more rigorous State-determined action, such as the implementation of interventions (which may include addressing school-level operations); and

“(II) schools described in paragraph (2)(C), which, if not satisfied within a State-determined number of years, shall, in the case of such schools receiving assistance under this part, result in identification of the school by the State for comprehensive support and improvement under subsection (c)(4)(D)(i)(III);

“(ii) periodically review resource allocation to support school improvement in each local educational agency in the State serving—

“(I) a significant number of schools identified for comprehensive support and improvement under subsection (c)(4)(D)(i); and

“(II) a significant number of schools implementing targeted support and improvement plans under paragraph (2); and

“(iii) provide technical assistance to each local educational agency in the State serving a significant number of—

“(I) schools implementing comprehensive support and improvement plans under paragraph (1); or

“(II) schools implementing targeted support and improvement plans under paragraph (2); and

“(B) may—

“(i) take action to initiate additional improvement in any local educational agency with—

“(I) a significant number of schools that are consistently identified by the State for comprehensive support and improvement under subsection (c)(4)(D)(i) and not meeting exit criteria established by the State under subparagraph (A)(i)(I); or

“(II) a significant number of schools implementing targeted support and improvement plans under paragraph (2); and

“(ii) consistent with State law, establish alternative evidence-based State determined strategies that can be used by local educational agencies to assist a school identified for comprehensive support and improvement under subsection (c)(4)(D)(i).

“(4) RULE OF CONSTRUCTION FOR COLLECTIVE BARGAINING.—

Nothing in this subsection shall be construed to alter or otherwise affect the rights, remedies, and procedures afforded to school or local educational agency employees under Federal, State, or local laws (including applicable regulations or court orders) or under the terms of collective bargaining agreements, memoranda of understanding, or other agreements between such employers and their employees.

“(e) PROHIBITION.—

“(1) IN GENERAL.—Nothing in this Act shall be construed to authorize or permit the Secretary—

“(A) when promulgating any rule or regulation, to promulgate any rule or regulation on the development or implementation of the statewide accountability system established under this section that would—

“(i) add new requirements that are inconsistent with or outside the scope of this part;

“(ii) add new criteria that are inconsistent with or outside the scope of this part; or

“(iii) be in excess of statutory authority granted to the Secretary;

“(B) as a condition of approval of the State plan, or revisions or amendments to, the State plan, or approval of a waiver request submitted under section 8401, to—

“(i) require a State to add any requirements that are inconsistent with or outside the scope of this part;

“(ii) require a State to add or delete one or more specific elements of the challenging State academic standards; or

“(iii) prescribe—

“(I) numeric long-term goals or measurements of interim progress that States establish for all students, for any subgroups of students, and for English learners with respect to English language proficiency, under this part, including—

“(aa) the length of terms set by States in designing such goals; or

“(bb) the progress expected from any subgroups of students in meeting such goals;

“(II) specific academic assessments or assessment items that States or local educational agencies use to meet the requirements of subsection (b)(2) or otherwise use to measure student academic achievement or student growth under this part;

“(III) indicators that States use within the State accountability system under this section, including any requirement to measure student growth, or, if a State chooses to measure student growth, the specific metrics used to measure such growth under this part;

“(IV) the weight of any measure or indicator used to identify or meaningfully differentiate schools, under this part;

“(V) the specific methodology used by States to meaningfully differentiate or identify schools under this part;

“(VI) any specific school support and improvement strategies or activities that State or local educational agencies establish and implement to intervene in, support, and improve schools and improve student outcomes under this part;

“(VII) exit criteria established by States under subsection (d)(3)(A)(i);

“(VIII) provided that the State meets the requirements in subsection (c)(3), a minimum

number of students established by a State under such subsection;

“(IX) any aspect or parameter of a teacher, principal, or other school leader evaluation system within a State or local educational agency;

“(X) indicators or specific measures of teacher, principal, or other school leader effectiveness or quality; or

“(XI) the way in which the State factors the requirement under subsection (c)(4)(E)(i) into the statewide accountability system under this section; or

“(C) to issue new non-regulatory guidance that—

“(i) in seeking to provide explanation of requirements under this section for State or local educational agencies, either in response to requests for information or in anticipation of such requests, provides a strictly limited or exhaustive list to illustrate successful implementation of provisions under this section; or

“(ii) purports to be legally binding; or

“(D) to require data collection under this part beyond data derived from existing Federal, State, and local reporting requirements.

“(2) DEFINING TERMS.—In carrying out this part, the Secretary shall not, through regulation or as a condition of approval of the State plan or revisions or amendments to the State plan, promulgate a definition of any term used in this part, or otherwise prescribe any specification for any such term, that is inconsistent with or outside the scope of this part or is in violation of paragraph (1).

“(f) EXISTING STATE LAW.—Nothing in this section shall be construed to alter any State law or regulation granting parents authority over schools that repeatedly failed to make adequate yearly progress under this part, as in effect on the day before the date of the enactment of the Every Student Succeeds Act.

“(g) OTHER PLAN PROVISIONS.—

“(1) DESCRIPTIONS.—Each State plan shall describe—

“(A) how the State will provide assistance to local educational agencies and individual elementary schools choosing to use funds under this part to support early childhood education programs;

“(B) how low-income and minority children enrolled in schools assisted under this part are not served at disproportionate rates by ineffective, out-of-field, or inexperienced teachers, and the measures the State educational agency will use to evaluate and publicly report the progress of the State educational agency with respect to such description (except that nothing in this subparagraph shall be construed as requiring a State to develop or implement a teacher, principal, or other school leader evaluation system);

“(C) how the State educational agency will support local educational agencies receiving assistance under this part to improve school conditions for student learning, including through reducing—

“(i) incidences of bullying and harassment;

“(ii) the overuse of discipline practices that remove students from the classroom; and

“(iii) the use of aversive behavioral interventions that compromise student health and safety;

“(D) how the State will support local educational agencies receiving assistance under this part in meeting the needs of students at all levels of schooling (particularly students in the middle grades and high school), including how the State will work with such local educational agencies to provide effective transitions of students to middle grades and high school to decrease the risk of students dropping out;

“(E) the steps a State educational agency will take to ensure collaboration with the State agency responsible for administering the State plans under parts B and E of title IV of the Social Security Act (42 U.S.C. 621 et seq. and 670 et seq.) to ensure the educational stability of children in foster care, including assurances that—

“(i) any such child enrolls or remains in such child’s school of origin, unless a determination is made that it is not in such child’s best interest to attend the school of origin, which decision shall be based on all factors relating to the child’s best interest, including consideration of the appropriateness of the current educational setting and the proximity to the school in which the child is enrolled at the time of placement;

“(ii) when a determination is made that it is not in such child’s best interest to remain in the school of origin, the child is immediately enrolled in a new school, even if the child is unable to produce records normally required for enrollment;

“(iii) the enrolling school shall immediately contact the school last attended by any such child to obtain relevant academic and other records; and

“(iv) the State educational agency will designate an employee to serve as a point of contact for child welfare agencies and to oversee implementation of the State agency responsibilities required under this subparagraph, and such point of contact shall not be the State’s Coordinator for Education of Homeless Children and Youths under section 722(d)(3) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432(d)(3));

“(F) how the State educational agency will provide support to local educational agencies in the identification, enrollment, attendance, and school stability of homeless children and youths; and

“(G) such other factors the State educational agency determines appropriate to provide students an opportunity to achieve the knowledge and skills described in the challenging State academic standards.

“(2) ASSURANCES.—Each State plan shall contain assurances that—

“(A) the State will make public any methods or criteria the State is using to measure teacher, principal, or other school leader effectiveness for the purpose of meeting the requirements described in paragraph (1)(B);

“(B) the State educational agency will notify local educational agencies, Indian tribes and tribal organizations, schools, teachers, parents, and the public of the challenging State academic standards, academic assessments, and State accountability system, developed under this section;

“(C) the State educational agency will assist each local educational agency and school affected by the State plan to meet the requirements of this part;

“(D) the State will participate in the biennial State academic assessments in reading and mathematics in grades 4 and 8 of the National Assessment of Educational Progress carried out under section 303(b)(3) of the National Assessment of Educational Progress Authorization Act (20 U.S.C. 9622(b)(3)) if the Secretary pays the costs of administering such assessments;

“(E) the State educational agency will modify or eliminate State fiscal and accounting barriers so that schools can easily consolidate funds from other Federal, State, and local sources to improve educational opportunities and reduce unnecessary fiscal and accounting requirements;

“(F) the State educational agency will support the collection and dissemination to local educational agencies and schools of effective parent and family engagement strategies, including those included in the parent and family engagement policy under section 1116;

“(G) the State educational agency will provide the least restrictive and burdensome regulations for local educational agencies and individual schools participating in a program assisted under this part;

“(H) the State educational agency will ensure that local educational agencies, in developing and implementing programs under this part, will, to the extent feasible, work in consultation with outside intermediary organizations (such as educational service agencies), or individuals, that have practical expertise in the development or use of evidence-based strategies and programs to improve teaching, learning, and schools;

“(I) the State educational agency has appropriate procedures and safeguards in place to ensure the validity of the assessment process;

“(J) the State educational agency will ensure that all teachers and paraprofessionals working in a program supported with funds under this part meet applicable State certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification;

“(K) the State educational agency will coordinate activities funded under this part with other Federal activities as appropriate;

“(L) the State educational agency has involved the committee of practitioners established under section 1603(b) in developing the plan and monitoring its implementation;

“(M) the State has professional standards for paraprofessionals working in a program supported with funds under this part, including qualifications that were in place

on the day before the date of enactment of the Every Student Succeeds Act; and

“(N) the State educational agency will provide the information described in clauses (ii), (iii), and (vii) of subsection (h)(1)(C) to the public in an easily accessible and user-friendly manner that can be cross-tabulated by, at a minimum, each major racial and ethnic group, gender, English proficiency status, and children with or without disabilities, which—

“(i) may be accomplished by including such information on the annual State report card described subsection (h)(1)(C); and

“(ii) shall be presented in a manner that—

“(I) is first anonymized and does not reveal personally identifiable information about an individual student;

“(II) does not include a number of students in any subgroup of students that is insufficient to yield statistically reliable information or that would reveal personally identifiable information about an individual student; and

“(III) is consistent with the requirements of section 444 of the General Education Provisions Act (20 U.S.C. 1232g, commonly known as the ‘Family Educational Rights and Privacy Act of 1974’).

“(3) RULES OF CONSTRUCTION.—Nothing in paragraph (2)(N) shall be construed to—

“(A) require groups of students obtained by any entity that cross-tabulates the information provided under such paragraph to be considered subgroups of students, as defined in subsection (c)(2), for the purposes of the State accountability system under subsection (c); or

“(B) require or prohibit States or local educational agencies from publicly reporting data in a cross-tabulated manner, in order to meet the requirements of paragraph (2)(N).

“(4) TECHNICAL ASSISTANCE.—Upon request by a State educational agency, the Secretary shall provide technical assistance to such agency to—

“(A) meet the requirements of paragraph (2)(N); or

“(B) in the case of a State educational agency choosing, at its sole discretion, to disaggregate data described in clauses (ii) and (iii)(II) of subsection (h)(1)(C) for Asian and Native Hawaiian or Pacific Islander students using the same race response categories as the decennial census of the population, assist such State educational agency in such disaggregation and in using such data to improve academic outcomes for such students.

“(h) REPORTS.—

“(1) ANNUAL STATE REPORT CARD.—

“(A) IN GENERAL.—A State that receives assistance under this part shall prepare and disseminate widely to the public an annual State report card for the State as a whole that meets the requirements of this paragraph.

“(B) IMPLEMENTATION.—The State report card required under this paragraph shall be—

“(i) concise;

“(ii) presented in an understandable and uniform format that is developed in consultation with parents and, to the extent practicable, in a language that parents can understand; and

“(iii) widely accessible to the public, which shall include making available on a single webpage of the State educational agency’s website, the State report card, all local educational agency report cards for each local educational agency in the State required under paragraph (2), and the annual report to the Secretary under paragraph (5).

“(C) MINIMUM REQUIREMENTS.—Each State report card required under this subsection shall include the following information:

“(i) A clear and concise description of the State’s accountability system under subsection (c), including—

“(I) the minimum number of students that the State determines are necessary to be included in each of the subgroups of students, as defined in subsection (c)(2), for use in the accountability system;

“(II) the long-term goals and measurements of interim progress for all students and for each of the subgroups of students, as defined in subsection (c)(2);

“(III) the indicators described in subsection (c)(4)(B) used to meaningfully differentiate all public schools in the State;

“(IV) the State’s system for meaningfully differentiating all public schools in the State, including—

“(aa) the specific weight of the indicators described in subsection (c)(4)(B) in such differentiation;

“(bb) the methodology by which the State differentiates all such schools;

“(cc) the methodology by which the State differentiates a school as consistently underperforming for any subgroup of students described in section (c)(4)(C)(iii), including the time period used by the State to determine consistent underperformance; and

“(dd) the methodology by which the State identifies a school for comprehensive support and improvement as required under subsection (c)(4)(D)(i);

“(V) the number and names of all public schools in the State identified by the State for comprehensive support and improvement under subsection (c)(4)(D)(i) or implementing targeted support and improvement plans under subsection (d)(2); and

“(VI) the exit criteria established by the State as required under clause (i) of subsection (d)(3)(A), including the length of years established under clause (i)(II) of such subsection.

“(ii) For all students and disaggregated by each subgroup of students described in subsection (b)(2)(B)(xi), homeless status, status as a child in foster care, and status as a student with a parent who is a member of the Armed Forces (as defined in section 101(a)(4) of title 10, United States Code) on active duty (as defined in section 101(d)(5) of such title), information on student achievement on the academic assessments described in subsection (b)(2) at each level of achievement, as determined by the State under subsection (b)(1).

“(iii) For all students and disaggregated by each of the subgroups of students, as defined in subsection (c)(2), and for purposes of subclause (II) of this clause, homeless status and status as a child in foster care—

“(I) information on the performance on the other academic indicator under subsection (c)(4)(B)(ii) for public elementary schools and secondary schools that are not high schools, used by the State in the State accountability system; and

“(II) high school graduation rates, including four-year adjusted cohort graduation rates and, at the State’s discretion, extended-year adjusted cohort graduation rates.

“(iv) Information on the number and percentage of English learners achieving English language proficiency.

“(v) For all students and disaggregated by each of the subgroups of students, as defined in subsection (c)(2), information on the performance on the other indicator or indicators of school quality or student success under subsection (c)(4)(B)(v) used by the State in the State accountability system.

“(vi) Information on the progress of all students and each subgroup of students, as defined in subsection (c)(2), toward meeting the State-designed long term goals under subsection (c)(4)(A), including the progress of all students and each such subgroup of students against the State measurements of interim progress established under such subsection.

“(vii) For all students and disaggregated by each subgroup of students described in subsection (b)(2)(B)(xi), the percentage of students assessed and not assessed.

“(viii) Information submitted by the State educational agency and each local educational agency in the State, in accordance with data collection conducted pursuant to section 203(c)(1) of the Department of Education Organization Act (20 U.S.C. 3413(c)(1)), on—

“(I) measures of school quality, climate, and safety, including rates of in-school suspensions, out-of-school suspensions, expulsions, school-related arrests, referrals to law enforcement, chronic absenteeism (including both excused and unexcused absences), incidences of violence, including bullying and harassment; and

“(II) the number and percentage of students enrolled in—

“(aa) preschool programs; and

“(bb) accelerated coursework to earn postsecondary credit while still in high school, such as Advanced Placement and International Baccalaureate courses and examinations, and dual or concurrent enrollment programs.

“(ix) The professional qualifications of teachers in the State, including information (that shall be presented in the aggregate and disaggregated by high-poverty compared to low-poverty schools) on the number and percentage of—

“(I) inexperienced teachers, principals, and other school leaders;

“(II) teachers teaching with emergency or provisional credentials; and

“(III) teachers who are not teaching in the subject or field for which the teacher is certified or licensed.

“(x) The per-pupil expenditures of Federal, State, and local funds, including actual personnel expenditures and actual nonpersonnel expenditures of Federal, State, and local funds, disaggregated by source of funds, for each local educational agency and each school in the State for the preceding fiscal year.

“(xi) The number and percentages of students with the most significant cognitive disabilities who take an alternate assessment under subsection (b)(2)(D), by grade and subject.

“(xii) Results on the State academic assessments in reading and mathematics in grades 4 and 8 of the National Assessment of Educational Progress carried out under section 303(b)(3) of the National Assessment of Educational Progress Authorization Act (20 U.S.C. 9622(b)(3)), compared to the national average of such results.

“(xiii) Where available, for each high school in the State, and beginning with the report card prepared under this paragraph for 2017, the cohort rate (in the aggregate, and disaggregated for each subgroup of students defined in subsection (c)(2)), at which students who graduate from the high school enroll, for the first academic year that begins after the students’ graduation—

“(I) in programs of public postsecondary education in the State; and

“(II) if data are available and to the extent practicable, in programs of private postsecondary education in the State or programs of postsecondary education outside the State.

“(xiv) Any additional information that the State believes will best provide parents, students, and other members of the public with information regarding the progress of each of the State’s public elementary schools and secondary schools, which may include the number and percentage of students attaining career

and technical proficiencies (as defined by section 113(b) of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2323(b)) and reported by States only in a manner consistent with section 113(c) of such Act (20 U.S.C. 2323(c)).

“(D) RULES OF CONSTRUCTION.—Nothing in subparagraph (C)(viii) shall be construed as requiring—

“(i) reporting of any data that are not collected in accordance with section 203(c)(1) of the Department of Education Organization Act (20 U.S.C. 3413(c)(1); or

“(ii) disaggregation of any data other than as required under subsection (b)(2)(B)(xi).

“(2) ANNUAL LOCAL EDUCATIONAL AGENCY REPORT CARDS.—

“(A) PREPARATION AND DISSEMINATION.—A local educational agency that receives assistance under this part shall prepare and disseminate an annual local educational agency report card that includes information on such agency as a whole and each school served by the agency.

“(B) IMPLEMENTATION.—Each local educational agency report card shall be—

“(i) concise;

“(ii) presented in an understandable and uniform format, and to the extent practicable, in a language that parents can understand; and

“(iii) accessible to the public, which shall include—

“(I) placing such report card on the website of the local educational agency; and

“(II) in any case in which a local educational agency does not operate a website, providing the information to the public in another manner determined by the local educational agency.

“(C) MINIMUM REQUIREMENTS.—The State educational agency shall ensure that each local educational agency collects appropriate data and includes in the local educational agency’s annual report the information described in paragraph (1)(C), disaggregated in the same manner as required under such paragraph, except for clause (xii) of such paragraph, as applied to the local educational agency and each school served by the local educational agency, including—

“(i) in the case of a local educational agency, information that shows how students served by the local educational agency achieved on the academic assessments described in subsection (b)(2) compared to students in the State as a whole;

“(ii) in the case of a school, information that shows how the school’s students’ achievement on the academic assessments described in subsection (b)(2) compared to students served by the local educational agency and the State as a whole; and

“(iii) any other information that the local educational agency determines is appropriate and will best provide parents, students, and other members of the public with information regarding the progress of each public school served by the local educational agency,

whether or not such information is included in the annual State report card.

“(D) ADDITIONAL INFORMATION.—In the case of a local educational agency that issues a report card for all students, the local educational agency may include the information under this section as part of such report.

“(3) PREEXISTING REPORT CARDS.—A State educational agency or local educational agency may use public report cards on the performance of students, schools, local educational agencies, or the State, that were in effect prior to the date of enactment of the Every Student Succeeds Act for the purpose of this subsection, so long as any such report card is modified, as may be needed, to contain the information required by this subsection, and protects the privacy of individual students.

“(4) COST REDUCTION.—Each State educational agency and local educational agency receiving assistance under this part shall, wherever possible, take steps to reduce data collection costs and duplication of effort by obtaining the information required under this subsection through existing data collection efforts.

“(5) ANNUAL STATE REPORT TO THE SECRETARY.—Each State educational agency receiving assistance under this part shall report annually to the Secretary, and make widely available within the State—

“(A) information on the achievement of students on the academic assessments required by subsection (b)(2), including the disaggregated results for the subgroups of students as defined in subsection (c)(2);

“(B) information on the acquisition of English proficiency by English learners;

“(C) the number and names of each public school in the State—

“(i) identified for comprehensive support and improvement under subsection (c)(4)(D)(i); and

“(ii) implementing targeted support and improvement plans under subsection (d)(2); and

“(D) information on the professional qualifications of teachers in the State, including information on the number and the percentage of the following teachers:

“(i) Inexperienced teachers.

“(ii) Teachers teaching with emergency or provisional credentials.

“(iii) Teachers who are not teaching in the subject or field for which the teacher is certified or licensed.

“(6) REPORT TO CONGRESS.—The Secretary shall transmit annually to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report that provides national and State-level data on the information collected under paragraph (5). Such report shall be submitted through electronic means only.

“(i) PRIVACY.—

“(1) IN GENERAL.—Information collected or disseminated under this section (including any information collected for or included in the reports described in subsection (h)) shall be collected and disseminated in a manner that protects the privacy of individuals consistent with section 444 of the General

Education Provisions Act (20 U.S.C. 1232g, commonly known as the ‘Family Educational Rights and Privacy Act of 1974’) and this Act.

“(2) SUFFICIENCY.—The reports described in subsection (h) shall only include data that are sufficient to yield statistically reliable information.

“(3) DISAGGREGATION.—Disaggregation under this section shall not be required if such disaggregation will reveal personally identifiable information about any student, teacher, principal, or other school leader, or will provide data that are insufficient to yield statistically reliable information.

“(j) VOLUNTARY PARTNERSHIPS.—A State retains the right to enter into a voluntary partnership with another State to develop and implement the challenging State academic standards and assessments required under this section, except that the Secretary shall not attempt to influence, incentivize, or coerce State—

“(1) adoption of the Common Core State Standards developed under the Common Core State Standards Initiative or any other academic standards common to a significant number of States, or assessments tied to such standards; or

“(2) participation in such partnerships.

“(k) SPECIAL RULE WITH RESPECT TO BUREAU-FUNDED SCHOOLS.—In determining the assessments to be used by each school operated or funded by the Bureau of Indian Education receiving funds under this part, the following shall apply until the requirements of section 8204(c) have been met:

“(1) Each such school that is accredited by the State in which it is operating shall use the assessments and other academic indicators the State has developed and implemented to meet the requirements of this section, or such other appropriate assessment and academic indicators as approved by the Secretary of the Interior.

“(2) Each such school that is accredited by a regional accrediting organization (in consultation with and with the approval of the Secretary of the Interior, and consistent with assessments and academic indicators adopted by other schools in the same State or region) shall adopt an appropriate assessment and other academic indicators that meet the requirements of this section.

“(3) Each such school that is accredited by a tribal accrediting agency or tribal division of education shall use an assessment and other academic indicators developed by such agency or division, except that the Secretary of the Interior shall ensure that such assessment and academic indicators meet the requirements of this section.

“(l) CONSTRUCTION.—Nothing in this part shall be construed to prescribe the use of the academic assessments described in this part for student promotion or graduation purposes.”.

SEC. 1006. LOCAL EDUCATIONAL AGENCY PLANS.

Section 1112 (20 U.S.C. 6312) is amended to read as follows:

“SEC. 1112. LOCAL EDUCATIONAL AGENCY PLANS.

“(a) PLANS REQUIRED.—

“(1) SUBGRANTS.—A local educational agency may receive a subgrant under this part for any fiscal year only if such agency has on file with the State educational agency a plan, approved by the State educational agency, that—

“(A) is developed with timely and meaningful consultation with teachers, principals, other school leaders, paraprofessionals, specialized instructional support personnel, charter school leaders (in a local educational agency that has charter schools), administrators (including administrators of programs described in other parts of this title), other appropriate school personnel, and with parents of children in schools served under this part; and

“(B) as appropriate, is coordinated with other programs under this Act, the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), the Rehabilitation Act of 1973 (20 U.S.C. 701 et seq.), the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.), the Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.), the Head Start Act (42 U.S.C. 9831 et seq.), the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11301 et seq.), the Adult Education and Family Literacy Act (29 U.S.C. 3271 et seq.), and other Acts as appropriate.

“(2) CONSOLIDATED APPLICATION.—The plan may be submitted as part of a consolidated application under section 8305.

“(3) STATE APPROVAL.—

“(A) IN GENERAL.—Each local educational agency plan shall be filed according to a schedule established by the State educational agency.

“(B) APPROVAL.—The State educational agency shall approve a local educational agency’s plan only if the State educational agency determines that the local educational agency’s plan—

“(i) provides that schools served under this part substantially help children served under this part meet the challenging State academic standards; and

“(ii) meets the requirements of this section.

“(4) DURATION.—Each local educational agency plan shall be submitted for the first year for which this part is in effect following the date of enactment of the Every Student Succeeds Act and shall remain in effect for the duration of the agency’s participation under this part.

“(5) REVIEW.—Each local educational agency shall periodically review and, as necessary, revise its plan.

“(6) RULE OF CONSTRUCTION.—Consultation required under paragraph (1)(A) shall not interfere with the timely submission of the plan required under this section.

“(b) PLAN PROVISIONS.—To ensure that all children receive a high-quality education, and to close the achievement gap between children meeting the challenging State academic standards and those children who are not meeting such standards, each local educational agency plan shall describe—

“(1) how the local educational agency will monitor students’ progress in meeting the challenging State academic standards by—

“(A) developing and implementing a well-rounded program of instruction to meet the academic needs of all students;

“(B) identifying students who may be at risk for academic failure;

“(C) providing additional educational assistance to individual students the local educational agency or school determines need help in meeting the challenging State academic standards; and

“(D) identifying and implementing instructional and other strategies intended to strengthen academic programs and improve school conditions for student learning;

“(2) how the local educational agency will identify and address, as required under State plans as described in section 1111(g)(1)(B), any disparities that result in low-income students and minority students being taught at higher rates than other students by ineffective, inexperienced, or out-of-field teachers;

“(3) how the local educational agency will carry out its responsibilities under paragraphs (1) and (2) of section 1111(d);

“(4) the poverty criteria that will be used to select school attendance areas under section 1113;

“(5) in general, the nature of the programs to be conducted by such agency’s schools under sections 1114 and 1115 and, where appropriate, educational services outside such schools for children living in local institutions for neglected or delinquent children, and for neglected and delinquent children in community day school programs;

“(6) the services the local educational agency will provide homeless children and youths, including services provided with funds reserved under section 1113(c)(3)(A), to support the enrollment, attendance, and success of homeless children and youths, in coordination with the services the local educational agency is providing under the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11301 et seq.);

“(7) the strategy the local educational agency will use to implement effective parent and family engagement under section 1116;

“(8) if applicable, how the local educational agency will support, coordinate, and integrate services provided under this part with early childhood education programs at the local educational agency or individual school level, including plans for the transition of participants in such programs to local elementary school programs;

“(9) how teachers and school leaders, in consultation with parents, administrators, paraprofessionals, and specialized instructional support personnel, in schools operating a targeted assistance school program under section 1115, will identify the eligible children most in need of services under this part;

“(10) how the local educational agency will implement strategies to facilitate effective transitions for students from middle grades to high school and from high school to postsecondary education including, if applicable—

“(A) through coordination with institutions of higher education, employers, and other local partners; and

“(B) through increased student access to early college high school or dual or concurrent enrollment opportunities, or career counseling to identify student interests and skills;

“(11) how the local educational agency will support efforts to reduce the overuse of discipline practices that remove students from the classroom, which may include identifying and supporting schools with high rates of discipline, disaggregated

by each of the subgroups of students, as defined in section 1111(c)(2);

“(12) if determined appropriate by the local educational agency, how such agency will support programs that coordinate and integrate—

“(A) academic and career and technical education content through coordinated instructional strategies, that may incorporate experiential learning opportunities and promote skills attainment important to in-demand occupations or industries in the State; and

“(B) work-based learning opportunities that provide students in-depth interaction with industry professionals and, if appropriate, academic credit; and

“(13) any other information on how the local educational agency proposes to use funds to meet the purposes of this part, and that the local educational agency determines appropriate to provide, which may include how the local educational agency will—

“(A) assist schools in identifying and serving gifted and talented students; and

“(B) assist schools in developing effective school library programs to provide students an opportunity to develop digital literacy skills and improve academic achievement.

“(c) ASSURANCES.—Each local educational agency plan shall provide assurances that the local educational agency will—

“(1) ensure that migratory children and formerly migratory children who are eligible to receive services under this part are selected to receive such services on the same basis as other children who are selected to receive services under this part;

“(2) provide services to eligible children attending private elementary schools and secondary schools in accordance with section 1117, and timely and meaningful consultation with private school officials regarding such services;

“(3) participate, if selected, in the National Assessment of Educational Progress in reading and mathematics in grades 4 and 8 carried out under section 303(b)(3) of the National Assessment of Educational Progress Authorization Act (20 U.S.C. 9622(b)(3));

“(4) coordinate and integrate services provided under this part with other educational services at the local educational agency or individual school level, such as services for English learners, children with disabilities, migratory children, American Indian, Alaska Native, and Native Hawaiian children, and homeless children and youths, in order to increase program effectiveness, eliminate duplication, and reduce fragmentation of the instructional program;

“(5) collaborate with the State or local child welfare agency to—

“(A) designate a point of contact if the corresponding child welfare agency notifies the local educational agency, in writing, that the agency has designated an employee to serve as a point of contact for the local educational agency; and

“(B) by not later than 1 year after the date of enactment of the Every Student Succeeds Act, develop and implement clear written procedures governing how transportation to maintain children in foster care in their school of origin when in their best interest will be provided, arranged, and funded for the duration of the time in foster care, which procedures shall—

“(i) ensure that children in foster care needing transportation to the school of origin will promptly receive transportation in a cost-effective manner and in accordance with section 475(4)(A) of the Social Security Act (42 U.S.C. 675(4)(A)); and

“(ii) ensure that, if there are additional costs incurred in providing transportation to maintain children in foster care in their schools of origin, the local educational agency will provide transportation to the school of origin if—

“(I) the local child welfare agency agrees to reimburse the local educational agency for the cost of such transportation;

“(II) the local educational agency agrees to pay for the cost of such transportation; or

“(III) the local educational agency and the local child welfare agency agree to share the cost of such transportation; and

“(6) ensure that all teachers and paraprofessionals working in a program supported with funds under this part meet applicable State certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification; and

“(7) in the case of a local educational agency that chooses to use funds under this part to provide early childhood education services to low-income children below the age of compulsory school attendance, ensure that such services comply with the performance standards established under section 641A(a) of the Head Start Act (42 U.S.C. 9836a(a)).

“(d) SPECIAL RULE.—For local educational agencies using funds under this part for the purposes described in subsection (c)(7), the Secretary shall—

“(1) consult with the Secretary of Health and Human Services and establish procedures (taking into consideration existing State and local laws, and local teacher contracts) to assist local educational agencies to comply with such subsection; and

“(2) disseminate to local educational agencies the education performance standards in effect under section 641A(a) of the Head Start Act (42 U.S.C. 9836a(a)), and such agencies affected by such subsection (c)(7) shall plan to comply with such subsection (taking into consideration existing State and local laws, and local teacher contracts), including by pursuing the availability of other Federal, State, and local funding sources to assist with such compliance.

“(e) PARENTS RIGHT-TO-KNOW.—

“(1) INFORMATION FOR PARENTS.—

“(A) IN GENERAL.—At the beginning of each school year, a local educational agency that receives funds under this part shall notify the parents of each student attending any school receiving funds under this part that the parents

may request, and the agency will provide the parents on request (and in a timely manner), information regarding the professional qualifications of the student's classroom teachers, including at a minimum, the following:

“(i) Whether the student's teacher—

“(I) has met State qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction;

“(II) is teaching under emergency or other provisional status through which State qualification or licensing criteria have been waived; and

“(III) is teaching in the field of discipline of the certification of the teacher.

“(ii) Whether the child is provided services by paraprofessionals and, if so, their qualifications.

“(B) ADDITIONAL INFORMATION.—In addition to the information that parents may request under subparagraph (A), a school that receives funds under this part shall provide to each individual parent of a child who is a student in such school, with respect to such student—

“(i) information on the level of achievement and academic growth of the student, if applicable and available, on each of the State academic assessments required under this part; and

“(ii) timely notice that the student has been assigned, or has been taught for 4 or more consecutive weeks by, a teacher who does not meet applicable State certification or licensure requirements at the grade level and subject area in which the teacher has been assigned.

“(2) TESTING TRANSPARENCY.—

“(A) IN GENERAL.—At the beginning of each school year, a local educational agency that receives funds under this part shall notify the parents of each student attending any school receiving funds under this part that the parents may request, and the local educational agency will provide the parents on request (and in a timely manner), information regarding any State or local educational agency policy regarding student participation in any assessments mandated by section 1111(b)(2) and by the State or local educational agency, which shall include a policy, procedure, or parental right to opt the child out of such assessment, where applicable.

“(B) ADDITIONAL INFORMATION.—Subject to subparagraph (C), each local educational agency that receives funds under this part shall make widely available through public means (including by posting in a clear and easily accessible manner on the local educational agency's website and, where practicable, on the website of each school served by the local educational agency) for each grade served by the local educational agency, information on each assessment required by the State to comply with section 1111, other assessments required by the State, and where such information is available and feasible to report, assessments required districtwide by the local educational agency, including—

“(i) the subject matter assessed;

“(ii) the purpose for which the assessment is designed and used;

“(iii) the source of the requirement for the assessment; and

“(iv) where such information is available—

“(I) the amount of time students will spend taking the assessment, and the schedule for the assessment; and

“(II) the time and format for disseminating results.

“(C) LOCAL EDUCATIONAL AGENCY THAT DOES NOT OPERATE A WEBSITE.—In the case of a local educational agency that does not operate a website, such local educational agency shall determine how to make the information described in subparagraph (A) widely available, such as through distribution of that information to the media, through public agencies, or directly to parents.

“(3) LANGUAGE INSTRUCTION.—

“(A) NOTICE.—Each local educational agency using funds under this part or title III to provide a language instruction educational program as determined under title III shall, not later than 30 days after the beginning of the school year, inform parents of an English learner identified for participation or participating in such a program, of—

“(i) the reasons for the identification of their child as an English learner and in need of placement in a language instruction educational program;

“(ii) the child’s level of English proficiency, how such level was assessed, and the status of the child’s academic achievement;

“(iii) the methods of instruction used in the program in which their child is, or will be, participating and the methods of instruction used in other available programs, including how such programs differ in content, instructional goals, and the use of English and a native language in instruction;

“(iv) how the program in which their child is, or will be, participating will meet the educational strengths and needs of their child;

“(v) how such program will specifically help their child learn English and meet age-appropriate academic achievement standards for grade promotion and graduation;

“(vi) the specific exit requirements for the program, including the expected rate of transition from such program into classrooms that are not tailored for English learners, and the expected rate of graduation from high school (including four-year adjusted cohort graduation rates and extended-year adjusted cohort graduation rates for such program) if funds under this part are used for children in high schools;

“(vii) in the case of a child with a disability, how such program meets the objectives of the individualized education program of the child, as described in section 614(d) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(d)); and

“(viii) information pertaining to parental rights that includes written guidance—

“(I) detailing the right that parents have to have their child immediately removed from such program upon their request;

“(II) detailing the options that parents have to decline to enroll their child in such program or to choose another program or method of instruction, if available; and

“(III) assisting parents in selecting among various programs and methods of instruction, if more than 1 program or method is offered by the eligible entity.

“(B) SPECIAL RULE APPLICABLE DURING THE SCHOOL YEAR.—For those children who have not been identified as English learners prior to the beginning of the school year but are identified as English learners during such school year, the local educational agency shall notify the children’s parents during the first 2 weeks of the child being placed in a language instruction educational program consistent with subparagraph (A).

“(C) PARENTAL PARTICIPATION.—

“(i) IN GENERAL.—Each local educational agency receiving funds under this part shall implement an effective means of outreach to parents of English learners to inform the parents regarding how the parents can—

“(I) be involved in the education of their children; and

“(II) be active participants in assisting their children to—

“(aa) attain English proficiency;

“(bb) achieve at high levels within a well-rounded education; and

“(cc) meet the challenging State academic standards expected of all students.

“(ii) REGULAR MEETINGS.—Implementing an effective means of outreach to parents under clause (i) shall include holding, and sending notice of opportunities for, regular meetings for the purpose of formulating and responding to recommendations from parents of students assisted under this part or title III.

“(D) BASIS FOR ADMISSION OR EXCLUSION.—A student shall not be admitted to, or excluded from, any federally assisted education program on the basis of a surname or language-minority status.

“(4) NOTICE AND FORMAT.—The notice and information provided to parents under this subsection shall be in an understandable and uniform format and, to the extent practicable, provided in a language that the parents can understand.”.

SEC. 1007. ELIGIBLE SCHOOL ATTENDANCE AREAS.

Section 1113 (20 U.S.C. 6313) is amended—

(1) in subsection (a)—

(A) by striking paragraph (3) and inserting the following:

“(3) RANKING ORDER.—

“(A) RANKING.—Except as provided in subparagraph (B), if funds allocated in accordance with subsection (c) are insufficient to serve all eligible school attendance areas, a local educational agency shall—

“(i) annually rank, without regard to grade spans, such agency’s eligible school attendance areas in which the concentration of children from low-income families exceeds 75 percent from highest to lowest according to the percentage of children from low-income families; and

“(ii) serve such eligible school attendance areas in rank order.

“(B) EXCEPTION.—A local educational agency may lower the threshold in subparagraph (A)(i) to 50 percent for high schools served by such agency.”; and

(B) by striking paragraph (5) and inserting the following:

“(5) MEASURES.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), a local educational agency shall use the same measure of poverty, which measure shall be the number of children aged 5 through 17 in poverty counted in the most recent census data approved by the Secretary, the number of children eligible for a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), the number of children in families receiving assistance under the State program funded under part A of title IV of the Social Security Act, or the number of children eligible to receive medical assistance under the Medicaid Program, or a composite of such indicators, with respect to all school attendance areas in the local educational agency—

“(i) to identify eligible school attendance areas;

“(ii) to determine the ranking of each area; and

“(iii) to determine allocations under subsection (c).

“(B) SECONDARY SCHOOLS.—For measuring the number of students in low-income families in secondary schools, the local educational agency shall use the same measure of poverty, which shall be—

“(i) the measure described under subparagraph (A);

or

“(ii) subject to meeting the conditions of subparagraph (C), an accurate estimate of the number of students in low-income families in a secondary school that is calculated by applying the average percentage of students in low-income families of the elementary school attendance areas as calculated under subparagraph (A) that feed into the secondary school to the number of students enrolled in such school.

“(C) MEASURE OF POVERTY.—The local educational agency shall have the option to use the measure of poverty described in subparagraph (B)(ii) after—

“(i) conducting outreach to secondary schools within such agency to inform such schools of the option to use such measure; and

“(ii) a majority of such schools have approved the use of such measure.”;

(2) in subsection (b)(1)(D)(i), by striking “section 1120A(c)” and inserting “section 1118(c)”; and

(3) in subsection (c)—

(A) by striking paragraph (3) and inserting the following:

“(3) RESERVATION OF FUNDS.—

“(A) IN GENERAL.—A local educational agency shall reserve such funds as are necessary under this part, determined in accordance with subparagraphs (B) and (C), to provide services comparable to those provided to children in schools funded under this part to serve—

“(i) homeless children and youths, including providing educationally related support services to children in shelters and other locations where children may live;

“(ii) children in local institutions for neglected children; and

“(iii) if appropriate, children in local institutions for delinquent children, and neglected or delinquent children in community day programs.

“(B) METHOD OF DETERMINATION.—The share of funds determined under subparagraph (A) shall be determined—

“(i) based on the total allocation received by the local educational agency; and

“(ii) prior to any allowable expenditures or transfers by the local educational agency.

“(C) HOMELESS CHILDREN AND YOUTHS.—Funds reserved under subparagraph (A)(i) may be—

“(i) determined based on a needs assessment of homeless children and youths in the local educational agency, taking into consideration the number and needs of homeless children and youths in the local educational agency, and which needs assessment may be the same needs assessment as conducted under section 723(b)(1) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11433(b)(1)); and

“(ii) used to provide homeless children and youths with services not ordinarily provided to other students under this part, including providing—

“(I) funding for the liaison designated pursuant to section 722(g)(1)(J)(ii) of such Act (42 U.S.C. 11432(g)(1)(J)(ii)); and

“(II) transportation pursuant to section 722(g)(1)(J)(iii) of such Act (42 U.S.C. 11432(g)(1)(J)(iii)).”;

(B) in paragraph (4), by striking “school improvement, corrective action, and restructuring under section 1116(b)” and inserting “comprehensive support and improvement activities or targeted support and improvement activities under section 1111(d)”; and

(C) by adding at the end the following:

“(5) EARLY CHILDHOOD EDUCATION.—A local educational agency may reserve funds made available to carry out this section to provide early childhood education programs for eligible children.”.

SEC. 1008. SCHOOLWIDE PROGRAMS.

Section 1114 (20 U.S.C. 6314) is amended—

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

“(a) IN GENERAL.—

“(1) USE OF FUNDS FOR SCHOOLWIDE PROGRAMS.—

“(A) ELIGIBILITY.—A local educational agency may consolidate and use funds under this part, together with other Federal, State, and local funds, in order to upgrade the entire educational program of a school that serves an eligible school attendance area in which not less than 40 percent of the children are from low-income families, or not less than 40 percent of the children enrolled in the school are from such families.

“(B) EXCEPTION.—A school that serves an eligible school attendance area in which less than 40 percent of the children are from low-income families, or a school for which less than 40 percent of the children enrolled in the school are from such families, may operate a schoolwide program under this section if the school receives a waiver from the State educational agency to do so, after taking into account how a schoolwide program will best serve the needs of the students in the school served under this part in improving academic achievement and other factors.

“(2) IDENTIFICATION OF STUDENTS NOT REQUIRED.—

“(A) IN GENERAL.—No school participating in a schoolwide program shall be required to identify—

“(i) particular children under this part as eligible to participate in a schoolwide program; or

“(ii) individual services as supplementary.

“(B) SUPPLEMENTAL FUNDS.—In accordance with the method of determination described in section 1118(b)(2), a school participating in a schoolwide program shall use funds available to carry out this section only to supplement the amount of funds that would, in the absence of funds under this part, be made available from non-Federal sources for the school, including funds needed to provide services that are required by law for children with disabilities and English learners.

“(3) EXEMPTION FROM STATUTORY AND REGULATORY REQUIREMENTS.—

“(A) EXEMPTION.—Except as provided in paragraph (2), the Secretary may, through publication of a notice in the Federal Register, exempt schoolwide programs under this section from statutory or regulatory provisions of any other noncompetitive formula grant program administered by the Secretary (other than formula or discretionary grant programs under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), except as provided in section 613(a)(2)(D) of such Act (20 U.S.C. 1413(a)(2)(D))), or any discretionary grant program administered by the Secretary, to support schoolwide programs if the intent and purposes of such other programs are met.

“(B) REQUIREMENTS.—A school that chooses to use funds from such other programs shall not be relieved of the requirements relating to health, safety, civil rights, student and parental participation and involvement, services to private school children, comparability of services,

maintenance of effort, uses of Federal funds to supplement, not supplant non-Federal funds (in accordance with the method of determination described in section 1118(b)(2)), or the distribution of funds to State educational agencies or local educational agencies that apply to the receipt of funds from such programs.

“(C) RECORDS.—A school that chooses to consolidate and use funds from different Federal programs under this section shall not be required to maintain separate fiscal accounting records, by program, that identify the specific activities supported by those particular funds as long as the school maintains records that demonstrate that the schoolwide program, considered as a whole, addresses the intent and purposes of each of the Federal programs that were consolidated to support the schoolwide program.”;

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

“(b) SCHOOLWIDE PROGRAM PLAN.—An eligible school operating a schoolwide program shall develop a comprehensive plan (or amend a plan for such a program that was in existence on the day before the date of the enactment of the Every Student Succeeds Act) that—

“(1) is developed during a 1-year period, unless—

“(A) the local educational agency determines, in consultation with the school, that less time is needed to develop and implement the schoolwide program; or

“(B) the school is operating a schoolwide program on the day before the date of the enactment of the Every Student Succeeds Act, in which case such school may continue to operate such program, but shall develop amendments to its existing plan during the first year of assistance after that date to reflect the provisions of this section;

“(2) is developed with the involvement of parents and other members of the community to be served and individuals who will carry out such plan, including teachers, principals, other school leaders, paraprofessionals present in the school, administrators (including administrators of programs described in other parts of this title), the local educational agency, to the extent feasible, tribes and tribal organizations present in the community, and, if appropriate, specialized instructional support personnel, technical assistance providers, school staff, if the plan relates to a secondary school, students, and other individuals determined by the school;

“(3) remains in effect for the duration of the school’s participation under this part, except that the plan and its implementation shall be regularly monitored and revised as necessary based on student needs to ensure that all students are provided opportunities to meet the challenging State academic standards;

“(4) is available to the local educational agency, parents, and the public, and the information contained in such plan shall be in an understandable and uniform format and, to the extent practicable, provided in a language that the parents can understand; and

“(5) if appropriate and applicable, is developed in coordination and integration with other Federal, State, and local services, resources, and programs, such as programs supported

under this Act, violence prevention programs, nutrition programs, housing programs, Head Start programs, adult education programs, career and technical education programs, and schools implementing comprehensive support and improvement activities or targeted support and improvement activities under section 1111(d);

“(6) is based on a comprehensive needs assessment of the entire school that takes into account information on the academic achievement of children in relation to the challenging State academic standards, particularly the needs of those children who are failing, or are at-risk of failing, to meet the challenging State academic standards and any other factors as determined by the local educational agency; and

“(7) includes a description of—

“(A) the strategies that the school will be implementing to address school needs, including a description of how such strategies will—

“(i) provide opportunities for all children, including each of the subgroups of students (as defined in section 1111(c)(2)) to meet the challenging State academic standards;

“(ii) use methods and instructional strategies that strengthen the academic program in the school, increase the amount and quality of learning time, and help provide an enriched and accelerated curriculum, which may include programs, activities, and courses necessary to provide a well-rounded education; and

“(iii) address the needs of all children in the school, but particularly the needs of those at risk of not meeting the challenging State academic standards, through activities which may include—

“(I) counseling, school-based mental health programs, specialized instructional support services, mentoring services, and other strategies to improve students’ skills outside the academic subject areas;

“(II) preparation for and awareness of opportunities for postsecondary education and the workforce, which may include career and technical education programs and broadening secondary school students’ access to coursework to earn postsecondary credit while still in high school (such as Advanced Placement, International Baccalaureate, dual or concurrent enrollment, or early college high schools);

“(III) implementation of a schoolwide tiered model to prevent and address problem behavior, and early intervening services, coordinated with similar activities and services carried out under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.);

“(IV) professional development and other activities for teachers, paraprofessionals, and other school personnel to improve instruction and use of data from academic assessments, and to recruit and retain effective teachers, particularly in high-need subjects; and

“(V) strategies for assisting preschool children in the transition from early childhood education programs to local elementary school programs; and

“(B) if programs are consolidated, the specific State educational agency and local educational agency programs and other Federal programs that will be consolidated in the schoolwide program.”;

(3) by striking subsection (c) and inserting the following:

“(c) PRESCHOOL PROGRAMS.—A school that operates a schoolwide program under this section may use funds available under this part to establish or enhance preschool programs for children who are under 6 years of age.

“(d) DELIVERY OF SERVICES.—The services of a schoolwide program under this section may be delivered by nonprofit or for-profit external providers with expertise in using evidence-based or other effective strategies to improve student achievement.

“(e) USE OF FUNDS FOR DUAL OR CONCURRENT ENROLLMENT PROGRAMS.—

“(1) IN GENERAL.—A secondary school operating a schoolwide program under this section may use funds received under this part to operate dual or concurrent enrollment programs that address the needs of low-achieving secondary school students and those at risk of not meeting the challenging State academic standards.

“(2) FLEXIBILITY OF FUNDS.—A secondary school using funds received under this part for a dual or concurrent enrollment program described in paragraph (1) may use such funds for any of the costs associated with such program, including the costs of—

“(A) training for teachers, and joint professional development for teachers in collaboration with career and technical educators and educators from institutions of higher education, where appropriate, for the purpose of integrating rigorous academics in such program;

“(B) tuition and fees, books, required instructional materials for such program, and innovative delivery methods; and

“(C) transportation to and from such program.

“(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to impose on any State any requirement or rule regarding dual or concurrent enrollment programs that is inconsistent with State law.”.

SEC. 1009. TARGETED ASSISTANCE SCHOOLS.

Section 1115 (20 U.S.C. 6315) is amended—

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

“(a) IN GENERAL.—In all schools selected to receive funds under section 1113(c) that are ineligible for a schoolwide program under section 1114, have not received a waiver under section 1114(a)(1)(B) to operate such a schoolwide program, or choose not to operate such a schoolwide program, a local educational agency serving such school may use funds received under this part only for programs that provide services to eligible children under subsection (c) identified as having the greatest need for special assistance.”;

(2) by redesignating subsections (b) and (c) as subsections (c) and (b), respectively, and moving those redesignated subsections so as to appear in alphabetical order;

(3) by striking subsection (b), as redesignated by paragraph (2), and inserting the following:

“(b) TARGETED ASSISTANCE SCHOOL PROGRAM.—To assist targeted assistance schools and local educational agencies to meet their responsibility to provide for all their students served under this part the opportunity to meet the challenging State academic standards, each targeted assistance program under this section shall—

“(1) determine which students will be served;

“(2) serve participating students identified as eligible children under subsection (c), including by—

“(A) using resources under this part to help eligible children meet the challenging State academic standards, which may include programs, activities, and academic courses necessary to provide a well-rounded education;

“(B) using methods and instructional strategies to strengthen the academic program of the school through activities, which may include—

“(i) expanded learning time, before- and after-school programs, and summer programs and opportunities; and

“(ii) a schoolwide tiered model to prevent and address behavior problems, and early intervening services, coordinated with similar activities and services carried out under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.);

“(C) coordinating with and supporting the regular education program, which may include services to assist preschool children in the transition from early childhood education programs such as Head Start, the literacy program under subpart 2 of part B of title II, or State-run preschool programs to elementary school programs;

“(D) providing professional development with resources provided under this part, and, to the extent practicable, from other sources, to teachers, principals, other school leaders, paraprofessionals, and, if appropriate, specialized instructional support personnel, and other school personnel who work with eligible children in programs under this section or in the regular education program;

“(E) implementing strategies to increase the involvement of parents of eligible children in accordance with section 1116; and

“(F) if appropriate and applicable, coordinating and integrating Federal, State, and local services and programs, such as programs supported under this Act, violence prevention programs, nutrition programs, housing programs, Head Start programs, adult education programs, career and technical education programs, and comprehensive support and improvement activities or targeted support and improvement activities under section 1111(d); and

“(G) provide to the local educational agency assurances that the school will—

“(i) help provide an accelerated, high-quality curriculum;

“(ii) minimize the removal of children from the regular classroom during regular school hours for instruction provided under this part; and

“(iii) on an ongoing basis, review the progress of eligible children and revise the targeted assistance program under this section, if necessary, to provide additional assistance to enable such children to meet the challenging State academic standards.”;

- (4) in subsection (c), as redesignated by paragraph (2)—
- (A) in paragraph (1)(B)—
- (i) by striking “the State’s challenging student academic achievement standards” and inserting “the challenging State academic standards”; and
- (ii) by striking “such criteria as teacher judgment, interviews with parents, and developmentally appropriate measures” and inserting “criteria, including objective criteria, established by the local educational agency and supplemented by the school”; and
- (B) in paragraph (2)—
- (i) in subparagraph (A), by striking “limited English proficient children” and inserting “English learners”;
- (ii) in subparagraph (B)—
- (I) by striking the heading and inserting “HEAD START AND PRESCHOOL CHILDREN”; and
- (II) by striking “Head Start, Even Start, or Early Reading First program,” and inserting “Head Start program, the literacy program under subpart 2 of part B of title II,”; and
- (iii) in subparagraph (C), by striking the heading and inserting “MIGRANT CHILDREN”;
- (5) in subsection (e)—
- (A) in paragraph (2)(B)—
- (i) by striking “and” at the end of clause (ii);
- (ii) by redesignating clause (iii) as clause (v); and
- (iii) by inserting after clause (ii) the following new clauses:
- “(iii) family support and engagement services;
- “(iv) integrated student supports; and”;
- (iv) in clause (v), as redesignated by clause (iii), by striking “pupil services” and inserting “specialized instructional support”; and
- (B) by striking paragraph (3); and
- (6) by adding at the end the following:

“(f) USE OF FUNDS FOR DUAL OR CONCURRENT ENROLLMENT PROGRAMS.—A secondary school operating a targeted assistance program under this section may use funds received under this part to provide dual or concurrent enrollment program services described under section 1114(e) to eligible children under subsection (c)(1)(B) who are identified as having the greatest need for special assistance.

“(g) PROHIBITION.—Nothing in this section shall be construed to authorize the Secretary or any other officer or employee of the Federal Government to require a local educational agency or school to submit the results of a comprehensive needs assessment or plan under section 1114(b), or a program described in subsection (b), for review or approval by the Secretary.

“(h) DELIVERY OF SERVICES.—The services of a targeted assistance program under this section may be delivered by nonprofit

or for-profit external providers with expertise in using evidence-based or other effective strategies to improve student achievement.”.

SEC. 1010. PARENT AND FAMILY ENGAGEMENT.

20 USC 6318.

Section 1116, as redesignated by section 1000(2), is amended—

(1) in the section heading, by striking “**PARENTAL INVOLVEMENT**” and inserting “**PARENT AND FAMILY ENGAGEMENT**”;

(2) in subsection (a)—

(A) in paragraph (1)—

(i) by inserting “conducts outreach to all parents and family members and” after “only if such agency”; and

(ii) by inserting “and family members” after “and procedures for the involvement of parents”;

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A)—

(I) by inserting “and family members” after “, and distribute to, parents”;

(II) by striking “written parent involvement policy” and inserting “written parent and family engagement policy”; and

(III) by striking “expectations for parent involvement” and inserting “expectations and objectives for meaningful parent and family involvement”; and

(ii) by striking subparagraphs (A) through (F) and

inserting the following:

“(A) involve parents and family members in jointly developing the local educational agency plan under section 1112, and the development of support and improvement plans under paragraphs (1) and (2) of section 1111(d).

“(B) provide the coordination, technical assistance, and other support necessary to assist and build the capacity of all participating schools within the local educational agency in planning and implementing effective parent and family involvement activities to improve student academic achievement and school performance, which may include meaningful consultation with employers, business leaders, and philanthropic organizations, or individuals with expertise in effectively engaging parents and family members in education;

“(C) coordinate and integrate parent and family engagement strategies under this part with parent and family engagement strategies, to the extent feasible and appropriate, with other relevant Federal, State, and local laws and programs;

“(D) conduct, with the meaningful involvement of parents and family members, an annual evaluation of the content and effectiveness of the parent and family engagement policy in improving the academic quality of all schools served under this part, including identifying—

“(i) barriers to greater participation by parents in activities authorized by this section (with particular attention to parents who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background);

“(ii) the needs of parents and family members to assist with the learning of their children, including engaging with school personnel and teachers; and

“(iii) strategies to support successful school and family interactions;

“(E) use the findings of such evaluation in subparagraph (D) to design evidence-based strategies for more effective parental involvement, and to revise, if necessary, the parent and family engagement policies described in this section; and

“(F) involve parents in the activities of the schools served under this part, which may include establishing a parent advisory board comprised of a sufficient number and representative group of parents or family members served by the local educational agency to adequately represent the needs of the population served by such agency for the purposes of developing, revising, and reviewing the parent and family engagement policy.”; and

(C) in paragraph (3)—

(i) by striking subparagraph (A) and inserting the following:

“(A) IN GENERAL.—Each local educational agency shall reserve at least 1 percent of its allocation under subpart 2 to assist schools to carry out the activities described in this section, except that this subparagraph shall not apply if 1 percent of such agency’s allocation under subpart 2 for the fiscal year for which the determination is made is \$5,000 or less. Nothing in this subparagraph shall be construed to limit local educational agencies from reserving more than 1 percent of its allocation under subpart 2 to assist schools to carry out activities described in this section.”;

(ii) in subparagraph (B), by striking “(B) PARENTAL INPUT.—Parents of children” and inserting “(B) PARENT AND FAMILY MEMBER INPUT.—Parents and family members of children”;

(iii) in subparagraph (C)—

(I) by striking “95 percent” and inserting “90 percent”; and

(II) by inserting “, with priority given to high-need schools” after “schools served under this part”; and

(iv) by adding at the end the following:

“(D) USE OF FUNDS.—Funds reserved under subparagraph (A) by a local educational agency shall be used to carry out activities and strategies consistent with the local educational agency’s parent and family engagement policy, including not less than 1 of the following:

“(i) Supporting schools and nonprofit organizations in providing professional development for local educational agency and school personnel regarding parent and family engagement strategies, which may be provided jointly to teachers, principals, other school leaders, specialized instructional support personnel, paraprofessionals, early childhood educators, and parents and family members.

“(ii) Supporting programs that reach parents and family members at home, in the community, and at school.

“(iii) Disseminating information on best practices focused on parent and family engagement, especially best practices for increasing the engagement of economically disadvantaged parents and family members.

“(iv) Collaborating, or providing subgrants to schools to enable such schools to collaborate, with community-based or other organizations or employers with a record of success in improving and increasing parent and family engagement.

“(v) Engaging in any other activities and strategies that the local educational agency determines are appropriate and consistent with such agency’s parent and family engagement policy.”;

(3) in subsection (b)—

(A) in the subsection heading, by striking “PARENTAL INVOLVEMENT POLICY” and inserting “PARENT AND FAMILY ENGAGEMENT POLICY”;

(B) in paragraph (1)—

(i) by inserting “and family members” after “distribute to, parents”; and

(ii) by striking “written parental involvement policy” and inserting “written parent and family engagement policy”;

(C) in paragraph (2)—

(i) by striking “parental involvement policy” and inserting “parent and family engagement policy”; and

(ii) by inserting “and family members” after “that applies to all parents”; and

(D) in paragraph (3)—

(i) by striking “parental involvement policy” and inserting “parent and family engagement policy”; and

(ii) by inserting “and family members in all schools served by the local educational agency” after “policy that applies to all parents”;

(4) in subsection (c)—

(A) in paragraph (3)—

(i) by striking “parental involvement policy” and inserting “parent and family engagement policy”; and

(ii) by striking “1114(b)(2)” and inserting “1114(b)”;

(B) in paragraph (4)(B), by striking “the proficiency levels students are expected to meet” and inserting “the achievement levels of the challenging State academic standards”; and

(C) in paragraph (5), by striking “1114(b)(2)” and inserting “1114(b)”;

(5) in subsection (d)—

(A) in the matter preceding paragraph (1), by striking “parental involvement policy” and inserting “parent and family engagement policy”;

(B) in paragraph (1)—

(i) by striking “the State’s student academic achievement standards” and inserting “the challenging State academic standards”; and

(ii) by striking “, such as monitoring attendance, homework completion, and television watching”; and (C) in paragraph (2)—

(i) in subparagraph (B), by striking “and” after the semicolon;

(ii) in subparagraph (C), by striking the period and inserting “; and”; and

(iii) by adding at the end the following:

“(D) ensuring regular two-way, meaningful communication between family members and school staff, and, to the extent practicable, in a language that family members can understand.”;

(6) in subsection (e)—

(A) in paragraph (1), by striking “the State’s academic content standards and State student academic achievement standards” and inserting “the challenging State academic standards”;

(B) in paragraph (2), by striking “technology” and inserting “technology (including education about the harms of copyright piracy)”;

(C) in paragraph (3), by striking “pupil services personnel, principals” and inserting “specialized instructional support personnel, principals, and other school leaders”; and

(D) in paragraph (4), by striking “Head Start, Reading First, Early Reading First, Even Start, the Home Instruction Programs for Preschool Youngsters, the Parents as Teachers Program, and public preschool and other programs,” and inserting “other Federal, State, and local programs, including public preschool programs.”;

(7) by striking subsection (f) and inserting the following:

“(f) ACCESSIBILITY.—In carrying out the parent and family engagement requirements of this part, local educational agencies and schools, to the extent practicable, shall provide opportunities for the informed participation of parents and family members (including parents and family members who have limited English proficiency, parents and family members with disabilities, and parents and family members of migratory children), including providing information and school reports required under section 1111 in a format and, to the extent practicable, in a language such parents understand.”;

(8) by striking subsection (g) and inserting the following:

“(g) FAMILY ENGAGEMENT IN EDUCATION PROGRAMS.—In a State operating a program under part E of title IV, each local educational agency or school that receives assistance under this part shall inform parents and organizations of the existence of the program.”; and

(9) in subsection (h), by striking “parental involvement policies” and inserting “parent and family engagement policies”.

SEC. 1011. PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS.

Section 1117, as redesignated by section 1000(3), is amended— 20 USC 6320.

(1) in subsection (a)—

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

“(1) IN GENERAL.—To the extent consistent with the number of eligible children identified under section 1115(c) in the school district served by a local educational agency who are enrolled in private elementary schools and secondary schools, a local educational agency shall—

“(A) after timely and meaningful consultation with appropriate private school officials, provide such children, on an equitable basis and individually or in combination, as requested by the officials to best meet the needs of such children, special educational services, instructional services (including evaluations to determine the progress being made in meeting such students’ academic needs), counseling, mentoring, one-on-one tutoring, or other benefits under this part (such as dual or concurrent enrollment, educational radio and television, computer equipment and materials, other technology, and mobile educational services and equipment) that address their needs; and

“(B) ensure that teachers and families of the children participate, on an equitable basis, in services and activities developed pursuant to section 1116.”;

(B) by striking paragraph (3) and inserting the following:

“(3) EQUITY.—

“(A) IN GENERAL.—Educational services and other benefits for such private school children shall be equitable in comparison to services and other benefits for public school children participating under this part, and shall be provided in a timely manner.

“(B) OMBUDSMAN.—To help ensure such equity for such private school children, teachers, and other educational personnel, the State educational agency involved shall designate an ombudsman to monitor and enforce the requirements of this part.”;

(C) by striking paragraph (4) and inserting the following:

“(4) EXPENDITURES.—

“(A) DETERMINATION.—

“(i) IN GENERAL.—Expenditures for educational services and other benefits to eligible private school children shall be equal to the proportion of funds allocated to participating school attendance areas based on the number of children from low-income families who attend private schools.

“(ii) PROPORTIONAL SHARE.—The proportional share of funds shall be determined based on the total amount of funds received by the local educational agency under this part prior to any allowable expenditures or transfers by the local educational agency.

“(B) OBLIGATION OF FUNDS.—Funds allocated to a local educational agency for educational services and other benefits to eligible private school children shall be obligated in the fiscal year for which the funds are received by the agency.

“(C) NOTICE OF ALLOCATION.—Each State educational agency shall provide notice in a timely manner to the appropriate private school officials in the State of the

allocation of funds for educational services and other benefits under this part that the local educational agencies have determined are available for eligible private school children.

“(D) TERM OF DETERMINATION.—The local educational agency may determine the equitable share under subparagraph (A) each year or every 2 years.”; and

(D) in paragraph (5), by striking “agency” and inserting “agency, or, in a case described in subsection (b)(6)(C), the State educational agency involved,”;

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking “part,” and inserting “part. Such agency and private school officials shall both have the goal of reaching agreement on how to provide equitable and effective programs for eligible private school children, the results of which agreement shall be transmitted to the ombudsman designated under subsection (a)(3)(B). Such process shall include consultation”;

(ii) in subparagraph (E)—

(I) by striking “and” before “the proportion of funds”;

(II) by striking “(a)(4)” and inserting “(a)(4)(A)” ; and

(III) by inserting “, and how that proportion of funds is determined” after “such services”;

(iii) in subparagraph (G), by striking “and” after the semicolon;

(iv) in subparagraph (H), by striking the period at the end and inserting a semicolon; and

(v) by adding at the end the following:

“(I) whether the agency shall provide services directly or through a separate government agency, consortium, entity, or third-party contractor;

“(J) whether to provide equitable services to eligible private school children—

“(i) by creating a pool or pools of funds with all of the funds allocated under subsection (a)(4)(A) based on all the children from low-income families in a participating school attendance area who attend private schools; or

“(ii) in the agency’s participating school attendance area who attend private schools with the proportion of funds allocated under subsection (a)(4)(A) based on the number of children from low-income families who attend private schools;

“(K) when, including the approximate time of day, services will be provided; and

“(L) whether to consolidate and use funds provided under subsection (a)(4) in coordination with eligible funds available for services to private school children under applicable programs, as defined in section 8501(b)(1) to provide services to eligible private school children participating in programs.”;

(B) by redesignating paragraphs (2) through (5) as paragraphs (3) through (6), respectively;

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

“(2) DISAGREEMENT.—If a local educational agency disagrees with the views of private school officials with respect to an issue described in paragraph (1), the local educational agency shall provide in writing to such private school officials the reasons why the local educational agency disagrees.”;

(D) in paragraph (5) (as redesignated by subparagraph

(B))—

(i) by inserting “meaningful” before “consultation” in the first sentence;

(ii) by inserting “The written affirmation shall provide the option for private school officials to indicate such officials’ belief that timely and meaningful consultation has not occurred or that the program design is not equitable with respect to eligible private school children.” after “occurred.”; and

(iii) by striking “has taken place” and inserting “has, or attempts at such consultation have, taken place”; and

(E) in paragraph (6) (as redesignated by subparagraph

(B))—

(i) in subparagraph (A)—

(I) by striking “right to complain to” and inserting “right to file a complaint with”;

(II) by inserting “asserting” after “State educational agency”;

(III) by striking “or” before “did not give due consideration”; and

(IV) by inserting “, or did not make a decision that treats the private school students equitably as required by this section” before the period at the end;

(ii) in subparagraph (B), by striking “to complain,” and inserting “to file a complaint.”; and

(iii) by adding at the end the following:

“(C) STATE EDUCATIONAL AGENCIES.—A State educational agency shall provide services under this section directly or through contracts with public or private agencies, organizations, or institutions, if the appropriate private school officials have—

“(i) requested that the State educational agency provide such services directly; and

“(ii) demonstrated that the local educational agency involved has not met the requirements of this section in accordance with the procedures for making such a request, as prescribed by the State educational agency.”;

(3) in subsection (c)(2), by striking “section 9505” and inserting “section 8503”; and

(4) in subsection (e)(2), by striking “sections 9503 and 9504” and inserting “sections 8503 and 8504”.

SEC. 1012. SUPPLEMENT, NOT SUPPLANT.

20 USC 6321.

Section 1118, as redesignated by section 1000(4), is amended—

(1) in subsection (a), by striking “section 9521” and inserting “section 8521”; and

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

“(b) FEDERAL FUNDS TO SUPPLEMENT, NOT SUPPLANT, NON-FEDERAL FUNDS.—

“(1) IN GENERAL.—A State educational agency or local educational agency shall use Federal funds received under this part only to supplement the funds that would, in the absence of such Federal funds, be made available from State and local sources for the education of students participating in programs assisted under this part, and not to supplant such funds.

“(2) COMPLIANCE.—To demonstrate compliance with paragraph (1), a local educational agency shall demonstrate that the methodology used to allocate State and local funds to each school receiving assistance under this part ensures that such school receives all of the State and local funds it would otherwise receive if it were not receiving assistance under this part.

“(3) SPECIAL RULE.—No local educational agency shall be required to—

“(A) identify that an individual cost or service supported under this part is supplemental; or

“(B) provide services under this part through a particular instructional method or in a particular instructional setting in order to demonstrate such agency’s compliance with paragraph (1).

“(4) PROHIBITION.—Nothing in this section shall be construed to authorize or permit the Secretary to prescribe the specific methodology a local educational agency uses to allocate State and local funds to each school receiving assistance under this part.

“(5) TIMELINE.—A local educational agency—

“(A) shall meet the compliance requirement under paragraph (2) not later than 2 years after the date of enactment of the Every Student Succeeds Act; and

“(B) may demonstrate compliance with the requirement under paragraph (1) before the end of such 2-year period using the method such local educational agency used on the day before the date of enactment of the Every Student Succeeds Act.”.

SEC. 1013. COORDINATION REQUIREMENTS.

Section 1119, as redesignated by section 1000(5), is amended— 20 USC 6322.

(1) in subsection (a)—

(A) by striking “such as the Early Reading First program”; and

(B) by adding at the end the following new sentence: “Each local educational agency shall develop agreements with such Head Start agencies and other entities to carry out such activities.”; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking “early childhood development programs, such as the Early Reading First program,” and inserting “early childhood education programs”;

(B) in paragraph (1), by striking “early childhood development program such as the Early Reading First program” and inserting “early childhood education program”;

(C) in paragraph (2), by striking “early childhood development programs such as the Early Reading First

program” and inserting “early childhood education programs”;

(D) in paragraph (3), by striking “early childhood development programs such as the Early Reading First program” and inserting “early childhood education programs”;

(E) in paragraph (4)—

(i) by striking “Early Reading First program staff,”; and

(ii) by striking “early childhood development program” and inserting “early childhood education program”; and

(F) in paragraph (5), by striking “and entities carrying out Early Reading First programs”.

SEC. 1014. GRANTS FOR THE OUTLYING AREAS AND THE SECRETARY OF THE INTERIOR.

Section 1121 (20 U.S.C. 6331) is amended to read as follows:

“SEC. 1121. GRANTS FOR THE OUTLYING AREAS AND THE SECRETARY OF THE INTERIOR.

“(a) RESERVATION OF FUNDS.—Subject to subsection (e), from the amount appropriated for payments to States for any fiscal year under section 1002(a), the Secretary shall—

“(1) reserve 0.4 percent to provide assistance to the outlying areas in accordance with subsection (b); and

“(2) reserve 0.7 percent to provide assistance to the Secretary of the Interior in accordance with subsection (d).

“(b) ASSISTANCE TO OUTLYING AREAS.—

“(1) FUNDS RESERVED.—From the amount made available for any fiscal year under subsection (a)(1), the Secretary shall—

“(A) first reserve \$1,000,000 for the Republic of Palau, until Palau enters into an agreement for extension of United States educational assistance under the Compact of Free Association, and subject to such terms and conditions as the Secretary may establish, except that Public Law 95–134, permitting the consolidation of grants, shall not apply; and

“(B) use the remaining funds to award grants to the outlying areas in accordance with paragraphs (2) through (5).

“(2) AMOUNT OF GRANTS.—The Secretary shall allocate the amount available under paragraph (1)(B) to the outlying areas in proportion to their relative numbers of children, aged 5 to 17, inclusive, from families below the poverty level, on the basis of the most recent satisfactory data available from the Department of Commerce.

“(3) HOLD-HARMLESS AMOUNTS.—For each fiscal year, the amount made available to each outlying area under this subsection shall be—

“(A) not less than 95 percent of the amount made available for the preceding fiscal year if the number of children counted under paragraph (2) is not less than 30 percent of the total number of children aged 5 to 17 years, inclusive, in the outlying area;

“(B) not less than 90 percent of the amount made available for the preceding fiscal year if the percentage

described in subparagraph (A) is between 15 percent and 30 percent; and

“(C) not less than 85 percent of the amount made available for the preceding fiscal year if the percentage described in subparagraph (A) is below 15 percent.

“(4) RATABLE REDUCTIONS.—If the amount made available under paragraph (1)(B) for any fiscal year is insufficient to pay the full amounts that the outlying areas are eligible to receive under paragraphs (2) and (3) for that fiscal year, the Secretary shall ratably reduce those amounts.

“(5) USES.—Grant funds awarded under paragraph (1)(A) may be used only—

“(A) for programs described in this Act, including teacher training, curriculum development, instructional materials, or general school improvement and reform; and

“(B) to provide direct educational services that assist all students with meeting the challenging State academic standards.

“(c) DEFINITIONS.—For the purpose of this section, the term ‘outlying area’ means the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

“(d) ALLOTMENT TO THE SECRETARY OF THE INTERIOR.—

“(1) IN GENERAL.—The amount allotted for payments to the Secretary of the Interior under subsection (a)(2) for any fiscal year shall be used, in accordance with such criteria as the Secretary may establish, to meet the unique educational needs of—

“(A) Indian children on reservations served by elementary schools and secondary schools for Indian children operated or supported by the Department of the Interior; and

“(B) out-of-State Indian children in elementary schools and secondary schools in local educational agencies under special contracts with the Department of the Interior.

“(2) PAYMENTS.—From the amount allotted for payments to the Secretary of the Interior under subsection (a)(2), the Secretary of the Interior shall make payments to local educational agencies, on such terms as the Secretary determines will best carry out the purposes of this part, with respect to out-of-State Indian children described in paragraph (1). The amount of such payment may not exceed, for each such child, the greater of—

“(A) 40 percent of the average per-pupil expenditure in the State in which the agency is located; or

“(B) 48 percent of such expenditure in the United States.

“(e) LIMITATION ON APPLICABILITY.—If, by reason of the application of subsection (a) for any fiscal year, the total amount available for allocation to all States under this part would be less than the amount allocated to all States for fiscal year 2016 under this part, the Secretary shall provide assistance to the outlying areas and the Secretary of the Interior in accordance with this section, as in effect on the day before the date of enactment of the Every Student Succeeds Act.”.

SEC. 1015. ALLOCATIONS TO STATES.

Section 1122(a) (20 U.S.C. 6332(a)) is amended—

(1) in the matter preceding paragraph (1), by striking “2002–2007” and inserting “2017–2020”; and

(2) by striking paragraph (3) and inserting the following:

“(3) an amount equal to 100 percent of the amount, if any, by which the total amount made available under this subsection for the current fiscal year for which the determination is made exceeds the total amount available to carry out sections 1124 and 1124A for fiscal year 2001 shall be used to carry out sections 1125 and 1125A and such amount shall be divided equally between sections 1125 and 1125A.”.

SEC. 1016. ADEQUACY OF FUNDING RULE.

Section 1125AA (20 U.S.C. 6336) is amended by striking the section heading and all that follows through “Pursuant” and inserting the following: “ADEQUACY OF FUNDING TO LOCAL EDUCATIONAL AGENCIES IN FISCAL YEARS AFTER FISCAL YEAR 2001.—Pursuant”.

SEC. 1017. EDUCATION FINANCE INCENTIVE GRANT PROGRAM.

Section 1125A (20 U.S.C. 6337) is amended—

(1) in subsection (a), by striking “funds appropriated under subsection (f)” and inserting “funds made available under section 1122(a)”;

(2) in subsection (b)(1)—

(A) in subparagraph (A), by striking “appropriated pursuant to subsection (f)” and inserting “made available for any fiscal year to carry out this section”; and

(B) in subparagraph (B)(i), by striking “total appropriations” and inserting “the total amount reserved under section 1122(a) to carry out this section”;

(3) in subsection (c), by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively;

(4) in subsection (d)(1)(A)(ii), by striking “clause “(i)” and inserting “clause (i)”;

(5) by striking subsection (e) and inserting the following: “(e) MAINTENANCE OF EFFORT.—

“(1) IN GENERAL.—A State is entitled to receive its full allotment of funds under this section for any fiscal year if the Secretary finds that the State’s fiscal effort per student or the aggregate expenditures of the State with respect to the provision of free public education by the State for the preceding fiscal year was not less than 90 percent of the fiscal effort or aggregate expenditures for the second preceding fiscal year, subject to the requirements of paragraph (2).

“(2) REDUCTION IN CASE OF FAILURE TO MEET.—

“(A) IN GENERAL.—The Secretary shall reduce the amount of the allotment of funds under this section for any fiscal year in the exact proportion by which a State fails to meet the requirement of paragraph (1) by falling below 90 percent of both the fiscal effort per student and aggregate expenditures (using the measure most favorable to the State), if such State has also failed to meet such requirement (as determined using the measure most favorable to the State) for 1 or more of the 5 immediately preceding fiscal years.

“(B) SPECIAL RULE.—No such lesser amount shall be used for computing the effort required under paragraph (1) for subsequent years.

“(3) WAIVER.—The Secretary may waive the requirements of this subsection if the Secretary determines that a waiver would be equitable due to—

“(A) exceptional or uncontrollable circumstances, such as a natural disaster or a change in the organizational structure of the State; or

“(B) a precipitous decline in the financial resources of the State.”;

(6) by striking subsection (f);

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

(8) in subsection (f), as redesignated by paragraph (7)—

(A) in paragraph (1), by striking “under this section” and inserting “to carry out this section”; and

(B) in paragraph (3), in the matter preceding subparagraph (A), by striking “shall be” and inserting “shall be—

PART B—STATE ASSESSMENT GRANTS

SEC. 1201. STATE ASSESSMENT GRANTS.

Part B of title I (20 U.S.C. 6361 et seq.) is amended to read as follows:

“PART B—STATE ASSESSMENT GRANTS

“SEC. 1201. GRANTS FOR STATE ASSESSMENTS AND RELATED ACTIVITIES. 20 USC 6361.

“(a) GRANTS AUTHORIZED.—From amounts made available in accordance with section 1203, the Secretary shall make grants to State educational agencies to enable the States to carry out 1 or more of the following:

“(1) To pay the costs of the development of the State assessments and standards adopted under section 1111(b), which may include the costs of working in voluntary partnerships with other States, at the sole discretion of each such State.

“(2) If a State has developed the assessments adopted under section 1111(b), to administer those assessments or to carry out other assessment activities described in this part, such as the following:

“(A) Ensuring the provision of appropriate accommodations available to English learners and children with disabilities to improve the rates of inclusion in regular assessments of such children, including professional development activities to improve the implementation of such accommodations in instructional practice.

“(B) Developing challenging State academic standards and aligned assessments in academic subjects for which standards and assessments are not required under section 1111(b).

“(C) Developing or improving assessments for English learners, including assessments of English language proficiency as required under section 1111(b)(2)(G) and academic assessments in languages other than English to meet the State’s obligations under section 1111(b)(2)(F).

“(D) Ensuring the continued validity and reliability of State assessments.

“(E) Refining State assessments to ensure their continued alignment with the challenging State academic standards and to improve the alignment of curricula and instructional materials.

“(F) Developing or improving balanced assessment systems that include summative, interim, and formative assessments, including supporting local educational agencies in developing or improving such assessments.

“(G) At the discretion of the State, refining science assessments required under section 1111(b)(2) in order to integrate engineering design skills and practices into such assessments.

“(H) Developing or improving models to measure and assess student progress or student growth on State assessments under section 1111(b)(2) and other assessments not required under section 1111(b)(2).

“(I) Developing or improving assessments for children with disabilities, including alternate assessments aligned to alternate academic achievement standards for students with the most significant cognitive disabilities described in section 1111(b)(2)(D), and using the principles of universal design for learning.

“(J) Allowing for collaboration with institutions of higher education, other research institutions, or other organizations to improve the quality, validity, and reliability of State academic assessments beyond the requirements for such assessments described in section 1111(b)(2).

“(K) Measuring student academic achievement using multiple measures of student academic achievement from multiple sources.

“(L) Evaluating student academic achievement through the development of comprehensive academic assessment instruments (such as performance and technology-based academic assessments, computer adaptive assessments, projects, or extended performance task assessments) that emphasize the mastery of standards and aligned competencies in a competency-based education model.

“(M) Designing the report cards and reports under section 1111(h) in an easily accessible, user friendly manner that cross-tabulates student information by any category the State determines appropriate, as long as such cross-tabulation—

“(i) does not reveal personally identifiable information about an individual student; and

“(ii) is derived from existing State and local reporting requirements.

“(b) **RULE OF CONSTRUCTION.**—Nothing in subsection (a)(2)(M) shall be construed as authorizing, requiring, or allowing any additional reporting requirements, data elements, or information to

be reported to the Secretary unless such reporting, data, or information is explicitly authorized under this Act.

“(c) ANNUAL REPORT.—Each State educational agency receiving a grant under this section shall submit an annual report to the Secretary describing the State’s activities under the grant and the result of such activities.

“SEC. 1202. STATE OPTION TO CONDUCT ASSESSMENT SYSTEM AUDIT. 20 USC 6362.

“(a) IN GENERAL.—From the amount reserved under section 1203(a)(3) for a fiscal year, the Secretary shall make grants to States to enable the States to—

“(1) in the case of a grant awarded under this section to a State for the first time—

“(A) audit State assessment systems and ensure that local educational agencies audit local assessments under subsection (e)(1);

“(B) execute the State plan under subsection (e)(3)(D); and

“(C) award subgrants under subsection (f); and

“(2) in the case of a grant awarded under this section to a State that has previously received a grant under this section—

“(A) execute the State plan under subsection (e)(3)(D); and

“(B) award subgrants under subsection (f).

“(b) MINIMUM AMOUNT.—Each State that receives a grant under this section shall receive an annual grant amount of not less than \$1,500,000.

“(c) REALLOCATION.—If a State chooses not to apply for a grant under this section, the Secretary shall reallocate such grant amount to other States in accordance with the formula described in section 1203(a)(4)(B).

“(d) APPLICATION.—A State desiring to receive a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary shall require. The application shall include a description of—

“(1) in the case of a State that is receiving a grant under this section for the first time—

“(A) the audit the State will carry out under subsection (e)(1); and

“(B) the stakeholder feedback the State will seek in designing such audit;

“(2) in the case of a State that is not receiving a grant under this section for the first time, the plan described in subsection (e)(3)(D); and

“(3) how the State will award subgrants to local educational agencies under subsection (f).

“(e) AUDITS OF STATE ASSESSMENT SYSTEMS AND LOCAL ASSESSMENTS.—

“(1) AUDIT REQUIREMENTS.—Not later than 1 year after the date a State receives an initial grant under this section, the State shall—

“(A) conduct a State assessment system audit as described in paragraph (3);

“(B) ensure that each local educational agency receiving funds under this section—

“(i) conducts an audit of local assessments administered by the local educational agency as described in paragraph (4); and

“(ii) submits the results of such audit to the State; and

“(C) report the results of each State and local educational agency audit conducted under subparagraphs (A) and (B), in a format that is widely accessible and publicly available.

“(2) RESOURCES FOR LOCAL EDUCATIONAL AGENCIES.—In carrying out paragraph (1)(B), each State shall provide local educational agencies with resources, such as guidelines and protocols, to assist in conducting and reporting audit results.

“(3) STATE ASSESSMENT SYSTEM DESCRIPTION.—Each State assessment system audit conducted under paragraph (1)(A) shall include—

“(A) the schedule for the administration of all State assessments;

“(B) for each State assessment—

“(i) the purpose for which the assessment was designed and the purpose for which the assessment is used; and

“(ii) the legal authority for the administration of the assessment;

“(C) feedback on such system from stakeholders, which shall include information such as—

“(i) how teachers, principals, other school leaders, and administrators use assessment data to improve and differentiate instruction;

“(ii) the timing of release of assessment data;

“(iii) the extent to which assessment data is presented in an accessible and understandable format for all stakeholders;

“(iv) the opportunities, resources, and training teachers, principals, other school leaders, and administrators are given to review assessment results and make effective use of assessment data;

“(v) the distribution of technological resources and personnel necessary to administer assessments;

“(vi) the amount of time teachers spend on assessment preparation and administration;

“(vii) the assessments that administrators, teachers, principals, other school leaders, parents, and students, if appropriate, do and do not find useful; and

“(viii) other information as appropriate; and

“(D) a plan, based on the information gathered as a result of the activities described in subparagraphs (A), (B), and (C), to improve and streamline the State assessment system, including activities such as—

“(i) eliminating any unnecessary assessments, which may include paying the cost associated with terminating procurement contracts;

“(ii) supporting the dissemination of best practices from local educational agencies or other States that have successfully improved assessment quality and efficiency to improve teaching and learning; and

“(iii) supporting local educational agencies or consortia of local educational agencies to carry out efforts to streamline local assessment systems and implement a regular process of review and evaluation of assessment use in local educational agencies.

“(4) LOCAL ASSESSMENT DESCRIPTION.—An audit of local assessments conducted in accordance with paragraph (1)(B)(i) shall include the same information described in paragraph (3) that is required of a State audit, except that such information shall be included as applicable to the local educational agency and the local assessments.

“(f) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.—

“(1) IN GENERAL.—Each State shall reserve not less than 20 percent of the grant funds awarded to the State under this section to make subgrants to local educational agencies in the State or consortia of such local educational agencies, based on demonstrated need in the agency’s or consortium’s application, to enable such agencies or consortia to improve assessment quality and use, and alignment, including, if applicable, alignment to the challenging State academic standards.

“(2) LOCAL EDUCATIONAL AGENCY APPLICATION.—Each local educational agency, or consortium of local educational agencies, seeking a subgrant under this subsection shall submit an application to the State at such time, in such manner, and containing such other information as determined necessary by the State. The application shall include a description of the agency’s or consortium’s needs relating to the improvement of assessment quality, use, and alignment.

“(3) USE OF FUNDS.—A subgrant awarded under this subsection to a local educational agency or consortium of such agencies may be used to—

“(A) conduct an audit of local assessments under subsection (e)(1)(B)(i);

“(B) carry out the plan described in subsection (e)(3)(D) as it pertains to such agency or consortium;

“(C) improve assessment delivery systems and schedules, including by increasing access to technology and assessment proctors, where appropriate;

“(D) hire instructional coaches, or promote teachers who may receive increased compensation to serve as instructional coaches, to support teachers in the development of classroom-based assessments, interpreting assessment data, and designing instruction;

“(E) provide for appropriate accommodations to maximize inclusion of children with disabilities and English learners participating in assessments; and

“(F) improve the capacity of teachers, principals, and other school leaders to disseminate assessment data in an accessible and understandable format for parents and families, including for children with disabilities and English learners.

“(g) DEFINITIONS.—In this section:

“(1) LOCAL ASSESSMENT.—The term ‘local assessment’ means an academic assessment selected and carried out by a local educational agency that is separate from an assessment required under section 1111(b)(2).

“(2) STATE.—The term ‘State’ means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

20 USC 6363.

“SEC. 1203. ALLOTMENT OF APPROPRIATED FUNDS.

“(a) AMOUNTS EQUAL TO OR LESS THAN TRIGGER AMOUNT.—From amounts made available for each fiscal year under subsection 1002(b) that are equal to or less than the amount described in section 1111(b)(2)(I), the Secretary shall—

“(1) reserve one-half of 1 percent for the Bureau of Indian Education;

“(2) reserve one-half of 1 percent for the outlying areas;

“(3) reserve not more than 20 percent to carry out section 1202; and

“(4) from the remainder, carry out section 1201 by allocating to each State an amount equal to—

“(A) \$3,000,000, except for a fiscal year for which the amounts available are insufficient to allocate such amount to each State, the Secretary shall ratably reduce such amount for each State; and

“(B) with respect to any amounts remaining after the allocation under subparagraph (A), an amount that bears the same relationship to such total remaining amounts as the number of students aged 5 through 17 in the State (as determined by the Secretary on the basis of the most recent satisfactory data) bears to the total number of such students in all States.

“(b) AMOUNTS ABOVE TRIGGER AMOUNT.—For any fiscal year for which the amount made available for a fiscal year under subsection 1002(b) exceeds the amount described in section 1111(b)(2)(I), the Secretary shall make such excess amount available as follows:

“(1) COMPETITIVE GRANTS.—

“(A) IN GENERAL.—The Secretary shall first use such funds to award grants, on a competitive basis, to State educational agencies or consortia of State educational agencies that have submitted applications described in subparagraph (B) to enable such States to carry out the activities described in subparagraphs (C), (H), (I), (J), (K), and (L) of section 1201(a)(2).

“(B) APPLICATIONS.—A State, or a consortium of States, that desires a competitive grant under subparagraph (A) shall submit an application to the Secretary at such time and in such manner as the Secretary may reasonably require. The application shall demonstrate that the requirements of this section will be met for the uses of funds described under subparagraph (A).

“(C) AMOUNT OF COMPETITIVE GRANTS.—In determining the amount of a grant under subparagraph (A), the Secretary shall ensure that a State or consortium’s grant, as the case may be, shall include an amount that bears the same relationship to the total funds available to carry out this subsection for the fiscal year as the number of students aged 5 through 17 in the State, or, in the case of a consortium, in each State that comprises the consortium, (as determined by the Secretary on the basis of

the most recent satisfactory data) bears to the total number of such students in all States.

“(2) ALLOTMENTS.—Any amounts remaining after the Secretary awards funds under paragraph (1) shall be allotted to each State, or consortium of States, that did not receive a grant under such paragraph, in an amount that bears the same relationship to the remaining amounts as the number of students aged 5 through 17 in the State, or, in the case of a consortium, in the States of the consortium, (as determined by the Secretary on the basis of the most recent satisfactory data) bears to the total number of such students in all States.

“(c) STATE DEFINED.—In this part, the term ‘State’ means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

“(d) PROHIBITION.—In making funds available to States under this part, the Secretary shall comply with the prohibitions described in section 8529.

“SEC. 1204. INNOVATIVE ASSESSMENT AND ACCOUNTABILITY DEMONSTRATION AUTHORITY. 20 USC 6364.

“(a) INNOVATIVE ASSESSMENT SYSTEM DEFINED.—The term ‘innovative assessment system’ means a system of assessments that may include—

“(1) competency-based assessments, instructionally embedded assessments, interim assessments, cumulative year-end assessments, or performance-based assessments that combine into an annual summative determination for a student, which may be administered through computer adaptive assessments; and

“(2) assessments that validate when students are ready to demonstrate mastery or proficiency and allow for differentiated student support based on individual learning needs.

“(b) DEMONSTRATION AUTHORITY.—

“(1) IN GENERAL.—The Secretary may provide a State educational agency, or a consortium of State educational agencies, in accordance with paragraph (3), with the authority to establish an innovative assessment system (referred to in this section as ‘demonstration authority’).

“(2) DEMONSTRATION PERIOD.—In accordance with the requirements described in subsection (e), each State educational agency, or consortium of State educational agencies, that submits an application under this section shall propose in its application the period of time over which the State educational agency or consortium desires to exercise the demonstration authority, except that such period shall not exceed 5 years.

“(3) INITIAL DEMONSTRATION AUTHORITY AND EXPANSION.—During the first 3 years that the Secretary provides State educational agencies and consortia with demonstration authority (referred to in this section as the ‘initial demonstration period’) the Secretary shall provide such demonstration authority to—

“(A) a total number of not more than 7 participating State educational agencies, including those participating in consortia, that have applications approved under subsection (e); and

“(B) consortia that include not more than 4 State educational agencies.

“(c) PROGRESS REPORT.—

“(1) IN GENERAL.—Not later than 180 days after the end of the initial demonstration period, and prior to providing additional State educational agencies with demonstration authority, the Director of the Institute of Education Sciences, in consultation with the Secretary, shall publish a report detailing the initial progress of innovative assessment systems carried out through demonstration authority under this section.

“(2) CRITERIA.—The progress report under paragraph (1) shall be based on the annual information submitted by participating States described in subsection (e)(2)(B)(ix) and examine the extent to which—

“(A) with respect to each innovative assessment system—

“(i) the State educational agency has solicited feedback from teachers, principals, other school leaders, and parents about their satisfaction with the innovative assessment system;

“(ii) teachers, principals, and other school leaders have demonstrated a commitment and capacity to implement or continue to implement the innovative assessment system; and

“(iii) substantial evidence exists demonstrating that the innovative assessment system has been developed in accordance with the requirements of subsection (e); and

“(B) each State with demonstration authority has demonstrated that—

“(i) the same innovative assessment system was used to measure the achievement of all students that participated in the innovative assessment system; and

“(ii) of the total number of all students, and the total number of each of the subgroups of students defined in section 1111(c)(2), eligible to participate in the innovative assessment system in a given year, the State assessed in that year an equal or greater percentage of such eligible students, as measured under section 1111(c)(4)(E), as were assessed in the State in such year using the assessment system under section 1111(b)(2).

“(3) USE OF REPORT.—Upon completion of the progress report, the Secretary shall provide a response to the findings of the progress report, including a description of how the findings of the report will be used—

“(A) to support State educational agencies with demonstration authority through technical assistance; and

“(B) to inform the peer-review process described in subsection (f) for advising the Secretary on the awarding of the demonstration authority to the additional State educational agencies described in subsection (d).

“(4) PUBLICLY AVAILABLE.—The Secretary shall make the progress report under this subsection and the response described in paragraph (3) publicly available on the website of the Department.

“(5) PROHIBITION.—The Secretary shall not require States that have demonstration authority to submit any information for the purposes of the progress report that is in addition

to the information the State is already required to provide under subsection (e)(2)(B)(x).

“(d) EXPANSION OF THE DEMONSTRATION AUTHORITY.—Upon completion and publication of the report described in subsection (c), the Secretary may grant demonstration authority to additional State educational agencies or consortia that submit an application under subsection (e). Such State educational agencies or consortia of State educational agencies shall be subject to all of the same terms, conditions, and requirements of this section.

“(e) APPLICATION.—

“(1) IN GENERAL.—A State educational agency, or consortium of State educational agencies, that desires to participate in the program of demonstration authority under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may reasonably require.

“(2) CONTENTS.—Such application shall include a description of the innovative assessment system, the experience the applicant has in implementing any components of the innovative assessment system, and the timeline over which the State or consortium proposes to exercise the demonstration authority. In addition, the application shall include each of the following:

“(A) A demonstration that the innovative assessment system will—

“(i) meet all the requirements of section 1111(b)(2)(B), except the requirements of clauses (i) and (v) of such section;

“(ii) be aligned to the challenging State academic standards and address the depth and breadth of such standards;

“(iii) express student results or student competencies in terms consistent with the State’s aligned academic achievement standards under section 1111(b)(1);

“(iv) generate results that are valid and reliable, and comparable, for all students and for each subgroup of students described in section 1111(b)(2)(B)(xi), as compared to the results for such students on the State assessments under section 1111(b)(2);

“(v) be developed in collaboration with—

“(I) stakeholders representing the interests of children with disabilities, English learners, and other vulnerable children;

“(II) teachers, principals, and other school leaders;

“(III) local educational agencies;

“(IV) parents; and

“(V) civil rights organizations in the State;

“(vi) be accessible to all students, such as by incorporating the principles of universal design for learning;

“(vii) provide teachers, principals, other school leaders, students, and parents with timely data, disaggregated by each subgroup of students described in section 1111(b)(2)(B)(xi), to inform and improve instructional practice and student supports;

“(viii) identify which students are not making progress toward the challenging State academic standards so that teachers can provide instructional support and targeted interventions to all students;

“(ix) annually measure the progress of not less than the same percentage of all students and students in each of the subgroups of students, as defined in section 1111(c)(2), who are enrolled in schools that are participating in the innovative assessment system and are required to take such assessments, as measured under section 1111(c)(4)(E), as were assessed by schools administering the assessment under section 1111(b)(2);

“(x) generate an annual, summative achievement determination, based on the aligned State academic achievement standards under section 1111(b)(1) and based on annual data, for each individual student; and

“(xi) allow the State educational agency to validly and reliably aggregate data from the innovative assessment system for purposes of—

“(I) accountability, consistent with the requirements of section 1111(c); and

“(II) reporting, consistent with the requirements of section 1111(h).

“(B) A description of how the State educational agency will—

“(i) continue use of the statewide academic assessments required under section 1111(b)(2) if such assessments will be used for accountability purposes for the duration of the demonstration authority period;

“(ii) identify the distinct purposes for each assessment that is part of the innovative assessment system;

“(iii) provide support and training to local educational agency and school staff to implement the innovative assessment system described in this subsection;

“(iv) inform parents of students in participating local educational agencies about the innovative assessment system at the beginning of each school year during which the innovative assessment system will be implemented;

“(v) engage and support teachers in developing and scoring assessments that are part of the innovative assessment system, including through the use of high-quality professional development, standardized and calibrated scoring rubrics, and other strategies, consistent with relevant nationally recognized professional and technical standards, to ensure inter-rater reliability and comparability;

“(vi) acclimate students to the innovative assessment system;

“(vii) ensure that students with the most significant cognitive disabilities may be assessed with alternate assessments consistent with section 1111(b)(2)(D);

“(viii) if the State is proposing to administer the innovative assessment system initially in a subset of

local educational agencies, scale up the innovative assessment system to administer such system statewide, or with additional local educational agencies, in the State’s proposed demonstration authority period;

“(ix) gather data, solicit regular feedback from teachers, principals, other school leaders, and parents, and assess the results of each year of the program of demonstration authority under this section, and respond by making needed changes to the innovative assessment system; and

“(x) report data from the innovative assessment system annually to the Secretary, including—

“(I) demographics of participating local educational agencies, if such system is not statewide, and additional local educational agencies if added to the system during the course of the State’s demonstration authority period or 2-year extension, except that such data shall not reveal any personally identifiable information, including a description of how the inclusion of additional local educational agencies contributes to progress toward achieving high-quality and consistent implementation across demographically diverse local educational agencies throughout the demonstration authority period;

“(II) the performance of all participating students, and for each subgroup of students defined in section 1111(c)(2), on the innovative assessment, consistent with the requirements in section 1111(h), except that such data shall not reveal any personally identifiable information;

“(III) feedback from teachers, principals, other school leaders, and parents about their satisfaction with the innovative assessment system; and

“(IV) if such system is not statewide, a description of the State’s progress in scaling up the innovative assessment system to additional local educational agencies during the State’s demonstration authority period, as described in clause (viii).

“(C) A description of the State educational agency’s plan to—

“(i) ensure that all students and each of the subgroups of students defined in section 1111(c)(2) participating in the innovative assessment system receive the instructional support needed to meet State aligned academic achievement standards;

“(ii) ensure that each local educational agency has the technological infrastructure to implement the innovative assessment system; and

“(iii) hold all schools in the local educational agencies participating in the program of demonstration authority accountable for meeting the State’s expectations for student achievement.

“(D) If the innovative assessment system will initially be administered in a subset of local educational agencies—

- “(i) a description of the local educational agencies within the State educational agency that will participate, including what criteria the State has for approving any additional local educational agencies to participate during the demonstration authority period;
 - “(ii) assurances from such local educational agencies that such agencies will comply with the requirements of this subsection;
 - “(iii) a description of how the State will—
 - “(I) ensure that the inclusion of additional local educational agencies contributes to progress toward achieving high-quality and consistent implementation across demographically diverse local educational agencies during the demonstration authority period; and
 - “(II) ensure that the participating local educational agencies, as a group, will be demographically similar to the State as a whole by the end of the State’s demonstration authority period; and
 - “(iv) a description of the State educational agency’s plan to hold all students and each of the subgroups of students, as defined in section 1111(c)(2), to the same high standard as other students in the State.
- “(f) PEER REVIEW.—The Secretary shall—
- “(1) implement a peer-review process to inform—
 - “(A) the awarding of demonstration authority under this section and the approval to operate an innovative assessment system for the purposes of subsections (b)(2) and (c) of section 1111, as described in subsection (h); and
 - “(B) determinations about whether an innovative assessment system—
 - “(i) is comparable to the State assessments under section 1111(b)(2)(B)(v), valid, reliable, of high technical quality, and consistent with relevant, nationally recognized professional and technical standards; and
 - “(ii) provides an unbiased, rational, and consistent determination of progress toward the goals described under section 1111(c)(4)(A)(i) for all students;
 - “(2) ensure that the peer-review team consists of practitioners and experts who are knowledgeable about the innovative assessment system being proposed for all participating students, including—
 - “(A) individuals with past experience developing systems of assessment innovation that support all students, including English learners, children with disabilities, and disadvantaged students; and
 - “(B) individuals with experience implementing innovative assessment and accountability systems;
 - “(3) make publicly available the applications submitted under subsection (c) and the peer-review comments and recommendations regarding such applications;
 - “(4) make a determination and inform the State regarding approval or disapproval of the application under subsection (c) not later than 90 days after receipt of the complete application;

“(5) if the Secretary disapproves an application under paragraph (4), offer the State an opportunity to—

“(A) revise and resubmit such application within 60 days of the disapproval determination; and

“(B) submit additional evidence that the State’s application meets the requirements of subsection (c); and

“(6) make a determination regarding application approval or disapproval of a resubmitted application under paragraph (5) not later than 45 days after receipt of the resubmitted application.

“(g) EXTENSION.—The Secretary may extend an authorization of demonstration authority under this section for an additional 2 years if the State educational agency demonstrates with evidence that the State educational agency’s innovative assessment system is continuing to meet the requirements of subsection (c), including by demonstrating a plan for, and the capacity to, transition to statewide use of the innovative assessment system by the end of the 2-year extension period.

“(h) USE OF INNOVATIVE ASSESSMENT SYSTEM.—A State may, during the State’s approved demonstration authority period or 2-year extension, include results from the innovative assessment systems developed under this section in accountability determinations for each student in the participating local educational agencies instead of, or in addition to, results from the assessment system under section 1111(b)(2) if the State demonstrates that the State has met the requirements under subsection (c). The State shall continue to meet all other requirements of section 1111(c).

“(i) WITHDRAWAL OF AUTHORITY.—The Secretary shall withdraw the authorization for demonstration authority provided to a State educational agency under this section and such State shall return to use of the statewide assessment system under section 1111(b)(2) for all local educational agencies in the State if, at any time during a State’s approved demonstration authority period or 2-year extension, the State educational agency cannot present to the Secretary evidence that the innovative assessment system developed under this section—

“(1) meets the requirements under subsection (c);

“(2) includes all students attending schools participating in the innovative assessment system in a State that has demonstration authority, including each of the subgroups of students, as defined under section 1111(c)(2);

“(3) provides an unbiased, rational, and consistent determination of progress toward the goals described under section 1111(c)(4)(A)(i) for all students, which are comparable to measures of academic achievement under section 1111(c)(4)(B)(i) across the State in which the local educational agencies are located;

“(4) presents a high-quality plan to transition to full statewide use of the innovative assessment system by the end of the State’s approved demonstration authority period or 2-year extension, if the innovative assessment system will initially be administered in a subset of local educational agencies; and

“(5) demonstrates comparability to the statewide assessments under section 1111(b)(2) in content coverage, difficulty, and quality.

“(j) TRANSITION.—

“(1) IN GENERAL.—

“(A) OPERATION OF INNOVATIVE ASSESSMENT SYSTEM.—If, after a State’s approved demonstration authority period or 2-year extension, the State educational agency has met all the requirements of this section, including having scaled the innovative assessment system up to statewide use, and demonstrated that such system is of high quality, as described in subparagraph (B), the State shall be permitted to operate the innovative assessment system approved under the program of demonstration authority under this section for the purposes of subsections (b)(2) and (c) of section 1111.

“(B) HIGH QUALITY.—Such system shall be considered of high quality if the Secretary, through the peer-review process described in section 1111(a)(4), determines that—

“(i) the innovative assessment system meets all of the requirements of this section;

“(ii) the State has examined the effects of the system on other measures of student success, including indicators in the accountability system under section 1111(c)(4)(B);

“(iii) the innovative assessment system provides coherent and timely information about student achievement based on the challenging State academic standards, including objective measurement of academic achievement, knowledge, and skills that are valid, reliable, and consistent with relevant, nationally-recognized professional and technical standards;

“(iv) the State has solicited feedback from teachers, principals, other school leaders, and parents about their satisfaction with the innovative assessment system; and

“(v) the State has demonstrated that the same innovative assessment system was used to measure—

“(I) the achievement of all students that participated in such innovative assessment system; and

“(II) not less than the percentage of such students overall and in each of the subgroups of students, as defined in section 1111(c)(2), as measured under section 1111(c)(4)(E), as were assessed under the assessment required by section 1111(b)(2).

“(2) BASELINE.—For the purposes of the evaluation described in paragraph (1), the baseline year shall be considered the first year that each local educational agency in the State used the innovative assessment system.

“(3) WAIVER AUTHORITY.—A State may request, and the Secretary shall review such request and may grant, a delay of the withdrawal of authority under subsection (i) for the purpose of providing the State with the time necessary to implement the innovative assessment system statewide, if, at the conclusion of the State’s approved demonstration authority period and 2-year extension—

“(A) the State has met all of the requirements of this section, except transition to full statewide use of the innovative assessment system; and

“(B) the State continues to comply with the other requirements of this section, and demonstrates a high-

quality plan for transition to statewide use of the innovative assessment system in a reasonable period of time.

“(k) AVAILABLE FUNDS.—A State may use funds available under section 1201 to carry out this section.

“(l) CONSORTIUM.—A consortium of States may apply to participate in the program of demonstration authority under this section, and the Secretary may provide each State member of such consortium with such authority if each such State member meets all of the requirements of this section. Such consortium shall be subject to the limitation described in subsection (b)(3)(B) during the initial 3 years of the demonstration authority.

“(m) DISSEMINATION OF BEST PRACTICES.—

“(1) IN GENERAL.—Following the publication of the progress report described in subsection (c), the Director of the Institute of Education Sciences, in consultation with the Secretary, shall collect and disseminate the best practices on the development and implementation of innovative assessment systems that meet the requirements of this section, including best practices regarding the development of—

“(A) summative assessments that—

“(i) meet the requirements of section 1111(b)(2)(B);

“(ii) are comparable with statewide assessments under section 1111(b)(2); and

“(iii) include assessment tasks that determine proficiency or mastery of State-approved competencies aligned to challenging State academic standards;

“(B) effective supports for local educational agencies and school staff to implement innovative assessment systems;

“(C) effective engagement and support of teachers in developing and scoring assessments and the use of high-quality professional development;

“(D) effective supports for all students, particularly each of the subgroups of students, as defined in section 1111(c)(2), participating in the innovative assessment system; and

“(E) standardized and calibrated scoring rubrics, and other strategies, to ensure inter-rater reliability and comparability of determinations of mastery or proficiency across local educational agencies and the State.

“(2) PUBLICATION.—The Secretary shall make the information described in paragraph (1) available on the website of the Department and shall publish an update to the information not less often than once every 3 years.”.

PART C—EDUCATION OF MIGRATORY CHILDREN

SEC. 1301. EDUCATION OF MIGRATORY CHILDREN.

(a) PROGRAM PURPOSES.—Section 1301 (20 U.S.C. 6391) is amended to read as follows:

“SEC. 1301. PROGRAM PURPOSES.

“The purposes of this part are as follows:

“(1) To assist States in supporting high-quality and comprehensive educational programs and services during the school year and, as applicable, during summer or intersession periods,

that address the unique educational needs of migratory children.

“(2) To ensure that migratory children who move among the States are not penalized in any manner by disparities among the States in curriculum, graduation requirements, and challenging State academic standards.

“(3) To ensure that migratory children receive full and appropriate opportunities to meet the same challenging State academic standards that all children are expected to meet.

“(4) To help migratory children overcome educational disruption, cultural and language barriers, social isolation, various health-related problems, and other factors that inhibit the ability of such children to succeed in school.

“(5) To help migratory children benefit from State and local systemic reforms.”.

(b) STATE ALLOCATIONS.—Section 1303 (20 U.S.C. 6393) is amended—

(1) by redesignating subsections (c) through (e) as subsections (d) through (f), respectively;

(2) by striking subsections (a) and (b) and inserting the following:

“(a) STATE ALLOCATIONS.—Except as provided in subsection (c), each State (other than the Commonwealth of Puerto Rico) is entitled to receive under this part an amount equal to the product of—

“(1) the sum of—

“(A) the average number of identified eligible migratory children aged 3 through 21 residing in the State, based on data for the preceding 3 years; and

“(B) the number of identified eligible migratory children, aged 3 through 21, who received services under this part in summer or intersession programs provided by the State during the previous year; multiplied by

“(2) 40 percent of the average per-pupil expenditure in the State, except that the amount determined under this paragraph shall not be less than 32 percent, nor more than 48 percent, of the average per-pupil expenditure in the United States.

“(b) HOLD HARMLESS.—Notwithstanding subsection (a), for each of fiscal years 2017 through 2019, no State shall receive less than 90 percent of the State’s allocation under this section for the preceding fiscal year.

“(c) ALLOCATION TO PUERTO RICO.—

“(1) IN GENERAL.—For each fiscal year, the grant that the Commonwealth of Puerto Rico shall be eligible to receive under this part shall be the amount determined by multiplying the number of children who would be counted under subsection (a)(1) if such subsection applied to the Commonwealth of Puerto Rico by the product of—

“(A) the percentage that the average per-pupil expenditure in the Commonwealth of Puerto Rico is of the lowest average per-pupil expenditure of any of the 50 States, subject to paragraphs (2) and (3); and

“(B) 32 percent of the average per-pupil expenditure in the United States.

“(2) MINIMUM PERCENTAGE.—The percentage described in paragraph (1)(A) shall not be less than 85 percent.

“(3) LIMITATION.—If the application of paragraph (2) for any fiscal year would result in any of the 50 States or the District of Columbia receiving less under this part than it received under this part for the preceding fiscal year, then the percentage described in paragraph (1)(A) that is used for the Commonwealth of Puerto Rico for the fiscal year for which the determination is made shall be the greater of the percentage in paragraph (1)(A) for such fiscal year or the percentage used for the preceding fiscal year.”;

(3) in subsection (d), as redesignated by paragraph (1)—
(A) in paragraph (1)—

(i) in subparagraph (A), by striking “(A) If, after” and inserting the following:

“(A) RATABLE REDUCTIONS.—If, after”;

and
(ii) in subparagraph (B)—

(I) by striking “(B) If additional” and inserting the following:

“(B) REALLOCATION.—If additional”;

and
(II) by striking “purpose” and inserting “purposes”;

and
(B) in paragraph (2)—

(i) in subparagraph (A), by striking “(A) The Secretary” and inserting the following:

“(A) FURTHER REDUCTIONS.—The Secretary”;

and
(ii) in subparagraph (B), by striking “(B) The Secretary” and inserting the following:

“(B) REALLOCATION.—The Secretary”;

(4) in subsection (e)(3)(B), as redesignated by paragraph (1), by striking “welfare or educational attainment of children” and inserting “academic achievement of children”;

(5) in subsection (f), as redesignated by paragraph (1)—

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

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

“(1) use the most recent information that most accurately reflects the actual number of migratory children;”;

(C) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively;

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

“(2) develop and implement a procedure for monitoring the accuracy of such information;”;

(E) in paragraph (4), as redesignated by subparagraph (C)—

(i) in the matter preceding subparagraph (A), by striking “full-time equivalent”; and

(ii) in subparagraph (A)—

(I) by striking “special needs” and inserting “unique needs”; and

(II) by striking “special programs provided under this part” and inserting “effective special programs provided under this part”; and

(F) in paragraph (5), as redesignated by subparagraph (C), by striking “the child whose education has been interrupted” and inserting “migratory children, including the most at-risk migratory children”; and

(6) by adding at the end the following:

“(g) NONPARTICIPATING STATES.—In the case of a State desiring to receive an allocation under this part for a fiscal year that did not receive an allocation for the previous fiscal year or that has been participating for less than 3 consecutive years, the Secretary shall calculate the State’s number of identified migratory children aged 3 through 21 for purposes of subsection (a)(1)(A) by using the most recent data available that identifies the migratory children residing in the State until data is available to calculate the 3-year average number of such children in accordance with such subsection.”.

(c) STATE APPLICATIONS; SERVICES.—Section 1304 (20 U.S.C. 6394) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A)—

(I) by striking “special educational needs” and inserting “unique educational needs”; and

(II) by inserting “and migratory children who have dropped out of school” after “preschool migratory children”;

(ii) in subparagraph (B)—

(I) by striking “migrant children” and inserting “migratory children”; and

(II) by striking “part A or B of title III” and inserting “part A of title III”; and

(iii) by striking subparagraph (D) and inserting

the following:

“(D) measurable program objectives and outcomes;”;

(B) in paragraph (2), by striking “challenging State academic content standards and challenging State student academic achievement standards” and inserting “challenging State academic standards”;

(C) in paragraph (3), by striking “, consistent with procedures the Secretary may require,”;

(D) in paragraph (5), by inserting “and” after the semicolon;

(E) by striking paragraph (6);

(F) by redesignating paragraph (7) as paragraph (6);

and

(G) in paragraph (6), as redesignated by subparagraph (F), by striking “who have parents who do not have a high school diploma” and inserting “whose parents do not have a high school diploma”;

(2) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking “, satisfactory to the Secretary,”;

(B) in paragraph (2), by striking “subsections (b) and (c) of section 1120A, and part I” and inserting “subsections (b) and (c) of section 1118, and part F”;

(C) in paragraph (3)—

(i) in the matter preceding subparagraph (A)—

(I) by striking “parent advisory councils” and inserting “parents of migratory children, including parent advisory councils,”; and

(II) by striking “of 1 school year in duration” and inserting “not less than 1 school year in duration”; and

(ii) in subparagraph (A), by striking “section 1118” and inserting “section 1116”;

(D) in paragraph (4), by inserting “and migratory children who have dropped out of school” after “preschool migratory children”;

(E) by redesignating paragraph (7) as paragraph (8);

(F) by striking paragraph (6) and inserting the following:

“(6) such programs and projects will provide for outreach activities for migratory children and their families to inform such children and families of other education, health, nutrition, and social services to help connect them to such services;

“(7) to the extent feasible, such programs and projects will provide for—

“(A) advocacy and other outreach activities for migratory children and their families, including helping such children and families gain access to other education, health, nutrition, and social services;

“(B) professional development programs, including mentoring, for teachers and other program personnel;

“(C) family literacy programs;

“(D) the integration of information technology into educational and related programs; and

“(E) programs to facilitate the transition of secondary school students to postsecondary education or employment; and”;

(G) in paragraph (8), as redesignated by subparagraph (E), by striking “paragraphs (1)(A) and (2)(B)(i) of section 1303(a), through such procedures as the Secretary may require” and inserting “section 1303(a)(1)”;

(3) by striking subsection (d) and inserting the following:

“(d) PRIORITY FOR SERVICES.—In providing services with funds received under this part, each recipient of such funds shall give priority to migratory children who have made a qualifying move within the previous 1-year period and who—

“(1) are failing, or most at risk of failing, to meet the challenging State academic standards; or

“(2) have dropped out of school.”; and

(4) in subsection (e)(3), by striking “secondary school students” and inserting “students”.

(d) SECRETARIAL APPROVAL; PEER REVIEW.—Section 1305 (20 U.S.C. 6395) is amended to read as follows:

“SEC. 1305. SECRETARIAL APPROVAL; PEER REVIEW.

“The Secretary shall approve each State application that meets the requirements of this part, and may review any such application with the assistance and advice of State officials and other officials with relevant expertise.”

(e) COMPREHENSIVE NEEDS ASSESSMENT AND SERVICE-DELIVERY PLAN; AUTHORIZED ACTIVITIES.—Section 1306 (20 U.S.C. 6396) is amended—

(1) in subsection (a)(1)—

(A) in the matter preceding subparagraph (A), by striking “special” and inserting “unique”;

(B) in subparagraph (B)—

(i) in the matter preceding clause (i), by striking “section 9302” and inserting “section 8302”; and

(ii) in clause (i), by striking “special” and inserting “unique”;

(C) in subparagraph (C), by striking “challenging State academic content standards and challenging State student academic achievement standards” and inserting “challenging State academic standards”; and

(D) in subparagraph (F), by striking “part A or B of title III” and inserting “part A of title III”; and

(2) in subsection (b)—

(A) in paragraph (1), by striking “shall have the flexibility to” and inserting “retains the flexibility to”; and

(B) in paragraph (4), by striking “special educational” and inserting “unique educational”.

(f) **BYPASS.**—Section 1307 (20 U.S.C. 6397) is amended—

(1) in the matter preceding paragraph (1), by striking “nonprofit”; and

(2) in paragraph (3), by striking “welfare or educational attainment” and inserting “educational achievement”.

(g) **COORDINATION OF MIGRANT EDUCATION ACTIVITIES.**—Section 1308 (20 U.S.C. 6398) is amended—

(1) in subsection (a)(1)—

(A) by striking “nonprofit”;

(B) by inserting “through” after “including”; and

(C) by striking “students” and inserting “children”; and

(2) in subsection (b)—

(A) in paragraph (1), by striking “developing effective methods for”;

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking “The Secretary, in consultation” and all that follows through “include—” and inserting the following: “The Secretary, in consultation with the States, shall ensure the linkage of migrant student record systems for the purpose of electronically exchanging, among the States, health and educational information regarding all migratory students eligible under this part. The Secretary shall ensure that such linkage occurs in a cost-effective manner, utilizing systems used by the States prior to, or developed after, the date of the enactment of the Every Student Succeeds Act. Such information may include—”;

(II) in clause (ii), by striking “required under section 1111(b)” and inserting “under section 1111(b)(2)”; and

(III) in clause (iii), by striking “high standards” and inserting “the challenging State academic standards”;

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

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

“(B) **CONSULTATION.**—The Secretary shall maintain ongoing consultation with the States, local educational agencies, and other migratory student service providers on—

“(i) the effectiveness of the system described in subparagraph (A); and

“(ii) the ongoing improvement of such system.”; and

(iv) in subparagraph (C), as redesignated by clause (ii)—

(I) by striking “the proposed data elements” and inserting “any new proposed data elements”; and

(II) by striking “Such publication shall occur not later than 120 days after the date of enactment of the No Child Left Behind Act of 2001.”; and

(C) by striking paragraph (4).

(h) DEFINITIONS.—Section 1309 (20 U.S.C. 6399) is amended—

(1) in paragraph (1)(B), by striking “nonprofit”; and

(2) by striking paragraph (2) and inserting the following:

“(2) MIGRATORY AGRICULTURAL WORKER.—The term ‘migratory agricultural worker’ means an individual who made a qualifying move in the preceding 36 months and, after doing so, engaged in new temporary or seasonal employment or personal subsistence in agriculture, which may be dairy work or the initial processing of raw agricultural products. If an individual did not engage in such new employment soon after a qualifying move, such individual may be considered a migratory agricultural worker if the individual actively sought such new employment and has a recent history of moves for temporary or seasonal agricultural employment.

“(3) MIGRATORY CHILD.—The term ‘migratory child’ means a child or youth who made a qualifying move in the preceding 36 months—

“(A) as a migratory agricultural worker or a migratory fisher; or

“(B) with, or to join, a parent or spouse who is a migratory agricultural worker or a migratory fisher.

“(4) MIGRATORY FISHER.—The term ‘migratory fisher’ means an individual who made a qualifying move in the preceding 36 months and, after doing so, engaged in new temporary or seasonal employment or personal subsistence in fishing. If the individual did not engage in such new employment soon after the move, the individual may be considered a migratory fisher if the individual actively sought such new employment and has a recent history of moves for temporary or seasonal fishing employment.

“(5) QUALIFYING MOVE.—The term ‘qualifying move’ means a move due to economic necessity—

“(A) from one residence to another residence; and

“(B) from one school district to another school district, except—

“(i) in the case of a State that is comprised of a single school district, wherein a qualifying move is from one administrative area to another within such district; or

“(ii) in the case of a school district of more than 15,000 square miles, wherein a qualifying move is a distance of 20 miles or more to a temporary residence.”.

**PART D—PREVENTION AND INTERVENTION
PROGRAMS FOR CHILDREN AND YOUTH
WHO ARE NEGLECTED, DELINQUENT, OR AT-
RISK**

SEC. 1401. PREVENTION AND INTERVENTION PROGRAMS FOR CHILDREN AND YOUTH WHO ARE NEGLECTED, DELINQUENT, OR AT-RISK.

Part D of title I (20 U.S.C. 6421 et seq.) is amended—

20 USC 6421.

(1) in section 1401(a)—

(A) in paragraph (1)—

(i) by inserting “, tribal,” after “youth in local”; and

(ii) by striking “challenging State academic content standards and challenging State student academic achievement standards” and inserting “challenging State academic standards”; and

(B) in paragraph (3), by inserting “and the involvement of their families and communities” after “to ensure their continued education”;

20 USC 6432.

(2) in section 1412(b), by striking paragraph (2) and inserting the following:

“(2) **MINIMUM PERCENTAGE.**—The percentage in paragraph (1)(A) shall not be less than 85 percent.”;

20 USC 6434.

(3) in section 1414—

(A) in subsection (a)—

(i) in paragraph (1)(B), by striking “from correctional facilities to locally operated programs” and inserting “between correctional facilities and locally operated programs”; and

(ii) in paragraph (2)—

(I) in subparagraph (A)—

(aa) by striking “the program goals, objectives, and performance measures established by the State” and inserting “the program objectives and outcomes established by the State”; and

(bb) by striking “vocational” and inserting “career”;

(II) in subparagraph (B), by striking “and” after the semicolon;

(III) by redesignating subparagraph (C) as subparagraph (D);

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

“(C) describe how the State will place a priority for such children to attain a regular high school diploma, to the extent feasible;”;

(V) in subparagraph (D), as redesignated by subclause (III)—

(aa) in clause (i), by inserting “and” after the semicolon;

(bb) by striking clause (ii) and redesignating clause (iii) as clause (ii); and

(cc) by striking clause (iv); and

(VI) by adding at the end the following:

“(E) provide assurances that the State educational agency has established—

“(i) procedures to ensure the timely re-enrollment of each student who has been placed in the juvenile justice system in secondary school or in a re-entry program that best meets the needs of the student, including the transfer of credits that such student earns during placement; and

“(ii) opportunities for such students to participate in credit-bearing coursework while in secondary school, postsecondary education, or career and technical education programming.”; and

(B) in subsection (c)—

(i) in paragraph (1), by inserting “and, to the extent practicable, provide for such assessment upon entry into a correctional facility” after “to be served under this subpart”;

(ii) in paragraph (6)—

(I) by striking “carry out the evaluation requirements of section 9601 and how” and inserting “use”;

(II) by inserting “under section 8601” after “recent evaluation”; and

(III) by striking “will be used”;

(iii) in paragraph (7), by striking “section 9521” and inserting “section 8521”;

(iv) paragraph (8)—

(I) by striking “Public Law 105-220” and inserting “the Workforce Innovation and Opportunity Act”; and

(II) by striking “vocational” and inserting “career”;

(v) in paragraph (9)—

(I) by inserting “and after” after “prior to”; and

(II) by inserting “in order to facilitate the transition of such children and youth between the correctional facility and the local educational agency or alternative education program” after “the local educational agency or alternative education program”;

(vi) in paragraph (11), by striking “transition of children and youth from such facility or institution to” and inserting “transition of such children and youth between such facility or institution and”;

(vii) in paragraph (16)—

(I) by inserting “and attain a regular high school diploma” after “to encourage the children and youth to reenter school”; and

(II) by striking “achieve a secondary school diploma” and inserting “attain a regular high school diploma”;

(viii) in paragraph (17), by inserting “certified or licensed” after “provides an assurance that”;

(ix) in paragraph (18), by striking “and” after the semicolon;

(x) in paragraph (19), by striking the period at the end and inserting “; and”; and

(xi) by adding at the end the following:

“(20) describes how the State agency will, to the extent feasible—

“(A) note when a youth has come into contact with both the child welfare and juvenile justice systems; and

“(B) deliver services and interventions designed to keep such youth in school that are evidence-based (to the extent a State determines that such evidence is reasonably available).”;

20 USC 6435.

(4) in section 1415—

(A) in subsection (a)—

(i) in paragraph (1)(B), by striking “vocational or technical training” and inserting “career and technical education”; and

(ii) in paragraph (2)—

(I) by striking subparagraph (A) and inserting the following:

“(A) may include—

“(i) the acquisition of equipment;

“(ii) pay-for-success initiatives; or

“(iii) providing targeted services for youth who have come in contact with both the child welfare system and juvenile justice system;”;

(II) in subparagraph (B)—

(aa) in clause (i), by striking “the State’s challenging academic content standards and student academic achievement standards” and inserting “the challenging State academic standards”;

(bb) in clause (ii), by striking “supplement and improve” and inserting “respond to the educational needs of such children and youth, including by supplementing and improving”; and

(cc) in clause (iii)—

(AA) by striking “challenging State academic achievement standards” and inserting “challenging State academic standards”; and

(BB) by inserting “and” after the semicolon;

(III) in subparagraph (C)—

(aa) by striking “section 1120A and part I” and inserting “section 1118 and part F”; and

(bb) by striking “; and” and inserting a period; and

(IV) by striking subparagraph (D); and

(B) in subsection (b), by striking “section 1120A” and inserting “section 1118”;

20 USC 6436.

(5) in section 1416—

(A) in paragraph (3)—

(i) by striking “challenging State academic content standards and student academic achievement standards” and inserting “challenging State academic standards”; and

(ii) by striking “complete secondary school, attain a secondary diploma” and inserting “attain a regular high school diploma”;

(B) in paragraph (4)—

(i) by striking “pupil” and inserting “specialized instructional support”; and

(ii) by inserting “, and how relevant and appropriate academic records and plans regarding the continuation of educational services for such children or youth are shared jointly between the State agency operating the institution or program and local educational agency in order to facilitate the transition of such children and youth between the local educational agency and the State agency” after “children and youth described in paragraph (1)”; and

(C) in paragraph (6), by striking “student progress” and inserting “and improve student achievement”;

(6) in section 1418(a)—

20 USC 6438.

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

“(1) projects that facilitate the transition of children and youth between State-operated institutions, or institutions in the State operated by the Secretary of the Interior, and schools served by local educational agencies or schools operated or funded by the Bureau of Indian Education; or”;

(B) in paragraph (2)—

(i) by striking “vocational” each place the term appears and inserting “career”; and

(ii) in the matter preceding subparagraph (A), by striking “secondary” and inserting “regular high”;

(7) in section 1419—

20 USC 6439.

(A) by striking the section heading and inserting “**TECHNICAL ASSISTANCE**”; and

(B) by striking “for a fiscal year” and all that follows through “to provide” and inserting “for a fiscal year to provide”;

(8) in section 1421(3), by inserting “, including schools operated or funded by the Bureau of Indian Education,” after “local schools”;

20 USC 6451.

(9) in section 1422(d), by striking “impact on meeting the transitional” and inserting “impact on meeting such transitional”;

20 USC 6452.

(10) in section 1423—

20 USC 6453.

(A) in paragraph (2)(B), by inserting “, including such facilities operated by the Secretary of the Interior and Indian tribes” after “the juvenile justice system”;

(B) by striking paragraph (4) and inserting the following:

“(4) a description of the program operated by participating schools to facilitate the successful transition of children and youth returning from correctional facilities and, as appropriate, the types of services that such schools will provide such children and youth and other at-risk children and youth;”;

(C) in paragraph (7)—

(i) by inserting “institutions of higher education or” after “partnerships with”; and

(ii) by striking “develop training, curriculum-based youth entrepreneurship education” and inserting “facilitate postsecondary and workforce success for children and youth returning from correctional facilities, such as through participation in credit-bearing coursework while in secondary school, enrollment in postsecondary education, participation in career and technical education programming”;

(D) in paragraph (8), by inserting “and family members” after “will involve parents”;

(E) in paragraph (9), by striking “vocational” and inserting “career”; and

(F) in paragraph (13), by striking “regular” and inserting “traditional”;

20 USC 6454.

(11) in section 1424—

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

“(a) IN GENERAL.—Funds provided”;

(B) in paragraph (2), by striking “, including” and all that follows through “gang members”;

(C) in paragraph (4)—

(i) by striking “vocational” and inserting “career”; and

(ii) by striking “and” after the semicolon; and

(D) in paragraph (5), by striking the period at the end and inserting a semicolon;

(E) by inserting the following after paragraph (5):

“(6) programs for at-risk Indian children and youth, including such children and youth in correctional facilities in the area served by the local educational agency that are operated by the Secretary of the Interior or Indian tribes; and

“(7) pay for success initiatives.”; and

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

“(b) CONTRACTS AND GRANTS.—A local educational agency may use a subgrant received under this subpart to carry out the activities described under paragraphs (1) through (7) of subsection (a) directly or through subgrants, contracts, or cooperative agreements.”;

20 USC 6455.

(12) in section 1425—

(A) in paragraph (4)—

(i) by inserting “and attain a regular high school diploma” after “reenter school”; and

(ii) by striking “a secondary school diploma” and inserting “a regular high school diploma”;

(B) in paragraph (6), by striking “high academic achievement standards” and inserting “the challenging State academic standards”;

(C) in paragraph (9), by striking “vocational” and inserting “career”;

(D) in paragraph (10), by striking “and” after the semicolon;

(E) in paragraph (11), by striking the period at the end and inserting a semicolon; and

(F) by adding at the end the following:

“(12) upon the child’s or youth’s entry into the correctional facility, work with the child’s or youth’s family members and the local educational agency that most recently provided services to the child or youth (if applicable) to ensure that the relevant and appropriate academic records and plans regarding the continuation of educational services for such child or youth are shared jointly between the correctional facility and local educational agency in order to facilitate the transition of such children and youth between the local educational agency and the correctional facility; and

“(13) consult with the local educational agency for a period jointly determined necessary by the correctional facility and local educational agency upon discharge from that facility, to coordinate educational services so as to minimize disruption to the child’s or youth’s achievement.”;

(13) in section 1426—

20 USC 6456.

(A) in paragraph (1), by striking “reducing dropout rates for male students and for female students over a 3-year period” and inserting “the number of children and youth attaining a regular high school diploma or its recognized equivalent”; and

(B) in paragraph (2)—

(i) by striking “obtaining a secondary school diploma” and inserting “attaining a regular high school diploma”; and

(ii) by striking “obtaining employment” and inserting “attaining employment”;

(14) in section 1431(a)—

20 USC 6471.

(A) in the matter preceding paragraph (1), by inserting “while protecting individual student privacy,” after “age”;

(B) striking “secondary” each place the term appears and inserting “high”;

(C) in paragraph (1), by inserting “and to graduate from high school in the number of years established by the State under either the four-year adjusted cohort graduation rate or the extended-year adjusted cohort graduation rate, if applicable” after “educational achievement”; and

(D) in paragraph (3), by inserting “or school operated or funded by the Bureau of Indian Education” after “local educational agency”; and

(15) in section 1432(2)—

20 USC 6472.

(A) by inserting “dependency adjudication, or delinquency adjudication,” after “failure,”;

(B) by striking “has limited English proficiency” and inserting “is an English learner”; and

(C) by inserting “or child welfare system” after “juvenile justice system”.

PART E—FLEXIBILITY FOR EQUITABLE PER-PUPIL FUNDING

SEC. 1501. FLEXIBILITY FOR EQUITABLE PER-PUPIL FUNDING.

(a) REORGANIZATION.—Title I (20 U.S.C. 6571 et seq.), as amended by this title, is further amended—

(1) by striking parts E through H;

(2) by redesignating part I as part F;

20 USC
6491–6494,
6511–6518,
6531–6537,
6551–6553,
6555, 6561,
6531a–6561i.

20 USC 6577,
6578.
20 USC
6571–6573.
20 USC 6575,
6576.

(3) by striking sections 1907 and 1908;
(4) by redesignating sections 1901 through 1903 as sections 1601 through 1603, respectively; and
(5) by redesignating sections 1905 and 1906 as sections 1604 and 1605, respectively.

(b) IN GENERAL.—Title I (20 U.S.C. 6571 et seq.), as amended by this title, is further amended by inserting after section 1432 the following:

“PART E—FLEXIBILITY FOR EQUITABLE PER-PUPIL FUNDING

20 USC 6491.

“SEC. 1501. FLEXIBILITY FOR EQUITABLE PER-PUPIL FUNDING.

“(a) PURPOSE.—The purpose of the program under this section is to provide local educational agencies with flexibility to consolidate eligible Federal funds and State and local education funding in order to create a single school funding system based on weighted per-pupil allocations for low-income and otherwise disadvantaged students.

“(b) AUTHORITY.—

“(1) IN GENERAL.—The Secretary is authorized to enter into local flexibility demonstration agreements—

“(A) for not more than 3 years with local educational agencies that are selected under subsection (c) and submit proposed agreements that meet the requirements of subsection (d); and

“(B) under which such agencies may consolidate and use funds in accordance with subsection (d) in order to develop and implement a school funding system based on weighted per-pupil allocations for low-income and otherwise disadvantaged students.

“(2) FLEXIBILITY.—Except as described in subsection (d)(1)(I), the Secretary is authorized to waive, for local educational agencies entering into agreements under this section, any provision of this Act that would otherwise prevent such agency from using eligible Federal funds as part of such agreement.

“(c) SELECTION OF LOCAL EDUCATIONAL AGENCIES.—

“(1) IN GENERAL.—The Secretary may enter into local flexibility demonstration agreements with not more than 50 local educational agencies with an approved application under subsection (d).

“(2) SELECTION.—Each local educational agency shall be selected based on such agency—

“(A) submitting a proposed local flexibility demonstration agreement under subsection (d);

“(B) demonstrating that the agreement meets the requirements of such subsection; and

“(C) agreeing to meet the continued demonstration requirements under subsection (e).

“(3) EXPANSION.—Beginning with the 2019–2020 academic year, the Secretary may extend funding flexibility authorized under this section to any local educational agency that submits and has approved an application under subsection (d), as long as a significant majority of the demonstration agreements with local educational agencies described in paragraph (1) meet the

requirements of subsection (d)(2) and subsection (e)(1) as of the end of the 2018–2019 academic year.

“(d) REQUIRED TERMS OF LOCAL FLEXIBILITY DEMONSTRATION AGREEMENT.—

“(1) APPLICATION.—Each local educational agency that desires to participate in the program under this section shall submit, at such time and in such form as the Secretary may prescribe, an application to enter into a local flexibility demonstration agreement with the Secretary in order to develop and implement a school funding system based on weighted per-pupil allocations that meets the requirements of this section. The application shall include—

“(A) a description of the school funding system based on weighted per-pupil allocations, including—

“(i) the weights used to allocate funds within such system;

“(ii) the local educational agency’s legal authority to use State and local education funds consistent with this section;

“(iii) how such system will meet the requirements of paragraph (2); and

“(iv) how such system will support the academic achievement of students, including low-income students, the lowest-achieving students, English learners, and children with disabilities;

“(B) a list of funding sources, including eligible Federal funds, the local educational agency will include in such system;

“(C) a description of the amount and percentage of total local educational agency funding, including State and local education funds and eligible Federal funds, that will be allocated through such system;

“(D) the per-pupil expenditures (which shall include actual personnel expenditures, including staff salary differentials for years of employment, and actual nonpersonnel expenditures) of State and local education funds for each school served by the agency for the preceding fiscal year;

“(E) the per-pupil amount of eligible Federal funds each school served by the agency received in the preceding fiscal year, disaggregated by the programs supported by the eligible Federal funds;

“(F) a description of how such system will ensure that any eligible Federal funds allocated through the system will meet the purposes of each Federal program supported by such funds, including serving students from low-income families, English learners, migratory children, and children who are neglected, delinquent, or at risk, as applicable;

“(G) an assurance that the local educational agency developed and will implement the local flexibility demonstration agreement in consultation with teachers, principals, other school leaders (including charter school leaders in a local educational agency that has charter schools), administrators of Federal programs impacted by the agreement, parents, community leaders, and other relevant stakeholders;

“(H) an assurance that the local educational agency will use fiscal control and sound accounting procedures

that ensure proper disbursement of, and accounting for, eligible Federal funds consolidated and used under such system;

“(I) an assurance that the local educational agency will continue to meet the requirements of sections 1117, 1118, and 8501; and

“(J) an assurance that the local educational agency will meet the requirements of all applicable Federal civil rights laws in carrying out the agreement and in consolidating and using funds under the agreement.

“(2) REQUIREMENTS OF THE SYSTEM.—

“(A) IN GENERAL.—A local educational agency’s school funding system based on weighted per-pupil allocations shall—

“(i) except as allowed under clause (iv), allocate a significant portion of funds, including State and local education funds and eligible Federal funds, to the school level based on the number of students in a school and a formula developed by the agency under this section that determines per-pupil weighted amounts;

“(ii) use weights or allocation amounts that allocate substantially more funding to English learners, students from low-income families, and students with any other characteristics associated with educational disadvantage chosen by the local educational agency, than to other students;

“(iii) ensure that each high-poverty school receives, in the first year of the demonstration agreement—

“(I) more per-pupil funding, including from Federal, State, and local sources, for low-income students than such funding received for low-income students in the year prior to entering into a demonstration agreement under this section; and

“(II) at least as much per-pupil funding, including from Federal, State, and local sources, for English learners as such funding received for English learners in the year prior to entering into a demonstration agreement under this section;

“(iv) be used to allocate to schools a significant percentage, which shall be a percentage agreed upon during the application process, of all the local educational agency’s State and local education funds and eligible Federal funds; and

“(v) include all school-level actual personnel expenditures for instructional staff (including staff salary differentials for years of employment) and actual nonpersonnel expenditures in the calculation of the local educational agency’s State and local education funds and eligible Federal funds to be allocated under clause (i).

“(B) PERCENTAGE.—In establishing the percentage described in subparagraph (A)(iv) for the system, the local educational agency shall demonstrate that the percentage—

“(i) under such subparagraph is sufficient to carry out the purposes of the demonstration agreement under

this section and to meet each of the requirements of this subsection; and

“(ii) of State and local education funds and eligible Federal funds that are not allocated through the local educational agency’s school funding system based on weighted per-pupil allocations, does not undermine or conflict with the requirements of the demonstration agreement under this section.

“(C) EXPENDITURES.—After allocating funds through the system, the local educational agency shall charge schools for the per-pupil expenditures of State and local education funds and eligible Federal funds, including actual personnel expenditures (including staff salary differentials for years of employment) for instructional staff and actual nonpersonnel expenditures.

“(e) CONTINUED DEMONSTRATION.—Each local educational agency with an approved application under subsection (d) shall annually—

“(1) demonstrate to the Secretary that, as compared to the previous year, no high-poverty school served by the agency received—

“(A) less per-pupil funding, including from Federal, State, and local sources, for low-income students; or

“(B) less per-pupil funding, including from Federal, State, and local sources, for English learners;

“(2) make public and report to the Secretary the per-pupil expenditures (including actual personnel expenditures that include staff salary differentials for years of employment, and actual non-personnel expenditures) of State and local education funds and eligible Federal funds for each school served by the agency, disaggregated by each quartile of students attending the school based on student level of poverty and by each major racial or ethnic group in the school, for the preceding fiscal year;

“(3) make public the total number of students enrolled in each school served by the agency and the number of students enrolled in each such school disaggregated by each of the subgroups of students, as defined in section 1111(c)(2); and

“(4) notwithstanding paragraph (1), (2), or (3), ensure that any information to be reported or made public under this subsection is only reported or made public if such information does not reveal personally identifiable information.

“(f) LIMITATIONS ON ADMINISTRATIVE EXPENDITURES.—Each local educational agency that has entered into a local flexibility demonstration agreement with the Secretary under this section may use, for administrative purposes, an amount of eligible Federal funds that is not more than the percentage of funds allowed for such purposes under any of the following:

“(1) This title.

“(2) Title II.

“(3) Title III.

“(4) Part A of title IV.

“(5) Part B of title V.

“(g) PEER REVIEW.—The Secretary may establish a peer-review process to assist in the review of a proposed local flexibility demonstration agreement.

“(h) NONCOMPLIANCE.—The Secretary may, after providing notice and an opportunity for a hearing (including the opportunity to provide supporting evidence as provided for in subsection (i)), terminate a local flexibility demonstration agreement under this section if there is evidence that the local educational agency has failed to comply with the terms of the agreement and the requirements under subsections (d) and (e).

“(i) EVIDENCE.—If a local educational agency believes that the Secretary’s determination under subsection (h) is in error for statistical or other substantive reasons, the local educational agency may provide supporting evidence to the Secretary, and the Secretary shall consider that evidence before making a final determination.

“(j) PROGRAM EVALUATION.—From the amount reserved for evaluation activities under section 8601, the Secretary, acting through the Director of the Institute of Education Sciences, shall, in consultation with the relevant program office at the Department, evaluate—

“(1) the implementation of the local flexibility demonstration agreements under this section; and

“(2) the impact of such agreements on improving the equitable distribution of State and local funding and increasing student achievement.

“(k) RENEWAL OF LOCAL FLEXIBILITY DEMONSTRATION AGREEMENT.—The Secretary may renew for additional 3-year terms a local flexibility demonstration agreement under this section if—

“(1) the local educational agency has met the requirements under subsections (d)(2) and (e) and agrees to, and has a high likelihood of, continuing to meet such requirements; and

“(2) the Secretary determines that renewing the local flexibility demonstration agreement is in the interest of students served under this title and title III.

“(l) DEFINITIONS.—In this section:

“(1) ELIGIBLE FEDERAL FUNDS.—The term ‘eligible Federal funds’ means funds received by a local educational agency under—

“(A) this title;

“(B) title II;

“(C) title III;

“(D) part A of title IV; and

“(E) part B of title V.

“(2) HIGH-POVERTY SCHOOL.—The term ‘high-poverty school’ means a school that is in the highest 2 quartiles of schools served by a local educational agency, based on the percentage of enrolled students from low-income families.”.

PART F—GENERAL PROVISIONS

SEC. 1601. GENERAL PROVISIONS.

(a) FEDERAL REGULATIONS.—Section 1601 (20 U.S.C. 6571), as redesignated by section 1501(a)(4) of this Act, is amended—

(1) in subsection (a), by inserting “, in accordance with subsections (b) through (d) and subject to section 1111(e),” after “may issue”;

(2) in subsection (b)—

(A) in paragraph (1), by inserting “principals, other school leaders (including charter school leaders),” after “teachers,”;

(B) in paragraph (2), by adding at the end the following: “Such regional meetings and electronic exchanges of information shall be public and notice of such meetings and exchanges shall be provided to interested stakeholders.”;

(C) in paragraph (3)(A), by striking “standards and assessments” and inserting “standards, assessments under section 1111(b)(2), and the requirement under section 1118 that funds under part A be used to supplement, and not supplant, State and local funds”;

(D) by striking paragraph (4) and inserting the following:

“(4) PROCESS.—Such process—

“(A) shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.); and

“(B) shall, unless otherwise provided as described in subsection (c), follow the provisions of subchapter III of chapter 5 of title V, United States Code (commonly known as the ‘Negotiated Rulemaking Act of 1990’).”; and

(E) by striking paragraph (5);

(3) by redesignating subsection (c) as subsection (d);

(4) by inserting after subsection (b) the following:

“(c) ALTERNATIVE PROCESS FOR CERTAIN EXCEPTIONS.—If consensus, as defined in section 562 of title 5, United States Code, on any proposed regulation is not reached by the individuals selected under subsection (b)(3)(B) for the negotiated rulemaking process, or if the Secretary determines that a negotiated rulemaking process is unnecessary, the Secretary may propose a regulation in the following manner:

“(1) NOTICE TO CONGRESS.—Not less than 15 business days prior to issuing a notice of proposed rulemaking in the Federal Register, the Secretary shall provide to the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on Education and the Workforce of the House of Representatives, and other relevant congressional committees, notice of the Secretary’s intent to issue a notice of proposed rulemaking that shall include—

“(A) a copy of the proposed regulation;

“(B) the need to issue the regulation;

“(C) the anticipated burden, including the time, cost, and paperwork burden, the regulation will impose on State educational agencies, local educational agencies, schools, and other entities that may be impacted by the regulation;

“(D) the anticipated benefits to State educational agencies, local educational agencies, schools, and other entities that may be impacted by the regulation; and

“(E) any regulations that will be repealed when the new regulation is issued.

“(2) COMMENT PERIOD FOR CONGRESS.—The Secretary shall—

“(A) before issuing any notice of proposed rulemaking under this subsection, provide Congress with a comment period of 15 business days to make comments on the proposed regulation, beginning on the date that the Secretary provides the notice of intent to the appropriate committees of Congress under paragraph (1); and

“(B) include and seek to address all comments submitted by Congress in the public rulemaking record for the regulation published in the Federal Register.

“(3) COMMENT AND REVIEW PERIOD; EMERGENCY SITUATIONS.—The comment and review period for any proposed regulation shall be not less than 60 days unless an emergency requires a shorter period, in which case the Secretary shall—

“(A) designate the proposed regulation as an emergency with an explanation of the emergency in the notice to Congress under paragraph (1);

“(B) publish the length of the comment and review period in such notice and in the Federal Register; and

“(C) conduct immediately thereafter regional meetings to review such proposed regulation before issuing any final regulation.”;

(5) in subsection (d), as redesignated by paragraph (3), by striking “Regulations to carry out this part” and inserting “Regulations to carry out this title”; and

(6) by inserting after subsection (d), as redesignated by paragraph (3), the following:

“(e) RULE OF CONSTRUCTION.—Nothing in this section affects the applicability of subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the ‘Administrative Procedure Act’) or chapter 8 of title 5, United States Code (commonly known as the ‘Congressional Review Act’).”

(b) AGREEMENTS AND RECORDS.—Subsection (a) of section 1602 (20 U.S.C. 6572(a)), as redesignated by section 1501(a)(4) of this Act, is amended to read as follows:

“(a) AGREEMENTS.—In any case in which a negotiated rulemaking process is established under section 1601(b), all published proposed regulations shall conform to agreements that result from the rulemaking described in section 1601 unless the Secretary reopens the negotiated rulemaking process.”

(c) STATE ADMINISTRATION.—Section 1603 (20 U.S.C. 6573), as redesignated by section 1501(a)(4) of this Act, is further amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (C), by striking “and” after the semicolon;

(ii) in subparagraph (D), by striking the period and inserting “; and”; and

(iii) by adding at the end the following:

“(E)(i) identify any duplicative or contrasting requirements between the State and Federal rules or regulations; and

“(ii) eliminate the State rules and regulations that are duplicative of Federal requirements.”; and

(B) in paragraph (2), by striking “the challenging State student academic achievement standards” and inserting “the challenging State academic standards”; and

(2) in subsection (b)(2), by striking subparagraphs (C) through (G) and inserting the following:

“(C) teachers from traditional public schools and charter schools (if there are charter schools in the State) and career and technical educators;

“(D) principals and other school leaders;

- “(E) parents;
- “(F) members of local school boards;
- “(G) representatives of private school children;
- “(H) specialized instructional support personnel and paraprofessionals;
- “(I) representatives of authorized public chartering agencies (if there are charter schools in the State); and
- “(J) charter school leaders (if there are charter schools in the State).”.

TITLE II—PREPARING, TRAINING, AND RECRUITING HIGH-QUALITY TEACHERS, PRINCIPALS, OR OTHER SCHOOL LEADERS

SEC. 2001. GENERAL PROVISIONS.

(a) TITLE II TRANSFERS AND RELATED AMENDMENTS.—

(1) Section 2366(b) (20 U.S.C. 6736(b)) is amended by striking the matter following paragraph (2) and inserting the following:

“(3) A State law that makes a limitation of liability inapplicable if the civil action was brought by an officer of a State or local government pursuant to State or local law.”.

(2) Subpart 4 of part D of title II (20 U.S.C. 6777) is amended, by striking the subpart designation and heading and inserting the following:

“Subpart 4—Internet Safety”.

(3) Subpart 5 of part C of title II (20 U.S.C. 6731 et seq.) (as amended by paragraph (1) of this subsection) is—

(A) transferred to title IX;

(B) inserted so as to appear after subpart 2 of part E of such title;

(C) redesignated as subpart 3 of such part; and

(D) further amended by redesignating sections 2361 through 2368 as sections 9541 through 9548, respectively.

(4) Subpart 4 of part D of title II (20 U.S.C. 6777 et seq.) (as amended by paragraph (2) of this subsection) is—

(A) transferred to title IV;

(B) inserted so as to appear after subpart 4 of part A of such title;

(C) redesignated as subpart 5 of such part; and

(D) further amended by redesignating section 2441 as section 4161.

20 USC 7801.

20 USC
6731–6738,
7941–7948.

20 USC 7101.

20 USC 6777,
7131.

SEC. 2002. PREPARING, TRAINING, AND RECRUITING HIGH-QUALITY TEACHERS, PRINCIPALS, OR OTHER SCHOOL LEADERS.

The Act (20 U.S.C. 6301 et seq.) is amended by striking title II and inserting the following:

20 USC 6601.

“TITLE II—PREPARING, TRAINING, AND RECRUITING HIGH-QUALITY TEACHERS, PRINCIPALS, OR OTHER SCHOOL LEADERS

20 USC 6601.

“SEC. 2001. PURPOSE.

“The purpose of this title is to provide grants to State educational agencies and subgrants to local educational agencies to—

“(1) increase student achievement consistent with the challenging State academic standards;

“(2) improve the quality and effectiveness of teachers, principals, and other school leaders;

“(3) increase the number of teachers, principals, and other school leaders who are effective in improving student academic achievement in schools; and

“(4) provide low-income and minority students greater access to effective teachers, principals, and other school leaders.

20 USC 6602.

“SEC. 2002. DEFINITIONS.

“In this title:

“(1) **SCHOOL LEADER RESIDENCY PROGRAM.**—The term ‘school leader residency program’ means a school-based principal or other school leader preparation program in which a prospective principal or other school leader—

“(A) for 1 academic year, engages in sustained and rigorous clinical learning with substantial leadership responsibilities and an opportunity to practice and be evaluated in an authentic school setting; and

“(B) during that academic year—

“(i) participates in evidence-based coursework, to the extent the State (in consultation with local educational agencies in the State) determines that such evidence is reasonably available, that is integrated with the clinical residency experience; and

“(ii) receives ongoing support from a mentor principal or other school leader, who is effective.

“(2) **STATE.**—The term ‘State’ means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

“(3) **STATE AUTHORIZER.**—The term ‘State authorizer’ means an entity designated by the Governor of a State to recognize teacher, principal, or other school leader preparation academies within the State that—

“(A) enters into an agreement with a teacher, principal, or other school leader preparation academy that specifies the goals expected of the academy, as described in paragraph (4)(A)(i);

“(B) may be a nonprofit organization, State educational agency, or other public entity, or consortium of such entities (including a consortium of States); and

“(C) does not reauthorize a teacher, principal, or other school leader preparation academy if the academy fails to produce the minimum number or percentage of effective teachers or principals or other school leaders, respectively

(as determined by the State), identified in the academy's authorizing agreement.

“(4) TEACHER, PRINCIPAL, OR OTHER SCHOOL LEADER PREPARATION ACADEMY.—The term ‘teacher, principal, or other school leader preparation academy’ means a public or other nonprofit entity, which may be an institution of higher education or an organization affiliated with an institution of higher education, that establishes an academy that will prepare teachers, principals, or other school leaders to serve in high-needs schools, and that—

“(A) enters into an agreement with a State authorizer that specifies the goals expected of the academy, including—

“(i) a requirement that prospective teachers, principals, or other school leaders who are enrolled in the academy receive a significant part of their training through clinical preparation that partners the prospective candidate with an effective teacher, principal, or other school leader, as determined by the State, respectively, with a demonstrated record of increasing student academic achievement, including for the subgroups of students defined in section 1111(c)(2), while also receiving concurrent instruction from the academy in the content area (or areas) in which the prospective teacher, principal, or other school leader will become certified or licensed that links to the clinical preparation experience;

“(ii) the number of effective teachers, principals, or other school leaders, respectively, who will demonstrate success in increasing student academic achievement that the academy will prepare; and

“(iii) a requirement that the academy will award a certificate of completion (or degree, if the academy is, or is affiliated with, an institution of higher education) to a teacher only after the teacher demonstrates that the teacher is an effective teacher, as determined by the State, with a demonstrated record of increasing student academic achievement either as a student teacher or teacher-of-record on an alternative certificate, license, or credential;

“(iv) a requirement that the academy will award a certificate of completion (or degree, if the academy is, or is affiliated with, an institution of higher education) to a principal or other school leader only after the principal or other school leader demonstrates a record of success in improving student performance; and

“(v) timelines for producing cohorts of graduates and conferring certificates of completion (or degrees, if the academy is, or is affiliated with, an institution of higher education) from the academy;

“(B) does not have unnecessary restrictions on the methods the academy will use to train prospective teacher, principal, or other school leader candidates, including—

“(i) obligating (or prohibiting) the academy's faculty to hold advanced degrees or conduct academic research;

“(ii) restrictions related to the academy’s physical infrastructure;

“(iii) restrictions related to the number of course credits required as part of the program of study;

“(iv) restrictions related to the undergraduate coursework completed by teachers teaching or working on alternative certificates, licenses, or credentials, as long as such teachers have successfully passed all relevant State-approved content area examinations; or

“(v) restrictions related to obtaining accreditation from an accrediting body for purposes of becoming an academy;

“(C) limits admission to its program to prospective teacher, principal, or other school leader candidates who demonstrate strong potential to improve student academic achievement, based on a rigorous selection process that reviews a candidate’s prior academic achievement or record of professional accomplishment; and

“(D) results in a certificate of completion or degree that the State may, after reviewing the academy’s results in producing effective teachers, or principals, or other school leaders, respectively (as determined by the State) recognize as at least the equivalent of a master’s degree in education for the purposes of hiring, retention, compensation, and promotion in the State.

“(5) TEACHER RESIDENCY PROGRAM.—The term ‘teacher residency program’ means a school-based teacher preparation program in which a prospective teacher—

“(A) for not less than 1 academic year, teaches alongside an effective teacher, as determined by the State or local educational agency, who is the teacher of record for the classroom;

“(B) receives concurrent instruction during the year described in subparagraph (A)—

“(i) through courses that may be taught by local educational agency personnel or by faculty of the teacher preparation program; and

“(ii) in the teaching of the content area in which the teacher will become certified or licensed; and

“(C) acquires effective teaching skills, as demonstrated through completion of a residency program, or other measure determined by the State, which may include a teacher performance assessment.

20 USC 6603.

“SEC. 2003. AUTHORIZATION OF APPROPRIATIONS.

“(a) GRANTS TO STATES AND LOCAL EDUCATIONAL AGENCIES.—For the purpose of carrying out part A, there are authorized to be appropriated \$2,295,830,000 for each of fiscal years 2017 through 2020.

“(b) NATIONAL ACTIVITIES.—For the purpose of carrying out part B, there are authorized to be appropriated—

“(1) \$468,880,575 for each of fiscal years 2017 and 2018;

“(2) \$469,168,000 for fiscal year 2019; and

“(3) \$489,168,000 for fiscal year 2020.

**“PART A—SUPPORTING EFFECTIVE
INSTRUCTION****“SEC. 2101. FORMULA GRANTS TO STATES.**

20 USC 6611.

“(a) RESERVATION OF FUNDS.—From the total amount appropriated under section 2003(a) for a fiscal year, the Secretary shall reserve—

“(1) one-half of 1 percent for allotments for the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, to be distributed among those outlying areas on the basis of their relative need, as determined by the Secretary, in accordance with the purpose of this title; and

“(2) one-half of 1 percent for the Secretary of the Interior for programs under this part in schools operated or funded by the Bureau of Indian Education.

“(b) STATE ALLOTMENTS.—

“(1) HOLD HARMLESS.—

“(A) FISCAL YEARS 2017 THROUGH 2022.—For each of fiscal years 2017 through 2022, subject to paragraph (2) and subparagraph (C), from the funds appropriated under section 2003(a) for a fiscal year that remain after the Secretary makes the reservations under subsection (a), the Secretary shall allot to each State an amount equal to the total amount that such State received for fiscal year 2001 under—

“(i) section 2202(b) of this Act (as in effect on the day before the date of enactment of the No Child Left Behind Act of 2001); and

“(ii) section 306 of the Department of Education Appropriations Act, 2001 (as enacted into law by section 1(a)(1) of Public Law 106–554).

“(B) RATABLE REDUCTION.—If the funds described in subparagraph (A) are insufficient to pay the full amounts that all States are eligible to receive under subparagraph (A) for any fiscal year, the Secretary shall ratably reduce those amounts for the fiscal year.

“(C) PERCENTAGE REDUCTION.—For each of fiscal years 2017 through 2022, the amount in subparagraph (A) shall be reduced by a percentage equal to the product of 14.29 percent and the number of years between the fiscal year for which the determination is being made and fiscal year 2016.

“(2) ALLOTMENT OF ADDITIONAL FUNDS.—

“(A) IN GENERAL.—Subject to subparagraph (B), for any fiscal year for which the funds appropriated under section 2003(a) and not reserved under subsection (a) exceed the total amount required to make allotments under paragraph (1), the Secretary shall allot to each State the sum of—

“(i) for fiscal year 2017—

“(I) an amount that bears the same relationship to 35 percent of the excess amount as the number of individuals aged 5 through 17 in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the

number of those individuals in all such States, as so determined; and

“(II) an amount that bears the same relationship to 65 percent of the excess amount as the number of individuals aged 5 through 17 from families with incomes below the poverty line in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined;

“(ii) for fiscal year 2018—

“(I) an amount that bears the same relationship to 30 percent of the excess amount as the number of individuals aged 5 through 17 in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined; and

“(II) an amount that bears the same relationship to 70 percent of the excess amount as the number of individuals aged 5 through 17 from families with incomes below the poverty line in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined;

“(iii) for fiscal year 2019—

“(I) an amount that bears the same relationship to 25 percent of the excess amount as the number of individuals aged 5 through 17 in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined; and

“(II) an amount that bears the same relationship to 75 percent of the excess amount as the number of individuals aged 5 through 17 from families with incomes below the poverty line in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined; and

“(iv) for fiscal year 2020—

“(I) an amount that bears the same relationship to 20 percent of the excess amount as the number of individuals aged 5 through 17 in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined; and

“(II) an amount that bears the same relationship to 80 percent of the excess amount as the number of individuals aged 5 through 17 from families with incomes below the poverty line in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears

to the number of those individuals in all such States, as so determined.

“(B) EXCEPTION.—No State receiving an allotment under subparagraph (A) may receive less than one-half of 1 percent of the total excess amount allotted under such subparagraph for a fiscal year.

“(3) FISCAL YEAR 2021 AND SUCCEEDING FISCAL YEARS.—For fiscal year 2021 and each of the succeeding fiscal years—

“(A) the Secretary shall allot funds appropriated under section 2003(a) and not reserved under subsection (a) to each State in accordance with paragraph (2)(A)(iv); and

“(B) the amount appropriated but not reserved shall be treated as the excess amount.

“(4) REALLOTMENT.—If any State does not apply for an allotment under this subsection for any fiscal year, the Secretary shall reallocate the amount of the allotment to the remaining States in accordance with this subsection.

“(c) STATE USES OF FUNDS.—

“(1) IN GENERAL.—Except as provided under paragraph (3), each State that receives an allotment under subsection (b) for a fiscal year shall reserve not less than 95 percent of such allotment to make subgrants to local educational agencies for such fiscal year, as described in section 2102.

“(2) STATE ADMINISTRATION.—A State educational agency may use not more than 1 percent of the amount allotted to such State under subsection (b) for the administrative costs of carrying out such State educational agency’s responsibilities under this part.

“(3) PRINCIPALS OR OTHER SCHOOL LEADERS.—Notwithstanding paragraph (1) and in addition to funds otherwise available for activities under paragraph (4), a State educational agency may reserve not more than 3 percent of the amount reserved for subgrants to local educational agencies under paragraph (1) for one or more of the activities for principals or other school leaders that are described in paragraph (4).

“(4) STATE ACTIVITIES.—

“(A) IN GENERAL.—The State educational agency for a State that receives an allotment under subsection (b) may use funds not reserved under paragraph (1) to carry out 1 or more of the activities described in subparagraph (B), which may be implemented in conjunction with a State agency of higher education (if such agencies are separate) and carried out through a grant or contract with a for-profit or nonprofit entity, including an institution of higher education.

“(B) TYPES OF STATE ACTIVITIES.—The activities described in this subparagraph are the following:

“(i) Reforming teacher, principal, or other school leader certification, recertification, licensing, or tenure systems or preparation program standards and approval processes to ensure that—

“(I) teachers have the necessary subject-matter knowledge and teaching skills, as demonstrated through measures determined by the State, which may include teacher performance assessments, in the academic subjects that the teachers teach to

help students meet challenging State academic standards;

“(II) principals or other school leaders have the instructional leadership skills to help teachers teach and to help students meet such challenging State academic standards; and

“(III) teacher certification or licensing requirements are aligned with such challenging State academic standards.

“(ii) Developing, improving, or providing assistance to local educational agencies to support the design and implementation of teacher, principal, or other school leader evaluation and support systems that are based in part on evidence of student academic achievement, which may include student growth, and shall include multiple measures of educator performance and provide clear, timely, and useful feedback to teachers, principals, or other school leaders, such as by—

“(I) developing and disseminating high-quality evaluation tools, such as classroom observation rubrics, and methods, including training and auditing, for ensuring inter-rater reliability of evaluation results;

“(II) developing and providing training to principals, other school leaders, coaches, mentors, and evaluators on how to accurately differentiate performance, provide useful and timely feedback, and use evaluation results to inform decision-making about professional development, improvement strategies, and personnel decisions; and

“(III) developing a system for auditing the quality of evaluation and support systems.

“(iii) Improving equitable access to effective teachers.

“(iv) Carrying out programs that establish, expand, or improve alternative routes for State certification of teachers (especially for teachers of children with disabilities, English learners, science, technology, engineering, mathematics, or other areas where the State experiences a shortage of educators), principals, or other school leaders, for—

“(I) individuals with a baccalaureate or master’s degree, or other advanced degree;

“(II) mid-career professionals from other occupations;

“(III) paraprofessionals;

“(IV) former military personnel; and

“(V) recent graduates of institutions of higher education with records of academic distinction who demonstrate the potential to become effective teachers, principals, or other school leaders.

“(v) Developing, improving, and implementing mechanisms to assist local educational agencies and schools in effectively recruiting and retaining teachers, principals, or other school leaders who are effective in improving student academic achievement, including effective teachers from underrepresented minority

groups and teachers with disabilities, such as through—

“(I) opportunities for effective teachers to lead evidence-based (to the extent the State determines that such evidence is reasonably available) professional development for the peers of such effective teachers; and

“(II) providing training and support for teacher leaders and principals or other school leaders who are recruited as part of instructional leadership teams.

“(vi) Fulfilling the State educational agency’s responsibilities concerning proper and efficient administration and monitoring of the programs carried out under this part, including provision of technical assistance to local educational agencies.

“(vii) Developing, or assisting local educational agencies in developing—

“(I) career opportunities and advancement initiatives that promote professional growth and emphasize multiple career paths, such as instructional coaching and mentoring (including hybrid roles that allow instructional coaching and mentoring while remaining in the classroom), school leadership, and involvement with school improvement and support;

“(II) strategies that provide differential pay, or other incentives, to recruit and retain teachers in high-need academic subjects and teachers, principals, or other school leaders, in low-income schools and school districts, which may include performance-based pay systems; and

“(III) new teacher, principal, or other school leader induction and mentoring programs that are, to the extent the State determines that such evidence is reasonably available, evidence-based, and designed to—

“(aa) improve classroom instruction and student learning and achievement, including through improving school leadership programs; and

“(bb) increase the retention of effective teachers, principals, or other school leaders.

“(viii) Providing assistance to local educational agencies for the development and implementation of high-quality professional development programs for principals that enable the principals to be effective and prepare all students to meet the challenging State academic standards.

“(ix) Supporting efforts to train teachers, principals, or other school leaders to effectively integrate technology into curricula and instruction, which may include training to assist teachers in implementing blended learning (as defined in section 4102(1)) projects.

“(x) Providing training, technical assistance, and capacity-building to local educational agencies that receive a subgrant under this part.

“(xi) Reforming or improving teacher, principal, or other school leader preparation programs, such as through establishing teacher residency programs and school leader residency programs.

“(xii) Establishing or expanding teacher, principal, or other school leader preparation academies, with an amount of the funds described in subparagraph (A) that is not more than 2 percent of the State’s allotment, if—

“(I) allowable under State law;

“(II) the State enables candidates attending a teacher, principal, or other school leader preparation academy to be eligible for State financial aid to the same extent as participants in other State-approved teacher or principal preparation programs, including alternative certification, licensure, or credential programs; and

“(III) the State enables teachers, principals, or other school leaders who are teaching or working while on alternative certificates, licenses, or credentials to teach or work in the State while enrolled in a teacher, principal, or other school leader preparation academy.

“(xiii) Supporting the instructional services provided by effective school library programs.

“(xiv) Developing, or assisting local educational agencies in developing, strategies that provide teachers, principals, or other school leaders with the skills, credentials, or certifications needed to educate all students in postsecondary education coursework through early college high school or dual or concurrent enrollment programs.

“(xv) Providing training for all school personnel, including teachers, principals, other school leaders, specialized instructional support personnel, and paraprofessionals, regarding how to prevent and recognize child sexual abuse.

“(xvi) Supporting opportunities for principals, other school leaders, teachers, paraprofessionals, early childhood education program directors, and other early childhood education program providers to participate in joint efforts to address the transition to elementary school, including issues related to school readiness.

“(xvii) Developing and providing professional development and other comprehensive systems of support for teachers, principals, or other school leaders to promote high-quality instruction and instructional leadership in science, technology, engineering, and mathematics subjects, including computer science.

“(xviii) Supporting the professional development and improving the instructional strategies of teachers, principals, or other school leaders to integrate career and technical education content into academic instructional practices, which may include training on best

practices to understand State and regional workforce needs and transitions to postsecondary education and the workforce.

“(xix) Enabling States, as a consortium, to voluntarily develop a process that allows teachers who are licensed or certified in a participating State to teach in other participating States without completing additional licensure or certification requirements, except that nothing in this clause shall be construed to allow the Secretary to exercise any direction, supervision, or control over State teacher licensing or certification requirements.

“(xx) Supporting and developing efforts to train teachers on the appropriate use of student data to ensure that individual student privacy is protected as required by section 444 of the General Education Provisions Act (commonly known as the ‘Family Educational Rights and Privacy Act of 1974’) (20 U.S.C. 1232g) and in accordance with State student privacy laws and local educational agency student privacy and technology use policies.

“(xxi) Supporting other activities identified by the State that are, to the extent the State determines that such evidence is reasonably available, evidence-based and that meet the purpose of this title.

“(d) STATE APPLICATION.—

“(1) IN GENERAL.—In order to receive an allotment under this section for any fiscal year, a State shall submit an application to the Secretary at such time and in such manner as the Secretary may reasonably require.

“(2) CONTENTS.—Each application described under paragraph (1) shall include the following:

“(A) A description of how the State educational agency will use funds received under this title for State-level activities described in subsection (c).

“(B) A description of the State’s system of certification and licensing of teachers, principals, or other school leaders.

“(C) A description of how activities under this part are aligned with challenging State academic standards.

“(D) A description of how the activities carried out with funds under this part are expected to improve student achievement.

“(E) If a State educational agency plans to use funds under this part to improve equitable access to effective teachers, consistent with section 1111(g)(1)(B), a description of how such funds will be used for such purpose.

“(F) If applicable, a description of how the State educational agency will work with local educational agencies in the State to develop or implement State or local teacher, principal, or other school leader evaluation and support systems that meet the requirements of subsection (c)(4)(B)(ii).

“(G) An assurance that the State educational agency will monitor the implementation of activities under this part and provide technical assistance to local educational agencies in carrying out such activities.

“(H) An assurance that the State educational agency will work in consultation with the entity responsible for teacher, principal, or other school leader professional standards, certification, and licensing for the State, and encourage collaboration between educator preparation programs, the State, and local educational agencies to promote the readiness of new educators entering the profession.

“(I) An assurance that the State educational agency will comply with section 8501 (regarding participation by private school children and teachers).

“(J) A description of how the State educational agency will improve the skills of teachers, principals, or other school leaders in order to enable them to identify students with specific learning needs, particularly children with disabilities, English learners, students who are gifted and talented, and students with low literacy levels, and provide instruction based on the needs of such students.

“(K) A description of how the State will use data and ongoing consultation as described in paragraph (3) to continually update and improve the activities supported under this part.

“(L) A description of how the State educational agency will encourage opportunities for increased autonomy and flexibility for teachers, principals, or other school leaders, such as by establishing innovation schools that have a high degree of autonomy over budget and operations, are transparent and accountable to the public, and lead to improved academic outcomes for students.

“(M) A description of actions the State may take to improve preparation programs and strengthen support for teachers, principals, or other school leaders based on the needs of the State, as identified by the State educational agency.

“(3) CONSULTATION.—In developing the State application under this subsection, a State shall—

“(A) meaningfully consult with teachers, principals, other school leaders, paraprofessionals (including organizations representing such individuals), specialized instructional support personnel, charter school leaders (in a State that has charter schools), parents, community partners, and other organizations or partners with relevant and demonstrated expertise in programs and activities designed to meet the purpose of this title;

“(B) seek advice from the individuals, organizations, or partners described in subparagraph (A) regarding how best to improve the State’s activities to meet the purpose of this title; and

“(C) coordinate the State’s activities under this part with other related strategies, programs, and activities being conducted in the State.

“(4) LIMITATION.—Consultation required under paragraph (3) shall not interfere with the timely submission of the application required under this section.

“(e) PROHIBITION.—Nothing in this section shall be construed to authorize the Secretary or any other officer or employee of the Federal Government to mandate, direct, or control any of the following:

“(1) The development, improvement, or implementation of elements of any teacher, principal, or other school leader evaluation system.

“(2) Any State or local educational agency’s definition of teacher, principal, or other school leader effectiveness.

“(3) Any teacher, principal, or other school leader professional standards, certification, or licensing.

“SEC. 2102. SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.

20 USC 6612.

“(a) ALLOCATION OF FUNDS TO LOCAL EDUCATIONAL AGENCIES.—

“(1) **IN GENERAL.**—From funds reserved by a State under section 2101(c)(1) for a fiscal year, the State, acting through the State educational agency, shall award subgrants to eligible local educational agencies from allocations described in paragraph (2).

“(2) **ALLOCATION FORMULA.**—From the funds described in paragraph (1), the State educational agency shall allocate to each of the eligible local educational agencies in the State for a fiscal year the sum of—

“(A) an amount that bears the same relationship to 20 percent of such funds for such fiscal year as the number of individuals aged 5 through 17 in the geographic area served by the agency, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in the geographic areas served by all eligible local educational agencies in the State, as so determined; and

“(B) an amount that bears the same relationship to 80 percent of the funds for such fiscal year as the number of individuals aged 5 through 17 from families with incomes below the poverty line in the geographic area served by the agency, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in the geographic areas served by all the eligible local educational agencies in the State, as so determined.

“(3) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to prohibit a consortium of local educational agencies that are designated with a locale code of 41, 42, or 43, or such local educational agencies designated with a locale code of 41, 42, or 43 that work in cooperation with an educational service agency, from voluntarily combining allocations received under this part for the collective use of funding by the consortium for activities under this section.

“(b) LOCAL APPLICATIONS.—

“(1) **IN GENERAL.**—To be eligible to receive a subgrant under this section, a local educational agency shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may reasonably require.

“(2) **CONTENTS OF APPLICATION.**—Each application submitted under paragraph (1) shall include the following:

“(A) A description of the activities to be carried out by the local educational agency under this section and how these activities will be aligned with challenging State academic standards.

“(B) A description of the local educational agency’s systems of professional growth and improvement, such as induction for teachers, principals, or other school leaders and opportunities for building the capacity of teachers and opportunities to develop meaningful teacher leadership.

“(C) A description of how the local educational agency will prioritize funds to schools served by the agency that are implementing comprehensive support and improvement activities and targeted support and improvement activities under section 1111(d) and have the highest percentage of children counted under section 1124(c).

“(D) A description of how the local educational agency will use data and ongoing consultation described in paragraph (3) to continually update and improve activities supported under this part.

“(E) An assurance that the local educational agency will comply with section 8501 (regarding participation by private school children and teachers).

“(F) An assurance that the local educational agency will coordinate professional development activities authorized under this part with professional development activities provided through other Federal, State, and local programs.

“(3) CONSULTATION.—In developing the application described in paragraph (2), a local educational agency shall—

“(A) meaningfully consult with teachers, principals, other school leaders, paraprofessionals (including organizations representing such individuals), specialized instructional support personnel, charter school leaders (in a local educational agency that has charter schools), parents, community partners, and other organizations or partners with relevant and demonstrated expertise in programs and activities designed to meet the purpose of this title;

“(B) seek advice from the individuals and organizations described in subparagraph (A) regarding how best to improve the local educational agency’s activities to meet the purpose of this title; and

“(C) coordinate the local educational agency’s activities under this part with other related strategies, programs, and activities being conducted in the community.

“(4) LIMITATION.—Consultation required under paragraph (3) shall not interfere with the timely submission of the application required under this section.

20 USC 6613.

“SEC. 2103. LOCAL USES OF FUNDS.

“(a) IN GENERAL.—A local educational agency that receives a subgrant under section 2102 shall use the funds made available through the subgrant to develop, implement, and evaluate comprehensive programs and activities described in subsection (b), which may be carried out—

“(1) through a grant or contract with a for-profit or non-profit entity; or

“(2) in partnership with an institution of higher education or an Indian tribe or tribal organization (as such terms are defined under section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)).

“(b) TYPES OF ACTIVITIES.—The programs and activities described in this subsection—

“(1) shall be in accordance with the purpose of this title;

“(2) shall address the learning needs of all students, including children with disabilities, English learners, and gifted and talented students; and

“(3) may include, among other programs and activities—

“(A) developing or improving a rigorous, transparent, and fair evaluation and support system for teachers, principals, or other school leaders that—

“(i) is based in part on evidence of student achievement, which may include student growth; and

“(ii) shall include multiple measures of educator performance and provide clear, timely, and useful feedback to teachers, principals, or other school leaders;

“(B) developing and implementing initiatives to assist in recruiting, hiring, and retaining effective teachers, particularly in low-income schools with high percentages of ineffective teachers and high percentages of students who do not meet the challenging State academic standards, to improve within-district equity in the distribution of teachers, consistent with section 1111(g)(1)(B), such as initiatives that provide—

“(i) expert help in screening candidates and enabling early hiring;

“(ii) differential and incentive pay for teachers, principals, or other school leaders in high-need academic subject areas and specialty areas, which may include performance-based pay systems;

“(iii) teacher, paraprofessional, principal, or other school leader advancement and professional growth, and an emphasis on leadership opportunities, multiple career paths, and pay differentiation;

“(iv) new teacher, principal, or other school leader induction and mentoring programs that are designed to—

“(I) improve classroom instruction and student learning and achievement; and

“(II) increase the retention of effective teachers, principals, or other school leaders;

“(v) the development and provision of training for school leaders, coaches, mentors, and evaluators on how accurately to differentiate performance, provide useful feedback, and use evaluation results to inform decisionmaking about professional development, improvement strategies, and personnel decisions; and

“(vi) a system for auditing the quality of evaluation and support systems;

“(C) recruiting qualified individuals from other fields to become teachers, principals, or other school leaders, including mid-career professionals from other occupations, former military personnel, and recent graduates of institutions of higher education with records of academic distinction who demonstrate potential to become effective teachers, principals, or other school leaders;

“(D) reducing class size to a level that is evidence-based, to the extent the State (in consultation with local

educational agencies in the State) determines that such evidence is reasonably available, to improve student achievement through the recruiting and hiring of additional effective teachers;

“(E) providing high-quality, personalized professional development that is evidence-based, to the extent the State (in consultation with local educational agencies in the State) determines that such evidence is reasonably available, for teachers, instructional leadership teams, principals, or other school leaders, that is focused on improving teaching and student learning and achievement, including supporting efforts to train teachers, principals, or other school leaders to—

“(i) effectively integrate technology into curricula and instruction (including education about the harms of copyright piracy);

“(ii) use data to improve student achievement and understand how to ensure individual student privacy is protected, as required under section 444 of the General Education Provisions Act (commonly known as the ‘Family Educational Rights and Privacy Act of 1974’) (20 U.S.C. 1232g) and State and local policies and laws in the use of such data;

“(iii) effectively engage parents, families, and community partners, and coordinate services between school and community;

“(iv) help all students develop the skills essential for learning readiness and academic success;

“(v) develop policy with school, local educational agency, community, or State leaders; and

“(vi) participate in opportunities for experiential learning through observation;

“(F) developing programs and activities that increase the ability of teachers to effectively teach children with disabilities, including children with significant cognitive disabilities, and English learners, which may include the use of multi-tier systems of support and positive behavioral intervention and supports, so that such children with disabilities and English learners can meet the challenging State academic standards;

“(G) providing programs and activities to increase—

“(i) the knowledge base of teachers, principals, or other school leaders on instruction in the early grades and on strategies to measure whether young children are progressing; and

“(ii) the ability of principals or other school leaders to support teachers, teacher leaders, early childhood educators, and other professionals to meet the needs of students through age 8, which may include providing joint professional learning and planning activities for school staff and educators in preschool programs that address the transition to elementary school;

“(H) providing training, technical assistance, and capacity-building in local educational agencies to assist teachers, principals, or other school leaders with selecting

and implementing formative assessments, designing classroom-based assessments, and using data from such assessments to improve instruction and student academic achievement, which may include providing additional time for teachers to review student data and respond, as appropriate;

“(I) carrying out in-service training for school personnel in—

“(i) the techniques and supports needed to help educators understand when and how to refer students affected by trauma, and children with, or at risk of, mental illness;

“(ii) the use of referral mechanisms that effectively link such children to appropriate treatment and intervention services in the school and in the community, where appropriate;

“(iii) forming partnerships between school-based mental health programs and public or private mental health organizations; and

“(iv) addressing issues related to school conditions for student learning, such as safety, peer interaction, drug and alcohol abuse, and chronic absenteeism;

“(J) providing training to support the identification of students who are gifted and talented, including high-ability students who have not been formally identified for gifted education services, and implementing instructional practices that support the education of such students, such as—

“(i) early entrance to kindergarten;

“(ii) enrichment, acceleration, and curriculum compacting activities; and

“(iii) dual or concurrent enrollment programs in secondary school and postsecondary education;

“(K) supporting the instructional services provided by effective school library programs;

“(L) providing training for all school personnel, including teachers, principals, other school leaders, specialized instructional support personnel, and paraprofessionals, regarding how to prevent and recognize child sexual abuse;

“(M) developing and providing professional development and other comprehensive systems of support for teachers, principals, or other school leaders to promote high-quality instruction and instructional leadership in science, technology, engineering, and mathematics subjects, including computer science;

“(N) developing feedback mechanisms to improve school working conditions, including through periodically and publicly reporting results of educator support and working conditions feedback;

“(O) providing high-quality professional development for teachers, principals, or other school leaders on effective strategies to integrate rigorous academic content, career and technical education, and work-based learning (if appropriate), which may include providing common planning time, to help prepare students for postsecondary education and the workforce; and

“(P) carrying out other activities that are evidence-based, to the extent the State (in consultation with local educational agencies in the State) determines that such evidence is reasonably available, and identified by the local educational agency that meet the purpose of this title.

20 USC 6614.

“SEC. 2104. REPORTING.

“(a) STATE REPORT.—Each State educational agency receiving funds under this part shall annually submit to the Secretary a report that provides—

“(1) a description of how the State is using grant funds received under this part to meet the purpose of this title, and how such chosen activities improved teacher, principal, or other school leader effectiveness, as determined by the State or local educational agency;

“(2) if funds are used under this part to improve equitable access to teachers for low-income and minority students, consistent with section 1111(g)(1)(B), a description of how funds have been used to improve such access;

“(3) for a State that implements a teacher, principal, or other school leader evaluation and support system, consistent with section 2101(c)(4)(B)(ii), using funds under this part, the evaluation results of teachers, principals, or other school leaders, except that such information shall not provide personally identifiable information on individual teachers, principals, or other school leaders; and

“(4) where available, the annual retention rates of effective and ineffective teachers, principals, or other school leaders, using any methods or criteria the State has or develops under section 1111(g)(2)(A), except that nothing in this paragraph shall be construed to require any State educational agency or local educational agency to collect and report any data the State educational agency or local educational agency is not collecting or reporting as of the day before the date of enactment of the Every Student Succeeds Act.

“(b) LOCAL EDUCATIONAL AGENCY REPORT.—Each local educational agency receiving funds under this part shall submit to the State educational agency such information as the State requires, which shall include the information described in subsection (a) for the local educational agency.

“(c) AVAILABILITY.—The reports and information provided under subsections (a) and (b) shall be made readily available to the public.

“(d) LIMITATION.—The reports and information provided under subsections (a) and (b) shall not reveal personally identifiable information about any individual.

“PART B—NATIONAL ACTIVITIES

20 USC 6621.

“SEC. 2201. RESERVATIONS.

“From the amounts appropriated under section 2003(b) for a fiscal year, the Secretary shall reserve—

“(1) to carry out activities authorized under subpart 1—
“(A) 49.1 percent for each of fiscal years 2017 through 2019; and

“(B) 47 percent for fiscal year 2020;

“(2) to carry out activities authorized under subpart 2—

- “(A) 34.1 percent for each of fiscal years 2017 through 2019; and
- “(B) 36.8 percent for fiscal year 2020;
- “(3) to carry out activities authorized under subpart 3, 1.4 percent for each of fiscal years 2017 through 2020; and
- “(4) to carry out activities authorized under subpart 4—
 - “(A) 15.4 percent for each of fiscal years 2017 through 2019; and
 - “(B) 14.8 percent for fiscal year 2020.

“Subpart 1—Teacher and School Leader Incentive Program

“SEC. 2211. PURPOSES; DEFINITIONS.

20 USC 6631.

- “(a) PURPOSES.—The purposes of this subpart are—
 - “(1) to assist States, local educational agencies, and non-profit organizations to develop, implement, improve, or expand comprehensive performance-based compensation systems or human capital management systems for teachers, principals, or other school leaders (especially for teachers, principals, or other school leaders in high-need schools) who raise student academic achievement and close the achievement gap between high- and low-performing students; and
 - “(2) to study and review performance-based compensation systems or human capital management systems for teachers, principals, or other school leaders to evaluate the effectiveness, fairness, quality, consistency, and reliability of the systems.
- “(b) DEFINITIONS.—In this subpart:
 - “(1) ELIGIBLE ENTITY.—The term ‘eligible entity’ means—
 - “(A) a local educational agency, including a charter school that is a local educational agency, or a consortium of local educational agencies;
 - “(B) a State educational agency or other State agency designated by the chief executive of a State to participate under this subpart;
 - “(C) the Bureau of Indian Education; or
 - “(D) a partnership consisting of—
 - “(i) 1 or more agencies described in subparagraph (A), (B), or (C); and
 - “(ii) at least 1 nonprofit or for-profit entity.
 - “(2) HIGH-NEED SCHOOL.—The term ‘high-need school’ means a public elementary school or secondary school that is located in an area in which the percentage of students from families with incomes below the poverty line is 30 percent or more.
 - “(3) HUMAN CAPITAL MANAGEMENT SYSTEM.—The term ‘human capital management system’ means a system—
 - “(A) by which a local educational agency makes and implements human capital decisions, such as decisions on preparation, recruitment, hiring, placement, retention, dismissal, compensation, professional development, tenure, and promotion; and
 - “(B) that includes a performance-based compensation system.
 - “(4) PERFORMANCE-BASED COMPENSATION SYSTEM.—The term ‘performance-based compensation system’ means a system

of compensation for teachers, principals, or other school leaders—

“(A) that differentiates levels of compensation based in part on measurable increases in student academic achievement; and

“(B) which may include—

“(i) differentiated levels of compensation, which may include bonus pay, on the basis of the employment responsibilities and success of effective teachers, principals, or other school leaders in hard-to-staff schools or high-need subject areas; and

“(ii) recognition of the skills and knowledge of teachers, principals, or other school leaders as demonstrated through—

“(I) successful fulfillment of additional responsibilities or job functions, such as teacher leadership roles; and

“(II) evidence of professional achievement and mastery of content knowledge and superior teaching and leadership skills.

20 USC 6632.

“SEC. 2212. TEACHER AND SCHOOL LEADER INCENTIVE FUND GRANTS.

“(a) GRANTS AUTHORIZED.—From the amounts reserved by the Secretary under section 2201(1), the Secretary shall award grants, on a competitive basis, to eligible entities to enable the eligible entities to develop, implement, improve, or expand performance-based compensation systems or human capital management systems, in schools served by the eligible entity.

“(b) DURATION OF GRANTS.—

“(1) IN GENERAL.—A grant awarded under this subpart shall be for a period of not more than 3 years.

“(2) RENEWAL.—The Secretary may renew a grant awarded under this subpart for a period of not more than 2 years if the grantee demonstrates to the Secretary that the grantee is effectively using funds. Such renewal may include allowing the grantee to scale up or replicate the successful program.

“(3) LIMITATION.—A local educational agency may receive (whether individually or as part of a consortium or partnership) a grant under this subpart, as amended by the Every Student Succeeds Act, only twice.

“(c) APPLICATIONS.—An eligible entity desiring a grant under this subpart shall submit an application to the Secretary at such time and in such manner as the Secretary may reasonably require. The application shall include—

“(1) a description of the performance-based compensation system or human capital management system that the eligible entity proposes to develop, implement, improve, or expand through the grant;

“(2) a description of the most significant gaps or insufficiencies in student access to effective teachers, principals, or other school leaders in high-need schools, including gaps or inequities in how effective teachers, principals, or other school leaders are distributed across the local educational agency, as identified using factors such as data on school resources, staffing patterns, school environment, educator support systems, and other school-level factors;

“(3) a description and evidence of the support and commitment from teachers, principals, or other school leaders, which may include charter school leaders, in the school (including organizations representing teachers, principals, or other school leaders), the community, and the local educational agency to the activities proposed under the grant;

“(4) a description of how the eligible entity will develop and implement a fair, rigorous, valid, reliable, and objective process to evaluate teacher, principal, or other school leader performance under the system that is based in part on measures of student academic achievement, including the baseline performance against which evaluations of improved performance will be made;

“(5) a description of the local educational agencies or schools to be served under the grant, including such student academic achievement, demographic, and socioeconomic information as the Secretary may request;

“(6) a description of the effectiveness of teachers, principals, or other school leaders in the local educational agency and the schools to be served under the grant and the extent to which the system will increase the effectiveness of teachers, principals, or other school leaders in such schools;

“(7) a description of how the eligible entity will use grant funds under this subpart in each year of the grant, including a timeline for implementation of such activities;

“(8) a description of how the eligible entity will continue the activities assisted under the grant after the grant period ends;

“(9) a description of the State, local, or other public or private funds that will be used to supplement the grant, including funds under part A, and sustain the activities assisted under the grant after the end of the grant period;

“(10) a description of—

“(A) the rationale for the project;

“(B) how the proposed activities are evidence-based;

and

“(C) if applicable, the prior experience of the eligible entity in developing and implementing such activities; and

“(11) a description of how activities funded under this subpart will be evaluated, monitored, and publically reported.

“(d) AWARD BASIS.—

“(1) PRIORITY.—In awarding a grant under this subpart, the Secretary shall give priority to an eligible entity that concentrates the activities proposed to be assisted under the grant on teachers, principals, or other school leaders serving in high-need schools.

“(2) EQUITABLE DISTRIBUTION.—To the extent practicable, the Secretary shall ensure an equitable geographic distribution of grants under this subpart, including the distribution of such grants between rural and urban areas.

“(e) USE OF FUNDS.—

“(1) IN GENERAL.—An eligible entity that receives a grant under this subpart shall use the grant funds to develop, implement, improve, or expand, in collaboration with teachers, principals, other school leaders, and members of the public, a performance-based compensation system or human capital management system consistent with this subpart.

“(2) AUTHORIZED ACTIVITIES.—Grant funds under this subpart may be used for one or more of the following:

“(A) Developing or improving an evaluation and support system, including as part of a human capital management system as applicable, that—

“(i) reflects clear and fair measures of teacher, principal, or other school leader performance, based in part on demonstrated improvement in student academic achievement; and

“(ii) provides teachers, principals, or other school leaders with ongoing, differentiated, targeted, and personalized support and feedback for improvement, including professional development opportunities designed to increase effectiveness.

“(B) Conducting outreach within a local educational agency or a State to gain input on how to construct an evaluation and support system described in subparagraph (A) and to develop support for the evaluation and support system, including by training appropriate personnel in how to observe and evaluate teachers, principals, or other school leaders.

“(C) Providing principals or other school leaders with—

“(i) balanced autonomy to make budgeting, scheduling, and other school-level decisions in a manner that meets the needs of the school without compromising the intent or essential components of the policies of the local educational agency or State; and

“(ii) authority to make staffing decisions that meet the needs of the school, such as building an instructional leadership team that includes teacher leaders or offering opportunities for teams or pairs of effective teachers or candidates to teach or start teaching in high-need schools together.

“(D) Implementing, as part of a comprehensive performance-based compensation system, a differentiated salary structure, which may include bonuses and stipends, to—

“(i) teachers who—

“(I) teach in—

“(aa) high-need schools; or

“(bb) high-need subjects;

“(II) raise student academic achievement; or

“(III) take on additional leadership responsibilities; or

“(ii) principals or other school leaders who serve in high-need schools and raise student academic achievement in the schools.

“(E) Improving the local educational agency’s system and process for the recruitment, selection, placement, and retention of effective teachers, principals, or other school leaders in high-need schools, such as by improving local educational agency policies and procedures to ensure that high-need schools are competitive and timely in—

“(i) attracting, hiring, and retaining effective educators;

“(ii) offering bonuses or higher salaries to effective educators; or

“(iii) establishing or strengthening school leader residency programs and teacher residency programs.

“(F) Instituting career advancement opportunities characterized by increased responsibility and pay that reward and recognize effective teachers, principals, or other school leaders in high-need schools and enable them to expand their leadership and results, such as through teacher-led professional development, mentoring, coaching, hybrid roles, administrative duties, and career ladders.

“(f) **MATCHING REQUIREMENT.**—Each eligible entity that receives a grant under this subpart shall provide, from non-Federal sources, an amount equal to 50 percent of the amount of the grant (which may be provided in cash or in kind) to carry out the activities supported by the grant.

“(g) **SUPPLEMENT, NOT SUPPLANT.**—Grant funds provided under this subpart shall be used to supplement, not supplant, other Federal or State funds available to carry out activities described in this subpart.

“SEC. 2213. REPORTS.

20 USC 6633.

“(a) **ACTIVITIES SUMMARY.**—Each eligible entity receiving a grant under this subpart shall provide to the Secretary a summary of the activities assisted under the grant.

“(b) **REPORT.**—The Secretary shall provide to Congress an annual report on the implementation of the program carried out under this subpart, including—

“(1) information on eligible entities that received grant funds under this subpart, including—

“(A) information provided by eligible entities to the Secretary in the applications submitted under section 2212(c);

“(B) the summaries received under subsection (a); and

“(C) grant award amounts; and

“(2) student academic achievement and, as applicable, growth data from the schools participating in the programs supported under the grant.

“(c) **EVALUATION AND TECHNICAL ASSISTANCE.**—

“(1) **RESERVATION OF FUNDS.**—Of the total amount reserved for this subpart for a fiscal year, the Secretary may reserve for such fiscal year not more than 1 percent for the cost of the evaluation under paragraph (2) and for technical assistance in carrying out this subpart.

“(2) **EVALUATION.**—From amounts reserved under paragraph (1), the Secretary, acting through the Director of the Institute of Education Sciences, shall carry out an independent evaluation to measure the effectiveness of the program assisted under this subpart.

“(3) **CONTENTS.**—The evaluation under paragraph (2) shall measure—

“(A) the effectiveness of the program in improving student academic achievement;

“(B) the satisfaction of the participating teachers, principals, or other school leaders; and

“(C) the extent to which the program assisted the eligible entities in recruiting and retaining high-quality teachers, principals, or other school leaders, especially in high-need subject areas.

“Subpart 2—Literacy Education for All, Results for the Nation

20 USC 6641.

“SEC. 2221. PURPOSES; DEFINITIONS.

“(a) PURPOSES.—The purposes of this subpart are—

“(1) to improve student academic achievement in reading and writing by providing Federal support to States to develop, revise, or update comprehensive literacy instruction plans that, when implemented, ensure high-quality instruction and effective strategies in reading and writing from early education through grade 12; and

“(2) for States to provide targeted subgrants to early childhood education programs and local educational agencies and their public or private partners to implement evidence-based programs that ensure high-quality comprehensive literacy instruction for students most in need.

“(b) DEFINITIONS.—In this subpart:

“(1) COMPREHENSIVE LITERACY INSTRUCTION.—The term ‘comprehensive literacy instruction’ means instruction that—

“(A) includes developmentally appropriate, contextually explicit, and systematic instruction, and frequent practice, in reading and writing across content areas;

“(B) includes age-appropriate, explicit, systematic, and intentional instruction in phonological awareness, phonic decoding, vocabulary, language structure, reading fluency, and reading comprehension;

“(C) includes age-appropriate, explicit instruction in writing, including opportunities for children to write with clear purposes, with critical reasoning appropriate to the topic and purpose, and with specific instruction and feedback from instructional staff;

“(D) makes available and uses diverse, high-quality print materials that reflect the reading and development levels, and interests, of children;

“(E) uses differentiated instructional approaches, including individual and small group instruction and discussion;

“(F) provides opportunities for children to use language with peers and adults in order to develop language skills, including developing vocabulary;

“(G) includes frequent practice of reading and writing strategies;

“(H) uses age-appropriate, valid, and reliable screening assessments, diagnostic assessments, formative assessment processes, and summative assessments to identify a child’s learning needs, to inform instruction, and to monitor the child’s progress and the effects of instruction;

“(I) uses strategies to enhance children’s motivation to read and write and children’s engagement in self-directed learning;

“(J) incorporates the principles of universal design for learning;

“(K) depends on teachers’ collaboration in planning, instruction, and assessing a child’s progress and on continuous professional learning; and

“(L) links literacy instruction to the challenging State academic standards, including the ability to navigate, understand, and write about, complex print and digital subject matter.

“(2) ELIGIBLE ENTITY.—The term ‘eligible entity’ means an entity that consists of—

“(A) one or more local educational agencies that serve a high percentage of high-need schools and—

“(i) have the highest number or proportion of children who are counted under section 1124(c), in comparison to other local educational agencies in the State;

“(ii) are among the local educational agencies in the State with the highest number or percentages of children reading or writing below grade level, based on the most currently available State academic assessment data under section 1111(b)(2); or

“(iii) serve a significant number or percentage of schools that are implementing comprehensive support and improvement activities and targeted support and improvement activities under section 1111(d);

“(B) one or more early childhood education programs serving low-income or otherwise disadvantaged children, which may include home-based literacy programs for preschool-aged children, that have a demonstrated record of providing comprehensive literacy instruction for the age group such program proposes to serve; or

“(C) a local educational agency, described in subparagraph (A), or consortium of such local educational agencies, or an early childhood education program, which may include home-based literacy programs for preschool-aged children, acting in partnership with 1 or more public or private nonprofit organizations or agencies (which may include early childhood education programs) that have a demonstrated record of effectiveness in—

“(i) improving literacy achievement of children, consistent with the purposes of participation under this subpart, from birth through grade 12; and

“(ii) providing professional development in comprehensive literacy instruction.

“(3) HIGH-NEED SCHOOL.—

“(A) IN GENERAL.—The term ‘high-need school’ means—

“(i) an elementary school or middle school in which not less than 50 percent of the enrolled students are children from low-income families; or

“(ii) a high school in which not less than 40 percent of the enrolled students are children from low-income families, which may be calculated using comparable data from the schools that feed into the high school.

“(B) LOW-INCOME FAMILY.—For purposes of subparagraph (A), the term ‘low-income family’ means a family—

“(i) in which the children are eligible for a free or reduced-price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);

“(ii) receiving assistance under the program of block grants to States for temporary assistance for needy families established under part A of title IV

of the Social Security Act (42 U.S.C. 601 et seq.);
or

“(iii) in which the children are eligible to receive medical assistance under the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

20 USC 6642.

“SEC. 2222. COMPREHENSIVE LITERACY STATE DEVELOPMENT GRANTS.

“(a) GRANTS AUTHORIZED.—From the amounts reserved by the Secretary under section 2201(2) and not reserved under subsection (b), the Secretary shall award grants, on a competitive basis, to State educational agencies to enable the State educational agencies to—

“(1) provide subgrants to eligible entities serving a diversity of geographic areas, giving priority to entities serving greater numbers or percentages of children from low-income families; and

“(2) develop or enhance comprehensive literacy instruction plans that ensure high-quality instruction and effective strategies in reading and writing for children from early childhood education through grade 12, including English learners and children with disabilities.

“(b) RESERVATION.—From the amounts reserved to carry out this subpart for a fiscal year, the Secretary shall reserve—

“(1) not more than a total of 5 percent for national activities, including a national evaluation, technical assistance and training, data collection, and reporting;

“(2) one half of 1 percent for the Secretary of the Interior to carry out a program described in this subpart at schools operated or funded by the Bureau of Indian Education; and

“(3) one half of 1 percent for the outlying areas to carry out a program under this subpart.

“(c) DURATION OF GRANTS.—A grant awarded under this subpart shall be for a period of not more than 5 years total. Such grant may be renewed for an additional 2-year period upon the termination of the initial period of the grant if the grant recipient demonstrates to the satisfaction of the Secretary that—

“(1) the State has made adequate progress; and

“(2) renewing the grant for an additional 2-year period is necessary to carry out the objectives of the grant described in subsection (d).

“(d) STATE APPLICATIONS.—

“(1) IN GENERAL.—A State educational agency desiring a grant under this subpart shall submit an application to the Secretary, at such time and in such manner as the Secretary may require. The State educational agency shall collaborate with the State agency responsible for administering early childhood education programs and the State agency responsible for administering child care programs in the State in writing and implementing the early childhood education portion of the grant application under this subsection.

“(2) CONTENTS.—An application described in paragraph (1) shall include, at a minimum, the following:

“(A) A needs assessment that analyzes literacy needs across the State and in high-need schools and local educational agencies that serve high-need schools, including

identifying the most significant gaps in literacy proficiency and inequities in student access to effective teachers of literacy, considering each of the subgroups of students, as defined in section 1111(c)(2).

“(B) A description of how the State educational agency, in collaboration with the State literacy team, if applicable, will develop a State comprehensive literacy instruction plan or will revise and update an already existing State comprehensive literacy instruction plan.

“(C) An implementation plan that includes a description of how the State educational agency will carry out the State activities described in subsection (f).

“(D) An assurance that the State educational agency will use implementation grant funds described in subsection (f)(1) for comprehensive literacy instruction programs as follows:

“(i) Not less than 15 percent of such grant funds shall be used for State and local programs and activities pertaining to children from birth through kindergarten entry.

“(ii) Not less than 40 percent of such grant funds shall be used for State and local programs and activities, allocated equitably among the grades of kindergarten through grade 5.

“(iii) Not less than 40 percent of such grant funds shall be used for State and local programs and activities, allocated equitably among grades 6 through 12.

“(E) An assurance that the State educational agency will give priority in awarding a subgrant under section 2223 to an eligible entity that—

“(i) serves children from birth through age 5 who are from families with income levels at or below 200 percent of the Federal poverty line; or

“(ii) is a local educational agency serving a high number or percentage of high-need schools.

“(e) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to State educational agencies that will use the grant funds for evidence-based activities, defined for the purpose of this subsection as activities meeting the requirements of section 8101(21)(A)(i).

“(f) STATE ACTIVITIES.—

“(1) IN GENERAL.—A State educational agency receiving a grant under this section shall use not less than 95 percent of such grant funds to award subgrants to eligible entities, based on their needs assessment and a competitive application process.

“(2) RESERVATION.—A State educational agency receiving a grant under this section may reserve not more than 5 percent for activities identified through the needs assessment and comprehensive literacy plan described in subparagraphs (A) and (B) of subsection (d)(2), including the following activities:

“(A) Providing technical assistance, or engaging qualified providers to provide technical assistance, to eligible entities to enable the eligible entities to design and implement literacy programs.

“(B) Coordinating with institutions of higher education in the State to provide recommendations to strengthen

and enhance pre-service courses for students preparing to teach children from birth through grade 12 in explicit, systematic, and intensive instruction in evidence-based literacy methods.

“(C) Reviewing and updating, in collaboration with teachers and institutions of higher education, State licensure or certification standards in the area of literacy instruction in early education through grade 12.

“(D) Making publicly available, including on the State educational agency’s website, information on promising instructional practices to improve child literacy achievement.

“(E) Administering and monitoring the implementation of subgrants by eligible entities.

“(3) ADDITIONAL USES.—After carrying out the activities described in paragraphs (1) and (2), a State educational agency may use any remaining amount to carry out 1 or more of the following activities:

“(A) Developing literacy coach training programs and training literacy coaches.

“(B) Administration and evaluation of activities carried out under this subpart.

20 USC 6643.

“SEC. 2223. SUBGRANTS TO ELIGIBLE ENTITIES IN SUPPORT OF BIRTH THROUGH KINDERGARTEN ENTRY LITERACY.

“(a) SUBGRANTS.—

“(1) IN GENERAL.—A State educational agency receiving a grant under this subpart shall, in consultation with the State agencies responsible for administering early childhood education programs and services, including the State agency responsible for administering child care programs, and, if applicable, the State Advisory Council on Early Childhood Education and Care designated or established pursuant to section 642B(b)(1)(A)(i) of the Head Start Act (42 U.S.C. 9837b(b)(1)(A)(i)), use a portion of the grant funds, in accordance with section 2222(d)(2)(D)(i), to award subgrants, on a competitive basis, to eligible entities to enable the eligible entities to support high-quality early literacy initiatives for children from birth through kindergarten entry.

“(2) DURATION.—The term of a subgrant under this section shall be determined by the State educational agency awarding the subgrant and shall in no case exceed 5 years.

“(3) SUFFICIENT SIZE AND SCOPE.—Each subgrant awarded under this section shall be of sufficient size and scope to allow the eligible entity to carry out high-quality early literacy initiatives for children from birth through kindergarten entry.

“(b) LOCAL APPLICATIONS.—An eligible entity desiring to receive a subgrant under this section shall submit an application to the State educational agency, at such time, in such manner, and containing such information as the State educational agency may require. Such application shall include a description of—

“(1) how the subgrant funds will be used to enhance the language and literacy development and school readiness of children, from birth through kindergarten entry, in early childhood education programs, which shall include an analysis of data that support the proposed use of subgrant funds;

“(2) how the subgrant funds will be used to prepare and provide ongoing assistance to staff in the programs, including through high-quality professional development;

“(3) how the activities assisted under the subgrant will be coordinated with comprehensive literacy instruction at the kindergarten through grade 12 levels; and

“(4) how the subgrant funds will be used to evaluate the success of the activities assisted under the subgrant in enhancing the early language and literacy development of children from birth through kindergarten entry.

“(c) **PRIORITY.**—In awarding grants under this section, the State educational agency shall give priority to an eligible entity that will use the grant funds to implement evidence-based activities, defined for the purpose of this subsection as activities meeting the requirements of section 8101(21)(A)(i).

“(d) **LOCAL USES OF FUNDS.**—An eligible entity that receives a subgrant under this section shall use the subgrant funds, consistent with the entity’s approved application under subsection (b), to—

“(1) carry out high-quality professional development opportunities for early childhood educators, teachers, principals, other school leaders, paraprofessionals, specialized instructional support personnel, and instructional leaders;

“(2) train providers and personnel to develop and administer evidence-based early childhood education literacy initiatives; and

“(3) coordinate the involvement of families, early childhood education program staff, principals, other school leaders, specialized instructional support personnel (as appropriate), and teachers in literacy development of children served under the subgrant.

“SEC. 2224. SUBGRANTS TO ELIGIBLE ENTITIES IN SUPPORT OF KINDERGARTEN THROUGH GRADE 12 LITERACY. 20 USC 6644.

“(a) **SUBGRANTS TO ELIGIBLE ENTITIES.**—

“(1) **SUBGRANTS.**—A State educational agency receiving a grant under this subpart shall use a portion of the grant funds, in accordance with clauses (ii) and (iii) of section 2222(d)(2)(D), to award subgrants, on a competitive basis, to eligible entities to enable the eligible entities to carry out the authorized activities described in subsections (c) and (d).

“(2) **DURATION.**—The term of a subgrant under this section shall be determined by the State educational agency awarding the subgrant and shall in no case exceed 5 years.

“(3) **SUFFICIENT SIZE AND SCOPE.**—A State educational agency shall award subgrants under this section of sufficient size and scope to allow the eligible entities to carry out high-quality comprehensive literacy instruction in each grade level for which the subgrant funds are provided.

“(4) **LOCAL APPLICATIONS.**—An eligible entity desiring to receive a subgrant under this section shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may require. Such application shall include, for each school that the eligible entity identifies as participating in a subgrant program under this section, the following information:

“(A) A description of the eligible entity’s needs assessment conducted to identify how subgrant funds will be used to inform and improve comprehensive literacy instruction at the school.

“(B) How the school, the local educational agency, or a provider of high-quality professional development will provide ongoing high-quality professional development to all teachers, principals, other school leaders, specialized instructional support personnel (as appropriate), and other instructional leaders served by the school.

“(C) How the school will identify children in need of literacy interventions or other support services.

“(D) An explanation of how the school will integrate comprehensive literacy instruction into a well-rounded education.

“(E) A description of how the school will coordinate comprehensive literacy instruction with early childhood education programs and activities and after-school programs and activities in the area served by the local educational agency.

“(b) PRIORITY.—In awarding grants under this section, the State educational agency shall give priority to an eligible entity that will use funds under subsection (c) or (d) to implement evidence-based activities, defined for the purpose of this subsection as activities meeting the requirements of section 8101(21)(A)(i).

“(c) LOCAL USES OF FUNDS FOR KINDERGARTEN THROUGH GRADE 5.—An eligible entity that receives a subgrant under this section shall use the subgrant funds to carry out the following activities pertaining to children in kindergarten through grade 5:

“(1) Developing and implementing a comprehensive literacy instruction plan across content areas for such children that—

“(A) serves the needs of all children, including children with disabilities and English learners, especially children who are reading or writing below grade level;

“(B) provides intensive, supplemental, accelerated, and explicit intervention and support in reading and writing for children whose literacy skills are below grade level; and

“(C) supports activities that are provided primarily during the regular school day but that may be augmented by after-school and out-of-school time instruction.

“(2) Providing high-quality professional development opportunities for teachers, literacy coaches, literacy specialists, English as a second language specialists (as appropriate), principals, other school leaders, specialized instructional support personnel, school librarians, paraprofessionals, and other program staff.

“(3) Training principals, specialized instructional support personnel, and other local educational agency personnel to support, develop, administer, and evaluate high-quality kindergarten through grade 5 literacy initiatives.

“(4) Coordinating the involvement of early childhood education program staff, principals, other instructional leaders, teachers, teacher literacy teams, English as a second language specialists (as appropriate), special educators, school personnel, and specialized instructional support personnel (as appropriate)

in the literacy development of children served under this subsection.

“(5) Engaging families and encouraging family literacy experiences and practices to support literacy development.

“(d) LOCAL USES OF FUNDS FOR GRADES 6 THROUGH 12.—An eligible entity that receives a subgrant under this section shall use subgrant funds to carry out the following activities pertaining to children in grades 6 through 12:

“(1) Developing and implementing a comprehensive literacy instruction plan described in subsection (c)(1) for children in grades 6 through 12.

“(2) Training principals, specialized instructional support personnel, school librarians, and other local educational agency personnel to support, develop, administer, and evaluate high-quality comprehensive literacy instruction initiatives for grades 6 through 12.

“(3) Assessing the quality of adolescent comprehensive literacy instruction as part of a well-rounded education.

“(4) Providing time for teachers to meet to plan evidence-based adolescent comprehensive literacy instruction to be delivered as part of a well-rounded education.

“(5) Coordinating the involvement of principals, other instructional leaders, teachers, teacher literacy teams, English as a second language specialists (as appropriate), paraprofessionals, special educators, specialized instructional support personnel (as appropriate), and school personnel in the literacy development of children served under this subsection.

“(e) ALLOWABLE USES.—An eligible entity that receives a subgrant under this section may, in addition to carrying out the activities described in subsections (c) and (d), use subgrant funds to carry out the following activities pertaining to children in kindergarten through grade 12:

“(1) Recruiting, placing, training, and compensating literacy coaches.

“(2) Connecting out-of-school learning opportunities to in-school learning in order to improve children’s literacy achievement.

“(3) Training families and caregivers to support the improvement of adolescent literacy.

“(4) Providing for a multi-tier system of supports for literacy services.

“(5) Forming a school literacy leadership team to help implement, assess, and identify necessary changes to the literacy initiatives in 1 or more schools to ensure success.

“(6) Providing time for teachers (and other literacy staff, as appropriate, such as school librarians or specialized instructional support personnel) to meet to plan comprehensive literacy instruction.

“SEC. 2225. NATIONAL EVALUATION AND INFORMATION DISSEMINATION. 20 USC 6645.

“(a) NATIONAL EVALUATION.—From funds reserved under section 2222(b)(1), the Director of the Institute of Education Sciences shall conduct a national evaluation of the grant and subgrant programs assisted under this subpart. Such evaluation shall include high-quality research that applies rigorous and systematic procedures to obtain valid knowledge relevant to the implementation

and effect of the programs and shall directly coordinate with individual State evaluations of the programs' implementation and impact.

“(b) PROGRAM IMPROVEMENT.—The Secretary shall—

“(1) provide the findings of the evaluation conducted under this section to State educational agencies and subgrant recipients for use in program improvement;

“(2) make such findings publicly available, including on the websites of the Department and the Institute of Education Sciences;

“(3) submit such findings to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives; and

“(4) make publicly available, in a manner consistent with paragraph (2), best practices for implementing evidence-based activities under this subpart, including evidence-based activities, defined for the purpose of this paragraph as activities meeting the requirements of section 8101(21)(A)(i).

20 USC 6646.

“**SEC. 2226. INNOVATIVE APPROACHES TO LITERACY.**

“(a) IN GENERAL.—From amounts reserved under section 2201(2), the Secretary may award grants, contracts, or cooperative agreements, on a competitive basis, to eligible entities for the purposes of promoting literacy programs that support the development of literacy skills in low-income communities, including—

“(1) developing and enhancing effective school library programs, which may include providing professional development for school librarians, books, and up-to-date materials to high-need schools;

“(2) early literacy services, including pediatric literacy programs through which, during well-child visits, medical providers trained in research-based methods of early language and literacy promotion provide developmentally appropriate books and recommendations to parents to encourage them to read aloud to their children starting in infancy; and

“(3) programs that provide high-quality books on a regular basis to children and adolescents from low-income communities to increase reading motivation, performance, and frequency.

“(b) DEFINITIONS.—In this section:

“(1) ELIGIBLE ENTITY.—The term ‘eligible entity’ means—

“(A) a local educational agency in which 20 percent or more of the students served by the local educational agency are from families with an income below the poverty line;

“(B) a consortium of such local educational agencies;

“(C) the Bureau of Indian Education; or

“(D) an eligible national nonprofit organization.

“(2) ELIGIBLE NATIONAL NONPROFIT ORGANIZATION.—The term ‘eligible national nonprofit organization’ means an organization of national scope that—

“(A) is supported by staff, which may include volunteers, or affiliates at the State and local levels; and

“(B) demonstrates effectiveness or high-quality plans for addressing childhood literacy activities for the population targeted by the grant.

“Subpart 3—American History and Civics Education

“SEC. 2231. PROGRAM AUTHORIZED.

20 USC 6661.

“(a) IN GENERAL.—From the amount reserved by the Secretary under section 2201(3), the Secretary is authorized to carry out an American history and civics education program to improve—

“(1) the quality of American history, civics, and government education by educating students about the history and principles of the Constitution of the United States, including the Bill of Rights; and

“(2) the quality of the teaching of American history, civics, and government in elementary schools and secondary schools, including the teaching of traditional American history.

“(b) FUNDING ALLOTMENT.—Of the amount available under subsection (a) for a fiscal year, the Secretary—

“(1) shall reserve not less than 26 percent for activities under section 2232; and

“(2) may reserve not more than 74 percent for activities under section 2233.

“SEC. 2232. PRESIDENTIAL AND CONGRESSIONAL ACADEMIES FOR AMERICAN HISTORY AND CIVICS.

20 USC 6662.

“(a) IN GENERAL.—From the amounts reserved under section 2231(b)(1) for a fiscal year, the Secretary shall award not more than 12 grants, on a competitive basis, to—

“(1) eligible entities to establish Presidential Academies for the Teaching of American History and Civics (in this section referred to as the ‘Presidential Academies’) in accordance with subsection (e); and

“(2) eligible entities to establish Congressional Academies for Students of American History and Civics (in this section referred to as the ‘Congressional Academies’) in accordance with subsection (f).

“(b) APPLICATION.—An eligible entity that desires to receive a grant under subsection (a) shall submit an application to the Secretary at such time and in such manner as the Secretary may reasonably require.

“(c) ELIGIBLE ENTITY.—The term ‘eligible entity’ under this section means—

“(1) an institution of higher education or nonprofit educational organization, museum, library, or research center with demonstrated expertise in historical methodology or the teaching of American history and civics; or

“(2) a consortium of entities described in paragraph (1).

“(d) GRANT TERMS.—Grants awarded to eligible entities under subsection (a) shall be for a term of not more than 5 years.

“(e) PRESIDENTIAL ACADEMIES.—

“(1) USE OF FUNDS.—Each eligible entity that receives a grant under subsection (a)(1) shall use the grant funds to establish a Presidential Academy that offers a seminar or institute for teachers of American history and civics, which—

“(A) provides intensive professional development opportunities for teachers of American history and civics to strengthen such teachers’ knowledge of the subjects of American history and civics;

“(B) is led by a team of primary scholars and core teachers who are accomplished in the field of American history and civics;

“(C) is conducted during the summer or other appropriate time; and

“(D) is of not less than 2 weeks and not more than 6 weeks in duration.

“(2) SELECTION OF TEACHERS.—Each year, each Presidential Academy shall select between 50 and 300 teachers of American history and civics from public or private elementary schools and secondary schools to attend the seminar or institute under paragraph (1).

“(3) TEACHER STIPENDS.—Each teacher selected to participate in a seminar or institute under this subsection shall be awarded a fixed stipend based on the length of the seminar or institute to ensure that such teacher does not incur personal costs associated with the teacher’s participation in the seminar or institute.

“(4) PRIORITY.—In awarding grants under subsection (a)(1), the Secretary shall give priority to eligible entities that coordinate or align their activities with the National Park Service National Centennial Parks initiative to develop innovative and comprehensive programs using the resources of the National Parks.

“(f) CONGRESSIONAL ACADEMIES.—

“(1) USE OF FUNDS.—Each eligible entity that receives a grant under subsection (a)(2) shall use the grant funds to establish a Congressional Academy that offers a seminar or institute for outstanding students of American history and civics, which—

“(A) broadens and deepens such students’ understanding of American history and civics;

“(B) is led by a team of primary scholars and core teachers who are accomplished in the field of American history and civics;

“(C) is conducted during the summer or other appropriate time; and

“(D) is of not less than 2 weeks and not more than 6 weeks in duration.

“(2) SELECTION OF STUDENTS.—

“(A) IN GENERAL.—Each year, each Congressional Academy shall select between 100 and 300 eligible students to attend the seminar or institute under paragraph (1).

“(B) ELIGIBLE STUDENTS.—A student shall be eligible to attend a seminar or institute offered by a Congressional Academy under this subsection if the student—

“(i) is recommended by the student’s secondary school principal or other school leader to attend the seminar or institute; and

“(ii) will be a secondary school junior or senior in the academic year following attendance at the seminar or institute.

“(3) STUDENT STIPENDS.—Each student selected to participate in a seminar or institute under this subsection shall be awarded a fixed stipend based on the length of the seminar or institute to ensure that such student does not incur personal

costs associated with the student’s participation in the seminar or institute.

“(g) MATCHING FUNDS.—

“(1) IN GENERAL.—An eligible entity that receives funds under subsection (a) shall provide, toward the cost of the activities assisted under the grant, from non-Federal sources, an amount equal to 100 percent of the amount of the grant.

“(2) WAIVER.—The Secretary may waive all or part of the matching requirement described in paragraph (1) for any fiscal year for an eligible entity if the Secretary determines that applying the matching requirement would result in serious hardship or an inability to carry out the activities described in subsection (e) or (f).

“SEC. 2233. NATIONAL ACTIVITIES.

20 USC 6663.

“(a) PURPOSE.—The purpose of this section is to promote new and existing evidence-based strategies to encourage innovative American history, civics and government, and geography instruction, learning strategies, and professional development activities and programs for teachers, principals, or other school leaders, particularly such instruction, strategies, activities, and programs that benefit low-income students and underserved populations.

“(b) IN GENERAL.—From the amounts reserved by the Secretary under section 2231(b)(2), the Secretary shall award grants, on a competitive basis, to eligible entities for the purposes of expanding, developing, implementing, evaluating, and disseminating for voluntary use, innovative, evidence-based approaches or professional development programs in American history, civics and government, and geography, which—

“(1) shall—

“(A) show potential to improve the quality of student achievement in, and teaching of, American history, civics and government, or geography, in elementary schools and secondary schools; and

“(B) demonstrate innovation, scalability, accountability, and a focus on underserved populations; and

“(2) may include—

“(A) hands-on civic engagement activities for teachers and students; and

“(B) programs that educate students about the history and principles of the Constitution of the United States, including the Bill of Rights.

“(c) PROGRAM PERIODS AND DIVERSITY OF PROJECTS.—

“(1) IN GENERAL.—A grant awarded by the Secretary to an eligible entity under this section shall be for a period of not more than 3 years.

“(2) RENEWAL.—The Secretary may renew a grant awarded under this section for 1 additional 2-year period.

“(3) DIVERSITY OF PROJECTS.—In awarding grants under this section, the Secretary shall ensure that, to the extent practicable, grants are distributed among eligible entities that will serve geographically diverse areas, including urban, suburban, and rural areas.

“(d) APPLICATIONS.—In order to receive a grant under this section, an eligible entity shall submit an application to the Secretary at such time and in such manner as the Secretary may reasonably require.

“(e) **ELIGIBLE ENTITY.**—In this section, the term ‘eligible entity’ means an institution of higher education or other nonprofit or for-profit organization with demonstrated expertise in the development of evidence-based approaches with the potential to improve the quality of American history, civics and government, or geography learning and teaching.

“Subpart 4—Programs of National Significance

20 USC 6671.

“SEC. 2241. FUNDING ALLOTMENT.

“From the funds reserved under section 2201(4), the Secretary—

“(1) shall use not less than 74 percent to carry out activities under section 2242;

“(2) shall use not less than 22 percent to carry out activities under section 2243;

“(3) shall use not less than 2 percent to carry out activities under section 2244; and

“(4) may reserve not more than 2 percent to carry out activities under section 2245.

20 USC 6672.

“SEC. 2242. SUPPORTING EFFECTIVE EDUCATOR DEVELOPMENT.

“(a) **IN GENERAL.**—From the funds reserved by the Secretary under section 2241(1) for a fiscal year, the Secretary shall award grants, on a competitive basis, to eligible entities for the purposes of—

“(1) providing teachers, principals, or other school leaders from nontraditional preparation and certification routes or pathways to serve in traditionally underserved local educational agencies;

“(2) providing evidence-based professional development activities that address literacy, numeracy, remedial, or other needs of local educational agencies and the students the agencies serve;

“(3) providing teachers, principals, or other school leaders with professional development activities that enhance or enable the provision of postsecondary coursework through dual or concurrent enrollment programs and early college high school settings across a local educational agency;

“(4) making freely available services and learning opportunities to local educational agencies, through partnerships and cooperative agreements or by making the services or opportunities publicly accessible through electronic means; or

“(5) providing teachers, principals, or other school leaders with evidence-based professional enhancement activities, which may include activities that lead to an advanced credential.

“(b) **PROGRAM PERIODS AND DIVERSITY OF PROJECTS.**—

“(1) **IN GENERAL.**—A grant awarded by the Secretary to an eligible entity under this section shall be for a period of not more than 3 years.

“(2) **RENEWAL.**—The Secretary may renew a grant awarded under this section for 1 additional 2-year period.

“(3) **DIVERSITY OF PROJECTS.**—In awarding grants under this section, the Secretary shall ensure that, to the extent practicable, grants are distributed among eligible entities that will serve geographically diverse areas, including urban, suburban, and rural areas.

“(4) LIMITATION.—The Secretary shall not award more than 1 grant under this section to an eligible entity during a grant competition.

“(c) COST-SHARING.—

“(1) IN GENERAL.—An eligible entity that receives a grant under this section shall provide, from non-Federal sources, not less than 25 percent of the funds for the total cost for each year of activities carried out under this section.

“(2) ACCEPTABLE CONTRIBUTIONS.—An eligible entity that receives a grant under this section may meet the requirement of paragraph (1) by providing contributions in cash or in kind, fairly evaluated, including plant, equipment, and services.

“(3) WAIVERS.—The Secretary may waive or modify the requirement of paragraph (1) in cases of demonstrated financial hardship.

“(d) APPLICATIONS.—In order to receive a grant under this section, an eligible entity shall submit an application to the Secretary at such time and in such manner as the Secretary may reasonably require. Such application shall include, at a minimum, a certification that the services provided by an eligible entity under the grant to a local educational agency or to a school served by the local educational agency will not result in direct fees for participating students or parents.

“(e) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to an eligible entity that will implement evidence-based activities, defined for the purpose of this subsection as activities meeting the requirements of section 8101(21)(A)(i).

“(f) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term ‘eligible entity’ means—

“(1) an institution of higher education that provides course materials or resources that are evidence-based in increasing academic achievement, graduation rates, or rates of postsecondary education matriculation;

“(2) a national nonprofit entity with a demonstrated record of raising student academic achievement, graduation rates, and rates of higher education attendance, matriculation, or completion, or of effectiveness in providing preparation and professional development activities and programs for teachers, principals, or other school leaders;

“(3) the Bureau of Indian Education; or

“(4) a partnership consisting of—

“(A) 1 or more entities described in paragraph (1) or (2); and

“(B) a for-profit entity.

“SEC. 2243. SCHOOL LEADER RECRUITMENT AND SUPPORT.

20 USC 6673.

“(a) IN GENERAL.—From the funds reserved under section 2241(2) for a fiscal year, the Secretary shall award grants, on a competitive basis, to eligible entities to enable such entities to improve the recruitment, preparation, placement, support, and retention of effective principals or other school leaders in high-need schools, which may include—

“(1) developing or implementing leadership training programs designed to prepare and support principals or other school leaders in high-need schools, including through new or alternative pathways or school leader residency programs;

“(2) developing or implementing programs or activities for recruiting, selecting, and developing aspiring or current principals or other school leaders to serve in high-need schools;

“(3) developing or implementing programs for recruiting, developing, and placing school leaders to improve schools implementing comprehensive support and improvement activities and targeted support and improvement activities under section 1111(d), including through cohort-based activities that build effective instructional and school leadership teams and develop a school culture, design, instructional program, and professional development program focused on improving student learning;

“(4) providing continuous professional development for principals or other school leaders in high-need schools;

“(5) developing and disseminating information on best practices and strategies for effective school leadership in high-need schools, such as training and supporting principals to identify, develop, and maintain school leadership teams using various leadership models; and

“(6) other evidence-based programs or activities described in section 2101(c)(4) or section 2103(b)(3) focused on principals or other school leaders in high-need schools.

“(b) PROGRAM PERIODS AND DIVERSITY OF PROJECTS.—

“(1) IN GENERAL.—A grant awarded by the Secretary to an eligible entity under this section shall be for a period of not more than 5 years.

“(2) RENEWAL.—The Secretary may renew a grant awarded under this section for 1 additional 2-year period.

“(3) DIVERSITY OF PROJECTS.—In awarding grants under this section, the Secretary shall ensure that, to the extent practicable, grants are distributed among eligible entities that will serve geographically diverse areas, including urban, suburban, and rural areas.

“(4) LIMITATION.—The Secretary shall not award more than 1 grant under this section to an eligible entity during a grant competition.

“(c) COST-SHARING.—

“(1) IN GENERAL.—An eligible entity that receives a grant under this section shall provide, from non-Federal sources, not less than 25 percent of the funds for the total cost for each year of activities carried out under this section.

“(2) ACCEPTABLE CONTRIBUTIONS.—An eligible entity that receives a grant under this section may meet the requirement of paragraph (1) by providing contributions in cash or in kind, fairly evaluated, including plant, equipment, and services.

“(3) WAIVERS.—The Secretary may waive or modify the requirement of paragraph (1) in cases of demonstrated financial hardship.

“(d) APPLICATIONS.—An eligible entity that desires a grant under this section shall submit to the Secretary an application at such time, and in such manner, as the Secretary may require.

“(e) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to an eligible entity—

“(1) with a record of preparing or developing principals who—

“(A) have improved school-level student outcomes;

“(B) have become principals in high-need schools; and

“(C) remain principals in high-need schools for multiple years; and

“(2) who will implement evidence-based activities, defined for the purpose of this paragraph as activities meeting the requirements of section 8101(21)(A)(i).

“(f) DEFINITIONS.—In this section:

“(1) ELIGIBLE ENTITY.—The term ‘eligible entity’ means—

“(A) a local educational agency, including an educational service agency, that serves a high-need school or a consortium of such agencies;

“(B) a State educational agency or a consortium of such agencies;

“(C) a State educational agency in partnership with 1 or more local educational agencies, or educational service agencies, that serve a high-need school;

“(D) the Bureau of Indian Education; or

“(E) an entity described in subparagraph (A), (B), (C), or (D) in partnership with 1 or more nonprofit organizations or institutions of higher education.

“(2) HIGH-NEED SCHOOL.—The term ‘high-need school’ means—

“(A) an elementary school in which not less than 50 percent of the enrolled students are from families with incomes below the poverty line; or

“(B) a secondary school in which not less than 40 percent of the enrolled students are from families with incomes below the poverty line.

“SEC. 2244. TECHNICAL ASSISTANCE AND NATIONAL EVALUATION.

20 USC 6674.

“(a) IN GENERAL.—From the funds reserved under section 2241(3) for a fiscal year, the Secretary—

“(1) shall establish, in a manner consistent with section 203 of the Educational Technical Assistance Act of 2002 (20 U.S.C. 9602), a comprehensive center on students at risk of not attaining full literacy skills due to a disability that meets the purposes of subsection (b); and

“(2) may—

“(A) provide technical assistance, which may be carried out directly or through grants or contracts, to States and local educational agencies carrying out activities under this part; and

“(B) carry out evaluations of activities by States and local educational agencies under this part, which shall be conducted by a third party or by the Institute of Education Sciences.

“(b) PURPOSES.—The comprehensive center established by the Secretary under subsection (a)(1) shall—

“(1) identify or develop free or low-cost evidence-based assessment tools for identifying students at risk of not attaining full literacy skills due to a disability, including dyslexia impacting reading or writing, or developmental delay impacting reading, writing, language processing, comprehension, or executive functioning;

“(2) identify evidence-based literacy instruction, strategies, and accommodations, including assistive technology, designed to meet the specific needs of such students;

“(3) provide families of such students with information to assist such students;

“(4) identify or develop evidence-based professional development for teachers, paraprofessionals, principals, other school leaders, and specialized instructional support personnel to—

“(A) understand early indicators of students at risk of not attaining full literacy skills due to a disability, including dyslexia impacting reading or writing, or developmental delay impacting reading, writing, language processing, comprehension, or executive functioning;

“(B) use evidence-based screening assessments for early identification of such students beginning not later than kindergarten; and

“(C) implement evidence-based instruction designed to meet the specific needs of such students; and

“(5) disseminate the products of the comprehensive center to regionally diverse State educational agencies, local educational agencies, regional educational agencies, and schools, including, as appropriate, through partnerships with other comprehensive centers established under section 203 of the Educational Technical Assistance Act of 2002 (20 U.S.C. 9602), and regional educational laboratories established under section 174 of the Education Sciences Reform Act of 2002 (20 U.S.C. 9564).

20 USC 6675.

“SEC. 2245. STEM MASTER TEACHER CORPS.

“(a) IN GENERAL.—From the funds reserved under section 2241(4) for a fiscal year, the Secretary may award grants to—

“(1) State educational agencies to enable such agencies to support the development of a State-wide STEM master teacher corps; or

“(2) State educational agencies, or nonprofit organizations in partnership with State educational agencies, to support the implementation, replication, or expansion of effective science, technology, engineering, and mathematics professional development programs in schools across the State through collaboration with school administrators, principals, and STEM educators.

“(b) STEM MASTER TEACHER CORPS.—In this section, the term ‘STEM master teacher corps’ means a State-led effort to elevate the status of the science, technology, engineering, and mathematics teaching profession by recognizing, rewarding, attracting, and retaining outstanding science, technology, engineering, and mathematics teachers, particularly in high-need and rural schools, by—

“(1) selecting candidates to be master teachers in the corps on the basis of—

“(A) content knowledge based on a screening examination; and

“(B) pedagogical knowledge of and success in teaching;

“(2) offering such teachers opportunities to—

“(A) work with one another in scholarly communities; and

“(B) participate in and lead high-quality professional development; and

“(3) providing such teachers with additional appropriate and substantial compensation for the work described in paragraph (2) and in the master teacher community.

“PART C—GENERAL PROVISIONS**“SEC. 2301. SUPPLEMENT, NOT SUPPLANT.**

20 USC 6691.

“Funds made available under this title shall be used to supplement, and not supplant, non-Federal funds that would otherwise be used for activities authorized under this title.

“SEC. 2302. RULES OF CONSTRUCTION.

20 USC 6692.

“(a) PROHIBITION AGAINST FEDERAL MANDATES, DIRECTION, OR CONTROL.—Nothing in this title shall be construed to authorize the Secretary or any other officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school’s—

“(1) instructional content or materials, curriculum, program of instruction, academic standards, or academic assessments;

“(2) teacher, principal, or other school leader evaluation system;

“(3) specific definition of teacher, principal, or other school leader effectiveness; or

“(4) teacher, principal, or other school leader professional standards, certification, or licensing.

“(b) SCHOOL OR DISTRICT EMPLOYEES.—Nothing in this title shall be construed to alter or otherwise affect the rights, remedies, and procedures afforded school or school district employees under Federal, State, or local laws (including applicable regulations or court orders) or under the terms of collective bargaining agreements, memoranda of understanding, or other agreements between such employees and their employers.”.

TITLE III—LANGUAGE INSTRUCTION FOR ENGLISH LEARNERS AND IMMI- GRANT STUDENTS

SEC. 3001. REDESIGNATION OF CERTAIN PROVISIONS.

Title III (20 U.S.C. 6801 et seq.) is amended—

(1) by striking the title heading and inserting “**LANGUAGE INSTRUCTION FOR ENGLISH LEARNERS AND IMMIGRANT STUDENTS**”;

(2) in part A—

(A) by striking section 3122;

20 USC 6842.

(B) by redesignating sections 3123 through 3129 as sections 3122 through 3128, respectively; and

20 USC
6843–6849.

(C) by striking subpart 4;

20 USC 6871.

(3) by striking part B;

20 USC

(4) by redesignating part C as part B; and

6891–6983.

(5) in part B, as redesignated by paragraph (4)—

(A) by redesignating section 3301 as section 3201;

20 USC 7011.

(B) by striking section 3302; and

20 USC 7012.

(C) by redesignating sections 3303 and 3304 as sections 3202 and 3203, respectively.

20 USC 7013,
7014.**SEC. 3002. AUTHORIZATION OF APPROPRIATIONS.**

Section 3001 (20 U.S.C. 6801) is amended to read as follows:

“SEC. 3001. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this title—

- “(1) \$756,332,450 for fiscal year 2017;
- “(2) \$769,568,267 for fiscal year 2018;
- “(3) \$784,959,633 for fiscal year 2019; and
- “(4) \$884,959,633 for fiscal year 2020.”

SEC. 3003. ENGLISH LANGUAGE ACQUISITION, LANGUAGE ENHANCEMENT, AND ACADEMIC ACHIEVEMENT.

(a) PURPOSES.—Section 3102 (20 U.S.C. 6812) is amended to read as follows:

“SEC. 3102. PURPOSES.

“The purposes of this part are—

“(1) to help ensure that English learners, including immigrant children and youth, attain English proficiency and develop high levels of academic achievement in English;

“(2) to assist all English learners, including immigrant children and youth, to achieve at high levels in academic subjects so that all English learners can meet the same challenging State academic standards that all children are expected to meet;

“(3) to assist teachers (including preschool teachers), principals and other school leaders, State educational agencies, local educational agencies, and schools in establishing, implementing, and sustaining effective language instruction educational programs designed to assist in teaching English learners, including immigrant children and youth;

“(4) to assist teachers (including preschool teachers), principals and other school leaders, State educational agencies, and local educational agencies to develop and enhance their capacity to provide effective instructional programs designed to prepare English learners, including immigrant children and youth, to enter all-English instructional settings; and

“(5) to promote parental, family, and community participation in language instruction educational programs for the parents, families, and communities of English learners.”

(b) FORMULA GRANTS TO STATES.—Section 3111 (20 U.S.C. 6821) is amended—

(1) in subsection (b)—

(A) in paragraph (2), by striking subparagraphs (A) through (D) and inserting the following:

“(A) Establishing and implementing, with timely and meaningful consultation with local educational agencies representing the geographic diversity of the State, standardized statewide entrance and exit procedures, including a requirement that all students who may be English learners are assessed for such status within 30 days of enrollment in a school in the State.

“(B) Providing effective teacher and principal preparation, effective professional development activities, and other effective activities related to the education of English learners, which may include assisting teachers, principals, and other educators in—

“(i) meeting State and local certification and licensing requirements for teaching English learners; and

“(ii) improving teaching skills in meeting the diverse needs of English learners, including how to implement effective programs and curricula on teaching English learners.

“(C) Planning, evaluation, administration, and inter-agency coordination related to the subgrants referred to in paragraph (1).

“(D) Providing technical assistance and other forms of assistance to eligible entities that are receiving subgrants from a State educational agency under this subpart, including assistance in—

“(i) identifying and implementing effective language instruction educational programs and curricula for teaching English learners;

“(ii) helping English learners meet the same challenging State academic standards that all children are expected to meet;

“(iii) identifying or developing, and implementing, measures of English proficiency; and

“(iv) strengthening and increasing parent, family, and community engagement in programs that serve English learners.

“(E) Providing recognition, which may include providing financial awards, to recipients of subgrants under section 3115 that have significantly improved the achievement and progress of English learners in meeting—

“(i) the State-designed long-term goals established under section 1111(c)(4)(A)(ii), including measurements of interim progress towards meeting such goals, based on the State’s English language proficiency assessment under section 1111(b)(2)(G); and

“(ii) the challenging State academic standards.”;

(B) in paragraph (3)—

(i) in the paragraph heading, by striking “ADMINISTRATIVE” and inserting “DIRECT ADMINISTRATIVE”;

(ii) by striking “60 percent” and inserting “50 percent”; and

(iii) by inserting “direct” before “administrative costs”; and

(2) in subsection (c)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking “section 3001(a)” and inserting “section 3001”;

(ii) in subparagraph (B), by inserting “and” after the semicolon;

(iii) by striking subparagraph (C) and inserting the following:

“(C) 6.5 percent of such amount for national activities under sections 3131 and 3202, except that not more than \$2,000,000 of such amount may be reserved for the National Clearinghouse for English Language Acquisition and Language Instruction Educational Programs described in section 3202.”; and

(iv) by striking subparagraph (D);

(B) by striking paragraphs (2) and (4);
 (C) by redesignating paragraph (3) as paragraph (2);
 (D) in paragraph (2)(A), as redesignated by subparagraph (C)—

(i) in the matter preceding clause (i), by striking “section 3001(a)” and inserting “section 3001”;

(ii) in clause (i), by striking “limited English proficient” and all that follows through “States; and” and inserting “English learners in the State bears to the number of English learners in all States, as determined in accordance with paragraph (3)(A); and”; and

(iii) in clause (ii), by inserting “, as determined in accordance with paragraph (3)(B)” before the period at the end; and

(E) by adding at the end the following:

“(3) USE OF DATA FOR DETERMINATIONS.—In making State allotments under paragraph (2) for each fiscal year, the Secretary shall—

“(A) determine the number of English learners in a State and in all States, using the most accurate, up-to-date data, which shall be—

“(i) data available from the American Community Survey conducted by the Department of Commerce, which may be multiyear estimates;

“(ii) the number of students being assessed for English language proficiency, based on the State’s English language proficiency assessment under section 1111(b)(2)(G), which may be multiyear estimates; or

“(iii) a combination of data available under clauses (i) and (ii); and

“(B) determine the number of immigrant children and youth in the State and in all States based only on data available from the American Community Survey conducted by the Department of Commerce, which may be multiyear estimates.”.

(c) NATIVE AMERICAN AND ALASKA NATIVE CHILDREN IN SCHOOL.—Section 3112(a) (20 U.S.C. 6822(a)) is amended by striking “Bureau of Indian Affairs” each place the term appears and inserting “Bureau of Indian Education”.

(d) STATE AND SPECIALLY QUALIFIED AGENCY PLANS.—Section 3113 (20 U.S.C. 6823) is amended—

(1) in subsection (a), by striking “, in such manner, and containing such information” and inserting “and in such manner”;

(2) in subsection (b)—

(A) in paragraph (1), by striking “making” and inserting “awarding”; and

(B) by striking paragraphs (2) through (6) and inserting the following:

“(2) describe how the agency will establish and implement, with timely and meaningful consultation with local educational agencies representing the geographic diversity of the State, standardized, statewide entrance and exit procedures, including an assurance that all students who may be English learners are assessed for such status within 30 days of enrollment in a school in the State;

“(3) provide an assurance that—

“(A) the agency will ensure that eligible entities receiving a subgrant under this subpart comply with the requirement in section 1111(b)(2)(B)(ix) regarding assessment of English learners in English;

“(B) the agency will ensure that eligible entities receiving a subgrant under this subpart annually assess the English proficiency of all English learners participating in a program funded under this subpart, consistent with section 1111(b)(2)(G);

“(C) in awarding subgrants under section 3114, the agency will address the needs of school systems of all sizes and in all geographic areas, including school systems with rural and urban schools;

“(D) subgrants to eligible entities under section 3114(d)(1) will be of sufficient size and scope to allow such entities to carry out effective language instruction educational programs for English learners;

“(E) the agency will require an eligible entity receiving a subgrant under this subpart to use the subgrant in ways that will build such recipient’s capacity to continue to offer effective language instruction educational programs that assist English learners in meeting challenging State academic standards;

“(F) the agency will monitor each eligible entity receiving a subgrant under this subpart for compliance with applicable Federal fiscal requirements; and

“(G) the plan has been developed in consultation with local educational agencies, teachers, administrators of programs implemented under this subpart, parents of English learners, and other relevant stakeholders;

“(4) describe how the agency will coordinate its programs and activities under this subpart with other programs and activities under this Act and other Acts, as appropriate;

“(5) describe how each eligible entity will be given the flexibility to teach English learners—

“(A) using a high-quality, effective language instruction curriculum for teaching English learners; and

“(B) in the manner the eligible entity determines to be the most effective;

“(6) describe how the agency will assist eligible entities in meeting—

“(A) the State-designed long-term goals established under section 1111(c)(4)(A)(ii), including measurements of interim progress towards meeting such goals, based on the State’s English language proficiency assessment under section 1111(b)(2)(G); and

“(B) the challenging State academic standards;

“(7) describe how the agency will meet the unique needs of children and youth in the State being served through the reservation of funds under section 3114(d); and

“(8) describe—

“(A) how the agency will monitor the progress of each eligible entity receiving a subgrant under this subpart in helping English learners achieve English proficiency; and

“(B) the steps the agency will take to further assist eligible entities if the strategies funded under this subpart

are not effective, such as providing technical assistance and modifying such strategies.”;

(3) in subsection (d)—

(A) in paragraph (1), by striking “this part” each place the term appears and inserting “this subpart”; and

(B) in paragraph (2)(B), by striking “this part” and inserting “this subpart”;

(4) in subsection (e), by striking “section 9302” and inserting “section 8302”; and

(5) in subsection (f)—

(A) by inserting “by the State” after “if requested”; and

(B) by striking “, objectives,”.

(e) WITHIN-STATE ALLOCATIONS.—Section 3114 (20 U.S.C. 6824) is amended—

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

“(a) IN GENERAL.—After making the reservation required under subsection (d)(1), each State educational agency receiving a grant under section 3111(c)(2) shall award subgrants for a fiscal year by allocating in a timely manner to each eligible entity in the State having a plan approved under section 3116 an amount that bears the same relationship to the amount received under the grant and remaining after making such reservation as the population of English learners in schools served by the eligible entity bears to the population of English learners in schools served by all eligible entities in the State.”; and

(2) in subsection (d)(1)—

(A) by striking “section 3111(c)(3)” and inserting “section 3111(c)(2)”; and

(B) by striking “preceding the fiscal year”.

(f) SUBGRANTS TO ELIGIBLE ENTITIES.—Section 3115 (20 U.S.C. 6825) is amended to read as follows:

“SEC. 3115. SUBGRANTS TO ELIGIBLE ENTITIES.

“(a) PURPOSES OF SUBGRANTS.—A State educational agency may make a subgrant to an eligible entity from funds received by the agency under this subpart only if the entity agrees to expend the funds to improve the education of English learners by assisting the children to learn English and meet the challenging State academic standards. In carrying out activities with such funds, the eligible entity shall use effective approaches and methodologies for teaching English learners and immigrant children and youth for the following purposes:

“(1) Developing and implementing new language instruction educational programs and academic content instructional programs for English learners and immigrant children and youth, including early childhood education programs, elementary school programs, and secondary school programs.

“(2) Carrying out highly focused, innovative, locally designed activities to expand or enhance existing language instruction educational programs and academic content instructional programs for English learners and immigrant children and youth.

“(3) Implementing, within an individual school, schoolwide programs for restructuring, reforming, and upgrading all relevant programs, activities, and operations relating to language

instruction educational programs and academic content instruction for English learners and immigrant children and youth.

“(4) Implementing, within the entire jurisdiction of a local educational agency, agencywide programs for restructuring, reforming, and upgrading all relevant programs, activities, and operations relating to language instruction educational programs and academic content instruction for English learners and immigrant children and youth.

“(b) DIRECT ADMINISTRATIVE EXPENSES.—Each eligible entity receiving funds under section 3114(a) for a fiscal year may use not more than 2 percent of such funds for the cost of administering this subpart.

“(c) REQUIRED SUBGRANTEE ACTIVITIES.—An eligible entity receiving funds under section 3114(a) shall use the funds—

“(1) to increase the English language proficiency of English learners by providing effective language instruction educational programs that meet the needs of English learners and demonstrate success in increasing—

“(A) English language proficiency; and

“(B) student academic achievement;

“(2) to provide effective professional development to classroom teachers (including teachers in classroom settings that are not the settings of language instruction educational programs), principals and other school leaders, administrators, and other school or community-based organizational personnel, that is—

“(A) designed to improve the instruction and assessment of English learners;

“(B) designed to enhance the ability of such teachers, principals, and other school leaders to understand and implement curricula, assessment practices and measures, and instructional strategies for English learners;

“(C) effective in increasing children’s English language proficiency or substantially increasing the subject matter knowledge, teaching knowledge, and teaching skills of such teachers; and

“(D) of sufficient intensity and duration (which shall not include activities such as 1-day or short-term workshops and conferences) to have a positive and lasting impact on the teachers’ performance in the classroom, except that this subparagraph shall not apply to an activity that is one component of a long-term, comprehensive professional development plan established by a teacher and the teacher’s supervisor based on an assessment of the needs of the teacher, the supervisor, the students of the teacher, and any local educational agency employing the teacher, as appropriate; and

“(3) to provide and implement other effective activities and strategies that enhance or supplement language instruction educational programs for English learners, which—

“(A) shall include parent, family, and community engagement activities; and

“(B) may include strategies that serve to coordinate and align related programs.

“(d) AUTHORIZED SUBGRANTEE ACTIVITIES.—Subject to subsection (c), an eligible entity receiving funds under section 3114(a)

may use the funds to achieve any of the purposes described in subsection (a) by undertaking 1 or more of the following activities:

“(1) Upgrading program objectives and effective instructional strategies.

“(2) Improving the instructional program for English learners by identifying, acquiring, and upgrading curricula, instructional materials, educational software, and assessment procedures.

“(3) Providing to English learners—

“(A) tutorials and academic or career and technical education; and

“(B) intensified instruction, which may include materials in a language that the student can understand, interpreters, and translators.

“(4) Developing and implementing effective preschool, elementary school, or secondary school language instruction educational programs that are coordinated with other relevant programs and services.

“(5) Improving the English language proficiency and academic achievement of English learners.

“(6) Providing community participation programs, family literacy services, and parent and family outreach and training activities to English learners and their families—

“(A) to improve the English language skills of English learners; and

“(B) to assist parents and families in helping their children to improve their academic achievement and becoming active participants in the education of their children.

“(7) Improving the instruction of English learners, which may include English learners with a disability, by providing for—

“(A) the acquisition or development of educational technology or instructional materials;

“(B) access to, and participation in, electronic networks for materials, training, and communication; and

“(C) incorporation of the resources described in subparagraphs (A) and (B) into curricula and programs, such as those funded under this subpart.

“(8) Offering early college high school or dual or concurrent enrollment programs or courses designed to help English learners achieve success in postsecondary education.

“(9) Carrying out other activities that are consistent with the purposes of this section.

“(e) ACTIVITIES BY AGENCIES EXPERIENCING SUBSTANTIAL INCREASES IN IMMIGRANT CHILDREN AND YOUTH.—

“(1) IN GENERAL.—An eligible entity receiving funds under section 3114(d)(1) shall use the funds to pay for activities that provide enhanced instructional opportunities for immigrant children and youth, which may include—

“(A) family literacy, parent and family outreach, and training activities designed to assist parents and families to become active participants in the education of their children;

“(B) recruitment of, and support for, personnel, including teachers and paraprofessionals who have been

specifically trained, or are being trained, to provide services to immigrant children and youth;

“(C) provision of tutorials, mentoring, and academic or career counseling for immigrant children and youth;

“(D) identification, development, and acquisition of curricular materials, educational software, and technologies to be used in the program carried out with awarded funds;

“(E) basic instructional services that are directly attributable to the presence of immigrant children and youth in the local educational agency involved, including the payment of costs of providing additional classroom supplies, costs of transportation, or such other costs as are directly attributable to such additional basic instructional services;

“(F) other instructional services that are designed to assist immigrant children and youth to achieve in elementary schools and secondary schools in the United States, such as programs of introduction to the educational system and civics education; and

“(G) activities, coordinated with community-based organizations, institutions of higher education, private sector entities, or other entities with expertise in working with immigrants, to assist parents and families of immigrant children and youth by offering comprehensive community services.

“(2) DURATION OF SUBGRANTS.—The duration of a subgrant made by a State educational agency under section 3114(d)(1) shall be determined by the agency in its discretion.

“(f) SELECTION OF METHOD OF INSTRUCTION.—

“(1) IN GENERAL.—To receive a subgrant from a State educational agency under this subpart, an eligible entity shall select one or more methods or forms of effective instruction to be used in the programs and activities undertaken by the entity to assist English learners to attain English language proficiency and meet challenging State academic standards.

“(2) CONSISTENCY.—The selection described in paragraph (1) shall be consistent with sections 3124 through 3126.

“(g) SUPPLEMENT, NOT SUPPLANT.—Federal funds made available under this subpart shall be used so as to supplement the level of Federal, State, and local public funds that, in the absence of such availability, would have been expended for programs for English learners and immigrant children and youth and in no case to supplant such Federal, State, and local public funds.”.

(g) LOCAL PLANS.—Section 3116 (20 U.S.C. 6826) is amended—

(1) in subsection (b), by striking paragraphs (1) through (6) and inserting the following:

“(1) describe the effective programs and activities, including language instruction educational programs, proposed to be developed, implemented, and administered under the subgrant that will help English learners increase their English language proficiency and meet the challenging State academic standards;

“(2) describe how the eligible entity will ensure that elementary schools and secondary schools receiving funds under this subpart assist English learners in—

“(A) achieving English proficiency based on the State’s English language proficiency assessment under section 1111(b)(2)(G), consistent with the State’s long-term goals, as described in section 1111(c)(4)(A)(ii); and

“(B) meeting the challenging State academic standards;
 “(3) describe how the eligible entity will promote parent, family, and community engagement in the education of English learners;

“(4) contain assurances that—

“(A) each local educational agency that is included in the eligible entity is complying with section 1112(e) prior to, and throughout, each school year as of the date of application;

“(B) the eligible entity is not in violation of any State law, including State constitutional law, regarding the education of English learners, consistent with sections 3125 and 3126;

“(C) the eligible entity consulted with teachers, researchers, school administrators, parents and family members, community members, public or private entities, and institutions of higher education, in developing and implementing such plan; and

“(D) the eligible entity will, if applicable, coordinate activities and share relevant data under the plan with local Head Start and Early Head Start agencies, including migrant and seasonal Head Start agencies, and other early childhood education providers.”;

(2) in subsection (c), by striking “limited English proficient children” and inserting “English learners”; and

(3) by striking subsection (d).

(h) REPORTING.—Section 3121 (20 U.S.C. 6841) is amended to read as follows:

“SEC. 3121. REPORTING.

“(a) IN GENERAL.—Each eligible entity that receives a subgrant from a State educational agency under subpart 1 shall provide such agency, at the conclusion of every second fiscal year during which the subgrant is received, with a report, in a form prescribed by the agency, on the activities conducted and children served under such subpart that includes—

“(1) a description of the programs and activities conducted by the entity with funds received under subpart 1 during the 2 immediately preceding fiscal years, which shall include a description of how such programs and activities supplemented programs funded primarily with State or local funds;

“(2) the number and percentage of English learners in the programs and activities who are making progress toward achieving English language proficiency, as described in section 1111(c)(4)(A)(ii), in the aggregate and disaggregated, at a minimum, by English learners with a disability;

“(3) the number and percentage of English learners in the programs and activities attaining English language proficiency based on State English language proficiency standards established under section 1111(b)(1)(G) by the end of each school year, as determined by the State’s English language proficiency assessment under section 1111(b)(2)(G);

“(4) the number and percentage of English learners who exit the language instruction educational programs based on their attainment of English language proficiency;

“(5) the number and percentage of English learners meeting challenging State academic standards for each of the 4 years

after such children are no longer receiving services under this part, in the aggregate and disaggregated, at a minimum, by English learners with a disability;

“(6) the number and percentage of English learners who have not attained English language proficiency within 5 years of initial classification as an English learner and first enrollment in the local educational agency; and

“(7) any other information that the State educational agency may require.

“(b) USE OF REPORT.—A report provided by an eligible entity under subsection (a) shall be used by the entity and the State educational agency for improvement of programs and activities under this part.

“(c) SPECIAL RULE FOR SPECIALLY QUALIFIED AGENCIES.—Each specially qualified agency receiving a grant under subpart 1 shall provide the reports described in subsection (a) to the Secretary subject to the same requirements as apply to eligible entities providing such evaluations to State educational agencies under such subsection.”.

(i) BIENNIAL REPORTS.—Section 3122 (20 U.S.C. 6843), as redesignated by section 3001(2)(B), is amended—

(1) in the section heading, by striking “**REPORTING REQUIREMENTS**” and inserting “**BIENNIAL REPORTS**”;

(2) in subsection (a)—

(A) by striking “evaluations” and inserting “reports”; and

(B) by striking “children who are limited English proficient” and inserting “English learners”; and

(3) in subsection (b)—

(A) in paragraph (1)—

(i) by striking “limited English proficient children” and inserting “English learners”; and

(ii) by striking “children who are limited English proficient” and inserting “English learners”;

(B) in paragraph (2), by striking “limited English proficient children” and inserting “English learners”;

(C) in paragraph (4), by striking “section 3111(b)(2)(C)” and inserting “section 3111(b)(2)(D)”;

(D) in paragraph (5), by striking “limited English proficient children” and inserting “English learners”;

(E) in paragraph (6), by striking “major findings of scientifically based research carried out under this part” and inserting “findings of the most recent evaluation related to English learners carried out under section 8601”;

(F) in paragraph (8)—

(i) by striking “of limited English proficient children” and inserting “of English learners”; and

(ii) by striking “into classrooms where instruction is not tailored for limited English proficient children”; and

(G) in paragraph (9), by striking “title” and inserting “part”.

(j) COORDINATION WITH RELATED PROGRAMS.—Section 3123 (20 U.S.C. 6844), as redesignated by section 3001(2)(B), is amended—

(1) by striking “children of limited English proficiency” and inserting “English learners”;

(2) by striking “limited English proficient children” and inserting “English learners”; and

(3) by inserting after the period at the end the following: “The Secretary shall report to the Congress on parallel Federal programs in other agencies and departments.”.

(k) RULES OF CONSTRUCTION.—Section 3124 (20 U.S.C. 6845), as redesignated by section 3001(2)(B), is amended—

(1) in paragraph (1), by striking “limited English proficient children” and inserting “English learners”; and

(2) in paragraph (2), by striking “limited English proficient children” and inserting “English learners”.

(l) PROHIBITION.—Section 3128 (20 U.S.C. 6849), as redesignated by section 3001(2)(B), is amended by striking “limited English proficient children” and inserting “English learners”.

(m) NATIONAL PROFESSIONAL DEVELOPMENT PROJECT.—Section 3131 (20 U.S.C. 6861) is amended to read as follows:

“SEC. 3131. NATIONAL PROFESSIONAL DEVELOPMENT PROJECT.

“The Secretary shall use funds made available under section 3111(c)(1)(C) to award grants on a competitive basis, for a period of not more than 5 years, to institutions of higher education or public or private entities with relevant experience and capacity (in consortia with State educational agencies or local educational agencies) to provide for professional development activities that will improve classroom instruction for English learners and assist educational personnel working with English learners to meet high professional standards, including standards for certification and licensure as teachers who work in language instruction educational programs or serve English learners. Grants awarded under this section may be used—

“(1) for effective preservice or inservice professional development programs that will improve the qualifications and skills of educational personnel involved in the education of English learners, including personnel who are not certified or licensed and educational paraprofessionals, and for other activities to increase teacher and school leader effectiveness in meeting the needs of English learners;

“(2) for the development of curricula or other instructional strategies appropriate to the needs of the consortia participants involved;

“(3) to support strategies that strengthen and increase parent, family, and community member engagement in the education of English learners;

“(4) to develop, share, and disseminate effective practices in the instruction of English learners and in increasing the student academic achievement of English learners, such as through the use of technology-based programs;

“(5) in conjunction with other Federal need-based student financial assistance programs, for financial assistance, and costs related to tuition, fees, and books for enrolling in courses required to complete the degree involved, to meet certification or licensing requirements for teachers who work in language instruction educational programs or serve English learners; and

“(6) as appropriate, to support strategies that promote school readiness of English learners and their transition from

early childhood education programs, such as Head Start or State-run preschool programs, to elementary school programs.”.

SEC. 3004. GENERAL PROVISIONS.

(a) **DEFINITIONS.**—Section 3201 (20 U.S.C. 7011), as redesignated by section 3001(5)(A), is amended—

(1) by striking paragraphs (3), (4), and (5);

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

“(3) **ELIGIBLE ENTITY.**—The term ‘eligible entity’ means—

“(A) one or more local educational agencies; or

“(B) one or more local educational agencies, in consortia or collaboration with an institution of higher education, educational service agency, community-based organization, or State educational agency.

“(4) **ENGLISH LEARNER WITH A DISABILITY.**—The term ‘English learner with a disability’ means an English learner who is also a child with a disability, as that term is defined in section 602 of the Individuals with Disabilities Education Act.”;

(3) by redesignating paragraphs (6) through (15) as paragraphs (5) through (14), respectively;

(4) in paragraph (7)(A), as redesignated by paragraph (3)—

(A) by striking “a limited English proficient child” and inserting “an English learner”; and

(B) by striking “challenging State academic content and student academic achievement standards, as required by section 1111(b)(1)” and inserting “challenging State academic standards”; and

(5) in paragraph (12), as redesignated by paragraph (3), by striking “, as defined in section 3141.”.

(b) **NATIONAL CLEARINGHOUSE.**—Section 3202 (20 U.S.C. 7013), as redesignated by section 3001(5)(C), is amended—

(1) in the matter preceding paragraph (1)—

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

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

(B) by striking “limited English proficient children” and inserting “English learners”;

(2) in paragraph (4)—

(A) in subparagraph (A), by striking “limited English proficient children” and inserting “English learners, including English learners with a disability, that includes information on best practices on instructing and serving English learners”; and

(B) in subparagraph (B), by striking “limited English proficient children” and inserting “English learners”; and

(3) by adding at the end the following:

“(b) **CONSTRUCTION.**—Nothing in this section shall authorize the Secretary to hire additional personnel to execute subsection (a).”.

(c) **REGULATIONS.**—Section 3203 (20 U.S.C. 7014), as redesignated by section 3001(5)(C), is amended—

(1) by striking “limited English proficient individuals” and inserting “English learners”; and

(2) by striking “limited English proficient children” and inserting “English learners”.

TITLE IV—21ST CENTURY SCHOOLS

SEC. 4001. REDESIGNATIONS AND TRANSFERS.

(a) TITLE IV TRANSFERS AND RELATED AMENDMENTS.—

(1) Section 4303 (20 U.S.C. 7183) is amended—

(A) in subsection (b)(1), by striking “early childhood development (Head Start) services” and inserting “early childhood education programs”;

(B) in subsection (c)(2)—

(i) in the paragraph heading, by striking “DEVELOPMENT SERVICES” and inserting “EDUCATION PROGRAMS”; and

(ii) by striking “development (Head Start) services” and inserting “education programs”; and

(C) in subsection (e)(3), by striking subparagraph (C) and inserting the following:

“(C) such other matters as justice may require.”

(2) Subpart 3 of part A of title IV (20 U.S.C. 7151) is—

20 USC 7961.

(A) transferred to title IX (as amended by section 2001 of this Act);

(B) inserted so as to appear after subpart 3 of part E of such title (as so transferred and redesignated);

20 USC 7151.

(C) redesignated as subpart 4 of such part; and

(D) amended by redesignating section 4141 as section 9551.

(3) Section 4155 (20 U.S.C. 7165) is—

20 USC 7917.

(A) transferred to title IX (as amended by section 2001 of this Act and paragraph (2) of this subsection);

(B) inserted so as to appear after section 9536; and

(C) redesignated as section 9537.

(4) Part C of title IV (20 U.S.C. 7181 et seq.) (as amended by paragraph (1) of this subsection) is—

(A) transferred to title IX (as amended by section 2001 of this Act and paragraphs (2) and (3) of this subsection);

(B) inserted so as to appear after subpart 4 of part E of such title IX (as so transferred and redesignated); and

(C) amended—

(i) by striking the part designation and heading and inserting “**Subpart 5—Environmental Tobacco Smoke**”; and

20 USC
7181-7184,
7971-7974.
20 USC
7131-7164.

(ii) by redesignating sections 4301 through 4304 as sections 9561 through 9564, respectively.

(5) Title IV (as amended by section 2001 of this Act and paragraphs (1) through (4) of this subsection) is further amended—

(A) in the part heading of part A, by striking “**SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES**” and inserting “**STUDENT SUPPORT AND ACADEMIC ENRICHMENT GRANTS**”;

20 USC
7131-7140,
7161-7164.

(B) by striking subparts 2 and 4 of part A;

(C) by redesignating subpart 5 of part A (as so transferred and redesignated by section 2001(4) of this Act) as subpart 2 of part A; and

20 USC 7131.

(D) by redesignating section 4161 (as so redesignated) as section 4121.

(b) TITLE V TRANSFERS AND RELATED AMENDMENTS.—

(1) IN GENERAL.—Title V (20 U.S.C. 7201 et seq.) is amended—

(A) by striking part A;

(B) by striking subparts 2 and 3 of part B; and

(C) by striking part D.

(2) CHARTER SCHOOLS.—Part B of title V (20 U.S.C. 7221 et seq.) (as amended by paragraph (1) of this subsection) is—

(A) transferred to title IV (as amended by section 2001 of this Act and subsection (a) of this section);

(B) inserted so as to appear after part B of such title;

(C) redesignated as part C of such title; and

(D) further amended—

(i) in the part heading, by striking “PUBLIC CHARTER SCHOOLS” and inserting “EXPANDING OPPORTUNITY THROUGH QUALITY CHARTER SCHOOLS”;

(ii) by striking the subpart heading for subpart 1; and

(iii) by redesignating sections 5201 through 5211 as sections 4301 through 4311, respectively.

(3) MAGNET SCHOOLS.—Part C of title V (20 U.S.C. 7231 et seq.) is—

(A) transferred to title IV (as amended by section 2001 of this Act, subsection (a) of this section, and paragraph (2) of this subsection)

(B) inserted so as to appear after part C of such title (as so transferred and redesignated);

(C) redesignated as part D of such title; and

(D) amended—

(i) by redesignating sections 5301 through 5307 as sections 4401 through 4407, respectively;

(ii) by striking sections 5308 and 5310; and

(iii) by redesignating sections 5309 and 5311 as sections 4408 and 4409, respectively.

(4) TITLE V.—Title V, as amended by this section, is repealed.

SEC. 4002. GENERAL PROVISIONS.

Title IV (20 U.S.C. 7101 et seq.), as redesignated and amended by section 4001, is further amended by striking sections 4001 through 4003 and inserting the following:

“SEC. 4001. GENERAL PROVISIONS.

“(a) PARENTAL CONSENT.—

“(1) IN GENERAL.—

“(A) INFORMED WRITTEN CONSENT.—A State, local educational agency, or other entity receiving funds under this title shall obtain prior written, informed consent from the parent of each child who is under 18 years of age to participate in any mental-health assessment or service that is funded under this title and conducted in connection with an elementary school or secondary school under this title.

“(B) CONTENTS.—Before obtaining the consent described in subparagraph (A), the entity shall provide the parent written notice describing in detail such mental health assessment or service, including the purpose for such assessment or service, the provider of such assessment

20 USC 7021,
7211, 7211a,
7213, 7213a,
7215, 7215a,
7215b, 7217,
7217a–7217e,
20 USC 7223,
7223a–7223j,
7225,
7225a–7225g,
20 USC 7241,
7243,
7243a–7243c,
7245, 7247, 7249,
7251, 7253,
7253a–7253e,
7255,
7255a–7255f,
7257,
7257a–7257d,
7259,
7259a–7259c,
7261,
7261a–7261f,
7263, 7263a,
7263b, 7265,
7265a–7265e,
7267,
7267a–7267f,
7269, 7269a,
7271, 7273,
7273a–7273e,
7275, 7277,
7277a–7277e,
7279,
7279a–7279e,
7281, 7281a,
7281b, 7283,
7283a–7283g,
20 USC 7221,
7221a–7221j,
20 USC 7231,
7231a–7231j,
20 USC 7231,
7231a–7231j.
20 USC
7101–7103.
20 USC 7101.

or service, when such assessment or service will begin, and how long such assessment or service may last.

“(C) LIMITATION.—The informed written consent required under this paragraph shall not be a waiver of any rights or protections under section 444 of the General Education Provisions Act (20 U.S.C. 1232g).

“(2) EXCEPTION.—Notwithstanding paragraph (1)(A), the written, informed consent described in such paragraph shall not be required in—

“(A) an emergency, where it is necessary to protect the immediate health and safety of the child, other children, or entity personnel; or

“(B) other instances in which an entity actively seeks parental consent but such consent cannot be reasonably obtained, as determined by the State or local educational agency, including in the case of—

“(i) a child whose parent has not responded to the notice described in paragraph (1)(B); or

“(ii) a child who has attained 14 years of age and is an unaccompanied youth, as defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a).

“(b) PROHIBITED USE OF FUNDS.—No funds under this title may be used for medical services or drug treatment or rehabilitation, except for integrated student supports, specialized instructional support services, or referral to treatment for impacted students, which may include students who are victims of, or witnesses to, crime or who illegally use drugs.

“(c) PROHIBITION ON MANDATORY MEDICATION.—No child shall be required to obtain a prescription for a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802) as a condition of—

“(1) receiving an evaluation or other service described under this title; or

“(2) attending a school receiving assistance under this title.”.

PART A—STUDENT SUPPORT AND ACADEMIC ENRICHMENT GRANTS

SEC. 4101. STUDENT SUPPORT AND ACADEMIC ENRICHMENT GRANTS.

Subpart 1 of part A of title IV (20 U.S.C. 7101 et seq.) is amended to read as follows:

“Subpart 1—Student Support and Academic Enrichment Grants

20 USC 7111.

“SEC. 4101. PURPOSE.

“The purpose of this subpart is to improve students’ academic achievement by increasing the capacity of States, local educational agencies, schools, and local communities to—

“(1) provide all students with access to a well-rounded education;

“(2) improve school conditions for student learning; and

“(3) improve the use of technology in order to improve the academic achievement and digital literacy of all students.

“SEC. 4102. DEFINITIONS.

20 USC 7112.

“In this subpart:

“(1) **BLENDED LEARNING.**—The term ‘blended learning’ means a formal education program that leverages both technology-based and face-to-face instructional approaches—

“(A) that include an element of online or digital learning, combined with supervised learning time, and student-led learning, in which the elements are connected to provide an integrated learning experience; and

“(B) in which students are provided some control over time, path, or pace.

“(2) **CONTROLLED SUBSTANCE.**—The term ‘controlled substance’ means a drug or other substance identified under Schedule I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)).

“(3) **DIGITAL LEARNING.**—The term ‘digital learning’ means any instructional practice that effectively uses technology to strengthen a student’s learning experience and encompasses a wide spectrum of tools and practices, including—

“(A) interactive learning resources, digital learning content (which may include openly licensed content), software, or simulations, that engage students in academic content;

“(B) access to online databases and other primary source documents;

“(C) the use of data and information to personalize learning and provide targeted supplementary instruction;

“(D) online and computer-based assessments;

“(E) learning environments that allow for rich collaboration and communication, which may include student collaboration with content experts and peers;

“(F) hybrid or blended learning, which occurs under direct instructor supervision at a school or other location away from home and, at least in part, through online delivery of instruction with some element of student control over time, place, path, or pace; and

“(G) access to online course opportunities for students in rural or remote areas.

“(4) **DRUG.**—The term ‘drug’ includes—

“(A) controlled substances;

“(B) the illegal use of alcohol or tobacco, including smokeless tobacco products and electronic cigarettes; and

“(C) the harmful, abusive, or addictive use of substances, including inhalants and anabolic steroids.

“(5) **DRUG AND VIOLENCE PREVENTION.**—The term ‘drug and violence prevention’ means—

“(A) with respect to drugs, prevention, early intervention, rehabilitation referral, recovery support services, or education related to the illegal use of drugs, such as raising awareness about the consequences of drug use that are evidence-based (to the extent a State, in consultation with local educational agencies in the State, determines that such evidence is reasonably available); and

“(B) with respect to violence, the promotion of school safety, such that students and school personnel are free from violent and disruptive acts, including sexual harassment and abuse, and victimization associated with prejudice and intolerance, on school premises, going to and

from school, and at school-sponsored activities, through the creation and maintenance of a school environment that is free of weapons and fosters individual responsibility and respect for the rights of others.

“(6) SCHOOL-BASED MENTAL HEALTH SERVICES PROVIDER.—The term ‘school-based mental health services provider’ includes a State-licensed or State-certified school counselor, school psychologist, school social worker, or other State licensed or certified mental health professional qualified under State law to provide mental health services to children and adolescents.

“(7) STATE.—The term ‘State’ means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

“(8) STEM-FOCUSED SPECIALTY SCHOOL.—The term ‘STEM-focused specialty school’ means a school, or dedicated program within a school, that engages students in rigorous, relevant, and integrated learning experiences focused on science, technology, engineering, and mathematics, including computer science, which include authentic schoolwide research.

20 USC 7113.

“SEC. 4103. FORMULA GRANTS TO STATES.

“(a) RESERVATIONS.—From the total amount appropriated under section 4112 for a fiscal year, the Secretary shall reserve—

“(1) one-half of 1 percent for allotments for payments to the outlying areas, to be distributed among those outlying areas on the basis of their relative need, as determined by the Secretary, in accordance with the purpose of this subpart;

“(2) one-half of 1 percent for the Secretary of the Interior for programs under this subpart in schools operated or funded by the Bureau of Indian Education; and

“(3) 2 percent for technical assistance and capacity building.

“(b) STATE ALLOTMENTS.—

“(1) ALLOTMENT.—

“(A) IN GENERAL.—Subject to subparagraphs (B) and (C), from the amount appropriated to carry out this subpart that remains after the Secretary makes the reservations under subsection (a), the Secretary shall allot to each State having a plan approved under subsection (c), an amount that bears the same relationship to the remainder as the amount the State received under subpart 2 of part A of title I for the preceding fiscal year bears to the amount all States received under that subpart for the preceding fiscal year.

“(B) SMALL STATE MINIMUM.—No State receiving an allotment under this paragraph shall receive less than one-half of 1 percent of the total amount allotted under this paragraph.

“(C) PUERTO RICO.—The amount allotted under this paragraph to the Commonwealth of Puerto Rico for a fiscal year may not exceed one-half of 1 percent of the total amount allotted under this paragraph.

“(2) REALLOTMENT.—If a State does not receive an allotment under this subpart for a fiscal year, the Secretary shall reallocate the amount of the State’s allotment to the remaining States in accordance with this subsection.

“(c) STATE PLAN.—

“(1) IN GENERAL.—In order to receive an allotment under this section for any fiscal year, a State shall submit a plan to the Secretary, at such time and in such manner as the Secretary may reasonably require.

“(2) CONTENTS.—Each plan submitted by a State under this section shall include the following:

“(A) A description of how the State educational agency will use funds received under this subpart for State-level activities.

“(B) A description of how the State educational agency will ensure that awards made to local educational agencies under this subpart are in amounts that are consistent with section 4105(a)(2).

“(C) Assurances that the State educational agency will—

“(i) review existing resources and programs across the State and will coordinate any new plans and resources under this subpart with such existing resources and programs;

“(ii) monitor the implementation of activities under this subpart and provide technical assistance to local educational agencies in carrying out such activities; and

“(iii) provide for equitable access for all students to the activities supported under this subpart, including aligning those activities with the requirements of other Federal laws.

“SEC. 4104. STATE USE OF FUNDS.

20 USC 7114.

“(a) IN GENERAL.—Each State that receives an allotment under section 4103 for a fiscal year shall—

“(1) reserve not less than 95 percent of the allotment to make allocations to local educational agencies under section 4105;

“(2) reserve not more than 1 percent of the allotment for the administrative costs of carrying out its responsibilities under this subpart, including public reporting on how funds made available under this subpart are being expended by local educational agencies, including the degree to which the local educational agencies have made progress toward meeting the objectives and outcomes described in section 4106(e)(1)(E); and

“(3) use the amount made available to the State and not reserved under paragraphs (1) and (2) for activities described in subsection (b).

“(b) STATE ACTIVITIES.—Each State that receives an allotment under section 4103 shall use the funds available under subsection (a)(3) for activities and programs designed to meet the purposes of this subpart, which may include—

“(1) providing monitoring of, and training, technical assistance, and capacity building to, local educational agencies that receive an allotment under section 4105;

“(2) identifying and eliminating State barriers to the coordination and integration of programs, initiatives, and funding streams that meet the purposes of this subpart, so that local educational agencies can better coordinate with other agencies, schools, and community-based services and programs; or

“(3) supporting local educational agencies in providing programs and activities that—

“(A) offer well-rounded educational experiences to all students, as described in section 4107, including female students, minority students, English learners, children with disabilities, and low-income students who are often under-represented in critical and enriching subjects, which may include—

“(i) increasing student access to and improving student engagement and achievement in—

“(I) high-quality courses in science, technology, engineering, and mathematics, including computer science;

“(II) activities and programs in music and the arts;

“(III) foreign languages;

“(IV) accelerated learning programs that provide—

“(aa) postsecondary level courses accepted for credit at institutions of higher education, including dual or concurrent enrollment programs, and early college high schools; or

“(bb) postsecondary level instruction and examinations that are accepted for credit at institutions of higher education, including Advanced Placement and International Baccalaureate programs;

“(V) American history, civics, economics, geography, social studies, or government education;

“(VI) environmental education; or

“(VII) other courses, activities, and programs or other experiences that contribute to a well-rounded education; or

“(ii) reimbursing low-income students to cover part or all of the costs of accelerated learning examination fees, as described in clause (i)(IV);

“(B) foster safe, healthy, supportive, and drug-free environments that support student academic achievement, as described in section 4108, which may include—

“(i) coordinating with any local educational agencies or consortia of such agencies implementing a youth PROMISE plan to reduce exclusionary discipline, as described in section 4108(5)(F);

“(ii) supporting local educational agencies to—

“(I) implement mental health awareness training programs that are evidence-based (to the extent the State determines that such evidence is reasonably available) to provide education to school personnel regarding resources available in the community for students with mental illnesses and other relevant resources relating to mental health or the safe de-escalation of crisis situations involving a student with a mental illness; or

“(II) expand access to or coordinate resources for school-based counseling and mental health programs, such as through school-based mental health services partnership programs;

“(iii) providing local educational agencies with resources that are evidence-based (to the extent the State determines that such evidence is reasonably available) addressing ways to integrate health and safety practices into school or athletic programs; and

“(iv) disseminating best practices and evaluating program outcomes relating to any local educational agency activities to promote student safety and violence prevention through effective communication as described in section 4108(5)(C)(iv); and

“(C) increase access to personalized, rigorous learning experiences supported by technology by—

“(i) providing technical assistance to local educational agencies to improve the ability of local educational agencies to—

“(I) identify and address technology readiness needs, including the types of technology infrastructure and access available to the students served by the local educational agency, including computer devices, access to school libraries, Internet connectivity, operating systems, software, related network infrastructure, and data security;

“(II) use technology, consistent with the principles of universal design for learning, to support the learning needs of all students, including children with disabilities and English learners; and

“(III) build capacity for principals, other school leaders, and local educational agency administrators to support teachers in using data and technology to improve instruction and personalize learning;

“(ii) supporting schools in rural and remote areas to expand access to high-quality digital learning opportunities;

“(iii) developing or using strategies that are innovative or evidence-based (to the extent the State determines that such evidence is reasonably available) for the delivery of specialized or rigorous academic courses and curricula through the use of technology, including digital learning technologies and assistive technology, which may include increased access to online dual or concurrent enrollment opportunities, career and technical courses, and programs leading to a recognized postsecondary credential (as defined in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102));

“(iv) disseminating promising practices related to technology instruction, data security, and the acquisition and implementation of technology tools and applications, including through making such promising practices publicly available on the website of the State educational agency;

“(v) providing teachers, paraprofessionals, school librarians and media personnel, specialized instructional support personnel, and administrators with the knowledge and skills to use technology effectively, including effective integration of technology, to improve

instruction and student achievement, which may include coordination with teacher, principal, and other school leader preparation programs; and

“(vi) making instructional content widely available through open educational resources, which may include providing tools and processes to support local educational agencies in making such resources widely available.

“(c) SPECIAL RULE.—A State that receives a grant under this subpart for fiscal year 2017 may use the amount made available to the State and not reserved under paragraphs (1) and (2) of subsection (a) for such fiscal year to cover part or all of the fees for accelerated learning examinations taken by low-income students during the 2016-2017 school year, in accordance with subsection (b)(3)(A)(ii).

20 USC 7115.

“SEC. 4105. ALLOCATIONS TO LOCAL EDUCATIONAL AGENCIES.

“(a) ALLOCATIONS TO LOCAL EDUCATIONAL AGENCIES.—

“(1) IN GENERAL.—From the funds reserved by a State under section 4104(a)(1), the State shall allocate to each local educational agency in the State that has an application approved by the State educational agency under section 4106 an amount that bears the same relationship to the total amount of such reservation as the amount the local educational agency received under subpart 2 of part A of title I for the preceding fiscal year bears to the total amount received by all local educational agencies in the State under such subpart for the preceding fiscal year.

“(2) MINIMUM LOCAL EDUCATIONAL AGENCY ALLOCATION.—No allocation to a local educational agency under this subsection may be made in an amount that is less than \$10,000, subject to subsection (b).

“(3) CONSORTIA.—Local educational agencies in a State may form a consortium with other surrounding local educational agencies and combine the funds each such agency in the consortium receives under this section to jointly carry out the local activities described in this subpart.

“(b) RATABLE REDUCTION.—If the amount reserved by the State under section 4104(a)(1) is insufficient to make allocations to local educational agencies in an amount equal to the minimum allocation described in subsection (a)(2), such allocations shall be ratably reduced.

“(c) ADMINISTRATIVE COSTS.—Of the amount received under subsection (a)(2), a local educational agency may reserve not more than 2 percent for the direct administrative costs of carrying out the local educational agency’s responsibilities under this subpart.

20 USC 7116.

“SEC. 4106. LOCAL EDUCATIONAL AGENCY APPLICATIONS.

“(a) ELIGIBILITY.—To be eligible to receive an allocation under section 4105(a), a local educational agency shall—

“(1) submit an application, which shall contain, at a minimum, the information described in subsection (e), to the State educational agency at such time, in such manner, and containing such information as the State educational agency may reasonably require; and

“(2) complete a needs assessment in accordance with subsection (d).

“(b) CONSORTIUM.—If a local educational agency desires to carry out the activities described in this subpart in consortium with one or more surrounding local educational agencies as described in section 4105(a)(3), such local educational agencies shall submit a single application as required under subsection (a).

“(c) CONSULTATION.—

“(1) IN GENERAL.—A local educational agency, or consortium of such agencies, shall develop its application through consultation with parents, teachers, principals, other school leaders, specialized instructional support personnel, students, community-based organizations, local government representatives (which may include a local law enforcement agency, local juvenile court, local child welfare agency, or local public housing agency), Indian tribes or tribal organizations that may be located in the region served by the local educational agency (where applicable), charter school teachers, principals, and other school leaders (if such agency or consortium of such agencies supports charter schools), and others with relevant and demonstrated expertise in programs and activities designed to meet the purpose of this subpart.

“(2) CONTINUED CONSULTATION.—The local educational agency, or consortium of such agencies, shall engage in continued consultation with the entities described in paragraph (1) in order to improve the local activities in order to meet the purpose of this subpart and to coordinate such implementation with other related strategies, programs, and activities being conducted in the community.

“(d) NEEDS ASSESSMENT.—

“(1) IN GENERAL.—Except as provided in paragraph (2) and prior to receiving an allocation under this subpart, a local educational agency or consortium of such agencies shall conduct a comprehensive needs assessment of the local educational agency or agencies proposed to be served under this subpart in order to examine needs for improvement of—

“(A) access to, and opportunities for, a well-rounded education for all students;

“(B) school conditions for student learning in order to create a healthy and safe school environment; and

“(C) access to personalized learning experiences supported by technology and professional development for the effective use of data and technology.

“(2) EXCEPTION.—A local educational agency receiving an allocation under section 4105(a) in an amount that is less than \$30,000 shall not be required to conduct a comprehensive needs assessment under paragraph (1).

“(3) FREQUENCY OF NEEDS ASSESSMENT.—Each local educational agency, or consortium of local educational agencies, shall conduct the needs assessment described in paragraph (1) once every 3 years.

“(e) CONTENTS OF LOCAL APPLICATION.—Each application submitted under this section by a local educational agency, or a consortium of such agencies, shall include the following:

“(1) DESCRIPTIONS.—A description of the activities and programming that the local educational agency, or consortium of such agencies, will carry out under this subpart, including a description of—

“(A) any partnership with an institution of higher education, business, nonprofit organization, community-based organization, or other public or private entity with a demonstrated record of success in implementing activities under this subpart;

“(B) if applicable, how funds will be used for activities related to supporting well-rounded education under section 4107;

“(C) if applicable, how funds will be used for activities related to supporting safe and healthy students under section 4108;

“(D) if applicable, how funds will be used for activities related to supporting the effective use of technology in schools under section 4109; and

“(E) the program objectives and intended outcomes for activities under this subpart, and how the local educational agency, or consortium of such agencies, will periodically evaluate the effectiveness of the activities carried out under this section based on such objectives and outcomes.

“(2) ASSURANCES.—Each application shall include assurances that the local educational agency, or consortium of such agencies, will—

“(A) prioritize the distribution of funds to schools served by the local educational agency, or consortium of such agencies, that—

“(i) are among the schools with the greatest needs, as determined by such local educational agency, or consortium;

“(ii) have the highest percentages or numbers of children counted under section 1124(c);

“(iii) are identified for comprehensive support and improvement under section 1111(c)(4)(D)(i);

“(iv) are implementing targeted support and improvement plans as described in section 1111(d)(2); or

“(v) are identified as a persistently dangerous public elementary school or secondary school under section 8532;

“(B) comply with section 8501 (regarding equitable participation by private school children and teachers);

“(C) use not less than 20 percent of funds received under this subpart to support one or more of the activities authorized under section 4107;

“(D) use not less than 20 percent of funds received under this subpart to support one or more activities authorized under section 4108;

“(E) use a portion of funds received under this subpart to support one or more activities authorized under section 4109(a), including an assurance that the local educational agency, or consortium of local educational agencies, will comply with section 4109(b); and

“(F) annually report to the State for inclusion in the report described in section 4104(a)(2) how funds are being used under this subpart to meet the requirements of subparagraphs (C) through (E).

“(f) SPECIAL RULE.—Any local educational agency receiving an allocation under section 4105(a)(1) in an amount less than \$30,000 shall be required to provide only one of the assurances described in subparagraphs (C), (D), and (E) of subsection (e)(2).

“SEC. 4107. ACTIVITIES TO SUPPORT WELL-ROUNDED EDUCATIONAL OPPORTUNITIES. 20 USC 7117.

“(a) IN GENERAL.—Subject to section 4106(f), each local educational agency, or consortium of such agencies, that receives an allocation under section 4105(a) shall use a portion of such funds to develop and implement programs and activities that support access to a well-rounded education and that—

“(1) are coordinated with other schools and community-based services and programs;

“(2) may be conducted in partnership with an institution of higher education, business, nonprofit organization, community-based organization, or other public or private entity with a demonstrated record of success in implementing activities under this section; and

“(3) may include programs and activities, such as—

“(A) college and career guidance and counseling programs, such as—

“(i) postsecondary education and career awareness and exploration activities;

“(ii) training counselors to effectively use labor market information in assisting students with postsecondary education and career planning; and

“(iii) financial literacy and Federal financial aid awareness activities;

“(B) programs and activities that use music and the arts as tools to support student success through the promotion of constructive student engagement, problem solving, and conflict resolution;

“(C) programming and activities to improve instruction and student engagement in science, technology, engineering, and mathematics, including computer science, (referred to in this section as ‘STEM subjects’) such as—

“(i) increasing access for students through grade 12 who are members of groups underrepresented in such subject fields, such as female students, minority students, English learners, children with disabilities, and economically disadvantaged students, to high-quality courses;

“(ii) supporting the participation of low-income students in nonprofit competitions related to STEM subjects (such as robotics, science research, invention, mathematics, computer science, and technology competitions);

“(iii) providing hands-on learning and exposure to science, technology, engineering, and mathematics and supporting the use of field-based or service learning to enhance the students’ understanding of the STEM subjects;

“(iv) supporting the creation and enhancement of STEM-focused specialty schools;

“(v) facilitating collaboration among school, after-school program, and informal program personnel to

improve the integration of programming and instruction in the identified subjects; and

“(vi) integrating other academic subjects, including the arts, into STEM subject programs to increase participation in STEM subjects, improve attainment of skills related to STEM subjects, and promote well-rounded education;

“(D) efforts to raise student academic achievement through accelerated learning programs described in section 4104(b)(3)(A)(i)(IV), such as—

“(i) reimbursing low-income students to cover part or all of the costs of accelerated learning examination fees, if the low-income students are enrolled in accelerated learning courses and plan to take accelerated learning examinations; or

“(ii) increasing the availability of, and enrollment in, accelerated learning courses, accelerated learning examinations, dual or concurrent enrollment programs, and early college high school courses;

“(E) activities to promote the development, implementation, and strengthening of programs to teach traditional American history, civics, economics, geography, or government education;

“(F) foreign language instruction;

“(G) environmental education;

“(H) programs and activities that promote volunteerism and community involvement;

“(I) programs and activities that support educational programs that integrate multiple disciplines, such as programs that combine arts and mathematics; or

“(J) other activities and programs to support student access to, and success in, a variety of well-rounded education experiences.

“(b) SPECIAL RULE.—A local educational agency, or consortium of such agencies, that receives a subgrant under this subpart for fiscal year 2017 may use such funds to cover part or all of the fees for accelerated learning examinations taken by low-income students during the 2016-2017 school year, in accordance with subsection (a)(3)(D).

20 USC 7118.

“SEC. 4108. ACTIVITIES TO SUPPORT SAFE AND HEALTHY STUDENTS.

“Subject to section 4106(f), each local educational agency, or consortium of such agencies, that receives an allocation under section 4105(a) shall use a portion of such funds to develop, implement, and evaluate comprehensive programs and activities that—

“(1) are coordinated with other schools and community-based services and programs;

“(2) foster safe, healthy, supportive, and drug-free environments that support student academic achievement;

“(3) promote the involvement of parents in the activity or program;

“(4) may be conducted in partnership with an institution of higher education, business, nonprofit organization, community-based organization, or other public or private entity with a demonstrated record of success in implementing activities described in this section; and

“(5) may include, among other programs and activities—

“(A) drug and violence prevention activities and programs that are evidence-based (to the extent the State, in consultation with local educational agencies in the State, determines that such evidence is reasonably available) including—

“(i) programs to educate students against the use of alcohol, tobacco, marijuana, smokeless tobacco products, and electronic cigarettes; and

“(ii) professional development and training for school and specialized instructional support personnel and interested community members in prevention, education, early identification, intervention mentoring, recovery support services and, where appropriate, rehabilitation referral, as related to drug and violence prevention;

“(B) in accordance with sections 4001 and 4111—

“(i) school-based mental health services, including early identification of mental health symptoms, drug use, and violence, and appropriate referrals to direct individual or group counseling services, which may be provided by school-based mental health services providers; and

“(ii) school-based mental health services partnership programs that—

“(I) are conducted in partnership with a public or private mental health entity or health care entity; and

“(II) provide comprehensive school-based mental health services and supports and staff development for school and community personnel working in the school that are—

“(aa) based on trauma-informed practices that are evidence-based (to the extent the State, in consultation with local educational agencies in the State, determines that such evidence is reasonably available);

“(bb) coordinated (where appropriate) with early intervening services provided under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.); and

“(cc) provided by qualified mental and behavioral health professionals who are certified or licensed by the State involved and practicing within their area of expertise;

“(C) programs or activities that—

“(i) integrate health and safety practices into school or athletic programs;

“(ii) support a healthy, active lifestyle, including nutritional education and regular, structured physical education activities and programs, that may address chronic disease management with instruction led by school nurses, nurse practitioners, or other appropriate specialists or professionals to help maintain the well-being of students;

“(iii) help prevent bullying and harassment;

“(iv) improve instructional practices for developing relationship-building skills, such as effective communication, and improve safety through the recognition and prevention of coercion, violence, or abuse, including teen and dating violence, stalking, domestic abuse, and sexual violence and harassment;

“(v) provide mentoring and school counseling to all students, including children who are at risk of academic failure, dropping out of school, involvement in criminal or delinquent activities, or drug use and abuse;

“(vi) establish or improve school dropout and re-entry programs; or

“(vii) establish learning environments and enhance students’ effective learning skills that are essential for school readiness and academic success, such as by providing integrated systems of student and family supports;

“(D) high-quality training for school personnel, including specialized instructional support personnel, related to—

“(i) suicide prevention;

“(ii) effective and trauma-informed practices in classroom management;

“(iii) crisis management and conflict resolution techniques;

“(iv) human trafficking (defined, for purposes of this subparagraph, as an act or practice described in paragraph (9) or (10) of section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102));

“(v) school-based violence prevention strategies;

“(vi) drug abuse prevention, including educating children facing substance abuse at home; and

“(vii) bullying and harassment prevention;

“(E) in accordance with sections 4001 and 4111, child sexual abuse awareness and prevention programs or activities, such as programs or activities designed to provide—

“(i) age-appropriate and developmentally-appropriate instruction for students in child sexual abuse awareness and prevention, including how to recognize child sexual abuse and how to safely report child sexual abuse; and

“(ii) information to parents and guardians of students about child sexual abuse awareness and prevention, including how to recognize child sexual abuse and how to discuss child sexual abuse with a child;

“(F) designing and implementing a locally-tailored plan to reduce exclusionary discipline practices in elementary and secondary schools that—

“(i) is consistent with best practices;

“(ii) includes strategies that are evidence-based (to the extent the State, in consultation with local educational agencies in the State, determines that such evidence is reasonably available); and

“(iii) is aligned with the long-term goal of prison reduction through opportunities, mentoring, intervention, support, and other education services, referred to as a ‘youth PROMISE plan’; or

“(G) implementation of schoolwide positive behavioral interventions and supports, including through coordination with similar activities carried out under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), in order to improve academic outcomes and school conditions for student learning;

“(H) designating a site resource coordinator at a school or local educational agency to provide a variety of services, such as—

“(i) establishing partnerships within the community to provide resources and support for schools;

“(ii) ensuring that all service and community partners are aligned with the academic expectations of a community school in order to improve student success; and

“(iii) strengthening relationships between schools and communities; or

“(I) pay for success initiatives aligned with the purposes of this section.

“SEC. 4109. ACTIVITIES TO SUPPORT THE EFFECTIVE USE OF TECHNOLOGY. 20 USC 7119.

“(a) USES OF FUNDS.—Subject to section 4106(f), each local educational agency, or consortium of such agencies, that receives an allocation under section 4015(a) shall use a portion of such funds to improve the use of technology to improve the academic achievement, academic growth, and digital literacy of all students, including by meeting the needs of such agency or consortium that are identified in the needs assessment conducted under section 4106(d) (if applicable), which may include—

“(1) providing educators, school leaders, and administrators with the professional learning tools, devices, content, and resources to—

“(A) personalize learning to improve student academic achievement;

“(B) discover, adapt, and share relevant high-quality educational resources;

“(C) use technology effectively in the classroom, including by administering computer-based assessments and blended learning strategies; and

“(D) implement and support school- and district-wide approaches for using technology to inform instruction, support teacher collaboration, and personalize learning;

“(2) building technological capacity and infrastructure, which may include—

“(A) procuring content and ensuring content quality; and

“(B) purchasing devices, equipment, and software applications in order to address readiness shortfalls;

“(3) developing or using effective or innovative strategies for the delivery of specialized or rigorous academic courses and curricula through the use of technology, including digital learning technologies and assistive technology;

“(4) carrying out blended learning projects, which shall include—

“(A) planning activities, which may include development of new instructional models (including blended learning technology software and platforms), the purchase of digital instructional resources, initial professional development activities, and one-time information technology purchases, except that such expenditures may not include expenditures related to significant construction or renovation of facilities; or

“(B) ongoing professional development for teachers, principals, other school leaders, or other personnel involved in the project that is designed to support the implementation and academic success of the project;

“(5) providing professional development in the use of technology (which may be provided through partnerships with outside organizations) to enable teachers and instructional leaders to increase student achievement in the areas of science, technology, engineering, and mathematics, including computer science; and

“(6) providing students in rural, remote, and underserved areas with the resources to take advantage of high-quality digital learning experiences, digital resources, and access to online courses taught by effective educators.

“(b) SPECIAL RULE.—A local educational agency, or consortium of such agencies, shall not use more than 15 percent of funds for purchasing technology infrastructure as described in subsection (a)(2)(B), which shall include technology infrastructure purchased for the activities under subsection (a)(4)(A).

20 USC 7120.

“SEC. 4110. SUPPLEMENT, NOT SUPPLANT.

“Funds made available under this subpart shall be used to supplement, and not supplant, non-Federal funds that would otherwise be used for activities authorized under this subpart.

20 USC 7121.

“SEC. 4111. RULE OF CONSTRUCTION.

“Nothing in this subpart may be construed to—

“(1) authorize activities or programming that encourages teenage sexual activity; or

“(2) prohibit effective activities or programming that meet the requirements of section 8526.

20 USC 7122.

“SEC. 4112. AUTHORIZATION OF APPROPRIATIONS.

“(a) IN GENERAL.—There are authorized to be appropriated to carry out this subpart \$1,650,000,000 for fiscal year 2017 and \$1,600,000,000 for each of fiscal years 2018 through 2020.

“(b) FORWARD FUNDING.—Section 420 of the General Education Provisions Act (20 U.S.C. 1223) shall apply to this subpart.”.

PART B—21ST CENTURY COMMUNITY LEARNING CENTERS

SEC. 4201. 21ST CENTURY COMMUNITY LEARNING CENTERS.

(a) PROGRAM AUTHORIZED.—Part B of title IV (20 U.S.C. 7171 et seq.) is amended to read as follows:

“PART B—21ST CENTURY COMMUNITY LEARNING CENTERS

“SEC. 4201. PURPOSE; DEFINITIONS.

“(a) PURPOSE.—The purpose of this part is to provide opportunities for communities to establish or expand activities in community learning centers that—

“(1) provide opportunities for academic enrichment, including providing tutorial services to help students, particularly students who attend low-performing schools, to meet the challenging State academic standards;

“(2) offer students a broad array of additional services, programs, and activities, such as youth development activities, service learning, nutrition and health education, drug and violence prevention programs, counseling programs, arts, music, physical fitness and wellness programs, technology education programs, financial literacy programs, environmental literacy programs, mathematics, science, career and technical programs, internship or apprenticeship programs, and other ties to an in-demand industry sector or occupation for high school students that are designed to reinforce and complement the regular academic program of participating students; and

“(3) offer families of students served by community learning centers opportunities for active and meaningful engagement in their children’s education, including opportunities for literacy and related educational development.

“(b) DEFINITIONS.—In this part:

“(1) COMMUNITY LEARNING CENTER.—The term ‘community learning center’ means an entity that—

“(A) assists students to meet the challenging State academic standards by providing the students with academic enrichment activities and a broad array of other activities (such as programs and activities described in subsection (a)(2)) during nonschool hours or periods when school is not in session (such as before and after school or during summer recess) that—

“(i) reinforce and complement the regular academic programs of the schools attended by the students served; and

“(ii) are targeted to the students’ academic needs and aligned with the instruction students receive during the school day; and

“(B) offers families of students served by such center opportunities for active and meaningful engagement in their children’s education, including opportunities for literacy and related educational development.

“(2) COVERED PROGRAM.—The term ‘covered program’ means a program for which—

“(A) the Secretary made a grant under this part (as this part was in effect on the day before the effective date of this part under the Every Student Succeeds Act); and

“(B) the grant period had not ended on that effective date.

“(3) ELIGIBLE ENTITY.—The term ‘eligible entity’ means a local educational agency, community-based organization, Indian

tribe or tribal organization (as such terms are defined in section 4 of the Indian Self-Determination and Education Act (25 U.S.C. 450b)), another public or private entity, or a consortium of 2 or more such agencies, organizations, or entities.

“(4) EXTERNAL ORGANIZATION.—The term ‘external organization’ means—

“(A) a nonprofit organization with a record of success in running or working with before and after school (or summer recess) programs and activities; or

“(B) in the case of a community where there is no such organization, a nonprofit organization in the community that enters into a written agreement or partnership with an organization described in subparagraph (A) to receive mentoring and guidance in running or working with before and after school (or summer recess) programs and activities.

“(5) RIGOROUS PEER-REVIEW PROCESS.—The term ‘rigorous peer-review process’ means a process by which—

“(A) employees of a State educational agency who are familiar with the programs and activities assisted under this part review all applications that the State receives for awards under this part for completeness and applicant eligibility;

“(B) the State educational agency selects peer reviewers for such applications, who shall—

“(i) be selected for their expertise in providing effective academic, enrichment, youth development, and related services to children; and

“(ii) not include any applicant, or representative of an applicant, that has submitted an application under this part for the current application period; and

“(C) the peer reviewers described in subparagraph (B) review and rate the applications to determine the extent to which the applications meet the requirements under sections 4204(b) and 4205.

“(6) STATE.—The term ‘State’ means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

“SEC. 4202. ALLOTMENTS TO STATES.

“(a) RESERVATION.—From the funds appropriated under section 4206 for any fiscal year, the Secretary shall reserve—

“(1) such amounts as may be necessary to make continuation awards to subgrant recipients under covered programs (under the terms of those grants);

“(2) not more than 1 percent for national activities, which the Secretary may carry out directly or through grants and contracts, such as providing technical assistance to eligible entities carrying out programs under this part or conducting a national evaluation; and

“(3) not more than 1 percent for payments to the outlying areas and the Bureau of Indian Education, to be allotted in accordance with their respective needs for assistance under this part, as determined by the Secretary, to enable the outlying areas and the Bureau to carry out the purpose of this part.

“(b) STATE ALLOTMENTS.—

“(1) DETERMINATION.—From the funds appropriated under section 4206 for any fiscal year and remaining after the Secretary makes reservations under subsection (a), the Secretary shall allot to each State for the fiscal year an amount that bears the same relationship to the remainder as the amount the State received under subpart 2 of part A of title I for the preceding fiscal year bears to the amount all States received under that subpart for the preceding fiscal year, except that no State shall receive less than an amount equal to one-half of 1 percent of the total amount made available to all States under this subsection.

“(2) REALLOTMENT OF UNUSED FUNDS.—If a State does not receive an allotment under this part for a fiscal year, the Secretary shall reallocate the amount of the State’s allotment to the remaining States in accordance with this part.

“(c) STATE USE OF FUNDS.—

“(1) IN GENERAL.—Each State that receives an allotment under this part shall reserve not less than 93 percent of the amount allotted to such State under subsection (b), for each fiscal year for awards to eligible entities under section 4204.

“(2) STATE ADMINISTRATION.—A State educational agency may use not more than 2 percent of the amount made available to the State under subsection (b) for—

“(A) the administrative costs of carrying out its responsibilities under this part;

“(B) establishing and implementing a rigorous peer-review process for subgrant applications described in section 4204(b) (including consultation with the Governor and other State agencies responsible for administering youth development programs and adult learning activities); and

“(C) awarding of funds to eligible entities (in consultation with the Governor and other State agencies responsible for administering youth development programs and adult learning activities).

“(3) STATE ACTIVITIES.—A State educational agency may use not more than 5 percent of the amount made available to the State under subsection (b) for the following activities:

“(A) Monitoring and evaluating programs and activities assisted under this part.

“(B) Providing capacity building, training, and technical assistance under this part.

“(C) Conducting a comprehensive evaluation (directly, or through a grant or contract) of the effectiveness of programs and activities assisted under this part.

“(D) Providing training and technical assistance to eligible entities that are applicants for or recipients of awards under this part.

“(E) Ensuring that any eligible entity that receives an award under this part from the State aligns the activities provided by the program with the challenging State academic standards.

“(F) Ensuring that any such eligible entity identifies and partners with external organizations, if available, in the community.

“(G) Working with teachers, principals, parents, the local workforce, the local community, and other stakeholders to review and improve State policies and practices

to support the implementation of effective programs under this part.

“(H) Coordinating funds received under this part with other Federal and State funds to implement high-quality programs.

“(I) Providing a list of prescreened external organizations, as described under section 4203(a)(11).

“SEC. 4203. STATE APPLICATION.

“(a) IN GENERAL.—In order to receive an allotment under section 4202 for any fiscal year, a State shall submit to the Secretary, at such time as the Secretary may require, an application that—

“(1) designates the State educational agency as the agency responsible for the administration and supervision of programs assisted under this part;

“(2) describes how the State educational agency will use funds received under this part, including funds reserved for State-level activities;

“(3) contains an assurance that the State educational agency—

“(A) will make awards under this part to eligible entities that serve—

“(i) students who primarily attend—

“(I) schools implementing comprehensive support and improvement activities or targeted support and improvement activities under section 1111(d); and

“(II) other schools determined by the local educational agency to be in need of intervention and support; and

“(ii) the families of such students; and

“(B) will further give priority to eligible entities that propose in the application to serve students described in subclauses (I) and (II) of section 4204(i)(1)(A)(i);

“(4) describes the procedures and criteria the State educational agency will use for reviewing applications and awarding funds to eligible entities on a competitive basis, which shall include procedures and criteria that take into consideration the likelihood that a proposed community learning center will help participating students meet the challenging State academic standards and any local academic standards;

“(5) describes how the State educational agency will ensure that awards made under this part are—

“(A) of sufficient size and scope to support high-quality, effective programs that are consistent with the purpose of this part; and

“(B) in amounts that are consistent with section 4204(h);

“(6) describes the steps the State educational agency will take to ensure that programs implement effective strategies, including providing ongoing technical assistance and training, evaluation, dissemination of promising practices, and coordination of professional development for staff in specific content areas and youth development;

“(7) describes how programs under this part will be coordinated with programs under this Act, and other programs as appropriate;

“(8) contains an assurance that the State educational agency—

“(A) will make awards for programs for a period of not less than 3 years and not more than 5 years; and

“(B) will require each eligible entity seeking such an award to submit a plan describing how the activities to be funded through the award will continue after funding under this part ends;

“(9) contains an assurance that funds appropriated to carry out this part will be used to supplement, and not supplant, other Federal, State, and local public funds expended to provide programs and activities authorized under this part and other similar programs;

“(10) contains an assurance that the State educational agency will require eligible entities to describe in their applications under section 4204(b) how the transportation needs of participating students will be addressed;

“(11) describes how the State will—

“(A) prescreen external organizations that could provide assistance in carrying out the activities under this part; and

“(B) develop and make available to eligible entities a list of external organizations that successfully completed the prescreening process;

“(12) provides—

“(A) an assurance that the application was developed in consultation and coordination with appropriate State officials, including the chief State school officer, and other State agencies administering before and after school (or summer recess) programs and activities, the heads of the State health and mental health agencies or their designees, statewide after-school networks (where applicable) and representatives of teachers, local educational agencies, and community-based organizations; and

“(B) a description of any other representatives of teachers, parents, students, or the business community that the State has selected to assist in the development of the application, if applicable;

“(13) describes the results of the State’s needs and resources assessment for before and after school (or summer recess) programs and activities, which shall be based on the results of on-going State evaluation activities;

“(14) describes how the State educational agency will evaluate the effectiveness of programs and activities carried out under this part, which shall include, at a minimum—

“(A) a description of the performance indicators and performance measures that will be used to evaluate programs and activities with emphasis on alignment with the regular academic program of the school and the academic needs of participating students, including performance indicators and measures that—

“(i) are able to track student success and improvement over time;

“(ii) include State assessment results and other indicators of student success and improvement, such as improved attendance during the school day, better classroom grades, regular (or consistent) program

attendance, and on-time advancement to the next grade level; and

“(iii) for high school students, may include indicators such as career competencies, successful completion of internships or apprenticeships, or work-based learning opportunities;

“(B) a description of how data collected for the purposes of subparagraph (A) will be collected; and

“(C) public dissemination of the evaluations of programs and activities carried out under this part; and

“(15) provides for timely public notice of intent to file an application and an assurance that the application will be available for public review after submission.

“(b) DEEMED APPROVAL.—An application submitted by a State educational agency pursuant to subsection (a) shall be deemed to be approved by the Secretary unless the Secretary makes a written determination, prior to the expiration of the 120-day period beginning on the date on which the Secretary received the application, that the application is not in compliance with this part.

“(c) DISAPPROVAL.—The Secretary shall not finally disapprove the application, except after giving the State educational agency notice and an opportunity for a hearing.

“(d) NOTIFICATION.—If the Secretary finds that the application is not in compliance, in whole or in part, with this part, the Secretary shall—

“(1) give the State educational agency notice and an opportunity for a hearing; and

“(2) notify the State educational agency of the finding of noncompliance and, in such notification—

“(A) cite the specific provisions in the application that are not in compliance; and

“(B) request additional information, only as to the non-compliant provisions, needed to make the application compliant.

“(e) RESPONSE.—If the State educational agency responds to the Secretary’s notification described in subsection (d)(2) during the 45-day period beginning on the date on which the agency received the notification, and resubmits the application with the requested information described in subsection (d)(2)(B), the Secretary shall approve or disapprove such application prior to the later of—

“(1) the expiration of the 45-day period beginning on the date on which the application is resubmitted; or

“(2) the expiration of the 120-day period described in subsection (b).

“(f) FAILURE TO RESPOND.—If the State educational agency does not respond to the Secretary’s notification described in subsection (d)(2) during the 45-day period beginning on the date on which the agency received the notification, such application shall be deemed to be disapproved.

“(g) LIMITATION.—The Secretary may not give a priority or a preference for States or eligible entities that seek to use funds made available under this part to extend the regular school day.

“SEC. 4204. LOCAL COMPETITIVE SUBGRANT PROGRAM.

“(a) IN GENERAL.—

“(1) COMMUNITY LEARNING CENTERS.—A State that receives funds under this part for a fiscal year shall provide the amount made available under section 4202(c)(1) to award subgrants to eligible entities for community learning centers in accordance with this part.

“(2) EXPANDED LEARNING PROGRAM ACTIVITIES.—A State that receives funds under this part for a fiscal year may use funds under section 4202(c)(1) to support those enrichment and engaging academic activities described in section 4205(a) that—

“(A) are included as part of an expanded learning program that provides students at least 300 additional program hours before, during, or after the traditional school day;

“(B) supplement but do not supplant regular school day requirements; and

“(C) are carried out by entities that meet the requirements of subsection (i).

“(b) APPLICATION.—

“(1) IN GENERAL.—To be eligible to receive a subgrant under this part, an eligible entity shall submit an application to the State educational agency at such time, in such manner, and including such information as the State educational agency may reasonably require.

“(2) CONTENTS.—Each application submitted under paragraph (1) shall include—

“(A) a description of the activities to be funded, including—

“(i) an assurance that the program will take place in a safe and easily accessible facility;

“(ii) a description of how students participating in the program carried out by the community learning center will travel safely to and from the center and home, if applicable; and

“(iii) a description of how the eligible entity will disseminate information about the community learning center (including its location) to the community in a manner that is understandable and accessible;

“(B) a description of how such activities are expected to improve student academic achievement as well as overall student success;

“(C) a demonstration of how the proposed program will coordinate Federal, State, and local programs and make the most effective use of public resources;

“(D) an assurance that the proposed program was developed and will be carried out—

“(i) in active collaboration with the schools that participating students attend (including through the sharing of relevant data among the schools), all participants of the eligible entity, and any partnership entities described in subparagraph (H), in compliance with applicable laws relating to privacy and confidentiality; and

“(ii) in alignment with the challenging State academic standards and any local academic standards;

“(E) a description of how the activities will meet the measures of effectiveness described in section 4205(b);

“(F) an assurance that the program will target students who primarily attend schools eligible for schoolwide programs under section 1114 and the families of such students;

“(G) an assurance that subgrant funds under this part will be used to increase the level of State, local, and other non-Federal funds that would, in the absence of funds under this part, be made available for programs and activities authorized under this part, and in no case supplant Federal, State, local, or non-Federal funds;

“(H) a description of the partnership between a local educational agency, a community-based organization, and another public entity or private entity, if appropriate;

“(I) an evaluation of the community needs and available resources for the community learning center, and a description of how the program proposed to be carried out in the center will address those needs (including the needs of working families);

“(J) a demonstration that the eligible entity will use best practices, including research or evidence-based practices, to provide educational and related activities that will complement and enhance academic performance, achievement, postsecondary and workforce preparation, and positive youth development of the students;

“(K) a description of a preliminary plan for how the community learning center will continue after funding under this part ends;

“(L) an assurance that the community will be given notice of an intent to submit an application and that the application and any waiver request will be available for public review after submission of the application;

“(M) if the eligible entity plans to use volunteers in activities carried out through the community learning center, a description of how the eligible entity will encourage and use appropriately qualified persons to serve as the volunteers; and

“(N) such other information and assurances as the State educational agency may reasonably require.

“(c) APPROVAL OF CERTAIN APPLICATIONS.—The State educational agency may approve an application under this part for a program to be located in a facility other than an elementary school or secondary school only if the program will be at least as available and accessible to the students to be served as if the program were located in an elementary school or secondary school.

“(d) PERMISSIVE LOCAL MATCH.—

“(1) IN GENERAL.—A State educational agency may require an eligible entity to match subgrant funds awarded under this part, except that such match may not exceed the amount of the subgrant and may not be derived from other Federal or State funds.

“(2) SLIDING SCALE.—The amount of a match under paragraph (1) shall be established based on a sliding scale that takes into account—

“(A) the relative poverty of the population to be targeted by the eligible entity; and

“(B) the ability of the eligible entity to obtain such matching funds.

“(3) IN-KIND CONTRIBUTIONS.—Each State educational agency that requires an eligible entity to match funds under this subsection shall permit the eligible entity to provide all or any portion of such match in the form of in-kind contributions.

“(4) CONSIDERATION.—Notwithstanding this subsection, a State educational agency shall not consider an eligible entity’s ability to match funds when determining which eligible entities will receive subgrants under this part.

“(e) PEER REVIEW.—In reviewing local applications under this part, a State educational agency shall use a rigorous peer-review process or other methods to ensure the quality of funded projects.

“(f) GEOGRAPHIC DIVERSITY.—To the extent practicable, a State educational agency shall distribute subgrant funds under this part equitably among geographic areas within the State, including urban and rural communities.

“(g) DURATION OF AWARDS.—A subgrant awarded under this part shall be awarded for a period of not less than 3 years and not more than 5 years.

“(h) AMOUNT OF AWARDS.—A subgrant awarded under this part may not be made in an amount that is less than \$50,000.

“(i) PRIORITY.—

“(1) IN GENERAL.—In awarding subgrants under this part, a State educational agency shall give priority to applications—

“(A) proposing to target services to—

“(i) students who primarily attend schools that—

“(I) are implementing comprehensive support and improvement activities or targeted support and improvement activities under section 1111(d) or other schools determined by the local educational agency to be in need of intervention and support to improve student academic achievement and other outcomes; and

“(II) enroll students who may be at risk for academic failure, dropping out of school, involvement in criminal or delinquent activities, or who lack strong positive role models; and

“(ii) the families of students described in clause

(i);

“(B) submitted jointly by eligible entities consisting of not less than 1—

“(i) local educational agency receiving funds under part A of title I; and

“(ii) another eligible entity; and

“(C) demonstrating that the activities proposed in the application—

“(i) are, as of the date of the submission of the application, not accessible to students who would be served; or

“(ii) would expand accessibility to high-quality services that may be available in the community.

“(2) SPECIAL RULE.—The State educational agency shall provide the same priority under paragraph (1) to an application submitted by a local educational agency if the local educational agency demonstrates that it is unable to partner with a community-based organization in reasonable geographic proximity and of sufficient quality to meet the requirements of this part.

“(3) LIMITATION.—A State educational agency may not give a priority or a preference to eligible entities that seek to use funds made available under this part to extend the regular school day.

“(j) RENEWABILITY OF AWARDS.—A State educational agency may renew a subgrant provided under this part to an eligible entity, based on the eligible entity’s performance during the preceding subgrant period.

“SEC. 4205. LOCAL ACTIVITIES.

“(a) AUTHORIZED ACTIVITIES.—Each eligible entity that receives an award under section 4204 may use the award funds to carry out a broad array of activities that advance student academic achievement and support student success, including—

“(1) academic enrichment learning programs, mentoring programs, remedial education activities, and tutoring services, that are aligned with—

“(A) the challenging State academic standards and any local academic standards; and

“(B) local curricula that are designed to improve student academic achievement;

“(2) well-rounded education activities, including such activities that enable students to be eligible for credit recovery or attainment;

“(3) literacy education programs, including financial literacy programs and environmental literacy programs;

“(4) programs that support a healthy and active lifestyle, including nutritional education and regular, structured physical activity programs;

“(5) services for individuals with disabilities;

“(6) programs that provide after-school activities for students who are English learners that emphasize language skills and academic achievement;

“(7) cultural programs;

“(8) telecommunications and technology education programs;

“(9) expanded library service hours;

“(10) parenting skills programs that promote parental involvement and family literacy;

“(11) programs that provide assistance to students who have been truant, suspended, or expelled to allow the students to improve their academic achievement;

“(12) drug and violence prevention programs and counseling programs;

“(13) programs that build skills in science, technology, engineering, and mathematics (referred to in this paragraph as ‘STEM’), including computer science, and that foster innovation in learning by supporting nontraditional STEM education teaching methods; and

“(14) programs that partner with in-demand fields of the local workforce or build career competencies and career readiness and ensure that local workforce and career readiness skills are aligned with the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.) and the Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.).

“(b) MEASURES OF EFFECTIVENESS.—

“(1) IN GENERAL.—For a program or activity developed pursuant to this part to meet the measures of effectiveness, monitored by the State educational agency as described in section 4203(a)(14), such program or activity shall—

“(A) be based upon an assessment of objective data regarding the need for before and after school (or summer recess) programs and activities in the schools and communities;

“(B) be based upon an established set of performance measures aimed at ensuring the availability of high-quality academic enrichment opportunities;

“(C) if appropriate, be based upon evidence-based research that the program or activity will help students meet the challenging State academic standards and any local academic standards;

“(D) ensure that measures of student success align with the regular academic program of the school and the academic needs of participating students and include performance indicators and measures described in section 4203(a)(14)(A); and

“(E) collect the data necessary for the measures of student success described in subparagraph (D).

“(2) PERIODIC EVALUATION.—

“(A) IN GENERAL.—The program or activity shall undergo a periodic evaluation in conjunction with the State educational agency’s overall evaluation plan as described in section 4203(a)(14), to assess the program’s progress toward achieving the goal of providing high-quality opportunities for academic enrichment and overall student success.

“(B) USE OF RESULTS.—The results of evaluations under subparagraph (A) shall be—

“(i) used to refine, improve, and strengthen the program or activity, and to refine the performance measures;

“(ii) made available to the public upon request, with public notice of such availability provided; and

“(iii) used by the State to determine whether a subgrant is eligible to be renewed under section 4204(j).

“SEC. 4206. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this part \$1,000,000,000 for fiscal year 2017 and \$1,100,000,000 for each of fiscal years 2018 through 2020.”.

PART C—EXPANDING OPPORTUNITY THROUGH QUALITY CHARTER SCHOOLS

SEC. 4301. CHARTER SCHOOLS.

Part C of title IV (20 U.S.C. 7221 et seq.), as redesignated by section 4001, is amended—

(1) by striking sections 4301 through 4305, as redesignated by section 4001, and inserting the following:

20 USC 7221,
7221a–7221d.

“SEC. 4301. PURPOSE.

20 USC 7221.

“It is the purpose of this part to—

“(1) improve the United States education system and education opportunities for all people in the United States by supporting innovation in public education in public school settings that prepare students to compete and contribute to the global economy and a stronger Nation;

“(2) provide financial assistance for the planning, program design, and initial implementation of charter schools;

“(3) increase the number of high-quality charter schools available to students across the United States;

“(4) evaluate the impact of charter schools on student achievement, families, and communities, and share best practices between charter schools and other public schools;

“(5) encourage States to provide support to charter schools for facilities financing in an amount more nearly commensurate to the amount States typically provide for traditional public schools;

“(6) expand opportunities for children with disabilities, English learners, and other traditionally underserved students to attend charter schools and meet the challenging State academic standards;

“(7) support efforts to strengthen the charter school authorizing process to improve performance management, including transparency, oversight and monitoring (including financial audits), and evaluation of such schools; and

“(8) support quality, accountability, and transparency in the operational performance of all authorized public chartering agencies, including State educational agencies, local educational agencies, and other authorizing entities.

20 USC 7221a.

“SEC. 4302. PROGRAM AUTHORIZED.

“(a) IN GENERAL.—The Secretary may carry out a charter school program that supports charter schools that serve early childhood, elementary school, or secondary school students by—

“(1) supporting the startup of new charter schools, the replication of high-quality charter schools, and the expansion of high-quality charter schools;

“(2) assisting charter schools in accessing credit to acquire and renovate facilities for school use; and

“(3) carrying out national activities to support—

“(A) the activities described in paragraph (1);

“(B) the dissemination of best practices of charter schools for all schools;

“(C) the evaluation of the impact of the charter school program under this part on schools participating in such program; and

“(D) stronger charter school authorizing practices.

“(b) FUNDING ALLOTMENT.—From the amount made available under section 4311 for a fiscal year, the Secretary shall—

“(1) reserve 12.5 percent to support charter school facilities assistance under section 4304;

“(2) reserve 22.5 percent to carry out national activities under section 4305; and

“(3) use the remaining amount after the reservations under paragraphs (1) and (2) to carry out section 4303.

“(c) PRIOR GRANTS AND SUBGRANTS.—The recipient of a grant or subgrant under part B of title V (as such part was in effect on the day before the date of enactment of the Every Student

Succeeds Act) shall continue to receive funds in accordance with the terms and conditions of such grant or subgrant.

“SEC. 4303. GRANTS TO SUPPORT HIGH-QUALITY CHARTER SCHOOLS. 20 USC 7221b.

“(a) STATE ENTITY DEFINED.—For purposes of this section, the term ‘State entity’ means—

- “(1) a State educational agency;
- “(2) a State charter school board;
- “(3) a Governor of a State; or
- “(4) a charter school support organization.

“(b) PROGRAM AUTHORIZED.—From the amount available under section 4302(b)(3), the Secretary shall award, on a competitive basis, grants to State entities having applications approved under subsection (f) to enable such entities to—

“(1) award subgrants to eligible applicants to enable eligible applicants to—

“(A) open and prepare for the operation of new charter schools;

“(B) open and prepare for the operation of replicated high-quality charter schools; or

“(C) expand high-quality charter schools; and

“(2) provide technical assistance to eligible applicants and authorized public chartering agencies in carrying out the activities described in paragraph (1), and work with authorized public chartering agencies in the State to improve authorizing quality, including developing capacity for, and conducting, fiscal oversight and auditing of charter schools.

“(c) STATE ENTITY USES OF FUNDS.—

“(1) IN GENERAL.—A State entity receiving a grant under this section shall—

“(A) use not less than 90 percent of the grant funds to award subgrants to eligible applicants, in accordance with the quality charter school program described in the State entity’s application pursuant to subsection (f), for the purposes described in subsection (b)(1);

“(B) reserve not less than 7 percent of such funds to carry out the activities described in subsection (b)(2); and

“(C) reserve not more than 3 percent of such funds for administrative costs, which may include technical assistance.

“(2) CONTRACTS AND GRANTS.—A State entity may use a grant received under this section to carry out the activities described in subsection (b)(2) directly or through grants, contracts, or cooperative agreements.

“(3) RULE OF CONSTRUCTION.—

“(A) USE OF LOTTERY.—Nothing in this Act shall prohibit the Secretary from awarding grants to State entities, or prohibit State entities from awarding subgrants to eligible applicants, that use a weighted lottery to give slightly better chances for admission to all, or a subset of, educationally disadvantaged students if—

“(i) the use of weighted lotteries in favor of such students is not prohibited by State law, and such State law is consistent with laws described in section 4310(2)(G); and

“(ii) such weighted lotteries are not used for the purpose of creating schools exclusively to serve a particular subset of students.

“(B) STUDENTS WITH SPECIAL NEEDS.—Nothing in this paragraph shall be construed to prohibit schools from specializing in providing specific services for students with a demonstrated need for such services, such as students who need specialized instruction in reading, spelling, or writing.

“(d) PROGRAM PERIODS; PEER REVIEW; DISTRIBUTION OF SUBGRANTS; WAIVERS.—

“(1) PROGRAM PERIODS.—

“(A) GRANTS.—A grant awarded by the Secretary to a State entity under this section shall be for a period of not more than 5 years.

“(B) SUBGRANTS.—A subgrant awarded by a State entity under this section shall be for a period of not more than 5 years, of which an eligible applicant may use not more than 18 months for planning and program design.

“(2) PEER REVIEW.—The Secretary, and each State entity awarding subgrants under this section, shall use a peer-review process to review applications for assistance under this section.

“(3) GRANT AWARDS.—

“(A) IN GENERAL.—The Secretary—

“(i) shall for each fiscal year for which funds are appropriated under section 4311—

“(I) award not less than 3 grants under this section; and

“(II) fully obligate the first 2 years of funds appropriated for the purpose of awarding grants under this section in the first fiscal year for which such grants are awarded; and

“(ii) prior to the start of the third year of the grant period and each succeeding year of each grant awarded under this section to a State entity—

“(I) shall review—

“(aa) whether the State entity is using the grant funds for the agreed upon uses of funds; and

“(bb) whether the full amount of the grant will be needed for the remainder of the grant period; and

“(II) may, as determined necessary based on that review, terminate or reduce the amount of the grant and reallocate the remaining grant funds to other State entities—

“(aa) by using such funds to award grants under this section to other State entities; or

“(bb) in a fiscal year in which the amount of such remaining funds is insufficient to award grants under item (aa), in accordance with subparagraph (B).

“(B) REMAINING FUNDING.—For a fiscal year for which there are remaining grant funds under this paragraph, but the amount of such funds is insufficient to award a grant to a State entity under this section, the Secretary shall use such remaining grants funds—

“(i) to supplement funding for grants under section 4305(a)(2), but not to supplant—

“(I) the funds reserved under section 4305(a)(2); and

“(II) funds otherwise reserved under section 4302(b)(2) to carry out national activities under section 4305;

“(ii) to award grants to State entities to carry out the activities described in subsection (b)(1) for the next fiscal year; or

“(iii) to award one year of a grant under subsection (b)(1) to a high-scoring State entity, in an amount at or above the minimum amount the State entity needs to be successful for such year.

“(4) DIVERSITY OF PROJECTS.—Each State entity awarding subgrants under this section shall award subgrants in a manner that, to the extent practicable and applicable, ensures that such subgrants—

“(A) are distributed throughout different areas, including urban, suburban, and rural areas; and

“(B) will assist charter schools representing a variety of educational approaches.

“(5) WAIVERS.—The Secretary may waive any statutory or regulatory requirement over which the Secretary exercises administrative authority, except any such requirement relating to the elements of a charter school described in section 4310(2), if—

“(A) the waiver is requested in an approved application under this section; and

“(B) the Secretary determines that granting such waiver will promote the purpose of this part.

“(e) LIMITATIONS.—

“(1) GRANTS.—No State entity may receive a grant under this section for use in a State in which a State entity is currently using a grant received under this section.

“(2) SUBGRANTS.—An eligible applicant may not receive more than 1 subgrant under this section for each individual charter school for a 5-year period, unless the eligible applicant demonstrates to the State entity that such individual charter school has at least 3 years of improved educational results for students enrolled in such charter school with respect to the elements described in subparagraphs (A) and (D) of section 4310(8).

“(f) APPLICATIONS.—A State entity desiring to receive a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require. The application shall include the following:

“(1) DESCRIPTION OF PROGRAM.—A description of the State entity’s objectives in running a quality charter school program under this section and how the objectives of the program will be carried out, including—

“(A) a description of how the State entity will—

“(i) support the opening of charter schools through the startup of new charter schools and, if applicable, the replication of high-quality charter schools, and the expansion of high-quality charter schools (including the proposed number of new charter schools to be

opened, high-quality charter schools to be opened as a result of the replication of a high-quality charter school, or high-quality charter schools to be expanded under the State entity's program);

“(ii) inform eligible charter schools, developers, and authorized public chartering agencies of the availability of funds under the program;

“(iii) work with eligible applicants to ensure that the eligible applicants access all Federal funds that such applicants are eligible to receive, and help the charter schools supported by the applicants and the students attending those charter schools—

“(I) participate in the Federal programs in which the schools and students are eligible to participate;

“(II) receive the commensurate share of Federal funds the schools and students are eligible to receive under such programs; and

“(III) meet the needs of students served under such programs, including students with disabilities and English learners;

“(iv) ensure that authorized public chartering agencies, in collaboration with surrounding local educational agencies where applicable, establish clear plans and procedures to assist students enrolled in a charter school that closes or loses its charter to attend other high-quality schools;

“(v) in the case of a State entity that is not a State educational agency—

“(I) work with the State educational agency and charter schools in the State to maximize charter school participation in Federal and State programs for which charter schools are eligible; and

“(II) work with the State educational agency to operate the State entity's program under this section, if applicable;

“(vi) ensure that each eligible applicant that receives a subgrant under the State entity's program—

“(I) is using funds provided under this section for one of the activities described in subsection (b)(1); and

“(II) is prepared to continue to operate charter schools funded under this section in a manner consistent with the eligible applicant's application for such subgrant once the subgrant funds under this section are no longer available;

“(vii) support—

“(I) charter schools in local educational agencies with a significant number of schools identified by the State for comprehensive support and improvement under section 1111(c)(4)(D)(i); and

“(II) the use of charter schools to improve struggling schools, or to turn around struggling schools;

“(viii) work with charter schools on—

“(I) recruitment and enrollment practices to promote inclusion of all students, including by eliminating any barriers to enrollment for educationally disadvantaged students (who include foster youth and unaccompanied homeless youth); and

“(II) supporting all students once they are enrolled to promote retention, including by reducing the overuse of discipline practices that remove students from the classroom;

“(ix) share best and promising practices between charter schools and other public schools;

“(x) ensure that charter schools receiving funds under the State entity’s program meet the educational needs of their students, including children with disabilities and English learners;

“(xi) support efforts to increase charter school quality initiatives, including meeting the quality authorizing elements described in paragraph (2)(D);

“(xii)(I) in the case of a State entity not described in subclause (II), a description of how the State entity will provide oversight of authorizing activity, including how the State will help ensure better authorizing, such as by establishing authorizing standards that may include approving, monitoring, and re-approving or revoking the authority of an authorized public chartering agency based on the performance of the charter schools authorized by such agency in the areas of student achievement, student safety, financial and operational management, and compliance with all applicable statutes and regulations; and

“(II) in the case of a State entity described in subsection (a)(4), a description of how the State entity will work with the State to support the State’s system of technical assistance and oversight, as described in subclause (I), of the authorizing activity of authorized public chartering agencies; and

“(xiii) work with eligible applicants receiving a subgrant under the State entity’s program to support the opening of new charter schools or charter school models described in clause (i) that are high schools;

“(B) a description of the extent to which the State entity—

“(i) is able to meet and carry out the priorities described in subsection (g)(2);

“(ii) is working to develop or strengthen a cohesive statewide system to support the opening of new charter schools and, if applicable, the replication of high-quality charter schools, and the expansion of high-quality charter schools; and

“(iii) is working to develop or strengthen a cohesive strategy to encourage collaboration between charter schools and local educational agencies on the sharing of best practices;

“(C) a description of how the State entity will award subgrants, on a competitive basis, including—

“(i) a description of the application each eligible applicant desiring to receive a subgrant will be required to submit, which application shall include—

“(I) a description of the roles and responsibilities of eligible applicants, partner organizations, and charter management organizations, including the administrative and contractual roles and responsibilities of such partners;

“(II) a description of the quality controls agreed to between the eligible applicant and the authorized public chartering agency involved, such as a contract or performance agreement, how a school’s performance in the State’s accountability system and impact on student achievement (which may include student academic growth) will be one of the most important factors for renewal or revocation of the school’s charter, and how the State entity and the authorized public chartering agency involved will reserve the right to revoke or not renew a school’s charter based on financial, structural, or operational factors involving the management of the school;

“(III) a description of how the autonomy and flexibility granted to a charter school is consistent with the definition of a charter school in section 4310;

“(IV) a description of how the eligible applicant will solicit and consider input from parents and other members of the community on the implementation and operation of each charter school that will receive funds under the State entity’s program;

“(V) a description of the eligible applicant’s planned activities and expenditures of subgrant funds to support the activities described in subsection (b)(1), and how the eligible applicant will maintain financial sustainability after the end of the subgrant period; and

“(VI) a description of how the eligible applicant will support the use of effective parent, family, and community engagement strategies to operate each charter school that will receive funds under the State entity’s program; and

“(ii) a description of how the State entity will review applications from eligible applicants;

“(D) in the case of a State entity that partners with an outside organization to carry out the State entity’s quality charter school program, in whole or in part, a description of the roles and responsibilities of the partner;

“(E) a description of how the State entity will ensure that each charter school receiving funds under the State entity’s program has considered and planned for the transportation needs of the school’s students;

“(F) a description of how the State in which the State entity is located addresses charter schools in the State’s open meetings and open records laws; and

“(G) a description of how the State entity will support diverse charter school models, including models that serve rural communities.

“(2) ASSURANCES.—Assurances that—

“(A) each charter school receiving funds through the State entity’s program will have a high degree of autonomy over budget and operations, including autonomy over personnel decisions;

“(B) the State entity will support charter schools in meeting the educational needs of their students, as described in paragraph (1)(A)(x);

“(C) the State entity will ensure that the authorized public chartering agency of any charter school that receives funds under the State entity’s program adequately monitors each charter school under the authority of such agency in recruiting, enrolling, retaining, and meeting the needs of all students, including children with disabilities and English learners;

“(D) the State entity will provide adequate technical assistance to eligible applicants to meet the objectives described in clause (viii) of paragraph (1)(A) and subparagraph (B) of this paragraph;

“(E) the State entity will promote quality authorizing, consistent with State law, such as through providing technical assistance to support each authorized public chartering agency in the State to improve such agency’s ability to monitor the charter schools authorized by the agency, including by—

“(i) assessing annual performance data of the schools, including, as appropriate, graduation rates, student academic growth, and rates of student attrition;

“(ii) reviewing the schools’ independent, annual audits of financial statements prepared in accordance with generally accepted accounting principles, and ensuring that any such audits are publically reported; and

“(iii) holding charter schools accountable to the academic, financial, and operational quality controls agreed to between the charter school and the authorized public chartering agency involved, such as through renewal, non-renewal, or revocation of the school’s charter;

“(F) the State entity will work to ensure that charter schools are included with the traditional public schools in decisionmaking about the public school system in the State; and

“(G) the State entity will ensure that each charter school receiving funds under the State entity’s program makes publicly available, consistent with the dissemination requirements of the annual State report card under section 1111(h), including on the website of the school, information to help parents make informed decisions about the education options available to their children, including—

“(i) information on the educational program;

“(ii) student support services;

“(iii) parent contract requirements (as applicable), including any financial obligations or fees;

“(iv) enrollment criteria (as applicable); and

“(v) annual performance and enrollment data for each of the subgroups of students, as defined in section 1111(c)(2), except that such disaggregation of performance and enrollment data shall not be required in a case in which the number of students in a group is insufficient to yield statically reliable information or the results would reveal personally identifiable information about an individual student.

“(3) REQUESTS FOR WAIVERS.—Information about waivers, including—

“(A) a request and justification for waivers of any Federal statutory or regulatory provisions that the State entity believes are necessary for the successful operation of the charter schools that will receive funds under the State entity’s program under this section or, in the case of a State entity defined in subsection (a)(4), a description of how the State entity will work with the State to request such necessary waivers, where applicable; and

“(B) a description of any State or local rules, generally applicable to public schools, that will be waived, or otherwise not apply to such schools.

“(g) SELECTION CRITERIA; PRIORITY.—

“(1) SELECTION CRITERIA.—The Secretary shall award grants to State entities under this section on the basis of the quality of the applications submitted under subsection (f), after taking into consideration—

“(A) the degree of flexibility afforded by the State’s charter school law and how the State entity will work to maximize the flexibility provided to charter schools under such law;

“(B) the ambitiousness of the State entity’s objectives for the quality charter school program carried out under this section;

“(C) the likelihood that the eligible applicants receiving subgrants under the program will meet those objectives and improve educational results for students;

“(D) the State entity’s plan to—

“(i) adequately monitor the eligible applicants receiving subgrants under the State entity’s program;

“(ii) work with the authorized public chartering agencies involved to avoid duplication of work for the charter schools and authorized public chartering agencies; and

“(iii) provide technical assistance and support for—

“(I) the eligible applicants receiving subgrants under the State entity’s program; and

“(II) quality authorizing efforts in the State;

and

“(E) the State entity’s plan to solicit and consider input from parents and other members of the community on the implementation and operation of charter schools in the State.

“(2) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to a State entity to the extent that the entity meets the following criteria:

“(A) The State entity is located in a State that—

“(i) allows at least one entity that is not a local educational agency to be an authorized public chartering agency for developers seeking to open a charter school in the State; or

“(ii) in the case of a State in which local educational agencies are the only authorized public chartering agencies, the State has an appeals process for the denial of an application for a charter school.

“(B) The State entity is located in a State that ensures equitable financing, as compared to traditional public schools, for charter schools and students in a prompt manner.

“(C) The State entity is located in a State that provides charter schools one or more of the following:

“(i) Funding for facilities.

“(ii) Assistance with facilities acquisition.

“(iii) Access to public facilities.

“(iv) The ability to share in bonds or mill levies.

“(v) The right of first refusal to purchase public school buildings.

“(vi) Low- or no-cost leasing privileges.

“(D) The State entity is located in a State that uses best practices from charter schools to help improve struggling schools and local educational agencies.

“(E) The State entity supports charter schools that serve at-risk students through activities such as dropout prevention, dropout recovery, or comprehensive career counseling services.

“(F) The State entity has taken steps to ensure that all authorizing public chartering agencies implement best practices for charter school authorizing.

“(h) LOCAL USES OF FUNDS.—An eligible applicant receiving a subgrant under this section shall use such funds to support the activities described in subsection (b)(1), which shall include one or more of the following activities:

“(1) Preparing teachers, school leaders, and specialized instructional support personnel, including through paying the costs associated with—

“(A) providing professional development; and

“(B) hiring and compensating, during the eligible applicant’s planning period specified in the application for subgrant funds that is required under this section, one or more of the following:

“(i) Teachers.

“(ii) School leaders.

“(iii) Specialized instructional support personnel.

“(2) Acquiring supplies, training, equipment (including technology), and educational materials (including developing and acquiring instructional materials).

“(3) Carrying out necessary renovations to ensure that a new school building complies with applicable statutes and regulations, and minor facilities repairs (excluding construction).

“(4) Providing one-time, startup costs associated with providing transportation to students to and from the charter school.

“(5) Carrying out community engagement activities, which may include paying the cost of student and staff recruitment.

“(6) Providing for other appropriate, non-sustained costs related to the activities described in subsection (b)(1) when such costs cannot be met from other sources.

“(i) REPORTING REQUIREMENTS.—Each State entity receiving a grant under this section shall submit to the Secretary, at the end of the third year of the 5-year grant period (or at the end of the second year of the grant period if the grant is less than 5 years), and at the end of such grant period, a report that includes the following:

“(1) The number of students served by each subgrant awarded under this section and, if applicable, the number of new students served during each year of the period of the subgrant.

“(2) A description of how the State entity met the objectives of the quality charter school program described in the State entity’s application under subsection (f), including—

“(A) how the State entity met the objective of sharing best and promising practices described in subsection (f)(1)(A)(ix) in areas such as instruction, professional development, curricula development, and operations between charter schools and other public schools; and

“(B) if known, the extent to which such practices were adopted and implemented by such other public schools.

“(3) The number and amount of subgrants awarded under this section to carry out activities described in each of subparagraphs (A) through (C) of subsection (b)(1).

“(4) A description of—

“(A) how the State entity complied with, and ensured that eligible applicants complied with, the assurances included in the State entity’s application; and

“(B) how the State entity worked with authorized public chartering agencies, and how the agencies worked with the management company or leadership of the schools that received subgrant funds under this section, if applicable.

20 USC 7221c.

“SEC. 4304. FACILITIES FINANCING ASSISTANCE.

“(a) GRANTS TO ELIGIBLE ENTITIES.—

“(1) IN GENERAL.—From the amount reserved under section 4302(b)(1), the Secretary shall use not less than 50 percent to award, on a competitive basis, not less than 3 grants to eligible entities that have the highest-quality applications approved under subsection (d), after considering the diversity of such applications, to demonstrate innovative methods of helping charter schools to address the cost of acquiring, constructing, and renovating facilities by enhancing the availability of loans or bond financing.

“(2) ELIGIBLE ENTITY DEFINED.—For the purposes of this section, the term ‘eligible entity’ means—

“(A) a public entity, such as a State or local governmental entity;

“(B) a private nonprofit entity; or

“(C) a consortium of entities described in subparagraphs (A) and (B).

“(b) GRANTEE SELECTION.—The Secretary shall evaluate each application submitted under subsection (d), and shall determine whether the application is sufficient to merit approval.

“(c) GRANT CHARACTERISTICS.—Grants under subsection (a) shall be of sufficient size, scope, and quality so as to ensure an effective demonstration of an innovative means of enhancing credit for the financing of charter school acquisition, construction, or renovation.

“(d) APPLICATIONS.—

“(1) IN GENERAL.—An eligible entity desiring to receive a grant under this section shall submit an application to the Secretary in such form as the Secretary may reasonably require.

“(2) CONTENTS.—An application submitted under paragraph (1) shall contain—

“(A) a statement identifying the activities that the eligible entity proposes to carry out with funds received under subsection (a), including how the eligible entity will determine which charter schools will receive assistance, and how much and what types of assistance charter schools will receive;

“(B) a description of the involvement of charter schools in the application’s development and the design of the proposed activities;

“(C) a description of the eligible entity’s expertise in capital market financing;

“(D) a description of how the proposed activities will leverage the maximum amount of private-sector financing capital relative to the amount of government funding used and otherwise enhance credit available to charter schools, including how the eligible entity will offer a combination of rates and terms more favorable than the rates and terms that a charter school could receive without assistance from the eligible entity under this section;

“(E) a description of how the eligible entity possesses sufficient expertise in education to evaluate the likelihood of success of a charter school program for which facilities financing is sought; and

“(F) in the case of an application submitted by a State governmental entity, a description of the actions that the eligible entity has taken, or will take, to ensure that charter schools within the State receive the funding that charter schools need to have adequate facilities.

“(e) CHARTER SCHOOL OBJECTIVES.—An eligible entity receiving a grant under subsection (a) shall use the funds deposited in the reserve account established under subsection (f) to assist one or more charter schools to access private-sector capital to accomplish one or more of the following objectives:

“(1) The acquisition (by purchase, lease, donation, or otherwise) of an interest (including an interest held by a third party for the benefit of a charter school) in improved or unimproved real property that is necessary to commence or continue the operation of a charter school.

“(2) The construction of new facilities, or the renovation, repair, or alteration of existing facilities, necessary to commence or continue the operation of a charter school.

“(3) The predevelopment costs required to assess sites for purposes of paragraph (1) or (2) and that are necessary to commence or continue the operation of a charter school.

“(f) RESERVE ACCOUNT.—

“(1) USE OF FUNDS.—To assist charter schools in accomplishing the objectives described in subsection (e), an eligible entity receiving a grant under subsection (a) shall, in accordance with State and local law, directly or indirectly, alone or in collaboration with others, deposit the funds received under subsection (a) (other than funds used for administrative costs in accordance with subsection (g)) in a reserve account established and maintained by the eligible entity for this purpose. Amounts deposited in such account shall be used by the eligible entity for one or more of the following purposes:

“(A) Guaranteeing, insuring, and reinsuring bonds, notes, evidences of debt, loans, and interests therein, the proceeds of which are used for an objective described in subsection (e).

“(B) Guaranteeing and insuring leases of personal and real property for an objective described in subsection (e).

“(C) Facilitating financing by identifying potential lending sources, encouraging private lending, and other similar activities that directly promote lending to, or for the benefit of, charter schools.

“(D) Facilitating the issuance of bonds by charter schools, or by other public entities for the benefit of charter schools, by providing technical, administrative, and other appropriate assistance (including the recruitment of bond counsel, underwriters, and potential investors and the consolidation of multiple charter school projects within a single bond issue).

“(2) INVESTMENT.—Funds received under subsection (a) and deposited in the reserve account established under paragraph (1) shall be invested in obligations issued or guaranteed by the United States or a State, or in other similarly low-risk securities.

“(3) REINVESTMENT OF EARNINGS.—Any earnings on funds received under subsection (a) shall be deposited in the reserve account established under paragraph (1) and used in accordance with this subsection.

“(g) LIMITATION ON ADMINISTRATIVE COSTS.—An eligible entity may use not more than 2.5 percent of the funds received under subsection (a) for the administrative costs of carrying out its responsibilities under this section (excluding subsection (k)).

“(h) AUDITS AND REPORTS.—

“(1) FINANCIAL RECORD MAINTENANCE AND AUDIT.—The financial records of each eligible entity receiving a grant under subsection (a) shall be maintained in accordance with generally accepted accounting principles and shall be subject to an annual audit by an independent public accountant.

“(2) REPORTS.—

“(A) GRANTEE ANNUAL REPORTS.—Each eligible entity receiving a grant under subsection (a) shall submit to the Secretary an annual report of the entity's operations and activities under this section (excluding subsection (k)).

“(B) CONTENTS.—Each annual report submitted under subparagraph (A) shall include—

“(i) a copy of the most recent financial statements, and any accompanying opinion on such statements, prepared by the independent public accountant reviewing the financial records of the eligible entity;

“(ii) a copy of any report made on an audit of the financial records of the eligible entity that was conducted under paragraph (1) during the reporting period;

“(iii) an evaluation by the eligible entity of the effectiveness of its use of the Federal funds provided under subsection (a) in leveraging private funds;

“(iv) a listing and description of the charter schools served during the reporting period, including the amount of funds used by each school, the type of project facilitated by the grant, and the type of assistance provided to the charter schools;

“(v) a description of the activities carried out by the eligible entity to assist charter schools in meeting the objectives set forth in subsection (e); and

“(vi) a description of the characteristics of lenders and other financial institutions participating in the activities carried out by the eligible entity under this section (excluding subsection (k)) during the reporting period.

“(C) SECRETARIAL REPORT.—The Secretary shall review the reports submitted under subparagraph (A) and shall provide a comprehensive annual report to Congress on the activities conducted under this section (excluding subsection (k)).

“(i) NO FULL FAITH AND CREDIT FOR GRANTEE OBLIGATION.—No financial obligation of an eligible entity entered into pursuant to this section (such as an obligation under a guarantee, bond, note, evidence of debt, or loan) shall be an obligation of, or guaranteed in any respect by, the United States. The full faith and credit of the United States is not pledged to the payment of funds that may be required to be paid under any obligation made by an eligible entity pursuant to any provision of this section.

“(j) RECOVERY OF FUNDS.—

“(1) IN GENERAL.—The Secretary, in accordance with chapter 37 of title 31, United States Code, shall collect—

“(A) all of the funds in a reserve account established by an eligible entity under subsection (f)(1) if the Secretary determines, not earlier than 2 years after the date on which the eligible entity first received funds under subsection (a), that the eligible entity has failed to make substantial progress in carrying out the purposes described in subsection (f)(1); or

“(B) all or a portion of the funds in a reserve account established by an eligible entity under subsection (f)(1) if the Secretary determines that the eligible entity has permanently ceased to use all or a portion of the funds in such account to accomplish any purpose described in subsection (f)(1).

“(2) EXERCISE OF AUTHORITY.—The Secretary shall not exercise the authority provided in paragraph (1) to collect from any eligible entity any funds that are being properly used

to achieve one or more of the purposes described in subsection (f)(1).

“(3) PROCEDURES.—The provisions of sections 451, 452, and 458 of the General Education Provisions Act shall apply to the recovery of funds under paragraph (1).

“(4) CONSTRUCTION.—This subsection shall not be construed to impair or affect the authority of the Secretary to recover funds under part D of the General Education Provisions Act (20 U.S.C. 1234 et seq.).

“(k) PER-PUPIL FACILITIES AID PROGRAM.—

“(1) DEFINITION OF PER-PUPIL FACILITIES AID PROGRAM.—In this subsection, the term ‘per-pupil facilities aid program’ means a program in which a State makes payments, on a per-pupil basis, to charter schools to provide the schools with financing—

“(A) that is dedicated solely to funding charter school facilities; or

“(B) a portion of which is dedicated for funding charter school facilities.

“(2) GRANTS.—

“(A) IN GENERAL.—From the amount reserved under section 4302(b)(1) and remaining after the Secretary makes grants under subsection (a), the Secretary shall make grants, on a competitive basis, to States to pay for the Federal share of the cost of establishing or enhancing, and administering, per-pupil facilities aid programs.

“(B) PERIOD.—The Secretary shall award grants under this subsection for periods of not more than 5 years.

“(C) FEDERAL SHARE.—The Federal share of the cost described in subparagraph (A) for a per-pupil facilities aid program shall be not more than—

“(i) 90 percent of the cost, for the first fiscal year for which the program receives assistance under this subsection;

“(ii) 80 percent for the second such year;

“(iii) 60 percent for the third such year;

“(iv) 40 percent for the fourth such year; and

“(v) 20 percent for the fifth such year.

“(D) STATE SHARE.—A State receiving a grant under this subsection may partner with 1 or more organizations, and such organizations may provide not more than 50 percent of the State share of the cost of establishing or enhancing, and administering, the per-pupil facilities aid program.

“(E) MULTIPLE GRANTS.—A State may receive more than 1 grant under this subsection, so long as the amount of total funds provided to charter schools increases with each successive grant.

“(3) USE OF FUNDS.—

“(A) IN GENERAL.—A State that receives a grant under this subsection shall use the funds made available through the grant to establish or enhance, and administer, a per-pupil facilities aid program for charter schools in the State of the applicant.

“(B) EVALUATIONS; TECHNICAL ASSISTANCE; DISSEMINATION.—From the amount made available to a State through a grant under this subsection for a fiscal year, the State

may reserve not more than 5 percent to carry out evaluations, to provide technical assistance, and to disseminate information.

“(C) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this subsection shall be used to supplement, and not supplant, State and local public funds expended to provide per-pupil facilities aid programs, operations financing programs, or other programs, for charter schools.

“(4) REQUIREMENTS.—

“(A) VOLUNTARY PARTICIPATION.—No State may be required to participate in a program carried out under this subsection.

“(B) STATE LAW.—

“(i) IN GENERAL.—To be eligible to receive a grant under this subsection, a State shall establish or enhance, and administer, a per-pupil facilities aid program for charter schools in the State, that—

“(I) is specified in State law; and

“(II) provides annual financing, on a per-pupil basis, for charter school facilities.

“(ii) SPECIAL RULE.—A State that is required under State law to provide its charter schools with access to adequate facility space, but that does not have a per-pupil facilities aid program for charter schools specified in State law, is eligible to receive a grant under this subsection if the State agrees to use the funds to develop a per-pupil facilities aid program consistent with the requirements of this subsection.

“(5) APPLICATIONS.—To be eligible to receive a grant under this subsection, a State shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

“SEC. 4305. NATIONAL ACTIVITIES.

20 USC 7221d.

“(a) IN GENERAL.—From the amount reserved under section 4302(b)(2), the Secretary shall—

“(1) use not more than 80 percent of such funds to award grants in accordance with subsection (b);

“(2) use not more than 9 percent of such funds to award grants, on a competitive basis, to eligible applicants for the purpose of carrying out the activities described in section 4303(h) in a State that did not receive a grant under section 4303; and

“(3) after the uses described in paragraphs (1) and (2), use the remainder of such funds to—

“(A) disseminate technical assistance to—

“(i) State entities in awarding subgrants under section 4303(b)(1); and

“(ii) eligible entities and States receiving grants under section 4304;

“(B) disseminate best practices regarding charter schools; and

“(C) evaluate the impact of the charter school program carried out under this part, including the impact on student achievement.

“(b) GRANTS FOR THE REPLICATION AND EXPANSION OF HIGH-QUALITY CHARTER SCHOOLS.—

“(1) IN GENERAL.—The Secretary shall make grants, on a competitive basis, to eligible entities having applications approved under paragraph (3) to enable such entities to open and prepare for the operation of one or more replicated high-quality charter schools or to expand one or more high-quality charter schools.

“(2) DEFINITION OF ELIGIBLE ENTITY.—For purposes of this subsection, the term ‘eligible entity’ means a charter management organization.

“(3) APPLICATION REQUIREMENTS.—An eligible entity desiring to receive a grant under this subsection shall submit an application to the Secretary at such time and in such manner as the Secretary may require. The application shall include the following:

“(A) EXISTING CHARTER SCHOOL DATA.—For each charter school currently operated or managed by the eligible entity—

“(i) student assessment results for all students and for each subgroup of students described in section 1111(c)(2);

“(ii) attendance and student retention rates for the most recently completed school year and, if applicable, the most recent available 4-year adjusted cohort graduation rates and extended-year adjusted cohort graduation rates; and

“(iii) information on any significant compliance and management issues encountered within the last 3 school years by any school operated or managed by the eligible entity, including in the areas of student safety and finance.

“(B) DESCRIPTIONS.—A description of—

“(i) the eligible entity’s objectives for implementing a high-quality charter school program with funding under this subsection, including a description of the proposed number of high-quality charter schools the eligible entity proposes to open as a result of the replication of a high-quality charter school or to expand with funding under this subsection;

“(ii) the educational program that the eligible entity will implement in such charter schools, including—

“(I) information on how the program will enable all students to meet the challenging State academic standards;

“(II) the grade levels or ages of students who will be served; and

“(III) the instructional practices that will be used;

“(iii) how the operation of such charter schools will be sustained after the grant under this subsection has ended, which shall include a multi-year financial and operating model for the eligible entity;

“(iv) how the eligible entity will ensure that such charter schools will recruit and enroll students, including children with disabilities, English learners, and other educationally disadvantaged students; and

“(v) any request and justification for any waivers of Federal statutory or regulatory requirements that the eligible entity believes are necessary for the successful operation of such charter schools.

“(C) ASSURANCE.—An assurance that the eligible entity has sufficient procedures in effect to ensure timely closure of low-performing or financially mismanaged charter schools and clear plans and procedures in effect for the students in such schools to attend other high-quality schools.

“(4) SELECTION CRITERIA.—The Secretary shall select eligible entities to receive grants under this subsection, on the basis of the quality of the applications submitted under paragraph (3), after taking into consideration such factors as—

“(A) the degree to which the eligible entity has demonstrated success in increasing academic achievement for all students and for each of the subgroups of students described in section 1111(c)(2) attending the charter schools the eligible entity operates or manages;

“(B) a determination that the eligible entity has not operated or managed a significant proportion of charter schools that—

“(i) have been closed;

“(ii) have had the school’s charter revoked due to problems with statutory or regulatory compliance; or

“(iii) have had the school’s affiliation with the eligible entity revoked or terminated, including through voluntary disaffiliation; and

“(C) a determination that the eligible entity has not experienced significant problems with statutory or regulatory compliance that could lead to the revocation of a school’s charter.

“(5) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to eligible entities that—

“(A) plan to operate or manage high-quality charter schools with racially and socioeconomically diverse student bodies;

“(B) demonstrate success in working with schools identified by the State for comprehensive support and improvement under section 1111(c)(4)(D)(i);

“(C) propose to use funds—

“(i) to expand high-quality charter schools to serve high school students; or

“(ii) to replicate high-quality charter schools to serve high school students; or

“(D) propose to operate or manage high-quality charter schools that focus on dropout recovery and academic reentry.

“(c) TERMS AND CONDITIONS.—Except as otherwise provided, grants awarded under paragraphs (1) and (2) of subsection (a) shall have the same terms and conditions as grants awarded to State entities under section 4303.”;

(2) in section 4306 (20 U.S.C. 7221e), as redesignated by section 4001, by adding at the end the following:

“(c) NEW OR SIGNIFICANTLY EXPANDING CHARTER SCHOOLS.—For purposes of implementing the hold harmless protections in

sections 1122(c) and 1125A(g)(3) for a newly opened or significantly expanded charter school under this part, a State educational agency shall calculate a hold-harmless base for the prior year that, as applicable, reflects the new or significantly expanded enrollment of the charter school.”;

(3) in section 4308 (20 U.S.C. 7221g), as redesignated by section 4001, by inserting “as quickly as possible and” before “to the extent practicable”;

(4) in section 4310 (20 U.S.C. 7221i), as redesignated by section 4001—

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

(B) by redesignating paragraphs (1), (2), and (3) as paragraphs (2), (5), and (6), respectively;

(C) by redesignating paragraph (4) as paragraph (1), and moving such paragraph so as to precede paragraph (2), as redesignated by subparagraph (B);

(D) in paragraph (2), as redesignated by subparagraph (B)—

(i) in subparagraph (G), by striking “, and part B” and inserting “, the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), section 444 of the General Education Provisions Act (20 U.S.C. 1232g) (commonly referred to as the ‘Family Educational Rights and Privacy Act of 1974’), and part B”;

(ii) by striking subparagraph (H) and inserting the following:

“(H) is a school to which parents choose to send their children, and that—

“(i) admits students on the basis of a lottery, consistent with section 4303(c)(3)(A), if more students apply for admission than can be accommodated; or

“(ii) in the case of a school that has an affiliated charter school (such as a school that is part of the same network of schools), automatically enrolls students who are enrolled in the immediate prior grade level of the affiliated charter school and, for any additional student openings or student openings created through regular attrition in student enrollment in the affiliated charter school and the enrolling school, admits students on the basis of a lottery as described in clause (i);”;

(iii) by striking subparagraph (I) and inserting the following:

“(I) agrees to comply with the same Federal and State audit requirements as do other elementary schools and secondary schools in the State, unless such State audit requirements are waived by the State;”;

(iv) in subparagraph (K), by striking “and” at the end;

(v) in subparagraph (L), by striking the period at the end and inserting “; and”; and

(vi) by adding at the end the following:

“(M) may serve students in early childhood education programs or postsecondary students.”;

(E) by inserting after paragraph (2), as redesignated by subparagraph (B), the following:

“(3) CHARTER MANAGEMENT ORGANIZATION.—The term ‘charter management organization’ means a nonprofit organization that operates or manages a network of charter schools linked by centralized support, operations, and oversight.

“(4) CHARTER SCHOOL SUPPORT ORGANIZATION.—The term ‘charter school support organization’ means a nonprofit, non-governmental entity that is not an authorized public chartering agency and provides, on a statewide basis—

“(A) assistance to developers during the planning, program design, and initial implementation of a charter school; and

“(B) technical assistance to operating charter schools.”;

(F) in paragraph (6)(B), as redesignated by subparagraph (B), by striking “under section 5203(d)(3)”; and

(G) by adding at the end the following:

“(7) EXPAND.—The term ‘expand’, when used with respect to a high-quality charter school, means to significantly increase enrollment or add one or more grades to the high-quality charter school.

“(8) HIGH-QUALITY CHARTER SCHOOL.—The term ‘high-quality charter school’ means a charter school that—

“(A) shows evidence of strong academic results, which may include strong student academic growth, as determined by a State;

“(B) has no significant issues in the areas of student safety, financial and operational management, or statutory or regulatory compliance;

“(C) has demonstrated success in significantly increasing student academic achievement, including graduation rates where applicable, for all students served by the charter school; and

“(D) has demonstrated success in increasing student academic achievement, including graduation rates where applicable, for each of the subgroups of students, as defined in section 1111(c)(2), except that such demonstration is not required in a case in which the number of students in a group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student.

“(9) REPLICATE.—The term ‘replicate’, when used with respect to a high-quality charter school, means to open a new charter school, or a new campus of a high-quality charter school, based on the educational model of an existing high-quality charter school, under an existing charter or an additional charter, if permitted or required by State law.”; and

(5) by striking section 4311 (20 U.S.C. 7221j), as redesignated by section 4001, and inserting the following:

“SEC. 4311. AUTHORIZATION OF APPROPRIATIONS.

20 USC 7221j.

“There are authorized to be appropriated to carry out this part—

“(1) \$270,000,000 for fiscal year 2017;

“(2) \$270,000,000 for fiscal year 2018;

“(3) \$300,000,000 for fiscal year 2019; and

“(4) \$300,000,000 for fiscal year 2020.”

PART D—MAGNET SCHOOLS ASSISTANCE**SEC. 4401. MAGNET SCHOOLS ASSISTANCE.**

Part D of title IV (20 U.S.C. 7201 et seq.), as amended by section 4001(b)(3), is further amended—

20 USC 7231.

(1) in section 4401—

(A) in subsection (a)(2)—

(i) by striking “2,000,000” and inserting “2,500,000”; and

(ii) by striking “65” and inserting “69”; and

(B) in subsection (b)—

(i) in paragraph (2)—

(I) by striking “and implementation” and inserting “, implementation, and expansion”; and

(II) by striking “content standards and student academic achievement standards” and inserting “standards”;

(ii) in paragraph (3), by striking “and design” and inserting “, design, and expansion”;

(iii) in paragraph (4), by striking “vocational” and inserting “career”; and

(iv) in paragraph (6), by striking “productive”;

20 USC 7231d.

(2) in section 4405(b)—

(A) in paragraph (1)—

(i) in subparagraph (A), by inserting “any available evidence on, or if such evidence is not available, a rationale, based on current research, for” before “how the proposed magnet school programs”;

(ii) in subparagraph (B), by inserting “, including any evidence, or if such evidence is not available, a rationale based on current research findings, to support such description” before the semicolon;

(iii) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and

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

“(D) how the applicant will assess, monitor, and evaluate the impact of the activities funded under this part on student achievement and integration;” and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking “section 5301(b)” and inserting “section 4401(b)”; and

(ii) in subparagraph (B), by striking “highly qualified” and inserting “effective”;

20 USC 7231e.

(3) in section 4406, by striking paragraphs (2) and (3) and inserting the following:

“(2) propose to—

“(A) carry out a new, evidence-based magnet school program;

“(B) significantly revise an existing magnet school program, using evidence-based methods and practices, as available; or

“(C) replicate an existing magnet school program that has a demonstrated record of success in increasing student academic achievement and reducing isolation of minority groups;

“(3) propose to select students to attend magnet school programs by methods such as lottery, rather than through academic examination; and

“(4) propose to increase racial integration by taking into account socioeconomic diversity in designing and implementing magnet school programs.”;

(4) in section 4407—

20 USC 7231f.

(A) in subsection (a)—

(i) in paragraph (3), by striking “highly qualified” and inserting “effective”;

(ii) in paragraph (6), by striking “and” at the end;

(iii) in paragraph (7), by striking the period at the end and inserting a semicolon; and

(iv) by adding at the end the following:

“(8) to enable the local educational agency, or consortium of such agencies, or other organizations partnered with such agency or consortium, to establish, expand, or strengthen inter-district and regional magnet programs; and

“(9) notwithstanding section 426 of the General Education Provisions Act (20 U.S.C. 1228), to provide transportation to and from the magnet school, provided that—

“(A) such transportation is sustainable beyond the grant period; and

“(B) the costs of providing transportation do not represent a significant portion of the grant funds received by the eligible local educational agency under this part.”; and

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

“(b) SPECIAL RULE.—Grant funds under this part may be used for activities described in paragraphs (2) and (3) of subsection (a) only if the activities are directly related to improving student academic achievement based on the challenging State academic standards or directly related to improving student reading skills or knowledge of mathematics, science, history, geography, English, foreign languages, art, or music, or to improving career, technical, and professional skills.”;

(5) in section 4408—

20 USC 7231h.

(A) in subsection (a), by striking “3” and inserting “5”;

(B) by striking subsection (c) and inserting the following:

“(c) AMOUNT.—No grant awarded under this part to a local educational agency, or a consortium of such agencies, shall be for more than \$15,000,000 for the grant period described in subsection (a).”; and

(C) in subsection (d), by striking “July” and inserting “June”;

(6) in section 4409—

20 USC 7231j.

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

“(a) AUTHORIZATION.—There are authorized to be appropriated to carry out this part the following amounts:

“(1) \$94,000,000 for fiscal year 2017.

“(2) \$96,820,000 for fiscal year 2018.

“(3) \$102,387,150 for fiscal year 2019.

“(4) \$108,530,379 for fiscal year 2020.”.

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

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

“(b) **RESERVATION FOR TECHNICAL ASSISTANCE.**—The Secretary may reserve not more than 1 percent of the funds appropriated under subsection (a) for any fiscal year to provide technical assistance and share best practices with respect to magnet school programs assisted under this part.”.

PART E—FAMILY ENGAGEMENT IN EDUCATION PROGRAMS

SEC. 4501. FAMILY ENGAGEMENT IN EDUCATION PROGRAMS.

Title IV (20 U.S.C. 7101 et seq.), as amended by section 4001, is further amended by adding at the end the following:

“PART E—FAMILY ENGAGEMENT IN EDUCATION PROGRAMS

20 USC 7241.

“SEC. 4501. PURPOSES.

“The purposes of this part are the following:

“(1) To provide financial support to organizations to provide technical assistance and training to State educational agencies and local educational agencies in the implementation and enhancement of systemic and effective family engagement policies, programs, and activities that lead to improvements in student development and academic achievement.

“(2) To assist State educational agencies, local educational agencies, community-based organizations, schools, and educators in strengthening partnerships among parents, teachers, school leaders, administrators, and other school personnel in meeting the educational needs of children and fostering greater parental engagement.

“(3) To support State educational agencies, local educational agencies, schools, educators, and parents in developing and strengthening the relationship between parents and their children’s school in order to further the developmental progress of children.

“(4) To coordinate activities funded under this part with parent involvement initiatives funded under section 1116 and other provisions of this Act.

“(5) To assist the Secretary, State educational agencies, and local educational agencies in the coordination and integration of Federal, State, and local services and programs to engage families in education.

20 USC 7242.

“SEC. 4502. GRANTS AUTHORIZED.

“(a) **STATEWIDE FAMILY ENGAGEMENT CENTERS.**—From the amount appropriated under section 4506 and not reserved under subsection (d), the Secretary is authorized to award grants for each fiscal year to statewide organizations (or consortia of such organizations), to establish statewide family engagement centers that—

“(1) carry out parent education, and family engagement in education, programs; or

“(2) provide comprehensive training and technical assistance to State educational agencies, local educational agencies, schools identified by State educational agencies and local educational agencies, organizations that support family-school partnerships, and other organizations that carry out such programs.

“(b) MINIMUM AWARD.—In awarding grants under this section, the Secretary shall, to the extent practicable, ensure that a grant is awarded for a statewide family engagement center in an amount not less than \$500,000.

“(c) MATCHING FUNDS FOR GRANT RENEWAL.—Each organization or consortium receiving assistance under this part shall demonstrate that, for each fiscal year after the first fiscal year for which the organization or consortium is receiving such assistance, a portion of the services provided by the organization or consortium is supported through non-Federal contributions, which may be in cash or in-kind.

“(d) TECHNICAL ASSISTANCE.—The Secretary shall reserve not more than 2 percent of the funds appropriated under section 4506 to carry out this part to provide technical assistance, by competitive grant or contract, for the establishment, development, and coordination of statewide family engagement centers.

“SEC. 4503. APPLICATIONS.

20 USC 7243.

“(a) SUBMISSIONS.—Each statewide organization, or a consortium of such organizations, that desires a grant under this part shall submit an application to the Secretary at such time and in such manner as the Secretary may require, which shall include the information described in subsection (b).

“(b) CONTENTS.—Each application submitted under subsection (a) shall include, at a minimum, the following:

“(1) A description of the applicant’s approach to family engagement in education.

“(2) A description of how the State educational agency and any partner organization will support the statewide family engagement center that will be operated by the applicant including a description of the State educational agency and any partner organization’s commitment of such support.

“(3) A description of the applicant’s plan for building a statewide infrastructure for family engagement in education, that includes—

“(A) management and governance;

“(B) statewide leadership; or

“(C) systemic services for family engagement in education.

“(4) A description of the applicant’s demonstrated experience in providing training, information, and support to State educational agencies, local educational agencies, schools, educators, parents, and organizations on family engagement in education policies and practices that are effective for parents (including low-income parents) and families, parents of English learners, minorities, students with disabilities, homeless children and youth, children and youth in foster care, and migrant students, including evaluation results, reporting, or other data exhibiting such demonstrated experience.

“(5) A description of the steps the applicant will take to target services to low-income students and parents.

“(6) An assurance that the applicant will—

“(A) establish a special advisory committee, the membership of which includes—

“(i) parents, who shall constitute a majority of the members of the special advisory committee;

“(ii) representatives of education professionals with expertise in improving services for disadvantaged children;

“(iii) representatives of local elementary schools and secondary schools, including students;

“(iv) representatives of the business community; and

“(v) representatives of State educational agencies and local educational agencies;

“(B) use not less than 65 percent of the funds received under this part in each fiscal year to serve local educational agencies, schools, and community-based organizations that serve high concentrations of disadvantaged students, including students who are English learners, minorities, students with disabilities, homeless children and youth, children and youth in foster care, and migrant students;

“(C) operate a statewide family engagement center of sufficient size, scope, and quality to ensure that the center is adequate to serve the State educational agency, local educational agencies, and community-based organizations;

“(D) ensure that the statewide family engagement center will retain staff with the requisite training and experience to serve parents in the State;

“(E) serve urban, suburban, and rural local educational agencies and schools;

“(F) work with—

“(i) other statewide family engagement centers assisted under this part; and

“(ii) parent training and information centers and community parent resource centers assisted under sections 671 and 672 of the Individuals with Disabilities Education Act (20 U.S.C. 1471; 1472);

“(G) use not less than 30 percent of the funds received under this part for each fiscal year to establish or expand technical assistance for evidence-based parent education programs;

“(H) provide assistance to State educational agencies, local educational agencies, and community-based organizations that support family members in supporting student academic achievement;

“(I) work with State educational agencies, local educational agencies, schools, educators, and parents to determine parental needs and the best means for delivery of services to address such needs;

“(J) conduct sufficient outreach to assist parents, including parents who the applicant may have a difficult time engaging with a school or local educational agency; and

“(K) conduct outreach to low-income students and parents, including low-income students and parents who are not proficient in English.

“(7) An assurance that the applicant will conduct training programs in the community to improve adult literacy, including financial literacy.

“(c) PRIORITY.—In awarding grants for activities described in this part, the Secretary shall give priority to statewide family engagement centers that will use funds under section 4504 for evidence-based activities, which, for the purposes of this part is defined as activities meeting the requirements of section 8101(21)(A)(i).

“SEC. 4504. USES OF FUNDS.

20 USC 7244.

“(a) IN GENERAL.—Each statewide organization or consortium receiving a grant under this part shall use the grant funds, based on the needs determined under section 4503(b)(6)(I), to provide training and technical assistance to State educational agencies, local educational agencies, and organizations that support family-school partnerships, and activities, services, and training for local educational agencies, school leaders, educators, and parents—

“(1) to assist parents in participating effectively in their children’s education and to help their children meet challenging State academic standards, such as by assisting parents—

“(A) to engage in activities that will improve student academic achievement, including understanding how parents can support learning in the classroom with activities at home and in after school and extracurricular programs;

“(B) to communicate effectively with their children, teachers, school leaders, counselors, administrators, and other school personnel;

“(C) to become active participants in the development, implementation, and review of school-parent compacts, family engagement in education policies, and school planning and improvement;

“(D) to participate in the design and provision of assistance to students who are not making academic progress;

“(E) to participate in State and local decisionmaking;

“(F) to train other parents; and

“(G) in learning and using technology applied in their children’s education;

“(2) to develop and implement, in partnership with the State educational agency, statewide family engagement in education policy and systemic initiatives that will provide for a continuum of services to remove barriers for family engagement in education and support school reform efforts; and

“(3) to develop and implement parental involvement policies under this Act.

“(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit a statewide family engagement center from—

“(1) having its employees or agents meet with a parent at a site that is not on school grounds; or

“(2) working with another agency that serves children.

“(c) PARENTAL RIGHTS.—Notwithstanding any other provision of this section—

“(1) no person (including a parent who educates a child at home, a public school parent, or a private school parent) shall be required to participate in any program of parent education or developmental screening under this section; and

“(2) no program or center assisted under this section shall take any action that infringes in any manner on the right of parents to direct the education of their children.

20 USC 7245.

“SEC. 4505. FAMILY ENGAGEMENT IN INDIAN SCHOOLS.

“The Secretary of the Interior, in consultation with the Secretary of Education, shall establish, or enter into contracts and cooperative agreements with, local tribes, tribal organizations, or Indian nonprofit parent organizations to establish and operate family engagement centers.

20 USC 7246.

“SEC. 4506. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this part \$10,000,000 for each of fiscal years 2017 through 2020.”.

PART F—NATIONAL ACTIVITIES**SEC. 4601. NATIONAL ACTIVITIES.**

Title IV (20 U.S.C. 7101 et seq.), as amended by the previous provisions of this title, is further amended by adding at the end the following:

“PART F—NATIONAL ACTIVITIES

20 USC 7251.

“SEC. 4601. AUTHORIZATION OF APPROPRIATIONS; RESERVATIONS.

“(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this part—

“(1) \$200,741,000 for each of fiscal years 2017 and 2018; and

“(2) \$220,741,000 for each of fiscal years 2019 and 2020.

“(b) RESERVATIONS.—From the amounts appropriated under subsection (a) for a fiscal year, the Secretary shall—

“(1) reserve \$5,000,000 to carry out activities authorized under subpart 3; and

“(2) from the amounts remaining after the reservation under paragraph (1)—

“(A) carry out activities authorized under subpart 1 using—

“(i) 36 percent of such remainder for each of fiscal years 2017 and 2018; and

“(ii) 42 percent of such remainder for each of fiscal years 2019 and 2020;

“(B) carry out activities authorized under subpart 2

using—

“(i) 36 percent of such remainder for each of fiscal years 2017 and 2018; and

“(ii) 32 percent of such remainder for each of fiscal years 2019 and 2020; and

“(C) to carry out activities authorized under subpart

4—

“(i) 28 percent of such remainder for each of fiscal years 2017 and 2018; and

“(ii) 26 percent of such remainder for each of fiscal years 2019 and 2020.

“Subpart 1—Education Innovation and Research**“SEC. 4611. GRANTS FOR EDUCATION INNOVATION AND RESEARCH.** 20 USC 7261.**“(a) PROGRAM AUTHORIZED.—****“(1) IN GENERAL.—**From funds reserved under section 4601(b)(2)(A), the Secretary shall make grants to eligible entities to enable the eligible entities to—**“(A)** create, develop, implement, replicate, or take to scale entrepreneurial, evidence-based, field-initiated innovations to improve student achievement and attainment for high-need students; and**“(B)** rigorously evaluate such innovations, in accordance with subsection (e).**“(2) DESCRIPTION OF GRANTS.—**The grants described in paragraph (1) shall include—**“(A)** early-phase grants to fund the development, implementation, and feasibility testing of a program, which prior research suggests has promise, for the purpose of determining whether the program can successfully improve student achievement or attainment for high-need students;**“(B)** mid-phase grants to fund implementation and a rigorous evaluation of a program that has been successfully implemented under an early-phase grant described in subparagraph (A) or other effort meeting similar criteria, for the purpose of measuring the program’s impact and cost effectiveness, if possible using existing administrative data; and**“(C)** expansion grants to fund implementation and a rigorous replication evaluation of a program that has been found to produce sizable, important impacts under a mid-phase grant described in subparagraph (B) or other effort meeting similar criteria, for the purposes of—**“(i)** determining whether such impacts can be successfully reproduced and sustained over time; and**“(ii)** identifying the conditions in which the program is most effective.**“(b) ELIGIBLE ENTITY.—**In this subpart, the term ‘eligible entity’ means any of the following:**“(1)** A local educational agency.**“(2)** A State educational agency.**“(3)** The Bureau of Indian Education.**“(4)** A consortium of State educational agencies or local educational agencies.**“(5)** A nonprofit organization.**“(6)** A State educational agency, a local educational agency, a consortium described in paragraph (4), or the Bureau of Indian Education, in partnership with—**“(A)** a nonprofit organization;**“(B)** a business;**“(C)** an educational service agency; or**“(D)** an institution of higher education.**“(c) RURAL AREAS.—****“(1) IN GENERAL.—**In awarding grants under subsection (a), the Secretary shall ensure that not less than 25 percent of the funds made available for any fiscal year are awarded for programs that meet both of the following requirements:**“(A)** The grantee is—

“(i) a local educational agency with an urban-centric district locale code of 32, 33, 41, 42, or 43, as determined by the Secretary;

“(ii) a consortium of such local educational agencies;

“(iii) an educational service agency or a nonprofit organization in partnership with such a local educational agency; or

“(iv) a grantee described in clause (i) or (ii) in partnership with a State educational agency.

“(B) A majority of the schools to be served by the program are designated with a locale code of 32, 33, 41, 42, or 43, or a combination of such codes, as determined by the Secretary.

“(2) EXCEPTION.—Notwithstanding paragraph (1), the Secretary shall reduce the amount of funds made available under such paragraph if the Secretary does not receive a sufficient number of applications of sufficient quality.

“(d) MATCHING FUNDS.—In order to receive a grant under subsection (a), an eligible entity shall demonstrate that the eligible entity will provide matching funds, in cash or through in-kind contributions, from Federal, State, local, or private sources in an amount equal to 10 percent of the funds provided under such grant, except that the Secretary may waive the matching funds requirement, on a case-by-case basis, upon a showing of exceptional circumstances, such as—

“(1) the difficulty of raising matching funds for a program to serve a rural area;

“(2) the difficulty of raising matching funds in areas with a concentration of local educational agencies or schools with a high percentage of students aged 5 through 17—

“(A) who are in poverty, as counted in the most recent census data approved by the Secretary;

“(B) who are eligible for a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);

“(C) whose families receive assistance under the State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.); or

“(D) who are eligible to receive medical assistance under the Medicaid program; and

“(3) the difficulty of raising funds on tribal land.

“(e) EVALUATION.—Each recipient of a grant under this section shall conduct an independent evaluation of the effectiveness of the program carried out under such grant.

“(f) TECHNICAL ASSISTANCE.—The Secretary may reserve not more than 5 percent of the funds appropriated under section 4601(b)(2)(A) for each fiscal year to—

“(1) provide technical assistance for eligibility entities, which may include pre-application workshops, web-based seminars, and evaluation support; and

“(2) to disseminate best practices.

“Subpart 2—Community Support for School Success

“SEC. 4621. PURPOSES.

20 USC 7271.

“The purposes of this subpart are to—

“(1) significantly improve the academic and developmental outcomes of children living in the most distressed communities of the United States, including ensuring school readiness, high school graduation, and access to a community-based continuum of high-quality services; and

“(2) provide support for the planning, implementation, and operation of full-service community schools that improve the coordination and integration, accessibility, and effectiveness of services for children and families, particularly for children attending high-poverty schools, including high-poverty rural schools.

“SEC. 4622. DEFINITIONS.

20 USC 7272.

“In this subpart:

“(1) **ELIGIBLE ENTITY.**—The term ‘eligible entity’ means the following:

“(A) With respect to a grant for activities described in section 4623(a)(1)(A)—

“(i) an institution of higher education, as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002);

“(ii) an Indian tribe or tribal organization, as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b); or

“(iii) one or more nonprofit entities working in formal partnership with not less than 1 of the following entities:

“(I) A high-need local educational agency.

“(II) An institution of higher education, as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002).

“(III) The office of a chief elected official of a unit of local government.

“(IV) An Indian tribe or tribal organization, as defined under section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

“(B) With respect to a grant for activities described in section 4623(a)(1)(B), a consortium of—

“(i) 1 or more local educational agencies; or

“(II) the Bureau of Indian Education; and

“(ii) 1 or more community-based organizations, nonprofit organizations, or other public or private entities.

“(2) **FULL-SERVICE COMMUNITY SCHOOL.**—The term ‘full-service community school’ means a public elementary school or secondary school that—

“(A) participates in a community-based effort to coordinate and integrate educational, developmental, family, health, and other comprehensive services through community-based organizations and public and private partnerships; and

“(B) provides access to such services in school to students, families, and the community, such as access during the school year (including before- and after-school hours and weekends), as well as during the summer.

“(3) PIPELINE SERVICES.—The term ‘pipeline services’ means a continuum of coordinated supports, services, and opportunities for children from birth through entry into and success in postsecondary education, and career attainment. Such services shall include, at a minimum, strategies to address through services or programs (including integrated student supports) the following:

“(A) High-quality early childhood education programs.

“(B) High-quality school and out-of-school-time programs and strategies.

“(C) Support for a child’s transition to elementary school, from elementary school to middle school, from middle school to high school, and from high school into and through postsecondary education and into the workforce, including any comprehensive readiness assessment determined necessary.

“(D) Family and community engagement and supports, which may include engaging or supporting families at school or at home.

“(E) Activities that support postsecondary and workforce readiness, which may include job training, internship opportunities, and career counseling.

“(F) Community-based support for students who have attended the schools in the area served by the pipeline, or students who are members of the community, facilitating their continued connection to the community and success in postsecondary education and the workforce.

“(G) Social, health, nutrition, and mental health services and supports.

“(H) Juvenile crime prevention and rehabilitation programs.

20 USC 7273.

“SEC. 4623. PROGRAM AUTHORIZED.

“(a) PROGRAM AUTHORIZED.—

“(1) IN GENERAL.—The Secretary shall use not less than 95 percent of the amounts made available under section 4601(b)(2)(B) to award grants, on a competitive basis and subject to subsection (e), to eligible entities for the following activities:

“(A) PROMISE NEIGHBORHOODS.—The implementation of a comprehensive, effective continuum of coordinated services that meets the purpose described in section 4621(1) by carrying out activities in neighborhoods with—

“(i) high concentrations of low-income individuals;

“(ii) multiple signs of distress, which may include high rates of poverty, childhood obesity, academic failure, and juvenile delinquency, adjudication, or incarceration; and

“(iii) schools implementing comprehensive support and improvement activities or targeted support and improvement activities under section 1111(d).

“(B) FULL-SERVICE COMMUNITY SCHOOLS.—The provision of assistance to public elementary schools or secondary schools to function as full-service community schools.

“(2) SUFFICIENT SIZE AND SCOPE.—Each grant awarded under this subpart shall be of sufficient size and scope to allow the eligible entity to carry out the applicable purposes of this subpart.

“(b) DURATION.—A grant awarded under this subpart shall be for a period of not more than 5 years, and may be extended for an additional period of not more than 2 years.

“(c) CONTINUED FUNDING.—Continued funding of a grant under this subpart, including a grant extended under subsection (b), after the third year of the initial grant period shall be contingent on the eligible entity’s progress toward meeting—

“(1) with respect to a grant for activities described in section 4624, the performance metrics described in section 4624(h); and

“(2) with respect to a grant for activities described in section 4625, annual performance objectives and outcomes under section 4625(a)(4)(C).

“(d) MATCHING REQUIREMENTS.—

“(1) PROMISE NEIGHBORHOOD ACTIVITIES.—

“(A) MATCHING FUNDS.—Each eligible entity receiving a grant under this subpart for activities described in section 4624 shall contribute matching funds in an amount equal to not less than 100 percent of the amount of the grant. Such matching funds shall come from Federal, State, local, and private sources.

“(B) PRIVATE SOURCES.—The Secretary shall require that a portion of the matching funds come from private sources, which may include in-kind contributions.

“(C) ADJUSTMENT.—The Secretary may adjust the matching funds requirement under this paragraph for applicants that demonstrate high need, including applicants from rural areas and applicants that wish to provide services on tribal lands.

“(D) FINANCIAL HARDSHIP WAIVER.—The Secretary may waive or reduce, on a case-by-case basis, the matching requirement under this paragraph, including the requirement for funds from private sources, for a period of 1 year at a time, if the eligible entity demonstrates significant financial hardship.

“(2) FULL-SERVICE COMMUNITY SCHOOLS ACTIVITIES.—

“(A) IN GENERAL.—Each eligible entity receiving a grant under this subpart for activities described in section 4625 shall provide matching funds from non-Federal sources, which may be provided in part with in-kind contributions.

“(B) SPECIAL RULE.—The Bureau of Indian Education may meet the requirement of subparagraph (A) using funds from other Federal sources.

“(3) SPECIAL RULES.—

“(A) IN GENERAL.—The Secretary may not require any eligible entity receiving a grant under this subpart to provide matching funds in an amount that exceeds the amount of the grant award.

“(B) CONSIDERATION.—Notwithstanding this subsection, the Secretary shall not consider the ability of an eligible entity to match funds when determining which applicants will receive grants under this subpart.

“(e) RESERVATION FOR RURAL AREAS.—

“(1) IN GENERAL.—From the amounts allocated under subsection (a) for grants to eligible entities, the Secretary shall use not less than 15 percent of such amounts to award grants to eligible entities that propose to carry out the activities described in such subsection in rural areas.

“(2) EXCEPTION.—The Secretary shall reduce the amount described in paragraph (1) if the Secretary does not receive a sufficient number of applications of sufficient quality.

“(f) MINIMUM NUMBER OF GRANTS.—For each fiscal year, the Secretary shall award under this subpart not fewer than 3 grants for activities described in section 4624 and not fewer than 10 grants for activities described in section 4625, subject to the availability of appropriations, the requirements of subsection (a)(2), and the number and quality of applications.

20 USC 7274.

“SEC. 4624. PROMISE NEIGHBORHOODS.

“(a) APPLICATION REQUIREMENTS.—An eligible entity desiring a grant under this subpart for activities described in this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require, including, at a minimum, all of the following:

“(1) A plan to significantly improve the academic outcomes of children living in a neighborhood that is served by the eligible entity—

“(A) by providing pipeline services that address the needs of children in the neighborhood, as identified by the needs analysis described in paragraph (4); and

“(B) that is supported by effective practices.

“(2) A description of the neighborhood that the eligible entity will serve.

“(3) Measurable annual objectives and outcomes for the grant, in accordance with the metrics described in subsection (h), for each year of the grant.

“(4) An analysis of the needs and assets of the neighborhood identified in paragraph (1), including—

“(A) the size and scope of the population affected;

“(B) a description of the process through which the needs analysis was produced, including a description of how parents, families, and community members were engaged in such analysis;

“(C) an analysis of community assets and collaborative efforts (including programs already provided from Federal and non-Federal sources) within, or accessible to, the neighborhood, including, at a minimum, early learning opportunities, family and student supports, local businesses, local educational agencies, and institutions of higher education;

“(D) the steps that the eligible entity is taking, at the time of the application, to address the needs identified in the needs analysis; and

“(E) any barriers the eligible entity, public agencies, and other community-based organizations have faced in meeting such needs.

“(5) A description of—

“(A) all information that the entity used to identify the pipeline services to be provided, which shall not include information that is more than 3 years old; and

“(B) how the eligible entity will—

“(i) collect data on children served by each pipeline service; and

“(ii) increase the percentage of children served over time.

“(6) A description of the process used to develop the application, including the involvement of family and community members.

“(7) A description of how the pipeline services will facilitate the coordination of the following activities:

“(A) Providing early learning opportunities for children, including by—

“(i) providing opportunities for families to acquire the skills to promote early learning and child development; and

“(ii) ensuring appropriate diagnostic assessments and referrals for children with disabilities and children aged 3 through 9 experiencing developmental delays, consistent with the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), where applicable.

“(B) Supporting, enhancing, operating, or expanding rigorous, comprehensive, effective educational improvements, which may include high-quality academic programs, expanded learning time, and programs and activities to prepare students for postsecondary education admissions and success.

“(C) Supporting partnerships between schools and other community resources with an integrated focus on academics and other social, health, and familial supports.

“(D) Providing social, health, nutrition, and mental health services and supports, for children, family members, and community members, which may include services provided within the school building.

“(E) Supporting evidence-based programs that assist students through school transitions, which may include expanding access to postsecondary education courses and postsecondary education enrollment aid or guidance, and other supports for at-risk youth.

“(8) A description of the strategies that will be used to provide pipeline services (including a description of which programs and services will be provided to children, family members, community members, and children within the neighborhood) to support the purpose described in section 4621(1).

“(9) An explanation of the process the eligible entity will use to establish and maintain family and community engagement, including—

“(A) involving representative participation by the members of such neighborhood in the planning and implementation of the activities of each grant awarded under this subpart for activities described in this section;

“(B) the provision of strategies and practices to assist family and community members in actively supporting student achievement and child development;

“(C) providing services for students, families, and communities within the school building; and

“(D) collaboration with institutions of higher education, workforce development centers, and employers to align expectations and programming with postsecondary education and workforce readiness,

“(10) An explanation of how the eligible entity will continuously evaluate and improve the continuum of high-quality pipeline services to provide for continuous program improvement and potential expansion.

“(b) PRIORITY.—In awarding grants for activities described in this section, the Secretary shall give priority to eligible entities that will use funds under subsection (d) for evidence-based activities, which, for purposes of this subsection, is defined as activities meeting the requirements of section 8101(21)(A)(i).

“(c) MEMORANDUM OF UNDERSTANDING.—As eligible entity shall, as part of the application described in subsection (a), submit a preliminary memorandum of understanding, signed by each partner entity or agency described in section 4622(1)(A)(3) (if applicable) and detailing each partner’s financial, programmatic, and long-term commitment with respect to the strategies described in the application.

“(d) USES OF FUNDS.—Each eligible entity that receives a grant under this subpart to carry out a program of activities described in this section shall use the grant funds to—

“(1) support planning activities to develop and implement pipeline services;

“(2) implement the pipeline services; and

“(3) continuously evaluate the success of the program and improve the program based on data and outcomes.

“(e) SPECIAL RULES.—

“(1) FUNDS FOR PIPELINE SERVICES.—Each eligible entity that receives a grant under this subpart for activities described in this section shall, for the first year of the grant, use not less than 50 percent of the grant funds, and, for the second year of the grant, use not less than 25 percent of the grant funds, to carry out the activities described in subsection (d)(1).

“(2) OPERATIONAL FLEXIBILITY.—Each eligible entity that operates a school in a neighborhood served by a grant program under this subpart for activities described in this section shall provide such school with the operational flexibility, including autonomy over staff, time, and budget, needed to effectively carry out the activities described in the application under subsection (a).

“(3) LIMITATION ON USE OF FUNDS FOR EARLY CHILDHOOD EDUCATION PROGRAMS.—Funds provided under this subpart for activities described in this section that are used to improve early childhood education programs shall not be used to carry out any of the following activities:

“(A) Assessments that provide rewards or sanctions for individual children or teachers.

“(B) A single assessment that is used as the primary or sole method for assessing program effectiveness.

“(C) Evaluating children, other than for the purposes of improving instruction, classroom environment, professional development, or parent and family engagement, or program improvement.

“(f) REPORT.—Each eligible entity that receives a grant under this subpart for activities described in this section shall prepare and submit an annual report to the Secretary, which shall include—

“(1) information about the number and percentage of children in the neighborhood who are served by the grant program, including a description of the number and percentage of children accessing each support or service offered as part of the pipeline services; and

“(2) information relating to the performance metrics described in subsection (h).

“(g) PUBLICLY AVAILABLE DATA.—Each eligible entity that receives a grant under this subpart for activities described in this section shall make publicly available, including through electronic means, the information described in subsection (f). To the extent practicable, such information shall be provided in a form and language accessible to parents and families in the neighborhood served under the grant, and such information shall be a part of statewide longitudinal data systems.

“(h) PERFORMANCE INDICATORS.—

“(1) IN GENERAL.—The Secretary shall establish performance indicators under paragraph (2) and corresponding metrics to be used for the purpose of reporting under paragraph (3) and program evaluation under subsection (i).

“(2) INDICATORS.—The performance indicators established by the Secretary under paragraph (1) shall be indicators of improved academic and developmental outcomes for children, including indicators of school readiness, high school graduation, postsecondary education and career readiness, and other academic and developmental outcomes, to promote—

“(A) data-driven decision-making by eligible entities receiving funds under this subpart; and

“(B) access to a community-based continuum of high-quality services for children living in the most distressed communities of the United States, beginning at birth.

“(3) REPORTING.—Each eligible entity that receives a grant under this subpart for activities described in this section shall annually collect and report to the Secretary data on the performance indicators described in paragraph (2) for use by the Secretary in making a determination concerning continuation funding and grant extension under section 4623(b) for each eligible entity.

“(i) EVALUATION.—The Secretary shall reserve not more than 5 percent of the funds made available under section 4601(b)(2)(A) to provide technical assistance and evaluate the implementation and impact of the activities funded under this section, in accordance with section 8601.

“SEC. 4625. FULL-SERVICE COMMUNITY SCHOOLS.

20 USC 7275.

“(a) APPLICATION.—An eligible entity that desires a grant under this subpart for activities described in this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require. The Secretary shall require that each such application include the following:

“(1) A description of the eligible entity.

“(2) A memorandum of understanding among all partner entities in the eligible entity that will assist the eligible entity to coordinate and provide pipeline services and that describes the roles the partner entities will assume.

“(3) A description of the capacity of the eligible entity to coordinate and provide pipeline services at 2 or more full-service community schools.

“(4) A comprehensive plan that includes descriptions of the following:

“(A) The student, family, and school community to be served, including demographic information.

“(B) A needs assessment that identifies the academic, physical, nonacademic, health, mental health, and other needs of students, families, and community residents.

“(C) Annual measurable performance objectives and outcomes, including an increase in the number and percentage of families and students targeted for services each year of the program, in order to ensure that children are—

“(i) prepared for kindergarten;

“(ii) achieving academically; and

“(iii) safe, healthy, and supported by engaged parents.

“(D) Pipeline services, including existing and additional pipeline services, to be coordinated and provided by the eligible entity and its partner entities, including an explanation of—

“(i) why such services have been selected;

“(ii) how such services will improve student academic achievement; and

“(iii) how such services will address the annual measurable performance objectives and outcomes established under subparagraph (C).

“(E) Plans to ensure that each full-service community school site has a full-time coordinator of pipeline services at such school, including a description of the applicable funding sources, plans for professional development for the personnel managing, coordinating, or delivering pipeline services, and plans for joint utilization and management of school facilities.

“(F) Plans for annual evaluation based upon attainment of the performance objectives and outcomes described in subparagraph (C).

“(G) Plans for sustaining the programs and services described in this subsection after the grant period.

“(5) An assurance that the eligible entity and its partner entities will focus services on schools eligible for a schoolwide program under section 1114(b).

“(b) PRIORITY.—In awarding grants under this subpart for activities described in this section, the Secretary shall give priority to eligible entities that—

“(1)(A) will serve a minimum of 2 or more full-service community schools eligible for a schoolwide program under section 1114(b), as part of a community- or district-wide strategy; or

“(B) include a local educational agency that satisfies the requirements of—

“(i) subparagraph (A), (B), or (C) of section 5211(b)(1);

or

“(ii) subparagraphs (A) and (B) of section 5221(b)(1);

“(2) are consortiums comprised of a broad representation of stakeholders or consortiums demonstrating a history of effectiveness; and

“(3) will use funds for evidence-based activities described in subsection (e), defined for purposes of this paragraph as activities meeting the requirements of section 8101(21)(A)(i).

“(c) PLANNING.—The Secretary may authorize an eligible entity receiving a grant under this subpart for activities described in this section to use not more than 10 percent of the total amount of grant funds for planning purposes during the first year of the grant.

“(d) MINIMUM AMOUNT.—The Secretary may not award a grant under this subpart for activities described in this section to an eligible entity in an amount that is less than \$75,000 for each year of the grant period, subject to the availability of appropriations.

“(e) USE OF FUNDS.—Grants awarded under this subpart for activities described in this section shall be used to—

“(1) coordinate not less than 3 existing pipeline services, as of the date of the grant award, and provide not less than 2 additional pipeline services, at 2 or more public elementary schools or secondary schools;

“(2) to the extent practicable, integrate multiple pipeline services into a comprehensive, coordinated continuum to achieve the annual measurable performance objectives and outcomes under subsection (a)(4)(C) to meet the holistic needs of children; and

“(3) if applicable, coordinate and integrate services provided by community-based organizations and government agencies with services provided by specialized instructional support personnel.

“(f) EVALUATIONS BY THE INSTITUTE OF EDUCATION SCIENCES.—The Secretary, acting through the Director of the Institute of Education Sciences, shall conduct evaluations of the effectiveness of grants under this subpart for activities described in this section in achieving the purpose described in section 4621(2).

“(g) EVALUATIONS BY GRANTEES.—The Secretary shall require each eligible entity receiving a grant under this subpart for activities described in this section to—

“(1) conduct annual evaluations of the progress achieved with the grant toward the purpose described in section 4621(2);

“(2) use such evaluations to refine and improve activities carried out through the grant and the annual measurable performance objectives and outcomes under subsection (a)(4)(C); and

“(3) make the results of such evaluations publicly available, including by providing public notice of such availability.

“(h) CONSTRUCTION CLAUSE.—Nothing in this section shall be construed to alter or otherwise affect the rights, remedies, and procedures afforded school or local educational agency employees under Federal, State, or local laws (including applicable regulations or court orders) or under the terms of collective bargaining agreements, memoranda of understanding, or other agreements between such employees and their employers.

“(i) SUPPLEMENT, NOT SUPPLANT.—Funds made available to an eligible entity through a grant under this subpart for activities described in this section may be used only to supplement, and not supplant, any other Federal, State, or local funds that would otherwise be available to carry out the activities assisted under this section.

“Subpart 3—National Activities for School Safety

20 USC 7281.

“SEC. 4631. NATIONAL ACTIVITIES FOR SCHOOL SAFETY.

“(a) PROGRAM AUTHORIZED.—

“(1) IN GENERAL.—From the funds reserved under section 4601(b)(1), the Secretary—

“(A) shall use a portion of such funds for the Project School Emergency Response to Violence program (in this section referred to as ‘Project SERV’), in order to provide education-related services to eligible entities; and

“(B) may use a portion of such funds to carry out other activities to improve students’ safety and well-being, during and after the school day, under this section directly or through grants, contracts, or cooperative agreements with public or private entities or individuals, or other Federal agencies, such as providing technical assistance to States and local educational agencies carrying out activities under this section or conducting a national evaluation.

“(2) AVAILABILITY.—Amounts reserved under section 4601(b)(1) for Project SERV are authorized to remain available until expended for Project SERV.

“(b) PROJECT SERV.—

“(1) ADDITIONAL USE OF FUNDS.—Funds made available under subsection (a) for extended services grants under Project SERV may be used by an eligible entity to initiate or strengthen violence prevention activities as part of the activities designed to restore the learning environment that was disrupted by the violent or traumatic crisis in response to which the grant was awarded.

“(2) APPLICATION PROCESS.—

“(A) IN GENERAL.—An eligible entity desiring to use a portion of extended services grant funds under Project SERV to initiate or strengthen a violence prevention activity shall—

“(i) submit, in an application that meets all requirements of the Secretary for Project SERV, the information described in subparagraph (B); or

“(ii) in the case of an eligible entity that has already received an extended services grant under Project SERV, submit an addition to the original application that includes the information described in subparagraph (B).

“(B) APPLICATION REQUIREMENTS.—An application, or addition to an application, for an extended services grant pursuant to subparagraph (A) shall include the following:

“(i) A demonstration of the need for funds due to a continued disruption or a substantial risk of disruption to the learning environment.

“(ii) An explanation of the proposed activities that are designed to restore and preserve the learning environment.

“(iii) A budget and budget narrative for the proposed activities.

“(3) AWARD BASIS.—Any award of funds under Project SERV for violence prevention activities under this section shall be subject to the discretion of the Secretary and the availability of funds.

“(4) PROHIBITED USE.—No funds provided to an eligible entity for violence prevention activities may be used for construction, renovation, or repair of a facility or for the permanent infrastructure of the eligible entity.

“(c) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term ‘eligible entity’ means—

“(1) a local educational agency, as defined in subparagraph (A), (B), or (C) of section 8101(30), or institution of higher education in which the learning environment has been disrupted due to a violent or traumatic crisis; or

“(2) the Bureau of Indian Education in a case where the learning environment of a school operated or funded by the Bureau, including a school meeting the definition of a local educational agency under section 8101(30)(C), has been disrupted due to a violent or traumatic crisis.

“Subpart 4—Academic Enrichment

“SEC. 4641. AWARDS FOR ACADEMIC ENRICHMENT.

20 USC 7291.

“(a) PROGRAM AUTHORIZED.—From funds reserved under section 4601(b)(2)(C), the Secretary shall award grants, contracts, or cooperative agreements, on a competitive basis, to eligible entities for the purposes of enriching the academic experience of students by promoting—

“(1) arts education for disadvantaged students and students who are children with disabilities, as described in section 4642;

“(2) school readiness through the development and dissemination of accessible instructional programming for preschool and elementary school children and their families, as described in section 4643; and

“(3) support for high-ability learners and high-ability learning, as described in section 4644.

“(b) ANNUAL AWARDS.—The Secretary shall annually make awards to fulfill each of the purposes described in paragraphs (1) through (3) of subsection (a).

“SEC. 4642. ASSISTANCE FOR ARTS EDUCATION.

20 USC 7292.

“(a) AWARDS TO PROVIDE ASSISTANCE FOR ARTS EDUCATION.—

“(1) IN GENERAL.—Awards made to eligible entities to fulfill the purpose described in section 4641(a)(1), shall be used for a program (to be known as the ‘Assistance for Arts Education program’) to promote arts education for students, including disadvantaged students and students who are children with disabilities, through activities such as—

“(A) professional development for arts educators, teachers, and principals;

“(B) development and dissemination of accessible instructional materials and arts-based educational

programming, including online resources, in multiple arts disciplines; and

“(C) community and national outreach activities that strengthen and expand partnerships among schools, local educational agencies, communities, or centers for the arts, including national centers for the arts.

“(b) CONDITIONS.—As conditions of receiving assistance made available under this section, the Secretary shall require each eligible entity receiving such assistance—

“(1) to coordinate, to the extent practicable, each project or program carried out with such assistance with appropriate activities of public or private cultural agencies, institutions, and organizations, including museums, arts education associations, libraries, and theaters; and

“(2) to use such assistance only to supplement, and not to supplant, any other assistance or funds made available from non-Federal sources for the activities assisted under this subpart.

“(c) CONSULTATION.—In carrying out this section, the Secretary shall consult with Federal agencies or institutions, arts educators (including professional arts education associations), and organizations representing the arts (including State and local arts agencies involved in arts education).

“(d) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to eligible entities that are eligible national nonprofit organizations.

“(e) DEFINITIONS.—In this section:

“(1) ELIGIBLE ENTITY.—The term ‘eligible entity’ means—

“(A) a local educational agency in which 20 percent or more of the students served by the local educational agency are from families with an income below the poverty line;

“(B) a consortium of such local educational agencies;

“(C) a State educational agency;

“(D) an institution of higher education;

“(E) a museum or cultural institution;

“(F) the Bureau of Indian Education;

“(G) an eligible national nonprofit organization; or

“(H) another private agency, institution, or organization.

“(2) ELIGIBLE NATIONAL NONPROFIT ORGANIZATION.—The term ‘eligible national nonprofit organization’ means an organization of national scope that—

“(A) is supported by staff, which may include volunteers, or affiliates at the State and local levels; and

“(B) demonstrates effectiveness or high-quality plans for addressing arts education activities for disadvantaged students or students who are children with disabilities.

20 USC 7293.

“SEC. 4643. READY TO LEARN PROGRAMMING.

“(a) AWARDS TO PROMOTE SCHOOL READINESS THROUGH READY TO LEARN PROGRAMMING.—

“(1) IN GENERAL.—Awards made to eligible entities described in paragraph (3) to fulfill the purpose described in section 4641(a)(2) shall—

“(A) be known as ‘Ready to Learn Programming awards’; and

“(B) be used to—

“(i) develop, produce, and distribute accessible educational and instructional video programming for preschool and elementary school children and their parents in order to facilitate student academic achievement;

“(ii) facilitate the development, directly or through contracts with producers of children’s and family educational television programming, of educational programming for preschool and elementary school children, and the accompanying support materials and services that promote the effective use of such programming;

“(iii) facilitate the development of programming and digital content containing Ready-to-Learn programming and resources for parents and caregivers that is specially designed for nationwide distribution over public television stations’ digital broadcasting channels and the Internet;

“(iv) contract with entities (such as public telecommunications entities) so that programming developed under this section is disseminated and distributed to the widest possible audience appropriate to be served by the programming, and through the use of the most appropriate distribution technologies; and

“(v) develop and disseminate education and training materials, including interactive programs and programs adaptable to distance learning technologies, that are designed—

“(I) to promote school readiness; and

“(II) to promote the effective use of materials developed under clauses (ii) and (iii) among parents, family members, teachers, principals and other school leaders, Head Start providers, providers of family literacy services, child care providers, early childhood educators, elementary school teachers, public libraries, and after-school program personnel caring for preschool and elementary school children.

“(2) AVAILABILITY.—In awarding or entering into grants, contracts, or cooperative agreements under this section, the Secretary shall ensure that eligible entities described in paragraph (3) make programming widely available, with support materials as appropriate, to young children, parents, child care workers, Head Start providers, and providers of family literacy services to increase the effective use of such programming.

“(3) ELIGIBLE ENTITIES.—To be eligible to receive a grant, contract, or cooperative agreement under this section, an entity shall be a public telecommunications entity that is able to demonstrate each of the following:

“(A) A capacity for the development and national distribution of educational and instructional television programming of high quality that is accessible by a large majority of disadvantaged preschool and elementary school children.

“(B) A capacity to contract with the producers of children’s television programming for the purpose of developing educational television programming of high quality.

“(C) A capacity, consistent with the entity’s mission and nonprofit nature, to negotiate such contracts in a manner that returns to the entity an appropriate share of any ancillary income from sales of any program-related products.

“(D) A capacity to localize programming and materials to meet specific State and local needs and to provide educational outreach at the local level.

“(4) COORDINATION OF ACTIVITIES.—An entity receiving a grant, contract, or cooperative agreement under this section shall consult with the Secretary and the Secretary of Health and Human Services—

“(A) to maximize the use of high-quality educational programming by preschool and elementary school children, and make such programming widely available to Federally funded programs serving such populations; and

“(B) to coordinate activities with Federal programs that have major training components for early childhood development, including programs under the Head Start Act (42 U.S.C. 9831 et seq.) and State training activities funded under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.), regarding the availability and utilization of materials developed under paragraph (1)(B)(v) to enhance parent and child care provider skills in early childhood development and education.

“(b) APPLICATIONS.—To be eligible to receive a grant, contract, or cooperative agreement under subsection (a), an entity shall submit to the Secretary an application at such time and in such manner as the Secretary may reasonably require. The application shall include—

“(1) a description of the activities to be carried out under this section;

“(2) a list of the types of entities with which such entity will enter into contracts under subsection (a)(1)(B)(iv);

“(3) a description of the activities the entity will undertake widely to disseminate the content developed under this section; and

“(4) a description of how the entity will comply with subsection (a)(2).

“(c) REPORTS AND EVALUATIONS.—

“(1) ANNUAL REPORT TO SECRETARY.—An entity receiving a grant, contract, or cooperative agreement under this section shall prepare and submit to the Secretary an annual report. The report shall describe the program activities undertaken with funds received under the grant, contract, or cooperative agreement, including each of the following:

“(A) The programming that has been developed, directly or indirectly, by the eligible entity, and the target population of the programming.

“(B) The support and training materials that have been developed to accompany the programming, and the method by which the materials are distributed to consumers and users of the programming.

“(C) The means by which programming developed under this section has been distributed, including the distance learning technologies that have been utilized to make programming available, and the geographic distribution achieved through such technologies.

“(D) The initiatives undertaken by the entity to develop public-private partnerships to secure non-Federal support for the development, distribution, and broadcast of educational and instructional programming.

“(2) REPORT TO CONGRESS.—The Secretary shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives a biannual report that includes the following:

“(A) A summary of the activities assisted under subsection (a).

“(B) A description of the education and training materials made available under subsection (a)(1)(B)(v), the manner in which outreach has been conducted to inform parents and child care providers of the availability of such materials, and the manner in which such materials have been distributed in accordance with such subsection.

“(d) ADMINISTRATIVE COSTS.—An entity that receives a grant, contract, or cooperative agreement under this section may use up to 5 percent of the amount received under the grant, contract, or agreement for the normal and customary expenses of administering the grant, contract, or agreement.

“(e) FUNDING RULE.—Not less than 60 percent of the amount used by the Secretary to carry out this section for each fiscal year shall be used to carry out activities under clauses (ii) through (iv) of subsection (a)(1)(B).

“SEC. 4644. SUPPORTING HIGH-ABILITY LEARNERS AND LEARNING. 20 USC 7294.

“(a) PURPOSE.—The purpose of this section is to promote and initiate a coordinated program, to be known as the ‘Jacob K. Javits Gifted and Talented Students Education Program’, of evidence-based research, demonstration projects, innovative strategies, and similar activities designed to build and enhance the ability of elementary schools and secondary schools nationwide to identify gifted and talented students and meet their special educational needs.

“(b) PROGRAM AUTHORIZED.—

“(1) IN GENERAL.—The Secretary (after consultation with experts in the field of the education of gifted and talented students) shall make awards to, or enter into contracts with, State educational agencies, local educational agencies, the Bureau of Indian Education, institutions of higher education, other public agencies, and other private agencies and organizations to assist such agencies, institutions, or organizations, or the Bureau, in carrying out programs or projects to fulfill the purpose described in section 4641(a)(3), including the training of personnel in the identification and education of gifted and talented students and in the use, where appropriate, of gifted and talented services, materials, and methods for all students.

“(2) APPLICATION.—Each entity seeking assistance under this section shall submit an application to the Secretary at

such time and in such manner as the Secretary may reasonably require. Each application shall describe how—

“(A) the proposed identification methods, as well as gifted and talented services, materials, and methods, can be adapted, if appropriate, for use by all students; and

“(B) the proposed programs can be evaluated.

“(c) USES OF FUNDS.—Programs and projects assisted under this section may include any of the following:

“(1) Conducting evidence-based research on methods and techniques for identifying and teaching gifted and talented students and for using gifted and talented programs and methods to identify and provide the opportunity for all students to be served, particularly low-income and at-risk students.

“(2) Establishing and operating programs and projects for identifying and serving gifted and talented students, including innovative methods and strategies (such as summer programs, mentoring programs, peer tutoring programs, service learning programs, and cooperative learning programs involving business, industry and education) for identifying and educating students who may not be served by traditional gifted and talented programs.

“(3) Providing technical assistance and disseminating information, which may include how gifted and talented programs and methods may be adapted for use by all students, particularly low-income and at-risk students.

“(d) CENTER FOR RESEARCH AND DEVELOPMENT.—

“(1) IN GENERAL.—The Secretary (after consultation with experts in the field of the education of gifted and talented students) shall establish a National Research Center for the Education of Gifted and Talented Children and Youth through grants to, or contracts with, one or more institutions of higher education or State educational agencies, or a combination or consortium of such institutions and agencies and other public or private agencies and organizations, for the purpose of carrying out activities described in subsection (c).

“(2) DIRECTOR.—The National Center shall be headed by a Director. The Secretary may authorize the Director to carry out such functions of the National Center as may be agreed upon through arrangements with institutions of higher education, State educational agencies, local educational agencies, or other public or private agencies and organizations.

“(e) COORDINATION.—Evidence-based activities supported under this section—

“(1) shall be carried out in consultation with the Institute of Education Sciences to ensure that such activities are coordinated with and enhance the research and development activities supported by the Institute; and

“(2) may include collaborative evidence-based activities that are jointly funded and carried out with such Institute.

“(f) GENERAL PRIORITY.—In carrying out this section, the Secretary shall give highest priority to programs and projects designed to—

“(1) develop new information that—

“(A) improves the capability of schools to plan, conduct, and improve programs to identify and serve gifted and talented students; or

“(B) assists schools in the identification of, and provision of services to, gifted and talented students (including economically disadvantaged individuals, individuals who are English learners, and children with disabilities) who may not be identified and served through traditional assessment methods; or

“(2) implement evidence-based activities, defined in this paragraph as activities meeting the requirements of section 8101(21)(A)(i).

“(g) PARTICIPATION OF PRIVATE SCHOOL CHILDREN AND TEACHERS.—In making grants and entering into contracts under this section, the Secretary shall ensure, where appropriate, that provision is made for the equitable participation of students and teachers in private nonprofit elementary schools and secondary schools, including the participation of teachers and other personnel in professional development programs serving such students.

“(h) REVIEW, DISSEMINATION, AND EVALUATION.—The Secretary shall—

“(1) use a peer-review process in reviewing applications under this section;

“(2) ensure that information on the activities and results of programs and projects funded under this section is disseminated to appropriate State educational agencies, local educational agencies, and other appropriate organizations, including private nonprofit organizations; and

“(3) evaluate the effectiveness of programs under this section in accordance with section 8601, in terms of the impact on students traditionally served in separate gifted and talented programs and on other students, and submit the results of such evaluation to Congress not later than 2 years after the date of enactment of the Every Student Succeeds Act.

“(i) PROGRAM OPERATIONS.—The Secretary shall ensure that the programs under this section are administered within the Department by a person who has recognized professional qualifications and experience in the field of the education of gifted and talented students and who shall—

“(1) administer and coordinate the programs authorized under this section;

“(2) serve as a focal point of national leadership and information on the educational needs of gifted and talented students and the availability of educational services and programs designed to meet such needs;

“(3) assist the Director of the Institute of Education Sciences in identifying research priorities that reflect the needs of gifted and talented students; and

“(4) disseminate, and consult on, the information developed under this section with other offices within the Department.”.

TITLE V—STATE INNOVATION AND LOCAL FLEXIBILITY

SEC. 5001. GENERAL PROVISIONS.

(a) TITLE VI REDESIGNATIONS.—Title VI (20 U.S.C. 7301 et seq.) is redesignated as title V and further amended—

(1) by redesignating sections 6121 through 6123 as sections 5101 through 5103, respectively;

20 USC 7305,
7305a, 7305b.

20 USC 7341,
7341a.

20 USC 7345,
7345a, 7345b.

20 USC 7351,
7351a–7351c.

20 USC 7355,
7355a–7355c.

20 USC 7301,
7301a, 7301b,
7311, 7311a,
7311b, 7315,
7315a–7315c,
7321,
7321a–7321e,
7325,
7325a–7325c.
20 USC 7355.
20 USC 7351,
7351c.
20 USC 7351.

20 USC 7305,
7305b.
20 USC 7305a.

20 USC 7305b.

(2) by redesignating sections 6201 and 6202 as sections 5201 and 5202, respectively;

(3) by redesignating sections 6211 through 6213 as sections 5211 through 5213, respectively;

(4) by redesignating sections 6221 through 6224 as sections 5221 through 5224, respectively; and

(5) by redesignating sections 6231 through 6234 as sections 5231 through 5234, respectively.

(b) STRUCTURAL AND CONFORMING AMENDMENTS.—Title V (as redesignated by subsection (a) of this section) is further amended—

(1) in part A, by striking subparts 1, 3, and 4;

(2) by striking “section 6212” each place it appears and inserting “section 5212”;

(3) by striking “section 6223” each place it appears and inserting “section 5223”; and

(4) by striking “section 6234” each place it appears and inserting “section 5234”.

SEC. 5002. FUNDING TRANSFERABILITY FOR STATE AND LOCAL EDUCATIONAL AGENCIES.

Part A of title V, as redesignated and amended by section 5001 of this Act, is further amended—

(1) in the part heading, by striking “**IMPROVING ACADEMIC ACHIEVEMENT**” and inserting “**FUNDING TRANSFERABILITY FOR STATE AND LOCAL EDUCATIONAL AGENCIES**”;

(2) by striking “**Subpart 2—Funding Transferability for State and Local Educational Agencies**”;

(3) by striking “subpart” each place it appears and inserting “part”;

(4) by amending section 5102 to read as follows:

“SEC. 5102. PURPOSE.

“The purpose of this part is to allow States and local educational agencies the flexibility to target Federal funds to the programs and activities that most effectively address the unique needs of States and localities.”;

(5) in section 5103—

(A) in subsection (a)—

(i) in paragraph (1)—

(I) in the matter preceding subparagraph (A), by striking “not more than 50 percent of the non-administrative State funds” and inserting “all, or any lesser amount, of State funds”; and

(II) by striking subparagraphs (A) through (D) and inserting the following:

“(A) Part A of title II.

“(B) Part A of title IV.

“(C) Section 4202(c)(3).”; and

(ii) by striking paragraph (2) and inserting the following;

“(2) **ADDITIONAL FUNDS.**—In accordance with this part, a State may transfer any funds allotted to the State under a provision listed in paragraph (1) for a fiscal year to its allotment under any other of the following provisions:

“(A) Part A of title I.

“(B) Part C of title I.

“(C) Part D of title I.

“(D) Part A of title III.

“(E) Part B.”.

(B) in subsection (b)—

(i) in paragraph (1)—

(I) in subparagraph (A), by striking “(except” and all that follows through “subparagraph (C))” and inserting “may transfer all, or any lesser amount, of the funds allocated to it”;

(II) by striking subparagraphs (B) and (C) and inserting:

“(B) ADDITIONAL FUNDS.—In accordance with this part, a local educational agency may transfer any funds allotted to such agency under a provision listed in paragraph (2) for a fiscal year to its allotment under any other of the following provisions:

“(i) Part A of title I.

“(ii) Part C of title I.

“(iii) Part D of title I.

“(iv) Part A of title III.

“(v) Part B.”;

(ii) in paragraph (2)—

(I) in the matter preceding subparagraph (A), by striking “subparagraph (A), (B), or (C)” and inserting “subparagraph (A) or (B)”; and

(II) by striking subparagraphs (A) through (D) and inserting the following:

“(A) Part A of title II.

“(B) Part A of title IV.”;

(C) by striking subsection (c) and inserting the following:

“(c) NO TRANSFER OF CERTAIN FUNDING.—A State or local educational agency may not transfer under this part to any other program any funds allotted or allocated to it for the following provisions:

“(1) Part A of title I.

“(2) Part C of title I.

“(3) Part D of title I.

“(4) Part A of title III.

“(5) Part B.”; and

(D) in subsection (e)(2), by striking “section 9501” and inserting “section 8501”.

SEC. 5003. RURAL EDUCATION INITIATIVE.

Part B of title V, as redesignated and amended by section 5001 of this Act, is further amended—

(1) in section 5211—

(A) in subsection (a)(1), by striking subparagraphs (A) through (E) and inserting the following:

“(A) Part A of title I.

“(B) Part A of title II.

“(C) Title III.

“(D) Part A or B of title IV.”;

(B) in subsection (b)(1)—

(i) in subparagraph (A)(ii)—

(I) by striking “school” before “locale code”; and

20 USC 7345.

- (II) by striking “7 or 8, as determined by the Secretary; or” and inserting “41, 42, or 43, as determined by the Secretary;”;
- (ii) in subparagraph (B), by striking the period at the end and inserting “; or”; and
- (iii) by adding at the end the following:

“(C) the local educational agency is a member of an educational service agency that does not receive funds under this subpart and the local educational agency meets the requirements of this part.”; and

(C) in subsection (c), by striking paragraphs (1) through (3) and inserting the following:

“(1) Part A of title II.

“(2) Part A of title IV.”;

(2) in section 5212—

(A) in subsection (a), by striking paragraphs (1) through (5) and inserting the following:

“(1) Part A of title I.

“(2) Part A of title II.

“(3) Title III.

“(4) Part A or B of title IV.”;

(B) in subsection (b)—

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

“(1) ALLOCATION.—

“(A) IN GENERAL.—Except as provided in paragraphs (3) and (4), the Secretary shall award a grant under subsection (a) to a local educational agency eligible under section 5211(b) for a fiscal year in an amount equal to the initial amount determined under paragraph (2) for the fiscal year minus the total amount received by the agency under the provisions of law described in section 5211(c) for the preceding fiscal year.

“(B) SPECIAL DETERMINATION.—For a local educational agency that is eligible under section 5211(b)(1)(C) and is a member of an educational service agency, the Secretary may determine the award amount by subtracting from the initial amount determined under paragraph (2), an amount that is equal to that local educational agency’s per-pupil share of the total amount received by the educational service agency under the provisions described in section 5211(c), as long as a determination under this subparagraph would not disproportionately affect any State.”;

(ii) by striking paragraph (2) and inserting the following:

“(2) DETERMINATION OF INITIAL AMOUNT.—

“(A) IN GENERAL.—The initial amount referred to in paragraph (1) is equal to \$100 multiplied by the total number of students in excess of 50 students, in average daily attendance at the schools served by the local educational agency, plus \$20,000, except that the initial amount may not exceed \$60,000.

“(B) SPECIAL RULE.—For any fiscal year for which the amount made available to carry out this part is \$265,000,000 or more, subparagraph (A) shall be applied—

“(i) by substituting ‘\$25,000’ for ‘\$20,000’; and

“(ii) by substituting ‘\$80,000’ for ‘\$60,000.’; and
 (iii) by adding at the end the following:

“(4) HOLD HARMLESS.—For a local educational agency that is not eligible under this subpart due to amendments made by the Every Student Succeeds Act to section 5211(b)(1)(A)(ii) but met the eligibility requirements under section 6211(b) as such section was in effect on the day before the date of enactment of the Every Student Succeeds Act, the agency shall receive—

“(A) for fiscal year 2017, 75 percent of the amount such agency received for fiscal year 2015;

“(B) for fiscal year 2018, 50 percent of the amount such agency received for fiscal year 2015; and

“(C) for fiscal year 2019, 25 percent of the amount such agency received for fiscal year 2015.”; and

(C) by striking subsection (d);

(3) by striking section 5213;

(4) in section 5221—

(A) in subsection (a), by striking “section 6222(a)” and inserting “section 5222(a)”;

(B) in subsection (b)—

(i) in paragraph (1)—

(I) by striking “(A) 20 percent” and inserting “(A)(i) 20 percent”;

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

(III) in clause (ii) (as redesignated by subclause (II))—

(aa) by striking “school” before “locale code”;

(bb) by striking “6, 7, or 8” and inserting “32, 33, 41, 42, or 43”; and

(cc) by striking the period at the end and inserting “; or”; and

(IV) by adding at the end the following:

“(B) the agency meets the criteria established in clause (i) of subparagraph (A) and the Secretary, in accordance with paragraph (2), grants the local educational agency’s request to waive the criteria described in clause (ii) of such subparagraph.”;

(ii) by redesignating paragraph (2) as paragraph (3); and

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

“(2) CERTIFICATION.—The Secretary shall determine whether to waive the criteria described in paragraph (1)(A)(ii) based on a demonstration by the local educational agency, and concurrence by the State educational agency, that the local educational agency is located in an area defined as rural by a governmental agency of the State.”;

(C) in subsection (c)(1) by striking “Bureau of Indian Affairs” and inserting “Bureau of Indian Education”;

(5) in section 5222(a), by striking paragraphs (1) through (7) and inserting the following:

“(1) Activities authorized under part A of title I.

“(2) Activities authorized under part A of title II.

“(3) Activities authorized under title III.

“(4) Activities authorized under part A of title IV.

20 USC 7345b.

20 USC 7351.

20 USC 7351a.

“(5) Parental involvement activities.”;

(6) in section 5223—

(A) in subsection (a), by striking “at such time, in such manner, and accompanied by such information” and inserting “at such time and in such manner”; and

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

“(b) CONTENTS.—Each application submitted under subsection (a) shall include information on—

“(1) program objectives and outcomes for activities under this subpart, including how the State educational agency or specially qualified agency will use funds to help all students meet the challenging State academic standards;

“(2) if the State educational agency will competitively award grants to eligible local educational agencies, as described in section 5221(b)(3)(A), the application under the section shall include—

“(A) the methods and criteria the State educational agency will use to review applications and award funds to local educational agencies on a competitive basis; and

“(B) how the State educational agency will notify eligible local educational agencies of the grant competition; and

“(3) a description of how the State educational agency will provide technical assistance to eligible local educational agencies to help such agencies implement the activities described in section 5222.”;

(7) in section 5224—

(A) by striking the section heading and all that follows through “Each” and inserting the following: “**REPORT.—**Each”;

(B) by striking subsections (b) through (e);

(C) in the matter preceding paragraph (1), by inserting “or specially qualified agency” after “Each State educational agency”;

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

“(1) if the report is submitted by a State educational agency, the method the State educational agency used to award grants to eligible local educational agencies, and to provide assistance to schools, under this subpart;”;

(E) by striking paragraph (3) and inserting the following:

“(3) the degree to which progress has been made toward meeting the objectives and outcomes described in the application submitted under section 5223, including having all students in the State or the area served by the specially qualified agency, as applicable, meet the challenging State academic standards.”;

(8) by inserting after section 5224 the following:

20 USC 7351c.

20 USC 7351d.

“SEC. 5225. CHOICE OF PARTICIPATION.

“(a) IN GENERAL.—If a local educational agency is eligible for funding under both this subpart and subpart 1, such local educational agency may receive funds under either this subpart or subpart 1 for a fiscal year, but may not receive funds under both subparts for such fiscal year.

“(b) NOTIFICATION.—A local educational agency eligible for funding under both this subpart and subpart 1 shall notify the Secretary and the State educational agency under which of such subparts the local educational agency intends to receive funds for a fiscal year by a date that is established by the Secretary for the notification.”; and

(9) in section 5234, by striking “\$300,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years,” and inserting “\$169,840,000 for each of the fiscal years 2017 through 2020,”. 20 USC 7355c.

SEC. 5004. GENERAL PROVISIONS.

Part C of title V, as redesignated by section 5001 of this Act, is amended to read as follows:

“PART C—GENERAL PROVISIONS

“SEC. 5301. PROHIBITION AGAINST FEDERAL MANDATES, DIRECTION, OR CONTROL. 20 USC 7371.

“Nothing in this title shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school’s specific instructional content, academic standards and assessments, curriculum, or program of instruction, as a condition of eligibility to receive funds under this Act.

“SEC. 5302. RULE OF CONSTRUCTION ON EQUALIZED SPENDING. 20 USC 7372.

“Nothing in this title shall be construed to mandate equalized spending per pupil for a State, local educational agency, or school.”.

SEC. 5005. REVIEW RELATING TO RURAL LOCAL EDUCATIONAL AGENCIES. 20 USC 7341a note.

(a) REVIEW AND REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary of Education shall—

(1) review the organization, structure, and process and procedures of the Department of Education for administering its programs and developing policy and regulations, in order to—

(A) assess the methods and manner through which, and the extent to which, the Department of Education takes into account, considers input from, and addresses the unique needs and characteristics of rural schools and rural local educational agencies; and

(B) determine actions that the Department of Education can take to meaningfully increase the consideration and participation of rural schools and rural local educational agencies in the development and execution of the processes, procedures, policies, and regulations of the Department of Education;

(2) make public a preliminary report containing the information described in paragraph (1) and provide Congress and the public with 60 days to comment on the proposed actions described in paragraph (1)(B); and

(3) issue a final report to the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Education and the Workforce of the House of Representatives, which shall describe the final actions developed pursuant

to paragraph (1)(B) after taking into account the comments submitted under paragraph (2).

(b) IMPLEMENTATION.—Not later than 2 years after the date of enactment of this Act, the Secretary of Education shall—

(1) carry out each action described in the report under subsection (a)(3); or

(2) in a case in which an action is not carried out, provide a written explanation to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives of why the action was not carried out.

TITLE VI—INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION

SEC. 6001. CONFORMING AMENDMENTS.

(a) REDESIGNATION OF TITLE.—Title VII (20 U.S.C. 7401 et seq.) is redesignated as title VI.

(b) REDESIGNATIONS AND CONFORMING AMENDMENTS.—The Act (20 U.S.C. 6301 et seq.) is amended—

20 USC 7401,
7402, 7421–7429,
7441, 7442,
7451–7456,
7471–7474, 7491,
7492, 7511–7517,
7541–7546.

(1) by redesignating sections 7101, 7102, 7111, 7112, 7113, 7114, 7115, 7116, 7117, 7118, 7119, 7121, 7122, 7131, 7132, 7133, 7134, 7135, 7136, 7141, 7142, 7143, 7144, 7151, 7152, 7201, 7202, 7203, 7204, 7205, 7206, 7207, 7301, 7302, 7303, 7304, 7305, and 7306, as sections 6101, 6102, 6111, 6112, 6113, 6114, 6115, 6116, 6117, 6118, 6119, 6121, 6122, 6131, 6132, 6133, 6134, 6135, 6136, 6141, 6142, 6143, 6144, 6151, 6152, 6201, 6202, 6203, 6204, 6205, 6206, 6207, 6301, 6302, 6303, 6304, 6305, and 6306, respectively;

20 USC 7422.

(2) in section 6112 (as so redesignated), in subsection (b)(1), by striking “section 7117” and inserting “section 6117”;

20 USC 7423.

(3) in section 6113 (as so redesignated)—

(A) in subsection (a)(1)(A), is amended by striking “section 7117” and inserting “section 6117”;

(B) in subsection (b)(1), by striking “section 7112” and inserting “section 6112”;

(C) in subsection (d)(2)—

(i) by striking “section 7114” the first place it appears and inserting “section 6114”; and

(ii) by striking “section 7114(c)(4), section 7118(c), or section 7119” and inserting “section 6114(c)(4), section 6118(c), or section 6119”; and

(D) in subsection (e), by striking “section 7152(a)” and inserting “6152(a)”;

20 USC 7424.

(4) in section 6114 (as so redesignated)—

(A) in subsection (b)(4), by striking “section 7115” and inserting “section 6115”; and

(B) in subsection (c)(4)(D), by striking “section 7115(c)” and inserting “section 6115(c)”;

20 USC 7425.

(5) in section 6115 (as so redesignated)—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1), by striking “section 7111” and inserting “section 6111”; and

(ii) in paragraph (1), by striking “section 7114(a)” and inserting “section 6114(a)”;

- (B) in subsection (c)—
- (i) in paragraph (1), by striking “section 7114(c)(4)” and inserting “section 6114(c)(4)”; and
 - (ii) in paragraph (2), by striking “section 7111” and inserting “section 6111”;
- (6) in section 6116 (as so redesignated), in subsection (d)(9), by striking “section 7114(c)(4)” and inserting “section 6114(c)(4)”; 20 USC 7426.
- (7) in section 6117 (as so redesignated)— 20 USC 7427.
- (A) in subsection (b)(1)(A)(i), by striking “section 7151” and inserting “section 6151”;
 - (B) in subsection (c), by striking “section 7151” and inserting “section 6151”;
 - (C) in subsection (f)(3), by striking “section 7113” and inserting “section 6113”; and
 - (D) in subsection (h)(1), by striking “section 7114” and inserting “section 6114”;
- (8) in section 6118 (as so redesignated), in subsection (a), by striking “section 7113” and inserting “section 6113”; 20 USC 7428.
- (9) in section 6119 (as so redesignated), by striking “section 7114” and inserting “section 6114”; and 20 USC 7429.
- (10) in section 6205 (as so redesignated), in subsection (c)— 20 USC 7515.
- (A) in paragraph (1), by striking “section 7204” and inserting “section 6204”; and
 - (B) in paragraph (2), by striking “section 7204” and inserting “section 6204”.

SEC. 6002. INDIAN EDUCATION.

(a) STATEMENT OF POLICY.—Section 6101 (20 U.S.C. 7401) (as redesignated by section 6001) is amended by adding at the end the following: “It is further the policy of the United States to ensure that Indian children do not attend school in buildings that are dilapidated or deteriorating, which may negatively affect the academic success of such children.”.

(b) PURPOSE.—Section 6102 (20 U.S.C. 7402) (as redesignated by section 6001) is amended to read as follows:

“SEC. 6102. PURPOSE.

“It is the purpose of this part to support the efforts of local educational agencies, Indian tribes and organizations, postsecondary institutions, and other entities—

“(1) to meet the unique educational and culturally related academic needs of Indian students, so that such students can meet the challenging State academic standards;

“(2) to ensure that Indian students gain knowledge and understanding of Native communities, languages, tribal histories, traditions, and cultures; and

“(3) to ensure that teachers, principals, other school leaders, and other staff who serve Indian students have the ability to provide culturally appropriate and effective instruction and supports to such students.”.

(c) PURPOSE.—Section 6111 (20 U.S.C. 7421) (as redesignated by section 6001) is amended to read as follows:

“SEC. 6111. PURPOSE.

“It is the purpose of this subpart to support the efforts of local educational agencies, Indian tribes and organizations, and

other entities in developing elementary school and secondary school programs for Indian students that are designed to—

“(1) meet the unique cultural, language, and educational needs of such students; and

“(2) ensure that all students meet the challenging State academic standards.”.

(d) GRANTS TO LOCAL EDUCATIONAL AGENCIES AND TRIBES.—Section 6112 (20 U.S.C. 7422) (as redesignated by section 6001) is amended—

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

“(a) IN GENERAL.—The Secretary may make grants, from allocations made under section 6113, and in accordance with this section and section 6113, to—

“(1) local educational agencies;

“(2) Indian tribes, as provided under subsection (c)(1);

“(3) Indian organizations, as provided under subsection (c)(1);

“(4) consortia of 2 or more local educational agencies, Indian tribes, Indian organizations, or Indian community-based organizations, if each local educational agency participating in such a consortium, if applicable—

“(A) provides an assurance that the eligible Indian children served by such local educational agency will receive the services of the programs funded under this subpart; and

“(B) is subject to all the requirements, assurances, and obligations applicable to local educational agencies under this subpart; and

“(5) Indian community-based organizations, as provided under subsection (d)(1).”;

(2) in subsection (b)—

(A) in paragraph (1), by striking “A local educational agency shall” and inserting “Subject to paragraph (2), a local educational agency shall”;

(B) by redesignating paragraph (2) as paragraph (3);

and

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

“(2) COOPERATIVE AGREEMENTS.—A local educational agency may enter into a cooperative agreement with an Indian tribe under this subpart if such Indian tribe—

“(A) represents not less than 25 percent of the eligible Indian children who are served by such local educational agency; and

“(B) requests that the local educational agency enter into a cooperative agreement under this subpart.”; and

(3) by striking subsection (c) and inserting the following:

“(c) INDIAN TRIBES AND INDIAN ORGANIZATIONS.—

“(1) IN GENERAL.—If a local educational agency that is otherwise eligible for a grant under this subpart does not establish a committee under section 6114(c)(4) for such grant, an Indian tribe, an Indian organization, or a consortium of such entities, that represents more than one-half of the eligible Indian children who are served by such local educational agency may apply for such grant.

“(2) SPECIAL RULE.—

“(A) IN GENERAL.—The Secretary shall treat each Indian tribe, Indian organization, or consortium of such

entities applying for a grant pursuant to paragraph (1) as if such tribe, Indian organization, or consortium were a local educational agency for purposes of this subpart.

“(B) EXCEPTIONS.—Notwithstanding subparagraph (A), such Indian tribe, Indian organization, or consortium shall not be subject to the requirements of subsections (b)(7) or (c)(4) of section 6114 or section 6118(c) or 6119.

“(3) ASSURANCE TO SERVE ALL INDIAN CHILDREN.—An Indian tribe, Indian organization, or consortium of such entities that is eligible to apply for a grant under paragraph (1) shall include, in the application required under section 6114, an assurance that the entity will use the grant funds to provide services to all Indian students served by the local educational agency.

“(d) INDIAN COMMUNITY-BASED ORGANIZATION.—

“(1) IN GENERAL.—If no local educational agency pursuant to subsection (b), and no Indian tribe, Indian organization, or consortium pursuant to subsection (c), applies for a grant under this subpart in a particular community, an Indian community-based organization serving the community of the local educational agency may apply for such grant.

“(2) APPLICABILITY OF SPECIAL RULE.—The Secretary shall apply the special rule in subsection (c)(2) to an Indian community-based organization applying for a grant under paragraph (1) in the same manner as such rule applies to an Indian tribe, Indian organization, or consortium described in that subsection.

“(3) DEFINITION OF INDIAN COMMUNITY-BASED ORGANIZATION.—In this subsection, the term ‘Indian community-based organization’ means any organization that—

“(A) is composed primarily of Indian parents, family members, and community members, tribal government education officials, and tribal members, from a specific community;

“(B) assists in the social, cultural, and educational development of Indians in such community;

“(C) meets the unique cultural, language, and academic needs of Indian students; and

“(D) demonstrates organizational and administrative capacity to manage the grant.”.

(e) AMOUNT OF GRANTS.—Section 6113 (20 U.S.C. 7423) (as redesignated by section 6001) is amended—

(1) in subsection (b)(1), by striking “Bureau of Indian Affairs” and inserting “Bureau of Indian Education”; and

(2) in subsection (d)—

(A) in the subsection heading, by striking “INDIAN AFFAIRS” and inserting “INDIAN EDUCATION”; and

(B) in paragraph (1)(A)(i), by striking “Bureau of Indian Affairs” and inserting “Bureau of Indian Education”.

(f) APPLICATIONS.—Section 6114 (20 U.S.C. 7424) (as redesignated by section 6001) is amended—

(1) in subsection (a), by striking “Each local educational agency” and inserting “Each entity described in section 6112(a)”;

(2) in subsection (b)—

(A) in paragraph (1), by striking “American Indian and Alaska Native” and inserting “Indian”;

(B) in paragraph (2)—

(i) in subparagraph (A), by striking “is consistent with the State and local plans” and inserting “is consistent with the State, tribal, and local plans”; and

(ii) by striking subparagraph (B) and inserting the following:

“(B) includes program objectives and outcomes for activities under this subpart that are based on the same challenging State academic standards developed by the State under title I for all students.”;

(C) by striking paragraph (3) and inserting the following:

“(3) explains how the grantee will use funds made available under this subpart to supplement other Federal, State, and local programs that meet the needs of Indian students.”;

(D) in paragraph (5)(B), by striking “and” after the semicolon;

(E) in paragraph (6)—

(i) in subparagraph (B)—

(I) in clause (i), by striking “and” after the semicolon; and

(II) by adding at the end the following:

“(iii) the Indian tribes whose children are served by the local educational agency, consistent with section 444 of the General Education Provisions Act (20 U.S.C. 1232g) (commonly referred to as the ‘Family Educational Rights and Privacy Act of 1974’); and”;

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

(F) by adding at the end the following:

“(7) describes the process the local educational agency used to meaningfully collaborate with Indian tribes located in the community in a timely, active, and ongoing manner in the development of the comprehensive program and the actions taken as a result of such collaboration.”;

(3) in subsection (c)—

(A) in paragraph (1), by striking “for the education of Indian children,” and inserting “for services described in this subsection.”;

(B) in paragraph (2)—

(i) in subparagraph (A), by striking “and” after the semicolon;

(ii) in subparagraph (B), by striking “served by such agency,” and inserting “served by such agency, and meet program objectives and outcomes for activities under this subpart; and”; and

(iii) by adding at the end the following:

“(C) determine the extent to which such activities by the local educational agency address the unique cultural, language, and educational needs of Indian students.”;

(C) in paragraph (3)—

(i) in subparagraph (A), by striking “American Indian and Alaska Native” and inserting “Indian”; and

(ii) in subparagraph (C)—

(I) by inserting “representatives of Indian tribes on Indian lands located within 50 miles of any school that the agency will serve if such

tribes have any children in such school, Indian organizations,” after “parents of Indian children and teachers,”; and

(II) by striking “and” after the semicolon;

(D) in paragraph (4)—

(i) in subparagraph (A)—

(I) in clause (i), by inserting “and family members” after “parents”;

(II) by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively; and

(III) by inserting after clause (i) the following:

“(ii) representatives of Indian tribes on Indian lands located within 50 miles of any school that the agency will serve if such tribes have any children in such school.”;

(ii) by striking subparagraph (B) and inserting the following:

“(B) a majority of whose members are parents and family members of Indian children.”;

(iii) by striking subparagraph (C);

(iv) by redesignating subparagraphs (D) and (E) as subparagraphs (C) and (D), respectively; and

(v) in subparagraph (C) (as redesignated by clause (iv))—

(I) in clause (i), by striking “and” after the semicolon;

(II) in clause (ii), by striking “American Indian and Alaska Native” and inserting “Indian”; and

(III) by adding at the end the following:

“(iii) determined that the program will directly enhance the educational experience of Indian students; and”;

(vi) in subparagraph (D), as redesignated by clause (iv), by striking the period at the end and inserting a semicolon; and

(E) by adding at the end the following:

“(5) the local educational agency will coordinate activities under this title with other Federal programs supporting educational and related services administered by such agency;

“(6) the local educational agency conducted outreach to parents and family members to meet the requirements under this paragraph;

“(7) the local educational agency will use funds received under this subpart only for activities described and authorized in this subpart; and

“(8) the local educational agency has set forth such policies and procedures, including policies and procedures relating to the hiring of personnel, as will ensure that the program for which assistance is sought will be operated and evaluated in consultation with, and with the involvement of, parents and family members of the children, and representatives of the area, to be served.”; and

(4) by adding at the end the following:

“(d) TECHNICAL ASSISTANCE.—The Secretary shall, directly or by contract, provide technical assistance to a local educational agency or Bureau of Indian Education school upon request (in addition to any technical assistance available under other provisions

of this Act or available through the Institute of Education Sciences) to support the services and activities provided under this subpart, including technical assistance for—

“(1) the development of applications under this subpart, including identifying eligible entities that have not applied for such grants and undertaking appropriate activities to encourage such entities to apply for grants under this subpart;

“(2) improvement in the quality of implementation, content, and evaluation of activities supported under this subpart; and

“(3) integration of activities under this subpart with other educational activities carried out by the local educational agency.”.

(g) AUTHORIZED SERVICES AND ACTIVITIES.—Section 6115 (20 U.S.C. 7425) (as redesignated by section 6001) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting “solely for the services and activities described in such application” before the semicolon; and

(B) in paragraph (2), by striking “with special regard for” and inserting “to be responsive to”;

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

“(b) PARTICULAR ACTIVITIES.—The services and activities referred to in subsection (a) may include—

“(1) activities that support Native American language programs and Native American language restoration programs, which may be taught by traditional leaders;

“(2) culturally related activities that support the program described in the application submitted by the local educational agency;

“(3) early childhood and family programs that emphasize school readiness;

“(4) enrichment programs that focus on problem solving and cognitive skills development and directly support the attainment of challenging State academic standards;

“(5) integrated educational services in combination with other programs that meet the needs of Indian children and their families, including programs that promote parental involvement in school activities and increase student achievement;

“(6) career preparation activities to enable Indian students to participate in programs such as the programs supported by the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.), including programs for tech-prep education, mentoring, and apprenticeship;

“(7) activities to educate individuals so as to prevent violence, suicide, and substance abuse;

“(8) the acquisition of equipment, but only if the acquisition of the equipment is essential to achieve the purpose described in section 6111;

“(9) activities that promote the incorporation of culturally responsive teaching and learning strategies into the educational program of the local educational agency;

“(10) family literacy services;

“(11) activities that recognize and support the unique cultural and educational needs of Indian children, and incorporate appropriately qualified tribal elders and seniors;

“(12) dropout prevention strategies for Indian students;
and

“(13) strategies to meet the educational needs of at-risk Indian students in correctional facilities, including such strategies that support Indian students who are transitioning from such facilities to schools served by local educational agencies.”;

(3) in subsection (c)—

(A) in paragraph (1), by striking “and” after the semicolon;

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

(C) by adding at the end the following:

“(3) the local educational agency identifies in its application how the use of such funds in a schoolwide program will produce benefits to Indian students that would not be achieved if the funds were not used in a schoolwide program.”; and

(4) by adding at the end the following:

“(e) LIMITATION ON THE USE OF FUNDS.—Funds provided to a grantee under this subpart may not be used for long-distance travel expenses for training activities that are available locally or regionally.”.

(h) INTEGRATION OF SERVICES AUTHORIZED.—Section 6116 (20 U.S.C. 7426) (as redesignated by section 6001) is amended—

(1) in subsection (g), in the matter preceding paragraph

(1)—

(A) by striking “No Child Left Behind Act of 2001” and inserting “Every Student Succeeds Act”;

(B) by inserting “the Secretary of Health and Human Services,” after “the Secretary of the Interior,”; and

(C) by inserting “and coordination” after “providing for the implementation”; and

(2) in subsection (o)—

(A) in paragraph (1), by striking “the No Child Left Behind Act of 2001” and inserting “the Every Student Succeeds Act”; and

(B) in paragraph (2)—

(i) by striking “the No Child Left Behind Act of 2001” and inserting “the Every Student Succeeds Act”; and

(ii) by striking the second sentence.

(i) STUDENT ELIGIBILITY FORMS.—Section 6117 (20 U.S.C. 7427) (as redesignated by section 6001) is amended—

(1) in subsection (a), by adding at the end the following: “All individual data collected shall be protected by the local educational agencies and only aggregated data shall be reported to the Secretary.”;

(2) by striking subsection (d);

(3) by redesignating subsections (e), (f), (g), and (h), as subsections (d), (e), (f), and (g), respectively;

(4) by striking subsection (d), as redesignated by paragraph (4), and inserting the following:

“(d) DOCUMENTATION AND TYPES OF PROOF.—

“(1) TYPES OF PROOF.—For purposes of determining whether a child is eligible to be counted for the purpose of computing the amount of a grant award under section 6113, the membership of the child, or any parent or grandparent of the child, in a tribe or band of Indians (as so defined)

may be established by proof other than an enrollment number, notwithstanding the availability of an enrollment number for a member of such tribe or band. Nothing in subsection (b) shall be construed to require the furnishing of an enrollment number.

“(2) NO NEW OR DUPLICATIVE DETERMINATIONS.—Once a child is determined to be an Indian eligible to be counted for such grant award, the local educational agency shall maintain a record of such determination and shall not require a new or duplicate determination to be made for such child for a subsequent application for a grant under this subpart.

“(3) PREVIOUSLY FILED FORMS.—An Indian student eligibility form that was on file as required by this section on the day before the date of enactment of the Every Student Succeeds Act and that met the requirements of this section, as this section was in effect on the day before the date of the enactment of such Act, shall remain valid for such Indian student.”;

(5) in subsection (f), as redesignated by paragraph (4), by striking “Bureau of Indian Affairs” and inserting “Bureau of Indian Education”; and

(6) in subsection (g), as redesignated by paragraph (4), by striking “subsection (g)(1)” and inserting “subsection (f)(1)”.

(j) PAYMENTS.—Section 6118 (20 U.S.C. 7428) (as redesignated by section 6001) is amended, by striking subsection (c) and inserting the following:

“(c) REDUCTION OF PAYMENT FOR FAILURE TO MAINTAIN FISCAL EFFORT.—Each local educational agency shall maintain fiscal effort in accordance with section 8521 or be subject to reduced payments under this subpart in accordance with such section 8521.”.

(k) IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN AND YOUTH.—Section 6121 (20 U.S.C. 7441) (as redesignated by section 6001) is amended—

(1) by striking the section header and inserting the following:

“SEC. 6121. IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN AND YOUTH.”;

(2) in subsection (a)—

(A) in paragraph (1), by inserting “and youth” after “Indian children”; and

(B) in paragraph (2)(B), by striking “American Indian and Alaska Native children” and inserting “Indian children and youth”;

(3) in subsection (b), by striking “Indian institution (including an Indian institution of higher education)” and inserting “a Tribal College or University (as defined in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)))”;

(4) by striking subsection (c) and inserting the following:

“(c) GRANTS AUTHORIZED.—The Secretary shall award grants to eligible entities to enable such entities to carry out activities that meet the purpose of this section, including—

“(1) innovative programs related to the educational needs of educationally disadvantaged Indian children and youth;

“(2) educational services that are not available to such children and youth in sufficient quantity or quality, including

remedial instruction, to raise the achievement of Indian children in one or more of the subjects of English, mathematics, science, foreign languages, art, history, and geography;

“(3) bilingual and bicultural programs and projects;

“(4) special health and nutrition services, and other related activities, that address the special health, social, and psychological problems of Indian children and youth;

“(5) special compensatory and other programs and projects designed to assist and encourage Indian children and youth to enter, remain in, or reenter school, and to increase the rate of high school graduation for Indian children and youth;

“(6) comprehensive guidance, counseling, and testing services;

“(7) early childhood education programs that are effective in preparing young children to make sufficient academic growth by the end of grade 3, including kindergarten and pre-kindergarten programs, family-based preschool programs that emphasize school readiness, screening and referral, and the provision of services to Indian children and youth with disabilities;

“(8) partnership projects between local educational agencies and institutions of higher education that allow secondary school students to enroll in courses at the postsecondary level to aid such students in the transition from secondary to postsecondary education;

“(9) partnership projects between schools and local businesses for career preparation programs designed to provide Indian youth with the knowledge and skills such youth need to make an effective transition from school to a high-skill career;

“(10) programs designed to encourage and assist Indian students to work toward, and gain entrance into, institutions of higher education;

“(11) family literacy services;

“(12) activities that recognize and support the unique cultural and educational needs of Indian children and youth, and incorporate traditional leaders;

“(13) high-quality professional development of teaching professionals and paraprofessionals; or

“(14) other services that meet the purpose described in this section.”; and

(5) in subsection (d)—

(A) in paragraph (1)(C), by striking “make a grant payment for a grant described in this paragraph to an eligible entity after the initial year of the multiyear grant only if the Secretary determines” and inserting “award grants for an initial period of not more than 3 years and may renew such grants for not more than an additional 2 years if the Secretary determines”; and

(B) in paragraph (3)(B)—

(i) in clause (i), by striking “parents of Indian children” and inserting “parents and family of Indian children”; and

(ii) in clause (iii), by striking “information demonstrating that the proposed program for the activities is a scientifically based research program” and inserting “information demonstrating that the proposed program is an evidence-based program”.

(1) PROFESSIONAL DEVELOPMENT FOR TEACHERS AND EDUCATION PROFESSIONALS.—Section 6122 (20 U.S.C. 7442) (as redesignated by section 6001) is amended—

(1) in subsection (a)—

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

“(1) to increase the number of qualified Indian teachers and administrators serving Indian students;”;

(B) by striking paragraph (2) and inserting the following:

“(2) to provide pre- and in-service training and support to qualified Indian individuals to enable such individuals to become effective teachers, principals, other school leaders, administrators, paraprofessionals, counselors, social workers, and specialized instructional support personnel;”;

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

(D) by adding at the end the following:

“(4) to develop and implement initiatives to promote retention of effective teachers, principals, and school leaders who have a record of success in helping low-achieving Indian students improve their academic achievement, outcomes, and preparation for postsecondary education or employment.”;

(2) in subsection (b)—

(A) in paragraph (1), by striking “including an Indian institution of higher education” and inserting “including a Tribal College or University, as defined in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b))”; and

(B) in paragraph (4), by inserting “in a consortium with at least one Tribal College or University, as defined in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)), where feasible” before the period at the end;

(3) in subsection (d)(1)—

(A) in the first sentence, by striking “purposes” and inserting “purpose”; and

(B) by striking the second sentence and inserting “Such activities may include—

“(A) continuing education programs, symposia, workshops, and conferences;

“(B) teacher mentoring programs, professional guidance, and instructional support provided by educators, local traditional leaders, or cultural experts, as appropriate for teachers during their first 3 years of employment as teachers;

“(C) direct financial support; and

“(D) programs designed to train traditional leaders and cultural experts to assist those personnel referenced in subsection (a)(2), as appropriate, with relevant Native language and cultural mentoring, guidance, and support.”;

and

(4) by striking subsection (e) and inserting the following:

“(e) APPLICATION.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may reasonably require.

At a minimum, an application under this section shall describe how the eligible entity will—

“(1) recruit qualified Indian individuals, such as students who may not be of traditional college age, to become teachers, principals, or school leaders;

“(2) use funds made available under the grant to support the recruitment, preparation, and professional development of Indian teachers or principals in local educational agencies that serve a high proportion of Indian students; and

“(3) assist participants in meeting the requirements under subsection (h).”;

(5) in subsection (f)—

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

(B) by inserting before paragraph (2), as redesignated by subparagraph (A), the following:

“(1) may give priority to Tribal Colleges and Universities;”;

and

(C) in paragraph (3), as redesignated by subparagraph (A), by striking “basis of” and all that follows through the period at the end and inserting “basis of the length of any period for which the eligible entity has received a grant.”;

(6) by striking subsection (g) and inserting the following:

“(g) GRANT PERIOD.—The Secretary shall award grants under this section for an initial period of not more than 3 years, and may renew such grants for an additional period of not more than 2 years if the Secretary finds that the grantee is achieving the objectives of the grant.”; and

(7) in subsection (h)(1)(A)(ii), by striking “people” and inserting “students in a local educational agency that serves a high proportion of Indian students”.

(m) NATIONAL RESEARCH ACTIVITIES.—Section 6131 (20 U.S.C. 7451) (as redesignated by section 6001) is amended—

(1) in subsection (a), by striking “under section 7152(b)” and inserting “to carry out this subpart”; and

(2) in subsection (c)(2), by inserting “, the Bureau of Indian Education,” after “Office of Indian Education Programs”.

(n) IN-SERVICE TRAINING FOR TEACHERS OF INDIAN CHILDREN; FELLOWSHIPS FOR INDIAN STUDENTS; GIFTED AND TALENTED INDIAN STUDENTS.—Title VI (20 U.S.C. 7401 et seq.) (as redesignated by section 6001) is amended—

(1) by striking sections 6132, 6133, and 6134 (as redesignated by section 6001); and

(2) by redesignating section 6135 (as redesignated by section 6001) as section 6132.

(o) NATIVE AMERICAN LANGUAGE.—Title VI (20 U.S.C. 7401 et seq.) (as redesignated by section 6001) is amended by inserting after section 6132 (as redesignated by subsection (n)(2)) the following:

“SEC. 6133. NATIVE AMERICAN AND ALASKA NATIVE LANGUAGE IMMERSION SCHOOLS AND PROGRAMS. 20 USC 7453.

“(a) PURPOSES.—The purposes of this section are—

“(1) to establish a grant program to support schools that use Native American and Alaska Native languages as the primary language of instruction;

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7452.

“(2) to maintain, protect, and promote the rights and freedom of Native Americans and Alaska Natives to use, practice, maintain, and revitalize their languages, as envisioned in the Native American Languages Act (25 U.S.C. 2901 et seq.); and

“(3) to support the Nation’s First Peoples’ efforts to maintain and revitalize their languages and cultures, and to improve educational opportunities and student outcomes within Native American and Alaska Native communities.

“(b) PROGRAM AUTHORIZED.—

“(1) IN GENERAL.—From funds reserved under section 6152(c), the Secretary shall reserve 20 percent to make grants to eligible entities to develop and maintain, or to improve and expand, programs that support schools, including elementary school and secondary school education sites and streams, using Native American and Alaska Native languages as the primary languages of instruction.

“(2) ELIGIBLE ENTITIES.—In this subsection, the term ‘eligible entity’ means any of the following entities that has a plan to develop and maintain, or to improve and expand, programs that support the entity’s use of a Native American or Alaska Native language as the primary language of instruction in elementary schools or secondary schools, or both:

“(A) An Indian tribe.

“(B) A Tribal College or University (as defined in section 316 of the Higher Education Act of 1965 (20 U.S.C. 1059c)).

“(C) A tribal education agency.

“(D) A local educational agency, including a public charter school that is a local educational agency under State law.

“(E) A school operated by the Bureau of Indian Education.

“(F) An Alaska Native Regional Corporation (as described in section 3(g) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(g))).

“(G) A private, tribal, or Alaska Native nonprofit organization.

“(H) A nontribal for-profit organization.

“(c) APPLICATION.—

“(1) IN GENERAL.—An eligible entity that desires to receive a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require, including the following:

“(A) The name of the Native American or Alaska Native language to be used for instruction at the school supported by the eligible entity.

“(B) The number of students attending such school.

“(C) The number of hours of instruction in or through 1 or more Native American or Alaska Native languages being provided to targeted students at such school, if any.

“(D) A description of how the eligible entity will—

“(i) use the funds provided to meet the purposes of this section;

“(ii) implement the activities described in subsection (e);

“(iii) ensure the implementation of rigorous academic content; and

“(iv) ensure that students progress toward high-level fluency goals.

“(E) Information regarding the school’s organizational governance or affiliations, including information about—

“(i) the school governing entity (such as a local educational agency, tribal education agency or department, charter organization, private organization, or other governing entity);

“(ii) the school’s accreditation status;

“(iii) any partnerships with institutions of higher education; and

“(iv) any indigenous language schooling and research cooperatives.

“(F) An assurance that—

“(i) the school is engaged in meeting State or tribally designated long-term goals for students, as may be required by applicable Federal, State, or tribal law;

“(ii) the school provides assessments of students using the Native American or Alaska Native language of instruction, where possible;

“(iii) the qualifications of all instructional and leadership personnel at such school is sufficient to deliver high-quality education through the Native American or Alaska Native language used in the school; and

“(iv) the school will collect and report to the public data relative to student achievement and, if appropriate, rates of high school graduation, career readiness, and enrollment in postsecondary education or workforce development programs, of students who are enrolled in the school’s programs.

“(2) LIMITATION.—The Secretary shall not give a priority in awarding grants under this section based on the information described in paragraph (1)(E).

“(3) SUBMISSION OF CERTIFICATION.—

“(A) IN GENERAL.—An eligible entity that is a public elementary school or secondary school (including a public charter school or a school operated by the Bureau of Indian Education) or a nontribal for-profit or nonprofit organization shall submit, along with the application requirements described in paragraph (1), a certification described in subparagraph (B) indicating that—

“(i) the school or organization has the capacity to provide education primarily through a Native American or an Alaska Native language; and

“(ii) there are sufficient speakers of the target language at the school or available to be hired by the school or organization.

“(B) CERTIFICATION.—The certification described in subparagraph (A) shall be from one of the following entities, on whose land the school or program is located, that is an entity served by such school, or that is an entity whose members (as defined by that entity) are served by the school:

“(i) A Tribal College or University (as defined in section 316 of the Higher Education Act of 1965 (20 U.S.C. 1059c)).

“(ii) A Federally recognized Indian tribe or tribal organization.

“(iii) An Alaska Native Regional Corporation or an Alaska Native nonprofit organization.

“(iv) A Native Hawaiian organization.

“(d) AWARDING OF GRANTS.—In awarding grants under this section, the Secretary shall—

“(1) determine the amount of each grant and the duration of each grant, which shall not exceed 3 years; and

“(2) ensure, to the maximum extent feasible, that diversity in languages is represented.

“(e) ACTIVITIES AUTHORIZED.—

“(1) REQUIRED ACTIVITIES.—An eligible entity that receives a grant under this section shall use such funds to carry out the following activities:

“(A) Supporting Native American or Alaska Native language education and development.

“(B) Providing professional development for teachers and, as appropriate, staff and administrators to strengthen the overall language and academic goals of the school that will be served by the grant program.

“(2) ALLOWABLE ACTIVITIES.—An eligible entity that receives a grant under this section may use such funds to carry out the following activities:

“(A) Developing or refining curriculum, including teaching materials and activities, as appropriate.

“(B) Creating or refining assessments written in the Native American or Alaska Native language of instruction that measure student proficiency and that are aligned with State or tribal academic standards.

“(C) Carrying out other activities that promote the maintenance and revitalization of the Native American or Alaska Native language relevant to the grant program.

“(f) REPORT TO SECRETARY.—Each eligible entity that receives a grant under this section shall prepare and submit an annual report to the Secretary, which shall include—

“(1) the activities the entity carried out to meet the purposes of this section; and

“(2) the number of children served by the program and the number of instructional hours in the Native American or Alaska Native language.

“(g) ADMINISTRATIVE COSTS.—Not more than 5 percent of the funds provided to a grantee under this section for any fiscal year may be used for administrative purposes.”

(p) GRANTS TO TRIBES FOR EDUCATION ADMINISTRATIVE PLANNING, DEVELOPMENT, AND COORDINATION.—Section 6132 (20 U.S.C. 7455) (as redesignated by subsection (n)) is amended to read as follows:

20 USC 7452.

“SEC. 6132. GRANTS TO TRIBES FOR EDUCATION ADMINISTRATIVE PLANNING, DEVELOPMENT, AND COORDINATION.

“(a) IN GENERAL.—The Secretary may award grants under this section to eligible applicants to enable the eligible applicants to—

“(1) promote tribal self-determination in education;

“(2) improve the academic achievement of Indian children and youth; and

“(3) promote the coordination and collaboration of tribal educational agencies with State educational agencies and local educational agencies to meet the unique educational and culturally related academic needs of Indian students.

“(b) DEFINITIONS.—In this section:

“(1) ELIGIBLE APPLICANT.—In this section, the term ‘eligible applicant’ means—

“(A) an Indian tribe or tribal organization approved by an Indian tribe; or

“(B) a tribal educational agency.

“(2) INDIAN TRIBE.—The term ‘Indian tribe’ means a federally recognized tribe or a State-recognized tribe.

“(3) TRIBAL EDUCATIONAL AGENCY.—The term ‘tribal educational agency’ means the agency, department, or instrumentality of an Indian tribe that is primarily responsible for supporting tribal students’ elementary and secondary education.

“(c) GRANT PROGRAM.—The Secretary may award grants to—

“(1) eligible applicants described under subsection (b)(1)(A) to plan and develop a tribal educational agency, if the tribe or organization has no current tribal educational agency, for a period of not more than 1 year; and

“(2) eligible applicants described under subsection (b)(1)(B), for a period of not more than 3 years, in order to—

“(A) directly administer education programs, including formula grant programs under this Act, consistent with State law and under a written agreement between the parties;

“(B) build capacity to administer and coordinate such education programs, and to improve the relationship and coordination between such applicants and the State educational agencies and local educational agencies that educate students from the tribe;

“(C) receive training and support from the State educational agency and local educational agency, in areas such as data collection and analysis, grants management and monitoring, fiscal accountability, and other areas as needed;

“(D) train and support the State educational agency and local educational agency in areas related to tribal history, language, or culture;

“(E) build on existing activities or resources rather than replacing other funds; and

“(F) carry out other activities, consistent with the purposes of this section.

“(d) GRANT APPLICATION.—

“(1) IN GENERAL.—Each eligible applicant desiring a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may reasonably prescribe.

“(2) CONTENTS.—Each application described in paragraph (1) shall contain—

“(A) a statement describing the activities to be conducted, and the objectives to be achieved, under the grant;

“(B) a description of the method to be used for evaluating the effectiveness of the activities for which assistance

is sought and for determining whether such objectives are achieved; and

“(C) for applications for activities under subsection (c)(2), evidence of—

“(i) a preliminary agreement with the appropriate State educational agency, 1 or more local educational agencies, or both the State educational agency and a local educational agency; and

“(ii) existing capacity as a tribal educational agency.

“(3) APPROVAL.—The Secretary may approve an application submitted by an eligible applicant under this subsection if the application, including any documentation submitted with the application—

“(A) demonstrates that the eligible applicant has consulted with other education entities, if any, within the territorial jurisdiction of the applicant that will be affected by the activities to be conducted under the grant;

“(B) provides for consultation with such other education entities in the operation and evaluation of the activities conducted under the grant; and

“(C) demonstrates that there will be adequate resources provided under this section or from other sources to complete the activities for which assistance is sought.

“(e) RESTRICTIONS.—

“(1) IN GENERAL.—An Indian tribe may not receive funds under this section if the tribe receives funds under section 1140 of the Education Amendments of 1978 (20 U.S.C. 2020).

“(2) DIRECT SERVICES.—No funds under this section may be used to provide direct services.

“(f) SUPPLEMENT, NOT SUPPLANT.—Funds under this section shall be used to supplement, and not supplant, other Federal, State, and local programs that meet the needs of tribal students.”.

(q) IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR ADULT INDIANS.—Title VI (20 U.S.C. 7401 et seq.) (as redesignated by section 6001) is amended by striking section 6136.

(r) NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION.—Section 6141(b)(1) (20 U.S.C. 7471(b)(1)) (as redesignated by section 6001) is amended by inserting “and the Secretary of the Interior” after “advise the Secretary”.

(s) DEFINITIONS.—Section 6151 (20 U.S.C. 7491) (as redesignated by section 6001) is amended by adding at the end the following:

“(4) TRADITIONAL LEADERS.—The term ‘traditional leaders’ has the meaning given the term in section 103 of the Native American Languages Act (25 U.S.C. 2902).”.

(t) AUTHORIZATIONS OF APPROPRIATIONS.—Section 6152 (20 U.S.C. 7492) (as redesignated by section 6001) is amended—

(1) in subsection (a), by striking “\$96,400,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years” and inserting “\$100,381,000 for fiscal year 2017, \$102,388,620 for fiscal year 2018, \$104,436,392 for fiscal year 2019, and \$106,525,120 for fiscal year 2020”;

(2) in subsection (b)—

(A) in the subsection heading, by striking “SUBPARTS 2 AND 3” and inserting “SUBPART 2”;

(B) by striking “subparts 2 and 3” and inserting “subpart 2”; and

(C) by striking “\$24,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years” and inserting “\$17,993,000 for each of fiscal years 2017 through 2020”; and

(3) by adding at the end the following:

“(c) SUBPART 3.—For the purpose of carrying out subpart 3, there are authorized to be appropriated \$5,565,000 for each of fiscal years 2017 through 2020.”.

SEC. 6003. NATIVE HAWAIIAN EDUCATION.

(a) FINDINGS.—Section 6202 (20 U.S.C. 7512) (as redesignated by section 6001) is amended by striking paragraphs (14) through (21).

(b) NATIVE HAWAIIAN EDUCATION COUNCIL.—Section 6204 (20 U.S.C. 7514) (as redesignated by section 6001) is amended to read as follows:

“SEC. 6204. NATIVE HAWAIIAN EDUCATION COUNCIL.

“(a) GRANT AUTHORIZED.—In order to better effectuate the purposes of this part through the coordination of educational and related services and programs available to Native Hawaiians, including those programs that receive funding under this part, the Secretary shall award a grant to the education council described under subsection (b).

“(b) EDUCATION COUNCIL.—

“(1) ELIGIBILITY.—To be eligible to receive the grant under subsection (a), the council shall be an education council (referred to in this section as the ‘Education Council’) that meets the requirements of this subsection.

“(2) COMPOSITION.—The Education Council shall consist of 15 members, of whom—

“(A) 1 shall be the President of the University of Hawaii (or a designee);

“(B) 1 shall be the Governor of the State of Hawaii (or a designee);

“(C) 1 shall be the Superintendent of the State of Hawaii Department of Education (or a designee);

“(D) 1 shall be the chairperson of the Office of Hawaiian Affairs (or a designee);

“(E) 1 shall be the executive director of Hawaii’s Charter School Network (or a designee);

“(F) 1 shall be the chief executive officer of the Kamehameha Schools (or a designee);

“(G) 1 shall be the Chief Executive Officer of the Queen Liliuokalani Trust (or a designee);

“(H) 1 shall be appointed by the Secretary, in a timely manner, and chosen from a list of 5 individuals who represent one or more private grant-making entities that is submitted to the Secretary by the Education Council;

“(I) 1 shall be the Mayor of the County of Hawaii (or a designee);

“(J) 1 shall be the Mayor of Maui County (or a designee from the Island of Maui);

“(K) 1 shall be the Mayor of the County of Kauai (or a designee);

“(L) 1 shall be appointed by the Secretary, in a timely manner, and chosen from a list of 5 individuals who are from the Island of Molokai or the Island of Lanai that is submitted to the Secretary by the Mayor of Maui County;

“(M) 1 shall be the Mayor of the City and County of Honolulu (or a designee);

“(N) 1 shall be the chairperson of the Hawaiian Homes Commission (or a designee); and

“(O) 1 shall be the chairperson of the Hawaii Workforce Development Council (or a designee representing the private sector).

“(3) REQUIREMENTS.—Any designee serving on the Education Council shall demonstrate, as determined by the individual who appointed such designee with input from the Native Hawaiian community, not less than 5 years of experience as a consumer or provider of Native Hawaiian educational or cultural activities, with traditional cultural experience given due consideration.

“(4) LIMITATION.—A member (including a designee), while serving on the Education Council, shall not be a direct recipient or administrator of grant funds that are awarded under this part.

“(5) TERM OF MEMBERS.—A member who is a designee shall serve for a term of not more than 4 years.

“(6) CHAIR; VICE CHAIR.—

“(A) SELECTION.—The Education Council shall select a Chairperson and a Vice Chairperson from among the members of the Education Council.

“(B) TERM LIMITS.—The Chairperson and Vice Chairperson shall each serve for a 2-year term.

“(7) ADMINISTRATIVE PROVISIONS RELATING TO EDUCATION COUNCIL.—The Education Council shall meet at the call of the Chairperson of the Council, or upon request by a majority of the members of the Education Council, but in any event not less often than every 120 days.

“(8) NO COMPENSATION.—None of the funds made available through the grant may be used to provide compensation to any member of the Education Council or member of a working group established by the Education Council, for functions described in this section.

“(c) USE OF FUNDS FOR COORDINATION ACTIVITIES.—The Education Council shall use funds made available through a grant under subsection (a) to carry out each of the following activities:

“(1) Providing advice about the coordination of, and serving as a clearinghouse for, the educational and related services and programs available to Native Hawaiians, including the programs assisted under this part.

“(2) Assessing the extent to which such services and programs meet the needs of Native Hawaiians, and collecting data on the status of Native Hawaiian education.

“(3) Providing direction and guidance, through the issuance of reports and recommendations, to appropriate Federal, State, and local agencies in order to focus and improve the use of resources, including resources made available under this part, relating to Native Hawaiian education, and serving, where appropriate, in an advisory capacity.

“(4) Awarding grants, if such grants enable the Education Council to carry out the activities described in paragraphs (1) through (3).

“(5) Hiring an executive director, who shall assist in executing the duties and powers of the Education Council, as described in subsection (d).

“(d) USE OF FUNDS FOR TECHNICAL ASSISTANCE.—The Education Council shall use funds made available through a grant under subsection (a) to—

“(1) provide technical assistance to Native Hawaiian organizations that are grantees or potential grantees under this part;

“(2) obtain from such grantees information and data regarding grants awarded under this part, including information and data about—

“(A) the effectiveness of such grantees in meeting the educational priorities established by the Education Council, as described in paragraph (6)(D), using metrics related to these priorities; and

“(B) the effectiveness of such grantees in carrying out any of the activities described in paragraph (3) of section 6205(a) that are related to the specific goals and purposes of each grantee’s grant project, using metrics related to these goals and purposes;

“(3) assess and define the educational needs of Native Hawaiians;

“(4) assess the programs and services available to address the educational needs of Native Hawaiians;

“(5) assess and evaluate the individual and aggregate impact achieved by grantees under this part in improving Native Hawaiian educational performance and meeting the goals of this part, using metrics related to these goals; and

“(6) prepare and submit to the Secretary, at the end of each calendar year, an annual report that contains—

“(A) a description of the activities of the Education Council during the calendar year;

“(B) a description of significant barriers to achieving the goals of this part;

“(C) a summary of each community consultation session described in subsection (e); and

“(D) recommendations to establish priorities for funding under this part, based on an assessment of—

“(i) the educational needs of Native Hawaiians;

“(ii) programs and services available to address such needs;

“(iii) the effectiveness of programs in improving the educational performance of Native Hawaiian students to help such students meet challenging State academic standards under section 1111(b)(1); and

“(iv) priorities for funding in specific geographic communities.

“(e) USE OF FUNDS FOR COMMUNITY CONSULTATIONS.—The Education Council shall use funds made available through the grant under subsection (a) to hold not less than 1 community consultation each year on each of the islands of Hawaii, Maui, Molokai, Lanai, Oahu, and Kauai, at which—

“(1) not fewer than 3 members of the Education Council shall be in attendance;

“(2) the Education Council shall gather community input regarding—

“(A) current grantees under this part, as of the date of the consultation;

“(B) priorities and needs of Native Hawaiians; and

“(C) other Native Hawaiian education issues; and

“(3) the Education Council shall report to the community on the outcomes of the activities supported by grants awarded under this part.

“(f) FUNDING.—For each fiscal year, the Secretary shall use the amount described in section 6205(c)(2), to make a payment under the grant. Funds made available through the grant shall remain available until expended.”

(c) PROGRAM AUTHORIZED.—Section 6205 (20 U.S.C. 7515) (as redesignated by section 6001) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (C), by striking “and” after the semicolon;

(ii) by redesignating subparagraph (D) as subparagraph (E); and

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

“(D) charter schools; and”;

(B) in paragraph (3)—

(i) in subparagraph (C)—

(I) by striking “third grade” and inserting “grade 3”; and

(II) by striking “fifth and sixth grade” and inserting “grades 5 and 6”;

(ii) in subparagraph (D)(ii), by striking “of those students” and inserting “of such students”;

(iii) in subparagraph (E)(ii), by striking “students’ educational progress” and inserting “educational progress of such students”;

(iv) in subparagraph (G)(ii), by striking “concentrations” and all that follows through “; and” and inserting “high concentrations of Native Hawaiian students to meet the unique needs of such students; and”;

(v) in subparagraph (H)—

(I) in the matter preceding clause (i), by striking “families” and inserting “students, parents, families,”;

(II) in clause (i), by striking “preschool programs” and inserting “early childhood education programs”;

(III) by striking clause (ii) and inserting the following:

“(ii) before, after, and summer school programs, expanded learning time, or weekend academies;”; and

(IV) in clause (iii), by striking “vocational and adult education programs” and inserting “career and technical education programs”; and

(vi) by striking clauses (i) through (v) of subparagraph (I) and inserting the following:

- “(i) family literacy services; and
- “(ii) counseling, guidance, and support services for students;”;
- and
- (C) by striking paragraph (4); and
- (2) in subsection (c)—
 - (A) in paragraph (1), by striking “such sums as may be necessary for fiscal year 2002 and each of the 5 succeeding fiscal years” and inserting “\$32,397,000 for each of fiscal years 2017 through 2020”; and
 - (B) in paragraph (2), by striking “for fiscal year 2002 and each of the 5 succeeding fiscal years” and inserting “for each of fiscal years 2017 through 2020”.
- (d) DEFINITIONS.—Section 6207 (20 U.S.C. 7517) (as redesignated by section 6001) is amended—
 - (1) by redesignating paragraphs (1) through (6) as paragraphs (2) through (7), respectively; and
 - (2) by inserting before paragraph (2), as redesignated by paragraph (1), the following:
 - “(1) COMMUNITY CONSULTATION.—The term ‘community consultation’ means a public gathering—
 - “(A) to discuss Native Hawaiian education concerns; and
 - “(B) about which the public has been given not less than 30 days notice.”.

SEC. 6004. ALASKA NATIVE EDUCATION.

- (a) FINDINGS.—Section 6302 (20 U.S.C. 7542) (as redesignated by section 6001) is amended by striking paragraphs (1) through (7) and inserting the following:
 - “(1) It is the policy of the Federal Government to maximize the leadership of and participation by Alaska Natives in the planning and the management of Alaska Native education programs and to support efforts developed by and undertaken within the Alaska Native community to improve educational opportunity for all students.
 - “(2) Many Alaska Native children enter and exit school with serious educational disadvantages.
 - “(3) Overcoming the magnitude of the geographic challenges, historical inequities, and other barriers to successfully improving educational outcomes for Alaska Native students in rural, village, and urban settings is challenging. Significant disparities between academic achievement of Alaska Native students and non-Native students continue, including lower graduation rates, increased school dropout rates, and lower achievement scores on standardized tests.
 - “(4) The preservation of Alaska Native cultures and languages and the integration of Alaska Native cultures and languages into education, positive identity development for Alaska Native students, and local, place-based, and culture-based programming are critical to the attainment of educational success and the long-term well-being of Alaska Native students.
 - “(5) Improving educational outcomes for Alaska Native students increases access to employment opportunities.
 - “(6) The Federal Government should lend support to efforts developed by and undertaken within the Alaska Native community to improve educational opportunity for Alaska Native students. In 1983, pursuant to Public Law 98–63, Alaska ceased

to receive educational funding from the Bureau of Indian Affairs. The Bureau of Indian Education does not operate any schools in Alaska, nor operate or fund Alaska Native education programs. The program under this part supports the Federal trust responsibility of the United States to Alaska Natives.”.

(b) PURPOSES.—Section 6303 (20 U.S.C. 7543) (as redesignated by section 6001) is amended—

(1) in paragraph (1), by inserting “and address” after “To recognize”;

(2) by striking paragraph (3);

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

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

“(2) To recognize the role of Alaska Native languages and cultures in the educational success and long-term well-being of Alaska Native students.

“(3) To integrate Alaska Native cultures and languages into education, develop Alaska Native students’ positive identity, and support local place-based and culture-based curriculum and programming.”;

(5) in paragraph (4), as redesignated by paragraph (3), by striking “of supplemental educational programs to benefit Alaska Natives.” and inserting “, management, and expansion of effective supplemental educational programs to benefit Alaska Natives.”; and

(6) by adding at the end the following:

“(6) To ensure the maximum participation by Alaska Native educators and leaders in the planning, development, implementation, management, and evaluation of programs designed to serve Alaska Native students.”.

(c) PROGRAM AUTHORIZED.—Section 6304 (20 U.S.C. 7544) (as redesignated by section 6001) is amended to read as follows:

“SEC. 6304. PROGRAM AUTHORIZED.

“(a) GENERAL AUTHORITY.—

“(1) GRANTS AND CONTRACTS.—The Secretary is authorized to make grants to, or enter into contracts with—

“(A) Alaska Native organizations with experience operating programs that fulfill the purposes of this part;

“(B) Alaska Native organizations that do not have the experience described in subparagraph (A) but are in partnership with—

“(i) a State educational agency or a local educational agency; or

“(ii) an Alaska Native organization that operates a program that fulfills the purposes of this part;

“(C) an entity located in Alaska, and predominately governed by Alaska Natives, that does not meet the definition of an Alaska Native organization under this part but—

“(i) has experience operating programs that fulfill the purposes of this part; and

“(ii) is granted an official charter or sanction, as described in the definition of a tribal organization under section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b), from at least one Alaska Native tribe or Alaska Native

organization to carry out programs that meet the purposes of this part.

“(2) MANDATORY ACTIVITIES.—Activities provided through the programs carried out under this part shall include the following:

“(A) The development and implementation of plans, methods, strategies, and activities to improve the educational outcomes of Alaska Natives.

“(B) The collection of data to assist in the evaluation of the programs carried out under this part.

“(3) PERMISSIBLE ACTIVITIES.—Activities provided through programs carried out under this part may include the following:

“(A) The development of curricula and programs that address the educational needs of Alaska Native students, including the following:

“(i) Curriculum materials that are culturally informed and reflect the cultural diversity, languages, history, or the contributions of Alaska Native people, including curricula intended to preserve and promote Alaska Native culture.

“(ii) Instructional programs that make use of Alaska Native languages and cultures.

“(iii) Networks that develop, test, and disseminate best practices and introduce successful programs, materials, and techniques to meet the educational needs of Alaska Native students in urban and rural schools.

“(B) Training and professional development activities for educators, including the following:

“(i) Pre-service and in-service training and professional development programs to prepare teachers to develop appreciation for, and understanding of, Alaska Native history, cultures, values, and ways of knowing and learning in order to effectively address the cultural diversity and unique needs of Alaska Native students and improve the teaching methods of educators.

“(ii) Recruitment and preparation of Alaska Native teachers.

“(iii) Programs that will lead to the certification and licensing of Alaska Native teachers, principals, other school leaders, and superintendents.

“(C) Early childhood and parenting education activities designed to improve the school readiness of Alaska Native children, including—

“(i) the development and operation of home visiting programs for Alaska Native preschool children, to ensure the active involvement of parents in their children’s education from the earliest ages;

“(ii) training, education, and support, including in-home visitation, for parents and caregivers of Alaska Native children to improve parenting and caregiving skills (including skills relating to discipline and cognitive development, reading readiness, observation, storytelling, and critical thinking);

“(iii) family literacy services;

“(iv) activities carried out under the Head Start Act (42 U.S.C. 9831 et seq.);

“(v) programs for parents and their infants, from the prenatal period of the infant through age 3;

“(vi) early childhood education programs; and

“(vii) native language immersion within early childhood education programs, Head Start, or preschool programs.

“(D) The development and operation of student enrichment programs, including programs in science, technology, engineering, and mathematics that—

“(i) are designed to prepare Alaska Native students to excel in such subjects;

“(ii) provide appropriate support services to enable such students to benefit from the programs; and

“(iii) include activities that recognize and support the unique cultural and educational needs of Alaska Native children and incorporate appropriately qualified Alaska Native elders and other tradition bearers.

“(E) Research and data collection activities to determine the educational status and needs of Alaska Native children and adults and other such research and evaluation activities related to programs funded under this part.

“(F) Activities designed to enable Alaska Native students served under this part to meet the challenging State academic standards or increase the graduation rates of Alaska Native students, such as—

“(i) remedial and enrichment programs;

“(ii) culturally based education programs, such as—

“(I) programs of study and other instruction in Alaska Native history and ways of living to share the rich and diverse cultures of Alaska Natives among Alaska Native youth and elders, non-Native students and teachers, and the larger community;

“(II) instructing Alaska Native youth in leadership, communication, and Alaska Native culture, arts, history, and languages;

“(III) intergenerational learning and internship opportunities to Alaska Native youth and young adults;

“(IV) providing cultural immersion activities aimed at Alaska Native cultural preservation;

“(V) native language instruction and immersion activities, including native language immersion nests or schools;

“(VI) school-within-a-school model programs; and

“(VII) preparation for postsecondary education and career planning; and

“(iii) comprehensive school or community-based support services, including services that—

“(I) address family instability and trauma; and

“(II) improve conditions for learning at home, in the community, and at school.

“(G) Student and teacher exchange programs, cross-cultural immersion programs, and culture camps designed

to build mutual respect and understanding among participants.

“(H) Education programs for at-risk urban Alaska Native students that are designed to improve academic proficiency and graduation rates, use strategies otherwise permissible under this part, and incorporate a strong data collection and continuous evaluation component.

“(I) Strategies designed to increase the involvement of parents in their children’s education.

“(J) Programs and strategies that increase connections between and among schools, families, and communities, including positive youth-adult relationships, to—

“(i) promote the academic progress and positive development of Alaska Native children and youth; and

“(ii) improve conditions for learning at home, in the community, and at school.

“(K) Career preparation activities to enable Alaska Native children and adults to prepare for meaningful employment, including programs providing tech-prep, mentoring, training, and apprenticeship activities.

“(L) Support for the development and operational activities of regional vocational schools in rural areas of Alaska to provide students with necessary resources to prepare for skilled employment opportunities.

“(M) Regional leadership academies that demonstrate effectiveness in building respect and understanding, and fostering a sense of Alaska Native identity in Alaska Native students to promote their pursuit of and success in completing higher education or career training.

“(N) Other activities, consistent with the purposes of this part, to meet the educational needs of Alaska Native children and adults.

“(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$31,453,000 for each of fiscal years 2017 through 2020.”.

(d) ADMINISTRATIVE PROVISIONS.—Section 6305 (20 U.S.C. 7545) (as redesignated by section 6001) is amended to read as follows:

“SEC. 6305. ADMINISTRATIVE PROVISIONS.

“Not more than 5 percent of funds provided to an award recipient under this part for any fiscal year may be used for administrative purposes.”.

(e) DEFINITIONS.—Section 6306 (20 U.S.C. 7546) (as redesignated by section 6001) is amended—

(1) in paragraph (1), by inserting “(43 U.S.C. 1602(b)) and includes the descendants of individuals so defined” after “Settlement Act”;

(2) by striking paragraph (2) and inserting the following:

“(2) ALASKA NATIVE ORGANIZATION.—The term ‘Alaska Native organization’ means an organization that has or commits to acquire expertise in the education of Alaska Natives and is—

“(A) an Indian tribe, as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b), that is an Indian tribe located in Alaska;

“(B) a ‘tribal organization’, as defined in section 4 of such Act (25 U.S.C. 450b), that is a tribal organization located in Alaska; or

“(C) an organization listed in clauses (i) through (xii) of section 419(4)(B) of the Social Security Act (42 U.S.C. 619(4)(B)(i) through (xii)), or the successor of an entity so listed.”

SEC. 6005. REPORT ON NATIVE AMERICAN LANGUAGE MEDIUM EDUCATION.

(a) **DEFINITIONS.**—In this section:

(1) **INSTITUTION OF HIGHER EDUCATION.**—The term “institution of higher education” has the meaning given such term in section 8101 of the Elementary and Secondary Education Act of 1965.

(2) **LOCAL EDUCATIONAL AGENCY.**—The term “local educational agency” has the meaning given such term in section 8101 of the Elementary and Secondary Education Act of 1965.

(3) **NATIVE AMERICAN; NATIVE AMERICAN LANGUAGE.**—The terms “Native American” and “Native American language” have the meanings given such terms in section 103 of the Native American Languages Act of 1990 (25 U.S.C. 2902).

(4) **STATE EDUCATIONAL AGENCY.**—The term “State educational agency” has the meaning given such term in section 8101 of the Elementary and Secondary Education Act of 1965.

(b) **STUDY.**—By not later than 18 months after the date of enactment of this Act, the Secretary of Education, in collaboration with the Secretary of the Interior, shall—

(1) conduct a study to evaluate all levels of education being provided primarily through the medium of Native American languages; and

(2) report on the findings of such study.

(c) **CONSULTATION.**—In carrying out the study conducted under subsection (b), the Secretary shall consult with—

(1) institutions of higher education that conduct Native American language immersion programs, including teachers of such programs;

(2) State educational agencies and local educational agencies;

(3) Indian tribes and tribal organizations, as such terms are defined by section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b) that sponsor Native American language immersion schools; and

(4) experts in the fields of Native American or Alaska Native language and Native American language medium education, including scholars who are fluent in Native American languages.

(d) **SCOPE OF STUDY.**—The study conducted under subsection (b) shall evaluate the components, policies, and practices of successful Native American language immersion schools and programs, including—

(1) the level of expertise in educational pedagogy, Native American language fluency, and experience of the principal, teachers, paraprofessionals, and other educational staff;

(2) how such schools and programs are using Native American languages to provide instruction in reading, language arts,

mathematics, science, and, as applicable, other academic subjects;

(3) how such schools and programs assess the academic proficiency of the students, including—

(A) whether the school administers assessments of language arts, mathematics, science, and other academic subjects in the Native American language of instruction;

(B) whether the school administers assessments of language arts, mathematics, science, and other academic subjects in English; and

(C) how the standards measured by the assessments in the Native American language of instruction and in English compare; and

(4) the academic outcomes, graduation rate, and other outcomes of students who have completed the highest grade taught primarily through such schools or programs, including, when available, college attendance rates compared with demographically similar students who did not attend a school in which the language of instruction was a Native American language.

(e) RECOMMENDATIONS.—Not later than 18 months after the date of enactment of this Act, the Secretary of Education, in collaboration with the Secretary of the Interior, shall—

(1) develop a report that includes findings and conclusions regarding the study conducted under subsection (b), including recommendations for such legislative and administrative actions as the Secretary of Education considers to be appropriate;

(2) consult with the entities described in subsection (c) in reviewing such findings and conclusions; and

(3) submit the report described in paragraph (1) to each of the following:

(A) The Committee on Health, Education, Labor, and Pensions of the Senate.

(B) The Committee on Education and the Workforce of the House of Representatives.

(C) The Committee on Indian Affairs of the Senate.

(D) The Subcommittee on Indian, Insular and Alaska Native Affairs of the House of Representatives.

SEC. 6006. REPORT ON RESPONSES TO INDIAN STUDENT SUICIDES.

(a) PREPARATION.—

(1) IN GENERAL.—The Secretary of Education, in coordination with the Secretary of the Interior and the Secretary of Health and Human Services, shall prepare a report on efforts to address outbreaks of suicides among elementary school and secondary school students (referred to in this section as “student suicides”) that occurred within 1 year prior to the date of enactment of this Act in Indian country (as defined in section 1151 of title 18, United States Code).

(2) CONTENTS.—The report described in paragraph (1) shall include information on—

(A) the Federal response to the occurrence of high numbers of student suicides in Indian country (as so defined);

(B) a list of Federal resources available to prevent and respond to outbreaks of student suicides, including the availability and use of tele-behavioral health care;

(C) any barriers to timely implementation of programs or interagency collaboration regarding student suicides;

(D) interagency collaboration efforts to streamline access to programs regarding student suicides, including information on how the Department of Education, the Department of the Interior, and the Department of Health and Human Services work together on administration of such programs;

(E) recommendations to improve or consolidate resources or programs described in subparagraph (B) or (D); and

(F) feedback from Indian tribes to the Federal response described in subparagraph (A).

(b) SUBMISSION.—Not later than 270 days after the date of enactment of this Act, the Secretary of Education shall submit the report described in subsection (a) to the appropriate committees of Congress.

TITLE VII—IMPACT AID

SEC. 7001. GENERAL PROVISIONS.

20 USC 7702
note.

(a) IMPACT AID IMPROVEMENT ACT OF 2012.—Section 563(c) of National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 1748; 20 U.S.C. 6301 note) (also known as the “Impact Aid Improvement Act of 2012”), as amended by section 563 of division A of Public Law 113–291, is amended—

(1) by striking paragraphs (1) and (4); and

(2) by redesignating paragraphs (2) and (3), as paragraphs (1) and (2), respectively.

(b) REPEAL.—Section 309 of division H of the Consolidated Appropriations Act, 2014 (Public Law 113–76; 20 U.S.C. 7702 note) is repealed.

(c) TITLE VII REDESIGNATIONS.—Title VIII (20 U.S.C. 7701 et seq.) is redesignated as title VII and further amended—

20 USC
7701–7705.

(1) by redesignating sections 8001 through 8005 as sections 7001 through 7005, respectively; and

20 USC
7707–7714.

(2) by redesignating sections 8007 through 8014 as sections 7007 through 7014, respectively.

(d) CONFORMING AMENDMENTS.—Title VII (as redesignated by subsection (c) of this section) is further amended—

20 USC 7705,
7707, 7709, 7714.

(1) by striking “section 8002” each place it appears and inserting “section 7002”;

20 USC 7704.

(2) by striking “section 8003” each place it appears and inserting “section 7003”;

20 USC 7707,
7710.

(3) by striking “section 8003(a)(1)” each place it appears and inserting “section 7003(a)(1)”;

20 USC 7707.

(4) by striking “section 8003(a)(1)(C)” each place it appears and inserting “section 7003(a)(1)(C)”;

20 USC 7707.

(5) by striking “section 8003(a)(2)” each place it appears and inserting “section 7003(a)(2)”;

20 USC 7702,
7707, 7710, 7714.

(6) by striking “section 8003(b)” each place it appears and inserting “section 7003(b)”;

20 USC 7707,
7709.

(7) by striking “section 8003(b)(1)” each place it appears and inserting “section 7003(b)(1)”;

20 USC 7707,
7709.

(8) by striking “section 8003(b)(2)” each place it appears and inserting “section 7003(b)(2)”;

(9) by striking “section 8014(a)” each place it appears and inserting “section 7014(a)”; 20 USC 7702.

(10) by striking “section 8014(b)” each place it appears and inserting “section 7014(b)”; and 20 USC 7703.

(11) by striking “section 8014(e)” each place it appears and inserting “section 7014(d)”. 20 USC 7707.

SEC. 7002. PURPOSE.

Section 7001, as redesignated by section 7001 of this Act, is amended in the matter preceding paragraph (1), by striking “challenging State standards” and inserting “the same challenging State academic standards”. 20 USC 7701.

SEC. 7003. PAYMENTS RELATING TO FEDERAL ACQUISITION OF REAL PROPERTY.

Section 7002, as redesignated and amended by section 7001 of this Act, is further amended— 20 USC 7702.

(1) in subsection (a)(1)(C), by striking the matter preceding clause (i) and inserting the following:

“(C) had an assessed value according to original records (including facsimiles or other reproductions of those records) documenting the assessed value of such property (determined as of the time or times when so acquired) prepared by the local officials referred to in subsection (b)(3) or, when such original records are not available due to unintentional destruction (such as natural disaster, fire, flooding, pest infestation, or deterioration due to age), other records, including Federal agency records, local historical records, or other records that the Secretary determines to be appropriate and reliable, aggregating 10 percent or more of the assessed value of—”;

(2) in subsection (b)—

(A) in paragraph (1)(C) by striking “section 8003(b)(1)(C)” and inserting “section 7003(b)(1)(C)”; and

(B) in paragraph (3), by striking subparagraph (B) and inserting the following:

“(B) SPECIAL RULE.—In the case of Federal property eligible under this section that is within the boundaries of 2 or more local educational agencies that are eligible under this section, any of such agencies may ask the Secretary to calculate (and the Secretary shall calculate) the taxable value of the eligible Federal property that is within its boundaries by—

“(i) first calculating the per-acre value of the eligible Federal property separately for each eligible local educational agency that shared the Federal property, as provided in subparagraph (A)(ii);

“(ii) then averaging the resulting per-acre values of the eligible Federal property from each eligible local educational agency that shares the Federal property; and

“(iii) then applying the average per-acre value to determine the total taxable value of the eligible Federal property under subparagraph (A)(iii) for the requesting local educational agency.”;

(3) in subsection (e)(2), by adding at the end the following: “For each fiscal year beginning on or after the date of enactment of the Every Student Succeeds Act, the Secretary shall treat

local educational agencies chartered in 1871 having more than 70 percent of the county in Federal ownership as meeting the eligibility requirements of subparagraphs (A) and (C) of subsection (a)(1).”;

(4) by striking subsection (f) and inserting the following: “(f) SPECIAL RULE.—For each fiscal year beginning on or after the date of enactment of the Every Student Succeeds Act, a local educational agency shall be deemed to meet the requirements of subsection (a)(1)(C) if the agency was eligible under paragraph (1) or (3) of section 8002(f) as such section was in effect on the day before the date of enactment of the Every Student Succeeds Act.”;

(5) by striking subsection (g) and inserting the following: “(g) FORMER DISTRICTS.—

“(1) CONSOLIDATIONS.—For fiscal year 2006 and each succeeding fiscal year, if a local educational agency described in paragraph (2) is formed at any time after 1938 by the consolidation of 2 or more former school districts, the local educational agency may elect to have the Secretary determine its eligibility for assistance under this section for any fiscal year on the basis of 1 or more of those former districts, as designated by the local educational agency.

“(2) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—A local educational agency referred to in paragraph (1) is—

“(A) any local educational agency that, for fiscal year 1994 or any preceding fiscal year, applied, and was determined to be eligible under, section 2(c) of the Act of September 30, 1950 (Public Law 874, 81st Congress) as that section was in effect for that fiscal year; or

“(B) a local educational agency—

“(i) that was formed by the consolidation of 2 or more districts, at least 1 of which was eligible for assistance under this section for the fiscal year preceding the year of the consolidation; and

“(ii) which includes the designation referred to in paragraph (1) in its application under section 7005 for a fiscal year beginning on or after the date of enactment of the Every Student Succeeds Act or any timely amendment to such application.

“(3) AMOUNT.—A local educational agency eligible under paragraph (1) shall receive a foundation payment as provided for under subparagraphs (A) and (B) of subsection (h)(1), except that the foundation payment shall be calculated based on the most recent payment received by the local educational agency based on its status prior to consolidation.”;

(6) in subsection (h)(4), by striking “For each local educational agency that received a payment under this section for fiscal year 2010 through the fiscal year in which the Impact Aid Improvement Act of 2012 is enacted” and inserting “For each local educational agency that received a payment under this section for fiscal year 2010 or any succeeding fiscal year”;

(7) by repealing subsections (k) and (m);

(8) by redesignating subsection (l) as subsection (j);

(9) in subsection (j) (as redesignated by paragraph (8)), by striking “(h)(4)(B)” and inserting “(h)(2)”;

(10) by redesignating subsection (n) as subsection (k); and

(11) in subsection (k)(1) (as redesignated by paragraph (10)), by striking “section 8013(5)(C)(iii)” and inserting “section 7013(5)(C)(iii)”.

SEC. 7004. PAYMENTS FOR ELIGIBLE FEDERALLY CONNECTED CHILDREN.

Section 7003, as redesignated and amended by section 7001 of this Act, is further amended—

20 USC 7703.

(1) in subsection (a)(5)(A), by striking “to be children” and all that follows through the period at the end and inserting “or under lease of off-base property under subchapter IV of chapter 169 of title 10, United States Code, to be children described under paragraph (1)(B), if the property described is—

“(i) within the fenced security perimeter of the military facility; or

“(ii) attached to, and under any type of force protection agreement with, the military installation upon which such housing is situated.”;

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking subparagraph (E); and

(ii) by redesignating subparagraphs (F) and (G) as subparagraphs (E) and (F), respectively;

(B) in paragraph (2), by striking subparagraphs (B) through (H) and inserting the following:

“(B) ELIGIBILITY FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—

“(i) IN GENERAL.—A heavily impacted local educational agency is eligible to receive a basic support payment under subparagraph (A) with respect to a number of children determined under subsection (a)(1) if the agency—

“(I) is a local educational agency—

“(aa) whose boundaries are the same as a Federal military installation or an island property designated by the Secretary of the Interior to be property that is held in trust by the Federal Government; and

“(bb) that has no taxing authority;

“(II) is a local educational agency that—

“(aa) has an enrollment of children described in subsection (a)(1) that constitutes a percentage of the total student enrollment of the agency that is not less than 45 percent;

“(bb) has a per-pupil expenditure that is less than—

“(AA) for an agency that has a total student enrollment of 500 or more students, 125 percent of the average per-pupil expenditure of the State in which the agency is located; or

“(BB) for any agency that has a total student enrollment of less than 500 students, 150 percent of the average per-pupil expenditure of the State in which the agency is located or the average per-pupil

expenditure of 3 or more comparable local educational agencies in the State in which the agency is located; and

“(cc) is an agency that has a tax rate for general fund purposes that is not less than 95 percent of the average tax rate for general fund purposes of comparable local educational agencies in the State;

“(III) is a local educational agency that—

“(aa) has a tax rate for general fund purposes which is not less than 125 percent of the average tax rate for general fund purposes for comparable local educational agencies in the State; and

“(bb)(AA) has an enrollment of children described in subsection (a)(1) that constitutes a percentage of the total student enrollment of the agency that is not less than 30 percent; or

“(BB) has an enrollment of children described in subsection (a)(1) that constitutes a percentage of the total student enrollment of the agency that is not less than 20 percent, and for the 3 fiscal years preceding the fiscal year for which the determination is made, the average enrollment of children who are not described in subsection (a)(1) and who are eligible for a free or reduced price lunch under the Richard B. Russell National School Lunch Act constitutes a percentage of the total student enrollment of the agency that is not less than 65 percent;

“(IV) is a local educational agency that has a total student enrollment of not less than 25,000 students, of which—

“(aa) not less than 50 percent are children described in subsection (a)(1); and

“(bb) not less than 5,000 of such children are children described in subparagraphs (A) and (B) of subsection (a)(1); or

“(V) is a local educational agency that—

“(aa) has an enrollment of children described in subsection (a)(1) including, for purposes of determining eligibility, those children described in subparagraphs (F) and (G) of such subsection, that is not less than 35 percent of the total student enrollment of the agency;

“(bb) has a per-pupil expenditure described in subclause (II)(bb) (except that a local educational agency with a total student enrollment of less than 350 students shall be deemed to have satisfied such per-pupil expenditure requirement) and has a tax rate for general fund purposes which is not less than 95 percent of the average tax rate for

general fund purposes for comparable local educational agencies in the State; and

“(cc) was eligible to receive assistance under subparagraph (A) for fiscal year 2001.

“(ii) LOSS OF ELIGIBILITY.—

“(I) IN GENERAL.—Subject to subclause (II), a heavily impacted local educational agency that met the requirements of clause (i) for a fiscal year shall be ineligible to receive a basic support payment under subparagraph (A) if the agency fails to meet the requirements of clause (i) for a subsequent fiscal year, except that such agency shall continue to receive a basic support payment under this paragraph for the fiscal year for which the ineligibility determination is made.

“(II) LOSS OF ELIGIBILITY DUE TO FALLING BELOW 95 PERCENT OF THE AVERAGE TAX RATE FOR GENERAL FUND PURPOSES.—In the case of a heavily impacted local educational agency described in subclause (II) or (V) of clause (i) that is eligible to receive a basic support payment under subparagraph (A), but that has had, for 2 consecutive fiscal years, a tax rate for general fund purposes that falls below 95 percent of the average tax rate for general fund purposes of comparable local educational agencies in the State, such agency shall be determined to be ineligible under clause (i) and ineligible to receive a basic support payment under subparagraph (A) for each fiscal year succeeding such 2 consecutive fiscal years for which the agency has such a tax rate for general fund purposes, and until the fiscal year for which the agency resumes such eligibility in accordance with clause (iii).

“(III) TAKEN OVER BY STATE BOARD OF EDUCATION.—In the case of a heavily impacted local educational agency that is eligible to receive a basic support payment under subparagraph (A), but that has been taken over by a State board of education in any 2 previous years, such agency shall be deemed to maintain heavily impacted status for 2 fiscal years following the date of enactment of the Every Student Succeeds Act.

“(iii) RESUMPTION OF ELIGIBILITY.—A heavily impacted local educational agency described in clause (i) that becomes ineligible under such clause for 1 or more fiscal years may resume eligibility for a basic support payment under this paragraph for a subsequent fiscal year only if the agency meets the requirements of clause (i) for that subsequent fiscal year, except that such agency shall not receive a basic support payment under this paragraph until the fiscal year succeeding the fiscal year for which the eligibility determination is made.

“(C) MAXIMUM AMOUNT FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—

“(i) IN GENERAL.—Except as provided in subparagraph (D), the maximum amount that a heavily impacted local educational agency is eligible to receive under this paragraph for any fiscal year is the sum of the total weighted student units, as computed under subsection (a)(2) and subject to clause (ii), multiplied by the greater of—

“(I) four-fifths of the average per-pupil expenditure of the State in which the local educational agency is located for the third fiscal year preceding the fiscal year for which the determination is made; or

“(II) four-fifths of the average per-pupil expenditure of all of the States for the third fiscal year preceding the fiscal year for which the determination is made.

“(ii) CALCULATION OF WEIGHTED STUDENT UNITS.—

“(I) IN GENERAL.—

“(aa) PERCENTAGE ENROLLMENT.—For a local educational agency in which 35 percent or more of the total student enrollment of the schools of the agency are children described in subparagraph (D) or (E) (or a combination thereof) of subsection (a)(1), and that has an enrollment of children described in subparagraph (A), (B), or (C) of such subsection equal to at least 10 percent of the agency’s total enrollment, the Secretary shall calculate the weighted student units of those children described in subparagraph (D) or (E) of such subsection by multiplying the number of such children by a factor of 0.55.

“(bb) EXCEPTION.—Notwithstanding item (aa), a local educational agency that received a payment under this paragraph for fiscal year 2013 shall not be required to have an enrollment of children described in subparagraph (A), (B), or (C) of subsection (a)(1) equal to at least 10 percent of the agency’s total enrollment and shall be eligible for the student weight as provided for in item (aa).

“(II) ENROLLMENT OF 100 OR FEWER CHILDREN.—For a local educational agency that has an enrollment of 100 or fewer children described in subsection (a)(1), the Secretary shall calculate the total number of weighted student units for purposes of subsection (a)(2) by multiplying the number of such children by a factor of 1.75.

“(III) ENROLLMENT OF MORE THAN 100 CHILDREN BUT LESS THAN 1000.—For a local educational agency that is not described under subparagraph (B)(i)(I) and has an enrollment of more than 100 but not more than 1,000 children described in subsection (a)(1), the Secretary shall calculate the total number of weighted student units for purposes of subsection (a)(2) by multiplying the number of such children by a factor of 1.25.

“(D) MAXIMUM AMOUNT FOR LARGE HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—

“(i) IN GENERAL.—

“(I) FORMULA.—Subject to clause (ii), the maximum amount that a heavily impacted local educational agency described in subclause (II) is eligible to receive under this paragraph for any fiscal year shall be determined in accordance with the formula described in paragraph (1)(C).

“(II) HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCY.—A heavily impacted local educational agency described in this subclause is a local educational agency that has a total student enrollment of not less than 25,000 students, of which not less than 50 percent are children described in subsection (a)(1) and not less than 5,000 of such children are children described in subparagraphs (A) and (B) of subsection (a)(1).

“(ii) FACTOR.—For purposes of calculating the maximum amount described in clause (i), the factor used in determining the weighted student units under subsection (a)(2) with respect to children described in subparagraphs (A) and (B) of subsection (a)(1) shall be 1.35.

“(E) DATA.—For purposes of providing assistance under this paragraph, the Secretary shall use student, revenue, expenditure, and tax data from the third fiscal year preceding the fiscal year for which the local educational agency is applying for assistance under this paragraph.

“(F) DETERMINATION OF AVERAGE TAX RATES FOR GENERAL FUND PURPOSES.—

“(i) IN GENERAL.—Except as provided in clause (ii), for the purpose of determining the average tax rates for general fund purposes for local educational agencies in a State under this paragraph, the Secretary shall use either—

“(I) the average tax rate for general fund purposes for comparable local educational agencies, as determined by the Secretary in regulations; or

“(II) the average tax rate of all the local educational agencies in the State.

“(ii) FISCAL YEARS 2010–2015.—

“(I) IN GENERAL.—For fiscal years 2010 through 2015, any local educational agency that was found ineligible to receive a payment under subparagraph (A) because the Secretary determined that it failed to meet the average tax rate requirement for general fund purposes in subparagraph (B)(i)(II)(cc), shall be considered to have met that requirement, if its State determined, through an alternate calculation of average tax rates for general fund purposes, that such local educational agency met that requirement.

“(II) SUBSEQUENT FISCAL YEARS AFTER 2015.—For any succeeding fiscal year after 2015, any local educational agency identified in subclause

(I) may continue to have its State use that alternate methodology to calculate whether the average tax rate requirement for general fund purposes under subparagraph (B)(i)(II)(cc) is met.

“(III) AVAILABILITY OF FUNDS.—Notwithstanding any other provision of law limiting the period during which the Secretary may obligate funds appropriated for any fiscal year after 2012, the Secretary shall reserve a total of \$14,000,000 from funds that remain unobligated under this section from fiscal years 2015 or 2016 in order to make payments under this clause for fiscal years 2011 through 2014.

“(G) ELIGIBILITY FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES AFFECTED BY PRIVATIZATION OF MILITARY HOUSING.—

“(i) ELIGIBILITY.—For any fiscal year, a heavily impacted local educational agency that received a basic support payment under this paragraph for the prior fiscal year, but is ineligible for such payment for the current fiscal year under subparagraph (B) due to the conversion of military housing units to private housing described in clause (iii), or as the direct result of base realignment and closure or modularization as determined by the Secretary of Defense and force structure change or force relocation, shall be deemed to meet the eligibility requirements under subparagraph (B) for the period during which the housing units are undergoing such conversion or during such time as activities associated with base closure and realignment, modularization, force structure change, or force relocation are ongoing.

“(ii) AMOUNT OF PAYMENT.—The amount of a payment to a heavily impacted local educational agency for a fiscal year by reason of the application of clause (i), and calculated in accordance with subparagraph (C) or (D), as the case may be, shall be based on the number of children in average daily attendance in the schools of such agency for the fiscal year and under the same provisions of subparagraph (C) or (D) under which the agency was paid during the prior fiscal year.

“(iii) CONVERSION OF MILITARY HOUSING UNITS TO PRIVATE HOUSING DESCRIBED.—For purposes of clause (i), ‘conversion of military housing units to private housing’ means the conversion of military housing units to private housing units pursuant to subchapter IV of chapter 169 of title 10, United States Code, or pursuant to any other related provision of law.”; (C) in paragraph (3)—

(i) in subparagraph (B), by striking clause (iii) and inserting the following:

“(iii) In the case of a local educational agency providing a free public education to students enrolled in kindergarten through grade 12, that enrolls students described in subparagraphs (A), (B), and (D) of subsection (a)(1) only in grades 9 through 12, and that received a final payment

for fiscal year 2009 calculated under section 8003(b)(3) (as such section was in effect on the day before the date of enactment of the Every Student Succeeds Act) for students in grades 9 through 12, the Secretary shall, in calculating the agency’s payment, consider only that portion of such agency’s total enrollment of students in grades 9 through 12 when calculating the percentage under clause (i)(I) and only that portion of the total current expenditures attributed to the operation of grades 9 through 12 in such agency when calculating the percentage under clause (i)(II).”;

(ii) in subparagraph (C), by striking “subparagraph (D) or (E) of paragraph (2), as the case may be” and inserting “subparagraph (C) or (D) of paragraph (2), as the case may be”; and

(iii) by striking subparagraph (D) and inserting the following:

“(D) RATABLE DISTRIBUTION.—For fiscal years described in subparagraph (A), for which the sums available exceed the amount required to pay each local educational agency 100 percent of its threshold payment, the Secretary shall distribute the excess sums to each eligible local educational agency that has not received its full amount computed under paragraphs (1) or (2) (as the case may be) by multiplying—

“(i) a percentage, the denominator of which is the difference between the full amount computed under paragraph (1) or (2) (as the case may be) for all local educational agencies and the amount of the threshold payment (as calculated under subparagraphs (B) and (C)) of all local educational agencies, and the numerator of which is the aggregate of the excess sums, by

“(ii) the difference between the full amount computed under paragraph (1) or (2) (as the case may be) for the agency and the amount of the threshold payment (as calculated under subparagraphs (B) or (C)) of the agency, except that no local educational agency shall receive more than 100 percent of the maximum payment calculated under subparagraph (C) or (D) of paragraph (2).

“(E) INSUFFICIENT PAYMENTS.—For each fiscal year described in subparagraph (A) for which the sums appropriated are insufficient to pay each local educational agency all of the local educational agency’s threshold payment described in subparagraph (B), the Secretary shall ratably reduce the payment to each local educational agency under this paragraph.

“(F) INCREASES.—

“(i) INCREASES BASED ON INSUFFICIENT FUNDS.—If additional funds become available under 7014(b) for making payments under paragraphs (1) and (2) and those funds are not sufficient to increase each local

educational agency's threshold payment above 100 percent of its threshold payment described in subparagraph (B), payments that were reduced under subparagraph (E) shall be increased by the Secretary on the same basis as such payments were reduced.

“(ii) INCREASES BASED ON SUFFICIENT FUNDS.—If additional funds become available under section 7014(b) for making payments under paragraphs (1) and (2) and those funds are sufficient to increase each local educational agency's threshold payment above 100 percent of its threshold payment described in subparagraph (B), the payment for each local educational agency shall be 100 percent of its threshold payment. The Secretary shall then distribute the excess sums to each eligible local educational agency in accordance with subparagraph (D).

“(G) PROVISION OF TAX RATE AND RESULTING PERCENTAGE.—As soon as practicable following the payment of funds under paragraph (2) to an eligible local educational agency, the Secretary shall provide the local educational agency with a description of—

“(i) the tax rate of the local educational agency; and

“(ii) the percentage such tax rate represents of the average tax rate for general fund purposes of comparable local educational agencies in the State as determined under subclauses (II)(cc), III(aa), or (V)(bb) of paragraph (2)(B)(i) (as the case may be).”; and
(D) in paragraph (4)—

(i) in subparagraph (A), by striking “through (D)” and inserting “and (C)”; and

(ii) in subparagraph (B), by striking “subparagraph (D) or (E)” and inserting “subparagraph (C) or (D)”; and

(3) in subsection (c), by striking paragraph (2) and inserting the following:

“(2) EXCEPTION.—Calculation of payments for a local educational agency shall be based on data from the fiscal year for which the agency is making an application for payment if such agency—

“(A) is newly established by a State, for the first year of operation of such agency only;

“(B) was eligible to receive a payment under this section for the previous fiscal year and has had an overall increase in enrollment (as determined by the Secretary in consultation with the Secretary of Defense, the Secretary of the Interior, or the heads of other Federal agencies)—

“(i)(I) of not less than 10 percent of children described in—

“(aa) subparagraph (A), (B), (C), or (D) of subsection (a)(1); or

“(bb) subparagraphs (F) and (G) of subsection (a)(1), but only to the extent that such children are civilian dependents of employees of the Department of Defense or the Department of the Interior; or

“(II) of not less than 100 of such children; and

“(ii) that is the direct result of closure or realignment of military installations under the base closure process or the relocation of members of the Armed Forces and civilian employees of the Department of Defense as part of the force structure changes or movements of units or personnel between military installations or because of actions initiated by the Secretary of the Interior or the head of another Federal agency; or

“(C) was eligible to receive a payment under this section for the previous fiscal year and has had an increase in enrollment (as determined by the Secretary)—

“(i) of not less than 10 percent of children described in subsection (a)(1) or not less than 100 of such children; and

“(ii) that is the direct result of the closure of a local educational agency that received a payment under subsection (b)(1) or (b)(2) for the previous fiscal year.”;

(4) in subsection (d)(1), by striking “section 8014(c)” and inserting “section 7014(c)”;

(5) in subsection (e)—

(A) by redesignating paragraph (3) as paragraph (4);

(B) by striking paragraphs (1) and (2) and inserting the following:

“(1) IN GENERAL.—In the case of any local educational agency eligible to receive a payment under subsection (b) whose calculated payment amount for a fiscal year is reduced by 20 percent, as compared to the amount received for the previous fiscal year, the Secretary shall pay the local educational agency, for the year of the reduction and the following 2 years, the amount determined under paragraph (2).

“(2) AMOUNT OF REDUCTION.—Subject to paragraph (3), A local educational agency described in paragraph (1) shall receive—

“(A) for the first year for which the reduced payment is determined, an amount that is not less than 90 percent of the total amount that the local educational agency received under subsection (b) for the previous fiscal year;

“(B) for the second year following such reduction, an amount that is not less than 85 percent of the total amount that the local educational agency received under subparagraph (A); and

“(C) for the third year following such reduction, an amount that is not less than 80 percent of the total amount that the local educational agency received under subparagraph (B).

“(3) SPECIAL RULE.—For any fiscal year for which a local educational agency would receive a payment under subsection (b) in excess of the amount determined under paragraph (2), the payment received by the local educational agency for such fiscal year shall be calculated under paragraph (1) or (2) of subsection (b).”; and

(6) by striking subsection (g).

SEC. 7005. POLICIES AND PROCEDURES RELATING TO CHILDREN RESIDING ON INDIAN LANDS.

20 USC 7704. Section 7004(e)(9), as redesignated and amended by section 7001 of this Act, is further amended by striking “Affairs” both places the term appears and inserting “Education”.

SEC. 7006. APPLICATION FOR PAYMENTS UNDER SECTIONS 7002 AND 7003.

20 USC 7705. Section 7005, as redesignated and amended by section 7001 of this Act, is further amended—

(1) in the section heading, by striking “8002 AND 8003” and inserting “7002 AND 7003”;

(2) by striking “or 8003” each place it appears and inserting “or 7003”;

(3) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking “, and shall contain such information,”; and

(B) by striking “section 8004” and inserting “section 7004”; and

(4) in subsection (d)(2), by striking “section 8003(e)” and inserting “section 7003(e)”;

SEC. 7007. CONSTRUCTION.

20 USC 7707. Section 7007, as redesignated and amended by section 7001 of this Act, is further amended—

(1) in subsection (a)—

(A) in paragraph (3)(A)(i)—

(i) by redesignating the first subclause (II) as subclause (I);

(ii) in subclause (II), by striking “section 8008(a)” and inserting “section 7008(a)”;

(B) in paragraph (4), by striking “section 8013(3)” and inserting “section 7013(3)”;

(2) in subsection (b)—

(A) in paragraph (3)(C)(i)(I), by adding at the end the following:

“(cc) Not less than 10 percent of the property acreage in the agency is exempt from State and local taxation under Federal law.”; and

(B) in paragraph (6)—

(i) in the matter preceding subparagraph (A), by striking “, in such manner, and accompanied by such information” and inserting “and in such manner”;

(ii) in subparagraph (A), by inserting before the period at the end the following: “, and containing such additional information as may be necessary to meet any award criteria for a grant under this subsection as provided by any other Act”; and

(iii) by striking subparagraph (F).

SEC. 7008. FACILITIES.

20 USC 7708. Section 7008(a), as redesignated by section 7001 of this Act, is amended by striking “section 8014(f)” and inserting “section 7014(e)”.

SEC. 7009. STATE CONSIDERATION OF PAYMENTS IN PROVIDING STATE AID.

Section 7009, as redesignated and amended by section 7001 of this Act, is further amended— 20 USC 7709.

(1) by striking “section 8011(a)” each place it appears and inserting “section 7011(a)”;

(2) in subsection (b)(1)—

(A) by striking “or 8003(b)” and inserting “or 7003(b);” and

(B) by striking “section 8003(a)(2)(B)” and inserting “section 7003(a)(2)(B)”;

(3) in subsection (c)(1)(B), by striking “and contain the information” and inserting “that” after “form”.

SEC. 7010. FEDERAL ADMINISTRATION.

Section 7010, as redesignated and amended by section 7001 of this Act, is further amended— 20 USC 7710.

(1) in subsection (c)—

(A) in paragraph (1), in the paragraph heading, by striking “8003(a)(1)” and inserting “7003(a)(1)”;

(B) in paragraph (2)(D), by striking “section 8009(b)” and inserting “section 7009(b)”;

(2) in subsection (d)(2), by striking “section 8014” and inserting “section 7014”.

SEC. 7011. ADMINISTRATIVE HEARINGS AND JUDICIAL REVIEW.

Section 7011(a), as redesignated by section 7001 of this Act, is amended by striking “or under the Act” and all that follows through “1994”. 20 USC 7711.

SEC. 7012. DEFINITIONS.

Section 7013, as redesignated by section 7001 of this Act, is amended— 20 USC 7713.

(1) in paragraph (1), by striking “and Marine Corps” and inserting “Marine Corps, and Coast Guard”;

(2) in paragraph (4), by striking “and title VI”;

(3) in paragraph (5)(A)—

(A) in clause (ii), by striking subclause (III) and inserting the following:

“(III) conveyed at any time under the Alaska Native Claims Settlement Act to a Native individual, Native group, or village or regional corporation (including single family occupancy properties that may have been subsequently sold or leased to a third party), except that property that is conveyed under such Act—

“(aa) that is not taxed is, for the purposes of this paragraph, considered tax-exempt due to Federal law; and

“(bb) is considered Federal property for the purpose of this paragraph if the property is located within a Regional Educational Attendance Area that has no taxing power;”;

and

(B) in clause (iii)—

(i) in subclause (II), by striking “Stewart B. McKinney Homeless Assistance Act” and inserting

“McKinney-Vento Homeless Assistance Act (42 U.S.C. 11411)”; and

(ii) by striking subclause (III) and inserting the following:

“(III) used for affordable housing assisted under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.); or”.

SEC. 7013. AUTHORIZATION OF APPROPRIATIONS.

Section 7014, as amended and redesignated by section 7001 of this Act, is further amended—

20 USC 7714.

(1) in subsection (a), by striking “\$32,000,000 for fiscal year 2000 and such sums as may be necessary for each of the seven succeeding fiscal years” and inserting “\$66,813,000 for each of fiscal years 2017 through 2019, and \$71,997,917 for fiscal year 2020”;

(2) in subsection (b), by striking “\$809,400,000 for fiscal year 2000 and such sums as may be necessary for each of the seven succeeding fiscal years” and inserting “\$1,151,233,000 for each of fiscal years 2017 through 2019, and \$1,240,572,618 for fiscal year 2020”;

(3) in subsection (c)—

(A) by striking “section 8003(d)” and inserting “section 7003(d)”; and

(B) by striking “\$50,000,000 for fiscal year 2000 and such sums as may be necessary for each of the seven succeeding fiscal years” and inserting “\$48,316,000 for each of fiscal years 2017 through 2019, and \$52,065,487 for fiscal year 2020”;

(4) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively;

(5) in subsection (d) (as redesignated by paragraph (4))—

(A) by striking “section 8007” and inserting “section 7007”; and

(B) by striking “\$10,052,000 for fiscal year 2000 and such sums as may be necessary for fiscal year 2001, \$150,000,000 for fiscal year 2002, and such sums as may be necessary for each of the five succeeding fiscal years” and inserting “\$17,406,000 for each of fiscal years 2017 through 2019, and \$18,756,765 for fiscal year 2020”; and

(6) in subsection (e) (as redesignated by paragraph (4))—

(A) by striking “section 8008” and inserting “section 7008”; and

(B) by striking “\$5,000,000 for fiscal year 2000 and such sums as may be necessary for each of the seven succeeding fiscal years” and inserting “\$4,835,000 for each of fiscal years 2017 through 2019, and \$5,210,213 for fiscal year 2020”.

TITLE VIII—GENERAL PROVISIONS

SEC. 8001. GENERAL PROVISIONS.

(a) TITLE IX REDESIGNATIONS.—Title IX (20 U.S.C. 7801 et seq.) (as amended by sections 2001 and 4001 of this Act) is redesignated as title VIII and further amended—

- (1) by redesignating sections 9101 through 9103 as sections 20 USC
8101 through 8103, respectively; 7801–7803.
- (2) by redesignating sections 9201 through 9204 as sections 20 USC
8201 through 8204, respectively; 7821–7824.
- (3) by redesignating sections 9301 through 9306 as sections 20 USC
8301 through 8306, respectively; 7841–7846.
- (4) by redesignating section 9401 as section 8401; 20 USC 7861.
- (5) by redesignating sections 9501 through 9506 as sections 20 USC
8501 through 8506, respectively; 7881–7886.
- (6) by redesignating sections 9521 through 9537 as sections 20 USC
8521 through 8537, respectively; 7901–7917.
- (7) by redesignating sections 9541 through 9548 as sections 20 USC
8551 through 8558, respectively; 7491–7948.
- (8) by redesignating section 9551 as 8561; 20 USC 7961.
- (9) by redesignating sections 9561 through 9564 as sections 20 USC
8571 through 8574, respectively; and 7971–7974.
- (10) by redesignating section 9601 as section 8601. 20 USC 7941.

(b) STRUCTURAL AND CONFORMING AMENDMENTS.—Title VIII (as redesignated by subsection (a) of this section) is further amended—

- (1) by redesignating parts E and F as parts F and G, respectively;
- (2) by striking “9305” each place it appears and inserting 20 USC 7801,
“8305”; 7846.
- (3) by striking “9302” each place it appears and inserting 20 USC 7801,
“8302”; and 7844, 7845.
- (4) by striking “9501” each place it appears and inserting 20 USC 7882,
“8501”. 7884.

SEC. 8002. DEFINITIONS.

Section 8101, as redesignated and amended by section 8001 of this Act, is further amended— 20 USC 7801.

- (1) by striking paragraphs (3), (11), (19), (23), (35), (36), (37), and (42);

(2) by redesignating paragraphs (4), (5), (6), (7), (8), (9), (10), (12), (13), (14), (15), (16), (17), (18), (20), (21), (22), (24), (25), (26), (27), (28), (29), (30), (31), (32), (33), (34), (38), (39), (41), and (43) as paragraphs (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), (14), (18), (19), (24), (26), (27), (29), (30), (31), (34), (35), (36), (38), (39), (41), (42), (45), (46), (49), and (50), respectively, and by transferring such paragraph (20) (as so redesignated) so as to follow such paragraph (19) (as so redesignated);

- (3) by striking paragraphs (11) and (12) (as so redesignated by paragraph (2)) and inserting the following:

“(11) COVERED PROGRAM.—The term ‘covered program’ means each of the programs authorized by—

- “(A) part A of title I;
“(B) part C of title I;
“(C) part D of title I;
“(D) part A of title II;
“(E) part A of title III;
“(F) part A of title IV;
“(G) part B of title IV; and
“(H) subpart 2 of part B of title V.

“(12) CURRENT EXPENDITURES.—The term ‘current expenditures’ means expenditures for free public education—

“(A) including expenditures for administration, instruction, attendance and health services, pupil transportation services, operation and maintenance of plant, fixed charges, and net expenditures to cover deficits for food services and student body activities; but

“(B) not including expenditures for community services, capital outlay, and debt service, or any expenditures made from funds received under title I.”;

(4) by inserting after paragraph (14) (as so redesignated by paragraph (2)) the following:

“(15) DUAL OR CONCURRENT ENROLLMENT PROGRAM.—The term ‘dual or concurrent enrollment program’ means a program offered by a partnership between at least one institution of higher education and at least one local educational agency through which a secondary school student who has not graduated from high school with a regular high school diploma is able to enroll in one or more postsecondary courses and earn postsecondary credit that—

“(A) is transferable to the institutions of higher education in the partnership; and

“(B) applies toward completion of a degree or recognized educational credential as described in the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

“(16) EARLY CHILDHOOD EDUCATION PROGRAM.—The term ‘early childhood education program’ has the meaning given the term in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003).

“(17) EARLY COLLEGE HIGH SCHOOL.—The term ‘early college high school’ means a partnership between at least one local educational agency and at least one institution of higher education that allows participants to simultaneously complete requirements toward earning a regular high school diploma and earn not less than 12 credits that are transferable to the institutions of higher education in the partnership as part of an organized course of study toward a postsecondary degree or credential at no cost to the participant or participant’s family.”;

(5) in paragraph (20) (as so redesignated and transferred by paragraph (2))—

(A) in the paragraph heading, by striking “LIMITED ENGLISH PROFICIENT” and inserting “ENGLISH LEARNER”;

(B) in the matter preceding subparagraph (A), by striking “limited English proficient” and inserting “English learner”; and

(C) in subparagraph (D)(i), by striking “State’s proficient level of achievement on State assessments described in section 1111(b)(3)” and inserting “challenging State academic standards”;

(6) by inserting after paragraph (20) (as so redesignated and transferred by paragraph (2)), the following:

“(21) EVIDENCE-BASED.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the term ‘evidence-based’, when used with respect to a State, local educational agency, or school activity, means an activity, strategy, or intervention that—

“(i) demonstrates a statistically significant effect on improving student outcomes or other relevant outcomes based on—

“(I) strong evidence from at least 1 well-designed and well-implemented experimental study;

“(II) moderate evidence from at least 1 well-designed and well-implemented quasi-experimental study; or

“(III) promising evidence from at least 1 well-designed and well-implemented correlational study with statistical controls for selection bias; or

“(ii)(I) demonstrates a rationale based on high-quality research findings or positive evaluation that such activity, strategy, or intervention is likely to improve student outcomes or other relevant outcomes; and

“(II) includes ongoing efforts to examine the effects of such activity, strategy, or intervention.

“(B) DEFINITION FOR SPECIFIC ACTIVITIES FUNDED UNDER THIS ACT.—When used with respect to interventions or improvement activities or strategies funded under section 1003, the term ‘evidence-based’ means a State, local educational agency, or school activity, strategy, or intervention that meets the requirements of subclause (I), (II), or (III) of subparagraph (A)(i).

“(22) EXPANDED LEARNING TIME.—The term ‘expanded learning time’ means using a longer school day, week, or year schedule to significantly increase the total number of school hours, in order to include additional time for—

“(A) activities and instruction for enrichment as part of a well-rounded education; and

“(B) instructional and support staff to collaborate, plan, and engage in professional development (including professional development on family and community engagement) within and across grades and subjects.

“(23) EXTENDED-YEAR ADJUSTED COHORT GRADUATION RATE.—

“(A) IN GENERAL.—The term ‘extended-year adjusted cohort graduation rate’ means the fraction—

“(i) the denominator of which consists of the number of students who form the original cohort of entering first-time students in grade 9 enrolled in the high school no later than the date by which student membership data must be collected annually by State educational agencies for submission to the National Center for Education Statistics under section 153 of the Education Sciences Reform Act of 2002 (20 U.S.C. 9543), adjusted by—

“(I) adding the students who joined that cohort, after the date of the determination of the original cohort; and

“(II) subtracting only those students who left that cohort, after the date of the determination of the original cohort, as described in subparagraph (B); and

“(ii) the numerator of which—

“(I) consists of the sum of—

“(aa) the number of students in the cohort, as adjusted under clause (i), who earned a regular high school diploma before, during, or at the conclusion of—

“(AA) one or more additional years beyond the fourth year of high school; or

“(BB) a summer session immediately following the additional year of high school; and

“(bb) all students with the most significant cognitive disabilities in the cohort, as adjusted under clause (i), assessed using the alternate assessment aligned to alternate academic achievement standards under section 1111(b)(2)(D) and awarded a State-defined alternate diploma that is—

“(AA) standards-based;

“(BB) aligned with the State requirements for the regular high school diploma; and

“(CC) obtained within the time period for which the State ensures the availability of a free appropriate public education under section 612(a)(1) of the Individuals with Disabilities Education Act (20 U.S.C. 1412(a)(1)); and

“(II) shall not include any student awarded a recognized equivalent of a diploma, such as a general equivalency diploma, certificate of completion, certificate of attendance, or similar lesser credential.

“(B) COHORT REMOVAL.—To remove a student from a cohort, a school or local educational agency shall require documentation, or obtain documentation from the State educational agency, to confirm that the student has transferred out, emigrated to another country, or transferred to a prison or juvenile facility, or is deceased.

“(C) TRANSFERRED OUT.—For purposes of this paragraph, the term ‘transferred out’ has the meaning given the term in clauses (i), (ii), and (iii) of paragraph (25)(C).

“(D) SPECIAL RULES.—

“(i) SCHOOLS STARTING AFTER GRADE 9.—For those high schools that start after grade 9, the original cohort shall be calculated for the earliest high school grade students attend no later than the date by which student membership data is collected annually by State educational agencies for submission to the National Center for Education Statistics pursuant to section 153 of the Education Sciences Reform Act of 2002 (20 U.S.C. 9543).

“(ii) VERY SMALL SCHOOLS.—A State educational agency may calculate the extended year adjusted cohort graduation rate described under this paragraph for a high school with an average enrollment over a 4-year period of less than 100 students for the purposes of section 1111(c)(4) by—

“(I) averaging the extended-year adjusted cohort graduation rate of the school over a period of three years; or

“(II) establishing a minimum number of students that must be included in the cohort described in clause (i) of subparagraph (A) that will provide a valid graduation rate calculation as determined by the Secretary, below which the school shall be exempt from differentiation and identification under such section.”;

(7) by inserting after paragraph (24) (as so redesignated by paragraph (2)) the following:

“(25) FOUR-YEAR ADJUSTED COHORT GRADUATION RATE.—

“(A) IN GENERAL.—The term ‘four-year adjusted cohort graduation rate’ means the fraction—

“(i) the denominator of which consists of the number of students who form the original cohort of entering first-time students in grade 9 enrolled in the high school no later than the date by which student membership data is collected annually by State educational agencies for submission to the National Center for Education Statistics pursuant to section 153 of the Education Sciences Reform Act of 2002 (20 U.S.C. 9543), adjusted by—

“(I) adding the students who joined that cohort, after the date of the determination of the original cohort; and

“(II) subtracting only those students who left that cohort, after the date of the determination of the original cohort, as described in subparagraph (B); and

“(ii) the numerator of which—

“(I) consists of the sum of—

“(aa) the number of students in the cohort, as adjusted under clause (i), who earned a regular high school diploma before, during, or at the conclusion of—

“(AA) the fourth year of high school;

or

“(BB) a summer session immediately following the fourth year of high school; and

“(bb) all students with the most significant cognitive disabilities in the cohort, as adjusted under clause (i), assessed using the alternate assessment aligned to alternate academic achievement standards under section 1111(b)(2)(D) and awarded a State-defined alternate diploma that is—

“(AA) standards-based;

“(BB) aligned with the State requirements for the regular high school diploma; and

“(CC) obtained within the time period for which the State ensures the availability of a free appropriate public education under section 612(a)(1) of the

Individuals with Disabilities Education Act (20 U.S.C. 1412(a)(1); and

“(II) shall not include any student awarded a recognized equivalent of a diploma, such as a general equivalency diploma, certificate of completion, certificate of attendance, or similar lesser credential.

“(B) COHORT REMOVAL.—To remove a student from a cohort, a school or local educational agency shall require documentation, or obtain documentation from the State educational agency, to confirm that the student has transferred out, emigrated to another country, or transferred to a prison or juvenile facility, or is deceased.

“(C) TRANSFERRED OUT.—

“(i) IN GENERAL.—For purposes of this paragraph, the term ‘transferred out’ means that a student, as confirmed by the high school or local educational agency in accordance with clause (ii), has transferred to—

“(I) another school from which the student is expected to receive a regular high school diploma; or

“(II) another educational program from which the student is expected to receive a regular high school diploma or an alternate diploma that meets the requirements of subparagraph (A)(ii)(I)(bb).

“(ii) CONFIRMATION REQUIREMENTS.—

“(I) DOCUMENTATION REQUIRED.—The confirmation of a student’s transfer to another school or educational program described in clause (i) requires documentation of such transfer from the receiving school or program in which the student enrolled.

“(II) LACK OF CONFIRMATION.—A student who was enrolled in a high school, but for whom there is no confirmation of the student having transferred out, shall remain in the adjusted cohort.

“(iii) PROGRAMS NOT PROVIDING CREDIT.—Except as provided in subparagraph (A)(ii)(I)(bb), a student who is retained in grade or who is enrolled in a program leading to a general equivalency diploma, or other alternative educational program that does not issue or provide credit toward the issuance of a regular high school diploma, shall not be considered transferred out and shall remain in the adjusted cohort.

“(D) SPECIAL RULES.—

“(i) SCHOOLS STARTING AFTER GRADE 9.—For those high schools that start after grade 9, the original cohort shall be calculated for the earliest high school grade students attend no later than the date by which student membership data must be collected annually by State educational agencies for submission to the National Center for Education Statistics pursuant to section 153 of the Education Sciences Reform Act of 2002 (20 U.S.C. 9543).

“(ii) VERY SMALL SCHOOLS.—A State educational agency may calculate the four-year adjusted cohort

graduation rate described under this paragraph for a high school with an average enrollment over a 4-year period of less than 100 students for the purposes of section 1111(c)(4) by—

“(I) averaging the four-year adjusted cohort graduation rate of the school over a period of three years; or

“(II) establishing a minimum number of students that must be included in the cohort described in clause (i) of subparagraph (A) that will provide a valid graduation rate calculation as determined by the Secretary, below which the school shall be exempt from differentiation and identification under such section.”;

(8) by inserting after paragraph (27) (as so redesignated by paragraph (2)) the following:

“(28) HIGH SCHOOL.—The term ‘high school’ means a secondary school that—

“(A) grants a diploma, as defined by the State; and

“(B) includes, at least, grade 12.”;

(9) in paragraph (30) (as so redesignated by paragraph (2)), in subparagraph (C)—

(A) by striking the subparagraph designation and heading and inserting “(C) BUREAU OF INDIAN EDUCATION SCHOOLS.—”; and

(B) by striking “Affairs” both places the term appears and inserting “Education”;

(10) by inserting after paragraph (31) (as redesignated by paragraph (2)) the following:

“(32) MIDDLE GRADES.—The term middle grades means any of grades 5 through 8.

“(33) MULTI-TIER SYSTEM OF SUPPORTS.—The term ‘multi-tier system of supports’ means a comprehensive continuum of evidence-based, systemic practices to support a rapid response to students’ needs, with regular observation to facilitate data-based instructional decisionmaking.”;

(11) in paragraph (35) (as so redesignated by paragraph (2)), by striking “pupil services” and inserting “specialized instructional support”;

(12) by striking paragraph (36) (as so redesignated by paragraph (2)) and inserting the following:

“(36) OUTLYING AREA.—The term ‘outlying area’—

“(A) means American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the United States Virgin Islands;

“(B) means the Republic of Palau, to the extent permitted under section 105(f)(1)(B)(ix) of the Compact of Free Association Amendments Act of 2003 (Public Law 108-188; 117 Stat. 2751) and until an agreement for the extension of United States education assistance under the Compact of Free Association becomes effective for the Republic of Palau; and

“(C) for the purpose of any discretionary grant program under this Act, includes the Republic of the Marshall Islands and the Federated States of Micronesia, to the

extent permitted under section 105(f)(1)(B)(viii) of the Compact of Free Association Amendments Act of 2003 (Public Law 108–188; 117 Stat. 2751).”;

(13) by inserting after paragraph (36) (as so redesignated by paragraph (2)), the following:

“(37) PARAPROFESSIONAL.—The term ‘paraprofessional’, also known as a ‘paraeducator’, includes an education assistant and instructional assistant.”;

(14) in paragraph (39) (as so redesignated by paragraph (2))—

(A) in subparagraph (C), by inserting “and” after the semicolon; and

(B) in subparagraph (D), by striking “section 1118” and inserting “section 1116”;

(15) by inserting after paragraph (39) (as so redesignated by paragraph (2)) the following:

“(40) PAY FOR SUCCESS INITIATIVE.—The term ‘pay for success initiative’ means a performance-based grant, contract, or cooperative agreement awarded by a public entity in which a commitment is made to pay for improved outcomes that result in social benefit and direct cost savings or cost avoidance to the public sector. Such an initiative shall include—

“(A) a feasibility study on the initiative describing how the proposed intervention is based on evidence of effectiveness;

“(B) a rigorous, third-party evaluation that uses experimental or quasi-experimental design or other research methodologies that allow for the strongest possible causal inferences to determine whether the initiative has met its proposed outcomes;

“(C) an annual, publicly available report on the progress of the initiative; and

“(D) a requirement that payments are made to the recipient of a grant, contract, or cooperative agreement only when agreed upon outcomes are achieved, except that the entity may make payments to the third party conducting the evaluation described in subparagraph (B).”;

(16) by striking paragraph (42) (as so redesignated by paragraph (2)) and inserting the following:

“(42) PROFESSIONAL DEVELOPMENT.—The term ‘professional development’ means activities that—

“(A) are an integral part of school and local educational agency strategies for providing educators (including teachers, principals, other school leaders, specialized instructional support personnel, paraprofessionals, and, as applicable, early childhood educators) with the knowledge and skills necessary to enable students to succeed in a well-rounded education and to meet the challenging State academic standards; and

“(B) are sustained (not stand-alone, 1-day, or short term workshops), intensive, collaborative, job-embedded, data-driven, and classroom-focused, and may include activities that—

“(i) improve and increase teachers’—

“(I) knowledge of the academic subjects the teachers teach;

“(II) understanding of how students learn; and

- “(III) ability to analyze student work and achievement from multiple sources, including how to adjust instructional strategies, assessments, and materials based on such analysis;
- “(ii) are an integral part of broad schoolwide and districtwide educational improvement plans;
- “(iii) allow personalized plans for each educator to address the educator’s specific needs identified in observation or other feedback;
- “(iv) improve classroom management skills;
- “(v) support the recruitment, hiring, and training of effective teachers, including teachers who became certified through State and local alternative routes to certification;
- “(vi) advance teacher understanding of—
 - “(I) effective instructional strategies that are evidence-based; and
 - “(II) strategies for improving student academic achievement or substantially increasing the knowledge and teaching skills of teachers;
- “(vii) are aligned with, and directly related to, academic goals of the school or local educational agency;
- “(viii) are developed with extensive participation of teachers, principals, other school leaders, parents, representatives of Indian tribes (as applicable), and administrators of schools to be served under this Act;
- “(ix) are designed to give teachers of English learners, and other teachers and instructional staff, the knowledge and skills to provide instruction and appropriate language and academic support services to those children, including the appropriate use of curricula and assessments;
- “(x) to the extent appropriate, provide training for teachers, principals, and other school leaders in the use of technology (including education about the harms of copyright piracy), so that technology and technology applications are effectively used in the classroom to improve teaching and learning in the curricula and academic subjects in which the teachers teach;
- “(xi) as a whole, are regularly evaluated for their impact on increased teacher effectiveness and improved student academic achievement, with the findings of the evaluations used to improve the quality of professional development;
- “(xii) are designed to give teachers of children with disabilities or children with developmental delays, and other teachers and instructional staff, the knowledge and skills to provide instruction and academic support services, to those children, including positive behavioral interventions and supports, multi-tier system of supports, and use of accommodations;
- “(xiii) include instruction in the use of data and assessments to inform and instruct classroom practice;

“(xiv) include instruction in ways that teachers, principals, other school leaders, specialized instructional support personnel, and school administrators may work more effectively with parents and families;

“(xv) involve the forming of partnerships with institutions of higher education, including, as applicable, Tribal Colleges and Universities as defined in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)), to establish school-based teacher, principal, and other school leader training programs that provide prospective teachers, novice teachers, principals, and other school leaders with an opportunity to work under the guidance of experienced teachers, principals, other school leaders, and faculty of such institutions;

“(xvi) create programs to enable paraprofessionals (assisting teachers employed by a local educational agency receiving assistance under part A of title I) to obtain the education necessary for those paraprofessionals to become certified and licensed teachers;

“(xvii) provide follow-up training to teachers who have participated in activities described in this paragraph that are designed to ensure that the knowledge and skills learned by the teachers are implemented in the classroom; and

“(xviii) where practicable, provide jointly for school staff and other early childhood education program providers, to address the transition to elementary school, including issues related to school readiness.”;

(17) by inserting after paragraph (42) (as so redesignated by paragraph (2)) the following:

“(43) REGULAR HIGH SCHOOL DIPLOMA.—The term ‘regular high school diploma’—

“(A) means the standard high school diploma awarded to the preponderance of students in the State that is fully aligned with State standards, or a higher diploma, except that a regular high school diploma shall not be aligned to the alternate academic achievement standards described in section 1111(b)(1)(E); and

“(B) does not include a recognized equivalent of a diploma, such as a general equivalency diploma, certificate of completion, certificate of attendance, or similar lesser credential.

“(44) SCHOOL LEADER.—The term ‘school leader’ means a principal, assistant principal, or other individual who is—

“(A) an employee or officer of an elementary school or secondary school, local educational agency, or other entity operating an elementary school or secondary school; and

“(B) responsible for the daily instructional leadership and managerial operations in the elementary school or secondary school building.”;

(18) by inserting after paragraph (46) (as so redesignated by paragraph (2)) the following:

“(47) SPECIALIZED INSTRUCTIONAL SUPPORT PERSONNEL; SPECIALIZED INSTRUCTIONAL SUPPORT SERVICES.—

“(A) SPECIALIZED INSTRUCTIONAL SUPPORT PERSONNEL.—The term ‘specialized instructional support personnel’ means—

“(i) school counselors, school social workers, and school psychologists; and

“(ii) other qualified professional personnel, such as school nurses, speech language pathologists, and school librarians, involved in providing assessment, diagnosis, counseling, educational, therapeutic, and other necessary services (including related services as that term is defined in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401)) as part of a comprehensive program to meet student needs.

“(B) SPECIALIZED INSTRUCTIONAL SUPPORT SERVICES.—The term ‘specialized instructional support services’ means the services provided by specialized instructional support personnel.”;

(19) by striking the undesignated paragraph between paragraph (47) (as inserted by paragraph (18)) and paragraph (49) (as so redesignated by paragraph (2)) and inserting the following:

“(48) STATE.—The term ‘State’ means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and each of the outlying areas.”;

(20) by striking paragraph (50) (as so redesignated by paragraph (2)) and inserting the following:

“(50) TECHNOLOGY.—The term ‘technology’ means modern information, computer and communication technology products, services, or tools, including, the Internet and other communications networks, computer devices and other computer and communications hardware, software applications, data systems, and other electronic content (including multimedia content) and data storage.”; and

(21) by adding at the end the following:

“(51) UNIVERSAL DESIGN FOR LEARNING.—The term ‘universal design for learning’ has the meaning given the term in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003).

“(52) WELL-ROUNDED EDUCATION.—The term ‘well-rounded education’ means courses, activities, and programming in subjects such as English, reading or language arts, writing, science, technology, engineering, mathematics, foreign languages, civics and government, economics, arts, history, geography, computer science, music, career and technical education, health, physical education, and any other subject, as determined by the State or local educational agency, with the purpose of providing all students access to an enriched curriculum and educational experience.”.

SEC. 8003. APPLICABILITY OF TITLE.

Section 8102, as redesignated by section 8001 of this Act, is further amended by striking “Parts B, C, D, and E of this title do not apply to title VIII” and inserting “Parts B, C, D, E, and F of this title do not apply to title VII”.

20 USC 7802.

SEC. 8004. APPLICABILITY TO BUREAU OF INDIAN EDUCATION OPERATED SCHOOLS.

20 USC 7803. Section 8103, as redesignated by section 8001 of this Act, is amended—

- (1) in the section heading, by striking “BUREAU OF INDIAN AFFAIRS” and inserting “BUREAU OF INDIAN EDUCATION”; and
- (2) by striking “Bureau of Indian Affairs” each place the term appears and inserting “Bureau of Indian Education”.

SEC. 8005. CONSOLIDATION OF STATE ADMINISTRATIVE FUNDS FOR ELEMENTARY AND SECONDARY EDUCATION PROGRAMS.

20 USC 7821. Section 8201(b)(2), as redesignated by section 8001 of this Act, is amended—

- (1) in subparagraph (G), by striking “and” after the semicolon;
- (2) in subparagraph (H), by striking the period and inserting “; and”; and
- (3) by adding at the end the following:
 - “(I) implementation of fiscal support teams that provide technical fiscal support assistance, which shall include evaluating fiscal, administrative, and staffing functions, and any other key operational function.”.

SEC. 8006. CONSOLIDATION OF FUNDS FOR LOCAL ADMINISTRATION.

20 USC 7823. Section 8203, as redesignated by section 8001 of this Act, is amended—

- (1) in subsection (b), by striking “Within 1 year after the date of enactment of the No Child Left Behind Act of 2001, a State” and inserting “A State”; and

(2) by striking subsection (d) and inserting the following: “(d) USES OF ADMINISTRATIVE FUNDS.—

“(1) IN GENERAL.—A local educational agency that consolidates administrative funds under this section may use the consolidated funds for the administration of the programs and for uses, at the school district and school levels, comparable to those described in section 8201(b)(2).

“(2) FISCAL SUPPORT TEAMS.—A local educational agency that uses funds as described in section 8201(b)(2)(I) may contribute State or local funds to expand the reach of such support without violating any supplement, not supplant requirement of any program contributing administrative funds.”.

SEC. 8007. CONSOLIDATED SET-ASIDE FOR DEPARTMENT OF THE INTERIOR FUNDS.

20 USC 7824. Section 8204, as redesignated and amended by section 8001 of this Act, is amended—

- (1) in subsection (a)—
 - (A) in paragraph (1), by striking “part A of title VII” and inserting “part A of title VI”; and
 - (B) in paragraph (2), by striking subparagraph (B) and inserting the following:
 - “(B) CONTENTS.—The agreement shall—
 - “(i) set forth the plans of the Secretary of the Interior for the use of the amount transferred and the achievement measures to assess program effectiveness, including program objectives; and
 - “(ii) be developed in consultation with Indian tribes.”; and

(2) by adding at the end the following:

“(c) ACCOUNTABILITY SYSTEM.—

“(1) For the purposes of part A of title I, the Secretary of Interior, in consultation with the Secretary, if the Secretary of the Interior requests the consultation, using a negotiated rulemaking process to develop regulations for implementation no later than the 2017-2018 academic year, shall define the standards, assessments, and accountability system consistent with section 1111, for the schools funded by the Bureau of Indian Education on a national, regional, or tribal basis, as appropriate, taking into account the unique circumstances and needs of such schools and the students served by such schools.

“(2) The tribal governing body or school board of a school funded by the Bureau of Indian Affairs may waive, in part or in whole, the requirements established pursuant to paragraph (1) where such requirements are determined by such body or school board to be inappropriate. If such requirements are waived, the tribal governing body or school board shall, within 60 days, submit to the Secretary of Interior a proposal for alternative standards, assessments, and an accountability system, if applicable, consistent with section 1111, that takes into account the unique circumstances and needs of such school or schools and the students served. The Secretary of the Interior and the Secretary shall approve such standards, assessments, and accountability system unless the Secretary determines that the standards, assessments, and accountability system do not meet the requirements of section 1111, taking into account the unique circumstances and needs of such school or schools and the students served.

“(3) TECHNICAL ASSISTANCE.—The Secretary of Interior and the Secretary shall, either directly or through a contract, provide technical assistance, upon request, to a tribal governing body or school board of a school funded by the Bureau of Indian Affairs that seeks a waiver under paragraph (2).”.

SEC. 8008. DEPARTMENT STAFF.

Title VIII, as redesignated and amended by section 8001 of this Act, is further amended by adding after section 8204 the following:

“SEC. 8205. DEPARTMENT STAFF.

20 USC 7825.

“The Secretary shall—

“(1) not later than 60 days after the date of enactment of the Every Student Succeeds Act, identify the number of Department full-time equivalent employees who worked on or administered each education program or project authorized under this Act, as such program or project was in effect on the day before such date of enactment, and publish such information on the Department’s website;

“(2) not later than 60 days after such date of enactment, identify the number of full-time equivalent employees who worked on or administered each program or project authorized under this Act, as such program or project was in effect on the day before such date of enactment, that has been eliminated or consolidated since such date of enactment;

“(3) not later than 1 year after such date of enactment, reduce the workforce of the Department by the number of

full-time equivalent employees the Department identified under paragraph (2); and

“(4) not later than 1 year after such date of enactment, report to Congress on—

“(A) the number of full-time equivalent employees associated with each program or project authorized under this Act and administered by the Department;

“(B) the number of full-time equivalent employees who were determined to be associated with eliminated or consolidated programs or projects described in paragraph (2);

“(C) how the Secretary has reduced the number of full-time equivalent employees as described in paragraph (3);

“(D) the average salary of the full-time equivalent employees described in subparagraph (B) whose positions were eliminated; and

“(E) the average salary of the full-time equivalent employees who work on or administer a program or project authorized by the Department under this Act, disaggregated by employee function within each such program or project.”.

SEC. 8009. OPTIONAL CONSOLIDATED STATE PLANS OR APPLICATIONS.

20 USC 7842.

Section 8302(b)(1), as redesignated by section 8001 of this Act, is amended by striking “nonprofit”.

SEC. 8010. GENERAL APPLICABILITY OF STATE EDUCATIONAL AGENCY ASSURANCES.

20 USC 7844.

Section 8304(a)(2), as redesignated by section 8001 of this Act, is amended by striking “nonprofit” and inserting “eligible” each place the term appears.

SEC. 8011. RURAL CONSOLIDATED PLAN.

20 USC 7845.

Section 8305, as redesignated and amended by section 8001 of this Act, is amended by adding at the end the following:

“(e) RURAL CONSOLIDATED PLAN.—

“(1) IN GENERAL.—Two or more eligible local educational agencies, a consortium of eligible local educational service agencies, or an educational service agency on behalf of eligible local educational agencies may submit plans or applications for 1 or more covered programs to the State educational agency on a consolidated basis, if each eligible local educational agency impacted elects to participate in the joint application or elects to allow the educational service agency to apply on its behalf.

“(2) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—For the purposes of this subsection, the term ‘eligible local educational agency’ means a local educational agency that is an eligible local educational agency under part B of title V.”.

SEC. 8012. OTHER GENERAL ASSURANCES.

20 USC 7846.

Section 8306(a), as redesignated and amended by section 8001 of this Act, is further amended—

(1) in the matter preceding paragraph (1), by striking “whether separately or pursuant to section 8305,”; and

(2) in paragraph (2), by striking “nonprofit” each place it appears and inserting “eligible”.

SEC. 8013. WAIVERS OF STATUTORY AND REGULATORY REQUIREMENTS.

Section 8401, as redesignated by section 8001 of this Act, is amended— 20 USC 7861.

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

“(a) IN GENERAL.—

“(1) REQUEST FOR WAIVER BY STATE OR INDIAN TRIBE.—

A State educational agency or Indian tribe that receives funds under a program authorized under this Act may submit a request to the Secretary to waive any statutory or regulatory requirement of this Act.

“(2) LOCAL EDUCATIONAL AGENCY AND SCHOOL REQUESTS SUBMITTED THROUGH THE STATE.—

“(A) REQUEST FOR WAIVER BY LOCAL EDUCATIONAL AGENCY.—A local educational agency that receives funds under a program authorized under this Act and desires a waiver of any statutory or regulatory requirement of this Act shall submit a request containing the information described in subsection (b)(1) to the appropriate State educational agency. The State educational agency may then submit the request to the Secretary if the State educational agency determines the waiver appropriate.

“(B) REQUEST FOR WAIVER BY SCHOOL.—An elementary school or secondary school that desires a waiver of any statutory or regulatory requirement of this Act shall submit a request containing the information described in subsection (b)(1) to the local educational agency serving the school. The local educational agency may then submit the request to the State educational agency in accordance with subparagraph (A) if the local educational agency determines the waiver appropriate.

“(3) RECEIPT OF WAIVER.—Except as provided in subsection (b)(4) or (c), the Secretary may waive any statutory or regulatory requirement of this Act for which a waiver request is submitted to the Secretary pursuant to this subsection.”;

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A)—
 (I) by striking “, local educational agency,” and inserting “, acting on its own behalf or on behalf of a local educational agency in accordance with subsection (a)(2),”; and

(II) by inserting “, which shall include a plan” after “to the Secretary”;

(ii) by redesignating subparagraph (E) as subparagraph (F);

(iii) by striking subparagraphs (B), (C), and (D) and inserting the following:

“(B) describes which Federal statutory or regulatory requirements are to be waived;

“(C) describes how the waiving of such requirements will advance student academic achievement;

“(D) describes the methods the State educational agency, local educational agency, school, or Indian tribe will use to monitor and regularly evaluate the effectiveness of the implementation of the plan;

“(E) includes only information directly related to the waiver request; and”; and

(iv) in subparagraph (F), as redesignated by clause (ii), by inserting “and, if the waiver relates to provisions of subsections (b) or (h) of section 1111, describes how the State educational agency, local educational agency, school, or Indian tribe will maintain or improve transparency in reporting to parents and the public on student achievement and school performance, including the achievement of the subgroups of students identified in section 1111(b)(2)(B)(xi)” after “waivers are requested”;

(B) in paragraph (2)(B)(i)(II), by striking “(on behalf of, and based on the requests of, local educational agencies)” and inserting “(on behalf of those agencies or on behalf of, and based on the requests of, local educational agencies in the State)”;

(C) in paragraph (3)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i), by inserting “or on behalf of local educational agencies in the State under subsection (a)(2),” after “acting on its own behalf,”; and

(II) by striking clauses (i) through (iii) and inserting the following:

“(i) provide the public and any interested local educational agency in the State with notice and a reasonable opportunity to comment and provide input on the request, to the extent that the request impacts the local educational agency;

“(ii) submit the comments and input to the Secretary, with a description of how the State addressed the comments and input; and

“(iii) provide notice and a reasonable time to comment to the public and local educational agencies in the manner in which the applying agency customarily provides similar notice and opportunity to comment to the public.”; and

(ii) in subparagraph (B), by striking clauses (i) and (ii) and inserting the following:

“(i) the request shall be reviewed and approved by the State educational agency in accordance with subsection (a)(2) before being submitted to the Secretary and be accompanied by the comments, if any, of the State educational agency and the public; and

“(ii) notice and a reasonable opportunity to comment regarding the waiver request shall be provided to the State educational agency and the public by the agency requesting the waiver in the manner in which that agency customarily provides similar notice and opportunity to comment to the public.”

(D) by adding at the end the following:

“(4) WAIVER DETERMINATION, DEMONSTRATION, AND REVISION.—

“(A) IN GENERAL.—The Secretary shall issue a written determination regarding the initial approval or disapproval of a waiver request not more than 120 days after the

date on which such request is submitted. Initial disapproval of such request shall be based on the determination of the Secretary that—

“(i) the waiver request does not meet the requirements of this section;

“(ii) the waiver is not permitted under subsection (c);

“(iii) the description required under paragraph (1)(C) in the plan provides insufficient information to demonstrate that the waiving of such requirements will advance student academic achievement consistent with the purposes of this Act; or

“(iv) the waiver request does not provide for adequate evaluation to ensure review and continuous improvement of the plan.

“(B) WAIVER DETERMINATION AND REVISION.—Upon the initial determination of disapproval under subparagraph (A), the Secretary shall—

“(i) immediately—

“(I) notify the State educational agency, local educational agency (through the State educational agency), school (through the local educational agency), or Indian tribe, as applicable, of such determination; and

“(II) provide detailed reasons for such determination in writing to the applicable entity under subclause (I) to the public, such as posting in a clear and easily accessible format to the Department’s website;

“(ii) offer the State educational agency, local educational agency (through the State educational agency), school (through the local educational agency), or Indian tribe an opportunity to revise and resubmit the waiver request by a date that is not more than 60 days after the date of such determination; and

“(iii) if the Secretary determines that the resubmission under clause (ii) does not meet the requirements of this section, at the request of the State educational agency, local educational agency, school, or Indian tribe, conduct a hearing not more than 30 days after the date of such resubmission.

“(C) WAIVER DISAPPROVAL.—The Secretary may ultimately disapprove a waiver request if—

“(i) the State educational agency, local educational agency, school, or Indian tribe has been notified and offered an opportunity to revise and resubmit the waiver request, as described under clauses (i) and (ii) of subparagraph (B); and

“(ii) the State educational agency, local educational agency (through the State educational agency), school (through the local educational agency), or Indian tribe—

“(I) does not revise and resubmit the waiver request; or

“(II) revises and resubmits the waiver request, and the Secretary determines that such waiver request does not meet the requirements of this

section after a hearing conducted under subparagraph (B)(iii), if such a hearing is requested.

“(D) EXTERNAL CONDITIONS.—The Secretary shall not disapprove a waiver request under this section based on conditions outside the scope of the waiver request.”;

(3) in subsection (c)—

(A) in paragraph (1), by inserting “, Indian tribes” after “local educational agencies”;

(B) in paragraph (8), by striking “subpart 1 of part B of title V” and inserting “part C of title IV”; and

(C) by striking paragraph (9) and inserting the following:

“(9) the prohibitions—

“(A) in subpart 2 of part F;

“(B) regarding use of funds for religious worship or instruction in section 8505; and

“(C) regarding activities in section 8526; or”;

(4) in subsection (d)—

(A) in the subsection heading, by adding “; LIMITATIONS” after “WAIVER”;

(B) in paragraph (2), in the matter preceding subparagraph (A), by striking “Secretary determines” and inserting “State demonstrates”; and

(C) by adding at the end the following:

“(3) SPECIFIC LIMITATIONS.—The Secretary shall not require a State educational agency, local educational agency, school, or Indian tribe, as a condition of approval of a waiver request, to—

“(A) include in, or delete from, such request, specific academic standards, such as the Common Core State Standards developed under the Common Core State Standards Initiative or any other standards common to a significant number of States;

“(B) use specific academic assessment instruments or items, including assessments aligned to the standards described in subparagraph (A); or

“(C) include in, or delete from, such waiver request any specific elements of—

“(i) State academic standards;

“(ii) academic assessments;

“(iii) State accountability systems; or

“(iv) teacher and school leader evaluation systems.”;

(5) by striking subsection (e) and inserting the following:

“(e) REPORTS.—A State educational agency, local educational agency, school, or Indian tribe receiving a waiver under this section shall describe, as part of, and pursuant to, the required annual reporting under section 1111(h)—

“(1) the progress of schools covered under the provisions of such waiver toward improving student academic achievement; and

“(2) how the use of the waiver has contributed to such progress.”; and

(6) in subsection (f), by striking “if the Secretary determines” and all that follows through the period at the end and inserting the following: “if, after notice and an opportunity for a hearing, the Secretary—

“(A) presents a rationale and supporting information that clearly demonstrates that the waiver is not contributing to the progress of schools described in subsection (e)(1); or

“(B) determines that the waiver is no longer necessary to achieve its original purposes.”.

SEC. 8014. APPROVAL AND DISAPPROVAL OF STATE PLANS AND LOCAL APPLICATIONS.

Title VIII, as amended and redesignated by section 8001 of this Act, is further amended by inserting after section 8401 the following:

“PART E—APPROVAL AND DISAPPROVAL OF STATE PLANS AND LOCAL APPLICATIONS

“SEC. 8451. APPROVAL AND DISAPPROVAL OF STATE PLANS.

20 USC 7871.

“(a) **APPROVAL.**—A plan submitted by a State pursuant to section 2101(d), 4103(c), 4203, or 8302 shall be approved by the Secretary unless the Secretary makes a written determination (which shall include the supporting information and rationale supporting such determination), prior to the expiration of the 120-day period beginning on the date on which the Secretary received the plan, that the plan is not in compliance with section 2101(d), 4103(c), or 4203, or part C, respectively.

“(b) **DISAPPROVAL PROCESS.**—

“(1) **IN GENERAL.**—The Secretary shall not finally disapprove a plan submitted under section 2101(d), 4103(c), 4203, or 8302, except after giving the State educational agency notice and an opportunity for a hearing.

“(2) **NOTIFICATIONS.**—If the Secretary finds that the plan is not in compliance, in whole or in part, with section 2101(d), 4103(c), or 4203, or part C, as applicable, the Secretary shall—

“(A) immediately notify the State of such determination;

“(B) provide a detailed description of the specific provisions of the plan that the Secretary determines fail to meet the requirements, in whole or in part, of such section or part, as applicable;

“(C) offer the State an opportunity to revise and resubmit its plan within 45 days of such determination, including the chance for the State to present supporting information to clearly demonstrate that the State plan meets the requirements of such section or part, as applicable;

“(D) provide technical assistance, upon request of the State, in order to assist the State to meet the requirements of such section or part, as applicable;

“(E) conduct a hearing within 30 days of the plan’s resubmission under subparagraph (C), unless a State declines the opportunity for such hearing; and

“(F) request additional information, only as to the non-compliant provisions, needed to make the plan compliant.

“(3) **RESPONSE.**—If the State educational agency responds to the Secretary’s notification described in paragraph (2)(A) prior to the expiration of the 45-day period beginning on the date on which the State educational agency received the

notification, and resubmits the plan as described in paragraph (2)(C), the Secretary shall approve such plan unless the Secretary determines the plan does not meet the requirements of section 2101(d), 4103(c), or 4203, or part C, as applicable.

“(4) FAILURE TO RESPOND.—If the State educational agency does not respond to the Secretary’s notification described in paragraph (2)(A) prior to the expiration of the 45-day period beginning on the date on which the State educational agency received the notification, such plan shall be deemed to be disapproved.

“(c) LIMITATION.—A plan submitted under section 2101(d), 4103(c), 4203, or 8302 shall not be approved or disapproved based upon the nature of the activities proposed within such plan if such proposed activities meet the applicable program requirements.

“(d) PEER-REVIEW REQUIREMENTS.—Notwithstanding any other requirements of this part, the Secretary shall ensure that any portion of a consolidated State plan that is related to part A of title I is subject to the peer-review process described in section 1111(a)(4).

20 USC 7872.

“SEC. 8452. APPROVAL AND DISAPPROVAL OF LOCAL EDUCATIONAL AGENCY APPLICATIONS.

“(a) APPROVAL.—An application submitted by a local educational agency pursuant to section 2102(b), 4106, 4204(b) or 8305, shall be approved by the State educational agency unless the State educational agency makes a written determination (which shall include the supporting information and rationale for such determination), prior to the expiration of the 120-day period beginning on the date on which the State educational agency received the application, that the application is not in compliance with section 2102(b), 4106, or 4204(b), or part C, respectively.

“(b) DISAPPROVAL PROCESS.—

“(1) IN GENERAL.—The State educational agency shall not finally disapprove an application submitted under section 2102(b), 4106, 4204(b) or 8305 except after giving the local educational agency notice and opportunity for a hearing.

“(2) NOTIFICATIONS.—If the State educational agency finds that the application submitted under section 2102(b), 4106, 4204(b) or 8305 is not in compliance, in whole or in part, with section 2102(b), 4106, or 4204(b), or part C, respectively, the State educational agency shall—

“(A) immediately notify the local educational agency of such determination;

“(B) provide a detailed description of the specific provisions of the application that the State determines fail to meet the requirements, in whole or in part, of such section or part, as applicable;

“(C) offer the local educational agency an opportunity to revise and resubmit its application within 45 days of such determination, including the chance for the local educational agency to present supporting information to clearly demonstrate that the application meets the requirements of such section or part;

“(D) provide technical assistance, upon request of the local educational agency, in order to assist the local educational agency to meet the requirements of such section or part, as applicable;

“(E) conduct a hearing within 30 days of the application’s resubmission under subparagraph (C), unless a local educational agency declines the opportunity for such a hearing; and

“(F) request additional information, only as to the non-compliant provisions, needed to make the application compliant.

“(3) RESPONSE.—If the local educational agency responds to the State educational agency’s notification described in paragraph (2)(A) prior to the expiration of the 45-day period beginning on the date on which the local educational agency received the notification, and resubmits the application as described in paragraph (2)(C), the State educational agency shall approve such application unless the State educational agency determines the application does not meet the requirements of this part.

“(4) FAILURE TO RESPOND.—If the local educational agency does not respond to the State educational agency’s notification described in paragraph (2)(A) prior to the expiration of the 45-day period beginning on the date on which the local educational agency received the notification, such application shall be deemed to be disapproved.”.

SEC. 8015. PARTICIPATION BY PRIVATE SCHOOL CHILDREN AND TEACHERS.

Section 8501, as redesignated by section 8001 of this Act, is amended—

(1) in subsection (a)—

(A) by striking paragraph (3) and inserting the following:

“(3) SPECIAL RULE.—

“(A) IN GENERAL.—Educational services and other benefits provided under this section for private school children, teachers, and other educational personnel shall be equitable in comparison to services and other benefits for public school children, teachers, and other educational personnel participating in the program and shall be provided in a timely manner.

“(B) OMBUDSMAN.—To help ensure equitable services are provided to private school children, teachers, and other educational personnel under this section, the State educational agency involved shall direct the ombudsman designated by the agency under section 1117 to monitor and enforce the requirements of this section.”; and

(B) by striking paragraph (4) and inserting the following:

“(4) EXPENDITURES.—

“(A) IN GENERAL.—Expenditures for educational services and other benefits provided under this section for eligible private school children, their teachers, and other educational personnel serving those children shall be equal, taking into account the number and educational needs of the children to be served, to the expenditures for participating public school children.

“(B) OBLIGATION OF FUNDS.—Funds allocated to a local educational agency for educational services and other benefits to eligible private school children shall be obligated

in the fiscal year for which the funds are received by the agency.

“(C) NOTICE OF ALLOCATION.—Each State educational agency shall provide notice in a timely manner to the appropriate private school officials in the State of the allocation of funds for educational services and other benefits under this subpart that the local educational agencies have determined are available for eligible private school children.”

(2) in subsection (b)—

(A) in paragraph (1), by striking subparagraphs (A) through (H) and inserting the following:

“(A) part C of title I;

“(B) part A of title II;

“(C) part A of title III;

“(D) part A of title IV; and

“(E) part B of title IV.”; and

(B) by striking paragraph (3); and

(3) in subsection (c)—

(A) in the matter preceding subparagraph (A), by striking “To ensure” and all that follows through “such as” and inserting “To ensure timely and meaningful consultation, a State educational agency, local educational agency, educational service agency, consortium of those agencies, or entity shall consult with appropriate private school officials. Such agency and private school officials shall both have the goal of reaching agreement on how to provide equitable and effective programs for eligible private school children, on issues such as”;

(B) in paragraph (1)—

(i) in subparagraph (E)—

(I) by striking “and the amount” and inserting “, the amount”; and

(II) by striking “services; and” and inserting “services, and how that amount is determined.”;

(ii) in subparagraph (F)—

(I) by striking “contract” after “provision of”; and

(II) by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following:

“(G) whether the agency, consortium, or entity shall provide services directly or through a separate government agency, consortium, or entity, or through a third-party contractor; and

“(H) whether to provide equitable services to eligible private school children—

“(i) by creating a pool or pools of funds with all of the funds allocated under subsection (a)(4)(C) based on all the children from low-income families in a participating school attendance area who attend private schools; or

“(ii) in the agency’s participating school attendance area who attend private schools with the proportion of funds allocated under subsection (a)(4)(C) based on the number of children from low-income families who attend private schools.”; and

(4) by adding at the end the following:

“(5) DOCUMENTATION.—Each local educational agency shall maintain in the agency’s records, and provide to the State educational agency involved, a written affirmation signed by officials of each participating private school that the meaningful consultation required by this section has occurred. The written affirmation shall provide the option for private school officials to indicate such officials’ belief that timely and meaningful consultation has not occurred or that the program design is not equitable with respect to eligible private school children. If such officials do not provide such affirmation within a reasonable period of time, the local educational agency shall forward the documentation that such consultation has, or attempts at such consultation have, taken place to the State educational agency.

“(6) COMPLIANCE.—

“(A) IN GENERAL.—If the consultation required under this section is with a local educational agency or educational service agency, a private school official shall have the right to file a complaint with the State educational agency that the consultation required under this section was not meaningful and timely, did not give due consideration to the views of the private school official, or did not make a decision that treats the private school or its students equitably as required by this section.

“(B) PROCEDURE.—If the private school official wishes to file a complaint, the private school official shall provide the basis of the noncompliance and all parties shall provide the appropriate documentation to the appropriate officials.

“(C) SERVICES.—A State educational agency shall provide services under this section directly or through contracts with public and private agencies, organizations, and institutions, if the appropriate private school officials have—

“(i) requested that the State educational agency provide such services directly; and

“(ii) demonstrated that the local educational agency involved has not met the requirements of this section in accordance with the procedures for making such a request, as prescribed by the State educational agency.”.

SEC. 8016. STANDARDS FOR BY-PASS.

Section 8502(a)(2), as redesignated and amended by section 8001 of this Act, is further amended by striking “9503, and 9504” and inserting “8503, and 8504”. 20 USC 7882.

SEC. 8017. COMPLAINT PROCESS FOR PARTICIPATION OF PRIVATE SCHOOL CHILDREN.

Section 8503, as redesignated and amended by section 8001 of this Act, is further amended by striking subsections (a) and (b) and inserting the following: 20 USC 7883.

“(a) PROCEDURES FOR COMPLAINTS.—The Secretary shall develop and implement written procedures for receiving, investigating, and resolving complaints from parents, teachers, or other individuals and organizations concerning violations of section 8501 by a State educational agency, local educational agency, educational

service agency, consortium of those agencies, or entity. The individual or organization shall submit the complaint to the State educational agency for a written resolution by the State educational agency within 45 days.

“(b) APPEALS TO SECRETARY.—The resolution may be appealed by an interested party to the Secretary not later than 30 days after the State educational agency resolves the complaint or fails to resolve the complaint within the 45-day time limit. The appeal shall be accompanied by a copy of the State educational agency’s resolution, and, if there is one, a complete statement of the reasons supporting the appeal. The Secretary shall investigate and resolve the appeal not later than 90 days after receipt of the appeal.”.

SEC. 8018. BY-PASS DETERMINATION PROCESS.

20 USC 7884. Section 8504(a)(1)(A), as redesignated by section 8001 of this Act, is amended by striking “9502” and inserting “8502”.

SEC. 8019. MAINTENANCE OF EFFORT.

20 USC 7901. Section 8521, as redesignated by section 8001 of this Act, is amended—

(1) in subsection (a), by inserting “, subject to the requirements of subsection (b)” after “for the second preceding fiscal year”;

(2) in subsection (b)(1), by inserting before the period at the end the following: “, if such local educational agency has also failed to meet such requirement (as determined using the measure most favorable to the local agency) for 1 or more of the 5 immediately preceding fiscal years”; and

(3) in subsection (c)(1), by inserting “or a change in the organizational structure of the local educational agency” after “, such as a natural disaster”.

SEC. 8020. PROHIBITION REGARDING STATE AID.

20 USC 7902. Section 8522, as redesignated by section 8001 of this Act, is amended by striking “title VIII” and inserting “title VII”.

SEC. 8021. SCHOOL PRAYER.

20 USC 7904. Section 8524(a), as redesignated by section 8001 of this Act, is amended by striking “on the Internet” and inserting “by electronic means, including by posting the guidance on the Department’s website in a clear and easily accessible manner”.

SEC. 8022. PROHIBITED USES OF FUNDS.

20 USC 7906. Section 8526, as redesignated by section 8001 of this Act, is amended—

(1) by striking the section heading and inserting “**PROHIBITED USES OF FUNDS**”;

(2) in subsection (a)—

(A) by redesignating paragraphs (1) through (4) as paragraphs (3) through (6), respectively; and

(B) by inserting before paragraph (3) (as redesignated by subparagraph (A)) the following:

“(1) for construction, renovation, or repair of any school facility, except as authorized under this Act;

“(2) for transportation unless otherwise authorized under this Act;”;

(3) by striking “(a)PROHIBITION.—None of the funds authorized under this Act shall be used” and inserting “No funds under this Act may be used”; and

(4) by striking subsection (b).

SEC. 8023. PROHIBITIONS.

Title VIII, as redesignated and amended by section 8001 of this Act, is further amended by inserting after section 8526 the following:

“SEC. 8526A. PROHIBITION AGAINST FEDERAL MANDATES, DIRECTION, OR CONTROL. 20 USC 7906a.

“(a) IN GENERAL.—No officer or employee of the Federal Government shall, through grants, contracts, or other cooperative agreements, mandate, direct, or control a State, local educational agency, or school’s specific instructional content, academic standards and assessments, curricula, or program of instruction developed and implemented to meet the requirements of this Act (including any requirement, direction, or mandate to adopt the Common Core State Standards developed under the Common Core State Standards Initiative, any other academic standards common to a significant number of States, or any assessment, instructional content, or curriculum aligned to such standards), nor shall anything in this Act be construed to authorize such officer or employee to do so.

“(b) FINANCIAL SUPPORT.—No officer or employee of the Federal Government shall condition or incentivize the receipt of any grant, contract, or cooperative agreement, the receipt of any priority or preference under such grant, contract, or cooperative agreement, or the receipt of a waiver under section 8401 upon a State, local educational agency, or school’s adoption or implementation of specific instructional content, academic standards and assessments, curricula, or program of instruction developed and implemented to meet the requirements of this Act (including any condition, priority, or preference to adopt the Common Core State Standards developed under the Common Core State Standards Initiative, any other academic standards common to a significant number of States, or any assessment, instructional content, or curriculum aligned to such standards).”.

SEC. 8024. PROHIBITIONS ON FEDERAL GOVERNMENT AND USE OF FEDERAL FUNDS.

Section 8527, as redesignated by section 8001 of this Act, is amended to read as follows: 20 USC 7907.

“SEC. 8527. PROHIBITIONS ON FEDERAL GOVERNMENT AND USE OF FEDERAL FUNDS.

“(a) GENERAL PROHIBITION.—Nothing in this Act shall be construed to authorize an officer or employee of the Federal Government, including through a grant, contract, or cooperative agreement, to mandate, direct, or control a State, local educational agency, or school’s curriculum, program of instruction, or allocation of State or local resources, or mandate a State or any subdivision thereof to spend any funds or incur any costs not paid for under this Act.

“(b) PROHIBITION ON ENDORSEMENT OF CURRICULUM.—Notwithstanding any other provision of Federal law, no funds provided to the Department under this Act may be used by the Department,

whether through a grant, contract, or cooperative agreement, to endorse, approve, develop, require, or sanction any curriculum, including any curriculum aligned to the Common Core State Standards developed under the Common Core State Standards Initiative or any other academic standards common to a significant number of States, designed to be used in an elementary school or secondary school.

“(c) LOCAL CONTROL.—Nothing in this section shall be construed to—

“(1) authorize an officer or employee of the Federal Government, whether through a grant, contract, or cooperative agreement to mandate, direct, review, or control a State, local educational agency, or school’s instructional content, curriculum, and related activities;

“(2) limit the application of the General Education Provisions Act (20 U.S.C. 1221 et seq.);

“(3) require the distribution of scientifically or medically false or inaccurate materials or to prohibit the distribution of scientifically or medically true or accurate materials; or

“(4) create any legally enforceable right.

“(d) PROHIBITION ON REQUIRING FEDERAL APPROVAL OR CERTIFICATION OF STANDARDS.—

“(1) IN GENERAL.—Notwithstanding any other provision of Federal law, no State shall be required to have academic standards approved or certified by the Federal Government, in order to receive assistance under this Act.

“(2) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to prohibit a State, local educational agency, or school from using funds provided under this Act for the development or implementation of any instructional content, academic standards, academic assessments, curriculum, or program of instruction that a State, local educational agency, or school chooses, as permitted under State and local law, as long as the use of such funds is consistent with the terms of the grant, contract, or cooperative agreement providing such funds.

“(3) BUILDING STANDARDS.—Nothing in this Act shall be construed to mandate national school building standards for a State, local educational agency, or school.”

SEC. 8025. ARMED FORCES RECRUITER ACCESS TO STUDENTS AND STUDENT RECRUITING INFORMATION.

20 USC 7908.

Section 8528, as redesignated by section 8001 of this Act, is amended by striking subsections (a) through (d) and inserting the following:

“(a) POLICY.—

“(1) ACCESS TO STUDENT RECRUITING INFORMATION.—Notwithstanding section 444(a)(5)(B) of the General Education Provisions Act (20 U.S.C. 1232g(a)(5)(B)), each local educational agency receiving assistance under this Act shall provide, upon a request made by a military recruiter or an institution of higher education, access to the name, address, and telephone listing of each secondary school student served by the local educational agency, unless the parent of such student has submitted the prior consent request under paragraph (2).

“(2) CONSENT.—

“(A) OPT-OUT PROCESS.—A parent of a secondary school student may submit a written request, to the local educational agency, that the student’s name, address, and telephone listing not be released for purposes of paragraph (1) without prior written consent of the parent. Upon receiving such request, the local educational agency may not release the student’s name, address, and telephone listing for such purposes without the prior written consent of the parent.

“(B) NOTIFICATION OF OPT-OUT PROCESS.—Each local educational agency shall notify the parents of the students served by the agency of the option to make a request described in subparagraph (A).

“(3) SAME ACCESS TO STUDENTS.—Each local educational agency receiving assistance under this Act shall provide military recruiters the same access to secondary school students as is provided to institutions of higher education or to prospective employers of those students.

“(4) RULE OF CONSTRUCTION PROHIBITING OPT-IN PROCESSES.—Nothing in this subsection shall be construed to allow a local educational agency to withhold access to a student’s name, address, and telephone listing from a military recruiter or institution of higher education by implementing an opt-in process or any other process other than the written consent request process under paragraph (2)(A).

“(5) PARENTAL CONSENT.—For purposes of this subsection, whenever a student has attained 18 years of age, the permission or consent required of and the rights accorded to the parents of the student shall only be required of and accorded to the student.

“(b) NOTIFICATION.—The Secretary, in consultation with the Secretary of Defense, shall, not later than 120 days after the date of the enactment of the Every Student Succeeds Act, notify school leaders, school administrators, and other educators about the requirements of this section.

“(c) EXCEPTION.—The requirements of this section do not apply to a private secondary school that maintains a religious objection to service in the Armed Forces if the objection is verifiable through the corporate or other organizational documents or materials of that school.”.

SEC. 8026. PROHIBITION ON FEDERALLY SPONSORED TESTING.

Section 8529, as redesignated by section 8001 of this Act, is amended to read as follows: 20 USC 7909.

“SEC. 8529. PROHIBITION ON FEDERALLY SPONSORED TESTING.

“(a) GENERAL PROHIBITION.—Notwithstanding any other provision of Federal law and except as provided in subsection (b), no funds provided under this Act to the Secretary or to the recipient of any award may be used to develop, incentivize, pilot test, field test, implement, administer, or distribute any federally sponsored national test in reading, mathematics, or any other subject, unless specifically and explicitly authorized by law, including any assessment or testing materials aligned to the Common Core State Standards developed under the Common Core State Standards Initiative or any other academic standards common to a significant number of States.

“(b) EXCEPTIONS.—Subsection (a) shall not apply to international comparative assessments developed under the authority of section 153(a)(6) of the Education Sciences Reform Act of 2002 (20 U.S.C. 9543(a)(6)) and administered to only a representative sample of pupils in the United States and in foreign nations.”.

SEC. 8027. LIMITATIONS ON NATIONAL TESTING OR CERTIFICATION FOR TEACHERS, PRINCIPALS, OR OTHER SCHOOL LEADERS.

20 USC 7910. Section 8530, as redesignated by section 8001 of this Act, is amended—

(1) in the section heading, by inserting “, PRINCIPALS, OR OTHER SCHOOL LEADERS” after “TEACHERS”;

(2) in the subsection heading, by inserting “, PRINCIPALS, OR OTHER SCHOOL LEADERS” after “TEACHERS”; and

(3) in subsection (a)—

(A) by inserting “, principals, other school leaders,” after “teachers”; and

(B) by inserting “, or incentive regarding,” after “administration of”.

SEC. 8028. PROHIBITION ON REQUIRING STATE PARTICIPATION.

Title VIII, as redesignated and amended by section 8001 of this Act, is further amended by inserting after section 8530 the following:

20 USC 7910a. **“SEC. 8530A. PROHIBITION ON REQUIRING STATE PARTICIPATION.**

“Any State that opts out of receiving funds, or that has not been awarded funds, under one or more programs under this Act shall not be required to carry out any of the requirements of such program or programs, and nothing in this Act shall be construed to require a State to participate in any program under this Act.”.

SEC. 8029. CIVIL RIGHTS.

20 USC 7914. Section 8534(b), as redesignated by section 8001 of this Act, is amended—

(1) by striking “as defined in section 1116 of title I and part B of title V” and inserting “as defined in section 1111(d) of title I and part C of title IV”; and

(2) by striking “grant under section 1116 of title I and part B of title V” and inserting “grant under section 1111(d) of title I or part C of title IV”.

SEC. 8030. CONSULTATION WITH INDIAN TRIBES AND TRIBAL ORGANIZATIONS.

Subpart 2 of part F of title VIII, as amended and redesignated by section 8001 of this Act, is further amended by adding at the end the following:

20 USC 7918. **“SEC. 8538. CONSULTATION WITH INDIAN TRIBES AND TRIBAL ORGANIZATIONS.**

“(a) IN GENERAL.—To ensure timely and meaningful consultation on issues affecting American Indian and Alaska Native students, an affected local educational agency shall consult with appropriate officials from Indian tribes or tribal organizations approved by the tribes located in the area served by the local educational agency prior to the affected local educational agency’s submission of a required plan or application for a covered program under

this Act or for a program under title VI of this Act. Such consultation shall be done in a manner and in such time that provides the opportunity for such appropriate officials from Indian tribes or tribal organizations to meaningfully and substantively contribute to such plan.

“(b) DOCUMENTATION.—Each affected local educational agency shall maintain in the agency’s records and provide to the State educational agency a written affirmation signed by the appropriate officials of the participating tribes or tribal organizations approved by the tribes that the consultation required by this section has occurred. If such officials do not provide such affirmation within a reasonable period of time, the affected local educational agency shall forward documentation that such consultation has taken place to the State educational agency.

“(c) DEFINITIONS.—In this section:

“(1) AFFECTED LOCAL EDUCATIONAL AGENCY.—The term ‘affected local educational agency’ means a local educational agency—

“(A) with an enrollment of American Indian or Alaska Native students that is not less than 50 percent of the total enrollment of the local educational agency; or

“(B) that—

“(i) for fiscal year 2017, received a grant in the previous year under subpart 1 of part A of title VII (as such subpart was in effect on the day before the date of enactment of the Every Student Succeeds Act) that exceeded \$40,000; or

“(ii) for any fiscal year following fiscal year 2017, received a grant in the previous fiscal year under subpart 1 of part A of title VI that exceeded \$40,000.

“(2) APPROPRIATE OFFICIALS.—The term ‘appropriate officials’ means—

“(A) tribal officials who are elected; or

“(B) appointed tribal leaders or officials designated in writing by an Indian tribe for the specific consultation purpose under this section.

“(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed—

“(1) to require the local educational agency to determine who are the appropriate officials; or

“(2) to make the local educational agency liable for consultation with appropriate officials that the tribe determines not to be the correct appropriate officials.

“(e) LIMITATION.—Consultation required under this section shall not interfere with the timely submission of the plans or applications required under this Act.”.

SEC. 8031. OUTREACH AND TECHNICAL ASSISTANCE FOR RURAL LOCAL EDUCATIONAL AGENCIES.

Subpart 2 of part F of title VIII, as amended and redesignated by section 8001 of this Act, is further amended by adding at the end the following:

“SEC. 8539. OUTREACH AND TECHNICAL ASSISTANCE FOR RURAL LOCAL EDUCATIONAL AGENCIES. 20 USC 7919.

“(a) OUTREACH.—The Secretary shall engage in outreach to rural local educational agencies regarding opportunities to apply for competitive grant programs under this Act.

“(b) TECHNICAL ASSISTANCE.—If requested to do so, the Secretary shall provide technical assistance to rural local educational agencies with locale codes 32, 33, 41, 42, or 43, or an educational service agency representing rural local educational agencies with locale codes 32, 33, 41, 42, or 43 on applications or pre-applications for any competitive grant program under this Act. No rural local educational agency or educational service agency shall be required to request technical assistance or include any technical assistance provided by the Secretary in any application.”.

SEC. 8032. CONSULTATION WITH THE GOVERNOR.

Subpart 2 of part F of title VIII, as amended and redesignated by section 8001 of this Act, is further amended by adding at the end the following:

20 USC 7920.

“SEC. 8540. CONSULTATION WITH THE GOVERNOR.

“(a) IN GENERAL.—A State educational agency shall consult in a timely and meaningful manner with the Governor, or appropriate officials from the Governor’s office, in the development of State plans under titles I and II and section 8302.

“(b) TIMING.—The consultation described in subsection (a) shall include meetings of officials from the State educational agency and the Governor’s office and shall occur—

“(1) during the development of such plan; and

“(2) prior to submission of the plan to the Secretary.

“(c) JOINT SIGNATURE AUTHORITY.—A Governor shall have 30 days prior to the State educational agency submitting the State plan under title I or II or section 8302 to the Secretary to sign such plan. If the Governor has not signed the plan within 30 days of delivery by the State educational agency to the Governor, the State educational agency shall submit the plan to the Secretary without such signature.”.

SEC. 8033. LOCAL GOVERNANCE.

Subpart 2 of part F of title VIII, as amended and redesignated by section 8001 of this Act, is further amended by adding at the end the following:

20 USC 7921.

“SEC. 8541. LOCAL GOVERNANCE.

“(a) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to allow the Secretary to—

“(1) exercise any governance or authority over school administration, including the development and expenditure of school budgets, unless otherwise authorized under this Act;

“(2) issue any regulation without first complying with the rulemaking requirements of section 553 of title 5, United States Code; or

“(3) issue any nonregulatory guidance without first, to the extent feasible, considering input from stakeholders.

“(b) AUTHORITY UNDER OTHER LAW.—Nothing in subsection (a) shall be construed to affect any authority the Secretary has under any other Federal law.”.

SEC. 8034. RULE OF CONSTRUCTION REGARDING TRAVEL TO AND FROM SCHOOL.

Subpart 2 of part F of title VIII, as amended and redesignated by section 8001 of this Act, is further amended by adding at the end the following:

“SEC. 8542. RULE OF CONSTRUCTION REGARDING TRAVEL TO AND FROM SCHOOL. 20 USC 7922.

“(a) **IN GENERAL.**—Subject to subsection (b), nothing in this Act shall authorize the Secretary to, or shall be construed to—

“(1) prohibit a child from traveling to and from school on foot or by car, bus, or bike when the parents of the child have given permission; or

“(2) expose parents to civil or criminal charges for allowing their child to responsibly and safely travel to and from school by a means the parents believe is age appropriate.

“(b) **NO PREEMPTION OF STATE OR LOCAL LAWS.**—Notwithstanding subsection (a), nothing in this section shall be construed to preempt State or local laws.”.

SEC. 8035. LIMITATIONS ON SCHOOL-BASED HEALTH CENTERS.

Subpart 2 of part F of title VIII, as amended and redesignated by section 8001 of this Act, is further amended by adding at the end the following:

“SEC. 8543. LIMITATIONS ON SCHOOL-BASED HEALTH CENTERS.

20 USC 7923.

“Notwithstanding section 8102, funds used for activities under this Act shall be carried out in accordance with the provision of section 399z–1(a)(3)(C) of the Public Health Service Act (42 U.S.C. 280h–5(a)(3)(C)).”.

SEC. 8036. STATE CONTROL OVER STANDARDS.

Subpart 2 of part F of title VIII, as amended and redesignated by section 8001 of this Act, is further amended by adding at the end the following:

“SEC. 8544. STATE CONTROL OVER STANDARDS.

20 USC 7924.

“(a) **IN GENERAL.**—Nothing in this Act shall be construed to prohibit a State from withdrawing from the Common Core State Standards or from otherwise revising their standards.

“(b) **PROHIBITION.**—No officer or employee of the Federal Government shall, directly or indirectly, through grants, contracts or other cooperative agreements, through waiver granted under section 8401 or through any other authority, take any action against a State that exercises its rights under subsection (a).”.

SEC. 8037. SENSE OF CONGRESS ON PROTECTING STUDENT PRIVACY.

Subpart 2 of part F of title VIII, as amended and redesignated by section 8001 of this Act, is further amended by adding at the end the following:

“SEC. 8545. SENSE OF CONGRESS ON PROTECTING STUDENT PRIVACY.

20 USC 7925.

“(a) **FINDINGS.**—The Congress finds as follows:

“(1) Students’ personally identifiable information is important to protect.

“(2) Students’ information should not be shared with individuals other than school officials in charge of educating those students without clear notice to parents.

“(3) With the use of more technology, and more research about student learning, the responsibility to protect students’ personally identifiable information is more important than ever.

“(4) Regulations allowing more access to students’ personal information could allow that information to be shared or sold

by individuals who do not have the best interest of the students in mind.

“(5) The Secretary has the responsibility to ensure every entity that receives funding under this Act holds any personally identifiable information in strict confidence.

“(b) SENSE OF CONGRESS.—It is the sense of the Congress that the Secretary should review all regulations addressing issues of student privacy, including those under this Act, and ensure that students’ personally identifiable information is protected.”.

SEC. 8038. PROHIBITION ON AIDING AND ABETTING SEXUAL ABUSE.

Subpart 2 of part F of title VIII, as amended and redesignated by section 8001 of this Act, is further amended by adding at the end the following:

20 USC 7926.

“SEC. 8546. PROHIBITION ON AIDING AND ABETTING SEXUAL ABUSE.

“(a) IN GENERAL.—A State, State educational agency, or local educational agency in the case of a local educational agency that receives Federal funds under this Act shall have laws, regulations, or policies that prohibit any individual who is a school employee, contractor, or agent, or any State educational agency or local educational agency, from assisting a school employee, contractor, or agent in obtaining a new job, apart from the routine transmission of administrative and personnel files, if the individual or agency knows, or has probable cause to believe, that such school employee, contractor, or agent engaged in sexual misconduct regarding a minor or student in violation of the law.

“(b) EXCEPTION.—The requirements of subsection (a) shall not apply if the information giving rise to probable cause—

“(1)(A) has been properly reported to a law enforcement agency with jurisdiction over the alleged misconduct; and

“(B) has been properly reported to any other authorities as required by Federal, State, or local law, including title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.) and the regulations implementing such title under part 106 of title 34, Code of Federal Regulations, or any succeeding regulations; and

“(2)(A) the matter has been officially closed or the prosecutor or police with jurisdiction over the alleged misconduct has investigated the allegations and notified school officials that there is insufficient information to establish probable cause that the school employee, contractor, or agent engaged in sexual misconduct regarding a minor or student in violation of the law;

“(B) the school employee, contractor, or agent has been charged with, and acquitted or otherwise exonerated of the alleged misconduct; or

“(C) the case or investigation remains open and there have been no charges filed against, or indictment of, the school employee, contractor, or agent within 4 years of the date on which the information was reported to a law enforcement agency.

“(c) PROHIBITION.—The Secretary shall not have the authority to mandate, direct, or control the specific measures adopted by a State, State educational agency, or local educational agency under this section.

“(d) CONSTRUCTION.—Nothing in this section shall be construed to prevent a State from adopting, or to override a State law,

regulation, or policy that provides, greater or additional protections to prohibit any individual who is a school employee, contractor, or agent, or any State educational agency or local educational agency, from assisting a school employee who engaged in sexual misconduct regarding a minor or student in violation of the law in obtaining a new job.”

SEC. 8039. SENSE OF CONGRESS ON RESTORATION OF STATE SOVEREIGNTY OVER PUBLIC EDUCATION.

Subpart 2 of part F of title VIII, as amended and redesignated by section 8001 of this Act, is further amended by adding at the end the following:

“SEC. 8547. SENSE OF CONGRESS ON RESTORATION OF STATE SOVEREIGNTY OVER PUBLIC EDUCATION. 20 USC 7927.

“It is the Sense of Congress that State and local officials should be consulted and made aware of the requirements that accompany participation in activities authorized under this Act prior to a State or local educational agency’s request to participate in such activities.”

SEC. 8040. PRIVACY.

Subpart 2 of part F of title VIII, as amended and redesignated by section 8001 of this Act, is further amended by adding at the end the following:

“SEC. 8548. PRIVACY. 20 USC 7928.

“The Secretary shall require an assurance that each grantee receiving funds under this Act understands the importance of privacy protections for students and is aware of the responsibilities of the grantee under section 444 of the General Education Provisions Act (20 U.S.C. 1232g) (commonly known as the ‘Family Education Rights and Privacy Act of 1974’).”

SEC. 8041. ANALYSIS AND PERIODIC REVIEW; SENSE OF CONGRESS; TECHNICAL ASSISTANCE.

Subpart 2 of part F of title VIII, as amended and redesignated by section 8001 of this Act, is further amended by adding at the end the following:

“SEC. 8549. ANALYSIS AND PERIODIC REVIEW OF DEPARTMENTAL GUIDANCE. 20 USC 7929.

“The Secretary shall develop procedures for the approval and periodic review of significant guidance documents that include—

“(1) appropriate approval processes within the Department;

“(2) appropriate identification of the agency or office issuing the documents, the activities to which and the persons to whom the documents apply, and the date of issuance;

“(3) a publicly available list to identify those significant guidance documents that were issued, revised, or withdrawn within the past year; and

“(4) an opportunity for the public to request that an agency modify or rescind an existing significant guidance document.

“SEC. 8549A SENSE OF CONGRESS. 20 USC 7930.

“(a) FINDINGS.—The Congress finds as follows:

“(1) This Act prohibits the Federal Government from mandating, directing, or controlling a State, local educational

agency, or school’s curriculum, program of instruction, or allocation of State and local resources, and from mandating a State or any subdivision thereof to spend any funds or incur any costs not paid for under this Act.

“(2) This Act prohibits the Federal Government from funding the development, pilot testing, field testing, implementation, administration, or distribution of any federally sponsored national test in reading, mathematics, or any other subject, unless specifically and explicitly authorized by law.

“(b) SENSE OF CONGRESS.—It is the sense of the Congress that States and local educational agencies retain the rights and responsibilities of determining educational curriculum, programs of instruction, and assessments for elementary and secondary education.

20 USC 7931. **“SEC. 8549B. SENSE OF CONGRESS ON EARLY LEARNING AND CHILD CARE.**

“It is the Sense of the Congress that a State retains the right to make decisions, free from Federal intrusion, concerning its system of early learning and child care, and whether or not to use funding under this Act to offer early childhood education programs. Such systems should continue to include robust choice for parents through a mixed delivery system of services so parents can determine the right early learning and child care option for their children. States, while protecting the rights of early learning and child care providers, retain the right to make decisions that shall include the age at which to set compulsory attendance in school, the content of a State’s early learning guidelines, and how to determine quality in programs.

20 USC 7932. **“SEC. 8549C. TECHNICAL ASSISTANCE.**

“If requested by a State or local educational agency, a regional educational laboratory under part D of the Education Sciences Reform Act of 2002 (20 U.S.C. 9561 et seq.) shall provide technical assistance to such State or local educational agency in meeting the requirements of section 8101(21).”

SEC. 8042. EVALUATIONS.

20 USC 7981. Section 8601, as redesignated by section 8001 of this Act, is amended to read as follows:

“SEC. 8601. EVALUATIONS.

“(a) RESERVATION OF FUNDS.—Except as provided in subsection (b) and (e), the Secretary, in consultation with the Director of the Institute of Education Sciences, may reserve not more than 0.5 percent of the amount appropriated for each program authorized under this Act to carry out activities under this section. If the Secretary elects to make a reservation under this subsection, the reserved amounts—

“(1) shall first be used by the Secretary, acting through the Director of the Institute of Education Sciences, to—

“(A) conduct comprehensive, high-quality evaluations of the programs that—

“(i) are consistent with the evaluation plan under subsection (d); and

“(ii) primarily include impact evaluations that use experimental or quasi-experimental designs, where

practicable and appropriate, and other rigorous methodologies that permit the strongest possible causal inferences;

“(B) conduct studies of the effectiveness of the programs and the administrative impact of the programs on schools and local educational agencies; and

“(C) widely disseminate evaluation findings under this section related to programs authorized under this Act—

“(i) in a timely fashion;

“(ii) in forms that are understandable, easily accessible, usable, and adaptable for use in the improvement of educational practice;

“(iii) through electronic transfer and other means, such as posting, as available, to the websites of State educational agencies, local educational agencies, the Institute of Education Sciences, or the Department, or in another relevant place; and

“(iv) in a manner that promotes the utilization of such findings; and

“(2) may be used by the Secretary, acting through the Director of the Institute of Education Sciences—

“(A) to evaluate the aggregate short- and long-term effects and cost efficiencies across—

“(i) Federal programs assisted or authorized under this Act; and

“(ii) related Federal early childhood education programs, preschool programs, elementary school programs, and secondary school programs, under any other Federal law;

“(B) to increase the usefulness of the evaluations conducted under this section by improving the quality, timeliness, efficiency, and use of information relating to performance to promote continuous improvement of programs assisted or authorized under this Act; and

“(C) to assist recipients of grants under such programs in collecting and analyzing data and other activities related to conducting high-quality evaluations under paragraph (1).

“(b) TITLE I.—The Secretary, acting through the Director of the Institute of Education Sciences, shall use funds authorized under section 1002(e) to carry out evaluation activities under this section related to title I, and shall not reserve any other money from such title for evaluation.

“(c) CONSOLIDATION.—Notwithstanding any other provision of this section or section 1002(e), the Secretary, in consultation with the Director of the Institute of Education Sciences—

“(1) may consolidate the funds reserved under subsections (a) and (b) for purposes of carrying out the activities under subsection (a)(1); and

“(2) shall not be required to evaluate under subsection (a)(1) each program authorized under this Act each year.

“(d) EVALUATION PLAN.—The Director of the Institute of Education Sciences, shall, on a biennial basis, develop, submit to Congress, and make publicly available an evaluation plan, that—

“(1) describes the specific activities that will be carried out under subsection (a) for the 2-year period applicable to the plan, and the timelines of such activities;

“(2) contains the results of the activities carried out under subsection (a) for the most recent 2-year period; and

“(3) describes how programs authorized under this Act will be regularly evaluated.

“(e) EVALUATION ACTIVITIES AUTHORIZED ELSEWHERE.—If, under any other provision of this Act, funds are authorized to be reserved or used for evaluation activities with respect to a program, the Secretary may not reserve additional funds under this section for the evaluation of that program.”.

TITLE IX—EDUCATION FOR THE HOMELESS AND OTHER LAWS

PART A—HOMELESS CHILDREN AND YOUTHS

SEC. 9101. STATEMENT OF POLICY.

Section 721 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431) is amended—

(1) in paragraph (2), by striking “In any State” and all that follows through “will review” and inserting “In any State where compulsory residency requirements or other requirements, in laws, regulations, practices, or policies, may act as a barrier to the identification of, or the enrollment, attendance, or success in school of, homeless children and youths, the State educational agency and local educational agencies in the State will review”;

(2) in paragraph (3), by striking “alone”; and

(3) in paragraph (4), by striking “challenging State student academic achievement standards” and inserting “challenging State academic standards”.

SEC. 9102. GRANTS FOR STATE AND LOCAL ACTIVITIES.

Section 722 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432) is amended—

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

“(b) GRANTS FROM ALLOTMENTS.—The Secretary shall make the grants to States from the allotments made under subsection (c)(1).”;

(2) in subsection (d)—

(A) in paragraph (2)—

(i) by striking “To provide” and all that follows through “that enable” and inserting “To provide services and activities to improve the identification of homeless children and youths (including preschool-aged homeless children) and enable”; and

(ii) by striking “or, if” and inserting “including, if”;

(B) in paragraph (3), by striking “designate” and all that follows and inserting “designate in the State educational agency an Office of the Coordinator for Education of Homeless Children and Youths that can sufficiently carry out the duties described for the Office in this subtitle in accordance with subsection (f).”; and

(C) by striking paragraph (5) and inserting the following:

“(5) To develop and implement professional development programs for liaisons designated under subsection (g)(1)(J)(ii) and other local educational agency personnel—

“(A) to improve their identification of homeless children and youths; and

“(B) to heighten the awareness of the liaisons and personnel of, and their capacity to respond to, specific needs in the education of homeless children and youths.”;

(3) in subsection (e)—

(A) in paragraph (1), by inserting “a State through grants under subsection (a) to” after “each year to”;

(B) in paragraph (2), by striking “funds made available for State use under this subtitle” and inserting “the grant funds remaining after the State educational agency distributes subgrants under paragraph (1)”; and

(C) in paragraph (3)—

(i) in subparagraph (C)(iv)(II), by striking “sections 1111 and 1116” and inserting “section 1111”;

(ii) in subparagraph (E)(ii)(II), by striking “subsection (g)(6)(A)(v)” and inserting “subsection (g)(6)(A)(vi)”; and

(iii) in subparagraph (F)—

(I) in clause (i)—

(aa) by striking “and” at the end of subclause (II);

(bb) by striking the period at the end of subclause (III) and inserting “; and”; and

(cc) by adding at the end the following:

“(IV) the progress the separate schools are making in helping all students meet the challenging State academic standards.”; and

(II) in clause (iii), by striking “Not later than 2 years after the date of enactment of the McKinney-Vento Homeless Education Assistance Improvements Act of 2001, the” and inserting “The”;

(4) by striking subsection (f) and inserting the following:

“(f) FUNCTIONS OF THE OFFICE OF THE COORDINATOR.—The Coordinator for Education of Homeless Children and Youths established in each State shall—

“(1) gather and make publicly available reliable, valid, and comprehensive information on—

“(A) the number of homeless children and youths identified in the State, which shall be posted annually on the State educational agency’s website;

“(B) the nature and extent of the problems homeless children and youths have in gaining access to public preschool programs and to public elementary schools and secondary schools;

“(C) the difficulties in identifying the special needs and barriers to the participation and achievement of such children and youths;

“(D) any progress made by the State educational agency and local educational agencies in the State in addressing such problems and difficulties; and

“(E) the success of the programs under this subtitle in identifying homeless children and youths and allowing

such children and youths to enroll in, attend, and succeed in, school;

“(2) develop and carry out the State plan described in subsection (g);

“(3) collect data for and transmit to the Secretary, at such time and in such manner as the Secretary may reasonably require, a report containing information necessary to assess the educational needs of homeless children and youths within the State, including data necessary for the Secretary to fulfill the responsibilities under section 724(h);

“(4) in order to improve the provision of comprehensive education and related services to homeless children and youths and their families, coordinate activities and collaborate with—

“(A) educators, including teachers, special education personnel, administrators, and child development and pre-school program personnel;

“(B) providers of services to homeless children and youths and their families, including public and private child welfare and social services agencies, law enforcement agencies, juvenile and family courts, agencies providing mental health services, domestic violence agencies, child care providers, runaway and homeless youth centers, and providers of services and programs funded under the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.);

“(C) providers of emergency, transitional, and permanent housing to homeless children and youths, and their families, including public housing agencies, shelter operators, operators of transitional housing facilities, and providers of transitional living programs for homeless youths;

“(D) local educational agency liaisons designated under subsection (g)(1)(J)(ii) for homeless children and youths; and

“(E) community organizations and groups representing homeless children and youths and their families;

“(5) provide technical assistance to and conduct monitoring of local educational agencies in coordination with local educational agency liaisons designated under subsection (g)(1)(J)(ii), to ensure that local educational agencies comply with the requirements of subsection (e)(3) and paragraphs (3) through (7) of subsection (g);

“(6) provide professional development opportunities for local educational agency personnel and the local educational agency liaison designated under subsection (g)(1)(J)(ii) to assist such personnel and liaison in identifying and meeting the needs of homeless children and youths, and provide training on the definitions of terms related to homelessness specified in sections 103, 401, and 725 to the liaison; and

“(7) respond to inquiries from parents and guardians of homeless children and youths, and (in the case of unaccompanied youths) such youths, to ensure that each child or youth who is the subject of such an inquiry receives the full protections and services provided by this subtitle.”;

(5) by striking subsection (g) and inserting the following:
“(g) STATE PLAN.—

“(1) IN GENERAL.—For any State desiring to receive a grant under this subtitle, the State educational agency shall submit to the Secretary a plan to provide for the education of homeless

children and youths within the State. Such plan shall include the following:

“(A) A description of how such children and youths are (or will be) given the opportunity to meet the same challenging State academic standards as all students are expected to meet.

“(B) A description of the procedures the State educational agency will use to identify such children and youths in the State and to assess their needs.

“(C) A description of procedures for the prompt resolution of disputes regarding the educational placement of homeless children and youths.

“(D) A description of programs for school personnel (including liaisons designated under subparagraph (J)(ii), principals and other school leaders, attendance officers, teachers, enrollment personnel, and specialized instructional support personnel) to heighten the awareness of such school personnel of the specific needs of homeless children and youths, including such children and youths who are runaway and homeless youths.

“(E) A description of procedures that ensure that homeless children and youths who meet the relevant eligibility criteria are able to participate in Federal, State, or local nutrition programs.

“(F) A description of procedures that ensure that—

“(i) homeless children have access to public preschool programs, administered by the State educational agency or local educational agency, as provided to other children in the State;

“(ii) youths described in section 725(2) and youths separated from public schools are identified and accorded equal access to appropriate secondary education and support services, including by identifying and removing barriers that prevent youths described in this clause from receiving appropriate credit for full or partial coursework satisfactorily completed while attending a prior school, in accordance with State, local, and school policies; and

“(iii) homeless children and youths who meet the relevant eligibility criteria do not face barriers to accessing academic and extracurricular activities, including magnet school, summer school, career and technical education, advanced placement, online learning, and charter school programs, if such programs are available at the State and local levels.

“(G) Strategies to address problems identified in the report provided to the Secretary under subsection (f)(3).

“(H) Strategies to address other problems with respect to the education of homeless children and youths, including problems resulting from enrollment delays that are caused by—

“(i) requirements of immunization and other required health records;

“(ii) residency requirements;

“(iii) lack of birth certificates, school records, or other documentation;

“(iv) guardianship issues; or

“(v) uniform or dress code requirements.

“(I) A demonstration that the State educational agency and local educational agencies in the State have developed, and shall review and revise, policies to remove barriers to the identification of homeless children and youths, and the enrollment and retention of homeless children and youths in schools in the State, including barriers to enrollment and retention due to outstanding fees or fines, or absences.

“(J) Assurances that the following will be carried out:

“(i) The State educational agency and local educational agencies in the State will adopt policies and practices to ensure that homeless children and youths are not stigmatized or segregated on the basis of their status as homeless.

“(ii) The local educational agencies will designate an appropriate staff person, able to carry out the duties described in paragraph (6)(A), who may also be a coordinator for other Federal programs, as a local educational agency liaison for homeless children and youths.

“(iii) The State and the local educational agencies in the State will adopt policies and practices to ensure that transportation is provided, at the request of the parent or guardian (or in the case of an unaccompanied youth, the liaison), to and from the school of origin (as determined under paragraph (3)), in accordance with the following, as applicable:

“(I) If the child or youth continues to live in the area served by the local educational agency in which the school of origin is located, the child’s or youth’s transportation to and from the school of origin shall be provided or arranged by the local educational agency in which the school of origin is located.

“(II) If the child’s or youth’s living arrangements in the area served by the local educational agency of origin terminate and the child or youth, though continuing the child’s or youth’s education in the school of origin, begins living in an area served by another local educational agency, the local educational agency of origin and the local educational agency in which the child or youth is living shall agree upon a method to apportion the responsibility and costs for providing the child or youth with transportation to and from the school of origin. If the local educational agencies are unable to agree upon such method, the responsibility and costs for transportation shall be shared equally.

“(iv) The State and the local educational agencies in the State will adopt policies and practices to ensure participation by liaisons described in clause (ii) in professional development and other technical assistance activities provided pursuant to paragraphs (5) and (6) of subsection (f), as determined appropriate by the Office of the Coordinator.

“(K) A description of how youths described in section 725(2) will receive assistance from counselors to advise such youths, and prepare and improve the readiness of such youths for college.

“(2) COMPLIANCE.—

“(A) IN GENERAL.—Each plan adopted under this subsection shall also describe how the State will ensure that local educational agencies in the State will comply with the requirements of paragraphs (3) through (7).

“(B) COORDINATION.—Such plan shall indicate what technical assistance the State will furnish to local educational agencies and how compliance efforts will be coordinated with the local educational agency liaisons designated under paragraph (1)(J)(ii).

“(3) LOCAL EDUCATIONAL AGENCY REQUIREMENTS.—

“(A) IN GENERAL.—The local educational agency serving each child or youth to be assisted under this subtitle shall, according to the child’s or youth’s best interest—

“(i) continue the child’s or youth’s education in the school of origin for the duration of homelessness—

“(I) in any case in which a family becomes homeless between academic years or during an academic year; and

“(II) for the remainder of the academic year, if the child or youth becomes permanently housed during an academic year; or

“(ii) enroll the child or youth in any public school that nonhomeless students who live in the attendance area in which the child or youth is actually living are eligible to attend.

“(B) SCHOOL STABILITY.—In determining the best interest of the child or youth under subparagraph (A), the local educational agency shall—

“(i) presume that keeping the child or youth in the school of origin is in the child’s or youth’s best interest, except when doing so is contrary to the request of the child’s or youth’s parent or guardian, or (in the case of an unaccompanied youth) the youth;

“(ii) consider student-centered factors related to the child’s or youth’s best interest, including factors related to the impact of mobility on achievement, education, health, and safety of homeless children and youth, giving priority to the request of the child’s or youth’s parent or guardian or (in the case of an unaccompanied youth) the youth;

“(iii) if, after conducting the best interest determination based on consideration of the presumption in clause (i) and the student-centered factors in clause (ii), the local educational agency determines that it is not in the child’s or youth’s best interest to attend the school of origin or the school requested by the parent or guardian, or (in the case of an unaccompanied youth) the youth, provide the child’s or youth’s parent or guardian or the unaccompanied youth with a written explanation of the reasons for its determination, in a manner and form understandable to such parent, guardian, or unaccompanied youth, including

information regarding the right to appeal under subparagraph (E); and

“(iv) in the case of an unaccompanied youth, ensure that the local educational agency liaison designated under paragraph (1)(J)(ii) assists in placement or enrollment decisions under this subparagraph, gives priority to the views of such unaccompanied youth, and provides notice to such youth of the right to appeal under subparagraph (E).

“(C) IMMEDIATE ENROLLMENT.—

“(i) IN GENERAL.—The school selected in accordance with this paragraph shall immediately enroll the homeless child or youth, even if the child or youth—

“(I) is unable to produce records normally required for enrollment, such as previous academic records, records of immunization and other required health records, proof of residency, or other documentation; or

“(II) has missed application or enrollment deadlines during any period of homelessness.

“(ii) RELEVANT ACADEMIC RECORDS.—The enrolling school shall immediately contact the school last attended by the child or youth to obtain relevant academic and other records.

“(iii) RELEVANT HEALTH RECORDS.—If the child or youth needs to obtain immunizations or other required health records, the enrolling school shall immediately refer the parent or guardian of the child or youth, or (in the case of an unaccompanied youth) the youth, to the local educational agency liaison designated under paragraph (1)(J)(ii), who shall assist in obtaining necessary immunizations or screenings, or immunization or other required health records, in accordance with subparagraph (D).

“(D) RECORDS.—Any record ordinarily kept by the school, including immunization or other required health records, academic records, birth certificates, guardianship records, and evaluations for special services or programs, regarding each homeless child or youth shall be maintained—

“(i) so that the records involved are available, in a timely fashion, when a child or youth enters a new school or school district; and

“(ii) in a manner consistent with section 444 of the General Education Provisions Act (20 U.S.C. 1232g).

“(E) ENROLLMENT DISPUTES.—If a dispute arises over eligibility, or school selection or enrollment in a school—

“(i) the child or youth shall be immediately enrolled in the school in which enrollment is sought, pending final resolution of the dispute, including all available appeals;

“(ii) the parent or guardian of the child or youth or (in the case of an unaccompanied youth) the youth shall be provided with a written explanation of any decisions related to school selection or enrollment made by the school, the local educational agency, or the

State educational agency involved, including the rights of the parent, guardian, or unaccompanied youth to appeal such decisions;

“(iii) the parent, guardian, or unaccompanied youth shall be referred to the local educational agency liaison designated under paragraph (1)(J)(ii), who shall carry out the dispute resolution process as described in paragraph (1)(C) as expeditiously as possible after receiving notice of the dispute; and

“(iv) in the case of an unaccompanied youth, the liaison shall ensure that the youth is immediately enrolled in the school in which the youth seeks enrollment pending resolution of such dispute.

“(F) PLACEMENT CHOICE.—The choice regarding placement shall be made regardless of whether the child or youth lives with the homeless parents or has been temporarily placed elsewhere.

“(G) PRIVACY.—Information about a homeless child’s or youth’s living situation shall be treated as a student education record, and shall not be deemed to be directory information, under section 444 of the General Education Provisions Act (20 U.S.C. 1232g).

“(H) CONTACT INFORMATION.—Nothing in this subtitle shall prohibit a local educational agency from requiring a parent or guardian of a homeless child or youth to submit contact information.

“(I) SCHOOL OF ORIGIN DEFINED.—In this paragraph:

“(i) IN GENERAL.—The term ‘school of origin’ means the school that a child or youth attended when permanently housed or the school in which the child or youth was last enrolled, including a preschool.

“(ii) RECEIVING SCHOOL.—When the child or youth completes the final grade level served by the school of origin, as described in clause (i), the term “school of origin” shall include the designated receiving school at the next grade level for all feeder schools.

“(4) COMPARABLE SERVICES.—Each homeless child or youth to be assisted under this subtitle shall be provided services comparable to services offered to other students in the school selected under paragraph (3), including the following:

“(A) Transportation services.

“(B) Educational services for which the child or youth meets the eligibility criteria, such as services provided under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) or similar State or local programs, educational programs for children with disabilities, and educational programs for English learners.

“(C) Programs in career and technical education.

“(D) Programs for gifted and talented students.

“(E) School nutrition programs.

“(5) COORDINATION.—

“(A) IN GENERAL.—Each local educational agency serving homeless children and youths that receives assistance under this subtitle shall coordinate—

“(i) the provision of services under this subtitle with local social services agencies and other agencies or entities providing services to homeless children and

youths and their families, including services and programs funded under the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.); and

“(ii) transportation, transfer of school records, and other interdistrict activities, with other local educational agencies.

“(B) HOUSING ASSISTANCE.—If applicable, each State educational agency and local educational agency that receives assistance under this subtitle shall coordinate with State and local housing agencies responsible for developing the comprehensive housing affordability strategy described in section 105 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705) to minimize educational disruption for children and youths who become homeless.

“(C) COORDINATION PURPOSE.—The coordination required under subparagraphs (A) and (B) shall be designed to—

“(i) ensure that all homeless children and youths are promptly identified;

“(ii) ensure that all homeless children and youths have access to, and are in reasonable proximity to, available education and related support services; and

“(iii) raise the awareness of school personnel and service providers of the effects of short-term stays in a shelter and other challenges associated with homelessness.

“(D) HOMELESS CHILDREN AND YOUTHS WITH DISABILITIES.—For children and youths who are to be assisted both under this subtitle, and under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) or section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), each local educational agency shall coordinate the provision of services under this subtitle with the provision of programs for children with disabilities served by that local educational agency and other involved local educational agencies.

“(6) LOCAL EDUCATIONAL AGENCY LIAISON.—

“(A) DUTIES.—Each local educational agency liaison for homeless children and youths, designated under paragraph (1)(J)(ii), shall ensure that—

“(i) homeless children and youths are identified by school personnel through outreach and coordination activities with other entities and agencies;

“(ii) homeless children and youths are enrolled in, and have a full and equal opportunity to succeed in, schools of that local educational agency;

“(iii) homeless families and homeless children and youths have access to and receive educational services for which such families, children, and youths are eligible, including services through Head Start programs (including Early Head Start programs) under the Head Start Act (42 U.S.C. 9831 et seq.), early intervention services under part C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq.), and other preschool programs administered by the local educational agency;

“(iv) homeless families and homeless children and youths receive referrals to health care services, dental services, mental health and substance abuse services, housing services, and other appropriate services;

“(v) the parents or guardians of homeless children and youths are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children;

“(vi) public notice of the educational rights of homeless children and youths is disseminated in locations frequented by parents or guardians of such children and youths, and unaccompanied youths, including schools, shelters, public libraries, and soup kitchens, in a manner and form understandable to the parents and guardians of homeless children and youths, and unaccompanied youths;

“(vii) enrollment disputes are mediated in accordance with paragraph (3)(E);

“(viii) the parent or guardian of a homeless child or youth, and any unaccompanied youth, is fully informed of all transportation services, including transportation to the school of origin, as described in paragraph (1)(J)(iii), and is assisted in accessing transportation to the school that is selected under paragraph (3)(A);

“(ix) school personnel providing services under this subtitle receive professional development and other support; and

“(x) unaccompanied youths—

“(I) are enrolled in school;

“(II) have opportunities to meet the same challenging State academic standards as the State establishes for other children and youth, including through implementation of the procedures under paragraph (1)(F)(ii); and

“(III) are informed of their status as independent students under section 480 of the Higher Education Act of 1965 (20 U.S.C. 1087vv) and that the youths may obtain assistance from the local educational agency liaison to receive verification of such status for purposes of the Free Application for Federal Student Aid described in section 483 of such Act (20 U.S.C. 1090).

“(B) NOTICE.—State Coordinators established under subsection (d)(3) and local educational agencies shall inform school personnel, service providers, advocates working with homeless families, parents and guardians of homeless children and youths, and homeless children and youths of the duties of the local educational agency liaisons, and publish an annually updated list of the liaisons on the State educational agency’s website.

“(C) LOCAL AND STATE COORDINATION.—Local educational agency liaisons for homeless children and youths shall, as a part of their duties, coordinate and collaborate with State Coordinators and community and school personnel responsible for the provision of education and

related services to homeless children and youths. Such coordination shall include collecting and providing to the State Coordinator the reliable, valid, and comprehensive data needed to meet the requirements of paragraphs (1) and (3) of subsection (f).

“(D) HOMELESS STATUS.—A local educational agency liaison designated under paragraph (1)(J)(ii) who receives training described in subsection (f)(6) may affirm, without further agency action by the Department of Housing and Urban Development, that a child or youth who is eligible for and participating in a program provided by the local educational agency, or the immediate family of such a child or youth, who meets the eligibility requirements of this Act for a program or service authorized under title IV, is eligible for such program or service.

“(7) REVIEW AND REVISIONS.—

“(A) IN GENERAL.—Each State educational agency and local educational agency that receives assistance under this subtitle shall review and revise any policies that may act as barriers to the identification of homeless children and youths or the enrollment of homeless children and youths in schools that are selected under paragraph (3).

“(B) CONSIDERATION.—In reviewing and revising such policies, consideration shall be given to issues concerning transportation, immunization, residency, birth certificates, school records and other documentation, and guardianship.

“(C) SPECIAL ATTENTION.—Special attention shall be given to ensuring the identification, enrollment, and attendance of homeless children and youths who are not currently attending school.”; and
(6) by striking subsection (h).

SEC. 9103. LOCAL EDUCATIONAL AGENCY SUBGRANTS.

Section 723 of such Act (42 U.S.C. 11433) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “facilitating the enrollment,” and inserting “facilitating the identification, enrollment,”;

(B) in paragraph (2)(B), in the matter preceding clause (i), by inserting “the related” before “schools”; and

(C) by adding at the end the following:

“(4) DURATION OF GRANTS.—Subgrants made under this section shall be for terms of not to exceed 3 years.”;

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

“(6) An assurance that the local educational agency will collect and promptly provide data requested by the State Coordinator pursuant to paragraphs (1) and (3) of section 722(f).

“(7) An assurance that the local educational agency will meet the requirements of section 722(g)(3).”;

(3) in subsection (c)—

(A) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking “preschool, elementary, and secondary schools” and inserting “early childhood education and other preschool programs, elementary schools, and secondary schools,”;

(ii) in subparagraph (A), by inserting “identification,” before “enrollment,”;

(iii) in subparagraph (B), by striking “application—” and all that follows and inserting “application reflects coordination with other local and State agencies that serve homeless children and youths.”; and

(iv) in subparagraph (C), by inserting “(as of the date of submission of the application)” after “practice”;
(B) in paragraph (3)—

(i) in subparagraph (C), by inserting “extent to which the applicant will promote meaningful” after “The”;

(ii) in subparagraph (D), by striking “within” and inserting “into”;

(iii) by redesignating subparagraph (G) as subparagraph (I);

(iv) by inserting after subparagraph (F) the following:

“(G) The extent to which the local educational agency will use the subgrant to leverage resources, including by maximizing nonsubgrant funding for the position of the liaison described in section 722(g)(1)(J)(i) and the provision of transportation.

“(H) How the local educational agency will use funds to serve homeless children and youths under section 1113(c)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6313(c)(3)).”; and

(v) in subparagraph (I), as redesignated by clause (iii), by striking “Such” and inserting “The extent to which the applicant’s program meets such”; and

(C) by striking paragraph (4); and

(4) in subsection (d)—

(A) in paragraph (1), by striking “the same challenging State academic content standards and challenging State student academic achievement standards” and inserting “the same challenging State academic standards as”;

(B) in paragraph (2)—

(i) by striking “students with limited English proficiency” and inserting “English learners”; and

(ii) by striking “vocational” and inserting “career”;

(C) in paragraph (3), by striking “pupil services” and inserting “specialized instructional support”;

(D) in paragraph (7), by striking “and unaccompanied youths,” and inserting “particularly homeless children and youths who are not enrolled in school.”;

(E) in paragraph (9) by striking “medical” and inserting “other required health”;

(F) in paragraph (10)—

(i) by striking “parents” and inserting “parents and guardians”; and

(ii) by inserting before the period at the end “, and other activities designed to increase the meaningful involvement of parents and guardians of homeless children or youths in the education of such children or youths”;

(G) in paragraph (12), by striking “pupil services” and inserting “specialized instructional support services”;

(H) in paragraph (13), by inserting before the period at the end “and parental mental health or substance abuse problems”; and

(I) in paragraph (16), by inserting before the period at the end “and participate fully in school activities”.

SEC. 9104. SECRETARIAL RESPONSIBILITIES.

Section 724 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434) is amended—

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

“(c) NOTICE.—

“(1) IN GENERAL.—The Secretary shall, before the next school year that begins after the date of enactment of the Every Student Succeeds Act, update and disseminate nationwide the public notice described in this subsection (as in effect prior to such date) of the educational rights of homeless children and youths.

“(2) DISSEMINATION.—The Secretary shall disseminate the notice nationwide to all Federal agencies, and grant recipients, serving homeless families or homeless children and youths.”;

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

“(d) EVALUATION, DISSEMINATION, AND TECHNICAL ASSISTANCE.—The Secretary shall conduct evaluation, dissemination, and technical assistance activities for programs designed to meet the educational needs of homeless elementary and secondary school students, and may use funds appropriated under section 726 to conduct such activities.”;

(3) in subsection (e)—

(A) by striking “60-day” and inserting “120-day”; and

(B) by striking “120-day” and inserting “180-day”;

(4) in subsection (f), by adding at the end the following:

“The Secretary shall provide support and technical assistance to State educational agencies, concerning areas in which documented barriers to a free appropriate public education persist.”;

(5) by striking subsection (g) and inserting the following:

“(g) GUIDELINES.—The Secretary shall develop, issue, and publish in the Federal Register, not later than 60 days after the date of enactment of the Every Student Succeeds Act, guidelines concerning ways in which a State—

“(1) may assist local educational agencies to implement the provisions related to homeless children and youths amended by that Act; and

“(2) may review and revise State policies and procedures that may present barriers to the identification of homeless children and youths, and the enrollment, attendance, and success of homeless children and youths in school.”;

(6) in subsection (h)(1)(A)—

(A) by striking “location” and inserting “primary nighttime residence”; and

(B) by inserting “in all areas served by local educational agencies” before the semicolon at the end; and

(7) in subsection (i), by striking “McKinney-Vento Homeless Education Assistance Improvements Act of 2001” and inserting “Every Student Succeeds Act”.

SEC. 9105. DEFINITIONS.

(a) AMENDMENTS.—Section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a) is amended—

(1) in paragraph (2)(B)(i)—

(A) by inserting “or” before “are abandoned”; and

(B) by striking “or are awaiting foster care placement;”;

(2) in paragraph (3), by striking “9101” and inserting “8101”; and

(3) in paragraph (6), by striking “youth not” and inserting “homeless child or youth not”.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—In the case of a State that is not a covered State, the amendment made by subsection (a)(1) shall take effect on the date that is 1 year after the date of enactment of this Act.

42 USC 1143a
note.

(2) COVERED STATE.—In the case of a covered State, the amendment made by subsection (a)(1) shall take effect on the date that is 2 years after the date of enactment of this Act.

(c) COVERED STATE.—For purposes of this section the term “covered State” means a State that has a statutory law that defines or describes the phrase “awaiting foster care placement”, for purposes of a program under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.).

42 USC 1143a
note.

SEC. 9106. AUTHORIZATION OF APPROPRIATIONS.

Section 726 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11435) is amended to read as follows:

“SEC. 726. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this subtitle \$85,000,000 for each of fiscal years 2017 through 2020.”.

SEC. 9107. EFFECTIVE DATE.

Except as provided in section 9105(b) or as otherwise provided in this Act, this title and the amendments made by this title take effect on October 1, 2016.

42 USC 11431
note.

PART B—MISCELLANEOUS; OTHER LAWS

SEC. 9201. FINDINGS AND SENSE OF CONGRESS ON SEXUAL MISCONDUCT.

(a) FINDINGS.—Congress finds the following:

(1) There are significant anecdotal reports that some schools and local educational agencies have failed to properly report allegations of sexual misconduct by employees, contractors, or agents.

(2) Instead of reporting alleged sexual misconduct to the appropriate authorities, such as the police or child welfare services, reports suggest that some schools or local educational agencies have kept information on allegations of sexual misconduct private or have entered into confidentiality agreements with the suspected employee, contractor, or agent who agrees to terminate employment with or discontinue work for the school or local educational agency.

(3) The practice of withholding information on allegations of sexual misconduct can facilitate the exposure of other students in other jurisdictions to sexual misconduct.

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

(1) confidentiality agreements between local educational agencies or schools and child predators should be prohibited;

(2) local educational agencies or schools should not facilitate the transfer of child predators to other local educational agencies or schools; and

(3) States should require local educational agencies and schools to report any and all information regarding allegations of sexual misconduct to law enforcement and other appropriate authorities.

SEC. 9202. SENSE OF CONGRESS ON FIRST AMENDMENT RIGHTS.

It is the sense of Congress that a student, teacher, school administrator, or other school employee of an elementary school or secondary school retains the individual's rights under the First Amendment to the Constitution of the United States during the school day or while on the grounds of an elementary school or secondary school.

20 USC 7933.

SEC. 9203. PREVENTING IMPROPER USE OF TAXPAYER FUNDS.

To address the misuse of taxpayer funds, the Secretary of Education shall—

(1) require that each recipient of a grant or subgrant under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) display, in a public place, the hotline contact information of the Office of Inspector General of the Department of Education so that any individual who observes, detects, or suspects improper use of taxpayer funds can easily report such improper use;

(2) annually notify employees of the Department of Education of their responsibility to report fraud; and

(3) require any applicant—

(A) for a grant under such Act to provide an assurance to the Secretary that any information submitted when applying for such grant and responding to monitoring and compliance reviews is truthful and accurate; and

(B) for a subgrant under such Act to provide the assurance described in subparagraph (A) to the entity awarding the subgrant.

20 USC 7934.

SEC. 9204. ACCOUNTABILITY TO TAXPAYERS THROUGH MONITORING AND OVERSIGHT.

To improve monitoring and oversight of taxpayer funds authorized for appropriation under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), and to deter and prohibit waste, fraud, and abuse with respect to such funds, the Secretary of Education shall—

(1) notify each recipient of a grant under such Act (and, if applicable, require the grantee to inform each subgrantee) of its responsibility to—

(A) comply with all monitoring requirements under the applicable program or programs; and

(B) monitor properly any subgrantee under the applicable program or programs;

(2) review and analyze the results of monitoring and compliance reviews—

(A) to understand trends and identify common issues; and

(B) to issue guidance to help grantees address such issues before the loss or misuse of taxpayer funding occurs;

(3) publicly report the work undertaken by the Secretary to prevent fraud, waste, and abuse with respect to such taxpayer funds; and

(4) work with the Office of Inspector General of the Department of Education, as needed, to help ensure that employees of the Department understand how to adequately monitor grantees and to help grantees adequately monitor any sub-grantees.

SEC. 9205. REPORT ON DEPARTMENT ACTIONS TO ADDRESS OFFICE OF INSPECTOR GENERAL REPORTS.

(a) **IN GENERAL.**—Not later than 6 months after the date of enactment of this Act, the Secretary of Education shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on Education and the Workforce of the House of Representatives, and the public through the website of the Department of Education, a report containing an update on the Department’s implementation of recommendations contained in reports from the Office of Inspector General of the Department of Education.

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

(1) a general review of the work of the Department of Education to implement or address findings contained in reports from the Office of Inspector General of the Department of Education to improve monitoring and oversight of Federal programs, including—

(A) the March 9, 2010, final management information report of the Office of Inspector General of the Department of Education addressing oversight by local educational agencies and authorized public chartering agencies; and

(B) the September 2012 report of the Office of Inspector General of the Department of Education entitled “The Office of Innovation and Improvement’s Oversight and Monitoring of the Charter Schools Program’s Planning and Implementation Grants Final Audit Report”; and

(2) a description of the actions the Department of Education has taken to address the concerns described in reports of the Office of Inspector General of the Department of Education, including the reports described in paragraph (1).

SEC. 9206. POSTHUMOUS PARDON.

(a) **FINDINGS.**—Congress finds the following:

(1) John Arthur “Jack” Johnson was a flamboyant, defiant, and controversial figure in the history of the United States who challenged racial biases.

(2) Jack Johnson was born in Galveston, Texas, in 1878 to parents who were former slaves.

(3) Jack Johnson became a professional boxer and traveled throughout the United States, fighting White and African-American heavyweights.

(4) After being denied (on purely racial grounds) the opportunity to fight 2 White champions, in 1908, Jack Johnson was granted an opportunity by an Australian promoter to fight the reigning White title-holder, Tommy Burns.

(5) Jack Johnson defeated Tommy Burns to become the first African-American to hold the title of Heavyweight Champion of the World.

(6) The victory by Jack Johnson over Tommy Burns prompted a search for a White boxer who could beat Jack Johnson, a recruitment effort that was dubbed the search for the “great white hope”.

(7) In 1910, a White former champion named Jim Jeffries left retirement to fight Jack Johnson in Reno, Nevada.

(8) Jim Jeffries lost to Jack Johnson in what was deemed the “Battle of the Century”.

(9) The defeat of Jim Jeffries by Jack Johnson led to rioting, aggression against African-Americans, and the racially-motivated murder of African-Americans throughout the United States.

(10) The relationships of Jack Johnson with White women compounded the resentment felt toward him by many Whites.

(11) Between 1901 and 1910, 754 African-Americans were lynched, some simply for being “too familiar” with White women.

(12) In 1910, Congress passed the Act of June 25, 1910 (commonly known as the “White Slave Traffic Act” or the “Mann Act”) (18 U.S.C. 2421 et seq.), which outlawed the transportation of women in interstate or foreign commerce “for the purpose of prostitution or debauchery, or for any other immoral purpose”.

(13) In October 1912, Jack Johnson became involved with a White woman whose mother disapproved of their relationship and sought action from the Department of Justice, claiming that Jack Johnson had abducted her daughter.

(14) Jack Johnson was arrested by Federal marshals on October 18, 1912, for transporting the woman across State lines for an “immoral purpose” in violation of the Mann Act.

(15) The Mann Act charges against Jack Johnson were dropped when the woman refused to cooperate with Federal authorities, and then married Jack Johnson.

(16) Federal authorities persisted and summoned a White woman named Belle Schreiber, who testified that Jack Johnson had transported her across State lines for the purpose of “prostitution and debauchery”.

(17) In 1913, Jack Johnson was convicted of violating the Mann Act and sentenced to 1 year and 1 day in Federal prison.

(18) Jack Johnson fled the United States to Canada and various European and South American countries.

(19) Jack Johnson lost the Heavyweight Championship title to Jess Willard in Cuba in 1915.

(20) Jack Johnson returned to the United States in July 1920, surrendered to authorities, and served nearly a year in the Federal penitentiary in Leavenworth, Kansas.

(21) Jack Johnson subsequently fought in boxing matches, but never regained the Heavyweight Championship title.

(22) Jack Johnson served the United States during World War II by encouraging citizens to buy war bonds and participating in exhibition boxing matches to promote the war bond cause.

(23) Jack Johnson died in an automobile accident in 1946.

(24) In 1954, Jack Johnson was inducted into the Boxing Hall of Fame.

(25) Senate Concurrent Resolution 29, 111th Congress, agreed to July 29, 2009, expressed the sense of the 111th

Congress that Jack Johnson should receive a posthumous pardon for his racially-motivated 1913 conviction.

(b) RECOMMENDATIONS.—It remains the sense of Congress that Jack Johnson should receive a posthumous pardon—

(1) to expunge a racially-motivated abuse of the prosecutorial authority of the Federal Government from the annals of criminal justice in the United States; and

(2) in recognition of the athletic and cultural contributions of Jack Johnson to society.

SEC. 9207. EDUCATION FLEXIBILITY PARTNERSHIP ACT OF 1999 REAUTHORIZATION.

(a) DEFINITIONS.—Section 3(1) of the Education Flexibility Partnership Act of 1999 (20 U.S.C. 5891a(1)) is amended—

(1) in the paragraph heading, by striking “LOCAL” and inserting “EDUCATIONAL SERVICE AGENCY; LOCAL”;

(2) by striking “The terms” and inserting “The terms ‘educational service agency’”; and

(3) by striking “section 9101” and inserting “section 8101”.

(b) GENERAL PROVISIONS.—Section 4 of the Education Flexibility Partnership Act of 1999 (20 U.S.C. 5891b) is amended to read as follows:

“SEC. 4. EDUCATIONAL FLEXIBILITY PROGRAM.

“(a) EDUCATIONAL FLEXIBILITY PROGRAM.—

“(1) PROGRAM AUTHORIZED.—

“(A) IN GENERAL.—The Secretary may carry out an educational flexibility program under which the Secretary authorizes a State educational agency that serves an eligible State to waive statutory or regulatory requirements applicable to one or more programs described in subsection (b), other than requirements described in subsection (c), for any local educational agency, educational service agency, or school within the State.

“(B) DESIGNATION.—Each eligible State participating in the program described in subparagraph (A) shall be known as an ‘Ed-Flex Partnership State’.

“(2) ELIGIBLE STATE.—For the purpose of this section, the term ‘eligible State’ means a State that—

“(A) has—

“(i) developed and implemented the challenging State academic standards, and aligned assessments, described in paragraphs (1) and (2) of section 1111(b) of the Elementary and Secondary Education Act of 1965, and is producing the report cards required by section 1111(h) of such Act; or

“(ii) if the State has adopted new challenging State academic standards under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965, as a result of the amendments made to such Act by the Every Student Succeeds Act, made substantial progress (as determined by the Secretary) toward developing and implementing such standards and toward producing the report cards required under section 1111(h) of such Act;

“(B) will hold local educational agencies, educational service agencies, and schools accountable for meeting the

educational goals described in the local applications submitted under paragraph (4) and for engaging in technical assistance and, as applicable and appropriate, implementing comprehensive support and improvement activities and targeted support and improvement activities under section 1111(d) of the Elementary and Secondary Education Act of 1965; and

“(C) waives State statutory or regulatory requirements relating to education while holding local educational agencies, educational service agencies, or schools within the State that are affected by such waivers accountable for the performance of the students who are affected by such waivers.

“(3) STATE APPLICATION.—

“(A) IN GENERAL.—Each State educational agency desiring to participate in the educational flexibility program under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. Each such application shall demonstrate that the eligible State has adopted an educational flexibility plan for the State that includes—

“(i) a description of the process the State educational agency will use to evaluate applications from local educational agencies, educational service agencies, or schools requesting waivers of—

“(I) Federal statutory or regulatory requirements as described in paragraph (1)(A); and

“(II) State statutory or regulatory requirements relating to education;

“(ii) a detailed description of the State statutory and regulatory requirements relating to education that the State educational agency will waive;

“(iii) a description of clear educational objectives the State intends to meet under the educational flexibility plan, which may include innovative methods to leverage resources to improve program efficiencies that benefit students;

“(iv) a description of how the educational flexibility plan is coordinated with activities described in subsections (b), (c), and (d) of section 1111 of the Elementary and Secondary Education Act of 1965;

“(v) a description of how the State educational agency will evaluate (consistent with the requirements of title I of the Elementary and Secondary Education Act of 1965) the performance of students in the schools, educational service agencies, and local educational agencies affected by the waivers; and

“(vi) a description of how the State educational agency will meet the requirements of paragraph (7).

“(B) APPROVAL AND CONSIDERATIONS.—

“(i) IN GENERAL.—By not later than 90 days after the date on which a State has submitted an application described in subparagraph (A), the Secretary shall issue a written decision that explains why such application has been approved or disapproved, and the process

for revising and resubmitting the application for reconsideration.

“(ii) APPROVAL.—The Secretary may approve an application described in subparagraph (A) only if the Secretary determines that such application demonstrates substantial promise of assisting the State educational agency and affected local educational agencies, educational service agencies, and schools within the State in carrying out comprehensive educational reform, after considering—

“(I) the eligibility of the State as described in paragraph (2);

“(II) the comprehensiveness and quality of the educational flexibility plan described in subparagraph (A);

“(III) the ability of the educational flexibility plan to ensure accountability for the activities and goals described in such plan;

“(IV) the degree to which the State’s objectives described in subparagraph (A)(iii)—

“(aa) are clear and have the ability to be assessed; and

“(bb) take into account the performance of local educational agencies, educational service agencies, or schools, and students, particularly those affected by waivers;

“(V) the significance of the State statutory or regulatory requirements relating to education that will be waived; and

“(VI) the quality of the State educational agency’s process for approving applications for waivers of Federal statutory or regulatory requirements as described in paragraph (1)(A) and for monitoring and evaluating the results of such waivers.

“(4) LOCAL APPLICATION.—

“(A) IN GENERAL.—Each local educational agency, educational service agency, or school requesting a waiver of a Federal statutory or regulatory requirement as described in paragraph (1)(A) and any relevant State statutory or regulatory requirement from a State educational agency shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may reasonably require. Each such application shall—

“(i) indicate each Federal program affected and each statutory or regulatory requirement that will be waived;

“(ii) describe the purposes and overall expected results of waiving each such requirement, which may include innovative methods to leverage resources to improve program efficiencies that benefit students;

“(iii) describe, for each school year, specific, measurable, educational goals for each local educational agency, educational service agency, or school affected by the proposed waiver, and for the students served

by the local educational agency, educational service agency, or school who are affected by the waiver;

“(iv) explain why the waiver will assist the local educational agency, educational service agency, or school in reaching such goals; and

“(v) in the case of an application from a local educational agency or educational service agency, describe how the agency will meet the requirements of paragraph (7).

“(B) EVALUATION OF APPLICATIONS.—A State educational agency shall evaluate an application submitted under subparagraph (A) in accordance with the State’s educational flexibility plan described in paragraph (3)(A).

“(C) APPROVAL.—A State educational agency shall not approve an application for a waiver under this paragraph unless—

“(i) the local educational agency, educational service agency, or school requesting such waiver has developed a local reform plan that—

“(I) is applicable to such agency or school, respectively; and

“(II) may include innovative methods to leverage resources to improve program efficiencies that benefit students;

“(ii) the waiver of Federal statutory or regulatory requirements as described in paragraph (1)(A) will assist the local educational agency, educational service agency, or school in reaching its educational goals, particularly goals with respect to school and student performance; and

“(iii) the State educational agency is satisfied that the underlying purposes of the statutory requirements of each program for which a waiver is granted will continue to be met.

“(D) TERMINATION.—The State educational agency shall annually review the performance of any local educational agency, educational service agency, or school granted a waiver of Federal statutory or regulatory requirements as described in paragraph (1)(A) in accordance with the evaluation requirement described in paragraph (3)(A)(v), and shall terminate or temporarily suspend any waiver granted to the local educational agency, educational service agency, or school if the State educational agency determines, after notice and an opportunity for a hearing, that—

“(i) there is compelling evidence of systematic waste, fraud, or abuse;

“(ii) the performance of the local educational agency, educational service agency, or school with respect to meeting the accountability requirement described in paragraph (2)(C) and the goals described in subparagraph (A)(iii) has been inadequate to justify continuation of such waiver;

“(iii) student achievement in the local educational agency, educational service agency, or school has decreased; or

“(iv) substantial progress has not been made toward meeting the long-term goals and measurements of interim progress established by the State under section 1111(c)(4)(A)(i) of the Elementary and Secondary Education Act of 1965.

“(5) OVERSIGHT AND REPORTING.—

“(A) OVERSIGHT.—Each State educational agency participating in the educational flexibility program under this section shall annually monitor the activities of local educational agencies, educational service agencies, and schools receiving waivers under this section.

“(B) STATE REPORTS.—

“(i) ANNUAL REPORTS.—The State educational agency shall submit to the Secretary an annual report on the results of such oversight and the impact of the waivers on school and student performance.

“(ii) PERFORMANCE DATA.—Not later than 2 years after the date a State is designated an Ed-Flex Partnership State, each such State shall include, as part of the State’s annual report submitted under clause (i), data demonstrating the degree to which progress has been made toward meeting the State’s educational objectives. The data, when applicable, shall include—

“(I) information on the total number of waivers granted for Federal and State statutory and regulatory requirements under this section, including the number of waivers granted for each type of waiver;

“(II) information describing the effect of the waivers on the implementation of State and local educational reforms pertaining to school and student performance;

“(III) information describing the relationship of the waivers to the performance of schools and students affected by the waivers; and

“(IV) an assurance from State program managers that the data reported under this section are reliable, complete, and accurate, as defined by the State, or a description of a plan for improving the reliability, completeness, and accuracy of such data as defined by the State.

“(C) SECRETARY’S REPORTS.—The Secretary shall annually—

“(i) make each State report submitted under subparagraph (B) available to Congress and the public; and

“(ii) submit to Congress a report that summarizes the State reports and describes the effects that the educational flexibility program under this section had on the implementation of State and local educational reforms and on the performance of students affected by the waivers.

“(6) DURATION OF FEDERAL WAIVERS.—

“(A) IN GENERAL.—

“(i) DURATION.—The Secretary shall approve the application of a State educational agency under paragraph (3) for a period of not more than 5 years.

“(ii) AUTOMATIC EXTENSION DURING REVIEW.—The Secretary shall automatically extend the authority of a State to continue as an Ed-Flex Partnership State until the Secretary has—

“(I) completed the performance review of the State educational agency’s educational flexibility plan as described in subparagraph (B); and

“(II) issued a final decision on any pending request for renewal that was submitted by the State educational agency.

“(iii) EXTENSION OF APPROVAL.—The Secretary may extend the authority of a State to continue as an Ed-Flex Partnership State if the Secretary determines that the authority of the State educational agency to grant waivers—

“(I) has been effective in enabling such State or affected local educational agencies, educational service agencies, or schools to carry out their State or local reform plans and to continue to meet the accountability requirement described in paragraph (2)(C); and

“(II) has improved student performance.

“(B) PERFORMANCE REVIEW.—

“(i) IN GENERAL.—Following the expiration of an approved educational flexibility program for a State that is designated an Ed-Flex Partnership State, the Secretary shall have not more than 180 days to complete a review of the performance of the State educational agency in granting waivers of Federal statutory or regulatory requirements as described in paragraph (1)(A) to determine if the State educational agency—

“(I) has achieved, or is making substantial progress towards achieving, the objectives described in the application submitted pursuant to paragraph (3)(A)(iii) and the specific long-term goals and measurements of interim progress established under section 1111(c)(4)(A)(i) of the Elementary and Secondary Education Act of 1965; and

“(II) demonstrates that local educational agencies, educational service agencies, or schools affected by the waiver authority or waivers have achieved, or are making progress toward achieving, the desired goals described in the application submitted pursuant to paragraph (4)(A)(iii).

“(ii) TERMINATION OF AUTHORITY.—The Secretary shall terminate the authority of a State educational agency to grant waivers of Federal statutory or regulatory requirements as described in paragraph (1)(A) if the Secretary determines, after providing the State educational agency with notice and an opportunity for a hearing, that such agency’s performance has been inadequate to justify continuation of such authority based on such agency’s performance against the specific long-term goals and measurements of interim progress

established under section 1111(c)(4)(A)(i) of the Elementary and Secondary Education Act of 1965.

“(C) RENEWAL.—

“(i) IN GENERAL.—Each State educational agency desiring to renew an approved educational flexibility program under this section shall submit a request for renewal to the Secretary not later than the date of expiration of the approved educational flexibility program.

“(ii) TIMING FOR RENEWAL.—The Secretary shall either approve or deny the request for renewal by not later than 90 days after completing the performance review of the State described in subparagraph (B).

“(iii) DETERMINATION.—In deciding whether to extend a request of a State educational agency for the authority to issue waivers under this section, the Secretary shall review the progress of the State educational agency to determine if the State educational agency—

“(I) has made progress toward achieving the objectives described in the State application submitted pursuant to paragraph (3)(A)(iii); and

“(II) demonstrates in the request that local educational agencies, educational service agencies, or schools affected by the waiver authority or waivers have made progress toward achieving the desired goals described in the local application submitted pursuant to paragraph (4)(A)(iii).

“(D) TERMINATION.—

“(i) IN GENERAL.—The Secretary shall terminate or temporarily suspend the authority of a State educational agency to grant waivers under this section if the Secretary determines that—

“(I) there is compelling evidence of systematic waste, fraud or abuse; or

“(II) after notice and an opportunity for a hearing, such agency’s performance (including performance with respect to meeting the objectives described in paragraph (3)(A)(iii)) has been inadequate to justify continuation of such authority.

“(ii) LIMITED COMPLIANCE PERIOD.—A State whose authority to grant such waivers has been terminated shall have not more than 1 additional fiscal year to come into compliance in order to seek renewal of the authority to grant waivers under this section.

“(7) PUBLIC NOTICE AND COMMENT.—Each State educational agency seeking waiver authority under this section and each local educational agency, educational service agency, or school seeking a waiver under this section—

“(A) shall provide the public with adequate and efficient notice of the proposed waiver authority or waiver, consisting of a description of the agency’s application for the proposed waiver authority or waiver on each agency’s website, including a description of any improved student performance that is expected to result from the waiver authority or waiver;

“(B) shall provide the opportunity for parents, educators, school administrators, and all other interested members of the community to comment regarding the proposed waiver authority or waiver;

“(C) shall provide the opportunity described in subparagraph (B) in accordance with any applicable State law specifying how the comments may be received, and how the comments may be reviewed by any member of the public; and

“(D) shall submit the comments received with the application of the agency or school to the Secretary or the State educational agency, as appropriate.

“(b) INCLUDED PROGRAMS.—The statutory or regulatory requirements referred to in subsection (a)(1)(A) are any such requirements for programs that are authorized under the following provisions and under which the Secretary provides funds to State educational agencies on the basis of a formula:

“(1) The following provisions of the Elementary and Secondary Education Act of 1965:

“(A) Part A of title I (other than section 1111).

“(B) Part C of title I.

“(C) Part D of title I.

“(D) Part A of title II.

“(E) Part A of title IV.

“(2) The Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.).

“(c) WAIVERS NOT AUTHORIZED.—The Secretary and the State educational agency may not waive under subsection (a)(1)(A) any statutory or regulatory requirement—

“(1) relating to—

“(A) maintenance of effort;

“(B) comparability of services;

“(C) equitable participation of students and professional staff in private schools;

“(D) parental participation and involvement;

“(E) distribution of funds to States or to local educational agencies;

“(F) serving eligible school attendance areas in rank order in accordance with section 1113(a)(3) of the Elementary and Secondary Education Act of 1965;

“(G) the selection of a school attendance area or school under subsections (a) and (b) of section 1113 of the Elementary and Secondary Education Act of 1965, except that a State educational agency may grant a waiver to allow a school attendance area or school to participate in activities under part A of title I of such Act if the percentage of children from low-income families in the school attendance area of such school or who attend such school is not less than 10 percentage points below the lowest percentage of such children for any school attendance area or school of the local educational agency that meets the requirements of such subsections;

“(H) use of Federal funds to supplement, not supplant, non-Federal funds; and

“(I) applicable civil rights requirements; and

“(2) unless the State educational agency can demonstrate that the underlying purposes of the statutory requirements

of the program for which a waiver is granted continue to be met to the satisfaction of the Secretary.

“(d) TREATMENT OF EXISTING ED-FLEX PARTNERSHIP STATES.—

“(1) IN GENERAL.—Any designation of a State as an Ed-Flex Partnership State that was in effect on the date of enactment of the Every Student Succeeds Act shall be immediately extended for a period of not more than 5 years, if the Secretary makes the determination described in paragraph (2).

“(2) DETERMINATION.—The determination referred to in paragraph (1) is a determination that the performance of the State educational agency, in carrying out the programs for which the State has received a waiver under the educational flexibility program, justifies the extension of the designation.

“(e) PUBLICATION.—A notice of the Secretary’s decision to authorize State educational agencies to issue waivers under this section, including a description of the rationale the Secretary used to approve applications under subsection (a)(3)(B), shall be published in the Federal Register and the Secretary shall provide for the dissemination of such notice to State educational agencies, interested parties (including educators, parents, students, and advocacy and civil rights organizations), and the public.”.

SEC. 9208. REPORT ON THE REDUCTION OF THE NUMBER AND PERCENTAGE OF STUDENTS WHO DROP OUT OF SCHOOL.

Not later than 5 years after the date of enactment of this Act, the Director of the Institute of Education Sciences shall evaluate the impact of section 1111(g)(1)(D) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(g)(1)(D)) on reducing the number and percentage of students who drop out of school.

SEC. 9209. REPORT ON SUBGROUP SAMPLE SIZE.

(a) REPORT.—Not later than 90 days after the date of enactment of this Act, the Director of the Institute of Education Sciences shall publish a report on—

(1) best practices for determining valid, reliable, and statistically significant minimum numbers of students for each of the subgroups of students, as defined in section 1111(c)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(c)(2)), as amended by this Act, for the purposes of inclusion as subgroups of students in an accountability system described in section 1111(c) of such Act (20 U.S.C. 6311(c)), as amended by this Act; and

(2) how such minimum number that is determined will not reveal personally identifiable information about students.

(b) PUBLIC DISSEMINATION.—The Director of the Institute of Education Sciences shall work with the Department of Education’s technical assistance providers and dissemination networks to ensure that such report is widely disseminated—

(1) to the public, State educational agencies, local educational agencies, and schools; and

(2) through electronic transfer and other means, such as posting the report on the website of the Institute of Education Sciences or in another relevant place.

(c) PROHIBITION AGAINST RECOMMENDATION.—In carrying out this section, the Director of the Institute of Education Sciences shall not recommend any specific minimum number of students for each of the subgroups of students, as defined in section 1111(c)(2)

of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(c)(2)), as amended by this Act.

SEC. 9210. REPORT ON STUDENT HOME ACCESS TO DIGITAL LEARNING RESOURCES.

(a) **IN GENERAL.**—Not later than 18 months after the date of enactment of this Act, the Director of the Institute of Education Sciences shall complete a study on the educational impact of access to digital learning resources outside of the classroom.

(b) **CONTENTS.**—The study described in subsection (a) shall include—

(1) an analysis of student habits related to digital learning resources outside of the classroom, including the location and types of devices and technologies that students use for educational purposes;

(2) an identification of the barriers students face in accessing digital learning resources outside of the classroom;

(3) a description of the challenges students who lack home Internet access face, including challenges related to—

(A) student participation and engagement in the classroom; and

(B) homework completion;

(4) an analysis of how the barriers and challenges such students face impact the instructional practice of educators; and

(5) a description of the ways in which State educational agencies, local educational agencies, schools, and other entities, including partnerships of such entities, have developed effective means to address the barriers and challenges students face in accessing digital learning resources outside of the classroom.

(c) **PUBLIC DISSEMINATION.**—The Director of the Institute of Education Sciences shall widely disseminate the findings of the study described in subsection (a)—

(1) in a timely fashion to the public and the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate; and

(2) through electronic transfer and other means, such as posting, as available, to the website of the Institute of Education Sciences or the Department of Education.

SEC. 9211. STUDY ON THE TITLE I FORMULA.

(a) **FINDINGS.**—Congress finds the following:

(1) Part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) provides funding to local educational agencies through four separate formulas that have been added to the law over time, and which have “distinct allocation patterns, providing varying shares of allocated funds to different types of local educational agencies or States,” according to a 2015 report from the Congressional Research Service.

(2) Minimal effort has been made by the Federal Government to determine if the four formulas are adequately delivering funds to local educational agencies with the highest districtwide poverty averages.

(3) The formulas for distributing Targeted Grants and Education Finance Incentive grants use two weighting systems,

one based on the percentage of children included in the determination of grants to local educational agencies (percentage weighting), and another based on the absolute number of such children (number weighting). Both weighting systems have five quintiles with a roughly equal number of children in each quintile. Whichever of these weighting systems results in the highest total weighted formula child count for a local educational agency is the weighting system used for that agency in the final allocation of Targeted and Education Finance Incentive Grant funds.

(4) The Congressional Research Service has also said the number weighting alternative is generally more favorable to large local educational agencies with much larger geographic boundaries and larger counts of eligible children than smaller local educational agencies with smaller counts, but potentially higher percentages, of eligible children, because large local educational agencies have many more children in the higher weighted quintiles.

(5) In local educational agencies that are classified by the National Center for Education Statistics as “Large City”, 47 percent of all students attend schools with 75 percent or higher poverty.

(b) STUDY.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Director of the Institute of Education Sciences shall complete a study on the effectiveness of the four part A of title I formulas, described in subsection (a), to deliver funds to the most economically disadvantaged communities.

(2) CONTENTS.—The study described in paragraph (1) shall include—

(A) an analysis of the distribution of part A of title I funds under the four formulas;

(B) an analysis of how part A of title I funds are distributed among local educational agencies in each of the 12 locale types classified by the National Center on Education Statistics.

(C) the extent to which the four formulas unduly benefit or unduly disadvantage any of the local educational agencies described in subparagraph (B);

(D) the extent to which the four formulas unduly benefit or unduly disadvantage high-poverty eligible school attendance areas in the local educational agencies described in subparagraph (B);

(E) the extent to which the four formulas unduly benefit or unduly disadvantage lower population local educational agencies with relatively high percentages of districtwide poverty;

(F) the impact of number weighting and percentage weighting in the formulas for distributing Targeted Grants and Education Finance Incentive Grants on each of the local educational agencies described in subparagraph (B);

(G) the impact of number weighting and percentage weighting on targeting part A of title I funds to eligible school attendance areas with the highest concentrations of poverty in local educational agencies described in subparagraph (B), and local educational agencies described

in subparagraph (B) with higher percentages of districtwide poverty;

(H) an analysis of other studies and reports produced by public and non-public entities examining the distribution of part A of title I funds under the four formulas; and

(I) recommendations, as appropriate, for amending or consolidating the formulas to better target part A of title I funds to the most economically disadvantaged communities and most economically disadvantaged eligible school attendance areas.

(3) PUBLIC DISSEMINATION.—The Director of the Institute of Education Sciences shall widely disseminate the findings of the study conducted under this section—

(A) in a timely fashion;

(B) to—

(i) the public; and

(ii) the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate; and

(C) through electronic transfer and other means, such as posting to the website of the Institute of Education Sciences or the Department of Education.

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note.

SEC. 9212. PRESCHOOL DEVELOPMENT GRANTS.

(a) PURPOSES.—The purposes of this section are—

(1) to assist States to develop, update, or implement a strategic plan that facilitates collaboration and coordination among existing programs of early childhood care and education in a mixed delivery system across the State designed to prepare low-income and disadvantaged children to enter kindergarten and to improve transitions from such system into the local educational agency or elementary school that enrolls such children, by—

(A) more efficiently using existing Federal, State, local, and non-governmental resources to align and strengthen the delivery of existing programs;

(B) coordinating the delivery models and funding streams existing in the State's mixed delivery system; and

(C) developing recommendations to better use existing resources in order to improve—

(i) the overall participation of children in a mixed delivery system of Federal, State, and local early childhood education programs;

(ii) program quality while maintaining availability of services;

(iii) parental choice among existing programs; and

(iv) school readiness for children from low-income and disadvantaged families, including during such children's transition into elementary school;

(2) to encourage partnerships among Head Start providers, State and local governments, Indian tribes and tribal organizations, private entities (including faith- and community-based entities), and local educational agencies, to improve coordination, program quality, and delivery of services; and

(3) to maximize parental choice among a mixed delivery system of early childhood education program providers.

(b) DEFINITIONS.—In this section:

(1) ESEA DEFINITIONS.—The terms “elementary school”, “local educational agency”, and “State” have the meanings given the terms in section 8101 of the Elementary and Secondary Education Act of 1965.

(2) CENTER OF EXCELLENCE IN EARLY CHILDHOOD.—The term “Center of Excellence in Early Childhood” means a Center of Excellence in Early Childhood designated under section 657B(b) of the Head Start Act (42 U.S.C. 9852b(b)).

(3) EARLY CHILDHOOD EDUCATION PROGRAM.—The term “early childhood education program” has the meaning given the term in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003).

(4) EXISTING PROGRAM.—The term “existing program” means a Federal, State, local, or privately-funded early childhood education program that—

(A) was operating in the State on the day before the date of enactment of this Act; or

(B) began operating in the State at any time on or after the date of enactment of this Act through funds that were not provided by a grant under this section.

(5) MIXED DELIVERY SYSTEM.—The term “mixed delivery system” means a system—

(A) of early childhood education services that are delivered through a combination of programs, providers, and settings (such as Head Start, licensed family and center-based child care programs, public schools, and community-based organizations); and

(B) that is supported with a combination of public funds and private funds.

(6) SECRETARY.—The term “Secretary” means the Secretary of Health and Human Services.

(7) STATE ADVISORY COUNCIL.—The term “State Advisory Council” means a State Advisory Council on Early Childhood Education and Care designated or established under section 642B(b)(1)(A) of the Head Start Act (42 U.S.C. 9837b(b)(1)(A)).

(c) GRANTS AUTHORIZED.—

(1) IN GENERAL.—From amounts made available under subsection (k), the Secretary, jointly with the Secretary of Education, shall award grants to States to enable the States to carry out the activities described in subsection (f).

(2) AWARD BASIS.—Grants under this subsection shall be awarded—

(A) on a competitive basis; and

(B) with priority for States that meet the requirements of subsection (e)(3).

(3) DURATION OF GRANTS.—A grant awarded under paragraph (1) shall be for a period of not more than 1 year and may be renewed by the Secretary, jointly with the Secretary of Education, under subsection (g).

(4) MATCHING REQUIREMENT.—Each State that receives a grant under this section shall provide funds from non-Federal sources (which may be provided in cash or in kind) to carry out the activities supported by the grant, in an amount equal to not less than 30 percent of the amount of such grant.

(d) INITIAL APPLICATION.—A State desiring a grant under subsection (c)(1) shall submit an application at such time and in such

manner as the Secretary may reasonably require. The application shall contain—

(1) an identification of the State entity that the Governor of the State has appointed to be responsible for duties under this section;

(2) a description of how such State entity proposes to accomplish the activities described in subsection (f) and meet the purposes of this section described in subsection (a), including—

(A) a timeline for strategic planning activities; and

(B) a description of how the strategic planning activities and the proposed activities described in subsection (f) will increase participation of children from low-income and disadvantaged families in high-quality early childhood education and preschool programs as a result of the grant;

(3) a description of the Federal, State, and local existing programs in the State for which such State entity proposes to facilitate activities described in subsection (f), including—

(A) programs carried out under the Head Start Act (42 U.S.C. 9801 et seq.), including the Early Head Start programs carried out under such Act;

(B) child care programs carried out under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.) or section 418 of the Social Security Act (42 U.S.C. 618); and

(C) other Federal, State, and local programs of early learning and development, early childhood education, and child care, operating in the State (including programs operated by Indian tribes and tribal organizations and private entities, including faith- and community-based entities), as of the date of the application for the grant;

(4) a description of how the State entity, in collaboration with Centers of Excellence in Early Childhood, if appropriate, will provide technical assistance and disseminate best practices;

(5) a description of how the State plans to sustain the activities described in, and carried out in accordance with, subsection (f) with non-Federal sources after grant funds under this section are no longer available, if the State plans to continue such activities after such time; and

(6) a description of how the State entity will work with the State Advisory Council and Head Start collaboration offices.

(e) REVIEW PROCESS.—The Secretary shall review the applications submitted under subsection (d) to—

(1) determine which applications satisfy the requirements of such subsection;

(2) confirm that each State submitting an application has, as of the date of the application, a mixed delivery system in place; and

(3) determine if a priority is merited in accordance with subsection (c)(2)(B) because the State has never received—

(A) a grant under subsection (c); or

(B) a preschool development grant for development or expansion under such program as it existed on the day before the date of enactment of this Act.

(f) USE OF FUNDS.—A State, acting through the State entity appointed under subsection (d)(1), that receives a grant under subsection (c)(1) shall use the grant funds for all of the following activities:

(1) Conducting a periodic statewide needs assessment of—

(A) the availability and quality of existing programs in the State, including such programs serving the most vulnerable or underserved populations and children in rural areas;

(B) to the extent practicable, the unduplicated number of children being served in existing programs; and

(C) to the extent practicable, the unduplicated number of children awaiting service in such programs.

(2) Developing a strategic plan that recommends collaboration, coordination, and quality improvement activities (including activities to improve children’s transition from early childhood education programs into elementary schools) among existing programs in the State and local educational agencies. Such plan shall include information that—

(A) identifies opportunities for, and barriers to, collaboration and coordination among existing programs in the State, including among State, local, and tribal (if applicable) agencies responsible for administering such programs;

(B) recommends partnership opportunities among Head Start providers, local educational agencies, State and local governments, Indian tribes and tribal organizations, and private entities (including faith- and community-based entities) that would improve coordination, program quality, and delivery of services;

(C) builds on existing plans and goals with respect to early childhood education programs, including improving coordination and collaboration among such programs, of the State Advisory Council while incorporating new or updated Federal, State, and local statutory requirements, including—

(i) the requirements of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.); and

(ii) when appropriate, information found in the report required under section 13 of the Child Care and Development Block Grant Act of 2014 (Public Law 113–186; 128 Stat. 2002); and

(D) describes how accomplishing the activities described in subparagraphs (A) through (C) will better serve children and families in existing programs and how such activities will increase the overall participation of children in the State.

(3) Maximizing parental choice and knowledge about the State’s mixed delivery system of existing programs and providers by—

(A) ensuring that parents are provided information about the variety of early childhood education programs for children from birth to kindergarten entry in the State’s mixed delivery system; and

(B) promoting and increasing involvement by parents and family members, including families of low-income and

disadvantaged children, in the development of their children and the transition of such children from an early childhood education program into an elementary school.

(4) Sharing best practices among early childhood education program providers in the State to increase collaboration and efficiency of services, including to improve transitions from such programs to elementary school.

(5) After activities described in paragraphs (1) and (2) have been completed, improving the overall quality of early childhood education programs in the State, including by developing and implementing evidence-based practices that meet the requirements of section 8101(21)(A)(i) of the Elementary and Secondary Education Act of 1965, to improve professional development for early childhood education providers and educational opportunities for children.

(g) RENEWAL GRANTS.—

(1) IN GENERAL.—The Secretary, jointly with the Secretary of Education, may use funds available under subsection (k) to award renewal grants to States described in paragraph (2) to enable such States to continue activities described in subsection (f) and to carry out additional activities described in paragraph (6).

(2) ELIGIBLE STATES.—A State shall be eligible for a grant under paragraph (1) if—

(A) the State has received a grant under subsection (c)(1) and the grant period has concluded; or

(B)(i) the State has received a preschool development grant for development or expansion under such program as it existed on the day before the date of enactment of this Act, and the grant period for such grant has concluded; and

(ii) the Secretary allows such State to apply directly for a renewal grant under this subsection, rather than an initial grant under subsection (c)(1), and the State submits with its application the needs assessment completed under the preschool development grant (updated as necessary to reflect the needs of the State as of the time of the application) in place of the activity described in subsection (f)(1).

(3) DURATION OF GRANTS.—A grant awarded under this subsection shall be for a period of not more than 3 years and shall not be renewed.

(4) MATCHING REQUIREMENT.—Each State that receives a grant under this subsection shall provide funds from non-Federal sources (which may be provided in cash or in kind) to carry out the activities supported by the grant, in an amount equal to not less than 30 percent of the amount of the grant.

(5) APPLICATION.—A State described in paragraph (2) that desires a grant under this subsection shall submit an application for renewal at such time and in such manner as the Secretary may reasonably require. The application shall contain—

(A) applicable information required in the application described in subsection (d), and in the case of a State described in paragraph (2)(A), updated as the State determines necessary;

(B) in the case of a State described in paragraph (2)(A), a description of how funds were used for the activities described in subsection (f) in the initial grant period and the extent to which such activities will continue to be supported in the renewal period;

(C) in the case of a State described in paragraph (2)(B), how a needs assessment completed prior to the date of the application, such as the needs assessment completed under the preschool development grant program (as such program existed prior to the date of enactment of this Act), and updated as necessary in accordance with paragraph (2)(B)(ii), will be sufficient information to inform the use of funds under this subsection, and a copy of such needs assessment;

(D) a description of how funds will be used for the activities described in paragraph (6) during the renewal grant period, if the State proposes to use grant funds for such activities; and

(E) in the case of a State that proposes to carry out activities described in paragraph (6) and to continue such activities after grant funds under this subsection are no longer available, a description of how such activities will be sustained with non-Federal sources after such time.

(6) ADDITIONAL ACTIVITIES.—

(A) IN GENERAL.—Each State that receives a grant under this subsection may use grant funds to award subgrants to programs in a mixed delivery system across the State designed to benefit low-income and disadvantaged children prior to entering kindergarten, to—

(i)(I) enable programs to implement activities addressing areas in need of improvement as determined by the State, through the use of funds for the activities described in paragraph (5)(C) or subsection (f), as applicable; and

(II) as determined through the activities described in paragraph (5)(C) or subsection (f), as applicable, expand access to such existing programs; or

(ii) develop new programs to address the needs of children and families eligible for, but not served by, such programs, if the State ensures that—

(I) the distribution of subgrants under this subparagraph supports a mixed delivery system; and

(II) funds made available under this subparagraph will be used to supplement, and not supplant, any other Federal, State, or local funds that would otherwise be available to carry out the activities assisted under this section.

(B) PRIORITY.—In awarding subgrants under subparagraph (A), a State shall prioritize activities to improve areas in which there are State-identified needs that would improve services for low-income and disadvantaged children living in rural areas.

(C) SPECIAL RULE.—A State receiving a renewal grant under this subsection that elects to award subgrants under subparagraph (A) shall not—

(i) for the first year of the renewal grant, use more than 60 percent of the grant funds available for such year to award such subgrants; and

(ii) for each of the second and third years of the renewal grant, use more than 75 percent of the grant funds available for such year to award such subgrants.

(h) STATE REPORTING.—

(1) INITIAL GRANTS.—A State that receives an initial grant under subsection (c)(1) shall submit a final report to the Secretary not later than 6 months after the end of the grant period. The report shall include a description of—

(A) how, and to what extent, the grant funds were utilized for activities described in subsection (f), and any other activities through which funds were used to meet the purposes of this section, as described in subsection (a);

(B) strategies undertaken at the State level and, if applicable, local or program level, to implement recommendations in the strategic plan developed under subsection (f)(2);

(C)(i) any new partnerships among Head Start providers, State and local governments, Indian tribes and tribal organizations, and private entities (including faith- and community-based entities); and

(ii) how these partnerships improve coordination and delivery of services;

(D) if applicable, the degree to which the State used information from the report required under section 13 of the Child Care and Development Block Grant Act of 2014 to inform activities under this section, and how this information was useful in coordinating, and collaborating among, programs and funding sources;

(E) the extent to which activities funded by the initial grant led to the blending or braiding of other public and private funding;

(F) how information about available existing programs for children from birth to kindergarten entry was disseminated to parents and families, and how involvement by parents and family was improved; and

(G) other State-determined and voluntarily provided information to share best practices regarding early childhood education programs and the coordination of such programs.

(2) RENEWAL GRANTS.—A State receiving a renewal grant under subsection (g) shall submit a follow-up report to the Secretary not later than 6 months after the end of the grant period that includes—

(A) information described in subparagraphs (A) through (G) of paragraph (1), as applicable and updated for the period covered by the renewal grant; and

(B) if applicable, information on how the State was better able to serve children through the distribution of funds in accordance with subsection (g)(5), through—

(i) a description of the activities conducted through the use of subgrant funds, including, where appropriate, measurable areas of program improvement and better use of existing resources; and

(ii) best practices from the use of subgrant funds, including how to better serve the most vulnerable, underserved, and rural populations.

(i) RULES OF CONSTRUCTION.—

(1) LIMITATIONS ON FEDERAL INTERFERENCE.—Nothing in this section shall be construed to authorize the Secretary or the Secretary of Education to establish any criterion for grants made under this section that specifies, defines, or prescribes—

(A) early learning and development guidelines, standards, or specific assessments, including the standards or measures that States use to develop, implement, or improve such guidelines, standards, or assessments;

(B) specific measures or indicators of quality early learning and care, including—

(i) the systems that States use to assess the quality of early childhood education programs and providers, school readiness, and achievement; and

(ii) the term “high-quality” as it relates to early learning, development, or care;

(C) early learning or preschool curriculum, programs of instruction, or instructional content;

(D) teacher and staff qualifications and salaries;

(E) class sizes and ratios of children to instructional staff;

(F) any new requirement that an early childhood education program is required to meet that is not explicitly authorized in this section;

(G) the scope of programs, including length of program day and length of program year; and

(H) any aspect or parameter of a teacher, principal, other school leader, or staff evaluation system within a State, local educational agency, or early childhood education program.

(2) LIMITATION ON GOVERNMENTAL REQUIREMENTS.—

Nothing in this section shall be construed to authorize the Secretary, Secretary of Education, the State, or any other governmental agency to alter requirements for existing programs for which coordination and alignment activities are recommended under this section, or to force programs to adhere to any recommendations developed through this program. The Secretary, Secretary of Education, State, or other governmental agency may only take an action described in the preceding sentence as otherwise authorized under Federal, State, or local law.

(3) SECRETARY OF EDUCATION.—Nothing in this section shall be construed to authorize the Secretary of Education to have sole decision-making or regulatory authority in carrying out the program authorized under this section.

(j) PLANNING AND TRANSITION.—

(1) IN GENERAL.—The recipient of an award for a preschool development grant for development or expansion under such program as it existed on the day before the date of enactment of this Act may continue to receive funds in accordance with the terms of such existing award.

(2) TRANSITION.—The Secretary, jointly with the Secretary of Education, shall take such steps as are necessary to ensure an orderly transition to, and implementation of, the program

under this section from the preschool development grants for development or expansion program as such program was operating prior to the date of enactment of this Act, in accordance with subsection (k).

(k) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Secretary of Health and Human Services to carry out this section \$250,000,000 for each of fiscal years 2017 through 2020.

42 USC 9831
note.

SEC. 9213. REVIEW OF FEDERAL EARLY CHILDHOOD EDUCATION PROGRAMS.

(a) **IN GENERAL.**—The Secretary of Health and Human Services, in consultation with the heads of all Federal agencies that administer Federal early childhood education programs, shall conduct an interdepartmental review of all early childhood education programs for children less than 6 years of age in order to—

(1) develop a plan for the elimination of overlapping programs, as identified by the Government Accountability Office’s 2012 annual report (GAO–12–342SP);

(2) determine if the activities conducted by States using grant funds from preschool development grants under section 9212 have led to better utilization of resources; and

(3) make recommendations to Congress for streamlining all such programs.

(b) **REPORT AND UPDATES.**—The Secretary of Health and Human Services, in consultation with the heads of all Federal agencies that administer Federal early childhood education programs, shall—

(1) not later than 2 years after the date of enactment of this Act, prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives a detailed report that—

(A) outlines the efficiencies that can be achieved by, and specific recommendations for, eliminating overlap and fragmentation among all Federal early childhood education programs;

(B) explains how the use by States of preschool development grant funds under section 9212 has led to the better utilization of resources; and

(C) builds upon the review of Federal early learning and care programs required under section 13 of the Child Care and Development Block Grant Act of 2014 (Public Law 113–186; 128 Stat. 2002); and

(2) annually prepare and submit to such Committees a detailed update of the report described in paragraph (1).

20 USC 1070g–2
note.

SEC. 9214. USE OF THE TERM “HIGHLY QUALIFIED” IN OTHER LAWS.

(a) **REFERENCES.**—Beginning on the date of enactment of this Act—

(1) any reference in sections 420N, 428J, 428K, and 460 of the Higher Education Act of 1965 (20 U.S.C. 1070g–2, 1078–10, 1078–11, and 1087j) to the term “highly qualified” as defined in section 9101 of the Elementary and Secondary Education Act of 1965 shall be treated as a reference to such term under such section 9101 as in effect on the day before the date of enactment of this Act; and

(2) any reference in section 6112 of the America COMPETES Act (20 U.S.C. 9812), section 553 of the America COMPETES Reauthorization Act of 2010 (20 U.S.C. 9903), and section 9 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n), to “highly qualified”, as defined in section 9101 of the Elementary and Secondary Education Act of 1965, with respect to a teacher, means that the teacher meets applicable State certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification.

(b) EDUCATION SCIENCES REFORM ACT OF 2002.—Section 153(a)(1)(F)(ii) of the Education Sciences Reform Act of 2002 (20 U.S.C. 9543(a)(1)(F)(ii)) is amended by striking “teachers who are highly qualified (as such term is defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801))” and inserting “teachers who meet the applicable State certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification, or, with regard to special education teachers, the qualifications described in section 612(a)(14)(C) of the Individuals with Disabilities Education Act (20 U.S.C. 1412(a)(14)(C)).”.

(c) HIGHER EDUCATION ACT OF 1965.—The Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) is amended—

(1) in section 200—

20 USC 1021.

(A) by striking paragraph (13);

(B) in paragraph (17)(B)(ii), by striking “to become highly qualified” and inserting “who meets the applicable State certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification, or, with regard to special education teachers, the qualifications described in section 612(a)(14)(C) of the Individuals with Disabilities Education Act”; and

(C) in paragraph (22)(D)(i), by striking “becomes highly qualified” and inserting “, with respect to special education teachers, meets the qualifications described in section 612(a)(14)(C) of the Individuals with Disabilities Education Act”;

(2) in section 201(3), by striking “highly qualified teachers” and inserting “teachers who meet the applicable State certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification, or, with regard to special education teachers, the qualifications described in section 612(a)(14)(C) of the Individuals with Disabilities Education Act”;

20 USC 1022.

(3) in section 202—

20 USC 1022a.

(A) in subsection (b)(6)(H), by striking “highly qualified teachers” and inserting “teachers who meet the applicable State certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification, or, with regard to special education teachers, the qualifications described in section 612(a)(14)(C) of the Individuals with Disabilities Education Act.”;

(B) subsection (d)—

(i) in paragraph (1)—

(I) in subparagraph (A)(i)(I), by striking “be highly qualified (including teachers in rural school districts who may teach multiple subjects, special educators, and teachers of students who are limited English proficient who may teach multiple subjects)” and inserting “meet the applicable State certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification, or, with regard to special education teachers, the qualifications described in section 612(a)(14)(C) of the Individuals with Disabilities Education Act (including teachers in rural school districts, special educators, and teachers of students who are limited English proficient)”;

(II) in subparagraph (B)(iii), by striking “become highly qualified, which may include training in multiple subjects to teach multiple grade levels as may be needed for individuals preparing to teach in rural communities and for individuals preparing to teach students with disabilities as described in section 602(10)(D) of the Individuals with Disabilities Education Act” and inserting “meet the applicable State certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification, or, with regard to special education teachers, the qualifications described in section 612(a)(14)(C) of the Individuals with Disabilities Education Act, which may include training in multiple subjects to teach multiple grade levels as may be needed for individuals preparing to teach in rural communities and for individuals preparing to teach students with disabilities”;

(ii) in paragraph (5), by striking “become highly qualified teachers” and inserting “become teachers who meet the applicable State certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification, or, with regard to special education teachers, the qualifications described in section 612(a)(14)(C) of the Individuals with Disabilities Education Act”;

(C) in subsection (e)(2)(C)(iii), by striking subclause (IV) and inserting the following:

“(IV) meet the applicable State certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification, or, with regard to special education teachers, the qualifications described in section 612(a)(14)(C) of the Individuals with Disabilities Education Act, when the applicant begins to fulfill the service obligation under this clause; and”;

(4) in section 204, by striking “highly qualified teachers” each place it appears and inserting “teachers who meet the applicable State certification and licensure requirements,

including any requirements for certification obtained through alternative routes to certification, or, with regard to special education teachers, the qualifications described in section 612(a)(14)(C) of the Individuals with Disabilities Education Act (20 U.S.C. 1412(a)(14)(C)),”;

(5) in section 205(b)(1)(I), by striking “highly qualified teachers” and inserting “teachers who meet the applicable State certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification, or, with regard to special education teachers, the qualifications described in section 612(a)(14)(C) of the Individuals with Disabilities Education Act”;

20 USC 1022d.

(6) in section 207(a)(1), by striking “highly qualified teachers” and inserting “teachers who meet the applicable State certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification, or, with regard to special education teachers, the qualifications described in section 612(a)(14)(C) of the Individuals with Disabilities Education Act,”;

20 USC 1022f.

(7) in section 208(b)—

20 USC 1022g.

(A) , by striking “are highly qualified, as required under section 1119 of the Elementary and Secondary Education Act of 1965,” and inserting “meet the applicable State certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification,”; and

(B) by striking “is highly qualified by the deadline, as required under section 612(a)(14)(C) of the Individuals with Disabilities Education Act” and inserting “meets the qualifications described in section 612(a)(14)(C) of the Individuals with Disabilities Education Act”;

(8) in section 242(b)—

20 USC 1033a.

(A) in the matter preceding paragraph (1), by striking “are highly qualified” and inserting “meet the applicable State certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification, or, with regard to special education teachers, the qualifications described in section 612(a)(14)(C) of the Individuals with Disabilities Education Act,”;

(B) in paragraph (1), by striking “are highly qualified,” and inserting “meet the applicable State certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification, or, with regard to special education teachers, the qualifications described in section 612(a)(14)(C) of the Individuals with Disabilities Education Act,”; and

(C) in paragraph (3), by striking “highly qualified teachers and principals” and inserting “teachers who meet the applicable State certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification, or, with regard to special education teachers, the qualifications described in section 612(a)(14)(C) of the Individuals with Disabilities Education Act, and highly qualified principals”;

(9) in section 251(b)(1)(A)(iii), by striking “are highly qualified” and inserting “meet the applicable State certification and

20 USC 1034.

licensure requirements, including any requirements for certification obtained through alternative routes to certification, or, with regard to special education teachers, the qualifications described in section 612(a)(14)(C) of the Individuals with Disabilities Education Act”;

20 USC 1035.

(10) in section 255(k)—

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

“(1) meets the applicable State certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification, or, with regard to special education teachers, the qualifications described in section 612(a)(14)(C) of the Individuals with Disabilities Education Act;” and

(B) in paragraph (3), by striking “teacher who meets the requirements of section 9101(23) of such Act” and inserting “teacher who meets the applicable State certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification, or, with regard to special education teachers, the qualifications described in section 612(a)(14)(C) of the Individuals with Disabilities Education Act”;

(11) in section 258(d)(1)—

(A) by striking “highly qualified”; and

(B) by inserting “, who meet the applicable State certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification, or, with regard to special education teachers, the qualifications described in section 612(a)(14)(C) of the Individuals with Disabilities Education Act” before the period at the end; and

20 USC 1161f.

(12) section 806—

(A) in subsection (a), by striking paragraph (2); and

(B) in subsection (c)(1), by striking “highly qualified teachers” and inserting “teachers who meet the applicable State certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification, or, with regard to special education teachers, the qualifications described in section 612(a)(14)(C) of the Individuals with Disabilities Education Act,”.

(d) INDIVIDUALS WITH DISABILITIES EDUCATION ACT.—The Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) is amended—

20 USC 1401.

(1) in section 602, by striking paragraph (10);

20 USC 1412.

(2) in section 612(a)(14)—

(A) in subparagraph (C), by striking “secondary school is highly qualified by the deadline established in section 1119(a)(2) of the Elementary and Secondary Education Act of 1965” and inserting “secondary school—

“(i) has obtained full State certification as a special education teacher (including participating in an alternate route to certification as a special educator, if such alternate route meets minimum requirements described in section 2005.56(a)(2)(ii) of title 34, Code of Federal Regulations, as such section was in effect

on November 28, 2008), or passed the State special education teacher licensing examination, and holds a license to teach in the State as a special education teacher, except with respect to any teacher teaching in a public charter school who shall meet the requirements set forth in the State’s public charter school law;

“(ii) has not had special education certification or licensure requirements waived on an emergency, temporary, or provisional basis; and

“(iii) holds at least a bachelor’s degree.”;

(B) in subparagraph (D), by striking “highly qualified personnel” and inserting “personnel who meet the applicable requirements described in this paragraph”; and

(C) in subparagraph (E), by striking “staff person to be highly qualified” and inserting “staff person to meet the applicable requirements described in this paragraph”;

(3) in section 653(b)—

20 USC 1453.

(A) in paragraph (7), by striking “highly qualified teachers” and inserting “teachers who meet the qualifications described in section 612(a)(14)(C)”; and

(B) in paragraph (8), by striking “teachers who are not highly qualified” and inserting “teachers who do not meet the qualifications described in section 612(a)(14)(C)”; and

(4) in section 654—

20 USC 1454.

(A) in subsection (a)(4), in the matter preceding subparagraph (A), by striking “highly qualified special education teachers, particularly initiatives that have been proven effective in recruiting and retaining highly qualified teachers” and inserting “special education teachers who meet the qualifications described in section 612(a)(14)(C), particularly initiatives that have been proven effective in recruiting and retaining teachers”; and

(B) in subsection (b)—

(i) in paragraph (2), by striking “certification of special education teachers for highly qualified individuals with a baccalaureate or master’s degree” and inserting “certification of special education teachers for individuals with a baccalaureate or master’s degree who meet the qualifications described in section 612(a)(14)(C)”; and

(ii) in paragraph (4), by striking “highly qualified special education teachers” and inserting “special education teachers who meet the qualifications described in section 612(a)(14)(C)”; and

(C) in section 662—

20 USC 1462.

(i) in subsection (a)—

(I) in paragraph (1), by striking “highly qualified personnel, as defined in section 651(b)” and inserting “personnel, as defined in section 651(b), who meet the applicable requirements described in section 612(a)(14)”; and

(II) in paragraph (5), by striking “special education teachers are highly qualified” and inserting “special education teachers meet the qualifications described in section 612(a)(14)(C)”; and

(ii) in subsection (b)(2)(B), by striking “highly qualified teachers” and inserting “special education teachers who meet the qualifications described in section 612(a)(14)(C)”; and

(iii) in subsection (c)(4)(B), by striking “highly qualified personnel” and inserting “personnel who meet the applicable requirements described in section 612(a)(14)”.

(e) INDIVIDUALS WITH DISABILITIES EDUCATION IMPROVEMENT ACT OF 2004.—Section 302(a) of the Individuals with Disabilities Education Improvement Act of 2004 (20 U.S.C. 1400 note) is amended—

(1) by striking “PART D.—” through “parts A” and inserting “PART D.—Parts A” ; and

(2) by striking paragraph (2).

SEC. 9215. ADDITIONAL CONFORMING AMENDMENTS TO OTHER LAWS.

(a) ACT OF APRIL 16, 1934 (POPULARLY KNOWN AS THE JOHNSON-O’MALLEY ACT).—Section 5(a) of the Act of April 16, 1934 (popularly known as the Johnson-O’Malley Act) (25 U.S.C. 456(a)) is amended by striking “section 7114(c)(4) of the Elementary and Secondary Education Act of 1965” and inserting “section 6114(c)(4) of the Elementary and Secondary Education Act of 1965”.

(b) ADAM WALSH CHILD PROTECTION AND SAFETY ACT OF 2006.—Section 153(h) of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16962(h)) is amended by striking “section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)” and inserting “section 8101 of the Elementary and Secondary Education Act of 1965”.

(c) ADULT EDUCATION AND LITERACY ACT.—Paragraph (8) of section 203 of the Adult Education and Literacy Act (29 U.S.C. 3272) is amended to read as follows:

“(8) ESSENTIAL COMPONENTS OF READING INSTRUCTION.—

The term ‘essential components of reading instruction’ means explicit and systematic instruction in—

“(A) phonemic awareness;

“(B) phonics;

“(C) vocabulary development;

“(D) reading fluency, including oral reading skills; and

“(E) reading comprehension strategies.”.

(d) AGE DISCRIMINATION ACT OF 1975.—Section 309(4)(B)(ii) of the Age Discrimination Act of 1975 (42 U.S.C. 6107(4)(B)(ii)) is amended by striking “section 9101 of the Elementary and Secondary Education Act of 1965” and inserting “section 8101 of the Elementary and Secondary Education Act of 1965”.

(e) AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967.—Section 4(1)(1)(B)(i)(I) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 623(1)(1)(B)(i)(I)) is amended by striking “section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)” and inserting “section 8101 of the Elementary and Secondary Education Act of 1965”.

(f) AGRICULTURAL ACT OF 2014.—Section 7606(a) of the Agricultural Act of 2014 (7 U.S.C. 5940(a)) is amended by striking “the Safe and Drug-Free Schools and Communities Act (20 U.S.C. 7101 et seq.)”.

(g) AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION REFORM ACT OF 1998.—Section 413(b)(4) of the Agricultural

Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7633(b)(4)) is amended by striking “section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)” and inserting “section 8101 of the Elementary and Secondary Education Act of 1965”.

(h) ALBERT EINSTEIN DISTINGUISHED EDUCATOR FELLOWSHIP ACT OF 1994.—Each of paragraphs (1), (2), and (3) of section 514 of the Albert Einstein Distinguished Educator Fellowship Act of 1994 (42 U.S.C. 7838b) are amended by striking “section 9101 of the Elementary and Secondary Education Act of 1965” and inserting “section 8101 of the Elementary and Secondary Education Act of 1965”.

(i) AMERICA COMPETES ACT.—The America COMPETES Act (Public Law 110–69) is amended as follows:

(1) Section 6002(a) (20 U.S.C. 9802(a)) is amended by striking “section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).” and inserting “section 8101 of the Elementary and Secondary Education Act of 1965.”

(2) Section 6122 (20 U.S.C. 9832) is amended—

(A) in paragraph (3), by striking “The term ‘low-income student’ has the meaning given the term ‘low-income individual’ in section 1707(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6537(3)).” and inserting “The term ‘low-income student’ means an individual who is determined by a State educational agency or local educational agency to be a child ages 5 through 19, from a low-income family, on the basis of data used by the Secretary to determine allocations under section 1124 of the Elementary and Secondary Education Act of 1965, data on children eligible for free or reduced-price lunches under the Richard B. Russell National School Lunch Act, data on children in families receiving assistance under part A of title IV of the Social Security Act, or data on children eligible to receive medical assistance under the Medicaid program under title XIX of the Social Security Act, or through an alternate method that combines or extrapolates from those data.”; and

(B) in paragraph (4), by striking “The term ‘high concentration of low-income students’ has the meaning given the term in section 1707(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6537(2)).” and inserting “The term ‘high concentration of low-income students’, used with respect to a school, means a school that serves a student population 40 percent or more of who are low-income students.”

(3) Section 6123 (20 U.S.C. 9833) is amended—

(A) in subsection (c), by striking “the activities carried out under section 1705 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6535).” and inserting the following: “any activities carried out under section 4104 or 4107 of the Elementary and Secondary Education Act of 1965 that provide students access to accelerated learning programs that provide—

“(1) postsecondary level courses accepted for credit at institutions of higher education, including dual or concurrent enrollment programs, and early college high schools; or

“(2) postsecondary level instruction and examinations that are accepted for credit at institutions of higher education, including Advanced Placement and International Baccalaureate programs.”; and

(B) in subsection (j)(2)(B), by striking “section 1111(h)(1)(C)(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(h)(1)(C)(i))” and inserting “section 1111(b)(2)(B)(xi) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(B)(xi))”.

(4) Section 6401(e)(2)(D)(ii)(I) (20 U.S.C. 9871(e)(2)(D)(ii)(I)) is amended by striking “yearly test records of individual students with respect to assessments under section 1111(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b))” and inserting “yearly test records of individual students with respect to assessments under section 1111(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2))”.

(5) Section 7001 (42 U.S.C. 1862o note) is amended—

(A) in paragraph (4), by striking “section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)” and inserting “section 8101 of the Elementary and Secondary Education Act of 1965”; and

(B) in paragraph (7), by striking “section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)” and inserting “section 8101 of the Elementary and Secondary Education Act of 1965”.

(j) AMERICAN HISTORY AND CIVICS EDUCATION ACT OF 2004.—Section 2(d) of the American History and Civics Education Act of 2004 (20 U.S.C. 6713 note) is amended by striking “to carry out part D of title V of the Elementary and Secondary Education Act of 1965” and inserting “to carry out section 2232 of the Elementary and Secondary Education Act of 1965”.

(k) ANTI-DRUG ABUSE ACT OF 1988.—Section 3521(d)(8)(A) of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11841(d)(8)(A)) is amended by striking “education and instruction consistent with title IV of the Elementary and Secondary Education Act of 1965” and inserting “education and instruction consistent with part A of title IV of the Elementary and Secondary Education Act of 1965”.

(l) ASSETS FOR INDEPENDENCE ACT.—Section 404(11) of the Assets for Independence Act (42 U.S.C. 604 note) is amended by striking “section 7207 of the Native Hawaiian Education Act” and inserting “section 6207 of the Native Hawaiian Education Act”.

(m) ASSISTIVE TECHNOLOGY ACT OF 1998.—Section 4(c)(2)(B)(i)(V) of the Assistive Technology Act of 1998 (29 U.S.C. 3003(c)(2)(B)(i)(V)) is amended by striking “section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)” and inserting “section 8101 of the Elementary and Secondary Education Act of 1965”.

(n) CARL D. PERKINS CAREER AND TECHNICAL EDUCATION ACT OF 2006.—The Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.) is amended as follows:

(1) Section 3 (20 U.S.C. 2302) is amended—

(A) in paragraph (8), by striking “section 5210 of the Elementary and Secondary Education Act of 1965” and inserting “section 4310 of the Elementary and Secondary Education Act of 1965”;

(B) in paragraph (11), by striking “section 9101 of the Elementary and Secondary Education Act of 1965” and inserting “section 8101 of the Elementary and Secondary Education Act of 1965”;

(C) in paragraph (19), by striking “section 9101 of the Elementary and Secondary Education Act of 1965” and inserting “section 8101 of the Elementary and Secondary Education Act of 1965”; and

(D) in paragraph (27), by striking “section 9101 of the Elementary and Secondary Education Act of 1965” and inserting “section 8101 of the Elementary and Secondary Education Act of 1965”.

(2) Section 8(e) (20 U.S.C. 2306a(e)) is amended by striking “section 1111(b)(1)(D) of the Elementary and Secondary Education Act of 1965” and inserting “section 1111(b)(1) of the Elementary and Secondary Education Act of 1965”.

(3) Section 113(b) (20 U.S.C. 2323(b)) is amended—

(A) in paragraph (2)(A)—

(i) by striking clause (i) and inserting the following:

“(i) Student attainment of the challenging State academic standards, as adopted by a State in accordance with section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 and measured by the State determined levels of achievement on the academic assessments described in section 1111(b)(2) of such Act.”; and

(ii) in clause (iv), by striking “(as described in section 1111(b)(2)(C)(vi) of the Elementary and Secondary Education Act of 1965)” and inserting “(as described in section 1111(c)(4)(A)(i)(I)(bb) of the Elementary and Secondary Education Act of 1965”); and

(B) in paragraph (4)(C)(ii)(I), by striking “categories” and inserting “subgroups”.

(4) Section 114(d)(4)(A)(iii)(I)(aa) (20 U.S.C. 2324(d)(4)(A)(iii)(I)(aa)) is amended by striking “integrating those programs with academic content standards and student academic achievement standards, as adopted by States under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965;” and inserting the following: “integrating those programs with challenging State academic standards, as adopted by States under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965;”

(5) Section 116(a)(5) (20 U.S.C. 2326(a)(5)) is amended by striking “section 7207 of the Native Hawaiian Education Act (20 U.S.C. 7517)” and inserting “section 6207 of the Native Hawaiian Education Act”.

(6) Section 122(c) (20 U.S.C. 2342(c)) is amended—

(A) in paragraph (1)(I)(i), by striking “aligned with rigorous and challenging academic content standards and student academic achievement standards adopted by the State under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965” and inserting “aligned with challenging State academic standards adopted by the State under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965”; and

(B) in paragraph (7)(A)(i), by striking “the core academic subjects (as defined in section 9101 of the Elementary and Secondary Education Act of 1965)” and inserting “a well-rounded education (as defined in section 8101 of the Elementary and Secondary Education Act of 1965)”.

(7) Section 124(b)(4)(A) (20 U.S.C. 2344(b)(4)(A)) is amended in paragraph (4)(A), by striking “the core academic subjects (as defined in section 9101 of the Elementary and Secondary Education Act of 1965)” and inserting “a well-rounded education (as defined in section 8101 of the Elementary and Secondary Education Act of 1965)”.

(8) Section 134(b)(3) (20 U.S.C. 2354(b)(3)) is amended—

(A) in subparagraph (B)(i), by striking “the core academic subjects (as defined in section 9101 of the Elementary and Secondary Education Act of 1965)” and inserting “a well-rounded education (as defined in section 8101 of the Elementary and Secondary Education Act of 1965)”; and

(B) in subparagraph (E), by striking “in core academic subjects (as defined in section 9101 of the Elementary and Secondary Education Act of 1965)” and inserting “in order to provide a well-rounded education (as defined in section 8101 of the Elementary and Secondary Education Act of 1965)”.

(9) Section 135(b)(1)(A) (20 U.S.C. 2355(b)(1)(A)) is amended by striking “the core academic subjects (as defined in section 9101 of the Elementary and Secondary Education Act of 1965)” and inserting “a well-rounded education (as defined in section 8101 of the Elementary and Secondary Education Act of 1965)”.

(10) Section 203(c)(2)(D) (20 U.S.C. 2373(c)(2)(D)) is amended by striking “in core academic subjects (as defined in section 9101 of the Elementary and Secondary Education Act of 1965)” and inserting “as part of a well-rounded education (as defined in section 8101 of the Elementary and Secondary Education Act of 1965)”.

(o) CHILD ABUSE PREVENTION AND TREATMENT ACT.—Section 111(3) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106g(3)) is amended by striking “section 7207 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7517);” and inserting “section 6207 of the Elementary and Secondary Education Act of 1965;”.

(p) CHILD CARE AND DEVELOPMENT BLOCK GRANT ACT OF 1990.—The Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.) is amended as follows:

(1) Section 658E(c)(2)(G)(ii)(V)(dd) (42 U.S.C. 9858c(c)(2)(G)(ii)(V)(dd)) is amended by striking “(as defined in section 7207 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7517))” and inserting “(as defined in section 6207 of the Elementary and Secondary Education Act of 1965)”.

(2) Section 658P(5) (42 U.S.C. 9858n(5)) is amended by striking “an individual who is limited English proficient, as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801) or section 637 of the Head Start Act (42 U.S.C. 9832)” and inserting “an individual

who is an English learner, as defined in section 8101 of the Elementary and Secondary Education Act of 1965, or who is limited English proficient, as defined in section 637 of the Head Start Act (42 U.S.C. 9832)”.

(q) CHILDREN’S INTERNET PROTECTION ACT.—Section 1721(g) of the Children’s Internet Protection Act (20 U.S.C. 9134 note; 114 Stat. 2763A-350), as enacted into law by section 1(a)(4) of the Consolidated Appropriations Act, 2001 (Public Law 106–554; 114 Stat. 2763), is amended by striking “Notwithstanding any other provision of law, funds available under section 3134 or part A of title VI of the Elementary and Secondary Education Act of 1965, or under section 231 of the Library Services and Technology Act, may be used for the purchase or acquisition of technology protection measures that are necessary to meet the requirements of this title and the amendments made by this title.” and inserting “Notwithstanding any other provision of law, funds available under part B of title I of the Elementary and Secondary Education Act of 1965, or under section 231 of the Library Services and Technology Act, may be used for the purchase or acquisition of technology protection measures that are necessary to meet the requirements of this title and the amendments made by this title.”.

(r) CIVIL RIGHTS ACT OF 1964.—Section 606(2)(B) of the Civil Rights Act of 1964 (42 U.S.C. 2000d–4a(2)(B)) is amended by striking “a local educational agency (as defined in section 9101 of the Elementary and Secondary Education Act of 1965),” and inserting “a local educational agency (as defined in section 8101 of the Elementary and Secondary Education Act of 1965),”.

(s) COMMUNICATIONS ACT OF 1934.—Section 254(h) of the Communications Act of 1934 (47 U.S.C. 254(h)) is amended—

(1) in paragraph (5)(A)(iii), by striking “an elementary or secondary school as defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801)” and inserting “an elementary school or a secondary school as defined in section 8101 of the Elementary and Secondary Education Act of 1965”; and

(2) in paragraph (7)(A), by striking “section 9101 of the Elementary and Secondary Education Act of 1965” and inserting “section 8101 of the Elementary and Secondary Education Act of 1965”.

(t) COMMUNITY SERVICES BLOCK GRANT ACT.—Section 682(b)(4) of the Community Services Block Grant Act (42 U.S.C. 9923(b)(4)) is amended by striking “section 9101 of the Elementary and Secondary Education Act of 1965” and inserting “section 8101 of the Elementary and Secondary Education Act of 1965”.

(u) CONGRESSIONAL AWARD ACT.—Section 203(3)(A) of the Congressional Award Act (2 U.S.C. 812(3)(A)) is amended by striking “section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801)” and inserting “section 8101 of the Elementary and Secondary Education Act of 1965”.

(v) DEPARTMENT OF EDUCATION ORGANIZATION ACT.—Section 215(b)(2)(A) of the Department of Education Organization Act (20 U.S.C. 3423c) is amended by striking “be responsible for administering this title” and inserting “be responsible for administering part A of title VI of the Elementary and Secondary Education Act of 1965”.

(w) DEPARTMENT OF ENERGY SCIENCE EDUCATION ENHANCEMENT ACT.—Section 3181(a)(1) of the Department of Energy Science

Education Enhancement Act (42 U.S.C. 73811(a)(1)) is amended by striking “with a high concentration of low-income individuals (as defined in section 1707 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6537))” and inserting “in which 40 percent or more of the students attending the school are children from low-income families”.

(x) DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2001.—Section 303 of the Department of Transportation and Related Agencies Appropriations Act, 2001, (49 U.S.C. 106 note; 114 Stat. 1356A-23), as enacted into law by section 101(a) of the Act entitled “An Act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September, 30, 2001, and for other purposes”, approved October 23, 2000 (Public Law 106-346; 114 Stat. 1356), is amended by striking “except as otherwise authorized by title VIII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7701 et seq.), for expenses of primary and secondary schooling for dependents of Federal Aviation Administration personnel stationed outside the continental United States at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools, if any, available in the locality are unable to provide adequately for the education of such dependents;” and inserting “except as otherwise authorized by title VII of the Elementary and Secondary Education Act of 1965, for expenses of primary and secondary schooling for dependents of Federal Aviation Administration personnel stationed outside the continental United States at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools, if any, available in the locality are unable to provide adequately for the education of such dependents;”.

(y) DISTRICT OF COLUMBIA COLLEGE ACCESS ACT OF 1999.—Section 3(c)(5) of the District of Columbia College Access Act of 1999 (sec. 38-2702(c)(5), D.C. Official Code) is amended by striking “section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801)” and inserting “section 8101 of the Elementary and Secondary Education Act of 1965”.

(z) DISTRICT OF COLUMBIA SCHOOL REFORM ACT OF 1995.—Section 2210(a) of the District of Columbia School Reform Act of 1995 (sec. 38-1802.10(a), D.C. Official Code) is amended by striking paragraph (6) and inserting the following:

“(6) INAPPLICABILITY OF CERTAIN ESEA PROVISIONS.—The following provisions of the Elementary and Secondary Education Act of 1965 shall not apply to a public charter school:

“(A) Paragraph (4) of section 1112(b) and paragraph (1) of section 1112(c).

“(B) Section 1113.

“(C) Subsections (d) and (e) of section 1116.

“(D) Section 1117.

“(E) Subsections (c) and (e) of section 1118.”.

(aa) EARTHQUAKE HAZARDS.—Section 2(c)(1)(A) of the Act entitled “An Act to authorize appropriations for carrying out the Earthquake Hazards Reduction Act of 1977 for fiscal years 1998 and 1999, and for other purposes”, approved October 1, 1997 (42 U.S.C. 7704 note) is amended by striking “section 9101 of the Elementary and Secondary Education Act of 1965” and inserting “section 8101 of the Elementary and Secondary Education Act of 1965”.

(bb) EDUCATION AMENDMENTS OF 1972.—Section 908(2)(B) of the Education Amendments of 1972 (20 U.S.C. 1687(2)(B)) is amended by striking “9101 of the Elementary and Secondary Education Act of 1965), system of vocational education, or other school system;” and inserting “section 8101 of the Elementary and Secondary Education Act of 1965), system of vocational education, or other school system;”.

(cc) EDUCATION AMENDMENTS OF 1978.—Part B of title XI of the Education Amendments of 1978 (25 U.S.C. 2000 et seq.) is amended as follows:

(1) Section 1139(e) (25 U.S.C. 2019(e)) is amended by striking “part B of title I of the Elementary and Secondary Education Act of 1965” and inserting “subpart 2 of part B of title II of the Elementary and Secondary Education Act of 1965”.

(2) Section 1141(9) (25 U.S.C. 2021(9)) is amended by striking “the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801)” and inserting “the Elementary and Secondary Education Act of 1965”.

(dd) EDUCATION FOR ECONOMIC SECURITY ACT.—The Education for Economic Security Act (20 U.S.C. 3901 et seq.) is amended as follows:

(1) Section 3 (20 U.S.C. 3902) is amended—

(A) in paragraph (3), by striking “section 9101 of the Elementary and Secondary Education Act of 1965.” and inserting “section 8101 of the Elementary and Secondary Education Act of 1965.”;

(B) in paragraph (7), by striking “section 9101 of the Elementary and Secondary Education Act of 1965” and inserting “section 8101 of the Elementary and Secondary Education Act of 1965”;

(C) in paragraph (8), by striking “section 198(a)(7) of the Elementary and Secondary Education Act of 1965” and inserting “section 8101 of the Elementary and Secondary Education Act of 1965”; and

(D) in paragraph (12), by striking “section 9101 of the Elementary and Secondary Education Act of 1965.” and inserting “section 8101 of the Elementary and Secondary Education Act of 1965.”.

(2) Section 511 (20 U.S.C. 4020) is amended—

(A) by striking subparagraph (A) of paragraph (4) and inserting the following:

“(A) any local educational agency as defined in section 8101 of the Elementary and Secondary Education Act of 1965; and”;

(B) by striking subparagraph (A) of paragraph (5) and inserting the following:

“(A) any elementary school or secondary school as defined in section 8101 of the Elementary and Secondary Education Act of 1965 owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual; and”.

(ee) EDUCATION OF THE DEAF ACT OF 1986.—Section 104(b)(5) of the Education of the Deaf Act of 1986 (20 U.S.C. 4304(b)(5)) is amended—

(1) in subparagraph (A)—

(A) in clause (i), by striking “select challenging academic content standards, challenging student academic achievement standards, and academic assessments of a State, adopted and implemented, as appropriate, pursuant to paragraphs (1) and (3) of section 1111(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1) and (3))” and inserting “select challenging State academic content standards, aligned academic achievement standards, and State academic assessments of a State, adopted and implemented, as appropriate, pursuant to paragraphs (1) and (2) of section 1111(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1) and (2))”; and

(B) in clause (ii), by striking “2009–2010 academic year” and inserting “2016–2017 academic year”;

(2) by striking subparagraph (B) and inserting the following:

“(B) adopt the accountability system, consistent with section 1111(c) of such Act, of the State from which standards and assessments are selected under subparagraph (A)(i); and”;

(3) in subparagraph (C), by striking “whether the programs at the Clerc Center are making adequate yearly progress” and inserting “the results of the annual evaluation of the programs at the Clerc Center”.

(ff) EDUCATION SCIENCES REFORM ACT OF 2002.—The Education Sciences Reform Act of 2002 (20 U.S.C. 9501 et seq.) is amended as follows:

(1) Paragraph (1) of section 102 (20 U.S.C. 9501) is amended to read as follows:

“(1)(A) IN GENERAL.—The terms ‘elementary school’, ‘secondary school’, ‘local educational agency’, and ‘State educational agency’ have the meanings given those terms in section 8101 of the Elementary and Secondary Education Act of 1965.

“(B) OUTLYING AREAS.—The term ‘outlying areas’ has the meaning given such term in section 1121(c) of such Act.

“(C) FREELY ASSOCIATED STATES.—The term ‘freely associated states’ means the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.”.

(2) Section 173(b) (20 U.S.C. 9563(b)) is amended by striking “part E of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6491 et seq.)” and inserting “section 8601 of the Elementary and Secondary Education Act of 1965”.

(gg) EDUCATIONAL TECHNICAL ASSISTANCE ACT OF 2002.—The Educational Technical Assistance Act of 2002 (20 U.S.C. 9601 et seq.) is amended as follows:

(1) Section 202 (20 U.S.C. 9601) is amended by striking “section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)” and inserting “section 8101 of the Elementary and Secondary Education Act of 1965”.

(2) Section 203 (20 U.S.C. 9602) is amended—

(A) in subsection (a)(2)(B), by striking “the number of schools identified for school improvement (as described in section 1116(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b))” and inserting “the number of schools implementing comprehensive support

and improvement activities and targeted support and improvement activities under section 1111(d) of the Elementary and Secondary Education Act of 1965”;

(B) in subsection (e)(3), by striking “schools in the region that have been identified for school improvement under section 1116(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b))” and inserting “schools in the region that are implementing comprehensive support and improvement activities or targeted support and improvement activities under section 1111(d) of the Elementary and Secondary Education Act of 1965”; and

(C) in subsection (f)(1)(B), by striking “and encouraging and sustaining school improvement (as described in section 1116(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b)))” and inserting “, and particularly assisting those schools implementing comprehensive support and improvement and targeted support and improvement activities under section 1111(d) of the Elementary and Secondary Education Act of 1965.”.

(hh) FAMILY AND MEDICAL LEAVE ACT OF 1993.—Section 108(a)(1)(A) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2618(a)(1)(A)) is amended by striking “section 9101 of the Elementary and Secondary Education Act of 1965” and inserting “section 8101 of the Elementary and Secondary Education Act of 1965”.

(ii) FAMILY VIOLENCE PREVENTION AND SERVICES ACT.—Section 302(6) of the Family Violence Prevention and Services Act (42 U.S.C. 10402(6)) is amended by striking “section 7207 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7517).” and inserting “section 6207 of the Elementary and Secondary Education Act of 1965.”.

(jj) FDA FOOD SAFETY MODERNIZATION ACT.—Section 112(a)(2) of the FDA Food Safety Modernization Act (21 U.S.C. 2205(a)(2)) is amended by striking “section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)” and inserting “section 8101 of the Elementary and Secondary Education Act of 1965”.

(kk) FLOYD D. SPENCE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001.—Section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (20 U.S.C. 7703a) is amended—

(1) in subsection (a), by striking “subparagraph (A)(ii), (B), (D)(i) or (D)(ii) of section 8003(a)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(a)(1))” and inserting “subparagraph (A)(ii) or (B), or clause (i) or (ii) of subparagraph (D), of section 7003(a)(1)”;

(2) in subsection (g), by striking “section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).” and inserting “section 7013 of the Elementary and Secondary Education Act of 1965.”.

(ll) FOOD AND AGRICULTURE ACT OF 1977.—Section 1417(j)(1)(B) of the Food and Agriculture Act of 1977 (7 U.S.C. 3152(j)(1)(B)) is amended by striking “section 9101 of the Elementary and Secondary Education Act of 1965” and inserting “section 8101 of the Elementary and Secondary Education Act of 1965”.

(mm) GENERAL EDUCATION PROVISIONS ACT.—The General Education Provisions Act (20 U.S.C. 1221 et seq.) is amended as follows:

(1) Section 425(6) (20 U.S.C. 1226c(6)) is amended by striking “section 9601 of the Elementary and Secondary Education Act of 1965” and inserting “section 8601 of the Elementary and Secondary Education Act of 1965”.

(2) Section 426 (20 U.S.C. 1228) is amended by striking “title VIII of the Elementary and Secondary Education Act of 1965, but not including any portion of such funds as are attributable to children counted under section 8003(d) of such Act or residing on property described in section 8013(10) of such Act.” and inserting “title VII of the Elementary and Secondary Education Act of 1965, but not including any portion of such funds as are attributable to children counted under section 7003(d) of such Act or residing on property described in section 7013(10) of such Act.”.

(3) Section 429(d)(2)(B)(i) (20 U.S.C. 1228c(d)(2)(B)(i)) is amended by striking “an elementary or secondary school as defined by the Elementary and Secondary Education Act of 1965” and inserting “an elementary or secondary school (as defined by the terms ‘elementary school’ and ‘secondary school’ in section 8101 of the Elementary and Secondary Education Act of 1965)”.

(4) Section 441(a) (20 U.S.C. 1232d(a)) is amended by striking “part C of title V of the Elementary and Secondary Education Act of 1965) to the Secretary a general application” and inserting “part D of title IV of the Elementary and Secondary Education Act of 1965) to the Secretary a general application”.

(5) Section 445(c)(5)(D) (20 U.S.C. 1232h(c)(5)(D)) is amended by striking “part A of title V” and inserting “part A of title IV”.

(nn) HEAD START ACT.—The Head Start Act (42 U.S.C. 9831 et seq.) is amended as follows:

(1) Section 637 (42 U.S.C. 9832) is amended—

(A) in the paragraph relating to a delegate agency, by striking “section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)” and inserting “section 8101 of the Elementary and Secondary Education Act of 1965”; and

(B) in subparagraph (A)(ii)(I) of the paragraph relating to limited English proficient, by striking “(as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)), an Alaska Native, or a native resident of an outlying area (as defined in such section 9101);” and inserting “(as defined in section 8101 of the Elementary and Secondary Education Act of 1965), an Alaska Native, or a native resident of an outlying area (as defined in such section 8101);”.

(2) Section 641(d)(2) (42 U.S.C. 9836(d)(2)) is amended—

(A) in subparagraph (H)—

(i) by striking clause (i);

(ii) by redesignating clauses (ii) through (vii) as clauses (i) through (vi), respectively; and

(iii) in clause (i) (as so redesignated)—

(I) by striking “other”; and

(II) by striking “that Act” and inserting “the Elementary and Secondary Education Act of 1965”; and

(B) in subparagraph (J)(iii), by striking “, such as entities carrying out Even Start programs under subpart 3 of part B of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6381 et seq.)”.

(3) Section 642 (42 U.S.C. 9837) is amended—

(A) in subsection (b)(4), by striking “, such as entities carrying out Even Start programs under subpart 3 of part B of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6381 et seq.)”; and

(B) in subsection (e)(3), by striking “Even Start programs under subpart 3 of part B of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6381 et seq.)”.

(4) Section 642A(a) (42 U.S.C. 9837a(a)) is amended—

(A) in paragraph (7)(B), by striking “the information provided to parents of limited English proficient children under section 3302 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7012)” and inserting “the information provided to parents of English learners under section 1112(e)(3) of the Elementary and Secondary Education Act of the 1965”; and

(B) in paragraph (8), by striking “parental involvement efforts under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.)” and inserting “parent and family engagement efforts under title I of the Elementary and Secondary Education Act of 1965”.

(5) Section 648(a)(3)(A)(iii) (42 U.S.C. 9843(a)(3)(A)(iii)) is amended by striking “, and for activities described in section 1222(d) of the Elementary and Secondary Education Act of 1965)”.

(6) Section 657B(c)(1)(B)(vi) (42 U.S.C. 9852b(c)(1)(B)(vi)) is amended—

(A) by striking subclause (III);

(B) by redesignating subclauses (IV) through (VII) as subclauses (III) through (VI), respectively; and

(C) in subclause (III) (as so redesignated)—

(i) by striking “other”; and

(ii) by striking “that Act” and inserting “the Elementary and Secondary Education Act of 1965”.

(oo) HIGHER EDUCATION ACT OF 1965.—The Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) is amended as follows:

(1) Section 103 (20 U.S.C. 1003) is amended—

(A) in paragraph (9), by striking “section 9101 of the Elementary and Secondary Education Act of 1965” and inserting “section 8101 of the Elementary and Secondary Education Act of 1965”;

(B) in paragraph (10), by striking “section 9101 of the Elementary and Secondary Education Act of 1965” and inserting “section 8101 of the Elementary and Secondary Education Act of 1965”;

(C) in paragraph (11), by striking “section 9101 of the Elementary and Secondary Education Act of 1965” and inserting “section 8101 of the Elementary and Secondary Education Act of 1965”;

(D) in paragraph (16), by striking “section 9101 of the Elementary and Secondary Education Act of 1965” and inserting “section 8101 of the Elementary and Secondary Education Act of 1965”; and

(E) in paragraph (21), by striking “section 9101 of the Elementary and Secondary Education Act of 1965” and inserting “section 8101 of the Elementary and Secondary Education Act of 1965”.

(2) Section 200 (20 U.S.C. 1021) is amended—

(A) in paragraph (3), by striking “The term ‘core academic subjects’ has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965” and inserting “The term ‘core academic subjects’ means English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography”;

(B) in paragraph (5), by striking “section 9101 of the Elementary and Secondary Education Act of 1965” and inserting “section 8101 of the Elementary and Secondary Education Act of 1965”;

(C) in paragraph (6)(B), by striking “section 5210 of the Elementary and Secondary Education Act of 1965” and inserting “section 4310 of the Elementary and Secondary Education Act of 1965”;

(D) by striking paragraph (7) and inserting the following:

“(7) ESSENTIAL COMPONENTS OF READING INSTRUCTION.—The term ‘essential components of reading instruction’ has the meaning given the term in section 1208 of the Elementary and Secondary Education Act of 1965 as such section was in effect on the day before the date of enactment of the Every Student Succeeds Act.”;

(E) by striking paragraph (8) and inserting the following:

“(8) EXEMPLARY TEACHER.—The term ‘exemplary teacher’ has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 as such section was in effect on the day before the date of enactment of the Every Student Succeeds Act.”;

(F) in paragraph (10)(A)—

(i) in clause (iii), by striking “section 6211(b) of the Elementary and Secondary Education Act of 1965” and inserting “section 5211(b) of the Elementary and Secondary Education Act of 1965”; and

(ii) in clause (iv), by striking “section 6221(b) of the Elementary and Secondary Education Act of 1965” and inserting “section 5221(b) of the Elementary and Secondary Education Act of 1965”;

(G) in paragraph (15), by striking “The term ‘limited English proficient’ has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.” and inserting “The term ‘limited English proficient’ has the meaning given the term ‘English learner’ in section 8101 of the Elementary and Secondary Education Act of 1965.”;

(H) in paragraph (16), by striking “section 9101 of the Elementary and Secondary Education Act of 1965”

and inserting “section 8101 of the Elementary and Secondary Education Act of 1965”; and

(I) in paragraph (19), by striking “section 9101 of the Elementary and Secondary Education Act of 1965.” and inserting “section 8101 of the Elementary and Secondary Education Act of 1965.”.

(3) Section 202 (20 U.S.C. 1022a) is amended in subsection (b)(6)(E)(ii), by striking “student academic achievement standards and academic content standards under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965,” and inserting “challenging State academic standards under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965.”.

(4) Section 205(b)(1)(C) (20 U.S.C. 1022d(b)(1)(C)) is amended by striking “are aligned with the State’s challenging academic content standards required under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965” and inserting “are aligned with the challenging State academic standards required under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965”.

(5) Section 241 (20 U.S.C. 1033) is amended by striking paragraph (2) and inserting the following:

“(2) SCIENTIFICALLY BASED READING RESEARCH.—The term ‘scientifically based reading research’—

“(A) means research that applies rigorous, systemic, and objective procedures to obtain valid knowledge relevant to reading development, reading instruction, and reading difficulties; and

“(B) includes research that—

“(i) employs systemic, empirical methods that draw on observation or experiment;

“(ii) involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn;

“(iii) relies on measurements or observational methods that provide valid data across evaluators and observers and across multiple measurements and observations; and

“(iv) has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review.”.

(6) Section 317(b) (20 U.S.C. 1059d(b)) is amended—

(A) in paragraph (1), by striking “section 7306 of the Elementary and Secondary Education Act of 1965;” and inserting “section 6306 of the Elementary and Secondary Education Act of 1965;”; and

(B) in paragraph (3), by striking “section 7207 of the Elementary and Secondary Education Act of 1965; and” and inserting “section 6207 of the Elementary and Secondary Education Act of 1965; and”.

(7) Section 402E(d)(2) (20 U.S.C. 1070a–15(d)(2)) is amended—

(A) in subparagraph (A), by striking “Alaska Natives, as defined in section 7306 of the Elementary and Secondary Education Act of 1965;” and inserting “Alaska Natives,

as defined in section 6306 of the Elementary and Secondary Education Act of 1965;” and

(B) in subparagraph (B), by striking “Native Hawaiians, as defined in section 7207 of such Act” and inserting “Native Hawaiians, as defined in section 6207 of such Act”.

(8) Section 428K (20 U.S.C. 1078–11) is amended in subsection (b)—

(A) in paragraph (5)(B)(iv), by striking “section 9101 of the Elementary and Secondary Education Act of 1965” and inserting “section 8101 of the Elementary and Secondary Education Act of 1965”; and

(B) by striking paragraph (8) and inserting the following:

“(8) SCHOOL COUNSELORS.—The individual—

“(A) is employed full-time as a school counselor who has documented competence in counseling children and adolescents in a school setting and who—

“(i) is licensed by the State or certified by an independent professional regulatory authority;

“(ii) in the absence of such State licensure or certification, possesses national certification in school counseling or a specialty of counseling granted by an independent professional organization; or

“(iii) holds a minimum of a master’s degree in school counseling from a program accredited by the Council for Accreditation of Counseling and Related Educational Programs or the equivalent; and

“(B) is so employed in a school that qualifies under section 465(a)(2)(A) for loan cancellation for Perkins loan recipients who teach in such a school.”.

(9) Section 469(a) (20 U.S.C. 1087ii(a)) is amended by striking “eligible to be counted under title I of the Elementary and Secondary Education Act of 1965” and inserting “eligible to be counted under section 1124(c) of the Elementary and Secondary Education Act of 1965”.

(10) Section 481(f) (20 U.S.C. 1088(f)) is amended by striking “section 9101 of the Elementary and Secondary Education Act of 1965” and inserting “section 8101 of the Elementary and Secondary Education Act of 1965”.

(11) Section 819(b) (20 U.S.C. 1161j) is amended—

(A) in paragraph (1), by striking “section 7306 of the Elementary and Secondary Education Act of 1965.” and inserting “section 6306 of the Elementary and Secondary Education Act of 1965.”; and

(B) in paragraph (4), by striking “section 7207 of the Elementary and Secondary Education Act of 1965.” and inserting “section 6207 of the Elementary and Secondary Education Act of 1965.”.

(12) Section 861(c)(2)(A) (20 U.S.C. 1161q(c)(2)(A)) is amended by striking “section 9101 of the Elementary and Secondary Education Act of 1965” and inserting “section 8101 of the Elementary and Secondary Education Act of 1965”.

(pp) IMPACT AID IMPROVEMENT ACT OF 2012.—Section 563(c)(1) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 1748; 20 U.S.C. 7702 note) as

amended by section 7001(a), is further amended by striking “Notwithstanding section 8005(d) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7705(d)), subsection (b)(1), and the amendments made by subsection (b)(1), shall take effect with respect to applications submitted under section 8002 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702) for fiscal year 2010.” and inserting “With respect to applications submitted under section 8002 of the Elementary and Secondary Education Act of 1965, as such section was in effect on the day before the date of enactment of the Every Student Succeeds Act, for fiscal year 2010, title VIII of the Elementary and Secondary Education Act of 1965 (including the amendments made by subsection (b)(1)), as in effect on such date, and subsection (b)(1) shall take effect with respect to such applications, notwithstanding section 8005(d) of such Act, as in effect on such date.”.

(qq) INDIAN HEALTH CARE IMPROVEMENT ACT.—Section 726(b)(3)(D)(iii) of the Indian Health Care Improvement Act (25 U.S.C. 1667e(b)(3)(D)(iii)) is amended by striking “a school receiving payments under section 8002 or 8003 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702, 7703).” and inserting “a school receiving payments under section 7002 or 7003 of the Elementary and Secondary Education Act of 1965.”.

(rr) INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT.—Section 209 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458e) is amended by striking “assistance provided under title IX of the Elementary and Secondary Education Act of 1965.” and inserting “assistance provided under title VI of the Elementary and Secondary Education Act of 1965.”.

(ss) INDIVIDUALS WITH DISABILITIES EDUCATION ACT.—The Individuals with Disabilities Education Act is amended as follows:

(1) Section 602 (20 U.S.C. 1401) is amended—

(A) by striking paragraph (4);

(B) in paragraph (8)(a)(3), by striking “under parts A and B of title III of that Act” and inserting “under part A of title III of that Act”; and

(C) by striking paragraph (18) and inserting the following:

“(18) LIMITED ENGLISH PROFICIENT.—The term ‘limited English proficient’ has the meaning given the term ‘English learner’ in section 8101 of the Elementary and Secondary Education Act of 1965.”.

(2) Section 611(e) (20 U.S.C. 1411(e)) is amended—

(A) in paragraph (2)(C)—

(i) in clause (x), by striking “6111 of the Elementary and Secondary Education Act of 1965” and inserting “1201 of the Elementary and Secondary Education Act of 1965”; and

(ii) in clause (xi)—

(I) by striking “including supplemental educational services as defined in 1116(e) of the Elementary and Secondary Education Act of 1965 to children with disabilities, in schools or local educational agencies identified for improvement under section 1116 of the Elementary and Secondary Education Act of 1965 on the sole basis of the assessment results of the disaggregated subgroup of children with disabilities” and inserting

“including direct student services described in section 1003A(c)(3) of the Elementary and Secondary Education Act of 1965 to children with disabilities, to schools or local educational agencies implementing comprehensive support and improvement activities or targeted support and improvement activities under section 1111(d) of the Elementary and Secondary Education Act of 1965 on the basis of consistent underperformance of the disaggregated subgroup of children with disabilities”; and

(II) by striking “to meet or exceed the objectives established by the State under section 1111(b)(2)(G) the Elementary and Secondary Education Act of 1965” and inserting “based on the challenging academic standards described in section 1111(b)(1) of such Act”; and

(B) in paragraph (3)(C)(ii)(I)(bb), by striking “section 9101” and inserting “section 8101”.

(3) Section 612(a) (20 U.S.C. 1412(a)) is amended—

(A) in paragraph (15)—

(i) in subparagraph (A), by striking clause (ii) and inserting the following:

“(ii) are the same as the State’s long-term goals and measurements of interim progress for children with disabilities under section 1111(c)(4)(A)(i) of the Elementary and Secondary Education Act of 1965;”;

(ii) in subparagraph (B), by striking “including measurable annual objectives for progress by children with disabilities under section 1111(b)(2)(C)(v)(II)” and inserting “including measurements of interim progress for children with disabilities under section 1111(c)(4)(A)(i)”; and

(B) in paragraph (16)(C)(ii)—

(i) in subclause (I), by striking “State’s challenging academic content standards and challenging student academic achievement standards” and inserting “challenging State academic content standards under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 and alternate academic achievement standards under section 1111(b)(1)(E) of such Act”; and

(ii) in subclause (II), by striking “the regulations promulgated to carry out section 1111(b)(1) of the Elementary and Secondary Education Act of 1965,” and inserting “section 1111(b)(1)(E) of the Elementary and Secondary Education Act of 1965,”.

(4) Section 613(a) (20 U.S.C. 1413(a)) is amended in paragraph (3), by striking “subject to the requirements of section 612(a)(14) and section 2122 of the Elementary and Secondary Education Act of 1965” and inserting “subject to the requirements of section 612(a)(14) and section 2102(b) of the Elementary and Secondary Education Act of 1965”.

(5) Section 614(b)(5)(A) (20 U.S.C. 1414(b)(5)(A)) is amended by inserting “, as such section was in effect on the day before the date of enactment of the Every Student Succeeds Act” after “1965”.

(6) Section 651(c)(5)(E) (20 U.S.C. 1451(c)(5)(E)) is amended by striking “and 2112,” and inserting “and 2101(d)”.

(7) Section 653(b)(3) (20 U.S.C. 1453(b)(3)) is amended by striking “and 2112,” and inserting “and 2101(d)”.

(8) Section 654 (20 U.S.C. 1454) is amended—

(A) in subsection (a)—

(i) in paragraph (1)(B), by striking “challenging State student academic achievement and functional standards and with the requirements for professional development, as defined in section 9101 of the Elementary and Secondary Education Act of 1965” and inserting “challenging State academic achievement standards and with the requirements for professional development, as defined in section 8101 of such Act”; and

(ii) in paragraph (5)(A), by striking “section 9101 of the Elementary and Secondary Education Act of 1965” and inserting “section 8101 of the Elementary and Secondary Education Act of 1965”; and

(B) in subsection (b)(10), by inserting “(as such section was in effect on the day before the date of enactment of the Every Student Succeeds Act)” after “1965”.

(9) Section 662(b)(2)(A)(viii) (20 U.S.C. 1462(b)(2)(A)(viii)) is amended by striking “section 7113(d)(1)(A)(ii)” and inserting “section 6113(d)(1)(A)(ii)”.

(10) Section 663(b)(2) (20 U.S.C. 1463(b)(2)) is amended by striking and inserting the following:

“(2) improving the alignment, compatibility, and development of valid and reliable assessments and alternate assessments for assessing student academic achievement, as described under section 1111(b)(2) of the Elementary and Secondary Education Act of 1965;”.

(11) Section 681(d)(3)(K) (20 U.S.C. 1481(d)(3)(K)) is amended by striking “payments under title VIII of the Elementary and Secondary Education Act of 1965;” and inserting “payments under title VII of the Elementary and Secondary Education Act of 1965;”.

(tt) NATIONAL SECURITY ACT OF 1947.—Section 1015(2)(A) of the National Security Act of 1947 (50 U.S.C. 441j-4(2)(A)) is amended by striking “section 9101(26) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(26));” and inserting “section 8101 of the Elementary and Secondary Education Act of 1965;”.

(uu) INTERNAL REVENUE CODE OF 1986.—The Internal Revenue Code of 1986 is amended as follows:

(1) Section 54E(d)(2) is amended by striking “section 9101 of the Elementary and Secondary Education Act of 1965” and inserting “section 8101 of the Elementary and Secondary Education Act of 1965”.

(2) Section 457(e)(11)(D)(ii)(I) is amended by striking “section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)” and inserting “section 8101 of the Elementary and Secondary Education Act of 1965”.

(3) Section 1397E(d)(4)(B) is amended by striking “section 9101 of the Elementary and Secondary Education Act of 1965” and inserting “section 8101 of the Elementary and Secondary Education Act of 1965”.

50 USC 3205.

26 USC 54E.

(vv) JAMES MADISON MEMORIAL FELLOWSHIP ACT.—Section 815(4) of the James Madison Memorial Fellowship Act (20 U.S.C. 4514(4)) is amended by striking “9101” and inserting “8101”.

(ww) JOHN WARNER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007.—Section 572(c) of the National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2226) is amended by striking “section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9))” and inserting “section 8101 of the Elementary and Secondary Education Act of 1965”.

(xx) LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1987.—Section 104(3)(B)(ii) of the Legislative Branch Appropriations Act, 1987 (as incorporated by reference in section 101(j) of Public Law 99-500 and Public Law 99-591) (2 U.S.C. 5540(3)(B)(ii)) is amended by striking “given such terms in section 9101” and inserting “given the terms elementary school and secondary school in section 8101”.

(yy) LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1997.—Section 5(d)(1) of the Legislative Branch Appropriations Act, 1997 (2 U.S.C. 66319(d)(1)) is amended by striking “public elementary or secondary school as such terms are defined in section 9101” and inserting “elementary school or secondary school, as such terms are defined in section 8101”.

(zz) MCKINNEY-VENTO HOMELESS ASSISTANCE ACT.—Section 725(3) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(3)) is amended by striking “section 9101 of the Elementary and Secondary Education Act of 1965” and inserting “section 8101 of the Elementary and Secondary Education Act of 1965”.

(aaa) MUSEUM AND LIBRARY SERVICES ACT.—The Museum and Library Services Act (20 U.S.C. 9161 et seq.) is amended as follows:

(1) Section 204(f) (20 U.S.C. 9103(f)) is amended by striking paragraph (1) and inserting the following:

“(1) activities under section 2226 of the Elementary and Secondary Education Act of 1965;”

(2) Section 224(b)(6)(A) (20 U.S.C. 9134(b)(6)(A)) is amended by striking “including coordination with the activities within the State that are supported by a grant under section 1251 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6383)” and inserting “including coordination with the activities within the State that are supported by a grant under section 2226 of the Elementary and Secondary Education Act of 1965”.

(3) Section 261 (20 U.S.C. 9161) is amended by striking “represent Native Hawaiians (as the term is defined in section 7207 of the Native Hawaiian Education Act” and inserting “represent Native Hawaiians (as the term is defined in section 6207 of the Native Hawaiian Education Act)”.

(4) Section 274(d) (20 U.S.C. 9173(d)) is amended by striking “represent Native Hawaiians (as defined in section 7207 of the Native Hawaiian Education Act (20 U.S.C. 7517)),” and inserting “represent Native Hawaiians (as defined in section 6207 of the Native Hawaiian Education Act)”.

(bbb) NATIONAL AND COMMUNITY SERVICE ACT OF 1990.—The National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.) is amended as follows:

(1) Section 101 (42 U.S.C. 12511) is amended—

(A) in paragraph (15), by striking “section 9101 of the Elementary and Secondary Education Act of 1965”

and inserting “section 8101 of the Elementary and Secondary Education Act of 1965”;

(B) in paragraph (24), by striking “section 9101 of the Elementary and Secondary Education Act of 1965” and inserting “section 8101 of the Elementary and Secondary Education Act of 1965”;

(C) in paragraph (39), by striking “section 9101 of the Elementary and Secondary Education Act of 1965” and inserting “section 8101 of the Elementary and Secondary Education Act of 1965”; and

(D) in paragraph (45), by striking “section 9101 of the Elementary and Secondary Education Act of 1965” and inserting “section 8101 of the Elementary and Secondary Education Act of 1965”.

(2) Section 112(a)(1)(F) (42 U.S.C. 12523(a)(1)(F)) is amended by striking “not making adequate yearly progress for two or more consecutive years under section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.)” and inserting “implementing comprehensive support and improvement activities or targeted support and improvement activities under section 1111(d) of the Elementary and Secondary Education Act of 1965”.

(3) Section 119(a)(2)(A)(ii)(II) (42 U.S.C. 12563) is amended by striking “the graduation rate (as defined in section 1111(b)(2)(C)(vi) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(vi)) and as clarified in applicable regulations promulgated by the Department of Education” and inserting “the four-year adjusted cohort graduation rate (as defined in section 8101 of the Elementary and Secondary Education Act of 1965)”.

(4) Section 122(a)(1) (42 U.S.C. 12572(a)(1)) is amended in subparagraph (C)(iii), by striking “secondary school graduation rates as defined in section 1111(b)(2)(C)(vi) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(vi)) and as clarified in applicable regulations promulgated by the Department of Education” and inserting “four-year adjusted cohort graduation rate (as defined in section 8101 of the Elementary and Secondary Education Act of 1965)”.

(ccc) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2006.—Section 572 of the National Defense Authorization Act for Fiscal Year 2006 (20 U.S.C. 7703b) is amended—

(1) in subsection (a)(2), by striking “section 8003(a)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(a)(1)).” and inserting “section 7003(a)(1) of the Elementary and Secondary Education Act of 1965.”; and

(2) in subsection (e)(2), by striking “section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).” and inserting “section 7013(9) of the Elementary and Secondary Education Act of 1965.”.

(ddd) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012.—Section 532(a)(1) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81) (10 U.S.C. 503 note; 125 Stat. 1403(a)(1)) is amended by striking “(as defined in section 9101(38) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(38)).” and inserting “(as defined in section 8101 of the Elementary and Secondary Education Act of 1965).”.

(eee) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2014.—Section 573 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66) (10 U.S.C. 503 note; 127 Stat. 772) is amended—

(1) in subsection (a)(1), by striking “(as defined in section 9101(38) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(38)),” and inserting “(as defined in section 8101 of the Elementary and Secondary Education Act of 1965),”; and

(2) in subsection (b), by striking “(as defined in section 9101(38) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(38))” and inserting “(as defined in section 8101 of the Elementary and Secondary Education Act of 1965)”.

(fff) NATIONAL ENVIRONMENTAL EDUCATION ACT.—Section 3(5) of the National Environmental Education Act (20 U.S.C. 5502(5)) is amended by striking “‘local educational agency’ means any education agency as defined in section 9101 of the Elementary and Secondary Education Act of 1965 and shall include any tribal education agency;” and inserting “‘local educational agency’ means any education agency as defined in section 8101 of the Elementary and Secondary Education Act of 1965 and shall include any tribal education agency;”.

(ggg) NATIONAL SCIENCE FOUNDATION AUTHORIZATION ACT OF 2002.—The National Science Foundation Authorization Act of 2002 (Public Law 107-368; 116 Stat. 3034) is amended as follows:

(1) Section 4 (42 U.S.C. 1862n note) is amended—

(A) in paragraph (3), by striking “The term ‘community college’ has the meaning given such term in section 3301(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7011(3))” and inserting “The term ‘community college’ means an institution of higher education as defined in section 101 of the Higher Education Act of 1965 that provides not less than a 2-year degree that is acceptable for full credit toward a bachelor’s degree, including institutions of higher education receiving assistance under the Tribally Controlled College or University Assistance Act of 1978”;

(B) in paragraph (5), by striking “section 9101(18) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(18))” and inserting “section 8101 of the Elementary and Secondary Education Act of 1965”;

(C) in paragraph (10), by striking “section 9101(26) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(26))” and inserting “section 8101 of the Elementary and Secondary Education Act of 1965”;

(D) in paragraph (13), by striking “section 9101(38) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(38))” and inserting “section 8101 of the Elementary and Secondary Education Act of 1965”; and

(E) in paragraph (15), by striking “section 9101(41) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(41))” and inserting “section 8101 of the Elementary and Secondary Education Act of 1965”.

(2) Section 9 (42 U.S.C. 1862n) is amended—

(A) in subsection (a)(10)(A)(iii) in subclause (III), by striking “(as described in section 1114(a)(1) of the Elementary and Secondary Education Act of 1965 (20

U.S.C. 6314(a)(1))” and inserting “(as described in section 1114(a)(1)(A))”; and

(B) in subsection (c)(4), by striking “the program authorized under part B of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6601 et seq.)” and inserting “other programs with similar purposes”.

(hhh) NATIONAL SECURITY ACT OF 1947.—Section 1015(2)(A) of the National Security Act of 1947 (50 U.S.C. 3205(2)(A)) is amended by striking “(as that term is defined in section 9101(26) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(26)))” and inserting “(as that term is defined in section 8101 of the Elementary and Secondary Education Act of 1965)”.

(iii) NATIVE AMERICAN LANGUAGES ACT.—Section 103 of the Native American Languages Act (25 U.S.C. 2902) is amended—

(1) in paragraph (2), by striking “section 7151(3) of the Elementary and Secondary Education Act of 1965” and inserting “section 6151(3) of the Elementary and Secondary Education Act of 1965”; and

(2) in paragraph (3), by striking “section 7207 of the Elementary and Secondary Education Act of 1965” and inserting “section 6207 of the Elementary and Secondary Education Act of 1965”.

(jjj) NATIVE HAWAIIAN HEALTH CARE IMPROVEMENT ACT.—Section 6(c)(4) of the Native Hawaiian Health Care Improvement Act (42 U.S.C. 11705(c)(4)) is amended by striking “private educational organization identified in section 7202(16) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7512(16)) to continue to offer its educational programs and services to Native Hawaiians (as defined in section 7207 of that Act (20 U.S.C. 7517)) first and to others” and inserting “private educational organization identified in section 7202(16) of the Elementary and Secondary Education Act of 1965 (as such section was in effect on the day before the date of enactment of the Every Student Succeeds Act) to continue to offer its educational programs and services to Native Hawaiians (as defined in section 6207 of the Elementary and Secondary Education Act of 1965) first and to others”.

(kkk) PUBLIC HEALTH SERVICE ACT.—The Public Health Service Act is amended as follows:

(1) Section 319C–1(b)(2)(A)(vii) (42 U.S.C. 247d–3a(b)(2)(A)(vii)) is amended by striking “including State educational agencies (as defined in section 9101(41) of the Elementary and Secondary Education Act of 1965)” and inserting “including State educational agencies (as defined in section 8101 of the Elementary and Secondary Education Act of 1965)”.

(2) Section 399L(d)(3)(A) (42 U.S.C. 280g(d)(3)(A)) is amended by striking “section 9101 of the Elementary and Secondary Education Act of 1965” and inserting “section 8101 of the Elementary and Secondary Education Act of 1965”.

(3) Section 520E(1)(2) (42 U.S.C. 290bb–36(1)(2)) is amended by striking “elementary or secondary school (as such terms are defined in section 9101 of the Elementary and Secondary Education Act of 1965)” and inserting “elementary school or secondary school (as such terms are defined in section 8101 of the Elementary and Secondary Education Act of 1965)”.

(lll) REFUGEE EDUCATION ASSISTANCE ACT OF 1980.—Section 101(1) of the Refugee Education Assistance Act of 1980 (8 U.S.C.

1522 note) is amended by striking “such terms under section 9101 of the Elementary and Secondary Education Act of 1965” and inserting “such terms under section 8101 of the Elementary and Secondary Education Act of 1965”.

(mmm) REHABILITATION ACT OF 1973.—The Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.) is amended as follows:

(1) Section 202(b)(4)(A)(i) (29 U.S.C. 762(b)(4)(A)(i)) is amended by striking “(as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)); and” and inserting “(as defined in section 8101 of the Elementary and Secondary Education Act of 1965); and”.

(2) Section 206 (29 U.S.C. 766) is amended by striking “(as such terms are defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801))” and inserting “(as such terms are defined in section 8101 of the Elementary and Secondary Education Act of 1965)”.

(3) Section 504(b)(2)(B) (29 U.S.C. 794(b)(2)(B)) is amended by striking “(as defined in section 9101 of the Elementary and Secondary Education Act of 1965)” and inserting “(as defined in section 8101 of the Elementary and Secondary Education Act of 1965)”.

(4)(A) Section 511(b)(2) (29 U.S.C. 794g(b)(2)), as added by section 458 of the Workforce Innovation and Opportunity Act (Public Law 113–128; 128 Stat. 1676), is amended by striking “local educational agency (as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)) or a State educational agency (as defined in such section)” and inserting “local educational agency (as defined in section 8101 of the Elementary and Secondary Education Act of 1965) or a State educational agency (as defined in such section)”.

29 USC 794g
note.

(B) The amendment made by subparagraph (A) shall take effect on the same date as section 458(a) of the Workforce Innovation and Opportunity Act (Public Law 113–128; 128 Stat. 1676) takes effect, and as if enacted as part of such section.

29 USC 1760.

(nnn) RICHARD B. RUSSELL NATIONAL SCHOOL LUNCH ACT.—The Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) is amended in section 12(d)(4) (42 U.S.C. 1769a(d)(4)) by striking “section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)” and inserting “section 8101 of the Elementary and Secondary Education Act of 1965”.

(ooo) SAFE DRINKING WATER ACT.—Section 1461 of the Safe Drinking Water Act (42 U.S.C. 300j–21(3)) is amended—

(1) in paragraph (3), by striking “section 9101 of the Elementary and Secondary Education Act of 1965” and inserting “section 8101 of the Elementary and Secondary Education Act of 1965”; and

(2) in paragraph (6), by striking “section 9101 of the Elementary and Secondary Education Act of 1965” and inserting “section 8101 of the Elementary and Secondary Education Act of 1965”.

(ppp) SCHOLARSHIPS FOR OPPORTUNITY AND RESULTS ACT.—The Scholarships for Opportunity and Results Act (division C of Public Law 112–10; sec. 38–1853.01 et seq., D.C. Official Code) is amended as follows:

(1) In section 3003 (sec. 38–1853.03, D.C. Official Code), by striking “identified for improvement, corrective action, or

restructuring under section 1116 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316)” and inserting “implementing comprehensive support and improvement activities or targeted support and improvement activities under section 1111(d) of the Elementary and Secondary Education Act of 1965”.

(2) In section 3006(1)(A) (sec. 38–1853.06(1)(A), D.C. Official Code), by striking “identified for improvement, corrective action, or restructuring under section 1116 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316)” and inserting “implementing comprehensive support and improvement activities or targeted support and improvement activities under section 1111(d) of the Elementary and Secondary Education Act of 1965”.

(3) In section 3007 (sec. 38–1853.07, D.C. Official Code)—

(A) in subsection (a)(4)(F), by striking “ensures that, with respect to core academic subjects (as such term is defined in section 9101(11) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(11))” and inserting “ensures that, with respect to core academic subjects (as such term was defined in section 9101(11) of the Elementary and Secondary Act of 1965 (20 U.S.C. 7801(11)) on the day before the date of enactment of the Every Student Succeeds Act”); and

(B) in subsection (d), by striking “identified for improvement, corrective action, or restructuring under section 1116 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316)” and inserting “implementing comprehensive support and improvement activities or targeted support and improvement activities under section 1111(d) of the Elementary and Secondary Education Act of 1965”.

(4) In section 3013 (sec. D.C. Code 38–1853.13, D.C. Official Code)—

(A) in paragraph (5), by striking “section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)” and inserting “section 8101 of the Elementary and Secondary Education Act of 1965”; and

(B) in paragraph (8), by striking “section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)” and inserting “section 8101 of the Elementary and Secondary Education Act of 1965”.

(qqq) SOCIAL SECURITY ACT.—The Social Security Act (42 U.S.C. 301 et seq.) is amended as follows:

(1) Section 475(1)(G)(ii)(I) (42 U.S.C. 675(1)(G)(ii)(I)) is amended by striking “local educational agencies (as defined under section 9101 of the Elementary and Secondary Education Act of 1965)” and inserting “local educational agencies (as defined under section 8101 of the Elementary and Secondary Education Act of 1965)”.

(2) Section 2110(c)(9)(B)(v) (42 U.S.C. 1397jj(c)(9)(B)(v)) is amended by striking “as defined under section 9101 of the Elementary and Secondary Education Act of 1965” and inserting “as defined under section 8101 of the Elementary and Secondary Education Act of 1965”.

(rrr) STATE DEPENDENT CARE DEVELOPMENT GRANTS ACT.—Section 670G(6) of the State Dependent Care Development Grants

Act (42 U.S.C. 9877(6)) is amended by striking “section 9101 of the Elementary and Secondary Education Act of 1965 of the Elementary and Secondary Education Act of 1965” and inserting “section 8101 of the Elementary and Secondary Education Act of 1965”.

(sss) STEVENSON-WYDLER TECHNOLOGY INNOVATION ACT OF 1980.—Section 5(c)(8) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3704(c)(8)) is amended—

(1) in subparagraph (D), by striking “section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)” and inserting “section 8101 of the Elementary and Secondary Education Act of 1965”;

(2) in subparagraph (G), by striking “section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)” and inserting “section 8101 of the Elementary and Secondary Education Act of 1965”; and

(3) in subparagraph (H), by striking “section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)” and inserting “section 8101 of the Elementary and Secondary Education Act of 1965”.

(ttt) TELECOMMUNICATIONS ACT OF 1996.—Section 706(d)(2) of the Telecommunications Act of 1996 (47 U.S.C. 1302(d)(2)) is amended by striking “section 9101 of the Elementary and Secondary Education Act of 1965” and inserting “section 8101 of the Elementary and Secondary Education Act of 1965”.

(uuu) TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) Section 503 of title 10, United States Code, is amended by striking “section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)” and inserting “section 8101 of the Elementary and Secondary Education Act of 1965”.

(2) Section 1154(a) of title 10, United States Code, is amended—

(A) in paragraph (1), by striking “section 5210(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7221i(1))” and inserting “section 4310 of the Elementary and Secondary Education Act of 1965”;

(B) in paragraph (3)(C), by striking “section 6211(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7345(b))” and inserting “section 5211(b) of the Elementary and Secondary Education Act of 1965”; and

(C) in paragraph (8), by striking “section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)” and inserting “section 8101 of the Elementary and Secondary Education Act of 1965”.

(3) Section 2008 of title 10, United States Code, is amended by striking “section 8013(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(3)), or to carry out section 8008 of such Act (20 U.S.C. 7708)” and inserting “section 7013(3) of the Elementary and Secondary Education Act of 1965, or to carry out section 7008 of such Act”.

(4) Section 2194(f)(2) of title 10, United States Code, is amended by striking “section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)” and inserting “section 8101 of the Elementary and Secondary Education Act of 1965”.

(vvv) TITLE 23, UNITED STATES CODE.—Section 504(d)(4) of title 23, United States Code, is amended—

(1) in subparagraph (B), by striking “section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)” and inserting “section 8101 of the Elementary and Secondary Education Act of 1965”; and

(2) in subparagraph (C), by striking “section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)” and inserting “section 8101 of the Elementary and Secondary Education Act of 1965”.

(www) TITLE 40, UNITED STATES CODE.—Section 502(c)(3)(C) of title 40, United States Code, is amended by striking “section 8013 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713)” and inserting “section 7013 of the Elementary and Secondary Education Act of 1965”.

(xxx) TOXIC SUBSTANCES CONTROL ACT.—The Toxic Substances Control Act (15 U.S.C. 2601 et seq.) is amended as follows:

(1) Section 202 (15 U.S.C. 2642) is amended—

(A) in paragraph (7), by striking “section 9101 of the Elementary and Secondary Education Act of 1965” and inserting “section 8101 of the Elementary and Secondary Education Act of 1965”;

(B) in paragraph (9), by striking “any elementary or secondary school (as defined in section 9101 of the Elementary and Secondary Education Act of 1965)” and inserting “any elementary school or secondary school (as defined in section 8101 of the Elementary and Secondary Education Act of 1965)”; and

(C) in paragraph (12), by striking “elementary or secondary school as defined in section 9101 of the Elementary and Secondary Education Act of 1965” and inserting “elementary school or secondary school as defined in section 8101 of the Elementary and Secondary Education Act of 1965”.

(2) Section 302(1) (15 U.S.C. 2662(1)) is amended by striking “section 9101 of the Elementary and Secondary Education Act of 1965” and inserting “section 8101 of the Elementary and Secondary Education Act of 1965”.

(yyy) WORKFORCE INNOVATION AND OPPORTUNITY ACT.—The Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.) is amended as follows:

(1) Section 3 (29 U.S.C. 3102) is amended—

(A) in paragraph (34), by striking “section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)” and inserting “section 8101 of the Elementary and Secondary Education Act of 1965”; and

(B) in paragraph (55), by striking “section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)” and inserting “section 8101 of the Elementary and Secondary Education Act of 1965”.

(2) Section 102(b)(2)(D)(ii)(I) (29 U.S.C. 3112(b)(2)(D)(ii)(I)) is amended by striking “with State-adopted challenging academic content standards, as adopted under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1))” and inserting “with challenging State academic standards, as adopted under section 1111(b)(1) of the

Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1))”.

(3) Section 129(c)(1)(C) (29 U.S.C. 3164(c)(1)(C)) is amended by striking “(based on State academic content and student academic achievement standards established under section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311))” and inserting “(based on challenging State academic standards established under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1))”.

(4) Section 166(b)(3) (29 U.S.C. 3221(b)(3)) is amended by striking “section 7207 of the Native Hawaiian Education Act (20 U.S.C. 7517).” and inserting “section 6207 of the Native Hawaiian Education Act.”.

Approved December 10, 2015.

LEGISLATIVE HISTORY—S. 1177 (H.R. 5):

HOUSE REPORTS: Nos. 114–24, Pt. 1 (Comm. on Education and the Workforce) accompanying H.R. 5 and 114–354 (Comm. of Conference).

SENATE REPORTS: No. 114–231 (Comm. on Health, Education, Labor, and Pensions).

CONGRESSIONAL RECORD, Vol. 161 (2015):

July 7–9, 13–16, considered and passed Senate.

Nov. 17, considered and passed House, amended, pursuant to H. Res. 526.

Dec. 2, House agreed to conference report.

Dec. 3, 8, 9, Senate considered and agreed to conference report.

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2015):

Dec. 10, Presidential remarks.

Public Law 114–96
114th Congress

An Act

Further Continuing Appropriations Act, 2016

Dec. 11, 2015

[H.R. 2250]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Continuing Appropriations Act, 2016 (Public Law 114–53) is amended by striking the date specified in section 106(3) and inserting “December 16, 2015”.

Further
Continuing
Appropriations
Act, 2016.
Ante, p. 506.

This Act may be cited as the “Further Continuing Appropriations Act, 2016”.

Approved December 11, 2015.

LEGISLATIVE HISTORY—H.R. 2250:

HOUSE REPORTS: No. 114–110 (Comm. on Appropriations).

SENATE REPORTS: No. 114–64 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 161 (2015):

May 19, considered and passed House.

Dec. 10, considered and passed Senate, amended.

Dec. 11, House concurred in Senate amendments.

Public Law 114–97
114th Congress

An Act

Dec. 11, 2015
[S. 599]

To extend and expand the Medicaid emergency psychiatric demonstration project.

Improving Access
to Emergency
Psychiatric Care
Act.
42 USC 1305
note.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Improving Access to Emergency
Psychiatric Care Act”.

**SEC. 2. EXTENSION AND EXPANSION OF MEDICAID EMERGENCY PSY-
CHIATRIC DEMONSTRATION PROJECT.**

Time period.

(a) IN GENERAL.—Subsection (d) of section 2707 of Public Law
111–148 (42 U.S.C. 1396a note) is amended to read as follows:

“(d) LENGTH OF DEMONSTRATION PROJECT.—

“(1) IN GENERAL.—Except as provided in paragraphs (2)
and (3), the demonstration project established under this section
shall be conducted for a period of 3 consecutive years.

“(2) TEMPORARY EXTENSION OF PARTICIPATION ELIGIBILITY
FOR SELECTED STATES.—

Determination.

“(A) IN GENERAL.—Subject to subparagraph (B) and
paragraph (4), a State selected as an eligible State to
participate in the demonstration project on or prior to
March 13, 2012, shall, upon the request of the State, be
permitted to continue to participate in the demonstration
project through September 30, 2016, if—

Certification.

“(i) the Secretary determines that the continued
participation of the State in the demonstration project
is projected not to increase net program spending under
title XIX of the Social Security Act; and

“(ii) the Chief Actuary of the Centers for Medicare
& Medicaid Services certifies that such extension for
that State is projected not to increase net program
spending under title XIX of the Social Security Act.

“(B) NOTICE OF PROJECTIONS.—The Secretary shall pro-
vide each State selected to participate in the demonstration
project on or prior to March 13, 2012, with notice of the
determination and certification made under subparagraph
(A) for the State.

“(3) EXTENSION AND EXPANSION OF DEMONSTRATION
PROJECT.—

“(A) ADDITIONAL EXTENSION.—Taking into account the
recommendations submitted to Congress under subsection
(f)(3), the Secretary may permit an eligible State partici-
pating in the demonstration project as of the date such
recommendations are submitted to continue to participate

in the project through December 31, 2019, if, with respect to the State—

“(i) the Secretary determines that the continued participation of the State in the demonstration project is projected not to increase net program spending under title XIX of the Social Security Act; and

“(ii) the Chief Actuary of the Centers for Medicare & Medicaid Services certifies that the continued participation of the State in the demonstration project is projected not to increase net program spending under title XIX of the Social Security Act.

“(B) OPTION FOR EXPANSION TO ADDITIONAL STATES.—Taking into account the recommendations submitted to Congress pursuant to subsection (f)(3), the Secretary may expand the number of eligible States participating in the demonstration project through December 31, 2019, if, with respect to any new eligible State—

“(i) the Secretary determines that the participation of the State in the demonstration project is projected not to increase net program spending under title XIX of the Social Security Act; and

“(ii) the Chief Actuary of the Centers for Medicare & Medicaid Services certifies that the participation of the State in the demonstration project is projected not to increase net program spending under title XIX of the Social Security Act.

“(C) NOTICE OF PROJECTIONS.—The Secretary shall provide each State participating in the demonstration project as of the date the Secretary submits recommendations to Congress under subsection (f)(3), and any additional State that applies to be added to the demonstration project, with notice of the determination and certification made for the State under subparagraphs (A) and (B), respectively, and the standards used to make such determination and certification—

“(i) in the case of a State participating in the demonstration project as of the date the Secretary submits recommendations to Congress under subsection (f)(3), not later than August 31, 2016; and

“(ii) in the case of an additional State that applies to be added to the demonstration project, prior to the State making a final election to participate in the project.

“(4) AUTHORITY TO ENSURE BUDGET NEUTRALITY.—The Secretary annually shall review each participating State’s demonstration project expenditures to ensure compliance with the requirements of paragraphs (2)(A)(i), (2)(A)(ii), (3)(A)(i), (3)(A)(ii), (3)(B)(i), and (3)(B)(ii) (as applicable). If the Secretary determines with respect to a State’s participation in the demonstration project that the State’s net program spending under title XIX of the Social Security Act has increased as a result of the State’s participation in the project, the Secretary shall treat the demonstration project excess expenditures of the State as an overpayment under title XIX of the Social Security Act.”.

(b) FUNDING.—Subsection (e) of section 2707 of such Act (42 U.S.C. 1396a note) is amended—

(1) in the subsection heading, by striking “LIMITATIONS ON FEDERAL”;

(2) in paragraph (2)—

(A) in the paragraph heading, by striking “5-YEAR”;

and

(B) by striking “through December 31, 2015” and inserting “until expended”;

(3) by striking paragraph (3);

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

(5) in paragraph (3) (as so redesignated), by striking “and the availability of funds” and inserting “(other than States deemed to be eligible States through the application of subsection (c)(4))”; and

(6) in paragraph (4) (as so redesignated)—

(A) in the first sentence—

(i) by inserting “(other than a State deemed to be an eligible State through the application of subsection (c)(4))” after “eligible State”; and

(ii) by striking “paragraph (4)” and inserting “paragraph (3)”; and

(B) by inserting after the first sentence the following:

“In addition to any payments made to an eligible State under the preceding sentence, the Secretary shall, during any period in effect under paragraph (2) or (3) of subsection (d), or during any period in which a law described in subsection (f)(4)(C) is in effect, pay each eligible State (including any State deemed to be an eligible State through the application of subsection (c)(4)), an amount each quarter equal to the Federal medical assistance percentage of expenditures in the quarter during such period for medical assistance described in subsection (a). Payments made to a State for emergency psychiatric demonstration services under this section during the extension period shall be treated as medical assistance under the State plan for purposes of section 1903(a)(1) of the Social Security Act (42 U.S.C. 1396b(a)(1)).”.

(c) RECOMMENDATIONS TO CONGRESS.—Subsection (f) of section 2707 of such Act (42 U.S.C. 1396a note) is amended by adding at the end the following:

“(3) RECOMMENDATION TO CONGRESS REGARDING EXTENSION AND EXPANSION OF PROJECT.—Not later than September 30, 2016, the Secretary shall submit to Congress and make available to the public recommendations based on an evaluation of the demonstration project, including the use of appropriate quality measures, regarding—

“(A) whether the demonstration project should be continued after September 30, 2016; and

“(B) whether the demonstration project should be expanded to additional States.

“(4) RECOMMENDATION TO CONGRESS REGARDING PERMANENT EXTENSION AND NATIONWIDE EXPANSION.—

“(A) IN GENERAL.—Not later than April 1, 2019, the Secretary shall submit to Congress and make available to the public recommendations based on an evaluation of the demonstration project, including the use of appropriate quality measures, regarding—

Deadline.
Public
information.

Deadline.
Public
information.

“(i) whether the demonstration project should be permanently continued after December 31, 2019, in 1 or more States; and

“(ii) whether the demonstration project should be expanded (including on a nationwide basis).

“(B) REQUIREMENTS.—Any recommendation submitted under subparagraph (A) to permanently continue the project in a State, or to expand the project to 1 or more other States (including on a nationwide basis) shall include a certification from the Chief Actuary of the Centers for Medicare & Medicaid Services that permanently continuing the project in a particular State, or expanding the project to a particular State (or all States) is projected not to increase net program spending under title XIX of the Social Security Act. Certification.

“(C) CONGRESSIONAL APPROVAL REQUIRED.—The Secretary shall not permanently continue the demonstration project in any State after December 31, 2019, or expand the demonstration project to any additional State after December 31, 2019, unless Congress enacts a law approving either or both such actions and the law includes provisions that—

“(i) ensure that each State’s participation in the project complies with budget neutrality requirements; and

“(ii) require the Secretary to treat any expenditures of a State participating in the demonstration project that are excess of the expenditures projected under the budget neutrality standard for the State as an overpayment under title XIX of the Social Security Act.

“(5) FUNDING.—Of the unobligated balances of amounts available in the Centers for Medicare & Medicaid Services Program Management account, \$100,000 shall be available to carry out this subsection and shall remain available until expended.”

(d) CONFORMING AMENDMENTS.—Section 2707 of such Act (42 U.S.C. 1396a note) is amended—

(1) in subsection (a), in the matter before paragraph (1), by inserting “publicly or” after “institution for mental diseases that is”;

(2) in subsection (c)—

(A) in paragraph (1), by striking “An eligible State” and inserting “Except as otherwise provided in paragraph (4), an eligible State”;

(B) in paragraph (3), by striking “A State shall” and inserting “Except as otherwise provided in paragraph (4), a State shall”; and

(C) by adding at the end the following:

“(4) NATIONWIDE AVAILABILITY.—In the event that the Secretary makes a recommendation pursuant to subsection (f)(4) that the demonstration project be expanded on a national basis, any State that has submitted or submits an application pursuant to paragraph (2) shall be deemed to have been selected to be an eligible State to participate in the demonstration project.”; and

42 USC 1396a
note.

(3) in the heading for subsection (f), by striking “AND REPORT” and inserting “, REPORT, AND RECOMMENDATIONS”.
(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

Approved December 11, 2015.

LEGISLATIVE HISTORY—S. 599:

SENATE REPORTS: No. 114–101 (Comm. on Finance).

CONGRESSIONAL RECORD, Vol. 161 (2015):

Sept. 28, considered and passed Senate.

Nov. 16, considered and passed House, amended.

Nov. 19, Senate concurred in House amendment.

Public Law 114–98
114th Congress

An Act

To amend the Safe Drinking Water Act to reauthorize technical assistance to small public water systems, and for other purposes.

Dec. 11, 2015
[S. 611]

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Grassroots Rural and Small Community Water Systems Assistance Act”.

Grassroots Rural and Small Community Water Systems Assistance Act.
42 USC 201 note.

SEC. 2. FINDINGS.

Congress finds that—

(1) the Safe Drinking Water Act Amendments of 1996 (Public Law 104–182) authorized technical assistance for small and rural communities to assist those communities in complying with regulations promulgated pursuant to the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

(2) technical assistance and compliance training—

(A) ensures that Federal regulations do not overwhelm the resources of small and rural communities; and

(B) provides small and rural communities lacking technical resources with the necessary skills to improve and protect water resources;

(3) across the United States, more than 90 percent of the community water systems serve a population of less than 10,000 individuals;

(4) small and rural communities have the greatest difficulty providing safe, affordable public drinking water and wastewater services due to limited economies of scale and lack of technical expertise; and

(5) in addition to being the main source of compliance assistance, small and rural water technical assistance has been the main source of emergency response assistance in small and rural communities.

42 USC 300j–1
note.

SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) to assist small and rural communities most effectively, the Administrator of the Environmental Protection Agency should prioritize the types of technical assistance that are most beneficial to those communities, based on input from those communities; and

(2) local support is the key to making Federal assistance initiatives work in small and rural communities to the maximum benefit.

SEC. 4. FUNDING PRIORITIES.

Section 1442(e) of the Safe Drinking Water Act (42 U.S.C. 300j–1(e)) is amended—

(1) by designating the first through seventh sentences as paragraphs (1) through (7), respectively;

(2) in paragraph (5) (as so designated), by striking “1997 through 2003” and inserting “2015 through 2020”; and

(3) by adding at the end the following:

“(8) **NONPROFIT ORGANIZATIONS.**—

“(A) **IN GENERAL.**—The Administrator may use amounts made available to carry out this section to provide grants or cooperative agreements to nonprofit organizations that provide to small public water systems onsite technical assistance, circuit-rider technical assistance programs, multistate, regional technical assistance programs, onsite and regional training, assistance with implementing source water protection plans, and assistance with implementing monitoring plans, rules, regulations, and water security enhancements.

“(B) **PREFERENCE.**—To ensure that technical assistance funding is used in a manner that is most beneficial to the small and rural communities of a State, the Administrator shall give preference under this paragraph to nonprofit organizations that, as determined by the Administrator, are the most qualified and experienced in providing training and technical assistance to small public water systems and that the small community water systems in that State find to be the most beneficial and effective.

“(C) **LIMITATION.**—No grant or cooperative agreement provided or otherwise made available under this section may be used for litigation pursuant to section 1449.”

Grants.
Contracts.

Approved December 11, 2015.

LEGISLATIVE HISTORY—S. 611:

HOUSE REPORTS: No. 114–346 (Comm. on Energy and Commerce).

SENATE REPORTS: No. 114–47 (Comm. on Environment and Public Works).

CONGRESSIONAL RECORD, Vol. 161 (2015):

June 9, considered and passed Senate.

Nov. 30, considered and passed House.

Public Law 114–99
114th Congress

An Act

To amend title 39, United States Code, to extend the authority of the United States Postal Service to issue a semipostal to raise funds for breast cancer research, and for other purposes.

Dec. 11, 2015
[S. 1170]

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Breast Cancer Research Stamp Reauthorization Act of 2015”.

Breast Cancer
Research Stamp
Reauthorization
Act of 2015.
39 USC 101 note.

SEC. 2. EXTENSION OF POSTAGE STAMP FOR BREAST CANCER RESEARCH.

Section 414(h) of title 39, United States Code, is amended by striking “2015” and inserting “2019”.

SEC. 3. ENSURING THAT FUNDS GENERATED BY SPECIAL POSTAGE STAMP SALES ARE USED FOR BREAST CANCER RESEARCH.

Section 414(c)(1) of title 39, United States Code, is amended in the matter following subparagraph (B) by adding at the end the following: “An agency that receives amounts from the Postal Service under this paragraph shall use the amounts for breast cancer research.”.

Approved December 11, 2015.

LEGISLATIVE HISTORY—S. 1170:

SENATE REPORTS: No. 114–144 (Comm. on Homeland Security and Governmental Affairs).

CONGRESSIONAL RECORD, Vol. 161 (2015):

Sept. 22, considered and passed Senate.

Nov. 30, Dec. 1, considered and passed House.

Public Law 114–100
114th Congress

Joint Resolution

Dec. 16, 2015
[H.J. Res. 78]

Making further continuing appropriations for fiscal year 2016, and for other purposes.

Ante, p. 2193.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Continuing Appropriations Act, 2016 (Public Law 114–53) is further amended by striking the date specified in section 106(3) and inserting “December 22, 2015”.

Approved December 16, 2015.

LEGISLATIVE HISTORY—H.J. Res. 78:

CONGRESSIONAL RECORD, Vol. 161 (2015):

Dec. 16, considered and passed House and Senate.

Public Law 114–101
114th Congress

An Act

To redesignate the Nisqually National Wildlife Refuge, located in the State of Washington, as the Billy Frank Jr. Nisqually National Wildlife Refuge, to establish the Medicine Creek Treaty National Memorial within the wildlife refuge, and for other purposes.

Dec. 18, 2015
[H.R. 2270]

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Billy Frank Jr. Tell Your Story Act”.

Billy Frank Jr.
Tell Your Story
Act.
Native
Americans.
16 USC 668dd
note.

SEC. 2. REDESIGNATION OF THE NISQUALLY NATIONAL WILDLIFE REFUGE.

(a) REDESIGNATION.—The Nisqually National Wildlife Refuge, located in the State of Washington, is redesignated as the “Billy Frank Jr. Nisqually National Wildlife Refuge”.

(b) REFERENCES.—Any reference in any statute, rule, regulation, Executive order, publication, map, paper, or other document of the United States to the Nisqually National Wildlife Refuge is deemed to refer to the Billy Frank Jr. Nisqually National Wildlife Refuge.

16 USC 668dd
note.

SEC. 3. MEDICINE CREEK TREATY NATIONAL MEMORIAL, WASHINGTON.

(a) ESTABLISHMENT.—There is established the Medicine Creek Treaty National Memorial within the Billy Frank Jr. Nisqually National Wildlife Refuge to commemorate the location of the signing of the Medicine Creek Treaty of 1854 between the United States Government and leaders of the Muckleshoot, Nisqually, Puyallup, and Squaxin Island Indian Tribes.

(b) ACREAGE AND ADMINISTRATION.—The Secretary of the Interior shall establish the boundaries of the Medicine Creek Treaty National Memorial and provide for administration and interpretation of the memorial by the United States Fish and Wildlife Service.

(c) COORDINATION.—The Secretary of the Interior shall coordinate with representatives of the Muckleshoot, Nisqually, Puyallup,

54 USC 320301
note.

129 STAT. 2204

PUBLIC LAW 114–101—DEC. 18, 2015

and Squaxin Island Indian Tribes in providing for the interpretation of the Medicine Creek Treaty National Memorial.

Approved December 18, 2015.

LEGISLATIVE HISTORY—H.R. 2270:

HOUSE REPORTS: No. 114–335 (Comm. on Natural Resources).
CONGRESSIONAL RECORD, Vol. 161 (2015):

Nov. 30, considered and passed House.
Dec. 14, considered and passed Senate.

Public Law 114–102
114th Congress

An Act

To prevent Hizballah and associated entities from gaining access to international financial and other institutions, and for other purposes.

Dec. 18, 2015
[H.R. 2297]

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Hizballah International Financing Prevention Act of 2015”.

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

Sec. 1. Short title; table of contents.

Sec. 2. Statement of policy.

TITLE I—PREVENTION OF ACCESS BY HIZBALLAH TO INTERNATIONAL FINANCIAL AND OTHER INSTITUTIONS

Sec. 101. Report on imposition of sanctions on certain satellite providers that carry al-Manar TV.

Sec. 102. Sanctions with respect to financial institutions that engage in certain transactions.

TITLE II—REPORTS AND BRIEFINGS ON NARCOTICS TRAFFICKING AND SIGNIFICANT TRANSNATIONAL CRIMINAL ACTIVITIES OF HIZBALLAH

Sec. 201. Report and briefing on narcotics trafficking by Hizballah.

Sec. 202. Report and briefing on significant transnational criminal activities of Hizballah.

Sec. 203. Rewards for Justice and Hizballah’s fundraising, financing, and money laundering activities.

Sec. 204. Report on activities of foreign governments to disrupt global logistics networks and fundraising, financing, and money laundering activities of Hizballah.

TITLE III—MISCELLANEOUS PROVISIONS

Sec. 301. Rule of construction.

Sec. 302. Regulatory authority.

Sec. 303. Termination.

SEC. 2. STATEMENT OF POLICY.

It shall be the policy of the United States to—

(1) prevent Hizballah’s global logistics and financial network from operating in order to curtail funding of its domestic and international activities; and

(2) utilize all available diplomatic, legislative, and executive avenues to combat the global criminal activities of Hizballah as a means to block that organization’s ability to fund its global terrorist activities.

Hizballah
International
Financing
Prevention Act of
2015.
President.
50 USC 1701
note.

TITLE I—PREVENTION OF ACCESS BY HIZBALLAH TO INTERNATIONAL FI- NANCIAL AND OTHER INSTITUTIONS

SEC. 101. REPORT ON IMPOSITION OF SANCTIONS ON CERTAIN SAT- ELLITE PROVIDERS THAT CARRY AL-MANAR TV.

(a) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees and leadership a report on the following:

(1) The activities of all satellite, broadcast, Internet, or other providers that have knowingly entered into a contractual relationship with al-Manar TV, and any affiliates or successors thereof.

(2) With respect to all providers described in paragraph (1)—

(A) an identification of those providers that have been sanctioned pursuant to Executive Order 13224 (50 U.S.C. 1701 note; relating to blocking property and prohibiting transactions with persons who commit, threaten to commit, or support terrorism); and

(B) an identification of those providers that have not been sanctioned pursuant to Executive Order 13224 and, with respect to each such provider, any information indicating that the provider has knowingly entered into a contractual relationship with al-Manar TV, and any affiliates or successors of al-Manar TV.

(b) **FORM OF REPORT.**—The report required by subsection (a) shall be submitted in unclassified form to the greatest extent possible, but may include a classified annex.

(c) **APPROPRIATE CONGRESSIONAL COMMITTEES AND LEADERSHIP DEFINED.**—In this section, the term “appropriate congressional committees and leadership” means—

(1) the Speaker, the minority leader, the Committee on Foreign Affairs, the Committee on Financial Services, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(2) the majority leader, the minority leader, the Committee on Foreign Relations, the Committee on Banking, Housing, and Urban Affairs, and the Select Committee on Intelligence of the Senate.

SEC. 102. SANCTIONS WITH RESPECT TO FINANCIAL INSTITUTIONS THAT ENGAGE IN CERTAIN TRANSACTIONS.

(a) **PROHIBITIONS AND CONDITIONS WITH RESPECT TO CERTAIN ACCOUNTS HELD BY FOREIGN FINANCIAL INSTITUTIONS.**—

(1) **IN GENERAL.**—Not later than 120 days after the date of the enactment of this Act, the President shall prescribe regulations to prohibit, or impose strict conditions on, the opening or maintaining in the United States of a correspondent account or a payable-through account by a foreign financial institution that the President determines, on or after such date of enactment, engages in an activity described in paragraph (2).

Deadline.
Regulations.
Determination.

(2) **ACTIVITIES DESCRIBED.**—A foreign financial institution engages in an activity described in this paragraph if the foreign financial institution—

(A) knowingly facilitates a significant transaction or transactions for Hizballah;

(B) knowingly facilitates a significant transaction or transactions of a person identified on the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury and the property and interests in property of which are blocked pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) for acting on behalf of or at the direction of, or being owned or controlled by, Hizballah;

(C) knowingly engages in money laundering to carry out an activity described in subparagraph (A) or (B); or

(D) knowingly facilitates a significant transaction or transactions or provides significant financial services to carry out an activity described in subparagraph (A), (B), or (C).

(3) **PENALTIES.**—The penalties provided for in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) shall apply to a person that violates, attempts to violate, conspires to violate, or causes a violation of regulations prescribed under this subsection to the same extent that such penalties apply to a person that commits an unlawful act described in subsection (a) of such section 206.

Applicability.

(4) **PROCEDURES FOR JUDICIAL REVIEW OF CLASSIFIED INFORMATION.**—

(A) **IN GENERAL.**—If a finding under this subsection, or a prohibition, condition, or penalty imposed as a result of any such finding, is based on classified information (as defined in section 1(a) of the Classified Information Procedures Act (18 U.S.C. App.)) and a court reviews the finding or the imposition of the prohibition, condition, or penalty, the President may submit such information to the court *ex parte* and *in camera*.

(B) **RULE OF CONSTRUCTION.**—Nothing in this paragraph shall be construed to confer or imply any right to judicial review of any finding under this subsection or any prohibition, condition, or penalty imposed as a result of any such finding.

(b) **WAIVER.**—

(1) **IN GENERAL.**—The President may waive, on a case-by-case basis, the application of a prohibition or condition imposed with respect to a foreign financial institution pursuant to subsection (a) for a period of not more than 180 days, and may renew the waiver for additional periods of not more than 180 days, on and after the date on which the President—

Time periods.

(A) determines that such a waiver is in the national security interests of the United States; and

Determination.

(B) submits to the appropriate congressional committees a report describing the reasons for such determination.

Reports.

(2) **FORM.**—The report required by paragraph (1)(B) shall be submitted in unclassified form, but may contain a classified annex.

Certification.

(c) SPECIAL RULE TO ALLOW FOR TERMINATION OF SANCTIONABLE ACTIVITY.—The President shall not be required to apply sanctions to a foreign financial institution described in subsection (a) if the President certifies in writing to the appropriate congressional committees that—

(1) the foreign financial institution—

(A) is no longer engaging in the activity described in subsection (a)(2); or

(B) has taken and is continuing to take significant verifiable steps toward terminating the activity described in that subsection; and

(2) the President has received reliable assurances from the government with primary jurisdiction over the foreign financial institution that the foreign financial institution will not engage in any activity described in subsection (a)(2) in the future.

(d) REPORT ON FOREIGN CENTRAL BANKS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary of the Treasury shall submit to the appropriate congressional committees a report that—

(A) identifies each foreign central bank that the Secretary determines engages in one or more activities described in subsection (a)(2)(D); and

(B) provides a detailed description of each such activity.

(2) FORM OF REPORT.—Each report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(e) IMPLEMENTATION.—The President may exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this section.

(f) DEFINITIONS.—

(1) IN GENERAL.—In this section:

(A) ACCOUNT; CORRESPONDENT ACCOUNT; PAYABLE-THROUGH ACCOUNT.—The terms “account”, “correspondent account”, and “payable-through account” have the meanings given those terms in section 5318A of title 31, United States Code.

(B) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(i) the Committee on Foreign Affairs and the Committee on Financial Services of the House of Representatives; and

(ii) the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate.

(C) FINANCIAL INSTITUTION.—The term “financial institution” means a financial institution specified in subparagraph (A), (B), (C), (D), (E), (F), (G), (H), (I), (J), (K), (M), (N), (P), (R), (T), (Y), or (Z) of section 5312(a)(2) of title 31, United States Code.

(D) FOREIGN FINANCIAL INSTITUTION.—The term “foreign financial institution” has the meaning given that term in section 1010.605 of title 31, Code of Federal Regulations.

(E) HIZBALLAH.—The term “Hizballah” means—

Determination.

(i) the entity known as Hizballah and designated by the Secretary of State as a foreign terrorist organization pursuant to section 219 of the Immigration and Nationality Act (8 U.S.C. 1189); or

(ii) any person—

(I) the property or interests in property of which are blocked pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.); and

(II) who is identified on the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury as an agent, instrumentality, or affiliate of Hizballah.

(F) MONEY LAUNDERING.—The term “money laundering” includes the movement of illicit cash or cash equivalent proceeds into, out of, or through a country, or into, out of, or through a financial institution.

(2) OTHER DEFINITIONS.—The President may further define the terms used in this section in the regulations prescribed under this section.

TITLE II—REPORTS AND BRIEFINGS ON NARCOTICS TRAFFICKING AND SIG- NIFICANT TRANSNATIONAL CRIMINAL ACTIVITIES OF HIZBALLAH

SEC. 201. REPORT AND BRIEFING ON NARCOTICS TRAFFICKING BY HIZBALLAH.

(a) REPORT.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees and leadership a report on the activities of Hizballah related to narcotics trafficking worldwide.

(2) FORM.—The report required by paragraph (1) shall be submitted in unclassified form to the greatest extent possible, but may include a classified annex.

(b) BRIEFING.—Not later than 30 days after the submission of the report required by subsection (a), the President shall provide to the appropriate congressional committees and leadership a briefing on—

(1) the report;

(2) procedures for designating Hizballah as a significant foreign narcotics trafficker under the Foreign Narcotics Kingpin Designation Act (21 U.S.C. 1901 et seq.); and

(3) Government-wide efforts to combat the narcotics trafficking activities of Hizballah.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES AND LEADERSHIP DEFINED.—In this section, the term “appropriate congressional committees and leadership” means—

Procedures.

(1) the Speaker, the minority leader, the Committee on Foreign Affairs, the Committee on Financial Services, the Committee on the Judiciary, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(2) the majority leader, the minority leader, the Committee on Foreign Relations, the Committee on Banking, Housing, and Urban Affairs, the Committee on Finance, the Committee on the Judiciary, and the Select Committee on Intelligence of the Senate.

SEC. 202. REPORT AND BRIEFING ON SIGNIFICANT TRANSNATIONAL CRIMINAL ACTIVITIES OF HIZBALLAH.

(a) **REPORT.**—

(1) **IN GENERAL.**—Not later than 120 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees and leadership a report on the significant transnational criminal activities of Hizballah, including human trafficking.

(2) **FORM.**—The report required by paragraph (1) shall be submitted in unclassified form to the greatest extent possible, but may include a classified annex.

(b) **BRIEFING.**—Not later than 30 days after the submission of the report required by subsection (a), the President shall provide to the appropriate congressional committees and leadership a briefing on—

(1) the report;

Procedures.

(2) procedures for designating Hizballah as a significant transnational criminal organization under Executive Order 13581 (75 Fed. Reg. 44,757); and

(3) Government-wide efforts to combat the transnational criminal activities of Hizballah.

(c) **APPROPRIATE CONGRESSIONAL COMMITTEES AND LEADERSHIP DEFINED.**—In this section, the term “appropriate congressional committees and leadership” means—

(1) the Speaker, the minority leader, the Committee on Foreign Affairs, the Committee on Financial Services, the Committee on the Judiciary, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(2) the majority leader, the minority leader, the Committee on Foreign Relations, the Committee on Banking, Housing, and Urban Affairs, the Committee on Finance, the Committee on the Judiciary, and the Select Committee on Intelligence of the Senate.

SEC. 203. REWARDS FOR JUSTICE AND HIZBALLAH’S FUNDRAISING, FINANCING, AND MONEY LAUNDERING ACTIVITIES.

(a) **REPORT.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report that details actions taken by the Department of State through the Department of State rewards program under section 36 of the State Department Basic Authorities Act (22 U.S.C. 2708) to obtain information on fundraising, financing, and money laundering activities of Hizballah and its agents and affiliates.

Deadlines.

(b) **BRIEFING.**—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State shall provide a briefing to the appropriate congressional

committees on the status of the actions described in subsection (a).

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

- (1) the Committee on Foreign Affairs and the Committee on Financial Services of the House of Representatives; and
- (2) the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate.

SEC. 204. REPORT ON ACTIVITIES OF FOREIGN GOVERNMENTS TO DISRUPT GLOBAL LOGISTICS NETWORKS AND FUNDRAISING, FINANCING, AND MONEY LAUNDERING ACTIVITIES OF HIZBALLAH.

(a) REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report that includes—

Lists.
Assessments.

(A) a list of countries that support Hizballah or in which Hizballah maintains important portions of its global logistics networks;

(B) with respect to each country on the list required by subparagraph (A)—

(i) an assessment of whether the government of the country is taking adequate measures to disrupt the global logistics networks of Hizballah within the territory of the country; and

(ii) in the case of a country the government of which is not taking adequate measures to disrupt such networks—

(I) an assessment of the reasons that government is not taking such adequate measures; and

(II) a description of measures being taken by the United States to encourage that government to improve measures to disrupt such networks;

(C) a list of countries in which Hizballah, or any of its agents or affiliates, conducts significant fundraising, financing, or money laundering activities;

(D) with respect to each country on the list required by subparagraph (C)—

(i) an assessment of whether the government of the country is taking adequate measures to disrupt the fundraising, financing, or money laundering activities of Hizballah and its agents and affiliates within the territory of the country; and

(ii) in the case of a country the government of which is not taking adequate measures to disrupt such activities—

(I) an assessment of the reasons that government is not taking such adequate measures; and

(II) a description of measures being taken by the United States to encourage that government to improve measures to disrupt such activities; and

(E) a list of methods that Hizballah, or any of its agents or affiliates, utilizes to raise or transfer funds,

including trade-based money laundering, the use of foreign exchange houses, and free-trade zones.

(2) FORM.—The report required by paragraph (1) shall be submitted in unclassified form to the greatest extent possible, and may contain a classified annex.

Definition.

(3) GLOBAL LOGISTICS NETWORKS OF HIZBALLAH.—In this subsection, the term “global logistics networks of Hizballah”, “global logistics networks”, or “networks” means financial, material, or technological support for, or financial or other services in support of, Hizballah.

Deadlines.

(b) BRIEFING ON HIZBALLAH’S ASSETS AND ACTIVITIES RELATED TO FUNDRAISING, FINANCING, AND MONEY LAUNDERING WORLDWIDE.—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary of State, the Secretary of the Treasury, and the heads of other applicable Federal departments and agencies shall provide to the appropriate congressional committees a briefing on the disposition of Hizballah’s assets and activities related to fundraising, financing, and money laundering worldwide.

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

(1) the Committee on Foreign Affairs, the Committee on Financial Services, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(2) the Committee on Foreign Relations, the Committee on Banking, Housing, and Urban Affairs, and the Select Committee on Intelligence of the Senate.

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. RULE OF CONSTRUCTION.

Nothing in this Act or any amendment made by this Act shall apply to the authorized intelligence activities of the United States.

Deadlines.

SEC. 302. REGULATORY AUTHORITY.

(a) IN GENERAL.—The President shall, not later than 120 days after the date of the enactment of this Act, promulgate regulations as necessary for the implementation of this Act and the amendments made by this Act.

(b) NOTIFICATION TO CONGRESS.—Not less than 10 days before the promulgation of regulations under subsection (a), the President shall notify the appropriate congressional committees of the proposed regulations and the provisions of this Act and the amendments made by this Act that the regulations are implementing.

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

(1) the Committee on Foreign Affairs and the Committee on Financial Services of the House of Representatives; and

(2) the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate.

SEC. 303. TERMINATION.

Certification.

This Act shall terminate on the date that is 30 days after the date on which the President certifies to Congress that Hizballah—

(1) is no longer designated as a foreign terrorist organization pursuant to section 219 of the Immigration and Nationality Act (8 U.S.C. 1189); and

(2) is no longer designated for the imposition of sanctions pursuant to Executive Order 13224 (50 U.S.C. 1701 note; relating to blocking property and prohibiting transactions with persons who commit, threaten to commit, or support terrorism).

Approved December 18, 2015.

LEGISLATIVE HISTORY—H.R. 2297:**CONGRESSIONAL RECORD**, Vol. 161 (2015):

May 14, considered and passed House.

Nov. 17, considered and passed Senate, amended.

Dec. 16, House concurred in Senate amendments.

Public Law 114–103
114th Congress

An Act

Dec. 18, 2015
[H.R. 2693]

To designate the arboretum at the Hunter Holmes McGuire VA Medical Center in Richmond, Virginia, as the “Phyllis E. Galanti Arboretum”.

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

SECTION 1. FINDINGS.

Congress makes the following findings:

(1) Phyllis Eason Galanti, a tireless advocate for the rights of prisoners of war from the United States during the Vietnam War and a beloved member of the Richmond, Virginia, community, died on April 23, 2014.

(2) Ms. Eason graduated from the College of William and Mary in 1963 and shortly afterward was married to Paul Edward Galanti, a pilot with the United States Navy, at the Chapel of the Centurion in Fort Monroe, Virginia.

(3) In June 1966, when Mr. Galanti was shot down over North Vietnam, captured, and held prisoner, Phyllis E. Galanti became active in the National League of Families of American Prisoners and Missing in Southeast Asia, soon becoming chair of the organization.

(4) Mrs. Galanti spearheaded the Let’s Bring Paul Galanti Home project as part of the national Write Hanoi campaign—

(A) to raise awareness;

(B) to secure the return of more than 600 soldiers from the United States who were missing in action or held as prisoners of war in Vietnam; and

(C) to ensure that prisoners of war were treated in accordance with the Geneva Conventions.

(5) The efforts of Mrs. Galanti under the Let’s Bring Paul Galanti Home project, the most successful of many such campaigns, resulted in more than 1,000,000 letters that were personally delivered to the North Vietnamese embassy in Stockholm, Sweden, in 1971.

(6) Mrs. Galanti became known as “Fearless Phyllis”, traveling to Versailles, France, seeking an audience with North Vietnamese leaders, and giving hundreds of presentations to policy leaders in the United States, including President Richard Nixon, National Security Advisor Henry Kissinger, and Virginia Governor Mills E. Godwin, Jr., who said of her in 1975, “One dedicated woman and a handful of others had more influence on the communist world than legions of armies and diplomats.”.

(7) After more than seven years apart, Mrs. Galanti was reunited with her husband Paul Galanti at the Naval Air Station in Norfolk, Virginia, on February 15, 1973.

(8) Mrs. Galanti spent decades confronting the issue of prisoners and hostages from the United States, not only in Vietnam but also in the Soviet Union and Iran.

(9) Mrs. Galanti actively supported the Virginia Home, Theatre IV, and the Virginia Repertory Theatre, visited schools, and continued to meet with lawmakers until she died on April 23, 2014, at age 73, from complications with leukemia.

(10) The work of Mrs. Galanti earned her the American Legion Service Medal, and the Paul and Phyllis Galanti Education Center at the Virginia War Memorial was named in honor of her and her husband.

(11) The leadership at the Hunter Holmes McGuire VA Medical Center in Richmond, Virginia, including Director John Brandecker, seeks to recognize Mrs. Galanti by naming the arboretum at Hunter Holmes McGuire VA Medical Center in her honor.

(12) It is a fitting tribute that Congress name the arboretum after such an outstanding advocate for members of the Armed Forces of the United States and veterans.

SEC. 2. PHYLLIS E. GALANTI ARBORETUM AT HUNTER HOLMES MCGUIRE VA MEDICAL CENTER IN RICHMOND, VIRGINIA.

(a) DESIGNATION.—The arboretum at the Hunter Holmes McGuire VA Medical Center in Richmond, Virginia, shall after the date of the enactment of this Act be known and designated as the “Phyllis E. Galanti Arboretum”.

(b) REFERENCES.—Any reference in any law, regulation, map, document, paper, or other record of the United States to the arboretum referred to in subsection (a) shall be considered to be a reference to the Phyllis E. Galanti Arboretum.

Approved December 18, 2015.

LEGISLATIVE HISTORY—H.R. 2693:

CONGRESSIONAL RECORD, Vol. 161 (2015):

Dec. 8, considered and passed House.

Dec. 10, considered and passed Senate.

Public Law 114–104
114th Congress

An Act

Dec. 18, 2015
[H.R. 2820]

To reauthorize the Stem Cell Therapeutic and Research Act of 2005, and for other purposes.

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

Stem Cell
Therapeutic and
Research
Reauthorization
Act of 2015.
42 USC 201 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Stem Cell Therapeutic and Research Reauthorization Act of 2015”.

SEC. 2. REAUTHORIZATION OF THE C.W. BILL YOUNG CELL TRANSPLANTATION PROGRAM.

(a) IN GENERAL.—Section 379(d)(2)(B) of the Public Health Service Act (42 U.S.C. 274k(d)(2)(B)) is amended—

- (1) by striking “remote collection” and inserting “collection”;
- and
- (2) by inserting “including remote collection,” after “cord blood units,”.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 379B of the Public Health Service Act (42 U.S.C. 274m) is amended—

- (1) by striking “\$30,000,000 for each of fiscal years 2011 through 2014 and”; and
- (2) by inserting “and \$30,000,000 for each of fiscal years 2016 through 2020” before the period at the end.

Consultation.

(c) SECRETARY REVIEW ON STATE OF SCIENCE.—The Secretary of Health and Human Services, in consultation with the Director of the National Institutes of Health, the Commissioner of the Food and Drug Administration, and the Administrator of the Health Resources and Services Administration, including the Advisory Council on Blood Stem Cell Transplantation established under section 379(a) of the Public Health Service Act (42 U.S.C. 274k(a)), and other stakeholders, where appropriate given relevant expertise, shall conduct a review of the state of the science of using adult stem cells and birthing tissues to develop new types of therapies for patients, for the purpose of considering the potential inclusion of such new types of therapies in the C.W. Bill Young Cell Transplantation Program (established under such section 379) in addition to the continuation of ongoing activities. Not later than June 30, 2019, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives recommendations on the appropriateness of such new types of therapies for inclusion in the C.W. Bill Young Cell Transplantation Program.

Deadline.
Recommendations.

SEC. 3. CORD BLOOD INVENTORY.

Section 2 of the Stem Cell Therapeutic and Research Act of 2005 (42 U.S.C. 274k note) is amended—

(1) in subsection (a), by striking “one-time”;

(2) by striking subsection (c);

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

(4) in subsection (d) (as so redesignated)—

(A) in paragraph (1), by striking “paragraphs (2) and (3)” and inserting “paragraphs (2), (3), and (4)”;

(B) in paragraph (2)(B), by striking “subsection (d)” and inserting “subsection (c)”; and

(C) by adding at the end the following:

“(4) CONSIDERATION OF BEST SCIENCE.—The Secretary shall take into consideration the best scientific information available in order to maximize the number of cord blood units available for transplant when entering into contracts under this section, or when extending a period of funding under such a contract under paragraph (2).” Contracts.

“(5) CONSIDERATION OF BANKED UNITS OF CORD BLOOD.—” Contracts.

In extending contracts pursuant to paragraph (3), and determining new allocation amounts for the next contract period or contract extension for such cord blood bank, the Secretary shall take into account the number of cord blood units banked in the National Cord Blood Inventory by a cord blood bank during the previous contract period, in addition to consideration of the ability of such cord blood bank to increase the collection and maintenance of additional, genetically diverse cord blood units.”;

(5) in subsection (f) (as so redesignated)—

(A) by striking paragraph (4); and

(B) by redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively; and

(6) in subsection (g) (as so redesignated)—

(A) in paragraph (1)—

(i) by striking “\$23,000,000 for each of fiscal years 2011 through 2014 and”; and

(ii) by inserting “and \$23,000,000 for each of fiscal years 2016 through 2020” before the period at the end; and

(B) by striking paragraph (2).

42 USC 274e
note.
Deadline.

SEC. 4. DETERMINATION ON THE DEFINITION OF HUMAN ORGAN.

Not later than one year after the date of enactment of this Act, the Secretary of Health and Human Services shall issue determinations with respect to the inclusion of peripheral blood stem cells and umbilical cord blood in the definition of human organ.

Approved December 18, 2015.

LEGISLATIVE HISTORY—H.R. 2820:

HOUSE REPORTS: No. 114–242 (Comm. on Energy and Commerce).

CONGRESSIONAL RECORD, Vol. 161 (2015):

Sept. 8, considered and passed House.

Dec. 9, considered and passed Senate, amended.

Dec. 16, House concurred in Senate amendment.

Public Law 114–105
114th Congress

An Act

To extend temporarily the Federal Perkins Loan program, and for other purposes.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Federal Perkins Loan Program Extension Act of 2015”.

SEC. 2. EXTENSION OF FEDERAL PERKINS LOAN PROGRAM.

(a) **AUTHORITY TO MAKE LOANS.—**

(1) **IN GENERAL.—**Section 461 of the Higher Education Act of 1965 (20 U.S.C. 1087aa) is amended—

(A) in subsection (a), by striking “of stimulating and assisting in the establishment and maintenance of funds at institutions of higher education for the making of low-interest loans to students in need thereof” and inserting “assisting in the maintenance of funds at institutions of higher education for the making of loans to undergraduate students in need”;

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

“(b) **AUTHORITY TO MAKE LOANS.—**

“(1) **IN GENERAL.—**

“(A) **LOANS FOR NEW UNDERGRADUATE FEDERAL PERKINS LOAN BORROWERS.—**Through September 30, 2017, an institution of higher education may make a loan under this part to an eligible undergraduate student who, on the date of disbursement of a loan made under this part, has no outstanding balance of principal or interest on a loan made under this part from the student loan fund established under this part by the institution, but only if the institution has awarded all Federal Direct Loans, as referenced under subparagraphs (A) and (D) of section 455(a)(2), for which such undergraduate student is eligible.

“(B) **LOANS FOR CURRENT UNDERGRADUATE FEDERAL PERKINS LOAN BORROWERS.—**Through September 30, 2017, an institution of higher education may make a loan under this part to an eligible undergraduate student who, on the date of disbursement of a loan made under this part, has an outstanding balance of principal or interest on a loan made under this part from the student loan fund established under this part by the institution, but only if the institution has awarded all Federal Direct Stafford

Dec. 18, 2015

[H.R. 3594]

Federal Perkins
Loan Program
Extension Act of
2015.
Education.
20 USC 1001
note.

Loans as referenced under section 455(a)(2)(A) for which such undergraduate student is eligible.

“(C) LOANS FOR CERTAIN GRADUATE BORROWERS.—Through September 30, 2016, with respect to an eligible graduate student who has received a loan made under this part prior to October 1, 2015, an institution of higher education that has most recently made such a loan to the student for an academic program at such institution may continue making loans under this part from the student loan fund established under this part by the institution to enable the student to continue or complete such academic program.

“(2) NO ADDITIONAL LOANS.—An institution of higher education shall not make loans under this part after September 30, 2017.

“(3) PROHIBITION ON ADDITIONAL APPROPRIATIONS.—No funds are authorized to be appropriated under this Act or any other Act to carry out the functions described in paragraph (1) for any fiscal year following fiscal year 2015.”; and

(C) by striking subsection (c).

(2) RULE OF CONSTRUCTION.—Notwithstanding the amendments made under paragraph (1) of this subsection, an eligible graduate borrower who received a disbursement of a loan under part E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087aa et seq.) after June 30, 2016 and before October 1, 2016, for the 2016–2017 award year, may receive a subsequent disbursement of such loan by June 30, 2017, for which the borrower received an initial disbursement after June 30, 2016 and before October 1, 2016.

(b) DISTRIBUTION OF ASSETS FROM STUDENT LOAN FUNDS.—Section 466 of the Higher Education Act of 1965 (20 U.S.C. 1087ff) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking “After September 30, 2003, and not later than March 31, 2004” and inserting “Beginning October 1, 2017”; and

(B) in paragraph (1), by striking “September 30, 2003” and inserting “September 30, 2017”;

(2) in subsection (b)—

(A) by striking “After October 1, 2012” and inserting “Beginning October 1, 2017”; and

(B) by striking “September 30, 2003” and inserting “September 30, 2017”; and

(3) in subsection (c)(1), by striking “October 1, 2004” and inserting “October 1, 2017”.

(c) ADDITIONAL EXTENSIONS NOT PERMITTED.—Section 422 of the General Education Provisions Act (20 U.S.C. 1226a) shall not apply to further extend the duration of the authority under paragraph (1) of section 461(b) of the Higher Education Act of 1965 (20 U.S.C. 1087aa(b)), as amended by subsection (a)(1) of this section, beyond September 30, 2017, on the basis of the extension under such subsection.

SEC. 3. DISCLOSURE REQUIRED PRIOR TO DISBURSEMENT.

Section 463A(a) of the Higher Education Act of 1965 (20 U.S.C. 1087cc–1(a)) is amended—

(1) in paragraph (12), by striking “and” after the semicolon;

Time period.
20 USC 1087aa
note.

20 USC 1226a
note.

(2) in paragraph (13), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

Notification.

“(14) a notice and explanation regarding the end to future availability of loans made under this part;

“(15) a notice and explanation that repayment and forgiveness benefits available to borrowers of loans made under part D are not available to borrowers participating in the loan program under this part;

“(16) a notice and explanation regarding a borrower’s option to consolidate a loan made under this part into a Federal Direct Loan under part D, including any benefit of such consolidation;

“(17) with respect to new undergraduate Federal Perkins loan borrowers, as described in section 461(b)(1)(A), a notice and explanation providing a comparison of the interest rates of loans under this part and part D and informing the borrower that the borrower has reached the maximum annual borrowing limit for which the borrower is eligible as referenced under subparagraphs (A) and (D) of section 455(a)(2); and

“(18) with respect to current undergraduate Federal Perkins loan borrowers, as described in section 461(b)(1)(B), a notice and explanation providing a comparison of the interest rates of loans under this part and part D and informing the borrower that the borrower has reached the maximum annual borrowing limit for which the borrower is eligible on Federal Direct Stafford Loans as referenced under section 455(a)(2)(A).”.

Approved December 18, 2015.

LEGISLATIVE HISTORY—H.R. 3594:

CONGRESSIONAL RECORD, Vol. 161 (2015):

Sept. 28, considered and passed House.

Dec. 16, considered and passed Senate, amended.

Dec. 17, House concurred in Senate amendment.

Public Law 114–106
114th Congress

An Act

Dec. 18, 2015
[H.R. 3831]

To amend title XVIII of the Social Security Act to extend the annual comment period for payment rates under Medicare Advantage.

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

Securing
Fairness in
Regulatory
Timing Act of
2015.
42 USC 1305
note.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Securing Fairness in Regulatory Timing Act of 2015”.

SEC. 2. EXTENDING THE ANNUAL COMMENT PERIOD FOR PAYMENT RATES UNDER MEDICARE ADVANTAGE.

Section 1853(b)(2) of the Social Security Act (42 U.S.C. 1395w–23(b)(2)) is amended—

(1) by inserting “(or, in 2017 and each subsequent year, at least 60 days)” after “45 days”; and

(2) by inserting “(in 2017 and each subsequent year, of no less than 30 days)” after “opportunity”.

Approved December 18, 2015.

LEGISLATIVE HISTORY—H.R. 3831:

CONGRESSIONAL RECORD, Vol. 161 (2015):

Dec. 10, considered and passed House.

Dec. 16, considered and passed Senate.

Public Law 114–107
114th Congress

An Act

To exempt for an additional 4-year period, from the application of the means-test presumption of abuse under chapter 7, qualifying members of reserve components of the Armed Forces and members of the National Guard who, after September 11, 2001, are called to active duty or to perform a homeland defense activity for not less than 90 days.

Dec. 18, 2015

[H.R. 4246]

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Guard and Reservist Debt Relief Extension Act of 2015”.

National Guard
and Reservist
Debt Relief
Extension Act
of 2015.
11 USC 101 note.

SEC. 2. NATIONAL GUARD AND RESERVISTS DEBT RELIEF AMENDMENT.

Section 4(b) of the National Guard and Reservists Debt Relief Act of 2008 (Public Law 110–438; 122 Stat. 5000) is amended by striking “7-year” and inserting “11-year”.

11 USC 707 note.
122 Stat. 5002.

Approved December 18, 2015.

LEGISLATIVE HISTORY—H.R. 4246:

CONGRESSIONAL RECORD, Vol. 161 (2015):

Dec. 16, considered and passed House.

Dec. 17, considered and passed Senate.

Public Law 114–108
114th Congress

Joint Resolution

Dec. 18, 2015
[H.J. Res. 76]

Appointing the day for the convening of the second session of the One Hundred
Fourteenth Congress.

*Resolved by the Senate and House of Representatives of the
United States of America in Congress assembled,* That the second
regular session of the One Hundred Fourteenth Congress shall
begin at noon on Monday, January 4, 2016.

Approved December 18, 2015.

LEGISLATIVE HISTORY—H.J. Res. 76:

CONGRESSIONAL RECORD, Vol. 161 (2015):

Dec. 15, considered and passed House.

Dec. 17, considered and passed Senate.

Public Law 114–109
114th Congress

An Act

To provide access to and use of information by Federal agencies in order to reduce improper payments, and for other purposes.

Dec. 18, 2015

[S. 614]

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Federal Improper Payments Coordination Act of 2015”.

Federal Improper
Payments
Coordination Act
of 2015.
31 USC 3301
note.

SEC. 2. AVAILABILITY OF THE DO NOT PAY INITIATIVE TO THE JUDICIAL AND LEGISLATIVE BRANCHES AND STATES.

Section 5 of the Improper Payments Elimination and Recovery Improvement Act of 2012 (31 U.S.C. 3321 note) is amended—

(1) in subsection (b)(3)—

(A) in the paragraph heading, by striking “BY AGENCIES”;

(B) by striking “For purposes” and inserting the following:

“(A) IN GENERAL.—For purposes”; and

(C) by adding at the end the following:

“(B) OTHER ENTITIES.—States and any contractor, subcontractor, or agent of a State, and the judicial and legislative branches of the United States (as defined in paragraphs (2) and (3), respectively, of section 202(e) of title 18, United States Code), shall have access to, and use of, the Do Not Pay Initiative for the purpose of verifying payment or award eligibility for payments (as defined in section 2(g)(3) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note)) when, with respect to a State, the Director of the Office of Management and Budget determines that the Do Not Pay Initiative is appropriately established for that State and any contractor, subcontractor, or agent of the State, and, with respect to the judicial and legislative branches of the United States, when the Director of the Office of Management and Budget determines that the Do Not Pay Initiative is appropriately established for the judicial branch or the legislative branch, as applicable.

Contracts.
Determination.

“(C) CONSISTENCY WITH PRIVACY ACT OF 1974.—To ensure consistency with the principles of section 552a of title 5, United States Code (commonly known as the ‘Privacy Act of 1974’), the Director of the Office of Management and Budget may issue guidance that establishes privacy and other requirements that shall be incorporated into

Do Not Pay Initiative access agreements with States, including any contractor, subcontractor, or agent of a State, and the judicial and legislative branches of the United States.”; and

(2) in subsection (d)(2)—

(A) in subparagraph (B), by striking “and” after the semicolon;

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

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

“(D) may include States and their quasi-government entities, and the judicial and legislative branches of the United States (as defined in paragraphs (2) and (3), respectively, of section 202(e) of title 18, United States Code) as users of the system in accordance with subsection (b)(3).”.

SEC. 3. IMPROVING THE SHARING AND USE OF DATA BY GOVERNMENT AGENCIES TO CURB IMPROPER PAYMENTS.

The Improper Payments Elimination and Recovery Improvement Act of 2012 (31 U.S.C. 3321 note) is amended—

(1) in section 5(a)(2), by striking subparagraph (A) and inserting the following:

“(A) The death records maintained by the Commissioner of Social Security.”; and

(2) by adding at the end the following:

“SEC. 7. IMPROVING THE USE OF DATA BY GOVERNMENT AGENCIES FOR CURBING IMPROPER PAYMENTS.

“(a) PROMPT REPORTING OF DEATH INFORMATION BY THE DEPARTMENT OF STATE AND THE DEPARTMENT OF DEFENSE.—Not later than 1 year after the date of enactment of this section, the Secretary of State and the Secretary of Defense shall establish a procedure under which each Secretary shall, promptly and on a regular basis, submit information relating to the deaths of individuals to each agency for which the Director of the Office of Management and Budget determines receiving and using such information would be relevant and necessary.

“(b) GUIDANCE TO AGENCIES REGARDING DATA ACCESS AND USE FOR IMPROPER PAYMENTS PURPOSES.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Director of the Office of Management and Budget, in consultation with the Council of the Inspectors General on Integrity and Efficiency, the heads of other relevant Federal, State, and local agencies, and Indian tribes and tribal organizations, as appropriate, shall issue guidance regarding implementation of the Do Not Pay Initiative under section 5 to—

“(A) the Department of the Treasury; and

“(B) each agency or component of an agency—

“(i) that operates or maintains a database of information described in section 5(a)(2); or

“(ii) for which the Director determines improved data matching would be relevant, necessary, or beneficial.

“(2) REQUIREMENTS.—The guidance issued under paragraph (1) shall—

“(A) address the implementation of subsection (a); and

31 USC 3321
note.

Deadline.
Procedure.
Determination.

Deadline.
Consultation.

Determination.

“(B) include the establishment of deadlines for access to and use of the databases described in section 5(a)(2) under the Do Not Pay Initiative.”

SEC. 4. DATA ANALYTICS.

Section 5 of the Improper Payments Elimination and Recovery Improvement Act of 2012 (31 U.S.C. 3321 note), is amended by adding at the end the following:

“(h) REPORT ON IMPROPER PAYMENTS DATA ANALYSIS.—Not later than 180 days after the date of enactment of the Federal Improper Payments Coordination Act of 2015, the Secretary of the Treasury shall submit to Congress a report which shall include a description of—

“(1) data analytics performed as part of the Do Not Pay Business Center operated by the Department of the Treasury for the purpose of detecting, preventing, and recovering improper payments through preaward, postaward prepayment, and postpayment analysis, which shall include a description of any analysis or investigations incorporating—

“(A) review and data matching of payments and beneficiary enrollment lists of State programs carried out using Federal funds for the purposes of identifying eligibility duplication, residency ineligibility, duplicate payments, or other potential improper payment issues;

“(B) review of multiple Federal agencies and programs for which comparison of data could show payment duplication; and

“(C) review of other information the Secretary of the Treasury determines could prove effective for identifying, preventing, or recovering improper payments, which may include investigation or review of information from multiple Federal agencies or programs;

“(2) the metrics used in determining whether the analytic and investigatory efforts have reduced, or contributed to the reduction of, improper payments or improper awards; and

“(3) the target dates for implementing the data analytics operations performed as part of the Do Not Pay Business Center”.

Approved December 18, 2015.

LEGISLATIVE HISTORY—S. 614 (H.R. 2320):

HOUSE REPORTS: No. 114–299 (Comm. on Oversight and Government Reform) accompanying H.R. 2320.

SENATE REPORTS: No. 114–86 (Comm. on Homeland Security and Governmental Affairs).

CONGRESSIONAL RECORD, Vol. 161 (2015):

July 28, considered and passed Senate.

Dec. 7, considered and passed House.

Public Law 114–110
114th Congress

An Act

Dec. 18, 2015
[S. 808]

To establish the Surface Transportation Board as an independent establishment,
and for other purposes.

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

Surface
Transportation
Board
Reauthorization
Act of 2015.
49 USC 1101
note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Surface Transportation Board Reauthorization Act of 2015”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. References to title 49, United States Code.
- Sec. 3. Establishment of Surface Transportation Board as an independent establishment.
- Sec. 4. Surface Transportation Board membership.
- Sec. 5. Nonpublic collaborative discussions.
- Sec. 6. Reports.
- Sec. 7. Authorization of appropriations.
- Sec. 8. Agent in the District of Columbia.
- Sec. 9. Department of Transportation Inspector General authority.
- Sec. 10. Amendment to table of sections.
- Sec. 11. Procedures for rate cases.
- Sec. 12. Investigative authority.
- Sec. 13. Arbitration of certain rail rates and practices disputes.
- Sec. 14. Effect of proposals for rates from multiple origins and destinations.
- Sec. 15. Reports.
- Sec. 16. Criteria.
- Sec. 17. Construction.

SEC. 2. REFERENCES TO TITLE 49, UNITED STATES CODE.

Except as otherwise expressly provided, wherever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 3. ESTABLISHMENT OF SURFACE TRANSPORTATION BOARD AS AN INDEPENDENT ESTABLISHMENT.

(a) **REDESIGNATION OF CHAPTER 7 OF TITLE 49, UNITED STATES CODE.**—Title 49 is amended—

- (1) by moving chapter 7 after chapter 11 in subtitle II;
 - (2) by redesignating chapter 7 as chapter 13;
 - (3) by redesignating sections 701 through 706 as sections 1301 through 1306, respectively;
 - (4) by striking sections 725 and 727;
 - (5) by redesignating sections 721 through 724 as sections 1321 through 1324, respectively; and
- 49 USC 701 prec.
49 USC 701 prec.
49 USC 701–706,
1301–1306.
49 USC 725, 727.
49 USC 721–724,
1321–1324.

(6) by redesignating section 726 as section 1325.

49 USC 726,
1325.

(b) INDEPENDENT ESTABLISHMENT.—Section 1301, as redesignated by subsection (a)(3), is amended by striking subsection (a) and inserting the following:

49 USC 1301.

“(a) ESTABLISHMENT.—The Surface Transportation Board is an independent establishment of the United States Government.”.

(c) CONFORMING AMENDMENTS.—

(1) ADMINISTRATIVE PROVISIONS.—Section 1303, as redesignated by subsection (a)(3), is amended—

49 USC 1303.

(A) by striking subsections (a), (c), (f), and (g);

(B) by redesignating subsections (b), (d), and (e) as subsections (a), (b), and (c), respectively; and

(C) by adding at the end the following:

“(d) SUBMISSION OF CERTAIN DOCUMENTS TO CONGRESS.—

Records.

“(1) IN GENERAL.—If the Board submits any budget estimate, budget request, supplemental budget estimate, or other budget information, legislative recommendation, prepared testimony for a congressional hearing, or comment on legislation to the President or to the Office of Management and Budget, the Board shall concurrently submit a copy of such document to—

“(A) the Committee on Commerce, Science, and Transportation of the Senate; and

“(B) the Committee on Transportation and Infrastructure of the House of Representatives.

“(2) NO APPROVAL REQUIRED.—No officer or agency of the United States has any authority to require the Board to submit budget estimates or requests, legislative recommendations, prepared testimony for congressional hearings, or comments on legislation to any officer or agency of the United States for approval, comments, or review before submitting such recommendations, testimony, or comments to Congress.”.

SEC. 4. SURFACE TRANSPORTATION BOARD MEMBERSHIP.

(a) IN GENERAL.—Section 1301(b), as redesignated by subsection 3(a), is amended—

(1) in paragraph (1)—

(A) by striking “3 members” and inserting “5 members”;

and

(B) by striking “2 members” and inserting “3 members”;

and

(2) by striking paragraph (2) and inserting the following:

“(2) At all times—

“(A) at least 3 members of the Board shall be individuals with professional standing and demonstrated knowledge in the fields of transportation, transportation regulation, or economic regulation; and

“(B) at least 2 members shall be individuals with professional or business experience (including agriculture) in the private sector.”.

(b) REPEAL OF OBSOLETE PROVISION.—Section 1301(b), as amended by this section, is further amended—

(1) by striking paragraph (4);

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

(3) in paragraph (4), as redesignated, by striking “who becomes a member of the Board pursuant to paragraph (4), or an individual”.

SEC. 5. NONPUBLIC COLLABORATIVE DISCUSSIONS.

49 USC 1303. Section 1303(a), as redesignated by subsections (a) and (c) of section 3, is amended to read as follows:

“(a) OPEN MEETINGS.—

“(1) IN GENERAL.—The Board shall be deemed to be an agency for purposes of section 552b of title 5.

“(2) NONPUBLIC COLLABORATIVE DISCUSSIONS.—

“(A) IN GENERAL.—Notwithstanding section 552b of title 5, a majority of the members may hold a meeting that is not open to public observation to discuss official agency business if—

“(i) no formal or informal vote or other official agency action is taken at the meeting;

“(ii) each individual present at the meeting is a member or an employee of the Board; and

“(iii) the General Counsel of the Board is present at the meeting.

Deadline.
Public
information.

“(B) DISCLOSURE OF NONPUBLIC COLLABORATIVE DISCUSSIONS.—Except as provided under subparagraph (C), not later than 2 business days after the conclusion of a meeting under subparagraph (A), the Board shall make available to the public, in a place easily accessible to the public—

List.

“(i) a list of the individuals present at the meeting;

and

Summary.

“(ii) a summary of the matters discussed at the meeting, except for any matters the Board properly determines may be withheld from the public under section 552b(c) of title 5.

“(C) SUMMARY.—If the Board properly determines matters may be withheld from the public under section 555b(c) of title 5, the Board shall provide a summary with as much general information as possible on those matters withheld from the public.

“(D) ONGOING PROCEEDINGS.—If a discussion under subparagraph (A) directly relates to an ongoing proceeding before the Board, the Board shall make the disclosure under subparagraph (B) on the date of the final Board decision.

“(E) PRESERVATION OF OPEN MEETINGS REQUIREMENTS FOR AGENCY ACTION.—Nothing in this paragraph may be construed to limit the applicability of section 552b of title 5 with respect to a meeting of the members other than that described in this paragraph.

“(F) STATUTORY CONSTRUCTION.—Nothing in this paragraph may be construed—

“(i) to limit the applicability of section 552b of title 5 with respect to any information which is proposed to be withheld from the public under subparagraph (B)(ii); or

“(ii) to authorize the Board to withhold from any individual any record that is accessible to that individual under section 552a of title 5, United States Code.”.

SEC. 6. REPORTS.

(a) **REPORTS.**—Section 1304, as amended by section 3, is further amended— 49 USC 1304.

(1) by striking the section heading and inserting the following:

“§ 1304. Reports”;

(2) by inserting “(a) **ANNUAL REPORT.**—” before “The Board”;

(3) by striking “on its activities.” and inserting “on its activities, including each instance in which the Board has initiated an investigation on its own initiative under this chapter or subtitle IV.”; and

(4) by adding at the end the following:

“(b) **RATE CASE REVIEW METRICS.**—

“(1) **QUARTERLY REPORTS.**—The Board shall post a quarterly report of rail rate review cases pending or completed by the Board during the previous quarter that includes—

“(A) summary information of the case, including the docket number, case name, commodity or commodities involved, and rate review guideline or guidelines used;

“(B) the date on which the rate review proceeding began;

“(C) the date for the completion of discovery;

“(D) the date for the completion of the evidentiary record;

“(E) the date for the submission of closing briefs;

“(F) the date on which the Board issued the final decision; and

“(G) a brief summary of the final decision;

“(2) **WEBSITE POSTING.**—Each quarterly report shall be posted on the Board’s public website.”.

(b) **COMPILATION OF COMPLAINTS AT SURFACE TRANSPORTATION BOARD.**—

(1) **IN GENERAL.**—Section 1304, as amended by subsection (a), is further amended by adding at the end the following:

“(c) **COMPLAINTS.**—

“(1) **IN GENERAL.**—The Board shall establish and maintain a database of complaints received by the Board. Data.

“(2) **QUARTERLY REPORTS.**—The Board shall post a quarterly report of formal and informal service complaints received by the Board during the previous quarter that includes—

“(A) the date on which the complaint was received by the Board;

“(B) a list of the type of each complaint; List.

“(C) the geographic region of each complaint; and

“(D) the resolution of each complaint, if appropriate.

“(3) **WRITTEN CONSENT.**—The quarterly report may identify a complainant that submitted an informal complaint only upon the written consent of the complainant.

“(4) **WEBSITE POSTING.**—Each quarterly report shall be posted on the Board’s public website.”.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

49 USC 1305. Section 1305, as redesignated by section 3, is amended by striking paragraphs (1) through (3) and inserting the following:

“(1) \$33,000,000 for fiscal year 2016;
“(2) \$35,000,000 for fiscal year 2017;
“(3) \$35,500,000 for fiscal year 2018;
“(4) \$35,500,000 for fiscal year 2019; and
“(5) \$36,000,000 for fiscal year 2020.”.

SEC. 8. AGENT IN THE DISTRICT OF COLUMBIA.

49 USC 1323. (a) DESIGNATION OF AGENT AND SERVICE OF NOTICE.—Section 1323, as redesignated by section 3(a), is amended—

(1) in subsection (a), by striking “in the District of Columbia,”; and

(2) in subsection (c), by striking “in the District of Columbia”.

49 USC 1324. (b) SERVICE OF PROCESS IN COURT PROCEEDINGS.—Section 1324(a), as redesignated by section 3(a), is amended by striking “in the District of Columbia” each place such phrase appears.

SEC. 9. DEPARTMENT OF TRANSPORTATION INSPECTOR GENERAL AUTHORITY.

Subchapter II of chapter 13, as redesignated by section 3(a)(2), is amended by inserting after section 1325, as redesignated by section 3(a)(6), the following:

49 USC 1326. **“§ 1326. Authority of the Inspector General**

“(a) IN GENERAL.—The Inspector General of the Department of Transportation, in accordance with the mission of the Inspector General to prevent and detect fraud and abuse, shall have authority to review only the financial management, property management, and business operations of the Surface Transportation Board, including internal accounting and administrative control systems, to determine the Board’s compliance with applicable Federal laws, rules, and regulations.

“(b) DUTIES.—In carrying out this section, the Inspector General shall—

“(1) keep the Chairman of the Board, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives fully and currently informed about problems relating to administration of the internal accounting and administrative control systems of the Board;

“(2) issue findings and recommendations for actions to address the problems referred to in paragraph (1); and

Reports. “(3) submit periodic reports to the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives that describe any progress made in implementing actions to address the problems referred to in paragraph (1).

“(c) ACCESS TO INFORMATION.—In carrying out this section, the Inspector General may exercise authorities granted to the Inspector General under subsections (a) and (b) of section 6 of the Inspector General Act of 1978 (5 U.S.C. App.).

“(d) AUTHORIZATION OF APPROPRIATIONS.—

“(1) FUNDING.—There are authorized to be appropriated to the Secretary of Transportation for use by the Inspector

General of the Department of Transportation such sums as may be necessary to cover expenses associated with activities pursuant to the authority exercised under this section.

“(2) REIMBURSABLE AGREEMENT.—In the absence of an appropriation under this subsection for an expense referred to in paragraph (1), the Inspector General and the Board shall have a reimbursement agreement to cover such expense.”.

SEC. 10. AMENDMENT TO TABLE OF SECTIONS.

The table of sections for chapter 13, as redesignated by section 3(a), is amended to read as follows:

49 USC
1301 prec.

“CHAPTER 13—SURFACE TRANSPORTATION BOARD

“I—ESTABLISHMENT

“Sec.

“1301. Establishment of Board

“1302. Functions.

“1303. Administrative provisions.

“1304. Reports.

“1305. Authorization of appropriations.

“1306. Reporting official action.

“II—ADMINISTRATIVE

“1321. Powers.

“1322. Board action.

“1323. Service of notice in Board proceedings.

“1324. Service of process in court proceedings.

“1325. Railroad-Shipper Transportation Advisory Council.

“1326. Authority of the Inspector General.”.

SEC. 11. PROCEDURES FOR RATE CASES.

Deadlines.

(a) SIMPLIFIED PROCEDURE.—Section 10701(d)(3) is amended to read as follows:

49 USC 10701.

“(3) The Board shall maintain 1 or more simplified and expedited methods for determining the reasonableness of challenged rates in those cases in which a full stand-alone cost presentation is too costly, given the value of the case.”.

(b) EXPEDITED HANDLING; RATE REVIEW TIMELINES.—Section 10704(d) is amended—

49 USC 10704.

(1) by striking “(d) Within 9 months” and all that follows through “railroad rates.” and inserting the following:

“(d)(1) The Board shall maintain procedures to ensure the expeditious handling of challenges to the reasonableness of railroad rates.”; and

(2) by adding at the end the following:

“(2)(A) Except as provided under subparagraph (B), in a stand-alone cost rate challenge, the Board shall comply with the following timeline:

Compliance.

“(i) Discovery shall be completed not later than 150 days after the date on which the challenge is initiated.

“(ii) The development of the evidentiary record shall be completed not later than 155 days after the date on which discovery is completed under clause (i).

Records.

“(iii) The closing brief shall be submitted not later than 60 days after the date on which the development of the evidentiary record is completed under clause (ii).

“(iv) A final Board decision shall be issued not later than 180 days after the date on which the evidentiary record is completed under clause (ii).

Assessment.	<p>“(B) The Board may extend a timeline under subparagraph (A) after a request from any party or in the interest of due process.”.</p> <p>(c) PROCEDURES.—Not later than 180 days after the date of the enactment of this Act, the Surface Transportation Board shall initiate a proceeding to assess procedures that are available to parties in litigation before courts to expedite such litigation and the potential application of any such procedures to rate cases.</p> <p>(d) EXPIRED RAIL SERVICE CONTRACT LIMITATION.—Section 10709 is amended by striking subsection (h).</p>
49 USC 10709.	
Deadlines.	SEC. 12. INVESTIGATIVE AUTHORITY.
49 USC 11701.	<p>(a) AUTHORITY TO INITIATE INVESTIGATIONS.—Section 11701(a) is amended—</p> <p>(1) by striking “only on complaint” and inserting “on the Board’s own initiative or upon receiving a complaint pursuant to subsection (b)”;</p> <p>(2) by adding at the end the following: “If the Board finds a violation of this part in a proceeding brought on its own initiative, any remedy from such proceeding may only be applied prospectively.”.</p> <p>(b) LIMITATIONS ON INVESTIGATIONS OF THE BOARD’S INITIATIVE.—Section 11701, as amended by subsection (a), is further amended by adding at the end the following:</p> <p>“(d) In any investigation commenced on the Board’s own initiative, the Board shall—</p>
Notice.	<p>“(1) not later than 30 days after initiating the investigation, provide written notice to the parties under investigation, which shall state the basis for such investigation;</p> <p>“(2) only investigate issues that are of national or regional significance;</p> <p>“(3) permit the parties under investigation to file a written statement describing any or all facts and circumstances concerning a matter which may be the subject of such investigation;</p> <p>“(4) make available to the parties under investigation and Board members—</p>
Recommendations.	<p>“(A) any recommendations made as a result of the investigation; and</p> <p>“(B) a summary of the findings that support such recommendations;</p> <p>“(5) to the extent practicable, separate the investigative and decisionmaking functions of staff;</p> <p>“(6) dismiss any investigation that is not concluded by the Board with administrative finality within 1 year after the date on which it was commenced; and</p> <p>“(7) not later than 90 days after receiving the recommendations and summary of findings under paragraph (4)—</p> <p>“(A) dismiss the investigation if no further action is warranted; or</p> <p>“(B) initiate a proceeding to determine if a provision under this part has been violated.</p> <p>“(e)(1) Any parties to an investigation against whom a violation is found as a result of an investigation begun on the Board’s own initiative may, not later than 60 days after the date of the order of the Board finding such a violation, institute an action in the United States court of appeals for the appropriate judicial circuit for de novo review of such order in accordance with chapter 7 of title 5.</p>

“(2) The court—

“(A) shall have jurisdiction to enter a judgment affirming, modifying, or setting aside, in whole or in part, the order of the Board; and

“(B) may remand the proceeding to the Board for such further action as the court may direct.”.

Courts.

(c) RULEMAKINGS FOR INVESTIGATIONS OF THE BOARD’S INITIATIVE.—Not later than 1 year after the date of the enactment of this Act, the Board shall issue rules, after notice and comment rulemaking, for investigations commenced on its own initiative that—

49 USC 11701
note.

(1) comply with the requirements of section 11701(d) of title 49, United States Code, as added by subsection (b);

(2) satisfy due process requirements; and

(3) take into account ex parte constraints.

SEC. 13. ARBITRATION OF CERTAIN RAIL RATES AND PRACTICES DISPUTES.

(a) IN GENERAL.—Chapter 117 is amended by adding at the end the following:

“§ 11708. Voluntary arbitration of certain rail rates and practices disputes

49 USC 11708.

“(a) IN GENERAL.—Not later than 1 year after the date of the enactment of the Surface Transportation Board Reauthorization Act of 2015, the Board shall promulgate regulations to establish a voluntary and binding arbitration process to resolve rail rate and practice complaints subject to the jurisdiction of the Board.

Deadline.
Regulations.

“(b) COVERED DISPUTES.—The voluntary and binding arbitration process established pursuant to subsection (a)—

“(1) shall apply to disputes involving—

Applicability.

“(A) rates, demurrage, accessorial charges, misrouting, or mishandling of rail cars; or

“(B) a carrier’s published rules and practices as applied to particular rail transportation;

“(2) shall not apply to disputes—

“(A) to obtain the grant, denial, stay, or revocation of any license, authorization, or exemption;

“(B) to prescribe for the future any conduct, rules, or results of general, industry-wide applicability;

“(C) to enforce a labor protective condition; or

“(D) that are solely between 2 or more rail carriers;

and

“(3) shall not prevent parties from independently seeking or utilizing private arbitration services to resolve any disputes the parties may have.

“(c) ARBITRATION PROCEDURES.—

“(1) IN GENERAL.—The Board—

“(A) may make the voluntary and binding arbitration process established pursuant to subsection (a) available only to the relevant parties;

“(B) may make the voluntary and binding arbitration process available only—

“(i) after receiving the written consent to arbitrate from all relevant parties; and

“(ii)(I) after the filing of a written complaint; or

- “(II) through other procedures adopted by the Board in a rulemaking proceeding;
- “(C) with respect to rate disputes, may make the voluntary and binding arbitration process available only to the relevant parties if the rail carrier has market dominance (as determined under section 10707); and
- Deadline. “(D) may initiate the voluntary and binding arbitration process not later than 40 days after the date on which a written complaint is filed or through other procedures adopted by the Board in a rulemaking proceeding.
- “(2) LIMITATION.—Initiation of the voluntary and binding arbitration process shall preclude the Board from separately reviewing a complaint or dispute related to the same rail rate or practice in a covered dispute involving the same parties.
- “(3) RATES.—In resolving a covered dispute involving the reasonableness of a rail carrier’s rates, the arbitrator or panel of arbitrators, as applicable, shall consider the Board’s methodologies for setting maximum lawful rates, giving due consideration to the need for differential pricing to permit a rail carrier to collect adequate revenues (as determined under section 10704(a)(2)).
- “(d) ARBITRATION DECISIONS.—Any decision reached in an arbitration process under this section—
- “(1) shall be consistent with sound principles of rail regulation economics;
- “(2) shall be in writing;
- “(3) shall contain findings of fact and conclusions;
- “(4) shall be binding upon the parties; and
- “(5) shall not have any precedential effect in any other or subsequent arbitration dispute.
- Deadline. “(e) TIMELINES.—
- “(1) SELECTION.—An arbitrator or panel of arbitrators shall be selected not later than 14 days after the date of the Board’s decision to initiate arbitration.
- “(2) EVIDENTIARY PROCESS.—The evidentiary process of the voluntary and binding arbitration process shall be completed not later than 90 days after the date on which the arbitration process is initiated unless—
- “(A) a party requests an extension; and
- “(B) the arbitrator or panel of arbitrators, as applicable, grants such extension request.
- “(3) DECISION.—The arbitrator or panel of arbitrators, as applicable, shall issue a decision not later than 30 days after the date on which the evidentiary record is closed.
- “(4) EXTENSIONS.—The Board may extend any of the timelines under this subsection upon the agreement of all parties in the dispute.
- “(f) ARBITRATORS.—
- “(1) IN GENERAL.—Unless otherwise agreed by all of the parties, an arbitration under this section shall be conducted by an arbitrator or panel of arbitrators, which shall be selected from a roster, maintained by the Board, of persons with rail transportation, economic regulation, professional or business experience, including agriculture, in the private sector.
- “(2) INDEPENDENCE.—In an arbitration under this section, the arbitrators shall perform their duties with diligence, good

faith, and in a manner consistent with the requirements of impartiality and independence.

“(3) SELECTION.—

“(A) IN GENERAL.—If the parties cannot mutually agree on an arbitrator, or the lead arbitrator of a panel of arbitrators, the parties shall select the arbitrator or lead arbitrator from the roster by alternately striking names from the roster until only 1 name remains meeting the criteria set forth in paragraph (1).

“(B) PANEL OF ARBITRATORS.—If the parties agree to select a panel of arbitrators, instead of a single arbitrator, the panel shall be selected under this subsection as follows:

“(i) The parties to a dispute may mutually select 1 arbitrator from the roster to serve as the lead arbitrator of the panel of arbitrators.

“(ii) If the parties cannot mutually agree on a lead arbitrator, the parties shall select a lead arbitrator using the process described in subparagraph (A).

“(iii) In addition to the lead arbitrator selected under this subparagraph, each party to a dispute shall select 1 additional arbitrator from the roster, regardless of whether the other party struck out the arbitrator’s name under subparagraph (A).

“(4) COST.—The parties shall share the costs incurred by the Board and arbitrators equally, with each party responsible for paying its own legal and other associated arbitration costs.

“(g) RELIEF.—

“(1) IN GENERAL.—Subject to the limitations set forth in paragraphs (2) and (3), an arbitral decision under this section may award the payment of damages or rate prescriptive relief.

“(2) PRACTICE DISPUTES.—The damage award for practice disputes may not exceed \$2,000,000.

“(3) RATE DISPUTES.—

“(A) MONETARY LIMIT.—The damage award for rate disputes, including any rate prescription, may not exceed \$25,000,000.

“(B) TIME LIMIT.—Any rate prescription shall be limited to not longer than 5 years from the date of the arbitral decision.

“(h) BOARD REVIEW.—If a party appeals a decision under this section to the Board, the Board may review the decision under this section to determine if—

“(1) the decision is consistent with sound principles of rail regulation economics;

“(2) a clear abuse of arbitral authority or discretion occurred;

“(3) the decision directly contravenes statutory authority;

or

“(4) the award limitation under subsection (g) was violated.”.

(b) CONFORMING AMENDMENT.—The table of contents for chapter 117 is amended by adding at the end the following:

“11708. Voluntary arbitration of certain rail rates and practice disputes.”.

Determination.

49 USC
11701 prec.

SEC. 14. EFFECT OF PROPOSALS FOR RATES FROM MULTIPLE ORIGINS AND DESTINATIONS.

Deadline.
Study.
Contracts.

(a) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Comptroller General of the United States shall commence a study of rail transportation contract proposals containing multiple origin-to-destination movements.

(b) **REPORT.**—Not later than 1 year after commencing the study required under subsection (a), the Comptroller General shall submit a report containing the results of the study to—

(1) the Committee on Commerce, Science, and Transportation of the Senate; and

(2) the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 15. REPORTS.

(a) **REPORT ON RATE CASE METHODOLOGY.**—Not later than 1 year after the date of the enactment of this Act, the Surface Transportation Board shall submit a report to the congressional committees referred to in section 14(b) that—

(1) indicates whether current large rate case methodologies are sufficient, not unduly complex, and cost effective;

(2) indicates whether alternative methodologies exist, or could be developed, to streamline, expedite, and address the complexity of large rate cases; and

(3) only includes alternative methodologies, which exist or could be developed, that are consistent with sound economic principles.

Effective date.
49 USC 1304
note.

(b) **QUARTERLY REPORTS.**—Beginning not later than 60 days after the date of the enactment of this Act, the Surface Transportation Board shall submit quarterly reports to the congressional committees referred to in section 14(b) that describes the Surface Transportation Board’s progress toward addressing the issues raised in each unfinished regulatory proceeding, regardless of whether the proceeding is subject to a statutory or regulatory deadline.

SEC. 16. CRITERIA.

49 USC 10704.

Section 10704(a)(2) is amended by inserting “for the infrastructure and investment needed to meet the present and future demand for rail services and” after “management,”.

49 USC 1301
note.

SEC. 17. CONSTRUCTION.

Nothing in this Act may be construed to affect any suit commenced by or against the Surface Transportation Board, or any

proceeding or challenge pending before the Surface Transportation Board, before the date of the enactment of this Act.

Approved December 18, 2015.

LEGISLATIVE HISTORY—S. 808:

SENATE REPORTS: No. 114–52 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD, Vol. 161 (2015):

June 18, considered and passed Senate.

Dec. 10, considered and passed House.

Public Law 114–111
114th Congress

An Act

Dec. 18, 2015
[S. 1090]

To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide eligibility for broadcasting facilities to receive certain disaster assistance, and for other purposes.

Emergency
Information
Improvement Act
of 2015.
42 USC 5121
note.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Emergency Information Improvement Act of 2015”.

SEC. 2. ELIGIBILITY OF BROADCASTING FACILITIES FOR CERTAIN DISASTER ASSISTANCE.

(a) PRIVATE NONPROFIT FACILITY DEFINED.—Section 102(11)(B) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(11)(B)) is amended by inserting “broadcasting facilities,” after “workshops,”.

(b) CRITICAL SERVICES DEFINED.—Section 406(a)(3)(B) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(a)(3)(B)) is amended by striking “communications,” and inserting “communications (including broadcast and telecommunications),”.

Approved December 18, 2015.

LEGISLATIVE HISTORY—S. 1090:

SENATE REPORTS: No. 114–142 (Comm. on Homeland Security and Governmental Affairs).

CONGRESSIONAL RECORD, Vol. 161 (2015):

Sept. 17, considered and passed Senate.

Dec. 16, considered and passed House.

Public Law 114–112
114th Congress

An Act

To provide for the extension of the enforcement instruction on supervision requirements for outpatient therapeutic services in critical access and small rural hospitals through 2015.

Dec. 18, 2015
[S. 1461]

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

SECTION 1. EXTENSION OF ENFORCEMENT INSTRUCTION ON SUPERVISION REQUIREMENTS FOR OUTPATIENT THERAPEUTIC SERVICES IN CRITICAL ACCESS AND SMALL RURAL HOSPITALS THROUGH 2015.

Section 1 of Public Law 113–198 is amended—

128 Stat. 2057.

(1) in the section heading, by inserting “**AND 2015**” after “**2014**”; and

(2) by striking “calendar year 2014” and inserting “calendar years 2014 and 2015”.

Approved December 18, 2015.

LEGISLATIVE HISTORY—S. 1461:

SENATE REPORTS: No. 114–109 (Comm. on Finance).

CONGRESSIONAL RECORD, Vol. 161 (2015):

Sept. 10, considered and passed Senate.

Dec. 8, considered and passed House.

Public Law 114–113
114th Congress

An Act

Dec. 18, 2015
[H.R. 2029]

Making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2016, and for other purposes.

Consolidated
Appropriations
Act, 2016.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Consolidated Appropriations Act, 2016”.

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. References.
- Sec. 4. Explanatory statement.
- Sec. 5. Statement of appropriations.
- Sec. 6. Availability of funds.
- Sec. 7. Technical allowance for estimating differences.
- Sec. 8. Corrections.
- Sec. 9. Adjustments to compensation.

DIVISION A—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2016

- Title I—Agricultural Programs
- Title II—Conservation Programs
- Title III—Rural Development Programs
- Title IV—Domestic Food Programs
- Title V—Foreign Assistance and Related Programs
- Title VI—Related Agencies and Food and Drug Administration
- Title VII—General Provisions

DIVISION B—COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2016

- Title I—Department of Commerce
- Title II—Department of Justice
- Title III—Science
- Title IV—Related Agencies
- Title V—General Provisions

DIVISION C—DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2016

- Title I—Military Personnel
- Title II—Operation and Maintenance
- Title III—Procurement
- Title IV—Research, Development, Test and Evaluation
- Title V—Revolving and Management Funds
- Title VI—Other Department of Defense Programs
- Title VII—Related Agencies
- Title VIII—General Provisions
- Title IX—Overseas Contingency Operations/Global War on Terrorism

DIVISION D—ENERGY AND WATER DEVELOPMENT AND RELATED
AGENCIES APPROPRIATIONS ACT, 2016

Title I—Corps of Engineers—Civil
Title II—Department of the Interior
Title III—Department of Energy
Title IV—Independent Agencies
Title V—General Provisions

DIVISION E—FINANCIAL SERVICES AND GENERAL GOVERNMENT
APPROPRIATIONS ACT, 2016

Title I—Department of the Treasury
Title II—Executive Office of the President and Funds Appropriated to the President
Title III—The Judiciary
Title IV—District of Columbia
Title V—Independent Agencies
Title VI—General Provisions—This Act
Title VII—General Provisions—Government-wide
Title VIII—General Provisions—District of Columbia

DIVISION F—DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS
ACT, 2016

Title I—Departmental Management and Operations
Title II—Security, Enforcement, and Investigations
Title III—Protection, Preparedness, Response, and Recovery
Title IV—Research, Development, Training, and Services
Title V—General Provisions

DIVISION G—DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND
RELATED AGENCIES APPROPRIATIONS ACT, 2016

Title I—Department of the Interior
Title II—Environmental Protection Agency
Title III—Related Agencies
Title IV—General Provisions

DIVISION H—DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES,
AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2016

Title I—Department of Labor
Title II—Department of Health and Human Services
Title III—Department of Education
Title IV—Related Agencies
Title V—General Provisions

DIVISION I—LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2016

Title I—Legislative Branch
Title II—General Provisions

DIVISION J—MILITARY CONSTRUCTION AND VETERANS AFFAIRS, AND
RELATED AGENCIES APPROPRIATIONS ACT, 2016

Title I—Department of Defense
Title II—Department of Veterans Affairs
Title III—Related Agencies
Title IV—General Provisions

DIVISION K—DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND
RELATED PROGRAMS APPROPRIATIONS ACT, 2016

Title I—Department of State and Related Agency
Title II—United States Agency for International Development
Title III—Bilateral Economic Assistance
Title IV—International Security Assistance
Title V—Multilateral Assistance
Title VI—Export and Investment Assistance
Title VII—General Provisions
Title VIII—Overseas Contingency Operations/Global War on Terrorism
Title IX—Other Matters

DIVISION L—TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT,
AND RELATED AGENCIES APPROPRIATIONS ACT, 2016

Title I—Department of Transportation

Title II—Department of Housing and Urban Development
 Title III—Related Agencies
 Title IV—General Provisions—This Act

DIVISION M—INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2016

DIVISION N—CYBERSECURITY ACT OF 2015

DIVISION O—OTHER MATTERS

DIVISION P—TAX-RELATED PROVISIONS

DIVISION Q—PROTECTING AMERICANS FROM TAX HIKES ACT OF 2015

1 USC 1 note.

SEC. 3. REFERENCES.

Except as expressly provided otherwise, any reference to “this Act” contained in any division of this Act shall be treated as referring only to the provisions of that division.

SEC. 4. EXPLANATORY STATEMENT.

The explanatory statement regarding this Act, printed in the House of Representatives section of the Congressional Record on or about December 17, 2015 by the Chairman of the Committee on Appropriations of the House, shall have the same effect with respect to the allocation of funds and implementation of divisions A through L of this Act as if it were a joint explanatory statement of a committee of conference.

SEC. 5. STATEMENT OF APPROPRIATIONS.

The following sums in this Act are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2016.

SEC. 6. AVAILABILITY OF FUNDS.

Each amount designated in this Act by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be available (or rescinded, if applicable) only if the President subsequently so designates all such amounts and transmits such designations to the Congress.

SEC. 7. TECHNICAL ALLOWANCE FOR ESTIMATING DIFFERENCES.

If, for fiscal year 2016, new budget authority provided in appropriations Acts exceeds the discretionary spending limit for any category set forth in section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 due to estimating differences with the Congressional Budget Office, an adjustment to the discretionary spending limit in such category for fiscal year 2016 shall be made by the Director of the Office of Management and Budget in the amount of the excess but the total of all such adjustments shall not exceed 0.2 percent of the sum of the adjusted discretionary spending limits for all categories for that fiscal year.

SEC. 8. CORRECTIONS.

The Continuing Appropriations Act, 2016 (Public Law 114–53) is amended—

(1) by changing the long title so as to read: “Making continuing appropriations for the fiscal year ending September 30, 2016, and for other purposes.”;

(2) by inserting after the enacting clause (before section 1) the following: “**DIVISION A—TSA OFFICE OF INSPECTION ACCOUNTABILITY ACT OF 2015**”;

(3) by inserting after section 8 (before the statement of appropriations) the following: “**DIVISION B—CONTINUING APPROPRIATIONS RESOLUTION, 2016**”; and

16 USC 6809.
20 USC 7801
note.

(4) by inserting after section 150 (before the short title) the following new section: “SEC. 151. Except as expressly provided otherwise, any reference in this division to ‘this Act’ shall be treated as referring only to the provisions of this division.”.

SEC. 9. ADJUSTMENTS TO COMPENSATION.

2 USC 4501 note.

Notwithstanding any other provision of law, no adjustment shall be made under section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4501) (relating to cost of living adjustments for Members of Congress) during fiscal year 2016.

DIVISION A—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2016

Agriculture,
Rural
Development,
Food and Drug
Administration,
and Related
Agencies
Appropriations
Act, 2016.

TITLE I

AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING, AND MARKETING

OFFICE OF THE SECRETARY

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of the Secretary, \$45,555,000, of which not to exceed \$5,051,000 shall be available for the immediate Office of the Secretary, of which not to exceed \$250,000 shall be available for the Military Veterans Agricultural Liaison; not to exceed \$502,000 shall be available for the Office of Tribal Relations; not to exceed \$1,496,000 shall be available for the Office of Homeland Security and Emergency Coordination; not to exceed \$1,209,000 shall be available for the Office of Advocacy and Outreach; not to exceed \$25,928,000 shall be available for the Office of the Assistant Secretary for Administration, of which \$25,124,000 shall be available for Departmental Administration to provide for necessary expenses for management support services to offices of the Department and for general administration, security, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department; not to exceed \$3,869,000 shall be available for the Office of Assistant Secretary for Congressional Relations to carry out the programs funded by this Act, including programs involving intergovernmental affairs and liaison within the executive branch; and not to exceed \$7,500,000 shall be available for the Office of Communications: *Provided*, That the Secretary of Agriculture is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: *Provided further*, That no appropriation for any office shall be increased or decreased by more than 5 percent: *Provided further*, That not to exceed \$11,000 of the amount made available under this paragraph for the immediate Office of the Secretary shall be available for official reception and representation expenses, not otherwise provided for, as determined

by the Secretary: *Provided further*, That the amount made available under this heading for Departmental Administration shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551–558: *Provided further*, That funds made available under this heading for the Office of the Assistant Secretary for Congressional Relations may be transferred to agencies of the Department of Agriculture funded by this Act to maintain personnel at the agency level: *Provided further*, That no funds made available under this heading for the Office of Assistant Secretary for Congressional Relations may be obligated after 30 days from the date of enactment of this Act, unless the Secretary has notified the Committees on Appropriations of both Houses of Congress on the allocation of these funds by USDA agency: *Provided further*, That within 180 days of the date of enactment of this Act, the Secretary shall submit to Congress the report required in section 7 U.S.C. 6935(b)(3).

EXECUTIVE OPERATIONS

OFFICE OF THE CHIEF ECONOMIST

For necessary expenses of the Office of the Chief Economist, \$17,777,000, of which \$4,000,000 shall be for grants or cooperative agreements for policy research under 7 U.S.C. 3155, and of which \$1,000,000, to remain available until September 30, 2017, shall be for the purpose set forth under this heading in the explanatory statement described in section 4 (in the matter preceding division A of the consolidated Act).

NATIONAL APPEALS DIVISION

For necessary expenses of the National Appeals Division, \$13,317,000.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

For necessary expenses of the Office of Budget and Program Analysis, \$9,392,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, \$44,538,000, of which not less than \$28,000,000 is for cybersecurity requirements of the Department.

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, \$6,028,000.

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

For necessary expenses of the Office of the Assistant Secretary for Civil Rights, \$898,000.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, \$24,070,000.

AGRICULTURE BUILDINGS AND FACILITIES

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92-313, including authorities pursuant to the 1984 delegation of authority from the Administrator of General Services to the Department of Agriculture under 40 U.S.C. 121, for programs and activities of the Department which are included in this Act, and for alterations and other actions needed for the Department and its agencies to consolidate unneeded space into configurations suitable for release to the Administrator of General Services, and for the operation, maintenance, improvement, and repair of Agriculture buildings and facilities, and for related costs, \$64,189,000, to remain available until expended, for buildings operations and maintenance expenses: *Provided*, That the Secretary may use unobligated prior year balances of an agency or office that are no longer available for new obligation to cover shortfalls incurred in prior or current year rental payments for such agency or office.

HAZARDOUS MATERIALS MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Department of Agriculture, to comply with the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.) and the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.), \$3,618,000, to remain available until expended: *Provided*, That appropriations and funds available herein to the Department for Hazardous Materials Management may be transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, including employment pursuant to the Inspector General Act of 1978, \$95,738,000, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(9) of the Inspector General Act of 1978, and including not to exceed \$125,000 for certain confidential operational expenses, including the payment of informants, to be expended under the direction of the Inspector General pursuant to Public Law 95-452 and section 1337 of Public Law 97-98.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, \$44,383,000.

OFFICE OF ETHICS

For necessary expenses of the Office of Ethics, \$3,654,000.

OFFICE OF THE UNDER SECRETARY FOR RESEARCH, EDUCATION, AND
ECONOMICS

For necessary expenses of the Office of the Under Secretary for Research, Education, and Economics, \$893,000.

ECONOMIC RESEARCH SERVICE

For necessary expenses of the Economic Research Service, \$85,373,000.

NATIONAL AGRICULTURAL STATISTICS SERVICE

For necessary expenses of the National Agricultural Statistics Service, \$168,443,000, of which up to \$42,177,000 shall be available until expended for the Census of Agriculture: *Provided*, That amounts made available for the Census of Agriculture may be used to conduct Current Industrial Report surveys subject to 7 U.S.C. 2204g(d) and (f).

AGRICULTURAL RESEARCH SERVICE

SALARIES AND EXPENSES

7 USC 2254.

For necessary expenses of the Agricultural Research Service and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed \$100, and for land exchanges where the lands exchanged shall be of equal value or shall be equalized by a payment of money to the grantor which shall not exceed 25 percent of the total value of the land or interests transferred out of Federal ownership, \$1,143,825,000: *Provided*, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: *Provided further*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided, the cost of constructing any one building shall not exceed \$375,000, except for headhouses or greenhouses which shall each be limited to \$1,200,000, and except for 10 buildings to be constructed or improved at a cost not to exceed \$750,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building or \$375,000, whichever is greater: *Provided further*, That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: *Provided further*, That appropriations hereunder shall be available for granting easements at the Beltsville Agricultural Research Center: *Provided further*, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): *Provided further*, That appropriations hereunder shall be available for granting easements at any Agricultural Research Service location for the construction of a research facility by a non-Federal entity for use by, and acceptable to, the Agricultural Research

Service and a condition of the easements shall be that upon completion the facility shall be accepted by the Secretary, subject to the availability of funds herein, if the Secretary finds that acceptance of the facility is in the interest of the United States: *Provided further*, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing or operating any research facility or research project of the Agricultural Research Service, as authorized by law: *Provided further*, That of the appropriations hereunder, \$57,192,000 may not be obligated until 30 days after the Secretary of Agriculture certifies in writing to the Committees on Appropriations of both Houses of Congress that the Agricultural Research Service has updated its animal care policies and that all Agricultural Research Service research facilities at which animal research is conducted have a fully functioning Institutional Animal Care and Use Committee, including all appropriate and necessary record keeping: *Provided further*, That such certification shall set forth in detail the factual basis for the certification and the Department's plan for ensuring these changes are maintained in the future: *Provided further*, That such certification shall be subject to prior consultation with the Committees on Appropriations of both Houses of Congress.

BUILDINGS AND FACILITIES

For the acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the agricultural research programs of the Department of Agriculture, where not otherwise provided, \$212,101,000 to remain available until expended.

NATIONAL INSTITUTE OF FOOD AND AGRICULTURE

RESEARCH AND EDUCATION ACTIVITIES

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, \$819,685,000, which shall be for the purposes, and in the amounts, specified in the table titled "National Institute of Food and Agriculture, Research and Education Activities" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided*, That funds for research grants for 1994 institutions, education grants for 1890 institutions, capacity building for non-land-grant colleges of agriculture, the agriculture and food research initiative, veterinary medicine loan repayment, multicultural scholars, graduate fellowship and institution challenge grants, and grants management systems shall remain available until expended: *Provided further*, That each institution eligible to receive funds under the Evans-Allen program receives no less than \$1,000,000: *Provided further*, That funds for education grants for Alaska Native and Native Hawaiian-serving institutions be made available to individual eligible institutions or consortia of eligible institutions with funds awarded equally to each of the States of Alaska and Hawaii: *Provided further*, That funds for education grants for 1890 institutions shall be made available to institutions eligible to receive funds under 7 U.S.C. 3221 and 3222: *Provided further*, That not more than 5 percent of the amounts made available by this or any other Act to carry out the Agriculture and Food Research Initiative under 7 U.S.C.

450i(b) may be retained by the Secretary of Agriculture to pay administrative costs incurred by the Secretary in carrying out that authority.

NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

For the Native American Institutions Endowment Fund authorized by Public Law 103–382 (7 U.S.C. 301 note), \$11,880,000, to remain available until expended.

EXTENSION ACTIVITIES

For payments to States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, Micronesia, the Northern Marianas, and American Samoa, \$475,891,000, which shall be for the purposes, and in the amounts, specified in the table titled “National Institute of Food and Agriculture, Extension Activities” in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided*, That funds for facility improvements at 1890 institutions shall remain available until expended: *Provided further*, That institutions eligible to receive funds under 7 U.S.C. 3221 for cooperative extension receive no less than \$1,000,000: *Provided further*, That funds for cooperative extension under sections 3(b) and (c) of the Smith-Lever Act (7 U.S.C. 343(b) and (c)) and section 208(c) of Public Law 93–471 shall be available for retirement and employees’ compensation costs for extension agents.

INTEGRATED ACTIVITIES

For the integrated research, education, and extension grants programs, including necessary administrative expenses, \$30,900,000, which shall be for the purposes, and in the amounts, specified in the table titled “National Institute of Food and Agriculture, Integrated Activities” in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided*, That funds for the Food and Agriculture Defense Initiative shall remain available until September 30, 2017: *Provided further*, That notwithstanding any other provision of law, indirect costs shall not be charged against any Extension Implementation Program Area grant awarded under the Crop Protection/Pest Management Program (7 U.S.C. 7626).

OFFICE OF THE UNDER SECRETARY FOR MARKETING AND REGULATORY PROGRAMS

For necessary expenses of the Office of the Under Secretary for Marketing and Regulatory Programs, \$893,000.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Animal and Plant Health Inspection Service, including up to \$30,000 for representation allowances and for expenses pursuant to the Foreign Service Act of 1980

(22 U.S.C. 4085), \$894,415,000, of which \$470,000, to remain available until expended, shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds (“contingency fund”) to the extent necessary to meet emergency conditions; of which \$11,520,000, to remain available until expended, shall be used for the cotton pests program for cost share purposes or for debt retirement for active eradication zones; of which \$35,339,000, to remain available until expended, shall be for Animal Health Technical Services; of which \$697,000 shall be for activities under the authority of the Horse Protection Act of 1970, as amended (15 U.S.C. 1831); of which \$55,340,000, to remain available until expended, shall be used to support avian health; of which \$4,251,000, to remain available until expended, shall be for information technology infrastructure; of which \$158,000,000, to remain available until expended, shall be for specialty crop pests; of which, \$8,826,000, to remain available until expended, shall be for field crop and rangeland ecosystem pests; of which \$54,000,000, to remain available until expended, shall be for tree and wood pests; of which \$3,973,000, to remain available until expended, shall be for the National Veterinary Stockpile; of which up to \$1,500,000, to remain available until expended, shall be for the scrapie program for indemnities; of which \$2,500,000, to remain available until expended, shall be for the wildlife damage management program for aviation safety: *Provided*, That of amounts available under this heading for wildlife services methods development, \$1,000,000 shall remain available until expended: *Provided further*, That of amounts available under this heading for the screwworm program, \$4,990,000 shall remain available until expended: *Provided further*, That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 percent: *Provided further*, That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed five, of which two shall be for replacement only: *Provided further*, That in addition, in emergencies which threaten any segment of the agricultural production industry of this country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as may be deemed necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious disease or pests of animals, poultry, or plants, and for expenses in accordance with sections 10411 and 10417 of the Animal Health Protection Act (7 U.S.C. 8310 and 8316) and sections 431 and 442 of the Plant Protection Act (7 U.S.C. 7751 and 7772), and any unexpended balances of funds transferred for such emergency purposes in the preceding fiscal year shall be merged with such transferred amounts: *Provided further*, That appropriations hereunder shall be available pursuant to law (7 U.S.C. 2250) for the repair and alteration of leased buildings and improvements, but unless otherwise provided the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

In fiscal year 2016, the agency is authorized to collect fees to cover the total costs of providing technical assistance, goods, or services requested by States, other political subdivisions, domestic and international organizations, foreign governments, or

individuals, provided that such fees are structured such that any entity's liability for such fees is reasonably based on the technical assistance, goods, or services provided to the entity by the agency, and such fees shall be reimbursed to this account, to remain available until expended, without further appropriation, for providing such assistance, goods, or services.

BUILDINGS AND FACILITIES

For plans, construction, repair, preventive maintenance, environmental support, improvement, extension, alteration, and purchase of fixed equipment or facilities, as authorized by 7 U.S.C. 2250, and acquisition of land as authorized by 7 U.S.C. 428a, \$3,175,000, to remain available until expended.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

For necessary expenses of the Agricultural Marketing Service, \$81,223,000: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

Fees may be collected for the cost of standardization activities, as established by regulation pursuant to law (31 U.S.C. 9701).

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed \$60,982,000 (from fees collected) shall be obligated during the current fiscal year for administrative expenses: *Provided*, That if crop size is understated and/or other uncontrollable events occur, the agency may exceed this limitation by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

(INCLUDING TRANSFERS OF FUNDS)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), shall be used only for commodity program expenses as authorized therein, and other related operating expenses, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; and (3) not more than \$20,489,000 for formulation and administration of marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937 and the Agricultural Act of 1961.

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), \$1,235,000.

GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Grain Inspection, Packers and Stockyards Administration, \$43,057,000: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

LIMITATION ON INSPECTION AND WEIGHING SERVICES EXPENSES

Not to exceed \$55,000,000 (from fees collected) shall be obligated during the current fiscal year for inspection and weighing services: *Provided*, That if grain export activities require additional supervision and oversight, or other uncontrollable factors occur, this limitation may be exceeded by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY

For necessary expenses of the Office of the Under Secretary for Food Safety, \$816,000.

FOOD SAFETY AND INSPECTION SERVICE

For necessary expenses to carry out services authorized by the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act, including not to exceed \$50,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), \$1,014,871,000; and in addition, \$1,000,000 may be credited to this account from fees collected for the cost of laboratory accreditation as authorized by section 1327 of the Food, Agriculture, Conservation and Trade Act of 1990 (7 U.S.C. 138f): *Provided*, That funds provided for the Public Health Data Communication Infrastructure system shall remain available until expended: *Provided further*, That no fewer than 148 full-time equivalent positions shall be employed during fiscal year 2016 for purposes dedicated solely to inspections and enforcement related to the Humane Methods of Slaughter Act: *Provided further*, That the Food Safety and Inspection Service shall continue implementation of section 11016 of Public Law 110–246 as further clarified by the amendments made in section 12106 of Public Law 113–79: *Provided further*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

OFFICE OF THE UNDER SECRETARY FOR FARM AND FOREIGN
AGRICULTURAL SERVICES

For necessary expenses of the Office of the Under Secretary for Farm and Foreign Agricultural Services, \$898,000.

FARM SERVICE AGENCY

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Farm Service Agency, \$1,200,180,000: *Provided*, That not more than 50 percent of the \$129,546,000 made available under this heading for information technology related to farm program delivery, including the Modernize and Innovate the Delivery of Agricultural Systems and other farm program delivery systems, may be obligated until the Secretary submits to the Committees on Appropriations of both Houses of Congress a plan for expenditure that (1) identifies for each project/investment over \$25,000 (a) the functional and performance capabilities to be delivered and the mission benefits to be realized, (b) the estimated lifecycle cost, including estimates for development as well as maintenance and operations, and (c) key milestones to be met; (2) demonstrates that each project/investment is, (a) consistent with the Farm Service Agency Information Technology Roadmap, (b) being managed in accordance with applicable lifecycle management policies and guidance, and (c) subject to the applicable Department's capital planning and investment control requirements; and (3) has been reviewed by the Government Accountability Office and approved by the Committees on Appropriations of both Houses of Congress: *Provided further*, That the agency shall submit a report by the end of the fourth quarter of fiscal year 2016 to the Committees on Appropriations and the Government Accountability Office, that identifies for each project/investment that is operational (a) current performance against key indicators of customer satisfaction, (b) current performance of service level agreements or other technical metrics, (c) current performance against a pre-established cost baseline, (d) a detailed breakdown of current and planned spending on operational enhancements or upgrades, and (e) an assessment of whether the investment continues to meet business needs as intended as well as alternatives to the investment: *Provided further*, That the Secretary is authorized to use the services, facilities, and authorities (but not the funds) of the Commodity Credit Corporation to make program payments for all programs administered by the Agency: *Provided further*, That other funds made available to the Agency for authorized activities may be advanced to and merged with this account: *Provided further*, That funds made available to county committees shall remain available until expended: *Provided further*, That none of the funds available to the Farm Service Agency shall be used to close Farm Service Agency county offices: *Provided further*, That none of the funds available to the Farm Service Agency shall be used to permanently relocate county based employees that would result in an office with two or fewer employees without prior notification and approval of the Committees on Appropriations of both Houses of Congress.

STATE MEDIATION GRANTS

For grants pursuant to section 502(b) of the Agricultural Credit Act of 1987, as amended (7 U.S.C. 5101–5106), \$3,404,000.

GRASSROOTS SOURCE WATER PROTECTION PROGRAM

For necessary expenses to carry out wellhead or groundwater protection activities under section 12400 of the Food Security Act of 1985 (16 U.S.C. 3839bb–2), \$6,500,000, to remain available until expended.

DAIRY INDEMNITY PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses involved in making indemnity payments to dairy farmers and manufacturers of dairy products under a dairy indemnity program, such sums as may be necessary, to remain available until expended: *Provided*, That such program is carried out by the Secretary in the same manner as the dairy indemnity program described in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387, 114 Stat. 1549A–12).

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed farm ownership (7 U.S.C. 1922 et seq.) and operating (7 U.S.C. 1941 et seq.) loans, emergency loans (7 U.S.C. 1961 et seq.), Indian tribe land acquisition loans (25 U.S.C. 488), boll weevil loans (7 U.S.C. 1989), guaranteed conservation loans (7 U.S.C. 1924 et seq.), and Indian highly fractionated land loans (25 U.S.C. 488) to be available from funds in the Agricultural Credit Insurance Fund, as follows: \$2,000,000,000 for guaranteed farm ownership loans and \$1,500,000,000 for farm ownership direct loans; \$1,393,443,000 for unsubsidized guaranteed operating loans and \$1,252,004,000 for direct operating loans; emergency loans, \$34,667,000; Indian tribe land acquisition loans, \$2,000,000; guaranteed conservation loans, \$150,000,000; Indian highly fractionated land loans, \$10,000,000; and for boll weevil eradication program loans, \$60,000,000: *Provided*, That the Secretary shall deem the pink bollworm to be a boll weevil for the purpose of boll weevil eradication program loans.

For the cost of direct and guaranteed loans and grants, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: farm operating loans, \$53,961,000 for direct operating loans, \$14,352,000 for unsubsidized guaranteed operating loans, and emergency loans, \$1,262,000, to remain available until expended.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, \$314,918,000, of which \$306,998,000 shall be transferred to and merged with the appropriation for “Farm Service Agency, Salaries and Expenses”.

Funds appropriated by this Act to the Agricultural Credit Insurance Program Account for farm ownership, operating and conservation direct loans and guaranteed loans may be transferred among these programs: *Provided*, That the Committees on Appropriations of both Houses of Congress are notified at least 15 days in advance of any transfer.

RISK MANAGEMENT AGENCY

SALARIES AND EXPENSES

For necessary expenses of the Risk Management Agency, \$74,829,000: *Provided*, That not to exceed \$1,000 shall be available for official reception and representation expenses, as authorized by 7 U.S.C. 1506(i).

CORPORATIONS

The following corporations and agencies are hereby authorized to make expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided.

FEDERAL CROP INSURANCE CORPORATION FUND

For payments as authorized by section 516 of the Federal Crop Insurance Act (7 U.S.C. 1516), such sums as may be necessary, to remain available until expended.

COMMODITY CREDIT CORPORATION FUND

REIMBURSEMENT FOR NET REALIZED LOSSES

(INCLUDING TRANSFERS OF FUNDS)

For the current fiscal year, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, pursuant to section 2 of the Act of August 17, 1961 (15 U.S.C. 713a–11): *Provided*, That of the funds available to the Commodity Credit Corporation under section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i) for the conduct of its business with the Foreign Agricultural Service, up to \$5,000,000 may be transferred to and used by the Foreign Agricultural Service for information resource management activities of the Foreign Agricultural Service that are not related to Commodity Credit Corporation business.

HAZARDOUS WASTE MANAGEMENT

(LIMITATION ON EXPENSES)

For the current fiscal year, the Commodity Credit Corporation shall not expend more than \$5,000,000 for site investigation and cleanup expenses, and operations and maintenance expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9607(g)), and section 6001 of the Resource Conservation and Recovery Act (42 U.S.C. 6961).

TITLE II

CONSERVATION PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

For necessary expenses of the Office of the Under Secretary for Natural Resources and Environment, \$898,000.

NATURAL RESOURCES CONSERVATION SERVICE

CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands, water, and interests therein for use in the plant materials program by donation, exchange, or purchase at a nominal cost not to exceed \$100 pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, \$850,856,000, to remain available until September 30, 2017: *Provided*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for construction and improvement of buildings and public improvements at plant materials centers, except that the cost of alterations and improvements to other buildings and other public improvements shall not exceed \$250,000: *Provided further*, That when buildings or other structures are erected on non-Federal land, that the right to use such land is obtained as provided in 7 U.S.C. 2250a: *Provided further*, That of the amounts made available under this heading, \$5,600,000, shall remain available until expended for the authorities under 16 U.S.C. 1001–1005 and 1007–1009 for authorized ongoing watershed projects with a primary purpose of providing water to rural communities: *Provided further*, That of the amounts made available under this heading, \$5,000,000 shall remain available until expended for the authorities under section 13 of the Flood Control Act of December 22, 1944 (Public Law 78–534) for authorized ongoing projects with a primary purpose of watershed protection by stabilizing stream channels, tributaries, and banks to reduce erosion and sediment transport.

WATERSHED REHABILITATION PROGRAM

Under the authorities of section 14 of the Watershed Protection and Flood Prevention Act, \$12,000,000 is provided.

TITLE III

RURAL DEVELOPMENT PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR RURAL DEVELOPMENT

For necessary expenses of the Office of the Under Secretary for Rural Development, \$893,000.

RURAL DEVELOPMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs in the Rural Development mission area, including activities with institutions concerning the development and operation of agricultural cooperatives; and for cooperative agreements; \$225,835,000: *Provided*, That no less than \$19,500,000 shall be for the Comprehensive Loan Accounting System: *Provided further*, That notwithstanding any other provision of law, funds appropriated under this heading may be used for advertising and promotional activities that support the Rural Development mission area: *Provided further*, That any balances available from prior years for the Rural Utilities Service, Rural Housing Service, and the Rural Business–Cooperative Service salaries and expenses accounts shall be transferred to and merged with this appropriation.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949, to be available from funds in the rural housing insurance fund, as follows: \$900,000,000 shall be for direct loans and \$24,000,000,000 shall be for unsubsidized guaranteed loans; \$26,278,000 for section 504 housing repair loans; \$28,398,000 for section 515 rental housing; \$150,000,000 for section 538 guaranteed multi-family housing loans; \$10,000,000 for credit sales of single family housing acquired property; \$5,000,000 for section 523 self-help housing land development loans; and \$5,000,000 for section 524 site development loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: section 502 loans, \$60,750,000 shall be for direct loans; section 504 housing repair loans, \$3,424,000; and repair, rehabilitation, and new construction of section 515 rental housing, \$8,414,000: *Provided*, That to support the loan program level for section 538 guaranteed loans made available under this heading the Secretary may charge or adjust any fees to cover the projected cost of such loan guarantees pursuant to the provisions of the Credit Reform Act of 1990 (2 U.S.C. 661 et seq.), and the interest on such loans may not be subsidized:

Provided further, That applicants in communities that have a current rural area waiver under section 541 of the Housing Act of 1949 (42 U.S.C. 1490q) shall be treated as living in a rural area for purposes of section 502 guaranteed loans provided under this heading: *Provided further*, That of the amounts available under this paragraph for section 502 direct loans, no less than \$5,000,000 shall be available for direct loans for individuals whose homes will be built pursuant to a program funded with a mutual and self-help housing grant authorized by section 523 of the Housing Act of 1949 until June 1, 2016.

In addition, for the cost of direct loans, grants, and contracts, as authorized by 42 U.S.C. 1484 and 1486, \$15,125,000, to remain available until expended, for direct farm labor housing loans and domestic farm labor housing grants and contracts: *Provided*, That any balances available for the Farm Labor Program Account shall be transferred to and merged with this account.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, \$417,854,000 shall be transferred to and merged with the appropriation for “Rural Development, Salaries and Expenses”.

RENTAL ASSISTANCE PROGRAM

For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) or agreements entered into in lieu of debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Housing Act of 1949, \$1,389,695,000; and in addition such sums as may be necessary, as authorized by section 521(c) of the Act, to liquidate debt incurred prior to fiscal year 1992 to carry out the rental assistance program under section 521(a)(2) of the Act: *Provided*, That rental assistance agreements entered into or renewed during the current fiscal year shall be funded for a one-year period: *Provided further*, That any unexpended balances remaining at the end of such one-year agreements may be transferred and used for purposes of any debt reduction; maintenance, repair, or rehabilitation of any existing projects; preservation; and rental assistance activities authorized under title V of the Act: *Provided further*, That rental assistance provided under agreements entered into prior to fiscal year 2016 for a farm labor multi-family housing project financed under section 514 or 516 of the Act may not be recaptured for use in another project until such assistance has remained unused for a period of 12 consecutive months, if such project has a waiting list of tenants seeking such assistance or the project has rental assistance eligible tenants who are not receiving such assistance: *Provided further*, That such recaptured rental assistance shall, to the extent practicable, be applied to another farm labor multi-family housing project financed under section 514 or 516 of the Act: *Provided further*, That of the total amount provided, up to \$75,000,000 shall be available until September 30, 2017, for renewal of rental assistance agreements within the 12-month contract period: *Provided further*, That the Secretary shall provide to the Committees on Appropriations of both Houses of Congress quarterly reports on the number of renewals approved pursuant to the preceding proviso, on the amount of rental assistance available, and the anticipated need for rental assistance for the remainder of the fiscal year: *Provided further*, That except

as provided in the second proviso under this heading and notwithstanding any other provision of the Act, the Secretary may recapture rental assistance provided under agreements entered into prior to fiscal year 2016 for a project that the Secretary determines no longer needs rental assistance and use such recaptured funds for current needs as well as unmet rental assistance needs from fiscal year 2015.

MULTI-FAMILY HOUSING REVITALIZATION PROGRAM ACCOUNT

For the rural housing voucher program as authorized under section 542 of the Housing Act of 1949, but notwithstanding subsection (b) of such section, and for additional costs to conduct a demonstration program for the preservation and revitalization of multi-family rental housing properties described in this paragraph, \$37,000,000, to remain available until expended: *Provided*, That of the funds made available under this heading, \$15,000,000, shall be available for rural housing vouchers to any low-income household (including those not receiving rental assistance) residing in a property financed with a section 515 loan which has been prepaid after September 30, 2005: *Provided further*, That the amount of such voucher shall be the difference between comparable market rent for the section 515 unit and the tenant paid rent for such unit: *Provided further*, That funds made available for such vouchers shall be subject to the availability of annual appropriations: *Provided further*, That the Secretary shall, to the maximum extent practicable, administer such vouchers with current regulations and administrative guidance applicable to section 8 housing vouchers administered by the Secretary of the Department of Housing and Urban Development: *Provided further*, That if the Secretary determines that the amount made available for vouchers in this or any other Act is not needed for vouchers, the Secretary may use such funds for the demonstration program for the preservation and revitalization of multi-family rental housing properties described in this paragraph: *Provided further*, That of the funds made available under this heading, \$22,000,000 shall be available for a demonstration program for the preservation and revitalization of the sections 514, 515, and 516 multi-family rental housing properties to restructure existing USDA multi-family housing loans, as the Secretary deems appropriate, expressly for the purposes of ensuring the project has sufficient resources to preserve the project for the purpose of providing safe and affordable housing for low-income residents and farm laborers including reducing or eliminating interest; deferring loan payments, subordinating, reducing or reamortizing loan debt; and other financial assistance including advances, payments and incentives (including the ability of owners to obtain reasonable returns on investment) required by the Secretary: *Provided further*, That the Secretary shall as part of the preservation and revitalization agreement obtain a restrictive use agreement consistent with the terms of the restructuring: *Provided further*, That if the Secretary determines that additional funds for vouchers described in this paragraph are needed, funds for the preservation and revitalization demonstration program may be used for such vouchers: *Provided further*, That if Congress enacts legislation to permanently authorize a multi-family rental housing loan restructuring program similar to the demonstration program described herein, the Secretary may use

funds made available for the demonstration program under this heading to carry out such legislation with the prior approval of the Committees on Appropriations of both Houses of Congress: *Provided further*, That in addition to any other available funds, the Secretary may expend not more than \$1,000,000 total, from the program funds made available under this heading, for administrative expenses for activities funded under this heading.

MUTUAL AND SELF-HELP HOUSING GRANTS

For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), \$27,500,000, to remain available until expended.

RURAL HOUSING ASSISTANCE GRANTS

For grants for very low-income housing repair and rural housing preservation made by the Rural Housing Service, as authorized by 42 U.S.C. 1474, and 1490m, \$32,239,000, to remain available until expended.

RURAL COMMUNITY FACILITIES PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by section 306 and described in section 381E(d)(1) of the Consolidated Farm and Rural Development Act, \$2,200,000,000 for direct loans and \$148,305,000 for guaranteed loans.

For the cost of guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, \$3,500,000, to remain available until expended.

For the cost of grants for rural community facilities programs as authorized by section 306 and described in section 381E(d)(1) of the Consolidated Farm and Rural Development Act, \$38,778,000, to remain available until expended: *Provided*, That \$4,000,000 of the amount appropriated under this heading shall be available for a Rural Community Development Initiative: *Provided further*, That such funds shall be used solely to develop the capacity and ability of private, nonprofit community-based housing and community development organizations, low-income rural communities, and Federally Recognized Native American Tribes to undertake projects to improve housing, community facilities, community and economic development projects in rural areas: *Provided further*, That such funds shall be made available to qualified private, nonprofit and public intermediary organizations proposing to carry out a program of financial and technical assistance: *Provided further*, That such intermediary organizations shall provide matching funds from other sources, including Federal funds for related activities, in an amount not less than funds provided: *Provided further*, That \$5,778,000 of the amount appropriated under this heading shall be to provide grants for facilities in rural communities with extreme unemployment and severe economic depression (Public Law 106–387), with up to 5 percent for administration and capacity building in the State rural development offices: *Provided further*, That \$4,000,000 of the amount appropriated under this heading shall be available for community facilities grants to tribal colleges, as authorized

by section 306(a)(19) of such Act: *Provided further*, That sections 381E–H and 381N of the Consolidated Farm and Rural Development Act are not applicable to the funds made available under this heading: *Provided further*, That for the purposes of determining eligibility or level of program assistance the Secretary shall not include incarcerated prison populations.

RURAL BUSINESS—COOPERATIVE SERVICE

RURAL BUSINESS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of loan guarantees and grants, for the rural business development programs authorized by section 310B and described in subsections (a), (c), (f) and (g) of section 310B of the Consolidated Farm and Rural Development Act, \$62,687,000, to remain available until expended: *Provided*, That of the amount appropriated under this heading, not to exceed \$500,000 shall be made available for one grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development and \$3,000,000 shall be for grants to the Delta Regional Authority (7 U.S.C. 2009aa et seq.) for any Rural Community Advancement Program purpose as described in section 381E(d) of the Consolidated Farm and Rural Development Act, of which not more than 5 percent may be used for administrative expenses: *Provided further*, That \$4,000,000 of the amount appropriated under this heading shall be for business grants to benefit Federally Recognized Native American Tribes, including \$250,000 for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development: *Provided further*, That for purposes of determining eligibility or level of program assistance the Secretary shall not include incarcerated prison populations: *Provided further*, That sections 381E–H and 381N of the Consolidated Farm and Rural Development Act are not applicable to funds made available under this heading.

INTERMEDIARY RELENDING PROGRAM FUND ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the principal amount of direct loans, as authorized by the Intermediary Relending Program Fund Account (7 U.S.C. 1936b), \$18,889,000.

For the cost of direct loans, \$5,217,000, as authorized by the Intermediary Relending Program Fund Account (7 U.S.C. 1936b), of which \$531,000 shall be available through June 30, 2016, for Federally Recognized Native American Tribes; and of which \$1,021,000 shall be available through June 30, 2016, for Mississippi Delta Region counties (as determined in accordance with Public Law 100–460): *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, for administrative expenses to carry out the direct loan programs, \$4,468,000 shall be transferred to and merged with the appropriation for “Rural Development, Salaries and Expenses”.

RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM ACCOUNT

(INCLUDING RESCISSION OF FUNDS)

For the principal amount of direct loans, as authorized under section 313 of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects, \$33,077,000.

Of the funds derived from interest on the cushion of credit payments, as authorized by section 313 of the Rural Electrification Act of 1936, \$179,000,000 shall not be obligated and \$179,000,000 are rescinded.

RURAL COOPERATIVE DEVELOPMENT GRANTS

For rural cooperative development grants authorized under section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932), \$22,050,000, of which \$2,500,000 shall be for cooperative agreements for the appropriate technology transfer for rural areas program: *Provided*, That not to exceed \$3,000,000 shall be for grants for cooperative development centers, individual cooperatives, or groups of cooperatives that serve socially disadvantaged groups and a majority of the boards of directors or governing boards of which are comprised of individuals who are members of socially disadvantaged groups; and of which \$10,750,000, to remain available until expended, shall be for value-added agricultural product market development grants, as authorized by section 231 of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1632a).

RURAL ENERGY FOR AMERICA PROGRAM

For the cost of a program of loan guarantees, under the same terms and conditions as authorized by section 9007 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107), \$500,000: *Provided*, That the cost of loan guarantees, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

RURAL UTILITIES SERVICE

RURAL WATER AND WASTE DISPOSAL PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, loan guarantees, and grants for the rural water, waste water, waste disposal, and solid waste management programs authorized by sections 306, 306A, 306C, 306D, 306E, and 310B and described in sections 306C(a)(2), 306D, 306E, and 381E(d)(2) of the Consolidated Farm and Rural Development Act, \$522,365,000, to remain available until expended, of which not to exceed \$1,000,000 shall be available for the rural utilities program described in section 306(a)(2)(B) of such Act, and of which not to exceed \$993,000 shall be available for the rural utilities program described in section 306E of such Act: *Provided*, That not to exceed \$10,000,000 of the amount appropriated under this heading shall be for grants authorized by section 306A(i)(2) of the Consolidated Farm and Rural Development Act in addition to funding authorized by section 306A(i)(1) of such Act: *Provided*

further, That \$64,000,000 of the amount appropriated under this heading shall be for loans and grants including water and waste disposal systems grants authorized by section 306C(a)(2)(B) and section 306D of the Consolidated Farm and Rural Development Act, and Federally Recognized Native American Tribes authorized by 306C(a)(1): *Provided further*, That funding provided for section 306D of the Consolidated Farm and Rural Development Act may be provided to a consortium formed pursuant to section 325 of Public Law 105-83: *Provided further*, That not more than 2 percent of the funding provided for section 306D of the Consolidated Farm and Rural Development Act may be used by the State of Alaska for training and technical assistance programs and not more than 2 percent of the funding provided for section 306D of the Consolidated Farm and Rural Development Act may be used by a consortium formed pursuant to section 325 of Public Law 105-83 for training and technical assistance programs: *Provided further*, That not to exceed \$20,000,000 of the amount appropriated under this heading shall be for technical assistance grants for rural water and waste systems pursuant to section 306(a)(14) of such Act, unless the Secretary makes a determination of extreme need, of which \$6,500,000 shall be made available for a grant to a qualified nonprofit multi-State regional technical assistance organization, with experience in working with small communities on water and waste water problems, the principal purpose of such grant shall be to assist rural communities with populations of 3,300 or less, in improving the planning, financing, development, operation, and management of water and waste water systems, and of which not less than \$800,000 shall be for a qualified national Native American organization to provide technical assistance for rural water systems for tribal communities: *Provided further*, That not to exceed \$16,397,000 of the amount appropriated under this heading shall be for contracting with qualified national organizations for a circuit rider program to provide technical assistance for rural water systems: *Provided further*, That not to exceed \$4,000,000 shall be for solid waste management grants: *Provided further*, That \$10,000,000 of the amount appropriated under this heading shall be transferred to, and merged with, the Rural Utilities Service, High Energy Cost Grants Account to provide grants authorized under section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 918a): *Provided further*, That any prior year balances for high-energy cost grants authorized by section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 918a) shall be transferred to and merged with the Rural Utilities Service, High Energy Cost Grants Account: *Provided further*, That sections 381E-H and 381N of the Consolidated Farm and Rural Development Act are not applicable to the funds made available under this heading.

RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM
ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

The principal amount of direct and guaranteed loans as authorized by sections 305 and 306 of the Rural Electrification Act of 1936 (7 U.S.C. 935 and 936) shall be made as follows: loans made pursuant to section 306 of that Act, rural electric, \$5,500,000,000; guaranteed underwriting loans pursuant to section 313A,

\$750,000,000; 5 percent rural telecommunications loans, cost of money rural telecommunications loans, and for loans made pursuant to section 306 of that Act, rural telecommunications loans, \$690,000,000: *Provided*, That up to \$2,000,000,000 shall be used for the construction, acquisition, or improvement of fossil-fueled electric generating plants (whether new or existing) that utilize carbon sequestration systems.

For the cost of direct loans as authorized by section 305 of the Rural Electrification Act of 1936 (7 U.S.C. 935), including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, cost of money rural telecommunications loans, \$104,000.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, \$34,707,000, which shall be transferred to and merged with the appropriation for “Rural Development, Salaries and Expenses”.

DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND PROGRAM

For the principal amount of broadband telecommunication loans, \$20,576,000.

For grants for telemedicine and distance learning services in rural areas, as authorized by 7 U.S.C. 950aaa et seq., \$22,000,000, to remain available until expended: *Provided*, That \$3,000,000 shall be made available for grants authorized by 379G of the Consolidated Farm and Rural Development Act: *Provided further*, That funding provided under this heading for grants under 379G of the Consolidated Farm and Rural Development Act may only be provided to entities that meet all of the eligibility criteria for a consortium as established by this section.

For the cost of broadband loans, as authorized by section 601 of the Rural Electrification Act, \$4,500,000, to remain available until expended: *Provided*, That the cost of direct loans shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, \$10,372,000, to remain available until expended, for a grant program to finance broadband transmission in rural areas eligible for Distance Learning and Telemedicine Program benefits authorized by 7 U.S.C. 950aaa.

TITLE IV

DOMESTIC FOOD PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR FOOD, NUTRITION, AND CONSUMER SERVICES

For necessary expenses of the Office of the Under Secretary for Food, Nutrition, and Consumer Services, \$811,000.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), except section 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.),

except sections 17 and 21; \$22,149,746,000 to remain available through September 30, 2017, of which such sums as are made available under section 14222(b)(1) of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246), as amended by this Act, shall be merged with and available for the same time period and purposes as provided herein: *Provided*, That of the total amount available, \$17,004,000 shall be available to carry out section 19 of the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.): *Provided further*, That of the total amount available, \$25,000,000 shall be available to provide competitive grants to State agencies for sub-grants to local educational agencies and schools to purchase the equipment needed to serve healthier meals, improve food safety, and to help support the establishment, maintenance, or expansion of the school breakfast program: *Provided further*, That of the total amount available, \$16,000,000 shall remain available until expended to carry out section 749(g) of the Agriculture Appropriations Act of 2010 (Public Law 111–80): *Provided further*, That section 26(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769g(d)) is amended in the first sentence by striking “2010 through 2015” and inserting “2010 through 2016”.

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS,
AND CHILDREN (WIC)

For necessary expenses to carry out the special supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), \$6,350,000,000, to remain available through September 30, 2017: *Provided*, That notwithstanding section 17(h)(10) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(10)), not less than \$60,000,000 shall be used for breastfeeding peer counselors and other related activities, and \$13,600,000 shall be used for infrastructure: *Provided further*, That none of the funds provided in this account shall be available for the purchase of infant formula except in accordance with the cost containment and competitive bidding requirements specified in section 17 of such Act: *Provided further*, That none of the funds provided shall be available for activities that are not fully reimbursed by other Federal Government departments or agencies unless authorized by section 17 of such Act: *Provided further*, That upon termination of a federally mandated vendor moratorium and subject to terms and conditions established by the Secretary, the Secretary may waive the requirement at 7 CFR 246.12(g)(6) at the request of a State agency.

SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

For necessary expenses to carry out the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), \$80,849,383,000, of which \$3,000,000,000, to remain available through December 31, 2017, shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations: *Provided*, That funds available for the contingency reserve under the heading “Supplemental Nutrition Assistance Program” of division A of Public Law 113–235 shall be available until December 31, 2016: *Provided further*, That funds provided herein shall be expended in accordance with section 16 of the Food and Nutrition Act of 2008: *Provided further*, That of the funds made available under this heading, \$998,000 may be used to provide

nutrition education services to State agencies and Federally Recognized Tribes participating in the Food Distribution Program on Indian Reservations: *Provided further*, That this appropriation shall be subject to any work registration or workfare requirements as may be required by law: *Provided further*, That funds made available for Employment and Training under this heading shall remain available through September 30, 2017: *Provided further*, That funds made available under this heading for section 28(d)(1) and section 27(a) of the Food and Nutrition Act of 2008 shall remain available through September 30, 2017: *Provided further*, That funds made available under this heading may be used to enter into contracts and employ staff to conduct studies, evaluations, or to conduct activities related to program integrity provided that such activities are authorized by the Food and Nutrition Act of 2008.

COMMODITY ASSISTANCE PROGRAM

For necessary expenses to carry out disaster assistance and the Commodity Supplemental Food Program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note); the Emergency Food Assistance Act of 1983; special assistance for the nuclear affected islands, as authorized by section 103(f)(2) of the Compact of Free Association Amendments Act of 2003 (Public Law 108–188); and the Farmers’ Market Nutrition Program, as authorized by section 17(m) of the Child Nutrition Act of 1966, \$296,217,000, to remain available through September 30, 2017: *Provided*, That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program: *Provided further*, That notwithstanding any other provision of law, effective with funds made available in fiscal year 2016 to support the Seniors Farmers’ Market Nutrition Program, as authorized by section 4402 of the Farm Security and Rural Investment Act of 2002, such funds shall remain available through September 30, 2017: *Provided further*, That of the funds made available under section 27(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2036(a)), the Secretary may use up to 10 percent for costs associated with the distribution of commodities.

NUTRITION PROGRAMS ADMINISTRATION

For necessary administrative expenses of the Food and Nutrition Service for carrying out any domestic nutrition assistance program, \$150,824,000: *Provided*, That of the funds provided herein, \$2,000,000 shall be used for the purposes of section 4404 of Public Law 107–171, as amended by section 4401 of Public Law 110–246.

TITLE V

FOREIGN ASSISTANCE AND RELATED PROGRAMS

FOREIGN AGRICULTURAL SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Foreign Agricultural Service, including not to exceed \$250,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), \$191,566,000: *Provided*, That the Service may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1737) and the foreign assistance programs of the United States Agency for International Development: *Provided further*, That funds made available for middle-income country training programs, funds made available for the Borlaug International Agricultural Science and Technology Fellowship program, and up to \$2,000,000 of the Foreign Agricultural Service appropriation solely for the purpose of offsetting fluctuations in international currency exchange rates, subject to documentation by the Foreign Agricultural Service, shall remain available until expended.

FOOD FOR PEACE TITLE I DIRECT CREDIT AND FOOD FOR PROGRESS
PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the credit program of title I, Food for Peace Act (Public Law 83–480) and the Food for Progress Act of 1985, \$2,528,000, shall be transferred to and merged with the appropriation for “Farm Service Agency, Salaries and Expenses”.

FOOD FOR PEACE TITLE II GRANTS

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years’ costs, including interest thereon, under the Food for Peace Act (Public Law 83–480), for commodities supplied in connection with dispositions abroad under title II of said Act, \$1,466,000,000, to remain available until expended.

MCGOVERN-DOLE INTERNATIONAL FOOD FOR EDUCATION AND CHILD
NUTRITION PROGRAM GRANTS

For necessary expenses to carry out the provisions of section 3107 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o–1), \$201,626,000, to remain available until expended: *Provided*, That the Commodity Credit Corporation is authorized to provide the services, facilities, and authorities for the purpose of implementing such section, subject to reimbursement from amounts provided herein: *Provided further*, That of the amount

made available under this heading, \$5,000,000, shall remain available until expended for necessary expenses to carry out the provisions of section 3207 of the Agricultural Act of 2014 (7 U.S.C. 1726c).

COMMODITY CREDIT CORPORATION EXPORT (LOANS) CREDIT
GUARANTEE PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the Commodity Credit Corporation's Export Guarantee Program, GSM 102 and GSM 103, \$6,748,000; to cover common overhead expenses as permitted by section 11 of the Commodity Credit Corporation Charter Act and in conformity with the Federal Credit Reform Act of 1990, of which \$6,394,000 shall be transferred to and merged with the appropriation for "Foreign Agricultural Service, Salaries and Expenses", and of which \$354,000 shall be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

TITLE VI

RELATED AGENCIES AND FOOD AND DRUG
ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Food and Drug Administration, including hire and purchase of passenger motor vehicles; for payment of space rental and related costs pursuant to Public Law 92–313 for programs and activities of the Food and Drug Administration which are included in this Act; for rental of special purpose space in the District of Columbia or elsewhere; for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed \$25,000; and notwithstanding section 521 of Public Law 107–188; \$4,681,392,000: *Provided*, That of the amount provided under this heading, \$851,481,000 shall be derived from prescription drug user fees authorized by 21 U.S.C. 379h, and shall be credited to this account and remain available until expended; \$137,677,000 shall be derived from medical device user fees authorized by 21 U.S.C. 379j, and shall be credited to this account and remain available until expended; \$318,363,000 shall be derived from human generic drug user fees authorized by 21 U.S.C. 379j–42, and shall be credited to this account and remain available until expended; \$21,540,000 shall be derived from biosimilar biological product user fees authorized by 21 U.S.C. 379j–52, and shall be credited to this account and remain available until expended; \$22,818,000 shall be derived from animal drug user fees authorized by 21 U.S.C. 379j–12, and shall be credited to this account and remain available until expended; \$9,705,000 shall be derived from animal generic drug user fees authorized by 21 U.S.C. 379j–21, and shall be credited to this account and remain available until expended; \$599,000,000 shall be derived

from tobacco product user fees authorized by 21 U.S.C. 387s, and shall be credited to this account and remain available until expended: *Provided further*, That in addition to and notwithstanding any other provision under this heading, amounts collected for prescription drug user fees, medical device user fees, human generic drug user fees, biosimilar biological product user fees, animal drug user fees, and animal generic drug user fees that exceed the respective fiscal year 2016 limitations are appropriated and shall be credited to this account and remain available until expended: *Provided further*, That fees derived from prescription drug, medical device, human generic drug, biosimilar biological product, animal drug, and animal generic drug assessments for fiscal year 2016, including any such fees collected prior to fiscal year 2016 but credited for fiscal year 2016, shall be subject to the fiscal year 2016 limitations: *Provided further*, That the Secretary may accept payment during fiscal year 2016 of user fees specified under this heading and authorized for fiscal year 2017, prior to the due date for such fees, and that amounts of such fees assessed for fiscal year 2017 for which the Secretary accepts payment in fiscal year 2016 shall not be included in amounts under this heading: *Provided further*, That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701: *Provided further*, That of the total amount appropriated: (1) \$987,328,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs; (2) \$1,394,136,000 shall be for the Center for Drug Evaluation and Research and related field activities in the Office of Regulatory Affairs; (3) \$354,901,000 shall be for the Center for Biologics Evaluation and Research and for related field activities in the Office of Regulatory Affairs; (4) \$187,825,000 shall be for the Center for Veterinary Medicine and for related field activities in the Office of Regulatory Affairs; (5) \$430,443,000 shall be for the Center for Devices and Radiological Health and for related field activities in the Office of Regulatory Affairs; (6) \$63,331,000 shall be for the National Center for Toxicological Research; (7) \$564,117,000 shall be for the Center for Tobacco Products and for related field activities in the Office of Regulatory Affairs; (8) not to exceed \$171,418,000 shall be for Rent and Related activities, of which \$52,346,000 is for White Oak Consolidation, other than the amounts paid to the General Services Administration for rent; (9) not to exceed \$238,274,000 shall be for payments to the General Services Administration for rent; and (10) \$289,619,000 shall be for other activities, including the Office of the Commissioner of Food and Drugs, the Office of Foods and Veterinary Medicine, the Office of Medical and Tobacco Products, the Office of Global and Regulatory Policy, the Office of Operations, the Office of the Chief Scientist, and central services for these offices: *Provided further*, That not to exceed \$25,000 of this amount shall be for official reception and representation expenses, not otherwise provided for, as determined by the Commissioner: *Provided further*, That any transfer of funds pursuant to section 770(n) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379dd(n)) shall only be from amounts made available under this heading for other activities: *Provided further*, That of the amounts that are made available under this heading for “other activities”, and that are not derived from user fees, \$1,500,000 shall be transferred to and merged with the appropriation for “Department of Health and Human

Services—Office of Inspector General” for oversight of the programs and operations of the Food and Drug Administration and shall be in addition to funds otherwise made available for oversight of the Food and Drug Administration: *Provided further*, That funds may be transferred from one specified activity to another with the prior approval of the Committees on Appropriations of both Houses of Congress.

In addition, mammography user fees authorized by 42 U.S.C. 263b, export certification user fees authorized by 21 U.S.C. 381, priority review user fees authorized by 21 U.S.C. 360n and 360ff, food and feed recall fees, food reinspection fees, and voluntary qualified importer program fees authorized by 21 U.S.C. 379j–31, outsourcing facility fees authorized by 21 U.S.C. 379j–62, prescription drug wholesale distributor licensing and inspection fees authorized by 21 U.S.C. 353(e)(3), and third-party logistics provider licensing and inspection fees authorized by 21 U.S.C. 360eee–3(c)(1), and third-party auditor fees authorized by 21 U.S.C. 384d(c)(8), shall be credited to this account, to remain available until expended.

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, \$8,788,000, to remain available until expended.

INDEPENDENT AGENCIES

COMMODITY FUTURES TRADING COMMISSION

For necessary expenses to carry out the provisions of the Commodity Exchange Act (7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles, and the rental of space (to include multiple year leases), in the District of Columbia and elsewhere, \$250,000,000, including not to exceed \$3,000 for official reception and representation expenses, and not to exceed \$25,000 for the expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, of which not less than \$50,000,000, to remain available until September 30, 2017, shall be for the purchase of information technology and of which not less than \$2,620,000 shall be for expenses of the Office of the Inspector General: *Provided*, That notwithstanding the limitations in 31 U.S.C. 1553, amounts provided under this heading are available for the liquidation of obligations equal to current year payments on leases entered into prior to the date of enactment of this Act: *Provided further*, That for the purpose of recording any obligations that should have been recorded against accounts closed pursuant to 31 U.S.C. 1552, these accounts may be reopened solely for the purpose of correcting any violations of 31 U.S.C. 1501(a)(1), and balances canceled pursuant to 31 U.S.C. 1552(a) in any accounts reopened pursuant to this authority shall remain unavailable to liquidate any outstanding obligations.

FARM CREDIT ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed \$65,600,000 (from assessments collected from farm credit institutions, including the Federal Agricultural Mortgage Corporation) shall be obligated during the current fiscal year for administrative expenses as authorized under 12 U.S.C. 2249: *Provided*, That this limitation shall not apply to expenses associated with receiverships: *Provided further*, That the agency may exceed this limitation by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

TITLE VII

GENERAL PROVISIONS

(INCLUDING RESCISSIONS AND TRANSFERS OF FUNDS)

SEC. 701. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture for the current fiscal year under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed 71 passenger motor vehicles of which 68 shall be for replacement only, and for the hire of such vehicles: *Provided*, That notwithstanding this section, the only purchase of new passenger vehicles shall be for those determined by the Secretary to be necessary for transportation safety, to reduce operational costs, and for the protection of life, property, and public safety.

SEC. 702. Notwithstanding any other provision of this Act, the Secretary of Agriculture may transfer unobligated balances of discretionary funds appropriated by this Act or any other available unobligated discretionary balances that are remaining available of the Department of Agriculture to the Working Capital Fund for the acquisition of plant and capital equipment necessary for the delivery of financial, administrative, and information technology services of primary benefit to the agencies of the Department of Agriculture, such transferred funds to remain available until expended: *Provided*, That none of the funds made available by this Act or any other Act shall be transferred to the Working Capital Fund without the prior approval of the agency administrator: *Provided further*, That none of the funds transferred to the Working Capital Fund pursuant to this section shall be available for obligation without written notification to and the prior approval of the Committees on Appropriations of both Houses of Congress: *Provided further*, That none of the funds appropriated by this Act or made available to the Department's Working Capital Fund shall be available for obligation or expenditure to make any changes to the Department's National Finance Center without written notification to and prior approval of the Committees on Appropriations of both Houses of Congress as required by section 717 of this Act: *Provided further*, That of annual income amounts in the Working Capital Fund of the Department of Agriculture allocated for the National Finance Center, the Secretary may reserve not more than 4 percent for the replacement or acquisition of capital equipment, including equipment for the improvement and implementation of a financial management plan, information technology, and other systems of the National Finance Center or to

pay any unforeseen, extraordinary cost of the National Finance Center: *Provided further*, That none of the amounts reserved shall be available for obligation unless the Secretary submits written notification of the obligation to the Committees on Appropriations of both Houses of Congress: *Provided further*, That the limitation on the obligation of funds pending notification to Congressional Committees shall not apply to any obligation that, as determined by the Secretary, is necessary to respond to a declared state of emergency that significantly impacts the operations of the National Finance Center; or to evacuate employees of the National Finance Center to a safe haven to continue operations of the National Finance Center.

SEC. 703. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 704. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 percent of the total direct cost of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

SEC. 705. Appropriations to the Department of Agriculture for the cost of direct and guaranteed loans made available in the current fiscal year shall remain available until expended to disburse obligations made in the current fiscal year for the following accounts: the Rural Development Loan Fund program account, the Rural Electrification and Telecommunication Loans program account, and the Rural Housing Insurance Fund program account.

SEC. 706. None of the funds made available to the Department of Agriculture by this Act may be used to acquire new information technology systems or significant upgrades, as determined by the Office of the Chief Information Officer, without the approval of the Chief Information Officer and the concurrence of the Executive Information Technology Investment Review Board: *Provided*, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act may be transferred to the Office of the Chief Information Officer without written notification to and the prior approval of the Committees on Appropriations of both Houses of Congress: *Provided further*, That, notwithstanding section 11319 of title 40, United States Code, none of the funds available to the Department of Agriculture for information technology shall be obligated for projects, contracts, or other agreements over \$25,000 prior to receipt of written approval by the Chief Information Officer: *Provided further*, That the Chief Information Officer may authorize an agency to obligate funds without written approval from the Chief Information Officer for projects, contracts, or other agreements up to \$250,000 based upon the performance of an agency measured against the performance plan requirements described in the explanatory statement accompanying Public Law 113–235.

SEC. 707. Funds made available under section 524(b) of the Federal Crop Insurance Act (7 U.S.C. 1524(b)) in the current fiscal

year shall remain available until expended to disburse obligations made in the current fiscal year.

SEC. 708. Notwithstanding any other provision of law, any former RUS borrower that has repaid or prepaid an insured, direct or guaranteed loan under the Rural Electrification Act of 1936, or any not-for-profit utility that is eligible to receive an insured or direct loan under such Act, shall be eligible for assistance under section 313(b)(2)(B) of such Act in the same manner as a borrower under such Act.

SEC. 709. Except as otherwise specifically provided by law, not more than \$20,000,000 in unobligated balances from appropriations made available for salaries and expenses in this Act for the Farm Service Agency shall remain available through September 30, 2017, for information technology expenses: *Provided*, That except as otherwise specifically provided by law, unobligated balances from appropriations made available for salaries and expenses in this Act for the Rural Development mission area shall remain available through September 30, 2017, for information technology expenses.

SEC. 710. None of the funds appropriated or otherwise made available by this Act may be used for first-class travel by the employees of agencies funded by this Act in contravention of sections 301–10.122 through 301–10.124 of title 41, Code of Federal Regulations.

SEC. 711. In the case of each program established or amended by the Agricultural Act of 2014 (Public Law 113–79), other than by title I or subtitle A of title III of such Act, or programs for which indefinite amounts were provided in that Act, that is authorized or required to be carried out using funds of the Commodity Credit Corporation—

(1) such funds shall be available for salaries and related administrative expenses, including technical assistance, associated with the implementation of the program, without regard to the limitation on the total amount of allotments and fund transfers contained in section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i); and

(2) the use of such funds for such purpose shall not be considered to be a fund transfer or allotment for purposes of applying the limitation on the total amount of allotments and fund transfers contained in such section.

SEC. 712. Of the funds made available by this Act, not more than \$2,000,000 shall be used to cover necessary expenses of activities related to all advisory committees, panels, commissions, and task forces of the Department of Agriculture, except for panels used to comply with negotiated rule makings and panels used to evaluate competitively awarded grants.

SEC. 713. None of the funds in this Act shall be available to pay indirect costs charged against any agricultural research, education, or extension grant awards issued by the National Institute of Food and Agriculture that exceed 30 percent of total Federal funds provided under each award: *Provided*, That notwithstanding section 1462 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310), funds provided by this Act for grants awarded competitively by the National Institute of Food and Agriculture shall be available to pay full allowable indirect costs for each grant awarded under section 9 of the Small Business Act (15 U.S.C. 638).

SEC. 714. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out the following:

(1) The Watershed Rehabilitation program authorized by section 14(h)(1) of the Watershed and Flood Protection Act (16 U.S.C. 1012(h)(1));

(2) The Environmental Quality Incentives Program as authorized by sections 1240–1240H of the Food Security Act of 1985 (16 U.S.C. 3839aa–3839aa–8) in excess of \$1,329,000,000: *Provided*, That this limitation shall apply only to funds provided by section 1241(a)(5)(C) of the Food Security Act of 1985 (16 U.S.C. 3841(a)(5)(C));

(3) The Biomass Crop Assistance Program authorized by section 9011 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8111) in excess of \$3,000,000 in new obligational authority; and

(4) The Biorefinery, Renewable Chemical and Biobased Product Manufacturing Assistance program as authorized by section 9003 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8103) in excess of \$27,000,000 of the funding appropriated by subsection (g)(1)(A)(ii) of that section for fiscal year 2016.

SEC. 715. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out a program under subsection (b)(2)(A)(viii) of section 14222 of Public Law 110–246 in excess of \$884,980,000, as follows: Child Nutrition Programs Entitlement Commodities—\$465,000,000; State Option Contracts—\$5,000,000; Removal of Defective Commodities—\$2,500,000: *Provided*, That none of the funds made available in this Act or any other Act shall be used for salaries and expenses to carry out in this fiscal year section 19(i)(1)(E) of the Richard B. Russell National School Lunch Act, as amended, except in an amount that excludes the transfer of \$125,000,000 of the funds to be transferred under subsection (c) of section 14222 of Public Law 110–246, until October 1, 2016: *Provided further*, That \$125,000,000 made available on October 1, 2016, to carry out section 19(i)(1)(E) of the Richard B. Russell National School Lunch Act, as amended, shall be excluded from the limitation described in subsection (b)(2)(A)(ix) of section 14222 of Public Law 110–246: *Provided further*, That none of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries or expenses of any employee of the Department of Agriculture or officer of the Commodity Credit Corporation to carry out clause 3 of section 32 of the Agricultural Adjustment Act of 1935 (Public Law 74–320, 7 U.S.C. 612c, as amended), or for any surplus removal activities or price support activities under section 5 of the Commodity Credit Corporation Charter Act: *Provided further*, That the available unobligated balances under (b)(2)(A)(viii) of section 14222 of Public Law 110–246 in excess of the limitation set forth in this section, except for the amounts to be transferred pursuant to the first proviso, are hereby permanently rescinded.

SEC. 716. None of the funds appropriated by this or any other Act shall be used to pay the salaries and expenses of personnel who prepare or submit appropriations language as part of the President’s budget submission to the Congress for programs under the jurisdiction of the Appropriations Subcommittees on Agriculture,

Rural Development, Food and Drug Administration, and Related Agencies that assumes revenues or reflects a reduction from the previous year due to user fees proposals that have not been enacted into law prior to the submission of the budget unless such budget submission identifies which additional spending reductions should occur in the event the user fees proposals are not enacted prior to the date of the convening of a committee of conference for the fiscal year 2017 appropriations Act.

SEC. 717. (a) None of the funds provided by this Act, or provided by previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming, transfer of funds, or reimbursements as authorized by the Economy Act, or in the case of the Department of Agriculture, through use of the authority provided by section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or section 8 of Public Law 89–106 (7 U.S.C. 2263), that—

- (1) creates new programs;
- (2) eliminates a program, project, or activity;
- (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted;
- (4) relocates an office or employees;
- (5) reorganizes offices, programs, or activities; or
- (6) contracts out or privatizes any functions or activities presently performed by Federal employees;

unless the Secretary of Agriculture, the Secretary of Health and Human Services, or the Chairman of the Commodity Futures Trading Commission (as the case may be) notifies in writing and receives approval from the Committees on Appropriations of both Houses of Congress at least 30 days in advance of the reprogramming of such funds or the use of such authority.

(b) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming or use of the authorities referred to in subsection (a) involving funds in excess of \$500,000 or 10 percent, whichever is less, that—

- (1) augments existing programs, projects, or activities;
- (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or

(3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Secretary of Agriculture, the Secretary of Health and Human Services, or the Chairman of the Commodity Futures Trading Commission (as the case may be) notifies in writing and receives approval from the Committees on Appropriations of both Houses of Congress at least 30 days in advance of the reprogramming or transfer of such funds or the use of such authority.

(c) The Secretary of Agriculture, the Secretary of Health and Human Services, or the Chairman of the Commodity Futures Trading Commission shall notify in writing and receive approval from the Committees on Appropriations of both Houses of Congress before implementing any program or activity not carried out during the previous fiscal year unless the program or activity is funded by this Act or specifically funded by any other Act.

(d) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury derived by the collection of fees available to the agencies funded by this Act, shall be available for—

(1) modifying major capital investments funding levels, including information technology systems, that involves increasing or decreasing funds in the current fiscal year for the individual investment in excess of \$500,000 or 10 percent of the total cost, whichever is less;

(2) realigning or reorganizing new, current, or vacant positions or agency activities or functions to establish a center, office, branch, or similar entity with five or more personnel; or

(3) carrying out activities or functions that were not described in the budget request; unless the agencies funded by this Act notify, in writing, the Committees on Appropriations of both Houses of Congress at least 30 days in advance of using the funds for these purposes.

(e) As described in this section, no funds may be used for any activities unless the Secretary of Agriculture, the Secretary of Health and Human Services, or the Chairman of the Commodity Futures Trading Commission receives from the Committee on Appropriations of both Houses of Congress written or electronic mail confirmation of receipt of the notification as required in this section.

SEC. 718. Notwithstanding section 310B(g)(5) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(g)(5)), the Secretary may assess a one-time fee for any guaranteed business and industry loan in an amount that does not exceed 3 percent of the guaranteed principal portion of the loan.

SEC. 719. None of the funds appropriated or otherwise made available to the Department of Agriculture, the Food and Drug Administration, the Commodity Futures Trading Commission, or the Farm Credit Administration shall be used to transmit or otherwise make available reports, questions, or responses to questions that are a result of information requested for the appropriations hearing process to any non-Department of Agriculture, non-Department of Health and Human Services, non-Commodity Futures Trading Commission, or non-Farm Credit Administration employee.

SEC. 720. Unless otherwise authorized by existing law, none of the funds provided in this Act, may be used by an executive branch agency to produce any prepackaged news story intended for broadcast or distribution in the United States unless the story includes a clear notification within the text or audio of the prepackaged news story that the prepackaged news story was prepared or funded by that executive branch agency.

SEC. 721. No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this

Act or any other Act to any other agency or office of the Department for more than 60 days in a fiscal year unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

SEC. 722. None of the funds made available by this Act may be used to pay the salaries and expenses of personnel who provide nonrecourse marketing assistance loans for mohair under section 1201 of the Agricultural Act of 2014 (Public Law 113–79).

SEC. 723. Not later than 30 days after the date of enactment of this Act, the Secretary of Agriculture, the Commissioner of the Food and Drug Administration, the Chairman of the Commodity Futures Trading Commission, and the Chairman of the Farm Credit Administration shall submit to the Committees on Appropriations of both Houses of Congress a detailed spending plan by program, project, and activity for all the funds made available under this Act including appropriated user fees, as defined in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

SEC. 724. Funds made available under title II of the Food for Peace Act (7 U.S.C. 1721 et seq.) may only be used to provide assistance to recipient nations if adequate monitoring and controls, as determined by the Administrator of the U.S. Agency for International Development, are in place to ensure that emergency food aid is received by the intended beneficiaries in areas affected by food shortages and not diverted for unauthorized or inappropriate purposes.

SEC. 725. There is hereby appropriated \$1,996,000 to carry out section 1621 of Public Law 110–246.

SEC. 726. The Secretary shall establish an intermediary loan packaging program based on the pilot program in effect for fiscal year 2013 for packaging and reviewing section 502 single family direct loans. The Secretary shall enter into agreements with current intermediary organizations and with additional qualified intermediary organizations. The Secretary shall work with these organizations to increase effectiveness of the section 502 single family direct loan program in rural communities and shall set aside and make available from the national reserve section 502 loans an amount necessary to support the work of such intermediaries and provide a priority for review of such loans.

SEC. 727. For loans and loan guarantees that do not require budget authority and the program level has been established in this Act, the Secretary of Agriculture may increase the program level for such loans and loan guarantees by not more than 25 percent: *Provided*, That prior to the Secretary implementing such an increase, the Secretary notifies, in writing, the Committees on Appropriations of both Houses of Congress at least 15 days in advance.

SEC. 728. There is hereby appropriated for the “Emergency Watershed Protection Program”, \$157,000,000, to remain available until expended; for the “Emergency Forestry Restoration Program”, \$6,000,000, to remain available until expended; and for the “Emergency Conservation Program”, \$108,000,000, to remain available until expended: *Provided*, That \$37,000,000 made available for the “Emergency Watershed Protection Program”; \$2,000,000 made available for the “Emergency Forestry Restoration Program”; and

\$91,000,000 made available for the “Emergency Conservation Program” under this section are for necessary expenses resulting from a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), and are designated by the Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 729. None of the credit card refunds or rebates transferred to the Working Capital Fund pursuant to section 729 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2002 (7 U.S.C. 2235a; Public Law 107–76) shall be available for obligation without written notification to, and the prior approval of, the Committees on Appropriations of both Houses of Congress: *Provided*, That the refunds or rebates so transferred shall be available for obligation only for the acquisition of plant and capital equipment necessary for the delivery of financial, administrative, and information technology services of primary benefit to the agencies of the Department of Agriculture.

SEC. 730. None of the funds made available by this Act may be used to procure processed poultry products imported into the United States from the People’s Republic of China for use in the school lunch program under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), the Child and Adult Food Care Program under section 17 of such Act (42 U.S.C. 1766), the Summer Food Service Program for Children under section 13 of such Act (42 U.S.C. 1761), or the school breakfast program under the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

SEC. 731. In response to an eligible community where the drinking water supplies are inadequate due to a natural disaster, as determined by the Secretary, including drought or severe weather, the Secretary may provide potable water through the Emergency Community Water Assistance Grant Program for an additional period of time not to exceed 120 days beyond the established period provided under the Program in order to protect public health.

SEC. 732. Funds provided by this or any prior Appropriations Act for the Agriculture and Food Research Initiative under 7 U.S.C. 450i(b) shall be made available without regard to section 7128 of the Agricultural Act of 2014 (7 U.S.C. 3371 note), under the matching requirements in laws in effect on the date before the date of enactment of such section: *Provided*, That the requirements of 7 U.S.C. 450i(b)(9) shall continue to apply.

SEC. 733. (a) For the period beginning on the date of enactment of this Act through school year 2016–2017, with respect to the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) or the school breakfast program established under the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) and final regulations published by the Department of Agriculture in the Federal Register on January 26, 2012 (77 Fed. Reg. 4088 et seq.), the Secretary shall allow States to grant an exemption from the whole grain requirements that took effect on or after July 1, 2014, and the States shall establish a process for evaluating and responding, in a reasonable amount of time, to requests for an exemption: *Provided*, That school food authorities demonstrate hardship, including financial hardship, in procuring specific whole grain products which are acceptable

to the students and compliant with the whole grain-rich requirements: *Provided further*, That school food authorities shall comply with the applicable grain component or standard with respect to the school lunch or school breakfast program that was in effect prior to July 1, 2014.

(b) None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to implement any regulations under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), the Healthy, Hunger-Free Kids Act of 2010 (Public Law 111–296), or any other law that would require a reduction in the quantity of sodium contained in federally reimbursed meals, foods, and snacks sold in schools below Target 1 (as described in section 220.8(f)(3) of title 7, Code of Federal Regulations (or successor regulations)) until the latest scientific research establishes the reduction is beneficial for children.

SEC. 734. None of the funds made available by this or any other Act may be used to release or implement the final version of the eighth edition of the Dietary Guidelines for Americans, revised pursuant to section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341), unless the Secretary of Agriculture and the Secretary of Health and Human Services ensure that each revision to any nutritional or dietary information or guideline contained in the 2010 edition of the Dietary Guidelines for Americans and each new nutritional or dietary information or guideline to be included in the eighth edition of the Dietary Guidelines for Americans—

(1) is based on significant scientific agreement; and

(2) is limited in scope to nutritional and dietary information.

SEC. 735. (a) Not later than 30 days after the date of the enactment of this Act, the Secretary of Agriculture shall engage the National Academy of Medicine to conduct a comprehensive study of the entire process used to establish the Advisory Committee for the Dietary Guidelines for Americans and the subsequent development of the Dietary Guidelines for Americans, most recently revised pursuant to section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341). The panel of the National Academy of Medicine selected to conduct the study shall include a balanced representation of individuals with broad experiences and viewpoints regarding nutritional and dietary information.

(b) The study required by subsection (a) shall include the following:

(1) An analysis of each of the following:

(A) How the Dietary Guidelines for Americans can better prevent chronic disease, ensure nutritional sufficiency for all Americans, and accommodate a range of individual factors, including age, gender, and metabolic health.

(B) How the advisory committee selection process can be improved to provide more transparency, eliminate bias, and include committee members with a range of viewpoints.

(C) How the Nutrition Evidence Library is compiled and utilized, including whether Nutrition Evidence Library reviews and other systematic reviews and data analysis

are conducted according to rigorous and objective scientific standards.

(D) How systematic reviews are conducted on long-standing Dietary Guidelines for Americans recommendations, including whether scientific studies are included from scientists with a range of viewpoints.

(2) Recommendations to improve the process used to establish the Dietary Guidelines for Americans and to ensure the Dietary Guidelines for Americans reflect balanced sound science.

(c) There is hereby appropriated \$1,000,000 to conduct the study required by subsection (a).

SEC. 736. The unobligated balances identified by the Treasury Appropriation Fund Symbol 12X0113 are rescinded.

SEC. 737. None of the funds made available by this Act may be used by the Secretary of Agriculture, acting through the Food and Nutrition Service, to commence any new research and evaluation projects until the Secretary submits to the Committees on Appropriations of both Houses of Congress a research and evaluation plan for fiscal year 2016, prepared in coordination with the Research, Education, and Economics mission area of the Department of Agriculture, and a period of 30 days beginning on the date of the submission of the plan expires to permit Congressional review of the plan.

SEC. 738. Of the unobligated prior year funds identified by Treasury Appropriation Fund Symbol 12X1980 where obligations have been cancelled, \$13,000,000 is rescinded.

SEC. 739. The unobligated balances identified by the Treasury Appropriation Fund Symbol 12X3318, 12X1010, 12X1090, 12X1907, 12X0402, 12X3508, and 12X3322 are rescinded.

SEC. 740. Section 166 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7286) is amended—

(1) by striking “and title I of the Food, Conservation, and Energy Act of 2008” both places it appears and inserting “title I of the Food, Conservation, and Energy Act of 2008, and Subtitle B of title I of the Agricultural Act of 2014”; and

(2) by amending paragraph (3) of subsection (c) to read as follows:

“(3) APPLICATION OF AUTHORITY.—Beginning with the 2015 crop marketing year, the Secretary shall carry out paragraph (1) under the same terms and conditions as were in effect for the 2008 crop year for loans made to producers under subtitle B of title I of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8701 et seq.).”

SEC. 741. (a) There is hereby appropriated \$5,000,000 to provide competitive grants to State agencies for subgrants to local educational agencies and schools to purchase the equipment needed to serve healthier meals, improve food safety, and to help support the establishment, maintenance, or expansion of the school breakfast program, to remain available until expended.

(b) There is hereby appropriated \$7,000,000 to carry out section 749(g) of the Agriculture Appropriations Act of 2010 (Public Law 111–80), to remain available until expended.

SEC. 742. Of the unobligated balances identified by the Treasury Appropriation Fund Symbol 12X1072, \$20,000,000 is hereby rescinded: *Provided*, That no amounts may be rescinded from amounts that were designated by Congress as an emergency

requirement or for disaster relief requirement pursuant to a Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 743. In carrying out subsection (h) of section 502 of the Housing Act of 1949 (42 U.S.C. 1472), the Secretary of Agriculture shall have the same authority with respect to loans guaranteed under such section and eligible lenders for such loans as the Secretary has under subsections (h) and (j) of section 538 of such Act (42 U.S.C. 1490p–2) with respect to loans guaranteed under such section 538 and eligible lenders for such loans.

SEC. 744. There is hereby appropriated \$8,000,000, to remain available until expended, to carry out section 6407 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107a): *Provided*, That the Secretary launch the program authorized by this section during the 2016 fiscal year and that it be carried out through the Rural Utilities Service: *Provided further*, That, within 60 days of enactment of this Act, the Secretary shall provide a report to the Committees on Appropriations of both Houses of Congress on how the Rural Utilities Service will implement section 6407 during the 2016 fiscal year.

SEC. 745. Of the unobligated balances of appropriations in Public Law 108–199, Public Law 109–234, and Public Law 110–28 made available for the “Emergency Watershed Protection Program”, \$2,400,000 shall be available for the purposes of such program for any disaster occurring fiscal year 2016 or fiscal year 2017, and shall remain available until expended.

SEC. 746. None of the funds made available by this Act may be used to propose, promulgate, or implement any rule, or take any other action with respect to, allowing or requiring information intended for a prescribing health care professional, in the case of a drug or biological product subject to section 503(b)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353(b)(1)), to be distributed to such professional electronically (in lieu of in paper form) unless and until a Federal law is enacted to allow or require such distribution.

SEC. 747. None of the funds made available by this Act may be used to implement, administer, or enforce the final rule entitled “Food Labeling; Nutrition Labeling of Standard Menu Items in Restaurants and Similar Retail Food Establishments” published by the Food and Drug Administration in the Federal Register on December 1, 2014 (79 Fed. Reg. 71156 et seq.) until the later of—

(1) December 1, 2016; or

(2) the date that is one year after the date on which the Secretary of Health and Human Services publishes Level 1 guidance with respect to nutrition labeling of standard menu items in restaurants and similar retail food establishments in accordance with paragraphs (g)(1)(i), (g)(1)(ii), (g)(1)(iii), and (g)(1)(iv) of section 10.115 of title 21, Code of Federal Regulations.

SEC. 748. In addition to funds appropriated in this Act, there is hereby appropriated \$250,000,000, to remain available until expended, under the heading “Food for Peace Title II Grants”: *Provided*, That the funds made available under this section shall be used for the purposes set forth in the Food for Peace Act for both emergency and non-emergency purposes: *Provided further*, That the funds made available by this section used for emergency

programs may be prioritized to respond to emergency food needs involving conflict in the Middle East and to address other urgent food needs around the world: *Provided further*, That of the funds made available under this section, \$20,000,000 shall be used to reimburse the Commodity Credit Corporation for the release of eligible commodities under section 302(f)(2)(A) of the Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f–1).

SEC. 749. None of the funds made available by this Act may be used to notify a sponsor or otherwise acknowledge receipt of a submission for an exemption for investigational use of a drug or biological product under section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)) or section 351(a)(3) of the Public Health Service Act (42 U.S.C. 262(a)(3)) in research in which a human embryo is intentionally created or modified to include a heritable genetic modification. Any such submission shall be deemed to have not been received by the Secretary, and the exemption may not go into effect.

SEC. 750. None of the funds made available by this or any other Act may be used to implement or enforce any provision of the FDA Food Safety Modernization Act (Public Law 111–353), including the amendments made thereby, with respect to the regulation of the distribution, sale, or receipt of dried spent grain byproducts of the alcoholic beverage production process, irrespective of whether such byproducts are solely intended for use as animal feed.

SEC. 751. (a) Of the unobligated balances from amounts made available in fiscal year 2015 for the supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), \$220,000,000 are hereby rescinded.

(b) In addition to amounts provided elsewhere in this Act, there is hereby appropriated for “Special Supplemental Nutrition Program for Women, Infants, and Children”, \$220,000,000, to remain available until expended, for management information systems, including WIC electronic benefit transfer systems and activities.

SEC. 752. (a) The Secretary of Agriculture shall—

(1) within 4 months of the date of enactment of this Act, establish a prioritization process for APHIS to conduct audits or reviews of countries or regions that have received animal health status recognitions by APHIS and provide a description of this process to the Committee on Appropriations of the House, Committee on Appropriations of the Senate, Committee on Agriculture of the House, and Committee on Agriculture, Nutrition, and Forestry of the Senate;

(2) conduct audits in a manner that evaluates the following factors in the country or region being audited, as applicable:

- (A) veterinary control and oversight;
- (B) disease history and vaccination practices;
- (C) livestock demographics and traceability;
- (D) epidemiological separation from potential sources of infection;
- (E) surveillance practices;
- (F) diagnostic laboratory capabilities; and
- (G) emergency preparedness and response.

(3) promptly make publicly available the final reports of any audits or reviews conducted pursuant to subsection (2); and

(b) This section shall be applied in a manner consistent with United States obligations under its international trade agreements.

SEC. 753. None of the funds made available by this Act may be used to carry out any activities or incur any expense related to the issuance of licenses under section 3 of the Animal Welfare Act (7 U.S.C. 2133), or the renewal of such licenses, to class B dealers who sell dogs and cats for use in research, experiments, teaching, or testing.

SEC. 754. No partially hydrogenated oils as defined in the order published by the Food and Drug Administration in the Federal Register on June 17, 2015 (80 Fed. Reg. 34650 et seq.) shall be deemed unsafe within the meaning of section 409(a) and no food that is introduced or delivered for introduction into interstate commerce that bears or contains a partially hydrogenated oil shall be deemed adulterated under sections 402(a)(1) or 402(a)(2)(C)(i) by virtue of bearing or containing a partially hydrogenated oil until the compliance date as specified in such order (June 18, 2018).

SEC. 755. Notwithstanding any other provision of law—

(1) the Secretary of Agriculture shall implement section 12106 of the Agricultural Act of 2014 and the amendments made by such section (21 U.S.C. 601 note; Public Law 113–79), including any regulation or guidance the Secretary of Agriculture issues to carry out such section or the amendments made by such section; and

(2) the Secretary of Health and Human Services shall implement section 403(t) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343(t)), including any regulation or guidance the Secretary of Health and Human Services issues to carry out such section.

SEC. 756. There is hereby appropriated \$600,000 for the purposes of section 727 of division A of Public Law 112–55.

SEC. 757. In addition to amounts otherwise made available by this Act and notwithstanding the last sentence of 16 U.S.C. 1310, there is appropriated \$4,000,000, to remain available until expended, to implement non-renewable agreements on eligible lands, including flooded agricultural lands, as determined by the Secretary, under the Water Bank Act (16 U.S.C. 1301–1311).

SEC. 758. The Secretary shall set aside for Rural Economic Area Partnership (REAP) Zones, until August 15, 2016, an amount of funds made available in title III under the headings of Rural Housing Insurance Fund Program Account, Mutual and Self-Help Housing Grants, Rural Housing Assistance Grants, Rural Community Facilities Program Account, Rural Business Program Account, Rural Development Loan Fund Program Account, and Rural Water and Waste Disposal Program Account, equal to the amount obligated in REAP Zones with respect to funds provided under such headings in the most recent fiscal year any such funds were obligated under such headings for REAP Zones.

SEC. 759. (a) Section 281 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1638) is amended—

(1) by striking paragraphs (1) and (7);

(2) by redesignating paragraphs (2), (3), (4), (5), (6), (8), and (9) as paragraphs (1), (2), (3), (4), (5), (6), and (7), respectively; and

(3) in paragraph (1)(A) (as so redesignated)—

(A) in clause (i), by striking “beef,” and “, pork;” and

(B) in clause (ii), by striking “ground beef,” and “, ground pork,”.

(b) Section 282 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1638a) is amended—

(1) in subsection (a)(2)—

(A) in the heading, by striking “BEEF,” and “PORK,”;

(B) by striking “beef,” and “pork,” each place it appears in subparagraphs (A), (B), (C), and (D); and

(C) in subparagraph (E)—

(i) in the heading, by striking “BEEF, PORK,”; and

(ii) by striking “ground beef, ground pork,” each place it appears; and

(2) in subsection (f)(2)—

(A) by striking subparagraphs (B) and (C); and

(B) by redesignating subparagraphs (D) and (E) as subparagraphs (B) and (C), respectively.

SEC. 760. The Secretary of Agriculture and the Secretary’s designees are hereby granted the same access to information and subject to the same requirements applicable to the Secretary of Housing and Urban Development as provided in section 453(j) of the Social Security Act (42 U.S.C. 653(j)) and section 6103(l)(7)(D)(ix) of the Internal Revenue Code of 1986 (26 U.S.C. 6103(l)(7)(D)(ix)) to verify the income for individuals participating in sections 502, 504, 521, and 542 of the Housing Act of 1949 (42 U.S.C. 1472, 1474, 1490a, and 1490r).

SEC. 761. (a) During fiscal year 2016, the Food and Drug Administration (FDA) shall not allow the introduction or delivery for introduction into interstate commerce of any food that contains genetically engineered salmon until FDA publishes final labeling guidelines for informing consumers of such content; and

(b) Of the amounts made available to the Food and Drug Administration, Salaries and Expenses, not less than \$150,000 shall be used to develop labeling guidelines and implement a program to disclose to consumers whether salmon offered for sale to consumers is a genetically engineered variety.

SEC. 762. The Secretary may charge a fee for lenders to access Department loan guarantee systems in connection with such lenders’ participation in loan guarantee programs of the Rural Housing Service: *Provided*, That the funds collected from such fees shall be made available to the Secretary without further appropriation and such funds shall be deposited into the Rural Development Salaries and Expense Account and shall remain available until expended for obligation and expenditure by the Secretary for administrative expenses of the Rural Housing Service Loan Guarantee Program in addition to other available funds: *Provided further*, That such fees collected shall not exceed \$50 per loan.

SEC. 763. None of the funds made available by this Act or any other Act may be used—

(1) in contravention of section 7606 of the Agricultural Act of 2014 (7 U.S.C. 5940); or

(2) to prohibit the transportation, processing, sale, or use of industrial hemp that is grown or cultivated in accordance with subsection section 7606 of the Agricultural Act of 2014, within or outside the State in which the industrial hemp is grown or cultivated.

SEC. 764. For an additional amount for “Animal and Plant Health Inspection Service, Salaries and Expenses”, \$5,500,000, to

remain available until September 30, 2017, for one-time control and management and associated activities directly related to the multiple-agency response to citrus greening.

SEC. 765. Section 529(b)(5) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360ff(b)(5)) is amended by striking “the last day” and all that follows through the period at the end and inserting “September 30, 2016.”

SEC. 766. Notwithstanding any other provision of law, for purposes of applying the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.)—

(1) the acceptable market name of *Gadus chalcogrammus*, formerly known as *Theragra chalcogramma*, is “pollock”; and

(2) the term “Alaskan Pollock” or “Alaska Pollock” may be used in labeling to refer solely to “pollock” harvested in the State waters of Alaska or the exclusive economic zone (as that term is defined in section 3 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802)) adjacent to Alaska.

SEC. 767. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel—

(1) to inspect horses under section 3 of the Federal Meat Inspection Act (21 U.S.C. 603);

(2) to inspect horses under section 903 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 1901 note; Public Law 104–127); or

(3) to implement or enforce section 352.19 of title 9, Code of Federal Regulations (or a successor regulation).

This division may be cited as the “Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2016”.

Commerce,
Justice, Science,
and Related
Agencies
Appropriations
Act, 2016.
Department of
Commerce
Appropriations
Act, 2016.

DIVISION B—COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2016

TITLE I

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and for engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to sections 3702 and 3703 of title 44, United States Code; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the International Trade Administration between two points abroad, without regard to section 40118 of title 49, United States Code; employment of citizens of the United States and aliens by contract for services; rental of space abroad for periods not exceeding 10 years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort

claims, in the manner authorized in the first paragraph of section 2672 of title 28, United States Code, when such claims arise in foreign countries; not to exceed \$294,300 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed \$45,000 per vehicle; obtaining insurance on official motor vehicles; and rental of tie lines, \$493,000,000, to remain available until September 30, 2017, of which \$10,000,000 is to be derived from fees to be retained and used by the International Trade Administration, notwithstanding section 3302 of title 31, United States Code: *Provided*, That, of amounts provided under this heading, not less than \$16,400,000 shall be for China antidumping and countervailing duty enforcement and compliance activities: *Provided further*, That of the amounts provided for the International Trade Administration under this title, \$5,000,000 shall not be available for obligation or expenditure until 15 days after the Undersecretary of Commerce for International Trade submits to the Committees on Appropriations of the House of Representatives and the Senate the report and certification detailed in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities; and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act of 1961 shall include payment for assessments for services provided as part of these activities.

BUREAU OF INDUSTRY AND SECURITY

OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of citizens of the United States and aliens by contract for services abroad; payment of tort claims, in the manner authorized in the first paragraph of section 2672 of title 28, United States Code, when such claims arise in foreign countries; not to exceed \$13,500 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by section 1(b) of the Act of June 15, 1917 (40 Stat. 223; 22 U.S.C. 401(b)); and purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law, \$112,500,000, to remain available until expended: *Provided*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: *Provided further*, That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national

security activities of the Department of Commerce and other export control programs of the United States and other governments.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, for trade adjustment assistance, and for grants authorized by section 27 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3722), \$222,000,000, to remain available until expended, of which \$15,000,000 shall be for grants under such section 27.

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, \$39,000,000: *Provided*, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, title II of the Trade Act of 1974, section 27 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3722), and the Community Emergency Drought Relief Act of 1977.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, \$32,000,000.

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, \$109,000,000, to remain available until September 30, 2017.

BUREAU OF THE CENSUS

CURRENT SURVEYS AND PROGRAMS

For necessary expenses for collecting, compiling, analyzing, preparing and publishing statistics, provided for by law, \$270,000,000: *Provided*, That, from amounts provided herein, funds may be used for promotion, outreach, and marketing activities: *Provided further*, That the Bureau of the Census shall collect and analyze data for the Annual Social and Economic Supplement to the Current Population Survey using the same health insurance questions included in previous years, in addition to the revised questions implemented in the Current Population Survey beginning in February 2014.

PERIODIC CENSUSES AND PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for collecting, compiling, analyzing, preparing and publishing statistics for periodic censuses and programs provided for by law, \$1,100,000,000, to remain available until September 30, 2017: *Provided*, That, from amounts provided herein, funds may be used for promotion, outreach, and marketing activities: *Provided further*, That within the amounts appropriated, \$1,551,000 shall be transferred to the “Office of Inspector General” account for activities associated with carrying out investigations and audits related to the Bureau of the Census: *Provided further*, That not more than 50 percent of the amounts made available under this heading for information technology related to 2020 census delivery, including the Census Enterprise Data Collection and Processing (CEDCaP) program, may be obligated until the Secretary submits to the Committees on Appropriations of the House of Representatives and the Senate a plan for expenditure that: (1) identifies for each CEDCaP project/investment over \$25,000: (A) the functional and performance capabilities to be delivered and the mission benefits to be realized; (B) the estimated lifecycle cost, including estimates for development as well as maintenance and operations; and (C) key milestones to be met; (2) details for each project/investment: (A) reasons for any cost and schedule variances; and (B) top risks and mitigation strategies; and (3) has been submitted to the Government Accountability Office.

NATIONAL TELECOMMUNICATIONS AND INFORMATION
ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), \$39,500,000, to remain available until September 30, 2017: *Provided*, That, notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, operations, and related services, and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: *Provided further*, That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND
CONSTRUCTION

For the administration of prior-year grants, recoveries and unobligated balances of funds previously appropriated are available for the administration of all open grants until their expiration.

UNITED STATES PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the United States Patent and Trademark Office (USPTO) provided for by law, including defense of suits instituted against the Under Secretary of Commerce for Intellectual Property and Director of the USPTO, \$3,272,000,000, to remain available until expended: *Provided*, That the sum herein appropriated from the general fund shall be reduced as offsetting collections of fees and surcharges assessed and collected by the USPTO under any law are received during fiscal year 2016, so as to result in a fiscal year 2016 appropriation from the general fund estimated at \$0: *Provided further*, That during fiscal year 2016, should the total amount of such offsetting collections be less than \$3,272,000,000 this amount shall be reduced accordingly: *Provided further*, That any amount received in excess of \$3,272,000,000 in fiscal year 2016 and deposited in the Patent and Trademark Fee Reserve Fund shall remain available until expended: *Provided further*, That the Director of USPTO shall submit a spending plan to the Committees on Appropriations of the House of Representatives and the Senate for any amounts made available by the preceding proviso and such spending plan shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That any amounts reprogrammed in accordance with the preceding proviso shall be transferred to the United States Patent and Trademark Office “Salaries and Expenses” account: *Provided further*, That from amounts provided herein, not to exceed \$900 shall be made available in fiscal year 2016 for official reception and representation expenses: *Provided further*, That in fiscal year 2016 from the amounts made available for “Salaries and Expenses” for the USPTO, the amounts necessary to pay (1) the difference between the percentage of basic pay contributed by the USPTO and employees under section 8334(a) of title 5, United States Code, and the normal cost percentage (as defined by section 8331(17) of that title) as provided by the Office of Personnel Management (OPM) for USPTO’s specific use, of basic pay, of employees subject to subchapter III of chapter 83 of that title, and (2) the present value of the otherwise unfunded accruing costs, as determined by OPM for USPTO’s specific use of post-retirement life insurance and post-retirement health benefits coverage for all USPTO employees who are enrolled in Federal Employees Health Benefits (FEHB) and Federal Employees Group Life Insurance (FEGLI), shall be transferred to the Civil Service Retirement and Disability Fund, the FEGLI Fund, and the FEHB Fund, as appropriate, and shall be available for the authorized purposes of those accounts: *Provided further*, That any differences between the present value factors published in OPM’s yearly 300 series benefit letters and the factors that OPM provides for USPTO’s specific use shall be recognized as an imputed cost on USPTO’s financial statements, where applicable: *Provided further*, That, notwithstanding any other provision of law, all fees and surcharges assessed and collected by USPTO are available for USPTO only pursuant to section 42(c)

of title 35, United States Code, as amended by section 22 of the Leahy-Smith America Invents Act (Public Law 112–29): *Provided further*, That within the amounts appropriated, \$2,000,000 shall be transferred to the “Office of Inspector General” account for activities associated with carrying out investigations and audits related to the USPTO.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the National Institute of Standards and Technology (NIST), \$690,000,000, to remain available until expended, of which not to exceed \$9,000,000 may be transferred to the “Working Capital Fund”: *Provided*, That not to exceed \$5,000 shall be for official reception and representation expenses: *Provided further*, That NIST may provide local transportation for summer undergraduate research fellowship program participants.

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses for industrial technology services, \$155,000,000, to remain available until expended, of which \$130,000,000 shall be for the Hollings Manufacturing Extension Partnership, and of which \$25,000,000 shall be for the National Network for Manufacturing Innovation.

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation and maintenance of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by sections 13 through 15 of the National Institute of Standards and Technology Act (15 U.S.C. 278c–278e), \$119,000,000, to remain available until expended: *Provided*, That the Secretary of Commerce shall include in the budget justification materials that the Secretary submits to Congress in support of the Department of Commerce budget (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) an estimate for each National Institute of Standards and Technology construction project having a total multi-year program cost of more than \$5,000,000, and simultaneously the budget justification materials shall include an estimate of the budgetary requirements for each such project for each of the 5 subsequent fiscal years.

15 USC 1513b
note.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft and vessels; grants, contracts, or other payments to nonprofit organizations for the

purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities, \$3,305,813,000, to remain available until September 30, 2017, except that funds provided for cooperative enforcement shall remain available until September 30, 2018: *Provided*, That fees and donations received by the National Ocean Service for the management of national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding section 3302 of title 31, United States Code: *Provided further*, That in addition, \$130,164,000 shall be derived by transfer from the fund entitled “Promote and Develop Fishery Products and Research Pertaining to American Fisheries”, which shall only be used for fishery activities related to the Saltonstall-Kennedy Grant Program, Cooperative Research, Annual Stock Assessments, Survey and Monitoring Projects, Interjurisdictional Fisheries Grants, and Fish Information Networks: *Provided further*, That of the \$3,453,477,000 provided for in direct obligations under this heading, \$3,305,813,000 is appropriated from the general fund, \$130,164,000 is provided by transfer and \$17,500,000 is derived from recoveries of prior year obligations: *Provided further*, That the total amount available for National Oceanic and Atmospheric Administration corporate services administrative support costs shall not exceed \$226,300,000: *Provided further*, That any deviation from the amounts designated for specific activities in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), or any use of deobligated balances of funds provided under this heading in previous years, shall be subject to the procedures set forth in section 505 of this Act: *Provided further*, That in addition, for necessary retired pay expenses under the Retired Serviceman’s Family Protection and Survivor Benefits Plan, and for payments for the medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. 55), such sums as may be necessary.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

(INCLUDING TRANSFER OF FUNDS)

For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration, \$2,400,416,000, to remain available until September 30, 2018, except that funds provided for acquisition and construction of vessels and construction of facilities shall remain available until expended: *Provided*, That of the \$2,413,416,000 provided for in direct obligations under this heading, \$2,400,416,000 is appropriated from the general fund and \$13,000,000 is provided from recoveries of prior year obligations: *Provided further*, That any deviation from the amounts designated for specific activities in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), or any use of deobligated balances of funds provided under this heading in previous years, shall be subject to the procedures set forth in section 505 of this Act: *Provided further*, That the Secretary of Commerce shall include in budget justification materials that the Secretary submits to Congress in support of the Department of Commerce budget (as submitted with the budget of the President under section 1105(a) of title 31, United States

15 USC 1513a
note.

Code) an estimate for each National Oceanic and Atmospheric Administration procurement, acquisition or construction project having a total of more than \$5,000,000 and simultaneously the budget justification shall include an estimate of the budgetary requirements for each such project for each of the 5 subsequent fiscal years: *Provided further*, That within the amounts appropriated, \$80,050,000 shall not be available for obligation or expenditure until 15 days after the Under Secretary of Commerce for Oceans and Atmosphere submits to the Committees on Appropriations of the House of Representatives and the Senate a fleet modernization and recapitalization plan: *Provided further*, That, within the amounts appropriated, \$1,302,000 shall be transferred to the “Office of Inspector General” account for activities associated with carrying out investigations and audits related to satellite procurement, acquisition and construction.

PACIFIC COASTAL SALMON RECOVERY

For necessary expenses associated with the restoration of Pacific salmon populations, \$65,000,000, to remain available until September 30, 2017: *Provided*, That, of the funds provided herein, the Secretary of Commerce may issue grants to the States of Washington, Oregon, Idaho, Nevada, California, and Alaska, and to the Federally recognized tribes of the Columbia River and Pacific Coast (including Alaska), for projects necessary for conservation of salmon and steelhead populations that are listed as threatened or endangered, or that are identified by a State as at-risk to be so listed, for maintaining populations necessary for exercise of tribal treaty fishing rights or native subsistence fishing, or for conservation of Pacific coastal salmon and steelhead habitat, based on guidelines to be developed by the Secretary of Commerce: *Provided further*, That all funds shall be allocated based on scientific and other merit principles and shall not be available for marketing activities: *Provided further*, That funds disbursed to States shall be subject to a matching requirement of funds or documented in-kind contributions of at least 33 percent of the Federal funds.

FISHERMEN’S CONTINGENCY FUND

For carrying out the provisions of title IV of Public Law 95–372, not to exceed \$350,000, to be derived from receipts collected pursuant to that Act, to remain available until expended.

FISHERIES FINANCE PROGRAM ACCOUNT

Subject to section 502 of the Congressional Budget Act of 1974, during fiscal year 2016, obligations of direct loans may not exceed \$24,000,000 for Individual Fishing Quota loans and not to exceed \$100,000,000 for traditional direct loans as authorized by the Merchant Marine Act of 1936.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for the management of the Department of Commerce provided for by law, including not to exceed \$4,500 for official reception and representation, \$58,000,000: *Provided*,

That within amounts provided, the Secretary of Commerce may use up to \$2,500,000 to engage in activities to provide businesses and communities with information about and referrals to relevant Federal, State, and local government programs.

RENOVATION AND MODERNIZATION

For necessary expenses for the renovation and modernization of Department of Commerce facilities, \$19,062,000, to remain available until expended.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), \$32,000,000.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary of Commerce that such payments are in the public interest.

SEC. 102. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 103. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That the Secretary of Commerce shall notify the Committees on Appropriations at least 15 days in advance of the acquisition or disposal of any capital asset (including land, structures, and equipment) not specifically provided for in this Act or any other law appropriating funds for the Department of Commerce.

SEC. 104. The requirements set forth by section 105 of the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2012 (Public Law 112–55), as amended by section 105 of title I of division B of Public Law 113–6, are hereby adopted by reference and made applicable with respect to fiscal year 2016: *Provided*, That the life cycle cost for the Joint Polar Satellite System is \$11,322,125,000 and the life cycle cost for the Geostationary Operational Environmental Satellite R-Series Program is \$10,828,059,000.

33 USC 878a
note.

SEC. 105. Notwithstanding any other provision of law, the Secretary may furnish services (including but not limited to utilities, telecommunications, and security services) necessary to support the operation, maintenance, and improvement of space that persons, firms, or organizations are authorized, pursuant to the Public Buildings Cooperative Use Act of 1976 or other authority, to use or occupy in the Herbert C. Hoover Building, Washington, DC, or other buildings, the maintenance, operation, and protection of which has been delegated to the Secretary from the Administrator of General Services pursuant to the Federal Property and Administrative Services Act of 1949 on a reimbursable or non-reimbursable basis. Amounts received as reimbursement for services provided under this section or the authority under which the use or occupancy of the space is authorized, up to \$200,000, shall be credited to the appropriation or fund which initially bears the costs of such services.

SEC. 106. Nothing in this title shall be construed to prevent a grant recipient from deterring child pornography, copyright infringement, or any other unlawful activity over its networks.

SEC. 107. The Administrator of the National Oceanic and Atmospheric Administration is authorized to use, with their consent, with reimbursement and subject to the limits of available appropriations, the land, services, equipment, personnel, and facilities of any department, agency, or instrumentality of the United States, or of any State, local government, Indian tribal government, Territory, or possession, or of any political subdivision thereof, or of any foreign government or international organization, for purposes related to carrying out the responsibilities of any statute administered by the National Oceanic and Atmospheric Administration.

SEC. 108. The National Technical Information Service shall not charge any customer for a copy of any report or document generated by the Legislative Branch unless the Service has provided information to the customer on how an electronic copy of such report or document may be accessed and downloaded for free online. Should a customer still require the Service to provide a printed or digital copy of the report or document, the charge shall be limited to recovering the Service's cost of processing, reproducing, and delivering such report or document.

SEC. 109. The Secretary of Commerce may waive the requirement for bonds under 40 U.S.C. 3131 with respect to contracts for the construction, alteration, or repair of vessels, regardless of the terms of the contracts as to payment or title, when the contract is made under the Coast and Geodetic Survey Act of 1947 (33 U.S.C. 883a et seq.).

SEC. 110. (a) None of the funds made available by this Act or any other appropriations Act may be used by the Secretary of Commerce for management activities pursuant to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico or any amendment to such Plan unless such management is conducted beyond the seaward boundary of a coastal State as set out under subsection (b).

(b) Notwithstanding any other provision of law, for the purpose of carrying out activities pursuant to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico or any amendment to such Plan, the seaward boundary of a coastal State in the Gulf of Mexico is a line 9 nautical miles seaward from

the baseline from which the territorial sea of the United States is measured.

SEC. 111. To carry out the responsibilities of the National Oceanic and Atmospheric Administration (NOAA), the Administrator of NOAA is authorized to: (1) enter into grants and cooperative agreements with; (2) use on a non-reimbursable basis land, services, equipment, personnel, and facilities provided by; and (3) receive and expend funds made available on a consensual basis from: a Federal agency, State or subdivision thereof, local government, tribal government, territory, or possession or any subdivisions thereof: *Provided*, That funds received for permitting and related regulatory activities pursuant to this section shall be deposited under the heading “National Oceanic and Atmospheric Administration—Operations, Research, and Facilities” and shall remain available until September 30, 2018, for such purposes: *Provided further*, That all funds within this section and their corresponding uses are subject to section 505 of this Act.

SEC. 112. Amounts provided by this Act or by any prior appropriations Act that remain available for obligation, for necessary expenses of the programs of the Economics and Statistics Administration of the Department of Commerce, including amounts provided for programs of the Bureau of Economic Analysis and the U.S. Census Bureau, shall be available for expenses of cooperative agreements with appropriate entities, including any Federal, State, or local governmental unit, or institution of higher education, to aid and promote statistical, research, and methodology activities which further the purposes for which such amounts have been made available.

This title may be cited as the “Department of Commerce Appropriations Act, 2016”.

Department of
Justice
Appropriations
Act, 2016.

TITLE II

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, \$111,500,000, of which not to exceed \$4,000,000 for security and construction of Department of Justice facilities shall remain available until expended.

JUSTICE INFORMATION SHARING TECHNOLOGY

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for information sharing technology, including planning, development, deployment and departmental direction, \$31,000,000, to remain available until expended: *Provided*, That the Attorney General may transfer up to \$35,400,000 to this account, from funds available to the Department of Justice for information technology, to remain available until expended, for enterprise-wide information technology initiatives: *Provided further*, That the transfer authority in the preceding proviso is in addition to any other transfer authority contained in this Act.

ADMINISTRATIVE REVIEW AND APPEALS

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the administration of pardon and clemency petitions and immigration-related activities, \$426,791,000, of which \$4,000,000 shall be derived by transfer from the Executive Office for Immigration Review fees deposited in the “Immigration Examinations Fee” account: *Provided*, That of the amount available for the Executive Office for Immigration Review, not to exceed \$15,000,000 shall remain available until expended.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, \$93,709,000, including not to exceed \$10,000 to meet unforeseen emergencies of a confidential character.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission as authorized, \$13,308,000: *Provided*, That, notwithstanding any other provision of law, upon the expiration of a term of office of a Commissioner, the Commissioner may continue to act until a successor has been appointed.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed \$20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia, \$893,000,000, of which not to exceed \$20,000,000 for litigation support contracts shall remain available until expended: *Provided*, That of the amount provided for INTERPOL Washington dues payments, not to exceed \$685,000 shall remain available until expended: *Provided further*, That of the total amount appropriated, not to exceed \$9,000 shall be available to INTERPOL Washington for official reception and representation expenses: *Provided further*, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for litigation activities of the Civil Division, the Attorney General may transfer such amounts to “Salaries and Expenses, General Legal Activities” from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That of the amount appropriated, such sums as may be necessary shall be available to the Civil

Rights Division for salaries and expenses associated with the election monitoring program under section 8 of the Voting Rights Act of 1965 (52 U.S.C. 10305) and to reimburse the Office of Personnel Management for such salaries and expenses: *Provided further*, That of the amounts provided under this heading for the election monitoring program, \$3,390,000 shall remain available until expended.

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed \$9,358,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, \$164,977,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection (and estimated to be \$124,000,000 in fiscal year 2016), shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2016, so as to result in a final fiscal year 2016 appropriation from the general fund estimated at \$40,977,000.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Offices of the United States Attorneys, including inter-governmental and cooperative agreements, \$2,000,000,000: *Provided*, That of the total amount appropriated, not to exceed \$7,200 shall be available for official reception and representation expenses: *Provided further*, That not to exceed \$25,000,000 shall remain available until expended: *Provided further*, That each United States Attorney shall establish or participate in a task force on human trafficking.

UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee Program, as authorized, \$225,908,000, to remain available until expended: *Provided*, That, notwithstanding any other provision of law, deposits to the United States Trustee System Fund and amounts herein appropriated shall be available in such amounts as may be necessary to pay refunds due depositors: *Provided further*, That, notwithstanding any other provision of law, fees collected pursuant to section 589a(b) of title 28, United States Code, shall be retained and used for necessary expenses in this appropriation and shall remain available until expended: *Provided further*, That to the extent that fees collected in fiscal year 2016, net of amounts necessary to pay refunds due depositors, exceed \$225,908,000, those excess amounts shall be available in future fiscal years only to the extent provided in advance in appropriations Acts: *Provided further*, That the sum herein appropriated from the general fund shall be reduced (1) as such fees are received during fiscal year 2016, net of amounts necessary to pay refunds due depositors,

(estimated at \$162,400,000) and (2) to the extent that any remaining general fund appropriations can be derived from amounts deposited in the Fund in previous fiscal years that are not otherwise appropriated, so as to result in a final fiscal year 2016 appropriation from the general fund estimated at \$0.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by section 3109 of title 5, United States Code, \$2,374,000.

FEEES AND EXPENSES OF WITNESSES

For fees and expenses of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, including advances, and for expenses of foreign counsel, \$270,000,000, to remain available until expended, of which not to exceed \$16,000,000 is for construction of buildings for protected witness safesites; not to exceed \$3,000,000 is for the purchase and maintenance of armored and other vehicles for witness security caravans; and not to exceed \$13,000,000 is for the purchase, installation, maintenance, and upgrade of secure telecommunications equipment and a secure automated information network to store and retrieve the identities and locations of protected witnesses: *Provided*, That amounts made available under this heading may not be transferred pursuant to section 205 of this Act.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Community Relations Service, \$14,446,000: *Provided*, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for conflict resolution and violence prevention activities of the Community Relations Service, the Attorney General may transfer such amounts to the Community Relations Service, from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ASSETS FORFEITURE FUND

For expenses authorized by subparagraphs (B), (F), and (G) of section 524(c)(1) of title 28, United States Code, \$20,514,000, to be derived from the Department of Justice Assets Forfeiture Fund.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Marshals Service, \$1,230,581,000, of which not to exceed \$6,000 shall be available for official reception and representation expenses, and not to exceed \$15,000,000 shall remain available until expended.

CONSTRUCTION

For construction in space controlled, occupied or utilized by the United States Marshals Service for prisoner holding and related support, \$15,000,000, to remain available until expended.

FEDERAL PRISONER DETENTION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses related to United States prisoners in the custody of the United States Marshals Service as authorized by section 4013 of title 18, United States Code, \$1,454,414,000, to remain available until expended: *Provided*, That not to exceed \$20,000,000 shall be considered “funds appropriated for State and local law enforcement assistance” pursuant to section 4013(b) of title 18, United States Code: *Provided further*, That the United States Marshals Service shall be responsible for managing the Justice Prisoner and Alien Transportation System: *Provided further*, That any unobligated balances available from funds appropriated under the heading “General Administration, Detention Trustee” shall be transferred to and merged with the appropriation under this heading.

NATIONAL SECURITY DIVISION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary to carry out the activities of the National Security Division, \$95,000,000, of which not to exceed \$5,000,000 for information technology systems shall remain available until expended: *Provided*, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for the activities of the National Security Division, the Attorney General may transfer such amounts to this heading from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For necessary expenses for the identification, investigation, and prosecution of individuals associated with the most significant drug trafficking and affiliated money laundering organizations not otherwise provided for, to include inter-governmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, \$512,000,000, of which \$50,000,000 shall remain available until expended: *Provided*, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and prosecution of crimes against the United States, \$8,489,786,000, of which not to exceed \$216,900,000 shall remain available until expended: *Provided*, That not to exceed \$184,500 shall be available for official reception and representation expenses.

CONSTRUCTION

For necessary expenses, to include the cost of equipment, furniture, and information technology requirements, related to construction or acquisition of buildings, facilities and sites by purchase, or as otherwise authorized by law; conversion, modification and extension of federally owned buildings; and preliminary planning and design of projects; \$308,982,000, to remain available until expended.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed \$70,000 to meet unforeseen emergencies of a confidential character pursuant to section 530C of title 28, United States Code; and expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs, \$2,080,000,000, of which not to exceed \$75,000,000 shall remain available until expended and not to exceed \$90,000 shall be available for official reception and representation expenses.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco, Firearms and Explosives, for training of State and local law enforcement

agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection; and for provision of laboratory assistance to State and local law enforcement agencies, with or without reimbursement, \$1,240,000,000, of which not to exceed \$36,000 shall be for official reception and representation expenses, not to exceed \$1,000,000 shall be available for the payment of attorneys' fees as provided by section 924(d)(2) of title 18, United States Code, and not to exceed \$20,000,000 shall remain available until expended: *Provided*, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under section 925(c) of title 18, United States Code: *Provided further*, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under section 925(c) of title 18, United States Code: *Provided further*, That no funds made available by this or any other Act may be used to transfer the functions, missions, or activities of the Bureau of Alcohol, Tobacco, Firearms and Explosives to other agencies or Departments.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

42 USC 250a.

For necessary expenses of the Federal Prison System for the administration, operation, and maintenance of Federal penal and correctional institutions, and for the provision of technical assistance and advice on corrections related issues to foreign governments, \$6,948,500,000: *Provided*, That the Attorney General may transfer to the Department of Health and Human Services such amounts as may be necessary for direct expenditures by that Department for medical relief for inmates of Federal penal and correctional institutions: *Provided further*, That the Director of the Federal Prison System, where necessary, may enter into contracts with a fiscal agent or fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the Federal Prison System, furnish health services to individuals committed to the custody of the Federal Prison System: *Provided further*, That not to exceed \$5,400 shall be available for official reception and representation expenses: *Provided further*, That not to exceed \$50,000,000 shall remain available for necessary operations until September 30, 2017: *Provided further*, That, of the amounts provided for contract confinement, not to exceed \$20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and other expenses: *Provided further*, That the Director of the Federal Prison System may accept donated property and services relating to the operation of the prison card program from a not-for-profit entity which has operated such program in the past, notwithstanding the fact that such not-for-profit entity furnishes services under contracts to the Federal Prison System relating to the operation of pre-release services, halfway houses, or other custodial facilities.

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; purchase and acquisition of facilities and remodeling, and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, \$530,000,000, to remain available until expended, of which \$444,000,000 shall be available only for costs related to construction of new facilities: *Provided*, That labor of United States prisoners may be used for work performed under this appropriation.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON
INDUSTRIES, INCORPORATED

Not to exceed \$2,700,000 of the funds of the Federal Prison Industries, Incorporated, shall be available for its administrative expenses, and for services as authorized by section 3109 of title 5, United States Code, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which such accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES

OFFICE ON VIOLENCE AGAINST WOMEN

VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION
PROGRAMS

For grants, contracts, cooperative agreements, and other assistance for the prevention and prosecution of violence against women, as authorized by the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) (“the 1968 Act”); the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) (“the 1994 Act”); the Victims of Child Abuse Act of 1990 (Public Law 101–647) (“the 1990 Act”); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act

of 2003 (Public Law 108–21); the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) (“the 1974 Act”); the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386) (“the 2000 Act”); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) (“the 2005 Act”); the Violence Against Women Reauthorization Act of 2013 (Public Law 113–4) (“the 2013 Act”); and the Rape Survivor Child Custody Act of 2015 (Public Law 114–22) (“the 2015 Act”); and for related victims services, \$480,000,000, to remain available until expended, of which \$379,000,000 shall be derived by transfer from amounts available for obligation in this Act from the Fund established by section 1402 of chapter XIV of title II of Public Law 98–473 (42 U.S.C. 10601), notwithstanding section 1402(d) of such Act of 1984, and merged with the amounts otherwise made available under this heading: *Provided*, That except as otherwise provided by law, not to exceed 5 percent of funds made available under this heading may be used for expenses related to evaluation, training, and technical assistance: *Provided further*, That of the amount provided—

(1) \$215,000,000 is for grants to combat violence against women, as authorized by part T of the 1968 Act;

(2) \$30,000,000 is for transitional housing assistance grants for victims of domestic violence, dating violence, stalking, or sexual assault as authorized by section 40299 of the 1994 Act;

(3) \$5,000,000 is for the National Institute of Justice for research and evaluation of violence against women and related issues addressed by grant programs of the Office on Violence Against Women, which shall be transferred to “Research, Evaluation and Statistics” for administration by the Office of Justice Programs;

(4) \$11,000,000 is for a grant program to provide services to advocate for and respond to youth victims of domestic violence, dating violence, sexual assault, and stalking; assistance to children and youth exposed to such violence; programs to engage men and youth in preventing such violence; and assistance to middle and high school students through education and other services related to such violence: *Provided*, That unobligated balances available for the programs authorized by sections 41201, 41204, 41303, and 41305 of the 1994 Act, prior to its amendment by the 2013 Act, shall be available for this program: *Provided further*, That 10 percent of the total amount available for this grant program shall be available for grants under the program authorized by section 2015 of the 1968 Act: *Provided further*, That the definitions and grant conditions in section 40002 of the 1994 Act shall apply to this program;

(5) \$51,000,000 is for grants to encourage arrest policies as authorized by part U of the 1968 Act, of which \$4,000,000 is for a homicide reduction initiative;

(6) \$35,000,000 is for sexual assault victims assistance, as authorized by section 41601 of the 1994 Act;

(7) \$34,000,000 is for rural domestic violence and child abuse enforcement assistance grants, as authorized by section 40295 of the 1994 Act;

(8) \$20,000,000 is for grants to reduce violent crimes against women on campus, as authorized by section 304 of the 2005 Act;

(9) \$45,000,000 is for legal assistance for victims, as authorized by section 1201 of the 2000 Act;

(10) \$5,000,000 is for enhanced training and services to end violence against and abuse of women in later life, as authorized by section 40802 of the 1994 Act;

(11) \$16,000,000 is for grants to support families in the justice system, as authorized by section 1301 of the 2000 Act: *Provided*, That unobligated balances available for the programs authorized by section 1301 of the 2000 Act and section 41002 of the 1994 Act, prior to their amendment by the 2013 Act, shall be available for this program;

(12) \$6,000,000 is for education and training to end violence against and abuse of women with disabilities, as authorized by section 1402 of the 2000 Act;

(13) \$500,000 is for the National Resource Center on Workplace Responses to assist victims of domestic violence, as authorized by section 41501 of the 1994 Act;

(14) \$1,000,000 is for analysis and research on violence against Indian women, including as authorized by section 904 of the 2005 Act: *Provided*, That such funds may be transferred to “Research, Evaluation and Statistics” for administration by the Office of Justice Programs;

(15) \$500,000 is for a national clearinghouse that provides training and technical assistance on issues relating to sexual assault of American Indian and Alaska Native women;

(16) \$2,500,000 is for grants to assist tribal governments in exercising special domestic violence criminal jurisdiction, as authorized by section 904 of the 2013 Act: *Provided*, That the grant conditions in section 40002(b) of the 1994 Act shall apply to this program; and

(17) \$2,500,000 for the purposes authorized under the 2015 Act.

OFFICE OF JUSTICE PROGRAMS

RESEARCH, EVALUATION AND STATISTICS

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968 (“the 1968 Act”); the Juvenile Justice and Delinquency Prevention Act of 1974 (“the 1974 Act”); the Missing Children’s Assistance Act (42 U.S.C. 5771 et seq.); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108–21); the Justice for All Act of 2004 (Public Law 108–405); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) (“the 2005 Act”); the Victims of Child Abuse Act of 1990 (Public Law 101–647); the Second Chance Act of 2007 (Public Law 110–199); the Victims of Crime Act of 1984 (Public Law 98–473); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248) (“the Adam Walsh Act”); the PROTECT Our Children Act of 2008 (Public Law 110–401); subtitle D of title II of the Homeland Security Act of 2002 (Public Law 107–296) (“the 2002 Act”); the NICS Improvement Amendments Act of 2007 (Public

Law 110–180); the Violence Against Women Reauthorization Act of 2013 (Public Law 113–4) (“the 2013 Act”); and other programs, \$116,000,000, to remain available until expended, of which—

(1) \$41,000,000 is for criminal justice statistics programs, and other activities, as authorized by part C of title I of the 1968 Act;

(2) \$36,000,000 is for research, development, and evaluation programs, and other activities as authorized by part B of title I of the 1968 Act and subtitle D of title II of the 2002 Act;

(3) \$35,000,000 is for regional information sharing activities, as authorized by part M of title I of the 1968 Act; and

(4) \$4,000,000 is for activities to strengthen and enhance the practice of forensic sciences, of which \$3,000,000 is for transfer to the National Institute of Standards and Technology to support Scientific Area Committees.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) (“the 1994 Act”); the Omnibus Crime Control and Safe Streets Act of 1968 (“the 1968 Act”); the Justice for All Act of 2004 (Public Law 108–405); the Victims of Child Abuse Act of 1990 (Public Law 101–647) (“the 1990 Act”); the Trafficking Victims Protection Reauthorization Act of 2005 (Public Law 109–164); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) (“the 2005 Act”); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248) (“the Adam Walsh Act”); the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386); the NICS Improvement Amendments Act of 2007 (Public Law 110–180); subtitle D of title II of the Homeland Security Act of 2002 (Public Law 107–296) (“the 2002 Act”); the Second Chance Act of 2007 (Public Law 110–199); the Prioritizing Resources and Organization for Intellectual Property Act of 2008 (Public Law 110–403); the Victims of Crime Act of 1984 (Public Law 98–473); the Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2008 (Public Law 110–416); the Violence Against Women Reauthorization Act of 2013 (Public Law 113–4) (“the 2013 Act”); and other programs, \$1,408,500,000, to remain available until expended as follows—

(1) \$476,000,000 for the Edward Byrne Memorial Justice Assistance Grant program as authorized by subpart 1 of part E of title I of the 1968 Act (except that section 1001(c), and the special rules for Puerto Rico under section 505(g) of title I of the 1968 Act shall not apply for purposes of this Act), of which, notwithstanding such subpart 1, \$15,000,000 is for an Officer Robert Wilson III memorial initiative on Preventing Violence Against Law Enforcement Officer Resilience and Survivability (VALOR), \$4,000,000 is for use by the National Institute of Justice for research targeted toward developing a better understanding of the domestic radicalization phenomenon, and advancing evidence-based strategies for effective intervention and prevention, \$5,000,000 is for an initiative to support evidence-based policing, \$2,500,000 is for an initiative to enhance prosecutorial decision-making, \$100,000,000 is for grants for law enforcement activities associated with the

presidential nominating conventions, and \$2,400,000 is for the operationalization, maintenance and expansion of the National Missing and Unidentified Persons System;

(2) \$210,000,000 for the State Criminal Alien Assistance Program, as authorized by section 241(i)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(5)): *Provided*, That no jurisdiction shall request compensation for any cost greater than the actual cost for Federal immigration and other detainees housed in State and local detention facilities;

(3) \$45,000,000 for victim services programs for victims of trafficking, as authorized by section 107(b)(2) of Public Law 106–386, for programs authorized under Public Law 109–164, or programs authorized under Public Law 113–4;

(4) \$42,000,000 for Drug Courts, as authorized by section 1001(a)(25)(A) of title I of the 1968 Act;

(5) \$10,000,000 for mental health courts and adult and juvenile collaboration program grants, as authorized by parts V and HH of title I of the 1968 Act, and the Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2008 (Public Law 110–416);

(6) \$12,000,000 for grants for Residential Substance Abuse Treatment for State Prisoners, as authorized by part S of title I of the 1968 Act;

(7) \$2,500,000 for the Capital Litigation Improvement Grant Program, as authorized by section 426 of Public Law 108–405, and for grants for wrongful conviction review;

(8) \$13,000,000 for economic, high technology and Internet crime prevention grants, including as authorized by section 401 of Public Law 110–403;

(9) \$2,000,000 for a student loan repayment assistance program pursuant to section 952 of Public Law 110–315;

(10) \$20,000,000 for sex offender management assistance, as authorized by the Adam Walsh Act, and related activities;

(11) \$8,000,000 for an initiative relating to children exposed to violence;

(12) \$22,500,000 for the matching grant program for law enforcement armor vests, as authorized by section 2501 of title I of the 1968 Act: *Provided*, That \$1,500,000 is transferred directly to the National Institute of Standards and Technology’s Office of Law Enforcement Standards for research, testing and evaluation programs;

(13) \$1,000,000 for the National Sex Offender Public Website;

(14) \$6,500,000 for competitive and evidence-based programs to reduce gun crime and gang violence;

(15) \$73,000,000 for grants to States to upgrade criminal and mental health records for the National Instant Criminal Background Check System, of which no less than \$25,000,000 shall be for grants made under the authorities of the NICS Improvement Amendments Act of 2007 (Public Law 110–180);

(16) \$13,500,000 for Paul Coverdell Forensic Sciences Improvement Grants under part BB of title I of the 1968 Act;

(17) \$125,000,000 for DNA-related and forensic programs and activities, of which—

(A) \$117,000,000 is for a DNA analysis and capacity enhancement program and for other local, State, and Federal forensic activities, including the purposes authorized under section 2 of the DNA Analysis Backlog Elimination Act of 2000 (Public Law 106–546) (the Debbie Smith DNA Backlog Grant Program): *Provided*, That up to 4 percent of funds made available under this paragraph may be used for the purposes described in the DNA Training and Education for Law Enforcement, Correctional Personnel, and Court Officers program (Public Law 108–405, section 303);

(B) \$4,000,000 is for the purposes described in the Kirk Bloodsworth Post-Conviction DNA Testing Program (Public Law 108–405, section 412); and

(C) \$4,000,000 is for Sexual Assault Forensic Exam Program grants, including as authorized by section 304 of Public Law 108–405;

(18) \$45,000,000 for a grant program for community-based sexual assault response reform;

(19) \$9,000,000 for the court-appointed special advocate program, as authorized by section 217 of the 1990 Act;

(20) \$30,000,000 for assistance to Indian tribes;

(21) \$68,000,000 for offender reentry programs and research, as authorized by the Second Chance Act of 2007 (Public Law 110–199), without regard to the time limitations specified at section 6(1) of such Act, of which not to exceed \$6,000,000 is for a program to improve State, local, and tribal probation or parole supervision efforts and strategies, \$5,000,000 is for Children of Incarcerated Parents Demonstrations to enhance and maintain parental and family relationships for incarcerated parents as a reentry or recidivism reduction strategy, and \$4,000,000 is for additional replication sites employing the Project HOPE Opportunity Probation with Enforcement model implementing swift and certain sanctions in probation, and for a research project on the effectiveness of the model: *Provided*, That up to \$7,500,000 of funds made available in this paragraph may be used for performance-based awards for Pay for Success projects, of which up to \$5,000,000 shall be for Pay for Success programs implementing the Permanent Supportive Housing Model;

(22) \$6,000,000 for a veterans treatment courts program;

(23) \$13,000,000 for a program to monitor prescription drugs and scheduled listed chemical products;

(24) \$10,500,000 for prison rape prevention and prosecution grants to States and units of local government, and other programs, as authorized by the Prison Rape Elimination Act of 2003 (Public Law 108–79);

(25) \$75,000,000 for the Comprehensive School Safety Initiative: *Provided*, That section 213 of this Act shall not apply with respect to the amount made available in this paragraph; and

(26) \$70,000,000 for initiatives to improve police-community relations, of which \$22,500,000 is for a competitive matching grant program for purchases of body-worn cameras for State, local and tribal law enforcement, \$27,500,000 is for a justice reinvestment initiative, for activities related to criminal justice reform and recidivism reduction, \$5,000,000 is for research

and statistics on body-worn cameras and community trust issues, and \$15,000,000 is for an Edward Byrne Memorial criminal justice innovation program:

Provided, That, if a unit of local government uses any of the funds made available under this heading to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform non-administrative public sector safety service.

JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974 (“the 1974 Act”); the Omnibus Crime Control and Safe Streets Act of 1968 (“the 1968 Act”); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) (“the 2005 Act”); the Missing Children’s Assistance Act (42 U.S.C. 5771 et seq.); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108–21); the Victims of Child Abuse Act of 1990 (Public Law 101–647) (“the 1990 Act”); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248) (“the Adam Walsh Act”); the PROTECT Our Children Act of 2008 (Public Law 110–401); the Violence Against Women Reauthorization Act of 2013 (Public Law 113–4) (“the 2013 Act”); and other juvenile justice programs, \$270,160,000, to remain available until expended as follows—

(1) \$58,000,000 for programs authorized by section 221 of the 1974 Act, and for training and technical assistance to assist small, nonprofit organizations with the Federal grants process: *Provided*, That of the amounts provided under this paragraph, \$500,000 shall be for a competitive demonstration grant program to support emergency planning among State, local and tribal juvenile justice residential facilities;

(2) \$90,000,000 for youth mentoring grants;

(3) \$17,500,000 for delinquency prevention, as authorized by section 505 of the 1974 Act, of which, pursuant to sections 261 and 262 thereof—

(A) \$10,000,000 shall be for the Tribal Youth Program;

(B) \$5,000,000 shall be for gang and youth violence education, prevention and intervention, and related activities;

(C) \$500,000 shall be for an Internet site providing information and resources on children of incarcerated parents; and

(D) \$2,000,000 shall be for competitive grants focusing on girls in the juvenile justice system;

(4) \$20,000,000 for programs authorized by the Victims of Child Abuse Act of 1990;

(5) \$8,000,000 for community-based violence prevention initiatives, including for public health approaches to reducing shootings and violence;

(6) \$72,160,000 for missing and exploited children programs, including as authorized by sections 404(b) and 405(a) of the 1974 Act (except that section 102(b)(4)(B) of the PROTECT Our Children Act of 2008 (Public Law 110–401) shall not apply for purposes of this Act);

(7) \$2,000,000 for child abuse training programs for judicial personnel and practitioners, as authorized by section 222 of the 1990 Act; and

(8) \$2,500,000 for a program to improve juvenile indigent defense:

Provided, That not more than 10 percent of each amount may be used for research, evaluation, and statistics activities designed to benefit the programs or activities authorized: *Provided further*, That not more than 2 percent of the amounts designated under paragraphs (1) through (4) and (7) may be used for training and technical assistance: *Provided further*, That the two preceding provisos shall not apply to grants and projects administered pursuant to sections 261 and 262 of the 1974 Act and to missing and exploited children programs.

PUBLIC SAFETY OFFICER BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For payments and expenses authorized under section 1001(a)(4) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, such sums as are necessary (including amounts for administrative costs), to remain available until expended; and \$16,300,000 for payments authorized by section 1201(b) of such Act and for educational assistance authorized by section 1218 of such Act, to remain available until expended: *Provided*, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for such disability and education payments, the Attorney General may transfer such amounts to “Public Safety Officer Benefits” from available appropriations for the Department of Justice as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

COMMUNITY ORIENTED POLICING SERVICES

COMMUNITY ORIENTED POLICING SERVICES PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322); the Omnibus Crime Control and Safe Streets Act of 1968 (“the 1968 Act”); and the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) (“the 2005 Act”), \$212,000,000, to remain available until expended: *Provided*, That any balances made available through prior year deobligations shall only be available in accordance with section 505 of this Act: *Provided further*, That of the amount provided under this heading—

(1) \$11,000,000 is for anti-methamphetamine-related activities, which shall be transferred to the Drug Enforcement Administration upon enactment of this Act;

(2) \$187,000,000 is for grants under section 1701 of title I of the 1968 Act (42 U.S.C. 3796dd) for the hiring and rehiring of additional career law enforcement officers under part Q

of such title notwithstanding subsection (i) of such section: *Provided*, That, notwithstanding section 1704(c) of such title (42 U.S.C. 3796dd–3(c)), funding for hiring or rehiring a career law enforcement officer may not exceed \$125,000 unless the Director of the Office of Community Oriented Policing Services grants a waiver from this limitation: *Provided further*, That within the amounts appropriated under this paragraph, \$30,000,000 is for improving tribal law enforcement, including hiring, equipment, training, and anti-methamphetamine activities: *Provided further*, That of the amounts appropriated under this paragraph, \$10,000,000 is for community policing development activities in furtherance of the purposes in section 1701: *Provided further*, That within the amounts appropriated under this paragraph, \$10,000,000 is for the collaborative reform model of technical assistance in furtherance of the purposes in section 1701;

(3) \$7,000,000 is for competitive grants to State law enforcement agencies in States with high seizures of precursor chemicals, finished methamphetamine, laboratories, and laboratory dump seizures: *Provided*, That funds appropriated under this paragraph shall be utilized for investigative purposes to locate or investigate illicit activities, including precursor diversion, laboratories, or methamphetamine traffickers; and

(4) \$7,000,000 is for competitive grants to statewide law enforcement agencies in States with high rates of primary treatment admissions for heroin and other opioids: *Provided*, That these funds shall be utilized for investigative purposes to locate or investigate illicit activities, including activities related to the distribution of heroin or unlawful distribution of prescription opioids, or unlawful heroin and prescription opioid traffickers through statewide collaboration.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

(INCLUDING TRANSFER OF FUNDS)

SEC. 201. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed \$50,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses.

SEC. 202. None of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape or incest: *Provided*, That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.

SEC. 203. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

SEC. 204. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: *Provided*, That nothing in this section in any way diminishes the effect of section 203 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

SEC. 205. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

5 USC 3104 note.

SEC. 206. Funds appropriated by this or any other Act, with respect to any fiscal year, under the heading “Bureau of Alcohol, Tobacco, Firearms and Explosives, Salaries and Expenses” shall be available for retention pay for any employee who would otherwise be subject to a reduction in pay upon termination of the Bureau’s Personnel Management Demonstration Project (as transferred to the Attorney General by section 1115 of the Homeland Security Act of 2002, Public Law 107–296 (28 U.S.C. 599B)): *Provided*, That such retention pay shall comply with section 5363 of title 5, United States Code, and related Office of Personnel Management regulations, except as provided in this section: *Provided further*, That such retention pay shall be paid at the employee’s rate of pay immediately prior to the termination of the demonstration project and shall not be subject to the limitation set forth in section 5304(g)(1) of title 5, United States Code, and related regulations.

SEC. 207. None of the funds made available under this title may be used by the Federal Bureau of Prisons or the United States Marshals Service for the purpose of transporting an individual who is a prisoner pursuant to conviction for crime under State or Federal law and is classified as a maximum or high security prisoner, other than to a prison or other facility certified by the Federal Bureau of Prisons as appropriately secure for housing such a prisoner.

SEC. 208. (a) None of the funds appropriated by this Act may be used by Federal prisons to purchase cable television services, or to rent or purchase audiovisual or electronic media or equipment used primarily for recreational purposes.

(b) Subsection (a) does not preclude the rental, maintenance, or purchase of audiovisual or electronic media or equipment for inmate training, religious, or educational programs.

SEC. 209. None of the funds made available under this title shall be obligated or expended for any new or enhanced information technology program having total estimated development costs in excess of \$100,000,000, unless the Deputy Attorney General and the investment review board certify to the Committees on Appropriations of the House of Representatives and the Senate that the information technology program has appropriate program management controls and contractor oversight mechanisms in place, and that the program is compatible with the enterprise architecture of the Department of Justice.

SEC. 210. The notification thresholds and procedures set forth in section 505 of this Act shall apply to deviations from the amounts designated for specific activities in this Act and in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), and to any use of deobligated balances of funds provided under this title in previous years.

SEC. 211. None of the funds appropriated by this Act may be used to plan for, begin, continue, finish, process, or approve

a public-private competition under the Office of Management and Budget Circular A–76 or any successor administrative regulation, directive, or policy for work performed by employees of the Bureau of Prisons or of Federal Prison Industries, Incorporated.

SEC. 212. Notwithstanding any other provision of law, no funds shall be available for the salary, benefits, or expenses of any United States Attorney assigned dual or additional responsibilities by the Attorney General or his designee that exempt that United States Attorney from the residency requirements of section 545 of title 28, United States Code.

SEC. 213. At the discretion of the Attorney General, and in addition to any amounts that otherwise may be available (or authorized to be made available) by law, with respect to funds appropriated by this title under the headings “Research, Evaluation and Statistics”, “State and Local Law Enforcement Assistance”, and “Juvenile Justice Programs”—

(1) up to 3 percent of funds made available to the Office of Justice Programs for grant or reimbursement programs may be used by such Office to provide training and technical assistance; and

(2) up to 2 percent of funds made available for grant or reimbursement programs under such headings, except for amounts appropriated specifically for research, evaluation, or statistical programs administered by the National Institute of Justice and the Bureau of Justice Statistics, shall be transferred to and merged with funds provided to the National Institute of Justice and the Bureau of Justice Statistics, to be used by them for research, evaluation, or statistical purposes, without regard to the authorizations for such grant or reimbursement programs.

SEC. 214. Upon request by a grantee for whom the Attorney General has determined there is a fiscal hardship, the Attorney General may, with respect to funds appropriated in this or any other Act making appropriations for fiscal years 2013 through 2016 for the following programs, waive the following requirements:

(1) For the adult and juvenile offender State and local reentry demonstration projects under part FF of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w(g)(1)), the requirements under section 2976(g)(1) of such part.

(2) For State, Tribal, and local reentry courts under part FF of title I of such Act of 1968 (42 U.S.C. 3797w–2(e)(1) and (2)), the requirements under section 2978(e)(1) and (2) of such part.

(3) For the prosecution drug treatment alternatives to prison program under part CC of title I of such Act of 1968 (42 U.S.C. 3797q–3), the requirements under section 2904 of such part.

(4) For grants to protect inmates and safeguard communities as authorized by section 6 of the Prison Rape Elimination Act of 2003 (42 U.S.C. 15605(c)(3)), the requirements of section 6(c)(3) of such Act.

SEC. 215. Notwithstanding any other provision of law, section 20109(a) of subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13709(a)) shall not apply to amounts made available by this or any other Act.

SEC. 216. None of the funds made available under this Act, other than for the national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note), may be used by a Federal law enforcement officer to facilitate the transfer of an operable firearm to an individual if the Federal law enforcement officer knows or suspects that the individual is an agent of a drug cartel, unless law enforcement personnel of the United States continuously monitor or control the firearm at all times.

SEC. 217. (a) None of the income retained in the Department of Justice Working Capital Fund pursuant to title I of Public Law 102–140 (105 Stat. 784; 28 U.S.C. 527 note) shall be available for obligation during fiscal year 2016, except up to \$40,000,000 may be obligated for implementation of a unified Department of Justice financial management system.

(b) Not to exceed \$30,000,000 of the unobligated balances transferred to the capital account of the Department of Justice Working Capital Fund pursuant to title I of Public Law 102–140 (105 Stat. 784; 28 U.S.C. 527 note) shall be available for obligation in fiscal year 2016, and any use, obligation, transfer or allocation of such funds shall be treated as a reprogramming of funds under section 505 of this Act.

(c) Not to exceed \$10,000,000 of the excess unobligated balances available under section 524(c)(8)(E) of title 28, United States Code, shall be available for obligation during fiscal year 2016, and any use, obligation, transfer or allocation of such funds shall be treated as a reprogramming of funds under section 505 of this Act.

(d) Subsections (a) through (c) of this section shall sunset on September 30, 2016.

SEC. 218. (a) Of the funds appropriated by this Act under each of the headings “General Administration—Salaries and Expenses”, “United States Marshals Service—Salaries and Expenses”, “Federal Bureau of Investigation—Salaries and Expenses”, “Drug Enforcement Administration—Salaries and Expenses”, and “Bureau of Alcohol, Tobacco, Firearms and Explosives—Salaries and Expenses”, \$20,000,000 shall not be available for obligation until the Attorney General demonstrates to the Committees on Appropriations of the House of Representatives and the Senate that all recommendations included in the Office of Inspector General of the Department of Justice, Evaluation and Inspections Division Report 15–04 entitled “The Handling of Sexual Harassment and Misconduct Allegations by the Department’s Law Enforcement Components”, dated March, 2015, have been implemented or are in the process of being implemented.

(b) The Inspector General of the Department of Justice shall report to the Committees on Appropriations of the House of Representatives and the Senate not later than 90 days after the date of enactment of this Act on the status of the Department’s implementation of recommendations included in the report specified in subsection (a).

SEC. 219. Discretionary funds that are made available in this Act for the Office of Justice Programs may be used to participate in Performance Partnership Pilots authorized under section 526 of division H of Public Law 113–76, section 524 of division G of Public Law 113–235, and such authorities as are enacted for Performance Partnership Pilots in an appropriations Act for fiscal year 2016.

This title may be cited as the “Department of Justice Appropriations Act, 2016”.

TITLE III

SCIENCE

Science
Appropriations
Act, 2016.

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 et seq.), hire of passenger motor vehicles, and services as authorized by section 3109 of title 5, United States Code, not to exceed \$2,250 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, \$5,555,000.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SCIENCE

For necessary expenses, not otherwise provided for, in the conduct and support of science research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, \$5,589,400,000, to remain available until September 30, 2017: *Provided*, That the formulation and development costs (with development cost as defined under section 30104 of title 51, United States Code) for the James Webb Space Telescope shall not exceed \$8,000,000,000: *Provided further*, That should the individual identified under subsection (c)(2)(E) of section 30104 of title 51, United States Code, as responsible for the James Webb Space Telescope determine that the development cost of the program is likely to exceed that limitation, the individual shall immediately notify the Administrator and the increase shall be treated as if it meets the 30 percent threshold described in subsection (f) of section 30104: *Provided further*, That, of the amounts provided, \$175,000,000 is for an orbiter with a lander to meet the science goals for the Jupiter Europa mission as outlined in the most recent planetary science decadal survey: *Provided further*, That the National Aeronautics and Space Administration shall use the Space Launch System as the launch vehicle for the Jupiter Europa mission, plan for a launch no later than 2022, and include in the fiscal year 2017 budget the 5-year funding profile necessary to achieve these goals.

AERONAUTICS

For necessary expenses, not otherwise provided for, in the conduct and support of aeronautics research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space

flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, \$640,000,000, to remain available until September 30, 2017.

SPACE TECHNOLOGY

For necessary expenses, not otherwise provided for, in the conduct and support of space technology research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, \$686,500,000, to remain available until September 30, 2017: *Provided*, That \$133,000,000 shall be for the RESTORE satellite servicing program for completion of pre-formulation and initiation of formulation activities for RESTORE and such funds shall not support activities solely needed for the asteroid redirect mission.

EXPLORATION

For necessary expenses, not otherwise provided for, in the conduct and support of exploration research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, \$4,030,000,000, to remain available until September 30, 2017: *Provided*, That not less than \$1,270,000,000 shall be for the Orion Multi-Purpose Crew Vehicle: *Provided further*, That not less than \$2,000,000,000 shall be for the Space Launch System (SLS) launch vehicle, which shall have a lift capability not less than 130 metric tons and which shall have core elements and an enhanced upper stage developed simultaneously: *Provided further*, That of the amounts provided for SLS, not less than \$85,000,000 shall be for enhanced upper stage development: *Provided further*, That \$410,000,000 shall be for exploration ground systems: *Provided further*, That the National Aeronautics and Space Administration shall provide to the Committees on Appropriations of the House of Representatives and the Senate, concurrent with the annual budget submission, a 5-year budget profile and funding projection that adheres to a 70 percent Joint Confidence Level and is consistent with the Key Decision Point C (KDP–C) for the SLS and with the management agreement contained in the KDP–C for the Orion Multi-Purpose Crew Vehicle: *Provided further*, That \$350,000,000 shall be for exploration research and development.

SPACE OPERATIONS

For necessary expenses, not otherwise provided for, in the conduct and support of space operations research and development activities, including research, development, operations, support and services; space flight, spacecraft control and communications activities, including operations, production, and services; maintenance and repair, facility planning and design; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, \$5,029,200,000, to remain available until September 30, 2017.

EDUCATION

For necessary expenses, not otherwise provided for, in the conduct and support of aerospace and aeronautical education research and development activities, including research, development, operations, support, and services; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, \$115,000,000, to remain available until September 30, 2017, of which \$18,000,000 shall be for the Experimental Program to Stimulate Competitive Research and \$40,000,000 shall be for the National Space Grant College program.

SAFETY, SECURITY AND MISSION SERVICES

For necessary expenses, not otherwise provided for, in the conduct and support of science, aeronautics, space technology, exploration, space operations and education research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; not to exceed \$63,000 for official reception and representation expenses; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, \$2,768,600,000, to remain available until September 30, 2017.

CONSTRUCTION AND ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses for construction of facilities including repair, rehabilitation, revitalization, and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and restoration, and acquisition or condemnation of real property, as authorized by law, and environmental compliance and restoration, \$388,900,000, to remain available until September 30, 2021: *Provided*, That proceeds from leases deposited into this account shall be available for a period of 5

51 USC 20145
note.

51 USC 30103
note.

years to the extent and in amounts as provided in annual appropriations Acts: *Provided further*, That such proceeds referred to in the preceding proviso shall be available for obligation for fiscal year 2016 in an amount not to exceed \$9,470,300: *Provided further*, That each annual budget request shall include an annual estimate of gross receipts and collections and proposed use of all funds collected pursuant to section 20145 of title 51, United States Code.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, \$37,400,000, of which \$500,000 shall remain available until September 30, 2017.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

Funds for any announced prize otherwise authorized shall remain available, without fiscal year limitation, until the prize is claimed or the offer is withdrawn.

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the National Aeronautics and Space Administration in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers. Balances so transferred shall be merged with and available for the same purposes and the same time period as the appropriations to which transferred. Any transfer pursuant to this provision shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

The spending plan required by this Act shall be provided by NASA at the theme, program, project and activity level. The spending plan, as well as any subsequent change of an amount established in that spending plan that meets the notification requirements of section 505 of this Act, shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

The unexpired balances for Commercial Spaceflight Activities contained within the Exploration account may be transferred to the Space Operations account for such activities. Balances so transferred shall be merged with the funds in the Space Operations account and shall be available under the same terms, conditions and period of time as previously appropriated.

For the closeout of all Space Shuttle contracts and associated programs, amounts that have expired but have not been cancelled in the Exploration, Space Operations, Human Space Flight, Space Flight Capabilities, and Exploration Capabilities appropriations accounts shall remain available through fiscal year 2025 for the liquidation of valid obligations incurred during the period of fiscal year 2001 through fiscal year 2013.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the National Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.), and Public Law 86–209 (42 U.S.C. 1880 et seq.); services as authorized by section 3109 of title 5, United States Code; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; and authorized travel; \$6,033,645,000, to remain available until September 30, 2017, of which not to exceed \$540,000,000 shall remain available until expended for polar research and operations support, and for reimbursement to other Federal agencies for operational and science support and logistical and other related activities for the United States Antarctic program: *Provided*, That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation.

MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION

For necessary expenses for the acquisition, construction, commissioning, and upgrading of major research equipment, facilities, and other such capital assets pursuant to the National Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.), including authorized travel, \$200,310,000, to remain available until expended.

EDUCATION AND HUMAN RESOURCES

For necessary expenses in carrying out science, mathematics and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.), including services as authorized by section 3109 of title 5, United States Code, authorized travel, and rental of conference rooms in the District of Columbia, \$880,000,000, to remain available until September 30, 2017.

AGENCY OPERATIONS AND AWARD MANAGEMENT

For agency operations and award management necessary in carrying out the National Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.); services authorized by section 3109 of title 5, United States Code; hire of passenger motor vehicles; uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; rental of conference rooms in the District of Columbia; and reimbursement of the Department of Homeland Security for security guard services; \$330,000,000: *Provided*, That not to exceed \$8,280 is for official reception and representation expenses: *Provided further*, That contracts may be entered into under this heading in fiscal year 2016 for maintenance and operation of facilities and for other services to be provided during the next fiscal year: *Provided further*, That of the amount provided for costs associated with the acquisition, occupancy, and related costs of new headquarters space, not more than \$30,770,000 shall remain available until expended.

OFFICE OF THE NATIONAL SCIENCE BOARD

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, and the employment of experts and consultants under section 3109 of title 5, United States Code) involved in carrying out section 4 of the National Science Foundation Act of 1950 (42 U.S.C. 1863) and Public Law 86–209 (42 U.S.C. 1880 et seq.), \$4,370,000: *Provided*, That not to exceed \$2,500 shall be available for official reception and representation expenses.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General as authorized by the Inspector General Act of 1978, \$15,160,000, of which \$400,000 shall remain available until September 30, 2017.

ADMINISTRATIVE PROVISION

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the National Science Foundation in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers. Any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

This title may be cited as the “Science Appropriations Act, 2016”.

TITLE IV

RELATED AGENCIES

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, \$9,200,000: *Provided*, That none of the funds appropriated in this paragraph may be used to employ any individuals under Schedule C of subpart C of part 213 of title 5 of the Code of Federal Regulations exclusive of one special assistant for each Commissioner: *Provided further*, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days: *Provided further*, That none of the funds appropriated in this paragraph shall be used for any activity or expense that is not explicitly authorized by section 3 of the Civil Rights Commission Act of 1983 (42 U.S.C. 1975a).

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act

of 1964, the Age Discrimination in Employment Act of 1967, the Equal Pay Act of 1963, the Americans with Disabilities Act of 1990, section 501 of the Rehabilitation Act of 1973, the Civil Rights Act of 1991, the Genetic Information Non-Discrimination Act (GINA) of 2008 (Public Law 110–233), the ADA Amendments Act of 2008 (Public Law 110–325), and the Lilly Ledbetter Fair Pay Act of 2009 (Public Law 111–2), including services as authorized by section 3109 of title 5, United States Code; hire of passenger motor vehicles as authorized by section 1343(b) of title 31, United States Code; nonmonetary awards to private citizens; and up to \$29,500,000 for payments to State and local enforcement agencies for authorized services to the Commission, \$364,500,000: *Provided*, That the Commission is authorized to make available for official reception and representation expenses not to exceed \$2,250 from available funds: *Provided further*, That the Commission may take no action to implement any workforce repositioning, restructuring, or reorganization until such time as the Committees on Appropriations of the House of Representatives and the Senate have been notified of such proposals, in accordance with the reprogramming requirements of section 505 of this Act: *Provided further*, That the Chair is authorized to accept and use any gift or donation to carry out the work of the Commission.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles and services as authorized by section 3109 of title 5, United States Code, and not to exceed \$2,250 for official reception and representation expenses, \$88,500,000, to remain available until expended.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, \$385,000,000, of which \$352,000,000 is for basic field programs and required independent audits; \$5,000,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; \$19,000,000 is for management and grants oversight; \$4,000,000 is for client self-help and information technology; \$4,000,000 is for a Pro Bono Innovation Fund; and \$1,000,000 is for loan repayment assistance: *Provided*, That the Legal Services Corporation may continue to provide locality pay to officers and employees at a rate no greater than that provided by the Federal Government to Washington, DC-based employees as authorized by section 5304 of title 5, United States Code, notwithstanding section 1005(d) of the Legal Services Corporation Act (42 U.S.C. 2996(d)): *Provided further*, That the authorities provided in section 205 of this Act shall be applicable to the Legal Services Corporation: *Provided further*, That, for the purposes of section 505 of this Act, the Legal Services Corporation shall be considered an agency of the United States Government.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105–119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2015 and 2016, respectively.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.), \$3,431,000.

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by section 3109 of title 5, United States Code, \$54,500,000, of which \$1,000,000 shall remain available until expended: *Provided*, That not to exceed \$124,000 shall be available for official reception and representation expenses.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by the State Justice Institute Authorization Act of 1984 (42 U.S.C. 10701 et seq.) \$5,121,000, of which \$500,000 shall remain available until September 30, 2017: *Provided*, That not to exceed \$2,250 shall be available for official reception and representation expenses: *Provided further*, That, for the purposes of section 505 of this Act, the State Justice Institute shall be considered an agency of the United States Government.

TITLE V

GENERAL PROVISIONS

(INCLUDING RESCISSIONS)

(INCLUDING TRANSFER OF FUNDS)

SEC. 501. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 504. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 505. None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2016, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates or initiates a new program, project or activity; (2) eliminates a program, project or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes or renames offices, programs or activities; (6) contracts out or privatizes any functions or activities presently performed by Federal employees; (7) augments existing programs, projects or activities in excess of \$500,000 or 10 percent, whichever is less, or reduces by 10 percent funding for any program, project or activity, or numbers of personnel by 10 percent; or (8) results from any general savings, including savings from a reduction in personnel, which would result in a change in existing programs, projects or activities as approved by Congress; unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds by agencies (excluding agencies of the Department of Justice) funded by this Act and 45 days in advance of such reprogramming of funds by agencies of the Department of Justice funded by this Act.

SEC. 506. (a) If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a “Made in America” inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

(b)(1) To the extent practicable, with respect to authorized purchases of promotional items, funds made available by this Act shall be used to purchase items that are manufactured, produced, or assembled in the United States, its territories or possessions.

(2) The term “promotional items” has the meaning given the term in OMB Circular A–87, Attachment B, Item (1)(f)(3).

SEC. 507. (a) The Departments of Commerce and Justice, the National Science Foundation, and the National Aeronautics and Space Administration shall provide to the Committees on Appropriations of the House of Representatives and the Senate a quarterly report on the status of balances of appropriations at the account

level. For unobligated, uncommitted balances and unobligated, committed balances the quarterly reports shall separately identify the amounts attributable to each source year of appropriation from which the balances were derived. For balances that are obligated, but unexpended, the quarterly reports shall separately identify amounts by the year of obligation.

(b) The report described in subsection (a) shall be submitted within 30 days of the end of each quarter.

(c) If a department or agency is unable to fulfill any aspect of a reporting requirement described in subsection (a) due to a limitation of a current accounting system, the department or agency shall fulfill such aspect to the maximum extent practicable under such accounting system and shall identify and describe in each quarterly report the extent to which such aspect is not fulfilled.

SEC. 508. Any costs incurred by a department or agency funded under this Act resulting from, or to prevent, personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That for the Department of Commerce, this section shall also apply to actions taken for the care and protection of loan collateral or grant property.

SEC. 509. None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

42 USC 10601
note.

SEC. 510. Notwithstanding any other provision of law, amounts deposited or available in the Fund established by section 1402 of chapter XIV of title II of Public Law 98–473 (42 U.S.C. 10601) in any fiscal year in excess of \$3,042,000,000 shall not be available for obligation until the following fiscal year: *Provided*, That notwithstanding section 1402(d) of such Act, of the amounts available from the Fund for obligation, \$10,000,000 shall remain available until expended to the Department of Justice Office of Inspector General for oversight and auditing purposes.

SEC. 511. None of the funds made available to the Department of Justice in this Act may be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.

SEC. 512. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 513. Any funds provided in this Act used to implement E-Government Initiatives shall be subject to the procedures set forth in section 505 of this Act.

SEC. 514. (a) The Inspectors General of the Department of Commerce, the Department of Justice, the National Aeronautics and Space Administration, the National Science Foundation, and the Legal Services Corporation shall conduct audits, pursuant to the Inspector General Act (5 U.S.C. App.), of grants or contracts for which funds are appropriated by this Act, and shall submit reports to Congress on the progress of such audits, which may include preliminary findings and a description of areas of particular interest, within 180 days after initiating such an audit and every 180 days thereafter until any such audit is completed.

(b) Within 60 days after the date on which an audit described in subsection (a) by an Inspector General is completed, the Secretary, Attorney General, Administrator, Director, or President, as appropriate, shall make the results of the audit available to the public on the Internet website maintained by the Department, Administration, Foundation, or Corporation, respectively. The results shall be made available in redacted form to exclude—

(1) any matter described in section 552(b) of title 5, United States Code; and

(2) sensitive personal information for any individual, the public access to which could be used to commit identity theft or for other inappropriate or unlawful purposes.

(c) Any person awarded a grant or contract funded by amounts appropriated by this Act shall submit a statement to the Secretary of Commerce, the Attorney General, the Administrator, Director, or President, as appropriate, certifying that no funds derived from the grant or contract will be made available through a subcontract or in any other manner to another person who has a financial interest in the person awarded the grant or contract.

(d) The provisions of the preceding subsections of this section shall take effect 30 days after the date on which the Director of the Office of Management and Budget, in consultation with the Director of the Office of Government Ethics, determines that a uniform set of rules and requirements, substantially similar to the requirements in such subsections, consistently apply under the executive branch ethics program to all Federal departments, agencies, and entities.

SEC. 515. (a) None of the funds appropriated or otherwise made available under this Act may be used by the Departments of Commerce and Justice, the National Aeronautics and Space Administration, or the National Science Foundation to acquire a high-impact or moderate-impact information system, as defined for security categorization in the National Institute of Standards and Technology's (NIST) Federal Information Processing Standard Publication 199, "Standards for Security Categorization of Federal Information and Information Systems" unless the agency has—

(1) reviewed the supply chain risk for the information systems against criteria developed by NIST to inform acquisition decisions for high-impact and moderate-impact information systems within the Federal Government;

(2) reviewed the supply chain risk from the presumptive awardee against available and relevant threat information provided by the Federal Bureau of Investigation (FBI) and other appropriate agencies; and

(3) in consultation with the FBI or other appropriate Federal entity, conducted an assessment of any risk of cyber-espionage or sabotage associated with the acquisition of such

system, including any risk associated with such system being produced, manufactured, or assembled by one or more entities identified by the United States Government as posing a cyber threat, including but not limited to, those that may be owned, directed, or subsidized by the People's Republic of China.

(b) None of the funds appropriated or otherwise made available under this Act may be used to acquire a high-impact or moderate-impact information system reviewed and assessed under subsection (a) unless the head of the assessing entity described in subsection (a) has—

(1) developed, in consultation with NIST and supply chain risk management experts, a mitigation strategy for any identified risks;

(2) determined that the acquisition of such system is in the national interest of the United States; and

(3) reported that determination to the Committees on Appropriations of the House of Representatives and the Senate and the agency Inspector General.

(c) During fiscal year 2016—

(1) the FBI shall develop best practices for supply chain risk management; and

(2) the Departments of Commerce and Justice, the National Aeronautics and Space Administration, and the National Science Foundation shall incorporate such practices into their information technology procurement practices to the maximum extent practicable.

SEC. 516. None of the funds made available in this Act shall be used in any way whatsoever to support or justify the use of torture by any official or contract employee of the United States Government.

SEC. 517. (a) Notwithstanding any other provision of law or treaty, none of the funds appropriated or otherwise made available under this Act or any other Act may be expended or obligated by a department, agency, or instrumentality of the United States to pay administrative expenses or to compensate an officer or employee of the United States in connection with requiring an export license for the export to Canada of components, parts, accessories or attachments for firearms listed in Category I, section 121.1 of title 22, Code of Federal Regulations (International Trafficking in Arms Regulations (ITAR), part 121, as it existed on April 1, 2005) with a total value not exceeding \$500 wholesale in any transaction, provided that the conditions of subsection (b) of this section are met by the exporting party for such articles.

(b) The foregoing exemption from obtaining an export license—

(1) does not exempt an exporter from filing any Shipper's Export Declaration or notification letter required by law, or from being otherwise eligible under the laws of the United States to possess, ship, transport, or export the articles enumerated in subsection (a); and

(2) does not permit the export without a license of—

(A) fully automatic firearms and components and parts for such firearms, other than for end use by the Federal Government, or a Provincial or Municipal Government of Canada;

(B) barrels, cylinders, receivers (frames) or complete breech mechanisms for any firearm listed in Category I,

other than for end use by the Federal Government, or a Provincial or Municipal Government of Canada; or

(C) articles for export from Canada to another foreign destination.

(c) In accordance with this section, the District Directors of Customs and postmasters shall permit the permanent or temporary export without a license of any unclassified articles specified in subsection (a) to Canada for end use in Canada or return to the United States, or temporary import of Canadian-origin items from Canada for end use in the United States or return to Canada for a Canadian citizen.

(d) The President may require export licenses under this section on a temporary basis if the President determines, upon publication first in the Federal Register, that the Government of Canada has implemented or maintained inadequate import controls for the articles specified in subsection (a), such that a significant diversion of such articles has and continues to take place for use in international terrorism or in the escalation of a conflict in another nation. The President shall terminate the requirements of a license when reasons for the temporary requirements have ceased.

SEC. 518. Notwithstanding any other provision of law, no department, agency, or instrumentality of the United States receiving appropriated funds under this Act or any other Act shall obligate or expend in any way such funds to pay administrative expenses or the compensation of any officer or employee of the United States to deny any application submitted pursuant to 22 U.S.C. 2778(b)(1)(B) and qualified pursuant to 27 CFR section 478.112 or .113, for a permit to import United States origin “curios or relics” firearms, parts, or ammunition.

SEC. 519. None of the funds made available in this Act may be used to include in any new bilateral or multilateral trade agreement the text of—

(1) paragraph 2 of article 16.7 of the United States-Singapore Free Trade Agreement;

(2) paragraph 4 of article 17.9 of the United States-Australia Free Trade Agreement; or

(3) paragraph 4 of article 15.9 of the United States-Morocco Free Trade Agreement.

SEC. 520. None of the funds made available in this Act may be used to authorize or issue a national security letter in contravention of any of the following laws authorizing the Federal Bureau of Investigation to issue national security letters: The Right to Financial Privacy Act; The Electronic Communications Privacy Act; The Fair Credit Reporting Act; The National Security Act of 1947; USA PATRIOT Act; USA FREEDOM Act of 2015; and the laws amended by these Acts.

SEC. 521. If at any time during any quarter, the program manager of a project within the jurisdiction of the Departments of Commerce or Justice, the National Aeronautics and Space Administration, or the National Science Foundation totaling more than \$75,000,000 has reasonable cause to believe that the total program cost has increased by 10 percent or more, the program manager shall immediately inform the respective Secretary, Administrator, or Director. The Secretary, Administrator, or Director shall notify the House and Senate Committees on Appropriations within 30 days in writing of such increase, and shall include in such notice: the date on which such determination was

made; a statement of the reasons for such increases; the action taken and proposed to be taken to control future cost growth of the project; changes made in the performance or schedule milestones and the degree to which such changes have contributed to the increase in total program costs or procurement costs; new estimates of the total project or procurement costs; and a statement validating that the project's management structure is adequate to control total project or procurement costs.

SEC. 522. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence or intelligence related activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2016 until the enactment of the Intelligence Authorization Act for fiscal year 2016.

SEC. 523. None of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than \$5,000,000 or to award a grant in excess of such amount unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that, to the best of its knowledge and belief, the contractor or grantee has filed all Federal tax returns required during the three years preceding the certification, has not been convicted of a criminal offense under the Internal Revenue Code of 1986, and has not, more than 90 days prior to certification, been notified of any unpaid Federal tax assessment for which the liability remains unsatisfied, unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding.

(RESCISSIONS)

SEC. 524. (a) Of the unobligated balances from prior year appropriations available to the Department of Commerce's Economic Development Administration, Economic Development Assistance Programs, \$10,000,000 are rescinded, not later than September 30, 2016.

(b) Of the unobligated balances available to the Department of Justice, the following funds are hereby rescinded, not later than September 30, 2016, from the following accounts in the specified amounts—

- (1) "Working Capital Fund", \$69,000,000;
- (2) "United States Marshals Service, Federal Prisoner Detention", \$195,974,000;
- (3) "Federal Bureau of Investigation, Salaries and Expenses", \$80,767,000 from fees collected to defray expenses for the automation of fingerprint identification and criminal justice information services and associated costs;
- (4) "State and Local Law Enforcement Activities, Office on Violence Against Women, Violence Against Women Prevention and Prosecution Programs", \$15,000,000;
- (5) "State and Local Law Enforcement Activities, Office of Justice Programs", \$40,000,000;
- (6) "State and Local Law Enforcement Activities, Community Oriented Policing Services", \$10,000,000; and
- (7) "Legal Activities, Assets Forfeiture Fund", \$458,000,000.

(c) The Departments of Commerce and Justice shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report no later than September 1, 2016, specifying the amount of each rescission made pursuant to subsections (a) and (b).

SEC. 525. None of the funds made available in this Act may be used to purchase first class or premium airline travel in contravention of sections 301–10.122 through 301–10.124 of title 41 of the Code of Federal Regulations.

SEC. 526. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 employees from a Federal department or agency, who are stationed in the United States, at any single conference occurring outside the United States unless such conference is a law enforcement training or operational conference for law enforcement personnel and the majority of Federal employees in attendance are law enforcement personnel stationed outside the United States.

SEC. 527. None of the funds appropriated or otherwise made available in this or any other Act may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after June 24, 2009, at the United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

SEC. 528. (a) None of the funds appropriated or otherwise made available in this or any other Act may be used to construct, acquire, or modify any facility in the United States, its territories, or possessions to house any individual described in subsection (c) for the purposes of detention or imprisonment in the custody or under the effective control of the Department of Defense.

(b) The prohibition in subsection (a) shall not apply to any modification of facilities at United States Naval Station, Guantanamo Bay, Cuba.

(c) An individual described in this subsection is any individual who, as of June 24, 2009, is located at United States Naval Station, Guantanamo Bay, Cuba, and who—

(1) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(2) is—

(A) in the custody or under the effective control of the Department of Defense; or

(B) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

SEC. 529. To the extent practicable, funds made available in this Act should be used to purchase light bulbs that are “Energy Star” qualified or have the “Federal Energy Management Program” designation.

SEC. 530. The Director of the Office of Management and Budget shall instruct any department, agency, or instrumentality of the United States receiving funds appropriated under this Act to track undisbursed balances in expired grant accounts and include in its annual performance plan and performance and accountability reports the following:

(1) Details on future action the department, agency, or instrumentality will take to resolve undisbursed balances in expired grant accounts.

(2) The method that the department, agency, or instrumentality uses to track undisbursed balances in expired grant accounts.

(3) Identification of undisbursed balances in expired grant accounts that may be returned to the Treasury of the United States.

(4) In the preceding 3 fiscal years, details on the total number of expired grant accounts with undisbursed balances (on the first day of each fiscal year) for the department, agency, or instrumentality and the total finances that have not been obligated to a specific project remaining in the accounts.

SEC. 531. (a) None of the funds made available by this Act may be used for the National Aeronautics and Space Administration (NASA) or the Office of Science and Technology Policy (OSTP) to develop, design, plan, promulgate, implement, or execute a bilateral policy, program, order, or contract of any kind to participate, collaborate, or coordinate bilaterally in any way with China or any Chinese-owned company unless such activities are specifically authorized by a law enacted after the date of enactment of this Act.

(b) None of the funds made available by this Act may be used to effectuate the hosting of official Chinese visitors at facilities belonging to or utilized by NASA.

(c) The limitations described in subsections (a) and (b) shall not apply to activities which NASA or OSTP has certified—

(1) pose no risk of resulting in the transfer of technology, data, or other information with national security or economic security implications to China or a Chinese-owned company; and

(2) will not involve knowing interactions with officials who have been determined by the United States to have direct involvement with violations of human rights.

(d) Any certification made under subsection (c) shall be submitted to the Committees on Appropriations of the House of Representatives and the Senate, and the Federal Bureau of Investigation, no later than 30 days prior to the activity in question and shall include a description of the purpose of the activity, its agenda, its major participants, and its location and timing.

SEC. 532. None of the funds made available by this Act may be used to pay the salaries or expenses of personnel to deny, or fail to act on, an application for the importation of any model of shotgun if—

(1) all other requirements of law with respect to the proposed importation are met; and

(2) no application for the importation of such model of shotgun, in the same configuration, had been denied by the Attorney General prior to January 1, 2011, on the basis that the shotgun was not particularly suitable for or readily adaptable to sporting purposes.

SEC. 533. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, adjudication, or other law enforcement- or victim assistance-related activity.

SEC. 534. The Departments of Commerce and Justice, the National Aeronautics and Space Administration, the National Science Foundation, the Commission on Civil Rights, the Equal Employment Opportunity Commission, the International Trade Commission, the Legal Services Corporation, the Marine Mammal Commission, the Offices of Science and Technology Policy and the United States Trade Representative, and the State Justice Institute shall submit spending plans, signed by the respective department or agency head, to the Committees on Appropriations of the House of Representatives and the Senate within 45 days after the date of enactment of this Act.

SEC. 535. (a) The head of any executive branch department, agency, board, commission, or office funded by this Act shall submit annual reports to the Inspector General or senior ethics official for any entity without an Inspector General, regarding the costs and contracting procedures related to each conference held by any such department, agency, board, commission, or office during fiscal year 2016 for which the cost to the United States Government was more than \$100,000.

(b) Each report submitted shall include, for each conference described in subsection (a) held during the applicable period—

(1) a description of its purpose;

(2) the number of participants attending;

(3) a detailed statement of the costs to the United States Government, including—

(A) the cost of any food or beverages;

(B) the cost of any audio-visual services;

(C) the cost of employee or contractor travel to and from the conference; and

(D) a discussion of the methodology used to determine which costs relate to the conference; and

(4) a description of the contracting procedures used including—

(A) whether contracts were awarded on a competitive basis; and

(B) a discussion of any cost comparison conducted by the departmental component or office in evaluating potential contractors for the conference.

(c) Within 15 days of the date of a conference held by any executive branch department, agency, board, commission, or office funded by this Act during fiscal year 2016 for which the cost to the United States Government was more than \$20,000, the head of any such department, agency, board, commission, or office shall notify the Inspector General or senior ethics official for any entity without an Inspector General, of the date, location, and number of employees attending such conference.

(d) A grant or contract funded by amounts appropriated by this Act may not be used for the purpose of defraying the costs of a banquet or conference that is not directly and programmatically related to the purpose for which the grant or contract was awarded, such as a banquet or conference held in connection with planning,

training, assessment, review, or other routine purposes related to a project funded by the grant or contract.

(e) None of the funds made available in this Act may be used for travel and conference activities that are not in compliance with Office of Management and Budget Memorandum M–12–12 dated May 11, 2012 or any subsequent revisions to that memorandum.

SEC. 536. None of the funds made available by this Act may be obligated or expended to implement the Arms Trade Treaty until the Senate approves a resolution of ratification for the Treaty.

SEC. 537. The head of any executive branch department, agency, board, commission, or office funded by this Act shall require that all contracts within their purview that provide award fees link such fees to successful acquisition outcomes, specifying the terms of cost, schedule, and performance.

SEC. 538. Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be used to pay award or incentive fees for contractor performance that has been judged to be below satisfactory performance or for performance that does not meet the basic requirements of a contract.

SEC. 539. (a) None of the funds made available by this Act may be used to relinquish the responsibility of the National Telecommunications and Information Administration, during fiscal year 2016, with respect to Internet domain name system functions, including responsibility with respect to the authoritative root zone file and the Internet Assigned Numbers Authority functions.

(b) Notwithstanding any other law, subsection (a) of this section shall not apply in fiscal year 2017.

SEC. 540. No funds provided in this Act shall be used to deny an Inspector General funded under this Act timely access to any records, documents, or other materials available to the department or agency over which that Inspector General has responsibilities under the Inspector General Act of 1978, or to prevent or impede that Inspector General's access to such records, documents, or other materials, under any provision of law, except a provision of law that expressly refers to the Inspector General and expressly limits the Inspector General's right of access. A department or agency covered by this section shall provide its Inspector General with access to all such records, documents, and other materials in a timely manner. Each Inspector General shall ensure compliance with statutory limitations on disclosure relevant to the information provided by the establishment over which that Inspector General has responsibilities under the Inspector General Act of 1978. Each Inspector General covered by this section shall report to the Committees on Appropriations of the House of Representatives and the Senate within 5 calendar days any failures to comply with this requirement.

SEC. 541. The Department of Commerce, the National Aeronautics and Space Administration, and the National Science Foundation shall provide a quarterly report to the Committees on Appropriations of the House of Representatives and the Senate on any official travel to China by any employee of such Department or agency, including the purpose of such travel.

SEC. 542. None of the funds made available in this Act to the Department of Justice may be used, with respect to any of

the States of Alabama, Alaska, Arizona, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Illinois, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Oregon, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, Washington, Wisconsin, and Wyoming, or with respect to the District of Columbia, Guam, or Puerto Rico, to prevent any of them from implementing their own laws that authorize the use, distribution, possession, or cultivation of medical marijuana.

SEC. 543. None of the funds made available by this Act may be used in contravention of section 7606 (“Legitimacy of Industrial Hemp Research”) of the Agricultural Act of 2014 (Public Law 113–79) by the Department of Justice or the Drug Enforcement Administration.

This division may be cited as the “Commerce, Justice, Science, and Related Agencies Appropriations Act, 2016”.

**DIVISION C—DEPARTMENT OF DEFENSE
APPROPRIATIONS ACT, 2016**

Department of
Defense
Appropriations
Act, 2016.

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers’ Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$41,045,562,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; for members of the Reserve Officers’ Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$27,835,183,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and

expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$12,859,152,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$27,679,066,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$4,463,164,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$1,866,891,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States

Code; and for payments to the Department of Defense Military Retirement Fund, \$702,481,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$1,682,942,000.

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under sections 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$7,892,327,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under sections 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$3,201,890,000.

TITLE II

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law, \$32,399,440,000: *Provided*, That not to exceed \$12,478,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes.

OPERATION AND MAINTENANCE, NAVY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law, \$39,600,172,000: *Provided*, That not to exceed \$15,055,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes.

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law, \$5,718,074,000.

OPERATION AND MAINTENANCE, AIR FORCE

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law, \$35,727,457,000: *Provided*, That not to exceed \$7,699,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law, \$32,105,040,000: *Provided*, That not more than \$15,000,000 may be used for the Combatant Commander Initiative Fund authorized under section 166a of title 10, United States Code: *Provided further*, That not to exceed \$36,000,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: *Provided further*, That of the funds provided under this heading, not less than \$35,045,000 shall be made available for the Procurement Technical Assistance Cooperative Agreement Program, of which not less than \$3,600,000 shall be available for centers defined in 10 U.S.C. 2411(1)(D): *Provided further*, That none of the funds appropriated or otherwise made available by this Act may be used to plan or implement the consolidation of a budget or appropriations liaison office of the Office of the Secretary of Defense, the office of the Secretary of a military department, or the service headquarters of one of the Armed Forces into a legislative affairs or legislative liaison office: *Provided further*, That \$9,031,000, to remain available until expended, is available only for expenses relating to certain classified activities, and may be transferred as necessary by the Secretary of Defense to operation and maintenance appropriations or research, development, test and evaluation appropriations, to be merged with and to be available for the same time period as the appropriations to which transferred: *Provided further*, That any ceiling on the investment item unit

cost of items that may be purchased with operation and maintenance funds shall not apply to the funds described in the preceding proviso: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$2,646,911,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$998,481,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$274,526,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$2,980,768,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft), \$6,595,483,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For expenses of training, organizing, and administering the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; transportation of things, hire of passenger motor vehicles; supplying and equipping the Air National Guard, as authorized by law; expenses for repair, modification, maintenance, and issue of supplies and equipment, including those furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau, \$6,820,569,000.

UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces, \$14,078,000, of which not to exceed \$5,000 may be used for official representation purposes.

ENVIRONMENTAL RESTORATION, ARMY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, \$234,829,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Army, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, NAVY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Navy, \$300,000,000, to remain available until transferred: *Provided*, That the Secretary of the Navy shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available

for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Air Force, \$368,131,000, to remain available until transferred: *Provided*, That the Secretary of the Air Force shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Air Force, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Air Force, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense, \$8,232,000, to remain available until transferred: *Provided*, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, \$231,217,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for

environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 407, 2557, and 2561 of title 10, United States Code), \$103,266,000, to remain available until September 30, 2017.

COOPERATIVE THREAT REDUCTION ACCOUNT

For assistance to the republics of the former Soviet Union and, with appropriate authorization by the Department of Defense and Department of State, to countries outside of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components, and weapons technology and expertise, and for defense and military contacts, \$358,496,000, to remain available until September 30, 2018.

TITLE III

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$5,866,367,000, to remain available for obligation until September 30, 2018.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$1,600,957,000, to remain available for obligation until September 30, 2018.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES,
ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$1,951,646,000, to remain available for obligation until September 30, 2018.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$1,245,426,000, to remain available for obligation until September 30, 2018.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of passenger motor vehicles for replacement only; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and

machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$5,718,811,000, to remain available for obligation until September 30, 2018.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, \$17,521,209,000, to remain available for obligation until September 30, 2018.

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, \$3,049,542,000, to remain available for obligation until September 30, 2018.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$651,920,000, to remain available for obligation until September 30, 2018.

SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long lead time components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor,

and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

Carrier Replacement Program, \$1,569,571,000;
Carrier Replacement Program (AP), \$862,358,000;
Virginia Class Submarine, \$3,346,370,000;
Virginia Class Submarine (AP), \$1,971,840,000;
CVN Refueling Overhauls, \$637,588,000;
CVN Refueling Overhauls (AP), \$14,951,000;
DDG–1000 Program, \$433,404,000;
DDG–51 Destroyer, \$4,132,650,000;
Littoral Combat Ship, \$1,331,591,000;
LPD–17, \$550,000,000;
Afloat Forward Staging Base, \$635,000,000;
LHA Replacement (AP), \$476,543,000;
LX(R) (AP), \$250,000,000;
Joint High Speed Vessel, \$225,000,000;
TAO Fleet Oiler, \$674,190,000;
T–ATS(X) Fleet Tug, \$75,000,000;
LCU Replacement, \$34,000,000;
Moored Training Ship (AP), \$138,200,000;
Ship to Shore Connector, \$210,630,000;
Service Craft, \$30,014,000;
LCAC Service Life Extension Program, \$80,738,000;
YP Craft Maintenance/ROH/SLEP, \$21,838,000; and

For outfitting, post delivery, conversions, and first destination transportation, \$613,758,000.

Completion of Prior Year Shipbuilding Programs, \$389,305,000.

In all: \$18,704,539,000, to remain available for obligation until September 30, 2020: *Provided*, That additional obligations may be incurred after September 30, 2020, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: *Provided further*, That none of the funds provided under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: *Provided further*, That none of the funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards.

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of passenger motor vehicles for replacement only; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, \$6,484,257,000, to remain available for obligation until September 30, 2018.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, \$1,186,812,000, to remain available for obligation until September 30, 2018.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, \$15,756,853,000, to remain available for obligation until September 30, 2018.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, rockets, and related equipment, including spare parts and accessories therefor; ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, \$2,912,131,000, to remain available for obligation until September 30, 2018.

SPACE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of spacecraft, rockets, and related equipment, including spare parts and accessories therefor; ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation

of things, \$2,812,159,000, to remain available for obligation until September 30, 2018.

PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$1,744,993,000, to remain available for obligation until September 30, 2018.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only; lease of passenger motor vehicles; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, \$18,311,882,000, to remain available for obligation until September 30, 2018.

PROCUREMENT, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, \$5,245,443,000, to remain available for obligation until September 30, 2018.

DEFENSE PRODUCTION ACT PURCHASES

For activities by the Department of Defense pursuant to sections 108, 301, 302, and 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and 2093), \$76,680,000, to remain available until expended.

TITLE IV

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, \$7,565,327,000, to remain available for obligation until September 30, 2017.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, \$18,117,677,000, to remain available for obligation until September 30, 2017: *Provided*, That funds appropriated in this paragraph which are available for the V–22 may be used to meet unique operational requirements of the Special Operations Forces.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, \$25,217,148,000, to remain available for obligation until September 30, 2017.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, \$18,695,955,000, to remain available for obligation until September 30, 2017: *Provided*, That, of the funds made available in this paragraph, \$250,000,000 for the Defense Rapid Innovation Program shall only be available for expenses, not otherwise provided for, to include program management and oversight, to conduct research, development, test and evaluation to include proof of concept demonstration; engineering, testing, and validation; and transition to full-scale production: *Provided further*, That the Secretary of Defense may transfer funds provided herein for the Defense Rapid Innovation Program to appropriations for research, development, test and evaluation to accomplish the purpose provided herein: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the Secretary of Defense shall, not fewer than 30 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation, in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith, \$188,558,000, to remain available for obligation until September 30, 2017.

TITLE V

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For the Defense Working Capital Funds, \$1,738,768,000.

NATIONAL DEFENSE SEALIFT FUND

For National Defense Sealift Fund programs, projects, and activities, and for expenses of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744), and for the necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, \$474,164,000, to remain available until expended: *Provided*, That none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all shipboard services; propulsion system components (engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes: *Provided further*, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract: *Provided further*, That none of the funds provided in this paragraph shall be used to award a new contract for the construction, acquisition, or conversion of vessels, including procurement of critical, long lead time components and designs for vessels to be constructed or converted in the future: *Provided further*, That the Secretary of the military department responsible for such procurement may waive the restrictions in the first proviso on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense as authorized by law, \$32,329,490,000; of which \$29,842,167,000 shall be for operation and maintenance, of which not to exceed one percent shall remain available for obligation until September 30, 2017, and of which up to \$14,579,612,000 may be available for contracts entered into under the TRICARE program; of which \$365,390,000, to remain available for obligation until September 30, 2018, shall be for procurement; and of which \$2,121,933,000, to remain available for obligation until September 30, 2017, shall be for research, development, test and evaluation: *Provided*, That, notwithstanding any other provision of law, of the amount made available under this heading for research, development, test and evaluation, not less than \$8,000,000 shall be available for HIV prevention educational activities undertaken in connection with United States military training, exercises, and humanitarian assistance activities conducted primarily in African nations: *Provided further*, That of the funds provided under this heading for research, development, test and evaluation, not less than \$943,300,000 shall be made available to the United States Army Medical Research and Materiel Command to carry out the congressionally directed medical research programs.

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, \$699,821,000, of which \$118,198,000 shall be for operation and maintenance, of which no less than \$50,743,000 shall be for the Chemical Stockpile Emergency Preparedness Program, consisting of \$21,289,000 for activities on military installations and \$29,454,000, to remain available until September 30, 2017, to assist State and local governments; \$2,281,000 shall be for procurement, to remain available until September 30, 2018, of which \$2,281,000 shall be for the Chemical Stockpile Emergency Preparedness Program to assist State and local governments; and \$579,342,000, to remain available until September 30, 2017, shall be for research, development, test and evaluation, of which \$569,339,000 shall only be for the Assembled Chemical Weapons Alternatives program.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United

States Code; for operation and maintenance; for procurement; and for research, development, test and evaluation, \$1,050,598,000, of which \$716,109,000 shall be for counter-narcotics support; \$121,589,000 shall be for the drug demand reduction program; \$192,900,000 shall be for the National Guard counter-drug program; and \$20,000,000 shall be for the National Guard counter-drug schools program: *Provided*, That the funds appropriated under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority contained elsewhere in this Act.

OFFICE OF THE INSPECTOR GENERAL

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$312,559,000, of which \$310,459,000 shall be for operation and maintenance, of which not to exceed \$700,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on the Inspector General's certificate of necessity for confidential military purposes; and of which \$2,100,000, to remain available until September 30, 2017, shall be for research, development, test and evaluation.

TITLE VII

RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain the proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System, \$514,000,000.

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

For necessary expenses of the Intelligence Community Management Account, \$505,206,000.

TITLE VIII

GENERAL PROVISIONS

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: *Provided*, That salary increases granted to direct and indirect hire foreign national

10 USC 1584
note.

employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: *Provided further*, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: *Provided further*, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

SEC. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

SEC. 8004. No more than 20 percent of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year: *Provided*, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps.

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed \$4,500,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: *Provided further*, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: *Provided further*, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress: *Provided further*, That a request for multiple reprogrammings of funds using authority provided in this section shall be made prior to June 30, 2016: *Provided further*, That transfers among military personnel appropriations shall not be taken into account for purposes of the limitation on the amount of funds that may be transferred under this section.

SEC. 8006. (a) With regard to the list of specific programs, projects, and activities (and the dollar amounts and adjustments to budget activities corresponding to such programs, projects, and activities) contained in the tables titled "Explanation of Project

Level Adjustments” in the explanatory statement regarding this Act, the obligation and expenditure of amounts appropriated or otherwise made available in this Act for those programs, projects, and activities for which the amounts appropriated exceed the amounts requested are hereby required by law to be carried out in the manner provided by such tables to the same extent as if the tables were included in the text of this Act.

(b) Amounts specified in the referenced tables described in subsection (a) shall not be treated as subdivisions of appropriations for purposes of section 8005 of this Act: *Provided*, That section 8005 shall apply when transfers of the amounts described in subsection (a) occur between appropriation accounts.

SEC. 8007. (a) Not later than 60 days after enactment of this Act, the Department of Defense shall submit a report to the congressional defense committees to establish the baseline for application of reprogramming and transfer authorities for fiscal year 2016: *Provided*, That the report shall include—

(1) a table for each appropriation with a separate column to display the President’s budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(2) a delineation in the table for each appropriation both by budget activity and program, project, and activity as detailed in the Budget Appendix; and

(3) an identification of items of special congressional interest.

(b) Notwithstanding section 8005 of this Act, none of the funds provided in this Act shall be available for reprogramming or transfer until the report identified in subsection (a) is submitted to the congressional defense committees, unless the Secretary of Defense certifies in writing to the congressional defense committees that such reprogramming or transfer is necessary as an emergency requirement: *Provided*, That this subsection shall not apply to transfers from the following appropriations accounts:

(1) “Environmental Restoration, Army”;

(2) “Environmental Restoration, Navy”;

(3) “Environmental Restoration, Air Force”;

(4) “Environmental Restoration, Defense-wide”;

(5) “Environmental Restoration, Formerly Used Defense Sites”.

(TRANSFER OF FUNDS)

SEC. 8008. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: *Provided*, That transfers may be made between such funds: *Provided further*, That transfers may be made between working capital funds and the “Foreign Currency Fluctuations, Defense” appropriation and the “Operation and Maintenance” appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer: *Provided further*, That except in amounts equal to the amounts appropriated to

working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8009. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in advance to the congressional defense committees.

10 USC 2306b
note.

SEC. 8010. None of the funds provided in this Act shall be available to initiate: (1) a multiyear contract that employs economic order quantity procurement in excess of \$20,000,000 in any one year of the contract or that includes an unfunded contingent liability in excess of \$20,000,000; or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of \$20,000,000 in any one year, unless the congressional defense committees have been notified at least 30 days in advance of the proposed contract award: *Provided*, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: *Provided further*, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed \$500,000,000 unless specifically provided in this Act: *Provided further*, That no multiyear procurement contract can be terminated without 30-day prior notification to the congressional defense committees: *Provided further*, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement: *Provided further*, That none of the funds provided in this Act may be used for a multiyear contract executed after the date of the enactment of this Act unless in the case of any such contract—

(1) the Secretary of Defense has submitted to Congress a budget request for full funding of units to be procured through the contract and, in the case of a contract for procurement of aircraft, that includes, for any aircraft unit to be procured through the contract for which procurement funds are requested in that budget request for production beyond advance procurement activities in the fiscal year covered by the budget, full funding of procurement of such unit in that fiscal year;

(2) cancellation provisions in the contract do not include consideration of recurring manufacturing costs of the contractor associated with the production of unfunded units to be delivered under the contract;

(3) the contract provides that payments to the contractor under the contract shall not be made in advance of incurred costs on funded units; and

(4) the contract does not provide for a price adjustment based on a failure to award a follow-on contract.

SEC. 8011. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations

shall be reported as required by section 401(d) of title 10, United States Code: *Provided*, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99–239: *Provided further*, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

SEC. 8012. (a) During fiscal year 2016, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(b) The fiscal year 2017 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2017 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 2017.

(c) As required by section 1107 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 10 U.S.C. 2358 note) civilian personnel at the Department of Army Science and Technology Reinvention Laboratories may not be managed on the basis of the Table of Distribution and Allowances, and the management of the workforce strength shall be done in a manner consistent with the budget available with respect to such Laboratories.

(d) Nothing in this section shall be construed to apply to military (civilian) technicians.

SEC. 8013. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8014. None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: *Provided*, That this section shall not apply to those members who have reenlisted with this option prior to October 1, 1987: *Provided further*, That this section applies only to active components of the Army.

(TRANSFER OF FUNDS)

SEC. 8015. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protégé Program may be transferred to any other appropriation contained in this Act solely for

the purpose of implementing a Mentor-Protégé Program developmental assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 2302 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

SEC. 8016. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: *Provided*, That for the purpose of this section, the term “manufactured” shall include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): *Provided further*, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: *Provided further*, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8017. Of the amounts appropriated for “Working Capital Fund, Army”, \$145,000,000 shall be available to maintain competitive rates at the arsenals.

SEC. 8018. None of the funds available to the Department of Defense may be used to demilitarize or dispose of M-1 Carbines, M-1 Garand rifles, M-14 rifles, .22 caliber rifles, .30 caliber rifles, or M-1911 pistols, or to demilitarize or destroy small arms ammunition or ammunition components that are not otherwise prohibited from commercial sale under Federal law, unless the small arms ammunition or ammunition components are certified by the Secretary of the Army or designee as unserviceable or unsafe for further use.

SEC. 8019. No more than \$500,000 of the funds appropriated or made available in this Act shall be used during a single fiscal year for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the congressional defense committees that such a relocation is required in the best interest of the Government.

SEC. 8020. Of the funds made available in this Act, \$15,000,000 shall be available for incentive payments authorized by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): *Provided*, That a prime contractor or a subcontractor at any tier that makes a subcontract award to any subcontractor or supplier as defined in section 1544 of title 25, United States Code, or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code, shall be considered a contractor for the purposes of being allowed additional compensation under section 504 of the Indian Financing Act of 1974 (25

U.S.C. 1544) whenever the prime contract or subcontract amount is over \$500,000 and involves the expenditure of funds appropriated by an Act making appropriations for the Department of Defense with respect to any fiscal year: *Provided further*, That notwithstanding section 1906 of title 41, United States Code, this section shall be applicable to any Department of Defense acquisition of supplies or services, including any contract and any subcontract at any tier for acquisition of commercial items produced or manufactured, in whole or in part, by any subcontractor or supplier defined in section 1544 of title 25, United States Code, or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code.

SEC. 8021. Funds appropriated by this Act for the Defense Media Activity shall not be used for any national or international political or psychological activities.

SEC. 8022. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed \$350,000,000 for purposes specified in section 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: *Provided*, That, upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriations or fund which incurred such obligations.

SEC. 8023. (a) Of the funds made available in this Act, not less than \$39,500,000 shall be available for the Civil Air Patrol Corporation, of which—

(1) \$27,400,000 shall be available from “Operation and Maintenance, Air Force” to support Civil Air Patrol Corporation operation and maintenance, readiness, counter-drug activities, and drug demand reduction activities involving youth programs;

(2) \$10,400,000 shall be available from “Aircraft Procurement, Air Force”; and

(3) \$1,700,000 shall be available from “Other Procurement, Air Force” for vehicle procurement.

(b) The Secretary of the Air Force should waive reimbursement for any funds used by the Civil Air Patrol for counter-drug activities in support of Federal, State, and local government agencies.

SEC. 8024. (a) None of the funds appropriated in this Act are available to establish a new Department of Defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administrated by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other nonprofit entities.

(b) No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, except when acting in a technical advisory capacity, may be compensated for his or her services as a member of such entity, or as a paid consultant by more than one FFRDC in a fiscal year: *Provided*, That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

(c) Notwithstanding any other provision of law, none of the funds available to the department from any source during fiscal

year 2016 may be used by a defense FFRDC, through a fee or other payment mechanism, for construction of new buildings, for payment of cost sharing for projects funded by Government grants, for absorption of contract overruns, or for certain charitable contributions, not to include employee participation in community service and/or development: *Provided*, That up to 1 percent of funds provided in this Act for support of defense FFRDCs may be used for planning and design of scientific or engineering facilities: *Provided further*, That the Secretary of Defense shall notify the congressional defense committees 15 days in advance of exercising the authority in the previous proviso.

(d) Notwithstanding any other provision of law, of the funds available to the department during fiscal year 2016, not more than 5,750 staff years of technical effort (staff years) may be funded for defense FFRDCs: *Provided*, That, of the specific amount referred to previously in this subsection, not more than 1,125 staff years may be funded for the defense studies and analysis FFRDCs: *Provided further*, That this subsection shall not apply to staff years funded in the National Intelligence Program (NIP) and the Military Intelligence Program (MIP).

(e) The Secretary of Defense shall, with the submission of the department's fiscal year 2017 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC during that fiscal year and the associated budget estimates.

(f) Notwithstanding any other provision of this Act, the total amount appropriated in this Act for FFRDCs is hereby reduced by \$65,000,000.

SEC. 8025. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy, or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: *Provided*, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: *Provided further*, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That these restrictions shall not apply to contracts which are in being as of the date of the enactment of this Act.

SEC. 8026. For the purposes of this Act, the term “congressional defense committees” means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

SEC. 8027. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities

and private firms: *Provided*, That the Senior Acquisition Executive of the military department or Defense Agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: *Provided further*, That Office of Management and Budget Circular A–76 shall not apply to competitions conducted under this section.

SEC. 8028. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

41 USC 8304
note.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

(b) The Secretary of Defense shall submit to the Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 2016. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

(c) For purposes of this section, the term “Buy American Act” means chapter 83 of title 41, United States Code.

SEC. 8029. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act.

SEC. 8030. (a) Notwithstanding any other provision of law, the Secretary of the Air Force may convey at no cost to the Air Force, without consideration, to Indian tribes located in the States of Nevada, Idaho, North Dakota, South Dakota, Montana, Oregon, Minnesota, and Washington relocatable military housing units located at Grand Forks Air Force Base, Malmstrom Air Force Base, Mountain Home Air Force Base, Ellsworth Air Force Base, and Minot Air Force Base that are excess to the needs of the Air Force.

(b) The Secretary of the Air Force shall convey, at no cost to the Air Force, military housing units under subsection (a) in accordance with the request for such units that are submitted to the Secretary by the Operation Walking Shield Program on behalf of Indian tribes located in the States of Nevada, Idaho, North Dakota, South Dakota, Montana, Oregon, Minnesota, and Washington. Any such conveyance shall be subject to the condition that the housing units shall be removed within a reasonable period of time, as determined by the Secretary.

(c) The Operation Walking Shield Program shall resolve any conflicts among requests of Indian tribes for housing units under

subsection (a) before submitting requests to the Secretary of the Air Force under subsection (b).

(d) In this section, the term “Indian tribe” means any recognized Indian tribe included on the current list published by the Secretary of the Interior under section 104 of the Federally Recognized Indian Tribe Act of 1994 (Public Law 103–454; 108 Stat. 4792; 25 U.S.C. 479a–1).

SEC. 8031. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than \$250,000.

SEC. 8032. None of the funds made available by this Act may be used to—

(1) disestablish, or prepare to disestablish, a Senior Reserve Officers’ Training Corps program in accordance with Department of Defense Instruction Number 1215.08, dated June 26, 2006; or

(2) close, downgrade from host to extension center, or place on probation a Senior Reserve Officers’ Training Corps program in accordance with the information paper of the Department of the Army titled “Army Senior Reserve Officers’ Training Corps (SROTC) Program Review and Criteria”, dated January 27, 2014.

SEC. 8033. The Secretary of Defense shall issue regulations to prohibit the sale of any tobacco or tobacco-related products in military resale outlets in the United States, its territories and possessions at a price below the most competitive price in the local community: *Provided*, That such regulations shall direct that the prices of tobacco or tobacco-related products in overseas military retail outlets shall be within the range of prices established for military retail system stores located in the United States.

SEC. 8034. (a) During the current fiscal year, none of the appropriations or funds available to the Department of Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Department of Defense Working Capital Funds if such an item would not have been chargeable to the Department of Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 2017 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2017 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 2017 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

SEC. 8035. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2017: *Provided*, That funds appropriated,

10 USC 2484
note.

50 USC 3521
note.

transferred, or otherwise credited to the Central Intelligence Agency Central Services Working Capital Fund during this or any prior or subsequent fiscal year shall remain available until expended: *Provided further*, That any funds appropriated or transferred to the Central Intelligence Agency for advanced research and development acquisition, for agent operations, and for covert action programs authorized by the President under section 503 of the National Security Act of 1947 (50 U.S.C. 3093) shall remain available until September 30, 2017.

SEC. 8036. Notwithstanding any other provision of law, funds made available in this Act for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.

SEC. 8037. Of the funds appropriated to the Department of Defense under the heading “Operation and Maintenance, Defense-Wide”, not less than \$12,000,000 shall be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation and cost to complete estimates for mitigation, on Indian lands resulting from Department of Defense activities.

SEC. 8038. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term “Buy American Act” means chapter 83 of title 41, United States Code.

(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a “Made in America” inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

(c) In the case of any equipment or products purchased with appropriations provided under this Act, it is the sense of the Congress that any entity of the Department of Defense, in expending the appropriation, purchase only American-made equipment and products, provided that American-made equipment and products are cost-competitive, quality competitive, and available in a timely fashion.

SEC. 8039. None of the funds appropriated by this Act and hereafter shall be available for a contract for studies, analysis, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines—

(1) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work;

(2) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source; or

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific

10 USC 2304
note.

concern is given financial support: *Provided*, That this limitation shall not apply to contracts in an amount of less than \$25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

SEC. 8040. (a) Except as provided in subsections (b) and (c), none of the funds made available by this Act may be used—

(1) to establish a field operating agency; or

(2) to pay the basic pay of a member of the Armed Forces or civilian employee of the department who is transferred or reassigned from a headquarters activity if the member or employee's place of duty remains at the location of that headquarters.

(b) The Secretary of Defense or Secretary of a military department may waive the limitations in subsection (a), on a case-by-case basis, if the Secretary determines, and certifies to the Committees on Appropriations of the House of Representatives and the Senate that the granting of the waiver will reduce the personnel requirements or the financial requirements of the department.

(c) This section does not apply to—

(1) field operating agencies funded within the National Intelligence Program;

(2) an Army field operating agency established to eliminate, mitigate, or counter the effects of improvised explosive devices, and, as determined by the Secretary of the Army, other similar threats;

(3) an Army field operating agency established to improve the effectiveness and efficiencies of biometric activities and to integrate common biometric technologies throughout the Department of Defense; or

(4) an Air Force field operating agency established to administer the Air Force Mortuary Affairs Program and Mortuary Operations for the Department of Defense and authorized Federal entities.

SEC. 8041. (a) None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by Department of Defense civilian employees unless—

(1) the conversion is based on the result of a public-private competition that includes a most efficient and cost effective organization plan developed by such activity or function;

(2) the Competitive Sourcing Official determines that, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Department of Defense by an amount that equals or exceeds the lesser of—

(A) 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees; or

(B) \$10,000,000; and

(3) the contractor does not receive an advantage for a proposal that would reduce costs for the Department of Defense by—

(A) not making an employer-sponsored health insurance plan available to the workers who are to be employed in the performance of that activity or function under the contract; or

(B) offering to such workers an employer-sponsored health benefits plan that requires the employer to contribute less towards the premium or subscription share than the amount that is paid by the Department of Defense for health benefits for civilian employees under chapter 89 of title 5, United States Code.

(b)(1) The Department of Defense, without regard to subsection (a) of this section or subsection (a), (b), or (c) of section 2461 of title 10, United States Code, and notwithstanding any administrative regulation, requirement, or policy to the contrary shall have full authority to enter into a contract for the performance of any commercial or industrial type function of the Department of Defense that—

(A) is included on the procurement list established pursuant to section 2 of the Javits-Wagner-O'Day Act (section 8503 of title 41, United States Code);

(B) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or

(C) is planned to be converted to performance by a qualified firm under at least 51 percent ownership by an Indian tribe, as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)), or a Native Hawaiian Organization, as defined in section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15)).

(2) This section shall not apply to depot contracts or contracts for depot maintenance as provided in sections 2469 and 2474 of title 10, United States Code.

(c) The conversion of any activity or function of the Department of Defense under the authority provided by this section shall be credited toward any competitive or outsourcing goal, target, or measurement that may be established by statute, regulation, or policy and is deemed to be awarded under the authority of, and in compliance with, subsection (h) of section 2304 of title 10, United States Code, for the competition or outsourcing of commercial activities.

(RESCISSIONS)

SEC. 8042. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts: *Provided*, That no amounts may be rescinded from amounts that were designated by the Congress for Overseas Contingency Operations/Global War on Terrorism or as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended:

“Cooperative Threat Reduction Account”, 2014/2016, \$15,000,000;

“Aircraft Procurement, Army”, 2014/2016, \$9,295,000;

“Other Procurement, Army”, 2014/2016, \$40,000,000;

“Aircraft Procurement, Navy”, 2014/2016, \$53,415,000;
 “Weapons Procurement, Navy”, 2014/2016, \$888,000;
 “Aircraft Procurement, Air Force”, 2014/2016, \$2,300,000;
 “Procurement of Ammunition, Air Force”, 2014/2016,
 \$6,300,000;
 “Other Procurement, Air Force”, 2014/2016, \$90,000,000;
 “Aircraft Procurement, Army”, 2015/2017, \$25,000,000;
 “Procurement of Weapons and Tracked Combat Vehicles,
 Army”, 2015/2017, \$7,500,000;
 “Other Procurement, Army”, 2015/2017, \$30,000,000;
 “Aircraft Procurement, Navy”, 2015/2017, \$11,702,000;
 “Weapons Procurement, Navy”, 2015/2017, \$15,422,000;
 “Procurement of Ammunition, Navy and Marine Corps”,
 2015/2017, \$8,906,000;
 “Procurement, Marine Corps”, 2015/2017, \$66,477,000;
 “Aircraft Procurement, Air Force”, 2015/2017,
 \$199,046,000;
 “Missile Procurement, Air Force”, 2015/2017, \$212,000,000;
 “Other Procurement, Air Force”, 2015/2017, \$17,000,000;
 “Research, Development, Test and Evaluation, Army”,
 2015/2016, \$9,299,000;
 “Research, Development, Test and Evaluation, Navy”, 2015/
 2016, \$228,387,000;
 “Research, Development, Test and Evaluation, Air Force”,
 2015/2016, \$718,500,000; and
 “Research, Development, Test and Evaluation, Defense-
 Wide”, 2015/2016, \$2,500,000.

SEC. 8043. None of the funds available in this Act may be used to reduce the authorized positions for military technicians (dual status) of the Army National Guard, Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military technicians (dual status), unless such reductions are a direct result of a reduction in military force structure.

SEC. 8044. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People’s Republic of Korea unless specifically appropriated for that purpose.

SEC. 8045. Funds appropriated in this Act for operation and maintenance of the Military Departments, Combatant Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Combatant Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the National Intelligence Program and the Military Intelligence Program: *Provided*, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

10 USC 374 note.

SEC. 8046. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

50 USC 3506
note.

(b) None of the funds available to the Central Intelligence Agency for any fiscal year for drug interdiction or counter-drug

activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

SEC. 8047. None of the funds appropriated by this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin: *Provided*, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That this restriction shall not apply to the purchase of “commercial items”, as defined by section 103 of title 41, United States Code, except that the restriction shall apply to ball or roller bearings purchased as end items.

SEC. 8048. None of the funds made available by this Act for Evolved Expendable Launch Vehicle service competitive procurements may be used unless the competitive procurements are open for award to all certified providers of Evolved Expendable Launch Vehicle-class systems: *Provided*, That the award shall be made to the provider that offers the best value to the government: *Provided further*, That notwithstanding any other provision of law, award may be made to a launch service provider competing with any certified launch vehicle in its inventory regardless of the country of origin of the rocket engine that will be used on its launch vehicle, in order to ensure robust competition and continued assured access to space.

SEC. 8049. In addition to the amounts appropriated or otherwise made available elsewhere in this Act, \$44,000,000 is hereby appropriated to the Department of Defense: *Provided*, That upon the determination of the Secretary of Defense that it shall serve the national interest, the Secretary shall make grants in the amounts specified as follows: \$20,000,000 to the United Service Organizations and \$24,000,000 to the Red Cross.

SEC. 8050. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8051. Notwithstanding any other provision in this Act, the Small Business Innovation Research program and the Small Business Technology Transfer program set-asides shall be taken proportionally from all programs, projects, or activities to the extent they contribute to the extramural budget.

SEC. 8052. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when—

- (1) such costs are for a bonus or otherwise in excess of the normal salary paid by the contractor to the employee; and
- (2) such bonus is part of restructuring costs associated with a business combination.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8053. During the current fiscal year, no more than \$30,000,000 of appropriations made in this Act under the heading “Operation and Maintenance, Defense-Wide” may be transferred to appropriations available for the pay of military personnel, to be merged with, and to be available for the same time period as the appropriations to which transferred, to be used in support of such personnel in connection with support and services for eligible organizations and activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

SEC. 8054. During the current fiscal year, in the case of an appropriation account of the Department of Defense for which the period of availability for obligation has expired or which has closed under the provisions of section 1552 of title 31, United States Code, and which has a negative unliquidated or unexpended balance, an obligation or an adjustment of an obligation may be charged to any current appropriation account for the same purpose as the expired or closed account if—

(1) the obligation would have been properly chargeable (except as to amount) to the expired or closed account before the end of the period of availability or closing of that account;

(2) the obligation is not otherwise properly chargeable to any current appropriation account of the Department of Defense; and

(3) in the case of an expired account, the obligation is not chargeable to a current appropriation of the Department of Defense under the provisions of section 1405(b)(8) of the National Defense Authorization Act for Fiscal Year 1991, Public Law 101–510, as amended (31 U.S.C. 1551 note): *Provided*, That in the case of an expired account, if subsequent review or investigation discloses that there was not in fact a negative unliquidated or unexpended balance in the account, any charge to a current account under the authority of this section shall be reversed and recorded against the expired account: *Provided further*, That the total amount charged to a current appropriation under this section may not exceed an amount equal to 1 percent of the total appropriation for that account.

SEC. 8055. (a) Notwithstanding any other provision of law, the Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.

(b) Amounts collected under subsection (a) shall be credited to funds available for the National Guard Distance Learning Project and be available to defray the costs associated with the use of equipment of the project under that subsection. Such funds shall be available for such purposes without fiscal year limitation.

SEC. 8056. None of the funds available to the Department of Defense may be obligated to modify command and control relationships to give Fleet Forces Command operational and administrative control of United States Navy forces assigned to the Pacific fleet: *Provided*, That the command and control relationships which existed on October 1, 2004, shall remain in force unless changes are specifically authorized in a subsequent Act: *Provided further*,

That this section does not apply to administrative control of Navy Air and Missile Defense Command.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8057. Of the funds appropriated in this Act under the heading “Operation and Maintenance, Defense-wide”, \$25,000,000 shall be for continued implementation and expansion of the Sexual Assault Special Victims’ Counsel Program: *Provided*, That the funds are made available for transfer to the Department of the Army, the Department of the Navy, and the Department of the Air Force: *Provided further*, That funds transferred shall be merged with and available for the same purposes and for the same time period as the appropriations to which the funds are transferred: *Provided further*, That this transfer authority is in addition to any other transfer authority provided in this Act.

SEC. 8058. None of the funds appropriated in title IV of this Act may be used to procure end-items for delivery to military forces for operational training, operational use or inventory requirements: *Provided*, That this restriction does not apply to end-items used in development, prototyping, and test activities preceding and leading to acceptance for operational use: *Provided further*, That this restriction does not apply to programs funded within the National Intelligence Program: *Provided further*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8059. (a) The Secretary of Defense may, on a case-by-case basis, waive with respect to a foreign country each limitation on the procurement of defense items from foreign sources provided in law if the Secretary determines that the application of the limitation with respect to that country would invalidate cooperative programs entered into between the Department of Defense and the foreign country, or would invalidate reciprocal trade agreements for the procurement of defense items entered into under section 2531 of title 10, United States Code, and the country does not discriminate against the same or similar defense items produced in the United States for that country.

(b) Subsection (a) applies with respect to—

(1) contracts and subcontracts entered into on or after the date of the enactment of this Act; and

(2) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if the option prices are adjusted for any reason other than the application of a waiver granted under subsection (a).

(c) Subsection (a) does not apply to a limitation regarding construction of public vessels, ball and roller bearings, food, and clothing or textile materials as defined by section XI (chapters 50–65) of the Harmonized Tariff Schedule of the United States and products classified under headings 4010, 4202, 4203, 6401 through 6406, 6505, 7019, 7218 through 7229, 7304.41 through 7304.49, 7306.40, 7502 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

SEC. 8060. Notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this

or any other Act may be used to consolidate or relocate any element of a United States Air Force Rapid Engineer Deployable Heavy Operational Repair Squadron Engineer (RED HORSE) outside of the United States until the Secretary of the Air Force—

(1) completes an analysis and comparison of the cost and infrastructure investment required to consolidate or relocate a RED HORSE squadron outside of the United States versus within the United States;

(2) provides to the congressional defense committees a report detailing the findings of the cost analysis; and

(3) certifies in writing to the congressional defense committees that the preferred site for the consolidation or relocation yields the greatest savings for the Air Force:

Provided, That the term “United States” in this section does not include any territory or possession of the United States.

SEC. 8061. None of the funds appropriated or otherwise made available by this or other Department of Defense Appropriations Acts may be obligated or expended for the purpose of performing repairs or maintenance to military family housing units of the Department of Defense, including areas in such military family housing units that may be used for the purpose of conducting official Department of Defense business.

SEC. 8062. Notwithstanding any other provision of law, funds appropriated in this Act under the heading “Research, Development, Test and Evaluation, Defense-Wide” for any new start advanced concept technology demonstration project or joint capability demonstration project may only be obligated 45 days after a report, including a description of the project, the planned acquisition and transition strategy and its estimated annual and total cost, has been provided in writing to the congressional defense committees: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying to the congressional defense committees that it is in the national interest to do so.

SEC. 8063. The Secretary of Defense shall continue to provide a classified quarterly report to the House and Senate Appropriations Committees, Subcommittees on Defense on certain matters as directed in the classified annex accompanying this Act.

SEC. 8064. Notwithstanding section 12310(b) of title 10, United States Code, a Reserve who is a member of the National Guard serving on full-time National Guard duty under section 502(f) of title 32, United States Code, may perform duties in support of the ground-based elements of the National Ballistic Missile Defense System.

SEC. 8065. None of the funds provided in this Act may be used to transfer to any nongovernmental entity ammunition held by the Department of Defense that has a center-fire cartridge and a United States military nomenclature designation of “armor penetrator”, “armor piercing (AP)”, “armor piercing incendiary (API)”, or “armor-piercing incendiary tracer (API-T)”, except to an entity performing demilitarization services for the Department of Defense under a contract that requires the entity to demonstrate to the satisfaction of the Department of Defense that armor piercing projectiles are either: (1) rendered incapable of reuse by the demilitarization process; or (2) used to manufacture ammunition pursuant to a contract with the Department of Defense or the manufacture of ammunition for export pursuant to a License for Permanent

Export of Unclassified Military Articles issued by the Department of State.

SEC. 8066. Notwithstanding any other provision of law, the Chief of the National Guard Bureau, or his designee, may waive payment of all or part of the consideration that otherwise would be required under section 2667 of title 10, United States Code, in the case of a lease of personal property for a period not in excess of 1 year to any organization specified in section 508(d) of title 32, United States Code, or any other youth, social, or fraternal nonprofit organization as may be approved by the Chief of the National Guard Bureau, or his designee, on a case-by-case basis.

SEC. 8067. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: *Provided*, That, in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: *Provided further*, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State: *Provided further*, That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8068. Of the amounts appropriated in this Act under the heading “Operation and Maintenance, Army”, \$76,611,750 shall remain available until expended: *Provided*, That, notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities of the Federal Government: *Provided further*, That the Secretary of Defense is authorized to enter into and carry out contracts for the acquisition of real property, construction, personal services, and operations related to projects carrying out the purposes of this section: *Provided further*, That contracts entered into under the authority of this section may provide for such indemnification as the Secretary determines to be necessary: *Provided further*, That projects authorized by this section shall comply with applicable Federal, State, and local law to the maximum extent consistent with the national security, as determined by the Secretary of Defense.

SEC. 8069. (a) None of the funds appropriated in this or any other Act may be used to take any action to modify—

(1) the appropriations account structure for the National Intelligence Program budget, including through the creation of a new appropriation or new appropriation account;

(2) how the National Intelligence Program budget request is presented in the unclassified P–1, R–1, and O–1 documents supporting the Department of Defense budget request;

(3) the process by which the National Intelligence Program appropriations are apportioned to the executing agencies; or

(4) the process by which the National Intelligence Program appropriations are allotted, obligated and disbursed.

(b) Nothing in section (a) shall be construed to prohibit the merger of programs or changes to the National Intelligence Program budget at or below the Expenditure Center level, provided such change is otherwise in accordance with paragraphs (a)(1)–(3).

(c) The Director of National Intelligence and the Secretary of Defense may jointly, only for the purposes of achieving auditable financial statements and improving fiscal reporting, study and develop detailed proposals for alternative financial management processes. Such study shall include a comprehensive counterintelligence risk assessment to ensure that none of the alternative processes will adversely affect counterintelligence.

(d) Upon development of the detailed proposals defined under subsection (c), the Director of National Intelligence and the Secretary of Defense shall—

(1) provide the proposed alternatives to all affected agencies;

(2) receive certification from all affected agencies attesting that the proposed alternatives will help achieve auditability, improve fiscal reporting, and will not adversely affect counterintelligence; and

(3) not later than 30 days after receiving all necessary certifications under paragraph (2), present the proposed alternatives and certifications to the congressional defense and intelligence committees.

(e) This section shall not be construed to alter or affect the application of section 1633 of the National Defense Authorization Act for Fiscal Year 2016 to the amounts made available by this Act.

SEC. 8070. In addition to amounts provided elsewhere in this Act, \$5,000,000 is hereby appropriated to the Department of Defense, to remain available for obligation until expended: *Provided*, That notwithstanding any other provision of law, that upon the determination of the Secretary of Defense that it shall serve the national interest, these funds shall be available only for a grant to the Fisher House Foundation, Inc., only for the construction and furnishing of additional Fisher Houses to meet the needs of military family members when confronted with the illness or hospitalization of an eligible military beneficiary.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8071. Of the amounts appropriated in this Act under the headings “Procurement, Defense-Wide” and “Research, Development, Test and Evaluation, Defense-Wide”, \$487,595,000 shall be for the Israeli Cooperative Programs: *Provided*, That of this amount, \$55,000,000 shall be for the Secretary of Defense to provide to the Government of Israel for the procurement of the Iron Dome defense system to counter short-range rocket threats, subject to the U.S.-Israel Iron Dome Procurement Agreement, as amended; \$286,526,000 shall be for the Short Range Ballistic Missile Defense (SRBMD) program, including cruise missile defense research and development under the SRBMD program, of which \$150,000,000 shall be for production activities of SRBMD missiles in the United

States and in Israel to meet Israel's defense requirements consistent with each nation's laws, regulations, and procedures, of which not more than \$90,000,000, subject to previously established transfer procedures, may be obligated or expended until establishment of a U.S.-Israeli production agreement for SRBMD; \$89,550,000 shall be for an upper-tier component to the Israeli Missile Defense Architecture, of which not more than \$15,000,000, subject to previously established transfer procedures, may be obligated or expended until establishment of a U.S.-Israeli production agreement; and \$56,519,000 shall be for the Arrow System Improvement Program including development of a long range, ground and airborne, detection suite: *Provided further*, That funds made available under this provision for production of missiles and missile components may be transferred to appropriations available for the procurement of weapons and equipment, to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred: *Provided further*, That the transfer authority provided under this provision is in addition to any other transfer authority contained in this Act.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8072. Of the amounts appropriated in this Act under the heading "Shipbuilding and Conversion, Navy", \$389,305,000 shall be available until September 30, 2016, to fund prior year shipbuilding cost increases: *Provided*, That upon enactment of this Act, the Secretary of the Navy shall transfer funds to the following appropriations in the amounts specified: *Provided further*, That the amounts transferred shall be merged with and be available for the same purposes as the appropriations to which transferred to:

- (1) Under the heading "Shipbuilding and Conversion, Navy", 2008/2016: Carrier Replacement Program \$123,760,000;
- (2) Under the heading "Shipbuilding and Conversion, Navy", 2009/2016: LPD–17 Amphibious Transport Dock Program \$22,860,000;
- (3) Under the heading "Shipbuilding and Conversion, Navy", 2012/2016: CVN Refueling Overhauls Program \$20,029,000;
- (4) Under the heading "Shipbuilding and Conversion, Navy", 2012/2016: DDG–51 Destroyer \$75,014,000;
- (5) Under the heading "Shipbuilding and Conversion, Navy", 2012/2016: Littoral Combat Ship \$82,674,000;
- (6) Under the heading "Shipbuilding and Conversion, Navy", 2012/2016: LPD–17 Amphibious Transport Dock Program \$38,733,000;
- (7) Under the heading "Shipbuilding and Conversion, Navy", 2012/2016: Joint High Speed Vessel \$22,597,000; and
- (8) Under the heading "Shipbuilding and Conversion, Navy", 2013/2016: Joint High Speed Vessel \$3,638,000.

SEC. 8073. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 3094) during fiscal year 2016 until the enactment of the Intelligence Authorization Act for Fiscal Year 2016.

SEC. 8074. None of the funds provided in this Act shall be available for obligation or expenditure through a reprogramming of funds that creates or initiates a new program, project, or activity unless such program, project, or activity must be undertaken immediately in the interest of national security and only after written prior notification to the congressional defense committees.

10 USC 221 note.

SEC. 8075. The budget of the President for fiscal year 2017 submitted to the Congress pursuant to section 1105 of title 31, United States Code, shall include separate budget justification documents for costs of United States Armed Forces' participation in contingency operations for the Military Personnel accounts, the Operation and Maintenance accounts, the Procurement accounts, and the Research, Development, Test and Evaluation accounts: *Provided*, That these documents shall include a description of the funding requested for each contingency operation, for each military service, to include all Active and Reserve components, and for each appropriations account: *Provided further*, That these documents shall include estimated costs for each element of expense or object class, a reconciliation of increases and decreases for each contingency operation, and programmatic data including, but not limited to, troop strength for each Active and Reserve component, and estimates of the major weapons systems deployed in support of each contingency: *Provided further*, That these documents shall include budget exhibits OP–5 and OP–32 (as defined in the Department of Defense Financial Management Regulation) for all contingency operations for the budget year and the two preceding fiscal years.

SEC. 8076. None of the funds in this Act may be used for research, development, test, evaluation, procurement or deployment of nuclear armed interceptors of a missile defense system.

SEC. 8077. Notwithstanding any other provision of this Act, to reflect savings due to favorable foreign exchange rates, the total amount appropriated in this Act is hereby reduced by \$1,500,789,000.

SEC. 8078. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC–130 Weather Reconnaissance mission below the levels funded in this Act: *Provided*, That the Air Force shall allow the 53rd Weather Reconnaissance Squadron to perform other missions in support of national defense requirements during the non-hurricane season.

SEC. 8079. None of the funds provided in this Act shall be available for integration of foreign intelligence information unless the information has been lawfully collected and processed during the conduct of authorized foreign intelligence activities: *Provided*, That information pertaining to United States persons shall only be handled in accordance with protections provided in the Fourth Amendment of the United States Constitution as implemented through Executive Order No. 12333.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8080. The Secretary of Defense may transfer funds from any available Department of the Navy appropriation to any available Navy ship construction appropriation for the purpose of liquidating necessary changes resulting from inflation, market fluctuations, or rate adjustments for any ship construction program appropriated in law: *Provided*, That the Secretary may transfer not to exceed \$20,000,000 under the authority provided by this section: *Provided further*, That the Secretary may not transfer any funds until 30 days after the proposed transfer has been reported to the Committees on Appropriations of the House of Representatives and the Senate, unless a response from the Committees is received sooner: *Provided further*, That any funds transferred pursuant to this section shall retain the same period of availability as when originally appropriated: *Provided further*, That the transfer authority provided by this section is in addition to any other transfer authority contained elsewhere in this Act.

SEC. 8081. (a) None of the funds appropriated by this Act may be used to transfer research and development, acquisition, or other program authority relating to current tactical unmanned aerial vehicles (TUAVs) from the Army.

(b) The Army shall retain responsibility for and operational control of the MQ–1C Gray Eagle Unmanned Aerial Vehicle (UAV) in order to support the Secretary of Defense in matters relating to the employment of unmanned aerial vehicles.

SEC. 8082. Up to \$15,000,000 of the funds appropriated under the heading “Operation and Maintenance, Navy” may be made available for the Asia Pacific Regional Initiative Program for the purpose of enabling the Pacific Command to execute Theater Security Cooperation activities such as humanitarian assistance, and payment of incremental and personnel costs of training and exercising with foreign security forces: *Provided*, That funds made available for this purpose may be used, notwithstanding any other funding authorities for humanitarian assistance, security assistance or combined exercise expenses: *Provided further*, That funds may not be obligated to provide assistance to any foreign country that is otherwise prohibited from receiving such type of assistance under any other provision of law.

SEC. 8083. None of the funds appropriated by this Act for programs of the Office of the Director of National Intelligence shall remain available for obligation beyond the current fiscal year, except for funds appropriated for research and technology, which shall remain available until September 30, 2017.

SEC. 8084. For purposes of section 1553(b) of title 31, United States Code, any subdivision of appropriations made in this Act under the heading “Shipbuilding and Conversion, Navy” shall be considered to be for the same purpose as any subdivision under the heading “Shipbuilding and Conversion, Navy” appropriations in any prior fiscal year, and the 1 percent limitation shall apply to the total amount of the appropriation.

SEC. 8085. (a) Not later than 60 days after the date of enactment of this Act, the Director of National Intelligence shall submit a report to the congressional intelligence committees to establish the baseline for application of reprogramming and transfer authorities for fiscal year 2016: *Provided*, That the report shall include—

(1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(2) a delineation in the table for each appropriation by Expenditure Center and project; and

(3) an identification of items of special congressional interest.

(b) None of the funds provided for the National Intelligence Program in this Act shall be available for reprogramming or transfer until the report identified in subsection (a) is submitted to the congressional intelligence committees, unless the Director of National Intelligence certifies in writing to the congressional intelligence committees that such reprogramming or transfer is necessary as an emergency requirement.

SEC. 8086. None of the funds made available by this Act may be used to eliminate, restructure, or realign Army Contracting Command–New Jersey or make disproportionate personnel reductions at any Army Contracting Command–New Jersey sites without 30-day prior notification to the congressional defense committees.

SEC. 8087. None of the funds made available by this Act may be used to retire, divest, realign, or transfer RQ–4B Global Hawk aircraft, or to disestablish or convert units associated with such aircraft.

SEC. 8088. None of the funds made available by this Act for excess defense articles, assistance under section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3456), or peacekeeping operations for the countries designated annually to be in violation of the standards of the Child Soldiers Prevention Act of 2008 (Public Law 110–457; 22 U.S.C. 2370c–1) may be used to support any military training or operation that includes child soldiers, as defined by the Child Soldiers Prevention Act of 2008, unless such assistance is otherwise permitted under section 404 of the Child Soldiers Prevention Act of 2008.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8089. Of the funds appropriated in the Intelligence Community Management Account for the Program Manager for the Information Sharing Environment, \$20,000,000 is available for transfer by the Director of National Intelligence to other departments and agencies for purposes of Government-wide information sharing activities: *Provided*, That funds transferred under this provision are to be merged with and available for the same purposes and time period as the appropriation to which transferred: *Provided further*, That the Office of Management and Budget must approve any transfers made under this provision.

SEC. 8090. (a) None of the funds provided for the National Intelligence Program in this or any prior appropriations Act shall be available for obligation or expenditure through a reprogramming or transfer of funds in accordance with section 102A(d) of the National Security Act of 1947 (50 U.S.C. 3024(d)) that—

(1) creates a new start effort;

(2) terminates a program with appropriated funding of \$10,000,000 or more;

(3) transfers funding into or out of the National Intelligence Program; or

(4) transfers funding between appropriations, unless the congressional intelligence committees are notified 30 days in advance of such reprogramming of funds; this notification period may be reduced for urgent national security requirements.

(b) None of the funds provided for the National Intelligence Program in this or any prior appropriations Act shall be available for obligation or expenditure through a reprogramming or transfer of funds in accordance with section 102A(d) of the National Security Act of 1947 (50 U.S.C. 3024(d)) that results in a cumulative increase or decrease of the levels specified in the classified annex accompanying the Act unless the congressional intelligence committees are notified 30 days in advance of such reprogramming of funds; this notification period may be reduced for urgent national security requirements.

SEC. 8091. The Director of National Intelligence shall submit to Congress each year, at or about the time that the President's budget is submitted to Congress that year under section 1105(a) of title 31, United States Code, a future-years intelligence program (including associated annexes) reflecting the estimated expenditures and proposed appropriations included in that budget. Any such future-years intelligence program shall cover the fiscal year with respect to which the budget is submitted and at least the four succeeding fiscal years.

50 USC 3103
note.

SEC. 8092. For the purposes of this Act, the term “congressional intelligence committees” means the Permanent Select Committee on Intelligence of the House of Representatives, the Select Committee on Intelligence of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives, and the Subcommittee on Defense of the Committee on Appropriations of the Senate.

SEC. 8093. The Department of Defense shall continue to report incremental contingency operations costs for Operation Inherent Resolve, Operation Freedom's Sentinel, and any named successor operations, on a monthly basis and any other operation designated and identified by the Secretary of Defense for the purposes of section 127a of title 10, United States Code, on a semi-annual basis in the Cost of War Execution Report as prescribed in the Department of Defense Financial Management Regulation Department of Defense Instruction 7000.14, Volume 12, Chapter 23 “Contingency Operations”, Annex 1, dated September 2005.

10 USC 127a
note.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8094. During the current fiscal year, not to exceed \$11,000,000 from each of the appropriations made in title II of this Act for “Operation and Maintenance, Army”, “Operation and Maintenance, Navy”, and “Operation and Maintenance, Air Force” may be transferred by the military department concerned to its central fund established for Fisher Houses and Suites pursuant to section 2493(d) of title 10, United States Code.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8095. Funds appropriated by this Act for operation and maintenance may be available for the purpose of making remittances and transfer to the Defense Acquisition Workforce Development Fund in accordance with section 1705 of title 10, United States Code.

SEC. 8096. (a) Any agency receiving funds made available in this Act, shall, subject to subsections (b) and (c), post on the public Web site of that agency any report required to be submitted by the Congress in this or any other Act, upon the determination by the head of the agency that it shall serve the national interest.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains proprietary information.

(c) The head of the agency posting such report shall do so only after such report has been made available to the requesting Committee or Committees of Congress for no less than 45 days.

SEC. 8097. (a) None of the funds appropriated or otherwise made available by this Act may be expended for any Federal contract for an amount in excess of \$1,000,000, unless the contractor agrees not to—

(1) enter into any agreement with any of its employees or independent contractors that requires, as a condition of employment, that the employee or independent contractor agree to resolve through arbitration any claim under title VII of the Civil Rights Act of 1964 or any tort related to or arising out of sexual assault or harassment, including assault and battery, intentional infliction of emotional distress, false imprisonment, or negligent hiring, supervision, or retention; or

(2) take any action to enforce any provision of an existing agreement with an employee or independent contractor that mandates that the employee or independent contractor resolve through arbitration any claim under title VII of the Civil Rights Act of 1964 or any tort related to or arising out of sexual assault or harassment, including assault and battery, intentional infliction of emotional distress, false imprisonment, or negligent hiring, supervision, or retention.

(b) None of the funds appropriated or otherwise made available by this Act may be expended for any Federal contract unless the contractor certifies that it requires each covered subcontractor to agree not to enter into, and not to take any action to enforce any provision of, any agreement as described in paragraphs (1) and (2) of subsection (a), with respect to any employee or independent contractor performing work related to such subcontract. For purposes of this subsection, a “covered subcontractor” is an entity that has a subcontract in excess of \$1,000,000 on a contract subject to subsection (a).

(c) The prohibitions in this section do not apply with respect to a contractor’s or subcontractor’s agreements with employees or independent contractors that may not be enforced in a court of the United States.

(d) The Secretary of Defense may waive the application of subsection (a) or (b) to a particular contractor or subcontractor for the purposes of a particular contract or subcontract if the Secretary or the Deputy Secretary personally determines that the

waiver is necessary to avoid harm to national security interests of the United States, and that the term of the contract or subcontract is not longer than necessary to avoid such harm. The determination shall set forth with specificity the grounds for the waiver and for the contract or subcontract term selected, and shall state any alternatives considered in lieu of a waiver and the reasons each such alternative would not avoid harm to national security interests of the United States. The Secretary of Defense shall transmit to Congress, and simultaneously make public, any determination under this subsection not less than 15 business days before the contract or subcontract addressed in the determination may be awarded.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8098. From within the funds appropriated for operation and maintenance for the Defense Health Program in this Act, up to \$121,000,000, shall be available for transfer to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund in accordance with the provisions of section 1704 of the National Defense Authorization Act for Fiscal Year 2010, Public Law 111–84: *Provided*, That for purposes of section 1704(b), the facility operations funded are operations of the integrated Captain James A. Lovell Federal Health Care Center, consisting of the North Chicago Veterans Affairs Medical Center, the Navy Ambulatory Care Center, and supporting facilities designated as a combined Federal medical facility as described by section 706 of Public Law 110–417: *Provided further*, That additional funds may be transferred from funds appropriated for operation and maintenance for the Defense Health Program to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund upon written notification by the Secretary of Defense to the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 8099. Appropriations available to the Department of Defense may be used for the purchase of heavy and light armored vehicles for the physical security of personnel or for force protection purposes up to a limit of \$450,000 per vehicle, notwithstanding price or other limitations applicable to the purchase of passenger carrying vehicles.

SEC. 8100. None of the funds appropriated or otherwise made available by this Act or any other Act may be used by the Department of Defense or a component thereof in contravention of the provisions of section 130h of title 10, United States Code (as added by section 1671 of the National Defense Authorization Act for Fiscal Year 2016).

SEC. 8101. The Secretary of Defense shall report quarterly the numbers of civilian personnel end strength by appropriation account for each and every appropriation account used to finance Federal civilian personnel salaries to the congressional defense committees within 15 days after the end of each fiscal quarter.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8102. Upon a determination by the Director of National Intelligence that such action is necessary and in the national interest, the Director may, with the approval of the Office of Management and Budget, transfer not to exceed \$1,500,000,000

of the funds made available in this Act for the National Intelligence Program: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen intelligence requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: *Provided further*, That a request for multiple reprogrammings of funds using authority provided in this section shall be made prior to June 30, 2016.

SEC. 8103. None of the funds appropriated or otherwise made available in this or any other Act may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after June 24, 2009, at United States Naval Station, Guantánamo Bay, Cuba, by the Department of Defense.

SEC. 8104. (a) None of the funds appropriated or otherwise made available in this or any other Act may be used to construct, acquire, or modify any facility in the United States, its territories, or possessions to house any individual described in subsection (c) for the purposes of detention or imprisonment in the custody or under the effective control of the Department of Defense.

(b) The prohibition in subsection (a) shall not apply to any modification of facilities at United States Naval Station, Guantánamo Bay, Cuba.

(c) An individual described in this subsection is any individual who, as of June 24, 2009, is located at United States Naval Station, Guantánamo Bay, Cuba, and who—

(1) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(2) is—

(A) in the custody or under the effective control of the Department of Defense; or

(B) otherwise under detention at United States Naval Station, Guantánamo Bay, Cuba.

SEC. 8105. None of the funds appropriated or otherwise made available in this Act may be used to transfer any individual detained at United States Naval Station Guantánamo Bay, Cuba, to the custody or control of the individual's country of origin, any other foreign country, or any other foreign entity except in accordance with sections 1033 and 1034 of the National Defense Authorization Act for Fiscal Year 2016.

SEC. 8106. None of the funds made available by this Act may be used in contravention of the War Powers Resolution (50 U.S.C. 1541 et seq.).

(INCLUDING TRANSFER OF FUNDS)

SEC. 8107. Of the amounts appropriated for “Operation and Maintenance, Navy”, up to \$1,000,000 shall be available for transfer to the John C. Stennis Center for Public Service Development Trust Fund established under section 116 of the John C. Stennis Center for Public Service Training and Development Act (2 U.S.C. 1105).

SEC. 8108. None of the funds made available by this Act may be used by the Department of Defense or any other Federal agency to lease or purchase new light duty vehicles, for any executive fleet, or for any agency's fleet inventory, except in accordance with Presidential Memorandum-Federal Fleet Performance, dated May 24, 2011.

SEC. 8109. (a) None of the funds appropriated or otherwise made available by this or any other Act may be used by the Secretary of Defense, or any other official or officer of the Department of Defense, to enter into a contract, memorandum of understanding, or cooperative agreement with, or make a grant to, or provide a loan or loan guarantee to Rosoboronexport or any subsidiary of Rosoboronexport.

(b) The Secretary of Defense may waive the limitation in subsection (a) if the Secretary, in consultation with the Secretary of State and the Director of National Intelligence, determines that it is in the vital national security interest of the United States to do so, and certifies in writing to the congressional defense committees that, to the best of the Secretary's knowledge:

(1) Rosoboronexport has ceased the transfer of lethal military equipment to, and the maintenance of existing lethal military equipment for, the Government of the Syrian Arab Republic;

(2) The armed forces of the Russian Federation have withdrawn from Crimea, other than armed forces present on military bases subject to agreements in force between the Government of the Russian Federation and the Government of Ukraine; and

(3) Agents of the Russian Federation have ceased taking active measures to destabilize the control of the Government of Ukraine over eastern Ukraine.

(c) The Inspector General of the Department of Defense shall conduct a review of any action involving Rosoboronexport with respect to a waiver issued by the Secretary of Defense pursuant to subsection (b), and not later than 90 days after the date on which such a waiver is issued by the Secretary of Defense, the Inspector General shall submit to the congressional defense committees a report containing the results of the review conducted with respect to such waiver.

SEC. 8110. None of the funds made available in this Act may be used for the purchase or manufacture of a flag of the United States unless such flags are treated as covered items under section 2533a(b) of title 10, United States Code.

SEC. 8111. (a) Of the funds appropriated in this Act for the Department of Defense, amounts may be made available, under such regulations as the Secretary of Defense may prescribe, to local military commanders appointed by the Secretary, or by an officer or employee designated by the Secretary, to provide at their discretion *ex gratia* payments in amounts consistent with subsection (d) of this section for damage, personal injury, or death that is incident to combat operations of the Armed Forces in a foreign country.

(b) An *ex gratia* payment under this section may be provided only if—

(1) the prospective foreign civilian recipient is determined by the local military commander to be friendly to the United States;

10 USC 2731
note.

(2) a claim for damages would not be compensable under chapter 163 of title 10, United States Code (commonly known as the “Foreign Claims Act”); and

(3) the property damage, personal injury, or death was not caused by action by an enemy.

(c) NATURE OF PAYMENTS.—Any payments provided under a program under subsection (a) shall not be considered an admission or acknowledgement of any legal obligation to compensate for any damage, personal injury, or death.

(d) AMOUNT OF PAYMENTS.—If the Secretary of Defense determines a program under subsection (a) to be appropriate in a particular setting, the amounts of payments, if any, to be provided to civilians determined to have suffered harm incident to combat operations of the Armed Forces under the program should be determined pursuant to regulations prescribed by the Secretary and based on an assessment, which should include such factors as cultural appropriateness and prevailing economic conditions.

(e) LEGAL ADVICE.—Local military commanders shall receive legal advice before making ex gratia payments under this subsection. The legal advisor, under regulations of the Department of Defense, shall advise on whether an ex gratia payment is proper under this section and applicable Department of Defense regulations.

(f) WRITTEN RECORD.—A written record of any ex gratia payment offered or denied shall be kept by the local commander and on a timely basis submitted to the appropriate office in the Department of Defense as determined by the Secretary of Defense.

(g) REPORT.—The Secretary of Defense shall report to the congressional defense committees on an annual basis the efficacy of the ex gratia payment program including the number of types of cases considered, amounts offered, the response from ex gratia payment recipients, and any recommended modifications to the program.

SEC. 8112. None of the funds available in this Act to the Department of Defense, other than appropriations made for necessary or routine refurbishments, upgrades or maintenance activities, shall be used to reduce or to prepare to reduce the number of deployed and non-deployed strategic delivery vehicles and launchers below the levels set forth in the report submitted to Congress in accordance with section 1042 of the National Defense Authorization Act for Fiscal Year 2012.

SEC. 8113. The Secretary of Defense shall post grant awards on a public Web site in a searchable format.

SEC. 8114. None of the funds made available by this Act may be used to realign forces at Lajes Air Force Base, Azores, Portugal, until the Secretary of Defense certifies to the congressional defense committees that the Secretary of Defense has determined, based on an analysis of operational requirements, that Lajes Air Force Base is not an optimal location for the Joint Intelligence Analysis Complex.

SEC. 8115. None of the funds made available by this Act may be used to fund the performance of a flight demonstration team at a location outside of the United States: *Provided*, That this prohibition applies only if a performance of a flight demonstration team at a location within the United States was canceled during the current fiscal year due to insufficient funding.

SEC. 8116. None of the funds made available by this Act may be used by the National Security Agency to—

(1) conduct an acquisition pursuant to section 702 of the Foreign Intelligence Surveillance Act of 1978 for the purpose of targeting a United States person; or

(2) acquire, monitor, or store the contents (as such term is defined in section 2510(8) of title 18, United States Code) of any electronic communication of a United States person from a provider of electronic communication services to the public pursuant to section 501 of the Foreign Intelligence Surveillance Act of 1978.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8117. In addition to amounts provided elsewhere in this Act for basic allowance for housing for military personnel, including active duty, reserve and National Guard personnel, \$300,000,000 is hereby appropriated to the Department of Defense and made available for transfer only to military personnel accounts: *Provided*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

SEC. 8118. None of the funds made available by this Act may be obligated or expended to implement the Arms Trade Treaty until the Senate approves a resolution of ratification for the Treaty.

SEC. 8119. None of the funds made available in this or any other Act may be used to pay the salary of any officer or employee of any agency funded by this Act who approves or implements the transfer of administrative responsibilities or budgetary resources of any program, project, or activity financed by this Act to the jurisdiction of another Federal agency not financed by this Act without the express authorization of Congress: *Provided*, That this limitation shall not apply to transfers of funds expressly provided for in Defense Appropriations Acts, or provisions of Acts providing supplemental appropriations for the Department of Defense.

SEC. 8120. None of the funds appropriated or otherwise made available by this Act may be used in contravention of section 1054 of the National Defense Authorization Act for Fiscal Year 2016, regarding transfer of AH–64 Apache helicopters from the Army National Guard to regular Army.

SEC. 8121. None of the funds made available in this Act may be obligated for activities authorized under section 1208 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 112–81; 125 Stat. 1621) to initiate support for, or expand support to, foreign forces, irregular forces, groups, or individuals unless the congressional defense committees are notified in accordance with the direction contained in the classified annex accompanying this Act, not less than 15 days before initiating such support: *Provided*, That none of the funds made available in this Act may be used under section 1208 for any activity that is not in support of an ongoing military operation being conducted by United States Special Operations Forces to combat terrorism: *Provided further*, That the Secretary of Defense may waive the prohibitions in this section if the Secretary determines that such waiver is required by extraordinary circumstances and, by not

later than 72 hours after making such waiver, notifies the congressional defense committees of such waiver.

SEC. 8122. None of the funds made available by this Act may be used with respect to Iraq in contravention of the War Powers Resolution (50 U.S.C. 1541 et seq.), including for the introduction of United States armed forces into hostilities in Iraq, into situations in Iraq where imminent involvement in hostilities is clearly indicated by the circumstances, or into Iraqi territory, airspace, or waters while equipped for combat, in contravention of the congressional consultation and reporting requirements of sections 3 and 4 of such Resolution (50 U.S.C. 1542 and 1543).

SEC. 8123. None of the funds made available by this Act may be used to divest, retire, transfer, or place in storage or on backup aircraft inventory status, or prepare to divest, retire, transfer, or place in storage or on backup aircraft inventory status, any A–10 aircraft, or to disestablish any units of the active or reserve component associated with such aircraft.

SEC. 8124. Of the funds provided for “Research, Development, Test and Evaluation, Defense-Wide” in this Act, not less than \$2,800,000 shall be used to support the Department’s activities related to the implementation of the Digital Accountability and Transparency Act (Public Law 113–101; 31 U.S.C. 6101 note) and to support the implementation of a uniform procurement instrument identifier as described in subpart 4.16 of Title 48, Code of Federal Regulations, to include changes in business processes, workforce, or information technology.

SEC. 8125. None of the funds provided in this Act for the T–AO(X) program shall be used to award a new contract that provides for the acquisition of the following components unless those components are manufactured in the United States: Auxiliary equipment (including pumps) for shipboard services; propulsion equipment (including engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes: *Provided*, That the Secretary of the military department responsible for such procurement may waive these restrictions on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely and cost competitive basis and that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8126. The amounts appropriated in title II of this Act are hereby reduced by \$389,000,000 to reflect excess cash balances in Department of Defense Working Capital Funds, as follows:

- (1) From “Operation and Maintenance, Army”, \$138,000,000;
- (2) From “Operation and Maintenance, Air Force”, \$251,000,000.

(RESCISSION)

SEC. 8127. Of the unobligated balances available to the Department of Defense, the following funds are permanently rescinded from the following accounts and programs in the specified amounts to reflect excess cash balances in Department of Defense Working Capital Funds: *Provided*, That no amounts may be rescinded from

amounts that were designated by the Congress for Overseas Contingency Operations/Global War on Terrorism or as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended:

From “Defense Working Capital Fund, Defense, X”,
\$1,037,000,000.

SEC. 8128. Notwithstanding any other provision of this Act, to reflect savings due to lower than anticipated fuel costs, the total amount appropriated in title II of this Act is hereby reduced by \$2,576,000,000.

SEC. 8129. None of the funds made available by this Act may be used to divest or retire, or to prepare to divest or retire, KC–10 aircraft.

SEC. 8130. None of the funds made available by this Act may be used to divest, retire, transfer, or place in storage or on backup aircraft inventory status, or prepare to divest, retire, transfer, or place in storage or on backup aircraft inventory status, any EC–130H aircraft.

SEC. 8131. None of the funds made available by this Act may be used for Government Travel Charge Card expenses by military or civilian personnel of the Department of Defense for gaming, or for entertainment that includes topless or nude entertainers or participants, as prohibited by Department of Defense FMR, Volume 9, Chapter 3 and Department of Defense Instruction 1015.10 (enclosure 3, 14a and 14b).

SEC. 8132. None of the funds made available by this Act may be used to propose, plan for, or execute a new or additional Base Realignment and Closure (BRAC) round.

TITLE IX

OVERSEAS CONTINGENCY OPERATIONS/GLOBAL WAR ON TERRORISM

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for “Military Personnel, Army”, \$1,846,356,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MILITARY PERSONNEL, NAVY

For an additional amount for “Military Personnel, Navy”, \$251,011,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for “Military Personnel, Marine Corps”, \$171,079,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War

on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for “Military Personnel, Air Force”, \$726,126,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESERVE PERSONNEL, ARMY

For an additional amount for “Reserve Personnel, Army”, \$24,462,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESERVE PERSONNEL, NAVY

For an additional amount for “Reserve Personnel, Navy”, \$12,693,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for “Reserve Personnel, Marine Corps”, \$3,393,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for “Reserve Personnel, Air Force”, \$18,710,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for “National Guard Personnel, Army”, \$166,015,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for “National Guard Personnel, Air Force”, \$2,828,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for “Operation and Maintenance, Army”, \$14,994,833,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for “Operation and Maintenance, Navy”, \$7,169,611,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for “Operation and Maintenance, Marine Corps”, \$1,372,534,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for “Operation and Maintenance, Air Force”, \$11,128,813,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for “Operation and Maintenance, Defense-Wide”, \$5,665,633,000: *Provided*, That of the funds provided under this heading, not to exceed \$1,160,000,000, to remain available until September 30, 2017, shall be for payments to reimburse key cooperating nations for logistical, military, and other support, including access, provided to United States military and stability operations in Afghanistan and to counter the Islamic State of Iraq and the Levant: *Provided further*, That such reimbursement payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: *Provided further*, That these funds may be used for the purpose of providing specialized training and procuring supplies and specialized equipment and providing such supplies and loaning such equipment on a non-reimbursable basis to coalition forces supporting United States military and stability operations in Afghanistan and to counter the

Islamic State of Iraq and the Levant, and 15 days following notification to the appropriate congressional committees: *Provided further*, That these funds may be used to support the Governments of Jordan and Lebanon, in such amounts as the Secretary of Defense may determine, to enhance the ability of the armed forces of Jordan to increase or sustain security along its borders and the ability of the armed forces of Lebanon to increase or sustain security along its borders, upon 15 days prior written notification to the congressional defense committees outlining the amounts intended to be provided and the nature of the expenses incurred: *Provided further*, That of the funds provided under this heading, up to \$30,000,000 shall be for Operation Observant Compass: *Provided further*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph: *Provided further*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for “Operation and Maintenance, Army Reserve”, \$99,559,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for “Operation and Maintenance, Navy Reserve”, \$31,643,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for “Operation and Maintenance, Marine Corps Reserve”, \$3,455,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for “Operation and Maintenance, Air Force Reserve”, \$58,106,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for “Operation and Maintenance, Army National Guard”, \$135,845,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for “Operation and Maintenance, Air National Guard”, \$19,900,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

COUNTERTERRORISM PARTNERSHIPS FUND

(INCLUDING TRANSFER OF FUNDS)

For the “Counterterrorism Partnerships Fund”, \$1,100,000,000, to remain available until September 30, 2017: *Provided*, That such funds shall be available to provide support and assistance to foreign security forces or other groups or individuals to conduct, support, or facilitate counterterrorism and crisis response activities: *Provided further*, That the Secretary of Defense shall transfer the funds provided herein to other appropriations provided for in this Act to be merged with and to be available for the same purposes and subject to the same authorities and for the same time period as the appropriation to which transferred: *Provided further*, That the transfer authority under this heading is in addition to any other transfer authority provided elsewhere in this Act: *Provided further*, That the funds available under this heading are available for transfer only to the extent that the Secretary of Defense submits a prior approval reprogramming request to the congressional defense committees: *Provided further*, That the Secretary of Defense shall comply with the appropriate vetting standards and procedures established in division C of the Consolidated and Further Continuing Appropriations Act of 2015 (Public Law 113–235) for any recipient of training, equipment, or other assistance: *Provided further*, That the amount provided under this heading is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AFGHANISTAN SECURITY FORCES FUND

For the “Afghanistan Security Forces Fund”, \$3,652,257,000, to remain available until September 30, 2017: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Combined Security Transition Command—Afghanistan, or the Secretary’s designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Afghanistan, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, construction, and funding: *Provided further*, That the Secretary of Defense may obligate and expend funds made available to the Department of Defense in this title for additional costs associated with existing projects previously funded with amounts provided under the heading “Afghanistan Infrastructure Fund” in prior Acts: *Provided further*, That such costs shall be limited to contract changes resulting from inflation, market fluctuation, rate adjustments, and other necessary contract actions to complete existing projects, and associated supervision and administration costs and costs for design during construction: *Provided further*, That the

Secretary may not use more than \$50,000,000 under the authority provided in this section: *Provided further*, That the Secretary shall notify in advance such contract changes and adjustments in annual reports to the congressional defense committees: *Provided further*, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, to remain available until expended, and used for such purposes: *Provided further*, That the Secretary of Defense shall notify the congressional defense committees in writing upon the receipt and upon the obligation of any contribution, delineating the sources and amounts of the funds received and the specific use of such contributions: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to obligating from this appropriation account, notify the congressional defense committees in writing of the details of any such obligation: *Provided further*, That the Secretary of Defense shall notify the congressional defense committees of any proposed new projects or transfer of funds between budget sub-activity groups in excess of \$20,000,000: *Provided further*, That the United States may accept equipment procured using funds provided under this heading in this or prior Acts that was transferred to the security forces of Afghanistan and returned by such forces to the United States: *Provided further*, That equipment procured using funds provided under this heading in this or prior Acts, and not yet transferred to the security forces of Afghanistan or transferred to the security forces of Afghanistan and returned by such forces to the United States, may be treated as stocks of the Department of Defense upon written notification to the congressional defense committees: *Provided further*, That of the funds provided under this heading, not less than \$10,000,000 shall be for recruitment and retention of women in the Afghanistan National Security Forces, and the recruitment and training of female security personnel: *Provided further*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

IRAQ TRAIN AND EQUIP FUND

For the “Iraq Train and Equip Fund”, \$715,000,000, to remain available until September 30, 2017: *Provided*, That such funds shall be available to the Secretary of Defense, in coordination with the Secretary of State, to provide assistance, including training; equipment; logistics support, supplies, and services; stipends; infrastructure repair, renovation, and sustainment, to military and other security forces of or associated with the Government of Iraq, including Kurdish and tribal security forces or other local security forces, with a national security mission, to counter the Islamic State of Iraq and the Levant: *Provided further*, That the Secretary of Defense shall ensure that prior to providing assistance to elements of any forces such elements are appropriately vetted, including at a minimum, assessing such elements for associations with terrorist groups or groups associated with the Government of Iran; and receiving commitments from such elements to promote respect for human rights and the rule of law: *Provided further*,

That the Secretary of Defense may accept and retain contributions, including assistance in-kind, from foreign governments, including the Government of Iraq, and other entities, to carry out assistance authorized under this heading: *Provided further*, That contributions of funds for the purposes provided herein from any foreign government or other entities, may be credited to this Fund, to remain available until expended, and used for such purposes: *Provided further*, That not more than 25 percent of the funds appropriated under this heading may be obligated or expended until not fewer than 15 days after: (1) the Secretary of Defense submits a report to the appropriate congressional committees, describing the plan for the provision of such training and assistance and the forces designated to receive such assistance; and (2) the President submits a report to the appropriate congressional committees on how assistance provided under this heading supports a larger regional strategy: *Provided further*, That of the amount provided under this heading, not more than 60 percent may be obligated or expended until not fewer than 15 days after the date on which the Secretary of Defense certifies to the appropriate congressional committees that an amount equal to not less than 40 percent of the amount provided under this heading has been contributed by other countries and entities for the purposes for which funds are provided under this heading, of which at least 50 percent shall have been contributed or provided by the Government of Iraq: *Provided further*, That the limitation in the preceding proviso shall not apply if the Secretary of Defense determines, in writing, that the national security objectives of the United States will be compromised by the application of the limitation to such assistance, and notifies the appropriate congressional committees not less than 15 days in advance of the exemption taking effect, including a justification for the Secretary's determination and a description of the assistance to be exempted from the application of such limitation: *Provided further*, That the Secretary of Defense may waive a provision of law relating to the acquisition of items and support services or sections 40 and 40A of the Arms Export Control Act (22 U.S.C. 2780 and 2785) if the Secretary determines such provisions of law would prohibit, restrict, delay or otherwise limit the provision of such assistance and a notice of and justification for such waiver is submitted to the appropriate congressional committees: *Provided further*, That the term "appropriate congressional committees" under this heading means the "congressional defense committees", the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and Foreign Affairs of the House of Representatives: *Provided further*, That amounts made available under this heading are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for "Aircraft Procurement, Army", \$161,987,000, to remain available until September 30, 2018: *Provided*, That such amount is designated by the Congress for Overseas

Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MISSILE PROCUREMENT, ARMY

For an additional amount for “Missile Procurement, Army”, \$37,260,000, to remain available until September 30, 2018: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES,
ARMY

For an additional amount for “Procurement of Weapons and Tracked Combat Vehicles, Army”, \$486,630,000, to remain available until September 30, 2018: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for “Procurement of Ammunition, Army”, \$222,040,000, to remain available until September 30, 2018: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OTHER PROCUREMENT, ARMY

For an additional amount for “Other Procurement, Army”, \$1,175,596,000, to remain available until September 30, 2018: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for “Aircraft Procurement, Navy”, \$210,990,000, to remain available until September 30, 2018: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for “Procurement of Ammunition, Navy and Marine Corps”, \$117,966,000, to remain available until September 30, 2018: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OTHER PROCUREMENT, NAVY

For an additional amount for “Other Procurement, Navy”, \$12,186,000, to remain available until September 30, 2018: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT, MARINE CORPS

For an additional amount for “Procurement, Marine Corps”, \$56,934,000, to remain available until September 30, 2018: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for “Aircraft Procurement, Air Force”, \$128,900,000, to remain available until September 30, 2018: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for “Missile Procurement, Air Force”, \$289,142,000, to remain available until September 30, 2018: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for “Procurement of Ammunition, Air Force”, \$228,874,000, to remain available until September 30, 2018: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for “Other Procurement, Air Force”, \$3,477,001,000, to remain available until September 30, 2018: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for “Procurement, Defense-Wide”, \$173,918,000, to remain available until September 30, 2018: *Provided*, That such amount is designated by the Congress for Overseas

Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL GUARD AND RESERVE EQUIPMENT ACCOUNT

For procurement of rotary-wing aircraft; combat, tactical and support vehicles; other weapons; and other procurement items for the reserve components of the Armed Forces, \$1,000,000,000, to remain available for obligation until September 30, 2018: *Provided*, That the Chiefs of National Guard and Reserve components shall, not later than 30 days after enactment of this Act, individually submit to the congressional defense committees the modernization priority assessment for their respective National Guard or Reserve component: *Provided further*, That none of the funds made available by this paragraph may be used to procure manned fixed wing aircraft, or procure or modify missiles, munitions, or ammunition: *Provided further*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for “Research, Development, Test and Evaluation, Army”, \$1,500,000, to remain available until September 30, 2017: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for “Research, Development, Test and Evaluation, Navy”, \$35,747,000, to remain available until September 30, 2017: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for “Research, Development, Test and Evaluation, Air Force”, \$17,100,000, to remain available until September 30, 2017: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for “Research, Development, Test and Evaluation, Defense-Wide”, \$177,087,000, to remain available until September 30, 2017: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War

on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for “Defense Working Capital Funds”, \$88,850,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for “Defense Health Program”, \$272,704,000, which shall be for operation and maintenance: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

For an additional amount for “Drug Interdiction and Counter-Drug Activities, Defense”, \$186,000,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

(INCLUDING TRANSFER OF FUNDS)

For the “Joint Improvised Explosive Device Defeat Fund”, \$349,464,000, to remain available until September 30, 2018: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Director of the Joint Improvised Explosive Device Defeat Organization to investigate, develop and provide equipment, supplies, services, training, facilities, personnel and funds to assist United States forces in the defeat of improvised explosive devices: *Provided further*, That the Secretary of Defense may transfer funds provided herein to appropriations for military personnel; operation and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That such amount is designated by the Congress for Overseas

Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for the “Office of the Inspector General”, \$10,262,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—THIS TITLE

SEC. 9001. Notwithstanding any other provision of law, funds made available in this title are in addition to amounts appropriated or otherwise made available for the Department of Defense for fiscal year 2016.

(INCLUDING TRANSFER OF FUNDS)

SEC. 9002. Upon the determination of the Secretary of Defense that such action is necessary in the national interest, the Secretary may, with the approval of the Office of Management and Budget, transfer up to \$4,500,000,000 between the appropriations or funds made available to the Department of Defense in this title: *Provided*, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: *Provided further*, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in section 8005 of this Act.

SEC. 9003. Supervision and administration costs and costs for design during construction associated with a construction project funded with appropriations available for operation and maintenance or the “Afghanistan Security Forces Fund” provided in this Act and executed in direct support of overseas contingency operations in Afghanistan, may be obligated at the time a construction contract is awarded: *Provided*, That, for the purpose of this section, supervision and administration costs and costs for design during construction include all in-house Government costs.

SEC. 9004. From funds made available in this title, the Secretary of Defense may purchase for use by military and civilian employees of the Department of Defense in the United States Central Command area of responsibility: (1) passenger motor vehicles up to a limit of \$75,000 per vehicle; and (2) heavy and light armored vehicles for the physical security of personnel or for force protection purposes up to a limit of \$450,000 per vehicle, notwithstanding price or other limitations applicable to the purchase of passenger carrying vehicles.

SEC. 9005. Not to exceed \$5,000,000 of the amounts appropriated by this title under the heading “Operation and Maintenance, Army” may be used, notwithstanding any other provision of law, to fund the Commanders’ Emergency Response Program (CERP), for the purpose of enabling military commanders in Afghanistan to respond to urgent, small-scale, humanitarian relief and reconstruction requirements within their areas of responsibility: *Provided*, That each project (including any ancillary or related

elements in connection with such project) executed under this authority shall not exceed \$2,000,000: *Provided further*, That not later than 45 days after the end of each 6 months of the fiscal year, the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that 6-month period that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes described herein: *Provided further*, That, not later than 30 days after the end of each fiscal year quarter, the Army shall submit to the congressional defense committees quarterly commitment, obligation, and expenditure data for the CERP in Afghanistan: *Provided further*, That, not less than 15 days before making funds available pursuant to the authority provided in this section or under any other provision of law for the purposes described herein for a project with a total anticipated cost for completion of \$500,000 or more, the Secretary shall submit to the congressional defense committees a written notice containing each of the following:

(1) The location, nature and purpose of the proposed project, including how the project is intended to advance the military campaign plan for the country in which it is to be carried out.

(2) The budget, implementation timeline with milestones, and completion date for the proposed project, including any other CERP funding that has been or is anticipated to be contributed to the completion of the project.

(3) A plan for the sustainment of the proposed project, including the agreement with either the host nation, a non-Department of Defense agency of the United States Government or a third-party contributor to finance the sustainment of the activities and maintenance of any equipment or facilities to be provided through the proposed project.

SEC. 9006. Funds available to the Department of Defense for operation and maintenance may be used, notwithstanding any other provision of law, to provide supplies, services, transportation, including airlift and sealift, and other logistical support to coalition forces supporting military and stability operations in Afghanistan and to counter the Islamic State of Iraq and the Levant: *Provided*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees regarding support provided under this section.

SEC. 9007. None of the funds appropriated or otherwise made available by this or any other Act shall be obligated or expended by the United States Government for a purpose as follows:

(1) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

(2) To exercise United States control over any oil resource of Iraq.

(3) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Afghanistan.

SEC. 9008. None of the funds made available in this Act may be used in contravention of the following laws enacted or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984):

(1) Section 2340A of title 18, United States Code.

(2) Section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (division G of Public Law 105–277; 112 Stat. 2681–822; 8 U.S.C. 1231 note) and regulations prescribed thereto, including regulations under part 208 of title 8, Code of Federal Regulations, and part 95 of title 22, Code of Federal Regulations.

(3) Sections 1002 and 1003 of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148).

SEC. 9009. None of the funds provided for the “Afghanistan Security Forces Fund” (ASFF) may be obligated prior to the approval of a financial and activity plan by the Afghanistan Resources Oversight Council (AROC) of the Department of Defense: *Provided*, That the AROC must approve the requirement and acquisition plan for any service requirements in excess of \$50,000,000 annually and any non-standard equipment requirements in excess of \$100,000,000 using ASFF: *Provided further*, That the Department of Defense must certify to the congressional defense committees that the AROC has convened and approved a process for ensuring compliance with the requirements in the preceding proviso and accompanying report language for the ASFF.

SEC. 9010. Funds made available in this title to the Department of Defense for operation and maintenance may be used to purchase items having an investment unit cost of not more than \$250,000: *Provided*, That, upon determination by the Secretary of Defense that such action is necessary to meet the operational requirements of a Commander of a Combatant Command engaged in contingency operations overseas, such funds may be used to purchase items having an investment item unit cost of not more than \$500,000.

SEC. 9011. From funds made available to the Department of Defense in this title under the heading “Operation and Maintenance, Air Force”, up to \$80,000,000 may be used by the Secretary of Defense, notwithstanding any other provision of law, to support United States Government transition activities in Iraq by funding the operations and activities of the Office of Security Cooperation in Iraq and security assistance teams, including life support, transportation and personal security, and facilities renovation and construction, and site closeout activities prior to returning sites to the Government of Iraq: *Provided*, That to the extent authorized under the National Defense Authorization Act for Fiscal Year 2016, the operations and activities that may be carried out by the Office of Security Cooperation in Iraq may, with the concurrence of the Secretary of State, include non-operational training activities in support of Iraqi Minister of Defense and Counter Terrorism Service personnel in an institutional environment to address capability gaps, integrate processes relating to intelligence, air sovereignty, combined arms, logistics and maintenance, and to manage and integrate defense-related institutions: *Provided further*, That not later than 30 days following the enactment of this Act, the Secretary of Defense and the Secretary of State shall submit to the congressional defense committees a plan for transitioning any such training activities that they determine are needed after the end of fiscal year 2016, to existing or new contracts for the sale of defense articles or defense services consistent with the provisions of the Arms Export Control Act (22 U.S.C. 2751 et seq.): *Provided further*,

That, not less than 15 days before making funds available pursuant to the authority provided in this section, the Secretary of Defense shall submit to the congressional defense committees a written notice containing a detailed justification and timeline for the operations and activities of the Office of Security Cooperation in Iraq at each site where such operations and activities will be conducted during fiscal year 2016 : *Provided further*, That amounts made available by this section are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 9012. Up to \$600,000,000 of funds appropriated by this Act for the Counterterrorism Partnerships Fund may be used to provide assistance to the Government of Jordan to support the armed forces of Jordan and to enhance security along its borders.

SEC. 9013. None of the funds made available by this Act under the heading “Iraq Train and Equip Fund” may be used to procure or transfer man-portable air defense systems.

SEC. 9014. For the “Ukraine Security Assistance Initiative”, \$250,000,000 is hereby appropriated, to remain available until September 30, 2016: *Provided*, That such funds shall be available to the Secretary of Defense, in coordination with the Secretary of State, to provide assistance, including training; equipment; lethal weapons of a defensive nature; logistics support, supplies and services; sustainment; and intelligence support to the military and national security forces of Ukraine, and for replacement of any weapons or defensive articles provided to the Government of Ukraine from the inventory of the United States: *Provided further*, That the Secretary of Defense shall, not less than 15 days prior to obligating funds provided under this heading, notify the congressional defense committees in writing of the details of any such obligation: *Provided further*, That the United States may accept equipment procured using funds provided under this heading in this or prior Acts that was transferred to the security forces of Ukraine and returned by such forces to the United States: *Provided further*, That equipment procured using funds provided under this heading in this or prior Acts, and not yet transferred to the military or National Security Forces of Ukraine or returned by such forces to the United States, may be treated as stocks of the Department of Defense upon written notification to the congressional defense committees: *Provided further*, That amounts made available by this section are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 9015. Funds appropriated in this title shall be available for replacement of funds for items provided to the Government of Ukraine from the inventory of the United States to the extent specifically provided for in section 9014 of this Act.

SEC. 9016. None of the funds made available by this Act under section 9014 for “Assistance and Sustainment to the Military and National Security Forces of Ukraine” may be used to procure or transfer man-portable air defense systems.

SEC. 9017. (a) None of the funds appropriated or otherwise made available by this Act under the heading “Operation and Maintenance, Defense-Wide” for payments under section 1233 of

Public Law 110–181 for reimbursement to the Government of Pakistan may be made available unless the Secretary of Defense, in coordination with the Secretary of State, certifies to the congressional defense committees that the Government of Pakistan is—

(1) cooperating with the United States in counterterrorism efforts against the Haqqani Network, the Quetta Shura Taliban, Lashkar e-Tayyiba, Jaish-e-Mohammed, Al Qaeda, and other domestic and foreign terrorist organizations, including taking steps to end support for such groups and prevent them from basing and operating in Pakistan and carrying out cross border attacks into neighboring countries;

(2) not supporting terrorist activities against United States or coalition forces in Afghanistan, and Pakistan’s military and intelligence agencies are not intervening extra-judicially into political and judicial processes in Pakistan;

(3) dismantling improvised explosive device (IED) networks and interdicting precursor chemicals used in the manufacture of IEDs;

(4) preventing the proliferation of nuclear-related material and expertise;

(5) implementing policies to protect judicial independence and due process of law;

(6) issuing visas in a timely manner for United States visitors engaged in counterterrorism efforts and assistance programs in Pakistan; and

(7) providing humanitarian organizations access to detainees, internally displaced persons, and other Pakistani civilians affected by the conflict.

(b) The Secretary of Defense, in coordination with the Secretary of State, may waive the restriction in subsection (a) on a case-by-case basis by certifying in writing to the congressional defense committees that it is in the national security interest to do so: *Provided*, That if the Secretary of Defense, in coordination with the Secretary of State, exercises such waiver authority, the Secretaries shall report to the congressional defense committees on both the justification for the waiver and on the requirements of this section that the Government of Pakistan was not able to meet: *Provided further*, That such report may be submitted in classified form if necessary.

(INCLUDING TRANSFER OF FUNDS)

SEC. 9018. In addition to amounts otherwise made available in this Act, \$500,000,000 is hereby appropriated to the Department of Defense and made available for transfer only to the operation and maintenance, military personnel, and procurement accounts, to improve the intelligence, surveillance, and reconnaissance capabilities of the Department of Defense: *Provided*, That the transfer authority provided in this section is in addition to any other transfer authority provided elsewhere in this Act: *Provided further*, That not later than 30 days prior to exercising the transfer authority provided in this section, the Secretary of Defense shall submit a report to the congressional defense committees on the proposed uses of these funds: *Provided further*, That the funds provided in this section may not be transferred to any program, project, or activity specifically limited or denied by this Act: *Provided further*, That amounts made available by this section are

designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That the authority to provide funding under this section shall terminate on September 30, 2016.

SEC. 9019. None of the funds made available by this Act may be used with respect to Syria in contravention of the War Powers Resolution (50 U.S.C. 1541 et seq.), including for the introduction of United States armed or military forces into hostilities in Syria, into situations in Syria where imminent involvement in hostilities is clearly indicated by the circumstances, or into Syrian territory, airspace, or waters while equipped for combat, in contravention of the congressional consultation and reporting requirements of sections 3 and 4 of that law (50 U.S.C. 1542 and 1543).

SEC. 9020. None of the funds in this Act may be made available for the transfer of additional C–130 cargo aircraft to the Afghanistan National Security Forces or the Afghanistan Air Force until the Department of Defense provides a report to the congressional defense committees of the Afghanistan Air Force’s medium airlift requirements. The report should identify Afghanistan’s ability to utilize and maintain existing medium lift aircraft in the inventory and the best alternative platform, if necessary, to provide additional support to the Afghanistan Air Force’s current medium airlift capacity.

(RESCISSION)

SEC. 9021. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts: *Provided*, That such amounts are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended:

“Afghanistan Security Forces Fund”, 2015/2016,
\$400,000,000.

This division may be cited as the “Department of Defense Appropriations Act, 2016”.

**DIVISION D—ENERGY AND WATER DEVELOPMENT AND
RELATED AGENCIES APPROPRIATIONS ACT, 2016**

Energy and
Water
Development and
Related Agencies
Appropriations
Act, 2016.

TITLE I

CORPS OF ENGINEERS—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related efforts.

INVESTIGATIONS

For expenses necessary where authorized by law for the collection and study of basic information pertaining to river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related needs; for surveys and detailed studies, and plans and specifications of proposed river and harbor, flood and storm damage reduction, shore protection, and aquatic ecosystem restoration projects, and related efforts prior to construction; for restudy of authorized projects; and for miscellaneous investigations, and, when authorized by law, surveys and detailed studies, and plans and specifications of projects prior to construction, \$121,000,000, to remain available until expended: *Provided*, That the Secretary may initiate up to, but not more than, 10 new study starts during fiscal year 2016: *Provided further*, That the new study starts will consist of seven studies where the majority of the benefits are derived from navigation transportation savings or from flood and storm damage reduction and three studies where the majority of benefits are derived from environmental restoration: *Provided further*, That the Secretary shall not deviate from the new starts proposed in the work plan, once the plan has been submitted to the Committees on Appropriations of the House of Representatives and the Senate.

CONSTRUCTION

For expenses necessary for the construction of river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related projects authorized by law; for conducting detailed studies, and plans and specifications, of such projects (including those involving participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such detailed studies, and plans and specifications, shall not constitute a commitment of the Government to construction); \$1,862,250,000, to remain available until expended; of which such sums as are necessary to cover the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program shall be derived from the Harbor Maintenance Trust Fund as authorized by Public Law 104–303; and of which such sums as are necessary to cover one-half of the costs of construction, replacement, rehabilitation, and expansion of inland waterways projects shall be derived from the Inland Waterways Trust Fund, except as otherwise specifically provided for in law: *Provided*, That the Secretary may initiate up to, but not more than, six new construction starts during fiscal year 2016: *Provided further*, That the new construction starts will consist of five projects where the majority of the benefits are derived from navigation transportation savings or from flood and storm damage reduction and one project where the majority of the benefits are derived from environmental restoration: *Provided further*, That for new construction projects, project cost sharing agreements shall be executed as soon as practicable but no later than August 31, 2016: *Provided further*, That no allocation for a new start shall be considered final and no work allowance shall be made until the Secretary provides to the Committees on Appropriations of the House of Representatives and the Senate an out-year funding scenario demonstrating the affordability of the selected new starts and the impacts on other projects: *Provided further*, That the Secretary

may not deviate from the new starts proposed in the work plan, once the plan has been submitted to the Committees on Appropriations of the House of Representatives and the Senate.

MISSISSIPPI RIVER AND TRIBUTARIES

For expenses necessary for flood damage reduction projects and related efforts in the Mississippi River alluvial valley below Cape Girardeau, Missouri, as authorized by law, \$345,000,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for inland harbors shall be derived from the Harbor Maintenance Trust Fund.

OPERATION AND MAINTENANCE

For expenses necessary for the operation, maintenance, and care of existing river and harbor, flood and storm damage reduction, aquatic ecosystem restoration, and related projects authorized by law; providing security for infrastructure owned or operated by the Corps, including administrative buildings and laboratories; maintaining harbor channels provided by a State, municipality, or other public agency that serve essential navigation needs of general commerce, where authorized by law; surveying and charting northern and northwestern lakes and connecting waters; clearing and straightening channels; and removing obstructions to navigation, \$3,137,000,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for coastal harbors and channels, and for inland harbors shall be derived from the Harbor Maintenance Trust Fund; of which such sums as become available from the special account for the Corps of Engineers established by the Land and Water Conservation Fund Act of 1965 shall be derived from that account for resource protection, research, interpretation, and maintenance activities related to resource protection in the areas at which outdoor recreation is available; and of which such sums as become available from fees collected under section 217 of Public Law 104–303 shall be used to cover the cost of operation and maintenance of the dredged material disposal facilities for which such fees have been collected: *Provided*, That 1 percent of the total amount of funds provided for each of the programs, projects, or activities funded under this heading shall not be allocated to a field operating activity prior to the beginning of the fourth quarter of the fiscal year and shall be available for use by the Chief of Engineers to fund such emergency activities as the Chief of Engineers determines to be necessary and appropriate, and that the Chief of Engineers shall allocate during the fourth quarter any remaining funds which have not been used for emergency activities proportionally in accordance with the amounts provided for the programs, projects, or activities.

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, \$200,000,000, to remain available until September 30, 2017.

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

For expenses necessary to clean up contamination from sites in the United States resulting from work performed as part of the Nation's early atomic energy program, \$112,000,000, to remain available until expended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For expenses necessary to prepare for flood, hurricane, and other natural disasters and support emergency operations, repairs, and other activities in response to such disasters as authorized by law, \$28,000,000, to remain available until expended.

EXPENSES

For expenses necessary for the supervision and general administration of the civil works program in the headquarters of the Corps of Engineers and the offices of the Division Engineers; and for costs of management and operation of the Humphreys Engineer Center Support Activity, the Institute for Water Resources, the United States Army Engineer Research and Development Center, and the United States Army Corps of Engineers Finance Center allocable to the civil works program, \$179,000,000, to remain available until September 30, 2017, of which not to exceed \$5,000 may be used for official reception and representation purposes and only during the current fiscal year: *Provided*, That no part of any other appropriation provided in this title shall be available to fund the civil works activities of the Office of the Chief of Engineers or the civil works executive direction and management activities of the division offices: *Provided further*, That any Flood Control and Coastal Emergencies appropriation may be used to fund the supervision and general administration of emergency operations, repairs, and other activities in response to any flood, hurricane, or other natural disaster.

OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY FOR CIVIL WORKS

For the Office of the Assistant Secretary of the Army for Civil Works as authorized by 10 U.S.C. 3016(b)(3), \$4,750,000, to remain available until September 30, 2017: *Provided*, That not more than 50 percent of such amount may be obligated or expended until the Assistant Secretary submits to the Committees on Appropriations of both Houses of Congress a work plan that allocates at least 95 percent of the additional funding provided under each heading in this title (as designated under such heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act)) to specific programs, projects, or activities.

GENERAL PROVISIONS—CORPS OF ENGINEERS—CIVIL

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. (a) None of the funds provided in title I of this Act, or provided by previous appropriations Acts to the agencies or entities funded in title I of this Act that remain available for obligation or expenditure in fiscal year 2016, shall be available

for obligation or expenditure through a reprogramming of funds that:

(1) creates or initiates a new program, project, or activity;
(2) eliminates a program, project, or activity;
(3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by this Act, unless prior approval is received from the House and Senate Committees on Appropriations;

(4) proposes to use funds directed for a specific activity for a different purpose, unless prior approval is received from the House and Senate Committees on Appropriations;

(5) augments or reduces existing programs, projects, or activities in excess of the amounts contained in paragraphs (6) through (10), unless prior approval is received from the House and Senate Committees on Appropriations;

(6) INVESTIGATIONS.—For a base level over \$100,000, reprogramming of 25 percent of the base amount up to a limit of \$150,000 per project, study or activity is allowed: *Provided*, That for a base level less than \$100,000, the reprogramming limit is \$25,000: *Provided further*, That up to \$25,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation for existing obligations and concomitant administrative expenses;

(7) CONSTRUCTION.—For a base level over \$2,000,000, reprogramming of 15 percent of the base amount up to a limit of \$3,000,000 per project, study or activity is allowed: *Provided*, That for a base level less than \$2,000,000, the reprogramming limit is \$300,000: *Provided further*, That up to \$3,000,000 may be reprogrammed for settled contractor claims, changed conditions, or real estate deficiency judgments: *Provided further*, That up to \$300,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation for existing obligations and concomitant administrative expenses;

(8) OPERATION AND MAINTENANCE.—Unlimited reprogramming authority is granted for the Corps to be able to respond to emergencies: *Provided*, That the Chief of Engineers shall notify the House and Senate Committees on Appropriations of these emergency actions as soon thereafter as practicable: *Provided further*, That for a base level over \$1,000,000, reprogramming of 15 percent of the base amount up to a limit of \$5,000,000 per project, study, or activity is allowed: *Provided further*, That for a base level less than \$1,000,000, the reprogramming limit is \$150,000: *Provided further*, That \$150,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation;

(9) MISSISSIPPI RIVER AND TRIBUTARIES.—The reprogramming guidelines in paragraphs (6), (7), and (8) shall apply to the Investigations, Construction, and Operation and Maintenance portions of the Mississippi River and Tributaries Account, respectively; and

(10) FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM.—Reprogramming of up to 15 percent of the base of the receiving project is permitted.

(b) DE MINIMUS REPROGRAMMINGS.—In no case should a reprogramming for less than \$50,000 be submitted to the House and Senate Committees on Appropriations.

(c) CONTINUING AUTHORITIES PROGRAM.—Subsection (a)(1) shall not apply to any project or activity funded under the continuing authorities program.

(d) Not later than 60 days after the date of enactment of this Act, the Secretary shall submit a report to the House and Senate Committees on Appropriations to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year which shall include:

(1) A table for each appropriation with a separate column to display the President’s budget request, adjustments made by Congress, adjustments due to enacted rescissions, if applicable, and the fiscal year enacted level;

(2) A delineation in the table for each appropriation both by object class and program, project and activity as detailed in the budget appendix for the respective appropriations; and

(3) An identification of items of special congressional interest.

SEC. 102. The Secretary shall allocate funds made available in this Act solely in accordance with the provisions of this Act and the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), including the determination and designation of new starts.

SEC. 103. None of the funds made available in this title may be used to award or modify any contract that commits funds beyond the amounts appropriated for that program, project, or activity that remain unobligated, except that such amounts may include any funds that have been made available through reprogramming pursuant to section 101.

SEC. 104. The Secretary of the Army may transfer to the Fish and Wildlife Service, and the Fish and Wildlife Service may accept and expend, up to \$5,400,000 of funds provided in this title under the heading “Operation and Maintenance” to mitigate for fisheries lost due to Corps of Engineers projects.

SEC. 105. None of the funds made available in this or any other Act making appropriations for Energy and Water Development for any fiscal year may be used by the Corps of Engineers during the fiscal year ending September 30, 2016, to develop, adopt, implement, administer, or enforce any change to the regulations in effect on October 1, 2012, pertaining to the definitions of the terms “fill material” or “discharge of fill material” for the purposes of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

SEC. 106. None of the funds in this Act shall be used for an open lake placement alternative of dredged material, after evaluating the least costly, environmentally acceptable manner for the disposal or management of dredged material originating from Lake Erie or tributaries thereto, unless it is approved under a State water quality certification pursuant to 33 U.S.C. 1341.

SEC. 107. (a) Not later than 180 days after the date of enactment of this Act, the Secretary shall execute a transfer agreement with the South Florida Water Management District for the project identified as the “Ten Mile Creek Water Preserve Area Critical Restoration Project”, carried out under section 528(b)(3) of the Water Resources Development Act of 1996 (110 Stat. 3768).

(b) The transfer agreement under subsection (a) shall require the South Florida Water Management District to operate the transferred project as an environmental restoration project to provide water storage and water treatment options.

(c) Upon execution of the transfer agreement under subsection (a), the Ten Mile Creek Water Preserve Area Critical Restoration Project shall no longer be authorized as a Federal project.

SEC. 108. None of the funds made available in this title may be used for any acquisition that is not consistent with 48 CFR 225.7007.

SEC. 109. None of the funds made available by this Act may be used to continue the study conducted by the Army Corps of Engineers pursuant to section 5018(a)(1) of the Water Resources Development Act of 2007 (Public Law 110–114).

SEC. 110. None of the funds made available by this Act may be used to require a permit for the discharge of dredged or fill material under the Federal Water Pollution Control Act (33 U.S.C. 1251, et seq.) for the activities identified in subparagraphs (A) and (C) of section 404(f)(1) of the Act (33 U.S.C. 1344(f)(1)(A), (C)).

TITLE II

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act, \$10,000,000, to remain available until expended, of which \$1,000,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account for use by the Utah Reclamation Mitigation and Conservation Commission: *Provided*, That of the amount provided under this heading, \$1,350,000 shall be available until September 30, 2017, for expenses necessary in carrying out related responsibilities of the Secretary of the Interior: *Provided further*, That for fiscal year 2016, of the amount made available to the Commission under this Act or any other Act, the Commission may use an amount not to exceed \$1,500,000 for administrative expenses.

BUREAU OF RECLAMATION

The following appropriations shall be expended to execute authorized functions of the Bureau of Reclamation:

WATER AND RELATED RESOURCES

(INCLUDING TRANSFERS OF FUNDS)

For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance, and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and

other agreements with, State and local governments, federally recognized Indian tribes, and others, \$1,118,972,000, to remain available until expended, of which \$22,000 shall be available for transfer to the Upper Colorado River Basin Fund and \$5,899,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund: *Provided*, That such transfers may be increased or decreased within the overall appropriation under this heading: *Provided further*, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 6806 shall be derived from that Fund or account: *Provided further*, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which the funds were contributed: *Provided further*, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: *Provided further*, That of the amounts provided herein, funds may be used for high-priority projects which shall be carried out by the Youth Conservation Corps, as authorized by 16 U.S.C. 1706.

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, \$49,528,000, to be derived from such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), and 3405(f) of Public Law 102–575, to remain available until expended: *Provided*, That the Bureau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of Public Law 102–575: *Provided further*, That none of the funds made available under this heading may be used for the acquisition or leasing of water for in-stream purposes if the water is already committed to in-stream purposes by a court adopted decree or order.

CALIFORNIA BAY-DELTA RESTORATION

(INCLUDING TRANSFERS OF FUNDS)

For carrying out activities authorized by the Water Supply, Reliability, and Environmental Improvement Act, consistent with plans to be approved by the Secretary of the Interior, \$37,000,000, to remain available until expended, of which such amounts as may be necessary to carry out such activities may be transferred to appropriate accounts of other participating Federal agencies to carry out authorized purposes: *Provided*, That funds appropriated herein may be used for the Federal share of the costs of CALFED Program management: *Provided further*, That CALFED implementation shall be carried out in a balanced manner with clear performance measures demonstrating concurrent progress in achieving the goals and objectives of the Program.

POLICY AND ADMINISTRATION

For expenses necessary for policy, administration, and related functions in the Office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until September 30, 2017, \$59,500,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377: *Provided*, That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses.

ADMINISTRATIVE PROVISION

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed five passenger motor vehicles, which are for replacement only.

GENERAL PROVISIONS—DEPARTMENT OF THE INTERIOR

SEC. 201. (a) None of the funds provided in title II of this Act for Water and Related Resources, or provided by previous appropriations Acts to the agencies or entities funded in title II of this Act for Water and Related Resources that remain available for obligation or expenditure in fiscal year 2016, shall be available for obligation or expenditure through a reprogramming of funds that—

- (1) initiates or creates a new program, project, or activity;
- (2) eliminates a program, project, or activity;
- (3) increases funds for any program, project, or activity for which funds have been denied or restricted by this Act, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate;
- (4) restarts or resumes any program, project or activity for which funds are not provided in this Act, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate;
- (5) transfers funds in excess of the following limits, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate:
 - (A) 15 percent for any program, project or activity for which \$2,000,000 or more is available at the beginning of the fiscal year; or
 - (B) \$300,000 for any program, project or activity for which less than \$2,000,000 is available at the beginning of the fiscal year;
- (6) transfers more than \$500,000 from either the Facilities Operation, Maintenance, and Rehabilitation category or the Resources Management and Development category to any program, project, or activity in the other category, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate; or
- (7) transfers, where necessary to discharge legal obligations of the Bureau of Reclamation, more than \$5,000,000 to provide adequate funds for settled contractor claims, increased contractor earnings due to accelerated rates of operations, and real estate deficiency judgments, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate.

(b) Subsection (a)(5) shall not apply to any transfer of funds within the Facilities Operation, Maintenance, and Rehabilitation category.

(c) For purposes of this section, the term transfer means any movement of funds into or out of a program, project, or activity.

(d) The Bureau of Reclamation shall submit reports on a quarterly basis to the Committees on Appropriations of the House of Representatives and the Senate detailing all the funds reprogrammed between programs, projects, activities, or categories of funding. The first quarterly report shall be submitted not later than 60 days after the date of enactment of this Act.

SEC. 202. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the “Cleanup Program—Alternative Repayment Plan” and the “SJVDP—Alternative Repayment Plan” described in the report entitled “Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995”, prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal reclamation law.

43 USC 507.

SEC. 203. The Reclamation Safety of Dams Act of 1978 is amended by—

(1) striking “Construction” and inserting “Except as provided in section 5B, construction” in section 3; and

43 USC 509b.

(2) inserting after section 5A (43 U.S.C. 509a) the following: “SEC. 5B. Notwithstanding section 3, if the Secretary, in her judgment, determines that additional project benefits, including but not limited to additional conservation storage capacity, are necessary and in the interests of the United States and the project and are feasible and not inconsistent with the purposes of this Act, the Secretary is authorized to develop additional project benefits through the construction of new or supplementary works on a project in conjunction with the Secretary’s activities under section 2 of this Act and subject to the conditions described in the feasibility study, provided a cost share agreement related to the additional project benefits is reached among non-Federal and Federal funding participants and the costs associated with developing the additional project benefits are allocated exclusively among beneficiaries of the additional project benefits and repaid consistent with all provisions of Federal Reclamation law (the Act of June 17, 1902, 43 U.S.C. 371 et seq.) and acts supplemental to and amendatory of that Act.”.

SEC. 204. Section 5 of the Reclamation Safety of Dams Act of 1978 (43 U.S.C. 509) is amended in the first sentence—

(a) by inserting “and effective October 1, 2015, not to exceed an additional \$1,100,000,000 (October 1, 2003, price levels),” after “(October 1, 2003, price levels);”;

(b) in the proviso—

(1) by striking “\$1,250,000” and inserting “\$20,000,000”; and

(2) by striking “Congress” and inserting “Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate”; and

(3) by adding at the end the following: “For modification expenditures between \$1,800,000 and \$20,000,000 (October 1, 2015, price levels), the Secretary of the Interior shall, at least 30 days before the date on which the funds are expended, submit written notice of the expenditures to the Committee on Natural Resources of the House of Representatives and Committee on Energy and Natural Resources of the Senate that provides a summary of the project, the cost of the project, and any alternatives that were considered.”.

SEC. 205. The Secretary of the Interior, acting through the Commissioner of Reclamation, shall—

(1) complete the feasibility studies described in clauses (i)(I) and (ii)(II) of section 103(d)(1)(A) of Public Law 108–361 (118 Stat. 1684) and submit such studies to the appropriate committees of the House of Representatives and the Senate not later than December 31, 2015;

(2) complete the feasibility studies described in clauses (i)(II) and (ii)(I) of section 103(d)(1)(A) of Public Law 108–361 and submit such studies to the appropriate committees of the House of Representatives and the Senate not later than November 30, 2016;

(3) complete the feasibility study described in section 103(f)(1)(A) of Public Law 108–361 (118 Stat. 1694) and submit such study to the appropriate committees of the House of Representatives and the Senate not later than December 31, 2017; and

(4) provide a progress report on the status of the feasibility studies referred to in paragraphs (1) through (3) to the appropriate committees of the House of Representatives and the Senate not later than 90 days after the date of the enactment of this Act and each 180 days thereafter until December 31, 2017, as applicable. The report shall include timelines for study completion, draft environmental impact statements, final environmental impact statements, and Records of Decision.

SEC. 206. Section 9504(e) of the Secure Water Act of 2009 (42 U.S.C. 10364(e)) is amended by striking “\$300,000,000” and inserting “\$350,000,000”.

SEC. 207. Title I of Public Law 108–361 (the Calfed Bay-Delta Authorization Act) (118 Stat. 1681), as amended by section 210 of Public Law 111–85, is amended by striking “2016” each place it appears and inserting “2017”.

TITLE III

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ENERGY EFFICIENCY AND RENEWABLE ENERGY

(INCLUDING TRANSFER OF FUNDS)

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for energy efficiency and renewable energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$2,073,000,000, to remain available until expended: *Provided*, That of such amount, \$155,000,000 shall be available until September 30, 2017, for program direction: *Provided further*, That of the amount provided under this heading, the Secretary may transfer up to \$45,000,000 to the Defense Production Act Fund for activities of the Department of Energy pursuant to the Defense Production Act of 1950 (50 U.S.C. App. 2061, et seq.).

ELECTRICITY DELIVERY AND ENERGY RELIABILITY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for electricity delivery and energy reliability activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$206,000,000, to remain available until expended: *Provided*, That of such amount, \$28,000,000 shall be available until September 30, 2017, for program direction.

NUCLEAR ENERGY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for nuclear energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$986,161,000, to remain available until expended: *Provided*, That of such amount, \$80,000,000 shall be available until September 30, 2017, for program direction including official reception and representation expenses not to exceed \$10,000.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For Department of Energy expenses necessary in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility

or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), \$632,000,000, to remain available until expended: *Provided*, That of such amount \$114,202,000 shall be available until September 30, 2017, for program direction.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For Department of Energy expenses necessary to carry out naval petroleum and oil shale reserve activities, \$17,500,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

STRATEGIC PETROLEUM RESERVE

For Department of Energy expenses necessary for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act (42 U.S.C. 6201 et seq.), \$212,000,000, to remain available until expended.

NORTHEAST HOME HEATING OIL RESERVE

For Department of Energy expenses necessary for Northeast Home Heating Oil Reserve storage, operation, and management activities pursuant to the Energy Policy and Conservation Act (42 U.S.C. 6201 et seq.), \$7,600,000, to remain available until expended.

ENERGY INFORMATION ADMINISTRATION

For Department of Energy expenses necessary in carrying out the activities of the Energy Information Administration, \$122,000,000, to remain available until expended.

NON-DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$255,000,000, to remain available until expended.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For Department of Energy expenses necessary in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions, and other activities of title II of the Atomic Energy Act of 1954, and title X, subtitle A, of the Energy Policy Act of 1992, \$673,749,000, to be derived from the Uranium Enrichment Decontamination and Decommissioning Fund, to remain available

until expended, of which \$32,959,000 shall be available in accordance with title X, subtitle A, of the Energy Policy Act of 1992.

SCIENCE

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, and purchase of not more than 17 passenger motor vehicles for replacement only, including one ambulance and one bus, \$5,350,200,000, to remain available until expended: *Provided*, That of such amount, \$185,000,000 shall be available until September 30, 2017, for program direction: *Provided further*, That of such amount, not more than \$115,000,000 shall be made available for the in-kind contributions and related support activities of ITER: *Provided further*, That not later than May 2, 2016, the Secretary of Energy shall submit to the Committees on Appropriations of both Houses of Congress a report recommending either that the United States remain a partner in the ITER project after October 2017 or terminate participation, which shall include, as applicable, an estimate of either the full cost, by fiscal year, of all future Federal funding requirements for construction, operation, and maintenance of ITER or the cost of termination.

ADVANCED RESEARCH PROJECTS AGENCY—ENERGY

For Department of Energy expenses necessary in carrying out the activities authorized by section 5012 of the America COMPETES Act (Public Law 110–69), \$291,000,000, to remain available until expended: *Provided*, That of such amount, \$29,250,000 shall be available until September 30, 2017, for program direction.

TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE PROGRAM

Such sums as are derived from amounts received from borrowers pursuant to section 1702(b) of the Energy Policy Act of 2005 under this heading in prior Acts, shall be collected in accordance with section 502(7) of the Congressional Budget Act of 1974: *Provided*, That for necessary administrative expenses to carry out this Loan Guarantee program, \$42,000,000 is appropriated, to remain available until September 30, 2017: *Provided further*, That \$25,000,000 of the fees collected pursuant to section 1702(h) of the Energy Policy Act of 2005 shall be credited as offsetting collections to this account to cover administrative expenses and shall remain available until expended, so as to result in a final fiscal year 2016 appropriation from the general fund estimated at not more than \$17,000,000: *Provided further*, That fees collected under section 1702(h) in excess of the amount appropriated for administrative expenses shall not be available until appropriated: *Provided further*, That the Department of Energy shall not subordinate any loan obligation to other financing in violation of section 1702 of the Energy Policy Act of 2005 or subordinate any Guaranteed Obligation to any loan or other debt obligations in violation of section 609.10 of title 10, Code of Federal Regulations.

ADVANCED TECHNOLOGY VEHICLES MANUFACTURING LOAN
PROGRAM

For Department of Energy administrative expenses necessary in carrying out the Advanced Technology Vehicles Manufacturing Loan Program, \$6,000,000, to remain available until September 30, 2017.

DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), \$248,142,000, to remain available until September 30, 2017, including the hire of passenger motor vehicles and official reception and representation expenses not to exceed \$30,000, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): *Provided*, That such increases in cost of work are offset by revenue increases of the same or greater amount: *Provided further*, That moneys received by the Department for miscellaneous revenues estimated to total \$117,171,000 in fiscal year 2016 may be retained and used for operating expenses within this account, as authorized by section 201 of Public Law 95–238, notwithstanding the provisions of 31 U.S.C. 3302: *Provided further*, That the sum herein appropriated shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2016 appropriation from the general fund estimated at not more than \$130,971,000: *Provided further*, That of the total amount made available under this heading, \$31,297,000 is for Energy Policy and Systems Analysis.

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$46,424,000, to remain available until September 30, 2017.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$8,846,948,000, to remain available until expended: *Provided*, That of such amount, \$97,118,000 shall be available until September 30, 2017, for program direction: *Provided further*, That funding made available under this heading may be made available for project engineering and design for the Albuquerque Complex Project.

DEFENSE NUCLEAR NONPROLIFERATION

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for defense nuclear nonproliferation activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$1,940,302,000, to remain available until expended.

NAVAL REACTORS

For Department of Energy expenses necessary for naval reactors activities to carry out the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant, and capital equipment, facilities, and facility expansion, \$1,375,496,000, to remain available until expended: *Provided*, That of such amount, \$42,504,000 shall be available until September 30, 2017, for program direction.

FEDERAL SALARIES AND EXPENSES

(INCLUDING RESCISSION OF FUNDS)

For expenses necessary for Federal Salaries and Expenses in the National Nuclear Security Administration, \$383,666,000, to remain available until September 30, 2017, including official reception and representation expenses not to exceed \$12,000: *Provided*, That of the unobligated balances from prior year appropriations available under this heading, \$19,900,000 is hereby rescinded: *Provided further*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed one fire apparatus pumper truck and one armored vehicle for replacement only, \$5,289,742,000, to remain available until expended: *Provided*, That of such amount \$281,951,000 shall be available until September 30, 2017, for program direction.

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and

other expenses, necessary for atomic energy defense, other defense activities, and classified activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$776,425,000, to remain available until expended: *Provided*, That of such amount, \$249,137,000 shall be available until September 30, 2017, for program direction.

POWER MARKETING ADMINISTRATIONS

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93–454, are approved for the Shoshone Paiute Trout Hatchery, the Spokane Tribal Hatchery, the Snake River Sockeye Weirs and, in addition, for official reception and representation expenses in an amount not to exceed \$5,000: *Provided*, That during fiscal year 2016, no new direct loan obligations may be made.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For expenses necessary for operation and maintenance of power transmission facilities and for marketing electric power and energy, including transmission wheeling and ancillary services, pursuant to section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, \$6,900,000, including official reception and representation expenses in an amount not to exceed \$1,500, to remain available until expended: *Provided*, That notwithstanding 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944, up to \$6,900,000 collected by the Southeastern Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended for the sole purpose of funding the annual expenses of the Southeastern Power Administration: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2016 appropriation estimated at not more than \$0: *Provided further*, That notwithstanding 31 U.S.C. 3302, up to \$66,500,000 collected by the Southeastern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

For expenses necessary for operation and maintenance of power transmission facilities and for marketing electric power and energy, for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses,

including official reception and representation expenses in an amount not to exceed \$1,500 in carrying out section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the Southwestern Power Administration, \$47,361,000, to remain available until expended: *Provided*, That notwithstanding 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), up to \$35,961,000 collected by the Southwestern Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended, for the sole purpose of funding the annual expenses of the Southwestern Power Administration: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2016 appropriation estimated at not more than \$11,400,000: *Provided further*, That notwithstanding 31 U.S.C. 3302, up to \$63,000,000 collected by the Southwestern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE,
WESTERN AREA POWER ADMINISTRATION

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized, \$307,714,000, including official reception and representation expenses in an amount not to exceed \$1,500, to remain available until expended, of which \$302,000,000 shall be derived from the Department of the Interior Reclamation Fund: *Provided*, That notwithstanding 31 U.S.C. 3302, section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), and section 1 of the Interior Department Appropriation Act, 1939 (43 U.S.C. 392a), up to \$214,342,000 collected by the Western Area Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended, for the sole purpose of funding the annual expenses of the Western Area Power Administration: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2016 appropriation estimated at not more than \$93,372,000, of which \$87,658,000 is derived from the Reclamation Fund: *Provided further*, That notwithstanding 31 U.S.C. 3302, up to \$352,813,000 collected by the Western Area Power Administration pursuant to the Flood Control Act of 1944 and the Reclamation Project Act of 1939 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling

expenditures: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, \$4,490,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 2 of the Act of June 18, 1954 (68 Stat. 255): *Provided*, That notwithstanding the provisions of that Act and of 31 U.S.C. 3302, up to \$4,262,000 collected by the Western Area Power Administration from the sale of power and related services from the Falcon and Amistad Dams shall be credited to this account as discretionary offsetting collections, to remain available until expended for the sole purpose of funding the annual expenses of the hydroelectric facilities of these Dams and associated Western Area Power Administration activities: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2016 appropriation estimated at not more than \$228,000: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred: *Provided further*, That for fiscal year 2016, the Administrator of the Western Area Power Administration may accept up to \$460,000 in funds contributed by United States power customers of the Falcon and Amistad Dams for deposit into the Falcon and Amistad Operating and Maintenance Fund, and such funds shall be available for the purpose for which contributed in like manner as if said sums had been specifically appropriated for such purpose: *Provided further*, That any such funds shall be available without further appropriation and without fiscal year limitation for use by the Commissioner of the United States Section of the International Boundary and Water Commission for the sole purpose of operating, maintaining, repairing, rehabilitating, replacing, or upgrading the hydroelectric facilities at these Dams in accordance with agreements reached between the Administrator, Commissioner, and the power customers.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, official reception and representation expenses not to exceed \$3,000, and the hire of passenger motor vehicles, \$319,800,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, not to exceed \$319,800,000 of revenues from fees and annual charges, and other services and collections in fiscal year 2016 shall be retained and used for expenses necessary in this account, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced

42 USC 7171
note.

as revenues are received during fiscal year 2016 so as to result in a final fiscal year 2016 appropriation from the general fund estimated at not more than \$0.

GENERAL PROVISIONS—DEPARTMENT OF ENERGY

(INCLUDING TRANSFER AND RESCISSIONS OF FUNDS)

SEC. 301. (a) No appropriation, funds, or authority made available by this title for the Department of Energy shall be used to initiate or resume any program, project, or activity or to prepare or initiate Requests For Proposals or similar arrangements (including Requests for Quotations, Requests for Information, and Funding Opportunity Announcements) for a program, project, or activity if the program, project, or activity has not been funded by Congress.

(b)(1) Unless the Secretary of Energy notifies the Committees on Appropriations of both Houses of Congress at least 3 full business days in advance, none of the funds made available in this title may be used to—

(A) make a grant allocation or discretionary grant award totaling \$1,000,000 or more;

(B) make a discretionary contract award or Other Transaction Agreement totaling \$1,000,000 or more, including a contract covered by the Federal Acquisition Regulation;

(C) issue a letter of intent to make an allocation, award, or Agreement in excess of the limits in subparagraph (A) or (B); or

(D) announce publicly the intention to make an allocation, award, or Agreement in excess of the limits in subparagraph (A) or (B).

(2) The Secretary of Energy shall submit to the Committees on Appropriations of both Houses of Congress within 15 days of the conclusion of each quarter a report detailing each grant allocation or discretionary grant award totaling less than \$1,000,000 provided during the previous quarter.

(3) The notification required by paragraph (1) and the report required by paragraph (2) shall include the recipient of the award, the amount of the award, the fiscal year for which the funds for the award were appropriated, the account and program, project, or activity from which the funds are being drawn, the title of the award, and a brief description of the activity for which the award is made.

(c) The Department of Energy may not, with respect to any program, project, or activity that uses budget authority made available in this title under the heading “Department of Energy—Energy Programs”, enter into a multiyear contract, award a multiyear grant, or enter into a multiyear cooperative agreement unless—

(1) the contract, grant, or cooperative agreement is funded for the full period of performance as anticipated at the time of award; or

(2) the contract, grant, or cooperative agreement includes a clause conditioning the Federal Government’s obligation on the availability of future year budget authority and the Secretary notifies the Committees on Appropriations of both Houses of Congress at least 3 days in advance.

(d) Except as provided in subsections (e), (f), and (g), the amounts made available by this title shall be expended as authorized by law for the programs, projects, and activities specified in the “Final Bill” column in the “Department of Energy” table included under the heading “Title III—Department of Energy” in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

(e) The amounts made available by this title may be reprogrammed for any program, project, or activity, and the Department shall notify the Committees on Appropriations of both Houses of Congress at least 30 days prior to the use of any proposed reprogramming that would cause any program, project, or activity funding level to increase or decrease by more than \$5,000,000 or 10 percent, whichever is less, during the time period covered by this Act.

(f) None of the funds provided in this title shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates, initiates, or eliminates a program, project, or activity;

(2) increases funds or personnel for any program, project, or activity for which funds are denied or restricted by this Act; or

(3) reduces funds that are directed to be used for a specific program, project, or activity by this Act.

(g)(1) The Secretary of Energy may waive any requirement or restriction in this section that applies to the use of funds made available for the Department of Energy if compliance with such requirement or restriction would pose a substantial risk to human health, the environment, welfare, or national security.

(2) The Secretary of Energy shall notify the Committees on Appropriations of both Houses of Congress of any waiver under paragraph (1) as soon as practicable, but not later than 3 days after the date of the activity to which a requirement or restriction would otherwise have applied. Such notice shall include an explanation of the substantial risk under paragraph (1) that permitted such waiver.

SEC. 302. The unexpended balances of prior appropriations provided for activities in this Act may be available to the same appropriation accounts for such activities established pursuant to this title. Available balances may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 303. Funds appropriated by this or any other Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 3094) during fiscal year 2016 until the enactment of the Intelligence Authorization Act for fiscal year 2016.

SEC. 304. None of the funds made available in this title shall be used for the construction of facilities classified as high-hazard nuclear facilities under 10 CFR Part 830 unless independent oversight is conducted by the Office of Independent Enterprise Assessments to ensure the project is in compliance with nuclear safety requirements.

SEC. 305. None of the funds made available in this title may be used to approve critical decision-2 or critical decision-3 under

Department of Energy Order 413.3B, or any successive departmental guidance, for construction projects where the total project cost exceeds \$100,000,000, until a separate independent cost estimate has been developed for the project for that critical decision.

42 USC 7278a.

SEC. 306. Notwithstanding section 301(c) of this Act, none of the funds made available under the heading “Department of Energy—Energy Programs—Science” in this or any subsequent Energy and Water Development and Related Agencies appropriations Act for any fiscal year may be used for a multiyear contract, grant, cooperative agreement, or Other Transaction Agreement of \$1,000,000 or less unless the contract, grant, cooperative agreement, or Other Transaction Agreement is funded for the full period of performance as anticipated at the time of award.

SEC. 307. (a) None of the funds made available in this or any prior Act under the heading “Defense Nuclear Nonproliferation” may be made available to enter into new contracts with, or new agreements for Federal assistance to, the Russian Federation.

(b) The Secretary of Energy may waive the prohibition in subsection (a) if the Secretary determines that such activity is in the national security interests of the United States. This waiver authority may not be delegated.

(c) A waiver under subsection (b) shall not be effective until 15 days after the date on which the Secretary submits to the Committees on Appropriations of both Houses of Congress, in classified form if necessary, a report on the justification for the waiver.

SEC. 308. (a) NEW REGIONAL RESERVES.—The Secretary of Energy may not establish any new regional petroleum product reserve unless funding for the proposed regional petroleum product reserve is explicitly requested in advance in an annual budget submission and approved by the Congress in an appropriations Act.

(b) The budget request or notification shall include—

- (1) the justification for the new reserve;
- (2) a cost estimate for the establishment, operation, and maintenance of the reserve, including funding sources;
- (3) a detailed plan for operation of the reserve, including the conditions upon which the products may be released;
- (4) the location of the reserve; and
- (5) the estimate of the total inventory of the reserve.

SEC. 309. Of the amounts made available by this Act for “National Nuclear Security Administration—Weapons Activities”, up to \$50,000,000 may be reprogrammed within such account for Domestic Uranium Enrichment, subject to the notice requirement in section 301(e).

SEC. 310. (a) Unobligated balances available from appropriations are hereby rescinded from the following accounts of the Department of Energy in the specified amounts:

- (1) “Energy Programs—Energy Efficiency and Renewable Energy”, \$1,355,149.00 from Public Law 110–161; \$627,299.24 from Public Law 111–8; and \$1,824,051.94 from Public Law 111–85.
- (2) “Energy Programs—Science”, \$3,200,000.00.

(b) No amounts may be rescinded by this section from amounts that were designated by the Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 311. Notwithstanding any other provision of law, the provisions of 40 U.S.C. 11319 shall not apply to funds appropriated

in this title to Federally Funded Research and Development Centers sponsored by the Department of Energy.

SEC. 312. None of the funds made available in this Act may be used—

(1) to implement or enforce section 430.32(x) of title 10, Code of Federal Regulations; or

(2) to implement or enforce the standards established by the tables contained in section 325(i)(1)(B) of the Energy Policy and Conservation Act (42 U.S.C. 6295(i)(1)(B)) with respect to BPAR incandescent reflector lamps, BR incandescent reflector lamps, and ER incandescent reflector lamps.

SEC. 313. (a) Of the funds appropriated in prior Acts under the headings “Fossil Energy Research and Development” and “Clean Coal Technology” for prior solicitations under the Clean Coal Power Initiative and FutureGen, not less than \$160,000,000 from projects selected under such solicitations that have not reached financial close and have not secured funding sufficient to construct the project prior to 30 days after the date of enactment of this Act shall be deobligated, if necessary, shall be utilized for previously selected demonstration projects under such solicitations that have reached financial close or have otherwise secured funding sufficient to construct the project prior to 30 days after the date of enactment of this Act, and shall be allocated among such projects in proportion to the total financial contribution by the recipients to those projects stipulated in their respective cooperative agreements.

(b) Funds utilized pursuant to subsection (a) shall be administered in accordance with the provisions in the Act in which the funds for those demonstration projects were originally appropriated, except that financial assistance for costs in excess of those estimated as of the date of award of the original financial assistance may be provided in excess of the proportion of costs borne by the Government in the original agreement and shall not be limited to 25 percent of the original financial assistance.

(c) No amounts may be repurposed pursuant to this section from amounts that were designated by the Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

(d) This section shall be fully implemented not later than 60 days after the date of enactment of this Act.

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, notwithstanding 40 U.S.C. 14704, and for expenses necessary for the Federal Co-Chairman and the Alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, \$146,000,000, to remain available until expended.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For expenses necessary for the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100–456, section 1441, \$29,150,000, to remain available until September 30, 2017.

DELTA REGIONAL AUTHORITY

SALARIES AND EXPENSES

For expenses necessary for the Delta Regional Authority and to carry out its activities, as authorized by the Delta Regional Authority Act of 2000, notwithstanding sections 382C(b)(2), 382F(d), 382M, and 382N of said Act, \$25,000,000, to remain available until expended.

DENALI COMMISSION

For expenses necessary for the Denali Commission including the purchase, construction, and acquisition of plant and capital equipment as necessary and other expenses, \$11,000,000, to remain available until expended, notwithstanding the limitations contained in section 306(g) of the Denali Commission Act of 1998: *Provided*, That funds shall be available for construction projects in an amount not to exceed 80 percent of total project cost for distressed communities, as defined by section 307 of the Denali Commission Act of 1998 (division C, title III, Public Law 105–277), as amended by section 701 of appendix D, title VII, Public Law 106–113 (113 Stat. 1501A–280), and an amount not to exceed 50 percent for non-distressed communities.

NORTHERN BORDER REGIONAL COMMISSION

For expenses necessary for the Northern Border Regional Commission in carrying out activities authorized by subtitle V of title 40, United States Code, \$7,500,000, to remain available until expended: *Provided*, That such amounts shall be available for administrative expenses, notwithstanding section 15751(b) of title 40, United States Code.

SOUTHEAST CRESCENT REGIONAL COMMISSION

For expenses necessary for the Southeast Crescent Regional Commission in carrying out activities authorized by subtitle V of title 40, United States Code, \$250,000, to remain available until expended.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Commission in carrying out the purposes of the Energy Reorganization Act of 1974 and the Atomic Energy Act of 1954, \$990,000,000, including official representation expenses not to exceed \$25,000, to remain available until expended: *Provided*, That of the amount appropriated herein,

not more than \$7,500,000 may be made available for salaries, travel, and other support costs for the Office of the Commission, to remain available until September 30, 2017, of which, notwithstanding section 201(a)(2)(c) of the Energy Reorganization Act of 1974 (42 U.S.C. 5841(a)(2)(c)), the use and expenditure shall only be approved by a majority vote of the Commission: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections estimated at \$872,864,000 in fiscal year 2016 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2016 so as to result in a final fiscal year 2016 appropriation estimated at not more than \$117,136,000: *Provided further*, That of the amounts appropriated under this heading, \$10,000,000 shall be for university research and development in areas relevant to their respective organization's mission, and \$5,000,000 shall be for a Nuclear Science and Engineering Grant Program that will support multiyear projects that do not align with programmatic missions but are critical to maintaining the discipline of nuclear science and engineering.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$12,136,000, to remain available until September 30, 2017: *Provided*, That revenues from licensing fees, inspection services, and other services and collections estimated at \$10,060,000 in fiscal year 2016 shall be retained and be available until September 30, 2017, for necessary salaries and expenses in this account, notwithstanding section 3302 of title 31, United States Code: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2016 so as to result in a final fiscal year 2016 appropriation estimated at not more than \$2,076,000: *Provided further*, That of the amounts appropriated under this heading, \$958,000 shall be for Inspector General services for the Defense Nuclear Facilities Safety Board, which shall not be available from fee revenues.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

For expenses necessary for the Nuclear Waste Technical Review Board, as authorized by Public Law 100–203, section 5051, \$3,600,000, to be derived from the Nuclear Waste Fund, to remain available until September 30, 2017.

GENERAL PROVISIONS—INDEPENDENT AGENCIES

SEC. 401. The Nuclear Regulatory Commission shall comply with the July 5, 2011, version of Chapter VI of its Internal Commission Procedures when responding to Congressional requests for information.

SEC. 402. (a) The amounts made available by this title for the Nuclear Regulatory Commission may be reprogrammed for any program, project, or activity, and the Commission shall notify the

Committees on Appropriations of both Houses of Congress at least 30 days prior to the use of any proposed reprogramming that would cause any program funding level to increase or decrease by more than \$500,000 or 10 percent, whichever is less, during the time period covered by this Act.

(b)(1) The Nuclear Regulatory Commission may waive the notification requirement in (a) if compliance with such requirement would pose a substantial risk to human health, the environment, welfare, or national security.

(2) The Nuclear Regulatory Commission shall notify the Committees on Appropriations of both Houses of Congress of any waiver under paragraph (1) as soon as practicable, but not later than 3 days after the date of the activity to which a requirement or restriction would otherwise have applied. Such notice shall include an explanation of the substantial risk under paragraph (1) that permitted such waiver and shall provide a detailed report to the Committees of such waiver and changes to funding levels to programs, projects, or activities.

(c) Except as provided in subsections (a), (b), and (d), the amounts made available by this title for “Nuclear Regulatory Commission—Salaries and Expenses” shall be expended as directed in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

(d) None of the funds provided for the Nuclear Regulatory Commission shall be available for obligation or expenditure through a reprogramming of funds that increases funds or personnel for any program, project, or activity for which funds are denied or restricted by this Act.

(e) The Commission shall provide a monthly report to the Committees on Appropriations of both Houses of Congress, which includes the following for each program, project, or activity, including any prior year appropriations—

- (1) total budget authority;
- (2) total unobligated balances; and
- (3) total unliquidated obligations.

SEC. 403. Public Law 105–277, division A, section 101(g) (title III, section 329(a), (b)) is amended by inserting, in subsection (b), after “State law” and before the period the following: “or for the construction and repair of barge mooring points and barge landing sites to facilitate pumping fuel from fuel transport barges into bulk fuel storage tanks.”.

43 USC 1653
note.

TITLE V

GENERAL PROVISIONS

SEC. 501. None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

SEC. 502. (a) None of the funds made available in title III of this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by or transfer authority provided in this Act or any other appropriations Act for any fiscal year, transfer

authority referenced in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), or any authority whereby a department, agency, or instrumentality of the United States Government may provide goods or services to another department, agency, or instrumentality.

(b) None of the funds made available for any department, agency, or instrumentality of the United States Government may be transferred to accounts funded in title III of this Act, except pursuant to a transfer made by or transfer authority provided in this Act or any other appropriations Act for any fiscal year, transfer authority referenced in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), or any authority whereby a department, agency, or instrumentality of the United States Government may provide goods or services to another department, agency, or instrumentality.

(c) The head of any relevant department or agency funded in this Act utilizing any transfer authority shall submit to the Committees on Appropriations of both Houses of Congress a semi-annual report detailing the transfer authorities, except for any authority whereby a department, agency, or instrumentality of the United States Government may provide goods or services to another department, agency, or instrumentality, used in the previous 6 months and in the year-to-date. This report shall include the amounts transferred and the purposes for which they were transferred, and shall not replace or modify existing notification requirements for each authority.

SEC. 503. None of the funds made available by this Act may be used in contravention of Executive Order No. 12898 of February 11, 1994 (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations).

This division may be cited as the “Energy and Water Development and Related Agencies Appropriations Act, 2016”.

**DIVISION E—FINANCIAL SERVICES AND GENERAL
GOVERNMENT APPROPRIATIONS ACT, 2016**

TITLE I

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business; executive direction program activities; international affairs and economic policy activities; domestic finance and tax policy activities, including technical assistance to Puerto Rico; and Treasury-wide management policies and programs activities, \$222,500,000: *Provided*, That of the amount appropriated under this heading—

(1) not to exceed \$350,000 is for official reception and representation expenses;

Financial
Services and
General
Government
Appropriations
Act, 2016.
Department of
the Treasury
Appropriations
Act, 2016.

(2) not to exceed \$258,000 is for unforeseen emergencies of a confidential nature to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on the Secretary's certificate; and

(3) not to exceed \$22,200,000 shall remain available until September 30, 2017, for—

(A) the Treasury-wide Financial Statement Audit and Internal Control Program;

(B) information technology modernization requirements;

(C) the audit, oversight, and administration of the Gulf Coast Restoration Trust Fund; and

(D) the development and implementation of programs within the Office of Critical Infrastructure Protection and Compliance Policy, including entering into cooperative agreements.

OFFICE OF TERRORISM AND FINANCIAL INTELLIGENCE

SALARIES AND EXPENSES

For the necessary expenses of the Office of Terrorism and Financial Intelligence to safeguard the financial system against illicit use and to combat rogue nations, terrorist facilitators, weapons of mass destruction proliferators, money launderers, drug kingpins, and other national security threats, \$117,000,000: *Provided*, That of the amount appropriated under this heading: (1) not to exceed \$27,100,000 is available for administrative expenses; and (2) \$5,000,000, to remain available until September 30, 2017.

DEPARTMENT-WIDE SYSTEMS AND CAPITAL INVESTMENTS PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For development and acquisition of automatic data processing equipment, software, and services and for repairs and renovations to buildings owned by the Department of the Treasury, \$5,000,000, to remain available until September 30, 2018: *Provided*, That these funds shall be transferred to accounts and in amounts as necessary to satisfy the requirements of the Department's offices, bureaus, and other organizations: *Provided further*, That this transfer authority shall be in addition to any other transfer authority provided in this Act: *Provided further*, That none of the funds appropriated under this heading shall be used to support or supplement "Internal Revenue Service, Operations Support" or "Internal Revenue Service, Business Systems Modernization".

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$35,416,000, including hire of passenger motor vehicles; of which not to exceed \$100,000 shall be available for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Treasury; of which up to \$2,800,000 to remain available until September 30, 2017, shall

be for audits and investigations conducted pursuant to section 1608 of the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012 (33 U.S.C. 1321 note); and of which not to exceed \$1,000 shall be available for official reception and representation expenses.

TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Treasury Inspector General for Tax Administration in carrying out the Inspector General Act of 1978, as amended, including purchase and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services authorized by 5 U.S.C. 3109, at such rates as may be determined by the Inspector General for Tax Administration; \$167,275,000, of which \$5,000,000 shall remain available until September 30, 2017; of which not to exceed \$6,000,000 shall be available for official travel expenses; of which not to exceed \$500,000 shall be available for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General for Tax Administration; and of which not to exceed \$1,500 shall be available for official reception and representation expenses.

SPECIAL INSPECTOR GENERAL FOR THE TROUBLED ASSET RELIEF PROGRAM

SALARIES AND EXPENSES

For necessary expenses of the Office of the Special Inspector General in carrying out the provisions of the Emergency Economic Stabilization Act of 2008 (Public Law 110–343), \$40,671,000.

FINANCIAL CRIMES ENFORCEMENT NETWORK

SALARIES AND EXPENSES

For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; travel and training expenses of non-Federal and foreign government personnel to attend meetings and training concerned with domestic and foreign financial intelligence activities, law enforcement, and financial regulation; services authorized by 5 U.S.C. 3109; not to exceed \$10,000 for official reception and representation expenses; and for assistance to Federal law enforcement agencies, with or without reimbursement, \$112,979,000, of which not to exceed \$34,335,000 shall remain available until September 30, 2018.

TREASURY FORFEITURE FUND

(RESCISSION)

Of the unobligated balances available under this heading, \$700,000,000 are rescinded.

BUREAU OF THE FISCAL SERVICE

SALARIES AND EXPENSES

For necessary expenses of operations of the Bureau of the Fiscal Service, \$363,850,000; of which not to exceed \$4,210,000, to remain available until September 30, 2018, is for information systems modernization initiatives; of which \$5,000 shall be available for official reception and representation expenses; and of which not to exceed \$19,800,000, to remain available until September 30, 2018, is to support the Department's activities related to implementation of the Digital Accountability and Transparency Act (DATA Act; Public Law 113–101), including changes in business processes, workforce, or information technology to support high quality, transparent Federal spending information.

In addition, \$165,000, to be derived from the Oil Spill Liability Trust Fund to reimburse administrative and personnel expenses for financial management of the Fund, as authorized by section 1012 of Public Law 101–380.

ALCOHOL AND TOBACCO TAX AND TRADE BUREAU

SALARIES AND EXPENSES

For necessary expenses of carrying out section 1111 of the Homeland Security Act of 2002, including hire of passenger motor vehicles, \$106,439,000; of which not to exceed \$6,000 for official reception and representation expenses; not to exceed \$50,000 for cooperative research and development programs for laboratory services; and provision of laboratory assistance to State and local agencies with or without reimbursement: *Provided*, That of the amount appropriated under this heading, \$5,000,000 shall be for the costs of accelerating the processing of formula and label applications.

UNITED STATES MINT

UNITED STATES MINT PUBLIC ENTERPRISE FUND

Pursuant to section 5136 of title 31, United States Code, the United States Mint is provided funding through the United States Mint Public Enterprise Fund for costs associated with the production of circulating coins, numismatic coins, and protective services, including both operating expenses and capital investments: *Provided*, That the aggregate amount of new liabilities and obligations incurred during fiscal year 2016 under such section 5136 for circulating coinage and protective service capital investments of the United States Mint shall not exceed \$20,000,000.

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND
PROGRAM ACCOUNT

To carry out the Riegle Community Development and Regulatory Improvements Act of 1994 (subtitle A of title I of Public Law 103–325), including services authorized by section 3109 of title 5, United States Code, but at rates for individuals not to exceed the per diem rate equivalent to the rate for EX–3, \$233,523,000. Of the amount appropriated under this heading—

(1) not less than \$153,423,000, notwithstanding section 108(e) of Public Law 103–325 (12 U.S.C. 4707(e)) with regard to Small and/or Emerging Community Development Financial Institutions Assistance awards, is available until September 30, 2017, for financial assistance and technical assistance under subparagraphs (A) and (B) of section 108(a)(1), respectively, of Public Law 103–325 (12 U.S.C. 4707(a)(1)(A) and (B)), of which up to \$3,102,500 may be used for the cost of direct loans: *Provided*, That the cost of direct and guaranteed loans, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed \$25,000,000;

(2) not less than \$15,500,000, notwithstanding section 108(e) of Public Law 103–325 (12 U.S.C. 4707(e)), is available until September 30, 2017, for financial assistance, technical assistance, training and outreach programs designed to benefit Native American, Native Hawaiian, and Alaskan Native communities and provided primarily through qualified community development lender organizations with experience and expertise in community development banking and lending in Indian country, Native American organizations, tribes and tribal organizations, and other suitable providers;

(3) not less than \$19,000,000 is available until September 30, 2017, for the Bank Enterprise Award program;

(4) not less than \$22,000,000, notwithstanding subsections (d) and (e) of section 108 of Public Law 103–325 (12 U.S.C. 4707(d) and (e)), is available until September 30, 2017, for a Healthy Food Financing Initiative to provide financial assistance, technical assistance, training, and outreach to community development financial institutions for the purpose of offering affordable financing and technical assistance to expand the availability of healthy food options in distressed communities;

(5) up to \$23,600,000 is available until September 30, 2016, for administrative expenses, including administration of CDFI fund programs and the New Markets Tax Credit Program, of which not less than \$1,000,000 is for capacity building to expand CDFI investments in underserved rural areas, and up to \$300,000 is for administrative expenses to carry out the direct loan program; and

(6) during fiscal year 2016, none of the funds available under this heading are available for the cost, as defined in section 502 of the Congressional Budget Act of 1974, of commitments to guarantee bonds and notes under section 114A of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4713a): *Provided*, That commitments to guarantee bonds and notes under such section 114A shall not exceed \$750,000,000: *Provided further*, That such section 114A shall remain in effect until September 30, 2016.

12 USC 4713a
note.

INTERNAL REVENUE SERVICE

TAXPAYER SERVICES

For necessary expenses of the Internal Revenue Service to provide taxpayer services, including pre-filing assistance and education, filing and account services, taxpayer advocacy services, and other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, \$2,156,554,000, of which not less than \$6,500,000 shall be for the Tax Counseling for the Elderly Program, of which not less than \$12,000,000 shall be available for low-income taxpayer clinic grants, and of which not less than \$15,000,000, to remain available until September 30, 2017, shall be available for a Community Volunteer Income Tax Assistance matching grants program for tax return preparation assistance, of which not less than \$206,000,000 shall be available for operating expenses of the Taxpayer Advocate Service: *Provided*, That of the amounts made available for the Taxpayer Advocate Service, not less than \$5,000,000 shall be for identity theft casework.

ENFORCEMENT

For necessary expenses for tax enforcement activities of the Internal Revenue Service to determine and collect owed taxes, to provide legal and litigation support, to conduct criminal investigations, to enforce criminal statutes related to violations of internal revenue laws and other financial crimes, to purchase and hire passenger motor vehicles (31 U.S.C. 1343(b)), and to provide other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, \$4,860,000,000, of which not to exceed \$50,000,000 shall remain available until September 30, 2017, and of which not less than \$60,257,000 shall be for the Interagency Crime and Drug Enforcement program.

OPERATIONS SUPPORT

For necessary expenses of the Internal Revenue Service to support taxpayer services and enforcement programs, including rent payments; facilities services; printing; postage; physical security; headquarters and other IRS-wide administration activities; research and statistics of income; telecommunications; information technology development, enhancement, operations, maintenance, and security; the hire of passenger motor vehicles (31 U.S.C. 1343(b)); the operations of the Internal Revenue Service Oversight Board; and other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; \$3,638,446,000, of which not to exceed \$50,000,000 shall remain available until September 30, 2017; of which not to exceed \$10,000,000 shall remain available until expended for acquisition of equipment and construction, repair and renovation of facilities; of which not to exceed \$1,000,000 shall remain available until September 30, 2018, for research; of which not to exceed \$20,000 shall be for official reception and representation expenses: *Provided*, That not later than 30 days after the end of each quarter, the Internal Revenue Service shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate and the Comptroller General of the United States detailing the cost and schedule performance for its major information technology investments, including

the purpose and life-cycle stages of the investments; the reasons for any cost and schedule variances; the risks of such investments and strategies the Internal Revenue Service is using to mitigate such risks; and the expected developmental milestones to be achieved and costs to be incurred in the next quarter: *Provided further*, That the Internal Revenue Service shall include, in its budget justification for fiscal year 2017, a summary of cost and schedule performance information for its major information technology systems.

BUSINESS SYSTEMS MODERNIZATION

For necessary expenses of the Internal Revenue Service's business systems modernization program, \$290,000,000, to remain available until September 30, 2018, for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including related Internal Revenue Service labor costs, and contractual costs associated with operations authorized by 5 U.S.C. 3109: *Provided*, That not later than 30 days after the end of each quarter, the Internal Revenue Service shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate and the Comptroller General of the United States detailing the cost and schedule performance for CADE 2 and Modernized e-File information technology investments, including the purposes and life-cycle stages of the investments; the reasons for any cost and schedule variances; the risks of such investments and the strategies the Internal Revenue Service is using to mitigate such risks; and the expected developmental milestones to be achieved and costs to be incurred in the next quarter.

26 USC 7801
note.

ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. Not to exceed 5 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to any other Internal Revenue Service appropriation upon the advance approval of the Committees on Appropriations.

SEC. 102. The Internal Revenue Service shall maintain an employee training program, which shall include the following topics: taxpayers' rights, dealing courteously with taxpayers, cross-cultural relations, ethics, and the impartial application of tax law.

SEC. 103. The Internal Revenue Service shall institute and enforce policies and procedures that will safeguard the confidentiality of taxpayer information and protect taxpayers against identity theft.

SEC. 104. Funds made available by this or any other Act to the Internal Revenue Service shall be available for improved facilities and increased staffing to provide sufficient and effective 1–800 help line service for taxpayers. The Commissioner shall continue to make improvements to the Internal Revenue Service 1–800 help line service a priority and allocate resources necessary to enhance the response time to taxpayer communications, particularly with regard to victims of tax-related crimes.

SEC. 105. None of the funds made available to the Internal Revenue Service by this Act may be used to make a video unless the Service-Wide Video Editorial Board determines in advance that

making the video is appropriate, taking into account the cost, topic, tone, and purpose of the video.

SEC. 106. The Internal Revenue Service shall issue a notice of confirmation of any address change relating to an employer making employment tax payments, and such notice shall be sent to both the employer's former and new address and an officer or employee of the Internal Revenue Service shall give special consideration to an offer-in-compromise from a taxpayer who has been the victim of fraud by a third party payroll tax preparer.

SEC. 107. None of the funds made available under this Act may be used by the Internal Revenue Service to target citizens of the United States for exercising any right guaranteed under the First Amendment to the Constitution of the United States.

SEC. 108. None of the funds made available in this Act may be used by the Internal Revenue Service to target groups for regulatory scrutiny based on their ideological beliefs.

SEC. 109. None of funds made available by this Act to the Internal Revenue Service shall be obligated or expended on conferences that do not adhere to the procedures, verification processes, documentation requirements, and policies issued by the Chief Financial Officer, Human Capital Office, and Agency-Wide Shared Services as a result of the recommendations in the report published on May 31, 2013, by the Treasury Inspector General for Tax Administration entitled "Review of the August 2010 Small Business/Self-Employed Division's Conference in Anaheim, California" (Reference Number 2013–10–037).

SEC. 110. None of the funds made available in this Act to the Internal Revenue Service may be obligated or expended—

(1) to make a payment to any employee under a bonus, award, or recognition program; or

(2) under any hiring or personnel selection process with respect to re-hiring a former employee,

unless such program or process takes into account the conduct and Federal tax compliance of such employee or former employee.

SEC. 111. None of the funds made available by this Act may be used in contravention of section 6103 of the Internal Revenue Code of 1986 (relating to confidentiality and disclosure of returns and return information).

SEC. 112. Except to the extent provided in section 6014, 6020, or 6201(d) of the Internal Revenue Code of 1986, no funds in this or any other Act shall be available to the Secretary of the Treasury to provide to any person a proposed final return or statement for use by such person to satisfy a filing or reporting requirement under such Code.

SEC. 113. In addition to the amounts otherwise made available in this Act for the Internal Revenue Service, \$290,000,000, to be available until September 30, 2017, shall be transferred by the Commissioner to the "Taxpayer Services", "Enforcement", or "Operations Support" accounts of the Internal Revenue Service for an additional amount to be used solely for measurable improvements in the customer service representative level of service rate, to improve the identification and prevention of refund fraud and identity theft, and to enhance cybersecurity to safeguard taxpayer data: *Provided*, That such funds shall supplement, not supplant any other amounts made available by the Internal Revenue Service for such purpose: *Provided further*, That such funds shall not be available until the Commissioner submits to the Committees on

Appropriations of the House of Representatives and the Senate a spending plan for such funds: *Provided further*, That such funds shall not be used to support any provision of Public Law 111–148, Public Law 111–152, or any amendment made by either such Public Law.

ADMINISTRATIVE PROVISIONS—DEPARTMENT OF THE TREASURY

(INCLUDING TRANSFERS OF FUNDS)

SEC. 114. Appropriations to the Department of the Treasury in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitations for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

SEC. 115. Not to exceed 2 percent of any appropriations in this title made available under the headings “Departmental Offices—Salaries and Expenses”, “Office of Inspector General”, “Special Inspector General for the Troubled Asset Relief Program”, “Financial Crimes Enforcement Network”, “Bureau of the Fiscal Service”, and “Alcohol and Tobacco Tax and Trade Bureau” may be transferred between such appropriations upon the advance approval of the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That, upon advance approval of such Committees, not to exceed 2 percent of any such appropriations may be transferred to the “Office of Terrorism and Financial Intelligence”: *Provided further*, That no transfer under this section may increase or decrease any such appropriation by more than 2 percent.

SEC. 116. Not to exceed 2 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to the Treasury Inspector General for Tax Administration’s appropriation upon the advance approval of the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That no transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 117. None of the funds appropriated in this Act or otherwise available to the Department of the Treasury or the Bureau of Engraving and Printing may be used to redesign the \$1 Federal Reserve note.

SEC. 118. The Secretary of the Treasury may transfer funds from the “Bureau of the Fiscal Service-Salaries and Expenses” to the Debt Collection Fund as necessary to cover the costs of debt collection: *Provided*, That such amounts shall be reimbursed to such salaries and expenses account from debt collections received in the Debt Collection Fund.

SEC. 119. None of the funds appropriated or otherwise made available by this or any other Act may be used by the United States Mint to construct or operate any museum without the explicit approval of the Committees on Appropriations of the House of Representatives and the Senate, the House Committee on Financial

Services, and the Senate Committee on Banking, Housing, and Urban Affairs.

SEC. 120. None of the funds appropriated or otherwise made available by this or any other Act or source to the Department of the Treasury, the Bureau of Engraving and Printing, and the United States Mint, individually or collectively, may be used to consolidate any or all functions of the Bureau of Engraving and Printing and the United States Mint without the explicit approval of the House Committee on Financial Services; the Senate Committee on Banking, Housing, and Urban Affairs; and the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 121. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for the Department of the Treasury's intelligence or intelligence related activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2016 until the enactment of the Intelligence Authorization Act for Fiscal Year 2016.

SEC. 122. Not to exceed \$5,000 shall be made available from the Bureau of Engraving and Printing's Industrial Revolving Fund for necessary official reception and representation expenses.

SEC. 123. The Secretary of the Treasury shall submit a Capital Investment Plan to the Committees on Appropriations of the Senate and the House of Representatives not later than 30 days following the submission of the annual budget submitted by the President: *Provided*, That such Capital Investment Plan shall include capital investment spending from all accounts within the Department of the Treasury, including but not limited to the Department-wide Systems and Capital Investment Programs account, Treasury Franchise Fund account, and the Treasury Forfeiture Fund account: *Provided further*, That such Capital Investment Plan shall include expenditures occurring in previous fiscal years for each capital investment project that has not been fully completed.

SEC. 124. (a) Not later than 60 days after the end of each quarter, the Office of Financial Stability and the Office of Financial Research shall submit reports on their activities to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Financial Services of the House of Representatives and the Senate Committee on Banking, Housing, and Urban Affairs.

(b) The reports required under subsection (a) shall include—

(1) the obligations made during the previous quarter by object class, office, and activity;

(2) the estimated obligations for the remainder of the fiscal year by object class, office, and activity;

(3) the number of full-time equivalents within each office during the previous quarter;

(4) the estimated number of full-time equivalents within each office for the remainder of the fiscal year; and

(5) actions taken to achieve the goals, objectives, and performance measures of each office.

(c) At the request of any such Committees specified in subsection (a), the Office of Financial Stability and the Office of Financial Research shall make officials available to testify on the contents of the reports required under subsection (a).

SEC. 125. Within 45 days after the date of enactment of this Act, the Secretary of the Treasury shall submit an itemized report to the Committees on Appropriations of the House of Representatives and the Senate on the amount of total funds charged to each office by the Franchise Fund including the amount charged for each service provided by the Franchise Fund to each office, a detailed description of the services, a detailed explanation of how each charge for each service is calculated, and a description of the role customers have in governing in the Franchise Fund.

SEC. 126. The Secretary of the Treasury, in consultation with the appropriate agencies, departments, bureaus, and commissions that have expertise in terrorism and complex financial instruments, shall provide a report to the Committees on Appropriations of the House of Representatives and Senate, the Committee on Financial Services of the House of Representatives, and the Committee on Banking, Housing, and Urban Affairs of the Senate not later than 90 days after the date of enactment of this Act on economic warfare and financial terrorism.

SEC. 127. During fiscal year 2016—

(1) none of the funds made available in this or any other Act may be used by the Department of the Treasury, including the Internal Revenue Service, to issue, revise, or finalize any regulation, revenue ruling, or other guidance not limited to a particular taxpayer relating to the standard which is used to determine whether an organization is operated exclusively for the promotion of social welfare for purposes of section 501(c)(4) of the Internal Revenue Code of 1986 (including the proposed regulations published at 78 Fed. Reg. 71535 (November 29, 2013)); and

(2) the standard and definitions as in effect on January 1, 2010, which are used to make such determinations shall apply after the date of the enactment of this Act for purposes of determining status under section 501(c)(4) of such Code of organizations created on, before, or after such date.

This title may be cited as the “Department of the Treasury Appropriations Act, 2016”.

TITLE II

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

THE WHITE HOUSE

SALARIES AND EXPENSES

For necessary expenses for the White House as authorized by law, including not to exceed \$3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, and travel (not to exceed \$100,000 to be expended and accounted for as provided by 3 U.S.C. 103); and not to exceed \$19,000 for official reception and representation expenses, to be available for allocation within the Executive Office of the President; and for necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, \$55,000,000.

Executive Office
of the President
Appropriations
Act, 2016.

EXECUTIVE RESIDENCE AT THE WHITE HOUSE

OPERATING EXPENSES

For necessary expenses of the Executive Residence at the White House, \$12,723,000, to be expended and accounted for as provided by 3 U.S.C. 105, 109, 110, and 112–114.

REIMBURSABLE EXPENSES

For the reimbursable expenses of the Executive Residence at the White House, such sums as may be necessary: *Provided*, That all reimbursable operating expenses of the Executive Residence shall be made in accordance with the provisions of this paragraph: *Provided further*, That, notwithstanding any other provision of law, such amount for reimbursable operating expenses shall be the exclusive authority of the Executive Residence to incur obligations and to receive offsetting collections, for such expenses: *Provided further*, That the Executive Residence shall require each person sponsoring a reimbursable political event to pay in advance an amount equal to the estimated cost of the event, and all such advance payments shall be credited to this account and remain available until expended: *Provided further*, That the Executive Residence shall require the national committee of the political party of the President to maintain on deposit \$25,000, to be separately accounted for and available for expenses relating to reimbursable political events sponsored by such committee during such fiscal year: *Provided further*, That the Executive Residence shall ensure that a written notice of any amount owed for a reimbursable operating expense under this paragraph is submitted to the person owing such amount within 60 days after such expense is incurred, and that such amount is collected within 30 days after the submission of such notice: *Provided further*, That the Executive Residence shall charge interest and assess penalties and other charges on any such amount that is not reimbursed within such 30 days, in accordance with the interest and penalty provisions applicable to an outstanding debt on a United States Government claim under 31 U.S.C. 3717: *Provided further*, That each such amount that is reimbursed, and any accompanying interest and charges, shall be deposited in the Treasury as miscellaneous receipts: *Provided further*, That the Executive Residence shall prepare and submit to the Committees on Appropriations, by not later than 90 days after the end of the fiscal year covered by this Act, a report setting forth the reimbursable operating expenses of the Executive Residence during the preceding fiscal year, including the total amount of such expenses, the amount of such total that consists of reimbursable official and ceremonial events, the amount of such total that consists of reimbursable political events, and the portion of each such amount that has been reimbursed as of the date of the report: *Provided further*, That the Executive Residence shall maintain a system for the tracking of expenses related to reimbursable events within the Executive Residence that includes a standard for the classification of any such expense as political or nonpolitical: *Provided further*, That no provision of this paragraph may be construed to exempt the Executive Residence from any other applicable requirement of subchapter I or II of chapter 37 of title 31, United States Code.

WHITE HOUSE REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Executive Residence at the White House pursuant to 3 U.S.C. 105(d), \$750,000, to remain available until expended, for required maintenance, resolution of safety and health issues, and continued preventative maintenance.

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

For necessary expenses of the Council of Economic Advisers in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021 et seq.), \$4,195,000.

NATIONAL SECURITY COUNCIL AND HOMELAND SECURITY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the National Security Council and the Homeland Security Council, including services as authorized by 5 U.S.C. 3109, \$12,800,000.

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Administration, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles, \$96,116,000, of which not to exceed \$7,994,000 shall remain available until expended for continued modernization of information resources within the Executive Office of the President.

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

For necessary expenses of the Office of Management and Budget, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, to carry out the provisions of chapter 35 of title 44, United States Code, and to prepare and submit the budget of the United States Government, in accordance with section 1105(a) of title 31, United States Code, \$95,000,000, of which not to exceed \$3,000 shall be available for official representation expenses: *Provided*, That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): *Provided further*, That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the Committees on Appropriations or their subcommittees: *Provided further*, That of the funds made available for the Office of Management and Budget by this Act, no less

than one full-time equivalent senior staff position shall be dedicated solely to the Office of the Intellectual Property Enforcement Coordinator: *Provided further*, That none of the funds provided in this or prior Acts shall be used, directly or indirectly, by the Office of Management and Budget, for evaluating or determining if water resource project or study reports submitted by the Chief of Engineers acting through the Secretary of the Army are in compliance with all applicable laws, regulations, and requirements relevant to the Civil Works water resource planning process: *Provided further*, That the Office of Management and Budget shall have not more than 60 days in which to perform budgetary policy reviews of water resource matters on which the Chief of Engineers has reported: *Provided further*, That the Director of the Office of Management and Budget shall notify the appropriate authorizing and appropriating committees when the 60-day review is initiated: *Provided further*, That if water resource reports have not been transmitted to the appropriate authorizing and appropriating committees within 15 days after the end of the Office of Management and Budget review period based on the notification from the Director, Congress shall assume Office of Management and Budget concurrence with the report and act accordingly.

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

For necessary expenses of the Office of National Drug Control Policy; for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 2006 (Public Law 109–469); not to exceed \$10,000 for official reception and representation expenses; and for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations or agencies, with or without reimbursement, \$20,047,000: *Provided*, That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, public and private, without fiscal year limitation, for the purpose of aiding or facilitating the work of the Office.

21 USC 1702
note.

FEDERAL DRUG CONTROL PROGRAMS

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas Program, \$250,000,000, to remain available until September 30, 2017, for drug control activities consistent with the approved strategy for each of the designated High Intensity Drug Trafficking Areas ("HIDTAs"), of which not less than 51 percent shall be transferred to State and local entities for drug control activities and shall be obligated not later than 120 days after enactment of this Act: *Provided*, That up to 49 percent may be transferred to Federal agencies and departments in amounts determined by the Director of the Office of National Drug Control Policy, of which up to \$2,700,000 may be used for auditing services and associated activities: *Provided further*, That, notwithstanding the requirements of Public Law 106–58, any unexpended funds obligated prior to fiscal

year 2014 may be used for any other approved activities of that HIDTA, subject to reprogramming requirements: *Provided further*, That each HIDTA designated as of September 30, 2015, shall be funded at not less than the fiscal year 2015 base level, unless the Director submits to the Committees on Appropriations of the House of Representatives and the Senate justification for changes to those levels based on clearly articulated priorities and published Office of National Drug Control Policy performance measures of effectiveness: *Provided further*, That the Director shall notify the Committees on Appropriations of the initial allocation of fiscal year 2016 funding among HDTAs not later than 45 days after enactment of this Act, and shall notify the Committees of planned uses of discretionary HIDTA funding, as determined in consultation with the HIDTA Directors, not later than 90 days after enactment of this Act: *Provided further*, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein and upon notification to the Committees on Appropriations of the House of Representatives and the Senate, such amounts may be transferred back to this appropriation.

OTHER FEDERAL DRUG CONTROL PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For other drug control activities authorized by the Office of National Drug Control Policy Reauthorization Act of 2006 (Public Law 109–469), \$109,810,000, to remain available until expended, which shall be available as follows: \$95,000,000 for the Drug-Free Communities Program, of which \$2,000,000 shall be made available as directed by section 4 of Public Law 107–82, as amended by Public Law 109–469 (21 U.S.C. 1521 note); \$2,000,000 for drug court training and technical assistance; \$9,500,000 for anti-doping activities; \$2,060,000 for the United States membership dues to the World Anti-Doping Agency; and \$1,250,000 shall be made available as directed by section 1105 of Public Law 109–469: *Provided*, That amounts made available under this heading may be transferred to other Federal departments and agencies to carry out such activities.

UNANTICIPATED NEEDS

For expenses necessary to enable the President to meet unanticipated needs, in furtherance of the national interest, security, or defense which may arise at home or abroad during the current fiscal year, as authorized by 3 U.S.C. 108, \$800,000, to remain available until September 30, 2017.

INFORMATION TECHNOLOGY OVERSIGHT AND REFORM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the furtherance of integrated, efficient, secure, and effective uses of information technology in the Federal Government, \$30,000,000, to remain available until expended: *Provided*, That the Director of the Office of Management and Budget may transfer these funds to one or more other agencies to carry out projects to meet these purposes.

SPECIAL ASSISTANCE TO THE PRESIDENT

SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions; services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles, \$4,228,000.

OFFICIAL RESIDENCE OF THE VICE PRESIDENT

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For the care, operation, refurbishing, improvement, and to the extent not otherwise provided for, heating and lighting, including electric power and fixtures, of the official residence of the Vice President; the hire of passenger motor vehicles; and not to exceed \$90,000 pursuant to 3 U.S.C. 106(b)(2), \$299,000: *Provided*, That advances, repayments, or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

ADMINISTRATIVE PROVISIONS—EXECUTIVE OFFICE OF THE
PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

(INCLUDING TRANSFER OF FUNDS)

SEC. 201. From funds made available in this Act under the headings “The White House”, “Executive Residence at the White House”, “White House Repair and Restoration”, “Council of Economic Advisers”, “National Security Council and Homeland Security Council”, “Office of Administration”, “Special Assistance to the President”, and “Official Residence of the Vice President”, the Director of the Office of Management and Budget (or such other officer as the President may designate in writing), may, with advance approval of the Committees on Appropriations of the House of Representatives and the Senate, transfer not to exceed 10 percent of any such appropriation to any other such appropriation, to be merged with and available for the same time and for the same purposes as the appropriation to which transferred: *Provided*, That the amount of an appropriation shall not be increased by more than 50 percent by such transfers: *Provided further*, That no amount shall be transferred from “Special Assistance to the President” or “Official Residence of the Vice President” without the approval of the Vice President.

SEC. 202. Within 90 days after the date of enactment of this section, the Director of the Office of Management and Budget shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate on the costs of implementing the Dodd-Frank Wall Street Reform and Consumer Protection Act (Public Law 111–203). Such report shall include—

(1) the estimated mandatory and discretionary obligations of funds through fiscal year 2018, by Federal agency and by fiscal year, including—

(A) the estimated obligations by cost inputs such as rent, information technology, contracts, and personnel;

(B) the methodology and data sources used to calculate such estimated obligations; and

(C) the specific section of such Act that requires the obligation of funds; and

(2) the estimated receipts through fiscal year 2018 from assessments, user fees, and other fees by the Federal agency making the collections, by fiscal year, including—

(A) the methodology and data sources used to calculate such estimated collections; and

(B) the specific section of such Act that authorizes the collection of funds.

SEC. 203. (a) During fiscal year 2016, any Executive order or Presidential memorandum issued by the President shall be accompanied by a written statement from the Director of the Office of Management and Budget on the budgetary impact, including costs, benefits, and revenues, of such order or memorandum.

(b) Any such statement shall include—

(1) a narrative summary of the budgetary impact of such order or memorandum on the Federal Government;

(2) the impact on mandatory and discretionary obligations and outlays as the result of such order or memorandum, listed by Federal agency, for each year in the 5-fiscal year period beginning in fiscal year 2016; and

(3) the impact on revenues of the Federal Government as the result of such order or memorandum over the 5-fiscal-year period beginning in fiscal year 2016.

(c) If an Executive order or Presidential memorandum is issued during fiscal year 2016 due to a national emergency, the Director of the Office of Management and Budget may issue the statement required by subsection (a) not later than 15 days after the date that such order or memorandum is issued.

(d) The requirement for cost estimates for Presidential memoranda shall only apply for Presidential memoranda estimated to have a regulatory cost in excess of \$100,000,000.

This title may be cited as the “Executive Office of the President Appropriations Act, 2016”.

TITLE III

THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed \$10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve, \$75,838,000, of which \$2,000,000 shall remain available until expended.

In addition, there are appropriated such sums as may be necessary under current law for the salaries of the chief justice and associate justices of the court.

Judiciary
Appropriations
Act, 2016.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon the Architect by 40 U.S.C. 6111 and 6112, \$9,964,000, to remain available until expended.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For salaries of officers and employees, and for necessary expenses of the court, as authorized by law, \$30,872,000.

In addition, there are appropriated such sums as may be necessary under current law for the salaries of the chief judge and judges of the court.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For salaries of officers and employees of the court, services, and necessary expenses of the court, as authorized by law, \$18,160,000.

In addition, there are appropriated such sums as may be necessary under current law for the salaries of the chief judge and judges of the court.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For the salaries of judges of the United States Court of Federal Claims, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, necessary expenses of the courts, and the purchase, rental, repair, and cleaning of uniforms for Probation and Pretrial Services Office staff, as authorized by law, \$4,918,969,000 (including the purchase of firearms and ammunition); of which not to exceed \$27,817,000 shall remain available until expended for space alteration projects and for furniture and furnishings related to new space alteration and construction projects.

In addition, there are appropriated such sums as may be necessary under current law for the salaries of circuit and district judges (including judges of the territorial courts of the United States), bankruptcy judges, and justices and judges retired from office or from regular active service.

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986 (Public Law 99–660), not to exceed \$6,050,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

DEFENDER SERVICES

For the operation of Federal Defender organizations; the compensation and reimbursement of expenses of attorneys appointed

to represent persons under 18 U.S.C. 3006A and 3599, and for the compensation and reimbursement of expenses of persons furnishing investigative, expert, and other services for such representations as authorized by law; the compensation (in accordance with the maximums under 18 U.S.C. 3006A) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel; the compensation and reimbursement of expenses of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d)(1); the compensation and reimbursement of expenses of attorneys appointed under 18 U.S.C. 983(b)(1) in connection with certain judicial civil forfeiture proceedings; the compensation and reimbursement of travel expenses of guardians ad litem appointed under 18 U.S.C. 4100(b); and for necessary training and general administrative expenses, \$1,004,949,000, to remain available until expended.

FEEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71.1(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71.1(h)), \$44,199,000, to remain available until expended: *Provided*, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under 5 U.S.C. 5332.

COURT SECURITY

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses, not otherwise provided for, incident to the provision of protective guard services for United States courthouses and other facilities housing Federal court operations, and the procurement, installation, and maintenance of security systems and equipment for United States courthouses and other facilities housing Federal court operations, including building ingress-egress control, inspection of mail and packages, directed security patrols, perimeter security, basic security services provided by the Federal Protective Service, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100–702), \$538,196,000, of which not to exceed \$15,000,000 shall remain available until expended, to be expended directly or transferred to the United States Marshals Service, which shall be responsible for administering the Judicial Facility Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle

as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, \$85,665,000, of which not to exceed \$8,500 is authorized for official reception and representation expenses.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90–219, \$27,719,000; of which \$1,800,000 shall remain available through September 30, 2017, to provide education and training to Federal court personnel; and of which not to exceed \$1,500 is authorized for official reception and representation expenses.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, \$17,570,000, of which not to exceed \$1,000 is authorized for official reception and representation expenses.

ADMINISTRATIVE PROVISIONS—THE JUDICIARY

(INCLUDING TRANSFER OF FUNDS)

SEC. 301. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 302. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but no such appropriation, except “Courts of Appeals, District Courts, and Other Judicial Services, Defender Services” and “Courts of Appeals, District Courts, and Other Judicial Services, Fees of Jurors and Commissioners”, shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under sections 604 and 608 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in section 608.

SEC. 303. Notwithstanding any other provision of law, the salaries and expenses appropriation for “Courts of Appeals, District Courts, and Other Judicial Services” shall be available for official reception and representation expenses of the Judicial Conference of the United States: *Provided*, That such available funds shall not exceed \$11,000 and shall be administered by the Director of the Administrative Office of the United States Courts in the capacity as Secretary of the Judicial Conference.

SEC. 304. Section 3314(a) of title 40, United States Code, shall be applied by substituting “Federal” for “executive” each place it appears.

SEC. 305. In accordance with 28 U.S.C. 561–569, and notwithstanding any other provision of law, the United States Marshals Service shall provide, for such courthouses as its Director may

designate in consultation with the Director of the Administrative Office of the United States Courts, for purposes of a pilot program, the security services that 40 U.S.C. 1315 authorizes the Department of Homeland Security to provide, except for the services specified in 40 U.S.C. 1315(b)(2)(E). For building-specific security services at these courthouses, the Director of the Administrative Office of the United States Courts shall reimburse the United States Marshals Service rather than the Department of Homeland Security.

SEC. 306. (a) Section 203(c) of the Judicial Improvements Act of 1990 (Public Law 101–650; 28 U.S.C. 133 note), is amended in the second sentence (relating to the District of Kansas) following paragraph (12), by striking “24 years and 6 months” and inserting “25 years and 6 months”.

(b) Section 406 of the Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006 (Public Law 109–115; 119 Stat. 2470; 28 U.S.C. 133 note) is amended in the second sentence (relating to the eastern District of Missouri) by striking “22 years and 6 months” and inserting “23 years and 6 months”.

(c) Section 312(c)(2) of the 21st Century Department of Justice Appropriations Authorization Act (Public Law 107–273; 28 U.S.C. 133 note), is amended—

(1) in the first sentence by striking “13 years” and inserting “14 years”;

(2) in the second sentence (relating to the central District of California), by striking “12 years and 6 months” and inserting “13 years and 6 months”; and

(3) in the third sentence (relating to the western district of North Carolina), by striking “11 years” and inserting “12 years”.

SEC. 307. Section 3602(a) of title 18, United States Code, is amended—

(1) by inserting after the first sentence: “A person appointed as a probation officer in one district may serve in another district with the consent of the appointing court and the court in the other district.”; and

(2) by inserting in the last sentence “appointing” before “court may, for cause”.

This title may be cited as the “Judiciary Appropriations Act, 2016”.

TITLE IV

DISTRICT OF COLUMBIA

FEDERAL FUNDS

FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

For a Federal payment to the District of Columbia, to be deposited into a dedicated account, for a nationwide program to be administered by the Mayor, for District of Columbia resident tuition support, \$40,000,000, to remain available until expended: *Provided*, That such funds, including any interest accrued thereon, may be used on behalf of eligible District of Columbia residents to pay an amount based upon the difference between in-State and out-of-State tuition at public institutions of higher education, or

District of
Columbia
Appropriations
Act, 2016.

to pay up to \$2,500 each year at eligible private institutions of higher education: *Provided further*, That the awarding of such funds may be prioritized on the basis of a resident's academic merit, the income and need of eligible students and such other factors as may be authorized: *Provided further*, That the District of Columbia government shall maintain a dedicated account for the Resident Tuition Support Program that shall consist of the Federal funds appropriated to the Program in this Act and any subsequent appropriations, any unobligated balances from prior fiscal years, and any interest earned in this or any fiscal year: *Provided further*, That the account shall be under the control of the District of Columbia Chief Financial Officer, who shall use those funds solely for the purposes of carrying out the Resident Tuition Support Program: *Provided further*, That the Office of the Chief Financial Officer shall provide a quarterly financial report to the Committees on Appropriations of the House of Representatives and the Senate for these funds showing, by object class, the expenditures made and the purpose therefor.

FEDERAL PAYMENT FOR EMERGENCY PLANNING AND SECURITY COSTS
IN THE DISTRICT OF COLUMBIA

For a Federal payment of necessary expenses, as determined by the Mayor of the District of Columbia in written consultation with the elected county or city officials of surrounding jurisdictions, \$13,000,000, to remain available until expended, for the costs of providing public safety at events related to the presence of the National Capital in the District of Columbia, including support requested by the Director of the United States Secret Service in carrying out protective duties under the direction of the Secretary of Homeland Security, and for the costs of providing support to respond to immediate and specific terrorist threats or attacks in the District of Columbia or surrounding jurisdictions.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

For salaries and expenses for the District of Columbia Courts, \$274,401,000 to be allocated as follows: for the District of Columbia Court of Appeals, \$14,192,000, of which not to exceed \$2,500 is for official reception and representation expenses; for the Superior Court of the District of Columbia, \$123,638,000, of which not to exceed \$2,500 is for official reception and representation expenses; for the District of Columbia Court System, \$73,981,000, of which not to exceed \$2,500 is for official reception and representation expenses; and \$62,590,000, to remain available until September 30, 2017, for capital improvements for District of Columbia courthouse facilities: *Provided*, That funds made available for capital improvements shall be expended consistent with the District of Columbia Courts master plan study and facilities condition assessment: *Provided further*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: *Provided further*, That 30 days after providing written notice to the Committees on Appropriations of the House of Representatives and the Senate, the District of Columbia Courts may reallocate not more than \$6,000,000 of the funds provided under this heading among the

items and entities funded under this heading: *Provided further*, That the Joint Committee on Judicial Administration in the District of Columbia may, by regulation, establish a program substantially similar to the program set forth in subchapter II of chapter 35 of title 5, United States Code, for employees of the District of Columbia Courts.

FEDERAL PAYMENT FOR DEFENDER SERVICES IN DISTRICT OF
COLUMBIA COURTS

For payments authorized under section 11–2604 and section 11–2605, D.C. Official Code (relating to representation provided under the District of Columbia Criminal Justice Act), payments for counsel appointed in proceedings in the Family Court of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Official Code, or pursuant to contractual agreements to provide guardian ad litem representation, training, technical assistance, and such other services as are necessary to improve the quality of guardian ad litem representation, payments for counsel appointed in adoption proceedings under chapter 3 of title 16, D.C. Official Code, and payments authorized under section 21–2060, D.C. Official Code (relating to services provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986), \$49,890,000, to remain available until expended: *Provided*, That funds provided under this heading shall be administered by the Joint Committee on Judicial Administration in the District of Columbia: *Provided further*, That, notwithstanding any other provision of law, this appropriation shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for expenses of other Federal agencies.

FEDERAL PAYMENT TO THE COURT SERVICES AND OFFENDER
SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA

For salaries and expenses, including the transfer and hire of motor vehicles, of the Court Services and Offender Supervision Agency for the District of Columbia, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, \$244,763,000, of which not to exceed \$2,000 is for official reception and representation expenses related to Community Supervision and Pretrial Services Agency programs, of which not to exceed \$25,000 is for dues and assessments relating to the implementation of the Court Services and Offender Supervision Agency Interstate Supervision Act of 2002; of which \$182,406,000 shall be for necessary expenses of Community Supervision and Sex Offender Registration, to include expenses relating to the supervision of adults subject to protection orders or the provision of services for or related to such persons, of which up to \$3,159,000 shall remain available until September 30, 2018, for the relocation of offender supervision field offices; and of which \$62,357,000 shall be available to the Pretrial Services Agency: *Provided*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: *Provided further*, That amounts under this heading may be used

for programmatic incentives for offenders and defendants successfully meeting terms of supervision: *Provided further*, That the Director is authorized to accept and use gifts in the form of in-kind contributions of the following: space and hospitality to support offender and defendant programs; equipment, supplies, clothing, and professional development and vocational training services and items necessary to sustain, educate, and train offenders and defendants, including their dependent children; and programmatic incentives for offenders and defendants meeting terms of supervision: *Provided further*, That the Director shall keep accurate and detailed records of the acceptance and use of any gift under the previous proviso, and shall make such records available for audit and public inspection: *Provided further*, That the Court Services and Offender Supervision Agency Director is authorized to accept and use reimbursement from the District of Columbia Government for space and services provided on a cost reimbursable basis.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA PUBLIC DEFENDER
SERVICE

For salaries and expenses, including the transfer and hire of motor vehicles, of the District of Columbia Public Defender Service, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, \$40,889,000: *Provided*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of Federal agencies: *Provided further*, That, notwithstanding section 1342 of title 31, United States Code, and in addition to the authority provided by the District of Columbia Code Section 2–1607(b), upon approval of the Board of Trustees, the District of Columbia Public Defender Service may accept and use voluntary and uncompensated services for the purpose of aiding or facilitating the work of the District of Columbia Public Defender Service: *Provided further*, That, notwithstanding District of Columbia Code section 2–1603(d), for the purpose of any action brought against the Board of the Trustees of the District of Columbia Public Defender Service at any time during fiscal year 2016 or any previous fiscal year, the trustees shall be deemed to be employees of the Public Defender Service.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA WATER AND
SEWER AUTHORITY

For a Federal payment to the District of Columbia Water and Sewer Authority, \$14,000,000, to remain available until expended, to continue implementation of the Combined Sewer Overflow Long-Term Plan: *Provided*, That the District of Columbia Water and Sewer Authority provides a 100 percent match for this payment.

FEDERAL PAYMENT TO THE CRIMINAL JUSTICE COORDINATING
COUNCIL

For a Federal payment to the Criminal Justice Coordinating Council, \$1,900,000, to remain available until expended, to support initiatives related to the coordination of Federal and local criminal justice resources in the District of Columbia.

FEDERAL PAYMENT FOR JUDICIAL COMMISSIONS

For a Federal payment, to remain available until September 30, 2017, to the Commission on Judicial Disabilities and Tenure, \$295,000, and for the Judicial Nomination Commission, \$270,000.

FEDERAL PAYMENT FOR SCHOOL IMPROVEMENT

For a Federal payment for a school improvement program in the District of Columbia, \$45,000,000, to remain available until expended, for payments authorized under the Scholarship for Opportunity and Results Act (division C of Public Law 112–10): *Provided*, That, to the extent that funds are available for opportunity scholarships and following the priorities included in section 3006 of such Act, the Secretary of Education shall make scholarships available to students eligible under section 3013(3) of such Act (Public Law 112–10; 125 Stat. 211) including students who were not offered a scholarship during any previous school year: *Provided further*, That within funds provided for opportunity scholarships \$3,200,000 shall be for the activities specified in sections 3007(b) through 3007(d) and 3009 of the Act.

FEDERAL PAYMENT FOR THE DISTRICT OF COLUMBIA NATIONAL GUARD

For a Federal payment to the District of Columbia National Guard, \$435,000, to remain available until expended for the Major General David F. Wherley, Jr. District of Columbia National Guard Retention and College Access Program.

FEDERAL PAYMENT FOR TESTING AND TREATMENT OF HIV/AIDS

For a Federal payment to the District of Columbia for the testing of individuals for, and the treatment of individuals with, human immunodeficiency virus and acquired immunodeficiency syndrome in the District of Columbia, \$5,000,000.

DISTRICT OF COLUMBIA FUNDS

Local funds are appropriated for the District of Columbia for the current fiscal year out of the General Fund of the District of Columbia (“General Fund”) for programs and activities set forth under the heading “District of Columbia Funds Summary of Expenses” and at the rate set forth under such heading, as included in the Fiscal Year 2016 Budget Request Act of 2015 submitted to the Congress by the District of Columbia as amended as of the date of enactment of this Act: *Provided*, That notwithstanding any other provision of law, except as provided in section 450A of the District of Columbia Home Rule Act (section 1–204.50a, D.C. Official Code), sections 816 and 817 of the Financial Services and General Government Appropriations Act, 2009 (secs. 47–369.01 and 47–369.02, D.C. Official Code), and provisions of this Act, the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 2016 under this heading shall not exceed the estimates included in the Fiscal Year 2016 Budget Request Act of 2015 submitted to Congress by the District of Columbia as amended as of the date of enactment of this Act or the sum of the total revenues of the District of Columbia for such fiscal year: *Provided further*, That the amount appropriated

may be increased by proceeds of one-time transactions, which are expended for emergency or unanticipated operating or capital needs: *Provided further*, That such increases shall be approved by enactment of local District law and shall comply with all reserve requirements contained in the District of Columbia Home Rule Act: *Provided further*, That the Chief Financial Officer of the District of Columbia shall take such steps as are necessary to assure that the District of Columbia meets these requirements, including the apportioning by the Chief Financial Officer of the appropriations and funds made available to the District during fiscal year 2016, except that the Chief Financial Officer may not reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

This title may be cited as the “District of Columbia Appropriations Act, 2016”.

TITLE V

INDEPENDENT AGENCIES

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

SALARIES AND EXPENSES

For necessary expenses of the Administrative Conference of the United States, authorized by 5 U.S.C. 591 et seq., \$3,100,000, to remain available until September 30, 2017, of which not to exceed \$1,000 is for official reception and representation expenses.

CONSUMER PRODUCT SAFETY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Consumer Product Safety Commission, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable under 5 U.S.C. 5376, purchase of nominal awards to recognize non-Federal officials’ contributions to Commission activities, and not to exceed \$4,000 for official reception and representation expenses, \$125,000,000, of which not less than \$1,000,000 shall remain available until September 30, 2017, to reduce the costs of third party testing associated with certification of children’s products under section 14 of the Consumer Product Safety Act (15 U.S.C. 2063).

ELECTION ASSISTANCE COMMISSION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the Help America Vote Act of 2002 (Public Law 107–252), \$9,600,000, of which \$1,500,000 shall be transferred to the National Institute of Standards and Technology for election reform activities authorized under the Help America Vote Act of 2002.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901–5902; not to exceed \$4,000 for official reception and representation expenses; purchase and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109, \$339,844,000, to remain available until expended: *Provided*, That in addition, \$44,168,497 shall be made available until expended for necessary expenses associated with moving to a new facility or reconfiguring the existing space to significantly reduce space consumption: *Provided further*, That \$384,012,497 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the Communications Act of 1934, shall be retained and used for necessary expenses and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 2016 so as to result in a final fiscal year 2016 appropriation estimated at \$0: *Provided further*, That any offsetting collections received in excess of \$384,012,497 in fiscal year 2016 shall not be available for obligation: *Provided further*, That remaining offsetting collections from prior years collected in excess of the amount specified for collection in each such year and otherwise becoming available on October 1, 2015, shall not be available for obligation: *Provided further*, That, notwithstanding 47 U.S.C. 309(j)(8)(B), proceeds from the use of a competitive bidding system that may be retained and made available for obligation shall not exceed \$117,000,000 for fiscal year 2016: *Provided further*, That, of the amount appropriated under this heading, not less than \$11,600,000 shall be for the salaries and expenses of the Office of Inspector General.

ADMINISTRATIVE PROVISIONS—FEDERAL COMMUNICATIONS
COMMISSION

SEC. 501. Section 302 of the Universal Service Antideficiency Temporary Suspension Act is amended by striking “December 31, 2016”, each place it appears and inserting “December 31, 2017”.

SEC. 502. None of the funds appropriated by this Act may be used by the Federal Communications Commission to modify, amend, or change its rules or regulations for universal service support payments to implement the February 27, 2004 recommendations of the Federal-State Joint Board on Universal Service regarding single connection or primary line restrictions on universal service support payments.

FEDERAL DEPOSIT INSURANCE CORPORATION

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$34,568,000, to be derived from the Deposit Insurance Fund or, only when appropriate, the FSLIC Resolution Fund.

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, \$76,119,000, of which \$5,000,000 shall remain available until September 30, 2017, for lease expiration and replacement lease expenses; and of which not to exceed \$5,000 shall be available for reception and representation expenses.

FEDERAL LABOR RELATIONS AUTHORITY

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services authorized by 5 U.S.C. 3109, and including hire of experts and consultants, hire of passenger motor vehicles, and including official reception and representation expenses (not to exceed \$1,500) and rental of conference rooms in the District of Columbia and elsewhere, \$26,200,000: *Provided*, That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109: *Provided further*, That, notwithstanding 31 U.S.C. 3302, funds received from fees charged to non-Federal participants at labor-management relations conferences shall be credited to and merged with this account, to be available without further appropriation for the costs of carrying out these conferences.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed \$2,000 for official reception and representation expenses, \$306,900,000, to remain available until expended: *Provided*, That not to exceed \$300,000 shall be available for use to contract with a person or persons for collection services in accordance with the terms of 31 U.S.C. 3718: *Provided further*, That, notwithstanding any other provision of law, not to exceed \$124,000,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection, shall be retained and used for necessary expenses in this appropriation: *Provided further*, That, notwithstanding any other provision of law, not to exceed \$14,000,000 in offsetting collections derived from fees sufficient to implement and enforce the Telemarketing Sales Rule, promulgated under the Telemarketing and Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6101 et seq.), shall be credited to this account, and be retained and used for necessary expenses in this appropriation:

Provided further, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2016, so as to result in a final fiscal year 2016 appropriation from the general fund estimated at not more than \$168,900,000: *Provided further*, That none of the funds made available to the Federal Trade Commission may be used to implement subsection (e)(2)(B) of section 43 of the Federal Deposit Insurance Act (12 U.S.C. 1831t).

GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

(INCLUDING TRANSFERS OF FUNDS)

Amounts in the Fund, including revenues and collections deposited into the Fund, shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation, and transfer of space; contractual services incident to cleaning or servicing buildings, and moving; repair and alteration of federally owned buildings, including grounds, approaches, and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; acquisition of options to purchase buildings and sites; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, and any other obligations for public buildings acquired by installment purchase and purchase contract; in the aggregate amount of \$10,196,124,000, of which—

(1) \$1,607,738,000 shall remain available until expended for construction and acquisition (including funds for sites and expenses, and associated design and construction services) as follows:

(A) \$341,000,000 shall be for the DHS Consolidation at St. Elizabeths;

(B) \$105,600,000 shall be for the Alexandria Bay, New York, Land Port of Entry;

(C) \$85,645,000 shall be for the Columbus, New Mexico, Land Port of Entry;

(D) \$947,760,000 shall be for new construction projects of the Federal Judiciary as prioritized in the “Federal Judiciary Courthouse Project Priorities” plan approved by the Judicial Conference of the United States on September 17, 2015, and submitted to the House and Senate Committees on Appropriations on September 28, 2015;

(E) \$52,733,000 shall be for new construction and acquisition projects that are joint United States courthouses and Federal buildings, including U.S. Post Offices, on the “FY2015–FY2019 Five-Year Capital Investment Plan” submitted by the General Services Administration to the House and Senate Committees on Appropriations with the agency’s fiscal year 2016 Congressional Justification; and

(F) \$75,000,000 shall be for construction management and oversight activities, and other project support costs, for the FBI Headquarters Consolidation:

Provided, That each of the foregoing limits of costs on new construction and acquisition projects may be exceeded to the extent that savings are effected in other such projects, but not to exceed 10 percent of the amounts included in a transmitted prospectus, if required, unless advance approval is obtained from the Committees on Appropriations of a greater amount;

(2) \$735,331,000 shall remain available until expended for repairs and alterations, including associated design and construction services, of which—

(A) \$310,331,000 is for Major Repairs and Alterations;

(B) \$300,000,000 is for Basic Repairs and Alterations;

and

(C) \$125,000,000 is for Special Emphasis Programs, of which—

(i) \$20,000,000 is for Fire and Life Safety;

(ii) \$20,000,000 is for Judiciary Capital Security;

(iii) \$10,000,000 is for Energy and Water Retrofit and Conservation Measures; and

(iv) \$75,000,000 is for Consolidation Activities: *Provided*, That consolidation projects result in reduced annual rent paid by the tenant agency: *Provided further*, That no consolidation project exceed \$20,000,000 in costs: *Provided further*, That consolidation projects are approved by each of the committees specified in section 3307(a) of title 40, United States Code: *Provided further*, That preference is given to consolidation projects that achieve a utilization rate of 130 usable square feet or less per person for office space: *Provided further*, That the obligation of funds under this paragraph for consolidation activities may not be made until 10 days after a proposed spending plan and explanation for each project to be undertaken, including estimated savings, has been submitted to the Committees on Appropriations of the House of Representatives and the Senate:

Provided, That funds made available in this or any previous Act in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount identified for each project, except each project in this or any previous Act may be increased by an amount not to exceed 10 percent unless advance approval is obtained from the Committees on Appropriations of a greater amount: *Provided further*, That additional projects for which prospectuses have been fully approved may be funded under this category only if advance approval is obtained from the Committees on Appropriations:

Provided further, That the amounts provided in this or any prior Act for “Repairs and Alterations” may be used to fund costs associated with implementing security improvements to buildings necessary to meet the minimum standards for security in accordance with current law and in compliance with the reprogramming guidelines of the appropriate Committees of the House and Senate: *Provided further*, That the difference between the funds appropriated and expended on any projects in this or any prior Act, under the heading “Repairs and Alterations”, may be transferred to Basic Repairs and Alterations or used to fund authorized increases in prospectus projects: *Provided further*, That the amount provided in this or any prior Act for Basic Repairs and Alterations may be used to pay claims against the Government arising from any projects under the heading “Repairs and Alterations” or used to fund authorized increases in prospectus projects;

(3) \$5,579,055,000 for rental of space to remain available until expended; and

(4) \$2,274,000,000 for building operations to remain available until expended, of which \$1,137,000,000 is for building services, and \$1,137,000,000 is for salaries and expenses: *Provided further*, That not to exceed 5 percent of any appropriation made available under this paragraph for building operations may be transferred between and merged with such appropriations upon notification to the Committees on Appropriations of the House of Representatives and the Senate, but no such appropriation shall be increased by more than 5 percent by any such transfers: *Provided further*, That section 508 of this title shall not apply with respect to funds made available under this heading for building operations: *Provided further*, That the total amount of funds made available from this Fund to the General Services Administration shall not be available for expenses of any construction, repair, alteration and acquisition project for which a prospectus, if required by 40 U.S.C. 3307(a), has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus: *Provided further*, That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations: *Provided further*, That amounts necessary to provide reimbursable special services to other agencies under 40 U.S.C. 592(b)(2) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, shall be available from such revenues and collections: *Provided further*, That revenues and collections and any other sums accruing to this Fund during fiscal year 2016, excluding reimbursements under 40 U.S.C. 592(b)(2), in excess of the aggregate new obligational authority authorized for Real Property Activities of the Federal Buildings Fund in this Act shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

GENERAL ACTIVITIES

GOVERNMENT-WIDE POLICY

For expenses authorized by law, not otherwise provided for, for Government-wide policy and evaluation activities associated with the management of real and personal property assets and certain administrative services; Government-wide policy support responsibilities relating to acquisition, travel, motor vehicles, information technology management, and related technology activities; and services as authorized by 5 U.S.C. 3109; \$58,000,000.

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For expenses authorized by law, not otherwise provided for, for Government-wide activities associated with utilization and donation of surplus personal property; disposal of real property; agency-wide policy direction, management, and communications; the Civilian Board of Contract Appeals; and services as authorized by 5 U.S.C. 3109; \$58,560,000, of which \$25,979,000 is for Real and Personal Property Management and Disposal; \$23,397,000 is for the Office of the Administrator, of which not to exceed \$7,500 is for official reception and representation expenses; and \$9,184,000 is for the Civilian Board of Contract Appeals: *Provided*, That not to exceed 5 percent of the appropriation made available under this heading for Office of the Administrator may be transferred to the appropriation for the Real and Personal Property Management and Disposal upon notification to the Committees on Appropriations of the House of Representatives and the Senate, but the appropriation for the Real and Personal Property Management and Disposal may not be increased by more than 5 percent by any such transfer.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General and service authorized by 5 U.S.C. 3109, \$65,000,000, of which \$2,000,000 is available until expended: *Provided*, That not to exceed \$50,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property: *Provided further*, That not to exceed \$2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of efforts and initiatives resulting in enhanced Office of Inspector General effectiveness.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

For carrying out the provisions of the Act of August 25, 1958 (3 U.S.C. 102 note), and Public Law 95–138, \$3,277,000.

PRE-ELECTION PRESIDENTIAL TRANSITION

(INCLUDING TRANSFER OF FUNDS)

For activities authorized by the Pre-Election Presidential Transition Act of 2010 (Public Law 111–283), not to exceed

\$13,278,000, to remain available until September 30, 2017: *Provided*, That such amounts may be transferred and credited to “Acquisition Services Fund” or “Federal Buildings Fund” to reimburse obligations incurred for the purposes provided herein in fiscal year 2015 and 2016: *Provided further*, That amounts made available under this heading shall be in addition to any other amounts available for such purposes.

FEDERAL CITIZEN SERVICES FUND

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of Citizen Services and Innovative Technologies, including services authorized by 40 U.S.C. 323 and 44 U.S.C. 3604; and for necessary expenses in support of interagency projects that enable the Federal Government to enhance its ability to conduct activities electronically, through the development and implementation of innovative uses of information technology; \$55,894,000, to be deposited into the Federal Citizen Services Fund: *Provided*, That the previous amount may be transferred to Federal agencies to carry out the purpose of the Federal Citizen Services Fund: *Provided further*, That the appropriations, revenues, reimbursements, and collections deposited into the Fund shall be available until expended for necessary expenses of Federal Citizen Services and other activities that enable the Federal Government to enhance its ability to conduct activities electronically in the aggregate amount not to exceed \$90,000,000: *Provided further*, That appropriations, revenues, reimbursements, and collections accruing to this Fund during fiscal year 2016 in excess of such amount shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts: *Provided further*, That any appropriations provided to the Electronic Government Fund that remain unobligated may be transferred to the Federal Citizen Services Fund: *Provided further*, That the transfer authorities provided herein shall be in addition to any other transfer authority provided in this Act.

ADMINISTRATIVE PROVISIONS—GENERAL SERVICES ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

SEC. 510. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

SEC. 511. Funds in the Federal Buildings Fund made available for fiscal year 2016 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary to meet program requirements: *Provided*, That any proposed transfers shall be approved in advance by the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 512. Except as otherwise provided in this title, funds made available by this Act shall be used to transmit a fiscal year 2017 request for United States Courthouse construction only if the request: (1) meets the design guide standards for construction as established and approved by the General Services Administration, the Judicial Conference of the United States, and the Office of Management and Budget; (2) reflects the priorities of the Judicial Conference of the United States as set out in its approved 5-year construction plan; and (3) includes a standardized courtroom

utilization study of each facility to be constructed, replaced, or expanded.

SEC. 513. None of the funds provided in this Act may be used to increase the amount of occupiable square feet, provide cleaning services, security enhancements, or any other service usually provided through the Federal Buildings Fund, to any agency that does not pay the rate per square foot assessment for space and services as determined by the General Services Administration in consideration of the Public Buildings Amendments Act of 1972 (Public Law 92–313).

SEC. 514. From funds made available under the heading Federal Buildings Fund, Limitations on Availability of Revenue, claims against the Government of less than \$250,000 arising from direct construction projects and acquisition of buildings may be liquidated from savings effected in other construction projects with prior notification to the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 515. In any case in which the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate adopt a resolution granting lease authority pursuant to a prospectus transmitted to Congress by the Administrator of the General Services Administration under 40 U.S.C. 3307, the Administrator shall ensure that the delineated area of procurement is identical to the delineated area included in the prospectus for all lease agreements, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to each of such committees and the Committees on Appropriations of the House of Representatives and the Senate prior to exercising any lease authority provided in the resolution.

SEC. 516. With respect to each project funded under the heading “Major Repairs and Alterations” or “Judiciary Capital Security Program”, and with respect to E-Government projects funded under the heading “Federal Citizen Services Fund”, the Administrator of General Services shall submit a spending plan and explanation for each project to be undertaken to the Committees on Appropriations of the House of Representatives and the Senate not later than 60 days after the date of enactment of this Act.

SEC. 517. With respect to each project funded under the heading of “new construction projects of the Federal Judiciary”, the General Services Administration, in consultation with the Administrative Office of the United States Courts, shall submit a spending plan and description for each project to be undertaken to the Committees on Appropriations of the House of Representatives and the Senate not later than 120 days after the date of enactment of this Act.

SEC. 518. With respect to each project funded under the heading of “joint United States courthouses and Federal buildings, including U.S. Post Offices”, the General Services Administration shall submit a spending plan and explanation for the projects to be undertaken to the Committees on Appropriations of the House of Representatives and the Senate not later than 60 days after the date of enactment of this Act.

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

SALARIES AND EXPENSES

For payment to the Harry S Truman Scholarship Foundation Trust Fund, established by section 10 of Public Law 93–642, \$1,000,000, to remain available until expended.

MERIT SYSTEMS PROTECTION BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978, and the Whistleblower Protection Act of 1989 (5 U.S.C. 5509 note), including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, direct procurement of survey printing, and not to exceed \$2,000 for official reception and representation expenses, \$44,490,000, to remain available until September 30, 2017, and in addition not to exceed \$2,345,000, to remain available until September 30, 2017, for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

MORRIS K. UDALL AND STEWART L. UDALL FOUNDATION

MORRIS K. UDALL AND STEWART L. UDALL TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

For payment to the Morris K. Udall and Stewart L. Udall Trust Fund, pursuant to the Morris K. Udall and Stewart L. Udall Foundation Act (20 U.S.C. 5601 et seq.), \$1,995,000, to remain available until expended, of which, notwithstanding sections 8 and 9 of such Act: (1) up to \$50,000 shall be used to conduct financial audits pursuant to the Accountability of Tax Dollars Act of 2002 (Public Law 107–289); and (2) up to \$1,000,000 shall be available to carry out the activities authorized by section 6(7) of Public Law 102–259 and section 817(a) of Public Law 106–568 (20 U.S.C. 5604(7)): *Provided*, That of the total amount made available under this heading \$200,000 shall be transferred to the Office of Inspector General of the Department of the Interior, to remain available until expended, for audits and investigations of the Morris K. Udall and Stewart L. Udall Foundation, consistent with the Inspector General Act of 1978 (5 U.S.C. App.).

ENVIRONMENTAL DISPUTE RESOLUTION FUND

For payment to the Environmental Dispute Resolution Fund to carry out activities authorized in the Environmental Policy and Conflict Resolution Act of 1998, \$3,400,000, to remain available until expended.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

For necessary expenses in connection with the administration of the National Archives and Records Administration and archived Federal records and related activities, as provided by law, and for expenses necessary for the review and declassification of documents, the activities of the Public Interest Declassification Board, the operations and maintenance of the electronic records archives, the hire of passenger motor vehicles, and for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning, \$372,393,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Reform Act of 2008, Public Law 110–409, 122 Stat. 4302–16 (2008), and the Inspector General Act of 1978 (5 U.S.C. App.), and for the hire of passenger motor vehicles, \$4,180,000.

REPAIRS AND RESTORATION

For the repair, alteration, and improvement of archives facilities, and to provide adequate storage for holdings, \$7,500,000, to remain available until expended: *Provided*, That from amounts made available under this heading in Public Laws 111–8 and 111–117 for necessary expenses related to the repair and renovation of the Franklin D. Roosevelt Presidential Library and Museum in Hyde Park, New York, the remaining unobligated balances shall be available to implement the National Archives and Records Administration Capital Improvement Plan.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

GRANTS PROGRAM

For necessary expenses for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, \$5,000,000, to remain available until expended.

NATIONAL CREDIT UNION ADMINISTRATION

COMMUNITY DEVELOPMENT REVOLVING LOAN FUND

For the Community Development Revolving Loan Fund program as authorized by 42 U.S.C. 9812, 9822 and 9910, \$2,000,000 shall be available until September 30, 2017, for technical assistance to low-income designated credit unions.

OFFICE OF GOVERNMENT ETHICS

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978, the Ethics Reform Act of 1989, and the Stop Trading on Congressional Knowledge Act of 2012, including services as

authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and not to exceed \$1,500 for official reception and representation expenses, \$15,742,000.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management (OPM) pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109; medical examinations performed for veterans by private physicians on a fee basis; rental of conference rooms in the District of Columbia and elsewhere; hire of passenger motor vehicles; not to exceed \$2,500 for official reception and representation expenses; advances for reimbursements to applicable funds of OPM and the Federal Bureau of Investigation for expenses incurred under Executive Order No. 10422 of January 9, 1953, as amended; and payment of per diem and/or subsistence allowances to employees where Voting Rights Act activities require an employee to remain overnight at his or her post of duty, \$120,688,000, of which \$2,500,000 shall remain available until expended for Federal investigations enhancements, and of which \$616,000 may be for strengthening the capacity and capabilities of the acquisition workforce (as defined by the Office of Federal Procurement Policy Act, as amended (41 U.S.C. 4001 et seq.)), including the recruitment, hiring, training, and retention of such workforce and information technology in support of acquisition workforce effectiveness or for management solutions to improve acquisition management; and in addition \$124,550,000 for administrative expenses, to be transferred from the appropriate trust funds of OPM without regard to other statutes, including direct procurement of printed materials, for the retirement and insurance programs: *Provided*, That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by sections 8348(a)(1)(B), 8958(f)(2)(A), 8988(f)(2)(A), and 9004(f)(2)(A) of title 5, United States Code: *Provided further*, That no part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of OPM established pursuant to Executive Order No. 9358 of July 1, 1943, or any successor unit of like purpose: *Provided further*, That the President's Commission on White House Fellows, established by Executive Order No. 11183 of October 3, 1964, may, during fiscal year 2016, accept donations of money, property, and personal services: *Provided further*, That such donations, including those from prior years, may be used for the development of publicity materials to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles, \$4,365,000, and in addition, not to exceed \$22,479,000 for administrative expenses to audit, investigate, and provide other oversight of the Office of Personnel Management's retirement and insurance programs, to be transferred from the appropriate trust funds of the Office of Personnel Management, as determined by the Inspector General: *Provided*, That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere.

OFFICE OF SPECIAL COUNSEL

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Special Counsel pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978 (Public Law 95–454), the Whistleblower Protection Act of 1989 (Public Law 101–12) as amended by Public Law 107–304, the Whistleblower Protection Enhancement Act of 2012 (Public Law 112–199), and the Uniformed Services Employment and Reemployment Rights Act of 1994 (Public Law 103–353), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles; \$24,119,000.

POSTAL REGULATORY COMMISSION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Postal Regulatory Commission in carrying out the provisions of the Postal Accountability and Enhancement Act (Public Law 109–435), \$15,200,000, to be derived by transfer from the Postal Service Fund and expended as authorized by section 603(a) of such Act.

PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

SALARIES AND EXPENSES

For necessary expenses of the Privacy and Civil Liberties Oversight Board, as authorized by section 1061 of the Intelligence Reform and Terrorism Prevention Act of 2004 (42 U.S.C. 2000ee), \$21,297,000, to remain available until September 30, 2017.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed \$3,500 for official reception and representation expenses, \$1,605,000,000, to remain available until expended; of which not less than \$11,315,971 shall be for the Office of Inspector General; of which not to exceed \$75,000 shall be available for a permanent secretariat for the International Organization of Securities Commissions; of which not to exceed \$100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations and staffs to exchange views concerning securities matters, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance including: (1) incidental expenses such as meals; (2) travel and transportation; and (3) related lodging or subsistence; and of which not less than \$68,223,000 shall be for the Division of Economic and Risk Analysis: *Provided*, That fees and charges authorized by section 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78ee) shall be credited to this account as offsetting collections: *Provided further*, That not to exceed \$1,605,000,000 of such offsetting collections shall be available until expended for necessary expenses of this account: *Provided further*, That the total amount appropriated under this heading from the general fund for fiscal year 2016 shall be reduced as such offsetting fees are received so as to result in a final total fiscal year 2016 appropriation from the general fund estimated at not more than \$0.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by 5 U.S.C. 4101–4118 for civilian employees; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; and not to exceed \$750 for official reception and representation expenses; \$22,703,000: *Provided*, That during the current fiscal year, the President may exempt this appropriation from the provisions of 31 U.S.C. 1341, whenever the President deems such action to be necessary in the interest of national defense: *Provided further*, That none of the funds appropriated by this Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration, including hire of passenger motor vehicles as authorized by sections 1343 and 1344 of title 31, United States

Code, and not to exceed \$3,500 for official reception and representation expenses, \$268,000,000, of which not less than \$12,000,000 shall be available for examinations, reviews, and other lender oversight activities: *Provided*, That the Administrator is authorized to charge fees to cover the cost of publications developed by the Small Business Administration, and certain loan program activities, including fees authorized by section 5(b) of the Small Business Act: *Provided further*, That, notwithstanding 31 U.S.C. 3302, revenues received from all such activities shall be credited to this account, to remain available until expended, for carrying out these purposes without further appropriations: *Provided further*, That the Small Business Administration may accept gifts in an amount not to exceed \$4,000,000 and may co-sponsor activities, each in accordance with section 132(a) of division K of Public Law 108–447, during fiscal year 2016: *Provided further*, That \$6,100,000 shall be available for the Loan Modernization and Accounting System, to be available until September 30, 2017: *Provided further*, That \$3,000,000 shall be for the Federal and State Technology Partnership Program under section 34 of the Small Business Act (15 U.S.C. 657d).

ENTREPRENEURIAL DEVELOPMENT PROGRAMS

For necessary expenses of programs supporting entrepreneurial and small business development, \$231,100,000, to remain available until September 30, 2017: *Provided*, That \$117,000,000 shall be available to fund grants for performance in fiscal year 2016 or fiscal year 2017 as authorized by section 21 of the Small Business Act: *Provided further*, That \$25,000,000 shall be for marketing, management, and technical assistance under section 7(m) of the Small Business Act (15 U.S.C. 636(m)(4)) by intermediaries that make microloans under the microloan program: *Provided further*, That \$18,000,000 shall be available for grants to States to carry out export programs that assist small business concerns authorized under section 1207 of Public Law 111–240.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$19,900,000.

OFFICE OF ADVOCACY

For necessary expenses of the Office of Advocacy in carrying out the provisions of title II of Public Law 94–305 (15 U.S.C. 634a et seq.) and the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 et seq.), \$9,120,000, to remain available until expended.

BUSINESS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, \$3,338,172, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That subject to section 502 of the Congressional Budget Act of 1974, during

fiscal year 2016 commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958 shall not exceed \$7,500,000,000: *Provided further*, That during fiscal year 2016 commitments for general business loans authorized under section 7(a) of the Small Business Act shall not exceed \$26,500,000,000 for a combination of amortizing term loans and the aggregated maximum line of credit provided by revolving loans: *Provided further*, That during fiscal year 2016 commitments for loans authorized under subparagraph (C) of section 502(7) of The Small Business Investment Act of 1958 (15 U.S.C. 696(7)) shall not exceed \$7,500,000,000: *Provided further*, That during fiscal year 2016 commitments to guarantee loans for debentures under section 303(b) of the Small Business Investment Act of 1958 shall not exceed \$4,000,000,000: *Provided further*, That during fiscal year 2016, guarantees of trust certificates authorized by section 5(g) of the Small Business Act shall not exceed a principal amount of \$12,000,000,000. In addition, for administrative expenses to carry out the direct and guaranteed loan programs, \$152,725,828, which may be transferred to and merged with the appropriations for Salaries and Expenses.

DISASTER LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the direct loan program authorized by section 7(b) of the Small Business Act, \$186,858,000, to be available until expended, of which \$1,000,000 is for the Office of Inspector General of the Small Business Administration for audits and reviews of disaster loans and the disaster loan programs and shall be transferred to and merged with the appropriations for the Office of Inspector General; of which \$176,858,000 is for direct administrative expenses of loan making and servicing to carry out the direct loan program, which may be transferred to and merged with the appropriations for Salaries and Expenses; and of which \$9,000,000 is for indirect administrative expenses for the direct loan program, which may be transferred to and merged with the appropriations for Salaries and Expenses.

ADMINISTRATIVE PROVISIONS—SMALL BUSINESS ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

SEC. 520. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Small Business Administration in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 608 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 521. (a) Subparagraph (C) of section 502(7) of the Small Business Investment Act of 1958 (15 U.S.C. 696(7)), as in effect on September 25, 2012, shall be in effect in any fiscal year during which the cost to the Federal Government of making guarantees under such subparagraph (C) and section 503 of the Small Business Investment Act of 1958 (15 U.S.C. 697) is zero, except that—

15 USC 696 note.

(1) subclause (I)(bb) and subclause (II) of clause (iv) of such subparagraph (C) shall not be in effect;

(2) unless, upon application by a development company and after determining that the refinance loan is needed for good cause, the Administrator of the Small Business Administration waives this paragraph, a development company shall limit its financings under section 502 of the Small Business Investment Act of 1958 (15 U.S.C. 696) so that, during any fiscal year, new financings under such subparagraph (C) shall not exceed 50 percent of the dollars loaned under title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.) during the previous fiscal year; and

(3) clause (iv)(I)(aa) of such subparagraph (C) shall be applied by substituting “job creation and retention” for “job creation”.

(b) Section 303(b)(2)(B) of the Small Business Investment Act of 1958 (15 U.S.C. 683(b)(2)(B)) is amended by striking “\$225,000,000” and inserting “\$350,000,000”.

UNITED STATES POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsections (c) and (d) of section 2401 of title 39, United States Code, \$55,075,000: *Provided*, That mail for overseas voting and mail for the blind shall continue to be free: *Provided further*, That 6-day delivery and rural delivery of mail shall continue at not less than the 1983 level: *Provided further*, That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: *Provided further*, That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$248,600,000, to be derived by transfer from the Postal Service Fund and expended as authorized by section 603(b)(3) of the Postal Accountability and Enhancement Act (Public Law 109–435).

UNITED STATES TAX COURT

SALARIES AND EXPENSES

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109, \$51,300,000: *Provided*,

That travel expenses of the judges shall be paid upon the written certificate of the judge.

TITLE VI

GENERAL PROVISIONS—THIS ACT

(INCLUDING RESCISSION)

SEC. 601. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 602. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 603. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 604. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 605. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would prohibit the enforcement of section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

SEC. 606. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with chapter 83 of title 41, United States Code.

SEC. 607. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating chapter 83 of title 41, United States Code.

SEC. 608. Except as otherwise provided in this Act, none of the funds provided in this Act, provided by previous appropriations Acts to the agencies or entities funded in this Act that remain available for obligation or expenditure in fiscal year 2016, or provided from any accounts in the Treasury derived by the collection of fees and available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program; (2) eliminates a program, project, or activity; (3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by the Congress; (4) proposes to use funds directed for a specific activity by the Committee on Appropriations of either the House of Representatives or the Senate for a different purpose; (5) augments existing programs, projects, or activities in excess of

\$5,000,000 or 10 percent, whichever is less; (6) reduces existing programs, projects, or activities by \$5,000,000 or 10 percent, whichever is less; or (7) creates or reorganizes offices, programs, or activities unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That prior to any significant reorganization or restructuring of offices, programs, or activities, each agency or entity funded in this Act shall consult with the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That not later than 60 days after the date of enactment of this Act, each agency funded by this Act shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: *Provided further*, That at a minimum the report shall include: (1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level; (2) a delineation in the table for each appropriation both by object class and program, project, and activity as detailed in the budget appendix for the respective appropriation; and (3) an identification of items of special congressional interest: *Provided further*, That the amount appropriated or limited for salaries and expenses for an agency shall be reduced by \$100,000 per day for each day after the required date that the report has not been submitted to the Congress.

SEC. 609. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2016 from appropriations made available for salaries and expenses for fiscal year 2016 in this Act, shall remain available through September 30, 2017, for each such account for the purposes authorized: *Provided*, That a request shall be submitted to the Committees on Appropriations of the House of Representatives and the Senate for approval prior to the expenditure of such funds: *Provided further*, That these requests shall be made in compliance with reprogramming guidelines.

SEC. 610. (a) None of the funds made available in this Act may be used by the Executive Office of the President to request—

(1) any official background investigation report on any individual from the Federal Bureau of Investigation; or

(2) a determination with respect to the treatment of an organization as described in section 501(c) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code from the Department of the Treasury or the Internal Revenue Service.

(b) Subsection (a) shall not apply—

(1) in the case of an official background investigation report, if such individual has given express written consent for such request not more than 6 months prior to the date of such request and during the same presidential administration; or

(2) if such request is required due to extraordinary circumstances involving national security.

SEC. 611. The cost accounting standards promulgated under chapter 15 of title 41, United States Code shall not apply with respect to a contract under the Federal Employees Health Benefits Program established under chapter 89 of title 5, United States Code.

SEC. 612. For the purpose of resolving litigation and implementing any settlement agreements regarding the nonforeign area cost-of-living allowance program, the Office of Personnel Management may accept and utilize (without regard to any restriction on unanticipated travel expenses imposed in an Appropriations Act) funds made available to the Office of Personnel Management pursuant to court approval.

SEC. 613. No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal employees health benefits program which provides any benefits or coverage for abortions.

SEC. 614. The provision of section 613 shall not apply where the life of the mother would be endangered if the fetus were carried to term, or the pregnancy is the result of an act of rape or incest.

SEC. 615. In order to promote Government access to commercial information technology, the restriction on purchasing nondomestic articles, materials, and supplies set forth in chapter 83 of title 41, United States Code (popularly known as the Buy American Act), shall not apply to the acquisition by the Federal Government of information technology (as defined in section 11101 of title 40, United States Code), that is a commercial item (as defined in section 103 of title 41, United States Code).

SEC. 616. Notwithstanding section 1353 of title 31, United States Code, no officer or employee of any regulatory agency or commission funded by this Act may accept on behalf of that agency, nor may such agency or commission accept, payment or reimbursement from a non-Federal entity for travel, subsistence, or related expenses for the purpose of enabling an officer or employee to attend and participate in any meeting or similar function relating to the official duties of the officer or employee when the entity offering payment or reimbursement is a person or entity subject to regulation by such agency or commission, or represents a person or entity subject to regulation by such agency or commission, unless the person or entity is an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code.

SEC. 617. Notwithstanding section 708 of this Act, funds made available to the Commodity Futures Trading Commission and the Securities and Exchange Commission by this or any other Act may be used for the interagency funding and sponsorship of a joint advisory committee to advise on emerging regulatory issues.

SEC. 618. (a)(1) Notwithstanding any other provision of law, an Executive agency covered by this Act otherwise authorized to enter into contracts for either leases or the construction or alteration of real property for office, meeting, storage, or other space must consult with the General Services Administration before issuing a solicitation for offers of new leases or construction contracts, and in the case of succeeding leases, before entering into negotiations with the current lessor.

(2) Any such agency with authority to enter into an emergency lease may do so during any period declared by the President to require emergency leasing authority with respect to such agency.

(b) For purposes of this section, the term “Executive agency covered by this Act” means any Executive agency provided funds by this Act, but does not include the General Services Administration or the United States Postal Service.

SEC. 619. (a) There are appropriated for the following activities the amounts required under current law:

(1) Compensation of the President (3 U.S.C. 102).

(2) Payments to—

(A) the Judicial Officers' Retirement Fund (28 U.S.C. 377(o));

(B) the Judicial Survivors' Annuities Fund (28 U.S.C. 376(c)); and

(C) the United States Court of Federal Claims Judges' Retirement Fund (28 U.S.C. 178(l)).

(3) Payment of Government contributions—

(A) with respect to the health benefits of retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849); and

(B) with respect to the life insurance benefits for employees retiring after December 31, 1989 (5 U.S.C. ch. 87).

(4) Payment to finance the unfunded liability of new and increased annuity benefits under the Civil Service Retirement and Disability Fund (5 U.S.C. 8348).

(5) Payment of annuities authorized to be paid from the Civil Service Retirement and Disability Fund by statutory provisions other than subchapter III of chapter 83 or chapter 84 of title 5, United States Code.

(b) Nothing in this section may be construed to exempt any amount appropriated by this section from any otherwise applicable limitation on the use of funds contained in this Act.

SEC. 620. The Public Company Accounting Oversight Board (Board) shall have authority to obligate funds for the scholarship program established by section 109(c)(2) of the Sarbanes-Oxley Act of 2002 (Public Law 107–204) in an aggregate amount not exceeding the amount of funds collected by the Board as of December 31, 2015, including accrued interest, as a result of the assessment of monetary penalties. Funds available for obligation in fiscal year 2016 shall remain available until expended.

SEC. 621. None of the funds made available in this Act may be used by the Federal Trade Commission to complete the draft report entitled “Interagency Working Group on Food Marketed to Children: Preliminary Proposed Nutrition Principles to Guide Industry Self-Regulatory Efforts” unless the Interagency Working Group on Food Marketed to Children complies with Executive Order No. 13563.

SEC. 622. None of the funds made available by this Act may be used to pay the salaries and expenses for the following positions:

(1) Director, White House Office of Health Reform.

(2) Assistant to the President for Energy and Climate Change.

(3) Senior Advisor to the Secretary of the Treasury assigned to the Presidential Task Force on the Auto Industry and Senior Counselor for Manufacturing Policy.

(4) White House Director of Urban Affairs.

SEC. 623. None of the funds in this Act may be used for the Director of the Office of Personnel Management to award a contract, enter an extension of, or exercise an option on a contract to a contractor conducting the final quality review processes for

background investigation fieldwork services or background investigation support services that, as of the date of the award of the contract, are being conducted by that contractor.

SEC. 624. (a) The head of each executive branch agency funded by this Act shall ensure that the Chief Information Officer of the agency has the authority to participate in decisions regarding the budget planning process related to information technology.

(b) Amounts appropriated for any executive branch agency funded by this Act that are available for information technology shall be allocated within the agency, consistent with the provisions of appropriations Acts and budget guidelines and recommendations from the Director of the Office of Management and Budget, in such manner as specified by, or approved by, the Chief Information Officer of the agency in consultation with the Chief Financial Officer of the agency and budget officials.

SEC. 625. None of the funds made available in this Act may be used in contravention of chapter 29, 31, or 33 of title 44, United States Code.

SEC. 626. From the unobligated balances available in the Securities and Exchange Commission Reserve Fund established by section 991 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Public Law 111–203), \$25,000,000 are rescinded.

SEC. 627. None of the funds made available in this Act may be used by a governmental entity to require the disclosure by a provider of electronic communication service to the public or remote computing service of the contents of a wire or electronic communication that is in electronic storage with the provider (as such terms are defined in sections 2510 and 2711 of title 18, United States Code) in a manner that violates the Fourth Amendment to the Constitution of the United States.

SEC. 628. Beginning on the date of enactment of this Act, in the current fiscal year and continuing through September 30, 2025, the Further Notice of Proposed Rulemaking and Report and Order adopted by the Federal Communications Commission on March 31, 2014 (FCC 14–28), and the amendments to the rules of the Commission adopted in such Further Notice of Proposed Rulemaking and Report and Order, shall not apply to a joint sales agreement (as defined in Note 2(k) to section 73.3555 of title 47, Code of Federal Regulations) that was in effect on March 31, 2014, and a rule of the Commission amended by such an amendment shall apply to such agreement as such rule was in effect on the day before the effective date of such amendment. A party to a joint sales agreement that was in effect on March 31, 2014, shall not be considered to be in violation of the ownership limitations of section 73.3555 of title 47, Code of Federal Regulations, by reason of the application of the rule in Note 2(k)(2), as so amended, to the joint sales agreement.

SEC. 629. During fiscal year 2016, none of the amounts made available by this Act may be used to finalize or implement the Safety Standard for Recreational Off-Highway Vehicles published by the Consumer Product Safety Commission in the Federal Register on November 19, 2014 (79 Fed. Reg. 68964) until after—

(1) the National Academy of Sciences, in consultation with the National Highway Traffic Safety Administration and the Department of Defense, completes a study to determine—

(A) the technical validity of the lateral stability and vehicle handling requirements proposed by such standard

for purposes of reducing the risk of Recreational Off-Highway Vehicle (referred to in this section as “ROV”) rollovers in the off-road environment, including the repeatability and reproducibility of testing for compliance with such requirements;

(B) the number of ROV rollovers that would be prevented if the proposed requirements were adopted;

(C) whether there is a technical basis for the proposal to provide information on a point-of-sale hangtag about a ROV’s rollover resistance on a progressive scale; and

(D) the effect on the utility of ROVs used by the United States military if the proposed requirements were adopted; and

(2) a report containing the results of the study completed under paragraph (1) is delivered to—

(A) the Committee on Commerce, Science, and Transportation of the Senate;

(B) the Committee on Energy and Commerce of the House of Representatives;

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

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

SEC. 630. Notwithstanding any other provision of law, not to exceed \$2,266,085 of unobligated balances from “Election Assistance Commission, Election Reform Programs” shall be available to record a disbursement previously incurred under that heading in fiscal year 2014 against a 2008 cancelled account.

SEC. 631. None of the funds appropriated by this Act may be used by the Federal Communications Commission to modify, amend, or change the rules or regulations of the Commission for universal service high-cost support for competitive eligible telecommunications carriers in a way that is inconsistent with paragraph (e)(5) or (e)(6) of section 54.307 of title 47, Code of Federal Regulations, as in effect on July 15, 2015: *Provided*, That this section shall not prohibit the Commission from considering, developing, or adopting other support mechanisms as an alternative to Mobility Fund Phase II.

SEC. 632. (a) The Office of Personnel Management shall provide to each affected individual as defined in subsection (b) complimentary identity protection coverage that—

(1) is not less comprehensive than the complimentary identity protection coverage that the Office provided to affected individuals before the date of enactment of this Act;

(2) is effective for a period of not less than 10 years; and

(3) includes not less than \$5,000,000 in identity theft insurance.

(b) DEFINITION.—In this section, the term “affected individual” means any individual whose Social Security Number was compromised during—

(1) the data breach of personnel records of current and former Federal employees, at a network maintained by the Department of the Interior, that was announced by the Office of Personnel Management on June 4, 2015; or

(2) the data breach of systems of the Office of Personnel Management containing information related to the background

investigations of current, former, and prospective Federal employees, and of other individuals.

SEC. 633. Sections 1101(a) and 1104(a)(2)(A) of the Internet Tax Freedom Act (title XI of division C of Public Law 105–277; 47 U.S.C. 151 note) shall be applied by substituting “October 1, 2016” for “October 1, 2015”. 47 USC 151 note.

SEC. 634. (a) DEFINITIONS.—In this section:

(1) BANKING INSTITUTION.—The term “banking institution” means an insured depository institution, Federal credit union, State credit union, bank holding company, or savings and loan holding company.

(2) BASEL III CAPITAL REQUIREMENTS.—The term “Basel III capital requirements” means the Global Regulatory Framework for More Resilient Banks and Banking Systems issued by the Basel Committee on Banking Supervision on December 16, 2010, as revised on June 1, 2011.

(3) FEDERAL BANKING AGENCIES.—The term “Federal banking agencies” means the Board of Governors of the Federal Reserve System, the Office of the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the National Credit Union Administration.

(4) MORTGAGE SERVICING ASSETS.—The term “mortgage servicing assets” means those assets that result from contracts to service loans secured by real estate, where such loans are owned by third parties.

(5) NCUA CAPITAL REQUIREMENTS.—The term “NCUA capital requirements” means the final rule of the National Credit Union Administration entitled “Risk-Based Capital” (80 Fed. Reg. 66625 (October 29, 2015)).

(6) OTHER DEFINITIONS.—

(A) BANKING DEFINITIONS.—The terms “bank holding company”, “insured depository institution”, and “savings and loan holding company” have the meanings given those terms in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813).

(B) CREDIT UNION DEFINITIONS.—The terms “Federal credit union” and “State credit union” have the meanings given those terms in section 101 of the Federal Credit Union Act (12 U.S.C. 1752).

(b) STUDY OF THE APPROPRIATE CAPITAL FOR MORTGAGE SERVICING ASSETS.—

(1) IN GENERAL.—The Federal banking agencies shall jointly conduct a study of the appropriate capital requirements for mortgage servicing assets for banking institutions.

(2) ISSUES TO BE STUDIED.—The study required under paragraph (1) shall include, with a specific focus on banking institutions—

(A) the risk to banking institutions of holding mortgage servicing assets;

(B) the history of the market for mortgage servicing assets, including in particular the market for those assets in the period of the financial crisis;

(C) the ability of banking institutions to establish a value for mortgage servicing assets of the institution through periodic sales or other means;

(D) regulatory approaches to mortgage servicing assets and capital requirements that may be used to address

concerns about the value of and ability to sell mortgage servicing assets;

(E) the impact of imposing the Basel III capital requirements and the NCUA capital requirements on banking institutions on the ability of those institutions—

(i) to compete in the mortgage servicing business, including the need for economies of scale to compete in that business; and

(ii) to provide service to consumers to whom the institutions have made mortgage loans;

(F) an analysis of what the mortgage servicing marketplace would look like if the Basel III capital requirements and the NCUA capital requirements on mortgage servicing assets—

(i) were fully implemented; and

(ii) applied to both banking institutions and non-depository residential mortgage loan servicers;

(G) the significance of problems with mortgage servicing assets, if any, in banking institution failures and problem banking institutions, including specifically identifying failed banking institutions where mortgage servicing assets contributed to the failure; and

(H) an analysis of the relevance of the Basel III capital requirements and the NCUA capital requirements on mortgage servicing assets to the banking systems of other significantly developed countries.

(3) REPORT TO CONGRESS.—Not later than 180 days after the date of enactment of this title, the Federal banking agencies shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report containing—

(A) the results of the study required under paragraph (1);

(B) any analysis on the specific issue of mortgage servicing assets undertaken by the Federal banking agencies before finalizing regulations implementing the Basel III capital requirements and the NCUA capital requirements; and

(C) any recommendations for legislative or regulatory actions that would address concerns about the value of and ability to sell and the ability of banking institutions to hold mortgage servicing assets.

SEC. 635. In addition to amounts otherwise provided in this Act for “National Archives and Records Administration, Operating Expenses”, there is appropriated \$7,000,000, to remain available until expended, for the repair, alteration, and improvement of an additional leased facility to provide adequate storage for holdings of the House of Representatives and the Senate.

TITLE VII

GENERAL PROVISIONS—GOVERNMENT-WIDE

DEPARTMENTS, AGENCIES, AND CORPORATIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 701. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 2016 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act (21 U.S.C. 802)) by the officers and employees of such department, agency, or instrumentality.

SEC. 702. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with subsection 1343(c) of title 31, United States Code, for the purchase of any passenger motor vehicle (exclusive of buses, ambulances, law enforcement vehicles, protective vehicles, and undercover surveillance vehicles), is hereby fixed at \$19,947 except station wagons for which the maximum shall be \$19,997: *Provided*, That these limits may be exceeded by not to exceed \$7,250 for police-type vehicles: *Provided further*, That the limits set forth in this section may not be exceeded by more than 5 percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: *Provided further*, That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101–549 over the cost of comparable conventionally fueled vehicles: *Provided further*, That the limits set forth in this section shall not apply to any vehicle that is a commercial item and which operates on alternative fuel, including but not limited to electric, plug-in hybrid electric, and hydrogen fuel cell vehicles.

31 USC 1343
note.

SEC. 703. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel, or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922–5924.

SEC. 704. Unless otherwise specified in law during the current fiscal year, no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person: (1) is a citizen of the United States; (2) is a person who is lawfully admitted for permanent residence and is seeking citizenship as outlined in 8 U.S.C. 1324b(a)(3)(B); (3) is a person who is admitted as a refugee under 8 U.S.C. 1157 or is granted asylum under 8 U.S.C. 1158 and has filed a declaration of intention to become a lawful permanent resident and then a citizen when eligible; or (4) is a person

5 USC 3101 note.

who owes allegiance to the United States: *Provided*, That for purposes of this section, affidavits signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status are being complied with: *Provided further*, That for purposes of subsections (2) and (3) such affidavits shall be submitted prior to employment and updated thereafter as necessary: *Provided further*, That any person making a false affidavit shall be guilty of a felony, and upon conviction, shall be fined no more than \$4,000 or imprisoned for not more than 1 year, or both: *Provided further*, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: *Provided further*, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government: *Provided further*, That this section shall not apply to any person who is an officer or employee of the Government of the United States on the date of enactment of this Act, or to international broadcasters employed by the Broadcasting Board of Governors, or to temporary employment of translators, or to temporary employment in the field service (not to exceed 60 days) as a result of emergencies: *Provided further*, That this section does not apply to the employment as Wildland firefighters for not more than 120 days of nonresident aliens employed by the Department of the Interior or the USDA Forest Service pursuant to an agreement with another country.

SEC. 705. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 479), the Public Buildings Amendments of 1972 (86 Stat. 216), or other applicable law.

SEC. 706. In addition to funds provided in this or any other Act, all Federal agencies are authorized to receive and use funds resulting from the sale of materials, including Federal records disposed of pursuant to a records schedule recovered through recycling or waste prevention programs. Such funds shall be available until expended for the following purposes:

(1) Acquisition, waste reduction and prevention, and recycling programs as described in Executive Order No. 13423 (January 24, 2007), including any such programs adopted prior to the effective date of the Executive order.

(2) Other Federal agency environmental management programs, including, but not limited to, the development and implementation of hazardous waste management and pollution prevention programs.

(3) Other employee programs as authorized by law or as deemed appropriate by the head of the Federal agency.

SEC. 707. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable

to the expenditure of such funds unless otherwise specified in the Act by which they are made available: *Provided*, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 708. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards (except Federal Executive Boards), commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

SEC. 709. None of the funds made available pursuant to the provisions of this or any other Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a joint resolution duly adopted in accordance with the applicable law of the United States.

SEC. 710. During the period in which the head of any department or agency, or any other officer or civilian employee of the Federal Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of \$5,000 to furnish or redecorate the office of such department head, agency head, officer, or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is transmitted to the Committees on Appropriations of the House of Representatives and the Senate. For the purposes of this section, the term “office” shall include the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual.

SEC. 711. Notwithstanding 31 U.S.C. 1346, or section 708 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order No. 13618 (July 6, 2012).

SEC. 712. (a) None of the funds made available by this or any other Act may be obligated or expended by any department, agency, or other instrumentality of the Federal Government to pay the salaries or expenses of any individual appointed to a position of a confidential or policy-determining character that is excepted from the competitive service under section 3302 of title 5, United States Code, (pursuant to schedule C of subpart C of part 213 of title 5 of the Code of Federal Regulations) unless the head of the applicable department, agency, or other instrumentality employing such schedule C individual certifies to the Director of the Office of Personnel Management that the schedule C position occupied by the individual was not created solely or primarily in order to detail the individual to the White House.

(b) The provisions of this section shall not apply to Federal employees or members of the armed forces detailed to or from an element of the intelligence community (as that term is defined under section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4))).

SEC. 713. No part of any appropriation contained in this or any other Act shall be available for the payment of the salary of any officer or employee of the Federal Government, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any other officer or employee of the Federal Government from having any direct oral or written communication or contact with any Member, committee, or subcommittee of the Congress in connection with any matter pertaining to the employment of such other officer or employee or pertaining to the department or agency of such other officer or employee in any way, irrespective of whether such communication or contact is at the initiative of such other officer or employee or in response to the request or inquiry of such Member, committee, or subcommittee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance or efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any other officer or employee of the Federal Government, or attempts or threatens to commit any of the foregoing actions with respect to such other officer or employee, by reason of any communication or contact of such other officer or employee with any Member, committee, or subcommittee of the Congress as described in paragraph (1).

SEC. 714. (a) None of the funds made available in this or any other Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or “new age” belief systems as defined in Equal Employment Opportunity Commission Notice N–915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants’ personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 715. No part of any funds appropriated in this or any other Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 716. None of the funds appropriated by this or any other Act may be used by an agency to provide a Federal employee’s home address to any labor organization except when the employee has authorized such disclosure or when such disclosure has been ordered by a court of competent jurisdiction.

SEC. 717. None of the funds made available in this or any other Act may be used to provide any non-public information such

as mailing, telephone or electronic mailing lists to any person or any organization outside of the Federal Government without the approval of the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 718. No part of any appropriation contained in this or any other Act shall be used directly or indirectly, including by private contractor, for publicity or propaganda purposes within the United States not heretofore authorized by Congress.

SEC. 719. (a) In this section, the term “agency”—

(1) means an Executive agency, as defined under 5 U.S.C. 105; and

(2) includes a military department, as defined under section 102 of such title, the Postal Service, and the Postal Regulatory Commission.

(b) Unless authorized in accordance with law or regulations to use such time for other purposes, an employee of an agency shall use official time in an honest effort to perform official duties. An employee not under a leave system, including a Presidential appointee exempted under 5 U.S.C. 6301(2), has an obligation to expend an honest effort and a reasonable proportion of such employee’s time in the performance of official duties.

SEC. 720. Notwithstanding 31 U.S.C. 1346 and section 708 of this Act, funds made available for the current fiscal year by this or any other Act to any department or agency, which is a member of the Federal Accounting Standards Advisory Board (FASAB), shall be available to finance an appropriate share of FASAB administrative costs.

SEC. 721. Notwithstanding 31 U.S.C. 1346 and section 708 of this Act, the head of each Executive department and agency is hereby authorized to transfer to or reimburse “General Services Administration, Government-wide Policy” with the approval of the Director of the Office of Management and Budget, funds made available for the current fiscal year by this or any other Act, including rebates from charge card and other contracts: *Provided*, That these funds shall be administered by the Administrator of General Services to support Government-wide and other multi-agency financial, information technology, procurement, and other management innovations, initiatives, and activities, including improving coordination and reducing duplication, as approved by the Director of the Office of Management and Budget, in consultation with the appropriate interagency and multi-agency groups designated by the Director (including the President’s Management Council for overall management improvement initiatives, the Chief Financial Officers Council for financial management initiatives, the Chief Information Officers Council for information technology initiatives, the Chief Human Capital Officers Council for human capital initiatives, the Chief Acquisition Officers Council for procurement initiatives, and the Performance Improvement Council for performance improvement initiatives): *Provided further*, That the total funds transferred or reimbursed shall not exceed \$15,000,000 to improve coordination, reduce duplication, and for other activities related to Federal Government Priority Goals established by 31 U.S.C. 1120, and not to exceed \$17,000,000 for Government-Wide innovations, initiatives, and activities: *Provided further*, That the funds transferred to or for reimbursement of “General Services Administration, Government-wide Policy” during fiscal year 2016 shall remain available for obligation through September 30, 2017:

Provided further, That such transfers or reimbursements may only be made after 15 days following notification of the Committees on Appropriations of the House of Representatives and the Senate by the Director of the Office of Management and Budget.

SEC. 722. Notwithstanding any other provision of law, a woman may breastfeed her child at any location in a Federal building or on Federal property, if the woman and her child are otherwise authorized to be present at the location.

SEC. 723. Notwithstanding 31 U.S.C. 1346, or section 708 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of specific projects, workshops, studies, and similar efforts to carry out the purposes of the National Science and Technology Council (authorized by Executive Order No. 12881), which benefit multiple Federal departments, agencies, or entities: *Provided*, That the Office of Management and Budget shall provide a report describing the budget of and resources connected with the National Science and Technology Council to the Committees on Appropriations, the House Committee on Science and Technology, and the Senate Committee on Commerce, Science, and Transportation 90 days after enactment of this Act.

SEC. 724. Any request for proposals, solicitation, grant application, form, notification, press release, or other publications involving the distribution of Federal funds shall comply with any relevant requirements in part 200 of title 2, Code of Federal Regulations: *Provided*, That this section shall apply to direct payments, formula funds, and grants received by a State receiving Federal funds.

SEC. 725. (a) PROHIBITION OF FEDERAL AGENCY MONITORING OF INDIVIDUALS' INTERNET USE.—None of the funds made available in this or any other Act may be used by any Federal agency—

(1) to collect, review, or create any aggregation of data, derived from any means, that includes any personally identifiable information relating to an individual's access to or use of any Federal Government Internet site of the agency; or

(2) to enter into any agreement with a third party (including another government agency) to collect, review, or obtain any aggregation of data, derived from any means, that includes any personally identifiable information relating to an individual's access to or use of any nongovernmental Internet site.

(b) EXCEPTIONS.—The limitations established in subsection (a) shall not apply to—

(1) any record of aggregate data that does not identify particular persons;

(2) any voluntary submission of personally identifiable information;

(3) any action taken for law enforcement, regulatory, or supervisory purposes, in accordance with applicable law; or

(4) any action described in subsection (a)(1) that is a system security action taken by the operator of an Internet site and is necessarily incident to providing the Internet site services or to protecting the rights or property of the provider of the Internet site.

(c) DEFINITIONS.—For the purposes of this section:

(1) The term “regulatory” means agency actions to implement, interpret or enforce authorities provided in law.

(2) The term “supervisory” means examinations of the agency’s supervised institutions, including assessing safety and soundness, overall financial condition, management practices and policies and compliance with applicable standards as provided in law.

SEC. 726. (a) None of the funds appropriated by this Act may be used to enter into or renew a contract which includes a provision providing prescription drug coverage, except where the contract also includes a provision for contraceptive coverage.

(b) Nothing in this section shall apply to a contract with—

(1) any of the following religious plans:

(A) Personal Care’s HMO; and

(B) OSF HealthPlans, Inc.; and

(2) any existing or future plan, if the carrier for the plan objects to such coverage on the basis of religious beliefs.

(c) In implementing this section, any plan that enters into or renews a contract under this section may not subject any individual to discrimination on the basis that the individual refuses to prescribe or otherwise provide for contraceptives because such activities would be contrary to the individual’s religious beliefs or moral convictions.

(d) Nothing in this section shall be construed to require coverage of abortion or abortion-related services.

SEC. 727. The United States is committed to ensuring the health of its Olympic, Pan American, and Paralympic athletes, and supports the strict adherence to anti-doping in sport through testing, adjudication, education, and research as performed by nationally recognized oversight authorities.

SEC. 728. Notwithstanding any other provision of law, funds appropriated for official travel to Federal departments and agencies may be used by such departments and agencies, if consistent with Office of Management and Budget Circular A–126 regarding official travel for Government personnel, to participate in the fractional aircraft ownership pilot program.

SEC. 729. Notwithstanding any other provision of law, none of the funds appropriated or made available under this or any other appropriations Act may be used to implement or enforce restrictions or limitations on the Coast Guard Congressional Fellowship Program, or to implement the proposed regulations of the Office of Personnel Management to add sections 300.311 through 300.316 to part 300 of title 5 of the Code of Federal Regulations, published in the Federal Register, volume 68, number 174, on September 9, 2003 (relating to the detail of executive branch employees to the legislative branch).

SEC. 730. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations of the House of Representatives and the Senate, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

SEC. 731. Unless otherwise authorized by existing law, none of the funds provided in this or any other Act may be used by an executive branch agency to produce any prepackaged news story

intended for broadcast or distribution in the United States, unless the story includes a clear notification within the text or audio of the prepackaged news story that the prepackaged news story was prepared or funded by that executive branch agency.

SEC. 732. None of the funds made available in this Act may be used in contravention of section 552a of title 5, United States Code (popularly known as the Privacy Act), and regulations implementing that section.

SEC. 733. (a) IN GENERAL.—None of the funds appropriated or otherwise made available by this or any other Act may be used for any Federal Government contract with any foreign incorporated entity which is treated as an inverted domestic corporation under section 835(b) of the Homeland Security Act of 2002 (6 U.S.C. 395(b)) or any subsidiary of such an entity.

(b) WAIVERS.—

(1) IN GENERAL.—Any Secretary shall waive subsection (a) with respect to any Federal Government contract under the authority of such Secretary if the Secretary determines that the waiver is required in the interest of national security.

(2) REPORT TO CONGRESS.—Any Secretary issuing a waiver under paragraph (1) shall report such issuance to Congress.

(c) EXCEPTION.—This section shall not apply to any Federal Government contract entered into before the date of the enactment of this Act, or to any task order issued pursuant to such contract.

SEC. 734. During fiscal year 2016, for each employee who—

(1) retires under section 8336(d)(2) or 8414(b)(1)(B) of title 5, United States Code; or

(2) retires under any other provision of subchapter III of chapter 83 or chapter 84 of such title 5 and receives a payment as an incentive to separate, the separating agency shall remit to the Civil Service Retirement and Disability Fund an amount equal to the Office of Personnel Management's average unit cost of processing a retirement claim for the preceding fiscal year. Such amounts shall be available until expended to the Office of Personnel Management and shall be deemed to be an administrative expense under section 8348(a)(1)(B) of title 5, United States Code.

SEC. 735. (a) None of the funds made available in this or any other Act may be used to recommend or require any entity submitting an offer for a Federal contract to disclose any of the following information as a condition of submitting the offer:

(1) Any payment consisting of a contribution, expenditure, independent expenditure, or disbursement for an electioneering communication that is made by the entity, its officers or directors, or any of its affiliates or subsidiaries to a candidate for election for Federal office or to a political committee, or that is otherwise made with respect to any election for Federal office.

(2) Any disbursement of funds (other than a payment described in paragraph (1)) made by the entity, its officers or directors, or any of its affiliates or subsidiaries to any person with the intent or the reasonable expectation that the person will use the funds to make a payment described in paragraph (1).

(b) In this section, each of the terms “contribution”, “expenditure”, “independent expenditure”, “electioneering communication”, “candidate”, “election”, and “Federal office” has the meaning given

such term in the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.).

SEC. 736. None of the funds made available in this or any other Act may be used to pay for the painting of a portrait of an officer or employee of the Federal government, including the President, the Vice President, a member of Congress (including a Delegate or a Resident Commissioner to Congress), the head of an executive branch agency (as defined in section 133 of title 41, United States Code), or the head of an office of the legislative branch.

SEC. 737. (a)(1) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for fiscal year 2016, by this or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code—

5 USC 5343 note.

(A) during the period from the date of expiration of the limitation imposed by the comparable section for the previous fiscal years until the normal effective date of the applicable wage survey adjustment that is to take effect in fiscal year 2016, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section; and

(B) during the period consisting of the remainder of fiscal year 2016, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under subparagraph (A) by more than the sum of—

(i) the percentage adjustment taking effect in fiscal year 2016 under section 5303 of title 5, United States Code, in the rates of pay under the General Schedule; and

(ii) the difference between the overall average percentage of the locality-based comparability payments taking effect in fiscal year 2016 under section 5304 of such title (whether by adjustment or otherwise), and the overall average percentage of such payments which was effective in the previous fiscal year under such section.

(2) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, and no employee covered by section 5348 of such title, may be paid during the periods for which paragraph (1) is in effect at a rate that exceeds the rates that would be payable under paragraph (1) were paragraph (1) applicable to such employee.

(3) For the purposes of this subsection, the rates payable to an employee who is covered by this subsection and who is paid from a schedule not in existence on September 30, 2015, shall be determined under regulations prescribed by the Office of Personnel Management.

(4) Notwithstanding any other provision of law, rates of premium pay for employees subject to this subsection may not be changed from the rates in effect on September 30, 2015, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this subsection.

(5) This subsection shall apply with respect to pay for service performed after September 30, 2015.

(6) For the purpose of administering any provision of law (including any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit) that requires any deduction or contribution, or that imposes any requirement or limitation on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this subsection shall be treated as the rate of salary or basic pay.

(7) Nothing in this subsection shall be considered to permit or require the payment to any employee covered by this subsection at a rate in excess of the rate that would be payable were this subsection not in effect.

(8) The Office of Personnel Management may provide for exceptions to the limitations imposed by this subsection if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees.

(b) Notwithstanding subsection (a), the adjustment in rates of basic pay for the statutory pay systems that take place in fiscal year 2016 under sections 5344 and 5348 of title 5, United States Code, shall be—

(1) not less than the percentage received by employees in the same location whose rates of basic pay are adjusted pursuant to the statutory pay systems under sections 5303 and 5304 of title 5, United States Code: *Provided*, That prevailing rate employees at locations where there are no employees whose pay is increased pursuant to sections 5303 and 5304 of title 5, United States Code, and prevailing rate employees described in section 5343(a)(5) of title 5, United States Code, shall be considered to be located in the pay locality designated as “Rest of United States” pursuant to section 5304 of title 5, United States Code, for purposes of this subsection; and

(2) effective as of the first day of the first applicable pay period beginning after September 30, 2015.

5 USC 5303 note.

SEC. 738. (a) The Vice President may not receive a pay raise in calendar year 2016, notwithstanding the rate adjustment made under section 104 of title 3, United States Code, or any other provision of law.

(b) An employee serving in an Executive Schedule position, or in a position for which the rate of pay is fixed by statute at an Executive Schedule rate, may not receive a pay rate increase in calendar year 2016, notwithstanding schedule adjustments made under section 5318 of title 5, United States Code, or any other provision of law, except as provided in subsection (g), (h), or (i). This subsection applies only to employees who are holding a position under a political appointment.

(c) A chief of mission or ambassador at large may not receive a pay rate increase in calendar year 2016, notwithstanding section 401 of the Foreign Service Act of 1980 (Public Law 96–465) or any other provision of law, except as provided in subsection (g), (h), or (i).

(d) Notwithstanding sections 5382 and 5383 of title 5, United States Code, a pay rate increase may not be received in calendar year 2016 (except as provided in subsection (g), (h), or (i)) by—

(1) a noncareer appointee in the Senior Executive Service paid a rate of basic pay at or above level IV of the Executive Schedule; or

(2) a limited term appointee or limited emergency appointee in the Senior Executive Service serving under a political appointment and paid a rate of basic pay at or above level IV of the Executive Schedule.

(e) Any employee paid a rate of basic pay (including any locality-based payments under section 5304 of title 5, United States Code, or similar authority) at or above level IV of the Executive Schedule who serves under a political appointment may not receive a pay rate increase in calendar year 2016, notwithstanding any other provision of law, except as provided in subsection (g), (h), or (i). This subsection does not apply to employees in the General Schedule pay system or the Foreign Service pay system, or to employees appointed under section 3161 of title 5, United States Code, or to employees in another pay system whose position would be classified at GS–15 or below if chapter 51 of title 5, United States Code, applied to them.

(f) Nothing in subsections (b) through (e) shall prevent employees who do not serve under a political appointment from receiving pay increases as otherwise provided under applicable law.

(g) A career appointee in the Senior Executive Service who receives a Presidential appointment and who makes an election to retain Senior Executive Service basic pay entitlements under section 3392 of title 5, United States Code, is not subject to this section.

(h) A member of the Senior Foreign Service who receives a Presidential appointment to any position in the executive branch and who makes an election to retain Senior Foreign Service pay entitlements under section 302(b) of the Foreign Service Act of 1980 (Public Law 96–465) is not subject to this section.

(i) Notwithstanding subsections (b) through (e), an employee in a covered position may receive a pay rate increase upon an authorized movement to a different covered position with higher-level duties and a pre-established higher level or range of pay, except that any such increase must be based on the rates of pay and applicable pay limitations in effect on December 31, 2013.

(j) Notwithstanding any other provision of law, for an individual who is newly appointed to a covered position during the period of time subject to this section, the initial pay rate shall be based on the rates of pay and applicable pay limitations in effect on December 31, 2013.

(k) If an employee affected by subsections (b) through (e) is subject to a biweekly pay period that begins in calendar year 2016 but ends in calendar year 2017, the bar on the employee's receipt of pay rate increases shall apply through the end of that pay period.

SEC. 739. (a) The head of any Executive branch department, agency, board, commission, or office funded by this or any other appropriations Act shall submit annual reports to the Inspector General or senior ethics official for any entity without an Inspector General, regarding the costs and contracting procedures related to each conference held by any such department, agency, board, commission, or office during fiscal year 2016 for which the cost to the United States Government was more than \$100,000.

(b) Each report submitted shall include, for each conference described in subsection (a) held during the applicable period—

- (1) a description of its purpose;
- (2) the number of participants attending;

(3) a detailed statement of the costs to the United States Government, including—

(A) the cost of any food or beverages;

(B) the cost of any audio-visual services;

(C) the cost of employee or contractor travel to and from the conference; and

(D) a discussion of the methodology used to determine which costs relate to the conference; and

(4) a description of the contracting procedures used including—

(A) whether contracts were awarded on a competitive basis; and

(B) a discussion of any cost comparison conducted by the departmental component or office in evaluating potential contractors for the conference.

(c) Within 15 days of the date of a conference held by any Executive branch department, agency, board, commission, or office funded by this or any other appropriations Act during fiscal year 2016 for which the cost to the United States Government was more than \$20,000, the head of any such department, agency, board, commission, or office shall notify the Inspector General or senior ethics official for any entity without an Inspector General, of the date, location, and number of employees attending such conference.

(d) A grant or contract funded by amounts appropriated by this or any other appropriations Act may not be used for the purpose of defraying the costs of a conference described in subsection (c) that is not directly and programmatically related to the purpose for which the grant or contract was awarded, such as a conference held in connection with planning, training, assessment, review, or other routine purposes related to a project funded by the grant or contract.

(e) None of the funds made available in this or any other appropriations Act may be used for travel and conference activities that are not in compliance with Office of Management and Budget Memorandum M–12–12 dated May 11, 2012 or any subsequent revisions to that memorandum.

SEC. 740. None of the funds made available in this or any other appropriations Act may be used to increase, eliminate, or reduce funding for a program, project, or activity as proposed in the President's budget request for a fiscal year until such proposed change is subsequently enacted in an appropriation Act, or unless such change is made pursuant to the reprogramming or transfer provisions of this or any other appropriations Act.

SEC. 741. None of the funds made available by this or any other Act may be used to implement, administer, enforce, or apply the rule entitled "Competitive Area" published by the Office of Personnel Management in the Federal Register on April 15, 2008 (73 Fed. Reg. 20180 et seq.).

SEC. 742. None of the funds appropriated or otherwise made available by this or any other Act may be used to begin or announce a study or public-private competition regarding the conversion to contractor performance of any function performed by Federal employees pursuant to Office of Management and Budget Circular A–76 or any other administrative regulation, directive, or policy.

SEC. 743. (a) None of the funds appropriated or otherwise made available by this or any other Act may be available for

a contract, grant, or cooperative agreement with an entity that requires employees or contractors of such entity seeking to report fraud, waste, or abuse to sign internal confidentiality agreements or statements prohibiting or otherwise restricting such employees or contractors from lawfully reporting such waste, fraud, or abuse to a designated investigative or law enforcement representative of a Federal department or agency authorized to receive such information.

(b) The limitation in subsection (a) shall not contravene requirements applicable to Standard Form 312, Form 4414, or any other form issued by a Federal department or agency governing the nondisclosure of classified information.

SEC. 744. (a) No funds appropriated in this or any other Act may be used to implement or enforce the agreements in Standard Forms 312 and 4414 of the Government or any other nondisclosure policy, form, or agreement if such policy, form, or agreement does not contain the following provisions: “These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.”: *Provided*, That notwithstanding the preceding provision of this section, a nondisclosure policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that they do not bar disclosures to Congress, or to an authorized official of an executive agency or the Department of Justice, that are essential to reporting a substantial violation of law.

(b) A nondisclosure agreement may continue to be implemented and enforced notwithstanding subsection (a) if it complies with the requirements for such agreement that were in effect when the agreement was entered into.

(c) No funds appropriated in this or any other Act may be used to implement or enforce any agreement entered into during fiscal year 2014 which does not contain substantially similar language to that required in subsection (a).

SEC. 745. None of the funds made available by this or any other Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner

pursuant to an agreement with the authority responsible for collecting the tax liability, where the awarding agency is aware of the unpaid tax liability, unless a Federal agency has considered suspension or debarment of the corporation and has made a determination that this further action is not necessary to protect the interests of the Government.

SEC. 746. None of the funds made available by this or any other Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that was convicted of a felony criminal violation under any Federal law within the preceding 24 months, where the awarding agency is aware of the conviction, unless a Federal agency has considered suspension or debarment of the corporation and has made a determination that this further action is not necessary to protect the interests of the Government.

SEC. 747. (a) The Act entitled “An Act providing for the incorporation of certain persons as Group Hospitalization and Medical Services, Inc.”, approved August 11, 1939 (53 Stat. 1412), is amended—

(1) by redesignating section 11 as section 12; and

(2) by inserting after section 10 the following:

“SEC. 11. The surplus of the corporation is for the benefit and protection of all of its certificate holders and shall be available for the satisfaction of all obligations of the corporation regardless of the jurisdiction in which such surplus originated or such obligations arise. The corporation shall not divide, attribute, distribute, or reduce its surplus pursuant to any statute, regulation, or order of any jurisdiction without the express agreement of the District of Columbia, Maryland, and Virginia—

“(1) that the entire surplus of the corporation is excessive;

and

“(2) to any plan for reduction or distribution of surplus.”

(b) The amendments made by subsection (a) shall apply with respect to the surplus of Group Hospitalization and Medical Services, Inc. for any year after 2011.

SEC. 748. (a) During fiscal year 2016, on the date on which a request is made for a transfer of funds in accordance with section 1017 of Public Law 111–203, the Bureau of Consumer Financial Protection shall notify the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Financial Services of the House of Representatives, and the Committee on Banking, Housing, and Urban Affairs of the Senate of such request.

(b) Any notification required by this section shall be made available on the Bureau’s public Web site.

SEC. 749. (a) Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President may award the Medal of Honor under section 3741 of such title to Charles S. Kettles for the acts of valor during the Vietnam War described in subsection (b).

(b) The acts of valor referred to in subsection (a) are the actions of Charles S. Kettles during combat operations on May 15, 1967, while serving as Flight Commander, 176th Aviation Company, 14th Aviation Battalion, Task Force Oregon, Republic of

Vietnam, for which he was previously awarded the Distinguished Service Cross.

SEC. 750. (a) None of the funds made available under this or any other Act may be used to—

(1) implement, administer, carry out, modify, revise, or enforce Executive Order 13690, entitled “Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input” (issued January 30, 2015), other than for—

(A) acquiring, managing, or disposing of Federal lands and facilities;

(B) providing federally undertaken, financed, or assisted construction or improvements; or

(C) conducting Federal activities or programs affecting land use, including water and related land resources planning, regulating, and licensing activities;

(2) implement Executive Order 13690 in a manner that modifies the non-grant components of the National Flood Insurance Program; or

(3) apply Executive Order 13690 or the Federal Flood Risk Management Standard by any component of the Department of Defense, including the Army Corps of Engineers in a way that changes the “floodplain” considered when determining whether or not to issue a Department of the Army permit under section 404 of the Clean Water Act or section 10 of the Rivers and Harbors Act.

(b) Subsection (a) of this section shall not be in effect during the period beginning on October 1, 2016 and ending on September 30, 2017.

SEC. 751. Except as expressly provided otherwise, any reference to “this Act” contained in any title other than title IV or VIII shall not apply to such title IV or VIII.

TITLE VIII

GENERAL PROVISIONS—DISTRICT OF COLUMBIA

(INCLUDING TRANSFERS OF FUNDS)

SEC. 801. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of legal settlements or judgments that have been entered against the District of Columbia government.

SEC. 802. None of the Federal funds provided in this Act shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

SEC. 803. (a) None of the Federal funds provided under this Act to the agencies funded by this Act, both Federal and District government agencies, that remain available for obligation or expenditure in fiscal year 2016, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditures for an agency through a reprogramming of funds which—

(1) creates new programs;

(2) eliminates a program, project, or responsibility center;
 (3) establishes or changes allocations specifically denied, limited or increased under this Act;

(4) increases funds or personnel by any means for any program, project, or responsibility center for which funds have been denied or restricted;

(5) re-establishes any program or project previously deferred through reprogramming;

(6) augments any existing program, project, or responsibility center through a reprogramming of funds in excess of \$3,000,000 or 10 percent, whichever is less; or

(7) increases by 20 percent or more personnel assigned to a specific program, project or responsibility center, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate.

(b) The District of Columbia government is authorized to approve and execute reprogramming and transfer requests of local funds under this title through November 7, 2016.

SEC. 804. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979 (D.C. Law 3–171; D.C. Official Code, sec. 1–123).

SEC. 805. Except as otherwise provided in this section, none of the funds made available by this Act or by any other Act may be used to provide any officer or employee of the District of Columbia with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer's or employee's official duties. For purposes of this section, the term "official duties" does not include travel between the officer's or employee's residence and workplace, except in the case of—

(1) an officer or employee of the Metropolitan Police Department who resides in the District of Columbia or is otherwise designated by the Chief of the Department;

(2) at the discretion of the Fire Chief, an officer or employee of the District of Columbia Fire and Emergency Medical Services Department who resides in the District of Columbia and is on call 24 hours a day;

(3) at the discretion of the Director of the Department of Corrections, an officer or employee of the District of Columbia Department of Corrections who resides in the District of Columbia and is on call 24 hours a day;

(4) at the discretion of the Chief Medical Examiner, an officer or employee of the Office of the Chief Medical Examiner who resides in the District of Columbia and is on call 24 hours a day;

(5) at the discretion of the Director of the Homeland Security and Emergency Management Agency, an officer or employee of the Homeland Security and Emergency Management Agency who resides in the District of Columbia and is on call 24 hours a day;

(6) the Mayor of the District of Columbia; and

(7) the Chairman of the Council of the District of Columbia.

SEC. 806. (a) None of the Federal funds contained in this Act may be used by the District of Columbia Attorney General or any other officer or entity of the District government to provide

assistance for any petition drive or civil action which seeks to require Congress to provide for voting representation in Congress for the District of Columbia.

(b) Nothing in this section bars the District of Columbia Attorney General from reviewing or commenting on briefs in private lawsuits, or from consulting with officials of the District government regarding such lawsuits.

SEC. 807. None of the Federal funds contained in this Act may be used to distribute any needle or syringe for the purpose of preventing the spread of blood borne pathogens in any location that has been determined by the local public health or local law enforcement authorities to be inappropriate for such distribution.

SEC. 808. Nothing in this Act may be construed to prevent the Council or Mayor of the District of Columbia from addressing the issue of the provision of contraceptive coverage by health insurance plans, but it is the intent of Congress that any legislation enacted on such issue should include a “conscience clause” which provides exceptions for religious beliefs and moral convictions.

SEC. 809. (a) None of the Federal funds contained in this Act may be used to enact or carry out any law, rule, or regulation to legalize or otherwise reduce penalties associated with the possession, use, or distribution of any schedule I substance under the Controlled Substances Act (21 U.S.C. 801 et seq.) or any tetrahydrocannabinols derivative.

(b) None of the funds contained in this Act may be used to enact any law, rule, or regulation to legalize or otherwise reduce penalties associated with the possession, use, or distribution of any schedule I substance under the Controlled Substances Act (21 U.S.C. 801 et seq.) or any tetrahydrocannabinols derivative for recreational purposes.

SEC. 810. None of the funds appropriated under this Act shall be expended for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.

SEC. 811. (a) No later than 30 calendar days after the date of the enactment of this Act, the Chief Financial Officer for the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the Council of the District of Columbia, a revised appropriated funds operating budget in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act (D.C. Official Code, sec. 1–204.42), for all agencies of the District of Columbia government for fiscal year 2016 that is in the total amount of the approved appropriation and that realigns all budgeted data for personal services and other-than-personal services, respectively, with anticipated actual expenditures.

(b) This section shall apply only to an agency for which the Chief Financial Officer for the District of Columbia certifies that a reallocation is required to address unanticipated changes in program requirements.

SEC. 812. No later than 30 calendar days after the date of the enactment of this Act, the Chief Financial Officer for the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the Council for the District of Columbia, a revised appropriated funds operating budget for the District of Columbia Public Schools that aligns schools budgets to actual enrollment. The revised appropriated funds budget shall be in the format of

the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act (D.C. Official Code, sec. 1–204.42).

SEC. 813. (a) Amounts appropriated in this Act as operating funds may be transferred to the District of Columbia’s enterprise and capital funds and such amounts, once transferred, shall retain appropriation authority consistent with the provisions of this Act.

(b) The District of Columbia government is authorized to reprogram or transfer for operating expenses any local funds transferred or reprogrammed in this or the four prior fiscal years from operating funds to capital funds, and such amounts, once transferred or reprogrammed, shall retain appropriation authority consistent with the provisions of this Act.

(c) The District of Columbia government may not transfer or reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

SEC. 814. None of the Federal funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 815. Except as otherwise specifically provided by law or under this Act, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2016 from appropriations of Federal funds made available for salaries and expenses for fiscal year 2016 in this Act, shall remain available through September 30, 2017, for each such account for the purposes authorized: *Provided*, That a request shall be submitted to the Committees on Appropriations of the House of Representatives and the Senate for approval prior to the expenditure of such funds: *Provided further*, That these requests shall be made in compliance with reprogramming guidelines outlined in section 803 of this Act.

SEC. 816. (a) During fiscal year 2017, during a period in which neither a District of Columbia continuing resolution or a regular District of Columbia appropriation bill is in effect, local funds are appropriated in the amount provided for any project or activity for which local funds are provided in the Fiscal Year 2017 Budget Request Act of 2016 as submitted to Congress (subject to any modifications enacted by the District of Columbia as of the beginning of the period during which this subsection is in effect) at the rate set forth by such Act.

(b) Appropriations made by subsection (a) shall cease to be available—

(1) during any period in which a District of Columbia continuing resolution for fiscal year 2017 is in effect; or

(2) upon the enactment into law of the regular District of Columbia appropriation bill for fiscal year 2017.

(c) An appropriation made by subsection (a) is provided under the authority and conditions as provided under this Act and shall be available to the extent and in the manner that would be provided by this Act.

(d) An appropriation made by subsection (a) shall cover all obligations or expenditures incurred for such project or activity during the portion of fiscal year 2017 for which this section applies to such project or activity.

(e) This section shall not apply to a project or activity during any period of fiscal year 2017 if any other provision of law (other than an authorization of appropriations)—

(1) makes an appropriation, makes funds available, or grants authority for such project or activity to continue for such period; or

(2) specifically provides that no appropriation shall be made, no funds shall be made available, or no authority shall be granted for such project or activity to continue for such period.

(f) Nothing in this section shall be construed to affect obligations of the government of the District of Columbia mandated by other law.

SEC. 817. (a) This section may be cited as the “D.C. Opportunity Scholarship Program School Certification Requirements Act”.

(b) Section 3007(a) of the Scholarships for Opportunity and Results Act (Public Law 112–10; 125 Stat. 203) is amended—

(1) in paragraph (4)—

(A) in subparagraph (E), by striking “and” after the semicolon;

(B) in subparagraph (F), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

“(G)(i) is provisionally or fully accredited by a national or regional accrediting agency that is recognized in the District of Columbia School Reform Act of 1995 (sec. 38–1802.02(16)(A)–(G), D.C. Official Code) or any other accrediting body deemed appropriate by the Office of the State Superintendent for Schools for the purposes of accrediting an elementary or secondary school; or

“(ii) in the case of a school that is a participating school as of the day before the date of enactment of the D.C. Opportunity Scholarship Program School Certification Requirements Act and, as of such day, does not meet the requirements of clause (i)—

“(I) by not later than 1 year after such date of enactment, is pursuing accreditation by a national or regional accrediting agency recognized in the District of Columbia School Reform Act of 1995 (sec. 38–1802.02(16)(A)–(G), D.C. Official Code) or any other accrediting body deemed appropriate by the Office of the State Superintendent for Schools for the purposes of accrediting an elementary or secondary school; and

“(II) by not later than 5 years after such date of enactment, is provisionally or fully accredited by such accrediting agency, except that an eligible entity may grant not more than one 1-year extension to meet this requirement for each participating school that provides evidence to the eligible entity from such accrediting agency that the school’s application for accreditation is in process and the school will be awarded accreditation before the end of the 1-year extension period;

“(H) conducts criminal background checks on school employees who have direct and unsupervised interaction with students; and

“(I) complies with all requests for data and information regarding the reporting requirements described in section 3010.”; and

D.C. Opportunity
Scholarship
Program School
Certification
Requirements
Act.

(2) by adding at the end the following:

“(5) NEW PARTICIPATING SCHOOLS.—If a school is not a participating school as of the date of enactment of the D.C. Opportunity Scholarship Program School Certification Requirements Act, the school shall not become a participating school and none of the funds provided under this division for opportunity scholarships may be used by an eligible student to enroll in that school unless the school—

“(A) is actively pursuing provisional or full accreditation by a national or regional accrediting agency that is recognized in the District of Columbia School Reform Act of 1995 (sec. 38–1802.02(16)(A)–(G), D.C. Official Code) or any other accrediting body deemed appropriate by the Office of the State Superintendent for Schools for the purposes of accrediting an elementary or secondary school; and

“(B) meets all of the other requirements for participating schools under this Act.

“(6) ENROLLING IN ANOTHER SCHOOL.—An eligible entity shall assist the parents of a participating eligible student in identifying, applying to, and enrolling in an another participating school for which opportunity scholarship funds may be used, if—

“(A) such student is enrolled in a participating private school and may no longer use opportunity scholarship funds for enrollment in that participating private school because such school fails to meet a requirement under paragraph 4, or any other requirement of this Act; or

“(B) a participating eligible student is enrolled in a school that ceases to be a participating school.”.

(c) REPORT TO ELIGIBLE ENTITIES.—Section 3010 of the Scholarships for Opportunity and Results Act (Public Law 112–10; 125 Stat. 203) is further amended—

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

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

“(d) REPORTS TO ELIGIBLE ENTITIES.—The eligible entity receiving funds under section 3004(a) shall ensure that each participating school under this division submits to the eligible entity beginning not later than 5 years after the date of the enactment of the D.C. Opportunity Scholarship Program School Certification Requirements Act, a certification that the school has been awarded provisional or full accreditation, or has been granted an extension by the eligible entity in accordance with section 3007(a)(4)(G).”.

(d) Unless specifically provided otherwise, this section, and the amendments made by this section, shall take effect 1 year after the date of enactment of this Act.

SEC. 818. Subparagraph (G) of section 3(c)(2) of the District of Columbia College Access Act of 1999 (Public Law 106–98), as amended, is further amended:

(1) by inserting after “(G)”, “(i) for individuals who began an undergraduate course of study prior to school year 2015–2016,”; and

(2) by inserting the following before the period at the end: “and (ii) for individuals who begin an undergraduate course of study in or after school year 2016–2017, is from a family with a taxable annual income of less than \$750,000. Beginning with school year 2017–2018, the Mayor shall adjust the

amounts in clauses (i) and (ii) for inflation, as measured by the percentage increase, if any, from the preceding fiscal year in the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor”.

SEC. 819. Except as expressly provided otherwise, any reference to “this Act” contained in this title or in title IV shall be treated as referring only to the provisions of this title or of title IV.

This division may be cited as the “Financial Services and General Government Appropriations Act, 2016”.

**DIVISION F—DEPARTMENT OF HOMELAND SECURITY
APPROPRIATIONS ACT, 2016**

Department of
Homeland
Security
Appropriations
Act, 2016.

TITLE I

DEPARTMENTAL MANAGEMENT AND OPERATIONS

OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

For necessary expenses of the Office of the Secretary of Homeland Security, as authorized by section 102 of the Homeland Security Act of 2002 (6 U.S.C. 112), and executive management of the Department of Homeland Security, as authorized by law, \$137,466,000: *Provided*, That not to exceed \$45,000 shall be for official reception and representation expenses: *Provided further*, That all official costs associated with the use of government aircraft by Department of Homeland Security personnel to support official travel of the Secretary and the Deputy Secretary shall be paid from amounts made available for the Immediate Office of the Secretary and the Immediate Office of the Deputy Secretary: *Provided further*, That not later than 30 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives, the Committees on the Judiciary of the Senate and the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Homeland Security of the House of Representatives, the comprehensive plan for implementation of the biometric entry and exit data system as required under this heading in Public Law 114–4 and a report on visa overstay data by country as required by section 1376 of title 8, United States Code: *Provided further*, That the report on visa overstay data shall also include—

(1) overstays from all nonimmigrant visa categories under the immigration laws, delineated by each of the classes and sub-classes of such categories; and

(2) numbers as well as rates of overstays for each class and sub-class of such nonimmigrant categories on a per-country basis:

Provided further, That of the funds provided under this heading, \$13,000,000 shall be withheld from obligation for the Office of the Secretary and Executive Management until both the comprehensive plan and the report are submitted.

OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

For necessary expenses of the Office of the Under Secretary for Management, as authorized by sections 701 through 705 of

the Homeland Security Act of 2002 (6 U.S.C. 341 through 345), \$196,810,000, of which not to exceed \$2,000 shall be for official reception and representation expenses: *Provided*, That of the total amount made available under this heading, \$4,456,000 shall remain available until September 30, 2017, solely for the alteration and improvement of facilities, tenant improvements, and relocation costs to consolidate Department headquarters operations at the Nebraska Avenue Complex; and \$7,778,000 shall remain available until September 30, 2017, for the Human Resources Information Technology program: *Provided further*, That the Under Secretary for Management shall include in the President's budget proposal for fiscal year 2017, submitted pursuant to section 1105(a) of title 31, United States Code, a Comprehensive Acquisition Status Report, which shall include the information required under the heading "Office of the Under Secretary for Management" under title I of division D of the Consolidated Appropriations Act, 2012 (Public Law 112–74), and shall submit quarterly updates to such report not later than 45 days after the completion of each quarter.

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), \$56,420,000: *Provided*, That the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives, at the time the President's budget proposal for fiscal year 2017 is submitted pursuant to section 1105(a) of title 31, United States Code, the Future Years Homeland Security Program, as authorized by section 874 of Public Law 107–296 (6 U.S.C. 454).

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), and Department-wide technology investments, \$309,976,000; of which \$109,957,000 shall be available for salaries and expenses; and of which \$200,019,000, to remain available until September 30, 2017, shall be available for development and acquisition of information technology equipment, software, services, and related activities for the Department of Homeland Security.

ANALYSIS AND OPERATIONS

For necessary expenses for intelligence analysis and operations coordination activities, as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), \$264,714,000; of which not to exceed \$3,825 shall be for official reception and representation expenses; of which not to exceed \$2,000,000 is available for facility needs associated with secure space at fusion centers, including improvements to buildings; and of which \$111,021,000 shall remain available until September 30, 2017.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978

(5 U.S.C. App.), \$137,488,000; of which not to exceed \$300,000 may be used for certain confidential operational expenses, including the payment of informants, to be expended at the direction of the Inspector General.

TITLE II

SECURITY, ENFORCEMENT, AND INVESTIGATIONS

U.S. CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For necessary expenses for enforcement of laws relating to border security, immigration, customs, agricultural inspections and regulatory activities related to plant and animal imports, and transportation of unaccompanied minor aliens; purchase and lease of up to 7,500 (6,500 for replacement only) police-type vehicles; and contracting with individuals for personal services abroad; \$8,628,902,000; of which \$3,274,000 shall be derived from the Harbor Maintenance Trust Fund for administrative expenses related to the collection of the Harbor Maintenance Fee pursuant to section 9505(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 9505(c)(3)) and notwithstanding section 1511(e)(1) of the Homeland Security Act of 2002 (6 U.S.C. 551(e)(1)); of which \$30,000,000 shall be available until September 30, 2017, solely for the purpose of recruiting, hiring, training, and equipping law enforcement officers and Border Patrol agents; of which not to exceed \$34,425 shall be for official reception and representation expenses; of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)), shall be derived from that account; of which not to exceed \$150,000 shall be available for payment for rental space in connection with preclearance operations; and of which not to exceed \$1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security: *Provided*, That of the amounts made available under this heading for Inspection and Detection Technology Investments, \$18,500,000 shall remain available until September 30, 2018: *Provided further*, That for fiscal year 2016, the overtime limitation prescribed in section 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 267(c)(1)) shall be \$35,000; and notwithstanding any other provision of law, none of the funds appropriated by this Act shall be available to compensate any employee of U.S. Customs and Border Protection for overtime, from whatever source, in an amount that exceeds such limitation, except in individual cases determined by the Secretary of Homeland Security, or the designee of the Secretary, to be necessary for national security purposes, to prevent excessive costs, or in cases of immigration emergencies: *Provided further*, That the Border Patrol shall maintain an active duty presence of not less than 21,370 full-time equivalent agents protecting the borders of the United States in the fiscal year.

AUTOMATION MODERNIZATION

For necessary expenses for U.S. Customs and Border Protection for operation and improvement of automated systems, including salaries and expenses, \$829,460,000; of which \$465,732,000 shall remain available until September 30, 2018; and of which not less than \$151,184,000 shall be for the development of the Automated Commercial Environment.

BORDER SECURITY FENCING, INFRASTRUCTURE, AND TECHNOLOGY

For necessary expenses for border security fencing, infrastructure, and technology, \$447,461,000; of which \$273,931,000 shall remain available until September 30, 2017, for operations and maintenance; and of which \$173,530,000 shall remain available until September 30, 2018, for development and deployment.

AIR AND MARINE OPERATIONS

For necessary expenses for the operations, maintenance, and procurement of marine vessels, aircraft, unmanned aerial systems, the Air and Marine Operations Center, and other related equipment of the air and marine program, including salaries and expenses, operational training, and mission-related travel, the operations of which include the following: the interdiction of narcotics and other goods; the provision of support to Federal, State, and local agencies in the enforcement or administration of laws enforced by the Department of Homeland Security; and, at the discretion of the Secretary of Homeland Security, the provision of assistance to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts; \$802,298,000; of which \$300,429,000 shall be available for salaries and expenses; and of which \$501,869,000 shall remain available until September 30, 2018: *Provided*, That no aircraft or other related equipment, with the exception of aircraft that are one of a kind and have been identified as excess to U.S. Customs and Border Protection requirements and aircraft that have been damaged beyond repair, shall be transferred to any other Federal agency, department, or office outside of the Department of Homeland Security during fiscal year 2016 without prior notice to the Committees on Appropriations of the Senate and the House of Representatives: *Provided further*, That funding made available under this heading shall be available for customs expenses when necessary to maintain or to temporarily increase operations in Puerto Rico.

CONSTRUCTION AND FACILITIES MANAGEMENT

For necessary expenses to plan, acquire, construct, renovate, equip, furnish, operate, manage, and maintain buildings, facilities, and related infrastructure necessary for the administration and enforcement of the laws relating to customs, immigration, and border security, \$340,128,000, to remain available until September 30, 2020.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

For necessary expenses for enforcement of immigration and customs laws, detention and removals, and investigations, including intellectual property rights and overseas vetted units operations; and purchase and lease of up to 3,790 (2,350 for replacement only) police-type vehicles; \$5,779,041,000; of which not to exceed \$10,000,000 shall be available until expended for conducting special operations under section 3131 of the Customs Enforcement Act of 1986 (19 U.S.C. 2081); of which not to exceed \$11,475 shall be for official reception and representation expenses; of which not to exceed \$2,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security; of which not less than \$305,000 shall be for promotion of public awareness of the child pornography tipline and activities to counter child exploitation; of which not less than \$5,400,000 shall be used to facilitate agreements consistent with section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)); of which not to exceed \$45,000,000, to remain available until September 30, 2017, is for maintenance, construction, and leasehold improvements at owned and leased facilities; and of which not to exceed \$11,216,000 shall be available to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled aliens unlawfully present in the United States: *Provided*, That of the total amount made available under this heading, \$100,000,000 shall be withheld from obligation until the Director of U.S. Immigration and Customs Enforcement submits to the Committees on Appropriations of the Senate and the House of Representatives a report detailing the number of full-time equivalent employees hired and lost through attrition for the period beginning on October 1, 2015, and ending on June 30, 2016: *Provided further*, That of the total amount made available under this heading, \$5,000,000 shall be withheld from obligation until the Director of U.S. Immigration and Customs Enforcement briefs the Committees on Appropriations of the Senate and the House of Representatives on efforts to increase the number of communities and law enforcement agencies participating in the Priority Enforcement Program, including details as to the jurisdictions and law enforcement agencies approached and the level of participation on a by-community basis: *Provided further*, That none of the funds made available under this heading shall be available to compensate any employee for overtime in an annual amount in excess of \$35,000, except that the Secretary of Homeland Security, or the designee of the Secretary, may waive that amount as necessary for national security purposes and in cases of immigration emergencies: *Provided further*, That of the total amount provided, \$15,770,000 shall be for activities to enforce laws against forced child labor, of which not to exceed \$6,000,000 shall remain available until expended: *Provided further*, That of the total amount available, not less than \$1,600,000,000 shall be available to identify aliens convicted of a crime who may be deportable, and to remove them from the United States once they are judged deportable: *Provided further*, That the Secretary of Homeland Security shall prioritize the identification and removal of aliens convicted of a crime by the severity of that crime: *Provided further*, That funding

made available under this heading shall maintain a level of not less than 34,000 detention beds through September 30, 2016: *Provided further*, That of the total amount provided, not less than \$3,217,942,000 is for enforcement, detention, and removal operations, including transportation of unaccompanied minor aliens: *Provided further*, That of the amount provided for Custody Operations in the previous proviso, \$45,000,000 shall remain available until September 30, 2020: *Provided further*, That of the total amount provided for the Visa Security Program and international investigations, \$13,300,000 shall remain available until September 30, 2017: *Provided further*, That not less than \$15,000,000 shall be available for investigation of intellectual property rights violations, including operation of the National Intellectual Property Rights Coordination Center: *Provided further*, That none of the funds provided under this heading may be used to continue a delegation of law enforcement authority authorized under section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) if the Department of Homeland Security Inspector General determines that the terms of the agreement governing the delegation of authority have been materially violated: *Provided further*, That none of the funds provided under this heading may be used to continue any contract for the provision of detention services if the two most recent overall performance evaluations received by the contracted facility are less than “adequate” or the equivalent median score in any subsequent performance evaluation system: *Provided further*, That nothing under this heading shall prevent U.S. Immigration and Customs Enforcement from exercising those authorities provided under the immigration laws (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17))) during priority operations pertaining to aliens convicted of a crime: *Provided further*, That without regard to the limitation as to time and condition of section 503(d) of this Act, the Secretary may propose to reprogram and transfer funds within and into this appropriation necessary to ensure the detention of aliens prioritized for removal.

AUTOMATION MODERNIZATION

For expenses of immigration and customs enforcement automated systems, \$53,000,000, to remain available until September 30, 2018.

TRANSPORTATION SECURITY ADMINISTRATION

AVIATION SECURITY

For necessary expenses of the Transportation Security Administration related to providing civil aviation security services pursuant to the Aviation and Transportation Security Act (Public Law 107–71; 115 Stat. 597; 49 U.S.C. 40101 note), \$5,719,437,000, to remain available until September 30, 2017; of which not to exceed \$7,650 shall be for official reception and representation expenses: *Provided*, That any award to deploy explosives detection systems shall be based on risk, the airport’s current reliance on other screening solutions, lobby congestion resulting in increased security concerns, high injury rates, airport readiness, and increased cost effectiveness: *Provided further*, That security service fees authorized under section 44940 of title 49, United States Code, shall be credited to this appropriation as offsetting collections and shall be available only

for aviation security: *Provided further*, That the sum appropriated under this heading from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2016 so as to result in a final fiscal year appropriation from the general fund estimated at not more than \$3,589,437,000: *Provided further*, That the funds deposited pursuant to section 44945 of title 49, United States Code, that are currently unavailable for obligation are hereby permanently cancelled: *Provided further*, That notwithstanding section 44923 of title 49, United States Code, for fiscal year 2016, any funds in the Aviation Security Capital Fund established by section 44923(h) of title 49, United States Code, may be used for the procurement and installation of explosives detection systems or for the issuance of other transaction agreements for the purpose of funding projects described in section 44923(a) of such title: *Provided further*, That notwithstanding any other provision of law, for the current fiscal year and each fiscal year hereafter, mobile explosives detection systems purchased and deployed using funds made available under this heading may be moved and redeployed to meet evolving passenger and baggage screening security priorities at airports: *Provided further*, That none of the funds made available in this Act may be used for any recruiting or hiring of personnel into the Transportation Security Administration that would cause the agency to exceed a staffing level of 45,000 full-time equivalent screeners: *Provided further*, That the preceding proviso shall not apply to personnel hired as part-time employees: *Provided further*, That not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a detailed report on—

49 USC 44925
note.

(1) the Department of Homeland Security efforts and resources being devoted to develop more advanced integrated passenger screening technologies for the most effective security of passengers and baggage at the lowest possible operating and acquisition costs, including projected funding levels for each fiscal year for the next 5 years or until project completion, whichever is earlier;

(2) how the Transportation Security Administration is deploying its existing passenger and baggage screener workforce in the most cost-effective manner; and

(3) labor savings from the deployment of improved technologies for passenger and baggage screening, including high-speed baggage screening, and how those savings are being used to offset security costs or reinvested to address security vulnerabilities:

Provided further, That Members of the United States House of Representatives and the United States Senate, including the leadership; the heads of Federal agencies and commissions, including the Secretary, Deputy Secretary, Under Secretaries, and Assistant Secretaries of the Department of Homeland Security; the United States Attorney General, Deputy Attorney General, Assistant Attorneys General, and the United States Attorneys; and senior members of the Executive Office of the President, including the Director of the Office of Management and Budget, shall not be exempt from Federal passenger and baggage screening.

SURFACE TRANSPORTATION SECURITY

For necessary expenses of the Transportation Security Administration related to surface transportation security activities, \$110,798,000, to remain available until September 30, 2017.

INTELLIGENCE AND VETTING

For necessary expenses for the development and implementation of intelligence and vetting activities, \$236,693,000, to remain available until September 30, 2017.

TRANSPORTATION SECURITY SUPPORT

For necessary expenses of the Transportation Security Administration related to transportation security support pursuant to the Aviation and Transportation Security Act (Public Law 107–71; 115 Stat. 597; 49 U.S.C. 40101 note), \$924,015,000, to remain available until September 30, 2017.

COAST GUARD

OPERATING EXPENSES

For necessary expenses for the operations and maintenance of the Coast Guard, not otherwise provided for; purchase or lease of not to exceed 25 passenger motor vehicles, which shall be for replacement only; purchase or lease of small boats for contingent and emergent requirements (at a unit cost of no more than \$700,000) and repairs and service-life replacements, not to exceed a total of \$31,000,000; purchase or lease of boats necessary for overseas deployments and activities; purchase or lease of other equipment (at a unit cost of no more than \$250,000); minor shore construction projects not exceeding \$1,000,000 in total cost on any location; payments pursuant to section 156 of Public Law 97–377 (42 U.S.C. 402 note; 96 Stat. 1920); and recreation and welfare; \$7,061,490,000, of which \$500,002,000 shall be for defense-related activities, of which \$160,002,000 is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985; of which \$24,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); and of which not to exceed \$23,000 shall be for official reception and representation expenses: *Provided*, That none of the funds made available by this Act shall be for expenses incurred for recreational vessels under section 12114 of title 46, United States Code, except to the extent fees are collected from owners of yachts and credited to this appropriation: *Provided further*, That to the extent fees are insufficient to pay expenses of recreational vessel documentation under such section 12114, and there is a backlog of recreational vessel applications, then personnel performing non-recreational vessel documentation functions under subchapter II of chapter 121 of title 46, United States Code, may perform documentation under section 12114: *Provided further*, That of the funds provided under this heading, \$85,000,000 shall be withheld from obligation for Coast Guard Headquarters Directorates until a future-years capital investment plan for fiscal years 2017

through 2021, as specified under the heading “Coast Guard, Acquisition, Construction, and Improvements” of this Act, is submitted to the Committees on Appropriations of the Senate and the House of Representatives: *Provided further*, That funds made available under this heading for Overseas Contingency Operations/Global War on Terrorism may be allocated by program, project, and activity, notwithstanding section 503 of this Act: *Provided further*, That without regard to the limitation as to time and condition of section 503(d) of this Act, after June 30, up to \$10,000,000 may be reprogrammed to or from Military Pay and Allowances in accordance with subsections (a), (b), and (c) of section 503.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses to carry out the environmental compliance and restoration functions of the Coast Guard under chapter 19 of title 14, United States Code, \$13,221,000, to remain available until September 30, 2020.

RESERVE TRAINING

For necessary expenses of the Coast Guard Reserve, as authorized by law; operations and maintenance of the Coast Guard reserve program; personnel and training costs; and equipment and services; \$110,614,000.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto; and maintenance, rehabilitation, lease, and operation of facilities and equipment; as authorized by law; \$1,945,169,000; of which \$20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); and of which the following amounts shall be available until September 30, 2020 (except as subsequently specified): \$21,000,000 for military family housing; \$1,264,400,000 to acquire, effect major repairs to, renovate, or improve vessels, small boats, and related equipment; \$295,000,000 to acquire, effect major repairs to, renovate, or improve aircraft or increase aviation capability; \$65,100,000 for other acquisition programs; \$181,600,000 for shore facilities and aids to navigation, including facilities at Department of Defense installations used by the Coast Guard; and \$118,069,000, to remain available until September 30, 2016, for personnel compensation and benefits and related costs: *Provided*, That of the funds provided by this Act, not less than \$640,000,000 shall be immediately available and allotted to contract for the production of the ninth National Security Cutter notwithstanding the availability of funds for post-production costs: *Provided further*, That the Commandant of the Coast Guard shall submit to the Congress, at the time the President’s budget proposal for fiscal year 2017 is submitted pursuant to section 1105(a) of title 31, United States Code, a future-years capital investment plan as described in the second proviso under the heading “Coast Guard, Acquisition, Construction, and Improvements” in the Department of Homeland Security Appropriations Act, 2015 (Public Law 114–

14 USC 663 note.

4), which shall be subject to the requirements in the third and fourth provisos under such heading.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses for applied scientific research, development, test, and evaluation; and for maintenance, rehabilitation, lease, and operation of facilities and equipment; as authorized by law; \$18,019,000, to remain available until September 30, 2018, of which \$500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)): *Provided*, That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries for expenses incurred for research, development, testing, and evaluation.

RETIRED PAY

For retired pay, including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose, payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, payment for career status bonuses, concurrent receipts, and combat-related special compensation under the National Defense Authorization Act, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, \$1,604,000,000, to remain available until expended.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including purchase of not to exceed 652 vehicles for police-type use for replacement only; hire of passenger motor vehicles; purchase of motorcycles made in the United States; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director of the United States Secret Service; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; payment of per diem or subsistence allowances to employees in cases in which a protective assignment on the actual day or days of the visit of a protectee requires an employee to work 16 hours per day or to remain overnight at a post of duty; conduct of and participation in firearms matches; presentation of awards; travel of United States Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if approval is obtained in advance from the Committees on Appropriations of the Senate and the House of Representatives; research and development; grants to conduct behavioral research in support of protective research and operations; and payment in advance for commercial accommodations as may be necessary to perform protective functions; \$1,854,526,000; of which not to exceed \$19,125 shall be for official reception and representation expenses; of which not to exceed \$100,000 shall be to provide technical assistance and equipment to foreign law

enforcement organizations in counterfeit investigations; of which \$2,366,000 shall be for forensic and related support of investigations of missing and exploited children; of which \$6,000,000 shall be for a grant for activities related to investigations of missing and exploited children and shall remain available until September 30, 2017; and of which not less than \$12,000,000 shall be for activities related to training in electronic crimes investigations and forensics: *Provided*, That \$18,000,000 for protective travel shall remain available until September 30, 2017: *Provided further*, That of the amounts made available under this heading for security improvements at the White House complex, \$8,200,000 shall remain available until September 30, 2017: *Provided further*, That \$4,500,000 for National Special Security Events shall remain available until expended: *Provided further*, That the United States Secret Service is authorized to obligate funds in anticipation of reimbursements from Federal agencies and entities, as defined in section 105 of title 5, United States Code, for personnel receiving training sponsored by the James J. Rowley Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available under this heading at the end of the fiscal year: *Provided further*, That none of the funds made available under this heading shall be available to compensate any employee for overtime in an annual amount in excess of \$35,000, except that the Secretary of Homeland Security, or the designee of the Secretary, may waive that amount as necessary for national security purposes: *Provided further*, That none of the funds made available to the United States Secret Service by this Act or by previous appropriations Acts may be made available for the protection of the head of a Federal agency other than the Secretary of Homeland Security: *Provided further*, That the Director of the United States Secret Service may enter into an agreement to provide such protection on a fully reimbursable basis: *Provided further*, That none of the funds made available to the United States Secret Service by this Act or by previous appropriations Acts may be obligated for the purpose of opening a new permanent domestic or overseas office or location unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such obligation: *Provided further*, That for purposes of section 503 of this Act, \$15,000,000 or 10 percent, whichever is less, may be reprogrammed between Protection of Persons and Facilities and Domestic Field Operations.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED
EXPENSES

For necessary expenses for acquisition, construction, repair, alteration, and improvement of physical and technological infrastructure, \$79,019,000, to remain available until September 30, 2018.

TITLE III

PROTECTION, PREPAREDNESS, RESPONSE, AND RECOVERY

NATIONAL PROTECTION AND PROGRAMS DIRECTORATE

MANAGEMENT AND ADMINISTRATION

For the management and administration of the National Protection and Programs Directorate, and support for operations and information technology, \$62,132,000: *Provided*, That not to exceed \$3,825 shall be for official reception and representation expenses.

INFRASTRUCTURE PROTECTION AND INFORMATION SECURITY

For necessary expenses for infrastructure protection and information security programs and activities, as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), \$1,291,000,000, of which \$289,650,000 shall remain available until September 30, 2017.

FEDERAL PROTECTIVE SERVICE

The revenues and collections of security fees credited to this account shall be available until expended for necessary expenses related to the protection of federally owned and leased buildings and for the operations of the Federal Protective Service: *Provided*, That the Director of the Federal Protective Service shall submit at the time the President's budget proposal for fiscal year 2017 is submitted pursuant to section 1105(a) of title 31, United States Code, a strategic human capital plan that aligns fee collections to personnel requirements based on a current threat assessment.

OFFICE OF BIOMETRIC IDENTITY MANAGEMENT

For necessary expenses for the Office of Biometric Identity Management, as authorized by section 7208 of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1365b), \$282,473,000, of which \$159,054,000 shall remain available until September 30, 2018.

OFFICE OF HEALTH AFFAIRS

For necessary expenses of the Office of Health Affairs, \$125,369,000; of which \$27,010,000 is for salaries and expenses and \$82,078,000 is for BioWatch operations: *Provided*, That of the amount made available under this heading, \$16,281,000 shall remain available until September 30, 2017, for biosurveillance, chemical defense, medical and health planning and coordination, and workforce health protection.

FEDERAL EMERGENCY MANAGEMENT AGENCY

SALARIES AND EXPENSES

For necessary expenses of the Federal Emergency Management Agency, \$960,754,000, including activities authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance

Act (42 U.S.C. 5121 et seq.), the Cerro Grande Fire Assistance Act of 2000 (division C, title I, 114 Stat. 583), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947 (50 U.S.C. 404, 405), Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), the National Dam Safety Program Act (33 U.S.C. 467 et seq.), the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.), the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110–53), the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), the Post-Katrina Emergency Management Reform Act of 2006 (Public Law 109–295; 120 Stat. 1394), the Biggert-Waters Flood Insurance Reform Act of 2012 (Public Law 112–141, 126 Stat. 916), and the Homeowner Flood Insurance Affordability Act of 2014 (Public Law 113–89): *Provided*, That not to exceed \$2,250 shall be for official reception and representation expenses: *Provided further*, That of the total amount made available under this heading, \$35,180,000 shall be for the Urban Search and Rescue Response System, of which none is available for Federal Emergency Management Agency administrative costs: *Provided further*, That of the total amount made available under this heading, \$27,500,000 shall remain available until September 30, 2017, for capital improvements and other expenses related to continuity of operations at the Mount Weather Emergency Operations Center: *Provided further*, That of the total amount made available, \$3,422,000 shall be for the Office of National Capital Region Coordination.

STATE AND LOCAL PROGRAMS

For grants, contracts, cooperative agreements, and other activities, \$1,500,000,000, which shall be allocated as follows:

(1) \$467,000,000 shall be for the State Homeland Security Grant Program under section 2004 of the Homeland Security Act of 2002 (6 U.S.C. 605), of which \$55,000,000 shall be for Operation Stonegarden: *Provided*, That notwithstanding subsection (c)(4) of such section 2004, for fiscal year 2016, the Commonwealth of Puerto Rico shall make available to local and tribal governments amounts provided to the Commonwealth of Puerto Rico under this paragraph in accordance with subsection (c)(1) of such section 2004.

(2) \$600,000,000 shall be for the Urban Area Security Initiative under section 2003 of the Homeland Security Act of 2002 (6 U.S.C. 604), of which \$20,000,000 shall be for organizations (as described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such code) determined by the Secretary of Homeland Security to be at high risk of a terrorist attack.

(3) \$100,000,000 shall be for Public Transportation Security Assistance, Railroad Security Assistance, and Over-the-Road Bus Security Assistance under sections 1406, 1513, and 1532 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110–53; 6 U.S.C. 1135, 1163, and 1182), of which \$10,000,000 shall be for Amtrak security and \$3,000,000 shall be for Over-the-Road Bus Security: *Provided*, That such public transportation security assistance shall be provided directly to public transportation agencies.

(4) \$100,000,000 shall be for Port Security Grants in accordance with 46 U.S.C. 70107.

(5) \$233,000,000 shall be to sustain current operations for training, exercises, technical assistance, and other programs, of which \$162,991,000 shall be for training of State, local, and tribal emergency response providers:

Provided, That for grants under paragraphs (1) through (4), applications for grants shall be made available to eligible applicants not later than 60 days after the date of enactment of this Act, that eligible applicants shall submit applications not later than 80 days after the grant announcement, and the Administrator of the Federal Emergency Management Agency shall act within 65 days after the receipt of an application: *Provided further*, That notwithstanding section 2008(a)(11) of the Homeland Security Act of 2002 (6 U.S.C. 609(a)(11)) or any other provision of law, a grantee may not use more than 5 percent of the amount of a grant made available under this heading for expenses directly related to administration of the grant: *Provided further*, That for grants under paragraphs (1) and (2), the installation of communications towers is not considered construction of a building or other physical facility: *Provided further*, That grantees shall provide reports on their use of funds, as determined necessary by the Secretary of Homeland Security: *Provided further*, That notwithstanding section 509 of this Act, the Administrator of the Federal Emergency Management Agency may use the funds provided in paragraph (5) to acquire real property for the purpose of establishing or appropriately extending the security buffer zones around Federal Emergency Management Agency training facilities.

FIREFIGHTER ASSISTANCE GRANTS

For grants for programs authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), \$690,000,000, to remain available until September 30, 2017, of which \$345,000,000 shall be available to carry out section 33 of that Act (15 U.S.C. 2229) and \$345,000,000 shall be available to carry out section 34 of that Act (15 U.S.C. 2229a).

EMERGENCY MANAGEMENT PERFORMANCE GRANTS

For emergency management performance grants, as authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), and Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), \$350,000,000.

RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

The aggregate charges assessed during fiscal year 2016, as authorized in title III of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (42 U.S.C. 5196e), shall not be less than 100 percent of the amounts anticipated by the Department of Homeland Security necessary for its radiological emergency preparedness program for the next fiscal year: *Provided*, That the methodology for assessment and collection of fees shall be fair and equitable

and shall reflect costs of providing such services, including administrative costs of collecting such fees: *Provided further*, That fees received under this heading shall be deposited in this account as offsetting collections and will become available for authorized purposes on October 1, 2016, and remain available until expended.

UNITED STATES FIRE ADMINISTRATION

For necessary expenses of the United States Fire Administration and for other purposes, as authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) and the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.), \$44,000,000.

DISASTER RELIEF FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), \$7,374,693,000 to remain available until expended, of which \$24,000,000 shall be transferred to the Department of Homeland Security Office of Inspector General for audits and investigations related to disasters: *Provided*, That the reporting requirements in paragraphs (1) and (2) under the heading “Federal Emergency Management Agency, Disaster Relief Fund” in the Department of Homeland Security Appropriations Act, 2015 (Public Law 114–4) shall be applied in fiscal year 2016 with respect to budget year 2017 and current fiscal year 2016, respectively, by substituting “fiscal year 2017” for “fiscal year 2016” in paragraph (1): *Provided further*, That of the amount provided under this heading, \$6,712,953,000 shall be for major disasters declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): *Provided further*, That the amount in the preceding proviso is designated by the Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FLOOD HAZARD MAPPING AND RISK ANALYSIS PROGRAM

For necessary expenses, including administrative costs, under section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101), and under sections 100215, 100216, 100226, 100230, and 100246 of the Biggert-Waters Flood Insurance Reform Act of 2012, (Public Law 112–141, 126 Stat. 916), \$190,000,000, and such additional sums as may be provided by State and local governments or other political subdivisions for cost-shared mapping activities under section 1360(f)(2) of such Act (42 U.S.C. 4101(f)(2)), to remain available until expended.

NATIONAL FLOOD INSURANCE FUND

For activities under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), the Biggert-Waters Flood Insurance Reform Act of 2012 (Public Law 112–141, 126 Stat. 916), and the Homeowner Flood Insurance Affordability Act of 2014 (Public Law 113–89; 128 Stat. 1020), \$181,198,000, which shall remain available

until September 30, 2017, and shall be derived from offsetting amounts collected under section 1308(d) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(d)); of which \$25,299,000 shall be available for salaries and expenses associated with flood management and flood insurance operations and \$155,899,000 shall be available for flood plain management and flood mapping: *Provided*, That any additional fees collected pursuant to section 1308(d) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(d)) shall be credited as an offsetting collection to this account, to be available for flood plain management and flood mapping: *Provided further*, That in fiscal year 2016, no funds shall be available from the National Flood Insurance Fund under section 1310 of the National Flood Insurance Act of 1968 (42 U.S.C. 4017) in excess of:

- (1) \$133,252,000 for operating expenses;
- (2) \$1,123,000,000 for commissions and taxes of agents;
- (3) such sums as are necessary for interest on Treasury borrowings; and
- (4) \$175,000,000, which shall remain available until expended, for flood mitigation actions and for flood mitigation assistance under section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c), notwithstanding sections 1366(e) and 1310(a)(7) of such Act (42 U.S.C. 4104c(e), 4017):

Provided further, That the amounts collected under section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a) and section 1366(e) of the National Flood Insurance Act of 1968 shall be deposited in the National Flood Insurance Fund to supplement other amounts specified as available for section 1366 of the National Flood Insurance Act of 1968, notwithstanding section 102(f)(8), section 1366(e), and paragraphs (1) through (3) of section 1367(b) of such Act (42 U.S.C. 4012a(f)(8), 4104c(e), 4104d(b)(1)–(3)): *Provided further*, That total administrative costs shall not exceed 4 percent of the total appropriation: *Provided further*, That up to \$5,000,000 is available to carry out section 24 of the Homeowner Flood Insurance Affordability Act of 2014 (42 U.S.C. 4033).

NATIONAL PREDISASTER MITIGATION FUND

For the predisaster mitigation grant program under section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133), \$100,000,000, to remain available until expended.

EMERGENCY FOOD AND SHELTER

To carry out the Emergency Food and Shelter program pursuant to title III of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11331 et seq.), \$120,000,000, to remain available until expended: *Provided*, That total administrative costs shall not exceed 3.5 percent of the total amount made available under this heading: *Provided further*, That if the President's budget proposal for fiscal year 2017, submitted pursuant to section 1105(a) of title 31, United States Code, proposes to move the Emergency Food and Shelter program from the Federal Emergency Management Agency to the Department of Housing and Urban Development, or to fund such program directly through the Department of Housing and Urban Development, a joint transition plan from the Federal Emergency Management Agency and the Department of Housing and Urban

Development shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives not later than 90 days after the date the fiscal year 2017 budget is submitted to Congress: *Provided further*, That such plan shall include details on the transition of programmatic responsibilities, efforts to consult with stakeholders, and mechanisms to ensure that the original purpose of the program will be retained.

TITLE IV

RESEARCH, DEVELOPMENT, TRAINING, AND SERVICES

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

For necessary expenses for citizenship and immigration services, \$119,671,000 for the E-Verify Program, as described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note), to assist United States employers with maintaining a legal workforce: *Provided*, That notwithstanding any other provision of law, funds otherwise made available to United States Citizenship and Immigration Services may be used to acquire, operate, equip, and dispose of up to 5 vehicles, for replacement only, for areas where the Administrator of General Services does not provide vehicles for lease: *Provided further*, That the Director of United States Citizenship and Immigration Services may authorize employees who are assigned to those areas to use such vehicles to travel between the employees' residences and places of employment.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, including materials and support costs of Federal law enforcement basic training; the purchase of not to exceed 117 vehicles for police-type use and hire of passenger motor vehicles; expenses for student athletic and related activities; the conduct of and participation in firearms matches and presentation of awards; public awareness and enhancement of community support of law enforcement training; room and board for student interns; a flat monthly reimbursement to employees authorized to use personal mobile phones for official duties; and services as authorized by section 3109 of title 5, United States Code; \$217,485,000; of which up to \$38,981,000 shall remain available until September 30, 2017, for materials and support costs of Federal law enforcement basic training; and of which not to exceed \$7,180 shall be for official reception and representation expenses: *Provided*, That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training sponsored by the Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: *Provided further*, That section 1202(a) of Public Law 107–206 (42 U.S.C. 3771 note), as amended under this heading in Public Law 114–4, is further amended by striking “December 31, 2017” and inserting “December 31, 2018”: *Provided further*, That the Director of the Federal Law Enforcement Training Center shall schedule basic or advanced law enforcement training, or both,

42 USC 3771
note.

at all four training facilities under the control of the Federal Law Enforcement Training Center to ensure that such training facilities are operated at the highest capacity throughout the fiscal year: *Provided further*, That the Federal Law Enforcement Training Accreditation Board, including representatives from the Federal law enforcement community and non-Federal accreditation experts involved in law enforcement training, shall lead the Federal law enforcement training accreditation process to continue the implementation of measuring and assessing the quality and effectiveness of Federal law enforcement training programs, facilities, and instructors.

ACQUISITIONS, CONSTRUCTION, IMPROVEMENTS, AND RELATED
EXPENSES

For acquisition of necessary additional real property and facilities, construction, and ongoing maintenance, facility improvements, and related expenses of the Federal Law Enforcement Training Center, \$27,553,000, to remain available until September 30, 2020: *Provided*, That the Center is authorized to accept reimbursement to this appropriation from government agencies requesting the construction of special use facilities.

SCIENCE AND TECHNOLOGY

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Office of the Under Secretary for Science and Technology and for management and administration of programs and activities, as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), \$131,531,000: *Provided*, That not to exceed \$7,650 shall be for official reception and representation expenses.

RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS

For necessary expenses for science and technology research, including advanced research projects, development, test and evaluation, acquisition, and operations as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), and the purchase or lease of not to exceed 5 vehicles, \$655,407,000, to remain available until September 30, 2018.

DOMESTIC NUCLEAR DETECTION OFFICE

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Domestic Nuclear Detection Office, as authorized by title XIX of the Homeland Security Act of 2002 (6 U.S.C. 591 et seq.), for management and administration of programs and activities, \$38,109,000: *Provided*, That not to exceed \$2,250 shall be for official reception and representation expenses.

RESEARCH, DEVELOPMENT, AND OPERATIONS

For necessary expenses for radiological and nuclear research, development, testing, evaluation, and operations, \$196,000,000, to remain available until September 30, 2018.

SYSTEMS ACQUISITION

For necessary expenses for the Domestic Nuclear Detection Office acquisition and deployment of radiological detection systems in accordance with the global nuclear detection architecture, \$113,011,000, to remain available until September 30, 2018.

TITLE V

GENERAL PROVISIONS

(INCLUDING TRANSFERS AND RESCISSIONS OF FUNDS)

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. Subject to the requirements of section 503 of this Act, the unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this Act, may be merged with funds in the applicable established accounts, and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 503. (a) None of the funds provided by this Act, provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2016, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that—

- (1) creates a new program, project, or activity;
- (2) eliminates a program, project, or activity;
- (3) increases funds for any program, project, or activity for which funds have been denied or restricted by the Congress;
- (4) contracts out any function or activity presently performed by Federal employees or any new function or activity proposed to be performed by Federal employees in the President's budget proposal for fiscal year 2016 for the Department of Homeland Security;
- (5) augments existing programs, projects, or activities in excess of \$5,000,000 or 10 percent, whichever is less;
- (6) reduces any program, project, or activity, or numbers of personnel by 10 percent; or
- (7) results from any general savings from a reduction in personnel that would result in a change in existing programs, projects, or activities as approved by the Congress, unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

(b) Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Homeland Security

by this Act or provided by previous appropriations Acts may be transferred between such appropriations.

(c) Any transfer under this section shall be treated as a reprogramming of funds under subsection (a) and shall not be available for obligation unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such transfer.

(d) Notwithstanding subsections (a), (b), and (c), no funds shall be reprogrammed within or transferred between appropriations based upon an initial notification provided after June 30, except in extraordinary circumstances that imminently threaten the safety of human life or the protection of property.

(e) The notification thresholds and procedures set forth in this section shall apply to any use of deobligated balances of funds provided in previous Department of Homeland Security Appropriations Acts.

31 USC 501 note.

SEC. 504. The Department of Homeland Security Working Capital Fund, established pursuant to section 403 of Public Law 103–356 (31 U.S.C. 501 note), shall continue operations as a permanent working capital fund for fiscal year 2016: *Provided*, That none of the funds appropriated or otherwise made available to the Department of Homeland Security may be used to make payments to the Working Capital Fund, except for the activities and amounts allowed in the President’s fiscal year 2016 budget: *Provided further*, That funds provided to the Working Capital Fund shall be available for obligation until expended to carry out the purposes of the Working Capital Fund: *Provided further*, That all Departmental components shall be charged only for direct usage of each Working Capital Fund service: *Provided further*, That funds provided to the Working Capital Fund shall be used only for purposes consistent with the contributing component: *Provided further*, That the Working Capital Fund shall be paid in advance or reimbursed at rates which will return the full cost of each service: *Provided further*, That the Committees on Appropriations of the Senate and the House of Representatives shall be notified of any activity added to or removed from the fund: *Provided further*, That for any activity added to the fund, the notification shall identify sources of funds by program, project, and activity: *Provided further*, That the Chief Financial Officer of the Department of Homeland Security shall submit a quarterly execution report with activity level detail, not later than 30 days after the end of each quarter.

SEC. 505. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2016, as recorded in the financial records at the time of a reprogramming request, but not later than June 30, 2017, from appropriations for salaries and expenses for fiscal year 2016 in this Act shall remain available through September 30, 2017, in the account and for the purposes for which the appropriations were provided: *Provided*, That prior to the obligation of such funds, a request shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives for approval in accordance with section 503 of this Act.

SEC. 506. Funds made available by this Act for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2016 until the enactment of an Act authorizing intelligence activities for fiscal year 2016.

SEC. 507. (a) Except as provided in subsections (b) and (c), none of the funds made available by this Act may be used to—

(1) make or award a grant allocation, grant, contract, other transaction agreement, or task or delivery order on a Department of Homeland Security multiple award contract, or to issue a letter of intent totaling in excess of \$1,000,000;

(2) award a task or delivery order requiring an obligation of funds in an amount greater than \$10,000,000 from multi-year Department of Homeland Security funds;

(3) make a sole-source grant award; or

(4) announce publicly the intention to make or award items under paragraph (1), (2), or (3) including a contract covered by the Federal Acquisition Regulation.

(b) The Secretary of Homeland Security may waive the prohibition under subsection (a) if the Secretary notifies the Committees on Appropriations of the Senate and the House of Representatives at least 3 full business days in advance of making an award or issuing a letter as described in that subsection.

(c) If the Secretary of Homeland Security determines that compliance with this section would pose a substantial risk to human life, health, or safety, an award may be made without notification, and the Secretary shall notify the Committees on Appropriations of the Senate and the House of Representatives not later than 5 full business days after such an award is made or letter issued.

(d) A notification under this section—

(1) may not involve funds that are not available for obligation; and

(2) shall include the amount of the award; the fiscal year for which the funds for the award were appropriated; the type of contract; and the account from which the funds are being drawn.

(e) The Administrator of the Federal Emergency Management Agency shall brief the Committees on Appropriations of the Senate and the House of Representatives 5 full business days in advance of announcing publicly the intention of making an award under “State and Local Programs”.

SEC. 508. Notwithstanding any other provision of law, no agency shall purchase, construct, or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without advance notification to the Committees on Appropriations of the Senate and the House of Representatives, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training that cannot be accommodated in existing Center facilities.

SEC. 509. None of the funds appropriated or otherwise made available by this Act may be used for expenses for any construction, repair, alteration, or acquisition project for which a prospectus otherwise required under chapter 33 of title 40, United States Code, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus.

SEC. 510. (a) Sections 520, 522, and 530 of the Department of Homeland Security Appropriations Act, 2008 (division E of Public Law 110–161; 121 Stat. 2073 and 2074) shall apply with respect

to funds made available in this Act in the same manner as such sections applied to funds made available in that Act.

6 USC 114 note.

(b) The third proviso of section 537 of the Department of Homeland Security Appropriations Act, 2006 (6 U.S.C. 114), shall hereafter not apply with respect to funds made available in this or any other Act.

6 USC 469a.
49 USC 44901
note.

(c) Section 525 of Public Law 109–90 is amended by striking “thereafter”, and section 554 of Public Law 111–83 is amended by striking “and shall report annually thereafter”.

SEC. 511. None of the funds made available in this Act may be used in contravention of the applicable provisions of the Buy American Act. For purposes of the preceding sentence, the term “Buy American Act” means chapter 83 of title 41, United States Code.

SEC. 512. None of the funds made available in this Act may be used to amend the oath of allegiance required by section 337 of the Immigration and Nationality Act (8 U.S.C. 1448).

SEC. 513. Not later than 30 days after the last day of each month, the Chief Financial Officer of the Department of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a monthly budget and staffing report for that month that includes total obligations of the Department for that month for the fiscal year at the appropriation and program, project, and activity levels, by the source year of the appropriation: *Provided*, That total obligations for staffing shall also be provided by subcategory of on-board and funded full-time equivalent staffing levels, respectively: *Provided further*, That the report shall specify the number of, and total obligations for, contract employees for each office of the Department.

SEC. 514. Except as provided in section 44945 of title 49, United States Code, funds appropriated or transferred to Transportation Security Administration “Aviation Security”, “Administration”, and “Transportation Security Support” for fiscal years 2004 and 2005 that are recovered or deobligated shall be available only for the procurement or installation of explosives detection systems, air cargo, baggage, and checkpoint screening systems, subject to notification: *Provided*, That semiannual reports shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives on any funds that are recovered or deobligated.

SEC. 515. None of the funds appropriated by this Act may be used to process or approve a competition under Office of Management and Budget Circular A–76 for services provided by employees (including employees serving on a temporary or term basis) of United States Citizenship and Immigration Services of the Department of Homeland Security who are known as Immigration Information Officers, Immigration Service Analysts, Contact Representatives, Investigative Assistants, or Immigration Services Officers.

SEC. 516. Any funds appropriated to “Coast Guard, Acquisition, Construction, and Improvements” for fiscal years 2002, 2003, 2004, 2005, and 2006 for the 110–123 foot patrol boat conversion that are recovered, collected, or otherwise received as the result of negotiation, mediation, or litigation, shall be available until expended for the Fast Response Cutter program.

SEC. 517. The functions of the Federal Law Enforcement Training Center instructor staff shall be classified as inherently governmental for the purpose of the Federal Activities Inventory Reform Act of 1998 (31 U.S.C. 501 note).

SEC. 518. (a) The Secretary of Homeland Security shall submit a report not later than October 15, 2016, to the Inspector General of the Department of Homeland Security listing all grants and contracts awarded by any means other than full and open competition during fiscal year 2016.

(b) The Inspector General shall review the report required by subsection (a) to assess Departmental compliance with applicable laws and regulations and report the results of that review to the Committees on Appropriations of the Senate and the House of Representatives not later than February 15, 2017.

SEC. 519. None of the funds provided by this or previous appropriations Acts shall be used to fund any position designated as a Principal Federal Official (or the successor thereto) for any Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) declared disasters or emergencies unless—

(1) the responsibilities of the Principal Federal Official do not include operational functions related to incident management, including coordination of operations, and are consistent with the requirements of section 509(c) and sections 503(c)(3) and 503(c)(4)(A) of the Homeland Security Act of 2002 (6 U.S.C. 319(c), 313(c)(3), and 313(c)(4)(A)) and section 302 of the Robert T. Stafford Disaster Relief and Assistance Act (42 U.S.C. 5143);

(2) not later than 10 business days after the latter of the date on which the Secretary of Homeland Security appoints the Principal Federal Official and the date on which the President issues a declaration under section 401 or section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 and 5191, respectively), the Secretary of Homeland Security shall submit a notification of the appointment of the Principal Federal Official and a description of the responsibilities of such Official and how such responsibilities are consistent with paragraph (1) to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives; and

(3) not later than 60 days after the date of enactment of this Act, the Secretary shall provide a report specifying timeframes and milestones regarding the update of operations, planning and policy documents, and training and exercise protocols, to ensure consistency with paragraph (1) of this section.

SEC. 520. None of the funds provided or otherwise made available in this Act shall be available to carry out section 872 of the Homeland Security Act of 2002 (6 U.S.C. 452) unless explicitly authorized by Congress.

SEC. 521. (a) None of the funds appropriated by this or previous appropriations Acts may be used to establish an Office of Chemical, Biological, Radiological, Nuclear, and Explosives Defense until such time as Congress has authorized such establishment.

(b) Subject to the limitation in subsection (a) and notwithstanding section 503 of this Act, the Secretary may transfer funds for the purpose of executing authorization of the Office of Chemical, Biological, Radiological, Nuclear, and Explosives Defense.

(c) Not later than 15 days before transferring funds pursuant to subsection (b), the Secretary of Homeland Security shall submit a report to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Homeland Security

and Governmental Affairs of the Senate, and the Committee on Homeland Security of the House of Representatives on—

(1) the transition plan for the establishment of the office; and

(2) the funds and positions to be transferred by source.

SEC. 522. None of the funds made available in this Act may be used by United States Citizenship and Immigration Services to grant an immigration benefit unless the results of background checks required by law to be completed prior to the granting of the benefit have been received by United States Citizenship and Immigration Services, and the results do not preclude the granting of the benefit.

SEC. 523. Section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391) is amended—

(1) in subsection (a), by striking “Until September 30, 2015,” and inserting “Until September 30, 2016,”; and

(2) in subsection (c)(1), by striking “September 30, 2015,” and inserting “September 30, 2016.”.

SEC. 524. The Secretary of Homeland Security shall require that all contracts of the Department of Homeland Security that provide award fees link such fees to successful acquisition outcomes (which outcomes shall be specified in terms of cost, schedule, and performance).

SEC. 525. Notwithstanding any other provision of law, none of the funds provided in this or any other Act shall be used to approve a waiver of the navigation and vessel-inspection laws pursuant to 46 U.S.C. 501(b) for the transportation of crude oil distributed from and to the Strategic Petroleum Reserve until the Secretary of Homeland Security, after consultation with the Secretaries of the Departments of Energy and Transportation and representatives from the United States flag maritime industry, takes adequate measures to ensure the use of United States flag vessels: *Provided*, That the Secretary shall notify the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives within 2 business days of any request for waivers of navigation and vessel-inspection laws pursuant to 46 U.S.C. 501(b).

SEC. 526. None of the funds made available in this Act for U.S. Customs and Border Protection may be used to prevent an individual not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act) from importing a prescription drug from Canada that complies with the Federal Food, Drug, and Cosmetic Act: *Provided*, That this section shall apply only to individuals transporting on their person a personal-use quantity of the prescription drug, not to exceed a 90-day supply: *Provided further*, That the prescription drug may not be—

(1) a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802); or

(2) a biological product, as defined in section 351 of the Public Health Service Act (42 U.S.C. 262).

SEC. 527. None of the funds in this Act shall be used to reduce the Coast Guard’s Operations Systems Center mission or its government-employed or contract staff levels.

SEC. 528. The Secretary of Homeland Security, in consultation with the Secretary of the Treasury, shall notify the Committees on Appropriations of the Senate and the House of Representatives of any proposed transfers of funds available under section 9703.1(g)(4)(B) of title 31, United States Code (as added by Public Law 102–393) from the Department of the Treasury Forfeiture Fund to any agency within the Department of Homeland Security: *Provided*, That none of the funds identified for such a transfer may be obligated until the Committees on Appropriations of the Senate and the House of Representatives approve the proposed transfers.

SEC. 529. None of the funds made available in this Act may be used for planning, testing, piloting, or developing a national identification card.

SEC. 530. None of the funds appropriated by this Act may be used to conduct, or to implement the results of, a competition under Office of Management and Budget Circular A–76 for activities performed with respect to the Coast Guard National Vessel Documentation Center.

SEC. 531. Any official that is required by this Act to report or to certify to the Committees on Appropriations of the Senate and the House of Representatives may not delegate such authority to perform that act unless specifically authorized herein.

SEC. 532. None of the funds appropriated or otherwise made available in this or any other Act may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after June 24, 2009, at the United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

SEC. 533. None of the funds made available in this Act may be used for first-class travel by the employees of agencies funded by this Act in contravention of sections 301–10.122 through 301–10.124 of title 41, Code of Federal Regulations.

SEC. 534. None of the funds made available in this Act may be used to employ workers described in section 274A(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3)).

SEC. 535. Funds made available in this Act may be used to alter operations within the Civil Engineering Program of the Coast Guard nationwide, including civil engineering units, facilities design and construction centers, maintenance and logistics commands, and the Coast Guard Academy, except that none of the funds provided in this Act may be used to reduce operations within any civil engineering unit unless specifically authorized by a statute enacted after the date of enactment of this Act.

SEC. 536. Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be used to pay award or incentive fees for contractor performance that has been judged to be below satisfactory performance or performance that does not meet the basic requirements of a contract.

SEC. 537. In developing any process to screen aviation passengers and crews for transportation or national security purposes, the Secretary of Homeland Security shall ensure that all such

processes take into consideration such passengers' and crews' privacy and civil liberties consistent with applicable laws, regulations, and guidance.

SEC. 538. (a) Notwithstanding section 1356(n) of title 8, United States Code, of the funds deposited into the Immigration Examinations Fee Account, up to \$10,000,000 may be allocated by United States Citizenship and Immigration Services in fiscal year 2016 for the purpose of providing an immigrant integration grants program.

(b) None of the funds made available to United States Citizenship and Immigration Services for grants for immigrant integration may be used to provide services to aliens who have not been lawfully admitted for permanent residence.

SEC. 539. For an additional amount for the "Office of the Under Secretary for Management", \$215,679,000, to remain available until expended, for necessary expenses to plan, acquire, design, construct, renovate, remediate, equip, furnish, improve infrastructure, and occupy buildings and facilities for the Department headquarters consolidation project and associated mission support consolidation: *Provided*, That the Committees on Appropriations of the Senate and the House of Representatives shall receive an expenditure plan not later than 90 days after the date of enactment of this Act detailing the allocation of these funds.

SEC. 540. None of the funds appropriated or otherwise made available by this Act may be used by the Department of Homeland Security to enter into any Federal contract unless such contract is entered into in accordance with the requirements of subtitle I of title 41, United States Code, or chapter 137 of title 10, United States Code, and the Federal Acquisition Regulation, unless such contract is otherwise authorized by statute to be entered into without regard to the above referenced statutes.

SEC. 541. (a) For an additional amount for financial systems modernization, \$52,977,000 to remain available until September 30, 2017.

(b) Funds made available in subsection (a) for financial systems modernization may be transferred by the Secretary of Homeland Security between appropriations for the same purpose, notwithstanding section 503 of this Act.

(c) No transfer described in subsection (b) shall occur until 15 days after the Committees on Appropriations of the Senate and the House of Representatives are notified of such transfer.

SEC. 542. (a) For an additional amount for cybersecurity to safeguard and enhance Department of Homeland Security systems and capabilities, \$100,000,000 to remain available until September 30, 2017.

(b) Funds made available in subsection (a) for cybersecurity may be transferred by the Secretary of Homeland Security between appropriations for the same purpose, notwithstanding section 503 of this Act.

(c) No transfer described in subsection (b) shall occur until 15 days after the Committees on Appropriations of the Senate and the House of Representatives are notified of such transfer.

SEC. 543. (a) For an additional amount for emergent threats from violent extremism and from complex, coordinated terrorist attacks, \$50,000,000 to remain available until September 30, 2017.

(b) Funds made available in subsection (a) for emergent threats may be transferred by the Secretary of Homeland Security between

appropriations for the same purpose, notwithstanding section 503 of this Act.

(c) No transfer described in subsection (b) shall occur until 15 days after the Committees on Appropriations of the Senate and the House of Representatives are notified of such transfer.

SEC. 544. The Secretary of Homeland Security may transfer to the fund established by 8 U.S.C. 1101 note, up to \$20,000,000 from appropriations available to the Department of Homeland Security: *Provided*, That the Secretary shall notify the Committees on Appropriations of the Senate and the House of Representatives 5 days in advance of such transfer.

SEC. 545. The Secretary of Homeland Security shall ensure enforcement of all immigration laws (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17))).

SEC. 546. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

SEC. 547. None of the funds made available in this Act may be used by a Federal law enforcement officer to facilitate the transfer of an operable firearm to an individual if the Federal law enforcement officer knows or suspects that the individual is an agent of a drug cartel unless law enforcement personnel of the United States continuously monitor or control the firearm at all times.

SEC. 548. None of the funds provided in this or any other Act may be obligated to implement the National Preparedness Grant Program or any other successor grant programs unless explicitly authorized by Congress.

SEC. 549. None of the funds made available in this Act may be used to provide funding for the position of Public Advocate, or a successor position, within U.S. Immigration and Customs Enforcement.

SEC. 550. Section 559(e)(3)(D) of Public Law 113–76 is amended by striking “five pilots per year” and inserting “10 pilots per year”.

6 USC 211 note.

SEC. 551. None of the funds made available in this Act may be used to pay for the travel to or attendance of more than 50 employees of a single component of the Department of Homeland Security, who are stationed in the United States, at a single international conference unless the Secretary of Homeland Security, or a designee, determines that such attendance is in the national interest and notifies the Committees on Appropriations of the Senate and the House of Representatives within at least 10 days of that determination and the basis for that determination: *Provided*, That for purposes of this section the term “international conference” shall mean a conference occurring outside of the United States attended by representatives of the United States Government and of foreign governments, international organizations, or non-governmental organizations: *Provided further*, That the total cost to the Department of Homeland Security of any such conference shall not exceed \$500,000.

SEC. 552. None of the funds made available in this Act may be used to reimburse any Federal department or agency for its participation in a National Special Security Event.

SEC. 553. With the exception of countries with preclearance facilities in service prior to 2013, none of the funds made available in this Act may be used for new U.S. Customs and Border Protection air preclearance agreements entering into force after February 1, 2014, unless: (1) the Secretary of Homeland Security, in consultation with the Secretary of State, has certified to Congress that air preclearance operations at the airport provide a homeland or national security benefit to the United States; (2) U.S. passenger air carriers are not precluded from operating at existing preclearance locations; and (3) a U.S. passenger air carrier is operating at all airports contemplated for establishment of new air preclearance operations.

SEC. 554. None of the funds made available by this or any other Act may be used by the Administrator of the Transportation Security Administration to implement, administer, or enforce, in abrogation of the responsibility described in section 44903(n)(1) of title 49, United States Code, any requirement that airport operators provide airport-financed staffing to monitor exit points from the sterile area of any airport at which the Transportation Security Administration provided such monitoring as of December 1, 2013.

SEC. 555. The administrative law judge annuitants participating in the Senior Administrative Law Judge Program managed by the Director of the Office of Personnel Management under section 3323 of title 5, United States Code, shall be available on a temporary reemployment basis to conduct arbitrations of disputes arising from delivery of assistance under the Federal Emergency Management Agency Public Assistance Program.

SEC. 556. As authorized by section 601(b) of the United States-Colombia Trade Promotion Agreement Implementation Act (Public Law 112–42) fees collected from passengers arriving from Canada, Mexico, or an adjacent island pursuant to section 13031(a)(5) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)(5)) shall be available until expended.

SEC. 557. None of the funds made available to the Department of Homeland Security by this or any other Act may be obligated for any structural pay reform that affects more than 100 full-time equivalent employee positions or costs more than \$5,000,000 in a single year before the end of the 30-day period beginning on the date on which the Secretary of Homeland Security submits to Congress a notification that includes—

- (1) the number of full-time equivalent employee positions affected by such change;
- (2) funding required for such change for the current year and through the Future Years Homeland Security Program;
- (3) justification for such change; and
- (4) an analysis of compensation alternatives to such change that were considered by the Department.

SEC. 558. (a) Any agency receiving funds made available in this Act shall, subject to subsections (b) and (c), post on the public Web site of that agency any report required to be submitted by the Committees on Appropriations of the Senate and the House of Representatives in this Act, upon the determination by the head of the agency that it shall serve the national interest.

- (b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises homeland or national security; or

(2) the report contains proprietary information.

(c) The head of the agency posting such report shall do so only after such report has been made available to the requesting Committee or Committees of Congress for no less than 45 days except as otherwise specified in law.

SEC. 559. (a) IN GENERAL.—Beginning on the date of enactment of this Act, the Secretary of Homeland Security shall not—

(1) establish, collect, or otherwise impose any new border crossing fee on individuals crossing the Southern border or the Northern border at a land port of entry; or

(2) conduct any study relating to the imposition of a border crossing fee.

(b) BORDER CROSSING FEE DEFINED.—In this section, the term “border crossing fee” means a fee that every pedestrian, cyclist, and driver and passenger of a private motor vehicle is required to pay for the privilege of crossing the Southern border or the Northern border at a land port of entry.

SEC. 560. Notwithstanding any other provision of law, grants awarded to States along the Southwest Border of the United States under sections 2003 or 2004 of the Homeland Security Act of 2002 (6 U.S.C. 604 and 605) using funds provided under the heading “Federal Emergency Management Agency, State and Local Programs” in this Act, Public Law 114–4, division F of Public Law 113–76, or division D of Public Law 113–6 may be used by recipients or sub-recipients for costs, or reimbursement of costs, related to providing humanitarian relief to unaccompanied alien children and alien adults accompanied by an alien minor where they are encountered after entering the United States, provided that such costs were incurred between January 1, 2014, and December 31, 2014, or during the award period of performance.

SEC. 561. (a) Each major acquisition program of the Department of Homeland Security, as defined in Department of Homeland Security Management Directive 102–2, shall meet established acquisition documentation requirements for its acquisition program baseline established in the Department of Homeland Security Instruction Manual 102–01–001 and the Department of Homeland Security Acquisition Instruction/Guidebook 102–01–001, Appendix K.

6 USC 391 note.

(b) The Department shall report to the Committees on Appropriations of the Senate and the House of Representatives in the Comprehensive Acquisition Status Report and its quarterly updates, required under the heading “Office of the Under Secretary for Management” of this Act, on any major acquisition program that does not meet such documentation requirements and the schedule by which the program will come into compliance with these requirements.

(c) None of the funds made available by this or any other Act for any fiscal year may be used for a major acquisition program that is out of compliance with such documentation requirements for more than two years except that funds may be used solely to come into compliance with such documentation requirements or to terminate the program.

SEC. 562. None of the funds appropriated by this or any other Act shall be used to pay the salaries and expenses of personnel who prepare or submit appropriations language as part of the President’s budget proposal to the Congress of the United States

for programs under the jurisdiction of the Appropriations Subcommittees on the Department of Homeland Security that assumes revenues or reflects a reduction from the previous year due to user fees proposals that have not been enacted into law prior to the submission of the budget unless such budget submission identifies which additional spending reductions should occur in the event the user fees proposals are not enacted prior to the date of the convening of a committee of conference for the fiscal year 2017 appropriations Act.

SEC. 563. (a) The Secretary of Homeland Security may include, in the President's budget proposal for fiscal year 2017, submitted pursuant to section 1105(a) of title 31, United States Code, and accompanying justification materials, an account structure under which each appropriation under each agency heading either remains the same as fiscal year 2016 or falls within the following categories of appropriations:

- (1) Operations and Support.
- (2) Procurements, Construction, and Improvements.
- (3) Research and Development.
- (4) Federal Assistance.

(b) The Under Secretary for Management, acting through the Chief Financial Officer, shall determine and provide centralized guidance to each agency on how to structure appropriations for purposes of subsection (a).

(c) Not earlier than October 1, 2016, the accounts designated under subsection (a) may be established, and the Secretary of Homeland Security may execute appropriations of the Department as provided pursuant to such subsection, including any continuing appropriations made available for fiscal year 2017 before enactment of a regular appropriations Act.

(d) Notwithstanding any other provision of law, the Secretary of Homeland Security may transfer any appropriation made available to the Department of Homeland Security by any appropriations Acts to the accounts created pursuant to subsection (c) to carry out the requirements of such subsection, and shall notify the Committees on Appropriations of the Senate and the House of Representatives within 5 days of each transfer.

(e)(1) Not later than November 1, 2016, the Secretary of Homeland Security shall establish the preliminary baseline for application of reprogramming and transfer authorities and submit the report specified in paragraph (2) to the Committees on Appropriations of the Senate and the House of Representatives.

(2) The report required in this subsection shall include—

(A) a delineation of the amount and account of each transfer made pursuant to subsection (c) or (d);

(B) a table for each appropriation with a separate column to display the President's budget proposal, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, adjustments made pursuant to the transfer authority in subsection (c) or (d), and the fiscal year level;

(C) a delineation in the table for each appropriation, adjusted as described in paragraph (2), both by budget activity and program, project, and activity as detailed in the Budget Appendix; and

(D) an identification of funds directed for a specific activity.

(f) The Secretary shall not exercise the authority provided in subsections (c), (d), and (e) unless, not later than April 1, 2016,

the Chief Financial Officer has submitted to the Committees on Appropriations of the Senate and the House of Representatives—

- (1) technical assistance on new legislative language in the account structure under subsection (a);
- (2) comparison tables of fiscal years 2015, 2016, and 2017 in the account structure under subsection (a);
- (3) cross-component comparisons that the account structure under subsection (a) facilitates;
- (4) a copy of the interim financial management policy manual addressing changes made in this Act;
- (5) an outline of the financial management policy manual changes necessary for the account structure under subsection (a);
- (6) proposed changes to transfer and reprogramming requirements, including technical assistance on legislative language;
- (7) certification by the Chief Financial Officer that the Department’s financial systems can report in the new account structure; and
- (8) a plan for training and implementation of the account structure under subsections (a) and (c).

SEC. 564. None of the funds made available by this Act may be obligated or expended to implement the Arms Trade Treaty until the Senate approves a resolution of ratification for the Treaty.

SEC. 565. Section 214(g)(9)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(9)(A)) is amended by striking “2004, 2005, or 2006 shall not again be counted toward such limitation during fiscal year 2007.” and inserting “2013, 2014, or 2015 shall not again be counted toward such limitation during fiscal year 2016.”

SEC. 566. For an additional amount for “U.S. Customs and Border Protection, Salaries and Expenses”, \$14,000,000, to remain available until expended, to be reduced by amounts collected and credited to this appropriation from amounts authorized to be collected by section 286(i) of the Immigration and Nationality Act (8 U.S.C. 1356(i)), section 10412 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8311), and section 817 of the Trade Facilitation and Trade Enforcement Act of 2015: *Provided*, That to the extent that amounts realized from such collections exceed \$14,000,000, those amounts in excess of \$14,000,000 shall be credited to this appropriation and remain available until expended: *Provided further*, That this authority is contingent on enactment of the Trade Facilitation and Trade Enforcement Act of 2015.

(RESCISSIONS)

SEC. 567. Of the funds appropriated to the Department of Homeland Security, the following funds are hereby rescinded from the following accounts and programs in the specified amounts: *Provided*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177):

- (1) \$27,338,000 from Public Law 109–88;

(2) \$4,188,000 from unobligated prior year balances from “Analysis and Operations”;

(3) \$7,000,000 from unobligated prior year balances from “U.S. Customs and Border Protection, Automation Modernization”;

(4) \$21,856,000 from unobligated prior year balances from “U.S. Customs and Border Protection, Border Security, Fencing, Infrastructure, and Technology”;

(5) \$4,500,000 from unobligated prior year balances from “U.S. Customs and Border Protection, Construction and Facilities Management”;

(6) \$158,414,000 from Public Law 114–4 under the heading “Transportation Security Administration, Aviation Security”;

(7) \$14,000,000 from Public Law 114–4 under the heading “Transportation Security Administration, Surface Transportation Security”;

(8) \$5,800,000 from Public Law 112–74 under the heading “Coast Guard, Acquisition, Construction, and Improvements”;

(9) \$16,445,000 from Public Law 113–76 under the heading “Coast Guard, Acquisition, Construction, and Improvements”;

(10) \$13,758,918 from “Federal Emergency Management Agency, National Predisaster Mitigation Fund” account 70 × 0716;

(11) \$393,178 from Public Law 113–6 under the heading “Science and Technology, Research, Development, Acquisition, and Operations”;

(12) \$8,500,000 from Public Law 113–76 under the heading “Science and Technology, Research, Development, Acquisition, and Operations”; and

(13) \$1,106,822 from Public Law 114–4 under the heading “Science and Technology, Research, Development, Acquisition, and Operations”.

(RESCISSIONS)

SEC. 568. Of the funds transferred to the Department of Homeland Security when it was created in 2003, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

(1) \$417,017 from “U.S. Customs and Border Protection, Salaries and Expenses”;

(2) \$15,238 from “Federal Emergency Management Agency, Office of Domestic Preparedness”; and

(3) \$573,828 from “Federal Emergency Management Agency, National Predisaster Mitigation Fund”.

(RESCISSIONS)

SEC. 569. The following unobligated balances made available to the Department of Homeland Security pursuant to section 505 of the Department of Homeland Security Appropriations Act, 2015 (Public Law 114–4) are rescinded:

(1) \$361,242 from “Office of the Secretary and Executive Management”;

(2) \$146,547 from “Office of the Under Secretary for Management”;

(3) \$25,859 from “Office of the Chief Financial Officer”;

(4) \$507,893 from “Office of the Chief Information Officer”;

- (5) \$301,637 from “Analysis and Operations”;
- (6) \$20,856 from “Office of Inspector General”;
- (7) \$598,201 from “U.S. Customs and Border Protection, Salaries and Expenses”;
- (8) \$254,322 from “U.S. Customs and Border Protection, Automation Modernization”;
- (9) \$450,806 from “U.S. Customs and Border Protection, Air and Marine Operations”;
- (10) \$2,461,665 from “U.S. Immigration and Customs Enforcement, Salaries and Expenses”;
- (11) \$8,653,853 from “Coast Guard, Operating Expenses”;
- (12) \$515,040 from “Coast Guard, Reserve Training”;
- (13) \$970,844 from “Coast Guard, Acquisition, Construction, and Improvements”;
- (14) \$4,212,971 from “United States Secret Service, Salaries and Expenses”;
- (15) \$27,360 from “National Protection and Programs Directorate, Management and Administration”;
- (16) \$188,146 from “National Protection and Programs Directorate, Infrastructure Protection and Information Security”;
- (17) \$986 from “National Protection and Programs Directorate, Office of Biometric Identity Management”;
- (18) \$20,650 from “Office of Health Affairs”;
- (19) \$236,332 from “Federal Emergency Management Agency, United States Fire Administration”;
- (20) \$3,086,173 from “United States Citizenship and Immigration Services”;
- (21) \$558,012 from “Federal Law Enforcement Training Center, Salaries and Expenses”;
- (22) \$284,796 from “Science and Technology, Management and Administration”; and
- (23) \$83,861 from “Domestic Nuclear Detection Office, Management and Administration”.

(RESCISSION)

SEC. 570. From the unobligated balances made available in the Department of the Treasury Forfeiture Fund established by section 9703 of title 31, United States Code (added by section 638 of Public Law 102–393), \$176,000,000 shall be rescinded.

(RESCISSION)

SEC. 571. Of the unobligated balances made available to “Federal Emergency Management Agency, Disaster Relief Fund”, \$1,021,879,000 shall be rescinded: *Provided*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That no amounts may be rescinded from the amounts that were designated by the Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 572. Section 401(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) shall be applied by substituting “September 30, 2016” for the date

8 USC 1324a
note.

specified in section 106(3) of the Continuing Appropriations Act, 2016 (Public Law 114–53).

8 USC 1101 note. SEC. 573. Subclauses 101(a)(27)(C)(ii)(II) and (III) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(C)(ii)(II) and (III)) shall be applied by substituting “September 30, 2016” for the date specified in section 106(3) of the Continuing Appropriations Act, 2016 (Public Law 114–53).

8 USC 1182 note. SEC. 574. Section 220(c) of the Immigration and Nationality Technical Corrections Act of 1994 (8 U.S.C. 1182 note) shall be applied by substituting “September 30, 2016” for the date specified in section 106(3) of the Continuing Appropriations Act, 2016 (Public Law 114–53).

8 USC 1153 note. SEC. 575. Section 610(b) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1153 note) shall be applied by substituting “September 30, 2016” for the date specified in section 106(3) of the Continuing Appropriations Act, 2016 (Public Law 114–53).

This division may be cited as the “Department of Homeland Security Appropriations Act, 2016”.

Department of
the Interior,
Environment,
and Related
Agencies
Appropriations
Act, 2016.

DIVISION G—DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2016

TITLE I

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For necessary expenses for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to section 1010(a) of Public Law 96–487 (16 U.S.C. 3150(a)), \$1,072,675,000, to remain available until expended, including all such amounts as are collected from permit processing fees, as authorized but made subject to future appropriation by section 35(d)(3)(A)(i) of the Mineral Leasing Act (30 U.S.C. 191), except that amounts from permit processing fees may be used for any bureau-related expenses associated with the processing of oil and gas applications for permits to drill and related use of authorizations; of which \$3,000,000 shall be available in fiscal year 2016 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation for cost-shared projects supporting conservation of Bureau lands; and such funds shall be advanced to the Foundation as a lump-sum grant without regard to when expenses are incurred.

In addition, \$39,696,000 is for Mining Law Administration program operations, including the cost of administering the mining claim fee program, to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from mining claim maintenance fees and location fees that

are hereby authorized for fiscal year 2016, so as to result in a final appropriation estimated at not more than \$1,072,675,000, and \$2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities.

LAND ACQUISITION

For expenses necessary to carry out sections 205, 206, and 318(d) of Public Law 94–579, including administrative expenses and acquisition of lands or waters, or interests therein, \$38,630,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein, including existing connecting roads on or adjacent to such grant lands; \$107,734,000, to remain available until expended: *Provided*, That 25 percent of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (43 U.S.C. 1181f).

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1751), notwithstanding any other Act, sums equal to 50 percent of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315b, 315m) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than \$10,000,000, to remain available until expended: *Provided*, That not to exceed \$600,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under Public Law 94–579 (43 U.S.C. 1701 et seq.), and under section 28 of the Mineral Leasing Act (30 U.S.C. 185), to remain available until expended: *Provided*, That,

43 USC 1735
note.

notwithstanding any provision to the contrary of section 305(a) of Public Law 94–579 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this Act by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such action are used on the exact lands damaged which led to the action: *Provided further*, That any such moneys that are in excess of amounts needed to repair damage to the exact land for which funds were collected may be used to repair other damaged public lands.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing laws, there is hereby appropriated such amounts as may be contributed under section 307 of Public Law 94–579 (43 U.S.C. 1737), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act (43 U.S.C. 1721(b)), to remain available until expended.

ADMINISTRATIVE PROVISIONS

The Bureau of Land Management may carry out the operations funded under this Act by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities, including with States. Appropriations for the Bureau shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to \$100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed \$10,000: *Provided*, That notwithstanding Public Law 90–620 (44 U.S.C. 501), the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards: *Provided further*, That projects to be funded pursuant to a written commitment by a State government to provide an identified amount of money in support of the project may be carried out by the Bureau on a reimbursable basis. Appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau or its contractors or for the sale of wild horses and burros that results in their destruction for processing into commercial products.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For necessary expenses of the United States Fish and Wildlife Service, as authorized by law, and for scientific and economic studies, general administration, and for the performance of other authorized functions related to such resources, \$1,238,771,000, to remain available until September 30, 2017: *Provided*, That not to exceed \$20,515,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533) (except for processing petitions, developing and issuing proposed and final regulations, and taking any other steps to implement actions described in subsection (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)), of which not to exceed \$4,605,000 shall be used for any activity regarding the designation of critical habitat, pursuant to subsection (a)(3), excluding litigation support, for species listed pursuant to subsection (a)(1) prior to October 1, 2014; of which not to exceed \$1,501,000 shall be used for any activity regarding petitions to list species that are indigenous to the United States pursuant to subsections (b)(3)(A) and (b)(3)(B); and, of which not to exceed \$1,504,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533) for species that are not indigenous to the United States.

CONSTRUCTION

For construction, improvement, acquisition, or removal of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fish and wildlife resources, and the acquisition of lands and interests therein; \$23,687,000, to remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out chapter 2003 of title 54, United States Code, including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, \$68,500,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which, notwithstanding section 200306 of title 54, United States Code, not more than \$10,000,000 shall be for land conservation partnerships authorized by the Highlands Conservation Act of 2004, including not to exceed \$320,000 for administrative expenses: *Provided*, That none of the funds appropriated for specific land acquisition projects may be used to pay for any administrative overhead, planning or other management costs.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out section 6 of the Endangered Species Act of 1973 (16 U.S.C. 1535), \$53,495,000, to remain available until expended, of which \$22,695,000 is to be derived from the Cooperative Endangered Species Conservation Fund; and of which \$30,800,000 is to be derived from the Land and Water Conservation Fund.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), \$13,228,000.

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act (16 U.S.C. 4401 et seq.), \$35,145,000, to remain available until expended.

NEOTROPICAL MIGRATORY BIRD CONSERVATION

For expenses necessary to carry out the Neotropical Migratory Bird Conservation Act (16 U.S.C. 6101 et seq.), \$3,910,000, to remain available until expended.

MULTINATIONAL SPECIES CONSERVATION FUND

For expenses necessary to carry out the African Elephant Conservation Act (16 U.S.C. 4201 et seq.), the Asian Elephant Conservation Act of 1997 (16 U.S.C. 4261 et seq.), the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301 et seq.), the Great Ape Conservation Act of 2000 (16 U.S.C. 6301 et seq.), and the Marine Turtle Conservation Act of 2004 (16 U.S.C. 6601 et seq.), \$11,061,000, to remain available until expended.

STATE AND TRIBAL WILDLIFE GRANTS

For wildlife conservation grants to States and to the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, American Samoa, and Indian tribes under the provisions of the Fish and Wildlife Act of 1956 and the Fish and Wildlife Coordination Act, for the development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished, \$60,571,000, to remain available until expended: *Provided*, That of the amount provided herein, \$4,084,000 is for a competitive grant program for Indian tribes not subject to the remaining provisions of this appropriation: *Provided further*, That \$5,487,000 is for a competitive grant program to implement approved plans for States, territories, and other jurisdictions and at the discretion of affected States, the regional Associations of fish and wildlife agencies, not subject to the remaining provisions of this appropriation: *Provided further*, That the Secretary shall, after deducting \$9,571,000 and administrative expenses, apportion the amount provided herein in the following manner: (1) to the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than one-half of 1 percent thereof; and (2) to Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than one-fourth of 1 percent thereof: *Provided further*, That the Secretary shall apportion the remaining amount in the following manner: (1) one-third of which is based on the ratio to which the land area of such State bears to the total land area of all such States; and (2) two-thirds of which is based on the ratio to which the population of such State bears to the total population of all such States: *Provided further*, That the amounts

apportioned under this paragraph shall be adjusted equitably so that no State shall be apportioned a sum which is less than 1 percent of the amount available for apportionment under this paragraph for any fiscal year or more than 5 percent of such amount: *Provided further*, That the Federal share of planning grants shall not exceed 75 percent of the total costs of such projects and the Federal share of implementation grants shall not exceed 65 percent of the total costs of such projects: *Provided further*, That the non-Federal share of such projects may not be derived from Federal grant programs: *Provided further*, That any amount apportioned in 2016 to any State, territory, or other jurisdiction that remains unobligated as of September 30, 2017, shall be reapportioned, together with funds appropriated in 2018, in the manner provided herein.

ADMINISTRATIVE PROVISIONS

The United States Fish and Wildlife Service may carry out the operations of Service programs by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities. Appropriations and funds available to the United States Fish and Wildlife Service shall be available for repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed \$1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are used pursuant to law in connection with management, and investigation of fish and wildlife resources: *Provided*, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: *Provided further*, That the Service may accept donated aircraft as replacements for existing aircraft: *Provided further*, That notwithstanding 31 U.S.C. 3302, all fees collected for non-toxic shot review and approval shall be deposited under the heading “United States Fish and Wildlife Service—Resource Management” and shall be available to the Secretary, without further appropriation, to be used for expenses of processing of such non-toxic shot type or coating applications and revising regulations as necessary, and shall remain available until expended.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service and for the general administration of the National Park Service, \$2,369,596,000, of which \$10,001,000 for planning and interagency coordination in support of Everglades restoration and \$99,461,000 for maintenance, repair, or rehabilitation projects for constructed assets shall remain available until September 30,

2017: *Provided*, That funds appropriated under this heading in this Act are available for the purposes of section 5 of Public Law 95–348 and section 204 of Public Law 93–486, as amended by section 1(3) of Public Law 100–355.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, and grant administration, not otherwise provided for, \$62,632,000.

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the National Historic Preservation Act (division A of subtitle III of title 54, United States Code), \$65,410,000, to be derived from the Historic Preservation Fund and to remain available until September 30, 2017, of which \$500,000 is for competitive grants for the survey and nomination of properties to the National Register of Historic Places and as National Historic Landmarks associated with communities currently underrepresented, as determined by the Secretary, and of which \$8,000,000 is for competitive grants to preserve the sites and stories of the Civil Rights movement: *Provided*, That such competitive grants shall be made without imposing the matching requirements in section 302902(b)(3) of title 54, United States Code to States and Indian tribes as defined in chapter 3003 of such title, Native Hawaiian organizations, local governments, including Certified Local Governments, and nonprofit organizations.

CONSTRUCTION

For construction, improvements, repair, or replacement of physical facilities, including modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989 (16 U.S.C. 410r-8), \$192,937,000, to remain available until expended: *Provided*, That, notwithstanding any other provision of law, for any project initially funded in fiscal year 2016 with a future phase indicated in the National Park Service 5–Year Line Item Construction Plan, a single procurement may be issued which includes the full scope of the project: *Provided further*, That the solicitation and contract shall contain the clause availability of funds found at 48 CFR 52.232–18: *Provided further*, That National Park Service Donations, Park Concessions Franchise Fees, and Recreation Fees may be made available for the cost of adjustments and changes within the original scope of effort for projects funded by the National Park Service Construction appropriation: *Provided further*, That the Secretary of the Interior shall consult with the Committees on Appropriations, in accordance with current reprogramming thresholds, prior to making any charges authorized by this section.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

54 USC 200308
note.

The contract authority provided for fiscal year 2016 by section 200308 of title 54, United States Code, is rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out chapter 2003 of title 54, United States Code, including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with the statutory authority applicable to the National Park Service, \$173,670,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which \$110,000,000 is for the State assistance program and of which \$10,000,000 shall be for the American Battlefield Protection Program grants as authorized by chapter 3081 of title 54, United States Code.

CENTENNIAL CHALLENGE

For expenses necessary to carry out the provisions of section 101701 of title 54, United States Code, relating to challenge cost share agreements, \$15,000,000, to remain available until expended, for Centennial Challenge projects and programs: *Provided*, That not less than 50 percent of the total cost of each project or program shall be derived from non-Federal sources in the form of donated cash, assets, or a pledge of donation guaranteed by an irrevocable letter of credit.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

In addition to other uses set forth in section 101917(c)(2) of title 54, United States Code, franchise fees credited to a sub-account shall be available for expenditure by the Secretary, without further appropriation, for use at any unit within the National Park System to extinguish or reduce liability for Possessory Interest or leasehold surrender interest. Such funds may only be used for this purpose to the extent that the benefitting unit anticipated franchise fee receipts over the term of the contract at that unit exceed the amount of funds used to extinguish or reduce liability. Franchise fees at the benefitting unit shall be credited to the sub-account of the originating unit over a period not to exceed the term of a single contract at the benefitting unit, in the amount of funds so expended to extinguish or reduce liability.

For the costs of administration of the Land and Water Conservation Fund grants authorized by section 105(a)(2)(B) of the Gulf of Mexico Energy Security Act of 2006 (Public Law 109–432), the National Park Service may retain up to 3 percent of the amounts which are authorized to be disbursed under such section, such retained amounts to remain available until expended.

National Park Service funds may be transferred to the Federal Highway Administration (FHWA), Department of Transportation, for purposes authorized under 23 U.S.C. 204. Transfers may include a reasonable amount for FHWA administrative support costs.

In fiscal year 2016 and each fiscal year thereafter, any amounts deposited into the National Park Service trust fund accounts (31 U.S.C. 1321(a)(17)–(18)) shall be invested by the Secretary of the Treasury in interest bearing obligations of the United States to the extent such amounts are not, in his judgment, required to meet current withdrawals: *Provided*, That interest earned by such investments shall be available for obligation without further appropriation, to the benefit of the project.

31 USC 1321
note.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, biology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law; and to publish and disseminate data relative to the foregoing activities; \$1,062,000,000, to remain available until September 30, 2017; of which \$57,637,189 shall remain available until expended for satellite operations; and of which \$7,280,000 shall be available until expended for deferred maintenance and capital improvement projects that exceed \$100,000 in cost: *Provided*, That none of the funds provided for the ecosystem research activity shall be used to conduct new surveys on private property, unless specifically authorized in writing by the property owner: *Provided further*, That no part of this appropriation shall be used to pay more than one-half the cost of topographic mapping or water resources data collection and investigations carried on in cooperation with States and municipalities.

43 USC 50.

ADMINISTRATIVE PROVISIONS

From within the amount appropriated for activities of the United States Geological Survey such sums as are necessary shall be available for contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee for Geological Sciences; and payment of compensation and expenses of persons employed by the Survey duly appointed to represent the United States in the negotiation and administration of interstate compacts: *Provided*, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in section 6302 of title 31, United States Code: *Provided further*, That the United States Geological Survey may enter into contracts or cooperative agreements directly with individuals or indirectly with institutions or nonprofit organizations, without regard to 41 U.S.C. 6101, for the temporary or intermittent services of students or recent graduates, who shall be considered employees for the purpose of chapters 57 and 81 of title 5, United States Code, relating to compensation for travel and work injuries, and chapter 171 of title 28, United States Code, relating to tort claims, but shall not be considered to be Federal employees for any other purposes.

BUREAU OF OCEAN ENERGY MANAGEMENT

OCEAN ENERGY MANAGEMENT

For expenses necessary for granting leases, easements, rights-of-way and agreements for use for oil and gas, other minerals, energy, and marine-related purposes on the Outer Continental Shelf and approving operations related thereto, as authorized by law; for environmental studies, as authorized by law; for implementing other laws and to the extent provided by Presidential or Secretarial delegation; and for matching grants or cooperative agreements, \$170,857,000, of which \$74,235,000, is to remain available until September 30, 2017 and of which \$96,622,000 is to remain available until expended: *Provided*, That this total appropriation shall be reduced by amounts collected by the Secretary and credited to this appropriation from additions to receipts resulting from increases to lease rental rates in effect on August 5, 1993, and from cost recovery fees from activities conducted by the Bureau of Ocean Energy Management pursuant to the Outer Continental Shelf Lands Act, including studies, assessments, analysis, and miscellaneous administrative activities: *Provided further*, That the sum herein appropriated shall be reduced as such collections are received during the fiscal year, so as to result in a final fiscal year 2016 appropriation estimated at not more than \$74,235,000: *Provided further*, That not to exceed \$3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities.

BUREAU OF SAFETY AND ENVIRONMENTAL ENFORCEMENT

OFFSHORE SAFETY AND ENVIRONMENTAL ENFORCEMENT

For expenses necessary for the regulation of operations related to leases, easements, rights-of-way and agreements for use for oil and gas, other minerals, energy, and marine-related purposes on the Outer Continental Shelf, as authorized by law; for enforcing and implementing laws and regulations as authorized by law and to the extent provided by Presidential or Secretarial delegation; and for matching grants or cooperative agreements, \$124,772,000, of which \$67,565,000 is to remain available until September 30, 2017 and of which \$57,207,000 is to remain available until expended: *Provided*, That this total appropriation shall be reduced by amounts collected by the Secretary and credited to this appropriation from additions to receipts resulting from increases to lease rental rates in effect on August 5, 1993, and from cost recovery fees from activities conducted by the Bureau of Safety and Environmental Enforcement pursuant to the Outer Continental Shelf Lands Act, including studies, assessments, analysis, and miscellaneous administrative activities: *Provided further*, That the sum herein appropriated shall be reduced as such collections are received during the fiscal year, so as to result in a final fiscal year 2016 appropriation estimated at not more than \$67,565,000.

For an additional amount, \$65,000,000, to remain available until expended, to be reduced by amounts collected by the Secretary and credited to this appropriation, which shall be derived from non-refundable inspection fees collected in fiscal year 2016, as provided in this Act: *Provided*, That to the extent that amounts realized from such inspection fees exceed \$65,000,000, the amounts realized

in excess of \$65,000,000 shall be credited to this appropriation and remain available until expended: *Provided further*, That for fiscal year 2016, not less than 50 percent of the inspection fees expended by the Bureau of Safety and Environmental Enforcement will be used to fund personnel and mission-related costs to expand capacity and expedite the orderly development, subject to environmental safeguards, of the Outer Continental Shelf pursuant to the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.), including the review of applications for permits to drill.

OIL SPILL RESEARCH

For necessary expenses to carry out title I, section 1016, title IV, sections 4202 and 4303, title VII, and title VIII, section 8201 of the Oil Pollution Act of 1990, \$14,899,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

30 USC 1211
note.

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, \$123,253,000, to remain available until September 30, 2017: *Provided*, That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

30 USC 1257
note.

In addition, for costs to review, administer, and enforce permits issued by the Office pursuant to section 507 of Public Law 95–87 (30 U.S.C. 1257), \$40,000, to remain available until expended: *Provided*, That fees assessed and collected by the Office pursuant to such section 507 shall be credited to this account as discretionary offsetting collections, to remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as collections are received during the fiscal year, so as to result in a fiscal year 2016 appropriation estimated at not more than \$123,253,000.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, \$27,303,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended: *Provided*, That pursuant to Public Law 97–365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: *Provided further*, That funds made available under title IV of Public Law 95–87 may be used for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: *Provided further*, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act: *Provided further*, That amounts provided under this heading may be used for the travel and per

diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

In addition, \$90,000,000, to remain available until expended, for grants to States for reclamation of abandoned mine lands and other related activities in accordance with the terms and conditions in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided*, That such additional amount shall be used for economic and community development in conjunction with the priorities in section 403(a) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1233(a)): *Provided further*, That such additional amount shall be distributed in equal amounts to the 3 Appalachian States with the greatest amount of unfunded needs to meet the priorities described in paragraphs (1) and (2) of such section: *Provided further*, That such additional amount shall be allocated to States within 60 days after the date of enactment of this Act.

BUREAU OF INDIAN AFFAIRS AND BUREAU OF INDIAN EDUCATION

OPERATION OF INDIAN PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the operation of Indian programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.), the Education Amendments of 1978 (25 U.S.C. 2001–2019), and the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), \$2,267,924,000, to remain available until September 30, 2017, except as otherwise provided herein; of which not to exceed \$8,500 may be for official reception and representation expenses; of which not to exceed \$74,791,000 shall be for welfare assistance payments: *Provided*, That, in cases of designated Federal disasters, the Secretary may exceed such cap, from the amounts provided herein, to provide for disaster relief to Indian communities affected by the disaster: *Provided further*, That federally recognized Indian tribes and tribal organizations of federally recognized Indian tribes may use their tribal priority allocations for unmet welfare assistance costs: *Provided further*, That not to exceed \$628,351,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 2016, and shall remain available until September 30, 2017: *Provided further*, That not to exceed \$43,813,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, land records improvement, and the Navajo-Hopi Settlement Program: *Provided further*, That, notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975 (25 U.S.C. 450f et seq.) and section 1128 of the Education Amendments of 1978 (25 U.S.C. 2008), not to exceed \$73,276,000 within and only from such amounts made available for school operations shall be available for administrative cost grants associated with grants approved prior to July 1, 2016: *Provided further*, That any forestry funds allocated to a federally recognized tribe which remain unobligated as of September 30, 2017, may be transferred during fiscal year 2018 to an Indian forest land assistance account established for the benefit of the holder

of the funds within the holder's trust fund account: *Provided further*, That any such unobligated balances not so transferred shall expire on September 30, 2018: *Provided further*, That, in order to enhance the safety of Bureau field employees, the Bureau may use funds to purchase uniforms or other identifying articles of clothing for personnel.

CONTRACT SUPPORT COSTS

For payments to tribes and tribal organizations for contract support costs associated with Indian Self-Determination and Education Assistance Act agreements with the Bureau of Indian Affairs for fiscal year 2016, such sums as may be necessary, which shall be available for obligation through September 30, 2017: *Provided*, That amounts obligated but not expended by a tribe or tribal organization for contract support costs for such agreements for the current fiscal year shall be applied to contract support costs otherwise due for such agreements for subsequent fiscal years: *Provided further*, That, notwithstanding any other provision of law, no amounts made available under this heading shall be available for transfer to another budget account.

CONSTRUCTION

(INCLUDING TRANSFER OF FUNDS)

For construction, repair, improvement, and maintenance of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87–483, \$193,973,000, to remain available until expended: *Provided*, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: *Provided further*, That not to exceed 6 percent of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau: *Provided further*, That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a nonreimbursable basis: *Provided further*, That for fiscal year 2016, in implementing new construction, replacement facilities construction, or facilities improvement and repair project grants in excess of \$100,000 that are provided to grant schools under Public Law 100–297, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements: *Provided further*, That such grants shall not be subject to section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: *Provided further*, That in considering grant applications, the Secretary shall consider whether such grantee would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(b), with respect to organizational and financial management capabilities: *Provided further*, That if the Secretary declines a grant application, the Secretary shall follow the requirements contained in 25

U.S.C. 2504(f): *Provided further*, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2507(e): *Provided further*, That in order to ensure timely completion of construction projects, the Secretary may assume control of a project and all funds related to the project, if, within 18 months of the date of enactment of this Act, any grantee receiving funds appropriated in this Act or in any prior Act, has not completed the planning and design phase of the project and commenced construction: *Provided further*, That this appropriation may be reimbursed from the Office of the Special Trustee for American Indians appropriation for the appropriate share of construction costs for space expansion needed in agency offices to meet trust reform implementation.

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS
PAYMENTS TO INDIANS

For payments and necessary administrative expenses for implementation of Indian land and water claim settlements pursuant to Public Laws 99–264, 100–580, 101–618, 111–11, and 111–291, and for implementation of other land and water rights settlements, \$49,475,000, to remain available until expended.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed loans and insured loans, \$7,748,000, of which \$1,062,000 is for administrative expenses, as authorized by the Indian Financing Act of 1974: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed or insured, not to exceed \$113,804,510.

ADMINISTRATIVE PROVISIONS

The Bureau of Indian Affairs may carry out the operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts, and grants, either directly or in cooperation with States and other organizations.

Notwithstanding 25 U.S.C. 15, the Bureau of Indian Affairs may contract for services in support of the management, operation, and maintenance of the Power Division of the San Carlos Irrigation Project.

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs for central office oversight and Executive Direction and Administrative Services (except executive direction and administrative services funding for Tribal Priority Allocations, regional offices, and facilities operations and maintenance) shall be available for contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs under the provisions of the Indian Self-Determination Act or the Tribal Self-Governance Act of 1994 (Public Law 103–413).

In the event any tribe returns appropriations made available by this Act to the Bureau of Indian Affairs, this action shall not diminish the Federal Government's trust responsibility to that tribe, or the government-to-government relationship between the United

States and that tribe, or that tribe's ability to access future appropriations.

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Education, other than the amounts provided herein for assistance to public schools under 25 U.S.C. 452 et seq., shall be available to support the operation of any elementary or secondary school in the State of Alaska.

No funds available to the Bureau of Indian Education shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau of Indian Education school system as of October 1, 1995, except that the Secretary of the Interior may waive this prohibition to support expansion of up to one additional grade when the Secretary determines such waiver is needed to support accomplishment of the mission of the Bureau of Indian Education. Appropriations made available in this or any prior Act for schools funded by the Bureau shall be available, in accordance with the Bureau's funding formula, only to the schools in the Bureau school system as of September 1, 1996, and to any school or school program that was reinstated in fiscal year 2012. Funds made available under this Act may not be used to establish a charter school at a Bureau-funded school (as that term is defined in section 1141 of the Education Amendments of 1978 (25 U.S.C. 2021)), except that a charter school that is in existence on the date of the enactment of this Act and that has operated at a Bureau-funded school before September 1, 1999, may continue to operate during that period, but only if the charter school pays to the Bureau a pro rata share of funds to reimburse the Bureau for the use of the real and personal property (including buses and vans), the funds of the charter school are kept separate and apart from Bureau funds, and the Bureau does not assume any obligation for charter school programs of the State in which the school is located if the charter school loses such funding. Employees of Bureau-funded schools sharing a campus with a charter school and performing functions related to the charter school's operation and employees of a charter school shall not be treated as Federal employees for purposes of chapter 171 of title 28, United States Code.

Notwithstanding any other provision of law, including section 113 of title I of appendix C of Public Law 106–113, if in fiscal year 2003 or 2004 a grantee received indirect and administrative costs pursuant to a distribution formula based on section 5(f) of Public Law 101–301, the Secretary shall continue to distribute indirect and administrative cost funds to such grantee using the section 5(f) distribution formula.

Funds available under this Act may not be used to establish satellite locations of schools in the Bureau school system as of September 1, 1996, except that the Secretary may waive this prohibition in order for an Indian tribe to provide language and cultural immersion educational programs for non-public schools located within the jurisdictional area of the tribal government which exclusively serve tribal members, do not include grades beyond those currently served at the existing Bureau-funded school, provide an educational environment with educator presence and academic facilities comparable to the Bureau-funded school, comply with all applicable Tribal, Federal, or State health and safety standards,

and the Americans with Disabilities Act, and demonstrate the benefits of establishing operations at a satellite location in lieu of incurring extraordinary costs, such as for transportation or other impacts to students such as those caused by busing students extended distances: *Provided*, That no funds available under this Act may be used to fund operations, maintenance, rehabilitation, construction or other facilities-related costs for such assets that are not owned by the Bureau: *Provided further*, That the term “satellite school” means a school location physically separated from the existing Bureau school by more than 50 miles but that forms part of the existing school in all other respects.

DEPARTMENTAL OFFICES

OFFICE OF THE SECRETARY

DEPARTMENTAL OPERATIONS

For necessary expenses for management of the Department of the Interior, including the collection and disbursement of royalties, fees, and other mineral revenue proceeds, and for grants and cooperative agreements, as authorized by law, \$721,769,000, to remain available until September 30, 2017; of which not to exceed \$15,000 may be for official reception and representation expenses; and of which up to \$1,000,000 shall be available for workers compensation payments and unemployment compensation payments associated with the orderly closure of the United States Bureau of Mines; and of which \$12,618,000 for the Office of Valuation Services is to be derived from the Land and Water Conservation Fund and shall remain available until expended; and of which \$38,300,000 shall remain available until expended for the purpose of mineral revenue management activities: *Provided*, That notwithstanding any other provision of law, \$15,000 under this heading shall be available for refunds of overpayments in connection with certain Indian leases in which the Secretary concurred with the claimed refund due, to pay amounts owed to Indian allottees or tribes, or to correct prior unrecoverable erroneous payments.

ADMINISTRATIVE PROVISIONS

For fiscal year 2016, up to \$400,000 of the payments authorized by the Act of October 20, 1976 (31 U.S.C. 6901–6907) may be retained for administrative expenses of the Payments in Lieu of Taxes Program: *Provided*, That no payment shall be made pursuant to that Act to otherwise eligible units of local government if the computed amount of the payment is less than \$100: *Provided further*, That the Secretary may reduce the payment authorized by 31 U.S.C. 6901–6907 for an individual county by the amount necessary to correct prior year overpayments to that county: *Provided further*, That the amount needed to correct a prior year underpayment to an individual county shall be paid from any reductions for overpayments to other counties and the amount necessary to cover any remaining underpayment is hereby appropriated and shall be paid to individual counties: *Provided further*, That of the total amount made available by this title for “Office of the Secretary—Departmental Operations”, \$452,000,000 shall be available to the Secretary of the Interior for an additional amount for fiscal

year 2016 for payments in lieu of taxes under chapter 69 of title 31, United States Code.

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior and other jurisdictions identified in section 104(e) of Public Law 108–188, \$86,976,000, of which: (1) \$77,528,000 shall remain available until expended for territorial assistance, including general technical assistance, maintenance assistance, disaster assistance, coral reef initiative activities, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94–241; 90 Stat. 272); and (2) \$9,448,000 shall be available until September 30, 2017, for salaries and expenses of the Office of Insular Affairs: *Provided*, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or used by such governments, may be audited by the Government Accountability Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: *Provided further*, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 104–134: *Provided further*, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure with territorial participation and cost sharing to be determined by the Secretary based on the grantee’s commitment to timely maintenance of its capital assets: *Provided further*, That any appropriation for disaster assistance under this heading in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

48 USC 1469b.

COMPACT OF FREE ASSOCIATION

For grants and necessary expenses, \$3,318,000, to remain available until expended, as provided for in sections 221(a)(2) and 233 of the Compact of Free Association for the Republic of Palau; and section 221(a)(2) of the Compacts of Free Association for the Government of the Republic of the Marshall Islands and the Federated States of Micronesia, as authorized by Public Law 99–658 and Public Law 108–188.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

At the request of the Governor of Guam, the Secretary may transfer discretionary funds or mandatory funds provided under section 104(e) of Public Law 108-188 and Public Law 104-134, that are allocated for Guam, to the Secretary of Agriculture for the subsidy cost of direct or guaranteed loans, plus not to exceed three percent of the amount of the subsidy transferred for the cost of loan administration, for the purposes authorized by the Rural Electrification Act of 1936 and section 306(a)(1) of the Consolidated Farm and Rural Development Act for construction and repair projects in Guam, and such funds shall remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That such loans or loan guarantees may be made without regard to the population of the area, credit elsewhere requirements, and restrictions on the types of eligible entities under the Rural Electrification Act of 1936 and section 306(a)(1) of the Consolidated Farm and Rural Development Act: *Provided further*, That any funds transferred to the Secretary of Agriculture shall be in addition to funds otherwise made available to make or guarantee loans under such authorities.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, \$65,800,000.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, \$50,047,000.

OFFICE OF THE SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For the operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, \$139,029,000, to remain available until expended, of which not to exceed \$22,120,000 from this or any other Act, may be available for historical accounting: *Provided*, That funds for trust management improvements and litigation support may, as needed, be transferred to or merged with the Bureau of Indian Affairs and Bureau of Indian Education, "Operation of Indian Programs" account; the Office of the Solicitor, "Salaries and Expenses" account; and the Office of the Secretary, "Departmental Operations" account: *Provided further*, That funds made available through contracts or grants obligated during fiscal year 2016, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 450 et seq.),

shall remain available until expended by the contractor or grantee: *Provided further*, That, notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activity for at least 15 months and has a balance of \$15 or less: *Provided further*, That the Secretary shall issue an annual account statement and maintain a record of any such accounts and shall permit the balance in each such account to be withdrawn upon the express written request of the account holder: *Provided further*, That not to exceed \$50,000 is available for the Secretary to make payments to correct administrative errors of either disbursements from or deposits to Individual Indian Money or Tribal accounts after September 30, 2002: *Provided further*, That erroneous payments that are recovered shall be credited to and remain available in this account for this purpose: *Provided further*, That the Secretary shall not be required to reconcile Special Deposit Accounts with a balance of less than \$500 unless the Office of the Special Trustee receives proof of ownership from a Special Deposit Accounts claimant.

DEPARTMENT-WIDE PROGRAMS

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for fire preparedness, fire suppression operations, fire science and research, emergency rehabilitation, hazardous fuels management activities, and rural fire assistance by the Department of the Interior, \$816,745,000, to remain available until expended, of which not to exceed \$6,427,000 shall be for the renovation or construction of fire facilities: *Provided*, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: *Provided further*, That of the funds provided \$170,000,000 is for hazardous fuels management activities: *Provided further*, That of the funds provided \$18,970,000 is for burned area rehabilitation: *Provided further*, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: *Provided further*, That notwithstanding 42 U.S.C. 1856d, sums received by a bureau or office of the Department of the Interior for fire protection rendered pursuant to 42 U.S.C. 1856 et seq., protection of United States property, may be credited to the appropriation from which funds were expended to provide that protection, and are available without fiscal year limitation: *Provided further*, That using the amounts designated under this title of this Act, the Secretary of the Interior may enter into procurement contracts, grants, or cooperative agreements, for hazardous fuels management and resilient landscapes activities, and for training and monitoring associated with such hazardous fuels management and resilient landscapes activities on Federal land, or on adjacent non-Federal land for activities that benefit resources on Federal land: *Provided further*, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: *Provided further*, That notwithstanding requirements of the Competition in

Contracting Act, the Secretary, for purposes of hazardous fuels management and resilient landscapes activities, may obtain maximum practicable competition among: (1) local private, nonprofit, or cooperative entities; (2) Youth Conservation Corps crews, Public Lands Corps (Public Law 109–154), or related partnerships with State, local, or nonprofit youth groups; (3) small or micro-businesses; or (4) other entities that will hire or train locally a significant percentage, defined as 50 percent or more, of the project workforce to complete such contracts: *Provided further*, That in implementing this section, the Secretary shall develop written guidance to field units to ensure accountability and consistent application of the authorities provided herein: *Provided further*, That funds appropriated under this heading may be used to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference, as required by section 7 of such Act, in connection with wildland fire management activities: *Provided further*, That the Secretary of the Interior may use wildland fire appropriations to enter into leases of real property with local governments, at or below fair market value, to construct capitalized improvements for fire facilities on such leased properties, including but not limited to fire guard stations, retardant stations, and other initial attack and fire support facilities, and to make advance payments for any such lease or for construction activity associated with the lease: *Provided further*, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed \$50,000,000, between the Departments when such transfers would facilitate and expedite wildland fire management programs and projects: *Provided further*, That funds provided for wildfire suppression shall be available for support of Federal emergency response actions: *Provided further*, That funds appropriated under this heading shall be available for assistance to or through the Department of State in connection with forest and rangeland research, technical information, and assistance in foreign countries, and, with the concurrence of the Secretary of State, shall be available to support forestry, wildland fire management, and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

FLAME WILDFIRE SUPPRESSION RESERVE FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for large fire suppression operations of the Department of the Interior and as a reserve fund for suppression and Federal emergency response activities, \$177,000,000, to remain available until expended: *Provided*, That such amounts are only available for transfer to the “Wildland Fire Management” account following a declaration by the Secretary in accordance with section 502 of the FLAME Act of 2009 (43 U.S.C. 1748a).

CENTRAL HAZARDOUS MATERIALS FUND

For necessary expenses of the Department of the Interior and any of its component offices and bureaus for the response action, including associated activities, performed pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.), \$10,010,000, to remain available until expended.

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment, restoration activities, and onshore oil spill preparedness by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.), and Public Law 101–337 (16 U.S.C. 19jj et seq.), \$7,767,000, to remain available until expended.

WORKING CAPITAL FUND

For the operation and maintenance of a departmental financial and business management system, information technology improvements of general benefit to the Department, and the consolidation of facilities and operations throughout the Department, \$67,100,000, to remain available until expended: *Provided*, That none of the funds appropriated in this Act or any other Act may be used to establish reserves in the Working Capital Fund account other than for accrued annual leave and depreciation of equipment without prior approval of the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That the Secretary may assess reasonable charges to State, local and tribal government employees for training services provided by the National Indian Program Training Center, other than training related to Public Law 93–638: *Provided further*, That the Secretary may lease or otherwise provide space and related facilities, equipment or professional services of the National Indian Program Training Center to State, local and tribal government employees or persons or organizations engaged in cultural, educational, or recreational activities (as defined in section 3306(a) of title 40, United States Code) at the prevailing rate for similar space, facilities, equipment, or services in the vicinity of the National Indian Program Training Center: *Provided further*, That all funds received pursuant to the two preceding provisos shall be credited to this account, shall be available until expended, and shall be used by the Secretary for necessary expenses of the National Indian Program Training Center: *Provided further*, That the Secretary may enter into grants and cooperative agreements to support the Office of Natural Resource Revenue’s collection and disbursement of royalties, fees, and other mineral revenue proceeds, as authorized by law.

ADMINISTRATIVE PROVISION

There is hereby authorized for acquisition from available resources within the Working Capital Fund, aircraft which may be obtained by donation, purchase or through available excess surplus property: *Provided*, That existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

(INCLUDING TRANSFERS OF FUNDS)

EMERGENCY TRANSFER AUTHORITY—INTRA-BUREAU

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: *Provided further*, That all funds used pursuant to this section must be replenished by a supplemental appropriation, which must be requested as promptly as possible.

EMERGENCY TRANSFER AUTHORITY—DEPARTMENT-WIDE

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of wildland fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oil spills; for response and natural resource damage assessment activities related to actual oil spills or releases of hazardous substances into the environment; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 417(b) of Public Law 106–224 (7 U.S.C. 7717(b)); for emergency reclamation projects under section 410 of Public Law 95–87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: *Provided*, That appropriations made in this title for wildland fire operations shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for wildland fire operations, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: *Provided further*, That for wildland fire operations, no funds shall be made available under this

authority until the Secretary determines that funds appropriated for “wildland fire operations” and “FLAME Wildfire Suppression Reserve Fund” shall be exhausted within 30 days: *Provided further*, That all funds used pursuant to this section must be replenished by a supplemental appropriation, which must be requested as promptly as possible: *Provided further*, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

AUTHORIZED USE OF FUNDS

SEC. 103. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by section 3109 of title 5, United States Code, when authorized by the Secretary, in total amount not to exceed \$500,000; purchase and replacement of motor vehicles, including specially equipped law enforcement vehicles; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

AUTHORIZED USE OF FUNDS, INDIAN TRUST MANAGEMENT

SEC. 104. Appropriations made in this Act under the headings Bureau of Indian Affairs and Bureau of Indian Education, and Office of the Special Trustee for American Indians and any unobligated balances from prior appropriations Acts made under the same headings shall be available for expenditure or transfer for Indian trust management and reform activities. Total funding for historical accounting activities shall not exceed amounts specifically designated in this Act for such purpose.

REDISTRIBUTION OF FUNDS, BUREAU OF INDIAN AFFAIRS

SEC. 105. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to redistribute any Tribal Priority Allocation funds, including tribal base funds, to alleviate tribal funding inequities by transferring funds to address identified, unmet needs, dual enrollment, overlapping service areas or inaccurate distribution methodologies. No tribe shall receive a reduction in Tribal Priority Allocation funds of more than 10 percent in fiscal year 2016. Under circumstances of dual enrollment, overlapping service areas or inaccurate distribution methodologies, the 10 percent limitation does not apply.

ELLIS, GOVERNORS, AND LIBERTY ISLANDS

SEC. 106. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to acquire lands, waters, or interests therein including the use of all or part of any pier, dock, or landing within the State of New York and the State of New Jersey, for the purpose of operating and maintaining facilities in the support of transportation and accommodation of visitors to Ellis, Governors, and Liberty Islands, and of other program

and administrative activities, by donation or with appropriated funds, including franchise fees (and other monetary consideration), or by exchange; and the Secretary is authorized to negotiate and enter into leases, subleases, concession contracts or other agreements for the use of such facilities on such terms and conditions as the Secretary may determine reasonable.

OUTER CONTINENTAL SHELF INSPECTION FEES

SEC. 107. (a) In fiscal year 2016, the Secretary shall collect a nonrefundable inspection fee, which shall be deposited in the “Offshore Safety and Environmental Enforcement” account, from the designated operator for facilities subject to inspection under 43 U.S.C. 1348(c).

(b) Annual fees shall be collected for facilities that are above the waterline, excluding drilling rigs, and are in place at the start of the fiscal year. Fees for fiscal year 2016 shall be:

(1) \$10,500 for facilities with no wells, but with processing equipment or gathering lines;

(2) \$17,000 for facilities with 1 to 10 wells, with any combination of active or inactive wells; and

(3) \$31,500 for facilities with more than 10 wells, with any combination of active or inactive wells.

(c) Fees for drilling rigs shall be assessed for all inspections completed in fiscal year 2016. Fees for fiscal year 2016 shall be:

(1) \$30,500 per inspection for rigs operating in water depths of 500 feet or more; and

(2) \$16,700 per inspection for rigs operating in water depths of less than 500 feet.

(d) The Secretary shall bill designated operators under subsection (b) within 60 days, with payment required within 30 days of billing. The Secretary shall bill designated operators under subsection (c) within 30 days of the end of the month in which the inspection occurred, with payment required within 30 days of billing.

BUREAU OF OCEAN ENERGY MANAGEMENT, REGULATION AND ENFORCEMENT REORGANIZATION

SEC. 108. The Secretary of the Interior, in order to implement a reorganization of the Bureau of Ocean Energy Management, Regulation and Enforcement, may transfer funds among and between the successor offices and bureaus affected by the reorganization only in conformance with the reprogramming guidelines described in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

CONTRACTS AND AGREEMENTS FOR WILD HORSE AND BURRO HOLDING FACILITIES

SEC. 109. Notwithstanding any other provision of this Act, the Secretary of the Interior may enter into multiyear cooperative agreements with nonprofit organizations and other appropriate entities, and may enter into multiyear contracts in accordance with the provisions of section 3903 of title 41, United States Code (except that the 5-year term restriction in subsection (a) shall not apply), for the long-term care and maintenance of excess wild free roaming horses and burros by such organizations or entities on private

16 USC 1336
note.

land. Such cooperative agreements and contracts may not exceed 10 years, subject to renewal at the discretion of the Secretary.

MASS MARKING OF SALMONIDS

SEC. 110. The United States Fish and Wildlife Service shall, in carrying out its responsibilities to protect threatened and endangered species of salmon, implement a system of mass marking of salmonid stocks, intended for harvest, that are released from federally operated or federally financed hatcheries including but not limited to fish releases of coho, chinook, and steelhead species. Marked fish must have a visible mark that can be readily identified by commercial and recreational fishers.

EXHAUSTION OF ADMINISTRATIVE REVIEW

SEC. 111. Paragraph (1) of section 122(a) of division E of Public Law 112–74 (125 Stat. 1013) is amended by striking “through 2016,” in the first sentence and inserting “through 2018,”.

WILD LANDS FUNDING PROHIBITION

SEC. 112. None of the funds made available in this Act or any other Act may be used to implement, administer, or enforce Secretarial Order No. 3310 issued by the Secretary of the Interior on December 22, 2010: *Provided*, That nothing in this section shall restrict the Secretary’s authorities under sections 201 and 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1711 and 1712).

BUREAU OF INDIAN EDUCATION OPERATED SCHOOLS

SEC. 113. Section 115(d) of division E of Public Law 112–74 (25 U.S.C. 2000 note) is amended by striking “2017” and inserting “2027”.

VOLUNTEERS IN PARKS

SEC. 114. Section 102301(d) of title 54, United States Code, is amended by striking “\$3,500,000” and inserting “\$7,000,000”.

CONTRACTS AND AGREEMENTS WITH INDIAN AFFAIRS

SEC. 115. Notwithstanding any other provision of law, during fiscal year 2016, in carrying out work involving cooperation with State, local, and tribal governments or any political subdivision thereof, Indian Affairs may record obligations against accounts receivable from any such entities, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year.

HERITAGE AREAS

SEC. 116. (a) Section 157(h)(1) of title I of Public Law 106–291 (16 U.S.C. 461 note) is amended by striking “\$11,000,000” and inserting “\$13,000,000”.

(b) Division II of Public Law 104–333 (16 U.S.C. 461 note) is amended—

- (1) in sections 409(a), 508(a), and 812(a) by striking “\$15,000,000” and inserting “\$17,000,000”; and 54 USC 320101 notes.
- (2) in sections 208, 310, and 607 by striking “2015” and inserting “2017”. 54 USC 320101 notes.

SAGE-GROUSE

SEC. 117. None of the funds made available by this or any other Act may be used by the Secretary of the Interior to write or issue pursuant to section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533)—

- (1) a proposed rule for greater sage-grouse (*Centrocercus urophasianus*);
- (2) a proposed rule for the Columbia basin distinct population segment of greater sage-grouse.

ONSHORE PAY AUTHORITY EXTENSION

SEC. 118. For fiscal year 2016, funds made available in this title for the Bureau of Land Management and the Bureau of Indian Affairs may be used by the Secretary of the Interior to establish higher minimum rates of basic pay for employees of the Department of the Interior carrying out the inspection and regulation of onshore oil and gas operations on public lands in the Petroleum Engineer (GS–0881) and Petroleum Engineering Technician (GS–0802) job series at grades 5 through 14 at rates no greater than 25 percent above the minimum rates of basic pay normally scheduled, and such higher rates shall be consistent with subsections (e) through (h) of section 5305 of title 5, United States Code.

REPUBLIC OF PALAU

SEC. 119. (a) IN GENERAL.—Subject to subsection (c), the United States Government, through the Secretary of the Interior shall provide to the Government of Palau for fiscal year 2016 grants in amounts equal to the annual amounts specified in subsections (a), (c), and (d) of section 211 of the Compact of Free Association between the Government of the United States of America and the Government of Palau (48 U.S.C. 1931 note) (referred to in this section as the “Compact”).

(b) PROGRAMMATIC ASSISTANCE.—Subject to subsection (c), the United States shall provide programmatic assistance to the Republic of Palau for fiscal year 2016 in amounts equal to the amounts provided in subsections (a) and (b)(1) of section 221 of the Compact.

(c) LIMITATIONS ON ASSISTANCE.—

(1) IN GENERAL.—The grants and programmatic assistance provided under subsections (a) and (b) shall be provided to the same extent and in the same manner as the grants and assistance were provided in fiscal year 2009.

(2) TRUST FUND.—If the Government of Palau withdraws more than \$5,000,000 from the trust fund established under section 211(f) of the Compact, amounts to be provided under subsections (a) and (b) shall be withheld from the Government of Palau.

WILDLIFE RESTORATION EXTENSION OF INVESTMENT OF UNEXPENDED AMOUNTS

SEC. 120. Section 3(b)(2)(C) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669b(b)(2)(C)) is amended by striking “2016” and inserting “2026”.

PROHIBITION ON USE OF FUNDS

SEC. 121. (a) Any proposed new use of the Arizona & California Railroad Company’s Right of Way for conveyance of water shall not proceed unless the Secretary of the Interior certifies that the proposed new use is within the scope of the Right of Way.

(b) No funds appropriated or otherwise made available to the Department of the Interior may be used, in relation to any proposal to store water underground for the purpose of export, for approval of any right-of-way or similar authorization on the Mojave National Preserve or lands managed by the Needles Field Office of the Bureau of Land Management, or for carrying out any activities associated with such right-of-way or similar approval.

TITLE II

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

For science and technology, including research and development activities, which shall include research and development activities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980; necessary expenses for personnel and related costs and travel expenses; procurement of laboratory equipment and supplies; and other operating expenses in support of research and development, \$734,648,000, to remain available until September 30, 2017: *Provided*, That of the funds included under this heading, \$14,100,000 shall be for Research: National Priorities as specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For environmental programs and management, including necessary expenses, not otherwise provided for, for personnel and related costs and travel expenses; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; administrative costs of the brownfields program under the Small Business Liability Relief and Brownfields Revitalization Act of 2002; and not to exceed \$9,000 for official reception and representation expenses, \$2,613,679,000, to remain available until September 30, 2017: *Provided*, That of the funds included under this heading, \$12,700,000 shall be for Environmental Protection: National Priorities as specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further*, That of the funds included under this heading, \$427,737,000 shall be for Geographic Programs specified in the explanatory statement

described in section 4 (in the matter preceding division A of this consolidated Act).

HAZARDOUS WASTE ELECTRONIC MANIFEST SYSTEM FUND

For necessary expenses to carry out section 3024 of the Solid Waste Disposal Act (42 U.S.C. 6939g), including the development, operation, maintenance, and upgrading of the hazardous waste electronic manifest system established by such section, \$3,674,000, to remain available until September 30, 2018.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$41,489,000, to remain available until September 30, 2017.

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of, or for use by, the Environmental Protection Agency, \$42,317,000, to remain available until expended.

HAZARDOUS SUBSTANCE SUPERFUND

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), including sections 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611) \$1,088,769,000, to remain available until expended, consisting of such sums as are available in the Trust Fund on September 30, 2015, as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA) and up to \$1,088,769,000 as a payment from general revenues to the Hazardous Substance Superfund for purposes as authorized by section 517(b) of SARA: *Provided*, That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: *Provided further*, That of the funds appropriated under this heading, \$9,939,000 shall be paid to the “Office of Inspector General” appropriation to remain available until September 30, 2017, and \$18,850,000 shall be paid to the “Science and Technology” appropriation to remain available until September 30, 2017.

LEAKING UNDERGROUND STORAGE TANK TRUST FUND PROGRAM

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by subtitle I of the Solid Waste Disposal Act, \$91,941,000, to remain available until expended, of which \$66,572,000 shall be for carrying out leaking underground storage tank cleanup activities authorized by section 9003(h) of the Solid Waste Disposal Act; \$25,369,000 shall be for carrying out the other provisions of the Solid Waste Disposal Act specified in section 9508(c) of the Internal Revenue Code: *Provided*, That the Administrator is authorized to use appropriations made available under this heading to implement section 9013 of the

Solid Waste Disposal Act to provide financial assistance to federally recognized Indian tribes for the development and implementation of programs to manage underground storage tanks.

INLAND OIL SPILL PROGRAMS

For expenses necessary to carry out the Environmental Protection Agency's responsibilities under the Oil Pollution Act of 1990, \$18,209,000, to be derived from the Oil Spill Liability trust fund, to remain available until expended.

STATE AND TRIBAL ASSISTANCE GRANTS

For environmental programs and infrastructure assistance, including capitalization grants for State revolving funds and performance partnership grants, \$3,518,161,000, to remain available until expended, of which—

(1) \$1,393,887,000 shall be for making capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act; and of which \$863,233,000 shall be for making capitalization grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act: *Provided*, That for fiscal year 2016, to the extent there are sufficient eligible project applications and projects are consistent with State Intended Use Plans, not less than 10 percent of the funds made available under this title to each State for Clean Water State Revolving Fund capitalization grants shall be used by the State for projects to address green infrastructure, water or energy efficiency improvements, or other environmentally innovative activities: *Provided further*, That for fiscal year 2016, funds made available under this title to each State for Drinking Water State Revolving Fund capitalization grants may, at the discretion of each State, be used for projects to address green infrastructure, water or energy efficiency improvements, or other environmentally innovative activities: *Provided further*, That notwithstanding section 603(d)(7) of the Federal Water Pollution Control Act, the limitation on the amounts in a State water pollution control revolving fund that may be used by a State to administer the fund shall not apply to amounts included as principal in loans made by such fund in fiscal year 2016 and prior years where such amounts represent costs of administering the fund to the extent that such amounts are or were deemed reasonable by the Administrator, accounted for separately from other assets in the fund, and used for eligible purposes of the fund, including administration: *Provided further*, That for fiscal year 2016, notwithstanding the limitation on amounts in section 518(c) of the Federal Water Pollution Control Act, up to a total of 2 percent of the funds appropriated, or \$30,000,000, whichever is greater, and notwithstanding the limitation on amounts in section 1452(i) of the Safe Drinking Water Act, up to a total of 2 percent of the funds appropriated, or \$20,000,000, whichever is greater, for State Revolving Funds under such Acts may be reserved by the Administrator for grants under section 518(c) and section 1452(i) of such Acts: *Provided further*, That for fiscal year 2016, notwithstanding the amounts specified in section 205(c) of the Federal Water Pollution Control Act, up to 1.5 percent of the aggregate funds

appropriated for the Clean Water State Revolving Fund program under the Act less any sums reserved under section 518(c) of the Act, may be reserved by the Administrator for grants made under title II of the Federal Water Pollution Control Act for American Samoa, Guam, the Commonwealth of the Northern Marianas, and United States Virgin Islands: *Provided further*, That for fiscal year 2016, notwithstanding the limitations on amounts specified in section 1452(j) of the Safe Drinking Water Act, up to 1.5 percent of the funds appropriated for the Drinking Water State Revolving Fund programs under the Safe Drinking Water Act may be reserved by the Administrator for grants made under section 1452(j) of the Safe Drinking Water Act: *Provided further*, That 10 percent of the funds made available under this title to each State for Clean Water State Revolving Fund capitalization grants and 20 percent of the funds made available under this title to each State for Drinking Water State Revolving Fund capitalization grants shall be used by the State to provide additional subsidy to eligible recipients in the form of forgiveness of principal, negative interest loans, or grants (or any combination of these), and shall be so used by the State only where such funds are provided as initial financing for an eligible recipient or to buy, refinance, or restructure the debt obligations of eligible recipients only where such debt was incurred on or after the date of enactment of this Act;

(2) \$10,000,000 shall be for architectural, engineering, planning, design, construction and related activities in connection with the construction of high priority water and wastewater facilities in the area of the United States-Mexico Border, after consultation with the appropriate border commission; *Provided*, That no funds provided by this appropriations Act to address the water, wastewater and other critical infrastructure needs of the colonias in the United States along the United States-Mexico border shall be made available to a county or municipal government unless that government has established an enforceable local ordinance, or other zoning rule, which prevents in that jurisdiction the development or construction of any additional colonia areas, or the development within an existing colonia the construction of any new home, business, or other structure which lacks water, wastewater, or other necessary infrastructure;

(3) \$20,000,000 shall be for grants to the State of Alaska to address drinking water and wastewater infrastructure needs of rural and Alaska Native Villages: *Provided*, That of these funds: (A) the State of Alaska shall provide a match of 25 percent; (B) no more than 5 percent of the funds may be used for administrative and overhead expenses; and (C) the State of Alaska shall make awards consistent with the State-wide priority list established in conjunction with the Agency and the U.S. Department of Agriculture for all water, sewer, waste disposal, and similar projects carried out by the State of Alaska that are funded under section 221 of the Federal Water Pollution Control Act (33 U.S.C. 1301) or the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) which shall allocate not less than 25 percent of the funds provided for projects in regional hub communities;

(4) \$80,000,000 shall be to carry out section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), including grants, interagency agreements, and associated program support costs: *Provided*, That not more than 25 percent of the amount appropriated to carry out section 104(k) of CERCLA shall be used for site characterization, assessment, and remediation of facilities described in section 101(39)(D)(ii)(II) of CERCLA;

(5) \$50,000,000 shall be for grants under title VII, subtitle G of the Energy Policy Act of 2005;

(6) \$20,000,000 shall be for targeted airshed grants in accordance with the terms and conditions of the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act);

(7) \$1,060,041,000 shall be for grants, including associated program support costs, to States, federally recognized tribes, interstate agencies, tribal consortia, and air pollution control agencies for multi-media or single media pollution prevention, control and abatement and related activities, including activities pursuant to the provisions set forth under this heading in Public Law 104–134, and for making grants under section 103 of the Clean Air Act for particulate matter monitoring and data collection activities subject to terms and conditions specified by the Administrator, of which: \$47,745,000 shall be for carrying out section 128 of CERCLA; \$9,646,000 shall be for Environmental Information Exchange Network grants, including associated program support costs; \$1,498,000 shall be for grants to States under section 2007(f)(2) of the Solid Waste Disposal Act, which shall be in addition to funds appropriated under the heading “Leaking Underground Storage Tank Trust Fund Program” to carry out the provisions of the Solid Waste Disposal Act specified in section 9508(c) of the Internal Revenue Code other than section 9003(h) of the Solid Waste Disposal Act; \$17,848,000 of the funds available for grants under section 106 of the Federal Water Pollution Control Act shall be for State participation in national- and State-level statistical surveys of water resources and enhancements to State monitoring programs: *Provided*, That for the period of fiscal years 2016 through 2020, notwithstanding other applicable provisions of law, the funds appropriated for the Indian Environmental General Assistance Program shall be available to federally recognized tribes for solid waste and recovered materials collection, transportation, backhaul, and disposal services; and

(8) \$21,000,000 shall be for grants to States and federally recognized Indian tribes for implementation of environmental programs and projects that complement existing environmental program grants, including interagency agreements, as specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

ADMINISTRATIVE PROVISIONS—ENVIRONMENTAL PROTECTION
AGENCY

(INCLUDING TRANSFERS AND RESCISSION OF FUNDS)

For fiscal year 2016, notwithstanding 31 U.S.C. 6303(1) and 6305(1), the Administrator of the Environmental Protection Agency, in carrying out the Agency's function to implement directly Federal environmental programs required or authorized by law in the absence of an acceptable tribal program, may award cooperative agreements to federally recognized Indian tribes or Intertribal consortia, if authorized by their member tribes, to assist the Administrator in implementing Federal environmental programs for Indian tribes required or authorized by law, except that no such cooperative agreements may be awarded from funds designated for State financial assistance agreements.

The Administrator of the Environmental Protection Agency is authorized to collect and obligate pesticide registration service fees in accordance with section 33 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended by Public Law 112–177, the Pesticide Registration Improvement Extension Act of 2012.

Notwithstanding section 33(d)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136w–8(d)(2)), the Administrator of the Environmental Protection Agency may assess fees under section 33 of FIFRA (7 U.S.C. 136w–8) for fiscal year 2016.

The Administrator is authorized to transfer up to \$300,000,000 of the funds appropriated for the Great Lakes Restoration Initiative under the heading “Environmental Programs and Management” to the head of any Federal department or agency, with the concurrence of such head, to carry out activities that would support the Great Lakes Restoration Initiative and Great Lakes Water Quality Agreement programs, projects, or activities; to enter into an interagency agreement with the head of such Federal department or agency to carry out these activities; and to make grants to governmental entities, nonprofit organizations, institutions, and individuals for planning, research, monitoring, outreach, and implementation in furtherance of the Great Lakes Restoration Initiative and the Great Lakes Water Quality Agreement.

The Science and Technology, Environmental Programs and Management, Office of Inspector General, Hazardous Substance Superfund, and Leaking Underground Storage Tank Trust Fund Program Accounts, are available for the construction, alteration, repair, rehabilitation, and renovation of facilities provided that the cost does not exceed \$150,000 per project.

For fiscal year 2016, and notwithstanding section 518(f) of the Federal Water Pollution Control Act (33 U.S.C. 1377(f)), the Administrator is authorized to use the amounts appropriated for any fiscal year under section 319 of the Act to make grants to federally recognized Indian tribes pursuant to sections 319(h) and 518(e) of that Act.

The Administrator is authorized to use the amounts appropriated under the heading “Environmental Programs and Management” for fiscal year 2016 to provide grants to implement the Southeastern New England Watershed Restoration Program.

In addition to the amounts otherwise made available in this Act for the Environmental Protection Agency, \$27,000,000, to be

available until September 30, 2017, to be used solely to meet Federal requirements for cybersecurity implementation, including enhancing response capabilities and upgrading incident management tools: *Provided*, That such funds shall supplement, not supplant, any other amounts made available to the Environmental Protection Agency for such purpose: *Provided further*, That solely for the purposes provided herein, such funds may be transferred to and merged with any other appropriation in this Title.

Of the unobligated balances available for “State and Tribal Assistance Grants” account, \$40,000,000 are permanently rescinded: *Provided*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE III

RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, \$291,000,000, to remain available until expended: *Provided*, That of the funds provided, \$75,000,000 is for the forest inventory and analysis program.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management, including treatments of pests, pathogens, and invasive or noxious plants and for restoring and rehabilitating forests damaged by pests or invasive plants, cooperative forestry, and education and land conservation activities and conducting an international program as authorized, \$237,023,000, to remain available until expended, as authorized by law; of which \$62,347,000 is to be derived from the Land and Water Conservation Fund.

NATIONAL FOREST SYSTEM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, \$1,509,364,000, to remain available until expended: *Provided*, That of the funds provided, \$40,000,000 shall be deposited in the Collaborative Forest Landscape Restoration Fund for ecological restoration treatments as authorized by 16 U.S.C. 7303(f): *Provided further*, That of the funds provided, \$359,805,000 shall be for forest products: *Provided further*, That of the funds provided, up to \$81,941,000 is for the Integrated Resource Restoration pilot program for Region 1, Region 3 and Region 4: *Provided further*, That of the funds provided for

forest products, up to \$65,560,000 may be transferred to support the Integrated Resource Restoration pilot program in the preceding proviso: *Provided further*, That the Secretary of Agriculture may transfer to the Secretary of the Interior any unobligated funds appropriated in a previous fiscal year for operation of the Valles Caldera National Preserve.

CAPITAL IMPROVEMENT AND MAINTENANCE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Forest Service, not otherwise provided for, \$364,164,000, to remain available until expended, for construction, capital improvement, maintenance and acquisition of buildings and other facilities and infrastructure; and for construction, reconstruction, decommissioning of roads that are no longer needed, including unauthorized roads that are not part of the transportation system, and maintenance of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205: *Provided*, That \$40,000,000 shall be designated for urgently needed road decommissioning, road and trail repair and maintenance and associated activities, and removal of fish passage barriers, especially in areas where Forest Service roads may be contributing to water quality problems in streams and water bodies which support threatened, endangered, or sensitive species or community water sources: *Provided further*, That funds becoming available in fiscal year 2016 under the Act of March 4, 1913 (16 U.S.C. 501) shall be transferred to the General Fund of the Treasury and shall not be available for transfer or obligation for any other purpose unless the funds are appropriated: *Provided further*, That of the funds provided for decommissioning of roads, up to \$14,743,000 may be transferred to the “National Forest System” to support the Integrated Resource Restoration pilot program.

LAND ACQUISITION

For expenses necessary to carry out the provisions of chapter 2003 of title 54, United States Code, including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, \$63,435,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, \$950,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, such sums, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities, and for authorized expenditures from funds deposited by non-Federal parties pursuant

to Land Sale and Exchange Acts, pursuant to the Act of December 4, 1967 (16 U.S.C. 484a), to remain available until expended (16 U.S.C. 516–617a, 555a; Public Law 96–586; Public Law 76–589, 76–591; and Public Law 78–310).

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 percent of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the 16 Western States, pursuant to section 401(b)(1) of Public Law 94–579, to remain available until expended, of which not to exceed 6 percent shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), \$45,000, to remain available until expended, to be derived from the fund established pursuant to the above Act.

MANAGEMENT OF NATIONAL FOREST LANDS FOR SUBSISTENCE USES

For necessary expenses of the Forest Service to manage Federal lands in Alaska for subsistence uses under title VIII of the Alaska National Interest Lands Conservation Act (Public Law 96–487), \$2,500,000, to remain available until expended.

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for forest fire presuppression activities on National Forest System lands, for emergency fire suppression on or adjacent to such lands or other lands under fire protection agreement, hazardous fuels management on or adjacent to such lands, emergency rehabilitation of burned-over National Forest System lands and water, and for State and volunteer fire assistance, \$2,386,329,000, to remain available until expended: *Provided*, That such funds including unobligated balances under this heading, are available for repayment of advances from other appropriations accounts previously transferred for such purposes: *Provided further*, That such funds shall be available to reimburse State and other cooperating entities for services provided in response to wildfire and other emergencies or disasters to the extent such reimbursements by the Forest Service for non-fire emergencies are fully repaid by the responsible emergency management agency: *Provided further*, That, notwithstanding any other provision of law, \$6,914,000 of funds appropriated under this appropriation shall be available for the Forest Service in support of fire science research authorized by the Joint Fire Science Program, including all Forest Service authorities for the use of funds, such as contracts, grants, research joint venture agreements, and cooperative agreements: *Provided further*, That all authorities for the use of funds, including the use of contracts, grants, and cooperative agreements, available to execute the Forest and Rangeland Research appropriation, are

also available in the utilization of these funds for Fire Science Research: *Provided further*, That funds provided shall be available for emergency rehabilitation and restoration, hazardous fuels management activities, support to Federal emergency response, and wildfire suppression activities of the Forest Service: *Provided further*, That of the funds provided, \$375,000,000 is for hazardous fuels management activities, \$19,795,000 is for research activities and to make competitive research grants pursuant to the Forest and Rangeland Renewable Resources Research Act, (16 U.S.C. 1641 et seq.), \$78,000,000 is for State fire assistance, and \$13,000,000 is for volunteer fire assistance under section 10 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2106): *Provided further*, That amounts in this paragraph may be transferred to the “National Forest System”, and “Forest and Rangeland Research” accounts to fund forest and rangeland research, the Joint Fire Science Program, vegetation and watershed management, heritage site rehabilitation, and wildlife and fish habitat management and restoration: *Provided further*, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: *Provided further*, That up to \$15,000,000 of the funds provided herein may be used by the Secretary of Agriculture to enter into procurement contracts or cooperative agreements or to issue grants for hazardous fuels management activities and for training or monitoring associated with such hazardous fuels management activities on Federal land or on non-Federal land if the Secretary determines such activities benefit resources on Federal land: *Provided further*, That funds made available to implement the Community Forest Restoration Act, Public Law 106–393, title VI, shall be available for use on non-Federal lands in accordance with authorities made available to the Forest Service under the “State and Private Forestry” appropriation: *Provided further*, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed \$50,000,000, between the Departments when such transfers would facilitate and expedite wildland fire management programs and projects: *Provided further*, That of the funds provided for hazardous fuels management, not to exceed \$15,000,000 may be used to make grants, using any authorities available to the Forest Service under the “State and Private Forestry” appropriation, for the purpose of creating incentives for increased use of biomass from National Forest System lands: *Provided further*, That funds designated for wildfire suppression, including funds transferred from the “FLAME Wildfire Suppression Reserve Fund”, shall be assessed for cost pools on the same basis as such assessments are calculated against other agency programs: *Provided further*, That of the funds for hazardous fuels management, up to \$24,000,000 may be transferred to the “National Forest System” to support the Integrated Resource Restoration pilot program.

FLAME WILDFIRE SUPPRESSION RESERVE FUND

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for large fire suppression operations of the Department of Agriculture and as a reserve fund for suppression and Federal emergency response activities, \$823,000,000, to remain available until expended: *Provided*, That such amounts are only available for transfer to the “Wildland Fire Management” account following a declaration by the Secretary in accordance with section 502 of the FLAME Act of 2009 (43 U.S.C. 1748a).

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

(INCLUDING TRANSFERS OF FUNDS)

Appropriations to the Forest Service for the current fiscal year shall be available for: (1) purchase of passenger motor vehicles; acquisition of passenger motor vehicles from excess sources, and hire of such vehicles; purchase, lease, operation, maintenance, and acquisition of aircraft to maintain the operable fleet for use in Forest Service wildland fire programs and other Forest Service programs; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (2) services pursuant to 7 U.S.C. 2225, and not to exceed \$100,000 for employment under 5 U.S.C. 3109; (3) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (4) acquisition of land, waters, and interests therein pursuant to 7 U.S.C. 428a; (5) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost of uniforms as authorized by 5 U.S.C. 5901–5902; and (7) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

Any appropriations or funds available to the Forest Service may be transferred to the Wildland Fire Management appropriation for forest firefighting, emergency rehabilitation of burned-over or damaged lands or waters under its jurisdiction, and fire preparedness due to severe burning conditions upon the Secretary’s notification of the House and Senate Committees on Appropriations that all fire suppression funds appropriated under the headings “Wildland Fire Management” and “FLAME Wildfire Suppression Reserve Fund” will be obligated within 30 days: *Provided*, That all funds used pursuant to this paragraph must be replenished by a supplemental appropriation which must be requested as promptly as possible.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with U.S., private, and international organizations. The Forest Service, acting for the International Program, may sign direct funding agreements with foreign governments and institutions as well as other domestic agencies (including the U.S. Agency for International Development, the Department of State, and the

Millennium Challenge Corporation), U.S. private sector firms, institutions and organizations to provide technical assistance and training programs overseas on forestry and rangeland management.

Funds appropriated to the Forest Service shall be available for expenditure or transfer to the Department of the Interior, Bureau of Land Management, for removal, preparation, and adoption of excess wild horses and burros from National Forest System lands, and for the performance of cadastral surveys to designate the boundaries of such lands.

None of the funds made available to the Forest Service in this Act or any other Act with respect to any fiscal year shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257), section 442 of Public Law 106–224 (7 U.S.C. 7772), or section 10417(b) of Public Law 107–107 (7 U.S.C. 8316(b)).

16 USC 556i.

None of the funds available to the Forest Service may be reprogrammed without the advance approval of the House and Senate Committees on Appropriations in accordance with the reprogramming procedures contained in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

Not more than \$82,000,000 of funds available to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture and not more than \$14,500,000 of funds available to the Forest Service shall be transferred to the Department of Agriculture for Department Reimbursable Programs, commonly referred to as Greenbook charges. Nothing in this paragraph shall prohibit or limit the use of reimbursable agreements requested by the Forest Service in order to obtain services from the Department of Agriculture's National Information Technology Center and the Department of Agriculture's International Technology Service.

Of the funds available to the Forest Service, up to \$5,000,000 shall be available for priority projects within the scope of the approved budget, which shall be carried out by the Youth Conservation Corps and shall be carried out under the authority of the Public Lands Corps Act of 1993, Public Law 103–82, as amended by Public Lands Corps Healthy Forests Restoration Act of 2005, Public Law 109–154.

Of the funds available to the Forest Service, \$4,000 is available to the Chief of the Forest Service for official reception and representation expenses.

Pursuant to sections 405(b) and 410(b) of Public Law 101–593, of the funds available to the Forest Service, up to \$3,000,000 may be advanced in a lump sum to the National Forest Foundation to aid conservation partnership projects in support of the Forest Service mission, without regard to when the Foundation incurs expenses, for projects on or benefitting National Forest System lands or related to Forest Service programs: *Provided*, That of the Federal funds made available to the Foundation, no more than \$300,000 shall be available for administrative expenses: *Provided further*, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds made available by the Forest Service: *Provided further*, That the Foundation may transfer Federal funds to a Federal or a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds.

Pursuant to section 2(b)(2) of Public Law 98–244, up to \$3,000,000 of the funds available to the Forest Service may be advanced to the National Fish and Wildlife Foundation in a lump sum to aid cost-share conservation projects, without regard to when expenses are incurred, on or benefitting National Forest System lands or related to Forest Service programs: *Provided*, That such funds shall be matched on at least a one-for-one basis by the Foundation or its sub-recipients: *Provided further*, That the Foundation may transfer Federal funds to a Federal or non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds.

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities and natural resource-based businesses for sustainable rural development purposes.

Funds appropriated to the Forest Service shall be available for payments to counties within the Columbia River Gorge National Scenic Area, pursuant to section 14(c)(1) and (2), and section 16(a)(2) of Public Law 99–663.

Any funds appropriated to the Forest Service may be used to meet the non-Federal share requirement in section 502(c) of the Older Americans Act of 1965 (42 U.S.C. 3056(c)(2)).

Funds available to the Forest Service, not to exceed \$65,000,000, shall be assessed for the purpose of performing fire, administrative and other facilities maintenance and decommissioning. Such assessments shall occur using a square foot rate charged on the same basis the agency uses to assess programs for payment of rent, utilities, and other support services.

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service not to exceed \$500,000 may be used to reimburse the Office of the General Counsel (OGC), Department of Agriculture, for travel and related expenses incurred as a result of OGC assistance or participation requested by the Forest Service at meetings, training sessions, management reviews, land purchase negotiations and similar nonlitigation-related matters. Future budget justifications for both the Forest Service and the Department of Agriculture should clearly display the sums previously transferred and the requested funding transfers.

An eligible individual who is employed in any project funded under title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.) and administered by the Forest Service shall be considered to be a Federal employee for purposes of chapter 171 of title 28, United States Code.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination and Education Assistance Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, \$3,566,387,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 238(b) and 238b, for services furnished by the Indian Health Service: *Provided*,

That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: *Provided further*, That, \$914,139,000 for Purchased/Referred Care, including \$51,500,000 for the Indian Catastrophic Health Emergency Fund, shall remain available until expended: *Provided further*, That, of the funds provided, up to \$36,000,000 shall remain available until expended for implementation of the loan repayment program under section 108 of the Indian Health Care Improvement Act: *Provided further*, That, of the funds provided, \$2,000,000 shall be used to supplement funds available for operational costs at tribal clinics operated under an Indian Self-Determination and Education Assistance Act compact or contract where health care is delivered in space acquired through a full service lease, which is not eligible for maintenance and improvement and equipment funds from the Indian Health Service, and \$2,000,000 shall be for accreditation emergencies: *Provided further*, That the amounts collected by the Federal Government as authorized by sections 104 and 108 of the Indian Health Care Improvement Act (25 U.S.C. 1613a and 1616a) during the preceding fiscal year for breach of contracts shall be deposited to the Fund authorized by section 108A of the Act (25 U.S.C. 1616a–1) and shall remain available until expended and, notwithstanding section 108A(c) of the Act (25 U.S.C. 1616a–1(c)), funds shall be available to make new awards under the loan repayment and scholarship programs under sections 104 and 108 of the Act (25 U.S.C. 1613a and 1616a): *Provided further*, That, notwithstanding any other provision of law, the amounts made available within this account for the methamphetamine and suicide prevention and treatment initiative, for the domestic violence prevention initiative, to improve collections from public and private insurance at Indian Health Service and tribally operated facilities, and for accreditation emergencies shall be allocated at the discretion of the Director of the Indian Health Service and shall remain available until expended: *Provided further*, That funds provided in this Act may be used for annual contracts and grants that fall within 2 fiscal years, provided the total obligation is recorded in the year the funds are appropriated: *Provided further*, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act, except for those related to the planning, design, or construction of new facilities: *Provided further*, That funding contained herein for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available until expended: *Provided further*, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended: *Provided further*, That the Bureau of Indian Affairs may collect from the Indian Health Service, tribes and tribal organizations operating health facilities pursuant to

Public Law 93–638, such individually identifiable health information relating to disabled children as may be necessary for the purpose of carrying out its functions under the Individuals with Disabilities Education Act (20 U.S.C. 1400, et seq.): *Provided further*, That the Indian Health Care Improvement Fund may be used, as needed, to carry out activities typically funded under the Indian Health Facilities account.

CONTRACT SUPPORT COSTS

For payments to tribes and tribal organizations for contract support costs associated with Indian Self-Determination and Education Assistance Act agreements with the Indian Health Service for fiscal year 2016, such sums as may be necessary: *Provided*, That amounts obligated but not expended by a tribe or tribal organization for contract support costs for such agreements for the current fiscal year shall be applied to contract support costs otherwise due for such agreements for subsequent fiscal years: *Provided further*, That, notwithstanding any other provision of law, no amounts made available under this heading shall be available for transfer to another budget account.

INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act, and the Indian Health Care Improvement Act, and for expenses necessary to carry out such Acts and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, \$523,232,000, to remain available until expended: *Provided*, That, notwithstanding any other provision of law, funds appropriated for the planning, design, construction, renovation or expansion of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land on which such facilities will be located: *Provided further*, That not to exceed \$500,000 may be used by the Indian Health Service to purchase TRANSAM equipment from the Department of Defense for distribution to the Indian Health Service and tribal facilities: *Provided further*, That none of the funds appropriated to the Indian Health Service may be used for sanitation facilities construction for new homes funded with grants by the housing programs of the United States Department of Housing and Urban Development: *Provided further*, That not to exceed \$2,700,000 from this account and the “Indian Health Services” account may be used by the Indian Health Service to obtain ambulances for the Indian Health Service and tribal facilities in conjunction with an existing interagency agreement between the Indian Health Service and the General Services Administration: *Provided further*, That not to exceed \$500,000 may be placed in a Demolition Fund, to remain available until expended, and be used by the Indian Health Service for the demolition of Federal buildings.

ADMINISTRATIVE PROVISIONS—INDIAN HEALTH SERVICE

Appropriations provided in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; uniforms or allowances therefor as authorized by 5 U.S.C. 5901–5902; and for expenses of attendance at meetings that relate to the functions or activities of the Indian Health Service: *Provided*, That in accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651–2653) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation: *Provided further*, That notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86–121, the Indian Sanitation Facilities Act and Public Law 93–638: *Provided further*, That funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation: *Provided further*, That none of the funds made available to the Indian Health Service in this Act shall be used for any assessments or charges by the Department of Health and Human Services unless identified in the budget justification and provided in this Act, or approved by the House and Senate Committees on Appropriations through the reprogramming process: *Provided further*, That notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant, or agreement authorized by title I or title V of the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), may be deobligated and reobligated to a self-determination contract under title I, or a self-governance agreement under title V of such Act and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: *Provided further*, That none of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to the eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law: *Provided further*, That with respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities on a reimbursable basis, including payments in advance with subsequent adjustment, and the reimbursements received therefrom, along with the funds received from those entities

pursuant to the Indian Self-Determination Act, may be credited to the same or subsequent appropriation account from which the funds were originally derived, with such amounts to remain available until expended: *Provided further*, That reimbursements for training, technical assistance, or services provided by the Indian Health Service will contain total costs, including direct, administrative, and overhead associated with the provision of goods, services, or technical assistance: *Provided further*, That the appropriation structure for the Indian Health Service may not be altered without advance notification to the House and Senate Committees on Appropriations: *Provided further*, That the Indian Health Service shall develop a strategic plan for the Urban Indian Health program in consultation with urban Indians and the National Academy of Public Administration, and shall publish such plan not later than one year after the date of enactment of this Act.

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For necessary expenses for the National Institute of Environmental Health Sciences in carrying out activities set forth in section 311(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9660(a)) and section 126(g) of the Superfund Amendments and Reauthorization Act of 1986, \$77,349,000.

AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY

TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC HEALTH

For necessary expenses for the Agency for Toxic Substances and Disease Registry (ATSDR) in carrying out activities set forth in sections 104(i) and 111(c)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) and section 3019 of the Solid Waste Disposal Act, \$74,691,000, of which up to \$1,000 per eligible employee of the Agency for Toxic Substances and Disease Registry shall remain available until expended for Individual Learning Accounts: *Provided*, That notwithstanding any other provision of law, in lieu of performing a health assessment under section 104(i)(6) of CERCLA, the Administrator of ATSDR may conduct other appropriate health studies, evaluations, or activities, including, without limitation, biomedical testing, clinical evaluations, medical monitoring, and referral to accredited healthcare providers: *Provided further*, That in performing any such health assessment or health study, evaluation, or activity, the Administrator of ATSDR shall not be bound by the deadlines in section 104(i)(6)(A) of CERCLA: *Provided further*, That none of the funds appropriated under this heading shall be available for ATSDR to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA during fiscal year 2016, and existing profiles may be updated as necessary.

OTHER RELATED AGENCIES

EXECUTIVE OFFICE OF THE PRESIDENT

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF
ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Quality Improvement Act of 1970, and Reorganization Plan No. 1 of 1977, and not to exceed \$750 for official reception and representation expenses, \$3,000,000: *Provided*, That notwithstanding section 202 of the National Environmental Policy Act of 1970, the Council shall consist of one member, appointed by the President, by and with the advice and consent of the Senate, serving as chairman and exercising all powers, functions, and duties of the Council.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

SALARIES AND EXPENSES

For necessary expenses in carrying out activities pursuant to section 112(r)(6) of the Clean Air Act, including hire of passenger vehicles, uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902, and for services authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376, \$11,000,000: *Provided*, That the Chemical Safety and Hazard Investigation Board (Board) shall have not more than three career Senior Executive Service positions: *Provided further*, That notwithstanding any other provision of law, the individual appointed to the position of Inspector General of the Environmental Protection Agency (EPA) shall, by virtue of such appointment, also hold the position of Inspector General of the Board: *Provided further*, That notwithstanding any other provision of law, the Inspector General of the Board shall utilize personnel of the Office of Inspector General of EPA in performing the duties of the Inspector General of the Board, and shall not appoint any individuals to positions within the Board.

5 USC app. 8G
note.

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93–531, \$15,000,000, to remain available until expended: *Provided*, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: *Provided further*, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo

or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: *Provided further*, That no relocatee will be provided with more than one new or replacement home: *Provided further*, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d–10: *Provided further*, That \$200,000 shall be transferred to the Office of Inspector General of the Department of the Interior, to remain available until expended, for audits and investigations of the Office of Navajo and Hopi Indian Relocation, consistent with the Inspector General Act of 1978 (5 U.S.C. App.).

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND
ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by title XV of Public Law 99–498 (20 U.S.C. 56 part A), \$11,619,000, to remain available until September 30, 2017.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease agreements of no more than 30 years, and protection of buildings, facilities, and approaches; not to exceed \$100,000 for services as authorized by 5 U.S.C. 3109; and purchase, rental, repair, and cleaning of uniforms for employees, \$696,045,000, to remain available until September 30, 2017, except as otherwise provided herein; of which not to exceed \$48,233,000 for the instrumentation program, collections acquisition, exhibition reinstallation, the National Museum of African American History and Culture, and the repatriation of skeletal remains program shall remain available until expended; and including such funds as may be necessary to support American overseas research centers: *Provided*, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations.

FACILITIES CAPITAL

For necessary expenses of repair, revitalization, and alteration of facilities owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), and for construction, including necessary personnel, \$144,198,000, to remain available until

expended, of which not to exceed \$10,000 shall be for services as authorized by 5 U.S.C. 3109.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901–5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, \$124,988,000, to remain available until September 30, 2017, of which not to exceed \$3,578,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, for operating lease agreements of no more than 10 years, with no extensions or renewals beyond the 10 years, that address space needs created by the ongoing renovations in the Master Facilities Plan, as authorized, \$22,564,000, to remain available until expended: *Provided*, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, \$21,660,000.

CAPITAL REPAIR AND RESTORATION

For necessary expenses for capital repair and restoration of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, \$14,740,000, to remain available until expended.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, \$10,500,000, to remain available until September 30, 2017.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, \$147,949,000 shall be available to the National Endowment for the Arts for the support of projects and productions in the arts, including arts education and public outreach activities, through assistance to organizations and individuals pursuant to section 5 of the Act, for program support, and for administering the functions of the Act, to remain available until expended.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, \$147,942,000 to remain available until expended, of which \$137,042,000 shall be available for support of activities in the humanities, pursuant to section 7(c) of the Act and for administering the functions of the Act; and \$10,900,000 shall be available to carry out the matching grants program pursuant to section 10(a)(2) of the Act, including \$8,500,000 for the purposes of section 7(h): *Provided*, That appropriations for carrying out section 10(a)(2) shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, devises of money, and other property accepted by the chairman or by grantees of the National Endowment for the Humanities under the provisions of sections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided*, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses: *Provided further*, That funds from nonappropriated sources may be used as necessary for official reception and representation expenses: *Provided further*, That the Chairperson of the National Endowment for the Arts may approve grants of up to \$10,000, if in the aggregate the amount of such grants does not exceed 5 percent of the sums appropriated for grantmaking purposes per year: *Provided further*, That such small

grant actions are taken pursuant to the terms of an expressed and direct delegation of authority from the National Council on the Arts to the Chairperson.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses of the Commission of Fine Arts under chapter 91 of title 40, United States Code, \$2,653,000: *Provided*, That the Commission is authorized to charge fees to cover the full costs of its publications, and such fees shall be credited to this account as an offsetting collection, to remain available until expended without further appropriation: *Provided further*, That the Commission is authorized to accept gifts, including objects, papers, artwork, drawings and artifacts, that pertain to the history and design of the Nation's Capital or the history and activities of the Commission of Fine Arts, for the purpose of artistic display, study or education.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99–190 (20 U.S.C. 956a), \$2,000,000.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89–665), \$6,080,000.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the National Capital Planning Commission under chapter 87 of title 40, United States Code, including services as authorized by 5 U.S.C. 3109, \$8,348,000: *Provided*, That one-quarter of 1 percent of the funds provided under this heading may be used for official reception and representational expenses associated with hosting international visitors engaged in the planning and physical development of world capitals.

UNITED STATES HOLOCAUST MEMORIAL MUSEUM

HOLOCAUST MEMORIAL MUSEUM

For expenses of the Holocaust Memorial Museum, as authorized by Public Law 106–292 (36 U.S.C. 2301–2310), \$54,000,000, of which \$1,215,000 shall remain available until September 30, 2018, for the Museum's equipment replacement program; and of which \$2,500,000 for the Museum's repair and rehabilitation program and \$1,264,000 for the Museum's outreach initiatives program shall remain available until expended.

DWIGHT D. EISENHOWER MEMORIAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses, including the costs of construction design, of the Dwight D. Eisenhower Memorial Commission, \$1,000,000, to remain available until expended.

TITLE IV

GENERAL PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

RESTRICTION ON USE OF FUNDS

SEC. 401. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which Congressional action is not complete other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

OBLIGATION OF APPROPRIATIONS

SEC. 402. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

DISCLOSURE OF ADMINISTRATIVE EXPENSES

SEC. 403. The amount and basis of estimated overhead charges, deductions, reserves or holdbacks, including working capital fund and cost pool charges, from programs, projects, activities and sub-activities to support government-wide, departmental, agency, or bureau administrative functions or headquarters, regional, or central operations shall be presented in annual budget justifications and subject to approval by the Committees on Appropriations of the House of Representatives and the Senate. Changes to such estimates shall be presented to the Committees on Appropriations for approval.

MINING APPLICATIONS

SEC. 404. (a) LIMITATION OF FUNDS.—None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

(b) EXCEPTIONS.—Subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned (1) a patent application was filed with the Secretary on or before September 30, 1994; and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims, sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) REPORT.—On September 30, 2017, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Natural Resources of the House and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the Department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104–208).

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Director of the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

CONTRACT SUPPORT COSTS, PRIOR YEAR LIMITATION

SEC. 405. Sections 405 and 406 of division F of the Consolidated and Further Continuing Appropriations Act, 2015 (Public Law 113–235) shall continue in effect in fiscal year 2016.

CONTRACT SUPPORT COSTS, FISCAL YEAR 2016 LIMITATION

SEC. 406. Amounts provided by this Act for fiscal year 2016 under the headings “Department of Health and Human Services, Indian Health Service, Contract Support Costs” and “Department of the Interior, Bureau of Indian Affairs and Bureau of Indian Education, Contract Support Costs” are the only amounts available for contract support costs arising out of self-determination or self-governance contracts, grants, compacts, or annual funding agreements for fiscal year 2016 with the Bureau of Indian Affairs or the Indian Health Service: *Provided*, That such amounts provided by this Act are not available for payment of claims for contract support costs for prior years, or for repayments of payments for settlements or judgments awarding contract support costs for prior years.

FOREST MANAGEMENT PLANS

SEC. 407. The Secretary of Agriculture shall not be considered to be in violation of subparagraph 6(f)(5)(A) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because more than 15 years have passed without revision of the plan for a unit of the National Forest System. Nothing in this section exempts the Secretary from any other requirement of the Forest and Rangeland Renewable Resources Planning Act (16 U.S.C. 1600 et seq.) or any other law: *Provided*, That if the Secretary is not acting expeditiously and in good faith, within the funding available, to revise a plan for a unit of the National Forest System, this section shall be void with respect to such plan and a court of proper jurisdiction may order completion of the plan on an accelerated basis.

16 USC 1604
note.

PROHIBITION WITHIN NATIONAL MONUMENTS

SEC. 408. No funds provided in this Act may be expended to conduct preleasing, leasing and related activities under either the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) within the boundaries of a National Monument established pursuant to the Act of June 8, 1906 (16 U.S.C. 431 et seq.) as such boundary existed on January 20, 2001, except where such activities are allowed under the Presidential proclamation establishing such monument.

LIMITATION ON TAKINGS

SEC. 409. Unless otherwise provided herein, no funds appropriated in this Act for the acquisition of lands or interests in lands may be expended for the filing of declarations of taking or complaints in condemnation without the approval of the House and Senate Committees on Appropriations: *Provided*, That this provision shall not apply to funds appropriated to implement the Everglades National Park Protection and Expansion Act of 1989, or to funds appropriated for Federal assistance to the State of Florida to acquire lands for Everglades restoration purposes.

TIMBER SALE REQUIREMENTS

SEC. 410. No timber sale in Alaska's Region 10 shall be advertised if the indicated rate is deficit (defined as the value of the timber is not sufficient to cover all logging and stumpage costs and provide a normal profit and risk allowance under the Forest Service's appraisal process) when appraised using a residual value appraisal. The western red cedar timber from those sales which is surplus to the needs of the domestic processors in Alaska, shall be made available to domestic processors in the contiguous 48 United States at prevailing domestic prices. All additional western red cedar volume not sold to Alaska or contiguous 48 United States domestic processors may be exported to foreign markets at the election of the timber sale holder. All Alaska yellow cedar may be sold at prevailing export prices at the election of the timber sale holder.

PROHIBITION ON NO-BID CONTRACTS

SEC. 411. None of the funds appropriated or otherwise made available by this Act to executive branch agencies may be used to enter into any Federal contract unless such contract is entered into in accordance with the requirements of Chapter 33 of title 41, United States Code, or Chapter 137 of title 10, United States Code, and the Federal Acquisition Regulation, unless—

(1) Federal law specifically authorizes a contract to be entered into without regard for these requirements, including formula grants for States, or federally recognized Indian tribes; or

(2) such contract is authorized by the Indian Self-Determination and Education Assistance Act (Public Law 93–638, 25 U.S.C. 450 et seq.) or by any other Federal laws that specifically authorize a contract within an Indian tribe as defined in section 4(e) of that Act (25 U.S.C. 450b(e)); or

(3) such contract was awarded prior to the date of enactment of this Act.

POSTING OF REPORTS

SEC. 412. (a) Any agency receiving funds made available in this Act, shall, subject to subsections (b) and (c), post on the public website of that agency any report required to be submitted by the Congress in this or any other Act, upon the determination by the head of the agency that it shall serve the national interest.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains proprietary information.

(c) The head of the agency posting such report shall do so only after such report has been made available to the requesting Committee or Committees of Congress for no less than 45 days.

NATIONAL ENDOWMENT FOR THE ARTS GRANT GUIDELINES

SEC. 413. Of the funds provided to the National Endowment for the Arts—

(1) The Chairperson shall only award a grant to an individual if such grant is awarded to such individual for a literature fellowship, National Heritage Fellowship, or American Jazz Masters Fellowship.

(2) The Chairperson shall establish procedures to ensure that no funding provided through a grant, except a grant made to a State or local arts agency, or regional group, may be used to make a grant to any other organization or individual to conduct activity independent of the direct grant recipient. Nothing in this subsection shall prohibit payments made in exchange for goods and services.

(3) No grant shall be used for seasonal support to a group, unless the application is specific to the contents of the season, including identified programs or projects.

NATIONAL ENDOWMENT FOR THE ARTS PROGRAM PRIORITIES

SEC. 414. (a) In providing services or awarding financial assistance under the National Foundation on the Arts and the Humanities Act of 1965 from funds appropriated under this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that serve underserved populations.

(b) In this section:

(1) The term “underserved population” means a population of individuals, including urban minorities, who have historically been outside the purview of arts and humanities programs due to factors such as a high incidence of income below the poverty line or to geographic isolation.

(2) The term “poverty line” means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

(c) In providing services and awarding financial assistance under the National Foundation on the Arts and Humanities Act of 1965 with funds appropriated by this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that will encourage public knowledge, education, understanding, and appreciation of the arts.

(d) With funds appropriated by this Act to carry out section 5 of the National Foundation on the Arts and Humanities Act of 1965—

(1) the Chairperson shall establish a grant category for projects, productions, workshops, or programs that are of national impact or availability or are able to tour several States;

(2) the Chairperson shall not make grants exceeding 15 percent, in the aggregate, of such funds to any single State, excluding grants made under the authority of paragraph (1);

(3) the Chairperson shall report to the Congress annually and by State, on grants awarded by the Chairperson in each grant category under section 5 of such Act; and

(4) the Chairperson shall encourage the use of grants to improve and support community-based music performance and education.

STATUS OF BALANCES OF APPROPRIATIONS

SEC. 415. The Department of the Interior, the Environmental Protection Agency, the Forest Service, and the Indian Health Service shall provide the Committees on Appropriations of the House of Representatives and Senate quarterly reports on the status of balances of appropriations including all uncommitted, committed, and unobligated funds in each program and activity.

REPORT ON USE OF CLIMATE CHANGE FUNDS

SEC. 416. Not later than 120 days after the date on which the President's fiscal year 2017 budget request is submitted to the Congress, the President shall submit a comprehensive report to the Committees on Appropriations of the House of Representatives and the Senate describing in detail all Federal agency funding, domestic and international, for climate change programs, projects, and activities in fiscal years 2015 and 2016, including an accounting of funding by agency with each agency identifying climate change programs, projects, and activities and associated costs by line item as presented in the President's Budget Appendix, and including citations and linkages where practicable to each strategic plan that is driving funding within each climate change program, project, and activity listed in the report.

PROHIBITION ON USE OF FUNDS

SEC. 417. Notwithstanding any other provision of law, none of the funds made available in this Act or any other Act may be used to promulgate or implement any regulation requiring the issuance of permits under title V of the Clean Air Act (42 U.S.C. 7661 et seq.) for carbon dioxide, nitrous oxide, water vapor, or methane emissions resulting from biological processes associated with livestock production.

GREENHOUSE GAS REPORTING RESTRICTIONS

SEC. 418. Notwithstanding any other provision of law, none of the funds made available in this or any other Act may be used to implement any provision in a rule, if that provision requires mandatory reporting of greenhouse gas emissions from manure management systems.

MODIFICATION OF AUTHORITIES

SEC. 419. (a) Section 8162(m)(3) of the Department of Defense Appropriations Act, 2000 (40 U.S.C. 8903 note; Public Law 106–79) is amended by striking “September 30, 2015” and inserting “September 30, 2016”.

(b) For fiscal year 2016, the authority provided by the provisos under the heading “Dwight D. Eisenhower Memorial Commission—Capital Construction” in division E of Public Law 112–74 shall not be in effect.

FUNDING PROHIBITION

SEC. 420. None of the funds made available by this or any other Act may be used to regulate the lead content of ammunition, ammunition components, or fishing tackle under the Toxic Substances Control Act (15 U.S.C. 2601 et seq.) or any other law.

CONTRACTING AUTHORITIES

SEC. 421. Section 412 of Division E of Public Law 112–74 is amended by striking “fiscal year 2015,” and inserting “fiscal year 2017,”.

CHESAPEAKE BAY INITIATIVE

SEC. 422. Section 502(c) of the Chesapeake Bay Initiative Act of 1998 (Public Law 105–312; 16 U.S.C. 461 note) is amended by striking “2015” and inserting “2017”.

54 USC 320101
note.

EXTENSION OF GRAZING PERMITS

SEC. 423. The terms and conditions of section 325 of Public Law 108–108 (117 Stat. 1307), regarding grazing permits issued by the Forest Service on any lands not subject to administration under section 402 of the Federal Lands Policy and Management Act (43 U.S.C. 1752), shall remain in effect for fiscal year 2016.

USE OF AMERICAN IRON AND STEEL

SEC. 424. (a)(1) None of the funds made available by a State water pollution control revolving fund as authorized by section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12) shall be used for a project for the construction, alteration, maintenance, or repair of a public water system or treatment works unless all of the iron and steel products used in the project are produced in the United States.

(2) In this section, the term “iron and steel” products means the following products made primarily of iron or steel: lined or unlined pipes and fittings, manhole covers and other municipal castings, hydrants, tanks, flanges, pipe clamps and restraints,

valves, structural steel, reinforced precast concrete, and construction materials.

(b) Subsection (a) shall not apply in any case or category of cases in which the Administrator of the Environmental Protection Agency (in this section referred to as the “Administrator”) finds that—

(1) applying subsection (a) would be inconsistent with the public interest;

(2) iron and steel products are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or

(3) inclusion of iron and steel products produced in the United States will increase the cost of the overall project by more than 25 percent.

(c) If the Administrator receives a request for a waiver under this section, the Administrator shall make available to the public on an informal basis a copy of the request and information available to the Administrator concerning the request, and shall allow for informal public input on the request for at least 15 days prior to making a finding based on the request. The Administrator shall make the request and accompanying information available by electronic means, including on the official public Internet Web site of the Environmental Protection Agency.

(d) This section shall be applied in a manner consistent with United States obligations under international agreements.

(e) The Administrator may retain up to 0.25 percent of the funds appropriated in this Act for the Clean and Drinking Water State Revolving Funds for carrying out the provisions described in subsection (a)(1) for management and oversight of the requirements of this section.

NOTIFICATION REQUIREMENTS

33 USC 1268
note.

SEC. 425. (a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(2) AFFECTED STATE.—The term “affected State” means any of the Great Lakes States (as defined in section 118(a)(3) of the Federal Water Pollution Control Act (33 U.S.C. 1268(a)(3))).

(3) DISCHARGE.—The term “discharge” means a discharge as defined in section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362).

(4) GREAT LAKES.—The term “Great Lakes” means any of the waters as defined in section 118(a)(3) of the Federal Water Pollution Control Act (33 U.S.C. 1268(a)(3)).

(5) TREATMENT WORKS.—The term “treatment works” has the meaning given the term in section 212 of the Federal Water Pollution Control Act (33 U.S.C. 1292).

(b) REQUIREMENTS.—

(1) IN GENERAL.—The Administrator shall work with affected States having publicly owned treatment works that discharge to the Great Lakes to create public notice requirements for a combined sewer overflow discharge to the Great Lakes.

(2) NOTICE REQUIREMENTS.—The notice requirements referred to in paragraph (1) shall provide for—

(i) the method of the notice;

(ii) the contents of the notice, in accordance with paragraph (3); and

(iii) requirements for public availability of the notice.

(3) MINIMUM REQUIREMENTS.—

(A) IN GENERAL.—The contents of the notice under paragraph (1) shall include—

(i) the dates and times of the applicable discharge;

(ii) the volume of the discharge; and

(iii) a description of any public access areas impacted by the discharge.

(B) CONSISTENCY.—The minimum requirements under this paragraph shall be consistent for all affected States.

(4) ADDITIONAL REQUIREMENTS.—The Administrator shall work with the affected States to include—

(A) follow-up notice requirements that provide a description of—

(i) each applicable discharge;

(ii) the cause of the discharge; and

(iii) plans to prevent a reoccurrence of a combined sewer overflow discharge to the Great Lakes consistent with section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) or an administrative order or consent decree under such Act; and

(B) annual publication requirements that list each treatment works from which the Administrator or the affected State receive a follow-up notice.

(5) TIMING.—

(A) The notice and publication requirements described in this subsection shall be implemented by not later than 2 years after the date of enactment of this Act.

(B) The Administrator of the EPA may extend the implementation deadline for individual communities if the Administrator determines the community needs additional time to comply in order to avoid undue economic hardship.

(6) STATE ACTION.—Nothing in this subsection prohibits an affected State from establishing a State notice requirement in the event of a discharge that is more stringent than the requirements described in this subsection.

GREAT LAKES RESTORATION INITIATIVE

SEC. 426. Section 118(c) of the Federal Water Pollution Control Act (33 U.S.C. 1268(c)) is amended by striking paragraph (7) and inserting the following:

“(7) GREAT LAKES RESTORATION INITIATIVE.—

“(A) ESTABLISHMENT.—There is established in the Agency a Great Lakes Restoration Initiative (referred to in this paragraph as the ‘Initiative’) to carry out programs and projects for Great Lakes protection and restoration.

“(B) FOCUS AREAS.—The Initiative shall prioritize programs and projects carried out in coordination with non-Federal partners and programs and projects that address priority areas each fiscal year, including—

“(i) the remediation of toxic substances and areas of concern;

“(ii) the prevention and control of invasive species and the impacts of invasive species;

“(iii) the protection and restoration of nearshore health and the prevention and mitigation of nonpoint source pollution;

“(iv) habitat and wildlife protection and restoration, including wetlands restoration and preservation; and

“(v) accountability, monitoring, evaluation, communication, and partnership activities.

“(C) PROJECTS.—Under the Initiative, the Agency shall collaborate with Federal partners, including the Great Lakes Interagency Task Force, to select the best combination of programs and projects for Great Lakes protection and restoration using appropriate principles and criteria, including whether a program or project provides—

“(i) the ability to achieve strategic and measurable environmental outcomes that implement the Great Lakes Action Plan and the Great Lakes Water Quality Agreement;

“(ii) the feasibility of—

“(I) prompt implementation;

“(II) timely achievement of results; and

“(III) resource leveraging; and

“(iii) the opportunity to improve interagency and inter-organizational coordination and collaboration to reduce duplication and streamline efforts.

“(D) IMPLEMENTATION OF PROJECTS.—

“(i) IN GENERAL.—Subject to subparagraph (G)(ii), funds made available to carry out the Initiative shall be used to strategically implement—

“(I) Federal projects; and

“(II) projects carried out in coordination with States, Indian tribes, municipalities, institutions of higher education, and other organizations.

“(ii) TRANSFER OF FUNDS.—With amounts made available for the Initiative each fiscal year, the Administrator may—

“(I) transfer not more than the total amount appropriated under subparagraph (G)(i) for the fiscal year to the head of any Federal department or agency, with the concurrence of the department or agency head, to carry out activities to support the Initiative and the Great Lakes Water Quality Agreement; and

“(II) enter into an interagency agreement with the head of any Federal department or agency to carry out activities described in subclause (I).

“(E) SCOPE.—

“(i) IN GENERAL.—Projects shall be carried out under the Initiative on multiple levels, including—

“(I) Great Lakes-wide; and

“(II) Great Lakes basin-wide.

“(ii) LIMITATION.—No funds made available to carry out the Initiative may be used for any water infrastructure activity (other than a green infrastructure project that improves habitat and other ecosystem functions in the Great Lakes) for which amounts are made available from—

“(I) a State water pollution control revolving fund established under title VI; or

“(II) a State drinking water revolving loan fund established under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12).

“(F) ACTIVITIES BY OTHER FEDERAL AGENCIES.—Each relevant Federal department or agency shall, to the maximum extent practicable—

“(i) maintain the base level of funding for the Great Lakes activities of that department or agency without regard to funding under the Initiative; and

“(ii) identify new activities and projects to support the environmental goals of the Initiative.

“(G) FUNDING.—There are authorized to be appropriated to carry out this paragraph for fiscal year 2016, \$300,000,000.”.

JOHN F. KENNEDY CENTER REAUTHORIZATION

SEC. 427. Section 13 of the John F. Kennedy Center Act (20 U.S.C. 76r) is amended by striking subsections (a) and (b) and inserting the following:

“(a) MAINTENANCE, REPAIR, AND SECURITY.—There is authorized to be appropriated to the Board to carry out section 4(a)(1)(H), \$22,000,000 for fiscal year 2016.

“(b) CAPITAL PROJECTS.—There is authorized to be appropriated to the Board to carry out subparagraphs (F) and (G) of section 4(a)(1), \$15,000,000 for fiscal year 2016.”.

This division may be cited as the “Department of the Interior, Environment, and Related Agencies Appropriations Act, 2016”.

DIVISION H—DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2016

TITLE I

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For necessary expenses of the Workforce Innovation and Opportunity Act (referred to in this Act as “WIOA”), the Second Chance Act of 2007, the National Apprenticeship Act, and the Women in Apprenticeship and Nontraditional Occupations Act of 1992 (“WANTO Act”), \$3,335,425,000, plus reimbursements, shall be available. Of the amounts provided:

(1) for grants to States for adult employment and training activities, youth activities, and dislocated worker employment and training activities, \$2,709,832,000 as follows:

(A) \$815,556,000 for adult employment and training activities, of which \$103,556,000 shall be available for the period July 1, 2016 through June 30, 2017, and of which \$712,000,000 shall be available for the period October 1, 2016 through June 30, 2017;

Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2016.
Department of Labor Appropriations Act, 2016.

(B) \$873,416,000 for youth activities, which shall be available for the period April 1, 2016 through June 30, 2017; and

(C) \$1,020,860,000 for dislocated worker employment and training activities, of which \$160,860,000 shall be available for the period July 1, 2016 through June 30, 2017, and of which \$860,000,000 shall be available for the period October 1, 2016 through June 30, 2017:

Provided, That pursuant to section 128(a)(1) of the WIOA, the amount available to the Governor for statewide workforce investment activities shall not exceed 15 percent of the amount allotted to the State from each of the appropriations under the preceding subparagraphs: *Provided further*, That the funds available for allotment to outlying areas to carry out subtitle B of title I of the WIOA shall not be subject to the requirements of section 127(b)(1)(B)(ii) of such Act; and

(2) for national programs, \$625,593,000 as follows:

(A) \$220,859,000 for the dislocated workers assistance national reserve, of which \$20,859,000 shall be available for the period July 1, 2016 through September 30, 2017, and of which \$200,000,000 shall be available for the period October 1, 2016 through September 30, 2017: *Provided*, That funds provided to carry out section 132(a)(2)(A) of the WIOA may be used to provide assistance to a State for statewide or local use in order to address cases where there have been worker dislocations across multiple sectors or across multiple local areas and such workers remain dislocated; coordinate the State workforce development plan with emerging economic development needs; and train such eligible dislocated workers: *Provided further*, That funds provided to carry out sections 168(b) and 169(c) of the WIOA may be used for technical assistance and demonstration projects, respectively, that provide assistance to new entrants in the workforce and incumbent workers: *Provided further*, That notwithstanding section 168(b) of the WIOA, of the funds provided under this subparagraph, the Secretary of Labor (referred to in this title as “Secretary”) may reserve not more than 10 percent of such funds to provide technical assistance and carry out additional activities related to the transition to the WIOA: *Provided further*, That, of the funds provided under this subparagraph, \$19,000,000 shall be made available for applications submitted in accordance with section 170 of the WIOA for training and employment assistance for workers dislocated from coal mines and coal-fired power plants;

(B) \$50,000,000 for Native American programs under section 166 of the WIOA, which shall be available for the period July 1, 2016 through June 30, 2017;

(C) \$81,896,000 for migrant and seasonal farmworker programs under section 167 of the WIOA, including \$75,885,000 for formula grants (of which not less than 70 percent shall be for employment and training services), \$5,517,000 for migrant and seasonal housing (of which not less than 70 percent shall be for permanent housing), and \$494,000 for other discretionary purposes, which shall be available for the period July 1, 2016 through June

30, 2017: *Provided*, That notwithstanding any other provision of law or related regulation, the Department of Labor shall take no action limiting the number or proportion of eligible participants receiving related assistance services or discouraging grantees from providing such services;

(D) \$994,000 for carrying out the WANTO Act, which shall be available for the period July 1, 2016 through June 30, 2017;

(E) \$84,534,000 for YouthBuild activities as described in section 171 of the WIOA, which shall be available for the period April 1, 2016 through June 30, 2017;

(F) \$3,232,000 for technical assistance activities under section 168 of the WIOA, which shall be available for the period July 1, 2016 through June 30, 2017;

(G) \$88,078,000 for ex-offender activities, under the authority of section 169 of the WIOA and section 212 of the Second Chance Act of 2007, which shall be available for the period April 1, 2016 through June 30, 2017: *Provided*, That of this amount, \$20,000,000 shall be for competitive grants to national and regional intermediaries for activities that prepare young ex-offenders and school dropouts for employment, with a priority for projects serving high-crime, high-poverty areas;

(H) \$6,000,000 for the Workforce Data Quality Initiative, under the authority of section 169 of the WIOA, which shall be available for the period July 1, 2016 through June 30, 2017; and

(I) \$90,000,000 to expand opportunities relating to apprenticeship programs registered under the National Apprenticeship Act, to be available to the Secretary to carry out activities through grants, cooperative agreements, contracts and other arrangements, with States and other appropriate entities, which shall be available for the period April 1, 2016 through June 30, 2017.

JOB CORPS

(INCLUDING TRANSFER OF FUNDS)

To carry out subtitle C of title I of the WIOA, including Federal administrative expenses, the purchase and hire of passenger motor vehicles, the construction, alteration, and repairs of buildings and other facilities, and the purchase of real property for training centers as authorized by the WIOA, \$1,689,155,000, plus reimbursements, as follows:

(1) \$1,581,825,000 for Job Corps Operations, which shall be available for the period July 1, 2016 through June 30, 2017;

(2) \$75,000,000 for construction, rehabilitation and acquisition of Job Corps Centers, which shall be available for the period July 1, 2016 through June 30, 2019, and which may include the acquisition, maintenance, and repair of major items of equipment: *Provided*, That the Secretary may transfer up to 15 percent of such funds to meet the operational needs of such centers or to achieve administrative efficiencies: *Provided further*, That any funds transferred pursuant to the preceding proviso shall not be available for obligation after June

30, 2017: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer; and

(3) \$32,330,000 for necessary expenses of Job Corps, which shall be available for obligation for the period October 1, 2015 through September 30, 2016:

Provided, That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out title V of the Older Americans Act of 1965 (referred to in this Act as “OAA”), \$434,371,000, which shall be available for the period July 1, 2016 through June 30, 2017, and may be recaptured and reobligated in accordance with section 517(c) of the OAA.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during fiscal year 2016 of trade adjustment benefit payments and allowances under part I of subchapter B of chapter 2 of title II of the Trade Act of 1974, and section 246 of that Act; and for training, employment and case management services, allowances for job search and relocation, and related State administrative expenses under part II of subchapter B of chapter 2 of title II of the Trade Act of 1974, and including benefit payments, allowances, training, employment and case management services, and related State administration provided pursuant to section 231(a) of the Trade Adjustment Assistance Extension Act of 2011 and section 405(a) of the Trade Preferences Extension Act of 2015, \$861,000,000 together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15, 2016: *Provided*, That notwithstanding section 502 of this division, any part of the appropriation provided under this heading may remain available for obligation beyond the current fiscal year pursuant to the authorities of section 245(c) of the Trade Act of 1974 (19 U.S.C. 2317(c)).

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For authorized administrative expenses, \$89,066,000, together with not to exceed \$3,480,812,000 which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund (“the Trust Fund”), of which:

(1) \$2,725,550,000 from the Trust Fund is for grants to States for the administration of State unemployment insurance laws as authorized under title III of the Social Security Act (including not less than \$95,000,000 to conduct in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews, and to provide reemployment services and referrals to training as appropriate, for claimants of unemployment insurance for ex-service members under 5 U.S.C. 8521 et. seq. and for the claimants of regular unemployment compensation who are profiled as most likely to exhaust their benefits in each State, and \$3,000,000 for continued support of the Unemployment Insurance Integrity Center of Excellence), the administration of unemployment

insurance for Federal employees and for ex-service members as authorized under 5 U.S.C. 8501–8523, and the administration of trade readjustment allowances, reemployment trade adjustment assistance, and alternative trade adjustment assistance under the Trade Act of 1974 and under section 231(a) of the Trade Adjustment Assistance Extension Act of 2011 and section 405(a) of the Trade Preferences Extension Act of 2015, and shall be available for obligation by the States through December 31, 2016, except that funds used for automation acquisitions shall be available for Federal obligation through December 31, 2016, and for State obligation through September 30, 2018, or, if the automation acquisition is being carried out through consortia of States, for State obligation through September 30, 2021, and for expenditure through September 30, 2022, and funds for competitive grants awarded to States for improved operations and to conduct in-person assessments and reviews and provide reemployment services and referrals shall be available for Federal obligation through December 31, 2016, and for obligation by the States through September 30, 2018, and funds for the Unemployment Insurance Integrity Center of Excellence shall be available for obligation by the State through September 30, 2017, and funds used for unemployment insurance workloads experienced by the States through September 30, 2016 shall be available for Federal obligation through December 31, 2016;

(2) \$14,547,000 from the Trust Fund is for national activities necessary to support the administration of the Federal-State unemployment insurance system;

(3) \$658,587,000 from the Trust Fund, together with \$21,413,000 from the General Fund of the Treasury, is for grants to States in accordance with section 6 of the Wagner-Peyser Act, and shall be available for Federal obligation for the period July 1, 2016 through June 30, 2017;

(4) \$19,818,000 from the Trust Fund is for national activities of the Employment Service, including administration of the work opportunity tax credit under section 51 of the Internal Revenue Code of 1986, and the provision of technical assistance and staff training under the Wagner-Peyser Act;

(5) \$62,310,000 from the Trust Fund is for the administration of foreign labor certifications and related activities under the Immigration and Nationality Act and related laws, of which \$48,028,000 shall be available for the Federal administration of such activities, and \$14,282,000 shall be available for grants to States for the administration of such activities; and

(6) \$67,653,000 from the General Fund is to provide workforce information, national electronic tools, and one-stop system building under the Wagner-Peyser Act and shall be available for Federal obligation for the period July 1, 2016 through June 30, 2017:

Provided, That to the extent that the Average Weekly Insured Unemployment (“AWIU”) for fiscal year 2016 is projected by the Department of Labor to exceed 2,680,000, an additional \$28,600,000 from the Trust Fund shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) to carry out title III of the Social Security Act: *Provided further*, That funds appropriated in this Act that are allotted to a State to carry out activities under

title III of the Social Security Act may be used by such State to assist other States in carrying out activities under such title III if the other States include areas that have suffered a major disaster declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act: *Provided further*, That the Secretary may use funds appropriated for grants to States under title III of the Social Security Act to make payments on behalf of States for the use of the National Directory of New Hires under section 453(j)(8) of such Act: *Provided further*, That the Secretary may use funds appropriated for grants to States under title III of the Social Security Act to make payments on behalf of States to the entity operating the State Information Data Exchange System: *Provided further*, That funds appropriated in this Act which are used to establish a national one-stop career center system, or which are used to support the national activities of the Federal-State unemployment insurance, employment service, or immigration programs, may be obligated in contracts, grants, or agreements with States and non-State entities: *Provided further*, That States awarded competitive grants for improved operations under title III of the Social Security Act, or awarded grants to support the national activities of the Federal-State unemployment insurance system, may award subgrants to other States under such grants, subject to the conditions applicable to the grants: *Provided further*, That funds appropriated under this Act for activities authorized under title III of the Social Security Act and the Wagner-Peyser Act may be used by States to fund integrated Unemployment Insurance and Employment Service automation efforts, notwithstanding cost allocation principles prescribed under the Office of Management and Budget Circular A–87: *Provided further*, That the Secretary, at the request of a State participating in a consortium with other States, may reallocate funds allotted to such State under title III of the Social Security Act to other States participating in the consortium in order to carry out activities that benefit the administration of the unemployment compensation law of the State making the request: *Provided further*, That the Secretary may collect fees for the costs associated with additional data collection, analyses, and reporting services relating to the National Agricultural Workers Survey requested by State and local governments, public and private institutions of higher education, and nonprofit organizations and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, for the National Agricultural Workers Survey infrastructure, methodology, and data to meet the information collection and reporting needs of such entities, which shall be credited to this appropriation and shall remain available until September 30, 2017, for such purposes.

In addition, \$20,000,000 from the Employment Security Administration Account of the Unemployment Trust Fund shall be available for in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews and to provide reemployment services and referrals to training as appropriate, which shall be available for Federal obligations through December 31, 2016, and for State obligation through September 30, 2018.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1986; and for nonrepayable advances to the revolving fund established by section 901(e) of the Social Security Act, to the Unemployment Trust Fund as authorized by 5 U.S.C. 8509, and to the “Federal Unemployment Benefits and Allowances” account, such sums as may be necessary, which shall be available for obligation through September 30, 2017.

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, \$104,577,000, together with not to exceed \$49,982,000 which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

EMPLOYEE BENEFITS SECURITY ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employee Benefits Security Administration, \$181,000,000.

PENSION BENEFIT GUARANTY CORPORATION

PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation (“Corporation”) is authorized to make such expenditures, including financial assistance authorized by subtitle E of title IV of the Employee Retirement Income Security Act of 1974, within limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, as may be necessary in carrying out the program, including associated administrative expenses, through September 30, 2016, for the Corporation: *Provided*, That none of the funds available to the Corporation for fiscal year 2016 shall be available for obligations for administrative expenses in excess of \$431,799,000: *Provided further*, That to the extent that the number of new plan participants in plans terminated by the Corporation exceeds 100,000 in fiscal year 2016, an amount not to exceed an additional \$9,200,000 shall be available through September 30, 2017, for obligation for administrative expenses for every 20,000 additional terminated participants: *Provided further*, That obligations in excess of the amounts provided in this paragraph may be incurred for unforeseen and extraordinary pretermination expenses or extraordinary multiemployer program related expenses after approval by the Office of Management and Budget and notification of the Committees on Appropriations of the House of Representatives and the Senate.

WAGE AND HOUR DIVISION

SALARIES AND EXPENSES

For necessary expenses for the Wage and Hour Division, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, \$227,500,000.

OFFICE OF LABOR-MANAGEMENT STANDARDS

SALARIES AND EXPENSES

For necessary expenses for the Office of Labor-Management Standards, \$40,593,000.

OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS

SALARIES AND EXPENSES

For necessary expenses for the Office of Federal Contract Compliance Programs, \$105,476,000.

OFFICE OF WORKERS' COMPENSATION PROGRAMS

SALARIES AND EXPENSES

For necessary expenses for the Office of Workers' Compensation Programs, \$113,324,000, together with \$2,177,000 which may be expended from the Special Fund in accordance with sections 39(c), 44(d), and 44(j) of the Longshore and Harbor Workers' Compensation Act.

SPECIAL BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by 5 U.S.C. 81; continuation of benefits as provided for under the heading "Civilian War Benefits" in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; section 5(f) of the War Claims Act (50 U.S.C. App. 2004); obligations incurred under the War Hazards Compensation Act (42 U.S.C. 1701 et seq.); and 50 percent of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, \$210,000,000, together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year, for deposit into and to assume the attributes of the Employees' Compensation Fund established under 5 U.S.C. 8147(a): *Provided*, That amounts appropriated may be used under 5 U.S.C. 8104 by the Secretary to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a re-employed, disabled beneficiary: *Provided further*, That balances of reimbursements unobligated on September 30, 2015, shall remain available until expended for the payment of compensation, benefits, and

expenses: *Provided further*, That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under 5 U.S.C. 8147(c) to pay an amount for its fair share of the cost of administration, such sums as the Secretary determines to be the cost of administration for employees of such fair share entities through September 30, 2016: *Provided further*, That of those funds transferred to this account from the fair share entities to pay the cost of administration of the Federal Employees' Compensation Act, \$62,170,000 shall be made available to the Secretary as follows:

(1) For enhancement and maintenance of automated data processing systems operations and telecommunications systems, \$21,140,000;

(2) For automated workload processing operations, including document imaging, centralized mail intake, and medical bill processing, \$22,968,000;

(3) For periodic roll disability management and medical review, \$16,668,000;

(4) For program integrity, \$1,394,000; and

(5) The remaining funds shall be paid into the Treasury as miscellaneous receipts:

Provided further, That the Secretary may require that any person filing a notice of injury or a claim for benefits under 5 U.S.C. 81, or the Longshore and Harbor Workers' Compensation Act, provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, as amended by Public Law 107–275, \$69,302,000, to remain available until expended.

For making after July 31 of the current fiscal year, benefit payments to individuals under title IV of such Act, for costs incurred in the current fiscal year, such amounts as may be necessary.

For making benefit payments under title IV for the first quarter of fiscal year 2017, \$19,000,000, to remain available until expended.

ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION FUND

For necessary expenses to administer the Energy Employees Occupational Illness Compensation Program Act, \$58,552,000, to remain available until expended: *Provided*, That the Secretary may require that any person filing a claim for benefits under the Act provide as part of such claim such identifying information (including Social Security account number) as may be prescribed.

BLACK LUNG DISABILITY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

Such sums as may be necessary from the Black Lung Disability Trust Fund (the "Fund"), to remain available until expended, for payment of all benefits authorized by section 9501(d)(1), (2), (6), and (7) of the Internal Revenue Code of 1986; and repayment of, and payment of interest on advances, as authorized by section

26 USC 9501
note.

9501(d)(4) of that Act. In addition, the following amounts may be expended from the Fund for fiscal year 2016 for expenses of operation and administration of the Black Lung Benefits program, as authorized by section 9501(d)(5): not to exceed \$35,244,000 for transfer to the Office of Workers' Compensation Programs, "Salaries and Expenses"; not to exceed \$30,279,000 for transfer to Departmental Management, "Salaries and Expenses"; not to exceed \$327,000 for transfer to Departmental Management, "Office of Inspector General"; and not to exceed \$356,000 for payments into miscellaneous receipts for the expenses of the Department of the Treasury.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, \$552,787,000, including not to exceed \$100,850,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act (the "Act"), which grants shall be no less than 50 percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Act; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to \$499,000 per fiscal year of training institute course tuition and fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education: *Provided*, That notwithstanding 31 U.S.C. 3302, the Secretary is authorized, during the fiscal year ending September 30, 2016, to collect and retain fees for services provided to Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, to administer national and international laboratory recognition programs that ensure the safety of equipment and products used by workers in the workplace: *Provided further*, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Act which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: *Provided further*, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Act with respect to any employer of 10 or fewer employees who is included within a category having a Days Away, Restricted, or Transferred ("DART") occupational injury and illness rate, at the most precise industrial classification code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of the Act, except—

(1) to provide, as authorized by the Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations

found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by the Act with respect to imminent dangers;

(4) to take any action authorized by the Act with respect to health hazards;

(5) to take any action authorized by the Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by the Act; and

(6) to take any action authorized by the Act with respect to complaints of discrimination against employees for exercising rights under the Act:

Provided further, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: *Provided further*, That \$10,537,000 shall be available for Susan Harwood training grants.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, \$375,887,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles, including up to \$2,000,000 for mine rescue and recovery activities and not less than \$8,441,000 for State assistance grants: *Provided*, That notwithstanding 31 U.S.C. 3302, not to exceed \$750,000 may be collected by the National Mine Health and Safety Academy for room, board, tuition, and the sale of training materials, otherwise authorized by law to be collected, to be available for mine safety and health education and training activities: *Provided further*, That notwithstanding 31 U.S.C. 3302, the Mine Safety and Health Administration is authorized to collect and retain up to \$2,499,000 from fees collected for the approval and certification of equipment, materials, and explosives for use in mines, and may utilize such sums for such activities: *Provided further*, That the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private: *Provided further*, That the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations: *Provided further*, That the Secretary is authorized to recognize the Joseph A. Holmes Safety Association as a principal safety association and, notwithstanding any other provision of law, may provide funds and, with or without reimbursement, personnel, including service of Mine Safety and Health Administration officials as officers in local chapters or in the national organization: *Provided further*, That any funds available to the Department of Labor may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster.

30 USC 966 note.

30 USC 962 note.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, \$544,000,000, together with not to exceed \$65,000,000 which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

OFFICE OF DISABILITY EMPLOYMENT POLICY

SALARIES AND EXPENSES

For necessary expenses for the Office of Disability Employment Policy to provide leadership, develop policy and initiatives, and award grants furthering the objective of eliminating barriers to the training and employment of people with disabilities, \$38,203,000.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for Departmental Management, including the hire of three passenger motor vehicles, \$334,065,000, together with not to exceed \$308,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund: *Provided*, That \$59,825,000 for the Bureau of International Labor Affairs shall be available for obligation through December 31, 2016: *Provided further*, That funds available to the Bureau of International Labor Affairs may be used to administer or operate international labor activities, bilateral and multilateral technical assistance, and microfinance programs, by or through contracts, grants, subgrants and other arrangements: *Provided further*, That not more than \$53,825,000 shall be for programs to combat exploitative child labor internationally and not less than \$6,000,000 shall be used to implement model programs that address worker rights issues through technical assistance in countries with which the United States has free trade agreements or trade preference programs: *Provided further*, That \$8,040,000 shall be used for program evaluation and shall be available for obligation through September 30, 2017: *Provided further*, That funds available for program evaluation may be used to administer grants for the purpose of evaluation: *Provided further*, That grants made for the purpose of evaluation shall be awarded through fair and open competition: *Provided further*, That funds available for program evaluation may be transferred to any other appropriate account in the Department for such purpose: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer: *Provided further*, That the funds available to the Women's Bureau may be used for grants to serve and promote the interests of women in the workforce.

VETERANS EMPLOYMENT AND TRAINING

Not to exceed \$233,001,000 may be derived from the Employment Security Administration account in the Unemployment Trust Fund to carry out the provisions of chapters 41, 42, and 43 of title 38, United States Code, of which:

(1) \$175,000,000 is for Jobs for Veterans State grants under 38 U.S.C. 4102A(b)(5) to support disabled veterans' outreach program specialists under section 4103A of such title and local veterans' employment representatives under section 4104(b) of such title, and for the expenses described in section 4102A(b)(5)(C), which shall be available for obligation by the States through December 31, 2016, and not to exceed 3 percent for the necessary Federal expenditures for data systems and contract support to allow for the tracking of participant and performance information: *Provided*, That, in addition, such funds may be used to support such specialists and representatives in the provision of services to transitioning members of the Armed Forces who have participated in the Transition Assistance Program and have been identified as in need of intensive services, to members of the Armed Forces who are wounded, ill, or injured and receiving treatment in military treatment facilities or warrior transition units, and to the spouses or other family caregivers of such wounded, ill, or injured members;

(2) \$14,100,000 is for carrying out the Transition Assistance Program under 38 U.S.C. 4113 and 10 U.S.C. 1144;

(3) \$40,487,000 is for Federal administration of chapters 41, 42, and 43 of title 38, United States Code; and

(4) \$3,414,000 is for the National Veterans' Employment and Training Services Institute under 38 U.S.C. 4109:

Provided, That the Secretary may reallocate among the appropriations provided under paragraphs (1) through (4) above an amount not to exceed 3 percent of the appropriation from which such reallocation is made.

In addition, from the General Fund of the Treasury, \$38,109,000 is for carrying out programs to assist homeless veterans and veterans at risk of homelessness who are transitioning from certain institutions under sections 2021, 2021A, and 2023 of title 38, United States Code: *Provided*, That notwithstanding subsections (c)(3) and (d) of section 2023, the Secretary may award grants through September 30, 2016, to provide services under such section: *Provided further*, That services provided under section 2023 may include, in addition to services to the individuals described in subsection (e) of such section, services to veterans recently released from incarceration who are at risk of homelessness.

IT MODERNIZATION

For necessary expenses for Department of Labor centralized infrastructure technology investment activities related to support systems and modernization, \$29,778,000.

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$80,640,000, together with not to exceed \$5,660,000 which

may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated by this Act for the Job Corps shall be used to pay the salary and bonuses of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level II.

(TRANSFER OF FUNDS)

SEC. 102. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) which are appropriated for the current fiscal year for the Department of Labor in this Act may be transferred between a program, project, or activity, but no such program, project, or activity shall be increased by more than 3 percent by any such transfer: *Provided*, That the transfer authority granted by this section shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

SEC. 103. In accordance with Executive Order 13126, none of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended for the procurement of goods mined, produced, manufactured, or harvested or services rendered, in whole or in part, by forced or indentured child labor in industries and host countries already identified by the United States Department of Labor prior to enactment of this Act.

SEC. 104. Except as otherwise provided in this section, none of the funds made available to the Department of Labor for grants under section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 (29 U.S.C. 2916a) may be used for any purpose other than competitive grants for training individuals who are older than 16 years of age and are not currently enrolled in school within a local educational agency in the occupations and industries for which employers are using H–1B visas to hire foreign workers, and the related activities necessary to support such training: *Provided*, That up to \$13,000,000 of such funds shall be available for obligation through September 30, 2017 to process permanent foreign labor certifications under section 212(a)(5)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5)(A)): *Provided further*, That the funding limitation under this section shall not apply to funding provided pursuant to solicitations for grant applications issued before January 15, 2014.

SEC. 105. None of the funds made available by this Act under the heading “Employment and Training Administration” shall be used by a recipient or subrecipient of such funds to pay the salary and bonuses of an individual, either as direct costs or indirect costs, at a rate in excess of Executive Level II. This limitation shall not apply to vendors providing goods and services as defined in Office of Management and Budget Circular A–133. Where States are recipients of such funds, States may establish a lower limit for salaries and bonuses of those receiving salaries and bonuses from subrecipients of such funds, taking into account factors including the relative cost-of-living in the State, the compensation

levels for comparable State or local government employees, and the size of the organizations that administer Federal programs involved including Employment and Training Administration programs.

(TRANSFER OF FUNDS)

SEC. 106. Notwithstanding section 102, the Secretary may transfer funds made available to the Employment and Training Administration by this Act, either directly or through a set-aside, for technical assistance services to grantees to “Program Administration” when it is determined that those services will be more efficiently performed by Federal employees: *Provided*, That this section shall not apply to section 171 of the WIOA.

(TRANSFER OF FUNDS)

SEC. 107. (a) The Secretary may reserve not more than 0.75 percent from each appropriation made available in this Act identified in subsection (b) in order to carry out evaluations of any of the programs or activities that are funded under such accounts. Any funds reserved under this section shall be transferred to “Departmental Management” for use by the Office of the Chief Evaluation Officer within the Department of Labor, and shall be available for obligation through September 30, 2017: *Provided*, That such funds shall only be available if the Chief Evaluation Officer of the Department of Labor submits a plan to the Committees on Appropriations of the House of Representatives and the Senate describing the evaluations to be carried out 15 days in advance of any transfer.

(b) The accounts referred to in subsection (a) are: “Training and Employment Services”, “Job Corps”, “Community Service Employment for Older Americans”, “State Unemployment Insurance and Employment Service Operations”, “Employee Benefits Security Administration”, “Office of Workers’ Compensation Programs”, “Wage and Hour Division”, “Office of Federal Contract Compliance Programs”, “Office of Labor Management Standards”, “Occupational Safety and Health Administration”, “Mine Safety and Health Administration”, “Office of Disability Employment Policy”, funding made available to the “Bureau of International Labor Affairs” and “Women’s Bureau” within the “Departmental Management, Salaries and Expenses” account, and “Veterans Employment and Training”.

SEC. 108. (a) Section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) shall be applied as if the following text is part of such section:

“(s)(1) The provisions of this section shall not apply for a period of 2 years after the occurrence of a major disaster to any employee—

“(A) employed to adjust or evaluate claims resulting from or relating to such major disaster, by an employer not engaged, directly or through an affiliate, in underwriting, selling, or marketing property, casualty, or liability insurance policies or contracts;

“(B) who receives from such employer on average weekly compensation of not less than \$591.00 per week or any minimum weekly amount established by the Secretary, whichever is greater, for the number of weeks such employee is engaged in any of the activities described in subparagraph (C); and

“(C) whose duties include any of the following:

“(i) interviewing insured individuals, individuals who suffered injuries or other damages or losses arising from or relating to a disaster, witnesses, or physicians;

“(ii) inspecting property damage or reviewing factual information to prepare damage estimates;

“(iii) evaluating and making recommendations regarding coverage or compensability of claims or determining liability or value aspects of claims;

“(iv) negotiating settlements; or

“(v) making recommendations regarding litigation.

“(2) The exemption in this subsection shall not affect the exemption provided by section 13(a)(1).

“(3) For purposes of this subsection—

“(A) the term ‘major disaster’ means any disaster or catastrophe declared or designated by any State or Federal agency or department;

“(B) the term ‘employee employed to adjust or evaluate claims resulting from or relating to such major disaster’ means an individual who timely secured or secures a license required by applicable law to engage in and perform the activities described in clauses (i) through (v) of paragraph (1)(C) relating to a major disaster, and is employed by an employer that maintains worker compensation insurance coverage or protection for its employees, if required by applicable law, and withholds applicable Federal, State, and local income and payroll taxes from the wages, salaries and any benefits of such employees; and

“(C) the term ‘affiliate’ means a company that, by reason of ownership or control of 25 percent or more of the outstanding shares of any class of voting securities of one or more companies, directly or indirectly, controls, is controlled by, or is under common control with, another company.”

(b) This section shall be effective on the date of enactment of this Act.

SEC. 109. Notwithstanding any other provision of law, beginning October 1, 2015, the Secretary of Labor, in consultation with the Secretary of Agriculture may select an entity to operate a Civilian Conservation Center on a competitive basis in accordance with section 147 of the WIOA, if the Secretary of Labor determines such Center has had consistently low performance under the performance accountability system in effect for the Job Corps program prior to July 1, 2016, or with respect to expected levels of performance established under section 159(c) of such Act beginning July 1, 2016.

SEC. 110. None of the funds made available by this Act may be used to implement, administer, or enforce the Establishing a Minimum Wage for Contractors regulation published by the Department of Labor in the Federal Register on October 7, 2014 (79 Fed. Reg. 60634 et seq.), with respect to Federal contracts, permits, or other contract-like instruments entered into with the Federal Government in connection with Federal property or lands, specifically related to offering seasonal recreational services or seasonal recreation equipment rental for the general public: *Provided*, That this section shall not apply to lodging and food services associated with seasonal recreation services.

SEC. 111. (a) FLEXIBILITY WITH RESPECT TO THE CROSSING OF H–2B NONIMMIGRANTS WORKING IN THE SEAFOOD INDUSTRY.—

(1) IN GENERAL.—Subject to paragraph (2), if a petition for H–2B nonimmigrants filed by an employer in the seafood industry is granted, the employer may bring the nonimmigrants described in the petition into the United States at any time during the 120-day period beginning on the start date for which the employer is seeking the services of the nonimmigrants without filing another petition.

(2) REQUIREMENTS FOR CROSSINGS AFTER 90TH DAY.—An employer in the seafood industry may not bring H–2B nonimmigrants into the United States after the date that is 90 days after the start date for which the employer is seeking the services of the nonimmigrants unless the employer—

(A) completes a new assessment of the local labor market by—

(i) listing job orders in local newspapers on 2 separate Sundays; and

(ii) posting the job opportunity on the appropriate Department of Labor Electronic Job Registry and at the employer’s place of employment; and

(B) offers the job to an equally or better qualified United States worker who—

(i) applies for the job; and

(ii) will be available at the time and place of need.

(3) EXEMPTION FROM RULES WITH RESPECT TO STAGGERING.—The Secretary of Labor shall not consider an employer in the seafood industry who brings H–2B nonimmigrants into the United States during the 120-day period specified in paragraph (1) to be staggering the date of need in violation of section 655.20(d) of title 20, Code of Federal Regulations, or any other applicable provision of law.

(b) H–2B NONIMMIGRANTS DEFINED.—In this section, the term “H–2B nonimmigrants” means aliens admitted to the United States pursuant to section 101(a)(15)(H)(ii)(B) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(B)).

SEC. 112. The determination of prevailing wage for the purposes of the H–2B program shall be the greater of—(1) the actual wage level paid by the employer to other employees with similar experience and qualifications for such position in the same location; or (2) the prevailing wage level for the occupational classification of the position in the geographic area in which the H–2B nonimmigrant will be employed, based on the best information available at the time of filing the petition. In the determination of prevailing wage for the purposes of the H–2B program, the Secretary shall accept private wage surveys even in instances where Occupational Employment Statistics survey data are available unless the Secretary determines that the methodology and data in the provided survey are not statistically supported.

SEC. 113. None of the funds in this Act shall be used to enforce the definition of corresponding employment found in 20 CFR 655.5 or the three-fourths guarantee rule definition found in 20 CFR 655.20, or any references thereto. Further, for the purpose of regulating admission of temporary workers under the H–2B program, the definition of temporary need shall be that provided in 8 CFR 214.2(h)(6)(ii)(B).

SEC. 114. None of the funds in this Act shall be used to implement 20 CFR 655.70 and 20 CFR 655.71.

This title may be cited as the “Department of Labor Appropriations Act, 2016”.

Department of
Health and
Human Services
Appropriations
Act, 2016.

TITLE II

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

PRIMARY HEALTH CARE

For carrying out titles II and III of the Public Health Service Act (referred to in this Act as the “PHS Act”) with respect to primary health care and the Native Hawaiian Health Care Act of 1988, \$1,491,522,000 (in addition to the \$3,600,000,000 previously appropriated to the Community Health Center Fund for fiscal year 2016): *Provided*, That no more than \$100,000 shall be available until expended for carrying out the provisions of section 224(o) of the PHS Act: *Provided further*, That no more than \$99,893,000 shall be available until expended for carrying out the provisions of Public Law 104–73 and for expenses incurred by the Department of Health and Human Services (referred to in this Act as “HHS”) pertaining to administrative claims made under such law: *Provided further*, That of funds provided for the Health Centers program, as defined by section 330 of the PHS Act, by this Act or any other Act for fiscal year 2016, not less than \$200,000,000 shall be obligated in fiscal year 2016 to support new access points, grants to expand medical services, behavioral health, oral health, pharmacy, or vision services, and not less than \$150,000,000 shall be obligated in fiscal year 2016 for construction and capital improvement costs: *Provided further*, That the time limitation in section 330(e)(3) of the PHS Act shall not apply in fiscal year 2016.

HEALTH WORKFORCE

For carrying out titles III, VII, and VIII of the PHS Act with respect to the health workforce, section 1128E of the Social Security Act, and the Health Care Quality Improvement Act of 1986, \$786,895,000: *Provided*, That sections 747(c)(2), 751(j)(2), 762(k), and the proportional funding amounts in paragraphs (1) through (4) of section 756(e) of the PHS Act shall not apply to funds made available under this heading: *Provided further*, That for any program operating under section 751 of the PHS Act on or before January 1, 2009, the Secretary of Health and Human Services (referred to in this title as the “Secretary”) may hereafter waive any of the requirements contained in sections 751(d)(2)(A) and 751(d)(2)(B) of such Act for the full project period of a grant under such section: *Provided further*, That no funds shall be available for section 340G–1 of the PHS Act: *Provided further*, That fees collected for the disclosure of information under section 427(b) of the Health Care Quality Improvement Act of 1986 and sections 1128E(d)(2) and 1921 of the Social Security Act shall be sufficient to recover the full costs of operating the programs authorized by such sections and shall remain available until expended for the National Practitioner Data Bank: *Provided further*, That funds transferred to this account to carry out section 846 and subpart

42 USC 294a
note.

3 of part D of title III of the PHS Act may be used to make prior year adjustments to awards made under such sections.

MATERNAL AND CHILD HEALTH

For carrying out titles III, XI, XII, and XIX of the PHS Act with respect to maternal and child health, title V of the Social Security Act, and section 712 of the American Jobs Creation Act of 2004, \$845,117,000: *Provided*, That notwithstanding sections 502(a)(1) and 502(b)(1) of the Social Security Act, not more than \$77,093,000 shall be available for carrying out special projects of regional and national significance pursuant to section 501(a)(2) of such Act and \$10,276,000 shall be available for projects described in subparagraphs (A) through (F) of section 501(a)(3) of such Act.

RYAN WHITE HIV/AIDS PROGRAM

For carrying out title XXVI of the PHS Act with respect to the Ryan White HIV/AIDS program, \$2,322,781,000, of which \$1,970,881,000 shall remain available to the Secretary through September 30, 2018, for parts A and B of title XXVI of the PHS Act, and of which not less than \$900,313,000 shall be for State AIDS Drug Assistance Programs under the authority of section 2616 or 311(c) of such Act.

HEALTH CARE SYSTEMS

For carrying out titles III and XII of the PHS Act with respect to health care systems, and the Stem Cell Therapeutic and Research Act of 2005, \$103,193,000, of which \$122,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen's Disease Center.

RURAL HEALTH

For carrying out titles III and IV of the PHS Act with respect to rural health, section 427(a) of the Federal Coal Mine Health and Safety Act of 1969, and sections 711 and 1820 of the Social Security Act, \$149,571,000, of which \$41,609,000 from general revenues, notwithstanding section 1820(j) of the Social Security Act, shall be available for carrying out the Medicare rural hospital flexibility grants program: *Provided*, That of the funds made available under this heading for Medicare rural hospital flexibility grants, \$14,942,000 shall be available for the Small Rural Hospital Improvement Grant Program for quality improvement and adoption of health information technology and up to \$1,000,000 shall be to carry out section 1820(g)(6) of the Social Security Act, with funds provided for grants under section 1820(g)(6) available for the purchase and implementation of telehealth services, including pilots and demonstrations on the use of electronic health records to coordinate rural veterans care between rural providers and the Department of Veterans Affairs electronic health record system: *Provided further*, That notwithstanding section 338J(k) of the PHS Act, \$9,511,000 shall be available for State Offices of Rural Health.

FAMILY PLANNING

For carrying out the program under title X of the PHS Act to provide for voluntary family planning projects, \$286,479,000: *Provided*, That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office.

PROGRAM MANAGEMENT

For program support in the Health Resources and Services Administration, \$154,000,000: *Provided*, That funds made available under this heading may be used to supplement program support funding provided under the headings “Primary Health Care”, “Health Workforce”, “Maternal and Child Health”, “Ryan White HIV/AIDS Program”, “Health Care Systems”, and “Rural Health”.

VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

For payments from the Vaccine Injury Compensation Program Trust Fund (the “Trust Fund”), such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the PHS Act, to remain available until expended: *Provided*, That for necessary administrative expenses, not to exceed \$7,500,000 shall be available from the Trust Fund to the Secretary.

CENTERS FOR DISEASE CONTROL AND PREVENTION

IMMUNIZATION AND RESPIRATORY DISEASES

For carrying out titles II, III, XVII, and XXI, and section 2821 of the PHS Act, titles II and IV of the Immigration and Nationality Act, and section 501 of the Refugee Education Assistance Act, with respect to immunization and respiratory diseases, \$459,055,000.

HIV/AIDS, VIRAL HEPATITIS, SEXUALLY TRANSMITTED DISEASES, AND TUBERCULOSIS PREVENTION

For carrying out titles II, III, XVII, and XXIII of the PHS Act with respect to HIV/AIDS, viral hepatitis, sexually transmitted diseases, and tuberculosis prevention, \$1,122,278,000.

EMERGING AND ZONOTIC INFECTIOUS DISEASES

For carrying out titles II, III, and XVII, and section 2821 of the PHS Act, titles II and IV of the Immigration and Nationality Act, and section 501 of the Refugee Education Assistance Act, with respect to emerging and zoonotic infectious diseases, \$527,885,000.

CHRONIC DISEASE PREVENTION AND HEALTH PROMOTION

For carrying out titles II, III, XI, XV, XVII, and XIX of the PHS Act with respect to chronic disease prevention and health promotion, \$838,146,000: *Provided*, That funds appropriated under this account may be available for making grants under section 1509 of the PHS Act for not less than 21 States, tribes, or tribal organizations: *Provided further*, That of the funds available under this heading, \$10,000,000 shall be available to continue and expand community specific extension and outreach programs to combat obesity in counties with the highest levels of obesity: *Provided further*, That the proportional funding requirements under section 1503(a) of the PHS Act shall not apply to funds made available under this heading.

BIRTH DEFECTS, DEVELOPMENTAL DISABILITIES, DISABILITIES AND HEALTH

For carrying out titles II, III, XI, and XVII of the PHS Act with respect to birth defects, developmental disabilities, disabilities and health, \$135,610,000.

PUBLIC HEALTH SCIENTIFIC SERVICES

For carrying out titles II, III, and XVII of the PHS Act with respect to health statistics, surveillance, health informatics, and workforce development, \$491,597,000.

ENVIRONMENTAL HEALTH

For carrying out titles II, III, and XVII of the PHS Act with respect to environmental health, \$165,303,000.

INJURY PREVENTION AND CONTROL

For carrying out titles II, III, and XVII of the PHS Act with respect to injury prevention and control, \$236,059,000: *Provided*, That of the funds provided under this heading, \$70,000,000 shall be available for an evidence-based opioid drug overdose prevention program.

NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH

For carrying out titles II, III, and XVII of the PHS Act, sections 101, 102, 103, 201, 202, 203, 301, and 501 of the Federal Mine Safety and Health Act, section 13 of the Mine Improvement and New Emergency Response Act, and sections 20, 21, and 22 of the Occupational Safety and Health Act, with respect to occupational safety and health, \$339,121,000.

ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM

For necessary expenses to administer the Energy Employees Occupational Illness Compensation Program Act, \$55,358,000, to remain available until expended: *Provided*, That this amount shall be available consistent with the provision regarding administrative expenses in section 151(b) of division B, title I of Public Law 106–554.

GLOBAL HEALTH

For carrying out titles II, III, and XVII of the PHS Act with respect to global health, \$427,121,000, of which \$128,421,000 for international HIV/AIDS shall remain available through September 30, 2017: *Provided*, That funds may be used for purchase and insurance of official motor vehicles in foreign countries.

PUBLIC HEALTH PREPAREDNESS AND RESPONSE

For carrying out titles II, III, and XVII of the PHS Act with respect to public health preparedness and response, and for expenses necessary to support activities related to countering potential biological, nuclear, radiological, and chemical threats to civilian populations, \$1,405,000,000, of which \$575,000,000 shall remain available until expended for the Strategic National Stockpile: *Provided*, That in the event the Director of the CDC activates the Emergency Operations Center, the Director of the CDC may detail CDC staff without reimbursement for up to 90 days to support the work of the CDC Emergency Operations Center, so long as the Director provides a notice to the Committees on Appropriations of the House of Representatives and the Senate within 15 days of the use of this authority and a full report within 30 days after use of this authority which includes the number of staff and funding level broken down by the originating center and number of days detailed: *Provided further*, That funds appropriated under this heading may be used to support a contract for the operation and maintenance of an aircraft in direct support of activities throughout CDC to ensure the agency is prepared to address public health preparedness emergencies.

BUILDINGS AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

For acquisition of real property, equipment, construction, demolition, and renovation of facilities, \$10,000,000, which shall remain available until September 30, 2020: *Provided*, That funds previously set-aside by CDC for repair and upgrade of the Lake Lynn Experimental Mine and Laboratory shall be used to acquire a replacement mine safety research facility: *Provided further*, That in addition, the prior year unobligated balance of any amounts assigned to former employees in accounts of CDC made available for Individual Learning Accounts shall be credited to and merged with the amounts made available under this heading to support the replacement of the mine safety research facility.

CDC-WIDE ACTIVITIES AND PROGRAM SUPPORT

For carrying out titles II, III, XVII and XIX, and section 2821 of the PHS Act and for cross-cutting activities and program support for activities funded in other appropriations included in this Act for the Centers for Disease Control and Prevention, \$113,570,000: *Provided*, That paragraphs (1) through (3) of subsection (b) of section 2821 of the PHS Act shall not apply to funds appropriated under this heading and in all other accounts of the CDC: *Provided further*, That employees of CDC or the Public Health Service, both civilian and commissioned officers, detailed to States, municipalities, or

other organizations under authority of section 214 of the PHS Act, or in overseas assignments, shall be treated as non-Federal employees for reporting purposes only and shall not be included within any personnel ceiling applicable to the Agency, Service, or HHS during the period of detail or assignment: *Provided further*, That CDC may use up to \$10,000 from amounts appropriated to CDC in this Act for official reception and representation expenses when specifically approved by the Director of CDC: *Provided further*, That in addition, such sums as may be derived from authorized user fees, which shall be credited to the appropriation charged with the cost thereof: *Provided further*, That with respect to the previous proviso, authorized user fees from the Vessel Sanitation Program and the Respirator Certification Program shall be available through September 30, 2017.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

For carrying out section 301 and title IV of the PHS Act with respect to cancer, \$5,214,701,000, of which up to \$16,000,000 may be used for facilities repairs and improvements at the National Cancer Institute—Frederick Federally Funded Research and Development Center in Frederick, Maryland.

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out section 301 and title IV of the PHS Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, \$3,115,538,000.

NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL RESEARCH

For carrying out section 301 and title IV of the PHS Act with respect to dental and craniofacial diseases, \$415,582,000.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

For carrying out section 301 and title IV of the PHS Act with respect to diabetes and digestive and kidney disease, \$1,818,357,000.

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

For carrying out section 301 and title IV of the PHS Act with respect to neurological disorders and stroke, \$1,696,139,000.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

For carrying out section 301 and title IV of the PHS Act with respect to allergy and infectious diseases, \$4,629,928,000.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For carrying out section 301 and title IV of the PHS Act with respect to general medical sciences, \$2,512,073,000, of which \$780,000,000 shall be from funds available under section 241 of

the PHS Act: *Provided*, That not less than \$320,840,000 is provided for the Institutional Development Awards program.

EUNICE KENNEDY SHRIVER NATIONAL INSTITUTE OF CHILD HEALTH
AND HUMAN DEVELOPMENT

For carrying out section 301 and title IV of the PHS Act with respect to child health and human development, \$1,339,802,000.

NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the PHS Act with respect to eye diseases and visual disorders, \$715,903,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For carrying out section 301 and title IV of the PHS Act with respect to environmental health sciences, \$693,702,000.

NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the PHS Act with respect to aging, \$1,600,191,000.

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN
DISEASES

For carrying out section 301 and title IV of the PHS Act with respect to arthritis and musculoskeletal and skin diseases, \$542,141,000.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION
DISORDERS

For carrying out section 301 and title IV of the PHS Act with respect to deafness and other communication disorders, \$423,031,000.

NATIONAL INSTITUTE OF NURSING RESEARCH

For carrying out section 301 and title IV of the PHS Act with respect to nursing research, \$146,485,000.

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

For carrying out section 301 and title IV of the PHS Act with respect to alcohol abuse and alcoholism, \$467,700,000.

NATIONAL INSTITUTE ON DRUG ABUSE

For carrying out section 301 and title IV of the PHS Act with respect to drug abuse, \$1,077,488,000.

NATIONAL INSTITUTE OF MENTAL HEALTH

For carrying out section 301 and title IV of the PHS Act with respect to mental health, \$1,548,390,000.

NATIONAL HUMAN GENOME RESEARCH INSTITUTE

For carrying out section 301 and title IV of the PHS Act with respect to human genome research, \$518,956,000.

NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND BIOENGINEERING

For carrying out section 301 and title IV of the PHS Act with respect to biomedical imaging and bioengineering research, \$346,795,000.

NATIONAL CENTER FOR COMPLEMENTARY AND INTEGRATIVE HEALTH

For carrying out section 301 and title IV of the PHS Act with respect to complementary and integrative health, \$130,789,000.

NATIONAL INSTITUTE ON MINORITY HEALTH AND HEALTH DISPARITIES

For carrying out section 301 and title IV of the PHS Act with respect to minority health and health disparities research, \$279,718,000.

JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities of the John E. Fogarty International Center (described in subpart 2 of part E of title IV of the PHS Act), \$70,447,000.

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the PHS Act with respect to health information communications, \$394,664,000: *Provided*, That of the amounts available for improvement of information systems, \$4,000,000 shall be available until September 30, 2017: *Provided further*, That in fiscal year 2016, the National Library of Medicine may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health (referred to in this title as “NIH”).

NATIONAL CENTER FOR ADVANCING TRANSLATIONAL SCIENCES

For carrying out section 301 and title IV of the PHS Act with respect to translational sciences, \$685,417,000: *Provided*, That up to \$25,835,000 shall be available to implement section 480 of the PHS Act, relating to the Cures Acceleration Network: *Provided further*, That at least \$500,000,000 is provided to the Clinical and Translational Sciences Awards program.

OFFICE OF THE DIRECTOR

For carrying out the responsibilities of the Office of the Director, NIH, \$1,558,600,000, of which up to \$30,000,000 may be used to carry out section 215 of this Act: *Provided*, That funding shall be available for the purchase of not to exceed 29 passenger motor vehicles for replacement only: *Provided further*, That all funds credited to the NIH Management Fund shall remain available for one fiscal year after the fiscal year in which they are deposited:

Provided further, That \$165,000,000 shall be for the National Children’s Study Follow-on: *Provided further*, That NIH shall submit a spend plan on the next phase of the study in the previous proviso to the Committees on Appropriations of the House of Representatives and the Senate not later than 90 days after the date of enactment of this Act: *Provided further*, That \$663,039,000 shall be available for the Common Fund established under section 402A(c)(1) of the PHS Act: *Provided further*, That of the funds provided, \$10,000 shall be for official reception and representation expenses when specifically approved by the Director of the NIH: *Provided further*, That the Office of AIDS Research within the Office of the Director of the NIH may spend up to \$8,000,000 to make grants for construction or renovation of facilities as provided for in section 2354(a)(5)(B) of the PHS Act: *Provided further*, That up to \$130,000,000 of the funds provided to the Common Fund are available to support the trans-NIH Precision Medicine Initiative: *Provided further*, That of the amount provided to the NIH, the Director of the NIH shall enter into an agreement with the National Academy of Sciences, as part of the studies conducted under section 489 of the PHS Act, to conduct a comprehensive study on policies affecting the next generation of researchers in the United States: *Provided further*, That, of the funds from Institute, Center, and Office of the Director accounts within “Department of Health and Human Services, National Institutes of Health,” in order to strengthen privacy protections for human research participants, NIH shall require investigators receiving NIH funding for new and competing research projects designed to generate and analyze large volumes of data derived from human research participants to obtain a certificate of confidentiality.

In addition to other funds appropriated for the Common Fund established under section 402A(c) of the PHS Act, \$12,600,000 is appropriated to the Common Fund from the 10-year Pediatric Research Initiative Fund described in section 9008 of title 26, United States Code, for the purpose of carrying out section 402(b)(7)(B)(ii) of the PHS Act (relating to pediatric research), as authorized in the Gabriella Miller Kids First Research Act.

BUILDINGS AND FACILITIES

For the study of, construction of, renovation of, and acquisition of equipment for, facilities of or used by NIH, including the acquisition of real property, \$128,863,000, to remain available through September 30, 2020.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

MENTAL HEALTH

For carrying out titles III, V, and XIX of the PHS Act with respect to mental health, and the Protection and Advocacy for Individuals with Mental Illness Act, \$1,133,948,000: *Provided*, That notwithstanding section 520A(f)(2) of the PHS Act, no funds appropriated for carrying out section 520A shall be available for carrying out section 1971 of the PHS Act: *Provided further*, That in addition to amounts provided herein, \$21,039,000 shall be available under section 241 of the PHS Act to carry out subpart I of part B of title XIX of the PHS Act to fund section 1920(b) technical assistance, national data, data collection and evaluation activities, and

further that the total available under this Act for section 1920(b) activities shall not exceed 5 percent of the amounts appropriated for subpart I of part B of title XIX: *Provided further*, That section 520E(b)(2) of the PHS Act shall not apply to funds appropriated in this Act for fiscal year 2016: *Provided further*, That of the amount appropriated under this heading, \$46,887,000 shall be for the National Child Traumatic Stress Initiative as described in section 582 of the PHS Act: *Provided further*, That notwithstanding section 565(b)(1) of the PHS Act, technical assistance may be provided to a public entity to establish or operate a system of comprehensive community mental health services to children with a serious emotional disturbance, without regard to whether the public entity receives a grant under section 561(a) of such Act: *Provided further*, That States shall expend at least 10 percent of the amount each receives for carrying out section 1911 of the PHS Act to support evidence-based programs that address the needs of individuals with early serious mental illness, including psychotic disorders, regardless of the age of the individual at onset: *Provided further*, That none of the funds provided for section 1911 of the PHS Act shall be subject to section 241 of such Act: *Provided further*, That of the funds made available under this heading, \$15,000,000 shall be to carry out section 224 of the Protecting Access to Medicare Act of 2014 (Public Law 113–93; 42 U.S.C. 290aa 22 note).

SUBSTANCE ABUSE TREATMENT

For carrying out titles III, V, and XIX of the PHS Act with respect to substance abuse treatment and section 1922(a) of the PHS Act with respect to substance abuse prevention, \$2,114,224,000: *Provided*, That in addition to amounts provided herein, the following amounts shall be available under section 241 of the PHS Act: (1) \$79,200,000 to carry out subpart II of part B of title XIX of the PHS Act to fund section 1935(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1935(b) activities shall not exceed 5 percent of the amounts appropriated for subpart II of part B of title XIX; and (2) \$2,000,000 to evaluate substance abuse treatment programs: *Provided further*, That none of the funds provided for section 1921 of the PHS Act shall be subject to section 241 of such Act.

SUBSTANCE ABUSE PREVENTION

For carrying out titles III and V of the PHS Act with respect to substance abuse prevention, \$211,219,000.

HEALTH SURVEILLANCE AND PROGRAM SUPPORT

For program support and cross-cutting activities that supplement activities funded under the headings “Mental Health”, “Substance Abuse Treatment”, and “Substance Abuse Prevention” in carrying out titles III, V, and XIX of the PHS Act and the Protection and Advocacy for Individuals with Mental Illness Act in the Substance Abuse and Mental Health Services Administration, \$174,878,000: *Provided*, That in addition to amounts provided herein, \$31,428,000 shall be available under section 241 of the PHS Act to supplement funds available to carry out national surveys on drug abuse and mental health, to collect and analyze program

data, and to conduct public awareness and technical assistance activities: *Provided further*, That, in addition, fees may be collected for the costs of publications, data, data tabulations, and data analysis completed under title V of the PHS Act and provided to a public or private entity upon request, which shall be credited to this appropriation and shall remain available until expended for such purposes: *Provided further*, That amounts made available in this Act for carrying out section 501(m) of the PHS Act shall remain available through September 30, 2017: *Provided further*, That funds made available under this heading may be used to supplement program support funding provided under the headings “Mental Health”, “Substance Abuse Treatment”, and “Substance Abuse Prevention”.

AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

HEALTHCARE RESEARCH AND QUALITY

For carrying out titles III and IX of the PHS Act, part A of title XI of the Social Security Act, and section 1013 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, \$334,000,000: *Provided*, That section 947(c) of the PHS Act shall not apply in fiscal year 2016: *Provided further*, That in addition, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data shall be credited to this appropriation and shall remain available until September 30, 2017.

CENTERS FOR MEDICARE AND MEDICAID SERVICES

GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, \$243,545,410,000, to remain available until expended.

For making, after May 31, 2016, payments to States under title XIX or in the case of section 1928 on behalf of States under title XIX of the Social Security Act for the last quarter of fiscal year 2016 for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For making payments to States or in the case of section 1928 on behalf of States under title XIX of the Social Security Act for the first quarter of fiscal year 2017, \$115,582,502,000, to remain available until expended.

Payment under such title XIX may be made for any quarter with respect to a State plan or plan amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.

PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as provided under sections 217(g), 1844, and 1860D–16 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d)(3) of Public Law 97–248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, \$283,171,800,000.

In addition, for making matching payments under section 1844 and benefit payments under section 1860D–16 of the Social Security Act that were not anticipated in budget estimates, such sums as may be necessary.

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, XIX, and XXI of the Social Security Act, titles XIII and XXVII of the PHS Act, the Clinical Laboratory Improvement Amendments of 1988, and other responsibilities of the Centers for Medicare and Medicaid Services, not to exceed \$3,669,744,000, to be transferred from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as authorized by section 201(g) of the Social Security Act; together with all funds collected in accordance with section 353 of the PHS Act and section 1857(e)(2) of the Social Security Act, funds retained by the Secretary pursuant to section 302 of the Tax Relief and Health Care Act of 2006; and such sums as may be collected from authorized user fees and the sale of data, which shall be credited to this account and remain available until September 30, 2021: *Provided*, That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the PHS Act shall be credited to and available for carrying out the purposes of this appropriation: *Provided further*, That the Secretary is directed to collect fees in fiscal year 2016 from Medicare Advantage organizations pursuant to section 1857(e)(2) of the Social Security Act and from eligible organizations with risk-sharing contracts under section 1876 of that Act pursuant to section 1876(k)(4)(D) of that Act.

HEALTH CARE FRAUD AND ABUSE CONTROL ACCOUNT

In addition to amounts otherwise available for program integrity and program management, \$681,000,000, to remain available through September 30, 2017, to be transferred from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as authorized by section 201(g) of the Social Security Act, of which \$486,120,000 shall be for the Medicare Integrity Program at the Centers for Medicare and Medicaid Services, including administrative costs, to conduct oversight activities for Medicare Advantage under Part C and the Medicare Prescription Drug Program under Part D of the Social Security Act and for activities described in section 1893(b) of such Act, of which \$67,200,000 shall be for the Department of Health and Human Services Office of Inspector General to carry out fraud and abuse activities authorized by section 1817(k)(3) of such Act, of which \$67,200,000 shall be for the Medicaid and Children's Health Insurance Program ("CHIP") program integrity activities, and of which \$60,480,000 shall be for the Department of Justice to carry out fraud and abuse activities authorized by section 1817(k)(3) of such Act: *Provided*, That the report required by section 1817(k)(5) of the Social Security Act for fiscal year 2016 shall include measures of the operational efficiency and impact on fraud, waste, and abuse in the Medicare, Medicaid, and CHIP programs for the funds provided by this appropriation: *Provided further*, That of the amount provided under this heading, \$311,000,000 is provided to meet the terms of section 251(b)(2)(C)(ii) of the

Balanced Budget and Emergency Deficit Control Act of 1985, as amended, and \$370,000,000 is additional new budget authority specified for purposes of section 251(b)(2)(C) of such Act: *Provided further*, That the Secretary shall support the full cost of the Senior Medicare Patrol program to combat health care fraud and abuse from the funds provided to this account.

ADMINISTRATION FOR CHILDREN AND FAMILIES

PAYMENTS TO STATES FOR CHILD SUPPORT ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

For carrying out, except as otherwise provided, titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960, \$2,944,906,000, to remain available until expended; and for such purposes for the first quarter of fiscal year 2017, \$1,300,000,000, to remain available until expended.

For carrying out, after May 31 of the current fiscal year, except as otherwise provided, titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960, for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

LOW INCOME HOME ENERGY ASSISTANCE

For making payments under subsections (b) and (d) of section 2602 of the Low Income Home Energy Assistance Act of 1981, \$3,390,304,000: *Provided*, That all but \$491,000,000 of this amount shall be allocated as though the total appropriation for such payments for fiscal year 2016 was less than \$1,975,000,000: *Provided further*, That notwithstanding section 2609A(a), of the amounts appropriated under section 2602(b), not more than \$2,988,000 of such amounts may be reserved by the Secretary for technical assistance, training, and monitoring of program activities for compliance with internal controls, policies and procedures and may, in addition to the authorities provided in section 2609A(a)(1), use such funds through contracts with private entities that do not qualify as non-profit organizations.

REFUGEE AND ENTRANT ASSISTANCE

For necessary expenses for refugee and entrant assistance activities authorized by section 414 of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980, and for carrying out section 462 of the Homeland Security Act of 2002, section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, the Trafficking Victims Protection Act of 2000 (“TVPA”), section 203 of the Trafficking Victims Protection Reauthorization Act of 2005, and the Torture Victims Relief Act of 1998, \$1,674,691,000, of which \$1,645,201,000 shall remain available through September 30, 2018 for carrying out such sections 414, 501, 462, and 235: *Provided*, That amounts available under this heading to carry out such section 203 and the TVPA shall also be available for research and evaluation with respect to activities under those authorities: *Provided further*, That the limitation in section 205 of this Act regarding transfers increasing any appropriation shall apply to

transfers to appropriations under this heading by substituting “10 percent” for “3 percent”.

PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT
BLOCK GRANT

For carrying out the Child Care and Development Block Grant Act of 2014 (“CCDBG Act”), \$2,761,000,000 shall be used to supplement, not supplant State general revenue funds for child care assistance for low-income families: *Provided*, That, in addition to the amounts required to be reserved by the States under section 658G of the CCDBG Act, \$127,206,000 shall be for activities that improve the quality of infant and toddler care: *Provided further*, That technical assistance under section 658I(a)(3) of such Act may be provided directly, or through the use of contracts, grants, cooperative agreements, or interagency agreements: *Provided further*, That all funds made available to carry out section 418 of the Social Security Act (42 U.S.C. 618), including funds appropriated for that purpose in such section 418 or any other provision of law, shall be subject to the reservation of funds authority in paragraphs (4) and (5) of section 658O(a) of the CCDBG Act.

SOCIAL SERVICES BLOCK GRANT

For making grants to States pursuant to section 2002 of the Social Security Act, \$1,700,000,000: *Provided*, That notwithstanding subparagraph (B) of section 404(d)(2) of such Act, the applicable percent specified under such subparagraph for a State to carry out State programs pursuant to title XX–A of such Act shall be 10 percent.

CHILDREN AND FAMILIES SERVICES PROGRAMS

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Head Start Act, the Child Abuse Prevention and Treatment Act, sections 303 and 313 of the Family Violence Prevention and Services Act, the Native American Programs Act of 1974, title II of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (adoption opportunities), part B–1 of title IV and sections 429, 473A, 477(i), 1110, 1114A, and 1115 of the Social Security Act; for making payments under the Community Services Block Grant Act (“CSBG Act”), and the Assets for Independence Act; for necessary administrative expenses to carry out titles I, IV, V, X, XI, XIV, XVI, and XX–A of the Social Security Act, the Act of July 5, 1960, the Low Income Home Energy Assistance Act of 1981, title IV of the Immigration and Nationality Act, and section 501 of the Refugee Education Assistance Act of 1980; and for the administration of prior year obligations made by the Administration for Children and Families under the Developmental Disabilities Assistance and Bill of Rights Act and the Help America Vote Act of 2002, \$10,984,268,000, of which \$37,943,000, to remain available through September 30, 2017, shall be for grants to States for adoption and legal guardianship incentive payments, as defined by section 473A of the Social Security Act and may be made for adoptions completed before September 30, 2016: *Provided*, That \$9,168,095,000 shall be for making payments under the Head Start Act: *Provided further*, That of the amount in the previous proviso,

\$8,214,095,000 shall be available for payments under section 640 of the Head Start Act, of which \$141,000,000 shall be available for a cost of living adjustment notwithstanding section 640(a)(3)(A) of such Act: *Provided further*, That notwithstanding such section 640, of the amount in the second preceding proviso, \$294,000,000 (of which up to one percent may be reserved for research and evaluation) shall be available through December 31, 2016 for award by the Secretary to grantees that apply for supplemental funding to increase their hours of program operations and for training and technical assistance for such activities: *Provided further*, That of the amount provided for making payments under the Head Start Act, \$25,000,000 shall be available for allocation by the Secretary to supplement activities described in paragraphs (7)(B) and (9) of section 641(c) of such Act under the Designation Renewal System, established under the authority of sections 641(c)(7), 645A(b)(12) and 645A(d) of such Act: *Provided further*, That notwithstanding such section 640, of the amount provided for making payments under the Head Start Act, and in addition to funds otherwise available under such section 640 for such purposes, \$635,000,000 shall be available through March 31, 2017 for Early Head Start programs as described in section 645A of such Act, for conversion of Head Start services to Early Head Start services as described in section 645(a)(5)(A) of such Act, for discretionary grants for high quality infant and toddler care through Early Head Start-Child Care Partnerships, to entities defined as eligible under section 645A(d) of such Act, for training and technical assistance for such activities, and for up to \$14,000,000 in Federal costs of administration and evaluation, and, notwithstanding section 645A(c)(2) of such Act, these funds are available to serve children under age 4: *Provided further*, That funds described in the preceding two provisos shall not be included in the calculation of “base grant” in subsequent fiscal years, as such term is used in section 640(a)(7)(A) of such Act: *Provided further*, That \$751,383,000 shall be for making payments under the CSBG Act: *Provided further*, That \$36,733,000 shall be for sections 680 and 678E(b)(2) of the CSBG Act, of which not less than \$29,883,000 shall be for section 680(a)(2) and not less than \$6,500,000 shall be for section 680(a)(3)(B) of such Act: *Provided further*, That to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under the CSBG Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes: *Provided further*, That the Secretary shall establish procedures regarding the disposition of intangible assets and program income that permit such assets acquired with, and program income derived from, grant funds authorized under section 680 of the CSBG Act to become the sole property of such grantees after a period of not more than 12 years after the end of the grant period for any activity consistent with section 680(a)(2)(A) of the CSBG Act: *Provided further*, That intangible assets in the form of loans, equity investments and other debt instruments, and program income may be used by grantees for any eligible purpose consistent with section 680(a)(2)(A) of the CSBG Act: *Provided further*, That these procedures shall apply to such grant funds made available after November 29, 1999: *Provided further*, That funds appropriated for section 680(a)(2) of the CSBG Act shall be available for financing

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note.

construction and rehabilitation and loans or investments in private business enterprises owned by community development corporations: *Provided further*, That the Secretary shall issue performance standards for nonprofit organizations receiving funds from State and territorial grantees under the CSBG Act, and such States and territories shall assure the implementation of such standards prior to September 30, 2016, and include information on such implementation in the report required by section 678E(2) of such Act: *Provided further*, That, to the extent funds for the Assets for Independence (AFI) Act provided in this Act are distributed as grant funds to a qualified entity and have not been expended by such entity within 3 years after the date of the award, such funds may be recaptured and, during the fiscal year of such recapture, reallocated among other qualified entities, to remain available to such entities for 5 years: *Provided further*, That \$1,864,000 shall be for a human services case management system for federally declared disasters, to include a comprehensive national case management contract and Federal costs of administering the system: *Provided further*, That up to \$2,000,000 shall be for improving the Public Assistance Reporting Information System, including grants to States to support data collection for a study of the system's effectiveness.

PROMOTING SAFE AND STABLE FAMILIES

For carrying out, except as otherwise provided, section 436 of the Social Security Act, \$345,000,000 and, for carrying out, except as otherwise provided, section 437 of such Act, \$59,765,000.

PAYMENTS FOR FOSTER CARE AND PERMANENCY

For carrying out, except as otherwise provided, title IV–E of the Social Security Act, \$5,298,000,000.

For carrying out, except as otherwise provided, title IV–E of the Social Security Act, for the first quarter of fiscal year 2017, \$2,300,000,000.

For carrying out, after May 31 of the current fiscal year, except as otherwise provided, section 474 of title IV–E of the Social Security Act, for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

ADMINISTRATION FOR COMMUNITY LIVING

AGING AND DISABILITY SERVICES PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965 (“OAA”), titles III and XXIX of the PHS Act, sections 1252 and 1253 of the PHS Act, section 119 of the Medicare Improvements for Patients and Providers Act of 2008, title XX–B of the Social Security Act, the Developmental Disabilities Assistance and Bill of Rights Act, parts 2 and 5 of subtitle D of title II of the Help America Vote Act of 2002, the Assistive Technology Act of 1998, titles II and VII (and section 14 with respect to such titles) of the Rehabilitation Act of 1973,

and for Department-wide coordination of policy and program activities that assist individuals with disabilities, \$1,912,735,000, together with \$52,115,000 to be transferred from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund to carry out section 4360 of the Omnibus Budget Reconciliation Act of 1990: *Provided*, That amounts appropriated under this heading may be used for grants to States under section 361 of the OAA only for disease prevention and health promotion programs and activities which have been demonstrated through rigorous evaluation to be evidence-based and effective: *Provided further*, That notwithstanding any other provision of this Act, funds made available under this heading to carry out section 311 of the OAA may be transferred to the Secretary of Agriculture in accordance with such section: *Provided further*, That \$2,000,000 shall be for competitive grants to support alternative financing programs that provide for the purchase of assistive technology devices, such as a low-interest loan fund; an interest buy-down program; a revolving loan fund; a loan guarantee; or an insurance program: *Provided further*, That applicants shall provide an assurance that, and information describing the manner in which, the alternative financing program will expand and emphasize consumer choice and control: *Provided further*, That State agencies and community-based disability organizations that are directed by and operated for individuals with disabilities shall be eligible to compete: *Provided further*, That in addition, the unobligated balance of amounts previously made available for the Health Resources and Services Administration to carry out functions under sections 1252 and 1253 of the PHS Act shall be transferred to this account, except for such sums as may be necessary to provide for an orderly transition of such functions to the Administration for Community Living: *Provided further*, That none of the funds made available under this heading may be used by an eligible system (as defined in section 102 of the Protection and Advocacy for Individuals with Mental Illness Act (42 U.S.C. 10802)) to continue to pursue any legal action in a Federal or State court on behalf of an individual or group of individuals with a developmental disability (as defined in section 102(8)(A) of the Developmental Disabilities and Assistance and Bill of Rights Act of 2000 (20 U.S.C. 15002(8)(A)) that is attributable to a mental impairment (or a combination of mental and physical impairments), that has as the requested remedy the closure of State operated intermediate care facilities for people with intellectual or developmental disabilities, unless reasonable public notice of the action has been provided to such individuals (or, in the case of mental incapacitation, the legal guardians who have been specifically awarded authority by the courts to make healthcare and residential decisions on behalf of such individuals) who are affected by such action, within 90 days of instituting such legal action, which informs such individuals (or such legal guardians) of their legal rights and how to exercise such rights consistent with current Federal Rules of Civil Procedure: *Provided further*, That the limitations in the immediately preceding proviso shall not apply in the case of an individual who is neither competent to consent nor has a legal guardian, nor shall the proviso apply in the case of individuals who are a ward of the State or subject to public guardianship.

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

For necessary expenses, not otherwise provided, for general departmental management, including hire of six passenger motor vehicles, and for carrying out titles III, XVII, XXI, and section 229 of the PHS Act, the United States-Mexico Border Health Commission Act, and research studies under section 1110 of the Social Security Act, \$456,009,000, together with \$64,828,000 from the amounts available under section 241 of the PHS Act to carry out national health or human services research and evaluation activities: *Provided*, That of this amount, \$53,900,000 shall be for minority AIDS prevention and treatment activities: *Provided further*, That of the funds made available under this heading, \$101,000,000 shall be for making competitive contracts and grants to public and private entities to fund medically accurate and age appropriate programs that reduce teen pregnancy and for the Federal costs associated with administering and evaluating such contracts and grants, of which not more than 10 percent of the available funds shall be for training and technical assistance, evaluation, outreach, and additional program support activities, and of the remaining amount 75 percent shall be for replicating programs that have been proven effective through rigorous evaluation to reduce teenage pregnancy, behavioral risk factors underlying teenage pregnancy, or other associated risk factors, and 25 percent shall be available for research and demonstration grants to develop, replicate, refine, and test additional models and innovative strategies for preventing teenage pregnancy: *Provided further*, That of the amounts provided under this heading from amounts available under section 241 of the PHS Act, \$6,800,000 shall be available to carry out evaluations (including longitudinal evaluations) of teenage pregnancy prevention approaches: *Provided further*, That of the funds made available under this heading, \$10,000,000 shall be for making competitive grants which exclusively implement education in sexual risk avoidance (defined as voluntarily refraining from non-marital sexual activity): *Provided further*, That funding for such competitive grants for sexual risk avoidance shall use medically accurate information referenced to peer-reviewed publications by educational, scientific, governmental, or health organizations; implement an evidence-based approach integrating research findings with practical implementation that aligns with the needs and desired outcomes for the intended audience; and teach the benefits associated with self-regulation, success sequencing for poverty prevention, healthy relationships, goal setting, and resisting sexual coercion, dating violence, and other youth risk behaviors such as underage drinking or illicit drug use without normalizing teen sexual activity: *Provided further*, That no more than 10 percent of the funding for such competitive grants for sexual risk avoidance shall be available for technical assistance and administrative costs of such programs: *Provided further*, That funds provided in this Act for embryo adoption activities may be used to provide to individuals adopting embryos, through grants and other mechanisms, medical and administrative services deemed necessary for such adoptions: *Provided further*, That such services shall be provided consistent with 42 CFR 59.5(a)(4).

OFFICE OF MEDICARE HEARINGS AND APPEALS

For expenses necessary for the Office of Medicare Hearings and Appeals, \$107,381,000, to be transferred in appropriate part from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund.

OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH INFORMATION TECHNOLOGY

For expenses necessary for the Office of the National Coordinator for Health Information Technology, including grants, contracts, and cooperative agreements for the development and advancement of interoperable health information technology, \$60,367,000.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General, including the hire of passenger motor vehicles for investigations, in carrying out the provisions of the Inspector General Act of 1978, \$75,000,000: *Provided*, That of such amount, necessary sums shall be available for providing protective services to the Secretary and investigating non-payment of child support cases for which non-payment is a Federal offense under 18 U.S.C. 228.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, \$38,798,000.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan, and for medical care of dependents and retired personnel under the Dependents' Medical Care Act, such amounts as may be required during the current fiscal year.

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For expenses necessary to support activities related to countering potential biological, nuclear, radiological, chemical, and cybersecurity threats to civilian populations, and for other public health emergencies, \$950,958,000, of which \$511,700,000 shall remain available through September 30, 2017, for expenses necessary to support advanced research and development pursuant to section 319L of the PHS Act and other administrative expenses of the Biomedical Advanced Research and Development Authority: *Provided*, That funds provided under this heading for the purpose of acquisition of security countermeasures shall be in addition to any other funds available for such purpose: *Provided further*, That products purchased with funds provided under this heading may, at the discretion of the Secretary, be deposited in the Strategic National Stockpile pursuant to section 319F–2 of the PHS Act: *Provided further*, That \$5,000,000 of the amounts made available

to support emergency operations shall remain available through September 30, 2018.

For expenses necessary for procuring security countermeasures (as defined in section 319F–2(c)(1)(B) of the PHS Act), \$510,000,000, to remain available until expended.

For an additional amount for expenses necessary to prepare for or respond to an influenza pandemic, \$72,000,000; of which \$40,000,000 shall be available until expended, for activities including the development and purchase of vaccine, antivirals, necessary medical supplies, diagnostics, and other surveillance tools: *Provided*, That notwithstanding section 496(b) of the PHS Act, funds may be used for the construction or renovation of privately owned facilities for the production of pandemic influenza vaccines and other biologics, if the Secretary finds such construction or renovation necessary to secure sufficient supplies of such vaccines or biologics.

GENERAL PROVISIONS

SEC. 201. Funds appropriated in this title shall be available for not to exceed \$50,000 for official reception and representation expenses when specifically approved by the Secretary.

SEC. 202. None of the funds appropriated in this title shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of Executive Level II.

SEC. 203. None of the funds appropriated in this Act may be expended pursuant to section 241 of the PHS Act, except for funds specifically provided for in this Act, or for other taps and assessments made by any office located in HHS, prior to the preparation and submission of a report by the Secretary to the Committees on Appropriations of the House of Representatives and the Senate detailing the planned uses of such funds.

SEC. 204. Notwithstanding section 241(a) of the PHS Act, such portion as the Secretary shall determine, but not more than 2.5 percent, of any amounts appropriated for programs authorized under such Act shall be made available for the evaluation (directly, or by grants or contracts) and the implementation and effectiveness of programs funded in this title.

(TRANSFER OF FUNDS)

SEC. 205. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) which are appropriated for the current fiscal year for HHS in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That the transfer authority granted by this section shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

SEC. 206. In lieu of the timeframe specified in section 338E(c)(2) of the PHS Act, terminations described in such section may occur up to 60 days after the execution of a contract awarded in fiscal year 2016 under section 338B of such Act.

SEC. 207. None of the funds appropriated in this Act may be made available to any entity under title X of the PHS Act unless the applicant for the award certifies to the Secretary that it encourages family participation in the decision of minors to seek family planning services and that it provides counseling to minors on how to resist attempts to coerce minors into engaging in sexual activities.

SEC. 208. Notwithstanding any other provision of law, no provider of services under title X of the PHS Act shall be exempt from any State law requiring notification or the reporting of child abuse, child molestation, sexual abuse, rape, or incest.

SEC. 209. None of the funds appropriated by this Act (including funds appropriated to any trust fund) may be used to carry out the Medicare Advantage program if the Secretary denies participation in such program to an otherwise eligible entity (including a Provider Sponsored Organization) because the entity informs the Secretary that it will not provide, pay for, provide coverage of, or provide referrals for abortions: *Provided*, That the Secretary shall make appropriate prospective adjustments to the capitation payment to such an entity (based on an actuarially sound estimate of the expected costs of providing the service to such entity's enrollees): *Provided further*, That nothing in this section shall be construed to change the Medicare program's coverage for such services and a Medicare Advantage organization described in this section shall be responsible for informing enrollees where to obtain information about all Medicare covered services.

SEC. 210. None of the funds made available in this title may be used, in whole or in part, to advocate or promote gun control.

SEC. 211. The Secretary shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.

SEC. 212. In order for HHS to carry out international health activities, including HIV/AIDS and other infectious disease, chronic and environmental disease, and other health activities abroad during fiscal year 2016:

(1) The Secretary may exercise authority equivalent to that available to the Secretary of State in section 2(c) of the State Department Basic Authorities Act of 1956. The Secretary shall consult with the Secretary of State and relevant Chief of Mission to ensure that the authority provided in this section is exercised in a manner consistent with section 207 of the Foreign Service Act of 1980 and other applicable statutes administered by the Department of State.

(2) The Secretary is authorized to provide such funds by advance or reimbursement to the Secretary of State as may be necessary to pay the costs of acquisition, lease, alteration, renovation, and management of facilities outside of the United States for the use of HHS. The Department of State shall cooperate fully with the Secretary to ensure that HHS has secure, safe, functional facilities that comply with applicable regulation governing location, setback, and other facilities requirements and serve the purposes established by this Act. The Secretary is authorized, in consultation with the Secretary of State, through grant or cooperative agreement, to make

available to public or nonprofit private institutions or agencies in participating foreign countries, funds to acquire, lease, alter, or renovate facilities in those countries as necessary to conduct programs of assistance for international health activities, including activities relating to HIV/AIDS and other infectious diseases, chronic and environmental diseases, and other health activities abroad.

(3) The Secretary is authorized to provide to personnel appointed or assigned by the Secretary to serve abroad, allowances and benefits similar to those provided under chapter 9 of title I of the Foreign Service Act of 1980, and 22 U.S.C. 4081 through 4086 and subject to such regulations prescribed by the Secretary. The Secretary is further authorized to provide locality-based comparability payments (stated as a percentage) up to the amount of the locality-based comparability payment (stated as a percentage) that would be payable to such personnel under section 5304 of title 5, United States Code if such personnel's official duty station were in the District of Columbia. Leaves of absence for personnel under this subsection shall be on the same basis as that provided under subchapter I of chapter 63 of title 5, United States Code, or section 903 of the Foreign Service Act of 1980, to individuals serving in the Foreign Service.

(TRANSFER OF FUNDS)

SEC. 213. The Director of the NIH, jointly with the Director of the Office of AIDS Research, may transfer up to 3 percent among institutes and centers from the total amounts identified by these two Directors as funding for research pertaining to the human immunodeficiency virus: *Provided*, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

(TRANSFER OF FUNDS)

SEC. 214. Of the amounts made available in this Act for NIH, the amount for research related to the human immunodeficiency virus, as jointly determined by the Director of NIH and the Director of the Office of AIDS Research, shall be made available to the "Office of AIDS Research" account. The Director of the Office of AIDS Research shall transfer from such account amounts necessary to carry out section 2353(d)(3) of the PHS Act.

SEC. 215. (a) **AUTHORITY.**—Notwithstanding any other provision of law, the Director of NIH ("Director") may use funds available under section 402(b)(7) or 402(b)(12) of the PHS Act to enter into transactions (other than contracts, cooperative agreements, or grants) to carry out research identified pursuant to such section 402(b)(7) (pertaining to the Common Fund) or research and activities described in such section 402(b)(12).

(b) **PEER REVIEW.**—In entering into transactions under subsection (a), the Director may utilize such peer review procedures (including consultation with appropriate scientific experts) as the Director determines to be appropriate to obtain assessments of scientific and technical merit. Such procedures shall apply to such transactions in lieu of the peer review and advisory council review procedures that would otherwise be required under sections

301(a)(3), 405(b)(1)(B), 405(b)(2), 406(a)(3)(A), 492, and 494 of the PHS Act.

SEC. 216. Not to exceed \$45,000,000 of funds appropriated by this Act to the institutes and centers of the National Institutes of Health may be used for alteration, repair, or improvement of facilities, as necessary for the proper and efficient conduct of the activities authorized herein, at not to exceed \$3,500,000 per project.

(TRANSFER OF FUNDS)

SEC. 217. Of the amounts made available for NIH, 1 percent of the amount made available for National Research Service Awards (“NRSA”) shall be made available to the Administrator of the Health Resources and Services Administration to make NRSA awards for research in primary medical care to individuals affiliated with entities who have received grants or contracts under sections 736, 739, or 747 of the PHS Act, and 1 percent of the amount made available for NRSA shall be made available to the Director of the Agency for Healthcare Research and Quality to make NRSA awards for health service research.

SEC. 218. In addition to amounts provided herein, payments made for research organisms or substances, authorized under section 301(a) of the PHS Act, shall be retained and credited to the appropriations accounts of the Institutes and Centers of the NIH making the substance or organism available under section 301(a). Amounts credited to the account under this authority shall be available for obligation through September 30, 2017.

SEC. 219. (a) The Biomedical Advanced Research and Development Authority (“BARDA”) may enter into a contract, for more than one but no more than 10 program years, for purchase of research services or of security countermeasures, as that term is defined in section 319F–2(c)(1)(B) of the PHS Act (42 U.S.C. 247d–6b(c)(1)(B)), if—

(1) funds are available and obligated—

(A) for the full period of the contract or for the first fiscal year in which the contract is in effect; and

(B) for the estimated costs associated with a necessary termination of the contract; and

(2) the Secretary determines that a multi-year contract will serve the best interests of the Federal Government by encouraging full and open competition or promoting economy in administration, performance, and operation of BARDA’s programs.

(b) A contract entered into under this section—

(1) shall include a termination clause as described by subsection (c) of section 3903 of title 41, United States Code; and

(2) shall be subject to the congressional notice requirement stated in subsection (d) of such section.

SEC. 220. (a) The Secretary shall establish a publicly accessible Web site to provide information regarding the uses of funds made available under section 4002 of the Patient Protection and Affordable Care Act of 2010 (“ACA”).

(b) With respect to funds provided under section 4002 of the ACA, the Secretary shall include on the Web site established under subsection (a) at a minimum the following information:

(1) In the case of each transfer of funds under section 4002(c), a statement indicating the program or activity receiving funds, the operating division or office that will administer the funds, and the planned uses of the funds, to be posted not later than the day after the transfer is made.

(2) Identification (along with a link to the full text) of each funding opportunity announcement, request for proposals, or other announcement or solicitation of proposals for grants, cooperative agreements, or contracts intended to be awarded using such funds, to be posted not later than the day after the announcement or solicitation is issued.

(3) Identification of each grant, cooperative agreement, or contract with a value of \$25,000 or more awarded using such funds, including the purpose of the award and the identity of the recipient, to be posted not later than 5 days after the award is made.

(4) A report detailing the uses of all funds transferred under section 4002(c) during the fiscal year, to be posted not later than 90 days after the end of the fiscal year.

(c) With respect to awards made in fiscal years 2013 through 2016, the Secretary shall also include on the Web site established under subsection (a), semi-annual reports from each entity awarded a grant, cooperative agreement, or contract from such funds with a value of \$25,000 or more, summarizing the activities undertaken and identifying any sub-grants or sub-contracts awarded (including the purpose of the award and the identity of the recipient), to be posted not later than 30 days after the end of each 6-month period.

(d) In carrying out this section, the Secretary shall—

(1) present the information required in subsection (b)(1) on a single webpage or on a single database;

(2) ensure that all information required in this section is directly accessible from the single webpage or database; and

(3) ensure that all information required in this section is able to be organized by program or State.

(TRANSFER OF FUNDS)

SEC. 221. (a) Within 45 days of enactment of this Act, the Secretary shall transfer funds appropriated under section 4002 of the ACA to the accounts specified, in the amounts specified, and for the activities specified under the heading “Prevention and Public Health Fund” in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

(b) Notwithstanding section 4002(c) of the ACA, the Secretary may not further transfer these amounts.

(c) Funds transferred for activities authorized under section 2821 of the PHS Act shall be made available without reference to section 2821(b) of such Act.

SEC. 222. (a) The Secretary shall publish in the fiscal year 2017 budget justification and on Departmental Web sites information concerning the employment of full-time equivalent Federal employees or contractors for the purposes of implementing, administering, enforcing, or otherwise carrying out the provisions of the

ACA, and the amendments made by that Act, in the proposed fiscal year and each fiscal year since the enactment of the ACA.

(b) With respect to employees or contractors supported by all funds appropriated for purposes of carrying out the ACA (and the amendments made by that Act), the Secretary shall include, at a minimum, the following information:

(1) For each such fiscal year, the section of such Act under which such funds were appropriated, a statement indicating the program, project, or activity receiving such funds, the Federal operating division or office that administers such program, and the amount of funding received in discretionary or mandatory appropriations.

(2) For each such fiscal year, the number of full-time equivalent employees or contracted employees assigned to each authorized and funded provision detailed in accordance with paragraph (1).

(c) In carrying out this section, the Secretary may exclude from the report employees or contractors who—

(1) are supported through appropriations enacted in laws other than the ACA and work on programs that existed prior to the passage of the ACA;

(2) spend less than 50 percent of their time on activities funded by or newly authorized in the ACA; or

(3) work on contracts for which FTE reporting is not a requirement of their contract, such as fixed-price contracts.

SEC. 223. The Secretary shall publish, as part of the fiscal year 2017 budget of the President submitted under section 1105(a) of title 31, United States Code, information that details the uses of all funds used by the Centers for Medicare and Medicaid Services specifically for Health Insurance Exchanges for each fiscal year since the enactment of the ACA and the proposed uses for such funds for fiscal year 2017. Such information shall include, for each such fiscal year, the amount of funds used for each activity specified under the heading “Health Insurance Exchange Transparency” in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

SEC. 224. (a) The Secretary shall provide to the Committees on Appropriations of the House of Representatives and the Senate:

(1) Detailed monthly enrollment figures from the Exchanges established under the Patient Protection and Affordable Care Act of 2010 pertaining to enrollments during the open enrollment period; and

(2) Notification of any new or competitive grant awards, including supplements, authorized under section 330 of the Public Health Service Act.

(b) The Committees on Appropriations of the House and Senate must be notified at least 2 business days in advance of any public release of enrollment information or the award of such grants.

SEC. 225. None of the funds made available by this Act from the Federal Hospital Insurance Trust Fund or the Federal Supplemental Medical Insurance Trust Fund, or transferred from other accounts funded by this Act to the “Centers for Medicare and Medicaid Services—Program Management” account, may be used for payments under section 1342(b)(1) of Public Law 111–148 (relating to risk corridors).

SEC. 226. In addition to the amounts otherwise available for “Centers for Medicare and Medicaid Services, Program Management”, the Secretary of Health and Human Services may transfer up to \$305,000,000 to such account from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund to support program management activity related to the Medicare Program: *Provided*, That except for the foregoing purpose, such funds may not be used to support any provision of Public Law 111–148 or Public Law 111–152 (or any amendment made by either such Public Law) or to supplant any other amounts within such account.

(RESCISSION)

SEC. 227. The following unobligated balances of amounts appropriated prior to fiscal year 2007 for “Department of Health and Human Services, Health Resources and Services Administration” are hereby permanently rescinded:

- (1) \$281,003 appropriated to carry out section 1610(b) of the PHS Act;
- (2) \$3,611 appropriated to carry out section 1602(c) of the PHS Act;
- (3) \$105,576 appropriated in section 167 of division H of Public Law 108–199; and
- (4) \$55,793 appropriated to carry out the National Cord Blood Stem Cell Bank Program.

SEC. 228. The Secretary shall include in the fiscal year 2017 budget justification an analysis of how section 2713 of the PHS Act will impact eligibility for discretionary HHS programs.

SEC. 229. Effective during the period beginning on November 1, 2015 and ending January 1, 2018, any provision of law that refers (including through cross-reference to another provision of law) to the current recommendations of the United States Preventive Services Task Force with respect to breast cancer screening, mammography, and prevention shall be administered by the Secretary involved as if—

- (1) such reference to such current recommendations were a reference to the recommendations of such Task Force with respect to breast cancer screening, mammography, and prevention last issued before 2009; and
- (2) such recommendations last issued before 2009 applied to any screening mammography modality under section 1861(jj) of the Social Security Act (42 U.S.C. 1395x(jj)).

(TRANSFER OF FUNDS)

SEC. 230. (a) IN GENERAL.—Subject to the succeeding provisions of this section, activities authorized under part A of title IV and section 1108(b) of the Social Security Act shall continue through September 30, 2016, in the manner authorized for fiscal year 2015, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose. Grants and payments may be made pursuant to this authority through September 30, 2016 at the level provided for such activities for fiscal year 2015, except as provided in subsection (b).

(b) CONTINGENCY FUND.—In the case of the Contingency Fund for State Welfare Programs established under section 403(b) of the Social Security Act—

(1) the amount appropriated for such section 403(b) shall be \$608,000,000 for each of fiscal years 2016 and 2017, notwithstanding section 228(b)(1) of the Department of Health and Human Services Appropriations Act, 2015;

(2) the requirement to reserve funds provided for in section 403(b)(2) of the Social Security Act shall not apply during fiscal years 2016 and 2017; and

(3) grants and payments may only be made from such Fund for fiscal year 2016 after the application of subsection (c).

(c) CENSUS RESEARCH AND WELFARE RESEARCH.—Of the amount made available under subsection (b)(1) for section 403(b) of the Social Security Act for fiscal year 2016—

(1) \$15,000,000 is hereby transferred to the Children’s Research and Technical Assistance account in the Administration for Children and Families at the Department of Health and Human Services and made available to carry out section 413(h) of the Social Security Act; and

(2) \$10,000,000 is hereby transferred and made available to the Bureau of the Census to conduct activities using the Survey of Income and Program Participation to obtain information to enable interested parties to evaluate the impact of the amendments made by title I of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

SEC. 231. Section 1886(m)(6) of the Social Security Act (42 U.S.C. 1395ww(m)(6)) is amended—

(1) in subparagraph (A)(i) by striking “subparagraph (C)” and inserting “subparagraphs (C) and (E)”; and

(2) by adding at the end the following new subparagraph:
“(E) TEMPORARY EXCEPTION FOR CERTAIN SEVERE WOUND DISCHARGES FROM CERTAIN LONG-TERM CARE HOSPITALS.—

“(i) IN GENERAL.—In the case of a discharge occurring prior to January 1, 2017, subparagraph (A)(i) shall not apply (and payment shall be made to a long-term care hospital without regard to this paragraph) if such discharge—

“(I) is from a long-term care hospital that is—

“(aa) identified by the amendment made by section 4417(a) of the Balanced Budget Act of 1997 (42 U.S.C. 1395ww note, Public Law 105–33); and

“(bb) located in a rural area (as defined in subsection (d)(2)(D)) or treated as being so located pursuant to subsection (d)(8)(E); and

“(II) the individual discharged has a severe wound.

“(ii) SEVERE WOUND DEFINED.—In this subparagraph, the term ‘severe wound’ means a stage 3 wound, stage 4 wound, unstageable wound, non-healing surgical wound, infected wound, fistula, osteomyelitis, or wound with morbid obesity, as identified in the claim from the long-term care hospital.”.

This title may be cited as the “Department of Health and Human Services Appropriations Act, 2016”.

TITLE III

DEPARTMENT OF EDUCATION

EDUCATION FOR THE DISADVANTAGED

Department of
Education
Appropriations
Act, 2016.

For carrying out title I of the Elementary and Secondary Education Act of 1965 (referred to in this Act as “ESEA”) and section 418A of the Higher Education Act of 1965 (referred to in this Act as “HEA”), \$16,016,790,000, of which \$5,127,006,000 shall become available on July 1, 2016, and shall remain available through September 30, 2017, and of which \$10,841,177,000 shall become available on October 1, 2016, and shall remain available through September 30, 2017, for academic year 2016–2017: *Provided*, That \$6,459,401,000 shall be for basic grants under section 1124 of the ESEA: *Provided further*, That up to \$3,984,000 of these funds shall be available to the Secretary of Education (referred to in this title as “Secretary”) on October 1, 2015, to obtain annually updated local educational agency-level census poverty data from the Bureau of the Census: *Provided further*, That \$1,362,301,000 shall be for concentration grants under section 1124A of the ESEA: *Provided further*, That \$3,544,050,000 shall be for targeted grants under section 1125 of the ESEA: *Provided further*, That \$3,544,050,000 shall be for education finance incentive grants under section 1125A of the ESEA: *Provided further*, That funds available under sections 1124, 1124A, 1125 and 1125A of the ESEA may be used to provide homeless children and youths with services not ordinarily provided to other students under those sections, including supporting the liaison designated pursuant to section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act, and providing transportation pursuant to section 722(g)(1)(J)(iii) of such Act: *Provided further*, That \$450,000,000 shall be available for school improvement grants under section 1003(g) of the ESEA, which shall be allocated by the Secretary through the formula described in section 1003(g)(2) and shall be used consistent with the requirements of section 1003(g), except that State and local educational agencies may use such funds to serve any school eligible to receive assistance under part A of title I that has not made adequate yearly progress for at least 2 years or is in the State’s lowest quintile of performance based on proficiency rates and, in the case of secondary schools, priority shall be given to those schools with graduation rates below 60 percent: *Provided further*, That notwithstanding section 1003(g)(5)(C) of the ESEA, the Secretary may permit a State educational agency to establish an award period of up to 5 years for each participating local educational agency: *Provided further*, That funds available for school improvement grants for fiscal year 2014 and thereafter may be used by a local educational agency to implement a whole-school reform strategy for a school using an evidence-based strategy that ensures whole-school reform is undertaken in partnership with a strategy developer offering a whole-school reform program that is based on at least a moderate level of evidence that the program will have a statistically significant effect on student outcomes, including at least one well-designed and well-implemented experimental or

20 USC 6303a.

quasi-experimental study: *Provided further*, That funds available for school improvement grants may be used by a local educational agency to implement an alternative State-determined school improvement strategy that has been established by a State educational agency with the approval of the Secretary: *Provided further*, That a local educational agency that is determined to be eligible for services under subpart 1 or 2 of part B of title VI of the ESEA may modify not more than one element of a school improvement grant model: *Provided further*, That notwithstanding section 1003(g)(5)(A), each State educational agency may establish a maximum subgrant size of not more than \$2,000,000 for each participating school applicable to such funds: *Provided further*, That the Secretary may reserve up to 5 percent of the funds available for section 1003(g) of the ESEA to carry out activities to build State and local educational agency capacity to implement effectively the school improvement grants program: *Provided further*, That \$190,000,000 shall be available under section 1502 of the ESEA for a comprehensive literacy development and education program to advance literacy skills, including pre-literacy skills, reading, and writing, for students from birth through grade 12, including limited-English-proficient students and students with disabilities, of which one-half of 1 percent shall be reserved for the Secretary of the Interior for such a program at schools funded by the Bureau of Indian Education, one-half of 1 percent shall be reserved for grants to the outlying areas for such a program, up to 5 percent may be reserved for national activities, and the remainder shall be used to award competitive grants to State educational agencies for such a program, of which a State educational agency may reserve up to 5 percent for State leadership activities, including technical assistance and training, data collection, reporting, and administration, and shall subgrant not less than 95 percent to local educational agencies or, in the case of early literacy, to local educational agencies or other nonprofit providers of early childhood education that partner with a public or private nonprofit organization or agency with a demonstrated record of effectiveness in improving the early literacy development of children from birth through kindergarten entry and in providing professional development in early literacy, giving priority to such agencies or other entities serving greater numbers or percentages of disadvantaged children: *Provided further*, That the State educational agency shall ensure that at least 15 percent of the subgranted funds are used to serve children from birth through age 5, 40 percent are used to serve students in kindergarten through grade 5, and 40 percent are used to serve students in middle and high school including an equitable distribution of funds between middle and high schools: *Provided further*, That eligible entities receiving subgrants from State educational agencies shall use such funds for services and activities that have the characteristics of effective literacy instruction through professional development, screening and assessment, targeted interventions for students reading below grade level and other research-based methods of improving classroom instruction and practice: *Provided further*, That \$44,623,000 shall be for carrying out section 418A of the HEA.

IMPACT AID

For carrying out programs of financial assistance to federally affected schools authorized by title VIII of the ESEA, \$1,305,603,000, of which \$1,168,233,000 shall be for basic support payments under section 8003(b), \$48,316,000 shall be for payments for children with disabilities under section 8003(d), \$17,406,000 shall be for construction under section 8007(a), \$66,813,000 shall be for Federal property payments under section 8002, and \$4,835,000, to remain available until expended, shall be for facilities maintenance under section 8008: *Provided*, That for purposes of computing the amount of a payment for an eligible local educational agency under section 8003(a) for school year 2015–2016, children enrolled in a school of such agency that would otherwise be eligible for payment under section 8003(a)(1)(B) of such Act, but due to the deployment of both parents or legal guardians, or a parent or legal guardian having sole custody of such children, or due to the death of a military parent or legal guardian while on active duty (so long as such children reside on Federal property as described in section 8003(a)(1)(B)), are no longer eligible under such section, shall be considered as eligible students under such section, provided such students remain in average daily attendance at a school in the same local educational agency they attended prior to their change in eligibility status.

SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by parts A and B of title II, part B of title IV, parts A and B of title VI, and parts B and C of title VII of the ESEA; the McKinney-Vento Homeless Assistance Act; section 203 of the Educational Technical Assistance Act of 2002; the Compact of Free Association Amendments Act of 2003; and the Civil Rights Act of 1964, \$4,433,629,000, of which \$2,611,619,000 shall become available on July 1, 2016, and remain available through September 30, 2017, and of which \$1,681,441,000 shall become available on October 1, 2016, and shall remain available through September 30, 2017, for academic year 2016–2017: *Provided*, That funds made available to carry out part B of title VII of the ESEA may be used for construction, renovation, and modernization of any elementary school, secondary school, or structure related to an elementary school or secondary school, run by the Department of Education of the State of Hawaii, that serves a predominantly Native Hawaiian student body: *Provided further*, That funds made available to carry out part C of title VII of the ESEA shall be awarded on a competitive basis, and also may be used for construction: *Provided further*, That \$51,445,000 shall be available to carry out section 203 of the Educational Technical Assistance Act of 2002 and the Secretary shall make such arrangements as determined to be necessary to ensure that the Bureau of Indian Education has access to services provided under this section: *Provided further*, That \$16,699,000 shall be available to carry out the Supplemental Education Grants program for the Federated States of Micronesia and the Republic of the Marshall Islands: *Provided further*, That the Secretary may reserve up to 5 percent of the amount referred to in the previous proviso to provide technical assistance in the implementation of these grants: *Provided further*, That up to 4.0 percent of the funds for subpart 1 of part A of title II of the

ESEA shall be reserved by the Secretary for competitive awards for teacher or principal recruitment and training or professional enhancement activities, including for civic education instruction, to national not-for-profit organizations, of which up to 8 percent may only be used for research, dissemination, evaluation, and technical assistance for competitive awards carried out under this proviso: *Provided further*, That \$152,717,000 shall be to carry out part B of title II of the ESEA: *Provided further*, That none of the funds made available by this Act shall be used to allow 21st Century Community Learning Centers initiative funding for expanded learning time unless these activities provide enrichment and engaging academic activities for students at least 300 additional program hours before, during, or after the traditional school day and supplements but does not supplant school day requirements.

INDIAN EDUCATION

For expenses necessary to carry out, to the extent not otherwise provided, title VII, part A of the ESEA, \$143,939,000.

INNOVATION AND IMPROVEMENT

For carrying out activities authorized by part G of title I, subpart 5 of part A and parts C and D of title II, parts B, C, and D of title V of the ESEA, and section 14007 of division A of the American Recovery and Reinvestment Act of 2009, as amended, \$1,181,226,000: *Provided*, That up to \$120,000,000 shall be available through December 31, 2016 for section 14007 of division A of Public Law 111–5, and up to 5 percent of such funds may be used for technical assistance and the evaluation of activities carried out under such section: *Provided further*, That the education facilities clearinghouse established through a competitive process in fiscal year 2013 may collect and disseminate information on effective educational practices and the latest research on the planning, design, financing, construction, improvement, operation, and maintenance of safe, healthy, high-performance public facilities for early learning programs, kindergarten through grade 12, and higher education: *Provided further*, That \$230,000,000 of the funds for subpart 1 of part D of title V of the ESEA shall be for competitive grants to local educational agencies, including charter schools that are local educational agencies, or States, or partnerships of: (1) a local educational agency, a State, or both; and (2) at least one nonprofit organization to develop and implement performance-based compensation systems for teachers, principals, and other personnel in high-need schools: *Provided further*, That such performance-based compensation systems must consider gains in student academic achievement as well as classroom evaluations conducted multiple times during each school year among other factors and provide educators with incentives to take on additional responsibilities and leadership roles: *Provided further*, That recipients of such grants shall demonstrate that such performance-based compensation systems are developed with the input of teachers and school leaders in the schools and local educational agencies to be served by the grant: *Provided further*, That recipients of such grants may use such funds to develop or improve systems and tools (which may be developed and used for the entire local educational agency or only for schools served under the grant) that would enhance the quality and success of the compensation system, such as high-

quality teacher evaluations and tools to measure growth in student achievement: *Provided further*, That applications for such grants shall include a plan to sustain financially the activities conducted and systems developed under the grant once the grant period has expired: *Provided further*, That up to 5 percent of such funds for competitive grants shall be available for technical assistance, training, peer review of applications, program outreach, and evaluation activities: *Provided further*, That \$250,000,000 of the funds for part D of title V of the ESEA shall be available through December 31, 2016 for carrying out, in accordance with the applicable requirements of part D of title V of the ESEA, a preschool development grants program: *Provided further*, That the Secretary, jointly with the Secretary of HHS, shall make competitive awards to States for activities that build the capacity within the State to develop, enhance, or expand high-quality preschool programs, including comprehensive services and family engagement, for preschool-aged children from families at or below 200 percent of the Federal poverty line: *Provided further*, That each State may subgrant a portion of such grant funds to local educational agencies and other early learning providers (including, but not limited to, Head Start programs and licensed child care providers), or consortia thereof, for the implementation of high-quality preschool programs for children from families at or below 200 percent of the Federal poverty line: *Provided further*, That subgrantees that are local educational agencies shall form strong partnerships with early learning providers and that subgrantees that are early learning providers shall form strong partnerships with local educational agencies, in order to carry out the requirements of the subgrant: *Provided further*, That up to 3 percent of such funds for preschool development grants shall be available for technical assistance, evaluation, and other national activities related to such grants: *Provided further*, That \$10,000,000 of funds available under part D of title V of the ESEA shall be for the Full-Service Community Schools program: *Provided further*, That of the funds available for part B of title V of the ESEA, the Secretary shall use up to \$10,000,000 to carry out activities under section 5205(b) and shall use not less than \$16,000,000 for subpart 2: *Provided further*, That of the funds available for subpart 1 of part B of title V of the ESEA, and notwithstanding section 5205(a), the Secretary shall reserve up to \$100,000,000 to make multiple awards to non-profit charter management organizations and other entities that are not for-profit entities for the replication and expansion of successful charter school models and shall reserve not less than \$11,000,000 to carry out the activities described in section 5205(a), including improving quality and oversight of charter schools and providing technical assistance and grants to authorized public chartering agencies in order to increase the number of high-performing charter schools: *Provided further*, That funds available for part B of title V of the ESEA may be used for grants that support preschool education in charter schools: *Provided further*, That each application submitted pursuant to section 5203(a) shall describe a plan to monitor and hold accountable authorized public chartering agencies through such activities as providing technical assistance or establishing a professional development program, which may include evaluation, planning, training, and systems development for staff of authorized public chartering agencies to improve the capacity of such agencies in the State to authorize, monitor, and

hold accountable charter schools: *Provided further*, That each application submitted pursuant to section 5203(a) shall contain assurances that State law, regulations, or other policies require that: (1) each authorized charter school in the State operate under a legally binding charter or performance contract between itself and the school's authorized public chartering agency that describes the rights and responsibilities of the school and the public chartering agency; conduct annual, timely, and independent audits of the school's financial statements that are filed with the school's authorized public chartering agency; and demonstrate improved student academic achievement; and (2) authorized public chartering agencies use increases in student academic achievement for all groups of students described in section 1111(b)(2)(C)(v) of the ESEA as one of the most important factors when determining to renew or revoke a school's charter.

SAFE SCHOOLS AND CITIZENSHIP EDUCATION

For carrying out activities authorized by part A of title IV and subparts 1, 2, and 10 of part D of title V of the ESEA, \$244,815,000: *Provided*, That \$75,000,000 shall be available for subpart 2 of part A of title IV, of which up to \$5,000,000, to remain available until expended, shall be for the Project School Emergency Response to Violence ("Project SERV") program to provide education-related services to local educational agencies and institutions of higher education in which the learning environment has been disrupted due to a violent or traumatic crisis: *Provided further*, That \$73,254,000 shall be available through December 31, 2016 for Promise Neighborhoods.

ENGLISH LANGUAGE ACQUISITION

For carrying out part A of title III of the ESEA, \$737,400,000, which shall become available on July 1, 2016, and shall remain available through September 30, 2017, except that 6.5 percent of such amount shall be available on October 1, 2015, and shall remain available through September 30, 2017, to carry out activities under section 3111(c)(1)(C): *Provided*, That the Secretary shall use estimates of the American Community Survey child counts for the most recent 3-year period available to calculate allocations under such part.

SPECIAL EDUCATION

For carrying out the Individuals with Disabilities Education Act (IDEA) and the Special Olympics Sport and Empowerment Act of 2004, \$12,976,858,000, of which \$3,456,259,000 shall become available on July 1, 2016, and shall remain available through September 30, 2017, and of which \$9,283,383,000 shall become available on October 1, 2016, and shall remain available through September 30, 2017, for academic year 2016–2017: *Provided*, That the amount for section 611(b)(2) of the IDEA shall be equal to the lesser of the amount available for that activity during fiscal year 2015, increased by the amount of inflation as specified in section 619(d)(2)(B) of the IDEA, or the percent change in the funds appropriated under section 611(i) of the IDEA, but not less than the amount for that activity during fiscal year 2015: *Provided further*, That the Secretary shall, without regard to section 611(d)

of the IDEA, distribute to all other States (as that term is defined in section 611(g)(2)), subject to the third proviso, any amount by which a State's allocation under section 611(d), from funds appropriated under this heading, is reduced under section 612(a)(18)(B), according to the following: 85 percent on the basis of the States' relative populations of children aged 3 through 21 who are of the same age as children with disabilities for whom the State ensures the availability of a free appropriate public education under this part, and 15 percent to States on the basis of the States' relative populations of those children who are living in poverty: *Provided further*, That the Secretary may not distribute any funds under the previous proviso to any State whose reduction in allocation from funds appropriated under this heading made funds available for such a distribution: *Provided further*, That the States shall allocate such funds distributed under the second proviso to local educational agencies in accordance with section 611(f): *Provided further*, That the amount by which a State's allocation under section 611(d) of the IDEA is reduced under section 612(a)(18)(B) and the amounts distributed to States under the previous provisos in fiscal year 2012 or any subsequent year shall not be considered in calculating the awards under section 611(d) for fiscal year 2013 or for any subsequent fiscal years: *Provided further*, That, notwithstanding the provision in section 612(a)(18)(B) regarding the fiscal year in which a State's allocation under section 611(d) is reduced for failure to comply with the requirement of section 612(a)(18)(A), the Secretary may apply the reduction specified in section 612(a)(18)(B) over a period of consecutive fiscal years, not to exceed five, until the entire reduction is applied: *Provided further*, That the Secretary may, in any fiscal year in which a State's allocation under section 611 is reduced in accordance with section 612(a)(18)(B), reduce the amount a State may reserve under section 611(e)(1) by an amount that bears the same relation to the maximum amount described in that paragraph as the reduction under section 612(a)(18)(B) bears to the total allocation the State would have received in that fiscal year under section 611(d) in the absence of the reduction: *Provided further*, That the Secretary shall either reduce the allocation of funds under section 611 for any fiscal year following the fiscal year for which the State fails to comply with the requirement of section 612(a)(18)(A) as authorized by section 612(a)(18)(B), or seek to recover funds under section 452 of the General Education Provisions Act (20 U.S.C. 1234a): *Provided further*, That the funds reserved under 611(c) of the IDEA may be used to provide technical assistance to States to improve the capacity of the States to meet the data collection requirements of sections 616 and 618 and to administer and carry out other services and activities to improve data collection, coordination, quality, and use under parts B and C of the IDEA: *Provided further*, That the level of effort a local educational agency must meet under section 613(a)(2)(A)(iii) of the IDEA, in the year after it fails to maintain effort is the level of effort that would have been required in the absence of that failure and not the LEA's reduced level of expenditures: *Provided further*, That the Secretary may use funds made available for the State Personnel Development Grants program under part D, subpart 1 of IDEA to evaluate program performance under such subpart.

20 USC 1411
note.

20 USC 1411
note.

REHABILITATION SERVICES AND DISABILITY RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973 and the Helen Keller National Center Act, \$3,529,605,000, of which \$3,391,770,000 shall be for grants for vocational rehabilitation services under title I of the Rehabilitation Act: *Provided*, That the Secretary may use amounts provided in this Act that remain available subsequent to the reallocation of funds to States pursuant to section 110(b) of the Rehabilitation Act for innovative activities aimed at improving the outcomes of individuals with disabilities as defined in section 7(20)(B) of the Rehabilitation Act, including activities aimed at improving the education and post-school outcomes of children receiving Supplemental Security Income (“SSI”) and their families that may result in long-term improvement in the SSI child recipient’s economic status and self-sufficiency: *Provided further*, That States may award subgrants for a portion of the funds to other public and private, nonprofit entities: *Provided further*, That any funds made available subsequent to reallocation for innovative activities aimed at improving the outcomes of individuals with disabilities shall remain available until September 30, 2017.

SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, \$25,431,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986, \$70,016,000: *Provided*, That from the total amount available, the Institute may at its discretion use funds for the endowment program as authorized under section 207 of such Act.

GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986, \$121,275,000: *Provided*, That from the total amount available, the University may at its discretion use funds for the endowment program as authorized under section 207 of such Act.

CAREER, TECHNICAL, AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Career and Technical Education Act of 2006 and the Adult Education and Family Literacy Act (“AEFLA”), \$1,720,686,000, of which \$929,686,000 shall become available on July 1, 2016, and shall remain available through September 30, 2017, and of which \$791,000,000 shall become available on October 1, 2016, and shall remain available through September 30, 2017: *Provided*, That of the amounts made available for AEFLA, \$13,712,000 shall be for national leadership activities under section 242.

STUDENT FINANCIAL ASSISTANCE

For carrying out subparts 1, 3, and 10 of part A, and part C of title IV of the HEA, \$24,198,210,000, which shall remain available through September 30, 2017.

The maximum Pell Grant for which a student shall be eligible during award year 2016–2017 shall be \$4,860.

20 USC 1070a
note.

STUDENT AID ADMINISTRATION

For Federal administrative expenses to carry out part D of title I, and subparts 1, 3, 9, and 10 of part A, and parts B, C, D, and E of title IV of the HEA, and subpart 1 of part A of title VII of the Public Health Service Act, \$1,551,854,000, to remain available through September 30, 2017: *Provided*, That the Secretary shall, no later than March 1, 2016, allocate new student loan borrower accounts to eligible student loan servicers on the basis of their performance compared to all loan servicers utilizing established common metrics, and on the basis of the capacity of each servicer to process new and existing accounts.

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, titles II, III, IV, V, VI, and VII of the HEA, the Mutual Educational and Cultural Exchange Act of 1961, and section 117 of the Carl D. Perkins Career and Technical Education Act of 2006, \$1,982,185,000: *Provided*, That notwithstanding any other provision of law, funds made available in this Act to carry out title VI of the HEA and section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 may be used to support visits and study in foreign countries by individuals who are participating in advanced foreign language training and international studies in areas that are vital to United States national security and who plan to apply their language skills and knowledge of these countries in the fields of government, the professions, or international development: *Provided further*, That of the funds referred to in the preceding proviso up to 1 percent may be used for program evaluation, national outreach, and information dissemination activities: *Provided further*, That up to 1.5 percent of the funds made available under chapter 2 of subpart 2 of part A of title IV of the HEA may be used for evaluation.

HOWARD UNIVERSITY

For partial support of Howard University, \$221,821,000, of which not less than \$3,405,000 shall be for a matching endowment grant pursuant to the Howard University Endowment Act and shall remain available until expended.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

For Federal administrative expenses to carry out activities related to existing facility loans pursuant to section 121 of the HEA, \$435,000.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL
FINANCING PROGRAM ACCOUNT

For the cost of guaranteed loans, \$20,150,000, as authorized pursuant to part D of title III of the HEA, which shall remain available through September 30, 2017: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed \$302,099,000: *Provided further*, That these funds may be used to support loans to public and private Historically Black Colleges and Universities without regard to the limitations within section 344(a) of the HEA.

In addition, for administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to part D of title III of the HEA, \$334,000.

INSTITUTE OF EDUCATION SCIENCES

For carrying out activities authorized by the Education Sciences Reform Act of 2002, the National Assessment of Educational Progress Authorization Act, section 208 of the Educational Technical Assistance Act of 2002, and section 664 of the Individuals with Disabilities Education Act, \$618,015,000, which shall remain available through September 30, 2017: *Provided*, That funds available to carry out section 208 of the Educational Technical Assistance Act may be used to link Statewide elementary and secondary data systems with early childhood, postsecondary, and workforce data systems, or to further develop such systems: *Provided further*, That up to \$6,000,000 of the funds available to carry out section 208 of the Educational Technical Assistance Act may be used for awards to public or private organizations or agencies to support activities to improve data coordination, quality, and use at the local, State, and national levels: *Provided further*, That \$157,235,000 shall be for carrying out activities authorized by the National Assessment of Educational Progress Authorization Act.

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of three passenger motor vehicles, \$432,000,000, of which up to \$1,000,000, to remain available until expended, may be for relocation of, and renovation of buildings occupied by, Department staff.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, \$107,000,000.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General, as authorized by section 212 of the Department of Education Organization Act, \$59,256,000.

GENERAL PROVISIONS

SEC. 301. No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

SEC. 302. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing, or clustering. The prohibition described in this section does not include the establishment of magnet schools.

SEC. 303. No funds appropriated in this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

(TRANSFER OF FUNDS)

SEC. 304. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) which are appropriated for the Department of Education in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That the transfer authority granted by this section shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

SEC. 305. The Outlying Areas may consolidate funds received under this Act, pursuant to 48 U.S.C. 1469a, under part A of title V of the ESEA.

SEC. 306. Section 105(f)(1)(B)(ix) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)(B)(ix)) shall be applied by substituting “2016” for “2009”.

48 USC 1921d
note.

SEC. 307. The Secretary, in consultation with the Director of the Institute of Education Sciences, may reserve funds under section 9601 of the ESEA (subject to the limitations in subsections (b) and (c) of that section) in order to carry out activities authorized under paragraphs (1) and (2) of subsection (a) of that section with respect to any ESEA program funded in this Act and without respect to the source of funds for those activities: *Provided*, That high-quality evaluations of ESEA programs shall be prioritized,

before using funds for any other evaluation activities: *Provided further*, That any funds reserved under this section shall be available from July 1, 2016 through September 30, 2017: *Provided further*, That not later than 10 days prior to the initial obligation of funds reserved under this section, the Secretary, in consultation with the Director, shall submit an evaluation plan to the Senate Committees on Appropriations and Health, Education, Labor, and Pensions and the House Committees on Appropriations and Education and the Workforce which identifies the source and amount of funds reserved under this section, the impact on program grantees if funds are withheld, the programs to be evaluated with such funds, how ESEA programs will be regularly evaluated, and how findings from evaluations completed under this section will be widely disseminated.

SEC. 308. (a) An institution of higher education that maintains an endowment fund supported with funds appropriated for title III or V of the HEA for fiscal year 2016 may use the income from that fund to award scholarships to students, subject to the limitation in section 331(c)(3)(B)(i) of the HEA. The use of such income for such purposes, prior to the enactment of this Act, shall be considered to have been an allowable use of that income, subject to that limitation.

(b) Subsection (a) shall be in effect until titles III and V of the HEA are reauthorized.

SEC. 309. Section 114(f) of the HEA (20 U.S.C. 1011c(f)) is amended by striking “2015” and inserting “2016”.

SEC. 310. Section 458(a) of the HEA (20 U.S.C. 1087h(a)) is amended in paragraph (4) by striking “2014” and inserting “2016”.

SEC. 311. Section 428(c)(1) of the HEA (20 U.S.C. 1078(c)(1)) is amended by striking “95 percent” and inserting “100 percent”.

SEC. 312. Notwithstanding section 5(b) of the Every Student Succeeds Act, funds provided in this Act for non-competitive formula grant programs authorized by the ESEA for use during academic year 2016–2017 shall be administered in accordance with the ESEA as in effect on the day before the date of enactment of the Every Student Succeeds Act.

SEC. 313. CAREER PATHWAYS PROGRAMS.—

20 USC 1091.

(1) Subsection (d) of section 484 of the HEA is amended by replacing (d)(2) with the following:

“(2) ELIGIBLE CAREER PATHWAY PROGRAM.—In this subsection, the term ‘eligible career pathway program’ means a program that combines rigorous and high-quality education, training, and other services that—

“(A) aligns with the skill needs of industries in the economy of the State or regional economy involved;

“(B) prepares an individual to be successful in any of a full range of secondary or postsecondary education options, including apprenticeships registered under the Act of August 16, 1937 (commonly known as the ‘National Apprenticeship Act’; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.) (referred to individually in this Act as an ‘apprenticeship’, except in section 171);

“(C) includes counseling to support an individual in achieving the individual’s education and career goals;

“(D) includes, as appropriate, education offered concurrently with and in the same context as workforce preparation activities and training for a specific occupation or occupational cluster;

“(E) organizes education, training, and other services to meet the particular needs of an individual in a manner that accelerates the educational and career advancement of the individual to the extent practicable;

“(F) enables an individual to attain a secondary school diploma or its recognized equivalent, and at least 1 recognized postsecondary credential; and

“(G) helps an individual enter or advance within a specific occupation or occupational cluster.”

(2) Subsection (b) of section 401 of the HEA is amended by striking the addition to (b)(2)(A)(ii) made by subsection 309(b) of division G of Public Law 113–235. 20 USC 1070a.

This title may be cited as the “Department of Education Appropriations Act, 2016”.

TITLE IV

RELATED AGENCIES

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

SALARIES AND EXPENSES

For expenses necessary for the Committee for Purchase From People Who Are Blind or Severely Disabled established under section 8502 of title 41, United States Code, \$6,191,000: *Provided*, That in order to authorize any central nonprofit agency designated pursuant to section 8503(c) of title 41, United States Code, to perform contract requirements of the Committee as prescribed under section 51–3.2 of title 41, Code of Federal Regulations, the Committee shall within 180 days after the date of enactment of this Act enter into a written agreement with any such central nonprofit agency: *Provided further*, That such agreement entered into under the preceding proviso shall contain such auditing, oversight, and reporting provisions as necessary to implement chapter 85 of title 41, United States Code: *Provided further*, That such agreement shall include the elements listed under the heading “Committee For Purchase From People Who Are Blind or Severely Disabled—Written Agreement Elements” in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further*, That after 180 days from the date of enactment of this Act a fee may not be charged under section 51–3.5 of title 41, Code of Federal Regulations, unless such fee is under the terms of the written agreement between the Committee and any such central nonprofit agency: *Provided further*, That no less than \$750,000 shall be available for the Office of Inspector General.

ADMINISTRATIVE PROVISIONS

SEC. 401. (a) Section 8G of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in subsection (a)—

5 USC app. 8G.

(A) in paragraph (2), by inserting “the Committee for Purchase From People Who Are Blind or Severely Disabled,” after “the Board for International Broadcasting;” and

(B) in paragraph (4)—

(i) by redesignating subparagraphs (D) through (H) as subparagraphs (E) through (I), respectively; and

(ii) by inserting after subparagraph (C) the following new subparagraph:

“(D) with respect to the Committee for Purchase From People Who Are Blind or Severely Disabled, such term means the Chairman of the Committee for Purchase From People Who Are Blind or Severely Disabled;” and

(2) in subsection (e)(1)—

(A) by striking “board or commission”, the first place it appears, and inserting “board, chairman of a committee, or commission”; and

(B) by striking “board or commission”, the second place it appears, and inserting “board, committee, or commission”.

5 USC app. 8G
note.

(b) Not later than 180 days after the date of the enactment of this Act, the Chairman of the Committee for Purchase From People Who Are Blind or Severely Disabled shall appoint an Inspector General for the Committee.

5 USC app. 8G
note.

(c) This section, and the amendments made by this section, shall take effect on the date that is 180 days after the date of the enactment of this Act.

SEC. 402. Not later than 30 days after the end of each fiscal year quarter, beginning with the first quarter of fiscal year 2016, the Committee For Purchase From People Who Are Blind or Severely Disabled shall submit to the Committees on Oversight and Government Reform and Education and the Workforce of the House of Representatives, the Committees on Homeland Security and Governmental Affairs and Health, Education, Labor, and Pensions of the Senate, and the Committees on Appropriations of the House of Representatives and the Senate, the reports described under the heading “Committee For Purchase From People Who Are Blind or Severely Disabled—Requested Reports” in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

OPERATING EXPENSES

For necessary expenses for the Corporation for National and Community Service (referred to in this title as “CNCS”) to carry out the Domestic Volunteer Service Act of 1973 (referred to in this title as “1973 Act”) and the National and Community Service Act of 1990 (referred to in this title as “1990 Act”), \$787,929,000, notwithstanding sections 198B(b)(3), 198S(g), 501(a)(4)(C), and 501(a)(4)(F) of the 1990 Act: *Provided*, That of the amounts provided under this heading: (1) up to 1 percent of program grant funds may be used to defray the costs of conducting grant application reviews, including the use of outside peer reviewers and electronic management of the grants cycle; (2) \$50,000,000 shall be available for expenses to carry out section 198K of the 1990 Act; (3)

\$16,038,000 shall be available to provide assistance to State commissions on national and community service, under section 126(a) of the 1990 Act and notwithstanding section 501(a)(5)(B) of the 1990 Act; (4) \$30,000,000 shall be available to carry out subtitle E of the 1990 Act; and (5) \$3,800,000 shall be available for expenses authorized under section 501(a)(4)(F) of the 1990 Act, which, notwithstanding the provisions of section 198P shall be awarded by CNCS on a competitive basis: *Provided further*, That for the purposes of carrying out the 1990 Act, satisfying the requirements in section 122(c)(1)(D) may include a determination of need by the local community: *Provided further*, That not to exceed 20 percent of funds made available under section 198K of the 1990 Act may be used for Social Innovation Fund Pilot Program-related performance-based awards for Pay for Success projects and shall remain available through September 30, 2017: *Provided further*, That, with respect to the previous proviso, any funds obligated for such projects shall remain available for disbursement until expended, notwithstanding 31 U.S.C. 1552(a): *Provided further*, That any funds deobligated from projects under section 198K of the 1990 Act shall immediately be available for activities authorized under section 198K of such Act.

PAYMENT TO THE NATIONAL SERVICE TRUST

(INCLUDING TRANSFER OF FUNDS)

For payment to the National Service Trust established under subtitle D of title I of the 1990 Act, \$220,000,000, to remain available until expended: *Provided*, That CNCS may transfer additional funds from the amount provided within “Operating Expenses” allocated to grants under subtitle C of title I of the 1990 Act to the National Service Trust upon determination that such transfer is necessary to support the activities of national service participants and after notice is transmitted to the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That amounts appropriated for or transferred to the National Service Trust may be invested under section 145(b) of the 1990 Act without regard to the requirement to apportion funds under 31 U.S.C. 1513(b).

SALARIES AND EXPENSES

For necessary expenses of administration as provided under section 501(a)(5) of the 1990 Act and under section 504(a) of the 1973 Act, including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, the employment of experts and consultants authorized under 5 U.S.C. 3109, and not to exceed \$2,500 for official reception and representation expenses, \$81,737,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, \$5,250,000.

ADMINISTRATIVE PROVISIONS

SEC. 403. CNCS shall make any significant changes to program requirements, service delivery or policy only through public notice and comment rulemaking. For fiscal year 2016, during any grant selection process, an officer or employee of CNCS shall not knowingly disclose any covered grant selection information regarding such selection, directly or indirectly, to any person other than an officer or employee of CNCS that is authorized by CNCS to receive such information.

42 USC 12571
note.

SEC. 404. AmeriCorps programs receiving grants under the National Service Trust program shall meet an overall minimum share requirement of 24 percent for the first 3 years that they receive AmeriCorps funding, and thereafter shall meet the overall minimum share requirement as provided in section 2521.60 of title 45, Code of Federal Regulations, without regard to the operating costs match requirement in section 121(e) or the member support Federal share limitations in section 140 of the 1990 Act, and subject to partial waiver consistent with section 2521.70 of title 45, Code of Federal Regulations.

SEC. 405. Donations made to CNCS under section 196 of the 1990 Act for the purposes of financing programs and operations under titles I and II of the 1973 Act or subtitle B, C, D, or E of title I of the 1990 Act shall be used to supplement and not supplant current programs and operations.

SEC. 406. In addition to the requirements in section 146(a) of the 1990 Act, use of an educational award for the purpose described in section 148(a)(4) shall be limited to individuals who are veterans as defined under section 101 of the Act.

SEC. 407. For the purpose of carrying out section 189D of the 1990 Act—

(1) entities described in paragraph (a) of such section shall be considered “qualified entities” under section 3 of the National Child Protection Act of 1993 (“NCPA”); and

(2) individuals described in such section shall be considered “volunteers” under section 3 of NCPA; and

(3) State Commissions on National and Community Service established pursuant to section 178 of the 1990 Act, are authorized to receive criminal history record information, consistent with Public Law 92–544.

CORPORATION FOR PUBLIC BROADCASTING

For payment to the Corporation for Public Broadcasting (“CPB”), as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 2018, \$445,000,000: *Provided*, That none of the funds made available to CPB by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: *Provided further*, That none of the funds made available to CPB by this Act shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex: *Provided further*, That none of the funds made available to CPB by this Act shall be used to apply any political test or qualification in selecting, appointing, promoting, or taking any other personnel action with respect to officers, agents, and employees of

CPB: *Provided further*, That none of the funds made available to CPB by this Act shall be used to support the Television Future Fund or any similar purpose.

In addition, for the costs associated with replacing and upgrading the public broadcasting interconnection system, \$40,000,000.

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service (“Service”) to carry out the functions vested in it by the Labor-Management Relations Act, 1947, including hire of passenger motor vehicles; for expenses necessary for the Labor-Management Cooperation Act of 1978; and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, \$48,748,000, including up to \$400,000 to remain available through September 30, 2017, for activities authorized by the Labor-Management Cooperation Act of 1978: *Provided*, That notwithstanding 31 U.S.C. 3302, fees charged, up to full-cost recovery, for special training activities and other conflict resolution services and technical assistance, including those provided to foreign governments and international organizations, and for arbitration services shall be credited to and merged with this account, and shall remain available until expended: *Provided further*, That fees for arbitration services shall be available only for education, training, and professional development of the agency workforce: *Provided further*, That the Director of the Service is authorized to accept and use on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director’s jurisdiction.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission, \$17,085,000.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS AND ADMINISTRATION

For carrying out the Museum and Library Services Act of 1996 and the National Museum of African American History and Culture Act, \$230,000,000.

MEDICAID AND CHIP PAYMENT AND ACCESS COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1900 of the Social Security Act, \$7,765,000.

MEDICARE PAYMENT ADVISORY COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1805 of the Social Security Act, \$11,925,000, to be transferred to this appropriation from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund.

NATIONAL COUNCIL ON DISABILITY

SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, \$3,250,000.

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, and other laws, \$274,224,000: *Provided*, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935, and as amended by the Labor-Management Relations Act, 1947, and as defined in section 3(f) of the Act of June 25, 1938, and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 percent of the water stored or supplied thereby is used for farming purposes.

ADMINISTRATIVE PROVISIONS

SEC. 408. None of the funds provided by this Act or previous Acts making appropriations for the National Labor Relations Board may be used to issue any new administrative directive or regulation that would provide employees any means of voting through any electronic means in an election to determine a representative for the purposes of collective bargaining.

NATIONAL MEDIATION BOARD

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, including emergency boards appointed by the President, \$13,230,000.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission, \$12,639,000.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, \$29,000,000, which shall include amounts becoming available in fiscal year 2016 pursuant to section 224(c)(1)(B) of Public Law 98–76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds the amount available for payment of vested dual benefits: *Provided*, That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, \$150,000, to remain available through September 30, 2017, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98–76.

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board (“Board”) for administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act, \$111,225,000, to be derived in such amounts as determined by the Board from the railroad retirement accounts and from moneys credited to the railroad unemployment insurance administration fund: *Provided*, That notwithstanding section 7(b)(9) of the Railroad Retirement Act this limitation may be used to hire attorneys only through the excepted service: *Provided further*, That the previous proviso shall not change the status under Federal employment laws of any attorney hired by the Railroad Retirement Board prior to January 1, 2013.

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, not more than \$8,437,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, as provided under sections 201(m), 228(g), and 1131(b)(2) of the Social Security Act, \$11,400,000.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92–603, section 212 of Public Law 93–66, as amended, and section 405 of Public Law 95–216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, \$46,305,733,000, to remain available until expended: *Provided*, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury: *Provided further*, That not more than \$101,000,000 shall be available for research and demonstrations under sections 1110, 1115, and 1144 of the Social Security Act, and remain available through September 30, 2018.

For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For making benefit payments under title XVI of the Social Security Act for the first quarter of fiscal year 2017, \$14,500,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, including the hire of two passenger motor vehicles, and not to exceed \$20,000 for official reception and representation expenses, not more than \$10,598,945,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to in such section: *Provided*, That not less than \$2,300,000 shall be for the Social Security Advisory Board: *Provided further*, That, \$116,000,000 may be used for the costs associated with conducting continuing disability reviews under titles II and XVI of the Social Security Act and conducting redeterminations of eligibility under title XVI of the Social Security Act: *Provided further*, That the Commissioner may allocate additional funds under this paragraph above the level specified in the previous proviso for such activities but only to reconcile estimated and actual unit costs for conducting such activities and after notifying the Committees on Appropriations of the House of Representatives and the Senate at least 15 days in advance of any such reallocation: *Provided further*, That the acquisition of services to conduct and manage representative payee reviews shall be made using full and open competition procedures: *Provided further*, That, \$150,000,000, to remain available until expended, shall be for necessary expenses for the renovation and modernization of the Arthur J. Altmeyer Building: *Provided further*, That unobligated balances of funds provided under this paragraph at the end of fiscal year 2016 not needed for fiscal year 2016 shall remain available until expended to invest in the Social Security Administration information technology and telecommunications hardware and software infrastructure, including related equipment and non-payroll administrative expenses associated solely with this information technology and telecommunications infrastructure: *Provided further*, That the Commissioner of Social Security shall notify the Committees on Appropriations of the House of Representatives and the Senate prior to making unobligated balances available under the authority in the previous proviso: *Provided further*, That

reimbursement to the trust funds under this heading for expenditures for official time for employees of the Social Security Administration pursuant to 5 U.S.C. 7131, and for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title shall be made by the Secretary of the Treasury, with interest, from amounts in the general fund not otherwise appropriated, as soon as possible after such expenditures are made.

In addition, for the costs associated with continuing disability reviews under titles II and XVI of the Social Security Act and for the cost associated with conducting redeterminations of eligibility under title XVI of the Social Security Act, \$1,426,000,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: *Provided*, That, of such amount, \$273,000,000 is provided to meet the terms of section 251(b)(2)(B)(ii)(III) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, and \$1,153,000,000 is additional new budget authority specified for purposes of section 251(b)(2)(B) of such Act: *Provided further*, That the Commissioner shall provide to the Congress (at the conclusion of the fiscal year) a report on the obligation and expenditure of these funds, similar to the reports that were required by section 103(d)(2) of Public Law 104–121 for fiscal years 1996 through 2002.

In addition, \$136,000,000 to be derived from administration fees in excess of \$5.00 per supplementary payment collected pursuant to section 1616(d) of the Social Security Act or section 212(b)(3) of Public Law 93–66, which shall remain available until expended. To the extent that the amounts collected pursuant to such sections in fiscal year 2016 exceed \$136,000,000, the amounts shall be available in fiscal year 2017 only to the extent provided in advance in appropriations Acts.

In addition, up to \$1,000,000 to be derived from fees collected pursuant to section 303(c) of the Social Security Protection Act, which shall remain available until expended.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$29,787,000, together with not to exceed \$75,713,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

In addition, an amount not to exceed 3 percent of the total provided in this appropriation may be transferred from the “Limitation on Administrative Expenses”, Social Security Administration, to be merged with this account, to be available for the time and purposes for which this account is available: *Provided*, That notice of such transfers shall be transmitted promptly to the Committees on Appropriations of the House of Representatives and the Senate at least 15 days in advance of any transfer.

TITLE V

GENERAL PROVISIONS

(TRANSFER OF FUNDS)

SEC. 501. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act. Such transferred balances shall be used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. (a) No part of any appropriation contained in this Act or transferred pursuant to section 4002 of Public Law 111–148 shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, electronic communication, radio, television, or video presentation designed to support or defeat the enactment of legislation before the Congress or any State or local legislature or legislative body, except in presentation to the Congress or any State or local legislature itself, or designed to support or defeat any proposed or pending regulation, administrative action, or order issued by the executive branch of any State or local government, except in presentation to the executive branch of any State or local government itself.

(b) No part of any appropriation contained in this Act or transferred pursuant to section 4002 of Public Law 111–148 shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence the enactment of legislation, appropriations, regulation, administrative action, or Executive order proposed or pending before the Congress or any State government, State legislature or local legislature or legislative body, other than for normal and recognized executive-legislative relationships or participation by an agency or officer of a State, local or tribal government in policymaking and administrative processes within the executive branch of that government.

(c) The prohibitions in subsections (a) and (b) shall include any activity to advocate or promote any proposed, pending or future Federal, State or local tax increase, or any proposed, pending, or future requirement or restriction on any legal consumer product, including its sale or marketing, including but not limited to the advocacy or promotion of gun control.

SEC. 504. The Secretaries of Labor and Education are authorized to make available not to exceed \$28,000 and \$20,000, respectively, from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed \$5,000 from the funds available for “Federal Mediation and Conciliation Service, Salaries and Expenses”; and the Chairman of the National Mediation Board

is authorized to make available for official reception and representation expenses not to exceed \$5,000 from funds available for “National Mediation Board, Salaries and Expenses”.

SEC. 505. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in this Act, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state—

(1) the percentage of the total costs of the program or project which will be financed with Federal money;

(2) the dollar amount of Federal funds for the project or program; and

(3) percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

SEC. 506. (a) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for any abortion.

(b) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for health benefits coverage that includes coverage of abortion.

(c) The term “health benefits coverage” means the package of services covered by a managed care provider or organization pursuant to a contract or other arrangement.

SEC. 507. (a) The limitations established in the preceding section shall not apply to an abortion—

(1) if the pregnancy is the result of an act of rape or incest; or

(2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.

(b) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State, locality, entity, or private person of State, local, or private funds (other than a State’s or locality’s contribution of Medicaid matching funds).

(c) Nothing in the preceding section shall be construed as restricting the ability of any managed care provider from offering abortion coverage or the ability of a State or locality to contract separately with such a provider for such coverage with State funds (other than a State’s or locality’s contribution of Medicaid matching funds).

(d)(1) None of the funds made available in this Act may be made available to a Federal agency or program, or to a State or local government, if such agency, program, or government subjects any institutional or individual health care entity to discrimination on the basis that the health care entity does not provide, pay for, provide coverage of, or refer for abortions.

(2) In this subsection, the term “health care entity” includes an individual physician or other health care professional, a hospital, a provider-sponsored organization, a health maintenance organization, a health insurance plan, or any other kind of health care facility, organization, or plan.

SEC. 508. (a) None of the funds made available in this Act may be used for—

(1) the creation of a human embryo or embryos for research purposes; or

(2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.204(b) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)).

(b) For purposes of this section, the term “human embryo or embryos” includes any organism, not protected as a human subject under 45 CFR 46 as of the date of the enactment of this Act, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells.

SEC. 509. (a) None of the funds made available in this Act may be used for any activity that promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established under section 202 of the Controlled Substances Act except for normal and recognized executive-congressional communications.

(b) The limitation in subsection (a) shall not apply when there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that federally sponsored clinical trials are being conducted to determine therapeutic advantage.

SEC. 510. None of the funds made available in this Act may be used to promulgate or adopt any final standard under section 1173(b) of the Social Security Act providing for, or providing for the assignment of, a unique health identifier for an individual (except in an individual’s capacity as an employer or a health care provider), until legislation is enacted specifically approving the standard.

SEC. 511. None of the funds made available in this Act may be obligated or expended to enter into or renew a contract with an entity if—

(1) such entity is otherwise a contractor with the United States and is subject to the requirement in 38 U.S.C. 4212(d) regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and

(2) such entity has not submitted a report as required by that section for the most recent year for which such requirement was applicable to such entity.

SEC. 512. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 513. None of the funds made available by this Act to carry out the Library Services and Technology Act may be made available to any library covered by paragraph (1) of section 224(f) of such Act, as amended by the Children’s Internet Protection Act, unless such library has made the certifications required by paragraph (4) of such section.

SEC. 514. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure

in fiscal year 2016, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that—

- (1) creates new programs;
- (2) eliminates a program, project, or activity;
- (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted;
- (4) relocates an office or employees;
- (5) reorganizes or renames offices;
- (6) reorganizes programs or activities; or
- (7) contracts out or privatizes any functions or activities presently performed by Federal employees;

unless the Committees on Appropriations of the House of Representatives and the Senate are consulted 15 days in advance of such reprogramming or of an announcement of intent relating to such reprogramming, whichever occurs earlier, and are notified in writing 10 days in advance of such reprogramming.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2016, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds in excess of \$500,000 or 10 percent, whichever is less, that—

- (1) augments existing programs, projects (including construction projects), or activities;
- (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or
- (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress;

unless the Committees on Appropriations of the House of Representatives and the Senate are consulted 15 days in advance of such reprogramming or of an announcement of intent relating to such reprogramming, whichever occurs earlier, and are notified in writing 10 days in advance of such reprogramming.

SEC. 515. (a) None of the funds made available in this Act may be used to request that a candidate for appointment to a Federal scientific advisory committee disclose the political affiliation or voting history of the candidate or the position that the candidate holds with respect to political issues not directly related to and necessary for the work of the committee involved.

(b) None of the funds made available in this Act may be used to disseminate information that is deliberately false or misleading.

SEC. 516. Within 45 days of enactment of this Act, each department and related agency funded through this Act shall submit an operating plan that details at the program, project, and activity level any funding allocations for fiscal year 2016 that are different than those specified in this Act, the accompanying detailed table in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), or the fiscal year 2016 budget request.

SEC. 517. The Secretaries of Labor, Health and Human Services, and Education shall each prepare and submit to the Committees on Appropriations of the House of Representatives and the Senate a report on the number and amount of contracts, grants, and cooperative agreements exceeding \$500,000 in value and awarded by the Department on a non-competitive basis during each quarter of fiscal year 2016, but not to include grants awarded on a formula basis or directed by law. Such report shall include the name of the contractor or grantee, the amount of funding, the governmental purpose, including a justification for issuing the award on a non-competitive basis. Such report shall be transmitted to the Committees within 30 days after the end of the quarter for which the report is submitted.

SEC. 518. None of the funds appropriated in this Act shall be expended or obligated by the Commissioner of Social Security, for purposes of administering Social Security benefit payments under title II of the Social Security Act, to process any claim for credit for a quarter of coverage based on work performed under a social security account number that is not the claimant's number and the performance of such work under such number has formed the basis for a conviction of the claimant of a violation of section 208(a)(6) or (7) of the Social Security Act.

SEC. 519. None of the funds appropriated by this Act may be used by the Commissioner of Social Security or the Social Security Administration to pay the compensation of employees of the Social Security Administration to administer Social Security benefit payments, under any agreement between the United States and Mexico establishing totalization arrangements between the social security system established by title II of the Social Security Act and the social security system of Mexico, which would not otherwise be payable but for such agreement.

SEC. 520. Notwithstanding any other provision of this Act, no funds appropriated in this Act shall be used to purchase sterile needles or syringes for the hypodermic injection of any illegal drug: *Provided*, That such limitation does not apply to the use of funds for elements of a program other than making such purchases if the relevant State or local health department, in consultation with the Centers for Disease Control and Prevention, determines that the State or local jurisdiction, as applicable, is experiencing, or is at risk for, a significant increase in hepatitis infections or an HIV outbreak due to injection drug use, and such program is operating in accordance with State and local law.

SEC. 521. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

SEC. 522. None of the funds made available under this or any other Act, or any prior Appropriations Act, may be provided to the Association of Community Organizations for Reform Now (ACORN), or any of its affiliates, subsidiaries, allied organizations, or successors.

SEC. 523. For purposes of carrying out Executive Order 13589, Office of Management and Budget Memorandum M–12–12 dated

May 11, 2012, and requirements contained in the annual appropriations bills relating to conference attendance and expenditures:

(1) the operating divisions of HHS shall be considered independent agencies; and

(2) attendance at and support for scientific conferences shall be tabulated separately from and not included in agency totals.

SEC. 524. Federal agencies funded under this Act shall clearly state within the text, audio, or video used for advertising or educational purposes, including emails or Internet postings, that the communication is printed, published, or produced and disseminated at U.S. taxpayer expense. The funds used by a Federal agency to carry out this requirement shall be derived from amounts made available to the agency for advertising or other communications regarding the programs and activities of the agency.

SEC. 525. (a) Federal agencies may use Federal discretionary funds that are made available in this Act to carry out up to 10 Performance Partnership Pilots. Such Pilots shall—

(1) be designed to improve outcomes for disconnected youth;

(2) include communities that have recently experienced civil unrest; and

(3) involve Federal programs targeted on disconnected youth, or designed to prevent youth from disconnecting from school or work, that provide education, training, employment, and other related social services. Such Pilots shall be governed by the provisions of section 526 of division H of Public Law 113–76, except that in carrying out such Pilots section 526 shall be applied by substituting “FISCAL YEAR 2016” for “FISCAL YEAR 2014” in the title of subsection (b) and by substituting “September 30, 2020” for “September 30, 2018” each place it appears.

(b) In addition, Federal agencies may use Federal discretionary funds that are made available in this Act to participate in Performance Partnership Pilots that are being carried out pursuant to the authority provided by section 526 of division H of Public Law 113–76, and section 524 of division G of Public Law 113–235: *Provided*, That new pilots that are being carried out with discretionary funds made available in division G of Public Law 113–235 shall include communities that have recently experienced civil unrest.

SEC. 526. Not later than 30 days after the end of each calendar quarter, beginning with the first quarter of fiscal year 2013, the Departments of Labor, Health and Human Services and Education and the Social Security Administration shall provide the Committees on Appropriations of the House of Representatives and Senate a quarterly report on the status of balances of appropriations: *Provided*, That for balances that are unobligated and uncommitted, committed, and obligated but unexpended, the quarterly reports shall separately identify the amounts attributable to each source year of appropriation (beginning with fiscal year 2012, or, to the extent feasible, earlier fiscal years) from which balances were derived.

SEC. 527. Section 2812(d)(2) of the Public Health Service Act (42 U.S.C. 300hh–11(d)(2)) is amended—

(1) by redesignating the three sentences as subparagraphs (A), (B), and (C), respectively, and indenting accordingly;

31 USC 1502
note.

(2) in subparagraph (A), as so redesignated, by striking “An” and inserting “IN GENERAL.—An”;

(3) in subparagraph (B), as so redesignated, by striking “With” and inserting “APPLICATION TO TRAINING PROGRAMS.—With”;

(4) in subparagraph (C), as so redesignated, by striking “In” and inserting “RESPONSIBILITY OF LABOR SECRETARY.—In”; and

(5) by adding at the end the following new subparagraphs:

“(D) COMPUTATION OF PAY.—In the event of an injury to such an intermittent disaster response appointee, the position of the employee shall be deemed to be ‘one which would have afforded employment for substantially a whole year’, for purposes of section 8114(d)(2) of such title.

“(E) CONTINUATION OF PAY.—The weekly pay of such an employee shall be deemed to be the hourly pay in effect on the date of the injury multiplied by 40, for purposes of computing benefits under section 8118 of such title.”.

(RESCISSION)

SEC. 528. Of the funds made available for fiscal year 2016 under section 3403 of Public Law 111–148, \$15,000,000 are rescinded.

SEC. 529. Amounts deposited or available in the Child Enrollment Contingency Fund from appropriations to the Fund under section 2104(n)(2)(A)(i) of the Social Security Act and the income derived from investment of those funds pursuant to 2104(n)(2)(C) of that Act, shall not be available for obligation in this fiscal year.

(RESCISSION)

SEC. 530. Of any available amounts appropriated under section 108 of Public Law 111–3, as amended, \$4,678,500,000 are hereby rescinded.

This division may be cited as the “Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2016”.

Legislative
Branch
Appropriations
Act, 2016.
2 USC 60a note.

DIVISION I—LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2016

TITLE I

LEGISLATIVE BRANCH

SENATE

EXPENSE ALLOWANCES

For expense allowances of the Vice President, \$18,760; the President Pro Tempore of the Senate, \$37,520; Majority Leader of the Senate, \$39,920; Minority Leader of the Senate, \$39,920; Majority Whip of the Senate, \$9,980; Minority Whip of the Senate, \$9,980; Chairmen of the Majority and Minority Conference Committees, \$4,690 for each Chairman; and Chairmen of the Majority

and Minority Policy Committees, \$4,690 for each Chairman; in all, \$174,840.

REPRESENTATION ALLOWANCES FOR THE MAJORITY AND MINORITY LEADERS

For representation allowances of the Majority and Minority Leaders of the Senate, \$14,070 for each such Leader; in all, \$28,140.

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, and others as authorized by law, including agency contributions, \$179,185,311, which shall be paid from this appropriation without regard to the following limitations:

OFFICE OF THE VICE PRESIDENT

For the Office of the Vice President, \$2,417,248.

OFFICE OF THE PRESIDENT PRO TEMPORE

For the Office of the President Pro Tempore, \$723,466.

OFFICES OF THE MAJORITY AND MINORITY LEADERS

For Offices of the Majority and Minority Leaders, \$5,255,576.

OFFICES OF THE MAJORITY AND MINORITY WHIPS

For Offices of the Majority and Minority Whips, \$3,359,424.

COMMITTEE ON APPROPRIATIONS

For salaries of the Committee on Appropriations, \$15,142,000.

CONFERENCE COMMITTEES

For the Conference of the Majority and the Conference of the Minority, at rates of compensation to be fixed by the Chairman of each such committee, \$1,658,000 for each such committee; in all, \$3,316,000.

OFFICES OF THE SECRETARIES OF THE CONFERENCE OF THE MAJORITY AND THE CONFERENCE OF THE MINORITY

For Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority, \$817,402.

POLICY COMMITTEES

For salaries of the Majority Policy Committee and the Minority Policy Committee, \$1,692,905 for each such committee; in all, \$3,385,810.

OFFICE OF THE CHAPLAIN

For Office of the Chaplain, \$436,886.

OFFICE OF THE SECRETARY

For Office of the Secretary, \$24,772,000.

OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER

For Office of the Sergeant at Arms and Doorkeeper, \$69,000,000.

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

For Offices of the Secretary for the Majority and the Secretary for the Minority, \$1,762,000.

AGENCY CONTRIBUTIONS AND RELATED EXPENSES

For agency contributions for employee benefits, as authorized by law, and related expenses, \$48,797,499.

OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For salaries and expenses of the Office of the Legislative Counsel of the Senate, \$5,408,500.

OFFICE OF SENATE LEGAL COUNSEL

For salaries and expenses of the Office of Senate Legal Counsel, \$1,120,000.

EXPENSE ALLOWANCES OF THE SECRETARY OF THE SENATE, SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE, AND SECRETARIES FOR THE MAJORITY AND MINORITY OF THE SENATE

For expense allowances of the Secretary of the Senate, \$7,110; Sergeant at Arms and Doorkeeper of the Senate, \$7,110; Secretary for the Majority of the Senate, \$7,110; Secretary for the Minority of the Senate, \$7,110; in all, \$28,440.

CONTINGENT EXPENSES OF THE SENATE

INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate, or conducted under paragraph 1 of rule XXVI of the Standing Rules of the Senate, section 112 of the Supplemental Appropriations and Rescission Act, 1980 (Public Law 96–304), and Senate Resolution 281, 96th Congress, agreed to March 11, 1980, \$133,265,000, of which \$26,650,000 shall remain available until September 30, 2018.

EXPENSES OF THE UNITED STATES SENATE CAUCUS ON INTERNATIONAL NARCOTICS CONTROL

For expenses of the United States Senate Caucus on International Narcotics Control, \$508,000.

SECRETARY OF THE SENATE

For expenses of the Office of the Secretary of the Senate, \$8,750,000 of which \$4,350,000 shall remain available until September 30, 2020 and of which \$2,500,000 shall remain available until expended.

SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

For expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, \$130,000,000, which shall remain available until September 30, 2020.

MISCELLANEOUS ITEMS

For miscellaneous items, \$21,390,270 which shall remain available until September 30, 2018.

SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT

For Senators' Official Personnel and Office Expense Account, \$390,000,000 of which \$19,121,212 shall remain available until September 30, 2018.

OFFICIAL MAIL COSTS

For expenses necessary for official mail costs of the Senate, \$300,000.

ADMINISTRATIVE PROVISIONS

REQUIRING AMOUNTS REMAINING IN SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT TO BE USED FOR DEFICIT REDUCTION OR TO REDUCE THE FEDERAL DEBT

SEC. 1. Notwithstanding any other provision of law, any amounts appropriated under this Act under the heading "SENATE" under the heading "CONTINGENT EXPENSES OF THE SENATE" under the heading "SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT" shall be available for obligation only during the fiscal year or fiscal years for which such amounts are made available. Any unexpended balances under such allowances remaining after the end of the period of availability shall be returned to the Treasury in accordance with the undesignated paragraph under the center heading "GENERAL PROVISION" under chapter XI of the Third Supplemental Appropriation Act, 1957 (2 U.S.C. 4107) and used for deficit reduction (or, if there is no Federal budget deficit after all such payments have been made, for reducing the Federal debt, in such manner as the Secretary of the Treasury considers appropriate).

AUTHORITY FOR TRANSFER OF FUNDS

SEC. 2. Section 1 of the Legislative Branch Appropriations Act, 1991 (2 U.S.C. 6153) is amended—

- (1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;
- (2) by inserting after subsection (b) the following:

“(c)(1) The Chaplain of the Senate may, during any fiscal year, at the election of the Chaplain of the Senate, transfer funds from the appropriation account for salaries for the Office of the Chaplain of the Senate to the account, within the contingent fund of the Senate, from which expenses are payable for the Office of the Chaplain.

“(2) The Chaplain of the Senate may, during any fiscal year, at the election of the Chaplain of the Senate, transfer funds from the appropriation account for expenses, within the contingent fund of the Senate, for the Office of the Chaplain to the account from which salaries are payable for the Office of the Chaplain of the Senate.”;

(3) in subsection (d), as so redesignated—

(A) in paragraph (1), by inserting “or the Office of the Chaplain of the Senate, as the case may be,” after “such committee” each place it appears; and

(B) in paragraph (2), by inserting “or the Chaplain of the Senate, as the case may be,” after “the Chairman”; and

(4) in subsection (e), as so redesignated, by inserting “or the Chaplain of the Senate, as the case may be,” after “The Chairman of a committee”.

HOUSE OF REPRESENTATIVES

SALARIES AND EXPENSES

For salaries and expenses of the House of Representatives, \$1,180,736,000, as follows:

HOUSE LEADERSHIP OFFICES

For salaries and expenses, as authorized by law, \$22,278,891, including: Office of the Speaker, \$6,645,417, including \$25,000 for official expenses of the Speaker; Office of the Majority Floor Leader, \$2,180,048, including \$10,000 for official expenses of the Majority Leader; Office of the Minority Floor Leader, \$7,114,471, including \$10,000 for official expenses of the Minority Leader; Office of the Majority Whip, including the Chief Deputy Majority Whip, \$1,886,632, including \$5,000 for official expenses of the Majority Whip; Office of the Minority Whip, including the Chief Deputy Minority Whip, \$1,459,639, including \$5,000 for official expenses of the Minority Whip; Republican Conference, \$1,505,426; Democratic Caucus, \$1,487,258: *Provided*, That such amount for salaries and expenses shall remain available from January 3, 2016 until January 2, 2017.

MEMBERS' REPRESENTATIONAL ALLOWANCES

INCLUDING MEMBERS' CLERK HIRE, OFFICIAL EXPENSES OF MEMBERS, AND OFFICIAL MAIL

For Members' representational allowances, including Members' clerk hire, official expenses, and official mail, \$554,317,732.

COMMITTEE EMPLOYEES

STANDING COMMITTEES, SPECIAL AND SELECT

For salaries and expenses of standing committees, special and select, authorized by House resolutions, \$123,903,173: *Provided*, That such amount shall remain available for such salaries and expenses until December 31, 2016.

COMMITTEE ON APPROPRIATIONS

For salaries and expenses of the Committee on Appropriations, \$23,271,004, including studies and examinations of executive agencies and temporary personal services for such committee, to be expended in accordance with section 202(b) of the Legislative Reorganization Act of 1946 and to be available for reimbursement to agencies for services performed: *Provided*, That such amount shall remain available for such salaries and expenses until December 31, 2016.

SALARIES, OFFICERS AND EMPLOYEES

For compensation and expenses of officers and employees, as authorized by law, \$178,531,768, including: for salaries and expenses of the Office of the Clerk, including the positions of the Chaplain and the Historian, and including not more than \$25,000 for official representation and reception expenses, of which not more than \$20,000 is for the Family Room and not more than \$2,000 is for the Office of the Chaplain, \$24,980,898; for salaries and expenses of the Office of the Sergeant at Arms, including the position of Superintendent of Garages and the Office of Emergency Management, and including not more than \$3,000 for official representation and reception expenses, \$14,827,120 of which \$4,784,229 shall remain available until expended; for salaries and expenses of the Office of the Chief Administrative Officer including not more than \$3,000 for official representation and reception expenses, \$117,165,000, of which \$1,350,000 shall remain available until expended; for salaries and expenses of the Office of the Inspector General, \$4,741,809; for salaries and expenses of the Office of General Counsel, \$1,413,450; for salaries and expenses of the Office of the Parliamentarian, including the Parliamentarian, \$2,000 for preparing the Digest of Rules, and not more than \$1,000 for official representation and reception expenses, \$1,974,606; for salaries and expenses of the Office of the Law Revision Counsel of the House, \$3,119,766; for salaries and expenses of the Office of the Legislative Counsel of the House, \$8,352,975; for salaries and expenses of the Office of Interparliamentary Affairs, \$814,069; for other authorized employees, \$1,142,075.

ALLOWANCES AND EXPENSES

For allowances and expenses as authorized by House resolution or law, \$278,433,432, including: supplies, materials, administrative costs and Federal tort claims, \$3,625,236; official mail for committees, leadership offices, and administrative offices of the House, \$190,486; Government contributions for health, retirement, Social Security, and other applicable employee benefits, \$251,629,425, to remain available until March 31, 2017; Business Continuity and

Disaster Recovery, \$16,217,008 of which \$5,000,000 shall remain available until expended; transition activities for new members and staff, \$2,084,000, to remain available until expended; Wounded Warrior Program \$2,500,000, to remain available until expended; Office of Congressional Ethics, \$1,467,030; and miscellaneous items including purchase, exchange, maintenance, repair and operation of House motor vehicles, interparliamentary receptions, and gratuities to heirs of deceased employees of the House, \$720,247.

ADMINISTRATIVE PROVISIONS

REQUIRING AMOUNTS REMAINING IN MEMBERS' REPRESENTATIONAL ALLOWANCES TO BE USED FOR DEFICIT REDUCTION OR TO REDUCE THE FEDERAL DEBT

SEC. 101. (a) Notwithstanding any other provision of law, any amounts appropriated under this Act for “HOUSE OF REPRESENTATIVES—SALARIES AND EXPENSES—MEMBERS' REPRESENTATIONAL ALLOWANCES” shall be available only for fiscal year 2016. Any amount remaining after all payments are made under such allowances for fiscal year 2016 shall be deposited in the Treasury and used for deficit reduction (or, if there is no Federal budget deficit after all such payments have been made, for reducing the Federal debt, in such manner as the Secretary of the Treasury considers appropriate).

(b) REGULATIONS.—The Committee on House Administration of the House of Representatives shall have authority to prescribe regulations to carry out this section.

(c) DEFINITION.—As used in this section, the term “Member of the House of Representatives” means a Representative in, or a Delegate or Resident Commissioner to, the Congress.

DELIVERY OF BILLS AND RESOLUTIONS

SEC. 102. None of the funds made available in this Act may be used to deliver a printed copy of a bill, joint resolution, or resolution to the office of a Member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress) unless the Member requests a copy.

DELIVERY OF CONGRESSIONAL RECORD

SEC. 103. None of the funds made available by this Act may be used to deliver a printed copy of any version of the Congressional Record to the office of a Member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress).

LIMITATION ON AMOUNT AVAILABLE TO LEASE VEHICLES

SEC. 104. None of the funds made available in this Act may be used by the Chief Administrative Officer of the House of Representatives to make any payments from any Members' Representational Allowance for the leasing of a vehicle, excluding mobile district offices, in an aggregate amount that exceeds \$1,000 for the vehicle in any month.

LIMITATION ON PRINTED COPIES OF U.S. CODE TO HOUSE

SEC. 105. None of the funds made available by this Act may be used to provide an aggregate number of more than 50 printed copies of any edition of the United States Code to all offices of the House of Representatives.

DELIVERY OF REPORTS OF DISBURSEMENTS

SEC. 106. None of the funds made available by this Act may be used to deliver a printed copy of the report of disbursements for the operations of the House of Representatives under section 106 of the House of Representatives Administrative Reform Technical Corrections Act (2 U.S.C. 5535) to the office of a Member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress).

DELIVERY OF DAILY CALENDAR

SEC. 107. None of the funds made available by this Act may be used to deliver to the office of a Member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress) a printed copy of the Daily Calendar of the House of Representatives which is prepared by the Clerk of the House of Representatives.

DELIVERY OF CONGRESSIONAL PICTORIAL DIRECTORY

SEC. 108. None of the funds made available by this Act may be used to deliver a printed copy of the Congressional Pictorial Directory to the office of a Member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress).

JOINT ITEMS

For Joint Committees, as follows:

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, \$4,203,000, to be disbursed by the Secretary of the Senate.

JOINT CONGRESSIONAL COMMITTEE ON INAUGURAL CEREMONIES OF
2017

For salaries and expenses associated with conducting the inaugural ceremonies of the President and Vice President of the United States, January 20, 2017, in accordance with such program as may be adopted by the joint congressional committee authorized to conduct the inaugural ceremonies of 2017, \$1,250,000 to be disbursed by the Secretary of the Senate and to remain available until September 30, 2017: *Provided*, That funds made available under this heading shall be available for payment, on a direct or reimbursable basis, whether incurred on, before, or after, October 1, 2016: *Provided further*, That the compensation of any employee of the Committee on Rules and Administration of the Senate who has been designated to perform service with respect to the inaugural ceremonies of 2017 shall continue to be paid by the Committee on Rules and Administration, but the account from which such

staff member is paid may be reimbursed for the services of the staff member out of funds made available under this heading: *Provided further*, That there are authorized to be paid from the appropriations account for “Expenses of Inquiries and Investigations” of the Senate such sums as may be necessary, without fiscal year limitation, for agency contributions related to the compensation of employees of the joint congressional committee.

JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, \$10,095,000, to be disbursed by the Chief Administrative Officer of the House of Representatives.

For other joint items, as follows:

OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including:

(1) an allowance of \$2,175 per month to the Attending Physician;

(2) an allowance of \$1,300 per month to the Senior Medical Officer;

(3) an allowance of \$725 per month each to three medical officers while on duty in the Office of the Attending Physician;

(4) an allowance of \$725 per month to 2 assistants and \$580 per month each not to exceed 11 assistants on the basis heretofore provided for such assistants; and

(5) \$2,692,000 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, which shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, \$3,784,000, to be disbursed by the Chief Administrative Officer of the House of Representatives.

OFFICE OF CONGRESSIONAL ACCESSIBILITY SERVICES

SALARIES AND EXPENSES

For salaries and expenses of the Office of Congressional Accessibility Services, \$1,400,000, to be disbursed by the Secretary of the Senate.

CAPITOL POLICE

SALARIES

For salaries of employees of the Capitol Police, including overtime, hazardous duty pay, and Government contributions for health, retirement, social security, professional liability insurance, and other applicable employee benefits, \$309,000,000 of which overtime shall not exceed \$30,928,000 unless the Committee on Appropriations of the House and Senate are notified, to be disbursed by the Chief of the Capitol Police or his designee.

GENERAL EXPENSES

For necessary expenses of the Capitol Police, including motor vehicles, communications and other equipment, security equipment and installation, uniforms, weapons, supplies, materials, training, medical services, forensic services, stenographic services, personal and professional services, the employee assistance program, the awards program, postage, communication services, travel advances, relocation of instructor and liaison personnel for the Federal Law Enforcement Training Center, and not more than \$5,000 to be expended on the certification of the Chief of the Capitol Police in connection with official representation and reception expenses, \$66,000,000, to be disbursed by the Chief of the Capitol Police or his designee: *Provided*, That, notwithstanding any other provision of law, the cost of basic training for the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 2016 shall be paid by the Secretary of Homeland Security from funds available to the Department of Homeland Security.

ADMINISTRATIVE PROVISION

DEPOSIT OF REIMBURSEMENTS FOR LAW ENFORCEMENT ASSISTANCE

SEC. 1001. (a) IN GENERAL.—Section 2802(a)(1) of the Supplemental Appropriations Act, 2001 (2 U.S.C. 1905(a)(1)) is amended by striking “District of Columbia)” and inserting the following: “District of Columbia), and from any other source in the case of assistance provided in connection with an activity that was not sponsored by Congress”.

(b) CONFORMING AMENDMENT.—Section 2802(a)(2) of such Act (2 U.S.C. 1905(a)(2)) is amended by striking “law enforcement assistance to any Federal, State, or local government agency (including any agency of the District of Columbia)” and inserting “any law enforcement assistance for which reimbursement described in paragraph (1) is made”.

(c) EFFECTIVE DATE.—The amendments made by this section shall only apply with respect to any reimbursement received before, on, or after the date of the enactment of the Act.

2 USC 1905 note.

OFFICE OF COMPLIANCE

SALARIES AND EXPENSES

For salaries and expenses of the Office of Compliance, as authorized by section 305 of the Congressional Accountability Act of 1995 (2 U.S.C. 1385), \$3,959,000, of which \$450,000 shall remain available until September 30, 2017: *Provided*, That not more than \$500 may be expended on the certification of the Executive Director of the Office of Compliance in connection with official representation and reception expenses.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

For salaries and expenses necessary for operation of the Congressional Budget Office, including not more than \$6,000 to be expended on the certification of the Director of the Congressional

Budget Office in connection with official representation and reception expenses, \$46,500,000.

ARCHITECT OF THE CAPITOL

CAPITAL CONSTRUCTION AND OPERATIONS

For salaries for the Architect of the Capitol, and other personal services, at rates of pay provided by law; for all necessary expenses for surveys and studies, construction, operation, and general and administrative support in connection with facilities and activities under the care of the Architect of the Capitol including the Botanic Garden; electrical substations of the Capitol, Senate and House office buildings, and other facilities under the jurisdiction of the Architect of the Capitol; including furnishings and office equipment; including not more than \$5,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; for purchase or exchange, maintenance, and operation of a passenger motor vehicle, \$91,589,000.

CAPITOL BUILDING

For all necessary expenses for the maintenance, care and operation of the Capitol, \$46,737,000, of which \$22,737,000 shall remain available until September 30, 2020.

CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House office buildings, and the Capitol Power Plant, \$11,880,000, of which \$2,000,000 shall remain available until September 30, 2020.

SENATE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of Senate office buildings; and furniture and furnishings to be expended under the control and supervision of the Architect of the Capitol, \$84,221,000, of which \$26,283,000 shall remain available until September 30, 2020.

HOUSE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of the House office buildings, \$174,962,000, of which \$48,885,000 shall remain available until September 30, 2020, and of which \$62,000,000 shall remain available until expended for the restoration and renovation of the Cannon House Office Building.

In addition, for a payment to the House Historic Buildings Revitalization Trust Fund, \$10,000,000, to remain available until expended.

CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; lighting, heating, power (including the purchase of electrical energy) and water and sewer services for the Capitol, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden,

Senate garage, and air conditioning refrigeration not supplied from plants in any of such buildings; heating the Government Publishing Office and Washington City Post Office, and heating and chilled water for air conditioning for the Supreme Court Building, the Union Station complex, the Thurgood Marshall Federal Judiciary Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation, \$94,722,499, of which \$17,581,499 shall remain available until September 30, 2020: *Provided*, That not more than \$9,000,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 2016.

LIBRARY BUILDINGS AND GROUNDS

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, \$40,689,000, of which \$15,746,000 shall remain available until September 30, 2020.

CAPITOL POLICE BUILDINGS, GROUNDS, AND SECURITY

For all necessary expenses for the maintenance, care and operation of buildings, grounds and security enhancements of the United States Capitol Police, wherever located, the Alternate Computer Facility, and AOC security operations, \$25,434,000, of which \$7,901,000 shall remain available until September 30, 2020.

BOTANIC GARDEN

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; and purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, \$12,113,000, of which \$2,100,000 shall remain available until September 30, 2020: *Provided*, That, of the amount made available under this heading, the Architect of the Capitol may obligate and expend such sums as may be necessary for the maintenance, care and operation of the National Garden established under section 307E of the Legislative Branch Appropriations Act, 1989 (2 U.S.C. 2146), upon vouchers approved by the Architect of the Capitol or a duly authorized designee.

CAPITOL VISITOR CENTER

For all necessary expenses for the operation of the Capitol Visitor Center, \$20,557,000.

ADMINISTRATIVE PROVISIONS

NO BONUSES FOR CONTRACTORS BEHIND SCHEDULE OR OVER BUDGET

SEC. 1101. None of the funds made available in this Act for the Architect of the Capitol may be used to make incentive or award payments to contractors for work on contracts or programs for which the contractor is behind schedule or over budget, unless

the Architect of the Capitol, or agency-employed designee, determines that any such deviations are due to unforeseeable events, government-driven scope changes, or are not significant within the overall scope of the project and/or program.

SCRIMS

SEC. 1102. None of the funds made available by this Act may be used for scrims containing photographs of building facades during restoration or construction projects performed by the Architect of the Capitol.

ACQUISITION OF PARCEL AT FORT MEADE

SEC. 1103. (a) ACQUISITION.—The Architect of the Capitol is authorized to acquire from the Maryland State Highway Administration, at no cost to the United States, a parcel of real property (including improvements thereon) consisting of approximately 7.34 acres located within the portion of Fort George G. Meade in Anne Arundel County, Maryland, that was transferred to the Architect of the Capitol by the Secretary of the Army pursuant to section 122 of the Military Construction Appropriations Act, 1994 (2 U.S.C. 141 note).

(b) TERMS AND CONDITIONS.—The terms and conditions applicable under subsections (b) and (d) of section 122 of the Military Construction Appropriations Act, 1994 (2 U.S.C. 141 note) to the property acquired by the Architect of the Capitol pursuant to such section shall apply to the real property acquired by the Architect pursuant to the authority of this section.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For all necessary expenses of the Library of Congress not otherwise provided for, including development and maintenance of the Library's catalogs; custody and custodial care of the Library buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center in the Library; preparation and distribution of catalog records and other publications of the Library; hire or purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, \$425,971,000, of which not more than \$6,000,000 shall be derived from collections credited to this appropriation during fiscal year 2016, and shall remain available until expended, under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150) and not more than \$350,000 shall be derived from collections during fiscal year 2016 and shall remain available until expended for the development and maintenance of an international legal information database and activities related thereto: *Provided*, That the Library of Congress may not obligate or expend any funds derived from collections under the Act of June 28, 1902, in excess of the amount authorized for obligation or expenditure in appropriations Acts: *Provided further*, That the total amount available for obligation shall be reduced by the amount by which collections are less than \$6,350,000: *Provided further*, That, of the

total amount appropriated, not more than \$12,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the Overseas Field Offices: *Provided further*, That of the total amount appropriated, \$8,231,000 shall remain available until expended for the digital collections and educational curricula program: *Provided further*, That, of the total amount appropriated, \$1,300,000 shall remain available until expended for upgrade of the Legislative Branch Financial Management System.

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For all necessary expenses of the Copyright Office, \$58,875,000, of which not more than \$30,000,000, to remain available until expended, shall be derived from collections credited to this appropriation during fiscal year 2016 under section 708(d) of title 17, United States Code: *Provided*, That the Copyright Office may not obligate or expend any funds derived from collections under such section, in excess of the amount authorized for obligation or expenditure in appropriations Acts: *Provided further*, That not more than \$5,777,000 shall be derived from collections during fiscal year 2016 under sections 111(d)(2), 119(b)(3), 803(e), 1005, and 1316 of such title: *Provided further*, That the total amount available for obligation shall be reduced by the amount by which collections are less than \$35,777,000: *Provided further*, That not more than \$100,000 of the amount appropriated is available for the maintenance of an “International Copyright Institute” in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies: *Provided further*, That not more than \$6,500 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for activities of the International Copyright Institute and for copyright delegations, visitors, and seminars: *Provided further*, That, notwithstanding any provision of chapter 8 of title 17, United States Code, any amounts made available under this heading which are attributable to royalty fees and payments received by the Copyright Office pursuant to sections 111, 119, and chapter 10 of such title may be used for the costs incurred in the administration of the Copyright Royalty Judges program, with the exception of the costs of salaries and benefits for the Copyright Royalty Judges and staff under section 802(e).

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

For all necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, \$106,945,000: *Provided*, That no part of such amount may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration of the House

of Representatives or the Committee on Rules and Administration of the Senate.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

For all necessary expenses to carry out the Act of March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C. 135a), \$50,248,000: *Provided*, That of the total amount appropriated, \$650,000 shall be available to contract to provide newspapers to blind and physically handicapped residents at no cost to the individual.

ADMINISTRATIVE PROVISIONS

REIMBURSABLE AND REVOLVING FUND ACTIVITIES

SEC. 1201. (a) IN GENERAL.—For fiscal year 2016, the obligational authority of the Library of Congress for the activities described in subsection (b) may not exceed \$186,015,000.

(b) ACTIVITIES.—The activities referred to in subsection (a) are reimbursable and revolving fund activities that are funded from sources other than appropriations to the Library in appropriations Acts for the legislative branch.

LIBRARIAN OF CONGRESS EMERITUS

SEC. 1202. (a) DESIGNATION OF JAMES BILLINGTON AS LIBRARIAN OF CONGRESS EMERITUS.—As an honorary designation, James H. Billington, upon leaving service as the Librarian of Congress, may be known as the Librarian of Congress Emeritus.

(b) NO APPOINTMENT TO GOVERNMENT SERVICE; AVAILABILITY OF INCIDENTAL SUPPORT.—The honorary designation under this section does not constitute an appointment to a position in the Federal Government under title 5, United States Code. Notwithstanding the previous sentence, in connection with his activities as Librarian of Congress Emeritus, James H. Billington may receive incidental administrative and clerical support through the Library of Congress.

GOVERNMENT PUBLISHING OFFICE

CONGRESSIONAL PUBLISHING

(INCLUDING TRANSFER OF FUNDS)

For authorized publishing of congressional information and the distribution of congressional information in any format; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (section 902 of title 44, United States Code); publishing of Government publications authorized by law to be distributed to Members of Congress; and publishing, and distribution of Government publications authorized by law to be distributed without charge to the recipient, \$79,736,000: *Provided*, That this appropriation shall not be available for paper copies of the permanent edition of the Congressional Record for individual Representatives, Resident Commissioners or Delegates authorized under section 906 of title 44, United States

Code: *Provided further*, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years: *Provided further*, That notwithstanding the 2-year limitation under section 718 of title 44, United States Code, none of the funds appropriated or made available under this Act or any other Act for printing and binding and related services provided to Congress under chapter 7 of title 44, United States Code, may be expended to print a document, report, or publication after the 27-month period beginning on the date that such document, report, or publication is authorized by Congress to be printed, unless Congress reauthorizes such printing in accordance with section 718 of title 44, United States Code: *Provided further*, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Publishing Office Business Operations Revolving Fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate: *Provided further*, That notwithstanding sections 901, 902, and 906 of title 44, United States Code, this appropriation may be used to prepare indexes to the Congressional Record on only a monthly and session basis.

PUBLIC INFORMATION PROGRAMS OF THE SUPERINTENDENT OF
DOCUMENTS

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For expenses of the public information programs of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications and their distribution to the public, Members of Congress, other Government agencies, and designated depository and international exchange libraries as authorized by law, \$30,500,000: *Provided*, That amounts of not more than \$2,000,000 from current year appropriations are authorized for producing and disseminating Congressional serial sets and other related publications for fiscal years 2014 and 2015 to depository and other designated libraries: *Provided further*, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Publishing Office Business Operations Revolving Fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

GOVERNMENT PUBLISHING OFFICE BUSINESS OPERATIONS
REVOLVING FUND

For payment to the Government Publishing Office Business Operations Revolving Fund, \$6,832,000, to remain available until expended, for information technology development and facilities repair: *Provided*, That the Government Publishing Office is hereby authorized to make such expenditures, within the limits of funds available and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may

be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the Government Publishing Office Business Operations Revolving Fund: *Provided further*, That not more than \$7,500 may be expended on the certification of the Director of the Government Publishing Office in connection with official representation and reception expenses: *Provided further*, That the business operations revolving fund shall be available for the hire or purchase of not more than 12 passenger motor vehicles: *Provided further*, That expenditures in connection with travel expenses of the advisory councils to the Director of the Government Publishing Office shall be deemed necessary to carry out the provisions of title 44, United States Code: *Provided further*, That the business operations revolving fund shall be available for temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level V of the Executive Schedule under section 5316 of such title: *Provided further*, That activities financed through the business operations revolving fund may provide information in any format: *Provided further*, That the business operations revolving fund and the funds provided under the heading “Public Information Programs of the Superintendent of Documents” may not be used for contracted security services at GPO’s passport facility in the District of Columbia.

GOVERNMENT ACCOUNTABILITY OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Government Accountability Office, including not more than \$12,500 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of such title; hire of one passenger motor vehicle; advance payments in foreign countries in accordance with section 3324 of title 31, United States Code; benefits comparable to those payable under sections 901(5), (6), and (8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), (6), and (8)); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries, \$531,000,000: *Provided*, That, in addition, \$25,450,000 of payments received under sections 782, 791, 3521, and 9105 of title 31, United States Code, shall be available without fiscal year limitation: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of either Forum’s costs as determined by the respective Forum, including necessary travel expenses of non-Federal participants: *Provided further*, That payments hereunder to the Forum may be credited as reimbursements to any appropriation from which costs involved are initially financed.

ADMINISTRATIVE PROVISION

FEDERAL GOVERNMENT DETAILS

SEC. 1301. (a) PERMITTING DETAILS FROM OTHER FEDERAL OFFICES.—Section 731 of title 31, United States Code, is amended by adding at the end the following new subsection:

“(k) FEDERAL GOVERNMENT DETAILS.—The activities of the Government Accountability Office may, in the reasonable discretion of the Comptroller General, be carried out by receiving details of personnel from other offices of the Federal Government on a reimbursable, partially-reimbursable, or nonreimbursable basis.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to fiscal year 2016 and each succeeding fiscal year.

31 USC 731 note.

OPEN WORLD LEADERSHIP CENTER TRUST FUND

For a payment to the Open World Leadership Center Trust Fund for financing activities of the Open World Leadership Center under section 313 of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1151), \$5,600,000: *Provided*, That funds made available to support Russian participants shall only be used for those engaging in free market development, humanitarian activities, and civic engagement, and shall not be used for officials of the central government of Russia.

JOHN C. STENNIS CENTER FOR PUBLIC SERVICE TRAINING AND DEVELOPMENT

For payment to the John C. Stennis Center for Public Service Development Trust Fund established under section 116 of the John C. Stennis Center for Public Service Training and Development Act (2 U.S.C. 1105), \$430,000.

TITLE II

GENERAL PROVISIONS

MAINTENANCE AND CARE OF PRIVATE VEHICLES

SEC. 201. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Administration and for the Senate issued by the Committee on Rules and Administration.

FISCAL YEAR LIMITATION

SEC. 202. No part of the funds appropriated in this Act shall remain available for obligation beyond fiscal year 2016 unless expressly so provided in this Act.

RATES OF COMPENSATION AND DESIGNATION

SEC. 203. Whenever in this Act any office or position not specifically established by the Legislative Pay Act of 1929 (46 Stat. 32

et seq.) is appropriated for or the rate of compensation or designation of any office or position appropriated for is different from that specifically established by such Act, the rate of compensation and the designation in this Act shall be the permanent law with respect thereto: *Provided*, That the provisions in this Act for the various items of official expenses of Members, officers, and committees of the Senate and House of Representatives, and clerk hire for Senators and Members of the House of Representatives shall be the permanent law with respect thereto.

CONSULTING SERVICES

SEC. 204. The expenditure of any appropriation under this Act for any consulting service through procurement contract, under section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued under existing law.

COSTS OF LBFMC

SEC. 205. Amounts available for administrative expenses of any legislative branch entity which participates in the Legislative Branch Financial Managers Council (LBFMC) established by charter on March 26, 1996, shall be available to finance an appropriate share of LBFMC costs as determined by the LBFMC, except that the total LBFMC costs to be shared among all participating legislative branch entities (in such allocations among the entities as the entities may determine) may not exceed \$2,000.

LANDSCAPE MAINTENANCE

2 USC 2186.

SEC. 206. For fiscal year 2016 and each fiscal year thereafter, the Architect of the Capitol, in consultation with the District of Columbia, is authorized to maintain and improve the landscape features, excluding streets, in Square 580 up to the beginning of I–395.

LIMITATION ON TRANSFERS

SEC. 207. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

GUIDED TOURS OF THE CAPITOL

SEC. 208. (a) Except as provided in subsection (b), none of the funds made available to the Architect of the Capitol in this Act may be used to eliminate or restrict guided tours of the United States Capitol which are led by employees and interns of offices of Members of Congress and other offices of the House of Representatives and Senate.

(b) At the direction of the Capitol Police Board, or at the direction of the Architect of the Capitol with the approval of the Capitol Police Board, guided tours of the United States Capitol

which are led by employees and interns described in subsection (a) may be suspended temporarily or otherwise subject to restriction for security or related reasons to the same extent as guided tours of the United States Capitol which are led by the Architect of the Capitol.

BATTERY RECHARGING STATIONS FOR PRIVATELY OWNED VEHICLES IN
PARKING AREAS UNDER THE JURISDICTION OF THE LIBRARIAN OF
CONGRESS AT NO NET COST TO THE FEDERAL GOVERNMENT

SEC. 209. (a) DEFINITION.—In this section, the term “covered employee” means—

(1) an employee of the Library of Congress; or

(2) any other individual who is authorized to park in any parking area under the jurisdiction of the Library of Congress on the Library of Congress buildings and grounds.

(b) AUTHORITY.—

(1) IN GENERAL.—Subject to paragraph (3), funds appropriated to the Architect of the Capitol under the heading “Capitol Power Plant” under the heading “ARCHITECT OF THE CAPITOL” in any fiscal year are available to construct, operate, and maintain on a reimbursable basis battery recharging stations in parking areas under the jurisdiction of the Library of Congress on Library of Congress buildings and grounds for use by privately owned vehicles used by covered employees.

(2) VENDORS AUTHORIZED.—In carrying out paragraph (1), the Architect of the Capitol may use one or more vendors on a commission basis.

(3) APPROVAL OF CONSTRUCTION.—The Architect of the Capitol may construct or direct the construction of battery recharging stations described under paragraph (1) after—

(A) submission of written notice detailing the numbers and locations of the battery recharging stations to the Joint Committee on the Library; and

(B) approval by that Committee.

(c) FEES AND CHARGES.—

(1) IN GENERAL.—Subject to paragraph (2), the Architect of the Capitol shall charge fees or charges for electricity provided to covered employees sufficient to cover the costs to the Architect of the Capitol to carry out this section, including costs to any vendors or other costs associated with maintaining the battery charging stations.

(2) APPROVAL OF FEES OR CHARGES.—The Architect of the Capitol may establish and adjust fees or charges under paragraph (1) after—

(A) submission of written notice detailing the amount of the fee or charge to be established or adjusted to the Joint Committee on the Library; and

(B) approval by that Committee.

(d) DEPOSIT AND AVAILABILITY OF FEES, CHARGES, AND COMMISSIONS.—Any fees, charges, or commissions collected by the Architect of the Capitol under this section shall be—

(1) deposited in the Treasury to the credit of the appropriations account described under subsection (b); and

(2) available for obligation without further appropriation during the fiscal year collected.

(e) REPORTS.—

(1) IN GENERAL.—Not later than 30 days after the end of each fiscal year, the Architect of the Capitol shall submit a report on the financial administration and cost recovery of activities under this section with respect to that fiscal year to the Joint Committee on the Library and the Committees on Appropriations of the House of Representatives and Senate.

(2) AVOIDING SUBSIDY.—

(A) DETERMINATION.—Not later than 3 years after the date of enactment of this Act and every 3 years thereafter, the Architect of the Capitol shall submit a report to the Joint Committee on the Library determining whether covered employees using battery charging stations as authorized by this section are receiving a subsidy from the taxpayers.

(B) MODIFICATION OF RATES AND FEES.—If a determination is made under subparagraph (A) that a subsidy is being received, the Architect of the Capitol shall submit a plan to the Joint Committee on the Library on how to update the program to ensure no subsidy is being received. If the Joint Committee does not act on the plan within 60 days, the Architect of the Capitol shall take appropriate steps to increase rates or fees to ensure reimbursement for the cost of the program consistent with an appropriate schedule for amortization, to be charged to those using the charging stations.

(f) EFFECTIVE DATE.—This section shall apply with respect to fiscal year 2016 and each fiscal year thereafter.

SELF-CERTIFICATION OF PERFORMANCE APPRAISAL SYSTEMS FOR
SENIOR-LEVEL EMPLOYEES

SEC. 210. (a) SELF-CERTIFICATION BY LIBRARIAN OF CONGRESS, ARCHITECT OF THE CAPITOL, AND DIRECTOR OF GOVERNMENT PUBLISHING OFFICE.—Section 5307(d) of title 5, United States Code, is amended—

(1) in paragraph (1)(A), by striking “this title or section 332(f), 603, or 604 of title 28” and inserting “this title, section 332(f), 603, or 604 of title 28, or section 108 of the Legislative Branch Appropriations Act, 1991 (2 U.S.C. 1849)”; and

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

“(5)(A) Notwithstanding any provision of paragraph (3), any regulations, certifications, or other measures necessary to carry out this subsection—

“(i) with respect to employees of the Library of Congress shall be the responsibility of the Librarian of Congress;

“(ii) with respect to employees of the Office of the Architect of the Capitol shall be the responsibility of the Architect of the Capitol; and

“(iii) with respect to employees of the Government Publishing Office shall be the responsibility of the Director of the Government Publishing Office.

“(B) The regulations under this paragraph shall be consistent with those promulgated under paragraph (3).”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

This division may be cited as the “Legislative Branch Appropriations Act, 2016”.

DIVISION J—MILITARY CONSTRUCTION AND VETERANS AFFAIRS, AND RELATED AGENCIES APPROPRIATIONS ACT, 2016

Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2016.

TITLE I

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, ARMY

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, \$663,245,000, to remain available until September 30, 2020: *Provided*, That, of this amount, not to exceed \$109,245,000 shall be available for study, planning, design, architect and engineer services, and host nation support, as authorized by law, unless the Secretary of the Army determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy and Marine Corps as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, \$1,669,239,000, to remain available until September 30, 2020: *Provided*, That, of this amount, not to exceed \$91,649,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of the Navy determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further*, That none of the funds made available under this heading may be obligated for the Townsend Bombing Range Expansion, Phase 2, until the Secretary of the Navy enters into an agreement with local stakeholders that addresses the disposition and management of the timber and forest resources in the proposed areas of expansion.

MILITARY CONSTRUCTION, AIR FORCE

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, \$1,389,185,000, to remain available until September 30, 2020: *Provided*, That of this amount, not to exceed \$89,164,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of

the Air Force determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, \$2,242,867,000, to remain available until September 30, 2020: *Provided*, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction or family housing as the Secretary may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided further*, That of the amount appropriated, not to exceed \$175,404,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further*, That of the funds made available by this title to construct fiscal year 2016 Special Operations Command military construction projects, not to exceed 75 percent shall be available until the Commander of the Special Operations Command has complied with the certification and reporting requirements in the last proviso under the heading “Department of Defense—Military Construction, Defense-Wide” in title I of H.R. 2029, as passed by the House of Representatives on April 30, 2015.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$197,237,000, to remain available until September 30, 2020: *Provided*, That, of the amount appropriated, not to exceed \$20,337,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Director of the Army National Guard determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$138,738,000, to remain available until

September 30, 2020: *Provided*, That, of the amount appropriated, not to exceed \$5,104,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Director of the Air National Guard determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$113,595,000, to remain available until September 30, 2020: *Provided*, That, of the amount appropriated, not to exceed \$9,318,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Chief of the Army Reserve determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, NAVY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$36,078,000, to remain available until September 30, 2020: *Provided*, That, of the amount appropriated, not to exceed \$2,208,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of the Navy determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$65,021,000, to remain available until September 30, 2020: *Provided*, That, of the amount appropriated, not to exceed \$13,400,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Chief of the Air Force Reserve determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

NORTH ATLANTIC TREATY ORGANIZATION

SECURITY INVESTMENT PROGRAM

For the United States share of the cost of the North Atlantic Treaty Organization Security Investment Program for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized by section 2806 of title 10, United States Code, and Military Construction Authorization Acts, \$135,000,000, to remain available until expended.

FAMILY HOUSING CONSTRUCTION, ARMY

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, \$108,695,000, to remain available until September 30, 2020.

FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY

For expenses of family housing for the Army for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, \$375,611,000.

FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, \$16,541,000, to remain available until September 30, 2020.

FAMILY HOUSING OPERATION AND MAINTENANCE, NAVY AND
MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, \$353,036,000.

FAMILY HOUSING CONSTRUCTION, AIR FORCE

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, \$160,498,000, to remain available until September 30, 2020.

FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE

For expenses of family housing for the Air Force for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, \$331,232,000.

FAMILY HOUSING OPERATION AND MAINTENANCE, DEFENSE-WIDE

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for operation and maintenance, leasing, and minor construction, as authorized by law, \$58,668,000.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT

For deposit into the Department of Defense Base Closure Account, established by section 2906(a) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), \$266,334,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

SEC. 101. None of the funds made available in this title shall be expended for payments under a cost-plus-a-fixed-fee contract for construction, where cost estimates exceed \$25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

SEC. 102. Funds made available in this title for construction shall be available for hire of passenger motor vehicles.

SEC. 103. Funds made available in this title for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

SEC. 104. None of the funds made available in this title may be used to begin construction of new bases in the United States for which specific appropriations have not been made.

SEC. 105. None of the funds made available in this title shall be used for purchase of land or land easements in excess of 100 percent of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command, except: (1) where there is a determination of value by a Federal court; (2) purchases negotiated by the Attorney General or the designee of the Attorney General; (3) where the estimated value is less than \$25,000; or (4) as otherwise determined by the Secretary of Defense to be in the public interest.

SEC. 106. None of the funds made available in this title shall be used to: (1) acquire land; (2) provide for site preparation; or (3) install utilities for any family housing, except housing for which funds have been made available in annual Acts making appropriations for military construction.

SEC. 107. None of the funds made available in this title for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations of both Houses of Congress.

SEC. 108. None of the funds made available in this title may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the

current fiscal year may be used to pay real property taxes in any foreign nation.

SEC. 110. None of the funds made available in this title may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations of both Houses of Congress.

SEC. 111. None of the funds made available in this title may be obligated for architect and engineer contracts estimated by the Government to exceed \$500,000 for projects to be accomplished in Japan, in any North Atlantic Treaty Organization member country, or in countries bordering the Arabian Gulf, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. 112. None of the funds made available in this title for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll, or in countries bordering the Arabian Gulf, may be used to award any contract estimated by the Government to exceed \$1,000,000 to a foreign contractor: *Provided*, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 percent: *Provided further*, That this section shall not apply to contract awards for military construction on Kwajalein Atoll for which the lowest responsive and responsible bid is submitted by a Marshallese contractor.

SEC. 113. The Secretary of Defense shall inform the appropriate committees of both Houses of Congress, including the Committees on Appropriations, of plans and scope of any proposed military exercise involving United States personnel 30 days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed \$100,000.

SEC. 114. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.

SEC. 115. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

SEC. 116. Notwithstanding any other provision of law, any funds made available to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were made available, if the funds obligated for such project: (1) are obligated from funds available for military construction projects; and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

(INCLUDING TRANSFER OF FUNDS)

SEC. 117. Subject to 30 days prior notification, or 14 days for a notification provided in an electronic medium pursuant to

sections 480 and 2883 of title 10, United States Code, to the Committees on Appropriations of both Houses of Congress, such additional amounts as may be determined by the Secretary of Defense may be transferred to: (1) the Department of Defense Family Housing Improvement Fund from amounts appropriated for construction in “Family Housing” accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund; or (2) the Department of Defense Military Unaccompanied Housing Improvement Fund from amounts appropriated for construction of military unaccompanied housing in “Military Construction” accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund: *Provided*, That appropriations made available to the Funds shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of subchapter IV of chapter 169 of title 10, United States Code, pertaining to alternative means of acquiring and improving military family housing, military unaccompanied housing, and supporting facilities.

(INCLUDING TRANSFER OF FUNDS)

SEC. 118. In addition to any other transfer authority available to the Department of Defense, amounts may be transferred from the Department of Defense Base Closure Account to the fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) to pay for expenses associated with the Homeowners Assistance Program incurred under 42 U.S.C. 3374(a)(1)(A). Any amounts transferred shall be merged with and be available for the same purposes and for the same time period as the fund to which transferred.

SEC. 119. Notwithstanding any other provision of law, funds made available in this title for operation and maintenance of family housing shall be the exclusive source of funds for repair and maintenance of all family housing units, including general or flag officer quarters: *Provided*, That not more than \$35,000 per unit may be spent annually for the maintenance and repair of any general or flag officer quarters without 30 days prior notification, or 14 days for a notification provided in an electronic medium pursuant to sections 480 and 2883 of title 10, United States Code, to the Committees on Appropriations of both Houses of Congress, except that an after-the-fact notification shall be submitted if the limitation is exceeded solely due to costs associated with environmental remediation that could not be reasonably anticipated at the time of the budget submission: *Provided further*, That the Under Secretary of Defense (Comptroller) is to report annually to the Committees on Appropriations of both Houses of Congress all operation and maintenance expenditures for each individual general or flag officer quarters for the prior fiscal year.

SEC. 120. Amounts contained in the Ford Island Improvement Account established by subsection (h) of section 2814 of title 10, United States Code, are appropriated and shall be available until expended for the purposes specified in subsection (i)(1) of such section or until transferred pursuant to subsection (i)(3) of such section.

10 USC 2821
note.

(INCLUDING TRANSFER OF FUNDS)

SEC. 121. During the 5-year period after appropriations available in this Act to the Department of Defense for military construction and family housing operation and maintenance and construction have expired for obligation, upon a determination that such appropriations will not be necessary for the liquidation of obligations or for making authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations, unobligated balances of such appropriations may be transferred into the appropriation “Foreign Currency Fluctuations, Construction, Defense”, to be merged with and to be available for the same time period and for the same purposes as the appropriation to which transferred.

SEC. 122. (a) Except as provided in subsection (b), none of the funds made available in this Act may be used by the Secretary of the Army to relocate a unit in the Army that—

(1) performs a testing mission or function that is not performed by any other unit in the Army and is specifically stipulated in title 10, United States Code; and

(2) is located at a military installation at which the total number of civilian employees of the Department of the Army and Army contractor personnel employed exceeds 10 percent of the total number of members of the regular and reserve components of the Army assigned to the installation.

(b) EXCEPTION.—Subsection (a) shall not apply if the Secretary of the Army certifies to the congressional defense committees that in proposing the relocation of the unit of the Army, the Secretary complied with Army Regulation 5–10 relating to the policy, procedures, and responsibilities for Army stationing actions.

SEC. 123. Amounts appropriated or otherwise made available in an account funded under the headings in this title may be transferred among projects and activities within the account in accordance with the reprogramming guidelines for military construction and family housing construction contained in Department of Defense Financial Management Regulation 7000.14–R, Volume 3, Chapter 7, of February 2009, as in effect on the date of enactment of this Act.

SEC. 124. None of the funds made available in this title may be obligated or expended for planning and design and construction of projects at Arlington National Cemetery.

(RESCISSION OF FUNDS)

SEC. 125. Of the unobligated balances available for “Military Construction, Army” and “Family Housing Construction, Army”, from prior appropriation Acts (other than appropriations designated by law as being for contingency operations directly related to the global war on terrorism or as an emergency requirement), \$86,420,000 are hereby rescinded.

(RESCISSION OF FUNDS)

SEC. 126. Of the unobligated balances available for “Military Construction, Air Force”, from prior appropriation Acts (other than appropriations designated by law as being for contingency operations directly related to the global war on terrorism or as an emergency requirement), \$46,400,000 are hereby rescinded.

(RESCISSION OF FUNDS)

SEC. 127. Of the unobligated balances available for “Military Construction, Defense-Wide”, from prior appropriation Acts (other than appropriations designated by law as being for contingency operations directly related to the global war on terrorism or as an emergency requirement), \$134,000,000 are hereby rescinded.

SEC. 128. For an additional amount for “Military Construction, Army”, \$34,500,000, to remain available until September 30, 2020: *Provided*, That such funds may only be obligated to carry out construction projects identified in the Department of the Army’s Unfunded Priority List for Fiscal Year 2016 submitted to Congress: *Provided further*, That such funding is for projects as authorized in the National Defense Authorization Act for Fiscal Year 2016: *Provided further*, That, not later than 30 days after enactment of this Act, the Secretary of the Army shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this section.

SEC. 129. For an additional amount for “Military Construction, Navy and Marine Corps”, \$34,500,000, to remain available until September 30, 2020: *Provided*, That such funds may only be obligated to carry out construction projects identified in the Department of the Navy’s Unfunded Priority List for Fiscal Year 2016: *Provided further*, That such funding is for projects as authorized in the National Defense Authorization Act for Fiscal Year 2016: *Provided further*, That, not later than 30 days after enactment of this Act, the Secretary of the Navy shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this section.

SEC. 130. For an additional amount for “Military Construction, Army National Guard”, \$51,300,000, to remain available until September 30, 2020: *Provided*, That such funds may only be obligated to carry out construction projects identified in the Department of the Army’s Unfunded Priority List for Fiscal Year 2016 submitted to Congress: *Provided further*, That such funding is for projects as authorized in the National Defense Authorization Act for Fiscal Year 2016: *Provided further*, That, not later than 30 days after enactment of this Act, the Secretary of the Army shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this section.

SEC. 131. For an additional amount for “Military Construction, Army Reserve”, \$34,200,000, to remain available until September 30, 2020: *Provided*, That such funds may only be obligated to carry out construction projects identified in the Department of the Army’s Unfunded Priority List for Fiscal Year 2016 submitted to Congress: *Provided further*, That such funding is for projects as authorized in the National Defense Authorization Act for Fiscal Year 2016: *Provided further*, That, not later than 30 days after enactment of this Act, the Secretary of the Army shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this section.

SEC. 132. Notwithstanding section 124, for an additional amount for “Military Construction, Army” in this title, \$30,000,000 is provided for advances to the Federal Highway Administration, Department of Transportation, for construction of access roads as authorized by section 210 of title 23, United States Code.

SEC. 133. For an additional amount for “Military Construction, Air Force”, \$21,000,000, to remain available until September 30, 2020: *Provided*, That such funds may only be obligated to carry out construction projects identified in the Department of the Air Force’s Unfunded Priority List for Fiscal Year 2016 submitted to Congress: *Provided further*, That such funding is for projects as authorized in the National Defense Authorization Act for Fiscal Year 2016: *Provided further*, That not later than 30 days after enactment of this Act, the Secretary of the Air Force shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this section.

SEC. 134. For an additional amount for “Military Construction, Air National Guard”, \$6,100,000, to remain available until September 30, 2020: *Provided*, That such funds may only be obligated to carry out construction projects identified in the Department of the Air Force’s Unfunded Priority List for Fiscal Year 2016 submitted to Congress: *Provided further*, That such funding is for projects as authorized in the National Defense Authorization Act for Fiscal Year 2016: *Provided further*, That not later than 30 days after enactment of this Act, the Secretary of the Air Force shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this section.

SEC. 135. For the purposes of this Act, the term “congressional defense committees” means the Committees on Armed Services of the House of Representatives and the Senate, the Subcommittee on Military Construction and Veterans Affairs of the Committee on Appropriations of the Senate, and the Subcommittee on Military Construction and Veterans Affairs of the Committee on Appropriations of the House of Representatives.

(RESCISSION OF FUNDS)

SEC. 136. Of the unobligated balances made available in prior appropriation Acts for the fund established in section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) (other than appropriations designated by law as being for contingency operations directly related to the global war on terrorism or as an emergency requirement), \$105,000,000 are hereby rescinded.

SEC. 137. For an additional amount for “Military Construction, Air Force Reserve”, \$10,400,000, to remain available until September 30, 2020: *Provided*, That such funds may only be obligated to carry out construction projects identified in the Department of the Air Force’s Unfunded Priority List for Fiscal Year 2016 submitted to Congress: *Provided further*, That such funding is for projects as authorized in the National Defense Authorization Act for Fiscal Year 2016: *Provided further*, That not later than 30 days after enactment of this Act, the Secretary of the Air Force shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this section.

SEC. 138. Notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this or any other Act may be used to consolidate or relocate any element of a United States Air Force Rapid Engineer Deployable Heavy Operational Repair Squadron Engineer (RED HORSE) outside of

the United States until the Secretary of the Air Force (1) completes an analysis and comparison of the cost and infrastructure investment required to consolidate or relocate a RED HORSE squadron outside of the United States versus within the United States; (2) provides to the Committees on Appropriations of both Houses of Congress (“the Committees”) a report detailing the findings of the cost analysis; and (3) certifies in writing to the Committees that the preferred site for the consolidation or relocation yields the greatest savings for the Air Force: *Provided*, That the term “United States” in this section does not include any territory or possession of the United States.

SEC. 139. None of the funds made available by this Act may be used to carry out the closure or transfer of the United States Naval Station, Guantánamo Bay, Cuba.

TITLE II

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by section 107 and chapters 11, 13, 18, 51, 53, 55, and 61 of title 38, United States Code; pension benefits to or on behalf of veterans as authorized by chapters 15, 51, 53, 55, and 61 of title 38, United States Code; and burial benefits, the Reinstated Entitlement Program for Survivors, emergency and other officers’ retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of title IV of the Servicemembers Civil Relief Act (50 U.S.C. App. 541 et seq.) and for other benefits as authorized by sections 107, 1312, 1977, and 2106, and chapters 23, 51, 53, 55, and 61 of title 38, United States Code, \$162,948,673,000, to remain available until expended, of which \$86,083,128,000 shall become available on October 1, 2016: *Provided*, That not to exceed \$15,562,000 of the amount made available for fiscal year 2016 and \$16,021,000 of the amount made available for fiscal year 2017 under this heading shall be reimbursed to “General Operating Expenses, Veterans Benefits Administration”, and “Information Technology Systems” for necessary expenses in implementing the provisions of chapters 51, 53, and 55 of title 38, United States Code, the funding source for which is specifically provided as the “Compensation and Pensions” appropriation: *Provided further*, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to “Medical Care Collections Fund” to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by chapters 21, 30, 31, 33, 34, 35, 36, 39, 41, 51, 53, 55, and 61 of title 38, United

States Code, \$30,654,185,000, to remain available until expended, of which \$16,340,828,000 shall become available on October 1, 2016: *Provided*, That expenses for rehabilitation program services and assistance which the Secretary is authorized to provide under subsection (a) of section 3104 of title 38, United States Code, other than under paragraphs (1), (2), (5), and (11) of that subsection, shall be charged to this account.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by chapters 19 and 21, title 38, United States Code, \$169,080,000, to remain available until expended, of which \$91,920,000 shall become available on October 1, 2016.

VETERANS HOUSING BENEFIT PROGRAM FUND

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the program, as authorized by subchapters I through III of chapter 37 of title 38, United States Code: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That, during fiscal year 2016, within the resources available, not to exceed \$500,000 in gross obligations for direct loans are authorized for specially adapted housing loans.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, \$164,558,000.

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, \$31,000, as authorized by chapter 31 of title 38, United States Code: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That funds made available under this heading are available to subsidize gross obligations for the principal amount of direct loans not to exceed \$2,952,000.

In addition, for administrative expenses necessary to carry out the direct loan program, \$367,000, which may be paid to the appropriation for "General Operating Expenses, Veterans Benefits Administration".

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

For administrative expenses to carry out the direct loan program authorized by subchapter V of chapter 37 of title 38, United States Code, \$1,134,000.

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES

For necessary expenses for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of

the Department of Veterans Affairs and veterans described in section 1705(a) of title 38, United States Code, including care and treatment in facilities not under the jurisdiction of the Department, and including medical supplies and equipment, bioengineering services, food services, and salaries and expenses of healthcare employees hired under title 38, United States Code, aid to State homes as authorized by section 1741 of title 38, United States Code, assistance and support services for caregivers as authorized by section 1720G of title 38, United States Code, loan repayments authorized by section 604 of the Caregivers and Veterans Omnibus Health Services Act of 2010 (Public Law 111–163; 124 Stat. 1174; 38 U.S.C. 7681 note), and hospital care and medical services authorized by section 1787 of title 38, United States Code; \$2,369,158,000, which shall be in addition to funds previously appropriated under this heading that became available on October 1, 2015; and, in addition, \$51,673,000,000, plus reimbursements, shall become available on October 1, 2016, and shall remain available until September 30, 2017: *Provided*, That, of the amount made available on October 1, 2016, under this heading, \$1,400,000,000 shall remain available until September 30, 2018: *Provided further*, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall establish a priority for the provision of medical treatment for veterans who have service-connected disabilities, lower income, or have special needs: *Provided further*, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall give priority funding for the provision of basic medical benefits to veterans in enrollment priority groups 1 through 6: *Provided further*, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs may authorize the dispensing of prescription drugs from Veterans Health Administration facilities to enrolled veterans with privately written prescriptions based on requirements established by the Secretary: *Provided further*, That the implementation of the program described in the previous proviso shall incur no additional cost to the Department of Veterans Affairs: *Provided further*, That, of the amount made available on October 1, 2016, under this heading, not less than \$1,500,000,000 shall be available for Hepatitis C Virus (HCV) clinical treatments, including clinical treatments with modern medications that have significantly higher cure rates than older medications, are easier to prescribe, and have fewer and milder side effects: *Provided further*, That the Secretary of Veterans Affairs shall ensure that sufficient amounts appropriated under this heading for medical supplies and equipment are available for the acquisition of gender appropriate prosthetics.

MEDICAL SUPPORT AND COMPLIANCE

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities; and administrative and legal expenses of the Department for collecting and recovering amounts owed the Department as authorized under chapter 17 of title 38, United States Code, and the Federal Medical Care Recovery Act (42 U.S.C. 2651 et seq.), \$6,524,000,000, plus reimbursements, shall become available on October 1, 2016, and shall remain available until September 30, 2017: *Provided*, That, of the amount made

available on October 1, 2016, under this heading, \$100,000,000 shall remain available until September 30, 2018.

MEDICAL FACILITIES

For necessary expenses for the maintenance and operation of hospitals, nursing homes, domiciliary facilities, and other necessary facilities of the Veterans Health Administration; for administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction, and renovation of any facility under the jurisdiction or for the use of the Department; for oversight, engineering, and architectural activities not charged to project costs; for repairing, altering, improving, or providing facilities in the several hospitals and homes under the jurisdiction of the Department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; for leases of facilities; and for laundry services; \$105,132,000, which shall be in addition to funds previously appropriated under this heading that became available on October 1, 2015; and, in addition, \$5,074,000,000, plus reimbursements, shall become available on October 1, 2016, and shall remain available until September 30, 2017: *Provided*, That, of the amount made available on October 1, 2016, under this heading, \$250,000,000 shall remain available until September 30, 2018.

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by chapter 73 of title 38, United States Code, \$630,735,000, plus reimbursements, shall remain available until September 30, 2017: *Provided*, That the Secretary of Veterans Affairs shall ensure that sufficient amounts appropriated under this heading are available for gender appropriate prosthetic research and toxic exposure research.

NATIONAL CEMETERY ADMINISTRATION

For necessary expenses of the National Cemetery Administration for operations and maintenance, not otherwise provided for, including uniforms or allowances therefor; cemeterial expenses as authorized by law; purchase of one passenger motor vehicle for use in cemeterial operations; hire of passenger motor vehicles; and repair, alteration or improvement of facilities under the jurisdiction of the National Cemetery Administration, \$271,220,000, of which not to exceed \$26,600,000 shall remain available until September 30, 2017.

DEPARTMENTAL ADMINISTRATION

GENERAL ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including administrative expenses in support of Department-wide capital planning, management and policy activities, uniforms, or allowances therefor; not to exceed \$25,000 for official reception and representation expenses;

hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, \$336,659,000, of which not to exceed \$10,000,000 shall remain available until September 30, 2017: *Provided*, That funds provided under this heading may be transferred to “General Operating Expenses, Veterans Benefits Administration”.

BOARD OF VETERANS APPEALS

For necessary operating expenses of the Board of Veterans Appeals, \$109,884,000, of which not to exceed \$10,788,000 shall remain available until September 30, 2017.

GENERAL OPERATING EXPENSES, VETERANS BENEFITS
ADMINISTRATION

For necessary operating expenses of the Veterans Benefits Administration, not otherwise provided for, including hire of passenger motor vehicles, reimbursement of the General Services Administration for security guard services, and reimbursement of the Department of Defense for the cost of overseas employee mail, \$2,707,734,000: *Provided*, That expenses for services and assistance authorized under paragraphs (1), (2), (5), and (11) of section 3104(a) of title 38, United States Code, that the Secretary of Veterans Affairs determines are necessary to enable entitled veterans: (1) to the maximum extent feasible, to become employable and to obtain and maintain suitable employment; or (2) to achieve maximum independence in daily living, shall be charged to this account: *Provided further*, That, of the funds made available under this heading, not to exceed \$160,000,000 shall remain available until September 30, 2017.

INFORMATION TECHNOLOGY SYSTEMS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for information technology systems and telecommunications support, including developmental information systems and operational information systems; for pay and associated costs; and for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including contractual costs associated with operations authorized by section 3109 of title 5, United States Code, \$4,133,363,000, plus reimbursements: *Provided*, That \$1,115,757,000 shall be for pay and associated costs, of which not to exceed \$34,800,000 shall remain available until September 30, 2017: *Provided further*, That \$2,512,863,000 shall be for operations and maintenance, of which not to exceed \$175,000,000 shall remain available until September 30, 2017: *Provided further*, That \$504,743,000 shall be for information technology systems development, modernization, and enhancement, and shall remain available until September 30, 2017: *Provided further*, That amounts made available for information technology systems development, modernization, and enhancement may not be obligated or expended until the Secretary of Veterans Affairs or the Chief Information Officer of the Department of Veterans Affairs submits to the Committees on Appropriations of both Houses of Congress a certification of the amounts, in parts or in full, to be obligated and

expended for each development project: *Provided further*, That amounts made available for salaries and expenses, operations and maintenance, and information technology systems development, modernization, and enhancement may be transferred among the three subaccounts after the Secretary of Veterans Affairs requests from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued: *Provided further*, That amounts made available for the “Information Technology Systems” account for development, modernization, and enhancement may be transferred among projects or to newly defined projects: *Provided further*, That no project may be increased or decreased by more than \$1,000,000 of cost prior to submitting a request to the Committees on Appropriations of both Houses of Congress to make the transfer and an approval is issued, or absent a response, a period of 30 days has elapsed: *Provided further*, That funds under this heading may be used by the Interagency Program Office through the Department of Veterans Affairs to define data standards, code sets, and value sets used to enable interoperability: *Provided further*, That, of the funds made available for information technology systems development, modernization, and enhancement for VistA Evolution, not more than 25 percent may be obligated or expended until the Secretary of Veterans Affairs submits to the Committees on Appropriations of both Houses of Congress, and such Committees approve, a report that describes: (1) the status of and changes to the VistA Evolution program plan dated March 24, 2014 (hereinafter referred to as the “Plan”), the VistA 4 product roadmap dated February 26, 2015 (“Roadmap”), and the VistA 4 Incremental Life Cycle Cost Estimate, dated October 26, 2014; (2) any changes to the scope or functionality of projects within the VistA Evolution program as established in the Plan; (3) actual program costs incurred to date; (4) progress in meeting the schedule milestones that have been established in the Plan; (5) a Project Management Accountability System (PMAS) Dashboard Progress report that identifies each VistA Evolution project being tracked through PMAS, what functionality it is intended to provide, and what evaluation scores it has received throughout development; (6) the definition being used for interoperability between the electronic health record systems of the Department of Defense and the Department of Veterans Affairs, the metrics to measure the extent of interoperability, the milestones and timeline associated with achieving interoperability, and the baseline measurements associated with interoperability; (7) progress toward developing and implementing all components and levels of interoperability, including semantic interoperability; (8) the change management tools in place to facilitate the implementation of VistA Evolution and interoperability; and (9) any changes to the governance structure for the VistA Evolution program and its chain of decisionmaking authority: *Provided further*, That the funds made available under this heading for information technology systems development, modernization, and enhancement, shall be for the projects, and in the amounts, specified under this heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, to include information technology, in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), \$136,766,000, of which not to exceed \$12,676,000 shall remain available until September 30, 2017.

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending, and improving any of the facilities, including parking projects, under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406 and chapter 81 of title 38, United States Code, not otherwise provided for, including planning, architectural and engineering services, construction management services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is more than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, or where funds for a project were made available in a previous major project appropriation, \$1,243,800,000, of which \$1,163,800,000 shall remain available until September 30, 2020, and of which \$80,000,000 shall remain available until expended: *Provided*, That except for advance planning activities, including needs assessments which may or may not lead to capital investments, and other capital asset management related activities, including portfolio development and management activities, and investment strategy studies funded through the advance planning fund and the planning and design activities funded through the design fund, including needs assessments which may or may not lead to capital investments, and salaries and associated costs of the resident engineers who oversee those capital investments funded through this account, and funds provided for the purchase of land for the National Cemetery Administration through the land acquisition line item, none of the funds made available under this heading shall be used for any project which has not been approved by the Congress in the budgetary process: *Provided further*, That funds made available under this heading for fiscal year 2016, for each approved project shall be obligated: (1) by the awarding of a construction documents contract by September 30, 2016; and (2) by the awarding of a construction contract by September 30, 2017: *Provided further*, That the Secretary of Veterans Affairs shall promptly submit to the Committees on Appropriations of both Houses of Congress a written report on any approved major construction project for which obligations are not incurred within the time limitations established above: *Provided further*, That, of the amount made available under this heading, \$649,000,000 for Veterans Health Administration major construction projects shall not be available until the Department of Veterans Affairs—

(1) enters into an agreement with an appropriate non-Department of Veterans Affairs Federal entity to serve as the design and/or construction agent for any Veterans Health Administration major construction project with a Total Estimated Cost of \$100,000,000 or above by providing full project management services, including management of the project

design, acquisition, construction, and contract changes, consistent with section 502 of Public Law 114–58; and

(2) certifies in writing that such an agreement is executed and intended to minimize or prevent subsequent major construction project cost overruns and provides a copy of the agreement entered into and any required supplementary information to the Committees on Appropriations of both Houses of Congress.

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities, including parking projects, under the jurisdiction or for the use of the Department of Veterans Affairs, including planning and assessments of needs which may lead to capital investments, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406 and chapter 81 of title 38, United States Code, not otherwise provided for, where the estimated cost of a project is equal to or less than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, \$406,200,000, to remain available until September 30, 2020, along with unobligated balances of previous “Construction, Minor Projects” appropriations which are hereby made available for any project where the estimated cost is equal to or less than the amount set forth in such section: *Provided*, That funds made available under this heading shall be for: (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the Department which are necessary because of loss or damage caused by any natural disaster or catastrophe; and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify, or alter existing hospital, nursing home, and domiciliary facilities in State homes, for furnishing care to veterans as authorized by sections 8131 through 8137 of title 38, United States Code, \$120,000,000, to remain available until expended.

GRANTS FOR CONSTRUCTION OF VETERANS CEMETERIES

For grants to assist States and tribal organizations in establishing, expanding, or improving veterans cemeteries as authorized by section 2408 of title 38, United States Code, \$46,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 201. Any appropriation for fiscal year 2016 for “Compensation and Pensions”, “Readjustment Benefits”, and “Veterans Insurance and Indemnities” may be transferred as necessary to any

other of the mentioned appropriations: *Provided*, That, before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and such Committees issue an approval, or absent a response, a period of 30 days has elapsed.

(INCLUDING TRANSFER OF FUNDS)

SEC. 202. Amounts made available for the Department of Veterans Affairs for fiscal year 2016, in this or any other Act, under the “Medical Services”, “Medical Support and Compliance”, and “Medical Facilities” accounts may be transferred among the accounts: *Provided*, That any transfers between the “Medical Services” and “Medical Support and Compliance” accounts of 1 percent or less of the total amount appropriated to the account in this or any other Act may take place subject to notification from the Secretary of Veterans Affairs to the Committees on Appropriations of both Houses of Congress of the amount and purpose of the transfer: *Provided further*, That any transfers between the “Medical Services” and “Medical Support and Compliance” accounts in excess of 1 percent, or exceeding the cumulative 1 percent for the fiscal year, may take place only after the Secretary requests from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued: *Provided further*, That any transfers to or from the “Medical Facilities” account may take place only after the Secretary requests from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

SEC. 203. Appropriations available in this title for salaries and expenses shall be available for services authorized by section 3109 of title 5, United States Code; hire of passenger motor vehicles; lease of a facility or land or both; and uniforms or allowances therefore, as authorized by sections 5901 through 5902 of title 5, United States Code.

SEC. 204. No appropriations in this title (except the appropriations for “Construction, Major Projects”, and “Construction, Minor Projects”) shall be available for the purchase of any site for or toward the construction of any new hospital or home.

SEC. 205. No appropriations in this title shall be available for hospitalization or examination of any persons (except beneficiaries entitled to such hospitalization or examination under the laws providing such benefits to veterans, and persons receiving such treatment under sections 7901 through 7904 of title 5, United States Code, or the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)), unless reimbursement of the cost of such hospitalization or examination is made to the “Medical Services” account at such rates as may be fixed by the Secretary of Veterans Affairs.

SEC. 206. Appropriations available in this title for “Compensation and Pensions”, “Readjustment Benefits”, and “Veterans Insurance and Indemnities” shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 2015.

SEC. 207. Appropriations available in this title shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from sections 3328(a), 3334, and 3712(a) of title 31, United States Code, except that if such obligations are from trust fund accounts they shall be payable only from “Compensation and Pensions”.

(INCLUDING TRANSFER OF FUNDS)

SEC. 208. Notwithstanding any other provision of law, during fiscal year 2016, the Secretary of Veterans Affairs shall, from the National Service Life Insurance Fund under section 1920 of title 38, United States Code, the Veterans’ Special Life Insurance Fund under section 1923 of title 38, United States Code, and the United States Government Life Insurance Fund under section 1955 of title 38, United States Code, reimburse the “General Operating Expenses, Veterans Benefits Administration” and “Information Technology Systems” accounts for the cost of administration of the insurance programs financed through those accounts: *Provided*, That reimbursement shall be made only from the surplus earnings accumulated in such an insurance program during fiscal year 2016 that are available for dividends in that program after claims have been paid and actuarially determined reserves have been set aside: *Provided further*, That if the cost of administration of such an insurance program exceeds the amount of surplus earnings accumulated in that program, reimbursement shall be made only to the extent of such surplus earnings: *Provided further*, That the Secretary shall determine the cost of administration for fiscal year 2016 which is properly allocable to the provision of each such insurance program and to the provision of any total disability income insurance included in that insurance program.

SEC. 209. Amounts deducted from enhanced-use lease proceeds to reimburse an account for expenses incurred by that account during a prior fiscal year for providing enhanced-use lease services, may be obligated during the fiscal year in which the proceeds are received.

(INCLUDING TRANSFER OF FUNDS)

SEC. 210. Funds available in this title or funds for salaries and other administrative expenses shall also be available to reimburse the Office of Resolution Management of the Department of Veterans Affairs and the Office of Employment Discrimination Complaint Adjudication under section 319 of title 38, United States Code, for all services provided at rates which will recover actual costs but not to exceed \$43,700,000 for the Office of Resolution Management and \$3,400,000 for the Office of Employment Discrimination Complaint Adjudication: *Provided*, That payments may be made in advance for services to be furnished based on estimated costs: *Provided further*, That amounts received shall be credited to the “General Administration” and “Information Technology Systems” accounts for use by the office that provided the service.

(TRANSFER OF FUNDS)

SEC. 211. Of the amounts made available to the Department of Veterans Affairs for fiscal year 2016 for the Office of Rural Health under the heading “Medical Services”, including any advance

appropriation for fiscal year 2016 provided in prior appropriation Acts, up to \$20,000,000 may be transferred to and merged with funds appropriated under the heading “Grants for Construction of State Extended Care Facilities”.

SEC. 212. No funds of the Department of Veterans Affairs shall be available for hospital care, nursing home care, or medical services provided to any person under chapter 17 of title 38, United States Code, for a non-service-connected disability described in section 1729(a)(2) of such title, unless that person has disclosed to the Secretary of Veterans Affairs, in such form as the Secretary may require, current, accurate third-party reimbursement information for purposes of section 1729 of such title: *Provided*, That the Secretary may recover, in the same manner as any other debt due the United States, the reasonable charges for such care or services from any person who does not make such disclosure as required: *Provided further*, That any amounts so recovered for care or services provided in a prior fiscal year may be obligated by the Secretary during the fiscal year in which amounts are received.

(INCLUDING TRANSFER OF FUNDS)

SEC. 213. Notwithstanding any other provision of law, proceeds or revenues derived from enhanced-use leasing activities (including disposal) may be deposited into the “Construction, Major Projects” and “Construction, Minor Projects” accounts and be used for construction (including site acquisition and disposition), alterations, and improvements of any medical facility under the jurisdiction or for the use of the Department of Veterans Affairs. Such sums as realized are in addition to the amount provided for in “Construction, Major Projects” and “Construction, Minor Projects”.

SEC. 214. Amounts made available under “Medical Services” are available—

(1) for furnishing recreational facilities, supplies, and equipment; and

(2) for funeral expenses, burial expenses, and other expenses incidental to funerals and burials for beneficiaries receiving care in the Department.

(INCLUDING TRANSFER OF FUNDS)

SEC. 215. Such sums as may be deposited to the Medical Care Collections Fund pursuant to section 1729A of title 38, United States Code, may be transferred to “Medical Services”, to remain available until expended for the purposes of that account.

SEC. 216. The Secretary of Veterans Affairs may enter into agreements with Indian tribes and tribal organizations which are party to the Alaska Native Health Compact with the Indian Health Service, and Indian tribes and tribal organizations serving rural Alaska which have entered into contracts with the Indian Health Service under the Indian Self Determination and Educational Assistance Act, to provide healthcare, including behavioral health and dental care. The Secretary shall require participating veterans and facilities to comply with all appropriate rules and regulations, as established by the Secretary. The term “rural Alaska” shall mean those lands sited within the external boundaries of the Alaska Native regions specified in sections 7(a)(1)–(4) and (7)–(12) of the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1606), and those lands within the Alaska Native regions specified in

sections 7(a)(5) and 7(a)(6) of the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1606), which are not within the boundaries of the municipality of Anchorage, the Fairbanks North Star Borough, the Kenai Peninsula Borough or the Matanuska Susitna Borough.

(INCLUDING TRANSFER OF FUNDS)

SEC. 217. Such sums as may be deposited to the Department of Veterans Affairs Capital Asset Fund pursuant to section 8118 of title 38, United States Code, may be transferred to the “Construction, Major Projects” and “Construction, Minor Projects” accounts, to remain available until expended for the purposes of these accounts.

SEC. 218. None of the funds made available in this title may be used to implement any policy prohibiting the Directors of the Veterans Integrated Services Networks from conducting outreach or marketing to enroll new veterans within their respective Networks.

SEC. 219. Not later than 30 days after the end of each fiscal quarter, the Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a report on the financial status of the Department of Veterans Affairs for the preceding quarter: *Provided*, That, at a minimum, the report shall include the direction contained in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act) in the paragraph entitled “Quarterly Report”, under the heading “General Administration”.

(INCLUDING TRANSFER OF FUNDS)

SEC. 220. Amounts made available under the “Medical Services”, “Medical Support and Compliance”, “Medical Facilities”, “General Operating Expenses, Veterans Benefits Administration”, “General Administration”, and “National Cemetery Administration” accounts for fiscal year 2016 may be transferred to or from the “Information Technology Systems” account: *Provided*, That such transfers may not result in a more than 10 percent aggregate increase in the total amount made available by this Act for the “Information Technology Systems” account: *Provided further*, That, before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

SEC. 221. None of the funds appropriated or otherwise made available by this Act or any other Act for the Department of Veterans Affairs may be used in a manner that is inconsistent with: (1) section 842 of the Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006 (Public Law 109–115; 119 Stat. 2506); or (2) section 8110(a)(5) of title 38, United States Code.

(INCLUDING TRANSFER OF FUNDS)

SEC. 222. Of the amounts appropriated to the Department of Veterans Affairs for fiscal year 2016 for “Medical Services”,

“Medical Support and Compliance”, “Medical Facilities”, “Construction, Minor Projects”, and “Information Technology Systems”, up to \$267,521,000, plus reimbursements, may be transferred to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund, established by section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 3571) and may be used for operation of the facilities designated as combined Federal medical facilities as described by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500): *Provided*, That additional funds may be transferred from accounts designated in this section to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund upon written notification by the Secretary of Veterans Affairs to the Committees on Appropriations of both Houses of Congress: *Provided further*, That section 223 of Title II of Division I of Public Law 113–235 is repealed.

(INCLUDING TRANSFER OF FUNDS)

SEC. 223. Of the amounts appropriated to the Department of Veterans Affairs which become available on October 1, 2016, for “Medical Services”, “Medical Support and Compliance”, and “Medical Facilities”, up to \$265,675,000, plus reimbursements, may be transferred to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund, established by section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 3571) and may be used for operation of the facilities designated as combined Federal medical facilities as described by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500): *Provided*, That additional funds may be transferred from accounts designated in this section to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund upon written notification by the Secretary of Veterans Affairs to the Committees on Appropriations of both Houses of Congress.

(INCLUDING TRANSFER OF FUNDS)

SEC. 224. Such sums as may be deposited to the Medical Care Collections Fund pursuant to section 1729A of title 38, United States Code, for healthcare provided at facilities designated as combined Federal medical facilities as described by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500) shall also be available: (1) for transfer to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund, established by section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 3571); and (2) for operations of the facilities designated as combined Federal medical facilities as described by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500).

(INCLUDING TRANSFER OF FUNDS)

SEC. 225. Of the amounts available in this title for “Medical Services”, “Medical Support and Compliance”, and “Medical Facilities”, a minimum of \$15,000,000 shall be transferred to the DOD–VA Health Care Sharing Incentive Fund, as authorized by section 8111(d) of title 38, United States Code, to remain available until expended, for any purpose authorized by section 8111 of title 38, United States Code.

(INCLUDING RESCISSIONS OF FUNDS)

SEC. 226. (a) Of the funds appropriated in title II of division I of Public Law 113–235, the following amounts which became available on October 1, 2015, are hereby rescinded from the following accounts in the amounts specified:

(1) “Department of Veterans Affairs, Medical Services”, \$1,400,000,000.

(2) “Department of Veterans Affairs, Medical Support and Compliance”, \$100,000,000.

(3) “Department of Veterans Affairs, Medical Facilities”, \$250,000,000.

(b) In addition to amounts provided elsewhere in this Act, an additional amount is appropriated to the following accounts in the amounts specified to remain available until September 30, 2017:

(1) “Department of Veterans Affairs, Medical Services”, \$1,400,000,000.

(2) “Department of Veterans Affairs, Medical Support and Compliance”, \$100,000,000.

(3) “Department of Veterans Affairs, Medical Facilities”, \$250,000,000.

SEC. 227. The Secretary of Veterans Affairs shall notify the Committees on Appropriations of both Houses of Congress of all bid savings in a major construction project that total at least \$5,000,000, or 5 percent of the programmed amount of the project, whichever is less: *Provided*, That such notification shall occur within 14 days of a contract identifying the programmed amount: *Provided further*, That the Secretary shall notify the Committees on Appropriations of both Houses of Congress 14 days prior to the obligation of such bid savings and shall describe the anticipated use of such savings.

SEC. 228. None of the funds made available for “Construction, Major Projects” may be used for a project in excess of the scope specified for that project in the original justification data provided to the Congress as part of the request for appropriations unless the Secretary of Veterans Affairs receives approval from the Committees on Appropriations of both Houses of Congress.

SEC. 229. The Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a quarterly report that contains the following information from each Veterans Benefits Administration Regional Office: (1) the average time to complete a disability compensation claim; (2) the number of claims pending more than 125 days, disaggregated by initial and supplemental claims; (3) error rates; (4) the number of claims personnel; (5) any corrective action taken within the quarter to address poor performance; (6) training programs undertaken; and

(7) the number and results of Quality Review Team audits: *Provided*, That each quarterly report shall be submitted no later than 30 days after the end of the respective quarter.

SEC. 230. Of the funds provided to the Department of Veterans Affairs for fiscal year 2016 for “Medical Services” and “Medical Support and Compliance”, a maximum of \$5,000,000 may be obligated from the “Medical Services” account and a maximum of \$154,596,000 may be obligated from the “Medical Support and Compliance” account for the VistA Evolution and electronic health record interoperability projects: *Provided*, That funds in addition to these amounts may be obligated for the VistA Evolution and electronic health record interoperability projects upon written notification by the Secretary of Veterans Affairs to the Committees on Appropriations of both Houses of Congress.

SEC. 231. The Secretary of Veterans Affairs shall provide written notification to the Committees on Appropriations of both Houses of Congress 15 days prior to organizational changes which result in the transfer of 25 or more full-time equivalents from one organizational unit of the Department of Veterans Affairs to another.

SEC. 232. The Secretary of Veterans Affairs shall provide on a quarterly basis to the Committees on Appropriations of both Houses of Congress notification of any single national outreach and awareness marketing campaign in which obligations exceed \$2,000,000.

SEC. 233. None of the funds available to the Department of Veterans Affairs, in this or any other Act, may be used to replace the current system by which the Veterans Integrated Service Networks select and contract for diabetes monitoring supplies and equipment.

(INCLUDING TRANSFER OF FUNDS)

SEC. 234. The Secretary of Veterans Affairs, upon determination that such action is necessary to address needs of the Veterans Health Administration, may transfer to the “Medical Services” account any discretionary appropriations made available for fiscal year 2016 in this title (except appropriations made to the “General Operating Expenses, Veterans Benefits Administration” account) or any discretionary unobligated balances within the Department of Veterans Affairs, including those appropriated for fiscal year 2016, that were provided in advance by appropriations Acts: *Provided*, That transfers shall be made only with the approval of the Office of Management and Budget: *Provided further*, That the transfer authority provided in this section is in addition to any other transfer authority provided by law: *Provided further*, That no amounts may be transferred from amounts that were designated by Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such authority to transfer may not be used unless for higher priority items, based on emergent healthcare requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by Congress: *Provided further*, That, upon determination that all or part of the funds transferred from an appropriation are not necessary, such amounts may be transferred back to that appropriation and shall be available for the

same purposes as originally appropriated: *Provided further*, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and receive approval of that request.

(INCLUDING TRANSFER OF FUNDS)

SEC. 235. Amounts made available for the Department of Veterans Affairs for fiscal year 2016, under the “Board of Veterans Appeals” and the “General Operating Expenses, Veterans Benefits Administration” accounts may be transferred between such accounts: *Provided*, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and receive approval from such Committees for such request.

(RESCISSION OF FUNDS)

SEC. 236. Of the unobligated balances available within the “DOD–VA Health Care Sharing Incentive Fund”, \$30,000,000 are hereby rescinded.

SEC. 237. The Secretary of Veterans Affairs may not reprogram funds among major construction projects or programs if such instance of reprogramming will exceed \$5,000,000, unless such reprogramming is approved by the Committees on Appropriations of both Houses of Congress.

SEC. 238. Section 2302(a)(2)(A)(viii) of title 5, United States Code, is amended by inserting “or under title 38” after “of this title”.

SEC. 239. Section 312 of title 38, United States Code, is amended by adding at the end the following new subsection:

“(c)(1) Whenever the Inspector General, in carrying out the duties and responsibilities established under the Inspector General Act of 1978 (5 U.S.C. App.), issues a work product that makes a recommendation or otherwise suggests corrective action, the Inspector General shall—

“(A) submit the work product to—

“(i) the Secretary;

“(ii) the Committee on Veterans’ Affairs, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate;

“(iii) the Committee on Veterans’ Affairs, the Committee on Oversight and Government Reform, and the Committee on Appropriations of the House of Representatives;

“(iv) if the work product was initiated upon request by an individual or entity other than the Inspector General, that individual or entity; and

“(v) any Member of Congress upon request; and

“(B) the Inspector General shall submit all final work products to—

“(i) if the work product was initiated upon request by an individual or entity other than the Inspector General, that individual or entity; and

“(ii) any Member of Congress upon request; and

“(C) not later than 3 days after the work product is submitted in final form to the Secretary, post the work product on the Internet website of the Inspector General.

“(2) Nothing in this subsection shall be construed to authorize the public disclosure of information that is specifically prohibited from disclosure by any other provision of law.”

SEC. 240. None of the funds provided in this Act may be used to pay the salary of any individual who (a) was the Executive Director of the Office of Acquisition, Logistics and Construction, and (b) who retired from Federal service in the midst of an investigation, initiated by the Department of Veterans Affairs, into delays and cost overruns associated with the design and construction of the new medical center in Aurora, Colorado.

SEC. 241. None of the funds appropriated in this or prior appropriations Acts or otherwise made available to the Department of Veterans Affairs may be used to transfer any amounts from the Filipino Veterans Equity Compensation Fund to any other account within the Department of Veterans Affairs.

SEC. 242. None of the amounts appropriated or otherwise made available by title II may be used to carry out the Home Marketing Incentive Program of the Department of Veterans Affairs or to carry out the Appraisal Value Offer Program of the Department with respect to an employee of the Department in a senior executive position (as defined in section 713(g) of title 38, United States Code): *Provided*, That the Secretary may waive this prohibition with respect to the use of the Home Marketing Incentive Program and Appraisal Value Offer Program to recruit for a position for which recruitment or retention of qualified personnel is likely to be difficult in the absence of the use of these incentives: *Provided further*, That within 15 days of a determination by the Secretary to waive this prohibition, the Secretary shall submit written notification thereof to the Committees on Appropriations of both Houses of Congress containing the reasons and identifying the position title for which the waiver has been issued.

(INCLUDING TRANSFER OF FUNDS)

SEC. 243. There is hereby established in the Treasury of the United States a fund to be known as the “Recurring Expenses Transformational Fund” (the Fund): *Provided*, That unobligated balances of expired discretionary funds appropriated in this or any succeeding fiscal year from the General Fund of the Treasury to the Department of Veterans Affairs by this or any other Act may be transferred (at the end of the fifth fiscal year after the last fiscal year for which such funds are available for the purposes for which appropriated) into the Fund: *Provided further*, That amounts deposited in the Fund shall be available until expended, and in addition to such other funds as may be available for such purposes, for facilities infrastructure improvements, including non-recurring maintenance, at existing hospitals and clinics of the Veterans Health Administration, and information technology systems improvements and sustainment, subject to approval by the Office of Management and Budget: *Provided further*, That prior to obligation of any amounts in the Fund, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses

38 USC 313 note.

of Congress the authority to make such obligation and such Committees issue an approval, or absent a response, a period of 30 days has elapsed.

TITLE III

RELATED AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one-for-one replacement basis only) and hire of passenger motor vehicles; not to exceed \$7,500 for official reception and representation expenses; and insurance of official motor vehicles in foreign countries, when required by law of such countries, \$105,100,000, to remain available until expended.

FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, such sums as may be necessary, to remain available until expended, for purposes authorized by section 2109 of title 36, United States Code.

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Appeals for Veterans Claims as authorized by sections 7251 through 7298 of title 38, United States Code, \$32,141,000: *Provided*, That \$2,500,000 shall be available for the purpose of providing financial assistance as described, and in accordance with the process and reporting procedures set forth, under this heading in Public Law 102–229.

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, including the purchase or lease of passenger motor vehicles for replacement on a one-for-one basis only, and not to exceed \$1,000 for official reception and representation expenses, \$79,516,000, of which not to exceed \$15,000,000 shall remain available until September 30, 2018. In addition, such sums as may be necessary for parking maintenance, repairs and

replacement, to be derived from the “Lease of Department of Defense Real Property for Defense Agencies” account.

ARMED FORCES RETIREMENT HOME

TRUST FUND

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the Armed Forces Retirement Home—Washington, District of Columbia, and the Armed Forces Retirement Home—Gulfport, Mississippi, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, \$64,300,000, of which \$1,000,000 shall remain available until expended for construction and renovation of the physical plants at the Armed Forces Retirement Home—Washington, District of Columbia, and the Armed Forces Retirement Home—Gulfport, Mississippi: *Provided*, That of the amounts made available under this heading from funds available in the Armed Forces Retirement Home Trust Fund, \$20,000,000 shall be paid from the general fund of the Treasury to the Trust Fund.

ADMINISTRATIVE PROVISIONS

SEC. 301. Funds appropriated in this Act under the heading “Department of Defense—Civil, Cemeterial Expenses, Army”, may be provided to Arlington County, Virginia, for the relocation of the federally owned water main at Arlington National Cemetery, making additional land available for ground burials.

SEC. 302. Amounts deposited into the special account established under 10 U.S.C. 4727 are appropriated and shall be available until expended to support activities at the Army National Military Cemeteries.

TITLE IV

GENERAL PROVISIONS

SEC. 401. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 402. None of the funds made available in this Act may be used for any program, project, or activity, when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

SEC. 403. All departments and agencies funded under this Act are encouraged, within the limits of the existing statutory authorities and funding, to expand their use of “E-Commerce” technologies and procedures in the conduct of their business practices and public service activities.

SEC. 404. Unless stated otherwise, all reports and notifications required by this Act shall be submitted to the Subcommittee on Military Construction and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the House of Representatives and the Subcommittee on Military Construction and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the Senate.

SEC. 405. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer authority provided in, this or any other appropriations Act.

SEC. 406. None of the funds made available in this Act may be used for a project or program named for an individual serving as a Member, Delegate, or Resident Commissioner of the United States House of Representatives.

SEC. 407. (a) Any agency receiving funds made available in this Act, shall, subject to subsections (b) and (c), post on the public Web site of that agency any report required to be submitted by the Congress in this or any other Act, upon the determination by the head of the agency that it shall serve the national interest.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains confidential or proprietary information.

(c) The head of the agency posting such report shall do so only after such report has been made available to the requesting Committee or Committees of Congress for no less than 45 days.

SEC. 408. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

SEC. 409. None of the funds made available in this Act may be used by an agency of the executive branch to pay for first-class travel by an employee of the agency in contravention of sections 301–10.122 through 301–10.124 of title 41, Code of Federal Regulations.

SEC. 410. None of the funds made available in this Act may be used to execute a contract for goods or services, including construction services, where the contractor has not complied with Executive Order No. 12989.

SEC. 411. None of the funds made available by this Act may be used by the Department of Defense or the Department of Veterans Affairs to lease or purchase new light duty vehicles for any executive fleet, or for an agency's fleet inventory, except in accordance with Presidential Memorandum—Federal Fleet Performance, dated May 24, 2011.

SEC. 412. (a) IN GENERAL.—None of the funds appropriated or otherwise made available to the Department of Defense in this Act may be used to construct, renovate, or expand any facility in the United States, its territories, or possessions to house any individual detained at United States Naval Station, Guantánamo Bay, Cuba, for the purposes of detention or imprisonment in the custody or under the control of the Department of Defense.

(b) The prohibition in subsection (a) shall not apply to any modification of facilities at United States Naval Station, Guantánamo Bay, Cuba.

(c) An individual described in this subsection is any individual who, as of June 24, 2009, is located at United States Naval Station, Guantánamo Bay, Cuba, and who—

(1) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(2) is—

(A) in the custody or under the effective control of the Department of Defense; or

(B) otherwise under detention at United States Naval Station, Guantánamo Bay, Cuba.

This division may be cited as the “Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2016”.

DIVISION K—DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2016

Department of State, Foreign Operations, and Related Programs Appropriations Act, 2016.

TITLE I

DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, \$5,622,170,000, of which up to \$629,055,000 may remain available until September 30, 2017, and of which up to \$1,428,468,000 may remain available until expended for Worldwide Security Protection: *Provided*, That funds made available under this heading shall be allocated in accordance with paragraphs (1) through (4) as follows:

(1) HUMAN RESOURCES.—For necessary expenses for training, human resources management, and salaries, including employment without regard to civil service and classification laws of persons on a temporary basis (not to exceed \$700,000), as authorized by section 801 of the United States Information and Educational Exchange Act of 1948, \$2,181,622,000, of which up to \$358,833,000 is for Worldwide Security Protection.

(2) OVERSEAS PROGRAMS.—For necessary expenses for the regional bureaus of the Department of State and overseas activities as authorized by law, \$1,561,840,000.

(3) DIPLOMATIC POLICY AND SUPPORT.—For necessary expenses for the functional bureaus of the Department of State, including representation to certain international organizations in which the United States participates pursuant to treaties ratified pursuant to the advice and consent of the Senate or specific Acts of Congress, general administration, and arms control, nonproliferation and disarmament activities as authorized, \$791,121,000.

(4) SECURITY PROGRAMS.—For necessary expenses for security activities, \$1,087,587,000, of which up to \$1,069,635,000 is for Worldwide Security Protection.

(5) FEES AND PAYMENTS COLLECTED.—In addition to amounts otherwise made available under this heading—

(A) not to exceed \$1,840,900 shall be derived from fees collected from other executive agencies for lease or use of facilities located at the International Center in accordance with section 4 of the International Center Act, and, in addition, as authorized by section 5 of such Act, \$743,000, to be derived from the reserve authorized by that section, to be used for the purposes set out in that section;

(B) as authorized by section 810 of the United States Information and Educational Exchange Act, not to exceed \$5,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from English teaching, library, motion pictures, and publication programs and from fees from educational advising and counseling and exchange visitor programs; and

(C) not to exceed \$15,000, which shall be derived from reimbursements, surcharges, and fees for use of Blair House facilities.

(6) TRANSFER, REPROGRAMMING, AND OTHER MATTERS.—

(A) Notwithstanding any other provision of this Act, funds may be reprogrammed within and between paragraphs (1) through (4) under this heading subject to section 7015 of this Act.

(B) Of the amount made available under this heading, not to exceed \$10,000,000 may be transferred to, and merged with, funds made available by this Act under the heading “Emergencies in the Diplomatic and Consular Service”, to be available only for emergency evacuations and rewards, as authorized.

(C) Funds appropriated under this heading are available for acquisition by exchange or purchase of passenger motor vehicles as authorized by law and, pursuant to section 1108(g) of title 31, United States Code, for the field examination of programs and activities in the United States funded from any account contained in this title.

(D) Funds appropriated under this heading may be made available for Conflict Stabilization Operations and for related reconstruction and stabilization assistance to prevent or respond to conflict or civil strife in foreign countries or regions, or to enable transition from such strife.

(E) Funds appropriated under this heading in this Act that are designated for Worldwide Security Protection shall continue to be made available for support of security-related training at sites in existence prior to the enactment of this Act: *Provided*, That in addition to such funds, up to \$99,113,000 of the funds made available under this heading in this Act may be obligated for a Foreign Affairs Security Training Center (FASTC) only after the Secretary of State—

(i) submits to the appropriate congressional committees a comprehensive analysis of a minimum of three different locations for FASTC assessing the feasibility and comparing the costs and benefits of delivering training at each such location; and

(ii) notifies the appropriate congressional committees at least 15 days in advance of such obligation: *Provided*, That such notification shall also include a justification for any decision made by the Department of State to obligate funds for FASTC.

(F) None of the funds appropriated under this heading may be used for the preservation of religious sites unless the Secretary of State determines and reports to the Committees on Appropriations that such sites are historically, artistically, or culturally significant, that the purpose of the project is neither to advance nor to inhibit the free exercise of religion, and that the project is in the national interest of the United States.

CAPITAL INVESTMENT FUND

For necessary expenses of the Capital Investment Fund, \$66,400,000, to remain available until expended, as authorized.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, \$72,700,000, notwithstanding section 209(a)(1) of the Foreign Service Act of 1980 (Public Law 96–465), as it relates to post inspections: *Provided*, That of the funds appropriated under this heading, \$10,905,000 may remain available until September 30, 2017.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of educational and cultural exchange programs, as authorized, \$590,900,000, to remain available until expended, of which not less than \$236,000,000 shall be for the Fulbright Program and not less than \$102,000,000 shall be for Citizen Exchange Program, including \$4,000,000 for the Congress-Bundestag Youth Exchange: *Provided*, That fees or other payments received from, or in connection with, English teaching, educational advising and counseling programs, and exchange visitor programs as authorized may be credited to this account, to remain available until expended: *Provided further*, That not later than 45 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations detailing modifications made to existing educational and cultural exchange programs since calendar year 2014, including for special academic and special professional and cultural exchanges: *Provided further*, That a portion of the Fulbright awards from the Eurasia and Central Asia regions shall be designated as Edmund S. Muskie Fellowships, following consultation with the Committees on Appropriations: *Provided further*, That Department of State-designated sponsors may not issue a Form DS–2019 (Certificate of Eligibility for Exchange Visitor (J–1) Status) to place student participants in seafood product preparation or packaging positions in the Summer Work Travel program in fiscal year 2016 unless prior to issuing such Form the sponsor provides to the Secretary of State a description of such program and verifies in writing to the Secretary that such program fully complies with part 62 of title 22 of the Code of Federal Regulations, notwithstanding subsection 62.32(h)(16) of such part, and with the requirements specified under this heading

in the explanatory statement described in section 4 (in the matter preceding division A of this Consolidated Act): *Provided further*, That any substantive modifications from the prior fiscal year to programs funded by this Act under this heading shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

REPRESENTATION EXPENSES

For representation expenses as authorized, \$8,030,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services, as authorized, \$30,036,000, to remain available until September 30, 2017.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926 (22 U.S.C. 292 et seq.), preserving, maintaining, repairing, and planning for buildings that are owned or directly leased by the Department of State, renovating, in addition to funds otherwise available, the Harry S Truman Building, and carrying out the Diplomatic Security Construction Program as authorized, \$785,097,000, to remain available until expended as authorized, of which not to exceed \$25,000 may be used for domestic and overseas representation expenses as authorized: *Provided*, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture, furnishings, or generators for other departments and agencies.

In addition, for the costs of worldwide security upgrades, acquisition, and construction as authorized, \$688,799,000, to remain available until expended: *Provided*, That not later than 45 days after enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations the proposed allocation of funds made available under this heading and the actual and anticipated proceeds of sales for all projects in fiscal year 2016.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For necessary expenses to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service, \$7,900,000, to remain available until expended as authorized, of which not to exceed \$1,000,000 may be transferred to, and merged with, funds appropriated by this Act under the heading “Repatriation Loans Program Account”, subject to the same terms and conditions.

REPATRIATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, \$1,300,000, as authorized: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That such funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed \$2,444,528.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act (Public Law 96–8), \$30,000,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized, \$158,900,000.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For necessary expenses, not otherwise provided for, to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, \$1,344,458,000: *Provided*, That the Secretary of State shall, at the time of the submission of the President's budget to Congress under section 1105(a) of title 31, United States Code, transmit to the Committees on Appropriations the most recent biennial budget prepared by the United Nations for the operations of the United Nations: *Provided further*, That the Secretary of State shall notify the Committees on Appropriations at least 15 days in advance (or in an emergency, as far in advance as is practicable) of any United Nations action to increase funding for any United Nations program without identifying an offsetting decrease elsewhere in the United Nations budget: *Provided further*, That not later than May 1, 2016, and 30 days after the end of fiscal year 2016, the Secretary of State shall report to the Committees on Appropriations any credits available to the United States, including from the United Nations Tax Equalization Fund, and provide updated fiscal year 2016 and fiscal year 2017 assessment costs including offsets from available credits and updated foreign currency exchange rates: *Provided further*, That any such credits shall only be available for United States assessed contributions to the United Nations and the Committees on Appropriations shall be notified when such credits are applied to any assessed contribution, including any payment of arrearages: *Provided further*, That any notification regarding funds appropriated or otherwise made available under this heading in this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs submitted pursuant to section 7015 of this Act, section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706), or any operating plan submitted pursuant to section 7076 of this Act, shall include an estimate of all known credits currently available to the United States and provide updated assessment costs including offsets from available credits and updated foreign currency exchange rates: *Provided further*, That any payment of arrearages under this heading shall be directed to activities that are mutually agreed upon by the United States and the respective international organization and shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That none of the funds appropriated under this heading shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the

22 USC 269a
note.

United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings: *Provided further*, That the Secretary of State shall review the budgetary and personnel procedures of the United Nations and affiliated agencies funded under this heading and, not later than 180 days after enactment of this Act, submit a report to the Committees on Appropriations on steps taken at each agency to eliminate unnecessary administrative costs and duplicative activities and ensure that personnel practices are transparent and merit-based.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security, \$666,574,000, of which 15 percent shall remain available until September 30, 2017: *Provided*, That none of the funds made available by this Act shall be obligated or expended for any new or expanded United Nations peacekeeping mission unless, at least 15 days in advance of voting for such mission in the United Nations Security Council (or in an emergency as far in advance as is practicable), the Committees on Appropriations are notified of: (1) the estimated cost and duration of the mission, the objectives of the mission, the national interest that will be served, and the exit strategy; and (2) the sources of funds, including any reprogrammings and transfers, that will be used to pay the cost of the new or expanded mission, and the estimated cost in future fiscal years: *Provided further*, That none of the funds appropriated under this heading may be made available for obligation unless the Secretary of State certifies and reports to the Committees on Appropriations on a peacekeeping mission-by-mission basis that the United Nations is implementing effective policies and procedures to prevent United Nations employees, contractor personnel, and peacekeeping troops serving in such mission from trafficking in persons, exploiting victims of trafficking, or committing acts of illegal sexual exploitation or other violations of human rights, and to bring to justice individuals who engage in such acts while participating in such mission, including prosecution in their home countries and making information about such prosecutions publicly available on the Web site of the United Nations: *Provided further*, That funds shall be available for peacekeeping expenses unless the Secretary of State determines that American manufacturers and suppliers are not being given opportunities to provide equipment, services, and material for United Nations peacekeeping activities equal to those being given to foreign manufacturers and suppliers: *Provided further*, That the Secretary of State shall work with the United Nations and foreign governments contributing peacekeeping troops to implement effective vetting procedures to ensure that such troops have not violated human rights: *Provided further*, That none of the funds appropriated or otherwise made available under this heading may be used for any United Nations peacekeeping mission that will involve United States Armed Forces under the command or operational control of a foreign national, unless the President's military advisors have submitted to the President a recommendation that such involvement is in the national interest of the United States and the President has submitted to Congress such a recommendation: *Provided further*, That not later than May 1, 2016, and 30 days after the

end of fiscal year 2016, the Secretary of State shall report to the Committees on Appropriations any credits available to the United States, including those resulting from United Nations peacekeeping missions or the United Nations Tax Equalization Fund, and provide updated fiscal year 2016 and fiscal year 2017 assessment costs including offsets from available credits: *Provided further*, That any such credits shall only be available for United States assessed contributions to the United Nations, and the Committees on Appropriations shall be notified when such credits are applied to any assessed contribution, including any payment of arrearages: *Provided further*, That any notification regarding funds appropriated or otherwise made available under this heading in this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs submitted pursuant to section 7015 of this Act, section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706), or any operating plan submitted pursuant to section 7076 of this Act, shall include an estimate of all known credits currently available to the United States and provide updated assessment costs including offsets from available credits: *Provided further*, That any payment of arrearages with funds appropriated by this Act shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That the Secretary of State shall work with the United Nations and members of the United Nations Security Council to evaluate and prioritize peacekeeping missions, and to consider a draw down when mission goals have been substantially achieved: *Provided further*, That notwithstanding any other provision of law, funds appropriated or otherwise made available under this heading shall be available for United States assessed contributions up to the amount specified in Annex IV accompanying United Nations General Assembly Resolution 64/220: *Provided further*, That such funds may be made available above the amount authorized in section 404(b)(2)(B) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 287e note) only if the Secretary of State determines and reports to the appropriate congressional committees that it is important to the national interest of the United States.

INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows:

22 USC 269a
note.

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed \$6,000 for representation expenses; as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, \$45,307,000.

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, \$28,400,000, to remain available until expended, as authorized.

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided, for the International Joint Commission and the International Boundary Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and the Border Environment Cooperation Commission as authorized by the North American Free Trade Agreement Implementation Act (Public Law 103–182), \$12,330,000: *Provided*, That of the amount provided under this heading for the International Joint Commission, up to \$500,000 may remain available until September 30, 2017, and \$9,000 may be made available for representation expenses.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, \$36,681,000: *Provided*, That the United States share of such expenses may be advanced to the respective commissions pursuant to section 3324 of title 31, United States Code.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For necessary expenses to enable the Broadcasting Board of Governors (BBG), as authorized, to carry out international communication activities, and to make and supervise grants for radio, Internet, and television broadcasting to the Middle East, \$734,087,000: *Provided*, That in addition to amounts otherwise available for such purposes, up to \$31,135,000 of the amount appropriated under this heading may remain available until expended for satellite transmissions and Internet freedom programs, of which not less than \$15,000,000 shall be for Internet freedom programs: *Provided further*, That of the total amount appropriated under this heading, not to exceed \$35,000 may be used for representation expenses, of which \$10,000 may be used for such expenses within the United States as authorized, and not to exceed \$30,000 may be used for representation expenses of Radio Free Europe/Radio Liberty: *Provided further*, That the authority provided by section 504(c) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228; 22 U.S.C. 6206 note) shall remain in effect through September 30, 2016: *Provided further*, That the BBG shall notify the Committees on Appropriations within 15 days of any determination by the Board that any of its broadcast entities, including its grantee organizations, provides an open platform for international terrorists or those who support international terrorism, or is in violation of the principles and standards set forth in subsections (a) and (b) of section 303 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6202) or the

22 USC 6206
note.

entity's journalistic code of ethics: *Provided further*, That significant modifications to BBG broadcast hours previously justified to Congress, including changes to transmission platforms (shortwave, medium wave, satellite, Internet, and television), for all BBG language services shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That in addition to funds made available under this heading, and notwithstanding any other provision of law, up to \$5,000,000 in receipts from advertising and revenue from business ventures, up to \$500,000 in receipts from cooperating international organizations, and up to \$1,000,000 in receipts from privatization efforts of the Voice of America and the International Broadcasting Bureau, shall remain available until expended for carrying out authorized purposes.

BROADCASTING CAPITAL IMPROVEMENTS

For the purchase, rent, construction, repair, preservation, and improvement of facilities for radio, television, and digital transmission and reception; the purchase, rent, and installation of necessary equipment for radio, television, and digital transmission and reception, including to Cuba, as authorized; and physical security worldwide, in addition to amounts otherwise available for such purposes, \$4,800,000, to remain available until expended, as authorized.

RELATED PROGRAMS

THE ASIA FOUNDATION

For a grant to The Asia Foundation, as authorized by The Asia Foundation Act (22 U.S.C. 4402), \$17,000,000, to remain available until expended.

UNITED STATES INSTITUTE OF PEACE

For necessary expenses of the United States Institute of Peace, as authorized by the United States Institute of Peace Act (22 U.S.C. 4601 et seq.), \$35,300,000, to remain available until September 30, 2017, which shall not be used for construction activities.

CENTER FOR MIDDLE EASTERN-WESTERN DIALOGUE TRUST FUND

For necessary expenses of the Center for Middle Eastern-Western Dialogue Trust Fund, as authorized by section 633 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2004 (22 U.S.C. 2078), the total amount of the interest and earnings accruing to such Fund on or before September 30, 2016, to remain available until expended.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated, as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204–5205), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 2016, to remain

available until expended: *Provided*, That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by section 5376 of title 5, United States Code; or for purposes which are not in accordance with section 200 of title 2 of the Code of Federal Regulations, including the restrictions on compensation for personal services.

ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship Program, as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 2016, to remain available until expended.

EAST-WEST CENTER

To enable the Secretary of State to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960, by grant to the Center for Cultural and Technical Interchange Between East and West in the State of Hawaii, \$16,700,000.

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the Department of State to the National Endowment for Democracy, as authorized by the National Endowment for Democracy Act (22 U.S.C. 4412), \$170,000,000, to remain available until expended, of which \$117,500,000 shall be allocated in the traditional and customary manner, including for the core institutes, and \$52,500,000 shall be for democracy programs.

OTHER COMMISSIONS

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

SALARIES AND EXPENSES

For necessary expenses for the Commission for the Preservation of America's Heritage Abroad, \$676,000, as authorized by chapter 3123 of title 54, United States Code: *Provided*, That the Commission may procure temporary, intermittent, and other services notwithstanding paragraph (3) of section 312304(b) of such chapter: *Provided further*, That such authority shall terminate on October 1, 2016: *Provided further*, That the Commission shall notify the Committees on Appropriations prior to exercising such authority.

UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

SALARIES AND EXPENSES

For necessary expenses for the United States Commission on International Religious Freedom, as authorized by title II of the International Religious Freedom Act of 1998 (22 U.S.C. 6431 et

seq.), \$3,500,000, to remain available until September 30, 2017, including not more than \$4,000 for representation expenses.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94–304, \$2,579,000, including not more than \$4,000 for representation expenses, to remain available until September 30, 2017.

CONGRESSIONAL-EXECUTIVE COMMISSION ON THE PEOPLE’S
REPUBLIC OF CHINA

SALARIES AND EXPENSES

For necessary expenses of the Congressional-Executive Commission on the People’s Republic of China, as authorized by title III of the U.S.-China Relations Act of 2000 (22 U.S.C. 6911 et seq.), \$2,000,000, including not more than \$3,000 for representation expenses, to remain available until September 30, 2017.

UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW
COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States-China Economic and Security Review Commission, as authorized by section 1238 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (22 U.S.C. 7002), \$3,500,000, including not more than \$4,000 for representation expenses, to remain available until September 30, 2017: *Provided*, That the authorities, requirements, limitations, and conditions contained in the second through sixth provisos under this heading in the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2010 (division F of Public Law 111–117) shall continue in effect during fiscal year 2016 and shall apply to funds appropriated under this heading as if included in this Act.

TITLE II

UNITED STATES AGENCY FOR INTERNATIONAL
DEVELOPMENT

FUNDS APPROPRIATED TO THE PRESIDENT

OPERATING EXPENSES

For necessary expenses to carry out the provisions of section 667 of the Foreign Assistance Act of 1961, \$1,143,614,000, of which up to \$171,542,000 may remain available until September 30, 2017: *Provided*, That none of the funds appropriated under this heading and under the heading “Capital Investment Fund” in this title may be made available to finance the construction (including architect and engineering services), purchase, or long-term lease of offices for use by the United States Agency for International

Development (USAID), unless the USAID Administrator has identified such proposed use of funds in a report submitted to the Committees on Appropriations at least 15 days prior to the obligation of funds for such purposes: *Provided further*, That contracts or agreements entered into with funds appropriated under this heading may entail commitments for the expenditure of such funds through the following fiscal year: *Provided further*, That the authority of sections 610 and 109 of the Foreign Assistance Act of 1961 may be exercised by the Secretary of State to transfer funds appropriated to carry out chapter 1 of part I of such Act to “Operating Expenses” in accordance with the provisions of those sections: *Provided further*, That of the funds appropriated or made available under this heading, not to exceed \$250,000 may be available for representation and entertainment expenses, of which not to exceed \$5,000 may be available for entertainment expenses, and not to exceed \$100,500 shall be for official residence expenses, for USAID during the current fiscal year.

CAPITAL INVESTMENT FUND

For necessary expenses for overseas construction and related costs, and for the procurement and enhancement of information technology and related capital investments, pursuant to section 667 of the Foreign Assistance Act of 1961, \$168,300,000, to remain available until expended: *Provided*, That this amount is in addition to funds otherwise available for such purposes: *Provided further*, That funds appropriated under this heading shall be available subject to the regular notification procedures of the Committees on Appropriations.

OFFICE OF INSPECTOR GENERAL

For necessary expenses to carry out the provisions of section 667 of the Foreign Assistance Act of 1961, \$66,000,000, of which up to \$9,900,000 may remain available until September 30, 2017, for the Office of Inspector General of the United States Agency for International Development.

TITLE III

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

For necessary expenses to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, as follows:

GLOBAL HEALTH PROGRAMS

For necessary expenses to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961, for global health activities, in addition to funds otherwise available for such purposes, \$2,833,450,000, to remain available until September 30, 2017, and which shall be apportioned directly to the United States Agency for International Development (USAID): *Provided*, That this amount shall be made available for training, equipment, and technical assistance to build the capacity of public health

institutions and organizations in developing countries, and for such activities as: (1) child survival and maternal health programs; (2) immunization and oral rehydration programs; (3) other health, nutrition, water and sanitation programs which directly address the needs of mothers and children, and related education programs; (4) assistance for children displaced or orphaned by causes other than AIDS; (5) programs for the prevention, treatment, control of, and research on HIV/AIDS, tuberculosis, polio, malaria, and other infectious diseases including neglected tropical diseases, and for assistance to communities severely affected by HIV/AIDS, including children infected or affected by AIDS; (6) disaster preparedness training for health crises; and (7) family planning/reproductive health: *Provided further*, That funds appropriated under this paragraph may be made available for a United States contribution to the GAVI Alliance: *Provided further*, That none of the funds made available in this Act nor any unobligated balances from prior appropriations Acts may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: *Provided further*, That any determination made under the previous proviso must be made not later than 6 months after the date of enactment of this Act, and must be accompanied by the evidence and criteria utilized to make the determination: *Provided further*, That none of the funds made available under this Act may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions: *Provided further*, That nothing in this paragraph shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act of 1961: *Provided further*, That none of the funds made available under this Act may be used to lobby for or against abortion: *Provided further*, That in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services, and that any such voluntary family planning project shall meet the following requirements: (1) service providers or referral agents in the project shall not implement or be subject to quotas, or other numerical targets, of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning (this provision shall not be construed to include the use of quantitative estimates or indicators for budgeting and planning purposes); (2) the project shall not include payment of incentives, bribes, gratuities, or financial reward to: (A) an individual in exchange for becoming a family planning acceptor; or (B) program personnel for achieving a numerical target or quota of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning; (3) the project shall not deny any right or benefit, including the right of access to participate in any program of general welfare or the right of access to health care, as a consequence of any individual's decision not to accept family planning services; (4) the project shall provide family planning acceptors comprehensible information on the health benefits and risks of the method chosen, including those conditions that might render the use of the method inadvisable and those adverse side effects known to be consequent to the use of the method;

and (5) the project shall ensure that experimental contraceptive drugs and devices and medical procedures are provided only in the context of a scientific study in which participants are advised of potential risks and benefits; and, not less than 60 days after the date on which the USAID Administrator determines that there has been a violation of the requirements contained in paragraph (1), (2), (3), or (5) of this proviso, or a pattern or practice of violations of the requirements contained in paragraph (4) of this proviso, the Administrator shall submit to the Committees on Appropriations a report containing a description of such violation and the corrective action taken by the Agency: *Provided further*, That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act of 1961 no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the previous proviso: *Provided further*, That for purposes of this or any other Act authorizing or appropriating funds for the Department of State, foreign operations, and related programs, the term "motivate", as it relates to family planning assistance, shall not be construed to prohibit the provision, consistent with local law, of information or counseling about all pregnancy options: *Provided further*, That information provided about the use of condoms as part of projects or activities that are funded from amounts appropriated by this Act shall be medically accurate and shall include the public health benefits and failure rates of such use.

In addition, for necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 for the prevention, treatment, and control of, and research on, HIV/AIDS, \$5,670,000,000, to remain available until September 30, 2020, which shall be apportioned directly to the Department of State: *Provided*, That funds appropriated under this paragraph may be made available, notwithstanding any other provision of law, except for the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (Public Law 108–25), as amended, for a United States contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria (Global Fund), and shall be expended at the minimum rate necessary to make timely payment for projects and activities: *Provided further*, That the amount of such contribution should be \$1,350,000,000: *Provided further*, That section 202(d)(4)(A)(i) and (vi) of Public Law 108–25, as amended, shall be applied with respect to such funds made available for fiscal years 2015 and 2016 by substituting "2004" for "2009": *Provided further*, That up to 5 percent of the aggregate amount of funds made available to the Global Fund in fiscal year 2016 may be made available to USAID for technical assistance related to the activities of the Global Fund, subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That of the funds appropriated under this paragraph, up to \$17,000,000 may be made available, in addition to amounts otherwise available for such purposes, for administrative expenses of the Office of the United States Global AIDS Coordinator.

DEVELOPMENT ASSISTANCE

For necessary expenses to carry out the provisions of sections 103, 105, 106, 214, and sections 251 through 255, and chapter 10 of part I of the Foreign Assistance Act of 1961, \$2,780,971,000, to remain available until September 30, 2017.

INTERNATIONAL DISASTER ASSISTANCE

For necessary expenses to carry out the provisions of section 491 of the Foreign Assistance Act of 1961 for international disaster relief, rehabilitation, and reconstruction assistance, \$874,763,000, to remain available until expended.

TRANSITION INITIATIVES

For necessary expenses for international disaster rehabilitation and reconstruction assistance administered by the Office of Transition Initiatives, United States Agency for International Development (USAID), pursuant to section 491 of the Foreign Assistance Act of 1961, \$30,000,000, to remain available until expended, to support transition to democracy and long-term development of countries in crisis: *Provided*, That such support may include assistance to develop, strengthen, or preserve democratic institutions and processes, revitalize basic infrastructure, and foster the peaceful resolution of conflict: *Provided further*, That the USAID Administrator shall submit a report to the Committees on Appropriations at least 5 days prior to beginning a new program of assistance: *Provided further*, That if the Secretary of State determines that it is important to the national interest of the United States to provide transition assistance in excess of the amount appropriated under this heading, up to \$15,000,000 of the funds appropriated by this Act to carry out the provisions of part I of the Foreign Assistance Act of 1961 may be used for purposes of this heading and under the authorities applicable to funds appropriated under this heading: *Provided further*, That funds made available pursuant to the previous proviso shall be made available subject to prior consultation with the Committees on Appropriations.

COMPLEX CRISES FUND

For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 to support programs and activities to prevent or respond to emerging or unforeseen foreign challenges and complex crises overseas, \$10,000,000, to remain available until expended: *Provided*, That funds appropriated under this heading may be made available on such terms and conditions as are appropriate and necessary for the purposes of preventing or responding to such challenges and crises, except that no funds shall be made available for lethal assistance or to respond to natural disasters: *Provided further*, That funds appropriated under this heading may be made available notwithstanding any other provision of law, except sections 7007, 7008, and 7018 of this Act and section 620M of the Foreign Assistance Act of 1961: *Provided further*, That funds appropriated under this heading may be used for administrative expenses, in addition to funds otherwise made available for such purposes, except that such expenses may not exceed 5 percent of the funds appropriated under this heading: *Provided further*,

That funds appropriated under this heading shall be subject to the regular notification procedures of the Committees on Appropriations, except that such notifications shall be transmitted at least 5 days prior to the obligation of funds.

DEVELOPMENT CREDIT AUTHORITY

For the cost of direct loans and loan guarantees provided by the United States Agency for International Development (USAID), as authorized by sections 256 and 635 of the Foreign Assistance Act of 1961, up to \$40,000,000 may be derived by transfer from funds appropriated by this Act to carry out part I of such Act and under the heading “Assistance for Europe, Eurasia and Central Asia”: *Provided*, That funds provided under this paragraph and funds provided as a gift that are used for purposes of this paragraph pursuant to section 635(d) of the Foreign Assistance Act of 1961 shall be made available only for micro- and small enterprise programs, urban programs, and other programs which further the purposes of part I of such Act: *Provided further*, That such costs, including the cost of modifying such direct and guaranteed loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That funds made available by this paragraph may be used for the cost of modifying any such guaranteed loans under this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs, and funds used for such costs shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That the provisions of section 107A(d) (relating to general provisions applicable to the Development Credit Authority) of the Foreign Assistance Act of 1961, as contained in section 306 of H.R. 1486 as reported by the House Committee on International Relations on May 9, 1997, shall be applicable to direct loans and loan guarantees provided under this heading, except that the principal amount of loans made or guaranteed under this heading with respect to any single country shall not exceed \$300,000,000: *Provided further*, That these funds are available to subsidize total loan principal, any portion of which is to be guaranteed, of up to \$1,500,000,000.

In addition, for administrative expenses to carry out credit programs administered by USAID, \$8,120,000, which may be transferred to, and merged with, funds made available under the heading “Operating Expenses” in title II of this Act: *Provided*, That funds made available under this heading shall remain available until September 30, 2018.

ECONOMIC SUPPORT FUND

For necessary expenses to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, \$1,896,315,000, to remain available until September 30, 2017.

DEMOCRACY FUND

For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 for the promotion of democracy globally, \$150,500,000, to remain available until September 30, 2017, of which \$88,500,000 shall be made available for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights

and Labor, Department of State, and \$62,000,000 shall be made available for the Bureau for Democracy, Conflict, and Humanitarian Assistance, United States Agency for International Development.

ASSISTANCE FOR EUROPE, EURASIA AND CENTRAL ASIA

For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961, the FREEDOM Support Act (Public Law 102–511), and the Support for Eastern European Democracy (SEED) Act of 1989 (Public Law 101–179), \$491,119,000, to remain available until September 30, 2017, which shall be available, notwithstanding any other provision of law, except section 7070 of this Act, for assistance and related programs for countries identified in section 3 of Public Law 102–511 and section 3(c) of Public Law 101–179, in addition to funds otherwise available for such purposes: *Provided*, That funds appropriated by this Act under the headings “Global Health Programs” and “Economic Support Fund” that are made available for assistance for such countries shall be administered in accordance with the responsibilities of the coordinator designated pursuant to section 102 of Public Law 102–511 and section 601 of Public Law 101–179: *Provided further*, That funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance.

DEPARTMENT OF STATE

MIGRATION AND REFUGEE ASSISTANCE

For necessary expenses not otherwise provided for, to enable the Secretary of State to carry out the provisions of section 2(a) and (b) of the Migration and Refugee Assistance Act of 1962, and other activities to meet refugee and migration needs; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980; allowances as authorized by sections 5921 through 5925 of title 5, United States Code; purchase and hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code, \$931,886,000, to remain available until expended, of which not less than \$35,000,000 shall be made available to respond to small-scale emergency humanitarian requirements, and \$10,000,000 shall be made available for refugees resettling in Israel.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE
FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 2601(c)), \$50,000,000, to remain available until expended.

INDEPENDENT AGENCIES

PEACE CORPS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of the Peace Corps Act (22 U.S.C. 2501 et seq.), including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States, \$410,000,000, of which \$5,150,000 is for the Office of Inspector General, to remain available until September 30, 2017: *Provided*, That the Director of the Peace Corps may transfer to the Foreign Currency Fluctuations Account, as authorized by section 16 of the Peace Corps Act (22 U.S.C. 2515), an amount not to exceed \$5,000,000: *Provided further*, That funds transferred pursuant to the previous proviso may not be derived from amounts made available for Peace Corps overseas operations: *Provided further*, That of the funds appropriated under this heading, not to exceed \$104,000 may be available for representation expenses, of which not to exceed \$4,000 may be made available for entertainment expenses: *Provided further*, That any decision to open, close, significantly reduce, or suspend a domestic or overseas office or country program shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations, except that prior consultation and regular notification procedures may be waived when there is a substantial security risk to volunteers or other Peace Corps personnel, pursuant to section 7015(e) of this Act: *Provided further*, That none of the funds appropriated under this heading shall be used to pay for abortions: *Provided further*, That notwithstanding the previous proviso, section 614 of division E of Public Law 113–76 shall apply to funds appropriated under this heading.

MILLENNIUM CHALLENGE CORPORATION

For necessary expenses to carry out the provisions of the Millennium Challenge Act of 2003 (22 U.S.C. 7701 et seq.) (MCA), \$901,000,000, to remain available until expended: *Provided*, That of the funds appropriated under this heading, up to \$105,000,000 may be available for administrative expenses of the Millennium Challenge Corporation (the Corporation): *Provided further*, That up to 5 percent of the funds appropriated under this heading may be made available to carry out the purposes of section 616 of the MCA for fiscal year 2016: *Provided further*, That section 605(e) of the MCA shall apply to funds appropriated under this heading: *Provided further*, That funds appropriated under this heading may be made available for a Millennium Challenge Compact entered into pursuant to section 609 of the MCA only if such Compact obligates, or contains a commitment to obligate subject to the availability of funds and the mutual agreement of the parties to the Compact to proceed, the entire amount of the United States Government funding anticipated for the duration of the Compact: *Provided further*, That the Chief Executive Officer of the Corporation shall notify the Committees on Appropriations not later than 15 days prior to commencing negotiations for any country compact or threshold country program; signing any such compact

or threshold program; or terminating or suspending any such compact or threshold program: *Provided further*, That funds appropriated under this heading by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs that are available to implement section 609(g) of the MCA shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That no country should be eligible for a threshold program after such country has completed a country compact: *Provided further*, That any funds that are deobligated from a Millennium Challenge Compact shall be subject to the regular notification procedures of the Committees on Appropriations prior to re-obligation: *Provided further*, That notwithstanding section 606(a)(2) of the MCA, a country shall be a candidate country for purposes of eligibility for assistance for the fiscal year if the country has a per capita income equal to or below the World Bank's lower middle income country threshold for the fiscal year and is among the 75 lowest per capita income countries as identified by the World Bank; and the country meets the requirements of section 606(a)(1)(B) of the MCA: *Provided further*, That notwithstanding section 606(b)(1) of the MCA, in addition to countries described in the preceding proviso, a country shall be a candidate country for purposes of eligibility for assistance for the fiscal year if the country has a per capita income equal to or below the World Bank's lower middle income country threshold for the fiscal year and is not among the 75 lowest per capita income countries as identified by the World Bank; and the country meets the requirements of section 606(a)(1)(B) of the MCA: *Provided further*, That any Millennium Challenge Corporation candidate country under section 606 of the MCA with a per capita income that changes in the fiscal year such that the country would be reclassified from a low income country to a lower middle income country or from a lower middle income country to a low income country shall retain its candidacy status in its former income classification for the fiscal year and the 2 subsequent fiscal years: *Provided further*, That publication in the Federal Register of a notice of availability of a copy of a Compact on the Millennium Challenge Corporation Web site shall be deemed to satisfy the requirements of section 610(b)(2) of the MCA for such Compact: *Provided further*, That none of the funds made available by this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs shall be available for a threshold program in a country that is not currently a candidate country: *Provided further*, That the Comptroller General of the United States shall provide to the appropriate congressional committees a review of authorities that may allow the Millennium Challenge Corporation to obligate funds that are unobligated from prior fiscal years for compacts in countries that are not eligible for a compact in the current fiscal year: *Provided further*, That such review shall include an assessment as set forth in the explanatory statement described in section 4 (in the matter preceding division A of this Consolidated Act): *Provided further*, That funds appropriated under this heading shall be used on a reimbursable basis for such review: *Provided further*, That of the funds appropriated under this heading, not to exceed \$100,000 may be available for representation and entertainment expenses, of which not to exceed \$5,000 may be available for entertainment expenses.

INTER-AMERICAN FOUNDATION

For necessary expenses to carry out the functions of the Inter-American Foundation in accordance with the provisions of section 401 of the Foreign Assistance Act of 1969, \$22,500,000, to remain available until September 30, 2017: *Provided*, That of the funds appropriated under this heading, not to exceed \$2,000 may be available for representation expenses.

UNITED STATES AFRICAN DEVELOPMENT FOUNDATION

For necessary expenses to carry out title V of the International Security and Development Cooperation Act of 1980 (Public Law 96–533), \$30,000,000, to remain available until September 30, 2017, of which not to exceed \$2,000 may be available for representation expenses: *Provided*, That funds made available to grantees may be invested pending expenditure for project purposes when authorized by the Board of Directors of the United States African Development Foundation (USADF): *Provided further*, That interest earned shall be used only for the purposes for which the grant was made: *Provided further*, That notwithstanding section 505(a)(2) of the African Development Foundation Act, in exceptional circumstances the Board of Directors of the USADF may waive the \$250,000 limitation contained in that section with respect to a project and a project may exceed the limitation by up to 10 percent if the increase is due solely to foreign currency fluctuation: *Provided further*, That the USADF shall submit a report to the Committees on Appropriations after each time such waiver authority is exercised: *Provided further*, That the USADF may make rent or lease payments in advance from appropriations available for such purpose for offices, buildings, grounds, and quarters in Africa as may be necessary to carry out its functions: *Provided further*, That the USADF may maintain bank accounts outside the United States Treasury and retain any interest earned on such accounts, in furtherance of the purposes of the African Foundation Development Act: *Provided further*, That the USADF may not withdraw any appropriation from the Treasury prior to the need of spending such funds for program purposes.

DEPARTMENT OF THE TREASURY

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

For necessary expenses to carry out the provisions of section 129 of the Foreign Assistance Act of 1961, \$23,500,000, to remain available until September 30, 2018, which shall be available notwithstanding any other provision of law.

TITLE IV

INTERNATIONAL SECURITY ASSISTANCE

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961, \$894,821,000, to remain available until

September 30, 2017: *Provided*, That the provision of assistance by any other United States Government department or agency which is comparable to assistance that may be made available under this heading, but which is provided under any other provision of law, should be provided only with the concurrence of the Secretary of State and in accordance with the provisions of sections 481(b) and 622(c) of the Foreign Assistance Act of 1961: *Provided further*, That the Department of State may use the authority of section 608 of the Foreign Assistance Act of 1961, without regard to its restrictions, to receive excess property from an agency of the United States Government for the purpose of providing such property to a foreign country or international organization under chapter 8 of part I of that Act, subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That section 482(b) of the Foreign Assistance Act of 1961 shall not apply to funds appropriated under this heading, except that any funds made available notwithstanding such section shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That funds appropriated under this heading shall be made available to support training and technical assistance for foreign law enforcement, corrections, and other judicial authorities, utilizing regional partners: *Provided further*, That not less than \$54,975,000 of the funds appropriated under this heading shall be transferred to, and merged with, funds appropriated by this Act under the heading “Assistance for Europe, Eurasia and Central Asia”, which shall be available for the same purposes as funds appropriated under this heading: *Provided further*, That funds made available under this heading that are transferred to another department, agency, or instrumentality of the United States Government pursuant to section 632(b) of the Foreign Assistance Act of 1961 valued in excess of \$5,000,000, and any agreement made pursuant to section 632(a) of such Act, shall be subject to the regular notification procedures of the Committees on Appropriations.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED
PROGRAMS

For necessary expenses for nonproliferation, anti-terrorism, demining and related programs and activities, \$506,381,000, to remain available until September 30, 2017, to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 for anti-terrorism assistance, chapter 9 of part II of the Foreign Assistance Act of 1961, section 504 of the FREEDOM Support Act, section 23 of the Arms Export Control Act, or the Foreign Assistance Act of 1961 for demining activities, the clearance of unexploded ordnance, the destruction of small arms, and related activities, notwithstanding any other provision of law, including activities implemented through nongovernmental and international organizations, and section 301 of the Foreign Assistance Act of 1961 for a United States contribution to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission, and for a voluntary contribution to the International Atomic Energy Agency (IAEA): *Provided*, That the Secretary of State shall inform the appropriate congressional committees of information regarding any separate arrangements relating to the “Road-map for the Clarification of Past and Present Outstanding Issues Regarding Iran’s Nuclear

Program” between the IAEA and the Islamic Republic of Iran, in classified form if necessary, if such information becomes known to the Department of State: *Provided further*, That for the clearance of unexploded ordnance, the Secretary of State should prioritize those areas where such ordnance was caused by the United States: *Provided further*, That funds made available under this heading for the Nonproliferation and Disarmament Fund shall be available notwithstanding any other provision of law and subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations, to promote bilateral and multilateral activities relating to nonproliferation, disarmament, and weapons destruction, and shall remain available until expended: *Provided further*, That such funds may also be used for such countries other than the Independent States of the former Soviet Union and international organizations when it is in the national security interest of the United States to do so: *Provided further*, That funds appropriated under this heading may be made available for the IAEA unless the Secretary of State determines that Israel is being denied its right to participate in the activities of that Agency: *Provided further*, That funds made available under this heading for the Counterterrorism Partnerships Fund shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That funds made available for conventional weapons destruction programs, including demining and related activities, in addition to funds otherwise available for such purposes, may be used for administrative expenses related to the operation and management of such programs and activities, subject to the regular notification procedures of the Committees on Appropriations.

PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551 of the Foreign Assistance Act of 1961, \$131,361,000: *Provided*, That funds appropriated under this heading may be used, notwithstanding section 660 of such Act, to provide assistance to enhance the capacity of foreign civilian security forces, including gendarmes, to participate in peacekeeping operations: *Provided further*, That of the funds appropriated under this heading, not less than \$35,000,000 shall be made available for a United States contribution to the Multinational Force and Observers mission in the Sinai: *Provided further*, That none of the funds appropriated under this heading shall be obligated except as provided through the regular notification procedures of the Committees on Appropriations.

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, \$108,115,000, of which up to \$4,000,000 may remain available until September 30, 2017: *Provided*, That the civilian personnel for whom military education and training may be provided under this heading may include civilians who are not members of a government whose participation would contribute to improved civil-military relations, civilian control of the military, or respect for human rights: *Provided further*,

That of the funds appropriated under this heading, not to exceed \$55,000 may be available for entertainment expenses.

FOREIGN MILITARY FINANCING PROGRAM

For necessary expenses for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, \$4,737,522,000: *Provided*, That to expedite the provision of assistance to foreign countries and international organizations, the Secretary of State, following consultation with the Committees on Appropriations and subject to the regular notification procedures of such Committees, may use the funds appropriated under this heading to procure defense articles and services to enhance the capacity of foreign security forces: *Provided further*, That of the funds appropriated under this heading, not less than \$3,100,000,000 shall be available for grants only for Israel, and funds are available for assistance for Jordan and Egypt subject to section 7041 of this Act: *Provided further*, That the funds appropriated under this heading for assistance for Israel shall be disbursed within 30 days of enactment of this Act: *Provided further*, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel under this heading shall, as agreed by the United States and Israel, be available for advanced weapons systems, of which not less than \$815,300,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development: *Provided further*, That none of the funds made available under this heading shall be made available to support or continue any program initially funded under the authority of section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3456), or section 2282 of title 10, United States Code, unless the Secretary of State, in coordination with the Secretary of Defense, has justified such program to the Committees on Appropriations: *Provided further*, That funds appropriated or otherwise made available under this heading shall be nonrepayable notwithstanding any requirement in section 23 of the Arms Export Control Act: *Provided further*, That funds made available under this heading shall be obligated upon apportionment in accordance with paragraph (5)(C) of section 1501(a) of title 31, United States Code.

None of the funds made available under this heading shall be available to finance the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act unless the foreign country proposing to make such procurement has first signed an agreement with the United States Government specifying the conditions under which such procurement may be financed with such funds: *Provided*, That all country and funding level increases in allocations shall be submitted through the regular notification procedures of section 7015 of this Act: *Provided further*, That funds made available under this heading may be used, notwithstanding any other provision of law, for demining, the clearance of unexploded ordnance, and related activities, and may include activities implemented through nongovernmental and international organizations: *Provided further*, That only those countries for which assistance was justified for the “Foreign Military Sales Financing Program” in the fiscal year 1989 congressional presentation for security assistance programs may utilize funds made available

under this heading for procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act: *Provided further*, That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: *Provided further*, That not more than \$75,000,000 of the funds appropriated under this heading may be obligated for necessary expenses, including the purchase of passenger motor vehicles for replacement only for use outside of the United States, for the general costs of administering military assistance and sales, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations: *Provided further*, That of the funds made available under this heading for general costs of administering military assistance and sales, not to exceed \$4,000 may be available for entertainment expenses and not to exceed \$130,000 may be available for representation expenses: *Provided further*, That not more than \$904,000,000 of funds realized pursuant to section 21(e)(1)(A) of the Arms Export Control Act may be obligated for expenses incurred by the Department of Defense during fiscal year 2016 pursuant to section 43(b) of the Arms Export Control Act, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations.

TITLE V

MULTILATERAL ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of section 301 of the Foreign Assistance Act of 1961, and of section 2 of the United Nations Environment Program Participation Act of 1973, \$339,000,000, of which up to \$10,000,000 may be made available for the Intergovernmental Panel on Climate Change/United Nations Framework Convention on Climate Change: *Provided*, That section 307(a) of the Foreign Assistance Act of 1961 shall not apply to contributions to the United Nations Democracy Fund.

INTERNATIONAL FINANCIAL INSTITUTIONS

GLOBAL ENVIRONMENT FACILITY

For payment to the International Bank for Reconstruction and Development as trustee for the Global Environment Facility by the Secretary of the Treasury, \$168,263,000, to remain available until expended.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, \$1,197,128,000, to remain available until expended.

CONTRIBUTION TO THE INTERNATIONAL BANK FOR RECONSTRUCTION
AND DEVELOPMENT

For payment to the International Bank for Reconstruction and Development by the Secretary of the Treasury for the United States share of the paid-in portion of the increases in capital stock, \$186,957,000, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the International Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital portion of the United States share of increases in capital stock in an amount not to exceed \$2,928,990,899.

CONTRIBUTION TO THE CLEAN TECHNOLOGY FUND

For payment to the International Bank for Reconstruction and Development as trustee for the Clean Technology Fund by the Secretary of the Treasury, \$170,680,000, to remain available until expended.

CONTRIBUTION TO THE STRATEGIC CLIMATE FUND

For payment to the International Bank for Reconstruction and Development as trustee for the Strategic Climate Fund by the Secretary of the Treasury, \$49,900,000, to remain available until expended.

CONTRIBUTION TO THE INTER-AMERICAN DEVELOPMENT BANK

For payment to the Inter-American Development Bank by the Secretary of the Treasury for the United States share of the paid-in portion of the increase in capital stock, \$102,020,448, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Inter-American Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed \$4,098,794,833.

CONTRIBUTION TO THE ASIAN DEVELOPMENT BANK

For payment to the Asian Development Bank by the Secretary of the Treasury for the United States share of the paid-in portion of increase in capital stock, \$5,608,435, to remain available until expended.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For payment to the Asian Development Bank's Asian Development Fund by the Secretary of the Treasury, \$104,977,000, to remain available until expended.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

For payment to the African Development Bank by the Secretary of the Treasury for the United States share of the paid-in portion of the increase in capital stock, \$34,118,027, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the African Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed \$507,860,808.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For payment to the African Development Fund by the Secretary of the Treasury, \$175,668,000, to remain available until expended.

CONTRIBUTION TO THE INTERNATIONAL FUND FOR AGRICULTURAL
DEVELOPMENT

For payment to the International Fund for Agricultural Development by the Secretary of the Treasury, \$31,930,000, to remain available until expended.

GLOBAL AGRICULTURE AND FOOD SECURITY PROGRAM

For payment to the Global Agriculture and Food Security Program by the Secretary of the Treasury, \$43,000,000, to remain available until expended.

CONTRIBUTION TO THE NORTH AMERICAN DEVELOPMENT BANK

For payment to the North American Development Bank by the Secretary of the Treasury for the United States share of the paid-in portion of the increase in capital stock, \$10,000,000, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The Secretary of the Treasury may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed \$255,000,000.

TITLE VI

EXPORT AND INVESTMENT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$6,000,000, to remain available until September 30, 2017.

PROGRAM ACCOUNT

The Export-Import Bank (the Bank) of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program for the current fiscal year for such corporation: *Provided*, That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country, other than a nuclear-weapon state as defined in Article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act, that has detonated a nuclear explosive after the date of the enactment of this Act.

ADMINISTRATIVE EXPENSES

For administrative expenses to carry out the direct and guaranteed loan and insurance programs, including hire of passenger motor vehicles and services as authorized by section 3109 of title 5, United States Code, and not to exceed \$30,000 for official reception and representation expenses for members of the Board of Directors, not to exceed \$106,250,000: *Provided*, That the Export-Import Bank (the Bank) may accept, and use, payment or services provided by transaction participants for legal, financial, or technical services in connection with any transaction for which an application for a loan, guarantee or insurance commitment has been made: *Provided further*, That the Bank shall charge fees for necessary expenses (including special services performed on a contract or fee basis, but not including other personal services) in connection with the collection of moneys owed the Bank, repossession or sale of pledged collateral or other assets acquired by the Bank in satisfaction of moneys owed the Bank, or the investigation or appraisal of any property, or the evaluation of the legal, financial, or technical aspects of any transaction for which an application for a loan, guarantee or insurance commitment has been made, or systems infrastructure directly supporting transactions: *Provided further*, That in addition to other funds appropriated for administrative expenses, such fees shall be credited to this account for such purposes, to remain available until expended.

RECEIPTS COLLECTED

Receipts collected pursuant to the Export-Import Bank Act of 1945, as amended, and the Federal Credit Reform Act of 1990, as amended, in an amount not to exceed the amount appropriated herein, shall be credited as offsetting collections to this account: *Provided*, That the sums herein appropriated from the General Fund shall be reduced on a dollar-for-dollar basis by such offsetting collections so as to result in a final fiscal year appropriation from the General Fund estimated at \$0: *Provided further*, That amounts collected in fiscal year 2016 in excess of obligations, up to \$10,000,000 shall become available on September 1, 2016, and shall remain available until September 30, 2019.

OVERSEAS PRIVATE INVESTMENT CORPORATION

NONCREDIT ACCOUNT

The Overseas Private Investment Corporation is authorized to make, without regard to fiscal year limitations, as provided by section 9104 of title 31, United States Code, such expenditures and commitments within the limits of funds available to it and in accordance with law as may be necessary: *Provided*, That the amount available for administrative expenses to carry out the credit and insurance programs (including an amount for official reception and representation expenses which shall not exceed \$35,000) shall not exceed \$62,787,000: *Provided further*, That project-specific transaction costs, including direct and indirect costs incurred in claims settlements, and other direct costs associated with services provided to specific investors or potential investors pursuant to section 234 of the Foreign Assistance Act of 1961, shall not be considered administrative expenses for the purposes of this heading.

PROGRAM ACCOUNT

For the cost of direct and guaranteed loans, \$20,000,000, as authorized by section 234 of the Foreign Assistance Act of 1961, to be derived by transfer from the Overseas Private Investment Corporation Noncredit Account: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That such sums shall be available for direct loan obligations and loan guaranty commitments incurred or made during fiscal years 2016, 2017, and 2018: *Provided further*, That funds so obligated in fiscal year 2016 remain available for disbursement through 2024; funds obligated in fiscal year 2017 remain available for disbursement through 2025; and funds obligated in fiscal year 2018 remain available for disbursement through 2026: *Provided further*, That notwithstanding any other provision of law, the Overseas Private Investment Corporation is authorized to undertake any program authorized by title IV of chapter 2 of part I of the Foreign Assistance Act of 1961 in Iraq: *Provided further*, That funds made available pursuant to the authority of the previous proviso shall be subject to the regular notification procedures of the Committees on Appropriations.

In addition, such sums as may be necessary for administrative expenses to carry out the credit program may be derived from amounts available for administrative expenses to carry out the credit and insurance programs in the Overseas Private Investment Corporation Noncredit Account and merged with said account.

TRADE AND DEVELOPMENT AGENCY

For necessary expenses to carry out the provisions of section 661 of the Foreign Assistance Act of 1961, \$60,000,000, to remain available until September 30, 2017: *Provided*, That of the amounts made available under this heading, up to \$2,500,000 may be made available to provide comprehensive procurement advice to foreign governments to support local procurements funded by the United States Agency for International Development, the Millennium Challenge Corporation, and the Department of State: *Provided further*, That of the funds appropriated under this heading, not more than

\$5,000 may be available for representation and entertainment expenses.

TITLE VII

GENERAL PROVISIONS

ALLOWANCES AND DIFFERENTIALS

SEC. 7001. Funds appropriated under title I of this Act shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of title 5, United States Code; for services as authorized by section 3109 of such title and for hire of passenger transportation pursuant to section 1343(b) of title 31, United States Code.

UNOBLIGATED BALANCES REPORT

SEC. 7002. Any department or agency of the United States Government to which funds are appropriated or otherwise made available by this Act shall provide to the Committees on Appropriations a quarterly accounting of cumulative unobligated balances and obligated, but unexpended, balances by program, project, and activity, and Treasury Account Fund Symbol of all funds received by such department or agency in fiscal year 2016 or any previous fiscal year, disaggregated by fiscal year: *Provided*, That the report required by this section should specify by account the amount of funds obligated pursuant to bilateral agreements which have not been further sub-obligated.

CONSULTING SERVICES

SEC. 7003. The expenditure of any appropriation under title I of this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

DIPLOMATIC FACILITIES

SEC. 7004. (a) CAPITAL SECURITY COST SHARING.—Of funds provided under title I of this Act, except as provided in subsection (b), a project to construct a diplomatic facility of the United States may not include office space or other accommodations for an employee of a Federal agency or department if the Secretary of State determines that such department or agency has not provided to the Department of State the full amount of funding required by subsection (e) of section 604 of the Secure Embassy Construction and Counterterrorism Act of 1999 (as enacted into law by section 1000(a)(7) of Public Law 106–113 and contained in appendix G of that Act; 113 Stat. 1501A–453), as amended by section 629 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2005.

(b) EXCEPTION.—Notwithstanding the prohibition in subsection (a), a project to construct a diplomatic facility of the United States

may include office space or other accommodations for members of the United States Marine Corps.

(c) NEW DIPLOMATIC FACILITIES.—For the purposes of calculating the fiscal year 2016 costs of providing new United States diplomatic facilities in accordance with section 604(e) of the Secure Embassy Construction and Counterterrorism Act of 1999 (22 U.S.C. 4865 note), the Secretary of State, in consultation with the Director of the Office of Management and Budget, shall determine the annual program level and agency shares in a manner that is proportional to the Department of State’s contribution for this purpose.

(d) CONSULTATION AND NOTIFICATION REQUIREMENTS.—Funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs, which may be made available for the acquisition of property or award of construction contracts for overseas diplomatic facilities during fiscal year 2016, shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations: *Provided*, That notifications pursuant to this subsection shall include the information enumerated under the heading “Embassy Security, Construction, and Maintenance” in House Report 114–154: *Provided further*, That any such notification for a new diplomatic facility justified to the Committees on Appropriations in Appendix 1 of the Congressional Budget Justification, Department of State, Diplomatic Engagement, Fiscal Year 2016, or not previously justified to such Committees, shall also include confirmation that the Department of State has completed the requisite value engineering studies required pursuant to OMB Circular A–131, Value Engineering December 31, 2013 and the Bureau of Overseas Building Operations Policy and Procedure Directive, P&PD, Cost 02: Value Engineering.

(e) REPORTS.—

(1) None of the funds appropriated under the heading “Embassy Security, Construction, and Maintenance” in this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs, made available through Federal agency Capital Security Cost Sharing contributions and reimbursements, or generated from the proceeds of real property sales, other than from real property sales located in London, United Kingdom, may be made available for site acquisition and mitigation, planning, design, or construction of the New London Embassy: *Provided*, That the reporting requirement contained in section 7004(f)(2) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2012 (division I of Public Law 112–74) shall remain in effect during fiscal year 2016.

(2) Within 45 days of enactment of this Act and every 4 months thereafter until September 30, 2016, the Secretary of State shall submit to the Committees on Appropriations a report on the new Mexico City Embassy and Beirut Embassy projects: *Provided*, That such report shall include, for each of the projects—

- (A) cost projections;
- (B) cost containment efforts;
- (C) project schedule and actual project status;
- (D) the impact of currency exchange rate fluctuations on project costs;

(E) revenues derived from, or estimated to be derived from, real property sales in Mexico City, Mexico for the embassy project in Mexico City and in Beirut, Lebanon for the embassy project in Beirut; and

(F) options for modifying the scope of the project in the event that costs escalate above amounts justified to the Committees on Appropriations in Appendix 1 of the Congressional Budget Justification, Department of State Operations, Fiscal Year 2015 for the Mexico City Embassy project, and in Appendix 1 of the Congressional Budget Justification, Department of State, Diplomatic Engagement, Fiscal Year 2016 for the Beirut Embassy project.

(f) INTERIM AND TEMPORARY FACILITIES ABROAD.—

(1) Funds appropriated by this Act under the heading “Embassy Security, Construction, and Maintenance” may be made available to address security vulnerabilities at interim and temporary facilities abroad, including physical security upgrades and local guard staffing, except that the amount of funds made available for such purposes from this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs shall be a minimum of \$25,000,000: *Provided*, That the uses of such funds should be the responsibility of the Assistant Secretary of State for the Bureau of Diplomatic Security and Foreign Missions, in consultation with the Director of the Bureau of Overseas Buildings Operations: *Provided further*, That such funds shall be subject to prior consultation with the Committees on Appropriations.

(2) Notwithstanding any other provision of law, the opening, closure, or any significant modification to an interim or temporary diplomatic facility shall be subject to prior consultation with the appropriate congressional committees and the regular notification procedures of the Committees on Appropriations, except that such consultation and notification may be waived if there is a security risk to personnel.

(3) Not later than 60 days after enactment of this Act, the Department of State shall document standard operating procedures and best practices associated with the delivery, construction, and protection of temporary structures in high threat and conflict environments: *Provided*, That the Secretary of State shall inform the Committees on Appropriations after completing such documentation.

(g) TRANSFER AUTHORITY.—Funds appropriated under the heading “Diplomatic and Consular Programs”, including for Worldwide Security Protection, and under the heading “Embassy Security, Construction, and Maintenance” in titles I and VIII of this Act may be transferred to, and merged with, funds appropriated by such titles under such headings if the Secretary of State determines and reports to the Committees on Appropriations that to do so is necessary to implement the recommendations of the Benghazi Accountability Review Board, or to prevent or respond to security situations and requirements, following consultation with, and subject to the regular notification procedures of, such Committees: *Provided*, That such transfer authority is in addition to any transfer authority otherwise available under any other provision of law.

PERSONNEL ACTIONS

SEC. 7005. Any costs incurred by a department or agency funded under title I of this Act resulting from personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available under title I to such department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 7015 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

LOCAL GUARD CONTRACTS

SEC. 7006. In evaluating proposals for local guard contracts, the Secretary of State shall award contracts in accordance with section 136 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (22 U.S.C. 4864), except that the Secretary may grant authorization to award such contracts on the basis of best value as determined by a cost-technical tradeoff analysis (as described in Federal Acquisition Regulation part 15.101), notwithstanding subsection (c)(3) of such section: *Provided*, That the authority in this section shall apply to any options for renewal that may be exercised under such contracts that are awarded during the current fiscal year: *Provided further*, That the Secretary shall notify the appropriate congressional committees at least 15 days prior to making an award pursuant to this section for a local guard and protective service contract for a United States diplomatic facility not deemed “high-risk, high-threat”.

PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

SEC. 7007. None of the funds appropriated or otherwise made available pursuant to titles III through VI of this Act shall be obligated or expended to finance directly any assistance or reparations for the governments of Cuba, North Korea, Iran, or Syria: *Provided*, That for purposes of this section, the prohibition on obligations or expenditures shall include direct loans, credits, insurance, and guarantees of the Export-Import Bank or its agents.

COUPS D'ÉTAT

SEC. 7008. None of the funds appropriated or otherwise made available pursuant to titles III through VI of this Act shall be obligated or expended to finance directly any assistance to the government of any country whose duly elected head of government is deposed by military coup d'état or decree or, after the date of enactment of this Act, a coup d'état or decree in which the military plays a decisive role: *Provided*, That assistance may be resumed to such government if the Secretary of State certifies and reports to the appropriate congressional committees that subsequent to the termination of assistance a democratically elected government has taken office: *Provided further*, That the provisions of this section shall not apply to assistance to promote democratic elections or public participation in democratic processes: *Provided*

further, That funds made available pursuant to the previous provisions shall be subject to the regular notification procedures of the Committees on Appropriations.

TRANSFER AUTHORITY

SEC. 7009. (a) DEPARTMENT OF STATE AND BROADCASTING BOARD OF GOVERNORS.—

(1) Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of State under title I of this Act may be transferred between, and merged with, such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers, and no such transfer may be made to increase the appropriation under the heading “Representation Expenses”.

(2) Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Broadcasting Board of Governors under title I of this Act may be transferred between, and merged with, such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers.

(3) Any transfer pursuant to this subsection shall be treated as a reprogramming of funds under section 7015 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

(b) TITLE VI TRANSFER AUTHORITIES.—Not to exceed 5 percent of any appropriation other than for administrative expenses made available for fiscal year 2016, for programs under title VI of this Act may be transferred between such appropriations for use for any of the purposes, programs, and activities for which the funds in such receiving account may be used, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 25 percent by any such transfer: *Provided*, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

(c) LIMITATION ON TRANSFERS BETWEEN AGENCIES.—

(1) None of the funds made available under titles II through V of this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

(2) Notwithstanding paragraph (1), in addition to transfers made by, or authorized elsewhere in, this Act, funds appropriated by this Act to carry out the purposes of the Foreign Assistance Act of 1961 may be allocated or transferred to agencies of the United States Government pursuant to the provisions of sections 109, 610, and 632 of the Foreign Assistance Act of 1961.

(3) Any agreement entered into by the United States Agency for International Development (USAID) or the Department of State with any department, agency, or instrumentality of the United States Government pursuant to section 632(b) of the Foreign Assistance Act of 1961 valued in excess of \$1,000,000 and any agreement made pursuant to section 632(a) of such Act, with funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign

operations, and related programs under the headings “Global Health Programs”, “Development Assistance”, “Economic Support Fund”, and “Assistance for Europe, Eurasia and Central Asia” shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided*, That the requirement in the previous sentence shall not apply to agreements entered into between USAID and the Department of State.

(d) TRANSFERS BETWEEN ACCOUNTS.—None of the funds made available under titles II through V of this Act may be obligated under an appropriation account to which such funds were not appropriated, except for transfers specifically provided for in this Act, unless the President, not less than 5 days prior to the exercise of any authority contained in the Foreign Assistance Act of 1961 to transfer funds, consults with and provides a written policy justification to the Committees on Appropriations.

(e) AUDIT OF INTER-AGENCY TRANSFERS.—Any agreement for the transfer or allocation of funds appropriated by this Act, or prior Acts, entered into between the Department of State or USAID and another agency of the United States Government under the authority of section 632(a) of the Foreign Assistance Act of 1961 or any comparable provision of law, shall expressly provide that the Inspector General (IG) for the agency receiving the transfer or allocation of such funds, or other entity with audit responsibility if the receiving agency does not have an IG, shall perform periodic program and financial audits of the use of such funds and report to the Department of State or USAID, as appropriate, upon completion of such audits: *Provided*, That such audits shall be transmitted to the Committees on Appropriations by the Department of State or USAID, as appropriate: *Provided further*, That funds transferred under such authority may be made available for the cost of such audits.

(f) REPORT.—Not later than 90 days after enactment of this Act, the Secretary of State and the USAID Administrator shall each submit a report to the Committees on Appropriations detailing all transfers to another agency of the United States Government made pursuant to sections 632(a) and 632(b) of the Foreign Assistance Act of 1961 with funds provided in the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2015 (division J of Public Law 113–235) as of the date of enactment of this Act: *Provided*, That such reports shall include a list of each transfer made pursuant to such sections with the respective funding level, appropriation account, and the receiving agency.

PROHIBITION ON FIRST-CLASS TRAVEL

SEC. 7010. None of the funds made available in this Act may be used for first-class travel by employees of agencies funded by this Act in contravention of sections 301–10.122 through 301–10.124 of title 41, Code of Federal Regulations.

AVAILABILITY OF FUNDS

SEC. 7011. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided in this Act: *Provided*, That funds appropriated for the purposes of chapters 1 and 8 of part I, section 661, chapters 4, 5, 6, 8, and 9 of

part II of the Foreign Assistance Act of 1961, section 23 of the Arms Export Control Act, and funds provided under the headings “Development Credit Authority” and “Assistance for Europe, Eurasia and Central Asia” shall remain available for an additional 4 years from the date on which the availability of such funds would otherwise have expired, if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act: *Provided further*, That notwithstanding any other provision of this Act, any funds made available for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated or obligated for cash disbursements in order to address balance of payments or economic policy reform objectives, shall remain available for an additional 4 years from the date on which the availability of such funds would otherwise have expired, if such funds are initially allocated or obligated before the expiration of their respective periods of availability contained in this Act: *Provided further*, That the Secretary of State shall provide a report to the Committees on Appropriations not later than October 30, 2016, detailing by account and source year, the use of this authority during the previous fiscal year.

LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

SEC. 7012. No part of any appropriation provided under titles III through VI in this Act shall be used to furnish assistance to the government of any country which is in default during a period in excess of 1 calendar year in payment to the United States of principal or interest on any loan made to the government of such country by the United States pursuant to a program for which funds are appropriated under this Act unless the President determines, following consultations with the Committees on Appropriations, that assistance for such country is in the national interest of the United States.

PROHIBITION ON TAXATION OF UNITED STATES ASSISTANCE

SEC. 7013. (a) PROHIBITION ON TAXATION.—None of the funds appropriated under titles III through VI of this Act may be made available to provide assistance for a foreign country under a new bilateral agreement governing the terms and conditions under which such assistance is to be provided unless such agreement includes a provision stating that assistance provided by the United States shall be exempt from taxation, or reimbursed, by the foreign government, and the Secretary of State shall expeditiously seek to negotiate amendments to existing bilateral agreements, as necessary, to conform with this requirement.

(b) REIMBURSEMENT OF FOREIGN TAXES.—An amount equivalent to 200 percent of the total taxes assessed during fiscal year 2016 on funds appropriated by this Act by a foreign government or entity against United States assistance programs for which funds are appropriated by this Act, either directly or through grantees, contractors, and subcontractors shall be withheld from obligation from funds appropriated for assistance for fiscal year 2017 and allocated for the central government of such country and for the West Bank and Gaza program to the extent that the Secretary of State certifies and reports in writing to the Committees on

Appropriations, not later than September 30, 2017, that such taxes have not been reimbursed to the Government of the United States.

(c) DE MINIMIS EXCEPTION.—Foreign taxes of a de minimis nature shall not be subject to the provisions of subsection (b).

(d) REPROGRAMMING OF FUNDS.—Funds withheld from obligation for each country or entity pursuant to subsection (b) shall be reprogrammed for assistance for countries which do not assess taxes on United States assistance or which have an effective arrangement that is providing substantial reimbursement of such taxes, and that can reasonably accommodate such assistance in a programmatically responsible manner.

(e) DETERMINATIONS.—

(1) The provisions of this section shall not apply to any country or entity if the Secretary of State reports to the Committees on Appropriations that—

(A) such country or entity does not assess taxes on United States assistance or has an effective arrangement that is providing substantial reimbursement of such taxes; or

(B) the foreign policy interests of the United States outweigh the purpose of this section to ensure that United States assistance is not subject to taxation.

(2) The Secretary of State shall consult with the Committees on Appropriations at least 15 days prior to exercising the authority of this subsection with regard to any country or entity.

(f) IMPLEMENTATION.—The Secretary of State shall issue rules, regulations, or policy guidance, as appropriate, to implement the prohibition against the taxation of assistance contained in this section.

(g) DEFINITIONS.—As used in this section—

(1) the term “bilateral agreement” refers to a framework bilateral agreement between the Government of the United States and the government of the country receiving assistance that describes the privileges and immunities applicable to United States foreign assistance for such country generally, or an individual agreement between the Government of the United States and such government that describes, among other things, the treatment for tax purposes that will be accorded the United States assistance provided under that agreement; and

(2) the term “taxes and taxation” shall include value added taxes and customs duties but shall not include individual income taxes assessed to local staff.

(h) REPORT.—The Secretary of State, in consultation with the heads of other relevant departments or agencies, shall submit a report to the Committees on Appropriations, not later than 90 days after the enactment of this Act, detailing steps taken by such departments or agencies to comply with the requirements of this section.

RESERVATIONS OF FUNDS

SEC. 7014. (a) REPROGRAMMING.—Funds appropriated under titles III through VI of this Act which are specifically designated may be reprogrammed for other programs within the same account notwithstanding the designation if compliance with the designation

is made impossible by operation of any provision of this or any other Act: *Provided*, That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That assistance that is reprogrammed pursuant to this subsection shall be made available under the same terms and conditions as originally provided.

(b) EXTENSION OF AVAILABILITY.—In addition to the authority contained in subsection (a), the original period of availability of funds appropriated by this Act and administered by the Department of State or the United States Agency for International Development (USAID) that are specifically designated for particular programs or activities by this or any other Act may be extended for an additional fiscal year if the Secretary of State or the USAID Administrator, as appropriate, determines and reports promptly to the Committees on Appropriations that the termination of assistance to a country or a significant change in circumstances makes it unlikely that such designated funds can be obligated during the original period of availability: *Provided*, That such designated funds that continue to be available for an additional fiscal year shall be obligated only for the purpose of such designation.

(c) OTHER ACTS.—Ceilings and specifically designated funding levels contained in this Act shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs: *Provided*, That specifically designated funding levels or minimum funding requirements contained in any other Act shall not be applicable to funds appropriated by this Act.

NOTIFICATION REQUIREMENTS

SEC. 7015. (a) NOTIFICATION OF CHANGES IN PROGRAMS, PROJECTS, AND ACTIVITIES.—None of the funds made available in titles I and II of this Act, or in prior appropriations Acts to the agencies and departments funded by this Act that remain available for obligation in fiscal year 2016, or provided from any accounts in the Treasury of the United States derived by the collection of fees or of currency reflows or other offsetting collections, or made available by transfer, to the agencies and departments funded by this Act, shall be available for obligation to—

- (1) create new programs;
- (2) eliminate a program, project, or activity;
- (3) close, suspend, open, or reopen a mission or post;
- (4) create, close, reorganize, or rename bureaus, centers, or offices; or
- (5) contract out or privatize any functions or activities presently performed by Federal employees;

unless previously justified to the Committees on Appropriations or such Committees are notified 15 days in advance of such obligation.

(b) NOTIFICATION OF REPROGRAMMING OF FUNDS.—None of the funds provided under titles I and II of this Act, or provided under previous appropriations Acts to the agency or department funded under titles I and II of this Act that remain available for obligation in fiscal year 2016, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agency or department funded under title I of this Act,

shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of \$1,000,000 or 10 percent, whichever is less, that—

(1) augments or changes existing programs, projects, or activities;

(2) relocates an existing office or employees;

(3) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or

(4) results from any general savings, including savings from a reduction in personnel, which would result in a change in existing programs, activities, or projects as approved by Congress;

unless the Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.

(c) NOTIFICATION REQUIREMENT.—None of the funds made available by this Act under the headings “Global Health Programs”, “Development Assistance”, “International Organizations and Programs”, “Trade and Development Agency”, “International Narcotics Control and Law Enforcement”, “Economic Support Fund”, “Democracy Fund”, “Assistance for Europe, Eurasia and Central Asia”, “Peacekeeping Operations”, “Nonproliferation, Anti-terrorism, Demining and Related Programs”, “Millennium Challenge Corporation”, “Foreign Military Financing Program”, “International Military Education and Training”, and “Peace Corps”, shall be available for obligation for activities, programs, projects, type of materiel assistance, countries, or other operations not justified or in excess of the amount justified to the Committees on Appropriations for obligation under any of these specific headings unless the Committees on Appropriations are notified 15 days in advance: *Provided*, That the President shall not enter into any commitment of funds appropriated for the purposes of section 23 of the Arms Export Control Act for the provision of major defense equipment, other than conventional ammunition, or other major defense items defined to be aircraft, ships, missiles, or combat vehicles, not previously justified to Congress or 20 percent in excess of the quantities justified to Congress unless the Committees on Appropriations are notified 15 days in advance of such commitment: *Provided further*, That requirements of this subsection or any similar provision of this or any other Act shall not apply to any reprogramming for an activity, program, or project for which funds are appropriated under titles III through VI of this Act of less than 10 percent of the amount previously justified to Congress for obligation for such activity, program, or project for the current fiscal year: *Provided further*, That any notification submitted pursuant to subsection (f) of this section shall include information (if known on the date of transmittal of such notification) on the use of notwithstanding authority: *Provided further*, That if subsequent to the notification of assistance it becomes necessary to rely on notwithstanding authority, the Committees on Appropriations should be informed at the earliest opportunity and to the extent practicable.

(d) NOTIFICATION OF TRANSFER OF FUNDS.—Notwithstanding any other provision of law, with the exception of funds transferred to, and merged with, funds appropriated under title I of this Act, funds transferred by the Department of Defense to the Department

of State and the United States Agency for International Development for assistance for foreign countries and international organizations, and funds made available for programs previously authorized under section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163) or section 2282 of title 10, United States Code, shall be subject to the regular notification procedures of the Committees on Appropriations.

(e) WAIVER.—The requirements of this section or any similar provision of this Act or any other Act, including any prior Act requiring notification in accordance with the regular notification procedures of the Committees on Appropriations, may be waived if failure to do so would pose a substantial risk to human health or welfare: *Provided*, That in case of any such waiver, notification to the Committees on Appropriations shall be provided as early as practicable, but in no event later than 3 days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: *Provided further*, That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances.

(f) COUNTRY NOTIFICATION REQUIREMENTS.—None of the funds appropriated under titles III through VI of this Act may be obligated or expended for assistance for Afghanistan, Bahrain, Bolivia, Burma, Cambodia, Colombia, Cuba, Ecuador, Egypt, El Salvador, Ethiopia, Guatemala, Haiti, Honduras, Iran, Iraq, Lebanon, Libya, Mexico, Pakistan, the Russian Federation, Somalia, South Sudan, Sri Lanka, Sudan, Syria, Uzbekistan, Venezuela, Yemen, and Zimbabwe except as provided through the regular notification procedures of the Committees on Appropriations.

(g) WITHHOLDING OF FUNDS.—Funds appropriated by this Act under titles III and IV that are withheld from obligation or otherwise not programmed as a result of application of a provision of law in this or any other Act shall, if reprogrammed, be subject to the regular notification procedures of the Committees on Appropriations.

NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

SEC. 7016. Prior to providing excess Department of Defense articles in accordance with section 516(a) of the Foreign Assistance Act of 1961, the Department of Defense shall notify the Committees on Appropriations to the same extent and under the same conditions as other committees pursuant to subsection (f) of that section: *Provided*, That before issuing a letter of offer to sell excess defense articles under the Arms Export Control Act, the Department of Defense shall notify the Committees on Appropriations in accordance with the regular notification procedures of such Committees if such defense articles are significant military equipment (as defined in section 47(9) of the Arms Export Control Act) or are valued (in terms of original acquisition cost) at \$7,000,000 or more, or if notification is required elsewhere in this Act for the use of appropriated funds for specific countries that would receive such excess defense articles: *Provided further*, That such Committees shall also be informed of the original acquisition cost of such defense articles.

LIMITATION ON AVAILABILITY OF FUNDS FOR INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 7017. Subject to the regular notification procedures of the Committees on Appropriations, funds appropriated under titles I and III through V of this Act, which are returned or not made available for organizations and programs because of the implementation of section 307(a) of the Foreign Assistance Act of 1961 or section 7048(a) of this Act, shall remain available for obligation until September 30, 2018: *Provided*, That the requirement to withhold funds for programs in Burma under section 307(a) of the Foreign Assistance Act of 1961 shall not apply to funds appropriated by this Act.

PROHIBITION ON FUNDING FOR ABORTIONS AND INVOLUNTARY STERILIZATION

SEC. 7018. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for any biomedical research which relates in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of these funds by any such country or organization would violate any of the above provisions related to abortions and involuntary sterilizations.

ALLOCATIONS

SEC. 7019. (a) ALLOCATION TABLES.—Subject to subsection (b), funds appropriated by this Act under titles III through V shall be made available in the amounts specifically designated in the respective tables included in the explanatory statement described in section 4 (in the matter preceding division A of this Consolidated Act): *Provided*, That such designated amounts for foreign countries and international organizations shall serve as the amounts for such countries and international organizations transmitted to the Congress in the report required by section 653(a) of the Foreign Assistance Act of 1961 (FAA).

(b) AUTHORIZED DEVIATIONS.—Unless otherwise provided for by this Act, the Secretary of State and the Administrator of the United States Agency for International Development, as applicable, may only deviate up to 5 percent from the amounts specifically designated in the respective tables included in the explanatory statement described in section 4 (in the matter preceding division A of this Consolidated Act): *Provided*, That such percentage may be exceeded only to respond to significant, exigent, or unforeseen events, or to address other exceptional circumstances directly

related to the national interest: *Provided further*, That deviations pursuant to the previous proviso shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

(c) LIMITATION.—For specifically designated amounts that are included, pursuant to subsection (a), in the report required by section 653(a) of the FAA, no deviations authorized by subsection (b) may take place until submission of such report.

REPRESENTATION AND ENTERTAINMENT EXPENSES

SEC. 7020. (a) USES OF FUNDS.—Each Federal department, agency, or entity funded in titles I or II of this Act, and the Department of the Treasury and independent agencies funded in titles III or VI of this Act, shall take steps to ensure that domestic and overseas representation and entertainment expenses further official agency business and United States foreign policy interests—

- (1) are primarily for fostering relations outside of the Executive Branch;
- (2) are principally for meals and events of a protocol nature;
- (3) are not for employee-only events; and
- (4) do not include activities that are substantially of a recreational character.

(b) LIMITATIONS.—None of the funds appropriated or otherwise made available by this Act under the headings “International Military Education and Training” or “Foreign Military Financing Program” for Informational Program activities or under the headings “Global Health Programs”, “Development Assistance”, “Economic Support Fund”, and “Assistance for Europe, Eurasia and Central Asia” may be obligated or expended to pay for—

- (1) alcoholic beverages; or
- (2) entertainment expenses for activities that are substantially of a recreational character, including but not limited to entrance fees at sporting events, theatrical and musical productions, and amusement parks.

PROHIBITION ON ASSISTANCE TO GOVERNMENTS SUPPORTING INTERNATIONAL TERRORISM

SEC. 7021. (a) LETHAL MILITARY EQUIPMENT EXPORTS.—

(1) PROHIBITION.—None of the funds appropriated or otherwise made available by titles III through VI of this Act may be made available to any foreign government which provides lethal military equipment to a country the government of which the Secretary of State has determined supports international terrorism for purposes of section 6(j) of the Export Administration Act of 1979 as continued in effect pursuant to the International Emergency Economic Powers Act: *Provided*, That the prohibition under this section with respect to a foreign government shall terminate 12 months after that government ceases to provide such military equipment: *Provided further*, That this section applies with respect to lethal military equipment provided under a contract entered into after October 1, 1997.

(2) DETERMINATION.—Assistance restricted by paragraph (1) or any other similar provision of law, may be furnished if the President determines that to do so is important to the national interests of the United States.

(3) REPORT.—Whenever the President makes a determination pursuant to paragraph (2), the President shall submit to the Committees on Appropriations a report with respect to the furnishing of such assistance, including a detailed explanation of the assistance to be provided, the estimated dollar amount of such assistance, and an explanation of how the assistance furthers United States national interests.

(b) BILATERAL ASSISTANCE.—

(1) LIMITATIONS.—Funds appropriated for bilateral assistance in titles III through VI of this Act and funds appropriated under any such title in prior Acts making appropriations for the Department of State, foreign operations, and related programs, shall not be made available to any foreign government which the President determines—

(A) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism;

(B) otherwise supports international terrorism; or

(C) is controlled by an organization designated as a terrorist organization under section 219 of the Immigration and Nationality Act.

(2) WAIVER.—The President may waive the application of paragraph (1) to a government if the President determines that national security or humanitarian reasons justify such waiver: *Provided*, That the President shall publish each such waiver in the Federal Register and, at least 15 days before the waiver takes effect, shall notify the Committees on Appropriations of the waiver (including the justification for the waiver) in accordance with the regular notification procedures of the Committees on Appropriations.

AUTHORIZATION REQUIREMENTS

SEC. 7022. Funds appropriated by this Act, except funds appropriated under the heading “Trade and Development Agency”, may be obligated and expended notwithstanding section 10 of Public Law 91–672, section 15 of the State Department Basic Authorities Act of 1956, section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 3094(a)(1)).

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

SEC. 7023. For the purpose of titles II through VI of this Act “program, project, and activity” shall be defined at the appropriations Act account level and shall include all appropriations and authorizations Acts funding directives, ceilings, and limitations with the exception that for the following accounts: “Economic Support Fund” and “Foreign Military Financing Program”, “program, project, and activity” shall also be considered to include country, regional, and central program level funding within each such account; and for the development assistance accounts of the United States Agency for International Development, “program, project, and activity” shall also be considered to include central, country, regional, and program level funding, either as—

(1) justified to Congress; or

(2) allocated by the Executive Branch in accordance with a report, to be provided to the Committees on Appropriations

within 30 days of the enactment of this Act, as required by section 653(a) of the Foreign Assistance Act of 1961.

AUTHORITIES FOR THE PEACE CORPS, INTER-AMERICAN FOUNDATION
AND UNITED STATES AFRICAN DEVELOPMENT FOUNDATION

SEC. 7024. Unless expressly provided to the contrary, provisions of this or any other Act, including provisions contained in prior Acts authorizing or making appropriations for the Department of State, foreign operations, and related programs, shall not be construed to prohibit activities authorized by or conducted under the Peace Corps Act, the Inter-American Foundation Act or the African Development Foundation Act: *Provided*, That prior to conducting activities in a country for which assistance is prohibited, the agency shall consult with the Committees on Appropriations and report to such Committees within 15 days of taking such action.

COMMERCE, TRADE AND SURPLUS COMMODITIES

SEC. 7025. (a) WORLD MARKETS.—None of the funds appropriated or made available pursuant to titles III through VI of this Act for direct assistance and none of the funds otherwise made available to the Export-Import Bank and the Overseas Private Investment Corporation shall be obligated or expended to finance any loan, any assistance, or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity: *Provided*, That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar, or competing commodity, and the Chairman of the Board so notifies the Committees on Appropriations: *Provided further*, That this subsection shall not prohibit—

(1) activities in a country that is eligible for assistance from the International Development Association, is not eligible for assistance from the International Bank for Reconstruction and Development, and does not export on a consistent basis the agricultural commodity with respect to which assistance is furnished; or

(2) activities in a country the President determines is recovering from widespread conflict, a humanitarian crisis, or a complex emergency.

(b) EXPORTS.—None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States: *Provided*, That this subsection shall not prohibit—

(1) activities designed to increase food security in developing countries where such activities will not have a significant

impact on the export of agricultural commodities of the United States;

(2) research activities intended primarily to benefit United States producers;

(3) activities in a country that is eligible for assistance from the International Development Association, is not eligible for assistance from the International Bank for Reconstruction and Development, and does not export on a consistent basis the agricultural commodity with respect to which assistance is furnished; or

(4) activities in a country the President determines is recovering from widespread conflict, a humanitarian crisis, or a complex emergency.

22 USC 262h
note.

(c) INTERNATIONAL FINANCIAL INSTITUTIONS.—The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions, as defined in section 7034(r)(3) of this Act, to use the voice and vote of the United States to oppose any assistance by such institutions, using funds appropriated or made available by this Act, for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

SEPARATE ACCOUNTS

22 USC 2362
note.

SEC. 7026. (a) SEPARATE ACCOUNTS FOR LOCAL CURRENCIES.—

(1) AGREEMENTS.—If assistance is furnished to the government of a foreign country under chapters 1 and 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 under agreements which result in the generation of local currencies of that country, the Administrator of the United States Agency for International Development (USAID) shall—

(A) require that local currencies be deposited in a separate account established by that government;

(B) enter into an agreement with that government which sets forth—

(i) the amount of the local currencies to be generated; and

(ii) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

(C) establish by agreement with that government the responsibilities of USAID and that government to monitor and account for deposits into and disbursements from the separate account.

(2) USES OF LOCAL CURRENCIES.—As may be agreed upon with the foreign government, local currencies deposited in a separate account pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

(A) to carry out chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 (as the case may be), for such purposes as—

(i) project and sector assistance activities; or

(ii) debt and deficit financing; or

(B) for the administrative requirements of the United States Government.

(3) PROGRAMMING ACCOUNTABILITY.—USAID shall take all necessary steps to ensure that the equivalent of the local currencies disbursed pursuant to subsection (a)(2)(A) from the separate account established pursuant to subsection (a)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

(4) TERMINATION OF ASSISTANCE PROGRAMS.—Upon termination of assistance to a country under chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 (as the case may be), any unencumbered balances of funds which remain in a separate account established pursuant to subsection (a) shall be disposed of for such purposes as may be agreed to by the government of that country and the United States Government.

(5) REPORTING REQUIREMENT.—The USAID Administrator shall report on an annual basis as part of the justification documents submitted to the Committees on Appropriations on the use of local currencies for the administrative requirements of the United States Government as authorized in subsection (a)(2)(B), and such report shall include the amount of local currency (and United States dollar equivalent) used or to be used for such purpose in each applicable country.

(b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—

(1) IN GENERAL.—If assistance is made available to the government of a foreign country, under chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961, as cash transfer assistance or as nonproject sector assistance, that country shall be required to maintain such funds in a separate account and not commingle with any other funds.

(2) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the nature of this assistance including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (House Report No. 98–1159).

(3) NOTIFICATION.—At least 15 days prior to obligating any such cash transfer or nonproject sector assistance, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by the assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance).

(4) EXEMPTION.—Nonproject sector assistance funds may be exempt from the requirements of paragraph (1) only through the regular notification procedures of the Committees on Appropriations.

ELIGIBILITY FOR ASSISTANCE

SEC. 7027. (a) ASSISTANCE THROUGH NONGOVERNMENTAL ORGANIZATIONS.—Restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance in support of programs of nongovernmental organizations from funds appropriated by this Act to carry out

the provisions of chapters 1, 10, 11, and 12 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 and from funds appropriated under the heading “Assistance for Europe, Eurasia and Central Asia”: *Provided*, That before using the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations, the President shall notify the Committees on Appropriations pursuant to the regular notification procedures, including a description of the program to be assisted, the assistance to be provided, and the reasons for furnishing such assistance: *Provided further*, That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion or involuntary sterilizations contained in this or any other Act.

(b) PUBLIC LAW 480.—During fiscal year 2016, restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance under the Food for Peace Act (Public Law 83–480): *Provided*, That none of the funds appropriated to carry out title I of such Act and made available pursuant to this subsection may be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

(c) EXCEPTION.—This section shall not apply—

(1) with respect to section 620A of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to countries that support international terrorism; or

(2) with respect to section 116 of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to the government of a country that violates internationally recognized human rights.

LOCAL COMPETITION

SEC. 7028. (a) REQUIREMENTS FOR EXCEPTIONS TO COMPETITION FOR LOCAL ENTITIES.—Funds appropriated by this Act that are made available to the United States Agency for International Development (USAID) may only be made available for limited competitions through local entities if—

(1) prior to the determination to limit competition to local entities, USAID has—

(A) assessed the level of local capacity to effectively implement, manage, and account for programs included in such competition; and

(B) documented the written results of the assessment and decisions made; and

(2) prior to making an award after limiting competition to local entities—

(A) each successful local entity has been determined to be responsible in accordance with USAID guidelines; and

(B) effective monitoring and evaluation systems are in place to ensure that award funding is used for its intended purposes; and

(3) no level of acceptable fraud is assumed.

(b) REPORTING REQUIREMENT.—In addition to the requirements of subsection (a)(1), the USAID Administrator shall report, on an annual basis, to the appropriate congressional committees on all

awards subject to limited or no competition for local entities: *Provided*, That such report should be posted on the USAID Web site: *Provided further*, That the requirements of this subsection shall only apply to awards in excess of \$3,000,000 and sole source awards to local entities in excess of \$2,000,000.

(c) EXTENSION OF PROCUREMENT AUTHORITY.—Section 7077 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2012 (division I of Public Law 112–74) shall continue in effect during fiscal year 2016, as amended by the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2014 (division K of Public Law 113–76).

INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 7029. (a) EVALUATIONS AND REPORT.—The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to seek to require that such institution adopts and implements a publicly available policy, including the strategic use of peer reviews and external experts, to conduct independent, in-depth evaluations of the effectiveness of at least 25 percent of all loans, grants, programs, and significant analytical non-lending activities in advancing the institution’s goals of reducing poverty and promoting equitable economic growth, consistent with relevant safeguards, to ensure that decisions to support such loans, grants, programs, and activities are based on accurate data and objective analysis: *Provided*, That not later than 180 days after enactment of this Act, the Secretary shall submit a report to the Committees on Appropriations on steps taken by the United States executive directors and the international financial institutions consistent with this subsection.

(b) SAFEGUARDS.—The Secretary of the Treasury shall instruct the United States Executive Director of the International Bank for Reconstruction and Development and the International Development Association to vote against any loan, grant, policy, or strategy if such institution has adopted and is implementing any social or environmental safeguard relevant to such loan, grant, policy, or strategy that provides less protection than World Bank safeguards in effect on September 30, 2015.

(c) COMPENSATION.—None of the funds appropriated under title V of this Act may be made as payment to any international financial institution while the United States executive director to such institution is compensated by the institution at a rate which, together with whatever compensation such executive director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States executive director to such institution is compensated by the institution at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(d) HUMAN RIGHTS.—The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to seek to require that such institution conducts rigorous human rights due diligence and risk management, as appropriate, in connection with any loan, grant, policy, or strategy of such institution: *Provided*, That prior to voting on any such

loan, grant, policy, or strategy the executive director shall consult with the Assistant Secretary for Democracy, Human Rights, and Labor, Department of State, if the executive director has reason to believe that such loan, grant, policy, or strategy could result in forced displacement or other violation of human rights.

(e) FRAUD AND CORRUPTION.—The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to promote in loan, grant, and other financing agreements improvements in borrowing countries' financial management and judicial capacity to investigate, prosecute, and punish fraud and corruption.

(f) BENEFICIAL OWNERSHIP INFORMATION.—The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to seek to require that such institution collects, verifies, and publishes, to the maximum extent practicable, beneficial ownership information (excluding proprietary information) for any corporation or limited liability company, other than a publicly listed company, that receives funds appropriated by this Act that are provided as payment to such institution: *Provided*, That not later than 180 days after enactment of this Act, the Secretary shall submit a report to the Committees on Appropriations on steps taken by the United States executive directors and the international financial institutions consistent with this subsection.

(g) WHISTLEBLOWER PROTECTIONS.—The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to seek to require that each such institution is effectively implementing and enforcing policies and procedures which reflect best practices for the protection of whistleblowers from retaliation, including best practices for—

- (1) protection against retaliation for internal and lawful public disclosure;
- (2) legal burdens of proof;
- (3) statutes of limitation for reporting retaliation;
- (4) access to independent adjudicative bodies, including external arbitration; and
- (5) results that eliminate the effects of proven retaliation.

DEBT-FOR-DEVELOPMENT

SEC. 7030. In order to enhance the continued participation of nongovernmental organizations in debt-for-development and debt-for-nature exchanges, a nongovernmental organization which is a grantee or contractor of the United States Agency for International Development may place in interest bearing accounts local currencies which accrue to that organization as a result of economic assistance provided under title III of this Act and, subject to the regular notification procedures of the Committees on Appropriations, any interest earned on such investment shall be used for the purpose for which the assistance was provided to that organization.

FINANCIAL MANAGEMENT AND BUDGET TRANSPARENCY

SEC. 7031. (a) LIMITATION ON DIRECT GOVERNMENT-TO-GOVERNMENT ASSISTANCE.—

- (1) REQUIREMENTS.—Funds appropriated by this Act may be made available for direct government-to-government assistance only if—

(A)(i) each implementing agency or ministry to receive assistance has been assessed and is considered to have the systems required to manage such assistance and any identified vulnerabilities or weaknesses of such agency or ministry have been addressed;

(ii) the recipient agency or ministry employs and utilizes staff with the necessary technical, financial, and management capabilities;

(iii) the recipient agency or ministry has adopted competitive procurement policies and systems;

(iv) effective monitoring and evaluation systems are in place to ensure that such assistance is used for its intended purposes;

(v) no level of acceptable fraud is assumed; and

(vi) the government of the recipient country is taking steps to publicly disclose on an annual basis its national budget, to include income and expenditures;

(B) the recipient government is in compliance with the principles set forth in section 7013 of this Act;

(C) the recipient agency or ministry is not headed or controlled by an organization designated as a foreign terrorist organization under section 219 of the Immigration and Nationality Act;

(D) the Government of the United States and the government of the recipient country have agreed, in writing, on clear and achievable objectives for the use of such assistance, which should be made available on a cost-reimbursable basis; and

(E) the recipient government is taking steps to protect the rights of civil society, including freedoms of expression, association, and assembly.

(2) CONSULTATION AND NOTIFICATION.—In addition to the requirements in paragraph (1), no funds may be made available for direct government-to-government assistance without prior consultation with, and notification of, the Committees on Appropriations: *Provided*, That such notification shall contain an explanation of how the proposed activity meets the requirements of paragraph (1): *Provided further*, That the requirements of this paragraph shall only apply to direct government-to-government assistance in excess of \$10,000,000 and all funds available for cash transfer, budget support, and cash payments to individuals.

(3) SUSPENSION OF ASSISTANCE.—The Administrator of the United States Agency for International Development (USAID) or the Secretary of State, as appropriate, shall suspend any direct government-to-government assistance if the Administrator or the Secretary has credible information of material misuse of such assistance, unless the Administrator or the Secretary reports to the Committees on Appropriations that it is in the national interest of the United States to continue such assistance, including a justification, or that such misuse has been appropriately addressed.

(4) SUBMISSION OF INFORMATION.—The Secretary of State shall submit to the Committees on Appropriations, concurrent with the fiscal year 2017 congressional budget justification

materials, amounts planned for assistance described in paragraph (1) by country, proposed funding amount, source of funds, and type of assistance.

(5) REPORT.—Not later than 90 days after the enactment of this Act and 6 months thereafter until September 30, 2016, the USAID Administrator shall submit to the Committees on Appropriations a report that—

(A) details all assistance described in paragraph (1) provided during the previous 6-month period by country, funding amount, source of funds, and type of such assistance; and

(B) the type of procurement instrument or mechanism utilized and whether the assistance was provided on a reimbursable basis.

(6) DEBT SERVICE PAYMENT PROHIBITION.—None of the funds made available by this Act may be used for any foreign country for debt service payments owed by any country to any international financial institution: *Provided*, That for purposes of this paragraph, the term “international financial institution” has the meaning given the term in section 7034(r)(3) of this Act.

(b) NATIONAL BUDGET AND CONTRACT TRANSPARENCY.—

(1) MINIMUM REQUIREMENTS OF FISCAL TRANSPARENCY.—The Secretary of State shall continue to update and strengthen the “minimum requirements of fiscal transparency” for each government receiving assistance appropriated by this Act, as identified in the report required by section 7031(b) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2014 (division K of Public Law 113–76).

(2) DEFINITION.—For purposes of paragraph (1), “minimum requirements of fiscal transparency” are requirements consistent with those in subsection (a)(1), and the public disclosure of national budget documentation (to include receipts and expenditures by ministry) and government contracts and licenses for natural resource extraction (to include bidding and concession allocation practices).

(3) DETERMINATION AND REPORT.—For each government identified pursuant to paragraph (1), the Secretary of State, not later than 180 days after enactment of this Act, shall make or update any determination of “significant progress” or “no significant progress” in meeting the minimum requirements of fiscal transparency, and make such determinations publicly available in an annual “Fiscal Transparency Report” to be posted on the Department of State Web site: *Provided*, That the Secretary shall identify the significant progress made by each such government to publicly disclose national budget documentation, contracts, and licenses which are additional to such information disclosed in previous fiscal years, and include specific recommendations of short- and long-term steps such government should take to improve fiscal transparency: *Provided further*, That the annual report shall include a detailed description of how funds appropriated by this Act are being used to improve fiscal transparency, and identify benchmarks for measuring progress.

(4) ASSISTANCE.—Funds appropriated under title III of this Act shall be made available for programs and activities to

assist governments identified pursuant to paragraph (1) to improve budget transparency and to support civil society organizations in such countries that promote budget transparency: *Provided*, That such sums shall be in addition to funds otherwise made available for such purposes: *Provided further*, That a description of the uses of such funds shall be included in the annual “Fiscal Transparency Report” required by paragraph (3).

(c) ANTI-KLEPTOCRACY AND HUMAN RIGHTS.—

(1)(A) INELIGIBILITY.—Officials of foreign governments and their immediate family members about whom the Secretary of State has credible information have been involved in significant corruption, including corruption related to the extraction of natural resources, or a gross violation of human rights shall be ineligible for entry into the United States.

8 USC 1182 note.

(B) The Secretary may also publicly or privately designate or identify officials of foreign governments and their immediate family members about whom the Secretary has such credible information without regard to whether the individual has applied for a visa.

(2) EXCEPTION.—Individuals shall not be ineligible if entry into the United States would further important United States law enforcement objectives or is necessary to permit the United States to fulfill its obligations under the United Nations Headquarters Agreement: *Provided*, That nothing in paragraph (1) shall be construed to derogate from United States Government obligations under applicable international agreements.

(3) WAIVER.—The Secretary may waive the application of paragraph (1) if the Secretary determines that the waiver would serve a compelling national interest or that the circumstances which caused the individual to be ineligible have changed sufficiently.

(4) REPORT.—Not later than 6 months after enactment of this Act, the Secretary of State shall submit a report, including a classified annex if necessary, to the Committees on Appropriations and the Committees on the Judiciary describing the information related to corruption or violation of human rights concerning each of the individuals found ineligible in the previous 12 months pursuant to paragraph (1)(A) as well as the individuals who the Secretary designated or identified pursuant to paragraph (1)(B), or who would be ineligible but for the application of paragraph (2), a list of any waivers provided under paragraph (3), and the justification for each waiver.

(5) POSTING OF REPORT.—Any unclassified portion of the report required under paragraph (4) shall be posted on the Department of State Web site.

(6) CLARIFICATION.—For purposes of paragraphs (1)(B), (4), and (5), the records of the Department of State and of diplomatic and consular offices of the United States pertaining to the issuance or refusal of visas or permits to enter the United States shall not be considered confidential.

(d) EXTRACTION OF NATURAL RESOURCES.—

(1) ASSISTANCE.—Funds appropriated by this Act shall be made available to promote and support transparency and accountability of expenditures and revenues related to the extraction of natural resources, including by strengthening

implementation and monitoring of the Extractive Industries Transparency Initiative, implementing and enforcing section 8204 of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246; 122 Stat. 2052) and to prevent the sale of conflict diamonds, and provide technical assistance to promote independent audit mechanisms and support civil society participation in natural resource management.

(2) UNITED STATES POLICY.—

(A) The Secretary of the Treasury shall inform the management of the international financial institutions, and post on the Department of the Treasury Web site, that it is the policy of the United States to vote against any assistance by such institutions (including any loan, credit, grant, or guarantee) to any country for the extraction and export of a natural resource if the government of such country has in place laws, regulations, or procedures to prevent or limit the public disclosure of company payments as required by United States law, and unless such government has adopted laws, regulations, or procedures in the sector in which assistance is being considered for—

(i) accurately accounting for and public disclosure of payments to the host government by companies involved in the extraction and export of natural resources;

(ii) the independent auditing of accounts receiving such payments and public disclosure of the findings of such audits; and

(iii) public disclosure of such documents as Host Government Agreements, Concession Agreements, and bidding documents, allowing in any such dissemination or disclosure for the redaction of, or exceptions for, information that is commercially proprietary or that would create competitive disadvantage.

(B) The requirements of subparagraph (A) shall not apply to assistance for the purpose of building the capacity of such government to meet the requirements of this subparagraph.

(e) FOREIGN ASSISTANCE WEB SITE.—Funds appropriated by this Act under titles I and II, and funds made available for any independent agency in title III, as appropriate, shall be made available to support the provision of additional information on United States Government foreign assistance on the Department of State foreign assistance Web site: *Provided*, That all Federal agencies funded under this Act shall provide such information on foreign assistance, upon request, to the Department of State.

DEMOCRACY PROGRAMS

SEC. 7032. (a) FUNDING.—

(1) Of the funds appropriated by this Act, not less than \$2,308,517,000 shall be made available for democracy programs.

(2) Of the funds appropriated by this Act under the heading “Economic Support Fund”, not less than \$32,000,000 shall be made available for the Near East Regional Democracy program.

(b) AUTHORITY.—Funds made available by this Act for democracy programs may be made available notwithstanding any other

provision of law, and with regard to the National Endowment for Democracy (NED), any regulation.

(c) DEFINITION OF DEMOCRACY PROGRAMS.—For purposes of funds appropriated by this Act, the term “democracy programs” means programs that support good governance, credible and competitive elections, freedom of expression, association, assembly, and religion, human rights, labor rights, independent media, and the rule of law, and that otherwise strengthen the capacity of democratic political parties, governments, nongovernmental organizations and institutions, and citizens to support the development of democratic states, and institutions that are responsive and accountable to citizens.

(d) PROGRAM PRIORITIZATION.—Funds made available pursuant to this section that are made available for programs to strengthen government institutions shall be prioritized for those institutions that demonstrate a commitment to democracy and the rule of law, as determined by the Secretary of State or the Administrator of the United States Agency for International Development (USAID), as appropriate.

(e) RESTRICTION ON PRIOR APPROVAL.—With respect to the provision of assistance for democracy programs in this Act, the organizations implementing such assistance, the specific nature of that assistance, and the participants in such programs shall not be subject to the prior approval by the government of any foreign country: *Provided*, That the Secretary of State, in coordination with the USAID Administrator, shall report to the Committees on Appropriations, not later than 120 days after enactment of this Act, detailing steps taken by the Department of State and USAID to comply with the requirements of this subsection.

(f) PROGRAM DESIGN AND IMPLEMENTATION.—

(1) CLARIFICATION OF USE.—Not later than 90 days after enactment of this Act, the Secretary of State and USAID Administrator, following consultation with democracy program implementing partners, shall each establish guidelines for clarifying program design and objectives for democracy programs, including the uses of contracts versus grants and cooperative agreements in the conduct of democracy programs carried out with funds appropriated by this Act: *Provided*, That such guidelines, which shall be made available to all relevant agency personnel, shall be in accordance with—

(A) the Quadrennial Diplomacy and Development Review, 2015, regarding the objectives of promoting resilient, open, and democratic societies;

(B) the ADVANCE Democracy Act of 2007 (title XXI of Public Law 110–53; 22 U.S.C. 8201 et seq.), including the foreign policy objectives contained therein; and

(C) sections 6303 through 6305 of title 31, United States Code, regarding the selection of contracts and assistance instruments.

(2) CONTINUATION OF CURRENT PRACTICES.—USAID shall continue to implement civil society and political competition and consensus building programs abroad with funds appropriated by this Act in a manner that recognizes the unique benefits of grants and cooperative agreements in implementing such programs: *Provided*, That nothing in this paragraph shall be construed to affect the ability of any entity, including United States small businesses, from competing for proposals for

USAID-funded civil society and political competition and consensus building programs.

(3) REPORT.—Not later than September 30, 2017, the Secretary of State and USAID Administrator shall each submit to the Committees on Appropriations a report detailing the use of contracts, grants, and cooperative agreements in the conduct of democracy programs with funds made available by the Department of State, Foreign Operations, and Related Programs Act, 2015 (division J of Public Law 113–235), which shall include funding level, account, program sector and subsector, and a brief summary of purpose.

(g) STRATEGIC REVIEWS AND REPORT.—

(1) COUNTRY STRATEGIES.—Prior to the obligation of funds made available by this Act for Department of State and USAID democracy programs for a nondemocratic or democratic transitioning country for which a country strategy has been concluded after the date of enactment of this Act, as required by section 2111(c)(1) of the ADVANCE Democracy Act of 2007 (title XXI of Public Law 110–53; 22 U.S.C. 8211) or similar provision of law or regulation, the Under Secretary for Civilian Security, Democracy and Human Rights, Department of State, in consultation with the Assistant Secretary for Democracy, Human Rights, and Labor, Department of State, and the Assistant Administrator for Democracy, Conflict, and Humanitarian Assistance, USAID, shall review such strategy to ensure that it includes—

(A) specific goals and objectives for such program, including a specific plan and timeline to measure impacts;

(B) an assessment of the risks associated with the conduct of such program to intended beneficiaries and implementers, including steps to support and protect such individuals; and

(C) the funding requirements to initiate and sustain such program in fiscal year 2016 and subsequent fiscal years, as appropriate:

Provided, That for the purposes of this paragraph, the term “nondemocratic or democratic transitioning country” shall have the same meaning as in section 2104(6) of Public Law 110–53.

(2) REPORT.—Not later than September 30, 2016, the Secretary of State, in consultation with the USAID Administrator, shall submit a report, including a classified annex if necessary, to the appropriate congressional committees detailing the methodology and guidelines established and implemented by the Department of State and USAID, respectively, to carry out the requirements of this subsection: *Provided*, That such report shall also include an analysis of the political and social conditions in a nondemocratic or democratic transitioning country that are a prerequisite for the conduct of democracy programs.

(h) CONSULTATION AND COMMUNICATION REQUIREMENTS.—

(1) COUNTRY ALLOCATIONS.—The Deputy Secretary for Management and Resources, Department of State, shall consult with the Under Secretary for Civilian Security, Democracy and Human Rights, Department of State, and the Assistant Administrator for Democracy, Conflict, and Humanitarian Assistance, USAID, on the proposed funding levels for democracy programs by country in the report submitted to Congress

pursuant to section 653(a) of the Foreign Assistance Act of 1961.

(2) **INFORMING THE NATIONAL ENDOWMENT FOR DEMOCRACY.**—The Assistant Secretary for Democracy, Human Rights, and Labor, Department of State, and the Assistant Administrator for Democracy, Conflict, and Humanitarian Assistance, USAID, shall regularly inform the National Endowment for Democracy of democracy programs that are planned and supported by funds made available by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs.

(3) **REPORT ON PROGRAM CHANGES.**—The Secretary of State or the USAID Administrator, as appropriate, shall report to the Committees on Appropriations within 30 days of a decision to significantly change the objectives or the content of a democracy program or to close such a program due to the increasingly repressive nature of the host country government: *Provided*, That the report shall also include a strategy for continuing support for democracy promotion, if such programming is feasible, and may be submitted in classified form, if necessary.

INTERNATIONAL RELIGIOUS FREEDOM

SEC. 7033. (a) INTERNATIONAL RELIGIOUS FREEDOM OFFICE AND SPECIAL ENVOY TO PROMOTE RELIGIOUS FREEDOM.—Funds appropriated by this Act under the heading “Diplomatic and Consular Programs” shall be made available for the Office of the Ambassador-at-Large for International Religious Freedom and the Special Envoy to Promote Religious Freedom of Religious Minorities in the Near East and South Central Asia, as authorized in the Near East and South Central Asia Religious Freedom Act of 2014 (Public Law 113-161), and including for support staff, at not less than the amounts contained for such Office and Envoy in the table under such heading in the explanatory statement described in section 4 (in the matter preceding division A of this Consolidated Act).

(b) **ASSISTANCE.**—

(1) **INTERNATIONAL RELIGIOUS FREEDOM PROGRAMS.**—Of the funds appropriated by this Act under the heading “Democracy Fund” and available for the Human Rights and Democracy Fund (HRDF), not less than \$10,000,000 shall be made available for international religious freedom programs: *Provided*, That the Ambassador-at-Large for International Religious Freedom shall consult with the Committees on Appropriations on the uses of such funds.

(2) **PROTECTION AND INVESTIGATION PROGRAMS.**—Funds appropriated by this Act under the heading “Economic Support Fund” shall be made available for programs to protect vulnerable and persecuted religious minorities: *Provided*, That a portion of such funds shall be made available for programs to investigate the persecution of such minorities by governments and non-state actors and for the public dissemination of information collected on such persecution, including on the Department of State Web site.

(3) **HUMANITARIAN PROGRAMS.**—Funds appropriated by this Act under the headings “International Disaster Assistance” and “Migration and Refugee Assistance” shall be made available

for humanitarian assistance for vulnerable and persecuted religious minorities.

(4) RESPONSIBILITY OF FUNDS.—Funds made available by paragraphs (1) and (2) shall be the responsibility of the Ambassador-at-Large for International Religious Freedom, in consultation with other relevant United States Government officials.

(c) INTERNATIONAL BROADCASTING.—Funds appropriated by this Act under the heading “Broadcasting Board of Governors, International Broadcasting Operations” shall be made available for programs related to international religious freedom, including reporting on the condition of vulnerable and persecuted religious groups.

(d) ATROCITIES PREVENTION.—Not later than 90 days after enactment of this Act, the Secretary of State, after consultation with the heads of other United States Government agencies represented on the Atrocities Prevention Board (APB) and representatives of human rights organizations, as appropriate, shall submit to the appropriate congressional committees an evaluation of the persecution of, including attacks against, Christians and people of other religions in the Middle East by violent Islamic extremists and the Muslim Rohingya people in Burma by violent Buddhist extremists, including whether either situation constitutes mass atrocities or genocide (as defined in section 1091 of title 18, United States Code), and a detailed description of any proposed atrocities prevention response recommended by the APB: *Provided*, That such evaluation and response may include a classified annex, if necessary.

(e) DESIGNATION OF NON-STATE ACTORS.—The President shall, concurrent with the annual foreign country review required by section 402(b)(1) of the International Religious Freedom Act of 1998 (22 U.S.C. 6442(b)(1)), review and identify any non-state actors in such countries that have engaged in particularly severe violations of religious freedom, and designate, in a manner consistent with such Act, each such group as a non-state actor of particular concern for religious freedom operating in such reviewed country or surrounding region: *Provided*, That whenever the President designates such a non-state actor under this subsection, the President shall, as soon as practicable after the designation is made, submit a report to the appropriate congressional committees detailing the reasons for such designation.

(f) REPORT.—Not later than September 30, 2016, the Secretary of State, in consultation with the Chairman of the Broadcasting Board of Governors and the Administrator of the United States Agency for International Development, shall submit a report, including a classified annex if necessary, to the appropriate congressional committees detailing, by account, agency, and on a country-by-country basis, funds made available by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs for the previous 2 fiscal years for international religious freedom programs; protection and investigation programs regarding vulnerable and persecuted religious minorities; humanitarian and relief assistance for such minorities; and international broadcasting regarding religious freedom.

SPECIAL PROVISIONS

SEC. 7034. (a) VICTIMS OF WAR, DISPLACED CHILDREN, AND DISPLACED BURMESE.—Funds appropriated in titles III and VI of

this Act that are made available for victims of war, displaced children, displaced Burmese, and to combat trafficking in persons and assist victims of such trafficking, may be made available notwithstanding any other provision of law.

(b) LAW ENFORCEMENT AND SECURITY.—

(1) CHILD SOLDIERS.—Funds appropriated by this Act should not be used to support any military training or operations that include child soldiers.

(2) CROWD CONTROL ITEMS.—Funds appropriated by this Act should not be used for tear gas, small arms, light weapons, ammunition, or other items for crowd control purposes for foreign security forces that use excessive force to repress peaceful expression, association, or assembly in countries undergoing democratic transition.

(3) DISARMAMENT, DEMOBILIZATION, AND REINTEGRATION.—Section 7034(d) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2015 (division J of Public Law 113–235) shall continue in effect during fiscal year 2016 as if part of this Act.

(4) FORENSIC ASSISTANCE.—

(A) Of the funds appropriated by this Act under the heading “Economic Support Fund”, not less than \$4,000,000 shall be made available for forensic anthropology assistance related to the exhumation of mass graves and the identification of victims of war crimes and crimes against humanity, of which not less than \$3,000,000 should be made available for such assistance in Guatemala, Peru, Colombia, Iraq, and Sri Lanka, which shall be administered by the Assistant Secretary for Democracy, Human Rights, and Labor, Department of State.

(B) Of the funds appropriated by this Act under the heading “International Narcotics Control and Law Enforcement”, not less than \$4,000,000 shall be made available for DNA forensic technology programs to combat human trafficking in Central America.

(5) INTERNATIONAL PRISON CONDITIONS.—Section 7065 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2015 (division J of Public Law 113–235) shall continue in effect during fiscal year 2016 as if part of this Act.

(6) RECONSTITUTING CIVILIAN POLICE AUTHORITY.—In providing assistance with funds appropriated by this Act under section 660(b)(6) of the Foreign Assistance Act of 1961, support for a nation emerging from instability may be deemed to mean support for regional, district, municipal, or other sub-national entity emerging from instability, as well as a nation emerging from instability.

(7) SECURITY ASSISTANCE REPORT.—Not later than 120 days after enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations a report on funds obligated and expended during fiscal year 2015, by country and purpose of assistance, under the headings “Peacekeeping Operations”, “International Military Education and Training”, and “Foreign Military Financing Program”.

(8) LEAHY VETTING REPORT.—

(A) Not later than 90 days after enactment of this Act, the Secretary of State shall submit a report to the

appropriate congressional committees on foreign assistance cases submitted for vetting for purposes of section 620M of the Foreign Assistance Act of 1961 during the preceding fiscal year, including:

(i) the total number of cases submitted, approved, suspended, or rejected for human rights reasons; and

(ii) for cases rejected, a description of the steps taken to assist the foreign government in taking effective measures to bring the responsible members of the security forces to justice, in accordance with section 620M(c) of the Foreign Assistance Act of 1961.

(B) The report required by this paragraph shall be submitted in unclassified form, but may be accompanied by a classified annex.

(9) ANNUAL FOREIGN MILITARY TRAINING REPORT.—For the purposes of implementing section 656 of the Foreign Assistance Act of 1961, the term “military training provided to foreign military personnel by the Department of Defense and the Department of State” shall be deemed to include all military training provided by foreign governments with funds appropriated to the Department of Defense or the Department of State, except for training provided by the government of a country designated by section 517(b) of such Act as a major non-NATO ally.

(c) WORLD FOOD PROGRAMME.—Funds managed by the Bureau for Democracy, Conflict, and Humanitarian Assistance, United States Agency for International Development (USAID), from this or any other Act, may be made available as a general contribution to the World Food Programme, notwithstanding any other provision of law.

(d) DIRECTIVES AND AUTHORITIES.—

(1) RESEARCH AND TRAINING.—Funds appropriated by this Act under the heading “Assistance for Europe, Eurasia and Central Asia” shall be made available to carry out the Program for Research and Training on Eastern Europe and the Independent States of the Former Soviet Union as authorized by the Soviet-Eastern European Research and Training Act of 1983 (22 U.S.C. 4501 et seq.).

(2) GENOCIDE VICTIMS MEMORIAL SITES.—Funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs under the headings “Economic Support Fund” and “Assistance for Europe, Eurasia and Central Asia” may be made available as contributions to establish and maintain memorial sites of genocide, subject to the regular notification procedures of the Committees on Appropriations.

(3) ADDITIONAL AUTHORITIES.—Of the amounts made available by title I of this Act under the heading “Diplomatic and Consular Programs”, up to \$500,000 may be made available for grants pursuant to section 504 of Public Law 95–426 (22 U.S.C. 2656d), including to facilitate collaboration with indigenous communities.

(4) EXTENSION OF LEGAL PROTECTION.—No conviction issued by the Cairo Criminal Court on June 4, 2013, in “Public Prosecution Case No. 1110 for the Year 2012”, against a citizen or national of the United States or an alien lawfully admitted

for permanent residence in the United States, shall be considered a conviction for the purposes of United States law or for any activity undertaken within the jurisdiction of the United States during fiscal year 2016 and any fiscal year thereafter.

(5) MODIFICATION OF LIFE INSURANCE SUPPLEMENTAL APPLICABLE TO THOSE KILLED IN TERRORIST ATTACKS.—

(A) Section 415(a)(1) of the Foreign Service Act of 1980 (22 U.S.C. 3975(a)(1)) is amended by striking “a payment from the United States in an amount that, when added to the amount of the employee’s employer-provided group life insurance policy coverage (if any), equals \$400,000” and inserting “a special payment of \$400,000, which shall be in addition to any employer provided life insurance policy coverage”.

(B) The insurance benefit under section 415 of the Foreign Service Act of 1980 (22 U.S.C. 3975), as amended by subparagraph (A), shall be applicable to eligible employees who die as a result of injuries sustained while on duty abroad because of an act of terrorism, as defined in section 140(d) of the Foreign Relations Authorization Act, Fiscal Years 1998 and 1999 (22 U.S.C. 2656f(d)), anytime on or after April 18, 1983.

22 USC 3975
note.

(6) AUTHORITY.—The Administrator of the United States Agency for International Development may use funds appropriated by this Act under title III to make innovation incentive awards: *Provided*, That each individual award may not exceed \$100,000: *Provided further*, That no more than 10 such awards may be made during fiscal year 2016: *Provided further*, That for purposes of this paragraph the term “innovation incentive award” means the provision of funding on a competitive basis that—

(A) encourages and rewards the development of solutions for a particular, well-defined problem related to the alleviation of poverty; or

(B) helps identify and promote a broad range of ideas and practices facilitating further development of an idea or practice by third parties.

(e) PARTNER VETTING.—Funds appropriated by this Act or in titles I through IV of prior Acts making appropriations for the Department of State, foreign operations, and related programs shall be used by the Secretary of State and the USAID Administrator, as appropriate, to support the continued implementation of the Partner Vetting System (PVS) pilot program: *Provided*, That the Secretary of State and the USAID Administrator shall inform the Committees on Appropriations, at least 30 days prior to completion of the pilot program, on the criteria for evaluating such program, including for possible expansion: *Provided further*, That not later than 180 days after completion of the pilot program, the Secretary and USAID Administrator shall jointly submit a report to the Committees on Appropriations, in classified form if necessary, detailing the findings, conclusions, and any recommendations for expansion of such program: *Provided further*, That not less than 30 days prior to the implementation of any recommendations for expanding the PVS pilot program the Secretary of State and USAID Administrator shall consult with the Committees on Appropriations and with representatives of agency implementing partners on the

findings, conclusions, and recommendations in such report, as appropriate.

(f) CONTINGENCIES.—During fiscal year 2016, the President may use up to \$125,000,000 under the authority of section 451 of the Foreign Assistance Act of 1961, notwithstanding any other provision of law.

(g) INTERNATIONAL CHILD ABDUCTIONS.—The Secretary of State should withhold funds appropriated under title III of this Act for assistance for the central government of any country that is not taking appropriate steps to comply with the Convention on the Civil Aspects of International Child Abductions, done at the Hague on October 25, 1980: *Provided*, That the Secretary shall report to the Committees on Appropriations within 15 days of withholding funds under this subsection.

(h) REPORT REPEALED.—Section 616(c) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999 (division A of Public Law 105–277) is hereby repealed.

(i) TRANSFERS FOR EXTRAORDINARY PROTECTION.—The Secretary of State may transfer to, and merge with, funds under the heading “Protection of Foreign Missions and Officials” unobligated balances of expired funds appropriated under the heading “Diplomatic and Consular Programs” for fiscal year 2016, except for funds designated for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985, at no later than the end of the fifth fiscal year after the last fiscal year for which such funds are available for the purposes for which appropriated: *Provided*, That not more than \$50,000,000 may be transferred.

(j) PROTECTIONS AND REMEDIES FOR EMPLOYEES OF DIPLOMATIC MISSIONS AND INTERNATIONAL ORGANIZATIONS.—Section 7034(k) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2015 (division J of Public Law 113–235) shall continue in effect during fiscal year 2016 as if part of this Act.

(k) EXTENSION OF AUTHORITIES.—

22 USC 214 note.

(1) PASSPORT FEES.—Section 1(b)(2) of the Passport Act of June 4, 1920 (22 U.S.C. 214(b)(2)) shall be applied by substituting “September 30, 2016” for “September 30, 2010”.

22 USC 4831 note.

(2) ACCOUNTABILITY REVIEW BOARDS.—The authority provided by section 301(a)(3) of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4831(a)(3)) shall remain in effect for facilities in Afghanistan through September 30, 2016, except that the notification and reporting requirements contained in such section shall include the Committees on Appropriations.

(3) INCENTIVES FOR CRITICAL POSTS.—The authority contained in section 1115(d) of the Supplemental Appropriations Act, 2009 (Public Law 111–32) shall remain in effect through September 30, 2016.

22 USC 4064 note.

(4) FOREIGN SERVICE OFFICER ANNUITANT WAIVER.—Section 824(g) of the Foreign Service Act of 1980 (22 U.S.C. 4064(g)) shall be applied by substituting “September 30, 2016” for “October 1, 2010” in paragraph (2).

(5) DEPARTMENT OF STATE CIVIL SERVICE ANNUITANT WAIVER.—Section 61(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2733(a)) shall be applied by substituting “September 30, 2016” for “October 1, 2010” in paragraph (2). 22 USC 2733 note.

(6) USAID CIVIL SERVICE ANNUITANT WAIVER.—Section 625(j)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2385(j)(1)) shall be applied by substituting “September 30, 2016” for “October 1, 2010” in subparagraph (B). 22 USC 2385 note.

(7) OVERSEAS PAY COMPARABILITY AND LIMITATION.—

(A) Subject to the limitation described in subparagraph (B), the authority provided by section 1113 of the Supplemental Appropriations Act, 2009 (Public Law 111–32; 123 Stat. 1904) shall remain in effect through September 30, 2016.

(B) The authority described in subparagraph (A) may not be used to pay an eligible member of the Foreign Service (as defined in section 1113(b) of the Supplemental Appropriations Act, 2009) a locality-based comparability payment (stated as a percentage) that exceeds two-thirds of the amount of the locality-based comparability payment (stated as a percentage) that would be payable to such member under section 5304 of title 5, United States Code, if such member’s official duty station were in the District of Columbia.

(8) CATEGORICAL ELIGIBILITY.—The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101–167) is amended—

(A) in section 599D (8 U.S.C. 1157 note)—

(i) in subsection (b)(3), by striking “and 2015” and inserting “2015, and 2016”; and

(ii) in subsection (e), by striking “2015” each place it appears and inserting “2016”; and

(B) in section 599E (8 U.S.C. 1255 note) in subsection (b)(2), by striking “2015” and inserting “2016”.

(9) INSPECTOR GENERAL ANNUITANT WAIVER.—The authorities provided in section 1015(b) of the Supplemental Appropriations Act, 2010 (Public Law 111–212) shall remain in effect through September 30, 2016.

(10) EXTENSION OF LOAN GUARANTEES TO ISRAEL.—Chapter 5 of title I of the Emergency Wartime Supplemental Appropriations Act, 2003 (Public Law 108–11; 117 Stat. 576) is amended under the heading “Loan Guarantees to Israel”—

(A) in the matter preceding the first proviso, by striking “September 30, 2015” and inserting “September 30, 2019”; and

(B) in the second proviso, by striking “September 30, 2015” and inserting “September 30, 2019”.

(11) EXTENSION OF WAR RESERVES STOCKPILE AUTHORITY.—

(A) Section 12001(d) of the Department of Defense Appropriations Act, 2005 (Public Law 108–287; 118 Stat. 1011) is amended by striking “more than 11 years after the date of enactment of this Act” and inserting “after September 30, 2017”.

(B) Section 514(b)(2)(A) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h(b)(2)(A)) is amended by striking “and 2015” and inserting “2015, 2016, and 2017”.

22 USC 6553
note.

(12) UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.—Section 1334 of the Foreign Affairs Reform and Restructuring Act of 1998 (22 U.S.C. 6553) shall be applied by substituting “September 30, 2016” for “October 1, 2015”.

(l) DEPARTMENT OF STATE WORKING CAPITAL FUND.—Funds appropriated by this Act or otherwise made available to the Department of State for payments to the Working Capital Fund may only be used for the service centers included in Appendix 1 of the Congressional Budget Justification, Department of State, Diplomatic Engagement, Fiscal Year 2016: *Provided*, That the amounts for such service centers shall be the amounts included in such budget except as provided in section 7015(b) of this Act: *Provided further*, That Federal agency components shall be charged only for their direct usage of each Working Capital Fund service: *Provided further*, That Federal agency components may only pay for Working Capital Fund services that are consistent with the component’s purpose and authorities: *Provided further*, That the Working Capital Fund shall be paid in advance or reimbursed at rates which will return the full cost of each service.

(m) HUMANITARIAN ASSISTANCE.—Funds appropriated by this Act that are available for monitoring and evaluation of assistance under the headings “International Disaster Assistance” and “Migration and Refugee Assistance” shall, as appropriate, be made available for the regular collection of feedback obtained directly from beneficiaries on the quality and relevance of such assistance: *Provided*, That the Department of State and USAID shall conduct regular oversight to ensure that such feedback is collected and used by implementing partners to maximize the cost-effectiveness and utility of such assistance, and require such partners that receive funds under such headings to establish procedures for collecting and responding to such feedback.

(n) HIV/AIDS WORKING CAPITAL FUND.—Funds available in the HIV/AIDS Working Capital Fund established pursuant to section 525(b)(1) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2005 (Public Law 108–477) may be made available for pharmaceuticals and other products for child survival, malaria, and tuberculosis to the same extent as HIV/AIDS pharmaceuticals and other products, subject to the terms and conditions in such section: *Provided*, That the authority in section 525(b)(5) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2005 (Public Law 108–477) shall be exercised by the Assistant Administrator for Global Health, USAID, with respect to funds deposited for such non-HIV/AIDS pharmaceuticals and other products, and shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That the Secretary of State shall include in the congressional budget justification an accounting of budgetary resources, disbursements, balances, and reimbursements related to such fund.

(o) LOAN GUARANTEES AND ENTERPRISE FUNDS.—

(1) LOAN GUARANTEES.—Funds appropriated under the headings “Economic Support Fund” and “Assistance for Europe, Eurasia and Central Asia” by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs may be made available for the costs, as defined in section 502 of the Congressional Budget Act of 1974, of loan guarantees for Jordan, Ukraine, and Tunisia,

which are authorized to be provided: *Provided*, That amounts made available under this paragraph for the costs of such guarantees shall not be considered assistance for the purposes of provisions of law limiting assistance to a country.

(2) ENTERPRISE FUNDS.—Funds appropriated under the heading “Economic Support Fund” in this Act may be made available to establish and operate one or more enterprise funds for Egypt and Tunisia: *Provided*, That the first, third and fifth provisos under section 7041(b) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2012 (division I of Public Law 112–74) shall apply to funds appropriated by this Act under the heading “Economic Support Fund” for an enterprise fund or funds to the same extent and in the same manner as such provision of law applied to funds made available under such section (except that the clause excluding subsection (d)(3) of section 201 of the SEED Act shall not apply): *Provided further*, That in addition to the previous proviso, the authorities in the matter preceding the first proviso of such section may apply to any such enterprise fund or funds: *Provided further*, That the authority of any such enterprise fund or funds to provide assistance shall cease to be effective on December 31, 2026.

(3) CONSULTATION AND NOTIFICATION.—Funds made available by this subsection shall be subject to prior consultation with the appropriate congressional committees, and subject to the regular notification procedures of the Committees on Appropriations.

(p) ASSESSMENT OF INDIRECT COSTS.—Not later than 90 days after enactment of this Act and following consultation with the Committees on Appropriations, the Secretary of State and the Administrator of the United States Agency for International Development (USAID) shall submit to such Committees an assessment of the effectiveness of current policies and procedures in ensuring that payments for indirect costs, including for negotiated indirect cost rate agreements (NICRA), are reasonable and comply with the Federal Acquisition Regulations (FAR), as applicable, and title 2, part 200 of the Code of Federal Regulations (CFR); an assessment of potential benefits of setting a cap on such indirect costs to ensure the cost-effective use of appropriated funds; a plan to revise such policies and procedures to strengthen compliance with the FAR and CFR and ensure that indirect costs are reasonable; and a timeline for implementing such plan.

(q) SMALL GRANTS AND ENTITIES.—

(1) Of the funds appropriated by this Act under the headings “Development Assistance” and “Economic Support Fund”, not less than \$45,000,000 shall be made available for the Small Grants Program pursuant to section 7080 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2015 (division J of Public Law 113–235), as amended by this Act, which may remain available until September 30, 2020.

(2) Not later than 45 days after enactment of this Act, the Administrator of the United States Agency for International Development (USAID) shall post on the USAID Web site detailed information describing the process by which small nongovernmental organizations, educational institutions, and other small entities seeking funding from USAID for unsolicited

proposals through grants, cooperative agreements, and other assistance mechanisms and agreements, can apply for such funding: *Provided*, That the USAID Administrator should ensure that each bureau, office, and overseas mission has authority to approve, and sufficient funds to implement, such grants or other agreements that meet appropriate criteria for unsolicited proposals.

22 USC 2152i.

(3) Section 7080 of Public Law 113–235 is amended as follows:

(A) in subsections (b) and (c), strike “Grants”, and insert “Awards”;

(B) in subsection (c)(1), delete “or” after “proposals”;

(C) in subsection (c)(2) delete the period after “process”, and insert “; or”;

(D) after subsection (c)(2), insert “(3) as otherwise allowable under Federal Acquisition Regulations and USAID procurement policies.”; and

(E) in subsection (e)(3), strike “12”, and insert “20”, and strike “administrative and oversight expenses associated with managing” and insert “administrative expenses, and other necessary support associated with managing and strengthening”.

22 USC 2152i
note.

(4) For the purposes of section 7080 of Public Law 113–235, “eligible entities” shall be defined as small local, international, and United States-based nongovernmental organizations, educational institutions, and other small entities that have received less than a total of \$5,000,000 in USAID funding over the previous five years: *Provided*, That departments or centers of such educational institutions may be considered individually in determining such eligibility.

(r) DEFINITIONS.—

(1) Unless otherwise defined in this Act, for purposes of this Act the term “appropriate congressional committees” shall mean the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and Foreign Affairs of the House of Representatives.

(2) Unless otherwise defined in this Act, for purposes of this Act the term “funds appropriated in this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs” shall mean funds that remain available for obligation, and have not expired.

22 USC 262h
note.

(3) For the purposes of this Act “international financial institutions” shall mean the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Asian Development Fund, the Inter-American Investment Corporation, the North American Development Bank, the European Bank for Reconstruction and Development, the African Development Bank, the African Development Fund, and the Multilateral Investment Guarantee Agency.

(4) Any reference to Southern Kordofan in this or any other Act making appropriations for the Department of State, foreign operations, and related programs shall be deemed to include portions of Western Kordofan that were previously part

of Southern Kordofan prior to the 2013 division of Southern Kordofan.

ARAB LEAGUE BOYCOTT OF ISRAEL

SEC. 7035. It is the sense of the Congress that—

(1) the Arab League boycott of Israel, and the secondary boycott of American firms that have commercial ties with Israel, is an impediment to peace in the region and to United States investment and trade in the Middle East and North Africa;

(2) the Arab League boycott, which was regrettably reinstated in 1997, should be immediately and publicly terminated, and the Central Office for the Boycott of Israel immediately disbanded;

(3) all Arab League states should normalize relations with their neighbor Israel;

(4) the President and the Secretary of State should continue to vigorously oppose the Arab League boycott of Israel and find concrete steps to demonstrate that opposition by, for example, taking into consideration the participation of any recipient country in the boycott when determining to sell weapons to said country; and

(5) the President should report to Congress annually on specific steps being taken by the United States to encourage Arab League states to normalize their relations with Israel to bring about the termination of the Arab League boycott of Israel, including those to encourage allies and trading partners of the United States to enact laws prohibiting businesses from complying with the boycott and penalizing businesses that do comply.

PALESTINIAN STATEHOOD

SEC. 7036. (a) LIMITATION ON ASSISTANCE.—None of the funds appropriated under titles III through VI of this Act may be provided to support a Palestinian state unless the Secretary of State determines and certifies to the appropriate congressional committees that—

(1) the governing entity of a new Palestinian state—

(A) has demonstrated a firm commitment to peaceful co-existence with the State of Israel; and

(B) is taking appropriate measures to counter terrorism and terrorist financing in the West Bank and Gaza, including the dismantling of terrorist infrastructures, and is cooperating with appropriate Israeli and other appropriate security organizations; and

(2) the Palestinian Authority (or the governing entity of a new Palestinian state) is working with other countries in the region to vigorously pursue efforts to establish a just, lasting, and comprehensive peace in the Middle East that will enable Israel and an independent Palestinian state to exist within the context of full and normal relationships, which should include—

(A) termination of all claims or states of belligerency;

(B) respect for and acknowledgment of the sovereignty, territorial integrity, and political independence of every state in the area through measures including the establishment of demilitarized zones;

(C) their right to live in peace within secure and recognized boundaries free from threats or acts of force;

(D) freedom of navigation through international waterways in the area; and

(E) a framework for achieving a just settlement of the refugee problem.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the governing entity should enact a constitution assuring the rule of law, an independent judiciary, and respect for human rights for its citizens, and should enact other laws and regulations assuring transparent and accountable governance.

(c) WAIVER.—The President may waive subsection (a) if the President determines that it is important to the national security interest of the United States to do so.

(d) EXEMPTION.—The restriction in subsection (a) shall not apply to assistance intended to help reform the Palestinian Authority and affiliated institutions, or the governing entity, in order to help meet the requirements of subsection (a), consistent with the provisions of section 7040 of this Act (“Limitation on Assistance for the Palestinian Authority”).

RESTRICTIONS CONCERNING THE PALESTINIAN AUTHORITY

SEC. 7037. None of the funds appropriated under titles II through VI of this Act may be obligated or expended to create in any part of Jerusalem a new office of any department or agency of the United States Government for the purpose of conducting official United States Government business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles: *Provided*, That this restriction shall not apply to the acquisition of additional space for the existing Consulate General in Jerusalem: *Provided further*, That meetings between officers and employees of the United States and officials of the Palestinian Authority, or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles, for the purpose of conducting official United States Government business with such authority should continue to take place in locations other than Jerusalem: *Provided further*, That as has been true in the past, officers and employees of the United States Government may continue to meet in Jerusalem on other subjects with Palestinians (including those who now occupy positions in the Palestinian Authority), have social contacts, and have incidental discussions.

PROHIBITION ON ASSISTANCE TO THE PALESTINIAN BROADCASTING CORPORATION

SEC. 7038. None of the funds appropriated or otherwise made available by this Act may be used to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

ASSISTANCE FOR THE WEST BANK AND GAZA

SEC. 7039. (a) OVERSIGHT.—For fiscal year 2016, 30 days prior to the initial obligation of funds for the bilateral West Bank and Gaza Program, the Secretary of State shall certify to the Committees on Appropriations that procedures have been established to

assure the Comptroller General of the United States will have access to appropriate United States financial information in order to review the uses of United States assistance for the Program funded under the heading “Economic Support Fund” for the West Bank and Gaza.

(b) VETTING.—Prior to the obligation of funds appropriated by this Act under the heading “Economic Support Fund” for assistance for the West Bank and Gaza, the Secretary of State shall take all appropriate steps to ensure that such assistance is not provided to or through any individual, private or government entity, or educational institution that the Secretary knows or has reason to believe advocates, plans, sponsors, engages in, or has engaged in, terrorist activity nor, with respect to private entities or educational institutions, those that have as a principal officer of the entity’s governing board or governing board of trustees any individual that has been determined to be involved in, or advocating terrorist activity or determined to be a member of a designated foreign terrorist organization: *Provided*, That the Secretary of State shall, as appropriate, establish procedures specifying the steps to be taken in carrying out this subsection and shall terminate assistance to any individual, entity, or educational institution which the Secretary has determined to be involved in or advocating terrorist activity.

(c) PROHIBITION.—

(1) RECOGNITION OF ACTS OF TERRORISM.—None of the funds appropriated under titles III through VI of this Act for assistance under the West Bank and Gaza Program may be made available for the purpose of recognizing or otherwise honoring individuals who commit, or have committed acts of terrorism.

(2) SECURITY ASSISTANCE AND REPORTING REQUIREMENT.—Notwithstanding any other provision of law, none of the funds made available by this or prior appropriations Acts, including funds made available by transfer, may be made available for obligation for security assistance for the West Bank and Gaza until the Secretary of State reports to the Committees on Appropriations on the benchmarks that have been established for security assistance for the West Bank and Gaza and reports on the extent of Palestinian compliance with such benchmarks.

(d) AUDITS BY THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.—

(1) The Administrator of the United States Agency for International Development shall ensure that Federal or non-Federal audits of all contractors and grantees, and significant subcontractors and sub-grantees, under the West Bank and Gaza Program, are conducted at least on an annual basis to ensure, among other things, compliance with this section.

(2) Of the funds appropriated by this Act up to \$500,000 may be used by the Office of Inspector General of the United States Agency for International Development for audits, inspections, and other activities in furtherance of the requirements of this subsection: *Provided*, That such funds are in addition to funds otherwise available for such purposes.

(e) COMPTROLLER GENERAL OF THE UNITED STATES AUDIT.—Subsequent to the certification specified in subsection (a), the Comptroller General of the United States shall conduct an audit and an investigation of the treatment, handling, and uses of all funds

for the bilateral West Bank and Gaza Program, including all funds provided as cash transfer assistance, in fiscal year 2016 under the heading “Economic Support Fund”, and such audit shall address—

(1) the extent to which such Program complies with the requirements of subsections (b) and (c); and

(2) an examination of all programs, projects, and activities carried out under such Program, including both obligations and expenditures.

(f) NOTIFICATION PROCEDURES.—Funds made available in this Act for West Bank and Gaza shall be subject to the regular notification procedures of the Committees on Appropriations.

(g) REPORT.—Not later than 180 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations updating the report contained in section 2106 of chapter 2 of title II of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 109–13).

LIMITATION ON ASSISTANCE FOR THE PALESTINIAN AUTHORITY

SEC. 7040. (a) PROHIBITION OF FUNDS.—None of the funds appropriated by this Act to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 may be obligated or expended with respect to providing funds to the Palestinian Authority.

(b) WAIVER.—The prohibition included in subsection (a) shall not apply if the President certifies in writing to the Speaker of the House of Representatives, the President pro tempore of the Senate, and the Committees on Appropriations that waiving such prohibition is important to the national security interest of the United States.

(c) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to subsection (b) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

(d) REPORT.—Whenever the waiver authority pursuant to subsection (b) is exercised, the President shall submit a report to the Committees on Appropriations detailing the justification for the waiver, the purposes for which the funds will be spent, and the accounting procedures in place to ensure that the funds are properly disbursed: *Provided*, That the report shall also detail the steps the Palestinian Authority has taken to arrest terrorists, confiscate weapons and dismantle the terrorist infrastructure.

(e) CERTIFICATION.—If the President exercises the waiver authority under subsection (b), the Secretary of State must certify and report to the Committees on Appropriations prior to the obligation of funds that the Palestinian Authority has established a single treasury account for all Palestinian Authority financing and all financing mechanisms flow through this account, no parallel financing mechanisms exist outside of the Palestinian Authority treasury account, and there is a single comprehensive civil service roster and payroll, and the Palestinian Authority is acting to counter incitement of violence against Israelis and is supporting activities aimed at promoting peace, coexistence, and security cooperation with Israel.

(f) PROHIBITION TO HAMAS AND THE PALESTINE LIBERATION ORGANIZATION.—

(1) None of the funds appropriated in titles III through VI of this Act may be obligated for salaries of personnel of the Palestinian Authority located in Gaza or may be obligated or expended for assistance to Hamas or any entity effectively controlled by Hamas, any power-sharing government of which Hamas is a member, or that results from an agreement with Hamas and over which Hamas exercises undue influence.

(2) Notwithstanding the limitation of paragraph (1), assistance may be provided to a power-sharing government only if the President certifies and reports to the Committees on Appropriations that such government, including all of its ministers or such equivalent, has publicly accepted and is complying with the principles contained in section 620K(b)(1) (A) and (B) of the Foreign Assistance Act of 1961, as amended.

(3) The President may exercise the authority in section 620K(e) of the Foreign Assistance Act of 1961, as added by the Palestinian Anti-Terrorism Act of 2006 (Public Law 109–446) with respect to this subsection.

(4) Whenever the certification pursuant to paragraph (2) is exercised, the Secretary of State shall submit a report to the Committees on Appropriations within 120 days of the certification and every quarter thereafter on whether such government, including all of its ministers or such equivalent are continuing to comply with the principles contained in section 620K(b)(1) (A) and (B) of the Foreign Assistance Act of 1961, as amended: *Provided*, That the report shall also detail the amount, purposes and delivery mechanisms for any assistance provided pursuant to the abovementioned certification and a full accounting of any direct support of such government.

(5) None of the funds appropriated under titles III through VI of this Act may be obligated for assistance for the Palestine Liberation Organization.

MIDDLE EAST AND NORTH AFRICA

SEC. 7041. (a) EGYPT.—

(1) CERTIFICATION AND REPORT.—Funds appropriated by this Act that are available for assistance for Egypt may be made available notwithstanding any other provision of law restricting assistance for Egypt, except for this subsection and section 620M of the Foreign Assistance Act of 1961, and may only be made available for assistance for the Government of Egypt if the Secretary of State certifies and reports to the Committees on Appropriations that such government is—

(A) sustaining the strategic relationship with the United States; and

(B) meeting its obligations under the 1979 Egypt-Israel Peace Treaty.

(2) ECONOMIC SUPPORT FUND.—

(A) FUNDING.—Of the funds appropriated by this Act under the heading “Economic Support Fund”, up to \$150,000,000 may be made available for assistance for Egypt, of which not less than \$35,000,000 should be made available for higher education programs including not less

than \$10,000,000 for scholarships at not-for-profit institutions for Egyptian students with high financial need: *Provided*, That such funds may be made available for democracy programs and for development programs in the Sinai: *Provided further*, That such funds may not be made available for cash transfer assistance or budget support unless the Secretary of State certifies and reports to the appropriate congressional committees that the Government of Egypt is taking consistent and effective steps to stabilize the economy and implement market-based economic reforms.

(B) WITHHOLDING.—The Secretary of State shall withhold from obligation funds appropriated by this Act under the heading “Economic Support Fund” for assistance for Egypt, an amount of such funds that the Secretary determines to be equivalent to that expended by the United States Government for bail, and by nongovernmental organizations for legal and court fees, associated with democracy-related trials in Egypt until the Secretary certifies and reports to the Committees on Appropriations that the Government of Egypt has dismissed the convictions issued by the Cairo Criminal Court on June 4, 2013, in “Public Prosecution Case No. 1110 for the Year 2012”.

(3) FOREIGN MILITARY FINANCING PROGRAM.—

(A) CERTIFICATION.—Of the funds appropriated by this Act under the heading “Foreign Military Financing Program”, \$1,300,000,000, to remain available until September 30, 2017, may be made available for assistance for Egypt: *Provided*, That 15 percent of such funds shall be withheld from obligation until the Secretary of State certifies and reports to the Committees on Appropriations that the Government of Egypt is taking effective steps to—

(i) advance democracy and human rights in Egypt, including to govern democratically and protect religious minorities and the rights of women, which are in addition to steps taken during the previous calendar year for such purposes;

(ii) implement reforms that protect freedoms of expression, association, and peaceful assembly, including the ability of civil society organizations and the media to function without interference;

(iii) release political prisoners and provide detainees with due process of law;

(iv) hold Egyptian security forces accountable, including officers credibly alleged to have violated human rights; and

(v) provide regular access for United States officials to monitor such assistance in areas where the assistance is used:

Provided further, That such funds may be transferred to an interest bearing account in the Federal Reserve Bank of New York, following consultation with the Committees on Appropriations: *Provided further*, That the certification requirement of this paragraph shall not apply to funds appropriated by this Act under such heading for counterterrorism, border security, and nonproliferation programs for Egypt.

(B) WAIVER.—The Secretary of State may waive the certification requirement in subparagraph (A) if the Secretary determines and reports to the Committees on Appropriations that to do so is important to the national security interest of the United States, and submits a report to such Committees containing a detailed justification for the use of such waiver and the reasons why any of the requirements of subparagraph (A) cannot be met.

(4) OVERSIGHT AND CONSULTATION REQUIREMENTS.—

(A) The Secretary of State shall take all practicable steps to ensure that mechanisms are in place for monitoring, oversight, and control of funds made available by this subsection for assistance for Egypt.

(B) Not later than 90 days after enactment of this Act, the Secretary shall consult with the Committees on Appropriations on any plan to restructure military assistance for Egypt.

(b) IRAN.—

(1) FUNDING.—Funds appropriated by this Act under the headings “Diplomatic and Consular Programs”, “Economic Support Fund”, and “Nonproliferation, Anti-terrorism, Demining and Related Programs” shall be used by the Secretary of State—

(A) to support the United States policy to prevent Iran from achieving the capability to produce or otherwise obtain a nuclear weapon;

(B) to support an expeditious response to any violation of the Joint Comprehensive Plan of Action or United Nations Security Council Resolution 2231;

(C) to support the implementation and enforcement of sanctions against Iran for support of terrorism, human rights abuses, and ballistic missile and weapons proliferation; and

(D) for democracy programs for Iran, to be administered by the Assistant Secretary for Near Eastern Affairs, Department of State, in consultation with the Assistant Secretary for Democracy, Human Rights, and Labor, Department of State.

(2) CONTINUATION OF PROHIBITION.—The terms and conditions of paragraph (2) of section 7041(c) in division I of Public Law 112–74 shall continue in effect during fiscal year 2016 as if part of this Act.

(3) REPORTS.—

(A) The Secretary of State shall submit to the Committees on Appropriations the semi-annual report required by section 2 of the Iran Nuclear Agreement Review Act of 2015 (42 U.S.C. 2160e(d)(4)).

(B) Not later than 180 days after the date of enactment of this Act, the Secretary of State, in consultation with the Secretary of the Treasury, shall submit to the appropriate congressional committees a report on the status of the implementation and enforcement of bilateral United States and multilateral sanctions against Iran and actions taken by the United States and the international community to enforce such sanctions against Iran: *Provided*, That the report shall also include any entities involved in the testing of a ballistic missile by the Government of Iran after October 1, 2015, and note whether such entities are

currently under United States sanctions: *Provided further*, That such report shall be submitted in an unclassified form, but may contain a classified annex if necessary.

(c) IRAQ.—

(1) PURPOSES.—Funds appropriated by this Act shall be made available for assistance for Iraq to promote governance, security, and internal and regional stability, including in Kurdistan and other areas impacted by the conflict in Syria, and among religious and ethnic minority populations in Iraq.

(2) LIMITATION.—None of the funds appropriated by this Act may be made available for construction, rehabilitation, or other improvements to United States diplomatic facilities in Iraq on property for which no land-use agreement has been entered into by the Governments of the United States and Iraq: *Provided*, That the restrictions in this paragraph shall not apply if such funds are necessary to protect United States diplomatic facilities or the security, health, and welfare of United States personnel.

(3) KURDISTAN REGIONAL GOVERNMENTS SECURITY SERVICES.—Funds appropriated by this Act under the headings “International Narcotics Control and Law Enforcement” and “Foreign Military Financing Program” that are available for assistance for Iraq should be made available to enhance the capacity of Kurdistan Regional Government security services and for security programs in Kurdistan to address requirements arising from the violence in Syria and Iraq: *Provided*, That the Secretary of State shall consult with the Committees on Appropriations prior to obligating such funds.

(4) BASING RIGHTS AGREEMENT.—None of the funds appropriated or otherwise made available by this Act may be used by the Government of the United States to enter into a permanent basing rights agreement between the United States and Iraq.

(d) JORDAN.—

(1) FUNDING LEVELS.—Of the funds appropriated by this Act under titles III and IV, not less than \$1,275,000,000 shall be made available for assistance for Jordan, of which not less than \$204,000,000 shall be for budget support for the Government of Jordan and \$100,000,000 shall be for water sector support: *Provided*, That such assistance for water sector support shall be subject to prior consultation with the Committees on Appropriations.

(2) RESPONSE TO THE SYRIAN CRISIS.—Funds appropriated by this Act shall be made available for programs to implement the Jordan Response Plan 2015 for the Syria Crisis, including assistance for host communities in Jordan: *Provided*, That not later than 180 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations describing United States and other donor contributions to such Plan.

(e) LEBANON.—

(1) LIMITATION.—None of the funds appropriated by this Act may be made available for the Lebanese Internal Security Forces (ISF) or the Lebanese Armed Forces (LAF) if the ISF or the LAF is controlled by a foreign terrorist organization, as designated pursuant to section 219 of the Immigration and Nationality Act.

(2) CONSULTATION REQUIREMENT.—Funds appropriated by this Act under the headings “International Narcotics Control and Law Enforcement” and “Foreign Military Financing Program” that are available for assistance for Lebanon may be made available for programs and equipment for the ISF and the LAF to address security and stability requirements in areas affected by the conflict in Syria, following consultation with the appropriate congressional committees.

(3) ECONOMIC SUPPORT FUND.—Funds appropriated by this Act under the heading “Economic Support Fund” that are available for assistance for Lebanon may be made available notwithstanding section 1224 of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228; 22 U.S.C. 2346 note).

(4) FOREIGN MILITARY FINANCING PROGRAM.—In addition to the activities described in paragraph (2), funds appropriated by this Act under the heading “Foreign Military Financing Program” for assistance for Lebanon may be made available only to professionalize the LAF and to strengthen border security and combat terrorism, including training and equipping the LAF to secure Lebanon’s borders, interdicting arms shipments, preventing the use of Lebanon as a safe haven for terrorist groups, and to implement United Nations Security Council Resolution 1701: *Provided*, That funds may not be obligated for assistance for the LAF until the Secretary of State submits to the Committees on Appropriations a detailed spend plan, including actions to be taken to ensure equipment provided to the LAF is only used for the intended purposes, except such plan may not be considered as meeting the notification requirements under section 7015 of this Act or under section 634A of the Foreign Assistance Act of 1961, and shall be submitted not later than September 1, 2016: *Provided further*, That any notification submitted pursuant to such sections shall include any funds specifically intended for lethal military equipment.

(f) LIBYA.—

(1) FUNDING.—Of the funds appropriated by titles III and IV of this Act, not less than \$20,000,000 shall be made available for assistance for Libya for programs to strengthen governing institutions and civil society, improve border security, and promote democracy and stability in Libya, and for activities to address the humanitarian needs of the people of Libya.

(2) LIMITATIONS.—

(A) COOPERATION ON THE SEPTEMBER 2012 ATTACK ON UNITED STATES PERSONNEL AND FACILITIES.—None of the funds appropriated by this Act may be made available for assistance for the central Government of Libya unless the Secretary of State reports to the Committees on Appropriations that such government is cooperating with United States Government efforts to investigate and bring to justice those responsible for the attack on United States personnel and facilities in Benghazi, Libya in September 2012: *Provided*, That the limitation in this paragraph shall not apply to funds made available for the purpose of protecting United States Government personnel or facilities.

(B) INFRASTRUCTURE PROJECTS.—The limitation on the uses of funds in section 7041(f)(2) of the Department of

State, Foreign Operations, and Related Programs Appropriations Act, 2014 (division K of Public Law 113–76) shall apply to funds appropriated by this Act that are made available for assistance for Libya.

(3) CERTIFICATION REQUIREMENT.—Prior to the initial obligation of funds made available by this Act for assistance for Libya, the Secretary of State shall certify and report to the Committees on Appropriations that all practicable steps have been taken to ensure that mechanisms are in place for monitoring, oversight, and control of funds made available by this subsection for assistance for Libya, including a description of the vetting procedures to be used for recipients of assistance made available under title IV of this Act.

(g) MOROCCO.—

(1) AVAILABILITY AND CONSULTATION REQUIREMENT.—Funds appropriated under title III of this Act shall be made available for assistance for the Western Sahara: *Provided*, That not later than 90 days after enactment of this Act and prior to the obligation of such funds the Secretary of State, in consultation with the Administrator of the United States Agency for International Development, shall consult with the Committees on Appropriations on the proposed uses of such funds.

(2) FOREIGN MILITARY FINANCING PROGRAM.—Funds appropriated by this Act under the heading “Foreign Military Financing Program” that are available for assistance for Morocco may only be used for the purposes requested in the Congressional Budget Justification, Foreign Operations, Fiscal Year 2016.

(h) SYRIA.—

(1) NON-LETHAL ASSISTANCE.—Funds appropriated by this Act under the headings “Economic Support Fund”, “International Narcotics Control and Law Enforcement”, and “Peacekeeping Operations” shall be made available, notwithstanding any other provision of law except for this subsection, for non-lethal assistance for programs to address the needs of civilians affected by conflict in Syria, and for programs that seek to—

(A) establish governance in Syria that is representative, inclusive, and accountable;

(B) expand the role of women in negotiations to end the violence and in any political transition in Syria;

(C) develop and implement political processes that are democratic, transparent, and adhere to the rule of law;

(D) further the legitimacy of the Syrian opposition through cross-border programs;

(E) develop civil society and an independent media in Syria;

(F) promote economic development in Syria;

(G) document, investigate, and prosecute human rights violations in Syria, including through transitional justice programs and support for nongovernmental organizations;

(H) counter extremist ideologies;

(I) assist Syrian refugees whose education has been interrupted by the ongoing conflict to complete higher education requirements at regional academic institutions; and

(J) assist vulnerable populations in Syria and in neighboring countries.

(2) SYRIAN ORGANIZATIONS.—Funds appropriated by this Act that are made available for assistance for Syria pursuant to the authority of this subsection shall be made available, on an open and competitive basis, for a program to strengthen the capability of Syrian civil society organizations to address the immediate and long-term needs of the Syrian people inside Syria in a manner that supports the sustainability of such organizations in implementing Syrian-led humanitarian and development programs and the comprehensive strategy required in section 7041(i)(3) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2014 (division K of Public Law 113–76).

(3) STRATEGY UPDATE.—Funds appropriated by this Act that are made available for assistance for Syria pursuant to the authority of this subsection may only be made available after the Secretary of State, in consultation with the heads of relevant United States Government agencies, submits, in classified form if necessary, an update to the comprehensive strategy required in section 7041(i)(3) of Public Law 113–76.

(4) MONITORING AND OVERSIGHT.—Prior to the obligation of funds appropriated by this Act and made available for assistance for Syria, the Secretary of State shall take all practicable steps to ensure that mechanisms are in place for monitoring, oversight, and control of such assistance inside Syria: *Provided*, That the Secretary shall promptly inform the appropriate congressional committees of each significant instance in which assistance provided pursuant to this subsection has been compromised, to include the type and amount of assistance affected, a description of the incident and parties involved, and an explanation of the response of the Department of State.

(5) CONSULTATION AND NOTIFICATION.—Funds made available pursuant to this subsection may only be made available following consultation with the appropriate congressional committees, and shall be subject to the regular notification procedures of the Committees on Appropriations.

(i) TUNISIA.—Of the funds appropriated under titles III and IV of this Act, not less than \$141,900,000 shall be made available for assistance for Tunisia.

(j) WEST BANK AND GAZA.—

(1) REPORT ON ASSISTANCE.—Prior to the initial obligation of funds made available by this Act under the heading “Economic Support Fund” for assistance for the West Bank and Gaza, the Secretary of State shall report to the Committees on Appropriations that the purpose of such assistance is to—

- (A) advance Middle East peace;
- (B) improve security in the region;
- (C) continue support for transparent and accountable government institutions;
- (D) promote a private sector economy; or
- (E) address urgent humanitarian needs.

(2) LIMITATIONS.—

(A)(i) None of the funds appropriated under the heading “Economic Support Fund” in this Act may be made available for assistance for the Palestinian Authority, if after the date of enactment of this Act—

- (I) the Palestinians obtain the same standing as member states or full membership as a state in the

United Nations or any specialized agency thereof outside an agreement negotiated between Israel and the Palestinians; or

(II) the Palestinians initiate an International Criminal Court (ICC) judicially authorized investigation, or actively support such an investigation, that subjects Israeli nationals to an investigation for alleged crimes against Palestinians.

(ii) The Secretary of State may waive the restriction in clause (i) of this subparagraph resulting from the application of subclause (I) of such clause if the Secretary certifies to the Committees on Appropriations that to do so is in the national security interest of the United States, and submits a report to such Committees detailing how the waiver and the continuation of assistance would assist in furthering Middle East peace.

(B)(i) The President may waive the provisions of section 1003 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100–204) if the President determines and certifies in writing to the Speaker of the House of Representatives, the President pro tempore of the Senate, and the appropriate congressional committees that the Palestinians have not, after the date of enactment of this Act—

(I) obtained in the United Nations or any specialized agency thereof the same standing as member states or full membership as a state outside an agreement negotiated between Israel and the Palestinians; and

(II) taken any action with respect to the ICC that is intended to influence a determination by the ICC to initiate a judicially authorized investigation, or to actively support such an investigation, that subjects Israeli nationals to an investigation for alleged crimes against Palestinians.

(ii) Not less than 90 days after the President is unable to make the certification pursuant to clause (i) of this subparagraph, the President may waive section 1003 of Public Law 100–204 if the President determines and certifies in writing to the Speaker of the House of Representatives, the President pro tempore of the Senate, and the Committees on Appropriations that the Palestinians have entered into direct and meaningful negotiations with Israel: *Provided*, That any waiver of the provisions of section 1003 of Public Law 100–204 under clause (i) of this subparagraph or under previous provisions of law must expire before the waiver under the preceding sentence may be exercised.

(iii) Any waiver pursuant to this subparagraph shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

(3) REDUCTION.—The Secretary of State shall reduce the amount of assistance made available by this Act under the heading “Economic Support Fund” for the Palestinian Authority by an amount the Secretary determines is equivalent to the amount expended by the Palestinian Authority as payments

for acts of terrorism by individuals who are imprisoned after being fairly tried and convicted for acts of terrorism and by individuals who died committing acts of terrorism during the previous calendar year: *Provided*, That the Secretary shall report to the Committees on Appropriations on the amount reduced for fiscal year 2016 prior to the obligation of funds for the Palestinian Authority.

(4) SECURITY REPORT.—The reporting requirements contained in section 1404 of the Supplemental Appropriations Act, 2008 (Public Law 110–252) shall apply to funds made available by this Act, including a description of modifications, if any, to the security strategy of the Palestinian Authority.

AFRICA

SEC. 7042. (a) BOKO HARAM.—Funds appropriated by this Act that are made available for assistance for Cameroon, Chad, Niger, and Nigeria—

(1) shall be made available for assistance for women and girls who are targeted by the terrorist organization Boko Haram, consistent with the provisions of section 7059 of this Act; and

(2) may be made available for counterterrorism programs to combat Boko Haram.

(b) CENTRAL AFRICAN REPUBLIC.—Funds made available by this Act for assistance for the Central African Republic shall be made available for reconciliation and peacebuilding programs, including activities to promote inter-faith dialogue at the national and local levels, and for programs to prevent crimes against humanity.

(c) COUNTERTERRORISM PROGRAMS.—Of the funds appropriated by this Act, not less than \$69,821,000 should be made available for the Trans-Sahara Counter-terrorism Partnership program, and not less than \$24,150,000 should be made available for the Partnership for Regional East Africa Counterterrorism program.

(d) ETHIOPIA.—

(1) FORCED EVICTIONS.—

(A) Funds appropriated by this Act for assistance for Ethiopia may not be made available for any activity that supports forced evictions.

(B) The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to vote against financing for any activity that supports forced evictions in Ethiopia.

(2) CONSULTATION REQUIREMENT.—Programs and activities to improve livelihoods shall include prior consultation with, and the participation of, affected communities, including in the South Omo and Gambella regions.

(3) FOREIGN MILITARY FINANCING PROGRAM.—Funds appropriated by this Act under the heading “Foreign Military Financing Program” for assistance for Ethiopia may only be made available for border security and counterterrorism programs, support for international peacekeeping efforts, and assistance for the Ethiopian Defense Command and Staff College.

(e) LAKE CHAD BASIN COUNTRIES.—Funds appropriated by this Act shall be made available for democracy and other development

programs in Cameroon, Chad, Niger, and Nigeria, following consultation with the Committees on Appropriations: *Provided*, That such democracy programs should protect freedoms of expression, association and religion, including for journalists, civil society, and opposition political parties, and should be used to assist the governments of such countries to strengthen accountability and the rule of law, including within the security forces.

(f) LORD’S RESISTANCE ARMY.—Funds appropriated by this Act shall be made available for programs and activities in areas affected by the Lord’s Resistance Army (LRA) consistent with the goals of the Lord’s Resistance Army Disarmament and Northern Uganda Recovery Act (Public Law 111–172), including to improve physical access, telecommunications infrastructure, and early-warning mechanisms and to support the disarmament, demobilization, and reintegration of former LRA combatants, especially child soldiers.

(g) POWER AFRICA INITIATIVE.—Funds appropriated by this Act that are made available for the Power Africa initiative shall be subject to the regular notification procedures of the Committees on Appropriations.

(h) PROGRAMS IN AFRICA.—

(1) Of the funds appropriated by this Act under the headings “Global Health Programs” and “Economic Support Fund”, not less than \$7,000,000 shall be made available for the purposes of section 7042(g)(1) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2014 (division K of Public Law 113–76).

(2) Of the funds appropriated by this Act under the headings “Economic Support Fund” and “International Narcotics Control and Law Enforcement”, not less than \$8,000,000 shall be made available for the purposes of section 7042(g)(2) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2014 (division K of Public Law 113–76).

(3) Funds made available under paragraphs (1) and (2) shall be programmed in a manner that leverages a United States Government-wide approach to addressing shared challenges and mutually beneficial opportunities, and shall be the responsibility of United States Chiefs of Mission in countries in Africa seeking enhanced partnerships with the United States in areas of trade, investment, development, health, and security.

(i) SOUTH SUDAN.—

(1) Funds appropriated by this Act that are made available for assistance for South Sudan should—

(A) be prioritized for programs that respond to humanitarian needs and the delivery of basic services and to mitigate conflict and promote stability, including to address protection needs and prevent and respond to gender-based violence;

(B) support programs that build resilience of communities to address food insecurity, maintain educational opportunities, and enhance local governance;

(C) be used to advance democracy, including support for civil society, independent media, and other means to strengthen the rule of law;

(D) support the transparent and sustainable management of natural resources by assisting the Government

of South Sudan in conducting regular audits of financial accounts, including revenues from oil and gas, and the timely public disclosure of such audits; and

(E) support the professionalization of security forces, including human rights and accountability to civilian authorities.

(2) None of the funds appropriated by this Act that are available for assistance for the central Government of South Sudan may be made available until the Secretary of State certifies and reports to the Committees on Appropriations that such government is taking effective steps to—

(A) end hostilities and pursue good faith negotiations for a political settlement of the internal conflict;

(B) provide access for humanitarian organizations;

(C) end the recruitment and use of child soldiers;

(D) protect freedoms of expression, association, and assembly;

(E) reduce corruption related to the extraction and sale of oil and gas; and

(F) establish democratic institutions, including accountable military and police forces under civilian authority.

(3) The limitation of paragraph (2) shall not apply to—

(A) humanitarian assistance;

(B) assistance to support South Sudan peace negotiations or to advance or implement a peace agreement; and

(C) assistance to support implementation of outstanding issues of the Comprehensive Peace Agreement (CPA) and mutual arrangements related to the CPA.

(j) SUDAN.—

(1) Notwithstanding any other provision of law, none of the funds appropriated by this Act may be made available for assistance for the Government of Sudan.

(2) None of the funds appropriated by this Act may be made available for the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying loans and loan guarantees held by the Government of Sudan, including the cost of selling, reducing, or canceling amounts owed to the United States, and modifying concessional loans, guarantees, and credit agreements.

(3) The limitations of paragraphs (1) and (2) shall not apply to—

(A) humanitarian assistance;

(B) assistance for democracy programs;

(C) assistance for the Darfur region, Southern Kordofan State, Blue Nile State, other marginalized areas and populations in Sudan, and Abyei; and

(D) assistance to support implementation of outstanding issues of the Comprehensive Peace Agreement (CPA), mutual arrangements related to post-referendum issues associated with the CPA, or any other internationally recognized viable peace agreement in Sudan.

(k) ZIMBABWE.—

(1) The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to vote against any extension by the respective institution of any loan or grant to the Government of Zimbabwe, except to meet basic human needs or to promote democracy, unless

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note.

the Secretary of State certifies and reports to the Committees on Appropriations that the rule of law has been restored, including respect for ownership and title to property, and freedoms of expression, association, and assembly.

(2) None of the funds appropriated by this Act shall be made available for assistance for the central Government of Zimbabwe, except for health and education, unless the Secretary of State certifies and reports as required in paragraph (1), and funds may be made available for macroeconomic growth assistance if the Secretary reports to the Committees on Appropriations that such government is implementing transparent fiscal policies, including public disclosure of revenues from the extraction of natural resources.

EAST ASIA AND THE PACIFIC

SEC. 7043. (a) ASIA REBALANCING INITIATIVE.—Except for paragraphs (1)(C), (4), (5)(B) and (C), and 6(B), section 7043(a) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2015 (division J of Public Law 113–235) shall continue in effect during fiscal year 2016 as if part of this Act: *Provided*, That section 7043(a)(8) of such Act shall be applied to funds appropriated by this Act by adding “East Asia,” before “South East Asia”.

(b) BURMA.—

(1) BILATERAL ECONOMIC ASSISTANCE.—

(A) Funds appropriated by this Act under the heading “Economic Support Fund” for assistance for Burma may be made available notwithstanding any other provision of law, except for this subsection, and following consultation with the appropriate congressional committees.

(B) Funds appropriated under title III of this Act for assistance for Burma—

(i) may not be made available for budget support for the Government of Burma;

(ii) shall be made available to strengthen civil society organizations in Burma, including as core support for such organizations;

(iii) shall be made available for the implementation of the democracy and human rights strategy required by section 7043(b)(3)(A) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2014 (division K of Public Law 113–76);

(iv) shall be made available for community-based organizations operating in Thailand to provide food, medical, and other humanitarian assistance to internally displaced persons in eastern Burma, in addition to assistance for Burmese refugees from funds appropriated by this Act under the heading “Migration and Refugee Assistance”;

(v) shall be made available for programs to promote ethnic and religious tolerance, including in Rakhine and Kachin states;

(vi) may not be made available to any successor or affiliated organization of the State Peace and Development Council (SPDC) controlled by former SPDC members that promotes the repressive policies

of the SPDC, or to any individual or organization credibly alleged to have committed gross violations of human rights, including against Rohingya and other minority groups;

(vii) may be made available for programs administered by the Office of Transition Initiatives, United States Agency for International Development (USAID), for ethnic groups and civil society in Burma to help sustain ceasefire agreements and further prospects for reconciliation and peace, which may include support to representatives of ethnic armed groups for this purpose; and

(viii) may not be made available to any organization or individual the Secretary of State determines and reports to the appropriate congressional committees advocates violence against ethnic or religious groups and individuals in Burma, including such organizations as Ma Ba Tha.

(2) INTERNATIONAL SECURITY ASSISTANCE.—None of the funds appropriated by this Act under the headings “International Military Education and Training” and “Foreign Military Financing Program” may be made available for assistance for Burma: *Provided*, That the Department of State may continue consultations with the armed forces of Burma only on human rights and disaster response in a manner consistent with the prior fiscal year, and following consultation with the appropriate congressional committees.

(3) MULTILATERAL ASSISTANCE.—The Secretary of the Treasury should instruct the United States executive director of each international financial institution to use the voice and vote of the United States to support projects in Burma only if such projects—

(A) promote accountability and transparency, including on-site monitoring throughout the life of the project;

(B) are developed and carried out in accordance with best practices regarding environmental conservation; social and cultural protection and empowerment of local populations, particularly ethnic nationalities; and extraction of resources;

(C) do not promote the displacement of local populations without appropriate consultation, harm mitigation and compensation, and do not provide incentives for, or facilitate, the forced migration of indigenous communities; and

(D) do not partner with or otherwise involve military-owned enterprises or state-owned enterprises associated with the military.

(4) ASSESSMENT.—Not later than 180 days after enactment of this Act, the Comptroller General of the United States shall initiate an assessment of democracy programs in Burma conducted by the Department of State and USAID, including the strategy for such programs, and programmatic implementation and results: *Provided*, That of the funds appropriated by this Act and made available for assistance for Burma, up to \$100,000 shall be made available to the Comptroller for such assessment.

(5) PROGRAMS, POSITION, AND RESPONSIBILITIES.—

(A) Any new program or activity in Burma initiated in fiscal year 2016 shall be subject to prior consultation with the appropriate congressional committees.

(B) Section 7043(b)(7) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2015 (division J of Public Law 113–235) shall continue in effect during fiscal year 2016 as if part of this Act.

(C) The United States Chief of Mission in Burma, in consultation with the Assistant Secretary for the Bureau of Democracy, Human Rights, and Labor, Department of State, shall be responsible for democracy programs in Burma.

(c) CAMBODIA.—

(1) KHMER ROUGE TRIBUNAL.—Of the funds appropriated by this Act that are made available for assistance for Cambodia, up to \$2,000,000 may be made available for a contribution to the Extraordinary Chambers in the Court of Cambodia (ECCC), in a manner consistent with prior fiscal years, except that such funds may only be made available for a contribution to the appeals process in Case 002/01.

(2) RESEARCH AND EDUCATION.—Funds made available by this Act for democracy programs in Cambodia shall be made available for research and education programs associated with the Khmer Rouge genocide in Cambodia.

(3) REIMBURSEMENTS.—The Secretary of State shall continue to consult with the Principal Donors Group on reimbursements to the Documentation Center of Cambodia for costs incurred in support of the ECCC.

(d) NORTH KOREA.—

(1) BROADCASTS.—Funds appropriated by this Act under the heading “International Broadcasting Operations” shall be made available to maintain broadcasts into North Korea at levels consistent with the prior fiscal year.

(2) REFUGEES.—Funds appropriated by this Act under the heading “Migration and Refugee Assistance” shall be made available for assistance for refugees from North Korea, including protection activities in the People’s Republic of China and other countries in the Asia region.

(3) DATABASE AND REPORT.—Funds appropriated by this Act under title III shall be made available to maintain a database of prisons and gulags in North Korea, in accordance with section 7032(i) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2014 (division K of Public Law 113–76): *Provided*, That not later than 30 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations describing the sources of information and format of such database.

(4) LIMITATION ON USE OF FUNDS.—None of the funds made available by this Act under the heading “Economic Support Fund” may be made available for assistance for the Government of North Korea.

(e) PEOPLE’S REPUBLIC OF CHINA.—

(1) LIMITATION ON USE OF FUNDS.—None of the funds appropriated under the heading “Diplomatic and Consular Programs” in this Act may be obligated or expended for processing licenses for the export of satellites of United States origin (including commercial satellites and satellite components) to the People’s

Republic of China (PRC) unless, at least 15 days in advance, the Committees on Appropriations are notified of such proposed action.

(2) PEOPLE'S LIBERATION ARMY.—The terms and requirements of section 620(h) of the Foreign Assistance Act of 1961 shall apply to foreign assistance projects or activities of the People's Liberation Army (PLA) of the PRC, to include such projects or activities by any entity that is owned or controlled by, or an affiliate of, the PLA: *Provided*, That none of the funds appropriated or otherwise made available pursuant to this Act may be used to finance any grant, contract, or cooperative agreement with the PLA, or any entity that the Secretary of State has reason to believe is owned or controlled by, or an affiliate of, the PLA.

(3) COUNTER INFLUENCE PROGRAMS.—Funds appropriated by this Act for public diplomacy under title I and for assistance under titles III and IV shall be made available to counter the influence of the PRC, in accordance with the strategy required by section 7043(e)(3) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2014 (division K of Public Law 113–76), following consultation with the Committees on Appropriations.

(4) COST-MATCHING REQUIREMENT.—Section 7032(f) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2015 (division J of Public Law 113–235) shall continue in effect during fiscal year 2016 as if part of this Act.

(f) TIBET.—

(1) FINANCING OF PROJECTS IN TIBET.—The Secretary of the Treasury should instruct the United States executive director of each international financial institution to use the voice and vote of the United States to support financing of projects in Tibet if such projects do not provide incentives for the migration and settlement of non-Tibetans into Tibet or facilitate the transfer of ownership of Tibetan land and natural resources to non-Tibetans, are based on a thorough needs-assessment, foster self-sufficiency of the Tibetan people and respect Tibetan culture and traditions, and are subject to effective monitoring.

(2) PROGRAMS FOR TIBETAN COMMUNITIES.—

(A) Notwithstanding any other provision of law, funds appropriated by this Act under the heading “Economic Support Fund” shall be made available to nongovernmental organizations to support activities which preserve cultural traditions and promote sustainable development, education, and environmental conservation in Tibetan communities in the Tibetan Autonomous Region and in other Tibetan communities in China.

(B) Funds appropriated by this Act under the heading “Economic Support Fund” shall be made available for programs to promote and preserve Tibetan culture, development, and the resilience of Tibetan communities in India and Nepal, and to assist in the education and development of the next generation of Tibetan leaders from such communities: *Provided*, That such funds are in addition to amounts made available in subparagraph (A) for programs inside Tibet.

(g) VIETNAM.—

(1) DIOXIN REMEDIATION.—Funds appropriated by this Act under the heading “Economic Support Fund” shall be made available for remediation of dioxin contaminated sites in Vietnam and may be made available for assistance for the Government of Vietnam, including the military, for such purposes.

(2) HEALTH AND DISABILITY PROGRAMS.—Funds appropriated by this Act under the heading “Development Assistance” shall be made available for health and disability programs in areas sprayed with Agent Orange and otherwise contaminated with dioxin, to assist individuals with severe upper or lower body mobility impairment and/or cognitive or developmental disabilities.

SOUTH AND CENTRAL ASIA

SEC. 7044. (a) AFGHANISTAN.—

(1) DIPLOMATIC OPERATIONS.—

(A) FACILITIES.—Funds appropriated by this Act under the headings “Diplomatic and Consular Programs”, “Embassy Security, Construction, and Maintenance”, and “Operating Expenses” that are available for construction and renovation of United States Government facilities in Afghanistan may not be made available if the purpose is to accommodate Federal employee positions or to expand aviation facilities or assets above those notified by the Department of State and the United States Agency for International Development (USAID) to the Committees on Appropriations, or contractors in addition to those in place on the date of enactment of this Act: *Provided*, That the limitations in this paragraph shall not apply if funds are necessary to implement plans for accommodating other United States Government agencies under Chief of Mission authority per section 3927 of title 22, United States Code, or to protect such facilities or the security, health, and welfare of United States Government personnel.

(B) PERSONNEL REPORT.—Not later than 30 days after enactment of this Act and every 120 days thereafter until September 30, 2016, the Secretary of State shall submit a report, in classified form if necessary, to the appropriate congressional committees detailing by agency the number of personnel present in Afghanistan under Chief of Mission authority per section 3927 of title 22, United States Code, at the end of the 120 day period preceding the submission of such report: *Provided*, That such report shall also include the number of locally employed staff and contractors supporting United States Embassy operations in Afghanistan during the reporting period.

(2) ASSISTANCE AND CONDITIONS.—

(A) FUNDING AND LIMITATIONS.—Funds appropriated by this Act under the headings “Economic Support Fund” and “International Narcotics Control and Law Enforcement” may be made available for assistance for Afghanistan: *Provided*, That such funds may not be obligated for any project or activity that—

(i) includes the participation of any Afghan individual or organization that the Secretary of State determines to be involved in corrupt practices or a violation of human rights;

(ii) cannot be sustained, as appropriate, by the Government of Afghanistan or another Afghan entity;

(iii) is inaccessible for the purposes of conducting regular oversight in accordance with applicable Federal statutes and regulations; or

(iv) initiates any new, major infrastructure development.

(B) CERTIFICATION AND REPORT.—Prior to the initial obligation of funds made available by this Act under the headings “Economic Support Fund” and “International Narcotics Control and Law Enforcement” for assistance for the central Government of Afghanistan, the Secretary of State shall certify and report to the Committees on Appropriations, after consultation with the Government of Afghanistan, that—

(i) goals and benchmarks for the specific uses of such funds have been established by the Governments of the United States and Afghanistan;

(ii) conditions are in place that increase the transparency and accountability of the Government of Afghanistan for funds obligated under the New Development Partnership;

(iii) the Government of Afghanistan is continuing to implement laws and policies to govern democratically and protect the rights of individuals and civil society, including taking consistent steps to protect and advance the rights of women and girls in Afghanistan;

(iv) the Government of Afghanistan is reducing corruption and prosecuting individuals alleged to be involved in illegal activities in Afghanistan;

(v) monitoring and oversight frameworks for programs implemented with such funds are in accordance with all applicable audit policies of the Department of State and USAID;

(vi) the necessary policies and procedures are in place to ensure Government of Afghanistan compliance with section 7013 of this Act; and

(vii) the Government of Afghanistan has established processes for the public reporting of its national budget, including revenues and expenditures.

(C) WAIVER.—The Secretary of State, after consultation with the Secretary of Defense, may waive the certification requirement of subparagraph (B) if the Secretary determines that to do so is important to the national security interest of the United States and the Secretary submits a report to the Committees on Appropriations, in classified form if necessary, on the justification for the waiver and the reasons why any part of the certification requirement of subparagraph (B) has not been met.

(D) PROGRAMS.—Funds appropriated by this Act that are made available for assistance for Afghanistan shall be made available in the following manner—

(i) not less than \$50,000,000 shall be made available for rule of law programs, the decisions for which shall be the responsibility of the Chief of Mission, in consultation with other appropriate United States Government officials in Afghanistan;

(ii) for programs that protect the rights of women and girls and promote the political and economic empowerment of women, including their meaningful inclusion in political processes: *Provided*, That such assistance to promote economic empowerment of women shall be made available as grants to Afghan and international organizations, to the maximum extent practicable;

(iii) for programs in South and Central Asia to expand linkages between Afghanistan and countries in the region, subject to the regular notification procedures of the Committees on Appropriations; and

(iv) to assist the Government of Afghanistan to increase revenue collection and expenditure.

(3) GOALS AND BENCHMARKS.—Not later than 90 days after enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report describing the goals and benchmarks required in clause (2)(B)(i): *Provided*, That not later than 6 months after the submission of such report and every 6 months thereafter until September 30, 2017, the Secretary of State shall submit a report to such committees on the status of achieving such goals and benchmarks: *Provided further*, That the Secretary of State should suspend assistance for the Government of Afghanistan if any report required by this paragraph indicates that such government is failing to make measurable progress in meeting such goals and benchmarks.

(4) AUTHORITIES.—

(A) Funds appropriated by this Act under title III through VI that are made available for assistance for Afghanistan may be made available—

(i) notwithstanding section 7012 of this Act or any similar provision of law and section 660 of the Foreign Assistance Act of 1961;

(ii) for reconciliation programs and disarmament, demobilization, and reintegration activities for former combatants who have renounced violence against the Government of Afghanistan, in accordance with section 7046(a)(2)(B)(ii) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2012 (division I of Public Law 112–74); and

(iii) for an endowment to empower women and girls.

(B) Section 7046(a)(2)(A) of division I of Public Law 112–74 shall apply to funds appropriated by this Act for assistance for Afghanistan.

(C) Section 1102(c) of the Supplemental Appropriations Act, 2009 (title XI of Public Law 111–32) shall continue in effect during fiscal year 2016 as if part of this Act.

(5) **BASING RIGHTS AGREEMENT.**—None of the funds made available by this Act may be used by the United States Government to enter into a permanent basing rights agreement between the United States and Afghanistan.

(b) **BANGLADESH.**—Funds appropriated by this Act under the heading “Development Assistance” that are made available for assistance for Bangladesh shall be made available for programs to protect due process of law, and to improve labor conditions by strengthening the capacity of independent workers’ organizations in Bangladesh’s readymade garment, shrimp, and fish export sectors.

(c) **NEPAL.**—

(1) **BILATERAL ECONOMIC ASSISTANCE.**—Funds appropriated by this Act shall be made available for assistance for Nepal for earthquake recovery and reconstruction programs: *Provided*, That such amounts shall be in addition to funds made available by this Act for development and democracy programs in Nepal: *Provided further*, That funds made available for earthquake recovery and reconstruction programs should—

(A) target affected communities on an equitable basis;

and

(B) include sufficient oversight mechanisms, to include the participation of civil society organizations.

(2) **FOREIGN MILITARY FINANCING PROGRAM.**—Funds appropriated by this Act under the heading “Foreign Military Financing Program” shall only be made available for humanitarian and disaster relief and reconstruction activities in Nepal, and in support of international peacekeeping operations: *Provided*, That such funds may only be made available for any additional uses if the Secretary of State certifies and reports to the Committees on Appropriations that the Government of Nepal is investigating and prosecuting violations of human rights and the law of war, and the Nepal Army is cooperating fully with civilian judicial authorities on such efforts.

(d) **PAKISTAN.**—

(1) **CERTIFICATION REQUIREMENT.**—None of the funds appropriated or otherwise made available by this Act under the headings “Economic Support Fund”, “International Narcotics Control and Law Enforcement”, and “Foreign Military Financing Program” for assistance for the Government of Pakistan may be made available unless the Secretary of State certifies and reports to the Committees on Appropriations that the Government of Pakistan is—

(A) cooperating with the United States in counterterrorism efforts against the Haqqani Network, the Quetta Shura Taliban, Lashkar e-Tayyiba, Jaish-e-Mohammed, Al-Qaeda, and other domestic and foreign terrorist organizations, including taking effective steps to end support for such groups and prevent them from basing and operating in Pakistan and carrying out cross border attacks into neighboring countries;

(B) not supporting terrorist activities against United States or coalition forces in Afghanistan, and Pakistan’s military and intelligence agencies are not intervening extra-judicially into political and judicial processes in Pakistan;

(C) dismantling improvised explosive device (IED) networks and interdicting precursor chemicals used in the manufacture of IEDs;

(D) preventing the proliferation of nuclear-related material and expertise;

(E) issuing visas in a timely manner for United States visitors engaged in counterterrorism efforts and assistance programs in Pakistan; and

(F) providing humanitarian organizations access to detainees, internally displaced persons, and other Pakistani civilians affected by the conflict.

(2) WAIVER.—The Secretary of State, after consultation with the Secretary of Defense, may waive the certification requirement of paragraph (1) if the Secretary of State determines that to do so is important to the national security interest of the United States and the Secretary submits a report to the Committees on Appropriations, in classified form if necessary, on the justification for the waiver and the reasons why any part of the certification requirement of paragraph (1) has not been met.

(3) ASSISTANCE.—

(A) Funds appropriated by this Act under the heading “Foreign Military Financing Program” for assistance for Pakistan may be made available only to support counterterrorism and counterinsurgency capabilities in Pakistan.

(B) Funds appropriated by this Act under the headings “Economic Support Fund” and “Nonproliferation, Anti-terrorism, Demining and Related Programs” that are available for assistance for Pakistan shall be made available to interdict precursor materials from Pakistan to Afghanistan that are used to manufacture IEDs, including calcium ammonium nitrate; to support programs to train border and customs officials in Pakistan and Afghanistan; and for agricultural extension programs that encourage alternative fertilizer use among Pakistani farmers.

(C) Funds appropriated by this Act under the heading “Economic Support Fund” that are made available for assistance for infrastructure projects in Pakistan shall be implemented in a manner consistent with section 507(6) of the Trade Act of 1974 (19 U.S.C. 2467(6)).

(D) Funds appropriated by this Act under titles III and IV for assistance for Pakistan may be made available notwithstanding any other provision of law, except for this subsection and section 620M of the Foreign Assistance Act of 1961.

(E) Of the funds appropriated under title III of this Act that are made available for assistance for Pakistan, \$33,000,000 shall be withheld from obligation until the Secretary of State reports to the Committees on Appropriations that Dr. Shakil Afridi has been released from prison and cleared of all charges relating to the assistance provided to the United States in locating Osama bin Laden.

(4) SCHOLARSHIPS FOR WOMEN.—The authority and directives of section 7044(d)(4) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2015

(division J of Public Law 113–235) shall apply to funds appropriated by this Act that are made available for assistance for Pakistan.

(5) REPORTS.—

(A)(i) The spend plan required by section 7076 of this Act for assistance for Pakistan shall include achievable and sustainable goals, benchmarks for measuring progress, and expected results regarding combating poverty and furthering development in Pakistan, countering terrorism and extremism, and establishing conditions conducive to the rule of law and transparent and accountable governance: *Provided*, That such benchmarks may incorporate those required in title III of the Enhanced Partnership with Pakistan Act of 2009 (22 U.S.C. 8441 et seq.), as appropriate: *Provided further*, That not later than 6 months after submission of such spend plan, and each 6 months thereafter until September 30, 2017, the Secretary of State shall submit a report to the Committees on Appropriations on the status of achieving the goals and benchmarks in such plan.

(ii) The Secretary of State should suspend assistance for the Government of Pakistan if any report required by clause (i) indicates that Pakistan is failing to make measurable progress in meeting such goals or benchmarks.

(B) Not later than 90 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations detailing the costs and objectives associated with significant infrastructure projects supported by the United States in Pakistan, and an assessment of the extent to which such projects achieve such objectives.

(6) OVERSIGHT.—The Secretary of State shall take all practicable steps to ensure that mechanisms are in place for monitoring, oversight, and control of funds made available by this subsection for assistance for Pakistan.

(e) SRI LANKA.—

(1) BILATERAL ECONOMIC ASSISTANCE.—Funds appropriated by this Act under the heading “Economic Support Fund” shall be made available for assistance for Sri Lanka for democracy and economic development programs, particularly in areas recovering from ethnic and religious conflict: *Provided*, That such funds shall be made available for programs to assist in the identification and resolution of cases of missing persons.

(2) CERTIFICATION.—Funds appropriated by this Act for assistance for the central Government of Sri Lanka may be made available only if the Secretary of State certifies and reports to the Committees on Appropriations that the Government of Sri Lanka is continuing to—

(A) address the underlying causes of conflict in Sri Lanka; and

(B) increase accountability and transparency in governance.

(3) INTERNATIONAL SECURITY ASSISTANCE.—Funds appropriated under title IV of this Act that are available for assistance for Sri Lanka shall be subject to the following conditions—

(A) funds under the heading “Foreign Military Financing Program” may only be made available for programs to redeploy, restructure, and reduce the size of the Sri Lankan armed forces and shall not exceed \$400,000;

(B) funds under the heading “International Military Education and Training” may only be made available for training related to international peacekeeping operations and Expanded International Military Education and Training; and

(C) funds under the heading “Peacekeeping Operations” may only be made available for training related to international peacekeeping operations.

(f) REGIONAL PROGRAMS.—

(1) Funds appropriated by this Act under the heading “Economic Support Fund” for assistance for Afghanistan and Pakistan may be provided, notwithstanding any other provision of law that restricts assistance to foreign countries, for cross border stabilization and development programs between Afghanistan and Pakistan, or between either country and the Central Asian countries.

(2) Funds appropriated by this Act under the headings “Economic Support Fund”, “International Narcotics Control and Law Enforcement”, and “Assistance for Europe, Eurasia and Central Asia” that are available for assistance for countries in South and Central Asia shall be made available to enhance the recruitment, retention, and professionalism of women in the judiciary, police, and other security forces.

WESTERN HEMISPHERE

SEC. 7045. (a) UNITED STATES ENGAGEMENT IN CENTRAL AMERICA.—

(1) FUNDING.—Subject to the requirements of this subsection, of the funds appropriated under titles III and IV of this Act, up to \$750,000,000 may be made available for assistance for countries in Central America to implement the United States Strategy for Engagement in Central America (the Strategy) in support of the Plan of the Alliance for Prosperity in the Northern Triangle of Central America (the Plan): *Provided*, That the Secretary of State and Administrator of the United States Agency for International Development (USAID) shall prioritize such assistance to address the key factors in such countries contributing to the migration of unaccompanied, undocumented minors to the United States: *Provided further*, That such funds shall be made available to the maximum extent practicable on a cost-matching basis.

(2) PRE-OBLIGATION REQUIREMENTS.—Prior to the obligation of funds made available pursuant to paragraph (1), the Secretary of State shall submit to the Committees on Appropriations a multi-year spend plan specifying the proposed uses of such funds in each country and the objectives, indicators to measure progress, and a timeline to implement the Strategy, and the amounts made available from prior Acts making appropriations for the Department of State, foreign operations, and related programs to support such Strategy: *Provided*, That such spend plan shall also include a description of how such assistance will differ from, complement, and leverage funds allocated

by each government and other donors, including international financial institutions.

(3) ASSISTANCE FOR THE CENTRAL GOVERNMENTS OF EL SALVADOR, GUATEMALA, AND HONDURAS.—Of the funds made available pursuant to paragraph (1) that are available for assistance for each of the central governments of El Salvador, Guatemala, and Honduras, the following amounts shall be withheld from obligation and may only be made available as follows:

(A) 25 percent may only be obligated after the Secretary of State certifies and reports to the appropriate congressional committees that such government is taking effective steps to—

- (i) inform its citizens of the dangers of the journey to the southwest border of the United States;
- (ii) combat human smuggling and trafficking;
- (iii) improve border security; and
- (iv) cooperate with United States Government agencies and other governments in the region to facilitate the return, repatriation, and reintegration of illegal migrants arriving at the southwest border of the United States who do not qualify as refugees, consistent with international law.

(B) An additional 50 percent may only be obligated after the Secretary of State certifies and reports to the appropriate congressional committees that such government is taking effective steps to—

- (i) establish an autonomous, publicly accountable entity to provide oversight of the Plan;
- (ii) combat corruption, including investigating and prosecuting government officials credibly alleged to be corrupt;
- (iii) implement reforms, policies, and programs to improve transparency and strengthen public institutions, including increasing the capacity and independence of the judiciary and the Office of the Attorney General;
- (iv) establish and implement a policy that local communities, civil society organizations (including indigenous and other marginalized groups), and local governments are consulted in the design, and participate in the implementation and evaluation of, activities of the Plan that affect such communities, organizations, and governments;
- (v) counter the activities of criminal gangs, drug traffickers, and organized crime;
- (vi) investigate and prosecute in the civilian justice system members of military and police forces who are credibly alleged to have violated human rights, and ensure that the military and police are cooperating in such cases;
- (vii) cooperate with commissions against impunity, as appropriate, and with regional human rights entities;
- (viii) support programs to reduce poverty, create jobs, and promote equitable economic growth in areas contributing to large numbers of migrants;

(ix) establish and implement a plan to create a professional, accountable civilian police force and curtail the role of the military in internal policing;

(x) protect the right of political opposition parties, journalists, trade unionists, human rights defenders, and other civil society activists to operate without interference;

(xi) increase government revenues, including by implementing tax reforms and strengthening customs agencies; and

(xii) resolve commercial disputes, including the confiscation of real property, between United States entities and such government.

(4) SUSPENSION OF ASSISTANCE AND PERIODIC REVIEW.—

(A) The Secretary of State shall periodically review the progress of each of the central governments of El Salvador, Guatemala, and Honduras in meeting the requirements of paragraphs (3)(A) and (3)(B) and shall, not later than September 30, 2016, submit to the appropriate congressional committees a report assessing such progress: *Provided*, That if the Secretary determines that sufficient progress has not been made by a central government, the Secretary shall suspend, in whole or in part, assistance for such government for programs supporting such requirement, and shall notify such committees in writing of such action: *Provided further*, That the Secretary may resume funding for such programs only after the Secretary certifies to such committees that corrective measures have been taken.

(B) The Secretary of State shall, following a change of national government in El Salvador, Guatemala, or Honduras, determine and report to the appropriate congressional committees that any new government has committed to take the steps to meet the requirements of paragraphs (3)(A) and (3)(B): *Provided*, That if the Secretary is unable to make such a determination in a timely manner, assistance made available under this subsection for such central government shall be suspended, in whole or in part, until such time as such determination and report can be made.

(5) PROGRAMS AND TRANSFER OF FUNDS.—

(A) Funds appropriated by this Act for the Central America Regional Security Initiative may be made available, after consultation with, and subject to the regular notification procedures of, the Committees on Appropriations, to support international commissions against impunity in Honduras and El Salvador, if such commissions are established.

(B) The Department of State and USAID may, following consultation with the Committees on Appropriations, transfer funds made available by this Act under the heading “Development Assistance” to the Inter-American Development Bank and the Inter-American Foundation for technical assistance in support of the Strategy.

(b) COLOMBIA.—

(1) ASSISTANCE.—Funds appropriated by this Act and made available to the Department of State for assistance for the Government of Colombia may be used to support a unified

campaign against narcotics trafficking, organizations designated as Foreign Terrorist Organizations, and other criminal or illegal armed groups, and to take actions to protect human health and welfare in emergency circumstances, including undertaking rescue operations: *Provided*, That the first through fifth provisos of paragraph (1), and paragraph (3) of section 7045(a) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2012 (division I of Public Law 112–74) shall continue in effect during fiscal year 2016 and shall apply to funds appropriated by this Act and made available for assistance for Colombia as if included in this Act: *Provided further*, That of the funds appropriated by this Act under the heading “Economic Support Fund”, not less than \$133,000,000 shall be made available for assistance for Colombia, of which not less than \$126,000,000 shall be apportioned directly to the United States Agency for International Development, and \$7,000,000 shall be transferred to, and merged with, funds appropriated by this Act under the heading “Migration and Refugee Assistance” for assistance for Colombian refugees in neighboring countries.

(2)(A) Of the funds appropriated by this Act under the heading “Foreign Military Financing Program” for assistance for Colombia, 19 percent may be obligated only in accordance with the conditions under section 7045 in the explanatory statement described in section 4 (in the matter preceding division A of this Consolidated Act).

(B) The limitations of this paragraph shall not apply to funds made available under such heading for aviation instruction and maintenance, and maritime security programs.

(3) NOTIFICATION.—Funds appropriated by this Act that are made available for assistance for Colombia to support the implementation of a peace agreement shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

(c) HAITI.—

(1) FUNDING.—Of the funds appropriated by this Act, not more than \$191,413,000 may be made available for assistance for Haiti.

(2) GOVERNANCE CERTIFICATION.—Funds made available in paragraph (1) may not be made available for assistance for the central Government of Haiti unless the Secretary of State certifies and reports to the Committees on Appropriations that the Government of Haiti is taking effective steps to—

(A) hold free and fair parliamentary elections and seat a new Haitian Parliament;

(B) strengthen the rule of law in Haiti, including by selecting judges in a transparent manner; respect the independence of the judiciary; and improve governance by implementing reforms to increase transparency and accountability;

(C) combat corruption, including by implementing the anti-corruption law enacted in 2014 and prosecuting corrupt officials; and

(D) increase government revenues, including by implementing tax reforms, and increase expenditures on public services.

(3) HAITIAN COAST GUARD.—The Government of Haiti shall be eligible to purchase defense articles and services under the Arms Export Control Act (22 U.S.C. 2751 et seq.) for the Coast Guard.

(d) AIRCRAFT OPERATIONS AND MAINTENANCE.—To the maximum extent practicable, the costs of operations and maintenance, including fuel, of aircraft funded by this Act should be borne by the recipient country.

PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS

SEC. 7046. None of the funds appropriated or made available pursuant to titles III through VI of this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations or, from funds appropriated by this Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961, the costs for participation of another country's delegation at international conferences held under the auspices of multilateral or international organizations.

WAR CRIMES TRIBUNALS

SEC. 7047. If the President determines that doing so will contribute to a just resolution of charges regarding genocide or other violations of international humanitarian law, the President may direct a drawdown pursuant to section 552(c) of the Foreign Assistance Act of 1961 of up to \$30,000,000 of commodities and services for the United Nations War Crimes Tribunal established with regard to the former Yugoslavia by the United Nations Security Council or such other tribunals or commissions as the Council may establish or authorize to deal with such violations, without regard to the ceiling limitation contained in paragraph (2) thereof: *Provided*, That the determination required under this section shall be in lieu of any determinations otherwise required under section 552(c): *Provided further*, That funds made available pursuant to this section shall be made available subject to the regular notification procedures of the Committees on Appropriations.

UNITED NATIONS

SEC. 7048. (a) TRANSPARENCY AND ACCOUNTABILITY.—

(1) Of the funds appropriated under title I and under the heading “International Organizations and Programs” in title V of this Act that are available for contributions to the United Nations (including the Department of Peacekeeping Operations), any United Nations agency, or the Organization of American States, 15 percent may not be obligated for such organization, department, or agency until the Secretary of State reports to the Committees on Appropriations that the organization, department, or agency is—

(A) posting on a publicly available Web site, consistent with privacy regulations and due process, regular financial and programmatic audits of such organization, department, or agency, and providing the United States Government with necessary access to such financial and performance audits; and

(B) effectively implementing and enforcing policies and procedures which reflect best practices for the protection of whistleblowers from retaliation, including best practices for—

- (i) protection against retaliation for internal and lawful public disclosures;
- (ii) legal burdens of proof;
- (iii) statutes of limitation for reporting retaliation;
- (iv) access to independent adjudicative bodies, including external arbitration; and
- (v) results that eliminate the effects of proven retaliation.

(2) The restrictions imposed by or pursuant to paragraph (1) may be waived on a case-by-case basis if the Secretary of State determines and reports to the Committees on Appropriations that such waiver is necessary to avert or respond to a humanitarian crisis.

(b) RESTRICTIONS ON UNITED NATIONS DELEGATIONS AND ORGANIZATIONS.—

(1) None of the funds made available under title I of this Act may be used to pay expenses for any United States delegation to any specialized agency, body, or commission of the United Nations if such agency, body, or commission is chaired or presided over by a country, the government of which the Secretary of State has determined, for purposes of section 6(j)(1) of the Export Administration Act of 1979 as continued in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. App. 2405(j)(1)), supports international terrorism.

(2) None of the funds made available under title I of this Act may be used by the Secretary of State as a contribution to any organization, agency, commission, or program within the United Nations system if such organization, agency, commission, or program is chaired or presided over by a country the government of which the Secretary of State has determined, for purposes of section 620A of the Foreign Assistance Act of 1961, section 40 of the Arms Export Control Act, section 6(j)(1) of the Export Administration Act of 1979, or any other provision of law, is a government that has repeatedly provided support for acts of international terrorism.

(3) The Secretary of State may waive the restriction in this subsection if the Secretary reports to the Committees on Appropriations that to do so is in the national interest of the United States.

(c) UNITED NATIONS HUMAN RIGHTS COUNCIL.—None of the funds appropriated by this Act may be made available in support of the United Nations Human Rights Council unless the Secretary of State determines and reports to the Committees on Appropriations that participation in the Council is important to the national interest of the United States and that the Council is taking steps to remove Israel as a permanent agenda item: *Provided*, That such report shall include a description of the national interest served and the steps taken to remove Israel as a permanent agenda item: *Provided further*, That the Secretary of State shall report to the Committees on Appropriations not later than September 30, 2016, on the resolutions considered in the United Nations Human Rights Council during the previous 12 months, and on steps taken to remove Israel as a permanent agenda item.

(d) UNITED NATIONS RELIEF AND WORKS AGENCY.—Not later than 45 days after enactment of this Act, the Secretary of State shall submit a report in writing to the Committees on Appropriations on whether the United Nations Relief and Works Agency (UNRWA) is—

(1) utilizing Operations Support Officers in the West Bank, Gaza, and other fields of operation to inspect UNRWA installations and reporting any inappropriate use;

(2) acting promptly to address any staff or beneficiary violation of its own policies (including the policies on neutrality and impartiality of employees) and the legal requirements under section 301(c) of the Foreign Assistance Act of 1961;

(3) implementing procedures to maintain the neutrality of its facilities, including implementing a no-weapons policy, and conducting regular inspections of its installations, to ensure they are only used for humanitarian or other appropriate purposes;

(4) taking necessary and appropriate measures to ensure it is operating in compliance with the conditions of section 301(c) of the Foreign Assistance Act of 1961 and continuing regular reporting to the Department of State on actions it has taken to ensure conformance with such conditions;

(5) taking steps to ensure the content of all educational materials currently taught in UNRWA-administered schools and summer camps is consistent with the values of human rights, dignity, and tolerance and does not induce incitement;

(6) not engaging in operations with financial institutions or related entities in violation of relevant United States law, and is taking steps to improve the financial transparency of the organization; and

(7) in compliance with the United Nations Board of Auditors' biennial audit requirements and is implementing in a timely fashion the Board's recommendations.

(e) UNITED NATIONS CAPITAL MASTER PLAN.—None of the funds made available in this Act may be used for the design, renovation, or construction of the United Nations Headquarters in New York.

(f) WITHHOLDING REPORT.—Not later than 45 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations detailing the amount of funds available for obligation or expenditure in fiscal year 2016 for contributions to any organization, department, agency, or program within the United Nations system or any international program that are withheld from obligation or expenditure due to any provision of law: *Provided*, That the Secretary of State shall update such report each time additional funds are withheld by operation of any provision of law: *Provided further*, That the reprogramming of any withheld funds identified in such report, including updates thereof, shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

COMMUNITY-BASED POLICE ASSISTANCE

SEC. 7049. (a) AUTHORITY.—Funds made available by titles III and IV of this Act to carry out the provisions of chapter 1 of part I and chapters 4 and 6 of part II of the Foreign Assistance Act of 1961, may be used, notwithstanding section 660 of that Act, to enhance the effectiveness and accountability of civilian police

authority through training and technical assistance in human rights, the rule of law, anti-corruption, strategic planning, and through assistance to foster civilian police roles that support democratic governance, including assistance for programs to prevent conflict, respond to disasters, address gender-based violence, and foster improved police relations with the communities they serve.

(b) NOTIFICATION.—Assistance provided under subsection (a) shall be subject to the regular notification procedures of the Committees on Appropriations.

PROHIBITION ON PROMOTION OF TOBACCO

SEC. 7050. None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

INTERNATIONAL CONFERENCES

SEC. 7051. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 employees of agencies or departments of the United States Government who are stationed in the United States, at any single international conference occurring outside the United States, unless the Secretary of State reports to the Committees on Appropriations at least 5 days in advance that such attendance is important to the national interest: *Provided*, That for purposes of this section the term “international conference” shall mean a conference attended by representatives of the United States Government and of foreign governments, international organizations, or nongovernmental organizations.

AIRCRAFT TRANSFER AND COORDINATION

SEC. 7052. (a) TRANSFER AUTHORITY.—Notwithstanding any other provision of law or regulation, aircraft procured with funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs under the headings “Diplomatic and Consular Programs”, “International Narcotics Control and Law Enforcement”, “Andean Counterdrug Initiative”, and “Andean Counterdrug Programs” may be used for any other program and in any region, including for the transportation of active and standby Civilian Response Corps personnel and equipment during a deployment: *Provided*, That the responsibility for policy decisions and justification for the use of such transfer authority shall be the responsibility of the Secretary of State and the Deputy Secretary of State and this responsibility shall not be delegated.

(b) PROPERTY DISPOSAL.—The authority provided in subsection (a) shall apply only after the Secretary of State determines and reports to the Committees on Appropriations that the equipment is no longer required to meet programmatic purposes in the designated country or region: *Provided*, That any such transfer shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

(c) AIRCRAFT COORDINATION.—

(1) The uses of aircraft purchased or leased by the Department of State and the United States Agency for International Development (USAID) with funds made available in this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs shall be coordinated under the authority of the appropriate Chief of Mission: *Provided*, That such aircraft may be used to transport, on a reimbursable or non-reimbursable basis, Federal and non-Federal personnel supporting Department of State and USAID programs and activities: *Provided further*, That official travel for other agencies for other purposes may be supported on a reimbursable basis, or without reimbursement when traveling on a space available basis: *Provided further*, That funds received by the Department of State for the use of aircraft owned, leased, or chartered by the Department of State may be credited to the Working Capital Fund of the Department and shall be available for expenses related to the purchase, lease, maintenance, chartering, or operation of such aircraft.

(2) The requirement and authorities of this subsection shall only apply to aircraft, the primary purpose of which is the transportation of personnel.

PARKING FINES AND REAL PROPERTY TAXES OWED BY FOREIGN
GOVERNMENTS

SEC. 7053. The terms and conditions of section 7055 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2011 (division F of Public Law 111–117) shall apply to this Act: *Provided*, That the date “September 30, 2009” in subsection (f)(2)(B) of such section shall be deemed to be “September 30, 2015”.

LANDMINES AND CLUSTER MUNITIONS

SEC. 7054. (a) LANDMINES.—Notwithstanding any other provision of law, demining equipment available to the United States Agency for International Development and the Department of State and used in support of the clearance of landmines and unexploded ordnance for humanitarian purposes may be disposed of on a grant basis in foreign countries, subject to such terms and conditions as the Secretary of State may prescribe.

(b) CLUSTER MUNITIONS.—No military assistance shall be furnished for cluster munitions, no defense export license for cluster munitions may be issued, and no cluster munitions or cluster munitions technology shall be sold or transferred, unless—

(1) the submunitions of the cluster munitions, after arming, do not result in more than 1 percent unexploded ordnance across the range of intended operational environments, and the agreement applicable to the assistance, transfer, or sale of such cluster munitions or cluster munitions technology specifies that the cluster munitions will only be used against clearly defined military targets and will not be used where civilians are known to be present or in areas normally inhabited by civilians; or

(2) such assistance, license, sale, or transfer is for the purpose of demilitarizing or permanently disposing of such cluster munitions.

PROHIBITION ON PUBLICITY OR PROPAGANDA

SEC. 7055. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not authorized before the date of the enactment of this Act by Congress: *Provided*, That not to exceed \$25,000 may be made available to carry out the provisions of section 316 of the International Security and Development Cooperation Act of 1980 (Public Law 96–533).

CONSULAR IMMUNITY

SEC. 7056. The Secretary of State, with the concurrence of the Attorney General, may, on the basis of reciprocity and under such terms and conditions as the Secretary may determine, specify privileges and immunities for a consular post, the members of a consular post and their families which result in more favorable or less favorable treatment than is provided in the Vienna Convention on Consular Relations, of April 24, 1963 (T.I.A.S. 6820), entered into force for the United States December 24, 1969: *Provided*, That prior to exercising the authority of this section, the Secretary shall consult with the appropriate congressional committees on the circumstances that may warrant the need for privileges and immunities providing more favorable or less favorable treatment specified under such Convention.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT
MANAGEMENT

SEC. 7057. (a) **AUTHORITY.**—Up to \$93,000,000 of the funds made available in title III of this Act pursuant to or to carry out the provisions of part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading “Assistance for Europe, Eurasia and Central Asia”, may be used by the United States Agency for International Development (USAID) to hire and employ individuals in the United States and overseas on a limited appointment basis pursuant to the authority of sections 308 and 309 of the Foreign Service Act of 1980. 22 USC 3948 note.

(b) **RESTRICTIONS.**—

(1) The number of individuals hired in any fiscal year pursuant to the authority contained in subsection (a) may not exceed 175. 22 USC 3948 note.

(2) The authority to hire individuals contained in subsection (a) shall expire on September 30, 2017.

(c) **CONDITIONS.**—The authority of subsection (a) should only be used to the extent that an equivalent number of positions that are filled by personal services contractors or other non-direct hire employees of USAID, who are compensated with funds appropriated to carry out part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading “Assistance for Europe, Eurasia and Central Asia”, are eliminated. 22 USC 3948 note.

(d) **PROGRAM ACCOUNT CHARGED.**—The account charged for the cost of an individual hired and employed under the authority of this section shall be the account to which the responsibilities of such individual primarily relate: *Provided*, That funds made available to carry out this section may be transferred to, and merged with, funds appropriated by this Act in title II under the heading “Operating Expenses”. 22 USC 3948 note.

22 USC 3948
note.

(e) FOREIGN SERVICE LIMITED EXTENSIONS.—Individuals hired and employed by USAID, with funds made available in this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs, pursuant to the authority of section 309 of the Foreign Service Act of 1980, may be extended for a period of up to 4 years notwithstanding the limitation set forth in such section.

(f) DISASTER SURGE CAPACITY.—Funds appropriated under title III of this Act to carry out part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading “Assistance for Europe, Eurasia and Central Asia”, may be used, in addition to funds otherwise available for such purposes, for the cost (including the support costs) of individuals detailed to or employed by USAID whose primary responsibility is to carry out programs in response to natural disasters, or man-made disasters subject to the regular notification procedures of the Committees on Appropriations.

(g) PERSONAL SERVICES CONTRACTORS.—Funds appropriated by this Act to carry out chapter 1 of part I, chapter 4 of part II, and section 667 of the Foreign Assistance Act of 1961, and title II of the Food for Peace Act (Public Law 83–480), may be used by USAID to employ up to 40 personal services contractors in the United States, notwithstanding any other provision of law, for the purpose of providing direct, interim support for new or expanded overseas programs and activities managed by the agency until permanent direct hire personnel are hired and trained: *Provided*, That not more than 15 of such contractors shall be assigned to any bureau or office: *Provided further*, That such funds appropriated to carry out title II of the Food for Peace Act (Public Law 83–480), may be made available only for personal services contractors assigned to the Office of Food for Peace.

(h) SMALL BUSINESS.—In entering into multiple award indefinite-quantity contracts with funds appropriated by this Act, USAID may provide an exception to the fair opportunity process for placing task orders under such contracts when the order is placed with any category of small or small disadvantaged business.

(i) SENIOR FOREIGN SERVICE LIMITED APPOINTMENTS.—Individuals hired pursuant to the authority provided by section 7059(o) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2011 (division F of Public Law 111–117) may be assigned to or support programs in Afghanistan or Pakistan with funds made available in this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs.

GLOBAL HEALTH ACTIVITIES

SEC. 7058. (a) IN GENERAL.—Funds appropriated by titles III and IV of this Act that are made available for bilateral assistance for child survival activities or disease programs including activities relating to research on, and the prevention, treatment and control of, HIV/AIDS may be made available notwithstanding any other provision of law except for provisions under the heading “Global Health Programs” and the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (117 Stat. 711; 22 U.S.C. 7601 et seq.), as amended: *Provided*, That of the funds appropriated under title III of this Act, not less than \$575,000,000

should be made available for family planning/reproductive health, including in areas where population growth threatens biodiversity or endangered species.

(b) GLOBAL FUND.—Of the funds appropriated by this Act that are available for a contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria (Global Fund), 10 percent should be withheld from obligation until the Secretary of State determines and reports to the Committees on Appropriations that the Global Fund is—

(1) maintaining and implementing a policy of transparency, including the authority of the Global Fund Office of the Inspector General (OIG) to publish OIG reports on a public Web site;

(2) providing sufficient resources to maintain an independent OIG that—

(A) reports directly to the Board of the Global Fund;

(B) maintains a mandate to conduct thorough investigations and programmatic audits, free from undue interference; and

(C) compiles regular, publicly published audits and investigations of financial, programmatic, and reporting aspects of the Global Fund, its grantees, recipients, sub-recipients, and Local Fund Agents;

(3) effectively implementing and enforcing policies and procedures which reflect best practices for the protection of whistleblowers from retaliation, including best practices for—

(A) protection against retaliation for internal and lawful public disclosures;

(B) legal burdens of proof;

(C) statutes of limitation for reporting retaliation;

(D) access to independent adjudicative bodies, including external arbitration; and

(E) results that eliminate the effects of proven retaliation; and

(4) implementing the recommendations contained in the Consolidated Transformation Plan approved by the Board of the Global Fund on November 21, 2011:

Provided, That such withholding shall not be in addition to funds that are withheld from the Global Fund in fiscal year 2016 pursuant to the application of any other provision contained in this or any other Act.

(c) CONTAGIOUS INFECTIOUS DISEASE OUTBREAKS.—If the Secretary of State determines and reports to the Committees on Appropriations that an international infectious disease outbreak is sustained, severe, and is spreading internationally, or that it is in the national interest to respond to a Public Health Emergency of International Concern, funds made available under title III of this Act may be made available to combat such infectious disease or public health emergency: *Provided*, That funds made available pursuant to the authority of this subsection shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

GENDER EQUALITY

SEC. 7059. (a) GENDER EQUALITY.—Funds appropriated by this Act shall be made available to promote gender equality in United

States Government diplomatic and development efforts by raising the status, increasing the participation, and protecting the rights of women and girls worldwide.

(b) WOMEN'S LEADERSHIP.—Of the funds appropriated by title III of this Act, not less than \$50,000,000 shall be made available to increase leadership opportunities for women in countries where women and girls suffer discrimination due to law, policy, or practice, by strengthening protections for women's political status, expanding women's participation in political parties and elections, and increasing women's opportunities for leadership positions in the public and private sectors at the local, provincial, and national levels.

(c) GENDER-BASED VIOLENCE.—

(1)(A) Of the funds appropriated by titles III and IV of this Act, not less than \$150,000,000 shall be made available to implement a multi-year strategy to prevent and respond to gender-based violence in countries where it is common in conflict and non-conflict settings.

(B) Funds appropriated by titles III and IV of this Act that are available to train foreign police, judicial, and military personnel, including for international peacekeeping operations, shall address, where appropriate, prevention and response to gender-based violence and trafficking in persons, and shall promote the integration of women into the police and other security forces.

(2) Department of State and United States Agency for International Development gender programs shall incorporate coordinated efforts to combat a variety of forms of gender-based violence, including child marriage, rape, female genital cutting and mutilation, and domestic violence, among other forms of gender-based violence in conflict and non-conflict settings.

(d) WOMEN, PEACE, AND SECURITY.—Funds appropriated by this Act under the headings "Development Assistance", "Economic Support Fund", and "International Narcotics Control and Law Enforcement" should be made available to support a multi-year strategy to expand, and improve coordination of, United States Government efforts to empower women as equal partners in conflict prevention, peace building, transitional processes, and reconstruction efforts in countries affected by conflict or in political transition, and to ensure the equitable provision of relief and recovery assistance to women and girls.

SECTOR ALLOCATIONS

SEC. 7060. (a) BASIC EDUCATION AND HIGHER EDUCATION.—

(1) BASIC EDUCATION.—

(A) Of the funds appropriated under title III of this Act, not less than \$800,000,000 should be made available for assistance for basic education, and such funds may be made available notwithstanding any provision of law that restricts assistance to foreign countries, except for the conditions provided in this subsection: *Provided*, That such funds should only be used to implement the stated objectives of basic education programs for each Country Development Cooperation Strategy or similar strategy

regarding basic education established by the United States Agency for International Development (USAID).

(B) Not later than 30 days after enactment of this Act, the USAID Administrator shall report to the Committees on Appropriations on the status of cumulative unobligated balances and obligated, but unexpended, balances in each country where USAID provides basic education assistance and such report shall also include details on the types of contracts and grants provided and the goals and objectives of such assistance: *Provided*, That the USAID Administrator shall update such report on a monthly basis during fiscal year 2016: *Provided further*, That if the USAID Administrator determines that any unobligated balances of funds specifically designated for assistance for basic education in prior Acts making appropriations for the Department of State, foreign operations, and related programs are in excess of the absorptive capacity of recipient countries, such funds may be made available for other programs authorized under chapter 1 of part I of the Foreign Assistance Act of 1961, notwithstanding such funding designation: *Provided further*, That the authority of the previous proviso shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

(C) Of the funds appropriated under title III of this Act for assistance for basic education programs, not less than \$70,000,000 shall be made available for a contribution to multilateral partnerships that support education.

(2) HIGHER EDUCATION.—Of the funds appropriated by title III of this Act, not less than \$225,000,000 shall be made available for assistance for higher education, including not less than \$35,000,000 for new partnerships between higher education institutions in the United States and developing countries: *Provided*, That such funds may be made available notwithstanding any other provision of law that restricts assistance to foreign countries, and shall be subject to the regular notification procedures of the Committees on Appropriations.

(b) DEVELOPMENT PROGRAMS.—Of the funds appropriated by this Act under the heading “Development Assistance”, not less than \$26,000,000 shall be made available for the American Schools and Hospitals Abroad program, and not less than \$11,000,000 shall be made available for cooperative development programs of USAID.

(c) ENVIRONMENT PROGRAMS.—

(1) AUTHORITY.—Funds appropriated by this Act to carry out the provisions of sections 103 through 106, and chapter 4 of part II, of the Foreign Assistance Act of 1961 may be used, notwithstanding any other provision of law except for the provisions of this subsection and only subject to the reporting procedures of the Committees on Appropriations, to support environment programs.

(2) CONSERVATION PROGRAMS AND LIMITATIONS.—

(A) Of the funds appropriated under title III of this Act, not less than \$265,000,000 shall be made available for biodiversity conservation programs.

(B) Not less than \$80,000,000 of the funds appropriated under titles III and IV of this Act shall be made available

to combat the transnational threat of wildlife poaching and trafficking.

(C) None of the funds appropriated under title IV of this Act may be made available for training or other assistance for any military unit or personnel that the Secretary of State determines has been credibly alleged to have participated in wildlife poaching or trafficking, unless the Secretary reports to the Committees on Appropriations that to do so is in the national security interests of the United States.

(D) Funds appropriated by this Act for biodiversity programs shall not be used to support the expansion of industrial scale logging or any other industrial scale extractive activity into areas that were primary/intact tropical forests as of December 30, 2013, and the Secretary of the Treasury shall instruct the United States executive directors of each international financial institutions (IFI) to vote against any financing of any such activity.

(3) LARGE DAMS.—The Secretary of the Treasury shall instruct the United States executive director of each IFI that it is the policy of the United States to vote in relation to any loan, grant, strategy, or policy of such institution to support the construction of any large dam consistent with the criteria set forth in Senate Report 114–79, while also considering whether the project involves important foreign policy objectives.

(4) SUSTAINABLE LANDSCAPES.—Of the funds appropriated under title III of this Act, not less than \$123,500,000 shall be made available for sustainable landscape programs.

(5) TRANSFER OF FUNDS.—Of the funds appropriated by this Act under the heading “Economic Support Fund”, \$9,720,000 shall be transferred to, and merged with, funds appropriated under the heading “Contribution to the Strategic Climate Fund”, and such transfer shall occur not later than 120 days after the date of enactment of this Act.

(d) FOOD SECURITY AND AGRICULTURAL DEVELOPMENT.—

(1) Of the funds appropriated by title III of this Act, not less than \$1,000,600,000 should be made available for food security and agricultural development programs, of which not less than \$50,000,000 shall be made available for the Feed the Future Innovation Labs: *Provided*, That such funds may be made available notwithstanding any other provision of law to prevent or address food shortages, and for a United States contribution to the endowment of the Global Crop Diversity Trust.

(2) Funds appropriated under title III of this Act may be made available as a contribution to the Global Agriculture and Food Security Program if such contribution will not cause the United States to exceed 33 percent of the total amount of funds contributed to such Program.

(e) MICROENTERPRISE AND MICROFINANCE.—Of the funds appropriated by this Act, not less than \$265,000,000 should be made available for microenterprise and microfinance development programs for the poor, especially women.

(f) PROGRAMS TO COMBAT TRAFFICKING IN PERSONS AND MODERN SLAVERY.—

(1) TRAFFICKING IN PERSONS.—

(A) Of the funds appropriated by this Act under the headings “Development Assistance”, “Economic Support Fund”, “Assistance for Europe, Eurasia and Central Asia”, and “International Narcotics Control and Law Enforcement”, not less than \$60,000,000 shall be made available for activities to combat trafficking in persons internationally.

(B) Funds made available in the previous paragraph shall be made available to support a multifaceted approach to combat human trafficking in Guatemala: *Provided*, That the Secretary of State shall consult with the Committees on Appropriations, not later than 30 days after enactment of this Act, on the use of such funds.

(2) MODERN SLAVERY.—Of the funds appropriated by this Act under the headings “Development Assistance” and “International Narcotics Control and Law Enforcement”, in addition to funds made available pursuant to paragraph (1), \$25,000,000 shall be made available for a grant or grants, to be awarded on an open and competitive basis, to reduce the prevalence of modern slavery globally: *Provided*, That such funds shall only be made available in fiscal year 2016 to carry out the End Modern Slavery Initiative Act of 2015 (S. 553, 114th Congress), as reported to the Senate, if such bill is enacted into law: *Provided further*, That if such bill is not enacted into law in fiscal year 2016, funds made available pursuant to this subsection shall be made available for other programs to combat trafficking in persons and modern slavery, following consultation with the appropriate congressional committees.

(g) RECONCILIATION PROGRAMS.—Of the funds appropriated by this Act under the headings “Economic Support Fund” and “Development Assistance”, not less than \$26,000,000 shall be made available to support people-to-people reconciliation programs which bring together individuals of different ethnic, religious, and political backgrounds from areas of civil strife and war: *Provided*, That the USAID Administrator shall consult with the Committees on Appropriations, prior to the initial obligation of funds, on the uses of such funds, and such funds shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That to the maximum extent practicable, such funds shall be matched by sources other than the United States Government.

(h) WATER AND SANITATION.—Of the funds appropriated by this Act, not less than \$400,000,000 shall be made available for water supply and sanitation projects pursuant to the Senator Paul Simon Water for the Poor Act of 2005 (Public Law 109–121), of which not less than \$145,000,000 shall be for programs in sub-Saharan Africa, and of which not less than \$14,000,000 shall be made available for programs to design and build safe, public latrines in Africa and Asia.

OVERSEAS PRIVATE INVESTMENT CORPORATION

SEC. 7061. (a) TRANSFER.—Whenever the President determines that it is in furtherance of the purposes of the Foreign Assistance Act of 1961, up to a total of \$20,000,000 of the funds appropriated under title III of this Act may be transferred to, and merged

with, funds appropriated by this Act for the Overseas Private Investment Corporation Program Account, to be subject to the terms and conditions of that account: *Provided*, That such funds shall not be available for administrative expenses of the Overseas Private Investment Corporation: *Provided further*, That designated funding levels in this Act shall not be transferred pursuant to this section: *Provided further*, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

22 USC 2194
note.

(b) AUTHORITY.—Notwithstanding section 235(a)(2) of the Foreign Assistance Act of 1961, the authority of subsections (a) through (c) of section 234 of such Act shall remain in effect until September 30, 2016.

ARMS TRADE TREATY

SEC. 7062. None of the funds appropriated by this Act may be obligated or expended to implement the Arms Trade Treaty until the Senate approves a resolution of ratification for the Treaty.

COUNTRIES IMPACTED BY SIGNIFICANT REFUGEE POPULATIONS OR INTERNALLY DISPLACED PERSONS

SEC. 7063. Funds appropriated by this Act under the headings “Development Assistance” and “Economic Support Fund” shall be made available for programs in countries affected by significant populations of internally displaced persons or refugees to—

(1) expand and improve host government social services and basic infrastructure to accommodate the needs of such populations and persons;

(2) alleviate the social and economic strains placed on host communities;

(3) improve coordination of such assistance in a more effective and sustainable manner; and

(4) leverage increased assistance from donors other than the United States Government for central governments and local communities in such countries.

REPORTING REQUIREMENTS CONCERNING INDIVIDUALS DETAINED AT NAVAL STATION, GUANTÁNAMO BAY, CUBA

SEC. 7064. Not later than 5 days after the conclusion of an agreement with a country, including a state with a compact of free association with the United States, to receive by transfer or release individuals detained at United States Naval Station, Guantánamo Bay, Cuba, the Secretary of State shall notify the Committees on Appropriations in writing of the terms of the agreement, including whether funds appropriated by this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs will be made available for assistance for such country pursuant to such agreement.

MULTI-YEAR PLEDGES

SEC. 7065. None of the funds appropriated by this Act may be used to make any pledge for future year funding for any multilateral or bilateral program funded in titles III through VI of this Act unless such pledge was—

- (1) previously justified, including the projected future year costs, in a congressional budget justification;
- (2) included in an Act making appropriations for the Department of State, foreign operations, and related programs or previously authorized by an Act of Congress;
- (3) notified in accordance with the regular notification procedures of the Committees on Appropriations, including the projected future year costs; or
- (4) the subject of prior consultation with the Committees on Appropriations and such consultation was conducted at least 7 days in advance of the pledge.

PROHIBITION ON USE OF TORTURE

SEC. 7066. (a) LIMITATION.—None of the funds made available in this Act may be used to support or justify the use of torture, cruel, or inhumane treatment by any official or contract employee of the United States Government.

(b) ASSISTANCE TO ELIMINATE TORTURE.—Funds appropriated under titles III and IV of this Act shall be made available, notwithstanding section 660 of the Foreign Assistance Act of 1961 and following consultation with the Committees on Appropriations, for assistance to eliminate torture by foreign police, military or other security forces in countries receiving assistance from funds appropriated by this Act.

EXTRADITION

SEC. 7067. (a) LIMITATION.—None of the funds appropriated in this Act may be used to provide assistance (other than funds provided under the headings “International Disaster Assistance”, “Complex Crises Fund”, “International Narcotics Control and Law Enforcement”, “Migration and Refugee Assistance”, “United States Emergency Refugee and Migration Assistance Fund”, and “Non-proliferation, Anti-terrorism, Demining and Related Assistance”) for the central government of a country which has notified the Department of State of its refusal to extradite to the United States any individual indicted for a criminal offense for which the maximum penalty is life imprisonment without the possibility of parole or for killing a law enforcement officer, as specified in a United States extradition request.

(b) CLARIFICATION.—Subsection (a) shall only apply to the central government of a country with which the United States maintains diplomatic relations and with which the United States has an extradition treaty and the government of that country is in violation of the terms and conditions of the treaty.

(c) WAIVER.—The Secretary of State may waive the restriction in subsection (a) on a case-by-case basis if the Secretary certifies to the Committees on Appropriations that such waiver is important to the national interests of the United States.

COMMERCIAL LEASING OF DEFENSE ARTICLES

SEC. 7068. Notwithstanding any other provision of law, and subject to the regular notification procedures of the Committees on Appropriations, the authority of section 23(a) of the Arms Export Control Act may be used to provide financing to Israel, Egypt, and the North Atlantic Treaty Organization (NATO), and major

non-NATO allies for the procurement by leasing (including leasing with an option to purchase) of defense articles from United States commercial suppliers, not including Major Defense Equipment (other than helicopters and other types of aircraft having possible civilian application), if the President determines that there are compelling foreign policy or national security reasons for those defense articles being provided by commercial lease rather than by government-to-government sale under such Act.

INDEPENDENT STATES OF THE FORMER SOVIET UNION

SEC. 7069. (a) ASSISTANCE FOR UKRAINE.—Of the funds appropriated by this Act under titles III through VI, not less than \$658,185,000 shall be made available for assistance for Ukraine.

(b) LIMITATION.—None of the funds appropriated by this Act may be made available for assistance for a government of an Independent State of the former Soviet Union if that government directs any action in violation of the territorial integrity or national sovereignty of any other Independent State of the former Soviet Union, such as those violations included in the Helsinki Final Act: *Provided*, That except as otherwise provided in section 7070(a) of this Act, funds may be made available without regard to the restriction in this subsection if the President determines that to do so is in the national security interest of the United States: *Provided further*, That prior to executing the authority contained in this subsection the Department of State shall consult with the Committees on Appropriations on how such assistance supports the national security interest of the United States.

(c) SECTION 907 OF THE FREEDOM SUPPORT ACT.—Section 907 of the FREEDOM Support Act shall not apply to—

(1) activities to support democracy or assistance under title V of the FREEDOM Support Act and section 1424 of the Defense Against Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2333) or non-proliferation assistance;

(2) any assistance provided by the Trade and Development Agency under section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2421);

(3) any activity carried out by a member of the United States and Foreign Commercial Service while acting within his or her official capacity;

(4) any insurance, reinsurance, guarantee, or other assistance provided by the Overseas Private Investment Corporation under title IV of chapter 2 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2191 et seq.);

(5) any financing provided under the Export-Import Bank Act of 1945; or

(6) humanitarian assistance.

RUSSIA

SEC. 7070. (a) LIMITATION.—None of the funds appropriated by this Act may be made available for assistance for the central Government of the Russian Federation.

(b) DETERMINATION AND CONDITIONS.—

(1) None of the funds appropriated by this Act may be made available for assistance for the central government of a country that the Secretary of State determines and reports to the Committees on Appropriations has taken affirmative

steps intended to support or be supportive of the Russian Federation annexation of Crimea: *Provided*, That except as otherwise provided in subsection (a), the Secretary may waive the restriction on assistance required by this paragraph if the Secretary certifies to such Committees that to do so is in the national interest of the United States, and includes a justification for such interest.

(2) None of the funds appropriated by this Act may be made available for—

(A) the implementation of any action or policy that recognizes the sovereignty of the Russian Federation over Crimea;

(B) the facilitation, financing, or guarantee of United States Government investments in Crimea, if such activity includes the participation of Russian Government officials, or other Russian owned or controlled financial entities; or

(C) assistance for Crimea, if such assistance includes the participation of Russian Government officials, or other Russian owned or controlled financial entities.

(3) The Secretary of the Treasury shall instruct the United States executive directors of each international financial institution to vote against any assistance by such institution (including but not limited to any loan, credit, or guarantee) for any program that violates the sovereignty or territorial integrity of Ukraine.

(4) The requirements and limitations of this subsection shall cease to be in effect if the Secretary of State certifies and reports to the Committees on Appropriations that the Government of Ukraine has reestablished sovereignty over Crimea.

(c) ASSISTANCE TO REDUCE VULNERABILITY AND PRESSURE.—Funds appropriated by this Act for assistance for the Eastern Partnership countries shall be made available to advance the implementation of Association Agreements and trade agreements with the European Union, and to reduce their vulnerability to external economic and political pressure from the Russian Federation.

(d) DEMOCRACY PROGRAMS.—Funds appropriated by this Act shall be made available to support the advancement of democracy and the rule of law in the Russian Federation, including to promote Internet freedom, and shall also be made available to support the democracy and rule of law strategy required by section 7071(d) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2014 (division K of Public Law 113–76).

(e) REPORTS.—Not later than 45 days after enactment of this Act, the Secretary of State shall update the reports required by section 7071(b)(2), (c), and (e) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2014 (division K of Public Law 113–76).

INTERNATIONAL MONETARY FUND

SEC. 7071. (a) EXTENSIONS.—The terms and conditions of sections 7086(b) (1) and (2) and 7090(a) of the Department of State,

Foreign Operations, and Related Programs Appropriations Act, 2010 (division F of Public Law 111–117) shall apply to this Act.

(b) REPAYMENT.—The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund (IMF) to seek to ensure that any loan will be repaid to the IMF before other private creditors.

SPECIAL DEFENSE ACQUISITION FUND

SEC. 7072. Not to exceed \$900,000,000 may be obligated pursuant to section 51(c)(2) of the Arms Export Control Act for the purposes of the Special Defense Acquisition Fund (Fund), to remain available for obligation until September 30, 2018: *Provided*, That the provision of defense articles and defense services to foreign countries or international organizations from the Fund shall be subject to the concurrence of the Secretary of State.

COUNTERING FOREIGN FIGHTERS AND VIOLENT EXTREMIST ORGANIZATIONS

SEC. 7073. (a) COUNTERING FOREIGN FIGHTERS AND VIOLENT EXTREMIST ORGANIZATIONS.—Funds appropriated under titles III and IV of this Act shall be made available for programs to—

(1) counter the flow of foreign fighters to countries in which violent extremists or violent extremist organizations operate, including those entities designated as foreign terrorist organizations (FTOs) pursuant to section 219 of the Immigration and Nationality Act (Public Law 82–814), including through programs with partner governments and multilateral organizations to—

- (A) counter recruitment campaigns by such entities;
- (B) detect and disrupt foreign fighter travel, particularly at points of origin;
- (C) implement antiterrorism programs;
- (D) secure borders, including points of infiltration and exfiltration by such entities;
- (E) implement and establish criminal laws and policies to counter foreign fighters; and
- (F) arrest, investigate, prosecute, and incarcerate terrorist suspects, facilitators, and financiers; and

(2) reduce public support for violent extremists or violent extremist organizations, including FTOs, by addressing the specific drivers of radicalization, including through such activities as—

- (A) public messaging campaigns to damage their appeal;
- (B) programs to engage communities and populations at risk of violent extremist radicalization and recruitment;
- (C) counter-radicalization and de-radicalization activities for potential and former violent extremists and returning foreign fighters, including in prisons;
- (D) law enforcement training programs; and
- (E) capacity building for civil society organizations to combat radicalization in local communities.

(b) STRENGTHENING THE STATE SYSTEM.—

(1) Funds appropriated under titles III and IV of this Act shall be made available for programs to strengthen the state system and counter violent extremists and violent

extremist organizations, including FTOs, by supporting security and governance programs in countries whose stability and legitimacy are directly threatened by violence against state institutions by such entities, including at the national and local levels, and in fragile states bordering such countries.

(2) Programs funded pursuant to paragraph (1) shall prioritize activities to improve governance, including by—

- (A) promoting civil society;
- (B) strengthening the rule of law;
- (C) professionalizing security services;
- (D) increasing transparency and accountability;
- (E) combating corruption; and
- (F) protecting human rights.

(c) REQUIREMENTS.—

(1) The Secretary of State shall ensure that the programs described in subsection (a) are coordinated with and complement the efforts of other United States Government agencies and international partners, and that such programs are consistent with all applicable laws, regulations, and policies regarding the use of foreign assistance funds: *Provided*, That the Secretary shall also ensure that information gained through the conduct of programs described in subsection (a)(1) is shared in a timely manner with relevant United States Government agencies and other international partners, as appropriate.

(2) Prior to the obligation of funds appropriated by this Act and made available for the purposes of this section, the Secretary of State shall ensure that mechanisms are in place for appropriate monitoring, oversight, and control of such assistance: *Provided*, That the Secretary shall promptly inform the appropriate congressional committees of each significant instance in which assistance provided for such purposes has been compromised, including the amount and type of assistance affected, a description of the incident and parties involved, and an explanation of the response of the Department of State.

(3) Funds appropriated by this Act that are made available for programs described in subsection (a) shall be subject to the regular notification procedures of the Committees on Appropriations, and are subject to the additional requirements contained under section 7073 in the explanatory statement described in section 4 (in the matter preceding division A of this Consolidated Act): *Provided*, That for the purposes of funds appropriated by this Act that are made available for countering violent extremism, as justified to the Committees on Appropriations in the Congressional Budget Justification, Foreign Operations, Fiscal Year 2016, such funds shall only be made available for programs described in subsection (a)(2).

ENTERPRISE FUNDS

SEC. 7074. (a) NOTIFICATION REQUIREMENT.—None of the funds made available under titles III through VI of this Act may be made available for Enterprise Funds unless the appropriate congressional committees are notified at least 15 days in advance.

(b) DISTRIBUTION OF ASSETS PLAN.—Prior to the distribution of any assets resulting from any liquidation, dissolution, or winding up of an Enterprise Fund, in whole or in part, the President

shall submit to the appropriate congressional committees a plan for the distribution of the assets of the Enterprise Fund.

(c) TRANSITION OR OPERATING PLAN.—Prior to a transition to and operation of any private equity fund or other parallel investment fund under an existing Enterprise Fund, the President shall submit such transition or operating plan to the appropriate congressional committees.

USE OF FUNDS IN CONTRAVENTION OF THIS ACT

SEC. 7075. If the President makes a determination not to comply with any provision of this Act on constitutional grounds, the head of the relevant Federal agency shall notify the Committees on Appropriations in writing within 5 days of such determination, the basis for such determination and any resulting changes to program and policy.

BUDGET DOCUMENTS

SEC. 7076. (a) OPERATING PLANS.—Not later than 45 days after the date of enactment of this Act, each department, agency, or organization funded in titles I, II, and VI of this Act, and the Department of the Treasury and Independent Agencies funded in title III of this Act, including the Inter-American Foundation and the United States African Development Foundation, shall submit to the Committees on Appropriations an operating plan for funds appropriated to such department, agency, or organization in such titles of this Act, or funds otherwise available for obligation in fiscal year 2016, that provides details of the uses of such funds at the program, project, and activity level: *Provided*, That such plans shall include, as applicable, a comparison between the most recent congressional directives or approved funding levels and the funding levels proposed by the department or agency; and a clear, concise, and informative description/justification: *Provided further*, That if such department, agency, or organization receives an additional amount under the same heading in title VIII of this Act, operating plans required by this subsection shall include consolidated information on all such funds: *Provided further*, That operating plans that include changes in levels of funding for programs, projects, and activities specified in the congressional budget justification, in this Act, or amounts specifically designated in the respective tables included in the explanatory statement described in section 4 (in the matter preceding division A of this Consolidated Act), as applicable, shall be subject to the notification and reprogramming requirements of section 7015 of this Act.

(b) SPEND PLANS.—

(1) Prior to the initial obligation of funds, the Secretary of State or Administrator of the United States Agency for International Development (USAID), as appropriate, shall submit to the Committees on Appropriations a detailed spend plan for funds made available by this Act, for—

(A) assistance for Afghanistan, Lebanon, Pakistan, and the West Bank and Gaza;

(B) Power Africa and the regional security initiatives listed under this heading in the explanatory statement described in section 4 (in the matter preceding division A of this Consolidated Act): *Provided*, That the spend plan for such initiatives shall include the amount of assistance

planned for each country by account, to the maximum extent practicable; and

(C) democracy programs and sectors enumerated in subsections (a), (c)(2), (d)(1), (e), (f), and (h) of section 7060 of this Act.

(2) Not later than 45 days after enactment of this Act, the Secretary of the Treasury shall submit to the Committees on Appropriations a detailed spend plan for funds made available by this Act under the heading “Department of the Treasury, International Affairs Technical Assistance” in title III.

(c) SPENDING REPORT.—Not later than 45 days after enactment of this Act, the USAID Administrator shall submit to the Committees on Appropriations a detailed report on spending of funds made available during fiscal year 2015 under the heading “Development Credit Authority”.

(d) NOTIFICATIONS.—The spend plans referenced in subsection (b) shall not be considered as meeting the notification requirements in this Act or under section 634A of the Foreign Assistance Act of 1961.

(e) CONGRESSIONAL BUDGET JUSTIFICATION.—

(1) The congressional budget justification for Department of State operations and foreign operations shall be provided to the Committees on Appropriations concurrent with the date of submission of the President’s budget for fiscal year 2017: *Provided*, That the appendices for such justification shall be provided to the Committees on Appropriations not later than 10 calendar days thereafter.

(2) The Secretary of State and the USAID Administrator shall include in the congressional budget justification a detailed justification for multi-year availability for any funds requested under the headings “Diplomatic and Consular Programs” and “Operating Expenses”.

REPORTS AND RECORDS MANAGEMENT

SEC. 7077. (a) PUBLIC POSTING OF REPORTS.—

(1) REQUIREMENT.—Any agency receiving funds made available by this Act shall, subject to paragraphs (2) and (3), post on the publicly available Web site of such agency any report required by this Act to be submitted to the Committees on Appropriations, upon a determination by the head of such agency that to do so is in the national interest.

(2) EXCEPTIONS.—Paragraph (1) shall not apply to a report if—

(A) the public posting of such report would compromise national security, including the conduct of diplomacy; or

(B) the report contains proprietary, privileged, or sensitive information.

(3) TIMING AND INTENTION.—The head of the agency posting such report shall, unless otherwise provided for in this Act, do so only after such report has been made available to the Committees on Appropriations for not less than 45 days: *Provided*, That any report required by this Act to be submitted to the Committees on Appropriations shall include information from the submitting agency on whether such report will be publicly posted.

(b) REQUESTS FOR DOCUMENTS.—None of the funds appropriated or made available pursuant to titles III through VI of this Act shall be available to a nongovernmental organization, including any contractor, which fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the Department of State and the United States Agency for International Development (USAID).

(c) RECORDS MANAGEMENT.—

(1) LIMITATION AND DIRECTIVES.—

(A) None of the funds appropriated by this Act under the headings “Diplomatic and Consular Programs” and “Capital Investment Fund” in title I, and “Operating Expenses” in title II that are made available to the Department of State and USAID may be made available to support the use or establishment of email accounts or email servers created outside the .gov domain or not fitted for automated records management as part of a Federal government records management program in contravention of the Presidential and Federal Records Act Amendments of 2014 (Public Law 113–187).

(B) The Secretary of State and USAID Administrator shall—

(i) update the policies, directives, and oversight necessary to comply with Federal statutes, regulations, and presidential executive orders and memoranda concerning the preservation of all records made or received in the conduct of official business, including record emails, instant messaging, and other online tools;

(ii) use funds appropriated by this Act under the headings “Diplomatic and Consular Programs” and “Capital Investment Fund” in title I, and “Operating Expenses” in title II, as appropriate, to improve Federal records management pursuant to the Federal Records Act (44 U.S.C. Chapters 21, 29, 31, and 33) and other applicable Federal records management statutes, regulations, or policies for the Department of State and USAID;

(iii) direct departing employees that all Federal records generated by such employees, including senior officials, belong to the Federal Government; and

(iv) measurably improve the response time for identifying and retrieving Federal records.

(2) REPORT.—Not later than 30 days after enactment of this Act, the Secretary of State and USAID Administrator shall each submit a report to the Committees on Appropriations and to the National Archives and Records Administration detailing, as appropriate and where applicable—

(A) the policy of each agency regarding the use or the establishment of email accounts or email servers created outside the .gov domain or not fitted for automated records management as part of a Federal government records management program;

(B) the extent to which each agency is in compliance with applicable Federal records management statutes, regulations, and policies; and

(C) the steps required, including steps already taken, and the associated costs, to—

(i) comply with paragraph (1)(B) of this subsection;

(ii) ensure that all employees at every level have been instructed in procedures and processes to ensure that the documentation of their official duties is captured, preserved, managed, protected, and accessible in official Government systems of the Department of State and USAID;

(iii) implement the recommendations of the Office of Inspector General, United States Department of State (OIG), in the March 2015 Review of State Messaging and Archive Retrieval Toolset and Record Email (ISP–1–15–15) and any recommendations from the OIG review of the records management practices of the Department of State requested by the Secretary on March 25, 2015, if completed;

(iv) reduce the backlog of Freedom of Information Act and Congressional oversight requests, and measurably improve the response time for answering such requests;

(v) strengthen cyber security measures to mitigate vulnerabilities, including those resulting from the use of personal email accounts or servers outside the .gov domain; and

(vi) codify in the Foreign Affairs Manual and Automated Directives System the updates referenced in paragraph (1)(B) of this subsection, where appropriate.

(3) REPORT ASSESSMENT.—Not later than 180 days after the submission of the reports required by paragraph (2), the Comptroller General of the United States, in consultation with National Archives and Records Administration, as appropriate, shall conduct an assessment of such reports, and shall consult with the Committees on Appropriations on the scope and requirements of such assessment.

(4) FUNDING.—Of funds appropriated by this Act under the heading “Capital Investment Fund” in title I, \$10,000,000 shall be withheld from obligation until the Secretary submits the report required by paragraph (2).

GLOBAL INTERNET FREEDOM

SEC. 7078. (a) FUNDING.—Of the funds available for obligation during fiscal year 2016 under the headings “International Broadcasting Operations”, “Economic Support Fund”, “Democracy Fund”, and “Assistance for Europe, Eurasia and Central Asia”, not less than \$50,500,000 shall be made available for programs to promote Internet freedom globally: *Provided*, That such programs shall be prioritized for countries whose governments restrict freedom of expression on the Internet, and that are important to the national interests of the United States: *Provided further*, That funds made available pursuant to this section shall be matched, to the maximum extent practicable, by sources other than the United States Government, including from the private sector.

(b) REQUIREMENTS.—Funds made available pursuant to subsection (a) shall be—

(1) coordinated with other democracy, governance, and broadcasting programs funded by this Act under the headings “International Broadcasting Operations”, “Economic Support

Fund”, “Democracy Fund”, “Complex Crises Fund”, and “Assistance for Europe, Eurasia and Central Asia”, and shall be incorporated into country assistance, democracy promotion, and broadcasting strategies, as appropriate;

(2) made available to the Bureau of Democracy, Human Rights, and Labor, Department of State for programs to implement the May 2011, International Strategy for Cyberspace and the comprehensive strategy to promote Internet freedom and access to information in Iran, as required by section 414 of the Iran Threat Reduction and Syria Human Rights Act of 2012 (22 U.S.C. 8754);

(3) made available to the Broadcasting Board of Governors (BBG) to provide tools and techniques to access the Web sites of BBG broadcasters that are censored, and to work with such broadcasters to promote and distribute such tools and techniques, including digital security techniques;

(4) made available for programs that support the efforts of civil society to counter the development of repressive Internet-related laws and regulations, including countering threats to Internet freedom at international organizations; to combat violence against bloggers and other users; and to enhance digital security training and capacity building for democracy activists;

(5) made available for research of key threats to Internet freedom; the continued development of technologies that provide or enhance access to the Internet, including circumvention tools that bypass Internet blocking, filtering, and other censorship techniques used by authoritarian governments; and maintenance of the technological advantage of the United States Government over such censorship techniques: *Provided*, That the Secretary of State, in consultation with the BBG Chairman, shall coordinate any such research and development programs with other relevant United States Government departments and agencies in order to share information, technologies, and best practices, and to assess the effectiveness of such technologies; and

(6) coordinated by the Assistant Secretary of State for Democracy, Human Rights, and Labor, Department of State, except that the uses of such funds made available under the heading “International Broadcasting Operations” shall be the responsibility of the BBG Chairman.

(c) COORDINATION AND SPEND PLANS.—After consultation among the relevant agency heads to coordinate and de-conflict planned activities, but not later than 90 days after enactment of this Act, the Secretary of State and the BBG Chairman shall submit to the Committees on Appropriations spend plans for funds made available by this Act for programs to promote Internet freedom globally, which shall include a description of safeguards established by relevant agencies to ensure that such programs are not used for illicit purposes: *Provided*, That the Department of State spend plan shall include funding for all such programs for all relevant Department of State and USAID offices and bureaus: *Provided further*, That prior to the obligation of such funds, such offices and bureaus shall consult with the Assistant Secretary for Democracy, Human Rights, and Labor, Department of State, to ensure that such programs support the Department of State Internet freedom strategy.

DISABILITY PROGRAMS

SEC. 7079. (a) ASSISTANCE.—Funds appropriated by this Act under the heading “Economic Support Fund” shall be made available for programs and activities administered by the United States Agency for International Development (USAID) to address the needs and protect and promote the rights of people with disabilities in developing countries, including initiatives that focus on independent living, economic self-sufficiency, advocacy, education, employment, transportation, sports, and integration of individuals with disabilities, including for the cost of translation.

(b) MANAGEMENT, OVERSIGHT, AND TECHNICAL SUPPORT.—Of the funds made available pursuant to this section, 5 percent may be used for USAID for management, oversight, and technical support.

IMPACT ON JOBS IN THE UNITED STATES

SEC. 7080. None of the funds appropriated or otherwise made available under titles III through VI of this Act may be obligated or expended to provide—

(1) any financial incentive to a business enterprise currently located in the United States for the purpose of inducing such an enterprise to relocate outside the United States if such incentive or inducement is likely to reduce the number of employees of such business enterprise in the United States because United States production is being replaced by such enterprise outside the United States;

(2) assistance for any program, project, or activity that contributes to the violation of internationally recognized workers’ rights, as defined in section 507(4) of the Trade Act of 1974, of workers in the recipient country, including any designated zone or area in that country: *Provided*, That the application of section 507(4)(D) and (E) of such Act should be commensurate with the level of development of the recipient country and sector, and shall not preclude assistance for the informal sector in such country, micro and small-scale enterprise, and smallholder agriculture;

(3) any assistance to an entity outside the United States if such assistance is for the purpose of directly relocating or transferring jobs from the United States to other countries and adversely impacts the labor force in the United States; or

(4) for the enforcement of any rule, regulation, policy, or guidelines implemented pursuant to—

(A) the third proviso of subsection 7079(b) of the Consolidated Appropriations Act, 2010;

(B) the modification proposed by the Overseas Private Investment Corporation in November 2013 to the Corporation’s Environmental and Social Policy Statement relating to coal; or

(C) the Supplemental Guidelines for High Carbon Intensity Projects approved by the Export-Import Bank of the United States on December 12, 2013, when enforcement of such rule, regulation, policy, or guidelines would prohibit, or have the effect of prohibiting, any coal-fired or other power-generation project the purpose of which

is to: (i) provide affordable electricity in International Development Association (IDA)-eligible countries and IDA-blend countries; and (ii) increase exports of goods and services from the United States or prevent the loss of jobs from the United States.

COUNTRY FOCUS AND SELECTIVITY

SEC. 7081. (a) TRANSITION PLAN REQUIREMENT.—Any bilateral country assistance strategy developed after the date of enactment of this Act for the provision of assistance for a foreign country shall include a transition plan identifying end goals and options for winding down, within a targeted period of years, such bilateral assistance: *Provided*, That such transition plan shall be developed by the Secretary of State, in consultation with the Administrator of the United States Agency for International Development (USAID), the heads of other relevant Federal agencies, and officials of such foreign government and representatives of civil society, as appropriate.

(b) TARGETED TRANSITIONS.—Not later than 180 days after enactment of this Act, the Secretary of State, in consultation with the USAID Administrator, the heads of other relevant Federal agencies, and the Committees on Appropriations, shall select at least one country in which to establish and implement a transition program to seek to reduce dependency on bilateral foreign assistance and create greater self-sufficiency for such country: *Provided*, That any such selection shall be of a country receiving assistance with funds appropriated under titles III and IV of this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs that—

(1) is a long-time recipient of such assistance;

(2) has demonstrated, or has been assessed to possess, the capacity for self-sufficiency; and

(3) is not impacted by conflict or crisis, including large numbers of internally displaced persons or significant refugee populations resulting from such conflict or crisis:

Provided further, That the Secretary shall consult with the Committees on Appropriations prior to the selection of any such country, and on the goals and targets for such program to be established in the selected country: *Provided further*, That such transition should exclude funding for democracy and humanitarian assistance programs: *Provided further*, That assistance may be resumed or continued for any such selected country if the Secretary determines and reports to the Committees on Appropriations that to do so is important to the national interest of the United States, and such report provides an explanation of such interest being served.

UNITED NATIONS POPULATION FUND

SEC. 7082. (a) CONTRIBUTION.—Of the funds made available under the heading “International Organizations and Programs” in this Act for fiscal year 2016, \$32,500,000 shall be made available for the United Nations Population Fund (UNFPA).

(b) AVAILABILITY OF FUNDS.—Funds appropriated by this Act for UNFPA, that are not made available for UNFPA because of the operation of any provision of law, shall be transferred to the “Global Health Programs” account and shall be made available for family planning, maternal, and reproductive health activities,

subject to the regular notification procedures of the Committees on Appropriations.

(c) PROHIBITION ON USE OF FUNDS IN CHINA.—None of the funds made available by this Act may be used by UNFPA for a country program in the People’s Republic of China.

(d) CONDITIONS ON AVAILABILITY OF FUNDS.—Funds made available by this Act for UNFPA may not be made available unless—

(1) UNFPA maintains funds made available by this Act in an account separate from other accounts of UNFPA and does not commingle such funds with other sums; and

(2) UNFPA does not fund abortions.

(e) REPORT TO CONGRESS AND DOLLAR-FOR-DOLLAR WITHHOLDING OF FUNDS.—

(1) Not later than 4 months after the date of enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations indicating the amount of funds that UNFPA is budgeting for the year in which the report is submitted for a country program in the People’s Republic of China.

(2) If a report under paragraph (1) indicates that UNFPA plans to spend funds for a country program in the People’s Republic of China in the year covered by the report, then the amount of such funds UNFPA plans to spend in the People’s Republic of China shall be deducted from the funds made available to UNFPA after March 1 for obligation for the remainder of the fiscal year in which the report is submitted.

TITLE VIII

OVERSEAS CONTINGENCY OPERATIONS/GLOBAL WAR ON TERRORISM

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Diplomatic and Consular Programs”, \$2,561,808,000, to remain available until September 30, 2017, of which \$1,966,632,000 is for Worldwide Security Protection and shall remain available until expended: *Provided*, That the Secretary of State may transfer up to \$10,000,000 of the total funds made available under this heading to any other appropriation of any department or agency of the United States, upon the concurrence of the head of such department or agency, to support operations in and assistance for Afghanistan and to carry out the provisions of the Foreign Assistance Act of 1961: *Provided further*, That any such transfer shall be treated as a reprogramming of funds under subsections (a) and (b) of section 7015 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That up to \$15,000,000 of the funds appropriated under this heading in this title may be made available for Conflict Stabilization Operations and for related reconstruction and stabilization assistance to prevent or respond to conflict or civil strife in

foreign countries or regions, or to enable transition from such strife: *Provided further*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF INSPECTOR GENERAL

For an additional amount for “Office of Inspector General”, \$66,600,000, to remain available until September 30, 2017, of which \$56,900,000 shall be for the Special Inspector General for Afghanistan Reconstruction (SIGAR) for reconstruction oversight: *Provided*, That printing and reproduction costs shall not exceed amounts for such costs during fiscal year 2015: *Provided further*, That notwithstanding any other provision of law, any employee of SIGAR who completes at least 12 months of continuous service after the date of enactment of this Act or who is employed on the date on which SIGAR terminates, whichever occurs first, shall acquire competitive status for appointment to any position in the competitive service for which the employee possesses the required qualifications: *Provided further*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For an additional amount for “Embassy Security, Construction, and Maintenance”, \$747,851,000, to remain available until expended, of which \$735,201,000 shall be for Worldwide Security Upgrades, acquisition, and construction as authorized: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For an additional amount for “Contributions to International Organizations”, \$101,728,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For an additional amount for “Contributions for International Peacekeeping Activities”, \$1,794,088,000, to remain available until September 30, 2017: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for “International Broadcasting Operations”, \$10,700,000, to remain available until September 30, 2017: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

UNITED STATES AGENCY FOR INTERNATIONAL
DEVELOPMENT

FUNDS APPROPRIATED TO THE PRESIDENT

OPERATING EXPENSES

For an additional amount for “Operating Expenses”, \$139,262,000, to remain available until September 30, 2017: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for “International Disaster Assistance”, \$1,919,421,000, to remain available until expended: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TRANSITION INITIATIVES

For an additional amount for “Transition Initiatives”, \$37,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

COMPLEX CRISES FUND

For an additional amount for “Complex Crises Fund”, \$20,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ECONOMIC SUPPORT FUND

For an additional amount for “Economic Support Fund”, \$2,422,673,000, to remain available until September 30, 2017: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ASSISTANCE FOR EUROPE, EURASIA AND CENTRAL ASIA

For an additional amount for “Assistance for Europe, Eurasia and Central Asia”, \$438,569,000, to remain available until September 30, 2017: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT OF STATE

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for “Migration and Refugee Assistance” to respond to refugee crises, including in Africa, the Near East, South and Central Asia, and Europe and Eurasia, \$2,127,114,000, to remain available until expended, except that such funds shall not be made available for the resettlement costs of refugees in the United States: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

INTERNATIONAL SECURITY ASSISTANCE

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for “International Narcotics Control and Law Enforcement”, \$371,650,000, to remain available until September 30, 2017: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For an additional amount for “Nonproliferation, Anti-terrorism, Demining and Related Programs”, \$379,091,000, to remain available until September 30, 2017: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PEACEKEEPING OPERATIONS

For an additional amount for “Peacekeeping Operations”, \$469,269,000, to remain available until September 30, 2017: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That funds available for obligation under this heading in this Act may be used to pay assessed expenses of international peacekeeping activities in Somalia, subject to the regular notification procedures of the Committees on Appropriations, except that such expenses shall not exceed the level described in the final proviso under the heading “Contributions for International Peacekeeping Activities” in title I of this Act.

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for “Foreign Military Financing Program”, \$1,288,176,000, to remain available until September 30, 2017: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS

ADDITIONAL APPROPRIATIONS

SEC. 8001. Notwithstanding any other provision of law, funds appropriated in this title are in addition to amounts appropriated or otherwise made available in this Act for fiscal year 2016.

EXTENSION OF AUTHORITIES AND CONDITIONS

SEC. 8002. Unless otherwise provided for in this Act, the additional amounts appropriated by this title to appropriations accounts in this Act shall be available under the authorities and conditions applicable to such appropriations accounts.

TRANSFER AUTHORITY

SEC. 8003. (a)(1) Funds appropriated by this title in this Act under the headings “Transition Initiatives”, “Complex Crises Fund”, “Economic Support Fund”, and “Assistance for Europe, Eurasia and Central Asia” may be transferred to, and merged with, funds appropriated by this title under such headings.

(2) Funds appropriated by this title in this Act under the headings “International Narcotics Control and Law Enforcement”, “Nonproliferation, Anti-terrorism, Demining and Related Programs”, “Peacekeeping Operations”, and “Foreign Military Financing Program” may be transferred to, and merged with, funds appropriated by this title under such headings.

(3) Of the funds appropriated by this title under the heading “International Disaster Assistance”, up to \$600,000,000 may be

transferred to, and merged with, funds appropriated by this title under the heading “Migration and Refugee Assistance”.

(b) Notwithstanding any other provision of this section, not to exceed \$15,000,000 from funds appropriated under the heading “Foreign Military Financing Program” by this title in this Act and made available for the Europe and Eurasia Regional program may be transferred to, and merged with, funds previously made available under the heading “Global Security Contingency Fund” which shall be available only for programs in the Europe and Eurasia region.

(c) The transfer authority provided in subsection (a) may only be exercised to address contingencies.

(d) The transfer authority provided in subsections (a) and (b) shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations: *Provided*, That such transfer authority is in addition to any transfer authority otherwise available under any other provision of law, including section 610 of the Foreign Assistance Act of 1961 which may be exercised by the Secretary of State for the purposes of this title.

TITLE IX

OTHER MATTERS

MULTILATERAL ASSISTANCE

INTERNATIONAL MONETARY PROGRAMS

UNITED STATES QUOTA, INTERNATIONAL MONETARY FUND

DIRECT LOAN PROGRAM ACCOUNT

For an increase in the United States quota in the International Monetary Fund, the dollar equivalent of 40,871,800,000 Special Drawing Rights, to remain available until expended: *Provided*, That notwithstanding the provisos under the heading “International Assistance Programs—International Monetary Programs—United States Quota, International Monetary Fund” in the Supplemental Appropriations Act, 2009 (Public Law 111–32), the costs of the amounts provided under this heading in this Act and in Public Law 111–32 shall be estimated on a present value basis, excluding administrative costs and any incidental effects on governmental receipts or outlays: *Provided further*, That for purposes of the previous proviso, the discount rate for purposes of the present value calculation shall be the appropriate interest rate on marketable Treasury securities, adjusted for market risk: *Provided further*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That such amount shall be available only if the President designates such amount, and the related amount to be rescinded under the heading “Loans to the International Monetary Fund Direct Loan Program Account”, as an emergency requirement pursuant to section 251(b)(2)(A)(i) and transmits such designation to the Congress.

LOANS TO THE INTERNATIONAL MONETARY FUND

DIRECT LOAN PROGRAM ACCOUNT

(INCLUDING RESCISSION OF FUNDS)

Of the amounts provided under the heading “International Assistance Programs—International Monetary Programs—Loans to International Monetary Fund” in the Supplemental Appropriations Act, 2009 (Public Law 111–32), the dollar equivalent of 40,871,800,000 Special Drawing Rights is hereby permanently rescinded as of the date when the rollback of the United States credit arrangement in the New Arrangements to Borrow of the International Monetary Fund is effective, but no earlier than when the increase of the United States quota authorized in section 72 of the Bretton Woods Agreements Act (22 U.S.C. 286 et seq.) becomes effective: *Provided*, That notwithstanding the second through fourth provisos under the heading “International Assistance Programs—International Monetary Programs—Loans to International Monetary Fund” in Public Law 111–32, the costs of the amounts under this heading in this Act and in Public Law 111–32 shall be estimated on a present value basis, excluding administrative costs and any incidental effects on governmental receipts or outlays: *Provided further*, That for purposes of the previous proviso, the discount rate for purposes of the present value calculation shall be the appropriate interest rate on marketable Treasury securities, adjusted for market risk: *Provided further*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That such amount shall be rescinded only if the President designates such amount as an emergency requirement pursuant to section 251(b)(2)(A)(i) and transmits such designation to the Congress.

GENERAL PROVISIONS

LIMITATIONS ON AND EXPIRATION OF AUTHORITY WITH RESPECT TO
NEW ARRANGEMENTS TO BORROW

SEC. 9001. Section 17 of the Bretton Woods Agreements Act (22 U.S.C. 286e–2) is amended—

(1) in subsection (a) by adding at the end the following:

“(5) The authority to make loans under this section shall expire on December 16, 2022.”;

(2) in subsection (b), in paragraphs (1) and (2), by inserting before the end period the following: “, only to the extent that amounts available for such loans are not rescinded by an Act of Congress”;

(3) by adding the following subsection (e), which shall be effective from the first day of the next period of renewal of the NAB decision after enactment of this Act:

“(e) New Requirement for Activation of the New Arrangements to Borrow

“(1) The Secretary of the Treasury shall include in the certification and report required by paragraphs (a)(1), (a)(2), (b)(1), and (b)(2) of this section prior to activation an additional certification and report that—

22 USC 286e–2
note.

“(A) the one-year forward commitment capacity of the IMF (excluding borrowed resources) is expected to fall below 100,000,000,000 Special Drawing Rights during the period of the NAB activation; and

“(B) activation of the NAB is in the United States strategic economic interest with the reasons and analysis for that determination.

“(2) Prior to submitting any certification and report required by paragraphs (a)(1), (a)(2), (b)(1), and (b)(2) of this section, the Secretary of the Treasury shall consult with the appropriate congressional committees.”; and

(4) by adding at the end the following:

“(f) In this section, the term ‘appropriate congressional committees’ means the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and Financial Services of the House of Representatives.”.

ACCEPTANCE OF AMENDMENTS TO ARTICLES OF AGREEMENT; QUOTA INCREASE

SEC. 9002. The Bretton Woods Agreements Act (22 U.S.C. 286 et seq.) is amended by adding at the end the following:

22 USC 286ww. **“SEC. 71. ACCEPTANCE OF AMENDMENTS TO THE ARTICLES OF AGREEMENT OF THE FUND.**

“The United States Governor of the Fund may accept the amendments to the Articles of Agreement of the Fund as proposed in resolution 66–2 of the Board of Governors of the Fund.

22 USC 286xx. **“SEC. 72. QUOTA INCREASE.**

“(a) IN GENERAL.—The United States Governor of the Fund may consent to an increase in the quota of the United States in the Fund equivalent to 40,871,800,000 Special Drawing Rights.

“(b) SUBJECT TO APPROPRIATIONS.—The authority provided by subsection (a) shall be effective only to such extent or in such amounts as are provided in advance in appropriations Acts.”.

REPORT ON METHODOLOGY USED FOR CONGRESSIONAL BUDGET OFFICE COST ESTIMATES

SEC. 9003. (a) REPORT.—Not later than 180 days after the date of enactment of this Act, the Director of the Congressional Budget Office shall submit a report to the appropriate congressional committees on the methodology used and rationale for incorporating market risk in cost estimates for the International Monetary Fund: *Provided*, That for the purposes of this subsection, the term “appropriate congressional committees” means—

(1) the Committees on Appropriations, Budget, Banking, Housing and Urban Affairs, and Foreign Relations of the Senate; and

(2) the Committees on Appropriations, Budget, and Financial Services of the House of Representatives.

(b) REQUIREMENTS.—The report submitted pursuant to subsection (a) shall include matters relevant to the evaluation of the budgetary effects of the participation of the United States in the International Monetary Fund, including the risks associated with—

(1) the current participation of the United States in the International Monetary Fund, including the market risk of the Fund;

(2) countries borrowing from the Fund;

(3) the various loan instruments and assistance activities of the Fund; and

(4) past participation of the United States in the International Monetary Fund, including the historical net cost to the government of previous quota increases.

(c) REVIEW.—Following the submission of the report required by subsection (a), the Committees on Appropriations and Budget of the Senate and the Committees on Appropriations and Budget of the House of Representatives shall review the Congressional Budget Office's market risk scoring methodology and consider options for modifying the budgetary treatment of new appropriations to the International Monetary Fund: *Provided*, That in conducting such review, such committees should consult with other interested parties, including the Office of Management and Budget and the Congressional Budget Office.

REQUIRED CONSULTATIONS WITH CONGRESS IN ADVANCE OF
CONSIDERATION OF EXCEPTIONAL ACCESS LENDING

SEC. 9004. (a) IN GENERAL.—The United States Executive Director of the International Monetary Fund (the Fund) (or any designee of the Executive Director) may not vote for the approval of an exceptional access loan to be provided by the Fund to a country unless, not later than 7 days before voting to approve that loan (subject to subsection (c)), the Secretary of the Treasury submits to the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and Financial Services of the House of Representatives—

(1) a report on the exceptional access program under which the loan is to be provided, including a description of the size and tenor of the program; and

(2) a debt sustainability analysis and related documentation justifying the need for the loan.

(b) ELEMENTS.—A debt sustainability analysis under subsection (a)(2) with respect to an exceptional access loan shall include the following:

(1) any assumptions for growth of the gross domestic product of the country that may receive the loan;

(2) an estimate of whether the public debt of that country is sustainable in the medium term, consistent with the exceptional access lending rules of the Fund;

(3) an estimate of the prospects of that country for regaining access to private capital markets; and

(4) an evaluation of the probability of the success of providing the exceptional access loan.

(c) EXTRAORDINARY CIRCUMSTANCES.—The Secretary may submit the report and analysis required by subsection (a) to the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and Financial Services of the House of Representatives not later than 2 business days after a decision by the Executive Board of the Fund to approve an exceptional access loan only if the Secretary—

(1) determines and certifies that—

(A) an emergency exists in the country that applied for the loan and that country requires immediate assistance to avoid disrupting orderly financial markets; or

(B) other extraordinary circumstances exist that warrant delaying the submission of the report and analysis; and

(2) submits with the report and analysis a detailed explanation of the emergency or extraordinary circumstances and the reasons for the delay.

(d) FORM OF REPORT AND ANALYSIS.—The report and debt sustainability analysis and related documentation required by subsection (a) may be submitted in classified form.

REPEAL OF SYSTEMIC RISK EXEMPTION TO LIMITATIONS TO ACCESS POLICY OF THE INTERNATIONAL MONETARY FUND

SEC. 9005. (a) POSITION OF THE UNITED STATES.—The Secretary of the Treasury shall direct the United States Executive Director of the International Monetary Fund (the Fund) to use the voice and vote of the United States to urge the Executive Board of the Fund to repeal the systemic risk exemption to the debt sustainability criterion of the Fund’s exceptional access framework, as set forth in paragraph 3(b) of Decision No. 14064-(08/18) of the Fund (relating to access policy and limits in the credit tranches and under the extended Fund facility and overall access to the Fund’s general resources, and exceptional access policy).

(b) REPORT REQUIRED.—The quota increase authorized by the amendments made by section 9002 shall not be disbursed until the Secretary of the Treasury reports to the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and Financial Services of the House of Representatives that the United States has taken all necessary steps to secure repeal of the systemic risk exemption to the framework described in subsection (a).

ANNUAL REPORT ON LENDING, SURVEILLANCE, OR TECHNICAL ASSISTANCE POLICIES OF THE INTERNATIONAL MONETARY FUND

SEC. 9006. Not later than one year after the date of the enactment of this Act, and annually thereafter until 2025, the Secretary of the Treasury shall submit to the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and Financial Services of the House of Representatives a written report that includes—

(1) a description of any changes in the policies of the International Monetary Fund (the Fund) with respect to lending, surveillance, or technical assistance;

(2) an analysis of whether those changes, if any, increase or decrease the risk to United States financial commitments to the Fund;

(3) an analysis of any new or ongoing exceptional access loans of the Fund in place during the year preceding the submission of the report; and

(4) a description of any changes to the exceptional access policies of the Fund.

REPORT ON IMPROVING UNITED STATES PARTICIPATION IN THE
INTERNATIONAL MONETARY FUND

SEC. 9007. Not later than 180 days after the date of the enactment of this Act, the Secretary of the Treasury shall submit to the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and Financial Services of the House of Representatives a written report on ways to improve the effectiveness, and mitigate the risks, of United States participation in the International Monetary Fund (the Fund) that includes the following:

(1) An analysis of recent changes to the surveillance products and policies of the Fund and whether those products and policies effectively address the shortcomings of surveillance by the Fund in the periods preceding the global financial crisis that began in 2008 and the European debt crisis that began in 2009.

(2) A discussion of ways to better encourage countries to implement policy recommendations of the Fund, including—

(A) whether the implementation rate of such policy recommendations would increase if the Fund provided regular status reports on whether countries have implemented its policy recommendations; and

(B) whether or not lending by the Fund should be limited to countries that have taken necessary steps to implement such policy recommendations, including an analysis of the potential effectiveness of that limitation.

(3) An analysis of the transparency policy of the Fund, ways that transparency policy can be improved, and whether such improvements would be beneficial.

(4) A detailed analysis of the riskiness of exceptional access loans provided by the Fund, including—

(A) whether the additional interest rate surcharge is working as intended to discourage large and prolonged use of resources of the Fund; and

(B) whether it would be beneficial for the Fund to require collateral when making exceptional access loans, and how requiring collateral would affect the make-up of exceptional access loans and the demand for such loans.

(5) A description of how the classification of loans provided by the Fund would change if Fund quotas were increased under the amendments to the Articles of Agreement of the Fund proposed in resolution 66–2 of the Board of Governors of the Fund, including an assessment of how the quota increase would affect the classification of exceptional access loans outstanding as of the date of the report and whether the quota increase would lead to revisions of the classification of such loans.

(6) A discussion and analysis of lessons learned from the lending arrangements that included the Fund, the European Commission, and the European Central Bank (commonly referred to as the “Troika”) during the European debt crisis.

(7) An analysis of the risks or benefits of increasing the transparency of the technical assistance projects of the Fund, including a discussion of—

(A) the advantages and disadvantages of the current technical assistance disclosure policies of the Fund;

(B) how technical assistance from the Fund could be better used to prevent crises from happening in the future; and

(C) whether and how the Fund coordinates technical assistance projects with other organizations, including the United States Department of the Treasury, to avoid duplication of efforts.

This division may be cited as the “Department of State, Foreign Operations, and Related Programs Appropriations Act, 2016”.

Transportation,
Housing and
Urban
Development,
and Related
Agencies
Appropriations
Act, 2016.
Department of
Transportation
Appropriations
Act, 2016.

**DIVISION L—TRANSPORTATION, HOUSING AND URBAN
DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2016**

TITLE I

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary, \$108,750,000, of which not to exceed \$2,734,000 shall be available for the immediate Office of the Secretary; not to exceed \$1,025,000 shall be available for the immediate Office of the Deputy Secretary; not to exceed \$20,609,000 shall be available for the Office of the General Counsel; not to exceed \$9,941,000 shall be available for the Office of the Under Secretary of Transportation for Policy; not to exceed \$13,697,000 shall be available for the Office of the Assistant Secretary for Budget and Programs; not to exceed \$2,546,000 shall be available for the Office of the Assistant Secretary for Governmental Affairs; not to exceed \$25,925,000 shall be available for the Office of the Assistant Secretary for Administration; not to exceed \$2,029,000 shall be available for the Office of Public Affairs; not to exceed \$1,737,000 shall be available for the Office of the Executive Secretariat; not to exceed \$1,434,000 shall be available for the Office of Small and Disadvantaged Business Utilization; not to exceed \$10,793,000 shall be available for the Office of Intelligence, Security, and Emergency Response; and not to exceed \$16,280,000 shall be available for the Office of the Chief Information Officer: *Provided*, That the Secretary of Transportation is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: *Provided further*, That no appropriation for any office shall be increased or decreased by more than 5 percent by all such transfers: *Provided further*, That notice of any change in funding greater than 5 percent shall be submitted for approval to the House and Senate Committees on Appropriations: *Provided further*, That not to exceed \$60,000 shall be for allocation within the Department for official reception and representation expenses as the Secretary may determine: *Provided further*, That notwithstanding any other provision of law, excluding fees authorized in Public Law 107–71, there may be credited to this appropriation up to \$2,500,000 in funds received in user fees: *Provided further*, That none of the funds provided in this Act shall be available for the position of Assistant Secretary for Public Affairs: *Provided further*, That not later than 60 days after the date of enactment

of this Act, the Secretary of Transportation shall transmit to Congress the final Comprehensive Truck Size and Weight Limits Study, as required by section 32801 of Public Law 112–141.

RESEARCH AND TECHNOLOGY

For necessary expenses related to the Office of the Assistant Secretary for Research and Technology, \$13,000,000, of which \$8,218,000 shall remain available until September 30, 2018: *Provided*, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training: *Provided further*, That any reference in law, regulation, judicial proceedings, or elsewhere to the Research and Innovative Technology Administration shall continue to be deemed to be a reference to the Office of the Assistant Secretary for Research and Technology of the Department of Transportation.

49 USC 112 note.

NATIONAL INFRASTRUCTURE INVESTMENTS

For capital investments in surface transportation infrastructure, \$500,000,000, to remain available through September 30, 2019: *Provided*, That the Secretary of Transportation shall distribute funds provided under this heading as discretionary grants to be awarded to a State, local government, transit agency, or a collaboration among such entities on a competitive basis for projects that will have a significant impact on the Nation, a metropolitan area, or a region: *Provided further*, That projects eligible for funding provided under this heading shall include, but not be limited to, highway or bridge projects eligible under title 23, United States Code; public transportation projects eligible under chapter 53 of title 49, United States Code; passenger and freight rail transportation projects; and port infrastructure investments (including inland port infrastructure and land ports of entry): *Provided further*, That the Secretary may use up to 20 percent of the funds made available under this heading for the purpose of paying the subsidy and administrative costs of projects eligible for Federal credit assistance under chapter 6 of title 23, United States Code, if the Secretary finds that such use of the funds would advance the purposes of this paragraph: *Provided further*, That in distributing funds provided under this heading, the Secretary shall take such measures so as to ensure an equitable geographic distribution of funds, an appropriate balance in addressing the needs of urban and rural areas, and the investment in a variety of transportation modes: *Provided further*, That a grant funded under this heading shall be not less than \$5,000,000 and not greater than \$100,000,000: *Provided further*, That not more than 20 percent of the funds made available under this heading may be awarded to projects in a single State: *Provided further*, That the Federal share of the costs for which an expenditure is made under this heading shall be, at the option of the recipient, up to 80 percent: *Provided further*, That the Secretary shall give priority to projects that require a contribution of Federal funds in order to complete an overall financing package: *Provided further*, That not less than 20 percent of the funds provided under this heading shall be for projects located in rural areas: *Provided further*, That for projects located in rural areas, the minimum grant size shall be \$1,000,000 and the Secretary may increase the Federal share of costs above

80 percent: *Provided further*, That projects conducted using funds provided under this heading must comply with the requirements of subchapter IV of chapter 31 of title 40, United States Code: *Provided further*, That the Secretary shall conduct a new competition to select the grants and credit assistance awarded under this heading: *Provided further*, That the Secretary may retain up to \$20,000,000 of the funds provided under this heading, and may transfer portions of those funds to the Administrators of the Federal Highway Administration, the Federal Transit Administration, the Federal Railroad Administration and the Maritime Administration, to fund the award and oversight of grants and credit assistance made under the National Infrastructure Investments program.

FINANCIAL MANAGEMENT CAPITAL

For necessary expenses for upgrading and enhancing the Department of Transportation's financial systems and re-engineering business processes, \$5,000,000, to remain available through September 30, 2017.

CYBER SECURITY INITIATIVES

For necessary expenses for cyber security initiatives, including necessary upgrades to wide area network and information technology infrastructure, improvement of network perimeter controls and identity management, testing and assessment of information technology against business, security, and other requirements, implementation of Federal cyber security initiatives and information infrastructure enhancements, implementation of enhanced security controls on network devices, and enhancement of cyber security workforce training tools, \$8,000,000, to remain available through September 30, 2017.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, \$9,678,000.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, systems development, development activities, and making grants, to remain available until expended, \$8,500,000: *Provided*, That of such amount, \$2,500,000 shall be for necessary expenses to establish an Interagency Infrastructure Permitting Improvement Center (IIPIC) that will implement reforms to improve interagency coordination and the expediting of projects related to the permitting and environmental review of major transportation infrastructure projects including one-time expenses to develop and deploy information technology tools to track project schedules and metrics and improve the transparency and accountability of the permitting process: *Provided further*, That there may be transferred to this appropriation, to remain available until expended, amounts from other Federal agencies for expenses incurred under this heading for IIPIC activities not related to transportation infrastructure: *Provided further*, That the tools and analysis developed by the IIPIC shall be available to other Federal agencies for the permitting

and review of major infrastructure projects not related to transportation only to the extent that other Federal agencies provide funding to the Department as provided for under the previous proviso.

WORKING CAPITAL FUND

For necessary expenses for operating costs and capital outlays of the Working Capital Fund, not to exceed \$190,039,000 shall be paid from appropriations made available to the Department of Transportation: *Provided*, That such services shall be provided on a competitive basis to entities within the Department of Transportation: *Provided further*, That the above limitation on operating expenses shall not apply to non-DOT entities: *Provided further*, That no funds appropriated in this Act to an agency of the Department shall be transferred to the Working Capital Fund without majority approval of the Working Capital Fund Steering Committee and approval of the Secretary: *Provided further*, That no assessments may be levied against any program, budget activity, subactivity or project funded by this Act unless notice of such assessments and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.

MINORITY BUSINESS RESOURCE CENTER PROGRAM

For the cost of guaranteed loans, \$336,000, as authorized by 49 U.S.C. 332: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed \$18,367,000.

In addition, for administrative expenses to carry out the guaranteed loan program, \$597,000.

MINORITY BUSINESS OUTREACH

For necessary expenses of Minority Business Resource Center outreach activities, \$3,084,000, to remain available until September 30, 2017: *Provided*, That notwithstanding 49 U.S.C. 332, these funds may be used for business opportunities related to any mode of transportation.

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

In addition to funds made available from any other source to carry out the essential air service program under 49 U.S.C. 41731 through 41742, \$175,000,000, to be derived from the Airport and Airway Trust Fund, to remain available until expended: *Provided*, That in determining between or among carriers competing to provide service to a community, the Secretary may consider the relative subsidy requirements of the carriers: *Provided further*, That basic essential air service minimum requirements shall not include the 15-passenger capacity requirement under subsection 41732(b)(3) of title 49, United States Code: *Provided further*, That none of the funds in this Act or any other Act shall be used to enter into a new contract with a community located less than

40 miles from the nearest small hub airport before the Secretary has negotiated with the community over a local cost share: *Provided further*, That amounts authorized to be distributed for the essential air service program under subsection 41742(b) of title 49, United States Code, shall be made available immediately from amounts otherwise provided to the Administrator of the Federal Aviation Administration: *Provided further*, That the Administrator may reimburse such amounts from fees credited to the account established under section 45303 of title 49, United States Code.

ADMINISTRATIVE PROVISIONS—OFFICE OF THE SECRETARY OF
TRANSPORTATION

SEC. 101. None of the funds made available in this Act to the Department of Transportation may be obligated for the Office of the Secretary of Transportation to approve assessments or reimbursable agreements pertaining to funds appropriated to the modal administrations in this Act, except for activities underway on the date of enactment of this Act, unless such assessments or agreements have completed the normal reprogramming process for Congressional notification.

SEC. 102. Notwithstanding section 3324 of title 31, United States Code, in addition to authority provided by section 327 of title 49, United States Code, the Department's Working Capital Fund is hereby authorized to provide payments in advance to vendors that are necessary to carry out the Federal transit pass transportation fringe benefit program under Executive Order 13150 and section 3049 of Public Law 109–59: *Provided*, That the Department shall include adequate safeguards in the contract with the vendors to ensure timely and high-quality performance under the contract.

SEC. 103. The Secretary shall post on the Web site of the Department of Transportation a schedule of all meetings of the Credit Council, including the agenda for each meeting, and require the Credit Council to record the decisions and actions of each meeting.

SEC. 104. In addition to authority provided by section 327 of title 49, United States Code, the Department's Working Capital Fund is hereby authorized to provide partial or full payments in advance and accept subsequent reimbursements from all Federal agencies for transit benefit distribution services that are necessary to carry out the Federal transit pass transportation fringe benefit program under Executive Order No. 13150 and section 3049 of Public Law 109–59: *Provided*, That the Department shall maintain a reasonable operating reserve in the Working Capital Fund, to be expended in advance to provide uninterrupted transit benefits to Government employees, provided that such reserve will not exceed one month of benefits payable: *Provided further*, that such reserve may be used only for the purpose of providing for the continuation of transit benefits, provided that the Working Capital Fund will be fully reimbursed by each customer agency for the actual cost of the transit benefit.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities, the operation (including leasing) and maintenance of aircraft, subsidizing the cost of aeronautical charts and maps sold to the public, lease or purchase of passenger motor vehicles for replacement only, in addition to amounts made available by Public Law 112–95, \$9,909,724,000 of which \$7,922,000,000 shall be derived from the Airport and Airway Trust Fund, of which not to exceed \$7,505,293,000 shall be available for air traffic organization activities; not to exceed \$1,258,411,000 shall be available for aviation safety activities; not to exceed \$17,800,000 shall be available for commercial space transportation activities; not to exceed \$760,500,000 shall be available for finance and management activities; not to exceed \$60,089,000 shall be available for NextGen and operations planning activities; not to exceed \$100,880,000 shall be available for security and hazardous materials safety; and not to exceed \$206,751,000 shall be available for staff offices: *Provided*, That not to exceed 2 percent of any budget activity, except for aviation safety budget activity, may be transferred to any budget activity under this heading: *Provided further*, That no transfer may increase or decrease any appropriation by more than 2 percent: *Provided further*, That any transfer in excess of 2 percent shall be treated as a reprogramming of funds under section 405 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That not later than March 31 of each fiscal year hereafter, the Administrator of the Federal Aviation Administration shall transmit to Congress an annual update to the report submitted to Congress in December 2004 pursuant to section 221 of Public Law 108–176: *Provided further*, That the amount herein appropriated shall be reduced by \$100,000 for each day after March 31 that such report has not been submitted to the Congress: *Provided further*, That not later than March 31 of each fiscal year hereafter, the Administrator shall transmit to Congress a companion report that describes a comprehensive strategy for staffing, hiring, and training flight standards and aircraft certification staff in a format similar to the one utilized for the controller staffing plan, including stated attrition estimates and numerical hiring goals by fiscal year: *Provided further*, That the amount herein appropriated shall be reduced by \$100,000 per day for each day after March 31 that such report has not been submitted to Congress: *Provided further*, That funds may be used to enter into a grant agreement with a nonprofit standard-setting organization to assist in the development of aviation safety standards: *Provided further*, That none of the funds in this Act shall be available for new applicants for the second career training program: *Provided further*, That none of the funds in this Act shall be available for the Federal Aviation Administration to finalize or implement any regulation that would promulgate new aviation user fees not specifically

49 USC 44506
note.

49 USC 44502
note.

authorized by law after the date of the enactment of this Act: *Provided further*, That there may be credited to this appropriation, as offsetting collections, funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: *Provided further*, That of the funds appropriated under this heading, not less than \$154,400,000 shall be for the contract tower program, including the contract tower cost share program: *Provided further*, That none of the funds in this Act for aeronautical charting and cartography are available for activities conducted by, or coordinated through, the Working Capital Fund: *Provided further*, That not later than 60 days after enactment of this Act, the Administrator shall review and update the agency's "Community Involvement Manual" related to new air traffic procedures, public outreach and community involvement: *Provided further*, That the Administrator shall complete and implement a plan which enhances community involvement techniques and proactively addresses concerns associated with performance based navigation projects: *Provided further*, That the Administrator shall transmit, in electronic format, the community involvement manual and plan to the House and Senate Committees on Appropriations, the House Committee on Transportation and Infrastructure, and the Senate Committee on Commerce, Science and Transportation not later than 180 days after enactment of this Act.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, technical support services, improvement by contract or purchase, and hire of national airspace systems and experimental facilities and equipment, as authorized under part A of subtitle VII of title 49, United States Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds available under this heading, including aircraft for aviation regulation and certification; to be derived from the Airport and Airway Trust Fund, \$2,855,000,000, of which \$470,049,000 shall remain available until September 30, 2016, and \$2,384,951,000 shall remain available until September 30, 2018: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment, improvement, and modernization of national airspace systems: *Provided further*, That no later than March 31, the Secretary of Transportation shall transmit to the Congress an investment plan for the Federal Aviation Administration which includes funding for each budget line item for fiscal

years 2017 through 2021, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget: *Provided further*, That the amount herein appropriated shall be reduced by \$100,000 per day for each day after March 31 that such report has not been submitted to Congress.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental facilities and acquisition of necessary sites by lease or grant, \$166,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2018: *Provided*, That there may be credited to this appropriation as offsetting collections, funds received from States, counties, municipalities, other public authorities, and private sources, which shall be available for expenses incurred for research, engineering, and development.

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(AIRPORT AND AIRWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, and under other law authorizing such obligations; for procurement, installation, and commissioning of runway incursion prevention devices and systems at airports of such title; for grants authorized under section 41743 of title 49, United States Code; and for inspection activities and administration of airport safety programs, including those related to airport operating certificates under section 44706 of title 49, United States Code, \$3,600,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That none of the funds under this heading shall be available for the planning or execution of programs the obligations for which are in excess of \$3,350,000,000 in fiscal year 2016, notwithstanding section 47117(g) of title 49, United States Code: *Provided further*, That none of the funds under this heading shall be available for the replacement of baggage conveyor systems, reconfiguration of terminal baggage areas, or other airport improvements that are necessary to install bulk explosive detection systems: *Provided further*, That notwithstanding section 47109(a) of title 49, United States Code, the Government's share of allowable project costs under paragraph (2) for subgrants or paragraph (3) of that section shall be 95 percent for a project at other than a large or medium hub airport that is a successive

phase of a multi-phased construction project for which the project sponsor received a grant in fiscal year 2011 for the construction project: *Provided further*, That notwithstanding any other provision of law, of funds limited under this heading, not more than \$107,100,000 shall be obligated for administration, not less than \$15,000,000 shall be available for the Airport Cooperative Research Program, not less than \$31,000,000 shall be available for Airport Technology Research, and \$5,000,000, to remain available until expended, shall be available and transferred to “Office of the Secretary, Salaries and Expenses” to carry out the Small Community Air Service Development Program: *Provided further*, That in addition to airports eligible under section 41743 of title 49, such program may include the participation of an airport that serves a community or consortium that is not larger than a small hub airport, according to FAA hub classifications effective at the time the Office of the Secretary issues a request for proposals.

ADMINISTRATIVE PROVISIONS—FEDERAL AVIATION ADMINISTRATION

SEC. 110. None of the funds in this Act may be used to compensate in excess of 600 technical staff-years under the federally funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development during fiscal year 2016.

SEC. 111. None of the funds in this Act shall be used to pursue or adopt guidelines or regulations requiring airport sponsors to provide to the Federal Aviation Administration without cost building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings for services relating to air traffic control, air navigation, or weather reporting: *Provided*, That the prohibition of funds in this section does not apply to negotiations between the agency and airport sponsors to achieve agreement on “below-market” rates for these items or to grant assurances that require airport sponsors to provide land without cost to the FAA for air traffic control facilities.

SEC. 112. The Administrator of the Federal Aviation Administration may reimburse amounts made available to satisfy 49 U.S.C. 41742(a)(1) from fees credited under 49 U.S.C. 45303 and any amount remaining in such account at the close of that fiscal year may be made available to satisfy section 41742(a)(1) for the subsequent fiscal year.

SEC. 113. Amounts collected under section 40113(e) of title 49, United States Code, shall be credited to the appropriation current at the time of collection, to be merged with and available for the same purposes of such appropriation.

SEC. 114. None of the funds in this Act shall be available for paying premium pay under subsection 5546(a) of title 5, United States Code, to any Federal Aviation Administration employee unless such employee actually performed work during the time corresponding to such premium pay.

SEC. 115. None of the funds in this Act may be obligated or expended for an employee of the Federal Aviation Administration to purchase a store gift card or gift certificate through use of a Government-issued credit card.

SEC. 116. The Secretary shall apportion to the sponsor of an airport that received scheduled or unscheduled air service from a large certified air carrier (as defined in part 241 of title 14

Code of Federal Regulations, or such other regulations as may be issued by the Secretary under the authority of section 41709) an amount equal to the minimum apportionment specified in 49 U.S.C. 47114(c), if the Secretary determines that airport had more than 10,000 passenger boardings in the preceding calendar year, based on data submitted to the Secretary under part 241 of title 14, Code of Federal Regulations.

SEC. 117. None of the funds in this Act may be obligated or expended for retention bonuses for an employee of the Federal Aviation Administration without the prior written approval of the Assistant Secretary for Administration of the Department of Transportation.

SEC. 118. Notwithstanding any other provision of law, none of the funds made available under this Act or any prior Act may be used to implement or to continue to implement any limitation on the ability of any owner or operator of a private aircraft to obtain, upon a request to the Administrator of the Federal Aviation Administration, a blocking of that owner's or operator's aircraft registration number from any display of the Federal Aviation Administration's Aircraft Situational Display to Industry data that is made available to the public, except data made available to a Government agency, for the noncommercial flights of that owner or operator.

SEC. 119. None of the funds in this Act shall be available for salaries and expenses of more than nine political and Presidential appointees in the Federal Aviation Administration.

SEC. 119A. None of the funds made available under this Act may be used to increase fees pursuant to section 44721 of title 49, United States Code, until the FAA provides to the House and Senate Committees on Appropriations a report that justifies all fees related to aeronautical navigation products and explains how such fees are consistent with Executive Order 13642.

SEC. 119B. None of the funds in this Act may be used to close a regional operations center of the Federal Aviation Administration or reduce its services unless the Administrator notifies the House and Senate Committees on Appropriations not less than 90 full business days in advance.

SEC. 119C. None of the funds appropriated or limited by this Act may be used to change weight restrictions or prior permission rules at Teterboro airport in Teterboro, New Jersey.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

(HIGHWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

Not to exceed \$425,752,000, together with advances and reimbursements received by the Federal Highway Administration, shall be obligated for necessary expenses for administration and operation of the Federal Highway Administration. In addition, not to exceed \$3,248,000 shall be transferred to the Appalachian Regional Commission in accordance with section 104 of title 23, United States Code.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

23 USC 104 note.

Funds available for the implementation or execution of Federal-aid highway and highway safety construction programs authorized under titles 23 and 49, United States Code, and the provisions of the Fixing America's Surface Transportation Act shall not exceed total obligations of \$42,361,000,000 for fiscal year 2016: *Provided*, That the Secretary may collect and spend fees, as authorized by title 23, United States Code, to cover the costs of services of expert firms, including counsel, in the field of municipal and project finance to assist in the underwriting and servicing of Federal credit instruments and all or a portion of the costs to the Federal Government of servicing such credit instruments: *Provided further*, That such fees are available until expended to pay for such costs: *Provided further*, That such amounts are in addition to administrative expenses that are also available for such purpose, and are not subject to any obligation limitation or the limitation on administrative expenses under section 608 of title 23, United States Code.

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For the payment of obligations incurred in carrying out Federal-aid highway and highway safety construction programs authorized under title 23, United States Code, \$43,100,000,000 derived from the Highway Trust Fund (other than the Mass Transit Account), to remain available until expended.

ADMINISTRATIVE PROVISIONS—FEDERAL HIGHWAY ADMINISTRATION

23 USC 104 note.

SEC. 120. (a) For fiscal year 2016, the Secretary of Transportation shall—

(1) not distribute from the obligation limitation for Federal-aid highways—

(A) amounts authorized for administrative expenses and programs by section 104(a) of title 23, United States Code; and

(B) amounts authorized for the Bureau of Transportation Statistics;

(2) not distribute an amount from the obligation limitation for Federal-aid highways that is equal to the unobligated balance of amounts—

(A) made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highway and highway safety construction programs for previous fiscal years the funds for which are allocated by the Secretary (or apportioned by the Secretary under sections 202 or 204 of title 23, United States Code); and

(B) for which obligation limitation was provided in a previous fiscal year;

(3) determine the proportion that—

(A) the obligation limitation for Federal-aid highways, less the aggregate of amounts not distributed under paragraphs (1) and (2) of this subsection; bears to

(B) the total of the sums authorized to be appropriated for the Federal-aid highway and highway safety construction programs (other than sums authorized to be appropriated for provisions of law described in paragraphs (1) through (11) of subsection (b) and sums authorized to be appropriated for section 119 of title 23, United States Code, equal to the amount referred to in subsection (b)(12) for such fiscal year), less the aggregate of the amounts not distributed under paragraphs (1) and (2) of this subsection;

(4) distribute the obligation limitation for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2), for each of the programs (other than programs to which paragraph (1) applies) that are allocated by the Secretary under the Fixing America's Surface Transportation Act and title 23, United States Code, or apportioned by the Secretary under sections 202 or 204 of that title, by multiplying—

(A) the proportion determined under paragraph (3);

by

(B) the amounts authorized to be appropriated for each such program for such fiscal year; and

(5) distribute the obligation limitation for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2) and the amounts distributed under paragraph (4), for Federal-aid highway and highway safety construction programs that are apportioned by the Secretary under title 23, United States Code (other than the amounts apportioned for the National Highway Performance Program in section 119 of title 23, United States Code, that are exempt from the limitation under subsection (b)(12) and the amounts apportioned under sections 202 and 204 of that title) in the proportion that—

(A) amounts authorized to be appropriated for the programs that are apportioned under title 23, United States Code, to each State for such fiscal year; bears to

(B) the total of the amounts authorized to be appropriated for the programs that are apportioned under title 23, United States Code, to all States for such fiscal year.

(b) EXCEPTIONS FROM OBLIGATION LIMITATION.—The obligation limitation for Federal-aid highways shall not apply to obligations under or for—

(1) section 125 of title 23, United States Code;

(2) section 147 of the Surface Transportation Assistance Act of 1978 (23 U.S.C. 144 note; 92 Stat. 2714);

(3) section 9 of the Federal-Aid Highway Act of 1981 (95 Stat. 1701);

(4) subsections (b) and (j) of section 131 of the Surface Transportation Assistance Act of 1982 (96 Stat. 2119);

(5) subsections (b) and (c) of section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 198);

(6) sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2027);

(7) section 157 of title 23, United States Code (as in effect on June 8, 1998);

(8) section 105 of title 23, United States Code (as in effect for fiscal years 1998 through 2004, but only in an amount equal to \$639,000,000 for each of those fiscal years);

(9) Federal-aid highway programs for which obligation authority was made available under the Transportation Equity Act for the 21st Century (112 Stat. 107) or subsequent Acts for multiple years or to remain available until expended, but only to the extent that the obligation authority has not lapsed or been used;

(10) section 105 of title 23, United States Code (as in effect for fiscal years 2005 through 2012, but only in an amount equal to \$639,000,000 for each of those fiscal years);

23 USC 104 note.

(11) section 1603 of SAFETEA-LU (23 U.S.C. 118 note; 119 Stat. 1248), to the extent that funds obligated in accordance with that section were not subject to a limitation on obligations at the time at which the funds were initially made available for obligation; and

(12) section 119 of title 23, United States Code (but, for each of fiscal years 2013 through 2016, only in an amount equal to \$639,000,000).

(c) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (a), the Secretary shall, after August 1 of such fiscal year—

(1) revise a distribution of the obligation limitation made available under subsection (a) if an amount distributed cannot be obligated during that fiscal year; and

(2) redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year, giving priority to those States having large unobligated balances of funds apportioned under sections 144 (as in effect on the day before the date of enactment of Public Law 112–141) and 104 of title 23, United States Code.

(d) APPLICABILITY OF OBLIGATION LIMITATIONS TO TRANSPORTATION RESEARCH PROGRAMS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the obligation limitation for Federal-aid highways shall apply to contract authority for transportation research programs carried out under—

(A) chapter 5 of title 23, United States Code; and

(B) title VI of the Fixing America's Surface Transportation Act.

(2) EXCEPTION.—Obligation authority made available under paragraph (1) shall—

(A) remain available for a period of 4 fiscal years; and

(B) be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

(e) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—

(1) IN GENERAL.—Not later than 30 days after the date of distribution of obligation limitation under subsection (a), the Secretary shall distribute to the States any funds (excluding funds authorized for the program under section 202 of title 23, United States Code) that—

(A) are authorized to be appropriated for such fiscal year for Federal-aid highway programs; and

(B) the Secretary determines will not be allocated to the States (or will not be apportioned to the States under section 204 of title 23, United States Code), and will not be available for obligation, for such fiscal year because of the imposition of any obligation limitation for such fiscal year.

(2) RATIO.—Funds shall be distributed under paragraph (1) in the same proportion as the distribution of obligation authority under subsection (a)(5).

(3) AVAILABILITY.—Funds distributed to each State under paragraph (1) shall be available for any purpose described in section 133(b) of title 23, United States Code.

SEC. 121. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to chapter 63 of title 49, United States Code, may be credited to the Federal-aid highways account for the purpose of reimbursing the Bureau for such expenses: *Provided*, That such funds shall be subject to the obligation limitation for Federal-aid highway and highway safety construction programs.

SEC. 122. Not less than 15 days prior to waiving, under his or her statutory authority, any Buy America requirement for Federal-aid highways projects, the Secretary of Transportation shall make an informal public notice and comment opportunity on the intent to issue such waiver and the reasons therefor: *Provided*, That the Secretary shall provide an annual report to the House and Senate Committees on Appropriations on any waivers granted under the Buy America requirements.

23 USC 313 note.

SEC. 123. None of the funds in this Act to the Department of Transportation may be used to provide credit assistance unless not less than 3 days before any application approval to provide credit assistance under sections 603 and 604 of title 23, United States Code, the Secretary of Transportation provides notification in writing to the following committees: the House and Senate Committees on Appropriations; the Committee on Environment and Public Works and the Committee on Banking, Housing and Urban Affairs of the Senate; and the Committee on Transportation and Infrastructure of the House of Representatives: *Provided*, That such notification shall include, but not be limited to, the name of the project sponsor; a description of the project; whether credit assistance will be provided as a direct loan, loan guarantee, or line of credit; and the amount of credit assistance.

SEC. 124. Section 127 of title 23, United States Code, is amended—

(1) in each of subsections (a)(11)(A) and (B) by striking “through December 31, 2031”, and

(2) by inserting at the end the following:

“(t) VEHICLES IN IDAHO.—A vehicle limited or prohibited under this section from operating on a segment of the Interstate System in the State of Idaho may operate on such a segment if such vehicle—

“(1) has a gross vehicle weight of 129,000 pounds or less;

“(2) other than gross vehicle weight, complies with the single axle, tandem axle, and bridge formula limits set forth in subsection (a); and

“(3) is authorized to operate on such segment under Idaho State law.”.

SEC. 125. (a) A State or territory, as defined in section 165 of title 23, United States Code, may use for any project eligible under section 133(b) of title 23 or section 165 of title 23 and located within the boundary of the State or territory any earmarked amount, and any associated obligation limitation, provided that the Department of Transportation for the State or territory for which the earmarked amount was originally designated or directed notifies the Secretary of Transportation of its intent to use its authority under this section and submits a quarterly report to the Secretary identifying the projects to which the funding would be applied. Notwithstanding the original period of availability of funds to be obligated under this section, such funds and associated obligation limitation shall remain available for obligation for a period of 3 fiscal years after the fiscal year in which the Secretary of Transportation is notified. The Federal share of the cost of a project carried out with funds made available under this section shall be the same as associated with the earmark.

(b) In this section, the term “earmarked amount” means—

(1) congressionally directed spending, as defined in rule XLIV of the Standing Rules of the Senate, identified in a prior law, report, or joint explanatory statement, which was authorized to be appropriated or appropriated more than 10 fiscal years prior to the fiscal year in which this Act becomes effective, and administered by the Federal Highway Administration; or

(2) a congressional earmark, as defined in rule XXI of the Rules of the House of Representatives identified in a prior law, report, or joint explanatory statement, which was authorized to be appropriated or appropriated more than 10 fiscal years prior to the fiscal year in which this Act becomes effective, and administered by the Federal Highway Administration.

(c) The authority under subsection (a) may be exercised only for those projects or activities that have obligated less than 10 percent of the amount made available for obligation as of the effective date of this Act, and shall be applied to projects within the same general geographic area within 50 miles for which the funding was designated, except that a State or territory may apply such authority to unexpended balances of funds from projects or activities the State or territory certifies have been closed and for which payments have been made under a final voucher.

(d) The Secretary shall submit consolidated reports of the information provided by the States and territories each quarter to the House and Senate Committees on Appropriations.

SEC. 126. Notwithstanding any other provision of law, the amount that the Secretary sets aside for fiscal year 2016 under section 130(e)(1) of title 23, United States Code, for the elimination of hazards and the installation of protective devices at railway-highway crossings shall be \$350,000,000.

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in the implementation, execution and administration of motor carrier safety operations and programs pursuant to section 31110(a)–(c) of title 49, United States Code, and section 4134 of Public Law 109–59, as amended by Public Law 112–141, as amended by the Fixing America’s Surface Transportation Act, \$267,400,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account), together with advances and reimbursements received by the Federal Motor Carrier Safety Administration, the sum of which shall remain available until expended: *Provided*, That funds available for implementation, execution or administration of motor carrier safety operations and programs authorized under title 49, United States Code, shall not exceed total obligations of \$267,400,000 for “Motor Carrier Safety Operations and Programs” for fiscal year 2016, of which \$9,000,000, to remain available for obligation until September 30, 2018, is for the research and technology program, and of which \$34,545,000, to remain available for obligation until September 30, 2018, is for information management: *Provided further*, That \$1,000,000 shall be made available for commercial motor vehicle operator grants to carry out section 4134 of Public Law 109–59, as amended by Public Law 112–141, as amended by the Fixing America’s Surface Transportation Act.

MOTOR CARRIER SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out sections 31102, 31104(a), 31106, 31107, 31109, 31309, 31313 of title 49, United States Code, and sections 4126 and 4128 of Public Law 109–59, as amended by Public Law 112–141, as amended by the Fixing America’s Surface Transportation Act, \$313,000,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: *Provided*, That funds available for the implementation or execution of motor carrier safety programs shall not exceed total obligations of \$313,000,000 in fiscal year 2016 for “Motor Carrier Safety Grants”; of which \$218,000,000 shall be available for the motor carrier safety assistance program, \$30,000,000 shall be available for commercial driver’s license program improvement grants, \$32,000,000 shall be available for border enforcement grants, \$5,000,000 shall be available for performance and registration information system management grants, \$25,000,000 shall be available for the commercial vehicle information systems and networks deployment program, and

\$3,000,000 shall be available for safety data improvement grants: *Provided further*, That, of the funds made available herein for the motor carrier safety assistance program, \$32,000,000 shall be available for audits of new entrant motor carriers.

ADMINISTRATIVE PROVISIONS—FEDERAL MOTOR CARRIER SAFETY
ADMINISTRATION

SEC. 130. (a) Funds appropriated or limited in this Act shall be subject to the terms and conditions stipulated in section 350 of Public Law 107–87 and section 6901 of Public Law 110–28.

49 USC 13902
note. (b) Section 350(d) of the Department of Transportation and Related Agencies Appropriation Act, 2002 (Public Law 107–87) is hereby repealed.

SEC. 131. The Federal Motor Carrier Safety Administration shall send notice of 49 CFR section 385.308 violations by certified mail, registered mail, or another manner of delivery, which records the receipt of the notice by the persons responsible for the violations.

49 USC 31308
note. SEC. 132. None of the funds limited or otherwise made available under this Act, or any other Act, hereafter, shall be used by the Secretary to enforce any regulation prohibiting a State from issuing a commercial learner’s permit to individuals under the age of eighteen if the State had a law authorizing the issuance of commercial learner’s permits to individuals under eighteen years of age as of May 9, 2011.

SEC. 133. None of the funds appropriated or otherwise made available by this Act or any other Act may be used to implement, administer, or enforce sections 395.3(c) and 395.3(d) of title 49, Code of Federal Regulations, and such section shall have no force or effect on submission of the final report issued by the Secretary, as required by section 133 of division K of Public Law 113–235, unless the Secretary and the Inspector General of the Department of Transportation each review and determine that the final report—

(1) meets the statutory requirements set forth in such section; and

(2) establishes that commercial motor vehicle drivers who operated under the restart provisions in effect between July 1, 2013, and the day before the date of enactment of such Public Law demonstrated statistically significant improvement in all outcomes related to safety, operator fatigue, driver health and longevity, and work schedules, in comparison to commercial motor vehicle drivers who operated under the restart provisions in effect on June 30, 2013.

SEC. 134. None of the funds limited or otherwise made available under the heading “Motor Carrier Safety Operations and Programs” may be used to deny an application to renew a Hazardous Materials Safety Program permit for a motor carrier based on that carrier’s Hazardous Materials Out-of-Service rate, unless the carrier has the opportunity to submit a written description of corrective actions taken, and other documentation the carrier wishes the Secretary to consider, including submitting a corrective action plan, and the Secretary determines the actions or plan is insufficient to address the safety concerns that resulted in that Hazardous Materials Out-of-Service rate.

SEC. 135. None of the funds made available by this Act or previous appropriations Acts under the heading “Motor Carrier Safety Operations and Programs” shall be used to pay for costs

associated with design, development, testing, or implementation of a wireless roadside inspection program until 180 days after the Secretary of Transportation certifies to the House and Senate Committees on Appropriations that such program does not conflict with existing non-Federal electronic screening systems, create capabilities already available, or require additional statutory authority to incorporate generated inspection data into safety determinations or databases, and has restrictions to specifically address privacy concerns of affected motor carriers and operators: *Provided*, That nothing in this section shall be construed as affecting the Department’s ongoing research efforts in this area.

SEC. 136. Section 13506(a) of title 49, United States Code, is amended:

(1) in subsection (14) by striking “or”;

(2) in subsection (15) by striking “.” and inserting “; or”;

and

(3) by inserting at the end, “(16) the transportation of passengers by 9 to 15 passenger motor vehicles operated by youth or family camps that provide recreational or educational activities.”.

SEC. 137. (a) IN GENERAL.—Section 31112(c)(5) of title 49, United States Code, is amended—

(1) by striking “Nebraska may” and inserting “Nebraska and Kansas may”; and

(2) by striking “the State of Nebraska” and inserting “the relevant state”.

(b) CONFORMING AND TECHNICAL AMENDMENTS.—Section 31112(c) of such title is amended—

(1) by striking the subsection designation and heading and inserting the following:

“(c) SPECIAL RULES FOR WYOMING, OHIO, ALASKA, IOWA, NEBRASKA, AND KANSAS.—”;

(2) by striking “; and” at the end of paragraph (3) and inserting a semicolon; and

(3) by striking the period at the end of paragraph (4) and inserting “; and”.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

For expenses necessary to discharge the functions of the Secretary, with respect to traffic and highway safety authorized under chapter 301 and part C of subtitle VI of title 49, United States Code, \$152,800,000, of which \$20,000,000 shall remain available through September 30, 2017.

OPERATIONS AND RESEARCH

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 403, and chapter 303 of title 49, United States Code, \$142,900,000, to be derived from the Highway Trust Fund

(other than the Mass Transit Account) and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2016, are in excess of \$142,900,000, of which \$137,800,000 shall be for programs authorized under 23 U.S.C. 403 and \$5,100,000 shall be for the National Driver Register authorized under chapter 303 of title 49, United States Code: *Provided further*, That within the \$142,900,000 obligation limitation for operations and research, \$20,000,000 shall remain available until September 30, 2017, and shall be in addition to the amount of any limitation imposed on obligations for future years.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out provisions of 23 U.S.C. 402, 404, and 405, and section 4001(a)(6) of the Fixing America's Surface Transportation Act, to remain available until expended, \$573,332,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account): *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2016, are in excess of \$573,332,000 for programs authorized under 23 U.S.C. 402, 404, and 405, and section 4001(a)(6) of the Fixing America's Surface Transportation Act, of which \$243,500,000 shall be for "Highway Safety Programs" under 23 U.S.C. 402; \$274,700,000 shall be for "National Priority Safety Programs" under 23 U.S.C. 405; \$29,300,000 shall be for "High Visibility Enforcement Program" under 23 U.S.C. 404; \$25,832,000 shall be for "Administrative Expenses" under section 4001(a)(6) of the Fixing America's Surface Transportation Act: *Provided further*, That none of these funds shall be used for construction, rehabilitation, or remodeling costs, or for office furnishings and fixtures for State, local or private buildings or structures: *Provided further*, That not to exceed \$500,000 of the funds made available for "National Priority Safety Programs" under 23 U.S.C. 405 for "Impaired Driving Countermeasures" (as described in subsection (d) of that section) shall be available for technical assistance to the States: *Provided further*, That with respect to the "Transfers" provision under 23 U.S.C. 405(a)(1)(G), any amounts transferred to increase the amounts made available under section 402 shall include the obligation authority for such amounts: *Provided further*, That the Administrator shall notify the House and Senate Committees on Appropriations of any exercise of the authority granted under the previous proviso or under 23 U.S.C. 405(a)(1)(G) within five days.

ADMINISTRATIVE PROVISIONS—NATIONAL HIGHWAY TRAFFIC SAFETY
ADMINISTRATION

SEC. 140. An additional \$130,000 shall be made available to the National Highway Traffic Safety Administration, out of the amount limited for section 402 of title 23, United States Code,

to pay for travel and related expenses for State management reviews and to pay for core competency development training and related expenses for highway safety staff.

SEC. 141. The limitations on obligations for the programs of the National Highway Traffic Safety Administration set in this Act shall not apply to obligations for which obligation authority was made available in previous public laws but only to the extent that the obligation authority has not lapsed or been used.

SEC. 142. None of the funds made available by this Act may be used to obligate or award funds for the National Highway Traffic Safety Administration's National Roadside Survey.

SEC. 143. None of the funds made available by this Act may be used to mandate global positioning system (GPS) tracking in private passenger motor vehicles without providing full and appropriate consideration of privacy concerns under 5 U.S.C. chapter 5, subchapter II.

FEDERAL RAILROAD ADMINISTRATION

SAFETY AND OPERATIONS

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, \$199,000,000, of which \$15,900,000 shall remain available until expended.

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, \$39,100,000, to remain available until expended.

RAILROAD REHABILITATION AND IMPROVEMENT FINANCING PROGRAM

The Secretary of Transportation is authorized to issue direct loans and loan guarantees pursuant to sections 501 through 504 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94–210), as amended, such authority to exist as long as any such direct loan or loan guarantee is outstanding. *Provided*, That pursuant to section 502 of such Act, as amended, no new direct loans or loan guarantee commitments shall be made using Federal funds for the credit risk premium during fiscal year 2016.

RAILROAD SAFETY GRANTS

For necessary expenses related to railroad safety grants, \$50,000,000, to remain available until expended, of which not to exceed \$25,000,000 shall be available to carry out 49 U.S.C. 20167, as in effect the day before the enactment of the Passenger Rail Reform and Investment Act of 2015 (division A, title XI of the Fixing America's Surface Transportation Act); and not to exceed \$25,000,000 shall be made available to carry out 49 U.S.C. 20158.

OPERATING GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make quarterly grants to the National Railroad Passenger Corporation, in amounts based on the Secretary's assessment of the Corporation's seasonal cash flow requirements, for the operation of intercity passenger

rail, as authorized by section 101 of the Passenger Rail Investment and Improvement Act of 2008 (division B of Public Law 110–432), as in effect the day before the enactment of the Passenger Rail Reform and Investment Act of 2015 (division A, title XI of the Fixing America’s Surface Transportation Act), \$288,500,000, to remain available until expended: *Provided*, That the amounts available under this paragraph shall be available for the Secretary to approve funding to cover operating losses for the Corporation only after receiving and reviewing a grant request for each specific train route: *Provided further*, That each such grant request shall be accompanied by a detailed financial analysis, revenue projection, and capital expenditure projection justifying the Federal support to the Secretary’s satisfaction: *Provided further*, That not later than 60 days after enactment of this Act, the Corporation shall transmit, in electronic format, to the Secretary and the House and Senate Committees on Appropriations the annual budget, business plan, the 5-Year Financial Plan for fiscal year 2016 required under section 204 of the Passenger Rail Investment and Improvement Act of 2008 and the comprehensive fleet plan for all Amtrak rolling stock: *Provided further*, That the budget, business plan and the 5-Year Financial Plan shall include annual information on the maintenance, refurbishment, replacement, and expansion for all Amtrak rolling stock consistent with the comprehensive fleet plan: *Provided further*, That the Corporation shall provide monthly performance reports in an electronic format which shall describe the work completed to date, any changes to the business plan, and the reasons for such changes as well as progress against the milestones and target dates of the 2012 performance improvement plan: *Provided further*, That the Corporation’s budget, business plan, 5-Year Financial Plan, semiannual reports, monthly reports, comprehensive fleet plan and all supplemental reports or plans comply with requirements in Public Law 112–55: *Provided further*, That none of the funds provided in this Act may be used to support any route on which Amtrak offers a discounted fare of more than 50 percent off the normal peak fare: *Provided further*, That the preceding proviso does not apply to routes where the operating loss as a result of the discount is covered by a State and the State participates in the setting of fares.

CAPITAL AND DEBT SERVICE GRANTS TO THE NATIONAL RAILROAD
PASSENGER CORPORATION

To enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation for capital investments as authorized by sections 101(c), 102, and 219(b) of the Passenger Rail Investment and Improvement Act of 2008 (division B of Public Law 110–432), as in effect the day before the enactment of the Passenger Rail Reform and Investment Act of 2015 (division A, title XI of the Fixing America’s Surface Transportation Act), \$1,101,500,000, to remain available until expended, of which not to exceed \$160,200,000 shall be for debt service obligations as authorized by section 102 of such Act: *Provided*, That of the amounts made available under this heading, not less than \$50,000,000 shall be made available to bring Amtrak-served facilities and stations into compliance with the Americans with Disabilities Act: *Provided further*, That after an initial distribution of up to \$200,000,000, which shall be used by the Corporation as a working capital account,

all remaining funds shall be provided to the Corporation only on a reimbursable basis: *Provided further*, That of the amounts made available under this heading, up to \$50,000,000 may be used by the Secretary to subsidize operating losses of the Corporation should the funds provided under the heading “Operating Grants to the National Railroad Passenger Corporation” be insufficient to meet operational costs for fiscal year 2016: *Provided further*, That the Secretary may retain up to one-half of 1 percent of the funds provided under this heading to fund the costs of project management and oversight of activities authorized by subsections 101(a) and 101(c) of division B of Public Law 110–432, of which up to \$500,000 may be available for technical assistance for States, the District of Columbia, and other public entities responsible for the implementation of section 209 of division B of Public Law 110–432: *Provided further*, That the Secretary shall approve funding for capital expenditures, including advance purchase orders of materials, for the Corporation only after receiving and reviewing a grant request for each specific capital project justifying the Federal support to the Secretary’s satisfaction: *Provided further*, That except as otherwise provided herein, none of the funds under this heading may be used to subsidize operating losses of the Corporation: *Provided further*, That none of the funds under this heading may be used for capital projects not approved by the Secretary of Transportation or on the Corporation’s fiscal year 2016 business plan: *Provided further*, That in addition to the project management oversight funds authorized under section 101(d) of division B of Public Law 110–432, the Secretary may retain up to an additional \$3,000,000 of the funds provided under this heading to fund expenses associated with implementing section 212 of division B of Public Law 110–432, including the amendments made by section 212 to section 24905 of title 49, United States Code: *Provided further*, That Amtrak shall conduct a business case analysis on capital investments that exceed \$10,000,000 in life-cycle costs: *Provided further*, That each contract for a capital acquisition that exceeds \$10,000,000 in life-cycle costs shall state that funding is subject to the availability of appropriated funds provided by an appropriations Act.

ADMINISTRATIVE PROVISIONS—FEDERAL RAILROAD ADMINISTRATION

(INCLUDING RESCISSIONS)

SEC. 150. The Secretary of Transportation may receive and expend cash, or receive and utilize spare parts and similar items, from non-United States Government sources to repair damages to or replace United States Government owned automated track inspection cars and equipment as a result of third-party liability for such damages, and any amounts collected under this section shall be credited directly to the Safety and Operations account of the Federal Railroad Administration, and shall remain available until expended for the repair, operation and maintenance of automated track inspection cars and equipment in connection with the automated track inspection program.

SEC. 151. None of the funds provided to the National Railroad Passenger Corporation may be used to fund any overtime costs in excess of \$35,000 for any individual employee: *Provided*, That the President of Amtrak may waive the cap set in the previous

proviso for specific employees when the President of Amtrak determines such a cap poses a risk to the safety and operational efficiency of the system: *Provided further*, That the President of Amtrak shall report to the House and Senate Committees on Appropriations each quarter of the calendar year on waivers granted to employees and amounts paid above the cap for each month within such quarter and delineate the reasons each waiver was granted: *Provided further*, That the President of Amtrak shall report to the House and Senate Committees on Appropriations by March 1, 2016, a summary of all overtime payments incurred by the Corporation for 2015 and the three prior calendar years: *Provided further*, That such summary shall include the total number of employees that received waivers and the total overtime payments the Corporation paid to those employees receiving waivers for each month for 2015 and for the three prior calendar years.

SEC. 152. Of the unobligated balances of funds available to the Federal Railroad Administration from the “Railroad Research and Development” account, \$1,960,000 is permanently rescinded: *Provided*, That such amounts are made available to enable the Secretary of Transportation to assist Class II and Class III railroads with eligible projects pursuant to sections 501 through 504 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94–210), as amended: *Provided further*, That such funds shall be available for applicant expenses in preparing to apply and applying for direct loans and loan guarantees: *Provided further*, That these funds shall remain available until expended.

SEC. 153. Of the unobligated balances of funds available to the Federal Railroad Administration, the following funds are hereby rescinded: \$5,000,000 of the unobligated balances of funds made available to fund expenses associated with implementing section 212 of division B of Public Law 110–432 in the Capital and Debt Service Grants to the National Railroad Passenger Corporation account of the Consolidated and Further Continuing Appropriations Act, 2015; and \$14,163,385 of the unobligated balances of funds made available from the following accounts in the specified amounts—“Grants to the National Railroad Passenger Corporation”, \$267,019; “Next Generation High-Speed Rail”, \$4,944,504; “Rail Line Relocation and Improvement Program”, \$2,241,385; and “Safety and Operations”, \$6,710,477: *Provided*, That such amounts are made available to enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation as authorized by section 101(c) of the Passenger Rail Investment and Improvement Act of 2008 (division B of Public Law 110–432) for state-of-good-repair backlog and infrastructure improvements on Northeast Corridor shared-use infrastructure identified in the Northeast Corridor Infrastructure and Operations Advisory Commission’s approved 5-year capital plan: *Provided further*, That these funds shall remain available until expended and shall be available for grants in an amount not to exceed 50 percent of the total project cost, with the required matching funds to be provided consistent with the Commission’s cost allocation policy.

FEDERAL TRANSIT ADMINISTRATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the Federal Transit Administration's programs authorized by chapter 53 of title 49, United States Code, \$108,000,000, of which not more than \$6,500,000 shall be available to carry out the provisions of 49 U.S.C. 5329 and not less than \$1,000,000 shall be available to carry out the provisions of 49 U.S.C. 5326: *Provided*, That none of the funds provided or limited in this Act may be used to create a permanent office of transit security under this heading: *Provided further*, That upon submission to the Congress of the fiscal year 2017 President's budget, the Secretary of Transportation shall transmit to Congress the annual report on New Starts, including proposed allocations for fiscal year 2017.

TRANSIT FORMULA GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in the Federal Public Transportation Assistance Program in this account, and for payment of obligations incurred in carrying out the provisions of 49 U.S.C. 5305, 5307, 5310, 5311, 5312, 5314, 5318, 5329(e)(6), 5335, 5337, 5339, and 5340, as amended by the Fixing America's Surface Transportation Act, and section 20005(b) of Public Law 112–141, and section 3006(b) of the Fixing America's Surface Transportation Act, \$10,400,000,000, to be derived from the Mass Transit Account of the Highway Trust Fund and to remain available until expended: *Provided*, That funds available for the implementation or execution of programs authorized under 49 U.S.C. 5305, 5307, 5310, 5311, 5312, 5314, 5318, 5329(e)(6), 5335, 5337, 5339, and 5340, as amended by the Fixing America's Surface Transportation Act, and section 20005(b) of Public Law 112–141, and section 3006(b) of the Fixing America's Surface Transportation Act, shall not exceed total obligations of \$9,347,604,639 in fiscal year 2016.

CAPITAL INVESTMENT GRANTS

For necessary expenses to carry out 49 U.S.C. 5309, \$2,177,000,000, to remain available until expended.

GRANTS TO THE WASHINGTON METROPOLITAN AREA TRANSIT
AUTHORITY

For grants to the Washington Metropolitan Area Transit Authority as authorized under section 601 of division B of Public Law 110–432, \$150,000,000, to remain available until expended: *Provided*, That the Secretary of Transportation shall approve grants for capital and preventive maintenance expenditures for the Washington Metropolitan Area Transit Authority only after receiving and reviewing a request for each specific project: *Provided further*, That prior to approving such grants, the Secretary shall certify

that the Washington Metropolitan Area Transit Authority is making progress to improve its safety management system in response to the Federal Transit Administration’s 2015 safety management inspection: *Provided further*, That prior to approving such grants, the Secretary shall certify that the Washington Metropolitan Area Transit Authority is making progress toward full implementation of the corrective actions identified in the 2014 Financial Management Oversight Review Report: *Provided further*, That the Secretary shall determine that the Washington Metropolitan Area Transit Authority has placed the highest priority on those investments that will improve the safety of the system before approving such grants: *Provided further*, That the Secretary, in order to ensure safety throughout the rail system, may waive the requirements of section 601(e)(1) of title VI of Public Law 110–432 (112 Stat. 4968).

ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT ADMINISTRATION

(INCLUDING RESCISSION)

SEC. 160. The limitations on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5338, previously made available for obligation, or to any other authority previously made available for obligation.

SEC. 161. Notwithstanding any other provision of law, funds appropriated or limited by this Act under the heading “Fixed Guideway Capital Investment” of the Federal Transit Administration for projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, 2020, and other recoveries, shall be directed to projects eligible to use the funds for the purposes for which they were originally provided.

SEC. 162. Notwithstanding any other provision of law, any funds appropriated before October 1, 2015, under any section of chapter 53 of title 49, United States Code, that remain available for expenditure, may be transferred to and administered under the most recent appropriation heading for any such section.

SEC. 163. Notwithstanding any other provision of law, none of the funds made available in this Act shall be used to enter into a full funding grant agreement for a project with a New Starts share greater than 60 percent.

SEC. 164. (a) LOSS OF ELIGIBILITY.—Except as provided in subsection (b), none of the funds in this or any other Act may be available to advance in any way a new light or heavy rail project towards a full funding grant agreement as defined by 49 U.S.C. 5309 for the Metropolitan Transit Authority of Harris County, Texas if the proposed capital project is constructed on or planned to be constructed on Richmond Avenue west of South Shepherd Drive or on Post Oak Boulevard north of Richmond Avenue in Houston, Texas.

(b) EXCEPTION FOR A NEW ELECTION.—The Metropolitan Transit Authority of Harris County, Texas, may attempt to construct or construct a new fixed guideway capital project, including light rail, in the locations referred to in subsection (a) if—

(1) voters in the jurisdiction that includes such locations approve a ballot proposition that specifies routes on Richmond Avenue west of South Shepherd Drive or on Post Oak Boulevard north of Richmond Avenue in Houston, Texas; and

(2) the proposed construction of such routes is part of a comprehensive, multi-modal, service-area wide transportation plan that includes multiple additional segments of fixed guideway capital projects, including light rail for the jurisdiction set forth in the ballot proposition. The ballot language shall include reasonable cost estimates, sources of revenue to be used and the total amount of bonded indebtedness to be incurred as well as a description of each route and the beginning and end point of each proposed transit project.

SEC. 165. Of the unobligated amounts made available for fiscal year 2012 or prior fiscal years to carry out the discretionary bus and bus facilities and new fixed guideway capital projects programs under 49 U.S.C. 5309 and the discretionary job access and reverse commute program under section 3037 of the Transportation Equity Act for the 21st Century, \$25,397,797 is hereby rescinded.

SEC. 166. Until September 15, 2016, the Secretary may not enforce regulations related to charter bus service under part 604 of title 49, Code of Federal Regulations, for any transit agency that, during fiscal year 2008 was both initially granted a 60-day period to come into compliance with part 604, and then was subsequently granted an exception from said part: *Provided*, That notwithstanding 49 U.S.C. 5323(t), such transit agency may receive its allocation of urbanized area formula funds apportioned in accordance with 49 U.S.C. 5336.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

For necessary expenses to conduct the operations, maintenance, and capital asset renewal activities of those portions of the St. Lawrence Seaway owned, operated, and maintained by the Saint Lawrence Seaway Development Corporation, \$28,400,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662.

MARITIME ADMINISTRATION

MARITIME SECURITY PROGRAM

For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, \$210,000,000, to remain available until expended.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, \$171,155,000, of which \$22,000,000 shall remain available until expended for maintenance and repair of training ships at State Maritime Academies, and of which \$5,000,000 shall remain available until expended for National Security Multi-Mission Vessel design for State Maritime Academies and National Security, and of which \$2,400,000 shall remain available through September 30, 2017, for the Student Incentive Program at State Maritime Academies, and of which \$1,200,000 shall remain available until expended for training ship fuel assistance payments, and of which \$18,000,000 shall remain available until expended for facilities maintenance and repair, equipment, and capital improvements at the United States Merchant Marine Academy, and of which \$3,000,000 shall remain available through September 30, 2017, for Maritime Environment and Technology Assistance grants, contracts, and cooperative agreement, and of which \$5,000,000 shall remain available until expended for the Short Sea Transportation Program (America's Marine Highways) to make grants for the purposes provided in title 46 sections 55601(b)(1) and 55601(b)(3): *Provided*, That amounts apportioned for the United States Merchant Marine Academy shall be available only upon allotments made personally by the Secretary of Transportation or the Assistant Secretary for Budget and Programs: *Provided further*, That the Superintendent, Deputy Superintendent and the Director of the Office of Resource Management of the United States Merchant Marine Academy may not be allotment holders for the United States Merchant Marine Academy, and the Administrator of the Maritime Administration shall hold all allotments made by the Secretary of Transportation or the Assistant Secretary for Budget and Programs under the previous proviso: *Provided further*, That 50 percent of the funding made available for the United States Merchant Marine Academy under this heading shall be available only after the Secretary, in consultation with the Superintendent and the Maritime Administrator, completes a plan detailing by program or activity how such funding will be expended at the Academy, and this plan is submitted to the House and Senate Committees on Appropriations: *Provided further*, That not later than January 12, 2016, the Administrator of the Maritime Administration shall transmit to the House and Senate Committees on Appropriations the annual report on sexual assault and sexual harassment at the United States Merchant Marine Academy as required pursuant to section 3507 of Public Law 110–417.

ASSISTANCE TO SMALL SHIPYARDS

To make grants to qualified shipyards as authorized under section 54101 of title 46, United States Code, as amended by Public Law 113–281, \$5,000,000 to remain available until expended: *Provided*, That the Secretary shall issue the Notice of Funding Availability no later than 15 days after enactment of this Act: *Provided further*, That from applications submitted under the previous proviso, the Secretary of Transportation shall make grants no later than 120 days after enactment of this Act in such amounts as the Secretary determines: *Provided further*, That not to exceed 2 percent of the funds appropriated under this heading shall be available for necessary costs of grant administration.

SHIP DISPOSAL

For necessary expenses related to the disposal of obsolete vessels in the National Defense Reserve Fleet of the Maritime Administration, \$5,000,000, to remain available until expended.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, as authorized, \$8,135,000, of which \$5,000,000 shall remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That not to exceed \$3,135,000 shall be available for administrative expenses to carry out the guaranteed loan program, which shall be transferred to and merged with the appropriations for “Operations and Training”, Maritime Administration.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

SEC. 170. Notwithstanding any other provision of this Act, in addition to any existing authority, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration: *Provided*, That payments received therefor shall be credited to the appropriation charged with the cost thereof and shall remain available until expended: *Provided further*, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

SEC. 171. None of the funds available or appropriated in this Act shall be used by the United States Department of Transportation or the United States Maritime Administration to negotiate or otherwise execute, enter into, facilitate or perform fee-for-service contracts for vessel disposal, scrapping or recycling, unless there is no qualified domestic ship recycler that will pay any sum of money to purchase and scrap or recycle a vessel owned, operated or managed by the Maritime Administration or that is part of the National Defense Reserve Fleet: *Provided*, That such sales offers must be consistent with the solicitation and provide that the work will be performed in a timely manner at a facility qualified within the meaning of section 3502 of Public Law 106–398: *Provided further*, That nothing contained herein shall affect the Maritime Administration’s authority to award contracts at least cost to the Federal Government and consistent with the requirements of 54 U.S.C. 308704, section 3502, or otherwise authorized under the Federal Acquisition Regulation.

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION

OPERATIONAL EXPENSES

For necessary operational expenses of the Pipeline and Hazardous Materials Safety Administration, \$21,000,000: *Provided*, That no later than 90 days after the date of enactment of this

Act, the Secretary of Transportation shall initiate a rulemaking to expand the applicability of comprehensive oil spill response plans, and shall issue a final rule no later than one year after the date of enactment of this Act.

HAZARDOUS MATERIALS SAFETY

For expenses necessary to discharge the hazardous materials safety functions of the Pipeline and Hazardous Materials Safety Administration, \$55,619,000, of which \$7,570,000 shall remain available until September 30, 2018: *Provided*, That up to \$800,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts: *Provided further*, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for travel expenses incurred in performance of hazardous materials exemptions and approvals functions.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

(OIL SPILL LIABILITY TRUST FUND)

For expenses necessary to conduct the functions of the pipeline safety program, for grants-in-aid to carry out a pipeline safety program, as authorized by 49 U.S.C. 60107, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, \$146,623,000, of which \$22,123,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 2018; and of which \$124,500,000 shall be derived from the Pipeline Safety Fund, of which \$59,835,000 shall remain available until September 30, 2018: *Provided*, That not less than \$1,058,000 of the funds provided under this heading shall be for the One-Call state grant program: *Provided further*, That not less than \$1,000,000 of the funds provided under this heading shall be for the finalization and implementation of rules required under section 60102(n) of title 49, United States Code, and section 8(b)(3) of the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 (49 U.S.C. 60108 note; 125 Stat. 1911).

EMERGENCY PREPAREDNESS GRANTS

(EMERGENCY PREPAREDNESS FUND)

For necessary expenses to carryout 49 U.S.C. 5128(b), \$188,000, to be derived from the Emergency Preparedness Fund, to remain available until September 30, 2017: *Provided*, That notwithstanding the fiscal year limitation specified in 49 U.S.C. 5116, not more than \$28,318,000 shall be made available for obligation in fiscal year 2016 from amounts made available by 49 U.S.C. 5116(h), and 5128(b) and (c): *Provided further*, That notwithstanding 49 U.S.C. 5116(h)(4), not more than 4 percent of the amounts made available from this account shall be available to pay administrative costs: *Provided further*, That none of the funds made available by 49 U.S.C. 5116(h), 5128(b), or 5128(c) shall be made available

for obligation by individuals other than the Secretary of Transportation, or his or her designee: *Provided further*, That notwithstanding 49 U.S.C. 5128(b) and (c) and the current year obligation limitation, prior year recoveries recognized in the current year shall be available to develop a hazardous materials response training curriculum for emergency responders, including response activities for the transportation of crude oil, ethanol and other flammable liquids by rail, consistent with National Fire Protection Association standards, and to make such training available through an electronic format: *Provided further*, That the prior year recoveries made available under this heading shall also be available to carry out 49 U.S.C. 5116(a)(1)(C) and 5116(i).

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of the Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, \$87,472,000: *Provided*, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3), to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the Department of Transportation: *Provided further*, That the funds made available under this heading may be used to investigate, pursuant to section 41712 of title 49, United States Code: (1) unfair or deceptive practices and unfair methods of competition by domestic and foreign air carriers and ticket agents; and (2) the compliance of domestic and foreign air carriers with respect to item (1) of this proviso.

SURFACE TRANSPORTATION BOARD

SALARIES AND EXPENSES

For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, \$32,375,000: *Provided*, That notwithstanding any other provision of law, not to exceed \$1,250,000 from fees established by the Chairman of the Surface Transportation Board shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading: *Provided further*, That the sum herein appropriated from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2016, to result in a final appropriation from the general fund estimated at no more than \$31,125,000.

GENERAL PROVISIONS—DEPARTMENT OF TRANSPORTATION

SEC. 180. During the current fiscal year, applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 181. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for an Executive Level IV.

SEC. 182. None of the funds in this Act shall be available for salaries and expenses of more than 110 political and Presidential appointees in the Department of Transportation: *Provided*, That none of the personnel covered by this provision may be assigned on temporary detail outside the Department of Transportation.

SEC. 183. (a) No recipient of funds made available in this Act shall disseminate personal information (as defined in 18 U.S.C. 2725(3)) obtained by a State department of motor vehicles in connection with a motor vehicle record as defined in 18 U.S.C. 2725(1), except as provided in 18 U.S.C. 2721 for a use permitted under 18 U.S.C. 2721.

(b) Notwithstanding subsection (a), the Secretary shall not withhold funds provided in this Act for any grantee if a State is in noncompliance with this provision.

SEC. 184. Funds received by the Federal Highway Administration and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration's "Federal-Aid Highways" account and to the Federal Railroad Administration's "Safety and Operations" account, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20105.

SEC. 185. None of the funds in this Act to the Department of Transportation may be used to make a loan, loan guarantee, line of credit, or grant unless the Secretary of Transportation notifies the House and Senate Committees on Appropriations not less than 3 full business days before any project competitively selected to receive a discretionary grant award, any discretionary grant award, letter of intent, loan commitment, loan guarantee commitment, line of credit commitment, or full funding grant agreement totaling \$750,000 or more is announced by the department or its modal administrations from—

(1) any discretionary grant or federal credit program of the Federal Highway Administration including the emergency relief program;

(2) the airport improvement program of the Federal Aviation Administration;

(3) any program of the Federal Railroad Administration;

(4) any program of the Federal Transit Administration other than the formula grants and fixed guideway modernization programs;

(5) any program of the Maritime Administration; or

(6) any funding provided under the headings "National

Infrastructure Investments" in this Act:

Provided, That the Secretary gives concurrent notification to the House and Senate Committees on Appropriations for any "quick release" of funds from the emergency relief program: *Provided further*, That no notification shall involve funds that are not available for obligation.

SEC. 186. Rebates, refunds, incentive payments, minor fees and other funds received by the Department of Transportation from travel management centers, charge card programs, the sub-leasing of building space, and miscellaneous sources are to be

credited to appropriations of the Department of Transportation and allocated to elements of the Department of Transportation using fair and equitable criteria and such funds shall be available until expended.

SEC. 187. Amounts made available in this or any other Act that the Secretary determines represent improper payments by the Department of Transportation to a third-party contractor under a financial assistance award, which are recovered pursuant to law, shall be available—

(1) to reimburse the actual expenses incurred by the Department of Transportation in recovering improper payments; and

(2) to pay contractors for services provided in recovering improper payments or contractor support in the implementation of the Improper Payments Information Act of 2002: *Provided*, That amounts in excess of that required for paragraphs (1) and (2)—

(A) shall be credited to and merged with the appropriation from which the improper payments were made, and shall be available for the purposes and period for which such appropriations are available: *Provided further*, That where specific project or accounting information associated with the improper payment or payments is not readily available, the Secretary may credit an appropriate account, which shall be available for the purposes and period associated with the account so credited; or

(B) if no such appropriation remains available, shall be deposited in the Treasury as miscellaneous receipts: *Provided further*, That prior to the transfer of any such recovery to an appropriations account, the Secretary shall notify the House and Senate Committees on Appropriations of the amount and reasons for such transfer: *Provided further*, That for purposes of this section, the term “improper payments” has the same meaning as that provided in section 2(d)(2) of Public Law 107–300.

SEC. 188. Notwithstanding any other provision of law, if any funds provided in or limited by this Act are subject to a reprogramming action that requires notice to be provided to the House and Senate Committees on Appropriations, transmission of said reprogramming notice shall be provided solely to the House and Senate Committees on Appropriations, and said reprogramming action shall be approved or denied solely by the House and Senate Committees on Appropriations: *Provided*, That the Secretary of Transportation may provide notice to other congressional committees of the action of the House and Senate Committees on Appropriations on such reprogramming but not sooner than 30 days following the date on which the reprogramming action has been approved or denied by the House and Senate Committees on Appropriations.

SEC. 189. None of the funds appropriated or otherwise made available under this Act may be used by the Surface Transportation Board of the Department of Transportation to charge or collect any filing fee for rate or practice complaints filed with the Board in an amount in excess of the amount authorized for district court civil suit filing fees under section 1914 of title 28, United States Code.

SEC. 190. Funds appropriated in this Act to the modal administrations may be obligated for the Office of the Secretary for the costs related to assessments or reimbursable agreements only when such amounts are for the costs of goods and services that are purchased to provide a direct benefit to the applicable modal administration or administrations.

SEC. 191. The Secretary of Transportation is authorized to carry out a program that establishes uniform standards for developing and supporting agency transit pass and transit benefits authorized under section 7905 of title 5, United States Code, including distribution of transit benefits by various paper and electronic media.

SEC. 192. The Department of Transportation may use funds provided by this Act, or any other Act, to assist a contract under title 49 U.S.C. or title 23 U.S.C. utilizing geographic, economic, or any other hiring preference not otherwise authorized by law, except for such preferences authorized in this Act, or to amend a rule, regulation, policy or other measure that forbids a recipient of a Federal Highway Administration or Federal Transit Administration grant from imposing such hiring preference on a contract or construction project with which the Department of Transportation is assisting, only if the grant recipient certifies the following:

(1) that except with respect to apprentices or trainees, a pool of readily available but unemployed individuals possessing the knowledge, skill, and ability to perform the work that the contract requires resides in the jurisdiction;

(2) that the grant recipient will include appropriate provisions in its bid document ensuring that the contractor does not displace any of its existing employees in order to satisfy such hiring preference; and

(3) that any increase in the cost of labor, training, or delays resulting from the use of such hiring preference does not delay or displace any transportation project in the applicable Statewide Transportation Improvement Program or Transportation Improvement Program.

This title may be cited as the “Department of Transportation Appropriations Act, 2016”.

Department of
Housing and
Urban
Development
Appropriations
Act, 2016.

TITLE II

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

MANAGEMENT AND ADMINISTRATION

EXECUTIVE OFFICES

For necessary salaries and expenses for Executive Offices, which shall be comprised of the offices of the Secretary, Deputy Secretary, Adjudicatory Services, Congressional and Intergovernmental Relations, Public Affairs, Small and Disadvantaged Business Utilization, and the Center for Faith-Based and Neighborhood Partnerships, \$13,800,000: *Provided*, That not to exceed \$25,000 of the amount made available under this heading shall be available to the Secretary for official reception and representation expenses as the Secretary may determine.

ADMINISTRATIVE SUPPORT OFFICES

For necessary salaries and expenses for Administrative Support Offices, \$559,100,000, of which \$79,000,000 shall be available for the Office of the Chief Financial Officer; \$94,500,000 shall be available for the Office of the General Counsel; \$207,600,000 shall be available for the Office of Administration; \$56,300,000 shall be available for the Office of the Chief Human Capital Officer; \$51,500,000 shall be available for the Office of Field Policy and Management; \$17,200,000 shall be available for the Office of the Chief Procurement Officer; \$3,300,000 shall be available for the Office of Departmental Equal Employment Opportunity; \$4,500,000 shall be available for the Office of Strategic Planning and Management; and \$45,200,000 shall be available for the Office of the Chief Information Officer: *Provided*, That funds provided under this heading may be used for necessary administrative and non-administrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109: *Provided further*, That notwithstanding any other provision of law, funds appropriated under this heading may be used for advertising and promotional activities that directly support program activities funded in this title: *Provided further*, That the Secretary shall provide the House and Senate Committees on Appropriations quarterly written notification regarding the status of pending congressional reports: *Provided further*, That the Secretary shall provide in electronic form all signed reports required by Congress.

PROGRAM OFFICE SALARIES AND EXPENSES

PUBLIC AND INDIAN HOUSING

For necessary salaries and expenses of the Office of Public and Indian Housing, \$205,500,000.

COMMUNITY PLANNING AND DEVELOPMENT

For necessary salaries and expenses of the Office of Community Planning and Development, \$104,800,000.

HOUSING

For necessary salaries and expenses of the Office of Housing, \$375,000,000.

POLICY DEVELOPMENT AND RESEARCH

For necessary salaries and expenses of the Office of Policy Development and Research, \$23,100,000.

FAIR HOUSING AND EQUAL OPPORTUNITY

For necessary salaries and expenses of the Office of Fair Housing and Equal Opportunity, \$72,000,000.

OFFICE OF LEAD HAZARD CONTROL AND HEALTHY HOMES

For necessary salaries and expenses of the Office of Lead Hazard Control and Healthy Homes, \$7,000,000.

WORKING CAPITAL FUND

(INCLUDING TRANSFER OF FUNDS)

42 USC 3535a.

There is hereby established in the United States Treasury, pursuant to section 7(f) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(f)), a working capital fund for the Department of Housing and Urban Development (referred to in this paragraph as the “Fund”): *Provided*, That amounts transferred to the Fund under this heading shall be available for Federal shared services used by offices and agencies of the Department, and for such portion of any office or agency’s printing, records management, space renovation, furniture, or supply services as the Secretary determines shall be derived from centralized sources made available by the Department to all offices and agencies and funded through the Fund: *Provided further*, That of the amounts made available in this title for salaries and expenses under the headings “Executive Offices”, “Administrative Support Offices”, “Program Office Salaries and Expenses”, and “Government National Mortgage Association”, the Secretary shall transfer to the Fund such amounts, to remain available until expended, as are necessary to fund services, specified in the first proviso, for which the appropriation would otherwise have been available, and may transfer not to exceed an additional \$10,000,000, in aggregate, from all such appropriations, to be merged with the Fund and to remain available until expended for use for any office or agency: *Provided further*, That amounts in the Fund shall be the only amounts available to each office or agency of the Department for the services, or portion of services, specified in the first proviso: *Provided further*, That with respect to the Fund, the authorities and conditions under this heading shall supplant the authorities and conditions provided under section 7(f) of the Department of Housing and Urban Development Act.

PUBLIC AND INDIAN HOUSING

TENANT-BASED RENTAL ASSISTANCE

For activities and assistance for the provision of tenant-based rental assistance authorized under the United States Housing Act of 1937, as amended (42 U.S.C. 1437 et seq.) (“the Act” herein), not otherwise provided for, \$15,628,525,000, to remain available until expended, shall be available on October 1, 2015 (in addition to the \$4,000,000,000 previously appropriated under this heading that shall be available on October 1, 2015), and \$4,000,000,000, to remain available until expended, shall be available on October 1, 2016: *Provided*, That the amounts made available under this heading are provided as follows:

- (1) \$17,681,451,000 shall be available for renewals of expiring section 8 tenant-based annual contributions contracts (including renewals of enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act) and including renewal of other special purpose incremental

vouchers: *Provided*, That notwithstanding any other provision of law, from amounts provided under this paragraph and any carryover, the Secretary for the calendar year 2016 funding cycle shall provide renewal funding for each public housing agency based on validated voucher management system (VMS) leasing and cost data for the prior calendar year and by applying an inflation factor as established by the Secretary, by notice published in the Federal Register, and by making any necessary adjustments for the costs associated with the first-time renewal of vouchers under this paragraph including tenant protection, HOPE VI, and Choice Neighborhoods vouchers: *Provided further*, That in determining calendar year 2016 funding allocations under this heading for public housing agencies, including agencies participating in the Moving To Work (MTW) demonstration, the Secretary may take into account the anticipated impact of changes in targeting and utility allowances, on public housing agencies' contract renewal needs: *Provided further*, That none of the funds provided under this paragraph may be used to fund a total number of unit months under lease which exceeds a public housing agency's authorized level of units under contract, except for public housing agencies participating in the MTW demonstration, which are instead governed by the terms and conditions of their MTW agreements: *Provided further*, That the Secretary shall, to the extent necessary to stay within the amount specified under this paragraph (except as otherwise modified under this paragraph), prorate each public housing agency's allocation otherwise established pursuant to this paragraph: *Provided further*, That except as provided in the following provisos, the entire amount specified under this paragraph (except as otherwise modified under this paragraph) shall be obligated to the public housing agencies based on the allocation and pro rata method described above, and the Secretary shall notify public housing agencies of their annual budget by the latter of 60 days after enactment of this Act or March 1, 2016: *Provided further*, That the Secretary may extend the notification period with the prior written approval of the House and Senate Committees on Appropriations: *Provided further*, That public housing agencies participating in the MTW demonstration shall be funded pursuant to their MTW agreements and shall be subject to the same pro rata adjustments under the previous provisos: *Provided further*, That the Secretary may offset public housing agencies' calendar year 2016 allocations based on the excess amounts of public housing agencies' net restricted assets accounts, including HUD held programmatic reserves (in accordance with VMS data in calendar year 2015 that is verifiable and complete), as determined by the Secretary: *Provided further*, That public housing agencies participating in the MTW demonstration shall also be subject to the offset, as determined by the Secretary, excluding amounts subject to the single fund budget authority provisions of their MTW agreements, from the agencies' calendar year 2016 MTW funding allocation: *Provided further*, That the Secretary shall use any offset referred to in the previous two provisos throughout the calendar year to prevent the termination of rental assistance for families as the result of insufficient funding, as determined by the Secretary, and to avoid or reduce the

proration of renewal funding allocations: *Provided further*, That up to \$75,000,000 shall be available only: (1) for adjustments in the allocations for public housing agencies, after application for an adjustment by a public housing agency that experienced a significant increase, as determined by the Secretary, in renewal costs of vouchers resulting from unforeseen circumstances or from portability under section 8(r) of the Act; (2) for vouchers that were not in use during the previous 12-month period in order to be available to meet a commitment pursuant to section 8(o)(13) of the Act; (3) for adjustments for costs associated with HUD-Veterans Affairs Supportive Housing (HUD-VASH) vouchers; and (4) for public housing agencies that despite taking reasonable cost savings measures, as determined by the Secretary, would otherwise be required to terminate rental assistance for families as a result of insufficient funding: *Provided further*, That the Secretary shall allocate amounts under the previous proviso based on need, as determined by the Secretary;

(2) \$130,000,000 shall be for section 8 rental assistance for relocation and replacement of housing units that are demolished or disposed of pursuant to section 18 of the Act, conversion of section 23 projects to assistance under section 8, the family unification program under section 8(x) of the Act, relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency, enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act, HOPE VI and Choice Neighborhood vouchers, mandatory and voluntary conversions, and tenant protection assistance including replacement and relocation assistance or for project-based assistance to prevent the displacement of unassisted elderly tenants currently residing in section 202 properties financed between 1959 and 1974 that are refinanced pursuant to Public Law 106–569, as amended, or under the authority as provided under this Act: *Provided*, That when a public housing development is submitted for demolition or disposition under section 18 of the Act, the Secretary may provide section 8 rental assistance when the units pose an imminent health and safety risk to residents: *Provided further*, That the Secretary may only provide replacement vouchers for units that were occupied within the previous 24 months that cease to be available as assisted housing, subject only to the availability of funds: *Provided further*, That of the amounts made available under this paragraph, \$5,000,000 may be available to provide tenant protection assistance, not otherwise provided under this paragraph, to residents residing in low vacancy areas and who may have to pay rents greater than 30 percent of household income, as the result of: (A) the maturity of a HUD-insured, HUD-held or section 202 loan that requires the permission of the Secretary prior to loan prepayment; (B) the expiration of a rental assistance contract for which the tenants are not eligible for enhanced voucher or tenant protection assistance under existing law; or (C) the expiration of affordability restrictions accompanying a mortgage or preservation program administered by the Secretary: *Provided further*, That such tenant protection assistance made available under the previous proviso may be provided under

the authority of section 8(t) or section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)): *Provided further*, That any tenant protection voucher made available from amounts under this paragraph shall not be reissued by any public housing agency, except the replacement vouchers as defined by the Secretary by notice, when the initial family that received any such voucher no longer receives such voucher, and the authority for any public housing agency to issue any such voucher shall cease to exist: *Provided further*, That the Secretary, for the purpose under this paragraph, may use unobligated balances, including recaptures and carryovers, remaining from amounts appropriated in prior fiscal years under this heading for voucher assistance for nonelderly disabled families and for disaster assistance made available under Public Law 110–329;

(3) \$1,650,000,000 shall be for administrative and other expenses of public housing agencies in administering the section 8 tenant-based rental assistance program, of which up to \$10,000,000 shall be available to the Secretary to allocate to public housing agencies that need additional funds to administer their section 8 programs, including fees associated with section 8 tenant protection rental assistance, the administration of disaster related vouchers, Veterans Affairs Supportive Housing vouchers, and other special purpose incremental vouchers: *Provided*, That no less than \$1,640,000,000 of the amount provided in this paragraph shall be allocated to public housing agencies for the calendar year 2016 funding cycle based on section 8(q) of the Act (and related Appropriation Act provisions) as in effect immediately before the enactment of the Quality Housing and Work Responsibility Act of 1998 (Public Law 105–276): *Provided further*, That if the amounts made available under this paragraph are insufficient to pay the amounts determined under the previous proviso, the Secretary may decrease the amounts allocated to agencies by a uniform percentage applicable to all agencies receiving funding under this paragraph or may, to the extent necessary to provide full payment of amounts determined under the previous proviso, utilize unobligated balances, including recaptures and carryovers, remaining from funds appropriated to the Department of Housing and Urban Development under this heading from prior fiscal years, excluding special purpose vouchers, notwithstanding the purposes for which such amounts were appropriated: *Provided further*, That all public housing agencies participating in the MTW demonstration shall be funded pursuant to their MTW agreements, and shall be subject to the same uniform percentage decrease as under the previous proviso: *Provided further*, That amounts provided under this paragraph shall be only for activities related to the provision of tenant-based rental assistance authorized under section 8, including related development activities;

(4) \$107,074,000 for the renewal of tenant-based assistance contracts under section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013), including necessary administrative expenses: *Provided*, That administrative and other expenses of public housing agencies in administering the special purpose vouchers in this paragraph shall be funded under the same terms and be subject to the same pro rata

reduction as the percent decrease for administrative and other expenses to public housing agencies under paragraph (3) of this heading;

(5) \$60,000,000 for incremental rental voucher assistance for use through a supported housing program administered in conjunction with the Department of Veterans Affairs as authorized under section 8(o)(19) of the United States Housing Act of 1937: *Provided*, That the Secretary of Housing and Urban Development shall make such funding available, notwithstanding section 204 (competition provision) of this title, to public housing agencies that partner with eligible VA Medical Centers or other entities as designated by the Secretary of the Department of Veterans Affairs, based on geographical need for such assistance as identified by the Secretary of the Department of Veterans Affairs, public housing agency administrative performance, and other factors as specified by the Secretary of Housing and Urban Development in consultation with the Secretary of the Department of Veterans Affairs: *Provided further*, That the Secretary of Housing and Urban Development may waive, or specify alternative requirements for (in consultation with the Secretary of the Department of Veterans Affairs), any provision of any statute or regulation that the Secretary of Housing and Urban Development administers in connection with the use of funds made available under this paragraph (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding by the Secretary that any such waivers or alternative requirements are necessary for the effective delivery and administration of such voucher assistance: *Provided further*, That assistance made available under this paragraph shall continue to remain available for homeless veterans upon turn-over; and

(6) the Secretary shall separately track all special purpose vouchers funded under this heading.

HOUSING CERTIFICATE FUND

(INCLUDING RESCISSIONS)

Unobligated balances, including recaptures and carryover, remaining from funds appropriated to the Department of Housing and Urban Development under this heading, the heading “Annual Contributions for Assisted Housing” and the heading “Project-Based Rental Assistance”, for fiscal year 2016 and prior years may be used for renewal of or amendments to section 8 project-based contracts and for performance-based contract administrators, notwithstanding the purposes for which such funds were appropriated: *Provided*, That any obligated balances of contract authority from fiscal year 1974 and prior that have been terminated shall be rescinded: *Provided further*, That amounts heretofore recaptured, or recaptured during the current fiscal year, from section 8 project-based contracts from source years fiscal year 1975 through fiscal year 1987 are hereby rescinded, and an amount of additional new budget authority, equivalent to the amount rescinded is hereby appropriated, to remain available until expended, for the purposes set forth under this heading, in addition to amounts otherwise available.

PUBLIC HOUSING CAPITAL FUND

For the Public Housing Capital Fund Program to carry out capital and management activities for public housing agencies, as authorized under section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g) (the “Act”) \$1,900,000,000, to remain available until September 30, 2019: *Provided*, That notwithstanding any other provision of law or regulation, during fiscal year 2016, the Secretary of Housing and Urban Development may not delegate to any Department official other than the Deputy Secretary and the Assistant Secretary for Public and Indian Housing any authority under paragraph (2) of section 9(j) regarding the extension of the time periods under such section: *Provided further*, That for purposes of such section 9(j), the term “obligate” means, with respect to amounts, that the amounts are subject to a binding agreement that will result in outlays, immediately or in the future: *Provided further*, That up to \$3,000,000 shall be to support ongoing Public Housing Financial and Physical Assessment activities: *Provided further*, That up to \$1,000,000 shall be to support the costs of administrative and judicial receiverships: *Provided further*, That of the total amount provided under this heading, not to exceed \$21,500,000 shall be available for the Secretary to make grants, notwithstanding section 204 of this Act, to public housing agencies for emergency capital needs including safety and security measures necessary to address crime and drug-related activity as well as needs resulting from unforeseen or unpreventable emergencies and natural disasters excluding Presidentially declared emergencies and natural disasters under the Robert T. Stafford Disaster Relief and Emergency Act (42 U.S.C. 5121 et seq.) occurring in fiscal year 2016: *Provided further*, That of the amount made available under the previous proviso, not less than \$5,000,000 shall be for safety and security measures: *Provided further*, That of the total amount provided under this heading \$35,000,000 shall be for supportive services, service coordinator and congregate services as authorized by section 34 of the Act (42 U.S.C. 1437z–6) and the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.): *Provided further*, That of the total amount made available under this heading, \$15,000,000 shall be for a Jobs-Plus initiative modeled after the Jobs-Plus demonstration: *Provided further*, That the funding provided under the previous proviso shall provide competitive grants to partnerships between public housing authorities, local workforce investment boards established under section 117 of the Workforce Investment Act of 1998, and other agencies and organizations that provide support to help public housing residents obtain employment and increase earnings: *Provided further*, That applicants must demonstrate the ability to provide services to residents, partner with workforce investment boards, and leverage service dollars: *Provided further*, That the Secretary may allow public housing agencies to request exemptions from rent and income limitation requirements under sections 3 and 6 of the United States Housing Act of 1937 as necessary to implement the Jobs-Plus program, on such terms and conditions as the Secretary may approve upon a finding by the Secretary that any such waivers or alternative requirements are necessary for the effective implementation of the Jobs-Plus initiative as a voluntary program for residents: *Provided further*, That the Secretary shall publish by notice in the Federal Register any waivers

or alternative requirements pursuant to the preceding proviso no later than 10 days before the effective date of such notice: *Provided further*, That for funds provided under this heading, the limitation in section 9(g)(1) of the Act shall be 25 percent: *Provided further*, That the Secretary may waive the limitation in the previous proviso to allow public housing agencies to fund activities authorized under section 9(e)(1)(C) of the Act: *Provided further*, That the Secretary shall notify public housing agencies requesting waivers under the previous proviso if the request is approved or denied within 14 days of submitting the request: *Provided further*, That from the funds made available under this heading, the Secretary shall provide bonus awards in fiscal year 2016 to public housing agencies that are designated high performers: *Provided further*, That the Department shall notify public housing agencies of their formula allocation within 60 days of enactment of this Act.

PUBLIC HOUSING OPERATING FUND

For 2016 payments to public housing agencies for the operation and management of public housing, as authorized by section 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g(e)), \$4,500,000,000, to remain available until September 30, 2017.

CHOICE NEIGHBORHOODS INITIATIVE

For competitive grants under the Choice Neighborhoods Initiative (subject to section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v), unless otherwise specified under this heading), for transformation, rehabilitation, and replacement housing needs of both public and HUD-assisted housing and to transform neighborhoods of poverty into functioning, sustainable mixed income neighborhoods with appropriate services, schools, public assets, transportation and access to jobs, \$125,000,000, to remain available until September 30, 2018: *Provided*, That grant funds may be used for resident and community services, community development, and affordable housing needs in the community, and for conversion of vacant or foreclosed properties to affordable housing: *Provided further*, That the use of funds made available under this heading shall not be deemed to be public housing notwithstanding section 3(b)(1) of such Act: *Provided further*, That grantees shall commit to an additional period of affordability determined by the Secretary of not fewer than 20 years: *Provided further*, That grantees shall undertake comprehensive local planning with input from residents and the community, and that grantees shall provide a match in State, local, other Federal or private funds: *Provided further*, That grantees may include local governments, tribal entities, public housing authorities, and nonprofits: *Provided further*, That for-profit developers may apply jointly with a public entity: *Provided further*, That for purposes of environmental review, a grantee shall be treated as a public housing agency under section 26 of the United States Housing Act of 1937 (42 U.S.C. 1437x), and grants under this heading shall be subject to the regulations issued by the Secretary to implement such section: *Provided further*, That of the amount provided, not less than \$75,000,000 shall be awarded to public housing agencies: *Provided further*, That such grantees shall create partnerships with other local organizations including assisted housing owners, service agencies, and resident organizations: *Provided further*, That the Secretary shall consult

with the Secretaries of Education, Labor, Transportation, Health and Human Services, Agriculture, and Commerce, the Attorney General, and the Administrator of the Environmental Protection Agency to coordinate and leverage other appropriate Federal resources: *Provided further*, That no more than \$5,000,000 of funds made available under this heading may be provided to assist communities in developing comprehensive strategies for implementing this program or implementing other revitalization efforts in conjunction with community notice and input: *Provided further*, That the Secretary shall develop and publish guidelines for the use of such competitive funds, including but not limited to eligible activities, program requirements, and performance metrics: *Provided further*, That unobligated balances, including recaptures, remaining from funds appropriated under the heading “Revitalization of Severely Distressed Public Housing (HOPE VI)” in fiscal year 2011 and prior fiscal years may be used for purposes under this heading, notwithstanding the purposes for which such amounts were appropriated.

FAMILY SELF-SUFFICIENCY

For the Family Self-Sufficiency program to support family self-sufficiency coordinators under section 23 of the United States Housing Act of 1937, to promote the development of local strategies to coordinate the use of assistance under sections 8(o) and 9 of such Act with public and private resources, and enable eligible families to achieve economic independence and self-sufficiency, \$75,000,000, to remain available until September 30, 2017: *Provided*, That the Secretary may, by Federal Register notice, waive or specify alternative requirements under sections b(3), b(4), b(5), or c(1) of section 23 of such Act in order to facilitate the operation of a unified self-sufficiency program for individuals receiving assistance under different provisions of the Act, as determined by the Secretary: *Provided further*, That owners of a privately owned multifamily property with a section 8 contract may voluntarily make a Family Self-Sufficiency program available to the assisted tenants of such property in accordance with procedures established by the Secretary: *Provided further*, That such procedures established pursuant to the previous proviso shall permit participating tenants to accrue escrow funds in accordance with section 23(d)(2) and shall allow owners to use funding from residual receipt accounts to hire coordinators for their own Family Self-Sufficiency program.

NATIVE AMERICAN HOUSING BLOCK GRANTS

For the Native American Housing Block Grants program, as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (25 U.S.C. 4111 et seq.), \$650,000,000, to remain available until September 30, 2020: *Provided*, That, notwithstanding the Native American Housing Assistance and Self-Determination Act of 1996, to determine the amount of the allocation under title I of such Act for each Indian tribe, the Secretary shall apply the formula under section 302 of such Act with the need component based on single-race census data and with the need component based on multi-race census data, and the amount of the allocation for each Indian tribe shall be the greater of the two resulting allocation amounts: *Provided further*, That of the amounts made available under this

heading, \$3,500,000 shall be contracted for assistance for national or regional organizations representing Native American housing interests for providing training and technical assistance to Indian housing authorities and tribally designated housing entities as authorized under NAHASDA: *Provided further*, That of the funds made available under the previous proviso, not less than \$2,000,000 shall be made available for a national organization as authorized under section 703 of NAHASDA (25 U.S.C. 4212): *Provided further*, That of the amounts made available under this heading, \$2,000,000 shall be to support the inspection of Indian housing units, contract expertise, training, and technical assistance in the training, oversight, and management of such Indian housing and tenant-based assistance: *Provided further*, That of the amount provided under this heading, \$2,000,000 shall be made available for the cost of guaranteed notes and other obligations, as authorized by title VI of NAHASDA: *Provided further*, That such costs, including the costs of modifying such notes and other obligations, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize the total principal amount of any notes and other obligations, any part of which is to be guaranteed, not to exceed \$17,452,007: *Provided further*, That the Department will notify grantees of their formula allocation within 60 days of the date of enactment of this Act: *Provided further*, notwithstanding section 302(d) of NAHASDA, if on January 1, 2016, a recipient's total amount of undisbursed block grants in the Department's line of credit control system is greater than three times the formula allocation it would otherwise receive under this heading, the Secretary shall adjust that recipient's formula allocation down by the difference between its total amount of undisbursed block grants in the Department's line of credit control system on January 1, 2016, and three times the formula allocation it would otherwise receive: *Provided further*, That grant amounts not allocated to a recipient pursuant to the previous proviso shall be allocated under the need component of the formula proportionately among all other Indian tribes not subject to an adjustment: *Provided further*, That the two previous provisos shall not apply to any Indian tribe that would otherwise receive a formula allocation of less than \$8,000,000: *Provided further*, That to take effect, the three previous provisos do not require issuance or amendment of any regulation, and shall not be construed to confer hearing rights under any section of NAHASDA or its implementing regulations.

INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a), \$7,500,000, to remain available until expended: *Provided*, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, up to \$1,190,476,190, to remain available until expended: *Provided further*, That up to \$750,000 of this amount may be for administrative contract expenses including management processes and systems to carry out the loan guarantee program.

COMMUNITY PLANNING AND DEVELOPMENT

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

For carrying out the Housing Opportunities for Persons with AIDS program, as authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901 et seq.), \$335,000,000, to remain available until September 30, 2017, except that amounts allocated pursuant to section 854(c)(3) of such Act shall remain available until September 30, 2018: *Provided*, That the Secretary shall renew all expiring contracts for permanent supportive housing that initially were funded under section 854(c)(3) of such Act from funds made available under this heading in fiscal year 2010 and prior fiscal years that meet all program requirements before awarding funds for new contracts under such section: *Provided further*, That the Department shall notify grantees of their formula allocation within 60 days of enactment of this Act.

COMMUNITY DEVELOPMENT FUND

For assistance to units of State and local government, and to other entities, for economic and community development activities, and for other purposes, \$3,060,000,000, to remain available until September 30, 2018, unless otherwise specified: *Provided*, That of the total amount provided, \$3,000,000,000 is for carrying out the community development block grant program under title I of the Housing and Community Development Act of 1974, as amended (“the Act” herein) (42 U.S.C. 5301 et seq.): *Provided further*, That unless explicitly provided for under this heading, not to exceed 20 percent of any grant made with funds appropriated under this heading shall be expended for planning and management development and administration: *Provided further*, That a metropolitan city, urban county, unit of general local government, or Indian tribe, or insular area that directly or indirectly receives funds under this heading may not sell, trade, or otherwise transfer all or any portion of such funds to another such entity in exchange for any other funds, credits or non-Federal considerations, but must use such funds for activities eligible under title I of the Act: *Provided further*, That notwithstanding section 105(e)(1) of the Act, no funds provided under this heading may be provided to a for-profit entity for an economic development project under section 105(a)(17) unless such project has been evaluated and selected in accordance with guidelines required under subparagraph (e)(2): *Provided further*, That none of the funds made available under this heading may be used for grants for the Economic Development Initiative (“EDI”) or Neighborhood Initiatives activities, Rural Innovation Fund, or for grants pursuant to section 107 of the Housing and Community Development Act of 1974 (42 U.S.C. 5307): *Provided further*, That the Department shall notify grantees of their formula allocation within 60 days of enactment of this Act: *Provided further*, That of the total amount provided under this heading \$60,000,000 shall be for grants to Indian tribes notwithstanding section 106(a)(1) of such Act, of which, notwithstanding any other provision of law (including section 204 of this Act), up to \$4,000,000 may be used for emergencies that constitute imminent threats to health and safety.

COMMUNITY DEVELOPMENT LOAN GUARANTEES PROGRAM ACCOUNT
(INCLUDING RESCISSION)

Subject to section 502 of the Congressional Budget Act of 1974, during fiscal year 2016, commitments to guarantee loans under section 108 of the Housing and Community Development Act of 1974 (42 U.S.C. 5308), any part of which is guaranteed, shall not exceed a total principal amount of \$300,000,000, notwithstanding any aggregate limitation on outstanding obligations guaranteed in subsection (k) of such section 108: *Provided*, That the Secretary shall collect fees from borrowers, notwithstanding subsection (m) of such section 108, to result in a credit subsidy cost of zero for guaranteeing such loans, and any such fees shall be collected in accordance with section 502(7) of the Congressional Budget Act of 1974: *Provided further*, That all unobligated balances, including recaptures and carryover, remaining from funds appropriated to the Department of Housing and Urban Development under this heading are hereby permanently rescinded.

HOME INVESTMENT PARTNERSHIPS PROGRAM

For the HOME Investment Partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended, \$950,000,000, to remain available until September 30, 2019: *Provided*, That notwithstanding the amount made available under this heading, the threshold reduction requirements in sections 216(10) and 217(b)(4) of such Act shall not apply to allocations of such amount: *Provided further*, That the requirements under provisos 2 through 6 under this heading for fiscal year 2012 and such requirements applicable pursuant to the “Full-Year Continuing Appropriations Act, 2013”, shall not apply to any project to which funds were committed on or after August 23, 2013, but such projects shall instead be governed by the Final Rule titled “Home Investment Partnerships Program; Improving Performance and Accountability; Updating Property Standards” which became effective on such date: *Provided further*, That with respect to funds made available under this heading pursuant to such Act and funds provided in prior and subsequent appropriations acts that were or are used by community land trusts for the development of affordable homeownership housing pursuant to section 215(b) of such Act, such community land trusts, notwithstanding section 215(b)(3)(A) of such Act, may hold and exercise purchase options, rights of first refusal or other preemptive rights to purchase the housing to preserve affordability, including but not limited to the right to purchase the housing in lieu of foreclosure: *Provided further*, That the Department shall notify grantees of their formula allocation within 60 days of enactment of this Act.

42 USC 12745
note.

SELF-HELP AND ASSISTED HOMEOWNERSHIP OPPORTUNITY PROGRAM

For the Self-Help and Assisted Homeownership Opportunity Program, as authorized under section 11 of the Housing Opportunity Program Extension Act of 1996, as amended, \$50,000,000, to remain available until September 30, 2018: *Provided*, That of the total amount provided under this heading, \$10,000,000 shall be made available to the Self-Help and Assisted Homeownership Opportunity Program as authorized under section 11 of the Housing Opportunity

Program Extension Act of 1996, as amended: *Provided further*, That of the total amount provided under this heading, \$35,000,000 shall be made available for the second, third, and fourth capacity building activities authorized under section 4(a) of the HUD Demonstration Act of 1993 (42 U.S.C. 9816 note), of which not less than \$5,000,000 shall be made available for rural capacity building activities: *Provided further*, That of the total amount provided under this heading, \$5,000,000 shall be made available for capacity building by national rural housing organizations with experience assessing national rural conditions and providing financing, training, technical assistance, information, and research to local nonprofits, local governments and Indian Tribes serving high need rural communities: *Provided further*, That an additional \$5,700,000, to remain available until expended, shall be for a program to rehabilitate and modify homes of disabled or low-income veterans as authorized under section 1079 of Public Law 113–291.

HOMELESS ASSISTANCE GRANTS

For the Emergency Solutions Grants program as authorized under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act, as amended; the Continuum of Care program as authorized under subtitle C of title IV of such Act; and the Rural Housing Stability Assistance program as authorized under subtitle D of title IV of such Act, \$2,250,000,000, to remain available until September 30, 2018: *Provided*, That any rental assistance amounts that are recaptured under such Continuum of Care program shall remain available until expended: *Provided further*, That not less than \$250,000,000 of the funds appropriated under this heading shall be available for such Emergency Solutions Grants program: *Provided further*, That not less than \$1,918,000,000 of the funds appropriated under this heading shall be available for such Continuum of Care and Rural Housing Stability Assistance programs: *Provided further*, That up to \$7,000,000 of the funds appropriated under this heading shall be available for the national homeless data analysis project: *Provided further*, That all funds awarded for supportive services under the Continuum of Care program and the Rural Housing Stability Assistance program shall be matched by not less than 25 percent in cash or in kind by each grantee: *Provided further*, That for all match requirements applicable to funds made available under this heading for this fiscal year and prior years, a grantee may use (or could have used) as a source of match funds other funds administered by the Secretary and other Federal agencies unless there is (or was) a specific statutory prohibition on any such use of any such funds: *Provided further*, That the Secretary shall establish system performance measures for which each continuum of care shall report baseline outcomes, and that relative to fiscal year 2015, under the Continuum of Care competition with respect to funds made available under this heading, the Secretary shall base an increasing share of the score on performance criteria: *Provided further*, That none of the funds provided under this heading shall be available to provide funding for new projects, except for projects created through reallocation, unless the Secretary determines that the continuum of care has demonstrated that projects are evaluated and ranked based on the degree to which they improve the continuum of care's system performance: *Provided further*, That the Secretary shall prioritize

funding under the Continuum of Care program to continuums of care that have demonstrated a capacity to reallocate funding from lower performing projects to higher performing projects: *Provided further*, That all awards of assistance under this heading shall be required to coordinate and integrate homeless programs with other mainstream health, social services, and employment programs for which homeless populations may be eligible: *Provided further*, That with respect to funds provided under this heading for the Continuum of Care program for fiscal years 2013, 2014, 2015, and 2016 provision of permanent housing rental assistance may be administered by private nonprofit organizations: *Provided further*, That any unobligated amounts remaining from funds appropriated under this heading in fiscal year 2012 and prior years for project-based rental assistance for rehabilitation projects with 10-year grant terms may be used for purposes under this heading, notwithstanding the purposes for which such funds were appropriated: *Provided further*, That all balances for Shelter Plus Care renewals previously funded from the Shelter Plus Care Renewal account and transferred to this account shall be available, if recaptured, for Continuum of Care renewals in fiscal year 2016: *Provided further*, That the Department shall notify grantees of their formula allocation from amounts allocated (which may represent initial or final amounts allocated) for the Emergency Solutions Grant program within 60 days of enactment of this Act: *Provided further*, That up to \$33,000,000 of the funds appropriated under this heading shall be to implement projects to demonstrate how a comprehensive approach to serving homeless youth, age 24 and under, in up to 10 communities, including at least four rural communities, can dramatically reduce youth homelessness: *Provided further*, That such projects shall be eligible for renewal under the Continuum of Care program subject to the same terms and conditions as other renewal applicants: *Provided further*, That up to \$5,000,000 of the funds appropriated under this heading shall be available to provide technical assistance on youth homelessness, and collection, analysis, and reporting of data and performance measures under the comprehensive approaches to serve homeless youth, in addition to and in coordination with other technical assistance funds provided under this title: *Provided further*, That youth aged 24 and under seeking assistance under this heading shall not be required to provide third party documentation to establish their eligibility under 42 U.S.C. 11302(a) or (b) to receive services: *Provided further*, That unaccompanied youth aged 24 and under or families headed by youth aged 24 and under who are living in unsafe situations may be served by youth-serving providers funded under this heading: *Provided further*, That the Secretary may use amounts made available under this heading for the Continuum of Care program to renew a grant originally awarded pursuant to the matter under the heading “Department of Housing and Urban Development—Permanent Supportive Housing” in chapter 6 of title III of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 122 Stat. 2351) for assistance under subtitle F of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11403 et seq.): *Provided further*, That such renewal grant shall be awarded to the same grantee and be subject to the provisions of such Continuum of Care program except that the funds may be used outside the geographic area of the continuum of care.

HOUSING PROGRAMS

PROJECT-BASED RENTAL ASSISTANCE

For activities and assistance for the provision of project-based subsidy contracts under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) (“the Act”), not otherwise provided for, \$10,220,000,000, to remain available until expended, shall be available on October 1, 2015 (in addition to the \$400,000,000 previously appropriated under this heading that became available October 1, 2015), and \$400,000,000, to remain available until expended, shall be available on October 1, 2016: *Provided*, That the amounts made available under this heading shall be available for expiring or terminating section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for amendments to section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for contracts entered into pursuant to section 441 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11401), for renewal of section 8 contracts for units in projects that are subject to approved plans of action under the Emergency Low Income Housing Preservation Act of 1987 or the Low-Income Housing Preservation and Resident Homeownership Act of 1990, and for administrative and other expenses associated with project-based activities and assistance funded under this paragraph: *Provided further*, That of the total amounts provided under this heading, not to exceed \$215,000,000 shall be available for performance-based contract administrators for section 8 project-based assistance, for carrying out 42 U.S.C. 1437(f): *Provided further*, That the Secretary of Housing and Urban Development may also use such amounts in the previous proviso for performance-based contract administrators for the administration of: interest reduction payments pursuant to section 236(a) of the National Housing Act (12 U.S.C. 1715z–1(a)); rent supplement payments pursuant to section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s); section 236(f)(2) rental assistance payments (12 U.S.C. 1715z–1(f)(2)); project rental assistance contracts for the elderly under section 202(c)(2) of the Housing Act of 1959 (12 U.S.C. 1701q); project rental assistance contracts for supportive housing for persons with disabilities under section 811(d)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(d)(2)); project assistance contracts pursuant to section 202(h) of the Housing Act of 1959 (Public Law 86–372; 73 Stat. 667); and loans under section 202 of the Housing Act of 1959 (Public Law 86–372; 73 Stat. 667): *Provided further*, That amounts recaptured under this heading, the heading “Annual Contributions for Assisted Housing”, or the heading “Housing Certificate Fund”, may be used for renewals of or amendments to section 8 project-based contracts or for performance-based contract administrators, notwithstanding the purposes for which such amounts were appropriated: *Provided further*, That, notwithstanding any other provision of law, upon the request of the Secretary of Housing and Urban Development, project funds that are held in residual receipts accounts for any project subject to a section 8 project-based Housing Assistance Payments contract that authorizes HUD or a Housing Finance Agency to require that surplus project funds be deposited in an interest-bearing residual receipts account and that are in excess of an amount to be determined

by the Secretary, shall be remitted to the Department and deposited in this account, to be available until expended: *Provided further*, That amounts deposited pursuant to the previous proviso shall be available in addition to the amount otherwise provided by this heading for uses authorized under this heading.

HOUSING FOR THE ELDERLY

For amendments to capital advance contracts for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, and for project rental assistance for the elderly under section 202(c)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for senior preservation rental assistance contracts, including renewals, as authorized by section 811(e) of the American Housing and Economic Opportunity Act of 2000, as amended, and for supportive services associated with the housing, \$432,700,000 to remain available until September 30, 2019: *Provided*, That of the amount provided under this heading, up to \$77,000,000 shall be for service coordinators and the continuation of existing congregate service grants for residents of assisted housing projects: *Provided further*, That amounts under this heading shall be available for Real Estate Assessment Center inspections and inspection-related activities associated with section 202 projects: *Provided further*, That the Secretary may waive the provisions of section 202 governing the terms and conditions of project rental assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration: *Provided further*, That upon request of the Secretary of Housing and Urban Development, project funds that are held in residual receipts accounts for any project subject to a section 202 project rental assistance contract, and that upon termination of such contract are in excess of an amount to be determined by the Secretary, shall be remitted to the Department and deposited in this account, to be available until September 30, 2019: *Provided further*, That amounts deposited in this account pursuant to the previous proviso shall be available, in addition to the amounts otherwise provided by this heading, for amendments and renewals: *Provided further*, That unobligated balances, including recaptures and carryover, remaining from funds transferred to or appropriated under this heading shall be available for amendments and renewals notwithstanding the purposes for which such funds originally were appropriated.

HOUSING FOR PERSONS WITH DISABILITIES

For amendments to capital advance contracts for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013), for project rental assistance for supportive housing for persons with disabilities under section 811(d)(2) of such Act and for project assistance contracts pursuant to section 202(h) of the Housing Act of 1959 (Public Law 86–372; 73 Stat. 667), including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, for project rental assistance to State housing finance agencies and other appropriate entities as authorized under section 811(b)(3) of the Cranston-Gonzalez National Housing Act, and for supportive

services associated with the housing for persons with disabilities as authorized by section 811(b)(1) of such Act, \$150,600,000, to remain available until September 30, 2019: *Provided*, That amounts made available under this heading shall be available for Real Estate Assessment Center inspections and inspection-related activities associated with section 811 projects: *Provided further*, That, in this fiscal year, upon the request of the Secretary of Housing and Urban Development, project funds that are held in residual receipts accounts for any project subject to a section 811 project rental assistance contract and that upon termination of such contract are in excess of an amount to be determined by the Secretary shall be remitted to the Department and deposited in this account, to be available until September 30, 2019: *Provided further*, That amounts deposited in this account pursuant to the previous proviso shall be available in addition to the amounts otherwise provided by this heading for amendments and renewals: *Provided further*, That unobligated balances, including recaptures and carryover, remaining from funds transferred to or appropriated under this heading shall be used for amendments and renewals notwithstanding the purposes for which such funds originally were appropriated.

HOUSING COUNSELING ASSISTANCE

For contracts, grants, and other assistance excluding loans, as authorized under section 106 of the Housing and Urban Development Act of 1968, as amended, \$47,000,000, to remain available until September 30, 2017, including up to \$4,500,000 for administrative contract services: *Provided*, That grants made available from amounts provided under this heading shall be awarded within 180 days of enactment of this Act: *Provided further*, That funds shall be used for providing counseling and advice to tenants and homeowners, both current and prospective, with respect to property maintenance, financial management/literacy, and such other matters as may be appropriate to assist them in improving their housing conditions, meeting their financial needs, and fulfilling the responsibilities of tenancy or homeownership; for program administration; and for housing counselor training: *Provided further*, That for purposes of providing such grants from amounts provided under this heading, the Secretary may enter into multiyear agreements as appropriate, subject to the availability of annual appropriations.

RENTAL HOUSING ASSISTANCE

For amendments to contracts under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s) and section 236(f)(2) of the National Housing Act (12 U.S.C. 1715z–1) in State-aided, noninsured rental housing projects, \$30,000,000, to remain available until expended: *Provided*, That such amount, together with unobligated balances from recaptured amounts appropriated prior to fiscal year 2006 from terminated contracts under such sections of law, and any unobligated balances, including recaptures and carryover, remaining from funds appropriated under this heading after fiscal year 2005, shall also be available for extensions of up to one year for expiring contracts under such sections of law.

PAYMENT TO MANUFACTURED HOUSING FEES TRUST FUND

For necessary expenses as authorized by the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.), up to \$10,500,000, to remain available until expended, of which \$10,500,000 is to be derived from the Manufactured Housing Fees Trust Fund: *Provided*, That not to exceed the total amount appropriated under this heading shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund pursuant to section 620 of such Act: *Provided further*, That the amount made available under this heading from the general fund shall be reduced as such collections are received during fiscal year 2016 so as to result in a final fiscal year 2016 appropriation from the general fund estimated at zero, and fees pursuant to such section 620 shall be modified as necessary to ensure such a final fiscal year 2016 appropriation: *Provided further*, That for the dispute resolution and installation programs, the Secretary of Housing and Urban Development may assess and collect fees from any program participant: *Provided further*, That such collections shall be deposited into the Fund, and the Secretary, as provided herein, may use such collections, as well as fees collected under section 620, for necessary expenses of such Act: *Provided further*, That, notwithstanding the requirements of section 620 of such Act, the Secretary may carry out responsibilities of the Secretary under such Act through the use of approved service providers that are paid directly by the recipients of their services.

FEDERAL HOUSING ADMINISTRATION

MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

New commitments to guarantee single family loans insured under the Mutual Mortgage Insurance Fund shall not exceed \$400,000,000,000, to remain available until September 30, 2017: *Provided*, That during fiscal year 2016, obligations to make direct loans to carry out the purposes of section 204(g) of the National Housing Act, as amended, shall not exceed \$5,000,000: *Provided further*, That the foregoing amount in the previous proviso shall be for loans to nonprofit and governmental entities in connection with sales of single family real properties owned by the Secretary and formerly insured under the Mutual Mortgage Insurance Fund: *Provided further*, That for administrative contract expenses of the Federal Housing Administration, \$130,000,000, to remain available until September 30, 2017: *Provided further*, That to the extent guaranteed loan commitments exceed \$200,000,000,000 on or before April 1, 2016, an additional \$1,400 for administrative contract expenses shall be available for each \$1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below \$1,000,000), but in no case shall funds made available by this proviso exceed \$30,000,000.

GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

New commitments to guarantee loans insured under the General and Special Risk Insurance Funds, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z–3 and

1735c), shall not exceed \$30,000,000,000 in total loan principal, any part of which is to be guaranteed, to remain available until September 30, 2017: *Provided*, That during fiscal year 2016, gross obligations for the principal amount of direct loans, as authorized by sections 204(g), 207(l), 238, and 519(a) of the National Housing Act, shall not exceed \$5,000,000, which shall be for loans to non-profit and governmental entities in connection with the sale of single family real properties owned by the Secretary and formerly insured under such Act.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

New commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall not exceed \$500,000,000,000, to remain available until September 30, 2017: *Provided*, That \$23,000,000 shall be available for necessary salaries and expenses of the Office of Government National Mortgage Association: *Provided further*, That to the extent that guaranteed loan commitments exceed \$155,000,000,000 on or before April 1, 2016, an additional \$100 for necessary salaries and expenses shall be available until expended for each \$1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below \$1,000,000), but in no case shall funds made available by this proviso exceed \$3,000,000: *Provided further*, That receipts from Commitment and Multiclass fees collected pursuant to title III of the National Housing Act, as amended, shall be credited as offsetting collections to this account.

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970 (12 U.S.C. 1701z–1 et seq.), including carrying out the functions of the Secretary of Housing and Urban Development under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, and for technical assistance, \$85,000,000, to remain available until September 30, 2017: *Provided*, That with respect to amounts made available under this heading, notwithstanding section 204 of this title, the Secretary may enter into cooperative agreements funded with philanthropic entities, other Federal agencies, or State or local governments and their agencies for research projects: *Provided further*, That with respect to the previous proviso, such partners to the cooperative agreements must contribute at least a 50 percent match toward the cost of the project: *Provided further*, That for non-competitive agreements entered into in accordance with the previous two provisos, the Secretary of Housing and Urban Development shall comply with section 2(b) of the Federal Funding Accountability and Transparency Act of 2006 (Public Law 109–282, 31 U.S.C. note) in lieu of compliance with section 102(a)(4)(C) with respect to documentation of award decisions: *Provided further*, That prior to obligation

of technical assistance funding, the Secretary shall submit a plan, for approval, to the House and Senate Committees on Appropriations on how it will allocate funding for this activity.

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and section 561 of the Housing and Community Development Act of 1987, as amended, \$65,300,000, to remain available until September 30, 2017: *Provided*, That notwithstanding 31 U.S.C. 3302, the Secretary may assess and collect fees to cover the costs of the Fair Housing Training Academy, and may use such funds to provide such training: *Provided further*, That no funds made available under this heading shall be used to lobby the executive or legislative branches of the Federal Government in connection with a specific contract, grant, or loan: *Provided further*, That of the funds made available under this heading, \$300,000 shall be available to the Secretary of Housing and Urban Development for the creation and promotion of translated materials and other programs that support the assistance of persons with limited English proficiency in utilizing the services provided by the Department of Housing and Urban Development.

OFFICE OF LEAD HAZARD CONTROL AND HEALTHY HOMES

LEAD HAZARD REDUCTION

For the Lead Hazard Reduction Program, as authorized by section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, \$110,000,000, to remain available until September 30, 2017, of which \$20,000,000 shall be for the Healthy Homes Initiative, pursuant to sections 501 and 502 of the Housing and Urban Development Act of 1970 that shall include research, studies, testing, and demonstration efforts, including education and outreach concerning lead-based paint poisoning and other housing-related diseases and hazards: *Provided*, That for purposes of environmental review, pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other provisions of the law that further the purposes of such Act, a grant under the Healthy Homes Initiative, or the Lead Technical Studies program under this heading or under prior appropriations Acts for such purposes under this heading, shall be considered to be funds for a special project for purposes of section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994: *Provided further*, That of the total amount made available under this heading, \$45,000,000 shall be made available on a competitive basis for areas with the highest lead paint abatement needs: *Provided further*, That each recipient of funds provided under the previous proviso shall contribute an amount not less than 25 percent of the total: *Provided further*, That each applicant shall certify adequate capacity that is acceptable to the Secretary to carry out the proposed use of funds pursuant to a notice of funding availability: *Provided further*, That amounts made available under this heading in this or prior appropriations Acts, and that still remain available, may be used for any purpose

under this heading notwithstanding the purpose for which such amounts were appropriated if a program competition is undersubscribed and there are other program competitions under this heading that are oversubscribed.

INFORMATION TECHNOLOGY FUND

For the development of, modifications to, and infrastructure for Department-wide and program-specific information technology systems, for the continuing operation and maintenance of both Department-wide and program-specific information systems, and for program-related maintenance activities, \$250,000,000, shall remain available until September 30, 2017: *Provided*, That any amounts transferred to this Fund under this Act shall remain available until expended: *Provided further*, That any amounts transferred to this Fund from amounts appropriated by previously enacted appropriations Acts may be used for the purposes specified under this Fund, in addition to any other information technology purposes for which such amounts were appropriated.

OFFICE OF INSPECTOR GENERAL

For necessary salaries and expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, \$126,000,000: *Provided*, That the Inspector General shall have independent authority over all personnel issues within this office.

GENERAL PROVISIONS—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

(INCLUDING TRANSFER OF FUNDS)

(INCLUDING RESCISSIONS)

SEC. 201. Fifty percent of the amounts of budget authority, or in lieu thereof 50 percent of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (42 U.S.C. 1437 note) shall be rescinded or in the case of cash, shall be remitted to the Treasury, and such amounts of budget authority or cash recaptured and not rescinded or remitted to the Treasury shall be used by State housing finance agencies or local governments or local housing agencies with projects approved by the Secretary of Housing and Urban Development for which settlement occurred after January 1, 1992, in accordance with such section. Notwithstanding the previous sentence, the Secretary may award up to 15 percent of the budget authority or cash recaptured and not rescinded or remitted to the Treasury to provide project owners with incentives to refinance their project at a lower interest rate.

SEC. 202. None of the amounts made available under this Act may be used during fiscal year 2016 to investigate or prosecute under the Fair Housing Act any otherwise lawful activity engaged in by one or more persons, including the filing or maintaining of a nonfrivolous legal action, that is engaged in solely for the purpose of achieving or preventing action by a Government official or entity, or a court of competent jurisdiction.

SEC. 203. Sections 203 and 209 of division C of Public Law 112–55 (125 Stat. 693–694) shall apply during fiscal year 2016 as if such sections were included in this title, except that during such fiscal year such sections shall be applied by substituting “fiscal year 2016” for “fiscal year 2011” and for “fiscal year 2012” each place such terms appear, and shall be amended to reflect revised delineations of statistical areas established by the Office of Management and Budget pursuant to 44 U.S.C. 3504(e)(3), 31 U.S.C. 1104(d), and Executive Order No. 10253.

SEC. 204. Except as explicitly provided in law, any grant, cooperative agreement or other assistance made pursuant to title II of this Act shall be made on a competitive basis and in accordance with section 102 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3545).

SEC. 205. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of the Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811–1).

SEC. 206. Unless otherwise provided for in this Act or through a reprogramming of funds, no part of any appropriation for the Department of Housing and Urban Development shall be available for any program, project or activity in excess of amounts set forth in the budget estimates submitted to Congress.

SEC. 207. Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of such Act as may be necessary in carrying out the programs set forth in the budget for 2016 for such corporation or agency except as hereinafter provided: *Provided*, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

SEC. 208. The Secretary of Housing and Urban Development shall provide quarterly reports to the House and Senate Committees on Appropriations regarding all uncommitted, unobligated, recaptured and excess funds in each program and activity within the jurisdiction of the Department and shall submit additional, updated budget information to these Committees upon request.

SEC. 209. The President’s formal budget request for fiscal year 2017, as well as the Department of Housing and Urban Development’s congressional budget justifications to be submitted to the

Committees on Appropriations of the House of Representatives and the Senate, shall use the identical account and sub-account structure provided under this Act.

SEC. 210. A public housing agency or such other entity that administers Federal housing assistance for the Housing Authority of the county of Los Angeles, California, and the States of Alaska, Iowa, and Mississippi shall not be required to include a resident of public housing or a recipient of assistance provided under section 8 of the United States Housing Act of 1937 on the board of directors or a similar governing board of such agency or entity as required under section (2)(b) of such Act. Each public housing agency or other entity that administers Federal housing assistance under section 8 for the Housing Authority of the county of Los Angeles, California and the States of Alaska, Iowa and Mississippi that chooses not to include a resident of public housing or a recipient of section 8 assistance on the board of directors or a similar governing board shall establish an advisory board of not less than six residents of public housing or recipients of section 8 assistance to provide advice and comment to the public housing agency or other administering entity on issues related to public housing and section 8. Such advisory board shall meet not less than quarterly.

SEC. 211. No funds provided under this title may be used for an audit of the Government National Mortgage Association that makes applicable requirements under the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

SEC. 212. (a) Notwithstanding any other provision of law, subject to the conditions listed under this section, for fiscal years 2016 and 2017, the Secretary of Housing and Urban Development may authorize the transfer of some or all project-based assistance, debt held or insured by the Secretary and statutorily required low-income and very low-income use restrictions if any, associated with one or more multifamily housing project or projects to another multifamily housing project or projects.

(b) PHASED TRANSFERS.—Transfers of project-based assistance under this section may be done in phases to accommodate the financing and other requirements related to rehabilitating or constructing the project or projects to which the assistance is transferred, to ensure that such project or projects meet the standards under subsection (c).

(c) The transfer authorized in subsection (a) is subject to the following conditions:

(1) NUMBER AND BEDROOM SIZE OF UNITS.—

(A) For occupied units in the transferring project: The number of low-income and very low-income units and the configuration (i.e., bedroom size) provided by the transferring project shall be no less than when transferred to the receiving project or projects and the net dollar amount of Federal assistance provided to the transferring project shall remain the same in the receiving project or projects.

(B) For unoccupied units in the transferring project: The Secretary may authorize a reduction in the number of dwelling units in the receiving project or projects to allow for a reconfiguration of bedroom sizes to meet current market demands, as determined by the Secretary and provided there is no increase in the project-based assistance budget authority.

(2) The transferring project shall, as determined by the Secretary, be either physically obsolete or economically non-viable.

(3) The receiving project or projects shall meet or exceed applicable physical standards established by the Secretary.

(4) The owner or mortgagor of the transferring project shall notify and consult with the tenants residing in the transferring project and provide a certification of approval by all appropriate local governmental officials.

(5) The tenants of the transferring project who remain eligible for assistance to be provided by the receiving project or projects shall not be required to vacate their units in the transferring project or projects until new units in the receiving project are available for occupancy.

(6) The Secretary determines that this transfer is in the best interest of the tenants.

(7) If either the transferring project or the receiving project or projects meets the condition specified in subsection (d)(2)(A), any lien on the receiving project resulting from additional financing obtained by the owner shall be subordinate to any FHA-insured mortgage lien transferred to, or placed on, such project by the Secretary, except that the Secretary may waive this requirement upon determination that such a waiver is necessary to facilitate the financing of acquisition, construction, and/or rehabilitation of the receiving project or projects.

(8) If the transferring project meets the requirements of subsection (d)(2), the owner or mortgagor of the receiving project or projects shall execute and record either a continuation of the existing use agreement or a new use agreement for the project where, in either case, any use restrictions in such agreement are of no lesser duration than the existing use restrictions.

(9) The transfer does not increase the cost (as defined in section 502 of the Congressional Budget Act of 1974, as amended) of any FHA-insured mortgage, except to the extent that appropriations are provided in advance for the amount of any such increased cost.

(d) For purposes of this section—

(1) the terms “low-income” and “very low-income” shall have the meanings provided by the statute and/or regulations governing the program under which the project is insured or assisted;

(2) the term “multifamily housing project” means housing that meets one of the following conditions—

(A) housing that is subject to a mortgage insured under the National Housing Act;

(B) housing that has project-based assistance attached to the structure including projects undergoing market debt restructuring under the Multifamily Assisted Housing Reform and Affordability Housing Act;

(C) housing that is assisted under section 202 of the Housing Act of 1959, as amended by section 801 of the Cranston-Gonzales National Affordable Housing Act;

(D) housing that is assisted under section 202 of the Housing Act of 1959, as such section existed before the enactment of the Cranston-Gonzales National Affordable Housing Act;

(E) housing that is assisted under section 811 of the Cranston-Gonzales National Affordable Housing Act; or

(F) housing or vacant land that is subject to a use agreement;

(3) the term “project-based assistance” means—

(A) assistance provided under section 8(b) of the United States Housing Act of 1937;

(B) assistance for housing constructed or substantially rehabilitated pursuant to assistance provided under section 8(b)(2) of such Act (as such section existed immediately before October 1, 1983);

(C) rent supplement payments under section 101 of the Housing and Urban Development Act of 1965;

(D) interest reduction payments under section 236 and/or additional assistance payments under section 236(f)(2) of the National Housing Act;

(E) assistance payments made under section 202(c)(2) of the Housing Act of 1959; and

(F) assistance payments made under section 811(d)(2) of the Cranston-Gonzalez National Affordable Housing Act;

(4) the term “receiving project or projects” means the multifamily housing project or projects to which some or all of the project-based assistance, debt, and statutorily required low-income and very low-income use restrictions are to be transferred;

(5) the term “transferring project” means the multifamily housing project which is transferring some or all of the project-based assistance, debt, and the statutorily required low-income and very low-income use restrictions to the receiving project or projects; and

(6) the term “Secretary” means the Secretary of Housing and Urban Development.

(e) PUBLIC NOTICE AND RESEARCH REPORT.—

(1) The Secretary shall publish by notice in the Federal Register the terms and conditions, including criteria for HUD approval, of transfers pursuant to this section no later than 30 days before the effective date of such notice.

(2) The Secretary shall conduct an evaluation of the transfer authority under this section, including the effect of such transfers on the operational efficiency, contract rents, physical and financial conditions, and long-term preservation of the affected properties.

SEC. 213. (a) No assistance shall be provided under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) to any individual who—

(1) is enrolled as a student at an institution of higher education (as defined under section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002));

(2) is under 24 years of age;

(3) is not a veteran;

(4) is unmarried;

(5) does not have a dependent child;

(6) is not a person with disabilities, as such term is defined in section 3(b)(3)(E) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)(E)) and was not receiving assistance under such section 8 as of November 30, 2005; and

(7) is not otherwise individually eligible, or has parents who, individually or jointly, are not eligible, to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

(b) For purposes of determining the eligibility of a person to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), any financial assistance (in excess of amounts received for tuition and any other required fees and charges) that an individual receives under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), from private sources, or an institution of higher education (as defined under the Higher Education Act of 1965 (20 U.S.C. 1002)), shall be considered income to that individual, except for a person over the age of 23 with dependent children.

SEC. 214. The funds made available for Native Alaskans under the heading “Native American Housing Block Grants” in title II of this Act shall be allocated to the same Native Alaskan housing block grant recipients that received funds in fiscal year 2005.

SEC. 215. Notwithstanding the limitation in the first sentence of section 255(g) of the National Housing Act (12 U.S.C. 1715z–20(g)), the Secretary of Housing and Urban Development may, until September 30, 2016, insure and enter into commitments to insure mortgages under such section 255.

SEC. 216. Notwithstanding any other provision of law, in fiscal year 2016, in managing and disposing of any multifamily property that is owned or has a mortgage held by the Secretary of Housing and Urban Development, and during the process of foreclosure on any property with a contract for rental assistance payments under section 8 of the United States Housing Act of 1937 or other Federal programs, the Secretary shall maintain any rental assistance payments under section 8 of the United States Housing Act of 1937 and other programs that are attached to any dwelling units in the property. To the extent the Secretary determines, in consultation with the tenants and the local government, that such a multifamily property owned or held by the Secretary is not feasible for continued rental assistance payments under such section 8 or other programs, based on consideration of (1) the costs of rehabilitating and operating the property and all available Federal, State, and local resources, including rent adjustments under section 524 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (“MAHRAA”) and (2) environmental conditions that cannot be remedied in a cost-effective fashion, the Secretary may, in consultation with the tenants of that property, contract for project-based rental assistance payments with an owner or owners of other existing housing properties, or provide other rental assistance. The Secretary shall also take appropriate steps to ensure that project-based contracts remain in effect prior to foreclosure, subject to the exercise of contractual abatement remedies to assist relocation of tenants for imminent major threats to health and safety after written notice to and informed consent of the affected tenants and use of other available remedies, such as partial abatements or receivership. After disposition of any multifamily property described under this section, the contract and allowable rent levels on such properties shall be subject to the requirements under section 524 of MAHRAA.

SEC. 217. The commitment authority funded by fees as provided under the heading “Community Development Loan Guarantees Program Account” may be used to guarantee, or make commitments to guarantee, notes, or other obligations issued by any State on behalf of non-entitlement communities in the State in accordance with the requirements of section 108 of the Housing and Community Development Act of 1974: *Provided*, That any State receiving such a guarantee or commitment shall distribute all funds subject to such guarantee to the units of general local government in non-entitlement areas that received the commitment.

SEC. 218. Public housing agencies that own and operate 400 or fewer public housing units may elect to be exempt from any asset management requirement imposed by the Secretary of Housing and Urban Development in connection with the operating fund rule: *Provided*, That an agency seeking a discontinuance of a reduction of subsidy under the operating fund formula shall not be exempt from asset management requirements.

SEC. 219. With respect to the use of amounts provided in this Act and in future Acts for the operation, capital improvement and management of public housing as authorized by sections 9(d) and 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g(d) and (e)), the Secretary shall not impose any requirement or guideline relating to asset management that restricts or limits in any way the use of capital funds for central office costs pursuant to section 9(g)(1) or 9(g)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437g(g)(1), (2)): *Provided*, That a public housing agency may not use capital funds authorized under section 9(d) for activities that are eligible under section 9(e) for assistance with amounts from the operating fund in excess of the amounts permitted under section 9(g)(1) or 9(g)(2).

42 USC 1437g
note.

SEC. 220. No official or employee of the Department of Housing and Urban Development shall be designated as an allotment holder unless the Office of the Chief Financial Officer has determined that such allotment holder has implemented an adequate system of funds control and has received training in funds control procedures and directives. The Chief Financial Officer shall ensure that there is a trained allotment holder for each HUD sub-office under the accounts “Executive Offices” and “Administrative Support Offices,” as well as each account receiving appropriations for “Program Office Salaries and Expenses”, “Government National Mortgage Association—Guarantees of Mortgage-Backed Securities Loan Guarantee Program Account”, and “Office of Inspector General” within the Department of Housing and Urban Development.

SEC. 221. The Secretary of the Department of Housing and Urban Development shall, for fiscal year 2016, notify the public through the Federal Register and other means, as determined appropriate, of the issuance of a notice of the availability of assistance or notice of funding availability (NOFA) for any program or discretionary fund administered by the Secretary that is to be competitively awarded. Notwithstanding any other provision of law, for fiscal year 2016, the Secretary may make the NOFA available only on the Internet at the appropriate Government web site or through other electronic media, as determined by the Secretary.

42 USC 3545a
note.

SEC. 222. Payment of attorney fees in program-related litigation shall be paid from the individual program office and Office of General Counsel salaries and expenses appropriations. The annual budget submission for the program offices and the Office of General

Counsel shall include any such projected litigation costs for attorney fees as a separate line item request. No funds provided in this title may be used to pay any such litigation costs for attorney fees until the Department submits for review a spending plan for such costs to the House and Senate Committees on Appropriations.

SEC. 223. The Secretary is authorized to transfer up to 10 percent or \$4,000,000, whichever is less, of funds appropriated for any office under the heading “Administrative Support Offices” or for any account under the general heading “Program Office Salaries and Expenses” to any other such office or account: *Provided*, That no appropriation for any such office or account shall be increased or decreased by more than 10 percent or \$4,000,000, whichever is less, without prior written approval of the House and Senate Committees on Appropriations: *Provided further*, That the Secretary shall provide notification to such Committees three business days in advance of any such transfers under this section up to 10 percent or \$4,000,000, whichever is less.

SEC. 224. The Disaster Housing Assistance Programs, administered by the Department of Housing and Urban Development, shall be considered a “program of the Department of Housing and Urban Development” under section 904 of the McKinney Act for the purpose of income verifications and matching.

SEC. 225. (a) The Secretary of Housing and Urban Development shall take the required actions under subsection (b) when a multi-family housing project with a section 8 contract or contract for similar project-based assistance:

- (1) receives a Real Estate Assessment Center (REAC) score of 30 or less; or
- (2) receives a REAC score between 31 and 59 and:
 - (A) fails to certify in writing to HUD within 60 days that all deficiencies have been corrected; or
 - (B) receives consecutive scores of less than 60 on REAC inspections.

Such requirements shall apply to insured and noninsured projects with assistance attached to the units under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), but do not apply to such units assisted under section 8(o)(13) (42 U.S.C. 1437f(o)(13)) or to public housing units assisted with capital or operating funds under section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g).

(b) The Secretary shall take the following required actions as authorized under subsection (a):

- (1) The Secretary shall notify the owner and provide an opportunity for response within 30 days. If the violations remain, the Secretary shall develop a Compliance, Disposition and Enforcement Plan within 60 days, with a specified timetable for correcting all deficiencies. The Secretary shall provide notice of the Plan to the owner, tenants, the local government, any mortgagees, and any contract administrator.
- (2) At the end of the term of the Compliance, Disposition and Enforcement Plan, if the owner fails to fully comply with such plan, the Secretary may require immediate replacement of project management with a management agent approved by the Secretary, and shall take one or more of the following actions, and provide additional notice of those actions to the owner and the parties specified above:

(A) impose civil money penalties;

(B) abate the section 8 contract, including partial abatement, as determined by the Secretary, until all deficiencies have been corrected;

(C) pursue transfer of the project to an owner, approved by the Secretary under established procedures, which will be obligated to promptly make all required repairs and to accept renewal of the assistance contract as long as such renewal is offered; or

(D) seek judicial appointment of a receiver to manage the property and cure all project deficiencies or seek a judicial order of specific performance requiring the owner to cure all project deficiencies.

(c) The Secretary shall also take appropriate steps to ensure that project-based contracts remain in effect, subject to the exercise of contractual abatement remedies to assist relocation of tenants for imminent major threats to health and safety after written notice to and informed consent of the affected tenants and use of other remedies set forth above. To the extent the Secretary determines, in consultation with the tenants and the local government, that the property is not feasible for continued rental assistance payments under such section 8 or other programs, based on consideration of (1) the costs of rehabilitating and operating the property and all available Federal, State, and local resources, including rent adjustments under section 524 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (“MAHRAA”) and (2) environmental conditions that cannot be remedied in a cost-effective fashion, the Secretary may, in consultation with the tenants of that property, contract for project-based rental assistance payments with an owner or owners of other existing housing properties, or provide other rental assistance. The Secretary shall report semi-annually on all properties covered by this section that are assessed through the Real Estate Assessment Center and have physical inspection scores of less than 30 or have consecutive physical inspection scores of less than 60. The report shall include:

(1) The enforcement actions being taken to address such conditions, including imposition of civil money penalties and termination of subsidies, and identify properties that have such conditions multiple times; and

(2) Actions that the Department of Housing and Urban Development is taking to protect tenants of such identified properties.

SEC. 226. None of the funds made available by this Act, or any other Act, for purposes authorized under section 8 (only with respect to the tenant-based rental assistance program) and section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.), may be used by any public housing agency for any amount of salary, including bonuses, for the chief executive officer of which, or any other official or employee of which, that exceeds the annual rate of basic pay payable for a position at level IV of the Executive Schedule at any time during any public housing agency fiscal year 2016.

SEC. 227. None of the funds in this Act may be available for the doctoral dissertation research grant program at the Department of Housing and Urban Development.

SEC. 228. Section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v) is amended—

(1) in subsection (m)(1), by striking “fiscal year” and all that follows through the period at the end and inserting “fiscal year 2016.”; and

(2) in subsection (o), by striking “September” and all that follows through the period at the end and inserting “September 30, 2016.”

SEC. 229. None of the funds in this Act provided to the Department of Housing and Urban Development may be used to make a grant award unless the Secretary notifies the House and Senate Committees on Appropriations not less than 3 full business days before any project, State, locality, housing authority, tribe, nonprofit organization, or other entity selected to receive a grant award is announced by the Department or its offices.

SEC. 230. None of the funds made available by this Act may be used to require or enforce the Physical Needs Assessment (PNA).

SEC. 231. None of the funds made available by this Act nor any receipts or amounts collected under any Federal Housing Administration program may be used to implement the Homeowners Armed with Knowledge (HAWK) program.

SEC. 232. None of the funds made available in this Act shall be used by the Federal Housing Administration, the Government National Mortgage Administration, or the Department of Housing and Urban Development to insure, securitize, or establish a Federal guarantee of any mortgage or mortgage backed security that refinances or otherwise replaces a mortgage that has been subject to eminent domain condemnation or seizure, by a State, municipality, or any other political subdivision of a State.

SEC. 233. None of the funds made available by this Act may be used to terminate the status of a unit of general local government as a metropolitan city (as defined in section 102 of the Housing and Community Development Act of 1974 (42 U.S.C. 5302)) with respect to grants under section 106 of such Act (42 U.S.C. 5306).

SEC. 234. Amounts made available under this Act which are either appropriated, allocated, advanced on a reimbursable basis, or transferred to the Office of Policy Development and Research in the Department of Housing and Urban Development and functions thereof, for research, evaluation, or statistical purposes, and which are unexpended at the time of completion of a contract, grant, or cooperative agreement, may be deobligated and shall immediately become available and may be reobligated in that fiscal year or the subsequent fiscal year for the research, evaluation, or statistical purposes for which the amounts are made available to that Office subject to reprogramming requirements in section 405 of this Act.

SEC. 235. Subsection (b) of section 225 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12755) is amended by adding at the end the following new sentence: “Such 30-day waiting period is not required if the grounds for the termination or refusal to renew involve a direct threat to the safety of the tenants or employees of the housing, or an imminent and serious threat to the property (and the termination or refusal to renew is in accordance with the requirements of State or local law).”.

SEC. 236. None of the funds under this title may be used for awards, including performance, special act, or spot, for any employee of the Department of Housing and Urban Development who is subject to administrative discipline in fiscal year 2016, including suspension from work.

SEC. 237. The language under the heading “Rental Assistance Demonstration” in the Department of Housing and Urban Development Appropriations Act, 2012 (Public Law 112–55) is amended:

42 USC 1437f
note.

(1) In proviso eighteen, by inserting “for fiscal year 2012 and hereafter,” after “*Provided further, That*”; and

(2) In proviso nineteen, by striking “, which may extend beyond fiscal year 2016 as necessary to allow processing of all timely applications,”.

SEC. 238. Section 526 (12 U.S.C. 1735f–4) of the National Housing Act is amended by inserting at the end of subsection (b):

“(c) The Secretary may establish an exception to any minimum property standard established under this section in order to address alternative water systems, including cisterns, which meet requirements of State and local building codes that ensure health and safety standards.”.

SEC. 239. The Secretary of Housing and Urban Development shall increase, pursuant to this section, the number of Moving to Work agencies authorized under section 204, title II, of the Departments of Veterans Affairs and Housing and Urban Development and Independent Agencies Appropriations Act, 1996 (Public Law 104–134; 110 Stat. 1321) by adding to the program 100 public housing agencies that are designated as high performing agencies under the Public Housing Assessment System (PHAS) or the Section Eight Management Assessment Program (SEMAP). No public housing agency shall be granted this designation through this section that administers in excess of 27,000 aggregate housing vouchers and public housing units. Of the agencies selected under this section, no less than 50 shall administer 1,000 or fewer aggregate housing voucher and public housing units, no less than 47 shall administer 1,001–6,000 aggregate housing voucher and public housing units, and no more than 3 shall administer 6,001–27,000 aggregate housing voucher and public housing units. Of the 100 agencies selected under this section, five shall be agencies with portfolio awards under the Rental Assistance Demonstration that meet the other requirements of this section, including current designations as high performing agencies or such designations held immediately prior to such portfolio awards. Selection of agencies under this section shall be based on ensuring the geographic diversity of Moving to Work agencies. In addition to the preceding selection criteria, agencies shall be designated by the Secretary over a 7-year period. The Secretary shall establish a research advisory committee which shall advise the Secretary with respect to specific policy proposals and methods of research and evaluation for the demonstration. The advisory committee shall include program and research experts from the Department, a fair representation of agencies with a Moving to Work designation, and independent subject matter experts in housing policy research. For each cohort of agencies receiving a designation under this heading, the Secretary shall direct one specific policy change to be implemented by the agencies, and with the approval of the Secretary, such agencies may implement additional policy changes. All agencies designated under this section shall be evaluated through rigorous research as determined by the Secretary, and shall provide information requested by the Secretary to support such oversight and evaluation, including the targeted policy changes. Research and evaluation shall be coordinated under the direction of the

42 USC 1437f
note.

Secretary, and in consultation with the advisory committee, and findings shall be shared broadly. The Secretary shall consult the advisory committee with respect to policy changes that have proven successful and can be applied more broadly to all public housing agencies, and propose any necessary statutory changes. The Secretary may, at the request of a Moving to Work agency and one or more adjacent public housing agencies in the same area, designate that Moving to Work agency as a regional agency. A regional Moving to Work agency may administer the assistance under sections 8 and 9 of the United States Housing Act of 1937 (42 U.S.C. 1437f and g) for the participating agencies within its region pursuant to the terms of its Moving to Work agreement with the Secretary. The Secretary may agree to extend the term of the agreement and to make any necessary changes to accommodate regionalization. A Moving to Work agency may be selected as a regional agency if the Secretary determines that unified administration of assistance under sections 8 and 9 by that agency across multiple jurisdictions will lead to efficiencies and to greater housing choice for low-income persons in the region. For purposes of this expansion, in addition to the provisions of the Act retained in section 204, section 8(r)(1) of the Act shall continue to apply unless the Secretary determines that waiver of this section is necessary to implement comprehensive rent reform and occupancy policies subject to evaluation by the Secretary, and the waiver contains, at a minimum, exceptions for requests to port due to employment, education, health and safety. No public housing agency granted this designation through this section shall receive more funding under sections 8 or 9 of the United States Housing Act of 1937 than it otherwise would have received absent this designation. The Secretary shall extend the current Moving to Work agreements of previously designated participating agencies until the end of each such agency's fiscal year 2028 under the same terms and conditions of such current agreements, except for any changes to such terms or conditions otherwise mutually agreed upon by the Secretary and any such agency and such extension agreements shall prohibit any statutory offset of any reserve balances equal to 4 months of operating expenses. Any such reserve balances that exceed such amount shall remain available to any such agency for all permissible purposes under such agreement unless subject to a statutory offset. In addition to other reporting requirements, all Moving to Work agencies shall report financial data to the Department of Housing and Urban Development as specified by the Secretary, so that the effect of Moving to Work policy changes can be measured.

SEC. 240. (a) **AUTHORITY.**—Subject to the conditions in subsection (d), the Secretary of Housing and Urban Development may authorize, in response to requests received in fiscal years 2016 through 2020, the transfer of some or all project-based assistance, tenant-based assistance, capital advances, debt, and statutorily required use restrictions from housing assisted under section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013) to other new or existing housing, which may include projects, units, and other types of housing, as permitted by the Secretary.

(b) **CAPITAL ADVANCES.**—Interest shall not be due and repayment of a capital advance shall not be triggered by a transfer pursuant to this section.

(c) **PHASED AND PROPORTIONAL TRANSFERS.**—

(1) Transfers under this section may be done in phases to accommodate the financing and other requirements related to rehabilitating or constructing the housing to which the assistance is transferred, to ensure that such housing meets the conditions under subsection (d).

(2) The capital advance repayment requirements, use restrictions, rental assistance, and debt shall transfer proportionally from the transferring housing to the receiving housing.

(d) CONDITIONS.—The transfers authorized by this section shall be subject to the following conditions:

(1) the owner of the transferring housing shall demonstrate that the transfer is in compliance with applicable Federal, State, and local requirements regarding Housing for Persons with Disabilities and shall provide the Secretary with evidence of obtaining any approvals related to housing disabled persons that are necessary under Federal, State, and local government requirements;

(2) the owner of the transferring housing shall demonstrate to the Secretary that any transfer is in the best interest of the disabled residents by offering opportunities for increased integration or less concentration of individuals with disabilities;

(3) the owner of the transferring housing shall continue to provide the same number of units as approved for rental assistance by the Secretary in the receiving housing;

(4) the owner of the transferring housing shall consult with the disabled residents in the transferring housing about any proposed transfer under this section and shall notify the residents of the transferring housing who are eligible for assistance to be provided in the receiving housing that they shall not be required to vacate the transferring housing until the receiving housing is available for occupancy;

(5) the receiving housing shall meet or exceed applicable physical standards established or adopted by the Secretary; and

(6) if the receiving housing has a mortgage insured under title II of the National Housing Act, any lien on the receiving housing resulting from additional financing shall be subordinate to any federally insured mortgage lien transferred to, or placed on, such housing, except that the Secretary may waive this requirement upon determination that such a waiver is necessary to facilitate the financing of acquisition, construction, or rehabilitation of the receiving housing.

(e) PUBLIC NOTICE.—The Secretary shall publish a notice in the Federal Register of the terms and conditions, including criteria for the Department's approval of transfers pursuant to this section no later than 30 days before the effective date of such notice.

SEC. 241. (a) Of the unobligated balances, including recaptures and carryover, remaining from funds appropriated to the Department of Housing and Urban Development under the heading "General and Special Risk Program Account", and for the cost of guaranteed notes and other obligations under the heading "Native American Housing Block Grants", \$12,000,000 is hereby permanently rescinded.

(b) All unobligated balances, including recaptures and carryover, remaining from funds appropriated to the Department of Housing and Urban Development under the headings "Rural Housing and Economic Development", and "Homeownership and

Opportunity for People Everywhere Grants” are hereby permanently rescinded.

SEC. 242. Funds made available in this title under the heading “Homeless Assistance Grants” may be used by the Secretary to participate in Performance Partnership Pilots authorized in an appropriations Act for fiscal year 2016 as initially authorized under section 526 of division H of Public Law 113–76 and extended under section 524 of division G of Public Law 113–235: *Provided*, That such participation shall be limited to no more than 10 continuums of care and housing activities to improve outcomes for disconnected youth.

SEC. 243. With respect to grant amounts awarded under the heading “Homeless Assistance Grants” for fiscal years 2015 and 2016 for the Continuum of Care (CoC) program as authorized under subtitle C of title IV of the McKinney-Vento Homeless Assistance Act, costs paid by program income of grant recipients may count toward meeting the recipient’s matching requirements, provided the costs are eligible CoC costs that supplement the recipients CoC program.

SEC. 244. With respect to funds appropriated under the “Community Development Fund” heading for formula allocation to states pursuant to 42 U.S.C. 5306(d), the Secretary shall permit a jurisdiction to demonstrate compliance with 42 U.S.C. 5305(c)(2)(A) if it had been designated as majority low- and moderate-income pursuant to data from the 2000 decennial Census and it continues to have economic distress as evidenced by inclusion in a designated Rural Promise Zone or Distressed County as defined by the Appalachian Regional Commission. This section shall apply to any such state funds appropriated under such heading under this Act, in each fiscal year from 2017 through 2020, and under prior appropriation Acts (with respect to any such allocated but uncommitted funds available to any such state).

This title may be cited as the “Department of Housing and Urban Development Appropriations Act, 2016”.

TITLE III

RELATED AGENCIES

ACCESS BOARD

SALARIES AND EXPENSES

For expenses necessary for the Access Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, \$8,023,000: *Provided*, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 307), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by

31 U.S.C. 1343(b); and uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902, \$25,660,000: *Provided*, That not to exceed \$2,000 shall be available for official reception and representation expenses.

NATIONAL RAILROAD PASSENGER CORPORATION

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General for the National Railroad Passenger Corporation to carry out the provisions of the Inspector General Act of 1978, as amended, \$24,499,000: *Provided*, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3), to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the National Railroad Passenger Corporation: *Provided further*, That the Inspector General may enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, subject to the applicable laws and regulations that govern the obtaining of such services within the National Railroad Passenger Corporation: *Provided further*, That the Inspector General may select, appoint, and employ such officers and employees as may be necessary for carrying out the functions, powers, and duties of the Office of Inspector General, subject to the applicable laws and regulations that govern such selections, appointments, and employment within the Corporation: *Provided further*, That concurrent with the President's budget request for fiscal year 2017, the Inspector General shall submit to the House and Senate Committees on Appropriations a budget request for fiscal year 2017 in similar format and substance to those submitted by executive agencies of the Federal Government.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS–15; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902), \$105,170,000, of which not to exceed \$2,000 may be used for official reception and representation expenses. The amounts made available to the National Transportation Safety Board in this Act include amounts necessary to make lease payments on an obligation incurred in fiscal year 2001 for a capital lease.

NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101–

8107), \$135,000,000, of which \$5,000,000 shall be for a multi-family rental housing program: *Provided*, That in addition, \$40,000,000 shall be made available until expended to the Neighborhood Reinvestment Corporation for mortgage foreclosure mitigation activities, under the following terms and conditions:

(1) The Neighborhood Reinvestment Corporation (NRC) shall make grants to counseling intermediaries approved by the Department of Housing and Urban Development (HUD) (with match to be determined by NRC based on affordability and the economic conditions of an area; a match also may be waived by NRC based on the aforementioned conditions) to provide mortgage foreclosure mitigation assistance primarily to States and areas with high rates of defaults and foreclosures to help eliminate the default and foreclosure of mortgages of owner-occupied single-family homes that are at risk of such foreclosure. Other than areas with high rates of defaults and foreclosures, grants may also be provided to approved counseling intermediaries based on a geographic analysis of the Nation by NRC which determines where there is a prevalence of mortgages that are risky and likely to fail, including any trends for mortgages that are likely to default and face foreclosure. A State Housing Finance Agency may also be eligible where the State Housing Finance Agency meets all the requirements under this paragraph. A HUD-approved counseling intermediary shall meet certain mortgage foreclosure mitigation assistance counseling requirements, as determined by NRC, and shall be approved by HUD or NRC as meeting these requirements.

(2) Mortgage foreclosure mitigation assistance shall only be made available to homeowners of owner-occupied homes with mortgages in default or in danger of default. These mortgages shall likely be subject to a foreclosure action and homeowners will be provided such assistance that shall consist of activities that are likely to prevent foreclosures and result in the long-term affordability of the mortgage retained pursuant to such activity or another positive outcome for the homeowner. No funds made available under this paragraph may be provided directly to lenders or homeowners to discharge outstanding mortgage balances or for any other direct debt reduction payments.

(3) The use of mortgage foreclosure mitigation assistance by approved counseling intermediaries and State Housing Finance Agencies shall involve a reasonable analysis of the borrower's financial situation, an evaluation of the current value of the property that is subject to the mortgage, counseling regarding the assumption of the mortgage by another non-Federal party, counseling regarding the possible purchase of the mortgage by a non-Federal third party, counseling and advice of all likely restructuring and refinancing strategies or the approval of a work-out strategy by all interested parties.

(4) NRC may provide up to 15 percent of the total funds under this paragraph to its own charter members with expertise in foreclosure prevention counseling, subject to a certification by NRC that the procedures for selection do not consist of any procedures or activities that could be construed as a conflict of interest or have the appearance of impropriety.

(5) HUD-approved counseling entities and State Housing Finance Agencies receiving funds under this paragraph shall have demonstrated experience in successfully working with financial institutions as well as borrowers facing default, delinquency and foreclosure as well as documented counseling capacity, outreach capacity, past successful performance and positive outcomes with documented counseling plans (including post mortgage foreclosure mitigation counseling), loan workout agreements and loan modification agreements. NRC may use other criteria to demonstrate capacity in underserved areas.

(6) Of the total amount made available under this paragraph, up to \$2,000,000 may be made available to build the mortgage foreclosure and default mitigation counseling capacity of counseling intermediaries through NRC training courses with HUD-approved counseling intermediaries and their partners, except that private financial institutions that participate in NRC training shall pay market rates for such training.

(7) Of the total amount made available under this paragraph, up to 5 percent may be used for associated administrative expenses for NRC to carry out activities provided under this section.

(8) Mortgage foreclosure mitigation assistance grants may include a budget for outreach and advertising, and training, as determined by NRC.

(9) NRC shall continue to report bi-annually to the House and Senate Committees on Appropriations as well as the Senate Banking Committee and House Financial Services Committee on its efforts to mitigate mortgage default.

UNITED STATES INTERAGENCY COUNCIL ON HOMELESSNESS

OPERATING EXPENSES

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms, and the employment of experts and consultants under section 3109 of title 5, United States Code) of the United States Interagency Council on Homelessness in carrying out the functions pursuant to title II of the McKinney-Vento Homeless Assistance Act, as amended, \$3,530,000.

TITLE IV

GENERAL PROVISIONS—THIS ACT

SEC. 401. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 402. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 403. The expenditure of any appropriation under this Act for any consulting service through a procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where

otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 404. (a) None of the funds made available in this Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or “new age” belief systems as defined in Equal Employment Opportunity Commission Notice N–915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants’ personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 405. Except as otherwise provided in this Act, none of the funds provided in this Act, provided by previous appropriations Acts to the agencies or entities funded in this Act that remain available for obligation or expenditure in fiscal year 2016, or provided from any accounts in the Treasury derived by the collection of fees and available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates a new program;

(2) eliminates a program, project, or activity;

(3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by the Congress;

(4) proposes to use funds directed for a specific activity by either the House or Senate Committees on Appropriations for a different purpose;

(5) augments existing programs, projects, or activities in excess of \$5,000,000 or 10 percent, whichever is less;

(6) reduces existing programs, projects, or activities by \$5,000,000 or 10 percent, whichever is less; or

(7) creates, reorganizes, or restructures a branch, division, office, bureau, board, commission, agency, administration, or department different from the budget justifications submitted to the Committees on Appropriations or the table accompanying the explanatory statement accompanying this Act, whichever is more detailed, unless prior approval is received from the House and Senate Committees on Appropriations: *Provided*, That not later than 60 days after the date of enactment of this Act, each agency funded by this Act shall submit a report to the Committees on Appropriations of the Senate and of the House of Representatives to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: *Provided further*, That the report shall include—

(A) a table for each appropriation with a separate column to display the prior year enacted level, the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(B) a delineation in the table for each appropriation and its respective prior year enacted level by object class and program, project, and activity as detailed in the budget appendix for the respective appropriation; and

(C) an identification of items of special congressional interest.

SEC. 406. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2016 from appropriations made available for salaries and expenses for fiscal year 2016 in this Act, shall remain available through September 30, 2017, for each such account for the purposes authorized: *Provided*, That a request shall be submitted to the House and Senate Committees on Appropriations for approval prior to the expenditure of such funds: *Provided further*, That these requests shall be made in compliance with reprogramming guidelines under section 405 of this Act.

SEC. 407. No funds in this Act may be used to support any Federal, State, or local projects that seek to use the power of eminent domain, unless eminent domain is employed only for a public use: *Provided*, That for purposes of this section, public use shall not be construed to include economic development that primarily benefits private entities: *Provided further*, That any use of funds for mass transit, railroad, airport, seaport or highway projects, as well as utility projects which benefit or serve the general public (including energy-related, communication-related, water-related and wastewater-related infrastructure), other structures designated for use by the general public or which have other common-carrier or public-utility functions that serve the general public and are subject to regulation and oversight by the government, and projects for the removal of an immediate threat to public health and safety or brownfields as defined in the Small Business Liability Relief and Brownfields Revitalization Act (Public Law 107–118) shall be considered a public use for purposes of eminent domain.

SEC. 408. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 409. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his or her period of active military or naval service, and has within 90 days after his or her release from such service or from hospitalization continuing after discharge for a period of not more than 1 year, made application for restoration to his or her former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his or her former position and has not been restored thereto.

SEC. 410. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending

the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the “Buy American Act”).

SEC. 411. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating the Buy American Act (41 U.S.C. 10a–10c).

SEC. 412. None of the funds made available in this Act may be used for first-class airline accommodations in contravention of sections 301–10.122 and 301–10.123 of title 41, Code of Federal Regulations.

SEC. 413. (a) None of the funds made available by this Act may be used to approve a new foreign air carrier permit under sections 41301 through 41305 of title 49, United States Code, or exemption application under section 40109 of that title of an air carrier already holding an air operators certificate issued by a country that is party to the U.S.-E.U.-Iceland-Norway Air Transport Agreement where such approval would contravene United States law or Article 17 bis of the U.S.-E.U.-Iceland-Norway Air Transport Agreement.

(b) Nothing in this section shall prohibit, restrict or otherwise preclude the Secretary of Transportation from granting a foreign air carrier permit or an exemption to such an air carrier where such authorization is consistent with the U.S.-E.U.-Iceland-Norway Air Transport Agreement and United States law.

SEC. 414. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 employees of a single agency or department of the United States Government, who are stationed in the United States, at any single international conference unless the relevant Secretary reports to the House and Senate Committees on Appropriations at least 5 days in advance that such attendance is important to the national interest: *Provided*, That for purposes of this section the term “international conference” shall mean a conference occurring outside of the United States attended by representatives of the United States Government and of foreign governments, international organizations, or nongovernmental organizations.

SEC. 415. None of the funds made available by this Act may be used by the Federal Transit Administration to implement, administer, or enforce section 18.36(c)(2) of title 49, Code of Federal Regulations, for construction hiring purposes.

SEC. 416. None of the funds made available by this Act may be used in contravention of the 5th or 14th Amendment to the Constitution or title VI of the Civil Rights Act of 1964.

SEC. 417. None of the funds made available by this Act may be used by the Department of Transportation, the Department of Housing and Urban Development, or any other Federal agency to lease or purchase new light duty vehicles for any executive fleet, or for an agency’s fleet inventory, except in accordance with Presidential Memorandum—Federal Fleet Performance, dated May 24, 2011.

SEC. 418. None of the funds made available by this Act may be used in contravention of subpart E of part 5 of the regulations of the Secretary of Housing and Urban Development (24 CFR part 5, subpart E, relating to restrictions on assistance to noncitizens).

SEC. 419. None of the funds made available by this Act may be used to provide financial assistance in contravention of section

214(d) of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a(d)).

SEC. 420. For an additional amount for “Community Planning and Development, Community Development Fund”, \$300,000,000, to remain available until expended, for necessary expenses for activities authorized under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) related to disaster relief, long-term recovery, restoration of infrastructure and housing, and economic revitalization in the most impacted and distressed areas resulting from a major disaster declared in 2015 pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) related to the consequences of Hurricane Joaquin and adjacent storm systems, Hurricane Patricia, and other flood events: *Provided*, That funds shall be awarded directly to the State or unit of general local government at the discretion of the Secretary: *Provided further*, That prior to the obligation of funds a grantee shall submit a plan to the Secretary for approval detailing the proposed use of all funds, including criteria for eligibility and how the use of these funds will address long-term recovery and restoration of infrastructure and housing and economic revitalization in the most impacted and distressed areas: *Provided further*, That such funds may not be used for activities reimbursable by, or for which funds are made available by, the Federal Emergency Management Agency or the Army Corps of Engineers: *Provided further*, That funds allocated under this heading shall not be considered relevant to the non-disaster formula allocations made pursuant to section 106 of the Housing and Community Development Act of 1974 (42 U.S.C. 5306): *Provided further*, That a State or subdivision thereof may use up to five percent of its allocation for administrative costs: *Provided further*, That in administering the funds under this heading, the Secretary of Housing and Urban Development may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), if the Secretary finds that good cause exists for the waiver or alternative requirement and such waiver or alternative requirement would not be inconsistent with the overall purpose of title I of the Housing and Community Development Act of 1974: *Provided further*, That, notwithstanding the preceding proviso, recipients of funds provided under this heading that use such funds to supplement Federal assistance provided under section 402, 403, 404, 406, 407, or 502 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) may adopt, without review or public comment, any environmental review, approval, or permit performed by a Federal agency, and such adoption shall satisfy the responsibilities of the recipient with respect to such environmental review, approval or permit: *Provided further*, That, notwithstanding section 104(g)(2) of the Housing and Community Development Act of 1974 (42 U.S.C. 5304(g)(2)), the Secretary may, upon receipt of a request for release of funds and certification, immediately approve the release of funds for an activity or project assisted under this heading if the recipient has adopted an environmental review, approval or permit under the preceding proviso or the activity or project is categorically excluded from review under the National Environmental Policy Act of 1969 (42 U.S.C.

4321 et seq.): *Provided further*, That the Secretary shall publish via notice in the Federal Register any waiver, or alternative requirement, to any statute or regulation that the Secretary administers pursuant to title I of the Housing and Community Development Act of 1974 no later than five days before the effective date of such waiver or alternative requirement: *Provided further*, That of the amounts made available under this section, up to \$1,000,000 may be transferred to “Program Office Salaries and Expenses, Community Planning and Development” for necessary costs, including information technology costs, of administering and overseeing funds made available under this heading: *Provided further*, That amounts provided under this section shall be designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985.

23 USC 120 note.

SEC. 421. Effective as of December 4, 2015, and as if included therein as enacted, section 1408 of the Fixing America’s Surface Transportation Act (Public Law 114–94) is amended by adding at the end the following:

23 USC 120 note.

“(c) APPLICABILITY.—The amendment made by subsection (b) shall apply to projects to repair or reconstruct facilities damaged as a result of a natural disaster or catastrophic failure described in section 125(a) of title 23, United States Code, occurring on or after October 1, 2015.”

This division may be cited as the “Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2016”.

Intelligence
Authorization
Act for Fiscal
Year 2016.

DIVISION M—INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2016

SEC. 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the “Intelligence Authorization Act for Fiscal Year 2016”.

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

DIVISION M—INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2016

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

Sec. 3. Explanatory statement.

TITLE I—INTELLIGENCE ACTIVITIES

Sec. 101. Authorization of appropriations.

Sec. 102. Classified schedule of authorizations.

Sec. 103. Personnel ceiling adjustments.

Sec. 104. Intelligence Community Management Account.

Sec. 105. Clarification regarding authority for flexible personnel management among elements of intelligence community.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 201. Authorization of appropriations.

TITLE III—GENERAL PROVISIONS

Sec. 301. Increase in employee compensation and benefits authorized by law.

Sec. 302. Restriction on conduct of intelligence activities.

Sec. 303. Provision of information and assistance to Inspector General of the Intelligence Community.

Sec. 304. Inclusion of Inspector General of Intelligence Community in Council of Inspectors General on Integrity and Efficiency.

- Sec. 305. Clarification of authority of Privacy and Civil Liberties Oversight Board.
- Sec. 306. Enhancing government personnel security programs.
- Sec. 307. Notification of changes to retention of call detail record policies.
- Sec. 308. Personnel information notification policy by the Director of National Intelligence.
- Sec. 309. Designation of lead intelligence officer for tunnels.
- Sec. 310. Reporting process required for tracking certain requests for country clearance.
- Sec. 311. Study on reduction of analytic duplication.
- Sec. 312. Strategy for comprehensive interagency review of the United States national security overhead satellite architecture.
- Sec. 313. Cyber attack standards of measurement study.

TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE
COMMUNITY

Subtitle A—Office of the Director of National Intelligence

- Sec. 401. Appointment and confirmation of the National Counterintelligence Executive.
- Sec. 402. Technical amendments relating to pay under title 5, United States Code.
- Sec. 403. Analytic objectivity review.

Subtitle B—Central Intelligence Agency and Other Elements

- Sec. 411. Authorities of the Inspector General for the Central Intelligence Agency.
- Sec. 412. Prior congressional notification of transfers of funds for certain intelligence activities.

TITLE V—MATTERS RELATING TO FOREIGN COUNTRIES

Subtitle A—Matters Relating to Russia

- Sec. 501. Notice of deployment or transfer of Club-K container missile system by the Russian Federation.
- Sec. 502. Assessment on funding of political parties and nongovernmental organizations by the Russian Federation.
- Sec. 503. Assessment on the use of political assassinations as a form of statecraft by the Russian Federation.

Subtitle B—Matters Relating to Other Countries

- Sec. 511. Report on resources and collection posture with regard to the South China Sea and East China Sea.
- Sec. 512. Use of locally employed staff serving at a United States diplomatic facility in Cuba.
- Sec. 513. Inclusion of sensitive compartmented information facilities in United States diplomatic facilities in Cuba.
- Sec. 514. Report on use by Iran of funds made available through sanctions relief.

TITLE VI—MATTERS RELATING TO UNITED STATES NAVAL STATION,
GUANTANAMO BAY, CUBA

- Sec. 601. Prohibition on use of funds for transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba, to the United States.
- Sec. 602. Prohibition on use of funds to construct or modify facilities in the United States to house detainees transferred from United States Naval Station, Guantanamo Bay, Cuba.
- Sec. 603. Prohibition on use of funds for transfer or release to certain countries of individuals detained at United States Naval Station, Guantanamo Bay, Cuba.

TITLE VII—REPORTS AND OTHER MATTERS

Subtitle A—Reports

- Sec. 701. Repeal of certain reporting requirements.
- Sec. 702. Reports on foreign fighters.
- Sec. 703. Report on strategy, efforts, and resources to detect, deter, and degrade Islamic State revenue mechanisms.
- Sec. 704. Report on United States counterterrorism strategy to disrupt, dismantle, and defeat the Islamic State, al-Qa'ida, and their affiliated groups, associated groups, and adherents.
- Sec. 705. Report on effects of data breach of Office of Personnel Management.
- Sec. 706. Report on hiring of graduates of Cyber Corps Scholarship Program by intelligence community.

Sec. 707. Report on use of certain business concerns.

Subtitle B—Other Matters

Sec. 711. Use of homeland security grant funds in conjunction with Department of Energy national laboratories.

Sec. 712. Inclusion of certain minority-serving institutions in grant program to enhance recruiting of intelligence community workforce.

50 USC 3003
note.

SEC. 2. DEFINITIONS.

In this division:

(1) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term “congressional intelligence committees” means—

(A) the Select Committee on Intelligence of the Senate;
and

(B) the Permanent Select Committee on Intelligence of the House of Representatives.

(2) INTELLIGENCE COMMUNITY.—The term “intelligence community” has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).

SEC. 3. EXPLANATORY STATEMENT.

The explanatory statement regarding this division, printed in the House section of the Congressional Record on or about December 15, 2015, by the Chairman of the Permanent Select Committee on Intelligence of the House of Representatives, shall have the same effect with respect to the implementation of this division as if it were a joint explanatory statement of a committee of conference.

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2016 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

- (1) The Office of the Director of National Intelligence.
- (2) The Central Intelligence Agency.
- (3) The Department of Defense.
- (4) The Defense Intelligence Agency.
- (5) The National Security Agency.
- (6) The Department of the Army, the Department of the Navy, and the Department of the Air Force.
- (7) The Coast Guard.
- (8) The Department of State.
- (9) The Department of the Treasury.
- (10) The Department of Energy.
- (11) The Department of Justice.
- (12) The Federal Bureau of Investigation.
- (13) The Drug Enforcement Administration.
- (14) The National Reconnaissance Office.
- (15) The National Geospatial-Intelligence Agency.
- (16) The Department of Homeland Security.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL LEVELS.—The amounts authorized to be appropriated under section 101 and,

subject to section 103, the authorized personnel ceilings as of September 30, 2016, for the conduct of the intelligence activities of the elements listed in paragraphs (1) through (16) of section 101, are those specified in the classified Schedule of Authorizations prepared to accompany this division of this Act.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—

(1) AVAILABILITY.—The classified Schedule of Authorizations referred to in subsection (a) shall be made available to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and to the President.

(2) DISTRIBUTION BY THE PRESIDENT.—Subject to paragraph (3), the President shall provide for suitable distribution of the classified Schedule of Authorizations, or of appropriate portions of the Schedule, within the executive branch.

(3) LIMITS ON DISCLOSURE.—The President shall not publicly disclose the classified Schedule of Authorizations or any portion of such Schedule except—

(A) as provided in section 601(a) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (50 U.S.C. 3306(a));

(B) to the extent necessary to implement the budget;

or

(C) as otherwise required by law.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

(a) AUTHORITY FOR INCREASES.—The Director of National Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 2016 by the classified Schedule of Authorizations referred to in section 102(a) if the Director of National Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed 3 percent of the number of civilian personnel authorized under such schedule for such element.

(b) TREATMENT OF CERTAIN PERSONNEL.—The Director of National Intelligence shall establish guidelines that govern, for each element of the intelligence community, the treatment under the personnel levels authorized under section 102(a), including any exemption from such personnel levels, of employment or assignment in—

(1) a student program, trainee program, or similar program;

(2) a reserve corps or as a reemployed annuitant; or

(3) details, joint duty, or long-term, full-time training.

(c) NOTICE TO CONGRESSIONAL INTELLIGENCE COMMITTEES.—The Director of National Intelligence shall notify the congressional intelligence committees in writing at least 15 days prior to each exercise of an authority described in subsection (a).

SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of National Intelligence for fiscal year 2016 the sum of \$516,306,000. Within such amount, funds identified in the classified Schedule of Authorizations referred to in section

102(a) for advanced research and development shall remain available until September 30, 2017.

(b) **AUTHORIZED PERSONNEL LEVELS.**—The elements within the Intelligence Community Management Account of the Director of National Intelligence are authorized 785 positions as of September 30, 2016. Personnel serving in such elements may be permanent employees of the Office of the Director of National Intelligence or personnel detailed from other elements of the United States Government.

(c) **CLASSIFIED AUTHORIZATIONS.**—

(1) **AUTHORIZATION OF APPROPRIATIONS.**—In addition to amounts authorized to be appropriated for the Intelligence Community Management Account by subsection (a), there are authorized to be appropriated for the Community Management Account for fiscal year 2016 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a). Such additional amounts for advanced research and development shall remain available until September 30, 2017.

(2) **AUTHORIZATION OF PERSONNEL.**—In addition to the personnel authorized by subsection (b) for elements of the Intelligence Community Management Account as of September 30, 2016, there are authorized such additional personnel for the Community Management Account as of that date as are specified in the classified Schedule of Authorizations referred to in section 102(a).

SEC. 105. CLARIFICATION REGARDING AUTHORITY FOR FLEXIBLE PERSONNEL MANAGEMENT AMONG ELEMENTS OF INTELLIGENCE COMMUNITY.

(a) **CLARIFICATION.**—Section 102A(v) of the National Security Act of 1947 (50 U.S.C. 3024(v)) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and
 (2) by inserting after paragraph (2) the following new paragraph (3):

“(3) A covered department may appoint an individual to a position converted or established pursuant to this subsection without regard to the civil-service laws, including parts II and III of title 5, United States Code.”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall apply with respect to an appointment under section 102A(v) of the National Security Act of 1947 (50 U.S.C. 3024(v)) made on or after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2012 (Public Law 112–87) and to any proceeding pending on or filed after the date of the enactment of this section that relates to such an appointment.

50 USC 3024
note.

**TITLE II—CENTRAL INTELLIGENCE
 AGENCY RETIREMENT AND DIS-
 ABILITY SYSTEM**

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2016 the sum of \$514,000,000.

TITLE III—GENERAL PROVISIONS

SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this division for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this division shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

SEC. 303. PROVISION OF INFORMATION AND ASSISTANCE TO INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY.

Section 103H(j)(4) of the National Security Act of 1947 (50 U.S.C. 3033(j)(4)) is amended—

(1) in subparagraph (A), by striking “any department, agency, or other element of the United States Government” and inserting “any Federal, State (as defined in section 804), or local governmental agency or unit thereof”; and

(2) in subparagraph (B), by inserting “from a department, agency, or element of the Federal Government” before “under subparagraph (A)”.

SEC. 304. INCLUSION OF INSPECTOR GENERAL OF INTELLIGENCE COMMUNITY IN COUNCIL OF INSPECTORS GENERAL ON INTEGRITY AND EFFICIENCY.

Section 11(b)(1)(B) of the Inspector General Act of 1978 (Public Law 95–452; 5 U.S.C. App.) is amended by striking “the Office of the Director of National Intelligence” and inserting “the Intelligence Community”.

SEC. 305. CLARIFICATION OF AUTHORITY OF PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD.

Section 1061(g) of the Intelligence Reform and Terrorism Prevention Act of 2004 (42 U.S.C. 2000ee(g)) is amended by adding at the end the following new paragraph:

“(5) ACCESS.—Nothing in this section shall be construed to authorize the Board, or any agent thereof, to gain access to information regarding an activity covered by section 503(a) of the National Security Act of 1947 (50 U.S.C. 3093(a)).”.

SEC. 306. ENHANCING GOVERNMENT PERSONNEL SECURITY PROGRAMS.

(a) ENHANCED SECURITY CLEARANCE PROGRAMS.—

(1) IN GENERAL.—Part III of title 5, United States Code, is amended by adding at the end the following:

**“Subpart J—Enhanced Personnel Security
Programs**

**“CHAPTER 110—ENHANCED PERSONNEL SECURITY
PROGRAMS**

“Sec.
“11001. Enhanced personnel security programs.

5 USC 11001.

“SEC. 11001. ENHANCED PERSONNEL SECURITY PROGRAMS.

“(a) ENHANCED PERSONNEL SECURITY PROGRAM.—The Director of National Intelligence shall direct each agency to implement a program to provide enhanced security review of covered individuals—

“(1) in accordance with this section; and

“(2) not later than the earlier of—

“(A) the date that is 5 years after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2016; or

“(B) the date on which the backlog of overdue periodic reinvestigations of covered individuals is eliminated, as determined by the Director of National Intelligence.

“(b) COMPREHENSIVENESS.—

“(1) SOURCES OF INFORMATION.—The enhanced personnel security program of an agency shall integrate relevant and appropriate information from various sources, including government, publicly available, and commercial data sources, consumer reporting agencies, social media, and such other sources as determined by the Director of National Intelligence.

“(2) TYPES OF INFORMATION.—Information obtained and integrated from sources described in paragraph (1) may include—

“(A) information relating to any criminal or civil legal proceeding;

“(B) financial information relating to the covered individual, including the credit worthiness of the covered individual;

“(C) publicly available information, whether electronic, printed, or other form, including relevant security or counterintelligence information about the covered individual or information that may suggest ill intent, vulnerability to blackmail, compulsive behavior, allegiance to another country, change in ideology, or that the covered individual lacks good judgment, reliability, or trustworthiness; and

“(D) data maintained on any terrorist or criminal watch list maintained by any agency, State or local government, or international organization.

“(c) REVIEWS OF COVERED INDIVIDUALS.—

“(1) REVIEWS.—

“(A) IN GENERAL.—The enhanced personnel security program of an agency shall require that, not less than 2 times every 5 years, the head of the agency shall conduct or request the conduct of automated record checks and checks of information from sources under subsection (b) to ensure the continued eligibility of each covered individual to access classified information and hold a sensitive

position unless more frequent reviews of automated record checks and checks of information from sources under subsection (b) are conducted on the covered individual.

“(B) SCOPE OF REVIEWS.—Except for a covered individual who is subject to more frequent reviews to ensure the continued eligibility of the covered individual to access classified information and hold a sensitive position, the reviews under subparagraph (A) shall consist of random or aperiodic checks of covered individuals, such that each covered individual is subject to at least 2 reviews during the 5-year period beginning on the date on which the agency implements the enhanced personnel security program of an agency, and during each 5-year period thereafter.

“(C) INDIVIDUAL REVIEWS.—A review of the information relating to the continued eligibility of a covered individual to access classified information and hold a sensitive position under subparagraph (A) may not be conducted until after the end of the 120-day period beginning on the date the covered individual receives the notification required under paragraph (3).

“(2) RESULTS.—The head of an agency shall take appropriate action if a review under paragraph (1) finds relevant information that may affect the continued eligibility of a covered individual to access classified information and hold a sensitive position.

“(3) INFORMATION FOR COVERED INDIVIDUALS.—The head of an agency shall ensure that each covered individual is adequately advised of the types of relevant security or counterintelligence information the covered individual is required to report to the head of the agency.

“(4) LIMITATION.—Nothing in this subsection shall be construed to affect the authority of an agency to determine the appropriate weight to be given to information relating to a covered individual in evaluating the continued eligibility of the covered individual.

“(5) AUTHORITY OF THE PRESIDENT.—Nothing in this subsection shall be construed as limiting the authority of the President to direct or perpetuate periodic reinvestigations of a more comprehensive nature or to delegate the authority to direct or perpetuate such reinvestigations.

“(6) EFFECT ON OTHER REVIEWS.—Reviews conducted under paragraph (1) are in addition to investigations and reinvestigations conducted pursuant to section 3001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341).

“(d) AUDIT.—

“(1) IN GENERAL.—Beginning 2 years after the date of the implementation of the enhanced personnel security program of an agency under subsection (a), the Inspector General of the agency shall conduct at least 1 audit to assess the effectiveness and fairness, which shall be determined in accordance with performance measures and standards established by the Director of National Intelligence, to covered individuals of the enhanced personnel security program of the agency.

“(2) SUBMISSIONS TO DNI.—The results of each audit conducted under paragraph (1) shall be submitted to the Director of National Intelligence to assess the effectiveness and fairness

of the enhanced personnel security programs across the Federal Government.

“(e) DEFINITIONS.—In this section—

“(1) the term ‘agency’ has the meaning given that term in section 3001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341);

“(2) the term ‘consumer reporting agency’ has the meaning given that term in section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a);

“(3) the term ‘covered individual’ means an individual employed by an agency or a contractor of an agency who has been determined eligible for access to classified information or eligible to hold a sensitive position;

“(4) the term ‘enhanced personnel security program’ means a program implemented by an agency at the direction of the Director of National Intelligence under subsection (a); and”.

5 USC
2101 prec.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for part III of title 5, United States Code, is amended by adding at the end following:

“Subpart J—Enhanced Personnel Security Programs

“110. Enhanced personnel security programs11001”.

5 USC 11001
note.

(b) RESOLUTION OF BACKLOG OF OVERDUE PERIODIC REINVESTIGATIONS.—

(1) IN GENERAL.—The Director of National Intelligence shall develop and implement a plan to eliminate the backlog of overdue periodic reinvestigations of covered individuals.

(2) REQUIREMENTS.—The plan developed under paragraph (1) shall—

(A) use a risk-based approach to—

(i) identify high-risk populations; and

(ii) prioritize reinvestigations that are due or overdue to be conducted; and

(B) use random automated record checks of covered individuals that shall include all covered individuals in the pool of individuals subject to a one-time check.

(3) DEFINITIONS.—In this subsection:

(A) The term “covered individual” means an individual who has been determined eligible for access to classified information or eligible to hold a sensitive position.

(B) The term “periodic reinvestigations” has the meaning given such term in section 3001(a)(7) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341(a)(7)).

50 USC 1864.

SEC. 307. NOTIFICATION OF CHANGES TO RETENTION OF CALL DETAIL RECORD POLICIES.

(a) REQUIREMENT TO RETAIN.—

(1) IN GENERAL.—Not later than 15 days after learning that an electronic communication service provider that generates call detail records in the ordinary course of business has changed the policy of the provider on the retention of such call detail records to result in a retention period of less than 18 months, the Director of National Intelligence shall notify, in writing, the congressional intelligence committees of such change.

(2) **REPORT.**—Not later than 30 days after the date of the enactment of this Act, the Director shall submit to the congressional intelligence committees a report identifying each electronic communication service provider that has, as of the date of the report, a policy to retain call detail records for a period of 18 months or less.

(b) **DEFINITIONS.**—In this section:

(1) **CALL DETAIL RECORD.**—The term “call detail record” has the meaning given that term in section 501(k) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(k)).

(2) **ELECTRONIC COMMUNICATION SERVICE PROVIDER.**—The term “electronic communication service provider” has the meaning given that term in section 701(b)(4) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881(b)(4)).

SEC. 308. PERSONNEL INFORMATION NOTIFICATION POLICY BY THE DIRECTOR OF NATIONAL INTELLIGENCE.

50 USC 3098
note.

(a) **DIRECTIVE REQUIRED.**—The Director of National Intelligence shall issue a directive containing a written policy for the timely notification to the congressional intelligence committees of the identities of individuals occupying senior level positions within the intelligence community.

(b) **SENIOR LEVEL POSITION.**—In identifying positions that are senior level positions in the intelligence community for purposes of the directive required under subsection (a), the Director of National Intelligence shall consider whether a position—

(1) constitutes the head of an entity or a significant component within an agency;

(2) is involved in the management or oversight of matters of significant import to the leadership of an entity of the intelligence community;

(3) provides significant responsibility on behalf of the intelligence community;

(4) requires the management of a significant number of personnel or funds;

(5) requires responsibility management or oversight of sensitive intelligence activities; and

(6) is held by an individual designated as a senior intelligence management official as such term is defined in section 368(a)(6) of the Intelligence Authorization Act for Fiscal Year 2010 (Public Law 111–259; 50 U.S.C. 404i–1 note).

(c) **NOTIFICATION.**—The Director shall ensure that each notification under the directive issued under subsection (a) includes each of the following:

(1) The name of the individual occupying the position.

(2) Any previous senior level position held by the individual, if applicable, or the position held by the individual immediately prior to the appointment.

(3) The position to be occupied by the individual.

(4) Any other information the Director determines appropriate.

(d) **RELATIONSHIP TO OTHER LAWS.**—The directive issued under subsection (a) and any amendment to such directive shall be consistent with the provisions of the National Security Act of 1947 (50 U.S.C. 401 et seq.).

(e) **SUBMISSION.**—Not later than 90 days after the date of the enactment of this Act, the Director shall submit to the congressional intelligence committees the directive issued under subsection (a).

50 USC 3024
note.

SEC. 309. DESIGNATION OF LEAD INTELLIGENCE OFFICER FOR TUNNELS.

(a) **IN GENERAL.**—The Director of National Intelligence shall designate an official to manage the collection and analysis of intelligence regarding the tactical use of tunnels by state and nonstate actors.

(b) **ANNUAL REPORT.**—Not later than the date that is 10 months after the date of the enactment of this Act, and biennially thereafter until the date that is 4 years after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees and the congressional defense committees (as such term is defined in section 101(a)(16) of title 10, United States Code) a report describing—

(1) trends in the use of tunnels by foreign state and nonstate actors; and

(2) collaboration efforts between the United States and partner countries to address the use of tunnels by adversaries.

50 USC 3024
note.

SEC. 310. REPORTING PROCESS REQUIRED FOR TRACKING CERTAIN REQUESTS FOR COUNTRY CLEARANCE.

(a) **IN GENERAL.**—By not later than September 30, 2016, the Director of National Intelligence shall establish a formal internal reporting process for tracking requests for country clearance submitted to overseas Director of National Intelligence representatives by departments and agencies of the United States. Such reporting process shall include a mechanism for tracking the department or agency that submits each such request and the date on which each such request is submitted.

(b) **CONGRESSIONAL BRIEFING.**—By not later than December 31, 2016, the Director of National Intelligence shall brief the congressional intelligence committees on the progress of the Director in establishing the process required under subsection (a).

SEC. 311. STUDY ON REDUCTION OF ANALYTIC DUPLICATION.

(a) **STUDY AND REPORT.**—

(1) **IN GENERAL.**—Not later than January 31, 2016, the Director of National Intelligence shall—

(A) carry out a study to evaluate and measure the incidence of duplication in finished intelligence analysis products; and

(B) submit to the congressional intelligence committees a report on the findings of such study.

(2) **METHODOLOGY REQUIREMENTS.**—The methodology used to carry out the study required by this subsection shall be able to be repeated for use in other subsequent studies.

(b) **ELEMENTS.**—The report required by subsection (a)(1)(B) shall include—

(1) detailed information—

(A) relating to the frequency of duplication of finished intelligence analysis products; and

(B) that describes the types of, and the reasons for, any such duplication; and

(2) a determination as to whether to make the production of such information a routine part of the mission of the Analytic Integrity and Standards Group.

(c) CUSTOMER IMPACT PLAN.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a plan for revising analytic practice, tradecraft, and standards to ensure customers are able to clearly identify—

(1) the manner in which intelligence products written on similar topics and that are produced contemporaneously differ from one another in terms of methodology, sourcing, or other distinguishing analytic characteristics; and

(2) the significance of that difference.

(d) CONSTRUCTION.—Nothing in this section may be construed to impose any requirement that would interfere with the production of an operationally urgent or otherwise time-sensitive current intelligence product.

SEC. 312. STRATEGY FOR COMPREHENSIVE INTERAGENCY REVIEW OF THE UNITED STATES NATIONAL SECURITY OVERHEAD SATELLITE ARCHITECTURE.

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

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

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

(2) is fiscally responsible;

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

(4) meets realistic requirements;

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

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

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

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

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

(c) REPORT ON STRATEGY.—Not later than February 28, 2016, the Director of National Intelligence, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff shall jointly submit

to the congressional intelligence committees, the Committee on Armed Services of the Senate, and the Committee on Armed Services of the House of Representatives a report on the strategy required by subsection (a).

SEC. 313. CYBER ATTACK STANDARDS OF MEASUREMENT STUDY.

(a) **STUDY REQUIRED.**—The Director of National Intelligence, in consultation with the Secretary of Homeland Security, the Director of the Federal Bureau of Investigation, and the Secretary of Defense, shall carry out a study to determine appropriate standards that—

(1) can be used to measure the damage of cyber incidents for the purposes of determining the response to such incidents; and

(2) include a method for quantifying the damage caused to affected computers, systems, and devices.

(b) **REPORTS TO CONGRESS.**—

(1) **PRELIMINARY FINDINGS.**—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the appropriate congressional committees the initial findings of the study required under subsection (a).

(2) **REPORT.**—Not later than 360 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the appropriate congressional committees a report containing the complete findings of such study.

(3) **FORM OF REPORT.**—The report required by paragraph (2) shall be submitted in unclassified form, but may contain a classified annex.

(c) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means the following:

(1) The congressional intelligence committees.

(2) The Committees on Armed Services of the House of Representatives and the Senate.

(3) The Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

(4) The Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate.

TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Subtitle A—Office of the Director of National Intelligence

SEC. 401. APPOINTMENT AND CONFIRMATION OF THE NATIONAL COUNTERINTELLIGENCE EXECUTIVE.

(a) **IN GENERAL.**—Section 902(a) of the Counterintelligence Enhancement Act of 2002 (50 U.S.C. 3382) is amended to read as follows:

“(a) ESTABLISHMENT.—There shall be a National Counterintelligence Executive who shall be appointed by the President, by and with the advice and consent of the Senate.”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date that is one year after the date of the enactment of this Act.

50 USC 3382
note.

SEC. 402. TECHNICAL AMENDMENTS RELATING TO PAY UNDER TITLE 5, UNITED STATES CODE.

Section 5102(a)(1) of title 5, United States Code, is amended—

(1) in clause (vii), by striking “or”;

(2) by inserting after clause (vii) the following new clause:

“(viii) the Office of the Director of National Intelligence;” and

(3) in clause (x), by striking the period and inserting a semicolon.

SEC. 403. ANALYTIC OBJECTIVITY REVIEW.

(a) ASSESSMENT.—The Director of National Intelligence shall assign the Chief of the Analytic Integrity and Standards Group to conduct a review of finished intelligence products produced by the Central Intelligence Agency to assess whether the reorganization of the Agency, announced publicly on March 6, 2015, has resulted in any loss of analytic objectivity.

(b) SUBMISSION.—Not later than March 6, 2017, the Director of National Intelligence shall submit to the congressional intelligence committees, in writing, the results of the review required under subsection (a), including—

(1) an assessment comparing the analytic objectivity of a representative sample of finished intelligence products produced by the Central Intelligence Agency before the reorganization and a representative sample of such finished intelligence products produced after the reorganization, predicated on the products’ communication of uncertainty, expression of alternative analysis, and other underlying evaluative criteria referenced in the Strategic Evaluation of All-Source Analysis directed by the Director;

(2) an assessment comparing the historical results of anonymous surveys of Central Intelligence Agency analysts and customers conducted before the reorganization and the results of such anonymous surveys conducted after the reorganization, with a focus on the analytic standard of objectivity;

(3) a metrics-based evaluation measuring the effect that the reorganization’s integration of operational, analytic, support, technical, and digital personnel and capabilities into Mission Centers has had on analytic objectivity; and

(4) any recommendations for ensuring that analysts of the Central Intelligence Agency perform their functions with objectivity, are not unduly constrained, and are not influenced by the force of preference for a particular policy.

Subtitle B—Central Intelligence Agency and Other Elements

SEC. 411. AUTHORITIES OF THE INSPECTOR GENERAL FOR THE CENTRAL INTELLIGENCE AGENCY.

(a) INFORMATION AND ASSISTANCE.—Paragraph (9) of section 17(e) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3517(e)(9)) is amended to read as follows:

“(9)(A) The Inspector General may request such information or assistance as may be necessary for carrying out the duties and responsibilities of the Inspector General provided by this section from any Federal, State, or local governmental agency or unit thereof.

“(B) Upon request of the Inspector General for information or assistance from a department or agency of the Federal Government, the head of the department or agency involved, insofar as practicable and not in contravention of any existing statutory restriction or regulation of such department or agency, shall furnish to the Inspector General, or to an authorized designee, such information or assistance.

“(C) Nothing in this paragraph may be construed to provide any new authority to the Central Intelligence Agency to conduct intelligence activity in the United States.

“(D) In this paragraph, the term ‘State’ means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and any territory or possession of the United States.”.

(b) TECHNICAL AMENDMENTS RELATING TO SELECTION OF EMPLOYEES.—Paragraph (7) of such section (50 U.S.C. 3517(e)(7)) is amended—

(1) by inserting “(A)” before “Subject to applicable law”;

and

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

“(B) Consistent with budgetary and personnel resources allocated by the Director, the Inspector General has final approval of—

“(i) the selection of internal and external candidates for employment with the Office of Inspector General; and

“(ii) all other personnel decisions concerning personnel permanently assigned to the Office of Inspector General, including selection and appointment to the Senior Intelligence Service, but excluding all security-based determinations that are not within the authority of a head of other Central Intelligence Agency offices.”.

SEC. 412. PRIOR CONGRESSIONAL NOTIFICATION OF TRANSFERS OF FUNDS FOR CERTAIN INTELLIGENCE ACTIVITIES.

(a) LIMITATION.—Except as provided in subsection (b), none of the funds authorized to be appropriated by this division or otherwise made available for the intelligence community for fiscal year 2016 may be used to initiate a transfer of funds from the Joint Improvised Explosive Device Defeat Fund or the Counterterrorism Partnerships Fund to be used for intelligence activities unless the Director of National Intelligence or the Secretary of Defense, as appropriate, submits to the congressional intelligence

committees, by not later than 15 days before initiating such a transfer, written notice of the transfer.

(b) WAIVER.—

(1) IN GENERAL.—The Director of National Intelligence or the Secretary of Defense, as appropriate, may waive subsection (a) with respect to the initiation of a transfer of funds if the Director or Secretary, as the case may be, determines that an emergency situation makes it impossible or impractical to provide the notice required under such subsection by the date that is 15 days before such initiation.

(2) NOTICE.—If the Director or Secretary issues a waiver under paragraph (1), the Director or Secretary, as the case may be, shall submit to the congressional intelligence committees, by not later than 48 hours after the initiation of the transfer of funds covered by the waiver, written notice of the waiver and a justification for the waiver, including a description of the emergency situation that necessitated the waiver.

TITLE V—MATTERS RELATING TO FOREIGN COUNTRIES

Subtitle A—Matters Relating to Russia

SEC. 501. NOTICE OF DEPLOYMENT OR TRANSFER OF CLUB-K CONTAINER MISSILE SYSTEM BY THE RUSSIAN FEDERATION.

(a) NOTICE TO CONGRESS.—The Director of National Intelligence shall submit to the appropriate congressional committees written notice if the intelligence community receives intelligence that the Russian Federation has—

(1) deployed, or is about to deploy, the Club-K container missile system through the Russian military; or

(2) transferred or sold, or intends to transfer or sell, the Club-K container missile system to another state or non-state actor.

(b) NOTICE TO CONGRESSIONAL INTELLIGENCE COMMITTEES.—Not later than 30 days after the date on which the Director submits a notice under subsection (a), the Director shall submit to the congressional intelligence committees a written update regarding any intelligence community engagement with a foreign partner on the deployment and impacts of a deployment of the Club-K container missile system to any potentially impacted nation.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means the following:

(1) The congressional intelligence committees.

(2) The Committees on Armed Services of the House of Representatives and the Senate.

(3) The Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

SEC. 502. ASSESSMENT ON FUNDING OF POLITICAL PARTIES AND NON-GOVERNMENTAL ORGANIZATIONS BY THE RUSSIAN FEDERATION.

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the appropriate congressional committees an intelligence community assessment on the funding of political parties and nongovernmental organizations in former Soviet states and countries in Europe by the Russian Security Services since January 1, 2006. Such assessment shall include the following:

(1) The country involved, the entity funded, the security service involved, and the intended effect of the funding.

(2) An evaluation of such intended effects, including with respect to—

(A) undermining the political cohesion of the country involved;

(B) undermining the missile defense of the United States and the North Atlantic Treaty Organization; and

(C) undermining energy projects that could provide an alternative to Russian energy.

(b) **FORM.**—The report under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(c) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means the following:

(1) The congressional intelligence committees.

(2) The Committees on Armed Services of the House of Representatives and the Senate.

(3) The Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

SEC. 503. ASSESSMENT ON THE USE OF POLITICAL ASSASSINATIONS AS A FORM OF STATECRAFT BY THE RUSSIAN FEDERATION.

(a) **REQUIREMENT FOR ASSESSMENT.**—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the appropriate congressional committees an intelligence community assessment on the use of political assassinations as a form of statecraft by the Russian Federation since January 1, 2000.

(b) **CONTENT.**—The assessment required by subsection (a) shall include—

(1) a list of Russian politicians, businessmen, dissidents, journalists, current or former government officials, foreign heads-of-state, foreign political leaders, foreign journalists, members of nongovernmental organizations, and other relevant individuals that the intelligence community assesses were assassinated by Russian Security Services, or agents of such services, since January 1, 2000; and

(2) for each individual described in paragraph (1), the country in which the assassination took place, the means used, associated individuals and organizations, and other background information related to the assassination of the individual.

(c) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means the following:

- (1) The congressional intelligence committees.
- (2) The Committees on Armed Services of the House of Representatives and the Senate.
- (3) The Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

Subtitle B—Matters Relating to Other Countries

SEC. 511. REPORT ON RESOURCES AND COLLECTION POSTURE WITH REGARD TO THE SOUTH CHINA SEA AND EAST CHINA SEA.

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees an intelligence community assessment on the resources used for collection efforts and the collection posture of the intelligence community with regard to the South China Sea and East China Sea.

(b) **ELEMENTS.**—The intelligence community assessment required by subsection (a) shall provide detailed information related to intelligence collection by the United States with regard to the South China Sea and East China Sea, including—

- (1) a review of intelligence community collection activities and a description of these activities, including the lead agency, key partners, purpose of collection activity, annual funding and personnel, the manner in which the collection is conducted, and types of information collected;
- (2) an explanation of how the intelligence community prioritizes and coordinates collection activities focused on such region; and
- (3) a description of any collection and resourcing gaps and efforts being made to address such gaps.

SEC. 512. USE OF LOCALLY EMPLOYED STAFF SERVING AT A UNITED STATES DIPLOMATIC FACILITY IN CUBA.

(a) **SUPERVISORY REQUIREMENT.**—

(1) **IN GENERAL.**—Except as provided under paragraph (2), the Secretary of State shall ensure that, not later than 1 year after the date of the enactment of this Act, key supervisory positions at a United States diplomatic facility in Cuba are occupied by citizens of the United States.

(2) **EXTENSION.**—The Secretary of State may extend the deadline under paragraph (1) for up to 1 year by providing advance written notification and justification of such extension to the appropriate congressional committees.

(b) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in coordination with the heads of other appropriate Federal agencies, shall submit to the appropriate congressional committees a report on—

- (1) the progress made toward meeting the requirement under subsection (a)(1); and
- (2) the use of locally employed staff in United States diplomatic facilities in Cuba, including—
 - (A) the number of such staff;
 - (B) the responsibilities of such staff;

(C) the manner in which such staff are selected, including efforts to mitigate counterintelligence threats to the United States; and

(D) the potential cost and impact on the operational capacity of the diplomatic facility if such staff were reduced.

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

- (1) the congressional intelligence committees;
- (2) the Committee on Foreign Relations and the Committee on Appropriations of the Senate; and
- (3) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.

22 USC 4865
note.

SEC. 513. INCLUSION OF SENSITIVE COMPARTMENTED INFORMATION FACILITIES IN UNITED STATES DIPLOMATIC FACILITIES IN CUBA.

(a) RESTRICTED ACCESS SPACE REQUIREMENT.—Each United States diplomatic facility in Cuba in which classified information will be processed or in which classified communications occur that, after the date of the enactment of this Act, is constructed or undergoes a major construction upgrade shall be constructed to include a sensitive compartmented information facility.

(b) NATIONAL SECURITY WAIVER.—The Secretary of State may waive the requirement under subsection (a) if the Secretary—

- (1) determines that such waiver is in the national security interest of the United States; and
- (2) submits a written justification for such waiver to the appropriate congressional committees not later than 90 days before exercising such waiver.

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

- (1) the congressional intelligence committees;
- (2) the Committee on Foreign Relations and the Committee on Appropriations of the Senate; and
- (3) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.

22 USC 8701
note.

SEC. 514. REPORT ON USE BY IRAN OF FUNDS MADE AVAILABLE THROUGH SANCTIONS RELIEF.

(a) IN GENERAL.—At the times specified in subsection (b), the Director of National Intelligence, in consultation with the Secretary of the Treasury, shall submit to the appropriate congressional committees a report assessing the following:

(1) The monetary value of any direct or indirect forms of sanctions relief that Iran has received since the Joint Plan of Action first entered into effect.

(2) How Iran has used funds made available through sanctions relief, including the extent to which any such funds have facilitated the ability of Iran—

(A) to provide support for—

- (i) any individual or entity designated for the imposition of sanctions for activities relating to international terrorism pursuant to an executive order or by the Office of Foreign Assets Control of the Department of the Treasury as of the date of the enactment of this Act;

(ii) any organization designated by the Secretary of State as a foreign terrorist organization under section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)) as of the date of the enactment of this Act;

(iii) any other terrorist organization; or

(iv) the regime of Bashar al Assad in Syria;

(B) to advance the efforts of Iran or any other country to develop nuclear weapons or ballistic missiles overtly or covertly; or

(C) to commit any violation of the human rights of the people of Iran.

(3) The extent to which any senior official of the Government of Iran has diverted any funds made available through sanctions relief to be used by the official for personal use.

(b) SUBMISSION TO CONGRESS.—

(1) IN GENERAL.—The Director shall submit the report required by subsection (a) to the appropriate congressional committees—

(A) not later than 180 days after the date of the enactment of this Act and every 180 days thereafter during the period that the Joint Plan of Action is in effect; and

(B) not later than 1 year after a subsequent agreement with Iran relating to the nuclear program of Iran takes effect and annually thereafter during the period that such agreement remains in effect.

(2) NONDUPLICATION.—The Director may submit the information required by subsection (a) with a report required to be submitted to Congress under another provision of law if—

(A) the Director notifies the appropriate congressional committees of the intention of making such submission before submitting that report; and

(B) all matters required to be covered by subsection (a) are included in that report.

(c) FORM OF REPORTS.—Each report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(d) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Banking, Housing, and Urban Affairs, the Committee on Finance, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Financial Services, the Committee on Foreign Affairs, the Committee on Ways and Means, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) JOINT PLAN OF ACTION.—The term “Joint Plan of Action” means the Joint Plan of Action, signed at Geneva November 24, 2013, by Iran and by France, Germany, the Russian Federation, the People’s Republic of China, the United Kingdom, and

the United States, and all implementing materials and agreements related to the Joint Plan of Action, including the technical understandings reached on January 12, 2014, the extension thereto agreed to on July 18, 2014, and the extension thereto agreed to on November 24, 2014.

TITLE VI—MATTERS RELATING TO UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA

SEC. 601. PROHIBITION ON USE OF FUNDS FOR TRANSFER OR RELEASE OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, TO THE UNITED STATES.

No amounts authorized to be appropriated or otherwise made available to an element of the intelligence community may be used during the period beginning on the date of the enactment of this Act and ending on December 31, 2016, to transfer, release, or assist in the transfer or release, to or within the United States, its territories, or possessions, Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after January 20, 2009, at United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

SEC. 602. PROHIBITION ON USE OF FUNDS TO CONSTRUCT OR MODIFY FACILITIES IN THE UNITED STATES TO HOUSE DETAINEES TRANSFERRED FROM UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) **IN GENERAL.**—No amounts authorized to be appropriated or otherwise made available to an element of the intelligence community may be used during the period beginning on the date of the enactment of this Act and ending on December 31, 2016, to construct or modify any facility in the United States, its territories, or possessions to house any individual detained at Guantanamo for the purposes of detention or imprisonment in the custody or under the control of the Department of Defense unless authorized by Congress.

(b) **EXCEPTION.**—The prohibition in subsection (a) shall not apply to any modification of facilities at United States Naval Station, Guantanamo Bay, Cuba.

(c) **INDIVIDUAL DETAINED AT GUANTANAMO DEFINED.**—In this section, the term “individual detained at Guantanamo” means any individual located at United States Naval Station, Guantanamo Bay, Cuba, as of October 1, 2009, who—

(1) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(2) is—

(A) in the custody or under the control of the Department of Defense; or

(B) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

SEC. 603. PROHIBITION ON USE OF FUNDS FOR TRANSFER OR RELEASE TO CERTAIN COUNTRIES OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

No amounts authorized to be appropriated or otherwise made available to an element of the intelligence community may be used during the period beginning on the date of the enactment of this Act and ending on December 31, 2016, to transfer, release, or assist in the transfer or release of any individual detained in the custody or under the control of the Department of Defense at United States Naval Station, Guantanamo Bay, Cuba, to the custody or control of any country, or any entity within such country, as follows:

- (1) Libya.
- (2) Somalia.
- (3) Syria.
- (4) Yemen.

TITLE VII—REPORTS AND OTHER MATTERS

Subtitle A—Reports

SEC. 701. REPEAL OF CERTAIN REPORTING REQUIREMENTS.

(a) **QUADRENNIAL AUDIT OF POSITIONS REQUIRING SECURITY CLEARANCES.**—Section 506H of the National Security Act of 1947 (50 U.S.C. 3104) is amended—

- (1) by striking subsection (a);
- (2) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively; and
- (3) in subsection (b), as so redesignated, by striking “The results required under subsection (a)(2) and the reports required under subsection (b)(1)” and inserting “The reports required under subsection (a)(1)”.

(b) **REPORTS ON ROLE OF ANALYSTS AT FBI.**—Section 2001(g) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3700; 28 U.S.C. 532 note) is amended by striking paragraph (3) and redesignating paragraph (4) as paragraph (3).

(c) **REPORT ON OUTSIDE EMPLOYMENT BY OFFICERS AND EMPLOYEES OF INTELLIGENCE COMMUNITY.**—

(1) **IN GENERAL.**—Section 102A(u) of the National Security Act of 1947 (50 U.S.C. 3024(u)) is amended—

- (A) by striking “(1) The Director” and inserting “The Director”; and
- (B) by striking paragraph (2).

(2) **CONFORMING AMENDMENT.**—Subsection (a) of section 507 of such Act (50 U.S.C. 3106) is amended—

- (A) by striking paragraph (5); and
- (B) by redesignating paragraph (6) as paragraph (5).

(3) **TECHNICAL AMENDMENT.**—Subsection (c)(1) of such section 507 is amended by striking “subsection (a)(1)” and inserting “subsection (a)”.

(d) REPORTS ON NUCLEAR ASPIRATIONS OF NON-STATE ENTITIES.—Section 1055 of the National Defense Authorization Act for Fiscal Year 2010 (50 U.S.C. 2371) is repealed.

(e) REPORTS ON ESPIONAGE BY PEOPLE’S REPUBLIC OF CHINA.—Section 3151 of the National Defense Authorization Act for Fiscal Year 2000 (42 U.S.C. 7383e) is repealed.

(f) REPORTS ON SECURITY VULNERABILITIES OF NATIONAL LABORATORY COMPUTERS.—Section 4508 of the Atomic Energy Defense Act (50 U.S.C. 2659) is repealed.

SEC. 702. REPORTS ON FOREIGN FIGHTERS.

(a) REPORTS REQUIRED.—Not later than 60 days after the date of the enactment of this Act, and every 60 days thereafter, the Director of National Intelligence shall submit to the congressional intelligence committees a report on foreign fighter flows to and from Syria and to and from Iraq. The Director shall define the term “foreign fighter” in such reports.

(b) MATTERS TO BE INCLUDED.—Each report submitted under subsection (a) shall include each of the following:

(1) The total number of foreign fighters who have traveled to Syria or Iraq since January 1, 2011, the total number of foreign fighters in Syria or Iraq as of the date of the submittal of the report, the total number of foreign fighters whose countries of origin have a visa waiver program described in section 217 of the Immigration and Nationality Act (8 U.S.C. 1187), the total number of foreign fighters who have left Syria or Iraq, the total number of female foreign fighters, and the total number of deceased foreign fighters.

(2) The total number of United States persons who have traveled or attempted to travel to Syria or Iraq since January 1, 2011, the total number of such persons who have arrived in Syria or Iraq since such date, and the total number of such persons who have returned to the United States from Syria or Iraq since such date.

(3) The total number of foreign fighters in the Terrorist Identities Datamart Environment and the status of each such foreign fighter in that database, the number of such foreign fighters who are on a watchlist, and the number of such foreign fighters who are not on a watchlist.

(4) The total number of foreign fighters who have been processed with biometrics, including face images, fingerprints, and iris scans.

(5) Any programmatic updates to the foreign fighter report since the last report was submitted, including updated analysis on foreign country cooperation, as well as actions taken, such as denying or revoking visas.

(6) A worldwide graphic that describes foreign fighters flows to and from Syria, with points of origin by country.

(c) ADDITIONAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report that includes—

(1) with respect to the travel of foreign fighters to and from Iraq and Syria, a description of the intelligence sharing relationships between the United States and member states of the European Union and member states of the North Atlantic Treaty Organization; and

(2) an analysis of the challenges impeding such intelligence sharing relationships.

(d) FORM.—The reports submitted under subsections (a) and (c) may be submitted in classified form.

(e) TERMINATION.—The requirement to submit reports under subsection (a) shall terminate on the date that is 3 years after the date of the enactment of this Act.

SEC. 703. REPORT ON STRATEGY, EFFORTS, AND RESOURCES TO DETECT, DETER, AND DEGRADE ISLAMIC STATE REVENUE MECHANISMS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the intelligence community should dedicate necessary resources to defeating the revenue mechanisms of the Islamic State.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report on the strategy, efforts, and resources of the intelligence community that are necessary to detect, deter, and degrade the revenue mechanisms of the Islamic State.

SEC. 704. REPORT ON UNITED STATES COUNTERTERRORISM STRATEGY TO DISRUPT, DISMANTLE, AND DEFEAT THE ISLAMIC STATE, AL-QA'IDA, AND THEIR AFFILIATED GROUPS, ASSOCIATED GROUPS, AND ADHERENTS.

(a) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a comprehensive report on the counterterrorism strategy of the United States to disrupt, dismantle, and defeat the Islamic State, al-Qa'ida, and their affiliated groups, associated groups, and adherents.

(2) COORDINATION.—The report under paragraph (1) shall be prepared in coordination with the Director of National Intelligence, the Secretary of State, the Secretary of the Treasury, the Attorney General, and the Secretary of Defense, and the head of any other department or agency of the Federal Government that has responsibility for activities directed at combating the Islamic State, al-Qa'ida, and their affiliated groups, associated groups, and adherents.

(3) ELEMENTS.—The report under by paragraph (1) shall include each of the following:

(A) A definition of—

(i) core al-Qa'ida, including a list of which known individuals constitute core al-Qa'ida;

(ii) the Islamic State, including a list of which known individuals constitute Islamic State leadership;

(iii) an affiliated group of the Islamic State or al-Qa'ida, including a list of which known groups constitute an affiliate group of the Islamic State or al-Qa'ida;

(iv) an associated group of the Islamic State or al-Qa'ida, including a list of which known groups constitute an associated group of the Islamic State or al-Qa'ida;

(v) an adherent of the Islamic State or al-Qa'ida, including a list of which known groups constitute an adherent of the Islamic State or al-Qa'ida; and

(vi) a group aligned with the Islamic State or al-Qa'ida, including a description of what actions a group takes or statements it makes that qualify it as a group aligned with the Islamic State or al-Qa'ida.

(B) An assessment of the relationship between all identified Islamic State or al-Qa'ida affiliated groups, associated groups, and adherents with Islamic State leadership or core al-Qa'ida.

(C) An assessment of the strengthening or weakening of the Islamic State or al-Qa'ida, its affiliated groups, associated groups, and adherents, from January 1, 2010, to the present, including a description of the metrics that are used to assess strengthening or weakening and an assessment of the relative increase or decrease in violent attacks attributed to such entities.

(D) An assessment of whether an individual can be a member of core al-Qa'ida if such individual is not located in Afghanistan or Pakistan.

(E) An assessment of whether an individual can be a member of core al-Qa'ida as well as a member of an al-Qa'ida affiliated group, associated group, or adherent.

(F) A definition of defeat of the Islamic State or core al-Qa'ida.

(G) An assessment of the extent or coordination, command, and control between the Islamic State or core al-Qa'ida and their affiliated groups, associated groups, and adherents, specifically addressing each such entity.

(H) An assessment of the effectiveness of counterterrorism operations against the Islamic State or core al-Qa'ida, their affiliated groups, associated groups, and adherents, and whether such operations have had a sustained impact on the capabilities and effectiveness of the Islamic State or core al-Qa'ida, their affiliated groups, associated groups, and adherents.

(4) FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(b) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means the following:

(1) The congressional intelligence committees.

(2) The Committees on Armed Services of the House of Representatives and the Senate.

(3) The Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

SEC. 705. REPORT ON EFFECTS OF DATA BREACH OF OFFICE OF PERSONNEL MANAGEMENT.

(a) REPORT.—Not later than 120 days after the date of the enactment of this Act, the President shall transmit to the congressional intelligence committees a report on the data breach of the Office of Personnel Management disclosed in June 2015.

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

(1) The effects, if any, of the data breach on the operations of the intelligence community abroad, including the types of

operations, if any, that have been negatively affected or entirely suspended or terminated as a result of the data breach.

(2) An assessment of the effects of the data breach on each element of the intelligence community.

(3) An assessment of how foreign persons, groups, or countries may use the data collected by the data breach (particularly regarding information included in background investigations for security clearances), including with respect to—

(A) recruiting intelligence assets;

(B) influencing decisionmaking processes within the Federal Government, including regarding foreign policy decisions; and

(C) compromising employees of the Federal Government and friends and families of such employees for the purpose of gaining access to sensitive national security and economic information.

(4) An assessment of which departments or agencies of the Federal Government use the best practices to protect sensitive data, including a summary of any such best practices that were not used by the Office of Personnel Management.

(5) An assessment of the best practices used by the departments or agencies identified under paragraph (4) to identify and fix potential vulnerabilities in the systems of the department or agency.

(c) BRIEFING.—The Director of National Intelligence shall provide to the congressional intelligence committees an interim briefing on the report under subsection (a), including a discussion of proposals and options for responding to cyber attacks.

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

SEC. 706. REPORT ON HIRING OF GRADUATES OF CYBER CORPS SCHOLARSHIP PROGRAM BY INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence, in coordination with the Director of the National Science Foundation, shall submit to the congressional intelligence committees a report on the employment by the intelligence community of graduates of the Cyber Corps Scholarship Program. The report shall include the following:

(1) The number of graduates of the Cyber Corps Scholarship Program hired by each element of the intelligence community.

(2) A description of how each element of the intelligence community recruits graduates of the Cyber Corps Scholar Program.

(3) A description of any processes available to the intelligence community to expedite the hiring or processing of security clearances for graduates of the Cyber Corps Scholar Program.

(4) Recommendations by the Director of National Intelligence to improve the hiring by the intelligence community of graduates of the Cyber Corps Scholarship Program, including any recommendations for legislative action to carry out such improvements.

(b) CYBER CORPS SCHOLARSHIP PROGRAM DEFINED.—In this section, the term “Cyber Corps Scholarship Program” means the

Federal Cyber Scholarship-for-Service Program under section 302 of the Cybersecurity Enhancement Act of 2014 (15 U.S.C. 7442).

SEC. 707. REPORT ON USE OF CERTAIN BUSINESS CONCERNS.

(a) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report on the representation, as of the date of the report, of covered business concerns among the contractors that are awarded contracts by elements of the intelligence community for goods, equipment, tools, and services.

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

- (1) The representation of covered business concerns as described in subsection (a), including such representation by—
 - (A) each type of covered business concern; and
 - (B) each element of the intelligence community.

(2) If, as of the date of the enactment of this Act, the Director does not record and monitor the statistics required to carry out this section, a description of the actions taken by the Director to ensure that such statistics are recorded and monitored beginning in fiscal year 2016.

(3) The actions the Director plans to take during fiscal year 2016 to enhance the awarding of contracts to covered business concerns by elements of the intelligence community.

(c) **COVERED BUSINESS CONCERNS DEFINED.**—In this section, the term “covered business concerns” means the following:

- (1) Minority-owned businesses.
- (2) Women-owned businesses.
- (3) Small disadvantaged businesses.
- (4) Service-disabled veteran-owned businesses.
- (5) Veteran-owned small businesses.

Subtitle B—Other Matters

SEC. 711. USE OF HOMELAND SECURITY GRANT FUNDS IN CONJUNCTION WITH DEPARTMENT OF ENERGY NATIONAL LABORATORIES.

Section 2008(a) of the Homeland Security Act of 2002 (6 U.S.C. 609(a)) is amended in the matter preceding paragraph (1) by inserting “including by working in conjunction with a National Laboratory (as defined in section 2(3) of the Energy Policy Act of 2005 (42 U.S.C. 15801(3))),” after “plans,”.

SEC. 712. INCLUSION OF CERTAIN MINORITY-SERVING INSTITUTIONS IN GRANT PROGRAM TO ENHANCE RECRUITING OF INTELLIGENCE COMMUNITY WORKFORCE.

Section 1024 of the National Security Act of 1947 (50 U.S.C. 3224) is amended—

- (1) in subsection (c)—
 - (A) in paragraph (1), by striking “historically black colleges and universities and Predominantly Black Institutions” and inserting “historically black colleges and universities, Predominantly Black Institutions, Hispanic-serving institutions, and Asian American and Native American Pacific Islander-serving institutions”; and

(B) in the subsection heading, by striking “HISTORICALLY BLACK” and inserting “CERTAIN MINORITY-SERVING”; and

(2) in subsection (g)—

(A) by redesignating paragraph (5) as paragraph (7); and

(B) by inserting after paragraph (4) the following new paragraphs (5) and (6):

“(5) HISPANIC-SERVING INSTITUTION.—The term ‘Hispanic-serving institution’ has the meaning given that term in section 502(a)(5) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)(5)).

“(6) ASIAN AMERICAN AND NATIVE AMERICAN PACIFIC ISLANDER-SERVING INSTITUTION.—The term ‘Asian American and Native American Pacific Islander-serving institution’ has the meaning given that term in section 320(b)(2) of the Higher Education Act of 1965 (20 U.S.C. 1059g(b)(2)).”

DIVISION N—CYBERSECURITY ACT OF 2015

Cybersecurity
Act of 2015.

SEC. 1. SHORT TITLE; TABLE OF CONTENTS.

6 USC 1501 note.

(a) SHORT TITLE.—This division may be cited as the “Cybersecurity Act of 2015”.

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

Sec. 1. Short title; table of contents.

TITLE I—CYBERSECURITY INFORMATION SHARING

Sec. 101. Short title.

Sec. 102. Definitions.

Sec. 103. Sharing of information by the Federal Government.

Sec. 104. Authorizations for preventing, detecting, analyzing, and mitigating cybersecurity threats.

Sec. 105. Sharing of cyber threat indicators and defensive measures with the Federal Government.

Sec. 106. Protection from liability.

Sec. 107. Oversight of Government activities.

Sec. 108. Construction and preemption.

Sec. 109. Report on cybersecurity threats.

Sec. 110. Exception to limitation on authority of Secretary of Defense to disseminate certain information.

Sec. 111. Effective period.

TITLE II—NATIONAL CYBERSECURITY ADVANCEMENT

Subtitle A—National Cybersecurity and Communications Integration Center

Sec. 201. Short title.

Sec. 202. Definitions.

Sec. 203. Information sharing structure and processes.

Sec. 204. Information sharing and analysis organizations.

Sec. 205. National response framework.

Sec. 206. Report on reducing cybersecurity risks in DHS data centers.

Sec. 207. Assessment.

Sec. 208. Multiple simultaneous cyber incidents at critical infrastructure.

Sec. 209. Report on cybersecurity vulnerabilities of United States ports.

Sec. 210. Prohibition on new regulatory authority.

Sec. 211. Termination of reporting requirements.

Subtitle B—Federal Cybersecurity Enhancement

Sec. 221. Short title.

Sec. 222. Definitions.

- Sec. 223. Improved Federal network security.
- Sec. 224. Advanced internal defenses.
- Sec. 225. Federal cybersecurity requirements.
- Sec. 226. Assessment; reports.
- Sec. 227. Termination.
- Sec. 228. Identification of information systems relating to national security.
- Sec. 229. Direction to agencies.

TITLE III—FEDERAL CYBERSECURITY WORKFORCE ASSESSMENT

- Sec. 301. Short title.
- Sec. 302. Definitions.
- Sec. 303. National cybersecurity workforce measurement initiative.
- Sec. 304. Identification of cyber-related work roles of critical need.
- Sec. 305. Government Accountability Office status reports.

TITLE IV—OTHER CYBER MATTERS

- Sec. 401. Study on mobile device security.
- Sec. 402. Department of State international cyberspace policy strategy.
- Sec. 403. Apprehension and prosecution of international cyber criminals.
- Sec. 404. Enhancement of emergency services.
- Sec. 405. Improving cybersecurity in the health care industry.
- Sec. 406. Federal computer security.
- Sec. 407. Stopping the fraudulent sale of financial information of people of the United States.

TITLE I—CYBERSECURITY INFORMATION SHARING

Cybersecurity
Information
Sharing Act
of 2015.

6 USC 1501 note. **SEC. 101. SHORT TITLE.**

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

6 USC 1501. **SEC. 102. DEFINITIONS.**

In this title:

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

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

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

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

(C) includes any State antitrust law, but only to the extent that such law is consistent with the law referred to in subparagraph (A) or the law referred to in subparagraph (B).

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

(A) The Department of Commerce.

(B) The Department of Defense.

(C) The Department of Energy.

(D) The Department of Homeland Security.

(E) The Department of Justice.

(F) The Department of the Treasury.

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

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

(5) CYBERSECURITY THREAT.—

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

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

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

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

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

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

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

(E) malicious cyber command and control;

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

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

(H) any combination thereof.

(7) DEFENSIVE MEASURE.—

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

(B) EXCLUSION.—The term “defensive measure” does not include a measure that destroys, renders unusable, provides unauthorized access to, or substantially harms an information system or information stored on, processed by, or transiting such information system not owned by—

(i) the private entity operating the measure; or

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

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

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

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

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

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

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

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

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

(14) **NON-FEDERAL ENTITY.**—

(A) **IN GENERAL.**—Except as otherwise provided in this paragraph, the term “non-Federal entity” means any private entity, non-Federal government agency or department, or State, tribal, or local government (including a political subdivision, department, or component thereof).

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

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

(15) **PRIVATE ENTITY.**—

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

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

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

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

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

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

SEC. 103. SHARING OF INFORMATION BY THE FEDERAL GOVERNMENT.

6 USC 1502.

(a) IN GENERAL.—Consistent with the protection of classified information, intelligence sources and methods, and privacy and civil liberties, the Director of National Intelligence, the Secretary of Homeland Security, the Secretary of Defense, and the Attorney General, in consultation with the heads of the appropriate Federal entities, shall jointly develop and issue procedures to facilitate and promote—

(1) the timely sharing of classified cyber threat indicators and defensive measures in the possession of the Federal Government with representatives of relevant Federal entities and non-Federal entities that have appropriate security clearances;

(2) the timely sharing with relevant Federal entities and non-Federal entities of cyber threat indicators, defensive measures, and information relating to cybersecurity threats or authorized uses under this title, in the possession of the Federal Government that may be declassified and shared at an unclassified level;

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

(4) the timely sharing with Federal entities and non-Federal entities, if appropriate, of information relating to cybersecurity threats or authorized uses under this title, in the possession of the Federal Government about cybersecurity threats to such entities to prevent or mitigate adverse effects from such cybersecurity threats; and

(5) the periodic sharing, through publication and targeted outreach, of cybersecurity best practices that are developed based on ongoing analyses of cyber threat indicators, defensive measures, and information relating to cybersecurity threats or authorized uses under this title, in the possession of the Federal Government, with attention to accessibility and implementation challenges faced by small business concerns (as defined in section 3 of the Small Business Act (15 U.S.C. 632)).

(b) DEVELOPMENT OF PROCEDURES.—

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

(A) ensure the Federal Government has and maintains the capability to share cyber threat indicators and defensive

measures in real time consistent with the protection of classified information;

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

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

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

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

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

(ii) to implement and utilize a technical capability configured to remove any information not directly related to a cybersecurity threat that the Federal entity knows at the time of sharing to be personal information of a specific individual or information that identifies a specific individual; and

(F) include procedures for notifying, in a timely manner, any United States person whose personal information is known or determined to have been shared by a Federal entity in violation of this title.

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

(c) SUBMITTAL TO CONGRESS.—Not later than 60 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the heads of the appropriate Federal entities, shall submit to Congress the procedures required by subsection (a).

6 USC 1503.

SEC. 104. AUTHORIZATIONS FOR PREVENTING, DETECTING, ANALYZING, AND MITIGATING CYBERSECURITY THREATS.

(a) AUTHORIZATION FOR MONITORING.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a private entity may, for cybersecurity purposes, monitor—

(A) an information system of such private entity;

(B) an information system of another non-Federal entity, upon the authorization and written consent of such other entity;

(C) an information system of a Federal entity, upon the authorization and written consent of an authorized representative of the Federal entity; and

(D) information that is stored on, processed by, or transiting an information system monitored by the private entity under this paragraph.

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

(A) to authorize the monitoring of an information system, or the use of any information obtained through such monitoring, other than as provided in this title; or

(B) to limit otherwise lawful activity.

(b) AUTHORIZATION FOR OPERATION OF DEFENSIVE MEASURES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a private entity may, for cybersecurity purposes, operate a defensive measure that is applied to—

(A) an information system of such private entity in order to protect the rights or property of the private entity;

(B) an information system of another non-Federal entity upon written consent of such entity for operation of such defensive measure to protect the rights or property of such entity; and

(C) an information system of a Federal entity upon written consent of an authorized representative of such Federal entity for operation of such defensive measure to protect the rights or property of the Federal Government.

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

(A) to authorize the use of a defensive measure other than as provided in this subsection; or

(B) to limit otherwise lawful activity.

(c) AUTHORIZATION FOR SHARING OR RECEIVING CYBER THREAT INDICATORS OR DEFENSIVE MEASURES.—

(1) IN GENERAL.—Except as provided in paragraph (2) and notwithstanding any other provision of law, a non-Federal entity may, for a cybersecurity purpose and consistent with the protection of classified information, share with, or receive from, any other non-Federal entity or the Federal Government a cyber threat indicator or defensive measure.

(2) LAWFUL RESTRICTION.—A non-Federal entity receiving a cyber threat indicator or defensive measure from another non-Federal entity or a Federal entity shall comply with otherwise lawful restrictions placed on the sharing or use of such cyber threat indicator or defensive measure by the sharing non-Federal entity or Federal entity.

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

(A) to authorize the sharing or receiving of a cyber threat indicator or defensive measure other than as provided in this subsection; or

(B) to limit otherwise lawful activity.

(d) PROTECTION AND USE OF INFORMATION.—

(1) SECURITY OF INFORMATION.—A non-Federal entity monitoring an information system, operating a defensive measure, or providing or receiving a cyber threat indicator or defensive measure under this section shall implement and utilize a security control to protect against unauthorized access to or acquisition of such cyber threat indicator or defensive measure.

(2) REMOVAL OF CERTAIN PERSONAL INFORMATION.—A non-Federal entity sharing a cyber threat indicator pursuant to this title shall, prior to such sharing—

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

(B) implement and utilize a technical capability configured to remove any information not directly related to a cybersecurity threat that the non-Federal entity knows at the time of sharing to be personal information of a specific individual or information that identifies a specific individual.

(3) USE OF CYBER THREAT INDICATORS AND DEFENSIVE MEASURES BY NON-FEDERAL ENTITIES.—

(A) IN GENERAL.—Consistent with this title, a cyber threat indicator or defensive measure shared or received under this section may, for cybersecurity purposes—

(i) be used by a non-Federal entity to monitor or operate a defensive measure that is applied to—

(I) an information system of the non-Federal entity; or

(II) an information system of another non-Federal entity or a Federal entity upon the written consent of that other non-Federal entity or that Federal entity; and

(ii) be otherwise used, retained, and further shared by a non-Federal entity subject to—

(I) an otherwise lawful restriction placed by the sharing non-Federal entity or Federal entity on such cyber threat indicator or defensive measure; or

(II) an otherwise applicable provision of law.

(B) CONSTRUCTION.—Nothing in this paragraph shall be construed to authorize the use of a cyber threat indicator or defensive measure other than as provided in this section.

(4) USE OF CYBER THREAT INDICATORS BY STATE, TRIBAL, OR LOCAL GOVERNMENT.—

(A) LAW ENFORCEMENT USE.—A State, tribal, or local government that receives a cyber threat indicator or defensive measure under this title may use such cyber threat indicator or defensive measure for the purposes described in section 105(d)(5)(A).

(B) EXEMPTION FROM DISCLOSURE.—A cyber threat indicator or defensive measure shared by or with a State, tribal, or local government, including a component of a

State, tribal, or local government that is a private entity, under this section shall be—

(i) deemed voluntarily shared information; and

(ii) exempt from disclosure under any provision of State, tribal, or local freedom of information law, open government law, open meetings law, open records law, sunshine law, or similar law requiring disclosure of information or records.

(C) STATE, TRIBAL, AND LOCAL REGULATORY AUTHORITY.—

(i) IN GENERAL.—Except as provided in clause (ii), a cyber threat indicator or defensive measure shared with a State, tribal, or local government under this title shall not be used by any State, tribal, or local government to regulate, including an enforcement action, the lawful activity of any non-Federal entity or any activity taken by a non-Federal entity pursuant to mandatory standards, including an activity relating to monitoring, operating a defensive measure, or sharing of a cyber threat indicator.

(ii) REGULATORY AUTHORITY SPECIFICALLY RELATING TO PREVENTION OR MITIGATION OF CYBERSECURITY THREATS.—A cyber threat indicator or defensive measure shared as described in clause (i) may, consistent with a State, tribal, or local government regulatory authority specifically relating to the prevention or mitigation of cybersecurity threats to information systems, inform the development or implementation of a regulation relating to such information systems.

(e) ANTITRUST EXEMPTION.—

(1) IN GENERAL.—Except as provided in section 108(e), it shall not be considered a violation of any provision of antitrust laws for 2 or more private entities to exchange or provide a cyber threat indicator or defensive measure, or assistance relating to the prevention, investigation, or mitigation of a cybersecurity threat, for cybersecurity purposes under this title.

(2) APPLICABILITY.—Paragraph (1) shall apply only to information that is exchanged or assistance provided in order to assist with—

(A) facilitating the prevention, investigation, or mitigation of a cybersecurity threat to an information system or information that is stored on, processed by, or transiting an information system; or

(B) communicating or disclosing a cyber threat indicator to help prevent, investigate, or mitigate the effect of a cybersecurity threat to an information system or information that is stored on, processed by, or transiting an information system.

(f) NO RIGHT OR BENEFIT.—The sharing of a cyber threat indicator or defensive measure with a non-Federal entity under this title shall not create a right or benefit to similar information by such non-Federal entity or any other non-Federal entity.

SEC. 105. SHARING OF CYBER THREAT INDICATORS AND DEFENSIVE MEASURES WITH THE FEDERAL GOVERNMENT. 6 USC 1504.

(a) REQUIREMENT FOR POLICIES AND PROCEDURES.—

(1) INTERIM POLICIES AND PROCEDURES.—Not later than 60 days after the date of the enactment of this Act, the Attorney General and the Secretary of Homeland Security shall, in consultation with the heads of the appropriate Federal entities, jointly develop and submit to Congress interim policies and procedures relating to the receipt of cyber threat indicators and defensive measures by the Federal Government.

(2) FINAL POLICIES AND PROCEDURES.—Not later than 180 days after the date of the enactment of this Act, the Attorney General and the Secretary of Homeland Security shall, in consultation with the heads of the appropriate Federal entities, jointly issue and make publicly available final policies and procedures relating to the receipt of cyber threat indicators and defensive measures by the Federal Government.

(3) REQUIREMENTS CONCERNING POLICIES AND PROCEDURES.—Consistent with the guidelines required by subsection (b), the policies and procedures developed or issued under this subsection shall—

(A) ensure that cyber threat indicators shared with the Federal Government by any non-Federal entity pursuant to section 104(c) through the real-time process described in subsection (c) of this section—

(i) are shared in an automated manner with all of the appropriate Federal entities;

(ii) are only subject to a delay, modification, or other action due to controls established for such real-time process that could impede real-time receipt by all of the appropriate Federal entities when the delay, modification, or other action is due to controls—

(I) agreed upon unanimously by all of the heads of the appropriate Federal entities;

(II) carried out before any of the appropriate Federal entities retains or uses the cyber threat indicators or defensive measures; and

(III) uniformly applied such that each of the appropriate Federal entities is subject to the same delay, modification, or other action; and

(iii) may be provided to other Federal entities;

(B) ensure that cyber threat indicators shared with the Federal Government by any non-Federal entity pursuant to section 104 in a manner other than the real-time process described in subsection (c) of this section—

(i) are shared as quickly as operationally practicable with all of the appropriate Federal entities;

(ii) are not subject to any unnecessary delay, interference, or any other action that could impede receipt by all of the appropriate Federal entities; and

(iii) may be provided to other Federal entities; and

(C) ensure there are—

(i) audit capabilities; and

(ii) appropriate sanctions in place for officers, employees, or agents of a Federal entity who knowingly and willfully conduct activities under this title in an unauthorized manner.

(4) GUIDELINES FOR ENTITIES SHARING CYBER THREAT INDICATORS WITH FEDERAL GOVERNMENT.—

(A) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Attorney General and the Secretary of Homeland Security shall jointly develop and make publicly available guidance to assist entities and promote sharing of cyber threat indicators with Federal entities under this title.

(B) CONTENTS.—The guidelines developed and made publicly available under subparagraph (A) shall include guidance on the following:

(i) Identification of types of information that would qualify as a cyber threat indicator under this title that would be unlikely to include information that—

(I) is not directly related to a cybersecurity threat; and

(II) is personal information of a specific individual or information that identifies a specific individual.

(ii) Identification of types of information protected under otherwise applicable privacy laws that are unlikely to be directly related to a cybersecurity threat.

(iii) Such other matters as the Attorney General and the Secretary of Homeland Security consider appropriate for entities sharing cyber threat indicators with Federal entities under this title.

(b) PRIVACY AND CIVIL LIBERTIES.—

(1) INTERIM GUIDELINES.—Not later than 60 days after the date of the enactment of this Act, the Attorney General and the Secretary of Homeland Security shall, in consultation with heads of the appropriate Federal entities and in consultation with officers designated under section 1062 of the National Security Intelligence Reform Act of 2004 (42 U.S.C. 2000ee–1), jointly develop, submit to Congress, and make available to the public interim guidelines relating to privacy and civil liberties which shall govern the receipt, retention, use, and dissemination of cyber threat indicators by a Federal entity obtained in connection with activities authorized in this title.

(2) FINAL GUIDELINES.—

(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Attorney General and the Secretary of Homeland Security shall, in coordination with heads of the appropriate Federal entities and in consultation with officers designated under section 1062 of the National Security Intelligence Reform Act of 2004 (42 U.S.C. 2000ee–1) and such private entities with industry expertise as the Attorney General and the Secretary consider relevant, jointly issue and make publicly available final guidelines relating to privacy and civil liberties which shall govern the receipt, retention, use, and dissemination of cyber threat indicators by a Federal entity obtained in connection with activities authorized in this title.

(B) PERIODIC REVIEW.—The Attorney General and the Secretary of Homeland Security shall, in coordination with heads of the appropriate Federal entities and in consultation with officers and private entities described in subparagraph (A), periodically, but not less frequently than once

every 2 years, jointly review the guidelines issued under subparagraph (A).

(3) CONTENT.—The guidelines required by paragraphs (1) and (2) shall, consistent with the need to protect information systems from cybersecurity threats and mitigate cybersecurity threats—

(A) limit the effect on privacy and civil liberties of activities by the Federal Government under this title;

(B) limit the receipt, retention, use, and dissemination of cyber threat indicators containing personal information of specific individuals or information that identifies specific individuals, including by establishing—

(i) a process for the timely destruction of such information that is known not to be directly related to uses authorized under this title; and

(ii) specific limitations on the length of any period in which a cyber threat indicator may be retained;

(C) include requirements to safeguard cyber threat indicators containing personal information of specific individuals or information that identifies specific individuals from unauthorized access or acquisition, including appropriate sanctions for activities by officers, employees, or agents of the Federal Government in contravention of such guidelines;

(D) consistent with this title, any other applicable provisions of law, and the fair information practice principles set forth in appendix A of the document entitled “National Strategy for Trusted Identities in Cyberspace” and published by the President in April 2011, govern the retention, use, and dissemination by the Federal Government of cyber threat indicators shared with the Federal Government under this title, including the extent, if any, to which such cyber threat indicators may be used by the Federal Government;

(E) include procedures for notifying entities and Federal entities if information received pursuant to this section is known or determined by a Federal entity receiving such information not to constitute a cyber threat indicator;

(F) protect the confidentiality of cyber threat indicators containing personal information of specific individuals or information that identifies specific individuals to the greatest extent practicable and require recipients to be informed that such indicators may only be used for purposes authorized under this title; and

(G) include steps that may be needed so that dissemination of cyber threat indicators is consistent with the protection of classified and other sensitive national security information.

(c) CAPABILITY AND PROCESS WITHIN THE DEPARTMENT OF HOMELAND SECURITY.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security, in coordination with the heads of the appropriate Federal entities, shall develop and implement a capability and process within the Department of Homeland Security that—

(A) shall accept from any non-Federal entity in real time cyber threat indicators and defensive measures, pursuant to this section;

(B) shall, upon submittal of the certification under paragraph (2) that such capability and process fully and effectively operates as described in such paragraph, be the process by which the Federal Government receives cyber threat indicators and defensive measures under this title that are shared by a non-Federal entity with the Federal Government through electronic mail or media, an interactive form on an Internet website, or a real time, automated process between information systems except—

(i) consistent with section 104, communications between a Federal entity and a non-Federal entity regarding a previously shared cyber threat indicator to describe the relevant cybersecurity threat or develop a defensive measure based on such cyber threat indicator; and

(ii) communications by a regulated non-Federal entity with such entity's Federal regulatory authority regarding a cybersecurity threat;

(C) ensures that all of the appropriate Federal entities receive in an automated manner such cyber threat indicators and defensive measures shared through the real-time process within the Department of Homeland Security;

(D) is in compliance with the policies, procedures, and guidelines required by this section; and

(E) does not limit or prohibit otherwise lawful disclosures of communications, records, or other information, including—

(i) reporting of known or suspected criminal activity, by a non-Federal entity to any other non-Federal entity or a Federal entity, including cyber threat indicators or defensive measures shared with a Federal entity in furtherance of opening a Federal law enforcement investigation;

(ii) voluntary or legally compelled participation in a Federal investigation; and

(iii) providing cyber threat indicators or defensive measures as part of a statutory or authorized contractual requirement.

(2) CERTIFICATION AND DESIGNATION.—

(A) CERTIFICATION OF CAPABILITY AND PROCESS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall, in consultation with the heads of the appropriate Federal entities, submit to Congress a certification as to whether the capability and process required by paragraph (1) fully and effectively operates—

(i) as the process by which the Federal Government receives from any non-Federal entity a cyber threat indicator or defensive measure under this title; and

(ii) in accordance with the interim policies, procedures, and guidelines developed under this title.

(B) DESIGNATION.—

(i) IN GENERAL.—At any time after certification is submitted under subparagraph (A), the President

may designate an appropriate Federal entity, other than the Department of Defense (including the National Security Agency), to develop and implement a capability and process as described in paragraph (1) in addition to the capability and process developed under such paragraph by the Secretary of Homeland Security, if, not fewer than 30 days before making such designation, the President submits to Congress a certification and explanation that—

(I) such designation is necessary to ensure that full, effective, and secure operation of a capability and process for the Federal Government to receive from any non-Federal entity cyber threat indicators or defensive measures under this title;

(II) the designated appropriate Federal entity will receive and share cyber threat indicators and defensive measures in accordance with the policies, procedures, and guidelines developed under this title, including subsection (a)(3)(A); and

(III) such designation is consistent with the mission of such appropriate Federal entity and improves the ability of the Federal Government to receive, share, and use cyber threat indicators and defensive measures as authorized under this title.

(ii) APPLICATION TO ADDITIONAL CAPABILITY AND PROCESS.—If the President designates an appropriate Federal entity to develop and implement a capability and process under clause (i), the provisions of this title that apply to the capability and process required by paragraph (1) shall also be construed to apply to the capability and process developed and implemented under clause (i).

(3) PUBLIC NOTICE AND ACCESS.—The Secretary of Homeland Security shall ensure there is public notice of, and access to, the capability and process developed and implemented under paragraph (1) so that—

(A) any non-Federal entity may share cyber threat indicators and defensive measures through such process with the Federal Government; and

(B) all of the appropriate Federal entities receive such cyber threat indicators and defensive measures in real time with receipt through the process within the Department of Homeland Security consistent with the policies and procedures issued under subsection (a).

(4) OTHER FEDERAL ENTITIES.—The process developed and implemented under paragraph (1) shall ensure that other Federal entities receive in a timely manner any cyber threat indicators and defensive measures shared with the Federal Government through such process.

(d) INFORMATION SHARED WITH OR PROVIDED TO THE FEDERAL GOVERNMENT.—

(1) NO WAIVER OF PRIVILEGE OR PROTECTION.—The provision of cyber threat indicators and defensive measures to the Federal Government under this title shall not constitute a waiver of any applicable privilege or protection provided by law, including trade secret protection.

(2) PROPRIETARY INFORMATION.—Consistent with section 104(c)(2) and any other applicable provision of law, a cyber threat indicator or defensive measure provided by a non-Federal entity to the Federal Government under this title shall be considered the commercial, financial, and proprietary information of such non-Federal entity when so designated by the originating non-Federal entity or a third party acting in accordance with the written authorization of the originating non-Federal entity.

(3) EXEMPTION FROM DISCLOSURE.—A cyber threat indicator or defensive measure shared with the Federal Government under this title shall be—

(A) deemed voluntarily shared information and exempt from disclosure under section 552 of title 5, United States Code, and any State, tribal, or local provision of law requiring disclosure of information or records; and

(B) withheld, without discretion, from the public under section 552(b)(3)(B) of title 5, United States Code, and any State, tribal, or local provision of law requiring disclosure of information or records.

(4) EX PARTE COMMUNICATIONS.—The provision of a cyber threat indicator or defensive measure to the Federal Government under this title shall not be subject to a rule of any Federal agency or department or any judicial doctrine regarding ex parte communications with a decision-making official.

(5) DISCLOSURE, RETENTION, AND USE.—

(A) AUTHORIZED ACTIVITIES.—Cyber threat indicators and defensive measures provided to the Federal Government under this title may be disclosed to, retained by, and used by, consistent with otherwise applicable provisions of Federal law, any Federal agency or department, component, officer, employee, or agent of the Federal Government solely for—

(i) a cybersecurity purpose;

(ii) the purpose of identifying—

(I) a cybersecurity threat, including the source of such cybersecurity threat; or

(II) a security vulnerability;

(iii) the purpose of responding to, or otherwise preventing or mitigating, a specific threat of death, a specific threat of serious bodily harm, or a specific threat of serious economic harm, including a terrorist act or a use of a weapon of mass destruction;

(iv) the purpose of responding to, investigating, prosecuting, or otherwise preventing or mitigating, a serious threat to a minor, including sexual exploitation and threats to physical safety; or

(v) the purpose of preventing, investigating, disrupting, or prosecuting an offense arising out of a threat described in clause (iii) or any of the offenses listed in—

(I) sections 1028 through 1030 of title 18, United States Code (relating to fraud and identity theft);

(II) chapter 37 of such title (relating to espionage and censorship); and

(III) chapter 90 of such title (relating to protection of trade secrets).

(B) PROHIBITED ACTIVITIES.—Cyber threat indicators and defensive measures provided to the Federal Government under this title shall not be disclosed to, retained by, or used by any Federal agency or department for any use not permitted under subparagraph (A).

(C) PRIVACY AND CIVIL LIBERTIES.—Cyber threat indicators and defensive measures provided to the Federal Government under this title shall be retained, used, and disseminated by the Federal Government—

(i) in accordance with the policies, procedures, and guidelines required by subsections (a) and (b);

(ii) in a manner that protects from unauthorized use or disclosure any cyber threat indicators that may contain—

(I) personal information of a specific individual; or

(II) information that identifies a specific individual; and

(iii) in a manner that protects the confidentiality of cyber threat indicators containing—

(I) personal information of a specific individual; or

(II) information that identifies a specific individual.

(D) FEDERAL REGULATORY AUTHORITY.—

(i) IN GENERAL.—Except as provided in clause (ii), cyber threat indicators and defensive measures provided to the Federal Government under this title shall not be used by any Federal, State, tribal, or local government to regulate, including an enforcement action, the lawful activities of any non-Federal entity or any activities taken by a non-Federal entity pursuant to mandatory standards, including activities relating to monitoring, operating defensive measures, or sharing cyber threat indicators.

(ii) EXCEPTIONS.—

(I) REGULATORY AUTHORITY SPECIFICALLY RELATING TO PREVENTION OR MITIGATION OF CYBERSECURITY THREATS.—Cyber threat indicators and defensive measures provided to the Federal Government under this title may, consistent with Federal or State regulatory authority specifically relating to the prevention or mitigation of cybersecurity threats to information systems, inform the development or implementation of regulations relating to such information systems.

(II) PROCEDURES DEVELOPED AND IMPLEMENTED UNDER THIS TITLE.—Clause (i) shall not apply to procedures developed and implemented under this title.

SEC. 106. PROTECTION FROM LIABILITY.

(a) MONITORING OF INFORMATION SYSTEMS.—No cause of action shall lie or be maintained in any court against any private entity, and such action shall be promptly dismissed, for the monitoring

of an information system and information under section 104(a) that is conducted in accordance with this title.

(b) SHARING OR RECEIPT OF CYBER THREAT INDICATORS.—No cause of action shall lie or be maintained in any court against any private entity, and such action shall be promptly dismissed, for the sharing or receipt of a cyber threat indicator or defensive measure under section 104(c) if—

(1) such sharing or receipt is conducted in accordance with this title; and

(2) in a case in which a cyber threat indicator or defensive measure is shared with the Federal Government, the cyber threat indicator or defensive measure is shared in a manner that is consistent with section 105(c)(1)(B) and the sharing or receipt, as the case may be, occurs after the earlier of—

(A) the date on which the interim policies and procedures are submitted to Congress under section 105(a)(1) and guidelines are submitted to Congress under section 105(b)(1); or

(B) the date that is 60 days after the date of the enactment of this Act.

(c) CONSTRUCTION.—Nothing in this title shall be construed—

(1) to create—

(A) a duty to share a cyber threat indicator or defensive measure; or

(B) a duty to warn or act based on the receipt of a cyber threat indicator or defensive measure; or

(2) to undermine or limit the availability of otherwise applicable common law or statutory defenses.

SEC. 107. OVERSIGHT OF GOVERNMENT ACTIVITIES.

6 USC 1506.

(a) REPORT ON IMPLEMENTATION.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this title, the heads of the appropriate Federal entities shall jointly submit to Congress a detailed report concerning the implementation of this title.

(2) CONTENTS.—The report required by paragraph (1) may include such recommendations as the heads of the appropriate Federal entities may have for improvements or modifications to the authorities, policies, procedures, and guidelines under this title and shall include the following:

(A) An evaluation of the effectiveness of real-time information sharing through the capability and process developed under section 105(c), including any impediments to such real-time sharing.

(B) An assessment of whether cyber threat indicators or defensive measures have been properly classified and an accounting of the number of security clearances authorized by the Federal Government for the purpose of sharing cyber threat indicators or defensive measures with the private sector.

(C) The number of cyber threat indicators or defensive measures received through the capability and process developed under section 105(c).

(D) A list of Federal entities that have received cyber threat indicators or defensive measures under this title.

(b) BIENNIAL REPORT ON COMPLIANCE.—

(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act and not less frequently than once every 2 years thereafter, the inspectors general of the appropriate Federal entities, in consultation with the Inspector General of the Intelligence Community and the Council of Inspectors General on Financial Oversight, shall jointly submit to Congress an interagency report on the actions of the executive branch of the Federal Government to carry out this title during the most recent 2-year period.

(2) CONTENTS.—Each report submitted under paragraph (1) shall include, for the period covered by the report, the following:

(A) An assessment of the sufficiency of the policies, procedures, and guidelines relating to the sharing of cyber threat indicators within the Federal Government, including those policies, procedures, and guidelines relating to the removal of information not directly related to a cybersecurity threat that is personal information of a specific individual or information that identifies a specific individual.

(B) An assessment of whether cyber threat indicators or defensive measures have been properly classified and an accounting of the number of security clearances authorized by the Federal Government for the purpose of sharing cyber threat indicators or defensive measures with the private sector.

(C) A review of the actions taken by the Federal Government based on cyber threat indicators or defensive measures shared with the Federal Government under this title, including a review of the following:

(i) The appropriateness of subsequent uses and disseminations of cyber threat indicators or defensive measures.

(ii) Whether cyber threat indicators or defensive measures were shared in a timely and adequate manner with appropriate entities, or, if appropriate, were made publicly available.

(D) An assessment of the cyber threat indicators or defensive measures shared with the appropriate Federal entities under this title, including the following:

(i) The number of cyber threat indicators or defensive measures shared through the capability and process developed under section 105(c).

(ii) An assessment of any information not directly related to a cybersecurity threat that is personal information of a specific individual or information identifying a specific individual and was shared by a non-Federal government entity with the Federal government in contravention of this title, or was shared within the Federal Government in contravention of the guidelines required by this title, including a description of any significant violation of this title.

(iii) The number of times, according to the Attorney General, that information shared under this title was used by a Federal entity to prosecute an offense listed in section 105(d)(5)(A).

(iv) A quantitative and qualitative assessment of the effect of the sharing of cyber threat indicators

or defensive measures with the Federal Government on privacy and civil liberties of specific individuals, including the number of notices that were issued with respect to a failure to remove information not directly related to a cybersecurity threat that was personal information of a specific individual or information that identified a specific individual in accordance with the procedures required by section 105(b)(3)(E).

(v) The adequacy of any steps taken by the Federal Government to reduce any adverse effect from activities carried out under this title on the privacy and civil liberties of United States persons.

(E) An assessment of the sharing of cyber threat indicators or defensive measures among Federal entities to identify inappropriate barriers to sharing information.

(3) RECOMMENDATIONS.—Each report submitted under this subsection may include such recommendations as the inspectors general may have for improvements or modifications to the authorities and processes under this title.

(c) INDEPENDENT REPORT ON REMOVAL OF PERSONAL INFORMATION.—Not later than 3 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the actions taken by the Federal Government to remove personal information from cyber threat indicators or defensive measures pursuant to this title. Such report shall include an assessment of the sufficiency of the policies, procedures, and guidelines established under this title in addressing concerns relating to privacy and civil liberties.

(d) FORM OF REPORTS.—Each report required under this section shall be submitted in an unclassified form, but may include a classified annex.

(e) PUBLIC AVAILABILITY OF REPORTS.—The unclassified portions of the reports required under this section shall be made available to the public.

SEC. 108. CONSTRUCTION AND PREEMPTION.

6 USC 1507.

(a) OTHERWISE LAWFUL DISCLOSURES.—Nothing in this title shall be construed—

(1) to limit or prohibit otherwise lawful disclosures of communications, records, or other information, including reporting of known or suspected criminal activity, by a non-Federal entity to any other non-Federal entity or the Federal Government under this title; or

(2) to limit or prohibit otherwise lawful use of such disclosures by any Federal entity, even when such otherwise lawful disclosures duplicate or replicate disclosures made under this title.

(b) WHISTLE BLOWER PROTECTIONS.—Nothing in this title shall be construed to prohibit or limit the disclosure of information protected under section 2302(b)(8) of title 5, United States Code (governing disclosures of illegality, waste, fraud, abuse, or public health or safety threats), section 7211 of title 5, United States Code (governing disclosures to Congress), section 1034 of title 10, United States Code (governing disclosure to Congress by members of the military), section 1104 of the National Security Act of 1947 (50 U.S.C. 3234) (governing disclosure by employees of elements of

the intelligence community), or any similar provision of Federal or State law.

(c) PROTECTION OF SOURCES AND METHODS.—Nothing in this title shall be construed—

(1) as creating any immunity against, or otherwise affecting, any action brought by the Federal Government, or any agency or department thereof, to enforce any law, executive order, or procedure governing the appropriate handling, disclosure, or use of classified information;

(2) to affect the conduct of authorized law enforcement or intelligence activities; or

(3) to modify the authority of a department or agency of the Federal Government to protect classified information and sources and methods and the national security of the United States.

(d) RELATIONSHIP TO OTHER LAWS.—Nothing in this title shall be construed to affect any requirement under any other provision of law for a non-Federal entity to provide information to the Federal Government.

(e) PROHIBITED CONDUCT.—Nothing in this title shall be construed to permit price-fixing, allocating a market between competitors, monopolizing or attempting to monopolize a market, boycotting, or exchanges of price or cost information, customer lists, or information regarding future competitive planning.

(f) INFORMATION SHARING RELATIONSHIPS.—Nothing in this title shall be construed—

(1) to limit or modify an existing information sharing relationship;

(2) to prohibit a new information sharing relationship;

(3) to require a new information sharing relationship between any non-Federal entity and a Federal entity or another non-Federal entity; or

(4) to require the use of the capability and process within the Department of Homeland Security developed under section 105(c).

(g) PRESERVATION OF CONTRACTUAL OBLIGATIONS AND RIGHTS.—Nothing in this title shall be construed—

(1) to amend, repeal, or supersede any current or future contractual agreement, terms of service agreement, or other contractual relationship between any non-Federal entities, or between any non-Federal entity and a Federal entity; or

(2) to abrogate trade secret or intellectual property rights of any non-Federal entity or Federal entity.

(h) ANTI-TASKING RESTRICTION.—Nothing in this title shall be construed to permit a Federal entity—

(1) to require a non-Federal entity to provide information to a Federal entity or another non-Federal entity;

(2) to condition the sharing of cyber threat indicators with a non-Federal entity on such entity's provision of cyber threat indicators to a Federal entity or another non-Federal entity; or

(3) to condition the award of any Federal grant, contract, or purchase on the provision of a cyber threat indicator to a Federal entity or another non-Federal entity.

(i) NO LIABILITY FOR NON-PARTICIPATION.—Nothing in this title shall be construed to subject any entity to liability for choosing not to engage in the voluntary activities authorized in this title.

(j) **USE AND RETENTION OF INFORMATION.**—Nothing in this title shall be construed to authorize, or to modify any existing authority of, a department or agency of the Federal Government to retain or use any information shared under this title for any use other than permitted in this title.

(k) **FEDERAL PREEMPTION.**—

(1) **IN GENERAL.**—This title supersedes any statute or other provision of law of a State or political subdivision of a State that restricts or otherwise expressly regulates an activity authorized under this title.

(2) **STATE LAW ENFORCEMENT.**—Nothing in this title shall be construed to supersede any statute or other provision of law of a State or political subdivision of a State concerning the use of authorized law enforcement practices and procedures.

(l) **REGULATORY AUTHORITY.**—Nothing in this title shall be construed—

(1) to authorize the promulgation of any regulations not specifically authorized to be issued under this title;

(2) to establish or limit any regulatory authority not specifically established or limited under this title; or

(3) to authorize regulatory actions that would duplicate or conflict with regulatory requirements, mandatory standards, or related processes under another provision of Federal law.

(m) **AUTHORITY OF SECRETARY OF DEFENSE TO RESPOND TO MALICIOUS CYBER ACTIVITY CARRIED OUT BY FOREIGN POWERS.**—Nothing in this title shall be construed to limit the authority of the Secretary of Defense under section 130g of title 10, United States Code.

(n) **CRIMINAL PROSECUTION.**—Nothing in this title shall be construed to prevent the disclosure of a cyber threat indicator or defensive measure shared under this title in a case of criminal prosecution, when an applicable provision of Federal, State, tribal, or local law requires disclosure in such case.

SEC. 109. REPORT ON CYBERSECURITY THREATS.

6 USC 1508.

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in coordination with the heads of other appropriate elements of the intelligence community, shall submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a report on cybersecurity threats, including cyber attacks, theft, and data breaches.

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

(1) An assessment of the current intelligence sharing and cooperation relationships of the United States with other countries regarding cybersecurity threats, including cyber attacks, theft, and data breaches, directed against the United States and which threaten the United States national security interests and economy and intellectual property, specifically identifying the relative utility of such relationships, which elements of the intelligence community participate in such relationships, and whether and how such relationships could be improved.

(2) A list and an assessment of the countries and nonstate actors that are the primary threats of carrying out a cybersecurity threat, including a cyber attack, theft, or data breach,

against the United States and which threaten the United States national security, economy, and intellectual property.

(3) A description of the extent to which the capabilities of the United States Government to respond to or prevent cybersecurity threats, including cyber attacks, theft, or data breaches, directed against the United States private sector are degraded by a delay in the prompt notification by private entities of such threats or cyber attacks, theft, and data breaches.

(4) An assessment of additional technologies or capabilities that would enhance the ability of the United States to prevent and to respond to cybersecurity threats, including cyber attacks, theft, and data breaches.

(5) An assessment of any technologies or practices utilized by the private sector that could be rapidly fielded to assist the intelligence community in preventing and responding to cybersecurity threats.

(c) **FORM OF REPORT.**—The report required by subsection (a) shall be made available in classified and unclassified forms.

(d) **INTELLIGENCE COMMUNITY DEFINED.**—In this section, the term “intelligence community” has the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

6 USC 1509.

SEC. 110. EXCEPTION TO LIMITATION ON AUTHORITY OF SECRETARY OF DEFENSE TO DISSEMINATE CERTAIN INFORMATION.

Notwithstanding subsection (c)(3) of section 393 of title 10, United States Code, the Secretary of Defense may authorize the sharing of cyber threat indicators and defensive measures pursuant to the policies, procedures, and guidelines developed or issued under this title.

6 USC 1510.

SEC. 111. EFFECTIVE PERIOD.

(a) **IN GENERAL.**—Except as provided in subsection (b), this title and the amendments made by this title shall be effective during the period beginning on the date of the enactment of this Act and ending on September 30, 2025.

(b) **EXCEPTION.**—With respect to any action authorized by this title or information obtained pursuant to an action authorized by this title, which occurred before the date on which the provisions referred to in subsection (a) cease to have effect, the provisions of this title shall continue in effect.

TITLE II—NATIONAL CYBERSECURITY ADVANCEMENT

Subtitle A—National Cybersecurity and Communications Integration Center

National
Cybersecurity
Protection
Advancement Act
of 2015.

6 USC 101 note.

SEC. 201. SHORT TITLE.

This subtitle may be cited as the “National Cybersecurity Protection Advancement Act of 2015”.

6 USC 131 note.

SEC. 202. DEFINITIONS.

In this subtitle:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

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

(B) the Committee on Homeland Security of the House of Representatives.

(2) CYBERSECURITY RISK; INCIDENT.—The terms “cybersecurity risk” and “incident” have the meanings given those terms in section 227 of the Homeland Security Act of 2002, as so redesignated by section 223(a)(3) of this division.

(3) CYBER THREAT INDICATOR; DEFENSIVE MEASURE.—The terms “cyber threat indicator” and “defensive measure” have the meanings given those terms in section 102.

(4) DEPARTMENT.—The term “Department” means the Department of Homeland Security.

(5) SECRETARY.—The term “Secretary” means the Secretary of Homeland Security.

SEC. 203. INFORMATION SHARING STRUCTURE AND PROCESSES.

Section 227 of the Homeland Security Act of 2002, as so redesignated by section 223(a)(3) of this division, is amended—

6 USC 148.

(1) in subsection (a)—

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

(B) by striking paragraphs (1) and (2) and inserting the following:

“(1) the term ‘cybersecurity risk’—

“(A) means threats to and vulnerabilities of information or information systems and any related consequences caused by or resulting from unauthorized access, use, disclosure, degradation, disruption, modification, or destruction of such information or information systems, including such related consequences caused by an act of terrorism; and

“(B) does not include any action that solely involves a violation of a consumer term of service or a consumer licensing agreement;

“(2) the terms ‘cyber threat indicator’ and ‘defensive measure’ have the meanings given those terms in section 102 of the Cybersecurity Act of 2015;

“(3) the term ‘incident’ means an occurrence that actually or imminently jeopardizes, without lawful authority, the integrity, confidentiality, or availability of information on an information system, or actually or imminently jeopardizes, without lawful authority, an information system;”;

(C) in paragraph (4), as so redesignated, by striking “and” at the end;

(D) in paragraph (5), as so redesignated, by striking the period at the end and inserting “; and”; and

(E) by adding at the end the following:

“(6) the term ‘sharing’ (including all conjugations thereof) means providing, receiving, and disseminating (including all conjugations of each of such terms).”;

(2) in subsection (c)—

(A) in paragraph (1)—

- (i) by inserting “, including the implementation of title I of the Cybersecurity Act of 2015” before the semicolon at the end; and
- (ii) by inserting “cyber threat indicators, defensive measures,” before “cybersecurity risks”;
- (B) in paragraph (3), by striking “cybersecurity risks” and inserting “cyber threat indicators, defensive measures, cybersecurity risks,”;
- (C) in paragraph (5)(A), by striking “cybersecurity risks” and inserting “cyber threat indicators, defensive measures, cybersecurity risks,”;
- (D) in paragraph (6)—
 - (i) by striking “cybersecurity risks” and inserting “cyber threat indicators, defensive measures, cybersecurity risks,”; and
 - (ii) by striking “and” at the end;
- (E) in paragraph (7)—
 - (i) in subparagraph (A), by striking “and” at the end;
 - (ii) in subparagraph (B), by striking the period at the end and inserting “; and”; and
 - (iii) by adding at the end the following:
 - “(C) sharing cyber threat indicators and defensive measures;”;
 - “(F) by adding at the end the following:
 - “(8) engaging with international partners, in consultation with other appropriate agencies, to—
 - “(A) collaborate on cyber threat indicators, defensive measures, and information related to cybersecurity risks and incidents; and
 - “(B) enhance the security and resilience of global cybersecurity;
 - “(9) sharing cyber threat indicators, defensive measures, and other information related to cybersecurity risks and incidents with Federal and non-Federal entities, including across sectors of critical infrastructure and with State and major urban area fusion centers, as appropriate;
 - “(10) participating, as appropriate, in national exercises run by the Department; and
 - “(11) in coordination with the Office of Emergency Communications of the Department, assessing and evaluating consequence, vulnerability, and threat information regarding cyber incidents to public safety communications to help facilitate continuous improvements to the security and resiliency of such communications.”;
- (3) in subsection (d)(1)—
 - (A) in subparagraph (B)—
 - (i) in clause (i), by striking “and local” and inserting “, local, and tribal”;
 - (ii) in clause (ii), by striking “; and” and inserting “, including information sharing and analysis centers;”;
 - (iii) in clause (iii), by adding “and” at the end;
 - and
 - (iv) by adding at the end the following:
 - “(iv) private entities;”.
- (B) in subparagraph (D), by striking “and” at the end;

(C) by redesignating subparagraph (E) as subparagraph (F); and

(D) by inserting after subparagraph (D) the following:

“(E) an entity that collaborates with State and local governments on cybersecurity risks and incidents, and has entered into a voluntary information sharing relationship with the Center; and”;

(4) in subsection (e)—

(A) in paragraph (1)—

(i) in subparagraph (A), by inserting “cyber threat indicators, defensive measures, and” before “information”;

(ii) in subparagraph (B), by inserting “cyber threat indicators, defensive measures, and” before “information related”;

(iii) in subparagraph (F)—

(I) by striking “cybersecurity risks” and inserting “cyber threat indicators, defensive measures, cybersecurity risks,”; and

(II) by striking “and” at the end;

(iv) in subparagraph (G), by striking “cybersecurity risks and incidents” and inserting “cyber threat indicators, defensive measures, cybersecurity risks, and incidents; and”;

(v) by adding at the end the following:

“(H) the Center designates an agency contact for non-Federal entities;”;

(B) in paragraph (2)—

(i) by striking “cybersecurity risks” and inserting “cyber threat indicators, defensive measures, cybersecurity risks,”; and

(ii) by inserting “or disclosure” after “access”; and

(C) in paragraph (3), by inserting before the period at the end the following: “, including by working with the Privacy Officer appointed under section 222 to ensure that the Center follows the policies and procedures specified in subsections (b) and (d)(5)(C) of section 105 of the Cybersecurity Act of 2015”; and

(5) by adding at the end the following:

“(g) AUTOMATED INFORMATION SHARING.—

“(1) IN GENERAL.—The Under Secretary appointed under section 103(a)(1)(H), in coordination with industry and other stakeholders, shall develop capabilities making use of existing information technology industry standards and best practices, as appropriate, that support and rapidly advance the development, adoption, and implementation of automated mechanisms for the sharing of cyber threat indicators and defensive measures in accordance with title I of the Cybersecurity Act of 2015.

“(2) ANNUAL REPORT.—The Under Secretary appointed under section 103(a)(1)(H) shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives an annual report on the status and progress of the development of the capabilities described in paragraph (1). Such reports shall be required until such capabilities are fully implemented.

“(h) VOLUNTARY INFORMATION SHARING PROCEDURES.—

“(1) PROCEDURES.—

“(A) IN GENERAL.—The Center may enter into a voluntary information sharing relationship with any consenting non-Federal entity for the sharing of cyber threat indicators and defensive measures for cybersecurity purposes in accordance with this section. Nothing in this subsection may be construed to require any non-Federal entity to enter into any such information sharing relationship with the Center or any other entity. The Center may terminate a voluntary information sharing relationship under this subsection, at the sole and unreviewable discretion of the Secretary, acting through the Under Secretary appointed under section 103(a)(1)(H), for any reason, including if the Center determines that the non-Federal entity with which the Center has entered into such a relationship has violated the terms of this subsection.

“(B) NATIONAL SECURITY.—The Secretary may decline to enter into a voluntary information sharing relationship under this subsection, at the sole and unreviewable discretion of the Secretary, acting through the Under Secretary appointed under section 103(a)(1)(H), for any reason, including if the Secretary determines that such is appropriate for national security.

“(2) VOLUNTARY INFORMATION SHARING RELATIONSHIPS.—

A voluntary information sharing relationship under this subsection may be characterized as an agreement described in this paragraph.

“(A) STANDARD AGREEMENT.—For the use of a non-Federal entity, the Center shall make available a standard agreement, consistent with this section, on the Department’s website.

“(B) NEGOTIATED AGREEMENT.—At the request of a non-Federal entity, and if determined appropriate by the Center, at the sole and unreviewable discretion of the Secretary, acting through the Under Secretary appointed under section 103(a)(1)(H), the Department shall negotiate a non-standard agreement, consistent with this section.

“(C) EXISTING AGREEMENTS.—An agreement between the Center and a non-Federal entity that is entered into before the date of enactment of this subsection, or such an agreement that is in effect before such date, shall be deemed in compliance with the requirements of this subsection, notwithstanding any other provision or requirement of this subsection. An agreement under this subsection shall include the relevant privacy protections as in effect under the Cooperative Research and Development Agreement for Cybersecurity Information Sharing and Collaboration, as of December 31, 2014. Nothing in this subsection may be construed to require a non-Federal entity to enter into either a standard or negotiated agreement to be in compliance with this subsection.

“(i) DIRECT REPORTING.—The Secretary shall develop policies and procedures for direct reporting to the Secretary by the Director of the Center regarding significant cybersecurity risks and incidents.

“(j) REPORTS ON INTERNATIONAL COOPERATION.—Not later than 180 days after the date of enactment of this subsection, and periodically thereafter, the Secretary of Homeland Security shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the range of efforts underway to bolster cybersecurity collaboration with relevant international partners in accordance with subsection (c)(8).

“(k) OUTREACH.—Not later than 60 days after the date of enactment of this subsection, the Secretary, acting through the Under Secretary appointed under section 103(a)(1)(H), shall—

“(1) disseminate to the public information about how to voluntarily share cyber threat indicators and defensive measures with the Center; and

“(2) enhance outreach to critical infrastructure owners and operators for purposes of such sharing.

“(l) COORDINATED VULNERABILITY DISCLOSURE.—The Secretary, in coordination with industry and other stakeholders, may develop and adhere to Department policies and procedures for coordinating vulnerability disclosures.”.

SEC. 204. INFORMATION SHARING AND ANALYSIS ORGANIZATIONS.

Section 212 of the Homeland Security Act of 2002 (6 U.S.C. 131) is amended—

(1) in paragraph (5)—

(A) in subparagraph (A)—

(i) by inserting “, including information related to cybersecurity risks and incidents,” after “critical infrastructure information”; and

(ii) by inserting “, including cybersecurity risks and incidents,” after “related to critical infrastructure”;

(B) in subparagraph (B)—

(i) by inserting “, including cybersecurity risks and incidents,” after “critical infrastructure information”; and

(ii) by inserting “, including cybersecurity risks and incidents,” after “related to critical infrastructure”; and

(C) in subparagraph (C), by inserting “, including cybersecurity risks and incidents,” after “critical infrastructure information”; and

(2) by adding at the end the following:

“(8) CYBERSECURITY RISK; INCIDENT.—The terms ‘cybersecurity risk’ and ‘incident’ have the meanings given those terms in section 227.”.

SEC. 205. NATIONAL RESPONSE FRAMEWORK.

Section 228 of the Homeland Security Act of 2002, as added by section 223(a)(4) of this division, is amended by adding at the end the following:

6 USC 149.

“(d) NATIONAL RESPONSE FRAMEWORK.—The Secretary, in coordination with the heads of other appropriate Federal departments and agencies, and in accordance with the National Cybersecurity Incident Response Plan required under subsection (c), shall regularly update, maintain, and exercise the Cyber Incident Annex to the National Response Framework of the Department.”.

SEC. 206. REPORT ON REDUCING CYBERSECURITY RISKS IN DHS DATA CENTERS.

Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report on the feasibility of the Department creating an environment for the reduction in cybersecurity risks in Department data centers, including by increasing compartmentalization between systems, and providing a mix of security controls between such compartments.

SEC. 207. ASSESSMENT.

Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the appropriate congressional committees a report that includes—

(1) an assessment of the implementation by the Secretary of this title and the amendments made by this title; and

(2) to the extent practicable, findings regarding increases in the sharing of cyber threat indicators, defensive measures, and information relating to cybersecurity risks and incidents at the center established under section 227 of the Homeland Security Act of 2002, as redesignated by section 223(a) of this division, and throughout the United States.

SEC. 208. MULTIPLE SIMULTANEOUS CYBER INCIDENTS AT CRITICAL INFRASTRUCTURE.

Not later than 1 year after the date of enactment of this Act, the Under Secretary appointed under section 103(a)(1)(H) of the Homeland Security Act of 2002 (6 U.S.C. 113(a)(1)(H)) shall provide information to the appropriate congressional committees on the feasibility of producing a risk-informed plan to address the risk of multiple simultaneous cyber incidents affecting critical infrastructure, including cyber incidents that may have a cascading effect on other critical infrastructure.

SEC. 209. REPORT ON CYBERSECURITY VULNERABILITIES OF UNITED STATES PORTS.

Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the appropriate congressional committees, the Committee on Commerce, Science and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives a report on cybersecurity vulnerabilities for the 10 United States ports that the Secretary determines are at greatest risk of a cybersecurity incident and provide recommendations to mitigate such vulnerabilities.

6 USC 148 note.

SEC. 210. PROHIBITION ON NEW REGULATORY AUTHORITY.

Nothing in this subtitle or the amendments made by this subtitle may be construed to grant the Secretary any authority to promulgate regulations or set standards relating to the cybersecurity of non-Federal entities, not including State, local, and tribal governments, that was not in effect on the day before the date of enactment of this Act.

SEC. 211. TERMINATION OF REPORTING REQUIREMENTS.

Any reporting requirements in this subtitle shall terminate on the date that is 7 years after the date of enactment of this Act.

Subtitle B—Federal Cybersecurity Enhancement

Federal
Cybersecurity
Enhancement
Act of 2015.

SEC. 221. SHORT TITLE.

6 USC 1501 note.

This subtitle may be cited as the “Federal Cybersecurity Enhancement Act of 2015”.

SEC. 222. DEFINITIONS.

6 USC 1521.

In this subtitle:

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

(2) AGENCY INFORMATION SYSTEM.—The term “agency information system” has the meaning given the term in section 228 of the Homeland Security Act of 2002, as added by section 223(a)(4) of this division.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

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

(B) the Committee on Homeland Security of the House of Representatives.

(4) CYBERSECURITY RISK; INFORMATION SYSTEM.—The terms “cybersecurity risk” and “information system” have the meanings given those terms in section 227 of the Homeland Security Act of 2002, as so redesignated by section 223(a)(3) of this division.

(5) DIRECTOR.—The term “Director” means the Director of the Office of Management and Budget.

(6) INTELLIGENCE COMMUNITY.—The term “intelligence community” has the meaning given the term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).

(7) NATIONAL SECURITY SYSTEM.—The term “national security system” has the meaning given the term in section 11103 of title 40, United States Code.

(8) SECRETARY.—The term “Secretary” means the Secretary of Homeland Security.

SEC. 223. IMPROVED FEDERAL NETWORK SECURITY.

(a) IN GENERAL.—Subtitle C of title II of the Homeland Security Act of 2002 (6 U.S.C. 141 et seq.) is amended—

(1) by redesignating section 228 as section 229;

6 USC 150.

(2) by redesignating section 227 as subsection (c) of section 228, as added by paragraph (4), and adjusting the margins accordingly;

6 USC 149.

(3) by redesignating the second section designated as section 226 (relating to the national cybersecurity and communications integration center) as section 227;

6 USC 148.

(4) by inserting after section 227, as so redesignated, the following:

“SEC. 228. CYBERSECURITY PLANS.

6 USC 149.

“(a) DEFINITIONS.—In this section—

“(1) the term ‘agency information system’ means an information system used or operated by an agency or by another entity on behalf of an agency;

“(2) the terms ‘cybersecurity risk’ and ‘information system’ have the meanings given those terms in section 227;

“(3) the term ‘intelligence community’ has the meaning given the term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)); and

“(4) the term ‘national security system’ has the meaning given the term in section 11103 of title 40, United States Code.

“(b) INTRUSION ASSESSMENT PLAN.—

“(1) REQUIREMENT.—The Secretary, in coordination with the Director of the Office of Management and Budget, shall—

“(A) develop and implement an intrusion assessment plan to proactively detect, identify, and remove intruders in agency information systems on a routine basis; and

“(B) update such plan as necessary.

“(2) EXCEPTION.—The intrusion assessment plan required under paragraph (1) shall not apply to the Department of Defense, a national security system, or an element of the intelligence community.”;

(5) in section 228(c), as so redesignated, by striking “section 226” and inserting “section 227”; and

(6) by inserting after section 229, as so redesignated, the following:

6 USC 151.

“SEC. 230. FEDERAL INTRUSION DETECTION AND PREVENTION SYSTEM.

“(a) DEFINITIONS.—In this section—

“(1) the term ‘agency’ has the meaning given the term in section 3502 of title 44, United States Code;

“(2) the term ‘agency information’ means information collected or maintained by or on behalf of an agency;

“(3) the term ‘agency information system’ has the meaning given the term in section 228; and

“(4) the terms ‘cybersecurity risk’ and ‘information system’ have the meanings given those terms in section 227.

“(b) REQUIREMENT.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Secretary shall deploy, operate, and maintain, to make available for use by any agency, with or without reimbursement—

“(A) a capability to detect cybersecurity risks in network traffic transiting or traveling to or from an agency information system; and

“(B) a capability to prevent network traffic associated with such cybersecurity risks from transiting or traveling to or from an agency information system or modify such network traffic to remove the cybersecurity risk.

“(2) REGULAR IMPROVEMENT.—The Secretary shall regularly deploy new technologies and modify existing technologies to the intrusion detection and prevention capabilities described in paragraph (1) as appropriate to improve the intrusion detection and prevention capabilities.

“(c) ACTIVITIES.—In carrying out subsection (b), the Secretary—

“(1) may access, and the head of an agency may disclose to the Secretary or a private entity providing assistance to the Secretary under paragraph (2), information transiting or traveling to or from an agency information system, regardless

of the location from which the Secretary or a private entity providing assistance to the Secretary under paragraph (2) accesses such information, notwithstanding any other provision of law that would otherwise restrict or prevent the head of an agency from disclosing such information to the Secretary or a private entity providing assistance to the Secretary under paragraph (2);

“(2) may enter into contracts or other agreements with, or otherwise request and obtain the assistance of, private entities to deploy, operate, and maintain technologies in accordance with subsection (b);

“(3) may retain, use, and disclose information obtained through the conduct of activities authorized under this section only to protect information and information systems from cybersecurity risks;

“(4) shall regularly assess through operational test and evaluation in real world or simulated environments available advanced protective technologies to improve detection and prevention capabilities, including commercial and noncommercial technologies and detection technologies beyond signature-based detection, and acquire, test, and deploy such technologies when appropriate;

“(5) shall establish a pilot through which the Secretary may acquire, test, and deploy, as rapidly as possible, technologies described in paragraph (4); and

“(6) shall periodically update the privacy impact assessment required under section 208(b) of the E-Government Act of 2002 (44 U.S.C. 3501 note).

“(d) PRINCIPLES.—In carrying out subsection (b), the Secretary shall ensure that—

“(1) activities carried out under this section are reasonably necessary for the purpose of protecting agency information and agency information systems from a cybersecurity risk;

“(2) information accessed by the Secretary will be retained no longer than reasonably necessary for the purpose of protecting agency information and agency information systems from a cybersecurity risk;

“(3) notice has been provided to users of an agency information system concerning access to communications of users of the agency information system for the purpose of protecting agency information and the agency information system; and

“(4) the activities are implemented pursuant to policies and procedures governing the operation of the intrusion detection and prevention capabilities.

“(e) PRIVATE ENTITIES.—

“(1) CONDITIONS.—A private entity described in subsection (c)(2) may not—

“(A) disclose any network traffic transiting or traveling to or from an agency information system to any entity other than the Department or the agency that disclosed the information under subsection (c)(1), including personal information of a specific individual or information that identifies a specific individual not directly related to a cybersecurity risk; or

“(B) use any network traffic transiting or traveling to or from an agency information system to which the private entity gains access in accordance with this section

for any purpose other than to protect agency information and agency information systems against cybersecurity risks or to administer a contract or other agreement entered into pursuant to subsection (c)(2) or as part of another contract with the Secretary.

“(2) LIMITATION ON LIABILITY.—No cause of action shall lie in any court against a private entity for assistance provided to the Secretary in accordance with this section and any contract or agreement entered into pursuant to subsection (c)(2).

“(3) RULE OF CONSTRUCTION.—Nothing in paragraph (2) shall be construed to authorize an Internet service provider to break a user agreement with a customer without the consent of the customer.

“(f) PRIVACY OFFICER REVIEW.—Not later than 1 year after the date of enactment of this section, the Privacy Officer appointed under section 222, in consultation with the Attorney General, shall review the policies and guidelines for the program carried out under this section to ensure that the policies and guidelines are consistent with applicable privacy laws, including those governing the acquisition, interception, retention, use, and disclosure of communications.”

6 USC 151 note.

(b) AGENCY RESPONSIBILITIES.—

(1) IN GENERAL.—Except as provided in paragraph (2)—

(A) not later than 1 year after the date of enactment of this Act or 2 months after the date on which the Secretary makes available the intrusion detection and prevention capabilities under section 230(b)(1) of the Homeland Security Act of 2002, as added by subsection (a), whichever is later, the head of each agency shall apply and continue to utilize the capabilities to all information traveling between an agency information system and any information system other than an agency information system; and

(B) not later than 6 months after the date on which the Secretary makes available improvements to the intrusion detection and prevention capabilities pursuant to section 230(b)(2) of the Homeland Security Act of 2002, as added by subsection (a), the head of each agency shall apply and continue to utilize the improved intrusion detection and prevention capabilities.

(2) EXCEPTION.—The requirements under paragraph (1) shall not apply to the Department of Defense, a national security system, or an element of the intelligence community.

(3) DEFINITION.—Notwithstanding section 222, in this subsection, the term “agency information system” means an information system owned or operated by an agency.

(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit an agency from applying the intrusion detection and prevention capabilities to an information system other than an agency information system under section 230(b)(1) of the Homeland Security Act of 2002, as added by subsection (a), at the discretion of the head of the agency or as provided in relevant policies, directives, and guidelines.

(c) TABLE OF CONTENTS AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 note) is amended by striking the items relating to the first section designated as section 226, the second section designated

as section 226 (relating to the national cybersecurity and communications integration center), section 227, and section 228 and inserting the following:

- “Sec. 226. Cybersecurity recruitment and retention.
“Sec. 227. National cybersecurity and communications integration center.
“Sec. 228. Cybersecurity plans.
“Sec. 229. Clearances.
“Sec. 230. Federal intrusion detection and prevention system.”.

SEC. 224. ADVANCED INTERNAL DEFENSES.

6 USC 1522 note.

(a) **ADVANCED NETWORK SECURITY TOOLS.—**

(1) **IN GENERAL.—**The Secretary shall include, in the efforts of the Department to continuously diagnose and mitigate cybersecurity risks, advanced network security tools to improve visibility of network activity, including through the use of commercial and free or open source tools, and to detect and mitigate intrusions and anomalous activity.

(2) **DEVELOPMENT OF PLAN.—**The Director shall develop and the Secretary shall implement a plan to ensure that each agency utilizes advanced network security tools, including those described in paragraph (1), to detect and mitigate intrusions and anomalous activity.

(b) **PRIORITIZING ADVANCED SECURITY TOOLS.—**The Director and the Secretary, in consultation with appropriate agencies, shall—

(1) review and update Government-wide policies and programs to ensure appropriate prioritization and use of network security monitoring tools within agency networks; and

(2) brief appropriate congressional committees on such prioritization and use.

(c) **IMPROVED METRICS.—**The Secretary, in collaboration with the Director, shall review and update the metrics used to measure security under section 3554 of title 44, United States Code, to include measures of intrusion and incident detection and response times.

(d) **TRANSPARENCY AND ACCOUNTABILITY.—**The Director, in consultation with the Secretary, shall increase transparency to the public on agency cybersecurity posture, including by increasing the number of metrics available on Federal Government performance websites and, to the greatest extent practicable, displaying metrics for department components, small agencies, and micro-agencies.

(e) **MAINTENANCE OF TECHNOLOGIES.—**Section 3553(b)(6)(B) of title 44, United States Code, is amended by inserting “, operating, and maintaining” after “deploying”.

(f) **EXCEPTION.—**The requirements under this section shall not apply to the Department of Defense, a national security system, or an element of the intelligence community.

SEC. 225. FEDERAL CYBERSECURITY REQUIREMENTS.

6 USC 1523.

(a) **IMPLEMENTATION OF FEDERAL CYBERSECURITY STANDARDS.—**Consistent with section 3553 of title 44, United States Code, the Secretary, in consultation with the Director, shall exercise the authority to issue binding operational directives to assist the Director in ensuring timely agency adoption of and compliance with policies and standards promulgated under section 11331 of title 40, United States Code, for securing agency information systems.

(b) **CYBERSECURITY REQUIREMENTS AT AGENCIES.—**

(1) **IN GENERAL.**—Consistent with policies, standards, guidelines, and directives on information security under subchapter II of chapter 35 of title 44, United States Code, and the standards and guidelines promulgated under section 11331 of title 40, United States Code, and except as provided in paragraph (2), not later than 1 year after the date of the enactment of this Act, the head of each agency shall—

(A) identify sensitive and mission critical data stored by the agency consistent with the inventory required under the first subsection (c) (relating to the inventory of major information systems) and the second subsection (c) (relating to the inventory of information systems) of section 3505 of title 44, United States Code;

(B) assess access controls to the data described in subparagraph (A), the need for readily accessible storage of the data, and individuals' need to access the data;

(C) encrypt or otherwise render indecipherable to unauthorized users the data described in subparagraph (A) that is stored on or transiting agency information systems;

(D) implement a single sign-on trusted identity platform for individuals accessing each public website of the agency that requires user authentication, as developed by the Administrator of General Services in collaboration with the Secretary; and

(E) implement identity management consistent with section 504 of the Cybersecurity Enhancement Act of 2014 (Public Law 113–274; 15 U.S.C. 7464), including multi-factor authentication, for—

(i) remote access to an agency information system;

and

(ii) each user account with elevated privileges on an agency information system.

(2) **EXCEPTION.**—The requirements under paragraph (1) shall not apply to an agency information system for which—

(A) the head of the agency has personally certified to the Director with particularity that—

(i) operational requirements articulated in the certification and related to the agency information system would make it excessively burdensome to implement the cybersecurity requirement;

(ii) the cybersecurity requirement is not necessary to secure the agency information system or agency information stored on or transiting it; and

(iii) the agency has taken all necessary steps to secure the agency information system and agency information stored on or transiting it; and

(B) the head of the agency or the designee of the head of the agency has submitted the certification described in subparagraph (A) to the appropriate congressional committees and the agency's authorizing committees.

(3) **CONSTRUCTION.**—Nothing in this section shall be construed to alter the authority of the Secretary, the Director, or the Director of the National Institute of Standards and Technology in implementing subchapter II of chapter 35 of title 44, United States Code. Nothing in this section shall be construed to affect the National Institute of Standards and

Technology standards process or the requirement under section 3553(a)(4) of such title or to discourage continued improvements and advancements in the technology, standards, policies, and guidelines used to promote Federal information security.

(c) EXCEPTION.—The requirements under this section shall not apply to the Department of Defense, a national security system, or an element of the intelligence community.

SEC. 226. ASSESSMENT; REPORTS.

6 USC 1524.

(a) DEFINITIONS.—In this section:

(1) AGENCY INFORMATION.—The term “agency information” has the meaning given the term in section 230 of the Homeland Security Act of 2002, as added by section 223(a)(6) of this division.

(2) CYBER THREAT INDICATOR; DEFENSIVE MEASURE.—The terms “cyber threat indicator” and “defensive measure” have the meanings given those terms in section 102.

(3) INTRUSION ASSESSMENTS.—The term “intrusion assessments” means actions taken under the intrusion assessment plan to identify and remove intruders in agency information systems.

(4) INTRUSION ASSESSMENT PLAN.—The term “intrusion assessment plan” means the plan required under section 228(b)(1) of the Homeland Security Act of 2002, as added by section 223(a)(4) of this division.

(5) INTRUSION DETECTION AND PREVENTION CAPABILITIES.—The term “intrusion detection and prevention capabilities” means the capabilities required under section 230(b) of the Homeland Security Act of 2002, as added by section 223(a)(6) of this division.

(b) THIRD-PARTY ASSESSMENT.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study and publish a report on the effectiveness of the approach and strategy of the Federal Government to securing agency information systems, including the intrusion detection and prevention capabilities and the intrusion assessment plan.

(c) REPORTS TO CONGRESS.—

(1) INTRUSION DETECTION AND PREVENTION CAPABILITIES.—

(A) SECRETARY OF HOMELAND SECURITY REPORT.—Not later than 6 months after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to the appropriate congressional committees a report on the status of implementation of the intrusion detection and prevention capabilities, including—

(i) a description of privacy controls;

(ii) a description of the technologies and capabilities utilized to detect cybersecurity risks in network traffic, including the extent to which those technologies and capabilities include existing commercial and non-commercial technologies;

(iii) a description of the technologies and capabilities utilized to prevent network traffic associated with cybersecurity risks from transiting or traveling to or from agency information systems, including the extent to which those technologies and capabilities include existing commercial and noncommercial technologies;

(iv) a list of the types of indicators or other identifiers or techniques used to detect cybersecurity risks in network traffic transiting or traveling to or from agency information systems on each iteration of the intrusion detection and prevention capabilities and the number of each such type of indicator, identifier, and technique;

(v) the number of instances in which the intrusion detection and prevention capabilities detected a cybersecurity risk in network traffic transiting or traveling to or from agency information systems and the number of times the intrusion detection and prevention capabilities blocked network traffic associated with cybersecurity risk; and

(vi) a description of the pilot established under section 230(c)(5) of the Homeland Security Act of 2002, as added by section 223(a)(6) of this division, including the number of new technologies tested and the number of participating agencies.

(B) OMB REPORT.—Not later than 18 months after the date of enactment of this Act, and annually thereafter, the Director shall submit to Congress, as part of the report required under section 3553(c) of title 44, United States Code, an analysis of agency application of the intrusion detection and prevention capabilities, including—

(i) a list of each agency and the degree to which each agency has applied the intrusion detection and prevention capabilities to an agency information system; and

(ii) a list by agency of—

(I) the number of instances in which the intrusion detection and prevention capabilities detected a cybersecurity risk in network traffic transiting or traveling to or from an agency information system and the types of indicators, identifiers, and techniques used to detect such cybersecurity risks; and

(II) the number of instances in which the intrusion detection and prevention capabilities prevented network traffic associated with a cybersecurity risk from transiting or traveling to or from an agency information system and the types of indicators, identifiers, and techniques used to detect such agency information systems.

(C) CHIEF INFORMATION OFFICER.—Not earlier than 18 months after the date of enactment of this Act and not later than 2 years after the date of enactment of this Act, the Federal Chief Information Officer shall review and submit to the appropriate congressional committees a report assessing the intrusion detection and intrusion prevention capabilities, including—

(i) the effectiveness of the system in detecting, disrupting, and preventing cyber-threat actors, including advanced persistent threats, from accessing agency information and agency information systems;

(ii) whether the intrusion detection and prevention capabilities, continuous diagnostics and mitigation, and

other systems deployed under subtitle D of title II of the Homeland Security Act of 2002 (6 U.S.C. 231 et seq.) are effective in securing Federal information systems;

(iii) the costs and benefits of the intrusion detection and prevention capabilities, including as compared to commercial technologies and tools and including the value of classified cyber threat indicators; and

(iv) the capability of agencies to protect sensitive cyber threat indicators and defensive measures if they were shared through unclassified mechanisms for use in commercial technologies and tools.

(2) OMB REPORT ON DEVELOPMENT AND IMPLEMENTATION OF INTRUSION ASSESSMENT PLAN, ADVANCED INTERNAL DEFENSES, AND FEDERAL CYBERSECURITY REQUIREMENTS.—The Director shall—

(A) not later than 6 months after the date of enactment of this Act, and 30 days after any update thereto, submit the intrusion assessment plan to the appropriate congressional committees;

(B) not later than 1 year after the date of enactment of this Act, and annually thereafter, submit to Congress, as part of the report required under section 3553(c) of title 44, United States Code—

(i) a description of the implementation of the intrusion assessment plan;

(ii) the findings of the intrusion assessments conducted pursuant to the intrusion assessment plan;

(iii) a description of the advanced network security tools included in the efforts to continuously diagnose and mitigate cybersecurity risks pursuant to section 224(a)(1); and

(iv) a list by agency of compliance with the requirements of section 225(b); and

(C) not later than 1 year after the date of enactment of this Act, submit to the appropriate congressional committees—

(i) a copy of the plan developed pursuant to section 224(a)(2); and

(ii) the improved metrics developed pursuant to section 224(c).

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

SEC. 227. TERMINATION.

6 USC 1525.

(a) IN GENERAL.—The authority provided under section 230 of the Homeland Security Act of 2002, as added by section 223(a)(6) of this division, and the reporting requirements under section 226(c) of this division shall terminate on the date that is 7 years after the date of enactment of this Act.

(b) RULE OF CONSTRUCTION.—Nothing in subsection (a) shall be construed to affect the limitation of liability of a private entity for assistance provided to the Secretary under section 230(d)(2) of the Homeland Security Act of 2002, as added by section 223(a)(6) of this division, if such assistance was rendered before the termination date under subsection (a) or otherwise during a period in which the assistance was authorized.

SEC. 228. IDENTIFICATION OF INFORMATION SYSTEMS RELATING TO NATIONAL SECURITY.

(a) **IN GENERAL.**—Except as provided in subsection (c), not later than 180 days after the date of enactment of this Act—

(1) the Director of National Intelligence and the Director of the Office of Management and Budget, in coordination with the heads of other agencies, shall—

(A) identify all unclassified information systems that provide access to information that may provide an adversary with the ability to derive information that would otherwise be considered classified;

(B) assess the risks that would result from the breach of each unclassified information system identified in subparagraph (A); and

(C) assess the cost and impact on the mission carried out by each agency that owns an unclassified information system identified in subparagraph (A) if the system were to be subsequently designated as a national security system; and

(2) the Director of National Intelligence and the Director of the Office of Management and Budget shall submit to the appropriate congressional committees, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives a report that includes the findings under paragraph (1).

(b) **FORM.**—The report submitted under subsection (a)(2) shall be in unclassified form, and shall include a classified annex.

(c) **EXCEPTION.**—The requirements under subsection (a)(1) shall not apply to the Department of Defense, a national security system, or an element of the intelligence community.

(d) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to designate an information system as a national security system.

SEC. 229. DIRECTION TO AGENCIES.

(a) **IN GENERAL.**—Section 3553 of title 44, United States Code, is amended by adding at the end the following:

“(h) **DIRECTION TO AGENCIES.**—

“(1) **AUTHORITY.**—

“(A) **IN GENERAL.**—Subject to subparagraph (B), in response to a known or reasonably suspected information security threat, vulnerability, or incident that represents a substantial threat to the information security of an agency, the Secretary may issue an emergency directive to the head of an agency to take any lawful action with respect to the operation of the information system, including such systems used or operated by another entity on behalf of an agency, that collects, processes, stores, transmits, disseminates, or otherwise maintains agency information, for the purpose of protecting the information system from, or mitigating, an information security threat.

“(B) **EXCEPTION.**—The authorities of the Secretary under this subsection shall not apply to a system described subsection (d) or to a system described in paragraph (2) or (3) of subsection (e).

“(2) **PROCEDURES FOR USE OF AUTHORITY.**—The Secretary shall—

“(A) in coordination with the Director, and in consultation with Federal contractors as appropriate, establish procedures governing the circumstances under which a directive may be issued under this subsection, which shall include—

“(i) thresholds and other criteria;

“(ii) privacy and civil liberties protections; and

“(iii) providing notice to potentially affected third parties;

“(B) specify the reasons for the required action and the duration of the directive;

“(C) minimize the impact of a directive under this subsection by—

“(i) adopting the least intrusive means possible under the circumstances to secure the agency information systems; and

“(ii) limiting directives to the shortest period practicable;

“(D) notify the Director and the head of any affected agency immediately upon the issuance of a directive under this subsection;

“(E) consult with the Director of the National Institute of Standards and Technology regarding any directive under this subsection that implements standards and guidelines developed by the National Institute of Standards and Technology;

“(F) ensure that directives issued under this subsection do not conflict with the standards and guidelines issued under section 11331 of title 40;

“(G) consider any applicable standards or guidelines developed by the National Institute of Standards and Technology issued by the Secretary of Commerce under section 11331 of title 40; and

“(H) not later than February 1 of each year, submit to the appropriate congressional committees a report regarding the specific actions the Secretary has taken pursuant to paragraph (1)(A).

“(3) IMMINENT THREATS.—

“(A) IN GENERAL.—Notwithstanding section 3554, the Secretary may authorize the use under this subsection of the intrusion detection and prevention capabilities established under section 230(b)(1) of the Homeland Security Act of 2002 for the purpose of ensuring the security of agency information systems, if—

“(i) the Secretary determines there is an imminent threat to agency information systems;

“(ii) the Secretary determines a directive under subsection (b)(2)(C) or paragraph (1)(A) is not reasonably likely to result in a timely response to the threat;

“(iii) the Secretary determines the risk posed by the imminent threat outweighs any adverse consequences reasonably expected to result from the use of the intrusion detection and prevention capabilities under the control of the Secretary;

“(iv) the Secretary provides prior notice to the Director, and the head and chief information officer (or equivalent official) of each agency to which specific

actions will be taken pursuant to this paragraph, and notifies the appropriate congressional committees and authorizing committees of each such agency within 7 days of taking an action under this paragraph of—

“(I) any action taken under this paragraph;

and

“(II) the reasons for and duration and nature of the action;

“(v) the action of the Secretary is consistent with applicable law; and

“(vi) the Secretary authorizes the use of the intrusion detection and prevention capabilities in accordance with the advance procedures established under subparagraph (C).

“(B) LIMITATION ON DELEGATION.—The authority under this paragraph may not be delegated by the Secretary.

“(C) ADVANCE PROCEDURES.—The Secretary shall, in coordination with the Director, and in consultation with the heads of Federal agencies, establish procedures governing the circumstances under which the Secretary may authorize the use of the intrusion detection and prevention capabilities under subparagraph (A). The Secretary shall submit the procedures to Congress.

“(4) LIMITATION.—The Secretary may direct or authorize lawful action or the use of the intrusion detection and prevention capabilities under this subsection only to—

“(A) protect agency information from unauthorized access, use, disclosure, disruption, modification, or destruction; or

“(B) require the remediation of or protect against identified information security risks with respect to—

“(i) information collected or maintained by or on behalf of an agency; or

“(ii) that portion of an information system used or operated by an agency or by a contractor of an agency or other organization on behalf of an agency.

“(i) ANNUAL REPORT TO CONGRESS.—Not later than February 1 of each year, the Director and the Secretary shall submit to the appropriate congressional committees a report regarding the specific actions the Director and the Secretary have taken pursuant to subsection (a)(5), including any actions taken pursuant to section 11303(b)(5) of title 40.

“(j) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ‘appropriate congressional committees’ means—

“(1) the Committee on Appropriations and the Committee on Homeland Security and Governmental Affairs of the Senate; and

“(2) the Committee on Appropriations, the Committee on Homeland Security, the Committee on Oversight and Government Reform, and the Committee on Science, Space, and Technology of the House of Representatives.”

(b) CONFORMING AMENDMENT.—Section 3554(a)(1)(B) of title 44, United States Code, is amended—

(1) in clause (iii), by striking “and” at the end; and

(2) by adding at the end the following:

“(v) emergency directives issued by the Secretary under section 3553(h); and”.

TITLE III—FEDERAL CYBERSECURITY WORKFORCE ASSESSMENT

Federal
Cybersecurity
Workforce
Assessment Act
of 2015.
5 USC 301 note.

SEC. 301. SHORT TITLE.

This title may be cited as the “Federal Cybersecurity Workforce Assessment Act of 2015”.

SEC. 302. DEFINITIONS.

5 USC 301 note.

In this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

- (A) the Committee on Armed Services of the Senate;
- (B) the Committee on Homeland Security and Governmental Affairs of the Senate;
- (C) the Select Committee on Intelligence of the Senate;
- (D) the Committee on Commerce, Science, and Transportation of the Senate;
- (E) the Committee on Armed Services of the House of Representatives;
- (F) the Committee on Homeland Security of the House of Representatives;
- (G) the Committee on Oversight and Government Reform of the House of Representatives; and
- (H) the Permanent Select Committee on Intelligence of the House of Representatives.

(2) DIRECTOR.—The term “Director” means the Director of the Office of Personnel Management.

(3) NATIONAL INITIATIVE FOR CYBERSECURITY EDUCATION.—The term “National Initiative for Cybersecurity Education” means the initiative under the national cybersecurity awareness and education program, as authorized under section 401 of the Cybersecurity Enhancement Act of 2014 (15 U.S.C. 7451).

(4) WORK ROLES.—The term “work roles” means a specialized set of tasks and functions requiring specific knowledge, skills, and abilities.

SEC. 303. NATIONAL CYBERSECURITY WORKFORCE MEASUREMENT INITIATIVE.

5 USC 301 note.

(a) IN GENERAL.—The head of each Federal agency shall—

(1) identify all positions within the agency that require the performance of cybersecurity or other cyber-related functions; and

(2) assign the corresponding employment code under the National Initiative for Cybersecurity Education in accordance with subsection (b).

(b) EMPLOYMENT CODES.—

(1) PROCEDURES.—

(A) CODING STRUCTURE.—Not later than 180 days after the date of the enactment of this Act, the Director, in coordination with the National Institute of Standards and Technology, shall develop a coding structure under the National Initiative for Cybersecurity Education.

(B) IDENTIFICATION OF CIVILIAN CYBER PERSONNEL.—Not later than 9 months after the date of enactment of this Act, the Director, in coordination with the Secretary of Homeland Security, the Director of the National Institute of Standards and Technology, and the Director of National Intelligence, shall establish procedures to implement the National Initiative for Cybersecurity Education coding structure to identify all Federal civilian positions that require the performance of information technology, cybersecurity, or other cyber-related functions.

(C) IDENTIFICATION OF NONCIVILIAN CYBER PERSONNEL.—Not later than 18 months after the date of enactment of this Act, the Secretary of Defense shall establish procedures to implement the National Initiative for Cybersecurity Education's coding structure to identify all Federal noncivilian positions that require the performance of information technology, cybersecurity, or other cyber-related functions.

(D) BASELINE ASSESSMENT OF EXISTING CYBERSECURITY WORKFORCE.—Not later than 3 months after the date on which the procedures are developed under subparagraphs (B) and (C), respectively, the head of each Federal agency shall submit to the appropriate congressional committees of jurisdiction a report that identifies—

(i) the percentage of personnel with information technology, cybersecurity, or other cyber-related job functions who currently hold the appropriate industry-recognized certifications as identified under the National Initiative for Cybersecurity Education;

(ii) the level of preparedness of other civilian and noncivilian cyber personnel without existing credentials to take certification exams; and

(iii) a strategy for mitigating any gaps identified in clause (i) or (ii) with the appropriate training and certification for existing personnel.

(E) PROCEDURES FOR ASSIGNING CODES.—Not later than 3 months after the date on which the procedures are developed under subparagraphs (B) and (C), respectively, the head of each Federal agency shall establish procedures—

(i) to identify all encumbered and vacant positions with information technology, cybersecurity, or other cyber-related functions (as defined in the National Initiative for Cybersecurity Education's coding structure); and

(ii) to assign the appropriate employment code to each such position, using agreed standards and definitions.

(2) CODE ASSIGNMENTS.—Not later than 1 year after the date after the procedures are established under paragraph (1)(E), the head of each Federal agency shall complete assignment of the appropriate employment code to each position within the agency with information technology, cybersecurity, or other cyber-related functions.

(c) PROGRESS REPORT.—Not later than 180 days after the date of enactment of this Act, the Director shall submit a progress report on the implementation of this section to the appropriate congressional committees.

SEC. 304. IDENTIFICATION OF CYBER-RELATED WORK ROLES OF CRITICAL NEED. 5 USC 301 note.

(a) **IN GENERAL.**—Beginning not later than 1 year after the date on which the employment codes are assigned to employees pursuant to section 303(b)(2), and annually thereafter through 2022, the head of each Federal agency, in consultation with the Director, the Director of the National Institute of Standards and Technology, and the Secretary of Homeland Security, shall—

(1) identify information technology, cybersecurity, or other cyber-related work roles of critical need in the agency’s workforce; and

(2) submit a report to the Director that—

(A) describes the information technology, cybersecurity, or other cyber-related roles identified under paragraph (1); and

(B) substantiates the critical need designations.

(b) **GUIDANCE.**—The Director shall provide Federal agencies with timely guidance for identifying information technology, cybersecurity, or other cyber-related roles of critical need, including—

(1) current information technology, cybersecurity, and other cyber-related roles with acute skill shortages; and

(2) information technology, cybersecurity, or other cyber-related roles with emerging skill shortages.

(c) **CYBERSECURITY NEEDS REPORT.**—Not later than 2 years after the date of the enactment of this Act, the Director, in consultation with the Secretary of Homeland Security, shall—

(1) identify critical needs for information technology, cybersecurity, or other cyber-related workforce across all Federal agencies; and

(2) submit a progress report on the implementation of this section to the appropriate congressional committees.

SEC. 305. GOVERNMENT ACCOUNTABILITY OFFICE STATUS REPORTS. 5 USC 301 note.

The Comptroller General of the United States shall—

(1) analyze and monitor the implementation of sections 303 and 304; and

(2) not later than 3 years after the date of the enactment of this Act, submit a report to the appropriate congressional committees that describes the status of such implementation.

TITLE IV—OTHER CYBER MATTERS**SEC. 401. STUDY ON MOBILE DEVICE SECURITY.**

(a) **IN GENERAL.**—Not later than 1 year after the date of the enactment of this Act, the Secretary of Homeland Security, in consultation with the Director of the National Institute of Standards and Technology, shall—

(1) complete a study on threats relating to the security of the mobile devices of the Federal Government; and

(2) submit an unclassified report to Congress, with a classified annex if necessary, that contains the findings of such study, the recommendations developed under paragraph (3) of subsection (b), the deficiencies, if any, identified under (4) of such subsection, and the plan developed under paragraph (5) of such subsection.

(b) **MATTERS STUDIED.**—In carrying out the study under subsection (a)(1), the Secretary, in consultation with the Director of the National Institute of Standards and Technology, shall—

(1) assess the evolution of mobile security techniques from a desktop-centric approach, and whether such techniques are adequate to meet current mobile security challenges;

(2) assess the effect such threats may have on the cybersecurity of the information systems and networks of the Federal Government (except for national security systems or the information systems and networks of the Department of Defense and the intelligence community);

(3) develop recommendations for addressing such threats based on industry standards and best practices;

(4) identify any deficiencies in the current authorities of the Secretary that may inhibit the ability of the Secretary to address mobile device security throughout the Federal Government (except for national security systems and the information systems and networks of the Department of Defense and intelligence community); and

(5) develop a plan for accelerated adoption of secure mobile device technology by the Department of Homeland Security.

(c) **INTELLIGENCE COMMUNITY DEFINED.**—In this section, the term “intelligence community” has the meaning given such term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

SEC. 402. DEPARTMENT OF STATE INTERNATIONAL CYBERSPACE POLICY STRATEGY.

(a) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall produce a comprehensive strategy relating to United States international policy with regard to cyberspace.

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

(1) A review of actions and activities undertaken by the Secretary of State to date to support the goal of the President’s International Strategy for Cyberspace, released in May 2011, to “work internationally to promote an open, interoperable, secure, and reliable information and communications infrastructure that supports international trade and commerce, strengthens international security, and fosters free expression and innovation.”

(2) A plan of action to guide the diplomacy of the Secretary of State, with regard to foreign countries, including conducting bilateral and multilateral activities to develop the norms of responsible international behavior in cyberspace, and status review of existing discussions in multilateral fora to obtain agreements on international norms in cyberspace.

(3) A review of the alternative concepts with regard to international norms in cyberspace offered by foreign countries that are prominent actors, including China, Russia, Brazil, and India.

(4) A detailed description of threats to United States national security in cyberspace from foreign countries, state-sponsored actors, and private actors to Federal and private sector infrastructure of the United States, intellectual property in the United States, and the privacy of citizens of the United States.

(5) A review of policy tools available to the President to deter foreign countries, state-sponsored actors, and private actors, including those outlined in Executive Order 13694, released on April 1, 2015.

(6) A review of resources required by the Secretary, including the Office of the Coordinator for Cyber Issues, to conduct activities to build responsible norms of international cyber behavior.

(c) CONSULTATION.—In preparing the strategy required by subsection (a), the Secretary of State shall consult, as appropriate, with other agencies and departments of the United States and the private sector and nongovernmental organizations in the United States with recognized credentials and expertise in foreign policy, national security, and cybersecurity.

(d) FORM OF STRATEGY.—The strategy required by subsection (a) shall be in unclassified form, but may include a classified annex.

(e) AVAILABILITY OF INFORMATION.—The Secretary of State shall—

(1) make the strategy required in subsection (a) available to the public; and

(2) brief the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives on the strategy, including any material contained in a classified annex.

SEC. 403. APPREHENSION AND PROSECUTION OF INTERNATIONAL CYBER CRIMINALS. 6 USC 1531.

(a) INTERNATIONAL CYBER CRIMINAL DEFINED.—In this section, the term “international cyber criminal” means an individual—

(1) who is believed to have committed a cybercrime or intellectual property crime against the interests of the United States or the citizens of the United States; and

(2) for whom—

(A) an arrest warrant has been issued by a judge in the United States; or

(B) an international wanted notice (commonly referred to as a “Red Notice”) has been circulated by Interpol.

(b) CONSULTATIONS FOR NONCOOPERATION.—The Secretary of State, or designee, shall consult with the appropriate government official of each country from which extradition is not likely due to the lack of an extradition treaty with the United States or other reasons, in which one or more international cyber criminals are physically present, to determine what actions the government of such country has taken—

(1) to apprehend and prosecute such criminals; and

(2) to prevent such criminals from carrying out cybercrimes or intellectual property crimes against the interests of the United States or its citizens.

(c) ANNUAL REPORT.—

(1) IN GENERAL.—The Secretary of State shall submit to the appropriate congressional committees an annual report that includes—

(A) the number of international cyber criminals located in other countries, disaggregated by country, and indicating from which countries extradition is not likely due to the lack of an extradition treaty with the United States or other reasons;

(B) the nature and number of significant discussions by an official of the Department of State on ways to thwart or prosecute international cyber criminals with an official of another country, including the name of each such country; and

(C) for each international cyber criminal who was extradited to the United States during the most recently completed calendar year—

- (i) his or her name;
- (ii) the crimes for which he or she was charged;
- (iii) his or her previous country of residence; and
- (iv) the country from which he or she was extradited into the United States.

(2) FORM.—The report required by this subsection shall be in unclassified form to the maximum extent possible, but may include a classified annex.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES.—For purposes of this subsection, the term “appropriate congressional committees” means—

(A) the Committee on Foreign Relations, the Committee on Appropriations, the Committee on Homeland Security and Governmental Affairs, the Committee on Banking, Housing, and Urban Affairs, the Select Committee on Intelligence, and the Committee on the Judiciary of the Senate; and

(B) the Committee on Foreign Affairs, the Committee on Appropriations, the Committee on Homeland Security, the Committee on Financial Services, the Permanent Select Committee on Intelligence, and the Committee on the Judiciary of the House of Representatives.

6 USC 1532.

SEC. 404. ENHANCEMENT OF EMERGENCY SERVICES.

(a) COLLECTION OF DATA.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security, acting through the center established under section 227 of the Homeland Security Act of 2002, as redesignated by section 223(a)(3) of this division, in coordination with appropriate Federal entities and the Director for Emergency Communications, shall establish a process by which a Statewide Interoperability Coordinator may report data on any cybersecurity risk or incident involving any information system or network used by emergency response providers (as defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)) within the State.

(b) ANALYSIS OF DATA.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Homeland Security, acting through the Director of the National Cybersecurity and Communications Integration Center, in coordination with appropriate entities and the Director for Emergency Communications, and in consultation with the Secretary of Commerce, acting through the Director of the National Institute of Standards and Technology, shall conduct integration and analysis of the data reported under subsection (a) to develop information and recommendations on security and resilience measures for any information system or network used by State emergency response providers.

(c) BEST PRACTICES.—

(1) IN GENERAL.—Using the results of the integration and analysis conducted under subsection (b), and any other relevant

information, the Director of the National Institute of Standards and Technology shall, on an ongoing basis, facilitate and support the development of methods for reducing cybersecurity risks to emergency response providers using the process described in section 2(e) of the National Institute of Standards and Technology Act (15 U.S.C. 272(e)).

(2) **REPORT.**—The Director of the National Institute of Standards and Technology shall submit to Congress a report on the result of the activities of the Director under paragraph (1), including any methods developed by the Director under such paragraph, and shall make such report publicly available on the website of the National Institute of Standards and Technology.

(d) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to—

(1) require a State to report data under subsection (a); or

(2) require a non-Federal entity (as defined in section 102) to—

(A) adopt a recommended measure developed under subsection (b); or

(B) follow the result of the activities carried out under subsection (c), including any methods developed under such subsection.

SEC. 405. IMPROVING CYBERSECURITY IN THE HEALTH CARE INDUSTRY. 6 USC 1533.

(a) **DEFINITIONS.**—In this section:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means—

(A) the Committee on Health, Education, Labor, and Pensions, the Committee on Homeland Security and Governmental Affairs, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Energy and Commerce, the Committee on Homeland Security, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) **BUSINESS ASSOCIATE.**—The term “business associate” has the meaning given such term in section 160.103 of title 45, Code of Federal Regulations (as in effect on the day before the date of the enactment of this Act).

(3) **COVERED ENTITY.**—The term “covered entity” has the meaning given such term in section 160.103 of title 45, Code of Federal Regulations (as in effect on the day before the date of the enactment of this Act).

(4) **CYBERSECURITY THREAT; CYBER THREAT INDICATOR; DEFENSIVE MEASURE; FEDERAL ENTITY; NON-FEDERAL ENTITY; PRIVATE ENTITY.**—The terms “cybersecurity threat”, “cyber threat indicator”, “defensive measure”, “Federal entity”, “non-Federal entity”, and “private entity” have the meanings given such terms in section 102 of this division.

(5) **HEALTH CARE CLEARINGHOUSE; HEALTH CARE PROVIDER; HEALTH PLAN.**—The terms “health care clearinghouse”, “health care provider”, and “health plan” have the meanings given such terms in section 160.103 of title 45, Code of Federal Regulations (as in effect on the day before the date of the enactment of this Act).

(6) HEALTH CARE INDUSTRY STAKEHOLDER.—The term “health care industry stakeholder” means any—

(A) health plan, health care clearinghouse, or health care provider;

(B) advocate for patients or consumers;

(C) pharmacist;

(D) developer or vendor of health information technology;

(E) laboratory;

(F) pharmaceutical or medical device manufacturer;

or

(G) additional stakeholder the Secretary determines necessary for purposes of subsection (b)(1), (c)(1), (c)(3), or (d)(1).

(7) SECRETARY.—The term “Secretary” means the Secretary of Health and Human Services.

(b) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the preparedness of the Department of Health and Human Services and health care industry stakeholders in responding to cybersecurity threats.

(2) CONTENTS OF REPORT.—With respect to the internal response of the Department of Health and Human Services to emerging cybersecurity threats, the report under paragraph (1) shall include—

(A) a clear statement of the official within the Department of Health and Human Services to be responsible for leading and coordinating efforts of the Department regarding cybersecurity threats in the health care industry; and

(B) a plan from each relevant operating division and subdivision of the Department of Health and Human Services on how such division or subdivision will address cybersecurity threats in the health care industry, including a clear delineation of how each such division or subdivision will divide responsibility among the personnel of such division or subdivision and communicate with other such divisions and subdivisions regarding efforts to address such threats.

(c) HEALTH CARE INDUSTRY CYBERSECURITY TASK FORCE.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary, in consultation with the Director of the National Institute of Standards and Technology and the Secretary of Homeland Security, shall convene health care industry stakeholders, cybersecurity experts, and any Federal agencies or entities the Secretary determines appropriate to establish a task force to—

(A) analyze how industries, other than the health care industry, have implemented strategies and safeguards for addressing cybersecurity threats within their respective industries;

(B) analyze challenges and barriers private entities (excluding any State, tribal, or local government) in the

health care industry face securing themselves against cyber attacks;

(C) review challenges that covered entities and business associates face in securing networked medical devices and other software or systems that connect to an electronic health record;

(D) provide the Secretary with information to disseminate to health care industry stakeholders of all sizes for purposes of improving their preparedness for, and response to, cybersecurity threats affecting the health care industry;

(E) establish a plan for implementing title I of this division, so that the Federal Government and health care industry stakeholders may in real time, share actionable cyber threat indicators and defensive measures; and

(F) report to the appropriate congressional committees on the findings and recommendations of the task force regarding carrying out subparagraphs (A) through (E).

(2) TERMINATION.—The task force established under this subsection shall terminate on the date that is 1 year after the date on which such task force is established.

(3) DISSEMINATION.—Not later than 60 days after the termination of the task force established under this subsection, the Secretary shall disseminate the information described in paragraph (1)(D) to health care industry stakeholders in accordance with such paragraph.

(d) ALIGNING HEALTH CARE INDUSTRY SECURITY APPROACHES.—

(1) IN GENERAL.—The Secretary shall establish, through a collaborative process with the Secretary of Homeland Security, health care industry stakeholders, the Director of the National Institute of Standards and Technology, and any Federal entity or non-Federal entity the Secretary determines appropriate, a common set of voluntary, consensus-based, and industry-led guidelines, best practices, methodologies, procedures, and processes that—

(A) serve as a resource for cost-effectively reducing cybersecurity risks for a range of health care organizations;

(B) support voluntary adoption and implementation efforts to improve safeguards to address cybersecurity threats;

(C) are consistent with—

(i) the standards, guidelines, best practices, methodologies, procedures, and processes developed under section 2(c)(15) of the National Institute of Standards and Technology Act (15 U.S.C. 272(c)(15));

(ii) the security and privacy regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note); and

(iii) the provisions of the Health Information Technology for Economic and Clinical Health Act (title XIII of division A, and title IV of division B, of Public Law 111–5), and the amendments made by such Act; and

(D) are updated on a regular basis and applicable to a range of health care organizations.

(2) LIMITATION.—Nothing in this subsection shall be interpreted as granting the Secretary authority to—

(A) provide for audits to ensure that health care organizations are in compliance with this subsection; or

(B) mandate, direct, or condition the award of any Federal grant, contract, or purchase, on compliance with this subsection.

(3) **NO LIABILITY FOR NONPARTICIPATION.**—Nothing in this section shall be construed to subject a health care industry stakeholder to liability for choosing not to engage in the voluntary activities authorized or guidelines developed under this subsection.

(e) **INCORPORATING ONGOING ACTIVITIES.**—In carrying out the activities under this section, the Secretary may incorporate activities that are ongoing as of the day before the date of enactment of this Act and that are consistent with the objectives of this section.

(f) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to limit the antitrust exemption under section 104(e) or the protection from liability under section 106.

SEC. 406. FEDERAL COMPUTER SECURITY.

(a) **DEFINITIONS.**—In this section:

(1) **COVERED SYSTEM.**—The term “covered system” shall mean a national security system as defined in section 11103 of title 40, United States Code, or a Federal computer system that provides access to personally identifiable information.

(2) **COVERED AGENCY.**—The term “covered agency” means an agency that operates a covered system.

(3) **LOGICAL ACCESS CONTROL.**—The term “logical access control” means a process of granting or denying specific requests to obtain and use information and related information processing services.

(4) **MULTI-FACTOR AUTHENTICATION.**—The term “multi-factor authentication” means the use of not fewer than 2 authentication factors, such as the following:

(A) Something that is known to the user, such as a password or personal identification number.

(B) An access device that is provided to the user, such as a cryptographic identification device or token.

(C) A unique biometric characteristic of the user.

(5) **PRIVILEGED USER.**—The term “privileged user” means a user who has access to system control, monitoring, or administrative functions.

(b) **INSPECTOR GENERAL REPORTS ON COVERED SYSTEMS.**—

(1) **IN GENERAL.**—Not later than 240 days after the date of enactment of this Act, the Inspector General of each covered agency shall submit to the appropriate committees of jurisdiction in the Senate and the House of Representatives a report, which shall include information collected from the covered agency for the contents described in paragraph (2) regarding the Federal computer systems of the covered agency.

(2) **CONTENTS.**—The report submitted by each Inspector General of a covered agency under paragraph (1) shall include, with respect to the covered agency, the following:

(A) A description of the logical access policies and practices used by the covered agency to access a covered system, including whether appropriate standards were followed.

(B) A description and list of the logical access controls and multi-factor authentication used by the covered agency to govern access to covered systems by privileged users.

(C) If the covered agency does not use logical access controls or multi-factor authentication to access a covered system, a description of the reasons for not using such logical access controls or multi-factor authentication.

(D) A description of the following information security management practices used by the covered agency regarding covered systems:

(i) The policies and procedures followed to conduct inventories of the software present on the covered systems of the covered agency and the licenses associated with such software.

(ii) What capabilities the covered agency utilizes to monitor and detect exfiltration and other threats, including—

(I) data loss prevention capabilities;

(II) forensics and visibility capabilities; or

(III) digital rights management capabilities.

(iii) A description of how the covered agency is using the capabilities described in clause (ii).

(iv) If the covered agency is not utilizing capabilities described in clause (ii), a description of the reasons for not utilizing such capabilities.

(E) A description of the policies and procedures of the covered agency with respect to ensuring that entities, including contractors, that provide services to the covered agency are implementing the information security management practices described in subparagraph (D).

(3) EXISTING REVIEW.—The reports required under this subsection may be based in whole or in part on an audit, evaluation, or report relating to programs or practices of the covered agency, and may be submitted as part of another report, including the report required under section 3555 of title 44, United States Code.

(4) CLASSIFIED INFORMATION.—Reports submitted under this subsection shall be in unclassified form, but may include a classified annex.

SEC. 407. STOPPING THE FRAUDULENT SALE OF FINANCIAL INFORMATION OF PEOPLE OF THE UNITED STATES.

Section 1029(h) of title 18, United States Code, is amended by striking “title if—” and all that follows through “therefrom.” and inserting “title if the offense involves an access device issued, owned, managed, or controlled by a financial institution, account issuer, credit card system member, or other entity organized under the laws of the United States, or any State, the District of Columbia, or other territory of the United States.”.

DIVISION O—OTHER MATTERS

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- Sec. 1001. Budgetary effects.
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TITLE XI—IRAQ LOAN AUTHORITY

- Sec. 1101. Iraq loan authority.

TITLE I—OIL EXPORTS, SAFETY VALVE, AND MARITIME SECURITY

SEC. 101. OIL EXPORTS, SAFETY VALVE, AND MARITIME SECURITY. 42 USC 6212a.

(a) REPEAL.—Section 103 of the Energy Policy and Conservation Act (42 U.S.C. 6212) and the item relating thereto in the table of contents of that Act are repealed.

(b) NATIONAL POLICY ON OIL EXPORT RESTRICTION.—Notwithstanding any other provision of law, except as provided in subsections (c) and (d), to promote the efficient exploration, production, storage, supply, marketing, pricing, and regulation of energy resources, including fossil fuels, no official of the Federal Government shall impose or enforce any restriction on the export of crude oil.

(c) SAVINGS CLAUSE.—Nothing in this section limits the authority of the President under the Constitution, the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) or regulations issued under that Act (other than section 754.2 of title 15, Code of Federal Regulations), the National Emergencies Act (50 U.S.C. 1601 et seq.), part B of title II of the Energy Policy and Conservation Act (42 U.S.C. 6271 et seq.), the Trading With the Enemy Act (50 U.S.C. App. 1 et seq.), or any other provision of law that imposes sanctions on a foreign person or foreign government (including any provision of law that prohibits or restricts United States persons from engaging in a transaction with a sanctioned person or government), including a foreign government that is designated as a state sponsor of terrorism, to prohibit exports.

(d) EXCEPTIONS AND PRESIDENTIAL AUTHORITY.—

(1) IN GENERAL.—The President may impose export licensing requirements or other restrictions on the export of crude oil from the United States for a period of not more than 1 year, if—

(A) the President declares a national emergency and formally notices the declaration of a national emergency in the Federal Register;

(B) the export licensing requirements or other restrictions on the export of crude oil from the United States under this subsection apply to 1 or more countries, persons, or organizations in the context of sanctions or trade restrictions imposed by the United States for reasons of national

security by the Executive authority of the President or by Congress; or

(C) the Secretary of Commerce, in consultation with the Secretary of Energy, finds and reports to the President that—

(i) the export of crude oil pursuant to this Act has caused sustained material oil supply shortages or sustained oil prices significantly above world market levels that are directly attributable to the export of crude oil produced in the United States; and

(ii) those supply shortages or price increases have caused or are likely to cause sustained material adverse employment effects in the United States.

(2) RENEWAL.—Any requirement or restriction imposed pursuant to subparagraph (A) of paragraph (1) may be renewed for 1 or more additional periods of not more than 1 year each.

(e) NATIONAL DEFENSE SEALIFT ENHANCEMENT.—

(1) PAYMENTS.—Section 53106(a)(1) of title 46, United States Code, is amended—

(A) in subparagraph (B), by striking the comma before “for each”;

(B) in subparagraph (C), by striking “2015, 2016, 2017, and 2018;” and inserting “and 2015;”;

(C) by redesignating subparagraph (E) as subparagraph (G); and

(D) by striking subparagraph (D) and inserting the following:

“(D) \$4,999,950 for fiscal year 2017;

“(E) \$5,000,000 for each of fiscal years 2018, 2019, and 2020;

“(F) \$5,233,463 for fiscal year 2021; and”.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 53111 of title 46, United States Code, is amended—

(A) in paragraph (3), by striking “2015, 2017, and 2018;” and inserting “and 2015;”;

(B) by redesignating paragraph (5) as paragraph (7); and

(C) by striking paragraph (4) and inserting the following:

“(4) \$299,997,000 for fiscal year 2017;

“(5) \$300,000,000 for each of fiscal years 2018, 2019, and 2020;

“(6) \$314,007,780 for fiscal year 2021; and”.

Visa Waiver
Program
Improvement
and Terrorist
Travel
Prevention Act
of 2015.
8 USC 1101 note.

TITLE II—TERRORIST TRAVEL PREVENTION AND VISA WAIVER PROGRAM REFORM

SEC. 201. SHORT TITLE.

This title may be cited as the “Visa Waiver Program Improvement and Terrorist Travel Prevention Act of 2015”.

SEC. 202. ELECTRONIC PASSPORT REQUIREMENT.

(a) **REQUIREMENT FOR ALIEN TO POSSESS ELECTRONIC PASSPORT.**—Section 217(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1187(a)(3)) is amended to read as follows:

“(3) **PASSPORT REQUIREMENTS.**—The alien, at the time of application for admission, is in possession of a valid unexpired passport that satisfies the following:

“(A) **MACHINE READABLE.**—The passport is a machine-readable passport that is tamper-resistant, incorporates document authentication identifiers, and otherwise satisfies the internationally accepted standard for machine readability.

“(B) **ELECTRONIC.**—Beginning on April 1, 2016, the passport is an electronic passport that is fraud-resistant, contains relevant biographic and biometric information (as determined by the Secretary of Homeland Security), and otherwise satisfies internationally accepted standards for electronic passports.”.

(b) **REQUIREMENT FOR PROGRAM COUNTRY TO VALIDATE PASSPORTS.**—Section 217(c)(2)(B) of the Immigration and Nationality Act (8 U.S.C. 1187(c)(2)(B)) is amended to read as follows:

“(B) **PASSPORT PROGRAM.**—

“(i) **ISSUANCE OF PASSPORTS.**—The government of the country certifies that it issues to its citizens passports described in subparagraph (A) of subsection (a)(3), and on or after April 1, 2016, passports described in subparagraph (B) of subsection (a)(3).

“(ii) **VALIDATION OF PASSPORTS.**—Not later than October 1, 2016, the government of the country certifies that it has in place mechanisms to validate passports described in subparagraphs (A) and (B) of subsection (a)(3) at each key port of entry into that country. This requirement shall not apply to travel between countries which fall within the Schengen Zone.”.

(c) **CONFORMING AMENDMENT.**—Section 303(c) of the Enhanced Border Security and Visa Entry Reform Act of 2002 is repealed (8 U.S.C. 1732(c)).

SEC. 203. RESTRICTION ON USE OF VISA WAIVER PROGRAM FOR ALIENS WHO TRAVEL TO CERTAIN COUNTRIES.

Section 217(a) of the Immigration and Nationality Act (8 U.S.C. 1187(a)), as amended by this Act, is further amended by adding at the end the following:

“(12) **NOT PRESENT IN IRAQ, SYRIA, OR ANY OTHER COUNTRY OR AREA OF CONCERN.**—

“(A) **IN GENERAL.**—Except as provided in subparagraphs (B) and (C)—

“(i) the alien has not been present, at any time on or after March 1, 2011—

“(I) in Iraq or Syria;

“(II) in a country that is designated by the Secretary of State under section 6(j) of the Export Administration Act of 1979 (50 U.S.C. 2405) (as continued in effect under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.)), section 40 of the Arms Export Control Act (22 U.S.C. 2780), section 620A of the Foreign

Assistance Act of 1961 (22 U.S.C. 2371), or any other provision of law, as a country, the government of which has repeatedly provided support of acts of international terrorism; or

“(III) in any other country or area of concern designated by the Secretary of Homeland Security under subparagraph (D); and

“(ii) regardless of whether the alien is a national of a program country, the alien is not a national of—

“(I) Iraq or Syria;

“(II) a country that is designated, at the time the alien applies for admission, by the Secretary of State under section 6(j) of the Export Administration Act of 1979 (50 U.S.C. 2405) (as continued in effect under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.)), section 40 of the Arms Export Control Act (22 U.S.C. 2780), section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371), or any other provision of law, as a country, the government of which has repeatedly provided support of acts of international terrorism; or

“(III) any other country that is designated, at the time the alien applies for admission, by the Secretary of Homeland Security under subparagraph (D).

“(B) CERTAIN MILITARY PERSONNEL AND GOVERNMENT EMPLOYEES.—Subparagraph (A)(i) shall not apply in the case of an alien if the Secretary of Homeland Security determines that the alien was present—

“(i) in order to perform military service in the armed forces of a program country; or

“(ii) in order to carry out official duties as a full time employee of the government of a program country.

“(C) WAIVER.—The Secretary of Homeland Security may waive the application of subparagraph (A) to an alien if the Secretary determines that such a waiver is in the law enforcement or national security interests of the United States.

“(D) COUNTRIES OR AREAS OF CONCERN.—

“(i) IN GENERAL.—Not later than 60 days after the date of the enactment of this paragraph, the Secretary of Homeland Security, in consultation with the Secretary of State and the Director of National Intelligence, shall determine whether the requirement under subparagraph (A) shall apply to any other country or area.

“(ii) CRITERIA.—In making a determination under clause (i), the Secretary shall consider—

“(I) whether the presence of an alien in the country or area increases the likelihood that the alien is a credible threat to the national security of the United States;

“(II) whether a foreign terrorist organization has a significant presence in the country or area; and

“(III) whether the country or area is a safe haven for terrorists.

“(iii) ANNUAL REVIEW.—The Secretary shall conduct a review, on an annual basis, of any determination made under clause (i).

“(E) REPORT.—Beginning not later than one year after the date of the enactment of this paragraph, and annually thereafter, the Secretary of Homeland Security shall submit to the Committee on Homeland Security, the Committee on Foreign Affairs, the Permanent Select Committee on Intelligence, and the Committee on the Judiciary of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs, the Committee on Foreign Relations, the Select Committee on Intelligence, and the Committee on the Judiciary of the Senate a report on each instance in which the Secretary exercised the waiver authority under subparagraph (C) during the previous year.”.

SEC. 204. DESIGNATION REQUIREMENTS FOR PROGRAM COUNTRIES.

(a) REPORTING LOST AND STOLEN PASSPORTS.—Section 217(c)(2)(D) of the Immigration and Nationality Act (8 U.S.C. 1187(c)(2)(D)), as amended by this Act, is further amended by striking “within a strict time limit” and inserting “not later than 24 hours after becoming aware of the theft or loss”.

(b) INTERPOL SCREENING.—Section 217(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1187(c)(2)), as amended by this Act, is further amended by adding at the end the following:

“(G) INTERPOL SCREENING.—Not later than 270 days after the date of the enactment of this subparagraph, except in the case of a country in which there is not an international airport, the government of the country certifies to the Secretary of Homeland Security that, to the maximum extent allowed under the laws of the country, it is screening, for unlawful activity, each person who is not a citizen or national of that country who is admitted to or departs that country, by using relevant databases and notices maintained by Interpol, or other means designated by the Secretary of Homeland Security. This requirement shall not apply to travel between countries which fall within the Schengen Zone.”.

(c) IMPLEMENTATION OF PASSENGER INFORMATION EXCHANGE AGREEMENT.—Section 217(c)(2)(F) of the Immigration and Nationality Act (8 U.S.C. 1187(c)(2)(F)), as amended by this Act, is further amended by inserting before the period at the end the following: “, and fully implements such agreement”.

(d) TERMINATION OF DESIGNATION.—Section 217(f) of the Immigration and Nationality Act (8 U.S.C. 1187(f)) is amended by adding at the end the following:

“(6) FAILURE TO SHARE INFORMATION.—

“(A) IN GENERAL.—If the Secretary of Homeland Security and the Secretary of State jointly determine that the program country is not sharing information, as required by subsection (c)(2)(F), the Secretary of Homeland Security shall terminate the designation of the country as a program country.

“(B) REDESIGNATION.—In the case of a termination under this paragraph, the Secretary of Homeland Security shall redesignate the country as a program country, without regard to paragraph (2) or (3) of subsection (c) or paragraphs (1) through (4), when the Secretary of Homeland Security, in consultation with the Secretary of State, determines that the country is sharing information, as required by subsection (c)(2)(F).

“(7) FAILURE TO SCREEN.—

“(A) IN GENERAL.—Beginning on the date that is 270 days after the date of the enactment of this paragraph, if the Secretary of Homeland Security and the Secretary of State jointly determine that the program country is not conducting the screening required by subsection (c)(2)(G), the Secretary of Homeland Security shall terminate the designation of the country as a program country.

“(B) REDESIGNATION.—In the case of a termination under this paragraph, the Secretary of Homeland Security shall redesignate the country as a program country, without regard to paragraph (2) or (3) of subsection (c) or paragraphs (1) through (4), when the Secretary of Homeland Security, in consultation with the Secretary of State, determines that the country is conducting the screening required by subsection (c)(2)(G).”

SEC. 205. REPORTING REQUIREMENTS.

(a) IN GENERAL.—Section 217(c) of the Immigration and Nationality Act (8 U.S.C. 1187(c)), as amended by this Act, is further amended—

(1) in paragraph (2)(C)(iii)—

(A) by striking “and the Committee on International Relations” and inserting “, the Committee on Foreign Affairs, and the Committee on Homeland Security”; and

(B) by striking “and the Committee on Foreign Relations” and inserting “, the Committee on Foreign Relations, and the Committee on Homeland Security and Governmental Affairs”; and

(2) in paragraph (5)(A)(i)—

(A) in subclause (III)—

(i) by inserting after “the Committee on Foreign Affairs,” the following: “the Permanent Select Committee on Intelligence,”;

(ii) by inserting after “the Committee on Foreign Relations,” the following: “the Select Committee on Intelligence”; and

(iii) by striking “and” at the end;

(B) in subclause (IV), by striking the period at the end and inserting the following: “; and”; and

(C) by adding at the end the following:

“(V) shall submit to the committees described in subclause (III), a report that includes an assessment of the threat to the national security of the United States of the designation of each country designated as a program country, including the compliance of the government of each such country with the requirements under subparagraphs (D) and (F) of paragraph (2), as well as each such

government’s capacity to comply with such requirements.”.

(b) **DATE OF SUBMISSION OF FIRST REPORT.**—The Secretary of Homeland Security shall submit the first report described in subclause (V) of section 217(c)(5)(A)(i) of the Immigration and Nationality Act (8 U.S.C. (c)(5)(A)(i)), as added by subsection (a), not later than 90 days after the date of the enactment of this Act. 8 USC 1187 note.

SEC. 206. HIGH RISK PROGRAM COUNTRIES.

Section 217(c) of the Immigration and Nationality Act (8 U.S.C. 1187(c)), as amended by this Act, is further amended by adding at the end the following:

“(12) **DESIGNATION OF HIGH RISK PROGRAM COUNTRIES.**—

“(A) **IN GENERAL.**—The Secretary of Homeland Security, in consultation with the Director of National Intelligence and the Secretary of State, shall evaluate program countries on an annual basis based on the criteria described in subparagraph (B) and shall identify any program country, the admission of nationals from which under the visa waiver program under this section, the Secretary determines presents a high risk to the national security of the United States.

“(B) **CRITERIA.**—In evaluating program countries under subparagraph (A), the Secretary of Homeland Security, in consultation with the Director of National Intelligence and the Secretary of State, shall consider the following criteria:

“(i) The number of nationals of the country determined to be ineligible to travel to the United States under the program during the previous year.

“(ii) The number of nationals of the country who were identified in United States Government databases related to the identities of known or suspected terrorists during the previous year.

“(iii) The estimated number of nationals of the country who have traveled to Iraq or Syria at any time on or after March 1, 2011 to engage in terrorism.

“(iv) The capacity of the country to combat passport fraud.

“(v) The level of cooperation of the country with the counter-terrorism efforts of the United States.

“(vi) The adequacy of the border and immigration control of the country.

“(vii) Any other criteria the Secretary of Homeland Security determines to be appropriate.

“(C) **SUSPENSION OF DESIGNATION.**—The Secretary of Homeland Security, in consultation with the Secretary of State, may suspend the designation of a program country based on a determination that the country presents a high risk to the national security of the United States under subparagraph (A) until such time as the Secretary determines that the country no longer presents such a risk.

“(D) **REPORT.**—Not later than 60 days after the date of the enactment of this paragraph, and annually thereafter, the Secretary of Homeland Security, in consultation with the Director of National Intelligence and the Secretary

of State, shall submit to the Committee on Homeland Security, the Committee on Foreign Affairs, the Permanent Select Committee on Intelligence, and the Committee on the Judiciary of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs, the Committee on Foreign Relations, the Select Committee on Intelligence, and the Committee on the Judiciary of the Senate a report, which includes an evaluation and threat assessment of each country determined to present a high risk to the national security of the United States under subparagraph (A).”.

SEC. 207. ENHANCEMENTS TO THE ELECTRONIC SYSTEM FOR TRAVEL AUTHORIZATION.

(a) **IN GENERAL.**—Section 217(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(3)) is amended—

(1) in subparagraph (C)(i), by inserting after “any such determination” the following: “or shorten the period of eligibility under any such determination”;

(2) by striking subparagraph (D) and inserting the following:

“(D) **FRAUD DETECTION.**—The Secretary of Homeland Security shall research opportunities to incorporate into the System technology that will detect and prevent fraud and deception in the System.

“(E) **ADDITIONAL AND PREVIOUS COUNTRIES OF CITIZENSHIP.**—The Secretary of Homeland Security shall collect from an applicant for admission pursuant to this section information on any additional or previous countries of citizenship of that applicant. The Secretary shall take any information so collected into account when making determinations as to the eligibility of the alien for admission pursuant to this section.

“(F) **REPORT ON CERTAIN LIMITATIONS ON TRAVEL.**—Not later than 30 days after the date of the enactment of this subparagraph and annually thereafter, the Secretary of Homeland Security, in consultation with the Secretary of State, shall submit to the Committee on Homeland Security, the Committee on the Judiciary, and the Committee on Foreign Affairs of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, and the Committee on Foreign Relations of the Senate a report on the number of individuals who were denied eligibility to travel under the program, or whose eligibility for such travel was revoked during the previous year, and the number of such individuals determined, in accordance with subsection (a)(6), to represent a threat to the national security of the United States, and shall include the country or countries of citizenship of each such individual.”.

(b) **REPORT.**—Not later than 30 days after the date of the enactment of this Act, the Secretary of Homeland Security, in consultation with the Secretary of State, shall submit to the Committee on Homeland Security, the Committee on the Judiciary, and the Committee on Foreign Affairs of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, and the Committee on

Foreign Relations of the Senate a report on steps to strengthen the electronic system for travel authorization authorized under section 217(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(3)) in order to better secure the international borders of the United States and prevent terrorists and instruments of terrorism from entering the United States.

SEC. 208. PROVISION OF ASSISTANCE TO NON-PROGRAM COUNTRIES. 8 USC 1187a.

The Secretary of Homeland Security, in consultation with the Secretary of State, shall provide assistance in a risk-based manner to countries that do not participate in the visa waiver program under section 217 of the Immigration and Nationality Act (8 U.S.C. 1187) to assist those countries in—

- (1) submitting to Interpol information about the theft or loss of passports of citizens or nationals of such a country; and
- (2) issuing, and validating at the ports of entry of such a country, electronic passports that are fraud-resistant, contain relevant biographic and biometric information (as determined by the Secretary of Homeland Security), and otherwise satisfy internationally accepted standards for electronic passports.

SEC. 209. CLERICAL AMENDMENTS.

(a) **SECRETARY OF HOMELAND SECURITY.**—Section 217 of the Immigration and Nationality Act (8 U.S.C. 1187), as amended by this Act, is further amended by striking “Attorney General” each place such term appears (except in subsection (c)(11)(B)) and inserting “Secretary of Homeland Security”.

(b) **ELECTRONIC SYSTEM FOR TRAVEL AUTHORIZATION.**—Section 217 of the Immigration and Nationality Act (8 U.S.C. 1187), as amended this Act, is further amended—

- (1) by striking “electronic travel authorization system” each place it appears and inserting “electronic system for travel authorization”;
- (2) in the heading in subsection (a)(11), by striking “ELECTRONIC TRAVEL AUTHORIZATION SYSTEM” and inserting “ELECTRONIC SYSTEM FOR TRAVEL AUTHORIZATION”; and
- (3) in the heading in subsection (h)(3), by striking “ELECTRONIC TRAVEL AUTHORIZATION SYSTEM” and inserting “ELECTRONIC SYSTEM FOR TRAVEL AUTHORIZATION”.

SEC. 210. SENSE OF CONGRESS.

It is the sense of Congress that the International Civil Aviation Organization, the specialized agency of the United Nations responsible for establishing international standards, specifications, and best practices related to the administration and governance of border controls and inspection formalities, should establish standards for the introduction of electronic passports (referred to in this section as “e-passports”), and obligate member countries to utilize such e-passports as soon as possible. Such e-passports should be a combined paper and electronic passport that contains biographic and biometric information that can be used to authenticate the identity of travelers through an embedded chip.

James Zadroga
9/11 Health and
Compensation
Reauthorization
Act.

TITLE III—JAMES ZADROGA 9/11 HEALTH AND COMPENSATION REAU- THORIZATION ACT

42 USC 201 note. **SEC. 301. SHORT TITLE.**

This title may be cited as the “James Zadroga 9/11 Health and Compensation Reauthorization Act”.

SEC. 302. REAUTHORIZING THE WORLD TRADE CENTER HEALTH PROGRAM.

(a) **WORLD TRADE CENTER HEALTH PROGRAM FUND.**—Section 3351 of the Public Health Service Act (42 U.S.C. 300mm–61) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking “each of fiscal years 2012” and all that follows through “2011” and inserting “fiscal year 2016 and each subsequent fiscal year through fiscal year 2090”; and

(ii) by striking subparagraph (A) and inserting the following:

“(A) the Federal share, consisting of an amount equal to—

“(i) for fiscal year 2016, \$330,000,000;

“(ii) for fiscal year 2017, \$345,610,000;

“(iii) for fiscal year 2018, \$380,000,000;

“(iv) for fiscal year 2019, \$440,000,000;

“(v) for fiscal year 2020, \$485,000,000;

“(vi) for fiscal year 2021, \$501,000,000;

“(vii) for fiscal year 2022, \$518,000,000;

“(viii) for fiscal year 2023, \$535,000,000;

“(ix) for fiscal year 2024, \$552,000,000;

“(x) for fiscal year 2025, \$570,000,000; and

“(xi) for each subsequent fiscal year through fiscal year 2090, the amount specified under this subparagraph for the previous fiscal year increased by the percentage increase in the consumer price index for all urban consumers (all items; United States city average) as estimated by the Secretary for the 12-month period ending with March of the previous year; plus”; and

(B) by striking paragraph (4) and inserting the following:

“(4) **AMOUNTS FROM PRIOR FISCAL YEARS.**—Amounts that were deposited, or identified for deposit, into the Fund for any fiscal year under paragraph (2), as such paragraph was in effect on the day before the date of enactment of the James Zadroga 9/11 Health and Compensation Reauthorization Act, that were not expended in carrying out this title for any such fiscal year, shall remain deposited, or be deposited, as the case may be, into the Fund.

“(5) **AMOUNTS TO REMAIN AVAILABLE UNTIL EXPENDED.**—Amounts deposited into the Fund under this subsection, including amounts deposited under paragraph (2) as in effect

on the day before the date of enactment of the James Zadroga 9/11 Health and Compensation Reauthorization Act, for a fiscal year shall remain available, for the purposes described in this title, until expended for such fiscal year and any subsequent fiscal year through fiscal year 2090.”;

(2) in subsection (b)(1), by striking “sections 3302(a)” and all that follows through “3342” and inserting “sections 3301(e), 3301(f), 3302(a), 3302(b), 3303, 3304, 3305(a)(1), 3305(a)(2), 3305(c), 3341, and 3342”; and

(3) in subsection (c)—

(A) in paragraph (1)—

(i) by striking subparagraph (B);

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

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

“(A) for fiscal year 2016, the amount determined for such fiscal year under subparagraph (C) as in effect on the day before the date of enactment of the James Zadroga 9/11 Health and Compensation Reauthorization Act; and”;

(B) in paragraph (2)—

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

“(A) for fiscal year 2016, \$200,000;”;

(ii) by striking subparagraph (B); and

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

(C) in paragraph (3), by striking “section 3303” and all that follows and inserting “section 3303, for fiscal year 2016 and each subsequent fiscal year, \$750,000.”;

(D) in paragraph (4), by striking subparagraphs (A) and (B) and inserting the following:

“(A) for fiscal year 2016, the amount determined for such fiscal year under subparagraph (C) as in effect on the day before the date of enactment of the James Zadroga 9/11 Health and Compensation Reauthorization Act;

“(B) for fiscal year 2017, \$15,000,000; and”;

(E) in paragraph (5)—

(i) by striking subparagraph (B);

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

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

“(A) for fiscal year 2016, the amount determined for such fiscal year under subparagraph (C) as in effect on the day before the date of enactment of the James Zadroga 9/11 Health and Compensation Reauthorization Act; and”

(F) in paragraph (6)—

(i) by striking subparagraph (B);

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

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

“(A) for fiscal year 2016, the amount determined for such fiscal year under subparagraph (C) as in effect on

the day before the date of enactment of the James Zadroga 9/11 Health and Compensation Reauthorization Act; and”.

(b) GAO STUDIES; REGULATIONS; TERMINATION.—Section 3301 of the Public Health Service Act (42 U.S.C. 300mm) is amended by adding at the end the following:

“(i) GAO STUDIES.—

“(1) REPORT.—Not later than 18 months after the date of the enactment of the James Zadroga 9/11 Health and Compensation Reauthorization Act, the Comptroller General of the United States shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report that assesses, with respect to the WTC Program, the effectiveness of each of the following:

“(A) The quality assurance program developed and implemented under subsection (e).

“(B) The procedures for providing certifications of coverage of conditions as WTC-related health conditions for enrolled WTC responders under section 3312(b)(2)(B)(iii) and for screening-eligible WTC survivors and certified-eligible WTC survivors under such section as applied under section 3322(a).

“(C) Any action under the WTC Program to ensure appropriate payment (including the avoidance of improper payments), including determining the extent to which individuals enrolled in the WTC Program are eligible for workers compensation or sources of health coverage, ascertaining the liability of such compensation or sources of health coverage, and making recommendations for ensuring effective and efficient coordination of benefits for individuals enrolled in the WTC Program that does not place an undue burden on such individuals.

“(2) SUBSEQUENT ASSESSMENTS.—Not later than 6 years and 6 months after the date of enactment of the James Zadroga 9/11 Health and Compensation Reauthorization Act, and every 5 years thereafter through fiscal year 2042, the Comptroller General of the United States shall—

“(A) consult the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate on the objectives in assessing the WTC Program; and

“(B) prepare and submit to such Committees a report that assesses the WTC Program for the applicable reporting period, including the objectives described in subparagraph (A).

“(j) REGULATIONS.—The WTC Program Administrator is authorized to promulgate such regulations as the Administrator determines necessary to administer this title.

“(k) TERMINATION.—The WTC Program shall terminate on October 1, 2090.”.

(c) CLINICAL CENTERS OF EXCELLENCE AND DATA CENTERS.—Section 3305 of the Public Health Service Act (42 U.S.C. 300mm–4) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(B), by inserting “and retention” after “outreach”; and

(B) in paragraph (2)(A)(iii), by inserting “and retention” after “outreach”; and

(2) in subsection (b)(1)(B)(vi), by striking “section 3304(c)” and inserting “section 3304(d)”.

(d) WORLD TRADE CENTER RESPONDERS.—Section 3311(a)(4)(B)(i)(II) of the Public Health Service Act (42 U.S.C. 300mm–21(a)(4)(B)(i)(II)) is amended by striking “through the end of fiscal year 2020”.

(e) ADDITIONS TO LIST OF HEALTH CONDITIONS FOR WTC RESPONDERS.—

(1) EXPANDING TIME FOR ACTIONS BY ADMINISTRATOR AND BY ADVISORY COMMITTEE.—Section 3312(a)(6) of the Public Health Service Act (42 U.S.C. 300mm–22(a)(6)) is amended—

(A) in subparagraph (B), in the matter preceding clause

(i), by striking “60 days” and inserting “90 days”; and

(B) in subparagraph (C), by striking “60 days” each place such term appears and inserting “90 days”.

(2) PEER REVIEW FOR DECISIONS; ENHANCED ROLE OF ADVISORY COMMITTEE.—Section 3312(a)(6) of the Public Health Service Act (42 U.S.C. 300mm–22(a)(6)), as amended by paragraph (1), is further amended by adding at the end the following:

“(F) INDEPENDENT PEER REVIEWS.—Prior to issuing a final rule to add a health condition to the list in paragraph (3), the WTC Program Administrator shall provide for an independent peer review of the scientific and technical evidence that would be the basis for issuing such final rule.

“(G) ADDITIONAL ADVISORY COMMITTEE RECOMMENDATIONS.—

“(i) PROGRAM POLICIES.—

“(I) EXISTING POLICIES.—Not later than 1 year after the date of enactment of the James Zadroga 9/11 Health and Compensation Reauthorization Act, the WTC Program Administrator shall request the Advisory Committee to review and evaluate the policies and procedures, in effect at the time of the review and evaluation, that are used to determine whether sufficient evidence exists to support adding a health condition to the list in paragraph (3).

“(II) SUBSEQUENT POLICIES.—Prior to establishing any substantive new policy or procedure used to make the determination described in subclause (I) or prior to making any substantive amendment to any policy or procedure described in such subclause, the WTC Program Administrator shall request the Advisory Committee to review and evaluate such substantive policy, procedure, or amendment.

“(ii) IDENTIFICATION OF INDIVIDUALS CONDUCTING INDEPENDENT PEER REVIEWS.—Not later than 1 year after the date of enactment of the James Zadroga 9/11 Health and Compensation Reauthorization Act and not less than every 2 years thereafter, the WTC Program Administrator shall seek recommendations

from the Advisory Committee regarding the identification of individuals to conduct the independent peer reviews under subparagraph (F).”

(f) **WORLD TRADE CENTER SURVIVORS.**—Section 3321(a)(3)(B)(i)(II) of the Public Health Service Act (42 U.S.C. 300mm–31(a)(3)(B)(i)(II)) is amended by striking “through the end of fiscal year 2020”.

(g) **PAYMENT OF CLAIMS.**—Section 3331(d)(1)(B) of the Public Health Service Act (42 U.S.C. 300mm–41(d)(1)(B)) is amended—

(1) by striking “the last calendar quarter” and all that follows through “2015” and inserting “each calendar quarter of fiscal year 2016 and of each subsequent fiscal year through fiscal year 2090,”; and

(2) by striking “and with respect to calendar quarters in fiscal year 2016” and all that follows and inserting a period.

(h) **WORLD TRADE CENTER HEALTH REGISTRY.**—Section 3342 of the Public Health Service Act (42 U.S.C. 300mm–52) is amended by striking “April 20, 2009” and inserting “January 1, 2015”.

James Zadroga
9/11 Victim
Compensation
Fund
Reauthorization
Act.

TITLE IV—JAMES ZADROGA 9/11 VICTIM COMPENSATION FUND REAUTHORIZA- TION

49 USC 40101
note.

SEC. 401. SHORT TITLE.

This title may be cited as the “James Zadroga 9/11 Victim Compensation Fund Reauthorization Act”.

49 USC 40101
note.

SEC. 402. REAUTHORIZING THE SEPTEMBER 11TH VICTIM COMPENSA- TION FUND OF 2001.

(a) **DEFINITIONS.**—Section 402 of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note) is amended—

(1) in paragraph (9)—

(A) by striking “medical expense loss,”; and

(B) by striking “and loss of business or employment opportunities” and inserting “loss of business or employment opportunities, and past out-of-pocket medical expense loss but not future medical expense loss”;

(2) by redesignating paragraph (14) as paragraph (16);

(3) by inserting after paragraph (13), the following:

“(14) **WTC PROGRAM ADMINISTRATOR.**—The term ‘WTC Program Administrator’ has the meaning given such term in section 3306 of the Public Health Service Act (42 U.S.C. 300mm–5).

“(15) **WTC-RELATED PHYSICAL HEALTH CONDITION.**—The term ‘WTC-related physical health condition’—

“(A) means, subject to subparagraph (B), a WTC-related health condition as defined by section 3312(a) of the Public Health Service Act (42 U.S.C. 300mm–22(a)), including the conditions listed in section 3322(b) of such Act (42 U.S.C. 300mm–32(b)); and

“(B) does not include—

“(i) a mental health condition described in paragraph (1)(A)(ii) or (3)(B) of section 3312(a) of such Act (42 U.S.C. 300mm–22(a));

“(ii) any mental health condition certified under section 3312(b)(2)(B)(iii) of such Act (42 U.S.C. 300mm–22(b)(2)(B)(iii)) (including such certification as applied under section 3322(a) of such Act (42 U.S.C. 300mm–32(a));

“(iii) a mental health condition described in section 3322(b)(2) of such Act (42 U.S.C. 300mm–32(b)(2)); or

“(iv) any other mental health condition.”; and

(4) in paragraph (16), as redesignated by paragraph (2), by striking subparagraph (C) and inserting the following:

“(C) the area in Manhattan that is south of the line that runs along Canal Street from the Hudson River to the intersection of Canal Street and East Broadway, north on East Broadway to Clinton Street, and east on Clinton Street to the East River;”

(b) PURPOSE.—Section 403 of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note) is amended—

(1) by inserting “full” before “compensation”; and

(2) by inserting “, or the rescue and recovery efforts during the immediate aftermath of such crashes” before the period.

(c) ELIGIBILITY REQUIREMENTS FOR FILING CLAIMS.—Section 405 of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note) is amended—

(1) in subsection (a)(3)—

(A) by striking subparagraph (B) and inserting the following:

“(B) EXCEPTION.—A claim may be filed under paragraph (1), in accordance with subsection (c)(3)(A)(i), by an individual (or by a personal representative on behalf of a deceased individual) during the period beginning on the date on which the regulations are updated under section 407(b)(1) and ending on the date that is 5 years after the date of enactment of the James Zadroga 9/11 Victim Compensation Fund Reauthorization Act.

“(C) SPECIAL MASTER DETERMINATION.—

“(i) IN GENERAL.—For claims filed under this title during the period described in subparagraph (B), the Special Master shall establish a system for determining whether, for purposes of this title, the claim is—

“(I) a claim in Group A, as described in clause (ii); or

“(II) a claim in Group B, as described in clause (iii).

“(ii) GROUP A CLAIMS.—A claim under this title is a claim in Group A if—

“(I) the claim is filed under this title during the period described in subparagraph (B); and

“(II) on or before the day before the date of enactment of the James Zadroga 9/11 Victim Compensation Fund Reauthorization Act, the Special Master postmarks and transmits a final award determination to the claimant filing such claim.

“(iii) GROUP B CLAIMS.—A claim under this title is a claim in Group B if the claim—

“(I) is filed under this title during the period described in subparagraph (B); and

“(II) is not a claim described in clause (ii).

“(iv) DEFINITION OF FINAL AWARD DETERMINATION.—For purposes of this subparagraph, the term ‘final award determination’ means a letter from the Special Master indicating the total amount of compensation to which a claimant is entitled for a claim under this title without regard to the limitation under the second sentence of section 406(d)(1), as such section was in effect on the day before the date of enactment of the James Zadroga 9/11 Victim Compensation Fund Reauthorization Act.”;

(2) in subsection (b)—

(A) in paragraph (1)(B)(ii), by inserting “subject to paragraph (7),” before “the amount”;

(B) in paragraph (6)—

(i) by striking “The Special Master” and inserting the following:

“(A) IN GENERAL.—The Special Master”; and

(ii) by adding at the end the following:

“(B) GROUP B CLAIMS.—Notwithstanding any other provision of this title, in the case of a claim in Group B as described in subsection (a)(3)(C)(iii), a claimant filing such claim shall receive an amount of compensation under this title for such claim that is not greater than the amount determined under paragraph (1)(B)(ii) less the amount of any collateral source compensation that such claimant has received or is entitled to receive for such claim as a result of the terrorist-related aircraft crashes of September 11, 2001.”; and

(C) by adding at the end the following:

“(7) LIMITATIONS FOR GROUP B CLAIMS.—

“(A) NONECONOMIC LOSSES.—With respect to a claim in Group B as described in subsection (a)(3)(C)(iii), the total amount of compensation to which a claimant filing such claim is entitled to receive for such claim under this title on account of any noneconomic loss—

“(i) that results from any type of cancer shall not exceed \$250,000; and

“(ii) that does not result from any type of cancer shall not exceed \$90,000.

“(B) DETERMINATION OF ECONOMIC LOSS.—

“(i) IN GENERAL.—Subject to the limitation described in clause (ii) and with respect to a claim in Group B as described in subsection (a)(3)(C)(iii), the Special Master shall, for purposes of calculating the amount of compensation to which a claimant is entitled under this title for such claim on account of any economic loss, determine the loss of earnings or other benefits related to employment by using the applicable methodology described in section 104.43 or 104.45 of title 28, Code of Federal Regulations, as such Code was in effect on the day before the date of enactment of the James Zadroga 9/11 Victim Compensation Fund Reauthorization Act.

“(ii) ANNUAL GROSS INCOME LIMITATION.—In considering annual gross income under clause (i) for the purposes described in such clause, the Special Master shall, for each year of any loss of earnings or other

benefits related to employment, limit the annual gross income of the claimant (or decedent in the case of a personal representative) for each such year to an amount that is not greater than \$200,000.

“(C) GROSS INCOME DEFINED.—For purposes of this paragraph, the term ‘gross income’ has the meaning given such term in section 61 of the Internal Revenue Code of 1986.”; and

(3) in subsection (c)(3)—

(A) in subparagraph (A)—

(i) in clause (ii), in the matter preceding subclause (I), by striking “An individual” and inserting “Except with respect to claims in Group B as described in subsection (a)(3)(C)(iii), an individual”;

(ii) in clause (iii), by striking “section 407(a)” and inserting “section 407(b)(1)”; and

(iii) by adding at the end the following:

“(iv) GROUP B CLAIMS.—

“(I) IN GENERAL.—Subject to subclause (II), an individual filing a claim in Group B as described in subsection (a)(3)(C)(iii) may be eligible for compensation under this title only if the Special Master, with assistance from the WTC Program Administrator as necessary, determines based on the evidence presented that the individual has a WTC-related physical health condition, as defined by section 402 of this Act.

“(II) PERSONAL REPRESENTATIVES.—An individual filing a claim in Group B, as described in subsection (a)(3)(C)(iii), who is a personal representative described in paragraph (2)(C) may be eligible for compensation under this title only if the Special Master, with assistance from the WTC Program Administrator as necessary, determines based on the evidence presented that the applicable decedent suffered from a condition that was, or would have been determined to be, a WTC-related physical health condition, as defined by section 402 of this Act.”; and

(B) in subparagraph (C)(ii)(II), by striking “section 407(b)” and inserting “section 407(b)(1)”.

(d) PAYMENTS TO ELIGIBLE INDIVIDUALS.—Section 406 of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note) is amended—

(1) in subsection (b), by striking “This title” and inserting “For the purpose of providing compensation for claims in Group A as described in section 405(a)(3)(C)(ii), this title”; and

(2) by amending subsection (d) to read as follows:

“(d) LIMITATIONS.—

“(1) GROUP A CLAIMS.—

“(A) IN GENERAL.—The total amount of Federal funds paid for compensation under this title, with respect to claims in Group A as described in section 405(a)(3)(C)(ii), shall not exceed \$2,775,000,000.

“(B) REMAINDER OF CLAIM AMOUNTS.—In the case of a claim in Group A as described in section 405(a)(3)(C)(ii) and for which the Special Master has ratably reduced

the amount of compensation for such claim pursuant to paragraph (2) of this subsection, as this subsection was in effect on the day before the date of enactment of the James Zadroga 9/11 Victim Compensation Fund Reauthorization Act, the Special Master shall, as soon as practicable after the date of enactment of such Act, authorize payment of the amount of compensation that is equal to the difference between—

“(i) the amount of compensation that the claimant would have been paid under this title for such claim without regard to the limitation under the second sentence of paragraph (1) of this subsection, as this subsection was in effect on the day before the date of enactment of the James Zadroga 9/11 Victim Compensation Fund Reauthorization Act; and

“(ii) the amount of compensation the claimant was paid under this title for such claim prior to the date of enactment of such Act.

“(2) GROUP B CLAIMS.—

“(A) IN GENERAL.—The total amount of Federal funds paid for compensation under this title, with respect to claims in Group B as described in section 405(a)(3)(C)(iii), shall not exceed the amount of funds deposited into the Victims Compensation Fund under section 410.

“(B) PAYMENT SYSTEM.—The Special Master shall establish a system for providing compensation for claims in Group B as described in section 405(a)(3)(C)(iii) in accordance with this subsection and section 405(b)(7).

“(C) DEVELOPMENT OF AGENCY POLICIES AND PROCEDURES.—

“(i) DEVELOPMENT.—

“(I) IN GENERAL.—Not later than 30 days after the date of enactment of the James Zadroga 9/11 Victim Compensation Fund Reauthorization Act, the Special Master shall develop agency policies and procedures that meet the requirements under subclauses (II) and (III) for providing compensation for claims in Group B as described in section 405(a)(3)(C)(iii), including policies and procedures for presumptive award schedules, administrative expenses, and related internal memoranda.

“(II) LIMITATION.—The policies and procedures developed under subclause (I) shall ensure that total expenditures, including administrative expenses, in providing compensation for claims in Group B, as described in section 405(a)(3)(C)(iii), do not exceed the amount of funds deposited into the Victims Compensation Fund under section 410.

“(III) PRIORITIZATION.—The policies and procedures developed under subclause (I) shall prioritize claims for claimants who are determined by the Special Master as suffering from the most debilitating physical conditions to ensure, for purposes of equity, that such claimants are not unduly burdened by such policies or procedures.

“(ii) REASSESSMENT.—Beginning 1 year after the date of enactment of the James Zadroga 9/11 Victim Compensation Fund Reauthorization Act, and each year thereafter until the Victims Compensation Fund is permanently closed under section 410(e), the Special Master shall conduct a reassessment of the agency policies and procedures developed under clause (i) to ensure that such policies and procedures continue to satisfy the requirements under subclauses (II) and (III) of such clause. If the Special Master determines, upon reassessment, that such agency policies or procedures do not achieve the requirements of such subclauses, the Special Master shall take additional actions or make such modifications as necessary to achieve such requirements.”.

(e) REGULATIONS.—Section 407(b) of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note) is amended—

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

“(1) JAMES ZADROGA 9/11 HEALTH AND COMPENSATION ACT OF 2010.—Not later than”; and

(2) by adding at the end the following:

“(2) JAMES ZADROGA 9/11 VICTIM COMPENSATION FUND REAUTHORIZATION ACT.—Not later than 180 days after the date of enactment of the James Zadroga 9/11 Victim Compensation Fund Reauthorization Act, the Special Master shall update the regulations promulgated under subsection (a), and updated under paragraph (1), to the extent necessary to comply with the amendments made by such Act.”.

(f) VICTIMS COMPENSATION FUND.—Title IV of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note) is amended by adding at the end the following:

“SEC. 410. VICTIMS COMPENSATION FUND.

“(a) IN GENERAL.—There is established in the Treasury of the United States a fund to be known as the ‘Victims Compensation Fund’, consisting of amounts deposited into such fund under subsection (b).

“(b) DEPOSITS INTO FUND.—There shall be deposited into the Victims Compensation Fund each of the following:

“(1) Effective on the day after the date on which all claimants who file a claim in Group A, as described in section 405(a)(3)(C)(ii), have received the full compensation due such claimants under this title for such claim, any amounts remaining from the total amount made available under section 406 to compensate claims in Group A as described in section 405(a)(3)(C)(ii).

“(2) The amount appropriated under subsection (c).

“(c) APPROPRIATIONS.—There is appropriated, out of any money in the Treasury not otherwise appropriated, \$4,600,000,000 for fiscal year 2017, to remain available until expended, to provide compensation for claims in Group B as described in section 405(a)(3)(C)(iii).

“(d) AVAILABILITY OF FUNDS.—Amounts deposited into the Victims Compensation Fund shall be available, without further appropriation, to the Special Master to provide compensation for claims in Group B as described in section 405(a)(3)(C)(iii).

“(e) **TERMINATION.**—Upon completion of all payments under this title, the Victims Compensation Fund shall be permanently closed.”

(g) **9-11 RESPONSE AND BIOMETRIC ENTRY-EXIT FEE.**—Title IV of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note), as amended by subsection (f), is further amended by adding at the end the following:

“SEC. 411. 9-11 RESPONSE AND BIOMETRIC ENTRY-EXIT FEE.

“(a) **TEMPORARY L-1 VISA FEE INCREASE.**—Notwithstanding section 281 of the Immigration and Nationality Act (8 U.S.C. 1351) or any other provision of law, during the period beginning on the date of the enactment of this section and ending on September 30, 2025, the combined filing fee and fraud prevention and detection fee required to be submitted with an application for admission as a nonimmigrant under section 101(a)(15)(L) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(L)), including an application for an extension of such status, shall be increased by \$4,500 for applicants that employ 50 or more employees in the United States if more than 50 percent of the applicant’s employees are nonimmigrants admitted pursuant to subparagraph (H)(i)(b) or (L) of section 101(a)(15) of such Act.

“(b) **TEMPORARY H-1B VISA FEE INCREASE.**—Notwithstanding section 281 of the Immigration and Nationality Act (8 U.S.C. 1351) or any other provision of law, during the period beginning on the date of the enactment of this section and ending on September 30, 2025, the combined filing fee and fraud prevention and detection fee required to be submitted with an application for admission as a nonimmigrant under section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(i)(b)), including an application for an extension of such status, shall be increased by \$4,000 for applicants that employ 50 or more employees in the United States if more than 50 percent of the applicant’s employees are such nonimmigrants or nonimmigrants described in section 101(a)(15)(L) of such Act.

“(c) **9-11 RESPONSE AND BIOMETRIC EXIT ACCOUNT.**—

“(1) **ESTABLISHMENT.**—There is established in the general fund of the Treasury a separate account, which shall be known as the ‘9–11 Response and Biometric Exit Account’.

“(2) **DEPOSITS.**—

“(A) **IN GENERAL.**—Subject to subparagraph (B), of the amounts collected pursuant to the fee increases authorized under subsections (a) and (b)—

“(i) 50 percent shall be deposited in the general fund of the Treasury; and

“(ii) 50 percent shall be deposited as offsetting receipts into the 9–11 Response and Biometric Exit Account, and shall remain available until expended.

“(B) **TERMINATION OF DEPOSITS IN ACCOUNT.**—After a total of \$1,000,000,000 is deposited into the 9–11 Response and Biometric Exit Account under subparagraph (A)(ii), all amounts collected pursuant to the fee increases authorized under subsections (a) and (b) shall be deposited in the general fund of the Treasury.

“(3) **USE OF FUNDS.**—For fiscal year 2017, and each fiscal year thereafter, amounts in the 9–11 Response and Biometric Exit Account shall be available to the Secretary of Homeland

Security without further appropriation for implementing the biometric entry and exit data system described in section 7208 of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1365b).”.

(h) ADMINISTRATIVE COSTS.—Section 1347 of the Full-Year Continuing Appropriations Act, 2011 (49 U.S.C. 40101 note) is amended—

(1) by inserting “and (2)” after “(d)(1)”; and

(2) by adding at the end the following: “Costs for payments for compensation for claims in Group A, as described in section 405(a)(3)(C)(ii) of such Act, shall be paid from amounts made available under section 406 of such Act. Costs for payments for compensation for claims in Group B, as described in section 405(a)(3)(C)(iii) of such Act, shall be paid from amounts in the Victims Compensation Fund established under section 410 of such Act.”.

SEC. 403. AMENDMENT TO EXEMPT PROGRAMS.

(a) IN GENERAL.—Section 255(g)(1)(B) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 905(g)(1)(B)) is amended by—

(1) inserting after the item relating to Retirement Pay and Medical Benefits for Commissioned Officers, Public Health Service the following:

“September 11th Victim Compensation Fund (15–0340–0–1–754).”;

(2) inserting after the item relating to United States Secret Service, DC Annuity the following:

“Victims Compensation Fund established under section 410 of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note).

“United States Victims of State Sponsored Terrorism Fund.”; and

(3) inserting after the item relating to the Voluntary Separation Incentive Fund the following:

“World Trade Center Health Program Fund (75–0946–0–1–551).”.

(b) APPLICABILITY.—The amendments made by this section shall apply to any sequestration order issued under the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.) on or after the date of enactment of this Act.

2 USC 905 note.

SEC. 404. COMPENSATION FOR UNITED STATES VICTIMS OF STATE SPONSORED TERRORISM ACT.

(a) SHORT TITLE.—This section may be cited as the “Justice for United States Victims of State Sponsored Terrorism Act”.

(b) ADMINISTRATION OF THE UNITED STATES VICTIMS OF STATE SPONSORED TERRORISM FUND.—

(1) ADMINISTRATION OF THE FUND.—

(A) APPOINTMENT AND TERMS OF SPECIAL MASTER.—

(i) INITIAL APPOINTMENT.—Not later than 60 days after the date of the enactment of this Act, the Attorney General shall appoint a Special Master. The initial term for the Special Master shall be 18 months.

(ii) ADDITIONAL TERMS.—Thereafter, each time there exists funds in excess of \$100,000,000 in the Fund, the Attorney General shall appoint or reappoint a Special Master for such period as is appropriate,

Justice for
United States
Victims of
State Sponsored
Terrorism Act.
42 USC 10609.

not to exceed 1 year. In addition, if there exists in the Fund funds that are less than \$100,000,000, the Attorney General may appoint or reappoint a Special Master each time the Attorney General determines there are sufficient funds available in the Fund to compensate eligible claimants, for such period as is appropriate, not to exceed 1 year.

(iii) SPECIAL MASTER TO ADMINISTER COMPENSATION FROM THE FUND.—The Special Master shall administer the compensation program described in this section for United States persons who are victims of state sponsored terrorism.

(B) ADMINISTRATIVE COSTS AND USE OF DEPARTMENT OF JUSTICE PERSONNEL.—The Special Master may utilize, as necessary, no more than 5 full-time equivalent Department of Justice personnel to assist in carrying out the duties of the Special Master under this section. Any costs associated with the use of such personnel, and any other administrative costs of carrying out this section, shall be paid from the Fund.

(C) COMPENSATION OF SPECIAL MASTER.—The Special Master shall be compensated from the Fund at a rate not to exceed the annual rate of basic pay for level IV of the Executive Schedule, as prescribed by section 5315 of title 5, United States Code.

(2) PUBLICATION OF REGULATIONS AND PROCEDURES.—

(A) IN GENERAL.—Not later than 60 days after the date of the initial appointment of the Special Master, the Special Master shall publish in the Federal Register and on a website maintained by the Department of Justice a notice specifying the procedures necessary for United States persons to apply and establish eligibility for payment, including procedures by which eligible United States persons may apply by and through their attorney. Such notice is not subject to the requirements of section 553 of title 5, United States Code.

(B) INFORMATION REGARDING OTHER SOURCES OF COMPENSATION.—As part of the procedures for United States persons to apply and establish eligibility for payment, the Special Master shall require applicants to provide the Special Master with information regarding compensation from any source other than this Fund that the claimant (or, in the case of a personal representative, the victim's beneficiaries) has received or is entitled or scheduled to receive as a result of the act of international terrorism that gave rise to a claimant's final judgment, including information identifying the amount, nature, and source of such compensation.

(3) DECISIONS OF THE SPECIAL MASTER.—All decisions made by the Special Master with regard to compensation from the Fund shall be—

(A) in writing and provided to the Attorney General, each claimant and, if applicable, the attorney for each claimant; and

(B) final and, except as provided in paragraph (4), not subject to administrative or judicial review.

(4) REVIEW HEARING.—

(A) Not later than 30 days after receipt of a written decision by the Special Master, a claimant whose claim is denied in whole or in part by the Special Master may request a hearing before the Special Master pursuant to procedures established by the Special Master.

(B) Not later than 90 days after any such hearing, the Special Master shall issue a final written decision affirming or amending the original decision. The written decision is final and nonreviewable.

(c) ELIGIBLE CLAIMS.—

(1) IN GENERAL.—For the purposes of this section, a claim is an eligible claim if the Special Master determines that—

(A) the judgment holder, or claimant, is a United States person;

(B) the claim is described in paragraph (2); and

(C) the requirements of paragraph (3) are met.

(2) CERTAIN CLAIMS.—The claims referred to in paragraph (1) are claims for—

(A) compensatory damages awarded to a United States person in a final judgment—

(i) issued by a United States district court under State or Federal law against a state sponsor of terrorism; and

(ii) arising from acts of international terrorism, for which the foreign state was determined not to be immune from the jurisdiction of the courts of the United States under section 1605A, or section 1605(a)(7) (as such section was in effect on January 27, 2008), of title 28, United States Code;

(B) the sum total of \$10,000 per day for each day that a United States person was taken and held hostage from the United States embassy in Tehran, Iran, during the period beginning November 4, 1979, and ending January 20, 1981, if such person is identified as a member of the proposed class in case number 1:00-CV-03110 (EGS) of the United States District Court for the District of Columbia; or

(C) damages for the spouses and children of the former hostages described in subparagraph (B), if such spouse or child is identified as a member of the proposed class in case number 1:00-CV-03110 (EGS) of the United States Court for the District of Columbia, in the following amounts:

(i) For each spouse of a former hostage identified as a member of the proposed class described in this subparagraph, a \$600,000 lump sum.

(ii) For each child of a former hostage identified as a member of the proposed class described in this subparagraph, a \$600,000 lump sum.

(3) DEADLINE FOR APPLICATION SUBMISSION.—

(A) IN GENERAL.—The deadline for submitting an application for a payment under this subsection is as follows:

(i) Not later than 90 days after the date of the publication required under subsection (b)(2)(A), with regard to an application based on—

(I) a final judgment described in paragraph (2)(A) obtained before that date of publication; or

(II) a claim described in paragraph (2)(B) or (2)(C).

(ii) Not later than 90 days after the date of obtaining a final judgment, with regard to a final judgment obtained on or after the date of that publication.

(B) GOOD CAUSE.—For good cause shown, the Special Master may grant a claimant a reasonable extension of a deadline under this paragraph.

(d) PAYMENTS.—

(1) TO WHOM MADE.—The Special Master shall order payment from the Fund for each eligible claim of a United States person to that person or, if that person is deceased, to the personal representative of the estate of that person.

(2) TIMING OF INITIAL PAYMENTS.—The Special Master shall authorize all initial payments to satisfy eligible claims under this section not later than 1 year after the date of the enactment of this Act.

(3) PAYMENTS TO BE MADE PRO RATA.—

(A) IN GENERAL.—

(i) PRO RATA BASIS.—Except as provided in subparagraph (B) and subject to the limitations described in clause (ii), the Special Master shall carry out paragraph (1), by dividing all available funds on a pro rata basis, based on the amounts outstanding and unpaid on eligible claims, until all such amounts have been paid in full.

(ii) LIMITATIONS.—The limitations described in this clause are as follows:

(I) In the event that a United States person has an eligible claim that exceeds \$20,000,000, the Special Master shall treat that claim as if it were for \$20,000,000 for purposes of this section.

(II) In the event that a United States person and the immediate family members of such person, have claims that if aggregated would exceed \$35,000,000, the Special Master shall, for purposes of this section, reduce such claims on a pro rata basis such that in the aggregate such claims do not exceed \$35,000,000.

(III) In the event that a United States person, or the immediate family member of such person, has an eligible claim under this section and has received an award or an award determination under section 405 of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note), the amount of compensation to which such person, or the immediate family member of such person, was determined to be entitled under section 405 of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note) shall be considered controlling for the purposes of this section, notwithstanding any compensatory damages amounts such person, or immediate family member of such person, is deemed eligible

for or entitled to pursuant to a final judgment described in subsection (c)(2)(A).

(B) MINIMUM PAYMENTS.—

(i) Any applicant with an eligible claim described in subsection (c)(2) who has received, or is entitled or scheduled to receive, any payment that is equal to, or in excess of, 30 percent of the total compensatory damages owed to such applicant on the applicant's claim from any source other than this Fund shall not receive any payment from the Fund until such time as all other eligible applicants have received from the Fund an amount equal to 30 percent of the compensatory damages awarded to those applicants pursuant to their final judgments or to claims under subsection (c)(2)(B) or (c)(2)(C). For purposes of calculating the pro rata amounts for these payments, the Special Master shall not include the total compensatory damages for applicants excluded from payment by this subparagraph.

(ii) To the extent that an applicant with an eligible claim has received less than 30 percent of the compensatory damages owed that applicant under a final judgment or claim described in subsection (c)(2) from any source other than this Fund, such applicant may apply to the Special Master for the difference between the percentage of compensatory damages the applicant has received from other sources and the percentage of compensatory damages to be awarded other eligible applicants from the Fund.

(4) ADDITIONAL PAYMENTS.—On January 1 of the second calendar year that begins after the date of the initial payments described in paragraph (1) if funds are available in the Fund, the Special Master shall authorize additional payments on a pro rata basis to those claimants with eligible claims under subsection (c)(2) and shall authorize additional payments for eligible claims annually thereafter if funds are available in the Fund.

(5) SUBROGATION AND RETENTION OF RIGHTS.—

(A) UNITED STATES SUBROGATED TO CREDITOR RIGHTS TO THE EXTENT OF PAYMENT.—The United States shall be subrogated to the rights of any person who applies for and receives payments under this section, but only to the extent and in the amount of such payments made under this section. The President shall pursue these subrogated rights as claims or offsets of the United States in appropriate ways, including any negotiation process that precedes the normalization of relations between the foreign state designated as a state sponsor of terrorism and the United States or the lifting of sanctions against such foreign state.

(B) RIGHTS RETAINED.—To the extent amounts of damages remain unpaid and outstanding following any payments made under this subsection, each applicant shall retain that applicant's creditor rights in any unpaid and outstanding amounts of the judgment, including any

prejudgment or post-judgment interest, or punitive damages, awarded by the United States district court pursuant to a judgment.

(e) UNITED STATES VICTIMS OF STATE SPONSORED TERRORISM FUND.—

(1) ESTABLISHMENT OF UNITED STATES VICTIMS OF STATE SPONSORED TERRORISM FUND.—There is established in the Treasury a fund, to be designated as the United States Victims of State Sponsored Terrorism Fund.

(2) DEPOSIT AND TRANSFER.—Beginning on the date of the enactment of this Act, the following shall be deposited or transferred into the Fund for distribution under this section:

(A) FORFEITED FUNDS AND PROPERTY.—

(i) CRIMINAL FUNDS AND PROPERTY.—All funds, and the net proceeds from the sale of property, forfeited or paid to the United States after the date of enactment of this Act as a criminal penalty or fine arising from a violation of any license, order, regulation, or prohibition issued under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) or the Trading with the Enemy Act (50 U.S.C. App. 1 et seq.), or any related criminal conspiracy, scheme, or other Federal offense arising from the actions of, or doing business with or acting on behalf of, a state sponsor of terrorism.

(ii) CIVIL FUNDS AND PROPERTY.—One-half of all funds, and one-half of the net proceeds from the sale of property, forfeited or paid to the United States after the date of enactment of this Act as a civil penalty or fine arising from a violation of any license, order, regulation, or prohibition issued under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) or the Trading with the Enemy Act (50 U.S.C. App. 1 et seq.), or any related conspiracy, scheme, or other Federal offense arising from the actions of, or doing business with or acting on behalf of, a state sponsor of terrorism.

(B) TRANSFER INTO FUND OF CERTAIN ASSIGNED ASSETS OF IRAN AND ELECTION TO PARTICIPATE IN FUND.—

(i) DEPOSIT INTO FUND OF ASSIGNED PROCEEDS FROM SALE OF PROPERTIES AND RELATED ASSETS IDENTIFIED IN IN RE 650 FIFTH AVENUE & RELATED PROPERTIES.—

(I) IN GENERAL.—Except as provided in subclause (II), if the United States receives a final judgment forfeiting the properties and related assets identified in the proceedings captioned as In Re 650 Fifth Avenue & Related Properties, No. 08 Civ. 10934 (S.D.N.Y. filed Dec. 17, 2008), the net proceeds (not including the litigation expenses and sales costs incurred by the United States) resulting from the sale of such properties and related assets by the United States shall be deposited into the Fund.

(II) LIMITATION.—The following proceeds resulting from any sale of the properties and

related assets identified in subclause (I) shall not be transferred into the Fund:

(aa) The percentage of proceeds attributable to any party identified as a Settling Judgment Creditor in the order dated April 16, 2014, in such proceedings, who does not make an election (described in clause (iii)) to participate in the Fund.

(bb) The percentage of proceeds attributable to the parties identified as the Hegna Judgment Creditors in such proceedings, unless and until a final judgment is entered denying the claims of such creditors.

(ii) DEPOSIT INTO FUND OF ASSIGNED ASSETS IDENTIFIED IN PETERSON V. ISLAMIC REPUBLIC OF IRAN.—If a final judgment is entered in Peterson v. Islamic Republic of Iran, No. 10 Civ. 4518 (S.D.N.Y.), awarding the assets at issue in that case to the judgment creditors identified in the order dated July 9, 2013, those assets shall be deposited into the Fund, but only to the extent, and in such percentage, that the rights, title, and interest to such assets were assigned through elections made pursuant to clause (iii).

(iii) ELECTION TO PARTICIPATE IN THE FUND.—Upon written notice to the Attorney General, the Special Master, and the chief judge of the United States District Court for the Southern District of New York within 60 days after the date of the publication required under subsection (b)(2)(A) a United States person, who is a judgment creditor in the proceedings captioned Peterson v. Islamic Republic of Iran, No. 10 Civ. 4518 (S.D.N.Y.), or a Settling Judgment Creditor as identified in the order dated May 27, 2014, in the proceedings captioned In Re 650 Fifth Avenue & Related Properties, No. 08 Civ. 10934 (S.D.N.Y. filed Dec. 17, 2008), shall have the right to elect to participate in the Fund and, to the extent any such person exercises such right, shall irrevocably assign to the Fund all rights, title, and interest to such person's claims to the assets at issue in such proceedings. To the extent that a United States person is both a judgment creditor in the proceedings captioned Peterson v. Islamic Republic of Iran, No. 10 Civ. 4518 (S.D.N.Y.) and a Settling Judgment Creditor in In Re 650 Fifth Avenue & Related Properties, No. 08 Civ. 10934 (S.D.N.Y. filed Dec. 17, 2008), any election by such person to participate in the Fund pursuant to this paragraph shall operate as an election to assign any and all rights, title, and interest in the assets in both actions for the purposes of participating in the Fund. The Attorney General is authorized to pursue any such assigned rights, title, and interest in those claims for the benefit of the Fund.

(iv) APPLICATION FOR CONDITIONAL PAYMENT.—A United States person who is a judgment creditor or a Settling Judgment Creditor in the proceedings identified in clause (iii) and who does not elect to participate

in the Fund may, notwithstanding such failure to elect, submit an application for conditional payment from the Fund, subject to the following limitations:

(I) IN GENERAL.—Notwithstanding any such claimant's eligibility for payment and the initial deadline for initial payments set forth in subsection (d)(2), the Special Master shall allocate but withhold payment to an eligible claimant who applies for a conditional payment under this paragraph until such time as an adverse final judgment is entered in both of the proceedings identified in clause (iii).

(II) EXCEPTION.—

(aa) In the event that an adverse final judgment is entered in the proceedings captioned *Peterson v. Islamic Republic of Iran*, No. 10 Civ. 4518 (S.D.N.Y), prior to a final judgment being entered in the proceedings captioned *In Re 650 Fifth Avenue & Related Properties*, No. 08 Civ. 10934 (S.D.N.Y. filed Dec. 17, 2008), the Special Master shall release a portion of an eligible claimant's conditional payment to such eligible claimant if the Special Master anticipates that such claimant will receive less than the amount of the conditional payment from any proceeds from a final judgment that is entered in favor of the plaintiffs in *In Re 650 Fifth Avenue & Related Properties*. Such portion shall not exceed the difference between the amount of the conditional payment and the amount the Special Master anticipates such claimant will receive from the proceeds of *In Re 650 Fifth Avenue & Related Properties*.

(bb) In the event that a final judgment is entered in favor of the plaintiffs in the proceedings captioned *Peterson v. Islamic Republic of Iran*, No. 10 Civ. 4518 (S.D.N.Y) and funds are distributed, the payments allocated to claimants who applied for a conditional payment under this subparagraph shall be considered void, and any funds previously allocated to such conditional payments shall be made available and distributed to all other eligible claimants pursuant to subsection (d).

(3) EXPENDITURES FROM FUND.—Amounts in the Fund shall be available, without further appropriation, for the payment of eligible claims and compensation of the Special Master in accordance with this section.

(4) MANAGEMENT OF FUND.—The Fund shall be managed and invested in the same manner as a trust fund is managed and invested under section 9602 of the Internal Revenue Code of 1986.

(5) FUNDING.—There is appropriated to the Fund, out of any money in the Treasury not otherwise appropriated, \$1,025,000,000 for fiscal year 2017, to remain available until expended.

(6) TERMINATION.—

(A) IN GENERAL.—Amounts in the Fund may not be obligated on or after January 2, 2026.

(B) CLOSING OF FUND.—Effective on the day after all amounts authorized to be paid from the Fund under this section that were obligated before January 2, 2026 are expended, any unobligated balances in the Fund shall be transferred, as appropriate, to either the Department of the Treasury Forfeiture Fund established under section 9705 of title 31, United States Code, or to the Department of Justice Assets Forfeiture Fund established under section 524(c)(1) of title 28, United States Code.

(f) ATTORNEYS' FEES AND COSTS.—

(1) IN GENERAL.—No attorney shall charge, receive, or collect, and the Special Master shall not approve, any payment of fees and costs that in the aggregate exceeds 25 percent of any payment made under this section.

(2) PENALTY.—Any attorney who violates paragraph (1) shall be fined under title 18, United States Code, imprisoned for not more than 1 year, or both.

(g) AWARD OF COMPENSATION TO INFORMERS.—

(1) IN GENERAL.—Any United States person who holds a final judgment described in subsection (c)(2)(A) or a claim under subsection (c)(2)(B) or (c)(2)(C) and who meets the requirements set forth in paragraph (2) is entitled to receive an award of 10 percent of the funds deposited in the Fund under subsection (e)(2) attributable to information such person furnished to the Attorney General that leads to a forfeiture described in subsection (e)(2)(A), which is made after the date of enactment of this Act pursuant to a proceeding resulting in forfeiture that was initiated after the date of enactment of this Act.

(2) PERSON DESCRIBED.—A person meets the requirements of this paragraph if—

(A) the person identifies and notifies the Attorney General of funds or property—

(i) of a state sponsor of terrorism, or held by a third party on behalf of or subject to the control of that state sponsor of terrorism;

(ii) that were not previously identified or known by the United States Government; and

(iii) that are subsequently forfeited directly or in the form of substitute assets to the United States; and

(B) the Attorney General finds that the identification and notification under subparagraph (A) by that person substantially contributed to the forfeiture to the United States.

(h) SPECIAL EXCLUSION FROM COMPENSATION.—In no event shall an individual who is criminally culpable for an act of international terrorism receive any compensation under this section, either directly or on behalf of a victim.

(i) REPORT TO CONGRESS.—Within 30 days after authorizing the payment of compensation of eligible claims pursuant to subsection (d), the Special Master shall submit to the chairman and ranking minority member of the Committee on the Judiciary of the House of Representatives and the chairman and ranking

minority member of the Committee on the Judiciary of the Senate a report on the payment of eligible claims, which shall include—

(1) an explanation of the procedures for filing and processing of applications for compensation; and

(2) an analysis of the payments made to United States persons from the Fund and the amount of outstanding eligible claims, including—

(A) the number of applications for compensation submitted;

(B) the number of applications approved and the amount of each award;

(C) the number of applications denied and the reasons for the denial;

(D) the number of applications for compensation that are pending for which compensatory damages have not been paid in full; and

(E) the total amount of compensatory damages from eligible claims that have been paid and that remain unpaid.

(j) DEFINITIONS.—In this section the following definitions apply:

(1) ACT OF INTERNATIONAL TERRORISM.—The term “act of international terrorism” includes—

(A) an act of torture, extrajudicial killing, aircraft sabotage, or hostage taking as those terms are defined in section 1605A(h) of title 28, United States Code; and

(B) providing material support or resources, as defined in section 2339A of title 18, United States Code, for an act described in subparagraph (A).

(2) ADVERSE FINAL JUDGMENT.—The term “adverse final judgment” means a final judgment in favor of the defendant, or defendants, in the proceedings identified in subsection (e)(2)(B)(iii), or which does not order any payment from, or award any interest in, the assets at issue in such proceedings to the plaintiffs, judgment creditors, or Settling Judgment Creditors in such proceedings.

(3) COMPENSATORY DAMAGES.—The term “compensatory damages” does not include pre-judgment or post-judgment interest or punitive damages.

(4) FINAL JUDGMENT.—The term “final judgment” means an enforceable final judgment, decree or order on liability and damages entered by a United States district court that is not subject to further appellate review, but does not include a judgment, decree, or order that has been waived, relinquished, satisfied, espoused by the United States, or subject to a bilateral claims settlement agreement between the United States and a foreign state. In the case of a default judgment, such judgment shall not be considered a final judgment until such time as service of process has been completed pursuant to section 1608(e) of title 28, United States Code.

(5) FUND.—The term “Fund” means the United States Victims of State Sponsored Terrorism Fund established by this section.

(6) SOURCE OTHER THAN THIS FUND.—The term “source other than this Fund” means all collateral sources, including life insurance, pension funds, death benefit programs, payments by Federal, State, or local governments (including payments from the September 11th Victim Compensation Fund (49 U.S.C. 40101 note)), and court awarded compensation related to the

act of international terrorism that gave rise to a claimant's final judgment. The term "entitled or scheduled to receive" in subsection (d)(3)(B)(i) includes any potential recovery where that person or their representative is a party to any civil or administrative action pending in any court or agency of competent jurisdiction in which the party seeks to enforce the judgment giving rise to the application to the Fund.

(7) STATE SPONSOR OF TERRORISM.—The term "state sponsor of terrorism" means a country the government of which the Secretary of State has determined, for purposes of section 6(j) of the Export Administration Act of 1979 (50 U.S.C. 4605(j)), section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371), section 40 of the Arms Export Control Act (22 U.S.C. 2780), or any other provision of law, is a government that has repeatedly provided support for acts of international terrorism.

(8) UNITED STATES PERSON.—The term "United States person" means a natural person who has suffered an injury arising from the actions of a foreign state for which the foreign state has been determined not to be immune from the jurisdiction of the courts of the United States under section 1605A or section 1605(a)(7) (as such section was in effect on January 27, 2008) of title 28, United States Code, or is eligible to make a claim under subsection (c)(2)(B) or subsection (c)(2)(C).

(k) SEVERABILITY.—The provisions of this section are severable. If any provision of this section, or any application thereof, is found unconstitutional, that finding shall not affect any provision or application of this section not so adjudicated.

SEC. 405. BUDGETARY PROVISIONS.

(a) LIMITATION.—Notwithstanding any other provision of law, including section 982 of title 18, United States Code, and section 413 of the Controlled Substances Act (21 U.S.C. 853), none of the funds paid to the United States Government by BNP Paribas S.A. as part of, or related to, a plea agreement dated June 27, 2014, entered into between the Department of Justice and BNP Paribas S.A., and subject to a consent order entered by the United States District Court for the Southern District of New York on May 1, 2015, in *United States v. BNPP*, No. 14 Cr. 460 (S.D.N.Y.) to settle charges against BNP Paribas S.A. for conspiracy to commit an offense against the United States in violation of section 371 of title 18, United States Code, by conspiring to violate the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), and the Trading with the Enemy Act (50 U.S.C. 4301 et seq.), may be used by the United States Government—

(1) in any manner in furtherance of the proposed use of such funds by the Department of Justice to compensate individuals as announced by the Department of Justice on May 1, 2015; or

(2) in any other manner whatsoever, including in furtherance of any program to compensate victims of international or state sponsored terrorism, except as such funds are directed by Congress pursuant to this title and the amendments made by this title.

(b) RESCISSION OF FUNDS FROM BNP SETTLEMENT.—Of the amounts in the Department of the Treasury Forfeiture Fund established under section 9705 of title 31, United States Code,

\$3,800,000,000 from funds paid to the United States Government by BNP Paribas S.A. as part of, or related to, a plea agreement dated June 27, 2014, entered into between the Department of Justice and BNP Paribas S.A., and subject to a consent order entered by the United States District Court for the Southern District of New York on May 1, 2015, in *United States v. BNPP*, No. 14 Cr. 460 (S.D.N.Y.), shall be deobligated, if necessary, and shall be permanently rescinded.

TITLE V—MEDICARE AND MEDICAID PROVISIONS

SEC. 501. MEDICARE IMPROVEMENT FUND.

Section 1898(b)(1) of the Social Security Act (42 U.S.C. 1395iii(b)(1)) is amended by striking “\$205,000,000” and inserting “\$5,000,000”.

SEC. 502. MEDICARE PAYMENT INCENTIVE FOR THE TRANSITION FROM TRADITIONAL X-RAY IMAGING TO DIGITAL RADIOGRAPHY AND OTHER MEDICARE IMAGING PAYMENT PROVISION.

(a) PHYSICIAN FEE SCHEDULE.—

(1) PAYMENT INCENTIVE FOR TRANSITION.—

(A) IN GENERAL.—Section 1848(b) of the Social Security Act (42 U.S.C. 1395w–4(b)) is amended by adding at the end the following new paragraph:

“(9) SPECIAL RULE TO INCENTIVIZE TRANSITION FROM TRADITIONAL X-RAY IMAGING TO DIGITAL RADIOGRAPHY.—

“(A) LIMITATION ON PAYMENT FOR FILM X-RAY IMAGING SERVICES.—In the case of an imaging service (including the imaging portion of a service) that is an X-ray taken using film and that is furnished during 2017 or a subsequent year, the payment amount for the technical component (including the technical component portion of a global service) of such service that would otherwise be determined under this section (without application of this paragraph and before application of any other adjustment under this section) for such year shall be reduced by 20 percent.

“(B) PHASED-IN LIMITATION ON PAYMENT FOR COMPUTED RADIOGRAPHY IMAGING SERVICES.—In the case of an imaging service (including the imaging portion of a service) that is an X-ray taken using computed radiography technology—

“(i) in the case of such a service furnished during 2018, 2019, 2020, 2021, or 2022, the payment amount for the technical component (including the technical component portion of a global service) of such service that would otherwise be determined under this section (without application of this paragraph and before application of any other adjustment under this section) for such year shall be reduced by 7 percent; and

“(ii) in the case of such a service furnished during 2023 or a subsequent year, the payment amount for the technical component (including the technical component portion of a global service) of such service that would otherwise be determined under this section

(without application of this paragraph and before application of any other adjustment under this section) for such year shall be reduced by 10 percent.

“(C) COMPUTED RADIOGRAPHY TECHNOLOGY DEFINED.—

For purposes of this paragraph, the term ‘computed radiography technology’ means cassette-based imaging which utilizes an imaging plate to create the image involved.

“(D) IMPLEMENTATION.—In order to implement this paragraph, the Secretary shall adopt appropriate mechanisms which may include use of modifiers.”

(B) EXEMPTION FROM BUDGET NEUTRALITY.—Section 1848(c)(2)(B)(v) of the Social Security Act (42 U.S.C. 1395w–4(c)(2)(B)(v)) is amended by adding at the end the following new subclause:

“(X) REDUCED EXPENDITURES ATTRIBUTABLE TO INCENTIVES TO TRANSITION TO DIGITAL RADIOGRAPHY.—Effective for fee schedules established beginning with 2017, reduced expenditures attributable to subparagraph (A) of subsection (b)(9) and effective for fee schedules established beginning with 2018, reduced expenditures attributable to subparagraph (B) of such subsection.”

(2) REDUCTION OF DISCOUNT IN PAYMENT FOR PROFESSIONAL COMPONENT OF MULTIPLE IMAGING SERVICES.—

(A) IN GENERAL.—Section 1848(b) of the Social Security Act (42 U.S.C. 1395w–4(b)), as amended by paragraph (1), is amended by adding at the end the following new paragraph:

“(10) REDUCTION OF DISCOUNT IN PAYMENT FOR PROFESSIONAL COMPONENT OF MULTIPLE IMAGING SERVICES.—In the case of the professional component of imaging services furnished on or after January 1, 2017, instead of the 25 percent reduction for multiple procedures specified in the final rule published by the Secretary in the Federal Register on November 28, 2011, as amended in the final rule published by the Secretary in the Federal Register on November 16, 2012, the reduction percentage shall be 5 percent.”

(B) EXEMPTION FROM BUDGET NEUTRALITY.—Section 1848(c)(2)(B)(v) of the Social Security Act (42 U.S.C. 1395w–4(c)(2)(B)(v)), as amended by paragraph (1), is amended by adding at the end by the following new subclause:

“(XI) DISCOUNT IN PAYMENT FOR PROFESSIONAL COMPONENT OF IMAGING SERVICES.—Effective for fee schedules established beginning with 2017, reduced expenditures attributable to subsection (b)(10).”

(C) CONFORMING AMENDMENT.—Section 220(i) of the Protecting Access to Medicare Act of 2014 (42 U.S.C. 1395w–4 note) is repealed.

(b) PAYMENT INCENTIVE FOR TRANSITION UNDER HOSPITAL OUTPATIENT PROSPECTIVE PAYMENT SYSTEM.—Section 1833(t)(16) of the Social Security Act (42 U.S.C. 1395(t)(16)) is amended by adding at the end the following new subparagraph:

“(F) PAYMENT INCENTIVE FOR THE TRANSITION FROM TRADITIONAL X-RAY IMAGING TO DIGITAL RADIOGRAPHY.—Notwithstanding the previous provisions of this subsection:

“(i) **LIMITATION ON PAYMENT FOR FILM X-RAY IMAGING SERVICES.**—In the case of an imaging service that is an X-ray taken using film and that is furnished during 2017 or a subsequent year, the payment amount for such service (including the X-ray component of a packaged service) that would otherwise be determined under this section (without application of this paragraph and before application of any other adjustment under this subsection) for such year shall be reduced by 20 percent.

“(ii) **PHASED-IN LIMITATION ON PAYMENT FOR COMPUTED RADIOGRAPHY IMAGING SERVICES.**—In the case of an imaging service that is an X-ray taken using computed radiography technology (as defined in section 1848(b)(9)(C))—

“(I) in the case of such a service furnished during 2018, 2019, 2020, 2021, or 2022, the payment amount for such service (including the X-ray component of a packaged service) that would otherwise be determined under this section (without application of this paragraph and before application of any other adjustment under this subsection) for such year shall be reduced by 7 percent; and

“(II) in the case of such a service furnished during 2023 or a subsequent year, the payment amount for such service (including the X-ray component of a packaged service) that would otherwise be determined under this section (without application of this paragraph and before application of any other adjustment under this subsection) for such year shall be reduced by 10 percent.

“(iii) **APPLICATION WITHOUT REGARD TO BUDGET NEUTRALITY.**—The reductions made under this subparagraph—

“(I) shall not be considered an adjustment under paragraph (2)(E); and

“(II) shall not be implemented in a budget neutral manner.

“(iv) **IMPLEMENTATION.**—In order to implement this subparagraph, the Secretary shall adopt appropriate mechanisms which may include use of modifiers.”.

SEC. 503. LIMITING FEDERAL MEDICAID REIMBURSEMENT TO STATES FOR DURABLE MEDICAL EQUIPMENT (DME) TO MEDICARE PAYMENT RATES.

(a) **MEDICAID REIMBURSEMENT.**—

(1) **IN GENERAL.**—Section 1903(i) of the Social Security Act (42 U.S.C. 1396b(i)) is amended—

(A) in paragraph (25), by striking “or” at the end;

(B) in paragraph (26), by striking the period at the end and inserting “; or”; and

(C) by inserting after paragraph (26) the following new paragraph:

“(27) with respect to any amounts expended by the State on the basis of a fee schedule for items described in section

1861(n) and furnished on or after January 1, 2019, as determined in the aggregate with respect to each class of such items as defined by the Secretary, in excess of the aggregate amount, if any, that would be paid for such items within such class on a fee-for-service basis under the program under part B of title XVIII, including, as applicable, under a competitive acquisition program under section 1847 in an area of the State.”.

(2) **RULE OF CONSTRUCTION.**—Nothing in the amendments made by paragraph (1) shall be construed to prohibit a State Medicaid program from providing medical assistance for durable medical equipment for which payment is denied or not available under the Medicare program under title XVIII of such Act.

42 USC 1396b
note.

(b) **EVALUATING APPLICATION OF DME PAYMENT LIMITS UNDER MEDICAID.**—The Secretary of Health and Human Services shall evaluate the impact of applying Medicare payment rates with respect to payment for durable medical equipment under the Medicaid program under section 1903(i)(27) of the Social Security Act, as inserted by subsection (a)(1)(C). The Secretary shall make available to the public the results of such evaluation.

SEC. 504. TREATMENT OF DISPOSABLE DEVICES.

(a) **IN GENERAL.**—Section 1834 of the Social Security Act (42 U.S.C. 1395m) is amended by adding at the end the following new subsection:

“(s) **PAYMENT FOR APPLICABLE DISPOSABLE DEVICES.**—

“(1) **SEPARATE PAYMENT.**—The Secretary shall make a payment (separate from the payments otherwise made under section 1895) in the amount established under paragraph (3) to a home health agency for an applicable disposable device (as defined in paragraph (2)) when furnished on or after January 1, 2017, to an individual who receives home health services for which payment is made under section 1895(b).

“(2) **APPLICABLE DISPOSABLE DEVICE.**—In this subsection, the term applicable disposable device means a disposable device that, as determined by the Secretary, is—

“(A) a disposable negative pressure wound therapy device that is an integrated system comprised of a non-manual vacuum pump, a receptacle for collecting exudate, and dressings for the purposes of wound therapy; and

“(B) a substitute for, and used in lieu of, a negative pressure wound therapy durable medical equipment item that is an integrated system of a negative pressure vacuum pump, a separate exudate collection canister, and dressings that would otherwise be covered for individuals for such wound therapy.

“(3) **PAYMENT AMOUNT.**—The separate payment amount established under this paragraph for an applicable disposable device for a year shall be equal to the amount of the payment that would be made under section 1833(t) (relating to payment for covered OPD services) for the year for the Level I Healthcare Common Procedure Coding System (HCPCS) code for which the description for a professional service includes the furnishing of such device.”.

(b) **CONFORMING AMENDMENTS.**—

(1) COINSURANCE.—Section 1833(a)(1) of the Social Security Act (42 U.S.C. 1395l(a)(1)) is amended—

(A) by striking “and (Z)” and inserting “(Z)”; and

(B) by inserting before the semicolon at the end the following: “, and (AA) with respect to an applicable disposable device (as defined in paragraph (2) of section 1834(s)) furnished to an individual pursuant to paragraph (1) of such section, the amount paid shall be equal to 80 percent of the lesser of the actual charge or the amount determined under paragraph (3) of such section”.

(2) HOME HEALTH.—Section 1861(m)(5) of the Social Security Act (42 U.S.C. 1395x(m)(5)) is amended by inserting “and applicable disposable devices (as defined in section 1834(s)(2))” after “durable medical equipment”.

(c) REPORTS.—

(1) GAO STUDY AND REPORT ON DISPOSABLE DEVICES.—

(A) STUDY.—The Comptroller General of the United States shall conduct a study on the value of disposable devices to the Medicare program and Medicare beneficiaries and the role of disposable devices as substitutes for durable medical equipment. Such study shall address the following:

(i) The types of disposable devices that could potentially qualify as being substitutes for durable medical equipment under the Medicare program, the similarities and differences between such disposable devices and the durable medical equipment for which they would be a substitute, and the extent to which other payers, including the Medicaid program and private payers, cover such disposable devices.

(ii) Views of, and information from, medical device manufacturers, providers of services, and suppliers on the incentives and disincentives under current Medicare coverage and payment policies for disposable devices that are substitutes for durable medical equipment and how such policies affect manufacturers’ decisions to develop innovative products and providers’ and suppliers’ decisions to use such products.

(iii) Implications of expanding coverage under the Medicare program to include additional disposable devices that are substitutes for durable medical equipment.

(iv) Payment methodologies that could be used to pay for disposable devices that are substitutes for durable medical equipment other than applicable disposable devices pursuant to the amendments made by subsections (a) and (b).

(v) Other applicable areas determined appropriate by the Comptroller General.

(B) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress and the Secretary of Health and Human Services a report on the study conducted under subparagraph (A), together with recommendations for such legislation and administrative action as the Comptroller General determines to be appropriate.

(2) GAO STUDY AND REPORT ON THE IMPACT OF THE PAYMENT OF APPLICABLE DISPOSABLE DEVICES.—

(A) STUDY.—The Comptroller General of the United States shall conduct a study on the impact of the payment for applicable disposable devices (as defined in section 1834(s)(2) of the Social Security Act) under the provisions of, and the amendments made by, subsections (a) and (b). Such study shall address the following:

(i) The impact on utilization and Medicare program and beneficiary spending as a result of such provisions and amendments.

(ii) The type of Medicare beneficiaries who, under the home health benefit, use the applicable disposable device and the period of use of the applicable disposable devices compared to the beneficiaries who use the substitute durable medical equipment and their period of use.

(iii) How payment rates of other payers, including the Medicaid program and private payers, for applicable disposable devices compare to the payment rates for such devices under such provisions and amendments.

(iv) Other applicable areas determined appropriate by the Comptroller General.

(B) REPORT.—Not later than 4 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress and the Secretary of Health and Human Services a report on the study conducted under subparagraph (A), together with recommendations for such legislation and administrative action as the Comptroller General determines to be appropriate.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to items furnished on or after January 1, 2017.

42 USC 1395f
note.

TITLE VI—PUERTO RICO

SEC. 601. MODIFICATION OF MEDICARE INPATIENT HOSPITAL PAYMENT RATE FOR PUERTO RICO HOSPITALS.

Section 1886(d)(9)(E) of the Social Security Act (42 U.S.C. 1395ww(d)(9)(E)) is amended—

(1) by striking “and” at the end of clause (iii);

(2) in clause (iv)—

(A) by inserting “and before January 1, 2016,” after “2004,”; and

(B) by striking the period at the end and inserting “; and”; and

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

“(v) on or after January 1, 2016, the applicable Puerto Rico percentage is 0 percent and the applicable Federal percentage is 100 percent.”.

SEC. 602. APPLICATION OF MEDICARE HITECH PAYMENTS TO HOSPITALS IN PUERTO RICO.

(a) IN GENERAL.—Subsection (n)(6)(B) of section 1886 of the Social Security Act (42 U.S.C. 1395ww) is amended by striking

“subsection (d) hospital” and inserting “hospital that is a subsection (d) hospital or a subsection (d) Puerto Rico hospital”.

(b) CONFORMING AMENDMENTS.—

(1) Subsection (b)(3)(B)(ix) of section 1886 of the Social Security Act (42 U.S.C. 1395ww) is amended—

(A) in subclause (I), by striking “(n)(6)(A)” and inserting “(n)(6)(B)”; and

(B) in subclause (II), by striking “a subsection (d) hospital” and inserting “an eligible hospital”.

(2) Paragraphs (2) and (4)(A) of section 1853(m) of the Social Security Act (42 U.S.C. 1395w–23(m)) are each amended by striking “1886(n)(6)(A)” and inserting “1886(n)(6)(B)”.

42 USC
1395w–23 note.

(c) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary of Health and Human Services may implement the amendments made by this section by program instruction or otherwise.

42 USC
1395w–23 note.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply as if included in the enactment of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), except that, in order to take into account delays in the implementation of this section, in applying subsections (b)(3)(B)(ix), (n)(2)(E)(ii), and (n)(2)(G)(i) of section 1886 of the Social Security Act, as amended by this section, any reference in such subsections to a particular year shall be treated with respect to a subsection (d) Puerto Rico hospital as a reference to the year that is 5 years after such particular year (or 7 years after such particular year in the case of applying subsection (b)(3)(B)(ix) of such section).

TITLE VII—FINANCIAL SERVICES

SEC. 701. TABLE OF CONTENTS.

The table of contents for this title is as follows:

- Sec. 701. Table of contents.
- Sec. 702. Limitations on sale of preferred stock.
- Sec. 703. Confidentiality of information shared between State and Federal financial services regulators.
- Sec. 704. Application of FACA.
- Sec. 705. Treatment of affiliate transactions.
- Sec. 706. Ensuring the protection of insurance policyholders.
- Sec. 707. Limitation on SEC funds.
- Sec. 708. Elimination of reporting requirement.
- Sec. 709. Extension of Hardest Hit Fund; Termination of Making Home Affordable initiative.

SEC. 702. LIMITATIONS ON SALE OF PREFERRED STOCK.

(a) DEFINITIONS.—In this section:

(1) SECRETARY.—The term “Secretary” means the Secretary of the Treasury.

(2) SENIOR PREFERRED STOCK PURCHASE AGREEMENT.—The term “Senior Preferred Stock Purchase Agreement” means—

(A) the Amended and Restated Senior Preferred Stock Purchase Agreement, dated September 26, 2008, as such Agreement has been amended on May 6, 2009, December 24, 2009, and August 17, 2012, respectively, and as such Agreement may be further amended and restated, entered into between the Department of the Treasury and each enterprise, as applicable; and

(B) any provision of any certificate in connection with such Agreement creating or designating the terms, powers, preferences, privileges, limitations, or any other conditions of the Variable Liquidation Preference Senior Preferred Stock of an enterprise issued or sold pursuant to such Agreement.

(b) **LIMITATIONS ON SALE OF PREFERRED STOCK.**—Notwithstanding any other provision of law or any provision of the Senior Preferred Stock Purchase Agreement, until at least January 1, 2018, the Secretary may not sell, transfer, relinquish, liquidate, divest, or otherwise dispose of any outstanding shares of senior preferred stock acquired pursuant to the Senior Preferred Stock Purchase Agreement, unless Congress has passed and the President has signed into law legislation that includes a specific instruction to the Secretary regarding the sale, transfer, relinquishment, liquidation, divestiture, or other disposition of the senior preferred stock so acquired.

(c) **SENSE OF CONGRESS.**—It is the Sense of Congress that Congress should pass and the President should sign into law legislation determining the future of Fannie Mae and Freddie Mac, and that notwithstanding the expiration of subsection (b), the Secretary should not sell, transfer, relinquish, liquidate, divest, or otherwise dispose of any outstanding shares of senior preferred stock acquired pursuant to the Senior Preferred Stock Purchase Agreement until such legislation is enacted.

SEC. 703. CONFIDENTIALITY OF INFORMATION SHARED BETWEEN STATE AND FEDERAL FINANCIAL SERVICES REGULATORS.

Section 1512(a) of the S.A.F.E. Mortgage Licensing Act of 2008 (12 U.S.C. 5111(a)) is amended by inserting “or financial services” before “industry”.

SEC. 704. APPLICATION OF FACA.

Section 1013 of the Consumer Financial Protection Act of 2010 (12 U.S.C. 5493) is amended by adding at the end the following:

“(h) **APPLICATION OF FACA.**—Notwithstanding any provision of the Federal Advisory Committee Act (5 U.S.C. App.), such Act shall apply to each advisory committee of the Bureau and each subcommittee of such an advisory committee.”.

SEC. 705. TREATMENT OF AFFILIATE TRANSACTIONS.

(a) **COMMODITY EXCHANGE ACT AMENDMENTS.**—Section 2(h)(7)(D) of the Commodity Exchange Act (7 U.S.C. 2(h)(7)(D)) is amended—

(1) by redesignating clause (iii) as clause (v);

(2) by striking clauses (i) and (ii) and inserting the following:

“(i) **IN GENERAL.**—An affiliate of a person that qualifies for an exception under subparagraph (A) (including affiliate entities predominantly engaged in providing financing for the purchase of the merchandise or manufactured goods of the person) may qualify for the exception only if the affiliate—

“(I) enters into the swap to hedge or mitigate the commercial risk of the person or other affiliate of the person that is not a financial entity, and the commercial risk that the affiliate is hedging or mitigating has been transferred to the affiliate;

“(II) is directly and wholly-owned by another affiliate qualified for the exception under this subparagraph or an entity that is not a financial entity;

“(III) is not indirectly majority-owned by a financial entity;

“(IV) is not ultimately owned by a parent company that is a financial entity; and

“(V) does not provide any services, financial or otherwise, to any affiliate that is a nonbank financial company supervised by the Board of Governors (as defined under section 102 of the Financial Stability Act of 2010).

“(ii) LIMITATION ON QUALIFYING AFFILIATES.—The exception in clause (i) shall not apply if the affiliate is—

“(I) a swap dealer;

“(II) a security-based swap dealer;

“(III) a major swap participant;

“(IV) a major security-based swap participant;

“(V) a commodity pool;

“(VI) a bank holding company;

“(VII) a private fund, as defined in section 202(a) of the Investment Advisers Act of 1940 (15 U.S.C. 80–b–2(a));

“(VIII) an employee benefit plan or government plan, as defined in paragraphs (3) and (32) of section 3 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002);

“(IX) an insured depository institution;

“(X) a farm credit system institution;

“(XI) a credit union;

“(XII) a nonbank financial company supervised by the Board of Governors (as defined under section 102 of the Financial Stability Act of 2010); or

“(XIII) an entity engaged in the business of insurance and subject to capital requirements established by an insurance governmental authority of a State, a territory of the United States, the District of Columbia, a country other than the United States, or a political subdivision of a country other than the United States that is engaged in the supervision of insurance companies under insurance law.

“(iii) LIMITATION ON AFFILIATES’ AFFILIATES.—Unless the Commission determines, by order, rule, or regulation, that it is in the public interest, the exception in clause (i) shall not apply with respect to an affiliate if the affiliate is itself affiliated with—

“(I) a major security-based swap participant;

“(II) a security-based swap dealer;

“(III) a major swap participant; or

“(IV) a swap dealer.

“(iv) CONDITIONS ON TRANSACTIONS.—With respect to an affiliate that qualifies for the exception in clause (i)—

“(I) the affiliate may not enter into any swap other than for the purpose of hedging or mitigating commercial risk; and

“(II) neither the affiliate nor any person affiliated with the affiliate that is not a financial entity may enter into a swap with or on behalf of any affiliate that is a financial entity or otherwise assume, net, combine, or consolidate the risk of swaps entered into by any such financial entity, except one that is an affiliate that qualifies for the exception under clause (i).”; and

(3) by adding at the end the following:

“(vi) RISK MANAGEMENT PROGRAM.—Any swap entered into by an affiliate that qualifies for the exception in clause (i) shall be subject to a centralized risk management program of the affiliate, which is reasonably designed both to monitor and manage the risks associated with the swap and to identify each of the affiliates on whose behalf a swap was entered into.”.

(b) SECURITIES EXCHANGE ACT OF 1934 AMENDMENT.—Section 3C(g)(4) of the Securities Exchange Act of 1934 (15 U.S.C. 78c–3(g)(4)) is amended—

(1) by redesignating subparagraph (C) as subparagraph (E);

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

“(A) IN GENERAL.—An affiliate of a person that qualifies for an exception under this subsection (including affiliate entities predominantly engaged in providing financing for the purchase of the merchandise or manufactured goods of the person) may qualify for the exception only if the affiliate—

“(i) enters into the security-based swap to hedge or mitigate the commercial risk of the person or other affiliate of the person that is not a financial entity, and the commercial risk that the affiliate is hedging or mitigating has been transferred to the affiliate;

“(ii) is directly and wholly-owned by another affiliate qualified for the exception under this paragraph or an entity that is not a financial entity;

“(iii) is not indirectly majority-owned by a financial entity;

“(iv) is not ultimately owned by a parent company that is a financial entity; and

“(v) does not provide any services, financial or otherwise, to any affiliate that is a nonbank financial company supervised by the Board of Governors (as defined under section 102 of the Financial Stability Act of 2010).

“(B) LIMITATION ON QUALIFYING AFFILIATES.—The exception in subparagraph (A) shall not apply if the affiliate is—

“(i) a swap dealer;

“(ii) a security-based swap dealer;

“(iii) a major swap participant;

“(iv) a major security-based swap participant;

“(v) a commodity pool;

“(vi) a bank holding company;

“(vii) a private fund, as defined in section 202(a) of the Investment Advisers Act of 1940 (15 U.S.C. 80–b–2(a));

“(viii) an employee benefit plan or government plan, as defined in paragraphs (3) and (32) of section 3 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002);

“(ix) an insured depository institution;

“(x) a farm credit system institution;

“(xi) a credit union;

“(xii) a nonbank financial company supervised by the Board of Governors (as defined under section 102 of the Financial Stability Act of 2010); or

“(xiii) an entity engaged in the business of insurance and subject to capital requirements established by an insurance governmental authority of a State, a territory of the United States, the District of Columbia, a country other than the United States, or a political subdivision of a country other than the United States that is engaged in the supervision of insurance companies under insurance law.

“(C) LIMITATION ON AFFILIATES’ AFFILIATES.—Unless the Commission determines, by order, rule, or regulation, that it is in the public interest, the exception in subparagraph (A) shall not apply with respect to an affiliate if such affiliate is itself affiliated with—

“(i) a major security-based swap participant;

“(ii) a security-based swap dealer;

“(iii) a major swap participant; or

“(iv) a swap dealer.

“(D) CONDITIONS ON TRANSACTIONS.—With respect to an affiliate that qualifies for the exception in subparagraph (A)—

“(i) such affiliate may not enter into any security-based swap other than for the purpose of hedging or mitigating commercial risk; and

“(ii) neither such affiliate nor any person affiliated with such affiliate that is not a financial entity may enter into a security-based swap with or on behalf of any affiliate that is a financial entity or otherwise assume, net, combine, or consolidate the risk of security-based swaps entered into by any such financial entity, except one that is an affiliate that qualifies for the exception under subparagraph (A).”; and

(3) by adding at the end the following:

“(F) RISK MANAGEMENT PROGRAM.—Any security-based swap entered into by an affiliate that qualifies for the exception in subparagraph (A) shall be subject to a centralized risk management program of the affiliate, which is reasonably designed both to monitor and manage the risks associated with the security-based swap and to identify each of the affiliates on whose behalf a security-based swap was entered into.”.

SEC. 706. ENSURING THE PROTECTION OF INSURANCE POLICY-HOLDERS.

(a) **SOURCE OF STRENGTH.**—Section 38A of the Federal Deposit Insurance Act (12 U.S.C. 1831o–1) is amended—

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

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

“(c) **AUTHORITY OF STATE INSURANCE REGULATOR.**—

“(1) **IN GENERAL.**—The provisions of section 5(g) of the Bank Holding Company Act of 1956 (12 U.S.C. 1844(g)) shall apply to a savings and loan holding company that is an insurance company, an affiliate of an insured depository institution that is an insurance company, and to any other company that is an insurance company and that directly or indirectly controls an insured depository institution, to the same extent as the provisions of that section apply to a bank holding company that is an insurance company.

“(2) **RULE OF CONSTRUCTION.**—Requiring a bank holding company that is an insurance company, a savings and loan holding company that is an insurance company, an affiliate of an insured depository institution that is an insurance company, or any other company that is an insurance company and that directly or indirectly controls an insured depository institution to serve as a source of financial strength under this section shall be deemed an action of the Board that requires a bank holding company to provide funds or other assets to a subsidiary depository institution for purposes of section 5(g) of the Bank Holding Company Act of 1956 (12 U.S.C. 1844(g)).”.

(b) **LIQUIDATION AUTHORITY.**—The Dodd-Frank Wall Street Reform and Consumer Protection Act (12 U.S.C. 5301 et seq.) is amended—

(1) in section 203(e)(3) (12 U.S.C. 5383(e)(3)), by inserting “or rehabilitation” after “orderly liquidation” each place that term appears; and

(2) in section 204(d)(4) (12 U.S.C. 5384(d)(4)), by inserting before the semicolon at the end the following: “, except that, if the covered financial company or covered subsidiary is an insurance company or a subsidiary of an insurance company, the Corporation—

“(A) shall promptly notify the State insurance authority for the insurance company of the intention to take such lien; and

“(B) may only take such lien—

“(i) to secure repayment of funds made available to such covered financial company or covered subsidiary; and

“(ii) if the Corporation determines, after consultation with the State insurance authority, that such lien will not unduly impede or delay the liquidation or rehabilitation of the insurance company, or the recovery by its policyholders”.

SEC. 707. LIMITATION ON SEC FUNDS.

None of the funds made available by any division of this Act shall be used by the Securities and Exchange Commission to finalize, issue, or implement any rule, regulation, or order regarding

the disclosure of political contributions, contributions to tax exempt organizations, or dues paid to trade associations.

SEC. 708. ELIMINATION OF REPORTING REQUIREMENT.

Paragraph (6) of section 21(h) of the Securities Exchange Act of 1934 (15 U.S.C. 78u(h)) is repealed.

SEC. 709. EXTENSION OF HARDEST HIT FUND; TERMINATION OF MAKING HOME AFFORDABLE INITIATIVE.

(a) **EXTENSION OF HARDEST HIT FUND.**—Section 120(b) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5230(b)) is amended by inserting after the period at the end the following: “Notwithstanding the foregoing, the Secretary may further extend the authority provided under this Act to expire on December 31, 2017, provided that (1) any such extension shall apply only with respect to current program participants in the Housing Finance Agency Innovation Fund for the Hardest Hit Housing Markets, and (2) funds obligated following such extension shall not exceed \$2,000,000,000.”.

(b) **TERMINATION.**—

(1) **IN GENERAL.**—The Making Home Affordable initiative of the Secretary of the Treasury, as authorized under the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.), shall terminate on December 31, 2016.

(2) **APPLICABILITY.**—Paragraph (1) shall not apply to any loan modification application made under the Home Affordable Modification Program under the Making Home Affordable initiative of the Secretary of the Treasury, as authorized under the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.), before December 31, 2016.

12 USC 5230
note.

TITLE VIII—LAND AND WATER CONSERVATION FUND

SEC. 801. LAND AND WATER CONSERVATION FUND.

(a) **REAUTHORIZATION.**—Section 200302 of title 54, United States Code, is amended—

(1) in subsection (b), in the language preceding paragraph (1), by striking “September 30, 2015” and inserting “September 30, 2018”; and

(2) in subsection (c)(1), by striking “September 30, 2015” and inserting “September 30, 2018”.

(b) **PROHIBITION ON USE OF CONDEMNATION OR EMINENT DOMAIN.**—Except as provided by subsection (c), for fiscal years 2016, 2017, and 2018, unless otherwise provided by division G of this Act or an Act enacted after this Act making appropriations for the Department of the Interior, Environment, and Related Agencies, no funds appropriated by such division or Act for the acquisition of lands or interests in lands may be expended for the filing of declarations of taking or complaints in condemnation without the approval of the House and Senate Committees on Appropriations.

(c) **EXCEPTION FOR EVERGLADES.**—Hereafter, subsection (b) shall not apply to funds appropriated to implement the Everglades National Park Protection and Expansion Act of 1989, or to funds

appropriated for Federal assistance to the State of Florida to acquire lands for Everglades restoration purposes.

TITLE IX—NATIONAL OCEANS AND COASTAL SECURITY

National Oceans
and Coastal
Security Act.

SEC. 901. SHORT TITLE.

This title may be cited as the “National Oceans and Coastal Security Act”.

16 USC 7501
note.

SEC. 902. DEFINITIONS.

16 USC 7501.

In this title:

(1) **COASTAL COUNTY.**—The term “coastal county” has the meaning given the term by the National Oceanic and Atmospheric Administration in the document entitled “NOAA’s List of Coastal Counties for the Bureau of the Census” (or similar successor document).

(2) **COASTAL STATE.**—The term “coastal State” has the meaning given the term “coastal state” in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453).

(3) **FOUNDATION.**—The term “Foundation” means the National Fish and Wildlife Foundation established by section 2(a) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701(a)).

(4) **FUND.**—The term “Fund” means the National Oceans and Coastal Security Fund established under section 904(a).

(5) **INDIAN TRIBE.**—The term “Indian tribe” means any federally recognized Indian tribe.

(6) **ADMINISTRATOR.**—Except as otherwise specifically provided, the term “Administrator” means the Under Secretary of Commerce for Oceans and Atmosphere and Administrator of the National Oceanic and Atmospheric Administration.

(7) **TIDAL SHORELINE.**—The term “tidal shoreline” has the meaning given that term pursuant to section 923.110(c)(2)(i) of title 15, Code of Federal Regulations, or a similar successor regulation.

SEC. 903. PURPOSES AND AGREEMENTS.

16 USC 7502.

(a) **PURPOSES.**—The purposes of this title are to better understand and utilize the oceans, coasts, and Great Lakes of the United States, and ensure present and future generations will benefit from the full range of ecological, economic, social, and recreational opportunities, security, and services these resources are capable of providing.

(b) **AGREEMENTS.**—The Administrator and the Foundation may enter into such agreements as may be necessary to carry out the purposes of this title.

SEC. 904. NATIONAL OCEANS AND COASTAL SECURITY FUND.

16 USC 7503.

(a) **ESTABLISHMENT.**—The Administrator and the Foundation are authorized to establish the National Oceans and Coastal Security Fund as a tax exempt fund to further the purposes of this title.

(b) **DEPOSITS.**—

(1) **IN GENERAL.**—There shall be deposited into the Fund amounts appropriated or otherwise made available to carry out this title.

(2) **PROHIBITIONS ON DONATIONS FROM FOREIGN GOVERNMENTS.**—No amounts donated by a foreign government, as defined in section 7342 of title 5, United States Code, may be deposited into the Fund.

(c) **REQUIREMENTS.**—Any amounts received by the Foundation pursuant to this title shall be subject to the provisions of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701 et seq.), except the provisions of—

(1) section 4(e)(1)(B) of that Act (16 U.S.C. 3703(e)(1)(B));

and

(2) section 10(a) of that Act (16 U.S.C. 3709(a)).

(d) **EXPENDITURE.**—Of the amounts deposited into the Fund for each fiscal year—

(1) funds may be used by the Foundation to award grants to coastal States under section 906(b);

(2) funds may be used by the Foundation to award grants under section 906(c);

(3) no more than 2 percent may be used by the Administrator and the Foundation for administrative expenses to carry out this title, which amount shall be divided between the Administrator and the Foundation pursuant to an agreement reached and documented by both the Administrator and the Foundation.

(e) **RECOVERY OF PAYMENTS.**—After notice and an opportunity for a hearing, the Administrator is authorized to recover any Federal payments under this section if the Foundation—

(1) makes a withdrawal or expenditure from the Fund that is not consistent with the requirements of section 905; or

(2) fails to comply with a procedure, measure, method, or standard established under section 906(a)(1).

16 USC 7504.

SEC. 905. ELIGIBLE USES.

(a) **IN GENERAL.**—Amounts in the Fund may be allocated by the Foundation to support programs and activities intended to better understand and utilize ocean and coastal resources and coastal infrastructure, including baseline scientific research, ocean observing, and other programs and activities carried out in coordination with Federal and State departments or agencies.

(b) **PROHIBITION ON USE OF FUNDS FOR LITIGATION OR OTHER PURPOSES.**—No funds made available under this title may be used to—

(1) fund litigation against the Federal Government; or

(2) fund the creation of national marine monuments and marine protected areas, marine spatial planning, or the National Ocean Policy.

16 USC 7505.

SEC. 906. GRANTS.

(a) **ADMINISTRATION OF GRANTS.**—

(1) **IN GENERAL.**—Not later than 90 days after funds are deposited into the Fund and made available to the Foundation for administrative purposes, the Foundation shall establish the following:

(A) Application and review procedures for the awarding of grants under this section, including requirements

ensuring that any amounts awarded under such subsections may only be used for an eligible use described under section 905.

(B) Selection procedures and criteria for the awarding of grants under this section that—

(i) require consultation with the Administrator and the Secretary of the Interior; and

(ii) prioritize the projects or activities where non-Federal partners have committed to share the cost of the project.

(C) Eligibility criteria for awarding grants—

(i) under subsection (b) to coastal States; and

(ii) under subsection (c) to—

(I) entities including States, local governments, and Indian tribes; and

(II) the research and restoration work of associations, nongovernmental organizations, public-private partnerships, and academic institutions.

(D) Performance accountability and monitoring measures for programs and activities funded by a grant awarded under subsection (b) or (c).

(E) Procedures and methods to ensure accurate accounting and appropriate administration of grants awarded under this section, including standards of record-keeping.

(F) Procedures to carry out audits of the Fund as necessary, but not less frequently than once every year if grants have been awarded in that year.

(G) Procedures to carry out audits of the recipients of grants under this section.

(H) Procedures to make publicly available on the Internet a list of all projects funded by the Fund, that includes at a minimum the grant recipient, grant amount, project description, and project status.

(2) APPROVAL.—The Foundation shall submit to the Administrator for approval each procedure, measure, method, and standard established under paragraph (1).

(b) GRANTS TO COASTAL STATES.—

(1) IN GENERAL.—The Administrator and the Foundation may award grants according to the procedures established in subsection (a) to coastal States and United States territories to support activities consistent with section 904. In determining distribution of grants, the Foundation may—

(A) consider for each State—

(i) percent of total United States shoreline miles;

(ii) coastal population density; and

(iii) other factors;

(B) establish criteria for States, including the requirement for a State to establish a plan to distribute the funds; and

(C) establish a maximum and minimum percentage of funding to be awarded to each State or United States territory.

(2) INDIAN TRIBES.—As a condition on receipt of a grant under this subsection, a State that receives a grant under this subsection shall ensure that Indian tribes in the State

are eligible to participate in any competitive grants established in this title.

(c) NATIONAL GRANTS FOR OCEANS, COASTS, AND GREAT LAKES.—

(1) IN GENERAL.—The Administrator and the Foundation may award grants according to the procedures established in subsection (a) to support activities consistent with section 905.

(2) ADVISORY PANEL.—

(A) IN GENERAL.—The Foundation may establish an advisory panel to conduct reviews of applications for grants under paragraph (1) and the Foundation may consider the recommendations of the advisory panel with respect to such applications.

(B) MEMBERSHIP.—The advisory panel described under subparagraph (A) shall include persons representing—

- (i) ocean and coastal dependent industries;
- (ii) geographic regions as defined by the Foundation; and
- (iii) academic institutions.

16 USC 7506.

SEC. 907. ANNUAL REPORT.

(a) REQUIREMENT FOR ANNUAL REPORT.—Subject to subsection (c), beginning with fiscal year 2017, not later than 60 days after the end of each fiscal year, the Foundation shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives a report on the operation of the Fund during that fiscal year.

(b) CONTENT.—Each annual report submitted under subsection (a) for a fiscal year shall include—

- (1) a full and complete statement of the receipts, including the source of all receipts, expenditures, and investments of the Fund;
- (2) a statement of the amounts deposited in the Fund and the balance remaining in the Fund at the end of the fiscal year; and
- (3) a description of the expenditures made from the Fund for the fiscal year, including the purpose of the expenditures.

16 USC 7507.

SEC. 908. FUNDING.

There is authorized to be appropriated such sums as are necessary for fiscal years 2017, 2018, and 2019 for this title.

TITLE X—BUDGETARY PROVISIONS

SEC. 1001. BUDGETARY EFFECTS.

(a) STATUTORY PAYGO SCORECARDS.—The budgetary effects of division M and each succeeding division shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

(b) SENATE PAYGO SCORECARDS.—The budgetary effects of division M and each succeeding division shall not be entered on any PAYGO scorecard maintained for purposes of section 201 of S. Con. Res. 21 (110th Congress).

(c) CLASSIFICATION OF BUDGETARY EFFECTS.—Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the

joint explanatory statement of the committee of conference accompanying Conference Report 105-217 and section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985, the budgetary effects of division M and each succeeding division shall not be estimated—

(1) for purposes of section 251 of the such Act; and

(2) for purposes of paragraph (4)(C) of section 3 of the Statutory Pay-As-You-Go Act of 2010 as being included in an appropriation Act.

SEC. 1002. AUTHORITY TO MAKE ADJUSTMENT IN FY 2016 ALLOCATION.

(a) **IN GENERAL.**—After the date of enactment of this Act, the chair of the Committee on the Budget of the House of Representatives may revise appropriate allocations, aggregates, and levels established by Senate Concurrent Resolution 11 (114th Congress) to achieve consistency with the Bipartisan Budget Act of 2015.

(b) **EXERCISE OF RULEMAKING POWERS.**—The House adopts the provisions of this section—

(1) as an exercise of the rulemaking power of the House of Representatives and as such they shall be considered as part of the rules of the House of Representatives, and these rules shall supersede other rules only to the extent that they are inconsistent with other such rules; and

(2) with full recognition of the constitutional right of the House of Representatives to change those rules at any time, in the same manner, and to the same extent as in the case of any other rule of the House of Representatives.

SEC. 1003. ESTIMATES.

Section 251(a)(7)(B) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(a)(7)(B)) is amended in the first sentence by striking “the CBO estimate of that legislation, an OMB estimate of the amount of discretionary new budget authority and outlays” and inserting “both the CBO and OMB estimates of the amount of discretionary new budget authority”.

TITLE XI—IRAQ LOAN AUTHORITY

SEC. 1101. IRAQ LOAN AUTHORITY.

(a) **AUTHORITY.**—During fiscal year 2016, direct loans under section 23 of the Arms Export Control Act may be made available for Iraq, gross obligations for the principal amounts of which shall not exceed \$2,700,000,000: *Provided*, That funds appropriated under the heading “Foreign Military Financing Program” in title VIII of the Department of State, Foreign Operations and Related Programs Appropriations Act, 2016 that are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, may be made available for the costs, as defined in section 502 of the Congressional Budget Act of 1974, of direct loans, except that such funds may not be derived from amounts specifically designated by such Acts for countries other than Iraq: *Provided further*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, and may include the costs of selling, reducing, or cancelling any amounts owed to the United States or any agency of the United States by Iraq: *Provided*

further, That the Government of the United States may charge fees for such loans, which shall be collected from borrowers in accordance with section 502(7) of the Congressional Budget Act of 1974: *Provided further*, That no funds made available to Iraq by the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2016 or previous appropriations Acts may be used for payment of any fees associated with such loans: *Provided further*, That applicable provisions of section 3 of the Arms Export Control Act relating to restrictions on transfers, retransfers and end-use shall apply to defense articles and services purchased with such loans: *Provided further*, That, in consultation with the Government of Iraq, special emphasis shall be placed on assistance to covered groups (as defined in section 1223(e)(2)(D) of Public Law 114–92) with the loans made available pursuant to this paragraph: *Provided further*, That such loans shall be repaid in not more than 12 years, including a grace period of up to 1 year on repayment of principal.

(b) CONSULTATION AND NOTIFICATION.—Funds made available pursuant to this section shall be subject to prior consultation with the appropriate congressional committees, and subject to the regular notification procedures of the Committees on Appropriations.

(c) COMMITTEES.—For the purposes of this section, the terms “appropriate congressional committees” and “Committees on Appropriations” have the same meaning as used in the Department of State, Foreign Operations and Related Programs Appropriations Act, 2016.

(d) BUDGETARY EFFECTS.—Section 1001 of title X of this division shall not apply to this section.

DIVISION P—TAX-RELATED PROVISIONS

SEC. 1. TABLE OF CONTENTS.

The table of contents for this division is as follows:

Sec. 1. Table of contents.

TITLE I—HIGH COST EMPLOYER-SPONSORED HEALTH COVERAGE EXCISE TAX PROVISIONS

- Sec. 101. Delay of excise tax on high cost employer-sponsored health coverage.
- Sec. 102. Deductibility of excise tax on high cost employer-sponsored health coverage.
- Sec. 103. Study on suitable benchmarks for age and gender adjustment of excise tax on high cost employer-sponsored health coverage.

TITLE II—ANNUAL FEE ON HEALTH INSURANCE PROVIDERS

- Sec. 201. Moratorium on annual fee on health insurance providers.

TITLE III—MISCELLANEOUS PROVISIONS

- Sec. 301. Extension and phaseout of credits for wind facilities.
- Sec. 302. Extension of election to treat qualified facilities as energy property.
- Sec. 303. Extension and phaseout of solar energy credit.
- Sec. 304. Extension and phaseout of credits with respect to qualified solar electric property and qualified solar water heating property.
- Sec. 305. Treatment of transportation costs of independent refiners.

TITLE I—HIGH COST EMPLOYER-SPONSORED HEALTH COVERAGE EXCISE TAX PROVISIONS

SEC. 101. DELAY OF EXCISE TAX ON HIGH COST EMPLOYER-SPONSORED HEALTH COVERAGE.

(a) IN GENERAL.—Sections 9001(c) and 10901(c) of the Patient Protection and Affordable Care Act, as amended by section 1401(b) of the Health Care and Education Reconciliation Act of 2010, are each amended by striking “2017” and inserting “2019”.

26 USC 4980I notes.

(b) CONFORMING AMENDMENT.—Clause (v) of section 4980I(b)(3)(C) of the Internal Revenue Code of 1986 is amended—

- (1) by striking “as in effect” and inserting “as determined for”, and
- (2) by striking “as so in effect” and inserting “as so determined”.

SEC. 102. DEDUCTIBILITY OF EXCISE TAX ON HIGH COST EMPLOYER-SPONSORED HEALTH COVERAGE.

Paragraph (10) of section 4980I(f) of the Internal Revenue Code of 1986 is amended to read as follows:

26 USC 4980I notes.

“(10) DEDUCTIBILITY OF TAX.—Section 275(a)(6) shall not apply to the tax imposed by subsection (a).”.

SEC. 103. STUDY ON SUITABLE BENCHMARKS FOR AGE AND GENDER ADJUSTMENT OF EXCISE TAX ON HIGH COST EMPLOYER-SPONSORED HEALTH COVERAGE.

Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States, in consultation with the National Association of Insurance Commissioners, shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives on—

(1) the suitability of the use (in effect under section 4980I(b)(3)(C)(iii)(II) of the Internal Revenue Code of 1986 as of the date of the enactment of this Act) of the premium cost of the Blue Cross/Blue Shield standard benefit option under the Federal Employees Health Benefits Plan as a benchmark for the age and gender adjustment of the applicable dollar limit with respect to the excise tax on high cost employer-sponsored health coverage under section 4980I of the Internal Revenue Code of 1986; and

(2) recommendations regarding any more suitable benchmarks for such age and gender adjustment.

TITLE II—ANNUAL FEE ON HEALTH INSURANCE PROVIDERS

SEC. 201. MORATORIUM ON ANNUAL FEE ON HEALTH INSURANCE PROVIDERS.

Subsection (j) of section 9010 of the Patient Protection and Affordable Care Act is amended to read as follows:

26 USC 4001 note prec.

“(j) EFFECTIVE DATE.—This section shall apply to calendar years—

“(1) beginning after December 31, 2013, and ending before January 1, 2017, and

“(2) beginning after December 31, 2017.”.

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. EXTENSION AND PHASEOUT OF CREDITS FOR WIND FACILITIES.

(a) IN GENERAL.—

26 USC 45.

(1) EXTENSION.—Paragraph (1) of section 45(d) of the Internal Revenue Code of 1986 is amended by striking “January 1, 2015” and inserting “January 1, 2020”.

(2) PHASEOUT.—Subsection (b) of section 45 of such Code is amended by adding at the end the following new paragraph:

“(5) PHASEOUT OF CREDIT FOR WIND FACILITIES.—In the case of any facility using wind to produce electricity, the amount of the credit determined under subsection (a) (determined after the application of paragraphs (1), (2), and (3) and without regard to this paragraph) shall be reduced by—

“(A) in the case of any facility the construction of which begins after December 31, 2016, and before January 1, 2018, 20 percent,

“(B) in the case of any facility the construction of which begins after December 31, 2017, and before January 1, 2019, 40 percent, and

“(C) in the case of any facility the construction of which begins after December 31, 2018, and before January 1, 2020, 60 percent.”.

26 USC 45 note.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2015.

SEC. 302. EXTENSION OF ELECTION TO TREAT QUALIFIED FACILITIES AS ENERGY PROPERTY.

26 USC 48.

(a) IN GENERAL.—Clause (ii) of section 48(a)(5)(C) is amended by inserting “(January 1, 2020, in the case of any facility which is described in paragraph (1) of section 45(d))” before “, and”.

(b) PHASEOUT FOR WIND FACILITIES.—Paragraph (5) of section 48(a) is amended by adding at the end the following new subparagraph:

“(E) PHASEOUT OF CREDIT FOR WIND FACILITIES.—In the case of any facility using wind to produce electricity, the amount of the credit determined under this section (determined after the application of paragraphs (1) and (2) and without regard to this subparagraph) shall be reduced by—

“(i) in the case of any facility the construction of which begins after December 31, 2016, and before January 1, 2018, 20 percent,

“(ii) in the case of any facility the construction of which begins after December 31, 2017, and before January 1, 2019, 40 percent, and

“(iii) in the case of any facility the construction of which begins after December 31, 2018, and before January 1, 2020, 60 percent.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on January 1, 2015. 26 USC 48 note.

SEC. 303. EXTENSION AND PHASEOUT OF SOLAR ENERGY CREDIT.

(a) **EXTENSION.**—Subclause (II) of section 48(a)(2)(A)(i) of the Internal Revenue Code of 1986 is amended by striking “periods ending before January 1, 2017” and inserting “property the construction of which begins before January 1, 2022”.

(b) **PHASEOUT FOR SOLAR ENERGY PROPERTY.**—Subsection (a) of section 48 of such Code is amended by adding at the end the following new paragraph:

“(6) **PHASEOUT FOR SOLAR ENERGY PROPERTY.**—

“(A) **IN GENERAL.**—Subject to subparagraph (B), in the case of any energy property described in paragraph (3)(A)(i) the construction of which begins before January 1, 2022, the energy percentage determined under paragraph (2) shall be equal to—

“(i) in the case of any property the construction of which begins after December 31, 2019, and before January 1, 2021, 26 percent, and

“(ii) in the case of any property the construction of which begins after December 31, 2020, and before January 1, 2022, 22 percent.

“(B) **PLACED IN SERVICE DEADLINE.**—In the case of any property energy property described in paragraph (3)(A)(i) the construction of which begins before January 1, 2022, and which is not placed in service before January 1, 2024, the energy percentage determined under paragraph (2) shall be equal to 10 percent.”

(c) **CONFORMING AMENDMENT.**—Subparagraph (A) of section 48(a)(2) of such Code is amended by striking “The energy percentage” and inserting “Except as provided in paragraph (6), the energy percentage”.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date of the enactment of this Act. 26 USC 48 note.

SEC. 304. EXTENSION AND PHASEOUT OF CREDITS WITH RESPECT TO QUALIFIED SOLAR ELECTRIC PROPERTY AND QUALIFIED SOLAR WATER HEATING PROPERTY.

(a) **IN GENERAL.**—Section 25D of the Internal Revenue Code of 1986 is amended—

(1) in paragraphs (1) and (2) of subsection (a), by striking “30 percent” each place it appears and inserting “the applicable percentage”,

(2) in subsection (g), by inserting “(December 31, 2021, in the case of any qualified solar electric property expenditures and qualified solar water heating property expenditures)” before the period at the end,

(3) by redesignating subsection (g), as amended by paragraph (2), as subsection (h), and

(4) by inserting after subsection (f) the following new subsection:

“(g) **APPLICABLE PERCENTAGE.**—For purposes of paragraphs (1) and (2) of subsection (a), the applicable percentage shall be—

“(1) in the case of property placed in service after December 31, 2016, and before January 1, 2020, 30 percent,

“(2) in the case of property placed in service after December 31, 2019, and before January 1, 2021, 26 percent, and

“(3) in the case of property placed in service after December 31, 2020, and before January 1, 2022, 22 percent.”.

26 USC 25D
note.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2017.

SEC. 305. TREATMENT OF TRANSPORTATION COSTS OF INDEPENDENT REFINERS.

26 USC 199.

(a) IN GENERAL.—Paragraph (3) of section 199(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

“(C) TRANSPORTATION COSTS OF INDEPENDENT REFINERS.—

“(i) IN GENERAL.—In the case of any taxpayer who is in the trade or business of refining crude oil and who is not a major integrated oil company (as defined in section 167(h)(5)(B), determined without regard to clause (iii) thereof) for the taxable year, in computing oil related qualified production activities income under subsection (d)(9)(B), the amount allocated to domestic production gross receipts under paragraph (1)(B) for costs related to the transportation of oil shall be 25 percent of the amount properly allocable under such paragraph (determined without regard to this subparagraph).

“(ii) TERMINATION.—Clause (i) shall not apply to any taxable year beginning after December 31, 2021.”.

26 USC 199 note.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2015.

Protecting
Americans from
Tax Hikes Act
of 2015.

**DIVISION Q—PROTECTING AMERICANS
FROM TAX HIKES ACT OF 2015**

SECTION 1. SHORT TITLE, ETC.

26 USC 1 note.

(a) SHORT TITLE.—This division may be cited as the “Protecting Americans from Tax Hikes Act of 2015”.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this division an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

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

DIVISION Q—PROTECTING AMERICANS FROM TAX HIKES ACT OF 2015

Sec. 1. Short title, etc.

TITLE I—EXTENDERS

Subtitle A—Permanent Extensions

PART 1—TAX RELIEF FOR FAMILIES AND INDIVIDUALS

Sec. 101. Enhanced child tax credit made permanent.

Sec. 102. Enhanced American opportunity tax credit made permanent.

Sec. 103. Enhanced earned income tax credit made permanent.

Sec. 104. Extension and modification of deduction for certain expenses of elementary and secondary school teachers.

Sec. 105. Extension of parity for exclusion from income for employer-provided mass transit and parking benefits.

Sec. 106. Extension of deduction of State and local general sales taxes.

PART 2—INCENTIVES FOR CHARITABLE GIVING

Sec. 111. Extension and modification of special rule for contributions of capital gain real property made for conservation purposes.

Sec. 112. Extension of tax-free distributions from individual retirement plans for charitable purposes.

Sec. 113. Extension and modification of charitable deduction for contributions of food inventory.

Sec. 114. Extension of modification of tax treatment of certain payments to controlling exempt organizations.

Sec. 115. Extension of basis adjustment to stock of S corporations making charitable contributions of property.

PART 3—INCENTIVES FOR GROWTH, JOBS, INVESTMENT, AND INNOVATION

Sec. 121. Extension and modification of research credit.

Sec. 122. Extension and modification of employer wage credit for employees who are active duty members of the uniformed services.

Sec. 123. Extension of 15-year straight-line cost recovery for qualified leasehold improvements, qualified restaurant buildings and improvements, and qualified retail improvements.

Sec. 124. Extension and modification of increased expensing limitations and treatment of certain real property as section 179 property.

Sec. 125. Extension of treatment of certain dividends of regulated investment companies.

Sec. 126. Extension of exclusion of 100 percent of gain on certain small business stock.

Sec. 127. Extension of reduction in S-corporation recognition period for built-in gains tax.

Sec. 128. Extension of subpart F exception for active financing income.

PART 4—INCENTIVES FOR REAL ESTATE INVESTMENT

Sec. 131. Extension of minimum low-income housing tax credit rate for non-Federally subsidized buildings.

Sec. 132. Extension of military housing allowance exclusion for determining whether a tenant in certain counties is low-income.

Sec. 133. Extension of RIC qualified investment entity treatment under FIRPTA.

Subtitle B—Extensions Through 2019

Sec. 141. Extension of new markets tax credit.

Sec. 142. Extension and modification of work opportunity tax credit.

Sec. 143. Extension and modification of bonus depreciation.

Sec. 144. Extension of look-thru treatment of payments between related controlled foreign corporations under foreign personal holding company rules.

Subtitle C—Extensions Through 2016

PART 1—TAX RELIEF FOR FAMILIES AND INDIVIDUALS

Sec. 151. Extension and modification of exclusion from gross income of discharge of qualified principal residence indebtedness.

Sec. 152. Extension of mortgage insurance premiums treated as qualified residence interest.

Sec. 153. Extension of above-the-line deduction for qualified tuition and related expenses.

PART 2—INCENTIVES FOR GROWTH, JOBS, INVESTMENT, AND INNOVATION

Sec. 161. Extension of Indian employment tax credit.

Sec. 162. Extension and modification of railroad track maintenance credit.

Sec. 163. Extension of mine rescue team training credit.

Sec. 164. Extension of qualified zone academy bonds.

Sec. 165. Extension of classification of certain race horses as 3-year property.

Sec. 166. Extension of 7-year recovery period for motorsports entertainment complexes.

Sec. 167. Extension and modification of accelerated depreciation for business property on an Indian reservation.

Sec. 168. Extension of election to expense mine safety equipment.

Sec. 169. Extension of special expensing rules for certain film and television productions; special expensing for live theatrical productions.

Sec. 170. Extension of deduction allowable with respect to income attributable to domestic production activities in Puerto Rico.

- Sec. 171. Extension and modification of empowerment zone tax incentives.
- Sec. 172. Extension of temporary increase in limit on cover over of rum excise taxes to Puerto Rico and the Virgin Islands.
- Sec. 173. Extension of American Samoa economic development credit.
- Sec. 174. Moratorium on medical device excise tax.

PART 3—INCENTIVES FOR ENERGY PRODUCTION AND CONSERVATION

- Sec. 181. Extension and modification of credit for nonbusiness energy property.
- Sec. 182. Extension of credit for alternative fuel vehicle refueling property.
- Sec. 183. Extension of credit for 2-wheeled plug-in electric vehicles.
- Sec. 184. Extension of second generation biofuel producer credit.
- Sec. 185. Extension of biodiesel and renewable diesel incentives.
- Sec. 186. Extension and modification of production credit for Indian coal facilities.
- Sec. 187. Extension of credits with respect to facilities producing energy from certain renewable resources.
- Sec. 188. Extension of credit for energy-efficient new homes.
- Sec. 189. Extension of special allowance for second generation biofuel plant property.
- Sec. 190. Extension of energy efficient commercial buildings deduction.
- Sec. 191. Extension of special rule for sales or dispositions to implement FERC or State electric restructuring policy for qualified electric utilities.
- Sec. 192. Extension of excise tax credits relating to alternative fuels.
- Sec. 193. Extension of credit for new qualified fuel cell motor vehicles.

TITLE II—PROGRAM INTEGRITY

- Sec. 201. Modification of filing dates of returns and statements relating to employee wage information and nonemployee compensation to improve compliance.
- Sec. 202. Safe harbor for de minimis errors on information returns and payee statements.
- Sec. 203. Requirements for the issuance of ITINs.
- Sec. 204. Prevention of retroactive claims of earned income credit after issuance of social security number.
- Sec. 205. Prevention of retroactive claims of child tax credit.
- Sec. 206. Prevention of retroactive claims of American opportunity tax credit.
- Sec. 207. Procedures to reduce improper claims.
- Sec. 208. Restrictions on taxpayers who improperly claimed credits in prior year.
- Sec. 209. Treatment of credits for purposes of certain penalties.
- Sec. 210. Increase the penalty applicable to paid tax preparers who engage in willful or reckless conduct.
- Sec. 211. Employer identification number required for American opportunity tax credit.
- Sec. 212. Higher education information reporting only to include qualified tuition and related expenses actually paid.

TITLE III—MISCELLANEOUS PROVISIONS

Subtitle A—Family Tax Relief

- Sec. 301. Exclusion for amounts received under the Work Colleges Program.
- Sec. 302. Improvements to section 529 accounts.
- Sec. 303. Elimination of residency requirement for qualified ABLE programs.
- Sec. 304. Exclusion for wrongfully incarcerated individuals.
- Sec. 305. Clarification of special rule for certain governmental plans.
- Sec. 306. Rollovers permitted from other retirement plans into simple retirement accounts.
- Sec. 307. Technical amendment relating to rollover of certain airline payment amounts.
- Sec. 308. Treatment of early retirement distributions for nuclear materials couriers, United States Capitol Police, Supreme Court Police, and diplomatic security special agents.
- Sec. 309. Prevention of extension of tax collection period for members of the Armed Forces who are hospitalized as a result of combat zone injuries.

Subtitle B—Real Estate Investment Trusts

- Sec. 311. Restriction on tax-free spinoffs involving REITs.
- Sec. 312. Reduction in percentage limitation on assets of REIT which may be taxable REIT subsidiaries.
- Sec. 313. Prohibited transaction safe harbors.
- Sec. 314. Repeal of preferential dividend rule for publicly offered REITs.
- Sec. 315. Authority for alternative remedies to address certain REIT distribution failures.

- Sec. 316. Limitations on designation of dividends by REITs.
- Sec. 317. Debt instruments of publicly offered REITs and mortgages treated as real estate assets.
- Sec. 318. Asset and income test clarification regarding ancillary personal property.
- Sec. 319. Hedging provisions.
- Sec. 320. Modification of REIT earnings and profits calculation to avoid duplicate taxation.
- Sec. 321. Treatment of certain services provided by taxable REIT subsidiaries.
- Sec. 322. Exception from FIRPTA for certain stock of REITs.
- Sec. 323. Exception for interests held by foreign retirement or pension funds.
- Sec. 324. Increase in rate of withholding of tax on dispositions of United States real property interests.
- Sec. 325. Interests in RICs and REITs not excluded from definition of United States real property interests.
- Sec. 326. Dividends derived from RICs and REITs ineligible for deduction for United States source portion of dividends from certain foreign corporations.

Subtitle C—Additional Provisions

- Sec. 331. Deductibility of charitable contributions to agricultural research organizations.
- Sec. 332. Removal of bond requirements and extending filing periods for certain taxpayers with limited excise tax liability.
- Sec. 333. Modifications to alternative tax for certain small insurance companies.
- Sec. 334. Treatment of timber gains.
- Sec. 335. Modification of definition of hard cider.
- Sec. 336. Church plan clarification.

Subtitle D—Revenue Provisions

- Sec. 341. Updated ASHRAE standards for energy efficient commercial buildings deduction.
- Sec. 342. Excise tax credit equivalency for liquified petroleum gas and liquified natural gas.
- Sec. 343. Exclusion from gross income of certain clean coal power grants to non-corporate taxpayers.
- Sec. 344. Clarification of valuation rule for early termination of certain charitable remainder unitrusts.
- Sec. 345. Prevention of transfer of certain losses from tax indifferent parties.
- Sec. 346. Treatment of certain persons as employers with respect to motion picture projects.

TITLE IV—TAX ADMINISTRATION

Subtitle A—Internal Revenue Service Reforms

- Sec. 401. Duty to ensure that Internal Revenue Service employees are familiar with and act in accord with certain taxpayer rights.
- Sec. 402. IRS employees prohibited from using personal email accounts for official business.
- Sec. 403. Release of information regarding the status of certain investigations.
- Sec. 404. Administrative appeal relating to adverse determinations of tax-exempt status of certain organizations.
- Sec. 405. Organizations required to notify Secretary of intent to operate under 501(c)(4).
- Sec. 406. Declaratory judgments for 501(c)(4) and other exempt organizations.
- Sec. 407. Termination of employment of Internal Revenue Service employees for taking official actions for political purposes.
- Sec. 408. Gift tax not to apply to contributions to certain exempt organizations.
- Sec. 409. Extend Internal Revenue Service authority to require truncated Social Security numbers on Form W-2.
- Sec. 410. Clarification of enrolled agent credentials.
- Sec. 411. Partnership audit rules.

Subtitle B—United States Tax Court

PART 1—TAXPAYER ACCESS TO UNITED STATES TAX COURT

- Sec. 421. Filing period for interest abatement cases.
- Sec. 422. Small tax case election for interest abatement cases.
- Sec. 423. Venue for appeal of spousal relief and collection cases.
- Sec. 424. Suspension of running of period for filing petition of spousal relief and collection cases.
- Sec. 425. Application of Federal rules of evidence.

PART 2—UNITED STATES TAX COURT ADMINISTRATION

- Sec. 431. Judicial conduct and disability procedures.
- Sec. 432. Administration, judicial conference, and fees.

PART 3—CLARIFICATION RELATING TO UNITED STATES TAX COURT

- Sec. 441. Clarification relating to United States Tax Court.

TITLE V—TRADE-RELATED PROVISIONS

- Sec. 501. Modification of effective date of provisions relating to tariff classification of recreational performance outerwear.
- Sec. 502. Agreement by Asia-Pacific Economic Cooperation members to reduce rates of duty on certain environmental goods.

TITLE VI—BUDGETARY EFFECTS

- Sec. 601. Budgetary effects.

TITLE I—EXTENDERS

Subtitle A—Permanent Extensions

PART 1—TAX RELIEF FOR FAMILIES AND INDIVIDUALS

SEC. 101. ENHANCED CHILD TAX CREDIT MADE PERMANENT.

- 26 USC 24. (a) IN GENERAL.—Section 24(d)(1)(B)(i) is amended by striking “\$10,000” and inserting “\$3,000”.
- (b) CONFORMING AMENDMENT.—Section 24(d) is amended by striking paragraphs (3) and (4).
- 26 USC 24 note. (c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 102. ENHANCED AMERICAN OPPORTUNITY TAX CREDIT MADE PERMANENT.

- (a) IN GENERAL.—Section 25A(i) is amended by striking “and before 2018”.
- 26 USC 25A note. (b) TREATMENT OF POSSESSIONS.—Section 1004(c)(1) of division B of the American Recovery and Reinvestment Tax Act of 2009 by striking “and before 2018” each place it appears.
- 26 USC 25A note. (c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 103. ENHANCED EARNED INCOME TAX CREDIT MADE PERMANENT.

- 26 USC 32. (a) INCREASE IN CREDIT PERCENTAGE FOR 3 OR MORE QUALIFYING CHILDREN MADE PERMANENT.—Section 32(b)(1) is amended to read as follows:

“(1) PERCENTAGES.—The credit percentage and the phaseout percentage shall be determined as follows:

“In the case of an eligible individual with:	The credit percentage is:	The phaseout percentage is:
1 qualifying child	34	15.98
2 qualifying children	40	21.06
3 or more qualifying children	45	21.06

“In the case of an eligible individual with:	The credit percentage is:	The phaseout percentage is:
No qualifying children	7.65	7.65”.

(b) REDUCTION OF MARRIAGE PENALTY MADE PERMANENT.—
(1) IN GENERAL.—Section 32(b)(2)(B) is amended to read as follows:

“(B) JOINT RETURNS.—

“(i) IN GENERAL.—In the case of a joint return filed by an eligible individual and such individual’s spouse, the phaseout amount determined under subparagraph (A) shall be increased by \$5,000.

“(ii) INFLATION ADJUSTMENT.—In the case of any taxable year beginning after 2015, the \$5,000 amount in clause (i) shall be increased by an amount equal to—

“(I) such dollar amount, multiplied by

“(II) the cost of living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins determined by substituting ‘calendar year 2008’ for ‘calendar year 1992’ in subparagraph (B) thereof.

“(iii) ROUNDING.—Subparagraph (A) of subsection (j)(2) shall apply after taking into account any increase under clause (ii).”.

(c) CONFORMING AMENDMENT.—Section 32(b) is amended by striking paragraph (3).

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2015.

26 USC 32 note.

SEC. 104. EXTENSION AND MODIFICATION OF DEDUCTION FOR CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

(a) DEDUCTION MADE PERMANENT.—Section 62(a)(2)(D) is amended by striking “In the case of taxable years beginning during 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, or 2014, the deductions” and inserting “The deductions”.

26 USC 62.

(b) INFLATION ADJUSTMENT.—Section 62(d) is amended by adding at the end the following new paragraph:

“(3) INFLATION ADJUSTMENT.—In the case of any taxable year beginning after 2015, the \$250 amount in subsection (a)(2)(D) shall be increased by an amount equal to—

“(A) such dollar amount, multiplied by

“(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting ‘calendar year 2014’ for ‘calendar year 1992’ in subparagraph (B) thereof.

Any increase determined under the preceding sentence shall be rounded to the nearest multiple of \$50.”.

(c) PROFESSIONAL DEVELOPMENT EXPENSES.—Section 62(a)(2)(D) is amended—

(1) by striking “educator in connection” and all that follows and inserting “educator—”, and

(2) by inserting at the end the following:

“(i) by reason of the participation of the educator in professional development courses related to the curriculum in which the educator provides instruction or to the students for which the educator provides instruction, and

“(ii) in connection with books, supplies (other than nonathletic supplies for courses of instruction in health or physical education), computer equipment (including related software and services) and other equipment, and supplementary materials used by the eligible educator in the classroom.”.

26 USC 62 note.

(d) EFFECTIVE DATES.—

(1) EXTENSION.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2014.

(2) MODIFICATIONS.—The amendments made by subsections (b) and (c) shall apply to taxable years beginning after December 31, 2015.

SEC. 105. EXTENSION OF PARITY FOR EXCLUSION FROM INCOME FOR EMPLOYER-PROVIDED MASS TRANSIT AND PARKING BENEFITS.

26 USC 132.

(a) MASS TRANSIT AND PARKING PARITY.—Section 132(f)(2) is amended—

(1) by striking “\$100” in subparagraph (A) and inserting “\$175”, and

(2) by striking the last sentence.

26 USC 132 note.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to months after December 31, 2014.

SEC. 106. EXTENSION OF DEDUCTION OF STATE AND LOCAL GENERAL SALES TAXES.

26 USC 164.

(a) IN GENERAL.—Section 164(b)(5) is amended by striking subparagraph (I).

26 USC 164 note.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2014.

PART 2—INCENTIVES FOR CHARITABLE GIVING

SEC. 111. EXTENSION AND MODIFICATION OF SPECIAL RULE FOR CONTRIBUTIONS OF CAPITAL GAIN REAL PROPERTY MADE FOR CONSERVATION PURPOSES.

26 USC 170.

(a) MADE PERMANENT.—

(1) INDIVIDUALS.—Section 170(b)(1)(E) is amended by striking clause (vi).

(2) CORPORATIONS.—Section 170(b)(2)(B) is amended by striking clause (iii).

(b) CONTRIBUTIONS OF CAPITAL GAIN REAL PROPERTY MADE FOR CONSERVATION PURPOSES BY NATIVE CORPORATIONS.—

(1) IN GENERAL.—Section 170(b)(2) is amended by redesignating subparagraph (C) as subparagraph (D), and by inserting after subparagraph (B) the following new subparagraph:

“(C) QUALIFIED CONSERVATION CONTRIBUTIONS BY CERTAIN NATIVE CORPORATIONS.—

“(i) IN GENERAL.—Any qualified conservation contribution (as defined in subsection (h)(1)) which—

“(I) is made by a Native Corporation, and

“(II) is a contribution of property which was land conveyed under the Alaska Native Claims Settlement Act, shall be allowed to the extent that the aggregate amount of such contributions does not exceed the excess of the taxpayer’s taxable income over the amount of charitable contributions allowable under subparagraph (A).

“(ii) CARRYOVER.—If the aggregate amount of contributions described in clause (i) exceeds the limitation of clause (i), such excess shall be treated (in a manner consistent with the rules of subsection (d)(2)) as a charitable contribution to which clause (i) applies in each of the 15 succeeding taxable years in order of time.

“(iii) NATIVE CORPORATION.—For purposes of this subparagraph, the term ‘Native Corporation’ has the meaning given such term by section 3(m) of the Alaska Native Claims Settlement Act.”.

(2) CONFORMING AMENDMENTS.—

(A) Section 170(b)(2)(A) is amended by striking “subparagraph (B) applies” and inserting “subparagraph (B) or (C) applies”. 26 USC 170.

(B) Section 170(b)(2)(B)(ii) is amended by striking “15 succeeding years” and inserting “15 succeeding taxable years”.

(3) VALID EXISTING RIGHTS PRESERVED.—Nothing in this subsection (or any amendment made by this subsection) shall be construed to modify the existing property rights validly conveyed to Native Corporations (within the meaning of section 3(m) of the Alaska Native Claims Settlement Act) under such Act. 26 USC 170 note.

(c) EFFECTIVE DATES.—

26 USC 170 note.

(1) EXTENSION.—The amendments made by subsection (a) shall apply to contributions made in taxable years beginning after December 31, 2014.

(2) MODIFICATION.—The amendments made by subsection (b) shall apply to contributions made in taxable years beginning after December 31, 2015.

SEC. 112. EXTENSION OF TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT PLANS FOR CHARITABLE PURPOSES.

(a) IN GENERAL.—Section 408(d)(8) is amended by striking subparagraph (F). 26 USC 408.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions made in taxable years beginning after December 31, 2014. 26 USC 408 note.

SEC. 113. EXTENSION AND MODIFICATION OF CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORY.

(a) PERMANENT EXTENSION.—Section 170(e)(3)(C) is amended by striking clause (iv).

(b) MODIFICATIONS.—Section 170(e)(3)(C), as amended by subsection (a), is amended by striking clause (ii), by redesignating clause (iii) as clause (vi), and by inserting after clause (i) the following new clauses:

“(ii) LIMITATION.—The aggregate amount of such contributions for any taxable year which may be taken into account under this section shall not exceed—

“(I) in the case of any taxpayer other than a C corporation, 15 percent of the taxpayer’s aggregate net income for such taxable year from all trades or businesses from which such contributions were made for such year, computed without regard to this section, and

“(II) in the case of a C corporation, 15 percent of taxable income (as defined in subsection (b)(2)(D)).

“(iii) RULES RELATED TO LIMITATION.—

“(I) CARRYOVER.—If such aggregate amount exceeds the limitation imposed under clause (ii), such excess shall be treated (in a manner consistent with the rules of subsection (d)) as a charitable contribution described in clause (i) in each of the 5 succeeding taxable years in order of time.

“(II) COORDINATION WITH OVERALL CORPORATE LIMITATION.—In the case of any charitable contribution which is allowable after the application of clause (ii)(II), subsection (b)(2)(A) shall not apply to such contribution, but the limitation imposed by such subsection shall be reduced (but not below zero) by the aggregate amount of such contributions. For purposes of subsection (b)(2)(B), such contributions shall be treated as allowable under subsection (b)(2)(A).

“(iv) DETERMINATION OF BASIS FOR CERTAIN TAXPAYERS.—If a taxpayer—

“(I) does not account for inventories under section 471, and

“(II) is not required to capitalize indirect costs under section 263A,

the taxpayer may elect, solely for purposes of subparagraph (B), to treat the basis of any apparently wholesome food as being equal to 25 percent of the fair market value of such food.

“(v) DETERMINATION OF FAIR MARKET VALUE.—In the case of any such contribution of apparently wholesome food which cannot or will not be sold solely by reason of internal standards of the taxpayer, lack of market, or similar circumstances, or by reason of being produced by the taxpayer exclusively for the purposes of transferring the food to an organization described in subparagraph (A), the fair market value of such contribution shall be determined—

“(I) without regard to such internal standards, such lack of market, such circumstances, or such exclusive purpose, and

“(II) by taking into account the price at which the same or substantially the same food items (as to both type and quality) are sold by the taxpayer at the time of the contribution (or, if not so sold at such time, in the recent past).”

(1) **EXTENSION.**—The amendment made by subsection (a) shall apply to contributions made after December 31, 2014.

(2) **MODIFICATIONS.**—The amendments made by subsection (b) shall apply to taxable years beginning after December 31, 2015.

SEC. 114. EXTENSION OF MODIFICATION OF TAX TREATMENT OF CERTAIN PAYMENTS TO CONTROLLING EXEMPT ORGANIZATIONS.

(a) **IN GENERAL.**—Section 512(b)(13)(E) is amended by striking clause (iv). 26 USC 512.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to payments received or accrued after December 31, 2014. 26 USC 512 note.

SEC. 115. EXTENSION OF BASIS ADJUSTMENT TO STOCK OF S CORPORATIONS MAKING CHARITABLE CONTRIBUTIONS OF PROPERTY.

(a) **IN GENERAL.**—Section 1367(a)(2) is amended by striking the last sentence. 26 USC 1367.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to contributions made in taxable years beginning after December 31, 2014. 26 USC 1367 note.

PART 3—INCENTIVES FOR GROWTH, JOBS, INVESTMENT, AND INNOVATION

SEC. 121. EXTENSION AND MODIFICATION OF RESEARCH CREDIT.

(a) **MADE PERMANENT.**—

(1) **IN GENERAL.**—Section 41 is amended by striking subsection (h). 26 USC 41.

(2) **CONFORMING AMENDMENT.**—Section 45C(b)(1) is amended by striking subparagraph (D). 26 USC 45C.

(b) **CREDIT ALLOWED AGAINST ALTERNATIVE MINIMUM TAX IN CASE OF ELIGIBLE SMALL BUSINESS.**—Section 38(c)(4)(B) is amended by redesignating clauses (ii) through (ix) as clauses (iii) through (x), respectively, and by inserting after clause (i) the following new clause:

“(ii) the credit determined under section 41 for the taxable year with respect to an eligible small business (as defined in paragraph (5)(C), after application of rules similar to the rules of paragraph (5)(D)),”.

(c) **TREATMENT OF RESEARCH CREDIT FOR CERTAIN STARTUP COMPANIES.**—

(1) **IN GENERAL.**—Section 41, as amended by subsection (a), is amended by adding at the end the following new subsection: 26 USC 41.

“(h) **TREATMENT OF CREDIT FOR QUALIFIED SMALL BUSINESSES.**—

“(1) **IN GENERAL.**—At the election of a qualified small business for any taxable year, section 3111(f) shall apply to the payroll tax credit portion of the credit otherwise determined under subsection (a) for the taxable year and such portion shall not be treated (other than for purposes of section 280C) as a credit determined under subsection (a).

“(2) PAYROLL TAX CREDIT PORTION.—For purposes of this subsection, the payroll tax credit portion of the credit determined under subsection (a) with respect to any qualified small business for any taxable year is the least of—

“(A) the amount specified in the election made under this subsection,

“(B) the credit determined under subsection (a) for the taxable year (determined before the application of this subsection), or

“(C) in the case of a qualified small business other than a partnership or S corporation, the amount of the business credit carryforward under section 39 carried from the taxable year (determined before the application of this subsection to the taxable year).

“(3) QUALIFIED SMALL BUSINESS.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘qualified small business’ means, with respect to any taxable year—

“(i) a corporation or partnership, if—

“(I) the gross receipts (as determined under the rules of section 448(c)(3), without regard to subparagraph (A) thereof) of such entity for the taxable year is less than \$5,000,000, and

“(II) such entity did not have gross receipts (as so determined) for any taxable year preceding the 5-taxable-year period ending with such taxable year, and

“(ii) any person (other than a corporation or partnership) who meets the requirements of subclauses (I) and (II) of clause (i), determined—

“(I) by substituting ‘person’ for ‘entity’ each place it appears, and

“(II) by only taking into account the aggregate gross receipts received by such person in carrying on all trades or businesses of such person.

“(B) LIMITATION.—Such term shall not include an organization which is exempt from taxation under section 501.

“(4) ELECTION.—

“(A) IN GENERAL.—Any election under this subsection for any taxable year—

“(i) shall specify the amount of the credit to which such election applies,

“(ii) shall be made on or before the due date (including extensions) of—

“(I) in the case of a qualified small business which is a partnership, the return required to be filed under section 6031,

“(II) in the case of a qualified small business which is an S corporation, the return required to be filed under section 6037, and

“(III) in the case of any other qualified small business, the return of tax for the taxable year, and

“(iii) may be revoked only with the consent of the Secretary.

“(B) LIMITATIONS.—

“(i) AMOUNT.—The amount specified in any election made under this subsection shall not exceed \$250,000.

“(ii) NUMBER OF TAXABLE YEARS.—A person may not make an election under this subsection if such person (or any other person treated as a single taxpayer with such person under paragraph (5)(A)) has made an election under this subsection for 5 or more preceding taxable years.

“(C) SPECIAL RULE FOR PARTNERSHIPS AND S CORPORATIONS.—In the case of a qualified small business which is a partnership or S corporation, the election made under this subsection shall be made at the entity level.

“(5) AGGREGATION RULES.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), all persons or entities treated as a single taxpayer under subsection (f)(1) shall be treated as a single taxpayer for purposes of this subsection.

“(B) SPECIAL RULES.—For purposes of this subsection and section 3111(f)—

“(i) each of the persons treated as a single taxpayer under subparagraph (A) may separately make the election under paragraph (1) for any taxable year, and

“(ii) the \$250,000 amount under paragraph (4)(B)(i) shall be allocated among all persons treated as a single taxpayer under subparagraph (A) in the same manner as under subparagraph (A)(ii) or (B)(ii) of subsection (f)(1), whichever is applicable.

“(6) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this subsection, including—

“(A) regulations to prevent the avoidance of the purposes of the limitations and aggregation rules under this subsection through the use of successor companies or other means,

“(B) regulations to minimize compliance and record-keeping burdens under this subsection, and

“(C) regulations for recapturing the benefit of credits determined under section 3111(f) in cases where there is a subsequent adjustment to the payroll tax credit portion of the credit determined under subsection (a), including requiring amended income tax returns in the cases where there is such an adjustment.”

(2) CREDIT ALLOWED AGAINST FICA TAXES.—Section 3111 is amended by adding at the end the following new subsection:

“(f) CREDIT FOR RESEARCH EXPENDITURES OF QUALIFIED SMALL BUSINESSES.—

“(1) IN GENERAL.—In the case of a taxpayer who has made an election under section 41(h) for a taxable year, there shall be allowed as a credit against the tax imposed by subsection (a) for the first calendar quarter which begins after the date on which the taxpayer files the return specified in section 41(h)(4)(A)(ii) an amount equal to the payroll tax credit portion determined under section 41(h)(2).

“(2) LIMITATION.—The credit allowed by paragraph (1) shall not exceed the tax imposed by subsection (a) for any calendar

26 USC 3111.

quarter on the wages paid with respect to the employment of all individuals in the employ of the employer.

“(3) CARRYOVER OF UNUSED CREDIT.—If the amount of the credit under paragraph (1) exceeds the limitation of paragraph (2) for any calendar quarter, such excess shall be carried to the succeeding calendar quarter and allowed as a credit under paragraph (1) for such quarter.

“(4) DEDUCTION ALLOWED FOR CREDITED AMOUNTS.—The credit allowed under paragraph (1) shall not be taken into account for purposes of determining the amount of any deduction allowed under chapter 1 for taxes imposed under subsection (a).”.

26 USC 38 note.

(d) EFFECTIVE DATES.—

(1) EXTENSION.—The amendments made by subsection (a) shall apply to amounts paid or incurred after December 31, 2014.

(2) CREDIT ALLOWED AGAINST ALTERNATIVE MINIMUM TAX IN CASE OF ELIGIBLE SMALL BUSINESS.—The amendments made by subsection (b) shall apply to credits determined for taxable years beginning after December 31, 2015.

(3) TREATMENT OF RESEARCH CREDIT FOR CERTAIN STARTUP COMPANIES.—The amendments made by subsection (c) shall apply to taxable years beginning after December 31, 2015.

SEC. 122. EXTENSION AND MODIFICATION OF EMPLOYER WAGE CREDIT FOR EMPLOYEES WHO ARE ACTIVE DUTY MEMBERS OF THE UNIFORMED SERVICES.

26 USC 45P.

(a) IN GENERAL.—Section 45P is amended by striking subsection (f).

(b) APPLICABILITY TO ALL EMPLOYERS.—

(1) IN GENERAL.—Section 45P(a) is amended by striking “, in the case of an eligible small business employer”.

(2) CONFORMING AMENDMENT.—Section 45P(b)(3) is amended to read as follows:

“(3) CONTROLLED GROUPS.—All persons treated as a single employer under subsection (b), (c), (m), or (o) of section 414 shall be treated as a single employer.”.

26 USC 45P note.

(c) EFFECTIVE DATE.—

(1) EXTENSION.—The amendment made by subsection (a) shall apply to payments made after December 31, 2014.

(2) MODIFICATION.—The amendments made by subsection (b) shall apply to taxable years beginning after December 31, 2015.

SEC. 123. EXTENSION OF 15-YEAR STRAIGHT-LINE COST RECOVERY FOR QUALIFIED LEASEHOLD IMPROVEMENTS, QUALIFIED RESTAURANT BUILDINGS AND IMPROVEMENTS, AND QUALIFIED RETAIL IMPROVEMENTS.

26 USC 168.

(a) QUALIFIED LEASEHOLD IMPROVEMENT PROPERTY AND QUALIFIED RESTAURANT PROPERTY.—Clauses (iv) and (v) of section 168(e)(3)(E) are each amended by striking “placed in service before January 1, 2015”.

(b) QUALIFIED RETAIL IMPROVEMENT PROPERTY.—Section 168(e)(3)(E)(ix) is amended by striking “placed in service after December 31, 2008, and before January 1, 2015”.

26 USC 168 note.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2014.

SEC. 124. EXTENSION AND MODIFICATION OF INCREASED EXPENSING LIMITATIONS AND TREATMENT OF CERTAIN REAL PROPERTY AS SECTION 179 PROPERTY.

(a) **MADE PERMANENT.**—

(1) **DOLLAR LIMITATION.**—Section 179(b)(1) is amended by striking “shall not exceed—” and all that follows and inserting “shall not exceed \$500,000.” 26 USC 179.

(2) **REDUCTION IN LIMITATION.**—Section 179(b)(2) is amended by striking “exceeds—” and all that follows and inserting “exceeds \$2,000,000.”

(b) **COMPUTER SOFTWARE.**—Section 179(d)(1)(A)(ii) is amended by striking “, to which section 167 applies, and which is placed in service in a taxable year beginning after 2002 and before 2015” and inserting “and to which section 167 applies”.

(c) **SPECIAL RULES FOR TREATMENT OF QUALIFIED REAL PROPERTY.**—

(1) **EXTENSION FOR 2015.**—Section 179(f) is amended—

(A) by striking “2015” in paragraph (1) and inserting “2016”,

(B) by striking “2014” each place it appears in paragraph (4) and inserting “2015”, and

(C) by striking “AND 2013” in the heading of paragraph (4)(C) and inserting “2013, AND 2014”.

(2) **MADE PERMANENT.**—Section 179(f), as amended by paragraph (1), is amended—

(A) by striking “beginning after 2009 and before 2016” in paragraph (1), and

(B) by striking paragraphs (3) and (4).

(d) **ELECTION.**—Section 179(c)(2) is amended—

(1) by striking “may not be revoked” and all that follows through “and before 2015”, and

(2) by striking “IRREVOCABLE” in the heading thereof.

(e) **AIR CONDITIONING AND HEATING UNITS.**—Section 179(d)(1) is amended by striking “and shall not include air conditioning or heating units”.

(f) **INFLATION ADJUSTMENT.**—Section 179(b) is amended by adding at the end the following new paragraph:

“(6) **INFLATION ADJUSTMENT.**—

“(A) **IN GENERAL.**—In the case of any taxable year beginning after 2015, the dollar amounts in paragraphs (1) and (2) shall each be increased by an amount equal to—

“(i) such dollar amount, multiplied by

“(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting ‘calendar year 2014’ for ‘calendar year 1992’ in subparagraph (B) thereof.

“(B) **ROUNDING.**—The amount of any increase under subparagraph (A) shall be rounded to the nearest multiple of \$10,000.”

(g) **EFFECTIVE DATES.**—

(1) **EXTENSION.**—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2014.

26 USC 179 note.

(2) MODIFICATIONS.—The amendments made by subsections (c)(2) and (e) shall apply to taxable years beginning after December 31, 2015.

SEC. 125. EXTENSION OF TREATMENT OF CERTAIN DIVIDENDS OF REGULATED INVESTMENT COMPANIES.

26 USC 871. (a) IN GENERAL.—Section 871(k) is amended by striking clause (v) of paragraph (1)(C) and clause (v) of paragraph (2)(C).

26 USC 871 note. (b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2014.

SEC. 126. EXTENSION OF EXCLUSION OF 100 PERCENT OF GAIN ON CERTAIN SMALL BUSINESS STOCK.

26 USC 1202. (a) IN GENERAL.—Section 1202(a)(4) is amended—
 (1) by striking “and before January 1, 2015”, and
 (2) by striking “, 2011, 2012, 2013, AND 2014” in the heading thereof and inserting “AND THEREAFTER”.

26 USC 1202 note. (b) EFFECTIVE DATE.—The amendments made by this section shall apply to stock acquired after December 31, 2014.

SEC. 127. EXTENSION OF REDUCTION IN S-CORPORATION RECOGNITION PERIOD FOR BUILT-IN GAINS TAX.

26 USC 1374. (a) IN GENERAL.—Section 1374(d)(7) is amended to read as follows:

“(7) RECOGNITION PERIOD.—

“(A) IN GENERAL.—The term ‘recognition period’ means the 5-year period beginning with the 1st day of the 1st taxable year for which the corporation was an S corporation. For purposes of applying this section to any amount includible in income by reason of distributions to shareholders pursuant to section 593(e), the preceding sentence shall be applied without regard to the phrase ‘5-year’.

“(B) INSTALLMENT SALES.—If an S corporation sells an asset and reports the income from the sale using the installment method under section 453, the treatment of all payments received shall be governed by the provisions of this paragraph applicable to the taxable year in which such sale was made.”

26 USC 1374 note. (b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2014.

SEC. 128. EXTENSION OF SUBPART F EXCEPTION FOR ACTIVE FINANCING INCOME.

26 USC 953. (a) INSURANCE BUSINESSES.—Section 953(e) is amended by striking paragraph (10) and by redesignating paragraph (11) as paragraph (10).

26 USC 954. (b) BANKING, FINANCING, OR SIMILAR BUSINESSES.—Section 954(h) is amended by striking paragraph (9).

26 USC 953 note. (c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2014, and to taxable years of United States shareholders with or within which any such taxable year of such foreign corporation ends.

**PART 4—INCENTIVES FOR REAL ESTATE
INVESTMENT**

**SEC. 131. EXTENSION OF MINIMUM LOW-INCOME HOUSING TAX CREDIT
RATE FOR NON-FEDERALLY SUBSIDIZED BUILDINGS.**

(a) **IN GENERAL.**—Section 42(b)(2) is amended by striking “with respect to housing credit dollar amount allocations made before January 1, 2015”. 26 USC 42.

(b) **CLERICAL AMENDMENT.**—The heading for section 42(b)(2) is amended by striking “TEMPORARY MINIMUM” and inserting “MINIMUM”.

(c) **EFFECTIVE DATES.**—The amendments made by this section shall take effect on January 1, 2015. 26 USC 42 note.

**SEC. 132. EXTENSION OF MILITARY HOUSING ALLOWANCE EXCLUSION
FOR DETERMINING WHETHER A TENANT IN CERTAIN
COUNTIES IS LOW-INCOME.**

(a) **IN GENERAL.**—Section 3005(b) of the Housing Assistance Tax Act of 2008 is amended by striking “and before January 1, 2015” each place it appears. 26 USC 142 note.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall take effect as if included in the enactment of section 3005 of the Housing Assistance Tax Act of 2008. 26 USC 142 note.

**SEC. 133. EXTENSION OF RIC QUALIFIED INVESTMENT ENTITY TREAT-
MENT UNDER FIRPTA.**

(a) **IN GENERAL.**—Section 897(h)(4)(A) is amended— 26 USC 897.

(1) by striking clause (ii), and

(2) by striking all that precedes “regulated investment company which” and inserting the following:

“(A) **QUALIFIED INVESTMENT ENTITY.**—The term ‘qualified investment entity’ means—

“(i) any real estate investment trust, and

“(ii) any”.

(b) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—The amendments made by this section shall take effect on January 1, 2015. Notwithstanding the preceding sentence, such amendments shall not apply with respect to the withholding requirement under section 1445 of the Internal Revenue Code of 1986 for any payment made before the date of the enactment of this Act. 26 USC 897 note.

(2) **AMOUNTS WITHHELD ON OR BEFORE DATE OF ENACTMENT.**—In the case of a regulated investment company—

(A) which makes a distribution after December 31, 2014, and before the date of the enactment of this Act, and

(B) which would (but for the second sentence of paragraph (1)) have been required to withhold with respect to such distribution under section 1445 of such Code, such investment company shall not be liable to any person to whom such distribution was made for any amount so withheld and paid over to the Secretary of the Treasury.

Subtitle B—Extensions Through 2019

SEC. 141. EXTENSION OF NEW MARKETS TAX CREDIT.

26 USC 45D. (a) IN GENERAL.—Section 45D(f)(1)(G) is amended by striking “for 2010, 2011, 2012, 2013, and 2014” and inserting “for each of calendar years 2010 through 2019”.

(b) CARRYOVER OF UNUSED LIMITATION.—Section 45D(f)(3) is amended by striking “2019” and inserting “2024”.

26 USC 45D note. (c) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar years beginning after December 31, 2014.

SEC. 142. EXTENSION AND MODIFICATION OF WORK OPPORTUNITY TAX CREDIT.

26 USC 51. (a) IN GENERAL.—Section 51(c)(4) is amended by striking “December 31, 2014” and inserting “December 31, 2019”.

(b) CREDIT FOR HIRING LONG-TERM UNEMPLOYMENT RECIPIENTS.—

(1) IN GENERAL.—Section 51(d)(1) is amended by striking “or” at the end of subparagraph (H), by striking the period at the end of subparagraph (I) and inserting “, or”, and by adding at the end the following new subparagraph:

“(J) a qualified long-term unemployment recipient.”.

(2) QUALIFIED LONG-TERM UNEMPLOYMENT RECIPIENT.—Section 51(d) is amended by adding at the end the following new paragraph:

“(15) QUALIFIED LONG-TERM UNEMPLOYMENT RECIPIENT.—The term ‘qualified long-term unemployment recipient’ means any individual who is certified by the designated local agency as being in a period of unemployment which—

“(A) is not less than 27 consecutive weeks, and

“(B) includes a period in which the individual was receiving unemployment compensation under State or Federal law.”.

26 USC 51 note. (c) EFFECTIVE DATES.—

(1) EXTENSION.—The amendment made by subsection (a) shall apply to individuals who begin work for the employer after December 31, 2014.

(2) MODIFICATION.—The amendments made by subsection (b) shall apply to individuals who begin work for the employer after December 31, 2015.

SEC. 143. EXTENSION AND MODIFICATION OF BONUS DEPRECIATION.

(a) EXTENDED FOR 2015.—

26 USC 168. (1) IN GENERAL.—Section 168(k)(2) is amended—

(A) by striking “January 1, 2016” in subparagraph (A)(iv) and inserting “January 1, 2017”, and

(B) by striking “January 1, 2015” each place it appears and inserting “January 1, 2016”.

26 USC 460. (2) SPECIAL RULE FOR FEDERAL LONG-TERM CONTRACTS.—Section 460(c)(6)(B)(ii) is amended by striking “January 1, 2015 (January 1, 2016” and inserting “January 1, 2016 (January 1, 2017”.

(3) EXTENSION OF ELECTION TO ACCELERATE AMT CREDIT IN LIEU OF BONUS DEPRECIATION.—

(A) IN GENERAL.—Section 168(k)(4)(D)(iii)(II) is amended by striking “January 1, 2015” and inserting “January 1, 2016”.

(B) ROUND 5 EXTENSION PROPERTY.—Section 168(k)(4) 26 USC 168. is amended by adding at the end the following new subparagraph:

“(L) SPECIAL RULES FOR ROUND 5 EXTENSION PROPERTY.—

“(i) IN GENERAL.—In the case of round 5 extension property, in applying this paragraph to any taxpayer—

“(I) the limitation described in subparagraph (B)(i) and the business credit increase amount under subparagraph (E)(iii) thereof shall not apply, and

“(II) the bonus depreciation amount, maximum amount, and maximum increase amount shall be computed separately from amounts computed with respect to eligible qualified property which is not round 5 extension property.

“(ii) ELECTION.—

“(I) A taxpayer who has an election in effect under this paragraph for round 4 extension property shall be treated as having an election in effect for round 5 extension property unless the taxpayer elects to not have this paragraph apply to round 5 extension property.

“(II) A taxpayer who does not have an election in effect under this paragraph for round 4 extension property may elect to have this paragraph apply to round 5 extension property.

“(iii) ROUND 5 EXTENSION PROPERTY.—For purposes of this subparagraph, the term ‘round 5 extension property’ means property which is eligible qualified property solely by reason of the extension of the application of the special allowance under paragraph (1) pursuant to the amendments made by section 143(a)(1) of the Protecting Americans from Tax Hikes Act of 2015 (and the application of such extension to this paragraph pursuant to the amendment made by section 143(a)(3) of such Act).”.

(4) CONFORMING AMENDMENTS.—

(A) The heading for section 168(k) is amended by striking “JANUARY 1, 2015” and inserting “JANUARY 1, 2016”.

(B) The heading for section 168(k)(2)(B)(ii) is amended by striking “PRE-JANUARY 1, 2015” and inserting “PRE-JANUARY 1, 2016”.

(5) EFFECTIVE DATE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the amendments made by this subsection shall apply to property placed in service after December 31, 2014, in taxable years ending after such date.

(B) ELECTION TO ACCELERATE AMT CREDIT.—The amendments made by paragraph (3) shall apply to taxable years ending after December 31, 2014.

(b) EXTENDED AND MODIFIED FOR 2016 THROUGH 2019.—

(1) IN GENERAL.—Section 168(k)(2), as amended by subsection (a), is amended to read as follows:

“(2) QUALIFIED PROPERTY.—For purposes of this subsection—

26 USC 168 note.

“(A) IN GENERAL.—The term ‘qualified property’ means property—

“(i)(I) to which this section applies which has a recovery period of 20 years or less,

“(II) which is computer software (as defined in section 167(f)(1)(B)) for which a deduction is allowable under section 167(a) without regard to this subsection,

“(III) which is water utility property, or

“(IV) which is qualified improvement property,

“(ii) the original use of which commences with the taxpayer, and

“(iii) which is placed in service by the taxpayer before January 1, 2020.

“(B) CERTAIN PROPERTY HAVING LONGER PRODUCTION PERIODS TREATED AS QUALIFIED PROPERTY.—

“(i) IN GENERAL.—The term ‘qualified property’ includes any property if such property—

“(I) meets the requirements of clauses (i) and

(ii) of subparagraph (A),

“(II) is placed in service by the taxpayer before January 1, 2021,

“(III) is acquired by the taxpayer (or acquired pursuant to a written contract entered into) before January 1, 2020,

“(IV) has a recovery period of at least 10 years or is transportation property,

“(V) is subject to section 263A, and

“(VI) meets the requirements of clause (iii) of section 263A(f)(1)(B) (determined as if such clause also applies to property which has a long useful life (within the meaning of section 263A(f))).

“(ii) ONLY PRE-JANUARY 1, 2020 BASIS ELIGIBLE FOR ADDITIONAL ALLOWANCE.—In the case of property which is qualified property solely by reason of clause (i), paragraph (1) shall apply only to the extent of the adjusted basis thereof attributable to manufacture, construction, or production before January 1, 2020.

“(iii) TRANSPORTATION PROPERTY.—For purposes of this subparagraph, the term ‘transportation property’ means tangible personal property used in the trade or business of transporting persons or property.

“(iv) APPLICATION OF SUBPARAGRAPH.—This subparagraph shall not apply to any property which is described in subparagraph (C).

“(C) CERTAIN AIRCRAFT.—The term ‘qualified property’ includes property—

“(i) which meets the requirements of subparagraph (A)(ii) and subclauses (II) and (III) of subparagraph (B)(i),

“(ii) which is an aircraft which is not a transportation property (as defined in subparagraph (B)(iii)) other than for agricultural or firefighting purposes,

“(iii) which is purchased and on which such purchaser, at the time of the contract for purchase, has made a nonrefundable deposit of the lesser of—

“(I) 10 percent of the cost, or

“(II) \$100,000, and

“(iv) which has—

“(I) an estimated production period exceeding 4 months, and

“(II) a cost exceeding \$200,000.

“(D) EXCEPTION FOR ALTERNATIVE DEPRECIATION PROPERTY.—The term ‘qualified property’ shall not include any property to which the alternative depreciation system under subsection (g) applies, determined—

“(i) without regard to paragraph (7) of subsection (g) (relating to election to have system apply), and

“(ii) after application of section 280F(b) (relating to listed property with limited business use).

“(E) SPECIAL RULES.—

“(i) SELF-CONSTRUCTED PROPERTY.—In the case of a taxpayer manufacturing, constructing, or producing property for the taxpayer’s own use, the requirements of subclause (III) of subparagraph (B)(i) shall be treated as met if the taxpayer begins manufacturing, constructing, or producing the property before January 1, 2020.

“(ii) SALE-LEASEBACKS.—For purposes of clause (iii) and subparagraph (A)(ii), if property is—

“(I) originally placed in service by a person, and

“(II) sold and leased back by such person within 3 months after the date such property was originally placed in service, such property shall be treated as originally placed in service not earlier than the date on which such property is used under the leaseback referred to in subclause (II).

“(iii) SYNDICATION.—For purposes of subparagraph (A)(ii), if—

“(I) property is originally placed in service by the lessor of such property,

“(II) such property is sold by such lessor or any subsequent purchaser within 3 months after the date such property was originally placed in service (or, in the case of multiple units of property subject to the same lease, within 3 months after the date the final unit is placed in service, so long as the period between the time the first unit is placed in service and the time the last unit is placed in service does not exceed 12 months), and

“(III) the user of such property after the last sale during such 3-month period remains the same as when such property was originally placed in service,

such property shall be treated as originally placed in service not earlier than the date of such last sale.

“(F) COORDINATION WITH SECTION 280F.—For purposes of section 280F—

“(i) AUTOMOBILES.—In the case of a passenger automobile (as defined in section 280F(d)(5)) which is qualified property, the Secretary shall increase the limitation under section 280F(a)(1)(A)(i) by \$8,000.

“(ii) LISTED PROPERTY.—The deduction allowable under paragraph (1) shall be taken into account in computing any recapture amount under section 280F(b)(2).

“(iii) PHASE DOWN.—In the case of a passenger automobile placed in service by the taxpayer after December 31, 2017, clause (i) shall be applied by substituting for ‘\$8,000’—

“(I) in the case of an automobile placed in service during 2018, \$6,400, and

“(II) in the case of an automobile placed in service during 2019, \$4,800.

“(G) DEDUCTION ALLOWED IN COMPUTING MINIMUM TAX.—For purposes of determining alternative minimum taxable income under section 55, the deduction under section 167 for qualified property shall be determined without regard to any adjustment under section 56.”.

26 USC 168.

(2) QUALIFIED IMPROVEMENT PROPERTY.—Section 168(k)(3) is amended to read as follows:

“(3) QUALIFIED IMPROVEMENT PROPERTY.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘qualified improvement property’ means any improvement to an interior portion of a building which is nonresidential real property if such improvement is placed in service after the date such building was first placed in service.

“(B) CERTAIN IMPROVEMENTS NOT INCLUDED.—Such term shall not include any improvement for which the expenditure is attributable to—

“(i) the enlargement of the building,

“(ii) any elevator or escalator, or

“(iii) the internal structural framework of the building.”.

(3) EXPANSION OF ELECTION TO ACCELERATE AMT CREDITS IN LIEU OF BONUS DEPRECIATION.—Section 168(k)(4), as amended by subsection (a), is amended to read as follows:

“(4) ELECTION TO ACCELERATE AMT CREDITS IN LIEU OF BONUS DEPRECIATION.—

“(A) IN GENERAL.—If a corporation elects to have this paragraph apply for any taxable year—

“(i) paragraphs (1) and (2)(F) shall not apply to any qualified property placed in service during such taxable year,

“(ii) the applicable depreciation method used under this section with respect to such property shall be the straight line method, and

“(iii) the limitation imposed by section 53(c) for such taxable year shall be increased by the bonus depreciation amount which is determined for such taxable year under subparagraph (B).

“(B) BONUS DEPRECIATION AMOUNT.—For purposes of this paragraph—

“(i) IN GENERAL.—The bonus depreciation amount for any taxable year is an amount equal to 20 percent of the excess (if any) of—

“(I) the aggregate amount of depreciation which would be allowed under this section for

qualified property placed in service by the taxpayer during such taxable year if paragraph (1) applied to all such property (and, in the case of any such property which is a passenger automobile (as defined in section 280F(d)(5)), if paragraph (2)(F) applied to such automobile), over

“(II) the aggregate amount of depreciation which would be allowed under this section for qualified property placed in service by the taxpayer during such taxable year if paragraphs (1) and (2)(F) did not apply to any such property.

The aggregate amounts determined under subclauses (I) and (II) shall be determined without regard to any election made under subparagraph (A) or subsection (b)(2)(D), (b)(3)(D), or (g)(7).

“(ii) LIMITATION.—The bonus depreciation amount for any taxable year shall not exceed the lesser of—

“(I) 50 percent of the minimum tax credit under section 53(b) for the first taxable year ending after December 31, 2015, or

“(II) the minimum tax credit under section 53(b) for such taxable year determined by taking into account only the adjusted net minimum tax for taxable years ending before January 1, 2016 (determined by treating credits as allowed on a first-in, first-out basis).

“(iii) AGGREGATION RULE.—All corporations which are treated as a single employer under section 52(a) shall be treated—

“(I) as 1 taxpayer for purposes of this paragraph, and

“(II) as having elected the application of this paragraph if any such corporation so elects.

“(C) CREDIT REFUNDABLE.—For purposes of section 6401(b), the aggregate increase in the credits allowable under part IV of subchapter A for any taxable year resulting from the application of this paragraph shall be treated as allowed under subpart C of such part (and not any other subpart).

“(D) OTHER RULES.—

“(i) ELECTION.—Any election under this paragraph may be revoked only with the consent of the Secretary.

“(ii) PARTNERSHIPS WITH ELECTING PARTNERS.—In the case of a corporation which is a partner in a partnership and which makes an election under subparagraph (A) for the taxable year, for purposes of determining such corporation’s distributive share of partnership items under section 702 for such taxable year—

“(I) paragraphs (1) and (2)(F) shall not apply to any qualified property placed in service during such taxable year, and

“(II) the applicable depreciation method used under this section with respect to such property shall be the straight line method.

“(iii) CERTAIN PARTNERSHIPS.—In the case of a partnership in which more than 50 percent of the

capital and profits interests are owned (directly or indirectly) at all times during the taxable year by 1 corporation (or by corporations treated as 1 taxpayer under subparagraph (B)(iii)), each partner shall compute its bonus depreciation amount under clause (i) of subparagraph (B) by taking into account its distributive share of the amounts determined by the partnership under subclauses (I) and (II) of such clause for the taxable year of the partnership ending with or within the taxable year of the partner.”.

26 USC 168.

(4) SPECIAL RULES FOR CERTAIN PLANTS BEARING FRUITS AND NUTS.—Section 168(k) is amended—

(A) by striking paragraph (5), and

(B) by inserting after paragraph (4) the following new paragraph:

“(5) SPECIAL RULES FOR CERTAIN PLANTS BEARING FRUITS AND NUTS.—

“(A) IN GENERAL.—In the case of any specified plant which is planted before January 1, 2020, or is grafted before such date to a plant that has already been planted, by the taxpayer in the ordinary course of the taxpayer’s farming business (as defined in section 263A(e)(4)) during a taxable year for which the taxpayer has elected the application of this paragraph—

“(i) a depreciation deduction equal to 50 percent of the adjusted basis of such specified plant shall be allowed under section 167(a) for the taxable year in which such specified plant is so planted or grafted, and

“(ii) the adjusted basis of such specified plant shall be reduced by the amount of such deduction.

“(B) SPECIFIED PLANT.—For purposes of this paragraph, the term ‘specified plant’ means—

“(i) any tree or vine which bears fruits or nuts, and

“(ii) any other plant which will have more than one yield of fruits or nuts and which generally has a pre-productive period of more than 2 years from the time of planting or grafting to the time at which such plant begins bearing fruits or nuts.

Such term shall not include any property which is planted or grafted outside of the United States.

“(C) ELECTION REVOCABLE ONLY WITH CONSENT.—An election under this paragraph may be revoked only with the consent of the Secretary.

“(D) ADDITIONAL DEPRECIATION MAY BE CLAIMED ONLY ONCE.—If this paragraph applies to any specified plant, such specified plant shall not be treated as qualified property in the taxable year in which placed in service.

“(E) DEDUCTION ALLOWED IN COMPUTING MINIMUM TAX.—Rules similar to the rules of paragraph (2)(G) shall apply for purposes of this paragraph.

“(F) PHASE DOWN.—In the case of a specified plant which is planted after December 31, 2017 (or is grafted to a plant that has already been planted before such date), subparagraph (A)(i) shall be applied by substituting for ‘50 percent’—

“(i) in the case of a plant which is planted (or so grafted) in 2018, ‘40 percent’, and

“(ii) in the case of a plant which is planted (or so grafted) during 2019, ‘30 percent’.”.

(5) PHASE DOWN OF BONUS DEPRECIATION.—Section 168(k) is amended by adding at the end the following new paragraph: 26 USC 168.

“(6) PHASE DOWN.—In the case of qualified property placed in service by the taxpayer after December 31, 2017, paragraph (1)(A) shall be applied by substituting for ‘50 percent’—

“(A) in the case of property placed in service in 2018 (or in the case of property placed in service in 2019 and described in paragraph (2)(B) or (C) (determined by substituting ‘2019’ for ‘2020’ in paragraphs (2)(B)(i)(III) and (ii) and paragraph (2)(E)(i)), ‘40 percent’,

“(B) in the case of property placed in service in 2019 (or in the case of property placed in service in 2020 and described in paragraph (2)(B) or (C), ‘30 percent’.”.

(6) CONFORMING AMENDMENTS.—

(A) Section 168(e)(6) is amended—

(i) by redesignating subparagraphs (A) and (B) as subparagraphs (D) and (E), respectively,

(ii) by striking all that precedes subparagraph (D) (as so redesignated) and inserting the following:

“(6) QUALIFIED LEASEHOLD IMPROVEMENT PROPERTY.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘qualified leasehold improvement property’ means any improvement to an interior portion of a building which is nonresidential real property if—

“(i) such improvement is made under or pursuant to a lease (as defined in subsection (h)(7))—

“(I) by the lessee (or any sublessee) of such portion, or

“(II) by the lessor of such portion,

“(ii) such portion is to be occupied exclusively by the lessee (or any sublessee) of such portion, and

“(iii) such improvement is placed in service more than 3 years after the date the building was first placed in service.

“(B) CERTAIN IMPROVEMENTS NOT INCLUDED.—Such term shall not include any improvement for which the expenditure is attributable to—

“(i) the enlargement of the building,

“(ii) any elevator or escalator,

“(iii) any structural component benefitting a common area, or

“(iv) the internal structural framework of the building.

“(C) DEFINITIONS AND SPECIAL RULES.—For purposes of this paragraph—

“(i) COMMITMENT TO LEASE TREATED AS LEASE.—

A commitment to enter into a lease shall be treated as a lease, and the parties to such commitment shall be treated as lessor and lessee, respectively.

“(ii) RELATED PERSONS.—A lease between related persons shall not be considered a lease. For purposes

of the preceding sentence, the term ‘related persons’ means—

“(I) members of an affiliated group (as defined in section 1504), and

“(II) persons having a relationship described in subsection (b) of section 267; except that, for purposes of this clause, the phrase ‘80 percent or more’ shall be substituted for the phrase ‘more than 50 percent’ each place it appears in such subsection.”, and

(iii) by striking “subparagraph (A)” in subparagraph (E) (as so redesignated) and inserting “subparagraph (D)”.

26 USC 168.

(B) Section 168(e)(7)(B) is amended by striking “qualified leasehold improvement property” and inserting “qualified improvement property”.

(C) Section 168(e)(8) is amended by striking subparagraph (D).

(D) Section 168(k), as amended by the preceding provisions of this section, is amended by adding at the end the following new paragraph:

“(7) ELECTION OUT.—If a taxpayer makes an election under this paragraph with respect to any class of property for any taxable year, paragraphs (1) and (2)(F) shall not apply to any qualified property in such class placed in service during such taxable year. An election under this paragraph may be revoked only with the consent of the Secretary.”.

(E) Section 168(l)(3) is amended—

(i) by striking “section 168(k)” in subparagraph (A) and inserting “subsection (k)”, and

(ii) by striking “section 168(k)(2)(D)(i)” in subparagraph (B) and inserting “subsection (k)(2)(D)”.

(F) Section 168(l)(4) is amended by striking “subparagraph (E) of section 168(k)(2)” and all that follows and inserting “subsection (k)(2)(E) shall apply.”.

(G) Section 168(l)(5) is amended by striking “section 168(k)(2)(G)” and inserting “subsection (k)(2)(G)”.

26 USC 263A.

(H) Section 263A(c) is amended by adding at the end the following new paragraph:

“(7) COORDINATION WITH SECTION 168(k)(5).—This section shall not apply to any amount allowed as a deduction by reason of section 168(k)(5) (relating to special rules for certain plants bearing fruits and nuts).”.

26 USC 460.

(I) Section 460(c)(6)(B)(ii), as amended by subsection (a), is amended to read as follows:

“(ii) is placed in service before January 1, 2020 (January 1, 2021 in the case of property described in section 168(k)(2)(B)).”.

(J) Section 168(k), as amended by subsection (a), is amended by striking “AND BEFORE JANUARY 1, 2016” in the heading thereof and inserting “AND BEFORE JANUARY 1, 2020”.

26 USC 168 note.

(7) EFFECTIVE DATES.—

(A) IN GENERAL.—Except as otherwise provided in this paragraph, the amendments made by this subsection shall apply to property placed in service after December 31, 2015, in taxable years ending after such date.

(B) **EXPANSION OF ELECTION TO ACCELERATE AMT CREDITS IN LIEU OF BONUS DEPRECIATION.**—The amendments made by paragraph (3) shall apply to taxable years ending after December 31, 2015, except that in the case of any taxable year beginning before January 1, 2016, and ending after December 31, 2015, the limitation under section 168(k)(4)(B)(ii) of the Internal Revenue Code of 1986 (as amended by this section) shall be the sum of—

(i) the product of—

(I) the maximum increase amount (within the meaning of section 168(k)(4)(C)(iii) of such Code, as in effect before the amendments made by this subsection), multiplied by

(II) a fraction the numerator of which is the number of days in the taxable year before January 1, 2016, and the denominator of which is the number of days in the taxable year, plus

(ii) the product of—

(I) such limitation (determined without regard to this subparagraph), multiplied by

(II) a fraction the numerator of which is the number of days in the taxable year after December 31, 2015, and the denominator of which is the number of days in the taxable year.

(C) **SPECIAL RULES FOR CERTAIN PLANTS BEARING FRUITS AND NUTS.**—The amendments made by paragraph (4) (other than subparagraph (A) thereof) shall apply to specified plants (as defined in section 168(k)(5)(B) of the Internal Revenue Code of 1986, as amended by this subsection) planted or grafted after December 31, 2015.

SEC. 144. EXTENSION OF LOOK-THRU TREATMENT OF PAYMENTS BETWEEN RELATED CONTROLLED FOREIGN CORPORATIONS UNDER FOREIGN PERSONAL HOLDING COMPANY RULES.

(a) **IN GENERAL.**—Section 954(c)(6)(C) is amended by striking “January 1, 2015” and inserting “January 1, 2020”. 26 USC 954.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2014, and to taxable years of United States shareholders with or within which such taxable years of foreign corporations end. 26 USC 954 note.

Subtitle C—Extensions Through 2016

PART 1—TAX RELIEF FOR FAMILIES AND INDIVIDUALS

SEC. 151. EXTENSION AND MODIFICATION OF EXCLUSION FROM GROSS INCOME OF DISCHARGE OF QUALIFIED PRINCIPAL RESIDENCE INDEBTEDNESS.

(a) **EXTENSION.**—Section 108(a)(1)(E) is amended by striking “January 1, 2015” and inserting “January 1, 2017”. 26 USC 108.

(b) **MODIFICATION.**—Section 108(a)(1)(E), as amended by subsection (a), is amended by striking “discharged before” and all that follows and inserting “discharged—

“(i) before January 1, 2017, or

“(ii) subject to an arrangement that is entered into and evidenced in writing before January 1, 2017.”.

26 USC 108 note.

(c) **EFFECTIVE DATES.**—

(1) **EXTENSION.**—The amendment made by subsection (a) shall apply to discharges of indebtedness after December 31, 2014.

(2) **MODIFICATION.**—The amendment made by subsection (b) shall apply to discharges of indebtedness after December 31, 2015.

SEC. 152. EXTENSION OF MORTGAGE INSURANCE PREMIUMS TREATED AS QUALIFIED RESIDENCE INTEREST.

26 USC 163.

(a) **IN GENERAL.**—Subclause (I) of section 163(h)(3)(E)(iv) is amended by striking “December 31, 2014” and inserting “December 31, 2016”.

26 USC 163 note.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to amounts paid or accrued after December 31, 2014.

SEC. 153. EXTENSION OF ABOVE-THE-LINE DEDUCTION FOR QUALIFIED TUITION AND RELATED EXPENSES.

26 USC 222.

(a) **IN GENERAL.**—Section 222(e) is amended by striking “December 31, 2014” and inserting “December 31, 2016”.

26 USC 222 note.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after December 31, 2014.

PART 2—INCENTIVES FOR GROWTH, JOBS, INVESTMENT, AND INNOVATION

SEC. 161. EXTENSION OF INDIAN EMPLOYMENT TAX CREDIT.

26 USC 45A.

(a) **IN GENERAL.**—Section 45A(f) is amended by striking “December 31, 2014” and inserting “December 31, 2016”.

26 USC 45A note.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after December 31, 2014.

SEC. 162. EXTENSION AND MODIFICATION OF RAILROAD TRACK MAINTENANCE CREDIT.

26 USC 45G.

(a) **EXTENSION.**—Section 45G(f) is amended by striking “January 1, 2015” and inserting “January 1, 2017”.

(b) **MODIFICATION.**—Section 45G(d) is amended by striking “January 1, 2005,” and inserting “January 1, 2015,”.

26 USC 45G note.

(c) **EFFECTIVE DATES.**—

(1) **EXTENSION.**—The amendment made by subsection (a) shall apply to expenditures paid or incurred in taxable years beginning after December 31, 2014.

(2) **MODIFICATION.**—The amendment made by subsection (b) shall apply to expenditures paid or incurred in taxable years beginning after December 31, 2015.

SEC. 163. EXTENSION OF MINE RESCUE TEAM TRAINING CREDIT.

26 USC 45N.

(a) **IN GENERAL.**—Section 45N(e) is amended by striking “December 31, 2014” and inserting “December 31, 2016”.

26 USC 45N note.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after December 31, 2014.

SEC. 164. EXTENSION OF QUALIFIED ZONE ACADEMY BONDS.

26 USC 45E.

(a) **EXTENSION.**—Section 54E(c)(1) is amended by striking “and 2014” and inserting “2014, 2015, and 2016”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to obligations issued after December 31, 2014. 26 USC 54E note.

SEC. 165. EXTENSION OF CLASSIFICATION OF CERTAIN RACE HORSES AS 3-YEAR PROPERTY.

(a) **IN GENERAL.**—Section 168(e)(3)(A)(i) is amended— 26 USC 168.

(1) by striking “January 1, 2015” in subclause (I) and inserting “January 1, 2017”, and

(2) by striking “December 31, 2014” in subclause (II) and inserting “December 31, 2016”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to property placed in service after December 31, 2014. 26 USC 168 note.

SEC. 166. EXTENSION OF 7-YEAR RECOVERY PERIOD FOR MOTORSPORTS ENTERTAINMENT COMPLEXES.

(a) **IN GENERAL.**—Section 168(i)(15)(D) is amended by striking “December 31, 2014” and inserting “December 31, 2016”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to property placed in service after December 31, 2014. 26 USC 168 note.

SEC. 167. EXTENSION AND MODIFICATION OF ACCELERATED DEPRECIATION FOR BUSINESS PROPERTY ON AN INDIAN RESERVATION.

(a) **IN GENERAL.**—Section 168(j)(8) is amended by striking “December 31, 2014” and inserting “December 31, 2016”.

(b) **ELECTION TO HAVE SPECIAL RULES NOT APPLY.**—Section 168(j) is amended by redesignating paragraph (8), as amended by subsection (a), as paragraph (9), and by inserting after paragraph (7) the following new paragraph:

“(8) **ELECTION OUT.**—If a taxpayer makes an election under this paragraph with respect to any class of property for any taxable year, this subsection shall not apply to all property in such class placed in service during such taxable year. Such election, once made, shall be irrevocable.”.

(c) **EFFECTIVE DATES.**—

(1) **EXTENSION.**—The amendment made by subsection (a) shall apply to property placed in service after December 31, 2014.

(2) **MODIFICATION.**—The amendments made by subsection (b) shall apply to taxable years beginning after December 31, 2015.

SEC. 168. EXTENSION OF ELECTION TO EXPENSE MINE SAFETY EQUIPMENT.

(a) **IN GENERAL.**—Section 179E(g) is amended by striking “December 31, 2014” and inserting “December 31, 2016”. 26 USC 179E.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to property placed in service after December 31, 2014. 26 USC 179E note.

SEC. 169. EXTENSION OF SPECIAL EXPENSING RULES FOR CERTAIN FILM AND TELEVISION PRODUCTIONS; SPECIAL EXPENSING FOR LIVE THEATRICAL PRODUCTIONS.

(a) **IN GENERAL.**—Section 181(f) is amended by striking “December 31, 2014” and inserting “December 31, 2016”. 26 USC 181.

(b) **APPLICATION TO LIVE PRODUCTIONS.**—

(1) **IN GENERAL.**—Paragraph (1) of section 181(a) is amended by inserting “, and any qualified live theatrical production,” after “any qualified film or television production”.

26 USC 181.

(2) CONFORMING AMENDMENTS.—Section 181 is amended—

(A) by inserting “or any qualified live theatrical production” after “qualified film or television production” each place it appears in subsections (a)(2), (b), and (c)(1),

(B) by inserting “or qualified live theatrical productions” after “qualified film or television productions” in subsection (f), and

(C) by inserting “**AND LIVE THEATRICAL**” after “**FILM AND TELEVISION**” in the heading.26 USC
161 prec.

(3) CLERICAL AMENDMENT.—The item relating to section 181 in the table of sections for part VI of subchapter B of chapter 1 is amended to read as follows:

“Sec. 181. Treatment of certain qualified film and television and live theatrical productions.”.

(c) QUALIFIED LIVE THEATRICAL PRODUCTION.—Section 181 is amended—

(1) by redesignating subsections (e) and (f), as amended by subsections (a) and (b), as subsections (f) and (g), respectively, and

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

“(e) QUALIFIED LIVE THEATRICAL PRODUCTION.—For purposes of this section—

“(1) IN GENERAL.—The term ‘qualified live theatrical production’ means any production described in paragraph (2) if 75 percent of the total compensation of the production is qualified compensation (as defined in subsection (d)(3)).

“(2) PRODUCTION.—

“(A) IN GENERAL.—A production is described in this paragraph if such production is a live staged production of a play (with or without music) which is derived from a written book or script and is produced or presented by a taxable entity in any venue which has an audience capacity of not more than 3,000 or a series of venues the majority of which have an audience capacity of not more than 3,000.

“(B) TOURING COMPANIES, ETC.—In the case of multiple live staged productions—

“(i) for which the election under this section would be allowable to the same taxpayer, and

“(ii) which are—

“(I) separate phases of a production, or

“(II) separate simultaneous stagings of the same production in different geographical locations (not including multiple performance locations of any one touring production),

each such live staged production shall be treated as a separate production.

“(C) PHASE.—For purposes of subparagraph (B), the term ‘phase’ with respect to any qualified live theatrical production refers to each of the following, but only if each of the following is treated by the taxpayer as a separate activity for all purposes of this title:

“(i) The initial staging of a live theatrical production.

“(ii) Subsequent additional stagings or touring of such production which are produced by the same producer as the initial staging.

“(D) SEASONAL PRODUCTIONS.—

“(i) IN GENERAL.—In the case of a live staged production not described in subparagraph (B) which is produced or presented by a taxable entity for not more than 10 weeks of the taxable year, subparagraph (A) shall be applied by substituting ‘6,500’ for ‘3,000’.

“(ii) SHORT TAXABLE YEARS.—For purposes of clause (i), in the case of any taxable year of less than 12 months, the number of weeks for which a production is produced or presented shall be annualized by multiplying the number of weeks the production is produced or presented during such taxable year by 12 and dividing the result by the number of months in such taxable year.

“(E) EXCEPTION.—A production is not described in this paragraph if such production includes or consists of any performance of conduct described in section 2257(h)(1) of title 18, United States Code.”.

(d) EFFECTIVE DATE.—

26 USC 181 note.

(1) EXTENSION.—The amendment made by subsection (a) shall apply to productions commencing after December 31, 2014.

(2) MODIFICATIONS.—

(A) IN GENERAL.—The amendments made by subsections (b) and (c) shall apply to productions commencing after December 31, 2015.

(B) COMMENCEMENT.—For purposes of subparagraph (A), the date on which a qualified live theatrical production commences is the date of the first public performance of such production for a paying audience.

SEC. 170. EXTENSION OF DEDUCTION ALLOWABLE WITH RESPECT TO INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES IN PUERTO RICO.

(a) IN GENERAL.—Section 199(d)(8)(C) is amended—

26 USC 199.

(1) by striking “first 9 taxable years” and inserting “first 11 taxable years”, and

(2) by striking “January 1, 2015” and inserting “January 1, 2017”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2014.

26 USC 199 note.

SEC. 171. EXTENSION AND MODIFICATION OF EMPOWERMENT ZONE TAX INCENTIVES.

(a) IN GENERAL.—

(1) EXTENSION.—Section 1391(d)(1)(A)(i) is amended by striking “December 31, 2014” and inserting “December 31, 2016”.

26 USC 1391.

(2) TREATMENT OF CERTAIN TERMINATION DATES SPECIFIED IN NOMINATIONS.—In the case of a designation of an empowerment zone the nomination for which included a termination date which is contemporaneous with the date specified in subparagraph (A)(i) of section 1391(d)(1) of the Internal Revenue Code of 1986 (as in effect before the enactment of this Act), subparagraph (B) of such section shall not apply with respect to such designation if, after the date of the enactment

26 USC 1391 note.

of this section, the entity which made such nomination amends the nomination to provide for a new termination date in such manner as the Secretary of the Treasury (or the Secretary's designee) may provide.

26 USC 1394.

(b) MODIFICATION.—Section 1394(b)(3)(B)(i) is amended—

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

“(I) IN GENERAL.—Except as provided in subclause (II), references”, and

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

“(II) SPECIAL RULE FOR EMPLOYEE RESIDENCE TEST.—For purposes of subsection (b)(6) and (c)(5) of section 1397C, an employee shall be treated as a resident of an empowerment zone if such employee is a resident of an empowerment zone, an enterprise community, or a qualified low-income community within an applicable nominating jurisdiction.”.

(c) DEFINITIONS.—

(1) QUALIFIED LOW-INCOME COMMUNITY.—Section 1394(b)(3) is amended by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively, and by inserting after subparagraph (B) the following new subparagraph:

“(C) QUALIFIED LOW-INCOME COMMUNITY.—For purposes of subparagraph (B)—

“(i) IN GENERAL.—The term ‘qualified low-income community’ means any population census tract if—

“(I) the poverty rate for such tract is at least 20 percent, or

“(II) the median family income for such tract does not exceed 80 percent of statewide median family income (or, in the case of a tract located within a metropolitan area, metropolitan area median family income if greater).

Subclause (II) shall be applied using possessionwide median family income in the case of census tracts located within a possession of the United States.

“(ii) TARGETED POPULATIONS.—The Secretary shall prescribe regulations under which 1 or more targeted populations (within the meaning of section 103(20) of the Riegle Community Development and Regulatory Improvement Act of 1994) may be treated as qualified low-income communities.

“(iii) AREAS NOT WITHIN CENSUS TRACTS.—In the case of an area which is not tracted for population census tracts, the equivalent county divisions (as defined by the Bureau of the Census for purposes of defining poverty areas) shall be used for purposes of determining poverty rates and median family income.

“(iv) MODIFICATION OF INCOME REQUIREMENT FOR CENSUS TRACTS WITHIN HIGH MIGRATION RURAL COUNTIES.—

“(I) IN GENERAL.—In the case of a population census tract located within a high migration rural county, clause (i)(II) shall be applied to areas not located within a metropolitan area by substituting ‘85 percent’ for ‘80 percent’.

“(II) HIGH MIGRATION RURAL COUNTY.—For purposes of this clause, the term ‘high migration rural county’ means any county which, during the 20-year period ending with the year in which the most recent census was conducted, has a net out-migration of inhabitants from the county of at least 10 percent of the population of the county at the beginning of such period.”.

(2) APPLICABLE NOMINATING JURISDICTION.—Section 1394(b)(3)(D), as redesignated by paragraph (1), is amended by adding at the end the following new clause: 26 USC 1394.

“(iii) APPLICABLE NOMINATING JURISDICTION.—The term ‘applicable nominating jurisdiction’ means, with respect to any empowerment zone or enterprise community, any local government that nominated such community for designation under section 1391.”.

(d) CONFORMING AMENDMENTS.—

(1) Section 1394(b)(3)(B)(iii) is amended by striking “or an enterprise community” and inserting “, an enterprise community, or a qualified low-income community within an applicable nominating jurisdiction”.

(2) Section 1394(b)(3)(D), as redesignated by subsection (c)(1), is amended by striking “DEFINITIONS” and inserting “OTHER DEFINITIONS”.

(e) EFFECTIVE DATES.—

(1) EXTENSIONS.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2014. 26 USC 1391 note.

(2) MODIFICATIONS.—The amendments made by subsections (b), (c), and (d) shall apply to bonds issued after December 31, 2015. 26 USC 1394 note.

SEC. 172. EXTENSION OF TEMPORARY INCREASE IN LIMIT ON COVER OVER OF RUM EXCISE TAXES TO PUERTO RICO AND THE VIRGIN ISLANDS.

(a) IN GENERAL.—Section 7652(f)(1) is amended by striking “January 1, 2015” and inserting “January 1, 2017”. 26 USC 7652.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distilled spirits brought into the United States after December 31, 2014. 26 USC 7652 note.

SEC. 173. EXTENSION OF AMERICAN SAMOA ECONOMIC DEVELOPMENT CREDIT.

(a) IN GENERAL.—Section 119(d) of division A of the Tax Relief and Health Care Act of 2006 is amended—

(1) by striking “January 1, 2015” each place it appears and inserting “January 1, 2017”,

(2) by striking “first 9 taxable years” in paragraph (1) and inserting “first 11 taxable years”, and

(3) by striking “first 3 taxable years” in paragraph (2) and inserting “first 5 taxable years”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2014. 26 USC 30A note.

SEC. 174. MORATORIUM ON MEDICAL DEVICE EXCISE TAX.

(a) IN GENERAL.—Section 4191 is amended by adding at the end the following new subsection: 26 USC 4191.

“(c) MORATORIUM.—The tax imposed under subsection (a) shall not apply to sales during the period beginning on January 1, 2016, and ending on December 31, 2017.”

26 USC 4191
note.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to sales after December 31, 2015.

PART 3—INCENTIVES FOR ENERGY PRODUCTION AND CONSERVATION

SEC. 181. EXTENSION AND MODIFICATION OF CREDIT FOR NONBUSINESS ENERGY PROPERTY.

26 USC 25C.

(a) EXTENSION.—Section 25C(g)(2) is amended by striking “December 31, 2014” and inserting “December 31, 2016”.

(b) UPDATED ENERGY STAR REQUIREMENTS.—

(1) IN GENERAL.—Section 25C(c)(1) is amended by striking “which meets” and all that follows through “requirements”.

(2) ENERGY EFFICIENT BUILDING ENVELOPE COMPONENT.—Section 25C(c) is amended by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively, and by inserting after paragraph (1) the following new paragraph:

“(2) ENERGY EFFICIENT BUILDING ENVELOPE COMPONENT.—The term ‘energy efficient building envelope component’ means a building envelope component which meets—

“(A) applicable Energy Star program requirements, in the case of a roof or roof products,

“(B) version 6.0 Energy Star program requirements, in the case of an exterior window, a skylight, or an exterior door, and

“(C) the prescriptive criteria for such component established by the 2009 International Energy Conservation Code, as such Code (including supplements) is in effect on the date of the enactment of the American Recovery and Reinvestment Tax Act of 2009, in the case of any other component.”.

26 USC 25C note.

(c) EFFECTIVE DATES.—

(1) EXTENSION.—The amendment made by subsection (a) shall apply to property placed in service after December 31, 2014.

(2) MODIFICATION.—The amendments made by subsection (b) shall apply to property placed in service after December 31, 2015.

SEC. 182. EXTENSION OF CREDIT FOR ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.

26 USC 30C.

(a) IN GENERAL.—Section 30C(g) is amended by striking “December 31, 2014” and inserting “December 31, 2016”.

26 USC 30C note.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2014.

SEC. 183. EXTENSION OF CREDIT FOR 2-WHEELED PLUG-IN ELECTRIC VEHICLES.

26 USC 30D.

(a) IN GENERAL.—Section 30D(g)(3)(E) is amended by striking “acquired” and all that follows and inserting the following: “acquired—

“(i) after December 31, 2011, and before January 1, 2014, or

“(ii) in the case of a vehicle that has 2 wheels, after December 31, 2014, and before January 1, 2017.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to vehicles acquired after December 31, 2014. 26 USC 30D note.

SEC. 184. EXTENSION OF SECOND GENERATION BIOFUEL PRODUCER CREDIT.

(a) IN GENERAL.—Section 40(b)(6)(J)(i) is amended by striking “January 1, 2015” and inserting “January 1, 2017”. 26 USC 40.

(b) EFFECTIVE DATE.—The amendment made by this subsection shall apply to qualified second generation biofuel production after December 31, 2014. 26 USC 40 note.

SEC. 185. EXTENSION OF BIODIESEL AND RENEWABLE DIESEL INCENTIVES.

(a) INCOME TAX CREDIT.—

(1) IN GENERAL.—Subsection (g) of section 40A is amended by striking “December 31, 2014” and inserting “December 31, 2016”. 26 USC 40A.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to fuel sold or used after December 31, 2014. 26 USC 40A note.

(b) EXCISE TAX INCENTIVES.—

(1) IN GENERAL.—Section 6426(c)(6) is amended by striking “December 31, 2014” and inserting “December 31, 2016”. 26 USC 6426.

(2) PAYMENTS.—Section 6427(e)(6)(B) is amended by striking “December 31, 2014” and inserting “December 31, 2016”. 26 USC 6427.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to fuel sold or used after December 31, 2014. 26 USC 6426 note.

(4) SPECIAL RULE FOR 2015.—Notwithstanding any other provision of law, in the case of any biodiesel mixture credit properly determined under section 6426(c) of the Internal Revenue Code of 1986 for the period beginning on January 1, 2015, and ending on December 31, 2015, such credit shall be allowed, and any refund or payment attributable to such credit (including any payment under section 6427(e) of such Code) shall be made, only in such manner as the Secretary of the Treasury (or the Secretary’s delegate) shall provide. Such Secretary shall issue guidance within 30 days after the date of the enactment of this Act providing for a one-time submission of claims covering periods described in the preceding sentence. Such guidance shall provide for a 180-day period for the submission of such claims (in such manner as prescribed by such Secretary) to begin not later than 30 days after such guidance is issued. Such claims shall be paid by such Secretary not later than 60 days after receipt. If such Secretary has not paid pursuant to a claim filed under this subsection within 60 days after the date of the filing of such claim, the claim shall be paid with interest from such date determined by using the overpayment rate and method under section 6621 of such Code. 26 USC 6426 note.

SEC. 186. EXTENSION AND MODIFICATION OF PRODUCTION CREDIT FOR INDIAN COAL FACILITIES.

(a) IN GENERAL.—Section 45(e)(10)(A) is amended by striking “9-year period” each place it appears and inserting “11-year period”. 26 USC 45.

- (b) **REPEAL OF LIMITATION BASED ON DATE FACILITY IS PLACED IN SERVICE.**—Section 45(d)(10) is amended to read as follows:
 “(10) **INDIAN COAL PRODUCTION FACILITY.**—The term ‘Indian coal production facility’ means a facility that produces Indian coal.”.
- (c) **TREATMENT OF SALES TO RELATED PARTIES.**—Section 45(e)(10)(A)(ii)(I) is amended by inserting “(either directly by the taxpayer or after sale or transfer to one or more related persons)” after “unrelated person”.
- (d) **CREDIT ALLOWED AGAINST ALTERNATIVE MINIMUM TAX.**—
 (1) **IN GENERAL.**—Section 38(c)(4)(B), as amended by the preceding provisions of this Act, is amended by redesignating clauses (v) through (x) as clauses (vi) through (xi), respectively, and by inserting after clause (iv) the following new clause:
 “(v) the credit determined under section 45 to the extent that such credit is attributable to section 45(e)(10) (relating to Indian coal production facilities),”.
- (2) **CONFORMING AMENDMENT.**—Section 45(e)(10) is amended by striking subparagraph (D).
- (e) **EFFECTIVE DATES.**—
 (1) **EXTENSION.**—The amendments made by subsection (a) shall apply to coal produced after December 31, 2014.
- (2) **MODIFICATIONS.**—The amendments made by subsections (b) and (c) shall apply to coal produced and sold after December 31, 2015, in taxable years ending after such date.
- (3) **CREDIT ALLOWED AGAINST ALTERNATIVE MINIMUM TAX.**—The amendments made by subsection (d) shall apply to credits determined for taxable years beginning after December 31, 2015.

SEC. 187. EXTENSION OF CREDITS WITH RESPECT TO FACILITIES PRODUCING ENERGY FROM CERTAIN RENEWABLE RESOURCES.

- (a) **IN GENERAL.**—The following provisions of section 45(d) are each amended by striking “January 1, 2015” each place it appears and inserting “January 1, 2017”:
- (1) Paragraph (2)(A).
 - (2) Paragraph (3)(A).
 - (3) Paragraph (4)(B).
 - (4) Paragraph (6).
 - (5) Paragraph (7).
 - (6) Paragraph (9).
 - (7) Paragraph (11)(B).
- (b) **EXTENSION OF ELECTION TO TREAT QUALIFIED FACILITIES AS ENERGY PROPERTY.**—Section 48(a)(5)(C)(ii) is amended by striking “January 1, 2015” and inserting “January 1, 2017”.
- (c) **EFFECTIVE DATES.**—The amendments made by this section shall take effect on January 1, 2015.

SEC. 188. EXTENSION OF CREDIT FOR ENERGY-EFFICIENT NEW HOMES.

- (a) **IN GENERAL.**—Section 45L(g) is amended by striking “December 31, 2014” and inserting “December 31, 2016”.
- (b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to homes acquired after December 31, 2014.

SEC. 189. EXTENSION OF SPECIAL ALLOWANCE FOR SECOND GENERATION BIOFUEL PLANT PROPERTY.

(a) IN GENERAL.—Section 168(1)(2)(D) is amended by striking “January 1, 2015” and inserting “January 1, 2017”. 26 USC 168.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2014. 26 USC 168 note.

SEC. 190. EXTENSION OF ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION.

(a) IN GENERAL.—Section 179D(h) is amended by striking “December 31, 2014” and inserting “December 31, 2016”. 26 USC 179D.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to property placed in service after December 31, 2014. 26 USC 179D note.

SEC. 191. EXTENSION OF SPECIAL RULE FOR SALES OR DISPOSITIONS TO IMPLEMENT FERC OR STATE ELECTRIC RESTRUCTURING POLICY FOR QUALIFIED ELECTRIC UTILITIES.

(a) IN GENERAL.—Section 451(i)(3) is amended by striking “January 1, 2015” and inserting “January 1, 2017”. 26 USC 451.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to dispositions after December 31, 2014. 26 USC 451 note.

SEC. 192. EXTENSION OF EXCISE TAX CREDITS RELATING TO ALTERNATIVE FUELS.

(a) EXTENSION OF ALTERNATIVE FUELS EXCISE TAX CREDITS.—

(1) IN GENERAL.—Sections 6426(d)(5) and 6426(e)(3) are each amended by striking “December 31, 2014” and inserting “December 31, 2016”. 26 USC 6426.

(2) OUTLAY PAYMENTS FOR ALTERNATIVE FUELS.—Section 6427(e)(6)(C) is amended by striking “December 31, 2014” and inserting “December 31, 2016”. 26 USC 6427.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2014. 26 USC 6426 note.

(c) SPECIAL RULE FOR 2015.—Notwithstanding any other provision of law, in the case of any alternative fuel credit properly determined under section 6426(d) of the Internal Revenue Code of 1986 for the period beginning on January 1, 2015, and ending on December 31, 2015, such credit shall be allowed, and any refund or payment attributable to such credit (including any payment under section 6427(e) of such Code) shall be made, only in such manner as the Secretary of the Treasury (or the Secretary’s delegate) shall provide. Such Secretary shall issue guidance within 30 days after the date of the enactment of this Act providing for a one-time submission of claims covering periods described in the preceding sentence. Such guidance shall provide for a 180-day period for the submission of such claims (in such manner as prescribed by such Secretary) to begin not later than 30 days after such guidance is issued. Such claims shall be paid by such Secretary not later than 60 days after receipt. If such Secretary has not paid pursuant to a claim filed under this subsection within 60 days after the date of the filing of such claim, the claim shall be paid with interest from such date determined by using the overpayment rate and method under section 6621 of such Code. 26 USC 6426 note.

SEC. 193. EXTENSION OF CREDIT FOR NEW QUALIFIED FUEL CELL MOTOR VEHICLES.

(a) IN GENERAL.—Section 30B(k)(1) is amended by striking “December 31, 2014” and inserting “December 31, 2016”. 26 USC 30B.

26 USC 30B note. (b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to property purchased after December 31, 2014.

TITLE II—PROGRAM INTEGRITY

SEC. 201. MODIFICATION OF FILING DATES OF RETURNS AND STATEMENTS RELATING TO EMPLOYEE WAGE INFORMATION AND NONEMPLOYEE COMPENSATION TO IMPROVE COMPLIANCE.

26 USC 6071. (a) **IN GENERAL.**—Section 6071 is amended by redesignating subsection (c) as subsection (d), and by inserting after subsection (b) the following new subsection:

“(c) **RETURNS AND STATEMENTS RELATING TO EMPLOYEE WAGE INFORMATION AND NONEMPLOYEE COMPENSATION.**—Forms W–2 and W–3 and any returns or statements required by the Secretary to report nonemployee compensation shall be filed on or before January 31 of the year following the calendar year to which such returns relate.”

26 USC 6402. (b) **DATE FOR CERTAIN REFUNDS.**—Section 6402 is amended by adding at the end the following new subsection:

“(m) **EARLIEST DATE FOR CERTAIN REFUNDS.**—No credit or refund of an overpayment for a taxable year shall be made to a taxpayer before the 15th day of the second month following the close of such taxable year if a credit is allowed to such taxpayer under section 24 (by reason of subsection (d) thereof) or 32 for such taxable year.”

26 USC 6071. (c) **CONFORMING AMENDMENT.**—Section 6071(b) is amended by striking “subparts B and C of part III of this subchapter” and inserting “subpart B of part III of this subchapter (other than returns and statements required to be filed with respect to non-employee compensation)”.

26 USC 6071 note. (d) **EFFECTIVE DATES.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the amendments made by this section shall apply to returns and statements relating to calendar years beginning after the date of the enactment of this Act.

(2) **DATE FOR CERTAIN REFUNDS.**—The amendment made by subsection (b) shall apply to credits or refunds made after December 31, 2016.

SEC. 202. SAFE HARBOR FOR DE MINIMIS ERRORS ON INFORMATION RETURNS AND PAYEE STATEMENTS.

26 USC 6721. (a) **IN GENERAL.**—Section 6721(c) is amended by adding at the end the following new paragraph:

“(3) **SAFE HARBOR FOR CERTAIN DE MINIMIS ERRORS.**—

“(A) **IN GENERAL.**—If, with respect to an information return filed with the Secretary—

“(i) there are 1 or more failures described in subsection (a)(2)(B) relating to an incorrect dollar amount,

“(ii) no single amount in error differs from the correct amount by more than \$100, and

“(iii) no single amount reported for tax withheld on any information return differs from the correct amount by more than \$25,

then no correction shall be required and, for purposes of this section, such return shall be treated as having been filed with all of the correct required information.

“(B) EXCEPTION.—Subparagraph (A) shall not apply with respect to any incorrect dollar amount to the extent that such error relates to an amount with respect to which an election is made under section 6722(c)(3)(B).

“(C) REGULATORY AUTHORITY.—The Secretary may issue regulations to prevent the abuse of the safe harbor under this paragraph, including regulations providing that this paragraph shall not apply to the extent necessary to prevent any such abuse.”.

(b) FAILURE TO FURNISH CORRECT PAYEE STATEMENT.—Section 6722(c) is amended by adding at the end the following new paragraph:

26 USC 6722.

“(3) SAFE HARBOR FOR CERTAIN DE MINIMIS ERRORS.—

“(A) IN GENERAL.—If, with respect to any payee statement—

“(i) there are 1 or more failures described in subsection (a)(2)(B) relating to an incorrect dollar amount,

“(ii) no single amount in error differs from the correct amount by more than \$100, and

“(iii) no single amount reported for tax withheld on any information return differs from the correct amount by more than \$25,

then no correction shall be required and, for purposes of this section, such statement shall be treated as having been filed with all of the correct required information.

“(B) EXCEPTION.—Subparagraph (A) shall not apply to any payee statement if the person to whom such statement is required to be furnished makes an election (at such time and in such manner as the Secretary may prescribe) that subparagraph (A) not apply with respect to such statement.

“(C) REGULATORY AUTHORITY.—The Secretary may issue regulations to prevent the abuse of the safe harbor under this paragraph, including regulations providing that this paragraph shall not apply to the extent necessary to prevent any such abuse.”.

(c) APPLICATION TO BROKER REPORTING OF BASIS.—Section 6045(g)(2)(B) is amended by adding at the end the following new clause:

26 USC 6045.

“(iii) TREATMENT OF UNCORRECTED DE MINIMIS ERRORS.—Except as otherwise provided by the Secretary, the customer’s adjusted basis shall be determined by treating any incorrect dollar amount which is not required to be corrected by reason of section 6721(c)(3) or section 6722(c)(3) as the correct amount.”.

(d) CONFORMING AMENDMENTS.—

(1) Section 6721(c) is amended by striking “EXCEPTION FOR DE MINIMIS FAILURES TO INCLUDE ALL REQUIRED INFORMATION” in the heading and inserting “EXCEPTIONS FOR CERTAIN DE MINIMIS FAILURES”.

26 USC 6721.

(2) Section 6721(c)(1) is amended by striking “IN GENERAL” in the heading and inserting “EXCEPTION FOR DE MINIMIS FAILURE TO INCLUDE ALL REQUIRED INFORMATION”.

26 USC 6045
note.

(e) **EFFECTIVE DATE.**—The amendments made by this section shall apply to returns required to be filed, and payee statements required to be provided, after December 31, 2016.

SEC. 203. REQUIREMENTS FOR THE ISSUANCE OF ITINS.

26 USC 6109.

(a) **IN GENERAL.**—Section 6109 is amended by adding at the end the following new subsection:

“(i) **SPECIAL RULES RELATING TO THE ISSUANCE OF ITINS.**—

“(1) **IN GENERAL.**—The Secretary is authorized to issue an individual taxpayer identification number to an individual only if the applicant submits an application, using such form as the Secretary may require and including the required documentation—

“(A) in the case of an applicant not described in subparagraph (B)—

“(i) in person to an employee of the Internal Revenue Service or a community-based certified acceptance agent approved by the Secretary, or

“(ii) by mail, pursuant to rules prescribed by the Secretary, or

“(B) in the case of an applicant who resides outside of the United States, by mail or in person to an employee of the Internal Revenue Service or a designee of the Secretary at a United States diplomatic mission or consular post.

“(2) **REQUIRED DOCUMENTATION.**—For purposes of this subsection—

“(A) **IN GENERAL.**—The term ‘required documentation’ includes such documentation as the Secretary may require that proves the individual’s identity, foreign status, and residency.

“(B) **VALIDITY OF DOCUMENTS.**—The Secretary may accept only original documents or certified copies meeting the requirements of the Secretary.

“(3) **TERM OF ITIN.**—

“(A) **IN GENERAL.**—An individual taxpayer identification number issued after December 31, 2012, shall remain in effect unless the individual to whom such number is issued does not file a return of tax (or is not included as a dependent on the return of tax of another taxpayer) for 3 consecutive taxable years. In the case of an individual described in the preceding sentence, such number shall expire on the last day of such third consecutive taxable year.

“(B) **SPECIAL RULE FOR EXISTING ITINS.**—In the case of an individual with respect to whom an individual taxpayer identification number was issued before January 1, 2013, such number shall remain in effect until the earlier of—

“(i) the applicable date, or

“(ii) if the individual does not file a return of tax (or is not included as a dependent on the return of tax of another taxpayer) for 3 consecutive taxable years, the earlier of—

“(I) the last day of such third consecutive taxable year, or

“(II) the last day of the taxable year that includes the date of the enactment of this subsection.

“(C) APPLICABLE DATE.—For purposes of subparagraph (B), the term ‘applicable date’ means—

“(i) January 1, 2017, in the case of an individual taxpayer identification number issued before January 1, 2008,

“(ii) January 1, 2018, in the case of an individual taxpayer identification number issued in 2008,

“(iii) January 1, 2019, in the case of an individual taxpayer identification number issued in 2009 or 2010, and

“(iv) January 1, 2020, in the case of an individual taxpayer identification number issued in 2011 or 2012.

“(4) DISTINGUISHING ITINS ISSUED SOLELY FOR PURPOSES OF TREATY BENEFITS.—The Secretary shall implement a system that ensures that individual taxpayer identification numbers issued solely for purposes of claiming tax treaty benefits are used only for such purposes, by distinguishing such numbers from other individual taxpayer identification numbers issued.”.

(b) AUDIT BY TIGTA.—Not later than 2 years after the date of the enactment of this Act, and every 2 years thereafter, the Treasury Inspector General for Tax Administration shall conduct an audit of the program of the Internal Revenue Service for the issuance of individual taxpayer identification numbers pursuant to section 6109(i) of the Internal Revenue Code of 1986 (as added by this section) and report the results of such audit to the Committee on Finance of the Senate and the Committee on the Ways and Means of the House of Representatives.

26 USC 6109
note.

(c) COMMUNITY-BASED CERTIFIED ACCEPTANCE AGENTS.—The Secretary of the Treasury, or the Secretary’s delegate, shall maintain a program for training and approving community-based certified acceptance agents for purposes of section 6109(i)(1)(A)(i) of the Internal Revenue Code of 1986 (as added by this section). Persons eligible to be acceptance agents under such program include—

26 USC 6109
note.

(1) financial institutions (as defined in section 265(b)(5) of such Code and the regulations thereunder),

(2) colleges and universities which are described in section 501(c)(3) of such Code and exempt from taxation under section 501(a) of such Code,

(3) Federal agencies (as defined in section 6402(h) of such Code),

(4) State and local governments, including agencies responsible for vital records,

(5) community-based organizations which are described in subsection (c)(3) or (d) of section 501 of such Code and exempt from taxation under section 501(a) of such Code,

(6) persons that provide assistance to taxpayers in the preparation of their tax returns, and

(7) other persons or categories of persons as authorized by regulations or other guidance of the Secretary of the Treasury.

(d) ITIN STUDY.—

(1) IN GENERAL.—The Secretary of the Treasury, or the Secretary’s delegate, shall conduct a study on the effectiveness

26 USC 6109
note.

of the application process for individual taxpayer identification numbers before the implementation of the amendments made by this section, the effects of the amendments made by this section on such application process, the comparative effectiveness of an in-person review process for application versus other methods of reducing fraud in the ITIN program and improper payments to ITIN holders as a result, and possible administrative and legislative recommendations to improve such process.

(2) SPECIFIC REQUIREMENTS.—Such study shall include an evaluation of the following:

(A) Possible administrative and legislative recommendations to reduce fraud and improper payments through the use of individual taxpayer identification numbers (hereinafter referred to as “ITINs”).

(B) If data supports an in-person initial review of ITIN applications to reduce fraud and improper payments, the administrative and legislative steps needed to implement such an in-person initial review of ITIN applications, in conjunction with an expansion of the community-based certified acceptance agent program under subsection (c), with a goal of transitioning to such a program by 2020.

(C) Strategies for more efficient processing of ITIN applications.

(D) The acceptance agent program as in existence on the date of the enactment of this Act and ways to expand the geographic availability of agents through the community-based certified acceptance agent program under subsection (c).

(E) Strategies for the Internal Revenue Service to work with other Federal agencies, State and local governments, and other organizations and persons described in subsection (c) to encourage participation in the community-based certified acceptance agent program under subsection (c) to facilitate in-person initial review of ITIN applications.

(F) Typical characteristics (derived from Form W–7 and other sources) of mail applications for ITINs as compared with typical characteristics of in-person applications.

(G) Typical characteristics (derived from 17 Form W–7 and other sources) of ITIN applications before the Internal Revenue Service revised its application procedures in 2012 as compared with typical characteristics of ITIN applications made after such revisions went into effect.

(3) REPORT.—The Secretary, or the Secretary’s delegate, shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report detailing the study under paragraph (1) and its findings not later than 1 year after the date of the enactment of this Act.

(4) ADMINISTRATIVE STEPS.—The Secretary of the Treasury shall implement any administrative steps identified by the report under paragraph (3) not later than 180 days after submitting such report.

(e) MATHEMATICAL OR CLERICAL ERROR AUTHORITY.—Paragraph (2) of section 6213(g) of the Internal Revenue Code of 1986 is amended by striking “and” at the end of subparagraph (M), by striking the period at the end of subparagraph (N) and inserting

“, and”, and by inserting after subparagraph (N) the following new subparagraph:

“(O) the inclusion on a return of an individual taxpayer identification number issued under section 6109(i) which has expired, been revoked by the Secretary, or is otherwise invalid.”

(f) **EFFECTIVE DATE.**—The amendments made by this section shall apply to applications for individual taxpayer identification numbers made after the date of the enactment of this Act. 26 USC 6109 note.

SEC. 204. PREVENTION OF RETROACTIVE CLAIMS OF EARNED INCOME CREDIT AFTER ISSUANCE OF SOCIAL SECURITY NUMBER.

(a) **IN GENERAL.**—Section 32(m) is amended by inserting “on or before the due date for filing the return for the taxable year” before the period at the end. 26 USC 32.

(b) **EFFECTIVE DATE.**—

26 USC 32 note.

(1) **IN GENERAL.**—Except as provided in paragraph (2), the amendment made by this section shall apply to any return of tax, and any amendment or supplement to any return of tax, which is filed after the date of the enactment of this Act.

(2) **EXCEPTION FOR TIMELY-FILED 2015 RETURNS.**—The amendment made by this section shall not apply to any return of tax (other than an amendment or supplement to any return of tax) for any taxable year which includes the date of the enactment of this Act if such return is filed on or before the due date for such return of tax.

SEC. 205. PREVENTION OF RETROACTIVE CLAIMS OF CHILD TAX CREDIT.

(a) **QUALIFYING CHILD IDENTIFICATION REQUIREMENT.**—Section 24(e) is amended by inserting “and such taxpayer identification number was issued on or before the due date for filing such return” before the period at the end. 26 USC 24.

(b) **TAXPAYER IDENTIFICATION REQUIREMENT.**—Section 24(e), as amended by subsection (a) is amended—

(1) by striking “IDENTIFICATION REQUIREMENT.—No credit shall be allowed” and inserting the following: “IDENTIFICATION REQUIREMENTS.—

“(1) **QUALIFYING CHILD IDENTIFICATION REQUIREMENT.**—No credit shall be allowed”, and

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

“(2) **TAXPAYER IDENTIFICATION REQUIREMENT.**—No credit shall be allowed under this section if the identifying number of the taxpayer was issued after the due date for filing the return for the taxable year.”

(c) **EFFECTIVE DATE.**—

26 USC 24 note.

(1) **IN GENERAL.**—The amendments made by this section shall apply to any return of tax, and any amendment or supplement to any return of tax, which is filed after the date of the enactment of this Act.

(2) **EXCEPTION FOR TIMELY-FILED 2015 RETURNS.**—The amendments made by this section shall not apply to any return of tax (other than an amendment or supplement to any return of tax) for any taxable year which includes the date of the enactment of this Act if such return is filed on or before the due date for such return of tax.

SEC. 206. PREVENTION OF RETROACTIVE CLAIMS OF AMERICAN OPPORTUNITY TAX CREDIT.

26 USC 25A.

- (a) **IN GENERAL.**—Section 25A(i) is amended—
- (1) by striking paragraph (6), and
 - (2) by inserting after paragraph (5) the following new paragraph:

“(6) **IDENTIFICATION NUMBERS.**—

“(A) **STUDENT.**—The requirements of subsection (g)(1) shall not be treated as met with respect to the Hope Scholarship Credit unless the individual’s taxpayer identification number was issued on or before the due date for filing the return of tax for the taxable year.

“(B) **TAXPAYER.**—No Hope Scholarship Credit shall be allowed under this section if the identifying number of the taxpayer was issued after the due date for filing the return for the taxable year.”.

26 USC 25A note.

- (b) **EFFECTIVE DATES.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the amendment made by subsection (a)(2) shall apply to any return of tax, and any amendment or supplement to any return of tax, which is filed after the date of the enactment of this Act.

(2) **EXCEPTION FOR TIMELY-FILED 2015 RETURNS.**—The amendment made by subsection (a)(2) shall not apply to any return of tax (other than an amendment or supplement to any return of tax) for any taxable year which includes the date of the enactment of this Act if such return is filed on or before the due date for such return of tax.

(3) **REPEAL OF DEADWOOD.**—The amendment made by subsection (a)(1) shall take effect on the date of the enactment of this Act.

SEC. 207. PROCEDURES TO REDUCE IMPROPER CLAIMS.

26 USC 6695.

- (a) **DUE DILIGENCE REQUIREMENTS.**—Section 6695(g) is amended—

(1) by striking “section 32” and inserting “section 24, 25A(a)(1), or 32”, and

(2) in the heading by inserting “CHILD TAX CREDIT; AMERICAN OPPORTUNITY TAX CREDIT; AND” before “EARNED INCOME CREDIT”.

- (b) **RETURN PREPARER DUE DILIGENCE STUDY.**—

(1) **IN GENERAL.**—The Secretary of the Treasury, or his delegate, shall conduct a study of the effectiveness of tax return preparer due diligence requirements for claiming the earned income tax credit under section 32 of the Internal Revenue Code of 1986, the child tax credit under section 24 of such Code, and the American opportunity tax credit under section 25A(i) of such Code.

(2) **REQUIREMENTS.**—Such study shall include an evaluation of the following:

(A) The effectiveness of the questions currently asked as part of the due-diligence requirement with respect to minimizing error and fraud.

(B) Whether all such questions are necessary and support improved compliance.

(C) The comparative effectiveness of such questions relative to other means of determining (i) eligibility for these tax credits and (ii) the correct amount of tax credit.

(D) Whether due diligence of this type should apply to other methods of tax filing and whether such requirements should vary based on the methods to increase effectiveness.

(E) The effectiveness of the preparer penalty under section 6695(g) in enforcing the due diligence requirements.

(3) REPORT.—The Secretary, or his delegate, shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report detailing the study and its findings—

(A) in the case of the portion of the study that relates to the earned income tax credit, not later than 1 year after the date of enactment of this Act, and

(B) in the case of the portions of the study that relate to the child tax credit and the American opportunity tax credit, not later than 2 years after the date of the enactment of this Act.

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2015. 26 USC 6695 note.

SEC. 208. RESTRICTIONS ON TAXPAYERS WHO IMPROPERLY CLAIMED CREDITS IN PRIOR YEAR.

(a) RESTRICTIONS.—

(1) CHILD TAX CREDIT.—Section 24 is amended by adding at the end the following new subsection: 26 USC 24.

“(g) RESTRICTIONS ON TAXPAYERS WHO IMPROPERLY CLAIMED CREDIT IN PRIOR YEAR.—

“(1) TAXPAYERS MAKING PRIOR FRAUDULENT OR RECKLESS CLAIMS.—

“(A) IN GENERAL.—No credit shall be allowed under this section for any taxable year in the disallowance period.

“(B) DISALLOWANCE PERIOD.—For purposes of subparagraph (A), the disallowance period is—

“(i) the period of 10 taxable years after the most recent taxable year for which there was a final determination that the taxpayer’s claim of credit under this section was due to fraud, and

“(ii) the period of 2 taxable years after the most recent taxable year for which there was a final determination that the taxpayer’s claim of credit under this section was due to reckless or intentional disregard of rules and regulations (but not due to fraud).

“(2) TAXPAYERS MAKING IMPROPER PRIOR CLAIMS.—In the case of a taxpayer who is denied credit under this section for any taxable year as a result of the deficiency procedures under subchapter B of chapter 63, no credit shall be allowed under this section for any subsequent taxable year unless the taxpayer provides such information as the Secretary may require to demonstrate eligibility for such credit.”

(2) AMERICAN OPPORTUNITY TAX CREDIT.—Section 25A(i), as amended by the preceding provisions of this Act, is amended by adding at the end the following new paragraph: 26 USC 25A.

“(7) RESTRICTIONS ON TAXPAYERS WHO IMPROPERLY CLAIMED CREDIT IN PRIOR YEAR.—

“(A) TAXPAYERS MAKING PRIOR FRAUDULENT OR RECKLESS CLAIMS.—

“(i) IN GENERAL.—No credit shall be allowed under this section for any taxable year in the disallowance period.

“(ii) DISALLOWANCE PERIOD.—For purposes of clause (i), the disallowance period is—

“(I) the period of 10 taxable years after the most recent taxable year for which there was a final determination that the taxpayer’s claim of credit under this section was due to fraud, and

“(II) the period of 2 taxable years after the most recent taxable year for which there was a final determination that the taxpayer’s claim of credit under this section was due to reckless or intentional disregard of rules and regulations (but not due to fraud).

“(B) TAXPAYERS MAKING IMPROPER PRIOR CLAIMS.—In the case of a taxpayer who is denied credit under this section for any taxable year as a result of the deficiency procedures under subchapter B of chapter 63, no credit shall be allowed under this section for any subsequent taxable year unless the taxpayer provides such information as the Secretary may require to demonstrate eligibility for such credit.”

(b) MATH ERROR AUTHORITY.—

26 USC 6213.

(1) EARNED INCOME TAX CREDIT.—Section 6213(g)(2)(K) is amended by inserting before the comma at the end the following: “or an entry on the return claiming the credit under section 32 for a taxable year for which the credit is disallowed under subsection (k)(1) thereof”.

(2) AMERICAN OPPORTUNITY TAX CREDIT AND CHILD TAX CREDIT.—Section 6213(g)(2), as amended by the preceding provisions of this Act, is amended by striking “and” at the end of subparagraph (N), by striking the period at the end of subparagraph (O), and by inserting after subparagraph (O) the following new subparagraphs:

“(P) an omission of information required by section 24(h)(2) or an entry on the return claiming the credit under section 24 for a taxable year for which the credit is disallowed under subsection (h)(1) thereof, and

“(Q) an omission of information required by section 25A(i)(8)(B) or an entry on the return claiming the credit determined under section 25A(i) for a taxable year for which the credit is disallowed under paragraph (8)(A) thereof.”

26 USC 24 note.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2015.

SEC. 209. TREATMENT OF CREDITS FOR PURPOSES OF CERTAIN PENALTIES.

26 USC 6664.

(a) APPLICATION OF UNDERPAYMENT PENALTIES.—Section 6664(a) is amended by adding at the end the following: “A rule similar to the rule of section 6211(b)(4) shall apply for purposes of this subsection.”

26 USC 6676.

(b) PENALTY FOR ERRONEOUS CLAIM OF CREDIT MADE APPLICABLE TO EARNED INCOME CREDIT.—Section 6676(a) is

amended by striking “(other than a claim for a refund or credit relating to the earned income credit under section 32)”.

(c) REASONABLE CAUSE EXCEPTION FOR ERRONEOUS CLAIM FOR REFUND OR CREDIT.—

(1) IN GENERAL.—Section 6676(a) is amended by striking “has a reasonable basis” and inserting “is due to reasonable cause”. 26 USC 6676.

(2) NONECONOMIC SUBSTANCE TRANSACTIONS.—Section 6676(c) is amended by striking “having a reasonable basis” and inserting “due to reasonable cause”.

(d) EFFECTIVE DATES.—

(1) UNDERPAYMENT PENALTIES.—The amendment made by subsection (a) shall apply to— 26 USC 6664 note.

(A) returns filed after the date of the enactment of this Act, and

(B) returns filed on or before such date if the period specified in section 6501 of the Internal Revenue Code of 1986 for assessment of the taxes with respect to which such return relates has not expired as of such date.

(2) PENALTY FOR ERRONEOUS CLAIM OF CREDIT.—The amendment made by subsection (b) shall apply to claims filed after the date of the enactment of this Act. 26 USC 6676 note.

SEC. 210. INCREASE THE PENALTY APPLICABLE TO PAID TAX PREPARERS WHO ENGAGE IN WILLFUL OR RECKLESS CONDUCT.

(a) IN GENERAL.—Section 6694(b)(1)(B) is amended by striking “50 percent” and inserting “75 percent”. 26 USC 6694.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to returns prepared for taxable years ending after the date of the enactment of this Act. 26 USC 6694 note.

SEC. 211. EMPLOYER IDENTIFICATION NUMBER REQUIRED FOR AMERICAN OPPORTUNITY TAX CREDIT.

(a) IN GENERAL.—Section 25A(i)(6), as added by this Act, is amended by adding at the end the following new subparagraph: 26 USC 25A.

“(C) INSTITUTION.—No Hope Scholarship Credit shall be allowed under this section unless the taxpayer includes the employer identification number of any institution to which qualified tuition and related expenses were paid with respect to the individual.”.

(b) INFORMATION REPORTING.—Section 6050S(b)(2) is amended by striking “and” at the end of subparagraph (B), by redesignating subparagraph (C) as subparagraph (D), and by inserting after subparagraph (B) the following new subparagraph:

“(C) the employer identification number of the institution, and”.

(c) EFFECTIVE DATE.—

(1) SUBSECTION (a).—The amendments made by subsection (a) shall apply to taxable years beginning after December 31, 2015. 26 USC 25A note.

(2) SUBSECTION (b).—The amendments made by subsection (b) shall apply to expenses paid after December 31, 2015, for education furnished in academic periods beginning after such date. 26 USC 6050S note.

SEC. 212. HIGHER EDUCATION INFORMATION REPORTING ONLY TO INCLUDE QUALIFIED TUITION AND RELATED EXPENSES ACTUALLY PAID.

26 USC 6050S. (a) **IN GENERAL.**—Section 6050S(b)(2)(B)(i) is amended by striking “or the aggregate amount billed”.

26 USC 6050S note. (b) **EFFECTIVE DATE.**—The amendments made by subsection (b) shall apply to expenses paid after December 31, 2015, for education furnished in academic periods beginning after such date.

TITLE III—MISCELLANEOUS PROVISIONS

Subtitle A—Family Tax Relief

SEC. 301. EXCLUSION FOR AMOUNTS RECEIVED UNDER THE WORK COLLEGES PROGRAM.

26 USC 117. (a) **IN GENERAL.**—Paragraph (2) of section 117(c) is amended by striking “or” at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting “, or”, and by adding at the end the following new subparagraph:

“(C) a comprehensive student work-learning-service program (as defined in section 448(e) of the Higher Education Act of 1965) operated by a work college (as defined in such section).”.

26 USC 117 note. (b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to amounts received in taxable years beginning after the date of the enactment of this Act.

SEC. 302. IMPROVEMENTS TO SECTION 529 ACCOUNTS.

(a) **COMPUTER TECHNOLOGY AND EQUIPMENT PERMANENTLY ALLOWED AS A QUALIFIED HIGHER EDUCATION EXPENSE FOR SECTION 529 ACCOUNTS.**—

26 USC 529. (1) **IN GENERAL.**—Section 529(e)(3)(A)(iii) is amended to read as follows:

“(iii) expenses for the purchase of computer or peripheral equipment (as defined in section 168(i)(2)(B)), computer software (as defined in section 197(e)(3)(B)), or Internet access and related services, if such equipment, software, or services are to be used primarily by the beneficiary during any of the years the beneficiary is enrolled at an eligible educational institution.”.

26 USC 529 note. (2) **EFFECTIVE DATE.**—The amendment made by this subsection shall apply to taxable years beginning after December 31, 2014.

(b) **ELIMINATION OF DISTRIBUTION AGGREGATION REQUIREMENTS.**—

26 USC 529 note. (1) **IN GENERAL.**—Section 529(c)(3) is amended by striking subparagraph (D).

(2) **EFFECTIVE DATE.**—The amendment made by this subsection shall apply to distributions after December 31, 2014.

(c) **RECONTRIBUTION OF REFUNDED AMOUNTS.**—

(1) **IN GENERAL.**—Section 529(c)(3), as amended by subsection (b), is amended by adding at the end the following new subparagraph:

“(D) SPECIAL RULE FOR CONTRIBUTIONS OF REFUNDED AMOUNTS.—In the case of a beneficiary who receives a refund of any qualified higher education expenses from an eligible educational institution, subparagraph (A) shall not apply to that portion of any distribution for the taxable year which is recontributed to a qualified tuition program of which such individual is a beneficiary, but only to the extent such recontribution is made not later than 60 days after the date of such refund and does not exceed the refunded amount.”.

(2) EFFECTIVE DATE.—

26 USC 529 note.

(A) IN GENERAL.—The amendment made by this subsection shall apply with respect to refunds of qualified higher education expenses after December 31, 2014.

(B) TRANSITION RULE.—In the case of a refund of qualified higher education expenses received after December 31, 2014, and before the date of the enactment of this Act, section 529(c)(3)(D) of the Internal Revenue Code of 1986 (as added by this subsection) shall be applied by substituting “not later than 60 days after the date of the enactment of this subparagraph” for “not later than 60 days after the date of such refund”.

SEC. 303. ELIMINATION OF RESIDENCY REQUIREMENT FOR QUALIFIED ABLE PROGRAMS.

(a) IN GENERAL.—Section 529A(b)(1) is amended by striking subparagraph (C), by inserting “and” at the end of subparagraph (B), and by redesignating subparagraph (D) as subparagraph (C).

26 USC 529A.

(b) CONFORMING AMENDMENTS.—

(1) The second sentence of section 529A(d)(3) is amended by striking “and State of residence”.

(2) Section 529A(e) is amended by striking paragraph (7).

(c) TECHNICAL AMENDMENTS.—

(1) Section 529A(d)(4) is amended by striking “section 4” and inserting “section 103”.

(2) Section 529A(c)(1)(C)(i) is amended by striking “family member” and inserting “member of the family”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2014.

26 USC 529A note.

SEC. 304. EXCLUSION FOR WRONGFULLY INCARCERATED INDIVIDUALS.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 is amended by inserting before section 140 the following new section:

“SEC. 139F. CERTAIN AMOUNTS RECEIVED BY WRONGFULLY INCARCERATED INDIVIDUALS.

26 USC 139F.

“(a) EXCLUSION FROM GROSS INCOME.—In the case of any wrongfully incarcerated individual, gross income shall not include any civil damages, restitution, or other monetary award (including compensatory or statutory damages and restitution imposed in a criminal matter) relating to the incarceration of such individual for the covered offense for which such individual was convicted.

“(b) WRONGFULLY INCARCERATED INDIVIDUAL.—For purposes of this section, the term ‘wrongfully incarcerated individual’ means an individual—

“(1) who was convicted of a covered offense,

“(2) who served all or part of a sentence of imprisonment relating to that covered offense, and

“(3)(A) who was pardoned, granted clemency, or granted amnesty for that covered offense because that individual was innocent of that covered offense, or

“(B)(i) for whom the judgment of conviction for that covered offense was reversed or vacated, and

“(ii) for whom the indictment, information, or other accusatory instrument for that covered offense was dismissed or who was found not guilty at a new trial after the judgment of conviction for that covered offense was reversed or vacated.

“(c) COVERED OFFENSE.—For purposes of this section, the term ‘covered offense’ means any criminal offense under Federal or State law, and includes any criminal offense arising from the same course of conduct as that criminal offense.”.

26 USC
101 prec.

(b) CONFORMING AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 is amended by inserting after the item relating to section 139E the following new item:

“Sec. 139F. Certain amounts received by wrongfully incarcerated individuals.”.

26 USC 139F
note.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning before, on, or after the date of the enactment of this Act.

26 USC 139F
note.

(d) WAIVER OF LIMITATIONS.—If the credit or refund of any overpayment of tax resulting from the application of this Act to a period before the date of enactment of this Act is prevented as of such date by the operation of any law or rule of law (including res judicata), such credit or refund may nevertheless be allowed or made if the claim therefor is filed before the close of the 1-year period beginning on the date of the enactment of this Act.

SEC. 305. CLARIFICATION OF SPECIAL RULE FOR CERTAIN GOVERNMENTAL PLANS.

26 USC 105.

(a) IN GENERAL.—Paragraph (1) of section 105(j) is amended—

(1) by striking “the taxpayer” and inserting “a qualified taxpayer”, and

(2) by striking “deceased plan participant’s beneficiary” and inserting “deceased employee’s beneficiary (other than an individual described in paragraph (3)(B))”.

(b) QUALIFIED TAXPAYER.—Subsection (j) of section 105 is amended by adding at the end the following new paragraph:

“(3) QUALIFIED TAXPAYER.—For purposes of paragraph (1), with respect to an accident or health plan described in paragraph (2), the term ‘qualified taxpayer’ means a taxpayer who is—

“(A) an employee, or

“(B) the spouse, dependent (as defined for purposes of subsection (b)), or child (as defined for purposes of such subsection) of an employee.”.

(c) APPLICATION TO POLITICAL SUBDIVISIONS OF STATES.—Paragraph (2) of section 105(j) is amended—

(1) by inserting “or established by or on behalf of a State or political subdivision thereof” after “public retirement system”, and

(2) by inserting “or 501(c)(9)” after “section 115” in subparagraph (B).

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply to payments after the date of the enactment of this Act. 26 USC 105 note.

SEC. 306. ROLLOVERS PERMITTED FROM OTHER RETIREMENT PLANS INTO SIMPLE RETIREMENT ACCOUNTS.

(a) **IN GENERAL.**—Section 408(p)(1)(B) is amended by inserting “except in the case of a rollover contribution described in subsection (d)(3)(G) or a rollover contribution otherwise described in subsection (d)(3) or in section 402(c), 403(a)(4), 403(b)(8), or 457(e)(16), which is made after the 2-year period described in section 72(t)(6),” before “with respect to which the only contributions allowed”. 26 USC 408.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to contributions made after the date of the enactment of this Act. 26 USC 408 note.

SEC. 307. TECHNICAL AMENDMENT RELATING TO ROLLOVER OF CERTAIN AIRLINE PAYMENT AMOUNTS.

(a) **IN GENERAL.**—Section 1106(a) of the FAA Modernization and Reform Act of 2012 (26 U.S.C. 408 note) is amended by adding at the end the following new paragraph:

“(6) **SPECIAL RULE FOR CERTAIN AIRLINE PAYMENT AMOUNTS.**—In the case of any amount which became an airline payment amount by reason of the amendments made by section 1(b) of Public Law 113–243 (26 U.S.C. 408 note), paragraph (1) shall be applied by substituting ‘(or, if later, within the period beginning on December 18, 2014, and ending on the date which is 180 days after the date of enactment of the Protecting Americans from Tax Hikes Act of 2015)’ for ‘(or, if later, within 180 days of the date of the enactment of this Act)’.”

(b) **EFFECTIVE DATE.**—The amendment made by this section shall take effect as if included in Public Law 113–243 (26 U.S.C. 408 note). 26 USC 408 note.

SEC. 308. TREATMENT OF EARLY RETIREMENT DISTRIBUTIONS FOR NUCLEAR MATERIALS COURIERS, UNITED STATES CAPITOL POLICE, SUPREME COURT POLICE, AND DIPLOMATIC SECURITY SPECIAL AGENTS.

(a) **IN GENERAL.**—Section 72(t)(10)(B)(ii), as added by Public Law 114–26, is amended by striking “or any” and inserting “any” and by inserting before the period at the end the following: “, any nuclear materials courier described in section 8331(27) or 8401(33) of such title, any member of the United States Capitol Police, any member of the Supreme Court Police, or any diplomatic security special agent of the Department of State”. 26 USC 72.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to distributions after December 31, 2015. 26 USC 72 note.

SEC. 309. PREVENTION OF EXTENSION OF TAX COLLECTION PERIOD FOR MEMBERS OF THE ARMED FORCES WHO ARE HOSPITALIZED AS A RESULT OF COMBAT ZONE INJURIES.

(a) **IN GENERAL.**—Section 7508(e) is amended by adding at the end the following new paragraph: 26 USC 7508.

“(3) **COLLECTION PERIOD AFTER ASSESSMENT NOT EXTENDED AS A RESULT OF HOSPITALIZATION.**—With respect to any period of continuous qualified hospitalization described in subsection

(a) and the next 180 days thereafter, subsection (a) shall not apply in the application of section 6502.”

26 USC 7508
note. (b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxes assessed before, on, or after the date of the enactment of this Act.

Subtitle B—Real Estate Investment Trusts

SEC. 311. RESTRICTION ON TAX-FREE SPINOFFS INVOLVING REITS.

26 USC 355. (a) IN GENERAL.—Section 355 is amended by adding at the end the following new subsection:

“(h) RESTRICTION ON DISTRIBUTIONS INVOLVING REAL ESTATE INVESTMENT TRUSTS.—

“(1) IN GENERAL.—This section (and so much of section 356 as relates to this section) shall not apply to any distribution if either the distributing corporation or controlled corporation is a real estate investment trust.

“(2) EXCEPTIONS FOR CERTAIN SPINOFFS.—

“(A) SPINOFFS OF A REAL ESTATE INVESTMENT TRUST BY ANOTHER REAL ESTATE INVESTMENT TRUST.—Paragraph (1) shall not apply to any distribution if, immediately after the distribution, the distributing corporation and the controlled corporation are both real estate investment trusts.

“(B) SPINOFFS OF CERTAIN TAXABLE REIT SUBSIDIARIES.—Paragraph (1) shall not apply to any distribution if—

“(i) the distributing corporation has been a real estate investment trust at all times during the 3-year period ending on the date of such distribution,

“(ii) the controlled corporation has been a taxable REIT subsidiary (as defined in section 856(l)) of the distributing corporation at all times during such period, and

“(iii) the distributing corporation had control (as defined in section 368(c) applied by taking into account stock owned directly or indirectly, including through one or more corporations or partnerships, by the distributing corporation) of the controlled corporation at all times during such period.

A controlled corporation will be treated as meeting the requirements of clauses (ii) and (iii) if the stock of such corporation was distributed by a taxable REIT subsidiary in a transaction to which this section (or so much of section 356 as relates to this section) applies and the assets of such corporation consist solely of the stock or assets of assets held by one or more taxable REIT subsidiaries of the distributing corporation meeting the requirements of clauses (ii) and (iii). For purposes of clause (iii), control of a partnership means ownership of 80 percent of the profits interest and 80 percent of the capital interests.”.

26 USC 856. (b) PREVENTION OF REIT ELECTION FOLLOWING TAX-FREE SPIN OFF.—Section 856(c) is amended by redesignating paragraph (8) as paragraph (9) and by inserting after paragraph (7) the following new paragraph:

“(8) ELECTION AFTER TAX-FREE REORGANIZATION.—If a corporation was a distributing corporation or a controlled corporation (other than a controlled corporation with respect to a distribution described in section 355(h)(2)(A)) with respect to any distribution to which section 355 (or so much of section 356 as relates to section 355) applied, such corporation (and any successor corporation) shall not be eligible to make any election under paragraph (1) for any taxable year beginning before the end of the 10-year period beginning on the date of such distribution.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions on or after December 7, 2015, but shall not apply to any distribution pursuant to a transaction described in a ruling request initially submitted to the Internal Revenue Service on or before such date, which request has not been withdrawn and with respect to which a ruling has not been issued or denied in its entirety as of such date. 26 USC 355 note.

SEC. 312. REDUCTION IN PERCENTAGE LIMITATION ON ASSETS OF REIT WHICH MAY BE TAXABLE REIT SUBSIDIARIES.

(a) IN GENERAL.—Section 856(c)(4)(B)(ii) is amended by striking “25 percent” and inserting “20 percent”. 26 USC 856.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2017. 26 USC 856 note.

SEC. 313. PROHIBITED TRANSACTION SAFE HARBORS.

(a) ALTERNATIVE 3-YEAR AVERAGING TEST FOR PERCENTAGE OF ASSETS THAT CAN BE SOLD ANNUALLY.—

(1) IN GENERAL.—Clause (iii) of section 857(b)(6)(C) is amended by inserting before the semicolon at the end the following: “, or (IV) the trust satisfies the requirements of subclause (II) applied by substituting ‘20 percent’ for ‘10 percent’ and the 3-year average adjusted bases percentage for the taxable year (as defined in subparagraph (G)) does not exceed 10 percent, or (V) the trust satisfies the requirements of subclause (III) applied by substituting ‘20 percent’ for ‘10 percent’ and the 3-year average fair market value percentage for the taxable year (as defined in subparagraph (H)) does not exceed 10 percent”. 26 USC 857.

(2) 3-YEAR AVERAGE ADJUSTED BASES AND FAIR MARKET VALUE PERCENTAGES.—Paragraph (6) of section 857(b) is amended by redesignating subparagraphs (G) and (H) as subparagraphs (I) and (J), respectively, and by inserting after subparagraph (F) the following new subparagraphs:

“(G) 3-YEAR AVERAGE ADJUSTED BASES PERCENTAGE.—

The term ‘3-year average adjusted bases percentage’ means, with respect to any taxable year, the ratio (expressed as a percentage) of—

“(i) the aggregate adjusted bases (as determined for purposes of computing earnings and profits) of property (other than sales of foreclosure property or sales to which section 1033 applies) sold during the 3 taxable year period ending with such taxable year, divided by

“(ii) the sum of the aggregate adjusted bases (as so determined) of all of the assets of the trust as of the beginning of each of the 3 taxable years which are part of the period referred to in clause (i).

“(H) 3-YEAR AVERAGE FAIR MARKET VALUE PERCENTAGE.—The term ‘3-year average fair market value percentage’ means, with respect to any taxable year, the ratio (expressed as a percentage) of—

“(i) the fair market value of property (other than sales of foreclosure property or sales to which section 1033 applies) sold during the 3 taxable year period ending with such taxable year, divided by

“(ii) the sum of the fair market value of all of the assets of the trust as of the beginning of each of the 3 taxable years which are part of the period referred to in clause (i).”.

26 USC 857.

(3) CONFORMING AMENDMENTS.—Clause (iv) of section 857(b)(6)(D) is amended by adding “or” at the end of subclause (III) and by adding at the end the following new subclauses:

“(IV) the trust satisfies the requirements of subclause (II) applied by substituting ‘20 percent’ for ‘10 percent’ and the 3-year average adjusted bases percentage for the taxable year (as defined in subparagraph (G)) does not exceed 10 percent, or

“(V) the trust satisfies the requirements of subclause (III) applied by substituting ‘20 percent’ for ‘10 percent’ and the 3-year average fair market value percentage for the taxable year (as defined in subparagraph (H)) does not exceed 10 percent.”.

(b) APPLICATION OF SAFE HARBORS INDEPENDENT OF DETERMINATION WHETHER REAL ESTATE ASSET IS INVENTORY PROPERTY.—

(1) IN GENERAL.—Subparagraphs (C) and (D) of section 857(b)(6) are each amended by striking “and which is described in section 1221(a)(1)” in the matter preceding clause (i).

(2) NO INFERENCE FROM SAFE HARBORS.—Subparagraph (F) of section 857(b)(6) is amended to read as follows:

“(F) NO INFERENCE WITH RESPECT TO TREATMENT AS INVENTORY PROPERTY.—The determination of whether property is described in section 1221(a)(1) shall be made without regard to this paragraph.”.

26 USC 857 note.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsection (a) shall apply to taxable years beginning after the date of the enactment of this Act.

(2) APPLICATION OF SAFE HARBORS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the amendments made by subsection (b) shall take effect as if included in section 3051 of the Housing Assistance Tax Act of 2008.

(B) RETROACTIVE APPLICATION OF NO INFERENCE NOT APPLICABLE TO CERTAIN TIMBER PROPERTY PREVIOUSLY TREATED AS NOT INVENTORY PROPERTY.—The amendment made by subsection (b)(2) shall not apply to any sale of property to which section 857(b)(6)(G) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of this Act) applies.

SEC. 314. REPEAL OF PREFERENTIAL DIVIDEND RULE FOR PUBLICLY OFFERED REITS.

(a) **IN GENERAL.**—Section 562(c) is amended by inserting “or a publicly offered REIT” after “a publicly offered regulated investment company (as defined in section 67(c)(2)(B))”. 26 USC 562.

(b) **PUBLICLY OFFERED REIT.**—Section 562(c), as amended by subsection (a), is amended—

(1) by striking “Except in the case of” and inserting the following:

“(1) **IN GENERAL.**—Except in the case of”, and

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

“(2) **PUBLICLY OFFERED REIT.**—For purposes of this subsection, the term ‘publicly offered REIT’ means a real estate investment trust which is required to file annual and periodic reports with the Securities and Exchange Commission under the Securities Exchange Act of 1934.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to distributions in taxable years beginning after December 31, 2014. 26 USC 562 note.

SEC. 315. AUTHORITY FOR ALTERNATIVE REMEDIES TO ADDRESS CERTAIN REIT DISTRIBUTION FAILURES.

(a) **IN GENERAL.**—Subsection (e) of section 562 is amended—

(1) by striking “In the case of a real estate investment trust” and inserting the following:

“(1) **DETERMINATION OF EARNINGS AND PROFITS FOR PURPOSES OF DIVIDENDS PAID DEDUCTION.**—In the case of a real estate investment trust”, and

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

“(2) **AUTHORITY TO PROVIDE ALTERNATIVE REMEDIES FOR CERTAIN FAILURES.**—In the case of a failure of a distribution by a real estate investment trust to comply with the requirements of subsection (c), the Secretary may provide an appropriate remedy to cure such failure in lieu of not considering the distribution to be a dividend for purposes of computing the dividends paid deduction if—

“(A) the Secretary determines that such failure is inadvertent or is due to reasonable cause and not due to willful neglect, or

“(B) such failure is of a type of failure which the Secretary has identified for purposes of this paragraph as being described in subparagraph (A).”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to distributions in taxable years beginning after December 31, 2015. 26 USC 562 note.

SEC. 316. LIMITATIONS ON DESIGNATION OF DIVIDENDS BY REITS.

(a) **IN GENERAL.**—Section 857 is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection: 26 USC 857.

“(g) **LIMITATIONS ON DESIGNATION OF DIVIDENDS.**—

“(1) **OVERALL LIMITATION.**—The aggregate amount of dividends designated by a real estate investment trust under subsections (b)(3)(C) and (c)(2)(A) with respect to any taxable year may not exceed the dividends paid by such trust with respect to such year. For purposes of the preceding sentence, dividends

paid after the close of the taxable year described in section 858 shall be treated as paid with respect to such year.

“(2) PROPORTIONALITY.—The Secretary may prescribe regulations or other guidance requiring the proportionality of the designation of particular types of dividends among shares or beneficial interests of a real estate investment trust.”.

26 USC 857 note.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions in taxable years beginning after December 31, 2015.

SEC. 317. DEBT INSTRUMENTS OF PUBLICLY OFFERED REITS AND MORTGAGES TREATED AS REAL ESTATE ASSETS.

(a) DEBT INSTRUMENTS OF PUBLICLY OFFERED REITS TREATED AS REAL ESTATE ASSETS.—

26 USC 856.

(1) IN GENERAL.—Subparagraph (B) of section 856(c)(5) is amended—

(A) by striking “and shares” and inserting “, shares”, and

(B) by inserting “, and debt instruments issued by publicly offered REITs” before the period at the end of the first sentence.

(2) INCOME FROM NONQUALIFIED DEBT INSTRUMENTS OF PUBLICLY OFFERED REITS NOT QUALIFIED FOR PURPOSES OF SATISFYING THE 75 PERCENT GROSS INCOME TEST.—Subparagraph (H) of section 856(c)(3) is amended by inserting “(other than a nonqualified publicly offered REIT debt instrument)” after “real estate asset”.

(3) 25 PERCENT ASSET LIMITATION ON HOLDING OF NONQUALIFIED DEBT INSTRUMENTS OF PUBLICLY OFFERED REITS.—Subparagraph (B) of section 856(c)(4) is amended by redesignating clause (iii) as clause (iv) and by inserting after clause (ii) the following new clause:

“(iii) not more than 25 percent of the value of its total assets is represented by nonqualified publicly offered REIT debt instruments, and”.

(4) DEFINITIONS RELATED TO DEBT INSTRUMENTS OF PUBLICLY OFFERED REITS.—Paragraph (5) of section 856(c) is amended by adding at the end the following new subparagraph:

“(L) DEFINITIONS RELATED TO DEBT INSTRUMENTS OF PUBLICLY OFFERED REITS.—

“(i) PUBLICLY OFFERED REIT.—The term ‘publicly offered REIT’ has the meaning given such term by section 562(c)(2).

“(ii) NONQUALIFIED PUBLICLY OFFERED REIT DEBT INSTRUMENT.—The term ‘nonqualified publicly offered REIT debt instrument’ means any real estate asset which would cease to be a real estate asset if subparagraph (B) were applied without regard to the reference to ‘debt instruments issued by publicly offered REITs’.”.

(b) INTERESTS IN MORTGAGES ON INTERESTS IN REAL PROPERTY TREATED AS REAL ESTATE ASSETS.—Subparagraph (B) of section 856(c)(5) is amended by inserting “or on interests in real property” after “interests in mortgages on real property”.

26 USC 856 note.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2015.

SEC. 318. ASSET AND INCOME TEST CLARIFICATION REGARDING ANCILLARY PERSONAL PROPERTY.

(a) **IN GENERAL.**—Subsection (c) of section 856, as amended by the preceding provisions of this Act, is amended by redesignating paragraph (9) as paragraph (10) and by inserting after paragraph (8) the following new paragraph: 26 USC 856.

“(9) **SPECIAL RULES FOR CERTAIN PERSONAL PROPERTY WHICH IS ANCILLARY TO REAL PROPERTY.**—

“(A) **CERTAIN PERSONAL PROPERTY LEASED IN CONNECTION WITH REAL PROPERTY.**—Personal property shall be treated as a real estate asset for purposes of paragraph (4)(A) to the extent that rents attributable to such personal property are treated as rents from real property under subsection (d)(1)(C).

“(B) **CERTAIN PERSONAL PROPERTY MORTGAGED IN CONNECTION WITH REAL PROPERTY.**—In the case of an obligation secured by a mortgage on both real property and personal property, if the fair market value of such personal property does not exceed 15 percent of the total fair market value of all such property, such obligation shall be treated—

“(i) for purposes of paragraph (3)(B), as an obligation described therein, and

“(ii) for purposes of paragraph (4)(A), as a real estate asset.

For purposes of the preceding sentence, the fair market value of all such property shall be determined in the same manner as the fair market value of real property is determined for purposes of apportioning interest income between real property and personal property under paragraph (3)(B).”

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2015. 26 USC 856 note.

SEC. 319. HEDGING PROVISIONS.

(a) **MODIFICATION TO PERMIT THE TERMINATION OF A HEDGING TRANSACTION USING AN ADDITIONAL HEDGING INSTRUMENT.**—Subparagraph (G) of section 856(c)(5) is amended by striking “and” at the end of clause (i), by striking the period at the end of clause (ii) and inserting “, and”, and by adding at the end the following new clause:

“(iii) if—

“(I) a real estate investment trust enters into one or more positions described in clause (i) with respect to indebtedness described in clause (i) or one or more positions described in clause (ii) with respect to property which generates income or gain described in paragraph (2) or (3),

“(II) any portion of such indebtedness is extinguished or any portion of such property is disposed of, and

“(III) in connection with such extinguishment or disposition, such trust enters into one or more transactions which would be hedging transactions described in clause (ii) or (iii) of section 1221(b)(2)(A) with respect to any position referred

to in subclause (I) if such position were ordinary property,
any income of such trust from any position referred to in subclause (I) and from any transaction referred to in subclause (III) (including gain from the termination of any such position or transaction) shall not constitute gross income under paragraphs (2) and (3) to the extent that such transaction hedges such position.”.

(b) IDENTIFICATION REQUIREMENTS.—

26 USC 856.

(1) IN GENERAL.—Subparagraph (G) of section 856(c)(5), as amended by subsection (a), is amended by striking “and” at the end of clause (ii), by striking the period at the end of clause (iii) and inserting “, and”, and by adding at the end the following new clause:

“(iv) clauses (i), (ii), and (iii) shall not apply with respect to any transaction unless such transaction satisfies the identification requirement described in section 1221(a)(7) (determined after taking into account any curative provisions provided under the regulations referred to therein).”.

(2) CONFORMING AMENDMENTS.—Subparagraph (G) of section 856(c)(5) is amended—

(A) by striking “which is clearly identified pursuant to section 1221(a)(7)” in clause (i), and

(B) by striking “, but only if such transaction is clearly identified as such before the close of the day on which it was acquired, originated, or entered into (or such other time as the Secretary may prescribe)” in clause (ii).

26 USC 856 note.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2015.

SEC. 320. MODIFICATION OF REIT EARNINGS AND PROFITS CALCULATION TO AVOID DUPLICATE TAXATION.

(a) EARNINGS AND PROFITS NOT INCREASED BY AMOUNTS ALLOWED IN COMPUTING TAXABLE INCOME IN PRIOR YEARS.—Section 857(d) is amended—

26 USC 857.

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

“(1) IN GENERAL.—The earnings and profits of a real estate investment trust for any taxable year (but not its accumulated earnings) shall not be reduced by any amount which—

“(A) is not allowable in computing its taxable income for such taxable year, and

“(B) was not allowable in computing its taxable income for any prior taxable year.”, and

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

“(4) REAL ESTATE INVESTMENT TRUST.—For purposes of this subsection, the term ‘real estate investment trust’ includes a domestic corporation, trust, or association which is a real estate investment trust determined without regard to the requirements of subsection (a).

“(5) SPECIAL RULES FOR DETERMINING EARNINGS AND PROFITS FOR PURPOSES OF THE DEDUCTION FOR DIVIDENDS PAID.—For special rules for determining the earnings and profits of a real estate investment trust for purposes of the deduction for dividends paid, see section 562(e)(1).”.

(b) **EXCEPTION FOR PURPOSES OF DETERMINING DIVIDENDS PAID DEDUCTION.**—Section 562(e)(1), as amended by the preceding provisions of this Act, is amended by striking “deduction, the earnings” and all that follows and inserting the following: “deduction—

26 USC 562.

“(A) the earnings and profits of such trust for any taxable year (but not its accumulated earnings) shall be increased by the amount of gain (if any) on the sale or exchange of real property which is taken into account in determining the taxable income of such trust for such taxable year (and not otherwise taken into account in determining such earnings and profits), and

“(B) section 857(d)(1) shall be applied without regard to subparagraph (B) thereof.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2015.

26 USC 562 note.

SEC. 321. TREATMENT OF CERTAIN SERVICES PROVIDED BY TAXABLE REIT SUBSIDIARIES.

(a) **TAXABLE REIT SUBSIDIARIES TREATED IN SAME MANNER AS INDEPENDENT CONTRACTORS FOR CERTAIN PURPOSES.**—

(1) **MARKETING AND DEVELOPMENT EXPENSES UNDER RENTAL PROPERTY SAFE HARBOR.**—Clause (v) of section 857(b)(6)(C) is amended by inserting “or a taxable REIT subsidiary” before the period at the end.

26 USC 857.

(2) **MARKETING EXPENSES UNDER TIMBER SAFE HARBOR.**—Clause (v) of section 857(b)(6)(D) is amended by striking “, in the case of a sale on or before the termination date,”.

(3) **FORECLOSURE PROPERTY GRACE PERIOD.**—Subparagraph (C) of section 856(e)(4) is amended by inserting “or through a taxable REIT subsidiary” after “receive any income”.

26 USC 856.

(b) **TAX ON REDETERMINED TRS SERVICE INCOME.**—

(1) **IN GENERAL.**—Subparagraph (A) of section 857(b)(7) is amended by striking “and excess interest” and inserting “excess interest, and redetermined TRS service income”.

(2) **REDETERMINED TRS SERVICE INCOME.**—Paragraph (7) of section 857(b) is amended by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively, and inserting after subparagraph (D) the following new subparagraph:

“(E) **REDETERMINED TRS SERVICE INCOME.**—

“(i) **IN GENERAL.**—The term ‘redetermined TRS service income’ means gross income of a taxable REIT subsidiary of a real estate investment trust attributable to services provided to, or on behalf of, such trust (less deductions properly allocable thereto) to the extent the amount of such income (less such deductions) would (but for subparagraph (F)) be increased on distribution, apportionment, or allocation under section 482.

“(ii) **COORDINATION WITH REDETERMINED RENTS.**—Clause (i) shall not apply with respect to gross income attributable to services furnished or rendered to a tenant of the real estate investment trust (or to deductions properly allocable thereto).”.

(3) **CONFORMING AMENDMENTS.**—Subparagraphs (B)(i) and (C) of section 857(b)(7) are each amended by striking “subparagraph (E)” and inserting “subparagraph (F)”.

26 USC 856 note. (c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2015.

SEC. 322. EXCEPTION FROM FIRPTA FOR CERTAIN STOCK OF REITS.

(a) **MODIFICATIONS OF OWNERSHIP RULES.**—

26 USC 897. (1) **IN GENERAL.**—Section 897 is amended by adding at the end the following new subsection:

“(k) **SPECIAL RULES RELATING TO REAL ESTATE INVESTMENT TRUSTS.**—

“(1) **INCREASE IN PERCENTAGE OWNERSHIP FOR EXCEPTIONS FOR PERSONS HOLDING PUBLICLY TRADED STOCK.**—

“(A) **DISPOSITIONS.**—In the case of any disposition of stock in a real estate investment trust, paragraphs (3) and (6)(C) of subsection (c) shall each be applied by substituting ‘more than 10 percent’ for ‘more than 5 percent’.

“(B) **DISTRIBUTIONS.**—In the case of any distribution from a real estate investment trust, subsection (h)(1) shall be applied by substituting ‘10 percent’ for ‘5 percent’.

“(2) **STOCK HELD BY QUALIFIED SHAREHOLDERS NOT TREATED AS USRPI.**—

“(A) **IN GENERAL.**—Except as provided in subparagraph (B)—

“(i) stock of a real estate investment trust which is held directly (or indirectly through 1 or more partnerships) by a qualified shareholder shall not be treated as a United States real property interest, and

“(ii) notwithstanding subsection (h)(1), any distribution to a qualified shareholder shall not be treated as gain recognized from the sale or exchange of a United States real property interest to the extent the stock of the real estate investment trust held by such qualified shareholder is not treated as a United States real property interest under clause (i).

“(B) **EXCEPTION.**—In the case of a qualified shareholder with 1 or more applicable investors—

“(i) subparagraph (A)(i) shall not apply to so much of the stock of a real estate investment trust held by a qualified shareholder as bears the same ratio to the value of the interests (other than interests held solely as a creditor) held by such applicable investors in the qualified shareholder bears to value of all interests (other than interests held solely as a creditor) in the qualified shareholder, and

“(ii) a percentage equal to the ratio determined under clause (i) of the amounts realized by the qualified shareholder with respect to any disposition of stock in the real estate investment trust or with respect to any distribution from the real estate investment trust attributable to gain from sales or exchanges of a United States real property interest shall be treated as amounts realized from the disposition of United States real property interests.

“(C) **SPECIAL RULE FOR CERTAIN DISTRIBUTIONS TREATED AS SALE OR EXCHANGE.**—If a distribution by a real estate investment trust is treated as a sale or exchange of stock under section 301(c)(3), 302, or 331 with respect to a qualified shareholder—

“(i) in the case of an applicable investor, subparagraph (B) shall apply with respect to such distribution, and

“(ii) in the case of any other person, such distribution shall be treated under section 857(b)(3)(F) as a dividend from a real estate investment trust notwithstanding any other provision of this title.

“(D) APPLICABLE INVESTOR.—For purposes of this paragraph, the term ‘applicable investor’ means, with respect to any qualified shareholder holding stock in a real estate investment trust, a person (other than a qualified shareholder) which—

“(i) holds an interest (other than an interest solely as a creditor) in such qualified shareholder, and

“(ii) holds more than 10 percent of the stock of such real estate investment trust (whether or not by reason of the person’s ownership interest in the qualified shareholder).

“(E) CONSTRUCTIVE OWNERSHIP RULES.—For purposes of subparagraphs (B)(i) and (C) and paragraph (4), the constructive ownership rules under subsection (c)(6)(C) shall apply.

“(3) QUALIFIED SHAREHOLDER.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘qualified shareholder’ means a foreign person which—

“(i)(I) is eligible for benefits of a comprehensive income tax treaty with the United States which includes an exchange of information program and the principal class of interests of which is listed and regularly traded on 1 or more recognized stock exchanges (as defined in such comprehensive income tax treaty), or

“(II) is a foreign partnership that is created or organized under foreign law as a limited partnership in a jurisdiction that has an agreement for the exchange of information with respect to taxes with the United States and has a class of limited partnership units which is regularly traded on the New York Stock Exchange or Nasdaq Stock Market and such class of limited partnership units value is greater than 50 percent of the value of all the partnership units,

“(ii) is a qualified collective investment vehicle, and

“(iii) maintains records on the identity of each person who, at any time during the foreign person’s taxable year, holds directly 5 percent or more of the class of interest described in subclause (I) or (II) of clause (i), as the case may be.

“(B) QUALIFIED COLLECTIVE INVESTMENT VEHICLE.—For purposes of this subsection, the term ‘qualified collective investment vehicle’ means a foreign person—

“(i) which, under the comprehensive income tax treaty described in subparagraph (A)(i), is eligible for a reduced rate of withholding with respect to ordinary dividends paid by a real estate investment trust even

if such person holds more than 10 percent of the stock of such real estate investment trust,

“(ii) which—

“(I) is a publicly traded partnership (as defined in section 7704(b)) to which subsection (a) of section 7704 does not apply,

“(II) is a withholding foreign partnership for purposes of chapters 3, 4, and 61,

“(III) if such foreign partnership were a United States corporation, would be a United States real property holding corporation (determined without regard to paragraph (1)) at any time during the 5-year period ending on the date of disposition of, or distribution with respect to, such partnership’s interests in a real estate investment trust,

or
“(iii) which is designated as a qualified collective investment vehicle by the Secretary and is either—

“(I) fiscally transparent within the meaning of section 894, or

“(II) required to include dividends in its gross income, but entitled to a deduction for distributions to persons holding interests (other than interests solely as a creditor) in such foreign person.

“(4) PARTNERSHIP ALLOCATIONS.—

“(A) IN GENERAL.—For the purposes of this subsection, in the case of an applicable investor who is a nonresident alien individual or a foreign corporation and is a partner in a partnership that is a qualified shareholder, if such partner’s proportionate share of USRPI gain for the taxable year exceeds such partner’s distributive share of USRPI gain for the taxable year, then

“(i) such partner’s distributive share of the amount of gain taken into account under subsection (a)(1) by the partner for the taxable year (determined without regard to this paragraph) shall be increased by the amount of such excess, and

“(ii) such partner’s distributive share of items of income or gain for the taxable year that are not treated as gain taken into account under subsection (a)(1) (determined without regard to this paragraph) shall be decreased (but not below zero) by the amount of such excess.

“(B) USRPI GAIN.—For the purposes of this paragraph, the term ‘USRPI gain’ means the excess (if any) of—

“(i) the sum of—

“(I) any gain recognized from the disposition of a United States real property interest, and

“(II) any distribution by a real estate investment trust that is treated as gain recognized from the sale or exchange of a United States real property interest, over

“(ii) any loss recognized from the disposition of a United States real property interest.

“(C) PROPORTIONATE SHARE OF USRPI GAIN.—For purposes of this paragraph, an applicable investor’s proportionate share of USRPI gain shall be determined on the

basis of such investor's share of partnership items of income or gain (excluding gain allocated under section 704(c)), whichever results in the largest proportionate share. If the investor's share of partnership items of income or gain (excluding gain allocated under section 704(c)) may vary during the period such investor is a partner in the partnership, such share shall be the highest share such investor may receive.”

(2) CONFORMING AMENDMENTS.—

(A) Section 897(c)(1)(A) is amended by inserting “or subsection (k)” after “subparagraph (B)” in the matter preceding clause (i). 26 USC 897.

(B) Section 857(b)(3)(F) is amended by inserting “or subparagraph (A)(ii) or (C) of section 897(k)(2)” after “897(h)(1)”. 26 USC 857.

(b) DETERMINATION OF DOMESTIC CONTROL.—

(1) SPECIAL OWNERSHIP RULES.—

(A) IN GENERAL.—Section 897(h)(4) is amended by adding at the end the following new subparagraph:

“(E) SPECIAL OWNERSHIP RULES.—For purposes of determining the holder of stock under subparagraphs (B) and (C)—

“(i) in the case of any class of stock of the qualified investment entity which is regularly traded on an established securities market in the United States, a person holding less than 5 percent of such class of stock at all times during the testing period shall be treated as a United States person unless the qualified investment entity has actual knowledge that such person is not a United States person,

“(ii) any stock in the qualified investment entity held by another qualified investment entity—

“(I) any class of stock of which is regularly traded on an established securities market, or

“(II) which is a regulated investment company which issues redeemable securities (within the meaning of section 2 of the Investment Company Act of 1940),

shall be treated as held by a foreign person, except that if such other qualified investment entity is domestically controlled (determined after application of this subparagraph), such stock shall be treated as held by a United States person, and

“(iii) any stock in the qualified investment entity held by any other qualified investment entity not described in subclause (I) or (II) of clause (ii) shall only be treated as held by a United States person in proportion to the stock of such other qualified investment entity which is (or is treated under clause (ii) or (iii) as) held by a United States person.”

(B) CONFORMING AMENDMENT.—The heading for paragraph (4) of section 897(h) is amended by inserting “AND SPECIAL RULES” after “DEFINITIONS”.

(2) TECHNICAL AMENDMENT.—Clause (ii) of section 897(h)(4)(A) is amended by inserting “and for purposes of determining whether a real estate investment trust is a domestically

controlled qualified investment entity under this subsection” after “real estate investment trust”.

(c) EFFECTIVE DATES.—

26 USC 857 note.

(1) IN GENERAL.—The amendments made by subsection (a) shall take effect on the date of enactment and shall apply to—

(A) any disposition on and after the date of the enactment of this Act, and

(B) any distribution by a real estate investment trust on or after the date of the enactment of this Act which is treated as a deduction for a taxable year of such trust ending after such date.

26 USC 897 note.

(2) DETERMINATION OF DOMESTIC CONTROL.—The amendments made by subsection (b)(1) shall take effect on the date of the enactment of this Act.

26 USC 897 note.

(3) TECHNICAL AMENDMENT.—The amendment made by subsection (b)(2) shall take effect on January 1, 2015.

SEC. 323. EXCEPTION FOR INTERESTS HELD BY FOREIGN RETIREMENT OR PENSION FUNDS.

26 USC 897.

(a) IN GENERAL.—Section 897, as amended by the preceding provisions of this Act, is amended by adding at the end the following new subsection:

“(1) EXCEPTION FOR INTERESTS HELD BY FOREIGN PENSION FUNDS.—

“(1) IN GENERAL.—This section shall not apply to any United States real property interest held directly (or indirectly through 1 or more partnerships) by, or to any distribution received from a real estate investment trust by—

“(A) a qualified foreign pension fund, or

“(B) any entity all of the interests of which are held by a qualified foreign pension fund.

“(2) QUALIFIED FOREIGN PENSION FUND.—For purposes of this subsection, the term ‘qualified foreign pension fund’ means any trust, corporation, or other organization or arrangement—

“(A) which is created or organized under the law of a country other than the United States,

“(B) which is established to provide retirement or pension benefits to participants or beneficiaries that are current or former employees (or persons designated by such employees) of one or more employers in consideration for services rendered,

“(C) which does not have a single participant or beneficiary with a right to more than five percent of its assets or income,

“(D) which is subject to government regulation and provides annual information reporting about its beneficiaries to the relevant tax authorities in the country in which it is established or operates, and

“(E) with respect to which, under the laws of the country in which it is established or operates—

“(i) contributions to such trust, corporation, organization, or arrangement which would otherwise be subject to tax under such laws are deductible or excluded from the gross income of such entity or taxed at a reduced rate, or

“(ii) taxation of any investment income of such trust, corporation, organization or arrangement is deferred or such income is taxed at a reduced rate.

“(3) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this subsection.”

(b) EXEMPTION FROM WITHHOLDING.—Section 1445(f)(3) is amended by striking “any person” and all that follows and inserting the following: “any person other than—

“(A) a United States person, and

“(B) except as otherwise provided by the Secretary, an entity with respect to which section 897 does not apply by reason of subsection (l) thereof.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to dispositions and distributions after the date of the enactment of this Act. 26 USC 897 note.

SEC. 324. INCREASE IN RATE OF WITHHOLDING OF TAX ON DISPOSITIONS OF UNITED STATES REAL PROPERTY INTERESTS.

(a) IN GENERAL.—Subsections (a), (e)(3), (e)(4), and (e)(5) of section 1445 are each amended by striking “10 percent” and inserting “15 percent”.

(b) EXCEPTION FOR CERTAIN RESIDENCES.—Section 1445(c) is amended by adding at the end the following new paragraph:

“(4) REDUCED RATE OF WITHHOLDING FOR RESIDENCE WHERE AMOUNT REALIZED DOES NOT EXCEED \$1,000,000.—In the case of a disposition—

“(A) of property which is acquired by the transferee for use by the transferee as a residence,

“(B) with respect to which the amount realized for such property does not exceed \$1,000,000, and

“(C) to which subsection (b)(5) does not apply, subsection (a) shall be applied by substituting ‘10 percent’ for ‘15 percent.’”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to dispositions after the date which is 60 days after the date of the enactment of this Act. 26 USC 1445 note.

SEC. 325. INTERESTS IN RICS AND REITS NOT EXCLUDED FROM DEFINITION OF UNITED STATES REAL PROPERTY INTERESTS.

(a) IN GENERAL.—Section 897(c)(1)(B) is amended by striking “and” at the end of clause (i), by striking the period at the end of clause (ii)(II) and inserting “, and”, and by adding at the end the following new clause: 26 USC 897.

“(iii) neither such corporation nor any predecessor of such corporation was a regulated investment company or a real estate investment trust at any time during the shorter of the periods described in subparagraph (A)(ii).”

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to dispositions on or after the date of the enactment of this Act. 26 USC 897 note.

SEC. 326. DIVIDENDS DERIVED FROM RICS AND REITS INELIGIBLE FOR DEDUCTION FOR UNITED STATES SOURCE PORTION OF DIVIDENDS FROM CERTAIN FOREIGN CORPORATIONS.

(a) IN GENERAL.—Section 245(a) is amended by adding at the end the following new paragraph: 26 USC 245.

“(12) DIVIDENDS DERIVED FROM RICS AND REITS INELIGIBLE FOR DEDUCTION.—Regulated investment companies and real estate investment trusts shall not be treated as domestic corporations for purposes of paragraph (5)(B).”

26 USC 245 note.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to dividends received from regulated investment companies and real estate investment trusts on or after the date of the enactment of this Act.

26 USC 245 note.

(c) NO INFERENCE.—Nothing contained in this section or the amendments made by this section shall be construed to create any inference with respect to the proper treatment under section 245 of the Internal Revenue Code of 1986 of dividends received from regulated investment companies or real estate investment trusts before the date of the enactment of this Act.

Subtitle C—Additional Provisions

SEC. 331. DEDUCTIBILITY OF CHARITABLE CONTRIBUTIONS TO AGRICULTURAL RESEARCH ORGANIZATIONS.

26 USC 170.

(a) IN GENERAL.—Subparagraph (A) of section 170(b)(1) is amended by striking “or” at the end of clause (vii), by striking the comma at the end of clause (viii) and inserting “, or”, and by inserting after clause (viii) the following new clause:

“(ix) an agricultural research organization directly engaged in the continuous active conduct of agricultural research (as defined in section 1404 of the Agricultural Research, Extension, and Teaching Policy Act of 1977) in conjunction with a land-grant college or university (as defined in such section) or a non-land grant college of agriculture (as defined in such section), and during the calendar year in which the contribution is made such organization is committed to spend such contribution for such research before January 1 of the fifth calendar year which begins after the date such contribution is made.”

26 USC 501.

(b) EXPENDITURES TO INFLUENCE LEGISLATION.—Paragraph (4) of section 501(h) is amended by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively, and by inserting after subparagraph (D) the following new subparagraph:

“(E) section 170(b)(1)(A)(ix) (relating to agricultural research organizations),”

26 USC 170 note.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made on and after the date of the enactment of this Act.

SEC. 332. REMOVAL OF BOND REQUIREMENTS AND EXTENDING FILING PERIODS FOR CERTAIN TAXPAYERS WITH LIMITED EXCISE TAX LIABILITY.

26 USC 5061.

(a) FILING REQUIREMENTS.—Paragraph (4) of section 5061(d) of the Internal Revenue Code of 1986 is amended—

(1) in subparagraph (A)—

(A) by striking “In the case of” and inserting the following:

“(i) MORE THAN \$1,000 AND NOT MORE THAN \$50,000 IN TAXES.—Except as provided in clause (ii), in the case of”,

(B) by striking “under bond for deferred payment”,
and

(C) by adding at the end the following new clause:

“(ii) NOT MORE THAN \$1,000 IN TAXES.—In the case of any taxpayer who reasonably expects to be liable for not more than \$1,000 in taxes imposed with respect to distilled spirits, wines, and beer under subparts A, C, and D and section 7652 for the calendar year and who was liable for not more than \$1,000 in such taxes in the preceding calendar year, the last day for the payment of tax on withdrawals, removals, and entries (and articles brought into the United States from Puerto Rico) shall be the 14th day after the last day of the calendar year.”, and

(2) in subparagraph (B)—

(A) by striking “Subparagraph (A)” and inserting the following:

“(i) EXCEEDS \$50,000 LIMIT.—Subparagraph (A)(i)”,

and

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

“(ii) EXCEEDS \$1,000 LIMIT.—Subparagraph (A)(ii) shall not apply to any taxpayer for any portion of the calendar year following the first date on which the aggregate amount of tax due under subparts A, C, and D and section 7652 from such taxpayer during such calendar year exceeds \$1,000, and any tax under such subparts which has not been paid on such date shall be due on the 14th day after the last day of the calendar quarter in which such date occurs.”.

(b) BOND REQUIREMENTS.—

(1) IN GENERAL.—Section 5551 of such Code is amended— 26 USC 5551.

(A) in subsection (a), by striking “No individual” and inserting “Except as provided under subsection (d), no individual”, and

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

“(d) REMOVAL OF BOND REQUIREMENTS.—

“(1) IN GENERAL.—During any period to which subparagraph (A) of section 5061(d)(4) applies to a taxpayer (determined after application of subparagraph (B) thereof), such taxpayer shall not be required to furnish any bond covering operations or withdrawals of distilled spirits or wines for nonindustrial use or of beer.

“(2) SATISFACTION OF BOND REQUIREMENTS.—Any taxpayer for any period described in paragraph (1) shall be treated as if sufficient bond has been furnished for purposes of covering operations and withdrawals of distilled spirits or wines for nonindustrial use or of beer for purposes of any requirements relating to bonds under this chapter.”.

(2) CONFORMING AMENDMENTS.—

(A) BONDS FOR DISTILLED SPIRITS PLANTS.—Section 5173(a) of such Code is amended— 26 USC 5173.

(i) in paragraph (1), by striking “No person” and inserting “Except as provided under section 5551(d), no person”, and

(ii) in paragraph (2), by striking “No distilled spirits” and inserting “Except as provided under section 5551(d), no distilled spirits”.

26 USC 5351.

(B) BONDED WINE CELLARS.—Section 5351 of such Code is amended—

- (i) by striking “Any person” and inserting the following:
- “(a) IN GENERAL.—Any person”,
- (ii) by inserting “, except as provided under section 5551(d),” before “file bond”,
- (iii) by striking “Such premises shall” and all that follows through the period, and
- (iv) by adding at the end the following new subsection:

“(b) DEFINITIONS.—For purposes of this chapter—

“(1) BONDED WINE CELLAR.—The term ‘bonded wine cellar’ means any premises described in subsection (a), including any such premises established by a taxpayer described in section 5551(d).

“(2) BONDED WINERY.—At the discretion of the Secretary, any bonded wine cellar that engages in production operations may be designated as a ‘bonded winery’.”

26 USC 5401.

(C) BONDS FOR BREWERIES.—Section 5401 of such Code is amended by adding at the end the following new subsection:

“(c) EXCEPTION FROM BOND REQUIREMENTS FOR CERTAIN BREWERIES.—Subsection (b) shall not apply to any taxpayer for any period described in section 5551(d).”

26 USC 5061 note.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any calendar quarters beginning more than 1 year after the date of the enactment of this Act.

SEC. 333. MODIFICATIONS TO ALTERNATIVE TAX FOR CERTAIN SMALL INSURANCE COMPANIES.

(a) ADDITIONAL REQUIREMENT FOR COMPANIES TO WHICH ALTERNATIVE TAX APPLIES.—

(1) ADDED REQUIREMENT.—

26 USC 831.

(A) IN GENERAL.—Subparagraph (A) of section 831(b)(2) is amended—

(i) by striking “(including interinsurers and reciprocal underwriters)”, and

(ii) by striking “and” at the end of clause (i), by redesignating clause (ii) as clause (iii), and by inserting after clause (i) the following new clause:

“(ii) such company meets the diversification requirements of subparagraph (B), and”.

(B) DIVERSIFICATION REQUIREMENT.—Paragraph (2) of section 831(b) is amended by redesignating subparagraphs (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

“(B) DIVERSIFICATION REQUIREMENTS.—

“(i) IN GENERAL.—An insurance company meets the requirements of this subparagraph if—

“(I) no more than 20 percent of the net written premiums (or, if greater, direct written premiums) of such company for the taxable year is attributable to any one policyholder, or

“(II) such insurance company does not meet the requirement of subclause (I) and no person who holds (directly or indirectly) an interest in

such insurance company is a specified holder who holds (directly or indirectly) aggregate interests in such insurance company which constitute a percentage of the entire interests in such insurance company which is more than a de minimis percentage higher than the percentage of interests in the specified assets with respect to such insurance company held (directly or indirectly) by such specified holder.

“(ii) DEFINITIONS.—For purposes of clause (i)(II)—

“(I) SPECIFIED HOLDER.—The term ‘specified holder’ means, with respect to any insurance company, any individual who holds (directly or indirectly) an interest in such insurance company and who is a spouse or lineal descendant (including by adoption) of an individual who holds an interest (directly or indirectly) in the specified assets with respect to such insurance company.

“(II) SPECIFIED ASSETS.—The term ‘specified assets’ means, with respect to any insurance company, the trades or businesses, rights, or assets with respect to which the net written premiums (or direct written premiums) of such insurance company are paid.

“(III) INDIRECT INTEREST.—An indirect interest includes any interest held through a trust, estate, partnership, or corporation.

“(IV) DE MINIMIS.—Except as otherwise provided by the Secretary in regulations or other guidance, 2 percentage points or less shall be treated as de minimis.”.

(C) CONFORMING AMENDMENTS.—The second sentence section 831(b)(2)(A) is amended—

(i) by striking “clause (ii)” and inserting “clause (iii)”, and

(ii) by striking “clause (i)” and inserting “clauses (i) and (ii)”.

(2) TREATMENT OF RELATED POLICYHOLDERS.—Clause (i) of section 831(b)(2)(C), as redesignated by paragraph (1)(B), is amended—

(A) by striking “For purposes of subparagraph (A), in determining” and inserting “For purposes of this paragraph—

“(I) in determining”,

(B) by striking the period at the end and inserting “, and”, and

(C) by adding at the end the following new subclause:

“(II) in determining the attribution of premiums to any policyholder under subparagraph (B)(i), all policyholders which are related (within the meaning of section 267(b) or 707(b)) or are members of the same controlled group shall be treated as one policyholder.”.

(3) REPORTING.—Section 831 is amended by redesignating subsection (d) as subsection (e) and by inserting after subsection (c) the following new subsection:

26 USC 831.

“(d) REPORTING.—Every insurance company for which an election is in effect under subsection (b) for any taxable year shall furnish to the Secretary at such time and in such manner as the Secretary shall prescribe such information for such taxable year as the Secretary shall require with respect to the requirements of subsection (b)(2)(A)(ii).”

(b) INCREASE IN LIMITATION ON PREMIUMS.—

26 USC 831.

(1) IN GENERAL.—Clause (i) of section 831(b)(2)(A) is amended by striking “\$1,200,000” and inserting “\$2,200,000”.

(2) INFLATION ADJUSTMENT.—Paragraph (2) of section 831(b), as amended by subsection (a)(1)(B), is amended by adding at the end the following new subparagraph:

“(D) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 2015, the dollar amount set forth in subparagraph (A)(i) shall be increased by an amount equal to—

“(i) such dollar amount, multiplied by

“(ii) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting ‘calendar year 2013’ for ‘calendar year 1992’ in subparagraph (B) thereof.

If the amount as adjusted under the preceding sentence is not a multiple of \$50,000, such amount shall be rounded to the next lowest multiple of \$50,000.”

26 USC 831 note.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2016.

SEC. 334. TREATMENT OF TIMBER GAINS.

26 USC 1201.

(a) IN GENERAL.—Section 1201(b) is amended to read as follows:

“(b) SPECIAL RATE FOR QUALIFIED TIMBER GAINS.—

“(1) IN GENERAL.—If, for any taxable year beginning in 2016, a corporation has both a net capital gain and qualified timber gain—

“(A) subsection (a) shall apply to such corporation for the taxable year without regard to whether the applicable tax rate exceeds 35 percent, and

“(B) the tax computed under subsection (a)(2) shall be equal to the sum of—

“(i) 23.8 percent of the least of—

“(I) qualified timber gain,

“(II) net capital gain, or

“(III) taxable income, plus

“(ii) 35 percent of the excess (if any) of taxable income over the sum of the amounts for which a tax was determined under subsection (a)(1) and clause (i).

“(2) QUALIFIED TIMBER GAIN.—For purposes of this section, the term ‘qualified timber gain’ means, with respect to any taxpayer for any taxable year, the excess (if any) of—

“(A) the sum of the taxpayer’s gains described in subsections (a) and (b) of section 631 for such year, over

“(B) the sum of the taxpayer’s losses described in such subsections for such year.

For purposes of subparagraphs (A) and (B), only timber held more than 15 years shall be taken into account.”

26 USC 55.

(b) CONFORMING AMENDMENT.—Section 55(b) is amended by striking paragraph (4).

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2015. 26 USC 55 note.

SEC. 335. MODIFICATION OF DEFINITION OF HARD CIDER.

(a) **IN GENERAL.**—Section 5041 of the Internal Revenue Code of 1986 is amended—

26 USC 5041.

(1) in paragraph (6) of subsection (b), by striking “which is a still wine” and all that follows through “alcohol by volume”, and

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

“(g) **HARD CIDER.**—For purposes of subsection (b)(6), the term ‘hard cider’ means a wine—

“(1) containing not more than 0.64 gram of carbon dioxide per hundred milliliters of wine, except that the Secretary may by regulations prescribe such tolerances to this limitation as may be reasonably necessary in good commercial practice,

“(2) which is derived primarily—

“(A) from apples or pears, or

“(B) from—

“(i) apple juice concentrate or pear juice concentrate, and

“(ii) water,

“(3) which contains no fruit product or fruit flavoring other than apple or pear, and

“(4) which contains at least one-half of 1 percent and less than 8.5 percent alcohol by volume.”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to hard cider removed during calendar years beginning after December 31, 2016.

26 USC 5041 note.

SEC. 336. CHURCH PLAN CLARIFICATION.

(a) **APPLICATION OF CONTROLLED GROUP RULES TO CHURCH PLANS.**—

(1) **IN GENERAL.**—Section 414(c) is amended—

26 USC 414.

(A) by striking “For purposes” and inserting the following:

“(1) **IN GENERAL.**—Except as provided in paragraph (2), for purposes”, and

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

“(2) **SPECIAL RULES RELATING TO CHURCH PLANS.**—

“(A) **GENERAL RULE.**—Except as provided in subparagraphs (B) and (C), for purposes of this subsection and subsection (m), an organization that is otherwise eligible to participate in a church plan shall not be aggregated with another such organization and treated as a single employer with such other organization for a plan year beginning in a taxable year unless—

“(i) one such organization provides (directly or indirectly) at least 80 percent of the operating funds for the other organization during the preceding taxable year of the recipient organization, and

“(ii) there is a degree of common management or supervision between the organizations such that the organization providing the operating funds is directly involved in the day-to-day operations of the other organization.

“(B) **NONQUALIFIED CHURCH-CONTROLLED ORGANIZATIONS.**—Notwithstanding subparagraph (A), for purposes

of this subsection and subsection (m), an organization that is a nonqualified church-controlled organization shall be aggregated with 1 or more other nonqualified church-controlled organizations, or with an organization that is not exempt from tax under section 501, and treated as a single employer with such other organization, if at least 80 percent of the directors or trustees of such other organization are either representatives of, or directly or indirectly controlled by, such nonqualified church-controlled organization. For purposes of this subparagraph, the term ‘nonqualified church-controlled organization’ means a church-controlled tax-exempt organization described in section 501(c)(3) that is not a qualified church-controlled organization (as defined in section 3121(w)(3)(B)).

“(C) PERMISSIVE AGGREGATION AMONG CHURCH-RELATED ORGANIZATIONS.—The church or convention or association of churches with which an organization described in subparagraph (A) is associated (within the meaning of subsection (e)(3)(D)), or an organization designated by such church or convention or association of churches, may elect to treat such organizations as a single employer for a plan year. Such election, once made, shall apply to all succeeding plan years unless revoked with notice provided to the Secretary in such manner as the Secretary shall prescribe.

“(D) PERMISSIVE DISAGGREGATION OF CHURCH-RELATED ORGANIZATIONS.—For purposes of subparagraph (A), in the case of a church plan, an employer may elect to treat churches (as defined in section 403(b)(12)(B)) separately from entities that are not churches (as so defined), without regard to whether such entities maintain separate church plans. Such election, once made, shall apply to all succeeding plan years unless revoked with notice provided to the Secretary in such manner as the Secretary shall prescribe.”

26 USC 414 note.

(2) CLARIFICATION RELATING TO APPLICATION OF ANTI-ABUSE RULE.—The rule of 26 CFR 1.414(c)–5(f) shall continue to apply to each paragraph of section 414(c) of the Internal Revenue Code of 1986, as amended by paragraph (1).

26 USC 414 note.

(3) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to years beginning before, on, or after the date of the enactment of this Act.

(b) APPLICATION OF CONTRIBUTION AND FUNDING LIMITATIONS TO 403(b) GRANDFATHERED DEFINED BENEFIT PLANS.—

26 USC 403 note.

(1) IN GENERAL.—Section 251(e)(5) of the Tax Equity and Fiscal Responsibility Act of 1982 (Public Law 97–248), is amended—

(A) by striking “403(b)(2)” and inserting “403(b)”, and

(B) by inserting before the period at the end the following: “, and shall be subject to the applicable limitations of section 415(b) of such Code as if it were a defined benefit plan under section 401(a) of such Code (and not to the limitations of section 415(c) of such Code).”.

26 USC 403 note.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to years beginning before, on, or after the date of the enactment of this Act.

26 USC 414 note.

(c) AUTOMATIC ENROLLMENT BY CHURCH PLANS.—

(1) IN GENERAL.—This subsection shall supersede any law of a State that relates to wage, salary, or payroll payment, collection, deduction, garnishment, assignment, or withholding which would directly or indirectly prohibit or restrict the inclusion in any church plan (as defined in section 414(e) of the Internal Revenue Code of 1986) of an automatic contribution arrangement.

(2) DEFINITION OF AUTOMATIC CONTRIBUTION ARRANGEMENT.—For purposes of this subsection, the term “automatic contribution arrangement” means an arrangement—

(A) under which a participant may elect to have the plan sponsor or the employer make payments as contributions under the plan on behalf of the participant, or to the participant directly in cash,

(B) under which a participant is treated as having elected to have the plan sponsor or the employer make such contributions in an amount equal to a uniform percentage of compensation provided under the plan until the participant specifically elects not to have such contributions made (or specifically elects to have such contributions made at a different percentage), and

(C) under which the notice and election requirements of paragraph (3), and the investment requirements of paragraph (4), are satisfied.

(3) NOTICE REQUIREMENTS.—

(A) IN GENERAL.—The plan sponsor of, or plan administrator or employer maintaining, an automatic contribution arrangement shall, within a reasonable period before the first day of each plan year, provide to each participant to whom the arrangement applies for such plan year notice of the participant’s rights and obligations under the arrangement which—

(i) is sufficiently accurate and comprehensive to apprise the participant of such rights and obligations, and

(ii) is written in a manner calculated to be understood by the average participant to whom the arrangement applies.

(B) ELECTION REQUIREMENTS.—A notice shall not be treated as meeting the requirements of subparagraph (A) with respect to a participant unless—

(i) the notice includes an explanation of the participant’s right under the arrangement not to have elective contributions made on the participant’s behalf (or to elect to have such contributions made at a different percentage),

(ii) the participant has a reasonable period of time, after receipt of the explanation described in clause (i) and before the first elective contribution is made, to make such election, and

(iii) the notice explains how contributions made under the arrangement will be invested in the absence of any investment election by the participant.

(4) DEFAULT INVESTMENT.—If no affirmative investment election has been made with respect to any automatic contribution arrangement, contributions to such arrangement shall be invested in a default investment selected with the care, skill,

prudence, and diligence that a prudent person selecting an investment option would use.

(5) EFFECTIVE DATE.—This subsection shall take effect on the date of the enactment of this Act.

(d) ALLOW CERTAIN PLAN TRANSFERS AND MERGERS.—

26 USC 414.

(1) IN GENERAL.—Section 414 is amended by adding at the end the following new subsection:

“(z) CERTAIN PLAN TRANSFERS AND MERGERS.—

“(1) IN GENERAL.—Under rules prescribed by the Secretary, except as provided in paragraph (2), no amount shall be includible in gross income by reason of—

“(A) a transfer of all or a portion of the accrued benefit of a participant or beneficiary, whether or not vested, from a church plan that is a plan described in section 401(a) or an annuity contract described in section 403(b) to an annuity contract described in section 403(b), if such plan and annuity contract are both maintained by the same church or convention or association of churches,

“(B) a transfer of all or a portion of the accrued benefit of a participant or beneficiary, whether or not vested, from an annuity contract described in section 403(b) to a church plan that is a plan described in section 401(a), if such plan and annuity contract are both maintained by the same church or convention or association of churches, or

“(C) a merger of a church plan that is a plan described in section 401(a), or an annuity contract described in section 403(b), with an annuity contract described in section 403(b), if such plan and annuity contract are both maintained by the same church or convention or association of churches.

“(2) LIMITATION.—Paragraph (1) shall not apply to a transfer or merger unless the participant’s or beneficiary’s total accrued benefit immediately after the transfer or merger is equal to or greater than the participant’s or beneficiary’s total accrued benefit immediately before the transfer or merger, and such total accrued benefit is nonforfeitable after the transfer or merger.

“(3) QUALIFICATION.—A plan or annuity contract shall not fail to be considered to be described in section 401(a) or 403(b) merely because such plan or annuity contract engages in a transfer or merger described in this subsection.

“(4) DEFINITIONS.—For purposes of this subsection—

“(A) CHURCH OR CONVENTION OR ASSOCIATION OF CHURCHES.—The term ‘church or convention or association of churches’ includes an organization described in subparagraph (A) or (B)(ii) of subsection (e)(3).

“(B) ANNUITY CONTRACT.—The term ‘annuity contract’ includes a custodial account described in section 403(b)(7) and a retirement income account described in section 403(b)(9).

“(C) ACCRUED BENEFIT.—The term ‘accrued benefit’ means—

“(i) in the case of a defined benefit plan, the employee’s accrued benefit determined under the plan, and

“(ii) in the case of a plan other than a defined benefit plan, the balance of the employee’s account under the plan.”.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to transfers or mergers occurring after the date of the enactment of this Act. 26 USC 414 note.

(e) INVESTMENTS BY CHURCH PLANS IN COLLECTIVE TRUSTS.— 26 USC 414 note.

(1) IN GENERAL.—In the case of—

(A) a church plan (as defined in section 414(e) of the Internal Revenue Code of 1986), including a plan described in section 401(a) of such Code and a retirement income account described in section 403(b)(9) of such Code, and

(B) an organization described in section 414(e)(3)(A) of such Code the principal purpose or function of which is the administration of such a plan or account,

the assets of such plan, account, or organization (including any assets otherwise permitted to be commingled for investment purposes with the assets of such a plan, account, or organization) may be invested in a group trust otherwise described in Internal Revenue Service Revenue Ruling 81–100 (as modified by Internal Revenue Service Revenue Rulings 2004–67, 2011–1, and 2014–24), or any subsequent revenue ruling that supersedes or modifies such revenue ruling, without adversely affecting the tax status of the group trust, such plan, account, or organization, or any other plan or trust that invests in the group trust.

(2) EFFECTIVE DATE.—This subsection shall apply to investments made after the date of the enactment of this Act. 26 USC 414 note.

Subtitle D—Revenue Provisions

SEC. 341. UPDATED ASHRAE STANDARDS FOR ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION.

(a) IN GENERAL.—Paragraph (1) of section 179D(c) is amended by striking “Standard 90.1–2001” each place it appears and inserting “Standard 90.1–2007”. 26 USC 179D.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 179D(c) is amended to read as follows:

“(2) STANDARD 90.1–2007.—The term ‘Standard 90.1–2007’ means Standard 90.1–2007 of the American Society of Heating, Refrigerating, and Air Conditioning Engineers and the Illuminating Engineering Society of North America (as in effect on the day before the date of the adoption of Standard 90.1–2010 of such Societies).”.

(2) Subsection (f) of section 179D is amended by striking “Standard 90.1–2001” each place it appears in paragraphs (1) and (2)(C)(i) and inserting “Standard 90.1–2007”.

(3) Paragraph (1) of section 179D(f) is amended—

(A) by striking “Table 9.3.1.1” and inserting “Table 9.5.1”, and

(B) by striking “Table 9.3.1.2” and inserting “Table 9.6.1”.

(c) EFFECTIVE DATE.—The amendments made by this subsection shall apply to property placed in service after December 31, 2015. 26 USC 179D note.

SEC. 342. EXCISE TAX CREDIT EQUIVALENCY FOR LIQUEFIED PETROLEUM GAS AND LIQUEFIED NATURAL GAS.

26 USC 6426.

(a) **IN GENERAL.**—Section 6426 is amended by adding at the end the following new subsection:

“(j) **ENERGY EQUIVALENCY DETERMINATIONS FOR LIQUEFIED PETROLEUM GAS AND LIQUEFIED NATURAL GAS.**—For purposes of determining any credit under this section, any reference to the number of gallons of an alternative fuel or the gasoline gallon equivalent of such a fuel shall be treated as a reference to—

“(1) in the case of liquefied petroleum gas, the energy equivalent of a gallon of gasoline, as defined in section 4041(a)(2)(C), and

“(2) in the case of liquefied natural gas, the energy equivalent of a gallon of diesel, as defined in section 4041(a)(2)(D).”.

26 USC 6426
note.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to fuel sold or used after December 31, 2015.

26 USC 101
note prec.**SEC. 343. EXCLUSION FROM GROSS INCOME OF CERTAIN CLEAN COAL POWER GRANTS TO NON-CORPORATE TAXPAYERS.**

(a) **GENERAL RULE.**—In the case of an eligible taxpayer other than a corporation, gross income for purposes of the Internal Revenue Code of 1986 shall not include any amount received under section 402 of the Energy Policy Act of 2005.

(b) **REDUCTION IN BASIS.**—The basis of any property subject to the allowance for depreciation under the Internal Revenue Code of 1986 which is acquired with any amount to which subsection (a) applies during the 12-month period beginning on the day such amount is received shall be reduced by an amount equal to such amount. The excess (if any) of such amount over the amount of the reduction under the preceding sentence shall be applied to the reduction (as of the last day of the period specified in the preceding sentence) of the basis of any other property held by the taxpayer. The particular properties to which the reductions required by this subsection are allocated shall be determined by the Secretary of the Treasury (or the Secretary’s delegate) under regulations similar to the regulations under section 362(c)(2) of such Code.

(c) **LIMITATION TO AMOUNTS WHICH WOULD BE CONTRIBUTIONS TO CAPITAL.**—Subsection (a) shall not apply to any amount unless such amount, if received by a corporation, would be excluded from gross income under section 118 of the Internal Revenue Code of 1986.

(d) **ELIGIBLE TAXPAYER.**—For purposes of this section, with respect to any amount received under section 402 of the Energy Policy Act of 2005, the term “eligible taxpayer” means a taxpayer that makes a payment to the Secretary of the Treasury (or the Secretary’s delegate) equal to 1.18 percent of the amount so received. Such payment shall be made at such time and in such manner as such Secretary (or the Secretary’s delegate) shall prescribe. In the case of a partnership, such Secretary (or the Secretary’s delegate) shall prescribe regulations to determine the allocation of such payment amount among the partners.

(e) **EFFECTIVE DATE.**—This section shall apply to amounts received under section 402 of the Energy Policy Act of 2005 in taxable years beginning after December 31, 2011.

SEC. 344. CLARIFICATION OF VALUATION RULE FOR EARLY TERMINATION OF CERTAIN CHARITABLE REMAINDER UNITRUSTS.

(a) IN GENERAL.—Section 664(e) is amended—

26 USC 664.

(1) by adding at the end the following: “In the case of the early termination of a trust which is a charitable remainder unitrust by reason of subsection (d)(3), the valuation of interests in such trust for purposes of this section shall be made under rules similar to the rules of the preceding sentence.”, and

(2) by striking “FOR PURPOSES OF CHARITABLE CONTRIBUTION” in the heading thereof and inserting “OF INTERESTS”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to terminations of trusts occurring after the date of the enactment of this Act.

26 USC 664 note.

SEC. 345. PREVENTION OF TRANSFER OF CERTAIN LOSSES FROM TAX INDIFFERENT PARTIES.

(a) IN GENERAL.—Section 267(d) is amended to read as follows:

26 USC 267.

“(d) AMOUNT OF GAIN WHERE LOSS PREVIOUSLY DISALLOWED.—

“(1) IN GENERAL.—If—

“(A) in the case of a sale or exchange of property to the taxpayer a loss sustained by the transferor is not allowable to the transferor as a deduction by reason of subsection (a)(1), and

“(B) the taxpayer sells or otherwise disposes of such property (or of other property the basis of which in the taxpayer’s hands is determined directly or indirectly by reference to such property) at a gain,

then such gain shall be recognized only to the extent that it exceeds so much of such loss as is properly allocable to the property sold or otherwise disposed of by the taxpayer.

“(2) EXCEPTION FOR WASH SALES.—Paragraph (1) shall not apply if the loss sustained by the transferor is not allowable to the transferor as a deduction by reason of section 1091 (relating to wash sales).

“(3) EXCEPTION FOR TRANSFERS FROM TAX INDIFFERENT PARTIES.—Paragraph (1) shall not apply to the extent any loss sustained by the transferor (if allowed) would not be taken into account in determining a tax imposed under section 1 or 11 or a tax computed as provided by either of such sections.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to sales and other dispositions of property acquired after December 31, 2015, by the taxpayer in a sale or exchange to which section 267(a)(1) of the Internal Revenue Code of 1986 applied.

26 USC 267 note.

SEC. 346. TREATMENT OF CERTAIN PERSONS AS EMPLOYERS WITH RESPECT TO MOTION PICTURE PROJECTS.

(a) IN GENERAL.—Chapter 25 (relating to general provisions relating to employment taxes) is amended by adding at the end the following new section:

“SEC. 3512. TREATMENT OF CERTAIN PERSONS AS EMPLOYERS WITH RESPECT TO MOTION PICTURE PROJECTS.

26 USC 3512.

“(a) IN GENERAL.—For purposes of sections 3121(a)(1) and 3306(b)(1), remuneration paid to a motion picture project worker by a motion picture project employer during a calendar year shall be treated as remuneration paid with respect to employment of

such worker by such employer during the calendar year. The identity of such employer for such purposes shall be determined as set forth in this section and without regard to the usual common law rules applicable in determining the employer-employee relationship.

“(b) DEFINITIONS.—For purposes of this section—

“(1) MOTION PICTURE PROJECT EMPLOYER.—The term ‘motion picture project employer’ means any person if—

“(A) such person (directly or through affiliates)—

“(i) is a party to a written contract covering the services of motion picture project workers with respect to motion picture projects in the course of a client’s trade or business,

“(ii) is contractually obligated to pay remuneration to the motion picture project workers without regard to payment or reimbursement by any other person,

“(iii) controls the payment (within the meaning of section 3401(d)(1)) of remuneration to the motion picture project workers and pays such remuneration from its own account or accounts,

“(iv) is a signatory to one or more collective bargaining agreements with a labor organization (as defined in 29 U.S.C. 152(5)) that represents motion picture project workers, and

“(v) has treated substantially all motion picture project workers that such person pays as employees and not as independent contractors during such calendar year for purposes of determining employment taxes under this subtitle, and

“(B) at least 80 percent of all remuneration (to which section 3121 applies) paid by such person in such calendar year is paid to motion picture project workers.

“(2) MOTION PICTURE PROJECT WORKER.—The term ‘motion picture project worker’ means any individual who provides services on motion picture projects for clients who are not affiliated with the motion picture project employer.

“(3) MOTION PICTURE PROJECT.—The term ‘motion picture project’ means the production of any property described in section 168(f)(3). Such term does not include property with respect to which records are required to be maintained under section 2257 of title 18, United States Code.

“(4) AFFILIATE; AFFILIATED.—A person shall be treated as an affiliate of, or affiliated with, another person if such persons are treated as a single employer under subsection (b) or (c) of section 414.”.

(b) CLERICAL AMENDMENT.—The table of sections for such chapter 25 is amended by adding at the end the following new item:

“Sec. 3512. Treatment of certain persons as employers with respect to motion picture projects.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to remuneration paid after December 31, 2015.

(d) NO INFERENCE.—Nothing in the amendments made by this section shall be construed to create any inference on the law before the date of the enactment of this Act.

26 USC
3501 prec.

26 USC 3512
note.

26 USC 3512
note.

TITLE IV—TAX ADMINISTRATION
Subtitle A—Internal Revenue Service
Reforms

SEC. 401. DUTY TO ENSURE THAT INTERNAL REVENUE SERVICE EMPLOYEES ARE FAMILIAR WITH AND ACT IN ACCORD WITH CERTAIN TAXPAYER RIGHTS.

(a) **IN GENERAL.**—Section 7803(a) is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph: 26 USC 7803.

“(3) **EXECUTION OF DUTIES IN ACCORD WITH TAXPAYER RIGHTS.**—In discharging his duties, the Commissioner shall ensure that employees of the Internal Revenue Service are familiar with and act in accord with taxpayer rights as afforded by other provisions of this title, including—

“(A) the right to be informed,

“(B) the right to quality service,

“(C) the right to pay no more than the correct amount of tax,

“(D) the right to challenge the position of the Internal Revenue Service and be heard,

“(E) the right to appeal a decision of the Internal Revenue Service in an independent forum,

“(F) the right to finality,

“(G) the right to privacy,

“(H) the right to confidentiality,

“(I) the right to retain representation, and

“(J) the right to a fair and just tax system.”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date of the enactment of this Act. 26 USC 7803 note.

SEC. 402. IRS EMPLOYEES PROHIBITED FROM USING PERSONAL EMAIL ACCOUNTS FOR OFFICIAL BUSINESS. 26 USC 7801 note.

No officer or employee of the Internal Revenue Service may use a personal email account to conduct any official business of the Government.

SEC. 403. RELEASE OF INFORMATION REGARDING THE STATUS OF CERTAIN INVESTIGATIONS.

(a) **IN GENERAL.**—Section 6103(e) is amended by adding at the end the following new paragraph: 26 USC 6103.

“(11) **DISCLOSURE OF INFORMATION REGARDING STATUS OF INVESTIGATION OF VIOLATION OF THIS SECTION.**—In the case of a person who provides to the Secretary information indicating a violation of section 7213, 7213A, or 7214 with respect to any return or return information of such person, the Secretary may disclose to such person (or such person’s designee)—

“(A) whether an investigation based on the person’s provision of such information has been initiated and whether it is open or closed,

“(B) whether any such investigation substantiated such a violation by any individual, and

“(C) whether any action has been taken with respect to such individual (including whether a referral has been made for prosecution of such individual).”.

26 USC 6103
note.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to disclosures made on or after the date of the enactment of this Act.

SEC. 404. ADMINISTRATIVE APPEAL RELATING TO ADVERSE DETERMINATIONS OF TAX-EXEMPT STATUS OF CERTAIN ORGANIZATIONS.

26 USC 7123.

(a) **IN GENERAL.**—Section 7123 is amended by adding at the end of the following:

“(c) **ADMINISTRATIVE APPEAL RELATING TO ADVERSE DETERMINATION OF TAX-EXEMPT STATUS OF CERTAIN ORGANIZATIONS.**—

“(1) **IN GENERAL.**—The Secretary shall prescribe procedures under which an organization which claims to be described in section 501(c) may request an administrative appeal (including a conference relating to such appeal if requested by the organization) to the Internal Revenue Service Office of Appeals of an adverse determination described in paragraph (2).

“(2) **ADVERSE DETERMINATIONS.**—For purposes of paragraph (1), an adverse determination is described in this paragraph if such determination is adverse to an organization with respect to—

“(A) the initial qualification or continuing qualification of the organization as exempt from tax under section 501(a) or as an organization described in section 170(c)(2),

“(B) the initial classification or continuing classification of the organization as a private foundation under section 509(a), or

“(C) the initial classification or continuing classification of the organization as a private operating foundation under section 4942(j)(3).”.

26 USC 7123
note.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply to determinations made on or after May 19, 2014.

SEC. 405. ORGANIZATIONS REQUIRED TO NOTIFY SECRETARY OF INTENT TO OPERATE UNDER 501(c)(4).

(a) **IN GENERAL.**—Part I of subchapter F of chapter 1 is amended by adding at the end the following new section:

25 USC 506.

“**SEC. 506. ORGANIZATIONS REQUIRED TO NOTIFY SECRETARY OF INTENT TO OPERATE UNDER 501(c)(4).**

“(a) **IN GENERAL.**—An organization described in section 501(c)(4) shall, not later than 60 days after the organization is established, notify the Secretary (in such manner as the Secretary shall by regulation prescribe) that it is operating as such.

“(b) **CONTENTS OF NOTICE.**—The notice required under subsection (a) shall include the following information:

“(1) The name, address, and taxpayer identification number of the organization.

“(2) The date on which, and the State under the laws of which, the organization was organized.

“(3) A statement of the purpose of the organization.

“(c) **ACKNOWLEDGMENT OF RECEIPT.**—Not later than 60 days after receipt of such a notice, the Secretary shall send to the organization an acknowledgment of such receipt.

“(d) **EXTENSION FOR REASONABLE CAUSE.**—The Secretary may, for reasonable cause, extend the 60-day period described in subsection (a).

“(e) USER FEE.—The Secretary shall impose a reasonable user fee for submission of the notice under subsection (a).

“(f) REQUEST FOR DETERMINATION.—Upon request by an organization to be treated as an organization described in section 501(c)(4), the Secretary may issue a determination with respect to such treatment. Such request shall be treated for purposes of section 6104 as an application for exemption from taxation under section 501(a).”

(b) SUPPORTING INFORMATION WITH FIRST RETURN.—Section 6033(f) is amended—

26 USC 6033.

(1) by striking the period at the end and inserting “, and”,

(2) by striking “include on the return required under subsection (a) the information” and inserting the following: “include on the return required under subsection (a)—

“(1) the information”, and

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

“(2) in the case of the first such return filed by such an organization after submitting a notice to the Secretary under section 506(a), such information as the Secretary shall by regulation require in support of the organization’s treatment as an organization described in section 501(c)(4).”

(c) FAILURE TO FILE INITIAL NOTIFICATION.—Section 6652(c) is amended by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively, and by inserting after paragraph (3) the following new paragraph:

26 USC 6652.

“(4) NOTICES UNDER SECTION 506.—

“(A) PENALTY ON ORGANIZATION.—In the case of a failure to submit a notice required under section 506(a) (relating to organizations required to notify Secretary of intent to operate as 501(c)(4)) on the date and in the manner prescribed therefor, there shall be paid by the organization failing to so submit \$20 for each day during which such failure continues, but the total amount imposed under this subparagraph on any organization for failure to submit any one notice shall not exceed \$5,000.

“(B) MANAGERS.—The Secretary may make written demand on an organization subject to penalty under subparagraph (A) specifying in such demand a reasonable future date by which the notice shall be submitted for purposes of this subparagraph. If such notice is not submitted on or before such date, there shall be paid by the person failing to so submit \$20 for each day after the expiration of the time specified in the written demand during which such failure continues, but the total amount imposed under this subparagraph on all persons for failure to submit any one notice shall not exceed \$5,000.”

(d) CLERICAL AMENDMENT.—The table of sections for part I of subchapter F of chapter 1 is amended by adding at the end the following new item:

26 USC
501 prec.

“Sec. 506. Organizations required to notify Secretary of intent to operate under 501(c)(4).”

(e) LIMITATION.—Notwithstanding any other provision of law, any fees collected pursuant to section 506(e) of the Internal Revenue Code of 1986, as added by subsection (a), shall not be expended by the Secretary of the Treasury or the Secretary’s delegate unless provided by an appropriations Act.

26 USC 506 note.

26 USC 506 note.

(f) EFFECTIVE DATE.—

(1) **IN GENERAL.**—The amendments made by this section shall apply to organizations which are described in section 501(c)(4) of the Internal Revenue Code of 1986 and organized after the date of the enactment of this Act.

(2) **CERTAIN EXISTING ORGANIZATIONS.**—In the case of any other organization described in section 501(c)(4) of such Code, the amendments made by this section shall apply to such organization only if, on or before the date of the enactment of this Act—

(A) such organization has not applied for a written determination of recognition as an organization described in section 501(c)(4) of such Code, and

(B) such organization has not filed at least one annual return or notice required under subsection (a)(1) or (i) (as the case may be) of section 6033 of such Code.

In the case of any organization to which the amendments made by this section apply by reason of the preceding sentence, such organization shall submit the notice required by section 506(a) of such Code, as added by this Act, not later than 180 days after the date of the enactment of this Act.

SEC. 406. DECLARATORY JUDGMENTS FOR 501(c)(4) AND OTHER EXEMPT ORGANIZATIONS.

26 USC 7428.

(a) **IN GENERAL.**—Section 7428(a)(1) is amended by striking “or” at the end of subparagraph (C) and by inserting after subparagraph (D) the following new subparagraph:

“(E) with respect to the initial qualification or continuing qualification of an organization as an organization described in section 501(c) (other than paragraph (3)) or 501(d) and exempt from tax under section 501(a), or”.

26 USC 7428 note.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to pleadings filed after the date of the enactment of this Act.

SEC. 407. TERMINATION OF EMPLOYMENT OF INTERNAL REVENUE SERVICE EMPLOYEES FOR TAKING OFFICIAL ACTIONS FOR POLITICAL PURPOSES.

26 USC 7804 note.

(a) **IN GENERAL.**—Paragraph (10) of section 1203(b) of the Internal Revenue Service Restructuring and Reform Act of 1998 is amended to read as follows:

“(10) performing, delaying, or failing to perform (or threatening to perform, delay, or fail to perform) any official action (including any audit) with respect to a taxpayer for purpose of extracting personal gain or benefit or for a political purpose.”.

26 USC 7804 note.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 408. GIFT TAX NOT TO APPLY TO CONTRIBUTIONS TO CERTAIN EXEMPT ORGANIZATIONS.

26 USC 2501.

(a) **IN GENERAL.**—Section 2501(a) is amended by adding at the end the following new paragraph:

“(6) **TRANSFERS TO CERTAIN EXEMPT ORGANIZATIONS.**—Paragraph (1) shall not apply to the transfer of money or other property to an organization described in paragraph (4), (5), or (6) of section 501(c) and exempt from tax under section 501(a), for the use of such organization.”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply to gifts made after the date of the enactment of this Act. 26 USC 2501 note.

(c) **NO INFERENCE.**—Nothing in the amendment made by subsection (a) shall be construed to create any inference with respect to whether any transfer of property (whether made before, on, or after the date of the enactment of this Act) to an organization described in paragraph (4), (5), or (6) of section 501(c) of the Internal Revenue Code of 1986 is a transfer of property by gift for purposes of chapter 12 of such Code. 26 USC 2501 note.

SEC. 409. EXTEND INTERNAL REVENUE SERVICE AUTHORITY TO REQUIRE TRUNCATED SOCIAL SECURITY NUMBERS ON FORM W-2.

(a) **WAGES.**—Section 6051(a)(2) is amended by striking “his social security account number” and inserting “an identifying number for the employee”. 26 USC 6051.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall take effect on the date of the enactment of this Act. 26 USC 6051 note.

SEC. 410. CLARIFICATION OF ENROLLED AGENT CREDENTIALS.

Section 330 of title 31, United States Code, is amended—

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

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

“(b) Any enrolled agents properly licensed to practice as required under rules promulgated under subsection (a) shall be allowed to use the credentials or designation of ‘enrolled agent’, ‘EA’, or ‘E.A.’.”

SEC. 411. PARTNERSHIP AUDIT RULES.

(a) **CORRECTION AND CLARIFICATION TO MODIFICATIONS TO IMPUTED UNDERPAYMENTS.**—

(1) Section 6225(c)(4)(A)(i) is amended by striking “in the case of ordinary income,”. 26 USC 6225.

(2) Section 6225(c) is amended by redesignating paragraphs (5) through (7) as paragraphs (6) through (8), respectively, and by inserting after paragraph (4) the following new paragraph:

“(5) **CERTAIN PASSIVE LOSSES OF PUBLICLY TRADED PARTNERSHIPS.**—

“(A) **IN GENERAL.**—In the case of a publicly traded partnership (as defined in section 469(k)(2)), such procedures shall provide—

“(i) for determining the imputed underpayment without regard to the portion thereof that the partnership demonstrates is attributable to a net decrease in a specified passive activity loss which is allocable to a specified partner, and

“(ii) for the partnership to take such net decrease into account as an adjustment in the adjustment year with respect to the specified partners to which such net decrease relates.

“(B) **SPECIFIED PASSIVE ACTIVITY LOSS.**—For purposes of this paragraph, the term ‘specified passive activity loss’ means, with respect to any specified partner of such publicly traded partnership, the lesser of—

“(i) the passive activity loss of such partner which is separately determined with respect to such partnership under section 469(k) with respect to such partner’s taxable year in which or with which the reviewed year of such partnership ends, or

“(ii) such passive activity loss so determined with respect to such partner’s taxable year in which or with which the adjustment year of such partnership ends.

“(C) SPECIFIED PARTNER.—For purposes of this paragraph, the term ‘specified partner’ means any person if such person—

“(i) is a partner of the publicly traded partnership referred to in subparagraph (A),

“(ii) is described in section 469(a)(2), and

“(iii) has a specified passive activity loss with respect to such publicly traded partnership, with respect to each taxable year of such person which is during the period beginning with the taxable year of such person in which or with which the reviewed year of such publicly traded partnership ends and ending with the taxable year of such person in which or with which the adjustment year of such publicly traded partnership ends.”.

(b) CORRECTION AND CLARIFICATION TO JUDICIAL REVIEW OF PARTNERSHIP ADJUSTMENT.—

26 USC 6226. (1) Section 6226 is amended by adding at the end the following new subsection:

“(d) JUDICIAL REVIEW.—For the time period within which a partnership may file a petition for a readjustment, see section 6234(a).”.

26 USC 6234. (2) Subsections (a)(3), (b)(1), and (d) of section 6234 are each amended by striking “the Claims Court” and inserting “the Court of Federal Claims”.

(3) The heading for section 6234(b) is amended by striking “CLAIMS COURT” and inserting “COURT OF FEDERAL CLAIMS”.

(c) CORRECTION AND CLARIFICATION TO PERIOD OF LIMITATIONS ON MAKING ADJUSTMENTS.—

26 USC 6235. (1) Section 6235(a)(2) is amended by striking “paragraph (4)” and inserting “paragraph (7)”.

(2) Section 6235(a)(3) is amended by striking “270 days” and inserting “330 days (plus the number of days of any extension consented to by the Secretary under section 6225(c)(7))”.

26 USC 6031. (d) TECHNICAL AMENDMENT.—Section 6031(b) is amended by striking the last sentence and inserting the following: “Except as provided in the procedures under section 6225(c), with respect to statements under section 6226, or as otherwise provided by the Secretary, information required to be furnished by the partnership under this subsection may not be amended after the due date of the return under subsection (a) to which such information relates.”.

26 USC 6031 note. (e) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 1101 of the Bipartisan Budget Act of 2015.

Subtitle B—United States Tax Court

PART 1—TAXPAYER ACCESS TO UNITED STATES TAX COURT

SEC. 421. FILING PERIOD FOR INTEREST ABATEMENT CASES.

(a) IN GENERAL.—Subsection (h) of section 6404 is amended— 26 USC 6404.

(1) by striking “REVIEW OF DENIAL” in the heading and inserting “JUDICIAL REVIEW”, and

(2) by striking “if such action is brought” and all that follows in paragraph (1) and inserting “if such action is brought—

“(A) at any time after the earlier of—

“(i) the date of the mailing of the Secretary’s final determination not to abate such interest, or

“(ii) the date which is 180 days after the date of the filing with the Secretary (in such form as the Secretary may prescribe) of a claim for abatement under this section, and

“(B) not later than the date which is 180 days after the date described in subparagraph (A)(i).”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to claims for abatement of interest filed with the Secretary of the Treasury after the date of the enactment of this Act. 26 USC 6404 note.

SEC. 422. SMALL TAX CASE ELECTION FOR INTEREST ABATEMENT CASES.

(a) IN GENERAL.—Subsection (f) of section 7463 is amended— 26 USC 7463.

(1) by striking “and” at the end of paragraph (1),

(2) by striking the period at the end of paragraph (2) and inserting “, and”, and

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

“(3) a petition to the Tax Court under section 6404(h) in which the amount of the abatement sought does not exceed \$50,000.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to cases pending as of the day after the date of the enactment of this Act, and cases commenced after such date of enactment. 26 USC 7463 note.

SEC. 423. VENUE FOR APPEAL OF SPOUSAL RELIEF AND COLLECTION CASES.

(a) IN GENERAL.—Paragraph (1) of section 7482(b) is amended— 26 USC 7482.

(1) by striking “or” at the end of subparagraph (D),

(2) by striking the period at the end of subparagraph (E), and

(3) by inserting after subparagraph (E) the following new subparagraphs:

“(F) in the case of a petition under section 6015(e), the legal residence of the petitioner, or

“(G) in the case of a petition under section 6320 or 6330—

“(i) the legal residence of the petitioner if the petitioner is an individual, and

“(ii) the principal place of business or principal office or agency if the petitioner is an entity other than an individual.”.

26 USC 7482
note.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to petitions filed after the date of enactment of this Act.

(2) EFFECT ON EXISTING PROCEEDINGS.—Nothing in this section shall be construed to create any inference with respect to the application of section 7482 of the Internal Revenue Code of 1986 with respect to court proceedings filed on or before the date of the enactment of this Act.

SEC. 424. SUSPENSION OF RUNNING OF PERIOD FOR FILING PETITION OF SPOUSAL RELIEF AND COLLECTION CASES.

(a) PETITIONS FOR SPOUSAL RELIEF.—

26 USC 6015.

(1) IN GENERAL.—Subsection (e) of section 6015 is amended by adding at the end the following new paragraph:

“(6) SUSPENSION OF RUNNING OF PERIOD FOR FILING PETITION IN TITLE 11 CASES.—In the case of a person who is prohibited by reason of a case under title 11, United States Code, from filing a petition under paragraph (1)(A) with respect to a final determination of relief under this section, the running of the period prescribed by such paragraph for filing such a petition with respect to such final determination shall be suspended for the period during which the person is so prohibited from filing such a petition, and for 60 days thereafter.”.

26 USC 6015
note.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to petitions filed under section 6015(e) of the Internal Revenue Code of 1986 after the date of the enactment of this Act.

(b) COLLECTION PROCEEDINGS.—

26 USC 6330.

(1) IN GENERAL.—Subsection (d) of section 6330 is amended—

(A) by striking “appeal such determination to the Tax Court” in paragraph (1) and inserting “petition the Tax Court for review of such determination”,

(B) by striking “JUDICIAL REVIEW OF DETERMINATION” in the heading of paragraph (1) and inserting “PETITION FOR REVIEW BY TAX COURT”,

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

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

“(2) SUSPENSION OF RUNNING OF PERIOD FOR FILING PETITION IN TITLE 11 CASES.—In the case of a person who is prohibited by reason of a case under title 11, United States Code, from filing a petition under paragraph (1) with respect to a determination under this section, the running of the period prescribed by such subsection for filing such a petition with respect to such determination shall be suspended for the period during which the person is so prohibited from filing such a petition, and for 30 days thereafter, and”.

26 USC 6330
note.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to petitions filed under section 6330 of the Internal Revenue Code of 1986 after the date of the enactment of this Act.

(c) CONFORMING AMENDMENT.—Subsection (c) of section 6320 is amended by striking “(2)(B)” and inserting “(3)(B)”. 26 USC 6320.

SEC. 425. APPLICATION OF FEDERAL RULES OF EVIDENCE.

(a) IN GENERAL.—Section 7453 is amended by striking “the rules of evidence applicable in trials without a jury in the United States District Court of the District of Columbia” and inserting “the Federal Rules of Evidence”. 26 USC 7453.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to proceedings commenced after the date of the enactment of this Act and, to the extent that it is just and practicable, to all proceedings pending on such date. 26 USC 7453 note.

**PART 2—UNITED STATES TAX COURT
ADMINISTRATION**

SEC. 431. JUDICIAL CONDUCT AND DISABILITY PROCEDURES.

(a) IN GENERAL.—Part II of subchapter C of chapter 76 is amended by adding at the end the following new section:

“SEC. 7466. JUDICIAL CONDUCT AND DISABILITY PROCEDURES.

26 USC 7466.

“(a) IN GENERAL.—The Tax Court shall prescribe rules, consistent with the provisions of chapter 16 of title 28, United States Code, establishing procedures for the filing of complaints with respect to the conduct of any judge or special trial judge of the Tax Court and for the investigation and resolution of such complaints. In investigating and taking action with respect to any such complaint, the Tax Court shall have the powers granted to a judicial council under such chapter.

“(b) JUDICIAL COUNCIL.—The provisions of sections 354(b) through 360 of title 28, United States Code, regarding referral or certification to, and petition for review in the Judicial Conference of the United States, and action thereon, shall apply to the exercise by the Tax Court of the powers of a judicial council under subsection (a). The determination pursuant to section 354(b) or 355 of title 28, United States Code, shall be made based on the grounds for removal of a judge from office under section 7443(f), and certification and transmittal by the Conference of any complaint shall be made to the President for consideration under section 7443(f).

“(c) HEARINGS.—

“(1) IN GENERAL.—In conducting hearings pursuant to subsection (a), the Tax Court may exercise the authority provided under section 1821 of title 28, United States Code, to pay the fees and allowances described in that section.

“(2) REIMBURSEMENT FOR EXPENSES.—The Tax Court shall have the power provided under section 361 of such title 28 to award reimbursement for the reasonable expenses described in that section. Reimbursements under this paragraph shall be made out of any funds appropriated for purposes of the Tax Court.”

(b) CLERICAL AMENDMENT.—The table of sections for part II of subchapter C of chapter 76 is amended by adding at the end the following new item:

26 USC
7451 prec.

“Sec. 7466. Judicial conduct and disability procedures.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to proceedings commenced after the date which is 180 26 USC 7466 note.

days after the date of the enactment of this Act and, to the extent just and practicable, all proceedings pending on such date.

SEC. 432. ADMINISTRATION, JUDICIAL CONFERENCE, AND FEES.

(a) IN GENERAL.—Part III of subchapter C of chapter 76 is amended by inserting before section 7471 the following new sections:

26 USC 7470.

“SEC. 7470. ADMINISTRATION.

“Notwithstanding any other provision of law, the Tax Court may exercise, for purposes of management, administration, and expenditure of funds of the Court, the authorities provided for such purposes by any provision of law (including any limitation with respect to such provision of law) applicable to a court of the United States (as that term is defined in section 451 of title 28, United States Code), except to the extent that such provision of law is inconsistent with a provision of this subchapter.

26 USC 7470A.

“SEC. 7470A. JUDICIAL CONFERENCE.

“(a) JUDICIAL CONFERENCE.—The chief judge may summon the judges and special trial judges of the Tax Court to an annual judicial conference, at such time and place as the chief judge shall designate, for the purpose of considering the business of the Tax Court and recommending means of improving the administration of justice within the jurisdiction of the Tax Court. The Tax Court shall provide by its rules for representation and active participation at such conferences by persons admitted to practice before the Tax Court and by other persons active in the legal profession.

“(b) REGISTRATION FEE.—The Tax Court may impose a reasonable registration fee on persons (other than judges and special trial judges of the Tax Court) participating at judicial conferences convened pursuant to subsection (a). Amounts so received by the Tax Court shall be available to the Tax Court to defray the expenses of such conferences.”.

(b) DISPOSITION OF FEES.—Section 7473 is amended to read as follows:

“SEC. 7473. DISPOSITION OF FEES.

“Except as provided in sections 7470A and 7475, all fees received by the Tax Court pursuant to this title shall be deposited into a special fund of the Treasury to be available to offset funds appropriated for the operation and maintenance of the Tax Court.”.

26 USC
7470 prec.

(c) CLERICAL AMENDMENTS.—The table of sections for part III of subchapter C of chapter 76 is amended by inserting before the item relating to section 7471 the following new items:

“Sec. 7470. Administration.

“Sec. 7470A. Judicial conference.”.

PART 3—CLARIFICATION RELATING TO UNITED STATES TAX COURT

SEC. 441. CLARIFICATION RELATING TO UNITED STATES TAX COURT.

26 USC 7441.

Section 7441 is amended by adding at the end the following: “The Tax Court is not an agency of, and shall be independent of, the executive branch of the Government.”.

TITLE V—TRADE-RELATED PROVISIONS

SEC. 501. MODIFICATION OF EFFECTIVE DATE OF PROVISIONS RELATING TO TARIFF CLASSIFICATION OF RECREATIONAL PERFORMANCE OUTERWEAR.

Section 601(c) of the Trade Preferences Extension Act of 2015 (Public Law 114–27; 129 Stat. 412) is amended—

(1) in paragraph (1), by striking “the 180th day after the date of the enactment of this Act” and inserting “March 31, 2016”; and

(2) in paragraph (2), by striking “such 180th day” and inserting “March 31, 2016”.

SEC. 502. AGREEMENT BY ASIA-PACIFIC ECONOMIC COOPERATION MEMBERS TO REDUCE RATES OF DUTY ON CERTAIN ENVIRONMENTAL GOODS.

Section 107 of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015 (Public Law 114–26; 19 U.S.C. 4206) is amended by adding at the end the following:

“(c) AGREEMENT BY ASIA-PACIFIC ECONOMIC COOPERATION MEMBERS TO REDUCE RATES OF DUTY ON CERTAIN ENVIRONMENTAL GOODS.—Notwithstanding the notification requirement described in section 103(a)(2), the President may exercise the proclamation authority provided for in section 103(a)(1)(B) to implement an agreement by members of the Asia-Pacific Economic Cooperation (APEC) to reduce any rate of duty on certain environmental goods included in Annex C of the APEC Leaders Declaration issued on September 9, 2012, if (and only if) the President, as soon as feasible after the date of the enactment of this subsection, and before exercising proclamation authority under section 103(a)(1)(B), notifies Congress of the negotiations relating to the agreement and the specific United States objectives in the negotiations.”.

TITLE VI—BUDGETARY EFFECTS

SEC. 601. BUDGETARY EFFECTS.

(a) PAYGO SCORECARD.—The budgetary effects of this Act shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

(b) SENATE PAYGO SCORECARD.—The budgetary effects of this Act shall not be entered on any PAYGO scorecard maintained for purposes of section 201 of S. Con. Res. 21 (110th Congress).

Approved December 18, 2015.

LEGISLATIVE HISTORY—H.R. 2029:

HOUSE REPORTS: No. 114–92 (Comm. on Appropriations).

SENATE REPORTS: No. 114–57 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 161 (2015):

Apr. 29, 30, considered and passed House.

Nov. 5, 9, 10, considered and passed Senate, amended.

Dec. 17, House considered concurring in Senate amendment.

Dec. 18, House concurred in Senate amendment with amendments. Senate concurred in House amendments.

Public Law 114–114
114th Congress

An Act

To amend the Federal Food, Drug, and Cosmetic Act to prohibit the manufacture and introduction or delivery for introduction into interstate commerce of rinse-off cosmetics containing intentionally-added plastic microbeads.

Dec. 28, 2015

[H.R. 1321]

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Microbead-Free Waters Act of 2015”.

Microbead-Free
Waters Act of
2015.
21 USC 301 note.

SEC. 2. PROHIBITION AGAINST SALE OR DISTRIBUTION OF RINSE-OFF COSMETICS CONTAINING PLASTIC MICROBEADS.

(a) IN GENERAL.—Section 301 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331) is amended by adding at the end the following:

“(ddd)(1) The manufacture or the introduction or delivery for introduction into interstate commerce of a rinse-off cosmetic that contains intentionally-added plastic microbeads.

“(2) In this paragraph—

“(A) the term ‘plastic microbead’ means any solid plastic particle that is less than five millimeters in size and is intended to be used to exfoliate or cleanse the human body or any part thereof; and

“(B) the term ‘rinse-off cosmetic’ includes toothpaste.”.

Definition.

(b) APPLICABILITY.—

(1) IN GENERAL.—The amendment made by subsection (a) applies—

(A) with respect to manufacturing, beginning on July 1, 2017, and with respect to introduction or delivery for introduction into interstate commerce, beginning on July 1, 2018; and

(B) notwithstanding subparagraph (A), in the case of a rinse-off cosmetic that is a nonprescription drug, with respect to manufacturing, beginning on July 1, 2018, and with respect to the introduction or delivery for introduction into interstate commerce, beginning on July 1, 2019.

(2) NONPRESCRIPTION DRUG.—For purposes of this subsection, the term “nonprescription drug” means a drug not subject to section 503(b)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353(b)(1)).

Effective dates.
21 USC 331 note.

(c) PREEMPTION OF STATE LAWS.—No State or political subdivision of a State may directly or indirectly establish under any authority or continue in effect restrictions with respect to the manufacture or introduction or delivery for introduction into interstate

21 USC 331 note.

commerce of rinse-off cosmetics containing plastic microbeads (as defined in section 301(ddd) of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a)) that are not identical to the restrictions under such section 301(ddd) that have begun to apply under subsection (b).

21 USC 331 note.

(d) **RULE OF CONSTRUCTION.**—Nothing in this Act (or the amendments made by this Act) shall be construed to apply with respect to drugs that are not also cosmetics (as such terms are defined in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321)).

Approved December 28, 2015.

LEGISLATIVE HISTORY—H.R. 1321:

HOUSE REPORTS: No. 114–371 (Comm. on Energy and Commerce).
CONGRESSIONAL RECORD, Vol. 161 (2015):

Dec. 7, considered and passed House.
Dec. 18, considered and passed Senate.

Public Law 114–115
114th Congress

An Act

To amend titles XVIII and XIX of the Social Security Act to improve payments for complex rehabilitation technology and certain radiation therapy services, to ensure flexibility in applying the hardship exception for meaningful use for the 2015 EHR reporting period for 2017 payment adjustments, and for other purposes.

Dec. 28, 2015
[S. 2425]

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Patient Access and Medicare Protection Act”.

Patient Access
and Medicare
Protection Act.
42 USC 1305
note.

SEC. 2. NON-APPLICATION OF MEDICARE FEE SCHEDULE ADJUSTMENTS FOR WHEELCHAIR ACCESSORIES AND SEAT AND BACK CUSHIONS WHEN FURNISHED IN CONNECTION WITH COMPLEX REHABILITATIVE POWER WHEELCHAIRS.

(a) NON-APPLICATION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Health and Human Services shall not, prior to January 1, 2017, use information on the payment determined under the competitive acquisition programs under section 1847 of the Social Security Act (42 U.S.C. 1395w–3) to adjust the payment amount that would otherwise be recognized under section 1834(a)(1)(B)(ii) of such Act (42 U.S.C. 1395m(a)(1)(B)(ii)) for wheelchair accessories (including seating systems) and seat and back cushions when furnished in connection with Group 3 complex rehabilitative power wheelchairs.

(2) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary may implement this subsection by program instruction or otherwise.

(b) GAO STUDY AND REPORT.—

(1) STUDY.—

(A) IN GENERAL.—The Comptroller General of the United States shall conduct a study on wheelchair accessories (including seating systems) and seat and back cushions furnished in connection with Group 3 complex rehabilitative power wheelchairs. Such study shall include an analysis of the following with respect to such wheelchair accessories and seat and back cushions in each of the groups described in clauses (i) through (iii) of subparagraph (B):

(i) The item descriptions and associated HCPCS codes for such wheelchair accessories and seat and back cushions.

(ii) A breakdown of utilization and expenditures for such wheelchair accessories and seat and back cushions under title XVIII of the Social Security Act.

(iii) A comparison of the payment amount under the competitive acquisition program under section 1847 of such Act (42 U.S.C. 1395w–3) with the payment amount that would otherwise be recognized under section 1834 of such Act (42 U.S.C. 1395m), including beneficiary cost sharing, for such wheelchair accessories and seat and back cushions.

(iv) The aggregate distribution of such wheelchair accessories and seat and back cushions furnished under such title XVIII within each of the groups described in subparagraph (B).

(v) Other areas determined appropriate by the Comptroller General.

(B) GROUPS DESCRIBED.—The following groups are described in this subparagraph:

(i) Wheelchair accessories and seat and back cushions furnished predominantly with Group 3 complex rehabilitative power wheelchairs.

(ii) Wheelchair accessories and seat and back cushions furnished predominantly with power wheelchairs that are not described in clause (i).

(iii) Other wheelchair accessories and seat and back cushions furnished with either power wheelchairs described in clause (i) or (ii).

Recommendations.

(2) REPORT.—Not later than June 1, 2016, the Comptroller General of the United States shall submit to Congress a report containing the results of the study conducted under paragraph (1), together with recommendations for such legislation and administrative as the Comptroller General determines to be appropriate.

SEC. 3. TRANSITIONAL PAYMENT RULES FOR CERTAIN RADIATION THERAPY SERVICES UNDER THE MEDICARE PHYSICIAN FEE SCHEDULE.

(a) IN GENERAL.—Section 1848 of the Social Security Act (42 U.S.C. 1395w–4) is amended—

(1) in subsection (b), by adding at the end the following new paragraph:

“(11) SPECIAL RULE FOR CERTAIN RADIATION THERAPY SERVICES.—The code definitions, the work relative value units under subsection (c)(2)(C)(i), and the direct inputs for the practice expense relative value units under subsection (c)(2)(C)(ii) for radiation treatment delivery and related imaging services (identified in 2016 by HCPCS G-codes G6001 through G6015) for the fee schedule established under this subsection for services furnished in 2017 and 2018 shall be the same as such definitions, units, and inputs for such services for the fee schedule established for services furnished in 2016.”; and

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

“(iv) TREATMENT OF CERTAIN RADIATION THERAPY SERVICES.—Radiation treatment delivery and related imaging services identified under subsection (b)(11)

shall not be considered as potentially misvalued services for purposes of this subparagraph and subparagraph (O) for 2017 and 2018.”.

(b) **REPORT TO CONGRESS ON ALTERNATIVE PAYMENT MODEL.**—Not later than 18 months after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit to Congress a report on the development of an episodic alternative payment model for payment under the Medicare program under title XVIII of the Social Security Act for radiation therapy services furnished in nonfacility settings.

SEC. 4. ENSURING FLEXIBILITY IN APPLYING HARDSHIP EXCEPTION FOR MEANINGFUL USE FOR 2015 EHR REPORTING PERIOD FOR 2017 PAYMENT ADJUSTMENTS.

(a) **ELIGIBLE PROFESSIONALS.**—Section 1848(a)(7)(B) of the Social Security Act (42 U.S.C. 1395w–4(a)(7)(B)) is amended, in the first sentence, by inserting “(and, with respect to the payment adjustment under subparagraph (A) for 2017, for categories of eligible professionals, as established by the Secretary and posted on the Internet website of the Centers for Medicare & Medicaid Services prior to December 15, 2015, an application for which must be submitted to the Secretary by not later than March 15, 2016)” after “case-by-case basis”.

Deadline.

(b) **ELIGIBLE HOSPITALS.**—Section 1886(b)(3)(B)(ix) of the Social Security Act (42 U.S.C. 1395ww(b)(3)(B)(ix)) is amended—

(1) in the first sentence of subclause (I), by striking “(n)(6)(A)” and inserting “(n)(6)”; and

(2) in subclause (II), in the first sentence, by inserting “(and, with respect to the application of subclause (I) for fiscal year 2017, for categories of subsection (d) hospitals, as established by the Secretary and posted on the Internet website of the Centers for Medicare & Medicaid Services prior to December 15, 2015, an application for which must be submitted to the Secretary by not later than April 1, 2016)” after “case-by-case basis”.

Deadline.

(c) **IMPLEMENTATION.**—Notwithstanding any other provision of law, the Secretary of Health and Human Services shall implement the provisions of, and the amendments made by, subsections (a) and (b) by program instruction, such as through information on the Internet website of the Centers for Medicare & Medicaid Services.

42 USC 1395w–4 note.

SEC. 5. MEDICARE IMPROVEMENT FUND.

Section 1898(b)(1) of the Social Security Act (42 U.S.C. 1395iii(b)(1)) is amended by striking “\$5,000,000” and inserting “\$0”.

SEC. 6. STRENGTHENING MEDICAID PROGRAM INTEGRITY THROUGH FLEXIBILITY.

Section 1936 of the Social Security Act (42 U.S.C. 1396u–6) is amended—

(1) in subsection (a), by inserting “, or otherwise,” after “entities”; and

(2) in subsection (e)—

(A) in paragraph (1), in the matter preceding subparagraph (A), by inserting “(including the costs of equipment, salaries and benefits, and travel and training)” after “Program under this section”; and

(B) in paragraph (3), by striking “by 100” and inserting “by 100, or such number as determined necessary by the Secretary to carry out the Program,”.

SEC. 7. ESTABLISHING MEDICARE ADMINISTRATIVE CONTRACTOR ERROR REDUCTION INCENTIVES.

(a) **IN GENERAL.**—Section 1874A(b)(1)(D) of the Social Security Act (42 U.S.C. 1395kk–1(b)(1)(D)) is amended—

(1) by striking “QUALITY.—The Secretary” and inserting “QUALITY.—

“(i) **IN GENERAL.**—Subject to clauses (ii) and (iii), the Secretary”; and

(2) by inserting after clause (i), as added by paragraph (1), the following new clauses:

“(ii) **IMPROPER PAYMENT RATE REDUCTION INCENTIVES.**—The Secretary shall provide incentives for medicare administrative contractors to reduce the improper payment error rates in their jurisdictions.

“(iii) **INCENTIVES.**—The incentives provided for under clause (ii)—

“(I) may include a sliding scale of award fee payments and additional incentives to medicare administrative contractors that either reduce the improper payment rates in their jurisdictions to certain thresholds, as determined by the Secretary, or accomplish tasks, as determined by the Secretary, that further improve payment accuracy; and

“(II) may include substantial reductions in award fee payments under cost-plus-award-fee contracts, for medicare administrative contractors that reach an upper end improper payment rate threshold or other threshold as determined by the Secretary, or fail to accomplish tasks, as determined by the Secretary, that further improve payment accuracy.”.

(b) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—The amendments made by subsection (a) shall apply to contracts entered into or renewed on or after the date that is 3 years after the date of enactment of this Act.

(2) **APPLICATION TO EXISTING CONTRACTS.**—In the case of contracts in existence on or after the date of the enactment of this Act and that are not subject to the effective date under paragraph (1), the Secretary of Health and Human Services shall, when appropriate and practicable, seek to apply the incentives provided for in the amendments made by subsection (a) through contract modifications.

SEC. 8. STRENGTHENING PENALTIES FOR THE ILLEGAL DISTRIBUTION OF A MEDICARE, MEDICAID, OR CHIP BENEFICIARY IDENTIFICATION OR BILLING PRIVILEGES.

Section 1128B(b) of the Social Security Act (42 U.S.C. 1320a–7b(b)) is amended by adding at the end the following:

“(4) Whoever without lawful authority knowingly and willfully purchases, sells or distributes, or arranges for the purchase, sale, or distribution of a beneficiary identification number or unique health identifier for a health care provider

Applicability.
42 USC
1395kk–1 note.

under title XVIII, title XIX, or title XXI shall be imprisoned for not more than 10 years or fined not more than \$500,000 (\$1,000,000 in the case of a corporation), or both.”.

SEC. 9. IMPROVING THE SHARING OF DATA BETWEEN THE FEDERAL GOVERNMENT AND STATE MEDICAID PROGRAMS. 42 USC 1395ddd note.

(a) **IN GENERAL.**—The Secretary of Health and Human Services (in this section referred to as the “Secretary”) shall establish a plan to encourage and facilitate the participation of States in the Medicare-Medicaid Data Match Program (commonly referred to as the “Medi-Medi Program”) under section 1893(g) of the Social Security Act (42 U.S.C. 1395ddd(g)). Plan.

(b) **PROGRAM REVISIONS TO IMPROVE MEDI-MEDI DATA MATCH PROGRAM PARTICIPATION BY STATES.**—Section 1893(g)(1)(A) of the Social Security Act (42 U.S.C. 1395ddd(g)(1)(A)) is amended—

(1) in the matter preceding clause (i), by inserting “or otherwise” after “eligible entities”;

(2) in clause (i)—

(A) by inserting “to review claims data” after “algorithms”; and

(B) by striking “service, time, or patient” and inserting “provider, service, time, or patient”;

(3) in clause (ii)—

(A) by inserting “to investigate and recover amounts with respect to suspect claims” after “appropriate actions”; and

(B) by striking “; and” and inserting a semicolon;

(4) in clause (iii), by striking the period and inserting “; and”; and

(5) by adding at the end the following new clause:

“(iv) furthering the Secretary’s design, development, installation, or enhancement of an automated data system architecture—

“(I) to collect, integrate, and assess data for purposes of program integrity, program oversight, and administration, including the Medi-Medi Program; and

“(II) that improves the coordination of requests for data from States.”.

(c) PROVIDING STATES WITH DATA ON IMPROPER PAYMENTS MADE FOR ITEMS OR SERVICES PROVIDED TO DUAL ELIGIBLE INDIVIDUALS.— 42 USC 1305ddd note.

(1) **IN GENERAL.**—The Secretary shall develop and implement a plan that allows each State agency responsible for administering a State plan for medical assistance under title XIX of the Social Security Act access to relevant data on improper or fraudulent payments made under the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) for health care items or services provided to dual eligible individuals. Plan.

(2) **DUAL ELIGIBLE INDIVIDUAL DEFINED.**—In this section, the term “dual eligible individual” means an individual who is entitled to, or enrolled for, benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.), or enrolled for benefits under part B of title XVIII of such

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PUBLIC LAW 114–115—DEC. 28, 2015

Act (42 U.S.C. 1395j et seq.), and is eligible for medical assistance under a State plan under title XIX of such Act (42 U.S.C. 1396 et seq.) or under a waiver of such plan.

Approved December 28, 2015.

LEGISLATIVE HISTORY—S. 2425:

CONGRESSIONAL RECORD, Vol. 161 (2015):

Dec. 18, considered and passed Senate and House.

CONCURRENT RESOLUTIONS

FIRST SESSION, ONE HUNDRED FOURTEENTH CONGRESS

CONGRESSIONAL GOLD MEDAL AWARD
CEREMONY—EMANCIPATION HALL
AUTHORIZATION

Jan. 12, 2015
[S. Con. Res. 2]

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. USE OF EMANCIPATION HALL FOR CEREMONY TO PRESENT CONGRESSIONAL GOLD MEDAL TO FIRST SPECIAL SERVICE FORCE.

Emancipation Hall in the Capitol Visitor Center is authorized to be used on February 3, 2015, for a ceremony to present the Congressional Gold Medal to the First Special Service Force collectively, in recognition of its superior service during World War II. Physical preparations for the conduct of the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

Agreed to January 12, 2015.

JOINT SESSION

Jan. 13, 2015
[H. Con. Res. 7]

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Tuesday, January 20, 2015, at 9 p.m., for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

Agreed to January 13, 2015.

CONGRESSIONAL GOLD MEDAL AWARD
CEREMONY—CAPITOL ROTUNDA
AUTHORIZATION

Feb. 4, 2015
[H. Con. Res. 12]

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF ROTUNDA OF THE CAPITOL FOR CEREMONY TO PRESENT CONGRESSIONAL GOLD MEDAL TO JACK NICKLAUS.

The Rotunda of the United States Capitol is authorized to be used on March 24, 2015, for a ceremony to present the Congressional Gold Medal to Jack Nicklaus. Physical preparations for the conduct of the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

Agreed to February 4, 2015.

CONGRESSIONAL GOLD MEDAL AWARD
CEREMONY—EMANCIPATION HALL
AUTHORIZATION

Mar. 16, 2015
[S. Con. Res. 7]

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. USE OF EMANCIPATION HALL FOR CEREMONY TO PRESENT CONGRESSIONAL GOLD MEDAL TO WORLD WAR II MEMBERS OF DOOLITTLE TOKYO RAIDERS.

(a) AUTHORIZATION.—Emancipation Hall in the Capitol Visitor Center is authorized to be used on April 15, 2015, for a ceremony to present the Congressional Gold Medal to the World War II members of the Doolittle Tokyo Raiders, collectively, in recognition of the military service and exemplary record of the Doolittle Tokyo Raiders during World War II.

(b) PREPARATIONS.—Physical preparations for the conduct of the ceremony described in subsection (a) shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

Agreed to March 16, 2015.

Mar. 27, 2015
[H. Con. Res. 31]

ADJOURNMENT—HOUSE OF REPRESENTATIVES

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on any legislative day from Thursday, March 26, 2015, through Friday, April 10, 2015, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Monday, April 13, 2015, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. (a) The Speaker or his designee, after consultation with the Minority Leader of the House, shall notify the Members of the House to reassemble at such place and time as he may designate if, in his opinion, the public interest shall warrant it.

(b) After reassembling pursuant to subsection (a), when the House adjourns on a motion offered pursuant to this subsection by its Majority Leader or his designee, the House shall again stand adjourned pursuant to the first section of this concurrent resolution.

Agreed to March 27, 2015.

Mar. 27, 2015
[H. Con. Res. 32]

ADJOURNMENT—SENATE

Resolved by the House of Representatives (the Senate concurring), That when the Senate recesses or adjourns on any day from Friday, March 27, 2015, through Monday, March 30, 2015, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, April 13, 2015, or such other time on

that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. (a) The Majority Leader of the Senate or his designee, after concurrence with the Minority Leader of the Senate, shall notify the Members of the Senate to reassemble at such place and time as he may designate if, in his opinion, the public interest shall warrant it.

(b) After reassembling pursuant to subsection (a), when the Senate recesses or adjourns on a motion offered pursuant to this subsection by its Majority Leader or his designee, the Senate shall again stand recessed or adjourned pursuant to the first section of this concurrent resolution.

Agreed to March 27, 2015.

**HOLOCAUST DAYS OF REMEMBRANCE
CEREMONY—EMANCIPATION HALL
AUTHORIZATION**

Apr. 14, 2015
[H. Con. Res. 9]

Resolved by the House of Representatives (the Senate concurring),

**SECTION 1. USE OF EMANCIPATION HALL FOR HOLOCAUST DAYS OF
REMEMBRANCE CEREMONY.**

Emancipation Hall in the Capitol Visitor Center is authorized to be used on April 16, 2015, for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust. Physical preparations for the conduct of the ceremony shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

Agreed to April 14, 2015.

**CONGRESSIONAL GOLD MEDAL AWARD
CEREMONY—EMANCIPATION HALL
AUTHORIZATION**

Apr. 20, 2015
[H. Con. Res. 34]

Resolved by the House of Representatives (the Senate concurring),

**SECTION 1. USE OF EMANCIPATION HALL FOR CEREMONY TO
PRESENT CONGRESSIONAL GOLD MEDAL TO AMERICAN
FIGHTER ACES.**

Emancipation Hall in the Capitol Visitor Center is authorized to be used on May 20, 2015, for a ceremony to present the Congressional Gold Medal to the American Fighter Aces collectively, in recognition of their heroic military service and defense of our country's freedom throughout the history of aviation warfare. Physical preparations for the conduct of the ceremony shall be carried out

in accordance with such conditions as the Architect of the Capitol may prescribe.

Agreed to April 20, 2015.

Apr. 23, 2015
[H. Con. Res. 21]

SOAP BOX DERBY RACES—CAPITOL GROUNDS AUTHORIZATION

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF CAPITOL GROUNDS FOR SOAP BOX DERBY RACES.

(a) **IN GENERAL.**—The Greater Washington Soap Box Derby Association (in this resolution referred to as the “sponsor”) shall be permitted to sponsor a public event, soap box derby races (in this resolution referred to as the “event”), on the Capitol Grounds.

(b) **DATE OF EVENT.**—The event shall be held on June 20, 2015, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate jointly designate.

SEC. 2. TERMS AND CONDITIONS.

(a) **IN GENERAL.**—Under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board, the event shall be—

- (1) free of admission charge and open to the public; and
- (2) arranged not to interfere with the needs of Congress.

(b) **EXPENSES AND LIABILITIES.**—The sponsor shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. EVENT PREPARATIONS.

Subject to the approval of the Architect of the Capitol, the sponsor is authorized to erect upon the Capitol Grounds such stage, sound amplification devices, and other related structures and equipment as may be required for the event.

SEC. 4. ADDITIONAL ARRANGEMENTS.

The Architect of the Capitol and the Capitol Police Board are authorized to make such additional arrangements as may be required to carry out the event.

SEC. 5. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 5104(c) of title 40, United States Code, concerning sales, advertisements, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, with respect to the event.

Agreed to April 23, 2015.

NATIONAL PEACE OFFICERS MEMORIAL SERVICE
AND NATIONAL HONOR GUARD AND PIPE BAND
EXHIBITION—CAPITOL GROUNDS
AUTHORIZATION

Apr. 23, 2015
[H. Con. Res. 25]

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF THE CAPITOL GROUNDS FOR NATIONAL PEACE OFFICERS MEMORIAL SERVICE.

(a) **IN GENERAL.**—The Grand Lodge of the Fraternal Order of Police and its auxiliary shall be permitted to sponsor a public event, the 34th Annual National Peace Officers Memorial Service (in this resolution referred to as the “Memorial Service”), on the Capitol Grounds, in order to honor the law enforcement officers who died in the line of duty during 2014.

(b) **DATE OF MEMORIAL SERVICE.**—The Memorial Service shall be held on May 15, 2015, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate jointly designate, with preparation for the event to begin on May 12, 2015.

SEC. 2. USE OF THE CAPITOL GROUNDS FOR NATIONAL HONOR GUARD AND PIPE BAND EXHIBITION.

(a) **IN GENERAL.**—The Grand Lodge of the Fraternal Order of Police and its auxiliary shall be permitted to sponsor a public event, the National Honor Guard and Pipe Band Exhibition (in this resolution referred to as the “Exhibition”), on the Capitol Grounds, in order to allow law enforcement representatives to exhibit their ability to demonstrate Honor Guard programs and provide for a bag pipe exhibition.

(b) **DATE OF EXHIBITION.**—The exhibition shall be held on May 14, 2015, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate jointly designate.

SEC. 3. TERMS AND CONDITIONS.

(a) **IN GENERAL.**—Under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board, the event shall be—

- (1) free of admission charge and open to the public; and
- (2) arranged not to interfere with the needs of Congress.

(b) **EXPENSES AND LIABILITIES.**—The sponsors of the Memorial Service and Exhibition shall assume full responsibility for all expenses and liabilities incident to all activities associated with the events.

SEC. 4. EVENT PREPARATIONS.

Subject to the approval of the Architect of the Capitol, the sponsors referred to in section 3(b) are authorized to erect upon the Capitol Grounds such stage, sound amplification devices, and other related structures and equipment, as may be required for the Memorial Service and Exhibition.

SEC. 5. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 5104(c) of title 40, United States

Code, concerning sales, advertisements, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, in connection with the events.

Agreed to April 23, 2015.

May 5, 2015
[S. Con. Res. 11]

FEDERAL BUDGET—FISCAL YEAR 2016

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2016.

(a) DECLARATION.—Congress declares that this concurrent resolution is the concurrent resolution on the budget for fiscal year 2016 and that this concurrent resolution sets forth the appropriate budgetary levels for fiscal years 2017 through 2025.

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

Sec. 1. Concurrent resolution on the budget for fiscal year 2016.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

Subtitle A—Budgetary Levels in Both Houses

Sec. 1101. Recommended levels and amounts.

Sec. 1102. Major functional categories.

Subtitle B—Levels and Amounts in the Senate

Sec. 1201. Social Security in the Senate.

Sec. 1202. Postal Service discretionary administrative expenses in the Senate.

TITLE II—RECONCILIATION

Sec. 2001. Reconciliation in the Senate.

Sec. 2002. Reconciliation in the House of Representatives.

TITLE III—BUDGET ENFORCEMENT

Subtitle A—Budget Enforcement in Both Houses

Sec. 3101. Point of order against increasing long-term deficits or direct spending.

Sec. 3102. Allocation for Overseas Contingency Operations/Global War on Terrorism.

Sec. 3103. Point of order against certain changes in mandatory programs.

Sec. 3104. Point of order against provisions that constitute changes in mandatory programs affecting the Crime Victims Fund.

Sec. 3105. Fair-value credit estimates.

Sec. 3106. Scoring rule for currency modernization.

Sec. 3107. Long-term scoring of changes in spending limits and extension of highway programs.

Sec. 3108. Requiring clearer reporting of projected Federal spending and deficits.

Sec. 3109. Congressional Budget Office estimates of measures with significant outlay effects.

Sec. 3110. Prohibiting the use of guarantee fees as an offset.

Sec. 3111. Information for Congress and the public about projected Federal outlays, revenues, and deficits.

Sec. 3112. Honest accounting: cost estimates for major legislation to incorporate macroeconomic effects.

Subtitle B—Budget Enforcement in the Senate

Sec. 3201. Extension of enforcement of budgetary points of order in the Senate.

Sec. 3202. Point of order against advance appropriations in the Senate.

Sec. 3203. Supermajority enforcement of unfunded mandates in the Senate.

Sec. 3204. Repeal of Senate point of order against certain reconciliation legislation.

Sec. 3205. Prohibition on agreeing to legislation without a score in the Senate.

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- Sec. 3206. Protecting the savings in reported reconciliation bills in the Senate.
- Sec. 3207. Scoring rule for certain energy contracts in the Senate.
- Sec. 3208. Adjustment for wildfire suppression funding in the Senate.

Subtitle C—Budget Enforcement in the House of Representatives

- Sec. 3301. Limitation on measures affecting Social Security solvency in the House of Representatives.
- Sec. 3302. Limitation on transfers from the general fund of the Treasury to the Highway Trust Fund in the House of Representatives.
- Sec. 3303. Adjustments for improved control of budgetary resources in the House of Representatives.
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- Sec. 3401. Submission of findings for the elimination of waste, fraud, and abuse.
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TITLE IV—RESERVE FUNDS

Subtitle A—Reserve Funds in Both Houses

- Sec. 4101. Deficit-neutral reserve fund to reduce poverty and increase opportunity and upward mobility for struggling Americans.

Subtitle B—Reserve Funds in the Senate

- Sec. 4301. Spending-neutral reserve fund to increase the pace of economic growth and private sector job creation in the United States.
- Sec. 4302. Deficit-neutral reserve fund to strengthen America's priorities.
- Sec. 4303. Deficit-neutral reserve fund to protect flexible and affordable health care choices for all.
- Sec. 4304. Deficit-neutral reserve fund for improving access to the State Children's Health Insurance Program.
- Sec. 4305. Deficit-neutral reserve fund for other health reforms.
- Sec. 4306. Deficit-neutral reserve fund for child welfare.
- Sec. 4307. Deficit-neutral reserve fund for veterans and servicemembers.
- Sec. 4308. Deficit-neutral reserve fund for tax reform and administration.
- Sec. 4309. Deficit-neutral reserve fund to invest in the infrastructure in America.
- Sec. 4310. Deficit-neutral reserve fund for air transportation.
- Sec. 4311. Deficit-neutral reserve fund to promote jobs in the United States through international trade.
- Sec. 4312. Deficit-neutral reserve fund to increase employment opportunities for disabled workers.
- Sec. 4313. Deficit-neutral reserve fund for Higher Education Act reform.
- Sec. 4314. Spending-neutral reserve fund for energy legislation.
- Sec. 4315. Deficit-neutral reserve fund to reform environmental statutes.
- Sec. 4316. Spending-neutral reserve fund for water resources legislation.
- Sec. 4317. Spending-neutral reserve fund on mineral security and mineral rights.
- Sec. 4318. Spending-neutral reserve fund to reform the abandoned mine lands program.
- Sec. 4319. Spending-neutral reserve fund to improve forest health.
- Sec. 4320. Spending-neutral reserve fund to reauthorize funding for payments in lieu of taxes to counties and other units of local government.
- Sec. 4321. Spending-neutral reserve fund for financial regulatory system reform.
- Sec. 4322. Deficit-neutral reserve fund to improve Federal program administration.
- Sec. 4323. Spending-neutral reserve fund to implement agreements with freely associated states.
- Sec. 4324. Spending-neutral reserve fund to protect payments to rural hospitals and create sustainable access for rural communities.
- Sec. 4325. Spending-neutral reserve fund to encourage State medicaid demonstration programs to promote independent living and integrated work for the disabled.
- Sec. 4326. Spending-neutral reserve fund to allow pharmacists to be paid for the provision of services under Medicare.
- Sec. 4327. Spending-neutral reserve fund to improve our Nation's community health centers.
- Sec. 4328. Spending-neutral reserve fund relating to the funding of independent agencies, which may include subjecting the Consumer Financial Protection Bureau to the regular appropriations process.

- Sec. 4329. Deficit-neutral reserve fund to reform, improve, and enhance 529 college savings plans.
- Sec. 4330. Deficit-neutral reserve fund relating to securing overseas diplomatic facilities of the United States.
- Sec. 4331. Deficit-neutral reserve fund relating to expanding, enhancing, or otherwise improving science, technology, engineering, and mathematics.
- Sec. 4332. Deficit-neutral reserve fund relating to promoting manufacturing in the United States.
- Sec. 4333. Spending-neutral reserve fund to prohibit aliens without legal status in the United States from qualifying for a refundable tax credit.
- Sec. 4334. Deficit-reduction reserve fund for report elimination or modification.
- Sec. 4335. Deficit-neutral reserve fund to address heroin, methamphetamine, and prescription opioid abuse.
- Sec. 4336. Deficit-neutral reserve fund to strengthen our Department of Defense civilian workforce.
- Sec. 4337. Deficit-neutral reserve fund for Department of Defense reform.
- Sec. 4338. Deficit-neutral reserve fund to improve Federal workforce development, job training, and reemployment programs.
- Sec. 4339. Deficit-neutral reserve fund to provide energy assistance and invest in energy efficiency and conservation.
- Sec. 4340. Deficit-neutral reserve fund to end Operation Choke Point and protect the Second Amendment.
- Sec. 4341. Deficit-neutral reserve fund to prevent the use of Federal funds for the bailout of improvident State and local governments.
- Sec. 4342. Deficit-neutral reserve fund to improve health outcomes and lower the costs of caring for medically complex children in Medicaid.
- Sec. 4343. Deficit-neutral reserve fund to maintain and enhance access, choice, and accountability in veterans care through the Veterans Choice Card program.
- Sec. 4344. Deficit-neutral reserve fund relating to promoting equal pay.
- Sec. 4345. Deficit-neutral reserve fund relating to legislation submitted to Congress by the President of the United States to protect and strengthen Social Security.
- Sec. 4346. Deficit-neutral reserve fund relating to a simplified income-driven student loan repayment option.
- Sec. 4347. Spending-neutral reserve fund relating to keeping the Federal Water Pollution Control Act focused on the protection of water quality.
- Sec. 4348. Deficit-neutral reserve fund relating to supporting Israel.
- Sec. 4349. Deficit-neutral reserve fund relating to family and medical leave.
- Sec. 4350. Deficit-neutral reserve fund relating to providing health care to veterans who have geographic inaccessibility to care.
- Sec. 4351. Deficit-neutral reserve fund relating to increasing access to higher education for low-income Americans through the Federal Pell Grant program.
- Sec. 4352. Deficit-neutral reserve fund relating to transparency in health premium billing.
- Sec. 4353. Deficit-neutral reserve fund relating to carbon emissions.
- Sec. 4354. Spending-neutral reserve fund relating to requiring the Federal Government to allow states to opt out of Common Core without penalty.
- Sec. 4355. Spending-neutral reserve fund relating to the disposal of certain Federal land.
- Sec. 4356. Spending-neutral reserve fund relating to prohibiting funding of international organizations during the implementation of the United Nations Arms Trade Treaty prior to Senate ratification and adoption of implementing legislation.
- Sec. 4357. Deficit-neutral reserve fund relating to reimposing waived sanctions and imposing new sanctions against Iran for violations of the Joint Plan of Action or a comprehensive nuclear agreement.
- Sec. 4358. Deficit-neutral reserve fund relating to supporting United States citizens held hostage in the United States embassy in Tehran, Iran, between November 3, 1979, and January 20, 1981.
- Sec. 4359. Deficit-neutral reserve fund relating to reasonable accommodations for pregnant workers.
- Sec. 4360. Deficit-neutral reserve fund to permanently eliminate the Federal estate tax.
- Sec. 4361. Deficit-neutral reserve fund relating to regulation by the Environmental Protection Agency of greenhouse gas emissions.
- Sec. 4362. Deficit-neutral reserve fund relating to protecting privately held water rights and permits.
- Sec. 4363. Spending-neutral reserve fund relating to prohibiting awarding of construction contracts based on awardees entering or not entering into agreements with labor organizations.

- Sec. 4364. Deficit-neutral reserve fund to prevent American jobs from being moved overseas by reducing the corporate income tax rate.
- Sec. 4365. Deficit-neutral reserve fund to increase wages for American workers.
- Sec. 4366. Deficit-neutral reserve fund relating to deterring the migration of unaccompanied children from El Salvador, Guatemala, and Honduras.
- Sec. 4367. Spending-neutral reserve fund relating to ensuring proper economic consideration in designation of critical habitat.
- Sec. 4368. Deficit-neutral reserve fund to end “too big to fail” bailouts for Wall Street mega-banks (over \$500 billion in total assets).
- Sec. 4369. Deficit-neutral reserve fund relating to ending Washington’s illegal exemption from the Patient Protection and Affordable Care Act.
- Sec. 4370. Spending-neutral reserve fund relating to increasing funding for the relocation of the United States Embassy in Israel from Tel Aviv to Jerusalem.
- Sec. 4371. Deficit-neutral reserve fund relating to promoting the return of children who have been legally adopted by United States citizens from the Democratic Republic of the Congo.
- Sec. 4372. Deficit-neutral reserve fund relating to development of a new nuclear-capable cruise missile by the Department of Defense and the National Nuclear Security Administration.
- Sec. 4373. Deficit-neutral reserve fund to provide equity in the tax treatment of public safety officer death benefits.
- Sec. 4374. Deficit-neutral reserve fund relating to eliminating the backlog of sexual assault evidence kits.
- Sec. 4375. Deficit-neutral reserve fund relating to mixed oxide fuel fabrication.
- Sec. 4376. Deficit-neutral reserve fund relating to reforming Offices of Inspectors General and preventing extended vacancies.
- Sec. 4377. Deficit-neutral reserve fund relating to improving retirement security.
- Sec. 4378. Deficit-neutral reserve fund to improve the competitiveness of the United States.
- Sec. 4379. Deficit-neutral reserve fund relating to ensuring that the conservation of northern long-eared bat populations and local economic development are compatible.
- Sec. 4380. Deficit-neutral reserve fund to improve cybersecurity.
- Sec. 4381. Deficit-neutral reserve fund to allow the Drug Enforcement Administration and Federal Bureau of Investigation to enter into joint task forces with tribal and local law enforcement agencies.
- Sec. 4382. Deficit-neutral reserve fund relating to encouraging cost savings in office space used by Federal agencies.
- Sec. 4383. Deficit-neutral reserve fund relating to providing technical assistance to small businesses and aspiring entrepreneurs through small business development centers.
- Sec. 4384. Deficit-neutral reserve fund relating to ensuring that medical facilities of the Department of Veterans Affairs meet the needs of women veterans.
- Sec. 4385. Deficit-neutral reserve fund relating to supporting efficient resourcing for the Asia rebalance policy.
- Sec. 4386. Deficit-neutral reserve fund relating to preventing access to marijuana edibles by children in States that have decriminalized marijuana.
- Sec. 4387. Deficit-neutral reserve fund relating to providing mortgage lending to rural areas.
- Sec. 4388. Deficit-neutral reserve fund relating to the construction of Arctic polar icebreakers.
- Sec. 4389. Deficit-neutral reserve fund relating to researching health conditions of the descendants of veterans exposed to toxic substances during service in the Armed Forces.
- Sec. 4390. Deficit-neutral reserve fund relating to raising the Family of Funds limit of the Small Business Investment Company Program.
- Sec. 4391. Deficit-neutral reserve fund relating to detection, investigation, and prosecution of the owners and operators of websites who knowingly allow such websites to be used to advertise commercial sex with children over the Internet.
- Sec. 4392. Deficit-neutral reserve fund relating to protecting the reliability of the electricity grid.
- Sec. 4393. Deficit-neutral reserve fund to preserve and protect the open Internet.
- Sec. 4394. Spending-neutral reserve fund relating to reforming the Federal regulatory process.
- Sec. 4395. Deficit-neutral reserve fund relating to providing coverage of virtual colonoscopies as a colorectal cancer screening test under the Medicare program.
- Sec. 4396. Deficit-neutral reserve fund relating to the modernization of the nuclear command, control, and communications architecture of the United States.

- Sec. 4397. Deficit-neutral reserve fund relating to BARDA and the BioShield Special Reserve Fund.
- Sec. 4398. Deficit-neutral reserve fund relating to improving the nuclear forces and missions of the Air Force.
- Sec. 4399. Deficit-neutral reserve fund relating to promoting economic growth and job creation for small businesses and full funding for at-sea and dock-side monitoring for certain fisheries.
- Sec. 4400. Deficit-neutral reserve fund relating to the definition of full-time employee.
- Sec. 4401. Deficit-neutral reserve fund relating to improving the effectiveness and efficiency of the Federal regulatory process.
- Sec. 4402. Deficit-neutral reserve fund to expedite awards under the Internal Revenue Service whistleblower program.
- Sec. 4403. Deficit-neutral reserve fund relating to encouraging the increased use of performance contracting in Federal facilities.
- Sec. 4404. Deficit-neutral reserve fund relating to improving information sharing by the Inspector General of the Department of Veterans Affairs with respect to investigations relating to substandard health care, delayed and denied health care, patient deaths, other findings that directly relate to patient care, and other management issues of the Department.
- Sec. 4405. Deficit-neutral reserve fund to address the disproportionate regulatory burdens on community banks and credit unions.
- Sec. 4406. Deficit-neutral reserve fund to protect the Corporation for National and Community Service.
- Sec. 4407. Deficit-neutral reserve fund relating to ensuring that Department of Justice attorneys comply with disclosure obligations in criminal prosecutions.
- Sec. 4408. Deficit-neutral reserve fund to promote biomedical research.
- Sec. 4409. Deficit-neutral reserve fund relating to providing access to necessary equipment for Medicare beneficiaries.
- Sec. 4410. Spending-neutral reserve fund relating to prioritizing the construction of infrastructure projects that are of national and regional significance and projects in high priority corridors.
- Sec. 4411. Deficit-neutral reserve fund relating to encouraging the United States' NATO allies to reverse declines in defense spending and bear a more proportionate burden for ensuring the security of NATO.
- Sec. 4412. Deficit-neutral reserve fund relating to the investigation and recovery of missing weapons and military equipment provided to the Government of Yemen by the United States Government.
- Sec. 4413. Deficit-neutral reserve fund relating to improving higher education data and transparency.
- Sec. 4414. Deficit-neutral reserve fund relating to Native children.
- Sec. 4415. Deficit-neutral reserve fund relating to provide additional funding for international strategic communications.
- Sec. 4416. Deficit-neutral reserve fund for elementary and secondary education.
- Sec. 4417. Deficit-neutral reserve fund to support research.
- Sec. 4418. Deficit-neutral reserve fund relating to support for Ukraine.
- Sec. 4419. Deficit-neutral reserve fund relating to underground and surface mining safety research.
- Sec. 4420. Deficit-neutral reserve fund relating to saving Medicare.

Subtitle C—Reserve Funds in the House of Representatives

- Sec. 4501. Reserve fund for the repeal of the President's health care law.
- Sec. 4502. Deficit-neutral reserve fund for promoting real health care reform.
- Sec. 4503. Deficit-neutral reserve fund related to the Medicare provisions of the President's health care law.
- Sec. 4504. Deficit-neutral reserve fund for the State Children's Health Insurance Program.
- Sec. 4505. Deficit-neutral reserve fund for graduate medical education.
- Sec. 4506. Deficit-neutral reserve fund for trade agreements.
- Sec. 4507. Deficit-neutral reserve fund for reforming the tax code.
- Sec. 4508. Deficit-neutral reserve fund for revenue measures.
- Sec. 4509. Deficit-neutral reserve fund for transportation.
- Sec. 4510. Deficit-neutral reserve fund for Federal retirement reform.
- Sec. 4511. Deficit-neutral reserve fund for national defense.

TITLE V—ESTIMATES OF DIRECT SPENDING IN THE HOUSE OF REPRESENTATIVES

- Sec. 5001. Direct spending.

TITLE VI—POLICY STATEMENTS

Subtitle A—Policy Statements in Both Houses

- Sec. 6101. Policy statement on balanced budget amendment.

Sec. 6102. Policy statement on Social Security.

Subtitle B—Policy Statement in the House of Representatives

- Sec. 6201. Policy statement on budget process and baseline reform.
- Sec. 6202. Policy statement on economic growth and job creation.
- Sec. 6203. Policy statement on tax reform.
- Sec. 6204. Policy statement on trade.
- Sec. 6205. Policy statement on repealing the President’s health care law and promoting real health care reform.
- Sec. 6206. Policy statement on Medicare.
- Sec. 6207. Policy statement on medical discovery, development, delivery and innovation.
- Sec. 6208. Policy statement on Federal regulatory reform.
- Sec. 6209. Policy statement on higher education and workforce development opportunity.
- Sec. 6210. Policy statement on Department of Veterans Affairs.
- Sec. 6211. Policy statement on Federal accounting methodologies.
- Sec. 6212. Policy statement on reducing unnecessary, wasteful, and unauthorized spending.
- Sec. 6213. Policy statement on deficit reduction through the cancellation of unobligated balances.
- Sec. 6214. Policy statement on agency fees and spending.
- Sec. 6215. Policy statement on responsible stewardship of taxpayer dollars.
- Sec. 6216. Policy statement on “No Budget, No Pay”.
- Sec. 6217. Policy statement on national security funding.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

Subtitle A—Budgetary Levels in Both Houses

SEC. 1101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2016 through 2025:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this concurrent resolution:

(A) The recommended levels of Federal revenues are as follows:

- Fiscal year 2016: \$2,676,733,000,000.
- Fiscal year 2017: \$2,776,156,000,000.
- Fiscal year 2018: \$2,870,206,000,000.
- Fiscal year 2019: \$2,982,310,000,000.
- Fiscal year 2020: \$3,107,111,000,000.
- Fiscal year 2021: \$3,247,391,000,000.
- Fiscal year 2022: \$3,392,968,000,000.
- Fiscal year 2023: \$3,554,412,000,000.
- Fiscal year 2024: \$3,723,973,000,000.
- Fiscal year 2025: \$3,906,111,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

- Fiscal year 2016: \$0.
- Fiscal year 2017: \$0.
- Fiscal year 2018: \$0.
- Fiscal year 2019: \$0.
- Fiscal year 2020: \$0.
- Fiscal year 2021: \$0.
- Fiscal year 2022: \$0.
- Fiscal year 2023: \$0.
- Fiscal year 2024: \$0.

Fiscal year 2025: \$0.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this concurrent resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2016: \$3,039,215,000,000.

Fiscal year 2017: \$2,956,581,000,000.

Fiscal year 2018: \$2,970,682,000,000.

Fiscal year 2019: \$3,107,123,000,000.

Fiscal year 2020: \$3,234,011,000,000.

Fiscal year 2021: \$3,313,719,000,000.

Fiscal year 2022: \$3,420,057,000,000.

Fiscal year 2023: \$3,484,446,000,000.

Fiscal year 2024: \$3,504,239,000,000.

Fiscal year 2025: \$3,634,452,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this concurrent resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2016: \$3,091,442,000,000.

Fiscal year 2017: \$2,982,215,000,000.

Fiscal year 2018: \$2,963,926,000,000.

Fiscal year 2019: \$3,086,454,000,000.

Fiscal year 2020: \$3,205,304,000,000.

Fiscal year 2021: \$3,291,249,000,000.

Fiscal year 2022: \$3,434,709,000,000.

Fiscal year 2023: \$3,470,642,000,000.

Fiscal year 2024: \$3,466,541,000,000.

Fiscal year 2025: \$3,610,342,000,000.

(4) DEFICITS.—For purposes of the enforcement of this concurrent resolution, the amounts of the deficits are as follows:

Fiscal year 2016: \$414,709,000,000.

Fiscal year 2017: \$206,059,000,000.

Fiscal year 2018: \$93,720,000,000.

Fiscal year 2019: \$104,144,000,000.

Fiscal year 2020: \$98,193,000,000.

Fiscal year 2021: \$43,858,000,000.

Fiscal year 2022: \$41,741,000,000.

Fiscal year 2023: -\$83,770,000,000.

Fiscal year 2024: -\$257,432,000,000.

Fiscal year 2025: -\$295,769,000,000.

(5) PUBLIC DEBT.—Pursuant to section 301(a)(5) of the Congressional Budget Act of 1974, the appropriate levels of the public debt are as follows:

Fiscal year 2016: \$19,059,000,000,000.

Fiscal year 2017: \$19,490,000,000,000.

Fiscal year 2018: \$19,826,000,000,000.

Fiscal year 2019: \$20,164,000,000,000.

Fiscal year 2020: \$20,494,000,000,000.

Fiscal year 2021: \$20,773,000,000,000.

Fiscal year 2022: \$21,033,000,000,000.

Fiscal year 2023: \$21,188,000,000,000.

Fiscal year 2024: \$21,194,000,000,000.

Fiscal year 2025: \$21,149,000,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of debt held by the public are as follows:

Fiscal year 2016: \$13,842,000,000,000.

Fiscal year 2017: \$14,124,000,000,000.

Fiscal year 2018: \$14,307,000,000,000.

Fiscal year 2019: \$14,523,000,000,000.
Fiscal year 2020: \$14,757,000,000,000.
Fiscal year 2021: \$14,965,000,000,000.
Fiscal year 2022: \$15,204,000,000,000.
Fiscal year 2023: \$15,354,000,000,000.
Fiscal year 2024: \$15,374,000,000,000.
Fiscal year 2025: \$15,405,000,000,000.

SEC. 1102. MAJOR FUNCTIONAL CATEGORIES.

Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2016 through 2025 for each major functional category are:

(1) National Defense (050):

Fiscal year 2016:

(A) New budget authority, \$531,306,000,000.

(B) Outlays, \$564,325,000,000.

Fiscal year 2017:

(A) New budget authority, \$544,515,000,000.

(B) Outlays, \$549,357,000,000.

Fiscal year 2018:

(A) New budget authority, \$557,764,000,000.

(B) Outlays, \$548,021,000,000.

Fiscal year 2019:

(A) New budget authority, \$571,039,000,000.

(B) Outlays, \$560,439,000,000.

Fiscal year 2020:

(A) New budget authority, \$585,330,000,000.

(B) Outlays, \$572,493,000,000.

Fiscal year 2021:

(A) New budget authority, \$599,646,000,000.

(B) Outlays, \$585,628,000,000.

Fiscal year 2022:

(A) New budget authority, \$632,804,000,000.

(B) Outlays, \$615,907,000,000.

Fiscal year 2023:

(A) New budget authority, \$646,039,000,000.

(B) Outlays, \$628,518,000,000.

Fiscal year 2024:

(A) New budget authority, \$659,310,000,000.

(B) Outlays, \$638,235,000,000.

Fiscal year 2025:

(A) New budget authority, \$673,490,000,000.

(B) Outlays, \$658,011,000,000.

(2) International Affairs (150):

Fiscal year 2016:

(A) New budget authority, \$40,202,000,000.

(B) Outlays, \$46,028,000,000.

Fiscal year 2017:

(A) New budget authority, \$40,246,000,000.

(B) Outlays, \$43,086,000,000.

Fiscal year 2018:

(A) New budget authority, \$41,176,000,000.

(B) Outlays, \$41,818,000,000.

Fiscal year 2019:

(A) New budget authority, \$42,100,000,000.

(B) Outlays, \$41,391,000,000.

Fiscal year 2020:

- (A) New budget authority, \$43,092,000,000.
- (B) Outlays, \$41,518,000,000.
- Fiscal year 2021:
 - (A) New budget authority, \$44,085,000,000.
 - (B) Outlays, \$42,005,000,000.
- Fiscal year 2022:
 - (A) New budget authority, \$45,333,000,000.
 - (B) Outlays, \$42,749,000,000.
- Fiscal year 2023:
 - (A) New budget authority, \$46,348,000,000.
 - (B) Outlays, \$43,510,000,000.
- Fiscal year 2024:
 - (A) New budget authority, \$47,408,000,000.
 - (B) Outlays, \$44,367,000,000.
- Fiscal year 2025:
 - (A) New budget authority, \$48,485,000,000.
 - (B) Outlays, \$45,266,000,000.
- (3) General Science, Space, and Technology (250):
 - Fiscal year 2016:
 - (A) New budget authority, \$29,187,000,000.
 - (B) Outlays, \$29,555,000,000.
 - Fiscal year 2017:
 - (A) New budget authority, \$29,771,000,000.
 - (B) Outlays, \$29,707,000,000.
 - Fiscal year 2018:
 - (A) New budget authority, \$30,432,000,000.
 - (B) Outlays, \$30,162,000,000.
 - Fiscal year 2019:
 - (A) New budget authority, \$31,104,000,000.
 - (B) Outlays, \$30,647,000,000.
 - Fiscal year 2020:
 - (A) New budget authority, \$31,805,000,000.
 - (B) Outlays, \$31,283,000,000.
 - Fiscal year 2021:
 - (A) New budget authority, \$32,508,000,000.
 - (B) Outlays, \$31,875,000,000.
 - Fiscal year 2022:
 - (A) New budget authority, \$33,242,000,000.
 - (B) Outlays, \$32,579,000,000.
 - Fiscal year 2023:
 - (A) New budget authority, \$33,978,000,000.
 - (B) Outlays, \$33,306,000,000.
 - Fiscal year 2024:
 - (A) New budget authority, \$34,743,000,000.
 - (B) Outlays, \$34,053,000,000.
 - Fiscal year 2025:
 - (A) New budget authority, \$35,517,000,000.
 - (B) Outlays, \$34,815,000,000.
- (4) Energy (270):
 - Fiscal year 2016:
 - (A) New budget authority, – \$3,201,000,000.
 - (B) Outlays, \$1,412,000,000.
 - Fiscal year 2017:
 - (A) New budget authority, \$1,962,000,000.
 - (B) Outlays, \$1,095,000,000.
 - Fiscal year 2018:
 - (A) New budget authority, – \$746,000,000.

- (B) Outlays, –\$2,111,000,000.
- Fiscal year 2019:
 - (A) New budget authority, –\$856,000,000.
 - (B) Outlays, –\$1,936,000,000.
- Fiscal year 2020:
 - (A) New budget authority, –\$884,000,000.
 - (B) Outlays, –\$1,811,000,000.
- Fiscal year 2021:
 - (A) New budget authority, –\$948,000,000.
 - (B) Outlays, –\$1,657,000,000.
- Fiscal year 2022:
 - (A) New budget authority, –\$1,030,000,000.
 - (B) Outlays, –\$1,651,000,000.
- Fiscal year 2023:
 - (A) New budget authority, –\$1,098,000,000.
 - (B) Outlays, –\$1,643,000,000.
- Fiscal year 2024:
 - (A) New budget authority, –\$1,144,000,000.
 - (B) Outlays, –\$1,614,000,000.
- Fiscal year 2025:
 - (A) New budget authority, –\$1,153,000,000.
 - (B) Outlays, –\$1,589,000,000.
- (5) Natural Resources and Environment (300):
 - Fiscal year 2016:
 - (A) New budget authority, \$36,374,000,000.
 - (B) Outlays, \$39,499,000,000.
 - Fiscal year 2017:
 - (A) New budget authority, \$37,654,000,000.
 - (B) Outlays, \$40,016,000,000.
 - Fiscal year 2018:
 - (A) New budget authority, \$38,325,000,000.
 - (B) Outlays, \$39,595,000,000.
 - Fiscal year 2019:
 - (A) New budget authority, \$38,923,000,000.
 - (B) Outlays, \$39,465,000,000.
 - Fiscal year 2020:
 - (A) New budget authority, \$40,388,000,000.
 - (B) Outlays, \$40,563,000,000.
 - Fiscal year 2021:
 - (A) New budget authority, \$41,191,000,000.
 - (B) Outlays, \$41,461,000,000.
 - Fiscal year 2022:
 - (A) New budget authority, \$41,650,000,000.
 - (B) Outlays, \$41,770,000,000.
 - Fiscal year 2023:
 - (A) New budget authority, \$42,496,000,000.
 - (B) Outlays, \$42,726,000,000.
 - Fiscal year 2024:
 - (A) New budget authority, \$43,935,000,000.
 - (B) Outlays, \$43,453,000,000.
 - Fiscal year 2025:
 - (A) New budget authority, \$45,039,000,000.
 - (B) Outlays, \$44,409,000,000.
- (6) Agriculture (350):
 - Fiscal year 2016:
 - (A) New budget authority, \$19,098,000,000.
 - (B) Outlays, \$21,572,000,000.

- Fiscal year 2017:
(A) New budget authority, \$22,846,000,000.
(B) Outlays, \$22,376,000,000.
- Fiscal year 2018:
(A) New budget authority, \$21,964,000,000.
(B) Outlays, \$20,853,000,000.
- Fiscal year 2019:
(A) New budget authority, \$20,652,000,000.
(B) Outlays, \$19,875,000,000.
- Fiscal year 2020:
(A) New budget authority, \$19,681,000,000.
(B) Outlays, \$19,132,000,000.
- Fiscal year 2021:
(A) New budget authority, \$19,545,000,000.
(B) Outlays, \$19,025,000,000.
- Fiscal year 2022:
(A) New budget authority, \$19,509,000,000.
(B) Outlays, \$18,979,000,000.
- Fiscal year 2023:
(A) New budget authority, \$20,119,000,000.
(B) Outlays, \$19,590,000,000.
- Fiscal year 2024:
(A) New budget authority, \$20,253,000,000.
(B) Outlays, \$19,699,000,000.
- Fiscal year 2025:
(A) New budget authority, \$20,540,000,000.
(B) Outlays, \$20,028,000,000.
- (7) Commerce and Housing Credit (370):
- Fiscal year 2016:
(A) New budget authority, – \$997,000,000.
(B) Outlays, – \$10,566,000,000.
- Fiscal year 2017:
(A) New budget authority, – \$8,697,000,000.
(B) Outlays, – \$21,748,000,000.
- Fiscal year 2018:
(A) New budget authority, – \$8,277,000,000.
(B) Outlays, – \$25,173,000,000.
- Fiscal year 2019:
(A) New budget authority, – \$7,401,000,000.
(B) Outlays, – \$26,866,000,000.
- Fiscal year 2020:
(A) New budget authority, – \$5,156,000,000.
(B) Outlays, – \$22,499,000,000.
- Fiscal year 2021:
(A) New budget authority, – \$4,806,000,000.
(B) Outlays, – \$19,423,000,000.
- Fiscal year 2022:
(A) New budget authority, – \$4,250,000,000.
(B) Outlays, – \$20,716,000,000.
- Fiscal year 2023:
(A) New budget authority, – \$3,613,000,000.
(B) Outlays, – \$21,520,000,000.
- Fiscal year 2024:
(A) New budget authority, – \$2,754,000,000.
(B) Outlays, – \$21,962,000,000.
- Fiscal year 2025:
(A) New budget authority, – \$2,278,000,000.

- (B) Outlays, –\$22,335,000,000.
- (8) Transportation (400):
 - Fiscal year 2016:
 - (A) New budget authority, \$72,055,000,000.
 - (B) Outlays, \$87,153,000,000.
 - Fiscal year 2017:
 - (A) New budget authority, \$72,715,000,000.
 - (B) Outlays, \$82,838,000,000.
 - Fiscal year 2018:
 - (A) New budget authority, \$73,262,000,000.
 - (B) Outlays, \$79,648,000,000.
 - Fiscal year 2019:
 - (A) New budget authority, \$73,696,000,000.
 - (B) Outlays, \$78,845,000,000.
 - Fiscal year 2020:
 - (A) New budget authority, \$74,070,000,000.
 - (B) Outlays, \$78,268,000,000.
 - Fiscal year 2021:
 - (A) New budget authority, \$74,409,000,000.
 - (B) Outlays, \$77,871,000,000.
 - Fiscal year 2022:
 - (A) New budget authority, \$55,154,000,000.
 - (B) Outlays, \$73,378,000,000.
 - Fiscal year 2023:
 - (A) New budget authority, \$56,254,000,000.
 - (B) Outlays, \$66,074,000,000.
 - Fiscal year 2024:
 - (A) New budget authority, \$56,798,000,000.
 - (B) Outlays, \$62,874,000,000.
 - Fiscal year 2025:
 - (A) New budget authority, \$57,190,000,000.
 - (B) Outlays, \$61,710,000,000.
- (9) Community and Regional Development (450):
 - Fiscal year 2016:
 - (A) New budget authority, \$15,486,000,000.
 - (B) Outlays, \$20,692,000,000.
 - Fiscal year 2017:
 - (A) New budget authority, \$16,344,000,000.
 - (B) Outlays, \$19,144,000,000.
 - Fiscal year 2018:
 - (A) New budget authority, \$16,737,000,000.
 - (B) Outlays, \$19,692,000,000.
 - Fiscal year 2019:
 - (A) New budget authority, \$16,973,000,000.
 - (B) Outlays, \$20,450,000,000.
 - Fiscal year 2020:
 - (A) New budget authority, \$16,984,000,000.
 - (B) Outlays, \$20,702,000,000.
 - Fiscal year 2021:
 - (A) New budget authority, \$16,903,000,000.
 - (B) Outlays, \$20,682,000,000.
 - Fiscal year 2022:
 - (A) New budget authority, \$9,965,000,000.
 - (B) Outlays, \$19,034,000,000.
 - Fiscal year 2023:
 - (A) New budget authority, \$9,947,000,000.
 - (B) Outlays, \$15,892,000,000.

- Fiscal year 2024:
(A) New budget authority, \$9,993,000,000.
(B) Outlays, \$13,220,000,000.
- Fiscal year 2025:
(A) New budget authority, \$10,077,000,000.
(B) Outlays, \$11,515,000,000.
- (10) Education, Training, Employment, and Social Services
(500):
- Fiscal year 2016:
(A) New budget authority, \$83,315,000,000.
(B) Outlays, \$93,293,000,000.
- Fiscal year 2017:
(A) New budget authority, \$89,084,000,000.
(B) Outlays, \$92,888,000,000.
- Fiscal year 2018:
(A) New budget authority, \$91,432,000,000.
(B) Outlays, \$91,193,000,000.
- Fiscal year 2019:
(A) New budget authority, \$90,189,000,000.
(B) Outlays, \$89,369,000,000.
- Fiscal year 2020:
(A) New budget authority, \$92,597,000,000.
(B) Outlays, \$91,891,000,000.
- Fiscal year 2021:
(A) New budget authority, \$93,900,000,000.
(B) Outlays, \$93,562,000,000.
- Fiscal year 2022:
(A) New budget authority, \$95,502,000,000.
(B) Outlays, \$95,022,000,000.
- Fiscal year 2023:
(A) New budget authority, \$96,984,000,000.
(B) Outlays, \$96,608,000,000.
- Fiscal year 2024:
(A) New budget authority, \$98,820,000,000.
(B) Outlays, \$98,336,000,000.
- Fiscal year 2025:
(A) New budget authority, \$100,785,000,000.
(B) Outlays, \$100,297,000,000.
- (11) Health (550):
- Fiscal year 2016:
(A) New budget authority, \$433,064,000,000.
(B) Outlays, \$430,917,000,000.
- Fiscal year 2017:
(A) New budget authority, \$397,209,000,000.
(B) Outlays, \$394,211,000,000.
- Fiscal year 2018:
(A) New budget authority, \$387,638,000,000.
(B) Outlays, \$397,302,000,000.
- Fiscal year 2019:
(A) New budget authority, \$398,203,000,000.
(B) Outlays, \$399,888,000,000.
- Fiscal year 2020:
(A) New budget authority, \$420,326,000,000.
(B) Outlays, \$411,116,000,000.
- Fiscal year 2021:
(A) New budget authority, \$426,184,000,000.
(B) Outlays, \$426,218,000,000.

Fiscal year 2022:

(A) New budget authority, \$442,681,000,000.

(B) Outlays, \$442,701,000,000.

Fiscal year 2023:

(A) New budget authority, \$461,378,000,000.

(B) Outlays, \$461,378,000,000.

Fiscal year 2024:

(A) New budget authority, \$476,599,000,000.

(B) Outlays, \$476,631,000,000.

Fiscal year 2025:

(A) New budget authority, \$493,913,000,000.

(B) Outlays, \$494,059,000,000.

(12) Medicare (570):

Fiscal year 2016:

(A) New budget authority, \$579,430,000,000.

(B) Outlays, \$579,361,000,000.

Fiscal year 2017:

(A) New budget authority, \$571,876,000,000.

(B) Outlays, \$571,830,000,000.

Fiscal year 2018:

(A) New budget authority, \$566,754,000,000.

(B) Outlays, \$566,656,000,000.

Fiscal year 2019:

(A) New budget authority, \$628,736,000,000.

(B) Outlays, \$628,652,000,000.

Fiscal year 2020:

(A) New budget authority, \$667,036,000,000.

(B) Outlays, \$666,951,000,000.

Fiscal year 2021:

(A) New budget authority, \$711,198,000,000.

(B) Outlays, \$711,111,000,000.

Fiscal year 2022:

(A) New budget authority, \$800,458,000,000.

(B) Outlays, \$800,363,000,000.

Fiscal year 2023:

(A) New budget authority, \$812,590,000,000.

(B) Outlays, \$812,496,000,000.

Fiscal year 2024:

(A) New budget authority, \$815,240,000,000.

(B) Outlays, \$815,139,000,000.

Fiscal year 2025:

(A) New budget authority, \$923,187,000,000.

(B) Outlays, \$923,082,000,000.

(13) Income Security (600):

Fiscal year 2016:

(A) New budget authority, \$523,086,000,000.

(B) Outlays, \$523,645,000,000.

Fiscal year 2017:

(A) New budget authority, \$496,233,000,000.

(B) Outlays, \$492,511,000,000.

Fiscal year 2018:

(A) New budget authority, \$485,055,000,000.

(B) Outlays, \$476,530,000,000.

Fiscal year 2019:

(A) New budget authority, \$476,663,000,000.

(B) Outlays, \$471,357,000,000.

Fiscal year 2020:

- (A) New budget authority, \$484,015,000,000.
- (B) Outlays, \$478,199,000,000.
- Fiscal year 2021:
 - (A) New budget authority, \$489,999,000,000.
 - (B) Outlays, \$484,318,000,000.
- Fiscal year 2022:
 - (A) New budget authority, \$498,503,000,000.
 - (B) Outlays, \$497,869,000,000.
- Fiscal year 2023:
 - (A) New budget authority, \$503,364,000,000.
 - (B) Outlays, \$499,521,000,000.
- Fiscal year 2024:
 - (A) New budget authority, \$510,872,000,000.
 - (B) Outlays, \$501,192,000,000.
- Fiscal year 2025:
 - (A) New budget authority, \$517,417,000,000.
 - (B) Outlays, \$511,441,000,000.
- (14) Social Security Retirement and Disability (650):
 - Fiscal year 2016:
 - (A) New budget authority, \$33,885,000,000.
 - (B) Outlays, \$33,928,000,000.
 - Fiscal year 2017:
 - (A) New budget authority, \$36,535,000,000.
 - (B) Outlays, \$36,563,000,000.
 - Fiscal year 2018:
 - (A) New budget authority, \$39,407,000,000.
 - (B) Outlays, \$39,424,000,000.
 - Fiscal year 2019:
 - (A) New budget authority, \$42,634,000,000.
 - (B) Outlays, \$42,634,000,000.
 - Fiscal year 2020:
 - (A) New budget authority, \$46,104,000,000.
 - (B) Outlays, \$46,104,000,000.
 - Fiscal year 2021:
 - (A) New budget authority, \$49,712,000,000.
 - (B) Outlays, \$49,712,000,000.
 - Fiscal year 2022:
 - (A) New budget authority, \$53,547,000,000.
 - (B) Outlays, \$53,547,000,000.
 - Fiscal year 2023:
 - (A) New budget authority, \$57,455,000,000.
 - (B) Outlays, \$57,455,000,000.
 - Fiscal year 2024:
 - (A) New budget authority, \$61,546,000,000.
 - (B) Outlays, \$61,546,000,000.
 - Fiscal year 2025:
 - (A) New budget authority, \$65,751,000,000.
 - (B) Outlays, \$65,751,000,000.
- (15) Veterans Benefits and Services (700):
 - Fiscal year 2016:
 - (A) New budget authority, \$166,261,000,000.
 - (B) Outlays, \$171,862,000,000.
 - Fiscal year 2017:
 - (A) New budget authority, \$164,546,000,000.
 - (B) Outlays, \$168,559,000,000.
 - Fiscal year 2018:
 - (A) New budget authority, \$162,740,000,000.

- (B) Outlays, \$162,753,000,000.
- Fiscal year 2019:
 - (A) New budget authority, \$174,599,000,000.
 - (B) Outlays, \$173,869,000,000.
- Fiscal year 2020:
 - (A) New budget authority, \$179,485,000,000.
 - (B) Outlays, \$178,581,000,000.
- Fiscal year 2021:
 - (A) New budget authority, \$183,721,000,000.
 - (B) Outlays, \$182,821,000,000.
- Fiscal year 2022:
 - (A) New budget authority, \$196,041,000,000.
 - (B) Outlays, \$195,056,000,000.
- Fiscal year 2023:
 - (A) New budget authority, \$192,637,000,000.
 - (B) Outlays, \$191,640,000,000.
- Fiscal year 2024:
 - (A) New budget authority, \$189,442,000,000.
 - (B) Outlays, \$188,356,000,000.
- Fiscal year 2025:
 - (A) New budget authority, \$203,290,000,000.
 - (B) Outlays, \$202,189,000,000.
- (16) Administration of Justice (750):
 - Fiscal year 2016:
 - (A) New budget authority, \$50,976,000,000.
 - (B) Outlays, \$56,455,000,000.
 - Fiscal year 2017:
 - (A) New budget authority, \$57,639,000,000.
 - (B) Outlays, \$56,693,000,000.
 - Fiscal year 2018:
 - (A) New budget authority, \$55,885,000,000.
 - (B) Outlays, \$54,562,000,000.
 - Fiscal year 2019:
 - (A) New budget authority, \$57,582,000,000.
 - (B) Outlays, \$56,699,000,000.
 - Fiscal year 2020:
 - (A) New budget authority, \$59,324,000,000.
 - (B) Outlays, \$61,755,000,000.
 - Fiscal year 2021:
 - (A) New budget authority, \$61,247,000,000.
 - (B) Outlays, \$62,635,000,000.
 - Fiscal year 2022:
 - (A) New budget authority, \$63,791,000,000.
 - (B) Outlays, \$63,748,000,000.
 - Fiscal year 2023:
 - (A) New budget authority, \$65,688,000,000.
 - (B) Outlays, \$65,589,000,000.
 - Fiscal year 2024:
 - (A) New budget authority, \$67,626,000,000.
 - (B) Outlays, \$67,266,000,000.
 - Fiscal year 2025:
 - (A) New budget authority, \$69,425,000,000.
 - (B) Outlays, \$68,892,000,000.
- (17) General Government (800):
 - Fiscal year 2016:
 - (A) New budget authority, \$23,151,000,000.
 - (B) Outlays, \$22,981,000,000.

- Fiscal year 2017:
(A) New budget authority, \$23,194,000,000.
(B) Outlays, \$23,289,000,000.
- Fiscal year 2018:
(A) New budget authority, \$23,426,000,000.
(B) Outlays, \$23,371,000,000.
- Fiscal year 2019:
(A) New budget authority, \$24,000,000,000.
(B) Outlays, \$23,685,000,000.
- Fiscal year 2020:
(A) New budget authority, \$24,703,000,000.
(B) Outlays, \$24,290,000,000.
- Fiscal year 2021:
(A) New budget authority, \$25,202,000,000.
(B) Outlays, \$24,878,000,000.
- Fiscal year 2022:
(A) New budget authority, \$25,962,000,000.
(B) Outlays, \$25,562,000,000.
- Fiscal year 2023:
(A) New budget authority, \$26,698,000,000.
(B) Outlays, \$26,272,000,000.
- Fiscal year 2024:
(A) New budget authority, \$27,130,000,000.
(B) Outlays, \$26,766,000,000.
- Fiscal year 2025:
(A) New budget authority, \$27,881,000,000.
(B) Outlays, \$27,435,000,000.
- (18) Net Interest (900):
- Fiscal year 2016:
(A) New budget authority, \$367,542,000,000.
(B) Outlays, \$367,542,000,000.
- Fiscal year 2017:
(A) New budget authority, \$416,418,000,000.
(B) Outlays, \$416,418,000,000.
- Fiscal year 2018:
(A) New budget authority, \$479,446,000,000.
(B) Outlays, \$479,446,000,000.
- Fiscal year 2019:
(A) New budget authority, \$533,121,000,000.
(B) Outlays, \$533,121,000,000.
- Fiscal year 2020:
(A) New budget authority, \$579,344,000,000.
(B) Outlays, \$579,344,000,000.
- Fiscal year 2021:
(A) New budget authority, \$611,558,000,000.
(B) Outlays, \$611,558,000,000.
- Fiscal year 2022:
(A) New budget authority, \$642,888,000,000.
(B) Outlays, \$642,888,000,000.
- Fiscal year 2023:
(A) New budget authority, \$669,066,000,000.
(B) Outlays, \$669,066,000,000.
- Fiscal year 2024:
(A) New budget authority, \$687,195,000,000.
(B) Outlays, \$687,195,000,000.
- Fiscal year 2025:
(A) New budget authority, \$694,215,000,000.

- (B) Outlays, \$694,215,000,000.
- (19) Allowances (920):
 - Fiscal year 2016:
 - (A) New budget authority, \$25,256,000,000.
 - (B) Outlays, \$45,538,000,000.
 - Fiscal year 2017:
 - (A) New budget authority, – \$21,661,000,000.
 - (B) Outlays, – \$5,856,000,000.
 - Fiscal year 2018:
 - (A) New budget authority, – \$50,890,000,000.
 - (B) Outlays, – \$40,133,000,000.
 - Fiscal year 2019:
 - (A) New budget authority, – \$60,624,000,000.
 - (B) Outlays, – \$53,987,000,000.
 - Fiscal year 2020:
 - (A) New budget authority, – \$72,620,000,000.
 - (B) Outlays, – \$65,480,000,000.
 - Fiscal year 2021:
 - (A) New budget authority, – \$104,010,000,000.
 - (B) Outlays, – \$98,128,000,000.
 - Fiscal year 2022:
 - (A) New budget authority, – \$119,157,000,000.
 - (B) Outlays, – \$111,033,000,000.
 - Fiscal year 2023:
 - (A) New budget authority, – \$131,418,000,000.
 - (B) Outlays, – \$122,924,000,000.
 - Fiscal year 2024:
 - (A) New budget authority, – \$168,306,000,000.
 - (B) Outlays, – \$160,427,000,000.
 - Fiscal year 2025:
 - (A) New budget authority, – \$204,728,000,000.
 - (B) Outlays, – \$186,150,000,000.
- (20) Undistributed Offsetting Receipts (950):
 - Fiscal year 2016:
 - (A) New budget authority, – \$82,548,000,000.
 - (B) Outlays, – \$82,548,000,000.
 - Fiscal year 2017:
 - (A) New budget authority, – \$96,446,000,000.
 - (B) Outlays, – \$96,446,000,000.
 - Fiscal year 2018:
 - (A) New budget authority, – \$103,441,000,000.
 - (B) Outlays, – \$103,441,000,000.
 - Fiscal year 2019:
 - (A) New budget authority, – \$101,796,000,000.
 - (B) Outlays, – \$101,796,000,000.
 - Fiscal year 2020:
 - (A) New budget authority, – \$101,191,000,000.
 - (B) Outlays, – \$101,191,000,000.
 - Fiscal year 2021:
 - (A) New budget authority, – \$105,094,000,000.
 - (B) Outlays, – \$105,094,000,000.
 - Fiscal year 2022:
 - (A) New budget authority, – \$112,536,000,000.
 - (B) Outlays, – \$112,536,000,000.
 - Fiscal year 2023:
 - (A) New budget authority, – \$120,466,000,000.
 - (B) Outlays, – \$120,466,000,000.

- Fiscal year 2024:
 (A) New budget authority, – \$130,467,000,000.
 (B) Outlays, – \$130,467,000,000.
- Fiscal year 2025:
 (A) New budget authority, – \$143,591,000,000.
 (B) Outlays, – \$143,591,000,000.
- (21) Overseas Contingency Operations (970):
- Fiscal year 2016:
 (A) New budget authority, \$96,287,000,000.
 (B) Outlays, \$48,798,000,000.
- Fiscal year 2017:
 (A) New budget authority, \$64,598,000,000.
 (B) Outlays, \$65,684,000,000.
- Fiscal year 2018:
 (A) New budget authority, \$62,593,000,000.
 (B) Outlays, \$63,758,000,000.
- Fiscal year 2019:
 (A) New budget authority, \$57,586,000,000.
 (B) Outlays, \$60,653,000,000.
- Fiscal year 2020:
 (A) New budget authority, \$49,578,000,000.
 (B) Outlays, \$54,095,000,000.
- Fiscal year 2021:
 (A) New budget authority, \$47,569,000,000.
 (B) Outlays, \$50,191,000,000.
- Fiscal year 2022:
 (A) New budget authority, \$0.
 (B) Outlays, \$19,493,000,000.
- Fiscal year 2023:
 (A) New budget authority, \$0.
 (B) Outlays, \$7,554,000,000.
- Fiscal year 2024:
 (A) New budget authority, \$0.
 (B) Outlays, \$2,683,000,000.
- Fiscal year 2025:
 (A) New budget authority, \$0.
 (B) Outlays, \$892,000,000.

Subtitle B—Levels and Amounts in the Senate

SEC. 1201. SOCIAL SECURITY IN THE SENATE.

(a) SOCIAL SECURITY REVENUES.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

- Fiscal year 2016: \$793,987,000,000.
 Fiscal year 2017: \$826,098,000,000.
 Fiscal year 2018: \$858,899,000,000.
 Fiscal year 2019: \$892,421,000,000.
 Fiscal year 2020: \$927,413,000,000.
 Fiscal year 2021: \$963,896,000,000.
 Fiscal year 2022: \$1,002,225,000,000.
 Fiscal year 2023: \$1,041,673,000,000.
 Fiscal year 2024: \$1,082,208,000,000.

Fiscal year 2025: \$1,124,298,000,000.

(b) SOCIAL SECURITY OUTLAYS.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

- Fiscal year 2016: \$777,085,000,000.
- Fiscal year 2017: \$822,772,000,000.
- Fiscal year 2018: \$878,895,000,000.
- Fiscal year 2019: \$937,383,000,000.
- Fiscal year 2020: \$1,002,161,000,000.
- Fiscal year 2021: \$1,070,556,000,000.
- Fiscal year 2022: \$1,143,375,000,000.
- Fiscal year 2023: \$1,221,800,000,000.
- Fiscal year 2024: \$1,305,195,000,000.
- Fiscal year 2025: \$1,393,212,000,000.

(c) SOCIAL SECURITY ADMINISTRATIVE EXPENSES.—In the Senate, the amounts of new budget authority and budget outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for administrative expenses are as follows:

- Fiscal year 2016:
 - (A) New budget authority, \$5,146,000,000.
 - (B) Outlays, \$5,205,000,000.
- Fiscal year 2017:
 - (A) New budget authority, \$5,296,000,000.
 - (B) Outlays, \$5,296,000,000.
- Fiscal year 2018:
 - (A) New budget authority, \$5,469,000,000.
 - (B) Outlays, \$5,440,000,000.
- Fiscal year 2019:
 - (A) New budget authority, \$5,645,000,000.
 - (B) Outlays, \$5,614,000,000.
- Fiscal year 2020:
 - (A) New budget authority, \$5,827,000,000.
 - (B) Outlays, \$5,795,000,000.
- Fiscal year 2021:
 - (A) New budget authority, \$6,012,000,000.
 - (B) Outlays, \$5,980,000,000.
- Fiscal year 2022:
 - (A) New budget authority, \$6,205,000,000.
 - (B) Outlays, \$6,172,000,000.
- Fiscal year 2023:
 - (A) New budget authority, \$6,399,000,000.
 - (B) Outlays, \$6,365,000,000.
- Fiscal year 2024:
 - (A) New budget authority, \$6,600,000,000.
 - (B) Outlays, \$6,565,000,000.
- Fiscal year 2025:
 - (A) New budget authority, \$6,805,000,000.
 - (B) Outlays, \$6,769,000,000.

SEC. 1202. POSTAL SERVICE DISCRETIONARY ADMINISTRATIVE EXPENSES IN THE SENATE.

In the Senate, the amounts of new budget authority and budget outlays of the Postal Service for discretionary administrative expenses are as follows:

Fiscal year 2016:

(A) New budget authority, \$266,000,000.

(B) Outlays, \$265,000,000.

Fiscal year 2017:

(A) New budget authority, \$277,000,000.

(B) Outlays, \$277,000,000.

Fiscal year 2018:

(A) New budget authority, \$288,000,000.

(B) Outlays, \$288,000,000.

Fiscal year 2019:

(A) New budget authority, \$299,000,000.

(B) Outlays, \$298,000,000.

Fiscal year 2020:

(A) New budget authority, \$310,000,000.

(B) Outlays, \$310,000,000.

Fiscal year 2021:

(A) New budget authority, \$321,000,000.

(B) Outlays, \$320,000,000.

Fiscal year 2022:

(A) New budget authority, \$334,000,000.

(B) Outlays, \$333,000,000.

Fiscal year 2023:

(A) New budget authority, \$346,000,000.

(B) Outlays, \$345,000,000.

Fiscal year 2024:

(A) New budget authority, \$358,000,000.

(B) Outlays, \$357,000,000.

Fiscal year 2025:

(A) New budget authority, \$371,000,000.

(B) Outlays, \$370,000,000.

TITLE II—RECONCILIATION**SEC. 2001. RECONCILIATION IN THE SENATE.**

(a) IN GENERAL.—

(1) COMMITTEE ON FINANCE.—The Committee on Finance of the Senate shall report changes in laws within its jurisdiction to reduce the deficit by not less than \$1,000,000,000 for the period of fiscal years 2016 through 2025.

(2) COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS.—The Committee on Health, Education, Labor, and Pensions of the Senate shall report changes in laws within its jurisdiction to reduce the deficit by not less than \$1,000,000,000 for the period of fiscal years 2016 through 2025.

(3) SUBMISSIONS.—In the Senate, not later than July 24, 2015, the Senate Committees named in paragraphs (1) and (2) shall submit their recommendations to the Committee on the Budget of the Senate. Upon receiving all such recommendations, the Committee on the Budget of the Senate shall report to the Senate a reconciliation bill carrying out all such recommendations without any substantive revision.

(b) LIMIT ON SENATE CONSIDERATION OF RECONCILIATION.—

(1) POINT OF ORDER.—It shall not be in order in the Senate to consider a bill or joint resolution reported pursuant to subsection (a), or an amendment to, conference report on, or amendment between the Houses in relation to such a bill or joint

resolution, which would increase the public debt limit under section 3101 of title 31, United States Code, during the period of fiscal years 2016 through 2025.

(2) WAIVER.—This subsection may be waived or suspended in the Senate only by the affirmative vote of two-thirds of the Members, duly chosen and sworn.

(3) APPEALS.—An affirmative vote of two-thirds of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on the point of order raised under this subsection.

SEC. 2002. RECONCILIATION IN THE HOUSE OF REPRESENTATIVES.

(a) IN GENERAL.—

(1) COMMITTEE ON EDUCATION AND THE WORKFORCE.—The Committee on Education and the Workforce of the House of Representatives shall submit changes in laws within its jurisdiction to reduce the deficit by not less than \$1,000,000,000 for the period of fiscal years 2016 through 2025.

(2) COMMITTEE ON ENERGY AND COMMERCE.—The Committee on Energy and Commerce of the House of Representatives shall submit changes in laws within its jurisdiction to reduce the deficit by not less than \$1,000,000,000 for the period of fiscal years 2016 through 2025.

(3) COMMITTEE ON WAYS AND MEANS.—The Committee on Ways and Means of the House of Representatives shall submit changes in laws within its jurisdiction to reduce the deficit by not less than \$1,000,000,000 for the period of fiscal years 2016 through 2025.

(4) SUBMISSION PROVIDING FOR DEFICIT REDUCTION.—In the House of Representatives, not later than July 24, 2015, the committees named in paragraphs (1), (2), and (3) shall submit their recommendations to the Committee on the Budget of the House of Representatives to carry out this section.

(b) RECONCILIATION PROCEDURES.—

(1) ESTIMATING ASSUMPTIONS.—

(A) ASSUMPTIONS.—In the House of Representatives, for purposes of titles III and IV of the Congressional Budget Act of 1974 (2 U.S.C. 631 et seq. and 651 et seq.), the Chairman of the Committee on the Budget of the House of Representatives shall use the baseline underlying the Congressional Budget Office’s March 2015 update to the Budget and Economic Outlook: 2015 to 2025 (January 2015) when making estimates of any bill or joint resolution, or any amendment thereto, amendment between the Houses in relation thereto, or conference report thereon. If adjustments to the baseline are made subsequent to the adoption of this concurrent resolution, then such Chairman shall determine whether to use any of these adjustments when making such estimates.

(B) INTENT.—The authority set forth in subparagraph (A) should only be exercised if the estimates used to determine the compliance of such measures with the budgetary requirements included in this concurrent resolution are inaccurate because adjustments made to the baseline are inconsistent with the assumptions underlying the budgetary levels set forth in this concurrent resolution. Such inaccurate adjustments made after the adoption of this

concurrent resolution may include selected adjustments for rulemaking, judicial actions, adjudication, and interpretative rules that have major budgetary effects and are inconsistent with the assumptions underlying the budgetary levels set forth in this concurrent resolution.

(C) CONGRESSIONAL BUDGET OFFICE ESTIMATES.—Upon the request of the Chairman of the Committee on the Budget of the House of Representatives, the Congressional Budget Office shall prepare for any measure an estimate based on the baseline determination made by such Chairman pursuant to subparagraph (A).

(2) REPEAL OF THE PRESIDENT'S HEALTH CARE LAW THROUGH RECONCILIATION.—In the House of Representatives, in preparing their submissions under subsection (a) to the Committee on the Budget of the House of Representatives, the committees named in subsection (a) shall—

(A) note the policies discussed in title VI that repeal the Affordable Care Act and the health care related provisions of the Health Care and Education Reconciliation Act of 2010; and

(B) determine the most effective methods by which the health care laws referred to in subparagraph (A) shall be repealed in their entirety.

(3) REVISION OF BUDGETARY LEVELS.—

(A) IN GENERAL.—Upon the submission of a reconciliation recommendation to the House of Representatives or the Committee on the Budget of the House of Representatives or the submission of a conference report to the House of Representatives pursuant to this section, in which a committee is deemed to have complied with its directive by virtue of section 310(c) of the Congressional Budget Act of 1974 (2 U.S.C. 641(c)), the Chairman of the Committee on the Budget of the House of Representatives may file with the House of Representatives appropriately revised allocations, aggregates, and functional levels.

(B) REVISION.—Allocations and aggregates revised pursuant to this paragraph shall be considered to be allocations and aggregates established by this concurrent resolution on the budget pursuant to section 301 of the Congressional Budget Act of 1974 (2 U.S.C. 632).

TITLE III—BUDGET ENFORCEMENT

Subtitle A—Budget Enforcement in Both Houses

SEC. 3101. POINT OF ORDER AGAINST INCREASING LONG-TERM DEFICITS OR DIRECT SPENDING.

(a) CONGRESSIONAL BUDGET OFFICE ANALYSIS OF PROPOSALS.—The Director of the Congressional Budget Office shall, to the extent practicable, prepare an estimate of whether a measure would cause, relative to current law, a net increase in on-budget deficits in the Senate, and a net increase in direct spending in the House, in excess of \$5,000,000,000 in any of the 4 consecutive 10-fiscal year periods beginning with the first fiscal year that is 10 fiscal

years after the budget year provided for in the most recently adopted concurrent resolution on the budget—

(1) in the Senate, for each bill and joint resolution reported by a committee, other than the Committee on Appropriations, and amendments thereto, amendments between the Houses in relation thereto, conference reports thereon, and motions thereon; and

(2) in the House of Representatives, for each bill and joint resolution reported by a committee, other than the Committee on Appropriations, and amendments thereto and conference reports thereon.

(b) POINT OF ORDER.—It shall not be in order—

(1) in the Senate to consider any bill, joint resolution, amendment, amendment between the Houses, conference report, or motion that would cause a net increase in on-budget deficits in excess of \$5,000,000,000 in any of the 4 consecutive 10-fiscal year periods described in subsection (a); and

(2) in the House of Representatives to consider any bill or joint resolution, or amendment thereto or conference report thereon, that would cause a net increase in direct spending in excess of \$5,000,000,000 in any of the 4 consecutive 10-fiscal year periods described in subsection (a).

(c) SUPERMAJORITY WAIVER AND APPEAL IN THE SENATE.—

(1) WAIVER.—In the Senate, subsection (b) may be waived or suspended only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—In the Senate, an affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (b).

(d) LIMITATION.—The provisions of this section shall not apply to—

(1) in the Senate, any bills, joint resolutions, amendments, amendments between the Houses, conference reports, or motions for which the Chairman of the Committee on the Budget of the Senate has made adjustments to the allocations, levels, or limits contained in this concurrent resolution pursuant to section 4303(1); and

(2) in the House of Representatives, any bills or joint resolutions, or amendments thereto or conference reports thereon, for which the Chairman of the Committee on the Budget of House of Representatives has made adjustments to the allocations, levels, or limits contained in this concurrent resolution pursuant to section 4501, 4502, or 4503.

(e) DETERMINATIONS OF BUDGET LEVELS.—For purposes of this section—

(1) the levels of net increases in deficits shall be determined on the basis of estimates provided by the Committee on the Budget of the Senate; and

(2) the levels of net increases in direct spending shall be determined on the basis of estimates provided by the Committee on the Budget of the House of Representatives.

(f) REPEAL IN THE SENATE.—In the Senate, section 311 of S. Con. Res. 70 (110th Congress), the concurrent resolution on the budget for fiscal year 2009, shall no longer apply.

(g) **SUNSET IN THE HOUSE OF REPRESENTATIVES.**—In the House of Representatives, this section shall remain in effect through September 30, 2017.

**SEC. 3102. ALLOCATION FOR OVERSEAS CONTINGENCY OPERATIONS/
GLOBAL WAR ON TERRORISM.**

(a) **SEPARATE OVERSEAS CONTINGENCY OPERATIONS/GLOBAL WAR ON TERRORISM ALLOCATION.**—In the Senate and the House of Representatives, there shall be a separate allocation of new budget authority and outlays provided to the Committee on Appropriations for the purposes of Overseas Contingency Operations/Global War on Terrorism, which shall be deemed an allocation under section 302(a) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)). Section 302(a)(3) of such Act shall not apply to such separate allocation.

(b) **302 ALLOCATIONS.**—The separate allocation referred to in subsection (a) shall be the exclusive allocation for Overseas Contingency Operations/Global War on Terrorism under section 302(b) of the Congressional Budget Act of 1974 (2 U.S.C. 633(b)). The Committee on Appropriations of the applicable House of Congress may provide suballocations of such separate allocation under such section 302(b).

(c) **APPLICATION.**—

(1) **IN GENERAL.**—For purposes of enforcing the separate allocation referred to in subsection (a) under section 302(f) of the Congressional Budget Act of 1974 (2 U.S.C. 633(f)), the “first fiscal year” and the “total of fiscal years” shall be deemed to refer to fiscal year 2016. Section 302(c) of such Act (2 U.S.C. 633(c)) shall not apply to such separate allocation.

(2) **ADDITIONAL SENATE ENFORCEMENT.**—In the Senate, section 302(f)(2)(A) of the Congressional Budget Act of 1974 (2 U.S.C. 633(f)(2)(A)) shall apply with respect to the separate allocation to the Committee on Appropriations referred to in subsection (a).

(d) **DESIGNATIONS.**—New budget authority or outlays shall only be counted toward the allocation referred to in subsection (a) if they are designated pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(B)(A)(ii)).

(e) **ADJUSTMENTS.**—For purposes of subsection (a) for fiscal year 2016, no adjustment shall be made under section 314(a) of the Congressional Budget Act of 1974 if any adjustment would be made under section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(B)(A)(ii)).

(f) **ADJUSTMENTS TO FUND OVERSEAS CONTINGENCY OPERATIONS/
GLOBAL WAR ON TERRORISM.**—The Chairman of the Committee on the Budget of the applicable House of Congress may adjust the allocations, aggregates, and other appropriate budgetary levels related to Overseas Contingency Operations/Global War on Terrorism or the allocation under section 302(a) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)) to the Committee on Appropriations set forth in the joint statement of managers accompanying this concurrent resolution to account for new information.

SEC. 3103. POINT OF ORDER AGAINST CERTAIN CHANGES IN MANDATORY PROGRAMS.

(a) **DEFINITION.**—In this section, the term “CHIMP” means a provision that—

(1) would have been estimated as affecting direct spending or receipts under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902) (as in effect prior to September 30, 2002) if the provision was included in legislation other than appropriation Acts; and

(2) results in a net decrease in budget authority in the budget year, but does not result in a net decrease in outlays over the period of the total of the current year, the budget year, and all fiscal years covered under the most recently adopted concurrent resolution on the budget.

(b) POINTS OF ORDER.—

(1) IN THE SENATE.—It shall not be in order in the Senate to consider a bill or joint resolution making appropriations for a full fiscal year, or an amendment thereto, amendment between the Houses in relation thereto, conference report thereon, or motion thereon, that includes a CHIMP that, if enacted, would cause the absolute value of the total budget authority of all such CHIMPs enacted in relation to a full fiscal year to be more than the amount specified in paragraph (3).

(2) IN THE HOUSE OF REPRESENTATIVES.—

(A) IN GENERAL.—A provision in a bill or joint resolution making appropriations for a full fiscal year that proposes a CHIMP that, if enacted, would cause the absolute value of the total budget authority of all such CHIMPs enacted in relation to a full fiscal year to be more than the amount specified in paragraph (3), shall not be in order in the House of Representatives.

(B) AMENDMENTS AND CONFERENCE REPORTS.—It shall not be in order in the House of Representatives to consider an amendment to, or a conference report on, a bill or joint resolution making appropriations for a full fiscal year if such amendment thereto or conference report thereon proposes a CHIMP that, if enacted, would cause the absolute value of the total budget authority of all such CHIMPs enacted in relation to a full fiscal year to be more than the amount specified in paragraph (3).

(3) AMOUNT.—The amount specified in this paragraph is—

- (A) for fiscal year 2016, \$19,100,000,000;
- (B) for fiscal year 2017, \$19,100,000,000;
- (C) for fiscal year 2018, \$17,000,000,000; and
- (D) for fiscal year 2019, \$15,000,000,000.

(c) DETERMINATION.—For purposes of this section, budgetary levels shall be determined on the basis of estimates provided by the Chairman of the Committee on the Budget of the applicable House of Congress.

(d) SUPERMAJORITY WAIVER AND APPEAL IN THE SENATE.—In the Senate, subsection (b) may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (b).

(e) REPEAL.—In the Senate, section 314 of S. Con. Res. 70 (110th Congress), the concurrent resolution on the budget for fiscal year 2009, shall no longer apply.

SEC. 3104. POINT OF ORDER AGAINST PROVISIONS THAT CONSTITUTE CHANGES IN MANDATORY PROGRAMS AFFECTING THE CRIME VICTIMS FUND.

(a) **DEFINITION.**—In this section—

(1) the term “CHIMP” has the meaning given such term in section 3103(a); and

(2) the term “Crime Victims Fund” means the Crime Victims Fund established under section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601).

(b) **POINT OF ORDER IN THE SENATE.**—

(1) **IN GENERAL.**—When the Senate is considering a bill or joint resolution making full-year appropriations for fiscal year 2016, or an amendment thereto, amendment between the Houses in relation thereto, conference report thereon, or motion thereon, if a point of order is made by a Senator against a provision containing a CHIMP affecting the Crime Victims Fund that, if enacted, would cause the absolute value of the total budget authority of all CHIMPs affecting the Crime Victims Fund in relation to fiscal year 2016 to be more than \$10,800,000,000, and the point of order is sustained by the Chair, that provision shall be stricken from the measure and may not be offered as an amendment from the floor.

(2) **FORM OF THE POINT OF ORDER.**—A point of order under paragraph (1) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974 (2 U.S.C. 644(e)).

(3) **CONFERENCE REPORTS.**—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill or joint resolution, upon a point of order being made by any Senator pursuant to paragraph (1), and such point of order being sustained, such material contained in such conference report or House amendment shall be stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

(4) **SUPERMAJORITY WAIVER AND APPEAL.**—In the Senate, this subsection may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of Members of the Senate, duly chosen and sworn shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

(5) **DETERMINATION.**—For purposes of this subsection, budgetary levels shall be determined on the basis of estimates provided by the Chairman of the Committee on the Budget of the Senate.

(c) **POINTS OF ORDER IN THE HOUSE.**—

(1) IN GENERAL.—A provision in a bill or joint resolution making full-year appropriations for fiscal year 2016 that proposes a CHIMP affecting the Crime Victims Fund that, if enacted, would cause the absolute value of the total budget authority of all CHIMPs affecting the Crime Victims Fund in relation to fiscal year 2016 to be more than \$10,800,000,000, shall not be in order in the House of Representatives.

(2) AMENDMENTS AND CONFERENCE REPORTS.—It shall not be in order in the House of Representatives to consider an amendment to, or a conference report on, a bill or joint resolution making full-year appropriations for fiscal year 2016 if such amendment thereto or conference report thereon proposes a CHIMP affecting the Crime Victims Fund that, if enacted, would cause the absolute value of the total budget authority of all CHIMPs affecting the Crime Victims Fund in relation to fiscal year 2016 to be more than \$10,800,000,000.

(3) DETERMINATION.—For purposes of this subsection, budgetary levels shall be determined on the basis of estimates provided by the Chairman of the Committee on the Budget of the House of Representatives.

(d) REVIEW OF PROCEDURES REGARDING CHIMPs.—The Committee on the Budget and the Committee on Appropriations of the Senate and the Committee on the Budget and the Committee on Appropriations of the House of Representatives shall review existing budget enforcement procedures regarding CHIMPs included in appropriations legislation. These committees of jurisdiction should consult with other relevant committees of jurisdiction and other interested parties to review such procedures, including for Crime Victims Fund spending, and include any agreed upon recommendations in subsequent concurrent resolutions on the budget.

SEC. 3105. FAIR-VALUE CREDIT ESTIMATES.

(a) FAIR-VALUE ESTIMATES.—Upon the request of the Chairman of the Committee on the Budget of the Senate or the Chairman of the Committee on the Budget of the House of Representatives, any estimate prepared by the Congressional Budget Office under title V of the Congressional Budget Act of 1974 (2 U.S.C. 661 et seq.) of the cost of a measure shall include, when practicable, an additional estimate of the cost, measured on a fair-value basis—

(1) in the Senate, for any bill, joint resolution, amendment, amendment between the Houses, conference report, or motion; and

(2) in the House of Representatives, for any bill or joint resolution, or amendment thereto or conference report thereon.

(b) ESTIMATES FOR HOUSING AND STUDENT LOAN PROGRAMS.—Any estimate prepared by the Congressional Budget Office under title V of the Congressional Budget Act of 1974 (2 U.S.C. 661 et seq.) of the cost of a provision in a measure relating to a housing, residential mortgage, or student loan program shall include an additional estimate of the cost, measured on a fair-value basis—

(1) in the Senate, for any bill, joint resolution, amendment, amendment between the Houses, conference report, or motion; and

(2) in the House of Representatives, for any bill or joint resolution, or amendment thereto or conference report thereon.

(c) ENFORCEMENT IN THE HOUSE OF REPRESENTATIVES.—If the Director of the Congressional Budget Office provides an estimate

pursuant to subsection (a) or (b), the Chairman of the Committee on the Budget of the House of Representatives may use such estimate to determine compliance with the Congressional Budget Act of 1974 (2 U.S.C. 621 et seq.) and other budgetary enforcement controls.

SEC. 3106. SCORING RULE FOR CURRENCY MODERNIZATION.

In the Senate and the House of Representatives, for purposes of determining points of order under the Congressional Budget Act of 1974 (2 U.S.C. 621 et seq.) or any concurrent resolution on the budget, any provision contained in a measure relating to a transition from the \$1 note to a \$1 coin shall—

(1) in the Senate, for each bill, joint resolution, amendment, amendment between the Houses, conference report, or motion—

(A) record the changes in budget authority, outlays, and revenues of the provision in the first year in which the provision takes effect;

(B) determine the changes in budget authority, outlays, and revenues of the provision based on a net present value estimate of the changes in budget authority, outlays, and revenues of the provision over a 30-year period; and

(C) incorporate the changes in budget authority, outlays, and revenues of the provision due to behavioral changes; and

(2) in the House of Representatives, for each bill or joint resolution, or amendment thereto or conference report thereon—

(A) record the changes in budget authority, outlays, and revenues of the provision in the first year in which the provision takes effect;

(B) determine the changes in budget authority, outlays, and revenues of the provision based on a net present value estimate of the changes in budget authority, outlays, and revenues of the provision over a 30-year period; and

(C) incorporate the changes in budget authority, outlays, and revenues of the provision due to behavioral changes.

SEC. 3107. LONG-TERM SCORING OF CHANGES IN SPENDING LIMITS AND EXTENSION OF HIGHWAY PROGRAMS.

(a) **SCORING OF LEGISLATION INCREASING THE DISCRETIONARY SPENDING LIMITS.**—Any estimate provided by the Congressional Budget Office shall provide, in addition to such estimate, an estimate of the changes in budget authority, outlays, and revenues under the legislation over the period of fiscal year 2016 through fiscal year 2045—

(1) in the Senate, for any bill, joint resolution, amendment, amendment between the Houses, conference report, or motion that increases the discretionary spending limits under section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(c)); and

(2) in the House of Representatives, for any bill or joint resolution, or amendment thereto or conference report thereon, that increases the discretionary spending limits under section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(c)).

(b) **SCORING OF LEGISLATION RELATING TO THE HIGHWAY TRUST FUND.**—Any estimate provided by the Congressional Budget Office

shall provide, in addition to such estimate, an estimate of the changes in budget authority, outlays, and revenues under the legislation over the period of fiscal year 2016 through fiscal year 2045—

(1) in the Senate, for any bill, joint resolution, amendment, amendment between the Houses, conference report, or motion that transfers amounts from the general fund of the Treasury to the Highway Trust Fund; and

(2) in the House of Representatives, for any bill or joint resolution, or amendment thereto or conference report thereon, that transfers amounts from the general fund of the Treasury to the Highway Trust Fund.

SEC. 3108. REQUIRING CLEARER REPORTING OF PROJECTED FEDERAL SPENDING AND DEFICITS.

When the Congressional Budget Office releases its annual update to the Budget and Economic Outlook, the Congressional Budget Office shall provide a projection of Federal revenues, outlays, and deficits for the 30-year period beginning with the budget year, expressed in terms of dollars and as a percent of gross domestic product, as part of its annual update required under the Congressional Budget Act of 1974 (2 U.S.C. 621 et seq.).

SEC. 3109. CONGRESSIONAL BUDGET OFFICE ESTIMATES OF MEASURES WITH SIGNIFICANT OUTLAY EFFECTS.

The Congressional Budget Office shall prepare, to the extent practicable, an estimate of the outlay changes during the second and third decade of enactment for any spending legislative provision—

(1) which proposes a change or changes to law that the Congressional Budget Office determines has an outlay impact in excess of 0.25 percent of the gross domestic product of the United States during the first decade or in the tenth year; or

(2) with respect to which the Chairman of the Committee on the Budget of the Senate or the Chairman of the Committee on the Budget of the House of Representatives has requested such an estimate.

SEC. 3110. PROHIBITING THE USE OF GUARANTEE FEES AS AN OFFSET.

In the Senate and the House of Representatives, for purposes of determining points of order under the Congressional Budget Act of 1974 (2 U.S.C. 621 et seq.) or any concurrent resolution on the budget, any provision that increases, or extends the increase of, any guarantee fees of the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation shall not be counted in estimating the level of budget authority, outlays, or revenues—

(1) in the Senate, for any bill, joint resolution, amendment, amendment between the Houses, conference report, or motion; and

(2) in the House of Representatives, for any bill or joint resolution, or amendment thereto or conference report thereon.

SEC. 3111. INFORMATION FOR CONGRESS AND THE PUBLIC ABOUT PROJECTED FEDERAL OUTLAYS, REVENUES, AND DEFICITS.

As part of the annual update to the Budget and Economic Outlook required under section 202(e) of the Congressional Budget Act of

1974 (2 U.S.C. 602(e)), and at any other time the Congressional Budget Office releases projections of Federal deficits over any term of years, the Congressional Budget Office shall publish with its projection a 1-page statement—

(1) summarizing and categorizing total outlays, receipts, surpluses, and deficits of the Federal Government on a unified basis for that same prospective time period; and

(2) categorizing and subtotaling separately—

(A) outlays for mandatory programs and for discretionary programs;

(B) outlays, payroll tax revenue, and offsetting receipts for Social Security and for Medicare;

(C) the surplus or deficit of revenues over outlays for Social Security and for Medicare; and

(D) revenues.

SEC. 3112. HONEST ACCOUNTING: COST ESTIMATES FOR MAJOR LEGISLATION TO INCORPORATE MACROECONOMIC EFFECTS.

(a) **CBO AND JCT ESTIMATES.**—During the 114th Congress, any estimate provided by the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 (2 U.S.C. 653) or by the Joint Committee on Taxation to the Congressional Budget Office under section 201(f) of such Act (2 U.S.C. 601(f)) for major legislation considered in the House of Representatives or the Senate shall, to the greatest extent practicable, incorporate the budgetary effects of changes in economic output, employment, capital stock, and other macroeconomic variables resulting from such major legislation.

(b) **CONTENTS.**—Any estimate referred to in subsection (a) shall, to the extent practicable, include—

(1) a qualitative assessment of the budgetary effects (including macroeconomic variables described in subsection (a)) of the major legislation in the 20-fiscal year period beginning after the last fiscal year of the most recently agreed to concurrent resolution on the budget that sets forth budgetary levels required under section 301 of the Congressional Budget Act of 1974 (2 U.S.C. 632); and

(2) an identification of the critical assumptions and the source of data underlying that estimate.

(c) **DEFINITIONS.**—In this section:

(1) **MAJOR LEGISLATION.**—The term “major legislation” means—

(A) in the Senate, a bill, joint resolution, conference report, amendment, amendment between the Houses, or treaty—

(i) for which an estimate is required to be prepared pursuant to section 402 of the Congressional Budget Act of 1974 (2 U.S.C. 653) and that causes a gross budgetary effect (before incorporating macroeconomic effects and not including timing shifts) in a fiscal year in the period of years of the most recently agreed to concurrent resolution on the budget equal to or greater than—

(I) 0.25 percent of the current projected gross domestic product of the United States for that fiscal year; or

- (II) for a treaty, equal to or greater than \$15,000,000,000 for that fiscal year; or
- (ii) designated as such by—
 - (I) the Chairman of the Committee on the Budget of the Senate for all direct spending and revenue legislation; or
 - (II) the Senator who is Chairman or Vice Chairman of the Joint Committee on Taxation for revenue legislation; and
- (B) in the House of Representatives, a bill or joint resolution, or amendment thereto or conference report thereon—
 - (i) for which an estimate is required to be prepared pursuant to section 402 of the Congressional Budget Act of 1974 (2 U.S.C. 653) and that causes a gross budgetary effect (before incorporating macroeconomic effects and not including timing shifts) in a fiscal year in the period of years of the most recently agreed to concurrent resolution on the budget equal to or greater than 0.25 percent of the current projected gross domestic product of the United States for that fiscal year; or
 - (ii) designated as such by—
 - (I) the Chairman of the Committee on the Budget of the House of Representatives for all direct spending and revenue legislation; or
 - (II) the Member who is Chairman or Vice Chairman of the Joint Committee on Taxation for revenue legislation.
- (2) BUDGETARY EFFECTS.—The term “budgetary effects” means changes in revenues, direct spending outlays, and deficits.
- (3) TIMING SHIFTS.—The term “timing shifts” means—
 - (A) provisions that cause a delay of the date on which outlays flowing from direct spending would otherwise occur from one fiscal year to the next fiscal year; or
 - (B) provisions that cause an acceleration of the date on which revenues would otherwise occur from one fiscal year to the prior fiscal year.

Subtitle B—Budget Enforcement in the Senate

SEC. 3201. EXTENSION OF ENFORCEMENT OF BUDGETARY POINTS OF ORDER IN THE SENATE.

(a) EXTENSION OF CONGRESSIONAL BUDGET ACT OF 1974 POINTS OF ORDER.—

(1) IN GENERAL.—Notwithstanding any provision of the Congressional Budget Act of 1974 (2 U.S.C. 621 et seq.), subsections (c)(2) and (d)(3) of section 904 of the Congressional Budget Act of 1974 (2 U.S.C. 621 note) shall remain in effect for purposes of Senate enforcement through September 30, 2025.

(2) REPEAL.—In the Senate, section 205 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008, shall no longer apply.

(b) OTHER POINTS OF ORDER.—

(1) PAY-AS-YOU-GO.—Section 201(d) of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008, is repealed.

(2) SHORT-TERM DEFICITS.—Section 404(e) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010, is repealed.

SEC. 3202. POINT OF ORDER AGAINST ADVANCE APPROPRIATIONS IN THE SENATE.

(a) IN GENERAL.—

(1) POINT OF ORDER.—Except as provided in subsection (b), it shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, amendment between the Houses, or conference report that would provide an advance appropriation for a discretionary account.

(2) DEFINITION.—In this section, the term “advance appropriation” means any new budget authority provided in a bill or joint resolution making appropriations for fiscal year 2016 that first becomes available for any fiscal year after 2016, or any new budget authority provided in a bill or joint resolution making general appropriations or continuing appropriations for fiscal year 2017, that first becomes available for any fiscal year after 2017.

(b) EXCEPTIONS.—Advance appropriations may be provided—

(1) for fiscal years 2017 and 2018 for programs, projects, activities, or accounts identified in the joint explanatory statement of managers accompanying this concurrent resolution under the heading “Accounts Identified for Advance Appropriations” in an aggregate amount not to exceed \$28,852,000,000 in new budget authority in each fiscal year;

(2) for the Corporation for Public Broadcasting; and

(3) for the Department of Veterans Affairs for the Medical Services, Medical Support and Compliance, and Medical Facilities accounts of the Veterans Health Administration.

(c) SUPERMAJORITY WAIVER AND APPEAL.—

(1) WAIVER.—In the Senate, subsection (a) may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

(d) FORM OF POINT OF ORDER.—A point of order under subsection (a) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974 (2 U.S.C. 644(e)).

(e) CONFERENCE REPORTS.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill or joint resolution, upon a point of order being made by any Senator pursuant to this section, and such point of order being sustained, such material contained in such conference report or House amendment shall be stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment,

as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

SEC. 3203. SUPERMAJORITY ENFORCEMENT OF UNFUNDED MANDATES IN THE SENATE.

Paragraphs (1) and (2) of section 425(a) of the Congressional Budget Act of 1974 (2 U.S.C. 658d(a)) shall be subject to the waiver and appeal requirements of subsections (c)(2) and (d)(3), respectively, of section 904 of the Congressional Budget Act of 1974 (2 U.S.C. 621 note).

SEC. 3204. REPEAL OF SENATE POINT OF ORDER AGAINST CERTAIN RECONCILIATION LEGISLATION.

Section 202 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008, shall no longer apply in the Senate.

SEC. 3205. PROHIBITION ON AGREEING TO LEGISLATION WITHOUT A SCORE IN THE SENATE.

(a) **IN GENERAL.**—In the Senate, it shall not be in order to vote on passage of matter that requires an estimate under section 402 of the Congressional Budget Act of 1974 (2 U.S.C. 653), unless such estimate was made publicly available on the website of the Congressional Budget Office not later than 28 hours before the time the vote commences.

(b) **SUPERMAJORITY WAIVER AND APPEAL.**—

(1) **WAIVER.**—In the Senate, subsection (a) may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) **APPEAL.**—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

SEC. 3206. PROTECTING THE SAVINGS IN REPORTED RECONCILIATION BILLS IN THE SENATE.

In the Senate, section 310(d)(1) of the Congressional Budget Act of 1974 (2 U.S.C. 641(d)(1)) shall apply and may be waived in accordance with the procedures applicable to a point of order raised under section 310(d)(2) of such Act.

SEC. 3207. SCORING RULE FOR CERTAIN ENERGY CONTRACTS IN THE SENATE.

(a) **ESTIMATES.**—In the Senate, for purposes of determining points of order established under the Congressional Budget Act of 1974 (2 U.S.C. 621 et seq.) or any concurrent resolution on the budget, any estimate by the Congressional Budget Office of a provision in a bill, joint resolution, amendment, conference report, or amendment between the Houses that directly or indirectly modifies the use of the authority to enter covered energy savings contracts shall—

(1) record in the first year in which the provision would become effective, the changes in budget authority, outlays, and revenues (as estimated in accordance with paragraph (2)) of

any modifications to the use of the authority to enter the covered energy savings contracts;

(2) in estimating the changes in budget authority, outlays, and revenues of the legislation, calculate the costs and savings arising from covered energy savings contracts, including required payments under the covered energy savings contracts, anticipated savings from reductions in energy use, and other anticipated costs and reductions in spending associated with the covered energy savings contracts, on a net present value basis; and

(3) classify the effects of the provision to be changes in spending subject to the availability of appropriations.

(b) **RULE OF CONSTRUCTION.**—Nothing in subsection (a) shall be construed to modify the methodology for estimating the changes in budget authority, outlays, and revenues of a provision that—

(1) does not relate to covered energy savings contracts in a bill, joint resolution, amendment, conference report, or amendment between the Houses that contains a provision described in subsection (a); or

(2) provides appropriations.

(c) **DEFINITION.**—In this section, the term “covered energy savings contract” means—

(1) an energy savings performance contract authorized under section 801 of the National Energy Conservation Policy Act (42 U.S.C. 8287); and

(2) a utility energy service contract, as described in the Office of Management and Budget Memorandum on Federal use of energy savings performance contracting, dated July 25, 1998 (M-98-13), and the Office of Management and Budget Memorandum on the Federal use of energy saving performance contracts and utility energy service contracts, dated September 28, 2012 (M-12-21), or any successor to either memorandum.

SEC. 3208. ADJUSTMENT FOR WILDFIRE SUPPRESSION FUNDING IN THE SENATE.

If a measure becomes law that amends the adjustments to discretionary spending limits established under section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)) for wildfire suppression funding, which may include criteria for making such an adjustment, the Chairman of the Committee on the Budget of the Senate may adjust the allocation called for in section 302(a) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)) to the appropriate committee or committees of the Senate, and may adjust all other budgetary aggregates, allocations, levels, and limits contained in this concurrent resolution, as necessary, consistent with such measure.

Subtitle C—Budget Enforcement in the House of Representatives

SEC. 3301. LIMITATION ON MEASURES AFFECTING SOCIAL SECURITY SOLVENCY IN THE HOUSE OF REPRESENTATIVES.

(a) **IN GENERAL.**—For purposes of the enforcement of this concurrent resolution, upon its adoption until the end of fiscal year 2016, it shall not be in order to consider in the House of Representatives a bill or joint resolution, or an amendment thereto or conference

report thereon, that reduces the actuarial balance by at least 0.01 percent of the present value of future taxable payroll of the Federal Old-Age and Survivors Insurance Trust Fund established under section 201(a) of the Social Security Act for the 75-year period utilized in the most recent annual report of the Board of Trustees provided pursuant to section 201(c)(2) of the Social Security Act.

(b) EXCEPTION.—Subsection (a) shall not apply to a measure that would improve the actuarial balance of the combined balance in the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for the 75-year period utilized in the most recent annual report of the Board of Trustees provided pursuant to section 201(c)(2) of the Social Security Act.

SEC. 3302. LIMITATION ON TRANSFERS FROM THE GENERAL FUND OF THE TREASURY TO THE HIGHWAY TRUST FUND IN THE HOUSE OF REPRESENTATIVES.

In the House of Representatives, for purposes of the Congressional Budget Act of 1974 (2 U.S.C. 621 et seq.), the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.), and the rules or orders of the House of Representatives, a bill or joint resolution, or an amendment thereto or conference report thereon, that transfers funds from the general fund of the Treasury to the Highway Trust Fund, amounts transferred shall be counted as new budget authority and outlays equal to the amount of the transfer in the fiscal year the transfer occurs.

SEC. 3303. ADJUSTMENTS FOR IMPROVED CONTROL OF BUDGETARY RESOURCES IN THE HOUSE OF REPRESENTATIVES.

(a) ADJUSTMENTS OF DISCRETIONARY AND DIRECT SPENDING LEVELS.—In the House of Representatives, if a committee (other than the Committee on Appropriations) reports a bill or joint resolution, or any amendment thereto is offered or any conference report thereon is submitted, providing for a decrease in direct spending (budget authority and outlays flowing therefrom) for any fiscal year and also provides for an authorization of appropriations for the same purpose, upon the enactment of such measure, the Chairman of the Committee on the Budget of the House of Representatives may decrease the allocation to such committee and increase the allocation of discretionary spending (budget authority and outlays flowing therefrom) to the Committee on Appropriations for fiscal year 2016 by an amount equal to the new budget authority (and outlays flowing therefrom) provided for in a bill or joint resolution making appropriations for the same purpose.

(b) DETERMINATIONS.—In the House of Representatives, for the purpose of enforcing this concurrent resolution, the allocations and aggregate levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for fiscal year 2016 and the period of fiscal years 2016 through fiscal year 2025 shall be determined on the basis of estimates made by the Chairman of the Committee on the Budget of the House of Representatives and such Chairman may adjust applicable levels of this concurrent resolution.

SEC. 3304. LIMITATION ON ADVANCE APPROPRIATIONS IN THE HOUSE OF REPRESENTATIVES.

(a) **IN GENERAL.**—In the House of Representatives, except as provided for in subsection (b), any bill or joint resolution, or amendment thereto or conference report thereon, making a general appropriation or continuing appropriation may not provide for advance appropriations.

(b) **EXCEPTIONS.**—An advance appropriation may be provided for programs, projects, activities, or accounts identified in the report to accompany this concurrent resolution or the joint explanatory statement of managers to accompany this concurrent resolution under the heading—

(1) **GENERAL.**—“Accounts Identified for Advance Appropriations”.

(2) **VETERANS.**—“Veterans Accounts Identified for Advance Appropriations”.

(c) **LIMITATIONS.**—The aggregate level of advance appropriations shall not exceed—

(1) **GENERAL.**—\$28,852,000,000 in new budget authority for all programs identified pursuant to subsection (b)(1).

(2) **VETERANS.**—\$63,271,000,000 in new budget authority for programs in the Department of Veterans Affairs identified pursuant to subsection (b)(2).

(d) **DEFINITION.**—The term “advance appropriation” means any new discretionary budget authority provided in a bill or joint resolution, or any amendment thereto or conference report thereon, making general appropriations or continuing appropriations, for the fiscal year following fiscal year 2016.

SEC. 3305. CERTAIN ENERGY CONTRACTS IN THE HOUSE OF REPRESENTATIVES.

The House of Representatives shall assess the implementation of section 3207 of this concurrent resolution through a collaborative assessment with the Senate and the Congressional Budget Office of the appropriate scorekeeping methodology for evaluating the budgetary effects of energy savings performance contracts authorized under section 801 of the National Energy Conservation Policy Act (42 U.S.C. 8287).

Subtitle D—Other Provisions

SEC. 3401. SUBMISSION OF FINDINGS FOR THE ELIMINATION OF WASTE, FRAUD, AND ABUSE.

(a) **IN GENERAL.**—In the Senate and the House of Representatives, all committees are directed to review programs within their jurisdiction to identify waste, fraud, abuse, or duplication, and increase the use of performance data to inform committee work.

(b) **REVIEW.**—Committees are also directed to review the applicable matters for congressional consideration identified in the Office of Inspector General semiannual reports and the Office of Inspector General’s list of unimplemented recommendations and on the Government Accountability Office’s High Risk list and the annual report to reduce program duplication.

(c) **REPORT.**—After completing the oversight and performance reviews of programs within their jurisdiction under subsections (a) and (b), the committees are directed to include recommendations

for improved governmental performance in their annual views and estimates reports submitted by the committees to the Committees on the Budget of the applicable House of Congress under section 301(d) of the Congressional Budget Act of 1974 (2 U.S.C. 632(d)).

SEC. 3402. BUDGETARY TREATMENT OF ADMINISTRATIVE EXPENSES.

(a) **IN GENERAL.**—Notwithstanding section 302(a)(1) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)(1)), section 13301 of the Budget Enforcement Act of 1990 (2 U.S.C. 632 note), and section 2009a of title 39, United States Code, the report accompanying this concurrent resolution on the budget or the joint explanatory statement accompanying the conference report on any concurrent resolution on the budget shall include in its allocation under section 302(a) of the Congressional Budget Act of 1974 to the Committee on Appropriations of the applicable House of Congress amounts for the discretionary administrative expenses of the Social Security Administration and the United States Postal Service.

(b) **SPECIAL RULE.**—In the Senate and the House of Representatives, for purposes of enforcing sections 302(f) of the Congressional Budget Act of 1974 (2 U.S.C. 633(f)), estimates of the level of total new budget authority and total outlays provided by a measure shall include any discretionary amounts described in subsection (a).

SEC. 3403. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) **APPLICATION.**—Any adjustments of allocations and aggregates made pursuant to this concurrent resolution shall—

- (1) apply while that measure is under consideration;
- (2) take effect upon the enactment of that measure; and
- (3) be published in the Congressional Record as soon as practicable.

(b) **EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.**—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 (2 U.S.C. 621 et seq.) as allocations and aggregates contained in this concurrent resolution.

(c) **BUDGET COMMITTEE DETERMINATIONS.**—For purposes of this concurrent resolution the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the Committee on the Budget of the applicable House of Congress.

(d) **AGGREGATES, ALLOCATIONS AND APPLICATION.**—In the House of Representatives, for purposes of this concurrent resolution and budget enforcement, the consideration of any bill or joint resolution, or amendment thereto or conference report thereon, for which the Chairman of the Committee on the Budget of the House of Representatives makes adjustments or revisions in the allocations, aggregates, and other budgetary levels of this concurrent resolution shall not be subject to the points of order set forth in clause 10 of rule XXI of the Rules of the House of Representatives or section 3101 of this concurrent resolution.

SEC. 3404. ADJUSTMENTS TO REFLECT CHANGES IN CONCEPTS AND DEFINITIONS.

Upon the enactment of a bill or joint resolution providing for a change in concepts or definitions, the Chairman of the Committee on the Budget of the applicable House of Congress may make adjustments to the levels and allocations in this concurrent resolution in accordance with section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)).

SEC. 3405. EXERCISE OF RULEMAKING POWERS.

Congress adopts the provisions of this title—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent with such other rules; and

(2) with full recognition of the constitutional right of either the Senate or the House of Representatives to change those rules (insofar as they relate to that House) at any time, in the same manner, and to the same extent as is the case of any other rule of the Senate or House of Representatives.

TITLE IV—RESERVE FUNDS**Subtitle A—Reserve Funds in Both Houses****SEC. 4101. DEFICIT-NEUTRAL RESERVE FUND TO REDUCE POVERTY AND INCREASE OPPORTUNITY AND UPWARD MOBILITY FOR STRUGGLING AMERICANS.**

The Chairman of the Committee on the Budget of the Senate and the Chairman of the Committee on the Budget of the House of Representatives may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution—

(1) in the Senate, for one or more bills, joint resolutions, amendments, amendments between the Houses, conference reports, or motions relating to programs or policies designed to reduce poverty and increase opportunity and upward mobility for struggling Americans on the road to personal and financial independence by the amounts provided in such legislation for those purposes, provided that such legislation would neither adversely impact job creation nor increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025; and

(2) in the House of Representatives, for one or more bills, joint resolutions, amendments, or conference reports relating to programs or policies designed to reduce poverty and increase opportunity and upward mobility for struggling Americans on the road to personal and financial independence by the amounts provided in such legislation for those purposes, provided that such legislation would neither adversely impact job creation nor increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

Subtitle B—Reserve Funds in the Senate

SEC. 4301. SPENDING-NEUTRAL RESERVE FUND TO INCREASE THE PACE OF ECONOMIC GROWTH AND PRIVATE SECTOR JOB CREATION IN THE UNITED STATES.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to—

- (1) growing the economy;
- (2) lowering the after-tax costs of investment, savings, and work;
- (3) reducing the costs to business and individuals from the Internal Revenue Code of 1986;
- (4) reducing the costs borne by economic activity in the United States stemming from Federal regulations, including the costs incurred by individuals in complying with Federal law when starting a business;
- (5) reducing the costs of frivolous lawsuits;
- (6) creating a more competitive financial sector to support economic growth and job creation while enhancing the credit worthiness of lending institutions; or
- (7) improving the ability of policy makers to estimate the economic effects of policy change through the enhanced use of economic models and data in scoring legislation;

without raising new revenue, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4302. DEFICIT-NEUTRAL RESERVE FUND TO STRENGTHEN AMERICA'S PRIORITIES.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to enhanced funding for national security or domestic discretionary programs by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over the period of the total of fiscal years 2016 through 2025.

SEC. 4303. DEFICIT-NEUTRAL RESERVE FUND TO PROTECT FLEXIBLE AND AFFORDABLE HEALTH CARE CHOICES FOR ALL.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger that are deficit-neutral over 11 years, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to—

- (1) full repeal of the Patient Protection and Affordable Care Act (Public Law 111–148; 124 Stat. 119) and the health

care related provisions of the Health Care and Education Reconciliation Act of 2010 (Public Law 111–152; 124 Stat. 1029); or

(2) replacing the Patient Protection and Affordable Care Act (Public Law 111–148; 124 Stat. 119) or the health care related provisions of the Health Care and Education Reconciliation Act of 2010 (Public Law 111–152; 124 Stat. 1029); by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over the period of the total of fiscal years 2016 through 2025.

SEC. 4304. DEFICIT-NEUTRAL RESERVE FUND FOR IMPROVING ACCESS TO THE STATE CHILDREN'S HEALTH INSURANCE PROGRAM.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to improving access to affordable health care for low-income children, including the State Children's Health Insurance Program, by the amounts provided in such legislation for that purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4305. DEFICIT-NEUTRAL RESERVE FUND FOR OTHER HEALTH REFORMS.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to—

(1) the requirement to individually purchase, or jointly provide, health insurance;

(2) extending expiring health care provisions;

(3) the September 11th terrorism attacks at the World Trade Center, the Pentagon, and the Shanksville Crash site, which may include legislation that extends medical monitoring and treatment services and compensation for first responders, survivors, and their families;

(4) improvements in medical research, innovation and safety; or

(5) strengthening program integrity initiatives to reduce fraud, waste, and abuse in Federal health care programs;

by the amounts provided in such legislation for that purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4306. DEFICIT-NEUTRAL RESERVE FUND FOR CHILD WELFARE.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to—

(1) child nutrition programs;

(2) replacing ineffective policies and programs with evidence-based alternative that improve the welfare of vulnerable children; or

(3) policies that protect children from sexual predators in our schools or communities;

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4307. DEFICIT-NEUTRAL RESERVE FUND FOR VETERANS AND SERVICEMEMBERS.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to the improvement of the delivery of benefits and services to veterans and servicemembers by the amounts provided in such legislation for that purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4308. DEFICIT-NEUTRAL RESERVE FUND FOR TAX REFORM AND ADMINISTRATION.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to—

(1) reforming the Internal Revenue Code of 1986;

(2) amending the Internal Revenue Code of 1986 to extend certain expiring tax relief provisions;

(3) innovation and high quality manufacturing jobs, including the repeal of the 2.3 percent excise tax on medical device manufacturers; or

(4) operations and administration of the Department of the Treasury;

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4309. DEFICIT-NEUTRAL RESERVE FUND TO INVEST IN THE INFRASTRUCTURE IN AMERICA.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to Federal investment in the infrastructure of the United States, including programs that expedite the deployment of broadband to rural areas by the amounts provided in such legislation for that purpose, provided that such legislation shall not include transfers from other trust funds but may include transfers from the general fund of the Treasury that are offset, provided further that such legislation would not increase the deficit over either the period of the total

of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4310. DEFICIT-NEUTRAL RESERVE FUND FOR AIR TRANSPORTATION.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to Federal spending on civil air traffic control services, which may include air traffic management at airport towers across the United States or at facilities of the Federal Aviation Administration, by the amounts provided in such legislation for that purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4311. DEFICIT-NEUTRAL RESERVE FUND TO PROMOTE JOBS IN THE UNITED STATES THROUGH INTERNATIONAL TRADE.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to—

- (1) suspending or reducing tariffs on miscellaneous imports;
- (2) reauthorization of trade related Federal agencies;
- (3) implementing international trade agreements;
- (4) reauthorizing or extending trade adjustment assistance programs;
- (5) reauthorizing preference programs; or
- (6) enhancing the protection of United States intellectual property rights at the border and abroad;

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4312. DEFICIT-NEUTRAL RESERVE FUND TO INCREASE EMPLOYMENT OPPORTUNITIES FOR DISABLED WORKERS.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to the administration of disability benefits and the improved employment of disabled workers by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4313. DEFICIT-NEUTRAL RESERVE FUND FOR HIGHER EDUCATION ACT REFORM.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports that amend the Higher

Education Act of 1965 (20 U.S.C. 1001 et seq.) by the amounts provided in such legislation for that purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4314. SPENDING-NEUTRAL RESERVE FUND FOR ENERGY LEGISLATION.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to—

- (1) reform of the management of civilian and defense nuclear waste;
- (2) reform and reauthorization of programs at the Department of Energy related to research and development of alternative or renewable forms of energy, fossil fuel exploration and use, clean coal technologies (including carbon capture and sequestration), nuclear energy, or the electricity grid;
- (3) expansion of North American energy production; or
- (4) reform of the permitting and siting processes for energy infrastructure;

without raising new revenue, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4315. DEFICIT-NEUTRAL RESERVE FUND TO REFORM ENVIRONMENTAL STATUTES.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to reform of environmental statutes to promote job growth by the amounts provided in such legislation for that purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4316. SPENDING-NEUTRAL RESERVE FUND FOR WATER RESOURCES LEGISLATION.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to improving flood control, expanding opportunities for commercial navigation, and improving the environmental restoration of the nation's waterways, assisting the States in carrying out drought prevention plans, strengthening waterborne commerce in the Nation's ports and harbors, or relating to the authority of the Secretary of the Interior to designate funds for rural water projects and Indian irrigation and water settlement projects, without raising new revenue, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either

the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4317. SPENDING-NEUTRAL RESERVE FUND ON MINERAL SECURITY AND MINERAL RIGHTS.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to—

(1) reducing reliance on mineral imports; or

(2) the authority to deduct certain amounts from mineral revenues payable to States;

without raising new revenue, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4318. SPENDING-NEUTRAL RESERVE FUND TO REFORM THE ABANDONED MINE LANDS PROGRAM.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.) without raising new revenue, by the amounts provided in such legislation for that purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4319. SPENDING-NEUTRAL RESERVE FUND TO IMPROVE FOREST HEALTH.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to—

(1) increasing timber production from Federal lands and providing bridge funding to counties and other units of local government until timber production levels increase;

(2) decreasing forest hazardous fuel loads;

(3) improving stewardship contracting; or

(4) reform of the process of budgeting for wildfire suppression operations;

without raising new revenue, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4320. SPENDING-NEUTRAL RESERVE FUND TO REAUTHORIZE FUNDING FOR PAYMENTS IN LIEU OF TAXES TO COUNTIES AND OTHER UNITS OF LOCAL GOVERNMENT.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates,

and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to Payments In Lieu of Taxes (PILT), which may include funding the payments in lieu of taxes program at levels roughly equivalent to lost tax revenues due to the presence of Federal land without raising new revenue, by the amounts provided in such legislation for that purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4321. SPENDING-NEUTRAL RESERVE FUND FOR FINANCIAL REGULATORY SYSTEM REFORM.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to regulatory relief for small financial firms, improvements in the effectiveness of the financial regulatory framework, enhancements in oversight and accountability of the Federal Reserve System, and expansions in access to capital markets without raising new revenue, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4322. DEFICIT-NEUTRAL RESERVE FUND TO IMPROVE FEDERAL PROGRAM ADMINISTRATION.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to improving the processing of earnings reports for the Supplemental Security Income and Social Security Disability Insurance programs by the amounts provided in such legislation for that purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4323. SPENDING-NEUTRAL RESERVE FUND TO IMPLEMENT AGREEMENTS WITH FREELY ASSOCIATED STATES.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to the implementation of agreements between the United States and nations with whom it maintains a Compact of Free Association without raising new revenue, by the amounts provided in such legislation for that purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4324. SPENDING-NEUTRAL RESERVE FUND TO PROTECT PAYMENTS TO RURAL HOSPITALS AND CREATE SUSTAINABLE ACCESS FOR RURAL COMMUNITIES.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to protecting payments to rural hospitals and creating sustainable access for rural communities without raising new revenue, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4325. SPENDING-NEUTRAL RESERVE FUND TO ENCOURAGE STATE MEDICAID DEMONSTRATION PROGRAMS TO PROMOTE INDEPENDENT LIVING AND INTEGRATED WORK FOR THE DISABLED.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to encouraging State Medicaid demonstration programs to promote independent living and integrated work for the disabled without raising new revenue, by the amounts provided in such legislation for that purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4326. SPENDING-NEUTRAL RESERVE FUND TO ALLOW PHARMACISTS TO BE PAID FOR THE PROVISION OF SERVICES UNDER MEDICARE.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to payments to pharmacists for the provision of services under Medicare without raising new revenue, by the amounts provided in such legislation for that purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4327. SPENDING-NEUTRAL RESERVE FUND TO IMPROVE OUR NATION'S COMMUNITY HEALTH CENTERS.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to supporting and improving community health centers without raising new revenue, by the amounts provided in such legislation for that purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4328. SPENDING-NEUTRAL RESERVE FUND RELATING TO THE FUNDING OF INDEPENDENT AGENCIES, WHICH MAY INCLUDE SUBJECTING THE CONSUMER FINANCIAL PROTECTION BUREAU TO THE REGULAR APPROPRIATIONS PROCESS.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to the funding of independent agencies, which may include subjecting the Consumer Financial Protection Bureau to the regular appropriations process without raising new revenue, by the amounts provided in such legislation for that purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4329. DEFICIT-NEUTRAL RESERVE FUND TO REFORM, IMPROVE, AND ENHANCE 529 COLLEGE SAVINGS PLANS.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to reforms, improvements, and enhancements of 529 college savings plans by the amounts provided in such legislation for that purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4330. DEFICIT-NEUTRAL RESERVE FUND RELATING TO SECURING OVERSEAS DIPLOMATIC FACILITIES OF THE UNITED STATES.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to the security of the overseas diplomatic facilities of the United States by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4331. DEFICIT-NEUTRAL RESERVE FUND RELATING TO EXPANDING, ENHANCING, OR OTHERWISE IMPROVING SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to expanding, enhancing, or otherwise improving science, technology, engineering, and mathematics by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016

through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4332. DEFICIT-NEUTRAL RESERVE FUND RELATING TO PROMOTING MANUFACTURING IN THE UNITED STATES.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to investment in the manufacturing sector in the United States, which may include educational or research and development initiatives, public-private partnerships, or other programs, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4333. SPENDING-NEUTRAL RESERVE FUND TO PROHIBIT ALIENS WITHOUT LEGAL STATUS IN THE UNITED STATES FROM QUALIFYING FOR A REFUNDABLE TAX CREDIT.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to benefits for aliens without legal status in the United States, which may include prohibiting qualification for certain tax benefits without raising new revenue, by the amounts provided in such legislation for that purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4334. DEFICIT-REDUCTION RESERVE FUND FOR REPORT ELIMINATION OR MODIFICATION.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports that achieve savings through the elimination, modification, or the reduction in frequency of congressionally mandated reports from Federal agencies, and reduce the deficit over either the period of the total of fiscal years 2016 through 2021 or the period of the total of fiscal years 2016 through 2025. The Chairman may also make adjustments to the pay-as-you-go ledger over 6 and 11 years to ensure that the deficit reduction achieved is used for deficit reduction only. The adjustments authorized under this section shall be of the amount of deficit reduction achieved.

SEC. 4335. DEFICIT-NEUTRAL RESERVE FUND TO ADDRESS HEROIN, METHAMPHETAMINE, AND PRESCRIPTION OPIOID ABUSE.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to addressing efforts

to combat heroin, methamphetamine, and prescription opioid abuse by the amounts provided in such legislation for that purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4336. DEFICIT-NEUTRAL RESERVE FUND TO STRENGTHEN OUR DEPARTMENT OF DEFENSE CIVILIAN WORKFORCE.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to strengthening our civilian workforce by the amounts provided in such legislation for that purpose, provided that such legislation would not increase the deficit over the period of either the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4337. DEFICIT-NEUTRAL RESERVE FUND FOR DEPARTMENT OF DEFENSE REFORM.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to improving Department of Defense financial management, which may include achieving full auditability or eliminating waste, fraud, and abuse, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4338. DEFICIT-NEUTRAL RESERVE FUND TO IMPROVE FEDERAL WORKFORCE DEVELOPMENT, JOB TRAINING, AND REEMPLOYMENT PROGRAMS.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to reducing inefficient overlap, improving access, and enhancing outcomes with Federal workforce development, job training, and reemployment programs by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4339. DEFICIT-NEUTRAL RESERVE FUND TO PROVIDE ENERGY ASSISTANCE AND INVEST IN ENERGY EFFICIENCY AND CONSERVATION.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to—

(1) energy efficiency, which may include weatherization and energy efficiency retrofit programs for low-income individuals;

(2) the Low Income Home Energy Assistance Program, which may include seasonal assistance and crisis fuel assistance to low-income individuals;

(3) Federal programs for land and water conservation, including the Land and Water Conservation Fund; or

(4) the reduction of duplicative Federal green building programs;

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4340. DEFICIT-NEUTRAL RESERVE FUND TO END OPERATION CHOKE POINT AND PROTECT THE SECOND AMENDMENT.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to the Department of Justice, which may include ending the Operation Choke Point program, by the amounts provided in such legislation for that purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4341. DEFICIT-NEUTRAL RESERVE FUND TO PREVENT THE USE OF FEDERAL FUNDS FOR THE BAILOUT OF IMPROVIDENT STATE AND LOCAL GOVERNMENTS.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to a prohibition, except in the case of Federal assistance provided in response to a natural disaster, on any entity of the Federal Government providing funds to State and local governments to prevent receivership or to facilitate exit from receivership or to prevent default on its obligations by a State government by the amounts provided in such legislation for that purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4342. DEFICIT-NEUTRAL RESERVE FUND TO IMPROVE HEALTH OUTCOMES AND LOWER THE COSTS OF CARING FOR MEDICALLY COMPLEX CHILDREN IN MEDICAID.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to improving the health outcomes and lowering the costs of caring for medically complex children in Medicaid, which may include creating or expanding integrated delivery models or improving care coordination, by the amounts provided in such legislation for those purposes,

provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4343. DEFICIT-NEUTRAL RESERVE FUND TO MAINTAIN AND ENHANCE ACCESS, CHOICE, AND ACCOUNTABILITY IN VETERANS CARE THROUGH THE VETERANS CHOICE CARD PROGRAM.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to maintaining and enhancing access, choice, and accountability in veterans care through the Veterans Choice Card program by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4344. DEFICIT-NEUTRAL RESERVE FUND RELATING TO PROMOTING EQUAL PAY.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to promoting equal pay, which may include preventing discrimination on the basis of sex and preventing retaliation against employees for seeking or discussing wage information, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4345. DEFICIT-NEUTRAL RESERVE FUND RELATING TO LEGISLATION SUBMITTED TO CONGRESS BY THE PRESIDENT OF THE UNITED STATES TO PROTECT AND STRENGTHEN SOCIAL SECURITY.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to legislation submitted to Congress by the President of the United States to protect current beneficiaries of the Social Security program and prevent the insolvency of the program by the amounts provided in such legislation for such purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4346. DEFICIT-NEUTRAL RESERVE FUND RELATING TO A SIMPLIFIED INCOME-DRIVEN STUDENT LOAN REPAYMENT OPTION.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more

bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to addressing student loan debt, which may include reducing overlapping student loan repayment programs and creating a simplified income-driven student loan repayment option, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4347. SPENDING-NEUTRAL RESERVE FUND RELATING TO KEEPING THE FEDERAL WATER POLLUTION CONTROL ACT FOCUSED ON THE PROTECTION OF WATER QUALITY.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to ensuring that Federal jurisdiction under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) is focused on water quality, which may include limiting jurisdiction based on the movement of birds, mammals, or insects through the air or over the land, the movement of water through the ground, or the movement of rainwater or snowmelt over the land, or limiting jurisdiction over puddles, isolated ponds, roadside ditches, irrigation ditches, stormwater systems, wastewater systems, or water delivery, reuse, or reclamation systems, by the amounts provided in such legislation for those purposes, provided that such legislation would not raise new revenue and would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4348. DEFICIT-NEUTRAL RESERVE FUND RELATING TO SUPPORTING ISRAEL.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to United States policy toward Israel and the prevention of anti-Semitism in Europe, which may include preventing the United Nations and other international institutions, including human rights organizations, from taking unfair or discriminatory action against Israel, and supporting efforts to prevent anti-Semitism in Europe, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4349. DEFICIT-NEUTRAL RESERVE FUND RELATING TO FAMILY AND MEDICAL LEAVE.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to efforts to improve workplace benefits and reduce health care costs, which may include tax credits for employers providing paid family and medical leave,

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4350. DEFICIT-NEUTRAL RESERVE FUND RELATING TO PROVIDING HEALTH CARE TO VETERANS WHO HAVE GEOGRAPHIC INACCESSIBILITY TO CARE.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to providing health care to veterans who reside more than 40 miles driving distance from the closest medical facility of the Department of Veterans Affairs that provides the care sought by the veteran by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4351. DEFICIT-NEUTRAL RESERVE FUND RELATING TO INCREASING ACCESS TO HIGHER EDUCATION FOR LOW-INCOME AMERICANS THROUGH THE FEDERAL PELL GRANT PROGRAM.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to increasing access to higher education for low-income Americans through the Federal Pell Grant program, which may include allowing for 1 or more additional payment periods during the same award year, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4352. DEFICIT-NEUTRAL RESERVE FUND RELATING TO TRANSPARENCY IN HEALTH PREMIUM BILLING.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to increased disclosure of any Patient Protection and Affordable Care Act (Public Law 111-148) tax in health insurance monthly premium statements by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4353. DEFICIT-NEUTRAL RESERVE FUND RELATING TO CARBON EMISSIONS.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the

Houses, motions, or conference reports related to carbon emissions, which may include prohibitions on Federal taxes or fees imposed on carbon emissions from any product or entity that is a direct or indirect source of emissions, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4354. SPENDING-NEUTRAL RESERVE FUND RELATING TO REQUIRING THE FEDERAL GOVERNMENT TO ALLOW STATES TO OPT OUT OF COMMON CORE WITHOUT PENALTY.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to prohibiting the Federal Government from mandating, incentivizing, or coercing States to adopt the Common Core State Standards or any other specific academic standards, instructional content, curricula, assessments, or programs of instruction and allowing States to opt out of the Common Core State Standards without penalty by the amounts provided in such legislation for those purposes, provided that such legislation would not raise new revenue and would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4355. SPENDING-NEUTRAL RESERVE FUND RELATING TO THE DISPOSAL OF CERTAIN FEDERAL LAND.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to initiatives to sell or transfer to, or exchange with, a State or local government any Federal land that is not within the boundaries of a National Park, National Preserve, or National Monument by the amounts provided in such legislation for those purposes, provided that such legislation would not raise new revenue and would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4356. SPENDING-NEUTRAL RESERVE FUND RELATING TO PROHIBITING FUNDING OF INTERNATIONAL ORGANIZATIONS DURING THE IMPLEMENTATION OF THE UNITED NATIONS ARMS TRADE TREATY PRIOR TO SENATE RATIFICATION AND ADOPTION OF IMPLEMENTING LEGISLATION.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to funding, which may include prohibiting funding for the United Nations Arms Trade Treaty Secretariat or any international organizations created to

support the implementation of the United Nations Arms Trade Treaty prior to Senate ratification and adoption of implementing legislation, by the amounts provided in such legislation for those purposes, provided that such legislation would not raise new revenue and would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4357. DEFICIT-NEUTRAL RESERVE FUND RELATING TO REIMPOSING WAIVED SANCTIONS AND IMPOSING NEW SANCTIONS AGAINST IRAN FOR VIOLATIONS OF THE JOINT PLAN OF ACTION OR A COMPREHENSIVE NUCLEAR AGREEMENT.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to Iran, which may include efforts to immediately reimpose waived sanctions and impose new sanctions against the Government of Iran if the President cannot make a determination and certify that Iran is complying with the Joint Plan of Action or a comprehensive agreement on Iran's nuclear program, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4358. DEFICIT-NEUTRAL RESERVE FUND RELATING TO SUPPORTING UNITED STATES CITIZENS HELD HOSTAGE IN THE UNITED STATES EMBASSY IN TEHRAN, IRAN, BETWEEN NOVEMBER 3, 1979, AND JANUARY 20, 1981.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to supporting citizens of the United States held hostage in the United States embassy in Tehran, Iran, between November 3, 1979, and January 20, 1981, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4359. DEFICIT-NEUTRAL RESERVE FUND RELATING TO REASONABLE ACCOMMODATIONS FOR PREGNANT WORKERS.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to efforts to increase employment opportunities and prevent employment discrimination, which may include measures to prevent employment discrimination against pregnant workers, to provide pregnant workers with a right to workplace accommodations, and to ensure that employers comply with requirements regarding such workplace accommodations for pregnant workers, by the amounts provided in such legislation for those purposes, provided that such legislation would not

increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4360. DEFICIT-NEUTRAL RESERVE FUND TO PERMANENTLY ELIMINATE THE FEDERAL ESTATE TAX.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to changes in the Federal income tax laws, which may include eliminating the Federal estate tax, by the amounts provided in such legislation for that purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4361. DEFICIT-NEUTRAL RESERVE FUND RELATING TO REGULATION BY THE ENVIRONMENTAL PROTECTION AGENCY OF GREENHOUSE GAS EMISSIONS.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to the regulation by the Environmental Protection Agency of greenhouse gas emissions, which may include a prohibition on withholding highway funds from States that refuse to submit State Implementation Plans required under the Clean Power Plan of the Agency, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4362. DEFICIT-NEUTRAL RESERVE FUND RELATING TO PROTECTING PRIVATELY HELD WATER RIGHTS AND PERMITS.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to protecting communities, businesses, recreationists, farmers, ranchers, or other groups that rely on privately held water rights and permits from Federal takings by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4363. SPENDING-NEUTRAL RESERVE FUND RELATING TO PROHIBITING AWARDED OF CONSTRUCTION CONTRACTS BASED ON AWARDEES ENTERING OR NOT ENTERING INTO AGREEMENTS WITH LABOR ORGANIZATIONS.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the

Houses, motions, or conference reports relating to a prohibition on the awarding of construction contracts on behalf of the Government based upon any solicitations, bid specifications, project agreements, or other controlling documents that require or prohibit bidders, offerors, contractors, or subcontractors to enter into or adhere to agreements with one or more labor organizations or discriminate against or give preference to such bidders, offerors, contractors, or subcontractors based on their entering or refusing to enter into such agreements by the amounts provided in such legislation for those purposes, provided that such legislation would not raise new revenue and would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4364. DEFICIT-NEUTRAL RESERVE FUND TO PREVENT AMERICAN JOBS FROM BEING MOVED OVERSEAS BY REDUCING THE CORPORATE INCOME TAX RATE.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to preventing American jobs from being moved overseas, which may include a reduction in the corporate income tax rate, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4365. DEFICIT-NEUTRAL RESERVE FUND TO INCREASE WAGES FOR AMERICAN WORKERS.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to reaffirming the ability of States to adopt minimum wages higher than the Federal minimum wage level commensurate with the cost of living in the State, which may include the adoption of pro-employment and wage-increasing policies by providing pro-growth tax relief and eliminating excessive government mandates, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4366. DEFICIT-NEUTRAL RESERVE FUND RELATING TO DETERRING THE MIGRATION OF UNACCOMPANIED CHILDREN FROM EL SALVADOR, GUATEMALA, AND HONDURAS.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to deterring the attempted migration of unaccompanied children from El Salvador, Guatemala, and Honduras into the United States, which may include the expedited removal of unlawful entrants from noncontiguous countries, by the amounts provided in such legislation for

those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4367. SPENDING-NEUTRAL RESERVE FUND RELATING TO ENSURING PROPER ECONOMIC CONSIDERATION IN DESIGNATION OF CRITICAL HABITAT.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to critical habitat designations, which may include requirements that the United States Fish and Wildlife Service examine the cumulative economic effects of the designation, such as on land or property uses or values, regional employment, or revenue impacts on States and units of local government, by the amounts provided in such legislation for those purposes, provided that such legislation would not raise new revenue and would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4368. DEFICIT-NEUTRAL RESERVE FUND TO END “TOO BIG TO FAIL” BAILOUTS FOR WALL STREET MEGA-BANKS (OVER \$500 BILLION IN TOTAL ASSETS).

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to any bank holding companies with over \$500,000,000,000 in total assets to better protect taxpayers, including such measures as capital or leverage requirements, restrictions on the growth, activities, or operations of a company, or divestiture of assets or operations of any company that is unable to present a credible plan to facilitate an orderly bankruptcy or resolution, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4369. DEFICIT-NEUTRAL RESERVE FUND RELATING TO ENDING WASHINGTON'S ILLEGAL EXEMPTION FROM THE PATIENT PROTECTION AND AFFORDABLE CARE ACT.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to developing methods that ensure that all Members of Congress, the President, the Vice President, and all political appointees of the Administration procure their health insurance on the individual exchange in the same way as Americans at the same income level by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4370. SPENDING-NEUTRAL RESERVE FUND RELATING TO INCREASING FUNDING FOR THE RELOCATION OF THE UNITED STATES EMBASSY IN ISRAEL FROM TEL AVIV TO JERUSALEM.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to increasing funding for United States embassies, which may include the relocation of the United States Embassy in Israel from Tel Aviv to Jerusalem, by the amounts provided in such legislation for those purposes, provided that such legislation would not raise new revenue and would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4371. DEFICIT-NEUTRAL RESERVE FUND RELATING TO PROMOTING THE RETURN OF CHILDREN WHO HAVE BEEN LEGALLY ADOPTED BY UNITED STATES CITIZENS FROM THE DEMOCRATIC REPUBLIC OF THE CONGO.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to promoting the return of children who have been legally adopted by United States citizens from the Democratic Republic of the Congo by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4372. DEFICIT-NEUTRAL RESERVE FUND RELATING TO DEVELOPMENT OF A NEW NUCLEAR-CAPABLE CRUISE MISSILE BY THE DEPARTMENT OF DEFENSE AND THE NATIONAL NUCLEAR SECURITY ADMINISTRATION.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to the development of a new nuclear-capable cruise missile by the Department of Defense and the National Nuclear Security Administration by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4373. DEFICIT-NEUTRAL RESERVE FUND TO PROVIDE EQUITY IN THE TAX TREATMENT OF PUBLIC SAFETY OFFICER DEATH BENEFITS.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to providing tax equity for death benefits paid to the families of public safety officers

who lose their lives in the line of duty by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4374. DEFICIT-NEUTRAL RESERVE FUND RELATING TO ELIMINATING THE BACKLOG OF SEXUAL ASSAULT EVIDENCE KITS.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to eliminating the backlog of sexual assault evidence kits, which may include auditing the hidden backlog of untested sexual assault kits and ensuring that the collection and processing of DNA evidence by law enforcement agencies from crimes is carried out in an appropriate and timely manner, by the amounts provided in such legislation for that purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4375. DEFICIT-NEUTRAL RESERVE FUND RELATING TO MIXED OXIDE FUEL FABRICATION.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to mixed oxide fuel fabrication by the amounts provided in such legislation for that purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4376. DEFICIT-NEUTRAL RESERVE FUND RELATING TO REFORMING OFFICES OF INSPECTORS GENERAL AND PREVENTING EXTENDED VACANCIES.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to strengthening and reforming Federal Offices of Inspectors General, reducing vacancies in such Offices, and providing for improvements in the overall economy, efficiency, and effectiveness of Inspectors General by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4377. DEFICIT-NEUTRAL RESERVE FUND RELATING TO IMPROVING RETIREMENT SECURITY.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more

bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to improving retirement security by making it easier for small businesses to provide retirement plans for their employees by easing the administrative burden and by encouraging individuals to increase their savings by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4378. DEFICIT-NEUTRAL RESERVE FUND TO IMPROVE THE COMPETITIVENESS OF THE UNITED STATES.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to improving basic science research and development programs in the United States by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4379. DEFICIT-NEUTRAL RESERVE FUND RELATING TO ENSURING THAT THE CONSERVATION OF NORTHERN LONG-EARED BAT POPULATIONS AND LOCAL ECONOMIC DEVELOPMENT ARE COMPATIBLE.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), which may include requirements that State conservation plans relating to the northern long-eared bat are given maximum flexibility to be successful so as to preserve and protect local and rural economies before any Federal listing decision is made with respect to the northern long-eared bat, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4380. DEFICIT-NEUTRAL RESERVE FUND TO IMPROVE CYBERSECURITY.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to increased sharing of cybersecurity threat information while protecting individual privacy and civil liberties interests by the amounts provided in such legislation for that purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4381. DEFICIT-NEUTRAL RESERVE FUND TO ALLOW THE DRUG ENFORCEMENT ADMINISTRATION AND FEDERAL BUREAU OF INVESTIGATION TO ENTER INTO JOINT TASK FORCES WITH TRIBAL AND LOCAL LAW ENFORCEMENT AGENCIES.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to the Drug Enforcement Administration and Federal Bureau of Investigation entering into joint task forces with tribal and local law enforcement agencies by the amounts provided in such legislation for that purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4382. DEFICIT-NEUTRAL RESERVE FUND RELATING TO ENCOURAGING COST SAVINGS IN OFFICE SPACE USED BY FEDERAL AGENCIES.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to encouraging cost savings in office space used by Federal agencies, which may include encouraging Federal agencies to utilize office space unused by the Federal Government before purchasing or renting additional space, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4383. DEFICIT-NEUTRAL RESERVE FUND RELATING TO PROVIDING TECHNICAL ASSISTANCE TO SMALL BUSINESSES AND ASPIRING ENTREPRENEURS THROUGH SMALL BUSINESS DEVELOPMENT CENTERS.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to providing technical assistance to small businesses and aspiring entrepreneurs through small business development centers by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4384. DEFICIT-NEUTRAL RESERVE FUND RELATING TO ENSURING THAT MEDICAL FACILITIES OF THE DEPARTMENT OF VETERANS AFFAIRS MEET THE NEEDS OF WOMEN VETERANS.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to ensuring that

medical facilities of the Department of Veterans Affairs meet the needs of women veterans by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4385. DEFICIT-NEUTRAL RESERVE FUND RELATING TO SUPPORTING EFFICIENT RESOURCING FOR THE ASIA REBALANCE POLICY.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to providing funding related to supporting efficient resourcing for the Asia rebalance policy by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4386. DEFICIT-NEUTRAL RESERVE FUND RELATING TO PREVENTING ACCESS TO MARIJUANA EDIBLES BY CHILDREN IN STATES THAT HAVE DECRIMINALIZED MARIJUANA.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to preventing access to edible marijuana products by children in States that have decriminalized marijuana by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4387. DEFICIT-NEUTRAL RESERVE FUND RELATING TO PROVIDING MORTGAGE LENDING TO RURAL AREAS.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to providing mortgage lending to rural areas by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4388. DEFICIT-NEUTRAL RESERVE FUND RELATING TO THE CONSTRUCTION OF ARCTIC POLAR ICEBREAKERS.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to the construction of Arctic polar icebreakers by the amounts provided in such legislation for those purposes, provided that such legislation would not

increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4389. DEFICIT-NEUTRAL RESERVE FUND RELATING TO RESEARCHING HEALTH CONDITIONS OF THE DESCENDANTS OF VETERANS EXPOSED TO TOXIC SUBSTANCES DURING SERVICE IN THE ARMED FORCES.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to researching health conditions of the descendants of veterans exposed to toxic substances during service in the Armed Forces by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4390. DEFICIT-NEUTRAL RESERVE FUND RELATING TO RAISING THE FAMILY OF FUNDS LIMIT OF THE SMALL BUSINESS INVESTMENT COMPANY PROGRAM.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to the Small Business Investment Company Program of the Small Business Administration, which may include raising the Family of Funds limit of the Small Business Investment Company Program, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4391. DEFICIT-NEUTRAL RESERVE FUND RELATING TO DETECTION, INVESTIGATION, AND PROSECUTION OF THE OWNERS AND OPERATORS OF WEBSITES WHO KNOWINGLY ALLOW SUCH WEBSITES TO BE USED TO ADVERTISE COMMERCIAL SEX WITH CHILDREN OVER THE INTERNET.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to online child sex trafficking, which may include the detection, investigation, and prosecution of the owners and operators of websites who knowingly allow such websites to be used to advertise commercial sex with children over the Internet, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4392. DEFICIT-NEUTRAL RESERVE FUND RELATING TO PROTECTING THE RELIABILITY OF THE ELECTRICITY GRID.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to prohibiting the Administrator of the Environmental Protection Agency from proposing, finalizing, or issuing any regulation that would reduce the reliability of the electricity grid by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4393. DEFICIT-NEUTRAL RESERVE FUND TO PRESERVE AND PROTECT THE OPEN INTERNET.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to protecting the open Internet and promoting further innovation and investment in Internet services, content, infrastructure, and technologies by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4394. SPENDING-NEUTRAL RESERVE FUND RELATING TO REFORMING THE FEDERAL REGULATORY PROCESS.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to—

(1) creating an effective mechanism for the review of the existing Federal regulatory burden to identify rules for repeal or modification that—

(A) impose paperwork burdens that could be reduced substantially without significantly diminishing regulatory effectiveness;

(B) impose disproportionately high costs on small businesses;

(C) could be strengthened in their effectiveness while reducing regulatory costs;

(D) have been rendered obsolete by technological or market changes;

(E) have achieved their goals and can be repealed without target problems recurring;

(F) impose the greatest opportunity costs in terms of economic growth;

(G) are ineffective;

(H) overlap, duplicate, or conflict with other Federal regulations or with State or local regulations; or

(I) impose costs that are not justified by benefits produced for society within the United States;

(2) reforming the process by which new regulations are made by Federal agencies, including independent agencies, for the purposes of—

(A) prioritizing early public outreach in the rulemaking process;

(B) ensuring the use of the best available scientific, economic, and technical data;

(C) preventing the misuse of guidance documents to skirt public input;

(D) ensuring the use of best practices for regulatory analysis, including cost-benefit analysis, into each step of the rulemaking process;

(E) facilitating the adoption by Federal agencies of the least costly regulatory alternative that would achieve the goals of the statutory authorization;

(F) ensuring more careful consideration of proposed high-cost rules;

(G) ensuring effective oversight of the Federal regulatory program, including independent regulatory commissions, by the Office of Information and Regulatory Affairs;

(H) improving the consideration of adverse impacts on small businesses;

(I) providing greater transparency in the rulemaking process; and

(J) improving compliance with section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001 (Public Law 106–554; 114 Stat. 2736A–153) (commonly known as the “Information Quality Act”), the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1501 et seq.), and chapter 6 of title 5, United States Code (commonly known as the “Regulatory Flexibility Act”);

(3) enhancing accountability by facilitating fair and effective judicial review of agency actions; and

(4) ensuring that Congress can effectively exercise its appropriate role in the regulatory process through legislation and oversight;

by the amounts provided in such legislation for those purposes, provided that such legislation would not raise new revenue and would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4395. DEFICIT-NEUTRAL RESERVE FUND RELATING TO PROVIDING COVERAGE OF VIRTUAL COLONOSCOPIES AS A COLORECTAL CANCER SCREENING TEST UNDER THE MEDICARE PROGRAM.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to providing coverage of virtual colonoscopies as a colorectal cancer screening test under the Medicare program by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4396. DEFICIT-NEUTRAL RESERVE FUND RELATING TO THE MODERNIZATION OF THE NUCLEAR COMMAND, CONTROL, AND COMMUNICATIONS ARCHITECTURE OF THE UNITED STATES.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to modernizing the triad of strategic nuclear delivery systems, the nuclear command and control system, and the nuclear weapons stockpile, and supporting related infrastructure, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4397. DEFICIT-NEUTRAL RESERVE FUND RELATING TO BARDA AND THE BIOSHIELD SPECIAL RESERVE FUND.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to strengthening our national security, which may include fully funding the Biomedical Advanced Research and Development Authority and the BioShield Special Reserve Fund, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4398. DEFICIT-NEUTRAL RESERVE FUND RELATING TO IMPROVING THE NUCLEAR FORCES AND MISSIONS OF THE AIR FORCE.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to the nuclear force improvement program of the Air Force by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4399. DEFICIT-NEUTRAL RESERVE FUND RELATING TO PROMOTING ECONOMIC GROWTH AND JOB CREATION FOR SMALL BUSINESSES AND FULL FUNDING FOR AT-SEA AND DOCKSIDE MONITORING FOR CERTAIN FISHERIES.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to promoting economic growth and job creation by making it easier for small businesses to plan their capital investments and reducing the

uncertainty of taxation, and supporting at-sea and dockside monitoring for fisheries that have received economic disaster assistance, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4400. DEFICIT-NEUTRAL RESERVE FUND RELATING TO THE DEFINITION OF FULL-TIME EMPLOYEE.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports related to the employer penalties under the Patient Protection and Affordable Care Act (Public Law 111–148), which may include changes to the definition of “full time employee” under that Act, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4401. DEFICIT-NEUTRAL RESERVE FUND RELATING TO IMPROVING THE EFFECTIVENESS AND EFFICIENCY OF THE FEDERAL REGULATORY PROCESS.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to improving the effectiveness and efficiency of the Federal regulatory process by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4402. DEFICIT-NEUTRAL RESERVE FUND TO EXPEDITE AWARDS UNDER THE INTERNAL REVENUE SERVICE WHISTLEBLOWER PROGRAM.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to the processing of award submissions, which may include the Internal Revenue Service whistleblower program, by the amounts provided in such legislation for that purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4403. DEFICIT-NEUTRAL RESERVE FUND RELATING TO ENCOURAGING THE INCREASED USE OF PERFORMANCE CONTRACTING IN FEDERAL FACILITIES.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the

Houses, motions, or conference reports relating to encouraging the increased use of performance contracting in Federal facilities by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4404. DEFICIT-NEUTRAL RESERVE FUND RELATING TO IMPROVING INFORMATION SHARING BY THE INSPECTOR GENERAL OF THE DEPARTMENT OF VETERANS AFFAIRS WITH RESPECT TO INVESTIGATIONS RELATING TO SUBSTANDARD HEALTH CARE, DELAYED AND DENIED HEALTH CARE, PATIENT DEATHS, OTHER FINDINGS THAT DIRECTLY RELATE TO PATIENT CARE, AND OTHER MANAGEMENT ISSUES OF THE DEPARTMENT.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to improving information sharing by the Inspector General of the Department of Veterans Affairs with respect to investigations relating to substandard health care, delayed and denied health care, patient deaths, other findings that directly relate to patient care, and other management issues of the Department by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4405. DEFICIT-NEUTRAL RESERVE FUND TO ADDRESS THE DISPROPORTIONATE REGULATORY BURDENS ON COMMUNITY BANKS AND CREDIT UNIONS.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to alleviating disproportionate regulatory burdens on community banks and credit unions by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4406. DEFICIT-NEUTRAL RESERVE FUND TO PROTECT THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to the Corporation for National and Community Service by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4407. DEFICIT-NEUTRAL RESERVE FUND RELATING TO ENSURING THAT DEPARTMENT OF JUSTICE ATTORNEYS COMPLY WITH DISCLOSURE OBLIGATIONS IN CRIMINAL PROSECUTIONS.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to ensuring that all Department of Justice attorneys comply with all legal and ethical obligations in criminal prosecutions, which may include legislation that ensures the disclosure to the defendant in a timely manner of all information known to the Government that tends to negate the guilt of the defendant, mitigate the offense charged or the sentence imposed, or impeach the Government's witnesses or evidence, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4408. DEFICIT-NEUTRAL RESERVE FUND TO PROMOTE BIOMEDICAL RESEARCH.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to Federal investments in precision medicine and biomedical research, which may include increasing funding to account for inflation, to support finding ways to prevent, treat, and cure diseases or conditions like Alzheimer's and other life-threatening or chronic illnesses, and to provide long-term cost savings to the Federal Government, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4409. DEFICIT-NEUTRAL RESERVE FUND RELATING TO PROVIDING ACCESS TO NECESSARY EQUIPMENT FOR MEDICARE BENEFICIARIES.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to developing methods that ensure that Medicare beneficiaries have access to equipment like eye tracking accessories for speech generating devices and speech generating devices by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4410. SPENDING-NEUTRAL RESERVE FUND RELATING TO PRIORITIZING THE CONSTRUCTION OF INFRASTRUCTURE PROJECTS THAT ARE OF NATIONAL AND REGIONAL SIGNIFICANCE AND PROJECTS IN HIGH PRIORITY CORRIDORS.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to the prioritization of the Federal investment in the infrastructure of the United States on projects that are of national and regional significance and projects in high priority corridors of the National Highway System by the amounts provided in such legislation for those purposes, provided that such legislation would not raise new revenue and would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4411. DEFICIT-NEUTRAL RESERVE FUND RELATING TO ENCOURAGING THE UNITED STATES' NATO ALLIES TO REVERSE DECLINES IN DEFENSE SPENDING AND BEAR A MORE PROPORTIONATE BURDEN FOR ENSURING THE SECURITY OF NATO.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to encouraging the United States' NATO allies to reverse declines in defense spending and bear a more proportionate burden for ensuring the security of NATO by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4412. DEFICIT-NEUTRAL RESERVE FUND RELATING TO THE INVESTIGATION AND RECOVERY OF MISSING WEAPONS AND MILITARY EQUIPMENT PROVIDED TO THE GOVERNMENT OF YEMEN BY THE UNITED STATES GOVERNMENT.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to the investigation and to the extent practicable the recovery of missing weapons and military equipment provided to the Government of Yemen by the United States Government to ensure that such items are not in the possession of or used by radical extremist groups operating in the country by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4413. DEFICIT-NEUTRAL RESERVE FUND RELATING TO IMPROVING HIGHER EDUCATION DATA AND TRANSPARENCY.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to improving higher education data and transparency by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4414. DEFICIT-NEUTRAL RESERVE FUND RELATING TO NATIVE CHILDREN.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to Native children or the construction of Bureau of Indian Education schools, which may include replacement school construction, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4415. DEFICIT-NEUTRAL RESERVE FUND RELATING TO PROVIDE ADDITIONAL FUNDING FOR INTERNATIONAL STRATEGIC COMMUNICATIONS.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to funding for international counter-propaganda communications in order to combat misinformation, undermine ideologies of violence and hatred, and ensure moderate voices are heard by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4416. DEFICIT-NEUTRAL RESERVE FUND FOR ELEMENTARY AND SECONDARY EDUCATION.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to reforming and strengthening elementary and secondary education by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4417. DEFICIT-NEUTRAL RESERVE FUND TO SUPPORT RESEARCH.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to Federal investments in scientific research and development, which may include supporting biomedical research to find ways to prevent, treat, and cure diseases or conditions like Alzheimer's and other life-threatening or chronic illnesses, providing long-term cost savings to the Federal Government, and supporting national security, basic energy research, innovative solutions, and American competitiveness, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4418. DEFICIT-NEUTRAL RESERVE FUND RELATING TO SUPPORT FOR UKRAINE.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to providing support to the Government of Ukraine, which may include the provision of lethal defensive articles, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4419. DEFICIT-NEUTRAL RESERVE FUND RELATING TO UNDERGROUND AND SURFACE MINING SAFETY RESEARCH.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to underground and surface mining safety research by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

SEC. 4420. DEFICIT-NEUTRAL RESERVE FUND RELATING TO SAVING MEDICARE.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to extending the life of the Federal Hospital Insurance Trust Fund, which may include the creation of a point of order against legislation that accelerates the insolvency of such Trust Fund, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

Subtitle C—Reserve Funds in the House of Representatives

SEC. 4501. RESERVE FUND FOR THE REPEAL OF THE PRESIDENT'S HEALTH CARE LAW.

In the House of Representatives, the Chairman of the Committee on the Budget may revise the allocations, aggregates, and other budgetary levels in this concurrent resolution for the budgetary effects of any bill or joint resolution, or amendment thereto or conference report thereon, that consists solely of the full repeal of the Affordable Care Act and the health care related provisions of the Health Care and Education Reconciliation Act of 2010.

SEC. 4502. DEFICIT-NEUTRAL RESERVE FUND FOR PROMOTING REAL HEALTH CARE REFORM.

In the House of Representatives, the Chairman of the Committee on the Budget may revise the allocations, aggregates, and other budgetary levels in this concurrent resolution for the budgetary effects of any bill or joint resolution, or amendment thereto or conference report thereon, that promotes real health care reform, if such measure would not increase the deficit for the period of fiscal years 2016 through 2025.

SEC. 4503. DEFICIT-NEUTRAL RESERVE FUND RELATED TO THE MEDICARE PROVISIONS OF THE PRESIDENT'S HEALTH CARE LAW.

In the House of Representatives, the Chairman of the Committee on the Budget may revise the allocations, aggregates, and other budgetary levels in this concurrent resolution for the budgetary effects of any bill or joint resolution, or amendment thereto or conference report thereon, that repeals all or part of the decreases in Medicare spending included in the Affordable Care Act or the Health Care and Education Reconciliation Act of 2010, if such measure would not increase the deficit for the period of fiscal years 2016 through 2025.

SEC. 4504. DEFICIT-NEUTRAL RESERVE FUND FOR THE STATE CHILDREN'S HEALTH INSURANCE PROGRAM.

In the House of Representatives, the Chairman of the Committee on the Budget may revise the allocations, aggregates, and other budgetary levels in this concurrent resolution for any bill or joint resolution, or amendment thereto or conference report thereon, if such measure extends the State Children's Health Insurance Program, but only if such measure would not increase the deficit over the period of fiscal years 2016 through 2025.

SEC. 4505. DEFICIT-NEUTRAL RESERVE FUND FOR GRADUATE MEDICAL EDUCATION.

In the House of Representatives, the Chairman of the Committee on the Budget may revise the allocations, aggregates, and other budgetary levels in this concurrent resolution for any bill or joint resolution, or amendment thereto or conference report thereon, if such measure reforms, expands access to, and improves, as determined by such Chairman, graduate medical education programs, but only if such measure would not increase the deficit over the period of fiscal years 2016 through 2025.

SEC. 4506. DEFICIT-NEUTRAL RESERVE FUND FOR TRADE AGREEMENTS.

In the House of Representatives, the Chairman of the Committee on the Budget may revise the allocations, aggregates, and other budgetary levels in this concurrent resolution for the budgetary effects of any bill or joint resolution reported by the Committee on Ways and Means, or amendment thereto or conference report thereon, that implements a trade agreement, but only if such measure would not increase the deficit for the period of fiscal years 2016 through 2025.

SEC. 4507. DEFICIT-NEUTRAL RESERVE FUND FOR REFORMING THE TAX CODE.

In the House of Representatives, if the Committee on Ways and Means reports a bill or joint resolution that reforms the Internal Revenue Code of 1986, the Chairman of the Committee on the Budget may revise the allocations, aggregates, and other budgetary levels in this concurrent resolution for the budgetary effects of any such bill or joint resolution, or amendment thereto or conference report thereon, if such measure would not increase the deficit for the period of fiscal years 2016 through 2025.

SEC. 4508. DEFICIT-NEUTRAL RESERVE FUND FOR REVENUE MEASURES.

In the House of Representatives, the Chairman of the Committee on the Budget may revise the allocations, aggregates, and other budgetary levels in this concurrent resolution for the budgetary effects of any bill or joint resolution reported by the Committee on Ways and Means, or amendment thereto or conference report thereon, that decreases revenue, but only if such measure would not increase the deficit for the period of fiscal years 2016 through 2025.

SEC. 4509. DEFICIT-NEUTRAL RESERVE FUND FOR TRANSPORTATION.

In the House of Representatives, the Chairman of the Committee on the Budget may revise the allocations, aggregates, and other budgetary levels in this concurrent resolution for any bill or joint resolution, or amendment thereto or conference report thereon, if such measure maintains the solvency of the Highway Trust Fund, but only if such measure would not increase the deficit over the period of fiscal years 2016 through 2025.

SEC. 4510. DEFICIT-NEUTRAL RESERVE FUND FOR FEDERAL RETIREMENT REFORM.

In the House of Representatives, the Chairman of the Committee on the Budget may revise the allocations, aggregates, and other budgetary levels in this concurrent resolution for any bill or joint resolution, or amendment thereto or conference report thereon, if such measure reforms, improves and updates the Federal retirement system, as determined by such Chairman, but only if such measure would not increase the deficit over the period of fiscal years 2016 through 2025.

SEC. 4511. DEFICIT-NEUTRAL RESERVE FUND FOR NATIONAL DEFENSE.

In the House of Representatives, the Chairman of the Committee on the Budget may revise the allocations, aggregates, and other budgetary levels in this concurrent resolution for any bill or joint

resolution, or amendment thereto or conference report thereon, if such measure supports the following activities: Department of Defense training and maintenance associated with combat readiness, modernization of equipment, auditability of financial statements, or military compensation and benefit reforms, by the amount provided for these purposes, but only if such measure would not increase the deficit (without counting any net revenue increases in that measure) over the period of fiscal years 2016 through 2025.

TITLE V—ESTIMATES OF DIRECT SPENDING IN THE HOUSE OF REPRESENTATIVES

SEC. 5001. DIRECT SPENDING.

(a) MEANS-TESTED DIRECT SPENDING.—

(1) **FINDINGS.**—The House of Representatives finds the following:

(A) For means-tested direct spending, the average rate of growth in the total level of outlays during the 10-year period preceding fiscal year 2016 is 6.8 percent.

(B) For means-tested direct spending, the estimated average rate of growth in the total level of outlays during the 10-year period beginning with fiscal year 2016 is 4.6 percent under current law.

(2) **PROPOSED REFORMS.**—The following reforms are proposed under this concurrent resolution by the House of Representatives for means-tested direct spending:

(A) In 1996, a Republican Congress and a Democratic President reformed welfare by limiting the duration of benefits, giving States more control over the program, and helping recipients find work. In the 5 years following passage, child-poverty rates fell, welfare caseloads fell, and workers' wages increased. This budget assumes the enactment of proposals to reduce poverty and increase opportunity and upward mobility for struggling Americans on the road to personal and financial independence. Based on the successful welfare reforms of the 1990s, these proposals would improve work requirements and provide flexible funding for States to help those most in need find gainful employment, escape poverty, and move up the economic ladder.

(B) For Medicaid, this budget is predicated on a framework proposed by the chairmen of the committees of jurisdiction of the House of Representatives and the Senate, to modernize and improve the program while increasing State flexibility and protecting the most vulnerable populations. This budget also assumes the repeal of the Medicaid expansions in the President's health care law.

(b) NONMEANS-TESTED DIRECT SPENDING.—

(1) **FINDINGS.**—The House of Representatives finds the following:

(A) For nonmeans-tested direct spending, the average rate of growth in the total level of outlays during the 10-year period preceding fiscal year 2016 is 5.4 percent.

(B) For nonmeans-tested direct spending, the estimated average rate of growth in the total level of outlays during the 10-year period beginning with fiscal year 2016 is 5.5 percent under current law.

(2) **MEDICARE REFORMS.**—For Medicare, this budget advances policies to put seniors, not the Federal Government, in control of their health care decisions. Putting seniors in charge of how their health care dollars are spent will encourage providers to compete against each other on price and quality. Improvements to Medicare are necessary to extend the life of the Federal Hospital Insurance Trust Fund and protect the program for future generations.

TITLE VI—POLICY STATEMENTS

Subtitle A—Policy Statements in Both Houses

SEC. 6101. POLICY STATEMENT ON BALANCED BUDGET AMENDMENT.

It is the policy of this concurrent resolution that Congress should pass, and send to the States for their approval, a joint resolution amending the Constitution of the United States to require an annual balanced Federal budget.

SEC. 6102. POLICY STATEMENT ON SOCIAL SECURITY.

It is the policy of this concurrent resolution that the President and Congress should work together on a bipartisan basis to preserve Social Security for current and future generations. To achieve that goal—

(1) Congress should enact legislation to prevent the near-term insolvency of the Disability Insurance program, improve the administration and coordination of benefits, and increase employment opportunities for disabled workers; and

(2) the President should submit legislation to Congress addressing the long-term insolvency of both the Old-Age and Survivors Insurance program and the Disability Insurance program, and such legislation should achieve a sustainable annual cash-flow balance between taxes and benefits over the foreseeable future, rather than temporarily increasing and then depleting the balance of Government securities held by each program's trust fund.

Subtitle B—Policy Statement in the House of Representatives

SEC. 6201. POLICY STATEMENT ON BUDGET PROCESS AND BASELINE REFORM.

(a) **FINDINGS.**—

(1) In 1974, after more than 50 years of executive dominance over fiscal policy, Congress acted to reassert its “power of the purse”, and passed the Congressional Budget and Impoundment Control Act.

(2) The measure explicitly sought to establish congressional control over the budget process, to provide for annual congressional determination of the appropriate level of taxes and spending, to set important national budget priorities, and to find ways in which Members of Congress could have access to the most accurate, objective, and highest quality information to assist them in discharging their duties.

(3) Far from achieving its intended purpose, however, the process has instituted a bias toward higher spending and larger government. The behemoth of the Federal Government has largely been financed through either borrowing or taking ever greater amounts of the national income through high taxation.

(4) The process does not treat programs and policies consistently and shows a bias toward higher spending and higher taxes.

(5) It assumes extension of spending programs (of more than \$50 million per year) scheduled to expire.

(6) Yet it does not assume the extension of tax policies in the same way. Consequently, extending existing tax policies that may be scheduled to expire is characterized as a new tax reduction, requiring offsets to “pay for” merely keeping tax policy the same even though estimating conventions would not require similar treatment of spending programs.

(7) The original goals set for the congressional process are admirable in their intent, but because the essential mechanisms of the process have remained the same, and “reforms” enacted over the past 40 years have largely taken the form of layering greater levels of legal complexity without reforming or reassessing the very fundamental nature of the process.

(b) POLICY STATEMENT.—It is the policy of this concurrent resolution on the budget that as the primary branch of Government, Congress must:

(1) Restructure the fundamental procedures of budget decision making.

(2) Reassert Congress’s “power of the purse”, and reinforce the balance of powers between Congress and the President, as the 1974 Act intended.

(3) Create greater incentives for lawmakers to do budgeting as intended by the Congressional Budget Act of 1974, especially adopting a budget resolution every year.

(4) Encourage more effective control over spending, especially currently uncontrolled direct spending.

(5) Consider innovative fiscal tools such as: zero based budgeting, which would require a department or agency to justify its budget as if it were a new expenditure; and direct spending caps to enhance oversight of automatic pilot spending that increases each year without congressional approval.

(6) Promote efficient and timely budget actions, so that lawmakers complete their budget actions by the time the new fiscal year begins.

(7) Provide access to the best analysis of economic conditions available and increase awareness of how fiscal policy directly impacts overall economic growth and job creation.

(8) Remove layers of complexity that have complicated the procedures designed in 1974, and made budgeting more arcane and opaque.

(9) Remove existing biases that favor higher spending.

(10) Include procedures by which current tax laws may be extended and treated on a basis that is not different from the extension of entitlement programs.

(c) BUDGET PROCESS REFORM.—Comprehensive budget process reform should also remove the bias in the baseline against the extension of current tax laws in the following ways:

(1) Permanent extension of tax laws should not be used as a means to increase taxes on other taxpayers.

(2) For those expiring tax provisions that are proposed to be permanently extended, Congress should use a more realistic baseline that does not require them to be offset.

(3) Tax-reform legislation should not include tax increases just to offset the extension of current tax laws.

(d) LEGISLATION.—The Committee on the Budget of the House of Representatives intends to draft legislation during the 114th Congress that will rewrite the Congressional Budget and Impoundment Control Act of 1974 to fulfill the goals of making the congressional budget process more effective in ensuring taxpayers' dollars are spent wisely and efficiently.

SEC. 6202. POLICY STATEMENT ON ECONOMIC GROWTH AND JOB CREATION.

(a) FINDINGS.—The House of Representatives finds the following:

(1) Although the United States economy technically emerged from recession more than 5 years ago, the subsequent recovery has felt more like a malaise than a rebound. Real gross domestic product GDP growth over the past 5 years has averaged slightly more than 2 percent, well below the 3.2 percent historical trend rate of growth in the United States. Although the economy has shown some welcome signs of improvement of late, the Nation remains in the midst of the weakest economic recovery of the modern era.

(2) Looking ahead, CBO expects the economy to grow by an average of just 2.3 percent over the next 10 years. That level of economic growth is simply unacceptable and insufficient to expand opportunities and the incomes of millions of middle-income Americans.

(3) Sluggish economic growth has also contributed to the country's fiscal woes. Subpar growth means that revenue levels are lower than they would otherwise be while government spending (e.g. welfare and income-support programs) is higher. Clearly, there is a dire need for policies that will spark higher rates of economic growth and greater, higher-quality job opportunities.

(4) Although job gains have been trending up of late, other aspects of the labor market remain weak. The labor force participation rate, for instance, is hovering just under 63 percent, close to the lowest level since 1978. Long-term unemployment also remains a problem. Of the roughly 8.7 million people who are currently unemployed, 2.7 million (more than 30 percent) have been unemployed for more than 6 months. Long-term unemployment erodes an individual's job skills and detaches them from job opportunities. It also undermines the long-term productive capacity of the economy.

(5) Perhaps most important, wage gains and income growth have been subpar for middle-class Americans. Average hourly earnings of private-sector workers have increased by just 1.6

percent over the past year. Prior to the recession, average hourly earnings were tracking close to 4 percent. Likewise, average income levels have remained flat in recent years. Real median household income is just under \$52,000, one of the lowest levels since 1995.

(6) The unsustainable fiscal trajectory has cast a shadow on the country's economic outlook. Investors and businesses make decisions on a forward-looking basis. They know that today's large debt levels are simply tomorrow's tax hikes, interest rate increases, or inflation and they act accordingly. This debt overhang, and the uncertainty it generates, can weigh on growth, investment, and job creation.

(7) Nearly all economists, including those at the CBO, conclude that reducing budget deficits (thereby bending the curve on debt levels) is a net positive for economic growth over time. The logic is that deficit reduction creates long-term economic benefits because it increases the pool of national savings and boosts investment, thereby raising economic growth and job creation.

(8) CBO analyzed the House Republican fiscal year 2016 budget resolution and found it would increase real output per capita (a proxy for a country's standard of living) by about \$1,000 in 2025 and roughly \$5,000 by 2040 relative to the baseline path. That means more income and greater prosperity for all Americans.

(9) In contrast, if the Government remains on the current fiscal path, future generations will face ever-higher debt service costs, a decline in national savings, and a "crowding out" of private investment. This dynamic will eventually lead to a decline in economic output and a diminution in our country's standard of living.

(10) The key economic challenge is determining how to expand the economic pie, not how best to divide up and redistribute a shrinking pie.

(11) A stronger economy is vital to lowering deficit levels and eventually balancing the budget. According to CBO, if annual real GDP growth is just 0.1 percentage point higher over the budget window, deficits would be reduced by \$326 billion.

(12) This budget resolution therefore embraces pro-growth policies, such as fundamental tax reform, that will help foster a stronger economy, greater opportunities and more job creation.

(b) POLICY ON ECONOMIC GROWTH AND JOB CREATION.—In the House of Representatives, it is the policy of this concurrent resolution to promote faster economic growth and job creation. By putting the budget on a sustainable path, this concurrent resolution ends the debt-fueled uncertainty holding back job creators. Reforms to the tax code will put American businesses and workers in a better position to compete and thrive in the 21st century global economy. This concurrent resolution targets the regulatory red tape and cronyism that stack the deck in favor of special interests. All of the reforms in this concurrent resolution serve as means to the larger end of helping the economy grow and expanding opportunity for all Americans.

SEC. 6203. POLICY STATEMENT ON TAX REFORM.

(a) FINDINGS.—The House of Representatives finds the following:

(1) A world-class tax system should be simple, fair, and promote (rather than impede) economic growth. The United States tax code fails on all three counts: It is notoriously complex, patently unfair, and highly inefficient. The tax code's complexity distorts decisions to work, save, and invest, which leads to slower economic growth, lower wages, and less job creation.

(2) Over the past decade alone, there have been 4,107 changes to the tax code, more than one per day. Many of the major changes over the years have involved carving out special preferences, exclusions, or deductions for various activities or groups. These loopholes add up to more than \$1 trillion per year and make the code unfair, inefficient, and highly complex.

(3) In addition, these tax preferences are disproportionately used by upper-income individuals.

(4) The large amount of tax preferences that pervade the code end up narrowing the tax base. A narrow tax base, in turn, requires much higher tax rates to raise a given amount of revenue.

(5) It is estimated that American taxpayers end up spending \$160 billion and roughly 6 billion hours a year complying with the tax code waste of time and resources that could be used in more productive activities.

(6) Standard economic theory shows that high marginal tax rates dampen the incentives to work, save, and invest, which reduces economic output and job creation. Lower economic output, in turn, mutes the intended revenue gain from higher marginal tax rates.

(7) Roughly half of United States active business income and half of private sector employment are derived from business entities (such as partnerships, S corporations, and sole proprietorships) that are taxed on a "pass-through" basis, meaning the income flows through to the tax returns of the individual owners and is taxed at the individual rate structure rather than at the corporate rate. Small businesses, in particular, tend to choose this form for Federal tax purposes, and the top Federal rate on such small business income can reach nearly 45 percent. For these reasons, sound economic policy requires lowering marginal rates on these pass-through entities.

(8) The United States corporate income tax rate (including Federal, State, and local taxes) sums to slightly more than 39 percent, the highest rate in the industrialized world. Tax rates this high suppress wages and discourage investment and job creation, distort business activity, and put American businesses at a competitive disadvantage with foreign competitors.

(9) By deterring potential investment, the United States corporate tax restrains economic growth and job creation. The United States tax rate differential with other countries also fosters a variety of complicated multinational corporate behaviors intended to avoid the tax, which have the effect of moving the tax base offshore, destroying American jobs, and decreasing corporate revenue.

(10) The “worldwide” structure of United States international taxation essentially taxes earnings of United States firms twice, putting them at a significant competitive disadvantage with competitors with more competitive international tax systems.

(11) Reforming the United States tax code to a more competitive international system would boost the competitiveness of United States companies operating abroad and it would also greatly reduce tax avoidance.

(12) The tax code imposes costs on American workers through lower wages, on consumers in higher prices, and on investors in diminished returns.

(13) Revenues have averaged about 17.4 percent of the economy throughout modern American history. Revenues rise above this level under current law to 18.3 percent of the economy by the end of the 10-year budget window.

(14) Attempting to raise revenue through new tax increases to meet out-of-control spending would sink the economy and Americans’ ability to save for their retirement and their children’s education.

(15) This concurrent resolution also rejects the idea of instituting a carbon tax in the United States, which some have offered as a new source of revenue. Such a plan would damage the economy, cost jobs, and raise prices on American consumers.

(16) Closing tax loopholes to fund spending does not constitute fundamental tax reform.

(17) The goal of tax reform should be to curb or eliminate loopholes and use those savings to lower tax rates across the board not to fund more wasteful Government spending. Washington has a spending problem, not a revenue problem.

(18) Many economists believe that fundamental tax reform (i.e. a broader tax base and lower tax rates) would lead to greater labor supply and increased investment, which, over time, would have a positive impact on total national output.

(19) Heretofore, the congressional scorekeepers the Congressional Budget Office (CBO) and the Joint Committee on Taxation (JCT).

(20) Static scoring implicitly assumes that the size of the economy (and therefore key economic variables such as labor supply and investment) remains fixed throughout the considered budget horizon. This is an abstraction from reality.

(21) A new House of Representatives rule was adopted at the beginning of the 114th Congress to help correct this problem. This rule requires CBO and JCT to incorporate the macroeconomic effects of major legislation into their official cost estimates.

(22) This rule seeks to bridge the divide between static estimates and scoring that incorporates economic feedback effects by providing policymakers with a greater amount of information about the likely economic impact of policies under their consideration while at the same time preserving traditional scoring methods and reporting conventions.

(b) **POLICY ON TAX REFORM.**—In the House of Representatives, it is the policy of this concurrent resolution that Congress should enact legislation that provides for a comprehensive reform of the

United States tax code to promote economic growth, create American jobs, increase wages, and benefit American consumers, investors, and workers through fundamental tax reform that—

- (1) simplifies the tax code to make it fairer to American families and businesses and reduces the amount of time and resources necessary to comply with tax laws;
- (2) substantially lowers tax rates for individuals and consolidates the current seven individual income tax brackets into fewer brackets;
- (3) repeals the Alternative Minimum Tax;
- (4) reduces the corporate tax rate; and
- (5) transitions the tax code to a more competitive system of international taxation.

SEC. 6204. POLICY STATEMENT ON TRADE.

(a) FINDINGS.—The House of Representatives finds the following:

(1) Opening foreign markets to American exports is vital to the United States economy and beneficial to American workers and consumers. The Commerce Department estimates that every \$1 billion of United States exports supports more than 5,000 jobs here at home.

(2) The United States can increase economic opportunities for American workers and businesses through the expansion of trade, adherence to trade agreement rules by the United States and its trading partners, and the elimination of foreign trade barriers to United States goods and services.

(3) Trade Promotion Authority is a bipartisan and bicameral effort to strengthen the role of Congress in setting negotiating objectives for trade agreements, to improve consultation with Congress by the Administration, and to provide a clear framework for congressional consideration and implementation of trade agreements.

(4) Global trade and commerce is not a zero-sum game. The idea that global expansion tends to “hollow out” United States operations is incorrect. Foreign-affiliate activity tends to complement, not substitute for, key parent activities in the United States such as employment, worker compensation, and capital investment. When United States headquartered multinationals invest and expand operations abroad it often leads to more jobs and economic growth at home.

(5) Trade agreements have saved the average American family of four more than \$10,000 per year, as a result of lower duties. Trade agreements also lower the cost of manufacturing inputs by removing duties.

(6) American businesses and workers have shown that, on a level playing field, they can excel and surpass the international competition.

(7) When negotiating trade agreements, United States laws on Intellectual Property (IP) protection should be used as a benchmark for establishing global IP frameworks. Strong IP protections have contributed significantly to the United States status as a world leader in innovation across sectors, including in the development of life-saving biologic medicines. The data protections afforded to biologics in United States law, including 12 years of data protection, allow continued development of pioneering medicines to benefit patients both in the United States and abroad. To maintain the cycle of innovation and

achieve truly 21st century trade agreements, it is vital that our negotiators insist on the highest standards for IP protections.

(8) The status quo of the current tax code also undermines the competitiveness of United States businesses and costs the United States economy investment and jobs.

(9) The United States currently has an antiquated system of international taxation whereby United States multinationals operating abroad pay both the foreign-country tax and United States corporate taxes. They are essentially taxed twice. This puts them at an obvious competitive disadvantage. A modern and competitive international tax system would facilitate global commerce for United States multinational companies and would encourage foreign business investment and job creation in the United States.

(10) The ability to defer United States taxes on their foreign operations, which some erroneously refer to as a “tax loophole,” cushions this disadvantage to a certain extent. Eliminating or restricting this provision (and others like it) would harm United States competitiveness.

(11) This budget resolution advocates fundamental tax reform that would lower the United States corporate rate, now the highest in the industrialized world, and switch to a more competitive system of international taxation. This would make the United States a much more attractive place to invest and station business activity and would chip away at the incentives for United States companies to keep their profits overseas (because the United States corporate rate is so high).

(b) **POLICY ON TRADE.**—In the House of Representatives, it is the policy of this concurrent resolution to pursue international trade, global commerce, and a modern and competitive United States international tax system to promote job creation in the United States. The United States should continue to seek increased economic opportunities for American workers and businesses through the expansion of trade opportunities, adherence to trade agreements and rules by the United States and its trading partners, and the elimination of foreign trade barriers to United States goods and services by opening new markets and by enforcing United States rights. To that end, Congress should pass Trade Promotion Authority to strengthen the role of Congress in setting negotiating objectives for trade agreements, to improve consultation with Congress by the Administration, and to provide a clear framework for congressional consideration and implementation of trade agreements.

SEC. 6205. POLICY STATEMENT ON REPEALING THE PRESIDENT’S HEALTH CARE LAW AND PROMOTING REAL HEALTH CARE REFORM.

(a) **FINDINGS.**—The House of Representatives finds the following:

(1) The President’s health care law put Washington’s priorities first, and not patients’. The Affordable Care Act (ACA) has failed to reduce health care premiums as promised; instead, the law mandated benefits and coverage levels, denying patients the opportunity to choose the type of coverage that best suits their health needs and driving up health coverage costs. A typical family’s health care premiums were supposed to decline by \$2,500 a year; instead, according to the 2014 Employer

Health Benefits Survey, health care premiums have increased by 7 percent for individuals and families since 2012.

(2) The President pledged, “If you like your health care plan, you can keep your health care plan.” Instead, the non-partisan Congressional Budget Office now estimates 9 million Americans with employment-based health coverage will lose those plans due to the President’s health care law, further limiting patient choice.

(3) Then-Speaker of the House, Pelosi, said that the President’s health care law would create 4 million jobs over the life of the law and almost 400,000 jobs immediately. Instead, the Congressional Budget Office estimates that the reduction in hours worked due to Obamacare represents a decline of about 2.0 to 2.5 million full-time equivalent workers, compared with what would have occurred in the absence of the law. The full impact on labor represents a reduction in employment by 1.5 percent to 2.0 percent, while additional studies show less modest results. A recent study by the Mercatus Center at George Mason University estimates that Obamacare will reduce employment by up to 3 percent, or about 4 million full-time equivalent workers.

(4) The President has charged the Independent Payment Advisory Board, a panel of unelected bureaucrats, with cutting Medicare by an additional \$20.9 billion over the next ten years, according to the President’s most recent budget.

(5) Since ACA was signed into law, the administration has repeatedly failed to implement it as written. The President has unilaterally acted to make a total of 28 changes, delays, and exemptions. The President has signed into law another 17 changes made by Congress. The Supreme Court struck down the forced expansion of Medicaid; ruled the individual “mandate” could only be characterized as a tax to remain constitutional; and rejected the requirement that closely held companies provide health insurance to their employees if doing so violates these companies’ religious beliefs. Even now, almost five years after enactment, the Supreme Court continues to evaluate the legality of how the President’s administration has implemented the law. All of these changes prove the folly underlying the entire program—health care in the United States cannot be run from a centralized bureaucracy.

(6) The President’s health care law is unaffordable, intrusive, overreaching, destructive, and unworkable. Its complex structure of subsidies, mandates, and penalties perversely impact individuals, married couples, and families. The law should be fully repealed, allowing for real, patient-centered health care reform: the development of real health care reforms that puts patients first, that make affordable, quality health care available to all Americans, and that build on the innovation and creativity of all the participants in the health care sector.

(b) POLICY ON PROMOTING REAL HEALTH CARE REFORM.—In the House of Representatives, it is the policy of this concurrent resolution that the President’s health care law should be fully repealed and real health care reform promoted in accordance with the following principles:

(1) IN GENERAL.—Health care reform should enhance affordability, accessibility, quality, innovation, choices and

responsiveness in health care coverage for all Americans, putting patients, families, and doctors in charge, not Washington, DC. These reforms should encourage increased competition and transparency. Under the President's health care law, government controls Americans' health care choices. Under true, patient-centered reform, Americans would.

(2) AFFORDABILITY.—Real reform should be centered on ensuring that all Americans, no matter their age, income, or health status, have the ability to afford health care coverage. The health care delivery structure should be improved, and individuals should not be priced out of the health insurance market due to pre-existing conditions, but nationalized health care is not only unnecessary to accomplish this, it undermines the goal. Individuals should be allowed to join together voluntarily to pool risk through mechanisms such as Individual Membership Associations and Small Employer Membership Associations.

(3) ACCESSABILITY.—Instead of Washington outlining for Americans the ways they cannot use their health insurance, reforms should make health coverage more portable. Individuals should be able to own their insurance and have it follow them in and out of jobs throughout their career. Small business owners should be permitted to band together across State lines through their membership in bona fide trade or professional associations to purchase health coverage for their families and employees at a low cost. This will increase small businesses' bargaining power, volume discounts, and administrative efficiencies while giving them freedom from State-mandated benefit packages. Also, insurers licensed to sell policies in one State should be permitted to offer them to residents in any other State, and consumers should be permitted to shop for health insurance across State lines, as they are with other insurance products online, by mail, by phone, or in consultation with an insurance agent.

(4) QUALITY.—Incentives for providers to deliver high-quality, responsive, and coordinated care will promote patient outcomes and drive down health care costs. Likewise, reforms that work to restore the patient-physician relationship by reducing administrative burdens and allowing physicians to do what they do best—care for patients.

(5) CHOICES.—Individuals and families should be free to secure the health care coverage that best meets their needs, rather than instituting one-size-fits-all directives from Federal bureaucracies such as the Internal Revenue Service, the Department of Health and Human Services, and the Independent Payment Advisory Board.

(6) INNOVATION.—Instead of stifling innovation in health care technologies, treatments, medications, and therapies with Federal mandates, taxes, and price controls, a reformed health care system should encourage research, development and innovation.

(7) RESPONSIVENESS.—Reform should return authority to States wherever possible to make the system more responsive to patients and their needs. Instead of tying States' hands with Federal requirements for their Medicaid programs, the Federal Government should return control of this program to the States. Not only does the current Medicaid program drive

up Federal debt and threaten to bankrupt State budgets, but States are better positioned to provide quality, affordable care to those who are eligible for the program and to track down and weed out waste, fraud and abuse. Beneficiary choices in the State Children’s Health Insurance Program (SCHIP) and Medicaid should be improved. States should make available the purchase of private insurance as an option to their Medicaid and SCHIP populations (though they should not require enrollment).

(8) REFORMS.—Reforms should be made to prevent lawsuit abuse and curb the practice of defensive medicine, which are significant drivers increasing health care costs. The burden of proof in medical malpractice cases should be based on compliance with best practice guidelines, and States should be free to implement those policies to best suit their needs.

SEC. 6206. POLICY STATEMENT ON MEDICARE.

(a) FINDINGS.—The House of Representatives finds the following:

(1) More than 50 million Americans depend on Medicare for their health security.

(2) The Medicare Trustees Report has repeatedly recommended that Medicare’s long-term financial challenges be addressed soon. Each year without reform, the financial condition of Medicare becomes more precarious and the threat to those in or near retirement becomes more pronounced. According to the Medicare Trustees Report—

(A) the Hospital Insurance Trust Fund will be exhausted in 2030 and unable to pay scheduled benefits;

(B) Medicare enrollment is expected to increase by over 50 percent in the next two decades, as 10,000 baby boomers reach retirement age each day;

(C) enrollees remain in Medicare three times longer than at the outset of the program;

(D) current workers’ payroll contributions pay for current beneficiaries;

(E) in 2013, the ratio was 3.2 workers per beneficiary, but this falls to 2.3 in 2030 and continues to decrease over time;

(F) most Medicare beneficiaries receive about three dollars in Medicare benefits for every one dollar paid into the program; and

(G) Medicare spending is growing faster than the economy and Medicare outlays are currently rising at a rate of 6.5 percent per year over the next 10 years. According to the Congressional Budget Office’s 2014 Long-Term Budget Outlook, spending on Medicare is projected to reach 5 percent of gross domestic product (GDP) by 2043 and 9.3 percent of GDP by 2089.

(3) Failing to address this problem will leave millions of American seniors without adequate health security and younger generations burdened with enormous debt to pay for spending levels that cannot be sustained.

(b) POLICY ON MEDICARE REFORM.—In the House of Representatives, it is the policy of this concurrent resolution to preserve the program for those in or near retirement and strengthen Medicare for future beneficiaries.

(c) ASSUMPTIONS.—This concurrent resolution assumes reform of the Medicare program such that—

(1) current Medicare benefits are preserved for those in or near retirement;

(2) permanent reform of the sustainable growth rate is responsibly accounted for to ensure physicians continue to participate in the Medicare program and provide quality health care for beneficiaries;

(3) when future generations reach eligibility, Medicare is reformed to provide a premium support payment and a selection of guaranteed health coverage options from which recipients can choose a plan that best suits their needs;

(4) Medicare will maintain traditional fee-for-service as a plan option;

(5) Medicare will provide additional assistance for lower income beneficiaries and those with greater health risks; and

(6) Medicare spending is put on a sustainable path and the Medicare program becomes solvent over the long-term.

SEC. 6207. POLICY STATEMENT ON MEDICAL DISCOVERY, DEVELOPMENT, DELIVERY AND INNOVATION.

(a) FINDINGS.—The House of Representatives finds the following:

(1) For decades, the Nation's commitment to the discovery, development, and delivery of new treatments and cures has made the United States the biomedical innovation capital of the world, bringing life-saving drugs and devices to patients and well over a million high-paying jobs to local communities.

(2) Thanks to the visionary and determined leadership of innovators throughout America, including industry, academic medical centers, and the National Institutes of Health (NIH), the United States has led the way in early discovery. The United States leadership role is being threatened, however, as other countries contribute more to basic research from both public and private sources.

(3) The Organisation for Economic Co-operation and Development predicts that China, for example, will outspend the United States in total research and development by the end of the decade.

(4) Federal policies should foster innovation in health care, not stifle it. America should maintain its world leadership in medical science by encouraging competitive forces to work through the marketplace in delivering cures and therapies to patients.

(5) Too often the bureaucracy and red-tape in Washington hold back medical innovation and prevent new lifesaving treatments from reaching patients. This concurrent resolution recognizes the valuable role of the NIH and the indispensable contributions to medical research coming from outside Washington.

(6) America is the greatest, most innovative Nation on Earth. Her people are innovators, entrepreneurs, visionaries, and relentless builders of the future. Americans were responsible for the first telephone, the first airplane, the first computer, for putting the first man on the moon, for creating the first vaccine for polio and for legions of other scientific and medical breakthroughs that have improved and prolonged human health and life for countless people in America and around the world.

(b) POLICY ON MEDICAL INNOVATION.—

(1) In the House of Representatives, it is the policy of this concurrent resolution to support the important work of medical innovators throughout the country, including private-sector innovators, medical centers and the National Institutes of Health.

(2) At the same time, the budget calls for continued strong funding for the agencies that engage in valuable research and development, while also urging Washington to get out of the way of researchers, discoverers and innovators all over the country.

SEC. 6208. POLICY STATEMENT ON FEDERAL REGULATORY REFORM.

(a) FINDINGS.—The House of Representatives finds the following:

(1) Excessive regulation at the Federal level has hurt job creation and dampened the economy, slowing the Nation's recovery from the economic recession.

(2) Since President Obama's inauguration in 2009, the administration has issued more than 468,500 pages of regulations in the Federal Register including 70,066 pages in 2014.

(3) The National Association of Manufacturers estimates the total cost of regulations is as high as \$2.03 trillion per year. Since 2009, the White House has generated more than \$494 billion in regulatory activity, with an additional \$87.6 billion in regulatory costs currently pending.

(4) The Dodd-Frank financial services legislation (Public Law 111-203) has resulted in more than \$32 billion in compliance costs and saddled job creators with more than 63 million hours of compliance paperwork.

(5) Implementation of the Affordable Care Act to date has added 132.9 million annual hours of compliance paperwork, imposing \$24.3 billion of compliance costs on the private sector and an \$8 billion cost burden on the States.

(6) The highest regulatory costs come from rules issued by the Environmental Protection Agency (EPA); these regulations are primarily targeted at the coal industry. In June 2014, the EPA proposed a rule to cut carbon pollution from the Nation's power plants. The proposed standards are unachievable with current commercially available technology, resulting in a de-facto ban on new coal-fired power plants.

(7) Coal-fired power plants provide roughly 40 percent of the United States electricity at a low cost. Unfairly targeting the coal industry with costly and unachievable regulations will increase energy prices, disproportionately disadvantaging energy-intensive industries like manufacturing and construction, and will make life more difficult for millions of low-income and middle class families already struggling to pay their bills.

(8) Three hundred and thirty coal units are being retired or converted as a result of EPA regulations. Combined with the de-facto prohibition on new plants, these retirements and conversions may further increase the cost of electricity.

(9) A recent study by the energy market analysis group Energy Ventures Analysis Inc. estimates the average energy bill in West Virginia will rise \$750 per household by 2020, due in part to EPA regulations. West Virginia receives 95 percent of its electricity from coal.

(10) The Heritage Foundation found that a phase-out of coal would cost 600,000 jobs by the end of 2023, resulting in an aggregate gross domestic product decrease of \$2.23 trillion over the entire period and reducing the income of a family of four by \$1,200 per year. Of these jobs, 330,000 will come from the manufacturing sector, with California, Texas, Ohio, Illinois, Pennsylvania, Michigan, New York, Indiana, North Carolina, Wisconsin, and Georgia seeing the highest job losses.

(b) **POLICY ON FEDERAL REGULATORY REFORM.**—In the House of Representatives, it is the policy of this concurrent resolution that Congress should, in consultation with the public burdened by excessive regulation, enact legislation that—

(1) promotes economic growth and job creation by eliminating unnecessary red tape and streamlining and simplifying Federal regulations;

(2) requires the implementation of a regulatory budget to be allocated amongst Government agencies, which would require congressional approval and limit the maximum costs of regulations in a given year;

(3) requires congressional approval of all new major regulations (those with an impact of \$100 million or more) before enactment as opposed to current law in which Congress must expressly disapprove of regulation to prevent it from becoming law, which would keep Congress engaged as to pending regulatory policy and prevent costly and unsound policies from being implemented and becoming effective;

(4) requires a three year retrospective cost-benefit analysis of all new major regulations, to ensure that regulations operate as intended;

(5) reinforces the requirement of regulatory impact analysis for regulations proposed by executive branch agencies but also expands the requirement to independent agencies so that by law they consider the costs and benefits of proposed regulations rather than merely being encouraged to do so as is current practice; and

(6) requires a formal rulemaking process for all major regulations, which would increase transparency over the process and allow interested parties to communicate their views on proposed legislation to agency officials.

SEC. 6209. POLICY STATEMENT ON HIGHER EDUCATION AND WORKFORCE DEVELOPMENT OPPORTUNITY.

(a) **FINDINGS ON HIGHER EDUCATION.**—The House of Representatives finds the following:

(1) A well-educated workforce is critical to economic, job, and wage growth.

(2) Roughly 20 million students are enrolled in American colleges and universities.

(3) Over the past decade, tuition and fees have been growing at an unsustainable rate. Between the 2004–2005 Academic Year and the 2014–2015 Academic Year—

(A) published tuition and fees at public 4-year colleges and universities increased at an average rate of 3.5 percent per year above the rate of inflation;

(B) published tuition and fees at public two-year colleges and universities increased at an average rate of 2.5 percent per year above the rate of inflation; and

(C) published tuition and fees at private nonprofit 4-year colleges and universities increased at an average rate of 2.2 percent per year above the rate of inflation.

(4) Federal financial aid for higher education has also seen a dramatic increase. The portion of the Federal student aid portfolio composed of Direct Loans, Federal Family Education Loans, and Perkins Loans with outstanding balances grew by 119 percent between fiscal year 2007 and fiscal year 2014.

(5) This spending has failed to make college more affordable.

(6) In his 2012 State of the Union Address, President Obama noted: “We can’t just keep subsidizing skyrocketing tuition; we’ll run out of money”.

(7) American students are chasing ever-increasing tuition with ever-increasing debt. According to the Federal Reserve Bank of New York, student debt now stands at nearly \$1.2 trillion. This makes student loans the second largest balance of consumer debt, after mortgage debt.

(8) Students are carrying large debt loads and too many fail to complete college or end up defaulting on these loans due to their debt burden and a weak economy and job market.

(9) Based on estimates from the Congressional Budget Office, the Pell Grant Program will face a fiscal shortfall beginning in fiscal year 2017 and continuing in each subsequent year in the current budget window.

(10) Failing to address these problems will jeopardize access and affordability to higher education for America’s young people.

(b) **POLICY ON HIGHER EDUCATION AFFORDABILITY.**—In the House of Representatives, it is the policy of this concurrent resolution to address the root drivers of tuition inflation, by—

(1) targeting Federal financial aid to those most in need;

(2) streamlining programs that provide aid to make them more effective;

(3) maintaining the maximum Pell grant award level at \$5,775 in each year of the budget window; and

(4) removing regulatory barriers in higher education that act to restrict flexibility and innovative teaching, particularly as it relates to non-traditional models such as online coursework and competency-based learning.

(c) **FINDINGS ON WORKFORCE DEVELOPMENT.**—The House of Representatives finds the following:

(1) 8.7 million Americans are currently unemployed.

(2) Despite billions of dollars in spending, those looking for work are stymied by a broken workforce development system that fails to connect workers with assistance and employers with trained personnel.

(3) The House Education and Workforce Committee successfully consolidated 15 job training programs in the recently enacted Workforce Innovation and Opportunity Act.

(d) **POLICY ON WORKFORCE DEVELOPMENT.**—In the House of Representatives, it is the policy of this concurrent resolution to address the failings in the current workforce development system, by—

(1) further streamlining and consolidating Federal job training programs; and

(2) empowering states with the flexibility to tailor funding and programs to the specific needs of their workforce, including the development of career scholarships.

SEC. 6210. POLICY STATEMENT ON DEPARTMENT OF VETERANS AFFAIRS.

(a) **FINDINGS.**—The House of Representatives finds the following:

(1) For years, there has been serious concern regarding the Department of Veterans Affairs (VA) bureaucratic mismanagement and continuous failure to provide veterans timely access to health care and benefits.

(2) In 2014, reports started breaking across the Nation that VA medical centers were manipulating wait-list documents to hide long delays veterans were facing to receive health care. The VA hospital scandal led to the immediate resignation of then-Secretary of Veterans Affairs Eric K. Shinseki.

(3) In 2015, for the first time ever, VA health care was added to the “high-risk” list of the Government Accountability Office (GAO), due to management and oversight failures that have directly resulted in risks to the timeliness, cost-effectiveness, and quality of health care.

(4) In response to the scandal, the House Committee on Veterans’ Affairs held several oversight hearings and ultimately enacted the Veterans’ Access, Choice and Accountability Act of 2014 (VACAA) (Public Law 113–146) to address these problems. VACAA provided \$15 billion in emergency resources to fund internal health care needs within the department and provided veterans enhanced access to private-sector health care under the new Veterans Choice Program.

(b) **POLICY ON THE DEPARTMENT OF VETERANS AFFAIRS.**—This budget supports the continued oversight efforts by the Committee on Veterans’ Affairs of the House of Representatives to ensure the VA is not only transparent and accountable, but also successful in achieving its goals in providing timely health care and benefits to America’s veterans. The Committee on the Budget of the House of Representatives will continue to closely monitor the VA’s progress to ensure resources provided by Congress are sufficient and efficiently used to provide needed benefits and services to veterans.

SEC. 6211. POLICY STATEMENT ON FEDERAL ACCOUNTING METHODOLOGIES.

(a) **FINDINGS.**—The House of Representatives finds the following:

(1) Given the thousands of Federal programs and trillions of dollars the Federal Government spends each year, assessing and accounting for Federal fiscal activities and liabilities is a complex undertaking.

(2) Current methods of accounting leave much to be desired in capturing the full scope of government and in presenting information in a clear and compelling way that illuminates the best options going forward.

(3) Most fiscal analysis produced by the Congressional Budget Office (CBO) is conducted over a relatively short time horizon: 10 or 25 years. While this time frame is useful for most purposes, it fails to consider the fiscal consequences over the longer term.

(4) Additionally, current accounting methodology does not provide an analysis of how the Federal Government’s fiscal

situation over the long run affects Americans of various age cohorts.

(5) Another consideration is how Federal programs should be accounted for. The “accrual method” of accounting records revenue when it is earned and expenses when they are incurred, while the “cash method” records revenue and expenses when cash is actually paid or received.

(6) The Federal budget accounts for most programs using cash accounting. Some programs, however, particularly loan and loan guarantee programs, are accounted for using accrual methods.

(7) GAO has indicated that accrual accounting may provide a more accurate estimation of the Federal Government’s liabilities than cash accounting for some programs specifically those that provide some form of insurance.

(8) Where accrual accounting is used, it is almost exclusively calculated by CBO according to the methodology outlined in the Federal Credit Reform Act of 1990 (FCRA). CBO uses fair value methodology instead of FCRA to measure the cost of Fannie Mae and Freddie Mac, for example.

(9) FCRA methodology, however, understates the risk and thus the true cost of Federal programs. An alternative is fair value methodology, which uses discount rates that incorporate the risk inherent to the type of liability being estimated in addition to Treasury discount rates of the proper maturity length.

(10) The Congressional Budget Office has concluded that “adopting a fair-value approach would provide a more comprehensive way to measure the costs of Federal credit programs and would permit more level comparisons between those costs and the costs of other forms of federal assistance” than the current approach under FCRA.

(b) **POLICY ON FEDERAL ACCOUNTING METHODOLOGIES.**—In the House of Representatives, it is the policy of this concurrent resolution that Congress should, in consultation with the Congressional Budget Office and the public affected by Federal budgetary choices, adopt Government-wide reforms of budget and accounting practices so the American people and their representatives can more readily understand the fiscal situation of the Government of the United States and the options best suited to improving it. Such reforms may include but should not be limited to the following:

(1) Providing additional metrics to enhance our current analysis by considering our fiscal situation comprehensively, over an extended time horizon, and as it affects Americans of various age cohorts.

(2) Expanding the use of accrual accounting where appropriate.

(3) Accounting for certain Federal credit programs using fair value accounting as opposed to the current approach under the Federal Credit Reform Act of 1990.

SEC. 6212. POLICY STATEMENT ON REDUCING UNNECESSARY, WASTEFUL, AND UNAUTHORIZED SPENDING.

(a) **FINDINGS.**—The House of Representatives finds the following:

(1) The Government Accountability Office (GAO) is required by law to identify examples of waste, duplication, and overlap

in Federal programs, and has so identified dozens of such examples.

(2) In its report to Congress on Government Efficiency and Effectiveness, the Comptroller General has stated that addressing the identified waste, duplication, and overlap in Federal programs could “lead to tens of billions of dollars of additional savings.”

(3) In 2011, 2012, 2013, and 2014 the GAO issued reports showing excessive duplication and redundancy in Federal programs including—

(A) two hundred nine Science, Technology, Engineering, and Mathematics education programs in 13 different Federal agencies at a cost of \$3 billion annually;

(B) two hundred separate Department of Justice crime prevention and victim services grant programs with an annual cost of \$3.9 billion in 2010;

(C) twenty different Federal entities administer 160 housing programs and other forms of Federal assistance for housing with a total cost of \$170 billion in 2010;

(D) seventeen separate Homeland Security preparedness grant programs that spent \$37 billion between fiscal years 2011 and 2012;

(E) fourteen grant and loan programs, and three tax benefits to reduce diesel emissions;

(F) ninety-four different initiatives run by 11 different agencies to encourage “green building” in the private sector; and

(G) twenty-three agencies implemented approximately 670 renewable energy initiatives in fiscal year 2010 at a cost of nearly \$15 billion.

(4) The Federal Government spends more than \$80 billion each year for approximately 1,400 information technology investments. GAO has identified broad acquisition failures, waste, and unnecessary duplication in the Government’s information technology infrastructure. experts have estimated that eliminating these problems could save 25 percent or \$20 billion.

(5) GAO has identified strategic sourcing as a potential source of spending reductions. In 2011 GAO estimated that saving 10 percent of the total or all Federal procurement could generate more than \$50 billion in savings annually.

(6) Federal agencies reported an estimated \$106 billion in improper payments in fiscal year 2013.

(7) Under clause 2 of rule XI of the Rules of the House of Representatives, each standing committee must hold at least one hearing during each 120 day period following its establishment on waste, fraud, abuse, or mismanagement in Government programs.

(8) According to the Congressional Budget Office, by fiscal year 2015, 32 laws will expire, possibly resulting in \$693 billion in unauthorized appropriations. Timely reauthorizations of these laws would ensure assessments of program justification and effectiveness.

(9) The findings resulting from congressional oversight of Federal Government programs should result in programmatic changes in both authorizing statutes and program funding levels.

(b) POLICY ON REDUCING UNNECESSARY, WASTEFUL, AND UNAUTHORIZED SPENDING.—

(1) Each authorizing committee of the House of Representatives annually should include in its Views and Estimates letter required under section 301(d) of the Congressional Budget Act of 1974 recommendations to the Committee on the Budget of the House of Representatives of programs within the jurisdiction of such committee whose funding should be reduced or eliminated.

(2) Committees of jurisdiction should review all unauthorized programs funded through annual appropriations to determine if the programs are operating efficiently and effectively.

(3) Committees should reauthorize those programs that in the committees' judgment should continue to receive funding.

(4) For those programs not reauthorized by committees, the House of Representatives should enforce the limitations on funding such unauthorized programs in the House rules. If the strictures of the rules are deemed to be too rapid in prohibiting spending on unauthorized programs, then milder measures should be adopted and enforced until a return to the full prohibition of clause 2(a)(1) of rule XXI of the Rules of the House.

SEC. 6213. POLICY STATEMENT ON DEFICIT REDUCTION THROUGH THE CANCELLATION OF UNOBLIGATED BALANCES.

(a) FINDINGS.—The House of Representatives finds the following:

(1) According to the most recent estimate from the Office of Management and Budget, Federal agencies were expected to hold \$844 billion in unobligated balances at the close of fiscal year 2015.

(2) These funds represent direct and discretionary spending previously made available by Congress that remains available for expenditure.

(3) In some cases, agencies are granted funding and it remains available for obligation indefinitely.

(4) The Congressional Budget and Impoundment Control Act of 1974 requires the Office of Management and Budget to make funds available to agencies for obligation and prohibits the Administration from withholding or cancelling unobligated funds unless approved by an Act of Congress.

(5) Greater congressional oversight is required to review and identify potential savings from canceling unobligated balances of funds that are no longer needed.

(b) POLICY ON DEFICIT REDUCTION THROUGH THE CANCELLATION OF UNOBLIGATED BALANCES.—In the House of Representatives, committees should through their oversight activities identify and achieve savings through the cancellation or rescission of unobligated balances that neither abrogate contractual obligations of the Government nor reduce or disrupt Federal commitments under programs such as Social Security, veterans' affairs, national security, and Treasury authority to finance the national debt.

(c) DEFICIT REDUCTION.—The House of Representatives, with the assistance of the Government Accountability Office, the Inspectors General, and other appropriate agencies should continue to make it a high priority to review unobligated balances and identify savings for deficit reduction.

SEC. 6214. POLICY STATEMENT ON AGENCY FEES AND SPENDING.

(a) FINDINGS.—Congress finds the following:

(1) A number of Federal agencies and organizations have permanent authority to collect fees and other offsetting collections and to spend these collected funds.

(2) The total amount of offsetting fees and offsetting collections is estimated by the Office of Management and Budget to be \$525 billion in fiscal year 2016.

(3) Agency budget justifications are, in some cases, not fully transparent about the amount of program activity funded through offsetting collections or fees. This lack of transparency prevents effective and accountable government.

(b) POLICY ON AGENCY FEES AND SPENDING.—In the House of Representatives, it is the policy of this concurrent resolution that Congress must reassert its constitutional prerogative to control spending and conduct oversight. To do so, Congress should enact legislation requiring programs that are funded through fees, offsetting receipts, or offsetting collections to be allocated new budget authority annually. Such allocation may arise from—

(1) legislation originating from the authorizing committee of jurisdiction for the agency or program; or

(2) fee and account specific allocations included in annual appropriation Acts.

SEC. 6215. POLICY STATEMENT ON RESPONSIBLE STEWARDSHIP OF TAXPAYER DOLLARS.

(a) FINDINGS.—The House of Representatives finds the following:

(1) The budget for the House of Representatives is \$188 million less than it was when Republicans became the majority in 2011.

(2) The House of Representatives has achieved significant savings by consolidating operations and renegotiating contracts.

(b) POLICY ON RESPONSIBLE STEWARDSHIP OF TAXPAYER DOLLARS.—In the House of Representatives, it is the policy of this concurrent resolution that:

(1) The House of Representatives must be a model for the responsible stewardship of taxpayer resources and therefore must identify any savings that can be achieved through greater productivity and efficiency gains in the operation and maintenance of House services and resources like printing, conferences, utilities, telecommunications, furniture, grounds maintenance, postage, and rent. This should include a review of policies and procedures for acquisition of goods and services to eliminate any unnecessary spending. The Committee on House Administration should review the policies pertaining to the services provided to Members and committees of the House of Representatives, and should identify ways to reduce any subsidies paid for the operation of the House gym, barber shop, salon, and the House dining room.

(2) No taxpayer funds may be used to purchase first class airfare or to lease corporate jets for Members of Congress.

(3) Retirement benefits for Members of Congress should not include free, taxpayer-funded health care for life.

SEC. 6216. POLICY STATEMENT ON “NO BUDGET, NO PAY”.

In the House of Representatives, it is the policy of this concurrent resolution that Congress should agree to a concurrent resolution

on the budget every year pursuant to section 301 of the Congressional Budget Act of 1974. If by April 15, the House of Representatives has not agreed to a concurrent resolution on the budget, the payroll administrator of the House of Representatives should carry out this policy in the same manner as the provisions of Public Law 113–3, the No Budget, No Pay Act of 2013, and should place in an escrow account all compensation otherwise required to be made for Members of the House of Representatives. Withheld compensation should be released to Members of the House of Representatives the earlier of the day on which the House of Representatives agrees to a concurrent resolution on the budget, pursuant to section 301 of the Congressional Budget Act of 1974, or the last day of that Congress.

SEC. 6217. POLICY STATEMENT ON NATIONAL SECURITY FUNDING.

(a) **FINDINGS.**—The House of Representatives finds the following:

(1) Russian aggression, the growing threats of the Islamic State of Iraq and the Levant in the Middle East, North Korean and Iranian nuclear and missile programs, and continued Chinese investments in high-end military capabilities and cyber warfare shape the parameters of an increasingly complex and challenging security environment.

(2) All four current service chiefs testified that the National Military Strategy could not be executed at sequestration levels.

(3) The independent and bipartisan National Defense Panel conducted risk assessments of force structure changes triggered by the Budget Control Act of 2011 (BCA) and concluded that in addition to previous cuts to defense dating back to 2009, the sequestration of defense discretionary spending has “caused significant shortfalls in U.S. military readiness and both present and future capabilities”.

(4) The President’s fiscal year 2016 budget irresponsibly ignores current law and requests a defense budget \$38 billion above the caps for rhetorical gain. By creating an expectation of spending without a plan to avoid the BCA’s guaranteed sequester upon breaching of its caps, the White House’s proposal compounds the fiscal uncertainty that has affected the military’s ability to adequately plan for future contingencies and make investments crucial for the Nation’s defense.

(5) The President’s budget proposes \$1.8 trillion in tax increases, in addition to the \$1.7 trillion in tax hikes the Administration has already imposed. The President’s tax increases would further burden economic growth and is not a realistic source for offsets to fund defense sequester replacement.

(b) **POLICY ON FISCAL YEAR 2016 NATIONAL DEFENSE FUNDING.**—In fiscal year 2015, the House-passed budget resolution anticipated \$566 billion for national defense in the discretionary base budget for fiscal year 2016. With no necessary statutory change yet provided by Congress, the BCA statute would require limiting national defense discretionary base funding to \$523 billion in fiscal year 2016. However, in total with \$90 billion, the House of Representatives Budget estimate for Overseas Contingency Operations funding for the Department of Defense, the fiscal year 2016 budget provides over \$613 billion total for defense spending that is higher than the President’s budget request for the fiscal year.

(c) **DEFENSE READINESS AND MODERNIZATION FUND.**—(1) The budget resolution recognizes the need to ensure robust funding for national defense while maintaining overall fiscal discipline. The budget resolution prioritizes our national defense and the needs of the warfighter by providing needed dollars through the creation of the “Defense Readiness and Modernization Fund”.

(2) The Defense Readiness and Modernization Fund provides the mechanism for Congress to responsibly allocate in a deficit-neutral way the resources the military needs to secure the safety and liberty of United States citizens from threats at home and abroad. The Defense Readiness and Modernization Fund will provide the chair of the Committee on the Budget of the House of Representatives the ability to increase allocations to support legislation that would provide for the Department of Defense warfighting capabilities, modernization, training and maintenance associated with combat readiness, activities to reach full auditability of the Department of Defense’s financial statements, and implementation of military and compensation reforms.

(d) **SEQUESTER REPLACEMENT FOR NATIONAL DEFENSE.**—This concurrent resolution encourages an immediate reevaluation of Federal Government priorities to maintain the strength of America’s national security posture. In identifying policies to restructure and stabilize the Government’s major entitlement programs which, along with net interest, will consume all Federal revenue in less than 20 years, the budget also charts a course that can ensure the availability of needed national security resources.

Agreed to May 5, 2015.

May 18, 2015
[H. Con. Res. 43]

**POPE FRANCIS VISIT—CAPITOL GROUNDS,
ROTUNDA, AND EMANCIPATION HALL
AUTHORIZATIONS**

Resolved by the House of Representatives (the Senate concurring),

**SECTION 1. AUTHORIZATION OF USE OF CAPITOL GROUNDS FOR
EVENTS SURROUNDING VISIT OF HIS HOLINESS POPE
FRANCIS TO UNITED STATES CAPITOL.**

(a) **AUTHORIZATION OF USE OF CAPITOL GROUNDS.**—The Capitol Grounds may be used for official Congressional events surrounding the visit of His Holiness Pope Francis to the United States Capitol on Thursday, September 24, 2015, or on such other dates as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate.

(b) **RESPONSIBILITIES OF CAPITOL POLICE BOARD.**—The Capitol Police Board shall take such actions as may be necessary to enforce the restrictions applicable to the Capitol Grounds in connection with the events authorized by this section.

(c) **EVENT PREPARATIONS.**—The Architect of the Capitol is authorized to erect upon the Capitol Grounds such stage, sound amplification devices, and other related structures and equipment as may be required for the events authorized by this section.

SEC. 2. AUTHORIZATION OF USE OF ROTUNDA FOR EVENTS SURROUNDING VISIT OF HIS HOLINESS POPE FRANCIS TO UNITED STATES CAPITOL.

The rotunda of the United States Capitol is authorized to be used for ceremonies and activities surrounding the visit of His Holiness Pope Francis to the United States Capitol on September 24, 2015, or on such other dates as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate. Physical preparations for the conduct of such ceremonies and activities shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

SEC. 3. AUTHORIZATION OF USE OF EMANCIPATION HALL FOR EVENTS SURROUNDING VISIT OF HIS HOLINESS POPE FRANCIS TO UNITED STATES CAPITOL.

Emancipation Hall in the Capitol Visitor Center is authorized to be used for ceremonies and activities surrounding the visit of His Holiness Pope Francis to the United States Capitol on September 24, 2015, or on such other dates as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate. Physical preparations for the conduct of such ceremonies and activities shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

SEC. 4. ARRANGEMENTS WITH OTHER DEPARTMENTS AND AGENCIES.

In carrying out their duties under this concurrent resolution, the Architect of the Capitol and the Capitol Police Board are each authorized to utilize appropriate equipment and services of appropriate personnel of departments and agencies of the Federal Government, under such arrangements as each may enter into with the heads of those departments and agencies in connection with the ceremonies and activities surrounding the visit of His Holiness Pope Francis to the United States Capitol.

Agreed to May 18, 2015.

**KING KAMEHAMEHA I—BIRTHDAY
CELEBRATION—EMANCIPATION HALL
AUTHORIZATION**

May 18, 2015
[S. Con. Res. 3]

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. USE OF EMANCIPATION HALL FOR EVENT TO CELEBRATE BIRTHDAY OF KING KAMEHAMEHA.

(a) **AUTHORIZATION.**—Emancipation Hall in the Capitol Visitor Center is authorized to be used for an event on June 7, 2015, to celebrate the birthday of King Kamehameha I.

(b) **PREPARATIONS.**—Physical preparations for the conduct of the event described in subsection (a) shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

Agreed to May 18, 2015.

May 21, 2015
[H. Con. Res. 47]

ENROLLMENT CORRECTIONS—S. 178

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of S. 178, an Act to provide justice for the victims of trafficking, the Secretary of the Senate shall—

- (1) in section 702(b)(2), insert “pilot program” after “identified by the”; and
- (2) strike section 1002 and insert the following:

SEC. 1002. PROTECTIONS FOR HUMAN TRAFFICKING SURVIVORS.

Section 1701(c) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(c)), as amended by section 601 of this Act, is amended—

- (1) in paragraph (1), by striking “or” at the end;
- (2) in paragraph (2)(C), by striking the period at the end and inserting “; or”; and
- (3) by inserting after paragraph (2) the following:
“(3) from an applicant in a State that has in effect a law—

“(A) that—

“(i) provides a process by which an individual who is a human trafficking survivor can move to vacate any arrest or conviction records for a non-violent offense committed as a direct result of human trafficking, including prostitution or lewdness;

“(ii) establishes a rebuttable presumption that any arrest or conviction of an individual for an offense associated with human trafficking is a result of being trafficked, if the individual—

“(I) is a person granted nonimmigrant status pursuant to section 101(a)(15)(T)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(T)(i));

“(II) is the subject of a certification by the Secretary of Health and Human Services under section 107(b)(1)(E) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(b)(1)(E));
or

“(III) has other similar documentation of trafficking, which has been issued by a Federal, State, or local agency; and

“(iii) protects the identity of individuals who are human trafficking survivors in public and court records; and

“(B) that does not require an individual who is a human trafficking survivor to provide official documentation as described in subclause (I), (II), or (III) of subparagraph (A)(ii) in order to receive protection under the law.”.

Agreed to May 21, 2015.

VIETNAM WAR—50TH ANNIVERSARY
COMMEMORATION CEREMONY—EMANCIPATION
HALL AUTHORIZATION

June 3, 2015
[H. Con. Res. 48]

Resolved by the House of Representatives (the Senate concurring),

**SECTION 1. USE OF EMANCIPATION HALL FOR CEREMONY TO
COMMEMORATE 50TH ANNIVERSARY OF THE VIETNAM
WAR.**

(a) **AUTHORIZATION.**—Emancipation Hall in the Capitol Visitor Center is authorized to be used on July 8, 2015, for a ceremony to commemorate the 50th anniversary of the Vietnam War.

(b) **PREPARATIONS.**—Physical preparations for the conduct of the ceremony described in subsection (a) shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

Agreed to June 3, 2015.

POCKET VERSION OF THE UNITED STATES
CONSTITUTION—HOUSE PRINT

June 11, 2015
[H. Con. Res. 54]

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. POCKET VERSION OF THE UNITED STATES CONSTITUTION.

(a) **IN GENERAL.**—The 25th edition of the pocket version of the United States Constitution shall be reprinted as a House document under the direction of the Joint Committee on Printing.

(b) **ADDITIONAL COPIES.**—In addition to the usual number, there shall be printed the lesser of—

(1) 285,400 copies of the document, of which 235,400 copies shall be for the use of the House of Representatives and 50,000 copies shall be for the use of the Senate; or

(2) such number of copies of the document as does not exceed a total production and printing cost of \$135,312, with distribution to be allocated in the same proportion as described in paragraph (1), except that in no case shall the number of copies be less than 1 per Member of Congress.

(c) **DISTRIBUTION.**—The copies of the document reprinted for the use of the House and the Senate under subsection (a) shall be distributed in accordance with—

(1) a distribution plan approved by the chair and ranking minority member of the Committee on House Administration of the House of Representatives, in the case of the copies printed for the use of the House; and

(2) a distribution plan approved by the chair and ranking minority member of the Committee on Rules and Administration of the Senate, in the case of the copies printed for the use of the Senate.

Agreed to June 11, 2015.

June 25, 2015
[S. Con. Res. 19]

ADJOURNMENT—SENATE AND HOUSE OF
REPRESENTATIVES

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns on any day from Thursday, June 25, 2015, through Friday, July 3, 2015, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until 12:00 noon on Tuesday, July 7, 2015, or such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on any legislative day from Thursday, June 25, 2015, through Friday, July 3, 2015, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2:00 p.m. on Tuesday, July 7, 2015, or until the time of any reassembly pursuant to section 3 of this concurrent resolution, whichever occurs first.

SEC. 2. (a) The Majority Leader of the Senate or his designee, after concurrence with the Minority Leader of the Senate, shall notify the Members of the Senate to reassemble at such place and time as he may designate if, in his opinion, the public interest shall warrant it.

(b) After reassembling pursuant to subsection (a), when the Senate adjourns on a motion offered pursuant to this subsection by its Majority Leader or his designee, the Senate shall again stand adjourned pursuant to the first section of this concurrent resolution.

SEC. 3. (a) The Speaker or his designee, after consultation with the Minority Leader of the House, shall notify the Members of the House to reassemble at such place and time as he may designate if, in his opinion, the public interest shall warrant it.

(b) After reassembling pursuant to subsection (a), when the House adjourns on a motion offered pursuant to this subsection by its Majority Leader or his designee, the House shall again stand adjourned pursuant to the first section of this concurrent resolution.

Agreed to June 25, 2015.

CONGRESSIONAL GOLD MEDAL AWARD
CEREMONY—EMANCIPATION HALL
AUTHORIZATION

July 28, 2015
[H. Con. Res. 64]

Resolved by the House of Representatives (the Senate concurring),

**SECTION 1. USE OF EMANCIPATION HALL FOR CEREMONY TO
PRESENT CONGRESSIONAL GOLD MEDAL TO THE MONU-
MENTS MEN.**

Emancipation Hall in the Capitol Visitor Center is authorized to be used on October 22, 2015, for a ceremony to present the Congressional Gold Medal to the Monuments Men collectively, in recognition of their heroic role in the preservation, protection, and

restitution of monuments, works of art, and artifacts of cultural importance during and following World War II. Physical preparations for the conduct of the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

Agreed to July 28, 2015.

ADJOURNMENT—HOUSE OF REPRESENTATIVES
AND SENATE

Aug. 5, 2015
[H. Con. Res. 72]

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on any legislative day from Tuesday, August 4, 2015, through Friday, September 4, 2015, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2:00 p.m. on Tuesday, September 8, 2015, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Tuesday, August 4, 2015, through Saturday, September 5, 2015, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Tuesday, September 8, 2015, or such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 3 of this concurrent resolution, whichever occurs first.

SEC. 2. (a) The Speaker or his designee, after consultation with the Minority Leader of the House, shall notify the Members of the House to reassemble at such place and time as he may designate if, in his opinion, the public interest shall warrant it.

(b) After reassembling pursuant to subsection (a), when the House adjourns on a motion offered pursuant to this subsection by its Majority Leader or his designee, the House shall again stand adjourned pursuant to the first section of this concurrent resolution.

SEC. 3. (a) The Majority Leader of the Senate or his designee, after concurrence with the Minority Leader of the Senate, shall notify the Members of the Senate to reassemble at such place and time as he may designate if, in his opinion, the public interest shall warrant it.

(b) After reassembling pursuant to subsection (a), when the Senate adjourns on a motion offered pursuant to this subsection by its Majority Leader or his designee, the Senate shall again stand adjourned pursuant to the first section of this concurrent resolution.

Agreed to August 5, 2015.

Sept. 16, 2015
[H. Con. Res. 70]

DISTRICT OF COLUMBIA SPECIAL OLYMPICS LAW
ENFORCEMENT TORCH RUN—CAPITOL GROUNDS
AUTHORIZATION

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. AUTHORIZATION OF USE OF CAPITOL GROUNDS FOR D.C. SPECIAL OLYMPICS LAW ENFORCEMENT TORCH RUN.

On October 16, 2015, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate, the 30th annual District of Columbia Special Olympics Law Enforcement Torch Run (in this resolution referred to as the “event”) may be run through the Capitol Grounds to carry the Special Olympics torch to honor local Special Olympics athletes.

SEC. 2. RESPONSIBILITY OF CAPITOL POLICE BOARD.

The Capitol Police Board shall take such actions as may be necessary to carry out the event.

SEC. 3. CONDITIONS RELATING TO PHYSICAL PREPARATIONS.

The Architect of the Capitol may prescribe conditions for physical preparations for the event.

SEC. 4. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 5104(c) of title 40, United States Code, concerning sales, advertisements, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, in connection with the event.

Agreed to September 16, 2015.

Sept. 16, 2015
[H. Con. Res. 73]

FALLEN FIREFIGHTERS CONGRESSIONAL FLAG
PRESENTATION CEREMONY—CAPITOL GROUNDS
AUTHORIZATION

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF CAPITOL GROUNDS FOR FALLEN FIREFIGHTERS CONGRESSIONAL FLAG PRESENTATION CEREMONY.

(a) IN GENERAL.—The Congressional Fire Services Institute and the National Fallen Firefighters Foundation (in this resolution referred to jointly as the “sponsor”) shall be permitted to sponsor a public event, the 2nd Annual Fallen Firefighters Congressional Flag Presentation Ceremony (in this resolution referred to as the “event”), on the Capitol Grounds in order to honor the firefighters who died in the line of duty in 2014.

(b) DATE OF EVENT.—The event shall be held on September 30, 2015, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate jointly designate.

SEC. 2. TERMS AND CONDITIONS.

(a) **IN GENERAL.**—Under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board, the event shall be—

- (1) free of admission charge and open to the public; and
- (2) arranged not to interfere with the needs of Congress.

(b) **EXPENSES AND LIABILITIES.**—The sponsor shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. EVENT PREPARATIONS.

Subject to the approval of the Architect of the Capitol, the sponsor is authorized to erect upon the Capitol Grounds such stage, sound amplification devices, and other related structures and equipment as may be required for the event.

SEC. 4. ADDITIONAL ARRANGEMENTS.

The Architect of the Capitol and the Capitol Police Board are authorized to make such additional arrangements as may be required to carry out the event.

SEC. 5. ENFORCEMENT OF RESTRICTIONS.

(a) **IN GENERAL.**—Subject to subsection (b), the Capitol Police Board shall provide for enforcement of the restrictions contained in section 5104(c) of title 40, United States Code, concerning sales, advertisements, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, with respect to the event.

(b) **USE OF FIRE EQUIPMENT.**—Notwithstanding any other provision of law, the Capitol Police Board may allow the sponsor, as part of the event, to use traditional, hand-held fire equipment, such as axes and Pulaski tools, and any other fire equipment that the Board determines can be used in a safe manner and will not cause damage to the Capitol Grounds or harm to any individual.

Agreed to September 16, 2015.

**MILLION MAN MARCH—20TH ANNIVERSARY
COMMEMORATION—CAPITOL GROUNDS
AUTHORIZATION**

Sept. 16, 2015
[H. Con. Res. 74]

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF CAPITOL GROUNDS FOR EVENT TO COMMEMORATE 20TH ANNIVERSARY OF MILLION MAN MARCH.

(a) **IN GENERAL.**—Million Man March, Inc. 2015 (in this resolution referred to as the “sponsor”) shall be permitted to sponsor a public event on the Capitol Grounds to commemorate the 20th Anniversary of the Million Man March (in this resolution referred to as the “event”).

(b) **DATE OF EVENT.**—The event shall be held on October 10, 2015, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate jointly designate.

SEC. 2. TERMS AND CONDITIONS.

(a) **IN GENERAL.**—Under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board, the event shall be—

- (1) free of admission charge and open to the public; and
- (2) arranged not to interfere with the needs of Congress.

(b) **EXPENSES AND LIABILITIES.**—The sponsor shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. EVENT PREPARATIONS.

Subject to the approval of the Architect of the Capitol, the sponsor is authorized to erect upon the Capitol Grounds such stage, sound amplification devices, and other related structures and equipment, as may be required for the event.

SEC. 4. ADDITIONAL ARRANGEMENTS.

The Architect of the Capitol and the Capitol Police Board are authorized to make any such additional arrangements that may be required to carry out the event.

SEC. 5. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions in section 5104(c) of title 40, United States Code, concerning sales, advertisements, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, in connection with the event.

Agreed to September 16, 2015.

Oct. 7, 2015
[H. Con. Res. 81]

ENROLLMENT CORRECTIONS—H.R. 1735

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill H.R. 1735, the Clerk of the House of Representatives shall in section 1301(b)—

- (1) strike “section 1504” and insert “section 301”; and
- (2) strike “section 4303” and insert “section 4301”.

Agreed to October 7, 2015.

Nov. 5, 2015
[H. Con. Res. 92]

**ADJOURNMENT—HOUSE OF REPRESENTATIVES
AND SENATE**

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on any legislative day from Thursday, November 5, 2015, through Thursday, November 12, 2015, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2:00 p.m. on Monday, November 16, 2015, or until the time of

any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Tuesday, November 10, 2015, through Friday, November 13, 2015, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, November 16, 2015, or such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 3 of this concurrent resolution, whichever occurs first.

SEC. 2. (a) The Speaker or his designee, after consultation with the Minority Leader of the House, shall notify the Members of the House to reassemble at such place and time as he may designate if, in his opinion, the public interest shall warrant it.

(b) After reassembling pursuant to subsection (a), when the House adjourns on a motion offered pursuant to this subsection by its Majority Leader or his designee, the House shall again stand adjourned pursuant to the first section of this concurrent resolution.

SEC. 3. (a) The Majority Leader of the Senate or his designee, after concurrence with the Minority Leader of the Senate, shall notify the Members of the Senate to reassemble at such place and time as he may designate if, in his opinion, the public interest shall warrant it.

(b) After reassembling pursuant to subsection (a), when the Senate adjourns on a motion offered pursuant to this subsection by its Majority Leader or his designee, the Senate shall again stand adjourned pursuant to the first section of this concurrent resolution.

Agreed to November 5, 2015.

ENROLLMENT CORRECTIONS—S. 1356

Nov. 16, 2015
[H. Con. Res. 90]

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill S. 1356, the Secretary of the Senate shall make the following corrections:

(1) Amend the title so as to read: “An Act to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.”.

(2) In the table of contents in section 2, in the item relating to section 1242, amend “Ukrainian Republic” so as to read “Ukraine”.

(3) In the table of contents for title XII before section 1201, in the item relating to section 1242, amend “Ukrainian Republic” so as to read “Ukraine”.

(4) In the section heading of section 1242, amend “UKRAINIAN REPUBLIC” so as to read “UKRAINE”.

(5) In section 1242, amend “the Ukrainian Republic” so as to read “Ukraine” each place it appears in subsections (a)(1) and (b).

(6) Strike section 4201 and insert the following: SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
Line	Program Element	Item	FY 2016 Request	Agreement Authorized
RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY				
BASIC RESEARCH				
001	0601101A	IN-HOUSE LABORATORY INDEPENDENT RESEARCH	13,018	13,018
002	0601102A	DEFENSE RESEARCH SCIENCES	239,118	259,118
		Basic research program increase		[20,000]
003	0601103A	UNIVERSITY RESEARCH INITIATIVES	72,603	72,603
004	0601104A	UNIVERSITY AND INDUSTRY RESEARCH CENTERS	100,340	100,340
		SUBTOTAL BASIC RESEARCH	425,079	445,079
APPLIED RESEARCH				
005	0602105A	MATERIALS TECHNOLOGY	28,314	28,314
006	0602120A	SENSORS AND ELECTRONIC SURVIVABILITY	38,374	38,374
007	0602122A	TRACTOR HIP	6,879	6,879
008	0602211A	AVIATION TECHNOLOGY	56,884	56,884
009	0602270A	ELECTRONIC WARFARE TECHNOLOGY	19,243	19,243
010	0602303A	MISSILE TECHNOLOGY	45,053	53,053
		A2/AD Anti-Ship Missile Study		[8,000]
011	0602307A	ADVANCED WEAPONS TECHNOLOGY	29,428	29,428
012	0602308A	ADVANCED CONCEPTS AND SIMULATION	27,862	27,862
013	0602601A	COMBAT VEHICLE AND AUTOMOTIVE TECHNOLOGY.	68,839	68,839
014	0602618A	BALLISTICS TECHNOLOGY	92,801	92,801
015	0602622A	CHEMICAL, SMOKE AND EQUIPMENT DEFEATING TECHNOLOGY.	3,866	3,866
016	0602623A	JOINT SERVICE SMALL ARMS PROGRAM	5,487	5,487
017	0602624A	WEAPONS AND MUNITIONS TECHNOLOGY	48,340	48,340
018	0602705A	ELECTRONICS AND ELECTRONIC DEVICES	55,301	55,301
019	0602709A	NIGHT VISION TECHNOLOGY	33,807	33,807
020	0602712A	COUNTERMINE SYSTEMS	25,068	25,068
021	0602716A	HUMAN FACTORS ENGINEERING TECHNOLOGY	23,681	23,681
022	0602720A	ENVIRONMENTAL QUALITY TECHNOLOGY	20,850	20,850
023	0602782A	COMMAND, CONTROL, COMMUNICATIONS TECHNOLOGY.	36,160	36,160
024	0602783A	COMPUTER AND SOFTWARE TECHNOLOGY	12,656	12,656
025	0602784A	MILITARY ENGINEERING TECHNOLOGY	63,409	63,409
026	0602785A	MANPOWER/PERSONNEL/TRAINING TECHNOLOGY	24,735	24,735
027	0602786A	WARFIGHTER TECHNOLOGY	35,795	35,795
028	0602787A	MEDICAL TECHNOLOGY	76,853	76,853
		SUBTOTAL APPLIED RESEARCH	879,685	887,685
ADVANCED TECHNOLOGY DEVELOPMENT				
029	0603001A	WARFIGHTER ADVANCED TECHNOLOGY	46,973	46,973
030	0603002A	MEDICAL ADVANCED TECHNOLOGY	69,584	69,584
031	0603003A	AVIATION ADVANCED TECHNOLOGY	89,736	89,736
032	0603004A	WEAPONS AND MUNITIONS ADVANCED TECHNOLOGY.	57,663	57,663
033	0603005A	COMBAT VEHICLE AND AUTOMOTIVE ADVANCED TECHNOLOGY.	113,071	113,071
034	0603006A	SPACE APPLICATION ADVANCED TECHNOLOGY	5,554	5,554
035	0603007A	MANPOWER, PERSONNEL AND TRAINING ADVANCED TECHNOLOGY.	12,636	12,636
037	0603009A	TRACTOR HIKE	7,502	7,502
038	0603015A	NEXT GENERATION TRAINING & SIMULATION SYSTEMS.	17,425	17,425
039	0603020A	TRACTOR ROSE	11,912	11,912
040	0603125A	COMBATING TERRORISM—TECHNOLOGY DEVELOPMENT.	27,520	27,520
041	0603130A	TRACTOR NAIL	2,381	2,381
042	0603131A	TRACTOR EGGS	2,431	2,431
043	0603270A	ELECTRONIC WARFARE TECHNOLOGY	26,874	26,874
044	0603313A	MISSILE AND ROCKET ADVANCED TECHNOLOGY	49,449	49,449
045	0603322A	TRACTOR CAGE	10,999	10,999

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SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
Line	Program Element	Item	FY 2016 Request	Agreement Authorized
046	0603461A	HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM.	177,159	177,159
047	0603606A	LANDMINE WARFARE AND BARRIER ADVANCED TECHNOLOGY.	13,993	13,993
048	0603607A	JOINT SERVICE SMALL ARMS PROGRAM	5,105	5,105
049	0603710A	NIGHT VISION ADVANCED TECHNOLOGY	40,929	40,929
050	0603728A	ENVIRONMENTAL QUALITY TECHNOLOGY DEMONSTRATIONS.	10,727	10,727
051	0603734A	MILITARY ENGINEERING ADVANCED TECHNOLOGY.	20,145	20,145
052	0603772A	ADVANCED TACTICAL COMPUTER SCIENCE AND SENSOR TECHNOLOGY.	38,163	38,163
053	0603794A	C3 ADVANCED TECHNOLOGY	37,816	37,816
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT.	895,747	895,747
ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES				
054	0603305A	ARMY MISSILE DEFENSE SYSTEMS INTEGRATION	10,347	10,347
055	0603308A	ARMY SPACE SYSTEMS INTEGRATION	25,061	25,061
056	0603619A	LANDMINE WARFARE AND BARRIER—ADV DEV	49,636	49,636
057	0603627A	SMOKE, OBSCURANT AND TARGET DEFEATING SYS-ADV DEV.	13,426	13,426
058	0603639A	TANK AND MEDIUM CALIBER AMMUNITION	46,749	46,749
060	0603747A	SOLDIER SUPPORT AND SURVIVABILITY	6,258	6,258
061	0603766A	TACTICAL ELECTRONIC SURVEILLANCE SYSTEM—ADV DEV.	13,472	13,472
062	0603774A	NIGHT VISION SYSTEMS ADVANCED DEVELOPMENT.	7,292	7,292
063	0603779A	ENVIRONMENTAL QUALITY TECHNOLOGY—DEM/VAL.	8,813	8,813
065	0603790A	NATO RESEARCH AND DEVELOPMENT	6,075	6,075
067	0603804A	LOGISTICS AND ENGINEER EQUIPMENT—ADV DEV.	21,233	21,233
068	0603807A	MEDICAL SYSTEMS—ADV DEV	31,962	31,962
069	0603827A	SOLDIER SYSTEMS—ADVANCED DEVELOPMENT ...	22,194	22,194
071	0604100A	ANALYSIS OF ALTERNATIVES	9,805	9,805
072	0604115A	TECHNOLOGY MATURATION INITIATIVES	40,917	40,917
073	0604120A	ASSURED POSITIONING, NAVIGATION AND TIMING (PNT).	30,058	30,058
074	0604319A	INDIRECT FIRE PROTECTION CAPABILITY INCREMENT 2—INTERCEPT (IFPC2).	155,361	155,361
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	498,659	498,659
SYSTEM DEVELOPMENT & DEMONSTRATION				
076	0604201A	AIRCRAFT AVIONICS	12,939	12,939
078	0604270A	ELECTRONIC WARFARE DEVELOPMENT	18,843	18,843
079	0604280A	JOINT TACTICAL RADIO	9,861	9,861
080	0604290A	MID-TIER NETWORKING VEHICULAR RADIO (MNVR).	8,763	8,763
081	0604321A	ALL SOURCE ANALYSIS SYSTEM	4,309	4,309
082	0604328A	TRACTOR CAGE	15,138	15,138
083	0604601A	INFANTRY SUPPORT WEAPONS	74,128	80,628
		Army requested realignment		[1,500]
		Soldier Enhancement Program		[5,000]
085	0604611A	JAVELIN	3,945	3,945
087	0604633A	AIR TRAFFIC CONTROL	10,076	10,076
088	0604641A	TACTICAL UNMANNED GROUND VEHICLE (TUGV)	40,374	40,374
089	0604710A	NIGHT VISION SYSTEMS—ENG DEV	67,582	67,582
090	0604713A	COMBAT FEEDING, CLOTHING, AND EQUIPMENT ..	1,763	1,763
091	0604715A	NON-SYSTEM TRAINING DEVICES—ENG DEV	27,155	27,155
092	0604741A	AIR DEFENSE COMMAND, CONTROL AND INTELLIGENCE—ENG DEV.	24,569	24,569

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
Line	Program Element	Item	FY 2016 Request	Agreement Authorized
093	0604742A	CONSTRUCTIVE SIMULATION SYSTEMS DEVELOPMENT.	23,364	23,364
094	0604746A	AUTOMATIC TEST EQUIPMENT DEVELOPMENT	8,960	8,960
095	0604760A	DISTRIBUTIVE INTERACTIVE SIMULATIONS (DIS)—ENG DEV.	9,138	9,138
096	0604780A	COMBINED ARMS TACTICAL TRAINER (CATT) CORE.	21,622	21,622
097	0604798A	BRIGADE ANALYSIS, INTEGRATION AND EVALUATION.	99,242	99,242
098	0604802A	WEAPONS AND MUNITIONS—ENG DEV	21,379	21,379
099	0604804A	LOGISTICS AND ENGINEER EQUIPMENT—ENG DEV.	48,339	48,339
100	0604805A	COMMAND, CONTROL, COMMUNICATIONS SYSTEMS—ENG DEV.	2,726	2,726
101	0604807A	MEDICAL MATERIEL/MEDICAL BIOLOGICAL DEFENSE EQUIPMENT—ENG DEV.	45,412	45,412
102	0604808A	LANDMINE WARFARE/BARRIER—ENG DEV	55,215	55,215
104	0604818A	ARMY TACTICAL COMMAND & CONTROL HARDWARE & SOFTWARE.	163,643	163,643
105	0604820A	RADAR DEVELOPMENT	12,309	12,309
106	0604822A	GENERAL FUND ENTERPRISE BUSINESS SYSTEM (GFEBS).	15,700	15,700
107	0604823A	FIREFINDER	6,243	6,243
108	0604827A	SOLDIER SYSTEMS—WARRIOR DEM/VAL	18,776	18,776
109	0604854A	ARTILLERY SYSTEMS—EMD	1,953	1,953
110	0605013A	INFORMATION TECHNOLOGY DEVELOPMENT	67,358	67,358
111	0605018A	INTEGRATED PERSONNEL AND PAY SYSTEM—ARMY (IPPS-A).	136,011	121,011
		Restructure program		[-15,000]
112	0605028A	ARMORED MULTI-PURPOSE VEHICLE (AMPV)	230,210	230,210
113	0605030A	JOINT TACTICAL NETWORK CENTER (JTNC)	13,357	13,357
114	0605031A	JOINT TACTICAL NETWORK (JTN)	18,055	18,055
115	0605032A	TRACTOR TIRE	5,677	5,677
116	0605035A	COMMON INFRARED COUNTERMEASURES (CIRCM).	77,570	101,570
		Apache Survivability Enhancements—Army Unfunded Requirement.		[24,000]
117	0605051A	AIRCRAFT SURVIVABILITY DEVELOPMENT	18,112	78,112
		Apache Survivability Enhancements—Army Unfunded Requirement.		[60,000]
118	0605350A	WIN-T INCREMENT 3—FULL NETWORKING	39,700	39,700
119	0605380A	AMF JOINT TACTICAL RADIO SYSTEM (JTRS)	12,987	12,987
120	0605450A	JOINT AIR-TO-GROUND MISSILE (JAGM)	88,866	74,966
		EMD contract delays		[-13,900]
121	0605456A	PAC-3/MSE MISSILE	2,272	2,272
122	0605457A	ARMY INTEGRATED AIR AND MISSILE DEFENSE (AIAMD).	214,099	214,099
123	0605625A	MANNED GROUND VEHICLE	49,247	39,247
		Funding ahead of need		[-10,000]
124	0605626A	AERIAL COMMON SENSOR	2	2
125	0605766A	NATIONAL CAPABILITIES INTEGRATION (MIP)	10,599	10,599
126	0605812A	JOINT LIGHT TACTICAL VEHICLE (JLTV) ENGINEERING AND MANUFACTURING DEVELOPMENT PH.	32,486	32,486
127	0605830A	AVIATION GROUND SUPPORT EQUIPMENT	8,880	8,880
128	0210609A	PALADIN INTEGRATED MANAGEMENT (PIM)	152,288	152,288
129	0303032A	TROJAN—RH12	5,022	5,022
130	0304270A	ELECTRONIC WARFARE DEVELOPMENT	12,686	12,686

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SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
Line	Program Element	Item	FY 2016 Request	Agreement Authorized
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION.	2,068,950	2,120,550
		RDT&E MANAGEMENT SUPPORT		
131	0604256A	THREAT SIMULATOR DEVELOPMENT	20,035	20,035
132	0604258A	TARGET SYSTEMS DEVELOPMENT	16,684	16,684
133	0604759A	MAJOR T&E INVESTMENT	62,580	62,580
134	0605103A	RAND ARROYO CENTER	20,853	20,853
135	0605301A	ARMY KWAJALEIN ATOLL	205,145	205,145
136	0605326A	CONCEPTS EXPERIMENTATION PROGRAM	19,430	19,430
138	0605601A	ARMY TEST RANGES AND FACILITIES	277,646	277,646
139	0605602A	ARMY TECHNICAL TEST INSTRUMENTATION AND TARGETS.	51,550	51,550
140	0605604A	SURVIVABILITY/LETHALITY ANALYSIS	33,246	33,246
141	0605606A	AIRCRAFT CERTIFICATION	4,760	4,760
142	0605702A	METEOROLOGICAL SUPPORT TO RDT&E ACTIVITIES.	8,303	8,303
143	0605706A	MATERIEL SYSTEMS ANALYSIS	20,403	20,403
144	0605709A	EXPLOITATION OF FOREIGN ITEMS	10,396	10,396
145	0605712A	SUPPORT OF OPERATIONAL TESTING	49,337	49,337
146	0605716A	ARMY EVALUATION CENTER	52,694	52,694
147	0605718A	ARMY MODELING & SIM X-CMD COLLABORATION & INTEG.	938	938
148	0605801A	PROGRAMWIDE ACTIVITIES	60,319	60,319
149	0605803A	TECHNICAL INFORMATION ACTIVITIES	28,478	28,478
150	0605805A	MUNITIONS STANDARDIZATION, EFFECTIVENESS AND SAFETY.	32,604	24,604
		Program reduction		[-8,000]
151	0605857A	ENVIRONMENTAL QUALITY TECHNOLOGY MGMT SUPPORT.	3,186	3,186
152	0605898A	MANAGEMENT HQ—R&D	48,955	48,955
		SUBTOTAL RDT&E MANAGEMENT SUPPORT ..	1,027,542	1,019,542
		OPERATIONAL SYSTEMS DEVELOPMENT		
154	0603778A	MLRS PRODUCT IMPROVEMENT PROGRAM	18,397	18,397
155	0603813A	TRACTOR PULL	9,461	9,461
156	0607131A	WEAPONS AND MUNITIONS PRODUCT IMPROVEMENT PROGRAMS.	4,945	4,945
157	0607133A	TRACTOR SMOKE	7,569	7,569
158	0607135A	APACHE PRODUCT IMPROVEMENT PROGRAM	69,862	69,862
159	0607136A	BLACKHAWK PRODUCT IMPROVEMENT PROGRAM	66,653	66,653
160	0607137A	CHINOOK PRODUCT IMPROVEMENT PROGRAM	37,407	37,407
161	0607138A	FIXED WING PRODUCT IMPROVEMENT PROGRAM	1,151	1,151
162	0607139A	IMPROVED TURBINE ENGINE PROGRAM	51,164	51,164
163	0607140A	EMERGING TECHNOLOGIES FROM NIE	2,481	2,481
164	0607141A	LOGISTICS AUTOMATION	1,673	1,673
166	0607665A	FAMILY OF BIOMETRICS	13,237	13,237
167	0607865A	PATRIOT PRODUCT IMPROVEMENT	105,816	105,816
169	0202429A	AEROSTAT JOINT PROJECT—COCOM EXERCISE	40,565	40,565
171	0203728A	JOINT AUTOMATED DEEP OPERATION COORDINATION SYSTEM (JADOC).	35,719	35,719
172	0203735A	COMBAT VEHICLE IMPROVEMENT PROGRAMS	257,167	354,167
		Stryker Lethality Upgrades		[97,000]
173	0203740A	MANEUVER CONTROL SYSTEM	15,445	15,445
175	0203752A	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM.	364	364
176	0203758A	DIGITIZATION	4,361	4,361
177	0203801A	MISSILE/AIR DEFENSE PRODUCT IMPROVEMENT PROGRAM.	3,154	3,154
178	0203802A	OTHER MISSILE PRODUCT IMPROVEMENT PROGRAMS.	35,951	35,951
179	0203808A	TRACTOR CARD	34,686	34,686
180	0205402A	INTEGRATED BASE DEFENSE—OPERATIONAL SYSTEM DEV.	10,750	10,750

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
Line	Program Element	Item	FY 2016 Request	Agreement Authorized
181	0205410A	MATERIALS HANDLING EQUIPMENT	402	402
183	0205456A	LOWER TIER AIR AND MISSILE DEFENSE (AMD) SYSTEM.	64,159	64,159
184	0205778A	GUIDED MULTIPLE-LAUNCH ROCKET SYSTEM (GMLRS).	17,527	17,527
185	0208053A	JOINT TACTICAL GROUND SYSTEM	20,515	20,515
187	0303028A	SECURITY AND INTELLIGENCE ACTIVITIES	12,368	12,368
188	0303140A	INFORMATION SYSTEMS SECURITY PROGRAM	31,154	31,154
189	0303141A	GLOBAL COMBAT SUPPORT SYSTEM	12,274	12,274
190	0303142A	SATCOM GROUND ENVIRONMENT (SPACE)	9,355	9,355
191	0303150A	WWMCCS/GLOBAL COMMAND AND CONTROL SYSTEM.	7,053	7,053
193	0305179A	INTEGRATED BROADCAST SERVICE (IBS)	750	750
194	0305204A	TACTICAL UNMANNED AERIAL VEHICLES	13,225	13,225
195	0305206A	AIRBORNE RECONNAISSANCE SYSTEMS	22,870	22,870
196	0305208A	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS.	25,592	25,592
199	0305233A	RQ-7 UAV	7,297	7,297
201	0310349A	WIN-T INCREMENT 2—INITIAL NETWORKING	3,800	3,800
202	0708045A	END ITEM INDUSTRIAL PREPAREDNESS ACTIVITIES.	48,442	48,442
202A	9999999999	CLASSIFIED PROGRAMS	4,536	4,536
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT.	1,129,297	1,226,297
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY.	6,924,959	7,093,559
		RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY		
		BASIC RESEARCH		
001	0601103N	UNIVERSITY RESEARCH INITIATIVES	116,196	125,196
		Defense University Research Instrumentation Program increase.		[9,000]
002	0601152N	IN-HOUSE LABORATORY INDEPENDENT RESEARCH.	19,126	19,126
003	0601153N	DEFENSE RESEARCH SCIENCES	451,606	479,106
		Basic research program increase		[27,500]
		SUBTOTAL BASIC RESEARCH	586,928	623,428
		APPLIED RESEARCH		
004	0602114N	POWER PROJECTION APPLIED RESEARCH	68,723	68,723
005	0602123N	FORCE PROTECTION APPLIED RESEARCH	154,963	154,963
006	0602131M	MARINE CORPS LANDING FORCE TECHNOLOGY	49,001	49,001
007	0602235N	COMMON PICTURE APPLIED RESEARCH	42,551	42,551
008	0602236N	WARFIGHTER SUSTAINMENT APPLIED RESEARCH	45,056	45,056
009	0602271N	ELECTROMAGNETIC SYSTEMS APPLIED RESEARCH.	115,051	115,051
010	0602435N	OCEAN WARFIGHTING ENVIRONMENT APPLIED RESEARCH.	42,252	62,252
		Service Life Extension for the AGOR Ship		[20,000]
011	0602651M	JOINT NON-LETHAL WEAPONS APPLIED RESEARCH.	6,119	6,119
012	0602747N	UNDERSEA WARFARE APPLIED RESEARCH	123,750	142,350
		Accelerate undersea warfare research		[18,600]
013	0602750N	FUTURE NAVAL CAPABILITIES APPLIED RESEARCH.	179,686	179,686
014	0602782N	MINE AND EXPEDITIONARY WARFARE APPLIED RESEARCH.	37,418	37,418
		SUBTOTAL APPLIED RESEARCH	864,570	903,170

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SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
Line	Program Element	Item	FY 2016 Request	Agreement Authorized
ADVANCED TECHNOLOGY DEVELOPMENT				
015	0603114N	POWER PROJECTION ADVANCED TECHNOLOGY	37,093	37,093
016	0603123N	FORCE PROTECTION ADVANCED TECHNOLOGY	38,044	38,044
017	0603271N	ELECTROMAGNETIC SYSTEMS ADVANCED TECHNOLOGY.	34,899	34,899
018	0603640M	USMC ADVANCED TECHNOLOGY DEMONSTRATION (ATD).	137,562	137,562
019	0603651M	JOINT NON-LETHAL WEAPONS TECHNOLOGY DEVELOPMENT.	12,745	12,745
020	0603673N	FUTURE NAVAL CAPABILITIES ADVANCED TECHNOLOGY DEVELOPMENT.	258,860	258,860
021	0603680N	MANUFACTURING TECHNOLOGY PROGRAM	57,074	57,074
022	0603729N	WARFIGHTER PROTECTION ADVANCED TECHNOLOGY.	4,807	4,807
023	0603747N	UNDERSEA WARFARE ADVANCED TECHNOLOGY ..	13,748	13,748
024	0603758N	NAVY WARFIGHTING EXPERIMENTS AND DEMONSTRATIONS.	66,041	66,041
025	0603782N	MINE AND EXPEDITIONARY WARFARE ADVANCED TECHNOLOGY.	1,991	1,991
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT.	662,864	662,864
ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES				
026	0603207N	AIR/OCEAN TACTICAL APPLICATIONS	41,832	41,832
027	0603216N	AVIATION SURVIVABILITY	5,404	5,404
028	0603237N	DEPLOYABLE JOINT COMMAND AND CONTROL	3,086	3,086
029	0603251N	AIRCRAFT SYSTEMS	11,643	11,643
030	0603254N	ASW SYSTEMS DEVELOPMENT	5,555	5,555
031	0603261N	TACTICAL AIRBORNE RECONNAISSANCE	3,087	3,087
032	0603382N	ADVANCED COMBAT SYSTEMS TECHNOLOGY	1,636	1,636
033	0603502N	SURFACE AND SHALLOW WATER MINE COUNTERMEASURES.	118,588	113,588
		LDUVU development growth		[-5,000]
034	0603506N	SURFACE SHIP TORPEDO DEFENSE	77,385	77,385
035	0603512N	CARRIER SYSTEMS DEVELOPMENT	8,348	8,348
036	0603525N	PILOT FISH	123,246	123,246
037	0603527N	RETRACT LARCH	28,819	28,819
038	0603536N	RETRACT JUNIPER	112,678	112,678
039	0603542N	RADIOLOGICAL CONTROL	710	710
040	0603553N	SURFACE ASW	1,096	1,096
041	0603561N	ADVANCED SUBMARINE SYSTEM DEVELOPMENT	87,160	93,360
		Accelerate unmanned underwater vehicle development.		[10,000]
		Universal launch and recovery module unfunded outyear tail.		[-3,800]
042	0603562N	SUBMARINE TACTICAL WARFARE SYSTEMS	10,371	10,371
043	0603563N	SHIP CONCEPT ADVANCED DESIGN	11,888	11,888
044	0603564N	SHIP PRELIMINARY DESIGN & FEASIBILITY STUDIES.	4,332	4,332
045	0603570N	ADVANCED NUCLEAR POWER SYSTEMS	482,040	482,040
046	0603573N	ADVANCED SURFACE MACHINERY SYSTEMS	25,904	25,904
047	0603576N	CHALK EAGLE	511,802	511,802
048	0603581N	LITTORAL COMBAT SHIP (LCS)	118,416	118,416
049	0603582N	COMBAT SYSTEM INTEGRATION	35,901	35,901
050	0603595N	OHIO REPLACEMENT	971,393	971,393
051	0603596N	LCS MISSION MODULES	206,149	206,149
052	0603597N	AUTOMATED TEST AND RE-TEST (ATRT)	8,000	8,000
053	0603609N	CONVENTIONAL MUNITIONS	7,678	7,678
054	0603611M	MARINE CORPS ASSAULT VEHICLES	219,082	219,082
055	0603635M	MARINE CORPS GROUND COMBAT/SUPPORT SYSTEM.	623	623

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Line	Program Element	Item	FY 2016 Request	Agreement Authorized
056	0603654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT.	18,260	18,260
057	0603658N	COOPERATIVE ENGAGEMENT	76,247	76,247
058	0603713N	OCEAN ENGINEERING TECHNOLOGY DEVELOPMENT.	4,520	4,520
059	0603721N	ENVIRONMENTAL PROTECTION	20,711	20,711
060	0603724N	NAVY ENERGY PROGRAM	47,761	47,761
061	0603725N	FACILITIES IMPROVEMENT	5,226	5,226
062	0603734N	CHALK CORAL	182,771	182,771
063	0603739N	NAVY LOGISTIC PRODUCTIVITY	3,866	3,866
064	0603746N	RETRACT MAPLE	360,065	360,065
065	0603748N	LINK PLUMERIA	237,416	237,416
066	0603751N	RETRACT ELM	37,944	37,944
067	0603764N	LINK EVERGREEN	47,312	47,312
068	0603787N	SPECIAL PROCESSES	17,408	17,408
069	0603790N	NATO RESEARCH AND DEVELOPMENT	9,359	9,359
070	0603795N	LAND ATTACK TECHNOLOGY	887	887
071	0603851M	JOINT NON-LETHAL WEAPONS TESTING	29,448	29,448
072	0603860N	JOINT PRECISION APPROACH AND LANDING SYSTEMS—DEM/VAL.	91,479	91,479
073	0603925N	DIRECTED ENERGY AND ELECTRIC WEAPON SYSTEMS.	67,360	67,360
074	0604112N	GERALD R. FORD CLASS NUCLEAR AIRCRAFT CARRIER (CVN 78—80). Full ship shock trials for CVN-78	48,105	127,205 [79,100]
075	0604122N	REMOTE MINEHUNTING SYSTEM (RMS)	20,089	20,089
076	0604272N	TACTICAL AIR DIRECTIONAL INFRARED COUNTERMEASURES (TADIRCM).	18,969	18,969
077	0604279N	ASE SELF-PROTECTION OPTIMIZATION	7,874	7,874
078	0604292N	MH-XX	5,298	5,298
079	0604454N	LX (R)	46,486	75,486 [29,000]
		LX(R) Acceleration		
080	0604653N	JOINT COUNTER RADIO CONTROLLED IED ELECTRONIC WARFARE (JCREW).	3,817	3,817
081	0604659N	PRECISION STRIKE WEAPONS DEVELOPMENT PROGRAM.	9,595	9,595
082	0604707N	SPACE AND ELECTRONIC WARFARE (SEW) ARCHITECTURE/ENGINEERING SUPPORT. Maritime concept generation and development growth.	29,581	25,246 [−4,335]
083	0604786N	OFFENSIVE ANTI-SURFACE WARFARE WEAPON DEVELOPMENT.	285,849	285,849
084	0605812M	JOINT LIGHT TACTICAL VEHICLE (JLTV) ENGINEERING AND MANUFACTURING DEVELOPMENT PH.	36,656	36,656
085	0303354N	ASW SYSTEMS DEVELOPMENT—MIP	9,835	9,835
086	0304270N	ELECTRONIC WARFARE DEVELOPMENT—MIP	580	580
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	5,024,626	5,129,591
		SYSTEM DEVELOPMENT & DEMONSTRATION		
087	0603208N	TRAINING SYSTEM AIRCRAFT	21,708	21,708
088	0604212N	OTHER HELO DEVELOPMENT	11,101	11,101
089	0604214N	AV-8B AIRCRAFT—ENG DEV	39,878	39,878
090	0604215N	STANDARDS DEVELOPMENT	53,059	53,059
091	0604216N	MULTI-MISSION HELICOPTER UPGRADE DEVELOPMENT.	21,358	21,358
092	0604218N	AIR/OCEAN EQUIPMENT ENGINEERING	4,515	4,515
093	0604221N	P-3 MODERNIZATION PROGRAM	1,514	1,514
094	0604230N	WARFARE SUPPORT SYSTEM	5,875	5,875
095	0604231N	TACTICAL COMMAND SYSTEM	81,553	81,553
096	0604234N	ADVANCED HAWKEYE	272,149	264,149

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Line	Program Element	Item	FY 2016 Request	Agreement Authorized
		Cost growth		[-8,000]
097	0604245N	H-1 UPGRADES	27,235	27,235
098	0604261N	ACOUSTIC SEARCH SENSORS	35,763	35,763
099	0604262N	V-22A	87,918	87,918
100	0604264N	AIR CREW SYSTEMS DEVELOPMENT	12,679	12,679
101	0604269N	EA-18	56,921	56,921
102	0604270N	ELECTRONIC WARFARE DEVELOPMENT	23,685	23,685
103	0604273N	EXECUTIVE HELO DEVELOPMENT	507,093	507,093
104	0604274N	NEXT GENERATION JAMMER (NGJ)	411,767	403,767
		Contract delays		[-8,000]
105	0604280N	JOINT TACTICAL RADIO SYSTEM—NAVY (JTRS-NAVY).	25,071	25,071
106	0604307N	SURFACE COMBATANT COMBAT SYSTEM ENGINEERING. Aegis development support growth	443,433	421,133
				[-22,300]
107	0604311N	LPD-17 CLASS SYSTEMS INTEGRATION	747	747
108	0604329N	SMALL DIAMETER BOMB (SDB)	97,002	84,644
		F-18 integration contract delay		[-12,358]
109	0604366N	STANDARD MISSILE IMPROVEMENTS	129,649	129,649
110	0604373N	AIRBORNE MCM	11,647	11,647
111	0604376M	MARINE AIR GROUND TASK FORCE (MAGTF) ELECTRONIC WARFARE (EW) FOR AVIATION.	2,778	2,778
112	0604378N	NAVAL INTEGRATED FIRE CONTROL—COUNTER AIR SYSTEMS ENGINEERING.	23,695	23,695
113	0604404N	UNMANNED CARRIER LAUNCHED AIRBORNE SURVEILLANCE AND STRIKE (UCLASS) SYSTEM. Competitive air vehicle risk reduction activities	134,708	484,708
				[300,000]
		Government and industry source selection preparation.		[50,000]
114	0604501N	ADVANCED ABOVE WATER SENSORS	43,914	43,914
115	0604503N	SSN-688 AND TRIDENT MODERNIZATION	109,908	109,908
116	0604504N	AIR CONTROL	57,928	57,928
117	0604512N	SHIPBOARD AVIATION SYSTEMS	120,217	120,217
118	0604522N	AIR AND MISSILE DEFENSE RADAR (AMDR) SYSTEM.	241,754	241,754
119	0604558N	NEW DESIGN SSN	122,556	122,556
120	0604562N	SUBMARINE TACTICAL WARFARE SYSTEM	48,213	60,213
		Accelerate submarine combat and weapon system modernization.		[12,000]
121	0604567N	SHIP CONTRACT DESIGN/ LIVE FIRE T&E	49,712	49,712
122	0604574N	NAVY TACTICAL COMPUTER RESOURCES	4,096	4,096
123	0604580N	VIRGINIA PAYLOAD MODULE (VPM)	167,719	167,719
124	0604601N	MINE DEVELOPMENT	15,122	15,122
125	0604610N	LIGHTWEIGHT TORPEDO DEVELOPMENT	33,738	33,738
126	0604654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT.	8,123	8,123
127	0604703N	PERSONNEL, TRAINING, SIMULATION, AND HUMAN FACTORS.	7,686	7,686
128	0604727N	JOINT STANDOFF WEAPON SYSTEMS	405	405
129	0604755N	SHIP SELF DEFENSE (DETECT & CONTROL)	153,836	153,836
130	0604756N	SHIP SELF DEFENSE (ENGAGE: HARD KILL)	99,619	99,619
131	0604757N	SHIP SELF DEFENSE (ENGAGE: SOFT KILL/EW)	116,798	116,798
132	0604761N	INTELLIGENCE ENGINEERING	4,353	4,353
133	0604771N	MEDICAL DEVELOPMENT	9,443	9,443
134	0604777N	NAVIGATION/ID SYSTEM	32,469	32,469
135	0604800M	JOINT STRIKE FIGHTER (JSF)—EMD	537,901	537,901

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136	0604800N	JOINT STRIKE FIGHTER (JSF)—EMD	504,736	504,736
137	0604810M	JOINT STRIKE FIGHTER FOLLOW ON DEVELOPMENT—MARINE CORPS. Program delay	59,265	20,800 [-38,465]
138	0604810N	JOINT STRIKE FIGHTER FOLLOW ON DEVELOPMENT—NAVY. Program delay	47,579	21,244 [-26,335]
139	0605013M	INFORMATION TECHNOLOGY DEVELOPMENT	5,914	5,914
140	0605013N	INFORMATION TECHNOLOGY DEVELOPMENT	89,711	89,711
141	0605212N	CH-53K RDTE	632,092	632,092
142	0605220N	SHIP TO SHORE CONNECTOR (SSC)	7,778	7,778
143	0605450N	JOINT AIR-TO-GROUND MISSILE (JAGM)	25,898	25,898
144	0605500N	MULTI-MISSION MARITIME AIRCRAFT (MMA)	247,929	247,929
145	0204202N	DDG-1000	103,199	103,199
146	0304231N	TACTICAL COMMAND SYSTEM—MIP	998	998
147	0304785N	TACTICAL CRYPTOLOGIC SYSTEMS	17,785	17,785
148	0305124N	SPECIAL APPLICATIONS PROGRAM	35,905	35,905
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION.	6,308,800	6,555,342
		MANAGEMENT SUPPORT		
149	0604256N	THREAT SIMULATOR DEVELOPMENT	30,769	30,769
150	0604258N	TARGET SYSTEMS DEVELOPMENT	112,606	112,606
151	0604759N	MAJOR T&E INVESTMENT	61,234	61,234
152	0605126N	JOINT THEATER AIR AND MISSILE DEFENSE ORGANIZATION.	6,995	6,995
153	0605152N	STUDIES AND ANALYSIS SUPPORT—NAVY	4,011	4,011
154	0605154N	CENTER FOR NAVAL ANALYSES	48,563	48,563
155	0605285N	NEXT GENERATION FIGHTER	5,000	5,000
157	0605804N	TECHNICAL INFORMATION SERVICES	925	925
158	0605853N	MANAGEMENT, TECHNICAL & INTERNATIONAL SUPPORT.	78,143	78,143
159	0605856N	STRATEGIC TECHNICAL SUPPORT	3,258	3,258
160	0605861N	RDT&E SCIENCE AND TECHNOLOGY MANAGEMENT.	76,948	76,948
161	0605863N	RDT&E SHIP AND AIRCRAFT SUPPORT	132,122	132,122
162	0605864N	TEST AND EVALUATION SUPPORT	351,912	351,912
163	0605865N	OPERATIONAL TEST AND EVALUATION CAPABILITY.	17,985	17,985
164	0605866N	NAVY SPACE AND ELECTRONIC WARFARE (SEW) SUPPORT.	5,316	5,316
165	0605867N	SEW SURVEILLANCE/RECONNAISSANCE SUPPORT	6,519	6,519
166	0605873M	MARINE CORPS PROGRAM WIDE SUPPORT	13,649	13,649
		SUBTOTAL MANAGEMENT SUPPORT	955,955	955,955
		OPERATIONAL SYSTEMS DEVELOPMENT		
174	0101221N	STRATEGIC SUB & WEAPONS SYSTEM SUPPORT	107,039	107,039
175	0101224N	SSBN SECURITY TECHNOLOGY PROGRAM	46,506	46,506
176	0101226N	SUBMARINE ACOUSTIC WARFARE DEVELOPMENT Accelerate combat rapid attack weapon	3,900	4,700 [800]
177	0101402N	NAVY STRATEGIC COMMUNICATIONS	16,569	16,569
178	0203761N	RAPID TECHNOLOGY TRANSITION (RTT)	18,632	11,132 [-7,500]
		TIPS program growth		
179	0204136N	F/A-18 SQUADRONS	133,265	133,265
181	0204163N	FLEET TELECOMMUNICATIONS (TACTICAL)	62,867	51,067 [-11,800]
		Joint aerial layer network growth		
182	0204228N	SURFACE SUPPORT	36,045	36,045
183	0204229N	TOMAHAWK AND TOMAHAWK MISSION PLANNING CENTER (TMPC).	25,228	25,228

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Line	Program Element	Item	FY 2016 Request	Agreement Authorized
184	0204311N	INTEGRATED SURVEILLANCE SYSTEM	54,218	54,218
185	0204413N	AMPHIBIOUS TACTICAL SUPPORT UNITS (DIS- PLACEMENT CRAFT).	11,335	11,335
186	0204460M	GROUND/AIR TASK ORIENTED RADAR (G/ATOR) Block II test assets early to need	80,129	65,629 [-14,500]
187	0204571N	CONSOLIDATED TRAINING SYSTEMS DEVELOP- MENT.	39,087	39,087
188	0204574N	CRYPTOLOGIC DIRECT SUPPORT	1,915	1,915
189	0204575N	ELECTRONIC WARFARE (EW) READINESS SUP- PORT.	46,609	46,609
190	0205601N	HARM IMPROVEMENT	52,708	16,164
		AARGM extended range program growth		[-36,544]
191	0205604N	TACTICAL DATA LINKS	149,997	149,997
192	0205620N	SURFACE ASW COMBAT SYSTEM INTEGRATION	24,460	24,460
193	0205632N	MK-48 ADCAP	42,206	47,706
		Accelerate torpedo upgrades		[5,500]
194	0205633N	AVIATION IMPROVEMENTS	117,759	117,759
195	0205675N	OPERATIONAL NUCLEAR POWER SYSTEMS	101,323	101,323
196	0206313M	MARINE CORPS COMMUNICATIONS SYSTEMS	67,763	67,763
197	0206335M	COMMON AVIATION COMMAND AND CONTROL SYSTEM (CAC2S).	13,431	13,431
198	0206623M	MARINE CORPS GROUND COMBAT/SUPPORTING ARMS SYSTEMS. Project delays	56,769	48,669 [-8,100]
199	0206624M	MARINE CORPS COMBAT SERVICES SUPPORT	20,729	20,729
200	0206625M	USMC INTELLIGENCE/ELECTRONIC WARFARE SYSTEMS (MIP).	13,152	13,152
201	0206629M	AMPHIBIOUS ASSAULT VEHICLE	48,535	48,535
202	0207161N	TACTICAL AIM MISSILES	76,016	76,016
203	0207163N	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM).	32,172	32,172
208	0303109N	SATELLITE COMMUNICATIONS (SPACE)	53,239	53,239
209	0303138N	CONSOLIDATED AFLOAT NETWORK ENTERPRISE SERVICES (CANES).	21,677	21,677
210	0303140N	INFORMATION SYSTEMS SECURITY PROGRAM	28,102	28,102
211	0303150M	WWMCCS/GLOBAL COMMAND AND CONTROL SYS- TEM.	294	294
213	0305160N	NAVY METEOROLOGICAL AND OCEAN SENSORS- SPACE (METOC).	599	599
214	0305192N	MILITARY INTELLIGENCE PROGRAM (MIP) ACTIVI- TIES.	6,207	6,207
215	0305204N	TACTICAL UNMANNED AERIAL VEHICLES	8,550	8,550
216	0305205N	UAS INTEGRATION AND INTEROPERABILITY	41,831	41,831
217	0305208M	DISTRIBUTED COMMON GROUND/SURFACE SYS- TEMS.	1,105	1,105
218	0305208N	DISTRIBUTED COMMON GROUND/SURFACE SYS- TEMS.	33,149	33,149
219	0305220N	RQ-4 UAV	227,188	227,188
220	0305231N	MQ-8 UAV	52,770	52,770
221	0305232M	RQ-11 UAV	635	635
222	0305233N	RQ-7 UAV	688	688
223	0305234N	SMALL (LEVEL 0) TACTICAL UAS (STUASLo)	4,647	4,647
224	0305239M	RQ-21A	6,435	6,435
225	0305241N	MULTI-INTELLIGENCE SENSOR DEVELOPMENT	49,145	49,145
226	0305242M	UNMANNED AERIAL SYSTEMS (UAS) PAYLOADS (MIP).	9,246	9,246
227	0305421N	RQ-4 MODERNIZATION	150,854	150,854
228	0308601N	MODELING AND SIMULATION SUPPORT	4,757	4,757
229	0702207N	DEPOT MAINTENANCE (NON-IF)	24,185	24,185
231	0708730N	MARITIME TECHNOLOGY (MARITECH)	4,321	4,321
231A	9999999999	CLASSIFIED PROGRAMS	1,252,185	1,252,185

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		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT.	3,482,173	3,410,029
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY.	17,885,916	18,240,379
		RESEARCH, DEVELOPMENT, TEST & EVAL, AF		
		BASIC RESEARCH		
001	0601102F	DEFENSE RESEARCH SCIENCES	329,721	352,221
		Basic research program increase		[22,500]
002	0601103F	UNIVERSITY RESEARCH INITIATIVES	141,754	141,754
003	0601108F	HIGH ENERGY LASER RESEARCH INITIATIVES	13,778	13,778
		SUBTOTAL BASIC RESEARCH	485,253	507,753
		APPLIED RESEARCH		
004	0602102F	MATERIALS	125,234	125,234
005	0602201F	AEROSPACE VEHICLE TECHNOLOGIES	123,438	123,438
006	0602202F	HUMAN EFFECTIVENESS APPLIED RESEARCH	100,530	100,530
007	0602203F	AEROSPACE PROPULSION	182,326	182,326
008	0602204F	AEROSPACE SENSORS	147,291	147,291
009	0602601F	SPACE TECHNOLOGY	116,122	116,122
010	0602602F	CONVENTIONAL MUNITIONS	99,851	99,851
011	0602605F	DIRECTED ENERGY TECHNOLOGY	115,604	115,604
012	0602788F	DOMINANT INFORMATION SCIENCES AND METHODS.	164,909	164,909
013	0602890F	HIGH ENERGY LASER RESEARCH	42,037	42,037
		SUBTOTAL APPLIED RESEARCH	1,217,342	1,217,342
		ADVANCED TECHNOLOGY DEVELOPMENT		
014	0603112F	ADVANCED MATERIALS FOR WEAPON SYSTEMS ... Metals Affordability Initiative	37,665	47,665 [10,000]
015	0603199F	SUSTAINMENT SCIENCE AND TECHNOLOGY (S&T)	18,378	18,378
016	0603203F	ADVANCED AEROSPACE SENSORS	42,183	42,183
017	0603211F	AEROSPACE TECHNOLOGY DEV/DEMO	100,733	100,733
018	0603216F	AEROSPACE PROPULSION AND POWER TECHNOLOGY.	168,821	168,821
019	0603270F	ELECTRONIC COMBAT TECHNOLOGY	47,032	47,032
020	0603401F	ADVANCED SPACECRAFT TECHNOLOGY	54,897	54,897
021	0603444F	MAUI SPACE SURVEILLANCE SYSTEM (MSSS)	12,853	12,853
022	0603456F	HUMAN EFFECTIVENESS ADVANCED TECHNOLOGY DEVELOPMENT.	25,448	25,448
023	0603601F	CONVENTIONAL WEAPONS TECHNOLOGY	48,536	48,536
024	0603605F	ADVANCED WEAPONS TECHNOLOGY	30,195	30,195
025	0603680F	MANUFACTURING TECHNOLOGY PROGRAM	42,630	52,630
		Maturation of advanced manufacturing for low-cost sustainment.		[10,000]
026	0603788F	BATTLESPACE KNOWLEDGE DEVELOPMENT AND DEMONSTRATION.	46,414	46,414
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT.	675,785	695,785
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
027	0603260F	INTELLIGENCE ADVANCED DEVELOPMENT	5,032	5,032
029	0603438F	SPACE CONTROL TECHNOLOGY	4,070	4,070
030	0603742F	COMBAT IDENTIFICATION TECHNOLOGY	21,790	21,790
031	0603790F	NATO RESEARCH AND DEVELOPMENT	4,736	4,736
033	0603830F	SPACE SECURITY AND DEFENSE PROGRAM	30,771	30,771
034	0603851F	INTERCONTINENTAL BALLISTIC MISSILE—DEVAL.	39,765	39,765
036	0604015F	LONG RANGE STRIKE	1,246,228	556,228
		Delayed EMD contract award		[-690,000]

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Line	Program Element	Item	FY 2016 Request	Agreement Authorized
037	0604317F	TECHNOLOGY TRANSFER	3,512	8,512
		Technology transfer program increase		[5,000]
038	0604327F	HARD AND DEEPLY BURIED TARGET DEFEAT SYSTEM (HDBTDS) PROGRAM.	54,637	54,637
040	0604422F	WEATHER SYSTEM FOLLOW-ON	76,108	51,108
		Unjustified increase and analysis of alternatives		[-25,000]
044	0604857F	OPERATIONALLY RESPONSIVE SPACE	6,457	19,957
		SSA, Weather, or Launch Activities		[13,500]
045	0604858F	TECH TRANSITION PROGRAM	246,514	246,514
046	0605230F	GROUND BASED STRATEGIC DETERRENT	75,166	75,166
049	0207110F	NEXT GENERATION AIR DOMINANCE	8,830	8,830
050	0207455F	THREE DIMENSIONAL LONG-RANGE RADAR (3DELRR).	14,939	14,939
051	0305164F	NAVSTAR GLOBAL POSITIONING SYSTEM (USER EQUIPMENT) (SPACE).	142,288	142,288
052	0306250F	CYBER OPERATIONS TECHNOLOGY DEVELOPMENT.	81,732	96,732
		Increase USCC Cyber Operations Technology Development.		[15,000]
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	2,062,575	1,381,075
		SYSTEM DEVELOPMENT & DEMONSTRATION		
055	0604270F	ELECTRONIC WARFARE DEVELOPMENT	929	929
056	0604281F	TACTICAL DATA NETWORKS ENTERPRISE	60,256	60,256
057	0604287F	PHYSICAL SECURITY EQUIPMENT	5,973	5,973
058	0604329F	SMALL DIAMETER BOMB (SDB)—EMD	32,624	32,624
059	0604421F	COUNTERSPACE SYSTEMS	24,208	24,208
060	0604425F	SPACE SITUATION AWARENESS SYSTEMS	32,374	32,374
061	0604426F	SPACE FENCE	243,909	243,909
062	0604429F	AIRBORNE ELECTRONIC ATTACK	8,358	8,358
063	0604441F	SPACE BASED INFRARED SYSTEM (SBIRS) HIGH EMD.	292,235	292,235
064	0604602F	ARMAMENT/ORDNANCE DEVELOPMENT	40,154	40,154
065	0604604F	SUBMUNITIONS	2,506	2,506
066	0604617F	AGILE COMBAT SUPPORT	57,678	57,678
067	0604706F	LIFE SUPPORT SYSTEMS	8,187	8,187
068	0604735F	COMBAT TRAINING RANGES	15,795	15,795
069	0604800F	F-35—EMD	589,441	589,441
071	0604853F	EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM (SPACE)—EMD.	84,438	184,438
		EELV Program—Rocket Propulsion System Development.		[100,000]
072	0604932F	LONG RANGE STANDOFF WEAPON	36,643	16,143
		Contract delay		[-20,500]
073	0604933F	ICBM FUZE MODERNIZATION	142,551	142,551
074	0605213F	F-22 MODERNIZATION INCREMENT 3.2B	140,640	140,640
075	0605214F	GROUND ATTACK WEAPONS FUZE DEVELOPMENT	3,598	3,598
076	0605221F	KC-46	602,364	402,364
		Program decrease		[-200,000]
077	0605223F	ADVANCED PILOT TRAINING	11,395	11,395
078	0605229F	CSAR HH-60 RECAPITALIZATION	156,085	156,085
080	0605431F	ADVANCED EHF MILSATCOM (SPACE)	228,230	228,230
081	0605432F	POLAR MILSATCOM (SPACE)	72,084	72,084
082	0605433F	WIDEBAND GLOBAL SATCOM (SPACE)	56,343	52,343
		Excess to need		[-4,000]

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Line	Program Element	Item	FY 2016 Request	Agreement Authorized
083	0605458F	AIR & SPACE OPS CENTER 10.2 RDT&E	47,629	47,629
084	0605931F	B-2 DEFENSIVE MANAGEMENT SYSTEM	271,961	271,961
085	0101125F	NUCLEAR WEAPONS MODERNIZATION	212,121	212,121
086	0207171F	F-15 EPAWSS	186,481	186,481
087	0207701F	FULL COMBAT MISSION TRAINING	18,082	18,082
088	0305176F	COMBAT SURVIVOR EVADER LOCATOR	993	993
089	0307581F	NEXTGEN JSTARS	44,343	44,343
091	0401319F	PRESIDENTIAL AIRCRAFT REPLACEMENT (PAR)	102,620	102,620
092	0701212F	AUTOMATED TEST SYSTEMS	14,563	14,563
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION.	3,847,791	3,723,291
		MANAGEMENT SUPPORT		
093	0604256F	THREAT SIMULATOR DEVELOPMENT	23,844	23,844
094	0604759F	MAJOR T&E INVESTMENT	68,302	73,302
		Airborne Sensor Data Correlation Project		[5,000]
095	0605101F	RAND PROJECT AIR FORCE	34,918	34,918
097	0605712F	INITIAL OPERATIONAL TEST & EVALUATION	10,476	10,476
098	0605807F	TEST AND EVALUATION SUPPORT	673,908	673,908
099	0605860F	ROCKET SYSTEMS LAUNCH PROGRAM (SPACE)	21,858	21,858
100	0605864F	SPACE TEST PROGRAM (STP)	28,228	28,228
101	0605976F	FACILITIES RESTORATION AND MODERNIZATION—TEST AND EVALUATION SUPPORT.	40,518	40,518
102	0605978F	FACILITIES SUSTAINMENT—TEST AND EVALUATION SUPPORT.	27,895	27,895
103	0606017F	REQUIREMENTS ANALYSIS AND MATURATION	16,507	16,507
104	0606116F	SPACE TEST AND TRAINING RANGE DEVELOPMENT.	18,997	18,997
106	0606392F	SPACE AND MISSILE CENTER (SMC) CIVILIAN WORKFORCE.	185,305	176,727
		Excess to need		[-8,578]
107	0308602F	ENTEPRISE INFORMATION SERVICES (EIS)	4,841	4,841
108	0702806F	ACQUISITION AND MANAGEMENT SUPPORT	15,357	15,357
109	0804731F	GENERAL SKILL TRAINING	1,315	1,315
111	1001004F	INTERNATIONAL ACTIVITIES	2,315	2,315
		SUBTOTAL MANAGEMENT SUPPORT	1,174,584	1,171,006
		OPERATIONAL SYSTEMS DEVELOPMENT		
112	0603423F	GLOBAL POSITIONING SYSTEM III—OPERATIONAL CONTROL SEGMENT.	350,232	350,232
113	0604233F	SPECIALIZED UNDERGRADUATE FLIGHT TRAINING.	10,465	10,465
114	0604445F	WIDE AREA SURVEILLANCE	24,577	24,577
117	0605018F	AF INTEGRATED PERSONNEL AND PAY SYSTEM (AF-IPPS).	69,694	10,694
		Forward financing, excluding funding for audit readiness.		[-59,000]
118	0605024F	ANTI-TAMPER TECHNOLOGY EXECUTIVE AGENCY	26,718	26,718
119	0605278F	HC/MC-130 RECAP RDT&E	10,807	10,807
121	0101113F	B-52 SQUADRONS	74,520	74,520
122	0101122F	AIR-LAUNCHED CRUISE MISSILE (ALCM)	451	451
123	0101126F	B-1B SQUADRONS	2,245	2,245
124	0101127F	B-2 SQUADRONS	108,183	108,183
125	0101213F	MINUTEMAN SQUADRONS	178,929	178,929
126	0101313F	STRAT WAR PLANNING SYSTEM—USSTRATCOM	28,481	28,481
127	0101314F	NIGHT FIST—USSTRATCOM	87	87
128	0101316F	WORLDWIDE JOINT STRATEGIC COMMUNICATIONS.	5,315	5,315
131	0105921F	SERVICE SUPPORT TO STRATCOM—SPACE ACTIVITIES.	8,090	8,090
132	0205219F	MQ-9 UAV	123,439	123,439
134	0207131F	A-10 SQUADRONS		16,200

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Line	Program Element	Item	FY 2016 Request	Agreement Authorized
		A-10 restoration: operational flight program development.		[16,200]
135	0207133F	F-16 SQUADRONS	148,297	198,297
		AESA Radar Integration		[50,000]
136	0207134F	F-15E SQUADRONS	179,283	192,079
		Transfer from procurement		[12,796]
137	0207136F	MANNED DESTRUCTIVE SUPPRESSION	14,860	14,860
138	0207138F	F-22A SQUADRONS	262,552	262,552
139	0207142F	F-35 SQUADRONS	115,395	53,921
		Program delay		[-61,474]
140	0207161F	TACTICAL AIM MISSILES	43,360	43,360
141	0207163F	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM).	46,160	46,160
143	0207224F	COMBAT RESCUE AND RECOVERY	412	412
144	0207227F	COMBAT RESCUE—PARARESCUE	657	657
145	0207247F	AF TENCAP	31,428	31,428
146	0207249F	PRECISION ATTACK SYSTEMS PROCUREMENT	1,105	1,105
147	0207253F	COMPASS CALL	14,249	14,249
148	0207268F	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM.	103,942	103,942
149	0207325F	JOINT AIR-TO-SURFACE STANDOFF MISSILE (JASSM).	12,793	12,793
150	0207410F	AIR & SPACE OPERATIONS CENTER (AOC)	21,193	21,193
151	0207412F	CONTROL AND REPORTING CENTER (CRC)	559	559
152	0207417F	AIRBORNE WARNING AND CONTROL SYSTEM (AWACS).	161,812	161,812
153	0207418F	TACTICAL AIRBORNE CONTROL SYSTEMS	6,001	6,001
155	0207431F	COMBAT AIR INTELLIGENCE SYSTEM ACTIVITIES	7,793	7,793
156	0207444F	TACTICAL AIR CONTROL PARTY-MOD	12,465	12,465
157	0207448F	C2ISR TACTICAL DATA LINK	1,681	1,681
159	0207452F	DCAPES	16,796	16,796
161	0207590F	SEEK EAGLE	21,564	21,564
162	0207601F	USAF MODELING AND SIMULATION	24,994	24,994
163	0207605F	WARGAMING AND SIMULATION CENTERS	6,035	6,035
164	0207697F	DISTRIBUTED TRAINING AND EXERCISES	4,358	4,358
165	0208006F	MISSION PLANNING SYSTEMS	55,835	55,835
167	0208087F	AF OFFENSIVE CYBERSPACE OPERATIONS	12,874	12,874
168	0208088F	AF DEFENSIVE CYBERSPACE OPERATIONS	7,681	7,681
171	0301017F	GLOBAL SENSOR INTEGRATED ON NETWORK (GSIN).	5,974	5,974
177	0301400F	SPACE SUPERIORITY INTELLIGENCE	13,815	13,815
178	0302015F	E-4B NATIONAL AIRBORNE OPERATIONS CENTER (NAOC).	80,360	80,360
179	0303001F	FAMILY OF ADVANCED BLOS TERMINALS (FAB-T)	3,907	3,907
180	0303131F	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN).	75,062	75,062
181	0303140F	INFORMATION SYSTEMS SECURITY PROGRAM	46,599	46,599
183	0303142F	GLOBAL FORCE MANAGEMENT—DATA INITIATIVE	2,470	2,470
186	0304260F	AIRBORNE SIGINT ENTERPRISE	112,775	112,775
189	0305099F	GLOBAL AIR TRAFFIC MANAGEMENT (GATM)	4,235	4,235
192	0305110F	SATELLITE CONTROL NETWORK (SPACE)	7,879	5,879
		Unjustified increase in systems engineering		[-2,000]
193	0305111F	WEATHER SERVICE	29,955	29,955
194	0305114F	AIR TRAFFIC CONTROL, APPROACH, AND LANDING SYSTEM (ATCAL).	21,485	21,485
195	0305116F	AERIAL TARGETS	2,515	2,515
198	0305128F	SECURITY AND INVESTIGATIVE ACTIVITIES	472	472
199	0305145F	ARMS CONTROL IMPLEMENTATION	12,137	12,137
200	0305146F	DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES.	361	361

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
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203	0305173F	SPACE AND MISSILE TEST AND EVALUATION CENTER.	3,162	3,162
204	0305174F	SPACE INNOVATION, INTEGRATION AND RAPID TECHNOLOGY DEVELOPMENT.	1,543	1,543
205	0305179F	INTEGRATED BROADCAST SERVICE (IBS)	7,860	7,860
206	0305182F	SPACELIFT RANGE SYSTEM (SPACE)	6,902	6,902
207	0305202F	DRAGON U-2	34,471	34,471
209	0305206F	AIRBORNE RECONNAISSANCE SYSTEMS	50,154	60,154
		Wide Area Surveillance Capability		[10,000]
210	0305207F	MANNED RECONNAISSANCE SYSTEMS	13,245	13,245
211	0305208F	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS.	22,784	22,784
212	0305219F	MQ-1 PREDATOR A UAV	716	716
213	0305220F	RQ-4 UAV	208,053	203,053
		Program delays		[-5,000]
214	0305221F	NETWORK-CENTRIC COLLABORATIVE TARGETING	21,587	21,587
215	0305236F	COMMON DATA LINK EXECUTIVE AGENT (CDL EA)	43,986	43,986
216	0305238F	NATO AGS	197,486	138,400
		Transfer to Procurement for NATO AWACS		[-59,086]
217	0305240F	SUPPORT TO DCGS ENTERPRISE	28,434	28,434
218	0305265F	GPS III SPACE SEGMENT	180,902	180,902
220	0305614F	JSPOC MISSION SYSTEM	81,911	81,911
221	0305881F	RAPID CYBER ACQUISITION	3,149	3,149
222	0305913F	NUDET DETECTION SYSTEM (SPACE)	14,447	14,447
223	0305940F	SPACE SITUATION AWARENESS OPERATIONS	20,077	20,077
225	0308699F	SHARED EARLY WARNING (SEW)	853	853
226	0401115F	C-130 AIRLIFT SQUADRON	33,962	33,962
227	0401119F	C-5 AIRLIFT SQUADRONS (IF)	42,864	22,864
		Forward financing		[-20,000]
228	0401130F	C-17 AIRCRAFT (IF)	54,807	54,807
229	0401132F	C-130J PROGRAM	31,010	31,010
230	0401134F	LARGE AIRCRAFT IR COUNTERMEASURES (LAIRCM).	6,802	6,802
231	0401219F	KC-10S	1,799	1,799
232	0401314F	OPERATIONAL SUPPORT AIRLIFT	48,453	48,453
233	0401318F	CV-22	36,576	36,576
235	0408011F	SPECIAL TACTICS / COMBAT CONTROL	7,963	7,963
236	0702207F	DEPOT MAINTENANCE (NON-IF)	1,525	1,525
237	0708610F	LOGISTICS INFORMATION TECHNOLOGY (LOGIT) ..	112,676	68,400
		Program growth		[-44,276]
238	0708611F	SUPPORT SYSTEMS DEVELOPMENT	12,657	12,657
239	0804743F	OTHER FLIGHT TRAINING	1,836	1,836
240	0808716F	OTHER PERSONNEL ACTIVITIES	121	121
241	0901202F	JOINT PERSONNEL RECOVERY AGENCY	5,911	5,911
242	0901218F	CIVILIAN COMPENSATION PROGRAM	3,604	3,604
243	0901220F	PERSONNEL ADMINISTRATION	4,598	4,598
244	0901226F	AIR FORCE STUDIES AND ANALYSIS AGENCY	1,103	1,103
246	0901538F	FINANCIAL MANAGEMENT INFORMATION SYSTEMS DEVELOPMENT.	101,840	101,840
246A	999999999	CLASSIFIED PROGRAMS	12,780,142	12,780,142
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT.	17,010,339	16,848,499
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, AF.	26,473,669	25,544,751
		RESEARCH, DEVELOPMENT, TEST & EVAL, DW BASIC RESEARCH		
001	0601000BR	DTRA BASIC RESEARCH INITIATIVE	38,436	38,436

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Line	Program Element	Item	FY 2016 Request	Agreement Authorized
002	0601101E	DEFENSE RESEARCH SCIENCES	333,119	333,119
003	0601110D8Z	BASIC RESEARCH INITIATIVES	42,022	42,022
004	0601117E	BASIC OPERATIONAL MEDICAL RESEARCH SCIENCE.	56,544	56,544
005	0601120D8Z	NATIONAL DEFENSE EDUCATION PROGRAM	49,453	54,453
		STEM program increase		[5,000]
006	0601228D8Z	HISTORICALLY BLACK COLLEGES AND UNIVER- SITIES/MINORITY INSTITUTIONS.	25,834	35,834
		Program increase		[10,000]
007	0601384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	46,261	46,261
		SUBTOTAL BASIC RESEARCH	591,669	606,669
APPLIED RESEARCH				
008	0602000D8Z	JOINT MUNITIONS TECHNOLOGY	19,352	19,352
009	0602115E	BIOMEDICAL TECHNOLOGY	114,262	114,262
010	0602234D8Z	LINCOLN LABORATORY RESEARCH PROGRAM	51,026	51,026
011	0602251D8Z	APPLIED RESEARCH FOR THE ADVANCEMENT OF S&T PRIORITIES.	48,226	48,226
012	0602303E	INFORMATION & COMMUNICATIONS TECH- NOLOGY.	356,358	356,358
014	0602383E	BIOLOGICAL WARFARE DEFENSE	29,265	29,265
015	0602384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	208,111	208,111
016	0602668D8Z	CYBER SECURITY RESEARCH	13,727	13,727
018	0602702E	TACTICAL TECHNOLOGY	314,582	309,582
		Multi-azimuth defense fast intercept round engage- ment system.		[-5,000]
019	0602715E	MATERIALS AND BIOLOGICAL TECHNOLOGY	220,115	201,721
		Program decrease		[-18,394]
020	0602716E	ELECTRONICS TECHNOLOGY	174,798	174,798
021	0602718BR	WEAPONS OF MASS DESTRUCTION DEFEAT TECH- NOLOGIES.	155,415	155,415
022	0602751D8Z	SOFTWARE ENGINEERING INSTITUTE (SEI) AP- PLIED RESEARCH.	8,824	8,824
023	1160401BB	SOF TECHNOLOGY DEVELOPMENT	37,517	37,517
		SUBTOTAL APPLIED RESEARCH	1,751,578	1,728,184
ADVANCED TECHNOLOGY DEVELOPMENT				
024	0603000D8Z	JOINT MUNITIONS ADVANCED TECHNOLOGY	25,915	25,915
026	0603122D8Z	COMBATING TERRORISM TECHNOLOGY SUPPORT	71,171	111,171
		Program increase		[40,000]
027	0603133D8Z	FOREIGN COMPARATIVE TESTING	21,782	21,782
028	0603160BR	COUNTERPROLIFERATION INITIATIVES—PRO- LIFERATION PREVENTION AND DEFEAT.	290,654	290,654
030	0603176C	ADVANCED CONCEPTS AND PERFORMANCE AS- SESSMENT.	12,139	12,139
031	0603177C	DISCRIMINATION SENSOR TECHNOLOGY	28,200	28,200
032	0603178C	WEAPONS TECHNOLOGY	45,389	7,367
		High Power Directed Energy—Missile Destruct		[-26,055]
		Move to support Multiple Object Kill Vehicle		[-11,967]
033	0603179C	ADVANCED C4ISR	9,876	9,876
034	0603180C	ADVANCED RESEARCH	17,364	17,364
035	0603225D8Z	JOINT DOD-DOE MUNITIONS TECHNOLOGY DE- VELOPMENT.	18,802	18,802
036	0603264S	AGILE TRANSPORTATION FOR THE 21ST CENTURY (AT21)—THEATER CAPABILITY.	2,679	2,679
037	0603274C	SPECIAL PROGRAM—MDA TECHNOLOGY	64,708	51,458

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Line	Program Element	Item	FY 2016 Request	Agreement Authorized
		Unjustified growth		[-13,250]
038	0603286E	ADVANCED AEROSPACE SYSTEMS	185,043	185,043
039	0603287E	SPACE PROGRAMS AND TECHNOLOGY	126,692	126,692
040	0603288D8Z	ANALYTIC ASSESSMENTS	14,645	14,645
041	0603289D8Z	ADVANCED INNOVATIVE ANALYSIS AND CONCEPTS. Program decrease	59,830	49,830 [-10,000]
042	0603294C	COMMON KILL VEHICLE TECHNOLOGY	46,753	7,195
		MOKV Concept Development		[-39,558]
043	0603384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—ADVANCED DEVELOPMENT.	140,094	140,094
044	0603527D8Z	RETRACT LARCH	118,666	108,666
		Program decrease		[-10,000]
045	0603618D8Z	JOINT ELECTRONIC ADVANCED TECHNOLOGY	43,966	23,966
		Program decrease		[-20,000]
046	0603648D8Z	JOINT CAPABILITY TECHNOLOGY DEMONSTRATIONS. Program decrease	141,540	116,540 [-25,000]
047	0603662D8Z	NETWORKED COMMUNICATIONS CAPABILITIES ...	6,980	6,980
050	0603680D8Z	DEFENSE-WIDE MANUFACTURING SCIENCE AND TECHNOLOGY PROGRAM. Unjustified growth	157,056	142,056 [-15,000]
051	0603699D8Z	EMERGING CAPABILITIES TECHNOLOGY DEVELOPMENT. Efforts to counter-ISIL and Russian aggression	33,515	41,015 [7,500]
052	0603712S	GENERIC LOGISTICS R&D TECHNOLOGY DEMONSTRATIONS.	16,543	16,543
053	0603713S	DEPLOYMENT AND DISTRIBUTION ENTERPRISE TECHNOLOGY.	29,888	29,888
054	0603716D8Z	STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM.	65,836	65,836
055	0603720S	MICROELECTRONICS TECHNOLOGY DEVELOPMENT AND SUPPORT. Trusted Source Implementation for Field Programmable Gate Arrays Study.	79,037	89,037 [10,000]
056	0603727D8Z	JOINT WARFIGHTING PROGRAM	9,626	5,000
		Program decrease		[-4,626]
057	0603739E	ADVANCED ELECTRONICS TECHNOLOGIES	79,021	79,021
058	0603760E	COMMAND, CONTROL AND COMMUNICATIONS SYSTEMS.	201,335	201,335
059	0603766E	NETWORK-CENTRIC WARFARE TECHNOLOGY	452,861	432,861
		Excessive program growth		[-20,000]
060	0603767E	SENSOR TECHNOLOGY	257,127	257,127
061	0603769SE	DISTRIBUTED LEARNING ADVANCED TECHNOLOGY DEVELOPMENT.	10,771	10,771
062	0603781D8Z	SOFTWARE ENGINEERING INSTITUTE	15,202	15,202
063	0603826D8Z	QUICK REACTION SPECIAL PROJECTS	90,500	65,500
		Unjustified growth		[-25,000]
066	0603833D8Z	ENGINEERING SCIENCE & TECHNOLOGY	18,377	18,377

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Line	Program Element	Item	FY 2016 Request	Agreement Authorized
067	0603941D8Z	TEST & EVALUATION SCIENCE & TECHNOLOGY	82,589	82,589
068	0604055D8Z	OPERATIONAL ENERGY CAPABILITY IMPROVE- MENT.	37,420	37,420
069	0303310D8Z	CWMD SYSTEMS	42,488	42,488
070	1160402BB	SOF ADVANCED TECHNOLOGY DEVELOPMENT	57,741	57,741
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT.	3,229,821	3,066,865
		ADVANCED COMPONENT DEVELOPMENT AND PROTOTYPES		
071	0603161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E ADC&P.	31,710	31,710
073	0603600D8Z	WALKOFF	90,567	90,567
074	0603714D8Z	ADVANCED SENSORS APPLICATION PROGRAM	15,900	15,900
075	0603851D8Z	ENVIRONMENTAL SECURITY TECHNICAL CERTIFICATION PROGRAM.	52,758	52,758
076	0603881C	BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE SEGMENT.	228,021	228,021
077	0603882C	BALLISTIC MISSILE DEFENSE MIDCOURSE DEFENSE SEGMENT.	1,284,891	1,284,891
077A	0603XXXX	MULTIPLE-OBJECT KILL VEHICLE		81,525
		Divert attitude control systems technology to support Multi-Object Kill Vehicle.		[10,000]
		Establish MOKV Program of Record		[71,525]
078	0603884BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—DEM/VAL.	172,754	172,754
079	0603884C	BALLISTIC MISSILE DEFENSE SENSORS	233,588	233,588
080	0603890C	BMD ENABLING PROGRAMS	409,088	409,088
080A	0603XXXX	WEAPONS TECHNOLOGY—HIGH POWER DE		26,055
		High Power Directed Energy—Missile Destruct		[26,055]
081	0603891C	SPECIAL PROGRAMS—MDA	400,387	400,387
082	0603892C	AEGIS BMD	843,355	843,355
083	0603893C	SPACE TRACKING & SURVEILLANCE SYSTEM	31,632	31,632
084	0603895C	BALLISTIC MISSILE DEFENSE SYSTEM SPACE PROGRAMS.	23,289	23,289
085	0603896C	BALLISTIC MISSILE DEFENSE COMMAND AND CONTROL, BATTLE MANAGEMENT AND COMMUNICATI.	450,085	437,785
		Future Spirals concurrency with multiple ongoing efforts and excess growth.		[-12,300]
086	0603898C	BALLISTIC MISSILE DEFENSE JOINT WARFIGHTER SUPPORT.	49,570	49,570
087	0603904C	MISSILE DEFENSE INTEGRATION & OPERATIONS CENTER (MDIOC).	49,211	49,211
088	0603906C	REGARDING TRENCH	9,583	9,583
089	0603907C	SEA BASED X-BAND RADAR (SBX)	72,866	72,866
090	0603913C	ISRAELI COOPERATIVE PROGRAMS	102,795	267,595
		Arrow 3		[19,500]
		Arrow System Improvement Program		[45,500]
		David's Sling		[99,800]
091	0603914C	BALLISTIC MISSILE DEFENSE TEST	274,323	274,323
092	0603915C	BALLISTIC MISSILE DEFENSE TARGETS	513,256	513,256
093	0603920D8Z	HUMANITARIAN DEMINING	10,129	10,129
094	0603923D8Z	COALITION WARFARE	10,350	10,350
095	0604016D8Z	DEPARTMENT OF DEFENSE CORROSION PROGRAM.	1,518	11,518

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
Line	Program Element	Item	FY 2016 Request	Agreement Authorized
		Program Increase		[10,000]
096	0604115C	TECHNOLOGY MATURATION INITIATIVES	96,300	96,300
097	0604250D8Z	ADVANCED INNOVATIVE TECHNOLOGIES	469,798	469,798
098	0604400D8Z	DEPARTMENT OF DEFENSE (DOD) UNMANNED AIRCRAFT SYSTEM (UAS) COMMON DEVELOPMENT.	3,129	3,129
103	0604826J	JOINT C5 CAPABILITY DEVELOPMENT, INTEGRATION AND INTEROPERABILITY ASSESSMENTS.	25,200	25,200
105	0604873C	LONG RANGE DISCRIMINATION RADAR (LRDR)	137,564	137,564
106	0604874C	IMPROVED HOMELAND DEFENSE INTERCEPTORS Redesigned kill vehicle development	278,944	298,944 [20,000]
107	0604876C	BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE SEGMENT TEST.	26,225	26,225
108	0604878C	AEGIS BMD TEST	55,148	55,148
109	0604879C	BALLISTIC MISSILE DEFENSE SENSOR TEST	86,764	86,764
110	0604880C	LAND-BASED SM-3 (LBSM3)	34,970	34,970
111	0604881C	AEGIS SM-3 BLOCK IIA CO-DEVELOPMENT	172,645	172,645
112	0604887C	BALLISTIC MISSILE DEFENSE MIDCOURSE SEGMENT TEST.	64,618	64,618
114	0303191D8Z	JOINT ELECTROMAGNETIC TECHNOLOGY (JET) PROGRAM.	2,660	2,660
115	0305103C	CYBER SECURITY INITIATIVE	963	963
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT AND PROTOTYPES.	6,816,554	7,106,634
		SYSTEM DEVELOPMENT AND DEMONSTRATION		
116	0604161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E SDD.	8,800	8,800
117	0604165D8Z	PROMPT GLOBAL STRIKE CAPABILITY DEVELOPMENT. Concept development by the Army of a CPGS option	78,817	88,817 [5,000]
		Concept development by the Navy of a CPGS option		[5,000]
118	0604384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—EMD.	303,647	303,647
119	0604764K	ADVANCED IT SERVICES JOINT PROGRAM OFFICE (AITS-JPO).	23,424	23,424
120	0604771D8Z	JOINT TACTICAL INFORMATION DISTRIBUTION SYSTEM (JTIDS).	14,285	14,285
121	0605000BR	WEAPONS OF MASS DESTRUCTION DEFEAT CAPABILITIES.	7,156	7,156
122	0605013BL	INFORMATION TECHNOLOGY DEVELOPMENT	12,542	42
		DCMA program decrease		[-12,500]
123	0605021SE	HOMELAND PERSONNEL SECURITY INITIATIVE	191	191
124	0605022D8Z	DEFENSE EXPORTABILITY PROGRAM	3,273	3,273
125	0605027D8Z	OUS(D) IT DEVELOPMENT INITIATIVES	5,962	5,962
126	0605070S	DOD ENTERPRISE SYSTEMS DEVELOPMENT AND DEMONSTRATION.	13,412	13,412
127	0605075D8Z	DCMO POLICY AND INTEGRATION	2,223	2,223
128	0605080S	DEFENSE AGENCY INITIATIVES (DAI)—FINANCIAL SYSTEM.	31,660	31,660
129	0605090S	DEFENSE RETIRED AND ANNUITANT PAY SYSTEM (DRAS).	13,085	13,085
130	0605210D8Z	DEFENSE-WIDE ELECTRONIC PROCUREMENT CAPABILITIES.	7,209	7,209
131	0303141K	GLOBAL COMBAT SUPPORT SYSTEM	15,158	13,794
		Early to need		[-1,364]
132	0305304D8Z	DOD ENTERPRISE ENERGY INFORMATION MANAGEMENT (EEM).	4,414	4,414

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SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
Line	Program Element	Item	FY 2016 Request	Agreement Authorized
		SUBTOTAL SYSTEM DEVELOPMENT AND DEMONSTRATION.	545,258	541,394
		MANAGEMENT SUPPORT		
133	0604774D8Z	DEFENSE READINESS REPORTING SYSTEM (DRRS)	5,581	5,581
134	0604875D8Z	JOINT SYSTEMS ARCHITECTURE DEVELOPMENT ..	3,081	3,081
135	0604940D8Z	CENTRAL TEST AND EVALUATION INVESTMENT DEVELOPMENT (CTEIP).	229,125	229,125
136	0604942D8Z	ASSESSMENTS AND EVALUATIONS	28,674	21,674
		Program decrease		[-7,000]
138	0605100D8Z	JOINT MISSION ENVIRONMENT TEST CAPABILITY (JMETC).	45,235	45,235
139	0605104D8Z	TECHNICAL STUDIES, SUPPORT AND ANALYSIS	24,936	24,936
141	0605126J	JOINT INTEGRATED AIR AND MISSILE DEFENSE ORGANIZATION (JIAMDO).	35,471	35,471
144	0605142D8Z	SYSTEMS ENGINEERING	37,655	37,655
145	0605151D8Z	STUDIES AND ANALYSIS SUPPORT—OSD	3,015	3,015
146	0605161D8Z	NUCLEAR MATTERS-PHYSICAL SECURITY	5,287	5,287
147	0605170D8Z	SUPPORT TO NETWORKS AND INFORMATION INTEGRATION.	5,289	5,289
148	0605200D8Z	GENERAL SUPPORT TO USD (INTELLIGENCE)	2,120	2,120
149	0605384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	102,264	102,264
158	0605790D8Z	SMALL BUSINESS INNOVATION RESEARCH (SBIR)/ SMALL BUSINESS TECHNOLOGY TRANSFER.	2,169	2,169
159	0605798D8Z	DEFENSE TECHNOLOGY ANALYSIS	13,960	13,960
160	0605801KA	DEFENSE TECHNICAL INFORMATION CENTER (DTIC).	51,775	51,775
161	0605803SE	R&D IN SUPPORT OF DOD ENLISTMENT, TESTING AND EVALUATION.	9,533	9,533
162	0605804D8Z	DEVELOPMENT TEST AND EVALUATION	17,371	21,371
		Program increase		[4,000]
163	0605898E	MANAGEMENT HQ—R&D	71,571	71,571
164	0606100D8Z	BUDGET AND PROGRAM ASSESSMENTS	4,123	4,123
165	0203345D8Z	DEFENSE OPERATIONS SECURITY INITIATIVE (DOSI).	1,946	1,946
166	0204571J	JOINT STAFF ANALYTICAL SUPPORT	7,673	7,673
169	0303166J	SUPPORT TO INFORMATION OPERATIONS (IO) CAPABILITIES.	10,413	10,413
170	0303260D8Z	DEFENSE MILITARY DECEPTION PROGRAM OFFICE (DMDPO).	971	971
171	0305193D8Z	CYBER INTELLIGENCE	6,579	6,579
173	0804767D8Z	COCOM EXERCISE ENGAGEMENT AND TRAINING TRANSFORMATION (CE2T2)—MHA.	43,811	43,811
174	0901598C	MANAGEMENT HQ—MDA	35,871	35,871
176	0903230D8W	WHS—MISSION OPERATIONS SUPPORT—IT	1,072	1,072
177A	9999999999	CLASSIFIED PROGRAMS	49,500	49,500
		SUBTOTAL MANAGEMENT SUPPORT	856,071	853,071
		OPERATIONAL SYSTEM DEVELOPMENT		
178	0604130V	ENTERPRISE SECURITY SYSTEM (ESS)	7,929	7,929
179	0605127T	REGIONAL INTERNATIONAL OUTREACH (RIO) AND PARTNERSHIP FOR PEACE INFORMATION MANA.	1,750	1,750
180	0605147T	OVERSEAS HUMANITARIAN ASSISTANCE SHARED INFORMATION SYSTEM (OHAIS).	294	294
181	0607210D8Z	INDUSTRIAL BASE ANALYSIS AND SUSTAINMENT SUPPORT.	22,576	22,576
182	0607310D8Z	CWMD SYSTEMS: OPERATIONAL SYSTEMS DEVELOPMENT.	1,901	1,901
183	0607327T	GLOBAL THEATER SECURITY COOPERATION MANAGEMENT INFORMATION SYSTEMS (G-TSCMIS).	8,474	8,474
184	0607384BP	CHEMICAL AND BIOLOGICAL DEFENSE (OPERATIONAL SYSTEMS DEVELOPMENT).	33,561	33,561
186	0208043J	PLANNING AND DECISION AID SYSTEM (PDAS)	3,061	3,061
187	0208045K	C4I INTEROPERABILITY	64,921	64,921

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
Line	Program Element	Item	FY 2016 Request	Agreement Authorized
189	0301144K	JOINT/ALLIED COALITION INFORMATION SHARING.	3,645	3,645
193	0302016K	NATIONAL MILITARY COMMAND SYSTEM-WIDE SUPPORT.	963	963
194	0302019K	DEFENSE INFO INFRASTRUCTURE ENGINEERING AND INTEGRATION.	10,186	10,186
195	0303126K	LONG-HAUL COMMUNICATIONS—DCS	36,883	36,883
196	0303131K	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN).	13,735	13,735
197	0303135G	PUBLIC KEY INFRASTRUCTURE (PKI)	6,101	6,101
198	0303136G	KEY MANAGEMENT INFRASTRUCTURE (KMI)	43,867	43,867
199	0303140D8Z	INFORMATION SYSTEMS SECURITY PROGRAM	8,957	8,957
200	0303140G	INFORMATION SYSTEMS SECURITY PROGRAM	146,890	146,890
201	0303150K	GLOBAL COMMAND AND CONTROL SYSTEM	21,503	21,503
202	0303153K	DEFENSE SPECTRUM ORGANIZATION	20,342	20,342
203	0303170K	NET-CENTRIC ENTERPRISE SERVICES (NCES)	444	444
205	0303610K	TELEPORT PROGRAM	1,736	1,736
206	0304210BB	SPECIAL APPLICATIONS FOR CONTINGENCIES	65,060	65,060
210	0305103K	CYBER SECURITY INITIATIVE	2,976	2,976
215	0305186D8Z	POLICY R&D PROGRAMS	4,182	4,182
216	0305199D8Z	NET CENTRICITY	18,130	18,130
218	0305208BB	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS.	5,302	5,302
221	0305208K	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS.	3,239	3,239
225	0305327V	INSIDER THREAT	11,733	11,733
226	0305387D8Z	HOMELAND DEFENSE TECHNOLOGY TRANSFER PROGRAM.	2,119	2,119
234	0708011S	INDUSTRIAL PREPAREDNESS	24,605	19,245
		DLA Uniform Research		[-5,360]
235	0708012S	LOGISTICS SUPPORT ACTIVITIES	1,770	1,770
236	0902298J	MANAGEMENT HQ—OJCS	2,978	2,978
237	1105219BB	MQ-9 UAV	18,151	23,151
		Medium Altitude Long Endurance Tactical (MALET) MQ-9 Unmanned Aerial Vehicle.		[5,000]
238	1105232BB	RQ-11 UAV	758	758
240	1160403BB	AVIATION SYSTEMS	173,934	189,134
		MC-130 Terrain Following/Terrain Avoidance Radar Program.		[15,200]
241	1160405BB	INTELLIGENCE SYSTEMS DEVELOPMENT	6,866	6,866
242	1160408BB	OPERATIONAL ENHANCEMENTS	63,008	63,008
243	1160431BB	WARRIOR SYSTEMS	25,342	25,342
244	1160432BB	SPECIAL PROGRAMS	3,401	3,401
245	1160480BB	SOF TACTICAL VEHICLES	3,212	3,212
246	1160483BB	MARITIME SYSTEMS	63,597	63,597
247	1160489BB	GLOBAL VIDEO SURVEILLANCE ACTIVITIES	3,933	3,933
248	1160490BB	OPERATIONAL ENHANCEMENTS INTELLIGENCE ...	10,623	10,623
248A	999999999	CLASSIFIED PROGRAMS	3,564,272	3,564,272
		SUBTOTAL OPERATIONAL SYSTEM DEVELOPMENT.	4,538,910	4,553,750
		UNDISTRIBUTED		
249	XXXXXXX	DEFENSE WIDE CYBER VULNERABILITY ASSESSMENT.		200,000
		Assess all major weapon systems for cyber vulnerability.		[200,000]
251	XXXXXXX	TECHNOLOGY OFFSET INITIATIVE		300,000
		Supports innovative technology development		[300,000]
		SUBTOTAL UNDISTRIBUTED		500,000

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
Line	Program Element	Item	FY 2016 Request	Agreement Authorized
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, DW.	18,329,861	18,956,567
		OPERATIONAL TEST & EVAL, DEFENSE MANAGEMENT SUPPORT		
001	0605118OTE	OPERATIONAL TEST AND EVALUATION	76,838	76,838
002	0605131OTE	LIVE FIRE TEST AND EVALUATION	46,882	46,882
003	0605814OTE	OPERATIONAL TEST ACTIVITIES AND ANALYSES ..	46,838	46,838
		SUBTOTAL MANAGEMENT SUPPORT	170,558	170,558
		TOTAL OPERATIONAL TEST & EVAL, DEFENSE.	170,558	170,558
		TOTAL RDT&E	69,784,963	70,005,814

Agreed to November 16, 2015.

RICHARD CHENEY MARBLE BUST—UNVEILING CEREMONY—EMANCIPATION HALL AUTHORIZATION

Nov. 16, 2015
[S. Con. Res. 24]

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. USE OF EMANCIPATION HALL FOR THE UNVEILING OF THE MARBLE BUST OF VICE PRESIDENT RICHARD CHENEY.

(a) IN GENERAL.—Emancipation Hall in the Capitol Visitor Center is authorized to be used for a ceremony to unveil the marble bust of Vice President Richard Cheney on December 3, 2015.

(b) PREPARATIONS.—The Architect of the Capitol and the Capitol Police Board shall take such action as may be necessary with respect to physical preparations and security for the ceremony described in subsection (a).

Agreed to November 16, 2015.

13TH AMENDMENT RATIFICATION—150TH ANNIVERSARY COMMEMORATION CEREMONY—EMANCIPATION HALL AUTHORIZATION

Nov. 18, 2015
[H. Con. Res. 93]

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF EMANCIPATION HALL FOR CEREMONY TO COMMEMORATE 150TH ANNIVERSARY OF RATIFICATION OF 13TH AMENDMENT.

(a) AUTHORIZATION.—Emancipation Hall in the Capitol Visitor Center is authorized to be used on December 9, 2015, for a ceremony

to commemorate the 150th anniversary of the ratification of the 13th Amendment to the Constitution of the United States, which abolished slavery in the United States.

(b) PREPARATIONS.—Physical preparations for the conduct of the ceremony described in subsection (a) shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

Agreed to November 18, 2015.

Nov. 19, 2015
[H. Con. Res. 95]

ADJOURNMENT—HOUSE OF REPRESENTATIVES AND SENATE

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on any legislative day from Thursday, November 19, 2015, through Wednesday, November 25, 2015, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2:00 p.m. on Monday, November 30, 2015, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Thursday, November 19, 2015, through Tuesday, November 24, 2015, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, November 30, 2015, or such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 3 of this concurrent resolution, whichever occurs first.

SEC. 2. (a) The Speaker or his designee, after consultation with the Minority Leader of the House, shall notify the Members of the House to reassemble at such place and time as he may designate if, in his opinion, the public interest shall warrant it.

(b) After reassembling pursuant to subsection (a), when the House adjourns on a motion offered pursuant to this subsection by its Majority Leader or his designee, the House shall again stand adjourned pursuant to the first section of this concurrent resolution.

SEC. 3. (a) The Majority Leader of the Senate or his designee, after concurrence with the Minority Leader of the Senate, shall notify the Members of the Senate to reassemble at such place and time as he may designate if, in his opinion, the public interest shall warrant it.

(b) After reassembling pursuant to subsection (a), when the Senate adjourns on a motion offered pursuant to this subsection by its Majority Leader or his designee, the Senate shall again stand adjourned pursuant to the first section of this concurrent resolution.

Agreed to November 19, 2015.

JOINT SESSION

Dec. 17, 2015
[H. Con. Res. 102]

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Tuesday, January 12, 2016, at 9 p.m., for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

Agreed to December 17, 2015.

ADJOURNMENT—HOUSE OF REPRESENTATIVES
AND SENATE

Dec. 18, 2015
[H. Con. Res. 104]

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on any legislative day from Friday, December 18, 2015, through Saturday, January 2, 2016, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned sine die, or until the time of any reassembly pursuant to section 2 of this concurrent resolution; and that when the Senate adjourns on any day from Friday, December 18, 2015, through Tuesday, December 22, 2015, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned sine die, or until the time of any reassembly pursuant to section 3 of this concurrent resolution.

SEC. 2. (a) The Speaker or his designee, after consultation with the Minority Leader of the House, shall notify the Members of the House to reassemble at such place and time as he may designate if, in his opinion, the public interest shall warrant it.

(b) After reassembling pursuant to subsection (a), when the House adjourns on a motion offered pursuant to this subsection by its Majority Leader or his designee, the House shall again stand adjourned pursuant to the first section of this concurrent resolution.

SEC. 3. (a) The Majority Leader of the Senate or his designee, after concurrence with the Minority Leader of the Senate, shall notify the Members of the Senate to reassemble at such place and time as he may designate if, in his opinion, the public interest shall warrant it.

(b) After reassembling pursuant to subsection (a), when the Senate adjourns on a motion offered pursuant to this subsection by its Majority Leader or his designee, the Senate shall again stand adjourned pursuant to the first section of this concurrent resolution.

SEC. 4. (a) When the Senate recesses or adjourns on any day of the second session of the One Hundred Fourteenth Congress from Sunday, January 3, 2016, through Friday, January 8, 2016, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it shall stand recessed or adjourned until noon on Monday, January 11, 2016, or until such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to subsection (b), whichever occurs first.

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(b) The Majority Leader of the Senate or his designee, after concurrence with the Minority Leader of the Senate, shall notify the Members of the Senate to reassemble at such place and time as he may designate if, in his opinion, the public interest shall warrant it.

(c) After reassembling pursuant to subsection (b), when the Senate recesses or adjourns on a motion offered pursuant to this subsection by its Majority Leader or his designee, the Senate shall again stand recessed or adjourned pursuant to subsection (a).

Agreed to December 18, 2015.

PROCLAMATIONS

Proclamation 9227 of January 15, 2015**Religious Freedom Day, 2015**

By the President of the United States of America

A Proclamation

From many faiths and diverse beliefs, Americans are united by the ideals we cherish. Our shared values define who we are as a people and what we stand for as a Nation. With abiding resolve, generations of patriots have fought—through great conflict and fierce debate—to secure and defend these freedoms, irrevocably weaving them deep into the fabric of our society. Today, we celebrate an early milestone in the long history of one of our country’s fundamental liberties.

On January 16, 1786, the Virginia Statute for Religious Freedom was adopted. It was one of the first laws in our Nation to codify the right of every person to profess their opinions in matters of faith, and it declares that “no man shall be compelled to frequent or support any” religion. Drafted by Thomas Jefferson and guided through the Virginia legislature by James Madison, this historic legislation served as a model for the religious liberty protections enshrined in our Constitution.

The First Amendment prohibits the Government from establishing religion. It protects the right of every person to practice their faith how they choose, to change their faith, or to practice no faith at all, and to do so free from persecution and fear. This religious freedom allows faith to flourish, and our Union is stronger because a vast array of religious communities coexist peacefully with mutual respect for one another. Since the age of Jefferson and Madison, brave women and men of faith have challenged our conscience; today, our Nation continues to be shaped by people of every religion and of no religion, bringing us closer to our founding ideals. As heirs to this proud legacy of liberty, we must remain vigilant in our efforts to safeguard these freedoms.

We must also continue our work to protect religious freedom around the globe. Throughout the world, millions of individuals are subjected to discrimination, abuse, and sanctioned violence simply for exercising their religion or choosing not to claim a faith. Communities are being driven from their ancient homelands because of who they are or how they pray, and in conflict zones, mass displacement has become all too common.

In the face of these challenges, I am proud the United States continues to stand up for the rights of all people to practice their faiths in peace. Promoting religious freedom has always been a key objective of my Administration’s foreign policy because history shows that nations that uphold the rights of their people—including the freedom of religion—are ultimately more just, more peaceful, and more successful. In every country, individuals should be free to choose and live their faith based upon the persuasion of the mind—and of the heart and soul. Today, let us continue our work to protect this tradition and advance the cause of religious freedom worldwide.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Con-

stitution and the laws of the United States, do hereby proclaim January 16, 2015, as Religious Freedom Day. I call on all Americans to commemorate this day with events and activities that teach us about this critical foundation of our Nation's liberty, and that show us how we can protect it for future generations at home and around the world.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of January, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and thirty-ninth.

BARACK OBAMA

Proclamation 9228 of January 16, 2015

Martin Luther King, Jr., Federal Holiday, 2015

By the President of the United States of America

A Proclamation

A champion for justice, the Reverend Dr. Martin Luther King, Jr., helped awaken our Nation's long-slumbering conscience and inspired a generation. Through a cacophony of division and hatred, his voice rang out, challenging America to make freedom a reality for all of God's children and prophesying a day when the discord of our Union would be transformed into a symphony of brotherhood. His clarion call echoed the promise of our founding—that each of us are created equal—and every day he worked to give meaning to this timeless creed.

Today, we pause to pay tribute to the extraordinary life and legacy of Dr. King, and we reflect on the lessons he taught us. Dr. King understood that equality requires more than the absence of oppression; it requires the presence of economic opportunity. He recognized that “we are caught in an inescapable network of mutuality, tied in a single garment of destiny.” In a world full of poverty, he called for empathy; in the face of brutality, he placed his faith in non-violence. His teachings remind us we have a duty to fight against poverty, even if we are wealthy; to care about the child in the decrepit school long after our own children have found success; and to show compassion toward the immigrant family, knowing that we were strangers once, too. Dr. King transformed the concepts of justice, liberty, and equality, and as he led marches and protests and raised his voice, he changed the course of history.

From Dr. King's courage, we draw strength and the resolve to continue climbing toward the promised land. Our Nation has made undeniable progress since his time, but securing these gains requires constant vigilance, not complacency. We have more to do to bring Dr. King's dream within reach of all our daughters and sons. We must stand together for good jobs, fair wages, safe neighborhoods, and quality education. With one voice, we must ensure the scales of justice work equally for all—considering not only how justice is applied, but also how it is perceived and experienced. As Dr. King told us, “injustice anywhere is a threat to justice everywhere,” and this remains our great unfinished business.

Through struggle and discipline, persistence and faith, patriots and prophetic leaders like Dr. King have driven our country inexorably forward. In every chapter of our great story, giants of history and unheralded foot soldiers for justice have fought to bridge the gap between our founding ideals and the realities of the time. We will never forget all who endured and sacrificed, or those who gave their lives, so that our children might live in a freer, fairer, and more just society.

In sermons and speeches, Dr. King's voice rang out with a call for us to work toward a better tomorrow. As we honor his legacy, Americans across the country will join one another for a day of service, picking up the baton handed to us by past generations and carrying forward their efforts. As one people, we will show when ordinary citizens come together to participate in the democracy we love, justice will not be denied.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim January 19, 2015, as the Martin Luther King, Jr., Federal Holiday. I encourage all Americans to observe this day with appropriate civic, community, and service projects in honor of Dr. King and to visit www.MLKDay.gov to find Martin Luther King, Jr., Day of Service projects across our country.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of January, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and thirty-ninth.

BARACK OBAMA

Proclamation 9229 of January 30, 2015

American Heart Month, 2015

By the President of the United States of America

A Proclamation

In the United States, cardiovascular disease—including heart disease, stroke, and high blood pressure—is responsible for one out of every three deaths. It is the number one killer of American women and men, and it is a leading cause of serious illness and disability. Across our Nation, we have lost devoted mothers and fathers, loved siblings, and cherished friends to this devastating epidemic. During American Heart Month, as we honor their memories, let us recommit to improving our heart health and continuing the fight against this deadly disease, for ourselves and our families.

Americans of all backgrounds can be at risk for heart disease and stroke—and nearly half of all adults have at least one major risk factor. However, individuals who are at high risk often do not know it, and data suggest that many people who experience sudden cardiac death do not act on early warning signs. That is why it is important to understand the risk factors for cardiovascular disease, such as obesity, inactivity, and diabetes, and to keep your blood pressure and cholesterol under control. By maintaining a healthy diet, getting regular exercise,

and not smoking, you can control risk factors and help protect your heart. To learn more about cardiovascular health, talk with your health-care provider and visit www.CDC.gov/heartdisease.

My Administration is committed to leading a new era of medicine—one that delivers the right treatment at the right time—and to ensuring Americans live longer, healthier, more productive lives. That is why earlier this year, I announced the Precision Medicine Initiative. This bold new effort will revolutionize how our Nation fights disease by investing in research that will enable clinicians to tailor treatments to individual patients. Additionally, in 2011 we launched Million Hearts, an unprecedented effort that is bringing together Federal Agencies, non-profit organizations, and private-sector partners to prevent 1 million heart attacks and strokes by 2017. We are working to enhance clinical care, bolster disease prevention programs, and empower individuals and communities to make healthy choices, demonstrating that improving the health system can save lives. More information on these important initiatives is available at www.NIH.gov/precisionmedicine and www.millionhearts.HHS.gov.

At the same time, First Lady Michelle Obama's *Let's Move!* initiative is encouraging young people to develop heart-healthy habits from an early age, and the Affordable Care Act is allowing more families to access quality, affordable health care. New protections under the law require most insurance plans to cover recommended preventive services without copays, and they prevent insurers from denying coverage due to a pre-existing condition like heart disease.

On Friday, February 6, Michelle and I invite all Americans to join in marking National Wear Red Day. By wearing red, we help raise awareness of cardiovascular disease and provide an important reminder that it is never too early to take action to protect our health. This month, let us reaffirm our resolve to fight this epidemic and continue our work to build a brighter future for our families.

In acknowledgement of the importance of the ongoing fight against cardiovascular disease, the Congress, by Joint Resolution approved December 30, 1963, as amended (77 Stat. 843; 36 U.S.C. 101), has requested that the President issue an annual proclamation designating February as "American Heart Month."

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim February 2015 as American Heart Month, and I invite all Americans to participate in National Wear Red Day on February 6, 2015. I also invite the Governors of the States, the Commonwealth of Puerto Rico, officials of other areas subject to the jurisdiction of the United States, and the American people to join me in recognizing and reaffirming our commitment to fighting cardiovascular disease.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of January, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and thirty-ninth.

BARACK OBAMA

Proclamation 9230 of January 30, 2015**National African American History Month, 2015**

By the President of the United States of America

A Proclamation

For generations, the story of American progress has been shaped by the inextinguishable beliefs that change is always possible and a brighter future lies ahead. With tremendous strength and abiding resolve, our ancestors—some of whom were brought to this land in chains—have woven their resilient dignity into the fabric of our Nation and taught us that we are not trapped by the mistakes of history. It was these truths that found expression as foot soldiers and Freedom Riders sat in and stood up, marched and agitated for justice and equality. This audacious movement gave birth to a new era of civil and voting rights, and slowly, we renewed our commitment to an ideal at the heart of our founding: no matter who you are, what you look like, how modest your beginnings, or the circumstances of your birth, you deserve every opportunity to achieve your God-given potential.

As we mark National African American History Month, we celebrate giants of the civil rights movement and countless other men and women whose names are etched in the hearts of their loved ones and the cornerstones of the country they helped to change. We pause to reflect on our progress and our history—not only to remember, but also to acknowledge our unfinished work. We reject the false notion that our challenges lie only in the past, and we recommit to advancing what has been left undone.

Brave Americans did not struggle and sacrifice to secure fundamental rights for themselves and others only to see those rights denied to their children and grandchildren. Our Nation is still racked with division and poverty. Too many children live in crumbling neighborhoods, cycling through substandard schools and being affected by daily violence in their communities. And Americans of all races have seen their wages and incomes stagnate while inequality continues to hold back hardworking families and entire communities.

But the trajectory of our history gives us hope. Today, we stand on the shoulders of courageous individuals who endured the thumps of billy clubs, the blasts of fire hoses, and the pain of watching dreams be deferred and denied. We honor them by investing in those around us and doing all we can to ensure every American can reach their full potential. Our country is at its best when everyone is treated fairly and has the chance to build the future they seek for themselves and their family. This means providing the opportunity for every person in America to access a world-class education, safe and affordable housing, and the job training that will prepare them for the careers of tomorrow.

Like the countless, quiet heroes who worked and bled far from the public eye, we know that with enough effort, empathy, and perseverance, people who love their country can change it. Together, we can help our Nation live up to its immense promise. This month, let us continue that unending journey toward a more just, more equal, and more perfect Union.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim February 2015 as National African American History Month. I call upon public officials, educators, librarians, and all the people of the United States to observe this month with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of January, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and thirty-ninth.

BARACK OBAMA

Proclamation 9231 of January 30, 2015

**National Teen Dating Violence Awareness and
Prevention Month, 2015**

*By the President of the United States of America
A Proclamation*

In a Nation invested in the limitless possibility of every child, ending dating violence is an urgent priority. Each year, an estimated 1 in 10 American teenagers is physically hurt on purpose by a boyfriend or girlfriend. This behavior violates our most basic values and can have profound consequences for survivors. Young people who experience dating violence are at increased risk of substance abuse, depression, poor academic performance, and future victimization. This month, we join with all those who have endured the pain of an unhealthy relationship and acknowledge the responsibility we each have to end this cycle of fear, isolation, and abuse.

Dating violence often involves the use of inappropriate actions to control a partner or resolve conflicts. These behaviors can be physical, emotional, or sexual, and can take place in person or with the use of technology and social media. Unhealthy relationships can affect people of all ages, and many teenagers do not recognize the severity of dating abuse, or they do not report it because they are afraid or ashamed to speak up. That is why it is important to talk with friends and loved ones about dating violence and to learn the warning signs of an unhealthy relationship, including extreme jealousy, constant monitoring, and possessiveness.

If you are in—or know someone who is in—an abusive relationship, the National Dating Abuse Helpline can offer immediate and confidential support. To contact the Helpline, call 1-866-331-9474, text “loveis” to 22522, or visit LoveIsRespect.org. For more information on dating violence, visit VetoViolence.CDC.gov.

It is on all of us to reject the quiet tolerance of sexual assault, and the Federal Government is committed to being part of the solution. Last year, I established the White House Task Force to Protect Students from Sexual Assault and directed its members to consider how their recommendations could apply to our Nation’s elementary and sec-

ondary schools. In addition, as part of Vice President Joe Biden's *1is2many* initiative, my Administration is working to provide teenagers and their communities with the resources and support they need, so our young people can pursue their dreams free from fear. As we strive to eliminate teen dating violence, we are focused on bolstering prevention efforts and improving our response in order to protect those at risk and ensure survivors can access the help they need.

Healthy relationships are built on respect, trust, and equality. Our commitment to these values demands that we stand up against dating abuse and all forms of intimate partner violence. During National Teen Dating Violence Awareness and Prevention Month, we are called to act. Let us recommit to fostering a society where our strength is measured by our resolve to speak out against this outrage, and where there are no barriers that prevent our daughters and sons from achieving their full potential.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim February 2015 as National Teen Dating Violence Awareness and Prevention Month. I call upon all Americans to support efforts in their communities and schools, and in their own families, to empower young people to develop healthy relationships throughout their lives and to engage in activities that prevent and respond to teen dating violence.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of January, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and thirty-ninth.

BARACK OBAMA

Proclamation 9232 of February 19, 2015

Establishment of the Browns Canyon National Monument

By the President of the United States of America

A Proclamation

In central Colorado's vibrant upper Arkansas River valley, the rugged granite cliffs, colorful rock outcroppings, and stunning mountain vistas of Browns Canyon form an iconic landscape that attracts visitors from around the world. The landscape's canyons, rivers, and backcountry forests have provided a home for humans for over 10,000 years, and the cultural and historical resources found in this landscape are a testament to the area's Native Peoples as well as the history of more recent settlers and mining communities. The area's unusual geology and roughly 3,000-foot range in elevation support a diversity of plants and wildlife, including a significant herd of bighorn sheep. Browns Canyon harbors a wealth of scientifically significant geological, ecological, riparian, cultural, and historic resources, and is an important area for studies of paleoecology, mineralogy, archaeology, and climate change.

Following its descent between the Sawatch and Mosquito Ranges, the Arkansas River flows through Browns Canyon in the heart of the upper Arkansas River valley. The Arkansas River valley is the northernmost

valley in the Río Grande Rift system, one of the most significant rift systems in the world and one of few where the Earth's continental crust is actively moving apart. The 35 million-year-old Río Grande Rift begins in the State of Chihuahua in Mexico and extends northward through New Mexico and into Colorado to a terminus in the mountains just north of Browns Canyon.

The Browns Canyon area of the upper Arkansas River valley has long offered both a permanent source of water and a means of transportation for its human inhabitants. The area lies within the transition zone between the cultural traditions of the Great Basin and Plains peoples. As a transportation corridor where stable sources of subsistence resources could be found, both migrating people and permanent inhabitants left traces of their presence in this area. Ancestors of the Ute, Apache, Eastern Shoshone, and Comanche Indians are known to have traversed this dramatic landscape while hunting and gathering.

The upper Arkansas River valley was foundational to the establishment of today's tribal configuration. It was here that the proto-Comanche (Numuna) split into two groups, the Comanche and the Eastern Shoshone. The Buffalo-Eater Band (allies of the Utes) broke away from the Eastern Shoshone in the upper Arkansas River valley vicinity sometime between the late 1600s and early 1700s, traveling south into what is present-day New Mexico, Texas, southern Colorado, western Kansas, and the panhandle of Oklahoma.

While most archaeological resources in the Browns Canyon area have not yet been surveyed or recorded, the story of people living in the upper Arkansas River valley is told through artifacts dating back over 10,000 years. Of the resources surveyed, there are 18 known archaeological sites within the Browns Canyon area, including 5 prehistoric open lithic sites that have been determined to be eligible for the National Register of Historic Places. Primarily seasonal camps, these sites include open campsites, culturally modified trees, wickiups, tipi rings, chipped stone manufacture and processing sites, a possible ceramic pottery kiln, and rock shelter sites that date to the Archaic Period. The sites range from early Archaic Period and possibly Paleo-Indian Period (around 8,000 to 13,000 years before present), which would make this among the earliest known sites in the region, to the Late Archaic Period to proto-historic period (around 3,000 years before present to the 19th century A.D.).

European exploration of the Browns Canyon region began when the Spanish explorer Juan de Ulibarri visited in 1706. A century later, Zebulon Pike explored the Browns Canyon area after his failed attempt to summit what is now known as Pike's Peak. During the late 18th and early 19th centuries, the Spanish army patrolled the upper Arkansas River valley as far north as Leadville to secure the boundaries of Spanish influence and attempt to bar access by competing traders and explorers. Fur trappers exploited the area in the first few decades of the 1800s. The region later became a center for mining, including one of the United States major historic mining districts for fluorite, a colorful mineral with both ornamental and industrial uses. The remnants of this area's mining history include small, abandoned mine sites, old cabin foundations, and nearby mining ghost towns.

Discovery of gold along the Arkansas River in the 1850s and the 1870s silver boom in Leadville brought an influx of people and a need for

transportation. In the 1870s, stage roads carried thousands of passengers through this region every year. In the 1880s, after a multi-year legal and armed battle between rival rail companies, the Denver and Río Grande Railway became the major transportation option for the region. The section of railroad bed that runs through Browns Canyon east of the Arkansas River is eligible for listing on the National Register of Historic Places. Even today, this same upper Arkansas River valley remains a major transportation corridor for Chaffee County residents and visitors, as well as an important resource for recreational anglers and boaters, and area ranchers and farmers. Local communities have proposed and conducted a feasibility study for establishing the Arkansas Stage and Rail Trail, which would serve as a testament to this travel corridor's prehistoric and historic significance.

The 1.6 billion-year-old Precambrian granodiorite batholith that constitutes the Canyon is incised by steep gulches that cut through the pink granite and metamorphic rock. Stafford Gulch provides astounding views of the unique Reef formation, a long and distinctive face of exposed rock. During the Pleistocene Epoch, glaciers covered the rugged canyons, gulches, and mountains that awe visitors today. The movement of these glaciers created unique topographical features in the river valley—including glacial cirques, flat, mesa-like terraces, and remnants of large moraines—that are not found along other major streams in the region. While shaping the topography, the glaciers also filled the valley below with masses of sediment, including the gold, silver, and semi-precious gems that fueled the mining booms of the 1800s. These gems, including the garnets that lend their name to Ruby Mountain in the northern part of the Browns Canyon area, continue to interest professional and amateur geologists.

Portions of the Browns Canyon area offer a relative wealth of Pennsylvanian age geologic exposures of the Minturn formation and Belden shale that include a diverse assemblage of invertebrate fossils. These sites represent the accumulation of shell fossils in an ancient reef environment, and include remains of bivalves, brachiopods, gastropods, echinoids, nautiloids, conodonts, crinoids, bryozoans, and vertebrates including sharks and bony fish. Many of the fossil forms remain undescribed and will form the basis for future paleontological research.

The topographic and geologic diversity of the Browns Canyon area has given rise to one of the most significant regions for biodiversity in Colorado. The forest community incorporates a transition zone, with semi-arid pinyon-juniper and mountain mahogany woodlands on the lower slopes giving way to ponderosa pine, Rocky Mountain bristlecone pine, and Douglas fir at higher elevations. Scattered pockets of aspen, willow, Rocky Mountain juniper, river birch, and narrowleaf cottonwood can be found in riparian areas. The Aspen Ridge area is also home to a significant stand of aspen. The understory is home to a variety of plant species, including blue grama grass, mountain muhly, Indian ricegrass, Arizona fescue, blue bunchgrass, prickly pear, cholla, yucca, isolated pockets of alpine bluegrass, and the endemic Brandegee's buckwheat. A stunning array of wildflowers such as the scarlet gilia and larkspur bloom here during the spring and summer. Near Ruby Mountain, imperiled plant species such as Fendler's Townsend-daisy, Fendler's false cloak-fern, livemore fiddleleaf, and the endemic Front-Range alumroot can be found. The plant community in this area has repeatedly evolved during periods of climate change since the Eocene

Epoch. Geologic and climatic changes since the Precambrian have made the area an important site for research on geology and paleoecology as well as the effects of climate change, wildland fire, and other disturbances on plant and animal communities.

Some of Colorado's most emblematic animal species call Browns Canyon home. Mountain lions, bighorn sheep, mule deer, bobcat, red and gray fox, American black bear, coyote, American pine marten, kangaroo rat, elk, and several species of tree and ground squirrels can all be found in the Browns Canyon area, which provides essential habitat for mammals and birds alike and attracts hunters and wildlife viewers. Raptors such as red-tailed hawks, Swainson's hawks, golden eagles, turkey vultures, and prairie falcons make their homes in the rocky cliffs and prey upon the abundance of small animals that live in this area. The area also provides habitat suitable for peregrine falcons, which have been identified for possible future reintroduction here, as well as potential habitat for the threatened Canada lynx. A stunning diversity of other bird species, including the cliff swallow, Canada jay, mourning dove, flicker, blue jay, wild turkey, great horned owl, western screech owl, and saw whet owl, attract ornithologists and bird enthusiasts alike to these remote hills.

A number of reptile and amphibian species occur in the area, including the sensitive boreal toad and northern leopard frog. The Browns Canyon area represents one of the only riparian ecosystems along the Arkansas River that remains relatively undisturbed and contains an intact biotic community.

The protection of the Browns Canyon area will preserve its prehistoric and historic legacy and maintain its diverse array of scientific resources, ensuring that the prehistoric, historic, and scientific values remain for the benefit of all Americans. The area also provides world class river rafting and outdoor recreation opportunities, including hunting, fishing, hiking, camping, mountain biking, and horseback riding.

WHEREAS section 320301 of title 54, United States Code (known as the "Antiquities Act"), authorizes the President, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Federal Government to be national monuments, and to reserve as a part thereof parcels of land, the limits of which shall be confined to the smallest area compatible with the proper care and management of the objects to be protected;

WHEREAS it is in the public interest to preserve the objects of scientific and historic interest on the lands in and around Browns Canyon;

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by the authority vested in me by section 320301 of title 54, United States Code, hereby proclaim the objects identified above that are situated upon lands and interests in lands owned or controlled by the Federal Government to be the Browns Canyon National Monument (monument) and, for the purpose of protecting those objects, reserve as part thereof all lands and interests in lands owned or controlled by the Federal Government within the boundaries described on the accompanying map, which is attached to and forms a

part of this proclamation. These reserved Federal lands and interests in lands encompass approximately 21,586 acres. The boundaries described on the accompanying map are confined to the smallest area compatible with the proper care and management of the objects to be protected.

All Federal lands and interests in lands within the boundaries described in the accompanying map are hereby appropriated and withdrawn from all forms of entry, location, selection, sale, leasing, or other disposition under the public land laws or laws applicable to the U.S. Forest Service, including location, entry, and patent under the mining laws, and from disposition under all laws relating to mineral and geothermal leasing, other than by exchange that furthers the protective purposes of the monument.

The establishment of the monument is subject to valid existing rights. Lands and interests in lands not owned or controlled by the Federal Government within the boundaries described on the accompanying map shall be reserved as a part of the monument, and objects identified above that are situated upon those lands and interests in lands shall be part of the monument, upon acquisition of ownership or control by the Federal Government.

The Secretary of the Interior and the Secretary of Agriculture (Secretaries) shall manage the monument through the Bureau of Land Management (BLM) and the U.S. Forest Service (USFS), pursuant to their respective applicable legal authorities, to implement the purposes of this proclamation. The USFS shall manage that portion of the monument within the boundaries of the National Forest System (NFS), and the BLM shall manage the remainder of the monument. The lands administered by the BLM shall be managed as a unit of the National Landscape Conservation System, pursuant to applicable legal authorities, including, as applicable, the provisions of section 603 of the Federal Land Policy and Management Act (43 U.S.C. 1782) governing the management of wilderness study areas. The lands administered by the USFS shall be managed as part of the Pike and San Isabel National Forests and Cimarron and Comanche National Grasslands.

For purposes of protecting and restoring the objects identified above, the Secretaries shall jointly prepare a management plan for the monument and shall promulgate such regulations for its management as deemed appropriate. In developing any management plans and any management rules and regulations governing NFS lands within the monument, the Secretary of Agriculture, through the USFS, shall consult with the Secretary of the Interior through the BLM. The Secretaries shall provide for public involvement in the development of the management plan including, but not limited to, consultation with tribal, State, and local governments. In the development and implementation of the management plan, the Secretaries shall maximize opportunities, pursuant to applicable legal authorities, for shared resources, operational efficiency, and cooperation.

Except for emergency or authorized administrative purposes, motorized and mechanized vehicle use in the monument shall be allowed only on roads and trails designated for such use, consistent with the care and management of the objects identified above. After the date of this proclamation, new roads or trails may only be designated for motorized vehicle use in areas west of the Arkansas River and at the Ruby

Mountain Recreation Site and then only as necessary to provide reasonable river or campground access, consistent with the applicable management plan. Forest Road 184 may be realigned or improved only if for the care and management of the objects identified above or as necessary for public safety.

Nothing in this proclamation affects or shall be deemed to preclude the Secretaries from reissuing existing authorizations or agreements for the cooperative administration of the Arkansas Headwaters Recreation Area. New or modified authorizations or agreements for such purpose may be issued, consistent with the care and management of the objects identified above. The Secretaries also may authorize and reauthorize commercial recreational services within the monument, including outfitting and guiding, consistent with the care and management of the objects identified above.

Nothing in this proclamation shall be deemed to affect the operation or use of the existing railroad corridor as a railroad right of way pursuant to valid existing rights or for recreational purposes consistent with the care and management of the objects identified above.

Nothing in this proclamation shall be deemed to enlarge or diminish the rights of any Indian tribe. The Secretaries shall, to the maximum extent permitted by law and in consultation with Indian tribes, ensure the protection of Indian sacred sites and traditional cultural properties in the monument and provide access by members of Indian tribes for traditional cultural and customary uses, consistent with the American Indian Religious Freedom Act (42 U.S.C. 1996) and Executive Order 13007 of May 24, 1996 (Indian Sacred Sites).

Laws, regulations, and policies followed by the BLM or the USFS in issuing and administering grazing permits or leases on lands under their jurisdiction shall continue to apply with regard to the lands in the monument, consistent with the care and management of the objects identified above.

This proclamation does not alter or affect the valid existing water rights of any party, including the United States. This proclamation does not reserve water as a matter of Federal law, and the inclusion of the land underlying the Arkansas River in the monument shall not be construed to reserve such a right. This proclamation does not alter or affect agreements governing the management and administration of Arkansas River flows, including the Voluntary Flow Management Program.

Nothing in this proclamation shall be deemed to enlarge or diminish the jurisdiction of the State of Colorado, including its jurisdiction and authority with respect to fish and wildlife management.

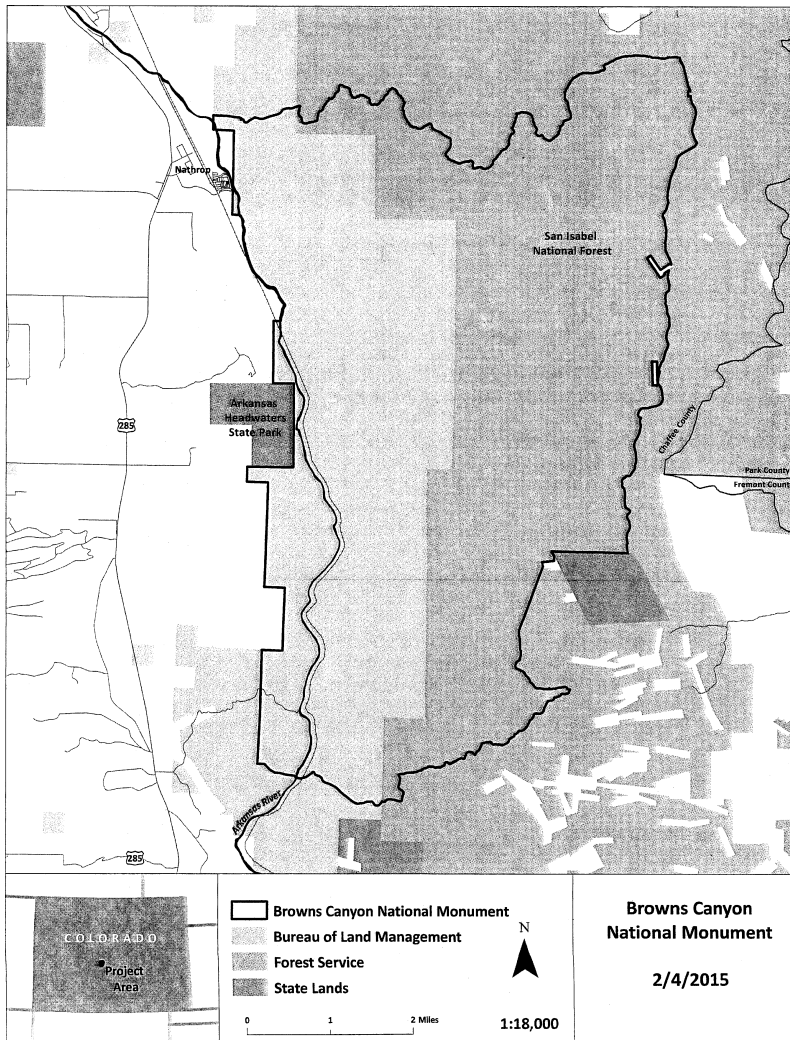
Nothing in this proclamation shall be deemed to revoke any existing withdrawal, reservation, or appropriation; however, the monument shall be the dominant reservation.

Warning is hereby given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of the monument and not to locate or settle upon any of the lands thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this nineteenth day of February, in the year of our Lord two thousand fifteen, and of

the Independence of the United States of America the two hundred and thirty-ninth.

BARACK OBAMA



Proclamation 9233 of February 19, 2015**Establishment of the Pullman National Monument**

By the President of the United States of America

A Proclamation

The Pullman National Historic Landmark District (Pullman Historic District) in Chicago, Illinois, typifies many of the economic, social, and design currents running through American life in the late 19th and early 20th century, yet it is unlike any other place in the country. Industrialist George Mortimer Pullman built the model town to house workers at his luxury rail car factories. Although his goal was to cure the social ills of the day, the tight control he exercised over his workers helped spark one of the Nation's most widespread and consequential labor strikes. The remaining structures of the Pullman Palace Car Company (Pullman Company), workers' housing, and community buildings that make up the Pullman Historic District are an evocative testament to the evolution of American industry, the rise of unions and the labor movement, the lasting strength of good urban design, and the remarkable journey of the Pullman porters toward the civil rights movement of the 20th century.

The model factory town of Pullman was created in the 1880s by the Pullman Company to manufacture railroad passenger cars and house workers and their families. Company founder George Pullman saw the positive incentives of good housing, parks, and amenities as a way to foster a happy and reliable workforce. Pullman and his wealthy industrialist peers could not fail to see the poor living conditions in which many of their workers lived. The industrial revolution drew hundreds of thousands to urban areas, which led to a rise in slums and social ills. The widening gulf between management and workers contributed to labor unrest, which was acutely felt in Chicago. Pullman was convinced that capital and labor should cooperate for mutual benefit and sought to address the needs of his workers using his philosophy of capitalist efficiency. He attempted an uncommon solution to the common problems of the day by creating a model town.

Pullman engaged young architect Solon Spencer Beman and landscape architect Nathan F. Barrett to plan the town and design its buildings and public spaces to be both practical and aesthetically pleasing. Beman designed housing in the simple yet elegant Queen Anne style and included Romanesque arches for buildings that housed shops and services. Though he strove to avoid monotony, Beman imbued the town with visual continuity. The scale, detailing, and architectural sophistication of the community were unprecedented. Barrett broke up the monotony of the grid of streets with his landscape design. Trees and street lights enlivened the streetscape. Unified, orderly, and innovative in its design, the model town of Pullman, then an independent town south of Chicago's city limits, became an internationally famous experiment in planning and attracted visitors from far and wide.

The model factory town of Pullman is considered the first planned industrial community in the United States, and served as both an influential model and a cautionary tale for subsequent industrial developments. The beauty, sanitation, and order George Pullman provided his workers and their families were not without cost. Pullman believed

people did not value the things they did not pay for. The Pullman Company owned every building and charged rents that would ensure a return on the company's investment in building the town. He also created a system of social control and hierarchy discernible in the standards of conduct for residents and in the architecture and layout of the community that can still be seen today in the well-preserved Pullman Historic District. For example, the larger, more ornate, and finely finished houses on Arcade Row were reserved for company officers, while junior workers resided in smaller, simpler row houses, and single and unskilled workers resided in tenement blocks with less ornamentation located farther away from the town's public face.

In 1893, the worst economic depression in American history prior to the Great Depression hit the country in general and the railroad industry in particular. Orders at the Pullman Company declined. The Pullman Company lowered its workers' wages but not the rents it charged those workers for company housing. These measures angered the workers and sparked the Pullman strike of 1894. The American Railway Union, led by Eugene V. Debs, had formed the year prior in Chicago, with membership open to all white railroad employees of any profession. In solidarity, American Railway Union members nationwide boycotted Pullman cars, disrupting rail traffic across much of the Nation. Thus, the strike that began as a local walkout on May 11, 1894, grew into one of American history's largest labor actions, paralyzing most of the railroads west of Detroit and threatening the national economy.

On June 27, 1894, as the Pullman strike was growing, the Congress passed legislation designating Labor Day a Federal holiday, and President Grover Cleveland signed it the next day. Thirty-one States had already adopted the holiday, but it was the Pullman strike of 1894 that spurred final Federal action in an attempt to placate workers across the Nation.

At its peak, the Pullman strike affected some 250,000 workers in 27 States and disrupted Federal mail delivery. The United States secured a court injunction declaring the strike illegal under the Sherman Antitrust Act, and President Cleveland ultimately intervened with Federal troops. The strike ended violently by mid-July, a labor defeat with national reverberations.

George Pullman did not loosen his tight control of the town of Pullman after the strike ended. Illinois sued the Pullman Company in August 1894, alleging that the company's ownership and operation of the town violated its corporate charter. The Illinois Supreme Court agreed in an 1898 decision, and ordered the company to sell all non-industrial land holdings in the town. By that time, Robert Todd Lincoln, the oldest son of President Abraham Lincoln and general counsel of the Pullman Company during the 1894 strike, had succeeded George Pullman as president of the company. In 1907, the company finally sold most of its residential properties to comply with the Illinois Supreme Court's order.

The Pullman Company would again be the focus of a nationally important labor event when, in 1937, the Brotherhood of Sleeping Car Porters (BSCP), an influential African American union founded by A. Philip Randolph, won a labor contract for the Pullman porters from the company. The Pullman Company leased its cars to railroads and directly employed the attendants—porters, waiters, and maids. At its

founding, the company hired recently freed former house slaves as porters. The porters remained a group of exclusively African American men throughout the company's history, playing a significant role in the rise of the African American middle class. By 1937, the Pullman Company had been the Nation's largest employer of African Americans for over 20 years and Pullman porters composed 44 percent of the Pullman Company workforce. The 1937 contract was the first major labor agreement between a union led by African Americans and a corporation and is considered one of the most important markers since Reconstruction toward African American independence from racist paternalism. The agreement served as a model for other African American workers and significantly contributed to the rise of the civil rights movement in the United States. The Pullman Historic District is an important site for understanding the iconic historic connection between the Pullman porters, the BSCP, and the Pullman Company.

The architecture, urban planning, transportation, labor relations, and social history of the Pullman Historic District have national significance. The Pullman Historic District tells rich, layered stories of American opportunity and discrimination, industrial engineering, corporate power and factory workers, new immigrants to this country and formerly enslaved people and their descendants, strikes and collective bargaining. The events and themes associated with the Pullman Company continue to resonate today as employers and workers still seek opportunities for better lives.

WHEREAS section 320301 of title 54, United States Code (known as the "Antiquities Act"), authorizes the President, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Federal Government to be national monuments, and to reserve as a part thereof parcels of land, the limits of which shall be confined to the smallest area compatible with the proper care and management of the objects to be protected;

WHEREAS the Pullman Historic District was designated a National Historic Landmark on December 30, 1970, establishing its national significance based on its importance in social history, architecture, and urban planning;

WHEREAS the Governor of Illinois, Members of Congress, the City of Chicago, other State, local, and private entities, including Pullman neighborhood organizations, and others have expressed support for the establishment of a national monument in the Pullman Historic District and its inclusion in the National Park System;

WHEREAS the State of Illinois Historic Preservation Agency has donated to the United States certain lands and interests in lands within the Pullman Historic District, including fee title to the Administration Clock Tower Building and an access easement thereto, for administration by the Secretary of the Interior (Secretary) through the National Park Service in accordance with the provisions of the Antiquities Act and other applicable laws;

WHEREAS it is in the public interest to preserve and protect the historic objects in the Pullman Historic District, Chicago, Illinois;

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by the authority vested in me by section 320301 of title 54, United States Code, hereby proclaim the objects identified above that are situated upon lands and interests in lands owned or controlled by the Federal Government to be the Pullman National Monument (monument) and, for the purpose of protecting those objects, reserve as a part thereof all lands and interests in lands owned or controlled by the Federal Government within the “National Monument Boundary” described on the accompanying map, which is attached to and forms a part of this proclamation. These reserved Federal lands and interests in lands encompass approximately 0.2397 acres, together with appurtenant easements for all necessary purposes.

All Federal lands and interests in lands within the “National Monument Boundary” described on the accompanying map are hereby appropriated and withdrawn from all forms of entry, location, selection, sale, leasing, or other disposition under the public land laws, from location, entry, and patent under the mining laws, and from disposition under all laws relating to mineral and geothermal leasing.

The establishment of the monument is subject to valid existing rights. Lands and interests in lands not owned or controlled by the Federal Government within the “National Monument Boundary” described on the accompanying map shall be reserved as a part of the monument, and objects identified above that are situated upon those lands and interests in lands shall be part of the monument, upon acquisition of ownership or control by the Federal Government. The “National Monument Boundary” described on the accompanying map is confined to the smallest area compatible with the proper care and management of the objects to be protected within those boundaries.

The Secretary shall manage the monument through the National Park Service, pursuant to applicable legal authorities, consistent with the purposes and provisions of this proclamation. The Secretary shall prepare a management plan for the monument within 3 years of the date of this proclamation. The management plan shall ensure that the monument fulfills the following purposes for the benefit of present and future generations: (1) to preserve the historic resources; (2) to interpret the industrial history and labor struggles and achievements associated with the Pullman Company, including the rise and role of the Brotherhood of Sleeping Car Porters; and (3) to interpret the history of urban planning and design of which the planned company town of Pullman is a nationally significant example.

The management plan shall, among other provisions, set forth the desired relationship of the monument to other related resources, programs, and organizations within its boundaries, as well as at other places related to the Pullman Company and the stories associated with it. The management planning process shall provide for full public involvement, including coordination with the State of Illinois and the City of Chicago and consultation with interested parties including museums and preservation and neighborhood organizations. The management plan shall identify steps to be taken to provide interpretive opportunities and coordinate visitor services for the entirety of the Pullman Historic District to the extent practicable and appropriate for a broader understanding of the monument and the themes that contribute to its national significance.

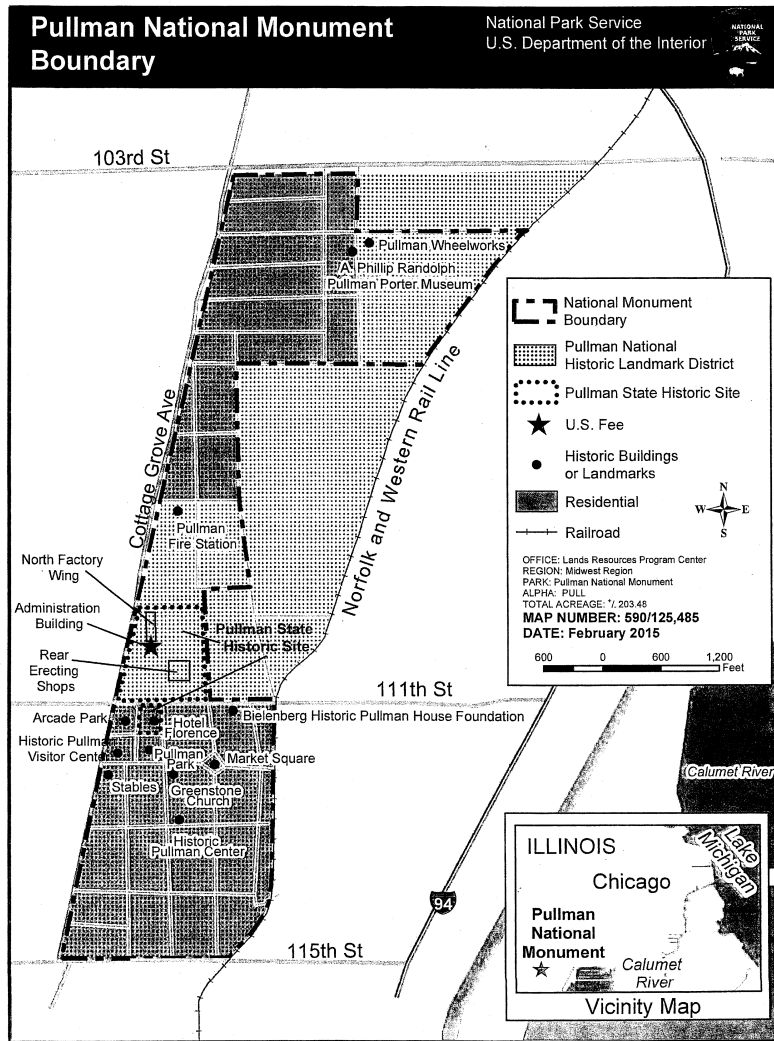
The National Park Service is directed to use applicable authorities to seek to enter into agreements with others to address common interests and promote management efficiencies, including provision of visitor services, interpretation and education, establishment and care of museum collections, and preservation of historic objects.

Nothing in this proclamation shall be deemed to revoke any existing withdrawal, reservation, or appropriation; however, the monument shall be the dominant reservation.

Warning is hereby given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this nineteenth day of February, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and thirty-ninth.

BARACK OBAMA



Proclamation 9234 of February 24, 2015

Establishment of the Honouliuli National Monument

*By the President of the United States of America
 A Proclamation*

The Honouliuli Internment Camp (Honouliuli) serves as a powerful reminder of the need to protect civil liberties in times of conflict, and the effects of martial law on civil society. Honouliuli is nationally significant for its central role during World War II as an internment site

for a population that included American citizens, resident immigrants, other civilians, enemy soldiers, and labor conscripts co-located by the U.S. military for internment or detention. While the treatment of Japanese Americans in Hawai'i differed from the treatment of Japanese Americans on the U.S. mainland in ways that are detailed below, the legacy of racial prejudice, wartime hysteria, and failure of political leadership during this period is common to the history of both Hawai'i and the mainland United States.

Early on December 7, 1941, Japanese air and naval forces attacked Pearl Harbor and other military installations on O'ahu. Before martial law was invoked, government officials began selectively rounding up Hawai'i residents on suspicion of disloyalty. They were confined at local jails, courthouses, and other facilities on six of the main Hawaiian Islands before being transported to the U.S. Immigration Station and Sand Island Detention Camp on O'ahu. Nearly all of the internees were of Japanese descent, including leaders in the Japanese American community who were educated, were teachers or priests, or were distinguished by virtue of their access to means of communication with Japan or to transportation from Hawai'i. Most would be sent to the mainland to be held for the duration of the war in Department of Justice and War Relocation Authority camps. Despite the government's allegations of disloyalty, none of the Japanese American internees from Hawai'i was ever found guilty of sabotage, espionage, or overt acts against the United States, and all later received formal apologies and many received redress compensation from the United States.

On the Island of O'ahu, the U.S. War Department sought a place removed from the active combat areas of Pearl Harbor for internment of individuals. The War Department chose Honouliuli Gulch, the bottom of which was hidden from view by the gulch's steep walls. The Honouliuli Internment Camp opened on March 2, 1943, with the transfer of internees from Sand Island and rapidly swelled in population with the influx of prisoners of war. Managed by the U.S. Army, it was the largest and longest used confinement site in Hawai'i.

Honouliuli is significant for having been used as both a civilian internment camp and a prisoner of war camp, with a population of approximately 400 civilian internees and 4,000 prisoners of war over the course of its use. Honouliuli was divided into seven compounds: one compound for administration and guards, one for civilian internees, and eventually five compounds for prisoners of war. The civilian compound was further divided into sections for male civilian internees of Japanese ancestry, female civilian internees of Japanese ancestry, and civilian internees of European ancestry. Historic documents indicate there were 175 buildings, 14 guard towers, and over 400 tents among the 7 compounds on 160 acres. Many internees referred to Honouliuli as *Jigoku-Dani* (Hell Valley) because its secluded location at the bottom of a deep gulch trapped heat and moisture and reinforced the internees' sense of isolation and unjust confinement.

The majority of Honouliuli's civilian internees were American citizens or permanent resident aliens—predominantly Japanese Americans who were citizens by birth—interned on suspicion of disloyalty. The remaining group comprised predominantly German Americans, though there were also Americans and aliens of Italian, Irish, Russian, and Scandinavian descent. Honouliuli also held women and children who were Japanese civilians displaced from the Pacific.

The 4,000 prisoners of war in Honouliuli included enemy soldiers and labor conscripts from Japan, Korea, Okinawa, Taiwan, and Italy. The prisoner of war compounds were guarded by an African American infantry unit as well as units of Japanese Americans from the mainland.

Honouliuli closed in 1945 for civilian internees and in 1946 for prisoners of war. With the closing of the camp, fast-growing vegetation quickly took over the site. Honouliuli was forgotten as Americans celebrated the victories of World War II and focused attention on the valor displayed by Americans at Pearl Harbor and abroad.

While both mainland and Hawaiian internment camps are sobering examples of wartime prejudice and injustice, Honouliuli reminds us of the differences in the way that forced removal was approached in Hawai'i and on the mainland.

The primary difference between the Japanese American experience on the mainland and on Hawai'i is that the internment in Hawai'i targeted a relatively small percentage of the ethnic Japanese population on the islands. Less than one percent of Hawai'i's ethnic Japanese population was interned in Hawai'i. This contrasts with the mass exclusion of all 120,000 Japanese Americans on the West Coast of the mainland. In Hawai'i, the Japanese American citizenry and immigrant population were over one third of the territory's total population. Without their participation in the labor force, the economy of the territory could not have been sustained and the war effort in the islands would have been crippled. Both the policies in Hawai'i and those on the mainland devastated Japanese Americans and their families and created a social stigma that was borne by Japanese Americans during and after the war. The selective nature of the internment in Hawai'i also sowed division within the Japanese American community in Hawai'i, leading to ostracism and other backlash against the targeted individuals and their families that would last their lifetimes.

The declaration of martial law served as the basis to authorize internment in Hawai'i, as opposed to the mainland where mass exclusion was authorized by Executive Order 9066. During the period of martial law from December 7, 1941, to October 24, 1944, the U.S. Army issued hundreds of military orders, some of which were applicable only to persons of Japanese ancestry and enemy aliens. For example, people of Japanese ancestry were restricted from residing in certain areas of O'ahu and were forcibly removed from their properties. These types of discriminatory policies created an atmosphere of fear and suspicion.

Finally, Honouliuli is significant because of the comparatively lower level of public understanding and awareness of the history of internment of civilians in Hawai'i during World War II. On the mainland during World War II, mass exclusion was well known. In contrast, the internment in Hawai'i was largely kept secret during World War II, and has only recently become the subject of scholarship and awareness campaigns. It was not until 1998 that information about Honouliuli resurfaced. After 4 years of research and exploration, the site was uncovered in 2002. In 2008, an archeological research survey was conducted at the site. Honouliuli remains an object of archeological interest.

Honouliuli serves to remind every American about the critical importance of safeguarding civil liberties and maintaining our values during times of crisis. It is important to recognize Honouliuli as a part of our shared national heritage and national consciousness. It is a place to re-

flect on wartime experiences and recommit ourselves to the pursuit of freedom and justice.

WHEREAS section 320301 of title 54, United States Code (known as the “Antiquities Act”), authorizes the President, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Federal Government to be national monuments, and to reserve as a part thereof parcels of land, the limits of which shall be confined to the smallest area compatible with the proper care and management of the objects to be protected;

WHEREAS Honouliuli’s objects of historic interest were listed in the National Register of Historic Places in 2012 as nationally significant for their association with events that have made a significant contribution to the broad patterns of our history;

WHEREAS, for the purpose of establishing a national monument to be administered by the National Park Service, the Monsanto Company has donated certain lands at Honouliuli to the United States, and the University of Hawai’i-West O’ahu has agreed to provide access across its property to those lands;

WHEREAS it is in the public interest to preserve and protect the historic objects at Honouliuli;

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by the authority vested in me by section 320301 of title 54, United States Code, hereby proclaim the objects identified above that are situated upon lands and interests in lands owned or controlled by the Federal Government to be the Honouliuli National Monument (monument) and, for the purpose of protecting those objects, reserve as a part thereof all lands and interests in lands owned or controlled by the Federal Government within the boundaries described on the accompanying map entitled, “Honouliuli National Monument,” which is attached to and forms a part of this proclamation. The reserved Federal lands and interests in lands encompass approximately 123.0 acres, together with appurtenant easements for all necessary purposes. The boundaries described on the accompanying map are confined to the smallest area compatible with the proper care and management of the objects to be protected.

All Federal lands and interests in lands within the boundaries described on the accompanying map are hereby appropriated and withdrawn from all forms of entry, location, selection, sale, leasing or other disposition under the public land laws, from location, entry, and patent under the mining laws, and from disposition under all laws relating to mineral and geothermal leasing.

The establishment of the monument is subject to valid existing rights. Lands and interests in lands not owned or controlled by the Federal Government within the boundaries described on the accompanying map shall be reserved as a part of the monument, and objects identified above that are situated upon those lands and interests in lands shall be part of the monument, upon acquisition of ownership or control by the Federal Government.

The Secretary of the Interior (Secretary) shall manage the monument through the National Park Service, pursuant to applicable legal authori-

ties, consistent with the purposes and provisions of this proclamation. The Secretary shall prepare a management plan for the monument, with full public involvement, within 3 years of the date of this proclamation. The management plan shall ensure that the monument fulfills the following purposes for the benefit of present and future generations: (1) to preserve and protect the objects of historic interest associated with Honouliuli Internment Camp, and (2) to study and interpret the history of World War II internment and detention in Hawai'i. The management plan shall set forth the desired relationship of the monument to other related resources, programs, and organizations associated with World War II internment, detention, and exclusion.

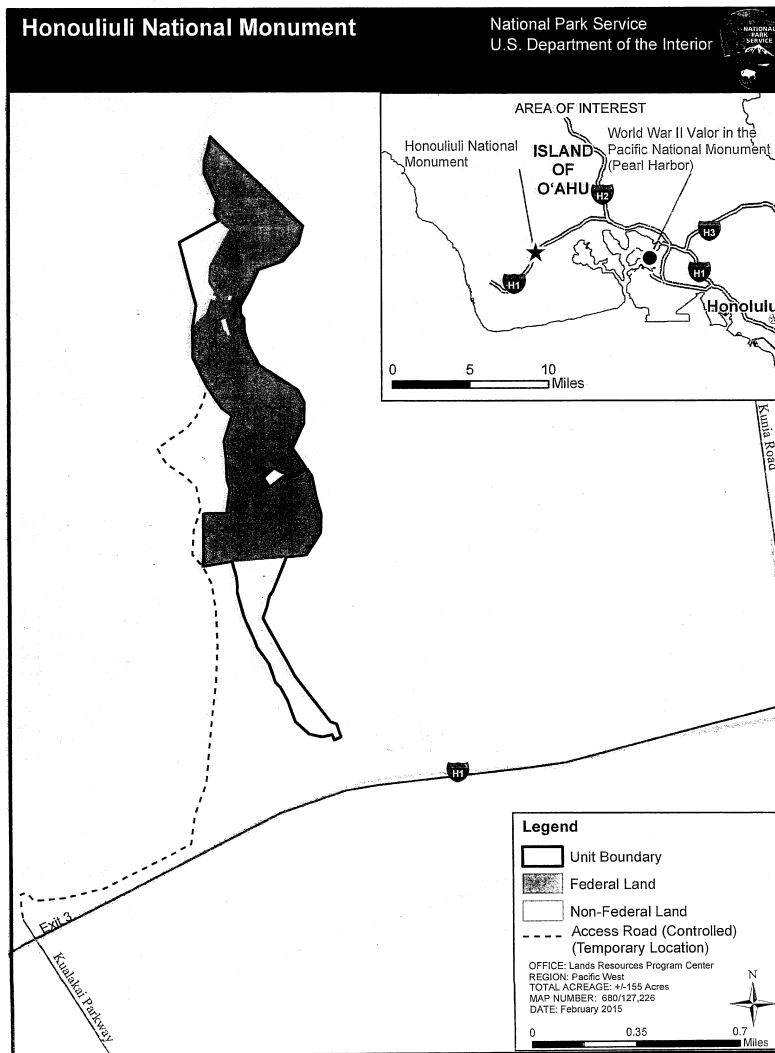
The National Park Service shall use available authorities, as appropriate, to enter into agreements to provide for access to the monument. The National Park Service shall also use available authorities, as appropriate, to enter into agreements with governmental and nongovernmental organizations to provide for research, preservation, interpretation, and education at Honouliuli and additional sites associated with World War II internment in Hawai'i and exclusion elsewhere. The National Park Service shall also coordinate management with World War II Valor in the Pacific National Monument, which commemorates the broader story of the war in the Pacific and its impacts on Hawai'i.

Nothing in this proclamation shall be deemed to revoke any existing withdrawal, reservation, or appropriation; however, the monument shall be the dominant reservation.

Warning is hereby given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fourth day of February, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and thirty-ninth.

BARACK OBAMA



Proclamation 9235 of February 27, 2015

American Red Cross Month, 2015

*By the President of the United States of America
A Proclamation*

For more than 130 years, the devoted women and men of the American Red Cross have responded to challenges at home and abroad with compassion and generosity. In times of conflict and great tragedy, they deliver humanitarian relief, save lives, and offer hope for a brighter to-

morrow. Their service has meant so much to so many, and it reflects a fundamental American truth: we look out for one another and we do not leave anyone behind. This month, we renew our sense of common purpose and honor all those whose sacrifices have made our society more prepared, resilient, and united.

As a nurse and educator, Clara Barton dedicated her life to caring for others and alleviating suffering. After years of tending to soldiers and families in their hour of need, she established the American Red Cross, creating a force for peace and recovery in the wake of the Civil War and opening paths for millions across our Nation to serve their brothers and sisters. In the generations that followed, the American Red Cross and other service and relief organizations have combated pandemics, supported our Armed Forces, and provided disaster relief and mitigation worldwide.

In big cities and rural towns, American Red Cross volunteers support their communities, helping people donate blood, teaching first aid, and increasing local preparedness. Last year, our Nation once again bore witness to their grit and resolve as thousands mobilized in response to devastating mudslides, tornadoes, wildfires, and other emergencies. As selfless individuals step forward—as neighbors assist neighbors, schools transform into shelters, and donations become hot meals and dry clothes—they carry forward Barton’s legacy and safeguard the promise that in moments of darkness, there is hope. They remind us that when we stand together, America emerges stronger.

Our Nation has always been shaped by ordinary Americans who dedicate their lives to achieving the extraordinary. During American Red Cross Month, let us ask what we can do for those around us and resolve to make service to others a part of our everyday lives.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America and Honorary Chairman of the American Red Cross, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim March 2015 as American Red Cross Month. I encourage all Americans to observe this month with appropriate programs, ceremonies, and activities, and by supporting the work of service and relief organizations.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-seventh day of February, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and thirty-ninth.

BARACK OBAMA

Proclamation 9236 of February 27, 2015

Irish-American Heritage Month, 2015

By the President of the United States of America

A Proclamation

The vibrant culture and rich heritage of the Irish people shaped many of the earliest chapters of America’s story. Our common values and shared vision for the future laid the foundation for an eternal friend-

ship between Ireland and the United States, and today, daughters and sons of Erin continue to enrich our Nation. This month, we reaffirm the bonds of affection between our two great countries, and we honor the courage and perseverance of the Irish-American community.

From ethereal green shores, generations of Irishmen and women set out across an ocean to seek a new life in the New World. Often without family or funds, these brave souls put their faith in the ideas at the heart of our democracy—that we make our own destiny, and if we work hard and live responsibly, we can build a better future for our children and grandchildren. Early immigrants from Ireland shaped our founding documents, and in the decades and centuries since, Irish-American heroes—like the courageous members of the Fighting 69th—have fought and died to protect a Government of, by, and for the people.

Today, tens of millions of Americans proudly trace their heritage to the Emerald Isle. They are descendants of our Founding Fathers, heirs to a resilient spirit forged during the Great Hunger and painful periods of discrimination, and the latest in a long line of Irish Americans who have poured their energy and passion into perfecting our Union. With grit and determination, they have enhanced our communities, bolstered our economy, and strengthened our Nation. And their brogue continues to ring out from our halls of government and every place people strive to make our society more free, more fair, and more just.

The Irish story is one of hope and resolve—in it Americans see our own dreams and aspirations. Our pasts are bound by blood and belief, by culture and commerce, and our futures are equally, inextricably linked. During Irish-American Heritage Month, let us celebrate the people-to-people ties between our nations and continue together our work to forge a brighter tomorrow for every American and Irish child.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim March 2015 as Irish-American Heritage Month. I call upon all Americans to observe this month with appropriate ceremonies, activities, and programs.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-seventh day of February, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and thirty-ninth.

BARACK OBAMA

Proclamation 9237 of February 27, 2015

National Colorectal Cancer Awareness Month, 2015

By the President of the United States of America

A Proclamation

Colorectal cancer is the second leading cause of cancer deaths in the United States. This year, more than 130,000 Americans will be diagnosed with this cancer, and nearly 50,000 will die from it. Friends and

loved ones will be taken from us too soon by this disease, and the pain of cancer will touch too many families. During National Colorectal Cancer Awareness Month, we recognize all those who have been affected by this disease, and we renew our commitment to a lifesaving endeavor: raising awareness of colorectal cancer and the importance of screening.

Colorectal cancer is often preventable, and early detection and treatment are critical. However, this disease does not always cause symptoms, and most colorectal cancer occurs in individuals with no family history. That is why it is crucial for people of all ages to discuss colorectal cancer with their health care providers and understand the recommendations for, and benefits of, screening. And, people between ages 50 and 75 should get regular screenings. Not only can testing save your life, it can also provide peace of mind to your family and loved ones. I encourage Americans to learn more about the risk factors and symptoms of colorectal cancer by visiting www.Cancer.gov.

Every American deserves health security, and that is why I fought so hard for the Affordable Care Act. Under the law, more families have access to quality, affordable health care, and most insurance plans are required to cover recommended preventive services without copays, including colorectal cancer screenings for adults over 50. Earlier this year, I also announced the Precision Medicine Initiative to accelerate the design and testing of treatments tailored to individual patients. This bold new effort aims to revolutionize how our Nation fights disease, and it brings us closer to curing cancer.

Even as we continue the urgent work of improving care, we cannot fill the void left in the lives of those who know the true anguish of colorectal cancer. This month, we honor the loved ones we have lost to this disease and those who battle it today. Let us stand with their families and all who are committed to advancing the fight against cancer through research, advocacy, and quality care. Together, we can build a future free from cancer in all its forms.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim March 2015 as National Colorectal Cancer Awareness Month. I encourage all citizens, government agencies, private businesses, non-profit organizations, and other groups to join in activities that will increase awareness and prevention of colorectal cancer.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-seventh day of February, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and thirty-ninth.

BARACK OBAMA

Proclamation 9238 of February 27, 2015**Women's History Month, 2015**

By the President of the United States of America

A Proclamation

Throughout history, extraordinary women have fought tirelessly to broaden our democracy's reach and help perfect our Union. Through protest and activism, generations of women have appealed to the values at the heart of our Nation and fought to give meaning to the idea that we are all created equal. As today's women and girls reach for new heights, they stand on the shoulders of all those who have come before and carry forward their legacy of proud achievement. This month, we celebrate countless pioneering women and the victories they won, and we continue our work to build a society where our daughters have the same possibilities as our sons.

Courageous women have called not only for the absence of oppression, but for the presence of opportunity. They have demonstrated for justice, but also for jobs—ones that promise equal pay for equal work. And they have marched for the right to vote not just so their voices would be heard, but so they could have a seat at the head of the table. With grit and resolve, they have fought to overcome discrimination and shatter glass ceilings, and after decades of slow, steady, and determined progress, they have widened the circle of opportunity for women and girls across our country.

Today, more women are their family's main breadwinner than ever before. Women are nearly half of our Nation's workers, and they are increasingly among the most skilled. At the same time, more than 60 percent of women with children under the age of 5 participate in the labor force. This increasing participation of women in our workforce has bolstered our economy and strengthened our families, and it has demonstrated that the policies that benefit women and working families benefit all of us.

But not all of the rules that govern our workplaces have caught up with this reality, and today, too many of the opportunities that our mothers and grandmothers fought for are going unrealized. That is why I am committed to tearing down the barriers to full and equal participation in our economy and society that still exist for too many women. All women deserve equal pay for equal work and a living wage; the Congress needs to raise the minimum wage and pass a law that ensures a woman is paid the same as a man for doing the same work. I continue to call for increased workplace flexibility and access to paid leave—including paid sick leave—so that hardworking Americans do not have to choose between being productive employees and responsible family members. And I have proposed a plan that would make quality child care available to every middle-class and low-income family in America with young children. These are not only women's issues—they are family issues and national economic priorities.

We know that when women succeed, America succeeds. The strength of our economy rests on whether we make it possible for every citizen to contribute to our growth and prosperity. As we honor the many patriots who have shaped not only the destinies of other women, but also the direction of our history, let us resolve to build on their efforts in

our own time. As a Nation, we must join our voices with the chorus of history and push forward with unyielding faith to forge a more equal society for all our daughters and granddaughters—one where a woman’s potential is limited only by the size of her dreams and the power of her imagination.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim March 2015 as Women’s History Month. I call upon all Americans to observe this month and to celebrate International Women’s Day on March 8, 2015, with appropriate programs, ceremonies, and activities. I also invite all Americans to visit www.WomensHistoryMonth.gov to learn more about the generations of women who have left enduring imprints on our history.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-seventh day of February, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and thirty-ninth.

BARACK OBAMA

Proclamation 9239 of February 27, 2015

National Consumer Protection Week, 2015

By the President of the United States of America

A Proclamation

As Americans, we believe that our destiny is written by us—not for us—and that ours is a country where hard work should pay off and responsibility should be rewarded. Through all of the challenges we have overcome and the grueling work required to bring our economy out of the worst financial crisis since the Great Depression, we have held on to that promise. Yet each day, fraud, abuse, and theft threaten the economic well-being of individuals and families across our Nation who spend their lives striving to build a sense of security. During National Consumer Protection Week, we redouble our efforts to protect Americans from financial fraud and identity theft, and to ensure our economy gives every person a chance to succeed.

Over the past 6 years, my Administration has been committed to protecting the hard-earned money and privacy of our citizens. In today’s digital age, we are more connected and do more online than ever before. Unfortunately, the very technologies that empower us to do great good can also be used to undermine us and inflict great harm. That is why my Administration is working to create a single, strong national standard so people know when their information has been stolen or misused, and why we are encouraging companies to equip consumers with their credit scores free of charge so they can quickly detect and deal with fraud. I also continue to call on the Congress to enact overdue cybersecurity legislation that will help protect Americans—particularly by clarifying companies’ obligations when sensitive data is breached.

As part of our BuySecure Initiative, the Federal Government is leading the way by transitioning to a more secure chip and PIN payment system—because you should be able to visit our National Parks or use the Postal Service without risking your identity. Earlier this year, we convened the first-ever White House Summit on Cybersecurity and Consumer Protection, and we are taking new steps to assist the victims of identity theft. Furthermore, Americans who responsibly prepare for retirement should not be taken advantage of, so we are proposing a new rule to require retirement advisors to put their clients' financial interests before their own. We have also introduced a discussion draft of legislation for a new Consumer Privacy Bill of Rights to safeguard basic principles that both defend personal privacy and allow industry to keep innovating.

Consumers can also take steps to protect themselves and their families. Predatory and deceptive lending practices, identity theft, financial scams, and fraud can cause lasting devastation for victims. By empowering ourselves with information about our rights and the resources available to us, we can be prepared and make better-informed decisions. I encourage everyone to visit www.NCPW.gov and www.IdentityTheft.gov to learn more about the risks and vulnerabilities we all face, as well as the steps we can take to defend ourselves and the tools and support available to help save time, money, and heartache.

When we, as Americans, put our minds together and our shoulders to the wheel, we can accomplish anything. The United States created the Internet and a new age of information—but we also pioneered the Bill of Rights, and we believe individuals have a sphere of privacy around them that should not be breached. This week, let us recommit to safeguarding consumers, and let us strive to grow our economy in ways that preserve the values we hold dear so that each of us has the power to translate our dreams into reality.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim March 1 through March 7, 2015, as National Consumer Protection Week. I call upon government officials, industry leaders, and advocates across the Nation to share information about consumer protection and provide our citizens with information about their rights as consumers.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-seventh day of February, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and thirty-ninth.

BARACK OBAMA

Proclamation 9240 of February 27, 2015**Read Across America Day, 2015**

By the President of the United States of America

A Proclamation

As a Nation, one of our greatest responsibilities is to ensure every American child can experience the transformative power of reading. Literacy is the gateway to all other learning, and it is the most basic building block of opportunity in an economy increasingly built on knowledge and innovation. On Read Across America Day, we celebrate the ways literacy has enhanced our lives and recommit to empowering every student with a strong start and a passion for reading.

The written word provides a window to a larger world. From prose and poetry, we learn our earliest lessons about tolerance and empathy, and on the pages of great books, children can see for the first time that their potential is limited only by the size of their dreams and the power of their imaginations. Literature captures moral dilemmas that persist across generations, chronicles our greatest achievements as a people, and reminds us of painful chapters in our past so we do not repeat our mistakes. In powerful tales and in the voices of complex characters, we learn eternal truths that illuminate the spirit of America and the intimacy of the human condition.

Brilliant writers enable us to stand in someone else's shoes and identify with their hopes and struggles—even if they do not look like us or share our beliefs. They transport us to distant times and faraway lands, and today we honor a storyteller who brought these new worlds into classrooms and bedrooms all around the globe. The works of Theodor Seuss Geisel, better known to us as Dr. Seuss, have sparked a love for reading in generations of students. His whimsical wordplay and curious characters inspire children to dream big and remind readers of all ages that “a person's a person no matter how small.”

Reading is the means by which we discover new ideas and unlock the potential of tomorrow's leaders. As we recognize the importance of literacy, let us resolve to play a part in developing the next generation of readers and writers. As mentors, friends, and caring adults, we can raise our voices to support the resources our students need in classrooms and libraries, and take time to engage young people in this critical endeavor. Together, we can enrich our souls, strengthen our society, and give every child a chance to succeed.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim March 2, 2015, as Read Across America Day. I call upon children, families, educators, librarians, public officials, and all the people of the United States to observe this day with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-seventh day of February, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and thirty-ninth.

BARACK OBAMA

Proclamation 9241 of March 13, 2015**National Poison Prevention Week, 2015**

By the President of the United States of America

A Proclamation

Household and environmental poisons pose risks to Americans of all ages. While children under age 6 account for half of all cases of poison exposure, more than 90 percent of poisoning deaths occur among people over the age of 20. Poisonings are more common and more deadly than many people realize—but they are often avoidable and treatable, and every person can take action to guard against these preventable tragedies. During National Poison Prevention Week, we raise awareness of the precautions each person can take to protect their loved ones, as well as what to do in the event of a poison emergency.

Most poisonings take place at home where cleaning products, cosmetics, and other chemicals are stored. That is why it is important for parents and caregivers to keep poisonous items out of their children's sight and reach. These items should be properly labeled and stored in their original containers—especially medicine, which is a major source of poisoning among young people and adults. Before taking medication, whether over-the-counter or prescribed, Americans should ensure they understand the instructions, including the proper dosage and how to avoid unsafe drug interactions, and discuss any questions with a doctor or pharmacist. Everyone should also be aware of local environmental poisons, including plants, insects, and berries; practice safe food preparation and handling to avoid food poisoning; and guard against carbon monoxide by installing detectors for this colorless, odorless gas.

If you suspect someone has been poisoned, fast action is essential. Do not wait for signs of poisoning. You should immediately call the toll-free Poison Help line at 1-800-222-1222. The Poison Help line can also connect you with experts to discuss questions about medication and other non-emergency situations. Last year, I was proud to sign the Poison Center Network Act, which reauthorized funding for the Poison Help line and also supported poison control centers and nationwide efforts to raise awareness about poison prevention and the resources available in local communities.

Education and awareness about poisons can save lives. I encourage all people to speak out about the importance of poison prevention and discuss these commonsense steps with their loved ones, coworkers, and neighbors. To learn more, visit www.PoisonHelp.HRSA.gov. Information about safe drug disposal is available at www.DEADiversion.USDOJ.gov.

To encourage Americans to learn more about the dangers of accidental poisonings and to take appropriate preventative measures, the Congress, by joint resolution approved September 26, 1961, as amended (75 Stat. 681) has authorized and requested the President to issue a proclamation designating the third week of March each year as “National Poison Prevention Week.”

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim March 15 through March 21,

2015, as National Poison Prevention Week. I call upon all Americans to observe this week by taking actions to protect their families from hazardous household materials and misuse of prescription medicines.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of March, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and thirty-ninth.

BARACK OBAMA

Proclamation 9242 of March 24, 2015

**Greek Independence Day: A National Day of Celebration
of Greek and American Democracy, 2015**

By the President of the United States of America

A Proclamation

Since the dawn of our Nation, the United States and Greece have shared a bond forged through common struggle and deeply rooted in mutual beliefs. Greek principles guided our Founders as they declared America's independence, and nearly half a century later, as Greek revolutionaries fought to throw off the yoke of an empire, they renewed the creed that unites free people everywhere: ordinary citizens can govern themselves. Today, we celebrate the Hellenic spirit that has inspired our two great nations — separated by an ocean but linked by a shared destiny written not for us, but by us.

It was the democratic example of ancient Greece from which the founding generation of Americans drew strength. In our Nation's earliest days, we sought wisdom from Greek history and philosophy, and we found hope within the pages of timeless Greek texts. Mindful of the lessons of the Hellenic story, courageous patriots undertook a bold experiment, securing the blessings of liberty and laying the foundation for more than two centuries of progress.

But even in the cradle of democracy, the promise of freedom was not preordained. More than 2,000 years after the values of self-determination first found expression in a small group of Hellenic city-states, the Greek people stood up against tyranny and sacrificed to restore democracy to its birthplace. They met brutal hardship with unbreakable character, drew inspiration from America's revolution, and never lost faith in the ideals Greece has always represented.

As Americans and Greeks, we are heirs to a long legacy of hard-won freedom and justice — values which we must not only preserve, but renew and refresh in our own time. Generations of Greek Americans have enriched the United States and strengthened our communities. Their heritage and vibrant culture are reflected in our story of achievement and constant striving; their voices are among the chorus of citizens who have driven this country inexorably forward. Today, as Greece works to lay a foundation for long-term prosperity, our Nation continues to support our friend and NATO ally and to help the Greek people reach for the future so many have sought — one where all

women and men are free to pursue their dreams, realize their potential, and secure a brighter tomorrow for their children.

Together, we continue the righteous task of perfecting our two nations. On the 194th anniversary of Greek independence, let us celebrate the enduring ties between our peoples and stand with those around the world who long for liberty and the chance to join in the noble work of building a democracy.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim March 25, 2015, as Greek Independence Day: A National Day of Celebration of Greek and American Democracy. I call upon the people of the United States to observe this day with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fourth day of March, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and thirty-ninth.

BARACK OBAMA

Proclamation 9243 of March 30, 2015

César Chávez Day, 2015

By the President of the United States of America

A Proclamation

For more than two centuries, the arc of our Nation's progress has been shaped by ordinary people who have dedicated their lives to the extraordinary work of building a more perfect Union. It is a story of achievement and constant striving that has found expression in places where America's destiny has been decided—in Seneca Falls, Selma, and Stonewall, and in the golden fields of California where an American hero discovered his mighty voice. Today, we honor César Chávez and his lifetime of work to make our country more free, more fair, and more just, and we reaffirm the timeless belief he embodied: those who love their country can change it.

A son of migrant workers and a child of the Great Depression, César Chávez believed every job has dignity and every person should have the chance to reach beyond his or her circumstances and realize a brighter future. When no one seemed to care about the farm workers who labored without basic protections and for meager pay to help feed the world, César Chávez awakened our Nation to their deplorable conditions and abject poverty—injustices he knew firsthand. He organized, protested, fasted, and alongside Dolores Huerta, founded the United Farm Workers. Slowly, he grew a small movement to a 10,000-person march and eventually a 17-million-strong boycott of table grapes, rallying a generation around “La Causa” and forcing growers to agree to some of the first farm worker contracts in history. Guided by a fierce commitment to nonviolence in support of a righteous cause, he never lost faith in the power of opportunity for all.

As a Nation, we know the struggle to live up to the principles of our founding does not end with any one victory or defeat. After César Chávez fought for higher wages, he pushed for fresh drinking water, workers' compensation, pension plans, and protection from pesticides. He strove every day for the America he knew was possible. Today, we must take up his work and carry forward this great unfinished task.

When immigrants labor in the shadows, they often earn unfair wages and their families and our economy suffer—that is one reason why we have to fix our broken immigration system and why I keep calling on the Congress to enact comprehensive immigration reform. We need to continue to defend the collective bargaining rights countless individuals have fought so hard for and ensure our economy rewards hard work with a fair living wage, paid leave, and equal pay for equal work.

César Chávez knew that when you lift up one person, it enriches a community; it bolsters our economy, strengthens our Nation, and gives meaning to the creed that out of many, we are one. As we celebrate his life, we are reminded of our obligations to one another and the extraordinary opportunity we are each given to work toward justice, equal opportunity, and a better future for every one of our sisters and brothers.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim March 31, 2015, as César Chávez Day. I call upon all Americans to observe this day with appropriate service, community, and education programs to honor César Chávez's enduring legacy.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of March, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and thirty-ninth.

BARACK OBAMA

Proclamation 9244 of March 30, 2015

Education and Sharing Day, U.S.A., 2015

By the President of the United States of America

A Proclamation

In every child—every girl dreaming big dreams and every boy hungry to make something of himself—there exists limitless potential. Our young people are the problem-solvers, thinkers, and visionaries of tomorrow who will change the world as we know it, and they deserve the chance to fulfill their enormous promise, no matter who they are or where they live. A good education can open the door to opportunity, and it should be within the reach of all who yearn for the chance to develop their minds and talents. Today, we celebrate the transformative power of education and honor a man who inspired a passion for learning among a generation of students.

Rabbi Menachem Mendel Schneerson, the Lubavitcher Rebbe, dedicated his life to promoting education as the cornerstone of humanity. A tireless advocate for youth around the world, he believed that “as long as there is still one child that does not receive an adequate education, we can neither be satisfied nor slacken our efforts.” In an era where a woman’s education was not valued the same as a man’s, the Rebbe worked to tear down barriers that stood in the way of girls who wanted to learn. He established a Jewish organization for women and directed his teachings of service and scholarship equally to young girls and boys. He was even known to write, “There must be a girl!” on educational materials that depicted only boys.

Because of leaders like the Rebbe, we have made great strides toward achieving quality education for all—but his legacy is not only a story of progress, it is also a call to remember his words and take up this unfinished task. Today, 62 million girls around the world who should be in school are not. Children who deserve an education, who have the power to change the course of history, face unacceptable obstacles because of their gender, the circumstances of their birth, or the customs of their society.

If we want to strengthen families and communities, bolster economic growth, and promote stability worldwide, we must work to increase the number of girls in school and empower all children with the resources they need to reach for a brighter future. This is not only a humanitarian issue; it is also critical to our security and global economic prosperity. That is why First Lady Michelle Obama and I recently launched a new initiative called *Let Girls Learn*. As part of this effort, my Administration will be supporting hundreds of community-driven projects around the world that will build on investments we have made and successes we have achieved in global primary school education. At the same time, we are making it clear to any country who wants to work with us that they must address the challenges preventing young women from attending and completing school—such as fees, threats of violence, and the false belief that girls are not worthy of an education.

We are committed to making a global and generational impact, but *Let Girls Learn* is also about reminding Americans about the importance of high-quality education for all. As we help lift up children worldwide, my Administration will continue to fight for every young person here at home. We will not let up on our efforts to deliver the best possible education to all people in the United States, including our work to expand access to high-quality preschool to every child and provide our Nation’s classrooms with the best technology. And we are expanding our strategy to make higher education more affordable by promoting a Student Aid Bill of Rights and calling for 2 years of free community college for anyone who is willing to work for it.

Across the globe, girls have pushed forward to pursue an education in the face of poverty and threats to their safety. They are bold, ambitious, and undeterred by immense challenges. Today, we are called to meet their resolve with a commitment worthy of their character. On Education and Sharing Day, U.S.A., we recognize educators, pioneers of change, and all those who have unlocked the spark of something extraordinary within a child, and we rededicate ourselves to building a world where the destiny of every young person is limited only by the size of their dreams and the power of their imagination.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim March 31, 2015, as Education and Sharing Day, U.S.A. I call upon all Americans to observe this day with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of March, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and thirty-ninth.

BARACK OBAMA

Proclamation 9245 of March 31, 2015

National Child Abuse Prevention Month, 2015

By the President of the United States of America

A Proclamation

Every child is born into a world filled with limitless possibilities, and as a Nation, we must ensure all our young people have the support they need to realize their enormous potential. Regardless of who they are or the circumstances of their birth, each child deserves to be cared for, cherished, and kept safe from harm. Tragically, abuse and neglect erode this promise for hundreds of thousands of America's daughters and sons each year. This is an injustice. It is contrary to the values of good caretaking and the principles of our Nation, and it must not be tolerated. This month, we celebrate the love and courage it takes to raise a child; we reaffirm the fundamental human rights of all children to live free from violence and abuse; and we rededicate ourselves to ending the cycle of harm too many girls and boys face.

A strong, stable family is the best foundation for a promising childhood, and when parents and caregivers have support—from loved ones, friends, and their community—they are more likely to provide safe and healthy environments for children. It is important for all people to recognize the signs of child neglect and physical, sexual, and emotional abuse, including sudden changes in behavior or school performance and untreated physical or medical issues. Reporting any concerns could protect a child and connect a family with the help they need. To learn more about how to prevent and report child abuse, visit www.ChildWelfare.gov/Preventing.

My Administration is committed to strengthening our Nation's families and doing everything we can to make it easier for mothers and fathers to care and provide for their children. We are also investing in evidence-based State and local programs that promote positive parenting and caregiving to help prevent child abuse and neglect. These efforts can help decrease the number of children entering the foster care system and provide better outcomes for those in it. We will continue to work with the faith community and the private sector to bolster all those who support our Nation's young people, and I encourage leaders across all levels of government to invest in services for victims and provide the resources and protections our kids need.

The work of raising our children is the most important job in our country, and it is also the most challenging. At times, it can be difficult to live up to the enormous responsibilities that come with being a parent, especially when families face hardship. But parenthood does not demand perfection. If we do our best for our children—to nurture their healthy development, seek assistance when needed, and meet our obligations to them—we can demonstrate to our daughters and sons that they are always our first priority.

As a Nation and as individuals, our attitudes toward our children set a powerful example that shapes their character and influences the kind of people they will become. During National Child Abuse Prevention Month, we renew our commitment to protect the safety and well-being of every child, and we resolve to continue the hard work of raising a generation that can dream bigger and reach higher than ever before.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 2015 as National Child Abuse Prevention Month. I call upon all Americans to observe this month with programs and activities that help prevent child abuse and provide for children's physical, emotional, and developmental needs.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of March, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and thirty-ninth.

BARACK OBAMA

Proclamation 9246 of March 31, 2015

National Financial Capability Month, 2015

By the President of the United States of America

A Proclamation

Our Nation is built on the idea that we do best when everyone gets a fair shot. Six years after a devastating recession shook many Americans' faith in our financial system, our economy is steadily growing and creating new jobs—but we must do more to restore the link between hard work and growing opportunity for every person. We believe responsibility should be rewarded, and that begins by empowering all people with the tools and knowledge they need to share in America's prosperity. During National Financial Capability Month, we renew our efforts to support the informed financial decisions that will open doors into the middle class and help ensure economic security for all.

Critical decisions—from financing higher education to saving for retirement—can have lasting consequences for individuals and for our country's economy. Financial literacy enables people of all ages to make smart choices and set goals to protect their hard-earned income. And increasing individuals' understanding of debt, including mortgages and credit cards, helps guarantee every person receives equal treatment and is able to secure lasting opportunity. By strengthening the financial ca-

pability of all Americans, we are investing in the fundamental promise of a brighter future and building a more prosperous Nation.

My Administration continues to take action to provide all Americans with the resources they need to get ahead. We launched the “Know Before You Owe” campaign so students and families have a straightforward tool to compare financial aid offers from different colleges, and we simplified mortgage forms so homeowners are better able to comprehend their terms. We started the myRA program, a new type of savings account to help Americans take control over their future, and we are proposing new rules to require financial advisors to put their clients’ interests before their own—ensuring all who responsibly prepare for retirement receive the best information possible. To focus on increasing financial capability in our schools, workplaces, and communities, I created the President’s Advisory Council on Financial Capability for Young Americans, and last year, I signed legislation to support programs that teach young people personal finance skills.

Increasing financial capability across our Nation is an essential component of middle-class economics. This month, let us all take time to increase our knowledge of our finances and encourage our friends and family to do the same. To start, all Americans can take advantage of the free, reliable financial resources at www.MyMoney.gov, www.ConsumerFinance.gov, and 1-800-FED-INFO.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 2015 as National Financial Capability Month. I call upon all Americans to observe this month with programs and activities to improve their understanding of financial principles and practices.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of March, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and thirty-ninth.

BARACK OBAMA

Proclamation 9247 of April 1, 2015

National Cancer Control Month, 2015

*By the President of the United States of America
A Proclamation*

For generations, the United States has been committed to combating cancer. It is a battle fought by our finest medical researchers, devoted health care professionals, and the many loved ones who have known the pain of this disease. Over decades, our Nation has made extraordinary progress. The overall rates of cancer deaths are decreasing for both women and men, and most survivors live longer and enjoy a better quality of life than ever before. Still, cancer remains the second most common cause of death in America, and there is more work to do. This month, we stand with all those touched by cancer and redouble our efforts to prevent, detect, and treat this disease.

All people can take steps to reduce their chances of developing cancer. Maintaining a healthy weight, protecting skin from exposure to ultraviolet radiation, and limiting alcohol consumption can help individuals live healthier lives. Because cigarettes are a major cause of cancer, quitting smoking and reducing exposure to secondhand smoke can also decrease risk. For advice on how to quit smoking, go to www.SmokeFree.gov or call 1-800-QUIT-NOW. I also encourage Americans to visit www.Cancer.gov for more information on cancer prevention.

When cancer is found in an early stage, it can be easier to treat and the chances of survival often increase. My Administration has fought to make this possible for more Americans. Protections under the Affordable Care Act require most insurance plans to cover recommended preventive services without copays, including some cancer screenings for qualifying individuals. These protections also eliminate annual and lifetime dollar limits on coverage and prohibit insurers from denying coverage because of pre-existing conditions, including cancer.

New technologies and strategic investments have made the difference between life and death for many of today's cancer patients. But as Americans, we have never been satisfied to rest on the accomplishments of our past; we reach for the future and stretch the boundaries of what is possible. That is why earlier this year, I announced my plan to lead a new era of medicine—one that delivers the right treatment at the right moment and brings us closer to curing cancer in our time. By investing in new research methods that will enable clinicians to tailor treatments to individual patients, the Precision Medicine Initiative will revolutionize how our Nation combats disease.

As we continue the urgent work of improving research, treatment, and care, let us remember those lost to cancer. During National Cancer Control Month, we recognize all who dedicate their lives to advancing the fight against this disease, and we recommit to achieving a future free from cancer in all its forms.

The Congress of the United States, by joint resolution approved March 28, 1938 (52 Stat. 148; 36 U.S.C. 103), as amended, has requested the President to issue an annual proclamation declaring April as "Cancer Control Month."

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim April 2015 as National Cancer Control Month. I encourage citizens, government agencies, private businesses, nonprofit organizations, and other interested groups to join in activities that will increase awareness of what Americans can do to prevent and control cancer.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of April, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and thirty-ninth.

BARACK OBAMA

Proclamation 9248 of April 1, 2015**National Donate Life Month, 2015**

By the President of the United States of America

A Proclamation

At this moment, more than 123,000 Americans are in need of a life-saving organ transplant. Our Nation continues to face a critical shortage of donors, and every day, 21 people die waiting for an organ. This month, we renew our call for organ, eye, and tissue donors, and we honor all those who have given the extraordinary gift of life.

The decision to become a donor can save up to eight lives and enhance many more—men, women, and children who depend on the generosity and sacrifice of others to receive the vital care they require. I encourage individuals of all ages and backgrounds to consider this unique opportunity to help those in need and to discuss this choice with friends and family. For more information and to learn how to join your State's donor registry, visit www.OrganDonor.gov.

In the face of uncertainty and suffering, Americans have always joined together, drawing strength and comfort from our commitment to one another; we find hope through faith and our enduring belief that we are our brothers' and sisters' keepers. During National Donate Life Month, let us stand with all those who know the pain of an uncertain tomorrow and redouble our efforts to save and improve the lives of Americans across our country.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 2015 as National Donate Life Month. I call upon health care professionals, volunteers, educators, government agencies, faith-based and community groups, and private organizations to join forces to boost the number of organ, eye, and tissue donors throughout our Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of April, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and thirty-ninth.

BARACK OBAMA

Proclamation 9249 of April 1, 2015**National Sexual Assault Awareness and Prevention Month, 2015**

By the President of the United States of America

A Proclamation

As Americans, we each have the power to shape our country's course and contribute to the extraordinary task of perfecting our Union. For more than two centuries, progress has been won by ordinary citizens—women and men who joined arms and marched toward justice. This

month, we are once again reminded that we can change our culture for the better by standing together against the quiet tolerance of sexual assault and refusing to accept the unacceptable.

Nearly one in five women in America has been a victim of rape or attempted rape. Every year, too many women and too many men are sexually assaulted and abused. This is an affront to our basic decency and humanity, and it must end. Sexual assault harms our communities, weakens the foundation of our Nation, and hurts those we love most. For survivors, the awful pain can take years to heal—sometimes it never does. When an individual's possibilities are limited by the scars of violence and abuse, our country is deprived of enormous potential. Sexual assault takes a collective toll on all of us, and it is everyone's responsibility not only to speak out, but also to take action against this injustice.

More than two decades ago, then United States Senator Joe Biden did both. At a time when many victims were stigmatized or left to suffer in silence, he authored the Violence Against Women Act, which would forever improve the way our country responds to sexual assault and domestic violence. In the decades since, our Nation has built on that progress. We have taken strides toward changing the way people think about sexual misconduct, making it clear that every person has the fundamental human right to be free from sexual assault and domestic violence.

Thanks to the work of advocates, community leaders, public servants, and courageous survivors who shared their stories, our Nation has come an incredibly long way. But from schools to military bases and throughout all communities in America, we must do more to end the crime of sexual assault. My Administration has made this a priority since day one, beginning with the establishment of the first-ever White House Advisor on Violence Against Women. And we will keep fighting as long as it takes.

We have taken action to strengthen our criminal justice system, uphold the civil rights of victims and survivors of sexual assault, and ensure that all people can live free from sexual violence. Now in its second year, the White House Task Force to Protect Students from Sexual Assault is helping schools live up to their obligations to educate students in safe environments. We continue to address the impact of sexual assault on persons living with or at risk for HIV/AIDS. I have also made clear that violence and abuse have no place in the finest military this world has ever known. And last fall, we launched the "It's On Us" campaign to let people know everyone has a role to play in preventing and effectively responding to sexual violence.

It's on parents and caregivers to teach their children to respect and value others. It's on teammates, classmates, and colleagues to recognize sexual misconduct and intervene to stop it. It's on all of us to work for the change we need to shift the attitudes and behaviors that allow sexual assault to go unnoticed, unreported, and unpunished. During National Sexual Assault Awareness and Prevention Month, let us commit to being part of the solution and rededicate ourselves to creating a society where violence is not tolerated, survivors are supported, and all people are able to pursue their fullest measure of happiness without fear of abuse or assault.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 2015 as National Sexual Assault Awareness and Prevention Month. I urge all Americans to support survivors of sexual assault and work together to prevent these crimes in their communities.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of April, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and thirty-ninth.

BARACK OBAMA

Proclamation 9250 of April 1, 2015

World Autism Awareness Day, 2015

*By the President of the United States of America
A Proclamation*

On World Autism Awareness Day, our Nation recognizes all those around the globe who live on the autism spectrum. We celebrate the countless ways they strengthen our communities and enrich our world—and we reaffirm their fundamental rights to participate fully in society, live with respect, and achieve their greatest potential.

In the United States, millions of adults and young people live with autism spectrum disorder, including 1 out of every 68 children. They are our colleagues, classmates, friends, and loved ones, and they each have something to contribute to the American story. In large cities and small towns, individuals with autism live independent and productive lives, and our Nation is better because of their unique talents and perspectives. Their example reminds us that all people have inherent dignity and worth, and that everyone deserves a fair shot at opportunity.

My Administration is committed to helping Americans with autism fulfill their potential by ensuring access to the resources and programs they need. The Affordable Care Act prohibits companies from denying health insurance because of pre-existing conditions such as autism, and the law also requires most insurance plans to cover preventive services—including autism and developmental screenings for young children—without copays. Last year, I was proud to sign the Autism CARES Act of 2014, which bolstered training and educational opportunities for professionals serving children or adults on the autism spectrum. And as part of the BRAIN Initiative, we continue to invest in innovative research that aims to revolutionize our understanding of conditions like autism and improve the lives of all who live with them.

The greatness of our Nation lies in the diversity of our people. When more Americans are able to pursue their full measure of happiness, it makes our Union more perfect and uplifts us all. Today, let us honor advocates, professionals, family members, and all who work to build brighter tomorrows alongside those with autism. Together, we can create a world free of barriers to inclusion and full of understanding and acceptance of the differences that make us strong.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 2, 2015, World Autism Awareness Day. I encourage all Americans to learn more about autism and what they can do to support individuals on the autism spectrum and their families.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of April, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and thirty-ninth.

BARACK OBAMA

Proclamation 9251 of April 6, 2015

National Public Health Week, 2015

By the President of the United States of America

A Proclamation

Last year, as Ebola spread in West Africa—overwhelming public health systems and threatening to cross more borders—American women and men responded with extraordinary courage and dedication, traveling to the front lines of the outbreak and leading preparedness efforts here at home. Driven by their sense of duty and a commitment to serving a cause greater than themselves, public health professionals rose to the challenge at home and abroad and turned the tide of an epidemic. They demonstrated what is possible when America leads and when we make policy based on sound science and good judgment. Their efforts represent what is best about our national character and embody the most basic human instinct: to leave our children a safer, healthier, more prosperous world.

As a Nation, we must continue to support public health with the same sense of purpose and fierce determination. This week, we join together to declare our intent to rise to the challenges of a changing world and meet our moral obligations to protect the health of our country and the well-being of the next generation.

America's public health is deeply tied to the health of our environment. As our planet becomes more interconnected and our climate continues to warm, we face new threats to our safety and well-being. In the past three decades, the percentage of Americans with asthma has more than doubled, and climate change is putting these individuals and many other vulnerable populations at greater risk of landing in the hospital. Rising temperatures can lead to more smog, longer allergy seasons, and an increased incidence of extreme-weather-related injuries and illnesses.

My Administration is dedicated to combating the health impacts of climate change. As part of my Climate Action Plan, we have proposed the first-ever carbon pollution limits for existing power plants—standards that would help Americans live longer, healthier lives. And as we continue to ensure the resilience of our health care system, we are working to prepare our health care facilities to handle the effects of a changing planet. Climate change is no longer a distant threat. Its effects are felt

today, and its costs can be measured in human lives. Every person, every community, and every nation has a duty to protect the health of all our children and grandchildren, and my Administration is committed to leading this effort.

The United States has faced challenges before, and each time we have boldly taken responsibility for our destiny and reached for the future we knew was possible. Today, vaccines prevent diseases that once devastated nations—and we should do more to spread the facts about their benefits. After 5 years of the Affordable Care Act, more than 16 million uninsured Americans have gained health insurance coverage, and this achievement has cut the ranks of the uninsured by nearly one-third.

We are shifting the focus of our country's health care system from sickness and disease to wellness and prevention. First Lady Michelle Obama's *Let's Move!* initiative is working to make it easier for parents and children to make healthy choices about the food they eat and the exercise they get every day. With partners around the world, the United States launched the Global Health Security Agenda to help prevent, detect, and respond to outbreaks before they become epidemics. And my Administration is taking aggressive, coordinated actions to slow the emergence and prevent the spread of antibiotic-resistant bacteria.

Public health is the foundation for a brighter tomorrow. When we invest in the safety and well-being of all Americans, we enrich our communities, bolster our economy, and strengthen our Nation. During National Public Health Week, we recognize public health professionals and all who care for the welfare of others, and we recommit to doing everything within our power to build a world where every child can enjoy the limitless possibilities of a healthy life.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 6 through April 12, 2015, as National Public Health Week. I call on all citizens, government agencies, private businesses, non-profit organizations, and other groups to join in activities and take action to improve the health of our Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of April, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and thirty-ninth.

BARACK OBAMA

Proclamation 9252 of April 8, 2015

National Former Prisoner of War Recognition Day, 2015

By the President of the United States of America

A Proclamation

For more than two centuries, courageous patriots have fought and sacrificed to secure the freedoms that define our Nation's character and shape our way of life. With honor and distinction, they have borne the

burdens of defending these values, enduring tremendous hardship so that we might know a freer, safer, more peaceful world. On National Former Prisoner of War Recognition Day, we honor the women and men who traded their liberty—and sometimes their lives—to protect our own, and we acknowledge the profound debt of gratitude we owe these extraordinary members of our Armed Forces.

Thousands of American servicemen and women have experienced unimaginable trials and profound cruelty as prisoners of war. Many suffered mental and physical torture. Often they faced starvation, isolation, and the uncertainty of indefinite captivity. But even in their darkest moments, these heroes displayed courage and determination. They met immense anguish with an indomitable resolve and stood fast for the principles in which they believed. Their sacrifice represents what is best about our people and challenges us to live up to our Nation's highest ideals.

These warriors endured days, months, and sometimes years of imprisonment, missing irreplaceable milestones and simple moments at home. But they were never forgotten; they were remembered every day by loved ones. Families, friends, and communities—sustained by unyielding devotion through periods of painful unknown—never lost hope. And the United States of America remained deeply committed to our profound obligation to never leave our men and women in uniform behind.

As we reflect on the sacrifices that have made progress throughout our world possible, we are reminded of our solemn duty to serve our former prisoners of war, their families, and all our veterans as well as they served us. Today, we recommit to upholding this sacred trust, and we pay tribute to all those who have given of themselves to protect our Union.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 9, 2015, as National Former Prisoner of War Recognition Day. I call upon all Americans to observe this day of remembrance by honoring all American prisoners of war, our service members, and our veterans. I also call upon Federal, State, and local government officials and organizations to observe this day with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of April, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and thirty-ninth.

BARACK OBAMA

Proclamation 9253 of April 10, 2015**National Volunteer Week, 2015**

By the President of the United States of America

A Proclamation

As a Nation, our greatest resource is our people. We each have the power to strengthen the fabric of our society and make the world a better place. Every day, Americans across the country realize this enormous potential through service to others and by giving back to their communities. During National Volunteer Week, we recognize those who embrace a life of active, energetic, and engaged citizenship, and we reaffirm our belief that all people have something to contribute to the American story.

This spirit of service is deeply embedded in our culture and vital to our national character. It reflects the idea that we are each our brothers' and our sisters' keepers, and it is a core part of being an American. Through service, ordinary people can make an extraordinary impact. In times of tragedy, volunteers are a source of comfort and resilience; in places of great need, they offer hope and renew our faith that a brighter day lies ahead; and in small neighborhoods and bustling cities, these dedicated individuals help build ladders of opportunity for people of all ages and backgrounds. Volunteers—often with few resources and little recognition—make enormous sacrifices to lift up the people around them as well as those they may never meet. As they do, they give new life to the values that bind us together as Americans and to the promise that those who love their country can change it.

My Administration is working to empower more Americans with opportunities to give back to their neighborhoods and to our country, and we are committed to supporting those who already do. That is why we created a task force to find new ways to expand and improve national service. And last year we launched the Employers of National Service initiative because we know those who are passionate about making a difference in their communities have the talents and experience to bolster our Nation's workforce. Through the Corporation for National and Community Service, we are investing in programs like AmeriCorps and Senior Corps, and we have expanded the scope of these opportunities—initiatives such as School Turnaround AmeriCorps, justice AmeriCorps, and STEM AmeriCorps are focusing on some of our country's most pressing needs.

The unending task of perfecting our Nation does not fall to any one person or to our Government alone—and the solutions to the problems we face do not lie beyond our reach. We must enlist all Americans in the effort to build a better future for the next generation, and we should each make service a lifelong commitment. Together, we can work to meet our Nation's challenges, not just for one day, but every day. This week, let us renew our commitment to this important cause and rededicate ourselves to the work ahead.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 12 through April 18, 2015, as National Volunteer Week. I call upon all Americans to observe this week by volunteering in service projects

across our country and pledging to make service a part of their daily lives. To find a service opportunity nearby, visit www.Serve.gov.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of April, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and thirty-ninth.

BARACK OBAMA

Proclamation 9254 of April 10, 2015

Pan American Day and Pan American Week, 2015

*By the President of the United States of America
A Proclamation*

One hundred and twenty-five years ago, delegates from countries throughout the Western Hemisphere came together to establish the International Union of American Republics, the forerunner to what is today the oldest regional international organization in the world: the Organization of American States. In the years since, our nations have collaborated to address regional challenges and improve the lives of people across the Americas. On Pan American Day and during Pan American Week, we reaffirm our hemisphere's enduring friendship, and we recommit to working as equal partners to support robust civil societies and expand opportunity.

The United States and our regional neighbors are bound by our mutual desire for peace and stability, and the common yearning of all our peoples—to build a better life for themselves and their families. We share vibrant people-to-people connections and extensive economic links. These ties are vital to our security and prosperity, and when we work together to strengthen them, we help ensure a brighter future for the next generation.

My Administration is dedicated to joining with our Pan American partners to promote and protect human rights, open markets, expand fair trade, and advance the values of democracy and freedom. Last December, we began a new chapter in this commitment. In the most significant changes to our policy in more than 50 years, the United States is beginning to normalize our relations with Cuba. As we extend a hand of friendship to the Cuban people, we have the potential to lift up a nation and end a legacy of mistrust in our hemisphere.

We continue to expand trade among the nations of the Americas because we know when we allow businesses to grow their markets it extends opportunity to a wider circle of people. We are fostering small business connections throughout the Americas and bolstering women-owned and managed enterprises. Through the *100,000 Strong in the Americas* initiative, the United States is striving to increase educational exchanges that open doors to new markets, innovative research, and region-wide prosperity. And as our nations face common energy and environmental concerns, my Administration is working with leaders and experts from the region to ensure every person in the Western Hemisphere will have access to the electricity they need at a

price they can afford—in a manner that is socially responsible and environmentally beneficial.

As we head into this week, I will attend the Summit of the Americas in Panama. As leaders from across the Pan American community come together, we will continue our work to address the shared challenges our countries face today. When our people—our leaders, our civil society members, and all the sons and daughters of the Americas—join in a spirit of mutual interest and mutual respect, we can build a future of greater peace, security, and possibility for every person who calls the Americas home.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 14, 2015, as Pan American Day and April 12 through April 18, 2015, as Pan American Week. I urge the Governors of the 50 States, the Governor of the Commonwealth of Puerto Rico, and the officials of the other areas under the flag of the United States of America to honor these observances with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of April, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and thirty-ninth.

BARACK OBAMA

Proclamation 9255 of April 13, 2015

National Equal Pay Day, 2015

By the President of the United States of America

A Proclamation

In the United States, the promise of opportunity is built on the idea that everyone who works hard should have the chance to get ahead. This creed is at the core of our democracy, and it is central to our belief that America does best when all people are able to share in our Nation's prosperity and contribute to our success. Yet every day, countless women perform the same work as their male colleagues only to earn less than their fair share. On National Equal Pay Day, we mark how far into the new year women would have to work just to earn the same as men did in the previous year, and we renew our efforts to end this injustice.

On average, full-time working women earn 78 cents for every dollar earned by men, and women of color face an even greater disparity. This wage gap puts women at a career-long disadvantage, and it harms families, communities, and our entire economy. Today, in more than half of all households, women are breadwinners—49 million children depend on women's salaries. But our economy and our policies have not caught up to this reality. When women experience pay discrimination it limits their future, and it also hurts the people they provide for. It means less for their families' everyday needs, for investments in their children's futures, and for their own retirements. These effects reduce our shared prosperity and restrict our Nation's economic growth.

Wage inequality affects us all, and we each must do more to make certain that women are full and equal participants in our economy.

When we take action to help women succeed, we help America succeed, and my Administration is committed to ensuring women have every opportunity to reach their fullest potential. The first bill I signed as President was the Lilly Ledbetter Fair Pay Act, and the following year—to crack down on violations of equal pay laws—I created the National Equal Pay Task Force, which to date has helped women recover millions of dollars in lost wages. If workers do not know they are underpaid, they cannot challenge the inequality; that is why we are going to require Federal contractors to submit data on employee compensation, including data by sex and race, and why last year I signed an Executive Order prohibiting Federal contractors from retaliating against employees who choose to discuss their pay. And I continue to call on the Congress to pass the Paycheck Fairness Act to protect all people's fundamental right to a fair wage.

In the last half-century, our economy has changed in many ways for the better because of the increased participation of women. But our values are not yet fully reflected in how we pay women. We tell our daughters that in America there are no limits to what they can achieve—yet their mothers face persistent barriers to equality and success. We have to do better because our daughters deserve better. If we come together, we can change the policies and attitudes that hold women back, and we can fix this. On this day, we recommit to making equal pay a reality, and we continue our work to build a world where all our children are limited only by the size of their dreams and the power of their imaginations.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 14, 2015, as National Equal Pay Day. I call upon all Americans to recognize the full value of women's skills and their significant contributions to the labor force, acknowledge the injustice of wage inequality, and join efforts to achieve equal pay.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of April, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and thirty-ninth.

BARACK OBAMA

Proclamation 9256 of April 14, 2015

Day of Remembrance for President Abraham Lincoln

By the President of the United States of America

A Proclamation

President Abraham Lincoln believed that we are, at heart, one Nation and one people. At a time when America was torn apart and our very future was in doubt, he knew our country was more than a collection of States, and that we shared a bond that would not break. One hundred fifty years after President Lincoln's death, Americans join together

across the Union he saved to honor his memory and celebrate the freedom for which he gave his last full measure of devotion.

A self-taught man, rugged rail-splitter, and humble lawyer from Springfield, Illinois, President Lincoln believed in the fierce independence that lies at the heart of the American experience. But he also knew that together, we can do great things—that it is through the accumulated toil and sacrifice of ordinary women and men that our country is perfected and our liberty preserved.

President Lincoln understood the immense sacrifices required to give meaning to our founding principles. With enduring faith and steady resolve, he led our Nation through Civil War, knowing the blood shed was in painful service to those same ideals. He sought to reunite our people not only in Government, but also in a freedom that knew no bounds of color or creed. It was in this spirit that he issued the Emancipation Proclamation, forever joining the cause of our Union with the advancement of liberty. As our Nation gave birth to a new era of freedom, President Lincoln charted a course that would help bind the wounds of a divided country and bring healing to a people who desperately needed it.

Even while his Presidency was characterized by war, his ambition was a just and lasting peace. Amid the discord of great conflict, President Lincoln demonstrated the wisdom to look forward. He knew a united America could serve the hopes of all its people if they seized the opportunity of their time. He established land-grant colleges and committed to a railroad connecting East to West, even as he fought to hold together North and South. He fueled new enterprises with a national currency, spurred innovation, and ignited America's imagination with a National Academy of Sciences.

As we reflect on the Great Emancipator, we are reminded that we will be remembered for what we choose to make of the moment we are given. President Lincoln has passed on a tremendous legacy to us, and we too are called to do great things. His example gives us confidence that whatever trials await us, this Nation and the freedom we cherish can, and will, prevail. Today, we reflect on the extraordinary progress he made possible, and with one voice, we rededicate ourselves to the work of ensuring a Government of the people, by the people, for the people, shall not perish from the earth.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 15, 2015, as a Day of Remembrance for President Abraham Lincoln. I call upon all Americans to honor his life and legacy with appropriate programs, ceremonies, and activities. I also call upon the Governors of the United States and its Territories, and appropriate officials of all units of government, to direct that the flag be flown at half-staff on the Day of Remembrance for President Abraham Lincoln. I further encourage all Americans to display the flag at half-staff from their homes and businesses on that day.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of April, in the year of our Lord two thousand fifteen, and of the

Independence of the United States of America the two hundred and thirty-ninth.

BARACK OBAMA

Proclamation 9257 of April 17, 2015

National Crime Victims' Rights Week, 2015

By the President of the United States of America

A Proclamation

In recent decades, our Nation has made tremendous progress in reducing the crime rate and building safer communities for all Americans. Yet tragically, millions of people continue to be victimized by crime each year—it happens every day, and it can happen to anyone. When one person's life is shaken by crime, it tears at the fabric of our Nation and erodes the values we cherish. That is why we all must help rebuild the promise of justice and fairness for those whose lives are forever changed by crime. This week, as we stand with these men, women, and children, we renew our commitment to supporting them in their time of need, and we reaffirm the basic human right of all people to live free from violence.

All crime victims have fundamental rights; however, many underserved populations face significant barriers to accessing the protections and assistance they deserve. That is why as my Administration has worked to bolster the rights, services, and support for all victims of crime, we have particularly focused on at-risk communities. I was proud to sign the reauthorization of the Violence Against Women Act, which included additional provisions to help immigrants and Native American communities, as well as new protections to ensure victims do not face discrimination based on sexual orientation or gender identity when they seek assistance. And we are investing in training programs for law enforcement and other professionals who assist underserved individuals.

My Administration is committed to standing up for the rights of those affected by all types of crime, and we are taking action to stop crime before it happens. Last year, I established the White House Task Force to Protect Students from Sexual Assault to improve efforts to prevent and effectively respond to sexual assault on our Nation's campuses. The Federal Government is developing new tools to assist victims of economic and financial crimes. We are also working to implement the recommendations from my Task Force on 21st Century Policing, which generated a series of practical, commonsense proposals to help reduce crime while building public trust. And we continue our work to reduce other violent and heinous crimes—such as human trafficking, elder abuse, and violence against persons with disabilities—and to improve access to necessary services for the victims of these crimes.

When communities come together to declare that crime is not tolerated, to empower victims, and to work toward a brighter tomorrow, it gives new life to our democracy and our system of justice. During National Crime Victims' Rights Week, we lift up service providers, criminal justice professionals, and all who are committed to improving ef-

forts to prevent and respond to the effects of crime. Together, let us rededicate ourselves to the important work of supporting victims' rights and continue our efforts to build a safer, stronger, more just future for all Americans.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 19 through April 25, 2015, as National Crime Victims' Rights Week. I call upon all Americans to observe this week by participating in events that raise awareness of victims' rights and services, and by volunteering to serve victims in their time of need.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of April, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and thirty-ninth.

BARACK OBAMA

Proclamation 9258 of April 20, 2015

National Park Week, 2015

*By the President of the United States of America
A Proclamation*

America's grandeur and God-given bounty are the birthright of all our people. Our national parks, monuments, lands, and waters belong to us all, and every person should be able to use and enjoy these unparalleled public lands. To celebrate the places that make America great—the treasures that writer and conservationist Wallace Stegner once called “the geography of hope”—and to kick off National Park Week, this weekend the National Park Service is offering free admission. I encourage all people to explore our natural wonders and rediscover the essential part of the American spirit they reflect.

As our Nation prepares to celebrate the centennial of the National Park Service next year, my Administration is encouraging Americans to “Find Your Park” all year long. America's public lands and waters are living classrooms, active laboratories, and vast playgrounds, offering space to get outside and be active. These places reflect our heritage and help tell the stories about giants of our history and extraordinary chapters of our past. They teach us about ourselves, rejuvenate our spirit, and keep us connected to what it means to be American. They offer something for everyone, and chances are, there is a National Park closer to you than you think. To learn more, visit www.FindYourPark.com.

As President, I am committed to ensuring every child in America—regardless of who they are or where they live—has this opportunity to discover the great outdoor spaces that have inspired women and men for generations. That is why earlier this year I launched the Every Kid in a Park initiative, which will provide all fourth graders and their families with free admission to our National Parks and other Federal lands and waters for a full year. My Administration will also work to make it easier for schools and families to plan trips to visit these places of natural splendor, helping to ensure all our young people have

the chance to experience for themselves some of our Nation's greatest assets.

Americans are heirs to an extraordinary legacy of conservation and environmental stewardship that has protected our great outdoors for the use and benefit of all. We are blessed with the most beautiful landscapes and waterscapes in the world, and it is our obligation to make sure the next generation is able to enjoy that same bounty. I am proud to have protected more than 260 million additional acres of public lands and waters—more than any other President—which includes the establishment or expansion of 16 National Monuments through my Executive authority. And my Administration continues to take action to protect our lands and waters from the impacts of climate change, and to support important programs like the Land and Water Conservation Fund that make the outdoors easier to access for all people.

This week, we embrace our cherished lands and waters, and celebrate the ways they enrich our Nation. Let us seize this opportunity to experience all our great outdoors has to offer, and let us recommit to doing our part to preserve these majestic places for all our children and grandchildren.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 18 through April 26, 2015, as National Park Week. I encourage all Americans to visit their National Parks and be reminded of these unique blessings we share as a Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of April, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and thirty-ninth.

BARACK OBAMA

Proclamation 9259 of April 21, 2015

Earth Day, 2015

By the President of the United States of America

A Proclamation

Forty-five years ago, millions of Americans celebrated the first Earth Day in cities across our Nation. Having borne witness to years of environmental neglect, these ordinary citizens gathered in the streets, in parks, and on college campuses to demand change and commit to leaving a healthier planet for the next generation. Faced with contaminated rivers and polluted cities, they stood up, spoke out, and fought for air, water, and wildlife protections. Their voices galvanized a movement—leading to the creation of the Environmental Protection Agency and the passage of the Clean Air Act, the Clean Water Act, and the Endangered Species Act—and ignited a spirit of stewardship that continues to drive us to meet the challenges of our time.

Today, our planet faces new challenges, but none pose a greater threat to future generations than climate change. Science tells us the earth is

warming—last year was the planet’s warmest on record, and 14 of the 15 warmest recorded years have come in the first 15 years of this century—and human activity is the primary driver of the rapid warming of the past half-century. Climate change will have profound impacts on all humankind, and many Americans are already feeling the effects. The costs of more severe weather disasters can be measured in lost lives and livelihoods and in billions of dollars of emergency services, and the costs will only increase with time. Firefighters are braving longer wildfire seasons; farmers are confronting adverse growing conditions; and our children and most vulnerable populations are experiencing a range of climate-related health effects.

As a Nation, we must act before it is too late. That is why my Administration has taken a series of ambitious steps to combat climate change and protect our planet for our children and grandchildren. As part of my Climate Action Plan, we have proposed the first-ever carbon pollution limits for existing power plants. We have also partnered with communities to prepare for the impacts of a changing climate that we can no longer avoid. And I have protected more than 260 million additional acres of public lands and waters, safeguarding the natural bounty of our planet for ages to come.

The United States is committed to our role as a global leader in the fight against climate change, and last year, we jointly announced with China ambitious but achievable new targets for reducing greenhouse gases. I am also ensuring that our Federal Government leads by example by working to reduce Federal greenhouse gas emissions by 40 percent. My Administration will continue to engage with key stakeholders at home and abroad who share our hope for a cleaner world.

Protecting our planet will also require us to change the way we use energy, and my energy strategy recognizes this critical need. My Administration has made the largest investment in clean energy in American history, and today the United States generates more renewable energy than ever before—we harness 3 times as much wind power as we did when I took office and solar electricity generation has increased 20-fold. Mayors, Governors, and business leaders across the country are taking steps to deploy clean energy, boost energy efficiency, and create more sustainable communities and supply chains. We are promoting energy efficiency in our buildings and cars and working to ensure our Nation is a leader in the energy sources of tomorrow.

As caretakers of our planet, we all have an obligation to combat climate change and protect our earth for the next generation. The decisions we make today and in the years ahead will have a profound impact on the world we leave behind, and we must each do our part. We can reduce the energy used in our homes and offices; we can help protect our resources by recycling as part of our everyday routine; and we can raise our voices to support policies like the ones my Administration has put forth to protect our environment while strengthening our economy. On Earth Day, let us join with communities around the world, and as one people—who share one planet—let us recommit to meeting the test of our time and continuing our work to build a cleaner, safer, more stable world.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April

22, 2015, as Earth Day. I encourage all Americans to participate in programs and activities that will protect our environment and contribute to a healthy, sustainable future.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-first day of April, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and thirty-ninth.

BARACK OBAMA

Proclamation 9260 of April 27, 2015

Workers Memorial Day, 2015

By the President of the United States of America

A Proclamation

Across the United States, as dedicated Americans clock in at factories, walk onto construction sites, put on their hospital uniforms, and report to do the daily work that drives our Nation's progress, they give meaning to the simple yet profound belief that if you work hard and take responsibility, you can get ahead. However, each year millions of people have their shifts cut short by work-related injuries and illnesses, and on average, 12 Americans lose their lives on the job every day. On Workers Memorial Day, we honor those we have lost and recommit to improving conditions for all who work hard to provide for their families and contribute to our country.

Throughout our history, the American worker has labored not only to erect buildings and cities, but also to raise the standards of our Nation's workplaces. Through protests and picket lines, by organizing and raising their voices together, workers have won small and large victories that have pushed our country closer to ensuring safer and healthier jobs for all. Over 40 years ago, the right to a safe workplace was written into law with the Federal Coal Mine Health and Safety Act of 1969 and the Occupational Safety and Health Act of 1970. Since then, job-related deaths, injuries, and illnesses have decreased; but there is more progress to be made, and we cannot grow complacent in the fight for better working conditions.

My Administration continues to bolster workers' rights with millions of dollars in funding targeted at inspecting hazardous workplaces and helping employers understand and comply with safety and health regulations. Additionally, to ensure companies receiving taxpayer money maintain a safe workplace, last year I signed an Executive Order to crack down on Federal contractors who put workers' safety and pay at risk. By creating incentives for better compliance and a process for contractors to follow basic workplace protection laws, we are sending a strong message throughout the economy: if you want to do business with the United States, you must respect our workers.

American laborers form the backbone of our economy—but our economic growth should never come at the cost of their safety or well-being. Those who work every day to put food on the table, provide for their families, or care for their fellow citizens should know their country has their back. Today, as we remember women and men taken from

us too soon, we remind ourselves that even one life lost to a preventable job-related incident is one too many, and we focus our efforts on creating a world where success at the workplace is determined only by the strength of our work ethic and the scope of our dreams.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 28, 2015, as Workers Memorial Day. I call upon all Americans to participate in ceremonies and activities in memory of those killed or injured due to unsafe working conditions.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-seventh day of April, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and thirty-ninth.

BARACK OBAMA

Proclamation 9261 of April 30, 2015

Jewish American Heritage Month, 2015

By the President of the United States of America

A Proclamation

From our Nation's earliest days, Jewish Americans have been a critical part of our story. In the face of unspeakable discrimination and adversity, they have fought tirelessly to realize their piece of the American dream and the promise of our founding, holding tight to the belief that a better day lies ahead. Their relentless spirit and remarkable achievements have enriched our country, stirred our conscience, and challenged us to extend the miracles of freedom and security. This month, we honor the vast contributions Jewish Americans have made to our world, and we recommit to standing up for the traditions we believe in and the values we share.

As we celebrate the rich heritage of the Jewish American community, it is impossible to separate their accomplishments from the struggles of Jewish people around the world. American Jews have worked to strengthen the promise of religious freedom because their ancestors were tested from the moment they came together and professed their faith. Today, they continue to teach us empathy and compassion, inspired by the lessons of their parents and grandparents who knew how it felt to be a stranger, and to stand up for a more perfect Union for all—relentlessly pursuing tikkun olam—because they have always understood that we must recognize ourselves in the struggles of our fellow man.

This year, Jewish American Heritage Month begins as the world commemorates the 70th anniversary of the liberation of Dachau by American soldiers, and we are once again reminded that the vibrant culture of the Jewish people has not always been embraced. As tragic events show us all too often, Jewish communities continue to confront hostility and bigotry, including in America. Our Nation shares an obligation to condemn and combat anti-Semitism and hatred wherever it exists, and we remain committed to standing against the ugly tide of anti-

Semitism in all its forms, including in the denial or trivialization of the Holocaust.

In celebrating the contributions of the Jewish people to the progress of our country, we also reaffirm America's unwavering commitment to the security of the State of Israel and the close bonds between our two nations and our peoples.

For centuries, Jews have reached for the blessings of freedom and opportunity in the United States. Today—as pillars of their families and leaders in their communities—Jewish Americans represent a link in an unbroken chain of perseverance. During Jewish American Heritage Month, we celebrate the hard-fought progress won through struggle and sacrifice, and we rededicate ourselves to building a world where diversity is cherished and faith is protected.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 2015 as Jewish American Heritage Month. I call upon all Americans to visit www.JewishHeritageMonth.gov to learn more about the heritage and contributions of Jewish Americans and to observe this month with appropriate programs, activities, and ceremonies.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of April, in the year two thousand fifteen, and of the Independence of the United States of America the two hundred and thirty-ninth.

BARACK OBAMA

Proclamation 9262 of April 30, 2015

National Building Safety Month, 2015

By the President of the United States of America

A Proclamation

From skyscrapers and schools to hospitals and homes, America's buildings are the foundations of our communities. When disasters strike, we rely on the structural integrity of our buildings to keep us safe. This month, we pay tribute to the innovative professionals who implement our safety standards, and we redouble our efforts to make our buildings as resilient as our people.

All Americans can take action to protect their loved ones and their property by preparing their homes and workplaces for any disaster. If earthquakes are common where you live, you can restrain heavy appliances, anchor tall bookcases and file cabinets, and install latches on drawers and cabinet doors. To protect against hurricanes, tornadoes, and high winds, you can reinforce garage doors and prepare covers for your windows and house doors. To learn more about how to prepare for all types of disasters and improve the safety and resilience of the places in which you spend time, visit www.Ready.gov.

My Administration is committed to creating stronger, safer, disaster-resistant communities and to empowering Americans to do their part. We are collaborating with engineers, scientists, construction workers, and other professionals to develop cutting-edge tools focused on bol-

stering the safety of our buildings and infrastructure while also improving their energy efficiency—because we can increase our Nation’s resilience while also being good stewards of our environment. And we are working with States, tribal leaders, and local partners to ensure neighborhoods across our Nation adopt the most up-to-date building codes and standards that not only help protect individuals and their families, but also support the needs of our cities and towns.

As our Nation faces longer wildfire seasons, more severe droughts, heavier rainfall, and more frequent flooding in a changing climate, safeguarding the resilience of our infrastructure is more critical than ever. That is why, as part of my Climate Action Plan, my Administration is committed to building infrastructure that can withstand more frequent and more devastating natural disasters. To support these efforts, earlier this year I established a flood standard for new and rebuilt federally funded structures in and around floodplains, ensuring taxpayer dollars are well spent on resilient infrastructure while reducing the risk and cost of future flood disasters.

Across the United States, buildings bring us together and protect us from harm. As a Nation, our capacity to continue to withstand threats and recover quickly from disaster depends on what we do today. During National Building Safety Month, let us rededicate ourselves to making the places we live, work, and play more stable and secure for generations to come.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 2015 as National Building Safety Month. I encourage citizens, government agencies, businesses, nonprofits, and other interested groups to join in activities that raise awareness about building safety. I also call on all Americans to learn more about how they can contribute to building safety at home and in their communities.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of April, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and thirty-ninth.

BARACK OBAMA

Proclamation 9263 of April 30, 2015

National Foster Care Month, 2015

By the President of the United States of America

A Proclamation

At the heart of the American story is the simple truth that all children should have a fair chance at success, no matter who they are or where they come from. Central to this promise of opportunity are the love and support of family—which all girls and boys deserve, but not enough have. During National Foster Care Month, we recommit to caring for all our Nation’s daughters and sons, and we reaffirm our basic belief: in America, there is a place for everyone, and no young person should feel like they are on their own.

Over the last decade, our Nation has made significant progress in reducing the number of young people in foster care, but we have more work to do to ensure all children can thrive in a safe and nurturing environment. Today, there are over 400,000 boys and girls in our foster care system. More than 100,000 of them are waiting to be adopted, and every year, 23,000 young people age out of the system—never having found the security of a permanent home. There also continue to be disproportionate numbers of African-American and Native American youth in the foster care system, compounding the disparities these communities too often face.

All young people, regardless of what they look like, which religion they follow, who they love, or the gender they identify with, deserve the chance to dream and grow in a loving, permanent home. When our Nation's daughters and sons lack stable homes and strong support structures, they face enormous barriers to reaching their fullest potential—difficulties no child should have to experience, especially not on their own. And those who age out of the foster care system often face obstacles as they transition into adulthood, including challenges completing their education, remaining financially secure, and staying out of the justice system.

My Administration is committed to expanding what is possible for all our Nation's children and empowering them to overcome every challenge they face. From day one, we have been working to create a better, more-supportive foster care system, and we have taken steps to increase the safety, permanency, and well-being of America's children. Last year, we announced new initiatives to help protect the financial security of foster youth, expand their opportunities for education and employment, and keep them out of the justice system. We are partnering with State and tribal leaders to support innovative strategies that strengthen families, improve the foster care system, and prevent children from entering it in the first place, and each day we continue the fight to secure every child's right to earn their piece of the American dream.

We know that children are best raised in families, not institutions. And each year, men and women of all backgrounds open their homes and hearts to foster children. These selfless individuals step up and serve as loving parents and family members and dedicated teachers, mentors, caseworkers, and faith leaders—helping foster children realize their highest aspirations despite the great odds stacked against them. My Administration is striving to bolster all those who support foster children by providing the resources and assistance they need. With so many children waiting for loving homes, it is important to ensure all qualified caregivers have the opportunity to serve as foster or adoptive parents, regardless of race, religion, sexual orientation, gender identity, or marital status. That is why we are working to break down the barriers that exist and investing in efforts to recruit more qualified parents for children in foster care.

In the face of often unimaginable challenges, foster children demonstrate extraordinary courage and determination. Their resolve reminds us that we have obligations to them and to one another, and that we all share in the responsibility of lifting up our Nation's youth. This month, we honor these young people and all those who dedicate themselves to making a difference in the lives of girls and boys in foster care. Let us each recognize the large and small ways we can brighten

the future of a foster child this month and every month, and together let us reach for the day when everyone knows the love and safety of a permanent home.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 2015 as National Foster Care Month. I call upon all Americans to observe this month by taking time to help youth in foster care and recognizing the commitment of all who touch their lives.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of April, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and thirty-ninth.

BARACK OBAMA

Proclamation 9264 of April 30, 2015

National Physical Fitness and Sports Month, 2015

By the President of the United States of America

A Proclamation

Sports are a fundamental part of American culture. They foster our country's competitive drive, help us stay healthy, and teach us what it takes to succeed—not only on the softball diamond or the basketball court, but also in life. Sports and fitness reflect our national character, and they help us unlock our full potential. During National Physical Fitness and Sports Month, we recognize parents, coaches, educators, and all those who instill in our children the importance of regular exercise, and we invite all people to invest in their own well-being by finding a way to be active each day.

Physical fitness is an essential component of a healthy lifestyle. Regular exercise can produce long-term health benefits; it can help prevent chronic diseases, combat obesity, relieve stress, and increase the chances of living longer. By making physical activity part of your daily routine—at least 30 minutes for adults and 60 minutes for children—you can put yourself on the path to better physical and mental health.

This year marks the fifth anniversary of First Lady Michelle Obama's *Let's Move!* initiative, which has helped increase opportunities for physical activity and inspire Americans of all ages to lead healthy, active lives. To celebrate, the First Lady is challenging everyone to #GimmeFive things they are doing to eat better, be more active, and live more healthfully. To join the fun and find new ways to stay fit, challenge your family, friends, and colleagues to #GimmeFive this month.

Communities all across our country have embraced my Administration's national call to action and encouraged each other to stay active and make smart life choices. The President's Council on Fitness, Sports, and Nutrition is also promoting physical activity to ensure all Americans have the chances they deserve to lead healthy lives. Their *I Can Do It, You Can Do It!* program is working to empower Americans

with disabilities and make certain they have equal opportunities to participate in regular physical activity in their schools and communities. And the *Go4Life* campaign is helping older Americans, including those with chronic conditions, to be active every day.

By making daily healthy choices, all Americans can strengthen their bodies and minds and build a foundation that supports their greatest aspirations. This month, let us encourage one another to get involved in sports and fitness activities and together, forge a healthier future for ourselves, our loved ones, and our Nation. To learn how you can get involved, visit www.LetsMove.gov and www.Fitness.gov.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 2015 as National Physical Fitness and Sports Month. I call upon the people of the United States to make daily physical activity, sports participation, and good nutrition a priority in their lives.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of April, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and thirty-ninth.

BARACK OBAMA

Proclamation 9265 of April 30, 2015

Law Day, U.S.A., 2015

By the President of the United States of America

A Proclamation

Throughout the world, the rule of law is central to the promise of a safe, free, and just society. Respect for and adherence to the rule of law is the premise upon which the United States was founded, and it has been a cornerstone of my Presidency. America's commitment to this fundamental principle sustains our democracy—it guides our progress, helps to ensure all people receive fair treatment, and protects our Government of, by, and for the people.

This Law Day, we celebrate a milestone in the extraordinary history of the rule of law by marking the 800th anniversary of the Magna Carta. Centuries ago, when kings, emperors, and warlords reigned over much of the world, it was this extraordinary document—agreed to by the King of England in 1215—that first spelled out the rights and liberties of man. The ideals of the Magna Carta inspired America's forefathers to define and protect many of the rights expressed in our founding documents, which we continue to cherish today.

The Magna Carta has also provided a framework for constitutional democracies throughout the world, and my Administration is committed to supporting good governance based upon the rule of law. Around the globe, we support strong civil institutions, independent judiciaries, and open government—because the rule of force must give way to the rule of law. For more than two centuries, we have witnessed these values drive opportunity and prosperity here in the United States, and as

President, I will continue to work to bolster our systems of justice and advance efforts that do the same overseas.

America is and always has been a nation of laws. Our institutions of justice are vital to securing the promise of our country, and they are bound up with the values and beliefs that have united peoples through the ages. The United States and our citizens are inextricably linked to all those around the world doing the hard work of strengthening the rule of law—joined in common purpose by our mutual interest in building freer, fairer, more just societies.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, in accordance with Public Law 87–20, as amended, do hereby proclaim May 1, 2015, as Law Day, U.S.A. I call upon all Americans to acknowledge the importance of our Nation’s legal and judicial systems with appropriate ceremonies and activities, and to display the flag of the United States in support of this national observance.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of April, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and thirty-ninth.

BARACK OBAMA

Proclamation 9266 of April 30, 2015

**Asian American and Pacific Islander Heritage Month,
2015**

By the President of the United States of America

A Proclamation

The rich heritage of Asian Americans, Native Hawaiians, and Pacific Islanders spans the world and the depths of America’s history. Generation after generation, Asian Americans and Pacific Islanders have forged a proud legacy that reflects the spirit of our Nation—a country that values the contributions of everyone who calls America home. During Asian American and Pacific Islander (AAPI) Heritage Month, we honor the perseverance of those who courageously reached for their hopes and dreams in a new land, and we celebrate the important impact the AAPI community has made on our Nation’s progress.

From the more than one million immigrants who journeyed across the Pacific and arrived on Angel Island to the Chinese-American laborers who risked their lives to link our coasts by rail, the determination of this vibrant community represents the best of our national character. In each chapter of our country’s story—in places like Selma and the grape fields of Delano, during the moments where our Nation’s destiny has been decided—AAPIs of all backgrounds have set inspiring examples as leaders and trailblazers, united by a common hope for civil rights, equal treatment, and a better tomorrow for all Americans.

Through times of hardship and in the face of enduring prejudice, these women and men have persisted and forged ahead to help strengthen our Union. Native Hawaiians have fought to protect their treasured tra-

ditions, language, and lands. And AAPI patriots have defended the beliefs for which we stand. Seventy years ago, the United States and our allies secured a lasting peace throughout the Asia Pacific region and much of the world—a victory achieved in part by thousands of Filipino Americans who fought valiantly but were denied compensation, and also by Japanese Americans who served this country even as the freedom of their loved ones was denied.

Fifty years ago, the United States opened new doors of opportunity to more Asian and Pacific Islander immigrants through the Immigration and Nationality Act of 1965, ending the arbitrary and outdated policies that unfairly limited the potential of entire regions. This year also marks the 40th anniversary of the end of the Vietnam War, which brought new Vietnamese, Cambodian, Hmong, and Laotian communities to this country. But as we recognize the enormous progress America has made, we must also acknowledge the many struggles AAPIs continue to experience in the face of persistent inequality and bigotry, including barriers to equal access to education, employment, and health care. South Asian Americans—especially those who are Muslim, Hindu, or Sikh—too often face senseless violence and harassment due only to the color of their skin or the tenets of their faith. And to this day, many AAPIs continue to live in the shadows and are separated from their families due to our broken immigration system.

My Administration is committed to addressing these unmet needs and the ugly discrimination that still exists. I was proud to re-establish the White House Initiative on AAPIs soon after I took office, to foster opportunities for increased access to and involvement in Federal programs. As part of that effort, my Administration is expanding its regional network of Federal leaders and hosting community meetings across the country to better understand the needs of the diverse AAPI community. Last year, I announced my intent to take actions that would allow more high-skilled immigrants, graduates, and entrepreneurs to stay and contribute to our economy, and I continue to call on the Congress to pass comprehensive immigration reform. To highlight the tremendous growth of the AAPI community and my Administration's commitment to increasing opportunity for AAPIs everywhere, this month we will host the White House Summit on AAPIs—an unprecedented and historic all-day convening of senior Federal officials and community leaders from across the country.

As we commemorate Asian American and Pacific Islander Heritage Month, we pay tribute to all those in the AAPI community who have striven for a brighter future for the next generation. Together, let us recommit to embracing the diversity that enriches our Nation and to ensuring all our people have an equal chance to succeed in the country we love.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 2015 as Asian American and Pacific Islander Heritage Month. I call upon all Americans to visit www.WhiteHouse.gov/AAPI to learn more about our efforts on behalf of Asian Americans and Pacific Islanders, and to observe this month with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of April, in the year of our Lord two thousand fifteen, and of the

Independence of the United States of America the two hundred and thirty-ninth.

BARACK OBAMA

Proclamation 9267 of April 30, 2015

National Mental Health Awareness Month, 2015

By the President of the United States of America

A Proclamation

This year, approximately one in five American adults—our friends, colleagues, and loved ones—will experience a diagnosable mental health condition like depression, anxiety, bipolar disorder, schizophrenia, or post-traumatic stress, and many others will be troubled by significant emotional and psychological distress, especially in times of difficulty. For most of these people, treatment can be effective and recovery is possible. Yet today, millions of Americans still do not receive the care they need. This month, we stand with those who live with mental illness, and we recommit to ensuring all Americans have access to quality, affordable care.

In the past decade, our Nation has made extraordinary progress in recognizing severe psychological distress and diagnosing and treating mental illness, and my Administration is committed to building on that success. The Affordable Care Act extends mental health and substance use disorder benefits and parity protections to over 60 million Americans. Protections under the law also prohibit insurers from denying coverage because of pre-existing conditions like a diagnosis of mental illness and require most insurance plans to cover recommended preventive services without copays, including behavioral assessments for children and depression screenings. As part of the BRAIN Initiative, we are funding innovative research that aims to revolutionize our understanding of conditions that affect the brain, such as mental health disorders, and to improve the lives of all who live with them. And we continue to invest in community health centers, enabling them to expand access to mental health services where they are needed most.

As Americans, we have a sacred obligation to provide those who suffer from the invisible wounds of war with the support they have earned. Earlier this year, I was proud to sign the Clay Hunt SAV Act, which authorized additional steps to address mental health and prevent suicide among veterans. This law will build on my Administration's ongoing work to bolster mental health services for service members, veterans, and their families. We recently established a new policy that will ensure the continuity of mental health medications during service members' transitions to care at the Department of Veterans Affairs (VA), and we took action to make certain those receiving mental health care are connected to mental health professionals as they transition to the VA or a community provider. My Administration has also worked to increase the number of counselors available to our veterans and to expand the capacity of the Veterans Crisis Line.

Despite how common it is to experience severe psychological distress, substance use problems, and mental illness, there is still considerable

stigma associated with mental health treatment. This month, we must bring mental illness out of the shadows and encourage treatment for those who might benefit; it is our shared responsibility to recognize the signs of psychological and emotional distress and to support those in need. We must strive to remove the stigma around mental illness and its treatment, overcome fear and misunderstanding, and make sure all those dealing with a mental health issue know they are not alone. Asking for help is not a sign of weakness—taking action to help yourself is a sign of strength. If you or someone you know is in need of immediate assistance, call 1-800-662-HELP. The National Suicide Prevention Lifeline also offers immediate assistance for all Americans, including service members and veterans, at 1-800-273-TALK.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 2015 as National Mental Health Awareness Month. I call upon citizens, government agencies, organizations, health care providers, and research institutions to raise mental health awareness and continue helping Americans live longer, healthier lives.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of April, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and thirty-ninth.

BARACK OBAMA

Proclamation 9268 of April 30, 2015

Older Americans Month, 2015

*By the President of the United States of America
A Proclamation*

In America, every person who is willing to work hard and play by the rules should be able to build a life of opportunity and prosperity. We learned this simple truth from our oldest generation—the women and men who relentlessly pursued progress throughout the 20th century. Drivers of enormous change, they have enriched our Nation and bravely defended the values we cherish; they have broken down barriers and blazed pathways for all who followed; and they have raised us all and endowed us with a freer, fairer, more equal world.

After a lifetime of contributions, they have earned our care and respect, and they deserve to live out their years with dignity and independence. Our Nation is strongest when older Americans live comfortably in their golden years and have the opportunity to continue to contribute to the fabric of the country and society they helped to shape. This month, we celebrate the accomplishments and sacrifices of our elders, and we reaffirm our belief that the promise of our Nation extends to Americans of all ages.

The United States is entering a new era, and the face of our Nation is growing older and more diverse. For the next 15 years, thousands of Americans will reach retirement age every day, and by 2030, there will be more than twice as many older Americans as there were at the be-

ginning of this century. This growing population is a tremendous national asset. By changing the way we think and talk about aging—by focusing on the opportunities of aging rather than the limitations—we can work to maximize the potential of this generation and ensure they continue to thrive as they age.

To address the changing landscape of aging and advance policies that help older Americans pursue their fullest measure of happiness, this summer my Administration will host the 2015 White House Conference on Aging. By connecting older Americans, their families, caregivers, advocates, community leaders, and experts, the Conference is an important chance to continue our efforts to safeguard retirement security, promote healthy aging, provide long-term services and support, and protect older Americans from abuse, neglect, and financial exploitation.

This year also marks the 50th anniversary of Medicare, Medicaid, and the Older Americans Act, as well as the 80th anniversary of Social Security. For decades, these landmark achievements have stood as pillars of economic opportunity for millions of Americans and reflected the promise we make to our seniors. As President, I have worked tirelessly to strengthen these programs. Throughout the last half-century, the Older Americans Act has empowered older Americans by upholding their rights and supporting social and nutrition services, as well as a nationwide network of employment, training, and research programs. These vital services help millions of seniors across our Nation. I am also proud of the progress we have made during my Administration to improve Medicare, which provides essential health care and security for older Americans. And I am committed to further strengthening Medicare by bolstering access to care for beneficiaries, encouraging better outcomes, and improving long-term sustainability.

Social Security is one of the most important and successful programs ever established in the United States, and we must make certain it is solvent and viable for the American people, now and in the future. I am fighting to ensure any reforms will protect retirement security for the most vulnerable, including low-income seniors, and maintain the robust disability and survivors' benefits that help families after they have paid into the system. To build on this legacy, I started the *myRA* program, a new type of savings account that provides additional pathways for Americans to build their nest egg, and I have called for new rules to require financial advisors to put their clients' interests before their own—ensuring all who responsibly prepare for retirement receive the best advice possible.

Our elders forged a bright future for all our Nation's children, and they deserve the best America has to offer. As heirs to their proud legacy, we must reach for the world they have made possible. During Older Americans Month, we lift up all those whose life's work has made ours a little easier, and we recommit to showing them the fullest care, support, and respect of a grateful Nation.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 2015 as Older Americans Month. I call upon all Americans of all ages to acknowledge the contributions of older Americans during this month and throughout the year.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of April, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and thirty-ninth.

BARACK OBAMA

Proclamation 9269 of April 30, 2015

Loyalty Day, 2015

By the President of the United States of America

A Proclamation

As Americans, we are united not by the circumstances of our birth or our station in life, but by our fidelity to a set of shared ideals and unalienable rights. The principles of freedom, justice, and equality for all are at the very core of who we are as a Nation. We believe firmly in the power of democracy and opportunity—but we know that these blessings are only what we make of them, and that our experiment in self-government gives work and purpose to each new generation. Today, we recommit to the profoundly patriotic work of doing all we can to better the country we love.

Throughout the course of our history, our values have sustained us through periods of tremendous struggle and times of great prosperity. They found expression in the courage of patriots who loved this country so much that they were willing to risk everything to realize its promise. It was an enormous faith in what our country could be that led hopeful women and men to march on Washington, waving the American Flag—even as they were denied their fundamental rights. And it was the understanding that our Union is a constant work in progress that guided our forebears through places like Seneca Falls, Selma, and Stonewall.

As a Nation, we know the journey to perfect our Union is unending, and we are strong enough to be self-critical. We can look upon our imperfections and decide that it is within our power to remake our country to more closely align with our highest ideals. On Loyalty Day, we reaffirm the belief that loving this great Nation requires more than singing its praises or avoiding uncomfortable truths. It requires the willingness to speak out for what is right and to recognize that change depends on our actions, our attitudes, and the values we teach our children. Let us never forget America is exceptional because we each have the capacity to shape our own destiny and change the course of our Union's history.

In order to recognize the American spirit of loyalty and the sacrifices that so many have made for our Nation, the Congress, by Public Law 85-529 as amended, has designated May 1 of each year as “Loyalty Day.” On this day, let us reaffirm our allegiance to the United States of America and pay tribute to the heritage of American freedom.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim May 1, 2015, as Loyalty Day. This Loyalty Day, I call upon all the people of the United States to join in support of this national observance, whether by displaying the Flag

of the United States or pledging allegiance to the Republic for which it stands.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of April, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and thirty-ninth.

BARACK OBAMA

Proclamation 9270 of May 1, 2015

National Small Business Week, 2015

By the President of the United States of America

A Proclamation

America's small businesses are the backbone of our economy, employing half of our country's private sector workforce and creating nearly two out of every three new jobs in our country. Representing the quintessential American ideals of hard work and ingenuity, small businesses—from startups to mom-and-pop shops—are crucial to our national prosperity and economic security. During National Small Business Week, we recommit to advancing these vital enterprises, and we celebrate their contributions to our collective American story.

From day one, my Administration has made supporting our Nation's small businesses a priority. We have fought to ensure our tax code reflects our values and encourages growth, and part of that effort includes making sure those who take risks and do the hard work of turning a good idea into a great business get a fair deal. That is why I have signed into law 18 different tax cuts for small businesses, which are helping them thrive in the 21st-century economy. By investing in our infrastructure, expanding access to credit, and assisting entrepreneurs as they start out and scale up, we are continuing to bolster America's small business community.

My Administration is committed to ensuring small businesses have the tools, resources, and expertise they need to succeed. Last year, we built on the success of my QuickPay initiative—which has already generated over \$1 billion in cost savings for small businesses—by launching SupplierPay, a new partnership with the private sector to strengthen small businesses by increasing their working capital. The Affordable Care Act is working to expand insurance coverage, reduce health care costs, and improve the quality of care—all of which help small businesses and our economy. Additionally, the law allows small businesses access to SHOP, a competitive marketplace where they can look for coverage that meets their needs and where they cannot be charged more for operating in blue-collar industries, employing women, or insuring people with pre-existing conditions. We are also focused on injecting capital into emerging, entrepreneurial communities, supporting ventures operated by women, veterans, and underserved populations. And we continue to work to open new markets for small exporters because we know trade promotion bolsters our small businesses and their employees.

Our small businesses represent what is best about our Nation—the idea that with determination and responsibility, anyone can build a better life for themselves and their loved ones. For more than two centuries, American innovation has sparked ideas that have changed our lives and the course of our history for the better. This week, we recognize the role small businesses play as pillars of our communities and engines of our growing economy, and we rededicate ourselves to fostering the entrepreneurial spirit that has forged the strongest economy the world has ever known.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 4 through May 8, 2015, as National Small Business Week. I call upon all Americans to recognize the contributions of small businesses to the competitiveness of the American economy with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of May, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and thirty-ninth.

BARACK OBAMA

Proclamation 9271 of May 1, 2015

Public Service Recognition Week, 2015

*By the President of the United States of America
A Proclamation*

A Government of, by, and for the people is sustained only through the hard work and extraordinary sacrifice of millions of citizens willing to serve the country they love. From the moment an early band of patriots first came together to secure the blessings of liberty for all, public servants have worked to create a more perfect Union. Today—in every city and every town—Americans proudly carry forward this tradition of service, which has built our Nation and strengthened its promise. This week, we recognize all those who dedicate their lives to this noble pursuit, and we celebrate the tremendous difference they make every day.

In the face of difficult challenges, public servants give new life to the values that bind our Nation together. Civil servants are scientists and teachers, social workers and first responders—they are the leaders of today's progress and the innovators of tomorrow's breakthroughs. With determination and resolve, they defend our country overseas and work to widen the circle of opportunity and prosperity here at home. And despite tough circumstances—including pay freezes, budget cuts, sequestration, and a political climate that too often does not sufficiently value their work—these exceptional leaders continue to make real the fundamental truth that people who love their country can change it.

With more than 2 million civilian workers and more than 1 million active duty service members, our Federal workforce represents extraordinary possibility. Our Government can and must be a force for good, and together, we can make sure our democracy works for all Ameri-

cans. We know there are some things we do better when we join in common purpose, and with hard work and a commitment worthy of our Nation's potential, we can keep our country safe, guarantee basic security, and ensure everyone has a shot at success.

As President, I am dedicated to engaging our workforce and investing in the people who strive every day to help our Nation live up to its limitless promise. My Administration is advancing efforts to train and develop the next generation of civil servants and equip them with the skills to lead change, build coalitions, and collaborate across Government to solve big problems. We are also finding new ways to improve how we recruit, empower, and retain the most diverse and very best talent, ensuring careers in public service will continue to attract the brightest of the coming generations. I am committed to lifting up the outstanding work that is done every day and to fostering an environment where all our employees feel valued, engaged, and included.

Public service is a calling which has meant so much to so many. It embodies our sense of shared values and reflects our drive to serve a cause beyond our own—to give back to our Nation, leave our mark, and nudge history forward. There is no greater opportunity to help more people or to make a bigger difference. During Public Service Recognition Week, we honor the women and men who power our local, State, and Federal governments, and we recommit to tackling the toughest challenges with the most talented workforce.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 3 through May 9, 2015, as Public Service Recognition Week. I call upon all Americans to recognize the hard work and dedication of our Nation's public servants and to observe this week by expressing their gratitude and appreciation through appropriate activities, events, and programs.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of May, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and thirty-ninth.

BARACK OBAMA

Proclamation 9272 of May 4, 2015

National Charter Schools Week, 2015

By the President of the United States of America

A Proclamation

In today's global economy, a high-quality education is one of the best investments we can make in a child's future, and it is central to the promise that in America, where you start should not determine how far you can go. No matter who they are or where they come from, all children deserve the best education possible. During National Charter Schools Week, we recognize the role public charter schools play in providing America's daughters and sons with a chance to reach their

fullest potential, and we recommit to strengthening our Nation's classrooms for all.

Innovation and experimentation are essential to bolstering our education system for the 21st century. As independent public schools, charter schools are able to try new models of learning and methods that encourage academic excellence and set students on a path to success. They are laboratories of learning and incubators for the ideas of tomorrow, but this flexibility comes with high standards and accountability. When a charter school does not measure up—when one is underperforming and not improving—we must make the tough decision to shut it down. But when charter schools are successful, they can help spur systemic reform, and their approaches can be replicated in classrooms across America. Today, especially in some of our Nation's most disadvantaged communities, successful charter schools are an important partner in increasing access to a high-quality education and closing the achievement gap.

I am dedicated to providing every child access to a complete and competitive education, and harnessing the power of American ingenuity has been vital to this commitment. My Administration has challenged States to raise education standards, improve teacher effectiveness, and adopt new strategies to help struggling schools. As part of this unprecedented effort, we have expanded support for high-performing public charter schools and given States the opportunity to embrace new ideas that improve all our Nation's classrooms. Our comprehensive approach to education reform has demonstrated that innovation yields results that benefit all students, that progress is possible, and that a world-class education can be within reach for all our young people. As President, I will continue to build on this success and work to ensure all children receive an education worthy of their potential.

Today, our Nation's very best charter schools are gateways to higher education and endless possibilities, lifting up students of all backgrounds and empowering them to achieve a brighter future. This week, we honor the parents, educators, and civic leaders who make the vision of charter schools a reality, and we continue our work to safeguard the promise that an education—one that expands horizons, challenges minds, and inspires a new generation of thinkers, doers, and dreamers—is within the reach of every girl and boy.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 3 through May 9, 2015, as National Charter Schools Week. I commend our Nation's charter schools, teachers, and administrators, and I call on States and communities to support high quality public schools, including charter schools, and the students they serve.

IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of May, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and thirty-ninth.

BARACK OBAMA

Proclamation 9273 of May 4, 2015**National Teacher Appreciation Day and National
Teacher Appreciation Week, 2015**

*By the President of the United States of America
A Proclamation*

In America, every child is born with limitless promise, and each deserves a chance to achieve their dreams. A world-class education can unlock a young person's full potential and empower them with the knowledge and skills to reach their highest aspirations. As a Nation, we must provide every girl and boy in America with such an opportunity, and this cannot happen without great teachers. On National Teacher Appreciation Day and during National Teacher Appreciation Week, we honor America's outstanding teachers and the vital role they play in the lives of our children and the success of our country.

In classrooms across America, talented and hardworking teachers are nurturing a new generation of thinkers, doers, and dreamers. They teach the subjects and skills that will fuel the next century of growth and innovation, as well as the virtues and values—like character, compassion, creativity, and resilience—that will prepare their students to take on the challenges of the future. Our best teachers are role models who show our kids how to work hard and pursue a brighter tomorrow. They encourage our children's passions, inspire their imaginations, and help them realize the best versions of themselves.

Teaching is an all-encompassing commitment, and teachers make enormous sacrifices to support their students. My Administration is dedicated to promoting excellence in teaching and ensuring all teachers have the resources, support, and tools necessary to succeed in their classrooms. We are working to strengthen the ways we prepare, develop, support, and advance America's teachers. And as part of this effort, I have called for an all-hands-on-deck approach to prepare an additional 100,000 teachers in the important fields of science, math, engineering, and technology—a STEM Master Teacher Corps—to serve as beacons of excellence in teaching as well as leaders and mentors for their colleagues. Additionally, through the Teach to Lead initiative, the Department of Education is empowering teachers to have a voice in what happens in their schools and their profession without leaving the classroom. And we are working with States to implement best practices that will help more of our best teachers—across all disciplines—reach the communities and children who are most in need.

Great teachers make a lasting impact on their students' lives. When a young person learns from an exceptional teacher, they are more likely to graduate, attend college, and succeed later in life. Teachers lift up the next generation and enrich our Nation, and they deserve our gratitude and thanks. This week, as we remember the teachers who touched our lives and shaped our futures, let us recommit to supporting those who serve in America's classrooms. By investing in our Nation's teachers, we can build a world where every girl and boy can dream big, hope deeply, and realize a brighter future.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May

5, 2015, as National Teacher Appreciation Day and May 3 through May 9, 2015, as National Teacher Appreciation Week. I call upon students, parents, and all Americans to recognize the hard work and dedication of our Nation's teachers and to observe this day and this week by supporting teachers through appropriate activities, events, and programs. IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of May, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and thirty-ninth.

BARACK OBAMA

Proclamation 9274 of May 6, 2015

National Day of Prayer, 2015

*By the President of the United States of America
A Proclamation*

When women and men of all backgrounds and beliefs are free to practice their faiths without fear or coercion, it bolsters our religious communities and helps to lift up diverse and vibrant societies throughout our world. In America, our Nation is stronger because we welcome and respect people of all faiths, and because we protect the fundamental right of all peoples to practice their faith how they choose, to change their faith, or to practice no faith at all, and to do so free from persecution and discrimination. Today, as we pause in solemn reflection, we celebrate the religious liberty we cherish here at home, and we recommit to standing up for religious freedom around the world.

For many of us, prayer is an important expression of faith—an essential act of worship and a daily discipline that allows reflection, provides guidance, and offers solace. Through prayer we find the strength to do God's work: to feed the hungry, care for the poor, comfort the afflicted, and make peace where there is strife. In times of uncertainty or tragedy, Americans offer humble supplications for comfort for those who mourn, for healing for those who are sick, and for protection for those who are in harm's way. When we pray, we are reminded that we are not alone—our hope is a common hope, our pain is shared, and we are all children of God.

Around the globe, too few know the protections we enjoy in America. Millions of individuals worldwide are subjected to discrimination, abuse, and sanctioned violence simply for exercising their religion or choosing not to claim a faith. Communities are threatened with genocide and driven from their homelands because of who they are or how they pray. The United States will continue to stand against these reprehensible attacks, work to end them, and protect religious freedom throughout the world. And we remember those who are prisoners of conscience—who are held unjustly because of their faiths or beliefs—and we will take every action within our power to secure their release.

In the face of tremendous challenges, prayer is a powerful force for peace, justice, and a brighter, more hopeful tomorrow. Today, as we join together in fellowship, we seek to see our own reflection in the struggle of others, to be our brothers' and sisters' keepers, and to keep

faith—in one another, in the promise of our Nation, and in the Almighty.

The Congress, by Public Law 100–307, as amended, has called on the President to issue each year a proclamation designating the first Thursday in May as a “National Day of Prayer.”

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 7, 2015, as a National Day of Prayer. I invite the citizens of our Nation to give thanks, in accordance with their own faiths and consciences, for our many freedoms and blessings, and I join all people of faith in asking for God’s continued guidance, mercy, and protection as we seek a more just world.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of May, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and thirty-ninth.

BARACK OBAMA

Proclamation 9275 of May 7, 2015

Military Spouse Appreciation Day, 2015

By the President of the United States of America

A Proclamation

The strength of our Nation’s military comes not just from the brave women and men who defend the values we cherish, but also from their families, who serve alongside them and make great sacrifices in service to our country. With determination and unshakable resolve, military spouses endure long absences and shoulder the burdens of war, constantly wondering what kind of dangers lie ahead for their loved ones. Through numerous moves and difficult deployments—often as they uproot their lives and families and restart their careers—their steadfast devotion to their spouses and to our Nation represents the best our country has to offer. On Military Spouse Appreciation Day, we recognize the selfless heroes who stand with the finest fighting force the world has ever known, and we honor their relentless courage and commitment.

To fulfill our sacred promise to our service members and their loved ones, my Administration has made supporting our military families a top priority. We are working to make consistent and effective family services available, including mental health care and counseling, deployment and relocation assistance, and child care and youth programs. Through programs like the Post-9/11 GI Bill, we are investing in the education and skills of our military families, and with my Executive authority, I have taken action to protect those who have earned these benefits from abuse by fraudulent actors and unscrupulous practices, ensuring they have the proper information and support they need to make informed decisions about their education.

The wives, husbands, and partners of our service members bring adaptability, creativity, resilience, and leadership—skills they demonstrate every day—to the workforce, and it is unacceptable when any military spouse struggles to find work and support their family. That is why we launched the Military Spouse Employment Partnership, an online resource to connect military spouses with meaningful career opportunities and companies that are eager to hire them. And we are reminding businesses across our country that if they want the job done right, they should hire a military spouse.

Four years ago, First Lady Michelle Obama and Dr. Jill Biden launched the Joining Forces initiative, calling on Americans across our country to rally around service members, veterans, and their spouses. By raising awareness about the unique aspects of military life, they are helping ensure military spouses have all the opportunities and benefits they deserve. To learn more and get involved, visit www.JoiningForces.gov.

Military spouses serve alongside our troops through trial and triumph, and in their example, we see the bravery and pride that reflect who we are as a Nation. These homefront heroes deserve respect and support worthy of their sacrifice and grace—every day, they should know their country supports them, is there for them, and is grateful for all they do on our behalf.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 8, 2015, as Military Spouse Appreciation Day. I call upon the people of the United States to honor military spouses with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this seventh day of May, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and thirty-ninth.

BARACK OBAMA

Proclamation 9276 of May 8, 2015

**National Defense Transportation Day and National
Transportation Week, 2015**

By the President of the United States of America

A Proclamation

American infrastructure is the foundation of our economy—helping businesses move products, getting workers to the job, and ensuring families make it home to their loved ones each night. All year, we rely on our transportation networks to sustain our way of life, and on National Defense Transportation Day and during National Transportation Week, we pause to reaffirm the importance of infrastructure and the role it plays in growing our economy and keeping us safe.

Today, our Nation's investment in transportation lags behind the rest of the world. Over half of America's major roads are in less than good

condition, and a quarter of our bridges require significant repair or cannot handle today's traffic, costing businesses and consumers billions in unnecessary freight expenses. Countless hours and dollars are lost navigating bad roads, making transportation costs—from wasted gas to commercial trucking costs that are passed on to the consumer—one of the biggest expenses for the average American family.

America's commitment to connect two coasts forged the Transcontinental Railroad, and our need for a robust network of roads fueled the Interstate Highway System. The United States was once a leader in infrastructure, and my Administration is dedicated to restoring this legacy by making investments that will improve the competitiveness of our economy while creating jobs and expanding opportunity for all hardworking Americans. Last year, we launched the Build America Investment Initiative to give cities and States innovative opportunities to partner with the private sector on infrastructure funding. We are continuing to advance major highway and port projects, and this year, we announced new infrastructure tax proposals that will level the playing field for municipalities seeking public-private infrastructure partnerships.

Keeping our infrastructure up-to-date is not only crucial to our economy, it is essential to our safety and security. The same roads, bridges, and ports that we depend on to carry goods to market also enable us to deliver lifesaving resources to victims during emergencies. In the face of a changing climate, resilient infrastructure that can withstand more frequent and more devastating natural disasters is more important than ever. To ensure our Nation is prepared in the face of crisis and to guarantee service members and first responders can do their jobs safely and effectively, we must continue to invest in our vital transportation networks.

In a 21st-century economy, businesses set up shop wherever they can find the best roads and bridges, the fastest rail and Internet, and the most reliable airports and power grids. This week, let us continue our work to build the best transportation systems possible and recommit to investing in our infrastructure in a way that will keep our economy growing—not just for the next few years, but for generations to come.

In recognition of the importance of our Nation's transportation infrastructure, and of the men and women who build, maintain, and utilize it, the Congress has requested, by joint resolution approved May 16, 1957, as amended (36 U.S.C. 120), that the President designate the third Friday in May of each year as "National Defense Transportation Day," and, by joint resolution approved May 14, 1962, as amended (36 U.S.C. 133), that the week during which that Friday falls be designated as "National Transportation Week."

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim Friday, May 15, 2015, as National Defense Transportation Day and May 10 through May 16, 2015, as National Transportation Week. I call upon all Americans to recognize the importance of our Nation's transportation infrastructure and to acknowledge the contributions of those who build, operate, and maintain it.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of May, in the year of our Lord two thousand fifteen, and of the Inde-

pendence of the United States of America the two hundred and thirty-ninth.

BARACK OBAMA

Proclamation 9277 of May 8, 2015

Peace Officers Memorial Day and Police Week, 2015

By the President of the United States of America

A Proclamation

Each May, our Nation salutes the American women and men who put their lives on the line every day to maintain public safety and hold accountable those who break the law. On Peace Officers Memorial Day and during Police Week, we recognize all those who have dedicated their lives to this vital task. With heavy hearts, we mourn the heroes taken from us only because they chose to serve, and we rededicate ourselves to carrying forward their noble legacy.

Our law enforcement officers have extraordinarily tough jobs. They regularly work in dangerous environments and in difficult, high-tension situations. And they often face challenges deeply rooted in systemic problems and broader social issues. These professionals serve to protect their communities and strengthen their Nation, and they deserve to go home safely to their loved ones at the end of each shift. As President, I am committed to making sure America's dedicated police officers receive the support and recognition they have earned, and to doing all I can to protect those who protect us.

One important way to make policing safer and more effective is by continuing to enhance relations and trust between law enforcement and the neighborhoods they serve. This will make it easier and safer for police officers to do their jobs, and it will strengthen the places we live and work. This important task will require our Nation—our communities, our law enforcement, and our leaders at every level—to come together to commit to meeting this challenge and moving our country forward, block by block and neighborhood by neighborhood. As President, I firmly believe it is within our power to make progress in our time, and I am dedicated to partnering with all those who are willing to do this necessary work.

My Administration is taking concrete steps to implement the common-sense, pragmatic recommendations my Task Force on 21st Century Policing put forward based on input from law enforcement personnel as well as criminal justice experts, community leaders, and civil liberties advocates. And we are engaging with local jurisdictions so they can begin to make the changes that will help ensure that police officers and their communities are partners in battling crime and that everyone feels safe on and off the job.

Our Nation's police officers are mentors in our schools, familiar faces on the corner, and pillars of our communities. They keep our borders secure and our roads safe, and in times of crisis, they rush toward tragedy. They are hardworking mothers, fathers, daughters, and sons who have dedicated their lives to public service, working every day to build a brighter future for their families and their Nation. Their selfless com-

mitment and daily sacrifice represent what is possible for every city, town, and reservation in America, and our country has an enormous opportunity to lift up the very best law enforcement personnel as examples—not just to other officers, but to all who aspire to lives of good citizenship. This week and every week, let us remember the patriots who laid down their lives for ours and honor all who strive to make our Nation more safe, more free, and more just.

By a joint resolution approved October 1, 1962, as amended (76 Stat. 676), and by Public Law 103–322, as amended (36 U.S.C. 136–137), the President has been authorized and requested to designate May 15 of each year as “Peace Officers Memorial Day” and the week in which it falls as “Police Week.”

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim May 15, 2015, as Peace Officers Memorial Day and May 10 through May 16, 2015, as Police Week. I call upon all Americans to observe these events with appropriate ceremonies and activities. I also call on the Governors of the United States and its Territories, and appropriate officials of all units of government, to direct that the flag be flown at half-staff on Peace Officers Memorial Day. I further encourage all Americans to display the flag at half-staff from their homes and businesses on that day.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of May, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and thirty-ninth.

BARACK OBAMA

Proclamation 9278 of May 8, 2015

Mother’s Day, 2015

By the President of the United States of America

A Proclamation

Each May, Americans dedicate a day to honor the remarkable women who strive and sacrifice all year to ensure ours is a Nation where all things are possible. Whether married or single, LGBT or straight, biological, adoptive, or foster, mothers are the bedrocks of our lives and the foundation of our society. They are our first friends and teachers, inspiring us to reach great heights and supporting us no matter the challenges we face or the paths we choose. Today, we come together to celebrate the women who raised us and who love us unconditionally—who do whatever it takes to set us on the road to success and want nothing more than for us to lead happy, healthy lives.

Our Nation’s mothers are breadwinners, community leaders, and pillars of family. For generations, they have blazed new paths—from Seneca Falls and Selma to the boardroom, the laboratory, and the forefronts of our military conflicts—opening up new possibilities and widening the circle of opportunity. Today, these pioneers show us what is possible for ourselves and our country. They are our Nation’s innovators, tireless workers, engines of economic growth, and drivers of progress. And through their example, they teach our future dreamers

and doers about the value of hard work, compassion, service, and personal responsibility.

Today, women are nearly half of the American workforce, and as a Nation, we must ensure our policies reflect this reality because no woman should have to choose between being a productive employee and a responsible mother. All women deserve equal pay for equal work and a living wage, and as President, I have fought tirelessly to advance these commonsense measures. I continue to call for increased workplace flexibility and access to paid leave, including paid sick days, and I have proposed a plan that would make quality child care available to every middle-class and low-income family with young children. I remain committed to tearing down the remaining barriers to mothers' full and equal participation in our economy and society—because when mothers succeed, America succeeds and policies that benefit women and working families benefit us all.

We owe so much to our mothers, and they deserve policies that support them, as well as our profound love and gratitude. On Mother's Day, we give thanks to our mothers who lift us up every day. Let us pay respect to those who continue to offer us generous love and patient counsel and hold fast to the memories of all who live on in our hearts.

The Congress, by a joint resolution approved May 8, 1914 (38 Stat. 770), has designated the second Sunday in May each year as "Mother's Day" and requested the President to call for its appropriate observance.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim May 10, 2015, as Mother's Day. I urge all Americans to express love and gratitude to mothers everywhere, and I call upon all citizens to observe this day with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of May, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and thirty-ninth.

BARACK OBAMA

Proclamation 9279 of May 11, 2015

National Women's Health Week, 2015

By the President of the United States of America

A Proclamation

The security of quality, affordable health care should not be a privilege—it should be a fundamental right for every person, regardless of their sex or gender. Today, the Affordable Care Act is helping to secure this right for women across our Nation. The law is saving money for women and their families, and it is saving lives—of our mothers, daughters, and sisters—and helping more women achieve their fullest potential. During National Women's Health Week, we reaffirm the belief that ensuring all women and girls have the opportunity to live full and healthy lives is vital to their success and to the prosperity of our Nation; we celebrate the difference the Affordable Care Act has made

for countless women; and we recommit to building on its success because we know that when women succeed, America succeeds.

Over the past year, millions of women have gained the security of knowing their personal and professional goals will not be jeopardized just because they face a health challenge. Because of the Affordable Care Act, women can no longer be charged different premiums than men for the same coverage or be denied insurance based on pre-existing conditions, such as pregnancy or violence-related injuries. The law also requires most insurance plans to cover basic health services, including contraceptive, prenatal, and maternity care. And today, tens of millions of women are benefiting from expanded access to preventive care under the law—services which can lead to early detection of some of the many health challenges that disproportionately affect women. Because these preventive services—like screenings for breast cancer, domestic violence, and osteoporosis—are available without cost sharing, women are not forced to choose between health care necessities and other essential expenses.

The equality that all women deserve is inextricably linked to safeguarding access to preventive services and treatment and eliminating disparities in health outcomes. My Administration is committed to strengthening the Affordable Care Act, and we are striving to reach all those who have yet to enroll and gain access to the crucial services it provides. Every day, we are working to make women's health care more affordable, increase women's access to sexual and reproductive health services, and improve maternal and child health outcomes.

As we celebrate National Women's Health Week, we rededicate ourselves to advancing women's health and building a healthy future for all women and girls across our country. To learn more and to access additional information and resources, Americans can visit www.WomensHealth.gov and www.GirlsHealth.gov.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 10 through May 16, 2015, as National Women's Health Week. I encourage all Americans to celebrate the progress we have made in protecting women's health and to promote awareness, prevention, and educational activities that improve the health of all women.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of May, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and thirty-ninth.

BARACK OBAMA

Proclamation 9280 of May 15, 2015**National Safe Boating Week, 2015**

*By the President of the United States of America
A Proclamation*

America's waterways are conduits to creating lasting memories, to discovering worlds of adventure, and to generating economic opportunity. On our rivers, lakes, and oceans, a father brings his daughter fishing for the first time, and a young man learns his ancestors' trade; a family takes a hard-earned vacation, and a captain cares for her prized vessel. During National Safe Boating Week, we remember that protecting the promise of our waterways rests on each of us.

Before embarking on any journey on the water, Americans should prepare for potential hazards by remembering to check the forecast, filing a float plan with a family member or friend, performing a vessel safety check, and confirming their boat has essential safety equipment and communications tools, including life jackets, fire extinguishers, and weather radios. Operators should also be ready for sudden weather changes that can affect a voyage—fog, thunderstorms, and wind shifts can often occur without warning, and knowing how to respond to dangerous weather can save lives. By always wearing life jackets and never drinking while boating, boaters and passengers can further ensure their safety and well-being and help guarantee a great day out on the water does not end in tragedy.

At times, disaster still strikes, even when we are prepared. But thanks to the courageous women and men who serve our Nation and protect our waters, the United States Coast Guard stands always ready to help keep Americans safe at sea. As we look forward to spending time with loved ones this summer and taking advantage of all our scenic waterways have to offer, I encourage everyone to visit www.USCGBoating.org to learn more about responsible boating. Together, we can enjoy the beauty and bounty of the water and avoid preventable injuries and property damage.

In recognition of the importance of safe boating practices, the Congress, by joint resolution approved June 4, 1958 (36 U.S.C. 131), as amended, has authorized and requested the President to proclaim annually the 7-day period prior to Memorial Day weekend as "National Safe Boating Week."

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim May 16 through May 22, 2015, as National Safe Boating Week. I encourage all Americans who participate in boating activities to observe this occasion by learning more about safe boating practices and taking advantage of boating education.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of May, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and thirty-ninth.

BARACK OBAMA

Proclamation 9281 of May 15, 2015**Emergency Medical Services Week, 2015**

By the President of the United States of America

A Proclamation

Few moments are as terrifying as those when medical emergencies strike. But thanks to the courageous efforts of all who provide emergency medical services (EMS), Americans know they and their loved ones will be cared for in their hours of greatest need. As we mark Emergency Medical Services Week, we thank these selfless women and men, and we recommit to upholding an EMS system that is ready every day for every emergency.

Time and again, our Nation has witnessed the critical role EMS professionals play in the lives of our people. Whether 911 dispatchers, emergency medical technicians, paramedics, EMS medical directors, law enforcement officers, firefighters, or nurses, they are dedicated first responders who operate at the crossroads between health care, public safety, and public health—often without pay as volunteers. In intense, high-stress situations, these professionals and volunteers come to the aid of their fellow Americans, easing suffering and frequently making the difference between life and death.

This week, we celebrate the EMS providers who risk their own lives and health to protect the well-being of others. At scenes of accidents and natural disasters, in times of personal crisis and national tragedy, they offer essential services and demonstrate the strength and resilience of the American people. As these heroes rush forward for us, may we remember to stand for them, and may we never forget that an efficient, high-quality EMS system is crucial to ensuring care during any emergency.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 17 through May 23, 2015, as Emergency Medical Services Week. I encourage all Americans to observe this occasion by showing their support for their local EMS providers and taking steps to improve their personal safety and preparedness.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of May, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and thirty-ninth.

BARACK OBAMA

Proclamation 9282 of May 15, 2015**World Trade Week, 2015**

*By the President of the United States of America
A Proclamation*

After 6 years of tremendous progress, America has fought its way back from the worst recession of our lifetimes. With the grit and determination of working families, we have rebuilt our economy, retooled the auto industry, and revitalized American manufacturing. Our economy is growing and creating jobs at the fastest pace in over a decade, and as this progress continues, we must ensure that all Americans can share in our Nation's prosperity. This conviction is at the core of middle-class economics, and few things are as vital to ensuring that our economy benefits all Americans as trade. Trade allows our people to work, our businesses to thrive, and our goods and services to compete on a global scale. This week, we reaffirm the importance of trade, and we redouble our efforts to position our workers, farmers, manufacturers, and businesses at the center of the 21st-century global economy.

America's future depends on unlocking economic opportunities beyond our borders, where 95 percent of the world's customers live. Last year was the fifth straight record-breaking year for United States exports, supporting 11.7 million American jobs and contributing nearly one-third of our country's overall economic growth since 2009. Continuing this steady progress will strengthen America's middle class because businesses that export tend to hire more, pay their workers more, and invest more in innovation and research.

Americans prosper when foreign markets are open and our trading partners play by the rules. My Administration's efforts to advance trade are focused on opening markets to American products and ensuring the rules of the trading system are fair and reflect our values, including on issues such as workers' rights and the environment. That is why I am committed to leading on trade—creating a race to the top for higher wages and better working conditions—with a progressive, values-driven agenda that will ensure the United States is able to shape the rules of the global economy to benefit our workers and create economic opportunities for our people and all those around the globe.

In the Asia-Pacific, the Trans-Pacific Partnership (TPP) agreement will open new doors of opportunity for American workers and businesses in the world's fastest growing region. Through the TPP, the United States is updating NAFTA, instituting stronger, fully enforceable labor and environmental standards, and ensuring our trade partners play by the rules. With American leadership, this agreement will remove trade barriers and provide our Nation's exporters and innovators access to these markets. And to protect our workers and improve the lives of workers across the globe, it will advance labor protections—including a minimum wage, a prohibition on child labor and forced labor, and the right to form unions. This agreement will level the playing field for our workers and increase exports of products stamped "Made in the USA."

Smart trade agreements are important to helping middle-class families get ahead. My Administration has redoubled our efforts to enforce existing trade agreements, and we are working to ensure all Americans

have the knowledge and skills to succeed in an export-driven economy. Our work has produced real results, protecting jobs here at home and making it easier for businesses to reach consumers living outside our borders, and it has demonstrated that when the playing field is level, American workers and businesses do not just compete—they win.

During World Trade Week, we renew our commitment to leading on trade in order to support more jobs and increase wages here at home. For nearly a century, a key component of this leadership has been strong bipartisan support for trade negotiating authority, which the Congress now has an opportunity to upgrade and, in so doing, shape how the United States and our trading partners engage on trade in the 21st century. Generations of hardworking Americans have made our economy the greatest in the world, and together, we can ensure that trade safeguards our country's promise as a land of opportunity where everyone can make it if they try.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 17 through May 23, 2015, as World Trade Week. I encourage all Americans to visit www.WhiteHouse.gov/Trade and to observe this week with events, trade shows, and educational programs that celebrate and inform Americans about the benefits of trade to our Nation and the global economy.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of May, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and thirty-ninth.

BARACK OBAMA

Proclamation 9283 of May 15, 2015

Armed Forces Day, 2015

By the President of the United States of America

A Proclamation

At the heart of our Nation is the idea that we are each endowed with certain unalienable rights. We hold this truth to be self-evident, but from the moment a small band of patriots first came together to declare independence, we have never believed it to be self-executing. From Lexington and Concord to Iraq and Afghanistan, brave women and men have fought to defend the blessings of liberty and freedom and to protect the way of life we cherish. On Armed Forces Day, we salute the unbroken chain of Soldiers, Sailors, Airmen, Marines, and Coast Guardsmen who have continuously secured and renewed the promise of our Nation.

This year, as we celebrate the 70th anniversary of the end of World War II, we honor the generation that triumphed over tyranny and laid a foundation for peace around the world. In the face of oppression, more than 16 million Americans left everything they knew and everyone they loved to fight for freedom far from home. Today, this legacy

of extraordinary service is carried forward by patriots who protect the same liberties our parents and grandparents fought for. Year after year, tour after tour, the members of our Armed Forces serve with honor and distinction. Their sacrifice makes our Nation more free and more safe, and in their example, we see the best of America.

As we pay tribute to today's servicemen and women, we acknowledge the obligations we have to all who serve in our name. This sacred trust requires that we fulfill our promise and guarantee that these patriots, and the families who serve alongside them, have all the resources and benefits they have earned and deserve—supporting them as they carry out their missions and ensuring they get their shot at the American dream they helped to defend. As a Nation, we are called to recognize the enormous debt of gratitude we owe the members of our Armed Forces, and we must never forget those who laid down their lives to safeguard our freedoms, or their loved ones who carry their legacies forward.

Today and every day, let us celebrate the women and men who make our military the greatest fighting force the world has ever known. As a grateful Nation, let us show our appreciation by working to uphold the values they protect every day and by continuing to strive to build a country worthy of their enormous sacrifice.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, and Commander in Chief of the Armed Forces of the United States, continuing the precedent of my predecessors in office, do hereby proclaim the third Saturday of each May as Armed Forces Day.

I direct the Secretary of Defense on behalf of the Army, Navy, Air Force, and Marine Corps, and the Secretary of Homeland Security on behalf of the Coast Guard, to plan for appropriate observances each year, with the Secretary of Defense responsible for encouraging the participation and cooperation of civil authorities and private citizens.

I invite the Governors of the United States and its Territories, and appropriate officials of all units of government, to provide for the observance of Armed Forces Day within their jurisdiction each year in an appropriate manner designed to increase public understanding and appreciation of the Armed Forces of the United States. I also invite veterans, civic leaders, and organizations to join in the observance of Armed Forces Day.

Finally, I call upon all Americans to display the flag of the United States at their homes on Armed Forces Day, and I urge citizens to learn more about military service by attending and participating in the local observances of the day. I also encourage Americans to volunteer at organizations that provide support to our troops and their families.

Proclamation 9129 of May 16, 2014, is hereby superseded.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of May, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and thirty-ninth.

BARACK OBAMA

Proclamation 9284 of May 18, 2015**50th Anniversary of Head Start**

By the President of the United States of America

A Proclamation

Supporting our children in their earliest years with high-quality care and education is one of the best investments we can make as a Nation—and for 50 years, Head Start has helped to lift up millions of America’s children and their families in communities across our country. The oldest and largest Federal program to deliver high-quality early learning opportunities to low-income children, Head Start was founded on the idea that every child—no matter who they are, what they look like, or where they grow up—deserves the chance to reach their full potential. Since 1965, it has given meaning to the simple truth that in America, where you start should not determine how far you can go.

In the last half-century, Head Start has served 32 million children, supporting them in every aspect of their development—from early learning and health and nutrition to social and emotional well-being. Designed to cultivate original ideas and innovative approaches to preparing children for success later in school and in life, Head Start has pioneered new solutions to fight the harmful effects of poverty and build ladders of opportunity into the middle class. In small towns and large cities—in America’s immigrant communities and with migrant and seasonal families, faith-based communities, and tribal leaders—Head Start programs and providers empower children and their families to foster positive parent-child relationships, to reach for economic and family stability, and to make important connections to their peers and their communities.

During a critical period in a child’s life, Head Start sets our Nation’s young people on the path to success. We know that investments in early childhood education boost graduation rates, increase earnings, and reduce violent crime. And 3- and 4-year-olds who attend high-quality preschool—including Head Start—are less likely to repeat a grade, less likely to need special education, and more likely to graduate from high school. This head start in life leaves a lasting impact on our students and fuels their curiosity, helping them to grow up with a passion for learning, a fair shot at good-paying jobs, and a more secure future.

This year also marks the 20th anniversary of Early Head Start, created to enhance the impact of Head Start by serving children from birth to age 3, as well as expectant mothers—ensuring all children receive the best care possible. This expansion has made a real difference for thousands of infants, toddlers, and their families. As President, I have endeavored to strengthen Head Start and build on its legacy. My Administration has expanded the program to reach tens of thousands of additional children and families in the depth of the economic recession. We have instituted reforms to raise the standards and focus on improving outcomes across Head Start programs and classrooms, so that children and families can rely on the highest quality of services. And we have launched new ways to build connections between Early Head Start and America’s child care subsidy system to reach additional in-

fants and toddlers in need of high-quality early care and education. We will continue to invest in Head Start and strive to expand its reach to additional children and families throughout America. Our children deserve nothing less.

Despite five decades of tremendous success, too many young people still grow up without access to a world-class education. Instead of receiving a head start in life, they start out a step behind. As a Nation, we must continue our work to ensure the promise of education is within reach for all our daughters and sons. That is why I have proposed a series of new investments that will establish a continuum of high-quality early learning for every child, beginning at birth and continuing to age 5. This year, I unveiled a plan that would make quality child care available to every middle-class and low-income family with young children under the age of 3. I have also called on the Congress to expand access to high-quality preschool and full-day kindergarten for every child in America. And I am calling on all Americans—including leaders of private and philanthropic organizations, communities, and governments at every level—to make their own commitments to our children, an effort that has already led to an investment of more than \$1 billion to support our next generation of thinkers, dreamers, and doers.

The history of Head Start has taught us that if our Nation invests in the future of all our children, we can strengthen our economy, bolster our communities, and give every young person the chance to build a better life. As we mark the 50th anniversary of Head Start, let us rededicate ourselves to building an education system worthy of our daughters' and sons' enormous potential, and to providing a strong, healthy, and safe head start in life for all of America's children.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 18, 2015, as the 50th Anniversary of Head Start. I call upon all Americans to observe this day with appropriate ceremonies and activities that recognize the importance of this vital program and support high-quality education for all Americans.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of May, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and thirty-ninth.

BARACK OBAMA

Proclamation 9285 of May 20, 2015

National Maritime Day, 2015

By the President of the United States of America

A Proclamation

For over two centuries, proud mariners have set sail in defense of our people and in pursuit of opportunity. Through periods of conflict and times of peace, our Nation has relied on the United States Merchant Marine to transport goods to and from our shores and deliver troops

and supplies around the world. On National Maritime Day, we honor the women and men who take to the seas to boost our economy and uphold the values we cherish.

Our Nation is forever indebted to the brave privateers who helped secure our independence, fearlessly supplying our Revolutionary forces with muskets and ammunition. Throughout history, their legacy has been carried forward by courageous seafarers who have faithfully served our Nation as part of the United States Merchant Marine—bold individuals who emerged triumphant in the face of attacks from the British fleet in the War of 1812, and who empowered the Allied forces as they navigated perilous waters during World War II. Today, patriots who share their spirit continue to stand ready to protect our seas and the livelihoods they support.

Ninety percent of the world's commerce moves by sea, and businesses across our country rely on domestic and international trade every day. Helping to protect our vital shipping routes, Merchant Mariners are critical to our effort to combat piracy and uphold the maritime security on which the global supply chain relies. And in times of war or national emergency, they bolster our national security as a “fourth arm of defense.” Whether transporting commercial goods or military equipment, battling tough weather or enemy fire, they strive and sacrifice to secure a brighter future for all Americans. On this day, we reaffirm the importance of their contributions and salute all those who serve this noble cause.

The Congress, by a joint resolution approved May 20, 1933, has designated May 22 of each year as “National Maritime Day,” and has authorized and requested the President to issue annually a proclamation calling for its appropriate observance.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim May 22, 2015, as National Maritime Day. I call upon the people of the United States to mark this observance and to display the flag of the United States at their homes and in their communities. I also request that all ships sailing under the American flag dress ship on that day.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of May, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and thirty-ninth.

BARACK OBAMA

Proclamation 9286 of May 22, 2015

National Hurricane Preparedness Week, 2015

By the President of the United States of America

A Proclamation

Hurricanes cause devastating and sometimes deadly damage, with violent winds and heavy rains destroying buildings, inundating both coastal and inland areas, and displacing residents from their communities. Each year, we call attention to the risks hurricanes and tropical

storms pose, as well as the steps we can take to protect ourselves, our loved ones, and our communities. During National Hurricane Preparedness Week, we recommit to strengthening the capacity of local responders and creating resilient cities, towns, and neighborhoods that are prepared when disaster strikes.

My Administration continues to partner with State, local, and tribal governments, helping them prepare for and respond to hurricanes. We are supporting new technology to help families develop emergency plans, determine evacuation routes, and receive disaster alerts; once a storm has passed, these tools can also help connect residents to resources—from clean water and shelter to information about power outages and gas station closings. We continue to fund rebuilding efforts in areas devastated by hurricanes, ensuring new infrastructure can withstand future storms. And to bolster our recovery efforts for the long term, we have instituted a Unified Federal Review process to help those in need of recovery assistance better navigate the permits and environmental reviews necessary to ensure a rapid and resilient recovery.

Hurricane-associated storm intensity and rainfall rates are projected to increase during this century, in part due to increasing sea surface temperatures. These changes, combined with rising sea levels, could lead to additional damage and higher costs in both coastal and inland communities. That is why, as part of my Climate Action Plan, my Administration is taking steps to prepare for and combat these effects. We are supporting communities with Federal resources, and earlier this year, I signed an Executive Order that establishes a flood standard for new and rebuilt federally funded structures in and around floodplains.

Preparing for and responding to hurricanes is a team effort—everyone has a role to play in keeping our communities safe. Now is the time for each of us to take simple steps to prepare our families for severe weather. Find out today if you live in a storm surge evacuation zone, a low-lying floodplain, or any other location from which you might need to evacuate. I encourage all Americans living in hurricane-threatened areas to build an emergency supply kit, learn evacuation routes, make a family communication strategy, and practice this plan. During a storm, always be sure to follow the instructions of State, local, and tribal officials. To learn more about ways to prepare for hurricanes and other natural disasters, visit www.Ready.gov and www.Hurricanes.gov/Prepare.

As we enter hurricane season, remember that disaster preparedness is a shared responsibility. Together, let us rededicate ourselves to ensuring the safety of our loved ones and neighbors by building communities ready to weather storms and all natural disasters.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 24 through May 30, 2015, as National Hurricane Preparedness Week. I call upon government agencies, private organizations, schools, media, and residents in the coastal areas of our Nation to share information about hurricane preparedness and response to help save lives and protect communities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-second day of May, in the year of our Lord two thousand fifteen, and of

the Independence of the United States of America the two hundred and thirty-ninth.

BARACK OBAMA

Proclamation 9287 of May 22, 2015

Prayer for Peace, Memorial Day, 2015

By the President of the United States of America

A Proclamation

On Memorial Day, the United States pauses to honor the fallen heroes who died in service to our Nation. With heavy hearts and a sense of profound gratitude, we mourn these women and men—parents, children, loved ones, comrades-in-arms, friends, and all those known and unknown—who believed so deeply in what our country could be they were willing to give their lives to protect its promise. Our hearts ache in their absence, but their spirit gives us strength to continue their work of securing and renewing the liberties that all Americans cherish and for which these heroes gave their last full measure of devotion.

In solemn reflection, we gather—in small towns and big cities, on battlefields, in cemeteries, and at sacred places where blood has been shed for freedom’s cause—throughout our country and around the world to remember the unbroken chain of patriots who won independence, saved our Union, defeated fascism, and protected the Nation we love from emerging threats in a changing world. Today, their legacy is carried forward by a new generation of servicemen and women and all who strive to shape a more perfect America; and their enormous sacrifices continue to make our opportunity possible.

We owe all those who sacrifice in our name a tremendous debt, including our Nation’s mothers and fathers who have given their daughters and sons to America, spouses and partners who shoulder the weight of unthinkable loss, and courageous children in whom the legacies of their parents live on. As a Nation, we must uphold our obligations to these Gold Star families. We have pledged to them that they will never walk alone—that their country will be there for them always—and we must work every day to make good on this promise.

Our Nation will never forget the valor and distinction of the women and men who defend freedom, justice, and peace. Today, we rededicate ourselves to commitments equal to the caliber of those who have rendered the highest service: to support our troops with the resources they need to do their jobs; to never stop searching for those who have gone missing or are prisoners of war; to ensure all our veterans have access to the care and benefits they have earned and deserve; and to continue our constant work of building a Nation worthy of the heroes we honor today.

In honor of all of our fallen service members, the Congress, by a joint resolution approved May 11, 1950, as amended (36 U.S.C. 116), has requested the President issue a proclamation calling on the people of the United States to observe each Memorial Day as a day of prayer for permanent peace and designating a period on that day when the people of the United States might unite in prayer. The Congress, by Public

Law 106–579, has also designated 3:00 p.m. local time on that day as a time for all Americans to observe, in their own way, the National Moment of Remembrance.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim Memorial Day, May 25, 2015, as a day of prayer for permanent peace, and I designate the hour beginning in each locality at 11:00 a.m. of that day as a time during which people may unite in prayer. I also ask all Americans to observe the National Moment of Remembrance beginning at 3:00 p.m. local time on Memorial Day.

I request the Governors of the United States and its Territories, and the appropriate officials of all units of government, to direct that the flag be flown at half-staff until noon on this Memorial Day on all buildings, grounds, and naval vessels throughout the United States and in all areas under its jurisdiction and control. I also request the people of the United States to display the flag at half-staff from their homes for the customary forenoon period.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-second day of May, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and thirty-ninth.

BARACK OBAMA

Proclamation 9288 of May 29, 2015

African-American Music Appreciation Month, 2015

By the President of the United States of America

A Proclamation

For centuries, African-American musicians have shaped our Nation and helped tell our story. By melding enduring truths with new sounds, they have pioneered entire genres and contributed to the foundation of our musical landscape—capturing an essential part of who we are as Americans. During African-American Music Appreciation Month, we recognize the artists who have enriched our lives and the ways their beats and harmonies have advanced our unending journey toward a more perfect Union.

With all the energy and diversity of our great Nation, the stirring sounds of the American experience have expanded our minds and lifted our souls, helping us better understand ourselves and one another. When the tides of injustice and hardship have seemed too great, melodies of hope have given us strength, and in moments of joy, powerful songs speak to the audacity that fuels our dreams. Through momentous change—above the jangling discord of a people determined to write their own destiny and the consonance of great progress—our music has remained a constant source of inspiration, bringing us together and empowering us to reach for what we know is possible.

By honoring the timeless sounds that define our past and help transform our future, we celebrate not only the musicians who move us, but also the spirit of resilience and renewal they embody. This month, let

us remember the essential role music plays in breaking the barriers of our time and guiding us toward a more inclusive and more equal tomorrow.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim June 2015 as African-American Music Appreciation Month. I call upon public officials, educators, and all the people of the United States to observe this month with appropriate activities and programs that raise awareness and foster appreciation of music that is composed, arranged, or performed by African Americans.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of May, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and thirty-ninth.

BARACK OBAMA

Proclamation 9289 of May 29, 2015

Great Outdoors Month, 2015

*By the President of the United States of America
A Proclamation*

America's vast and varied landscapes have always been central to the character of our Nation and the story of our people. Their rugged beauty reflects our national history and heritage—as pioneers who forged new paths and explorers who dared to venture into the unknown—and continues to inspire new generations of outdoor enthusiasts. Our mountains and rivers are part of who we are, and they are the birthright of all our people. Today, one-third of all our Nation's land is publicly owned and set aside for the use and enjoyment of every American. These are the places that make our country great, and as heirs to this extraordinary legacy of conservation, we have an obligation to make sure our children and grandchildren can enjoy the everlasting bounty of the great outdoors.

Our Nation's public lands and waters fuel our economy and support our industries. Home to living laboratories and wondrous playgrounds, they spark boundless curiosity and innovation, and in the desolate wilderness, adventurers rediscover the spirit of independence that unites all Americans. As President, I am committed to ensuring every child in America—regardless of who they are or where they live—has the opportunity to explore these treasured spaces. That is why earlier this year I launched the Every Kid in a Park initiative, which will provide all fourth graders and their families with free admission to our National Parks and other Federal lands and waters for a full year. And I invite all Americans to “Find Your Park” and celebrate some of the most beautiful landscapes and waterscapes in the world.

As a Nation, we must work to safeguard nature's splendor for generations to come. Climate change threatens our lands and waters, as well as the health and well-being of future generations. That is why my Administration has taken commonsense actions to combat climate change,

ensure the resilience of our natural resources, and protect our children. I am proud to have protected more than 260 million additional acres of public lands and waters—more than any other President—which includes the establishment or expansion of 16 National Monuments through my Executive authority. For more than a half-century, the Land and Water Conservation Fund has helped to protect these iconic places and make it easier for families to spend time outside. The Fund has advanced over 40,000 local projects by making critical investments, including in battlefields, National Parks, baseball fields, and community green spaces, and I continue to call for the full and permanent funding of this vital tool of environmental stewardship.

During Great Outdoors Month, Governors, communities, business leaders, and organizations will host thousands of events across the country to celebrate our unparalleled outdoors. I encourage Americans to participate in these activities and to take the time to experience the natural grandeur of our Nation. As we enjoy these magnificent places, let us rededicate ourselves to doing our part to preserve them for all our future explorers, adventurers, and environmental stewards.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim June 2015 as Great Outdoors Month. I urge all Americans to explore the great outdoors and to uphold our Nation's legacy of conserving our lands and waters.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of May, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and thirty-ninth.

BARACK OBAMA

Proclamation 9290 of May 29, 2015

**Lesbian, Gay, Bisexual, and Transgender Pride Month,
2015**

*By the President of the United States of America
A Proclamation*

From the moment our Nation first came together to declare the fundamental truth that all men are created equal, courageous and dedicated patriots have fought to refine our founding promise and broaden democracy's reach. Over the course of more than two centuries of striving and sacrifice, our country has expanded civil rights and enshrined equal protections into our Constitution. Through struggle and setback, we see a common trajectory toward a more free and just society. But we are also reminded that we are not truly equal until every person is afforded the same rights and opportunities—that when one of us experiences discrimination, it affects all of us—and that our journey is not complete until our lesbian, gay, bisexual, and transgender (LGBT) brothers and sisters are treated like anyone else under the law.

Across our Nation, tremendous progress has been won by determined individuals who stood up, spoke out, and shared their stories. Earlier this year, because of my landmark Executive Order on LGBT workplace discrimination, protections for Federal contractors went into effect, guarding against discrimination based on sexual orientation and gender identity. The Federal Government is now leading by example, ensuring that our employees and contractors are judged by the quality of their work, not by who they love. And I will keep calling on the Congress to pass legislation so that all Americans are covered by these protections, no matter where they work.

In communities throughout the country, barriers that limit the potential of LGBT Americans have been torn down, but too many individuals continue to encounter discrimination and unfair treatment. My Administration supports efforts to ban the use of conversion therapy for minors because the overwhelming scientific evidence demonstrates that it can cause substantial harm. We understand the unique challenges faced by sexual and gender minorities—especially transgender and gender non-conforming individuals—and are taking steps to address them. And we recognize that families come in many shapes and sizes. Whether biological, foster, or adoptive, family acceptance is an important protective factor against suicide and harm for LGBTQ youth, and mental health experts have created resources to support family communication and involvement.

For countless young people, it is not enough to simply say it gets better; we must take action too. We continue to address bullying and harassment in our classrooms, ensuring every student has a nurturing environment in which to learn and grow. Across the Federal Government, we are working every day to unlock the opportunities all LGBT individuals deserve and the resources and care they need. Too many LGBTQ youth face homelessness and too many older individuals struggle to find welcoming and affordable housing; that is why my Administration is striving to ensure they have equal access to safe and supportive housing throughout life. We are updating our National HIV/AIDS Strategy to better address the disproportionate burden HIV has on communities of gay and bisexual men and transgender women. We continue to extend family and spousal benefits to legally married same-sex couples. And because we know LGBT rights are human rights, we are championing protections and support for LGBT persons around the world.

All people deserve to live with dignity and respect, free from fear and violence, and protected against discrimination, regardless of their gender identity or sexual orientation. During Lesbian, Gay, Bisexual, and Transgender Pride Month, we celebrate the proud legacy LGBT individuals have woven into the fabric of our Nation, we honor those who have fought to perfect our Union, and we continue our work to build a society where every child grows up knowing that their country supports them, is proud of them, and has a place for them exactly as they are.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim June 2015 as Lesbian, Gay, Bisexual, and Transgender Pride Month. I call upon the people of the United States to eliminate prejudice everywhere it exists, and to celebrate the great diversity of the American people.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of May, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and thirty-ninth.

BARACK OBAMA

Proclamation 9291 of May 29, 2015

National Caribbean-American Heritage Month, 2015

By the President of the United States of America

A Proclamation

For centuries, Americans have been united with our Caribbean neighbors not just by friendship and economic cooperation, but also by our common values and ties of kin. From a region of extraordinary beauty, generations of immigrants have brought their enormous spirit, unique talents, and vibrant culture to the United States. Their contributions have enriched our Nation and strengthened the deep bonds between our peoples. This month, we celebrate the Caribbean Americans whose legacies are woven into the fabric of our Nation, and we reaffirm our belief that throughout the region, we all share a stake in one another's success.

As partners, our nations have reached for progress together, and in our diverse cultures and complex histories, we see a common trajectory toward a more free, equal, and prosperous community. Throughout the Caribbean, courageous peoples have thrown off the yoke of colonial rule, seizing the right to chart their own destinies, and they have overcome the stains of slavery and segregation to widen the circle of opportunity for all. Here in America, Caribbean Americans have followed in the footsteps of their ancestors, joining their voices with the chorus of patriots and carrying forward the baton of justice—from the battlefield and the outfield, in places like Selma and Seneca Falls, and through powerful song, poetry, and prose.

Just as our nations' pasts are shared, our futures are inextricably linked. As millions of Caribbean Americans continue to innovate and thrive in the United States, my Administration is committed to lifting up hardworking individuals throughout the Caribbean and partnering with governments to build the foundation for the next century of progress and prosperity. We are investing in young business leaders and civil society activists, working to expand what is possible for the next generation of Caribbean leaders, and supporting entrepreneurship, student exchanges, and more effective job training. With new partnerships, we are helping to move the region toward cleaner, more affordable energy. And as the United States begins to normalize our relations with Cuba, we have the potential to empower a nation and end a legacy of mistrust in our hemisphere.

America is and always has been a Nation of immigrants, and today—as pillars of family and leaders in their communities—Caribbean Americans strengthen every aspect of our society. We must ensure our Nation remains a magnet for the best and the brightest around the world. Because of my 2012 DACA policy, thousands of DREAMers from the

Caribbean have been able to live up to their potential, and last year, I announced my intent to take action that would allow more high-skilled immigrants, graduates, entrepreneurs, and families to contribute to our economy, including by expanding the existing DACA policy and creating a new policy to provide temporary relief to certain undocumented parents of American citizens and lawful permanent residents. And I continue to call on the Congress to finish the job by passing comprehensive immigration reform.

Caribbean Americans have shaped the course of our country since the earliest chapters of our history, and they continue to drive our Nation to realize the promise of our founding. During National Caribbean-American Heritage Month, we honor the courage and perseverance of the Caribbean-American community, and we rededicate ourselves to building opportunity and protecting human rights for all our citizens.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim June 2015 as National Caribbean-American Heritage Month. I encourage all Americans to celebrate the history and culture of Caribbean Americans with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of May, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and thirty-ninth.

BARACK OBAMA

Proclamation 9292 of May 29, 2015

National Oceans Month, 2015

*By the President of the United States of America
A Proclamation*

This summer, millions of Americans will take in the beauty and natural splendor of our oceans, coasts, and Great Lakes. As destinations for recreation and tourism, these bodies of water rejuvenate our spirit and cultivate a love of our great outdoors. And no matter where you live or who you are, a healthy and thriving ocean is essential to all people all year. Our marine environments contribute to our food supply, bolster our economy, strengthen our national defense, and support important scientific research and innovation. They are some of humanity's greatest treasures and central to who we are as a people. During National Oceans Month, we celebrate these life-sustaining ecosystems, and we reaffirm our vital role as stewards of our planet.

Ensuring the long-term health, resilience, and productivity of our marine environments requires us to act to protect and preserve them in the face of a range of threats. Climate change is causing sea levels and ocean temperatures to rise, and these effects can harm coral reefs and force certain species to migrate. Carbon pollution is being absorbed by our oceans, causing them to acidify and changing entire ecosystems. And illegal fishing continues to threaten our global and economic security, as well as the sustainability of our world's fisheries.

My Administration is committed to doing all we can to combat these threats and leave our children and grandchildren clean and vibrant oceans. As part of my National Ocean Policy, we are creating a coordinated, science-based approach to managing our coasts and oceans, and we are focused on implementing specific, on-the-ground actions to improve our ocean economy and bolster ocean health. We continue to make meaningful progress toward ending overfishing, and the Federal Government is partnering with State, local, and tribal leaders to promote marine conservation. As President, I continue to use my authority to preserve our most precious ecosystems, including last year when I expanded the largest marine reserve in the world—ensuring more of our pristine tropical marine environments are off limits to commercial resource extraction.

We are heirs to a vast expanse of oceans and waterways that have sustained our ancestors for centuries. As caretakers of our planet, we share an obligation to protect these magnificent ecosystems for generations to come. This month, let us work to do our part and recommit to leading the way toward a safer, cleaner, more stable world.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim June 2015 as National Oceans Month. I call upon Americans to take action to protect, conserve, and restore our oceans, coasts, and Great Lakes.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of May, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and thirty-ninth.

BARACK OBAMA

Proclamation 9293 of June 11, 2015

National Week of Making, 2015

By the President of the United States of America

A Proclamation

American ingenuity has always powered our Nation and fueled economic growth. Our country was built on the belief that with hard work and passion, progress is within our reach, and it is because of daring innovators and entrepreneurs who have taken risks and redefined what is possible that we have been able to realize this promise. Makers and builders and doers—of all ages and backgrounds—have pushed our country forward, developing creative solutions to important challenges and proving that ordinary Americans are capable of achieving the extraordinary when they have access to the resources they need. During National Week of Making, we celebrate the tinkerers and dreamers whose talent and drive have brought new ideas to life, and we recommit to cultivating the next generation of problem solvers.

My Administration is committed to spurring manufacturing, innovation, and entrepreneurship by expanding opportunities for more Americans to build products and bring them to market. Across the Federal Government, we are working to increase access to capital, maker

spaces, and equipment to design, develop, and prototype ideas. By investing in regional manufacturing hubs, we are bringing together private industry, leading universities, and public agencies to develop cutting-edge technology and train workers in the skills they need for the next generation of innovation. To continue to build a Nation of makers, we are committed to engaging students at every level in the hands-on learning of science, technology, engineering, and mathematics (STEM) to inspire them to pursue their own passions and excel in STEM fields.

Last year, at the first-ever White House Maker Faire, I called on leaders around our Nation to join in sparking a grassroots renaissance in American making and manufacturing. Since then, more than 100 cities have stepped up, taking action to increase access to the tools and support that help today's dreamers solve pressing local and global problems, launch their own businesses, and create vibrant communities. By making it easier for students to learn 21st-century design and fabrication skills and by broadening opportunities for making in communities across our country, we can unleash a new era of jobs and entrepreneurialism in manufacturing, transform industries, and usher the products of tomorrow to markets today. As the maker movement grows, I continue to call on all Americans to help unlock the potential of our Nation and ensure these opportunities reach all our young people, regardless of who they are or where they come from.

America's path of experimentation, innovation, and discovery has been the hallmark of our progress. We are heirs to an extraordinary legacy of ingenuity—our country is home to pioneers who imagined a railroad connecting a continent, inventors who believed electricity could power our cities and towns, explorers who dared to leave our planet and travel farther than ever before, and innovators who brought us closer together through the Internet. This story is central to who we are as a people, and today, we have the opportunity to write the next great chapter. This week, let us renew our resolve to harness the potential of our time—the technology, opportunity, and talent of our people—and empower all of today's thinkers, makers, and dreamers.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim June 12 through June 18, 2015, as National Week of Making. I call upon all Americans to observe this week with programs, ceremonies, and activities that encourage a new generation of makers and manufacturers to share their talents and hone their skills.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of June, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and thirty-ninth.

BARACK OBAMA

Proclamation 9294 of June 12, 2015**Flag Day and National Flag Week, 2015**

By the President of the United States of America

A Proclamation

For more than 200 years, the American flag has been a proud symbol of the people of our Nation and the values for which we stand. In hues of red, white, and blue, it reflects centuries of struggle and sacrifice—a constant reminder of our journey from 13 colonies to a Nation united in freedom and liberty, and of the patriots and pioneers who fought for these ideals at home and abroad. On Flag Day and during National Flag Week, we pay tribute to this banner of hope and opportunity, and we celebrate the story of progress it represents.

With broad stripes and bright stars, our flag has connected Americans across our country, around the globe, and throughout the chapters of our history. In a new world, it stood as a beacon of promise and possibility; in the dawn's early light, it offered a glimmer of hope as the fate of our young Nation was decided; and after a civil war that divided our Union, the Star Spangled Banner once again united our people. As courageous women and men marched and protested to broaden our democracy's reach and secure their civil rights, they carried the American flag, understanding the enormous potential it embodied—even as the Nation it represented denied them their fundamental rights. Today, it is because of an unbroken chain of heroes, who have served in our Armed Forces and worn the flag they defend, that Old Glory still waves over the land of the free and the home of the brave.

From storefronts and homes, atop monuments, and over the institutions that sustain our Nation at home and abroad, the American flag stands watch as we strive to perfect our Union. As we place our hand over our heart or as we salute this symbol of the country we love, let us pause to reflect on the legacy of our Nation and embrace the common threads that bind us together as Americans.

To commemorate the adoption of our flag, the Congress, by joint resolution approved August 3, 1949, as amended (63 Stat. 492), designated June 14 of each year as “Flag Day” and requested that the President issue an annual proclamation calling for its observance and for the display of the flag of the United States on all Federal Government buildings. The Congress also requested, by joint resolution approved June 9, 1966, as amended (80 Stat. 194), that the President annually issue a proclamation designating the week in which June 14 occurs as “National Flag Week” and call upon citizens of the United States to display the flag during that week.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim June 14, 2015, as Flag Day and the week beginning June 14, 2015, as National Flag Week. I direct the appropriate officials to display the flag on all Federal Government buildings during that week, and I urge all Americans to observe Flag Day and National Flag Week by displaying the flag. I also call upon the people of the United States to observe with pride and all due ceremony those days from Flag Day through Independence Day, also set aside by the Congress (89 Stat. 211), as a time to honor America, to celebrate our heritage in public gatherings and activities, and to pub-

licly recite the Pledge of Allegiance to the Flag of the United States of America.

IN WITNESS WHEREOF, I have hereunto set my hand this twelfth day of June, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and thirty-ninth.

BARACK OBAMA

Proclamation 9295 of June 12, 2015

World Elder Abuse Awareness Day, 2015

By the President of the United States of America

A Proclamation

For 10 years, Americans have marked World Elder Abuse Awareness Day by joining with individuals worldwide to take a stand against elder abuse, neglect, and exploitation. Often under-identified and under-reported, elder abuse is a public health crisis that crosses all socioeconomic lines, and it is an affront to human rights around the world. Today, we once again take this opportunity to raise awareness of this injustice, and with the international community, we recommit to ending this abuse, supporting those who are victims, and holding perpetrators accountable.

Every year, millions of older Americans experience abuse, neglect, or exploitation. They are our friends and neighbors, and our parents, grandparents, and loved ones, and we must do more to change this unacceptable reality. Elder abuse can take many forms—including physical, emotional, and sexual abuse, as well as neglect, abandonment, and financial exploitation—and it is important for all Americans to learn how to recognize and report mistreatment. The way we treat our older citizens reflects our values as a society, and it is our shared responsibility to ensure all our seniors receive the support and protection they deserve. To find out more and to learn what you can do to combat elder abuse, visit www.NCEA.AOA.gov.

My Administration is committed to protecting and empowering our Nation's older Americans so they can live out their years with dignity and independence. Through the Affordable Care Act, we enacted the Elder Justice Act, which authorized important new initiatives to prevent elder abuse. We have worked tirelessly to strengthen and protect the programs that provide essential support, quality care, and economic security to our seniors, including Medicare, Medicaid, the Older Americans Act, and Social Security. And to help safeguard those who responsibly prepare for retirement from financial exploitation, I have called for new rules to require financial advisors to put their clients' interests before their own.

The Federal Government is working with non-profit and private sector leaders, as well as State, local, and tribal governments to provide education, outreach, and resources that help older Americans live safe and productive lives. As part of my Administration's efforts to address these critical issues, next month I will host the White House Conference on Aging. Connecting older Americans, their families, care-

givers, advocates, community leaders, and experts, the Conference will be an important opportunity to continue our efforts to promote healthy aging, provide long-term services and support, defend retirement security, and protect older Americans from abuse in all its forms.

After a lifetime of contributions to their families, their communities, and our world, older Americans deserve to live free from harm and abuse. As a society, we must lift up our seniors by advancing policies of inclusion and combating ageism wherever it exists. On World Elder Abuse Awareness Day, let us join with law enforcement officials, adult protective services professionals, health and human services providers, neighbors, caregivers, and community leaders to strengthen our long-term care systems and redouble our efforts to build communities that safeguard our elders and support long and healthy lives for all people throughout the world.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim June 15, 2015, as World Elder Abuse Awareness Day. I call upon all Americans to observe this day by learning the signs of elder abuse, neglect, and exploitation, and by raising awareness about this important public health issue.

IN WITNESS WHEREOF, I have hereunto set my hand this twelfth day of June, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and thirty-ninth.

BARACK OBAMA

Proclamation 9296 of June 19, 2015

Father's Day, 2015

*By the President of the United States of America
A Proclamation*

Being a dad is one of the most important jobs a man can have, and few things bring as much joy and pride as the blessing of fatherhood. Raising your children is an incredible privilege, but it is also a tremendous responsibility. It requires hard work, frequent struggle, and a commitment to always be there for your daughters and sons. Today, we celebrate the men who provide us unconditional love and support, and who teach us to lead lives of courage and character.

Fathers are some of our first role models and coaches in life. They inspire us to strive for what is possible—supporting us no matter what path we choose, encouraging us to reach higher, and always believing in us, even when we may not believe in ourselves. Through their example, they demonstrate that with self-discipline and dedication, we can achieve our highest aspirations, and they are there to cheer us on every step of the way.

Fatherhood demands sacrifice, and it is often difficult work—but being a dad does not require perfection. Our children do not expect us to be superheroes, but we do have an obligation to show up and be there for

our kids. If we want our sons and daughters to work hard, fight for what is right, and earn their piece of the American dream, we must show them that we can overcome challenges with grit and determination, strive to do better every day, and throughout it all, never give up hope. It is in seemingly small acts and ordinary moments that our children learn big ideas and the most important lessons in life. Through a love shown and earned by being present, we teach our children what matters and pass on a spirit of empathy, compassion, and selflessness.

These are the lessons fathers—whether married or single; gay, straight, or transgender; biological, adoptive, or foster—can teach their kids, and across America responsible, committed dads are proving that their children are always their first priority. But if we want all our Nation's daughters and sons to have a fair shot at success in life—no matter who they are or where they are from—we need more fathers to step up and do the hard work of parenting. My Administration has fought to support men who want to be good fathers and to help create opportunities for parents to meet their obligations. And I have also called on men to make this kind of commitment not just to their own families, but to the many young people who do not have responsible adults in their lives. We need devoted, compassionate men to serve as mentors, tutors, big brothers, and foster parents. To learn more about how you can make a lasting impact on a child's life, visit www.WhiteHouse.gov/MyBrothersKeeper or www.Fatherhood.gov.

On Father's Day, we honor the men who made us who we are. They are examples of success and the ones who constantly push us toward it. And where our own fathers fell short, we have an obligation to rise up and do better than they did with our own children, because if we want our kids to meet the expectations we set for them, we must set high expectations for ourselves. Today, let us reflect on all our fathers have given us and show them the appreciation and gratitude they deserve.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, in accordance with a joint resolution of the Congress approved April 24, 1972, as amended (36 U.S.C. 109), do hereby proclaim June 21, 2015, as Father's Day. I direct the appropriate officials of the Government to display the flag of the United States on all Government buildings on this day, and I call upon all citizens to observe this day with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this nineteenth day of June, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and thirty-ninth.

BARACK OBAMA

Proclamation 9297 of July 10, 2015**Establishment of the Basin and Range National Monument**

By the President of the United States of America

A Proclamation

The Basin and Range area of southeastern Nevada is an iconic American landscape. The area is one of the most undisturbed corners of the broader Great Basin region, which extends from the Sierra Nevada Mountains in the west to the Colorado Plateau in the east. The pattern of basin, fault, and range that characterizes this region creates a dramatic topography that has inspired inhabitants for thousands of years. The vast, rugged landscape redefines our notions of distance and space and brings into sharp focus the will and resolve of the people who have lived here. The unbroken expanse is an invaluable treasure for our Nation and will continue to serve as an irreplaceable resource for archaeologists, historians, and ecologists for generations to come.

Over both geologic and historical time, the Basin and Range area has been a landscape in motion. The area exemplifies the unique topography and geologic history of the Great Basin region and has long been the subject of studies of the tectonic and volcanic mechanisms responsible for this landscape, including crustal extension, deformation, and rifting. The thrust and fault block formations found here, along with the area's stratigraphy, have been instrumental in understanding the nearly 500 million-year history of the region. Among the geologic features found in the Basin and Range area are natural arches, caves, and sheer cliffs that offer stunning vistas. Evidence of the Alamo bolide impact, a high-velocity impact from space about 367 million years ago, can also be found here.

Volcanism and magmatism in this area during the Tertiary period contributed to the formation of numerous mountain ranges that interrupt the area's basins. The Golden Gate Range runs north-south through the center of the Basin and Range area, separating Garden Valley in the west from Coal Valley in the east. The range's block-faulted mountains are split by alluvial gaps carved by water from the valleys' now-dry lake beds. The Mount Irish Range in the southern portion of the area is topped by the steep and rugged 8,743-foot Mount Irish. The Worthington Mountains in the southwest corner of the Basin and Range area are composed of sheer limestone ridges reaching an elevation of 8,850 feet. These mountains were formed by thrust faults and contain at least three known caves, including the Leviathan Cave, which features stalactites, stalagmites, flow stones, soda straws, a cave shield, and rim pools. Data collected from these cave formations has contributed to research of the area's prehistoric climate.

The Basin and Range area spans the transition between the Mojave Desert and the sagebrush steppe of the Great Basin region. The area is one of the largest ecologically intact landscapes in the Great Basin region, providing habitat connectivity and migration corridors for a wide variety of animal species and affording researchers the ability to conduct studies over broad scales. At lower elevations, alluvial fans provide a home for sagebrush communities and mixed desert scrublands, where visitors can see big sagebrush, black sagebrush, little sagebrush,

yellow rabbitbrush, saltbush, and mormon tea. Among the herbaceous species here are Indian ricegrass, Sandberg bluegrass, needlegrass, and needle and thread. Pockets of native grasslands can be found in Coal Valley, and the Basin and Range area is home to the endemic White River catseye. A more arid ecosystem can also be found in some of the lowest elevations, where cholla, spinystar, Engelmann's hedgehog cactus, Mojave kingcup cactus, tulip pricklypear, grizzlybear pricklypear, Blaine fishhook cactus, and other cactus species dominate. At middle elevations, sagebrush gives way to singleleaf pinyon, Utah juniper, curl-leaf mountain mahogany, quaking aspen, and other conifers, along with Idaho fescue and bluebunch wheatgrass. At higher elevations, ponderosa and limber pines become more common. Bristlecone pines over 2,000 years old stand sentinel in the high peaks of the Worthington Mountains.

The area provides important habitat for game species including desert bighorn sheep, mule deer, Rocky Mountain elk, and pronghorn. Other mammal species, including mountain lion, bobcat, kit fox, cottontail rabbit, pygmy rabbit, black-tailed jackrabbit, pale kangaroo mouse, and dark kangaroo mouse, also make their homes here. Many bat species reside in the Basin and Range area's caves and use its lowlands for foraging. The area provides habitat for lizards such as the greater short-horned lizard, desert spiny lizard, yellow-backed spiny lizard, Great Basin collared lizard, common zebra-tailed lizard, long-nosed leopard lizard, Great Basin fence lizard, northern sagebrush lizard, common side-blotched lizard, desert horned lizard, Great Basin skink, and Great Basin whiptail, and likely habitat for gila monsters. Snakes including the desert nightsnake, Great Basin rattlesnake, long-nosed snake, Sonoran mountain kingsnake, striped whipsnake, ringneck snake, gopher snake, and western terrestrial garter snake also make their home in this area. Great Basin spadefoot toads, western toads, and Baja California treefrogs can also be found in the area.

A number of bird species grace the landscape. These include game species such as the chukar, Gambel's quail, and a variety of dove and pigeon species. The dry basins provide habitat for sage thrasher, Brewer's sparrow, and western burrowing owl. Numerous bird species inhabit the Worthington Mountains, including pinyon jay, Clark's nutcracker, mountain bluebird, loggerhead shrike, and green-tailed towhee, along with raptors including golden eagles, Cooper's hawks, and ferruginous hawks.

The land tells the story of a rich cultural tradition. From the earliest human inhabitants 13,000 years ago, to miners and ranchers in the past century and a half, to a modern artist in recent decades, the area's residents have created and maintain notable legacies. The earliest Paleo-Indian inhabitants of the Basin and Range area exploited food sources along the shores of now-dry lakes. These nomadic people left important traces of their presence, including a rare obsidian Clovis point in the Coal Valley Water Gap and a succession of significant campsites and artifacts around the prehistoric Coal Valley Lake.

Starting about 8,000 years ago, a drier, warmer climate forced inhabitants to move beyond the lake beds to take advantage of the rock shelters, caves, and springs that dot the landscape. These people, from the Desert Archaic to the Fremont people about 1,500 years ago, to ancestors of the Western Shoshone and Southern Paiute Tribes about 1,000 years ago, used the land in accordance with seasonal changes in for-

aging and hunting resources. Similar to their Paleo-Indian predecessors, these cultural groups lacked intensive settlements in this area but left a rich archaeological record, including the excavated Civa Shelter II in the Golden Gate Range. Occupied first by the Fremont people about 1,400 years ago, the cave was later intermittently used by the Shoshone, who left a diverse set of artifacts, including worked bone, shell beads, seed processing equipment, animal remains, clay stockpiles, and over 100 projectile points, suggesting pronounced and extended use for hunting, gathering, and pottery making.

In the south and southeastern reaches of the Basin and Range area, early humans' stories are told at numerous petroglyph sites, including rock art in the White River Narrows Historic District, Mount Irish Archaeological Area, and the Shooting Gallery rock art site. Listed in the National Register of Historic Places, the White River Narrows Archaeological District represents one of the largest concentrations of prehistoric rock art in eastern Nevada and includes panels dating back 4,000 years and contains the northernmost known examples of the Pahrnagat style of rock art. Both the Mount Irish Archaeological Site and the Shooting Gallery area are well known for bighorn sheep motifs, among other styles of rock art. Additionally, the rock features of the Shooting Gallery area may have been used by early inhabitants as hunting blinds. Much of the Basin and Range area has not been comprehensively studied for archaeological resources, though recent surveys suggest that additional resources may be found across the area. Protection of the area will therefore provide important opportunities for archaeologists and historians to further study and understand the evolving relationship between this unique landscape and its human inhabitants.

The Basin and Range area was mostly unknown to European-Americans until the 1820s, when explorers and fur trappers first visited, including Jedediah Smith, part-owner of the Rocky Mountain Fur Company and arguably the most famous of the "Mountain Men." Mormon settlers came to the area in the mid-19th century. About the same time, the explorer, politician, and military officer John C. Frémont traversed this area while surveying for a transcontinental railroad. Mining began in the area in the 1860s when, reportedly, Native Americans escorted prospectors out to ore veins in outcroppings in the north end of the Worthington Mountains. Here the miners established what was originally called the Worthington Mining District, and subsequently renamed the Freiberg Mining District. The silver, lead, zinc, copper, and tungsten deposits found there supported modest historical production. Head frames, mining cabins, and other structures associated with the region's mining history can be found in the Mount Irish area. Explorer and conservationist John Muir reported that he holed up in a canyon in the Golden Gate Range for a week in 1878. During the late 19th century, Basque and other ranchers brought sheep and cattle ranching into Garden Valley, and ranching remains to this day.

The location of a recent work of land art in the Basin and Range area reflects the rugged landscape and confirms its importance as a unique geologic area. The artist Michael Heizer chose the area for his work *City*, begun in 1972 and now nearing completion. Sitting on privately-held land in Garden Valley, *City* is one of the most ambitious examples of the distinctively American land art movement. Built into and out of the vast undeveloped expanse of Garden Valley, the work combines

modern abstract architecture and engineering with ancient American aesthetic influences on a monumental scale, roughly the size of the National Mall, and evokes the architectural forms of ancient Mesoamerican ceremonial cities like Teotihuacán and Chichén Itzá. The presence of *City* in this stark and silent landscape provides the visitor a distinctive lens through which to experience and interact with Garden Valley.

The protection of the Basin and Range area will preserve its cultural, prehistoric, and historic legacy and maintain its diverse array of natural and scientific resources, ensuring that the prehistoric, historic, and scientific values of this area remain for the benefit of all Americans.

WHEREAS, section 320301 of title 54, United States Code (known as the “Antiquities Act”), authorizes the President, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Federal Government to be national monuments, and to reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected;

WHEREAS, it is in the public interest to preserve the objects of scientific and historic interest on the Basin and Range lands;

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by the authority vested in me by section 320301 of title 54, United States Code, hereby proclaim the objects identified above that are situated upon lands and interests in lands owned or controlled by the Federal Government to be the Basin and Range National Monument (monument) and, for the purpose of protecting those objects, reserve as part thereof all lands and interests in lands owned or controlled by the Federal Government within the boundaries described on the accompanying map, which is attached to and forms a part of this proclamation. These reserved Federal lands and interests in lands encompass approximately 704,000 acres. The boundaries described on the accompanying map are confined to the smallest area compatible with the proper care and management of the objects to be protected.

All Federal lands and interests in lands within the boundaries of the monument are hereby appropriated and withdrawn from all forms of entry, location, selection, sale, or other disposition under the public land laws, from location, entry, and patent under the mining laws, and from disposition under all laws relating to mineral and geothermal leasing, other than by exchange that furthers the protective purposes of the monument.

The establishment of the monument is subject to valid existing rights. If the Federal Government acquires any lands or interests in lands not owned or controlled by the Federal Government within the boundaries described on the accompanying map, such lands and interests in lands shall be reserved as a part of the monument, and objects identified above that are situated upon those lands and interests in lands shall be part of the monument, upon acquisition of ownership or control by the Federal Government.

The Secretary of the Interior (Secretary) shall manage the monument through the Bureau of Land Management (BLM) as a unit of the National Landscape Conservation System, pursuant to applicable legal authorities to protect the objects identified above.

For purposes of the care and management of the objects identified above, the Secretary, through BLM, shall within 3 years of the date of this proclamation prepare and maintain a management plan for the monument and shall provide for maximum public involvement in the development of that plan including, but not limited to, consultation with State, tribal, and local governments.

Nothing in this proclamation shall be deemed to limit the authority of the Secretary, under applicable law other than this proclamation, to undertake or authorize activities on public land in the vicinity of the sculpture *City* for the purpose of preventing harm to the artwork, including activities to improve drainage and to prevent erosion, consistent with the care and management of the objects identified above. The management plan for the monument shall provide for reasonable use of existing roads within the monument to facilitate public access to *City*.

Except for emergency or authorized administrative purposes, motorized vehicle use in the monument shall be permitted only on roads existing as of the date of this proclamation. Non-motorized mechanized vehicle use shall be permitted only on roads and trails designated for their use consistent with the care and management of the objects identified above. The Secretary shall prepare a transportation plan that designates the roads and trails where motorized or non-motorized mechanized vehicle use will be permitted.

Except as necessary for the care and management of the objects identified above or for the purpose of permitted livestock grazing, no new rights-of-way for electric transmission or transportation shall be authorized within the monument. Other rights-of-way may be authorized only if consistent with the care and management of the objects identified above.

Nothing in this proclamation shall be deemed to enlarge or diminish the rights of any Indian tribe. The Secretary shall, to the maximum extent permitted by law and in consultation with Indian tribes, ensure the protection of Indian sacred sites and cultural sites in the monument and provide access to the sites by members of Indian tribes for traditional cultural and customary uses, consistent with the American Indian Religious Freedom Act (42 U.S.C. 1996) and Executive Order 13007 of May 24, 1996 (Indian Sacred Sites).

Nothing in this proclamation shall be deemed to affect authorizations for livestock grazing, or administration thereof, on Federal lands within the monument. Livestock grazing within the monument shall continue to be governed by laws and regulations other than this proclamation.

This proclamation does not alter or affect the valid existing water rights of any party, including the United States. This proclamation does not reserve water as a matter of Federal law.

Nothing in this proclamation shall be deemed to enlarge or diminish the jurisdiction of the State of Nevada, including its jurisdiction and authority with respect to fish and wildlife management.

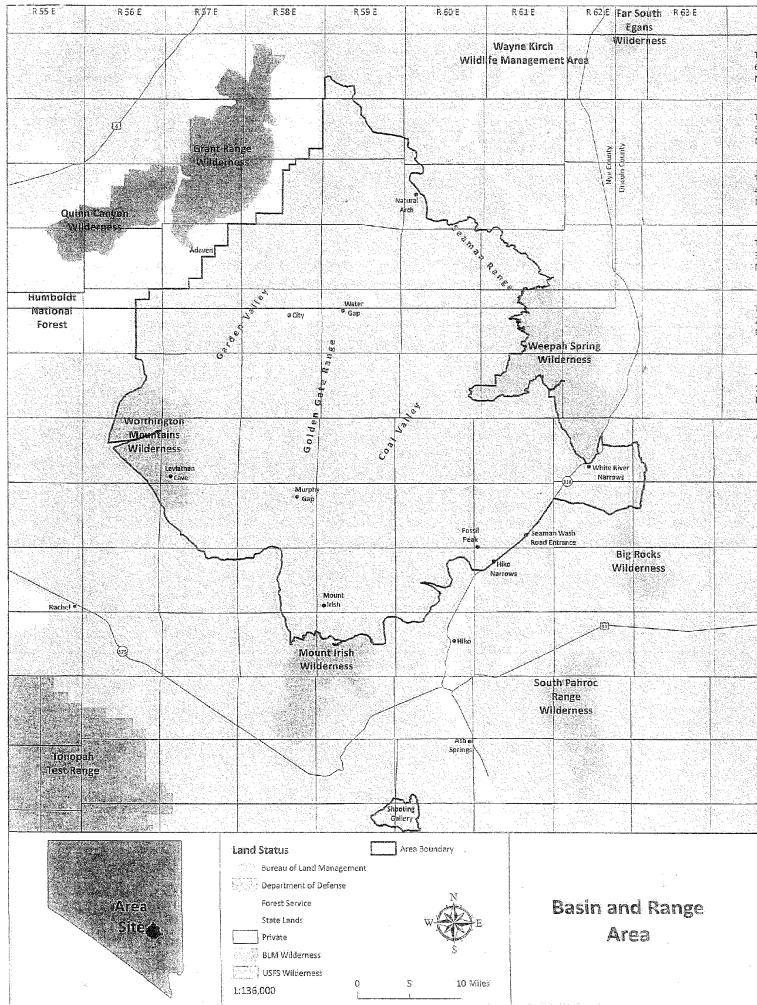
Nothing in this proclamation shall preclude low-level overflights of military aircraft, the designation of new units of special use airspace, or the use or establishment of military flight training routes over the lands reserved by this proclamation. Nothing in this proclamation shall preclude air or ground access for: (i) emergency response; (ii) existing or new electronic tracking and communications; (iii) landing and drop zones; and (iv) readiness training by Air Force, Joint, and Coalition forces, including training using motorized vehicles both on- and off-road, in accordance with applicable interagency agreements. Nothing in this proclamation shall preclude the Secretary of Defense from entering into new or renewed agreements with the Secretary of the Interior concerning these uses, consistent with the care and management of the objects to be protected.

Nothing in this proclamation shall be deemed to revoke any existing withdrawal, reservation, or appropriation; however, the monument shall be the dominant reservation.

Warning is hereby given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of the monument and not to locate or settle upon any of the lands thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of July, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA



Proclamation 9298 of July 10, 2015

Establishment of the Berryessa Snow Mountain National Monument

*By the President of the United States of America
A Proclamation*

The Berryessa Snow Mountain area is the heart of northern California’s wild Inner Coast Range. Once covered by ocean waters, it is a landscape shaped by geologic forces of staggering power overlain with bountiful but fragile biodiversity. Anchored in the north by Snow Mountain’s remote forests and in the south by scenic Berryessa Mountain, this area stretches through unbroken wildlands and important

wildlife corridors, a mosaic of native grasslands, picturesque oak woodlands, rare wetlands, and wild chaparral.

Home to the headwaters of the Eel River, and the Stony, Cache, and Putah creeks, Berryessa's waters are a crucial element of this landscape and a vital link to the water supply for millions of people. This dramatic and diverse landscape is a biological hotspot providing refuge for rare plant and animal species and showcasing the human history of north-central California.

Native Americans have inhabited these lands for at least the last 11,000 years. Many tribes, including the Yuki, Nomlaki, Patwin, Pomo, Huchnom, Wappo, and Lake Miwok, and Wintum all played a role in the history of this region, one of the most linguistically diverse in California.

The region's abundant natural resources helped to shape these distinct cultures. Early inhabitants subsisted upon protein-rich acorns in addition to seed and nut crops cultivated through traditional burning practices. Obsidian, chert, and basalt provided important source material for tool production, such as flaked tools and projectile points. The inhabitants also processed and produced both shell and magnesite beads, which they traded with other tribes.

Dense with cultural resources, the Berryessa Snow Mountain area contains a range of ancient settlements from mineral collection sites, and seasonal hunting and gathering camps in the high country, to major villages with subterranean, earth-covered round buildings in the lowlands. In addition to trade routes winding through the hills and mountains, the area is rich with sites that tell the story of early Native peoples: chert quarries where stone was gathered to make tools, task sites where tools were re-sharpened during hunting excursions, food sites where acorn and seeds were ground on large grindstones, and areas with pitted boulder petroglyphs where individuals illustrated their life experiences. The Cache Creek Archeological District, designated on the National Register of Historic Places, illustrates the area's archeological importance.

In the early 19th century, both Spanish and Mexican expeditions explored the region, as did fur trappers for the Hudson Bay Company. These explorers and trappers were often just brief visitors to this landscape, but their explorations and documentation opened the region to further European-American settlement by providing information about conditions, resources, and geography. This later settlement began during the 1840s gold rush. Farming in the region was limited due to the difficult terrain and soils, while cattle and sheep ranching were much more profitable.

From the mid to late 1800s, many small sawmills operated within the forests of the area. The restored 1860s-era Nye homestead cabin, the historic Prather Mill, and remnants of associated railroad logging operations are tangible reminders of these historic uses. Around the turn of the 20th century, the mineral-laden waters and hot springs of the area attracted visitors to resorts and spas advertising their therapeutic benefits. Remains of the foundations of the mineral spring resorts at Bartlett Springs can be spotted by observant visitors today.

Native populations were displaced by the European-American settlement and development of the region in the early to mid-1800s. Many

traditional hunting and gathering grounds were converted to grazing and logging and new diseases brought into the area spread to the Native people, greatly impacting the local Native populations and pushing them off of their homelands. Nevertheless, the region's landscape and resources retain deep cultural significance for modern Native communities, including roughly two dozen federally recognized tribes.

The Berryessa Snow Mountain area tells a dynamic geologic story. A relic of ancient times, scientists theorize that Snow Mountain formed as an underwater mountain during the Jurassic Period, 145–199 million years ago. Much of the region is prone to landslides due to weak and pervasively fractured rock, resulting in a diverse topography, including sag ponds and springs, with important values for wildlife and plants. The seismically active Bartlett Springs fault zone has remarkable features including hot springs and geologic outliers with marine invertebrate fossils dating to the Cretaceous Period and Cenozoic Era. The area has two important tension-crack caves, likely also created by landslides. These are classified as significant under the Federal Cave Resources Protection Act of 1988 and provide habitat for the Townsend's big-eared bat.

Rising from near sea-level in the south to over 7,000 feet in the mountainous north, and stretching across 100 miles and dozens of ecosystems, the area's species richness is among the highest in California. This internationally recognized biodiversity hotspot is located at the juncture between California's Klamath, North Coast, and Sacramento Vallejo ecoregions and provides vital habitat and migration corridors for diverse wildlife, including several endemic plant and animal species.

The Berryessa Snow Mountain area is notable for its significant concentration of serpentine soils arising from frequent seismic activity and influence from ancient oceans. Serpentine, California's State rock, is formed from the clashing, subduction, and rising of massive geologic forces, and can be found in significant quantity in the area. These soils lack the nutrients most plants need and often contain heavy metals toxic to many plants, resulting in plants that are unique and endemic to this region. Serpentine outcrops in the area have been the subject of a great deal of botanical, ecological, and evolutionary research, and hold promise for future scientific explorations. Many serpentine plants are listed as rare, sensitive, or threatened under Federal or State law. Examples are: the endemic bent-flowered fiddleneck and brittlescale, the Brewer's jewelflower, Purdy's fringed onion, musk brush, serpentine sunflower, bare monkeyflower, Indian Valley brodiaea, Red Mountain catchfly, and Snow Mountain buckwheat, along with numerous other herbs such as the Lake County stonecrop, coastal bluff morning glory, Cobb Mountain lupine, Contra Costa goldfields, and Napa western flax. There are also plant species that are near-endemics and almost entirely restricted to serpentine soils, such as MacNab cypress, leather oak, swamp larkspur, and Purdy's fritillary.

The Berryessa Snow Mountain area is replete with wild and unique landscapes and climatic micro-regions. These include Cedar Roughs, an important refuge for black bear and a 3,000-acre stand of endemic Sargent's cypress trees. Cache Creek, a California Wild and Scenic River, provides an exceptional, intact riparian habitat and one of the largest wintering populations of bald eagles in the State. Remnants of the grassland prairies that once covered much of interior California

still exist at Upper Cache Creek, where there are stands of native grasses with creeping wild rye and meadow barley, and some smaller relict patches of upland bunchgrass.

The 6,000-foot Goat Mountain is home to highly unusual plant assemblages that have created one of the most diverse butterfly regions in California. The Hale Ridge Research Natural Area hosts an important stand of knobcone pine. The ecological sky island of the 7,000-foot Snow Mountain serves as important habitat to a number of key plant and animal species.

The headwaters of the Bear Creek Watershed are a particularly excellent example of the area's serpentinite-based endemism and biodiversity with over 450 plant species, including a magnificent array of wildflowers, along with cypress, manzanita, and willow. Nearly half of California's 108 species of dragonfly and damselfly are found here, as well as 16 reptiles and amphibians, 6 rare insects, and 80 species of butterflies. This area has been an important focus of scientific studies on climate change, including studies of range shifts and isolated populations of species during Pleistocene changes in climate, and on post-fire succession.

The Berryessa Snow Mountain area's wide variety of elevations, many streams, ponds, and rivers as well as diverse plant communities provide excellent habitat for fish, wildlife, and amphibians. The streams and creeks in the Berryessa Snow Mountain area have served as centers for scientific research on hydrology and riparian ecosystems for decades. The riparian habitat linking the Sacramento River, Putah Creek, and Cache Creek provides a home for native birds such as the spotted sandpiper and the rare tricolored blackbird.

Waterways in the area harbor several native fish, including Pacific lamprey, western brook lamprey, rainbow trout, California roach, Sacramento pikeminnow, speckled dace, hardhead minnow, Clear Lake hitch, Sacramento sucker, and prickly and riffle sculpins. The area also provides historic habitat for coastal chinook salmon, Northern California steelhead, and California Central Valley steelhead.

Ponds and seeps throughout the area provide rare aquatic habitat for important plants like eelgrass pondweed, few-flowered navarretia, marsh checkerbloom, and Boggs Lake hedge-hyssop. This aquatic habitat is also home to amphibious species like the foothill yellow-legged frog, California red-legged frog, California newt, Pacific tree frog, western toad, and the northwestern pond turtle.

Numerous reptiles live in the Berryessa Snow Mountain area, including the St. Helena mountain king snake, western fence lizard, western skink, western whiptail, alligator lizard, gopher snake, common king snake, rubber boa, common garter snake, western terrestrial garter snake, western aquatic garter snake, and the northern Pacific rattlesnake.

Many large and small mammals co-exist in this diverse landscape, such as Tule elk, bobcats, mountain lions, black bears, mule deer, beaver, river otter, Pacific fishers, American badgers, Humboldt martens, and the San Joaquin pocket mouse. Most of the animal species in the area have special State or Federal status as sensitive, at-risk or threatened.

Raptors such as burrowing owls, prairie falcon, peregrine falcon, northern goshawk, and bald and golden eagles live and hunt throughout the upland areas. The Berryessa Snow Mountain area also serves as an important migratory corridor for neotropical birds and is home to a plethora of bat and insect species, including the threatened valley elderberry longhorn beetle and the vulnerable pallid bat, western sulphur butterfly, gray marble butterfly, Muir's hairstreak, and Lindsay's skipper.

The protection of the Berryessa Snow Mountain area will preserve its prehistoric and historic legacy and maintain its diverse array of scientific resources, ensuring that the prehistoric, historic, and scientific values remain for the benefit of all Americans. Today, the area is important for ranching and also provides outdoor recreation opportunities, including hunting, fishing, hiking, mountain biking, and horseback riding to a burgeoning population center.

Whereas, section 320301 of title 54, United States Code (known as the "Antiquities Act"), authorizes the President, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Federal Government to be national monuments, and to reserve as a part thereof parcels of land, the limits of which shall be confined to the smallest area compatible with the proper care and management of the objects to be protected;

WHEREAS, it is in the public interest to preserve the objects of scientific and historic interest on the lands of the Berryessa Snow Mountain area;

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by the authority vested in me by section 320301 of title 54, United States Code, hereby proclaim the objects identified above that are situated upon lands and interests in lands owned or controlled by the Federal Government to be the Berryessa Snow Mountain National Monument (monument) and, for the purpose of protecting those objects, reserve as part thereof all lands and interests in lands owned or controlled by the Federal Government within the boundaries described on the accompanying map, which is attached to and forms a part of this proclamation. These reserved Federal lands and interests in lands encompass approximately 330,780 acres. The boundaries described on the accompanying map are confined to the smallest area compatible with the proper care and management of the objects to be protected.

All Federal lands and interests in lands within the boundaries described on the accompanying map are hereby appropriated and withdrawn from all forms of entry, location, selection, sale, or other disposition under the public land laws or laws applicable to the U.S. Forest Service, from location, entry, and patent under the mining laws, and from disposition under all laws relating to mineral and geothermal leasing, other than by exchange that facilitates the remediation, monitoring, or reclamation of historic mining operations under applicable law or otherwise furthers the protective purposes of the monument.

The establishment of the monument is subject to valid existing rights. If the Federal Government acquires any lands or interests in lands not owned or controlled by the Federal Government within the boundaries of the monument, such lands and interests in lands shall be reserved

as a part of the monument, and objects identified above that are situated upon those lands and interests in lands shall be part of the monument, upon acquisition of ownership or control by the Federal Government.

The Secretary of Agriculture and the Secretary of the Interior (Secretaries) shall manage the monument through the U.S. Forest Service (USFS) and the Bureau of Land Management (BLM), pursuant to their respective applicable legal authorities, to implement the purposes of this proclamation. The USFS shall manage that portion of the monument within the boundaries of the National Forest System (NFS), and BLM shall manage the remainder of the monument. The lands administered by USFS shall be managed as part of the Mendocino National Forest. The lands administered by BLM shall be managed as a unit of the National Landscape Conservation System, pursuant to applicable legal authorities.

For purposes of protecting and restoring the objects identified above, the Secretaries shall jointly prepare a management plan for the monument and shall promulgate such regulations for its management as deemed appropriate. In developing any management plans and any management rules and regulations governing NFS lands within the monument, the Secretary of Agriculture, through USFS, shall consult with the Secretary of the Interior through BLM. The Secretaries shall provide for public involvement in the development of the management plan including, but not limited to, consultation with tribal, State, and local governments. In the development and implementation of the management plan, the Secretaries shall maximize opportunities, pursuant to applicable legal authorities, for shared resources, operational efficiency, and cooperation.

In managing the monument, the Secretaries may authorize activities or uses related to remediation, monitoring, and reclamation of mining sites and to provide for the beneficial public use of water associated with reclamation of such sites, consistent with the care and management of the objects identified above.

Except for emergency or authorized administrative purposes, motorized and mechanized vehicle use in the monument shall be allowed only on roads and trails designated for such use, consistent with the care and management of the objects identified above.

Nothing in this proclamation shall be deemed to enlarge or diminish the rights of any Indian tribe. The Secretaries shall, to the maximum extent permitted by law and in consultation with Indian tribes, ensure the protection of Indian sacred sites and traditional cultural properties in the monument and provide access by members of Indian tribes for traditional cultural and customary uses, consistent with the American Indian Religious Freedom Act (42 U.S.C. 1996) and Executive Order 13007 of May 24, 1996 (Indian Sacred Sites).

Laws, regulations, and policies followed by USFS or BLM in issuing and administering grazing permits or leases on lands under their jurisdiction shall continue to apply with regard to the lands in the monument, consistent with the care and management of the objects identified above.

Nothing in this proclamation shall be construed to alter the valid existing water rights of any party, including the United States. This proclamation does not reserve water as a matter of Federal law.

Nothing in this proclamation shall preclude low level overflights of military aircraft, the designation of new units of special use airspace, the use or establishment of military flight training routes over the lands reserved by this proclamation, or related military uses, consistent with the care and management of the objects to be protected.

Nothing in this proclamation shall be deemed to enlarge or diminish the jurisdiction of the State of California, including its jurisdiction and authority with respect to fish and wildlife management.

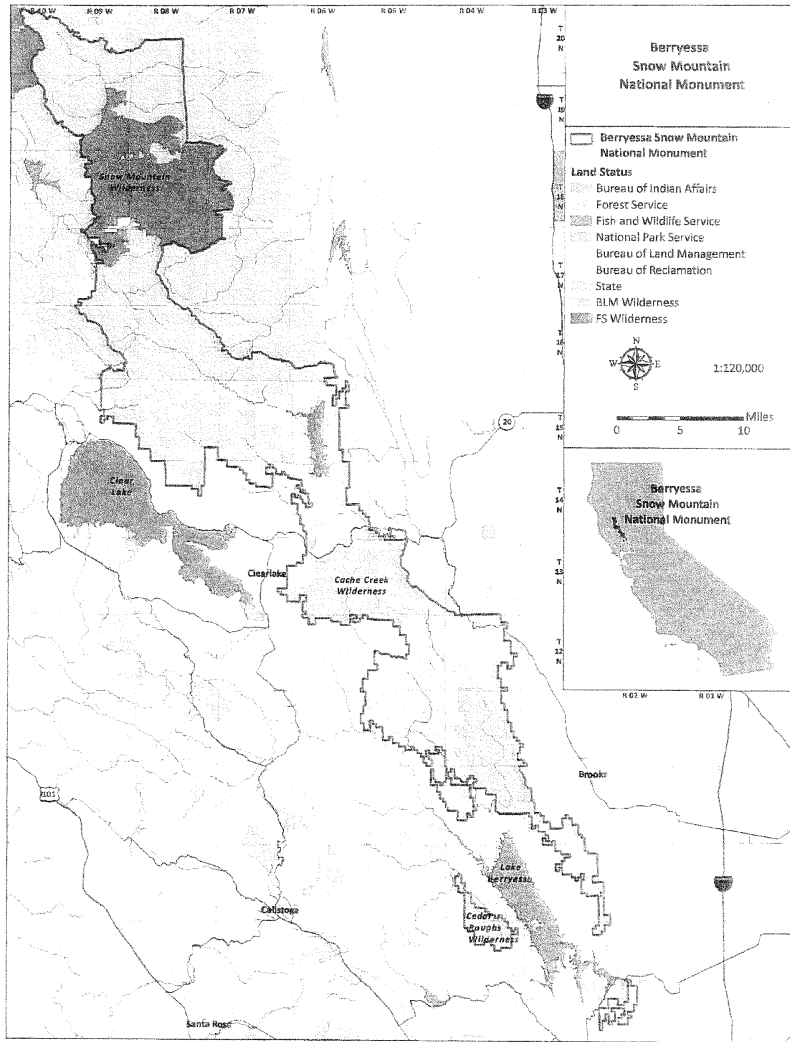
Nothing in this proclamation shall be construed to alter the authority or responsibility of any party with respect to emergency response activities within the monument, including wildland fire response.

Nothing in this proclamation shall be deemed to revoke any existing withdrawal, reservation, or appropriation; however, the monument shall be the dominant reservation.

Warning is hereby given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of the monument and not to locate or settle upon any of the lands thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of July, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA



Proclamation 9299 of July 10, 2015

Establishment of the Waco Mammoth National Monument

*By the President of the United States of America
A Proclamation*

In 1978, two young fossil hunters found a large bone protruding from an eroded ravine near the Bosque River about 4.5 miles north of the center of Waco, Texas. They took the bone to nearby Baylor University,

where it was identified as part of the femur (upper leg bone) of a Columbian Mammoth (*Mammuthus columbi*), a dominant species in North America during the Pleistocene Epoch. The Columbian Mammoth, the largest of all mammoth species, stood with a shoulder height reaching 12 to 14 feet and weighed an estimated 7 to 8 tons. Over the next 20 years, Baylor University oversaw the excavation of the site, where the remains of 24 Columbian Mammoths were found, along with the remains of associated animals of the late Pleistocene, including Western Camel (*Camelops hesternus*), saber-toothed cat (*Homotherium*), dwarf antelope (*cf. Capromeryx*), American Alligator (*Alligator mississippiensis*), and giant tortoise (*Hesperotestudo*).

These remains contain the Nation's only recorded discovery of a nursery herd (females and offspring) of Pleistocene mammoths, comprising at least 18 of the unearthed mammoths. The nursery herd appears to have drowned in a single natural event near the confluence of the ancient Bosque and Brazos Rivers between 65,000 and 72,000 years ago. Because the nursery herd was buried rapidly in the mud associated with the rising waters, the remains of the herd include nearly intact skeletons apparently positioned as at the moment of death. The herd's preservation in this manner provides unparalleled evidence of the group's age structure and behavior during a natural catastrophe. For example, the herd apparently formed a circular defensive position with the adults attempting to rescue the offspring. In two cases, the bones of a juvenile lay across the tusks of an adult, suggesting that these adults were trying to lift the juveniles to safety.

Including the nursery herd, the remains of 22 Columbian Mammoths have been documented in the excavation area, and evidence of 2 more was discovered during construction of the Dig Shelter that protects the excavation area. One of the skeletons discovered in sediments above the nursery herd is a large bull mammoth with a broken but healed rib, suggesting a fight with another bull during the mammoth equivalent of modern elephants' musth, or rutting season. The presence of mammoths in the excavation area at sediment levels representing a span of several thousands of years suggests that the species had an affinity for this area at the interface of two ecosystems, the Great Plains and the Gulf Coastal Plains.

The excavation area, as well as the land extending beyond it toward the Brazos and Bosque Rivers, offer excellent opportunities for further exploration and research. More than half of the area protected by the Dig Shelter remains unexcavated, and virtually all the acreage outside the Dig Shelter remains unsurveyed for paleontological resources. Future discoveries are anticipated both within and outside the Dig Shelter.

While Baylor University oversaw the excavation, study, and preservation of the fossils, the City of Waco acquired the parcels of land containing and surrounding the excavation area and assembled a city park known as the Waco Mammoth Site, which opened to the public in 2009. Although most of the excavated bones of the mammoths and associated fauna are now at Baylor University's Mayborn Museum awaiting preparation and curation, some exposed bones remain at the Site, protected by the climate-controlled Dig Shelter, which facilitates public viewing, interpretation, and study.

WHEREAS, section 320301 of title 54, United States Code (known as the “Antiquities Act”), authorizes the President, in his discretion, to declare by public proclamation historic landmarks, historic and pre-historic structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Federal Government to be national monuments, and to reserve as a part thereof parcels of land, the limits of which shall be confined to the smallest area compatible with the proper care and management of the objects to be protected;

WHEREAS, the City of Waco has been operating the approximately 108.5 acre Waco Mammoth Site (including the excavation area and surrounding lands) as a park since 2009, in partnership with Baylor University and with support from the nonprofit Waco Mammoth Foundation, Inc.;

WHEREAS, the City of Waco, Baylor University, the Waco Mammoth Foundation, Inc., and other members of the Waco community have demonstrated support for the establishment of a national monument to be administered by the National Park Service;

WHEREAS, the National Park Service conducted a special resource study of the Waco Mammoth Site, pursuant to Public Law 107–341, and determined that the Site met the criteria for inclusion in the National Park System;

WHEREAS, in support of the establishment of a national monument to be administered by the National Park Service, the City has donated certain lands and appurtenant easements to the Federal Government;

WHEREAS, the City of Waco and Baylor University have also indicated their intent to transfer ownership of the excavated specimens and archival records to the Federal Government for monument purposes;

WHEREAS, the City of Waco intends that the partnership between the City of Waco, Baylor University, and the Waco Mammoth Foundation, Inc., continue to cooperatively manage, oversee, and maintain the Waco Mammoth Site and expand the partnership to include the National Park Service;

WHEREAS, it is in the public interest to preserve and protect the scientific objects at the Waco Mammoth Site;

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by the authority vested in me by section 320301 of title 54, United States Code, hereby proclaim the objects identified above that are situated upon lands and interests in lands owned or controlled by the Federal Government to be the Waco Mammoth National Monument (monument) and, for the purpose of protecting those objects, reserve as a part thereof all lands and interests in lands owned or controlled by the Federal Government within the boundaries described on the accompanying map entitled, “Waco Mammoth National Monument,” which is attached to and forms a part of this proclamation. The reserved Federal lands and interests in lands encompass approximately 7.11 acres, including appurtenant easements for all necessary purposes. The boundaries described on the accompanying map are confined to the smallest area compatible with the proper care and management of the objects to be protected.

All Federal lands and interests in lands within the boundaries described on the accompanying map are hereby appropriated and withdrawn from all forms of entry, location, selection, sale, or other disposition under the public land laws, from location, entry, and patent under the mining laws, and from disposition under all laws relating to mineral and geothermal leasing.

The establishment of the monument is subject to valid existing rights. Lands and interests in lands not owned or controlled by the Federal Government within the boundaries described on the accompanying map shall be reserved as a part of the monument, and objects identified above that are situated upon those lands and interests in lands shall be part of the monument, upon acquisition of ownership or control by the Federal Government.

The Secretary of the Interior (Secretary) shall manage the monument through the National Park Service, pursuant to applicable legal authorities, consistent with the purposes and provisions of this proclamation. The Secretary shall prepare a management plan for the monument, with full public involvement, within 3 years of the date of this proclamation. The management plan shall ensure that the monument fulfills the following purposes for the benefit of present and future generations: (1) to preserve and protect the objects of scientific interest associated with the monument; (2) to foster and facilitate appropriate research; (3) to promote understanding and stewardship of the monument's resources and values through interpretive and educational opportunities; and (4) to provide for the enjoyment of the monument's resources and values in a manner that is compatible with their preservation. The management plan shall address the desired relationship of the monument to other sites with paleontological resources both within and outside the National Park System.

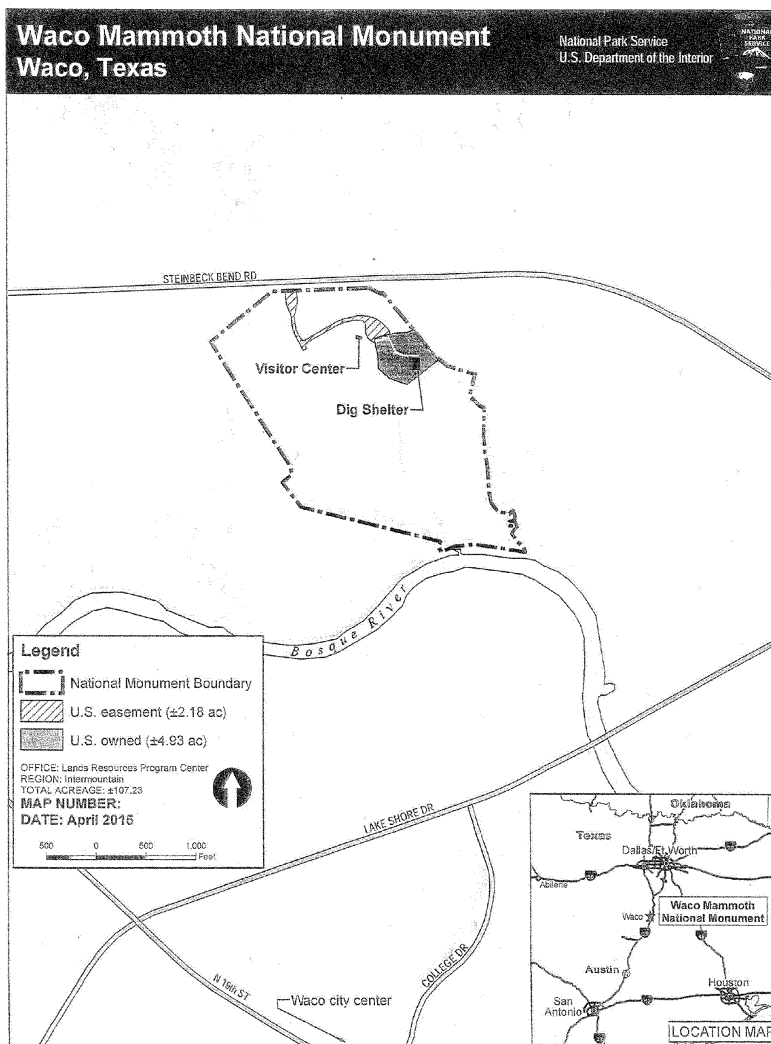
The National Park Service shall use available authorities, as appropriate, to enter into agreements with governmental and nongovernmental organizations, including the City of Waco, Baylor University, the Waco Mammoth Foundation, Inc., to further the purposes of the monument, address common interests, and promote management efficiencies.

Nothing in this proclamation shall be deemed to revoke any existing withdrawal, reservation, or appropriation; however, the monument shall be the dominant reservation.

Warning is hereby given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of July, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA



Proclamation 9300 of July 17, 2015

Captive Nations Week, 2015

By the President of the United States of America
A Proclamation

America was founded on the beliefs that the true source of legitimacy is the consent of the people; that every individual is born equal with inalienable rights; and that it is the responsibility of governments to uphold these rights. For more than two centuries, the United States has

worked to give meaning to these fundamental tenets of freedom and democracy, and as we have striven to realize the promise of our Nation and cement our reputation as a beacon of opportunity throughout the world, we have also fought to expand democracy's reach—because we believe that self-determination is not just a Western value but a universal value, and that all people in all nations have the right to choose their own destiny.

When an Iron Curtain descended on women and men around the globe, America stood with those who held fast to democratic ideals. We fought to defend the inherent dignity of all people and our shared commitment to the values we cherish, and together we demonstrated to the world that tyranny and oppression are no match for the force of freedom. Decades later, upholding peace and security continues to be the responsibility of every nation. During Captive Nations Week, we stand in solidarity with those who still yearn for a stake in their future, and we renew our commitment to advancing freedom's cause.

Today, countries once ravaged by war are among the world's most advanced economies, dictatorships have given way to genuine democracies, and hundreds of millions of people have been lifted from poverty. Yet history reminds us that free nations cannot be complacent in pursuit of the vision we share. Around the globe, disputes over territory threaten to spiral into confrontation. The failure to uphold universal human rights denies justice to individuals and denies countries of reaching their full potential. The same technologies that empower citizens are also giving oppressive regimes new tools to stifle dissent. And economic inequality and extreme poverty are laying the foundation for instability.

The United States will continue to use every element of American power to bolster democracies throughout the world and support economic reforms that boost domestic demand, deliver broad prosperity, and invest in people. We are expanding our cooperation with emerging powers and economies and working to cultivate civil societies that hold leaders accountable—because governments exist to lift their people up, not to hold them down. And I continue to call for open and honest elections, and independent judiciaries that work to strengthen the rule of law.

True democracy, real prosperity, and lasting security are neither given nor imposed from the outside; they must be earned and built from within and renewed by every generation. Today, we rededicate ourselves to this important task and to the promise that wherever people are willing to do the hard work of building a democracy—wherever the longing for freedom stirs in human hearts—they will find a partner in the United States of America.

The Congress, by joint resolution approved July 17, 1959 (73 Stat. 212), has authorized and requested the President to issue a proclamation designating the third week of July of each year as "Captive Nations Week."

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim July 19 through July 25, 2015, as Captive Nations Week. I call upon the people of the United States to reaffirm our deep ties to all governments and people committed to freedom, dignity, and opportunity for all.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of July, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9301 of July 21, 2015

**Honoring the Victims of the Tragedy in Chattanooga,
Tennessee**

*By the President of the United States of America
A Proclamation*

Our thoughts and prayers as a Nation are with the service members killed last week in Chattanooga. We honor their service. We offer our gratitude to the police officers and first responders who stopped the rampage and saved lives. We draw strength from yet another American community that has come together with an unmistakable message to those who would try and do us harm: We do not give in to fear. You cannot divide us. And you will not change our way of life.

We ask God to watch over the fallen, the families, and their communities. As a mark of respect for the victims of the senseless acts of violence perpetrated on July 16, 2015, in Chattanooga, Tennessee, by the authority vested in me as President of the United States by the Constitution and the laws of the United States of America, I hereby order that the flag of the United States shall be flown at half-staff at the White House and upon all public buildings and grounds, at all military posts and naval stations, and on all naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions until sunset, July 25, 2015. I also direct that the flag shall be flown at half-staff for the same length of time at all United States embassies, legations, consular offices, and other facilities abroad, including all military facilities and naval vessels and stations.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-first day of July, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9302 of July 24, 2015

Anniversary of the Americans with Disabilities Act, 2015

*By the President of the United States of America
A Proclamation*

Twenty-five years ago, the Americans with Disabilities Act (ADA) reaffirmed the idea that in America, all people are entitled to participate

fully in our economy and democracy. A law deeply rooted in the principles of our Nation's founding, this landmark civil rights legislation recognized that all Americans have something to contribute to our country's story and deserve every chance to achieve their full potential. For a quarter-century, our Nation has fought to realize this law's enormous promise, and with hard work, we have helped expand what is possible so more of our friends, colleagues, and family members can live full and independent lives.

The product of tremendous effort, struggle, and sacrifice, the passage of the ADA was a victory won by countless Americans who refused to accept the world as it was and—against great odds—organized a grassroots movement to enshrine the principle of equality into law. One of the most comprehensive civil rights bills in the history of our country, the ADA promises fairness, opportunity, and complete participation in all aspects of American life for individuals with disabilities. It secures each person's right to independence, and it enables our society and our economy to benefit from the talents and contributions of all Americans by clearing obstacles to employment, transportation, public services, telecommunications, and public accommodations.

Today, as we celebrate this important anniversary and honor all those whose courage and dedication have driven our Nation's progress, we recognize that our work to uphold the spirit and the letter of this law is not yet finished. In communities throughout our country, barriers that limit our neighbors' potential have been torn down, but too many continue to encounter discrimination and structural inequalities that prohibit them from pursuing their dreams. Young people with disabilities continue to experience bullying in schools. Americans with disabilities who want to and can work are too often denied the dignity of a job. And many working Americans with disabilities still live below the poverty line.

My Administration is committed to addressing the unique challenges people with disabilities face as they seek to attain economic stability. Americans with disabilities deserve access to quality health care, affordable housing, inclusive financial institutions, and the innovative technologies that are transforming our world. That is why we have actively enforced the ADA, and why we have worked to toughen the protections against disability-based discrimination, increase accessibility in our communities, and expand opportunities for employment, education, and financial independence for people with disabilities. We have led by example within the Federal Government, and I am proud that there are now more Americans with disabilities working in Federal service than at any time in the past three decades. We continue to address bullying and harassment in our classrooms, ensuring every student has a nurturing environment in which to learn and grow. And because we know disability rights are human rights, we are championing protections and support for people with disabilities around the world.

Disability touches all of us. More than 50 million Americans have a disability, and living up to the principles of the ADA is an obligation we all share. Every person deserves equal access, equal opportunity, and equal respect, and we each must do our part to ensure our Nation's promise is within the reach of all Americans. As we reflect on 25 years of progress, let us reaffirm the inherent dignity and worth of

every individual, and together, redouble our efforts to build a society where all things are possible for all people.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim July 26, 2015, the Anniversary of the Americans with Disabilities Act. I encourage Americans across our Nation to celebrate the 25th anniversary of this civil rights law and the many contributions of individuals with disabilities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fourth day of July, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9303 of July 24, 2015

National Korean War Veterans Armistice Day, 2015

By the President of the United States of America

A Proclamation

Throughout history, the United States has stood as a powerful force for freedom and democracy around the world. In the face of tyranny and oppression, generations of patriots have fought to secure peace and prosperity far from home. And in 1950, as Communist armies crossed the 38th parallel just 5 years after the end of World War II, courageous Americans deployed overseas once again to stand with a people they had never met in defense of a cause in which they both believed. On National Korean War Veterans Armistice Day, we honor all those who sacrificed for freedom's cause throughout 3 long years of war, and we reaffirm our commitment to the security of the Republic of Korea and the values that unite our nations.

Often outnumbered and outgunned, nearly 1.8 million Americans fought through searing heat and piercing cold to roll back the tide of Communism. The members of our Armed Forces endured some of the most brutal combat in modern history; many experienced unimaginable torment in POW camps, and nearly 37,000 gave their last full measure of devotion. Their sacrifice pushed invading armies back across the line they had dared to cross and secured a hard-earned victory.

The Korean War reminds us that when we send our troops into battle, they deserve the support and gratitude of the American people—especially once they come home. We must make it our mission to serve all our veterans as well as they have served us, always giving them the respect, care, and opportunities they have earned. And we will never stop working to fulfill our obligations to our fallen heroes and their families. To this day, more than 7,800 Americans are still missing from the Korean War, and the United States will not rest until we give these families a full accounting of their loved ones.

Today, the Republic of Korea enjoys a thriving democracy and a bustling economy, and the legacy of our Korean War veterans continues on in the 50 million South Koreans who live with liberty and opportunity. The United States is proud to stand with our partner in Asian security and stability, and our commitment to our friend and ally will never waver—a promise embodied by our servicemen and women who fought from the Chosin Reservoir to Heartbreak Ridge and Pork Chop Hill, and by every American since who has stood sentinel on freedom's frontier.

No war should ever be forgotten, and no veteran should ever be overlooked. Today, on the anniversary of the Military Armistice Agreement that ended the Korean War, let us remember how liberty held its ground in the face of tyranny and how free peoples refused to yield. And most of all, let us give thanks to all those whose service and sacrifice helped to secure the blessings of freedom.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim July 27, 2015, as National Korean War Veterans Armistice Day. I call upon all Americans to observe this day with appropriate ceremonies and activities that honor our distinguished Korean War veterans.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fourth day of July, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9304 of July 27, 2015

World Hepatitis Day, 2015

*By the President of the United States of America
A Proclamation*

Around the world, doctors, medical researchers, and other professionals dedicated to health care and public health are working hard every day to combat disease and build healthier communities. Their efforts have led to improved sanitation, cleaner water, better access to care, and improvements in how we diagnose, treat, and prevent disease. Today, on World Hepatitis Day, we join in these efforts to improve lives here at home and abroad by raising awareness of a silent epidemic and reaffirming our commitment to combat it.

Nearly 400 million people worldwide are living with viral hepatitis, and more than 1 million people die each year from this disease. Yet because hepatitis often persists silently for years before revealing any symptoms, many — including about two-thirds of the Americans who live with it — are unaware of their infection status, which can lead to long-term liver damage and death.

Prevention and early detection are essential to saving lives. Safe and effective vaccines for hepatitis A and B are widely available, and simple blood tests for hepatitis B and C can lead to early detection and

life-saving care and treatment, including the cure of the infection. I encourage all Americans to ask their health care provider about hepatitis, and to learn more by visiting www.CDC.gov/Hepatitis.

As President, I am committed to advancing the fight against viral hepatitis infections. The Affordable Care Act has increased access to quality, affordable health care for millions of Americans — creating more opportunities for early detection of viral hepatitis — and it requires most insurance plans to cover recommended preventive services without copays, including hepatitis A and B vaccines and hepatitis B and C screenings. New protections under the law also eliminate annual and lifetime dollar limits on coverage and prohibit insurers from denying coverage because of pre-existing conditions, including hepatitis.

Guided by our Action Plan for the Prevention, Care, and Treatment of Viral Hepatitis, my Administration is working with government, private, and non-profit organizations to ensure that new cases of viral hepatitis are prevented. We also remain invested in addressing related health issues such as liver cancer, HIV infection, and substance use disorders, and the disproportionate impact viral hepatitis infections have on African Americans, Asian Americans and Pacific Islanders, and American Indians and Alaska Natives, as well as our Nation's young people.

Today, we renew our commitment to those impacted by hepatitis and to all those we have lost to this disease. Let us resolve to break the silence surrounding hepatitis, and redouble our efforts to defeat it in all its forms.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim July 28, 2015, as World Hepatitis Day. I encourage citizens, Government agencies, non-profit organizations, and communities across the Nation to join in activities that will increase awareness about hepatitis and what we can do to prevent it.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-seventh day of July, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9305 of July 29, 2015

50th Anniversary of Medicare and Medicaid

*By the President of the United States of America
A Proclamation*

On July 30, 1965, President Lyndon B. Johnson signed Medicare and Medicaid into law. Fifty years later, these programs have been woven into the fabric of our society—cornerstones of the fundamental belief that in America, health care is a right and not a privilege. Today, Medicare and Medicaid help tens of millions of Americans live longer, healthier lives and achieve economic security. Together, they have

helped protect the quintessential American promise that opportunity, prosperity, and economic mobility are within reach for everyone who works hard and plays by the rules. On this anniversary, we pause to celebrate these landmark achievements and reflect on the ways they have improved our Nation.

As we commemorate two of America's greatest triumphs, we must not forget that the security they provide was not always guaranteed, nor was their progress inevitable or their success preordained. Before Medicare and Medicaid, only about half of all seniors had some form of insurance, and too many of our most vulnerable citizens—including children and people with disabilities—did not have access to quality, affordable care.

As a Nation, we chose to end that era. With hard work and determination, we fought to secure the health and peace of mind of millions of our people who previously lacked a basic measure of security. Medicare and Medicaid did not just make our country better; they reaffirmed its greatness and established a legacy that we must carry forward today. We must recognize that this work, though begun a half-century ago and continued over the decades that have followed, is not yet complete. For too many, quality, affordable health care is still out of reach—and we must recommit to finishing this important task.

We have made important strides in this fight, and today, health care is more affordable and accessible than ever before thanks to the Affordable Care Act. Because of this law, more than 16 million uninsured Americans have gained the security of health insurance, including through its expansion of Medicaid. Nearly 40 million people on Medicare have taken advantage of free preventive health services, and the law has saved over 9 million seniors on Medicare more than \$15 billion in prescription drug costs. It has expanded the options for home and community-based services offered by Medicaid. And since I signed this law, we have extended the life of the Medicare Trust Fund by 13 years.

Since the Affordable Care Act became law, health care prices have risen at the lowest rate since Medicare and Medicaid were established, and as President, I am dedicated to building on this progress to ensure these programs are protected and strengthened. Earlier this year, I was proud to sign bipartisan legislation to permanently fix the Medicare physician payment system—creating a cost-effective way to compensate doctors based on how well they help their patients get and stay healthy. I am fighting to further extend the solvency of the Hospital Insurance trust fund, align payments more closely with the value of care, and build on the Affordable Care Act by closing the Medicare Part D donut hole for brand drugs by 2017. I am committed to reducing rapidly rising prescription drug costs in both Medicare and Medicaid. And every day, I am working to convince more Governors and State legislatures to take advantage of the Federal Government's financial support to expand Medicaid and cover the millions of additional Americans who would be eligible for quality, affordable health insurance.

Five decades ago, the United States recognized our obligation to care for our fellow Americans. Today, we must ensure this promise is protected for our parents, children, and grandchildren. On the 50th anniversary of Medicare and Medicaid, let us not be content with the

progress we have made. Instead, let us summon the resolve of the generations that came before us and recommit to advancing this noble cause. Five decades from now, when people look back on this time, let it be said that our generation put its shoulder to the wheel and carried forward the work of making affordable health care a reality for all Americans.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim July 30, 2015, as the 50th Anniversary of Medicare and Medicaid. I call upon all Americans to observe this day with appropriate ceremonies and activities that recognize the vital safety net that Medicare and Medicaid provide for millions of Americans.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of July, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9306 of August 7, 2015

National Health Center Week, 2015

By the President of the United States of America

A Proclamation

For a half century, health centers have delivered comprehensive, high quality, cost-effective primary health care to patients regardless of their ability to pay. This week, let us recognize the role of health centers and thank the tireless and dedicated center staff who work long hours to provide fundamental services to those who need them most.

Serving nearly 23 million patients, health centers are a vital source of primary care in communities across America. These centers also provide patients with crucial information on the importance of regular checkups and screenings, which encourage timely care and decrease the need for emergency treatment. By providing health insurance enrollment assistance to millions of individuals, they are playing a significant role in the implementation of the Affordable Care Act. This historic law has supported the operation, expansion, and construction of health centers across our Nation through the establishment of the Community Health Center Fund. Today, nearly 1,300 health centers operate approximately 9,000 service delivery sites that provide care to people in every State, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, and the Pacific Basin. I encourage those in need of care to use the “Find a Health Center” tool at www.HRSA.gov.

Today, America’s health centers have become a critical element of a health system that reflects the belief that all people deserve access to essential medical services, regardless of who they are or where they live. An idea born from the fight for justice and civil rights, health centers—as well as the committed professionals who support them—carry forward the ideals fought for at a transformational time in our Nation’s history. Helping to ensure more Americans have the security and peace

of mind that comes with quality, affordable care, health centers continue to be instrumental in safeguarding the promise of equality and opportunity for all.

This week, as we recognize the 50-year anniversary of the first community health centers being established in America, let us remember that health care is not a privilege for the few among us who can afford it, but a right for all Americans—and let us recognize the vital role health centers across our country play in carrying us toward greater health for our people.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim the week of August 9 through August 15, 2015, as National Health Center Week. I encourage all Americans to celebrate this week by visiting their local health center, meeting health center providers, and exploring the programs they offer to help keep families healthy.

IN WITNESS WHEREOF, I have hereunto set my hand this seventh day of August, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9307 of August 14, 2015

**National Employer Support of the Guard and Reserve
Week, 2015**

*By the President of the United States of America
A Proclamation*

The United States military is the finest fighting force the world has ever known—not just because of our weapons or technology, but because of the spirit, skill, and selflessness of our devoted military personnel. For more than two centuries, patriotic Americans have served our Nation and protected our values, making enormous sacrifices to defend freedom and democracy here at home and around the globe. Today, the women and men of the National Guard and Reserve carry forward this proud legacy with honor and distinction. During National Employer Support of the Guard and Reserve Week, we salute our country's citizen-warriors and the families, employers, and communities who support them.

More than one million citizen-Soldiers, Sailors, Airmen, Marines, and Coast Guardsmen protect our Nation as Guardsmen and Reservists. Beyond serving their communities, raising their families, and playing a vital part in America's workforce, these heroes find time throughout the year to train and prepare for new challenges and missions in the event their Nation needs them. With unmatched skill and professionalism, they have answered our country's call to serve—responding to disasters in the United States and carrying out tours of duty far from home, including in Afghanistan and Iraq.

As a Nation, we must make it our mission to serve all our military members as well as they serve us—and this includes supporting their families, who step up and make enormous sacrifices while their loved ones are away from home. My Administration will continue to provide our unwavering support and ensure all those who sacrifice for our Nation have access to the services, benefits, and care they deserve. And as part of First Lady Michelle Obama and Dr. Jill Biden’s Joining Forces initiative, we are encouraging all Americans to do their part to lift up our heroes. Around our country, communities and business leaders have recognized that they too can help America meet its obligations to the women and men of the Guard and Reserve by providing workplace flexibility and opportunities for advancement in their civilian careers. As Commander in Chief, I am grateful to our employers and business leaders who go above and beyond to ease the burden on those who serve, and I encourage all Americans to join in their efforts.

Our Nation has made a sacred promise to all members of the Armed Forces, and every person can play a part in honoring that promise. This week, we celebrate the women and men who keep our country safe and defend the way of life we cherish. As a Nation, let us join together to thank our Guardsmen and Reservists, as well as their employers—who know the value service brings to the workplace, who see service members as an essential part of their teams, and whose support is vital to the readiness and strength of the greatest fighting force on Earth.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim August 16 through August 22, 2015, as National Employer Support of the Guard and Reserve Week. I call upon all Americans to join me in expressing our heartfelt thanks to the members of the National Guard and Reserve and their civilian employers. I also call on State and local officials, private organizations, and all military commanders, to observe this week with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of August, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9308 of August 24, 2015

Women’s Equality Day, 2015

*By the President of the United States of America
A Proclamation*

On August 26, 1920, after years of agitating to break down the barriers that stood between them and the ballot box, American women won the right to vote. On the front lines of pickets and protests, champions from every corner of our country banded together to expand this fundamental freedom to women and forge a path toward fairer representation and greater opportunity. As we celebrate 95 years since the certifi-

cation of the 19th Amendment, let us demonstrate our commitment to the belief that we are all entitled to equal treatment by supporting policies that help women succeed and thrive.

Since this historic achievement, our country has made great progress in building a freer and fairer society, and we continue striving to fully realize justice and equality for all. There is still more to do to secure the promise of our Nation for everyone, including ensuring that women have equal opportunities to participate in the classroom, the economy, the workplace, and our democracy. From day one, my Administration has carried forward the torch of gender equality, working tirelessly to ensure that all of America's daughters have the same rights as her sons.

When women succeed, America succeeds. That is why I am committed to fighting for equal pay for equal work, and why the first bill I signed into law as President was the Lilly Ledbetter Fair Pay Act, which extended the time period for employees to file complaints of compensation discrimination. I continue to support passage of the Paycheck Fairness Act because there is no reason why an earnings gap between men and women should persist in the 21st century. Women account for more than half of all workers who would benefit from an increase in the minimum wage, and I have called on the Congress to raise the minimum wage and signed an executive order to raise it to \$10.10 for individuals working on new Federal service contracts. I have also proposed expanding overtime protections for certain groups of salaried employees—many of whom are women—and worked to ensure all Americans have access to quality, affordable child care while they are on the job or in school. And because no woman should have to worry about being fired from her job for missing a day of work when she is sick, caring for a sick family member, or welcoming a new child into her family, we have supported States, communities, and businesses in expanding policies for paid family leave and paid sick days. Additionally, we have called on the Congress to pass the Healthy Families Act to allow employees to earn sick leave.

Women deserve to make their own health care choices without interference from politicians or insurance companies. The Affordable Care Act expands insurance coverage for vital health services for women, including contraceptive care, prenatal care, and maternal care, and it protects women from being charged more than men simply based on gender.

Finally, every woman should have the chance to dream, grow, and thrive free from intimidation or violence, and my Administration has taken unprecedented steps to end domestic and sexual violence. We convened a White House Task Force to Protect Students from Sexual Assault, and launched It's On Us—a campaign aimed at raising awareness of and preventing sexual assault on college campuses. These are part of our broader effort to make sure that all survivors of sexual assault and domestic violence are supported and that our laws are fully enforced.

Women's equality is a core civil and human rights principle in the United States and around the world. Across America, women are contributing to our economy and our Nation in innovative and exciting ways. From businesses to battlefields, women are vital to the prosperity and security of our country. As we celebrate the last 95 years of progress in advancing women's rights, let us rededicate ourselves to

the idea that our Nation is not yet complete: there is still work to do to secure the blessings of our country for every American daughter.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim August 26, 2015, as Women’s Equality Day. I call upon the people of the United States to celebrate the achievements of women and promote gender equality in our country.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fourth day of August, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9309 of August 31, 2015

**National Alcohol and Drug Addiction Recovery Month,
2015**

By the President of the United States of America

A Proclamation

Every day, resilient Americans with substance use disorders summon extraordinary courage and strength and commit to living healthy and productive lives through recovery. From big cities to small towns to Indian Country, substance use disorders affect the lives of millions of Americans. This month, we reaffirm our unwavering commitment to all those who are seeking or in need of treatment, and we recognize the key role families, friends, and health care providers play in supporting those on the path to a better tomorrow.

This year’s theme is “Join the Voices for Recovery: Visible, Vocal, Valuable!” It encourages us all to do our part to eliminate negative public attitudes associated with substance use disorders and treatment. People in recovery are part of our communities—they are our family and friends, colleagues and neighbors—and by supporting them and raising awareness of the challenges they face, we can help eradicate prejudice and discrimination associated with substance use disorders, as well as with co-occurring mental disorders. Prevention and treatment work, and people recover—and we must ensure all those seeking help feel empowered, encouraged, and confident in their ability to take control of their future. Americans looking for help for themselves or their loved ones can call 1–800–662–HELP or use the “Treatment Locator” tool at www.SAMHSA.gov.

My Administration remains dedicated to pursuing evidence-based strategies to address substance use disorders as part of our National Drug Control Strategy. Seeking to widen pathways to recovery, our strategy supports the integration of substance use treatment into primary health care settings and the expansion of support services in places such as high schools, institutions of higher education, and throughout the criminal justice system. In the wake of public health crises related to non-medical use of prescription drugs and heroin in

communities across our Nation, my Administration has pledged considerable resources to help Federal, State, and local authorities boost prevention efforts, improve public health and safety, and increase access to treatment in communities across the country. And the Affordable Care Act has extended substance use disorder and mental health benefits and Federal parity protections to millions of Americans.

Behavioral health is essential to overall health, and recovery is a process through which individuals are able to improve their wellness, live increasingly self-directed lives, and strive to fulfill their greatest potential. During National Alcohol and Drug Addiction Recovery Month, we reaffirm our belief that recovery and limitless opportunity are within reach of every single American battling substance use disorders, and we continue our work to achieve this reality.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 2015 as National Alcohol and Drug Addiction Recovery Month. I call upon the people of the United States to observe this month with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of August, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9310 of August 31, 2015

National Childhood Cancer Awareness Month, 2015

By the President of the United States of America

A Proclamation

Pediatric cancer affects thousands of young Americans each year. It is the leading cause of disease-related death for children, and this year, more than 10,000 of our Nation's youth will be diagnosed with this tragic disease. Every September, America honors all those who have been affected by this life-threatening illness: young girls and boys whose childhoods have been cut short, the loved ones who know the pain pediatric cancer causes, and the communities across our country that rally to support their friends and neighbors during difficult times. As a Nation, we come together to stand with those who have experienced devastating loss, and we renew our commitment to advance research, improve treatment, and ensure a brighter, healthier future for all young Americans.

Over the past 35 years, mortality rates for some types of pediatric cancer have declined by more than 50 percent, and thanks to major advancements in research and treatment efforts, our Nation has significantly improved its understanding and response to this disease. Today, innovative studies are leading to real breakthroughs—reminding us of the importance of supporting scientific discovery and moving our Nation closer to finding cures. Despite these gains, the specific causes of

pediatric cancer remain largely unknown, and much work still remains to be done.

My Administration is committed to advancing the fight against childhood cancer by supporting the vital studies that will continue to build on this progress. Last year, I signed the Gabriella Miller Kids First Research Act, which established the 10-Year Pediatric Research Initiative Fund, and I will keep urging the Congress to continue investing the millions of dollars available in this fund to support medical innovation and life-changing breakthroughs. I was also proud to appoint a pediatric oncologist to the National Cancer Advisory Board earlier this year. And this past January, I announced my Administration's Precision Medicine Initiative, which invests in research to better understand cancer and other diseases, helping the United States lead a new era of medicine—one that delivers the right treatment at the right moment.

Childhood cancer is devastating, and as families face the enormous burdens it brings, they deserve the security that comes with access to quality, affordable health care. Under the Affordable Care Act, children cannot be denied health insurance due to pre-existing conditions such as cancer. Provisions in the law also eliminate annual and lifetime dollar limits on coverage and prohibit insurance companies from denying participation in an approved clinical trial for cancer or another life-threatening disease.

Pediatric cancer limits the dreams of too many of our Nation's daughters and sons and deprives our country of their enormous potential. During National Childhood Cancer Awareness Month, we remember the many children who have been taken from us too soon, and we extend our support to all those who continue to battle this illness with incredible strength and courage. Let us honor those on the front lines—the health care providers, researchers, community organizations, and advocacy groups—who work tirelessly to ensure our Nation's youth have every opportunity to grow and thrive, and let us renew our commitment to forging a future free from cancer in all its forms.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 2015 as National Childhood Cancer Awareness Month. I encourage all citizens, government agencies, private businesses, non-profit organizations, and other groups to join in activities that will increase awareness and prevention of childhood cancer.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of August, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9311 of August 31, 2015**National Childhood Obesity Awareness Month, 2015**

By the President of the United States of America

A Proclamation

Five years ago, our Nation came together to put an end to the preventable epidemic of childhood obesity and observed National Childhood Obesity Awareness Month for the first time. Since then, childhood obesity rates have stopped rising, and we have seen an encouraging drop in obesity rates among children ages 2 to 5 years old. Despite this progress, more work remains to ensure every young person can lead a prosperous and productive life—more than 30 percent of American children are still overweight or obese. This month, we pause to remember our commitment to our Nation's youth and renew our focus on improving the health and well-being of our country's most precious resource.

This year marks the fifth anniversary of First Lady Michelle Obama's *Let's Move!* initiative, which has partnered with parents, community leaders, and professionals across the public and private sectors to encourage and expand access to the physical activities and nutritious foods that help our kids grow up healthy. Millions of children are now attending schools and day care centers that serve healthier food and ensure kids get the 60 minutes of physical activity a day they need. Across America, city, town, and county governments are supporting these efforts—building communities where kids can safely walk or bike to school, participate in a summer meal program, or join a local athletic league. And we are proud that our Nation's businesses have joined in the fight by working to create healthier kids' menus at restaurants and cut trillions of calories from the food and beverage products children consume. All Americans can do their part to combat childhood obesity, and I invite everyone to visit www.LetsMove.gov to learn more about our accomplishments and find additional resources on how to help children eat well and stay active.

To solve the problem of childhood obesity within a generation, we must ensure the advances we have made are not reversed, including by upholding science-based nutrition standards for school meals. By improving nutritional quality in federally supported school lunches and breakfasts, we are not only ensuring children have access to the nourishing food they need to make healthy choices and succeed in school, but we are also providing the foundation for a stronger, healthier society. As a Nation, we can expand on this progress by working to make sure the same quality food is accessible to all children at home, no matter who they are or where they live. This will require our country to continue focusing on the local availability and affordability of healthy foods—an effort I am committed to supporting as President. Additionally, my Administration is fighting to ensure families have opportunities to be active and get outside together, and that is why we launched our Every Kid in a Park initiative, which provides all fourth graders and their families with free access to our National Parks and other Federal lands for an entire year.

During National Childhood Obesity Awareness Month and throughout the entire year, let us each commit to reaching toward a healthy life-

style so we can serve as examples of healthy eating and active living for our Nation's children. Eliminating childhood obesity will require every American to play their part, and together we can work toward building healthy, active communities where all children can realize their dreams and meet their full potential.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 2015 as National Childhood Obesity Awareness Month. I encourage all Americans to learn about and engage in activities that promote healthy eating and greater physical activity by all our Nation's children.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of August, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9312 of August 31, 2015

National Ovarian Cancer Awareness Month, 2015

By the President of the United States of America

A Proclamation

This year, more than 14,000 women will lose their lives to ovarian cancer—the most deadly of all female reproductive system cancers—and more than 21,000 of our mothers, daughters, wives, and sisters will be diagnosed with this terrible disease. Every day across our country, families, friends, and communities come together to support and empower those who are fighting for their lives, offering encouragement and bringing hope for a cancer-free future. During National Ovarian Cancer Awareness Month, our Nation pauses to lift up all those who know the pain of this disease, honor those we have lost, and renew our commitment to fighting ovarian cancer through more effective prevention, detection, and treatment.

Ovarian cancer is difficult to detect early—there is no simple and reliable way to screen for it and symptoms are often not clear until later stages. By recognizing possible warning signs and unexplained changes, women can increase their likelihood of detecting ovarian cancer in its early stages when treatment is most effective and the chances for recovery are greatest. To bolster these efforts, my Administration has continued to invest in innovative research to improve early detection and treatment of ovarian cancer, and we are working hard to increase public awareness among women about all types of gynecological cancers. To learn more about risk factors and symptoms, Americans can visit www.Cancer.gov/Ovarian.

I encourage all women to speak with their health care providers about ovarian cancer. Under the Affordable Care Act, most health plans are now required to cover well-woman visits without copays or deductibles—providing millions of women with the opportunity to access critical care and talk with health care professionals about risks

they may face. Provisions in the law also eliminate annual and lifetime dollar limits on coverage and prohibit insurance companies from denying participation in an approved clinical trial for cancer or another life-threatening disease. The law also forbids insurers from denying coverage due to a pre-existing condition, such as cancer or a family history of cancer.

This month, we stand with all those who continue to fight this devastating disease and with those who have lost loved ones because of it. Along with the advocates, medical researchers, and health care providers who tirelessly battle this disease every day, we rededicate ourselves to the urgent work of increasing awareness and improving care for those with ovarian cancer—and we continue forging a future free from cancer in all its forms.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 2015 as National Ovarian Cancer Awareness Month. I call upon citizens, government agencies, organizations, health care providers, and research institutions to raise ovarian cancer awareness and continue helping Americans live longer, healthier lives.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of August, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9313 of August 31, 2015

National Preparedness Month, 2015

By the President of the United States of America

A Proclamation

Every year, communities across our country face emergencies—from unforeseen natural disasters to deliberate acts—that test our Nation’s grit and challenge us to overcome tragedy. While my Administration is working to keep all Americans safe, each of us can do our part. Together, we can protect our families and help our communities by planning for emergencies and for the unexpected. Every September, we celebrate our Nation’s spirit of resilience by rededicating ourselves to the important task of being prepared in the face of any crisis.

Emergencies come in many forms—from house fires to accidents to hurricanes—and can strike anywhere in America. We cannot always control how, when, or where they occur, but we can prepare practical responses before disasters strike. By discussing with our families, friends, and neighbors how we will protect ourselves and our communities, we can contribute to and share in a stronger, more resilient society. The theme of this year’s National Preparedness Month is “Don’t Wait. Communicate. Make Your Emergency Plan Today.” This month, I encourage all Americans to bolster their readiness in the event of a crisis. To learn more about the disasters common to where

you live, the resources available in your area, and how to prepare, visit www.Ready.gov or www.Listo.gov.

When emergencies happen, our Nation must ensure that communities have the support and resources they need to respond and recover. Since taking office, I have worked hard to expedite the recovery and rebuilding efforts in areas impacted by disaster. As we commemorate the 10th anniversary of Hurricane Katrina, my Administration remains focused on addressing the needs of survivors, investing in hard-hit neighborhoods, and ensuring those affected are able to rebuild with greater confidence, optimism, and resilience. My Administration has always been dedicated to coordinating readiness and relief efforts between Federal agencies, organizations, corporations, and local partners—because together, with a united approach, we can lift up communities and help them emerge stronger.

No challenge poses a greater threat to our future than climate change. Cities along our Eastern seaboard now flood at high tide, and in the West, wildfire season now lasts most of the year. Some communities are parched by the worst drought in generations, while others have been drenched by unprecedented rainfall. Our climate is changing quickly, and it poses a threat to our Nation's safety and security. That is why we must work toward a sound environment today, and why my Administration is committed to pursuing clean energy through initiatives like the Clean Power Plan. Additionally, as part of my Climate Action Plan, we are committed to building infrastructure that can withstand more frequent and powerful natural disasters and to supporting our communities—including low-income, minority, and tribal communities—as they prepare for these impacts. Together, by ensuring everyone understands the dangers of climate change and by making responsible choices, we can secure a cleaner, safer world for future generations.

On September 30, people from cities and towns in all corners of our Nation will join with the Federal Government to take action as part of America's PrepareAthon! I urge Americans to make a plan and participate in this important opportunity to increase their own preparedness. During National Preparedness Month, let us all renew our commitment to ready ourselves, our families, and our communities for any challenge.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 2015 as National Preparedness Month. I encourage all Americans to recognize the importance of preparedness and work together to enhance our resilience and readiness.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of August, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9314 of August 31, 2015**National Prostate Cancer Awareness Month, 2015**

By the President of the United States of America

A Proclamation

Every year, America pauses to raise awareness of prostate cancer and reaffirm our resolve to defeat it. One of the most common cancers among American men, prostate cancer will kill more than 27,500 of our Nation's fathers, husbands, sons, and brothers this year, and more than 220,000 Americans will be diagnosed with it in 2015 alone. With each diagnosis comes pain and heartache, and for too many it leads to extreme hardship and unimaginable loss. As a country, we stand with all those who are fighting prostate cancer, their families, and every person who knows the challenges it brings, and we renew our commitment to combating this devastating disease.

Decades of innovative research have helped to reduce prostate cancer's mortality through more effective prevention, detection, and treatment. And while the exact causes of prostate cancer remain unknown, medical research has identified well-established risk factors with which men should be familiar, such as age, family history, and race. By working to raise awareness of prostate cancer, we can help men make more informed decisions about their health—including choices which may help prevent cancer, such as avoiding smoking, maintaining a healthy diet and weight, and exercising regularly. I encourage all men, especially those at higher risk, to speak with a health care professional to learn how prostate cancer could affect them. Everyone can learn more by visiting www.Cancer.gov/Prostate.

My Administration is committed to ensuring that Americans have every opportunity to live long and healthy lives. Cancer should not be a death sentence, nor should it condemn individuals to a life of poverty just because they do not have access to the quality, affordable care they need. That is why we fought so hard for the Affordable Care Act—a law which has helped more than 16 million uninsured Americans gain the security they deserve. The law also prevents insurance companies from denying coverage due to a pre-existing condition, such as cancer, and it eliminates annual and lifetime dollar limits on coverage that could disrupt prostate cancer treatments.

We will also continue to support the types of groundbreaking research that have made a difference for so many cancer patients. Earlier this year, I announced my plan to invest in research to better understand cancer and other diseases, thereby determining how best to treat each patient. This Precision Medicine Initiative aims to accelerate biomedical discoveries and revolutionize how our Nation combats disease.

During National Prostate Cancer Awareness Month, we honor all those we have lost, and we redouble our efforts to beat prostate cancer once and for all. Together, with our Nation's advocates, medical researchers, health care providers, and all those who have been touched by cancer, let us resolve to continue our work toward a future free from cancer in all its forms.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 2015 as National Prostate Cancer Awareness Month. I encourage all citizens, government agencies, private businesses, non-profit organizations, and other groups to join in activities that will increase awareness and prevention of prostate cancer.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of August, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9315 of August 31, 2015

National Wilderness Month, 2015

By the President of the United States of America

A Proclamation

The beauty of America's wilderness has always been central to our character as a Nation. Our untrammelled lands and waters are part of a rich legacy that is carried forward from one generation to the next, reflecting a spirit of conservation deeply rooted in the quintessential American belief that each of us has an equal share in these special places and an equal responsibility to protect them. Every day, individuals across our country embody this idea by maintaining our trails and parks, working to restore cherished sites, and inspiring communities to preserve the areas they treasure.

Since I took office, I have been committed to protecting the pristine areas that enrich our lives and our country. That is why I have set aside more lands and waters than any other President in our history, including by designating more than 2 million new acres of wilderness. And to ensure our children have the chance to experience the wonder within our protected lands, my Administration launched the Every Kid in a Park initiative, which provides free admission to public lands for all fourth graders and their families—enabling more young Americans to discover the land with which our Nation has been blessed.

For more than a half-century, the Land and Water Conservation Fund has helped to protect these iconic places and make it easier for families to spend time outside. The Fund has advanced over 40,000 local projects by making critical investments, including in National Parks, baseball fields, battlefields, and community green spaces. I continue to call on the Congress to act to ensure this vital tool of environmental stewardship and community development does not expire by fully and permanently funding the Land and Water Conservation Fund, and as President, I will keep working to make it easier for all families to enjoy our great outdoors no matter where they live.

Our National Parks, wildlife refuges, forests, and public lands are also essential for expanding economic opportunity, creating jobs, and fueling local economies. My Administration is committed to partnering with cities and States to make sure they have the resources they need

to protect these outdoor spaces in the face of extreme weather events that imperil our security and the livelihood of our communities. Climate change threatens our lands and waters, as well as the health and well-being of future generations. That is why we have taken common-sense actions to combat climate change, ensure the resilience of our neighborhoods, and protect our natural resources for our children and grandchildren.

During National Wilderness Month, let us recommit to preserving the places that remind us of who we are and of all that our Nation is. Let us renew our resolve to protect America's incomparable natural splendor in our time so it can endure as a birthright of every citizen and shape the lives and dreams of generations to come.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 2015 as National Wilderness Month. I invite all Americans to visit and enjoy our wilderness areas, to learn about their vast history, and to aid in the protection of our precious national treasures.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of August, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9316 of September 4, 2015

Labor Day, 2015

*By the President of the United States of America
A Proclamation*

Every year, our Nation sets aside Labor Day to celebrate the working men and women of America, whose grit and resilience have built our country and made our economic progress possible. Our economy has now added 8 million jobs over the past 3 years, a pace that has not been exceeded since 2000, and our businesses have created 13.1 million jobs over 66 straight months—extending the longest streak on record. By almost every measure, the American economy and our workers are better off than when I took office; but this has not come easy, and our work is not yet done.

These gains are part of our Nation's long legacy of fighting for middle-class economics—policies that ensure opportunity is open to everyone who is willing to work hard and play by the rules—and they have made America stronger and more prosperous. As a Nation, we can build on these advances and accelerate our progress. History shows that working families can get a fair shot in this country, but only if we are willing to organize and fight for it. Together, we can ensure our growing economy benefits everyone and fuels rising incomes and a thriving middle class.

At the beginning of the last century, Americans came together to fight for dignity and justice in the workplace. With courage and determina-

tion, women and men stood up, marched, and raised their voices for a 40-hour workweek, weekends, and workplace safety laws. It is because of workers who agitated—and the unions who had their backs—that we enjoy many of the protections we often take for granted today, including overtime pay, a minimum wage, and the right to organize for better pay and benefits. These hard-won victories are the foundation of our robust middle class, which has led to the largest, most prosperous economy in the world, and they are central to the belief that our economy does not grow from the top down—it grows from the middle out.

As President, I am committed to defending these pillars of opportunity and bolstering our Nation's pathways into the middle class. That is why I have been fighting since day one to secure a better bargain for all Americans—one where an honest day's work is rewarded with an honest day's pay, where our workplaces are safer, and where it is easier, not harder, to join a union. Policies like paid sick days, paid family and medical leave, workplace flexibility, the right to organize, and equal pay for equal work are national economic priorities that are essential to building an economy that benefits from the contributions of all our people. And because everyone has the right to a fair living wage, I signed an Executive Order to raise the minimum wage for workers on new Federal contracts, and I have called on the Congress to raise the national minimum wage. Additionally, my Administration has proposed extending overtime pay to nearly 5 million workers, which would give more Americans the chance to be paid for their extra hours of work or have more time at home with their families.

Since I took office, Governors, mayors, and local leaders have joined me in expanding these policies by enacting paid sick days and paid family leave and raising the minimum wage in States, cities, and counties across our Nation. Still, more work remains because in America, no one who is working full-time should have to raise their family in poverty. A secure future should be possible for everyone who clocks in each morning, every parent who works the graveyard shift to provide for their family, and every young person who dreams of going to college and knows that with hard work they can get there. That is the future we are fighting for, and I will keep pushing until the American dream is within the reach of all people who are willing to work for it. This Labor Day, let us remember the struggles and the progress that have defined America, and let us resolve to continue building a Nation where everyone is treated fairly, where hard work pays off, and where all things are possible for all people.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 7, 2015, as Labor Day. I call upon all public officials and people of the United States to observe this day with appropriate programs, ceremonies, and activities that honor the contributions and resilience of working Americans.

IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of September, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9317 of September 9, 2015**World Suicide Prevention Day, 2015**

By the President of the United States of America

A Proclamation

All people deserve the opportunity to live healthy, rewarding lives. No American should have their potential limited, have their life cut short, or be deprived of their fullest measure of happiness because they do not have the mental health support they need. On World Suicide Prevention Day, we reaffirm our belief that mental health is an essential part of overall health, and together, we renew our commitment to supporting and empowering all Americans to seek the care they need.

Suicide is often related to serious depression, substance use disorders, and other mental health conditions. That is why recognizing severe psychological distress and ensuring access to the care and services needed to diagnose and treat mental illness are crucial to our efforts to prevent suicide. Individuals can also experience emotional and mental health crises in response to a wide range of situations—from difficulties in personal relationships to the loss of a job to bullying at school. And for some of our Nation's veterans and military service members, these challenges are compounded by the invisible wounds of war. Tragically, these crises can sometimes involve thoughts of suicide—and we must do more to support those suffering.

All Americans can take part in promoting mental well-being and preventing suicide. Everyone can contribute to a culture where individuals are supported and accepted for who they are—no matter what they look like, who they love, or what challenges they face—and where it is okay to ask for help. We can do more to recognize the signs of mental health issues early and encourage those in need to reach out for support. And we must remind our loved ones that seeking treatment is not a sign of weakness; it is a sign of strength. If you or someone you know is in need of help, the National Suicide Prevention Lifeline offers immediate assistance for all Americans at 1-800-273-TALK. Veterans, service members, and their loved ones can call this number to reach the Veterans Crisis Line, and they can also send a text message to 838255.

The Affordable Care Act extends mental health and substance use disorder benefits and parity protections to over 60 million Americans, helping men and women across our country access critical care. Protections under the health care law prohibit insurers from denying coverage because of pre-existing conditions, like a diagnosis of mental illness, and require most insurance plans to cover recommended preventive services without copays, including behavioral assessments for children and depression screenings.

In February, I was proud to sign the Clay Hunt Suicide Prevention for American Veterans Act to help fill serious gaps in serving veterans with post-traumatic stress and other illnesses. This law builds upon our ongoing efforts to end the tragedy of suicide among our troops and veterans. Last year, I announced 19 Executive actions to make it easier for service members and veterans to access the care they need when they need it, and our Government has focused additional resources on

mental health services, including increasing the number of mental health providers at the Department of Veterans Affairs.

My Administration is also committed to doing all we can to empower those facing challenges and hardship. We are dedicated to combating bullying, harassment, and discrimination in our schools and communities. We are doing more to guarantee all veterans and members of our Armed Forces—as well as their families—get the help they deserve while they are serving our Nation, as they transition to civilian life, and long after they have returned home. And across the Federal Government, we are working to ensure all Americans are supported in times of crisis.

Suicide prevention is the responsibility of all people. One small act—the decision to reach out to your neighbor, offer support to a friend, or encourage a veteran in need to seek help—can make a difference. It can help energize a national conversation and a changing attitude across America. If you are hurting, know this: You are not forgotten. You are never alone. Your country is here for you, and help is available. As we pause to raise awareness of the importance of suicide prevention, let us remember all those we have lost and the loved ones they left behind. As one people, we stand with all who struggle with mental illness, and we continue our work to prevent this heartbreak in our communities.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 10, 2015, as World Suicide Prevention Day. I call upon citizens, government agencies, organizations, health care providers, and research institutions to raise awareness of the mental health resources and support services available in their communities and encourage all those in need to seek the care and treatment necessary for a long and healthy life.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of September, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9318 of September 10, 2015

National Days of Prayer and Remembrance, 2015

By the President of the United States of America

A Proclamation

Fourteen years ago, the peace of a beautiful morning was broken. The events of September 11, 2001, left a permanent mark on the spirit of every American, and our Nation is forever changed. Nearly 3,000 precious lives were taken, and their loved ones were forced to face an unthinkable grief. As we pay tribute to the innocents we lost and the first responders who put themselves in harm's way—some even giving their own lives for their fellow citizens—we also recognize the families

whose love abides, and we reaffirm the truth that resonates in the heart of our Nation: that we will never forget that day.

Guided by a steadfast belief in the power of good over evil, people from every corner of our country came together in the aftermath of the attacks to lift each other up and restore our communities. Bound by a common sense of hope, Americans united across faiths and traditions to reject hate and work together toward a better future.

In memory of those we lost, we resolved to shape a world where events like those of September 11, 2001, could never happen again, and we see this unbreakable spirit live on every day across America. We see it in the courage of first responders who carry the memories of fallen partners with them as they continue safeguarding their communities—prepared to make the same sacrifice for us all. We see it in the gleaming New York City Freedom Tower, which rose high where the buildings once fell. We see it in the example of extraordinary bravery set by the men and women who fought back in the Pennsylvania sky. We see it in the legacy of those killed while serving in the Pentagon, which is reflected in the enduring courage of our troops, veterans, and military families. We see it in the selflessness of all those who sacrificed to bring justice to those responsible, and who continue to defend our liberty. And as a result, we will forever march forward as a stronger people, under God and indivisible, toward a brighter day.

As we solemnly reflect on those taken from us too soon by acts of depravity, let us continue to stand with their loved ones and recommit to forging a tomorrow where the sun sets on an America that knows everlasting freedom, security, and peace.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim Friday, September 11 through Sunday, September 13, 2015, as National Days of Prayer and Remembrance. I ask that the people of the United States honor and remember the victims of September 11, 2001, and their loved ones through prayer, contemplation, memorial services, the visiting of memorials, the ringing of bells, evening candlelight remembrance vigils, and other appropriate ceremonies and activities. I invite people around the world to participate in this commemoration.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of September, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9319 of September 10, 2015**Patriot Day and National Day of Service and Remembrance, 2015**

By the President of the United States of America

A Proclamation

On September 11, 2001, America experienced the worst terrorist attack in her history when nearly 3,000 men, women, and children were taken from us, leaving their families and our Nation with a void that can never be filled. But those who brought hate to our shores and smoke to our skies did not expect our country to emerge stronger, and our beacons of hope and freedom to shine brighter as a result. In the years since, we have stood strong as one people—determined to further embolden our country's character with acts of endurance and strength; rebuilding and resilience; renewal and progress. In remembrance of the innocent victims who lost their lives and in honor of the families they left behind, let us continue to answer these heinous acts by serving our communities, lifting the lives of our fellow citizens, and spreading the hope that others tried to dim that day.

The compassion that rose in the hearts and minds of the American people on September 11 still serves as the ultimate rebuke to the evil of those who attacked us. First responders who risked and gave their lives to rescue others demonstrated the unwavering heroism that defines our great Nation. Volunteers donated time, money, and blood to ensure wounds gave way to healing and recovery. Young people, raised until then in a time of peace, stepped forward to serve and defend us, and meet the threats of our time. And people from across our country and the world joined together in the days that followed to stand up and turn toward one another with open arms, making of a tragedy something the terrorists could never abide—a tribute of hope over fear, and love over hate.

As we reflect on the lives we lost and pay tribute to the families who still live with extraordinary pain, let us resolve to continue embodying the American spirit that no act of terror can ever extinguish. I call on all Americans to observe this National Day of Service and Remembrance with acts of selflessness and charity. In doing so, we prove once again that the power of those who seek to harm and to destroy is never greater than our power to persevere and to build. I encourage everyone to visit www.Serve.gov to learn of the many opportunities available to give back to others and to reaffirm the fundamental truth that we are our brothers' and our sisters' keepers, and that we can forge a brighter future together.

Today, we continue our unfaltering march forward, enduring in the perennial optimism that drives us and brightening the light that the darkness of evil can never overcome. We remember and yearn for the presence of the beautiful lives lost, and we recommit to honoring their memories by shaping the days to come—in as stark a contrast as possible to those who took them from us—with courage, liberty, and love.

By a joint resolution approved December 18, 2001 (Public Law 107–89), the Congress has designated September 11 of each year as “Patriot Day,” and by Public Law 111–13, approved April 21, 2009, the Con-

gress has requested the observance of September 11 as an annually recognized “National Day of Service and Remembrance.”

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim September 11, 2015, as Patriot Day and National Day of Service and Remembrance. I call upon all departments, agencies, and instrumentalities of the United States to display the flag of the United States at half-staff on Patriot Day and National Day of Service and Remembrance in honor of the individuals who lost their lives on September 11, 2001. I invite the Governors of the United States and its Territories and interested organizations and individuals to join in this observance. I call upon the people of the United States to participate in community service in honor of those our Nation lost, to observe this day with appropriate ceremonies and activities, including remembrance services, and to observe a moment of silence beginning at 8:46 a.m. Eastern Daylight Time to honor the innocent victims who perished as a result of the terrorist attacks of September 11, 2001.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of September, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9320 of September 11, 2015

National Hispanic-Serving Institutions Week, 2015

*By the President of the United States of America
A Proclamation*

Our higher education system is one of the crown jewels of our Nation, and investing in it is a hallmark of America. In an economy where knowledge is the most valuable asset, the best way to get ahead and ensure mobility to the middle class is to earn a college degree. Hispanic-Serving Institutions (HSIs) help make the promise a college education provides a reality for many Hispanic students across our country, enabling them to secure a better future for themselves and their families. This week, let us recognize the tremendous impact these institutions have and rededicate ourselves to continuing our support of their valuable work.

An education can broaden horizons and empower us to be better people and better citizens, and no one should be left out of that opportunity. Roughly one-quarter of students in our Nation’s public schools today are Hispanic, yet less than one-fifth of Hispanics in the United States have a college degree. HSIs help address this disparity, moving us closer to the day when we have the highest proportion of college graduates in the world. HSIs serve more than half of our Nation’s undergraduate Hispanics, and they work to provide more Americans—especially low- and middle-income students—with the chance to thrive in an institution of higher learning.

Hispanics are projected to account for almost one-third of our Nation’s population by 2060, and ensuring they have access to the best edu-

cation possible is important to securing America's success. In the last few years, we have seen the dropout rates for Hispanics significantly decrease, while college enrollment has steadily risen. But more work remains to be done to ensure all our people can realize the American dream, and that is why my Administration has pledged \$1 billion in funding over the course of this decade to support HSIs. Additionally, I announced a plan that would open doors of opportunity for millions of people by making community college free for responsible students willing to work hard—because in America, nobody should be denied a college education simply because they do not have the resources to pay for it.

At the heart of our country is a basic bargain: that with determination and grit, you can get ahead—no matter who you are, what you look like, or where you come from. By working to provide many Hispanics with the chance they deserve to get a higher education, HSIs embody this truth and pull the country we all call home a little closer to its founding ideals: that all of us are created equal and all of us should have the chance to make of our lives what we will. This week, let us recommit to strengthening these institutions and pledge our support to all who attend them.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 14 through September 20, 2015, as National Hispanic-Serving Institutions Week. I call on public officials, educators, and all the people of the United States to observe this week with appropriate programs, ceremonies, and activities that acknowledge the many ways these institutions and their graduates contribute to our country.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of September, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9321 of September 11, 2015

National Grandparents Day, 2015

By the President of the United States of America

A Proclamation

Across America, grandparents are loving pillars of comfort and support. After a lifetime of giving back to their families and communities, grandmothers and grandfathers continue to offer compassion and wisdom to their loved ones and inspire us to be our best selves. On National Grandparents Day, we honor the sacrifices they make and continue to show our affection and appreciation for them.

We owe so much of who we are and what we have to our grandparents. With grit and dedication, they helped define a new age and open doors of opportunity for us all. From overcoming the depths of economic collapse to fighting to defend our liberty on battlefields around the world, their determination to ensure we could live better

lives than they did helped secure our peace and prosperity. They created the world's largest economy and strongest middle class. They built skyscrapers, made innovative advances, and charted new frontiers. They broke down barriers and instilled fundamental values and ideals. And the extraordinary example they set in striving to forge a better future for their families and our Nation reflects the idea that we are all part of something larger than ourselves.

Today, grandparents continue serving as quiet heroes in every corner of our country. From reading bedtime stories to their grandchildren to volunteering in their communities to acting as primary caregivers, they work hard each and every day while showing love and kindness to their families and those around them. Let us continue to show them the same, and let us forever honor their tremendous efforts to nurture, guide, and drive us in all we do.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 13, 2015, as National Grandparents Day. I call upon all Americans to take the time to honor their own grandparents and those in their community.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of September, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9322 of September 14, 2015

National Hispanic Heritage Month, 2015

*By the President of the United States of America
A Proclamation*

Throughout our history, our Nation has been enriched by the storied pasts of all who call the United States of America home. America's Hispanic community has woven unique threads into the diverse fabric of our country and played an important role in shaping our national character as a people of limitless possibility. This month, let us honor their distinct heritage while reaffirming our commitment to enabling them to build a future bright with hope and opportunity for themselves, their families, and the country we love.

Hispanics contribute to our Nation's success in extraordinary ways—they serve in the military and government, attend schools across America, and strengthen the economy. They are the father who works two jobs to give his children a better life, and the mother who ventures out to take a risk and start a business. They are the student—often the first in their family to go to college—who pursues their greatest aspirations through higher education. They are the lawful permanent resident who seeks to naturalize and become a citizen, and the business leader whose loved ones have lived in the United States for generations. Each day, we see the tremendous impact they have on our communities, and they reflect an enduring truth at the heart of our Nation: no matter

where you come from or where your roots are, with hard work and perseverance you can make it in America.

My Administration remains committed to ensuring Hispanics have every opportunity to achieve the American dream. Last year, we approved more than 4,000 loans totaling over \$1 billion for Hispanic-owned small businesses, helping create jobs and improve local economies. We have invested resources in education and reformed our schools to provide the opportunities every Hispanic student needs to graduate from high school prepared for the future they will inherit. We have also expanded high-quality preschool and early childhood education for our youngest learners in Latino communities, and provided grants and loans to assist tens of thousands of Hispanic young people and adults on their journey toward earning a college degree. The dropout rate for Hispanic students has been cut by more than half since the year 2000, and college enrollment has risen by 45 percent since 2008. Additionally, since I signed the Affordable Care Act in 2010, the share of Hispanics under 65 without health insurance has fallen by one-third, and in the years ahead I will continue working to address the health disparities that still exist. And we are expanding the cultural, economic, and familial ties that so many Hispanic Americans share with Latin America by entering a new chapter of engagement and cooperation with Cuba.

The United States has a centuries-old tradition of welcoming immigrants, which has given us a tremendous advantage over the rest of the world. Last year, I took action to fix our broken immigration system within the confines of the law. The policies include offering temporary relief to parents of children who are United States citizens or lawful permanent residents so they could come out of the shadows, get right with the law, and further contribute to America's success while also providing for their loved ones—because as a Nation that values families, we must work together to keep them together. I also took steps to modernize the legal immigration system for families, employers, and workers, and strengthened Federal immigrant integration efforts. I created the White House Task Force on New Americans—a Federal inter-agency effort focused on strengthening and enhancing our efforts to integrate new Americans and build welcoming communities. And we are working to make sure the millions of individuals who are eligible for citizenship understand the opportunities, rights, and responsibilities that it affords. While these actions make our system better, they are not a permanent fix to our broken immigration system—and that is why I continue to call on the Congress to pass meaningful, comprehensive immigration reform.

As a Nation, we are bound by our shared ideals. America's Hispanic community has the same dreams, values, trials, and triumphs of people in every corner of our country, and they show the same grit and determination that have carried us forward for centuries. During National Hispanic Heritage Month, let us renew our commitment to honoring the invaluable ways Hispanics contribute to our common goals, to celebrating Hispanic culture, and to working toward a stronger, more inclusive, and more prosperous society for all.

To honor the achievements of Hispanics in America, the Congress by Public Law 100–402, as amended, has authorized and requested the President to issue annually a proclamation designating September 15 through October 15 as “National Hispanic Heritage Month.”

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim September 15 through October 15, 2015, as National Hispanic Heritage Month. I call upon public officials, educators, librarians, and all Americans to observe this month with appropriate ceremonies, activities, and programs.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of September, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9323 of September 16, 2015

Constitution Day and Citizenship Day, Constitution Week, 2015

*By the President of the United States of America
A Proclamation*

At the culmination of months of deliberation, debate, and compromise, on September 17, 1787, the Constitution of the United States of America was signed. Colonists came together in bold pursuit of a roadmap for citizenship and a framework for our democracy—exemplifying the statesmanship and character that would forever set our Nation apart. Yielding to the power of shared ideals over stubborn opinion, our forefathers upheld a belief that remains at the heart of America today: that men and women of free will have the capacity to shape their own destinies.

These early patriots understood what it meant to be American. They succeeded in crafting a document that enshrines our enduring faith in the notion that being a citizen is about more than circumstances of birth—we are bound together by our beliefs, our unalienable rights, and the idea that we must accept certain obligations to one another and to future generations. In what has become the supreme law of our land, and in the ensuing amendments to it, we see a reflection of our Founding Fathers' insistence that the task of perfecting our Union is never finished—we must constantly take up the critical work of bettering ourselves and our society. These ideals have driven America forward from her nascence on the cobblestone streets of Philadelphia through today, and we continue to shine as a beacon of hope and freedom to the rest of the world.

Each year on Citizenship Day, we welcome our country's newest citizens and reaffirm our proud legacy as a Nation of immigrants. In wave after wave through the centuries, people from every corner of the globe have come to our shores in pursuit of happiness and a better life for themselves and their families. In their home countries, our Constitution has stood out as an emblem of equality and representation for all. Those of us who have been Americans our entire lives have an obligation to remember that we were strangers once, too, and together we must work to extend the promise that citizenship provides to all who seek liberty's light. Since last year, we have redoubled these efforts by creating the White House Task Force on New Americans—a Govern-

ment-wide effort tasked with better integrating immigrants and refugees into American communities. The Task Force released its strategic plan in April, which includes efforts to raise awareness about the rights, responsibilities, and importance of United States citizenship. It is essential that we encourage individuals who are eligible to take an important step in their American journey and commit to becoming a citizen.

On this day and throughout this week, let us honor the values for which the Framers stood by rededicating ourselves to carrying forward the spirit first embodied in their achievements—that what makes our country great is not that we are perfect, but that we can face our imperfections and decide that it is in our power to remake our Nation to more closely align with our highest ideals. With time, courage, and the participation of our citizenry, we can pay tribute to those who shaped the land we love today while working to secure everlasting peace, prosperity, and opportunity for all who call America home.

In remembrance of the signing of the Constitution and in recognition of the Americans who strive to uphold the duties and responsibilities of citizenship, the Congress, by joint resolution of February 29, 1952 (36 U.S.C. 106), designated September 17 as “Constitution Day and Citizenship Day,” and by joint resolution of August 2, 1956 (36 U.S.C. 108), requested that the President proclaim the week beginning September 17 and ending September 23 of each year as “Constitution Week.”

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim September 17, 2015, as Constitution Day and Citizenship Day, and September 17 through September 23, 2015, as Constitution Week. I encourage Federal, State, and local officials, as well as leaders of civic, social, and educational organizations, to conduct ceremonies and programs that bring together community members to reflect on the importance of active citizenship, recognize the enduring strength of our Constitution, and reaffirm our commitment to the rights and obligations of citizenship in this great Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of September, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9324 of September 17, 2015

National POW/MIA Recognition Day, 2015

*By the President of the United States of America
A Proclamation*

America has long stood tall as a beacon of freedom thanks to the women and men of our Armed Forces who safeguard our country and our ideals with courage, honor, and selflessness. While our heroes and their families continue to give of themselves for us all, we must recognize the unthinkable pain that remains with the loved ones of those who have not returned home. Today, we honor them, as a Nation for-

ever indebted. We rededicate ourselves to our ironclad commitment to never leaving one of our own behind, and we pay tribute to those patriots known to God and never forgotten.

To further uphold our eternal promise, we established the Defense POW/MIA Accounting Agency. This Agency will help recover and account for prisoners of war and those missing in action, work to better anticipate family needs, and ensure that timely, accurate information is communicated to loved ones. Bringing home Americans who have been taken prisoner or who have gone missing is a sacred mission, and my Administration is increasing our efforts to ensure every service member knows with absolute certainty that—should they ever find themselves in that position—ours is a country that will never give up on retrieving them.

As a grateful Nation, we owe it to all who put on the uniform of the United States to remain unwavering in our promise to them. With hearts full of love, families carry on with an unfillable void, and we stand beside them—one and all—acutely aware of the cost at which our liberty comes. Today and every day, let us renew our pledge to never stop working to bring home the ones they love to the land they risked everything to protect.

On September 18, 2015, the stark black and white banner symbolizing America's Missing in Action and Prisoners of War will be flown over the White House; the United States Capitol; the Departments of State, Defense, and Veterans Affairs; the Selective Service System Headquarters; the World War II Memorial; the Korean War Veterans Memorial; the Vietnam Veterans Memorial; United States post offices; national cemeteries; and other locations across our country. We raise this flag as a solemn reminder of our obligation to always remember the sacrifices made to defend our Nation.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 18, 2015, as National POW/MIA Recognition Day. I urge all Americans to observe this day of honor and remembrance with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of September, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9325 of September 18, 2015

National Farm Safety and Health Week, 2015

By the President of the United States of America

A Proclamation

Since the days of our Revolution when farmers across the Colonies took up arms in defense of our country, America's farmers and ranchers have played a critical role in shaping our progress and forging a

better future for coming generations. Through centuries of hard work, they have supplied our Nation with products and services essential to the economic and physical well-being of our society. This week, we recognize all those serving on our farms, and we recommit to safeguarding their health and livelihoods.

Farmers and ranchers make tremendous contributions to the way of life our ancestors fought to establish, yet they face considerable hazards in the course of their daily responsibilities. To protect the safety of those working on America's farms, my Administration has taken steps to guarantee they have the knowledge, tools, and resources necessary to mitigate and reduce risks to themselves and their families. From handling hazardous chemicals and machinery to working in potentially dangerous areas such as silos or grain elevators, our Nation's farmers, ranchers, and farmworkers should be able to secure the prosperity of their land, their loved ones, and their country without sacrificing their own.

That is why the Federal Government has partnered with farm families, organizations, and businesses to ensure the well-being of those who work on farms. We have strengthened our commitment to those who provide nutrition, clothing, and energy to our people, including by developing nationwide training guidelines that aim to reduce the threats posed to America's next generation of farmers and ranchers. Each year, thousands of people are injured on farms and ranches in America, and I remain committed to pursuing pragmatic, responsible solutions to prevent these tragedies from occurring.

Across our country, those who work on farms bolster our economy and nourish our people by providing what we need at a most human level, helping to uphold America's founding creed: Out of many, we are one. This week, let us recognize the steadfast dedication and commitment of agricultural producers and their families, and let us reaffirm our resolve to promote their health and safety.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 20 through September 26, 2015, as National Farm Safety and Health Week. I call upon the agencies, organizations, businesses, and extension services that serve America's agricultural workers to strengthen their commitment to promoting farm safety and health programs. I also urge Americans to honor our agricultural heritage and express appreciation to our farmers, ranchers, and farmworkers for their contributions to our Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of September, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9326 of September 18, 2015**National Historically Black Colleges and Universities
Week, 2015**

By the President of the United States of America

A Proclamation

Ensuring all members of our American family have access to higher education is fundamental to our society. A college degree can help secure a place in the middle class and broaden horizons for people of every background and belief. For years prior to the Civil War, this promise was withheld from African Americans, and the lack of a structured higher education system often prohibited them from earning their rightful piece of the American dream. This week, we recognize the sacrifices made by those who fought for the right of all our Nation's students to have equal access to a quality education, and we recommit to carrying their legacy forward by pledging our support for Historically Black Colleges and Universities (HBCUs) and all who attend them.

Countless champions from every corner of our country banded together to create the first HBCUs to resolve injustices and enable more people to realize their full talents and abilities. Though the barriers to higher education for African Americans have not been completely broken down, more than 100 HBCUs across our country have educated millions of students. These institutions help build the foundation for our middle class—they are places where dreams take flight and where opportunities flourish. Generations of African Americans have learned and grown at HBCUs, which have made extraordinary contributions to academia and produced some of our Nation's finest thinkers and greatest innovators.

HBCUs are doing their part to help the United States reach our goal of having the highest proportion of college graduates in the world by 2020, because roughly half of the students that walk these halls of learning are the first in their families to go to college. Additionally, HBCUs are home to many who otherwise might not be able to afford a college education—over 70 percent of those enrolled at HBCUs are from low-income backgrounds. My Administration is dedicated to ensuring these institutions have the resources they need, and I have made clear that all Federal agencies are expected to assist with this mission and help all students grow and thrive. To further support our goals for this decade, we have committed hundreds of millions of dollars to strengthen HBCUs and provide financial aid for those who attend them, and earlier this year I announced a plan to open doors of opportunity for even more of our people by making community college free for responsible and hardworking students. In America, nobody should be denied an education because they do not have the resources to pay for it.

This week, we reaffirm our support for HBCUs and recognize the great impact they have had on students throughout history. Education is freedom—freedom to learn, to grow, and to achieve our highest goals and aspirations. Let us honor the heroes who helped extend this right to more people, and let us rededicate ourselves to defending it so that all of America's sons and daughters—no matter where they come from or what they look like—can fulfill their God-given potential.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 20 through September 26, 2015, as National Historically Black Colleges and Universities Week. I call upon educators, public officials, professional organizations, corporations, and all Americans to observe this week with appropriate programs, ceremonies, and activities that acknowledge the countless contributions these institutions and their alumni have made to our country.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of September, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9327 of September 21, 2015

National Voter Registration Day, 2015

By the President of the United States of America

A Proclamation

The right to vote is a cornerstone of what it means to be a free people: It represents the bedrock tenets of equality and civic participation upon which our Nation was founded. Throughout American history, courageous patriots of every background and creed have fought to extend this right to all and to bring our country closer to its highest ideals. Voting is vital to a principle at the core of our democracy—that men and women of free will have the capacity to shape their own destinies. On National Voter Registration Day, we recommit to upholding this belief by encouraging all eligible Americans to register to vote and exercise this essential right.

The task of perfecting our Union lies with our citizens, and my Administration is dedicated to working with people across our country to empower Americans to play an active part in forging the future we all share. In that spirit, in 2013 I launched a nonpartisan commission aimed at fulfilling this task, which issued commonsense suggestions aimed at improving the voting experience. But government alone can only do so much. As a Nation, we must commit ourselves to fulfilling the critical responsibility of participating in our society.

It is up to each individual citizen to exercise the right that so many struggled to obtain and protect—and when we choose not to do so, we dishonor those who laid down their lives for it. Our Nation has one of the lowest voting rates among free societies, and Americans disenfranchise themselves by disengaging from our political process too often. Our country is only as strong as the leaders we elect, and the task of democracy is not theirs alone—it is up to all our people to build the kind of world we want our children to inherit.

Today, we reaffirm our enduring belief in the democratic process and set out to fulfill the most sacred and significant duty we have as Americans: to make our voices heard. On National Voter Registration Day, let us pay tribute to our legacy of liberty and self-government by reg-

istering to vote and encouraging those around us to join in the work of bettering our communities. Each of us can exercise the franchise that defines who we are as a Nation and upholds our belief in a government that reflects our determined will, our highest hopes, and our utmost aspirations.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 22, 2015, as National Voter Registration Day. I call upon all Americans to observe this day by registering to vote.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-first day of September, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9328 of September 24, 2015

Gold Star Mother's and Family's Day, 2015

By the President of the United States of America

A Proclamation

At every crossroads in the American story, courageous individuals of all backgrounds and beliefs have answered our Nation's call to serve. Today, the sacrifices of our fallen heroes echo in safer towns and cities, countries and continents—resonating throughout a world they forever made freer. Their legacies are solemnly enshrined in the history of our eternally grateful Nation, as well as in the hearts of all who loved them. Today, we honor the Gold Star Mothers and Families who carry forward the memories of those willing to lay down their lives for the United States and the liberties for which we stand.

The proud patriots of our Armed Forces never serve alone. Standing with each service member are parents, spouses, children, siblings, and friends, providing support and love and helping uphold the ideals that bind our Nation together. While most Americans may never fully comprehend the price paid by those who gave their last full measure of devotion, families of the fallen know it intimately and without end. Their sleepless nights allow for our peaceful rest, and the folded flags they hold dear are what enable ours to wave. The depth of their sorrow is immeasurable, and we are forever indebted to them for all they have given for us.

Despite their broken hearts, the families of these warriors are full of love and they continue to serve their communities and comfort our troops, veterans, and other military families. Our country is constantly inspired by their incredible resilience, and in their example we see the very best of America. On this day of remembrance, we honor our Gold Star Mothers and Families by living fully the freedom for which they have given so much, and by rededicating ourselves to our enduring obligation to serve them as well as they have served us.

The Congress, by Senate Joint Resolution 115 of June 23, 1936 (49 Stat. 1985 as amended), has designated the last Sunday in September as “Gold Star Mother’s Day.”

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 27, 2015, as Gold Star Mother’s and Family’s Day. I call upon all Government officials to display the flag of the United States over Government buildings on this special day. I also encourage the American people to display the flag and hold appropriate ceremonies as a public expression of our Nation’s gratitude and respect for our Gold Star Mothers and Families.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fourth day of September, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9329 of September 25, 2015

National Hunting and Fishing Day, 2015

By the President of the United States of America

A Proclamation

For centuries, Americans have passed down a love of hunting and fishing to their kids and grandkids, advancing our Nation’s independent, pioneering spirit with each generation. To many, these sports represent centuries—old traditions—and to others, they remain a way of life that reflects the resilience of our character. On National Hunting and Fishing Day, we celebrate the ways hunters and fishers contribute to our country and our environment, and we recommit to safeguarding America’s natural places for all posterity.

Conserving our forests, fields, and waterways requires the efforts of every American, and I am dedicated to ensuring our people can enjoy our natural bounties and engage in activities like fishing and hunting for decades to come. Through my Administration’s America’s Great Outdoors Initiative we are promoting conservation priorities and expanding access to some of our Nation’s most treasured recreational spaces. I have also called on the Congress to fully fund the Land and Water Conservation Fund to further support these efforts, and tens of millions of dollars for restoration projects have been set aside as part of the “Find Your Park” campaign. Anglers and hunters of all ages enrich our communities and our environmental heritage, and these actions will help ensure our children and grandchildren are able to fish and hunt with theirs.

Hunting and fishing do not just strengthen our culture and the bonds we share—they also drive local economies across our country. These activities exemplify the crucial need for preserving our natural resources and fuel the livelihoods of many Americans. For them—and for our entire Nation—we must commit to protecting the environment that gives us so much bounty.

Today, we acknowledge the unique ways hunting and fishing fortify America, and we pledge our continuing support for those who enjoy and rely on these activities to better their communities and lives. By working together to preserve the lands on which they partake in these professions and pastimes, we can carry forward the timeless traditions of hunting and fishing for untold chapters of the American story.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 26, 2015, as National Hunting and Fishing Day. I call upon all Americans to observe this day with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of September, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9330 of September 25, 2015

National Public Lands Day, 2015

By the President of the United States of America

A Proclamation

America is blessed with the most beautiful landscapes in the world. Natural wonders across our country—from centuries-old glaciers to miles-wide canyons—offer a window into our past and a vision for our future. Among our greatest legacies are our National Parks and public lands, steeped in millennia of living history and shaped by incredible geological force. Today, we join in efforts to protect these timeless treasures and encourage all to enjoy their splendor.

On National Public Lands Day, people from every corner of our country will come together to help preserve our unique natural spaces in all 50 States. In what has become the largest volunteer event for public lands in America, this day offers people the opportunity to play an active role in safeguarding nature's priceless gifts for future generations. From building winding trails that lead to pristine places to planting seeds and saplings that will grow into towering trees, Americans can participate in efforts to maintain our beloved parks and monuments and make a lasting difference in the land we love.

All Americans deserve the chance to enjoy our parks and waters—no matter who they are or where they live. In that spirit, I launched the Every Kid in a Park initiative earlier this year, which provides fourth graders and their families with free admission to our National Parks and other Federal lands and waters. And through the America's Great Outdoors Initiative, we are expanding access to and restoring vibrant landscapes.

In addition to offering majestic views and vistas, our scenic sites provide critical economic benefits to communities across our country. Last year, almost 300 million visitors to our National Parks spent approxi-

mately \$16 billion and supported over 275,000 jobs. That is why my Administration has set aside more public lands and waters than any other in history, and why I have established or expanded 19 National Monuments since taking office.

On this day, let us pay tribute to our majestic past by renewing our commitment to maintaining our Nation's public lands and ensuring our national inheritance remains a birthright for generations of Americans to come. I urge all people to "Find Your Park" by visiting www.FindYourPark.com and to take advantage of the National Parks offering free admission today. Together, we can continue to be good stewards of our earth and work to increase access to outdoor opportunities for all.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 26, 2015, as National Public Lands Day. I encourage all Americans to participate in a day of public service for our lands.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of September, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9331 of September 28, 2015

National Arts and Humanities Month, 2015

By the President of the United States of America

A Proclamation

Over centuries of change—through trial and triumph—the arts and humanities have chronicled history in ways that have brought the past to life and provided a vivid vision for our journey forward. Today, we continue to live in an ever-changing world, and the arts and humanities help us experience it in truer colors and tones. When we harness our artistic creativity—from canvases to concertos—we can give shape to our emotions and channel our innermost hopes. During National Arts and Humanities Month, we celebrate artistic expression in all its forms and honor the ways they help define the great American story.

America's future is bright—and our Nation's spirit of reinvention has long allowed us to pursue progress that knows no bounds. The arts and humanities generate opportunities for us to individually and collectively reflect on our beliefs and disrupt our assumptions. As artists open our hearts and minds, they embolden our dreams, connect us in common purpose, and inspire us to reach for the tomorrow we seek.

As our society progresses, we must never underestimate the power of young minds, and as a Nation we must give our daughters and sons every opportunity to grow, thrive, and explore the heights of their imagination. If we continue to instill in them the optimism of America's promise—that all things are possible for all people—they will grow up believing, as they should, that nothing is out of their reach.

More than anyone, our young people have the ability to renew the world we share, and my Administration is dedicated to empowering them through the arts and humanities so they can chart bold paths and write America's next great chapters.

Every stroke of the brush, stitch of the needle, or moment of the memoir uniquely marks our society and contributes to our national character. This month, we recognize the ways the arts and humanities have forever changed our country, and we recommit to ensuring every American has the opportunity and the freedom to question, discover, and create.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 2015 as National Arts and Humanities Month. I call upon the people of the United States to observe this month with appropriate ceremonies, activities, and programs to celebrate the arts and the humanities in America.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of September, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9332 of September 29, 2015

National Energy Action Month, 2015

By the President of the United States of America

A Proclamation

As Americans, we have a profound obligation to our children and our grandchildren—to help them live better lives than we did, and to ensure the choices we make do not limit the range of their dreams. The key to realizing a future in which our young people are not held back by choices of the past lies in the promise of a clean, sustainable America. During National Energy Action Month, we rededicate ourselves to bolstering energy efficiency, investing in innovative clean power, and working together to preserve our planet for generations to come.

My Administration remains committed to securing a stable, energy-independent future for our Nation—and while there is much work to be done, we have made significant advances in recent years. The United States is now the world's top producer of oil and natural gas, and we have set strict fuel efficiency standards for cars and light trucks, which are helping to wean us off our decades-old addiction to foreign oil. We are transitioning away from energy sources that contribute to climate change and threaten our health and safety—instead moving toward clean energy sources and ambitiously investing in alternatives like wind and solar. Taking our place as a major player in clean energy, we are harnessing over 3 times as much electricity from wind and 20 times as much from the sun as we did in 2008. We also remain dedicated to ensuring the safe and secure use of nuclear power, which generates over 60 percent of our carbon-free electricity. And we

will continue working to improve our energy efficiency, double our energy productivity, and explore any and all ways of saving consumers money while reducing our total energy consumption. These efforts are vital to preserving our way of life and will help protect our environment and boost our Nation's economy.

As the world's second-largest emitter, America must recognize the role we play in contributing to our planet's changing climate and do all we can to make our air cleaner and safer for our children to breathe. Through our historic announcement with China last November, the United States agreed to double the pace at which we cut our emissions, while China committed for the first time to limiting theirs. In addition, this past summer, as part of our Clean Power Plan, I announced the first set of nationwide standards aimed at reducing the carbon emitted from our country's existing power plants. This plan will aid in our fight against climate change while strengthening our economy and helping fulfill our moral obligation to leave our kids and grandkids with a stable planet. And we are leading by example in Washington: I signed an Executive Order earlier this year that aims to cut the Federal Government's greenhouse gas emissions by 40 percent and increase its share of electricity consumption from renewable sources to 30 percent over the next 10 years.

Last year, the global economy grew while global emissions remained flat for the first time ever, and we have seen that our goals of addressing energy challenges and driving economic progress are mutually compatible. In that spirit, I will keep fighting to build a more sustainable society for all people by investing in clean sources of energy—including wind, which could provide as much as 35 percent of our electricity and supply renewable power in all 50 States by 2050—as well as solar, which has added jobs 10 times faster than any other sector of our economy. Additionally, I recently committed to getting 20 percent of our country's energy from renewables—beyond hydroelectric power—by 2030. My Administration will continue supporting technology, including new and advanced nuclear technology, that moves us closer to a brighter energy future, advances energy efficiency, and develops cleaner fuels.

Though we may never see the full realization of our ambition in our time, we can still have the satisfaction of knowing we did everything within our power to leave this world better than it was. During National Energy Action Month, let us recommit to forging the future that is within our capacity to reach by supporting clean, renewable, and independent means of energy production and by taking control of our own energy consumption. Everything we have is at stake—and we must fight for it.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 2015 as National Energy Action Month. I call upon the citizens of the United States to recognize this month by working together to achieve greater energy security, a more robust economy, and a healthier environment for our children.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of September, in the year of our Lord two thousand fifteen,

and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9333 of September 30, 2015

To Modify Duty-Free Treatment Under the Generalized System of Preferences and for Other Purposes

By the President of the United States of America

A Proclamation

1. Pursuant to sections 501 and 503(a)(1)(B) of the Trade Act of 1974, as amended (the “1974 Act”) (19 U.S.C. 2461 and 2463(a)(1)(B)), the President may designate certain articles as eligible for preferential tariff treatment under the Generalized System of Preferences (GSP) when imported from a least-developed beneficiary developing country if, after receiving the advice of the United States International Trade Commission (the “Commission”), the President determines that such articles are not import-sensitive in the context of imports from least-developed beneficiary developing countries.

2. Pursuant to sections 501, 503(a)(1)(B), and 503(b)(5) of the 1974 Act, as amended (19 U.S.C. 2461, 2463(a)(1)(B), and 2463(b)(5)), and after receiving advice from the Commission in accordance with section 503(e) of the 1974 Act (19 U.S.C. 2463(e)), I have determined to designate certain articles as eligible articles when imported from a least-developed beneficiary developing country.

3. Section 503(c)(2)(C) of the 1974 Act (19 U.S.C. 2463(c)(2)(C)) provides that a country that is no longer treated as a beneficiary developing country with respect to an eligible article may be redesignated as a beneficiary developing country with respect to such article, subject to the considerations set forth in sections 501 and 502 of the 1974 Act (19 U.S.C. 2461 and 2462), if imports of such article from such country did not exceed the competitive need limitations in section 503(c)(2)(A) of the 1974 Act (19 U.S.C. 2463(c)(2)(A)) during the preceding calendar year.

4. Pursuant to section 503(c)(2)(C) of the 1974 Act, and having taken into account the considerations set forth in sections 501 and 502 of the 1974 Act, I have determined to redesignate certain countries as beneficiary developing countries with respect to certain eligible articles that previously had been imported in quantities exceeding the competitive need limitations of section 503(c)(2)(A) of the 1974 Act.

5. Section 503(d)(4)(B)(ii) of the 1974 Act (19 U.S.C. 2463(d)(4)(B)(ii)) provides that the President should revoke any waiver of the application of the competitive need limitations that has been in effect with respect to an article for 5 years or more if the beneficiary developing country has exported to the United States during the preceding calendar year an amount that exceeds the quantity set forth in section 503(d)(4)(B)(ii)(I) or section 503(d)(4)(B)(ii)(II) of the 1974 Act (19 U.S.C. 2463(d)(4)(B)(ii)(I) and 19 U.S.C. 2463(d)(4)(B)(ii)(II)).

6. Pursuant to section 503(d)(4)(B)(ii) of the 1974 Act, I have determined that in 2014 certain beneficiary developing countries exported eligible articles for which a waiver has been in effect for 5 years or more in quantities exceeding the applicable limitation set forth in section 503(d)(4)(B)(ii)(I) or section 503(d)(4)(B)(ii)(II) of the 1974 Act, and I therefore revoke said waivers.

7. Section 503(c)(2)(F)(i) of the 1974 Act (19 U.S.C. 2463(c)(2)(F)(i)) provides that the President may disregard the competitive need limitation provided in section 503(c)(2)(A)(i)(II) of the 1974 Act (19 U.S.C. 2463(c)(2)(A)(i)(II)) with respect to any eligible article from any beneficiary developing country, if the aggregate appraised value of the imports of such article into the United States during the preceding calendar year does not exceed an amount set forth in section 503(c)(2)(F)(ii) of the 1974 Act (19 U.S.C. 2463(c)(2)(F)(ii)).

8. Pursuant to section 503(c)(2)(F)(i) of the 1974 Act, I have determined that the competitive need limitation provided in section 503(c)(2)(A)(i)(II) of the 1974 Act should be disregarded with respect to certain eligible articles from certain beneficiary developing countries.

9. Section 503(d)(1) of the 1974 Act (19 U.S.C. 2463(d)(1)) provides that the President may waive the application of the competitive need limitations in section 503(c)(2) of the 1974 Act with respect to any eligible article from any beneficiary developing country if certain conditions are met.

10. Pursuant to section 503(d)(1) of the 1974 Act, I have received the advice of the Commission on whether any industry in the United States is likely to be adversely affected by waivers of the competitive need limitations provided in section 503(c)(2) of the 1974 Act, and I have determined, based on that advice and on the considerations described in sections 501 and 502(c) of the 1974 Act (19 U.S.C. 2461 and 2462(c)) and after giving great weight to the considerations in section 503(d)(2) of the 1974 Act (19 U.S.C. 2463(d)(2)), that such waivers are in the national economic interest of the United States. Accordingly, I have determined that the competitive need limitations of section 503(c)(2) of the 1974 Act should be waived with respect to certain eligible articles from certain beneficiary developing countries.

11. Section 502(e) of the 1974 Act (19 U.S.C. 2462(e)) provides that the President shall terminate the designation of a country as a beneficiary developing country if the President determines that such country has become a “high income” country as defined by the official statistics of the International Bank for Reconstruction and Development. Termination is effective on January 1 of the second year following the year in which such determination is made.

12. Pursuant to section 502(e) of the 1974 Act, I have determined that Seychelles, Uruguay, and Venezuela have become “high income” countries. Accordingly, I am terminating the designation of these countries as beneficiary developing countries for purposes of the GSP, effective January 1, 2017, and I will so notify the Congress under section 502(f) of the 1974 Act (19 U.S.C. 2462(f)).

13. Section 506A(a)(1) of the 1974 Act (19 U.S.C. 2466a(a)(1)) authorizes the President to designate a country listed in section 107 of the African Growth and Opportunity Act (AGOA) (19 U.S.C. 3706) as a

beneficiary sub-Saharan African country eligible for the benefits described in section 506A(b) of the 1974 Act (19 U.S.C. 2466a(b)), if the President determines that the country meets the eligibility requirements set forth in section 104 of the AGOA (19 U.S.C. 3703) and the eligibility criteria set forth in section 502 of the 1974 Act, subject to the authority granted to the President under subsections (a), (d), and (e) of section 502 of the 1974 Act.

14. Pursuant to section 502(e) of the 1974 Act, I have determined that Seychelles has become a “high income” country and its designation as a beneficiary sub-Saharan African country is no longer within the authority granted to the President under section 502 of the 1974 Act. Accordingly, pursuant to section 506A(a)(1) of the 1974 Act (19 U.S.C. 2466a(a)(1)), I have determined that Seychelles is no longer eligible for benefits as a beneficiary sub-Saharan African country for the purpose of section 506A of the 1974 Act, effective January 1, 2017.

15. Section 604 of the 1974 Act (19 U.S.C. 2483) authorizes the President to embody in the Harmonized Tariff Schedule of the United States (HTS) the substance of the relevant provisions of that Act, and of other Acts affecting import treatment, and actions thereunder, including removal, modification, continuance, or imposition of any rate of duty or other import restriction.

16. The short form name of “Macedonia, Former Yugoslav Republic of” has been changed to “Macedonia,” and I have determined that general note 4(a) to the HTS should be modified to reflect this change.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States of America, including but not limited to title V and section 604 of the 1974 Act, do proclaim that:

(1) In order to designate certain articles as eligible articles only when imported from a least-developed beneficiary developing country for purposes of the GSP, the Rates of Duty 1–Special subcolumn for the corresponding HTS subheadings is modified as set forth in section A of Annex I to this proclamation.

(2) In order to redesignate certain articles as eligible articles for purposes of the GSP, the Rates of Duty 1–Special subcolumn for the corresponding HTS subheadings and general note 4(d) to the HTS are modified as set forth in section B of Annex I to this proclamation.

(3) In order to provide that one or more countries should no longer be treated as beneficiary developing countries with respect to one or more eligible articles for purposes of the GSP, the Rates of Duty 1–Special subcolumn for the corresponding HTS subheadings and general note 4(d) to the HTS are modified as set forth in section C of Annex I to this proclamation.

(4) In order to reflect the change in the name of the Former Yugoslav Republic of Macedonia, general note 4(a) to the HTS is modified as provided in section D of Annex I to this proclamation.

(5) The modifications to the HTS set forth in Annex I to this proclamation shall be effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after the dates set forth in the relevant sections of Annex I.

(6) The competitive need limitation provided in section 503(c)(2)(A)(i)(II) of the 1974 Act is disregarded with respect to the eligible articles in the HTS subheadings and to the beneficiary developing countries listed in Annex II to this proclamation, effective October 1, 2015.

(7) A waiver of the application of section 503(c)(2) of the 1974 Act shall apply to the articles in the HTS subheadings and to the beneficiary developing countries set forth in Annex III to this proclamation, effective October 1, 2015.

(8) The designation of Seychelles as a beneficiary developing country for purposes of the GSP is terminated, effective on January 1, 2017.

(9) In order to reflect this termination in the HTS, general note 4(a) to the HTS is modified by deleting “Seychelles” from the list of independent countries, effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after January 1, 2017.

(10) The designation of Seychelles as a beneficiary sub-Saharan African country for purposes of the AGOA is terminated, effective on January 1, 2017.

(11) In order to reflect this termination in the HTS, general note 16(a) to the HTS is modified by deleting “Republic of Seychelles” from the list of beneficiary sub-Saharan African countries, effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after January 1, 2017.

(12) The designation of Uruguay as a beneficiary developing country for purposes of the GSP is terminated, effective on January 1, 2017.

(13) In order to reflect this termination in the HTS, general note 4(a) to the HTS is modified by deleting “Uruguay” from the list of independent countries, effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after January 1, 2017.

(14) The designation of Venezuela as a beneficiary developing country for purposes of the GSP is terminated, effective on January 1, 2017.

(15) In order to reflect this termination in the HTS, general note 4(a) to the HTS is modified by deleting “Venezuela” from the list of independent countries, effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after January 1, 2017. In addition, the Rates of Duty 1–Special subcolumn for the corresponding HTS subheadings and general note 4(d) to the HTS are modified as set forth in section E of Annex I to this proclamation, effective on such date.

(16) Any provisions of previous proclamations and Executive Orders that are inconsistent with the actions taken in this proclamation are superseded to the extent of such inconsistency.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of September, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

ANNEX I

**MODIFICATIONS TO THE HARMONIZED TARIFF
SCHEDULE OF THE UNITED STATES**

Section A. Effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after October 1, 2015, the Harmonized Tariff Schedule of the United States (HTS) is modified as provided in this section. For each of the following subheadings, the Rates of Duty 1-Special subcolumn is modified by inserting the symbol “A+”:

5201.00.18
5201.00.28
5201.00.38
5202.99.30
5203.00.30

Section B. Effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after October 1, 2015:

1) General note 4(d) to the HTS is modified by:

a) Deleting the following subheading and the country set out opposite such subheading number:

2306.30.00 Ukraine
2804.29.00 Ukraine
8607.19.03 Ukraine

b) Deleting the following country set out opposite the following subheading number:

8544.30.00 Indonesia

2) For each of the following subheadings, the Rates of Duty 1-Special subcolumn is modified by deleting the symbol “A*” and inserting the symbol “A” in lieu thereof:

2306.30.00
2804.29.00
8607.19.03

Section C. Effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after October 1, 2015:

(1) General note 4(d) to the HTS is modified by adding, in numerical sequence, the following subheading numbers and the countries set out opposite such subheading numbers:

4412.31.40 Indonesia
7413.00.10 Turkey
7413.00.50 Turkey

(2) For each of the following subheadings, the Rates of Duty 1-Special subcolumn is modified by deleting the symbol “A” and inserting the symbol “A*” in lieu thereof:

4412.31.40
7413.00.10
7413.00.50

Section D. Effective October 1, 2015, general note 4(a) to the HTS is modified by deleting “Macedonia, Former Yugoslav Republic of” from the list entitled “Independent Countries” and inserting “Macedonia” in lieu thereof.

Section E. Effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after January 1, 2017, the HTS is modified as provided in this section.

1) General note 4(a) to the HTS is modified by deleting “Venezuela” from the list entitled “Member Countries of the Cartagena Agreement (Andean Group)”.

2) General note 4(d) to the HTS is modified by deleting the following subheadings and the country set out opposite each such subheading number:

0306.24.20	Venezuela
2905.11.20	Venezuela
7601.10.30	Venezuela
7604.10.30	Venezuela
7604.29.30	Venezuela
7605.11.00	Venezuela
7605.21.00	Venezuela
7614.90.20	Venezuela
7614.90.50	Venezuela

3) For each of the following subheadings, the Rates of Duty 1-Special subcolumn is modified by deleting the symbol “A*” and inserting the symbol “A” in lieu thereof:

0306.24.20
2905.11.20
7601.10.30
7604.10.30
7604.29.30
7605.11.00
7605.21.00
7614.90.20
7614.90.50

ANNEX II

**HTS Subheadings and Countries for Which the Competitive Need
Limitation Provided in Section 503(c)(2)(A)(i)(II) is Disregarded**

0304.95.90 Philippines	2903.73.00 India
0410.00.00 Indonesia	2904.10.08 India
0603.13.00 Thailand	2904.20.30 India
0710.80.50 Turkey	2904.90.04 India
0711.40.00 India	2905.19.10 Brazil
0713.60.60 India	2907.12.00 India
0802.52.00 Turkey	2907.29.25 India
0802.61.00 Brazil	2908.19.20 India
0802.80.10 India	2909.30.10 India
0802.90.20 Pakistan	2912.49.10 India
0810.60.00 Thailand	2913.00.50 India
0813.40.10 Thailand	2914.29.10 India
0813.40.80 Thailand	2914.31.00 India
1007.10.00 Brazil	2914.40.10 Brazil
1102.90.30 India	2914.40.20 India
1103.19.14 India	2918.13.50 India
1202.41.40 Ecuador	2921.42.15 India
1806.10.34 Ecuador	2921.42.21 India
2001.90.45 India	2922.29.26 India
2005.80.00 Thailand	2924.29.36 India
2005.91.97 India	2927.00.30 India
2006.00.70 Thailand	2932.99.08 India
2008.99.50 Thailand	2933.19.45 India
2009.39.10 Brazil	2933.99.06 India
2106.90.03 Thailand	2934.20.35 India
2306.50.00 Papua New Guinea	3824.90.25 India
2401.20.57 Jordan	3824.90.31 Brazil
2813.90.50 India	3824.90.32 Brazil
2827.39.25 India	4103.20.20 Indonesia
2827.39.45 India	4104.11.30 India
2831.90.00 India	4106.21.90 Pakistan
2833.29.40 Turkey	4106.22.00 Pakistan
2834.10.10 India	4107.11.40 India
2840.11.00 Turkey	4107.11.60 Turkey
2841.61.00 India	4107.12.40 India
2844.30.10 India	4107.19.40 India

4107.19.60 Brazil	6116.99.35 Indonesia
4107.91.40 India	6908.10.20 Indonesia
4107.92.40 India	6913.10.20 Thailand
4107.99.40 Pakistan	7113.20.25 India
4113.10.60 Pakistan	7202.11.10 Brazil
4302.20.60 Brazil	7410.22.00 India
4602.12.05 Indonesia	8112.12.00 Kazakhstan
5208.31.20 India	8112.19.00 Kazakhstan
5208.51.20 Indonesia	8410.13.00 India
5209.31.30 India	8519.81.20 Philippines
5209.41.30 India	9010.90.40 India
5607.90.35 Philippines	9603.10.90 Sri Lanka
5702.92.10 India	9614.00.26 Egypt

ANNEX III

**HTS Subheadings and Countries Granted a Waiver of the Application of
Section 503(c)(2)(A) of the 1974 Act**

2008.19.15	Thailand
7408.29.10	Thailand

Proclamation 9334 of September 30, 2015

National Breast Cancer Awareness Month, 2015

*By the President of the United States of America
A Proclamation*

Too often, precious lives are interrupted or cut short by cancer. Breast cancer, one of the most common cancers among American women, affects roughly 230,000 women as well as 2,300 men each year and is responsible for more than 40,000 deaths annually in the United States.

Breast cancer does not discriminate—it strikes people of all races, ages, and income levels—and we must raise awareness of this disease and its symptoms so we can more easily identify it and more effectively treat it. This month, as we honor those whose lives were tragically cut short by breast cancer and as we stand with their families, let us arm ourselves with the best knowledge, tools, and resources available to fight this devastating disease.

Regular screenings and quality care are vital to improving outcomes for millions of people, and we are making strides in improving treatment options. Thanks to the Affordable Care Act, most health insurers are now required to cover recommended preventive services—including mammograms—at no extra cost, and Americans cannot be denied health coverage due to a pre-existing condition, like breast cancer. Women and men can take precautionary action on their own by talking with their health care providers about what they can do to lower their individual risk factors and learning about what tests are right for them. For more information on breast cancer prevention, treatment of metastatic breast cancer, and the latest research, visit www.Cancer.gov/Breast.

My Administration is committed to advancing research to better prevent, diagnose, and treat cancer in all its forms. Earlier this year, I announced a new initiative to invest in research that will enable clinicians to better tailor treatments to individual patients. This Precision Medicine Initiative aims to accelerate biomedical discoveries and revolutionize how we improve health and treat disease. By continuing to make breakthroughs in technology and medicine, our Nation's brightest minds are working tirelessly to combat breast cancer.

Together, we must ensure all people can enjoy the extraordinary gift that is a long, happy, and healthy life. During National Breast Cancer Awareness Month, let us remember those cancer took from us too soon—and in tribute to them, their families, and our medical professionals, let us recommit to the promise of finding a cure.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 2015 as National Breast Cancer Awareness Month. I encourage citizens, government agencies, private businesses, nonprofit organizations, and all other interested groups to join in activities that will increase awareness of what Americans can do to prevent breast cancer.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of September, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9335 of September 30, 2015**National Cybersecurity Awareness Month, 2015**

*By the President of the United States of America
A Proclamation*

In our increasingly connected digital world, we have the power to innovate in unprecedented ways. With the advent of new and improved technologies, we must also keep pace with safeguarding our critical infrastructure networks that, although empowering, create previously unforeseen vulnerabilities. During National Cybersecurity Awareness Month, we recognize the importance of remaining vigilant against any and all cyber threats, while recommitting to ensuring our people can use new digital tools and resources fearlessly, skillfully, and responsibly.

My Administration is working to keep our country's cyberspace safe and protected—both in the public and private sectors—and is dedicated to addressing this issue as a matter of not only public safety, but also economic and national security. Earlier this year, I signed an Executive Order to promote information sharing about cyber threats between Government and the private sector—because this is a shared mission, and all of us must work together to do what none of us can achieve alone. Additionally, as part of our comprehensive strategy, we continue to work with industry leaders to implement the Cybersecurity Framework my Administration launched last year, which promotes best practices to identify, mitigate, detect, respond to, protect against, and recover from cybersecurity incidents. And we continue to support security researchers and educators who are developing the skills, tools, and workforce required for a safer technology future.

But these efforts will only go so far. It is the responsibility of every American to proactively defend our digital landscape. The Department of Homeland Security's "Stop.Think.Connect." campaign is designed to inform our citizenry of the dangers posed by cyber threats and to provide the tools needed to confront them. I urge all Americans to take measures to decrease their susceptibility to malicious cyber activity, including by choosing stronger passwords, updating software, and practicing responsible online behavior. I also encourage everyone to visit www.DHS.gov/StopThinkConnect to learn more about how you can help strengthen America's cybersecurity.

We now live in an era of the Internet—our children will never know a world without it. Our financial systems, our power grid, and our health systems run on it, and though widely helpful, this reliance reminds us of our need to remain aware, alert, and attentive on this new frontier. By working together to prevent and disrupt threats to our digital infrastructure, America can continue pioneering new discoveries and expanding the boundaries of humanity's reach.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 2015 as National Cybersecurity Awareness Month. I call upon the people of the United States to recognize the importance of cybersecurity and to observe this month with activities, events, and training that will enhance our national security and resilience.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of September, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9336 of September 30, 2015

National Disability Employment Awareness Month, 2015

By the President of the United States of America

A Proclamation

A quarter century ago, our country took a major step toward fulfilling the fundamental American promises of equal access, equal opportunity, and equal respect for all when the Americans with Disabilities Act (ADA) was made the law of the land. While we have continued to make advancements that help uphold this basic belief, we must address the injustices that remain. During National Disability Employment Awareness Month, we celebrate the ways individuals with disabilities strengthen our workforce, our communities, and our country, and we recommit to cultivating an America where all people are able to build vibrant futures for themselves and for their families.

Americans with disabilities make up almost one-fifth of our population, but are unemployed at a rate that is twice that of people without disabilities; and for women and minorities with disabilities, the rates are even higher. Despite all they contribute to our society, people with disabilities still face discrimination by employers, limited access to skills training, and, too often, unfairly low expectations. As a Nation, we must continue to promote inclusion in the workplace and to tear down the barriers that remain—in hearts, in minds, and in policies—to the security and prosperity that stable jobs provide and that all our people deserve. And we must actively foster a culture in which individuals are supported and accepted for who they are and in which it is okay to disclose one's disability without fear of discrimination.

My Administration is working to make sure our country does not let the incredible talents of Americans with disabilities go to waste. We are working to strengthen protections against disability-based discrimination in the workplace and to expand employment possibilities for people with disabilities—and the Federal Government is leading by example. I have taken action to require agencies and Federal contractors to hire more people with disabilities—and thanks to these efforts, more Americans with disabilities are in Federal service than at any point in the last three decades.

I will continue fighting to widen pathways to opportunity for individuals with disabilities and supporting employers in their efforts to increase disability inclusion. The White House hosted a Summit on Disability and Employment earlier this year to provide businesses, philanthropies, and advocates with information on Federal resources for hiring disabled individuals. Last year, I was proud to sign the Workforce Innovation and Opportunity Act (WIOA), which encourages greater coordination across Federal, State, and local programs to expand access

to high-quality workforce, education, and rehabilitation services. WIOA also helps youth with disabilities to receive extensive pre-employment transition services so they can find positions alongside people without disabilities and get paid above minimum wage. Additionally, last year I signed the Achieving a Better Life Experience (ABLE) Act, which allows eligible people with disabilities to establish tax-free savings accounts.

America is at its strongest when we harness the talents and celebrate the distinct gifts of all our people. This October, as we observe the 70th anniversary of National Disability Employment Awareness Month, let us pay tribute to all who fought for better laws, demanded better treatment, and overcame ignorance and indifference to make our Nation more perfect. In their honor, and for the betterment of generations of Americans to come, let us continue the work of removing obstacles to employment so every American has the chance to develop their skills and make their unique mark on the world we share.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 2015 as National Disability Employment Awareness Month. I urge all Americans to embrace the talents and skills that individuals with disabilities bring to our workplaces and communities and to promote the right to equal employment opportunity for all people.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of September, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9337 of September 30, 2015

National Domestic Violence Awareness Month, 2015

By the President of the United States of America

A Proclamation

Domestic violence impacts women, men, and children of every age, background, and belief. Nearly 1 in 4 women and 1 in 7 men in the United States have suffered severe physical violence by an intimate partner. Victims are deprived of their autonomy, liberty, and security, and face tremendous threats to their health and safety. During National Domestic Violence Awareness Month, we reaffirm our dedication to forging an America where no one suffers the hurt and hardship that domestic violence causes—and we recommit to doing everything in our power to uphold the basic human right to be free from violence and abuse.

While physical marks may often be the most obvious signs of the harm caused by domestic violence, the true extent of the pain goes much deeper. Victims not only face abuse, but often find themselves left with significant financial insecurity. And children who witness domestic violence often experience lifelong trauma. These heinous acts go against all we know to be humane and decent, and they insult our most funda-

mental ideals. We all have a responsibility to try to end this grave problem.

Prior to the passage of the Violence Against Women Act (VAWA), many did not view domestic violence as a serious offense, and victims often had nowhere to turn for support. VAWA significantly transformed our Nation—it enhanced the criminal justice response to violence against women and expanded survivors' access to immediate assistance and long-term resources to rebuild their lives. The Family Violence Prevention and Services Act is another important piece of legislation that improved our public health response to domestic violence and increased the availability of critical services for victims.

My Administration has worked hard to build on the progress of the past several decades and improve domestic violence prevention and response efforts. We have extended protections and prevention measures to more victims, including in Native American and immigrant communities, and worked to break down barriers for more people seeking help. And the reauthorization of VAWA I signed in 2013 prohibits—for the first time—discrimination based on sexual orientation and identity when providing services. Additionally, thanks to the Affordable Care Act, most health plans must now cover preventive services, including screening and counseling for domestic violence, at no additional cost. My Administration has also sought to secure greater workplace protections by requiring Federal agencies to develop policies that address the effects of domestic violence and to provide assistance to employees experiencing it. And I recently signed an Executive Order to establish paid sick leave for Federal contractors, which enables them to use it for absences resulting from domestic violence.

Though we have made great progress in bringing awareness to and providing protections against domestic violence, much work remains to be done. In that spirit, Vice President Joe Biden launched our *1is2many* initiative, which aims to raise awareness of dating violence and reduce sexual assault among students, teens, and young adults. And earlier this year, we reaffirmed our Nation's commitment to addressing domestic violence at all stages of life by holding the White House Conference on Aging, which addressed elder abuse as a public health problem that affects millions of older Americans. These initiatives will help advance our efforts to ensure no person is robbed of the chance to live out their greatest aspirations.

Safeguarding and opening doors of opportunity for every American will remain a driving focus for our country—and we know that crimes like domestic violence inhibit our Nation from reaching its fullest potential. This month, let us once again pledge our unwavering support to those in need and recognize the advocates, victim service providers, and organizations who work tirelessly to extend hope and healing to survivors and victims every day. I encourage all people in need of assistance to call the National Domestic Violence Hotline at 1-800-799-SAFE or visit www.TheHotline.org.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 2015 as National Domestic Violence Awareness Month. I call on all Americans to speak out against domestic violence and support local ef-

forts to assist victims of these crimes in finding the help and healing they need.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of September, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9338 of September 30, 2015

National Substance Abuse Prevention Month, 2015

*By the President of the United States of America
A Proclamation*

Every day, millions of American families, friends, teachers, and community organizations work to ensure children have access to the support and resources needed to help prevent substance abuse. As we mark National Substance Abuse Prevention Month, we come together to acknowledge the role every person can play in preventing substance abuse and recommit to fostering a culture where all our people can live up to their fullest potential.

Community partners in all corners of our country work to foster positive, safe environments in our towns and cities, and my Administration is committed to bolstering these efforts. Thanks to the Affordable Care Act, health plans offered through the Health Insurance Marketplace must include mental health and substance use disorder services. My Administration has also taken action to ensure that coverage for these services is comparable to coverage for medical and surgical benefits. Preventing substance abuse is a fundamental element of our *National Drug Control Strategy* and can only be accomplished by supporting parents, mentors, schools, and community members as they work to prevent substance abuse before it begins. Together, by promoting evidence-based prevention programs, we can provide individuals with the tools and information they need to make smart choices, avoid needless tragedy, and lead healthy, fulfilling lives.

Alcohol and drug use can stand in the way of academic achievement, jeopardize school safety, and limit a young person's possibilities. Additionally, thousands of Americans die each year from prescription drug overdose—and many can access these drugs in their own medicine cabinets at home. We must educate our children about the harms and risks associated with substance abuse. By talking with our sons and daughters early and often about the dangers of drug and alcohol use, we can help set them firmly on a path toward a brighter future.

In the United States, no child's dreams should be out of reach because the necessary encouragement and care were not accessible. As a Nation, as community members, and as American citizens, we have an obligation to help cultivate a society free from substance abuse. This month, let us resolve to model a healthy lifestyle for those around us, talk openly with our youth about the dangers of drug and alcohol use, and reach for a future where opportunity knows no bounds.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 2015 as National Substance Abuse Prevention Month. I call upon all Americans to engage in appropriate programs and activities to promote comprehensive substance abuse prevention efforts within their communities.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of September, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9339 of September 30, 2015

National Youth Justice Awareness Month, 2015

By the President of the United States of America

A Proclamation

All our Nation's children deserve the chance to fulfill their greatest potential, and nothing should limit the scope of their futures. But all too often, our juvenile and criminal justice systems weigh our young people down so heavily that they cannot reach their piece of the American dream. When that happens, America is deprived of immeasurable possibility. This month, we rededicate ourselves to preventing youth from entering the juvenile and criminal justice systems and recommit to building a country where all our daughters and sons can grow, flourish, and take our Nation to new and greater heights.

Involvement in the justice system—even as a minor, and even if it does not result in a finding of guilt, delinquency, or conviction—can significantly impede a person's ability to pursue a higher education, obtain a loan, find employment, or secure quality housing. Many who become involved in the juvenile justice system have experienced foster care or grown up in environments where violence and drugs were pervasive and opportunities were absent. Some studies have found that many youth in juvenile justice facilities have had a mental or substance use disorder in their young lives. These children are our Nation's future—yet most of them were afforded no margin of error after making a mistake.

Each year, there are more than 1 million arrests of young people under the age of 18, and the vast majority of those arrests are for non-violent crimes. Estimates show that half of black males, 44 percent of Hispanic males, and nearly 40 percent of white males are arrested by age 23. Nearly 55,000 individuals under age 21 are being held in juvenile justice facilities across the United States—a disproportionate number of whom are young people of color, including tribal youth. The proportion of detained and incarcerated girls and young women, often victims of abuse, has also significantly increased over the past few decades.

In addition to those serving time in juvenile justice facilities, on any given day, more than 5,000 youth under age 18 are serving time in adult prisons or local jails. Nine States prosecute all 17-year-olds as

adults regardless of the crime committed, including two States that do the same for 16-year-olds; and all States have transfer laws that allow or require criminal prosecution of certain youth. This continues despite studies showing that youth prosecuted in adult courts are more likely to commit future crimes than similarly situated youth who are prosecuted for the same offenses in the juvenile system.

To hold a young person in a State-operated facility can cost upwards of \$100,000 per year per individual. That money could be better spent—with improved youth and public safety outcomes—by investing in our children in ways that help keep them out of the juvenile and criminal justice systems in the first place, or that prevent them from penetrating deeper into the system. As a Nation that draws on the talents and ambitions of all our people, we must remain focused on providing the institutional support necessary to stop our youth from being locked into a cycle from which they cannot recover or fully take their place as citizens.

My Administration is committed to working with States, as well as tribal and local jurisdictions, to implement reforms that reduce recidivism and improve youth outcomes. Last year, the Department of Justice launched the *Smart on Juvenile Justice* initiative to advance system-wide reforms that improve outcomes, eliminate disparities, and save money while holding youth appropriately accountable. These efforts include emphasizing prevention, promoting cost-effective and community-based alternatives to confinement, and sustaining programs that provide job training and substance use disorder treatment and counseling to youth in juvenile facilities. The Departments of Education and Justice are leading efforts to revamp school discipline policies and support underfunded schools so that our education system serves as a pathway to opportunity, rather than a pipeline to prison. Additionally, the Department of Health and Human Services and the Department of Justice are working to build better diversion policies to screen and treat youth for substance abuse, trauma, and unmet mental, emotional, and behavioral needs.

Last year, I launched My Brother's Keeper—an initiative to address persistent opportunity gaps faced by boys and young men of color and ensure all young people can reach their inherent potential. As part of this initiative, we are focused on reducing rates of violence while improving outcomes for all our youth. I also launched the Generation Indigenus initiative, which seeks to improve the lives of Native youth through new investments and increased engagement so they can achieve their highest aspirations.

America is a Nation of second chances, and justice means giving every young person a fair shot—regardless of what they look like or what zip code they were born into. The system we created to safeguard this fundamental ideal must do exactly that. During National Youth Justice Month, let us recommit to ensuring our justice system acts not as a means for perpetuating a cycle of hopelessness, but as a framework for uplifting our young people with a sense of purpose so they can contribute to America's success.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 2015 as National Youth Justice Awareness Month. I call upon all

Americans to observe this month by getting involved in community efforts to support our youth, and by participating in appropriate ceremonies, activities, and programs.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of September, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9340 of October 2, 2015

Fire Prevention Week, 2015

*By the President of the United States of America
A Proclamation*

Each year, fires leave tremendous hardship and devastation in their wake. They claim too many lives, destroy too many communities, and take too much of a toll on our economy—and many incidents can be avoided with simple preventive measures. During Fire Prevention Week, we pledge to take precautionary steps to stop fires before they start, and we honor the sacrifices made by our Nation's courageous first responders who risk their lives to beat back these threats.

Whether residential or wild, fires can ignite anytime and anywhere and we can all play a role in preventing them. I urge all Americans to routinely test their smoke alarms, develop and practice fire evacuation plans at work and at home, and create family emergency communication plans in order to quickly locate loved ones in the event of any emergency. Additionally, I encourage everyone to act responsibly to prevent forest fires when outdoors, and to immediately report any signs of fire to their local fire department. More ways to avoid and respond to fires can be found at www.Ready.gov.

My Administration remains committed to aiding in efforts to responsibly respond to fires wherever they occur. This year, we called on the Congress to fix the way we pay for wildfire costs so we can more appropriately invest our resources in forest restoration and resilience—making our land and infrastructure less vulnerable to fires in the first place.

Each of us can do our part to practice fire safety and to support the dedicated volunteers and professionals who risk everything to protect our homes and communities. This week, let us pay tribute to the heroes who have lost their lives fighting fires, let us stand beside all who continue to serve in our firehouses, and let us rededicate ourselves to doing everything in our power to stop tragedies before they strike.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 4 through October 10, 2015, as Fire Prevention Week. On Sunday, October 4, 2015, in accordance with Public Law 107–51, the flag of the United States will be flown at half-staff at all Federal office buildings in honor of the National Fallen Firefighters Memorial Service. I call on

all Americans to participate in this observance with appropriate programs and activities and by renewing their efforts to prevent fires and their tragic consequences.

IN WITNESS WHEREOF, I have hereunto set my hand this second day of October, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9341 of October 2, 2015

Child Health Day, 2015

By the President of the United States of America

A Proclamation

As a Nation, we have a commitment to ensuring our daughters and sons live better lives than we did. They deserve every chance to reach for the brightest futures they can imagine, and with a solid foundation and a clean environment, they can grow up strong, healthy, and prepared to write the next great chapters in the American story. On Child Health Day, we recommit to helping our children make healthy life choices and to providing them with the resources to lead happy and productive lives.

My Administration remains wholly committed to investing in the safety and well-being of our Nation's kids. First Lady Michelle Obama's *Let's Move!* initiative is bringing together community-based, faith-based, and private sector organizations, along with government at all levels, to provide quality, nutritious food to students, empower parents to make healthy choices, and encourage our youth to become more physically active. We are working at every level to combat bullying so students across our country can live and learn free from fear or intimidation. Under the Affordable Care Act, young people can now stay on their parents' health plans until age 26—a provision that has already helped millions of young Americans. And the law prohibits insurance companies from denying coverage to individuals with pre-existing conditions, which has already brought greater peace of mind to the parents of up to 17 million children.

Keeping our children healthy takes more than promoting good lifestyles today—it also rests on leaving them with a stable world to live in tomorrow. That is why my Administration is taking on the critical work of safeguarding our planet from the devastating effects of a changing climate by forging an America with cleaner air, cleaner water, and cleaner energy. We have taken ambitious steps to limit our Nation's carbon emissions, wean ourselves off of foreign energy sources, and preserve our planet for generations to come. With the potential for greater incidence of asthma attacks and infectious diseases that can impact growth and learning during critical formative years, we owe it to all who come after us to confront this imminent threat. We are also continuing to encourage Federal agencies to collaborate toward achieving these goals by identifying priority risks to the well-being of our young people and developing strategies to combat them.

Our most profound obligation is to our Nation's most vulnerable citizens: our children. As we mark Child Health Day, let us reaffirm our commitment to that responsibility by supporting and modeling healthy, active lifestyles, by equipping our youth with the tools and resources they need to seize every opportunity, and by working to leave behind a sustainable planet so our children—and theirs—can know a future worthy of their limitless potential.

The Congress, by a joint resolution approved May 18, 1928, as amended (36 U.S.C. 105), has called for the designation of the first Monday in October as Child Health Day and has requested that the President issue a proclamation in observance of this day.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim Monday, October 5, 2015, as Child Health Day. I call upon families, educators, health professionals, faith-based and community organizations, and all levels of government to help ensure America's children are healthy.

IN WITNESS WHEREOF, I have hereunto set my hand this second day of October, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9342 of October 2, 2015

Honoring the Victims of the Tragedy in Roseburg, Oregon

By the President of the United States of America

A Proclamation

As a mark of respect for the victims of gun violence perpetrated on October 1, 2015, in Roseburg, Oregon, by the authority vested in me as President of the United States by the Constitution and the laws of the United States of America, I hereby order that the flag of the United States shall be flown at half-staff at the White House and upon all public buildings and grounds, at all military posts and naval stations, and on all naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions until sunset, October 6, 2015. I also direct that the flag shall be flown at half-staff for the same length of time at all United States embassies, legations, consular offices, and other facilities abroad, including all military facilities and naval vessels and stations.

IN WITNESS WHEREOF, I have hereunto set my hand this second day of October, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9343 of October 5, 2015**German-American Day, 2015**

By the President of the United States of America

A Proclamation

Throughout our history, German Americans have woven distinct threads into the fabric of our country. In extraordinary ways—by crossing the Atlantic, planting roots in communities across our country, and spurring shared advances—German Americans have proven our Nation’s diversity makes our society ever stronger. On German-American Day, we celebrate the immeasurable ways their talents and ideas have helped shape the progress of our time.

Since their earliest days on America’s shores, the German people have striven to realize the fundamental promise that everyone deserves the chance to make of their lives what they will. Building up our society as architects and artists, inventors and engineers, they continue to push boundaries and bolster dreams in their communities and across our country. From their service in our Armed Forces to our classrooms, we see the strength and passion of German heritage integrated into the identity of our American family.

The stories of German-American men and women also remind us of the important partnership between our two nations. In the 70 years since the end of World War II and the quarter century since the fall of the Berlin Wall, Americans and Germans have inspired each other and worked to address key challenges that affect the world we share. From combatting violent extremism and climate change to expanding economic and educational opportunity for women and girls, our common principles bind us together as inseparable allies. As we commemorate the strong friendship between our peoples, may we never forget our unique histories, and may we continue working together to reach for a more peaceful and prosperous future.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 6, 2015, as German-American Day. I encourage all Americans to learn more about the history of German Americans and reflect on the many contributions they have made to our Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of October, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9344 of October 8, 2015**Leif Erikson Day, 2015**

By the President of the United States of America

A Proclamation

Since our Nation's founding, we have been driven by strength in the face of uncertainty and by a bold spirit of adventure. These defining forces were reflected in the early discovery of our continent when Leif Erikson—a son of Iceland and grandson of Norway—and his team became the first Europeans known to land on North American shores. On Leif Erikson Day, we honor him as an important piece of our shared past with the Norwegian people, and we celebrate the perilous yet rewarding voyage he and his crew undertook one millennium ago.

Leif Erikson's discovery marks the beginning of a meaningful friendship between Norway and the United States, and we have seen reflections of his team's journey throughout history. The courage that guided these pioneers to North America was also found in the voyage of six families who braved the unforeseen in 1825 as some of the first immigrants from Norway to the United States. Fleeing religious strife in their homeland in search of liberty's light, they sailed across the same ocean Erikson traversed more than eight centuries prior. And 190 years ago, these striving newcomers began to weave their unique threads into the fabric of America.

Today, we pay tribute to those who embarked on these expeditions and recognize the role they played in shaping our legacy as a Nation of immigrants. We also reaffirm the ties that bind America and Norway and rededicate ourselves to our common goals of securing peace and prosperity around the world. On Leif Erikson Day, let us honor his spirit by celebrating our past while fearlessly reaching for the future he knew was possible.

To honor Leif Erikson and celebrate our Nordic-American heritage, the Congress, by joint resolution (Public Law 88–566) approved on September 2, 1964, has authorized the President of the United States to proclaim October 9 of each year as “Leif Erikson Day.”

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim October 9, 2015, as Leif Erikson Day. I call upon all Americans to observe this day with appropriate ceremonies, activities, and programs to honor our rich Nordic-American heritage.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of October, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9345 of October 9, 2015**National School Lunch Week, 2015**

By the President of the United States of America

A Proclamation

America's schools strive to empower students with the tools and learning opportunities they need to pursue a tomorrow of endless possibility. In addition to serving as critical foundations for an education, schools are often the only stable source of health and nutrition for many of our children. The National School Lunch Program does more than simply provide students with one of our most basic human needs—it gives them the strength to focus on reaching for their greatest aspirations, rather than worrying about where their next meal will come from. During National School Lunch Week, we rededicate ourselves to safeguarding our Nation's future by providing our children with the support and nourishment they need to maintain healthy lifestyles, and we thank the school administrators, educators, and cafeteria workers who, alongside devoted parents, caregivers, and guardians, work together to achieve this goal.

By signing the National School Lunch Act in 1946, President Harry Truman recognized the tremendous role food security plays in the academic and overall success of America's youth. This groundbreaking legislation created the National School Lunch Program, which provides lunches—either subsidized or at no cost—to millions of students in over 100,000 schools. At the heart of this program lies a commitment to uphold one of our country's core principles: that all children should have the chance to live up to their fullest potential and be bound by nothing more than the scope of their dreams.

One in three children in our Nation is overweight or obese—and those rates are even higher in African-American, Hispanic, and Native American communities. Those who lack proper nutrition or do not lead an active lifestyle are far less likely to perform well in school and are more likely to experience health problems such as heart disease, cancer, asthma, and diabetes in the future. For many young people across America, particularly those from low-income communities, the meals their school provides are their most consistent source of food and nutrition.

My Administration remains committed to inspiring students to live a healthy, balanced lifestyle. First Lady Michelle Obama's *Let's Move!* initiative has encouraged schools to provide nutritious food and help students make educated decisions about the food they eat each day. Because of these efforts, thousands of schools across America have answered the HealthierUS School Challenge with commonsense standards for the health, physical activity, and nutritional awareness of our country's students. And since I signed the Healthy, Hunger-Free Kids Act into law in 2010, we have ensured healthy meals are available for millions of students—even after classes have finished for the year. By working to encourage students to eat right and make healthy choices today, we can help ensure these positive habits continue throughout their lives.

Despite the progress we have made, more must be done to safeguard a bright and healthy future for our children and our Nation. Schools

should foster an environment where young people acquire the knowledge and skills needed to make smart choices about what they eat, and healthy school meals should give children the fuel to work hard, grow, and succeed. During National School Lunch Week, I encourage everyone—students, educators, and parents alike—to add more greens to their plates and increase the amount of physical activity in their daily routines. Even small steps, like going for a walk or choosing fruits and vegetables over salty snacks and sweets, help set a positive example and instill the healthy habits our Nation’s children need. Together—as families, neighbors, and friends—we can turn these small steps into national action and make a transformative impact.

The Congress, by joint resolution of October 9, 1962 (Public Law 87–780), as amended, has designated the week beginning on the second Sunday in October each year as “National School Lunch Week” and has requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim October 11 through October 17, 2015, as National School Lunch Week. I call upon all Americans to join the dedicated individuals who administer the National School Lunch Program in appropriate activities that support the health and well-being of our Nation’s children.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of October, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9346 of October 9, 2015

International Day of the Girl, 2015

By the President of the United States of America

A Proclamation

America has long stood as a beacon of equality and liberty for all. Safeguarding our founding ideals means ensuring we all have the opportunity to contribute to our shared progress and forge brighter futures. On International Day of the Girl, we are reminded that without the presence and participation of women and girls in our classrooms, workplaces, and communities, our Nation can never realize its full potential. As we observe this day, let us renew our commitment to building a world where all feel valued, safe, and empowered to pursue a future of equal promise.

In too many places, the stories of women and girls are not always told, and they are limited by laws and norms and subject to forces that lessen their range of possibility and the scope of their aspirations. The United States and our partners around the globe have made significant strides in advancing opportunities for women and girls and promoting full gender equality. My Administration remains dedicated to working with our international allies to protect the rights of all women and girls. We are working to expand access to quality education and are in-

vesting in programs to combat gender-based violence. Building on my challenge to the United Nations in September 2011, we established the Equal Futures Partnership, a multilateral effort that encourages countries to make commitments to women's political and economic empowerment.

Right now, more than 62 million girls around the world—half of whom are adolescent—are not in school and are therefore more vulnerable to HIV/AIDS, early or forced marriages, and violence. My Administration is responding with the utmost urgency, and that is why we launched the *Let Girls Learn* initiative, which brings together the Department of State, the United States Agency for International Development, the Peace Corps, and the Millennium Challenge Corporation, as well as other agencies and programs, like the President's Emergency Fund for AIDS Relief (PEPFAR), to address the range of challenges preventing adolescent girls from attending and completing school, and from realizing their potential as adults.

As we work to advance justice and equality abroad, we are also making it a priority to combat gender disparities here at home. Thanks to the Affordable Care Act, health insurers are now prohibited from charging women higher premiums than men simply because they are female, helping to make quality, affordable health care accessible for all our people. We are attracting and supporting girls in careers and educational pursuits related to sciences, technology, engineering, and mathematics—helping to build a highly-skilled, competitive workforce that draws on the talents of all Americans to drive our country's greatest innovations. We are also supporting women-owned businesses and entrepreneurs through over 100 Women's Business Centers across our country, and we are continuing the fight to ensure all women are paid equally and fairly for their work.

Women and girls cannot be fully free to pursue their highest potential until they are safe from hateful violence and assault. Twenty percent of American women have been sexually assaulted while in college. That is why, under the leadership of Vice President Joe Biden, we launched the *1is2many* initiative to raise awareness of dating violence and sexual assault among young people. And we established the White House Task Force to Protect Students from Sexual Assault, as well as "It's On Us," a campaign designed to combat sexual assault on college campuses so every student in America is able to pursue an education free from the fear of intimidation or violence.

This work must encompass all women and girls—regardless of who they are or what they look like. I am committed to lifting up the lives of women and girls of color, an intersectionality that is disproportionately represented in the foster care and juvenile justice systems, who are at greater risks of violence and are often more susceptible to becoming victim to commercial sex trafficking. We must continue to improve the odds for at-risk girls and ensure they are visible, valued, and have every opportunity to succeed.

Our society must also value all who identify as female. Too many transgender women and girls face discrimination, violence, and abuse. My Administration will continue working to break down barriers that hold transgender girls back, including school bullying, youth homelessness, and health inequality—because America is a place where all our girls should be free to live honest and open lives.

Every person deserves the opportunity to reach for his or her dreams, regardless of their sex or gender. This is an ideal that has carried our Nation forward for centuries, and we have an obligation to do everything in our power to address the injustices that remain throughout society. Today, we reaffirm our commitment to building a world where all girls are safe and empowered to pursue a future of limitless possibility.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 11, 2015, as International Day of the Girl. I call upon the people of the United States to observe this day with programs, ceremonies, and activities that advance equality and opportunity for girls everywhere.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of October, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9347 of October 9, 2015

General Pulaski Memorial Day, 2015

By the President of the United States of America

A Proclamation

Today, our Nation honors the legacy of Brigadier General Casimir Pulaski, a Polish-born hero of the American Revolutionary War who gave his life to defend our country in its nascence. Drawn to fight by the basic premise that people have the right to determine their own destinies, he came here to help us shape ours. In the struggle for independence, he stood with the brave soldiers of the Continental Army and his sacrifices helped lay the foundation for the strong relationship between Poland and the United States today.

Born into a family determined to see a free and sovereign Poland, Pulaski demonstrated his courage and leadership abilities from an early age. Drawing on his experiences, he recognized the same yearning for freedom on display across the Atlantic in the American Revolution. Upon moving to France, he met Benjamin Franklin—who recognized his potential and recommended him to General George Washington, and in 1777, he embarked on a journey to help the Colonies preserve the same ideals of liberty and self-determination he fought for in his homeland.

While serving, Pulaski's zeal for the American cause impressed his fellow soldiers—including Washington, whose life he saved. He earned the rank of Brigadier General and an appointment to be "Commander of the Horse." The cavalry unit he formed was in many ways reflective of our Nation today, comprised of volunteers of many backgrounds and beliefs and united in their faith in the unalienable rights of a free and independent society. Fearless until his death on October 11, 1779, Casimir Pulaski symbolizes an enduring American truth: that we owe

our independence to brave men and women, spanning multiple generations, devoted to a cause greater than their own.

On General Pulaski Memorial Day, we celebrate the ideals and rights for which Pulaski fought and gave his life. We also celebrate all Polish-Americans who proudly preserve their culture in towns and cities throughout our Nation, enriching our society and contributing to our shared success. On this day, let us recognize the strong and enduring relationship between Poland and the United States, and let us renew our commitment to realizing the shared vision of our democracies: forging a world that is free and at peace.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 11, 2015, as General Pulaski Memorial Day. I encourage all Americans to commemorate this occasion with appropriate programs and activities paying tribute to Casimir Pulaski and honoring all those who defend the freedom of our Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of October, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9348 of October 9, 2015

Columbus Day, 2015

By the President of the United States of America

A Proclamation

Over half a millennium ago, Christopher Columbus—an ambitious navigator native to Genoa, Italy—set sail for new horizons. Aboard the Niña, the Pinta, and the Santa María, his expedition went west for a months-long journey. Though his first of four voyages across the Atlantic did not end at his desired destination of Asia, Columbus’s adventure reflected the insatiable thirst for exploration that continues to drive us as a people.

Columbus’s legacy is embodied in the spirit of our Nation. Determined and curious, the young explorer persevered after having been doubted by many of his potential patrons. Once opportunity struck, when Ferdinand II and Isabella I agreed to sponsor his trip, he seized the moment and pursued what he knew to be possible. Columbus’s arrival in the New World inspired many and allowed for generations of Italians to follow—people whose Italian-American heritage contributes in immeasurable ways to making our country what it is, and who continue to help strengthen the friendship between the United States and Italy.

Though these early travels expanded the realm of European exploration, to many they also marked a time that forever changed the world for the indigenous peoples of North America. Previously unseen disease, devastation, and violence were introduced to their lives—and as we pay tribute to the ways in which Columbus pursued ambitious

goals—we also recognize the suffering inflicted upon Native Americans and we recommit to strengthening tribal sovereignty and maintaining our strong ties.

In the years since Columbus’s time, the legacy of early explorers has carried on in the wide eyes of aspiring young dreamers and doers, eager to make their own journeys and to continue reaching for the unknown and unlocking new potential.

In commemoration of Christopher Columbus’s historic voyage 523 years ago, the Congress, by joint resolution of April 30, 1934, and modified in 1968 (36 U.S.C. 107), as amended, has requested the President proclaim the second Monday of October of each year as “Columbus Day.”

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim October 12, 2015, as Columbus Day. I call upon the people of the United States to observe this day with appropriate ceremonies and activities. I also direct that the flag of the United States be displayed on all public buildings on the appointed day in honor of our diverse history and all who have contributed to shaping this Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of October, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9349 of October 14, 2015

Blind Americans Equality Day, 2015

By the President of the United States of America

A Proclamation

Blind and visually impaired individuals make extraordinary contributions to our Nation, and their achievements reflect an enduring belief at the heart of America’s promise: that no person’s potential should be limited by anything other than the scope of their dreams. On Blind Americans Equality Day, we recommit to making good on this promise by ensuring all our people, including those living with visual impairments or other print disabilities, have the tools and resources they need to realize their greatest aspirations.

Twenty-five years ago, our country took a major step toward achieving this goal with the passage of the Americans with Disabilities Act, which mandates all places that comprise our shared life remain accessible to all people. And each day, in part thanks to this law, millions of legally blind and visually impaired Americans are better able to develop their skills and contribute to communities across our country.

My Administration remains committed to ensuring ours is a Nation where the blind community has every chance to fully realize their incredible talents. Earlier this year, we hosted the White House Summit on Disability and Employment, which provided businesses, organizations, and advocates with information and Federal resources for hiring

individuals with disabilities. Additionally, we have prioritized improving the accessibility of Federal Government Web sites for people with disabilities. We also continue to support the inclusion of Braille in our Nation's schools—because no child should be prevented from reaching their fullest potential due to blindness or vision impairment. And across all levels of government, we are working to expand access to high-quality workforce, education, and rehabilitation services for Americans with disabilities.

Blind and visually impaired people are valued members of our communities, and from lecture halls to laboratories and sports stadiums to conference rooms, they drive meaningful progress and help build a stronger, more vibrant Nation. On Blind Americans Equality Day, we rededicate ourselves to building a society where everyone has an equal shot at the American dream and can benefit from all our country has to offer.

By joint resolution approved on October 6, 1964 (Public Law 88–628, as amended), the Congress designated October 15 of each year as “White Cane Safety Day” to recognize the contributions of Americans who are blind or have low vision. Today, let us reaffirm our commitment to being a Nation where all our people, including those with disabilities, have every opportunity to achieve their dreams.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 15, 2015, as Blind Americans Equality Day. I call upon public officials, business and community leaders, educators, librarians, and Americans across the country to observe this day with appropriate ceremonies, activities, and programs.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of October, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9350 of October 15, 2015

Minority Enterprise Development Week, 2015

By the President of the United States of America

A Proclamation

America is at its best when all our people have the tools and resources they need to pursue their dreams and meet their full potential. Entrepreneurs help spur innovation and prosperity, and ensuring that minority-owned businesses remain strong and vibrant is vital to driving our Nation's progress. During Minority Enterprise Development Week, we recognize the crucial role they play in our economy, and we recommit to upholding one of our founding ideals: that all people—regardless of what they look like or where they come from—can reach for their piece of the American dream and contribute to our country's success.

Minority-owned firms comprise over one-fifth of our Nation's businesses and add \$1 trillion in output to our economy each year. My Administration is committed to supporting these engines of growth, which is why we have cut taxes 18 times for America's small businesses—of which roughly 15 percent are minority-owned. Many minority enterprises also depend on exports as an important source of revenue, and I am pursuing a trade agenda that will allow our businesses to be at the center of today's global economy—further enabling them to expand their horizons while strengthening our middle class. And in an effort to equip the business community with the most relevant information needed to navigate bureaucracy, we launched www.Business.USA.gov, where firms can find services to help them hire more people and grow their enterprise.

For over two centuries, America has advanced thanks to the grit and inherent ingenuity of our people. Throughout Minority Enterprise Development Week, let us rededicate ourselves to continuing this legacy by empowering all our citizens to utilize their unique talents and abilities and by working to ensure our minority-owned enterprises have every chance to flourish and succeed.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 18 through October 24, 2015, as Minority Enterprise Development Week. I call upon all Americans to celebrate this week with appropriate programs, ceremonies, and activities to recognize the many contributions of our Nation's minority enterprises.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of October, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9351 of October 16, 2015

National Character Counts Week, 2015

By the President of the United States of America

A Proclamation

Since our Nation's founding, generations of people of goodwill have contributed to the basic notion that America succeeds when we look out for one another and lend a hand to building a brighter future for our children and grandchildren. As we celebrate National Character Counts Week, we draw inspiration from those who paved the way for greater tolerance and empathy among all people, recognize the efforts and abilities of those around us, and work to carry forward our common principles and instill them in the hearts and minds of future generations.

In every corner of our country and the globe, we see ordinary people whose desire to make a difference reflects the best of our innate human character. They are the brave men and women in uniform who serve and sacrifice to protect the freedoms we hold dear, and the educators

and mentors who tirelessly strive to lift up the lives of those who look up to them. They are parents and coaches and neighbors and colleagues, and in every community they are combatting cynicism and working to realize a better tomorrow for strangers and friends alike. Whether they are the first responders who keep us safe or simply good-hearted citizens, these individuals exemplify our shared values and stand for a powerful fundamental truth: Our society is what we make of it, and each of us—no matter who we are or where we come from—can make meaningful change in the lives of others.

This week, as we hold true to the ideals that bind us together, let us remind our children of their important role in charting our journey forward and empower them with strength and conviction to pursue progress with hope and compassion. If they are able to draw on the inherent qualities of our Nation's character—our commitment to each other, our courage and optimism in the face of challenges, and our determination to make the world we share a better place—I am confident they will continue serving as stewards of kindness and charity and contributing to a fairer, more generous, more peaceful America.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 18 through October 24, 2015, as National Character Counts Week. I call upon public officials, educators, parents, students, and all Americans to observe this week with appropriate ceremonies, activities, and programs.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of October, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9352 of October 16, 2015

National Forest Products Week, 2015

By the President of the United States of America

A Proclamation

America's forests have defined the landscapes of our country's natural beauty for centuries, and protecting them is imperative to preserving our world for future generations. In addition to providing renewable energy, wildlife habitat, soil health, local foods, and water, they purify the air we breathe and support an industry that employs more than one million Americans. Each day, we use a wide range of forest products—from the wood in our homes to the paper we write on to the packaging that protects our food, medicine, and other goods we rely on. During National Forest Products Week, we recognize the ways in which our Nation's forests contribute to our livelihood and recommit to ensuring their health and stability for centuries to come.

Forests today are at risk due to increasingly extreme wildfires, droughts, severe outbreaks of insects and disease, and climate change. My Administration is committed to sustaining their health and resil-

iency and to increasing the pace and scale of forest restoration. By collaborating with States, local governments, tribes, industry, private land owners, and other partners, we are working to ensure our forests stay strong and the trails that wind throughout remain intact for all to enjoy. As part of our effort to address climate change, we launched the Climate Action Plan, which recognizes that forests are critical to our effort to address carbon pollution and that we must conserve and restore our forests to protect biodiversity, water resources, and our livelihoods. Additionally, through our America's Great Outdoors Initiative, we are enabling individuals and communities in every corner of our country to take up the cause of safeguarding these natural wonders.

The natural resources and materials provided by forests are essential to our way of life. From timber to biofuels, forests can provide sustainable sources of important goods, and America will continue to benefit from their strength and vitality. Healthy forests lead to a strong economy, a clean environment, and a sustainable future for all our people. During National Forest Products Week, let us rededicate ourselves to preserving them and pledge to always remember the irreplaceable role they play in our lives.

To recognize the importance of products from our forests, the Congress, by Public Law 86–753 (36 U.S.C. 123), as amended, has designated the week beginning on the third Sunday in October of each year as “National Forest Products Week” and has authorized and requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim October 18 through October 24, 2015, as National Forest Products Week. I call on the people of the United States to join me in recognizing the dedicated individuals who are responsible for the stewardship of our forests and for the preservation, management, and use of these precious natural resources for the benefit of the American people.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of October, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9353 of October 22, 2015

United Nations Day, 2015

By the President of the United States of America

A Proclamation

Seventy years after a world ravaged by war and injustice came together to chart the course for a future defined by common ideals, we reflect on the progress made and the work that remains to fully realize the vision set out in the United Nations Charter. Across our increasingly interconnected globe, the principles embodied in that founding document—and in the international system built over decades—are more essential than ever. As we celebrate the central role the United Nations plays in resolving conflict, providing humanitarian assistance, and

spurring sustainable development, we reaffirm our commitment to pursuing a more just and peaceful world for generations to come.

Since the end of World War II, the United Nations has provided a forum for all countries to come together around the same rules and norms to help advance development and security; bolster ties between member states; and conquer disease, hunger, and poverty. During this time, we have seen great advances in health and education, the emergence of a global economy connecting every region of the globe through groundbreaking developments in commerce and technology, and the rise of more democratic governments. Even as we recognize the significance of the progress that has been made, we know that grave challenges to our common security and principles risk pulling us back to a more disordered world. In meeting those threats, we must summon the spirit of unity and cooperation at the heart of the United Nations Charter—signed in 1945 by 51 countries—and rededicate ourselves in support of the United Nations.

Inherent in the idea of the United Nations is the notion that the peoples of the world are bound by more than geography—that we all belong to a community that is capable of working together to protect our security, our environment, and our health; that is committed to ensuring the dignity and rights of people around the world are safeguarded; and that is dedicated to preserving the cultural and natural treasures of the earth. As we commemorate the 70th anniversary of the founding of the United Nations, let us resolve to forge a future of greater peace and cooperation. With enduring effort and dedication to make real the ideals that guide us, continued progress can remain within our reach.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 24, 2015, as United Nations Day. I urge the Governors of the 50 States, and the officials of all other areas under the flag of the United States, to observe United Nations Day with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-second day of October, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9354 of October 28, 2015

National Adoption Month, 2015

*By the President of the United States of America
A Proclamation*

All young people deserve a safe place to live, and with each passing year, more children know the warmth and comfort of a loving family thanks to adoptive parents. People who adopt do so for a variety of reasons, but they are united in the kindness and devotion they show toward children—the people who need it most. During National Adoption Month, we recognize the selflessness of adoptive families, and we

thank them for opening their hearts and their doors to young people in need of a safe, stable place to call home.

More than 400,000 children are in foster care across America today, and over 100,000 of these children are waiting for an adoptive home. Last year, over 23,000 youth aged out of the foster care system without having found their forever families. When people adopt, they open up a world of promise and possibility by providing a steady, supportive environment for youth to live in. November 21 marks National Adoption Day, when we unite as families, advocates, and communities—and as a country—to raise awareness of the barriers to adoption and recommit ourselves to moving more of our young people into permanent homes.

My Administration is dedicated to supporting adoptive parents and making it easier for families to adopt. Earlier this year, I implemented new Federal Government leave policies aimed at expanding workplace flexibility and helping employees who are balancing the needs of their family, including the birth or adoption of a child, with the demands of their job. I was proud to permanently extend the Adoption Tax Credit, which helps provide necessary financial support to adoptive families to ease the economic burden of the adoption process. And last summer, the Intercountry Adoption Universal Accreditation Act went into effect—a law I signed to enforce our high legal standards for adoption service providers and to protect parents and children of adoptive families around the world.

Families across our country won a victory earlier this year when the Supreme Court ruled that the Constitution guarantees marriage equality—affirming the notion that LGBT couples deserve to be treated equally. This ruling was a victory for same-sex couples who have fought for equality and for children whose parents' marriages will now be recognized as legitimate throughout America. And because of the ruling, more kids in foster care will now have the chance to be welcomed into a loving and supportive family to call their own.

As we come together to give thanks and show our appreciation for the professionals who work tirelessly to ensure the adoption process runs smoothly and efficiently, we celebrate the stories of those who have been permanently and positively affected by adoption. During National Adoption Month, let us embrace the unique place adoptive families have in America, and let us extend our fullest gratitude to all those who have welcomed home a child in need.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 2015 as National Adoption Month. I encourage all Americans to observe this month by answering the call to find a permanent and caring family for every child in need and by supporting the families who care for them.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of October, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9355 of October 28, 2015**National Alzheimer's Disease Awareness Month, 2015**

By the President of the United States of America

A Proclamation

Each year, people with Alzheimer's disease experience devastating physical and emotional challenges, as the abilities to remember, learn, and think worsen over time—and their loved ones face challenges right alongside them. Although Alzheimer's is the most common form of dementia, it is often misunderstood, and misperceptions about the disease can isolate and stigmatize people with dementia and their families. This month, and every month, we stand with the more than 5 million people in the United States who live with Alzheimer's and with the caregivers who help them age with dignity.

The Federal Government is the leading funder of Alzheimer's research, and together with the scientific community, patient advocates, and advocacy groups, we are supporting a broad portfolio of research as part of the National Plan to Address Alzheimer's Disease—which maps concrete goals toward the prevention and effective treatment of Alzheimer's by 2025. With the expansion and innovation of research initiatives, we are gaining new insight on how to delay, treat, and prevent this disease. We are also continuing to make investments in the Brain Research through Advancing Innovative Neurotechnologies (BRAIN) Initiative, which will advance our understanding of the most intricate aspects of the human mind to address diseases that affect the brain. And earlier this year, I announced a new Precision Medicine Initiative, an effort aimed at bringing us closer to a cure for diseases like Alzheimer's by accelerating biomedical discoveries and providing clinicians with new tools, knowledge, and therapies to select treatments that will work best for individual patients.

As some of the brightest minds in our Nation and across the world work toward finding a cure for Alzheimer's, we must also focus time and resources on finding better ways to support the family caregivers who selflessly give of themselves each day. Caregivers around America show incredible devotion to those they look after, and caring for a person with Alzheimer's can have profound effects on one's emotional, financial, and physical well-being. As they work to promote the health of others, their dedication and compassion remind us that we are all our brothers' and sisters' keepers, and we must show the same level of support for caregivers as they show their loved ones with dementia. To learn more about what the Federal Government is doing to support research and programs for families and caregivers, visit www.Alzheimers.gov.

This November, let us focus our Nation's attention on the challenges posed by Alzheimer's disease, which families across America courageously face every day. As we continue our work to eliminate Alzheimer's disease and forge a future free from it, let us lift up the lives of those living with it, and let us do all we can to honor those it has taken from us too soon.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim Novem-

ber 2015 as National Alzheimer's Disease Awareness Month. I call upon the people of the United States to learn more about Alzheimer's disease and support the individuals living with this disease and their caregivers.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of October, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9356 of October 28, 2015

National College Application Month, 2015

By the President of the United States of America

A Proclamation

Our Nation was built on the idea that no matter where you come from or what you look like, you can make it if you try. Expanding access to affordable higher education is key to safeguarding this ideal. A college degree is the surest ticket to the middle class, and broadening paths to education so more people have the chance to earn post-secondary degrees and credentials is the best way to make sure all our people can contribute to writing our country's next great chapters. During National College Application Month, we pledge our support for those across America who are taking steps toward earning a degree, and we continue our work to ensure all Americans can access the tools and resources necessary to make informed decisions about college.

My Administration has made it a priority to equip aspiring college students and their families with data on college costs, value, and admissions so they can make choices that are right for their futures and their budgets. Earlier this year, we redesigned the Department of Education's College Scorecard, which can be found at CollegeScorecard.ed.gov, with input from those who use it most—students, families, and advisers. It can now be used to compare schools' affordability, graduation rates, post-college salaries, and employment outcomes for former students. We also launched the *Better Make Room* campaign, which supports First Lady Michelle Obama's Reach Higher initiative and gives students a platform to share their goals, progress, and stories to lift each other up and inspire one another to continue pursuing an education. And across our country, organizations are partnering with government to ensure first-generation college students and students in low-income communities have the resources and support to go to school and tap into their incredible potential.

Our effort to expand access to higher education includes making community college more affordable. Community colleges are essential pathways to the middle class for millions of people: They work for veterans transitioning back into civilian life, families who need flexible schedules due to work or childcare, and people who are seeking to hone new skills and are not able to go back to school for 4 years. That is why I announced a plan earlier this year to make 2 years of community college free for anyone willing to work for it—because in the United

States of America, a quality education should not be a privilege that is reserved for a few, but a right for everybody who strives for it.

Getting a higher education has never been more important, but it has also never been more expensive, and my Administration has been working to streamline the process for obtaining Federal financial aid. Next year, students and families will be able to apply for aid earlier, beginning on October 1, and use tax data from their most recent return rather than waiting to finalize applications until the following year's tax season. Additionally, we have made it easier to complete the FAFSA—the standard form used when applying for aid from the Federal Government—and we have created a new tax credit of up to \$2,500 for working families to pay for things like textbooks and tuition. To make loans more manageable for students and families, we increased Pell Grant funding, capped loan repayments at 10 percent of a borrower's income, and enacted a commonsense plan to keep interest rates on student loans at reasonable levels. All together, these actions could help hundreds of thousands of students pay for college. For resources and more information about the steps we are taking to expand access to the opportunities a higher education provides, visit www.WhiteHouse.gov/ReachHigher.

At such a critical time in people's lives, we owe it to them to make sure they have the necessary resources and information to confidently make the important decisions that come with applying to college. This month, let us strive to expand access to quality higher education for all people and to make real our Nation's promise of opportunity. Together, we can once again secure our status as the country with the highest proportion of college graduates in the world, and we can forge a future where dreams know no bounds.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 2015 as National College Application Month. I call upon public officials, educators, parents, students, and all Americans to observe this month with appropriate ceremonies, activities, and programs designed to encourage students to make plans for and apply to college.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of October, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9357 of October 29, 2015

**Critical Infrastructure Security and Resilience Month,
2015**

*By the President of the United States of America
A Proclamation*

Our Nation's critical infrastructure is central to our security and essential to our economy. Technology, energy, and information systems play

a pivotal role in our lives today, and people continue to rely on the physical structures that surround us. From roadways and tunnels, to power grids and energy systems, to cybersecurity networks and other digital landscapes, it is crucial that we stay prepared to confront any threats to America's infrastructure. During Critical Infrastructure Security and Resilience Month, we rededicate ourselves to safeguarding our infrastructure by staying attentive, alert, and ready to respond to any threats toward our homeland and our assets.

Ensuring our country has a secure and stable infrastructure is essential to our national security efforts. Our systems and networks extend beyond the scope of government. Many are owned by private industry, and my Administration is committed to partnering with private entities, as well as State and local governments, to secure our critical infrastructure. Earlier this year, we convened some of America's top infrastructure planning experts at the White House to highlight and advance important work to improve our Nation's resilience. We also continue to collaborate with stakeholders to mitigate risks and confront threats as part of the National Infrastructure Protection Plan. Additionally, to support the Build America Investment Initiative—a Federal effort to assist communities in constructing better and more efficient infrastructure projects—we released a Federal Resource Guide for Infrastructure Planning and Design. This guide informs communities about relevant Federal resources and noteworthy case studies, and it outlines updated principles to guide infrastructure projects.

By some estimates, we are currently underinvesting in our infrastructure by hundreds of billions of dollars each year. I have called on the Congress to pass a bipartisan infrastructure plan to create jobs and make America stronger. Not only is it a threat to our national security, but failing to maintain and strengthen our infrastructure also jeopardizes our economic growth and closes doors of opportunity for all our citizens. Our people and our businesses require an advanced infrastructure—modern ports, stronger bridges, faster trains, a modern grid, and high-speed Internet—and I am committed to efforts to build one.

No challenge demands modern infrastructure more than combatting climate change—the gravest threat to future generations, particularly to communities and populations with strained resources. Drawing on current efforts, my Administration is reinforcing our infrastructure projects and making them more clean, sustainable, efficient, and resilient. Together with States, local governments, and tribal communities, we are planning new roads, transit lines, and other methods of transportation and power generation that bolster our country's resilience in the face of climate change.

We have more power at our fingertips than ever before to communicate, collaborate, and make transactions each day across the world we share. This month, let us remind ourselves of the value of our infrastructure, while recognizing the challenges of protecting it. Together, we can safeguard the advances we have made as a people by securing our critical infrastructure and remaining vigilant in the face of any and all threats, both here at home and around the globe.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 2015 as Critical Infrastructure Security and Resilience Month. I call

upon the people of the United States to recognize the importance of protecting our Nation's infrastructure and to observe this month with appropriate events and training to enhance our national security and resilience.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of October, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9358 of October 29, 2015

Military Family Month, 2015

*By the President of the United States of America
A Proclamation*

Since our country's founding, brave members of our military have stood strong as one American team, ready to defend our homeland and safeguard the values for which we stand. They represent the best our Nation has to offer, and serving alongside them are proud and loving family members—heroes on the home front. Each day, they make sacrifices for their loved ones and their country. They have answered their call of duty, and as a Nation, we must answer ours and serve them as well as they have served us. During Military Family Month, we pay tribute to and thank our military families for their service to our country, and we recognize the extraordinary ways in which they give of themselves for us all.

Our troops keep our Nation safe from threats here at home and around the world, and our journey forward is not sustained by those in uniform alone. The United States is stronger and safer thanks to the millions of military family members who, in sacrificing cherished moments with their loved ones, selflessly afford us precious time with ours. Demonstrating the highest form of patriotism and persevering in the most demanding of circumstances, some endure hard separations throughout multiple deployments. Spouses press pause on their careers or strive to balance work and family while their loved ones are away. The two million children of service members work hard to keep up their studies and make new friends, despite transferring school systems an average of 6 to 9 times. And following the homecoming ceremonies and celebrations, family and friends stand beside our veterans, encouraging and uplifting them as they face the challenges of transitioning back into civilian life.

My Administration is committed to translating our Nation's gratitude into sustainable, meaningful support. This year, we continued the work of providing our military families with tools and resources such as relocation assistance, child care, and counseling services that help families while their loved ones are serving. Additionally, through the Joining Forces initiative, First Lady Michelle Obama and Dr. Jill Biden have made tremendous strides in connecting military spouses with employment opportunities. Since Joining Forces was launched in 2011, over 850,000 veterans and military spouses have secured gainful em-

ployment thanks to the initiative. All 50 States have now responded to the First Lady and Dr. Biden's call to action to take steps to streamline ways for service members and veterans to obtain civilian credentials and licensure in their States. These collaborative efforts have dramatically lowered veteran unemployment and have helped inspire military families to continue pursuing their dreams and reaching for their highest aspirations.

America endures because of the men, women, and families who serve and sacrifice to defend our Nation and protect the ideals we hold dear. This month, and in the months to come, let us show our enduring gratitude to military families and their loved ones in uniform for contributing to our Nation's legacy as a beacon of hope and liberty. Their courage serves as a model of character and distinction, and their devotion to our country must be met with the recognition it deserves.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 2015 as Military Family Month. I encourage all Americans to honor military families through private actions and public service for the tremendous contributions they make in support of our service members and our Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of October, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9359 of October 29, 2015

National Entrepreneurship Month, 2015

By the President of the United States of America

A Proclamation

Since our Nation's founding, our progress has been fueled by an inherent sense of purpose and ingenuity in our people. Americans have more opportunities now than ever before to carry forward this legacy—to create something, to raise capital in creative ways, and to pursue aspirations. During National Entrepreneurship Month, we revisit our roots as a country of dreamers and doers, and we celebrate and support the next generation of American entrepreneurs.

Bold ideas demand bold progress, and my Administration is committed to ensuring ours is a country that encourages and supports those willing to take risks and pioneer innovation. The Affordable Care Act is opening doors of opportunity for America's aspiring entrepreneurs, enabling them to find affordable health insurance through the marketplace and providing them the flexibility they need to steer their own journey forward. To further provide economic security for those seeking to start a business or market their invention, I have signed 18 tax cuts for small businesses since taking office. I also remain committed to net neutrality, because we do not want to lose the Internet's poten-

tial to empower innovative startups and unleash the breakthroughs of tomorrow.

In keeping with our goal of fostering economic growth through private-sector collaboration, the Federal Government is accelerating the movement of new technologies from the laboratory to the marketplace, increasing access to research awards for small businesses, making more data open to the public, and catalyzing new industry partnerships in critical fields such as advanced manufacturing and clean energy. And earlier this year, I signed an Executive Order to make the Presidential Innovation Fellows program a permanent component of the Federal Government. This program will bring entrepreneurs, executives, technologists, and other innovators to Washington and help reinvigorate how our Government serves our citizenry.

My Administration is also continuing to expand access to capital, connect mentors, cut red tape, and accelerate innovation through the Startup America initiative. This summer, we hosted the first-ever White House Demo Day, where startup founders of many backgrounds and from many corners of our country came together to showcase their innovations and where we announced major new commitments from investors, companies, universities, and cities to promote inclusive entrepreneurship. And because we understand that jobs in technology that go unfilled are missed opportunities for American workers to find better, higher-earning jobs and for businesses to recruit the talent needed to start and expand in the United States, we launched TechHire. This initiative works with communities and employers on innovative training and placement programs to connect trained workers with entrepreneurial opportunities and well-paying jobs. As we work to secure America's status as the best place on the planet to generate sweeping innovation, we must continue to make it easier for startup hotbeds to emerge across our Nation and for those underrepresented in entrepreneurship to contribute their individual ideas and talents to our collective success.

Fostering a spirit of innovation is important not just for entrepreneurs in the United States, but for consumers and people hoping to start their own businesses around the world. Entrepreneurship builds stronger and more secure communities, empowering people of every gender, race, and background. That is why, this summer, we hosted the 6th annual Global Entrepreneurship Summit in Kenya, a gathering that brought attention to the extraordinary potential and dynamism of Africa, and where we expanded our commitment to supporting entrepreneurs—including young people and women. To spur greater economic growth and set higher standards for trade and investment across the globe, we continue to work toward ensuring the success of the Trans-Pacific Partnership, a trade pact that opens doors to new markets for American entrepreneurs and allows them to compete in more economies.

I have also taken action to fix our Nation's broken immigration system, including measures to encourage more immigrant entrepreneurs to come to America, create jobs, contribute to our economy, and use their talents to help drive our country's progress. The White House Task Force on New Americans is working to highlight the contributions of immigrants and refugees who start a business, and because immigrants are more likely than non-immigrants to start a business, the Task Force

is engaging communities to provide these new American entrepreneurs with the tools they need to grow and expand their enterprises.

Ensuring our economy works better for everyone means enabling all our people to make of their lives what they will. By supporting entrepreneurs, we can help ensure our daughters and sons are able to do whatever they set out to accomplish and achieve their highest aspirations. As we celebrate National Entrepreneurship Month and Global Entrepreneurship Week, let us recommit to upholding our founding promise: that no matter who you are or where you come from, with talent, hard work, and dedication, you can make it if you try.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 2015 as National Entrepreneurship Month. I call upon all Americans to commemorate this month with appropriate programs and activities, and to celebrate November 17, 2015, as National Entrepreneurs' Day.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of October, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9360 of October 30, 2015

National Diabetes Month, 2015

*By the President of the United States of America
A Proclamation*

Approximately 1 out of every 11 Americans lives with diabetes. The seventh leading cause of death in the United States, diabetes is a serious condition that can lead to critical health issues such as heart disease, blindness, and kidney failure, and can sometimes require amputations of lower limbs. During National Diabetes Month, we recognize the impact diabetes has on people's lives, and we rededicate our talents, skills, and knowledge to preventing, treating, and curing it.

Type 1 diabetes often develops in youth and is a result of the body not producing enough insulin. Insulin treatment and keeping blood glucose levels as close to normal as possible can help people manage this disease. Type 2 diabetes—the most common form—affects people of all ages, though most frequently it is diagnosed in adults. However, type 2 diabetes has become increasingly prevalent among young people, largely due to increasing obesity rates. African Americans, Hispanic Americans, American Indians, and Asian Americans and Pacific Islanders are at particularly high risk of developing type 2 diabetes, as are people who are overweight and those who do not participate in regular physical activity. Taking diabetes medications as prescribed, getting plenty of regular exercise, eating healthily, and controlling blood pressure and cholesterol levels can help manage type 2 diabetes.

Some people may experience higher than normal glucose levels, though not at levels high enough to be called diabetes. Roughly 86 million Americans have this condition, known as prediabetes—and for these individuals the risk of developing type 2 diabetes can be mitigated with exercise, healthy eating, and weight loss. Gestational diabetes is another form of the disease, which can develop when a woman is pregnant. Women with a history of gestational diabetes are at greater risk of developing type 2 diabetes in the future. More information on diabetes, as well as actions people can take to prevent, treat, and manage it, can be found at www.NDEP.NIH.gov.

My Administration remains committed to supporting people living with diabetes and to finding a cure for all types of the disease. The Affordable Care Act now requires coverage of preventive services—such as diabetes screenings for those who have high blood pressure or are pregnant—at no additional cost. The law also ensures that individuals are not denied health coverage based on pre-existing conditions. Additionally, earlier this year I launched the Precision Medicine Initiative, an effort aimed at bringing us closer to a cure for diseases like diabetes by accelerating biomedical discoveries and providing clinicians with new tools and knowledge to select which treatments will work best for individual patients. In addition, through a comprehensive and sustained effort, the First Lady's *Let's Move!* initiative is working to put kids on a path to a healthier future by ensuring every family has access to healthy, affordable food, and by helping kids maintain an active lifestyle.

During National Diabetes Month, let us honor those we have lost to diabetes by pledging our full support for those currently living with it, and let us reinvigorate our resolve to find a cure. Together, by drawing on the inherent ingenuity and innovation of our people, we can advance the cause of treating this disease and safeguard the gift of a long, happy, and healthy life for all of America's daughters and sons.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 2015 as National Diabetes Month. I call upon all Americans, school systems, government agencies, nonprofit organizations, health care providers, research institutions, and other interested groups to join in activities that raise diabetes awareness and help prevent, treat, and manage the disease.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of October, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9361 of October 30, 2015**National Family Caregivers Month, 2015**

By the President of the United States of America

A Proclamation

Day in and day out, selfless and loving Americans provide care and support to family members and friends in need. They are parents, spouses, children, siblings, relatives, and neighbors who uphold their unwavering commitment to ensure the lives of their loved ones shine bright with health, safety, and dignity. During National Family Caregivers Month, we rededicate ourselves to making sure our selfless caregivers have the support they need to maintain their own well-being and that of those they love.

One of the best measures of a country is how it treats its older citizens and people living with disabilities, and my Administration is dedicated to lifting up their lives and ensuring those who care for them get the support and recognition they deserve. Earlier this year, older Americans and caregivers, as well as their advocates, came together at the White House Conference on Aging, which provided an opportunity to discuss ways to identify and advance actions to improve quality of life for our Nation's elderly. Through the Affordable Care Act, we are providing more options to help older Americans remain in their homes as they age, and the law is giving caregivers the peace of mind of having access to quality, affordable health insurance. Additionally, I will keep pushing to make paid family leave available for every American, regardless of where they work—because no one should have to sacrifice a paycheck to care for a loved one.

When our men and women in uniform come home with wounds of war—seen or unseen—it is our solemn responsibility to ensure they get the benefits and attentive care they have earned and deserve. Caregivers in every corner of our country uphold this sacred promise with incredible devotion to their loved ones, and my Administration is committed to supporting them. We have extended military caregiver leave to family members of eligible veterans dealing with serious illness or injury for up to 5 years after their service has ended, and we remain dedicated to providing greater flexibility for our military families and for the members of our Armed Forces as they return home and handle the transition to civilian life.

For centuries, we have been driven by the belief that we all have certain obligations to one another. Every day, caregivers across our country answer this call and lift up the lives of loved ones who need additional support. During National Family Caregivers Month, let us honor their contributions and pledge to continue working toward a future where all caregivers know the same support and understanding they show for those they look after.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 2015 as National Family Caregivers Month. I encourage all Americans to pay tribute to those who provide for the health and well-being of their family members, friends, and neighbors.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of October, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9362 of October 30, 2015

National Native American Heritage Month, 2015

By the President of the United States of America

A Proclamation

American Indians and Alaska Natives enrich every aspect of our country. As the first to live on this land, Native Americans and their traditions and values inspired—and continue to inspire—the ideals of self-governance and determination that are the framework of our Nation. This month, we recognize the contributions made by Native Americans since long before our founding, and we resolve to continue the work of strengthening government-to-government ties with tribal nations and expanding possibility for all.

Native Americans have helped make America what it is today. As we reflect on our history, we must acknowledge the unfortunate chapters of violence, discrimination, and deprivation that went on for far too long, as well as the effects of injustices that continue to be felt. While we cannot undo the pain and tragedy of the past, we can set out together to forge a brighter future of progress and hope across Indian Country and the entire American landscape.

Since I took office, I have worked with tribal leaders to write a new chapter in our nation-to-nation relationship. Ensuring young people have every opportunity to succeed is a critical aspect of our work together, and this year my Administration hosted the inaugural White House Tribal Youth Gathering following the launch of Generation Indigenious—an initiative aimed at improving the lives of Native youth and empowering the next generation of Native leaders. We will also host the seventh White House Tribal Nations Conference later this year, bringing together leaders of 567 tribes to explore opportunities for progress, with a particular focus on young people. As part of our agenda for providing Native youth the chance to realize their fullest potential, I have engaged tribal communities in a range of critical areas, and we have worked together to boost high school graduation rates and afford young people more chances to pursue higher education, employment, and professional development opportunities. We're also working to expand access to health and counseling services essential to ensuring youth feel safe and heard.

My Administration has continued to partner with tribes to address vital gaps in resources for Indian Country, including equipping communities with broadband, rebuilding infrastructure, spurring economic growth, and increasing renewable energy. To confront the peril of a changing climate, we are also working with tribal leaders across America to develop effective approaches to protecting our communities from this grave threat. And because we know that fostering pride in the lan-

guages, traditions, and practices that make up the extraordinary richness of Native American culture is central to our shared progress, my Administration remains committed to ensuring every community feels connected to the extraordinary legacies they are a part of.

This month, let us reaffirm our responsibility to ensure each generation is defined by a greater sense of opportunity than the last, and let us pledge to maintain our strong relationship with tribal nations across America. By keeping this commitment, and by endeavoring to shape a future in which every citizen has the chance to build a life worthy of their hopes and dreams, we can ensure that ours is a country that is true to our spirit and to our enduring promise as a land where all things are possible for all people.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 2015 as National Native American Heritage Month. I call upon all Americans to commemorate this month with appropriate programs and activities, and to celebrate November 27, 2015, as Native American Heritage Day.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of October, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9363 of October 30, 2015

National Apprenticeship Week, 2015

*By the President of the United States of America
A Proclamation*

At the heart of our Nation's promise lies a simple truth: If you work hard you can get ahead, earn a decent-paying job, and secure a brighter future for yourself and your family. To make this promise real, our economy has to work for everyone, and that begins with providing all our people with the tools and resources they need to utilize their unique talents to contribute to our country's success. Apprenticeships offer this opportunity, and over 430,000 Americans participate in these programs today. During National Apprenticeship Week, we recognize the ways apprenticeships foster innovation and prosperity, and we recommit to encouraging and supporting those who offer and partake in them.

Without the skills to get new, higher-wage jobs, and without the knowledge to adapt to new machinery, systems, technology, and techniques, the American worker could fall behind. Apprenticeships help people upgrade their skills and keep pace with the demands of the 21st century. Today, in part thanks to strong cooperation between labor and management, 87 percent of apprentices find employment after completing their program, and their average starting wage is above \$50,000. And over the course of their lifetimes, workers who complete an apprenticeship on the job may earn hundreds of thousands of dollars

more than their peers who do not. According to multiple studies, the payout is good for employers, too—they see significant returns in the form of increased productivity, reduced waste, and greater innovation.

Across America, employers, educators, labor leaders, and elected officials are joining together to encourage and support apprenticeships. Businesses are preparing workers for jobs in advanced manufacturing, information technology, health care, and other industries, while unions are helping their members secure new and more gainful employment. Hundreds of our Nation's colleges are awarding credit toward a degree for completing an apprenticeship program. And State and local governments in every corner of our country have been working to help America succeed by investing in programs to train our workers for the jobs of tomorrow.

At the Federal level, my Administration is committed to enabling hard-working people to earn and learn at the same time by supporting job-driven training initiatives like apprenticeships. Today, 55,000 more apprenticeship positions are available than there were at the start of 2014. To build on this progress, we awarded \$175 million in grants to 46 apprenticeship programs around America. This investment will provide training opportunities for 34,000 new apprentices over the next 5 years, ensure apprenticeships are available to diverse and historically underrepresented populations, and provide a framework for apprenticeship opportunities to grow. Earlier this year, we hosted the White House Summit on ApprenticeshipUSA, bringing together over 140 employers, labor and education organizations, community-based groups, and others to recognize their commitment and to generate the best ideas on how to expand these programs. Additionally, I urged the Congress to create a \$2 billion Apprenticeship Training Fund to double the number of apprentices in America, and I have called on businesses to offer more educational benefits and paid apprenticeships to their employees regardless of their level of education.

Our country thrives when all our citizens play a role in driving it forward. If we create good jobs and help workers get the skills they need to succeed in those jobs, we can restore the link between hard work and growing opportunity for every American. During National Apprenticeship Week, let us support and encourage apprenticeship programs that will help rebuild our middle class, and let us rededicate ourselves to educating more of our people, retraining our workforce, and renewing our Nation's promise to put the American dream within the reach of the determined.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 1 through November 7, 2015, as National Apprenticeship Week. I urge the Congress, State and local governments, educational institutions, industry and labor leaders, and all Americans to support apprenticeship programs in the United States and to raise awareness of their contributions to our country.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of October, in the year of our Lord two thousand fifteen, and of

the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9364 of November 5, 2015

Veterans Day, 2015

By the President of the United States of America

A Proclamation

The United States military is the strongest, most capable fighting force the world has ever known. The brave men and women of our Army, Navy, Air Force, Marine Corps, and Coast Guard demonstrate a resolute spirit and unmatched selflessness, and their service reminds us there are few things more American than giving of ourselves to make a difference in the lives of others. On Veterans Day, we reflect on the immeasurable burdens borne by so few in the name of so many, and we rededicate ourselves to supporting those who have worn America's uniform and the families who stand alongside them.

Our true strength as a Nation is measured by how we take care of our veterans when they return home, and my Administration is committed to ensuring our heroes and their loved ones have every chance to share in the promise they risked their lives to defend. We have made it easier for veterans to convert their military skills to the civilian workforce, enabled more veterans and their family members to attain Federal education benefits, and expanded access to timely, quality health care for all veterans. Just as every veteran deserves the support and benefits they have earned, those who have given everything to defend our homeland deserve a place of their own to call home. To uphold this ideal, First Lady Michelle Obama and Dr. Jill Biden's *Joining Forces* initiative has forged partnerships with local leaders across America to uphold the dignity of every veteran and work to end veterans' homelessness. No one who fights for our country should have to fight for the care they deserve. Earlier this year, I was proud to sign the Clay Hunt Suicide Prevention for American Veterans Act, which fills critical gaps in mental health care by raising awareness and taking steps to improve access to care for those suffering from the invisible wounds of war.

Our veterans left everything they knew and loved and served with exemplary dedication and courage so we could all know a safer America and a more just world. They have been tested in ways the rest of us may never fully understand, and it is our duty to fulfill our sacred obligation to our veterans and their families. On Veterans Day, and every day, let us show them the extraordinary gratitude they so rightly deserve, and let us recommit to pledging our full support for them in all they do.

With respect for, and in recognition of, the contributions our service members have made to the cause of peace and freedom around the world, the Congress has provided (5 U.S.C. 6103(a)) that November 11 of each year shall be set aside as a legal public holiday to honor our Nation's veterans.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim November 11, 2015, as Veterans Day. I encourage all Americans to recognize the valor and sacrifice of our veterans through appropriate public ceremonies and private prayers. I call upon Federal, State, and local officials to display the flag of the United States and to participate in patriotic activities in their communities. I call on all Americans, including civic and fraternal organizations, places of worship, schools, and communities to support this day with commemorative expressions and programs.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of November, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9365 of November 6, 2015

World Freedom Day, 2015

*By the President of the United States of America
A Proclamation*

Twenty-six years ago, after nearly three decades of separating family and friends, the Berlin Wall crumbled under the force of popular will—reuniting Germans from East and West and providing hope to all who believed in the power of a people yearning to be free. The fall of the Iron Curtain liberated a continent from the grip of corrupt dictatorships, and its demise marked a victory for democratic rule over forces that had for too long sealed out the fresh air of freedom. On this day, we honor those who braved extreme hardship in pursuit of progress and reunification, and we reaffirm our support for the citizens of the world who still face obstacles to a better, brighter, and more just future.

In standing with all those behind the Curtain who felt the urgency of the time and who sought a democracy of their own, the United States recognized our own past: A common struggle for individual rights, security, and human dignity. During a stirring defense of these ideals, it was an American President who famously pledged solidarity with Berliners, and another who issued a bold call to tear down what stood between Germany and the blessings of liberty. As we celebrate our friendship with the German people today, we reflect on our history and look to the future with a shared notion of optimism and opportunity.

Through their victory, the people of Berlin inspired the world. Their resolve reminds us that though the scourge of oppression endures, it can never outlast the spirit of a people determined to live free. On this day, let us carry forward the call that echoes through the ages—“Ich bin ein Berliner”—by supporting those who still struggle against tyranny and intolerance, and who continue to seek the everlasting light of liberty.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Con-

stitution and the laws of the United States, do hereby proclaim November 9, 2015, as World Freedom Day. I call upon the people of the United States to observe this day with appropriate ceremonies and activities, reaffirming our dedication to freedom and democracy.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of November, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9366 of November 13, 2015

American Education Week, 2015

By the President of the United States of America

A Proclamation

Education has the power to put aspirations within reach and help make real the promise of opportunity that defines America. That promise begins with making sure all who work hard have an equal shot. By supporting our students, educators, and schools, we can ensure the wellbeing of our Nation, earn back our status as having the highest proportion of college graduates in the world, and safeguard our legacy as a participatory and informed democracy. During American Education Week, we reaffirm our dedication to providing the finest tools, resources, and opportunities to our Nation's students and we recommit to making America a place where individuals are limited by nothing but the scope of their dreams.

In an increasingly competitive and interconnected global economy, nothing is more important than preparing rising generations for success from their earliest days of school. My Administration has made early childhood education a priority and we are working to expand access to high-quality preschool—one of the smartest investments we can make—and to improve the quality of child care in America. We have also offered critical incentives to States for boosting teaching and learning standards, expanded broadband and wireless connectivity in classrooms, and partnered with States and local communities to help close the school readiness gap in efforts to ensure all children's prospects are equal on their very first day in the classroom. I have also pushed to redesign American high schools to make them more innovative and responsive to student needs and more focused on extending science, technology, engineering, and math opportunities to our Nation's youth. And this year, my Administration announced new principles for assessing student learning, taking up less classroom time while still giving educators and parents the timely, actionable information they need to know children are learning.

Every American willing to work hard deserves a chance to pursue a higher education—no matter where they come from, what they look like, or what their circumstances are. That is why I have put forward a plan to make 2 years of community college as free and universal as high school is today. In addition, we have increased Pell Grant funding, expanded income-driven repayment options, and capped student

loan repayments at 10 percent of a borrower's income while keeping interest rates low. To help more students obtain Federal financial aid and enroll in schools that are right for them, we have streamlined the FAFSA application process and released a new College Scorecard, which provides the most reliable national data on school costs, graduation rates, student loan debt, and post-college earnings. And just as our students require proper material support, they also need the support of those who guide their educational journeys—from preschool through high school and beyond. America's teachers and school communities make extraordinary sacrifices to cultivate a new generation of dreamers and change-makers, and as they do the important work of nurturing our Nation's students day in and day out, we must do our part to support them and ensure they have the tools and resources needed to perform their jobs effectively.

We have a responsibility to ensure every child has a pathway to success, and when we invest in the education and the future of our children and grandchildren, we place our bets on an America where dreams know no bounds. This week, let us pledge our support for our Nation's students by reaffirming the ideals that nobody should be priced out of an education, and everyone should have the chance to use their talents and abilities to contribute to our country's success.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 15 through November 21, 2015, as American Education Week. I call upon all Americans to observe this week by supporting their local schools and educators through appropriate activities, events, and programs designed to help create opportunities for every school and student in America.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of November, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9367 of November 13, 2015

Get Smart About Antibiotics Week, 2015

*By the President of the United States of America
A Proclamation*

The discovery of antibiotics marked an important medical moment in history, and for decades, antibiotics have served as crucial components of our fight against bacterial infectious diseases. Saving millions of lives around the world each year, antibiotics provide an effective method for treating patients and help us combat many diseases that were at one time considered fatal. However, their overuse and misuse has created bacteria with increased levels of antibiotic resistance, posing significant challenges to countering infectious disease. We must preserve the life-saving power of antibiotics so they will work when most needed for serious infections and for generations to come. This week,

we recommit to raising awareness of antibiotic-resistant bacteria—a serious public health, economic, and national security threat—and we pledge to use antibiotics safely and responsibly.

Every year, more than 2 million people in the United States are infected with antibiotic-resistant bacteria, and over 23,000 people die as a direct result of these infections. The use of antibiotics is the biggest contributing factor to antibiotic resistance, and up to half of all antibiotics prescribed for humans are not needed or are not administered as effectively as possible. The misuse and overuse of antibiotics continue to obstruct our fight against bacterial drug resistance, leading to a loss of the efficacy of existing antibiotics. And to fully address antibiotic resistance, we must recognize that the health of humans, animals, and the environment are more connected than ever before.

My Administration is committed to preventing infections and improving the ways in which antibiotics are prescribed and used—an effort that could save tens of thousands of lives in the next few years alone. Last year, I signed an Executive Order to implement measures aimed at detecting, preventing, and controlling illnesses caused by antibiotic-resistant infections here at home and across the globe. This action will help stem the emergence and proliferation of bacteria resistant to antibiotics and ensure the continued availability of effective treatments for bacterial infections. This Order also directed the development of a Government-wide, 5-year *National Action Plan for Combating Antibiotic-Resistant Bacteria*, which is designed to accelerate actions to address urgent and serious drug-resistant threats that can affect all people. The plan enhances our efforts to slow the spread of resistant bacterial infections, strengthens our work to combat resistance, advances the ways we identify and characterize resistant bacteria, supports the research and development of new diagnostic tests and treatments, and bolsters collaboration with international partners to create a coordinated system for international surveillance. To build on this comprehensive effort, we convened a White House Forum on Antibiotic Stewardship earlier this year, bringing together health, business, academic, and agricultural leaders to promote the responsible use of antibiotics in humans and animals. By ensuring antibiotics are used carefully and only when needed, we can help safeguard the health of our people and people around the world.

The United States has the ability to lead a new era in health care. Antibiotic stewardship in science and medicine requires working with global partners, and it demands that we provide the tools and resources necessary for individuals to use antibiotics safely and effectively. Throughout this week, let us rededicate our attention toward the effects of the misuse and overuse of antibiotics, and let us reaffirm our support for those striving to combat antibiotic-resistant bacteria.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 16 through November 22, 2015, as Get Smart About Antibiotics Week. I call upon the scientific community, medical professionals, educators, businesses, industry leaders, and all Americans to observe this week by promoting the responsible use of antibiotics and raising awareness of the dangers inherent to their misuse and overuse.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of November, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9368 of November 13, 2015

America Recycles Day, 2015

By the President of the United States of America

A Proclamation

Every American has a role to play in preserving our planet for future generations. Being good stewards of our environment and protecting our natural resources are imperative tasks for ensuring our children and grandchildren live in a clean and sustainable world, and recycling is a pivotal way each of us can do our part. Today, we acknowledge the importance of reusing materials and reducing consumption, and we recognize that a recycling bin may often be a better alternative to a garbage can.

Each year, as much energy is saved recycling and composting as is consumed by 10 million American households. Over one-third of everything we throw away is recycled or composted, but many items that could be recycled end up in landfills instead. Recycling paper, plastic, glass, batteries, and other reusable items can have tremendous effects on the land we live on, the water we drink, and the air we breathe. It also helps reduce waste, conserve our natural resources, generate well-paying jobs in the recycling and manufacturing industries, and lessen the amount of harmful emissions that contribute to climate change.

Recycling is one way all people can join in the effort of maintaining a sustainable society. Reusing goods and reducing consumption, in addition to donating old or unwanted materials, can have significant impacts on the earth, as well. Individuals and families can help by recycling at home, setting up their own compost piles, choosing to purchase products made from recycled resources, and learning of the many products that can be recycled. Businesses can work to reduce their overall waste and establish recycling programs. And States and local governments can do their part to make recycling easier for consumers by taking simple steps like standardizing the color of recycling bins in public places and effectively communicating recycling policies to residents.

Communities across America must continue promoting activities that encourage people to recycle and to conserve so we do not take for granted today the world our children will inherit tomorrow. We owe it to them to leave behind a stable, secure planet, and that begins with preserving the natural blessings of our Nation. On this day, let us work to fulfill our obligation to our next generation by safeguarding our resources and working with our friends, family, and neighbors to protect the world we share.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 15, 2015, as America Recycles Day. I call upon the people of the United States to observe this day with appropriate programs and activities, and I encourage all Americans to continue their reducing, reusing, and recycling efforts throughout the year.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of November, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9369 of November 15, 2015

Honoring the Victims of the Attack in Paris, France

By the President of the United States of America

A Proclamation

The American people stand with the people of France. Friday's terror attacks were not just an attack on Paris; they were an attack on all humanity and the universal values we share, including the bonds of *liberté, égalité, and fraternité*. These values will endure far beyond any terrorists or their hateful vision. The United States and our allies do not give in to fear, nor will we be divided, nor will anyone change our way of life. We will do whatever it takes, working with nations and peoples around the world, to bring the perpetrators of these attacks to justice, and to go after terrorists who threaten our people.

As a mark of respect for the victims of the senseless acts of violence perpetrated on November 13, 2015, in Paris, France, by the authority vested in me as President of the United States by the Constitution and the laws of the United States of America, I hereby order that the flag of the United States shall be flown at half-staff at the White House and upon all public buildings and grounds, at all military posts and naval stations, and on all naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions until sunset, November 19, 2015. I also direct that the flag shall be flown at half-staff for the same length of time at all United States embassies, legations, consular offices, and other facilities abroad, including all military facilities and naval vessels and stations.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of November, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9370 of November 19, 2015**National Child's Day, 2015**

By the President of the United States of America

A Proclamation

Our greatest obligation is to our daughters and sons. With unbound imagination and limitless dreams, today's young Americans will carry forward our country's legacy and shape the contours of the 21st century and beyond. On National Child's Day, we reaffirm our support for them in all they do, and we uphold our commitment to enabling them with the tools and resources necessary to write the next great chapter of our Nation's story.

All young people deserve to lead safe, healthy lives, and my Administration is working to ensure their well-being. The Affordable Care Act now requires that basic pediatric services, including oral and vision care for children, be covered under all new Health Insurance Marketplace plans. The law also prohibits insurers from excluding coverage of children due to preexisting health conditions and it allows kids to stay on their parents' health care plan until the age of 26. Ensuring the health of our children is vital to their growth and development, which is why First Lady Michelle Obama's *Let's Move!* initiative is partnering with States, local communities, schools, and the private sector to reduce childhood obesity by promoting healthy foods and encouraging physical activity. We must also continue working to ensure our neighborhoods and classrooms are free from violence and intimidation and instead filled with chances to grow, dream, and discover. I remain committed to equipping law enforcement officials with the training and resources necessary to keep our children safe while working to foster effective relationships between them and the young citizens they serve. And because climate change poses the gravest threat to future generations, we have made combating it a top national priority. We have doubled the pace at which we cut our emissions, set aside more public lands and waters than any Administration in history, and worked to wean ourselves off of our addiction to foreign oil.

Our children must have every opportunity to pursue their greatest aspirations—regardless of their background, their circumstances, or what zip code they were born into. That is why I remain committed to expanding access to high-quality early education for our youngest learners, preparing them for school and for life. Additionally, my Administration has outlined a plan to strengthen and expand our Nation's child care subsidy system to help every working family with young children obtain access to affordable, quality care for their kids—because child care is not just a side issue, it is a national economic priority that provides critical early learning support for students. We have also proposed a new tax cut of up to \$3,000 per child, per year to help middle-class families offset the costs of child care. We are also making it easier for young people to attend institutions of higher learning, and we have taken steps to ensure they have access to more reliable Federal financial assistance as they pursue their degree.

Today, let us rededicate ourselves to upholding the ideal that with hard work and dedication, America's children can make of their lives what they will. By supporting our youth and encouraging them to

never give up on their dreams, we can forge a brighter future for them, their children and grandchildren, and all future generations.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 20, 2015, as National Child's Day. I call upon all citizens to observe this day with appropriate activities, programs, and ceremonies, and to rededicate ourselves to creating the bright future we want for our Nation's children.

IN WITNESS WHEREOF, I have hereunto set my hand this nineteenth day of November, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9371 of November 20, 2015

National Family Week, 2015

By the President of the United States of America

A Proclamation

Across the range of diverse experiences and traditions that have been written into our Nation's story, family has remained a steadfast and common foundation. Every day, families offer comfort and support to one another with enduring and unconditional love and they contribute to their communities and our country. During National Family Week, we uplift and honor the families that give so much to forge a brighter future for themselves and for America.

All families deserve every opportunity to thrive, and the Affordable Care Act has given millions of American families the peace of mind that comes with health insurance. My Administration is dedicated to helping working families feel more secure in a constantly changing economy, and I have pushed to make paid family leave available for all, so that new parents can spend time with their newborns and still support their families. And because too many hardworking people are still forced to choose between a paycheck and caring for a sick child or an elderly relative at home, I have taken action to help States enact paid leave and paid sick leave laws of their own. Additionally, I continue to call on the Congress to pass the Healthy Families Act, which would allow working women and men to earn up to one week of paid sick leave per year—precious time that could be used to care for themselves and their families.

Raising the minimum wage is one of the best ways to give a well-earned boost to working families. Benefiting employees, businesses, and our whole economy, raising the wage will help Americans from all walks of life breathe easier knowing they can pay their bills and provide for their loved ones at the same time. Moreover, to secure the promise of happy and healthy golden years for our Nation's seniors, we will continue working to provide more Americans with access to strong and flexible retirement plans that are stable and affordable. And because we have a sacred obligation to the men and women who give

so much to defend our country and our freedom, my Administration has taken action to improve mental health care and education services for veterans, service members, and their families. Joining Forces, an initiative launched by First Lady Michelle Obama and Dr. Jill Biden, is also working to support our selfless military families by connecting them with the resources and services they deserve.

It is the responsibility of all Americans to build a country future generations will be proud of and inspired by. This week, let us reflect on and applaud the hard work, resilience, and dedication of our families. As we reminisce on warm memories and share in the joy and love family can provide, let us also pledge to lift up our loved ones and recommit to the family bonds that have strengthened the fabric of our Nation.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 22 through November 28, 2015, as National Family Week. I invite all States, communities, and individuals to join in observing this week with appropriate ceremonies and activities to honor our Nation's families.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of November, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9372 of November 20, 2015

Thanksgiving Day, 2015

By the President of the United States of America

A Proclamation

Rooted in a story of generosity and partnership, Thanksgiving offers an opportunity for us to express our gratitude for the gifts we have and to show our appreciation for all we hold dear. Today, as we give of ourselves in service to others and spend cherished time with family and friends, we give thanks for the many blessings bestowed upon us. We also honor the men and women in uniform who fight to safeguard our country and our freedoms so we can share occasions like this with loved ones, and we thank our selfless military families who stand beside and support them each and every day.

Our modern celebration of Thanksgiving can be traced back to the early 17th century. Upon arriving in Plymouth, at the culmination of months of testing travel that resulted in death and disease, the Pilgrims continued to face great challenges. An indigenous people, the Wampanoag, helped them adjust to their new home, teaching them critical survival techniques and important crop cultivation methods. After securing a bountiful harvest, the settlers and Wampanoag joined in fellowship for a shared dinner to celebrate powerful traditions that are still observed at Thanksgiving today: lifting one another up, enjoying time with those around us, and appreciating all that we have.

Carrying us through trial and triumph, this sense of decency and compassion has defined our Nation. President George Washington proclaimed the first Thanksgiving in our country's nascence, calling on the citizens of our fledgling democracy to place their faith in "the providence of Almighty God," and to be thankful for what is bequeathed to us. In the midst of bitter division at a critical juncture for America, President Abraham Lincoln acknowledged the plight of the most vulnerable, declaring a "day of thanksgiving," on which all citizens would "commend to [God's] tender care" those most affected by the violence of the time—widows, orphans, mourners, and sufferers of the Civil War. A tradition of giving continues to inspire this holiday, and at shelters and food centers, on battlefields and city streets, and through generous donations and silent prayers, the inherent selflessness and common goodness of the American people endures.

In the same spirit of togetherness and thanksgiving that inspired the Pilgrims and the Wampanoag, we pay tribute to people of every background and belief who contribute in their own unique ways to our country's story. Each of us brings our own traditions, cultures, and recipes to this quintessential American holiday—whether around dinner tables, in soup kitchens, or at home cheering on our favorite sports teams—but we are all united in appreciation of the bounty of our Nation. Let us express our gratitude by welcoming others to our celebrations and recognize those who volunteer today to ensure a dinner is possible for those who might have gone without. Together, we can secure our founding ideals as the birthright of all future generations of Americans.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 26, 2015, as a National Day of Thanksgiving. I encourage the people of the United States to join together—whether in our homes, places of worship, community centers, or any place of fellowship for friends and neighbors—and give thanks for all we have received in the past year, express appreciation to those whose lives enrich our own, and share our bounty with others.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of November, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9373 of November 30, 2015

National Impaired Driving Prevention Month, 2015

By the President of the United States of America

A Proclamation

No person should suffer the tragedy of losing someone as a result of drunk, drugged, or distracted driving, but for far too long the danger of impaired driving has robbed people of the comfort of knowing that when they or a loved one leaves home they will return safely. Impaired

driving puts drivers, passengers, and pedestrians at risk, and each year it claims the lives of thousands of Americans. During National Impaired Driving Prevention Month, we recommit to preventing these incidents by acting responsibly and by promoting responsible behavior in those around us. Together, we can enhance public safety and work to ensure a happy, healthy life for all our people.

During the holidays—a season that includes a spike in travel and celebrations that may include alcohol—and throughout the year, we must remain vigilant and aware of drivers that are distracted or under the influence of drugs or alcohol. Drunk drivers kill more than 10,000 people annually, and about one-third of traffic deaths in the United States involve a driver with a blood alcohol concentration above the legal limit. Driving under the influence of drugs, an increasingly common occurrence, carries the same risks as drunk driving and is just as avoidable. And driving distracted, including while using a cell phone, can lead to tragic outcomes that are also preventable. Every American can play a role in reducing the frequency of these incidents by speaking out and warning others of the dangers associated with impaired driving, taking away the keys of would-be drivers they know to be intoxicated, and reminding drivers they are riding with to stay focused on the road and to limit distractions. It is also critical for drivers and passengers alike to wear seatbelts regardless of how far they are traveling.

Across our Nation, State and local law enforcement agencies are working tirelessly to prevent and respond to impaired driving. The Drive Sober or Get Pulled Over campaign, occurring from December 16, 2015, through January 1, 2016, seeks to raise awareness of the dangers associated with drunk and drugged driving and aims to prevent as many of these tragedies from occurring as possible. At the Federal level, my Administration remains committed to doing our part. This year, we released an updated National Drug Control Strategy, which aims to reduce drugged driving by encouraging States to enact drugged driving laws and improve efforts to identify these impaired drivers. We also continue to support the efforts of the tireless advocates working to stop drunk driving, and we will keep pushing to equip law enforcement with the tools needed to end and prevent incidents of impaired driving. For more information, visit www.Distracted.gov, www.NHTSA.gov/DriveSober, and www.WhiteHouse.gov/ONDOP/DruggedDriving.

As we gather with friends and loved ones this month, I encourage all Americans to enjoy their time together responsibly. It is important to the health and safety of us all to plan ahead by designating a non-drinking driver, staying in place if impaired, and arranging for alternative means of transportation. During National Impaired Driving Prevention Month, let us pledge to always drive sober and alert and to avoid distractions behind the wheel. Together, we can help ensure all our people are able to enjoy the holiday spirit and make memories with those they care about while safeguarding the well-being of everyone on the road.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim December 2015 as National Impaired Driving Prevention Month. I urge all Americans to make responsible decisions and take appropriate measures to prevent impaired driving.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of November, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9374 of November 30, 2015

World AIDS Day, 2015

By the President of the United States of America

A Proclamation

More than three decades ago, the first known cases of HIV/AIDS sparked an epidemic in the United States—ushering in a time defined by how little we knew about it and in which those affected by it faced fear and stigmatization. We have made extraordinary progress in the fight against HIV since that time, but much work remains to be done. On World AIDS Day, we remember those who we have lost to HIV/AIDS, celebrate the triumphs earned through the efforts of scores of advocates and providers, pledge our support for those at risk for or living with HIV, and rededicate our talents and efforts to achieving our goal of an AIDS-free generation.

Today, more people are receiving life-saving treatment for HIV than ever before, and millions of HIV infections have been prevented. Still, more than 36 million people around the world live with HIV—including nearly 3 million children. My Administration is committed to ending the spread of HIV and improving the lives of all who live with it. In the United States, the Affordable Care Act has allowed more people to access coverage for preventive services like HIV testing, and new health plans are now required to offer HIV screening with no cost sharing. Insurance companies can no longer discriminate against individuals living with HIV/AIDS or any other pre-existing condition. Additionally, this year marks the 25th anniversary of the Ryan White CARE Act, which established the Ryan White Program—a program that helps provide needed care to the most vulnerable individuals and touches over half of all people living with HIV in America.

To further our fight to end the HIV epidemic, my Administration released our country's first comprehensive National HIV/AIDS Strategy in 2010. The Strategy provided a clear framework for changing the way we talk about HIV, and it offered a critical roadmap that prioritizes our Nation's response to this epidemic and organizes the ways we deliver HIV services. Earlier this year, I signed an Executive Order to update the Strategy through 2020, focusing on expanding HIV testing and care, widening support for those living with HIV to stay in comprehensive care, promoting universal viral suppression among individuals infected with HIV, and increasing access to preventive measures, including pre-exposure prophylaxis for people at substantial risk of acquiring HIV.

Additionally, the primary aims of the Strategy include reducing HIV-related disparities and health inequities, because HIV still affects specific populations disproportionately across our country. Certain individuals—including gay and bisexual men, Black women and men,

Latinos and Latinas, people who inject drugs, transgender women, young people, and people in the Southern United States—are at greater risk for HIV, and we must target our efforts to reduce HIV-related health disparities and focus increased attention on highly vulnerable populations. My most recent Federal budget proposal includes more than \$31 billion in funding for HIV/AIDS treatment, care, prevention, and research. We are also making great progress toward achieving a greater viral suppression rate among those diagnosed with HIV, and in the last 5 years, we have made critical funding increases to ensure more Americans have access to life-saving treatment.

We cannot achieve an AIDS-free generation without addressing the pervasive presence of HIV throughout the world, which is why our Nation is committed to achieving the goals laid out in the 2030 Agenda for Sustainable Development to reach more people living with HIV, promote global health, and end the AIDS epidemic. The President's Emergency Plan for AIDS Relief (PEPFAR) has helped save lives across the globe and has made significant impacts on the number of new HIV infections by strengthening international partnerships and expanding essential services for preventing and treating HIV. This year, I announced new targets for PEPFAR that aim to provide almost 13 million people with life-saving treatment by the end of 2017. The United States is also committing resources to support PEPFAR's work to achieve a 40 percent decrease in HIV incidence among young women and girls in the most vulnerable areas of sub-Saharan Africa. This is a shared responsibility, and America will remain a leader in the effort to end HIV/AIDS while continuing to work with the international community to address this challenge and secure a healthier future for all people.

Working with private industry, faith communities, philanthropic organizations, the scientific and medical communities, networks of people living with HIV and affected populations, and governments worldwide, we can accomplish our goals of reducing new HIV infections, increasing access to care, improving health outcomes for patients, reducing HIV-related disparities, and building a cohesive, coordinated response to HIV. On this day, let us pay tribute to those whom HIV/AIDS took from us too soon, and let us recognize those who continue to fight for a world free from AIDS. Let us also recognize researchers, providers, and advocates, who work each day on behalf of people living with HIV, and in honor of the precious lives we have lost to HIV. Together, we can forge a future in which no person—here in America or anywhere in our world—knows the pain or stigma caused by HIV/AIDS.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim December 1, 2015, as World AIDS Day. I urge the Governors of the States and the Commonwealth of Puerto Rico, officials of the other territories subject to the jurisdiction of the United States, and the American people to join me in appropriate activities to remember those who have lost their lives to AIDS and to provide support and compassion to those living with HIV.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of November, in the year of our Lord two thousand fifteen, and

of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9375 of December 2, 2015

Helsinki Human Rights Day, 2015

By the President of the United States of America

A Proclamation

Four decades ago, the leaders of the United States, Canada, the Soviet Union, and countries from across a divided Europe came together to sign the Helsinki Final Act—a document reflecting the conviction that the security of states is inextricably linked to the security of their citizens' rights. This comprehensive security concept is forever enshrined in the Act and is mirrored in the subsequent statements and commitments made by the members of the Organization for Security and Cooperation in Europe (OSCE). Today, the Act continues to shine as a beacon for all who reach, often at great risk to themselves, for human dignity, for justice and tolerance, and for democratic ideals—including the notions that power is derived from the consent of the governed and that human rights and fundamental freedoms belong to all of us—no matter where we live or where we come from. On Helsinki Human Rights Day, we pledge our cooperation and mutual respect as we work to fulfill the commitments made in the Helsinki Final Act.

The 57 OSCE states that stretch across North America, Europe, and Eurasia stand stronger when we stand together, and we must defend and uphold the commitments made in Helsinki 40 years ago. Recognition of the inherent dignity and human rights of every person, respect for the sovereignty and territorial integrity of states, and restraint from the threat or use of force are essential to safeguarding a Europe and a Eurasia that are whole, free, and at peace. As the OSCE Ministerial Council convenes in Belgrade, Serbia, the United States renews its commitment to these principles and urges other member states to do the same.

Thanks to the work of governments and the contributions of civil society, we have made historic progress to advance security, democracy, and human rights across the OSCE region in the last four decades. Still, we face significant challenges. Russian aggression against its neighbors, most recently Ukraine, is contrary to the principles of respect for each nation's sovereignty and territorial integrity laid out in the Helsinki Final Act. The ability of citizens to exercise their fundamental freedoms of association, expression, and peaceful assembly is increasingly constricted in a number of participating states. Actions based on hate and prejudice remain prevalent in too many states and are too often still reflected in national policy. These attitudes will continue to obstruct democracy's success until we root them out from both our institutions and our hearts. The United States strongly condemns the heinous terrorist attacks in Ankara, as well as the bombing of the Russian plane in Egypt. And in the wake of the tragic terrorist attacks in Paris, we recommit to our fight against terrorism and violent extremism while reaffirming our adherence to our common ideals with the

French people and with any free society, similar to those delineated in the Helsinki Final Act: liberté, égalité, and fraternité.

The Helsinki Final Act inspires our vision for democracy, human rights, and human dignity. It inspires a vision for open economies and shared prosperity, and a world in which states resolve disputes peacefully and work together to build and maintain trust. It is a framework that, if its commitments are upheld, can enable us to move beyond division and prejudice and toward a more democratic, prosperous, and peaceful OSCE region. Let us resolve to stand with victims of oppression and with all who yearn to exercise their human rights. Together, we can faithfully implement our shared Helsinki commitments and help forge an ever better future for all.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim December 3, 2015, as Helsinki Human Rights Day. I call upon all the people of the United States to observe this day with appropriate ceremonies and activities reflecting our steadfast dedication to human rights and democratic values. I also call upon the governments and peoples of all other signatory states to renew their commitment to comply with the principles established and consecrated in the Helsinki Final Act.

IN WITNESS WHEREOF, I have hereunto set my hand this second day of December, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9376 of December 2, 2015

International Day of Persons With Disabilities, 2015

By the President of the United States of America

A Proclamation

The United States has long been a leading voice for the rights of persons with disabilities, and we join the international community in expressing our support for them in all they do and in recognizing them as the valuable members of society that they are. This year, as we celebrate the 25th anniversary of the passing of the Americans with Disabilities Act (ADA)—landmark legislation that helps ensure the places that make up our shared national life truly belong to everyone—we also recognize that protecting the rights of those with disabilities is not just an American ideal, but a cornerstone of our work to ensure human rights around the globe. On International Day of Persons with Disabilities, we rededicate ourselves to building a fairer and more accessible world and to upholding the fundamental dignity and respect of all people.

A quarter-century ago, our Nation marked a milestone in the long march toward achieving equal opportunity for all with the passage of the ADA. A result of quiet persistence and perseverance coupled with passionate and vocal advocacy, this Act showed the world our full

commitment to the rights of people with disabilities, and in these past 25 years, we have built on the foundation of equality laid by this law. The Affordable Care Act also guarantees people with disabilities a basic but fundamental protection—that they can no longer be denied access to health insurance due to a pre-existing condition. Additionally, my Administration has supported increasing funding for the Individuals with Disabilities Education Act (IDEA) grants, which would boost our efforts to provide every child living with a disability with a quality public education. And this year, the White House hosted a series of events commemorating IDEA’s 40th anniversary to highlight the importance of inclusion and of recognizing the talents of all Americans in every aspect of society.

Each day, our founding values of equality and opportunity guide our work to forge a bright future for people with disabilities. Serving to protect these ideals are our brave men and women in uniform who give of themselves for us all, and when they return home with wounds of war, seen or unseen, it is our sacred obligation to ensure they can take full advantage of the freedoms they fought so hard to defend. That is why my Administration has worked to provide our country’s veterans who have disabilities with access to timely, quality health care and the tools needed to convert their military skills into careers in civilian life.

As we continue working to expand the promise of America to all our people, we must remember that the fight for disability rights should not stop at our Nation’s shores. The United States continues to uphold our global commitment to the international disability community. During my first year in office, the United States signed the Convention on the Rights of Persons with Disabilities, an international declaration, now signed by 160 countries, that recognizes the inherent worth of people with disabilities and urges equal protection and benefits before the law. I am disappointed that the Senate blocked ratification of the Convention, and I continue to call on these elected leaders, all of whom represent Americans with disabilities, to provide their advice and consent to ratification. A pillar of American leadership is our profound respect for the human dignity of all people, and it is imperative that we reach for a day when all of the more than 1 billion people of the world who live with a disability can enjoy the same rights afforded to those living here at home.

Our pursuit of equal rights for those with disabilities is not over. Today, we stand on the shoulders of generations who fought for better laws, demanded better treatment, and who, by being good, decent people and hard workers, proved to the world that having a disability should not force individuals into the margins of society. On this day, let us honor the efforts of those who agitated for the respect and dignity of all by picking up the inextinguishable torch of equality and carrying it forward into a future that recognizes the incredible talents and skills of people with disabilities. Together, we can secure a tomorrow in which all people know no limits but the scope of their dreams.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim December 3, 2015, as International Day of Persons with Disabilities. I call on all Americans to observe this day with appropriate ceremonies, activities, and programs.

IN WITNESS WHEREOF, I have hereunto set my hand this second day of December, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9377 of December 3, 2015

**Honoring the Victims of the Attack in San Bernardino,
California**

*By the President of the United States of America
A Proclamation*

As a mark of respect for the victims of gun violence perpetrated on December 2, 2015, in San Bernardino, California, by the authority vested in me as President of the United States by the Constitution and the laws of the United States of America, I hereby order that the flag of the United States shall be flown at half-staff at the White House and upon all public buildings and grounds, at all military posts and naval stations, and on all naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions through December 7, 2015. I also direct that the flag shall be flown at half-staff for the same length of time at all United States embassies, legations, consular offices, and other facilities abroad, including all military facilities and naval vessels and stations.

IN WITNESS WHEREOF, I have hereunto set my hand this third day of December, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9378 of December 4, 2015

150th Anniversary of the 13th Amendment

*By the President of the United States of America
A Proclamation*

On December 6, 1865, a coalition comprising three-quarters of our Nation's States ratified the 13th Amendment to our Constitution, abolishing slavery in the United States and affirming the truth that no union founded on the principles of liberty and equality could survive half-slave and half-free. Bringing to a close one of the most painful chapters in our country's history, the Amendment ushered in a new birth of freedom. Today, we celebrate it for the protections it restored and the lives it liberated, and in honor of the millions of slaves who endured brutal violence and daily indignities, we rededicate ourselves to the proposition manifested in its ratification.

This Amendment to the Constitution came not only at the culmination of years of Civil War, but also as a result of courageous individuals advocating and agitating for an America in which slavery was no longer an institution of society. President Lincoln gave his last full measure of devotion to the cause he would not live to see codified. He knew the basic rights he sought for slaves could only be secured by a whole and unified Government, and he pursued reconciliation while remaining fierce in his conviction. Volunteers along the Underground Railroad aided slaves seeking freedom, providing safety and comfort in the midst of deep anguish. And soldiers who fought, sometimes against their own sisters and brothers, did so for both the preservation of our Union and liberty itself. The 13th Amendment was the product of generations of men and women who, through centuries of bloodshed and systemic oppression, stayed true to their belief in what America could be and kept marching toward justice.

The courage to change that sustained the abolitionist movement carried forth in a long line of heroes who followed—individuals who loved our country profoundly and answered the patriotic call to push it to expand the boundaries of freedom. From ordinary women stepping into an extraordinary role, bravely fighting for their right to participate in our democracy, to a coalition of conscience that marched on our Nation's Capital and protested for equality, the last century and a half has been defined by those who stood resolute in keeping lit the flame that burned in the hearts of all those determined to secure what they knew to be their God-given rights.

Today, we continue the long journey toward an America and a world where liberty and equality are not reserved for some, but extended to all. Across the globe, including right here at home, millions of men, women, and children are victims of human trafficking and modern-day slavery. We remain committed to abolishing slavery in all its forms and draw strength from the courage and resolve of generations past.

One hundred and fifty years after the 13th Amendment's ratification, the United States endures, and though the scourge of slavery is a stain on our history, we remain a people not trapped by the mistakes of our past, but one that can look at our imperfections with humility and decide it is within our power to remake our Nation to more closely align with our highest ideals. On this historic occasion, let us pay tribute to those who suffered for too long and to those who risked everything to make this country better. With unyielding determination to stand on their shoulders and reach for an even freer and more equal tomorrow, we can honor them with the recognition and respect worthy of their extraordinary contributions to our country.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim December 6, 2015, as the 150th Anniversary of the 13th Amendment. I call upon the people of the United States to observe this day with appropriate programs, ceremonies, and activities that celebrate the 13th Amendment.

IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of December, in the year of our Lord two thousand fifteen, and of the

Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9379 of December 4, 2015

National Pearl Harbor Remembrance Day, 2015

By the President of the United States of America

A Proclamation

Nearly seven and a half decades ago, as dawn broke over the island of Oahu, bombs broke through the sky as Japanese forces launched an unprovoked attack on our Nation—absorbing America into a conflict that would change the course of human dignity and freedom. More than 2,400 precious lives and much of our Pacific Fleet were lost, yet the ensuing unification of our people proved mightier than the attack that aimed to weaken us. On National Pearl Harbor Remembrance Day, we pay tribute to the men, women, and children—military and civilian—who lost their lives on December 7, 1941, honor all who served in the wake of that infamous day, and recognize the sacrifices today’s service members make to carry forward the inextinguishable torch of liberty for generations to come.

Reacting to the surprise attack, patriots from every corner of our country answered the call to serve and banded together in common cause. Sixteen million Americans left behind everything they knew and everyone they loved to fight for freedom far from home and liberate a continent from the grip of tyranny. Courageous individuals from all walks of life crossed oceans and stormed beaches, uplifting a generation and paving the way for our fiercest adversaries to become some of our closest allies. In the example of those who came forth in the months and years following the attack on Pearl Harbor, we see an enduring truth: that no challenge is too great when we stand as one people committed to the ideals which the stars and stripes symbolize.

Seventy-four years after the attack on Pearl Harbor, we endure as a Nation dedicated to affirming the inherent dignity of every person—even in the face of unspeakable violence. As President Franklin D. Roosevelt said the day after the attack, “the American people in their righteous might will win through to absolute victory.” On this day, let us honor the memory of all who gave their lives so that President Roosevelt’s words could be realized, and let us resolve to uphold the legacy of our country, for which generations of brave men and women have fought and sacrificed.

The Congress, by Public Law 103–308, as amended, has designated December 7 of each year as “National Pearl Harbor Remembrance Day.”

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim December 7, 2015, as National Pearl Harbor Remembrance Day. I encourage all Americans to observe this solemn day of remembrance and to honor our military, past and present, with appropriate ceremonies and activities. I urge all Federal agencies and interested organizations, groups, and individuals to fly the flag of the United States at half-staff this December 7 in honor of

those American patriots who died as a result of their service at Pearl Harbor.

IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of December, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9380 of December 9, 2015

Human Rights Day and Human Rights Week, 2015

By the President of the United States of America

A Proclamation

Sixty-seven years ago, the leaders of 48 countries from around the world declared with one voice that progress depends on defending human rights, and that a nation is strongest when the contributions of its whole citizenry are valued. Today, we celebrate the Universal Declaration of Human Rights—a milestone in our ongoing global march to uphold the inherent dignity and worth of every person. To honor the legacy of this historic document and to help ensure that its ideals endure for generations to come, we reaffirm our commitment to upholding the freedoms it safeguards, which are the birthright of all humanity.

When rights are suppressed, human potential is stifled. A nation draws upon new talents and ideas when opposition parties are fairly represented and those in power are accountable to their citizens at the ballot box. A free and independent press and a vibrant civil society can inform the public, expose corruption, and empower citizens to participate in self-governance. And when institutions are built to protect rights and freedoms, rather than serve the interests of those in power, those institutions can provide the stable foundation for stability needed for future generations to thrive.

In too many places around the world we see rights and freedoms denied. People are imprisoned for peaceful worship and girls are barred from attending school. LGBT individuals are subject to abuse because of who they are and who they love, and citizens are prevented from petitioning those in power for change. The United States of America stands in solidarity with those seeking to realize a brighter and freer future for themselves and their families, whether in their home country or as immigrants in a new land. We will continue to lift up the lives of all who yearn to exercise their inherent human rights and to shine a light on those still living in the darkest pockets of our world.

The strongmen of today will never extinguish the hope that persists around the world. Dissenters may be jailed, but ideas can never be imprisoned. Controlling access to information will not turn lies into truths, nor will it deter the longing for justice that stirs in every human soul. And refusing to recognize the basic dignity of every man, woman, and child—regardless of gender, background, race, ethnicity, sexual orientation, or belief—will only lend further momentum to the quest for equality that for generations has stirred hearts and spurred action.

On this day, and every day, let us remember our roots as one human family, forever dedicated to upholding the central tenets of the Universal Declaration of Human Rights.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim December 10, 2015, as Human Rights Day and the week beginning December 10, 2015, as Human Rights Week. I call upon the people of the United States to mark these observances with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of December, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9381 of December 14, 2015

Bill of Rights Day, 2015

By the President of the United States of America

A Proclamation

The ratification of the Bill of Rights on December 15, 1791, marked one of our country's earliest and most important steps toward ensuring that the ideals enshrined in our founding documents are the birthright of all Americans. Written to guarantee our fledgling Nation would never succumb to the tyranny it fought against, these first 10 Amendments to our Constitution help safeguard the bedrock principles of equality, liberty, and justice. In the years since, America has carried forward the spirit enshrined in the Bill of Rights—recognizing that freedom is a value we must forever work to uphold.

Each generation is tasked with continuing the work of perfecting our Nation. In the 224 years since this codification of our most fundamental freedoms, America has been propelled by the persistent effort of her citizens—people from all walks of life who have accepted the challenge of pushing to expand liberty to all. The same American instinct that sparked our revolution and spurred the creation of the Bill of Rights still inspires us to step forward to defend our founding ideals. It is what inspired a groundbreaking convention in Seneca Falls, drove courageous people to march in Selma, and started a transformative movement for LGBT rights at a bar in New York City. Generations of heroes who believed America is a constant work in progress have advocated and sacrificed to realize that progress and have worked to uphold the belief at the heart of the Bill of Rights: Free men and women have the capacity to shape their own destiny and forge a fairer and more just world for all who follow.

Today, we stand on the shoulders of those who dedicated their lives to upholding the meaning of our founding documents throughout changing times—a mission made possible by the fundamental liberties secured in the Bill of Rights. As we reflect on the strides we have made to lift up an engaged citizenry, we pay tribute to the extraor-

dinary foresight of our Founders who granted the protections that enable us to bring about the change we seek. Let us recommit to continuing our legacy as a Nation that rejects complacency, empowers its citizens to recognize and redress its imperfections, and embraces the struggle of improving our democracy so that all our people are able to make of their lives what they will.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim December 15, 2015, as Bill of Rights Day. I call upon the people of the United States to mark this observance with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of December, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9382 of December 16, 2015

Wright Brothers Day, 2015

By the President of the United States of America

A Proclamation

The prospect of human flight captured the world's imagination for centuries. From the ancient Greeks who marveled at the story of Icarus soaring through the sky, to Leonardo da Vinci who sketched designs of manned mechanical gliders, humanity's unyielding push skyward speaks to our resolve to transcend limits and redefine what is possible. On December 17, 1903, two American brothers reached a milestone in this age-old pursuit by, after years of planning and research, successfully launching the world's first flight of a powered airplane. On Wright Brothers Day, our Nation commemorates this achievement and celebrates the spirit of innovation that drives American inventors, entrepreneurs, and scientists by reaffirming our support for them in their goals to push the boundaries of human capability.

Our country's founding ideals of freedom of thought and expression are not only necessary for upholding the inherent dignity and respect of every individual, but they are also fundamental ingredients for fostering scientific discovery. These values compelled the Pilgrims to set out and seek new lives and prompted revolutionaries to forge a new Nation. The great thinkers and innovators that have always moved America forward have done so by challenging convention, sharing ideas, and reimagining the future through new inventions and beliefs.

Before the 19th century, few thought human flight was an endeavor worth investigating. But in the decades leading up to the 20th century, a handful of devoted dreamers began conducting aeronautical research that eventually fell on the ears of two enthusiastic bicycle mechanics from Dayton, Ohio, who would push past what others deemed impossible and take to the sky, spark a new and lasting industry, and change the course of history. Wilbur and Orville Wright spent their childhood

tinkering and building, their passions fueled by their mother, Susan, who shared these interests and had considerable mechanical skills. The brothers opened a bicycle shop, where they honed their understanding of the concepts of balance, control, aerodynamics, and lightweight yet sound structures—laying the foundation for their groundbreaking achievement. Years of meticulous observation, building, and experimentation culminated on one frigid, windy morning on a sandy beach in Kitty Hawk, North Carolina, where the Wright brothers made their successful flight.

The invention of the airplane not only contributed to our understanding of physics and engineering—it profoundly altered our world. People and goods began moving across the globe at an unprecedented pace, new industries and fields of discovery sprang to life, and advances in aviation launched a new era of possibility in which our countrymen would walk on the moon just 66 years after that first 12 second flight.

Today, American entrepreneurs and scientists are continuing the legacy of the Wright brothers by making new discoveries and pushing boundaries—from the furthest reaches of our universe to the greatest mysteries of the human brain. To keep our Nation on the forefront of breakthroughs that will define the future, we must continue investing in pioneering research, innovative startups, and programs that encourage science, technology, engineering, and math education for our daughters and sons. And we must keep fostering an atmosphere in our communities and classrooms where lifetime quests for knowledge are encouraged, where glimmers of curiosity are sparked, and where the next generation of explorers and inventors are celebrated. On Wright Brothers Day, let us recommit to cultivating the insatiable hunger for advancement that takes humanity to new frontiers, and let us stand with those who never stop challenging the limits of what we know to be possible.

The Congress, by a joint resolution approved December 17, 1963, as amended (77 Stat. 402; 36 U.S.C. 143), has designated December 17 of each year as “Wright Brothers Day” and has authorized and requested the President to issue annually a proclamation inviting the people of the United States to observe that day with appropriate ceremonies and activities.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim December 17, 2015, as Wright Brothers Day.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of December, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

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