

construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4068. Mr. MORAN (for himself, Mr. DAINES, Mr. INHOFE, Mr. HATCH, Mr. GARDNER, and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 4069. Mr. MORAN (for himself and Mr. BLUNT) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4070. Mr. MORAN (for himself, Mr. DAINES, Mr. BLUNT, Mr. TILLIS, Mr. RUBIO, Mr. INHOFE, Mr. BOOZMAN, and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4071. Mr. HATCH (for himself, Mr. INHOFE, Mr. LEE, and Mr. LANKFORD) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4072. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4073. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4074. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4075. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4076. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4077. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4078. Mr. MCCONNELL (for Mr. GRASSLEY) proposed an amendment to the bill S. 2613, to reauthorize certain programs established by the Adam Walsh Child Protection and Safety Act of 2006.

SA 4079. Ms. HEITKAMP submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 4080. Ms. HEITKAMP submitted an amendment intended to be proposed by her to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4081. Ms. HEITKAMP (for herself and Ms. AYOTTE) submitted an amendment intended to be proposed by her to the bill S. 2943, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4068. Mr. MORAN (for himself, Mr. DAINES, Mr. INHOFE, Mr. HATCH, Mr. GARDNER, and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1023.

SA 4069. Mr. MORAN (for himself and Mr. BLUNT) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 402. REVISION IN PERMANENT ACTIVE DUTY END STRENGTH MINIMUM LEVELS.

Section 691(b) of title 10, United States Code, is amended by striking paragraphs (1) through (4) and inserting the following:

“(1) For the Army, 480,000.

“(2) For the Navy, 324,615.

“(3) For the Marine Corps, 185,000.

“(4) For the Air Force, 321,000.”.

SEC. 403. SUPERSEDING FISCAL YEAR 2017 END STRENGTHS FOR CERTAIN ELEMENTS OF THE SELECTED RESERVE.

(a) **INEFFECTIVENESS OF CERTAIN END STRENGTHS.**—Paragraphs (1) through (6) of section 411(a) shall have no force or effect.

(b) **SUPERSEDING END STRENGTHS.**—The Armed Forces specified are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2017, as follows:

(1) The Army National Guard of the United States, 350,000.

(2) The Army Reserve, 205,000.

(3) The Navy Reserve, 58,000.

(4) The Marine Corps Reserve, 38,500.

(5) The Air National Guard of the United States, 105,700.

(6) The Air Force Reserve, 69,000.

(c) **APPLICABILITY OF CERTAIN AUTHORITIES.**—Subsections (b) and (c) of section 411 shall apply in the calculation of end strengths under subsection (b) of this section.

SA 4070. Mr. MORAN (for himself, Mr. DAINES, Mr. BLUNT, Mr. TILLIS, Mr. RUBIO, Mr. INHOFE, Mr. BOOZMAN, and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

After section 1027, insert the following:

SEC. 1027A. STRENGTHENING OF CERTIFICATION REQUIREMENTS RELATING TO THE TRANSFER OR RELEASE OF DETAINEES AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) **CERTIFICATION REQUIREMENT GENERALLY.**—Subsection (a) of section 1034 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 969; 10 U.S.C. 801 note) is amended—

(1) in the subsection heading, by striking “PRIOR”; and

(2) by striking paragraph (1) and inserting the following new paragraph (1):

“(1) **IN GENERAL.**—Except as provided in paragraph (2), no amount authorized to be appropriated or otherwise made available for the Department of Defense or any other department, agency, or element of the United States Government may be used after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2017 to transfer, release, or assist in the transfer or release of any individual detained at Guantanamo to the custody or control of any foreign country or other foreign entity unless the Secretary of Defense certifies to the appropriate committees of Congress that the individual no longer poses a continuing threat to the security of the United States, its citizens, and its interests as described in subsection (b). The certification with respect to an individual shall be submitted not later than 30 days after the date on which the Secretary makes the determination that the individual no longer poses a continuing threat to the security of the United States, its citizens, and its interests.”.

(b) **CERTIFICATION ELEMENTS.**—Subsection (b) of such section is amended—

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

(2) by inserting before paragraph (2), as redesignated by paragraph (1) of this subsection, the following new paragraph (1):

“(1) the individual to be transferred or released no longer poses a continuing threat to the security of the United States, its citizens, and its interests;”;

(3) in paragraph (2), as so redesignated, by inserting “or release” after “transfer”;

(4) by inserting “or released” after “transferred” each place it appears; and

(5) in subparagraph (B) of paragraph (4), as so redesignated, by striking “paragraph (2)(C)” and inserting “paragraph (3)(C)”.

(c) **ADDITIONAL MATTERS IN CONNECTION WITH CERTIFICATIONS.**—Such section is further amended—

(1) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and

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

“(c) **ADDITIONAL MATTERS IN CONNECTION WITH CERTIFICATIONS.**—

“(1) **RECOMMENDATIONS.**—In determining whether to make a certification described in subsection (b) on an individual, the Secretary shall take into account, and include with the certification, the recommendations and military value analyses of the following:

“(A) The Chairman of the Joint Chiefs of Staff.

“(B) The Chiefs of Staff of the Armed Forces, with respect to the effects of the transfer or release on military personnel with a residence for their permanent duty station in the geographic area, or forward deployed forces, in the foreign country concerned.

“(C) The commander of the geographic combatant command having the foreign country or entity to which the individual will be transferred or released within its area of operational responsibility.

“(D) The Commander of the United States Southern Command.

“(2) PROVISION TO INDIVIDUALS.—Each individual covered by a certification described in subsection (b) shall be provided an unclassified written summary of the certification, in a language the individual understands, not earlier than 30 days after the Secretary submits the certification to the appropriate committees of Congress pursuant to subsection (a). The summary shall also be provided to the personal representative and private counsel of the individual.”

(d) CONFORMING AMENDMENTS.—Paragraph (3) of subsection (f) of such section, as redesignated by subsection(c)(1) of this section, is amended—

(1) by striking “subsection (b)(2)(C)” and inserting “subsection (b)(3)(C)”; and

(2) by striking “subsection (b)(3)” and inserting “subsection (b)(4)”.

SA 4071. Mr. HATCH (for himself, Mr. INHOFE, Mr. LEE, and Mr. LANKFORD) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title IX, insert the following:

SEC. 949. REDESIGNATION OF ASSISTANT SECRETARY OF THE AIR FORCE FOR ACQUISITION AS ASSISTANT SECRETARY OF THE AIR FORCE FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS.

(a) REDESIGNATION.—Section 8016(b)(4)(A) of title 10, United States Code, is amended—

(1) by striking “Assistant Secretary of the Air Force for Acquisition” and inserting “Assistant Secretary of the Air Force for Acquisition, Technology, and Logistics”; and

(2) by inserting “, technology, and logistics” after “acquisition”.

(b) REFERENCES.—Any reference to the Assistant Secretary of the Air Force for Acquisition in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the Assistant Secretary of the Air Force for Acquisition, Technology, and Logistics.

SA 4072. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1097. NATURAL GAS PRODUCTION, TREATMENT, MANAGEMENT, AND USE, FORT KNOX, KENTUCKY.

(a) IN GENERAL.—Chapter 449 of title 10, United States Code, is amended by adding at the end of the following:

“§4781. Natural gas production, treatment, management, and use, Fort Knox, Kentucky

“(a) AUTHORITY.—The Secretary of the Army (referred to in this section as the ‘Secretary’) may provide, by contract or otherwise, for the production, treatment, management, and use of natural gas located under Fort Knox, Kentucky, without regard to sec-

tion 3 of the Mineral Leasing Act for Acquired Lands (30 U.S.C. 352).

“(b) LIMITATION ON USES.—Any natural gas produced pursuant to subsection (a)—

“(1) may only be used to support activities and operations at Fort Knox; and

“(2) may not be sold for use elsewhere.

“(c) OWNERSHIP OF FACILITIES.—The Secretary may take ownership of any gas production and treatment equipment and facilities and associated infrastructure from a contractor in accordance with the terms of a contract or other agreement entered into pursuant to subsection (a).

“(d) NO APPLICATION ELSEWHERE.—

“(1) IN GENERAL.—The authority provided by this section applies only with respect to Fort Knox, Kentucky.

“(2) EFFECT OF SECTION.—Nothing in this section authorizes the production, treatment, management, or use of natural gas resources underlying any Department of Defense installation other than Fort Knox.

“(e) APPLICABILITY.—The authority of the Secretary under this section is effective beginning on August 2, 2007.”

(b) CLERICAL AMENDMENT.—The table of sections of chapter 449 of title 10, United States Code, is amended by adding at the end the following:

“4781. Natural gas production, treatment, management, and use, Fort Knox, Kentucky.”.

SA 4073. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1097. IMPROVED ENUMERATION OF MEMBERS OF THE ARMED FORCES IN ANY TABULATION OF TOTAL POPULATION BY SECRETARY OF COMMERCE.

(a) IN GENERAL.—Section 141 of title 13, United States Code, is amended—

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

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

“(g) Effective beginning with the 2020 decennial census of population, in taking any tabulation of total population by States, the Secretary shall take appropriate measures to ensure, to the maximum extent practicable, that all members of the Armed Forces deployed abroad on the date of taking such tabulation are—

“(1) fully and accurately counted; and

“(2) properly attributed to the State in which their residence at their permanent duty station or homeport is located on such date.”.

(b) CONSTRUCTION.—The amendments made by subsection (a) shall not be construed to affect the residency status of any member of the Armed Forces under any provision of law other than title 13, United States Code.

SA 4074. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe mili-

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

Strike section 591 and insert the following:

SEC. 591. REPEAL OF MILITARY SELECTIVE SERVICE ACT.

(a) IN GENERAL.—The Military Selective Service Act (50 U.S.C. 3801 et seq.) is repealed.

(b) TRANSFERS IN CONNECTION WITH REPEAL.—Notwithstanding the proviso in section 10(a)(4) of the Military Selective Service Act (50 U.S.C. 3809(a)(4)), the Office of Selective Service Records shall not be reestablished after the repeal of the Military Selective Service Act. Not later than 180 days after the date of the enactment of this Act, the assets, contracts, property, and records held by the Selective Service System, and the unexpended balances of any appropriations available to the Selective Service System, shall be transferred to the Administrator of General Services. The Director of the Office of Personnel Management shall assist officers and employees of the Selective Service System to transfer to other positions in the executive branch.

(c) EFFECT ON EXISTING SANCTIONS.—Notwithstanding any other provision of law, a person may not be denied a right, privilege, benefit, or employment position under Federal law on the grounds that the person failed to present himself for and submit to registration under section 3 of the Military Selective Service Act (50 U.S.C. 3802) before the repeal of that Act by subsection (a).

SA 4075. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

TITLE XVII—SERVICEMEMBER SELF-DEFENSE

SEC. 1701. SHORT TITLE.

This title may be cited as the “Servicemembers Self-Defense Act of 2016”.

SEC. 1702. FIREARMS PERMITTED ON DEPARTMENT OF DEFENSE PROPERTY.

Section 930(g)(1) of title 18, United States Code, is amended—

(1) by striking “The term ‘Federal facility’ means” and inserting the following: “The term ‘Federal facility’—

“(A) means”; and

(2) by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(B) with respect to a qualified member of the Armed Forces, as defined in section 926D(a), does not include any land, a building, or any part thereof owned or leased by the Department of Defense.”.

SEC. 1703. LAWFUL POSSESSION OF FIREARMS ON MILITARY INSTALLATIONS BY MEMBERS OF THE ARMED FORCES.

(a) MODIFICATION OF GENERAL ARTICLE.—Section 934 of title 10, United States Code (article 134 of the Uniform Code of Military Justice), is amended—

(1) by inserting “(a) IN GENERAL.—” before “Though not specifically mentioned”; and

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

“(b) POSSESSION OF A FIREARM.—The possession of a concealed or open carry firearm by a member of the armed forces subject to this chapter on a military installation, if

lawful under the laws of the State in which the installation is located, is not an offense under this section.”.

(b) **MODIFICATION OF REGULATIONS.**—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall amend Department of Defense Directive number 5210.56 to provide that members of the Armed Forces may possess firearms for defensive purposes on facilities and installations of the Department of Defense in a manner consistent with the laws of the State in which the facility or installation concerned is located.

SEC. 1704. CARRYING OF CONCEALED FIREARMS BY QUALIFIED MEMBERS OF THE ARMED FORCES.

(a) **IN GENERAL.**—Chapter 44 of title 18, United States Code, is amended by inserting after section 926C the following

“§926D. Carrying of concealed firearms by qualified members of the Armed Forces

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

“(1) the term ‘firearm’—

“(A) except as provided in this paragraph, has the same meaning as in section 921;

“(B) includes ammunition not expressly prohibited by Federal law or subject to the provisions of the National Firearms Act; and

“(C) does not include—

“(i) any machinegun (as defined in section 5845 of the National Firearms Act);

“(ii) any firearm silencer; or

“(iii) any destructive device; and

“(2) the term ‘qualified member of the Armed Forces’ means an individual who—

“(A) is a member of the Armed Forces on active duty status, as defined in section 101(d)(1) of title 10;

“(B) is not the subject of disciplinary action under the Uniform Code of Military Justice;

“(C) is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and

“(D) is not prohibited by Federal law from receiving a firearm.

“(b) **AUTHORIZATION.**—Notwithstanding any provision of the law of any State or any political subdivision thereof, an individual who is a qualified member of the Armed Forces and who is carry identification required by subsection (d) may carry a concealed firearm that has been shipped or transported in interstate or foreign commerce, subject to subsection (c).

“(c) **LIMITATIONS.**—This section shall not be construed to supersede or limit the laws of any State that—

“(1) permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property; or

“(2) prohibit or restrict the possession of firearms on any State or local government property, installation, building, base, or park.

“(d) **IDENTIFICATION.**—The identification required by this subsection is the photographic identification issued by the Department of Defense for the qualified member of the Armed Forces.”.

(b) **TECHNICAL AND CONFORMING AMENDMENT.**—The table of sections for chapter 44 of title 18, United States Code, is amended by inserting after the item relating to section 926C the following:

“926D. Carrying of concealed firearms by qualified members of the Armed Forces.”.

SA 4076. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction,

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

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

SEC. 1097. DECLASSIFICATION AND PUBLIC RELEASE OF CERTAIN REDACTED PORTIONS OF THE JOINT INQUIRY INTO INTELLIGENCE COMMUNITY ACTIVITIES BEFORE AND AFTER THE TERRORIST ATTACKS OF SEPTEMBER 2001.

(a) **DECLASSIFICATION AND PUBLIC RELEASE OF THE JOINT INQUIRY INTO INTELLIGENCE COMMUNITY ACTIVITIES BEFORE AND AFTER THE TERRORIST ATTACKS OF SEPTEMBER 2001.**—Not later than 60 days after the date of the enactment of this Act and subject to subsection (b), the President shall declassify and release to the public the previously redacted portions of the report on the Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 2001, filed in the Senate and the House of Representatives on December 20, 2002, including all the material under the heading “Part Four—Findings, Discussion and Narrative Regarding Certain Sensitive National Security Matters”.

(b) **EXCEPTION FOR NAMES AND INFORMATION OF INDIVIDUALS AND CERTAIN METHODOLOGIES.**—Notwithstanding subsection (a), the President is not required to declassify and release to the public the names and identifying information of individuals or specific methodologies described in the report referred to in subsection (a) if such declassification and release would result in imminent lawless action or compromise presently on-going national security operations.

SA 4077. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

Subtitle J—Protecting Gun Rights and Due Process

SEC. 1099A. SHORT TITLE.

This subtitle may be cited as the “Protecting Gun Rights and Due Process Act”.

SEC. 1099B. DEFINITIONS RELATING TO MENTAL HEALTH.

(a) **TITLE 18 DEFINITIONS.**—Chapter 44 of title 18, United States Code, is amended—

(1) in section 921(a), by adding at the end the following:

“(36)(A) Subject to subparagraph (B), the term ‘has been adjudicated mentally incompetent or has been committed to a psychiatric hospital’, with respect to a person—

“(i) means the person is the subject of an order or finding by a judicial officer or court—

“(I) that was issued after a hearing—

“(aa) of which the person received actual notice; and

“(bb) at which the person had an opportunity to participate with counsel; and

“(II) that found that the person, as a result of marked subnormal intelligence, mental impairment, mental illness, incompetency, condition, or disease—

“(aa) was guilty but mentally ill in a criminal case, in a jurisdiction that provides for such a verdict;

“(bb) was not guilty in a criminal case by reason of insanity or mental disease or defect;

“(cc) was incompetent to stand trial in a criminal case; or

“(dd) was not guilty by reason of lack of mental responsibility under section 850a of title 10 (article 50a of the Uniform Code of Military Justice); and

“(ii) does not include—

“(I) an admission to a psychiatric hospital for observation; or

“(II) a voluntary admission to a psychiatric hospital.

“(B) In this paragraph, the term ‘order or finding’ does not include—

“(i) an order or finding that has expired or has been set aside or expunged;

“(ii) an order or finding that is no longer applicable because a judicial officer or court has found that the person who is the subject of the order or finding—

“(I) does not present a danger to himself or herself or to others;

“(II) has been restored to sanity or cured of mental disease or defect;

“(III) has been restored to competency; or

“(IV) no longer requires involuntary inpatient or outpatient treatment by a psychiatric hospital; or

“(iii) an order or finding with respect to which the person who is subject to the order or finding has been granted relief from disabilities under section 925(c), under a program described in section 101(c)(2)(A) or 105 of the NICS Improvement Amendments Act of 2007 (18 U.S.C. 922 note), or under any other State-authorized relief from disabilities program of the State in which the original commitment or adjudication occurred.

“(37) The term ‘psychiatric hospital’ includes a mental health facility, a mental hospital, a sanitarium, or a psychiatric facility, including a psychiatric ward in a general hospital.”; and

(2) in section 922—

(A) in subsection (d)(4)—

(i) by striking “as a mental defective” and inserting “mentally incompetent”; and

(ii) by striking “any mental institution” and inserting “a psychiatric hospital”; and

(B) in subsection (g)(4)—

(i) by striking “as a mental defective or who has” and inserting “mentally incompetent or has”; and

(ii) by striking “mental institution” and inserting “psychiatric hospital”.

(b) **TECHNICAL AND CONFORMING AMENDMENTS.**—The NICS Improvement Amendments Act of 2007 (18 U.S.C. 922 note) is amended—

(1) by striking “as a mental defective” each place that term appears and inserting “mentally incompetent”;

(2) by striking “mental institution” each place that term appears and inserting “psychiatric hospital”;

(3) in section 101(c)—

(A) in paragraph (1), in the matter preceding subparagraph (A), by striking “to the mental health of a person” and inserting “to whether a person is mentally incompetent”; and

(B) in paragraph (2)—

(i) in subparagraph (A)(i), by striking “to the mental health of a person” and inserting “to whether a person is mentally incompetent”; and

(ii) in subparagraph (B), by striking “to the mental health of a person” and inserting “to whether a person is mentally incompetent”; and

(4) in section 102(c)(3)—

(A) in the paragraph heading, by striking “AS A MENTAL DEFECTIVE OR COMMITTED TO A MENTAL INSTITUTION” and inserting “AS MENTALLY INCOMPETENT OR COMMITTED TO A MENTAL INSTITUTION”; and

(B) by striking “mental institutions” and inserting “psychiatric hospitals”.

SEC. 1099C. PROTECTING THE SECOND AMENDMENT RIGHTS OF VETERANS.

(a) **DEFINITION.**—In this section, the term “covered veteran” means a person who, on the day before the date of enactment of this Act, is considered to have been adjudicated as a mental defective or committed to a mental institution under subsection (d)(4) or (g)(4) of section 922 of title 18, United States Code, as a result of having been found by the Department of Veterans Affairs to be mentally incompetent.

(b) **REVIEW.**—The Secretary of Veterans Affairs shall—

(1) not later than 90 days after the date of enactment of this Act, conduct a review relating to each covered veteran to determine whether the proceedings for the adjudication or commitment of the covered veteran were conducted in accordance with, and resulted in an order or finding described in, section 921(a)(36) of title 18, United States Code, as added by this Act; and

(2) unless the Secretary certifies that the proceedings were conducted in accordance with, and resulted in an order or finding described in, section 921(a)(36) of title 18, United States Code, as added by this Act, ensure that the records of the covered veteran used for purposes of any determination of whether the covered veteran is disqualified from possessing or receiving a firearm under subsection (g) or (n) of section 922 of title 18, United States Code, are modified to indicate that the covered veteran has not been adjudicated mentally incompetent or committed to a psychiatric hospital.

(c) ENFORCEMENT.—

(1) **IDENTIFICATION OF INACCURATE RECORDS.**—Not later than January 1 of each year, the Attorney General shall—

(A) review the record of each person who is considered to have been adjudicated mentally incompetent or committed to a psychiatric hospital under subsection (d)(4) or (g)(4) of section 922 of title 18, United States Code, as a result of having been found by the Department of Veterans Affairs to be mentally incompetent;

(B) identify each such record that does not include documentation indicating that the proceedings for the adjudication or commitment were conducted in accordance with, and resulted in an order or finding described in, section 921(a)(36) of title 18, United States Code, as added by this Act; and

(C) submit to the Secretary of the Treasury and Congress a report providing the number of records identified under subparagraph (B).

(2) **RESCISSION.**—Effective on the date on which the Attorney General submits a report under paragraph (1)(C), there is rescinded from the unobligated balances in the appropriations account appropriated under the heading “GENERAL ADMINISTRATION” under the heading “DEPARTMENTAL ADMINISTRATION” under the heading “DEPARTMENT OF VETERANS AFFAIRS” the amount equal to the product of—

(A) the number of records that the report states were identified by the Attorney General under paragraph (1)(B); and

(B) \$10,000.

(d) APPOINTMENT OF FIDUCIARIES.—

(1) **IN GENERAL.**—Chapter 55 of title 38, United States Code, is amended by adding at the end the following:

“§ 5511. Use of determinations to appoint fiduciaries

“No determination by the Secretary that benefits under this title to which an individual is entitled shall be paid to a fiduciary shall be considered to be a determination that the individual has been adjudicated

mentally incompetent for purposes of subsections (d)(4) and (g)(4) of section 922 of title 18.”.

(2) **CLERICAL AMENDMENT.**—The table of sections for chapter 55 of title 38, United States Code, is amended by adding at the end the following:

“5511. Use of determinations to appoint fiduciaries.”.

SEC. 1099D. USE OF DETERMINATIONS MADE BY THE COMMISSIONER OF SOCIAL SECURITY.

(a) **TITLE II.**—Section 205(j) of the Social Security Act (42 U.S.C. 405(j)) is amended by adding at the end the following:

“(11) No determination by the Commissioner of Social Security with respect to an individual, including a determination that benefits under this title to which such individual is entitled shall be paid to a representative payee, shall be considered to be a determination that the individual has been adjudicated mentally incompetent for purposes of subsections (d)(4) and (g)(4) of section 922 of title 18, United States Code.”.

(b) **TITLE XVI.**—Section 1631(a)(2) of such Act (42 U.S.C. 1383(a)(2)) is amended by adding at the end the following:

“(J) No determination by the Commissioner of Social Security with respect to an individual, including a determination that benefits under this title to which such individual is entitled shall be paid to a representative payee, shall be considered to be a determination that the individual has been adjudicated mentally incompetent for purposes of subsections (d)(4) and (g)(4) of section 922 of title 18, United States Code.”.

(c) ENFORCEMENT.—

(1) **IDENTIFICATION OF INACCURATE RECORDS.**—Not later than January 1 of each year, the Attorney General shall—

(A) review the record of each person who is considered to have been adjudicated mentally incompetent or committed to a psychiatric hospital under subsection (d)(4) or (g)(4) of section 922 of title 18, United States Code, as a result of a determination by the Commissioner of Social Security;

(B) identify each such record that does not include documentation indicating that the proceedings for the adjudication or commitment were conducted in accordance with, and resulted in an order or finding described in, section 921(a)(36) of title 18, United States Code, as added by this Act; and

(C) submit to the Secretary of the Treasury and Congress a report providing the number of records identified under subparagraph (B).

(2) RESCISSION.—

(A) **IN GENERAL.**—Effective on the date on which the Attorney General submits a report under paragraph (1)(C), there is rescinded from the unobligated balances in the Federal Old-Age and Survivors Insurance Trust Fund, the Federal Disability Insurance Trust Fund, the Federal Hospital Insurance Trust Fund, and the Federal Supplementary Medical Insurance Trust Fund, on a pro rata basis, the amount equal to the product of—

(i) the number of records that the report states were identified by the Attorney General under paragraph (1)(B); and

(ii) \$10,000.

(B) **TREATMENT OF AMOUNTS.**—Amounts rescinded under subparagraph (A) shall be deemed to have been expended for costs described in section 201(g)(1) of the Social Security Act (42 U.S.C. 401(g)(1)).

SEC. 1099E. STATE HEALTH REPORTS.

Section 102(c)(3) of the NICS Improvement Amendments Act of 2007 (18 U.S.C. 922 note) is amended by adding at the end the following: “A report made available by a State indicating that a person has been adjudicated as mentally incompetent or com-

mitted to a mental institution shall not be used for purposes of any determination of whether a person is disqualified from possessing or receiving a firearm under subsection (g) or (n) of section 922 of title 18, United States Code, unless the Attorney General determines that the proceedings for the adjudication or commitment were conducted in accordance with, and resulted in an order or finding described in, section 921(a)(36) of title 18, United States Code and that the State has provided clear and convincing evidence that the person poses a significant danger.”.

SEC. 1099F. APPLICABILITY OF AMENDMENTS.

With respect to any record of a person prohibited from possessing or receiving a firearm under subsection (d)(4) or (g)(4) of section 922 of title 18, United States Code, before the date of enactment of this Act, the Attorney General shall remove such a record from the National Instant Criminal Background Check System—

(1) upon being made aware that the person is no longer considered as adjudicated mentally incompetent or committed to a psychiatric hospital according to the criteria under paragraph (36)(A)(i)(II) of section 921(a) of title 18, United States Code (as added by this Act), and is therefore no longer prohibited from possessing or receiving a firearm;

(2) upon being made aware that any order or finding that the record is based on is an order or finding described in paragraph (36)(B) of section 921(a) of title 18, United States Code (as added by this Act); or

(3) upon being made aware that the person has been found competent to possess a firearm after an administrative or judicial review under subsection (c) or (d) of section 5511 of title 38, United States Code (as added by this Act).

SA 4078. Mr. MCCONNELL (for Mr. GRASSLEY) proposed an amendment to the bill S. 2613, to reauthorize certain programs established by the Adam Walsh Child Protection and Safety Act of 2006; as follows:

On page 5, strike lines 23 through 25 and insert the following:

“(c) **DEFINITION OF SEXUAL ASSAULT.**—In this section, the term “sexual assault” means any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.

SA 4079. Ms. HEITKAMP submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 556, line 2, insert “, including the modernization investments required to ensure that B-1, B-2, or B-52 aircraft can carry out the full range of long-range bomber aircraft missions anticipated in operational plans of the Armed Forces” after “program”.

SA 4080. Ms. HEITKAMP submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal

year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 764. STUDY ON ELIMINATING STIGMA AND IMPROVING TREATMENT OF POST-TRAUMATIC STRESS DISORDER AMONG MEMBERS OF THE ARMED FORCES AND VETERANS.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly conduct a study on eliminating the stigma and improving the treatment of post-traumatic stress disorder among members of the Armed Forces and veterans.

(2) CONSULTATION.—In conducting the study required by paragraph (1), the Secretary of Defense and the Secretary of Veterans Affairs shall consult with individuals with relevant experience relating to post-traumatic stress disorder, the treatment of post-traumatic stress disorder, and the impact of post-traumatic stress disorder on members of the Armed Forces, veterans, and their families, including the following individuals:

(A) Representatives of military service organizations.

(B) Representatives of veterans service organizations.

(C) Health professionals with experience in treating members of the Armed Forces and veterans with mental illness, including those health professionals who work for the Federal Government and those who do not.

(3) ELEMENTS.—In conducting the study required by paragraph (1), the Secretary of Defense and the Secretary of Veterans Affairs shall assess the following:

(A) The feasibility and advisability of strategies to improve the treatment of the full spectrum of post-traumatic stress disorder among members of the Armed Forces and veterans.

(B) The feasibility and advisability of strategies to eliminate the stigma attached to post-traumatic stress disorder among members of the Armed Forces, veterans, and the public in general.

(C) The impact of the term “disorder” on the stigma attached to post-traumatic stress disorder among members of the Armed Forces and veterans, including the impact of dropping the term “disorder” or replacing it with the term “injury”, when medically appropriate, when referring to post-traumatic stress disorder.

(D) Whether using the term “disorder” is the most accurate way to describe post-traumatic stress disorder in instances in which members of the Armed Forces and veterans have experienced traumatic events but have not been formally diagnosed with post-traumatic stress disorder.

(E) Whether there is a need to update the VA/DOD Clinical Practice Guideline for Management of Post-Traumatic Stress published by the Department of Defense and the Department of Veterans Affairs.

(F) Whether there is a need to encourage commanders in the Armed Forces to support appropriate treatment for members of the Armed Forces who are diagnosed with post-traumatic stress disorder.

(G) Whether there is a need to update information provided to members of the Armed Forces and veterans, including information on Internet websites of the Department of Defense or the Department of Veterans Affairs, on post-traumatic stress disorder to eliminate the stigma and more accurately describe the medical conditions for which members of the Armed Forces and veterans are receiving treatment.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the

Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to the appropriate committees of Congress a report on the results of the study required by subsection (a), including recommendations for any actions that the Department of Defense and the Department of Veterans Affairs can take to eliminate the stigma and improve the treatment of post-traumatic stress disorder among members of the Armed Forces and veterans.

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Veterans’ Affairs, and the Subcommittee on Defense of the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Veterans’ Affairs, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

(2) VETERANS SERVICE ORGANIZATION.—The term “veterans service organization” means an organization recognized by the Secretary for the representation of veterans under section 5902 of title 38, United States Code.

SA 4081. Ms. HEITKAMP (for herself and Ms. AYOTTE) submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1097. NORTHERN BORDER THREAT ANALYSIS.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

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

(B) the Committee on Appropriations of the Senate;

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

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

(E) the Committee on Appropriations of the House of Representatives; and

(F) the Committee on the Judiciary of the House of Representatives.

(2) NORTHERN BORDER.—The term “Northern Border” means the land and maritime borders between the United States and Canada.

(b) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the appropriate congressional committees a Northern Border threat analysis that includes—

(1) current and potential terrorism and criminal threats posed by individuals and organized groups seeking—

(A) to enter the United States through the Northern Border; or

(B) to exploit border vulnerabilities on the Northern Border;

(2) improvements needed at and between ports of entry along the Northern Border—

(A) to prevent terrorists and instruments of terrorism from entering the United States; and

(B) to reduce criminal activity, as measured by the total flow of illegal goods, illicit

drugs, and smuggled and trafficked persons moved in either direction across to the Northern Border;

(3) gaps in law, policy, cooperation between State, tribal, and local law enforcement, international agreements, or tribal agreements that hinder effective and efficient border security, counter-terrorism, anti-human smuggling and trafficking efforts, and the flow of legitimate trade along the Northern Border; and

(4) whether additional U.S. Customs and Border Protection preclearance and preinspection operations at ports of entry along the Northern Border could help prevent terrorists and instruments of terror from entering the United States.

(c) ANALYSIS REQUIREMENTS.—For the threat analysis required under subsection (b), the Secretary of Homeland Security shall consider and examine—

(1) technology needs and challenges;

(2) personnel needs and challenges;

(3) the role of State, tribal, and local law enforcement in general border security activities;

(4) the need for cooperation among Federal, State, tribal, local, and Canadian law enforcement entities relating to border security;

(5) the terrain, population density, and climate along the Northern Border; and

(6) the needs and challenges of Department of Homeland Security facilities, including the physical approaches to such facilities.

(d) CLASSIFIED THREAT ANALYSIS.—To the extent possible, the Secretary of Homeland Security shall submit the threat analysis required under subsection (b) in unclassified form. The Secretary may submit a portion of the threat analysis in classified form if the Secretary determines that such form is appropriate for that portion.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mrs. ERNST. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on May 23, 2016, at 5:30 p.m., to conduct a classified briefing entitled “The Open Skies Treaty: Managing Russia’s Request to Upgrade Sensors.”

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

RAISING AWARENESS OF MODERN SLAVERY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 398, S. Res. 375.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 375) raising awareness of modern slavery.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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