

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.

SA 4769. Mr. NELSON (for himself, Mr. KIRK, Mr. UDALL, and Mr. BLUMENTHAL) 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 4770. Mr. TESTER 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 4771. Mrs. GILLIBRAND 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 4772. Mrs. GILLIBRAND 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 4773. Mrs. GILLIBRAND 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 4774. Ms. CANTWELL (for herself and Mrs. MURRAY) 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 4775. 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 4776. 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 4777. 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 4778. Mr. SHELBY (for himself and Ms. MIKULSKI) 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 4779. Mr. SHELBY (for himself and Mr. DAINES) 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 4780. 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 4781. Mr. BOOZMAN 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 4782. Mrs. BOXER (for herself and Mr. BOOKER) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MI-

KULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4783. Mrs. BOXER 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 4784. 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 4785. Mr. TOOMEY (for himself, Mr. SESSIONS, Mr. COTTON, and Mr. INHOFE) 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 4786. Mr. BARRASSO (for himself 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 4787. Mr. MCCONNELL (for Mr. MCCAIN (for himself, Mr. BURR, Mr. MCCONNELL, Mr. CORNYN, Mr. SESSIONS, and Mr. COTTON)) proposed an amendment to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra.

SA 4788. Mr. GRASSLEY 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 4789. Mr. CASEY (for himself, Mr. MURPHY, Mr. BLUMENTHAL, Mrs. BOXER, Mrs. GILLIBRAND, Ms. BALDWIN, Mrs. SHAHEEN, Mr. MARKEY, Mr. WYDEN, and Ms. WARREN) 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 4790. Mr. NELSON (for himself and Mr. WICKER) 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 4768. Mr. PAUL 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 107, between lines 9 and 10, insert the following:

SEC. 539. (a) Congress finds that neither the 2001 Authorization for Use of Military Force (Public Law 107-40; 50 U.S.C. 1541 note) or the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107-243; 50 U.S.C. 1541 note) authorize the use of military force against the Islamic State in Iraq and al-Sham (ISIS).

(b) It is the sense of Congress that the President, unless acting out of self-defense or to address an imminent threat to the United States, is not authorized to conduct military operations against ISIS without explicit authorization for the use of such force, and Congress should debate and pass such an authorization.

SA 4769. Mr. NELSON (for himself, Mr. KIRK, Mr. UDALL, and Mr. BLUMENTHAL) 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. REPORTING OF TERRORISM INVESTIGATIONS TO NICS.

(a) DEFINITIONS.—In this section—

(1) the term “firearm” has the meaning given the term in section 921 of title 18, United States Code;

(2) the term “licensee” means a licensed importer, licensed manufacturer, or licensed dealer, as those terms are defined in section 921 of title 18, United States Code;

(3) the term “NICS” means the national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note); and

(4) the term “terrorism” includes international terrorism and domestic terrorism, as defined in section 2331 of title 18, United States Code.

(b) INCLUSION OF INFORMATION IN NICS.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall establish a process to ensure that if any person has been or is under a terrorism investigation conducted by the Department of Justice or any other department or agency of the Federal Government, information about such terrorism investigation of the person shall be included in the NICS database.

(c) SUBMISSION OF INFORMATION.—The head of each department or agency of the Federal Government that has information about a person who has been or is under a terrorism investigation conducted by the department or agency shall provide such information to the Attorney General for inclusion in the NICS database under subsection (b).

(d) NOTIFICATION OF FEDERAL BUREAU OF INVESTIGATION.—If a licensee contacts NICS to request a unique identification number for the transfer of a firearm to a prospective purchaser under section 922(t) of title 18, United States Code, and the prospective purchaser is a person who has been or is under a terrorism investigation conducted by the Department of Justice or any other department or agency of the Federal Government, NICS shall notify the appropriate division of the Federal Bureau of Investigation of the request and pending firearm transfer.

SA 4770. Mr. TESTER 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. _____. Not later than 30 days after the date of enactment of this Act, the Attorney General shall publish a final rule relating to the crime victim assistance programs authorized by section 1404 of the Victims of Crime Act of 1984 (42 U.S.C. 10603) that permits the grant funds awarded under that section to be used for forensic interviews and medical examinations.

SA 4771. Mrs. GILLIBRAND 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. _____. The matter under the heading "SALARIES AND EXPENSES" under the heading "BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES" in title II of division B of the Consolidated and Further Continuing Appropriations Act, 2013 (Public Law 113-6; 127 Stat. 247) is amended by striking the fifth proviso.

SA 4772. Mrs. GILLIBRAND 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 35, line 9, insert "": *Provided further*, That the Federal Bureau of Investigation shall include a course providing trauma-informed training for law enforcement officers dealing with victims of sexual assault" before the period.

SA 4773. Mrs. GILLIBRAND 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:

Strike section 531.

SA 4774. Ms. CANTWELL (for herself and Mrs. MURRAY) 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 17, between lines 9 and 10, insert the following:

FISHERIES DISASTER ASSISTANCE

For providing fisheries disaster assistance, \$4,100,000, to remain available until September 30, 2018, to provide assistance for any commercial fishery failure that was determined by the Secretary of Commerce, in 2014, to be a fishery resource disaster.

SA 4775. 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 appropri-

tions 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 II (before the short title), insert the following:

SEC. _____. None of the funds made available under this Act shall be used to take any action to apply or enforce title II of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131 et seq.) with respect to any private school on the basis that the school is a public entity under that title II because the school receives funds or other support through assistance provided by a State or local agency to, or on behalf of, any student whose parent chooses to place the student in the private school.

SA 4776. 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, insert the following:

SEC. 539. (a) Notwithstanding any other provision of law, none of the funds appropriated or otherwise made available under this Act may be used by the Department of Justice to prevent a State from implementing a State law that authorizes—

(1) the production, manufacture, distribution, prescribing, or dispensing of an experimental drug, biological product, or device that—

(A) is intended to treat a patient who has been diagnosed with a terminal illness; and

(B) is authorized by, and in accordance with, State law; and

(2) the possession or use of an experimental drug, biological product, or device—

(A) that is described in subparagraphs (A) and (B) of paragraph (1); and

(B) for which the patient has received a certification from a physician, who is in good standing with the physician's certifying organization or board, that the patient has exhausted, or otherwise does not meet qualifying criteria to receive, any other available treatment options.

(b)(1) Notwithstanding any other provision of law, no liability shall lie against a producer, manufacturer, distributor, prescriber, dispenser, possessor, or user of an experimental drug, biological product, or device for the production, manufacture, distribution, prescribing, dispensing, possession, or use of an experimental drug, biological product, or device that is in compliance with a State law described in subsection (a).

(2) Notwithstanding any other provision of law, the outcome of any production, manufacture, distribution, prescribing, dispensing, possession, or use of an experimental drug, biological product, or device that was done in compliance with a State law described in subsection (a) shall not be used by a Federal agency reviewing the experimental drug, biological product, or device to delay or otherwise adversely impact review or approval of such experimental drug, biological product, or device.

(c) In this section—

(1) the term "biological product" has the meaning given to such term in section 351 of the Public Health Service Act (42 U.S.C. 262);

(2) the terms "device" and "drug" have the meanings given to such terms in section 201

of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321);

(3) the term "experimental drug, biological product, or device" means a drug, biological product, or device that—

(A) has successfully completed a phase 1 clinical investigation;

(B) remains under investigation in a clinical trial approved by the Food and Drug Administration; and

(C) is not approved, licensed, or cleared for commercial distribution under section 505, 510(k), or 515 of the Federal Food, Drug, or Cosmetic Act (21 U.S.C. 355, 360(k), 360(e)) or section 351 of the Public Health Service Act (42 U.S.C. 262);

(4) the term "phase 1 clinical investigation" means a phase 1 clinical investigation, as described in section 312.21 of title 21, Code of Federal Regulations (or any successor regulations); and

(5) the term "terminal illness" has the meaning given to such term in the State law specified in subsection (a)(1)(B).

SA 4777. 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. _____. (a) None of the funds made available in this Act may be used to deny an Inspector General funded under this Act timely access to any records, documents, or other materials available to the department or agency over which that Inspector General has responsibilities under the Inspector General Act of 1978 (5 U.S.C. App.), or to prevent or impede that Inspector General's access to such records, documents, or other materials, under any provision of law, except a provision of law that expressly refers to the Inspector General and expressly limits the Inspector General's right of access.

(b) A department or agency covered by this section shall provide its Inspector General with access to all such records, documents, and other materials in a timely manner.

(c) Each Inspector General shall ensure compliance with statutory limitations on disclosure relevant to the information provided by the establishment over which that Inspector General has responsibilities under the Inspector General Act of 1978 (5 U.S.C. App.).

(d) Each Inspector General covered by this section shall report to the Committees on Appropriations of the House of Representatives and the Senate within 5 calendar days any failures to comply with this requirement.

SA 4778. Mr. SHELBY (for himself and Ms. MIKULSKI) 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 23, beginning on line 15, strike "U.S. Census Bureau," and insert "Bureau of the Census,".

SA 4779. Mr. SHELBY (for himself and Mr. DAINES) 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 II, add the following:

SEC. 2. In addition to any other transfer authority available to the Department of Justice, for fiscal year 2017, of the unobligated balances available in the Department of Justice Working Capital Fund, (1) up to \$175,000,000 may be transferred to the "Federal Bureau of Investigation, Salaries and Expenses" account, for personnel, training, and equipment needed to counter both foreign and domestic terrorism, including lone wolf actors; and (2) up to \$15,000,000 may be transferred to the "Office of Justice Programs" account for State and local law enforcement assistance, for an Officer Robert Wilson III Memorial Initiative on Preventing Violence Against Law Enforcement Officer Resilience and Survivability (VALOR).

SA 4780. 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 appropriated or otherwise made available by this Act may be obligated or expended to negotiate a trade agreement that contains a provision providing for the protection or recognition of geographical indications that would limit the use of generic names used by United States businesses, such as generic names of certain cheeses, meats, and other products.

SA 4781. Mr. BOOZMAN 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) None of the funds made available by this Act may be used to—

(1) pay the salaries or expenses of personnel to fail to—

(A) make final dispositions on appeals of denials from the National Instant Criminal Background Check System (commonly referred to as "NICS") within 90 days of receipt of the appeal;

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

(C) continue to add individuals to the voluntary appeal file (commonly referred to as the "VAF") to prevent subsequent delays and erroneous denials; or

(2) pay expenses of the Federal Bureau of Investigation (referred to in this section as the "FBI") if the FBI fails to submit to Congress an annual report on the disposition of appeals of NICS determinations during the previous year that includes—

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

(i) conducted by the FBI; or

(ii) conducted by a Point of Contact (commonly referred to as "POC") State or local agency;

(B) with respect to the NICS checks described in subparagraph (A), the number of denials of firearm transfers that resulted from checks—

(i) conducted by the FBI; or

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

(C) with respect to the denials of firearm transfers described in subparagraph (B), the number of denials resulting from NICS checks conducted by—

(i) the FBI that were appealed; or

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

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

(II) to the FBI;

(D) with respect to the appeals described in—

(i) clause (i) or (ii)(II) of subparagraph (C), that number that were reversed by the FBI for—

(I) FBI denials; or

(II) POC State or local agency denials; or

(ii) clause (ii)(I) of subparagraph (C), the number that were reversed by the POC State or local agency; and

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

SA 4782. Mrs. BOXER (for herself and Mr. BOOZER) 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. COMMUNITY AND LAW ENFORCEMENT PARTNERSHIP GRANT PROGRAM.

(a) GRANTS AUTHORIZED.—The Attorney General shall make grants to eligible States and Indian tribes to be used for the activities described in subsection (c).

(b) ELIGIBILITY.—

(1) IN GENERAL.—In order to be eligible to receive a grant under this section a State or Indian tribe shall—

(A) report incidents in accordance with paragraph (2); and

(B) demonstrate that the use-of-force policy for law enforcement officers in the State or Indian tribe is publicly available.

(2) REPORTING OF INCIDENTS.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and each year thereafter, and subject to subparagraph (C), a State or Indian tribe shall report to the Attorney General information on—

(i) any incident involving the shooting of a civilian by a law enforcement officer;

(ii) any incident involving the shooting of a law enforcement officer by a civilian;

(iii) any incident in which use of force by a law enforcement officer against a civilian results in serious bodily injury (as defined in section 2246 of title 18, United States Code) or death; and

(iv) any incident in which use of force by a civilian against a law enforcement officer re-

sults in serious bodily injury (as defined in section 2246 of title 18, United States Code) or death.

(B) REQUIRED INFORMATION.—For each incident reported under subparagraph (A), the information reported to the Attorney General shall include, at a minimum—

(i) the gender, race, ethnicity, and age of each individual who was shot, injured, or killed;

(ii) the date, time, and location of the incident;

(iii) whether the civilian was armed, and, if so, the type of weapon the civilian had;

(iv) the type of force used against the officer, the civilian, or both, including the types of weapons used;

(v) the number of officers involved in the incident;

(vi) the number of civilians involved in the incident; and

(vii) a brief description regarding the circumstances surrounding the incident.

(C) INCIDENTS REPORTED UNDER DEATH IN CUSTODY REPORTING ACT.—A State is not required to include in a report under subparagraph (A) an incident reported by the State in accordance with section 20104(a)(2) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13704(a)(2)) before the date of the report under subparagraph (A).

(c) ACTIVITIES DESCRIBED.—A grant made under this section may be used by a State or Indian tribe for—

(1) the cost of complying with the reporting requirements described in subsection (b)(2);

(2) the cost of establishing necessary systems required to investigate and report incidents as required under subsection (b)(2);

(3) public awareness campaigns designed to gain information from the public on use of force against police officers, including shootings, which may include tip lines, hotlines, and public service announcements; and

(4) use of force training for law enforcement agencies and personnel, including de-escalation and bias training.

(d) INDEPENDENT AUDIT AND REVIEW.—Not later than 1 year after the date of enactment of this Act, and each year thereafter, the Attorney General shall conduct an audit and review of the information provided under subsection (b)(2) to determine whether each State or Indian tribe receiving a grant under this section is in compliance with the requirements of this section.

(e) PUBLIC AVAILABILITY OF DATA.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and each year thereafter, the Attorney General shall publish, and make available to the public, a report containing the data reported to the Attorney General under subsection (b)(2).

(2) PRIVACY PROTECTIONS.—Nothing in this subsection shall be construed to supersede the requirements or limitations under section 552a of title 5, United States Code (commonly known as the "Privacy Act of 1974").

(f) GUIDANCE.—Not later than 180 days after the date of enactment of this Act, the Attorney General, in coordination with the Director of the Federal Bureau of Investigation, shall issue guidance on best practices relating to establishing standard data collection systems that capture the information required to be reported under subsection (b)(2), which shall include standard and consistent definitions for terms, including the term "use of force".

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General such sums as are necessary to carry out this section.

SA 4783. Mrs. BOXER 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, add the following:

TITLE VI—GUN VIOLENCE INTERVENTION ACT

SEC. 601. SHORT TITLE.

This title may be cited as the “Gun Violence Intervention Act of 2016”.

SEC. 602. DEFINITIONS.

In this title—

(1) the term “close associate” means, with respect to an individual—

(A) a dating partner, friend, co-worker, or neighbor of the individual; or

(B) any other person who has a relationship with the individual so as to be concerned about the safety and well-being of the individual, as determined by a State;

(2) the term “family member” means, with respect to an individual, a spouse, child, parent, sibling, grandchild, or grandparent of the individual;

(3) the term “firearm” has the meaning given the term in section 921 of title 18, United States Code;

(4) the term “gun violence prevention order” means a written order, issued by a State court or signed by a magistrate (or other comparable judicial officer), prohibiting a named individual from having under the custody or control of the individual, owning, purchasing, possessing, or receiving any firearms;

(5) the term “gun violence prevention warrant” means a written order, issued by a State court or signed by a magistrate (or other comparable judicial officer), regarding an individual who is subject to a gun violence prevention order and who is known to own or possess 1 or more firearms, that directs a law enforcement officer to temporarily seize and retain any firearm in the possession of the individual;

(6) the term “law enforcement officer” means a public servant authorized by State law or by a State government agency to engage in or supervise the prevention, detection, investigation, or prosecution of an offense; and

(7) the term “wellness check” means a visit conducted by a law enforcement officer to the residence of an individual for the purpose of assessing whether the individual poses a danger to the individual or others due to a mental, behavioral, or physical condition.

SEC. 603. NATIONAL GUN VIOLENCE PREVENTION ORDER AND WARRANT LAW.

(a) **ENACTMENT OF GUN VIOLENCE PREVENTION ORDER LAW.**—In order to receive a grant under section 604, on the date that is 3 years after the date of enactment of this Act, each State shall have in effect legislation that—

(1) authorizes a gun violence prevention order and gun violence prevention warrant in accordance with subsection (b); and

(2) requires each law enforcement agency of the State to comply with subsection (c).

(b) **REQUIREMENTS FOR GUN VIOLENCE PREVENTION ORDERS AND WARRANTS.**—Legislation required under subsection (a) shall be subject to the following requirements:

(1) **APPLICATION FOR GUN VIOLENCE PREVENTION ORDER.**—A family member or close associate of an individual may submit an application to a State court, on a form designed by the court, that—

(A) describes the facts and circumstances necessitating that a gun violence prevention order be issued against the named individual;

(B) is signed by the applicant, under oath; and

(C) includes any additional information required by the State court or magistrate (or other comparable judicial officer) to demonstrate that possession of a firearm by the named individual poses a significant risk of personal injury to the named individual or others.

(2) **EXAMINATION OF APPLICANT AND WITNESSES.**—A State court or magistrate (or other comparable judicial officer) may, before issuing a gun violence prevention order—

(A) examine under oath, the individual who applied for the order under paragraph (1) and any witnesses the individual produces; and

(B)(i) require that the individual or any witness submit a signed affidavit, which describes the facts the applicant or witness believes establish the grounds of the application; or

(ii) take an oral statement from the individual or witness under oath.

(3) **STANDARD FOR ISSUANCE OF ORDER.**—

(A) **IN GENERAL.**—A State court or magistrate (or other comparable judicial officer) may issue a gun violence prevention order only upon a finding of probable cause that possession of a firearm by the named individual poses a significant risk of personal injury to the named individual or others.

(B) **NOTIFICATION.**—

(i) **IN GENERAL.**—The court shall notify the Department of Justice and comparable State agency of the gun violence prevention order not later than 2 court days after issuing the order. The court shall also notify the Department of Justice and comparable State agency of any order restoring the ability of the individual to own or possess firearms not later than 2 court days after issuing the order to restore the individual's right to own or possess any type of firearm that may be lawfully owned and possessed. Such notice shall be submitted in an electronic format, in a manner prescribed by the Department of Justice and the comparable State agency.

(ii) **UPDATE OF DATABASES.**—As soon as practicable after receiving a notification under clause (i), the Department of Justice and comparable State agency shall update the background check databases of the Department and agency, respectively, to reflect the prohibitions articulated in the gun violence prevention order.

(4) **ISSUANCE OF GUN VIOLENCE PREVENTION WARRANT.**—

(A) **IN GENERAL.**—After issuing a gun violence prevention order, a State court or magistrate (or other comparable judicial officer) shall, upon a finding of probable cause to believe that the named individual subject to the order has a firearm in his custody or control, issue a gun violence prevention warrant ordering the temporary seizure of all firearms specified in the warrant.

(B) **REQUIREMENT.**—Subject to paragraph (6), a gun violence prevention warrant issued under subparagraph (A) shall require that any firearm described in the warrant be taken from any place, or from any individual in whose possession, the firearm may be.

(5) **SERVICE OF GUN VIOLENCE PREVENTION ORDER.**—When serving a gun violence prevention order, a law enforcement officer shall provide the individual with a form to request a hearing in accordance with paragraph (6)(F).

(6) **TEMPORARY SEIZURE OF FIREARMS.**—

(A) **IN GENERAL.**—When a law enforcement officer takes property under a gun violence prevention warrant, the law enforcement officer shall give a receipt for the property taken, specifying the property in detail, to the individual from whom it was taken. In the absence of a person, the law enforcement officer shall leave the receipt in the place

where the law enforcement officer found the property.

(B) **TEMPORARY CUSTODY OF SEIZED FIREARMS.**—All firearms seized pursuant to a gun violence prevention warrant shall be retained by the law enforcement officer or the law enforcement agency in custody, subject to the order of the court that issued the warrant or to any other court in which an offense with respect to the firearm is triable.

(C) **LIMITATION ON SEIZURE OF FIREARMS.**—If the location to be searched during the execution of a gun violence prevention warrant is jointly occupied by multiple parties and a firearm is located during the execution of the seizure warrant, and it is determined that the firearm is owned by an individual other than the individual named in the gun violence prevention warrant, the firearm may not be seized if—

(i) the firearm is stored in a manner that the individual named in the gun violence prevention warrant does not have access to or control of the firearm; and

(ii) there is no evidence of unlawful possession of the firearm by the owner.

(D) **GUN SAFE.**—If the location to be searched during the execution of a gun violence prevention warrant is jointly occupied by multiple parties and a gun safe is located, and it is determined that the gun safe is owned by an individual other than the individual named in the gun violence prevention warrant, the contents of the gun safe shall not be searched except in the owner's presence, or with the owner's consent, or unless a valid search warrant has been obtained.

(E) **RETURN OF FIREARM TO RIGHTFUL OWNER.**—If any individual who is not a named individual in a gun violence prevention warrant claims title to a firearm seized pursuant to a gun violence prevention warrant, the firearm shall be returned to the lawful owner not later than 30 days after the date on which the title is claimed.

(F) **RIGHT TO REQUEST A HEARING.**—A named individual may submit 1 written request at any time during the effective period of a gun violence prevention order issued against the individual for a hearing for an order allowing the individual to own, possess, purchase, or receive a firearm.

(7) **HEARING ON GUN VIOLENCE PREVENTION ORDER AND GUN VIOLENCE PREVENTION WARRANT.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (E), not later than 14 days after the date on which a gun violence prevention order and, when applicable, a gun violence prevention warrant, is issued, the court that issued the order and, when applicable, the warrant, or another court in that same jurisdiction, shall hold a hearing to determine whether the individual who is the subject of the order may have under the custody or control of the individual, own, purchase, possess, or receive firearms and, when applicable, whether any seized firearms should be returned to the individual named in the warrant.

(B) **NOTICE.**—The individual named in a gun violence prevention order requested to be renewed under subparagraph (A) shall be given written notice and an opportunity to be heard on the matter.

(C) **BURDEN OF PROOF.**—

(i) **IN GENERAL.**—Except as provided in clause (ii), at any hearing conducted under subparagraph (A), the State or petitioner shall have the burden of establishing probable cause that the individual poses a significant risk of personal injury to the individual or others by owning or possessing the firearm.

(ii) **HIGHER BURDEN OF PROOF.**—A State may establish a burden of proof for hearings conducted under subparagraph (A) that is

higher than the burden of proof required under clause (i).

(D) REQUIREMENTS UPON FINDING OF SIGNIFICANT RISK.—If the named individual is found at the hearing to pose a significant risk of personal injury to the named individual or others by owning or possessing a firearm, the following shall apply:

(i) The firearm or firearms seized pursuant to the warrant shall be retained by the law enforcement agency for a period not to exceed 1 year.

(ii) The named individual shall be prohibited from owning or possessing, purchasing or receiving, or attempting to purchase or receive a firearm for a period not to exceed 1 year, a violation of which shall be considered a misdemeanor offense.

(iii) The court shall notify the Department of Justice and comparable State agency of the gun violence prevention order not later than 2 court days after issuing the order. The court shall also notify the Department of Justice and comparable State agency of any order restoring the ability of the individual to own or possess firearms not later than 2 court days after issuing the order to restore the individual's right to own or possess any type of firearm that may be lawfully owned and possessed. Such notice shall be submitted in an electronic format, in a manner prescribed by the Department of Justice and the comparable State agency.

(iv) As soon as practicable after receiving a notification under clause (iii), the Department of Justice and comparable State agency shall update the background check databases of the Department and agency, respectively, to reflect—

(I) the prohibitions articulated in the gun violence prevention order; or

(II) an order issued to restore an individual's right to own or possess a firearm.

(E) RETURN OF FIREARMS.—If the court finds that the State has not met the required standard of proof, any firearm seized pursuant to the warrant shall be returned to the named individual not later than 30 days after the hearing.

(F) LIMITATION ON HEARING REQUIREMENT.—If an individual named in a gun violence prevention warrant is prohibited from owning or possessing a firearm for a period of 1 year or more by another provision of State or Federal law, a hearing pursuant to subparagraph (A) is not required and the court shall issue an order to hold the firearm until either the individual is no longer prohibited from owning a firearm or the individual sells or transfers ownership of the firearm to a licensed firearm dealer.

(8) RENEWING GUN VIOLENCE PREVENTION ORDER AND GUN VIOLENCE PREVENTION WARRANT.—

(A) IN GENERAL.—Except as provided in subparagraph (E), if a law enforcement agency has probable cause to believe that an individual who is subject to a gun violence prevention order continues to pose a significant risk of personal injury to the named individual or others by possessing a firearm, the agency may initiate a request for a renewal of the order, on a form designed by the court, describing the facts and circumstances necessitating the request.

(B) NOTICE.—The individual named in the gun violence prevention order requested to be renewed under subparagraph (A) shall be given written notice and an opportunity to be heard on the matter.

(C) HEARING.—After notice is given under subparagraph (B), a hearing shall be held to determine if a request for renewal of the order shall be issued.

(D) ISSUANCE OF RENEWAL.—Except as provided in subparagraph (E), a State court may issue a renewal of a gun violence prevention order if there is probable cause to believe

that the individual who is subject to the order continues to pose a significant risk of personal injury to the named individual or others by possessing a firearm.

(E) HIGHER BURDEN OF PROOF.—A State may establish a burden of proof for initiating a request for or issuing a renewal of a gun violence prevention order that is higher than the burden of proof required under subparagraph (A) or (D).

(F) NOTIFICATION.—

(i) IN GENERAL.—The court shall notify the Department of Justice and comparable State agency of a renewal of the gun violence prevention order not later than 2 court days after renewing the order. The court shall also notify the Department of Justice and comparable State agency of any order restoring the ability of the individual to own or possess firearms not later than 2 court days after issuing the order to restore the individual's right to own or possess any type of firearm that may be lawfully owned and possessed. Such notice shall be submitted in an electronic format, in a manner prescribed by the Department of Justice and the comparable State agency.

(ii) UPDATE OF DATABASES.—As soon as practicable after receiving a notification under clause (i), the Department of Justice and comparable State agency shall update the background check databases of the Department and agency, respectively, to reflect—

(I) the prohibitions articulated in the renewal of the gun violence prevention order; or

(II) an order issued to restore an individual's right to own or possess a firearm.

(C) LAW ENFORCEMENT CHECK OF STATE FIREARM DATABASE.—Each law enforcement agency of the State shall establish a procedure that requires a law enforcement officer to, in conjunction with performing a wellness check on an individual, check whether the individual is listed on any of the firearm and ammunition databases of the State or jurisdiction in which the individual resides.

(d) CONFIDENTIALITY PROTECTIONS.—All information provided to the Department of Justice and comparable State agency pursuant to legislation required under subsection (a) shall be kept confidential, separate, and apart from all other records maintained by the Department of Justice and comparable State agency.

SEC. 604. GUN VIOLENCE INTERVENTION GRANT PROGRAM.

(a) IN GENERAL.—The Director of the Office of Community Oriented Policing Services of the Department of Justice may make grants to an eligible State to assist the State in carrying out the provisions of the State legislation described in section 603.

(b) ELIGIBLE STATE.—A State shall be eligible to receive grants under this section on and after the date on which—

(1) the State enacts legislation described in section 603; and

(2) the Attorney General determines that the legislation of the State described in paragraph (1) complies with the requirements of section 603.

(c) USE OF FUNDS.—Funds awarded under this section may be used by a State to assist law enforcement agencies or the courts of the State in carrying out the provisions of the State legislation described in section 603.

(d) APPLICATION.—An eligible State desiring a grant under this section shall submit to the Director of the Office of Community Oriented Policing Services an application at such time, in such manner, and containing or accompanied by such information, as the Director may reasonably require.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such

sums as are necessary to carry out this section.

SEC. 605. FEDERAL FIREARMS PROHIBITION.

Section 922 of title 18, United States Code, is amended—

(1) in subsection (d)—

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

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

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

“(10) is subject to a court order that prohibits such person from having under the custody or control of the person, owning, purchasing, possessing, or receiving any firearms.”; and

(2) in subsection (g)—

(A) in paragraph (8)(C)(ii), 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 is subject to a court order that prohibits such person from having under the custody or control of the person, owning, purchasing, possessing, or receiving any firearms.”.

SEC. 606. FULL FAITH AND CREDIT.

Any gun violence prevention order issued under a State law enacted in accordance with this title shall have the same full faith and credit in every court within the United States as they have by law or usage in the courts of such State from which they are issued.

SEC. 607. SEVERABILITY.

If any provision of this title, or an amendment made by this title, or the application of such provision to any person or circumstance, is held to be invalid, the remainder of this title, or an amendment made by this title, or the application of such provision to other persons or circumstances, shall not be affected.

SA 4784. 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. ____ (a) In this section, the term “covered agency”—

(1) means an agency, as defined in section 551 of title 5, United States Code; and

(2) does not include—

(A) the Department of Defense;

(B) the Department of Justice;

(C) the Department of Homeland Security;

(D) the Nuclear Regulatory Commission;

(E) the United States Capitol Police;

(F) the Bureau of Diplomatic Security;

(G) the Central Intelligence Agency;

(H) a military department (as defined in section 102 of title 5, United States Code); or

(I) any division of subparagraphs (A) through (H).

(b) Not later than 180 days after the date of enactment of this Act, the Inspector General of each covered agency, or in the case of a covered agency that does not have an Inspector General, the head of the covered agency, shall submit to Congress a detailed accounting that shall include the following:

(1) Amounts spent by the covered agency for each of the last 5 fiscal years on guns,

ammunition, body armor, military-style equipment, and military-style training for employees of the covered agency.

(2) Anticipated outlays by the covered agency for the first fiscal year beginning after the date of enactment of this Act on guns, ammunition, body armor, military-style equipment, and military-style training for employees of the covered agency.

(3) A detailed explanation of the covered agency's need for, and justification for purchasing, the quantity or amount purchased during each of the last 5 fiscal years of each of the following: guns, ammunition, body armor, military-style equipment.

(4) A detailed explanation of the covered agency's need for, and justification for providing, military-style training for employees of the covered agency, if the covered agency has provided such training to any employee during the last 5 fiscal years.

(5) A list of the positions and the number of employees of the covered agency who have received guns, ammunition, body armor, or military-style equipment as part of their employment.

(6) A list of the positions and the number of employees of the covered agency who have received training to handle, operate, discharge, or otherwise use guns, ammunition, body armor, or military-style equipment as part of their employment.

(7) A list of the positions and the number of employees of the covered agency who have received military-style training as part of their employment.

(8)(A) Whether the covered agency has any specialized units that receive special tactical or military-style training or that use hard-plated armor, shields, or helmets and that respond to high-risk situations that fall outside the capabilities of regular law enforcement officers, including any special weapons and tactics (commonly known as "SWAT") teams, tactical response teams, special events teams, special response teams, or active shooter teams.

(B) The number of units of the covered agency described in subparagraph (A).

(C) With respect to each unit of the covered agency described in subparagraph (A)—

(i) the number of employees of the covered agency who participate in, or have received training for the unit;

(ii) a description of the unit;

(iii) a description of the training and weapons of the unit;

(iv) the criteria for activating the unit and how often each unit was activated during each of the last 5 fiscal years;

(v) a summary of each activation described in clause (iv), including a description of the need for the activation, the number of employees of the covered agency involved in the activation, the location of the activation, and the outcome of the activation;

(vi) the annual cost of equipping and operating the unit during each of the last 5 fiscal years; and

(vii) any other information that is relevant to understanding the usefulness and justification for the unit.

(9) A detailed explanation of the procedures and methods the covered agency follows to safeguard and store guns, ammunition, body armor, and military-style equipment in the possession of the covered agency or in the possession of employees of the covered agency.

(c) Each accounting submitted under this section shall be—

(1) in unclassified form, but may include a classified annex; and

(2) made available upon request by any member of Congress.

SA 4785. Mr. TOOMEY (for himself, Mr. SESSIONS, Mr. COTTON, and Mr. INHOFE) 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 5, line 13, strike the period at the end and insert the following:

: *Provided*, That none of the funds made available under this heading may be obligated or expended for any State, or any political subdivision of a State—

(1) that has in effect a statute, ordinance, policy, or practice that prohibits or restricts any government entity or official—

(A) from sending, receiving, maintaining, or exchanging with any Federal, State, or local government entity information regarding the citizenship or immigration status (lawful or unlawful) of any individual other than an individual who comes forward as a victim or a witness to a criminal offense; or

(B) from complying with a request lawfully made by the Department of Homeland Security under section 236 or 287 of the Immigration and Nationality Act (8 U.S.C. 1226 and 1357) to comply with a detainer for, or notify about the release of, an individual other than an individual who comes forward as a victim or a witness to a criminal offense; or

(2) whose law enforcement officers and other employees, contractors, and agents are not certified by the Department of Homeland Security (whether under section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) or other authority and whether through a memorandum of understanding, regulations, or otherwise) to be acting as agents of the Department of Homeland Security with all the authority available to employees of the Department of Homeland Security when they take actions to comply with a detainer issued by the Department of Homeland Security under section 236 or 287 of such Act.

SA 4786. Mr. BARRASSO (for himself 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:

After section 217, insert the following:

SEC. 2. TRIBAL VICTIMS OF CRIME.

(a) OFFICE OF TRIBAL JUSTICE SUPPORT AND VICTIMS SERVICES.—Section 101(e)(1) of the Indian Tribal Justice Act (25 U.S.C. 3611(e)(1)) is amended, in the first sentence of the matter preceding subparagraph (A), by inserting "and timely notice regarding technical assistance and training resources and activities of the Office" before the period at the end.

(b) GRANT PROGRAM.—The Indian Tribal Justice Act is amended by inserting after section 104 (25 U.S.C. 3614) the following:

"SEC. 105. GRANT PROGRAM FOR TRIBAL CRIME VICTIM SERVICES AND COMPENSATION.

"(a) DEFINITION OF INDIAN TRIBE.—In this section, the term 'Indian tribe' has the meaning given the term in section 4 of the

Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

"(b) DUTIES.—The Office shall—

"(1) administer the grant program described in subsection (c); and

"(2) provide planning, research, training, and technical assistance to grant recipients for grants provided under subsection (c).

"(c) GRANT PROGRAM.—On an annual basis, the Office shall make competitive grants to Indian tribes for the purposes of funding services to victims of crime, which may be provided in traditional form or through electronic, digital, or other technological formats, including—

"(1) services provided through subgrants to victim services agencies or departments of tribal governments or nonprofit organizations;

"(2) domestic violence shelters, rape crisis centers, and child advocacy centers providing services to victims of crime in Indian country or in Alaska Native villages;

"(3) medical care, treatment, and related evaluations arising from the victimization, including—

"(A) emergency medical care and evaluation, nonemergency medical care and evaluation, psychological and psychiatric care and evaluation, and other forms of medical assistance, treatment, or therapy, regardless of the setting in which the services are delivered;

"(B) mental health and crisis counseling, evaluation, and assistance, including outpatient therapy, counseling services, substance abuse treatment, and other forms of specialized treatment, including intervention and prevention services; and

"(C) prophylactic treatment to prevent a victim of crime from contracting HIV/AIDS or any other sexually transmitted disease or infection;

"(4) medical equipment, such as wheel chairs, prosthetics, crutches, canes, hearing aids, and eyeglasses, the need for which arises directly from the victimization;

"(5) legal services, legal assistance services, and legal clinics (including services provided by pro bono legal clinics and practitioners), the need for which arises directly from the victimization;

"(6) forensic interviews, medical evaluations, and forensic medical evidence collection examinations for victims of crime, the need for which arises directly from the victimization; and

"(7) through the implementation of tribal action plans under section 4206 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2412)."

(c) FUNDING FOR GRANTS FOR TRIBAL VICTIMS OF CRIME AND TRIBAL ACTION PLANS.—Section 1402(d) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)) is amended—

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

"(1) Beginning on October 1, 2016, and each fiscal year thereafter for a period of 10 fiscal years, 5 percent of the total amount in the Fund available for obligation during a fiscal year shall be made available to the Secretary of the Interior to make grants under section 105 of the Indian Tribal Justice Act."; and

(2) in paragraph (3)(A), in the matter preceding clause (i), by striking "paragraph (2)" and inserting "paragraphs (1) and (2)".

(d) REGULATIONS REGARDING INDIAN TRIBES.—

(1) EXISTING REGULATIONS.—Any regulation, rule, or guidance promulgated by the Attorney General or the Secretary of the Interior before the date of enactment of this Act shall have no force or effect with respect to section 105 of the Indian Tribal Justice Act, as added by subsection (b).

(2) NEGOTIATED RULEMAKING.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Interior, in consultation with Indian tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)) and through notice and comment rulemaking, shall promulgate final regulations carrying out section 105 of the Indian Tribal Justice Act, as added by subsection (b).

(B) REQUIREMENTS.—The Secretary of the Interior shall ensure that—

- (i) not fewer than 2 Indian tribes from each Bureau of Indian Affairs region participate in the consultation; and
- (ii) small, medium, and large land-based Indian tribes are represented.

SA 4787. Mr. MCCONNELL (for Mr. MCCAIN (for himself, Mr. BURR, Mr. MCCONNELL, Mr. CORNYN, Mr. SESSIONS, and Mr. COTTON)) proposed an amendment 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; as follows:

At the appropriate place, insert the following:

SEC. _____. Section 2709 of title 18, United States Code, is amended by striking subsection (b) and inserting the following:

“(b) REQUIRED CERTIFICATION.—

“(1) IN GENERAL.—The Director of the Federal Bureau of Investigation, or his or her designee in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge in a Bureau field office designated by the Director, may, using a term that specifically identifies a person, entity, telephone number, or account as the basis for a request, request information and records described in paragraph (2) of a person or entity, but not the contents of an electronic communication, if the Director (or his or her designee) certifies in writing to the wire or electronic communication service provider to which the request is made that the information and records sought are relevant to an authorized investigation to protect against international terrorism or clandestine intelligence activities, provided that such an investigation of a United States person is not conducted solely on the basis of activities protected by the first amendment to the Constitution of the United States.

“(2) OBTAINABLE TYPES OF INFORMATION AND RECORDS.—The information and records described in this paragraph are the following:

“(A) Name, physical address, e-mail address, telephone number, instrument number, and other similar account identifying information.

“(B) Account number, login history, length of service (including start date), types of service, and means and sources of payment for service (including any card or bank account information).

“(C) Local and long distance toll billing records.

“(D) Internet Protocol (commonly known as ‘IP’) address or other network address, including any temporarily assigned IP or network address, communication addressing, routing, or transmission information, including any network address translation information (but excluding cell tower information), and session times and durations for an electronic communication.”.

SEC. _____. Section 6001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 1801 note) is amended by striking subsection (b).

SA 4788. Mr. GRASSLEY 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. _____. **PERMANENT AUTHORITY FOR INDIVIDUAL TERRORISTS TO BE TREATED AS AGENTS OF FOREIGN POWERS UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.**

Section 6001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 1801 note) is amended by striking subsection (b).

SA 4789. Mr. CASEY (for himself, Mr. MURPHY, Mr. BLUMENTHAL, Mrs. BOXER, Mrs. GILLIBRAND, Ms. BALDWIN, Mrs. SHAHEEN, Mr. MARKEY, Mr. WYDEN, and Ms. WARREN) 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. _____. **PREVENTION OF PERSON WHO HAS BEEN CONVICTED OF A MISDEMEANOR HATE CRIME, OR RECEIVED AN ENHANCED SENTENCE FOR A MISDEMEANOR BECAUSE OF HATE OR BIAS IN ITS COMMISSION, FROM OBTAINING A FIREARM.**

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

“(36) The term ‘convicted in any court of a misdemeanor hate crime’—

“(A) means being convicted by a court of an offense that—

“(i) is a misdemeanor under Federal, State, or tribal law;

“(ii) has, as an element, that the conduct of the offender was motivated by hate or bias because of the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity (as defined in section 249), or disability of any person; and

“(iii) involves the use or attempted use of physical force, the threatened use of a deadly weapon, or other credible threat to the physical safety of any person; and

“(B) does not include—

“(i) a conviction of an offense described in subparagraph (A), unless—

“(I) the person—

“(aa) was represented by counsel in the case; or

“(bb) knowingly and intelligently waived the right to counsel in the case; and

“(II) in the case of a prosecution for an offense described in subparagraph (A) for which a person was entitled to a jury trial in the jurisdiction in which the case was tried—

“(aa) the case was tried by a jury; or

“(bb) the person knowingly and intelligently waived the right to have the case tried by a jury, by guilty plea or otherwise; or

“(ii) a conviction of an offense described in subparagraph (A) if—

“(I) the conviction—

“(aa) has been expunged or set aside; or

“(bb) is an offense for which the person has been pardoned or has had civil rights re-

stored (if the law of the applicable jurisdiction provides for the loss of civil rights under such an offense); and

“(II) the pardon, expungement, or restoration of civil rights does not expressly provide that the person may not ship, transport, possess, or receive firearms.

“(37) The term ‘received from any court an enhanced hate crime misdemeanor sentence’—

“(A) means a court has imposed a sentence for a misdemeanor under Federal, State, or tribal law—

“(i) that involves the use or attempted use of physical force, the threatened use of a deadly weapon, or other credible threat to the physical safety of any person; and

“(ii) based, in whole or in part, on a judicial finding that the conduct of the offender was motivated, in whole or in part, by hate or bias for any reason referred to in paragraph (36)(A)(ii); and

“(B) does not include—

“(i) the imposition of a sentence described in subparagraph (A), unless—

“(I) the person—

“(aa) was represented by counsel in the case; or

“(bb) knowingly and intelligently waived the right to counsel in the case; and

“(II) if the sentence described in subparagraph (A) was imposed in a prosecution for an offense for which a person was entitled to a jury trial in the jurisdiction in which the case was tried—

“(aa) the case was tried by a jury; or

“(bb) the person knowingly and intelligently waived the right to have the case tried by a jury, by guilty plea or otherwise; or

“(ii) the imposition of a sentence described in subparagraph (A) if—

“(I)(aa) the conviction of the offense for which the sentence was imposed has been expunged or set aside; or

“(bb) the offense for which the sentence was imposed is an offense for which the person has been pardoned or has had civil rights restored (if the law of the applicable jurisdiction provides for the loss of civil rights under such an offense); and

“(II) the pardon, expungement, or restoration of civil rights does not expressly provide that the person may not ship, transport, possess, or receive firearms.”.

(b) PROHIBITION ON SALE OR OTHER DISPOSITION OF FIREARM.—Section 922(d) of such title is amended in the first sentence—

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

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

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

“(10) has been convicted in any court of a misdemeanor hate crime, or has received from any court an enhanced hate crime misdemeanor sentence.”.

(c) PROHIBITION ON POSSESSION, SHIPMENT, OR TRANSPORT OF FIREARM.—Section 922(g) of such title is amended—

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

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

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

“(10) who has been convicted in any court of a misdemeanor hate crime, or has received from any court an enhanced hate crime misdemeanor sentence.”.

SA 4790. Mr. NELSON (for himself and Mr. WICKER) 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. _____. NASA LEASE OF NON-EXCESS PROPERTY.

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

(1) partnerships with public and private sector entities can provide mission-enhancing, programmatic benefits to the National Aeronautics and Space Administration;

(2) enabling the Administration to continue to enter into leases of underutilized but non-excess property can help reduce operating costs, incrementally improve facility conditions, and improve mission effectiveness; and

(3) expansion of the authority to accept in-kind consideration for leases of non-excess property will enable the Administration to accept, as consideration for the lease, improvements to the property by the lessee or other services the lessee may offer that would benefit the Administration.

(b) LEASE OF NON-EXCESS PROPERTY.—

(1) REPEAL OF SUNSET.—Section 20145 of title 51, United States Code, is amended by striking subsection (g).

(2) IN-KIND CONSIDERATION.—Section 20145(b) of title 51, United States Code, is amended—

(A) in the heading, by striking “CASH CONSIDERATION” and inserting “CONSIDERATION”;

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

“(1) FAIR MARKET VALUE.—

“(A) IN GENERAL.—A person or entity entering into a lease under this section shall provide consideration for the lease at fair market value of the lease interest as determined by the Administrator.

“(B) IN-KIND CONSIDERATION.—Subject to subsection (e)(3), the Administrator may accept in-kind consideration instead of, or in addition to, any monetary consideration, for any lease entered into under this section.”; and

(C) in paragraph (2)(B)(ii), by striking “of nonexcess” and inserting “of non-excess”.

(3) LEASE RESTRICTIONS.—Section 20145 of title 51, United States Code, is amended—

(A) in subsection (a), by striking “The Administrator” and inserting “Notwith-

standing section 1302 of title 40, the Administrator”;

(B) in subsection (e)—

(i) in the heading, by striking “LEASE RESTRICTIONS” and inserting “RESTRICTIONS”; and

(ii) by adding at the end the following:

“(3) IN-KIND CONSIDERATION.—The Administrator may accept as in-kind consideration under this section any maintenance, capital revitalization, or improvement of any real property and related personal property under the jurisdiction of the Administrator if, prior to entering into the lease, the Administrator determines—

“(A) the current estimated amount of capital expenditures needed for the Administration to maintain and operate the property annually; and

“(B) that the proposed maintenance, capital revitalization, or improvement will not increase the estimated amount under subparagraph (A) by more than \$500,000 annually.”.

(4) DEFINITION OF NON-EXCESS REAL PROPERTY.—Section 20145 of title 51, United States Code, as amended, is further amended by adding at the end the following:

“(g) DEFINITION OF NON-EXCESS REAL PROPERTY.—In this section, the term ‘non-excess real property’ means real property that is not excess property (as defined in section 102 of title 40).”.

(c) RULE OF CONSTRUCTION.—Nothing in this section, or the amendments made by this section, may be construed as affecting any duties of the National Aeronautics and Space Administration to identify excess property under section 524(a) of title 40, United States Code.

AMERICAN EAGLE DAY

Mr. PORTMAN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 502, submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 502) designating June 20, 2016, as “American Eagle Day” and celebrating the recovery and restoration of the bald eagle, the national symbol of the United States.

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

Mr. PORTMAN. Mr. President, I ask unanimous consent that the resolution

be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 502) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today’s RECORD under “Submitted Resolutions.”)

ORDERS FOR TUESDAY, JUNE 21, 2016

Mr. PORTMAN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Tuesday, June 21; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; further, that following leader remarks, the Senate be in a period of morning business until 12:30 p.m., with Senators permitted to speak therein for up to 10 minutes each; further, that following morning business, the Senate resume consideration of H.R. 2578; further, that the Senate recess from 12:30 p.m. until 2:15 p.m. to allow for the weekly conference meetings; finally, that the filing deadline under rule XXII be at 2:30 p.m., Tuesday.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. PORTMAN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 7:32 p.m., adjourned until Tuesday, June 21, 2016, at 10 a.m.