

SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4744. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4745. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4746. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4747. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4748. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4749. Mr. McCONNELL (for Mr. CORNYN) proposed an amendment to amendment SA 4720 proposed by Mrs. FEINSTEIN (for herself, Mr. LEAHY, Mr. NELSON, Mr. REID, Mr. DURBIN, Mr. SCHUMER, Ms. MIKULSKI, Mrs. BOXER, Mr. UDALL, Mr. CARPER, Mr. MARKEY, Mr. MENENDEZ, Mr. COONS, Mr. BLUMENTHAL, Mrs. MURRAY, Mr. BROWN, Mr. SCHATZ, Ms. KLOBUCHAR, Mr. MURPHY, Mrs. MCCASKILL, Mr. HEINRICH, Mr. FRANKEN, Mr. BOOKER, and Mr. Kaine) to the amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra.

SA 4750. Mr. McCONNELL (for Mr. MURPHY (for himself, Mr. BOOKER, Mr. BLUMENTHAL, Mr. SCHUMER, and Mr. CARDIN)) proposed an amendment to the bill H.R. 2578, supra.

SA 4751. Mr. McCONNELL (for Mr. GRASSLEY) proposed an amendment to amendment SA 4750 proposed by Mr. McCONNELL (for Mr. MURPHY (for himself, Mr. BOOKER, Mr. BLUMENTHAL, Mr. SCHUMER, and Mr. CARDIN)) to the bill H.R. 2578, supra.

SA 4752. Mr. McCONNELL proposed an amendment to amendment SA 4751 proposed by Mr. McCONNELL (for Mr. GRASSLEY) to the amendment SA 4750 proposed by Mr. McCONNELL (for Mr. MURPHY (for himself, Mr. BOOKER, Mr. BLUMENTHAL, Mr. SCHUMER, and Mr. CARDIN)) to the bill H.R. 2578, supra.

SA 4753. Mr. SHELBY (for himself, Mr. SESSIONS, Mr. RUBIO, and Mr. NELSON) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4754. Ms. CANTWELL (for herself and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4755. Mr. MANCHIN submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4756. Mr. BROWN submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4757. Mr. REID (for himself, Mr. LEAHY, Mrs. MURRAY, Mr. MENENDEZ, and Mr. DURBIN) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4758. Mr. GARDNER (for himself, Mr. HATCH, and Mr. JOHNSON) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4759. Mr. BOOZMAN submitted an amendment intended to be proposed by him to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4760. Mr. BOOZMAN submitted an amendment intended to be proposed by him to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4761. Mr. BOOZMAN (for himself, Mr. SESSIONS, Mr. TILLIS, and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4762. Mr. MERKLEY (for himself, Mr. KIRK, Ms. BALDWIN, Mr. BOOKER, Ms. MIKULSKI, Mrs. SHAHEEN, Mrs. MURRAY, Mr. COONS, and Mr. DURBIN) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4763. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4764. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4765. Mrs. GILLIBRAND (for herself and Mr. KIRK) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4766. Mr. WICKER (for himself, Ms. CANTWELL, and Ms. MURKOWSKI) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4767. Mr. WYDEN (for himself and Mr. MERKLEY) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4721. Mr. ROUNDS (for himself and Mr. THUNE) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

After section 217, insert the following:

SEC. 2 _____. (a) Of amounts made available by this title for the Office of Justice Programs to be used for tribal criminal justice assistance, the Assistant Attorney General for the Office of Justice Programs shall use not more than \$25,000,000 to replace outdated detention facilities located on Indian land that the United States has determined to be unfit for detention purposes and beyond rehabilitation.

(b) In conducting activities described in subsection (a), the Assistant Attorney Gen-

eral for the Office of Justice Programs shall give priority to detention facilities located on the land of Indian tribes with not fewer than 10,000 members and that demonstrate readiness and preparedness to commence construction.

SA 4722. Mr. LEE submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, between lines 20 and 21, insert the following:

SEC. 218. (a) Notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act may be used—

(1) to require or coerce an educational institution to enforce, or suggest an educational institution enforce, a more strict actionable harassment standard than that provided under subsection (b); and

(2) by the Department of Justice to take action against an educational institution or State for not implementing guidance, instruction, or a rule promulgated by the Department of Education regarding a more strict actionable harassment standard than that provided under subsection (b).

(b) Speech shall constitute actionable harassment only if the speech—

(1) is directed at an individual; and

(2)(A) is part of a pattern of targeted, unwelcome conduct that is discriminatory on the basis of race, color, national origin, disability, religion, age, sex, or gender;

(B) is severe, pervasive, and objectively offensive; and

(C) so undermines and detracts from the victim's educational experience that the victim is effectively denied equal access to the institution's resources and opportunities.

SA 4723. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 80, between lines 17 and 18, insert the following:

GENERAL PROVISION—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SEC. 301. None of the funds appropriated or otherwise made available by this Act may be used by the National Aeronautics and Space Administration to prepare a budget request for fiscal year 2018 that does not maintain development milestones and launch schedules for human exploration missions and programs to which the Administration is formally committed or as otherwise identified by this Act.

SA 4724. Mrs. SHAHEEN submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related

Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 52, line 1, strike “\$13,500,000” and insert “\$25,000,000, of which \$12,500,000 is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)),”.

SA 4725. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V (before the short title), insert the following:

SEC. ____ COLLECTION OF PAY DATA THROUGH EMPLOYER INFORMATION REPORT EEO-1.

(a) FINDINGS.—Congress finds the following:

(1) The Equal Employment Opportunity Commission (referred to in this section as the “Commission”) is responsible for enforcing title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.), including section 701(k) of that title (commonly known as the “Pregnancy Discrimination Act”) (42 U.S.C. 2000e(k)), section 6(d) of the Fair Labor Standards Act of 1963 (commonly known as the “Equal Pay Act of 1963”) (29 U.S.C. 206(d)), title I of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111 et seq.), the Genetic Information Nondiscrimination Act of 2008 (42 U.S.C. 2000ff et seq.), section 504 of the Rehabilitation Act (29 U.S.C. 794), the Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.), and other Federal civil rights laws that prohibit discrimination in employment.

(2) Employment discrimination can manifest in many ways including firing an employee, paying an employee less, failing to promote an employee, or demoting an employee, because of the employee’s race, sex, color, religion, national origin, age, disability, sexual orientation, or gender identity.

(3) Today, on average, women make just 79 cents for every dollar that men make. African-American and Hispanic women are paid just 60 cents and 55 cents, respectively, for every dollar that non-Hispanic White men are paid.

(4) For 50 years, the Commission has collected employment data through the Employer Information Report EEO-1, which provides workforce profiles from private sector employers, categorized by race, ethnicity, sex, and job category.

(5) Pursuant to section 709(c) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-8(c)), the Commission has the authority to collect pay data (including W-2 earnings and hours worked by employees) from employers.

(6) The Commission recently proposed, and has the authority to finalize, a new rule supplementing the information collected through the Employer Information Report EEO-1 to collect pay data from employers in order to obtain insight into pay disparities across industries and occupations and strengthen Federal efforts to combat discrimination.

(7) The data will help employers better understand their pay practices and voluntarily address gender-based pay imbalances, as well as identify pay disparities that may warrant further examination by the Commission.

(b) TRANSFER OF FUNDS FOR INFORMATION COLLECTION.—The Secretary of Commerce shall transfer \$1,000,000 of the funds made available by this Act from the appropriations account under the heading “SALARIES AND EXPENSES” under the heading “DEPARTMENTAL MANAGEMENT” of the Department of Commerce, to the appropriations account under the heading “SALARIES AND EXPENSES” of the Commission. Such transferred funds may only be used to finalize and implement the regulation referred to in the notice entitled “Agency Information Collection Activities: Revision of the Employer Information Report (EEO-1) and Comment Request”, published by the Commission (81 Fed. Reg. 5113 (February 1, 2016)).

SA 4726. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V (before the short title), insert the following:

SEC. ____ COLLECTION OF PAY DATA THROUGH EMPLOYER INFORMATION REPORT EEO-1.

(a) FINDINGS.—Congress finds the following:

(1) The Equal Employment Opportunity Commission (referred to in this section as the “Commission”) is responsible for enforcing title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.), including section 701(k) of that title (commonly known as the “Pregnancy Discrimination Act”) (42 U.S.C. 2000e(k)), section 6(d) of the Fair Labor Standards Act of 1963 (commonly known as the “Equal Pay Act of 1963”) (29 U.S.C. 206(d)), title I of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111 et seq.), the Genetic Information Nondiscrimination Act of 2008 (42 U.S.C. 2000ff et seq.), section 504 of the Rehabilitation Act (29 U.S.C. 794), the Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.), and other Federal civil rights laws that prohibit discrimination in employment.

(2) Employment discrimination can manifest in many ways including firing an employee, paying an employee less, failing to promote an employee, or demoting an employee, because of the employee’s race, sex, color, religion, national origin, age, disability, sexual orientation, or gender identity.

(3) Today, on average, women make just 79 cents for every dollar that men make. African-American and Hispanic women are paid just 60 cents and 55 cents, respectively, for every dollar that non-Hispanic White men are paid.

(4) For 50 years, the Commission has collected employment data through the Employer Information Report EEO-1, which provides workforce profiles from private sector employers, categorized by race, ethnicity, sex, and job category.

(5) Pursuant to section 709(c) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-8(c)), the Commission has the authority to collect pay data (including W-2 earnings and hours worked by employees) from employers.

(6) The Commission recently proposed, and has the authority to finalize, a new rule supplementing the information collected through the Employer Information Report EEO-1 to collect pay data from employers in order to obtain insight into pay disparities across industries and occupations and strengthen Federal efforts to combat discrimination.

(7) The data will help employers better understand their pay practices and voluntarily address gender-based pay imbalances, as well as identify pay disparities that may warrant further examination by the Commission.

(b) TRANSFER OF FUNDS FOR INFORMATION COLLECTION.—The Secretary of Commerce shall transfer \$1,000,000 of the funds made available by this Act from the appropriations account under the heading “SALARIES AND EXPENSES” under the heading “DEPARTMENTAL MANAGEMENT” of the Department of Commerce, to the appropriations account under the heading “SALARIES AND EXPENSES” of the Commission. Such transferred funds may only be used to finalize and implement the regulation referred to in the notice entitled “Agency Information Collection Activities: Revision of the Employer Information Report (EEO-1) and Comment Request”, published by the Commission (81 Fed. Reg. 5113 (February 1, 2016)).

SA 4727. Mr. CORNYN (for Mr. GRASSLEY (for himself, Mr. CORNYN, Mr. LEAHY, Mrs. FEINSTEIN, and Mr. LANKFORD)) proposed an amendment to the bill S. 2577, to protect crime victims’ rights, to eliminate the substantial backlog of DNA and other forensic evidence samples to improve and expand the forensic science testing capacity of Federal, State, and local crime laboratories, to increase research and development of new testing technologies, to develop new training programs regarding the collection and use of forensic evidence, to provide post-conviction testing of DNA evidence to exonerate the innocent, to support accreditation efforts of forensic science laboratories and medical examiner offices, to address training and equipment needs, to improve the performance of counsel in State capital cases, and for other purposes; as follows:

On page 6, line 2, strike “Of the amounts” and insert “(a) IN GENERAL.—Of the amounts”.

On page 6, between lines 21 and 22, insert the following:

(b) REPORTING.—

(1) REPORT BY GRANT RECIPIENTS.—With respect to amounts made available to the Attorney General for a DNA Analysis and capacity enhancement program and for other local, State, and Federal forensic activities under the heading “STATE AND LOCAL LAW ENFORCEMENT” under the heading “OFFICE OF JUSTICE PROGRAMS” under the heading “DEPARTMENT OF JUSTICE”, the Attorney General shall require recipients of the amounts to report on the effectiveness of the activities carried out using the amounts, including any information the Attorney General needs in order to submit the report required under paragraph (2).

(2) REPORT TO CONGRESS.—Not later than 1 month after the last day of each even-numbered fiscal year, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that includes, for each recipient of amounts described in paragraph (1)—

(A) the amounts distributed to the recipient;

(B) a summary of the purposes for which the amounts were used and an evaluation of the progress of the recipient in achieving those purposes;

(C) a statistical summary of the crime scene samples and arrestee or offender samples submitted to laboratories, the average

time between the submission of a sample to a laboratory and the testing of the sample, and the percentage of the amounts that were paid to private laboratories; and

(D) an evaluation of the effectiveness of the grant amounts in increasing capacity and reducing backlogs.

On page 37, between lines 21 and 22, insert the following:

(10) PREVENTING DUPLICATIVE GRANTS.—

(A) IN GENERAL.—Before the Attorney General awards a grant to an applicant under this Act, the Attorney General shall compare potential grant awards with other grants awarded under this Act to determine whether duplicate grants are awarded for the same purpose.

(B) REPORT.—If the Attorney General awards duplicate grants to the same applicant for the same purpose, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that includes—

(i) a list of all duplicate grants awarded, including the total dollar amount of any duplicate grants awarded; and

(ii) the reason the Attorney General awarded the duplicate grants.

On page 40, line 25, strike “sections 3663 and 3663A” and insert “each provision of this title and the Controlled Substances Act (21 U.S.C. 801 et seq.) that authorizes restitution”.

On page 41, line 7, strike “sections 3663 and 3663A” and insert “each provision of this title and the Controlled Substances Act (21 U.S.C. 801 et seq.) that authorizes restitution”.

On page 41, line 15, strike “sections 3663 and 3663A” and insert “each provision of this title and the Controlled Substances Act (21 U.S.C. 801 et seq.) that authorizes restitution”.

On page 41, line 22, insert “or the Controlled Substances Act (21 U.S.C. 801 et seq.)” after “this title”.

On page 42, lines 21 and 22, strike “sections 3663 and 3663A” and insert “each provision of this title and the Controlled Substances Act (21 U.S.C. 801 et seq.) that authorizes restitution”.

On page 43, line 3, insert “the” before “date”.

SA 4728. Mr. KIRK submitted an amendment intended to be proposed by him to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

In the matter under the heading “BUILDINGS AND FACILITIES” under the heading “FEDERAL PRISON SYSTEM” under the heading “DEPARTMENT OF JUSTICE” in title II, strike “and of which” and insert “of which \$6,000,000 shall be available to test methods and procedures to prevent illegal inmate telecommunications covering all commercial networks through managed access while not interfering with the legitimate use of the spectrum, and of which”.

SA 4729. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . REPORT REGARDING THE IMPLEMENTATION OF THE REGIONAL BIOSECURITY PLAN FOR MICRONESIA AND HAWAII.

(a) REQUIREMENT FOR REPORT.—The Secretary of Commerce shall submit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives, at the time the President’s budget for fiscal year 2018 is submitted under section 1105(a) of title 31, United States Code, an annual report on the activities carried out by the National Oceanic and Atmospheric Administration to implement the Regional Biosecurity Plan for Micronesia and Hawaii.

(b) CONTENTS.—The report required by subsection (a) shall include—

(1) an update of the activities carried out by the National Oceanic and Atmospheric Administration to implement the Regional Biosecurity Plan for Micronesia and Hawaii in the previous fiscal year;

(2) a description of activities that the Administrator of the National Oceanic and Atmospheric Administration intends to implement to carry out such Plan; and

(3) an estimate of the funds needed to carry out the activities referred to in paragraph (2).

SA 4730. Ms. HIRONO submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . Amounts provided by this Act or by any prior appropriations Act that remain available for obligation, for necessary expenses of the programs of the Bureau of Justice Statistics of the Department of Justice, shall be available to make grants to, or enter into cooperative agreements or contracts with, public agencies, institutions of higher education, private organizations, or private individuals to disaggregate local, State and Federal criminal justice statistics to the extent possible by Hispanic origin and the racial group categories in the decennial census. The total amount of grants made under this section in any fiscal year may not be greater than \$1,000,000.

SA 4731. Ms. HIRONO submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

After section 113, insert the following:

SEC. 114. The Secretary of Commerce shall use funds made available by this Act to carry out a prize competition as authorized by section 24 of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3719) to address coral reef health.

SA 4732. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 2578, making ap-

propriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ____ —KEEP OUR COMMUNITIES SAFE ACT OF 2016

SEC. ____ .01. SHORT TITLE.

This title may be cited as the “Keep Our Communities Safe Act of 2016”.

SEC. ____ .02. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) Constitutional rights should be upheld and protected;

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

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

SEC. ____ .03. DETENTION OF DANGEROUS ALIENS DURING REMOVAL PROCEEDINGS.

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

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

(2) in subsection (a)—

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

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

(3) in subsection (b)—

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

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

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

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

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

(6) by adding at the end the following:

“(f) LENGTH OF DETENTION.—

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

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

“(g) ADMINISTRATIVE REVIEW.—

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

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

“(A) Aliens in exclusion proceedings.

“(B) Aliens described in sections 212(a)(3) and 237(a)(4).

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

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

“(h) RELEASE ON BOND.—

“(1) IN GENERAL.—An alien detained under subsection (a) may seek release on bond. No bond may be granted except to an alien who establishes by clear and convincing evidence that the alien is not a flight risk or a risk to another person or the community.

“(2) CERTAIN ALIENS INELIGIBLE.—No alien detained under subsection (c) may seek release on bond.”.

SEC. 4. ALIENS ORDERED REMOVED.

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

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

(2) in paragraph (1)—

(A) by amending subparagraphs (B) and (C) to read as follows:

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

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

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

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

“(C) SUSPENSION OF PERIOD.—

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

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

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

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

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

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

“(I) the alien makes all reasonable efforts to comply with the removal order, or to fully cooperate with the Secretary’s efforts to es-

tablish the alien’s identity and carry out the removal order;

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

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

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

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

(3) in paragraph (3)—

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

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

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

“(i) to prevent the alien from absconding;

“(ii) for the protection of the community; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“(CC) conspired or acted to prevent removal;

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

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

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

“(cc) based on information available to the Secretary of Homeland Security (including classified, sensitive, or national security information, and without regard to the grounds upon which the alien was ordered removed), that there is reason to believe that the release of the alien would threaten the national security of the United States; or

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

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

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

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

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

“(C) RENEWAL AND DELEGATION OF CERTIFICATION.—

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

“(ii) DELEGATION.—Notwithstanding section 103, the Secretary of Homeland Security may not delegate the authority to make or renew a certification described in item (bb),

(cc), or (dd) of subparagraph (B)(ii)(II) below the level of the Assistant Secretary for Immigration and Customs Enforcement.

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

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

“(E) REDETENTION.—

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

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

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

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

“(ii) APPLICABILITY.—This section shall apply to any alien returned to custody pursuant to this subparagraph as if the removal period terminated on the day of the redetention.

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

SEC. 05. SEVERABILITY.

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

SEC. 06. EFFECTIVE DATES.

(a) APPREHENSION AND DETENTION OF ALIENS.—The amendments made by section 03 shall take effect on the date of the enactment of this title. Section 236 of the Immigration and Nationality Act, as amended by section 03, shall apply to any alien in detention under the provisions of such section on or after such date of enactment.

(b) ALIENS ORDERED REMOVED.—The amendments made by section 04 shall take effect on the date of the enactment of this title. Section 241 of the Immigration and Nationality Act, as amended by section 04, shall apply to—

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

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

SA 4733. Mr. CRUZ (for himself, Mr. LEE, Mr. LANKFORD, and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. None of the funds made available by this Act may be used to relinquish the responsibility of the National Telecommunications and Information Administration with respect to Internet domain name system functions, including responsibility with respect to the authoritative root zone file and the Internet Assigned Numbers Authority functions.

SA 4734. Mr. CRUZ (for himself, Mr. LEE, and Mr. LANKFORD) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. None of the funds made available by this Act may be used to relinquish the responsibility of the National Telecommunications and Information Administration with respect to Internet domain name system functions, including responsibility with respect to the authoritative root zone file and the Internet Assigned Numbers Authority functions unless Congress affirmatively votes to authorize such relinquishment.

SA 4735. Mr. JOHNSON submitted an amendment intended to be proposed by him to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. None of the funds made available by this Act for the establishment and management of national marine sanctuaries may be used to prohibit commercial cargo vessel operations within the boundaries of any national marine sanctuary that preserves shipwrecks or maritime heritage in the Great Lakes, except that vessel anchoring outside of United States Coast Guard approved anchorages may be restricted to preserve historical underwater artifacts within such sanctuary.

SA 4736. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. TAX RETURN IDENTITY THEFT PROTECTION.

(a) SHORT TITLE.—This section may be cited as the “Tax Return Identity Theft Protection Act of 2016”.

(b) IDENTITY THEFT FOR PURPOSES OF TAX RETURN FRAUD AND OTHER FRAUD AGAINST THE GOVERNMENT.—Section 1028(b)(3) of title 18, United States Code, is amended—

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

(2) by adding at the end the following:

“(D) during and in relation to a felony under section 7206 or 7207 of the Internal Revenue Code of 1986; or

“(E) during and in relation to a violation of section 286, 287, or 641;”.

(c) SENTENCING GUIDELINES ENHANCEMENTS FOR VULNERABLE VICTIMS.—Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this subsection, the United States Sentencing Commission shall amend and review the Federal sentencing guidelines and policy statements to ensure that the guidelines provide for a penalty enhancement of not less than 2 offense levels for a violation of subsection (a) of section 1028 of title 18, United States Code, if—

(1) the offense is punishable under subparagraph (D) or (E) of subsection (b)(3) of that section, as added by subsection (b) of this section; and

(2) the defendant victimized or targeted not less than 5 individuals who were—

(A) deceased;

(B) over the age of 55;

(C) citizens of territories or possessions of the United States;

(D) under the age of 14;

(E) not required to file a Federal income tax return due to not meeting income criteria levels necessitating filing; or

(F) active duty members of the Armed Forces.

(d) STATE OF MIND PROOF REQUIREMENT FOR IDENTITY THEFT.—Section 1028 of title 18, United States Code, is amended by adding at the end the following:

“(j) STATE OF MIND PROOF REQUIREMENT.—In a prosecution under subsection (a)(7) or section 1028A, the Government shall not be required to prove that the defendant knew the means of identification was of another person.”.

SA 4737. Mr. GRASSLEY (for himself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

After section 217, insert the following:

SEC. 218. (a) PENALTIES FOR MARITIME OFFENSES.—

(1) PENALTIES FOR VIOLENCE AGAINST MARITIME NAVIGATION.—Section 2280a(a)(1) of title 18, United States Code, is amended, in the undesignated matter following subparagraph (E), by inserting “punished by death or” before “imprisoned for any term”.

(2) PENALTIES FOR OFFENSES AGAINST MARITIME FIXED PLATFORMS.—Section 2281a(a)(1) of such title is amended, in the undesignated matter following subparagraph (C), by inserting “punished by death or” before “imprisoned for any term”.

(b) PENALTIES FOR ACTS OF NUCLEAR TERRORISM.—Section 2332i(c) of title 18, United States Code, is amended to read as follows:

“(c) PENALTIES.—Any person who violates this section shall be punished as provided under section 2332a(a).”.

(c) PROVIDING MATERIAL SUPPORT TO TERRORISTS PREDICATES.—

(1) MARITIME OFFENSES.—Section 2339A(a) of title 18, United States Code, is amended—

(A) by inserting “2280a,” after “2280,”; and

(B) by inserting “2281a,” after “2281,”.

(2) ACTS OF NUCLEAR TERRORISM.—Section 2339A(a) of such title, as amended by subsection (a), is further amended by inserting “2332i,” after “2332f.”

(d) WIRETAP AUTHORIZATION PREDICATES.—(1) MARITIME OFFENSES.—Section 2516(1) of title 18, United States Code, is amended—
(A) in paragraph (p), by striking “or” at the end; and

(B) in paragraph (q), by inserting “, section 2280, 2280a, 2281, or 2281a (relating to maritime safety),” after “weapons”).

(2) ACTS OF NUCLEAR TERRORISM.—Section 2516(1)(q) of such title, as amended by subsection (a)(2), is further amended by inserting “, 2332i,” after “2332h.”

SA 4738. Mr. LANKFORD (for himself, Mr. CORNYN, Mr. LEE, Mr. HATCH, Mr. CRUZ, Mr. INHOFE, and Mr. JOHNSON) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. 539. None of the funds made available by this Act may be used to enter into a civil settlement agreement on behalf of the United States that includes a term requiring that any donation be made to any nonparty by any party-defendant to such agreement.

SA 4739. Mr. LANKFORD submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 90, line 18, strike “fiscal year” and all that follows through “*Provided*, That” on line 20 and insert “fiscal year shall remain in the Fund and be available for obligation and expenditure for grants under such Act without fiscal year limitation: *Provided*, That, for fiscal year 2017, and each fiscal year thereafter, the greater of \$2,957,000,000 or the 3-year average of deposits into the Fund, shall be available for obligation during such fiscal year: *Provided further*, That”.

SA 4740. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . FIGHTING TERRORISM AND UPHOLDING DUE PROCESS.

(a) **SHORT TITLE.**—This section may be cited as the “Fighting Terrorism and Upholding Due Process Act”.

(b) **PREVENTING THE TRANSFER OF A FIREARM AND THE ISSUANCE OR MAINTENANCE OF A FIREARMS OR EXPLOSIVES LICENSE OR PERMIT TO DANGEROUS TERRORISTS.**—Chapter 44 of title 18, United States Code, is amended by inserting after section 922 the following:

“922A. Attorney general’s discretion to prohibit transfer of a firearm and deny or revoke a license or permit

“(a) **DEFINITIONS.**—In this section—

“(1) the term ‘Foreign Intelligence Surveillance Court’ has the meaning given the term in section 701 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881);

“(2) the term ‘material support or resources’ shall include all actions prohibited by section 2339A;

“(3) the term ‘terrorism’ shall include ‘international terrorism’ and ‘domestic terrorism’, as defined in section 2331; and

“(4) the term ‘Terrorism Firearm Screening List’ means the list developed by the Attorney General under subsection (b)(4).

“(b) **DEVELOPMENT OF TERRORISM FIREARM SCREENING LIST.**—

“(1) **IN GENERAL.**—The Attorney General may develop a list of persons for whom the Attorney General determines, for each person, that—

“(A) there is probable cause to believe the person is or has been engaged in conduct constituting, in preparation for, in aid of, or in support of terrorism, or providing material support or resources for terrorism; and

“(B) there is reason to believe the person may use a firearm in connection with terrorism.

“(2) **REQUIREMENT.**—The Attorney General shall submit to the Foreign Intelligence Surveillance Court—

“(A) the list of persons developed under paragraph (1); and

“(B) the information and documents, in unredacted form, supporting the Attorney General’s determinations as to which persons are included on the list.

“(3) **DETERMINATION.**—Using the list, information, and documents submitted under paragraph (2), the Foreign Intelligence Surveillance Court shall determine, for each person on the list, whether—

“(A) there is probable cause to believe the person is or has been engaged in conduct constituting, in preparation for, in aid of, or in support of terrorism, or providing material support or resources for terrorism; and

“(B) there is reason to believe the person may use a firearm in connection with terrorism.

“(4) **CONSOLIDATED LIST.**—The Attorney General shall establish a list of persons whom the Foreign Intelligence Surveillance Court determines meet the criteria described in paragraph (3), to be known as the ‘Terrorism Firearm Screening List’.

“(c) **PERIODIC UPDATING AND REVIEW OF TERRORISM FIREARM SCREENING LIST.**—

“(1) **UPDATES TO THE LIST.**—The Attorney General may, after the development of the Terrorism Firearm Screening List, add additional persons to the Terrorism Firearm Screening List by following the procedures set forth in subsection (b) for each person to be added.

“(2) **PERIODIC JUDICIAL REVIEW.**—

“(A) **IN GENERAL.**—Not later than 1 year after the date of enactment of this section, and once every year thereafter, the Attorney General shall submit to the Foreign Intelligence Surveillance Court the Terrorism Firearm Screening List.

“(B) **REVIEW.**—The Foreign Intelligence Surveillance Court shall review the Terrorism Firearm Screening List submitted under subparagraph (A) to determine whether any person on the list should be removed by reason of no longer satisfying the requirements described in subsection (b)(3).

“(C) **PRODUCTION OF INFORMATION.**—Upon request of the Foreign Intelligence Surveillance Court, the Attorney General shall provide to the Court any information the Court determines necessary to conduct the review required under subparagraph (B).

“(D) **REMOVAL OF NAMES.**—In conducting a review under subparagraph (B), if the Foreign Intelligence Surveillance Court determines that a person should be removed from the Terrorism Firearm Screening List because the person no longer satisfies the requirements described in subsection (b)(3), the Attorney General shall remove such person from the Terrorism Firearm Screening List.

“(d) **AUTHORITY TO PROHIBIT FIREARM TRANSFERS AND TO DENY OR REVOKE LICENSES AND PERMITS.**—In accordance with subsection (e), the Attorney General may prohibit a person who is listed on the Terrorism Firearm Screening List in accordance with subsections (b) and (c), or for whom there is probable cause to believe the person is or has been engaged in conduct constituting, in preparation for, in aid of, or in support of terrorism, or providing material support or resources for terrorism, and there is reason to believe the person may use a firearm in connection with terrorism, from—

“(1) participating in the transfer of a firearm under section 922;

“(2) receiving or maintaining a firearms license under section 923; and

“(3) receiving or maintaining a license or permit for explosive materials under section 843.

“(e) **PROCEDURE FOR PROHIBITING FIREARM TRANSFER OR DENYING OR REVOKING A LICENSE OR PERMIT.**—

“(1) **PROCEDURE WITH REGARD TO PERSONS INCLUDED ON THE TERRORISM FIREARM SCREENING LIST.**—If the Attorney General prohibits the transfer of a firearm or denies or revokes a license or permit for firearms or explosive materials under subsection (d) for a person who is listed on the Terrorism Firearm Screening List—

“(A) the Attorney General shall—

“(i) not later than 7 days after the prohibition, denial, or revocation, file a petition to sustain the prohibition, denial, or revocation in the district court of the United States for the district in which—

“(I) the firearm transfer was attempted;

“(II) the licensee or permit holder is located; or

“(III) the applicant for a license or permit is located;

“(ii) submit to the district court of the United States in which the petition described in clause (i) is filed, the evidence the Attorney General relied upon in determining that the person should be added to Terrorism Firearm Screening List and any exculpatory evidence that the Attorney General possesses or has access to;

“(B) the person to whom the prohibition, denial, or revocation applies, shall be entitled to—

“(i) a hearing at which the person may be represented by counsel and a final judgment by the district court of the United States not later than 60 days after the date on which the attempted transfer of a firearm occurred or the Attorney General denied or revoked a license or permit for firearms or explosive materials; and

“(ii) in the case of an appeal of the decision of the district court of the United States, a decision by the reviewing court not later than 90 days after the date on which the district court of the United States issues the decision; and

“(C) the district court of the United States in which the petition described in clause (i) is filed—

“(i) shall allow the Attorney General, for information the United States has determined would likely compromise national security, to submit summaries and redacted versions of documents;

“(ii) shall review any summaries and redacted versions of documents to ensure that the person to whom the prohibition, denial,

or revocation applies is receiving fair and accurate representations of the underlying information and documents;

“(iii) shall ensure that any summaries and redacted versions of documents accepted into evidence are fair and accurate representations of the underlying information and documents;

“(iv) shall provide copies of any summaries and redacted versions of documents to the person to whom the prohibition, denial, or revocation applies; and

“(v) shall not consider the full, undisclosed information or documents in deciding whether to sustain the Attorney General’s decision to include the person on the Terrorism Firearm Screening List; and

“(vi) shall issue an order that the Attorney General’s action prohibiting the transfer of a firearm or denying or revoking a license or permit for a firearm or explosive material was not authorized unless the Attorney General demonstrates—

“(I) there is probable cause to believe the person is or has been engaged in conduct constituting, in preparation for, in aid of, or in support of terrorism, or providing material support or resources for terrorism; and

“(II) there is reason to believe the person may use a firearm in connection with terrorism.

“(D) RELIEF.—If a person who was subject to a prohibition, denial, or revocation described in this paragraph prevails in a proceeding under this paragraph, including on appeal, the person shall be entitled to all costs, including reasonable attorney’s fees, and the Attorney General shall immediately remove the individual from the Terrorism Firearm Screening List.

“(2) PROCEDURE WITH REGARD TO PERSONS NOT ON THE TERRORISM FIREARM SCREENING LIST.—If the Attorney General prohibits the transfer of a firearm or revocation of a license or permit for firearms or explosive materials under subsection (d) for a person who is not listed on the Terrorism Firearm Screening List, the following procedures shall apply:

“(A) TEMPORARY EX PARTE ORDER PROHIBITING TRANSFER OR SUSTAINING REVOCATION.—

“(i) IN GENERAL.—The Attorney General—

“(I) may deny the firearm transfer or revoke the license or permit for the period described in section 922(t)(1)(B)(ii);

“(II) shall file an emergency petition to temporarily prohibit the attempted transfer or sustain the revocation of a license or permit for 7 additional days, with such petition being filed with the Foreign Intelligence Surveillance Court or a Federal district court (provided that if the Attorney General files with a Federal district court, the Attorney General can and will comply with all the requirements of this paragraph, including the requirement to submit to the court the information and documents, in unredacted form, that support the Attorney General’s petition);

“(III) as part of the petition described in subclause (II), shall submit to the court the information and documents, in unredacted form, that support the Attorney General’s petition.

“(ii) COURT REQUIREMENTS.—The court shall deny an emergency petition filed by the Attorney General under clause (i) unless the Attorney General demonstrates—

“(I) there is probable cause to believe the person is or has been engaged in conduct constituting, in preparation for, in aid of, or in support of terrorism, or providing material support or resources for terrorism; and

“(II) there is reason to believe such person may use a firearm in connection with terrorism.

“(iii) TRANSFER ALLOWED.—If an order is not issued under this paragraph within the

period described in section 922(t)(1)(B)(ii), the firearm transfer may proceed or the revocation of the license or permit shall be cancelled.

“(B) ADVERSARIAL COURT PROCEEDING TO OBTAIN A FINAL ORDER PROHIBITING TRANSFER OF A FIREARM OR REVOKING A LICENSE OR PERMIT.—

“(i) IN GENERAL.—If the Attorney General wishes to extend an order that is issued under subparagraph (A)(ii)(II)—

“(I) the Attorney General shall—

“(aa) within 7 days after the order was granted under subparagraph (A)(ii)(II), file a petition for a final order prohibiting the transfer of a firearm or sustaining the revocation of a license or permit, with such petition being filed in the district court of the United States in which the firearm transfer was attempted or the licensee or permit holder is located;

“(bb) submit to the district court of the United States in which the petition described in item (aa) is filed, the evidence supporting the Attorney General’s petition and any exculpatory evidence that the Attorney General possesses or has access to;

“(II) the person whose attempted firearm transfer was blocked shall be entitled to—

“(aa) a hearing at which the person may be represented by counsel and a final judgment by the district court of the United States not later than 60 days after the date on which the attempted transfer of a firearm occurred or Attorney General revoked a license or permit for firearms or explosive materials; and

“(bb) in the case of an appeal of the decision of the district court of the United States, a decision by the reviewing court not later than 90 days after the date on which the district court of the United States issues the decision; and

“(III) the district court of the United States in which the petition described in subclause (I) was filed—

“(aa) shall allow the Attorney General, for information the United States has determined would likely compromise national security, to submit summaries and redacted versions of documents

“(bb) shall review any summaries and redacted versions of documents to ensure that the person to whom the prohibition or revocation applies is receiving fair and accurate representations of the underlying information and documents;

“(cc) shall ensure that any summaries and redacted versions of documents accepted into evidence are fair and accurate representations of the underlying information and documents;

“(dd) shall provide copies of any summaries and redacted versions of documents to the person to whom the prohibition or revocation applies; and

“(ee) shall not consider the full, undisclosed information or documents in deciding whether to sustain the Attorney General’s prohibition or revocation; and

“(ff) shall issue an order rejecting the Attorney General’s petition unless the Attorney General demonstrates there is probable cause to believe the person is or has been engaged in conduct constituting, in preparation for, in aid of, or in support of terrorism, or providing material support or resources for terrorism, and there is reason to believe such person may use a firearm in connection with terrorism.

“(ii) EFFECT.—The temporary, ex parte order issued under paragraph (A) shall remain in effect until the proceeding under this paragraph is resolved.

“(iii) RELIEF.—If a person who was prohibited from participating in the transfer of a firearm or had a license or permit for firearms or explosive materials revoked prevails

in a proceeding under clause (i), including on appeal, the person shall be entitled to all costs, including reasonable attorney’s fees, and the Attorney General shall immediately remove the individual from the Terrorism Firearm Screening List.

“(iv) ADDITION TO TERRORISM FIREARM SCREENING LIST.—If the Attorney General prevails in a proceeding under clause (i), including on appeal, the Attorney General may add the person to the Terrorism Firearm Screening List.”

(c) TRANSPARENCY.—Not later than 60 days after the date of the enactment of this Act, and quarterly thereafter, the Attorney General shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report providing the following information:

(1) The number of persons added to the Terrorism Firearm Screening List established under section 922A of title 18, United States Code, as added by this Act, during the reporting period.

(2) The number of persons whose names the Attorney General submitted to the Foreign Intelligence Surveillance Court pursuant to section 922A(b)(2) of title 18, United States Code, as added by this Act, during the reporting period.

(3) The number of persons described in paragraph (2) whom the Foreign Intelligence Surveillance Court determined, pursuant to section 922A(b)(2) of title 18, United States Code, as added by this Act, that there was not—

(A) probable cause to believe the person is or has been engaged in conduct constituting, in preparation for, in aid of, or in support of terrorism, or providing material support or resources for terrorism; or

(B) reason to believe the person may use a firearm in connection with terrorism.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TABLE OF SECTIONS.—The table of sections for chapter 44 of title 18, United States Code, is amended by inserting after the item relating to section 922 the following:

“922A. Attorney general’s discretion to prohibit transfer of a firearm and deny or revoke a license or permit.”.

(2) TECHNICAL AMENDMENTS.—Section 922(t) of title 18, United States Code, is amended—

(A) in paragraph (1)(B), by striking clause

(ii) and inserting the following:

“(ii) 3 business days (meaning a day on which State offices are open) have elapsed since the licensee contacted the system; and

“(iii) the system has not notified the licensee that—

“(I) the receipt of a firearm by such other person would violate subsection (g) or (n) of this section or State law; or

“(II) that the transfer has been prohibited pursuant to section 922A of this title;”;

(B) in paragraph (2), in the matter preceding subparagraph (A), by inserting “, and the transfer has not been prohibited pursuant to section 922A of this title” after “or State law”;

(C) in paragraph (3)—

(i) in subparagraph (A)(i)—

(I) in subclause (I), by striking “and” at the end; and

(II) by adding at the end the following:

“(III) was issued after a check of the system established pursuant to paragraph (1);”;

and

(ii) in subparagraph (C)—

(I) in clause (ii), by striking “and” at the end;

(II) in clause (iii), by striking the period and inserting “; and”; and

(III) by adding at the end the following:

“(iv) the State issuing the permit agrees to deny the permit application if the applicant is included on the Terrorism Firearm Screening List established by section 922A of this title or to revoke the permit if a court order is entered pursuant to section 922A(e) of this title.”;

(D) in paragraph (4), by inserting “, or that the person is prohibited from participating in a firearm transfer pursuant to section 922A of this title” after “or State law”; and

(E) in paragraph (5), by inserting “, or that the person is prohibited from participating in a firearm transfer pursuant to section 922A of this title” after “or State law”.

(3) UNLAWFUL SALE OR DISPOSITION OF FIREARM BASED UPON ATTORNEY GENERAL DISCRETIONARY DENIAL.—Section 922(d) of title 18, United States Code, is amended—

(A) in paragraph (8), by striking “or” at the end;

(B) in paragraph (9), by striking the period at the end and inserting “; or”; and

(C) by adding at the end the following:

“(10) is prohibited from participating in a firearm transfer pursuant to section 922A of this title.”.

(4) ATTORNEY GENERAL DISCRETIONARY DENIAL AS PROHIBITOR.—Section 922(g) of title 18, United States Code, is amended—

(A) in paragraph (8), by striking “or” at the end;

(B) in paragraph (9), by striking the comma at the end and inserting “; or”; and

(C) by inserting after paragraph (9) the following:

“(10) who has received actual notice of an order entered by a court pursuant to section 922A(e) of this title.”.

(5) ATTORNEY GENERAL DISCRETIONARY DENIAL OF FEDERAL FIREARMS LICENSES.—Section 923(d) of title 18, United States Code, is amended in paragraph (1)—

(A) in subparagraph (F), by striking “and” at the end of clause (iii);

(B) in subparagraph (G), by striking “device.” and inserting “device); and”; and

(C) by adding at the end the following:

“(H) the applicant is not on the Terrorism Firearm Screening List established by section 922A of this title or subject to an order entered by a court pursuant to section 922A(e) of this title.”.

(6) DISCRETIONARY REVOCATION OF FEDERAL FIREARMS LICENSES.—Section 923(e) of title 18, United States Code, is amended—

(A) by inserting “(1)” after “(e)”; and

(B) by striking “revoke any license” and inserting: “revoke—

“(A) any license;”;

(C) by striking “. The Attorney General may, after notice and opportunity for hearing, revoke the license” and inserting the following:

“(B) the license; and”; and

(D) by striking “. The Secretary’s action” and inserting: “; or

“(C) any license issued under this section if the Attorney General determines that the holder of such license (including any responsible person) is on the Terrorism Firearm Screening List established by section 922A of this title.

“(2) The Attorney General’s action”.

(7) PROVISION OF GROUNDS UNDERLYING INELIGIBILITY DETERMINATION BY THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM.—Section 103 of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note) is amended—

(A) in subsection (f), by striking “date of the request” and inserting “date of the request, provided that if the individual is ineligible by virtue of being included on the Terrorism Firearm Screening List established under section 922A of title 18, United States Code or being subject to a court order under

section 922A(e) of title 18, United States Code, the system shall state only that the individual is barred by section 922A of title 18, United States Code.”; and

(B) in subsection (g), in the first sentence, by inserting “or that the individual is prohibited from engaging in a firearm transfer pursuant to section 922A of title 18, United States Code,” after “or State law.”.

(8) UNLAWFUL DISTRIBUTION OF EXPLOSIVES BASED UPON ATTORNEY GENERAL DISCRETIONARY DENIAL.—Section 842(d) of title 18, United States Code, is amended—

(A) in paragraph (9), by striking the period and inserting “; or”; and

(B) by adding at the end the following:

“(10) who has received actual notice of an order entered by a court pursuant to section 922A(e) of this title.”.

(9) ATTORNEY GENERAL DISCRETIONARY DENIAL AS PROHIBITOR.—Section 842(i) of title 18, United States Code, is amended—

(A) in paragraph (7), by inserting “; or” at the end; and

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

“(8) who has received actual notice of an order entered by a court pursuant to section 922A(e) of this title.”.

(10) ATTORNEY GENERAL DISCRETIONARY DENIAL OF FEDERAL EXPLOSIVES LICENSES AND PERMITS.—Section 843(b) of title 18, United States Code, is amended—

(A) in paragraph (6) by striking “and”; and

(B) in paragraph (7) by striking “valid.” And inserting “valid; and”

(C) by adding at the end the following:

“(8) the applicant is not disqualified pursuant to section 922A of this title.”.

(11) ATTORNEY GENERAL DISCRETIONARY REVOCATION OF FEDERAL EXPLOSIVES LICENSES AND PERMITS.—Section 843(d) of title 18, United States Code, is amended by inserting after “is included on the Terrorism Firearm Screening List established by section 922A of this title or subject to an order entered by a district court of the United States pursuant to section 922A(e) of this title,” after “this chapter.”.

(12) ATTORNEY GENERAL’S ABILITY TO WITHHOLD INFORMATION IN EXPLOSIVES LICENSE AND PERMIT DENIAL AND REVOCATION SUITS.—Section 843(e) of title 18, United States Code, is amended in paragraph (1), by inserting after the first sentence the following: “However, if the denial or revocation is based upon the person being disqualified pursuant to section 922A of this title any information which the Attorney General relied on for adding the person to the Terrorism Firearm Screening List established by section 922A of this title or obtaining a court order under section 922A(e) of this title, this determination may be withheld from the petitioner if the Attorney General determines that disclosure of the information would likely compromise national security.”.

(13) ABILITY TO WITHHOLD INFORMATION IN COMMUNICATIONS TO EMPLOYERS.—Section 843(h)(2) of title 18, United States Code, is amended—

(A) in subparagraph (A), by inserting “or in subsection (j) of this section (on grounds of terrorism)” after “section 842(i)”; and

(B) in subparagraph (B)—

(i) in the matter preceding clause (i), by inserting “or in subsection (j) of this section,” after “section 842(i)”; and

(ii) in clause (ii), by inserting “, except that any information that the Attorney General relied on for adding the person to the Terrorism Firearm Screening List established by section 922A of this title or obtaining a court order under section 922A(e) of this title may be withheld if the Attorney General concludes that disclosure of the information would likely compromise national security” after “determination”.

SA 4741. Mr. HELLER submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. None of the funds made available in this Act may be used by an agency of the Government of the United States to establish or implement a policy that discourages or prohibits the selection of a location for travel, an event, a meeting, or a conference because the location is perceived to be a resort or vacation destination.

SA 4742. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title V, insert the following:

SEC. 5 _____. Hereafter, the Attorney General shall establish a process by which—

(1) the Attorney General and Federal, State, and local law enforcement are immediately notified, as appropriate, of any request to transfer a firearm or explosive to a person who is, or within the previous 5 years was, investigated as a known or suspected terrorist;

(2) the Attorney General may delay the transfer of the firearm or explosive for a period not to exceed 3 business days and file an emergency petition in a court of competent jurisdiction to prevent the transfer of the firearm or explosive, and such emergency petition and subsequent hearing shall receive the highest possible priority on the docket of the court of competent jurisdiction and be subject to the Classified Information Procedures Act (18 U.S.C. App.);

(3) the transferee receives actual notice of the hearing and is provided with an opportunity to participate with counsel and the emergency petition shall be granted if the court finds that there is probable cause to believe that the transferee has committed, conspired to commit, attempted to commit, or will commit an act of terrorism, and if the petition is denied, the Government shall be responsible for all reasonable costs and attorneys’ fees;

(4) the Attorney General may arrest and detain the transferee for whom an emergency petition has been filed where probable cause exists to believe that the individual has committed, conspired to commit, or attempted to commit an act of terrorism; and

(5) the Director of the Federal Bureau of Investigation annually reviews and certifies the identities of known or suspected terrorists under this section and the appropriateness of such designation.

SA 4743. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce

and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. Pretrial services programs receiving funds through the Edward Byrne Memorial Justice Assistance Grant program under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.) or any other Department of Justice grant program shall report annually—

(1) the names of all persons participating in pretrial release programs administered by the pretrial services program;

(2) whether those persons appeared for trial and other post-release court dates;

(3) any previous arrests of program participants; and

(4) any previous failures by program participants to appear for trial or other post-release court dates.

SA 4744. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title V, insert the following:

SEC. 5 _____. (a) None of the funds appropriated or otherwise made available under this Act may be used by the Commissioner of the Social Security Administration to make, or to report to the National Instant Criminal Background Check System, a determination that an individual has been adjudicated as a mental defective for purposes of subsections (d)(4) and (g)(4) of section 922 of title 18, United States Code.

(b) None of the funds appropriated or otherwise made available under this Act may be used by the National Instant Criminal Background Check System to receive information from the Commissioner of the Social Security Administration regarding a determination described in subsection (a).

SA 4745. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. No funds made available by this Act may be used to prosecute crimes that do not require any proof of criminal intent unless it is clear from the text of the statute or regulation defining the crime that proof of criminal intent is not required.

SA 4746. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending Sep-

tember 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. (a) It is the sense of Congress that when a statute or regulation defining a criminal offense fails to specify the state of mind required for conviction, a court should read a default standard of willfulness into the statute or regulation unless it is clear from the text of the statute or regulation that Congress or the agency affirmatively intended not to require the Government to prove any state of mind.

(b) In this section, the term “willfulness” means acting with knowledge that one’s conduct is unlawful.

SA 4747. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. **SENSE OF CONGRESS WITH RESPECT TO INTERNATIONAL DATA PRIVACY.**

(a) **FINDINGS.**—Congress finds the following:

(1) When the Electronic Communications Privacy Act (Public Law 99-508; 100 Stat. 1848) (in this section referred to as “ECPA”) was enacted in 1986, no one could have envisioned the globalization of the Internet and electronic communications.

(2) Today, multinational companies serve their customers around the world by storing and transferring data through a complex network of global data centers.

(3) Because ECPA never contemplated the global networks that technology companies operate today, ECPA presents unique challenges for a number of industries that increasingly face a conflict between Federal law in the United States and the laws of other countries. For example, when a technology company receives a demand from a Federal law enforcement agency to turn over data on behalf of foreign customers, that company is forced to make a difficult decision: either comply with the demand and satisfy Federal law or risk violating the privacy laws of the host country. The same is true in reverse because when foreign governments compel global providers to disclose information, even information about the citizens of those governments, Federal law in the United States sometimes prohibits the providers from complying.

(4) Modernizing ECPA to better reflect the truly global nature of global technology will—

(A) better serve the interests of law enforcement, both in the United States and abroad;

(B) protect individual privacy; and

(C) promote innovation and the free flow of information.

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

(1) must safeguard data throughout the world from unauthorized access by law enforcement agencies; and

(2) should—

(A) require law enforcement agencies in the United States to obtain a warrant for all electronic content;

(B) create a clear international legal framework that provides law enforcement

agencies with an efficient process to obtain information while—

(i) protecting the privacy of all individuals; and

(ii) respecting the laws of other countries; and

(C) strengthen the Mutual Legal Assistance Treaty process by providing greater efficiency, accessibility, transparency, and accountability.

SA 4748. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. **SENSE OF CONGRESS WITH RESPECT TO WILLFUL INFRINGEMENT IN PATENT CASES.**

(a) **FINDINGS.**—Congress finds the following:

(1) On June 13, 2016, the Supreme Court of the United States held in *Halo Electronics, Inc. v. Pulse Electronics, Inc.* (in this section referred to as “*Halo*”), that the 2-part test for awarding enhanced damages under section 284 of title 35, United States Code, as articulated in *In re Seagate Technology, LLC*, 497 F.3d 1360 (Fed. Cir. 2007) (en banc) (in this section referred to as “*Seagate*”), was inconsistent with the intent of that section.

(2) In 2011, when Congress enacted Public Law 112-29, the standard articulated by the Federal Circuit for willful infringement under *Seagate* was the established judicial interpretation of section 284 of title 35, United States Code, with respect to awarding enhanced damages in a patent case. The legislative history of section 284 after *Seagate* was decided shows that Congress was well aware of the *Seagate* standard and explored the impact of *Seagate* on the issue of enhanced damages.

(3) Ultimately, Congress did not substantively amend section 284 of title 35, United States Code, knowing that no action from Congress would be required to ensure that the standard established in *Seagate* would remain in place and continue to govern the enhancement analysis under that section.

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

(1) the *Seagate* standard has governed and continues to govern the enhanced damages analysis under section 284 of title 35, United States Code; and

(2) this intent of Congress should be considered in any decisions interpreting that section.

SA 4749. Mr. MCCONNELL (for Mr. CORNYN) proposed an amendment to amendment SA 4720 proposed by Mrs. FEINSTEIN (for herself, Mr. LEAHY, Mr. NELSON, Mr. REID, Mr. DURBIN, Mr. SCHUMER, Ms. MIKULSKI, Mrs. BOXER, Mr. UDALL, Mr. CARPER, Mr. MARKEY, Mr. MENENDEZ, Mr. COONS, Mr. BLUMENTHAL, Mrs. MURRAY, Mr. BROWN, Mr. SCHATZ, Ms. KLOBUCHAR, Mr. MURPHY, Mrs. MCCASKILL, Mr. HEINRICH, Mr. FRANKEN, Mr. BOOKER, and Mr. KAINE) to the amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R.

2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; as follows:

At the end add the following:

SEC. 5. Hereafter, the Attorney General shall establish a process by which—

(1) the Attorney General and Federal, State, and local law enforcement are immediately notified, as appropriate, of any request to transfer a firearm or explosive to a person who is, or within the previous 5 years was, investigated as a known or suspected terrorist;

(2) the Attorney General may delay the transfer of the firearm or explosive for a period not to exceed 3 business days and file an emergency petition in a court of competent jurisdiction to prevent the transfer of the firearm or explosive, and such emergency petition and subsequent hearing shall receive the highest possible priority on the docket of the court of competent jurisdiction and be subject to the Classified Information Procedures Act (18 U.S.C. App.);

(3) the transferee receives actual notice of the hearing and is provided with an opportunity to participate with counsel and the emergency petition shall be granted if the court finds that there is probable cause to believe that the transferee has committed, conspired to commit, attempted to commit, or will commit an act of terrorism, and if the petition is denied, the Government shall be responsible for all reasonable costs and attorneys' fees;

(4) the Attorney General may arrest and detain the transferee for whom an emergency petition has been filed where probable cause exists to believe that the individual has committed, conspired to commit, or attempted to commit an act of terrorism; and

(5) the Director of the Federal Bureau of Investigation annually reviews and certifies the identities of known or suspected terrorists under this section and the appropriateness of such designation.

SA 4750. Mr. McCONNELL (for Mr. MURPHY (for himself, Mr. BOOKER, Mr. BLUMENTHAL, Mr. SCHUMER, and Mr. CARDIN)) proposed an amendment to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; as follows:

At the appropriate place, insert the following:

TITLE VI—FIXING GUN CHECKS

SEC. 601. SHORT TITLE.

This title may be cited as the "Fix Gun Checks Act of 2016".

Subtitle A—Ensuring That All Individuals Who Should Be Prohibited From Buying a Gun Are Listed in the National Instant Criminal Background Check System

SEC. 611. PENALTIES FOR STATES THAT DO NOT MAKE DATA ELECTRONICALLY AVAILABLE TO THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM.

Section 102(b) of the NICS Improvement Amendments Act of 2007 (18 U.S.C. 922 note) is amended to read as follows:

"(b) IMPLEMENTATION PLAN.—

"(1) IN GENERAL.—Within 1 year after the date of the enactment of this subsection, the Attorney General, in coordination with the States, shall establish, for each State or Indian tribal government, a plan to ensure maximum coordination and automation of the reporting of records or making of records

available to the National Instant Criminal Background Check System established under section 103 of the Brady Handgun Violence Prevention Act, during a 4-year period specified in the plan.

"(2) BENCHMARK REQUIREMENTS.—Each such plan shall include annual benchmarks, including qualitative goals and quantitative measures, to enable the Attorney General to assess implementation of the plan.

"(3) PENALTIES FOR NONCOMPLIANCE.—

"(A) IN GENERAL.—During the 4-year period covered by such a plan, the Attorney General shall withhold the following percentage of the amount that would otherwise be allocated to a State under section 505 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3755) if the State does not meet the benchmark established under paragraph (2) for the following year in the period:

"(i) 10 percent, in the case of the 1st year in the period.

"(ii) 11 percent, in the case of the 2nd year in the period.

"(iii) 13 percent, in the case of the 3rd year in the period.

"(iv) 15 percent, in the case of the 4th year in the period.

"(B) FAILURE TO ESTABLISH A PLAN.—A State with respect to which a plan is not established under paragraph (1) shall be treated as having not met any benchmark established under paragraph (2)."

SEC. 612. REQUIREMENT THAT FEDERAL AGENCIES CERTIFY THAT THEY HAVE SUBMITTED TO THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM ALL RECORDS IDENTIFYING PERSONS PROHIBITED FROM PURCHASING FIREARMS UNDER FEDERAL LAW.

Section 103(e)(1) of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note) is amended by adding at the end the following:

"(F) SEMIANNUAL CERTIFICATION AND REPORTING.—

"(1) IN GENERAL.—The head of each Federal department or agency shall submit to the Attorney General a written certification indicating whether the department or agency has provided to the Attorney General the pertinent information contained in any record of any person that the department or agency was in possession of during the time period addressed by the certification demonstrating that the person falls within a category described in subsection (g) or (n) of section 922 of title 18, United States Code.

"(ii) SUBMISSION DATES.—The head of a Federal department or agency shall submit a certification under clause (i) —

"(I) not later than July 31 of each year, which shall address any record the department or agency was in possession of during the period beginning on January 1 of the year and ending on June 30 of the year; and

"(II) not later than January 31 of each year, which shall address any record the department or agency was in possession of during the period beginning on July 1 of the previous year and ending on December 31 of the previous year.

"(iii) CONTENTS.—A certification required under clause (i) shall state, for the applicable period—

"(I) the number of records of the Federal department or agency demonstrating that a person fell within each of the categories described in section 922(g) of title 18, United States Code;

"(II) the number of records of the Federal department or agency demonstrating that a person fell within the category described in section 922(n) of title 18, United States Code; and

"(III) for each category of records described in subclauses (I) and (II), the total number of records of the Federal department

or agency that have been provided to the Attorney General."

SEC. 613. ADJUDICATED AS A MENTAL DEFECTIVE.

(a) IN GENERAL.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

"(36) The term 'adjudicated as a mental defective' shall—

"(A) have the meaning given the term in section 478.11 of title 27, Code of Federal Regulations, or any successor thereto; and

"(B) include an order by a court, board, commission, or other lawful authority that a person, in response to mental illness, incompetency, or marked subnormal intelligence, be compelled to receive services—

"(i) including counseling, medication, or testing to determine compliance with prescribed medications; and

"(ii) not including testing for use of alcohol or for abuse of any controlled substance or other drug.

"(37) The term 'committed to a mental institution' shall have the meaning given the term in section 478.11 of title 27, Code of Federal Regulations, or any successor thereto."

(b) LIMITATION.—An individual who has been adjudicated as a mental defective before the date that is 180 days after the date of enactment of this Act may not apply for relief from disability under section 101(c)(2) of the NICS Improvement Amendments Act of 2007 (18 U.S.C. 922 note) on the basis that the individual does not meet the requirements in section 921(a)(36) of title 18, United States Code, as added by subsection (a).

(c) NICS IMPROVEMENT AMENDMENTS ACT OF 2007.—Section 3 of the NICS Improvement Amendments Act of 2007 (18 U.S.C. 922 note) is amended by striking paragraph (2) and inserting the following:

"(2) MENTAL HEALTH TERMS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the terms 'adjudicated as a mental defective' and 'committed to a mental institution' shall have the meanings given the terms in section 921(a) of title 18, United States Code.

"(B) EXCEPTION.—For purposes of sections 102 and 103, the terms 'adjudicated as a mental defective' and 'committed to a mental institution' shall have the same meanings as on the day before the date of enactment of the Fix Gun Checks Act of 2016 until the end of the 2-year period beginning on such date of enactment."

SEC. 614. CLARIFICATION THAT FEDERAL COURT INFORMATION IS TO BE MADE AVAILABLE TO THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM.

Section 103(e)(1) of the Brady Handgun Violence Protection Act (18 U.S.C. 922 note), as amended by section 612 of this Act, is amended by adding at the end the following:

"(G) APPLICATION TO FEDERAL COURTS.—In this paragraph—

"(i) the terms 'department or agency of the United States' and 'Federal department or agency' include a Federal court; and

"(ii) for purposes of any request, submission, or notification, the Director of the Administrative Office of the United States Courts shall perform the functions of the head of the department or agency."

Subtitle B—Requiring a Background Check for Every Firearm Sale

SEC. 621. PURPOSE.

The purpose of this subtitle is to extend the Brady Law background check procedures to all sales and transfers of firearms.

SEC. 622. FIREARMS TRANSFERS.

(a) IN GENERAL.—Section 922 of title 18, United States Code, is amended—

(1) by striking subsection (s) and redesignating subsection (t) as subsection (s);

(2) in subsection (s), as so redesignated—

(A) in paragraph (3)(C)(ii), by striking “(as defined in subsection (s)(8))”; and

(B) by adding at the end the following:

“(7) In this subsection, the term ‘chief law enforcement officer’ means the chief of police, the sheriff, or an equivalent officer or the designee of any such individual.”; and

(3) by inserting after subsection (s), as so redesignated, the following:

“(t)(1) It shall be unlawful for any person who is not a licensed importer, licensed manufacturer, or licensed dealer to transfer a firearm to any other person who is not so licensed, unless a licensed importer, licensed manufacturer, or licensed dealer has first taken possession of the firearm for the purpose of complying with subsection (s). Upon taking possession of the firearm, the licensee shall comply with all requirements of this chapter as if the licensee were transferring the firearm from the inventory of the licensee to the unlicensed transferee.

“(2) Paragraph (1) shall not apply to—

“(A) a transfer of a firearm by or to any law enforcement agency or any law enforcement officer, armed private security professional, or member of the armed forces, to the extent the officer, professional, or member is acting within the course and scope of employment and official duties;

“(B) a transfer that is a loan or bona fide gift between spouses, between domestic partners, between parents and their children, between siblings, or between grandparents and their grandchildren;

“(C) a transfer to an executor, administrator, trustee, or personal representative of an estate or a trust that occurs by operation of law upon the death of another person;

“(D) a temporary transfer that is necessary to prevent imminent death or great bodily harm, if the possession by the transferee lasts only as long as immediately necessary to prevent the imminent death or great bodily harm;

“(E) a transfer that is approved by the Attorney General under section 5812 of the Internal Revenue Code of 1986; or

“(F) a temporary transfer if the transferor has no reason to believe that the transferee will use or intends to use the firearm in a crime or is prohibited from possessing firearms under State or Federal law, and the transfer takes place and the transferee’s possession of the firearm is exclusively—

“(i) at a shooting range or in a shooting gallery or other area designated and built for the purpose of target shooting;

“(ii) while hunting, trapping, or fishing, if the hunting, trapping, or fishing is legal in all places where the transferee possesses the firearm and the transferee holds all licenses or permits required for such hunting, trapping, or fishing; or

“(iii) while in the presence of the transferor.”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) SECTION 922.—Section 922(y)(2) of such title is amended in the matter preceding subparagraph (A), by striking “, (g)(5)(B), and (s)(3)(B)(v)(II)” and inserting “and (g)(5)(B)”.

(2) SECTION 925A.—Section 925A of such title is amended in the matter preceding paragraph (1), by striking “subsection (s) or (t) of section 922” and inserting “section 922(s)”.

(c) EFFECTIVE DATE.—The amendment made by subsection (a)(4) shall take effect 180 days after the date of the enactment of this Act.

SEC. 623. LOST AND STOLEN REPORTING.

(a) IN GENERAL.—Section 922 of title 18, United States Code, is amended by adding at the end the following:

“(aa) It shall be unlawful for any person who lawfully possesses or owns a firearm

that has been shipped or transported in, or has been possessed in or affecting, interstate or foreign commerce, to fail to report the theft or loss of the firearm, within 48 hours after the person discovers the theft or loss, to the Attorney General and to the appropriate local authorities.”.

(b) PENALTY.—Section 924(a)(1)(B) of such title is amended to read as follows:

“(B) knowingly violates subsection (a)(4), (f), (k), (q), or (aa) of section 922;”.

SA 4751. Mr. McCONNELL (for Mr. GRASSLEY) proposed an amendment to amendment SA 4750 proposed by Mr. McCONNELL (for Mr. MURPHY (for himself, Mr. BOOKER, Mr. BLUMENTHAL, Mr. SCHUMER, and Mr. CARDIN)) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; as follows:

At the appropriate place, insert the following:

TITLE —PROTECTING COMMUNITIES AND PRESERVING THE SECOND AMENDMENT

SEC. 01. SHORT TITLE.

This title may be cited as the “Protecting Communities and Preserving the Second Amendment Act of 2016”.

SEC. 02. DEFINITIONS.

In this title—

(1) the term “agency” has the meaning given the term in section 551 of title 5, United States Code;

(2) the term “NICS” means the National Instant Criminal Background Check System; and

(3) the term “relevant Federal records” means any record demonstrating that a person is prohibited from possessing or receiving a firearm under subsection (g) or (n) of section 922 of title 18, United States Code.

SEC. 03. REAUTHORIZATION AND IMPROVEMENTS TO NICS.

(a) IN GENERAL.—Section 103 of the NICS Improvement Amendments Act of 2007 (18 U.S.C. 922 note) is amended—

(1) by redesignating subsection (e) as subsection (f) and amending such subsection to read as follows:

“(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$125,000,000 for each of fiscal years 2016 through 2020.”; and

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

“(e) ACCOUNTABILITY.—All grants awarded by the Attorney General under this section shall be subject to the following accountability provisions:

“(1) DEFINITION.—In this subsection, the term ‘unresolved audit finding’ means a finding in the final audit report of the Inspector General of the Department of Justice that the audited grantee has utilized grant funds for an unauthorized expenditure or otherwise unallowable cost that is not closed or resolved within 12 months from the date when the final audit report is issued.

“(2) AUDITS.—Beginning in the first fiscal year beginning after the date of enactment of this subsection, and in each fiscal year thereafter, the Inspector General of the Department of Justice shall conduct audits of recipients of grants under this section to prevent waste, fraud, and abuse of funds by grantees. The Inspector General shall determine the appropriate number of grantees to be audited each year.

“(3) PRIORITY.—In awarding grants under this section, the Attorney General shall give priority to eligible applicants that did not

have an unresolved audit finding during the 3 fiscal years before submitting an application for a grant under this section.”.

(b) MODIFICATION OF ELIGIBILITY REQUIREMENTS.—The NICS Improvement Amendments Act of 2007 (18 U.S.C. 922 note) is amended—

(1) in section 102(b)(1)—

(A) in subparagraph (A), by striking “subparagraph (C)” and inserting “subparagraph (B)”;

(B) by striking subparagraph (B); and

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

(2) in section 103(a)(1), by striking “and subject to section 102(b)(1)(B)”;

(3) in section 104(d), by striking “section 102(b)(1)(C)” and inserting “section 102(b)(1)(B)”.

SEC. 04. AVAILABILITY OF RECORDS TO NICS.

(a) GUIDANCE.—Not later than 45 days after the date of enactment of this Act, the Attorney General shall issue guidance regarding—

(1) the identification and sharing of relevant Federal records; and

(2) submission of the relevant Federal records to NICS.

(b) PRIORITIZATION OF RECORDS.—Each agency that possesses relevant Federal records shall prioritize providing the relevant information contained in the relevant Federal records to NICS on a regular and ongoing basis in accordance with the guidance issued by the Attorney General under subsection (a).

(c) REPORTS.—Not later than 60 days after the Attorney General issues guidance under subsection (a), the head of each agency shall submit a report to the Attorney General that—

(1) advises whether the agency possesses relevant Federal records; and

(2) describes the implementation plan of the agency for making the relevant information contained in relevant Federal records available to NICS in a manner consistent with applicable law.

(d) DETERMINATION OF RELEVANCE.—The Attorney General shall resolve any dispute regarding whether—

(1) agency records are relevant Federal records; and

(2) the relevant Federal records of an agency should be made available to NICS.

SEC. 05. 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, court, board, commission, or other adjudicative body—

“(I) that was issued after—

“(aa) a hearing—

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

“(BB) at which the person had an opportunity to participate with counsel; or

“(bb) the person knowingly and intelligently waived the opportunity for a hearing—

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

“(BB) at which the person would have 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 a danger to himself or herself or to others;

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

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

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

“(ee) 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);

“(ff) required involuntary inpatient treatment by a psychiatric hospital for any reason, including substance abuse; or

“(gg) required involuntary outpatient treatment by a psychiatric hospital based on a finding that the person is a danger to himself or herself or to others; 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, has been set aside, has been expunged, or is otherwise no longer applicable because a judicial officer, court, board, commission, adjudicative body, or appropriate official 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, and the person is not a danger to himself, herself, or others; or

“(ii) 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, a psychiatric facility, and any other facility that provides diagnoses or treatment by licensed professionals of mental retardation or mental illness, 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 “MENTALLY INCOMPETENT OR COMMITTED TO A PSYCHIATRIC HOSPITAL”; and

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

SEC. 06. CLARIFICATION THAT FEDERAL COURT INFORMATION IS TO BE MADE AVAILABLE TO THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM.

Section 103(e)(1) of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note) is amended by adding at the end the following:

“(F) APPLICATION TO FEDERAL COURTS.—In this paragraph—

“(i) the terms ‘department or agency of the United States’ and ‘Federal department or agency’ include a Federal court; and

“(ii) for purposes of any request, submission, or notification, the Director of the Administrative Office of the United States Courts shall perform the functions of the head of the department or agency.”.

SEC. 07. REPORTS AND CERTIFICATIONS TO CONGRESS.

(a) NICS REPORTS.—Not later than October 1, 2016, and every year thereafter, the head of each agency that possesses relevant Federal records shall submit a report to Congress that includes—

(1) a description of the relevant Federal records possessed by the agency that can be shared with NICS in a manner consistent with applicable law;

(2) the number of relevant Federal records the agency submitted to NICS during the reporting period;

(3) efforts made to increase the percentage of relevant Federal records possessed by the agency that are submitted to NICS;

(4) any obstacles to increasing the percentage of relevant Federal records possessed by the agency that are submitted to NICS;

(5) measures put in place to provide notice and programs for relief from disabilities as required under the NICS Improvement Amendments Act of 2007 (18 U.S.C. 922 note) if the agency makes qualifying adjudications relating to the mental health of an individual;

(6) measures put in place to correct, modify, or remove records available to NICS when the basis on which the records were made available no longer applies; and

(7) additional steps that will be taken during the 1-year period after the submission of the report to improve the processes by which relevant Federal records are—

(A) identified;

(B) made available to NICS; and

(C) corrected, modified, or removed from NICS.

(b) CERTIFICATIONS.—

(1) IN GENERAL.—The annual report requirement in subsection (a) shall not apply to an agency that, as part of a report required to be submitted under subsection (a), provides certification that the agency has—

(A) made available to NICS relevant Federal records that can be shared in a manner consistent with applicable law;

(B) a plan to make any relevant Federal records available to NICS and a description of that plan; and

(C) a plan to update, modify, or remove records electronically from NICS not less

than quarterly as required by the NICS Improvement Amendments Act of 2007 (18 U.S.C. 922 note) and a description of that plan.

(2) FREQUENCY.—Each agency that is not required to submit annual reports under paragraph (1) shall submit an annual certification to Congress attesting that the agency continues to submit relevant Federal records to NICS and has corrected, modified, or removed records available to NICS when the basis on which the records were made available no longer applies.

(c) REPORTS TO CONGRESS ON FIREARMS PROSECUTIONS.—

(1) REPORT TO CONGRESS.—Beginning on February 1, 2017, and on February 1 of each year thereafter through 2026, the Attorney General shall submit to the Committees on the Judiciary and Committees on Appropriations of the Senate and the House of Representatives a report of information gathered under this subsection during the fiscal year that ended on September 30 of the preceding year.

(2) SUBJECT OF ANNUAL REPORT.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall require each component of the Department of Justice, including each United States Attorney’s Office, to furnish for the purposes of the report described in paragraph (1), information relating to any case presented to the Department of Justice for review or prosecution, in which the objective facts of the case provide probable cause to believe that there has been a violation of section 922 or 924 of title 18, United States Code, or section 5861 of the Internal Revenue Code of 1986.

(3) ELEMENTS OF ANNUAL REPORT.—With respect to each case described in paragraph (2), the report submitted under paragraph (1) shall include information indicating—

(A) whether in any such case, a decision has been made not to charge an individual with a violation of section 922 or 924 of title 18, United States Code, or section 5861 of the Internal Revenue Code of 1986, or any other violation of Federal criminal law;

(B) in any case described in subparagraph (A), a description of why no charge was filed under section 922 or 924 of title 18, United States Code, or section 5861 of the Internal Revenue Code of 1986;

(C) whether in any case described in paragraph (2), an indictment, information, or other charge has been brought against any person, or the matter is pending;

(D) whether, in the case of an indictment, information, or other charge described in subparagraph (C), the charging document contains a count or counts alleging a violation of section 922 or 924 of title 18, United States Code, or section 5861 of the Internal Revenue Code of 1986;

(E) in any case described in subparagraph (D) in which the charging document contains a count or counts alleging a violation of section 922 or 924 of title 18, United States Code, or section 5861 of the Internal Revenue Code of 1986, whether a plea agreement of any kind has been entered into with such charged individual;

(F) whether any plea agreement described in subparagraph (E) required that the individual plead guilty, to enter a plea of nolo contendere, or otherwise caused a court to enter a conviction against that individual for a violation of section 922 or 924 of title 18, United States Code, or section 5861 of the Internal Revenue Code of 1986;

(G) in any case described in subparagraph (F) in which the plea agreement did not require that the individual plead guilty, enter a plea of nolo contendere, or otherwise cause a court to enter a conviction against that individual for a violation of section 922 or 924 of title 18, United States Code, or section

5861 of the Internal Revenue Code of 1986, identification of the charges to which that individual did plead guilty;

(H) in the case of an indictment, information, or other charge described in subparagraph (C), in which the charging document contains a count or counts alleging a violation of section 922 or 924 of title 18, United States Code, or section 5861 of the Internal Revenue Code of 1986, the result of any trial of such charges (guilty, not guilty, mistrial);

(I) in the case of an indictment, information, or other charge described in subparagraph (C), in which the charging document did not contain a count or counts alleging a violation of section 922 or 924 of title 18, United States Code, or section 5861 of the Internal Revenue Code of 1986, the nature of the other charges brought and the result of any trial of such other charges as have been brought (guilty, not guilty, mistrial);

(J) the number of persons who attempted to purchase a firearm but were denied because of a background check conducted in accordance with section 922(t) of title 18, United States Code; and

(K) the number of prosecutions conducted in relation to persons described in subparagraph (J).

SEC. 08. LIMITATION ON OPERATIONS BY THE DEPARTMENT OF JUSTICE.

The Department of Justice, and any of its law enforcement coordinate agencies, shall not conduct any operation where a Federal firearms licensee is directed, instructed, enticed, or otherwise encouraged by the Department of Justice to sell a firearm to an individual if the Department of Justice, or a coordinate agency, knows or has reasonable cause to believe that such an individual is purchasing on behalf of another for an illegal purpose unless the Attorney General, the Deputy Attorney General, or the Assistant Attorney General for the Criminal Division personally reviews and approves the operation, in writing, and determines that the agency has prepared an operational plan that includes sufficient safeguards to prevent firearms from being transferred to third parties without law enforcement taking reasonable steps to lawfully interdict those firearms.

SEC. 09. STUDY BY THE NATIONAL INSTITUTES OF JUSTICE AND NATIONAL ACADEMY OF SCIENCES ON THE CAUSES OF MASS SHOOTINGS.

(a) IN GENERAL.—

(1) STUDY.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall instruct the Director of the National Institutes of Justice to conduct a peer-reviewed study to examine various sources and causes of mass shootings, including psychological factors, the impact of violent video games, and other factors. The Director shall enter into a contract with the National Academy of Sciences to conduct this study jointly with an independent panel of 5 experts appointed by the Academy.

(2) REPORT.—Not later than 1 year after the date on which the study required under paragraph (1) begins, the Director shall submit to Congress a report detailing the findings of the study.

(b) ISSUES EXAMINED.—The study conducted under subsection (a)(1) shall examine—

- (1) mental illness;
- (2) the availability of mental health and other resources and strategies to help families detect and counter tendencies toward violence;
- (3) the availability of mental health and other resources at schools to help detect and counter tendencies of students towards violence;
- (4) the extent to which perpetrators of mass shootings, either alleged, convicted, de-

ceased, or otherwise, played violent or adult-themed video games and whether the perpetrators of mass shootings discussed, planned, or used violent or adult-themed video games in preparation of or to assist in carrying out their violent actions;

(5) familial relationships, including the level of involvement and awareness of parents;

(6) exposure to bullying; and

(7) the extent to which perpetrators of mass shootings were acting in a “copycat” manner based upon previous violent events.

SEC. 10. REPORTS TO CONGRESS REGARDING AMMUNITION PURCHASES BY FEDERAL AGENCIES.

Not later than 1 year after the date of enactment of this Act, the Director of the Office of Management and Budget shall submit to the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the Chairs and Ranking Members of the Committee on Appropriations of the Senate, the Committee on the Judiciary of the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Appropriations of the House of Representatives, the Committee on the Judiciary of the House of Representatives, the Committee on Homeland Security of the House of Representatives, and the Committee on Oversight and Government Reform of the House of Representatives a report that includes—

(1) details of all purchases of ammunition by each Federal agency;

(2) a summary of all purchases, solicitations, and expenditures on ammunition by each Federal agency;

(3) a summary of all the rounds of ammunition expended by each Federal agency and a current listing of stockpiled ammunition for each Federal agency; and

(4) an estimate of future ammunition needs and purchases for each Federal agency for the next fiscal year.

SEC. 11. INCENTIVES FOR STATE COMPLIANCE WITH NICS MENTAL HEALTH RECORD REQUIREMENTS.

Section 104(b) of the NICS Improvement Amendments Act of 2007 (18 U.S.C. 922 note) is amended—

(1) by striking paragraphs (1) and (2);

(2) by redesignating paragraph (3) as paragraph (2);

(3) in paragraph (2), as redesignated, by striking “of paragraph (2)” and inserting “of paragraph (1)”; and

(4) by inserting before paragraph (2), as redesignated, the following:

“(1) INCENTIVES FOR PROVIDING MENTAL HEALTH RECORDS AND FIXING THE BACKGROUND CHECK SYSTEM.—

“(A) DEFINITION OF COMPLIANT STATE.—In this paragraph, the term ‘compliant State’ means a State that has—

“(i) provided not less than 90 percent of the records required to be provided under sections 102 and 103; or

“(ii) in effect a statute that—

“(I) requires the State to provide the records required to be provided under sections 102 and 103; and

“(II) implements a relief from disabilities program in accordance with section 105.

“(B) INCENTIVES FOR COMPLIANCE.—During the period beginning on the date that is 18 months after the date of enactment of the Protecting Communities and Preserving the Second Amendment Act of 2016 and ending on the date that is 5 years after the date of enactment of such Act, the Attorney General—

“(i) shall use funds appropriated to carry out section 103 of this Act, the excess unobligated balances of the Department of Justice and funds withheld under clause (ii), or any combination thereof, to increase the

amounts available under section 505 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3755) for each compliant State in an amount that is not less than 2 percent nor more than 5 percent of the amount that was allocated to such State under such section 505 in the previous fiscal year; and

“(ii) may withhold an amount not to exceed the amount described in clause (i) that would otherwise be allocated to a State under any section of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) if the State—

“(I) is not a compliant State; and

“(II) does not submit an assurance to the Attorney General that—

“(aa) an amount that is not less than the amount described in clause (i) will be used solely for the purpose of enabling the State to become a compliant State; or

“(bb) the State will hold in abeyance an amount that is not less than the amount described in clause (i) until such State has become a compliant State.

“(C) REGULATIONS.—Not later than 180 days after the date of enactment of the Protecting Communities and Preserving the Second Amendment Act of 2016, the Attorney General shall issue regulations implementing this paragraph.”

SEC. 12. NOTIFICATION OF PROSPECTIVE FIREARM TRANSFERS TO KNOWN OR SUSPECTED TERRORISTS.

The Attorney General shall establish a process by which the Attorney General and Federal, State, and local law enforcement are immediately notified, as appropriate, of any request to transfer a firearm or explosive to a person who is, or within the previous 5 years was, investigated as a known or suspected terrorist.

SA 4752. Mr. MCCONNELL proposed an amendment to amendment SA 4751 proposed by Mr. MCCONNELL (for Mr. GRASSLEY) to the amendment SA 4750 proposed by Mr. MCCONNELL (for Mr. MURPHY (for himself, Mr. BOOKER, Mr. BLUMENTHAL, Mr. SCHUMER, and Mr. CARDIN)) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; as follows:

At the end add the following:

This Act shall take effect 1 day after the date of enactment.

SA 4753. Mr. SHELBY (for himself, Mr. SESSIONS, Mr. RUBIO, and Mr. NELSON) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ None of the funds made available in this Act, or any contributed or non-Federal funds, may be used—

(1) to study reallocation of water within the Alabama-Coosa-Tallapoosa or Apalachicola-Chattahoochee-Flint river basins until the Secretary of the Army has executed a Partnering Agreement—

(A) with—

(i) in the case of the Alabama-Coosa-Tallapoosa basin, each of the States of Alabama and Georgia; and

(ii) in the case of the Apalachicola-Chat-tahoochee-Flint basin, each of the States of Alabama, Florida, and Georgia; and

(B) that outlines the participation of each State in separate water reallocation studies for each basin; or

(2) to reallocate water within the Alabama-Coosa-Tallapoosa or Apalachicola-Chat-tahoochee-Flint river basins until the Secretary of the Army executes a final agreement with each State through which the relevant river basin flows that provides the explicit consent of each relevant State to any reallocation.

SA 4754. Ms. CANTWELL (for herself and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, strike lines 8 through 11 and insert the following:
United States Code, \$50,000,000, of which \$1,000,000 shall remain available until expended: *Provided*, That not to exceed \$124,000 shall be available for official reception and representation expenses.

TRADE ENFORCEMENT TRUST FUND
(INCLUDING TRANSFER OF FUNDS)

For activities of the United States Trade Representative authorized by section 611 of the Trade Facilitation and Trade Enforcement Act of 2015 (19 U.S.C. 4405), including transfers, \$15,000,000, to be derived from the Trade Enforcement Trust Fund: *Provided*, That any transfer pursuant to subsection (d)(1) of such section shall be treated as a reprogramming under section 505 of this Act: *Provided further*, That the amount appropriated in title I of this Act under the heading “RENOVATION AND MODERNIZATION” under the heading “DEPARTMENTAL MANAGEMENT” under the heading “DEPARTMENT OF COMMERCE” shall be reduced by \$6,224,000.

SA 4755. Mr. MANCHIN submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. In order to carry out the purposes of the POWER Program, the Economic Development Administration shall enter into a memorandum of understanding with the Appalachian Regional Commission that establishes a process by which an applicant may receive a 100-percent federally funded grant.

SA 4756. Mr. BROWN submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes;

which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. Section 501(a)(1) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751(a)(1)) is amended by adding at the end the following:

“(H) State and local programs that are equivalent to the Fugitive Safe Surrender program of the United States Marshals Service authorized under section 632 of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16989).”.

SA 4757. Mr. REID (for himself, Mr. LEAHY, Mrs. MURRAY, Mr. MENENDEZ, and Mr. DURBIN) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 26, line 10, strike the period at the end and insert the following: “: *Provided further*, That none of the funds made available under this heading may be used for any hearing or review conducted by the Executive Office for Immigration Review, including appellate reviews and administrative hearings, for an unaccompanied alien child (as defined in section 462(g) of the Homeland Security Act of 2002 (6 U.S.C. 279(g))) unless the child is represented by legal counsel, which may be appointed by the Executive Office for Immigration Review if the child is otherwise unrepresented.”.

SA 4758. Mr. GARDNER (for himself, Mr. HATCH, and Mr. JOHNSON) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. None of the funds made available by this Act may be used to take any action to prevent a State from implementing any law that makes it lawful to possess, distribute, or use cannabidiol or cannabidiol oil.

SA 4759. Mr. BOOZMAN submitted an amendment intended to be proposed by him to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. (a) Congress finds that not addressing appeals of determinations made by the National Instant Criminal Background Check System (commonly referred to as “NICS”) deprives law-abiding citizens of their—

(1) right to keep and bear arms under the Second Amendment to the Constitution of the United States; and

(2) due process rights under the Fifth Amendment to the Constitution of the United States.

(b) The Federal Bureau of Investigation (referred to in this section as the “FBI”), in accordance with the commitment of the President to hire more than 230 new NICS examiners and staff, announced on January 4, 2016, shall use amounts made available for salaries and expenses of the Bureau, and may not use any other amounts made available to the Bureau—

(1) to pay NICS examiners to process new appeals of NICS determinations and make a final disposition of each appeal not later than 90 days after the date of receipt of the appeal; and

(2) to pay NICS examiners to—

(A) eliminate the current backlog of appeals not later than 1 year after the date of enactment of this Act; and

(B) continue to add individuals to the voluntary appeal file (commonly referred to as the “VAF”) to prevent subsequent delays and erroneous denials.

(c) The FBI may not cease the review or final disposition of appeals of NICS determinations on or after the date of enactment of this Act.

(d) The FBI shall submit to Congress an annual report on the disposition of appeals of NICS determinations during the previous year that includes—

(1) the number of NICS checks on individuals that were—

(A) conducted by the FBI; or

(B) conducted by a Point of Contact (commonly referred to as “POC”) State or local agency;

(2) with respect to the NICS checks described in paragraph (1), the number of denials of firearm transfers that resulted from checks—

(A) conducted by the FBI; or

(B) conducted by a POC State or local agency;

(3) with respect to the denials of firearm transfers described in paragraph (2), the number of denials resulting from NICS checks conducted by—

(A) the FBI that were appealed; or

(B) a POC State or local agency that were appealed—

(i) to the POC State or local agency; or

(ii) to the FBI;

(4) with respect to the appeals described in—

(A) subparagraph (A) or (B)(ii) of paragraph (3), that number that were reversed by the FBI for—

(i) FBI denials; or

(ii) POC State or local agency denials; or

(B) subparagraph (B)(i) of paragraph (3), the number that were reversed by the POC State or local agency; and

(5) the number of FBI denials that involved a VAF application without a preceding appeal of a NICS denial.

SA 4760. Mr. BOOZMAN submitted an amendment intended to be proposed by him to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. None of the funds made available under this Act or any other Act may be used to—

(1) mandate the use of authorized user recognition (commonly known as “smart gun”) technology by any Federal, State, local, or tribal law enforcement agency; or

(2) require any State, local, or tribal law enforcement agency to obtain or utilize authorized user recognition technology as a condition of receiving Federal grant funding, except in the case of a grant for research of authorized user recognition technology.

SA 4761. Mr. BOOZMAN (for himself, Mr. SESSIONS, Mr. TILLIS, and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. (a) None of the amounts in the Department of Justice Assets Forfeiture Fund (referred to in this section as the "Fund"), whether deposited in the Fund before, on, or after the date of enactment of this Act, may be—

(1) reprogrammed, diverted, or used as an offset for non-law enforcement purposes; or

(2) otherwise used by a non-criminal justice agency that does not participate in the Department of Justice Equitable Sharing Program.

(b)(1) The Attorney General may not temporarily or permanently suspend or defer any payments from the Fund to State and local law enforcement agencies through the Department of Justice Equitable Sharing Program.

(2) Nothing in paragraph (1) shall be construed to authorize the Attorney General to prioritize payments described in that paragraph over other authorized uses of amounts in the Fund under the Department of Justice Asset Forfeiture Program.

(c) The Attorney General shall—

(1) ensure enforcement of the Department of Justice Equitable Sharing Program policies with respect to participants in the Program; and

(2) submit an annual report to Congress that describes—

(A) each participant that was audited, had funds temporarily or permanently frozen or deferred, or was subject to any other form of suspension or penalty due to a violation of the Program's policies during the previous year; and

(B) the current status within the Program of each participant described in subparagraph (A).

SA 4762. Mr. MERKLEY (for himself, Mr. KIRK, Ms. BALDWIN, Mr. BOOKER, Ms. MIKULSKI, Mrs. SHAHEEN, Mrs. MURRAY, Mr. COONS, and Mr. DURBIN) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. (a) Congress finds the following:

(1) Equal treatment and protection under the law is one of the most cherished constitutional principles of the United States.

(2) Laws in many parts of the country still fail to explicitly prohibit discrimination against lesbian, gay, bisexual, and

transgender (hereafter in this section referred to as "LGBT") individuals.

(3) The failure to actively oppose and prohibit discrimination leaves LGBT individuals vulnerable, based on who the LGBT individuals are or whom LGBT individuals love, to being—

(A) evicted from their homes;

(B) denied credit or other financial services;

(C) refused basic services in public places such as restaurants or shops; or

(D) terminated from employment, or otherwise discriminated against in employment.

(4) To allow discrimination to persist is incompatible with the founding principles of this country.

(5) Failure to ensure that all people of the United States are treated equally allows a culture of hate against some people in the United States to fester.

(6) This hate culture includes continuing physical assaults and murders committed against LGBT individuals, and particularly against transgender individuals, in the United States.

(7) The events that transpired on June 12, 2016, in Orlando, Florida, were a horrifying and tragic act of hate and terror that took the lives of 49 innocent individuals and injured 53 more. The victims were targeted because of who they were, whom they loved, or whom they associated with.

(b) It is the sense of Congress that—

(1) it is time to end discrimination against LGBT individuals and stand against the culture of hatred and prejudice that such discrimination allows;

(2) it is incumbent on policymakers to ensure that LGBT individuals benefit from the full protection of the civil rights laws of the Nation; and

(3) Congress commits to take every action necessary to make certain that all people of the United States are treated and protected equally under the law.

SA 4763. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, line 11, strike the period and insert: "Provided further, That \$9,376,000 shall be transferred to the Trade Enforcement Trust Fund established under section 611 of the Trade Facilitation and Trade Enforcement Act of 2015 (19 U.S.C. 4405), to be used for enforcement, monitoring, investigation, and capacity-building activities related to free trade agreements: *Provided further*, That any such transfer shall be treated as a reprogramming under section 505 of this Act and amounts so transferred shall not be available for obligation or expenditure except in accordance with such section 505."

SA 4764. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. TERRORIST REFUGEE INFILTRATION PREVENTION.

(a) **SHORT TITLE.**—This section may be cited as the "Terrorist Refugee Infiltration Prevention Act of 2016".

(b) **DEFINITIONS.**—In this section:

(1) **COUNTRY CONTAINING TERRORIST-CONTROLLED TERRITORY.**—The term "country containing terrorist-controlled territory" means—

(A) Iraq, Libya, Somalia, Syria, and Yemen; and

(B) any other country designated by the Secretary of State pursuant to section 4(a).

(2) **REFUGEE.**—The term "refugee" has the meaning given the term in section 101(a)(42) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(42)).

(3) **SUBSTANTIAL ASSISTANCE.**—The term "substantial assistance" means a level of assistance without which the United States could not achieve the purposes for which the assistance was provided or sought.

(4) **VICTIM OF GENOCIDE.**—The term "victim of genocide" has the meaning given the term in Article II of the United Nations Convention on the Prevention and Punishment of the Crime of Genocide, opened for signature in Paris on December 9, 1948.

(c) **PROHIBITION ON REFUGEES FROM TERRORIST-CONTROLLED TERRITORIES.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2) and notwithstanding any other provision of law, an alien may not be admitted to the United States under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) if the alien is a national of, has habitually resided in, or is claiming refugee status due to events in any country containing terrorist-controlled territory.

(2) **EXCEPTION.**—

(A) **IN GENERAL.**—An alien otherwise prohibited from admission to the United States under paragraph (1) may be admitted to the United States under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) if the alien clearly proves, beyond doubt, that he or she—

(i) satisfies the requirements for admission as a refugee; and

(ii) is a member of a group that has been designated by the Secretary of State or by an Act of Congress as a victim of genocide.

(B) **NATIONAL SECURITY THREAT.**—An alien may not be admitted under subparagraph (A) unless—

(i) the alien has undergone the highest level of security screening of any category of traveler to the United States, including assessments by the Department of State, the Department of Defense, the Department of Homeland Security, the Federal Bureau of Investigation Terrorist Screening Center, and the National Counterterrorism Center;

(ii) full multi-modal biometrics of the alien have been taken, including face, iris, and all fingerprints; and

(iii) the Secretary of State, the Secretary of Defense, the Secretary of Homeland Security, the Director of the Federal Bureau of Investigation, and the Director of National Intelligence certify that such alien is not a threat to the national security of the United States.

(3) **APPLICABILITY.**—Paragraphs (1) and (2) shall not apply to any alien seeking admission under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) if the Secretary of State, the Secretary of Defense, the Secretary of Homeland Security, and the Director of National Intelligence certify that the alien—

(A) provided substantial assistance to the United States; and

(B) would face a substantial risk of death or serious bodily injury because of that assistance if not admitted to the United States.

(d) RESPONSIBILITIES OF THE SECRETARY OF STATE.—

(1) IDENTIFICATION OF OTHER COUNTRIES.—In addition to the countries listed in subsection (b)(1)(A), the Secretary of State may designate, as a “country containing terrorist-controlled territory”, any country containing territory that is controlled, in substantial part, by a Foreign Terrorist Organization, as designated by the Secretary of State under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189), to the exclusion of that country’s recognized government.

(2) LIST OF COUNTRIES CONTAINING TERRORIST-CONTROLLED TERRITORY.—The Secretary of State shall—

(A) maintain and continually update a list of the countries containing terrorist-controlled territory; and

(B) continuously make available the list described in subparagraph (A)—

(i) on the Secretary’s website;

(ii) to the Secretary of Homeland Security;

(iii) to Congress; and

(iv) to the public.

(3) VICTIMS OF GENOCIDE.—The Secretary of State shall—

(A) identify all groups that are victims of genocide;

(B) maintain and continually update a list of the groups that the Secretary or Congress has identified as victims of genocide; and

(C) continuously make available the list described in subparagraph (B)—

(i) on the Secretary’s website;

(ii) to the Secretary of Homeland Security;

(iii) to Congress; and

(iv) to the public.

(4) NATIONAL SECURITY THREAT.—The Secretary of State may refuse to designate a group for the exception under subsection (c)(2)(A)(ii) if the Secretary determines that the group poses a substantial security risk to the United States.

(e) RESPONSIBILITIES OF THE SECRETARY OF HOMELAND SECURITY.—

(1) RULEMAKING.—The Secretary of Homeland Security shall issue regulations to implement subsection (c) as soon as practicable.

(2) LIMIT OF ALIEN ASSERTIONS.—The Secretary of Homeland Security may not admit any alien into the United States under this section solely based on the assertions of such alien.

(3) COORDINATION.—The Secretary of Homeland Security shall coordinate with the Secretary of State, the Secretary of Defense, the Director of the Federal Bureau of Investigation, and the Director of National Intelligence to substantiate, as much as reasonably practicable, the assertions made by aliens seeking admission to the United States.

(f) EFFECTIVE PERIOD.—This section shall be effective during the 3-year period beginning on the date of the enactment of this Act.

SA 4765. Mrs. GILLIBRAND (for herself and Mr. KIRK) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. FIREARMS TRAFFICKING.

(a) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by adding at the end the following:

“§ 932. Trafficking in firearms

“(a) OFFENSES.—It shall be unlawful for any person, regardless of whether anything of value is exchanged—

“(1) to ship, transport, transfer, or otherwise dispose to a person, 2 or more firearms in or affecting interstate or foreign commerce, if the transferor knows or has reasonable cause to believe that such use, carry, possession, or disposition of the firearm would be in violation of, or would result in a violation of any Federal, State, or local law punishable by a term of imprisonment exceeding 1 year;

“(2) to receive from a person, 2 or more firearms in or affecting interstate or foreign commerce, if the recipient knows or has reasonable cause to believe that such receipt would be in violation of, or would result in a violation of any Federal, State, or local law punishable by a term of imprisonment exceeding 1 year;

“(3) to make a statement to a licensed importer, licensed manufacturer, or licensed dealer relating to the purchase, receipt, or acquisition from a licensed importer, licensed manufacturer, or licensed dealer of 2 or more firearms that have moved in or affected interstate or foreign commerce that—

“(A) is material to—

“(i) the identity of the actual buyer of the firearms; or

“(ii) the intended trafficking of the firearms; and

“(B) the person knows or has reasonable cause to believe is false; or

“(4) to direct, promote, or facilitate conduct specified in paragraph (1), (2), or (3).

“(b) PENALTIES.—

“(1) IN GENERAL.—Any person who violates, or conspires to violate, subsection (a) shall be fined under this title, imprisoned for not more than 20 years, or both.

“(2) ORGANIZER ENHANCEMENT.—If a violation of subsection (a) is committed by a person in concert with 5 or more other persons with respect to whom such person occupies a position of organizer, a supervisory position, or any other position of management, such person may be sentenced to an additional term of imprisonment of not more than 5 consecutive years.

“(c) DEFINITIONS.—In this section—

“(1) the term ‘actual buyer’ means the individual for whom a firearm is being purchased, received, or acquired; and

“(2) the term ‘term of imprisonment exceeding 1 year’ does not include any offense classified by the applicable jurisdiction as a misdemeanor and punishable by a term of imprisonment of 2 years or less.”

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 44 of title 18, United States Code, is amended by adding at the end the following:

“932. Trafficking in firearms.”

(c) DIRECTIVE TO THE SENTENCING COMMISSION.—

(1) IN GENERAL.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall review and, if appropriate, amend the Federal sentencing guidelines and policy statements applicable to persons convicted of offenses under section 932 of title 18, United States Code (as added by subsection (a)).

(2) REQUIREMENTS.—In carrying out this section, the Commission shall—

(A) review the penalty structure that the guidelines currently provide based on the number of firearms involved in the offense and determine whether any changes to that

penalty structure are appropriate in order to reflect the intent of Congress that such penalties reflect the gravity of the offense; and

(B) review and amend, if appropriate, the guidelines and policy statements to reflect the intent of Congress that guideline penalties for violations of section 932 of title 18, United States Code, and similar offenses be increased substantially when committed by a person who is a member of a gang, cartel, organized crime ring, or other such enterprise or in concert with another person who is a member of a gang, cartel, organized crime ring or other such enterprise.

SA 4766. Mr. WICKER (for himself, Ms. CANTWELL, and Ms. MURKOWSKI) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 13, line 8, strike “*Provided,*” and insert “*Provided,* That not more than \$8,000,000 may be used to fill gaps in the national surface current mapping network using high frequency radar technology and to allow fleet acquisition for autonomous underwater and surface vehicles for near real-time data collection: *Provided further,*”.

SA 4767. Mr. WYDEN (for himself and Mr. MERKLEY) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 48, line 24, insert “\$5,000,000 is for emergency law enforcement assistance, as authorized by section 609M of the Justice Assistance Act of 1984 (42 U.S.C. 10513),” after “subpart 1.”.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. VITTER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on June 16, 2016, at 9:30 a.m.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. VITTER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on June 16, 2016, at 10:30 a.m., to conduct a hearing entitled “Our Evolving Understanding and Response to Transnational Criminal Threats.”

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

COMMITTEE ON THE JUDICIARY

Mr. VITTER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized